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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
NEW ENGLAND AREA—PART 2

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

SECOND SESSION

MARCH 19, 1958

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

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COMMITTEE ON UN-AMERICAN ACTIVITIES

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¹ 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

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* * * * *

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE NEW ENGLAND AREA—PART 2

WEDNESDAY, MARCH 19, 1958

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

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to adjournment, at 10:10 a. m. in Courtroom No. 3, the United States Court House and Post Office Building, Boston, Mass., Hon. Morgan M. Maulder (chairman of the subcommittee), presiding.

Committee members present: Representatives Morgan M. Maulder, of Missouri; Clyde Doyle, of California; Bernard W. Kearney, of New York, and Robert J. McIntosh, of Michigan.

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

Mr. MAULDER. The committee will be in order.

I would like the record to show the receipt of a telegram from Edwin E. Willis of Louisiana, member of this committee, as follows:

Have to be present during the debate on habeas corpus bill on the floor this afternoon or tomorrow. Therefore regret inability to be with you. Wish successful hearings.

Regards.

EDWIN E. WILLIS, *Member of Congress.*

Mr. KEARNEY. Mr. Chairman, I want to call the attention of the committee to a television statement made last night by one of the witnesses here yesterday, namely, Otis Hood.

Now, it must be understood, first of all, that the individual was not under oath at the time he made his statement, but his statement was so full of falsehoods that I just wonder how naive he thinks the American people are.

And one of the portions of his statement that struck me as remarkable was the fact that through his many years as a member of the Communist Party and as a candidate for Governor of the State of Massachusetts, he has the audacity to tell his listeners that the Communist conspiracy was not dedicated to the overthrow of our Government by force or violence. As I say, the statement, of course, was made while not under oath.

Mr. MAULDER. Is that all, Mr. Kearney?

Mr. KEARNEY. Yes, Mr. Chairman.

Mr. MAULDER. You may proceed, Mr. Arens.

Mr. ARENS. Mr. Chairman, may I respectfully suggest that for the purpose of accommodating those who, because of professional commitments are obliged to be here at the hearings, the press, radio and others, the Chair might want to make his announcement respecting the evening session so that they can make the necessary arrangement for their organizations.

Mr. MOULDER. The committee has agreed to hold hearings during the evenings, beginning at 7:30 p. m., probably lasting until ten or ten-thirty.

Mr. ARENS. The first witness, if you please, Mr. Chairman, will be Mr. Irving Fishman, accompanied by his associate in the United States Customs Service, Miss Eleanor Suske.

Mr. MOULDER. Do you want both witnesses sworn?

Mr. ARENS. Yes. They are together.

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

Mr. FISHMAN. I do.

Miss SUSKE. I do.

TESTIMONY OF IRVING FISHMAN AND ELEANOR SUSKE

Mr. ARENS. Will each of you kindly identify yourself by name, residence, and occupation?

Mr. FISHMAN. My name is Irving Fishman, Deputy Collector of Customs at the Port of New York.

Mr. ARENS. Mr. Fishman, would you kindly give us a description of your responsibility as Deputy Collector of Customs in New York?

Mr. FISHMAN. The United States Customs Service, in cooperation with the Post Office Department, a number of years ago set up a procedure for the control of the importation of propaganda materials, from the Soviet Bloc countries.

The Treasury Department assigned me to head that project on a nationwide basis.

Mr. ARENS. Miss Suske, would you kindly give us a word of identification of yourself, please?

Miss SUSKE. Yes. My name is Eleanor Suske. I reside in New York City. I am an administrative assistant to Deputy Collector Fishman in the office of the Collector of Customs at the Port of New York.

Mr. ARENS. Miss Suske, may I suggest that you feel free to supplement and assist Mr. Fishman, particularly in the matter of statistics as we proceed in the examination. Just volunteer any information which in your judgment and in Mr. Fishman's judgment is desirable in response to the question.

Mr. Fishman, would you kindly initiate your presentation this morning by alluding to the principal provisions of the various statutes which deal with or relate to the subject matter of importation of political propaganda.

Mr. FISHMAN. Under the Tariff Act of 1930 subversive materials, which advocate treason or insurrection against the United States, are prohibited importation into the United States.

And the sending of political propaganda materials to the United States from a Soviet Bloc country by the mails or by means other than the mails unsolicited and intended for dissemination in the United States, may be a violation of the Foreign Agents Registration Act. The Department of Justice has expressed the opinion that similar materials arriving in the United States from abroad by means other than the mails may be seized as an importation contrary to law under Section 545 of Title 18 of the United States Code.

It is important to note that the Justice Department has held that persons not within the United States who use interstate or foreign commerce within the United States to disseminate foreign political propaganda may be regarded as acting within the United States and therefore subject to the Foreign Agents Registration Act.

Mr. ARENS. May I ask you the principal provisions of the Foreign Agents Registration Act?

Mr. FISHMAN. So far as the project we are about to discuss this morning is concerned, the principal provisions deal with the necessity for properly identifying or labeling this material, and the exemption from the requirements of the labeling provisions of the Act, which apply to several categories of individuals and firms within the United States, such as registered agents or embassy and consulate employees, and also to some degree the provisions of the Act which define Communist or political propaganda.

Mr. ARENS. May I undertake to interpret, perhaps in a simpler form the provisions of the Act and you correct me on the basis of your intensive background and experience.

Is it true that under the Foreign Agents Registration Act there is no numerical limitation on the quantity, the amount of political propaganda that may be imported into the United States?

Mr. FISHMAN. By these exemptions?

Mr. ARENS. Yes.

Mr. FISHMAN. No, sir, there is no limitation at all.

Mr. ARENS. There is no quantitative limitation?

Mr. FISHMAN. There is no quantitative limitation.

Mr. ARENS. Is it true that any of the propaganda imported into the United States destined to a registered agent is absolutely free to pass?

Mr. FISHMAN. It is absolutely free to pass. Of course, the agents, since they are registered with the Department of Justice, are required to comply with certain sections of the Foreign Agents Registration Act.

Mr. ARENS. Now, under the Foreign Agents Registration Act, one who imports political propaganda is obliged to do two things:

One; register with the Department of Justice as an agent of a foreign principal and, two, to label the propaganda which he imports with a stamp which indicates that it is political propaganda. Is that correct?

Mr. FISHMAN. That is correct.

Mr. ARENS. How long have you been in the Customs Service?

Mr. FISHMAN. Some thirty years.

Mr. ARENS. Mr. Fishman, is there any control exercised to any degree over political propaganda which comes in first-class mail?

Mr. FISHMAN. None. First-class mail is exempt from examination and we respect the privacy of the seal.

Mr. ARENS. Is there any control whatsoever exercised over political propaganda imported destined to people in diplomatic status?

Mr. FISHMAN. No, no control.

Mr. ARENS. Give us, if you please, the principal control points of the Customs Service in the United States where political propaganda arriving in the United States is processed?

Mr. FISHMAN. There are some forty-five points of entry into the United States, but because of budgetary limitations, we find it necessary to limit the number of control units established around the country.

We currently have directed all mail from Soviet Bloc countries, including China, to three control points:

One in San Francisco, one in Chicago, and one in New York.

Mr. ARENS. So that the record may be clear, may we confine our observations and comments from here on, unless otherwise specifically indicated, to Communist propaganda, coming from Red Bloc countries to these three control points.

Mr. FISHMAN. All right, sir.

Mr. ARENS. Please give us an indication of the volume of Communist political propaganda which is arriving in the United States and which comes within the purview of the control processes of the Customs Service.

Miss SUSKE. I can supply the committee with that information.

On a countrywide basis and covering the three control units for the year of 1957, approximately four and a half million packages were received from the Soviet Bloc countries.

Mr. ARENS. How many individual publications would be in each package, on the average?

Miss SUSKE. On the average from four pieces in each package.

Mr. ARENS. That would mean about seventeen million individual magazines or individual publications, such as we see displayed here on this table per year, is that correct?

Miss SUSKE. Yes, that is correct.

Mr. ARENS. Please, tell the committee is this importation of Communist propaganda increasing or decreasing?

Miss SUSKE. It is definitely increasing. I also brought along statistics from the year 1956 which shows a definite increase of approximately 30 percent in the last year.

Mr. ARENS. And was there a comparable increase last year over the preceding year?

Miss SUSKE. Yes, exactly.

Mr. ARENS. I should like to ask you, in the course of your experience in the Customs Service, have you ever seen one single piece of Communist propaganda of these millions of pieces which arrive every year, seventeen million in the last figure, that was labeled or stamped, Communist political propaganda as required by the Foreign Agents Registration Act?

Mr. FISHMAN. At the time of importation we have yet to see a piece properly labeled.

We have observed in the Library of Congress, for example, and the law contemplates that the registered agents file with the Library of Congress a copy of every publication of this type which is imported into the United States—I have seen the type of labeling required by law and it reads as follows:

A copy of this material has been filed with the Foreign Agents Registration Section, Department of Justice, Washington, D. C., where the registration state-

ment of Imported Publications and Products, 4 West 16th Street, New York 11, New York, as an agent of the foreign publisher or distributor of this publication is available for inspection. The fact of registration does not indicate approval or disapproval of this material by the Government of the United States of America.

I would like to add just one observation here, Mr. Arens, and that is that the Treasury Department considers the Foreign Agents Registration Act as a disclosure type statute. I would like to make it clear that it is not our policy, neither do we intend, to withhold this type of material from the American public. We feel, however, that it is a requirement of law that the American public in reading this material have an opportunity to evaluate its source.

Mr. ARENS. In other words, you have the same theory undergirding the Foreign Agents Registration that undergirds the Food and Drug Laws.

Mr. FISHMAN. That is correct.

Mr. ARENS. Namely, that a person can have poison in his medicine cabinet if he wants to, but the law requires that the poison be marked "Poison."

Mr. FISHMAN. That is correct.

Mr. ARENS. There is no censorship whatsoever in the processing of this material?

Mr. FISHMAN. Any of this material that is solicited or requested by anyone in the United States is released to that addressee immediately.

Mr. ARENS. But in your thirty years' experience in the United States Customs Service, you as chief of this operation have yet to see one single magazine, one single bulletin, one single item in this flood of Communist propaganda, which has been labeled as required by the Foreign Agents Registration Act?

Mr. FISHMAN. That is correct. I have yet to see one.

Mr. ARENS. I should like to ask you another question along this same line.

Is this material circulated through the United States mails?

Mr. FISHMAN. Yes, it is.

Mr. ARENS. And you know, of course, that the United States mails are not self-sustaining.

Mr. FISHMAN. That is correct.

Mr. ARENS. In other words, Mr. Fishman, is it true that this flood of Communist propaganda which is being disseminated over the United States without proper labeling is being transported, in part, at least, at the expense of the United States taxpayer?

Mr. FISHMAN. As it would apply to any other mail that is being distributed or delivered in the United States mails.

Mr. MOULDER. That is, any other second- or third-class mail?

Mr. FISHMAN. I didn't get the question.

Mr. MOULDER. First-class mail, of course, pays its own way.

Mr. FISHMAN. That is right. Most of this class of matter or 95 percent of it comes in the parcel post or ordinary mail, fourth class, third class.

Mr. MOULDER. Third or fourth class.

Mr. DOYLE. That means seventeen million pieces distributed to the American people gratis or subsidized by the American taxpayers?

Mr. FISHMAN. To some degree that is true.

Mr. DOYLE. To what degree?

Mr. FISHMAN. I am not an expert on post-office matters, but I would assume that, if the postal service loses money on delivery of any other type of third- and fourth-class mail, it would lose an equal amount on the delivery of this type of third- and fourth-class mail.

Mr. DOYLE. That is, it would lose a percentage on seventeen million pieces.

Mr. FISHMAN. That is correct.

Mr. ARENS. In addition to these seventeen million pieces which were processed by the Customs Service last year, you have an indeterminate amount of Communist propaganda items that went first class?

Mr. FISHMAN. That is right.

Mr. ARENS. You have no way of estimating how much?

Mr. FISHMAN. We have no way of knowing that. We have no way of knowing, for example, how much of this material has been sent into the United States through friendly countries. That is on the increase, too. We have had a number of complaints from Members of Congress about the influx of such Communist material through Canada.

Mr. ARENS. Mr. Fishman, you took a trip at the behest of this committee, as a special consultant to this committee, to Europe some several months ago, to check on certain items of information respecting Communist propaganda that is being pumped into the United States from non-Communist countries, did you not?

Mr. FISHMAN. I did.

Mr. ARENS. Would you give us on this record a word summary, a picture summary, of the overall findings which you made on that trip?

Mr. FISHMAN. Confining it to France, for example, we found that in Paris anyone could buy any quantity of this material and send it into the United States without any control at all. The bookshops run by the Soviet Government in Paris had complete collections of all of this material and to some extent even a finer selection than was available through the Soviet Union.

Mr. ARENS. Mr. Fishman, let us get on the next subject; namely, the amount of this Communist propaganda processed by customs, which is and has been destined to the greater Boston area?

Mr. FISHMAN. As I have previously stated, we do not have a special unit assigned to the Port of Boston. Instead, most of the mail destined for the New England area is intercepted in New York. At the request of the committee, however, we did make a check and determined actually the volume of this material which was sent into this area, including the last two months. I think Miss Suske has that information.

Mr. ARENS. Give us the information, Miss Suske, if you please.

Miss SUSKE. There was an estimate of approximately 20,000 packages destined to the New England area.

Mr. ARENS. Let me be sure I understand that and the record reflects accurately.

These 20,000 packages of Communist propaganda were in the course of the last two months—

Miss SUSKE. That is right.

Mr. ARENS. —Which were processed, to your certain knowledge into the Boston area?

Miss SUSKE. Yes.

Mr. ARENS. Would it be approximately the same number of individual items in each parcel?

Miss SUSKE. Yes. We have found that averaging four pieces to a package would be correct.

Mr. ARENS. That would be about 80,000 in the last two months?

Miss SUSKE. That is exactly correct.

Mr. ARENS. This is material processed from Communist Bloc countries—

Miss SUSKE. Yes, sir.

Mr. ARENS. —in bulk shipments, not first class mail?

Miss SUSKE. No.

Mr. ARENS. Not mail coming from Communist sources in non-Communist countries, is that correct?

Miss SUSKE. That is exactly correct, sir.

Mr. KEARNEY. Do you know to whom these packages are addressed, individuals or book stores?

Miss SUSKE. Yes. For the most part, Congressman, they are addressed to individuals.

Mr. KEARNEY. Mostly addressed to individuals?

Miss SUSKE. Yes.

Mr. KEARNEY. Have any of these individuals who received these packages ever complained to the Customs people or the Post Office people, to your knowledge?

Miss SUSKE. Yes, they do, on occasion. I believe Mr. Fishman has a few of those letters with him.

Mr. FISHMAN. We hear through the individual directly or through the Post Office Department and very frequently from the Representative in Congress of the district about the shipment of this material. In many cases, the addressee pleads with the Post Office Department not to deliver the mail. Where we have such a specific request we will intercept it. But for the most part we have no control and must deliver. But there are many people who want no part of this type of propaganda.

Mr. ARENS. Are they addressed mostly to foreign-born?

Mr. FISHMAN. That is correct. The procedure and the practice is apparently for the propaganda machine in the Soviet Union to obtain either telephone directories or directories of organizations composed of people of foreign extraction. The Polish American Congress has some 250,000 members and obtaining the roster of the membership of that organization will provide a propaganda outfit with quite a batch of addresses to send material to.

Mr. ARENS. What percentage of this material is in foreign language?

Mr. FISHMAN. About 60 percent of it.

Mr. ARENS. Mr. Fishman, kindly tell us something of the content of the individual documents. In other words, what I am driving at now—does the document in every instance by its content clearly reveal that it is Communist, or is it more insidious, more suggestive—

Mr. FISHMAN. It has become much more insidious.

Mr. ARENS. Is it more subtle?

Mr. FISHMAN. Much more subtle in the past few years. It used to be pretty flagrant at one time. But apparently, feeling that it was

much wiser to sweeten up the type of propoganda that is being used, the current material very cautiously approaches problems and situations before the American public and treats them from a Communist viewpoint.

Mr. ARENS. Could you give us a word, Mr. Fishman, by alluding to each of several typical examples which I see you have on the table? I see one which apparently is in Czechoslovakian.

Mr. FISHMAN. I have some examples here that we extracted from the mails.

Mr. ARENS. Give us a brief reference to several of them, please.

Mr. FISHMAN. This is a publication entitled "Post War Rehabilitation and Development of the National Economy of DPRK."

This book points out what the Soviet Union has done for Korea, saying that Korea was liberated by the great Soviet Army on August 15, 1945 and that the—

great Soviet people gave disinterested assistance and support to the Korean people to achieve great success in fields of politics, economy and culture during the five years of peaceful economic construction prior to the war.

It condemns "the United States imperialists" for occupying South Korea with armed forces, thus creating a complicated situation in Korea; for suppressing democratic forces and scheming for national split by calling together the reactionary forces while pursuing a predatory policy of colonizing South Korea; for invading the northern part of the Republic, and so on.

Mr. ARENS. Is this material destined to schools and colleges, as well as to individuals?

Mr. FISHMAN. That is right.

Mr. ARENS. Is it destined to libraries?

Mr. FISHMAN. It is sent to many libraries, practically all of the libraries of educational institutions around the country.

Mr. ARENS. On the basis of your background and extensive experience is there anything obvious about this material which one who is not versed in the Communist line and Communist techniques would discern as Communist propoganda?

Mr. FISHMAN. No. No claim is made as to the place of printing or where the thing was published. You might pick it up and think it was something published here in the United States. Some of it does, of course, indicate its foreign origin, but does not explain where it comes from.

Here is a popular booklet printed in German, which has a number of articles, including one ridiculing the United States Armed Forces in Germany, explaining that the Government brainwashes its citizens by giving them books to read which have a ridiculously low spiritual level.

Mr. ARENS. Mr. Fishman, does it occur to you, as a person who has spent many years in this field, how ludicrous it is that the Communist operation in the United States would suspend publication of one of their journals, the Daily Worker, in New York City, on the theory that they could not afford to produce this publication and then send into the United States this flood of material which on its face indicates that it is very expensive to produce?

Mr. FISHMAN. It does seem very strange.

Mr. ARENS. Do you suppose there might be a ruse there?

Mr. FISHMAN. I don't know what the plan was, but I have an idea they had so much of this coming in that they did not need anything published domestically.

Mr. ARENS. Mr. Fishman, is there any advertising in those publications which would sustain the cost of their printing?

Mr. FISHMAN. No. Strangely enough, unlike publications of a similar nature here in the United States, there is no advertising at all.

Mr. ARENS. How would these publications, at least some of them, compare with some of our popular magazines, let us say Life Magazine, or Look Magazine, or the Saturday Evening Post, in quality of paper, photographic reproductions, and the like.

Mr. FISHMAN. Here is the Soviet Union, which is published in Russian, English, Chinese, Korean, Hindu, Urdu, Arabic, Vietnamese, Serbo-Croat, French, German, Spanish, Finnish and Japanese, which resembles pretty much our own Life Magazine, and I hope there is where the resemblance ends. I would assume this costs to produce, without advertising, ten or twenty times what Life Magazine costs to produce.

Mr. ARENS. It is our information that the Soviet Union is annually spending over three billion dollars on foreign Communist propaganda. Do you have any information upon which you can confirm that on the basis of your experience?

Mr. FISHMAN. We have heard similar information and I believe a statement was made by the United States Information Agency to that extent some time ago.

Mr. ARENS. May I invite your attention to these mail sacks?

Do you recall some several days ago when you were undertaking your spot check here that I asked if you would bring down, unopened, a few typical examples of the mail bags of materials from Iron Curtain countries destined to the Greater Boston area and open them for the first time during this proceeding. Would you kindly, just at random, select one of those mail sacks? And may I ask before you leave the microphone, have you sampled any of these mail sacks?

Mr. FISHMAN. No, we have not.

Mr. ARENS. This is typical?

Mr. FISHMAN. That is correct.

Mr. ARENS. Kindly proceed to open one of those mail sacks and give us the benefit of your observation on the material that is coming into this area via New York City from the Iron Curtain countries.

Mr. FISHMAN. (Complying) Shall we dump this entire mail sack?

Mr. ARENS. I think it will be quite all right. Mr. Fishman, I asked you a little while ago if you on the basis of your thirty years' experience have ever seen a single item of this Communist propaganda from Iron Curtain countries flooding the United States which is labeled as such as required by law. You said you had not. Do you know of anyone who has?

Mr. FISHMAN. No, not to my knowledge. No one in my service, anyhow.

Mr. ARENS. Thank you, sir.

Would you kindly tell us what is that material you have just dumped out of the mail sack?

Mr. FISHMAN. We seem to have chosen an appropriate mail sack. The reason I say this, is that the House Un-American Activities Com-

mittee in Washington a number of months ago, almost a year or so ago, did a heroic job in my opinion in connection with the "redefection program" or "return to homeland program," by calling to the attention of the American public the fact that this redefection material coming into the United States was part of a propaganda plan rather than the business of singling out an individual in the country and approaching him with a suggestion that he return to the country of his origin. This sack contains nothing but redefection material.

Mr. ARENS. What do you mean by redefection material, Mr. Fishman?

Mr. FISHMAN. This is a batch of material addressed to people who have their origin in particular countries, explaining how wonderful it is, and would be to come back to their homeland, making mention of the fact that anything they may have done before they left would be forgiven, talking about all the advantages of coming back and all of the things the government is now doing for their people.

Here is one Hungarian newspaper, for example: the entire paper contains articles which are destined to lure the immigrant back, even showing him how wonderful life is at present in Hungary and pointing out how uncertain and sad life is abroad.

Mr. ARENS. I believe I would be in violation of the postal regulations if I called off names, but I observe here a number of these small white envelopes from Berlin, apparently from East Berlin. Here is one addressed to Rochdale, Massachusetts, another one to Norwood, Massachusetts, another to Springfield, Massachusetts, another to Roxbury, Massachusetts, to individual recipients, apparently with foreign names, that is, names of foreign derivation, I will put it that way for want of a better word for the moment.

There are many for Boston, Massachusetts.

What are the contents of these letters? Would we be violating a law to open one of them?

Mr. FISHMAN. No.

Mr. ARENS. Do you want to open one of them?

Mr. FISHMAN. We can tell from the format of this envelope that it is a "return to the homeland" request.

Mr. ARENS. You mean it is a request by somebody or by some agency under Communist control in East Berlin to the individual recipient of a foreign language name urging him to pull up stakes here in the United States and return?

Mr. FISHMAN. That is right.

Mr. ARENS. You just opened one of them. In what language is that?

Mr. FISHMAN. That is Lithuanian.

Mr. ARENS. And I take it that—

Mr. FISHMAN. It is the same type. I was looking for a sample of this particular publication.

Mr. ARENS. Do you read Lithuanian, by the way?

Mr. FISHMAN. Unfortunately not.

Mr. ARENS. Have you on the basis of prior experience seen similar publications coming from behind the Iron Curtain urging that this redefection program be developed?

Mr. FISHMAN. That is right.

Mr. KEARNEY. Also, Mr. Fishman, the mail we have here seems to be addressed by the same mimeograph machine or addressograph machine.

Mr. FISHMAN. That is right. All of these are published in the same place, but in different languages.

Incidentally, you might be interested in knowing that quite apart from the statistics which we have given you, the redefection program alone sends into the United States some 125,000 individually addressed envelopes per week.

Mr. DOYLE. Per week?

Mr. FISHMAN. Just on this one program alone.

Mr. ARENS. Are these 125,000 envelopes being sent in a week on the redefection program of Communists in addition to the other material we are talking about?

Mr. FISHMAN. That is right. That is the exact figure.

This material is printed in the form of a newspaper in eight languages, Russian, Byelorussian, Georgian, Ukrainian, Estonian, Latvian, Lithuanian, and Rumanian.

Mr. DOYLE. When you say 125,000 a week individually addressed, do you mean by pen and ink?

Mr. FISHMAN. No, in this same format. We have seen these and others of the same type in great volume around the country. The sender is always the same. There is no sender's name but just an address, and made up the same way, the same fashion.

Mr. DOYLE. How long has that been going on, this 125,000 a week?

Mr. FISHMAN. For at least two and a half years that we know of.

Mr. DOYLE. Two and a half years?

Mr. FISHMAN. It has been on the increase. It quieted down considerably after the House Un-American Activities Committee gave it some publicity. The results of the hearings were picked up by many of the domestic foreign language newspapers and spread around, and many people became aware of the program. Actually some of the correspondence which we received from people in connection with this redefection material is crudely written but the point is made very clear.

Here is a letter which states:

I did not order anything from Germany, so I do not know what kind of stuff would be in the package. I guess the package contains some books or leaflets sent by Russia from East Berlin where they have offices and where they bother refugees calling them to go back. If this would be the case it is better to send back the material and not to send it to me.

Mr. DOYLE. What did you mean when you said "it was picked up by the foreign newspapers."

Mr. FISHMAN. The results of the hearings in Washington of the Un-American Activities Committee. It was made quite clear by the hearing that this redefection program was part of an organized plan.

The average individual up until that time having received one of these felt that the propaganda machine or some intelligence outfit in Germany or East Germany or in Russia had finally located the individual here in this country and was applying to him directly to come back and that scared the life out of a lot of people.

Mr. DOYLE. Do I understand the foreign language newspapers in our country cooperated, in effect, with this committee and the United States Congress in divulging that information to the people of foreign extraction in the United States?

Mr. FISHMAN. That is right. We saw comments concerning the hearings in many foreign-language newspapers.

Mr. MOULDER. May I interrupt by asking—you read a letter a moment ago.

Mr. FISHMAN. One of the addressees of this type of letter.

Mr. MOULDER. I didn't hear it very clearly. Could you reread it?

Mr. FISHMAN. Yes. We had notified this person that we had taken one of these items away from him. This person happens to be a member of the clergy. And he said:

I did not order anything from Germany, so I do not know what kind of stuff would be in the package. I guess the package contains some books or leaflets sent by Russia from East Berlin where they have offices and where they bother refugees calling them to go back. If this would be the case it is better to send back the material and not to send it to me.

Mr. ARENS. On the basis of your background and experience, please express publicly what you believe is the purpose, the objective and design of the Communist conspiracy in flooding this redefection material into the United States.

Mr. FISHMAN. I doubt very much whether it will cause a rush of people back to the country of their origin. I suspect for one thing it provides the Communist machine with a means of distribution of their material here in the United States. It can keep the people continuously posted on what is supposed to be going on in the foreign country and also what is supposed to be going on in the United States. Many of the recipients of this material do not read English language newspapers. They have to depend, for the most part, on what they can obtain or glean from a foreign language newspaper, and receiving something of this type, and reading some of the articles, whether they are true or not, many of the people who receive them may believe them, since we of the United States have no opportunity to reach them by our own newspapers and say whether this is or is not so.

National issues are taken up in many of these publications.

Mr. ARENS. Is it a propaganda device of the conspiracy?

Mr. FISHMAN. We think so, definitely. We do not consider that this will convince many people that they should rush right back to the Soviet Union.

Mr. DOYLE. Mr. Chairman, may I observe this: It is not only propaganda, it is part of the cold war, the malicious attack against our system of Government and the customs of the people in the United States. It is part of the cold war. That is what it is. It is more than propaganda.

Mr. MOULDER. The Chair recognizes Mr. Kearney.

Mr. KEARNEY. Mr. Fishman, isn't it true that a great portion of these propaganda magazines come from Mexico City into the United States?

Mr. FISHMAN. It is a means of getting this material into the United States. The fact that we have these control units is very well known. And there is a continuous effort to by-pass our control by using friendly countries who are completely unaware of this fact that their mails are being used to ship this material into the United States.

Mr. KEARNEY. Let me go one step further, then. Isn't it true that Mexico City is one of the largest avenues in the world for the sending of propaganda, Communistic propaganda, to the United States?

Mr. FISHMAN. We know from our own experience that the U. S. S. R. Embassy in Mexico is perhaps the most active point from which propaganda is sent into the South American countries and into the United States.

Mr. KEARNEY. You might say it is one of the largest printing presses in the world.

Mr. FISHMAN. That is right.

Mr. ARENS. In addition to material that is pumped into the United States from Iron Curtain countries and from Communist operations in non-Communist countries, could you give us a word about Communist propaganda which is sent to the United States in transit?

Mr. FISHMAN. The volume of intransit mail has never decreased, to my knowledge. As the House Un-American Activities Committee knows from the testimony which was given to it in New Orleans, we found that some thousands of sacks of mail containing political propaganda, Communist propaganda, daily moves through the Port of New Orleans on its way from South America into other South American countries and into the United States.

Mr. ARENS. Mr. Fishman, are you acquainted with the provisions of H. R. 9937, which was introduced by the chairman of this committee in the Congress some several months ago?

Mr. FISHMAN. I am.

Mr. ARENS. And those provisions pertaining to amendments to the Foreign Agents Registration Act which undertake to deal with certain phases of the problems you have been discussing?

Mr. FISHMAN. I am.

Mr. ARENS. We would appreciate your observations and comments publicly on those provisions of the Act.

Mr. FISHMAN. We are particularly concerned or interested in certain amendments to the Foreign Agents Registration Act and we feel that these amendments will, to a great extent, alleviate this situation. The most important or significant amendment to the law which concerns us is the requirement that this labeling be attached to the publication at the time of importation. Such a requirement to me is not a very unusual one, since, as you yourself pointed out some time ago, the requirement that food and drug products be properly identified or foreign products be identified with their origin is one that attaches at the time of importation. It would seem only fair that this same requirement attach here at the time of importation rather than to permit the registered agent at some time subsequent to receiving this article to decide for himself whether it is propaganda or whether he shall label it.

Mr. ARENS. Just in passing, may I say, do you have any information reflecting how easy or soft the Soviets are on any propaganda that we undertake to get into their country?

Mr. FISHMAN. We heard Congressman Doyle speak about this exchange of publications, the publication "America" which we send over in exchange for the publication "U. S. S. R." which comes here. This American publication is continuously returned to us as nonsalable. In other words, the Soviets claim no one wants to buy the publication over in the Soviet Union. Actually, we have heard they just do not put it on sale and that those they do put on sale are snatched up immediately.

Mr. ARENS. In other words, we have a little exchange agreement that we let one magazine in officially and they are supposed to let

one of ours in officially, but don't, and then send this flood in every month? Is that correct?

Mr. FISHMAN. That is correct.

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

(Brief recess.)

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

Mr. MOULDER. The committee will be in order.

Mr. ARENS. Mr. Chairman, the staff interrogation is concluded, but I want to inquire whether any members of the committee have questions.

Mr. MOULDER. Mr. Doyle, do you have any questions to ask of the witnesses?

Mr. DOYLE. Mr. Fishman, you gave to me during the few minutes of intermission two copies of this Moscow News. I see one is dated February 12, 1958, and the other is February 5, 1958. How did you come by these?

Mr. FISHMAN. This is a daily publication printed in the English language in the Soviet Union which arrives in the United States for distribution here. It is curious, but at the time that first came out the story was that this would be a publication devoted to factual information concerning the Soviet Union but it very rapidly became another one of the propaganda publications.

I was looking at the issue of it, dated February 1. I didn't read too far but in the editorial there is this statement:

United States Secretary of State, J. F. Dulles, who attended this session—which is referring to a meeting on the consolidation of countries—disregarding the national interests of eastern countries who are members of this military bloc, demanded that their territories should be made available for establishing American rocket bases.

This was the publication which was going to report things factually.

Mr. DOYLE. Mr. Chairman, I just want to refer to Page 4 of this issue of February 12, 1958, and read two of the deliberately false and malicious pieces of cold war propaganda that I find on page 4:

It is more than four years since the armistice agreement put an end to the three-year war imposed on the Korean people by the United States rulers.

There you have it, the dirty despicable falsehood. The matter of history shows that the Korean War was not imposed on Korea by the United States. We went there to defend the freedom of the Korean people and it is a matter of history.

One more statement:

The American command and the South Korean authorities are aggravating the situation in Korea by constantly violating the armistice agreement—

Another despicable lie and falsehood. And that is the kind of junk that is coming into our country from this cold war propaganda.

May I ask two or three questions.

You gave me thirteen of these sealed envelopes mailed from East Berlin, and these letters are addressed to people in Jamaica Plains, Northampton, Springfield, Cambridge, East Hampton, Forge Village, Allston, Framingham, and five of them to the City of Boston. So you

Bostonians have some of this junk mail coming right to your next door neighbors, apparently.

Mr. FISHMAN. That is right.

Mr. DOYLE. Do I understand on none of this cold war propaganda from the Soviet Union is there any place of publication given?

Mr. FISHMAN. In some instances, but it is obscured and difficult to identify the particular country.

Mr. DOYLE. Isn't it carried on the fly leaf where such information is usually carried?

Mr. FISHMAN. A publication of this type, Soviet Union, which is a very well recognized Soviet publication, will have it very clearly stated. Maybe I better take that back. I thought it was right on the fly leaf, but it is not.

Mr. DOYLE. Now, you referred to that as comparable to the American magazine, *Life*. Is this magazine that you have in color? It is extensively illustrated, I see, as you turn the pages.

Mr. FISHMAN. There are colored photographs right here in the center page.

Mr. DOYLE. What does that sell for in this country if it is for sale?

Mr. FISHMAN. I don't know. It sells for six shillings in England, and this being printed in the English language, it is marked for sale in England. This does have here on the last page, Editorial Offices and Printed by the Pravda Printing Plant in Moscow, in very small type way at the bottom of the last page.

Mr. DOYLE. Did I understand your associate to say that the percentage of increase for the years 1956-1957, of this type of cold war propaganda that you have exhibited here has been approximately 30 percent?

Mr. FISHMAN. That is right. Each year, each of those several years. It has gone up almost 30 percent.

Mr. DOYLE. Is all of this Soviet cold war propaganda that comes to any of the ports of entry in the United States, sent to the three control units, New York, Chicago and San Francisco?

Mr. FISHMAN. We attempt to get it all sent to the three control units. The Post Office Department makes an effort to get all of this material addressed to the States east of the Mississippi to the New York area, to the States west of the Mississippi to the San Francisco area, and to the States of Illinois and Wisconsin to the Chicago port.

Of course, it is almost impossible to control it all, and some of it does get by.

Mr. DOYLE. As to the cold war propaganda which you exhibited here, did you state that never to your knowledge has that type of propaganda complied with the Foreign Agents Registration Act of the United States. Well, isn't that an act supposedly agreed to by Soviet Russia, too?

Mr. FISHMAN. Oh, no.

Mr. DOYLE. They are not in that agreement?

Mr. FISHMAN. The Foreign Agents Registration Act applies to all foreign countries including those in the Soviet Bloc. Among other things it requires that agents of foreign governments keep the United States Government posted as to their activities here, letting the Department of Justice know, for example, how much of this material is imported, how much is sold and the money received through such sales.

Mr. DOYLE. Is that being complied with to your knowledge?

Mr. FISHMAN. It may be in regard to how much or what volume of business they have done. But unfortunately until the House Un-American Activities Committee took up this issue, the requirement for labeling was not clearly defined, that is to say, as to when such compliance was required. Currently, it is up to the registered agent to decide which of the material he distributes is political propaganda and at that point he labels it.

There is another confusion and that is whether at the time of distribution he intends it to be disseminated among two or more persons. So there are several outs, and for that reason a good deal of this is never labeled.

Mr. DOYLE. May I inquire this: It is not clear to me what your testimony was or reference was as to the amount of this cold war propaganda coming into the United States, percentagewise or quantitywise, from satellite countries or Communist-controlled countries other than the Soviet Union. Does any of it come from those countries?

Mr. FISHMAN. Oh, sure.

Mr. DOYLE. What percentage of it, if you can make an estimate?

Mr. FISHMAN. The volume ebbs and flows, depending on domestic and foreign issues. As these countries are annexed their publications increase. For example, all of the Hungarian magazines and newspapers were cut off completely immediately after the trouble there. Now, of course, they resume publication, but on a propaganda level. I would estimate that on an overall basis about 65 percent of all this material comes directly from the Soviet Union, the rest of it is supposedly from the satellite countries.

However, from the format of the material, the way it is printed, etc., we have an idea a lot of it is printed in the Soviet Union in the language of the country it is supposed to come from. We have separated here on the table this material according to language. Some of it is from Germany, some from Czechoslovakia, some from Yugoslavia. There is Chinese. There is some from Hungary, Bulgaria, and, of course, there is a good deal of World Youth material.

Mr. DOYLE. In answer to a question from our staff director, one of you estimated that there were approximately 10,000 pieces a month for the two months that you checked, coming into the Boston area.

Mr. FISHMAN. We included in that the New England area actually.

Mr. DOYLE. The New England area. Do I understand, therefore, that is an average number of pieces? That would mean 120,000 pieces a year.

Mr. FISHMAN. That is correct.

Mr. DOYLE. Into the New England area.

Mr. FISHMAN. That is right.

Mr. DOYLE. Of this sort of junk, cold war material.

Mr. FISHMAN. That is right.

Mr. DOYLE. I think, Mr. Chairman, that I want, and I am sure the committee wants to join me in complimenting the foreign language press on the efforts they made and the enlightenment which they gave to the foreign born people as related by Mr. Fishman about the propaganda program. They were very helpful in giving the foreign born people that information.

I spoke with you before the committee met this morning about this exchange of "America" for the Soviet magazine. You said that much

of it is being returned from the Soviet Union as nonsalable. Then I think I heard you say that "that which is placed on sale is picked up immediately." Have you any way of telling what percentage of our booklets going over there from month to month by agreement with Russia, in return for Russia's magazine coming to this country, is returned as nonsalable?

Mr. FISHMAN. That information, I am almost sure, could be made available to the committee by the USIA. The story as we get it though is that very little of it is actually placed on the newsstands in the Soviet Union, but that which is placed on sale is snapped up almost the day it is put on sale. Yet at the same time we hear that a good deal of it does come back here as nonsalable.

Mr. DOYLE. State, if you know what the fact is, whether or not in our country we are refusing to allow the Soviet book to go on sale, which we agreed would be offered for sale here in exchange for their allowing our book to be sold in Russia. Are we mistreating it that way?

Mr. FISHMAN. I doubt that because I have seen it around the country on newsstands.

Mr. DOYLE. So have I.

Mr. FISHMAN. In small cities and towns, and most of the States it is placed on sale.

Mr. DOYLE. That is all, Mr. Chairman.

Mr. MOULDER. Mr. Kearney?

Mr. KEARNEY. I have no questions, Mr. Fishman. I only wish to thank you again and to say that it is good to see you here. But I want to call to the attention of some of our naive Americans the propaganda that does emanate from these foreign countries, particularly with reference to the Russian magazines. The word "Christmas" is practically outlawed, and the Holy Night before Christmas is unheard of; but picking up, for instance, this publication from East Germany, there is no hesitancy at all in speaking of December 24th as Holy Night and also going on to mention subjects of the scenes that come from the Bible. You never see anything in the Soviet magazines with reference to the Bible, I am quite sure.

Mr. FISHMAN. No.

Mr. KEARNEY. So in other words propaganda fits in the particular area that these magazines come from.

Mr. MOULDER. Mr. McIntosh?

Mr. MCINTOSH. I have no questions.

Mr. MOULDER. I join with my colleague, Mr. Doyle, with respect to his commendation of the foreign language newspapers.

I would recall, Mr. Arens, there are a large number of foreign language newspapers in our country, especially in the New York area, that are busily disseminating Communist propaganda. As I recall the evidence was presented before this committee and the record so shows.

Mr. ARENS. Yes. I am sure the chairman will know that the annual report of this committee makes reference to a number of foreign language publications in the United States, the editors, publishers, and writers of which have been identified by subpoenaed live witnesses under oath as members of the Communist conspiracy.

Mr. DOYLE. Let us make it clear, Mr. Chairman, you and I do not commend them.

Mr. MOULDER. There is a distinction and we distinguish between the two.

Mr. DOYLE. I certainly did not intend to.

Mr. MOULDER. We certainly do not.

I wish to call attention to provisions of the bill which you referred to in your testimony, H. R. 9937. One of the provisions provides for the establishment in the Bureau of Customs of an office of a controller of foreign propaganda and fixes responsibility for the control of this foreign political propaganda. Does that meet with your approval?

Mr. FISHMAN. We have not prepared a response to the general provisions of the bill. Until the Treasury does prepare it I would just as soon withhold my comments. Of course, it will be an ideal thing to have someone right in Washington to be available to the committees of Congress and the Senate in connection with this entire program.

Mr. MOULDER. Are there any other questions from the members of the committee?

Have you any questions, Mr. Arens?

Mr. ARENS. No. Thank you, sir.

Mr. MOULDER. The witnesses are excused. Thank you very much.

Mr. ARENS. Mr. Chairman, if you please, the next witness who was scheduled to be here is Mr. Herbert Zimmerman, and his counsel has presented us with a doctor's certificate. Therefore, I respectfully suggest that the Chair make an order in the record that Mr. Zimmerman be temporarily excused subject to call and he be continued under his subpoena.

Mr. MOULDER. As requested by counsel and without objection the request is approved and Mr. Zimmerman is temporarily excused, subject to call by the committee.

Mr. ARENS. Mr. Chairman, we have two witnesses we should like to hear before the noon recess, if you please, principally for the purpose of accommodating their counsel, who is obliged to return to New York City on some pressing matters.

The first witness, if you please, Mr. Chairman, will be Mrs. Dorothy Friedman.

Would you kindly come forward.

Mr. BOUDIN. May I request, Mr. Chairman, that no pictures be taken in this room?

Mrs. FRIEDMAN. No pictures, Mr. Chairman, please.

Mr. BOUDIN. I request that no pictures be taken. May I have a ruling before the pictures are taken?

Mr. MOULDER. There is a ruling that no pictures will be taken during the course of testimony if the witness objects.

Mr. BOUDIN. The witness objects to having any pictures taken in the room.

Mrs. FRIEDMAN. No pictures are to be taken at all.

Mr. MOULDER. Will the witness be sworn, please?

Stand up and be sworn.

Mr. BOUDIN. You may be sworn. The Chair has ruled.

Mr. MOULDER. Do you solemnly swear the testimony you are about to give before the Committee of the United States Congress will be

the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. FRIEDMAN. I do.

Mr. KEARNEY. Mr. Chairman, I would like to ask for a clarification. I see my friend, the attorney whom we have met on several occasions in various cities, representing one of the witnesses here.

Now, I would like to know whether or not in order to represent a witness in the State of Massachusetts one has to be a member or at least legally allowed to practice law in the State of Massachusetts. If they do not have to, inasmuch as this is not a court of law, that is another question. But I would like to know just what the situation is.

Mr. MOULDER. As I recall there is a provision clarifying that question in the bill, which I mentioned a while ago. As I understand it, Mr. Arens, of course under the rules the witness is entitled to counsel. Whether or not he is admitted to practice before the Bar of the State of Massachusetts does not control. Therefore he is entitled to have counsel regardless.

Mr. BOUDIN. Mr. Chairman, would you direct the photographers not to take pictures, which are continuing to be taken even while this is going on?

Mr. MOULDER. Yes. As requested by counsel and by the witnesses we will ask the photographers and those taking pictures to refrain from taking any pictures of this witness during the course of testimony, as she appears before the committee.

Mr. BOUDIN. May I ask one more thing, Mr. Chairman? I understand that over the radio last night conversations between witnesses and their counsel were recorded, apparently because of the delicate recording device here.

Mr. McINTOSH. Mr. Boudin, if I may interrupt at this point, I think we clarified that yesterday in anticipation of the question you are raising today.

Mr. BOUDIN. So there is no problem today of any of my conversations with my client being heard—

Mr. McINTOSH. Let me finish. We are subjected to this sort of double check very often. Yesterday one of the counsel spoke over the microphone in advising his client. I specifically called his attention to the fact and he admitted on the record that the option of making a public broadcast over the microphones here of his advice to his client was at his option and not at our suggestion, and I think if you will talk to your witness in private you will have no problem.

We resent the technique that you are using, where yesterday counsel deliberately for his own purposes, advised his client publicly by picking up the microphone and giving his advice to her over it, and then you come in today and raise an inference that we are publicizing your conferences with your client.

Mr. BOUDIN. I understand.

Mr. McINTOSH. We are not doing that.

Mr. BOUDIN. I wasn't saying the committee was doing it deliberately. The statement I am making is apparently on the radio—

Mr. MOULDER. Counsel, the witness has the right to be represented by counsel for the purpose of advising her and conferring with her at any time, and under the rules of this committee counsel is not accorded the right to address the committee or to argue with members

of the committee. Therefore, in accordance with that rule, proceed with the interrogation of the witness.

**TESTIMONY OF DOROTHY FRIEDMAN, ACCOMPANIED BY COUNSEL,
LEONARD B. BOUDIN**

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

Mrs. FRIEDMAN. My name is Dorothy Friedman. I live in Providence, Rhode Island. I am a housewife.

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

Mrs. FRIEDMAN. I am.

Mr. ARENS. And you are represented by counsel?

Mrs. FRIEDMAN. Yes.

Mr. ARENS. Counsel, kindly identify yourself on the record.

Mr. BOUDIN. Leonard B. Boudin, of Rabinowitz and Boudin, 25 Broad Street, New York City, New York.

Mr. ARENS. How long have you lived at Providence, Rhode Island? (The witness conferred with her counsel.)

Mrs. FRIEDMAN. I decline to answer on the ground of the committee's lack of jurisdiction, the vagueness of the resolution creating it, lack of pertinency to any legislative purpose, my rights under the first amendment and my constitutional privilege under the fifth amendment.

Mr. ARENS. So that the record may be clear, you read the statement you just recited, is that correct?

Mrs. FRIEDMAN. Yes, sir.

Mr. ARENS. From a piece of paper before you?

Mrs. FRIEDMAN. Yes.

Mr. ARENS. Is that a typewritten piece of paper?

Mrs. FRIEDMAN. It is.

Mr. ARENS. And who prepared that for you, if you please?

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. Prepared by myself and my counsel.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness now be ordered and directed to answer the question as to how long she lived in Providence, Rhode Island.

Mr. MOULDER. Well, certainly, the witness is directed to answer the question.

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. I decline to answer for the reasons already given.

Mr. MOULDER. Do you mean to tell us you will not tell us how long you have resided in Providence?

Mrs. FRIEDMAN. I have already given my answer, Mr. Chairman.

Mr. DOYLE. I request the witness be instructed to answer the question as to how long she has resided in Providence, Rhode Island.

Mr. MOULDER. Certainly. We cannot understand how you would refuse to answer that question and in good faith claim the protection of the Constitution.

Mrs. FRIEDMAN. I stand on my previous position, Mr. Chairman.

Mr. ARENS. Kindly give us a word, please, of your educational background.

Mrs. FRIEDMAN. I stand on my previous position as given.

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

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

Mrs. FRIEDMAN. I have already given my answer, sir.

Mr. MOULDER. Does the record show she has not given an answer? She has declined to answer—I assume for reasons previously stated by you?

Mrs. FRIEDMAN. That is correct, sir.

Mr. ARENS. As I recall, you said your occupation was presently as a housewife. Isn't that correct?

Mrs. FRIEDMAN. Sir, I have given you my answer.

Mr. ARENS. I don't believe you quite understand. You said on this record, did you not, that you were a housewife?

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. I have already said so, sir.

Mr. ARENS. How long has that status been enduring?

Mrs. FRIEDMAN. I refuse to answer on my previous constitutional rights.

Mr. ARENS. Have you in the course of the last five years had any substantial occupation other than the occupation of housewife?

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. Sir, I stand on my constitutional privilege, on the fifth amendment.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully while you are under oath whether or not you have had in the course of the last five years a principal occupation other than the occupation of housewife, you would be supplying information which might be used against you in a criminal proceeding?

Mrs. FRIEDMAN. I decline to answer for the reasons already stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question. The question is posed for the purpose of testing the good faith of this witness in invoking the constitutional privileges which she has invoked.

Mr. BOUDIN. Would the chairman hear a comment by me?

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

Mr. BOUDIN. May I have a ruling from the chairman?

Mr. MOULDER. You may confer with your witness or your client, but not address or argue with members of the committee.

Mr. KEARNEY. You know better than to make a speech here. You have been before this committee on numerous occasions.

Mr. BOUDIN. I am addressing myself to you, Mr. Chairman, and not to you, Mr. Moulder—Mr. Kearney. Pardon me, Mr. Moulder.

(The witness conferred with her counsel.)

Mr. ARENS. Would you kindly respond to the direction given by the chairman.

Mrs. FRIEDMAN. I stand on my position as previously stated, sir.

Mr. ARENS. Have you ever been a school teacher?

Mrs. FRIEDMAN. I stand on my previous answer, sir.

Mr. ARENS. I should like, if you please, to cause to be displayed to you now a thermofax exhibit entitled "Teachers News," June 5, 1948.

This article lists candidates for election to the executive board of the Teachers Union, including "Dorothea" C. Friedman, P. S. 100 B; Delegate Assembly. Kindly look at that exhibit, if you please, and tell us whether or not the information contained in that exhibit, insofar as it relates to yourself, identifying yourself as a candidate is correct.

(Document handed to witness.)

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. Sir, I decline to answer for reasons already given.

Mr. MOULDER. May the record show that the witness has refused to examine the document as requested by counsel.

Mr. BOUDIN. If you like the witness will examine it.

Mr. MOULDER. Examine the document.

Mr. BOUDIN. May I request the photographers—

Mrs. FRIEDMAN. The photographers are getting me very nervous, Mr. Chairman.

Mr. MOULDER. You have not looked at it. How can you respond?

Mr. BOUDIN. I thought the pictures were not to be taken, according to your own ruling.

Mr. KEARNEY. Mr. Chairman, may I again refer to Mr. Boudin?

He has been before this committee many times. He knows what the rules of the committee are and he is simply seeking this opportunity to make speeches. He knows what his job is here and what his duties are.

Mrs. FRIEDMAN. Mr. Chairman, please, I am very nervous when the pictures are taken. Please, I ask that no pictures be taken.

Mr. KEARNEY. If you would answer the question you would not be so nervous.

Mr. MOULDER. I wish to ask the witness now: You have examined the document referred to by counsel, have you not?

Mrs. FRIEDMAN. I have, sir.

Mr. MOULDER. You are directed to answer the question which I recall as whether or not you are the same person referred to in that document.

Is that right, Mr. Arens?

Mr. ARENS. If you please, sir, that is correct.

Mrs. FRIEDMAN. I will decline, sir, for reasons previously given.

Mr. ARENS. Now, Mr. Chairman, I respectfully suggest that the document be appropriately marked and incorporated by reference in the record.

Mr. MOULDER. The document will be so marked.

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

Mr. ARENS. Kindly tell the committee whether or not you presently hold a teacher's certificate.

Mrs. FRIEDMAN. I decline to answer on the ground of the committee's lack of jurisdiction, the vagueness of the resolution creating it, lack of pertinency to any legislative purpose, my rights under the first amendment and my constitutional privilege under the fifth amendment.

Mr. ARENS. So the issue may be concise and clear, without equivocation, may I explain to you the pertinency of that particular question?

You, Ma'am, have been identified under oath by a live credible witness in this proceeding as a person known to have been in the recent past a member of the Communist Party.

This committee has under consideration a number of legislative proposals and a number of bills, some of which would undertake to cope with the problem of Communists in public institutions.

If you do presently hold a teacher's certificate that bit of information added to other information of like character would enable this committee to more adequately appraise the legislative proposals which are before it, and suggest legislation to the House of Representatives and the United States Congress to undertake to plug the loopholes in existing law or to devise new legislation to protect this Nation against the operations of an international conspiracy which is today threatening to engulf the world.

With that explanation, would you kindly answer the question?

Mrs. FRIEDMAN. I decline to answer on the grounds of reasons already stated.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer the question as to whether or not she presently holds a teacher's certificate.

Mr. MOULDER. Yes, the witness is directed to answer the question.

Mrs. FRIEDMAN. Sir, I stand under my rights under the first and fifth amendments.

Mr. MOULDER. And may I add to that direction by saying that we are not directing you to answer the question in a spirit of coercion or threat, but in order to advise and inform you of the possible dangers of being in contempt of the United States Congress.

You thoroughly understand that, don't you?

(The witness conferred with her counsel.)

Mr. MOULDER. I say, you do understand that?

Mrs. FRIEDMAN. Mr. Chairman, I fully understand my rights under the Constitution, and I want to call to your attention that you are still permitting cameras to go after you have already said they would not.

Mr. ARENS. I should like to recite to you that yesterday before this committee a man testified under oath that while he was an undercover agent in the Communist Party at the behest of the Federal Bureau of Investigation, he knew you as a Communist, he knew you, indeed, as a member of the Section Committee of the Communist operation in Providence, Rhode Island. That is a very serious allegation to make against a person. We want now to give you an opportunity while you are under oath to deny that assertion. Do you care to avail yourself of that privilege?

Mrs. FRIEDMAN. I decline to answer on the grounds of my rights under the first amendment and my constitutional privilege under the fifth amendment, sir.

Mr. ARENS. Was Armando Penha, a witness yesterday, telling the truth, or was he in error when he identified you as a person who to his certain knowledge was one of the leading Communists in the Providence, Rhode Island, area?

Mrs. FRIEDMAN. Sir, I decline to answer on the ground of the committee's lack of jurisdiction, the vagueness of the resolution creating it, lack of pertinency to any legislative purpose, my rights under the

first amendment and my constitutional privilege under the fifth amendment.

Mr. ARENS. Have you ever taken a trip to Guatemala?

Mrs. FRIEDMAN. Sir, I stand by my previous answer.

Mr. ARENS. Do you honestly apprehend if you told this committee truthfully whether or not you have ever taken a trip to Guatemala you would be supplying information which might be used against you in a criminal proceeding?

Mrs. FRIEDMAN. Sir, I decline to answer on the grounds of the committee's lack of jurisdiction, the vagueness of the resolution creating it—

Mr. KEARNEY. Is it necessary to read that same speech every time you answer?

Mrs. FRIEDMAN.—lack of pertinency to any legislative purpose, my rights under the first amendment and my constitutional privilege under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the last principal question and the purpose of the question is to test the good faith of this witness in the invocation of the constitutional privilege.

Mr. MOULDER. Yes. As requested by counsel, the witness is ordered and directed to answer the question, and again I wish to emphasize the possible risk you may be taking in refusing to answer, the risk that you are taking in being guilty of contempt of the United States Congress.

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. Sir, I decline to answer for reasons previously given.

Mr. ARENS. Have you in the course of the last several years been a peace partisan?

Mrs. FRIEDMAN. I decline to answer, sir.

Mr. ARENS. A proponent of peace?

Mrs. FRIEDMAN. I decline to answer for reasons previously stated.

Mr. ARENS. Can you tell us, if you please, some of the deeds that you have performed for the uplift of the community in the Providence, Rhode Island, area in certain groups and organizations? And I speak now not about the Communist groups or organizations.

Mrs. FRIEDMAN. I have already given my answer, sir.

Mr. ARENS. Then, may I explain to you, the pertinency of this particular question?

Over the course of the last many months this committee has held numerous hearings in various areas of our Nation, in which we have received an abundance of testimony to the effect that one of the present tactics of the Communist conspiracy is to have hard-core cell members of the conspiracy penetrate non-Communist groups to undertake to build what they call a bridge, to undertake to reduplicate the so-called united front tactic. It is our information that you as a hard-core member of the Communist conspiracy have in the course of the last several years, been in the process of penetrating non-Communist organizations for the purpose of undertaking to poison and influence those organizations against the Nation under whose flag you receive protection.

Now would you kindly answer the question.

Mrs. FRIEDMAN. Sir, I decline to answer for the reasons already given.

Mr. MOULDER. And the witness is again directed to answer the question.

Mrs. FRIEDMAN. I decline to answer on the grounds of the committee's lack of jurisdiction, the vagueness of the resolution creating it, the lack of pertinency to any legislative purpose, my rights under the first amendment, and my constitutional privilege under the fifth amendment.

Mr. KEARNEY. Are you a citizen of the United States?

(The witness conferred with her counsel.)

Mr. KEARNEY. Are you a citizen of the United States?

Mrs. FRIEDMAN. Mr. Chairman, the photographers are still taking pictures here.

Mr. KEARNEY. I don't see anyone taking pictures.

Mr. BOUDIN. Oh, yes; it is quite obvious. You are the only man who doesn't see it.

Mr. KEARNEY. Are you a citizen of the United States?

Mrs. FRIEDMAN. Sir, I decline to answer that question.

Mr. KEARNEY. You decline to answer the question as to whether you are a citizen of the United States?

Mr. DOYLE. I move, Mr. Chairman, she be instructed to answer that question.

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

Mrs. FRIEDMAN. Sir, I decline to answer because that is not the business of this committee.

Mr. ARENS. Mr. Chairman, on the basis of the reason which was just now propounded by the witness, I respectfully request that the record reflect an order and direction of the chairman to the witness to answer the question.

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

Mrs. FRIEDMAN. I decline to answer on the grounds of the committee's lack of jurisdiction, the vagueness of the resolution creating it, lack of pertinency to any legislative purpose, my rights under the first amendment, and my constitutional privilege under the fifth amendment.

Mr. DOYLE. In other words, Mr. Chairman, the committee is not entitled, in the judgment of this witness and her counsel, to know whether or not persons identified to us as active and hard-core Communists are citizens of the United States. That is the issue. It is ridiculous.

Mr. MOULDER. Are there any other questions, Mr. Arens?

Mr. ARENS. Yes. We have a few more questions, if you please, Mr. Chairman.

There is pending before the United States Congress, and more specifically before this Committee on Un-American Activities, a number of legislative provisions, pertaining to the security of the United States. Among those are provisions which undertake to redefine the term "organize," as used in the Smith Act. The purpose of the amendment is to overcome the effect of certain decisions which have construed the term "organize" to mean only the original formation of a group.

Now, for the purpose of developing information which might be used by this committee in appraisal of that particular provision, do you presently have information respecting establishment of a group, organization, or society by a person or persons known by you to be a Communist?

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. I decline to answer on the grounds of the committee's lack of jurisdiction, the vagueness of the resolution creating it, lack of pertinency to any legislative purpose, and my rights under the first amendment, and my constitutional privilege under the fifth amendment.

Mr. ARENS. Are you now a member of an organization which is dedicated to the destruction of the Constitution of the United States?

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. Sir, I decline to answer. This is not the function of this committee.

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

Mr. BOUDIN. Excuse me a second, sir.

(The witness conferred with her counsel.)

Mrs. FRIEDMAN. Sir, I decline to answer on the grounds of the committee's lack of jurisdiction, the vagueness of the resolution creating it, lack of pertinency to any legislative purpose, my rights under the first amendment, and my constitutional privilege under the fifth amendment.

Mr. ARENS. Are you now, this moment, this instant, a member of the Communist conspiracy?

Mrs. FRIEDMAN. Sir, I would decline to answer for reasons previously given.

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

Mr. KEARNEY. If you were not a member of the Communist Party at the present time would you so state?

Mrs. FRIEDMAN. This is not a committee that has jurisdiction to make such an inquiry.

Mr. KEARNEY. Please don't tell us what this is. We happen to know, Madam.

Mrs. FRIEDMAN. Well, the Supreme Court has said differently in the Watkins case, sir.

Mr. KEARNEY. According to your speech there I guess you have everything down.

Mr. MOULDER. Have you any questions, Mr. Doyle?

Mr. BOUDIN. Are you all through, sir, or do you want the photographers to take pictures while the hearing is going on?

Mr. MOULDER. The photographers will comply.

Mr. BOUDIN. Why can't we have obedience of your order in this respect?

Mr. DOYLE. I want to ask a few questions of the witness, please.

Were you in the courtroom yesterday, Mrs. Friedman?

Mrs. FRIEDMAN. I decline to answer the question.

Mr. DOYLE. Let us see. This is a Federal courtroom and a Federal building and yesterday was a public session, and all the seats were occupied yesterday, the same as they are today, the public press was

here. There was nothing secret about the hearings. They were all open. And you decline to answer whether or not you were here.

Well, if you had been here, you would have heard Mr. Penha testify under oath that you were personally known to him as a hard-core Communist, in Providence, Rhode Island.

Are you reading that statement now?

Mrs. FRIEDMAN. No, sir.

Mr. DOYLE. I would like to have you listen to my question, if you please.

Mrs. FRIEDMAN. Yes, sir.

Mr. DOYLE. If you will pay attention to the question instead of paying attention to the notes you read every time, I would appreciate it.

(The witness conferred with her counsel.)

Mr. DOYLE. Now, counsel, will you let me ask the question?

Mr. BOUDIN. Do you mind my advising my client for a moment?

Mr. KEARNEY. Why don't you wait until the question is asked?

Mr. DOYLE. I will stop asking the question if you want to interrupt and advise your client.

Mr. BOUDIN. Let me advise my client.

Mr. DOYLE. Go ahead and advise your client and then let me have a minute of her time.

Mr. BOUDIN. Very well, I will.

(The witness conferred with her counsel.)

Mr. BOUDIN. All right, sir.

Mr. DOYLE. Did you hear Mr. Penha, the former FBI agent, yesterday, testify under oath here in the room that you were a hard-core Communist and known to him personally as such?

Mrs. FRIEDMAN. Sir, I don't think this adds to anything that has already been said.

Mr. DOYLE. Will you answer my question, please?

Mrs. FRIEDMAN. I decline to answer the question on the grounds previously stated, sir.

Mr. DOYLE. He testified under oath not only were you personally known to him to be a hard-core Communist of Providence, Rhode Island, but you were a member of the Section Committee of the Communist Party there and that your specialty as a hard-core Communist of Providence, Rhode Island, was known to him to be to infiltrate church groups and other groups in the community and to try to sell them on the Communist line, unaware that you were a Communist. When he testified to that, was he telling the truth or not?

Mrs. FRIEDMAN. Sir, I decline to answer for reasons previously given.

Mr. DOYLE. Our director has asked you whether or not you held a teacher's certificate. I want to ask you more specifically whether or not you hold a teacher's certificate in the public schools in Rhode Island.

Mrs. FRIEDMAN. I decline to answer this question, sir.

Mr. DOYLE. I will ask you whether or not you hold a teacher's certificate in the public schools of the State of Massachusetts.

Mrs. FRIEDMAN. The same answer, sir.

Mr. DOYLE. I ask you whether or not you hold a public school teacher's certificate in any State of the United States?

Mrs. FRIEDMAN. I have nothing to say, sir. I have already given you my answer.

Mr. DOYLE. In other words, your answer is the same as you read from that memorandum, each time, is that correct?

Mrs. FRIEDMAN. That is correct, sir.

Mr. DOYLE. That is all, Mr. Chairman.

Mr. MOULDER. Mr. Kearney?

Mr. KEARNEY. I don't intend to ask the witness any questions, Mr. Chairman. But I will say this:

That of all the contemptuous, arrogant witnesses I have ever seen in my years on this committee, you win the cake.

Mr. BOUDIN. That is a highly improper statement for a member of the committee to make and he knows it.

Mr. KEARNEY. Don't make any statement to me. I don't like you personally.

Mr. BOUDIN. I am talking to the Chairman. I want Mr. Kearney told he has to keep his position and not outshout my client.

Mr. KEARNEY. And I can outshout you.

Mr. BOUDIN. I am not shouting, and you are the one that shouts, and I want the record to show I am not shouting. It is typical of the behavior on the part of Mr. Kearney.

Mr. KEARNEY. Just a minute. I am not finished.

Mr. BOUDIN. Please finish.

Mr. KEARNEY. I want to tell this witness that if there is any method legally by which she can be cited for contempt of the Congress of the United States I intend to do all in my power to see that it is done.

Mr. BOUDIN. Mr. Chairman, Mr. Kearney made the statement about other witnesses and has never carried it out. It is a highly improper statement to make, as he knows.

Mr. KEARNEY. The type of witnesses you represent—

Mr. BOUDIN. I am not discussing that. You leave my clients alone and stick to your business.

Mr. KEARNEY. You stick to yours.

Mr. BOUDIN. I am. That is why I am here.

Mr. MOULDER. Have you any questions, Mr. McIntosh?

Mr. MCINTOSH. I have no questions.

Mr. MOULDER. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, is Mrs. Muriel Gravelle McAvoy.

Kindly come forward, Mrs. McAvoy, and remain standing while the chairman administers the oath to you.

Mr. BOUDIN. Mr. Chairman, may I make the same request with respect to pictures?

Mr. MOULDER. Will you hold up your right hand?

Mr. BOUDIN. Mr. Chairman, I ask again that the witness not have her picture taken.

May we have a ruling?

Mr. MOULDER. The witness will be sworn.

Mr. BOUDIN. The witness will not be sworn while the pictures are being taken.

Mr. MOULDER. Will you hold up your right hand and be sworn?

Mr. BOUDIN. Just a moment. The witness wishes that pictures not be taken while she is sworn. This is a quasi-judicial proceeding and she has that right.

Please direct the photographers not to take pictures.

Mr. MOULDER. The photographers are directed not to take pictures—

Mr. BOUDIN. Please put the camera down.

Mr. MOULDER. —while the witness is sworn.

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

Mrs. McAVOY. I do.

Mr. MOULDER. I have asked the photographers time after time to desist and refrain from taking photographs of the witnesses while the witnesses testify. I hope you will cooperate and comply with that ruling and that request.

Proceed, Mr. Arens.

TESTIMONY OF MURIEL GRAVELLE McAVOY, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

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

Mrs. McAVOY. Do I speak into this? Am I supposed to speak in this?

Mr. ARENS. If you can and wish, yes.

Mrs. McAVOY. My name is Muriel Gravelle McAvoy—

Mr. MOULDER. I believe if you pull that a little closer to you it might be clearer.

Mrs. McAVOY. My name is Muriel Gravelle McAvoy. I live at 355 West 85th Street, New York City, housewife.

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

Mrs. McAVOY. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mrs. McAVOY. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. BOUDIN. Leonard B. Boudin, New York City.

Mr. ARENS. How long have you lived at your present address?

Mrs. McAVOY. I decline to answer on the ground of the committee's lack of authority and jurisdiction, the vagueness of its enabling resolution and purpose, if any, the lack of pertinency of the question to any legitimate legislative purpose, and my rights under the first amendment.

Mr. ARENS. You are reading from a prepared statement, is that correct?

Mrs. McAVOY. Yes.

Mr. ARENS. Who prepared that statement, please?

Mrs. McAVOY. My counsel and I.

Mr. KEARNEY. Is this a copy of the statement the previous witness read?

Mrs. McAVOY. No.

Mr. KEARNEY. Some change in the wording?

Mr. DOYLE. A little bit.

Mrs. McAVOY. I don't remember what she said.

Mr. ARENS. Have you lived in the State of New Hampshire?

Mrs. McAVOY. I rest upon the answer I have already given, sir.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer the question whether or not she has lived in the State of New Hampshire.

Mr. MOULDER. The witness is so ordered and directed to answer the question propounded by counsel.

Mrs. McAVOY. I decline to answer for reasons I already stated, sir.

Mr. ARENS. What occupation have you had in the course of the last 5 years other than your occupation as a housewife?

Mrs. McAVOY. I stand on the statement I have already given.

Mr. ARENS. Have you been a peace partisan, a proponent of peace in the last few years?

Mrs. McAVOY. I decline to answer for the reasons I have already given.

Mr. ARENS. You were one of the principal sponsors of the New England Conference for Peace, were you not?

Mrs. McAVOY. I decline to answer for the reasons I already stated.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that you were one of the sponsors of the National Women's Appeal for the Rights of Foreign Born Americans.

Mrs. McAVOY. I decline to answer on the grounds of lack of authority and jurisdiction, the vagueness of its enabling resolution and purpose, if any, the lack of pertinency of the question to any legitimate purpose, and my rights under the first amendment.

Mr. ARENS. I should like, if you please, to lay before you a photostatic reproduction of a document entitled, "New England Conference for Peace." It is a leaflet with reference to a conference held here in Boston at the Hotel Bradford and on this leaflet we observe in two places, "Miss Muriel Gravelle, Executive Secretary, and Miss Muriel Grace Gravelle, Concord, New Hampshire.

Kindly examine the document and see if you could not assist the House Committee on Un-American Activities by stating whether or not you are the person alluded to in the document which I have just displayed to you.

(Document handed to the witness.)

Mrs. McAVOY. I decline to answer on the first—

Mr. KEARNEY. Just a minute, Mr. Chairman. The witness has not had an opportunity to examine that document. The attorney is doing the examining of the document and the witness is declining to answer. Look at the document, will you please?

(The witness conferred with her counsel.)

Mrs. McAVOY. I decline to answer for the reason previously stated.

(Document marked "McAvoy Exhibition No. 1" and retained in committee files.)

Mr. KEARNEY. I thought that would be your statement.

Mr. ARENS. Kindly tell the committee your maiden name.

Mrs. McAVOY. I already did—Muriel Gravelle.

Mr. ARENS. Thank you. Were you Executive Director of the Progressive Party of New Hampshire?

Mrs. McAVOY. I decline to answer for the reasons I already stated.

Mr. ARENS. I should like to display to you, if you please, a photostatic copy of a letter directed to the Secretary of State, State House, Concord, New Hampshire, signed by Muriel G. Gravelle, Executive

Director, Progressive Party of New Hampshire, dated September 21, 1948, with an enclosure, which was sent to the Secretary of State of the State of New Hampshire.

Kindly examine those documents and see if you will be good enough to verify the authenticity of your signature and thereby the validity of the document itself.

(Document handed to the witness.)

Mrs. McAvoy. I decline to answer for the reasons already stated.

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

Mr. ARENS. May I suggest the possibility you could accommodate the Committee on Un-American Activities in its pursuit of facts if you would now care to sign your name to a piece of paper and submit it to the committee. Would you care to do that for the purpose of comparison of signatures?

Mrs. McAvoy. I decline for reasons I have already stated. You have no authority to ask me.

Mr. ARENS. Are you now this minute a member of the Communist conspiracy?

Mrs. McAvoy. I decline to answer for the reasons I already stated.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you have likewise in the recent past been secretary of the Emergency Civil Liberties Committee, which was created by the Communist conspiracy for the chief purpose of undertaking to discredit the House Committee on Un-American Activities, the Federal Bureau of Investigation and its Director, J. Edgar Hoover.

If that is not true, would you please deny it while you are under oath.

Mrs. McAvoy. I decline to answer for the reasons I have already given.

Mr. ARENS. That is your current employment, is it not, secretary of the Emergency Civil Liberties Committee, created by the Communist conspiracy for the purposes of undertaking to create grass-root sentiments against the Committee on Un-American Activities and the Federal Bureau of Investigation and its Director, J. Edgar Hoover.

If that is not true, kindly deny it while you are presently under oath.

Mrs. McAvoy. I decline to answer for the reasons I have already given.

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

Mr. MOULDER. Mr. Doyle.

Mr. DOYLE. Of course, as the chairman knows, the well-known purpose of such committees as this young lady is executive secretary of as named by our director, and other Communist fronts, is to collect money to raise their living and other costs from the unsuspecting public.

I have no other questions.

Mr. MOULDER. General Kearney.

Mr. KEARNEY. No, I have no questions.

Mr. MOULDER. Mr. McIntosh.

Mr. McINTOSH. I have no questions.

Mr. MOULDER. The witness is excused.

The committee will stand in recess until 1:30.

(Whereupon, at 12:02 p. m. the committee recessed to reconvene at 1:30 p. m. the same day.)

AFTERNOON SESSION, WEDNESDAY, MARCH 19, 1958

(Committee members present: Representatives Kearney and McIntosh.)

Mr. KEARNEY (presiding). The committee will be in order.

For the purpose of the record, let me advise that Congressman Moulder, the chairman, and Congressman Doyle will be in any minute (appearance as noted), but I would suggest that inasmuch as there is a quorum present, Mr. Counsel, we proceed with the Attorney General from New Hampshire, I believe.

Mr. ARENS. If you please, Mr. Chairman, the next witness we should like to hear is the Honorable Louis C. Wyman, Attorney General of the State of New Hampshire.

Mr. KEARNEY. General Wyman, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WYMAN. I do.

Mr. KEARNEY. Be seated.

TESTIMONY OF LOUIS C. WYMAN

Mr. ARENS. General Wyman, will you kindly, for the purpose of the record, identify yourself by name, residence, and, if you please, your affiliation with organizations which are dedicated to fighting the Communist conspiracy in the United States?

Mr. WYMAN. Mr. Chairman, my name is Louis C. Wyman, Attorney General of the State of New Hampshire. I have held that position since 1953.

I am a former president of the National Association of Attorneys General, a member of the Internal Security Committee of that national association, a member of the Citizens' Advisory Committee to the Commission on Government Security, the Loyd Wright committee, a member of the American Bar Association's Special Committee on Communist Tactics, Strategy, and Objectives, and I have been since 1953 a delegated committee of one for the General Court of New Hampshire, inquiring for them in a factfinding investigation seeking to determine whether there is any subversion or subversive organizations in our State.

Mr. ARENS. General, in the course of the recent past have you had occasion to argue in the Supreme Court of the United States certain of the cases involving issues pertaining to the Communist conspiracy?

Mr. WYMAN. I have, Mr. Arens. I argued the Steve Nelson case before the United States Supreme Court for the States, in the original hearing for 27 States, and at the time of the petition for rehearing for 41 out of the 48 States.

I also was a party and argued the case of *Sweezy v. The State of New Hampshire*, which was handed down last June 17.

Mr. ARENS. General, as you know, because of your particular background and experience and because of your activity within these various organizations dedicated to the resistance of the Communist con-

spiracy in the United States, our committee sent to you a copy of H. R. 9937, known as the Omnibus Security Bill, which is pending before our committee, for the purpose of soliciting from you your studied judgment on each of several of its proposed provisions.

I should like, if I may, to interrogate you with reference to those particular provisions of the bill which are in areas in which you, on the basis of your background and experience, have a particular or peculiar knowledge.

Is that agreeable with you, sir?

Mr. WYMAN. Yes, sir.

Mr. ARENS. I would, if you please, sir, invite your attention, first of all, to the issue which the bill undertakes to cope with, this bill, along with other bills pending in the Congress, namely, the situation on the activities of State anti-Communist organizations and of anti-Communist sedition acts within the State.

Would you please, in your own way, present the issue and make such observations with reference to this issue, pointing, if you please, sir, to the bill or other bills that undertake to cope with this problem?

(At this point Representatives Moulder and Doyle entered the hearing room.)

Mr. WYMAN. Well, in the first place, I do not have the bill before me. But I am familiar, in general, with its provisions.

The bill contains in omnibus form a great many suggestions for improving the internal security of the country both with respect to passports, immigration, and other matters with which I have not been immediately concerned.

However, it does deal with several of the decisions of the United States Supreme Court in recent months, which have caused so much unnecessary confusion in the field of internal security, and I perhaps might be able to make some contribution to the committee in that regard.

I would like to say, first, that the National Association of Attorneys General has endorsed by resolution, supported by more than three-quarters of its membership, the bill which is presently pending in the Senate numbered S. 654, which is incorporated, in part, in this measure by Congressman Walter, seeking to undo the Steve Nelson decision.

In that regard, I also call the committee's attention to the fact that the American Bar Association's Special Committee has also endorsed this measure.

Mr. ARENS. General, may I interrupt you to ask you, if you would, for the purpose of this record and for the enlightenment of those who may not be familiar with the Nelson case, to give on this record the essence of the Nelson case and the issues presented there.

Mr. WYMAN. Yes, sir. In the case of *Pennsylvania v. Steve Nelson*, it was held that Congress impliedly intended to supersede all state anti-sedition laws when it enacted the Smith Act in 1940. I don't believe that the record supports any such conclusion. Yet at this point perhaps it is better for me to make it very clear that nothing I say here should be construed as being disrespectful of the institution of the United States Supreme Court, nor critical of any of the individual justices, nor of their integrity or sincerity. I think it is a lawyer's duty to speak out against decisions of any court which he

thinks are contrary to the best interests of the country, and I am convinced that this decision is in derogation to state's rights and has without doubt placed the states at the greatest disadvantage under the tenth amendment, that it is almost conceivable to find in this time, simply because, if I can explain it in common language, this decision has said, in effect, if the Federal Government wishes to take away from the states the right to protect themselves against those within state borders who conspire to overthrow or seek to overthrow the Government of the State or the Nation, that it can do so by legislative fiat. I don't believe that is so. I think the Constitution when it said that the powers not granted to the Federal Government are reserved to the states and to the people thereof, and the tenth amendment very clearly reserved and protected to the states just this kind of basic power. It is unfortunate that the construction should have been made.

Now, as far as the facts of the Steve Nelson case are concerned, they are very simple. Steve Nelson was prosecuted by the Department of Justice and convicted of violation of the Smith Act and again prosecuted and convicted in the state court for violating the state sedition law in the Commonwealth of Pennsylvania.

He appealed, and the question before the United States Supreme Court involved the relationship between the Smith Act and the sedition law of Pennsylvania.

The court held in spite of the fact that the Department of Justice had filed a brief and argued in the case that the cooperative conduct of investigations and prosecutions under state sedition statutes and the Federal Smith Act were not in conflict and the Department of Justice wanted to have the state sedition laws continued—the court held that there was a risk of conflict that was too great to avoid; that the paramount interest in cases of this kind was in the Federal Government; and that the Congress had occupied the field, and that all in spite of the fact that Congressman Howard Smith when on the floor of the House and asked a question about this legislation at the time it was before the Congress, he was asked what effect it had on state laws and he said, "This has nothing to do with state laws."

Mr. ARENS. General, may we solicit from you now your studied judgment as to the wisdom of a policy, aside from the question of the Nelson case, the wisdom of a policy of states participating in this field of combatting subversion by state legislation and state committees? What is your judgment as to the wisdom of that?

Mr. WYMAN. It is difficult to see how there can be any attempt to overthrow the Government of the United States of America, or a conspiracy to do that at some future time in this country, unless it takes place within the confines of a state and subject to the sovereign independent jurisdiction of that state; unless it is in a Federal enclave or in an area of peculiarly separate Federal jurisdiction, of which there are very few in this country, it is going to be in a state.

To say that you can overthrow the Federal Government and not involve the security and safety of the states to me is a play upon words, it is contrary to common sense. With all subversive activity in this country girded within a state, perhaps with the exclusion of the District of Columbia, then I think if there are Communists in a state actively working and conspiring to overthrow the Government of the United States by force and violence, you have the most imme-

diate concern of each state legislature and executive authority in that particular activity.

The Communists know, and when I say Communists, of course all of this legislation is directed towards subversion, and it may or may not be just Communists; there might be Fascists around, there might be the essence of the start of the same sort of thing in America that we found in history recorded in Germany. You can't tell. Wherever there is subversion I think that cooperation between the Federal Government and state authorities is indispensable. Nothing is better known to the subversives than that a program of effective cooperation between state investigating agencies and the Federal agencies will result in a full disclosure of subversive activities. That is because, in part, the state investigative agencies, as well as your committee, have the subpoena power. The FBI does not have the subpoena power. The state agencies may or may not operate under a state immunity act. Since the Ullmann case it is possible now to grant Federal immunity which is complete, both as regards state prosecution and prosecution by the Federal Government.

I, therefore, think that the partnership between the states and the Federal committees, all working in liaison together and in cooperation with the FBI, is a very important thing and should be preserved and not struck down.

Mr. KEARNEY. General, would you yield at that point?

Mr. WYMAN. Yes, sir.

Mr. KEARNEY. If I am correct in this expression, on the part of the Supreme Court of the United States, and I along with you do not wish to speak in any way derogatory towards the court, but we still have our opinions. If their decision stands, in other words, in order to perfect a crime in violation of the Smith Act it would have to be brought about, we will say, for instance, in areas like the District of Columbia—which is not a state. In other words, it couldn't be brought about in any state of the union.

Mr. WYMAN. No, sir. That isn't, I don't believe, so. And I would like to say why.

Mr. KEARNEY. Well, straighten me out on that.

Mr. WYMAN. It is the Federal prosecution. It is up to the Federal authorities to move and prosecute wherever the violation of Federal law takes place. One of the things I believe the states object to is that suppose the Federals do not see fit to prosecute, suppose they don't see fit to investigate. Should the state necessarily be helpless in that situation?

It doesn't have to be just in the District of Columbia. The subversion can take place anywhere and the Federal authorities can prosecute.

Mr. KEARNEY. In other words, then, the Attorneys General of the several states could step in in case of the Federal—

Mr. WYMAN. No, sir, not as the law stands now.

Mr. KEARNEY. No, not as it stands now but as it should stand now, let's put it that way.

Mr. WYMAN. That is right.

Mr. KEARNEY. In other words, either the Federal District Attorney or the state's District Attorney should have the right to prosecute under the Smith Act.

Mr. WYMAN. I think, Mr. Kearney, that is right, except I think it has been made quite a fetish that there is going to be a race to the courthouse door to see who could prosecute quicker and get all the headlines. I don't think that is so. I don't think any enlightened Federal or state officials are going to run to the courthouse door in order to take a stand for the sake of publicity.

Mr. KEARNEY. Thank you.

Mr. ARENS. General, so that the record will be clear on this, the Smith Act of 1940, does it presume in and of itself to empower the state to prosecute for sedition?

Mr. WYMAN. I believe it did in its original provisions.

Mr. ARENS. Does it as it is presently written?

Mr. WYMAN. No. It has been construed not to so empower the states.

Mr. ARENS. One provision of H. R. 9937, in effect, permits enforcement in a state court of a state statute with regard to subversion.

Mr. WYMAN. Yes, to prosecute for a violation of their own statutes, Mr. Arens, not for violation of the Smith Act. That is exclusively Federal.

Some states, I might point out, do not have any anti-sedition state laws. But I believe 42 out of 48 have them in one form or another.

Mr. ARENS. On the basis of your background and experience, in your judgment, would it be a salutary provision if they all were so amended, pursuant to the provision of H. R. 9937 on this issue?

Mr. WYMAN. It would be very salutary, and at this point I think that it should be said and recognized that this committee is certainly due a great deal of credit for having worked in this direction repeatedly for quite some period of time.

I think that S. 654, being one separate measure, should be treated individually and not in an omnibus bill. I think this for the reason that you find varying elements of opposition when you get varying subjects included in an omnibus bill.

Mr. ARENS. General, may we invite your attention to another area in which we have solicited your studied judgment, namely, the bill and other legislation pending in the House Committee on Un-American Activities which undertakes to cope with the problem of Communist lawyers, namely, those who are in the Communist conspiracy, part and parcel of an organization or conspiracy, designed to overthrow the Government of the United States by force and violence and to destroy the Constitution, who themselves are the beneficiaries of a license which they procured after having taken an oath to defend the Constitution.

Do you care to comment upon that issue and to make suggestions to the committee on this public record with reference to that issue?

Mr. WYMAN. Yes. Of course, it is important, I think, to distinguish something immediately in response to such a question, which is that lawyers always are under the duty, and the Bar itself has the obligation, to represent and defend all persons charged with crime or other difficulties in this country, whether they are Communists or affiliated with any other kind of "ism." But the lawyer himself who refuses to tell his Bar Association or his Supreme Court whether he is or ever was a member of the Communist Party, in my opinion, stands forfeit of his fiduciary obligation to his court.

We are officers of the court; and if a lawyer can be of good moral character and still be a Communist, I might just as well take my hat and go home because that is contrary to all my learning about communism and membership in the Bar and support of the American Constitution which is the duty and oath of every lawyer.

Mr. ARENS. Can you tell this committee in a word just what the American Bar Association committee has done to undertake to cope with this problem—the committee of which you are a member?

Mr. WYMAN. The committee has had under study for some period of time the Sheiner case in Florida, with which I am sure you, Mr. Chairman, and all of the members of this committee are quite familiar. We have had a number of cases involving similar activities of various Bar Associations and have repeatedly reported to the House of Delegates of the American Bar Association the recommendation of the committee that State Bar Associations take steps to suspend or disbar attorneys who are members of the Communist Party or who take and plead their privilege against self-incrimination in an inquiry in respect of that membership. The reason for that is almost self-explanatory.

We had a case in New Hampshire of one Abraham Welanko, who was served with a subpoena to come in and testify concerning whether he was at the time of his application and acceptance in the New Hampshire Bar a member of the Communist Party. He did not even come in and answer the subpoena, and he was suspended indefinitely by the high court there.

I think that the duty of every citizen, almost without regard to whether they are a lawyer or not, is that his life must be an open book in matters of loyalty and security, subject always to his right to take the fifth amendment, but not the first amendment, if it is a pertinent, courteously asked question. But when you get onto lawyers, then there is a duty that goes quite a bit beyond that, because lawyers are trained and sworn specifically not only to support the Constitution but to be representatives of the judicial system which the Communists certainly are out to destroy.

Mr. DOYLE. Do I understand, then, that you place the duty of the member of the Bar as an officer of the court higher than his duty as an American citizen if he were not a lawyer?

Mr. WYMAN. I do. He holds a license from that court to go out and make money by representing people before courts. He certainly has a higher duty, certainly.

Mr. DOYLE. I think the distinguished Attorney General surely knows that every member of this committee sitting here today is a member of the Bar in their respective states.

Mr. WYMAN. Yes, sir.

Mr. DOYLE. And I think the Bar of the Supreme Court of the United States, too.

But the Communist Party is not an outlawed group or entity in the United States of America, is it?

Mr. WYMAN. Unfortunately the United States Supreme Court sent the Subversive Activities Control Board hearing back to the Subversive Activities Control Board without ruling on the constitutionality of the Internal Security Act; yes, sir.

Mr. DOYLE. Yes. We are familiar with that. If it isn't outlawed yet—and I ask the question in this form to get your helpful answer,

your opinion on the record—if it is not an outlawed entity yet, why is it the duty of a member of the Bar to divulge the facts that you relate to the court?

Mr. WYMAN. Because whether or not it has been outlawed in the sense of being required to register as the agent of an enemy power, which is the contemplation of the order of the Subversive Activities Control Board and the provisions of the Internal Security Act, one cannot read the record, Mr. Doyle, of the public activities of the Communist Party in the world in relation to the United States of America over the last 12 years without knowing that it is the mortal enemy of the United States; and any attorney who takes the fifth amendment, if he takes it in truth and doesn't commit perjury at the time, is by that answer stating that there is, if he answers truthfully, the possibility of a link which might lead to his prosecution for violation of the security laws of the country. In my opinion, such conduct is incompatible with the duties of attorneys, both to their court and to the public, and incompatible with the public respect for the office of a lawyer which is indispensable if we are to still consider that lawyers are of some use.

Mr. DOYLE. May I inquire a bit further, then? I know you are familiar with our Public Law 601 under which this committee functions. Part of the assignment by the United States House of Representatives to this committee is to go into questions of legislation, remedial, new, or otherwise. I observed your differentiation between jurisdiction of states and the Federal Government in the field. What is your opinion as to whether or not the Communist Party should be outlawed by an act of Congress as an illegal group?

Mr. WYMAN. I don't think, sir, that it is constitutional.

Mr. DOYLE. Would it be constitutional for the states to do it?

Mr. WYMAN. I don't think so without notice and hearing and without an opportunity to the party to be heard, which I understand has already taken place before the Subversive Activities Control Board.

Mr. DOYLE. Then is it your opinion that the hearings that have been already held before the Subversive Activities Control Board are necessarily preliminary to a finding by the Supreme Court that it is outlawed?

Mr. WYMAN. Oh, absolutely, sir. Otherwise you have a bill of attainder which is prohibited by the Constitution.

Mr. ARENS. The Internal Security Act of 1950 itself, General and Mr. Doyle, provides, does it not, that the Subversive Activities Control Board shall receive the evidence from the Attorney General of the United States as to whether or not the Communist Party is a Communist action organization within the purview of that Act and that there then shall be judicial review of that finding.

Mr. WYMAN. I understand that that has happened for some period of years. The chairman of our American Bar Association Special Committee in this field is Peter Campbell Brown of New York, and he was the chairman of the Subversive Activities Control Board for the first two years of hearings on this question, which were originally, as you know, sent back because of the so-called tainted testimony.

Mr. DOYLE. I was going to ask if you haven't, Mr. Arens, or if you are not going to do it, I am going to ask this distinguished lawyer if he has any specific recommendations in the field of legislation which

have not been discussed to recommend to this committee in accordance with our objective under Public Law 601.

Mr. ARENS. He may have, Mr. Doyle. Our proposed procedure was to interrogate him at length on each of four different items within the Omnibus Bill, because in each of the areas covered by one of these items he has had a peculiar background and extensive experience, both as Attorney General and as a member of the Bar Association committee which has been mandated to cope with certain problems.

Mr. DOYLE. Then I will hold my question in abeyance until you have finished yours.

Mr. WYMAN. I would like to say, sir, if I may, that when my time is expired toward the end of my testimony, I have a statement, a very brief one, that I would like to make which concludes with three specific recommendations.

Mr. DOYLE. Very good.

Mr. ARENS. General, on the basis of your background and experience, in charge of work of investigating subversion in the State of New Hampshire, may I solicit from you your appraisal and observations respecting the legislative proposal pending before the committee to make it a misdemeanor for a person to misbehave before a congressional committee in the same manner that it is a misdemeanor for a person to misbehave before a court?

Mr. WYMAN. Well, I would assume, had I not had occasion to study it, that that was already the law or should be the law.

Mr. ARENS. May I advise you, if you are not conversant with the law, that a congressional committee, notwithstanding the Communist propaganda that is disseminated against it, particularly this committee, has no contempt power whatsoever; that about a year ago I sat within three feet of a witness, a Communist I was interrogating, who in response to every question I asked him villified me. I just sat there, completely humiliated. He wanted me to break a chair over his head and make a martyr out of him. He knew we did not have contempt power. The only power this committee, or any congressional committee, has is to recommend prosecution for perjury by the proper United States Attorney, or in case the witness refuses to answer a question which, under the law, he is obliged to answer, to recommend to the proper House of Congress that he be prosecuted under the contempt statute for such refusal. That is the law, sir.

I should like to solicit from you, if you please, your observations and appraisals respecting a provision which would make it a misdemeanor, subject to a jury trial, for a person to misbehave before a congressional committee within the meaning or context of that term as used in the courts.

Mr. WYMAN. I assume when you say misdemeanor you do not contemplate the necessities of the grand jury indictment. It could be brought on the complaint of the United States District Attorney.

Mr. ARENS. Yes, sir.

Mr. WYMAN. In New Hampshire we have a statute which may or may not be of use to the Federal scene, wherein if a witness is contemptuous or refuses to answer, the proceeding is by law required to be transferred to the Superior Court and there continued in the presence of the Superior Court, and there subject to the court's power

to impose contempt. Probably because of the burden on the Federal District Courts of any such procedure as applied to the Federal level, that would not be practicable. But I would certainly think that there is an obligation on the committee to be courteous and there is an obligation on the witness to be courteous and to be restrained and that it should be a misdemeanor to commit a contempt of a congressional committee in the exercise of its official duties. I don't think there can be any doubt about it. The only question would be perhaps whether you are going to undertake to define the contempt.

Mr. ARENS. May I make this suggestion to you without in any sense undertaking to participate in your testimony?

Under Title 18, the Criminal Code, the law provides that it shall be a misdemeanor—it is a misdemeanor—to misbehave within the presence of a Federal Court.

“To misbehave”—now, that term “misbehave” has been misconstrued by the courts repeatedly so it now has become what we lawyers call a term of art. The proposal in the bill is to use the identical phraseology, make it applicable to a proceeding before a congressional committee.

Mr. WYMAN. I think there is no question about the need for such legislation. If a committee has to abide by the rules, so do the witnesses. There can't be any argument with that. I don't think it reaches the problem that is involved in what to do when a witness says he is not going to answer, does not rely on the fifth amendment, and either claims the first amendment or assigns the Watkins or Sweezy decision as a reason for refusal to answer. Under the present Federal system, as I understand it, such a witness must either be tried before the bar of the House, which is cumbersome and can result in commitment only for the duration of the session, or prosecuted for a misdemeanor in the usual course with a sentence of commitment for 1 year only. In regard to the year, the Supreme Court has apparently held that separate refusals to answer on the same ground are not separate contempts so that the aggregate sentence that may be imposed is 1 year. This means that witnesses know that they can refuse to answer not relying on the fifth amendment and that the most they face in the way of a penalty is confinement for 1 year, which, in my opinion, is not a sufficient deterrent nor is it sufficient assurance that Congress will obtain the information that it is entitled to obtain in order to legislate intelligently. Witnesses are not committed for contempt unless the judicial process finds that their refusal to respond was unlawful.

We have met this problem in New Hampshire through our procedure for reference to the court of the questioning itself so that in our State when a witness refuses to answer and is found in contempt, it is contempt of court with resulting confinement until he answers. The practical effect of this is neither an unusual nor cruel punishment nor an unreasonable compulsion, but on the contrary an assurance that a witness unlawfully refusing to answer, once the long judicial path of appeal has been completed, will eventually have to answer the question. To this extent firmness in this field seems to me to be sorely needed.

That is something that perhaps you might consider in respect to the legislation.

Mr. ARENS. We are very happy to have your comments and recommendations on that, General.

May I invite your attention to another area in which I am certain you will have comments that will be helpful, to the committee anyway, namely, the Yates case, the effect of which it has been undertaken to overcome in certain of the legislation pending before the committee, namely, a redefinition or reconstruction of what is meant within the meaning of the Smith Act of the term or word "organize."

Would you kindly just proceed at your own pace to comment upon that situation?

Mr. WYMAN. As you know, the Yates decision involving the Communists in California has resulted in the rejection of a great number of convictions and in the dismissal of a great number of prosecutions, on the theory that "organize" as it appeared in the Smith Act meant create the party in the first instance and not go out and work for it on the district level or seek to help in the work of a party already organized and in existence if you wish, since 1917-1918.

They did not need, in my opinion, again, to go that far in interpreting the meaning of the Smith Act. Nevertheless, they have, and it is the law of the land. Therefore, until Congress says otherwise—and this is another one of those situations where Congress can say otherwise, if it wants to—it can define the term "organize" to include activity for the party at any stage or any level, broadening of the party's base, recruitment, or expansion of existing subdivisions of the party, and if that is done I think that will obviate that particular objection.

But worse, much worse, and of much more consequence in the Yates decision, is the interpretation by the high court that the provisions of the Smith Act which in plain language proscribes advocating, teaching, aiding or abetting the overthrow of the Government of any state or of the United States by force and violence or other unlawful means, shall only extend to such advocacy as incites presently to the commission of an overt act, or calls for present action, so that the law as it now stands under the Smith Act, which I assumed always was pretty clearly written, permits a teacher to go upon an educational campus in this country and say it is a wonderful thing, some day come the revolution, it is a better system, and it may have to be accomplished by force and violence, don't do anything about it now, just wait.

And I think seeds like that planted in the minds of youngsters who have a tendency to be radical in the first instance—it is a very natural attribute of adolescence—can become grapes of wrath and can become a very difficult situation later on, when they try to make the transition back to preserving and protecting the system, which we have found, after all, that it is pretty nearly the best system that man has devised to live under. None of this is an invasion of academic freedom nor compulsive process which destroys original creative thought nor which discourages the basic right to dissent. The investigative process itself seeks to determine whether there has been mere dissent or actual subversion. Such investigation in some situations is complicated in the extreme and requires careful, searching, cross-examination. Nothing in the mere asking of questions under compulsory process, courteously framed and relevant to a constitutional concern of state or Nation,

tells a man what to say or what not to say or scares the light of original thought out of him.

Mr. ARENS. General, on the basis of your experience, would you express yourself on this record as to why some of the witnesses we had here in this hearing, as well as others we had in other parts of the country, identified as Communists come before us and in righteous indignation protest that they are not a member of an organization dedicated to the overthrow of the Government of the United States by force and violence, and when we ask them if they are a member of the Communist Party, they invoke the constitutional privileges?

Mr. WYMAN. I think of course you get right into one of the most basic things, which is whether the Communist Party as such in the present stage of affairs is a mere political organization, like the Republican Party or the Democratic Party, entitled to the first amendment protection, all of those things, or whether it is a conspiratorial arm of a foreign power, as many responsible agencies and people have said it is. So far there has been no judicial pronouncement under the Constitution that it is the latter. And there has been much talk in the *Konigsberg* case and in other cases, in the language of the Supreme Court, about political associations and political activities and hinting that the first amendment may properly apply to Communist associations and membership.

It is one of those things which presents a terrific problem because unless the Communist Party is a conspiratorial arm of the foreign power, which I have been taught it is, then you have all of the availability of the constitutional protections; and it is unfortunate, I believe, that any decision of the Supreme Court should hint, even hint, that membership in the Communist Party is a mere political activity privileged under the first amendment. It is not and it is in the interest of the country and of security that the official pronouncement that it is not should come just as soon as the mechanics of jurisprudence can get that pronouncement to the Supreme Court.

Mr. ARENS. I wonder if I might impose upon your time to get your judgment on still one more provision, General, which we have not discussed informally, but I believe you probably could help us on.

One of the provisions pending before the committee precludes abatement of proceedings before the Subversive Activities Control Board by reason of the dissolution, reorganization, or change of name of a respondent organization. We have had this experience, that an organization, a Communist front organization, has been the object of either investigation hearings or proceedings before the Subversive Activities Control Board; then when action or a decision of some kind becomes imminent, that organization changes its name, reforms its board of directors and the like, but goes on with the same function.

We have here a provision which tries to stop that situation, that the Subversive Activities Control Board could proceed to a final adjudication notwithstanding the change of name or structure or reorganization or dissolution of the particular organization.

Could you give us, if I am not pressing you too hard here—could you give us your judgment on the desirability of the attack of that kind?

Mr. WYMAN. Well, I don't see how there can be any question about it. We have a doctrine in civil law in this country which provides

that the corporate veil can be pierced on occasion. Just by insulating yourself in a corporate form you cannot avoid certain personal things done as an organization. If the organization persists in retention of the same officers, with the same purposes, the same objectives, the same membership, the mere fact it has changed its name or has gone through the formal steps of dissolution does not and cannot affect the responsibility of the Subversive Activities Control Board which is to find out whether or not, after notice and hearing, that organization has for one of its purposes a subversive purpose as defined in the Internal Security Act.

Mr. ARENS. But notwithstanding what you have said, General, it is a fact, is it not, that the International Workers Order, which was controlled by the Communist Party and which was the object of a petition by the Attorney General, found itself scot free because a finding was announced by the Subversive Activities Control Board that the International Workers Order as an entity was dissolved by an action in the State of New York? And all of us in this work know the International Workers Order functions are going on full blast throughout the Nation.

Mr. WYMAN. I think that is right, Mr. Arens.

Mr. ARENS. General, I believe you said a little earlier that you had some comments and suggestions that you wanted to make in addition to the comments which we were soliciting from you on these various provisions.

Mr. WYMAN. I have just a few. I understand that is in accord with committee procedure?

Mr. ARENS. If you please.

Mr. WYMAN. It is not very much.

I have been troubled by, and I think it is most unfortunate, the reports which have appeared in the press lately that two professors at Lowell Tech were apparently suspended from their teaching positions by the Institute merely because they had been summoned to testify here. I had the thought that if this is not the fact it ought to be quickly cleared up, because the suspension, based on merely a summons is unwarranted; and I know the committee would not want it and it is the sort of thing the United States Supreme Court in the Slochower case held can only take place after notice and hearing.

And I thought the unilateral action on the part of Lowell Tech ought to be presented to the people lest the proceedings be cast in an unfortunate light. They didn't lose their jobs, I have learned since, because they were subpoenaed. That isn't the case at all. I have been advised by appropriate authorities that the action taken followed an extensive interrogation in which one of the witnesses just flatly refused to say anything further and the other took the fifth amendment. Of course that is an entirely different position and picture than has been presented, and I am glad at least I was able to learn that.

It seems to me that one of the most difficult things to keep in mind in all of this work is the objective of security investigations generally. As I see it, there are two objectives. One is to find out whether there are subversives around and to keep abreast of it in this country so that things that happen in other countries won't happen here or can't.

And secondly, to keep the Congress and Legislatures and the American people informed of what is going on in this field.

The reaction to public identification of present or prior records of membership in the Communist Party in this country continues to remain sharply divided. That raises the question of whether or not there should be a due regard for the position of a witness as willing or not willing to testify and disclose all the facts, and whether or not there is any difference in function or method between what the Federal committees do and what the State committees do.

In our investigation in New Hampshire, I have published only the names of witnesses whose refusals to answer necessitated court prosecutions and a few others whose affinity for communism or Communist front organizations was nationally notorious. The names of a great majority of the witnesses summoned and questioned in our state have never been made public, not even in the committee's report to the General Court.

In addition, we have operated there under rules of procedure which contemplate proceeding in executive session, unless the witnesses themselves ask for a public hearing. And in this regard, on the fifth amendment even the Supreme Court has held there is no right to take the fifth amendment in private.

How much such procedures may be of application or use to a Federal committee operating on the national level, such as this one, is hard to say. To those who believe that all these hearings should be held in private, you have only to observe that if you hold them in executive session how are people to see the sordid spectacle of Americans in this time taking the fifth amendment in a security investigation, when the enmity of all real Communists for the United States is proven on the public record beyond a reasonable doubt. When you hold it in private and then print a later report of what happened months afterwards, the material not only encourages an already disturbing apathy on the part of the American public in the regards of the important work of this committee and other committees in the same field, but it encourages an attitude of wishful thinking on the part of a lot of people, which you see more every day, where too many bury themselves in the dream of the Utopia of the possibilities of peaceful coexistence.

Mr. ARENS. General, you would be interested to know we use both tactics. We have both the executive session and the public session, and we are criticized for both. We are criticized if we have an executive session because they say it is a star chamber proceeding. We are criticized if we have a public session, because they say we are seeking headlines and seeking to expose people for the sake of exposure.

This committee meets regularly and decides on a course of action and lets the chips fall where they may. We try to proceed in justice and the American tradition. We know we are going to be criticized by Communists and those under Communist discipline and those who are disillusioned. The committee proceeds in a just fashion.

Mr. WYMAN. I wish the public could know more about how hard the committee tries, Mr. Arens, not only this one but all of them. They are not going to unless within reasonable limits the hearings are held in the open and the procedures fair and above board for everyone to see.

There is no doubt but what the security investigations in America must continue. They have to for the security and safety of all of us.

Not that the world is going to fall tomorrow if they are discontinued, but the process in that event would be accelerated, and I know how well you know it. It seems to me that it should be remembered, too, that even the institutions of higher learning that so often permit their adolescent student body to be encouraged to consider such investigations as witch hunting trespasses on the domain of academic freedoms, ought to remember and forever teach these students that there were no witches but there are subversives and that the work is important and must continue.

The decisions of the Supreme Court, which have confused the situation, have made your work and the work of the States more difficult, infinitely more difficult. In my opinion, it is impossible to read those decisions without concluding that they are so written that those who prepared them must have known the effect of the decisions once promulgated. That means that all our committees, and I am one in my small State, face a common problem on the need for public confidence in what we do.

It seems to me that it is of the utmost importance and that we have to face it and recognize it, that national security finds the Supreme Court in its subsequent decisions, the ones that are going to come along, return closer on its own motion to a reasonable balance between private rights and national security.

The Court, it seems to me, further, is never going to do this until it is satisfied that the investigating agencies, both state and Federal, neither overstep their charters nor overreach the private rights which have made America famous.

Therefore, all too few people realize the importance of the work you are doing here; all too few recognize, as you said, Mr. Arens, that this committee operates under careful rules of procedure and in the most circumspect manner. All too few know what the members of this committee have had to face in executive session, about which you just referred, and all too many have read the calumny and epithet of the Un-American Activities Committee and certain other state committees, which has been very cleverly presented on the editorial pages of the left wing press.

In this situation I have, finally, just three specific things that I would like to recommend. I say these things very respectfully.

First: That this committee recommend and press for and not go to sleep on the enactment of S. 654.

Mr. ARENS. That is the Nelson case—

Mr. WYMAN. That is the Nelson case legislation, which will give back to the states their rights to have their sedition laws in their own self defense. The court by judicial review can always cure abuses in method or abuses of private rights under those laws. But we are entitled to have those laws, and I think if it depends on the intention of Congress, the Congress should say we are entitled to have them. They did not intend to take us out of that field. The Department of Justice favors this.

Secondly, this committee and the Internal Security Subcommittee of the Senate sponsor by amendment to your resolution, your charter, language which will meet the test of *Watkins v. The United States* in the charter itself by setting forth in considerable detail the committee's function, its duties, and its objectives, and take out and away from the

court the possibility of judicial review saying that un-American activities is vulnerable as too nebulous.

I know Mr. Arens has been reciting to witnesses the need and pertinency of the question as a matter of administrative procedure. Still there is all that language in the Watkins opinion about un-American activities and how this committee conceives of its function in the grand view of its name, an unnecessary and uncalled-for remark, and it certainly is something which can be cleared up if you rewrite the resolution, directing that you are inquiring, amongst other things, into all present and previous Communist Party membership and affiliation or association or activity, and so forth. I think if that is done, that is a step toward meeting the obligation which the Supreme Court itself has imposed upon the committee.

Mr. ARENS. General, are you familiar with the Barenblatt case?

Mr. WYMAN. I am, sir.

Mr. ARENS. Don't you think that helps us?

Mr. WYMAN. Very much, except it is now coming back to the Supreme Court. After the Sweezy decision and the Watkins decision, several of the cases in the state and circuit courts of appeal were sent back on the ground that the judgment was vacated, and they were supposed to reconsider them in the light of Sweezy and Watkins; and I am happy to say so far as I am concerned in Ohio and in the Ninth Circuit and New Hampshire, all these courts have reconsidered them and reaffirmed their former holdings.

Finally, Mr. Doyle, just one more thing. I believe this is important, too, that in all matters of policy and method, as far as possible, if a hearing is to take place it be with reasonable restraints which produce the facts with the least possible costs to private lives.

I would certainly respectfully recommend that the names of witnesses subpoenaed not be given out in advance of the time that the hearing takes place unless the witnesses themselves give them out. I don't know what the practice on that is.

Mr. ARENS. You will be interested to know, General—and I think it might be appropriate to make an observation with reference to this particular hearing—our committee's policy is to give out no name of any witness who is to appear who might in any sense be controversial. The only exception we have made as a committee is with reference to yourself. Someone asked if the Attorney General of New Hampshire was to testify with regard to legislation, and we said yes. We had a very unfortunate situation develop in which a man's life was, or at least was almost, in jeopardy in this area because of an unfortunate leak which occurred with reference to a witness.

Mr. WYMAN. I am glad to hear that, sir. I assumed that was the case but I didn't know. We tried to do that in New Hampshire.

And finally, I would just say, Mr. Chairman, if these things are done, if this legislation is passed, I think the Supreme Court itself without the need for limiting its appellate jurisdiction or otherwise, will itself, when the next questions are raised by hostile witnesses, come back so that there will be the balance that many people feel has swung too far toward individual rights at the expense of a security program that is reasonable, intelligent, and necessary.

And I don't think there is any other contribution, if you can call it that, that I can make. I tried to answer the questions.

A study of any of these cases would take really an hour or two to analyze, dissect, and put together; but most of what the court has decided can be obviated if Congress wants to do it.

Mr. DOYLE. I wish to say to the distinguished Attorney General that I certainly appreciate your very manifest preparations that you have made to be helpful to us constructively. And I want to ask you three or four questions.

Perhaps you made observations on this point before Chairman Moulder and I came to the committee this afternoon. If you did, why I'll just mention it and pass it over.

It is frequently commented in some of the press and some other sources that this committee should be abolished because there is no need of it, that the FBI does the work. As a matter of fact, the Emergency Civil Liberties Committee which we believe is a Communist front, is in the process of a campaign for that purpose now.

What is your opinion on that, Mr. Attorney General? Have you given it any thought? Is there any difference in the work that this committee does and the work the FBI does? Why should not this committee be abolished, the Internal Security Subcommittee of the Senate be abolished, and let the FBI do the work?

Mr. WYMAN. There is all the difference in the world, Mr. Doyle. In the first place, the FBI has all too few agents to cover robbery, rape, and all the interstate crimes, as well as subversion and security. They don't have the subpoena power, they are not a law enforcing agency but rather are the investigative arm of the Department of Justice, and their reports cannot be made public. They operate under the strictest security precautions.

One of the things the Nation faces constantly in this field is apathy and indifference, or the notion that it is all a tempest in a teapot and it is not necessary and it is a rehash of the same old stuff.

It is the function of this committee and the Internal Security Subcommittee and a very important function to show the American public how important and how vital is the security program because there are some subversives still around. It doesn't seem possible in America but there are some people around who would like to destroy this country. I can't understand why, but if there are, then it is the duty of this committee to tell the American people and to report to Congress so that Congress can legislate and legislate intelligently.

Mr. DOYLE. Then I take it that you feel that part of the functioning of this committee is educational in its procedure?

Mr. WYMAN. It is vitally educational. This committee's reports, if they have been read by anyone, can't help but contribute a great deal to the understanding of the nature, meaning, and scope of the Communist apparatus.

Mr. DOYLE. Over and above the three recommendations that you made, Points 1, 2, and 3, just a minute ago, have you any recommendation to make to this committee on procedures? You made the one basic one, I think, and I take it in connection with our charter, in view of the decision in the Watkins case by the United States Supreme Court. I recognize that was a specific recommendation, but you have seen us at work here in the last day or two. Have you any suggestion to make? I have not discussed this with you, I know. But I am taking the chance on whatever your answer might be. But we want your answer—I do, whatever it may be.

Mr. WYMAN. Well, as I say, in a small state with a small investigation we have operated under rules of procedure that contemplate executive session. I at first have wondered, and have wondered for quite some period of time, why this committee couldn't operate in that manner, recognizing that a great deal of glamour and so forth may be washed off if you proceed in executive session, and recognizing that there are people who are so opposed that they will cry "star chamber" any time you meet in private; but then I decided that you shouldn't proceed always in executive session because of the necessity and need for keeping the American public advised of the fact that there are people around of the type, not characterizing any individual person, but of the type that spits in your eye, if you want to put it that way, on the subversive question or on the question of subversive associations.

As far as the rest of it is concerned, all I can say is that I think the methods and the procedures certainly should try in those cases where a person has once been even a member of the Communist Party many years ago and has since World War II, for example, had no affiliation or connection at all, has tried to reform, has tried to get away from it, I think that sometimes it is better to let sleeping dogs lie and not to publicize his name.

Whether or not that is the procedure of the committee now, I do not know. If Congress directs you to report the names, of course, you have no choice.

Mr. DOYLE. For the gentleman's information I will say that I hold in my hand a printed booklet of our rules consisting of eight and a half pages that have been in effect for several years, and on the question of executive hearings let me read the brief paragraph:

Rule IV, Subdivision A. If a majority of the Committee or Subcommittee, duly appointed as provided by the rules of the House of Representatives, believes that the interrogation of a witness in a public hearing might endanger national security or unjustly injure his reputation, or the reputation of other individuals, the Committee shall interrogate such witness in an Executive Session for the purpose of determining the necessity or advisability of conducting such interrogation thereafter in a public hearing.

Attendance at Executive Sessions shall be limited to Members of the Committee, its staff, and other persons whose presence is requested or consented to by the Committee.

All testimony taken in Executive Sessions shall be kept secret and shall not be released or used in public sessions without the approval of a majority of the Committee.

And in addition to that I say frequently we hold executive sessions and discuss this very question.

Now, in view of your observation about us amending our charter, I wish to say to the gentleman that has been a matter of deep concern to me since the Watkins decision. I don't disagree with the Supreme Court decision on that term "un-American," as one member of the committee, and the committee well knows it. I think we ought to meet that decision of the Supreme Court and correct our charter on that one point. It is a matter of record in Congress that I have said so.

But that doesn't mean our whole charter is ambiguous. It isn't by a long shot. I think there is that one term there that needs strengthening and clarification.

I notice you frequently use the term here "subversive." You repeatedly use the term "subversive." What do you have in mind by the term "subversive"?

Mr. WYMAN. Our New Hampshire law is patterned on the Ober Act of Maryland. It was practically copied from the original Ober Act which is a very comprehensive act known as the Subversive Activities Act of 1951. In that act there are defined the terms "subversive person" and "subversive organization" with considerable care and considerable clarity so that we have used the word "subversive" thus separating from any question of identifying it either with the Communist Party or any Fascist organization or otherwise.

Mr. DOYLE. May I ask you this practical question. I haven't discussed this with you. But in view of the fact that we are searching for your suggestions and advice in the field of legislation, both on the bills that have been mentioned or any other legislation, would you suggest that we use the term "subversive" in our charter?

Mr. WYMAN. I would certainly suggest that you should use in your charter such language as makes it clear beyond a reasonable doubt that your directive from Congress is to find out who is or ever was or has been associated with or has sympathized with or been a member of an organization infiltrated by Communists, and so forth, or any person who is a member of a subversive organization, and define the organization; and the answer is Yes, sir.

Mr. DOYLE. And in your judgment would the term "subversive" be comprehensive enough to indicate that?

Mr. WYMAN. No, not standing alone.

Mr. DOYLE. I have one more question. I am interested in the question of the attorneys of the Bar. This question of whether or not attorneys identified as Communists be prohibited from appearing before this committee was therefore of great concern to me as a member of the Bar. If you eliminate the member of the Bar who has been identified as a Communist from representing a client before this committee or any other congressional committee, are you not depriving some member of the American public from having a lawyer of his own choice?

Mr. WYMAN. I have never heard anything about depriving any person from counsel before this committee. Is it suggested that because a man is or was a Communist and happens to be a lawyer that he himself, in so many words, is to be prohibited from practicing before the Un-American Activities Committee or from representation before this committee?

Mr. DOYLE. Oh, yes; that has been frequently raised as a question. That is why I am raising it with you, not only before this committee but any congressional committee.

Mr. WYMAN. I would say that, probably until and unless the Subversive Activities registration provisions have been upheld, that would be struck down by the high court as a violation of equal protection of laws, and also possibly of the due process clause. I think that the place to reach your attorney who is a Communist is not through committee restrictions but through the State Bar Associations or the Federal Bar. You don't reach them by providing collateral restrictions on their activities. You try to encourage the Bar in their own interests

of cleaning house and preserving public confidence to take their steps through their grievance committees on professional conduct.

Mr. DOYLE. I wish to thank the Attorney General.

Mr. MOULDER. Mr. Kearney?

Mr. KEARNEY. General, I appreciate your visit here with us today and I have listened with a great deal of respect to the suggestions you have offered.

I would like to ask you what your thought is with reference to the several States having a subversive commission or committee set up within the confines of its own state, shall we say, in order to take some of the load off the Federal investigation committees, to do the same work. Not to anticipate your answer, but let me give you the reason for that question. It is rather improbable, highly improbable, for us to cover the field.

Mr. WYMAN. That is right.

Mr. KEARNEY. We are in a situation today that unbeknown to us several measures are coming on the floor of the House that are going to be rollcall votes. These hearings in Boston to me are terrifically important, and I feel I should stay here rather than go back to the House and vote. But if we did have in all of the states of the Union a similar committee, call it by what name the legislatures of the various states care to call it, I think it would be a tremendous aid in spreading to the people of the country the dangers that exist within this country today, and I am frank to say that I think the dangers are great.

Mr. WYMAN. I can only say in answer to that, Mr. Kearney, that I, as president of the National Association of Attorneys General recommended that specifically for each state. I believe that they should have it. I believe it should be in a standby position, which it has been made in permanent legislation in New Hampshire. We have amended our subversive activities law and provide that if at any time the Attorney General acting as a committee of one for legislation in the process of factfinding wishes to investigate and report to the legislature he can do so. It is permanent legislation. The standby provisions have exceeding value. The only possible trouble is who gets the job. If politically motivated people get the job, if they use it for political purposes as distinct from security purposes, then possibly there won't be cooperation between the Federal committees or such cooperation as the law permits with the FBI. Then you have a problem.

Mr. KEARNEY. I bring back again the thought expressed a few minutes ago by our counsel. It has always been the policy of this committee to cooperate with local agencies in the various states that we hold our committee hearings in, and in this particular case that the director referred to, actually the man's life could be in danger. He is a highly important witness and it seems to me that when there is that spirit of cooperation between the committee of the House and the state committee, that at least there should be that close cooperation that no news be leaked out in order to gain specific headlines.

Mr. WYMAN. There is no question about it, sir, and congressional legislation, if you wish to, can recognize the dual relationship and responsibility of the states and encourage state legislatures, who are the only ones who can create such committees, to create such commit-

tees with appropriate standards, both for staffing and for their membership.

Mr. KEARNEY. General, I want to express my personal thanks for your appearance here today.

Mr. MOULDER. Mr. McIntosh?

Mr. McINTOSH. I concur in the comments that were made. We very much appreciate your assistance and recommendations.

There was one point, although it is not pending in our committee directly, it is the problem which we as Congressmen may be facing in the near future, and that is the other approach, if I might say that, to some of the difficulties of recent Supreme Court decisions, which has evolved in the suggestion now pending in the Senate in bill form of withdrawing appellate jurisdiction in certain areas. I am sure that we in our committee have very mixed reactions to that approach. Myself, I do not buy that as a logical way to meet some of the problems.

But I wondered if you at this time were familiar enough with that particular proposal to express an opinion, or have any of the associations in which you are active taken a position on that?

Mr. WYMAN. The organizations have not, at least not to my knowledge.

Individually, I personally feel that legislation is unwise, I believe first, that it fails to create a substitute appellate tribunal which would have the effect of having the 48 State Supreme Courts and the Circuit Courts of Appeal all interpreting the Constitution, possibly in different ways, and, secondly, I think that it actually involves an attempt by legislation to meet a series of decisions that for today and for the time many people sharply disagree with, which might at another day and another time find in the public power question, or some similar thing, a similar group trying to take away from the judiciary the right of exercise of appellate jurisdiction to determine those questions. So I think the answer has to be, and I tried to say it here today, in persuading Mr. Justice Warren and the other Justices of the high court in their decisions to recognize the need for and to affirm reasonable, restrained, careful, fair procedures in security matters and the private rights, which I am sure are the policy of this committee and we try to make it policy in our state committee.

Mr. McINTOSH. Thank you.

Mr. MOULDER. Mr. Wyman, this committee certainly is highly honored by your presence before us and giving us the benefit of the advice and recommendations which you have submitted to the committee.

Further, I wish to state our deep appreciation for your taking time from your busy schedule in the work you have in connection with the high office which you hold to give the study which you have given and the work which you have performed in connection with the problems of this committee.

And, too, the recommendations which you have made have impressed me very deeply, and I know the same impression was made upon the other members of the committee.

And in closing I wish to say we are profoundly impressed by your work, which you performed as Attorney General of the State of New Hampshire. We are deeply grateful for the complimentary statements which you made concerning our work.

Mr. WYMAN. Thank you.

Mr. MOULDER. As long as we have public officials such as yourself holding the high office you have in our great Nation, we will have no fear of preserving our American way of life, and I know that greater duties probably await you in the future, for a man of your capabilities and what you have done for your country. Thank you very much, sir.

Mr. WYMAN. Thank you, sir. I hope you know it has been a two-way street. We appreciate the continued cooperation of the staff of this committee at all times and over the years.

Mr. MOULDER. Thank you very much.

Mr. WYMAN. Thank you.

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

(Brief recess.)

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

Mr. MOULDER. The committee will be in order.

Call your next witness, Mr. Arens.

Mr. ARENS. If you please, Mr. Chairman, Mr. Sidney Ravden.

Kindly come forward and remain standing while the chairman administers an oath to you.

Mr. MOULDER. Will you hold up your right hand and be sworn, please?

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

Mr. RAVDEN. I do.

TESTIMONY OF SIDNEY RAVDEN, ACCOMPANIED BY COUNSEL, GABRIEL KANTROVITZ

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

Mr. RAVDEN. My name is Sidney Ravden, 36 Crawford Street, Roxbury, Massachusetts, and I am a helper.

Mr. ARENS. I didn't get the last.

Mr. RAVDEN. I am a helper. H-e-l-p-e-r.

Mr. ARENS. In what occupation, please?

Mr. RAVDEN. Structural line.

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

Mr. RAVDEN. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. RAVDEN. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. KANTROVITZ. Gabriel Kantrovitz, 294 Washington Street, Boston.

Mr. ARENS. How long have you lived in Roxbury, Massachusetts, Mr. Ravden?

Mr. RAVDEN. Approximately forty some odd years.

Mr. ARENS. Do you know a man by the name of James Glatis?

Mr. RAVDEN. On the advice of my counsel I respectfully decline to answer the question on the following grounds, one—

Mr. ARENS. You are reading now from a prepared statement?

Mr. RAVDEN. I am reading from a prepared statement, yes, sir.

One, because it is directed towards a compulsory disclosure of my political beliefs and associations under the first amendment of the Constitution, because the resolution creating this committee is unconstitutionally vague, because this inquiry is outside the committee's jurisdiction, as jurisdiction is defined in the resolution creating it; the question is not pertinent to any subject within the committee's jurisdiction. Under the terms of the Watkins decision an investigation into my political activities can be proper only when there is a specific resolution of Congress directing such an investigation if indeed it can be proper under any circumstances. The investigation involves exposure for exposure's sake because this investigation is injurious to American democracy and impinges on the free intercourse of ideas and associations of all citizens.

Mr. ARENS. Mr. Ravden, I should like to display to you a number of photostatic copies of checks which have come into the custody, by proper means, of this committee.

First is a check payable to the Daily Worker. The check is dated January 21, 1955, and the signature on the check, the maker of the check, is Sidney Ravden, R-a-v-d-e-n, 36 Crawford Street, Roxbury, Massachusetts.

Kindly look at that check, as I display it to you, and see if you would not accommodate the Committee on Un-American Activities by verifying the authenticity of that signature.

(Document handed to witness.)

Mr. RAVDEN. I respectfully decline to answer that question, sir.

Mr. ARENS. Is that your signature on that check, sir?

Mr. RAVDEN. I respectfully decline to answer that question, sir.

Mr. ARENS. I display to you now, Mr. Ravden, a series of photostatic copies of checks aggregating over \$1,000 payable to the Publishers New Press, Incorporated, all drawn by Sidney Ravden. The endorsements on the check indicate that the Publishers New Press is the publisher of the Daily Worker and of The Worker. The endorsements so indicate.

Kindly accommodate us, if you please, sir, by examining each of these several checks, with the end in view of verifying the authenticity of the signatures.

(At this point Mr. Kearney entered the hearing room.)

(Documents handed to witness.)

Mr. MOULDER. Do you want to have them marked now as exhibits?

Mr. ARENS. After he has completed his examination, Mr. Chairman, it is my intention to have them en banc marked as one exhibit.

Mr. MOULDER. Very well.

Mr. ARENS. Those checks you will observe, Mr. Ravden, cover a period of approximately two, two and a half years.

Mr. RAVDEN. I respectfully decline to answer the question, sir.

Mr. ARENS. Why?

Mr. RAVDEN. On the grounds that I have just stated, because it is compulsory disclosure of my political beliefs and associations on the first amendment to the Constitution, because the resolution creating this committee is unconstitutionally vague, because this inquiry is outside the committee's jurisdiction as that jurisdiction is defined in the resolution creating it, that the question is not pertinent to any subject within the committee's jurisdiction under the terms of the

Watkins decision, and investigation into my political activities can be proper only when there is a specific resolution of Congress creating such an investigation, if indeed, it can be proper under any circumstances; the investigation involves exposure for exposure's sake because this investigation is injurious to American democracy and impinges on the free intercourse of ideas and associations of all citizens.

Mr. ARENS. Are you, Mr. Ravden, invoking those provisions of the fifth amendment which endow you with the privilege of not giving testimony which could incriminate you?

(The witness conferred with his counsel.)

Mr. RAVDEN. I am talking about the first amendment here.

Mr. ARENS. Kindly answer the question. Are you invoking those provisions of the fifth amendment which endow you with the privilege of not incriminating yourself?

(The witness conferred with his counsel.)

Mr. ARENS (continuing). If not, it is my intention to ask the chairman to direct you to answer the question.

Mr. RAVDEN. I have just invoked these here specific answers to the first amendment, sir.

Mr. ARENS. Let it be clear, then, in the record, so that there may be no ambiguity whatsoever in the record.

Mr. RAVDEN. On the first amendment.

Mr. ARENS. Do you honestly apprehend, sir, that if you answered the question as to whether or not the documents which I have displayed to you bear a true and correct signature of yourself, you would be supplying information which might be used against you in a criminal proceeding?

Now, please, answer that precise question so there can be no ambiguity in this record.

(The witness conferred with his counsel.)

Mr. RAVDEN. I haven't reached that point yet, sir. I have been talking about the first amendment.

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

Mr. MOULDER. The witness is so directed. You are ordered and directed to answer the question.

(The witness conferred with his counsel.)

Mr. RAVDEN. I believe that Congressman Doyle in talking to the Attorney General that just was here admitted that the Watkins decision has been getting them into trouble and I am specifically talking about the Watkins decision at this particular time.

Mr. ARENS. Would you tell us whether or not you are invoking those provisions of the fifth amendment which endow you with the privilege of not giving testimony which would incriminate you?

(The witness conferred with his counsel.)

Mr. RAVDEN. I believe I can rely on the first amendment. I also invoke the fifth amendment, which gives me protection against any tendency to incriminate myself.

Mr. ARENS. Do you honestly apprehend, sir, if you told this committee while you were under oath whether or not these are your signatures on these various documents you would be supplying in-

formation which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. RAVDEN. I invoke, sir, the privilege under the fifth amendment.

Mr. ARENS. Now, Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question. The question is posed with the sole and exclusive reason of testing this witness' good faith in invoking the fifth amendment. And I also call anyone's attention, who reads this record, to the fact that the witness has at least for 5 minutes, of course, been attempting to avoid the taking of the fifth amendment.

Mr. MOULDER. That is correct.

The witness is ordered and directed to answer the question. In fact, your response was not a response to the question.

Mr. RAVDEN. Despite my innocence, an honest answer may have a tendency to incriminate me.

Mr. ARENS. Are you innocent of affixing your signature to the various documents which I have just displayed to you?

(The witness conferred with his counsel.)

Mr. RAVDEN. The same privileges.

Mr. MOULDER. You claim the same privileges?

Mr. RAVDEN. Yes, sir.

Mr. MOULDER. Under the fifth amendment?

Mr. RAVDEN. Yes, sir; under the first and fifth amendments.

Mr. ARENS. I put it to you as a fact, sir, based upon careful investigation by the investigative staff of this committee, that these are your signatures on these documents, these checks, which I have just displayed to you, and I ask you now while you are under oath to kindly affirm or deny that assertion.

(The witness conferred with his counsel.)

Mr. RAVDEN. I respectfully decline to answer this question on the basis of the first and the fifth amendments.

Mr. ARENS. Would you accommodate the Committee on Un-American Activities by submitting now a copy of your signature, so that the Committee on Un-American Activities may make a comparison of your present signature with the signature which appears on these various checks?

(The witness conferred with his counsel.)

Mr. RAVDEN. This is not a court of law, and I respectfully decline on the basis of the first and fifth amendments.

Mr. DOYLE. May I inquire, Mr. Arens, are those copies of bank checks from a Boston bank?

Mr. ARENS. Yes, sir.

Mr. DOYLE. And charged to his account?

Mr. ARENS. Yes, sir.

Mr. DOYLE. And paid by the paying bank over his signature?

Mr. ARENS. Yes, sir.

Mr. DOYLE. All right.

Mr. ARENS. Mr. Chairman, I respectfully suggest that these checks in toto be marked as a Ravden exhibit and incorporated by reference in this record.

Mr. MOULDER. All of the documents referred to by counsel will be so marked in toto.

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

Mr. MOULDER. May I inquire in connection with those exhibits what is the total amount involved?

Mr. ARENS. It is over \$1,000. I don't have the item right before me at the moment, Mr. Chairman.

May I proceed, Mr. Chairman?

Mr. MOULDER. Proceed.

Mr. ARENS. Kindly tell the Committee on Un-American Activities and the people hearing your testimony here, if you please, sir, what you have done in the course of the last few years to promote freedom of the press, a very laudable objective. What have you done now toward promoting freedom of the press in this vicinity?

Mr. RAVDEN. I respectfully decline to answer that question, sir, on the basis of the first and the fifth amendments.

Mr. ARENS. Do you honestly apprehend that if you told the Committee on Un-American Activities in this public session what you, Sidney Ravden, have done to promote freedom of the press you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. RAVDEN. Judge Cardozo said that the fifth amendment is a barrier between the Government and the individual. In that respect—

Mr. KEARNEY. Are you reading now?

Mr. RAVDEN. Beg your pardon?

Mr. KEARNEY. Are you now reading a statement?

Mr. RAVDEN. No. I am just repeating what my counsel told me. And I am thus protecting the freedom of the press.

Mr. KEARNEY. Do you think you are protecting the freedom of the press now?

(The witness conferred with his counsel.)

Mr. RAVDEN. And I also am by invoking the fifth amendment.

Mr. KEARNEY. By invoking the fifth amendment now you are protecting the freedom of the press?

Mr. RAVDEN. That is right.

Mr. ARENS. Now, sir, tell us what else you have done in the course of the last 5 years to protect the freedom of the press. You have opened the door to this area of inquiry, let the record show, and I now insist on you telling this committee what else you have done to protect the freedom of the press in the course of the last 5 years.

(The witness conferred with his counsel.)

Mr. RAVDEN. I say for the reasons I have previously stated I respectfully decline to answer the question on the ground of the first and the fifth amendments.

Mr. ARENS. Mr. Chairman, I respectfully suggest that under the law this witness has now waived the right of precluding inquiry with respect to his activities promoting freedom of the press by opening the door himself, and I therefore respectfully suggest that the chairman now order and direct the witness to answer the question as to what he has done in the course of the last 5 years in this general vicinity to promote in his manner, in his way, the freedom of the press.

Mr. MOULDER. The Chair does order and direct the witness to answer the question.

Mr. RAVDEN. I respectfully decline to answer that question on the basis of the first and fifth amendments.

Mr. ARENS. For the purpose of refreshing your recollection, Mr. Witness, I should like to lay before you a photostatic reproduction of a document dated November 5, 1953, from the Boston Conservatory Auditorium, in which an agreement is entered into, according to the document, between the Boston Conservatory of Music and the Freedom of the Press Committee, Mr. S. Ravden, manager, 36 Crawford Street, Roxbury, Mass., and signed Sidney Ravden, secretary, for the purpose of an assembly which was to take place there. According to this contract of agreement, a consideration of \$100 passed for the purpose of renting the Boston Conservatory Auditorium on January 30, 1954.

Kindly look at this document and see if that refreshes your recollection with reference to the facts and circumstances which I have just recited.

(Document handed to the witness.)

(The witness conferred with his counsel.)

Mr. RAVDEN. I respectfully decline to answer the question on the basis of the first and fifth amendments.

Mr. ARENS. Is the Freedom of the Press Committee an organization controlled by the Communist conspiracy?

Mr. RAVDEN. I respectfully decline to answer this question on the basis of the first and fifth amendment.

Mr. ARENS. Do you know a man by the name of Armando Penha?

Mr. RAVDEN. I respectfully decline to answer this question on the basis of the first and fifth amendment.

Mr. ARENS. Armando Penha has advised us that while he was an undercover agent in the Communist conspiracy undertaking to develop information for the protection of this Nation, he knew you, Sidney Ravden, as a Communist, active in propaganda activities of the Communist conspiracy. You now, sir, have the opportunity, while you are under oath, to deny that serious allegation respecting yourself.

Do you care to avail yourself of that privilege?

Mr. RAVDEN. I respectfully decline to answer this question, sir, on the basis of the first and the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the photostatic copy of the last document which I just displayed to the witness be appropriately marked and incorporated by reference in this record.

Mr. MOULDER. The document will be so marked as Exhibit No. 2.

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

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

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

Mr. DOYLE. No, sir, I have no questions.

Mr. MOULDER. Have you any questions, Mr. Kearney?

Mr. KEARNEY. I have no questions.

Mr. MOULDER. Do you have any questions, Mr. McIntosh?

Mr. MCINTOSH. No, I have no questions.

Mr. MOULDER. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be David Murray Fein.

Kindly come forward.

Remain standing while the chairman administers an oath to you.

Mr. MOULDER. Hold up your right hand, please.

Do you solemnly swear the testimony you are about to give before this Committee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FEIN. I do, sir.

**TESTIMONY OF DAVID MURRAY FEIN¹ (FINE), ACCOMPANIED BY
COUNSEL, HOWARD S. WHITESIDE**

Mr. FEIN. Mr. Chairman, before we start I wish to object to all these pictures taking. Now, this is disobeying your own rule.

Mr. MOULDER. The photographers at the request of the witness will refrain from taking any photographs during the course of the hearing while the witness is testifying, and I also ask that the lights be turned off.

Mr. FEIN. There are two further questions that I would like to have clarified before we start, gentlemen, and that is that I would like to know now under what congressional or committee authorization this subcommittee is operating, and, secondly, I would like to obtain a clear delineation now of the scope of this investigation.

Mr. ARENS. I should be very glad to attempt to accommodate you, sir. First you have to submit yourself to an oath. Have you done that, sir?

Mr. FEIN. Yes, indeed.

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

Mr. FEIN. O. K., sir. My name is David Murray Fein. I live in Henniker, New Hampshire.

Mr. ARENS. And for the purpose of identification, have you gone by any other name?

Mr. FEIN. Not as I recall.

Mr. ARENS. Have you ever gone under the name of Moses Fine or Moses Fein?

(The witness conferred with his counsel.)

Mr. FEIN. The point in that connection is the fact that my parents gave the wrong name at my birth and the fact in the census of 1910, if you wish to find—

Mr. ARENS. It was solely and exclusively for the purpose of identification, sir, that I asked if you had gone by any other name.

Mr. FEIN. No. I was always known—

Mr. ARENS. Specifically if you have gone under the name of Moses Fine or Fein?

Mr. FEIN. No.

Mr. ARENS. All right, sir.

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

Mr. FEIN. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. FEIN. Yes, sir.

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

Mr. WHITESIDE. My name is Howard S. Whiteside, with offices at 30 State Street, Boston.

¹ Voucher for witness fee signed David M. "Fein."

Mr. ARENS. Now, sir, in response to your interrogation or question, which you pose, Public Law 601 of the 79th Congress—

Mr. FEIN. Just a minute, please.

Mr. ARENS. —establishes the Committee on Un-American Activities and its jurisdiction. Among other provisions of Public Law 601 the Committee on Un-American Activities is to exercise a continuous watchfulness over the execution by the administrative agencies concerned of any laws the subject matter of which is within the jurisdiction of this committee.

Within the jurisdiction of this committee is the Internal Security Act of 1950, which has numerous provisions relating to Communists, Communist activities, and Communist propaganda.

Another law which is within the jurisdiction of this committee is the Communist Control Act of 1954 which has numerous provisions relating to the operation and control of the Communist Party.

Still another act is the Foreign Agents Registration Act.

Still other acts are numerous criminal statutes.

And there is now pending before the Committee on Un-American Activities H. R. 9937.

For the purpose of enabling this Committee on Un-American Activities to better exercise judgment upon the administration of the present laws, to determine whether or not the present laws need amending, strengthening, or changing, to determine whether or not new legislation or remedial legislation is needed, the Committee on Un-American Activities is holding public hearings.

It is our understanding that you, sir, do have some information which might be helpful to this committee in the general fund of information it is accumulating for the purpose I have just stated. Kindly tell this committee where and when you were born.

Mr. FEIN. Just one moment, sir.

(The witness conferred with his counsel.)

Mr. FEIN. Well, there are two questions, further, that I would like to ask, which you have not at all answered or given to me. And that is what is the purpose of this investigation? And you have not as yet given me the authorization for this subcommittee.

Mr. ARENS. Yes; I shall give you the authorization.

Mr. FEIN. All right, sir.

Mr. ARENS. I think I have given you the purpose, sir.

Under date of January 15, 1958, the Committee on Un-American Activities met in executive session in Washington, D. C., and authorized these hearings by a specific resolution.

At the time a motion was made by Mr. Scherer, of Ohio, a member of this committee, seconded by Mr. Willis, of Louisiana, a member of this committee, and it was unanimously carried, after a quorum being present, authorizing the holding of this particular series of hearings for this purpose:

1. The extent, character, and objects of Communist infiltration and Communist Party propaganda activities in the textile and other basic industries,—

Mr. FEIN. Not so fast, then.

Mr. ARENS. I will give you a copy of it in just a moment.

Mr. FEIN. I would like to make notes.

Mr. ARENS (continuing) :

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 Sec. 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, U. S. C., 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.

Now, sir, kindly answer the principal outstanding question.

Mr. FEIN. Which is? Would you mind repeating that question, sir? I am sorry. I lost the thread of the question. Would you ask it, I mean, again?

Mr. ARENS. Where are you employed?

Mr. FEIN. Oh. I am employed by Lowell Technological Institute. I am an instructor there in physics and mathematics.

Mr. ARENS. How long have you been so employed?

Mr. FEIN. Two years, approximately, sir.

Mr. ARENS. Where and when were you born?

Mr. FEIN. New York City, sir.

Mr. ARENS. When?

Mr. FEIN. 1909.

Mr. ARENS. Please give us, if you will be good enough to do so, a word about your education.

Mr. FEIN. Well, I am a graduate of Columbia University, with a Master's Degree.

Mr. ARENS. And when, please, sir?

Mr. FEIN. A Baccalaureate Degree.

Mr. ARENS. I beg your pardon.

Mr. FEIN. A Baccalaureate Degree.

Mr. ARENS. When, please, sir?

Mr. FEIN. Well, 1937 for the Baccalaureate Degree; 1947 for a Baccalaureate Degree in Electrical Engineering; and a Master's Degree in 1952, I think.

Mr. ARENS. Did that complete your formal education?

Mr. FEIN. Well, it hasn't completed my formal education yet.

Mr. ARENS. Are you still pursuing a course of study?

Mr. FEIN. Yes, sir.

Mr. ARENS. And what course of study are you pursuing, and where, sir?

Mr. FEIN. At B. U., Boston University.

Mr. ARENS. And what course are you pursuing there?

Mr. FEIN. Physics. I am trying to obtain a doctorate in Physics.

Mr. ARENS. Kindly tell us, if you will be good enough to do so, the principal employments you have had since adulthood. I don't mean part-time incidental employment, just the principal employments.

Mr. FEIN. I have been teaching for the past five years, all told, and prior to that I have been in the optical field as an optometrist, which is about the major part of my life.

Mr. ARENS. Then, if you please, sir, let's start with the optometry field. Where were you engaged in the optometry field?

Mr. FEIN. In New York City.

Mr. ARENS. And for a private business firm?

Mr. FEIN. I was engaged, yes, partly that and partly my own.

Mr. ARENS. Over what period of time?

Mr. FEIN. That is going back some time.

Mr. ARENS. Your best recollection. We will not hold you to the dates, too closely.

Mr. FEIN. You mean this period?

Mr. ARENS. Your best recollection as to the approximate time in which you were engaged in the optometry field.

Mr. FEIN. About fifteen years, I guess. Maybe take out—approximately fifteen years, say.

Mr. ARENS. You were then living in New York City?

Mr. FEIN. Yes.

Mr. ARENS. What was your address in New York City, please, sir?

(The witness conferred with his counsel.)

Mr. FEIN. I come to the point now where I don't think we ought to pursue this line of questioning any further. I think that has gone now beyond the time during which I wish to talk about.

Mr. ARENS. You might explain a little bit there for us, please, sir, so we understand one another.

(The witness conferred with his counsel.)

Mr. FEIN. For the past 5 years I have been living—

Mr. ARENS. No.

Mr. FEIN. I know that.

Mr. ARENS. Kindly respond to the question sir. Where did you live in New York City when you were engaged in optometry?

Mr. FEIN. I am going to answer that question in this particular way. I am going to say now that for the past 5 years I have been living in New Hampshire, that I am prepared now to discuss my life in New England for and during these past 5 years, and I think an-

swering questions beyond that period is not relevant to this particular investigation.

Mr. ARENS. Would you like to have me explain the relevancy—

Mr. FEIN. Yes.

Mr. ARENS. And the pertinency?

Mr. FEIN. Yes.

Mr. ARENS. We have information, sir, which I think I can best portray to you by exhibiting this document, indicating that you, while living at 1306 Chisholm Street in the Bronx, signed a Communist Party nominating petition. Do you have a recollection of that?

(The witness conferred with his counsel.)

Mr. FEIN. I am not going into that period.

Mr. ARENS. I should, if you please, sir, like to display to you a photostatic copy of a nominating petition—Independent Nominating Petition—Communist Party, to which the signature of one David Fein, 1306 Chisholm Street, Borough of Bronx, New York, is affixed, for the purpose of nominating Isidore Begun on the Communist Party ticket for Representative in Congress from the Twenty-Third Congressional District of New York State.

Kindly look at this document and please, sir, tell us whether or not you can verify the authenticity of the signature there, David Fein—the fourth line down.

(Document handed to the witness.)

(The witness conferred with his counsel.)

Mr. FEIN. I might point out that the date on this document is September 1940 and I said I will not go back any further than five years.

Mr. ARENS. Kindly look at something else in the document. Kindly point to the fourth line where the name David Fein appears and tell us whether or not that is your signature.

(The witness conferred with his counsel.)

Mr. FEIN. I am not going into it, sir.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness either answer the question or be obliged to invoke those provisions of the fifth amendment which endow him with the privilege of not giving testimony which could be used against him in a criminal proceeding.

Mr. MOULDER. The witness is ordered and directed to answer the question as to whether or not the photostatic copy of the signature appearing upon the document is a true and correct copy of your signature.

(The witness conferred with his counsel.)

Mr. FEIN. I shall invoke the fifth. I shall invoke the fifth amendment.

Mr. ARENS. You invoke those parts of the fifth amendment which endow you with the privilege of not incriminating yourself?

Mr. FEIN. That is right.

Mr. ARENS. I display to you, if you please, sir, a photostatic copy of another nominating petition of the Communist Party, in which the signature of David Fein appears at a little later date, in which one Mary Himoff, according to the document, is a candidate for the State Senate of New York on the Communist Party ticket, and we observe the name here the signature of one, David Fein.

Kindly look at this document and accommodate us, if you please, sir, by telling us whether or not that signature, David Fein, is a true and correct reproduction of your signature.

(The witness conferred with his counsel.)

Mr. FEIN. Again I might point out that the date here is 1940. It is beyond the time during which I wish to talk about anything about myself. It is not pertinent to the present investigation and besides that I invoke the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that each of the last two documents be appropriately marked and incorporated by reference in this record.

Mr. MOULDER. The documents referred to by counsel will be so marked.

(Documents marked "Fein Exhibits Nos. 1 and 2," respectively, and retained in committee files.)

Mr. ARENS. Did you in 1940 live at 1306 Chisholm Street?

Mr. FEIN. This is not pertinent to the investigation, and I don't see why I need to answer that.

Mr. ARENS. Is that the only reason you are giving in response to my question?

(The witness conferred with his counsel.)

Mr. FEIN. I decline on the same grounds as previously.

Mr. ARENS. Now, I should like to display to you, if you please, sir, a third document, a photostatic copy of a Communist Party nominating petition some two years later, 1942, in which the signature of David Fein appears, nominating, among others, Elizabeth Gurley Flynn for Congress, Israel Amter for Governor, Benjamin J. Davis, Jr., for Attorney General, etc. The address of David Fein at this time is given as 593 Amsterdam Avenue, Manhattan, New York.

Kindly look at that document and accommodate us, if you please, sir, by telling us whether or not that is a true and correct copy of your signature.

(Document handed to the witness.)

(The witness conferred with his counsel.)

Mr. FEIN. I decline on the same grounds. It is in the year 1942.

(Document marked "Fein Exhibit No. 3" and retained in committee files.)

Mr. ARENS. Were you a member of the Communist Party at the time you signed these documents?

(The witness conferred with his counsel.)

Mr. FEIN. I decline on the same grounds.

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

(The witness conferred with his counsel.)

Mr. FEIN. Break up that question into two parts.

Mr. ARENS. Very glad to do so.

Mr. FEIN. Yes.

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

(The witness conferred with his counsel.)

Mr. FEIN. The answer is no.

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

Mr. FEIN. The answer is I decline.

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

Mr. FEIN. No.

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

Mr. FEIN. I decline to answer.

Mr. ARENS. Were you a member of the Communist Party five and a half years ago?

Mr. FEIN. I decline to answer that question.

Mr. ARENS. Were you a member of the Communist Party January of 1953?

(The witness conferred with his counsel.)

Mr. FEIN. I decline.

Mr. ARENS. Were you a member of the Communist Party February 1953?

Mr. FEIN. I decline.

Mr. ARENS. After which date can you assert, while you are under oath, that you were not a member of the Communist Party?

(The witness conferred with counsel.)

Mr. FEIN. I decline to answer that question.

Mr. ARENS. Then we will do it the hard way.

Were you a member of the Communist Party in March 1953?

(The witness conferred with his counsel.)

Mr. FEIN. I have been living in New Hampshire since about approximately September of 1953, and I am prepared to talk about myself since that time but not prior to that time.

Mr. ARENS. Were you a member of the Communist Party in August 1953?

Mr. FEIN. I decline.

Mr. ARENS. Have you ever resigned from the Communist Party?

(The witness conferred with his counsel.)

Mr. FEIN. I decline to answer.

Mr. ARENS. Have you at any time since August 1953 been under Communist Party discipline though not a technical member of the apparatus?

(The witness conferred with his counsel.)

Mr. FEIN. No, sir.

Mr. ARENS. Have you ever been expelled from the Communist Party?

(The witness conferred with his counsel.)

Mr. FEIN. I decline.

Mr. ARENS. Have you contributed any money to the Communist Party since August 1953?

Mr. FEIN. No, sir.

Mr. ARENS. Are you now against the Communist Party?

Mr. FEIN. That is an opinion that I do not wish to discuss.

Mr. ARENS. Have you taken any steps, affirmative steps, in undertaking to combat the Communist Party since 1953?

(The witness conferred with his counsel.)

Mr. FEIN. That is a matter of private business into which—

Mr. ARENS. I will rephrase the question so that there will be no question about it.

Have you taken any overt acts against the Communist Party since August of 1953?

(The witness conferred with his counsel.)

Mr. FEIN. This is still part of my private affair and still not within the scope of this hearing today.

Mr. ARENS. Mr. Chairman, I respectfully suggest now the witness be ordered and directed to answer that question. The record is abun-

dantly clear. I have not been asking for any exercise of opinion, appraisal, or judgment; I have asked him only with respect to overt acts since August of 1953.

Mr. MOULDER. The committee orders and directs the witness to answer the question.

(The witness conferred with his counsel.)

Mr. FEIN. I don't recollect whether I have or not.

Mr. KEARNEY. What was that answer?

Mr. ARENS. He doesn't recollect.

Were you a member of the Communist Party at any time during your undergraduate work?

(The witness conferred with his counsel.)

Mr. FEIN. I decline.

Mr. ARENS. Have you ever served in the Armed Forces of the United States?

Mr. FEIN. Yes, sir.

Mr. ARENS. Over what period of time?

Mr. FEIN. Approximately 2 years.

Mr. ARENS. When?

Mr. FEIN. January 1944 to December 1945.

Mr. ARENS. During the period of time that you were in the Armed Forces of the United States, were you a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. FEIN. I decline.

Mr. ARENS. Why?

(The witness conferred with his counsel.)

Mr. FEIN. On the grounds of the fifth amendment.

Mr. ARENS. Do you presently, sir, have information respecting persons who in the course of the last 5 or 6 years, to your certain knowledge, have been members of the Communist Party in the New England area?

(The witness conferred with his counsel.)

Mr. FEIN. I decline.

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

Mr. MOULDER. Mr. Kearney is recognized.

Mr. KEARNEY. After your service in the Armed Forces of the United States, did you go to school under the GI Bill of Rights?

Mr. FEIN. Yes, sir.

Mr. KEARNEY. The reason I ask you that question is because of your declination to answer as to whether or not you were a member of the Communist Party while you were in the Armed Forces. I offered several amendments to prevent members of the Communist Party from obtaining an education under that bill, and I will say that I am proud to have been one of the authors of it. If I had my way no members of the Communist Party would have been educated under that bill.

Mr. DOYLE. I think it is fair to let the witness know that the gentleman who just asked you that question is the Past National Commander of the Veterans of Foreign Wars of the United States of America, Mr. Kearney.

Mr. ARENS. Will you now furnish in public testimony before the Committee on Un-American Activities so that this committee may recommend legislation to protect this country, under whose flag you

have protection, such information as you may possess respecting Communists, Communist Party activities, to your certain knowledge in the course of the last five or six years?

(The witness conferred with his counsel.)

Mr. FEIN. I know nothing about Communist activities within the last five years, and prior to that I have declined to answer.

Mr. ARENS. Have you taught any place other than at the school where you are presently engaged, the Lowell Technological Institute?

Mr. FEIN. Yes, sir.

Mr. ARENS. Where did you teach?

Mr. FEIN. New England College.

Mr. ARENS. And when did you teach there?

Mr. FEIN. From about 1953 to 1956, thereabouts, sir.

Mr. ARENS. Have you taught at any other college?

Mr. FEIN. No, sir.

Mr. ARENS. What courses did you teach? Could you please tell us that, sir?

Mr. FEIN. Physics, mathematics, a course in electrical engineering.

Mr. ARENS. Have you ever been a member of the International Workers Order?

Mr. FEIN. I decline on the grounds of the fifth amendment.

Mr. ARENS. Do you know whether the International Workers Order is still functioning?

(The witness conferred with his counsel.)

Mr. FEIN. I don't know whether it is still functioning or not.

Mr. ARENS. Did you ever have any information regarding the leadership of the International Workers Order?

Mr. FEIN. I do not.

Mr. ARENS. Were you at any time a member of the International Workers Order?

Mr. FEIN. No.

Mr. ARENS. If the Committee on Un-American Activities should initiate proceedings whereby you would be granted immunity from criminal prosecution based upon any testimony you would give to this committee respecting communism or Communists, and if those proceedings should become consummated so you would be granted the immunity, would you then fully and freely disclose to this committee of the United States Congress such information which you possess or might possess respecting communism and Communists?

(The witness conferred with his counsel.)

Mr. FEIN. That, sir, is a question I can't tell. It would have to depend on the circumstances surrounding the given situation. As you understand a physicist is that way.

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. Since August 1953 have you attended any meetings or groups, large or small in number—

Mr. FEIN. I have not, sir.

Mr. DOYLE. I haven't finished my question yet, Professor—in which you knew there were other members of the Communist Party present?

Mr. FEIN. Would you mind repeating that? I am a bit confused.

Mr. DOYLE. Since August 1953, have you attended group meetings, either large or small numerically, in which you knew there were personally present Communists, known to you to be Communists at the time?

(The witness conferred with his counsel.)

Mr. FEIN. No, sir.

Mr. DOYLE. That is all.

Mr. MOULDER. General Kearney, have you any questions?

Mr. KEARNEY. I have no questions.

Mr. MOULDER. Mr. McIntosh?

Mr. MCINTOSH. I have no questions.

Mr. MOULDER. I have only one question to ask you.

Mr. FEIN. Yes, sir.

Mr. MOULDER. That is whether or not you favor and support the philosophy and objectives of the Communist Party.

Mr. FEIN. That, sir, is a speculative question. You are asking me an opinion. I don't choose to go into any discussion of these opinions.

Mr. MOULDER. Do you favor or oppose the objectives of the Soviet Union in its undertaking, its future objective of dominating and controlling the people of the world by slavery of communism?

Mr. FEIN. I do not.

Mr. MOULDER. You do not favor that?

Mr. FEIN. That is right. I do not favor that.

Mr. MCINTOSH. What is so obvious about that?

Mr. FEIN. Well, I still think I am an American. I still owe allegiance to this country.

Mr. MCINTOSH. Do you really think we should recognize that as an obvious answer on your part?

(The witness conferred with his counsel.)

Mr. FEIN. Well, I don't think I would like to pursue that any further. I will leave that up to the committee.

Mr. MOULDER. Maybe I didn't make my question so clear.

Would you prefer the form of government that we live under to that of the form of government of the Soviet Union?

(The witness conferred with his counsel.)

Mr. FEIN. That, sir, is a matter of private opinion into which I don't have to go into.

Mr. MOULDER. Then you are declining to answer for what reason?

Mr. FEIN. I beg pardon? I didn't get the question.

Mr. MOULDER. You say you decline to answer?

Mr. FEIN. Well, it is a speculative question, sir.

Mr. MOULDER. It is a very simple question. Would you prefer the Soviet Union form of government to be substituted in lieu of the form of government that we now enjoy in our country?

(The witness conferred with his counsel.)

Mr. FEIN. No.

Mr. MOULDER. Thank you.

Proceed, Mr. Doyle.

Mr. DOYLE. May I ask one more question?

You impress me as a person who had a wonderful educational advantage and benefit.

Mr. FEIN. Thank you, sir.

MR. DOYLE. Why don't you help us by going back prior to August 1953 and helping us to learn what you can tell us about how the Communist Party operates in infiltrating and trying to get control of groups or operating in educational circles? I know what the law is. I am not expected, as a matter of law, to draw any legal inference by reason of your answer that you made restricting yourself to August 1953. But at the same time I know you expect me as one man to another to comprehend that prior to August 1953 there was a period of years when you did have, did gain information which would help us in our responsibilities.

Why don't you help us as much as you can instead of pulling that curtain down at that point?

(The witness conferred with his counsel.)

MR. FEIN. Sir, if I knew of anyone who had done wrong, who had tried to perform any act inimicable to these United States, I would have been the first man to inform, I think, on that.

MR. DOYLE. I am not insinuating or inferring that you did or anyone did in your presence. I do recognize that for a term of years you have been in possibly a very sensitive vocation. You are getting more into a sensitive area, I take it.

I am on the Armed Services Committee so I know a little bit about that subject.

But I am aware as man to man that there was a period prior to August 1953 in which you had some contacts with some people about whom you don't want to speak and give any information to your own Congress. I assume for the purposes of this question that I am not entirely in error from what record we have about you that it was in connection with some people you knew about as Communists.

Now, what did they do in their activity prior to August 1953? I am not insinuating that you were trying to bring on a forceful revolution, nor am I assuming that those that you knew in the Communist Party were also trying to bring on a forceful revolution. But how did they infiltrate, how did they organize, how did they function? Even in the Armed Forces—— You might have known some men who were in uniform, you see.

Is that a fair statement to you? Why don't you help us?

(The witness conferred with his counsel.)

MR. FEIN. I am sorry, sir, but I have declined previously to answer any questions in that area and I must respectfully submit——

MR. DOYLE. I hope you will come to the time when the interests of your own Nation become more important than your own personal privilege.

MR. MOULDER. The witness is excused.

MR. ARENS. Mr. Chairman, before calling the next witness, may I make an announcement?

Yesterday a Mr. Charles Newell was identified by Mr. Penha as a person known by him to be a Communist. For the purpose of further clarification I want to make the record clear that the Charles Newell who was identified as a Communist is a person who has been a UE organizer and is presently on the West Coast. It is our information that there is another Charles Newell presently living in this community, N-e-w-e-l-l, of the same name, who is not to be confused with the Charles Newell who was identified yesterday as a Communist.

Now, Mr. Chairman, if you please, with the pleasure of the committee, I should like to call the next witness, Mr. Manuel Cordeiro.

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 committee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CORDEIRO. I do.

**TESTIMONY OF MANUEL CORDEIRO, JR., ACCOMPANIED BY
COUNSEL, GABRIEL KANTROVITZ**

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

Mr. CORDEIRO. Manuel Cordeiro, Jr., 234 Vermont Avenue, West Roxbury. I am a clerk-typist.

Mr. ARENS. Where, please, sir?

Mr. CORDEIRO. D. C. Andrews and Company, here in Boston.

Mr. ARENS. Give us a word of the nature of the occupation as a clerk-typist. What does the company do?

Mr. CORDEIRO. My company is an export firm.

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. CORDEIRO. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. CORDEIRO. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. KANTROVITZ. Gabriel Kantrovitz, 294 Washington Street, Boston.

Mr. ARENS. How long have you been so employed?

Mr. CORDEIRO. I have been at D. C. Andrews for about 7 months now.

Mr. MOULDER. Would you speak into the microphone, directly into the microphone? We will be able to hear you better.

Mr. ARENS. And what was your employment immediately preceding your present employment?

Mr. CORDEIRO. I worked at the Colonial Tanning Company for about 3 years.

Mr. ARENS. In what capacity?

Mr. CORDEIRO. As a clerk-typist in their export department.

Mr. ARENS. Do you know a man by the name of Douglas Perry?

Mr. CORDEIRO. Yes.

Mr. ARENS. Do you know a man by the name of Armando Penha? (The witness conferred with his counsel.)

Mr. CORDEIRO. I respectfully decline to answer that question on the following grounds:

I respectfully decline to answer that question by availing myself of my constitutional privilege as set forth in the first amendment guaranteeing me freedom of associations; my right to do so has been clearly set forth by the Supreme Court in the Watkins decision; in its denunciation of these intrusions into the lives and affairs of private citizens, the Supreme Court has definitely ruled that this committee

has no general authority to expose the private affairs of individuals for the mere purpose of exposure.

Mr. ARENS. You said you know Douglas Perry. How do you know him?

Mr. CORDEIRO. Mr. Perry is married to my cousin.

Mr. ARENS. Do you know him in any other capacity?

(The witness conferred with his counsel.)

Mr. CORDEIRO. I knew Mr. Perry as a union organizer.

Mr. ARENS. Tell us of any other way in which you have known him. I asked how you have known him. Please, sir, tell us the full truth. You took an oath to tell the truth. Tell us the whole truth, how you have known him.

Mr. CORDEIRO. I first met Mr. Perry as a union organizer, and in my associations with him, they were as a union organizer. Then he married my cousin so he became family.

Mr. ARENS. You took an oath to tell the whole truth. Have you told us the whole truth as to how you have known Douglas Perry?

(The witness conferred with his counsel.)

Mr. CORDEIRO. Would you kindly restate that question again, please?

Mr. ARENS. Yes, sir. The status of the record is this: I asked you if you knew Douglas Perry. You responded you did know him. I asked you in what capacity you have known him. I would like you to tell the whole truth as to how you have known him, the various capacities in which you have known him. Please respond to the question. You told us one capacity was as a union organizer. Now, complete your answer, if you please, sir.

Mr. CORDEIRO. Yes. Well, as to the balance of the question I will have to invoke the first amendment and also the fifth.

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

(The witness conferred with his counsel.)

Mr. CORDEIRO. No, sir.

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

Mr. CORDEIRO. I respectfully decline to answer that question on the grounds previously stated, and also on the fifth amendment protecting myself against self-incrimination.

Mr. ARENS. Were you a member of the Communist Party 1 year ago?

(The witness conferred with his counsel.)

Mr. CORDEIRO. I would prefer to invoke my privileges on that question.

Mr. ARENS. Were you a member of the Communist Party 6 months ago?

(The witness conferred with his counsel.)

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

Mr. ARENS. Were you a member of the Communist Party 6 months ago?

Mr. CORDEIRO. Now——

Mr. ARENS. If you please, sir, may we stay on the point?

Mr. CORDEIRO. Yes.

Mr. ARENS. Were you a member of the Communist Party 6 months ago?

Mr. CORDEIRO. I would like to answer that now. I am not presently a member of the Communist Party and in regard to time I would invoke my privileges.

Mr. ARENS. Have you been a member, and I emphasize the word "member" of the Communist Party any time since the date on which you were served with your subpoena to appear before the Committee on Un-American Activities?

Mr. CORDEIRO. No, sir.

Mr. ARENS. Have you been a member of the Communist Party any time in the course of the last month?

(The witness conferred with his counsel.)

Mr. CORDEIRO. The answer to that is No.

Mr. ARENS. Have you been a member of the Communist Party any time in the course of the last 2 months?

Mr. CORDEIRO. Again, I respectfully give the same answer I did before. I avail myself of my constitutional privileges and I do not wish to go into this monthly-yearly affair.

Mr. ARENS. Are you presently under Communist Party discipline?

Mr. CORDEIRO. Absolutely not.

Mr. ARENS. Have you been under Communist Party discipline any time in the last 3 months?

Mr. CORDEIRO. Absolutely not.

Mr. ARENS. Have you been under Communist Party discipline any time in the course of the last year?

(The witness conferred with his counsel.)

Mr. CORDEIRO. No, sir.

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

Mr. MOULDER. Mr. Doyle?

Mr. DOYLE. Witness, were you a member of the same union, labor local, of which Mr. Perry, who married your cousin, was organizer?

Mr. CORDEIRO. Well, we were in the process of attempting to organize, and we had no local. You understand that. We wouldn't have the local unless the motion was carried.

Mr. DOYLE. But you went with him frequently, did you not, to different meetings, UE meetings, and he married your cousin. You went in the automobile.

Mr. CORDEIRO. I was active in the organizing or the attempting to organize long before Mr. Perry became a member of my family.

Mr. DOYLE. Oh, I see.

Mr. Penha yesterday testified that Mr. Douglas Perry was taking the automobile and going to Communist Party meetings in different parts of the area, and then he would charge the gas and oil expense to go to Communist Party meetings against UE treasury. Did you ever go to any of those meetings where Mr. Perry, well known to you, charged the gas and oil to the union instead of the Communist Party?

(The witness conferred with his counsel.)

Mr. CORDEIRO. I know Mr. Perry is an honest individual and that is as far as I can state for him.

Mr. DOYLE. You say you knew him to be an honest individual?

Mr. CORDEIRO. I know him to be an honest individual.

Mr. DOYLE. Of course, if he did what Mr. Penha said, he wasn't very honest, was he? He was a deliberate cheat of organized union

funds. That is what Communists are in a habit of doing with organized union labor. They get their filthy hands on union money and appropriate it for Communist Party purposes.

Mr. CORDEIRO. Mr. —

Mr. DOYLE. You do not know anything about that?

Mr. CORDEIRO. Mr. Doyle, I have no information into Mr. Perry's life.

Mr. DOYLE. That is probably true.

I want to say to you, young man, you are a fairly young man, I assume from your testimony you are not in the Communist Party now because you used the word "presently" I noticed. That means very recently you are not a member of the Communist Party.

Mr. CORDEIRO. That is true.

Mr. DOYLE. Well, you were in it one time, I am going to assume. Why don't you make up to your country and do something positive in the best interests of your country, something to make up for the time you were in that filthy outfit? Why don't you do something to strengthen the form of your own American Government, to make up for the weakness you contributed to it during the time you were in the Communist Party?

(The witness conferred with his counsel.)

Mr. CORDEIRO. Mr. Doyle.

Mr. DOYLE. Yes. I hoped that would provoke some answer. What is your answer?

Mr. CORDEIRO. As far as serving my country and attempting to serve it in the best of my capacity, I served in the Marine Corps.

Mr. DOYLE. Congratulations.

Mr. CORDEIRO. Thank you. From December 1951 to December—no, let me get these dates right now. December 1951 to December 1953.

Mr. ARENS. Tell the committee, please, sir, if during that period of time when you were in the Marine Corps you were likewise a member of the Communist Party.

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

Mr. ARENS. Yes, sir. Kindly tell the Congressmen whether or not during any of that period of your service in the Marine Corps you were likewise a member of the Communist Party.

Mr. CORDEIRO. No, sir. Now, during my term in the Marine Corps I served it to the best of my ability.

Mr. DOYLE. Good.

Mr. CORDEIRO. And rose to the rank of sergeant.

Mr. DOYLE. Good.

Mr. CORDEIRO. And was honorably released in December 1953.

Mr. DOYLE. Good.

Mr. CORDEIRO. I received a letter of commendation from my commanding officer, which for your information I would like to read into the record.

Mr. ARENS. Do you presently have information respecting persons known by you to be Communists in the last 2 or 3 years—in this vicinity?

Mr. CORDEIRO. May I conclude my answer to Congressman Doyle?

Mr. ARENS. Certainly.

Mr. CORDEIRO. This is a letter I received from my commanding officer.

Mr. DOYLE. What date is it, please?

Mr. CORDEIRO. December 3, 1953.

Mr. DOYLE. That is 5 years ago.

Mr. CORDEIRO (reading):

My dear Mr. Cordeiro: I am writing at this time to express my appreciation of your services while attached to this squadron. Throughout your tour of duty at Cherry Point you performed your duties in an efficient manner and your willingness and cooperation were outstanding.

I want to personally thank you and to offer my thanks for a most excellent job well done.

Mr. ARENS. Have you at any time since you received that letter disgraced the Marine Corps and the United States by joining an organization, or being a part of an organization, dedicated to the overthrow of the Government of the United States by force and violence?

(The witness conferred with his counsel.)

Mr. CORDEIRO. I would never do anything to disgrace the Marine Corps.

Mr. ARENS. More specifically, have you at any time since you received that letter been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. CORDEIRO. In respect to the balance of the question I have to invoke the fifth amendment.

Mr. ARENS. If you gave a truthful answer to that question do you honestly apprehend you might be supplying information that could be used against you in a criminal proceeding?

Mr. CORDEIRO. Well, despite my innocence, sir, I honestly believe that unless I avail myself of my privilege under the fifth amendment I could possibly.

Mr. ARENS. Let us clear up this word "innocence" here. Have you been innocent of membership, affiliation, participation, activity in the Communist conspiracy any time since you received that letter from your commanding officer in the Marine Corps?

(The witness conferred with his counsel.)

Mr. CORDEIRO. I respectfully decline to answer that question, invoking the fifth amendment.

Mr. KEARNEY. Did your commanding officer know at the time he wrote that letter to you that you had been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. CORDEIRO. This letter from my commanding officer is to evaluate my service in the Marine Corps.

Mr. KEARNEY. What date is the letter?

Mr. DOYLE. December 1953.

Mr. CORDEIRO. Yes. December 3, 1953.

Mr. KEARNEY. When you were a member of the United States Marine Corps, were you also a member of the Communist Party?

Mr. CORDEIRO. No, sir.

Mr. KEARNEY. When were you a member of the Communist Party, before or after you joined the Marine Corps?

(The witness conferred with his counsel.)

Mr. CORDEIRO. I will have to respectfully decline to answer your question.

Mr. KEARNEY. I thought so.

Mr. DOYLE. May I just ask you a question? You may not think this is pertinent. Maybe it isn't.

I would suggest that you write your commanding officer who wrote you that beautiful letter of commendation and tell him that you have been asked a question whether or not you were a member of the Communist Party at any time after you were honorably discharged from the Marines and you tell that commanding officer what the truth is. See what he says to you. Do you get my point, young man?

Mr. CORDEIRO. Yes, sir.

Mr. DOYLE. You write your commanding officer and tell him whether or not you were a member of the Communist Party after he sent you this letter and see what he says to you. You tell the truth to him.

Mr. KEARNEY. Is that an order?

Mr. DOYLE. He wouldn't be very proud of the training he gave you in the United States Marines to have you so conduct yourself after you got out of the Marines that you had to come in here and plead your constitutional privilege for fear that it might incriminate you. That isn't the kind of conduct the United States Marines trained their boys to believe in.

Mr. MOULDER. Have you any questions, Mr. McIntosh?

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

Mr. MOULDER. Have you any questions, General Kearney?

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

Mr. MOULDER. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Miss Olga Garczynski.

Would you kindly come forward and remain standing while the chairman administers the oath to you?

Mr. MOULDER. Would you hold up your right hand and be sworn?

Do you solemnly swear the testimony you are about to give before this committee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF OLGA GARCZYNSKI ACCOMPANIED BY COUNSEL, LAWRENCE D. SHUBOW

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

Miss GARCZYNSKI. My name is Olga Garczynski. I live at 89 Beetle Street, New Bedford, Massachusetts. My occupation is a punch press operator at the Royal Brand Cutlery Company in New Bedford.

Mr. ARENS. Is it Miss or Mrs.?

Miss GARCZYNSKI. Miss.

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

Miss GARCZYNSKI. That is right.

Mr. ARENS. And you have counsel?

Miss GARCZYNSKI. Yes.

Mr. ARENS. Counsel, kindly identify yourself?

Mr. SHUBOW. Lawrence D. Shubow, Boston.

Mr. ARENS. Miss G-a-r-c-z-y-n-s-k-i.

Miss GARCZYNSKI. It is pronounced G-a-r-s-i-n-s-k-i. Garsinski.

Mr. ARENS. We would like to have you help us on a proposition here.

I have before me a copy of New World Review. This New World Review, so we have been advised, has been disseminated quite widely over the United States. It contains an article in here by a person known as Eulalia Figueiredo, who we understand was deported from the United States. Do you know that person?

Miss GARCZYNSKI. Yes, I know her. I know her as a friend and not as a Communist.

Mr. SHUBOW. You mean you knew her.

Miss GARCZYNSKI. I knew her as a friend and not as a Communist.

Mr. ARENS. Have you had any correspondence with her since she was deported?

Miss GARCZYNSKI. Yes. I have written to her through Mr. Armando Penha. Mr. Penha had asked me to write to her. He had also asked me to ask her to send books and different whatever things there were and I handed it to Mr. Penha himself.

Mr. ARENS. What did you procure from this person whose name I also have difficulty pronouncing, Eulalia Figueiredo, who was deported to Poland? What have you procured from her in Poland?

Miss GARCZYNSKI. Nothing.

What did he say?

Mr. SHUBOW. I think the word "procure" means did you receive anything personally from her. Did you get any mail back?

Miss GARCZYNSKI. Did I get any mail back?

Mr. ARENS. Yes, ma'am.

Mr. SHUBOW. Did you receive any literature back?

Miss GARCZYNSKI. Yes.

Mr. ARENS. Did you receive any from her—

Miss GARCZYNSKI. Yes.

Mr. ARENS. Any personally.

Miss GARCZYNSKI. Yes; through Armando Penha. I will say that again, because this is just exactly what he told me to do, and I am swearing under oath and telling the truth.

Mr. ARENS. Kindly tell us what you received from him.

Mr. SHUBOW. Answer the question.

Miss GARCZYNSKI. I don't remember the book.

Mr. ARENS. How many books?

Miss GARCZYNSKI. I only received one book and one paper.

Mr. ARENS. When?

Miss GARCZYNSKI. I don't remember the year.

Mr. SHUBOW. Approximately. Was it in the course of the last couple of years? Perhaps I could help you.

Miss GARCZYNSKI. I don't know whether it was 1953 or 1954, I don't remember.

Mr. ARENS. Did you receive any material from her for publication in the United States?

Miss GARCZYNSKI. Not that I remember; no. I don't know of any.

Mr. ARENS. Did you receive an article from her entitled "In a Polish Cotton Mill"?

Miss GARCZYNSKI. That is the one book that came right to the home, mailed right to the house.

Mr. ARENS. What did you do with it?

Miss GARCZYNSKI. I gave it to Mr. Penha.

Mr. ARENS. Did you transmit this article or a copy of this article to the New World Review for publication?

Miss GARCZYNSKI. No, sir, I didn't.

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

(The witness conferred with her counsel.)

Miss GARCZYNSKI. Excuse me. Would you please repeat that?

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

Miss GARCZYNSKI. I am not now a Communist; no. I have never been—I am not now a Communist.

(The witness conferred with her counsel.)

Miss GARCZYNSKI (continuing). I am not now a member of the Communist Party.

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

(The witness conferred with her counsel.)

Miss GARCZYNSKI. I was brought into the Communist Party by Mr. Penha.

Mr. ARENS. When?

Miss GARCZYNSKI. In February 1953 and he was courting me at the time.

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

Miss GARCZYNSKI. Until 1956.

Mr. ARENS. During the course of your membership in the Communist Party to what cells or fractions or units of the Communist Party were you attached?

(The witness conferred with her counsel.)

Miss GARCZYNSKI. Whatever Mr. Penha told me to go to, I went.

Mr. ARENS. Were you a member-at-large or were you a member of some cell of the Communist Party?

(The witness conferred with her counsel.)

Miss GARCZYNSKI. I don't know.

Mr. ARENS. Did you resign from the Communist Party?

Miss GARCZYNSKI. Not that I know. I don't belong to the Communist Party.

Mr. ARENS. I perhaps misunderstood you. I thought you said—

Miss GARCZYNSKI. I said I was a member of the Communist Party in 1953, but I never belonged to any Communist Party. I never believed in communism.

Mr. ARENS. Did you join the Communist Party at the behest of the Federal Bureau of Investigation?

Miss GARCZYNSKI. After the Federal Bureau of Investigation—

(The witness conferred with her counsel.)

Miss GARCZYNSKI. Mr. Penha invited me to go to meetings.

Mr. ARENS. Did Mr. Penha recruit you into the party?

Miss GARCZYNSKI. He dragged me into this mess. I will tell you that. If it wasn't by him I would never be in this mess.

Mr. ARENS. Did you resign from the Communist Party?

Miss GARCZYNSKI. I just—he didn't come up to the house any more after 1953—after the beginning of 1957 he stopped coming. So that was the end of whatever dirty work that he wanted me to do.

Mr. ARENS. Did you pay dues to the Communist Party?

Miss GARCZYNSKI. I didn't pay dues.

Mr. ARENS. Did you participate in activities of the Communist Party?

Miss GARCZYNSKI. They participate?

Mr. ARENS. Did you engage in activities of the Communist Party? Did you do Communist Party work?

Miss GARCZYNSKI. No.

(The witness conferred with her counsel.)

Miss GARCZYNSKI. I am just so nervous.

Mr. SHUBOW. Sir, I think we have forgotten a question, not forgotten but lost track of it.

Mr. ARENS. The question was, I asked her if she paid dues, had been a member, and any activities she engaged in in the Communist Party.

Miss GARCZYNSKI. This last question, may I say what was it again?

Mr. ARENS. What did you do as a Communist?

Miss GARCZYNSKI. Whatever Mr. Penha told me to do.

Mr. ARENS. What did he tell you to do?

(The witness conferred with her counsel.)

Miss GARCZYNSKI. He had brought books to my house and that one book you had shown me, that New World Review, he had brought that and some other books and he also had bought them from me and had also taken money from me.

Mr. ARENS. Did you, yourself, do anything as a Communist?

(The witness conferred with her counsel.)

Miss GARCZYNSKI. I went to the meetings that he told me to go.

Mr. ARENS. And where were those, please?

(The witness conferred with her counsel.)

(No response.)

Mr. ARENS. Mr. Chairman, I respectfully suggest this witness now be temporarily excused from the witness stand but be continued under subpoena, subject to call.

Mr. DOYLE. Does the witness understand?

Miss GARCZYNSKI. Why is that for? Being subpoenaed again?

Mr. DOYLE. You are not being subpoenaed again but your subpoena is being continued over.

Miss GARCZYNSKI. Until tomorrow? Until when? What is it? Today, tomorrow or—

Mr. DOYLE. Just a minute, Witness.

Mr. ARENS. I will say continue her under subpoena, if you please, Mr. Chairman, for the duration of our stay here in Boston, for the purpose of enabling the investigators of the staff to check out certain information and perhaps if it meets with the pleasure of the committee, having a staff interview with this witness. It is obvious to me she either does not understand the questions or the type of information which we are seeking to elicit from her, she just does not possess. We do not want to waste the time either of the committee or the witness.

Miss GARCZYNSKI. Excuse me, Mr. Director, is it because you want to ask our man Penha and ask him whether I am lying over here or what? Ask him how long he courted me. Ask him how long he used me—I don't know what you would call it. When I came home from California in 1951 I was a free citizen and a good citizen and I am still now until he came into my life. And I am telling the God's honest truth and I will swear on a thousand Bibles.

Mr. DOYLE. We will continue your subpoena throughout these hearings, Madam. Our staff may want to question you in order to make clearer than apparently it is now to you. And so that will be the direction.

Miss GARCZYNSKI. Until what time? Tomorrow, do I come in here?

Mr. DOYLE. We will not fix a time for you tomorrow. We will be here anyway the rest of this week.

Mr. MOULDER. Did I understand the witness is subject to recall?

The subpoena served upon you will remain in full force and effect and you will be subject to recall by the committee at any time.

The witness is excused temporarily.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the next witness be Mr. Harold L. Lewengrub.

Kindly come forward and remain standing while the chairman administers the oath to you.

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

Mr. LEWENGRUB. Yes, sir.

TESTIMONY OF HAROLD LESTER LEWENGRUB, ACCOMPANIED BY COUNSEL, WILLIAM P. HOMANS, JR.

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

Mr. LEWENGRUB. My name is Harold Lester Lewengrub. And I live at 68 Lawrence Avenue, Roxbury, and I am a clothing worker.

Mr. ARENS. Where?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Sir, would you tell me how this question is pertinent to the subject matter?

Mr. ARENS. Yes. In brief, for the purpose of identification please tell the committee where you are employed.

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Tremont Clothing Company.

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. LEWENGRUB. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. LEWENGRUB. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. HOMANS. My name is William P. Homans, Jr. I have offices at 1 Court Street, in Boston, Massachusetts.

Mr. ARENS. How long have you been employed at your present place of employment?

Mr. LEWENGRUB. I have been in the clothing industry since 1928.

Mr. ARENS. How about employed at your present place of employment?

Mr. MOULDER. We can't hear the answers given by the witness, Mr. Arens.

Mr. LEWENGRUB. Since I believe 1947.

Mr. ARENS. Has that been your sole occupation since 1947, your sole gainful occupation?

Mr. LEWENGRUB. Yes.

Mr. ARENS. Do you know a person by the name of Eileen Breen?

Mr. LEWENGRUB. Sir, I would like to object to this question on the grounds that the resolution under which this committee functions is too vague and broad under the holdings of the *Watkins v. United States* decision.

Mr. MOULDER. The witness cannot object to the question. Are you declining to answer the question for some reason? If so, you can decline to answer and state your reasons why you decline.

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Sir, would you tell me why or how this question is pertinent?

Mr. MOULDER. Advise the witness, if you will, Mr. Arens.

Mr. ARENS. The Committee on Un-American Activities is undertaking to develop factual information to enable this committee to recommend legislation to protect this Nation under whose flag you have protection against the operation of this Godless, atheist Communist conspiracy that is threatening to destroy the world. As a part of that accumulation of factual material we want to get as much material as we can on espionage and on sabotage and on underground operations of this conspiratorial operation.

We have been advised and we want to interrogate you about that— at one time you were a driver, a courier for this operation and that in the process of your functions as a courier for this operation you used an automobile that was the property of one Eileen Breen and now we would like to ask you about it, so if we could get information from you we can take that information back to Washington, stack it up with other information that we have been accumulating over this Nation, for the purposes of considering, perhaps recommending legislation to strengthen the laws of this Nation against the underground operations of this conspiratorial Communist operation.

Kindly tell us now, sir, if you know a person by the name of Eileen Breen.

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Would you kindly state the question again?

Mr. ARENS. Do you know, or have you ever known, a person by the name of Eileen Breen?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Sir, I would like to at this time avail myself of the first amendment in regards to association, freedom of association.

Mr. ARENS. Do you have another reason?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Reason for what?

Mr. ARENS. For declining to answer the question.

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Sir, may I have a ruling on this objection?

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer the question as to whether or not he knows or has known Eileen Breen.

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

(The witness conferred with his counsel.)

Mr. ARENS. Mr. Chairman, I do not think the committee should be obliged to wait forever for an answer. We have explained to the witness the pertinency of the question. He has refused to answer the question. He has invoked the first amendment. He has been directed to answer the question. He still declines to answer it. I propose to ask him another question and let the consequences come as they may.

Kindly tell this committee if you had any other gainful employment in the last ten years, other than the employment in the clothing industry.

Mr. HOMANS. May the record show the witness was not given an opportunity to consider the last question?

Mr. ARENS. Counsel, you have been advised, sir, that under the rules of this committee your sole and exclusive prerogative is to advise your client.

Mr. HOMANS. I am directed to protect my clients rights, also.

Mr. ARENS. Kindly answer the question.

Mr. LEWENGRUB. State the question again.

Mr. ARENS. The question is: Have you had any gainful employment or occupation, sir, in the course of the last five years, other than your employment in the clothing industry?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. No.

Mr. ARENS. Have you received payment for services of any kind performed by yourself—

Mr. LEWENGRUB. No.

Mr. ARENS. —in the last five years, other than your services in the clothing industry?

Mr. LEWENGRUB. No, sir.

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

Mr. ARENS. Do you know a person by the name of Sidney Lipshires?

Mr. LEWENGRUB. Sir, I decline to answer on the grounds of the first amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question; and to make the record abundantly clear I will explain to you now it is our information, among other things, that you have been a driver in the underground for one Sidney Lipshires who was the successor of Mike Russo as the head of a certain part of the apparatus of the Communist conspiracy in this area.

Now, sir, kindly answer the question. Do you know, or have you known, Sidney Lipshires?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Sir, I take my privilege under the fifth amendment.

Mr. ARENS. Under the fifth amendment?

Mr. LEWENGRUB. Yes.

Mr. ARENS. Do you own an automobile?

Mr. LEWENGRUB. Yes.

Mr. ARENS. Have you in the course of the last 5 years used your automobile for courier purposes in the Communist Party?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. I didn't get that question. Will you please restate it?

Mr. ARENS. Have you used your automobile for courier purposes in the Communist Party?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Sir, I will have to utilize my privilege under the fifth amendment.

Mr. ARENS. The fifth amendment; is that correct?

Mr. LEWENGRUB. [Nods affirmatively.]

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

Mr. LEWENGRUB. Sir, I wish to use my—

Mr. MOULDER. Speak louder, so we can hear what you are saying, please.

Mr. LEWENGRUB. I want to utilize the first amendment on the question of association, and also the fifth amendment.

Mr. MOULDER. I didn't understand what your response was.

Mr. LEWENGRUB. That I take my privilege under the first amendment in regards to association plus my privilege under the fifth amendment.

Mr. ARENS. Were you in the military service from 1943 to 1945?

Mr. LEWENGRUB. Yes.

Mr. ARENS. During that period of time were you a member of the Communist conspiracy?

Mr. LEWENGRUB. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Did you have a commission in the Army?

Mr. LEWENGRUB. I was promoted if that is what—no—I had no—I wasn't an officer.

Mr. ARENS. Do you know a man by the name of Armando Penha?

Mr. LEWENGRUB. I want to adopt my privilege under the first amendment.

Mr. ARENS. Under what?

Mr. LEWENGRUB. First amendment.

(At this point Mr. Kearney returned to the hearing room.)

Mr. ARENS. You are not invoking the fifth amendment?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Just the first amendment.

Mr. ARENS. I merely want the record to be clear.

I now respectfully request, Mr. Chairman, that the witness be ordered and directed to answer the question as to whether or not he knows Armando Penha, the man who testified yesterday.

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

Mr. LEWENGRUB. Then I will have to take my privilege under the fifth amendment.

Mr. ARENS. Mr. Penha yesterday testified under oath, laid his liberty on the line, because if he lied to this committee, he will be prosecuted along with anyone else—he said that he was an undercover agent for the Federal Bureau of Investigation. This man has told us in session after session about your activities in the Communist conspiratorial underground apparatus.

I should like to ask you now: Are you now, or have you been in the course of the recent past, an instrumentality of the underground apparatus in this vicinity of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. LEWENGRUB. Sir; I don't know what you mean by underground apparatus.

Mr. ARENS. Let us probe that a little and see. Maybe we can help your recollection. It is the information of this committee, which has been amply, abundantly verified, by perhaps thousands and tens of thousands of words during the course of the last several months, that there has been an underground apparatus of the Communist Party here in the New England area. One Mike Russo was at one time one of the leaders of it. Sidney Lipshires was one time one of the leaders of it. It was part of the Communist Party that was not on the surface. At the present time about 90 percent below the ground, withdrawn, secreted. It is the information of this committee that you were part of that apparatus. Kindly deny it while you are under oath if you care to do so.

Mr. LEWENGRUB. Sir, I wish to avail myself of the fifth amendment.

Mr. ARENS. Do you have a better explanation now or understanding of what we mean by the term "underground"?

Mr. LEWENGRUB. Well, I believe so.

Mr. ARENS. You have had that understanding right along; have you not?

Mr. LEWENGRUB. It is a question of opinion.

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

Mr. MOULDER. Mr. Doyle, do you have a question?

Mr. DOYLE. Witness, you have been here in the courtroom all afternoon, have you not, with your counsel?

Mr. LEWENGRUB. Yes, sir.

Mr. DOYLE. You have been there in the front row, there on the left. I am sure I saw you there. So you heard our director, Mr. Arens, who just questioned you, when he explained to the 4 or 5 witnesses who preceded you what this hearing was about. You heard him explain that to each of those 4 or 5 witnesses, did you not?

Mr. LEWENGRUB. Yes, sir.

Mr. DOYLE. So that when you asked him to explain the pertinency of this investigation and these questions, you had already heard him explain to 4 or 5 other witnesses what the investigation was about had you not?

Mr. LEWENGRUB. I had heard it.

Mr. DOYLE. Sure. The reason I asked you this question is in that prepared statement which you read you referred to the Watkins decision. Had you ever read the Watkins decision?

Mr. LEWENGRUB. Yes, sir.

Mr. DOYLE. You have? I thought so. That is why I asked you this question because I was quite sure that you had read it and your

question about pertinency is mentioned in that decision, as you know. And I wanted to have the record speak clearly so that if it goes to court it will show in the court record that you had heard this question of pertinency described in detail to four or five other witnesses just before you took the witness chair between 2:30 and 5:00 when you were called, so there is no need of Mr. Arens again taking time to explain to you because you heard it explained four to six times.

Now, one more question: You heard what Mr. Arens, our director, said that Mr. Penha swore under oath about you using an automobile as a courier or to transport people for the Communist Party in this area. Was Mr. Penha telling the truth or was he telling a lie?

Now, answer that question. Your counsel is right by your side. He can advise you as to your constitutional rights. Here is a free and open opportunity with legal advice right by you to come right clean and clear in your own community and tell for the record under oath whether or not Mr. Penha was lying or telling the truth. Which was he doing?

Mr. LEWENGRUB. I decline to answer that question on the grounds of the first amendment.

Mr. DOYLE. Of course that does not deal with associations, does it?

We are asking you to tell whether or not he was lying or telling the truth.

Mr. LEWENGRUB. That would indicate whether I know him or not.

Mr. DOYLE. What?

Mr. LEWENGRUB. That would indicate whether I know him or not.

Mr. DOYLE. You do not suppose we are entirely uninformed, do you? We would not be asking you some of these questions if we did not know some of the answers ahead of time. You cannot entirely fool us.

That is all, Mr. Witness.

Mr. MOULDER. Are there any other questions? General Kearney, have you any questions?

Mr. KEARNEY. I have no questions.

Mr. MOULDER. The witness is excused.

I want to inquire of counsel the names of witnesses, and I suggest he announce in the hearing room at this time, the names of the witnesses he wishes to appear at 7:30 p. m. this evening.

Mr. ARENS. May I first ask, Mr. Chairman, if Miss or Mrs. Kitty Heck is in the hearing room?

A subpoena was issued for her. We have not heard from the United States Marshal, in that particular instance, whether a subpoena has been served, so we are at a loss whether or not she is here.

Mr. Chairman, it is our plan to call three witnesses this evening—Daniel Boone Schirmer and James Rex. Thereafter it is our intention that Armando Penha resume the stand this evening and we hope that if it meets with the approval of the committee, to conclude with him this evening.

Mr. MOULDER. Are the persons named in the hearing room?

Mr. REX. Mr. Chairman, I am James Rex. I live in Fall River. If I stay over for this meeting tonight I won't be able to get back to Fall River and I am without the funds to stay overnight in Boston.

Would I be taken care of with funds, with hotel bills?

Mr. MOULDER. You may come around and testify if you will take the witness stand at this time.

Mr. REX. Yes, any time.

Mr. MOULDER. Just come around and be sworn. Hold up your right hand.

Mr. REX. May I consult a moment with an attorney?

(The witness conferred with his counsel.)

Mr. REX. I wish to affirm.

Mr. MOULDER. Do you solemnly affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. REX. I do.

TESTIMONY OF JAMES REX, ACCOMPANIED BY COUNSEL,
WILLIAM P. HOMANS, JR.

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

Mr. REX. May I consult my attorney?

(The witness conferred with his counsel.)

Mr. REX. My name is James Rex. I live at 476 Cambridge Street, Fall River, Mass. I am retired and do part-time sales work.

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. REX. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. REX. Yes, I am.

Mr. ARENS. Counsel, will you please identify yourself on this record?

Mr. HOMANS. William P. Homans, Jr. I am of Boston.

At this point I would like to say that this client was referred to me by the Boston Bar Association which has been attempting to find counsel for him all day and, as I understand it, yesterday. I have not had an opportunity to consult with my client, and I am representing him at the request of the Boston Bar Association without charge.

Mr. ARENS. Mr. Rex, are you now a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. REX. I refuse to answer the question, sir, on the grounds that it might tend to incriminate or degrade me—the fifth amendment.

Mr. ARENS. What is a mail drop? Can you help us on that?

Mr. REX. What is a mail drop?

Mr. ARENS. Yes, sir; do you know?

Mr. REX. Never heard of it.

Mr. ARENS. Your home has been used as a mail drop for the Communist Party, has it not?

Mr. REX. I don't know what a mail drop is. Would you define a mail drop?

Mr. ARENS. Has your home been used as a place where Communist Party directives have been processed from one area of the United States to another?

Mr. REX. I decline to answer the question on the fifth amendment.

Mr. ARENS. To what organizations do you belong—of a non-Communist, nonsensitive, innocent variety?

Mr. REX. None.

Mr. KEARNEY. What organizations do you belong to of a sensitive nature?

Mr. REX. None that I know of.

Mr. KEARNEY. Are you a member of the Communist Party?

Mr. REX. I have already refused to answer that question, sir, on the grounds of the fifth amendment.

Mr. ARENS. Did you serve in the United States military?

Mr. REX. I have.

Mr. ARENS. Over what period of time, sir?

(The witness conferred with his counsel.)

Mr. REX. Yes, sir. I have been a member of the armed services, a volunteer member of the armed services, the United States Navy in the First World War. I was honorably discharged as a first-class machinists mate torpedo man on July 1, 1920.

Mr. ARENS. During any of that period of time were you a member of the Communist Party?

Mr. REX. At that time there was no Communist Party in the United States that I ever heard of.

Mr. ARENS. Is that the only military service which you have had?

Mr. REX. That is the only military service that I have ever had.

Mr. ARENS. Do you know a man by the name of Armando Penha?

Mr. REX. Do you mean the man that was castigated here as the man who was two-timing his wife from this chair here a few minutes ago? Is that the man you are referring to?

Mr. ARENS. Kindly answer the question, sir. Do you know a man by the name of Armando Penha?

Mr. REX. Which Penha are you referring to? Which address? Where does he live? Where does he live?

Mr. ARENS. Go right ahead and talk.

Mr. REX. I am not talking at all. I am asking you where does he live.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question whether or not he knows a person by the name of Armando Penha.

Mr. MOULDER. The witness is ordered and directed to answer the question. Do you know anyone by that name regardless of where he lived?

Mr. REX. I would like to know where he lived. There might be several Armando Penhas.

Mr. ARENS. Do you know of any?

Mr. REX. I refuse to answer the question on the grounds of the fifth amendment.

Mr. ARENS. Armando Penha testified he knew you as a Communist. Was he telling the truth or was he in error in that testimony?

Mr. REX. It is my opinion that a man that two-times his wife would be distrustful on anything.

Mr. ARENS. Then would you kindly stand up like a red-blooded American and deny the identification of yourself as a member of the Communist conspiracy while you are under oath?

Mr. REX. I will not do that.

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

Mr. REX. Thank you, sir.

Mr. Chairman, in the blue book here it says something about remuneration for expenses for coming up here. How do I take care of that?

Mr. MOULDER. You sign a voucher and you will receive a witness fee by signing the voucher.

Who are the other witnesses to appear this evening?

Mr. ARENS. Just two others. Daniel Boone Schirmer, if you please, Mr. Chairman, and Mr. Penha will appear this evening.

Mr. MOULDER. Are both of the parties named here?

Mr. WHITESIDE. Mr. Schirmer is here.

Mr. SCHIRMER. I am here, Mr. Chairman.

Mr. MOULDER. The committee will recess until 7:30 p. m.

(Whereupon, at 5:35 p. m., Wednesday, March 19, 1958, the subcommittee recessed to reconvene at 7:30 p. m. the same day.)

EVENING SESSION, WEDNESDAY, MARCH 19, 1958

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

Mr. MOULDER. The committee will be in order.

Call the first witness.

Mr. ARENS. Daniel B. Schirmer, kindly come forward.

And may I ask, Mr. Chairman, is there some way these lights can be turned up a little bit, Mr. Marshal.

Mr. WHITESIDE. We didn't mean those lights, Mr. Counsel.

Mr. SCHIRMER. I would rather not have television, sir.

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

Mr. SCHIRMER. I do.

Mr. MOULDER. Be seated.

TESTIMONY OF DANIEL B. SCHIRMER, ACCOMPANIED BY COUNSEL, HOWARD S. WHITESIDE

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

Mr. SCHIRMER. My name is Daniel B. Schirmer. I live at 35 Fayston Street, Roxbury, and my occupation is salesman.

Mr. ARENS. For what organizations, please, sir?

Mr. SCHIRMER. I am self-employed.

Mr. ARENS. In what type of work?

Mr. SCHIRMER. Sales.

Mr. ARENS. What do you sell?

Mr. SCHIRMER. A common household item.

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

Mr. SCHIRMER. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. SCHIRMER. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. WHITESIDE. My name is Howard S. Whiteside, with offices at 30 State Street, Boston.

Mr. ARENS. Mr. Schirmer, for the purposes of identification, kindly tell us, have you ever used any name other than the name Daniel B. Schirmer?

(The witness conferred with his counsel.)

Mr. SCHIRMER. Mr. Director, I refuse to answer that on the grounds that I will not be a witness against myself.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee truthfully whether or not you had ever used any name or gone under any name other than the name Daniel B. Schirmer you would be supplying information which might be used against you in a criminal proceeding?

Mr. SCHIRMER. My conscience is completely clear of any wrongdoing, but to answer might provide a link in a chain of evidence that might be used against me in some proceeding.

Mr. ARENS. Kindly tell us now, please sir, a word about your early life, where and when were you born?

Mr. SCHIRMER. I was born in Greenwich, Connecticut, on February 22, 1915.

Mr. ARENS. And a word about your education, please sir.

Mr. SCHIRMER. I graduated from Harvard College in 1937 with a BA.

Mr. ARENS. Will you kindly trace for us the principal employments you have had since completing your formal education?

Mr. SCHIRMER. I refuse to answer on the grounds I will not be a witness against myself.

Mr. ARENS. What was your first principal employment after you concluded your formal education at Harvard in 1937?

Mr. SCHIRMER. Again I refuse to answer on the fifth amendment.

Mr. ARENS. How long did that first principal employment endure?

Mr. SCHIRMER. I decline to answer. I will not be a witness against myself.

Mr. ARENS. Please tell us about the second principal employment you had since you completed your education at Harvard University.

Mr. SCHIRMER. I will not be a witness against myself, Mr. Director.

Mr. ARENS. Do you mean by that to convey the position that if you would answer the question truthfully while you are under oath you would be supplying information which might be used against you in a criminal proceeding?

Mr. SCHIRMER. Again I must say that my conscience is completely clear, that this might provide a link in the chain of evidence that could be used in an unjust proceeding against me.

Mr. ARENS. How long have you been employed at your present place of employment?

Mr. SCHIRMER. About two—rather, I have been working as a salesman, let's put it that way, self-employment for about two years.

Mr. ARENS. What is the nature of the article which you sell?

Mr. SCHIRMER. As I said, Mr. Director, it is a common household item, and it has absolutely and completely no relationship to the Communist Party or to communism; therefore I believe its precise nature is irrelevant to the proceedings.

Mr. ARENS. Is it an article that you sell from house to house or do you sell to brokers or merchants?

Mr. SCHIRMER. My commercial relations, sir, have absolutely nothing to do with communism or the Communist Party. Therefore, I refuse to answer on the grounds that this question is not pertinent.

Mr. ARENS. What was your employment immediately prior to your present employment?

Mr. SCHIRMER. Before I became self-employed, sir, as a salesman; I must again refuse to answer on the grounds of not wishing to become a witness against myself.

Mr. ARENS. How long did the employment endure which immediately preceded your present employment?

Mr. SCHIRMER. Again I must decline on the same grounds.

Mr. ARENS. Have you been engaged in any employment since you graduated from Harvard University with a BA degree in 1937 until you assumed your present employment, concerning which you can tell the Committee on Un-American Activities without revealing information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SCHIRMER. I served in the American Armed Forces from 1944 to 1946.

Mr. ARENS. Did you have a commission in the Army?

Mr. SCHIRMER. No, Mr. Director. I ended up as a T-4, I believe, starting, of course, as a private.

Mr. ARENS. And as a prerequisite to attaining your status as a member of the Armed Forces of the United States did you take an oath?

(The witness conferred with his counsel.)

Mr. SCHIRMER. I believe so, as I recall, sir.

Mr. ARENS. Did that oath encompass a commitment to support and defend the Constitution of the United States?

Mr. SCHIRMER. As I recall, and I was proud and glad to take it.

Mr. ARENS. Did you have any mental reservations at the time you took that oath?

Mr. SCHIRMER. None whatsoever.

Mr. ARENS. Were you a member of an organization devoted to the destruction of the Constitution of the United States as of the time you took that oath?

Mr. SCHIRMER. Not to my knowledge.

Mr. ARENS. Were you a member of the Communist Party as of the time you took that oath?

Mr. SCHIRMER. I must decline to answer on the grounds that I don't wish to be a witness against myself.

Mr. ARENS. Where did you serve in the military?

Mr. SCHIRMER. I was of course—I had my basic training in Alabama for 13 weeks, and then I was sent to the Mediterranean theater, to the Italian Peninsula.

Mr. ARENS. During the course of your service in the Communist Party did you report to or receive instructions from any person known to you to be a member of the Communist Party?

Mr. SCHIRMER. Will you please repeat the question?

Mr. ARENS. Perhaps the question may have been clumsily worded.

During the course of your service in the United States Army did you report to or receive information from any person who was known to you to be a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. SCHIRMER. I must decline, sir, to answer that question on the grounds of the fifth amendment.

Mr. ARENS. During the course of your service in the United States Army did you receive or transmit any confidential or security information to a person who was not authorized by law to receive the same?

Mr. SCHIRMER. No, sir.

Mr. ARENS. Did you receive any instructions as to your conduct by any person known by you to have been a Communist?

Mr. SCHIRMER. No, sir.

Mr. ARENS. What was your employment immediately after your discharge from the military?

Mr. SCHIRMER. I must decline to answer that question, Mr. Director.

Mr. ARENS. With the exception of your service in the United States Army from November 1944 to July of 1946, and your present employment, have you been engaged in any principal occupation concerning which you can tell the Committee on Un-American Activities without revealing information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SCHIRMER. Well, I have told you my present work and my 2 years' experience in the Army and outside of that, Mr. Director, I must claim the privilege.

Mr. ARENS. Let the record be clear. The blind is down, the iron curtain is down from the standpoint of us procuring information on all principal employments with the exception of your present employment and your service in the United States Army, is that correct?

Mr. SCHIRMER. I don't know about any iron curtain. I know about our Constitution and the right under the fifth amendment.

Mr. ARENS. Are you presently a member of the Communist Party?

Mr. SCHIRMER. I must decline to answer that.

Mr. ARENS. Do you know an individual by the name of Armando Penha?

Mr. SCHIRMER. I would not publicly boast of acquaintanceship with two-timing informers and I must respectfully decline to answer that on the fifth amendment.

Mr. ARENS. Look to my right, to see the gentleman who is standing there, and tell me whether or not you are acquainted with him.

Mr. SCHIRMER. The same answer.

Mr. KEARNEY. Did you look at him?

Mr. SCHIRMER. I looked at him now, sir; I didn't beforehand.

Mr. KEARNEY. That is right.

Mr. ARENS. This man yesterday took an oath before this committee and testified for many years he was an undercover agent of this Government in the Communist conspiracy, a great sacrifice to himself, for the purpose of procuring information about persons, principally United States citizens, who are under the protection of the flag of this Government, who are engaged in this conspiratorial operation

against this Government. In the course of his testimony while he was under oath he said that while he was serving in this conspiracy at the behest of the Federal Bureau of Investigation he knew you as a member of the District Committee Secretariat of the Communist Party. Was he telling the truth or was he in error?

Mr. SCHIRMER. I would not want to enter into controversies with informers, and I must respectfully decline to answer that on the grounds that I will not be a witness against myself.

Mr. ARENS. Do you care to avail yourself of the opportunity to deny being part and parcel of the Communist conspiracy in this Nation?

Mr. SCHIRMER. I know nothing of any conspiracy.

Mr. ARENS. Do you know anything about the first part of the question, the Communist Party?

Mr. SCHIRMER. That is a matter upon which I must claim the privilege.

Mr. DOYLE. I think, Mr. Chairman, didn't the gentleman open that up when he said he didn't know anything about conspiracy? Shouldn't he be instructed to answer that question?

Mr. MOULDER. I think he should, if you wish the witness to be instructed.

He is ordered and directed to answer the question. At the request of the committee the witness is ordered and directed to answer the question.

Mr. SCHIRMER. Would the question be restated, please?

Mr. ARENS. Mr. Reporter, read the question please.

(Record read by the reporter as requested.)

Mr. SCHIRMER. I again refuse to answer on the grounds that I will not be a witness against myself.

Mr. ARENS. It is the information of this committee that you went underground in 1952. Would you kindly explain to the committee what is meant by going underground?

(The witness conferred with his counsel.)

Mr. SCHIRMER. Well, sir; I must claim the fifth on that question.

Mr. ARENS. Is there any period of your life in the course of the last five years when you were for a prolonged period separated from your personal family?

Mr. SCHIRMER. I must again claim the fifth on that, Mr. Director.

Mr. ARENS. The fact is, is it not, that one period some few years ago when you went into the underground you were separated from your wife and family for a considerable period of time when you were undertaking to lose your identity? If that is not true please deny it while you are under oath.

Mr. SCHIRMER. I decline to answer that on the grounds that I will not be a witness against myself.

Mr. ARENS. Do you honestly apprehend, sir, if you gave a truthful answer to that question now you would be supplying information which might be used against you in a criminal proceeding?

Mr. SCHIRMER. Again I must say, Mr. Director, that my conscience is completely clear of any wrongdoing, but that to answer that question might provide a link in the chain of evidence which could be used in an unjust proceeding against me.

Mr. ARENS. If you were prosecuted under the Smith Act as a member of an organization dedicated to the overthrow of the Government

of the United States by force and violence, would that be an unjust prosecution?

Mr. SCHIRMER. I believe that that was an unjust prosecution and as I recall the Government dropped the case for lack of evidence.

Mr. ARENS. Are you a member of an organization dedicated to the overthrow of the Government by force and violence?

Mr. SCHIRMER. Not to my knowledge.

Mr. ARENS. Are you a member of an organization controlled by a foreign power?

Mr. SCHIRMER. Not to my knowledge.

Mr. ARENS. Give us, if you please, sir, the name of every person known by you to be a member of the Communist conspiracy with whom you have conferred prior to your appearance before this committee and after you received your subpoena.

(The witness conferred with his counsel.)

Mr. SCHIRMER. I decline on that, Mr. Director.

Mr. ARENS. Do you know or have you ever known a person by the name of Crowley—Francis X. T. Crowley?

(The witness conferred with his counsel.)

Mr. SCHIRMER. I am sorry, sir. I cannot recollect any such person at this point.

Mr. ARENS. May I perhaps refresh your recollection?

Under date of June 28, 1954, a person by the name of Francis X. T. Crowley testified before the Committee on Un-American Activities and in the course of his testimony he stated that while he was a member of the Communist Party—I am paraphrasing it—while he was a member of the Communist Party he knew Daniel Boone Schirmer to be a member of the Communist Party.

Does that refresh your recollection?

Mr. SCHIRMER. No, sir; I do not recollect anyone by that name.

Mr. ARENS. Do you know, or have you ever known, a person by the name of Herbert E. Robbins?

(The witness conferred with his counsel.)

Mr. SCHIRMER. I must decline to answer that, sir. I don't wish to be a witness against myself.

Mr. ARENS. Were you a member of the Communist Party at any time during your attendance at Harvard University?

Mr. SCHIRMER. I must decline to answer that again on the same grounds.

Mr. ARENS. Do you know, or have you ever known, a person by the name of Herbert A. Philbrick?

Mr. SCHIRMER. Again I don't like to boast of any acquaintance with informers, and I refuse to answer that respectfully on the grounds of the fifth amendment.

Mr. ARENS. There is not much possibility that you are an informer, is there, that you are in the party at the behest of the Federal Bureau of Investigation and some day might tell us some things?

Mr. SCHIRMER. There is no chance of that.

Mr. ARENS. Have you ever lived in Vermont?

Mr. SCHIRMER. I must refuse to answer that, sir.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question as to whether or not he has ever lived in Vermont.

Mr. SCHIRMER. I must answer that, that I refuse. I must refuse to answer that, Mr. Chairman, on the grounds that I don't wish to be a witness against myself—the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully point out the ludicrous situation, that there is undoubtedly an infinite number of situations in which a person could be a resident of the State of Vermont without in any sense, by just being a resident of Vermont, be obliged to give testimony against himself.

Mr. MOULDER. I have never been in Vermont, but I could never understand how it could incriminate you to testify whether or not you ever lived in Vermont.

Mr. SCHIRMER. It is a beautiful state, sir.

Mr. MOULDER. Therefore, the committee directs the witness to answer the question.

(The witness conferred with his counsel.)

Mr. SCHIRMER. Mr. Director, I must stand by my answer and say that that might provide a link in the chain of evidence against me.

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

Mr. KEARNEY. Mr. Chairman.

Mr. MOULDER. General Kearney is recognized.

Mr. KEARNEY. I hope the gentleman isn't a drinking man.

Mr. SCHIRMER. No, sir, I can answer that without any fear.

Mr. KEARNEY. I was going to say that I thought that thirty-four "fifths" taken in less than half an hour is quite a lot.

Mr. MOULDER. Have you any questions, Mr. Doyle?

Mr. DOYLE. I couldn't quite hear, Mr. Schirmer, how many years you had been self-employed. Was it two?

Mr. SCHIRMER. Two.

Mr. DOYLE. Then you were in the Army 2 years?

Mr. SCHIRMER. That is right.

Mr. DOYLE. That is 4 years. You graduated from Harvard College with a degree in 1937. That means you have been out of college 21 years. You are able and willing to account for 4 years, without your claiming it might incriminate you. So there are 17 years out of 21 since you graduated from Harvard in which you feel that if you answered the questions honestly and fully it might incriminate you.

Well, it is an unusual record, sure—yet not for one in the Communist Party.

May I ask you this: Are you now a full-time paid employee or representative of the Communist Party in this area?

(The witness conferred with his counsel.)

Mr. SCHIRMER. No.

Mr. DOYLE. Have you ever been?

(The witness conferred with his counsel.)

Mr. SCHIRMER. I must claim the fifth amendment on that.

Mr. DOYLE. Is that one of the periods of time when you were a full-paid secretary of the Communist Party in this area, and therefore you claim the privilege. Was that why you declined to answer it fully on that question?

Mr. SCHIRMER. I must claim the privilege on that again, Mr. Doyle.

Mr. DOYLE. It is a fact, is it not, that you have been and maybe are now 1 of the 3 members of the Communist Party Secretariat in this

area and drew full-time salary as such for a period of time, isn't that true?

Mr. SCHIRMER. I must decline to answer. I don't want to be a witness against myself, Mr. Doyle.

Mr. DOYLE. I think I recall that under oath a witness so testified yesterday about you.

Now, let me see if I understand it. You mean for 17 years out of your 21 years since graduation you are unwilling to tell this committee of Congress what your employment was to earn your livelihood, is that correct, for fear it might involve you in a criminal prosecution if you told the truth? Isn't that the status of your testimony?

Mr. SCHIRMER. That is the status of the testimony, yes.

Mr. DOYLE. Now, may I ask this: Is it your idea that any citizen who gives up commensurate employment adequate to support his family and gives that up in order to take a lesser salary from the FBI to help the FBI discover means and operations by which the Communist Party in this country operates—is that the kind of a person you would call an informer?

Mr. SCHIRMER. I have my own opinion about informers, Mr. Doyle, and I don't think they are relevant to the purpose of the committee, sir.

Mr. DOYLE. Would you be good enough to tell me whom you call an informer? You said tonight you have described two people as informers. What do you mean by an informer?

Mr. SCHIRMER. I think it would be best not to get into a discussion of opinions, Mr. Doyle.

Mr. DOYLE. You volunteered that these people were informers. Now I think you are under somewhat of a legal obligation to answer my question. What do you mean by an informer?

(The witness conferred with his counsel.)

Mr. DOYLE (continuing). You volunteered it and I think you opened the door.

Mr. SCHIRMER. An informer is somebody who turns evidence in.

Mr. DOYLE. If he turned in actual facts and the truth, is he still an informer, if he helps enforce the laws of the United States? Is that what you call an informer, if he tells the truth and relates facts honestly to law enforcement officers of the United States? Is he still an informer?

(The witness conferred with his counsel.)

Mr. SCHIRMER. I don't know of any informer before these committees who has done that.

Mr. DOYLE. You don't.

Now, I will ask you to state whether or not Mr. Penha was telling the truth yesterday when under oath he identified you as a Communist. He was under oath when he identified you as a Communist. Now you just stated that you don't know of any informer who told the truth. I will give you an opportunity to tell whether or not he was telling the truth or was he telling a falsehood, in your judgment. Your counsel is here now. Here is a public forum whereby you can say what you want about him. You have called him an informer already.

Mr. SCHIRMER. I stand on my statement that he is an informer; and as far as my membership in the Communist Party, I will not

answer that on the grounds I don't wish to be a witness against myself.

Mr. DOYLE. Yes. You said you didn't know of an informer who had told the truth. Now he is under oath and subject to prosecution for perjury. So are you, if perjury is proven on your behalf.

Now, I will ask you again: Here is an open and shut opportunity for you to either affirm or deny that he was telling the truth when he identified you as a Communist. Why don't you take advantage of it?

Mr. SCHIRMER. I don't wish to provide a link in a chain of evidence that might be used against me.

Mr. DOYLE. It is probably because the gentleman who identified you as a Commie you know full well was telling the truth. That is the way I appraised his testimony.

Mr. MOULDER. Is that all, Mr. Doyle?

Mr. DOYLE. I think that is all.

But it is a shame that a person who graduates from Harvard is not willing to account for his employment for seventeen years out of twenty-one.

Mr. MOULDER. General Kearney, have you any questions?

Mr. KEARNEY. No. Taking the fifth thirty-seven times is a lot of times.

Mr. MOULDER. Mr. McIntosh.

Mr. McINTOSH. No.

Mr. MOULDER. I wish to ask you this question. I believe you were asked a question as to whether or not you are now a member of the Communist Party. Was that question asked you?

Mr. SCHIRMER. It was.

Mr. MOULDER. You declined to answer that question?

Mr. SCHIRMER. I did.

Mr. MOULDER. Since you have been subpoenaed as a witness to appear before this committee, have you conferred with any group of other persons known to you to be members of the Communist Party as to how you should conduct yourself—whether or not you would answer questions propounded to you by the counsel of this committee?

Mr. SCHIRMER. That enters into the realm of political association and I want to claim not only the fifth amendment but the first in my reply to that question, or my lack of reply, my refusal to answer that question.

Mr. MOULDER. I am not sure, I am not positive; however, the information has come to me that members of the Communist Party who were subpoenaed, that is, those who were referred to as hard-core members of the Communist Party, subpoenaed to appear before this committee, had a meeting and a conference where it was discussed how they would conduct themselves and the tactics they would use when appearing before this committee.

Can you give us any information concerning such a meeting?

Mr. SCHIRMER. I must refuse on the grounds of the first amendment, freedom of political association, and the fifth, the desire to avoid becoming a witness against myself.

Mr. MOULDER. And do you know whether or not at that meeting an Olga Garczynski was present—attended the meeting where the plot and plan were made and agreed upon that she would when appearing as a witness before the committee make statements to

the effect that she was a member of the Communist Party and also make derogatory statements concerning Armando Penha—so as to discredit him as a witness?

Do you have any information or knowledge on that question?

Mr. SCHIRMER. I know of no such meeting.

Mr. MOULDER. You referred to him a while ago as a two-timer informer. Do you recall that statement? What is the basis of your using of the words "two-timer"?

Mr. SCHIRMER. Well, it comes as a result of hearing the testimony of the young lady who testified this afternoon to the effect that he courted her, as I remember, and on the basis of his courtship he brought her into the Communist Party. At the same time he was married, I believe, and the father of children.

Mr. MOULDER. Have you ever seen this young lady you are now referring to whose name is Olga Garczynski? Have you ever seen her before?

(The witness conferred with his counsel.)

Mr. SCHIRMER. I must decline. I must refuse to answer that question, sir, on the grounds of the fifth amendment.

Mr. MOULDER. Do you then believe her testimony?

Mr. SCHIRMER. I have no reason either to believe or disbelieve it.

Mr. MOULDER. Would she be classified as an informer in the theory that you use in classifying an informer?

(The witness conferred with his counsel.)

Mr. SCHIRMER. It wouldn't seem so to me, sir.

Mr. MOULDER. Well, I again ask you the question—

Mr. SCHIRMER. She sounded like a—

Mr. MOULDER. You declined to answer questions as to whether or not you had ever seen her before or whether or not you had been acquainted with her. I want to repeat the question as to whether you were present at a meeting, if there was such a meeting, held by the witnesses subpoenaed by this committee, who were known to be members of the Communist Party and active members of the Communist Party, whether or not they held a meeting and she was present and a plot and plan were there made to make certain derogatory accusations against Armando Penha in order to discredit and embarrass him when appearing and cooperating with this committee and giving the testimony that he gave. Do you have any knowledge or information concerning such a meeting?

Mr. SCHIRMER. No, I do not.

Mr. MOULDER. General Kearney?

Mr. KEARNEY. I was going to make the observation, Mr. Schirmer, that the only difference between the witness you are just speaking about and yourself and the lady who testified this afternoon, together with the rest of the witnesses, in its entirety is Mr. Penha took the stand and answered all questions, freely and truthfully, and you and the rest of the witnesses took the stand and claimed the fifth amendment on every occasion that you could. Now, I do not question but that is your legal right, but we still can read between the lines and as far as believing or disbelieving the witness, I believe the testimony of Mr. Penha.

Mr. DOYLE. Of course, General Kearney and Mr. Chairman, the very sort of meeting you have information on was held, the coaching

of witnesses by other Communists, is part of their pattern all over the Nation.

Mr. KEARNEY. That is common practice.

Mr. DOYLE. Boston is no exception. Not in my book is it an exception at all. And they deliberately blackmail, try to ruin the reputation of people who expose them, and Boston is no exception.

Mr. MOULDER. Have you any more questions?

Mr. KEARNEY. That is all.

Mr. McINTOSH. I have no questions.

Mr. DOYLE. It is just stereotyped malicious persecution on the part of the Communists of anyone who dares to differ with them and expose them. Boston is no exception.

Mr. MOULDER. Have you any other questions, Counsel?

Mr. ARENS. No, sir.

Mr. MOULDER. The witness is excused.

Mr. SCHIRMER. May I have a copy of the committee's resolution authorizing this hearing, Mr. Director, please?

Mr. ARENS. Yes. That will be made available to you; Mr. Bonora will make that available to you, please.

The next witness, Mr. Chairman, will be Mr. Armando Penha. Will you kindly resume the stand.

Mr. MOULDER. Mr. Penha.

Mr. ARENS. Would you kindly resume the witness chair, please?

TESTIMONY OF ARMANDO PENHA—Resumed

Mr. ARENS. Mr. Penha, you have previously been sworn on this record, is that correct?

Mr. PENHA. That is correct, sir.

Mr. ARENS. Before proceeding with matters which we initially contemplated interrogating you about, I should like, if you please, Mr. Penha, to summarize the testimony which was given this afternoon in your absence. One Olga Garczynski was being interrogated by myself, after having been sworn by the chairman. She appeared pursuant to a subpoena which was issued upon her by this committee. In the course of her testimony, and I do not have the transcript now, but I am only relying upon my memory, she stated in effect that you had recruited her into the Communist Party, had courted her while she was in the Communist Party. I would not undertake to quote her further, except to say that her demeanor with respect to you was one of complete derogation, with an insinuation of an attack upon your character and your relationship with her. I should like now if you, in your own way, would say anything you care to say with respect to the testimony which I have undertaken in a rather crude way to summarize here.

Mr. PENHA. Certainly, sir.

I understand that I am not in command of the situation so far as her testimony goes. However, I did see a certain portion of it on TV. Further, I would like to state emphatically this is one of the devices that the party uses and has used in the past. This is the matter of what I call legal and illegal methods. Deceit is nothing for them. As I recall—

Mr. ARENS. Excuse me just a minute, Mr. Penha. I wonder if you could push the microphone back just a bit. I am afraid we are having echoes from the sound that comes from the recorder.

Mr. PENHA. As I recall looking at the TV this evening she stated, or at least the reporter quoted her as saying, that she would swear on a stack of Bibles. Certainly she would and every hard-core Communist—they will only use the Bible for their own means, not as a good Christian would.

Mr. MOULDER. Can we turn the machine down. Is the man here who works this machine? Maybe we could accomplish the same objective, Mr. Chairman, if this microphone could be pushed back a little bit.

Mr. PENHA. Do you find that better, sir?

Mr. ARENS. Thank you.

Mr. PENHA. I could go on with various illustrations of my experience in the Communist conspiracy of methods used by no other type of organization. Time does not permit me. However, if at any time I am requested or instructed to I would gladly go into them.

Insofar as the charges made that I recruited Olga Garczynski into the Communist Party, they are just as false as others. Olga Garczynski went to California at the time she was a member of the Labor Youth League.

Mr. ARENS. Do you recall approximately what year this was, Mr. Penha?

Mr. PENHA. Approximately 1950 or 1951. Her father, Andrew Garczynski, her sister Tillie Cropper, were both members of the Communist Party to my knowledge. Not only were they members of the Communist Party but Andrew brought both daughters into the Labor Youth League.

Mr. ARENS. The Labor Youth League is one of the youth organizations of the conspiracy, is it not?

Mr. PENHA. That is definitely so, sir.

Upon her return I was informed by the district leadership that she had been active in the Labor Youth League. I was not aware of it because I had been in the party a short time. Her father had always informed me of the same. It was my task as instructed by the district leadership to elevate her into the Communist Party. That I did, and I had to do.

Mr. ARENS. Did you report to the FBI each and every step you took in this process?

Mr. PENHA. I absolutely did, sir.

Mr. ARENS. Without dwelling on this Garczynski matter, because we have other important questions, may I ask whether or not you, in your relationship with Olga Garczynski, conducted yourself in such a manner as to lead her to believe that you were—to use her phrase, or her word—courting her?

Mr. PENHA. Sir, to touch on that point, I would like first of all to bring to the attention the activities of the past week. Last week she got in touch with me and requested that I see her immediately because of the fact she had received a subpoena from this committee. I saw her. A day later I received in the mail an envelope addressed to my daughter, who is only 2 years of age—the name is Susan Penha—

with a birthday card, which is a gimmick of the party, which we have used numerous times in order to get messages across, and her birthday is in November. Inside of this card there was a note addressed to my wife.

Had I known this would come up I would have brought it. If it seems pertinent to this committee I will certainly drive down to New Bedford and get it. That note stated that she was very nervous, she was contemplating on a lawyer and that she requested C, which was the initial for my wife, to tell A, which was the initial for me, not to forget to be at the proper time or place, or I don't recall just exactly the phraseology of it. Subsequently, on Saturday I met with her as it had been prearranged. I also met with Roy Rogerson whom I have already identified. We were to have met with Douglas Perry. He was not at the designated area but later in the evening he met with me and we went through various processes insofar as appearance here goes. At that time I would also like to inform this committee that Olga stated that being nervous as she was she went to an attorney in New Bedford. I only recall his first name that she gave me, by the name of George. As a good citizen I would request that he would come here before this committee and state exactly what took place. According to Olga, she stated that he told her, number one, to tell the truth; number two, in reference to the fact that she could not afford, and I make emphasis on this part, she could not afford to retain the services of an attorney, much as she would like to have had an attorney present with her at this time, and it is strange that today she finds herself here with an attorney. Undoubtedly with the news of yesterday the party took full speed and action to see that money was no problem.

Mr. ARENS. Sir, do you care to categorically affirm or deny, while you are under oath, the assertion by Olga Garczynski that during the process of your association with her, while you were an undercover agent in the Communist Party for the FBI, you courted her?

Mr. PENHA. Sir, I did not court her or any other female Communist sympathizer or dupe, none whatsoever.

I stand, and if I may raise my voice at this time, it is in anger, because I know the techniques of the underground of the party. I was part of it, and I know they are capable of doing these things.

Mr. MOULDER. I wish to make this statement: If the accusation she made were true, it is my opinion she would not have publicly have admitted it for any purpose. It is my opinion that she is acting under the direction of, and in accordance with, the Communist Party plot and plan to embarrass and discredit you. She even went so far as to admit she was a member of the Communist Party in her attempt to impress the members of this committee with some weight or degree of veracity in connection with her statements.

I have interrogated a witness preceding you concerning a meeting which they had where they discussed tactics and the method and procedure and how they would conduct themselves while appearing before this committee. It certainly is not unreasonable to assume that she is the one selected to serve in this plot and plan which I referred to for the purpose of discrediting and embarrassing you.

Mr. ARENS. Now, sir, may I invite your attention to the persons—

Mr. PENHA. May I say, sir, I would like just to make an addition in the person of Olga Garczynski.

Mr. ARENS. Proceed at your own pace to do so.

Mr. PENHA. Thank you very kindly, sir.

Among many other photographs, unfortunately I only have a few here because of the fact that I had, as it was my duty, to turn them over to the intelligence agencies—this is the only copy that I have of any photographs. However, the intelligence agencies have others. In this photograph or series of them I would like to show this particular one. It apparently seems to be in the eyes of the general public a picnic, which is a tactic and device of the party. This was a secret meeting that was held in the Cape, at which time was present, and the picture verifies the presence of these persons, as being Sidney Lipshires, district organizer; Joan Lipshires, and a district leader at the time; Roy Rogerson; his wife, Palmeda Rogerson; John Russo, in charge of the Labor Youth League for New England; Olga Garczynski; my wife, my children, and myself.

The purpose of this is just like in many other instances, the party uses different tactics in order to have secret meetings to appear as if there is nothing wrong with it. For example, this other picture here shows me with Sidney Lipshires. We are at a beach. It seems like two average persons are taking a sun bath. But if you will look closely at the expression of both of us you can see it is apparent that the average person would not be taking a sun bath and looking that way.

Thank you, sir.

Mr. ARENS. I think perhaps from the standpoint of making the record clear here, Mr. Penha, it was not our objective to call you back to the stand with any suggestion that there is any doubt whatsoever on behalf of this staff of your integrity, your morality, your honesty or your character in any respect. I have been engaged professionally in this business with this committee and the Internal Security Subcommittee for about twelve years. I have been in contact with literally hundreds of undercover agents, persons who have been in similar status to that of yourself. Never in my experience professionally have I been in contact or association with anyone who had a higher character, integrity, veracity, than yourself; and on this record I want it to be made absolutely clear that the sole and exclusive reason why we called you back here on this particular issue before proceeding with the interrogation on the general pattern was so that you could add one more portrayal of the treachery of this conspiracy which is threatening us all.

Mr. PENHA. Thank you very kindly, sir.

Mr. ARENS. May we proceed, if you please, with a discussion of persons known by you on the national level of the Communist Party in New York.

As you know, Mr. Penha, we have gone over this in consultation with you many times before and we would like to have you now for the purpose of a public record proceed with your identification of each of the several persons who to your certain knowledge are on the national level of the Communist Party in New York City. Then we will proceed with other areas.

Mr. PENHA. May I ask one thing, sir?

Mr. ARENS. Yes, sir.

Mr. PENHA. Is that in addition to the members of the National Committee who reside in this area?

Mr. ARENS. That is correct, yes, sir.

Mr. PENHA. I shall start first with this area.

Mike, Russo, a member of the National Committee.

Anne Burlak, previously active and a member of the National Committee.

Robert Handman, whom I have referred to, I believe yesterday, as coordinator of the National Textile Commission.

Walter Barry, formerly very active in the March of Labor, a left magazine, so-called, but a magazine issued by the party so that it would carry a broader phase and reach greater influence and people than the Daily Worker could have.

More and above that is the fact that he is the head of the National Metals Commission.

Max Gordon of the Daily Worker in charge of circulation.

Joseph Starobin, a writer of the Daily Worker who, incidentally, made a trip to various countries in the Far East, including China and the Soviet Union and expounded tremendously throughout the country for the purposes of both propaganda and finances, including the Boston area.

Mr. ARENS. We have had him as a witness in executive session.

Mr. PENHA. Yes, sir.

Milton Howard, at one time identified as a writer of the Daily Worker, but better known as one of the key figures of the Masses and Mainstream, a Communist Party publication.

Maud Russell, an individual from New York City. She is a writer for Far Eastern publications. Her influence extends from border to border. She has mastered the Far Eastern situation. Primarily her objective is recognition of China, speaking always in terms of peace and trade with the East and West.

Elizabeth Gurley Flynn, who, I am sure, is well known to you and who was in Boston a few years ago, a National Committee member.

Phil Bart, associated with the Daily Worker and also a former member of the National Committee.

Junius Scales, former district organizer for North Carolina and surrounding areas, that is, various other states which were under his jurisdiction, I believe, particularly Virginia.

I would like to add at this time, and it has come to my attention, that Junius Scales resigned publicly from the Communist Party. Here again is another method of deceit that the party uses. I know Junius Scales extremely well. He has slept in my home. We have had conferences many times. I know that he is a devoted Marxist and this is just one of another techniques of the party.

Mr. ARENS. On that point, how about Joseph Starobin? He allegedly has resigned.

Mr. PENHA. Yes.

Mr. ARENS. Do you feel the same way about him?

Mr. PENHA. I absolutely do, sir.

Mr. ARENS. How about Doxey Wilkerson? He allegedly resigned. Do you feel the same way about him?

Mr. PENHA. That was the next person I was going to come to. Doxey Wilkerson, a Communist teacher and writer, theoretician, teacher in one of the foremost Communist schools in New York City. The Jefferson School—

Mr. ARENS. The Jefferson School of Social Science?

Mr. PENHA. Of Social Science. This individual I personally met in Providence, Rhode Island. He is unscrupulous, is shrewd, a very able Communist and again is one that would accept wholeheartedly the party discipline to resign in order to better infiltrate the Negro organizations. Fortunately, the Negro people will not go for that, that is, the majority of them. The next person I have is Fanny Licht. She was residing incognito with an alias in New York City. Her position in the party was southern regional organizer. That is, she was a top organizer over and above all organizers in the South.

Mr. ARENS. And now, sir, may I ask you if you would kindly give us the name and a word of description about each person known by you to be a member of the Communist Party in the New Bedford area. May I just suggest this—that even though in some instances you may already have identified some of those persons because of their leadership status, you might repeat the identification now so that our record reflects the identification of these people all in one section of the hearings. Also if you can do so, give us a word of the last known address or general area in which that person to your knowledge resides.

Mr. PENHA. Yes, sir. However, I would first like to make the following statement, which is a very brief one, but I think a rather pertinent one.

Throughout my eight years in the party, I have known many comrades. The ones I have identified at this time and that I will continue during the process of this hearing, are not, by and large, the number of comrades I knew in its entirety, whether it be in Massachusetts, New England, or throughout the country.

You understand that I am working from memory and that it is utterly impossible for me to give you a 100 percent number as far as numbers go of the members that I knew.

Mr. ARENS. We appreciate that.

Would you kindly proceed now, so the record may be clear at this point, to give to the committee the name and a word about each person, including the last known address, in the New Bedford area who, to your certain knowledge, was a member of the Communist Party in that area?

Mr. PENHA. I shall start with Joseph Figueiredo. I knew him to be the district organizer at the time I came into the party.

Mr. ARENS. You have, of course, talked about him before. I don't think it will be necessary to elaborate the facts on him.

Mr. PENHA. The only thing I would like to raise, which I do think we did mention yesterday, the last whereabouts, to my knowledge, is that he is in San Francisco. Eulalia Figueiredo, his former wife, in Poland, deported by the United States Government, who at the time I knew her, was a Section Committee member.

Joy Clark Figueiredo. At the time I knew her she was Joy Clark. Subsequently she married Joseph Figueiredo. Her whereabouts, San Francisco, California.

Mary Figueirido, Section Committee member, New Bedford, Mass.

Sir, when I say New Bedford, Mass., that would be the last whereabouts on that individual.

Mr. ARENS. Yes, we understand.

Mr. PENHA. Nat Shelman, Peabody, Massachusetts, Section Committee member in New Bedford.

Mr. ARENS. In other words, he moved from New Bedford to Peabody, Massachusetts?

Mr. PENHA. Sir, here again is another technique of the party. He moved, yes, physically, but he was thrown out, although a colonizer. The party does not spare any given person. He and his wife were forced out of New Bedford. If you would like to have me elaborate on that, I would.

Mr. ARENS. Just a word, please, sir.

Mr. PENHA. Yesterday in speaking about white chauvinism, he became one of the targets of it. In addition to that he did not agree with Joseph Figueiredo that the section organizer, who was also the chairman of the Section Committee, should be the full and complete dictator of the apparatus. The other leaders of the Section Committee should have a voice. Joseph Figueiredo did not agree from time to time. He warned them to the extent that he was compelled to leave the New Bedford area.

Mr. MOULDER. Could we have the one large set of lights turned off? I believe it would be better. Of course the other one remaining on might help.

Mr. PENHA. The next person, Andie Shelman, Section Committee member, Peabody, Massachusetts, wife of Nathaniel Shelman.

The next person, Dan Amado. At the time I knew him when I first came into the party he was a Section Committee member.

Incidentally, I would like to raise at this point another of the techniques of the party.

When Joseph Figueiredo came to my home for the very first time Dan Amado came with him. Dan Amado did not say more than six words to me. He sat down comfortably, supposedly sleeping, but watching every facial expression of mine to insure the section organizer that I was not a phony. This I was even told by him at a later date when I became section organizer.

Subsequently he was expelled for security measures; as I pointed out yesterday, the party strengthens itself with weaklings and at one given period it was felt he was a weakling.

Manuel Coito, a subsequent member of the Section Committee of New Bedford in New Bedford, again a person that was expelled for security reasons.

Arnold Schwartz, colonizer, Section Committee member, New York City.

Rosaline Schwartz, colonizer, Section Committee member, New York City.

Harry Fishman, UE Organizer, at present I believe in Bridgeport, Connecticut.

Rozlyn Fishman, his wife, in charge of peace organizations and other front organizations for the New Bedford area. At present in Connecticut.

Frank Mello from Fairhaven, Massachusetts. On ice, a popular Communist terminology.

Mr. ARENS. Is he a sleeper now?

Mr. PENHA. The same phraseology that you have used here now is equivalent and parallel to the one I have used.

This person was put on ice or set up as a sleeper for the purposes of using his home as a secret meeting area where top people would meet.

Mr. ARENS. Where is he now? Is he here in Massachusetts?

Mr. PENHA. He is in Fairhaven, Massachusetts, but it is probable that he may be in Florida. He occasionally goes down there during these winter months.

Mary Macedo, New Bedford, Massachusetts, rank and file.

Arthur Macedo. That is the husband. He was also placed on the basis of a sleeper or on ice, for the purposes of using his home as a mail front so that secret documents of the party could reach me from the district.

Mr. ARENS Mr. Penha, could you hesitate a moment? I hold in my hand an envelope addressed Arthur Macedo, 62 Sidney Street, New Bedford, Mass. Mr. Williams is now going to display that to you. Was Macedo's home there used as a mail drop?

(Document handed to the witness.)

Mr. PENHA. That is absolutely correct, sir.

Mr. ARENS. Has he been cut out of the Communist Party for specific underground assignments?

Mr. PENHA. He was cut out of the party prior to action taken for the use of his home. The party does not do that today and use the home tomorrow. That is done in advance. They prepare themselves well in advance on these matters. I may add, that the contents that were in this envelope, which was sent by special delivery, as you can see, were important documents submitted to me by Sidney Lipschires, who in turn had arrived from New York City.

Mr. ARENS. What is the date? What is the postmark on that envelope?

Mr. PENHA. The postmark on here, sir, is Boston, June 21, 1955, Tremont Street Station.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the document which he now holds in his hands be appropriately marked and incorporated by reference in this record.

Mr. MOULDER. The document referred to will be so marked.

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

Mr. ARENS. Would you kindly proceed with the next name?

Mr. PENHA. The next person, James Braz. James Braz is a charter member of the Communist Party in the New Bedford area, a leader at one time of the Labor Youth League.

I would also like to inform this committee at this time, if I may, that James Braz, while a member of the Armed Forces in Italy in the military police then, that is, the combat military police, their job was to enter those areas in Italy which were occupied by the allies. His function, not with the sanction of the United States Army, but with the sanction and instructions of the Communist Party, was to approach the leading Communists in each village and town in order to give that person the leadership and control of that town.

Furthermore, Jimmy Braz, to my knowledge, is the only Communist that I know who belongs to two Communist Parties, that is, a member of the Communist Party in this country and a member of the Communist Party in Italy. His membership card is signed by Togliatti himself, who recognizes great services.

Mr. ARENS. Where is he now?

Mr. PENHA. New Bedford, Mass., sir.

The next person is John Bandarra; John Bandarra, a former president of UE local in New Bedford, Massachusetts. He is not at the present time a member of the party through fear, not the fact that he has lost his sympathy. I would like to point out one thing in connection with John Bandarra and a few other people in the UE area of New Bedford, in the person of Douglas Perry, a zealous and hardcore member of the party who would accept discipline like no other Communist would. He had, I believe, three plants in the New Bedford area under UE contract with approximately 1,000 members, and may I add one percent were Communists or Communist sympathizers, ninety-nine percent let themselves become dupes.

John Cordeiro. Incidentally, John Cordeiro is the father-in-law of Douglas Perry. John Cordeiro has in his possession—or has had, I imagine, since these hearings started, and he made some effort to see that this item would not be in his home—but up to and prior to that time, he had the mimeograph machine for the New Bedford area, which was to be used in case of a crisis where the district leadership would be arrested and we, in turn, would have to avail ourselves of our own methods of putting out propaganda.

I would also like to point out that John Cordeiro has been an officer of the previously mentioned club, the Alianca Liberal Portuguesa Clube, the secretary. He has exerted great influence in this club. I would also like to inform the committee at this time that for a period of several years he conducted a fifteen-minute radio program on Sunday in the Portuguese language. The interesting part of this was that on significant dates, such as Mothers Day, he would make a speech relative to the fact that “your sons are dying in Korea. This is the time to see your Congressmen and get them back.” I am not saying this verbatim but this is the line he used. He used during Christmas “Peace” and right along the line for various other holidays.

Manuel Rego, Fairhaven, Massachusetts, on ice, or as you respectfully stated, a sleeper, which is the correct term.

Mr. ARENS. Where is he now?

Mr. PENHA. In Fairhaven, Massachusetts. His home has been used for top secret meetings from time to time. These meetings were only known to myself and the participants in that meeting. Not even Manuel Rego was aware of it until one or two hours prior to the meeting.

Charles Frates, New Bedford. This man was very active in propaganda. However, in mentioning propaganda, this was another device and technique of the party. He used to receive different pamphlets such as the New World Review, the Daily and Sunday Worker, the March of Labor, and others; and he would place them in our automobiles, in shop areas and the like, in churches and what have you, so that he felt if at least one person that evening, when he went out, would absorb and believe some of it he would have accomplished something.

Andrew Garczynski. This is the father of Olga Garczynski. He is the one that brought into the labor youth movement both Olga and Tillie and he himself is a party member.

Incidentally, some time ago, this goes a few years back, according to what he told me, he was arrested in New Bedford, Massachusetts, for distributing party literature. He did not stay too long. However, if the committee is interested, they could check that further.

The next person is Olga Garczynski, Section Committee member, New Bedford, a true hard-core member. I would also add that Olga Garczynski was a secret party member in the National Silverplate, they call it, I believe, Company in New Bedford. Her purpose was to influence the masses within, in other words, to work as sort of an unpaid organizer for the UE, which was attempting to organize the plant.

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

Mr. PENHA (continuing). Manuel Pacheco. He was a rank and file, living in South Dartmouth, Massachusetts. He attempted and succeeded at one time in getting some papers falsified in order to protect a son-in-law who had come into the country illegally and who was working in the waterfronts of New Bedford. Subsequently at a later date his son-in-law went into Canada and, as I recall, did come into the country then.

Another thing I would like to add with Manuel Pacheco is that he was very active in promoting, distributing of Marxist books and literature throughout the southern area of New Bedford, Massachusetts.

More, I would say on him would be that he applied a short time ago for renewal of seaman's papers and I asked him whether or not he intended to get back into the Merchant Marine or if he had ever been in the Merchant Marine. He stated that if it was at all necessary to get into the Merchant Marine he wanted those papers. Therefore he applied again for those papers. Fortunately the Coast Guard did not give it to him.

Joseph Szocik, a rank and file member who was very active both in collecting dues for the party, sustainers, distributing literature, being of influence among the Polish minority group of New Bedford.

John Humenuk—John has since then been expelled for reasons of security.

Mr. ARENS. Is he still under Communist Party discipline?

Mr. PENHA. At this very moment I cannot say. As of a short time ago, yes. He is a person that has contributed extensively for the Communist conspiracy in the past. He is from New Bedford, Massachusetts.

John Pacheco, New Bedford, Massachusetts, a contractor, small contractor, very active in Communist fronts. Also one of our good sustainers.

Edmund Hirst, from New Bedford; his main task, being an elderly man, was to expound the Communist propaganda. He received literature in bulk form from Canada. The purpose of that was to place it in various bus stations, restaurants, cars, and the like. He also used a rather unique technique. He would send it by mail, using various people, including Olga Garczynski, to write the name of the individual so that it would not follow the same pattern of the same person writing the envelope of some of the addresses to Congressmen, to city councilors, to people in high positions, locally and statewide, without her return address.

Palmeda Crosley Rogerson. She is the wife of Roy Rogerson. She has been in and out of the party. She has been more active in political office, that is, running for political office with the able support of the UE and united front action in New Bedford. I believe

she missed from being elected as a councilor-at-large by a mere handful of votes. She was also very active in the Progressive Party.

Mr. ARENS. She didn't run on the Communist Party ticket as such, did she?

Mr. PENHA. Absolutely not, sir.

Mr. ARENS. She ran on the ticket of one of the great political parties, but failed to disclose her connection with the Communist Party, is that correct?

Mr. PENHA. Sir, my recollection does not permit me to say whether she ran as an Independent or Democrat.

Mr. ARENS. I have just been advised that the elections in New Bedford are non-partisan—that they do not have political parties in the city government.

Mr. PENHA. That is why I say I don't recall exactly.

Mr. ARENS. Kindly proceed if you please, sir.

Mr. PENHA. Roy Rogerson, the husband of Palmeda Rogerson.

Mr. ARENS. You have previously mentioned him.

Mr. PENHA. Yes; New Bedford, Massachusetts.

Mr. ARENS. Did you want to allude to Douglas Perry?

Mr. PENHA. I did, yes. I am sorry. Douglas Perry, New Bedford, Massachusetts, a UE organizer and Section Committee member, member of the District Metals Commission and chairman of the Section Metals Commission.

May I say at this time that this man, a very intelligent man, both as a Christian and a Communist, is a person that is very zealous and accepts party discipline like no other person I know in labor circles. I would like to add I was informed this evening that my local town paper, the New Bedford Times, stated something to the effect, and I don't quote verbatim, but he was interviewed and he said "Lies, lies, lies." That is again typical of the party techniques.

Mr. ARENS. He was not under oath when he said "Lies, lies, lies," to the newspaper reporter, was he?

Mr. PENHA. Absolutely not.

Mr. ARENS. We have him under subpoena and we will see what he says in a day or two here.

Mr. PENHA. I am glad that he is under subpoena; and at this time, if I may, I would like to address the public in New Bedford that are close, very closely related, to the UE and that is they have a vast opportunity of removing him, Roy Rogerson, and a few other people if they wish. Ninety-nine percent of the people are not under Communist domination willingly. Unwillingly they are. They have a tremendous weapon. I hope they take advantage of it as great Americans.

Mr. ARENS. Your next name, if you please, sir.

Mr. PENHA. John Vieira, Acushnet, Massachusetts, an employee of Wamsutta Mills. While a member of the party he did a terrific job for the party under the leadership of Mike Russo. The reward that he obtained was about a year and a half later—expulsion from the party for security reasons.

The next person, Roland Botelho, New Bedford, Massachusetts. This person, at present unemployed, was formerly employed at the Berkshire-Hathaway Mills in New Bedford. Incidentally, for the

information of the committee, at that time he was a shop steward, signing the Taft-Hartley law while a Communist.

I would like to raise one very pertinent point here about Roland. I may say two, if I may.

One, I was instructed by Mike Russo at a secret meeting which was held in my home to obtain complete information relative to the Hathaway mill for the purposes of making an analysis insofar as textile goes in the South. This is the names, the addresses, the occupations, departments, types of work, and so forth, of that plant. This was a big task. Mike instructed me that nothing is too big in the party to do. I approached Roland Botelho. Within 10 days he obtained a copy which came from the office of the president, Mr. Seabury Stanton.

I would also like to point out, when Mr. Budenz came to New Bedford to speak at the New Bedford High School a short time ago, this same Botelho came to me and said that he had a very good idea, that he had spoken with other comrades. They thought it was excellent.

Roland Botelho was a person who was well equipped, had a knack of knowing how to work with different types of arms, even making them. He wanted to make a small bomb.

Mr. ARENS. When you say Budenz, you mean Louis Budenz, former editor of the Communist Daily Worker, who broke from the party a long time ago and has been serving the Government by giving information and the like?

Mr. PENHA. That is correct, sir.

I will tell you, sir, at that time that was one of the few times that my hair had sort of risen up, the few I got on my head. I knew Budenz. That is, I knew of him. I knew he was doing a terrific job. And I wanted that stopped. I had to meet with the district and convince them that this was not the thing to do.

Mr. ARENS. What were they going to do with the bomb he was going to create?

Mr. PENHA. They were going to place the bomb near the platform where he was going to speak. This, incidentally, was timed. This did not take place because of the manner in which I was able to convince the district, and believe you me, sir, it took a lot out of me to do it. I think someone else aided me in this, namely, God.

Mr. DOYLE. Did you report that to the FBI at the time?

Mr. PENHA. Sir, everything I have stated here has been reported in detail in writing to the FBI.

Mr. DOYLE. Thank you.

Mr. MOULDER. The committee will stand in recess for approximately 5 minutes.

(Brief recess.)

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

Mr. MOULDER. The committee will be in order.

After conferring with my colleagues on the committee, the committee will continue the hearing until ten o'clock, p. m., and then we will recess until ten o'clock in the morning.

Mr. ARENS. Mr. Penha, I am not sure that the record is quite clear on these specific details which you gave just before the recess. You alluded just before the recess to the creation of a bomb which was

to be used by the Communist Party to blow up or kill Louis Budenz. Can you give us the details in summary form on that now?

Mr. PENHA. Yes, sir. When I was first approached by Roland Botelho, we had, I believe, three or four meetings on this matter. First, he illustrated how he was going to work it out, how he had it planned. He presented to me a sketch of the auditorium of the school, the exits, and just how he could get in beforehand and place it and be able to get out without being noticed. The purpose of it was that it was felt in the party that Budenz was doing a terrific job for the United States Government and its people and it was felt that if such an accident would occur it would eliminate another great American, thus putting the party in the position of being that much stronger with one less person to confront with and worry about.

Mr. ARENS. Would you kindly proceed with the next name?

Mr. PENHA. Would you kindly tell me the last one I had?

Mr. ARENS. The last person you were talking about was Roland Botelho.

Mr. PENHA. The next person, Louis Dimitroff. His legal name, although always popularly known as Louis Dimitroff, is Louis Dimitroff Kushaff. He was one of the parties in the estate of Maud D'haze. His home was also used as a front for bulk material from the Communist Party. He is from New Bedford, Massachusetts.

Tillie Cropper, New Bedford. She is a sister of Olga Garczynski.

John Harrison. His whereabouts at the present is in Connecticut. He is a son of Maud D'haze. He did in some way create a block, so to speak, in the will, by demanding that part of the moneys and estate be given to him, which was done.

Albert Tremblay, New Bedford. Albert Tremblay was used as a mail front for party literature and publications. He also distributed them to party people who did not want them to be sent directly to their homes. He was also responsible for collecting of dues.

Ethel Smith, South Dartmouth, Massachusetts. She was quite active in legitimate organizations in carrying out the party line.

Edward Teixeira. He was last known to me to be in the Boston area.

I may add that Teixeira was recruited into the party by Douglas Perry.

Again I wish to make emphasis on the fact that a colonizer as such is equipped with many virtues and with many capabilities. This is indicative of one of them.

Alphedge Carreau, New Bedford, textile worker, who had an extreme influence among the workers and officers of the plant he was working at in New Bedford.

Guilherme Hilario was active in a Communist front organization.

Incidentally, for the information of the committee, he recently made a visit to the Azores, Portuguese colony, and as I understand it, they have to fill out certain forms in so far as Communist activities go.

Phil Mamber. His last whereabouts, to my knowledge, is in the Boston area. He was of tremendous influence in New Bedford at their Berkshire-Hathaway Mills.

Mr. ARENS. May I invite your attention to the District Metals Commission of the Communist Party. We have already talked about the members of the Communist Party known by you in Fall River,

Massachusetts. So I invite your attention now to the subject of the District Metals Commission of the Communist Party. First of all, tell us what is or was the District Metals Commission of the Communist Party?

Mr. PENHA. The District Metals Commission is an organization set up by the party for the party, a tool of the party to carry out the party discipline, the party policy within the vital industries in New England in various forms, particularly, I may add, in the legislative field.

Mr. ARENS. Who is chairman of the National Metals Commission of the Communist Party?

Mr. PENHA. The chairman of the National Metals Commission is Walter Barry.

Mr. ARENS. Is he located in New York?

Mr. PENHA. New York area, yes, sir.

Mr. ARENS. Now give us the names, please, of the persons known by you to a certainty to be members of the Communist New England District Metals Commission?

Mr. PENHA. Eddie Garfield, Douglas Perry, Robert Goodwin, Paul Rosenkrants, Alex Leith, and Abe Hoffman. I attended several of their meetings, but I was not a direct member as such.

Mr. ARENS. Mr. Chairman, it is approaching the hour which the Chair announced its intention to recess.

I suggest to the Chair we have arrived at a point in the general pattern of interrogation where it might we well to suspend for the evening.

Mr. MOULDER. Very well. The committee will recess until ten o'clock tomorrow morning.

(Whereupon, at 9:50 p. m., Wednesday, March 19, 1958, the subcommittee recessed to reconvene at 10 a. m., Thursday, March 20, 1958.)

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