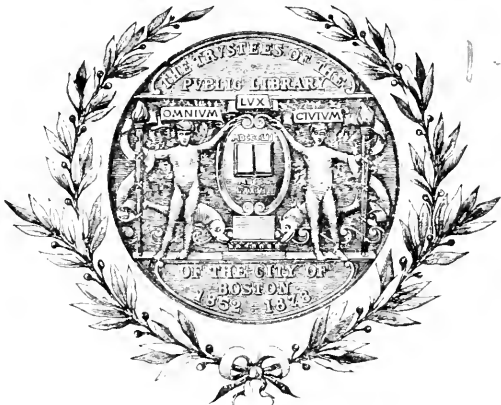


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**SPECIAL SENATE INVESTIGATION ON CHARGES  
AND COUNTERCHARGES INVOLVING: SECRETARY  
OF THE ARMY ROBERT T. STEVENS, JOHN  
G. ADAMS, H. STRUVE HENSEL AND SENATOR  
JOE McCARTHY, ROY M. COHN, AND  
FRANCIS P. CARR**

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**HEARING**  
BEFORE THE  
SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS  
UNITED STATES SENATE  
EIGHTY-THIRD CONGRESS  
SECOND SESSION  
PURSUANT TO  
**S. Res. 189**

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**PART 4**

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APRIL 23, 1954

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## CONTENTS

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	Page
Testimony of—	
Lucas, John J., Jr., appointment clerk to the Secretary of the Army--	146





SPECIAL SENATE INVESTIGATION ON CHARGES AND  
COUNTERCHARGES INVOLVING: SECRETARY OF THE  
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE  
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AND FRANCIS P. CARR

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FRIDAY, APRIL 23, 1954

UNITED STATES SENATE,  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

AFTER RECESS

(The subcommittee reconvened at 2:30 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Hon. Robert T. Stevens, Secretary of the Army; John G. Adams, counselor to the Army; H. Struve Hensel, Assistant Secretary of Defense; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will come to order, please.

The Chair has an announcement to make first of all concerning Senator Dworshak. He is attending a funeral of a friend and is temporarily absent from the committee, but will be back with us soon after the beginning of the afternoon session.

The second announcement is that since a question of legality seems to have arisen under section 605 of title 47 of the act dealing with Federal communications, with a subhead, "Unauthorized Publication or Use of Communications," a question which we believe the subcommittee should go into with its counsel in executive session to be sure that we know exactly the ground on which we are operating, it has been decided not to proceed with the interrogation of Mr. Lucas at this time, nor to proceed with Mr. Stevens from the standpoint of any questions dealing with the monitored conversation, but to temporarily

dismiss Mr. Lucas and to ask Mr. Stevens to return to the stand, and we will interrogate on other phases.

Mr. WELCH. Mr. Chairman, I am under the impression that the legal question has disappeared because the Senator has consented to the publication, and therefore no legal question remains.

Senator MUNDT. The lawyers on the subcommittee seem to be in some doubt as to the legal question.

Mr. JENKINS. If Senator McCarthy consents publicly for the publication of that communication, then it is my opinion, Mr. Chairman, that we may proceed with Mr. Lucas. I think it is in order for Senator McCarthy to now make some public announcement with respect to whether he does or does not consent.

Senator McCARTHY. I will be glad to do that.

Mr. Chairman, my position is this: that if we publish one conversation between Mr. Stevens and Senator McCarthy, then we must publish all of the conversations between Mr. Stevens and McCarthy and the members of the committee. I do not think Mr. Stevens can be in the position of selecting one conversation and using that and hiding all others.

Now, I would like to proceed with the interrogation of Mr. Lucas at this time, to find out just how many conversations they have monitored.

For example, Mr. Jenkins, I know there are a great number of conversations with other members of the committee, and the interpretation of those conversations would be different, I know, using the words of Mr. Stevens and mine. I feel they were for the purpose of trying to keep us from proceeding with the investigation. Mr. Stevens, I know, would interpret those conversations differently, and I would like to at this time, if we could—and I don't feel strongly about it. Certainly I will abide by the Chair's ruling—I would like to get from Mr. Lucas a picture of just how they go about this monitoring, whether they do it by mechanical devices ever, whether they have verbatim transcripts of the conversations with all members of this committee on down the line.

I think that the Chair makes a good point when he says that you will have to go into executive session to decide whether or not they should be published.

In answer to your question, Mr. Jenkins, again I say that I do think that all conversations, regardless of whether there was a violation of the law in taking them, should be made a part of the record, but not just one conversation on a specific date with McCarthy.

Mr. WELCH. I quite agree with the Senator, and all monitored conversations will be made available to the committee counsel, and in each instance where he considers them material to this inquiry they will be introduced in evidence, provided the person on the other end of the wire consents to their being admitted, as I understand the Senator now consents.

Senator McCARTHY. Oh, no, Mister, you are not going to do that. You are not going to select conversations—and just a minute, you are not going to select conversations.

If we introduce one conversation in regard to this Communist investigation, we are going to introduce all of them. As far as I am concerned I am not the chairman, but that is my position. My posi-

tion is that no one person can keep any conversation out of this record once we start to introduce it.

Mr. JENKINS. Mr. Chairman, may I say this—

Senator MUNDT. I think Mr. Welch has the floor.

Mr. WELCH. I think the Senator misunderstood me. We are not choosing at this table what ones go in evidence. We are saying that they will all be offered to committee counsel, and Mr. Jenkins may put any or all in that he considers material, so long as he either has the consent of the man on the other end of the telephone, or the committee orders the witness to state them irrespective of the consent.

Mr. JENKINS. In order to clarify the question, it is my opinion that all conversations between the respective parties to this controversy are properly admitted as evidence provided they are relevant, irrespective of the consent of either party. That all monitored conversations and all transcriptions of monitored conversations are likewise properly admitted provided the party on the other end gives his consent.

If Senator McCarthy does now unqualifiedly give his consent to the admission of a transcription of this monitored conversation of November 7, then I am ready to proceed with the introduction of proof.

Senator McCARTHY. I assume you want a comment from me on that.

Mr. Jenkins, until I question this witness and know whether it is an accurate transcript—

Mr. JENKINS. That is one of the first things I plan to do.

Senator McCARTHY. After that is done, as I have said, I think we are entitled to the facts here and if we find that the—

Mr. JENKINS. Preliminary to the introduction of it, I intend to first qualify him and I say that Senator McCarthy is entitled to supplement my examination if it isn't complete.

Senator McCARTHY. Very good.

Senator MUNDT. And to withhold his decision on admissibility until after the cross-examination.

Senator McCARTHY. That is right.

Senator MUNDT. Very well, Mr. Welch.

Mr. WELCH. You understand that if the Senator does not consent, it is still my opinion, which is of little importance, that the conversation may still be admitted properly upon vote of the committee that it must be.

Senator McCARTHY. May I say that for the first time in 2 days I agree heartily with Mr. Welch.

Mr. WELCH. Thank you, Senator.

Senator MUNDT. And if the Senator does not consent, it will then be a matter for the committee to take up in executive session.

Mr. WELCH. That would be my view, sir.

Senator MUNDT. Mr. Counsel, will you call the first witness?

Mr. JENKINS. Mr. Lucas.

Senator MUNDT. Mr. Lucas, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LUCAS. I do, so help me God.

Senator MUNDT. You may be seated.

**TESTIMONY OF JOHN J. LUCAS, JR., APPOINTMENT CLERK TO THE  
SECRETARY OF THE ARMY**

Mr. JENKINS. State your name in full, please.

Mr. LUCAS. My name?

Mr. JENKINS. What is your name?

Mr. LUCAS. John J. Lucas, Jr.

Mr. JENKINS. What is your official position with the Army or with Mr. Stevens?

Mr. LUCAS. Appointment clerk to the Secretary of the Army.

Mr. JENKINS. How long have you been appointment clerk to the Secretary of the Army?

Mr. LUCAS. Since December of 1949 on a full-time basis.

Mr. JENKINS. What are your duties?

Mr. LUCAS. To in general help the Secretary in connection with his appointments and his telephone calls.

Mr. JENKINS. Are you an experienced reporter, that is, I mean are you experienced in the taking of a conversation or dictation in shorthand?

Mr. LUCAS. Yes, sir.

Mr. JENKINS. How much experience do you have?

Mr. LUCAS. I went to shorthand school for about 5 or 6 months during—

Mr. JENKINS. When was that?

Mr. LUCAS. In about 1934, and then sometime after I left shorthand—

Mr. JENKINS. Have you ever been a court reporter?

Mr. LUCAS. Not in an actual court.

Mr. JENKINS. Have you ever held a position in which you were required to take dictation?

Mr. LUCAS. Yes, sir; and to make reports of hearings.

Mr. JENKINS. How much experience have you had in that particular line of work, Mr. Lucas?

Mr. LUCAS. During the war I was with the Joint Chiefs of Staff for about 3 years and I sat in on meetings of committees of the Joint Chiefs of Staff, and took notes of the proceedings and made transcripts.

Mr. JENKINS. I will ask you whether or not you consider yourself an expert in taking notes from dictation and in transcribing those notes to type?

Mr. LUCAS. Yes, sir. I won the 200 Gregg diamond medal years ago.

Mr. JENKINS. What preliminary or academic education do you have?

Mr. LUCAS. Four years of college.

Mr. JENKINS. You are a college graduate?

Mr. LUCAS. Yes, sir.

Mr. JENKINS. Are you able to state positively, Mr. Lucas—and I, of course, know that you remember that you are under oath—are you able to state positively that a report you took, if you did take one, on November 7, 1953, being a telephone conversation, and taken by you in shorthand, was accurately, word for word, verbatim, set down in shorthand, on your notebook?

Mr. LUCAS. It was substantially accurate.

Mr. JENKINS. Substantially accurate?

Mr. LUCAS. Yes, sir.

Mr. JENKINS. You will not then say that it was accurate, word for word, verbatim; is that correct? Is that correct, Mr. Lucas?

Mr. LUCAS. I cannot state that it was absolutely word for word verbatim. I may have missed a word here and there.

Mr. JENKINS. Could you put your interpretation upon it? Are you the man who is making yourself the judge of whether or not it was substantially accurate or otherwise? Now you say it was substantially accurate.

Mr. LUCAS. Yes, sir.

Mr. JENKINS. I take it by that that you are making yourself the sole and the exclusive judge of just how much it missed the mark or how close it came to getting a full, accurate, detailed, verbatim report; is that correct?

Mr. LUCAS. Yes, sir.

Mr. JENKINS. Then you won't say, as you sit there now, that—You have, I take it, transcribed your notes to type?

Mr. LUCAS. Yes, sir.

Mr. JENKINS. You will not say, as you sit there now, that your transcription—

Senator MUNDT. Pardon me just a minute. There has suddenly come up a new light that makes it impossible to see the witness. I wonder if we could have that light over there turned down. Just about 2 seconds ago it came on. We have been doing pretty well without it and I hope we can continue to do without it.

Mr. WELCH. Mr. Chairman, once again could I ask Mr. Jenkins not to go too swiftly on his next question. Let the witness answer if you will, sir. I think if you go a little more slowly you will perhaps get answers that are more accurate.

Mr. JENKINS. Mr. Lucas, my question now is this: That as you sit there now at this moment with your transcription of this telephonic conversation of November 7 before you, you will not tell this committee that it is an absolutely perfect recording, word for word and verbatim, of an alleged telephone conversation between Senator McCarthy and Mr. Stevens; is that correct?

Mr. LUCAS. It is not a word-for-word recording of it.

Mr. JENKINS. I pass the further examination of this witness to the chairman.

Senator MUNDT. Did I understand your last statement, Mr. Lucas, that it is not an accurate "word-for-word" verbatim account?

Mr. LUCAS. I dropped a few words from the conversation in taking the notes, a very few words, I believe.

Senator MUNDT. May I inquire about just how this monitoring is done? Do you listen on the telephone? Is it a recording and then played back to you or how do you get the transcription?

Mr. LUCAS. I listen on the telephone and at that time write notes in Gregg shorthand.

Senator MUNDT. As they are taking place?

Mr. LUCAS. Yes, sir.

Senator MUNDT. Is that your full-time task down there, monitoring telephone calls of that type? Is that your primary duty and responsibility?

Mr. LUCAS. It is one of my main duties. I also arrange or help the Secretary with his appointments.

Senator MUNDT. Is it customary procedure when telephone calls are received from what is called the Hill, offices of Congressmen and Senators, for you to be called in to monitor those conversations, Mr. Lucas, or was this an exceptional procedure worked out for Senator McCarthy in the instant case?

Mr. LUCAS. That process is a part of my duties, sir.

Senator MUNDT. For all calls coming from the offices of Senators and Congressmen?

Mr. LUCAS. All calls coming in from the Department of Defense switchboard on which the Secretary of the Army speaks, unless the Secretary of the Army asks me not to listen.

Senator MUNDT. So that it is standing operating procedure in which you are engaged, to sit there with your shorthand notebook when you get calls which do not, for some particular reason, require the Secretary to say, "Don't listen to this one," which might be a security case or something of that type, the standard normal procedure is for you to monitor these calls which come to you, regardless of where they come from?

Mr. LUCAS. Yes, sir. It has been a normal procedure for years. There is one other exception. For example, I do not monitor telephone calls from or with members of the Secretary's family.

Senator MUNDT. Well, you said there were some exceptions. That is perfectly all right. I am trying to get your standing operating procedure. When did this procedure begin? I know many of my colleagues are going to be interested in hearing this, and I want to have it as clear as I can.

Mr. LUCAS. Do you mean how long has it been done in the Office of the Secretary of the Army and Secretary of War?

Senator MUNDT. How long have you been doing it?

Mr. LUCAS. I have been doing it since the time—well, I started during the time of Secretary Royal.

Senator MUNDT. About what year was that?

Mr. LUCAS. About—well, in 1949. I was a substitute for Mr. Shott, my predecessor, and he also listened on phone conversations, and I understand his predecessor did.

Senator MUNDT. So to your full knowledge, at least, you started in 1949, and that has been standing operating procedure since?

Mr. LUCAS. Yes, sir.

Senator MUNDT. Your duties in that connection are limited to listening to phone calls to the Office of the Secretary, are they, or are there other monitored calls that you also listen to?

Mr. LUCAS. My duty is to monitor the Secretary's calls.

Senator MUNDT. I have no other questions.

Senator McClellan?

Senator McCLELLAN. As I understand, there has been no change whatsoever in procedures and practice with respect to taking notes on telephone calls since you began in 1949?

Mr. LUCAS. There have been some changes, yes, sir.

Senator McCLELLAN. What changes have been made under Secretary Stevens?

Mr. LUCAS. No change made under Secretary Stevens.

Senator McCLELLAN. In other words, you are now following the same procedures and practices with respect to that part of your duties that you followed under Secretary Stevens' predecessor?

Mr. LUCAS. Yes, sir.

Senator McCLELLAN. Now, you say these notes you made, the shorthand notes you took of the conversation, are not complete, and they do not record each word that is spoken by the parties talking?

Mr. LUCAS. I attempt to make them just as complete as I can, but the conditions are such that I cannot swear that they are word-for-word complete.

Senator McCLELLAN. Well, let me ask you if you undertake to get every word, or do you simply make sufficient notes so that you will have the information that will enable you to carry out your further duties with respect to the conversation?

Mr. LUCAS. That is what I try my best to do.

Senator McCLELLAN. You try your best to get enough information from the conversation, and to make notes of it, for your guidance thereafter with respect to dispatching that information to get the further services rendered; is that correct?

Mr. LUCAS. Yes, sir; that is correct.

Senator McCLELLAN. Now, on the assumption of this conversation that is in question, were you given any special instructions or any different instructions in the taking of that telephone conversation, to any others that you were taking in the course of your duties along at that time?

Mr. LUCAS. No special instructions.

Senator McCLELLAN. Were you particularly alerted to be on the phone at that time, and to take notes of this conversation? Did the Secretary say to you, "Get on the phone and take notes of this"?

Mr. LUCAS. No, sir.

Senator McCLELLAN. You did it in the normal course of duty?

Mr. LUCAS. Yes, sir.

Senator McCLELLAN. But you cannot say that you got it full, complete, and accurate?

Mr. LUCAS. That is correct, sir; I cannot say that.

Senator McCLELLAN. Mr. Chairman, I am satisfied.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. I doubt very much whether any other questions need to be asked here on this point, except for the principles involved.

Let me ask this, however, Mr. Lucas: Do you have an opinion as to whether the words which you may have dropped in the course of the conversation and not set down, would in any way modify or distort or substantially change the meaning and the substance of the conversation that was held?

Mr. LUCAS. My opinion is that I put down in my shorthand notebook practically all of the conversation, and that the little that I may have missed would have not altered the substance of what I did take down.

Senator DIRKSEN. Do you think even the best reporter can take down perfectly everything that is said from two ends of a telephone line?

Mr. LUCAS. No; I do not think it is possible to be 100 percent accurate in taking conversations over the telephone, or, for that matter, in a large roundtable conference.

Senator DIRKSEN. That is all.

Senator MUNDT. Senator JACKSON.

Senator JACKSON. Mr. LUCAS, let me see if I can get the procedure clear. When you monitor a conversation, do you attempt to take down the words spoken by the parties on each end of the line word for word?

Mr. LUCAS. Yes, sir; I attempt to do that. Quite often, I have found in the past, it may have a bearing on how I process calls where I have to do something to help the Secretary.

Senator JACKSON. Let me just get this point clear. Now, when you take notes, is it my understanding from your testimony here that you attempt as far as it is humanly possible to take down that conversation first in your shorthand notes word for word?

Mr. LUCAS. Yes, sir; I do; except possibly for social greetings at the beginning of the call. But where the business of the call is concerned I attempt to get every word, word for word.

Senator JACKSON. Now, when you say you attempt, what do you mean by that? Do you mean that all human beings are fallible, and they may make an error on a word? Is that what you mean?

Mr. LUCAS. I mean that, and I mean also that there may be a noise in the room, and I may not be able to hear perfectly, and I may be distracted and somebody might come up and try to talk to me.

Senator JACKSON. Well, with reference to the telephone conversation in question now before the committee, do you have any recollection of whether you deleted certain words or you may have left out words, or is it that you are trying to say you may have? Could you say positively that you left out certain words?

Mr. LUCAS. I can say positively that I left out a few words.

Senator JACKSON. All right. Now, why did you leave out those words?

Mr. LUCAS. I don't know, at this point, sir; I don't know exactly.

Senator JACKSON. Did anyone ask you to leave them out?

Mr. LUCAS. No, no, sir.

Senator JACKSON. How could you remember?

Mr. LUCAS. Because I put a word in my book that indicated that I had, at the spot where I did.

Senator JACKSON. You made a note when you went along in connection with the taking down of the conversation in shorthand, you made a mark or some other notation that at that point there was some incomplete transcription of it?

Mr. LUCAS. Yes, sir.

Senator JACKSON. Is that right?

Mr. LUCAS. Yes, sir, in my shorthand notes I made that mark.

Senator JACKSON. In connection with this particular telephone conversation again, the deletions that you have referred to, the words that may have been omitted, were they at the beginning, in the way of salutations, or greetings; or where did they occur in the conversation?

Mr. LUCAS. They were in the body of the call, sir, and not in the greetings.

Senator JACKSON. They were in the body of the call?

Mr. LUCAS. Yes, sir.

Senator JACKSON. Now, is this sort of situation that you have referred to in connection with the transcription of this telephone



conversation similar to your taking down of notes on other telephone conversations?

Mr. LUCAS. You mean did I use the same process?

Senator JACKSON. Yes.

Mr. LUCAS. Yes, sir.

Senator JACKSON. Well, do I understand then that in most of your transcription of telephone conversations, monitored or however it may be referred to here, are never complete?

Mr. LUCAS. I wouldn't say that they are never complete, but I imagine I get a complete version in my shorthand notes on many, many calls.

Senator JACKSON. But I take it that in this particular instance, that at times you could not hear part of the conversation, or there may have been some distraction in the room, and for that reason certain words were deleted?

Mr. LUCAS. Yes, sir, omitted.

Senator JACKSON. You have gone over, I assume, your notes and is there any change in the substance of the conversation as a result of those deletions?

Mr. LUCAS. I don't believe so, not in my opinion.

Senator JACKSON. That is all.

Senator MUNDT. Senator Potter.

Senator POTTER. Mr. Lucas, do you transcribe all of your telephone conversations?

Mr. LUCAS. No, sir.

Senator POTTER. When do you transcribe the telephone conversations?

Mr. LUCAS. When the Secretary of the Army asks me to do so, or if his Department counselor would ask me to do so when I figured that he would be acting on instructions from the Secretary.

Senator POTTER. I assume there are many calls going into the Office of the Secretary every day?

Mr. LUCAS. Yes, sir.

Senator POTTER. Now, do you catalog your book in such a way that you can readily secure the call that the Secretary is interested in?

Mr. LUCAS. I don't know about readily; I have a system that I can locate certain calls; yes, sir.

Senator POTTER. When was this particular call transcribed?

Mr. LUCAS. I don't remember exactly, Senator Potter. I imagine it was somewhere around March 10, around in there, but I am not sure.

Senator POTTER. Of this year?

Mr. LUCAS. Yes, sir. I am not sure. It was not transcribed at the time, I do not believe.

Senator POTTER. Mr. Lucas, you monitor outgoing calls as well as incoming calls from the Secretary's office?

Mr. LUCAS. I monitor the calls on which the Secretary talks. It doesn't matter which way they were initiated, sir.

Senator POTTER. In other words, you hear all telephone conversations that the Secretary has with his office, with whatever parties he may be talking to; is that correct?

Mr. LUCAS. All calls that go over the Department of Defense switchboard, where he does not say, "Do not listen to this one."

Senator POTTER. If the Secretary's office is like mine, your ears must burn many times.

Mr. LUCAS. Yes, sir.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I have no questions, Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. I have just one simple question, sir. If you were to take your notebook and read your notes, would everybody in this room have a perfectly good picture of that telephone conversation?

Mr. LUCAS. I believe so.

Mr. WELCH. That is all.

Senator MUNDT. Senator McCarthy and Mr. Cohn?

Senator McCARTHY. Just a few questions. Do you monitor the calls of Mr. Adams also?

Mr. LUCAS. If they are made over the Department of Defense switchboard. Most of them I would not monitor, because they would be made over the buzz-box, or dictograph system, I believe it is called.

Senator McCARTHY. Can I ask you this question: One of the issues here today, of course, will deal with what, if any, phone calls the Secretary, Mr. Adams, and others may have made to various Members of the Senate to try and call off the hearings. Would you have an index to indicate what Senators were called on a certain day, what Congressmen were called?

Mr. LUCAS. Do you mean that if you asked me did a certain Senator phone or talk on the phone on a certain specific day with the Secretary?

Senator McCARTHY. Yes.

Mr. LUCAS. Yes, sir; I would have a record that that call had been made.

Senator McCARTHY. In other words, you could go back through your books now and over the past 6 or 8 months you could give the names of the different Senators who either called the Secretary or whom the Secretary called in regard to this particular matter, could you?

Mr. LUCAS. I couldn't do it right now, no, sir, because the records are rather large.

Senator McCARTHY. But given time, you could do that?

Mr. LUCAS. Yes, sir.

Senator McCARTHY. I still do not have completely in mind just how this works. When you take notes, you say you try to get the conversation of both parties other than the social greetings?

Mr. LUCAS. Yes, sir.

Senator McCARTHY. When you write up your report, do you write it up as nearly as you can, a verbatim report of the conversation or do you write your version of what went on during that conversation?

Mr. LUCAS. What report are you referring to, Senator?

Senator McCARTHY. Let's take the conversation between myself and Mr. Stevens?

Mr. LUCAS. The transcript being referred to on the call of November 7, sir?

Senator McCARTHY. That call or any other call. In other words, the normal procedure.

Mr. LUCAS. The normal procedure? I will, at the time, if possible, right at the conclusion of the call, if I am not pushed into doing something else more important, I will then write on a slip of paper—this size [indicating] that is, using my shorthand notes, the time of day, the date is at the top, and I would indicate who called who and simply the subject. For example, if you phoned Secretary Stevens on November 7, and talked about the Schine matter, I would say on that little slip such and such time, Senator McCarthy called Secretary Stevens, re Schine matter, period.

Senator McCARTHY. So that your report of the phone conversation, then, is your own personal idea of the important part of the telephone conversation?

Mr. LUCAS. That system that I use for locating the call would be; yes, sir.

Senator McCARTHY. Before my next question, I would like to make this very clear, that while this forenoon I made some comments upon the impropriety of listening in on telephone conversations, I want to make it very clear that none of that onus should be borne by you. You are just a reporter doing the job you are ordered to do, right?

Mr. LUCAS. Yes, sir.

Senator McCARTHY. In other words, you did not make the policy decision?

Mr. LUCAS. That is correct, sir.

Senator McCARTHY. Now, could you tell us whether or not on October 2 you monitored a call between Secretary Stevens and General Lawton? General Lawton is the commanding general at the radar installation at Fort Monmouth.

Mr. LUCAS. I would be unable to tell you at this time.

Senator McCARTHY. Have you been asked to transcribe that conversation since the hearings began? Do you follow my question? In other words, it was a very important telephone call between Bob Stevens and General Lawton, in my opinion. I am just curious to know whether or not when the Secretary asked you to transcribe the conversation between McCarthy and Stevens whether he also asked you to transcribe the conversation between Lawton and Stevens.

Mr. LUCAS. I don't believe it was put that way, sir. When I was asked to do my first bit of transcribing in connection with this matter at hand here, I was told—this is my best recollection at this moment—I was told to transcribe the calls, or the conversations, with the principals in the case. I don't believe it was spelled out. I don't think anybody said, "Transcribe just the calls of Senator McCarthy or Mr. Carr or Mr. Colm, if any," at that point. I believe on the second—and then on this second occasion, when I was asked to transcribe conversations with regard to the matter at hand here today, I was told to go through my book and transcribe all the conversations having any bearing whatsoever. No, General Lawton was not mentioned.

Senator McCARTHY. How many conversations did you transcribe, roughly?

Mr. LUCAS. I don't recall, sir, just how many.

Senator McCARTHY. Could you give us an estimate: 5, 10, or 20?

Senator MUNDT. I am sorry, the Senator's time has expired.

Senator McCARTHY. You mean the time for questioning, I assume.

Senator MUNDT. Yes. There is a rule. We will proceed again now with counsel.

Mr. JENKINS. Mr. Chairman?

Senator MUNDT. Do you have any further questions, Mr. Counsel? If not, the Chair wants to hear from you with our counsel for the committee, but under our rule we must first inquire if anybody else has any question of the witness.

Mr. JENKINS. I have no other questions, but I desire to make a statement at this time.

Senator MUNDT. You may.

Mr. JENKINS. This witness admits that he dropped, to use his words, from his transcription some of the words of the conversation, whether by inadvertence or otherwise does not appear. We, as lawyers and as laymen, know that sometimes the dropping of a comma, a semicolon, or a period will entirely change the meaning of the sentence. In view of the fact that this witness now says that his transcription is not accurate, that he made himself the judge of what was material and what was not, I do not deem it fair to the committee or to Senator McCarthy, and especially this committee investigating this controversy, that it be admitted as evidence. I no longer insist upon it. I ask that it be excluded, and that Secretary Stevens be called back to the witness stand.

Mr. WELCH. Mr. Chairman.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. I think Mr. Welch addressed the Chair first.

Mr. WELCH. I do not wish to compete with the Senator, sir. Would you like the microphone?

Senator MUNDT. There is no competition. We will take the questions in chronological order and you were first.

Mr. WELCH. Thank you. I cannot agree, Mr. Jenkins, in spite of my great respect for you, that the witness said the transcription is not accurate. His testimony, I think, would be, if he were asked, that it is 99.44 percent accurate, and I do not agree that he made himself the judge of what was important and what was not important. I think we have in this courtroom a witness as completely prepared to testify to a telephone conversation as any witness I ever looked at in my life. And if we do not put this telephone conversation in today, I wish it understood that I shall urge with all my power at executive session that it be admitted in evidence.

Senator MUNDT. Senator McClellan?

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Senator McCarthy, I believe.

Senator McCARTHY. I have further questions to ask.

Senator MUNDT. We will revert to the questioning procedure under the 10-minute rule that we are discussing. The counsel's recommendation is that Senator McClellan would like to address himself to that point.

Senator McCLELLAN. Mr. Chairman, I substantially agree with counsel in his conclusions with respect to the admissibility of this testimony. I do say that it would be admissible if both parties to the conversation would consent to it. There can be no doubt about that. The fact that it is not in full and complete is what disturbs me. Probably no reporter is 1,000 percent accurate, but the very fact that he

omitted or left out words and his record or notes, of shorthand notes, now indicates that words were missed that might have some meaning, might affect the validity of his testimony, and for that reason I agree with counsel that, it not being complete, it is not admissible unless both parties agree to it. It can be used, however, by the gentleman who took the notes, and by the other party who heard the conversation, to refer to to refresh their memory, and they should be able, therefore, under oath, to testify from memory as to what actually occurred.

Senator MUNDT. A point of order?

Senator JACKSON. I assume we have rotated. On this very point I think it would be helpful to know how many other monitored conversations are to be introduced in evidence, and whether additional monitored conversations, if there are such, fall in this same category.

I do not know. Could you answer that?

Mr. WELCH. I will answer it this way: There are others, and I assume that Mr. Jenkins will have as passionate interest in them as I have, and that he will want them in evidence.

Senator JACKSON. I merely wanted to ask this: Are there similar deletions which appear in the notes of Mr. Lucas?

Mr. WELCH. Senator, there are no deletions. This witness is a careful witness who does not want to take an oath to say, "I am sure I have very word absolutely."

Senator JACKSON. Mr. Welch, there are two situations. First of all, I am sure that no stenographer who takes notes by hand or by steno-type could positively testify that each and every word was absolutely taken down. Human beings are fallible, and it follows that they are capable of committing errors.

I tried to raise that question with Mr. Lucas, and I take it that his testimony and his answer to my question did not fall in that category. On the contrary, when I asked him whether or not any words had been left out, he said that in his transcribed notes there appears, in the shorthand notes, a notation here and there where a word was missing, or that he didn't get for some reason or another.

Now, the latter situation is far different than the first one. I agree completely that human beings will commit errors, and there isn't any stenographer that could testify that everything taken down is absolutely correct. We would not be able to introduce in evidence the transcription of any testimony if you followed that rule.

That is not the situation, as I understand it, that is before the committee. The situation is that Mr. Lucas has testified that going along through the taking down of the telephone conversation, something happened, and he did not get certain words.

Am I correct in that analysis?

Mr. WELCH. I do not quite think you are correct.

Senator JACKSON. Let me ask Mr. Lucas.

Mr. Lucas, let me repeat the question so that we can——

Senator McCARTHY. Would you yield for a moment? I just wonder if we couldn't revert, Mr. Chairman, to the usual system of questioning before we start determining whether or not the material is admissible.

Senator JACKSON. This is on the question of whether it is admissible.

Senator MUNDT. We are a little bit out of order, but the Chair has recognized Senator Jackson. We can revert to the ordinary procedure, and will Senator Jackson conclude, and we will go down the line.

Senator JACKSON. Mr. Lucas, do I understand that it is your testimony that in taking down the notes, shorthand notes, of the conversation between Senator McCarthy and Secretary Stevens, on November 7, that you took all of the conversation down word for word to the best of your ability?

Mr. LUCAS. To the best of my ability; yes, sir.

Senator JACKSON. Now, by that do I understand that there was no premeditated or willful deletions of words?

Mr. LUCAS. There were no premeditated or willful deletions of words.

Senator JACKSON. Do I understand that your notes disclose certain words did not appear because of some interference that made it impossible for you to hear the words spoken by either of the parties?

Mr. LUCAS. At this point I don't know just why it was, but I made a little mark which to me indicates that I left a few words out there. There is an incomplete sentence in my shorthand notes.

Senator JACKSON. Would it be because sometimes human beings do not always complete sentences? Have you ever listened?

Mr. LUCAS. Yes, sir; I know exactly what you mean.

Senator JACKSON. Have you ever read the transcribed notes of a congressional hearing?

Mr. LUCAS. Yes, sir; they are beautiful and I know that they cannot be word for word.

Senator JACKSON. Do you think all of the sentences have a subject and a predicate?

Mr. LUCAS. No, sir; I know they do not.

Senator JACKSON. Then, to get to the point here, you say some of the sentences were not complete. Do you mean that they didn't make sense, or that it appears that you positively may have dropped words through inability to pick it up? You understand, I think, what I mean.

Mr. LUCAS. Yes, sir; I dropped a few words through inability to put them down on my notebook; just exactly why that was I don't know at this point.

Senator JACKSON. What is that notation that you referred to in your transcribed notes normally mean? You say you made a mark.

Mr. LUCAS. A little "x."

Senator JACKSON. What does that normally mean to you in trying to type?

Mr. LUCAS. At the end of a good sentence down at the bottom of a line it means a question mark, and in this case it is up above the line and it means I left something out.

Senator JACKSON. You mean something was spoken?

Mr. LUCAS. Something was spoken which I didn't get down there, and I don't know why, just what it was, whether I was too slow to get it, or whether I couldn't hear it, or what.

Senator MUNDT. We will now proceed under the 10-minute rule, and counsel, if he cares to, may ask questions without limit of the witness, and if he has none then it comes to the Chair.

Do you have further questions, Mr. Jenkins?

Mr. JENKINS. I have one question.

I am correct, am I not, in the assumption that you stated a while ago that you dropped or omitted some words in this conversation?

Mr. LUCAS. Yes, sir.

Mr. JENKINS. Just how many you don't know?

Mr. LUCAS. That is correct, sir.

Mr. JENKINS. That is all.

Senator MUNDT. I have just a question or two.

There is nothing in this symbol, this X that you put above the line, that will indicate whether you dropped 2 words, or 6 words, or 8 words, but it simply means the thought was incompleated and you don't recall how many words might be dropped; is that correct?

Mr. LUCAS. That is correct, sir; at the time of taking the notes I realized—for what reason now I do not remember—I realized that I had left something out. Whether I was too far behind to recall it, or whether it was noise because I didn't hear it, I don't know now.

I made the mark to indicate that I was leaving something out and I wanted that to show by my notebook.

Senator MUNDT. You put that down more or less to protect yourself, so that if, at some future time, there was a transcription, that would remind you that that thought was not completed?

Mr. LUCAS. Yes, sir.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Just one question. Can you tell us the number of places on your notes recording this conversation where you indicated that something was omitted?

Mr. LUCAS. Once.

Senator McCLELLAN. Just once?

Mr. LUCAS. Yes, sir.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. No questions.

Senator MUNDT. Have you any more, Senator Jackson?

Senator JACKSON. Only this: Where did that appear in the transcription, in your shorthand notes?

Mr. LUCAS. In the body of the call.

Senator JACKSON. In the body of it?

Mr. LUCAS. Yes, sir.

Senator JACKSON. Do you know roughly how many words were taken down? You can tell—

Mr. LUCAS. May I look, sir?

Senator JACKSON. Sure, you can refresh your recollection.

Mr. LUCAS. There were  $4\frac{1}{2}$  pages of my notes.

Senator JACKSON. And roughly how many words to a page, approximately?

Mr. LUCAS. It is harder to figure it from the shorthand than the transcript. Could I look at that?

Senator JACKSON. You can refresh your recollection, sure.

Mr. LUCAS. I would guess that there are about three to five hundred, Senator.

Senator JACKSON. To a page?

Mr. LUCAS. Yes, sir—

Senator JACKSON. To a page?

Mr. LUCAS. No, sir. It is this much [indicating].

Senator JACKSON. How many words are missing out of that 500?

Senator McCARTHY. Mr. Chairman, a point of order. I think that the photographers should not photograph what you have not admitted in evidence. May I suggest the Chair order the photographers—

Senator MUNDT. The point of order will be upheld. The photographers will discontinue photographing the evidence which is in dispute.

Senator McCARTHY. May I suggest, Mr. Chairman, that in view of the fact that the Chair has not decided whether or not this document is admissible, that the photographer who just photographed it be ordered to turn the film over to the Chair until it is decided whether it is admissible?

Senator MUNDT. May the Chair inquire how many took the pictures?

Senator McCARTHY. Just one man. Let me make it clear I am not accusing this young man of any improper conduct. He is a very ambitious photographer and is entitled to take a picture of that kind.

Senator MUNDT. If that will destroy the whole roll, if I can have the assurance that it will be destroyed, it will be all right.

NEWS PHOTOGRAPHER. Yes, sir.

Senator MUNDT. It is the whole roll of film, is it not?

NEWS PHOTOGRAPHER. It is the beginning of it.

Senator MUNDT. You better destroy the roll.

Senator JACKSON?

Senator JACKSON. Do I understand—

Senator MUNDT. If anybody else wants to contribute a roll to the conscience fund, they may do so.

NEWS PHOTOGRAPHER. Mr. Chairman, in my opinion, it would be impossible to read anything.

Senator JACKSON. Mr. Chairman, were those pictures taken of the film proper?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Your point of order has been upheld.

Senator McCARTHY. May I have the record very clear that I do not accuse this enterprising young photographer of anything improper. I think he did what many young men would like to do to set a scoop on that document. I merely felt that it should not appear in Life magazine.

Senator JACKSON. There is one over here that took one, too, that put his plate in.

Now, my question: Do I understand that about 500 words were taken down?

Mr. LUCAS. I would estimate three to five hundred. I am not sure, sir. I am not familiar with that.

Senator JACKSON. And how many words, if you know, in your opinion, were not taken down?

Mr. LUCAS. In my opinion, it was part of a sentence, probably 5 or 10 or maybe 15. I just don't know. But in my opinion—I know I am not so bad as to leave out a whole sentence.

Senator JACKSON. As I understand it, then, the words that you were unable to take down were part of a sentence? They were not an entire paragraph?

Mr. LUCAS. That is correct, sir. It was just part of a sentence, in my opinion.



Senator JACKSON. Do I understand your testimony to be that maybe 5 to a maximum of 15 words might be missing out of a total of between three and five hundred words?

Mr. LUCAS. Yes, sir, that would be my opinion on it.

Senator JACKSON. Then other than for this particular sentence, to your best knowledge and belief all of the other sentences were complete?

Mr. LUCAS. I believe so; yes, sir.

Senator JACKSON. That is all.

Senator MUNDT. Senator Potter?

Senator POTTER. Mr. Lucas, just one question. Whose conversation was the omission made in? Was it made in Secretary Stevens' conversation or in Senator McCarthy's conversation?

Mr. LUCAS. At the very beginning of a remark by Senator McCarthy.

Senator POTTER. That is all I have, sir.

Senator MUNDT. Mr. Welch? Pardon me, Senator Symington.

Senator SYMINGTON. I would like to ask you just one set of questions. What you try to do, as much as you can, is get all the words in any conversation; is that correct, Mr. Lucas?

Mr. LUCAS. Yes, sir; I try my darndest because I want to get those details down so if necessary I can help the Secretary by doing so.

Senator SYMINGTON. Often when you put somebody on the line in any office, the person talks too fast for them to take it, occasionally, and they have to say, "You are talking too fast," is that correct?

Mr. LUCAS. I am sorry, I didn't follow.

Senator SYMINGTON. In other words, sometimes a person will talk too fast—I am sorry. Sometimes a person will talk too fast for you to take it, is that correct?

Mr. LUCAS. That is correct; yes, sir, sometimes. It is a rare occasion, but it does happen.

Senator SYMINGTON. Well, that is common practice in recording anything on the telephone?

Mr. LUCAS. Yes, sir.

Senator SYMINGTON. What you say is that to the best of your ability you take down everything that is said on both sides, is that correct?

Mr. LUCAS. Yes, sir. Often I omit the greetings at the beginning of the conversation. It is pretty easy to tell when a man starts the business of his phone call. There may be a few social remarks about dinner or something of that sort, purely social and then often in a phone call a man will say, "I hate to bother you, but—" And then I know that is the business of the call.

Senator SYMINGTON. I have no further questions.

Senator MUNDT. Senator Dworshak has not returned yet.

Mr. Welch, have you any further questions?

Mr. WELCH. I have only this to say, that I think we are at a crossroads in this case.

Senator MCCARTHY. Mr. Chairman?

Mr. WELCH. Could I finish, Senator, please?

Senator MCCARTHY. May I suggest we finish with the questioning before we hear the speeches?

Mr. WELCH. I thought I was asked for comment. Was I asked for comment?

Senator MUNDT. You were asked whether you had further questions to ask the witness.

Mr. WELCH. I have no further questions.

Senator MUNDT. You may speak to a point of order if you care to raise one.

Mr. WELCH. I wish to speak to a point of order.

Senator MUNDT. You may do that, sir.

Mr. WELCH. The point is I think we are at the crossroads in this case. I am not a lawyer without experience. I have dealt with hundreds of telephone calls and never in my life have I seen one offered in a courtroom in which I had more confidence as to its complete accuracy than I have in this one.

Senator MUNDT. Senator McCarthy has 10 minutes.

Senator McCARTHY. Mr. Lucas, when I quit questioning the last time I was in the middle, I believe, of a question. The question was about how many conversations did you transcribe in this matter of the promotion of Schine?

Mr. LUCAS. I am not sure, sir. I would say 50 or a hundred telephone conversations were transcribed that might have just some remark about it. "How are you doing with Senator McCarthy," or something of that sort, with "I am doing fine."

That is the total number of conversations that had any mention of yourself, Senator, or your staff or your committee or anything in connection with it.

Senator McCARTHY. In other words, do I understand that you transcribed all conversations in which there was mentioned either the work of the committee, myself, or the staff, and that number is somewhere between 50 and 100?

Mr. LUCAS. That is my guess, sir. I just don't know how many there were, but I transcribed a stack that high [indicating].

Senator McCARTHY. I am not trying to pin you down to a definite number. I know that it is impossible for you to give the accurate number at this moment.

Mr. LUCAS. Yes, sir.

Senator McCARTHY. Let me ask you this: How many conversations were there between the Secretary or Mr. Adams and other members of this committee?

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

Senator McCARTHY. Would you have any idea how many?

Mr. LUCAS. No, sir.

Senator McCARTHY. Were there occasions upon which Mr. Adams or Mr. Stevens called other members of the committee in regard to the wisdom or the possibility of calling off the investigation of communism in military establishments? I am asking Mr. Lucas a question.

Mr. LUCAS. I don't understand the question, sir.

Senator McCARTHY. Would the reporter read the question to the witness?

(The reporter read from his notes as requested.)

Mr. LUCAS. I don't recall any, sir.

Senator McCARTHY. You recall Mr. Stevens was absent for some time over in the Orient. During that time, was Mr. Adams making phone calls to Senators with regard to the investigation?

Mr. LUCAS. I wouldn't know anything about that, sir. His office is not in the same room with the Secretary and I don't handle his phone calls unless he happens to be up in the Secretary's office.

Senator McCARTHY. Did he make any from the Secretary's office?

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

Senator McCARTHY. You do not recall?

Mr. LUCAS. During the period when he was absent, when the Secretary was in the Far East?

Senator McCARTHY. Yes.

Mr. LUCAS. I don't recall any, sir.

Senator McCARTHY. When you transcribed these conversations, who did you give them to?

Mr. LUCAS. I believe I gave them either to Colonel BeLieu or Colonel Wood in our office.

Senator McCARTHY. And how many conversations were there with Senator McCarthy?

Mr. LUCAS. I am not sure. I would say 1, 2, or 3. There weren't many, sir.

Senator McCARTHY. Do you have the transcripts of those conversations with you?

Mr. LUCAS. I don't, no, sir.

Senator McCARTHY. Now, what type of index do you keep? In other words, let us say that Secretary Stevens calls you in tomorrow and says, "Mr. Lucas, I would like to know whether or not I called Senator Jones or Senator X or Y 6 months ago." Do you have an index so that you can go to your book and report back to the Secretary the date, the time the call was made?

Mr. LUCAS. I have two ways to locate a call. I mentioned the little slips that I make which are chronological.

Senator McCARTHY. Yes.

Mr. LUCAS. I staple together my notes on things that I might have to refer to, 1 day to a stapled pad. Then at a later time, when I have a chance—and I am far behind right now—I go over these chronological notes of who called who, and simply the subject, and I try to post that on cards, and only if I think there might be a future reference to it. If it seemed to be a minor call or an invitation to dinner, or something, I wouldn't post it on the card. I would have it in the daily summary.

Senator McCARTHY. I am just trying to find out what type of index you have. Do you have a card index, then?

Mr. LUCAS. Yes, sir, a 3 by 5 card index, which, as I say, is not even complete on all of his phone conversations, but it is some of them, the ones I think that he might or his staff might want to refer to.

Senator McCARTHY. But by referring to the card, you could then refer to your notes?

Mr. LUCAS. Yes, sir.

Senator McCARTHY. And get the transcript; is that right?

Mr. LUCAS. Yes, sir.

Senator McCARTHY. Are those cards serialized; are they numbered so that you can tell if any of the cards are missing?

Mr. LUCAS. No, sir, they are constantly being added to because the Secretary will talk to some new people.

Senator McCARTHY. I am not sure if you got my question. In other words, let us say the Secretary has 10 conversations today, or 20. Do

you make a card index of each conversation, and do you number them 1, 2, 3, 4, 5, and 6?

Mr. LUCAS. No, sir.

Senator McCARTHY. So that you have got no permanent——

Senator MUNDT. The Senator's time has again expired.

Are there any other Senators who have any questions to ask? Does counsel have any, and does Mr. Welch?

Mr. WELCH. Not now.

Senator MUNDT. Have you any other questions to ask, Senator McCarthy?

Senator McCARTHY. Do you have a record of a telephone call—strike that. I believe you have answered you do not know whether you have a record of a call between General Lawton and Stevens on the 2d of October; is that correct?

Mr. LUCAS. I don't know. I believe the Secretary may have talked with General Lawton, but I don't remember at this point, and my records are not here.

Senator McCARTHY. Did you transcribe that, do you know?

Mr. LUCAS. I am not sure. I may have.

Senator McCARTHY. Do you recall a telephone conversation between Mr. Cohn and Secretary Stevens on the 27th of October? I realize it is hard for you to recall specific dates, but do you recall anything about that time?

Mr. LUCAS. I couldn't recall calls and place them in any period. There are so many little details that I don't believe I could recall that any conversation was had around a particular week, we will say, and I wouldn't know as far as time is concerned.

Senator McCARTHY. Could you check your records and, if the Chair agrees with this suggestion, give us the number of calls between Mr. Cohn and Secretary Stevens in the month of October, and the dates of those calls, and have the conversation transcribed?

Mr. LUCAS. Yes, sir; I could do that.

Senator McCARTHY. Has that been done up to this point? I had understood you to say it has been ordered by someone, to transcribe.

Mr. LUCAS. Yes, sir; if Mr. Cohn talked on the phone, I am sure I must have transcribed it; if he talked during October I must have transcribed it.

Senator McCARTHY. Offhand you cannot tell us roughly how many conversations there were?

Mr. LUCAS. No, sir; I don't remember.

Senator McCARTHY. Have those all been given to Secretary Stevens?

Mr. LUCAS. I am not sure. I believe I gave them to Colonel Wood.

Senator McCARTHY. Who ordered you to transcribe the calls?

Mr. LUCAS. Colonel Wood. Colonel Belieu I think on the first occasion, and Colonel Wood on the second, relaying orders that I knew came indirectly from the Secretary or with his permission from Secretary Hensel.

Senator McCARTHY. Would you recall a phone call made by Secretary Stevens to Mr. Schine on October 28?

Mr. LUCAS. I believe I recall that there was a conversation with Mr. Schine, but I don't recall the date.

Senator McCARTHY. Do you recall Mr. Stevens made the call?

Mr. LUCAS. What was the date of it?

Senator McCARTHY. It is either October 21 or October 28; and Mr. Cohn says October 21 and my notes indicate 28, so let us use both of those.

Senator MUNDT. May the Chair suggest that on the matter of additional telephone calls, and monitored conversations, that we await further questioning on those until we decide whether to admit this one or not.

If we are not going to accept as evidence this conversation, why then there would be no point in pursuing other possible telephone conversations.

Senator McCARTHY. Mr. Chairman, Senator McClellan indicated, and I think rightly so, that while perhaps the conversations would not be properly admissible, and would have to be excluded unless both parties agreed to it, I think that is correct no matter how improper the transcript might ordinarily be if both parties agreed it could be used.

It is impossible for me to decide whether or not we should admit a partial recording until I have some picture of the other conversations that were made and may I say, Mr. Chairman, I think it is of the utmost importance to have all conversations that are substantially accurate in form, admitted if we are sure that we have all of the conversation. I think it would be extremely enlightening.

Now, I don't want to impose upon the time of the committee, but this matter was brought up by Mr. Stevens who offered one particular conversation, and there are some prior conversations which would seem to be certainly as important if not more so and I would like to spend another few minutes on that if I may.

Senator MUNDT. Proceed as briefly as possible.

Senator McCARTHY. Thank you, I will.

Do you know how many conversations there were between Secretary Stevens and other members of this subcommittee in regard to either Mr. Cohn or this investigation?

Mr. JENKINS. Mr. Chairman, may I remind the committee that the inquiry at this time is whether or not to admit as evidence a recording or a transcription of this conversation allegedly occurring between Senator McCarthy and Mr. Stevens on November 7.

Now, the Senator is making an exploration of many other alleged recordings or monitoring of other alleged conversations and I don't think it is in order at this time, and it is objected to.

Senator McCARTHY. Mr. Chairman, may I say that—

Senator MUNDT. Senator McCarthy will be heard on the point of order.

Senator McCARTHY. Mr. Chairman, may I say that if you want to restrict the interrogation of this witness at this time, to one particular conversation, well and good. However, it now appears that we have a witness who can be of great value to the committee, a witness who monitored the telephone conversations between Mr. Stevens and members of the committee and other individuals in the administration. I will have to question him about all of those other conversations.

If the Chair feels that we are going to take this piecemeal, and at this time we will only inquire about one conversation and call him back later about all of the other conversations, I have no objection to that, except that it seems like a very time-wasting device.

Senator MUNDT. Very well.

May the Chair say that he not going to request the Senator from Wisconsin to reply to the question at this time as to whether or not he would approve the admissibility of this evidence. I think if the Senator from Wisconsin will abstain now temporarily until we hear from counsel and make a tentative ruling on this point, we can all save time. I assure the Senator from Wisconsin that if it is ultimately decided that this particular monitored conversation is to be brought into evidence, that the same ruling under the same circumstances will apply to all of the monitored conversations occurring in this case.

Senator McCARTHY. Mr. Chairman, I do not want to take additional time. I think we are wasting far too much time now with many people with regard to a private in the Army who should be on more important business. I did not suggest these hearings.

This witness does have information which no one else has—information with regard to conversations with Mr. Stevens and members of this committee and other members of the administration.

I am now, Mr. Chairman, if you please, not questioning him on this particular conversation between myself and Bob Stevens. I am trying to find out what information he has which might shed some light upon this investigation. We are in it and we must go through it now.

I think it would be a great mistake to deny the Senator from Wisconsin the right to find out just what this young man has in the way of notes. After I get through, I would like to suggest to the Chair and to counsel that they subpoena all of his original notes from the date that the investigation of communism in military installations began. I will ask the Chair to have those notes submitted to competent court reporters, go over them with this young man, and glean from those notes all the information they can. What those notes will show, I frankly don't know. That is why I have got to, as Mr. Jenkins said, more or less explore. I know it takes time, but we are in this thing if it takes time, period.

Senator JACKSON. On the point of order, I think it is an excellent idea, and I think that all notes that relate to conversations on both sides of this controversy ought to be subpoenaed and made available to the committee. That would include the memoranda previously released to the press by the committee and the staff. I think that all notes relating to telephone conversations by all of the principals or parties to this controversy ought to be subpoenaed at the same time. I think it is an excellent idea.

Mr. WELCH. Could I comment on the point of order?

Senator MUNDT. Mr. Welch.

Mr. WELCH. Nothing will delight the Army more than to make every such telephone conversation available.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. Mr. Chairman, I don't think Mr. Welch can speak for the Army any more than I can. I think you can speak for your civilian clients but not for the Army. I think I represent the Army just as much as you do; in fact, I think more so; and I am not trying to speak for the Army today. So let's speak for your clients.

Mr. Chairman?

Senator MUNDT. Do you have another comment to make on the point of order?

Senator McCARTHY. If the Chair's desire is that we not pursue this interrogation further at this time, I will abide by the ruling of the Chair. I think we should get back to the Secretary of the Army. I do think there is one important question, though, that I would like to ask. That is this:

Do you take any conversation by any mechanical devices in the Pentagon?

Mr. LUCAS. I don't know about the Pentagon, sir. I don't have anything to do with any mechanical devices.

Senator McCARTHY. Do you know, or do you have any reason to believe, that conversations are taken by any mechanical devices anywhere in the Pentagon?

Mr. LUCAS. I just don't know, sir.

Senator McCARTHY. Have you heard that they were?

Mr. LUCAS. I haven't heard anything on the subject, except that I understand an order has been issued recently that no mechanical recording shall be made, issued by the Secretary of Defense.

Senator McCARTHY. Well, prior to that order there had been mechanical recordings; is that correct?

Mr. LUCAS. I wouldn't say so. I just don't know. I have never seen any mechanical recordings made except, I believe, one, and I don't know whether it had anything to do with this case or not, but it wasn't the Secretary's conversation. I suppose whoever had it made had the permission of the man on the other end of the line. But other than that, I do not know anything about mechanical recordings of phone conversations. I haven't seen any.

Senator MUNDT. The Senator's time has expired.

I would like to hear from counsel of the committee, if I may, speaking on the point of order which was raised some time ago by Mr. Welch, about the admissibility of these monitored conversations.

Mr. JENKINS. Mr. Chairman, it is my understanding at this time that Mr. Welch, representing Mr. Stevens, and Mr. Adams, agrees that all monitored recordings, transcriptions, which Mr. Stevens or Mr. Adams has may be admitted in evidence, provided the committee, headed by Senator McCarthy, makes the same agreement with respect to any recordings or monitored conversations that he has, is that correct?

Mr. WELCH. You are incorrect in only one respect, sir. I understand that I am retained by the United States Army.

Mr. JENKINS. We will not argue that point.

Mr. WELCH. Everything else you say is agreed to.

Mr. JENKINS. We will not argue that point. In order to shorten the time, may I ask the Senator from Wisconsin, do you or do you not agree to that proposition, Senator McCarthy?

Senator McCARTHY. Mr. Jenkins, I thought I made it very clear that I must question this witness to know what information he has. He has talked about a buzz-box, and Adams' buzz-box and dictaphone. I want to know what that is, when they have used it. He has talked about Mr. Hensel. I want to know about the conversations of Mr. Hensel. It is impossible, if you will pardon me.

Mr. JENKINS. I am not going to argue with the Senator at all, Mr. Chairman, in view of the fact that it is admitted that this tran-

scription of this telephone conversation of November 7 is not full and complete and accurate and correct; it is still my opinion that the transcription should not be admitted in evidence. However, it is not my opinion in view of additional information elicited from this witness, since I made or rendered my original opinion, that this witness who allegedly listened in on that telephone conversation, may testify now as to that conversation, allegedly occurring between the committee chairman and Mr. Stevens, and that he may use the notes which he took at that time for the purpose and the purpose only of refreshing his recollection, and with the further statement to this committee that the objections raised with respect to it not being technically accurate in every respect go to the weight of the testimony rather than to its admissibility.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. Mr. Chairman, may I complete my cross-examination of the witness before the Chair makes any decision as to whether or not he will be allowed—

Senator MUNDT. The chairman has not yet commented that you have used up your 10 minutes. There may be questions by other members of the committee or by Mr. Welch.

Mr. JENKINS. Mr. Chairman, let me go one step further, please, in order to be technically correct. It still could not be admitted because it is a monitored report, that is the testimony of this witness could not be given by his refreshing his recollection from the notes since it is a monitored report, without the consent given in this open hearing by Senator McCarthy, in view of the statute pertaining to such monitored conversation.

Senator MUNDT. Very well. Now, before we rule on the point of order, we have the witness before you, if there are other questions. Counsel, do you have any?

I have none.

Senator McClellan?

Mr. JENKINS. I have none.

Senator McCLELLAN. Well, I have this point of order. I want to inquire whether we are going to take his testimony or not going to take it. If we are, I am ready to question him. If you are going to keep him on the witness stand all afternoon, notwithstanding this legal situation or technical difficulty we have encountered as to whether his testimony is admissible, and if we are going to keep him on the witness stand, I would probably like to ask many, many questions.

Mr. JENKINS. Senator McClellan, we cannot ask this witness about that monitored telephone conversation without the consent of Senator McCarthy, in view of the statute applicable thereto.

Senator McCLELLAN. I may say to the chairman, I am simply withholding my questions simply to expedite these hearings and in the interest of getting on to what we can take this afternoon. If we are going into all of this, I would like to ask many, many questions about many other conversations, and get the correct number he has monitored, and whether he has them and whether they are available, and whether they can be made available to this committee.

Senator MUNDT. The Chair is prepared to rule, as far as the admissibility is concerned.



Senator JACKSON. A point of order. Was there a ruling on the request for the submission to this committee of all of the transcribed notes, and the shorthand books, from all of the parties to the controversy?

Senator MUNDT. I understood counsel to say that the admissibility of such evidence from the standpoint of its legality would depend upon the willingness of Senator McCarthy to accept it.

Mr. JENKINS. Assuming they are monitored. If they are not monitored, then of course any transcription made of that conversation by the party who received it, directly, in order to make a record of it, would, in my opinion, be admissible testimony, and that is not a monitored message.

Senator JACKSON. Mr. Counsel, I am not raising the question of admissibility. I am merely pursuing the request originally made that the Army furnish all of the shorthand notes and notebooks and the transcribed notes of conversations, and that the other principals to the controversy do likewise.

Mr. JENKINS. You mean unmonitored conversations?

Senator JACKSON. No, monitored. That was the request originally made.

Mr. JENKINS. By whom?

Senator JACKSON. That was by Senator McCarthy.

Mr. JENKINS. Of course, those matters will be requested, Senator Jackson.

Senator JACKSON. I assume we have the right to have those notes and transcriptions subpoenaed, because that does not go to the question of whether they are going to be admitted in testimony, but merely goes to our right to have the information.

Mr. JENKINS. As each witness is presented, it is proper for this committee to inquire of that witness what notes he has made, and what memoranda he has made, and to have those introduced by that witness, assuming that they are competent and relevant.

Senator JACKSON. Mr. Jenkins, only this point: The Army agreed, as I understand it, to submit this information to the committee; am I correct?

Mr. WELCH. That is correct.

If I may be heard one more moment, Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. This telephone conversation of November 7 can go to this committee this afternoon, on either one of two bases: If Senator McCarthy will consent to its admission, it goes in. If this committee by majority vote says you wish to hear it, I will advise this witness that he must testify to it. So you may have it on either basis.

Senator McCarthy, once more, sir, if you will consent, this committee and the country will hear it today; and if you will not consent and the committee votes that my witness can testify to it, this committee and the country will hear it today.

Senator McCARTHY. I think Mr. Mundt is still the chairman of the committee, Mr. Welch.

Mr. Jenkins and Mr. Chairman, may I suggest this: That I think the notes this young man has, and the notes over the past year, during which time we were investigating Communist infiltration in the military, notes of telephone conversations would be of great benefit to the committee.

I agree with the counsel, Mr. Jenkins, that the taking of the notes is illegal, and that therefore, normally it would not be admissible. I would like to call counsel's attention to the fact, however, that an investigating committee is not bound by the usual rules of evidence. For example—

Senator MUNDT. The counsel advises the Chair he did not advise the taking of the notes was illegal, but it might be illegal to admit them in evidence.

Senator McCARTHY. As the Chair knows, the rules of evidence before a committee are considerably different than before a court. I think that regardless of how proper or improper it might have been to monitor the telephone conversation, I do think the committee should get all of the telephone conversations over the past year having to do with this subject, even remotely, and I think those telephone conversations should be examined by the counsel; and the ones Mr. Jenkins considers pertinent testimony otherwise should be put in the record. I have nothing further to say at this time.

Mr. JENKINS. May I make one other remark? In order to clarify the matter now under consideration by the committee, it is not the violation of the law to monitor a telephone conversation sent in interstate commerce. It is only a violation of the law for the party at the other end of the line to whom it is sent to divulge that without the consent of the sender.

I say to this committee that the only way such a monitored telephone conversation may be proven legally without this committee running afoul of the law and taking the chances of getting in jail, would be for Senator McCarthy to agree that it might be presented in evidence.

Now, Mr. Welch has stated that he will permit it to go in, either by Senator McCarthy's consent, which would make it perfectly legal, or upon a vote of this committee to receive it, which to my mind simply means that Mr. Welch is willing to take the chance of it being admitted if this committee will assume responsibility for it. But as attorney for this committee I say that without Senator McCarthy's consent you violate the law when and if you admit in evidence that monitored telephone conversation.

Senator McCARTHY. May I have counsel's attention? May I say that there is no question about Senator McCarthy's position; I want all telephone conversations having to do with this great promotion of Schine, and the controversy with Adams and Cohn or myself, or anyone in the military; I want them all made a part of the record.

I will under no circumstances allow Mr. Welch to select 1 monitored telephone conversation out of 100 which he says he has, and offer to put that in the record. That would be about as highly improper as anything I have ever heard of before any committee.

I want them all in and I want this whole picture laid clear on the table, and I want everything that Bob Stevens or anyone in the military said to any Senator, or anyone in the administration or anywhere else, in regard to this investigation, made a part of the record.

And I will not consent to have put in isolated pieces, 1 letter out of 100. Let us make that perfectly clear at this time.

Mr. WELCH. If I may answer the Senator, and we are now in perfect agreement, they will all be made available, but they can only actually go in evidence one at a time.

So I suggest we now take the one we have got here.

Senator McCLELLAN. Mr. Chairman, I move that the committee accept the agreements of the participants to this controversy, and now rule that they shall all go in the record.

Senator SYMINGTON. I second the motion.

Senator McCARTHY. All at the same time.

Senator JACKSON. What is meant by all?

Senator McCLELLAN. All that they have pertaining to this controversy, directly or indirectly.

Senator JACKSON. I assume that includes all parties.

Senator McCLELLAN. All parties.

Senator McCARTHY. May I ask the Senator who made the motion, does the motion assume that they will all be put in at the same time?

Senator McCLELLAN. I don't know how you can do it; if you can figure out the physical way to do it, I agree.

Senator McCARTHY. Let me say this, I don't know what is in this.

Senator McCLELLAN. I don't either. If both sides agree, let us put them in the record.

Senator McCARTHY. May I say I don't know what is in this incomplete conversation. Regardless of how incomplete it may be I am willing to have that go in the record if all of the conversations go in at the same time. I think it would be highly improper.

Senator MUNDT. May the Chair say the motion is very clear that all of the monitored conversations dealing with the points raised by the Senator from Wisconsin, are included in the motion made by the Senator from Arkansas as the Chair understands it.

Senator McCLELLAN. All of them, and no exclusions. Put them all in and let the committee weigh them as to what part they think is relevant, and what part is irrelevant.

Senator McCARTHY. A point of order.

Would the Senator from Arkansas amend his motion to say they be put in in chronological order?

Senator MUNDT. The question was whether you would amend the motion to say in that these conversations be put in in chronological order.

Senator McCLELLAN. Yes; I have no objection to that, if the parties will agree to it. I just want to get them all in the record.

Senator MUNDT. Is the amendment agreeable to the Secretary?

Senator JACKSON. And do I understand it will include the shorthand notebooks from which the shorthand remarks are transcribed, and this will include, this request applies to all of the principals of this controversy?

Senator MUNDT. That is correct on both sides.

Mr. WELCH. May I point out one thing.

Senator MUNDT. Is that amendment agreeable to the man who seconded the motion?

Senator SYMINGTON. That amendment is entirely agreeable to me.

Senator MUNDT. Very well. Do you want to speak before we vote on this motion?

Mr. WELCH. A point of order. It seems to be essential for the record that we have similar assentation from Mr. Cohn and Mr. Carr, paralleling the assent of the Senator. We should have their consent as well.

Senator McCARTHY. Is it your position, Mr. Chairman, if I may, is it your position that you must get the consent of everyone who is called; in other words if Stevens called Senator X, Senator Y, or if he called 10 people somewhere else in the Hill, is it your position that you will withhold those telephone conversations unless we can induce those people to consent to have them put in the record?

Mr. WELCH. I will withhold nothing, sir.

Senator MUNDT. I don't believe your point of order is raised to the motion. It is raised to the admissibility of the evidence, Mr. Welch. The motion says that the committee should secure all of this evidence; and now on the matter of admissibility, you might have to get consent.

Senator JACKSON. Do I understand that will also—some testimony was made by Mr. Lucas in connection with the indexing and certain descriptive index titles that he made, and I think that that ought to be included and all memoranda to all of the principals in this controversy relating to telephone conversations.

Senator MUNDT. I think that is correct.

Senator JACKSON. Some of it may be in memorandum form, memoranda, and part of it may be a verbatim transcript.

Senator MUNDT. May the Chair suggest that the word "all" is a mighty inclusive term and that was the word employed by the Senator from Arkansas.

Senator McCLELLAN. Mr. Chairman, I meant every document, every scrap of paper relating to any conversation, with me included.

Senator JACKSON. That requires the consent of all the principals, too.

Senator MUNDT. Not for the committee to subpoena them and secure them. It might require the consent to admit them as evidence.

Senator JACKSON. Do I understand they are consenting now, all the principals?

Senator McCLELLAN. They are all here.

Senator MUNDT. We might find out, if that is included in the motion.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. Do I understand that the motion made by the Senator from Arkansas means all conversations having to do with the investigation of Communists in the military?

Senator McCLELLAN. I said all pertaining to this controversy, and the controversy here is defined by the charges that have been filed and the specifications accompanying them by the parties in this controversy, the parties have been named, a new one was added to the record, added to the proceedings after Senator McCarthy and Mr. Cohn filed their charges and specifications. I asked at the time that he be made a party to the proceedings. All parties, all principals, are here.

Senator McCARTHY. Senator, I was just asking. I was not objecting to your motion. I was asking for some enlightenment. Do I understand that this would provide for all the monitored telephone conversations having to do with our committee's investigation of Communists in the military installations?

Senator McCLELLAN. Relating only to the issues before this committee and involved in this investigation. If it is relevant to the in-

quiry now in progress, they are included. If they are wholly irrelevant to it, they would not be included.

Senator MUNDT. I think the members of the committee understand the motion, but the Chair wants to make sure that they do before he puts it.

Is any member of the committee desirous of further enlightenment on the motion at this time?

Senator JACKSON. Do the principals agree to it, first?

Senator MUNDT. They are not. The question is now, before you put the motion, do you want to ask the principals to agree about the admissibility of the evidence?

Senator McCLELLAN. I understood they had agreed.

Senator MUNDT. Mr. Welch said Mr. Cohn and Mr. Carr have not been asked, and he is correct.

Mr. WELCH. Let me state it this way: The Secretary is seated behind me and has said I may speak for him and give his consent on his end of any and all material telephone calls that are monitored or recorded.

Mr. Hensel is slightly on my right and has indicated that I may now give his consent to all such calls. Mr. Adams is in sight, and I observe him nodding his head so that we have his consent.

We are lacking only Messrs. Cohn and Carr.

Senator McCLELLAN. Just a minute.

Mr. WELCH. I would like those consents.

Senator MUNDT. The Chair would like to find out whether we have the consent, then, of Messrs. Cohn and Carr.

Senator McCARTHY. Mr. Chairman, I think that Mr. Carr and Mr. Cohn, I assume, will have the same position I have, and that is this, that I not only consent but want all of the monitored conversations, all of the other conversations made available to the committee. But I don't want to have this contention upon getting the consent of some 15 or 25 people that Mr. Stevens or Mr. Adams may have called; for example, during a course of this I know Mr. Adams called members of this committee other than myself.

He called any number of people on the Hill. I am not going to consent to put in only conversations involving Cohn and Carr and McCarthy unless it is understood. And I don't think this should be based upon the consent of anyone, I think that it really—

Mr. JENKINS. May I—

Senator McCARTHY. May I finish? I think the committee by a vote should order the production of all those documents, regardless of who objects or consents to it. The committee has the unqualified right to do it. I approve of that heartily, but I will not give any consent, Mr. Chairman, to the introduction of a few of the 100 telephone conversations, and I think I speak for Mr. Carr and Mr. Cohn.

Mr. JENKINS. May I remind, Mr. Chairman, the Senator from Wisconsin that it is only necessary to get the consent of both parties to a telephone conversation which is monitored, that this committee has power without the consent of parties to a conversation to subpoena and bring to court a record that they made, that they made and not some third party made, a record or a memorandum that they made at the time. Therefore, the only—I repeat—the only instance in which a consent is necessary is where a telephone conversation is monitored.

Senator MUNDT. Are you ready for the question?

Senator McCARTHY. Mr. Jenkins, I dislike prolonging this, but let me ask you this: Let's assume, then, we find that Mr. Adams called General Zwicker to discuss certain matters with him. Do I understand that it is your thought that we would have to get the consent of General Zwicker before we—

Mr. JENKINS. If that conversation were monitored, Senator, certainly so. Otherwise we would all be violating the law. I am sure that Mr. Welch agrees with me and that your attorney will agree with me.

Senator McCARTHY. That, of course, leads us right back to where—

Mr. JENKINS. Mr. Zwicker himself may testify to the conversation, but any third party on the line who is monitoring that conversation may not testify to it without the consent of the party on the other end of the line.

Senator McCARTHY. May I point out, Mr. Jenkins, we are right back where I started. This means that only the material which Mr. Adams, Mr. Stevens, et al., consider favorable will be put into the record. How about the calls to Peress, to Zwicker, to Colonel Brown, all up and down the line? Does this mean the committee has to go and receive a written consent from the vast number of people?

Mr. JENKINS. If they are monitored, the answer is "Yes."

Senator JACKSON. Mr. Chairman, I know this must be a bit confusing to a lot of people, but do I—let me finish this one point.

Senator MUNDT. Senator Jackson has the floor.

Senator JACKSON. As I understand it, all we need to decide now is to subpoena these monitored conversations. We have the right to get those conversations. We do not need the consent of any of the parties.

Senator MUNDT. That is correct.

Senator JACKSON. The only possible question of doubt as to legality relates to the possible release in a public hearing or in a court.

Senator MUNDT. The Senator is right.

The Chair has so ruled.

Senator JACKSON. We have the right to subpoena all of these records that are relevant to this hearing. I think we ought to confine it to that and act on it.

Senator MUNDT. That is as far as the motion goes, may the Chair say, and I do not feel the necessity of getting consent is a point at issue at this time. Are we all apprised now of what the motion provides? Is the committee ready to vote? Hearing nothing to the contrary—

Mr. JENKINS. May I ask just one question? What is the motion?

Senator MUNDT. The reporter will read the motion as amended.

May the Chair suggest that the Senator from Arkansas restate his motion and we will vote on the motion as restated. The transcript has been sent downstairs.

Senator McCLELLAN. Mr. Chairman, I will try to restate it.

Mr. Chairman, I move that all memoranda, all documents, all notes of monitored conversation as between the parties in this controversy and all others that are relevant, including all parties to this controversy, be subpoenaed and brought here and presented to this committee for introduction into evidence in their chronological order if they are found to be material and relevant to the issues this committee is now considering.

Senator McCARTHY. Mr. Chairman.

Mr. JENKINS. I should like to say this, Mr. Chairman, if I may.  
 Senator MUNDT. Counsel for the committee.

Mr. JENKINS. That part of Senator McClellan's motion embracing the bringing of all records before this committee, monitored or otherwise, is not necessary, because this committee has that power, and may do so and will do so. The only question that I desire to specifically call to you members of this committee is the question of admissibility of monitored telephone conversations without the consent of the parties to that.

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. We can take up each document at the time with respect to the parties involved. But we have the principals here and, therefore, I am making this motion for the purpose of getting all conversations between these principals, irrespective of when they were or whether the call came from one to the other or vice versa.

All right, they are all here. They said they consented to it, as I understood it.

Mr. JENKINS. To the introduction of the monitored conversations?

Senator McCLELLAN. I want them to either consent or object. If they consent, I am going to make the motion and let the committee vote on it.

Senator McCARTHY. Mr. Chairman, speaking for myself, Mr. Carr, and Mr. Cohn, I heartily approve of the motion just made by the Senator from Arkansas.

Senator MUNDT. May the Chair inquire, Mr. Carr, whether that is also acceptable?

Mr. CARR. Yes, sir, it is.

Senator MUNDT. May I make the same request of Mr. Cohn?

Mr. COHN. I will be pleased to accept.

Senator MUNDT. And do you agree that the monitored conversations may be incorporated as part of the sworn testimony.

Senator McCARTHY. Just a minute now, Mr. Chairman. I want the committee to get all of this material. I want all of it in the record. I will not consent to picking two or three or five conversations out of a hundred telephone conversations, and having those made a part of the record. We have seen an example of that today. We saw the Secretary come in and, out of some 50 or 100 conversations, he tries to introduce 1.

I want the committee to first go over the first hurdle and get all of the monitored conversations. Then it is up to the committee to decide what they will put into the record. If they decide, over my objection, they will select a few and put them in, the committee has that right.

But I would not consent, and I would advise Mr. Carr and Mr. Cohn not to consent, to allow a few civilians over in the Pentagon to ruffle through these conversations and pick out what should be submitted.

Mr. McClellan's motion, I understand, was merely that they be subpoenaed and that the committee have all of this information; and the Senator I think said you can take them up one by one and decide what to do with them.

Senator McCLELLAN. I only said that with respect to relevancy or materiality. That question may be raised at any time when any testimony is presented. But I am making the motion to include all, not to select one or two or a half dozen but to include all that are relevant and material to this controversy.

Senator McCARTHY. I would agree to that completely.

Senator McCLELLAN. I am not excluding anything except some document that is offered in evidence and an objection is raised as to its relevancy or materiality, then the committee can decide that at that time.

Mr. WELCH. Mr. Chairman, could I be heard? We wish to make every and all such telephone conversations available, and there will be no selection at this table as to which ones go in, and if less than all go in that will be because Mr. Jenkins thinks that some are not material. They will all be available, and the consent of every human being on my side of this controversy is now in your hands, and Mr. Jenkins is the boss. They go in if he says so, and not if he does not.

Senator McCLELLAN. You mean that you offer them in evidence?

Mr. WELCH. I produce them for Mr. Jenkins to select and offer in evidence, and there will be no objection at any point in respect to any monitored telephone conversations, on my behalf as the Army's counsel.

Senator MUNDT. May the Chair suggest that since the motion made by the Senator from Arkansas has not yet been seconded, that he now restate it so that we will have it clearly before us.

Senator SYMINGTON. I second the motion.

Senator MUNDT. The Senator from Arkansas for the benefit of his motion will now restate the motion.

Senator McCLELLAN. Mr. Chairman, I think every member of the committee understands my motion, and if anyone does not understand it, I will restate it, or agree that the stenographer may read it. (The motion was read by the reporter.)

Senator MUNDT. We will restate it so that we will be sure to have a second.

Senator POTTER. I second the motion.

Senator MUNDT. You have heard the motion and it has been seconded. Are all of the committee members ready to vote?

Senator McClellan?

Senator McCLELLAN. Aye.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Aye.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Aye.

Senator MUNDT. Senator Potter?

Senator POTTER. Aye.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Aye.

Senator MUNDT. Senator Dworshak?

Senator DWORSIAK. Aye.

Senator MUNDT. Aye.

It is unanimously approved and the counsel may proceed with the interrogation.

Mr. JENKINS. Mr. Lucas, I now ask you to present and read from a transcription of the notes that you took of a telephone conversation



between Senator McCarthy and Mr. Stevens on November 7, 1953. Will you now do that?

Senator McCARTHY. Mr. Chairman, this is in direct violation of the motion you just passed, and Senator McClellan moves that the material be submitted in chronological order, and this is taking completely out of order.

I submit, Mr. Jenkins, that that would be highly improper. You have got 100 monitored conversations, and I don't know what is in this one.

Mr. JENKINS. May I ask that, is that the first monitored conversation that you have of a telephone conversation between Senator McCarthy, and Mr. Stevens? Is it the first monitored telephone conversation?

Senator McCARTHY. May I suggest, Mr. Jenkins—

Mr. JENKINS. Or is it the first monitored telephone conversation that you have between any of the principals in this case, to wit, Senator McCarthy, Mr. Cohn, or Mr. Carr, or Mr. Adams, or Mr. Stevens, or Mr. Hensel? Is it or not? You know?

Senator McCARTHY. I don't believe it is, sir.

Senator MUNDT. If it is not, the Chair would have to sustain the point of order because the motion said it should be submitted chronologically.

Senator McCLELLAN. Then I move, Mr. Chairman, that this witness be dismissed for the present, with instructions to proceed to compile and arrange all of those monitored conversations in order, and to appear at such time as the chairman may direct for further questioning and for introduction of them in chronological order; bringing with him the original notes and his transcripts of such conversations.

Senator MUNDT. Is there a second to the motion?

Senator JACKSON. I second.

Senator POTTER. I second the motion.

Senator MUNDT. Without objection, the motion will be approved, and you are dismissed for the time being, and Mr. Stevens may return to the stand.

Mr. WELCH. I don't know if you can see a clock or not, but I had hoped I would get to Boston tonight. Are you going to run late?

Senator MUNDT. It is now 4:30, and I think without objection we can recess until Monday morning at 10:30.

(Whereupon, at 4:25 p. m., Friday, April 23, 1954 the hearing was recessed until 10:30 a. m., Monday, April 26, 1954.)









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