

No. 9337



GIVEN BY

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

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

PART 7

APRIL 27, 1954

Printed for the use of the Committee on Government Operations



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1954

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¹ May be found in the files of the subcommittee.

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ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR**

TUESDAY, APRIL 27, 1954

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

The subcommittee met at 10:30 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt (chairman) presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; 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; Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, Chief Counsel to the Subcommittee; Thomas R. Prewitt, Assistant Counsel; Ruth Y. Watt, Chief Clerk.

Also present: 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; James D. St. Clair, special counsel for the Army; Frederick P. Bryan, counsel to H. Struve Hensel, Assistant Secretary of Defense.

Senator MUNDT. The committee will please come to order.

We left off yesterday afternoon with Senator Jackson about to interrogate the witness, and the understanding was we were to resume at the point at which we left off.

**TESTIMONY OF HON. ROBERT T. STEVENS, SECRETARY OF THE
ARMY—Resumed**

Senator MUNDT. The Chair recognizes Senator Jackson.

Mr. WELCH. Mr. Chairman, I don't know what it is, but it is a point of something.

Senator MUNDT. If it is a point of order, you may state it.

Mr. WELCH. My point of order is that Mr. Jenkins yesterday was imposed upon, and so was the Secretary of the Army, by having a

doctored or altered photograph produced in this court room as if it were honest.

Senator MUNDT. This is a committee room.

Mr. WELCH. And produced as if it were honest. I have the photograph that was offered yesterday in evidence, and in respect to which Mr. Stevens was not only examined but cross-examined.

I show you now a photograph in respect of which I charge that what was offered in evidence yesterday was an altered, shamefully cut-down picture, so that somebody could say to Stevens, "Were you not photographed alone with David Schine," when the truth is he was photographed in a group.

Mr. Jenkins, I would like to say with all of my power, sir, I know you would never participate in a trick like this, but I suggest to you that you were imposed upon. I would like now to offer the picture that I have in my right hand as the original undoctored, unaltered piece of evidence.

Senator MUNDT. The Chair would certainly feel that your point of order was appropriate, and the original undoctored and unaltered picture will be entered as evidence.

(The photograph referred to above was marked as "Exhibit No. 2" and will be found in the files of the subcommittee.)

Mr. JENKINS. Mr. Chairman, may I say this: That the original photograph which was presented to the Secretary yesterday on cross-examination is the identical photograph that was furnished me by one of the parties in interest in this case, and I might say an adverse party of interest to Mr. Stevens, as being the genuine, authentic photograph, with no intimation or insinuation that it had been cut down or that any other person photographed had been taken out of it. I presented it in good faith, as authentic evidence.

I just wanted my position clear.

Senator McCLELLAN. Mr. Chairman, I don't want to be unduly technical, but this last picture has not properly been adduced in evidence. There has been no one testifying and the counsel for the Army has made a statement that it is authentic and genuine, but there is no evidence that it is the original and it is genuine.

It may appear so, but I think if we want to carry these proceedings as we are undertaking to, properly, evidence should be introduced before the picture is made a part of the record.

Mr. JENKINS. It is certainly a matter that may be brought out by Mr. Welch on cross-examination. I agree with Senator McClellan entirely.

Mr. WELCH. I think perhaps members—

Senator MCCARTHY. I agree with Senator McClellan, and I think we should have the third man identified, and we should have Mr. Welch sworn and have him tell how the picture has been doctored, if it has been doctored. I am curious to know how. I think the fact that there is a third man in here, if this is an accurate picture—and I assume it is—the third man should be identified.

Again, Mr. Chairman, I suggest that Mr. Welch, if he is going to make charges such as he has, should be put under oath and tell how this was doctored, and who doctored it.

Mr. JENKINS. Again I say, Mr. Chairman, those are matters that Senator McCarthy may likewise bring out on cross-examination.

Senator MUNDT. Very well. The point of order certainly has been sustained as a point, and, Mr. Welch, your picture is now before us, along with the one which you allege is doctored. In cross-examination and in sworn testimony, we should be able to determine the correct situation concerning the picture.

May we proceed, then? Do you wish to be heard further on the point of order?

Mr. WELCH. No. I think the official photographer—

Senator SYMINGTON. Let the counsel answer the question.

Mr. WELCH. The official photographer at the McGuire Air Force Base who took the picture that I just produced has been sent for, or is now being sent for, and he will testify to the facts that I have called to the attention of this committee.

Senator MUNDT. That will take care of the matter being introduced in sworn testimony, and so we will defer it until such time as the committee calls the photographer or someone who can testify under oath.

Mr. WELCH. One more word, Mr. Chairman—

Senator McCARTHY. Mr. Chairman—

Mr. WELCH. Of course, immense speed was required to prove or get the evidence that we now have in this court room, and the picture that I produced is scarcely dry, and it was not in my power as a lawyer to get all of the proof ready to offer this morning, as I would have liked to do.

Senator MUNDT. I am sure, Mr. Welch, that the committee will be in session for at least the rest of the week, and we will have an opportunity to take care of that.

Senator McCARTHY. Mr. Chairman— a point of order. Mr. Chairman. May I have that picture?

Mr. Chairman, Mr. Welch has made the statement under the guise of being a point of order that this picture was doctored, and I look at it now and I don't have the other picture before me. May I have it?

Mr. WELCH. This is the doctored picture.

Senator McCARTHY. I think, Mr. Chairman, when counsel for Mr. Adams and Mr. Stevens and Mr. Hensel—

Senator MUNDT. May the Chair request the photographers to comply with the rules.

Senator McCARTHY. Mr. Chairman, couldn't we have an understanding here that when I start to make a point of order that I may finish without interruption.

Senator MUNDT. Make a point of order and then speak to it.

Senator McCARTHY. The point of order is this: That Mr. Welch under the guise of making a point of order, has testified that a picture is doctored. I now have before me, and I may say this: Yesterday was the first time I saw either of these pictures, the picture that was introduced yesterday and the one Mr. Welch puts in today, and he makes the completely false statement that this is a group picture, and it is not.

Senator MUNDT. Counsel advises the Chair, may I say.

Senator McCARTHY. May I finish my point of order?

Senator MUNDT. Counsel advises the Chair that the Senator is engaging in a statement or cross-examination rather than a point of order.

Senator McCARTHY. I am getting rather sick of being interrupted in the middle of a sentence.

Senator SYMINGTON. I would like to say if this is not a point of order, it is out of order. The counsel says it is not a point of order and it is not a point of order, if the counsel says it is not a point of order.

Senator McCARTHY. Oh, be quiet.

Senator SYMINGTON. I haven't the slightest intention of being quiet. Counsel is running this committee and you are not running it.

Senator McCARTHY. Mr. Chairman, do I have the floor?

Senator MUNDT. The Chair has the floor, and nobody is endeavoring to determine whether or not Senator McCarthy is speaking to a point of order.

Will you state your point of order and then speak to it?

Senator McCARTHY. Mr. Chairman, may I suggest that when I start to say something, I not be interrupted in the middle of a sentence, and that Mr. Symington and no one else have the right to interrupt unless he addresses the Chair, and unless the Chair recognizes him. I am getting awfully sick of sitting down here at the end of the table and having whoever wants to interrupt in the middle of a sentence.

Now, Mr. Welch made a statement and I raised a point of order that it was not a proper point of order that he raised, and that he said this picture was doctored, and may I suggest to the Chair as a point of order in fairness to Mr. Jenkins, or whoever produced the picture, that Mr. Welch point out wherein the picture was doctored.

I can see no doctoring, except that a Colonel Bradley, who will be a witness here, his picture was not included. When Mr. Welch under the guise of a point of order said this was a group picture, I suggest that the Chair make the record clear that Mr. Welch was not speaking the truth, and that the only change—

Mr. JENKINS. I am sorry to interrupt the Senator from Wisconsin. I agree with the Senator from Wisconsin that Mr. Welch did not make a point of order, and I further make the statement that the Senator from Wisconsin is not making a point of order; both of those gentlemen were making positive statements of facts which properly come under the head of proof and should be properly made by those gentlemen or their witnesses under oath, and I think that that should be made perfectly clear to both Mr. Welch and Senator McCarthy, and that we should now proceed with the testimony of Mr. Stevens.

Senator McCARTHY. Mr. Chairman—

Senator MUNDT. The Chair has the floor, I am sorry. And the Chair has already ruled that the testimony on the photograph should be given to us under oath, and Mr. Welch has been advised of that, and you have been advised of that, and all parties will have an opportunity to bring in witnesses and to testify under oath on the whole allegations about the photograph, the original, whether it was doctored or not.

So that there is no point of order involved, and counsel has pointed out both Mr. Welch's statement and the statement of Senator McCarthy are a bit out of order, but the situation is a bit unusual, and consequently we have simply ruled that all testimony on the picture will be given under oath.

Senator McCARTHY. Mr. Chairman—

Senator MUNDT. Do you have a point of order?

Senator McCARTHY. Call it a point of order or call it what you may, when counsel for Mr. Stevens, and Mr. Hensel, and Mr. Adams makes a statement and he is allowed to do it without interruption, and if that statement is false, do I have a right to correct it, or do we find halfway through my statement that Mr. Welch should not have made his statement and therefore I cannot point out that he was lying?

I think that is an important question.

Senator MUNDT. The Chair has made the statement that neither statement is under oath, and each of you will have an opportunity to testify under oath on the matter in hand.

Senator McCARTHY. Just one more question, Mr. Chairman.

Would not it be proper for the chairman at this time to point out for the record the difference between the two pictures submitted?

Senator MUNDT. No, that is something that will be done under oath by the parties in interest. It is not a function of the Chair to determine which picture is correct.

Senator JACKSON. A point of order, Mr. Chairman. Do I understand that there will be witnesses called to testify under oath to identify the photographic circumstances with reference to both pictures, the one introduced yesterday and the one introduced today?

Senator MUNDT. There are witnesses available, I believe.

Senator JACKSON. I believe that is an appropriate point of order.

Senator MUNDT. They will be called and they will be subject to cross-examination.

Senator SYMINGTON. I would like to make a point of order, myself. The reason that I protested the continuation of that talk was because the counsel had stated twice, and I had heard it, that what was being said was not a point of order, and I believe that if we are going to keep these hearings at the proper level, of the dignity of the Senate, we have to follow the rulings of the counsel.

Senator MUNDT. The Chair has followed the rules of the counsel. The Chair in his desire to be equitable, having heard Mr. Welch on what was construed to be a point of order, felt it was only fair to give Senator McCarthy the same right to comment. For that reason, he gave him a little more latitude than he would otherwise.

Senator SYMINGTON. Mr. Chairman, I again say the reason I raised the point was because I heard the counsel say twice that in his opinion it was not a point of order.

Senator MUNDT. Senator Jackson has the floor.

Senator JACKSON. Secretary Stevens, could you tell the committee when the Army started the investigation of personnel at Fort Monmouth?

Secretary STEVENS. Of course, Senator Jackson, that is a continuing process. It goes on year after year. As I indicated yesterday, we have been collaborating with the FBI in regard to Fort Monmouth for a considerable period of time, and I will submit some information on that particular point which I do not yet have ready.

Senator JACKSON. Did you know that the FBI was investigating it in 1953?

Secretary STEVENS. Yes, sir.

Senator JACKSON. I mean, did the Army know? I do not mean did you know personally, but I mean appropriate officials within the Department of the Army.

Secretary STEVENS. Yes, sir.

Senator JACKSON. Was that early in 1953 or the middle of 1953?

Secretary STEVENS. I would say it was fairly early in 1953.

Senator JACKSON. At the time you learned of the Senate committee investigations of Monmouth and the proposed investigation, can you tell the committee whether the Army was then investigating personnel at Fort Monmouth?

Secretary STEVENS. We were.

Senator JACKSON. You were investigating personnel?

Secretary STEVENS. Yes, sir.

Senator JACKSON. If I understand your testimony correctly, there was a total of 35 people at Fort Monmouth that were suspended.

Secretary STEVENS. That is correct.

Senator JACKSON. Am I correct in understanding that six were suspended prior to October 8 by the Army as poor security risks?

Secretary STEVENS. They were suspended after investigation as security risks; yes, sir.

Senator JACKSON. Yes. What I meant to say is, suspended as possible security risks.

Secretary STEVENS. Correct.

Senator JACKSON. Alleged security risks?

Secretary STEVENS. Yes, sir.

Senator JACKSON. Then subsequent to October 8—I believe October 8 was the date of the opening of the McCarthy hearings.

Secretary STEVENS. The formal hearings; yes, sir.

Senator JACKSON. The formal hearings in executive session?

Secretary STEVENS. Yes, sir.

Senator JACKSON. Subsequent to October 8, 29 were suspended as possible security risks?

Secretary STEVENS. That is correct.

Senator JACKSON. Making a total of 35?

Secretary STEVENS. Yes, sir.

Senator JACKSON. Of these 35, were all of them under investigation by the Army?

Secretary STEVENS. As far as I know, Senator Jackson, they were; but I would have to check to make sure that was true in respect of everyone. I think it was true in respect of every one of them.

Senator JACKSON. Did I understand your testimony correctly yesterday that the additional 29 beyond the 6 that had been suspended prior to October 8 were suspended at the outset of the hearings because, while you had not had full time to go over the files of these people, you felt that because the hearings were underway you should suspend them nevertheless?

Secretary STEVENS. No, sir, not because the hearings were underway; because we expedited or looked at these people. As I said yesterday, in the case of a certain number of these people the suspension took place a little bit sooner than it otherwise would have, but we did not arbitrarily make the suspensions because the hearings had opened.

Senator JACKSON. Do I understand the loyalty proceedings to be that before you make a suspension you make a pretty careful check into the allegation before you make a suspension, and then you proceed to have the hearings after the suspension?

Secretary STEVENS. That is right, yes. We must have some reasonable basis for suspension.

Senator JACKSON. Let's just clarify the point. The point is that you do suspend people without a hearing if the allegations against them would indicate that, if proven, they might be dangerous security risks?

Secretary STEVENS. You stated it exactly correct.

Senator JACKSON. Suspensions are made by the Army and other Government agencies prior to formal hearings of the individuals involved?

Secretary STEVENS. That is right.

Senator JACKSON. I wonder if you could tell the committee, of these 35, are any of them alleged to be Communists? I do think this testimony to be important. It has been injected and injected into the hearings, and I am trying to get in my own mind—I have read about it in the newspapers and I have heard a lot about it, but I am confused.

Secretary STEVENS. Senator, I don't feel—I don't have personally the information right at this moment to answer that question as to what the allegations might be in respect of all 35 cases. I just don't have that in my head.

Of course, it is available, and to the extent that we can properly bring it before the committee, we will be glad to do so.

Senator JACKSON. I wonder this, Mr. Stevens: Would you be good enough to give to the committee a statement without reference to the individuals's names, the general nature of the allegations against them, and a summary of the action taken to date by the Army, for example, whether any of them have been reinstated, whether some of them have been fired, how long it will be before there is a determination.

I make this request of you, Mr. Stevens, because this matter has been kicked around in the newspapers, it has been discussed here in the committee; the American people, I think, are pretty confused. No one knows the true nature of the situation with reference to these 35 people.

I do believe that it would be helpful if the Army could submit a statement outlining the present status of the Fort Monmouth situation as to the suspended personnel for the open hearing. I think it might be well to give to the counsel of the committee also a classified statement which could not be released, but only for their guidance and for information, if such were necessary, because of classified material.

Secretary STEVENS. Senator, we would like to submit anything that you want and, within the limits of the Presidential directives that apply, we will do so.

Senator JACKSON. I am not asking you to name the individuals, you understand. I am making this request in order to clear up statements made in this hearing, testimony that has been given. The American public, I think, certainly has a right, in view of the fact that much of this has come out in the hearings, to know just what is the situation with reference to the 35 personnel that are now under suspension or have been previously suspended by the Army at Fort Monmouth.

Secretary STEVENS. All right, sir, we will prepare a statement.

Senator JACKSON. Now may I turn for a moment to some of the questions of yesterday with reference to Mr. Carr.

As I understand it, your counsel, Mr. Welch, submitted a statement of allegations.

Secretary STEVENS. That is right.

Senator JACKSON. Alleging a number of charges or making a number of charges. Are those charges being made by you and Mr. Adams and anyone else? Who is competent to testify as to the allegations contained in counsel's statement? That is in addition to Mr. Stevens, who have knowledge of the events that are alleged to have taken place in connection with those allegations?

Mr. WELCH. Mr. Chairman, I observe the Senator is looking at me.

Senator MUNDT. You are not a witness and you cannot testify; you may raise a point of order.

Mr. WELCH. If the inquiry was directed at me, I will answer and not otherwise.

Senator MUNDT. The Chair does not construe the counsel has become a witness.

Senator JACKSON. The point is that the allegations are signed by the counsel.

Senator McCARTHY. A point of order.

Senator MUNDT. I think the Secretary has to answer the question, he is the only witness who has been sworn.

Senator MUNDT. It seems to me testimony has to be sworn, and if you are going to insist the counsel becomes a witness, the Chair will swear him.

Senator JACKSON. Mr. Stevens, the Army principals in this case are yourself and Mr. Adams, I take it, in addition to Mr. Hensel who is from the Department of Defense, is that correct?

Secretary STEVENS. Yes, sir.

Senator JACKSON. Now, as I understand it from your testimony yesterday, you have no direct knowledge of any statements that Mr. Carr made directly about any of the allegations contained in the statement of complaint filed by Mr. Welch.

Secretary STEVENS. Only to the extent that where I was involved, Senator Jackson.

Senator JACKSON. But as I understand it, Mr. Carr was present at these various meetings, and I believe your testimony yesterday was to the effect that you had an impression originally that he may have commented on certain requests made by Mr. Cohn or Senator McCarthy, but that you had no direct recollection of any specific requests or statements that Mr. Carr made.

Secretary STEVENS. That is correct.

Senator JACKSON. Now, do I understand, or do you know, if you can so testify, whether Mr. Adams has that information? You see the statement of allegations from the Army, and I cannot tell from the statement of allegations as to who is informed on these specific charges, whether it is you or Mr. Adams.

Senator MUNDT. The Senator's time has expired, and he may continue to pursue those questions when his time comes around again.

Senator Potter.

Senator POTTER. Mr. Secretary, during the questioning yesterday concerning your allegations toward Mr. Carr, I believe you stated that you had no recollection of anything that Mr. Carr said at that meeting, and I believe it was November 6, is that correct?

Secretary STEVENS, October 2.

Senator POTTER. October 2?

Secretary STEVENS. Yes.

Senator POTTER. Has your memory been refreshed since the meeting yesterday concerning any positive activity on the part of Mr. Carr at that meeting, which would cause you to include him as one of the participants in the alleged pressure for preferential treatment on behalf of Private Schine?

Secretary STEVENS. Well, Senator Potter, I have searched my memory, and my conscience, and I have also talked with Mr. Adams who is to be a witness here, and if the only evidence in respect to Mr. Carr was the happenings of October 2, and if I were his judges, as you are, I would acquit him. But there is more evidence to come, and I think that his fate must await the end of the case when all of the evidence is in.

Senator POTTER. I am sorry, are you through?

Secretary STEVENS. Mr. Carr telephoned Mr. Adams in respect to Schine on many occasions.

Senator McCARTHY. A point of order, Mr. Chairman.

Secretary STEVENS. He relayed messages from Mr. Cohn to Mr. Adams.

Senator MUNDT. State your point of order.

Senator McCARTHY. In view of the fact Mr. Adams is one of the principals, I make a point of order it is entirely improper for Mr. Stevens to testify what Mr. Adams is going to say.

Secretary STEVENS. All I am trying to do is give the committee the answer to this question.

Senator MUNDT. Just a moment, the Chair wants to counsel with counsel.

Mr. JENKINS. Mr. Chairman, Mr. Stevens is Secretary of the Army, and he cannot in the very nature of things have personal knowledge of everything about which he testifies. His very conduct, his thoughts, and actions are all under scrutiny, and he is entitled and must necessarily, upon many occasions, rely upon information given to him by his subordinates.

I think it is entirely proper for the Secretary of the Army to state and to give information conveyed to him by his subordinates and his associates.

Senator McCARTHY. Mr. Chairman, a point of order.

Mr. Stevens is being questioned about a conversation when Mr. Adams was not present, and his testimony on that has been completely contradictory, and I make a point of order that in order to bolster that contradictory testimony, he cannot quote what Mr. Adams has told him about other conversations; and, Mr. Chairman, the further point of order is that his answer is not responsive.

Mr. Potter was asking him about a specific conversation, on October 2, and I think Mr. Jenkins is correct if one of his subordinates could aid him in answering that question, good. But no subordinate was present and no subordinate knows anything about that conversation, and either Mr. Stevens is telling the truth when the bill of particulars was made out, and I assume he didn't make it himself, or he was telling the truth the other day in answer to Mr. Jenkins' question.

Mr. JENKINS. May I ask, for my guidance, that the question and the answer be read by the reporter? Frankly, I was talking to Senator Jackson and did not hear it.

Senator MUNDT. The Chair will ask the reporter to read the question and the answer so that we may determine whether the point of order stands.

Senator POTTER. I assume that you will instruct the timekeeper that this doesn't come out of my 10 minutes.

(Whereupon, the reporter read the questions and answers as above recorded.)

Mr. JENKINS. I must in all good conscience reverse myself, Mr. Chairman. The answer to that question does not reflect upon the conduct of the Secretary of the Army, and he was being specifically questioned as to whether or not he, the witness now, had any knowledge of any statement made to him by Mr. Carr, and he says that he has none, and he goes further and he says that there are other witnesses.

I think the Secretary is entirely correct in his statement that at this time this committee should not exonerate or render a verdict of not guilty against Mr. Carr because all of the proof is not in and this committee cannot necessarily judge of the guilt or innocence of any party, so to speak, until all of the proof is in.

I reiterate I do not think it proper in view of the specific inquiry, and the bounds to which it is confined, for the Secretary in answer to Senator Potter's question to state what other people know about Mr. Carr because those other people are present and available as witnesses.

Senator MUNDT. On the advice of counsel, therefore, the Chair will uphold the point of order raised by Senator McCarthy.

Senator McClellan?

Senator McCLELLAN. May I make this observation for what I consider the benefit of all and the further orderly procedures of this hearing. We must bear in mind that the word "competency" with respect to evidence is not a part of the rules of this special hearing; only the word "materiality" and the word "relevancy." The word "competency" was purposely omitted from the rules after it was discussed by us at the time we were formulating the rules, and much testimony might be material or relevant, and yet would be incompetent in a court of law. We have to bear that in mind as we conduct these hearings.

Senator JACKSON. One point of order, Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. I am sure this is a point of order.

It is my understanding that hearsay evidence is admissible here, although it would be incompetent as Senator McClellan previously made the point. This is a point of order to the chairman. It is my understanding that while hearsay evidence, of course, is not admissible in a court of law to be offered for the truth of the matter asserted, hearsay evidence is admissible in this proceeding, provided witnesses will be called later to corroborate or to testify as to the statements made by third parties. Is that correct?

Senator MUNDT. That is correct. Counsel has pointed out that in this instance we have a witness who is here to testify, and the question might better be directed to him.

Senator JACKSON. Yes; but I do not want to be confused on the rules.

Mr. JENKINS. May I clarify my statement, Senator Jackson? Hearsay testimony is certainly competent in an inquiry of this nature

in instances where a principal party involved must necessarily rely upon what has been told him by his subordinates and his associates, and in instances where he acts upon that and where he is entitled to. That has been the rule followed thus far.

Carrying it further, Senator McCarthy will certainly be entitled, when he takes the witness stand, to state what was told him by his associates, the members of his staff.

My point is that, as far as this particular inquiry is concerned, it is directed at the Secretary of the Army to determine whether or not there should now be given a clean bill of health to Frank Carr. That does not lie within the province of the Secretary of the Army. It lies within the province of this committee.

Senator JACKSON. I agree with that statement 100 percent.

Mr. JENKINS. He is asked specifically what Frank Carr told him, with the idea that perhaps there should now be a vote on the guilt or innocence of Mr. Carr.

Very properly, therefore, I think that the Secretary should be confined to what, if anything, he heard Mr. Carr say, and I think the Secretary very properly stated that he did not feel that a clean bill of health should be given Mr. Carr at this time.

Senator SYMINGTON. A point of order, Mr. Chairman.

Senator MCCARTHY. Mr. Chairman, a point of order.

Senator MUNDT. State your point of order, Senator Symington.

Senator SYMINGTON. Yesterday there was a great deal of testimony—I ask this for clarification—a great many questions were asked Mr. Stevens with respect to Mr. Carr. The counsel for Mr. Stevens pointed out that under the urging of this committee and its counsel, he had worked very late at night, without Mr. Stevens present. My impression was, based on the way he said it, that he himself had made the charges, and that he had gotten them up and shipped them in rapidly.

The first paragraph included the name of Mr. Carr with Senator McCarthy and Mr. Cohn. Mr. Stevens said that he was not up exactly on what had been said.

What I would like to ask is: Inasmuch as Mr. Welch has and Mr. Stevens in effect has stated that primarily the reason for Mr. Carr's being in these charges was because of what Mr. Adams' relationship was with Mr. Carr as against Mr. Stevens' relationship, then why is it not proper for Mr. Stevens to bring that up as he discusses the matter this morning?

Those are said in laymen's words, and I am not a lawyer, although I will be one before this hearing is over. Nevertheless, I would like to ask what is wrong about that point?

Mr. JENKINS. Senator Symington, it is proper for Mr. Stevens to state that in the preparation of these charges and the inclusion of Mr. Carr as a party in interest, he relied upon what he considered reliable information; but I do not think it is proper for him to state what the information was, because witnesses are available to sustain that.

Senator SYMINGTON. Another point of order, Mr. Chairman.

Senator MUNDT. Do you have another point of order, Senator Symington?

Senator SYMINGTON. In order to clarify my mind on the situation, when will we have the witness and who will the witness be who will clarify the situation that Mr. Stevens was trying to clarify?

Senator MUNDT. That is a point of order. It is one I cannot answer. Senator Potter has the floor. The point of order has been upheld.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. The point of order has been upheld.

Do you have a point of order?

Senator McCARTHY. Yes. In this round robin, I also have something to be brought up as a point of order, if you can call it points of order.

Senator MUNDT. The Chair must insist that points of order deal with relevancy and materiality.

Senator McCARTHY. Let's wait until I finish and let the Chair decide that, if you don't mind.

Senator MUNDT. State your point of order.

Senator McCARTHY. I would like to make the point of order that counsel has made, I am sure, an honest mistake—he is doing an excellent job here—he has made the statement that Mr. Stevens was asked about the guilt or innocence of Mr. Carr. That is not correct. Mr. Stevens was asked the simple question what his recollection of what occurred on October 2 was. I don't think it is up to Mr. Stevens to pass upon guilt or innocence, if such is involved in this case. I think, therefore, his deviation was highly improper, and I think that Mr. Stevens should be ordered by the Chair—at least I would so advise him—that he stick to answering the question. We could save all this hasseling if he does.

Senator MUNDT. Senator Potter has the floor, and he may proceed.

Senator POTTER. Mr. Chairman, I hadn't intended that my question raise such a conference, and I won't ask the Secretary as to what conversation took place between Mr. Carr and Mr. Adams, because Mr. Adams will be a witness before the committee.

I would like to ask you this, Mr. Secretary. In your bill of particulars you stated that Mr. Cohn contacted you many times regarding Private Schine in an effort to secure certain advantages for Mr. Schine. Mr. Cohn, as an individual seeking better treatment for his friend—would that be an improper action?

Secretary STEVENS. In my opinion, it would.

Senator POTTER. As an individual, whether it be Roy Cohn or whether it be Charlie Potter?

Secretary STEVENS. He was chief counsel for this committee.

Senator POTTER. I am referring, Mr. Secretary, to an individual by the name of Roy Cohn, asking you for better treatment for his friend, Dave Schine. That act in itself—would that be improper?

Secretary STEVENS. If pursued to an unreasonable length, I think it would be.

Senator POTTER. Do you consider the alleged effort made by Senator McCarthy as an individual Senator, not as chairman of this committee but as an individual Senator, asking for special treatment for Dave Schine—do you consider that an improper action?

Secretary STEVENS. I think it was a most unusual action, Senator Potter, the instances that I have testified to here in which Senator McCarthy was involved. But we must also bear in mind, as I think I have indicated before, that a great deal, a major portion of this pressure was coming from Cohn. It was coming from Cohn, as I viewed him, as chief counsel of this committee under the chairmanship of Senator McCarthy.

Senator POTTER. Then is it your contention, Mr. Secretary—

Senator McCARTHY. A point of order, Mr. Chairman.

Senator MUNDT. The Senator will state the point.

Senator McCARTHY. It is directed at Senator Potter. I am sure the Senator did not intend to do this. He has just made the statement in his question that McCarthy is asking for special privilege for Schine.

Senator POTTER. I believe I said "alleged."

Senator McCARTHY. I know you did not intend to do it, but I think the record should be straight.

Senator MUNDT. The word "alleged" will appear because Senator Potter thinks he included it. He may continue.

Senator POTTER. Now, Mr. Secretary, am I correct in stating that it is your contention that the alleged activity by Senator McCarthy and Mr. Cohn was done as representatives of the investigating weapon of the Senate rather than as individuals? Is that your contention?

Secretary STEVENS. Yes, sir.

Senator POTTER. Now, Mr. Secretary, the countercharge that has been made by Senator McCarthy and Mr. Cohn and Mr. Carr, that you, the Army, used Mr. Schine as a hostage in order to curtail the investigations at Fort Monmouth—now first, is that allegation true or false?

Secretary STEVENS. False.

Senator POTTER. Now, in other words, here we have been discussing for several days, mainly technical points, but the question resolves itself into these two factors: First, the allegation made by the Army that Senator McCarthy, Roy Cohn, and Mr. Carr, not as individuals but as representing a weapon of the United States Senate, the investigating arm, put unusual pressure on the Army in order to secure preferential treatment on behalf of David Schine.

Second, the charge made by Senator McCarthy, Mr. Cohn, and Mr. Carr, that the Army, members of the personnel of the Army, have used Mr. Schine as a tool in order to halt the investigation of subversives at Fort Monmouth—now as you see it, is that the essence, the core, of this particular hearing? If it is not, we are wasting a lot of time.

Secretary STEVENS. With your permission, Senator Potter, I would like to have a look at that question because—

Senator MUNDT. We cannot let you look at it, but we can have it reread.

Secretary STEVENS. I do not know whether I can answer it even after it is reread.

Senator MUNDT. You can make notes on it if you want to while the recorder reads it.

(The question was read by the reporter.)

Senator POTTER. Do you concur with that, Mr. Secretary?

Secretary STEVENS. I think, as I said, it is a big question, Senator Potter, and I do not know that it is up to me to testify. It seems to me that the committee—

Senator POTTER. My point is this, Mr. Secretary: That we are wasting the time of the members of the committee and members of the Department of the Army to ascertain what Roy Cohn said to John Adams, or what Senator McCarthy said to you, which is in essence immaterial unless the power and authority of the Senate were misused which is a serious thing; or by the same token, unless people in the

Army misused their public trust in order to keep from having an investigation.

Now, as to the various chitchats between various members of this committee and the committee staff, with members of the Army, they are unimportant. Also unimportant in my opinion are the times that Roy Cohn as an individual called you or called members of the Army to get better treatment for his friend, David Schine. That may not be proper, but it is something that certainly this committee should not be concerned with nor with the fact that Senator McCarthy had many talks with you concerning David Schine. The only circumstance under which I can see that it would be of importance to this committee would be in case the power and influence of this committee had been used improperly or if the Army has used their trust of office improperly in order to evade a congressional investigation.

That is all I have to say, Mr. Chairman.

Senator MUNDT. Were you asking that in the form of a question? Very well, Senator Symington.

Senator SYMINGTON. Well, Mr. Chairman, first I would like to get something cleared up in my mind. Senator Jackson asked a question and it was somewhat technical. The counsel for Secretary Stevens attempted to answer it, and you told him that he had to be sworn if he was going to answer. Now, Secretary Stevens is not a lawyer, and I would like to know what the rule on that is. Do we want the information or do we want to stick to legal technicality, in which case why don't we swear Mr. Welch now so he can answer questions for the committee that Mr. Stevens is not capable of answering?

Senator MUNDT. The Chair is simply operating under our basic rule, that all testimony in these hearings should be sworn testimony. Mr. Welch is here, as I understand it, as counsel and not as a witness.

Mr. WELCH. Mr. Chairman, I thought the inquiry was directed to the question of who will be the next witness, or am I wrong? I was prepared to say who would be the next witness, if that was proper.

Senator JACKSON. Now, the purpose of my question, just for clarification, is that the bill of complaint, shall we call it, filed by the Army and signed by Mr. Welch as counsel does not indicate which witnesses will testify from the Army regarding the allegations contained in paragraphs 1 through 29. That was my only point. I could not tell in reading through the allegations whether Mr. Adams has the knowledge about certain allegations or whether the Secretary of the Army has, and I was trying to clarify the record from yesterday.

Senator SYMINGTON. I have made my point.

Senator MUNDT. Senator Symington has the floor.

Senator SYMINGTON. I hope we sometimes are broadminded with respect to the legal technicalities, if in being broadminded we have further success in obtaining the truth.

Now, yesterday there was some testimony, and I would like to read it on my time.

Mr. JENKINS. Mr. Stevens, did you ever have your photograph taken with Mr. G. David Schine?

Secretary STEVENS. Well, there were a lot of photographers around down there at that hearing, and it could be.

Mr. JENKINS. But did you ever at your suggestion at a meeting any time anywhere say, "I want my picture taken with David," and have it done?

Secretary STEVENS. I am sure that I never made a statement just like you made it there. I mean, if there was a picture being taken and there were

people around, I might be very apt to say, "Well, let's all step in here and have our picture," but I don't think I ever made any demand to have my picture taken with Mr. David Schine.

Now I call attention to the next question.

Mr. JENKINS. I did not say "demand," but was your picture, after David Schine was drafted, ever taken with you alone at your suggestion anywhere?

Now, Mr. Chairman, I have great respect for this counsel, as have others who expressed it this morning, and I do not believe he would have answered that question in that way if he had not been misled by this picture. The point I want to make is not only are there three people in this picture, but there is a fourth because you can see a hand and a coat of a civilian. I think it very important in the interest of fairness that we be told sometime in public hearing all about this picture.

Naturally, it put Mr. Stevens in a bad light because it looked as if he were defensive when he tried to figure in his mind whether he had ever asked to have a picture taken alone with Mr. Schine or whether he had ever had his picture taken alone with Mr. Schine.

Based on the evidence yesterday afternoon, this committee was attempting to prove through its counsel that he had had his picture taken along with Mr. Schine. Based on the evidence presented this morning, it is obvious that at least from the standpoint of this picture he had the right to hesitate because his picture was not taken alone with Mr. Schine.

My last question, Mr. Chairman, is this: Mr. Secretary, yesterday with respect to the question of Mr. Carr you used the words "minor" and "passive."

Secretary STEVENS. Yes, sir.

Senator SYMINGTON. You did not draw up these charges. In trying to figure out what was running through your mind after reading the testimony again this morning, my impression is that you felt that Mr. Carr in effect was supporting Mr. Cohn because he was with him; is that correct?

Secretary STEVENS. Yes, sir.

Senator SYMINGTON. You do not remember whether he did or did not actually participate in the conversation; is that correct.

Secretary STEVENS. I cannot recall a quote, Senator Symington.

Senator SYMINGTON. You cannot recall a quote?

Secretary STEVENS. No, sir.

Senator SYMINGTON. You think that the question of Mr. Carr's participation can better be handled by subsequent witnesses based on the charges; is that correct?

Secretary STEVENS. Yes, sir.

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

Mr. JENKINS. Mr. Chairman.

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. May I, in answer to a statement made by Senator Symington with respect to the picture introduced yesterday of the Secretary and Mr. Schine, make this statement? That the picture in its original form was handed to me by an adverse party in interest as being what the picture itself represented, to wit, a photograph of the Secretary and of Private Schine. No intimation, no insinuation

was made that the picture had in any wise been changed or altered or that anyone's picture had been taken out of it.

If the committee thinks it is proper at this time to establish that fact, I am prepared now to call one of the adverse parties to the witness stand and under oath establish that fact.

Senator JACKSON. Mr. Chairman, I think that should be done without delay as soon as we get back to the picture situation because I think this committee has a right to know where this picture came from.

We have agreed that the Army must produce, and I understand they have offered to produce, the photographer who took the original picture. I think the same rule should apply with equal force in any attempt to authenticate, if that is possible, the picture of yesterday.

Mr. JENKINS. In view of the controversy which has arisen over the picture and the apparently widespread interest in it, I think, Mr. Chairman, in all fairness to everybody concerned, I should have Mr. Stevens stand aside at this moment—I think it will take no more than 5 minutes to do it—and establish the circumstances under which that picture was handed to me.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. May I say I agree with that heartily, but first I do think we should finish the round of questioning. Being the low man on the totem pole I don't like to be constantly cut out.

Senator MUNDT. The Chair was about to suggest that we give Mr. Welch his 10 minutes, the Senator his 10 minutes, and then establish that. Then we will have concluded the picture.

Senator McCARTHY. I think you forgot Senator Dworshak.

Senator MUNDT. And Senator Dworshak, I beg your pardon. Senator Dworshak, 10 minutes.

Senator DWORSHAK. Mr. Secretary, you admitted yesterday that the activities of the investigating subcommittee had expedited efforts of the Army to expose subversives and security risks at Fort Monmouth.

I should like to know whether the work of the committee has inspired the Department of the Army to initiate or to expand its activities in other installations to overcome subversive elements.

Secretary STEVENS. We have continuing progress, Senator Dworshak, which is constantly going on. Whatever we learn in one area we apply in another.

I think that we are doing a constantly better job in the area of ferreting out subversives.

Senator DWORSHAK. Can you tell the committee whether you have exposed any specific instances, any security risks in other installations? I don't think that is classified information.

Secretary STEVENS. I would have to check that up, Senator Dworshak. I can get it for you.

Senator DWORSHAK. You have indicated in some of your statements that the morale of the Army has been adversely affected by the activities at Fort Monmouth in disclosing the prevalence there of these security risks. I think that this situation may be improved materially so far as the Department of the Army is concerned and it would be in the interest of the American people if you could give some assurances of the effective result of the work by your Department in exposing these elements in other installations. Can you do that?

Secretary STEVENS. I think we have done an increasingly better job throughout the Department of the Army in all of our installations and all of our units in finding security risks, subversives, and taking the proper action with respect to them.

There has been a lot of testimony in regard to that before the Armed Services Committee of the Senate.

Senator DWORSHAK. It has been disclosed that 35 persons were accused and charged at Fort Monmouth. Can you point specifically to any other instances where subversives have been exposed in other installations?

Secretary STEVENS. That would be possible, but I would like to get the actual facts before I attempt that, sir.

Senator DWORSHAK. Do you think the investigation conducted by this subcommittee at Fort Monmouth has had a salutary effect upon the activities of the Army in other places?

Secretary STEVENS. I think we are doing a better job.

Senator DWORSHAK. You do recognize, of course, the essential need of exposing these fifth columns and these saboteurs, because as we face the global menace of communism aggression, certainly we ought to be assured in every way that the Army installations are free from these subversive elements.

Secretary STEVENS. I recognize that completely, Senator Dworshak, and I started on my very first day in office to do something about it, and I have kept at it relentlessly ever since and I intend to continue that.

Senator DWORSHAK. Then you are not resentful, as a result of that statement, of any of the activities of this committee at Fort Monmouth? You may criticize the procedural methods but you do approve heartily any work which is done by any congressional committee to expose these subversives?

Secretary STEVENS. I do.

Senator DWORSHAK. You intend to continue to the best of your ability and the maximum capacity of the Department of the Army to give assurances to the American people that the Army is as free of subversives as it is possible to be.

Secretary STEVENS. That is correct.

Senator MUNDT. Mr. Welch, you have 10 minutes.

Mr. WELCH. Thank you, sir. I don't think I need it at this moment. I will pass for this moment.

Senator MUNDT. Senator McCarthy or Mr. Cohn, you have 10 minutes.

Senator MCCARTHY. May I have those pictures, please?

Mr. Stevens, now that we have the original picture, supplied, I understand, by the Army, do you recognize David Schine? Yesterday you had some difficulty.

Secretary STEVENS. Yes, sir.

Senator MCCARTHY. There is no question that this is David Schine?

Secretary STEVENS. I think that is David Schine.

Senator MCCARTHY. Who is the third man, do you know?

Secretary STEVENS. Colonel Bradley is his name, please.

Senator MUNDT. Will the photographers kindly obey the rules of the committee? The television people are understandably complaining that all they get is the backs of the photographers. We have a

ruling and will you please take your pictures, if at all, from a kneeling or seated position? That is the rule.

Senator McCARTHY. There is a fourth man who has been cut off. I know Mr. Welch objected to the third man being cut off. Is there any objection to the Army photographer having cut off the fourth man?

Secretary STEVENS. I take it that is the size of the picture, Senator McCarthy.

Senator McCARTHY. That is the size of this picture. You don't claim it is doctored because the fourth man is cut off; do you?

Secretary STEVENS. No.

Senator McCARTHY. Let me ask you this now: If you take off the third man, does that change the setup insofar as you and Mr. Schine are concerned in any way?

Secretary STEVENS. Yes, sir, McCarthy.

Senator McCARTHY. It does?

Secretary STEVENS. It does in the sense, Senator McCarthy, that yesterday Mr. Jenkins asked me the question—and it surprised me very much—if I had had my picture taken with David Schine alone. When my memory was possibly not too good on that point, he immediately refreshed my memory with the production of that picture.

Senator McCARTHY. May I ask you this: The man who took this picture was not a press photographer. This was taken at Maguire Base. The only photographers present were Army enlisted photographers; is that correct?

Secretary STEVENS. I don't know. I imagine it would be Air Force. It was an Air Force base.

Senator McCARTHY. Now, you know, also, that those photographers were not taking pictures of colonels, or Secretary of the Army, unless they were requested to do so. They weren't around like the young men around here, just taking pictures at will; were they?

Secretary STEVENS. I can't ever remember having asked or made a request to have my picture taken, sir, and yet it has been photographed, I am afraid, thousands of times.

Senator McCARTHY. Let me ask you this: I assume that Mr. Schine—and I understand this came from Schine's office—I assume Mr. Schine got this picture from the Army, and do you know whether, when he requested this, he merely got a picture of himself and Mr. Adams, or whether he also had the third and fourth man on here? I am rather curious, myself.

Secretary STEVENS. I can't answer that question, and I don't know what he got.

Senator McCARTHY. You know that someone from the Army sent Mr. Schine this photograph, and I can understand how he would be proud, a private in the Army, having a picture taken with the Secretary, and I can understand when he frames that why he would not put on—I don't know who this is, perhaps Mr. Adams over here, or he might want to have Mr. Adams on, on second thought. But you claim that as of now, you do not remember asking the photographers to take this picture?

Secretary STEVENS. I certainly do.

Senator McCARTHY. You do not remember asking?

Secretary STEVENS. I do not remember asking him, Senator McCarthy.

Senator McCARTHY. Aside from taking off the fourth man who is taken off by the Army photographer, the third man who was either taken off by Mr. Schine or someone else, aside from that, is this picture completely accurate as introduced yesterday and the one today?

Secretary STEVENS. I am certainly not going to say anything about the picture having been accurate when it was doctored.

Senator McCARTHY. Let us see that. Would you examine those two, Mr. Secretary? Examine the picture of you and Schine, and tell me whether there is any doctoring except I believe a little less of your leg on one than on the other and a little less of Mr. Schine's feet on one than the other. Other than that, is there any change in the picture?

May I say, I do not think that there is anything improper with your having your picture taken with Mr. Schine or anyone else. In view of the fact this matter is brought up this morning, I think that we should go into it in some detail.

(The photograph was handed to the Secretary.)

Secretary STEVENS. I didn't get the question, and if the question is before me, I would like to know what it is.

Senator McCARTHY. I will repeat the question. The question, Mr. Secretary—and if you have your aide let that down so that I can see you—the question is, aside from cutting off the fourth man who was cut off, apparently, by the Army photographer, and I assume that is Mr. Adams, and cutting off the third man, who is either cut off by Mr. Schine or someone in my committee, and we will find that out when Mr. Jenkins calls them to the stand—aside from that, is the picture of you and Mr. Schine completely accurate, and is there any doctoring in any way?

Secretary STEVENS. I would have to examine closely, and I would say that looking at it quickly, that that is probably true, Senator McCarthy, that the rest of it is.

Senator McCARTHY. Completely accurate?

Secretary STEVENS. But, I think you overlooked the major trouble with this picture, which is that it was introduced on the basis that I had asked for a picture with Dave Schine alone, and I have no recollection of asking for such a picture; and the picture, the other picture here this morning proves that such was not the case.

Senator McCARTHY. Let me say that whether you had your picture with Schine alone or with another colonel, as far as I am concerned, it doesn't concern me, and I don't think it is improper at all. I think that you are entitled to have your picture taken wherever you want to. But do you think that having another colonel in the picture, having another colonel standing on the other side of the private, you on one side and the colonel on the other, does that decrease the significance or increase the significance in any way?

Secretary STEVENS. I think it increases the significance of what is happening here tremendously, because it shows that somebody has taken it upon themselves to edit the information that is going to come before this committee.

Senator McCARTHY. How about the editing of Mr. Adams' face over there? Who did that; do you know?

Secretary STEVENS. I have no idea who that other one is, and it might be Senator McCarthy.

Senator MUNDT. This will not be taken out of the Senator's time; and perhaps the chairman was derelict this morning in failing to repeat the committee rule, which is pretty generally understood, I am sure, by those who have been in attendance at the committee sessions earlier. They are that there will be no manifestations of approval or disapproval at any time, in any way, from the audience. The officers have a standing order to politely escort from the room people who violate that rule.

I am not going to enforce it at this time, but from now on I expect the officers to enforce that rule.

We are trying with great difficulty to have these proceedings heard, with a tremendous number of guests, and we are all happy to have you here, but you must comply with the committee rule.

Senator McCarthy?

Senator McCARTHY. That is not off my time, is it?

Senator MUNDT. No; it is not off your time.

Senator McCARTHY. You said this might have been Senator McCarthy, and it might have been, because I was there when you called the photographer over to have the picture taken, except I notice this is not my hat in the picture, but let me ask you this: You object to the third man being cut off, and I can see where you would. I think that is a legitimate objection. Do you object to the fourth man being cut off?

Secretary STEVENS. I think we should find out from the photographer as to whether or not that is the size of the film and that that is exactly where it cut off automatically.

Senator McCARTHY. I think that is a good idea.

Now, Mr. Secretary, you said the other day that you wanted to get the hearings suspended. You have succeeded in that, have you not? You have succeeded in getting the hearings on the Communist infiltration in the military suspended. Your success is complete as of today, is it not?

Secretary STEVENS. I don't—I wish you would repeat that, Senator McCarthy.

Senator McCARTHY. I will be glad to.

You testified the other day that you wanted to suspend the hearings on Communist infiltration in the military. I say that as of today, your success is complete, and they are completely suspended; is that correct?

Secretary STEVENS. I don't know whether they are or not.

Senator McCARTHY. Well, you said you wanted the hearings suspended.

Secretary STEVENS. I assume that your committee is still active, Senator.

Senator McCARTHY. You made a special point the other day, and you said, "I did not want the investigation suspended; I wanted the hearings suspended." And you know there have been no hearings since your office issued the attacks upon Mr. Cohn, Mr. Schine, and myself. In other words, you have been successful, have you not?

Secretary STEVENS. I don't regard that as success at all; no, sir.

Senator McCARTHY. Well, let us see. You wanted the hearings suspended; is that right?

Secretary STEVENS. I wanted the type of hearings changed.

Senator McCARTHY. Well, now, you said the other day you wanted them suspended, are you changing that testimony?

Secretary STEVENS. I wanted to have—and I stated it several times yesterday and I will state it again—that I wanted to have the constant hammering of the Army over the head with respect to Fort Monmouth stopped, because it was creating an impression in the minds of the American people, as well as the Army, that was not a fair or accurate picture.

Senator McCARTHY. Now, Mr. Secretary, all of the things you said yesterday were taken down.

Secretary STEVENS. That is right.

Senator McCARTHY. Do you deny today that yesterday, in answer to Mr. Jenkins' question, you said that you did not want to stop the hearings but you wanted the hearings suspended? Isn't that correct? If you insist, I will be glad to go through the testimony and dig it out.

Secretary STEVENS. I said that I thought that the Fort Monmouth hearing had served its purpose.

Senator McCARTHY. And should be suspended?

Secretary STEVENS. And that we would carry it on, and we would make progress reports to you; and if it wasn't satisfactory, the investigation would be continued anyway on your part, on the part of your staff, and that you would come right back into the picture.

Senator McCARTHY. Bob, I am asking you a very simple question: Did you yesterday say that you wanted to have the hearings suspended?

Secretary STEVENS. I said that I wanted to have—

Senator McCARTHY. Now, tell me "yes" or "no."

Secretary STEVENS. Well, let us look up the record.

Senator McCARTHY. Don't you remember?

Secretary STEVENS. Senator McCarthy, there are a great many things happening, and I am trying to remember as best I can, as these questions come along, and get out the facts right here in front of this committee, and I may not always be able to immediately answer, to recall something as you are now asking me.

Senator MUNDT. The time of the Senator has expired. In conformity with the agreement of the committee, the chairman will now ask Secretary Stevens, if he will, to step aside temporarily, and the counsel would like to call a different witness.

Mr. JENKINS. I should like to call at this time Mr. Roy Cohn.

Senator MUNDT. Mr. Cohn will come to the stand.

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

Mr. COHN. I do, sir.

Senator MUNDT. You may be seated.

TESTIMONY OF ROY M. COHN

Mr. COHN. At the outset may I have the record indicate that I am not represented by counsel and that none of the various persons here as aides represent me in any way. I am here myself, and I am here to answer any questions which Mr. Jenkins might have to ask of me.

I welcome the opportunity to state the circumstances of this picture and the fact that it was taken at the request of Mr. Stevens. I ask that other witnesses be called to establish that fact.

Senator MUNDT. Counsel will proceed.

Mr. JENKINS. For the purposes of identification, you are Mr. Roy M. Cohn.

Mr. COHN. Yes, sir.

Mr. JENKINS. Counsel for this committee?

Mr. COHN. That is right, Mr. Jenkins.

Mr. JENKINS. Mr. Cohn, since my appointment as special attorney for this committee, I have from time to time been to your office in consultation with you and other witnesses that you expect to introduce in an effort to ascertain your side of this controversy here. Is that not correct?

Mr. COHN. Mr. Jenkins, you have—and it is our desire to give you—the facts, which is what we hope to establish at these hearings.

Mr. JENKINS. I believe that last evening after the sessions were concluded about 5 p. m., I spent some 3 or 3½ hours in your office.

Mr. COHN. You did, sir.

Mr. JENKINS. As I have done on evenings previous to that.

Mr. COHN. I think once or twice prior.

Mr. JENKINS. I think perhaps I have told you that I prepared Mr. Stevens' and Mr. Adams' side of this controversy first and had spent some 4 or 5 days in consultation with them and their witnesses at the Pentagon.

Mr. COHN. That you did, Mr. Jenkins.

Mr. JENKINS. So it has all been, as far as you know and as far as I know, open and aboveboard on my part for the purpose of ascertaining the facts. Is that not correct?

Mr. COHN. There is no doubt about it.

Mr. JENKINS. Mr. Cohn, the day before yesterday, perhaps late in the afternoon or in the evening, you and I had a considerable conference in your office, did we not?

Mr. COHN. Yes, sir.

Mr. JENKINS. With respect to your charges against Mr. Stevens and Mr. Adams, is that correct?

Mr. COHN. Yes, sir.

Mr. JENKINS. I will ask you whether or not in that conference a great deal of the time or perhaps all the time Mr. Frank Carr was present and Mr. James Juliana and myself and you.

Mr. COHN. I believe that is correct, Mr. Jenkins.

Mr. JENKINS. I will ask you whether or not, Mr. Cohn, during that conference the day before yesterday you stated to me—

Mr. COHN. Excuse me, Mr. Jenkins. You say the day before yesterday?

Mr. JENKINS. In our conference of the day before yesterday.

Mr. COHN. Wait a minute. Today is Tuesday, is that correct? I believe it was the end of last week.

Mr. JENKINS. I think perhaps you are right about that. It does not make any particular difference. In your conference with me and in my questioning you with respect to the allegations of the McCarthy committee against Mr. Stevens and Mr. Adams you stated to me that on November 17—and this inquiry is confined, Mr. Cohn, we under-

stand, to the one issue now in controversy alone; and that is with respect to these photographs.

Mr. COHN. Yes.

Mr. JENKINS. You stated to me on that occasion that Mr. Stevens as Secretary of the Army on that date requested David Schine to be photographed with him.

Mr. COHN. I stated that, and that is a fact, sir. We will prove it.

Mr. JENKINS. Did you or did you not tell me who was present on that occasion?

Mr. COHN. On November 17?

Mr. JENKINS. Right.

Mr. COHN. I believe I told you some of the people who were present. I might have told you all of the people who were present.

Mr. JENKINS. Did you or did you not tell me that you had documentary evidence in the form of a photograph to substantiate that statement?

Mr. COHN. Mr. Jenkins, I wonder if we could do it this way: Could I give you my recollection as to exactly what I did do?

Mr. JENKINS. I think that would be fine, and it would shorten the inquiry. You may proceed to do so.

Mr. COHN. Thank you, sir.

As I recall, I told you with reference to the particular charges about threats that I had supposedly made to Mr. Stevens concerning Private Schine with regard to improper inducements and persuasions that had been attempted by Schine himself and others in his behalf. I told you, sir, I believe, that I thought very substantial proof of the bad faith of Mr. Stevens in making those charges now was the fact that long after the threats had supposedly been made, long after these inducements and persuasions had supposedly been made, Mr. Stevens was not only most solicitous of Private Schine but was in his company, not only once but twice, and had asked that he be photographed with Private Schine. That is what I told you, sir, and that is the fact.

I told you specifically that on November 6 when Mr. Stevens invited all of us to his office for lunch and when at that lunch he asked us to stop the hearing—

Mr. JENKINS. Mr. Cohn, I am sorry to interrupt you, but you are now addressing yourself to the events of November 6 in Mr. Stevens' office at the Pentagon.

Mr. COHN. I want to talk about the photograph, if I may.

Mr. JENKINS. With respect to November 6?

Mr. COHN. Yes.

Mr. JENKINS. As leading up to the event of November 17?

Mr. COHN. That is correct, sir.

Mr. JENKINS. Will you confine it to the photograph alone?

Mr. COHN. I will, sir.

Mr. JENKINS. And what was said, allegedly, by Mr. Stevens on that occasion?

Mr. COHN. I will, sir.

Mr. JENKINS. I think that is proper.

Mr. COHN. Surely.

On November 6, Mr. Stevens had invited Senator McCarthy, Mr. Carr, myself, and Mr. Schine, who was then in the Army, to lunch at his office. Mr. Schine did not come because he did not care to come.

He declined the invitation. When we arrived there, there was a place set for him at the table and Mr. Stevens expressed great regret and said—

Mr. JENKINS. Now, Mr. Cohn, just with reference to the photograph. I must insist that you are going beyond the scope of the inquiry.

Mr. COHN. With reference to the photograph, Mr. Stevens said:

One reason I am particularly sorry Dave is not here is that a couple of the photographers wanted to take a picture of him and me, of Dave Schine and myself, and I wanted to have that picture taken.

Mr. JENKINS. Is that all that was said on November 6 with reference to a photograph?

Mr. COHN. That is all with reference to the photograph.

Mr. JENKINS. Passing to November 17.

Mr. COHN. Very well, sir.

Mr. JENKINS. I will ask you whether or not you told me that you had documentary evidence in the form of a photograph of Mr. Stevens and Mr. Schine corroborating your statement to me that Mr. Stevens requested his photograph be taken with Schine. Is that correct?

Mr. COHN. I told you, sir, that as far as I knew there was a picture of Mr. Stevens and Private Schine taken on November 17. There was, and there is.

Mr. JENKINS. Did I ask you to produce that photograph to me prior to my cross-examination of the Secretary of the Army?

Mr. COHN. I believe before you did that, Mr. Jenkins, you asked me to explain to you the circumstances under which that photograph was taken. I believe, sir, I then told you—and if I may—

Mr. JENKINS. Did or not you tell me it was taken on that occasion at the request of the Secretary of the Army?

Mr. COHN. I said that then, sir, and I say that now; and so will other witnesses.

Mr. JENKINS. Mr. Cohn, was the photograph introduced yesterday delivered to me by you or a member of your staff prior to my cross-examination of the Secretary?

Mr. COHN. Yes, sir.

Mr. JENKINS. Was anything ever said to me up to this time about any person being cut out of that photograph?

Mr. COHN. No, sir, I do not think anything ever was said to you about any person being cut out of that photograph. I would like to tell you, in the interest of accuracy, exactly what was said and exactly what was done.

Mr. JENKINS. You may do so.

Mr. COHN. All right, fine.

I told you, sir, after I described the November 6 incident in which Mr. Stevens expressed regret that Mr. Schine did not accept his invitation, stating as one reason that he wanted his photograph taken, that on November 17 when Mr. Stevens flew down with us to Fort Dix to see Mr. Schine that as we were getting off the plane there were a couple of Army photographers. Mr. Stevens said they were Air Force photographers. They very well might have been, sir. There were a couple of military photographers, let's say, who were waiting at the plane. Private Schine was waiting there, and so was General Ryan.

I believe I mentioned to you that Colonel Bradley was there, that Colonel LaVelle was there. I believe I mentioned to you, sir, that Colonel Bradley will be one of the people we will call as a witness for us in this proceeding. I stated to you that as we got off the plane and these photographers stepped up. Senator McCarthy said that we had to leave for Boston very soon and as far as he was concerned he did not want any pictures taken; he wanted to get right inside and start working.

At that point Mr. Stevens walked over to Private Schine and said, "This is a picture I would like to have. It is one I have wanted, so let's have it taken now."

I heard that, Senator McCarthy heard that, and Mr. Carr heard that. A picture was thereupon taken.

I believe you asked me, sir, whether or not such a picture was in existence. I believe I told you that I thought that it was, at which point I contacted Private Schine. Private Schine said "Yes," there had been such a picture in existence; that he had had it framed on the wall of his office until recent events, at which time I believe it was taken down.

I asked if he could get that. He said he thought he could. He went up to New York. He procured that picture. He brought it down. I did not see it, and I might say to you, sir, I did not know whether Colonel Bradley was standing in the background or not. As I think back on it, I think that there were 3 or 4 pictures that were taken on that day. I think Mr. Adams was in a couple of the pictures.

Now, Mr. Schine sent that picture down here. It was given to some members of the staff. They took it downstairs to have copies of the picture made. Copies of the picture were made. One of the members of the staff asked me what to do with it. I told him to send a copy of the picture of Stevens and Schine up to Mr. Jenkins, a blown-up copy. That was done.

I now find on inquiry of a member of the staff that they saw some third person who was not recognizable and was not recognized standing to the side; that Mr. Stevens and Mr. Schine were facing each other and looking at each other. There was a third person standing on the side and they thought that that person had no relevancy, had nothing to do with it, and that the picture wanted was the picture of Stevens and Schine. That is what was blown up, that is what was sent up to you. I did not see it before it was sent up. It was sent up. If Mr. Stevens wants to establish that Colonel Bradley was standing to the side, I remember he was at the side of the plane as we arrived as the commanding officer of the field and that Mr. Adams was standing next to Colonel Bradley. I think, sir, that is perfectly correct and proper, and we are very glad to have that in the record.

Mr. JENKINS. Mr. Cohn, let me interrupt you if I may, please.

Mr. COHN. Surely.

Mr. JENKINS. The point of inquiry at this time particularly is this: Is not the picture about which I cross-examined the Secretary yesterday the picture that was delivered to me by your staff?

Mr. COHN. Yes, sir. It was a blowup. It was not the original.

Mr. JENKINS. A blowup. Was not anything ever said to me about that picture having been edited or a third person who I believed you referred to as Colonel Bradley—

Mr. COHN. Yes.

Mr. JENKINS. Being omitted from the picture?

Mr. COHN. Mr. Jenkins, no, sir; it was not said to you by me, certainly, because I did not know it and I did not see it. Furthermore—

Mr. JENKINS. And in your discussion with me you told me as I remember, Mr. Cohn, and correct me if I am wrong, I ask you the question: That you did have this picture of Schine and the Secretary?

Mr. COHN. That is right.

Mr. JENKINS. Which would be delivered to me?

Mr. COHN. Sure.

Mr. JENKINS. For the purposes of introduction as proof in this case?

Mr. COHN. That is right and I did not tell you, sir, that Colonel Bradley was standing to the side of it and I did not know it until now, and I think it makes not the slightest bit of difference, sir; and I would like it very clearly noted on the record that this is a picture whether Colonel Bradley is standing to the side or not. This is a picture of Secretary Stevens and Mr. Schine looking at each other, taken on an occasion when Mr. Stevens flew down to see Mr. Schine after he claims he had been threatened and improperly persuaded and induced, and that the picture of Mr. Stevens and Schine was taken at the request of Mr. Stevens.

Mr. JENKINS. You have already stated that Mr. Cohn, and it is repetitious, and those are all of the questions I care to ask you. And on the subject of this picture alone of November 17, the members of this committee will perhaps now desire to ask you further questions.

Mr. COHN. I will be glad to answer any question that any member of the committee wants to ask.

Senator MUNDT. I have just one question. Is the original picture which we now have before us, what you call a blowup, the original picture in your possession or can you produce it?

Mr. COHN. No, but I am sure we can. I have an awful lot of papers, and stuff to attend to and it is not in my possession, but I would say this: I am sure it is under my control, to the extent that we can get members of the staff—it must be around someplace, and I am sure we can get that up here.

Senator MUNDT. So that it can be produced?

Mr. COHN. As a matter of fact I would like to do this: I would like to supply the original picture plus all of the blowups which were made, from which the one sent up to Mr. Jenkins was selected, and everything we got and everything we have now.

Senator MUNDT. I am sure the committee will be happy to see whatever pictures are available, but among them we would like to see the original from which this was made.

Mr. COHN. That will be supplied.

Senator MUNDT. Very well. Senator Dirksen has notified the Chair that he had to go over to the Supreme Court to stand up with a constituent being sworn in today, and so we will go next to Senator Potter. Or Senator McClellan. It wasn't Senator Dirksen's time at all, it was Senator McClellan's.

Senator McCLELLAN. Roy, I just want to ask you, if at the time counsel yesterday was questioning Secretary Stevens trying to elicit from him that at his own request he had had his picture taken with

Mr. Schine alone, did you then know that the picture that was on exhibition and being made a part of the testimony was taken out of a group picture and not a picture of Mr. Stevens and Mr. Schine alone? Did you know that yourself yesterday when those questions were being asked?

Mr. COHN. No, sir, and as a matter of fact I did not even catch the word "alone" put in there by Mr. Jenkins. I did not hear that word and I did not catch that, Senator McClellan.

Senator McCLELLAN. Well, was not the purpose of the picture, and your producing it, and making it available to counsel for the purpose of substantiating your statement that Mr. Stevens had requested that he and Schine had their picture taken alone together?

Mr. COHN. No, sir, and I don't believe, and I hope Mr. Jenkins will bear me out in this, that I ever used the word "alone." And I might say I don't think the fact that Colonel Bradley is standing to the side changes the thing one iota. But I don't believe I ever used the word "alone" to Mr. Jenkins or anyone else.

My recollection was, Senator McClellan, and is, that Mr. Stevens wanted a picture of himself and Mr. Schine, and I don't believe that he excluded from the picture or asked to have excluded from the picture any of the other people present.

If it happens that Colonel Bradley, who was standing next to the plane, was to the side of the picture, or whether possibly Mr. Adams was next to him, that might very well be so, sir, and I don't deny it for a minute nor do I attach any significance to it.

Senator McCLELLAN. The point is, as the picture was presented yesterday, it was to corroborate the allegation and the question that had been asked Secretary Stevens with respect to him wanting his picture taken alone with Mr. Schine.

Mr. COHN. Senator McClellan—

Senator McCLELLAN. Now, at the time the picture was presented, counsel interrogated Mr. Stevens obviously under that impression.

Now, did you give him that impression that it was a picture of the two taken alone?

Mr. COHN. No, the impression which I gave him, I hope, which is what the facts as I knew them were, was that there was a picture of Secretary Stevens and Mr. Schine taken at the request of Secretary Stevens.

I don't believe Mr. Jenkins ever asked me, and I don't know why he should have, "Was anybody else standing to the side, or did Secretary Stevens ask that everybody else step out of it?"

It was a picture of Secretary Stevens and Mr. Schine next to each other, looking at each other. I believe that was as far as I went, because that is as far as I knew, sir.

Senator McCLELLAN. Well, you recognize that, as it was presented yesterday, in testimony elicited from examination by counsel, the testimony as of yesterday did not present the facts as they are. Do you recognize that?

Mr. COHN. Sir, in that Colonel Bradley was standing to the side, and the fact that Mr. Adams might be standing next to them, yes.

Senator McCLELLAN. Well, that was not a picture of two people alone.

Mr. COHN. Sir—

Senator McCLELLAN. It was a group picture, and the picture of these two standing side by side and looking at each other, as you say, has been removed, as you now know and I think can see, from a group picture.

Mr. COHN. Sir, you say a group picture. I think it shows Colonel Bradley standing to the side, facing them sideways.

Senator McCLELLAN. It also shows someone else standing next to him, a fourth man there.

Mr. COHN. Who was probably Mr. Adams.

Senator McCLELLAN. Probably Mr. Adams.

Mr. COHN. That might very well be so, sir, and in answering your question—

Senator McCLELLAN. At any rate, the picture yesterday was a picture taken from the other picture here, that has been presented this morning, and you recognize it as such, do you?

Mr. COHN. Senator McClellan, I recognize it as exactly as it is so far as we have it this morning. If a further picture is produced showing Mr. Adams or someone else as the person whose sleeve has been cut off, I will recognize it as that, and all I represented, sir, and all I know is that I heard, as did others, Mr. Stevens say one picture he would like is a picture of himself and Mr. Schine, and I don't recall him asking other people to step out of the picture, and I know that a picture was taken of Mr. Stevens and Mr. Schine next to each other and looking at each other.

And if the thing shows Colonel Bradley standing to the side, so be it, sir. Of course, whatever the picture shows, that is what it is. I did not use the word "alone," sir, and I don't think I could have, because I had not seen the original, and I still don't think I have seen what might be the full original.

Senator McCLELLAN. What did you see?

Mr. COHN. All I saw, Senator, is this: I saw in Dave Schine's office sometime ago, I don't know how long ago—I would say months ago—a picture of Secretary Stevens and Private Schine, period. That is all I had ever seen, and that is what I told Mr. Jenkins I had seen.

Now, if you want to ask me whether or not Colonel Bradley was also in that picture, standing to the side, I don't know, sir, he might have been.

Senator McCLELLAN. Well, the picture you saw in Mr. Schine's office that you speak of, was it a group picture, and was it this picture of the group, or was it just as you presented it here?

Mr. COHN. I don't know, sir.

Senator McCLELLAN. You don't remember?

Mr. COHN. Here is what I remember, Senator McClellan: I remember Secretary Stevens and Private Schine standing next to each other, looking at each other, and I cannot, sir, tell you whether Colonel Bradley or anyone else was in that picture or not, and I know you don't want me to undertake more than I can tell you.

Senator McCLELLAN. No; I am just testing your memory.

Mr. COHN. My memory is, sir, that it included Stevens and Schine, and that is my memory, and I cannot tell you.

Senator McCLELLAN. And no one else?

Mr. COHN. I can't say that, sir; I don't know.

Senator McCLELLAN. You can state what your memory is.

Mr. COHN. My memory is Stevens and Schine, and my memory is I don't know whether there was somebody—

Senator McCLELLAN. If you don't know, then you don't have memory about it.

Mr. COHN. I have no memory of that, sir, whether there was somebody else in it or not, I don't know.

Senator MUNDT. Senator Potter.

Senator POTTER. Roy, did you see the photograph when it was sent to Washington?

Mr. COHN. No; I did not.

Senator POTTER. In other words, you didn't see the photograph until the blowup was here?

Mr. COHN. I don't recall seeing it, and I am not even sure I saw the blown-up photograph.

Senator POTTER. I have no further questions.

Senator JACKSON. Mr. Cohn, about when did you see the picture referred to here for the first time?

Mr. COHN. As I remember, Senator Jackson—which picture?

Senator JACKSON. I am referring to the picture that you gave to Mr. Jenkins, the counsel.

Mr. COHN. I did not give it to him, sir. I caused it to be sent up to him.

Senator JACKSON. You requested that he present it in evidence, did you not?

Mr. COHN. Yes, sir. I supplied that at the request; I told—no, Senator Jackson, if I can explain this—I did not suggest it be presented in evidence.

Mr. Jenkins asked me if there was a picture of Secretary Stevens and Mr. Schine, and I said that there was, and of course, there is. He asked me if I could undertake to get that and furnish that to him and I was very happy to comply with that request, as I am of any request Mr. Jenkins made of me.

Senator JACKSON. The original idea for this picture came from Mr. Jenkins?

Mr. COHN. I wouldn't even want to say that. We were talking about the events of November 6, and November 17, and when the fact of the picture came up, I don't remember whether I said to Mr. Jenkins, "Let me get the picture, and I am going to suggest you put it in," or whether Mr. Jenkins said to me "Let us get the picture and I would like to use it at the hearing or you use it at the hearing."

Senator JACKSON. Wasn't the idea of your conference with Mr. Jenkins on the subject of the picture, to show that a picture had been taken with Mr. Schine, Private Schine, and the Secretary of the Army alone?

Mr. COHN. No, sir.

Senator JACKSON. You don't think Mr. Jenkins—

Mr. COHN. You asked me a question, and if I might answer it, sir; I never used the word "alone" because I could not have. My recollection was, and my recollection is of a picture of Secretary Stevens and Private Schine. That is what my recollection was, sir, and that is what my recollection is. And I could not have told him then whether Colonel Bradley was standing to the side, or whether Colonel LaVelle was or not because I did not know.

Senator JACKSON. Don't you think it was important yesterday when Mr. Stevens testified under oath that he had no recollection about having it taken alone, and Mr. Jenkins asked and it became very material to this question at issue whether this picture was taken alone or with someone else, and when it was brought out here in the hearings at which you were present that the question was being put to Mr. Stevens that this—do you recall a picture had been taken with Mr. Schine alone? And the Secretary couldn't answer the question. And then the picture was handed over to him, showing the two alone.

Now, don't you think in the interest of keeping the record straight, so that there couldn't be any dispute, that you should have called attention to the fact that this picture might not be complete?

Mr. COHN. Sir, I think that I have explained the circumstances, and if I might repeat them for you in response to your question. I did not catch the word "alone", and I did not attach any significance to it then, and I don't recall even hearing it.

I recall questioning about a picture of Secretary Stevens and Private Schine. If I had known that there were other persons on that picture, and if other people had known there were other persons on the picture, or if they had known Colonel Bradley was there, or I had the other picture with me, I would have been glad to supply that.

Now, Senator Jackson, in answer to your question, you say "It is important in keeping the record straight," and I might say I think since you ask me, I think it is completely unimportant, whether or not Colonel Bradley is standing to the side while this picture is taken or not. That is not for me to judge.

Senator JACKSON. That is for the committee to judge.

Mr. COHN. Of course, it is, sir.

Senator JACKSON. But don't you think that Mr. Jenkins very rightfully asked the question of Mr. Stevens: "Did you have a picture taken alone with Private Schine," and just let me finish my question, because the picture that had been handed to Mr. Jenkins showed the two of them together?

Mr. COHN. That is right, sir.

Senator JACKSON. Isn't that a fair question for you to answer?

Senator McCARTHY. A point of order, Mr. Chairman. May I suggest that the question asked by Mr. Jenkins be read into the record, from the bottom of page 433. In fairness to the witness the question should be read.

Senator MUNDT. The Senator will have 10 minutes under the rules, and he may do that at that time. Senator Jackson wants to use his time.

Senator JACKSON. Who gave you the picture?

Mr. COHN. May I answer your last question first, Senator?

Senator McCARTHY. Please.

Senator MUNDT. What is your point of order?

Senator McCARTHY. My point of order is that the question as asked does not contain the word "alone." Later on the word was used. I think in fairness to the witness and to keep the record straight, Senator Jackson should read the question as asked starting on page 433.

Senator JACKSON. Since when did I ever suggest to other members of this committee or witnesses what questions they ought to ask?

Senator MUNDT. The Chair will overrule the point of order. It does not deal with relevancy, and Senator McCarthy will receive 10 minutes very shortly, at which time he may read the question.

Senator JACKSON?

Senator JACKSON. When did you receive the picture that you arranged to be turned over to Mr. Jenkins?

Mr. COHN. Before I answer that, sir, would you like the answer to your last question, which you did not give me an opportunity to answer?

Senator JACKSON. One of the principals interceded at that point, and I cannot recall.

Senator MUNDT. Will the reporter read the question. It will not come out of Senator Jackson's time.

(Whereupon, the reporter read the question referred to, as recorded above.)

Mr. COHN. Isn't that a fair question for me to answer? I say it is, and I would like to answer it, sir.

Senator JACKSON. That is all I asked, "Yes" or "No." I don't think anything else beyond that is responsive to the question.

Mr. JENKINS. The witness has a right to answer the question, and then give such explanation as he thinks proper. Every witness has that primary right, of course.

Senator JACKSON. I am not trying to cut down his answer.

Go ahead.

Senator MUNDT. Mr. Cohn, you may answer the question.

Mr. COHN. Thank you very much, Mr. Chairman.

I think it was a very fair question of Mr. Jenkins. I think the purpose of my conversation with Mr. Jenkins was to show that Secretary Stevens had had his picture taken.

Senator SYMINGTON. May I interrupt the witness?

You said it was a very bad question?

Mr. COHN. Fair question.

Senator SYMINGTON. Thank you.

Mr. COHN. I think it was a very fair question for Mr. Jenkins to ask, for this reason: The purpose of the discussion between Mr. Jenkins and myself on this matter was whether or not, after these threats and inducements had supposedly or allegedly been made, Mr. Stevens as Secretary of the Army, had a picture taken with Private Schine down at the Maguire Airfield, and the circumstances which I described, and I assumed that was the purpose of Mr. Jenkins' interrogation and, sir, I don't think that that fact is materially altered by Colonel Bradley's standing to the side or not. The fact remains that Mr. Stevens and Mr. Schine are looking at each other and facing each other, and that is that. That is the best way I can answer your question.

Senator JACKSON. Mr. Cohn, when did you receive this picture that was introduced in evidence yesterday?

Mr. COHN. I did not receive it, sir.

Senator JACKSON. Who received it?

Mr. COHN. I don't know. I can find out, I am sure.

Senator JACKSON. How did you know about it?

Mr. COHN. How did I know about the picture? I knew about it in this way: Mr. Jenkins made the request, as he made a number of other

requests. I made a list which I think contains some 47 items which are parceled out among various members of the staff, I would say 2 or 3 of them. Then they go and try to get the material. If it then comes time for the picture and Mr. Jenkins wants the picture, somebody in the office would say, "Get the picture of Schine and Stevens up to the office of Mr. Jenkins," and the picture will be sent up to the office of Mr. Jenkins.

I did not see it. I did not bring the picture up there, sir.

Senator JACKSON. How did you know who cut out part of the picture?

Mr. COHN. I don't know that anybody cut out part of the picture.

Senator JACKSON. Do you know whether the original negative came to the office?

Mr. COHN. No, sir; I don't.

Senator JACKSON. Or the original print?

Mr. COHN. I do not.

Senator JACKSON. Who would know?

Mr. COHN. I am sure we could find that out.

Senator JACKSON. Who in your staff would know?

Mr. COHN. Frank Carr might know. Jim Juliana might know. We will be very glad to make diligent inquiry on that.

Senator JACKSON. You don't know who sent it over to the photostating department?

Mr. COHN. No, sir; I do not. I have never been in the photostatic department in my life, nor was I on this occasion, nor do I know what went on there, sir. I am sorry. I wish I could be more helpful to you on that.

Senator JACKSON. That is all.

Senator MUNDT. Have I called on you, Senator Potter? I think I have.

Senator Dworshak?

Senator DWORSHAK. Mr. Cohn, who arranged the plane trip on November 7 to Fort Dix?

Mr. COHN. It was arranged at the insistence of Secretary Stevens. He wanted to go down to Fort Dix and say hello to Dave Schine with us, and he wanted us—and afterward it was rather embarrassing, as a matter of fact. We got out of the plane and then he didn't get back in. He said, "I want you people to take this plane and go to Boston. I am going to get back to Washington some other way."

Afterward Mr. Adams told me on that day Mr. Stevens would have done anything on God's earth to try to make us happy, because of course that was the day when he was trying to get us to stop the hearings which were scheduled to begin the following Tuesday. So we took Secretary Stevens' plane and went to Dix, and went from Dix on to Boston.

Senator DWORSHAK. Who invited Private Schine to meet the plane at Fort Dix?

Mr. COHN. I don't know. I imagine that was arranged for by Secretary Stevens. The circumstances of our meeting Private Schine were that prior to commencing certain hearings in Boston, we desired to obtain from Private Schine information which he had, sir, pertaining to the investigation which we were about to open in Boston. For that reason we went down there to see him, and we talked to him about that, and that alone.

Senator DWORSHAK. Mr. Cohn, Private Schine was already drafted and he was in the Army?

Mr. COHN. Yes.

Senator DWORSHAK. Was he at that time connected with this subcommittee staff?

Mr. COHN. No, sir; he was not.

Senator DWORSHAK. It seems very peculiar to me that the Secretary of the Army or members of this committee should arrange a conference with a man in the Army as a private who was in no way connected with the staff of this committee. Why was that done?

Mr. COHN. That was done for this reason, Senator Dworshak: He had but recently left the staff of the committee. He had been one of the people primarily responsible for the gathering of information, the interviewing of witnesses, and the conducting of interrogations of witnesses in connection with this very investigation.

Senator DWORSHAK. Over what period of time was he interrogating witnesses?

Mr. COHN. He was interrogating witnesses over a period of some, I would say, 8 or 9 months, sir.

Senator DWORSHAK. Had he been continuing with that work up to the time he was drafted?

Mr. COHN. He continued with that work up until the very day that he was drafted. I might say there were days prior to the time that he was drafted when, just prior to the time, when Senator McCarthy, Mr. Carr, and myself were all necessarily absent from the scene of the interrogation, and Mr. Schine—

Senator DWORSHAK. Was Private Schine an indispensable member of this staff whose services were so essential that the staff could not function without relying upon the services and the information which only Private Schine had available?

Mr. COHN. Senator Dworshak, I don't happen to be one of those who hold to the indispensable-man theory about anybody on this earth. I think everything goes along if not a single one of us was here, since time began. I don't think Private Schine is or was indispensable. I could best say it this way: He served the committee for almost a year without receiving any compensation. He did an able and successful job which resulted in the saving of millions of dollars to the taxpayers of this country and to the rooting out of Communists.

Senator DWORSHAK. That is your opinion, and you are entitled to it.

Mr. COHN. That is my opinion, sir. I think I can back that up with the opinions of others.

Senator DWORSHAK. I didn't ask you to do that. Please answer the question. Don't make a speech at this time.

Mr. COHN. I would say he is not indispensable. I would say he is a valuable staff member who did excellent work and had valuable information.

Senator DWORSHAK. When did you have the first intimation that David Schine might be drafted into the military service?

Mr. COHN. I would say that was around the summer or early fall.

Senator DWORSHAK. And he was drafted when?

Mr. COHN. I believe the date of his induction was November 3.

Senator DWORSHAK. And how many months intervened between summer and November 3?

MR. COHN. It depends on where you start. If you want to start with August, you would have August, September, and October. You would have 3 months.

Senator DWORSHAK. And David Schine would continue to investigate on behalf of this committee and the staff, and was then consulted on November 17, even though it had been known early in the summer that he was to be called into military service?

MR. COHN. He had been consulted as recently as the last 2 days, sir. There is a great deal of information he has which we need and which I think perfectly properly for the proper operation of our investigation.

Senator DWORSHAK. That is again your opinion. Who has been engaged on the committee to replace Mr. Schine?

MR. COHN. There has been nobody engaged to replace him as an unpaid consultant. I think that after his experience we can have a hard time getting anyone else to come down for nothing, sir.

Senator DWORSHAK. Then it might be advisable for this committee to suspend its operations and the investigation of subversive influences in the Department of the Army—would you think that would be a reasonable step to take?

MR. COHN. I think it would be a ridiculous step to take, sir.

Senator DWORSHAK. You do think that this subcommittee and its staff can function without the services of Private Schine?

MR. COHN. I think it can function without the services of Private Schine. I think it can function without the services of Chief Counsel Cohn. The only thing I hope is that the services devoted by both of them have done some little bit to help in what I think is the reason I am down here, the very important work of this committee in getting Communists and security risks out of the vital war plant and defense industries and installations of this Nation.

Senator DWORSHAK. You are to be commended for that objective, of course, Mr. Cohn, but we will assume every member of this committee, every Member of Congress, and every member of the staff, and all real Americans, are interested in achieving that same goal.

MR. COHN. I have no doubt of that, sir.

Senator DWORSHAK. You think, then, that this committee staff can function without the services of Private Schine?

MR. COHN. I think the committee staff can function without the services of Private Schine, or any one member of the staff now. Whether it can function as successfully as I hope it has, that might be another question.

Senator DWORSHAK. You say that Mr. Schine was not paid anything for his services by the committee; wasn't that a peculiar circumstance?

MR. COHN. It might be a peculiar circumstance. When he came down here originally he was asked about financial arrangements, and he said he considered it a privilege to serve. And he took a leave of absence from his business and devoted a good deal of time and money to doing what he believed was valuable work in rooting out Communists who had infiltrated in this country. And he did that work for nothing, sir, and—

Senator DWORSHAK. That answers it. Thank you.

Have any other Americans been employed by the staff without compensation?

Mr. COHN. Not on a full-time basis by our staff. But I know though, sir, that the Senate Internal Security Subcommittee, which I think has been doing splendid work, has from time to time used people such as David Schine, as unpaid consultants, people who they could get to devote their services for nothing.

Senator DWORSHAK. Do you think if Private Schine is now in the military service that this committee should continue to utilize him to the fullest extent, his knowledge, his information, and his services concerning subversive elements?

Mr. COHN. No. I would say this, Senator Dworshak: I would say that particularly at the beginning stages, whenever possible, in order to function effectively and get the benefit of information which only he has.

Senator DWORSHAK. Why does he alone have that information?

Mr. COHN. I suppose he alone had that information because he alone worked on certain matters when he was with the subcommittee.

Senator DWORSHAK. At a time when it was known that there was a good possibility of his being drafted into the military service?

Mr. COHN. I think well before that, sir. And may I give you some examples of that? Or if this is not the time to go into that—I can give you many examples, and I can produce documentation to show it, sir.

Senator DWORSHAK. I was not a member of that subcommittee so I am not acquainted with the details. But it does seem very peculiar to me that a man should, any man, or any person, should be employed on the staff of this committee without compensation, whose services were almost indispensable, because if he were taken away from the staff then it might seriously affect or jeopardize the work of the committee.

Do you think that that has been the result of Private Schine's induction?

Mr. COHN. Of having seriously jeopardized the work of this committee, I can't evaluate that, sir. I think that the thing that seriously jeopardized the work of this committee is the fact that we have been out of business 2 months when we have 130 cases against Communists in war plants which we can't do because of these hearings.

Senator DWORSHAK. I agree with you on that point. And I think the American people have reached the point where they want action, whether it be in the Department of the Army, or on the part of any congressional committee. In these crucial times, we have not or should not have any time to use on any extraneous activities.

Everybody wants to root out and expose these subversive elements in the Department of the Army, or any other agency of the Federal Government, and I think the American people are going to demand action forthwith.

Mr. COHN. My only prayer is that that be done and that that be done fast, Senator Dworshak.

Senator DWORSHAK. That is all.

Mr. COHN. I think that when this committee gets back to business and can root out these Communists, whether I am here, or Schine is here, or anybody else, the public interest will be served. And I think that that is what we are all interested in.

Senator MUNDT. The Chair suggests we run a little beyond 12:30 this morning so that perhaps we can conclude with Mr. Cohn. And

we have Mr. Symington, Mr. Welch, and Mr. McCarthy to be heard.

Senator SYMINGTON. Roy, several times the question has come up of the 130 people who are in the plants and the delay getting them out of the plants.

Mr. COHN. Yes, sir.

Senator SYMINGTON. Why don't we turn them over as a committee to one of the other committees that could handle it?

Mr. COHN. I could think of a lot of reasons for that, Senator. First of all, we have developed the cases, our staff is familiar with them, and our staff is ready to proceed with those matters.

We were all set to go on those, as the committee was advised, when Mr. Stevens and Mr. Adams tried to put us out of business.

Senator SYMINGTON. Let me ask you this question: Have you ever advised the committee, or has anybody advised the committee, about these 130 people?

Mr. COHN. Certainly, sir. If I might be specific on that, Senator Symington, I believe Senator McCarthy—and the reason I say this I happened to be there—I heard Senator McCarthy telephone some members of the committee. And I believe, sir, Senator McCarthy wrote a formal letter to the members of the committee, calling the attention of the existence of these cases to the committee and the fact that he had been stopped from exposing these Communists.

Senator SYMINGTON. Will you make a copy of that for the record?

Mr. COHN. I am sure we will.

Senator SYMINGTON. Now let me ask you this question—

Senator MCCARTHY. If I may say so, Senator Symington's office has received a copy.

Senator SYMINGTON. I thank the Senator.

Now let me get or make this point about the picture. You saw the picture in New York, and you can't remember whether or not there were more than two?

Mr. COHN. There is no point of my guessing, sir; I remember Secretary Stevens—

Senator SYMINGTON. I think that your lack of memory is understandable. I doubt if I would remember whether there were more than two.

Mr. COHN. I remember—let me put it this way, if I may—with no reflection on Colonel Bradley, I remember the two people who I knew and who were important to me, and I remember Secretary Stevens and Private Schine standing there and smiling at each other, and that is all.

Senator SYMINGTON. You were at Fort Monmouth yourself, weren't you, in this meeting?

Mr. COHN. Fort Dix; yes, and I was there.

Senator SYMINGTON. There were a lot of pictures taken, and you can't remember whether it was 2 or 4 or what it might be?

Mr. COHN. No, sir. They could very well find one of me.

Senator SYMINGTON. As the result of the suggestion of Mr. Jenkins, or as a result of your suggestion, whichever way it came, this picture was obtained from Mr. Schine; is that right?

Mr. COHN. I don't even know if it was obtained from him; it was obtained from his office.

Senator SYMINGTON. Now, Mr. Chairman, I would like to ask that a list of all the people involved with this picture, be furnished from the

beginning right through to the time it went into the hands of counsel, and that that be made a part of the record.

Mr. JENKINS. Senator, I expected to ask the photographer who took that picture to furnish that information.

Senator SYMINGTON. I would also like to ask that the original film be made a part of the committee record.

Mr. COHN. I am certainly very agreeable.

Senator SYMINGTON. Now, Mr. Chairman, there have been a good many references to Mr. Adams as being possibly the fourth man. I have been looking at the picture and I can't tell from the shoulders and the hand and the hat which is about all that is there, whether it is Mr. Adams, but the average man knows about his hat.

I think we might clear that up and ask Mr. Adams if he was the fourth man next to Colonel Bradley.

Senator MUNDT. The Chair will have to rule if that question is to be asked; we will have to put Mr. Adams under oath at this time.

Senator SYMINGTON. Well, I imagine he would be willing to be put under oath to give the committee the truth.

Mr. COHN. I don't know the answer to the question, Senator Symington.

Senator SYMINGTON. But you didn't see it when it was down here?

Mr. COHN. No, I don't believe I did, sir.

Senator SYMINGTON. And you did not see it?

Mr. COHN. No, I don't believe I did, sir.

Senator SYMINGTON. Then the picture was taken somewhere, and if there were more than two people in it, somebody cut the picture, is that correct?

Mr. COHN. Yes, sir, and now here is what undoubtedly happened, Senator Symington.

I asked for and I accept very full responsibility for this, and I want to make that clear, as between myself and Mr. Jenkins, what I asked for was a picture of Mr. Stevens and Private Schine, and if I had ever seen Colonel Bradley was standing to the side, I didn't remember it. I am glad that I know now, sir, because I hope remembering that we can call Colonel Bradley as one of our witnesses on something else.

Senator SYMINGTON. But the picture in Mr. Schine's office is also going to be made a part of the record.

Mr. COHN. I am sure it will, and everything we have under our control will be made a part of the record. We then asked for the picture to be sent down and undoubtedly any one on the staff who handled this or the man down in the room, when he was asked for the picture of Stevens and Schine, if he saw someone standing on the side who was not Stevens and Schine probably gave us what we asked for: Stevens and Schine.

Senator SYMINGTON. You are going, or somebody is going to let us know who in the staff took the picture down to the photographic room, and whether or not they did or not cut the people in the picture.

Mr. COHN. Certainly, sir.

Senator SYMINGTON. On the question as to whether or not the matters as to whether or not Colonel Bradley was or wasn't in the picture, you used the word, you didn't think it mattered one iota, but you weren't referring to Mr. Stevens' problem of trying to remember whether he had or had not had a picture taken alone with Mr. Schine, is that right?

Mr. COHN. Senator, I understood Mr. Stevens' problem to be he couldn't recognize Private Schine in that picture, and that is what I was talking to Senator McCarthy about. I couldn't quite understand how Mr. Stevens could not recognize Private Schine.

Senator SYMINGTON. You mentioned the question of Mr. Schine working for nothing. You do not in any way criticize people who cannot afford to work for nothing if they want to eat?

Mr. COHN. Sir, I take my salary check every month, and I am not criticizing anybody who does not work for nothing. On the other hand, I do not criticize somebody who can afford to work for nothing and who could be paid but says, "I don't want to be paid. It is a privilege to do this kind of work, and I will do it for nothing." I do not criticize either party, sir.

Senator SYMINGTON. I would like the record to show, Mr. Chairman, that all the money that was asked for by the chairman of the committee was voted for by the Senate.

Just one other question. You mentioned the fact that you thought there would be difficulty in getting people to come down to work for the committee for nothing or for salary as a result of this.

Mr. COHN. Yes, sir.

Senator SYMINGTON. Is that right?

Mr. COHN. Senator Symington, I said that statement, and I made it advisedly. If I could give you, sir, in response to your question one example: Frank Carr, who is sitting close to you, sir, was head of security for the FBI in New York. Frank Carr made the case against the first-string leaders of the Communist Party, the national committee of the Communist Party. Frank Carr had 200 FBI agents working under him. I am one of those. I did not know Mr. Carr well, but I am one of those who went to him and asked him and begged him to come down with this committee as executive director. He refused. I had everybody I knew work on him to get him to come down; and if the result of his being down here is the type of smear and the type of lies to which he has been subjected in this hearing and by this report, I certainly think that any good American is going to think twice before sticking his neck out in that way.

Senator SYMINGTON. I would like to ask you another question. This is called the business administration. It has had a lot of fine businessmen come down here to work since the new administration went into effect. The record of Mr. Stevens was known before he came down. How do I think businessmen, based on these hearings, are going to be interested in taking jobs in the Pentagon or in other Government agencies? Do you believe that the same problems which apply with respect to Mr. Carr and Mr. Schine from the standpoint of the desirability of Washington service in these grave days will also apply as a result of the problems that have come up for Mr. Stevens since he took this job?

Mr. COHN. There is one very important distinction, Senator Symington. We did not make these charges, these smear charges against Mr. Stevens. He made them against us. I assume no responsibility in that regard.

Senator SYMINGTON. I would like for the record to say that I do not remember Mr. Stevens accusing any of the principals on the other side of blackmail or falsehood.

Mr. COHN. Mr. Symington, sir—

Senator SYMINGTON. I beg your pardon. He did accuse them of falsehood, but to the best of my knowledge he did not accuse them of blackmail. In any case, I think it is a two-way stretch. It may be difficult upon Mr. Carr and Mr. Schine, but isn't it fair to say that it will be difficult to get businessmen to come down to Washington if this type or character of process continues?

Mr. COHN. All I can say to you on that, sir, is that we did not initiate these smear charges. They were initiated by Mr. Stevens and by Mr. Adams, and not by us. I never made publicly or privately any statement in derogation of Mr. Stevens, and I never made any statement which could cause him to feel that a charge had been made against him or that he should have any reason to regret having come down to Washington. I might say this, sir, too—

Senator SYMINGTON. I am sorry; I haven't much time yet. I asked a question, and I think you have answered it very well.

Mr. Chairman, I would like to suggest that everybody connected with this picture, since it left Mr. Schine's wall until it was presented by Mr. Jenkins as an accurate picture, be summoned before the committee and put under oath and give exactly what his connection with the picture, if any, was.

Mr. COHN. Surely.

Senator MUNDT. That will be done. Counsel has already suggested that we trace the picture down to its source and get all the facts available as to its authenticity.

Mr. COHN. Yes, sir.

Senator MUNDT. Is that all, Senator Symington?

Senator SYMINGTON. That is all.

Mr. COHN. Mr. Chairman, I might say that we will be very glad to do that from our end, and I assume Mr. Stevens will do it from his end, because we do not want any question about the authenticity and we do not want any question about the fact that that is Secretary Stevens standing and smiling at Private Schine.

Senator MUNDT. Under the rules of the hearing, I believe, Mr. Welch, you now have 10 minutes if you care to avail yourself of them.

Mr. WELCH. Mr. Cohn, I assume you would like it understood that although I sit at the same table, I am not your counsel.

Mr. COHN. There is not a statement that has been made at this hearing with which I am in more complete agreement, Mr. Welch, although I say I am sure you are a lawyer of great ability and maybe I would be fortunate if I had you as my counsel. I have no counsel here. Roy Cohn is here speaking for Roy Cohn, to give the facts. I have no counsel, and I feel the need of none, sir.

Mr. WELCH. In all modesty, sir, I am content that it should appear from my end that I am not your counsel.

Mr. COHN. I might say that you are certainly not going to get any fee from me, Mr. Welch.

Mr. WELCH. Would someone hold up what I call the big picture so that this witness can see it?

Mr. Cohn, you have spoken of that picture as representing Mr. Stevens smiling at Schine. Will you look at it now with me?

Mr. COHN. I would say, sir, if I might answer it that way—

Senator SYMINGTON. Could we have Mr. Welch's microphone fixed?

Mr. WELCH. What is wrong with it?

Senator SYMINGTON. We cannot hear you.

Mr. WELCH. That is bad.

Senator MUNDT. Will the electrician see whether the microphone is working in behalf of Mr. Welch?

Mr. WELCH. I think the word is "testing." Am I now heard?

Senator MUNDT. Will you tap it and find out? The tap is not taken out of your time.

I do not believe it is working as yet.

Mr. WELCH. Once again I have to have some help from someone to hold up this picture.

Mr. COHN. Why don't we have it brought right up here?

Mr. WELCH. That is good enough.

Mr. COHN. Let's have it closer.

Mr. WELCH. That is good enough.

Mr. COHN. Mr. Welch, may I confess to a slight case of nearsightedness here, and I hope that is not nearsightedness in connection with my duties, but it is when it comes to these things. I would like to have that right up here.

Mr. WELCH. I think you have betrayed some nearsightedness. Have it as close as you like.

Mr. COHN. Mr. Welch, I might say here again, I will be very glad to answer your questions here. I don't think I am quite as clever as you are, and I am afraid I am not going to be able to answer your questions.

Mr. WELCH. Oh, Mr. Cohn. My question now is this: You have referred to that picture as showing Mr. Secretary Stevens smiling at Dave Schine. Are you now close enough to the picture so that you would like to qualify that statement?

Mr. COHN. Sir, I will accept your characterization of the picture.

Mr. WELCH. It is a grim smile on Stevens' face.

Mr. COHN. I accept it. If you want to call Mr. Stevens' smile a grim smile, sir, I fully accept what you say. To me it is a picture of Secretary Stevens. If it is a grim smile, so be it. It is a picture of Private Schine. They are standing next to each other. They are facing each other. Their eyes are meeting. They are looking at each other. If the smile is grim or if it isn't grim, I know not, sir.

Mr. WELCH. Not too fast, Mr. Cohn; not too fast.

Mr. Stevens is looking to his right, isn't he?

Mr. COHN. Well, sir—

Mr. WELCH. Isn't he? You can answer that one easily.

Mr. COHN. Mr. Welch, do you want to imply that I am not answering it? You asked me a question, and then you say with the implication as though I can't answer it.

Mr. WELCH. Well, answer it. Mr. Stevens is looking to his right, isn't he?

Mr. COHN. Sir, if you will give me the chance, I will try to answer it.

Mr. WELCH. By all means, sir.

Mr. COHN. Thank you. The picture, to me, looks as though Mr. Stevens and Private Schine are looking at each other.

Mr. WELCH. My question was a simple one. Mr. Stevens is looking to his right, is he not?

Mr. COHN. Yes, I would say he probably is looking to his right, and Private Schine is standing to his right.

Mr. WELCH. On Mr. Stevens' right are two figures, is that correct?

Mr. COHN. Yes, that is correct. To Mr. Stevens' right there are two figures.

Mr. WELCH. One is Private Schine?

Mr. COHN. Yes, sir.

Mr. WELCH. And further to Mr. Stevens' right is Colonel Bradley?

Mr. COHN. Standing sideways.

Mr. WELCH. It would take someone with clairvoyance to know to whom Secretary Stevens is looking, would it not?

Mr. COHN. No, sir. I don't think so. It would take somebody with commonsense who can look at a picture and see what is in it.

Mr. WELCH. I think I observe on Colonel Bradley's face a faint little look of pleasure. Do you, sir?

Mr. COHN. I would say I know that Colonel Bradley had a good steak dinner shortly afterward. Maybe he was anticipating it. I do know that Colonel Bradley looks to me as though he, too, is looking at Private Schine.

Mr. WELCH. If Bradley is feeling good about a steak dinner, Schine must be considering a whole haunch of beef.

Mr. COHN. Yes, sir, and Mr. Stevens, possibly you might be right, the grimness on his face might have come after Senator McCarthy told him that hearings showing what was going on in Communist infiltration in the Army would begin the next Tuesday.

Mr. WELCH. Had Mr. Stevens actually said to you that he wanted to fly that big plane over there so he could see a private in the Army?

Mr. COHN. If you would like me to relate the full circumstances—

Mr. WELCH. No. Answer my question.

Mr. COHN. Mr. Welch, I would be delighted to do so, sir.

May I, Mr. Chairman?

Mr. WELCH. Won't you try it "Yes" or "No"? Had Mr. Stevens actually said to you that he wanted to fly that big plane over there so he could see this private in the Army?

Mr. COHN. That is one of the things which Mr. Stevens said on that day, yes, sir.

Mr. WELCH. Did you also want to see Private Schine on that day?

Mr. COHN. Oh, yes, sir.

Mr. WELCH. Was it a surprise to you when he turned up and met the plane?

Mr. COHN. Yes, it was a surprise.

Mr. WELCH. A surprise?

Mr. COHN. When he met the plane?

Mr. WELCH. A surprise?

Mr. COHN. I might say it was a surprise, yes, sir.

Mr. WELCH. Didn't you expect to see him when you got there?

Mr. COHN. I expected to see him—by the way, have we sufficiently described the smiles?

Mr. WELCH. I may want it back, but not at the moment. We will drop it now.

That leads me to say this to you in line with Senator Dworshak's question: Wasn't it as early as July 15 that Dave Schine felt the hot breath of the draft board on his neck?

Mr. COHN. I don't know the exact date, sir, when Dave Schine was reclassified.

Mr. WELCH. From July 15, you are trying to get him a commission, aren't you?

Mr. COHN. Trying to get him a commission, sir?

Mr. WELCH. Yes.

Mr. COHN. I believe he applied for a commission, sir. He gave me as one of the references—

Senator McCARTHY. Mr. Chairman.

Mr. COHN. I would be very glad to answer anything Mr. Welch wants to ask.

Senator MUNDT. The witness desires to continue without interruption.

Senator McCARTHY. A point of order, Mr. Chairman.

Senator MUNDT. The Chair would like to say that a witness has a right to answer questions. He is endeavoring to answer this question. I do not believe he should be deprived of it by a point of order.

Senator McCARTHY. I don't want to deprive him of it. I have a point of order, Mr. Chairman. While I have a great number of questions to ask Mr. Cohn covering this entire procedure, if Mr. Welch is going to go into matters other than the photograph, in my cross-examination I will insist on the same privilege. I have no objection. I just wanted to notify the Chair of what my position is.

Mr. JENKINS. It was originally stated when Mr. Cohn was put on the witness stand, that he would be questioned and cross-questioned exclusively about these photographs. I must say, in all candor that the members of this committee have gone beyond that scope of investigation. It is a difficult thing for a lawyer to sit and object to a question made by a judge, and I confess my dereliction of duty in failing to do so. The subject of this inquiry should properly be confined to the photographs in question.

Senator McCARTHY. Mr. Chairman, may I make it clear in my point of order that I have no objection to Mr. Welch going as far as he wants to, and I merely want to notify the Chair that if he goes afield then I will claim the right to examine on the same subjects.

Senator MUNDT. May the Chair say to Mr. Welch, that while there has been considerable latitude in deviation, I believe that the point of order is well made, because we do not want to deprive Mr. Stevens of the right to finish his testimony indefinitely, and if we go too far afield in questioning Mr. Cohn at this time, that would be the result.

We are all aware of the fact that Mr. Cohn will be a witness at considerable length a little later, and the Chair would appreciate it, sir, if you would confine your questions to things relative to the photographs.

Mr. COHN. May I make one point here?

Senator MUNDT. You have a right to answer that last question.

Mr. COHN. I want to make the one point, not only with reference to the last question but with reference to the statements made by Mr. Stevens, on November 17, about going to see Dave Schine and other things. A good deal was said on November 17, and I don't want by this ruling now to have Mr. Welch say to me when I am on the stand later, that I said that the only thing Mr. Stevens said

on November 17 was he wanted to fly down to Fort Dix to see Dave Schine. Mr. Stevens said a good many things.

Senator MUNDT. The Chair will not sustain such a point of order in the remote event that Mr. Welch does that.

Mr. COHN. I don't want Mr. Welch to say I am doctoring my testimony at that time. A lot more was said on November 17 and I welcome the opportunity to tell what it was.

Senator MUNDT. Proceed, Mr. Welch, now that you are—

Mr. WELCH. Could I inquire how much time I have on this go-around?

Senator MUNDT. I will find out.

I find that you have about 3 minutes.

Mr. WELCH. Mr. Cohn, can you tell us whether or not the photograph that was brought into this room yesterday was blown up by your staff?

Mr. COHN. I don't believe it was blown up by our staff, Mr. Welch, I don't think they know how to blow it up. I believe it was sent down to a photostat room some place, and blown up.

Mr. WELCH. My question is this: Was the photograph that you saw on the wall of Dave Schine's office as big as the one that was handed to Mr. Jenkins?

Mr. COHN. Oh, no, it was not, sir. I think the photograph on Dave Schine's office as I recall it, was a regular size, I just don't know what the regular dimensions are of the photograph which was framed on the wall of his office.

Mr. WELCH. So someone saw fit not only to take a photograph from Dave Schine's office, but to blow it up before it was handed to Mr. Jenkins.

Mr. COHN. I believe Mr. Jenkins asked me to have it blown up so that it would be large enough for everybody to see.

Mr. WELCH. If so, Mr. Jenkins, I would bow to that.

Mr. COHN. I think there is nothing wrong in that.

Mr. WELCH. Mr. Jenkins, in my book, can do no wrong.

Could I pass the rest of my time, and come back to this witness?

Senator MUNDT. You will have another time if we have another go-around and you may stop any time you care to.

Mr. WELCH. I think that I would like to.

Senator MUNDT. The Chair interprets, as he interprets the rules of procedure, that the next questioner to be called upon, will be Senator McCarthy, unless Mr. Cohn prefers to ask questions of himself, because he has no counsel.

Mr. COHN. By not having a counsel, sir, I am afraid I am proving the old adage that one who is his own lawyer has a fool for a client, and I will not compound it by being my own witness.

Senator MUNDT. The Chair will now interpret the rule that Senator McCarthy will have 10 minutes to question Mr. Cohn.

Senator McCARTHY. A number of things came up here having nothing to do with the photograph.

Senator MUNDT. Can we have the Senator's microphone turned on, please?

Senator McCARTHY. Mr. Cohn, Mr. Symington was inquiring as to whether or not you felt that businessmen might be reluctant to come down here in case they got involved in a hearing of this kind. Is it correct that we were warned not once, but repeatedly, that unless

we called off the hearings on the investigation of communism into the Army installations, that there would be reports made public attacking you, and attacking me, and embarrassing the committee?

Mr. COHN. That is absolutely so, sir; yes.

Senator McCARTHY. When we were so warned, we discussed that in detail, and decided that we would tell those who were warning us in effect to go to the devil; is that right?

Mr. COHN. I think it is more than "in effect"; I believe those were your exact words, Mr. Chairman.

Senator McCARTHY. Now, there was also some criticism here, I believe, that Mr. Schine served without a salary. I assume you are aware of the fact that one of our great Presidents, Herbert Hoover, turned his check back, and served gratuitously for years. And we have had a great number of dollar-a-year men in Washington during the war, and that Mr. Welch, sitting at your left, according to the newspapers, is serving without a salary.

Mr. COHN. That is a fact, sir; and I think that I am sure Mr. Schine would not want to be placed in the same company with any distinguished men or distinguished lawyers. He is a young guy who came down here and worked for nothing for the committee, and worked long and hard and did a good job. I think he would want to have the record stand at that.

Senator McCARTHY. Now, Mr. Cohn, just one question on the picture.

Senator MUNDT. Will the Senator lean forward?

Senator McCARTHY. I understand the only connection you have had with this picture was to order that a picture of Mr. Stevens and Mr. Schine be obtained by the staff, and it be blown up so it could be used by the committee?

Mr. COHN. That is right.

Senator McCARTHY. You did not see the negative and you did not see anything except what you saw in Dave Schine's office, plus the picture that was shown here?

Mr. COHN. That is right, and what I saw in Dave Schine's office, that is my recollection, and what I saw in Dave Schine's office was not blown up, it was a regular picture in a frame.

Senator McCARTHY. I understand that, and Mr. Carr had not seen this picture, is that correct?

Mr. COHN. As far as I know, he had not.

Senator McCARTHY. As far as you know, he had not seen this picture and did not know the picture would be introduced?

Mr. COHN. I am sure he didn't even see the original in Dave Schine's office.

Senator McCARTHY. The instruction I have given the staff is to give Mr. Jenkins all of the information you have in the office?

Mr. COHN. That is right, and we have sent this up as well as other items.

Senator McCARTHY. Now, on the question, Mr. Cohn, just so the record will be straight, I asked Mr. Jackson to read this question into the record, and he refused, and he had a right to do that, and I want to read the question as asked by Mr. Jenkins into the record, on page 433, and this has to do with the question of whether or not Mr. Stevens was asked whether the picture was taken alone:

Question:

Mr. Stevens, did you ever have your photograph taken with G. David Schine? Secretary STEVENS. Well, there were a lot of photographers around down there at that hearing, and it could be.

Mr. JENKINS. But did you ever at your suggestion at a meeting anywhere, any time, say that "I want my picture taken with David" and have it done?

Secretary STEVENS. I am sure that I never made a statement just like you made it there.

Mr. COHN. He did make that statement, sir.

Senator McCARTHY. I heard it, too.

I mean, if there was a picture being taken and there were people around, I might be very apt to say, "Well, let us all step in here and have a picture," but I do not think that I ever made any demand to have my picture taken with David Schine.

Mr. JENKINS. I did not say "demand," but was your picture after David Schine was drafted ever taken with you alone at your suggestion, anywhere?

Secretary STEVENS. After he was drafted?

Mr. JENKINS. Yes.

Now, Mr. Cohn, is it correct in the presence of myself, and in the presence of David Schine, and in the presence of Mr. Carr, Bob Stevens did call the photographer over, a military photographer, and say, "I want my picture taken with Dave," and that he did call Dave over beside the plane, and that the picture was of him and Dave, and that the other colonel was on the picture or John Adams, or whoever else it was, made no such request, and they were only incidentally in this picture?

Mr. COHN. Yes, sir, my recollection of it, sir—and I know since this whole thing started, that is one of the first things we talked about, the fact that first Mr. Stevens at the November 6 meeting, when he had the place set for Dave Schine, was sorry he wasn't there—

Senator McCARTHY. Just stick to this testimony.

Mr. COHN. On this thing, sir, Mr. Stevens stated that he wanted to have a picture taken of himself and Dave. And you heard it and I heard it, and Frank Carr I know particularly heard it.

Senator McCARTHY. I have only got 10 minutes, so keep your answers short.

Mr. COHN. Yes, sir.

Senator McCARTHY. Did the colonel at any time ask to have his picture taken with Dave?

Mr. COHN. I do not believe he did, sir.

Senator McCARTHY. And Mr. Adams, and whoever the fourth man is, did not ask to have a picture taken with Dave?

Mr. COHN. I don't think so. Mr. Stevens is the one who made the statement.

Senator McCARTHY. I have nothing further, Mr. Chairman.

Senator MUNDT. May the chair inquire of the other members of the committee, of Mr. Welch, and Mr. McCarthy, whether we have now concluded with Mr. Cohn's testimony on this particular point, so that when we resume after lunch, we can begin with Mr. Stevens again, or whether there are other committee members who would like to be heard now at this point?

Senator McCLELLAN. The only thing I would suggest is that Mr. Cohn identify the parties who gave the warning before he left the stand.

Mr. COHN. Give the what?

Senator McCLELLAN. Who gave the warning that elicited the directions given by Senator McCarthy?

Mr. COHN. John Adams, sir.

Senator McCLELLAN. That is all.

Senator MUNDT. Have you any further questions?

Mr. COHN. You mean, Senator McClellan, the warning about what was going to happen to us unless we stopped the investigation?

Senator McCLELLAN. That is right. You said you were warned, and the Senator asked you that if you didn't stop the hearings.

Mr. COHN. That will be developed fully in our case and I believe those statements came from John Adams, sir.

Mr. JENKINS. I have no further questions. Before this inquiry with respect to this particular photograph is closed I have one other witness who will require not more than 5 minutes of the committee's time, and in my opinion before the adjournment, and I should like to have the indulgence of the committee to introduce that witness.

Senator MUNDT. May the Chair inquire whether we have concluded with this witness?

Mr. JENKINS. As far as I am concerned.

Senator MUNDT. Do any of the Republican members have any further questions to ask?

Does Mr. Welch have further questions to ask?

Mr. WELCH. I did have 1 or 2 more.

Senator MUNDT. You have another 10 minutes.

Mr. JENKINS. Would you indulge me, Mr. Welch, to permit me to put on 1 witness who will require no more than 5 minutes in my opinion?

Mr. WELCH. Of course, I will.

Mr. JENKINS. Thank you very much. Then may I do so?

Senator MUNDT. Provided Senator McCarthy has no further questions to ask.

Senator McCARTHY. I have no further questions.

Senator MUNDT. Will you step aside, Mr. Cohn, and counsel will call another witness.

Mr. JENKINS. The next witness is myself. I deem it proper to make a statement under oath with respect to this photograph and I think it is proper that this committee hear. I should like to be sworn.

Senator MUNDT. 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. JENKINS. I do so help me God.

Senator MUNDT. You may testify from where you are.

TESTIMONY OF RAY H. JENKINS

Mr. JENKINS. I desire to make this statement with reference to the photograph about which I cross-examined the Secretary yesterday.

It is a part of my duty not only to act as counsel for this committee but in doing so to investigate the facts. The first several days after I was employed were spent by me in investigating the side of this controversy sometimes referred to as the Army's side. Necessarily I have had to be at these committee hearings during the two sessions in the daytime and spend a great deal of time in the evenings with the committee in investigating its side.

Pursuant to that duty and in order to enable me to present the facts to this committee as fairly as I know how, I have after each afternoon's session spent considerable time in the office of Mr. Cohn, some 3 or 3½ hours last evening, some considerable time last week. In the course of my conversations with Mr. Cohn he told me of more than one request by the Secretary to be photographed with Mr. Schine. He told me that he had documentary evidence to substantiate that charge. I considered it extremely important in the determination of one of the issues at least in this controversy.

Pursuing that question, Mr. Cohn advised that there was in existence a picture of the Secretary and Mr. Schine. Please bear in mind, gentlemen of the committee, to whom I am addressing my remarks, that after 4 hours in court, so to speak, at which time one is somewhat exhausted, it is utterly impossible for any human being in my opinion to remember every word that was said. In all fairness to the Secretary and his distinguished lawyer, and in all fairness to Senator McCarthy and his aides, I will not here say definitely or positively one way or the other that Mr. Cohn told me that the picture which was in existence of the Secretary and of Mr. Schine was a picture of them alone. I remember distinctly that I considered it important enough that I requested the picture be furnished me.

I want here and now to intersperse parenthetically and state this: That Mr. Welch has cooperated with me in the furnishing of all the witnesses and every document that I have called for 1,000 percent. I can say the same thing for Mr. Cohn.

I requested this photograph. I had seen the photograph some day or so before I presented it, because I did not know when I would be called upon to question or cross-question the Secretary of the Army. Nothing was said to me, I am sure, about the photograph being altered, changed, edited, or otherwise. I accepted it at its face value. I called the committee's attention to this fact, which I think probably may be significant. I first asked Mr. Stevens about this photograph when it was not before me. The members of the committee know that. I asked him whether or not he had been photographed with David Schine. Then I called upon my aides to produce the photograph, and it was done so.

I next asked whether or not he was photographed with David Schine alone. Whether I asked that he was photographed with David Schine alone as a result of anything that Mr. Cohn may have said I do not know. Whether I asked that question as a result of having the photograph before me when I asked the second question showing the two of them alone, I do not know.

Gentlemen, that is my version of that incident, with this further statement: That I would not under any circumstances present to this committee a spurious document. No intimation has ever been given me by Mr. Welch or Mr. Stevens or Mr. Adams that I would be handed a document that was not genuine and authentic. No intimation has ever been made to me by Mr. Cohn or any member of his staff that any document would be handed to me for use on direct or cross-examination that was not authentic and genuine.

Now I shall be glad to submit to any examination or cross-examination by anyone interested.

Senator MUNDT. The Chair has no questions. Senator McClellan.

Senator McCLELLAN. Just one point which I think Mr. Jenkins might clarify. At the time you questioned Secretary Stevens were you under the impression that it was a picture of the two alone?

Mr. JENKINS. At the time I questioned Secretary Stevens I had not talked to Mr. Cohn. My questioning of Secretary Stevens consumed some 5 or 6 hours. I could not in the nature of things remember whether or not he was asked or whether he told me about any photographs taken of him and Mr. Schine. I do say that at that time I had questioned no one on Senator McCarthy's staff. I had not heard their version of this controversy.

Senator McCLELLAN. I wasn't suggesting that you had talked to them, but the way you presented the picture and interrogated Secretary Stevens about it rather indicated to me you thought that that was the complete photograph at the time you questioned him.

Mr. JENKINS. Senator McClellan, you are entirely correct. I repeat, in order to be absolutely fair to all concerned, that I will not say that Mr. Cohn said that the photograph was taken of Mr. Stevens and Mr. Schine alone. It may have been that I got that impression from Mr. Cohn. I cannot say yea or nay. It may have been that I got the impression from the photograph when it was handed to me by either Mr. Thomas Pruitt or Mr. Charles Maner, who sit at by back hearing the examination of these witnesses.

Senator MUNDT. Any further questions, Senator McClellan.?

Senator McCLELLAN. No further questions.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No questions.

Senator MUNDT. Senator Jackson is not here. Senator Symington?

Senator SYMINGTON. No further questions.

Senator MUNDT. Mr. Welch?

Mr. WELCH. No questions.

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. Just one question only.

Mr. Jenkins, up to this point you and I have never discussed this case, and we have never met except in the committee room. Is that right?

Mr. JENKINS. You are entirely correct. Mr. Cohn and I have met on several occasions, and Mr. Cohn has assured me that you will be available to me when the proper time arrives.

Senator McCARTHY. In other words, up to this point the only contact you have had with me or my staff is that the staff has been instructed to and has made available all material and they have told you that I will be available if and when you want to talk to me.

Mr. JENKINS. I have contacted Mr. Cohn, Mr. Carr, and Mr. Juliana, and perhaps 1 or 2 others on your staff. I have heretofore stated, Senator, that they have cooperated 1,000 percent. They have furnished me or promised to furnish me every document that I have called for. They have stated that you will be available when you are called for.

Senator MUNDT. Is that all, Senator McCarthy?

Senator McCARTHY. Just this one other thing. Mr. Jenkins, in view of the fact that so much has been made of this photograph, plus the fact that a number of photographers were there taking pictures—

I think there were 2 or 3 Army photographers—it might be well to ask for the production of all pictures taken that particular evening and have them all introduced in the record. I personally don't see any great significance in the colonel standing here in the picture. It may be considered significant by some. I think it is unfortunate that his picture and the picture of Mr. Adams or whoever was there was not included. I think it should be. I would like to suggest to the Chair that they subpoena all pictures taken that evening.

Mr. JENKINS. In the presentation of the facts of these issues it is my aim to subpoena and have brought to this committee every document, photograph, and memorandum that I think will shed any light upon the issues of the controversy. I promise that that will be done, and the committee has requested of me that I have the very things you have spoken of, Senator, subpoenaed and brought before this committee. That will be done.

Senator McCARTHY. Do I understand, Mr. Jenkins, that you have already decided to do what I have suggested?

Mr. JENKINS. I have just stated that the committee has already suggested to me that that be done, and it will be done.

Senator McCARTHY. Very good.

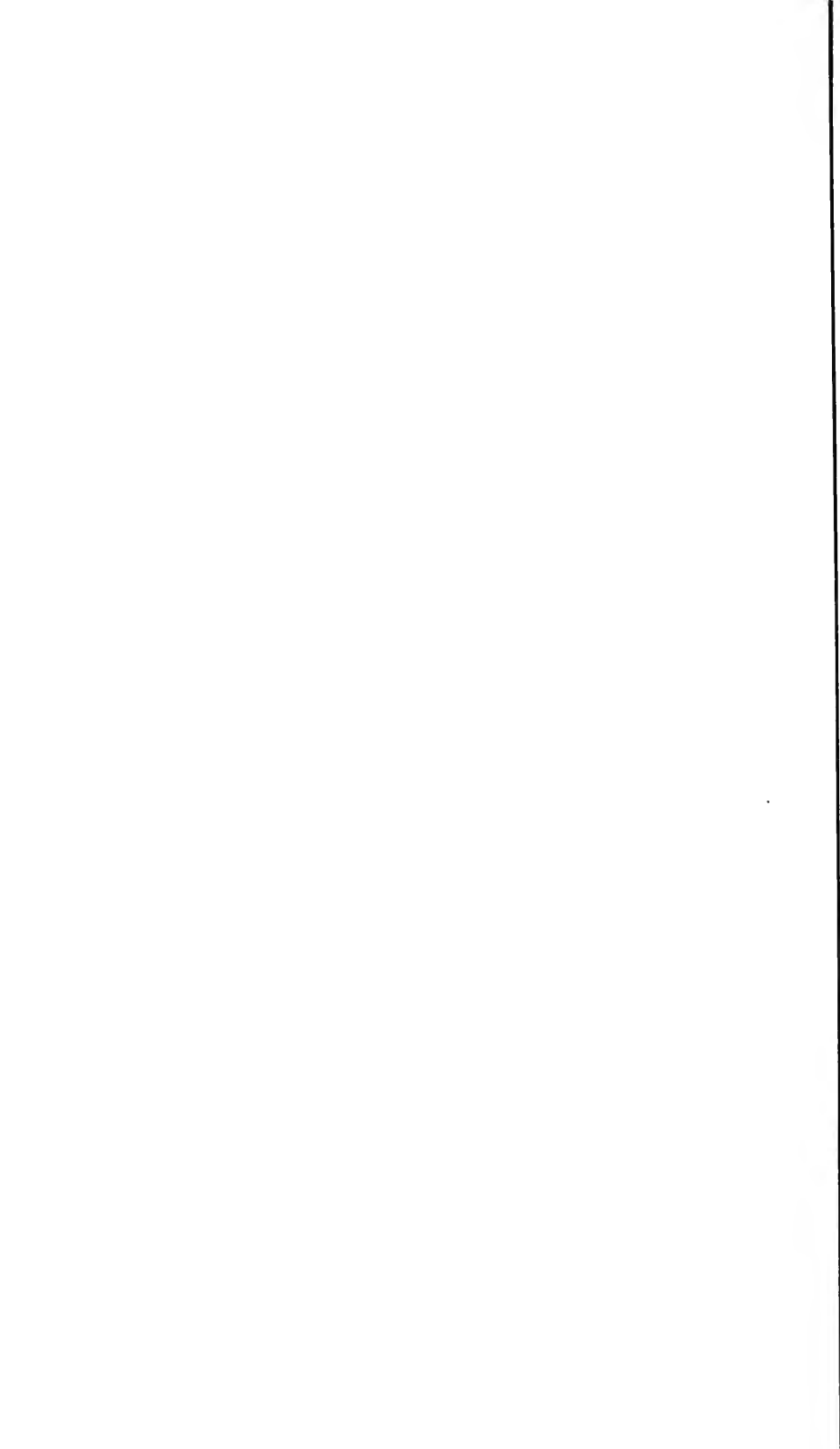
Senator MUNDT. Is that all, Senator McCarthy?

The Chair will now exercise his authority to unswear counsel from his ephemeral position as a witness and ask Mr. Cohn to return so that Mr. Welch may resume the interrogatories if he has some further interrogatories.

Mr. WELCH. I think this subject need not now be pursued further.

Senator MUNDT. The Chair will then dismiss Mr. Cohn, and we will recess until 2:30. Mr. Stevens will be the witness at 2:30.

(Whereupon, at 1:10 p. m., the hearing was recessed until 2:30 p. m. of the same day.)



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