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STRATEGY AND TACTICS OF WORLD COMMUNISM

THE SIGNIFICANCE OF THE MATUSOW CASE

pts. 4-12

HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE

ADMINISTRATION OF THE INTERNAL SECURITY

ACT AND OTHER INTERNAL SECURITY LAWS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

EIGHTY-FOURTH CONGRESS

FIRST SESSION

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# CONTENTS

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	<b>Page</b>
Testimony of—	
Ralph N. Shapiro.....	817
Mandel A. Terman.....	802
Nathan Witt.....	747



# STRATEGY AND TACTICS OF WORLD COMMUNISM

MONDAY, APRIL 18, 1955

UNITED STATES SENATE,  
SUBCOMMITTEE TO INVESTIGATE THE  
ADMINISTRATION OF THE INTERNAL SECURITY ACT AND  
OTHER INTERNAL SECURITY LAWS, OF THE  
COMMITTEE ON THE JUDICIARY,  
*Washington, D. C.*

The subcommittee met, pursuant to call, at 2:45 p. m., in room 457, Senate Office Building, Senator James O. Eastland (chairman of the subcommittee) presiding.

Present: Senators Eastland, McClellan, Daniel, and Jenner.

Also present: J. G. Sourwine, chief counsel; Alva C. Carpenter, associate counsel; Benjamin Mandel, director of research; and Robert C. McManus, professional staff member.

The CHAIRMAN. Who is your first witness, Mr. Sourwine?

Mr. SOURWINE. Mr. Nathan Witt.

The CHAIRMAN. Mr. Witt, do you have any objection to the television camera?

Mr. WITT. Yes; I do, Senator Eastland, while I am testifying. If you please, I would just as soon get the picture taking out of the way before I am sworn.

The CHAIRMAN. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WITT. I do.

The CHAIRMAN. Sit down. I want the photographers not to sit between the witness and the committee.

Do you object to photos while you are testifying?

Mr. WITT. Yes; I do, sir. I have no objections to as many pictures as they want to take before I testify, but I would rather not have them while I am testifying.

## TESTIMONY OF NATHAN WITT, ACCOMPANIED BY JOSEPH FORER, HIS ATTORNEY

Mr. SOURWINE. You are a lawyer, Mr. Witt?

Mr. WITT. I am, Mr. Sourwine.

Mr. SOURWINE. Where do you practice law?

Mr. WITT. New York City.

Mr. SOURWINE. And your address, sir?

Mr. WITT. 9 East 40th Street, New York 16.

Mr. SOURWINE. Who are your partners, Mr. Witt?

Mr. WITT. I have no partners. I practice by myself.

Mr. SOURWINE. Do you have any office associates?

Mr. WITT. Only in the sense that there are other lawyers who share the same suite as I do, Mr. Sourwine.

Mr. SOURWINE. You do not, then, employ any lawyer?

Mr. WITT. No, I don't.

Mr. SOURWINE. Mr. Witt, pursuant to a telephone discussion between us as to expediting the course of this hearing, you were furnished earlier with a memorandum. Do you have that memorandum with you?

Mr. WITT. Yes, Mr. Sourwine. If you refer to the memorandum I was furnished in the committee office downstairs earlier this afternoon; yes, I have it.

Mr. SOURWINE. It is a memorandum of your affiliation with organizations cited as subversive by the Attorney General or by the House Committee on Un-American Activities, with references for the citations, and it was indicated to you, at the time it was given to you, that you would be asked to state in what specific instances you question its accuracy.

Mr. WITT. This was given to me at approximately 1:30 this afternoon in the committee office downstairs.

Mr. SOURWINE. Have you had time to look it over?

Mr. WITT. I have had some little time, Mr. Sourwine.

Mr. SOURWINE. Are there items on there which you wish to question with respect to accuracy or fact?

Mr. WITT. Mr. Sourwine, and Mr. Chairman, may I ask the chairman a question before I answer Mr. Sourwine's question?

The CHAIRMAN. You can ask me the question; yes.

Mr. WITT. Mr. Chairman, may the record show what the reason is for my having been subpoenaed in connection with this hearing?

The CHAIRMAN. That is a matter for the determination of the Chair. We are conducting an investigation. I don't think it is proper for the Chair, the chairman of the committee, to refer to that in its investigation.

Proceed, Mr. Sourwine.

Mr. WITT. May I say a word on that, Mr. Chairman?

The CHAIRMAN. No, sir; I don't care to hear you on that, sir.

Proceed, Mr. Sourwine.

Mr. SOURWINE. The question was, Mr. Witt, whether there are any items on this memorandum with respect to which you want to make a contrary statement, or items which you want to declare are inaccurate or unfactual.

Mr. WITT. Yes. And your adjectives don't cover all the categories of the comments I have to make, Mr. Sourwine, but anyway I will go ahead and make my comments.

Mr. SOURWINE. I am attempting to determine whether your comments in regard to this are going to be lengthy. If they are, we will defer it until a little later on in the testimony. This was an effort to expedite things. If it is not going to expedite them, we had better get into another subject here.

Mr. WITT. My comments won't be lengthy, Mr. Sourwine.

Mr. SOURWINE. They will not be lengthy?

Mr. WITT. Don't be alarmed; no. I am anxious to get out as soon as I can this afternoon, as you know, pursuant to our telephone dis-



ussion. I have to get out to Chicago this afternoon, and I would like to get out as soon as possible, so I will make my comments as short as I can, but I do want to make my comments, if I may.

Mr. SOURWINE. Yes. And would you, in commenting on this memorandum, please address yourself to items in order as they appear here, picking up the ones that you want to challenge.

Mr. WITT. Well, that is a little difficult, but I will do the best I can, Mr. Sourwine, to save time.

Mr. SOURWINE. Very good.

Mr. WITT. Just let me say generally, since I was handed this only about an hour and a half ago and had no opportunity to refer to records in my possession, some of these items refer to alleged activities of mine or affiliations of mine which took place as much as 20 years ago. I have difficulty with some of them, but I will do the best I can.

Taking them in order, as suggested by you, Mr. Sourwine, first this item to the effect that I was a signer of the freedom crusade petition issued by the Civil Rights Congress, January 17, 1949, at the present moment I have no recollection of that.

I wouldn't be surprised if I did, if I get what it was about from its title and the organization it was issued by. I probably wouldn't have hesitated to sign it, but at the moment I have no recollection that I did.

Second item refers to my being a member of the Citizens Committee for Harry Bridges. Of course, I think it is unfortunate, since Mr. Bridges has been involved in four cases in the past, he has been involved, he is now involved in a fifth, that this doesn't refer to what this committee was for or what case it had reference to, but in any event I do have a recollection that I was at one time a member of some citizens committee for Harry Bridges, and the many attempts to persecute him.

The next item refers to me as being a signer of a statement for the Council for Pan-American Democracy. I have no recollection of that.

Shall I continue, Mr. Sourwine?

Mr. SOURWINE. Yes.

Mr. WITT. Oh, I thought you were busy up there.

Next item refers to my membership in the International Juridical Association. I was a member of the International Juridical Association.

The next item refers to my having been a member of the board of trustees of the Jefferson School of Social Science. That is an item on which I refuse to make any comment, Mr. Sourwine and Mr. Chairman.

The next item refers to my having been counsel and a member of the executive committee of the National Federation for Constitutional Liberties. I was counsel, one of counsel of the NFCL, and a member of its executive committee.

The next item refers to the fact that I have been a writer, or I was a writer for Science and Society in 1945. That is an item on which I refuse to make any comment.

The CHAIRMAN. For what reason?

Mr. WITT. The reason that I think it is an improper question to be posed by this committee, as I think these all are, Mr. Chairman, but I am expediting proceedings and I am making a division in my mind.

The CHAIRMAN. I am instructing you and ordering you to answer that question.

Mr. WITT. I refuse to answer it, Mr. Chairman.

Senator DANIEL. Mr. Chairman, in order that the question might be specifically stated, the question with reference to this item would be whether or not he was a writer for Science and Society in 1945, a publication cited as subversive by the House Committee on Un-American Activities, and I ask that question, Mr. Chairman, if I may.

Mr. WITT. This is Mr. Daniel addressing the question to me?

Senator DANIEL. Yes.

Mr. WITT. First, Mr. Daniel, to the—my objection to it is on the ground that such a question violates my rights under the first amendment to the Constitution. As you know, Mr. Daniel, that amendment guarantees the right of free speech and free press, generally free thought; and the fact that I wrote for Science and Society or for any other publication in America is an improper question to be put to me by a committee of the United States Senate.

Senator DANIEL. Mr. Chairman, I ask that he be ordered to answer the question. Certainly, it is no violation of free speech to ask a man if he was a writer for a certain publication that claims the right of a free press.

The CHAIRMAN. Yes; you are ordered to answer the question.

Mr. WITT. Mr. Daniel, addressing another lawyer, I want to express my strongest disagreement with you. I think it is a violation of my rights under the fifth amendment for a committee of the United States Senate to ask me whether I ever wrote something, without even telling me what I wrote, or without describing the publication, except that some House committee once called it subversive—whatever that may mean.

Senator DANIEL. All I wanted to do was to know just exactly on what basis you refuse to answer whether you were a writer for this publication.

Do you now claim the fifth amendment: that it might incriminate you if you gave a truthful answer to the question?

Mr. WITT. I would like a ruling from the Chair on my claim that the question itself put to me violates my rights under the first amendment.

The CHAIRMAN. The Chair overrules your objection and orders you to answer the question, Mr. Witt. You are ordered and instructed to answer the question.

Mr. WITT. All right. I disagree with that with greatest respect, Senator Eastland, but in order to save time I won't argue it any further, and you leave me no alternative except to refuse to answer on the grounds that, under the fifth amendment, I have the right not to answer any—I have the right not to be a witness against myself, even though it pertains to something I may have written.

To continue—

Mr. SOURWINE. Mr. Witt, may it be clear you are not being asked to comment upon every item here. You are only being asked to point out and mention those items which you wish to challenge.

Mr. WITT. I understand.



SENATOR DANIEL. Mr. Chairman, we passed up one other; member of board of trustees, Jefferson School of Social Science, on which the witness refused to comment. I would like to ask whether or not the witness has been a member of the board of trustees, Jefferson School of Social Science, which was cited as subversive by the Attorney General.

MR. WITT. I have the same objection to that, Mr. Daniel, as I had to the question relating to Science and Society. I think the question or the item violates my rights under the first amendment.

SENATOR DANIEL. Do you decline to answer under the fifth amendment?

THE CHAIRMAN. I order you to answer the question.

MR. WITT. Will you rule on my objection on the first amendment?

THE CHAIRMAN. Yes. It is overruled, and you are ordered to answer the question.

MR. WITT. In order to save time, then, Mr. Chairman and Mr. Sourwine, when I finally refuse to answer after you overrule any objection I may have under the first amendment, may it be understood that I am exercising my privilege not to be a witness against myself under the fifth amendment.

Do you want me to repeat it, or may that be understood?

THE CHAIRMAN. Proceed, Mr. Sourwine.

MR. WITT. I will follow your suggestion, Mr. Sourwine, and comment on only those items which seem to me to require comment.

I have no recollection of having been a lecturer at the School for Democracy. I may have been, but at the moment I have no recollection.

I have no recollection of having been a sponsor of a May Day parade under the auspices of the National Council of Arts, Sciences, and Professions.

I have no recollection of having signed a petition against the contempt conviction of lawyers who defended the 11 Communist leaders, but I would like to say for the record that if such a petition had been presented to me at the time, I would have considered it my duty as a lawyer to sign it. But as to the fact, I have no present recollection.

I do recall writing an article for Social Work Today, defending loyalty cases and attacking investigating committees. I have continued taking this position at all times since 1941, when I wrote that article. I do defend so-called loyalty cases. I do continue to attack investigating committees, including this one.

MR. SOURWINE. Mr. Witt, to your knowledge, is the publication Social Work Today a publication which has been cited as subversive by the Attorney General or the House Committee on Un-American Activities?

MR. WITT. I have no knowledge. Mr. Sourwine, and I made no particular investigation. I don't pay much attention to such citations.

MR. SOURWINE. Why do you make a distinction between this publication, your writing for which you are willing to admit, and the publication Science and Society, your writing for which you did not desire to testify with regard to?

MR. WITT. Because this sheet of yours tells me that Science and Society has been cited by the House Committee, while it doesn't say anything about a citation against Social Work Today.

Mr. SOURWINE. Thank you.

Now, will you go ahead, please.

Mr. WITT. I have no recollection of having been an attorney, or the attorney in the case of Nancy Reed, who is referred to here as a Communist defendant before the New York State Labor Department in 1941. Of course, that item, Mr. Chairman, is completely inexplicable to me. I am a member of the bar. I have the right to defend Communists, non-Communists, murderers, rapists.

The CHAIRMAN. Just answer his question.

Mr. WITT. I just don't understand the question.

In any event, I have no recollection of it, nor do I have any recollection of having been the attorney or an attorney for the Communist Party in Binghamton, N. Y., in 1947.

Senator DANIEL. Mr. Chairman, may I ask a question there?

The CHAIRMAN. Proceed, Senator.

Senator DANIEL. Do you state to this committee under oath that you were not attorney for the Communist Party in Binghamton, N. Y., in 1947?

Mr. WITT. Senator Daniel, I thought I made myself clear, and that is not what I said. I said I had no recollection of it.

Senator DANIEL. You have made yourself clear, but I am now asking you this question:

Do you say to the committee that you were not attorney for the Communist Party in Binghamton, N. Y., in 1947?

Mr. WITT. Oh, no, I couldn't say that in view of the fact I have already told you I have no recollection. Then how can I say to you affirmatively that I didn't represent them?

Although, I will say again, Senator Daniel, that if in the course of my professional work I felt called upon to represent the Communist Party, I wouldn't hesitate to do so. Let there be no misunderstanding about that. But just on the question of fact whether I did or didn't, I have no recollection.

Senator DANIEL. Have you ever represented the Communist Party at any time?

Mr. WITT. I have no recollection that I did, officially.

Senator DANIEL. Officially?

Mr. WITT. Officially, I mean, in the sense of having represented them in any trial or hearing on any proceeding.

Senator DANIEL. Have you represented them in any capacity, the Communist Party?

Mr. WITT. I have no recollection that I have done so. I have advised individual Communists and individual Communist leaders from time to time about problems, but I have no recollection of having represented the Communist Party, as such, in any kind of proceeding, judicial, administrative.

Senator DANIEL. Have you ever advised officials of the Communist Party?

Mr. WITT. I have, with respect to problems of one kind or another, and I will continue to do so, Senator Daniel.

Senator DANIEL. With respect to problems of the party itself?

Mr. WITT. No; I have no recollection of that. With respect to individual problems. I was counsel—let me say this—I was counsel for Irving Potash after his incarceration as a result of his conviction

in the first Communist trial in New York. I represented him while he was in Leavenworth Prison. That representation came about because I then represented the union of which he was an official.

Mr. Sourwine, do you want me to comment on this quotation from the testimony by Whittaker Chambers?

Mr. SOURWINE. Only if you wish to deny it, sir, or declare that it is in some respect factually inaccurate.

Mr. WITT. Senator Eastland, would you bear with me a moment on this?

The CHAIRMAN. I just want you to answer the question.

Mr. WITT. Yes; I am going to try to answer it.

The CHAIRMAN. All right.

Mr. WITT. But it may take me more than a sentence or two in this case. And the reason is, Senator Eastland, that my experience with this committee, not under your chairmanship; understand, Senator Eastland, but with this committee first under the chairmanship of the late—

The CHAIRMAN. Wait just a minute. I don't care to hear that.

Mr. WITT. Won't you hear the end of my sentence, Senator Eastland? Will you bear with me just a moment?

The CHAIRMAN. Do you desire to comment on that testimony of Mr. Chambers?

Mr. WITT. Yes, I do.

The CHAIRMAN. All right, then comment.

Mr. WITT. I am not interested in criticizing this committee, Senator Eastland. I am interested in protecting myself and protecting myself against what this committee has already done to me, Senator Eastland, and you are compounding the improper procedure which this committee has pursued since 1950.

The CHAIRMAN. Now if you desire to comment, you will be permitted to do so.

Mr. WITT. If you will permit me, my comment on this, Senator Eastland, is, first, that since I wasn't given this until this afternoon, I have no way of checking up on this quotation. But what I am trying to say, Senator Eastland, if you will bear with me as one lawyer to another for just 2 minutes—

The CHAIRMAN. No, sir. You stated that you had no way of checking the information. Your statement is that you don't know whether that testimony is accurate or not; is that correct?

Mr. WITT. No. I have no comment on it. It is a quotation.

The CHAIRMAN. Well, is it correct? Did Mr. Chambers tell the truth there?

Mr. WITT. Well, Senator Eastland, I must say something before I answer that in this way. This statement has apparently been edited. That is what I am trying to tell you, Senator Eastland. I think you ought to be interested in that.

The CHAIRMAN. All right, are those statements there true or false? Now you can answer that in one word and then explain.

Mr. WITT. All right, sir, thank you very much. I think that may take care of my problem. Although, as I say, I can't recall this specific testimony by Whittaker Chambers, given almost 7 years ago, it has been edited in such a way as to give rise to the implication that



Whittaker Chambers then testified that he knew me as a person who had been engaged in espionage.<sup>1</sup>

Now first let me say, Senator Eastland, whether that implication is contained in this quotation, Mr. Whittaker Chambers' testimony as a whole, or the testimony of anybody else in part or in whole, that any testimony that I have ever engaged in espionage either when I was a Government official or since is entirely false.

The CHAIRMAN. You stated "as a Government official." What places have you held with the American Government?

Mr. WITT. Well, we are coming to that.

The CHAIRMAN. I am asking you the question now, sir.

Mr. WITT. You want it now. I was an attorney in the Department of Agriculture in 1933 until early 1934. Beginning early in 1934 I was an attorney on the staff of what we referred to, as you recall, Senator Eastland, as the old National Labor Relations Board, to distinguish it from the NLRB which was set up under the Wagner Act.

In 1934 that was the NLRB which was set up under Public Resolution No. 44 passed pursuant to the framework of the National Industrial Recovery Act.

I was on the staff of the old NLRB until the Wagner Act was passed in July 1935, July 5, 1935, when I became an attorney on the staff of the new NLRB set up under the Wagner Act.

In December 1935 I became the Assistant General Counsel of the NLRB.

In November 1937 I became the Secretary of the NLRB, and I remained in that post—at least I remained on the payroll although I severed my actual connections somewhat earlier—until the end of 1940. That is my experience with the Government, Mr. Chairman.

The CHAIRMAN. Now at any time during that period were you at the head of an underground Communist group whose original purpose was Communist infiltration of the American Government?

Mr. WITT. Senator Eastland, as I have already tried to tell you, at no time in my life, either before I was in the Government, while I was in the Government, since I have been in the Government, have I been engaged in espionage, and I would deny that no matter if you brought 10 or 50 witnesses, and despite the dangers in America today of denying such allegations.

Mr. SOURWINE. Mr. Witt, you are a lawyer. Are you aware that the question of whether you were engaged in espionage is a legal conclusion, and what the Senator is asking you are facts?

Mr. WITT. Break it down, Mr. Sourwine. Break it down any way you want. Now, Mr. Sourwine, that is why I refrained to tell Senator Eastland—

The CHAIRMAN. Wait just a minute.

Mr. WITT. Because he is unfamiliar with it, but you, Mr. Sourwine, were in Salt Lake City when Senator McCarran conducted his hearings in October 1952. You were there when J. B. Matthews testified before this committee that there had been testimony before a congressional committee that I had engaged in espionage.

<sup>1</sup> The full text of the paragraphs of Chambers' testimony which were referred to in the committee document appears at p. 763.

And when I appeared before Senator McCarran, neither you nor Senator McCarran gave me an opportunity to deny it or to demand that J. B. Matthews point out to the committee where there had been such testimony.

When I appeared before this committee in May of 1953, Mr. Sourwine, you weren't present, but Mr. Mandel was present and Robert Morris was then counsel to this committee, and the same question was raised and I asked Senator Jenner for a ruling on this question. He said he would take it under advisement; he would let me have a ruling. I never got a ruling.

At the time I appeared, Senator Eastland—I will be done just with this one comment. This committee issued a press release saying that Elizabeth Bentley had accused me of having been engaged in espionage, and when I took that up with the New York Herald Tribune, the New York Herald Tribune secured a correction from this committee and I wrote Robert Morris, counsel for this committee, asking him to make that part of the record of this committee, and that hasn't been done. And I think you have gone far enough with this, Mr. Sourwine, and Chairman Eastland. I have had enough of it.

The CHAIRMAN. I think we have gone far enough with this proceeding. Are you now a member of the Communist Party?

Mr. WITT. First, Senator Eastland, I think the question is immaterial and improper because, from what I understand, I am here today under subpoena of this committee because of my professional work as counsel for Clinton Jencks who is attempting to secure justice in the Federal court in El Paso.

The CHAIRMAN. Answer the question.

Mr. WITT. I think the question is improper because it violates my oath as a lawyer to represent my clients, and you are trying to make it difficult, Senator Eastland, and I think you as a lawyer should appreciate that.

The CHAIRMAN. You know very well, Mr. Witt, that whether you are a member of the Communist Party or not has not anything to do with obligation that you might owe clients. I ask you this question. Are you now a member of the Communist Party?

Mr. WITT. Oh, Senator Eastland, perhaps you could make that last comment if I hadn't been in El Paso as counsel for Clinton Jencks.

The CHAIRMAN. Answer my question, please, sir.

Mr. WITT. You know, Senator Eastland, I am here today because I am counsel for Clinton E. Jencks.

The CHAIRMAN. Answer my question, sir.

Mr. WITT. And I spent all these months—

The CHAIRMAN. Answer my question.

Mr. WITT (continuing). As a lawyer to secure justice for my client pursuant to my oath as a lawyer, Senator Eastland.

The CHAIRMAN. Answer my question.

Mr. WITT. And I think your question is improper as a violation of the right which American lawyers have to practice their profession as long as they don't violate the law.

The CHAIRMAN. Answer the question. Are you now a member of the Communist Party U. S. A.?

Mr. WITT. Will you give me a ruling on my first objection, Mr. Chairman?

The CHAIRMAN. Well, I overrule your objection.

Mr. WITT. All right, sir.

The CHAIRMAN. I order you to answer the question.

Mr. WITT. I think it is unfortunate that you as a lawyer don't appreciate the position I am in, Senator Eastland.

The CHAIRMAN. Answer the question, please, sir.

Mr. WITT. I don't know whether you have ever been in the position of trying to secure justice for a client of yours as a lawyer.

The CHAIRMAN. Answer the question, please, sir.

Mr. WITT. And you know—

The CHAIRMAN. Answer the question, please, sir.

Mr. WITT. An American lawyer has no higher responsibility than trying to secure justice for his client.

The CHAIRMAN. What are you afraid of?

Mr. WITT. I am afraid of nothing. I am certainly not afraid of this committee. I am certainly not afraid of my responsibilities as a lawyer.

The CHAIRMAN. Well, answer the question.

Mr. WITT. I am certainly not afraid of my position as an American brought up under the Constitution and the first amendment, and on my responsibilities as a member of the bar.

The CHAIRMAN. Are you afraid of the position that you betrayed your country now? Are you afraid to answer the question?

Mr. WITT. Senator Eastland, I resent that with all my heart.

The CHAIRMAN. I know you resent it.

Mr. WITT. I have not betrayed my country, I am not betraying my country by representing my client, and I don't intend to betray my country, and if you want a debate as to whether you or I have been more guilty of betraying this country, Senator Eastland, in an open forum where neither of us are under subpoena, I would be delighted to debate that with you on the basis of your record as against my record. Don't you say that again, Senator Eastland, under the protection of your prerogative as chairman of this committee. Don't you tell me again I betrayed my country.

The CHAIRMAN. Yes, you betrayed your country if you are a member of the Communist Party.

Mr. WITT. Well, you don't know that. You didn't say that before, and furthermore—

The CHAIRMAN. Any American citizen would be glad to answer that question.

Mr. WITT. I think you violate your oath as a Senator in this context to say that to a witness who is here under a subpoena.

The CHAIRMAN. I would be glad to state whether or not I was a Communist. I would be glad to state that I was not an agent of the Soviet Government. Now you answer the question.

Mr. WITT. Which question are you asking me now, Senator Eastland?

The CHAIRMAN. You know the question.

Mr. WITT. You just said you would be glad to answer that you are not an agent of the Soviet Government. Do you want me to answer that question?

The CHAIRMAN. I asked you the question if you were a member or are now a member of the Communist Party, U. S. A.?



Mr. WITT. Senator Eastland, in the course of asking that you said to me that you would be glad to state—

The CHAIRMAN. I don't care to hear that.

Mr. WITT (continuing). You are not an agent of the Soviet Government. So am I. I am not an agent of any foreign government. I am not an agent of the Soviet Government. I am not an agent of Chiang Kai-shek. I am not an agent of Peron. I am not an agent of Franco and I certainly was not an agent of Hitler's. I am an agent for my rights as an American citizen and in my professional capacity I am an agent for my clients.

The CHAIRMAN. Read him the question.

(The reporter read back the question.)

Mr. WITT. You overruled my first objection, Senator Eastland. My second objection—

The CHAIRMAN. Answer that question, please, sir.

Mr. WITT. I have another objection if you please, sir. My next objection is that the question violates my rights under the first amendment.

The CHAIRMAN. That is overruled. You are ordered to answer.

Mr. WITT. Then, Senator Eastland, I have no alternative except to refuse to answer the question on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

The CHAIRMAN. Now proceed, Mr. Sourwine.

Mr. SOURWINE. Mr. Witt, may I ask that in proceeding you confine yourself to comments concerning items on here which you wish to challenge factually or with respect to their accuracy.

Senator DANIEL. Mr. Chairman, before we leave this item No. 14, I would like to ask the witness this question, whether or not—

Mr. WITT. Excuse me, Senator Daniel, my sheet doesn't show the number to be itemized. You are talking about the Whittaker Chambers testimony?

Senator DANIEL. I have simply numbered them myself. This is under Whittaker Chambers' testimony. You were not asked to say whether or not Whittaker Chambers testified to this quotation, but I want to ask you this question, and that is the question Mr. Sourwine wanted your comment on, and that is whether or not you were a member of the top-level group of seven or so men, and whether or not you were the head of that group whose purpose was the infiltration, the Communist infiltration of the American Government?

Mr. WITT. You are not now asking me, Senator Daniel, whether Whittaker Chambers gave that testimony.

Senator DANIELS. That's right. I am just asking you whether or not at any time in your life you were either a member or the head of a top level group whose purpose, original purpose, was Communist infiltration of the American Government.

Mr. WITT. Mr. Chairman, may I make the same objection, first as to—there is so much noise here. May I make the first objection first as to materiality?

The CHAIRMAN. It is overruled. Answer the question.

Mr. WITT. May I then make the same objection under the first amendment?

The CHAIRMAN. That is overruled.

Mr. WITT. Then I refuse to answer on the same ground I have taken before.

Senator DANIEL. You refuse to answer on what ground?

Mr. WITT. Don't you know the ground I have been stating, Senator Daniel?

Senator DANIEL. I want you to state it for the record, sir.

Mr. WITT. Oh, you do. It is in the record.

Senator DANIEL. Anyone who will not state whether or not he was a member of a top level group with the original purpose of infiltrating with communism in the American Government—I would like for you to state the reason why you will not tell this committee whether that is true or false.

Mr. WITT. I understand you do, but I thought I had already stated it, but if you want me to go through it again I will be happy to say I refuse to answer on the grounds—

Senator DANIEL. A little louder.

Mr. WITT. Well, there is so much noise outside.

Senator DANIEL. Yes.

Mr. WITT. I refuse to answer that question, Senator Daniel, on the ground that under the fifth amendment I may not be compelled to be a witness against myself.

Senator DANIEL. Thank you.

Mr. WITT. But again, Senator Daniel, I will try not to repeat it but I want the record to be very clear, if that kind of language has any reference to espionage either from the legal point of view or Mr. Sourwine thinks it has some other meaning, my answer to it is no. Let there be no doubt about that.

Mr. SOURWINE. Are there any other items here that you wish to challenge factually?

Mr. WITT. The next item I can't comment on. If a certain person by the name of Louis Budenz says he once heard my name mentioned some place when I wasn't present, I don't understand what comment you want from me.

Mr. SOURWINE. I didn't ask you for a comment, sir, except on such items as you desire to challenge the factual accuracy of.

Mr. WITT. I am sorry, I thought you said the next item. Well, let it be understood, like the next item also, Mr. Sourwine, where I would have no way of knowing, I can't comment one way or the other, like the first item on top of the second page.

Then the next item is—it doesn't say whether I was or am, but it simply states "attorney for International Union of Mine, Mill and Smelter Workers." That is true. I have been and I am now the attorney or the general counsel for the International Union of Mine, Mill and Smelter Workers.

Mr. SOURWINE. You have been such since early 1941 except for a short period during the war?

Mr. WITT. That's right, Mr. Sourwine.

Mr. SOURWINE. Go ahead.

Mr. WITT. Now the next item states that my former name was Witkowsky. Now, Chairman Eastland, as I have indicated, I have difficulty with some of these other items, but this one gives me a peculiar difficulty.

I take it from what this committee is doing and from these other items, that these items are supposed generally to indicate my "subversive" affiliations and activities even though they are my regular



legal activities, but this item standing without more, Chairman Eastland, does give rise to a peculiar resentment on my part having nothing to do with the definition of subversive activities.

Mr. SOURWINE. I will explain it for you, Mr. Witt. The whole purpose is to identify you, if it is true, as the same man as one Witkowsky. The syllables in the name have no meaning. The name, if you were supposed to be the same as one Kelly or one O'Shonessay or one Sourwine under similar circumstances, you would be asked about that name. It is simply a name which, according to the committee's information, you at one time used, and if you desire to deny that that is true, please do so. If not, there is no other comment called for.

Mr. WITT. Well, especially in view of that comment, Mr. Sourwine, if the committee has this information, I assume that the committee's research director prepared this, perhaps you have, the committee would know if it were doing its job accurately in this respect, that this is my family name which was changed when I was a minor.

A congressional committee once dealt with this subject when I was with the Government. Unfortunately I let it pass at that time. I am not disposed to let it pass today.

If Mr. Mandel prepared this sheet, whoever it is on the committee staff who prepared this sheet should know, should know from records of a congressional hearing, that this was my father's name, that it was my name as a boy, and it was legally changed while I was a minor. And I say, Senator Eastland—

The CHAIRMAN. You have answered the question.

Mr. SOURWINE. Let me ask you this question—

Mr. WITT. Senator Eastland—

The CHAIRMAN. Wait just a minute please, sir.

Mr. WITT. That was preliminary to asking that this item be withdrawn.

The CHAIRMAN. Proceed, Mr. Sourwine.

Mr. WITT. I respectfully request that this item be withdrawn.

The CHAIRMAN. Proceed, Mr. Sourwine.

Mr. WITT. Chairman Eastland, I respectfully request that this item be withdrawn. I think it is an insult to me, it is an insult to my people.

The CHAIRMAN. Proceed, Mr. Sourwine.

Mr. WITT. And it has absolutely no relevance and it does carry anti-Semitic overtones, Chairman Eastland.

The CHAIRMAN. It doesn't carry any such thing, but it raises a question in my mind as to what you fear from an investigation. Now proceed, Mr. Sourwine.

Mr. SOURWINE. Let me ask you this question—

Mr. WITT. I fear nothing. Chairman Eastland—

The CHAIRMAN. Wait just a minute.

Mr. WITT. I think you should explain yourself, Chairman Eastland. I have nothing to fear from an investigation of my family or my name.

The CHAIRMAN. Then cooperate with the committee.

Mr. WITT. Well, then you cooperate with me in obeying the Constitution of the United States.

The CHAIRMAN. I am not going to cooperate with a Communist.

Mr. WITT. I say an item like this is disgracefully violative of the whole meaning and spirit of our Constitution, Senator Eastland.

Mr. SOURWINE. Mr. Chairman.

The CHAIRMAN. Proceed, Mr. Sourwine.

Mr. SOURWINE. May I respectfully ask the Chair to instruct the reporter not to take down anything said by anyone in the room after the gavel falls, until the chairman instructs someone to proceed.

The CHAIRMAN. Proceed.

Mr. SOURWINE. Mr. Witness, after you attained your majority did you ever use the name Witkowsky?

Mr. WITT. It is clear from what I said, Mr. Sourwine, that if my family name were changed when I was a minor, of course, I did not.

Mr. SOURWINE. Just answer the question, sir. After you attained your majority did you ever use the name Witkowsky?

Mr. WITT. Our family name, I believe, was changed in 1919 by my father when I was 16 years old. Since that time I have always used my present name, Nathan Witt.

Mr. SOURWINE. Would you just answer the question, Mr. Witt? Since you attained your majority, have you ever used the name Witkowsky?

Mr. WITT. I have not.

Mr. SOURWINE. Proceed. Are there any other items on here that you wish to deny or challenge the factual accuracy of?

Mr. WITT. I have no recollection about being asked about those people named in the next item before the House Un-American Activities Committee.

As to the next item, I do recollect representing Helen Miller. I wouldn't know what the item relating to the International Fur and Leather Workers Union in 1947 refers to, because my firm was then general counsel to the union. I don't know the significance of September 1947.

I did appear as counsel for Mr. Flaxer because I was general counsel for his union at that time in 1948, and again as to this item that I defended the Communist Party in a suit to bar from the ballot in 1946, I have no recollection of that, especially since it doesn't give the State or what the occasion was or anything else.

Then the next item, "Defended Communist-controlled United Federal Workers in 1941"; well, I was counsel for the United Federal Workers in 1941. Now you want me to review that summary of my Government history, Mr. Sourwine?

Mr. SOURWINE. Not unless there is something there that you desire to challenge, sir.

Mr. WITT. All that seems to me to be accurate, Mr. Sourwine.

Mr. SOURWINE. Mr. Chairman, I will state that this two-page memorandum was prepared under my direction from official sources available to the committee from research by the committee. I ask that it be inserted in the record at this point as a memorandum concerning which Mr. Witt has now testified.

Mr. WITT. We haven't finished it, Mr. Sourwine.

Mr. SOURWINE. I thought you had just stated there were no other items on which you cared to comment.

Mr. WITT. Oh, no; I thought we were talking about that section digesting testimony before the House Un-American Activities Committee. I have 1 or 2 other comments on the rest of it.

Mr. SOURWINE. So as to save time with the request that it now be inserted in the record, will the Chair order that?

The CHAIRMAN. Yes, it is inserted.

(The document referred to was marked "Exhibit No. 48" and appears below:)

EXHIBIT No. 48

NATHAN WITT

Signer, Freedom Crusade petition issued by the Civil Rights Congress, January 17, 1949 (Civil Rights Congress cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

Member, Citizens Committee for Harry Bridges (booklet) (cited as subversive by the Attorney General, April 27, 1949.)

Signer of statement for Council for Pan-American Democracy (booklet) (cited as subversive by the Attorney General, April 1, 1954.)

Member, International Juridical Association (letterhead, May 18, 1942) (cited as subversive by the House Committee on Un-American Activities, March 29, 1944).

Member, board of trustees, Jefferson School of Social Science (catalog, 1948-49) (cited as subversive by the Attorney General, December 4, 1947).

Counsel and member of executive committee, National Federation for Constitutional Liberties (letter, April 14, 1946, and program of meeting, April 19-20, 1940) (cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

Writer for Science and Society, 1945 (a publication cited as subversive by the House Committee on Un-American Activities, March 29, 1944).

Member, board of directors, New York Conference for Inalienable Rights (letter November 25, 1941) (cited as subversive by the House Committee on Un-American Activities, March 29, 1944).

Lecturer, School for Democracy (catalog, January 1942) (cited as subversive by the House Committee on Un-American Activities, March 29, 1944).

Sponsor, May Day parade under the auspices of the National Council of the Arts, Sciences, and Professions (Daily Worker, April 30, 1948, p. 5) (National Council of the Arts, Sciences, and Professions has been cited as subversive by the House Committee on Un-American Activities, April 19, 1949).

Signer of petition against contempt conviction of lawyers who defended 11 Communist leaders (Daily Worker, November 2, 1949).

Writer of article in Social Work Today for December 1941, defending loyalty cases and attacking investigating committees.

Attorney in the case of Nancy Reed, a Communist defendant, before the New York State Labor Department in 1941.

Attorney for the Communist Party in Binghamton, N. Y. in 1947.

Testimony by Whittaker Chambers on August 3, 1948, before the House Committee on Un-American Activities:

"For a number of years I had myself served in the underground, chiefly in Washington, D. C. \* \* \* It was an underground organization of the United States Communist Party. \* \* \* I knew it at its top level, a group of seven or so men. \* \* \* The head of the underground group at the time I knew it was Nathan Witt. \* \* \* Its original purpose was the Communist infiltration of the American Government" (p. 565).

Testimony of Louis F. Budenz on August 24, 1948, before the House Committee on Un-American Activities:

"I have never met him (Nathan Witt), but I have heard his name repeatedly mentioned in the political committee and national headquarters. \* \* \* I know that he was a member of the party. \* \* \*

"Mr. STRIPLING. When you were the managing editor of the Daily Worker, and located at party headquarters, you were given to understand by conversations that you had with party functionaries that Nathan Witt was a Communist Party member?

"Mr. BUDENZ. Yes, sir (p. 1036)."

His name was found in the telephone finder of the Communist Party headquarters, Washington, D. C., on October 3, 1948.

Attorney for International Union of Mine, Mill, and Smelter Workers. Note that cases involving this union came before the NLRB when he was connected with that agency.



Former name, Witkowsky (HUAC, 2924).

Declines to answer knowing Katherine Wills, Solomon Adler, Abraham George Silverman, Harry Dexter White, Harold Glasser (HUAC, 2932, 2933).

Defended the following Government employees in cases involving loyalty: Helen Miller, United States Labor Department, 1941. Also defended: International Fur and Leather Workers Union, September 1947 (Communist controlled); appeared as counsel for Abram Flaxer, president, State, Council [County], and Municipal Workers, later United Public Workers (Communist controlled) before House Labor Committee in 1948; defended Communist Party in suit to bar the party from the ballot in 1946.

Defended Communist-controlled United Federal Workers in 1941.

#### *Government employment*

Attorney, Department of Agriculture, National Labor Relations Board.

#### *Digest of testimony before HUAC, August 20, 1948*

1. Law partner of Harold Cammer.
2. Home address: 160 West 77th Street; office: 9 East 40th Street, New York City.
3. Attorney, Agricultural Adjustment Administration, July-August 1933-February 1934; legal staff, National Labor Relations Board, February 1934-December 1940; Assistant General Counsel, NLRB, December 1935-November 1937; Secretary, NLRB, November 1937-December 1940, resigned.
4. Graduate, Harvard Law School, June 1932.
5. Recommended to AAA by Lee Pressman.
6. Refuses to answer regarding being in the same office with Alger Hiss on grounds of the first and sixth amendments, also that committee is illegally constituted and has no jurisdiction. Also under fifth amendment.
7. Declines to answer as to same office with Lee Pressman on same grounds. Admits knowing Lee Pressman. Declines to answer on same grounds knowing Harold Ware, Alger Hiss, Whittaker Chambers, Victor Perlo, Charles Kramer, Earl Browder, Gerhart Eisler, Henry Collins, Donald Hiss, J. Peters, and as to his membership in the Communist Party now or ever.

#### *Testimony before Senate Internal Security Subcommittee, Government hearings, May 26, 1953*

May 26, 1953, pleads fifth amendment regarding membership in the Harold Ware cell of the Communist Party, page 623.

Denied membership in the Communist Party before the Howard Smith committee in 1940, page 630.

Refuses to answer regarding meetings with Communist leaders Earl Browder, Israel Amter, and Harry Bridges, page 630.

Civil-service record, page 636.

#### *Testimony before the Senate Internal Security Subcommittee on Mine, Mill, and Smelter Workers, October 6-9, 1952*

Declines to answer regarding knowledge of Whittaker Chambers' espionage activities, page 117.

Declines to answer re dealings with Lee Pressman, pages 118, 119.

Mr. SOURWINE. Go ahead, Mr. Witt.

Mr. WITT. I have no other comment with respect to the rest of it except to make the most serious and solemn objection, Mr. Chairman, to the fact that this whole document is so very carefully edited, and just this one example from the hearing record of this committee.

You take that section relating to my testimony before this committee on May 26, 1953. That testimony has been carefully gone over and carefully culled for these items. I have particular objection—with this objection I hope I will be done unless the committee has some more questions—to the fact that although Senator Jenner was kind enough on that occasion to permit me to make part of the record of that hearing material relating to my service for the United States Government, particularly in the form of letters from members of the NLRB under whom I served, which material begins at page 638 of that transcript of my testimony, particularly because of Sen-

ator Jenner's kindness I am somewhat shocked that Mr. Sourwine, if it was he, edited out from these hearings just these few items which give such a distorted picture of my Government history.

The CHAIRMAN. Proceed, Mr. Sourwine.

Mr. SOURWINE. Mr. Chairman, there was an early challenge with regard to alleged editing of the testimony of Whittaker Chambers. I should like to ask that two contiguous paragraphs of Mr. Chambers' testimony which embody all of the material in the question asked of Mr. Witt, these paragraphs being the ones I have marked appearing on page 565 of the hearings before the Committee on Un-American Activities of the House of Representatives, which I now hand to the chairman, may be ordered inserted in the record.

The CHAIRMAN. It is ordered inserted in the record.

(The document referred to was marked "Exhibit 49" and appears below:)

EXHIBIT No. 49

I had sound reason for supposing that the Communists might try to kill me. For a number of years I had myself served in the underground, chiefly in Washington, D. C. The heart of my report to the United States Government consisted of a description of the apparatus to which I was attached. It was an underground organization of the United States Communist Party developed to the best of my knowledge, by Harold Ware, one of the sons of the Communist leader known as Mother Bloor. I knew it at its top level, a group of seven or so men, from among whom in later years certain members of Miss Bentley's organization were apparently recruited. The head of the underground group at the time I knew it was Nathan Witt, an attorney for the National Labor Relations Board. Later, John Abt became the leader. Lee Pressman was also a member of this group, as was Alger Hiss, who, as a member of the State Department, later organized the conferences at Dumbarton Oaks, San Francisco, and the United States side of the Yalta Conference.

The purpose of this group at that time was not primarily espionage. Its original purpose was the Communist infiltration of the American Government. But espionage was certainly one of its eventual objectives. Let no one be surprised at this statement. Disloyalty is a matter of principle with every member of the Communist Party. The Communist Party exists for the specific purpose of overthrowing the Government, at the opportune time, by any and all means; and each of its members, by the fact that he is a member, is dedicated to this purpose.

(Hearings Regarding Communist Espionage in the United States Government—hearings before the Committee on Un-American Activities, House of Representatives, 80th Cong., 2d sess., p. 565.)

Mr. WITT. Of course, Mr. Chairman, that doesn't correct the fact that the excerpt which already appears on this sheet shows on its face that it has been edited.

Mr. SOURWINE. It does show that, but the record will permit any reader to compare them to see in the editing if it was in any way unfair.

Mr. WITT. If I write a letter to the committee this time, it will be made a part of the record the way my letter to Mr. Morris was not made part of the record.

Mr. SOURWINE. It might depend on what you said in the letter or whether or not it was in affidavit form. Your testimony here is under oath. I propose to ask you a number of questions having to do with your connection with Harvey Matusow. If you will consent, I will ask these in the form of leading questions. I think we can cover much more territory that way.

Mr. WITT. I will be very happy to.

Mr. SOURWINE. In asking these questions, what I want to know from you, is: Is it true what I state? If I cover too much ground, if I make an inaccurate statement, please correct me.

Mr. WITT. All right.

May I explain to you what I am holding in my hand. Also, I think it is something that will help us expedite this hearing, Mr. Sourwine.

This is a transcript of testimony already given in connection with this, what I will call the Matusow matter. I hold it in my hand for refreshment of recollection, if the occasion arises.

Mr. SOURWINE. Where did you get that testimony?

Mr. WITT. Strange to say, this is testimony I gave before the grand jury sitting in the southern district of New York. But it became public the course of the hearing on the motion for a new trial for my client, Clinton Jencks, in El Paso, and this is a transcript of the testimony from the El Paso court.

Mr. SOURWINE. Are you offering that for the record?

Mr. WITT. No.

Mr. SOURWINE. Or merely asking to hold it in your hands?

Mr. WITT. Right; so you understand what I am referring to.

Mr. SOURWINE. You became aware of the possibility of a recantation by Mr. Matusow of his earlier testimony when Bishop Oxnam made his speech and referred to that subject in June of 1954?

Mr. WITT. Yes, sir.

Mr. SOURWINE. You thereafter followed closely the developments in the Matusow case and told Rod Holmgren, publicity director of Mine and Mill, to do so?

Mr. WITT. Well, that is a little too general. Just a word on that. You say the Matusow case. I followed closely any developments relating to a possible recantation on Mr. Matusow's part, and I did work with Mr. Rod Holmgren, of the Mine, Mill staff, in that connection.

Mr. SOURWINE. Was it he, Mr. Holmgren, or you who wrote Mr. Bishop Oxnam in July 1954 requesting that information?

Mr. WITT. It was Mr. Holmgren.

Mr. SOURWINE. Did Bishop Oxnam supply you that information on August 27 and September 28, 1954, in regard to his two conferences with Matusow?

Mr. WITT. He did.

Mr. SOURWINE. Now, was it you or Mr. Holmgren who contacted Mr. Brown?

Mr. WITT. I don't think it was either of us. I know I didn't, and I don't think Mr. Holmgren did.

Mr. SOURWINE. I will put these questions in the affirmative. Did either you or Mr. Holmgren contact Senator Mansfield about any contact with Mr. Matusow?

Mr. WITT. I think neither of us; all that happened in that connection is that I happened to be in Butte, Mont., on Wednesday, September 22, 1954, when I met Mr. Mansfield's administrative assistant on the street, and I talked to him about a visit that Mr. Matusow had paid to him. I think his name is Jim Sullivan, isn't it, Mr. Mansfield's administrative assistant?

Mr. SOURWINE. Was contact made by you or on your behalf or on behalf of Mine, Mill, with Senator Murray or his office about a contact with Mr. Matusow?



Mr. WITT. It was not made by me. It was made by Mine, Mill staff members in Montana, not with Senator Murray but with Senator Murray's assistant, his son, Charles Murray.

Mr. SOURWINE. And was similar contact made with Carey McWilliams?

Mr. WITT. I made that contact myself.

Mr. SOURWINE. With Charles Brannan?

Mr. WITT. Charles Brannan; you mean general counsel for the Farmers' Union?

Mr. SOURWINE. The former Secretary of Agriculture.

Mr. WITT. No; I think Mr. Holmgren tried to make contact with him. I don't think he ever succeeded.

Mr. SOURWINE. With Martin Solow?

Mr. WITT. I recently discovered—I didn't know at the time—that Mr. Holmgren had some correspondence with Mr. Martin Solow.

Mr. SOURWINE. With Miriam Kolkin?

Mr. WITT. I would have given the same answers as I did with respect to Solow, except that I did know at the time that I was having correspondence with Miss Kolkin.

Mr. SOURWINE. Will you identify for the record Martin Solow and Miriam Kolkin?

Mr. WITT. Martin Solow is on the staff of the Nation, the publication which is edited by Carey McWilliams, and Miss Kolkin was—I don't think she is a member any longer—a member of the staff of Federated Press.

Mr. SOURWINE. Was similar contact made with various newspapermen?

Mr. WITT. Yes. Not many, but some newspapers.

Mr. SOURWINE. All as a part of what you have stated was your desire at this time to keep in close touch with any developments bearing on possible recantation by Matusow of his prior testimony?

Mr. WITT. Right. That was during the period—it is important for my purposes, Mr. Sourwine, to fix it—during the period from the time Bishop Oxnham made his first speech, until late in October 1954.

Mr. SOURWINE. Now, you had in mind then, that is during this period, an affidavit in support of a motion for a new trial?

Mr. WITT. Yes; I had in mind a motion for a new trial to be supported by an affidavit, either an affidavit from Matusow or, if we couldn't get that, materials supporting the motion for a new trial in the absence of an affidavit.

Mr. SOURWINE. Is it true that on September 13 or September 14, 1954, you talked with John T. McTernan, an attorney associated with you in the defense of Clinton Jencks in the original trial in El Paso, talking with him about the possibility of Harvey Matusow writing a book?

Mr. WITT. I would like to correct that to this extent with respect to the last few words you used, Mr. Sourwine.

I am sorry, it slipped my mind. You referred to the possibility of Mr. Matusow's writing a book. You have the dates correct, you have the name correct and the association correct, but it was on that occasion that Mr. McTernan and I discussed the fact that Mr. Matusow had already told people he was writing a book, and what we discussed at Mr. McTernan's suggestion was the possibility that we would in one

way or another lend assistance to that book-writing project on Mr. Matusow's part.

Mr. SOURWINE. Was it then Mr. McTernan's suggestion that, by doing so, you might eventually facilitate the securing of an affidavit from Mr. Matusow to support your motion for a new trial?

Mr. WITT. Yes. We didn't spell it out that way, but that was clearly the thinking of both of us.

Mr. SOURWINE. Before then you had already drafted, had you not, a motion for a new trial in the Jencks case?

Mr. WITT. I had drafted it, but we hadn't filed it.

Mr. SOURWINE. That motion assumed a recantation by Matusow, did it not?

Mr. WITT. No, Mr. Sourwine, it didn't. That motion was based, that motion which I drafted sometime in August 1954 I think was based, on the public statements which had theretofore been made by Bishop Oxnam and by Russell Brown.

Mr. SOURWINE. Well, it was based on the theory that Matusow had lied, was it not?

Mr. WITT. Oh, yes.

Mr. SOURWINE. Now, you took the matter up, that is, the matter of assisting the financing of Matusow's book, to officials of the Mine, Mill, and Smelter Workers Union about September 20, and they authorized an advance of a thousand dollars for the project?

Mr. WITT. Yes; it was September 22 or 23; it doesn't matter. It was that week.

Mr. SOURWINE. This money came from the Jencks defense fund?

Mr. WITT. It did eventually.

Mr. SOURWINE. Are you saying that at the time it was authorized in September it was not authorized to come from the Jencks defense fund?

Mr. WITT. No, no; what I meant by that, Mr. Sourwine, is that I was authorized to expend it if the project got underway, and then I would be reimbursed in my account I maintain for the union, from the Jencks defense fund.

Mr. SOURWINE. But the authorization from the beginning was that the money, if spent, should come from the Jencks defense fund?

Mr. WITT. Right.

Mr. SOURWINE. Was that a fund appropriated from the union, or a fund to which the union members had contributed directly?

Mr. WITT. I think it is both, Mr. Sourwine. It is a fund to which the members of the union contribute, also a fund to which local unions, as such, from their treasuries contribute also, a fund to which the international union, as such, contributes.

Mr. SOURWINE. When you started out to get a publisher for the book, Matusow's book, you went directly to Albert Kahn; is that right?

Mr. WITT. Well, I stop only because of the use of the word "directly." I think in view of the fact you know the story, you know what I have in mind. You want me to anticipate you?

Mr. SOURWINE. You mean, Kahn is the first publisher you went to, and you never went to any other publisher about it?

Mr. WITT. I didn't go to Albert Kahn. It was indirect, but I never went to any other publisher; that is true.



Mr. SOURWINE. I don't mean you necessarily, Nathan Witt, went over to him, but——

Mr. WITT. Right.

Mr. SOURWINE. As a matter of fact, actually it was Clinton Jencks who first broached the subject to Kahn?

Mr. WITT. That's right.

Mr. SOURWINE. And you had talked to Jencks and suggested that he do so?

Mr. WITT. That's right.

Mr. SOURWINE. Now, you gave Kahn \$450 during October?

Mr. WITT. Well, I am not sure of those amounts. May we go off the record a moment? If you will read them all to me, Mr. Sourwine, you will refresh my recollection. It will be quicker than if I go through this.

Mr. SOURWINE. It is my understanding your testimony is you gave Kahn \$450 during October, \$220 in November, and \$580 in December, making a total of \$1,250, which represented an increase of \$250 over the original authorized thousand, an increase which had been subsequently authorized by the union.

Mr. WITT. That's right.

Will you give me that figure for December again? I am quite sure you are right.

Mr. SOURWINE. \$580.

Mr. WITT. That's right, Mr. Sourwine.

Mr. SOURWINE. Now, the first payment to Mr. Kahn during October of 1954, was either \$200 or \$250?

Mr. WITT. That's right.

Mr. SOURWINE. Your best recollection is it was \$250?

Mr. WITT. That's right.

Mr. SOURWINE. Now, the additional \$250 above the first authorized thousand, was that authorized through you or was that authorized on the basis of direct contact that Mr. Kahn had with union officials?

Mr. WITT. The latter.

Mr. SOURWINE. He got the authorization for that additional \$250, and then you were told about it?

Mr. WITT. Then the officials of the union told me they had told him they would authorize me to advance the \$250 more.

Mr. SOURWINE. Mr. Witt, did you have a definite understanding with Maurice Travis of Mine, Mill about Matusow's book as early as December 1954?

Mr. WITT. I am not sure I understand your question—a definite understanding. Will you explain what you mean?

Mr. SOURWINE. I send down to you a telegram addressed to Maurice Travis, International Union of Mine, Mill, and Smelter Workers, Tabor Building:

Situation rather difficult. Would very much appreciate your confirming understanding with Nat. Best regards.

ALBERT.

Sent by Mr. Albert Kahn on December 19. Attached to this is a letter from the assistant United States attorney who testified that this is a photostat of an exhibit in the trial in New York, which shows how it came into our custody. And, I ask whether you can identify

it at this time and tell us about the agreement that is referred to by Mr. Kahn in that note.

Mr. WITT. Well, I don't think I have ever seen—I started to say, Mr. Sourwine, I don't think I have ever seen this telegram or a copy of it, but I can speculate very easily about it, and I think I can give you the answer.

Mr. SOURWINE. All right. I am not asking you to identify it.

Mr. WITT. Right; I understand.

Well, Mr. Kahn did come to me and said he needed more money, the project was costing more than he originally thought.

I told him I had just been authorized to expend \$1,000; if he wanted to make a request for more, he should take that up with the responsible officials of the union, which I then understood he did, and then, as we have already agreed, I was advised by Mr. Travis that he had told Mr. Kahn that he would authorize me to give him \$250 more.

I take it this telegram was sent during a period when Mr. Kahn was talking to Mr. Travis by long-distance phone and was apparently asking me whether I had had word, and I told him I had no word, so he sent the wire to Travis telling him to hurry up.

Mr. SOURWINE. Your judgment is he was trying to get Mr. Travis to confirm to you the agreement he already had with Kahn?

Mr. WITT. Right.

Mr. SOURWINE. We had arrived at the same conclusion, but yours has perhaps a greater basis for validity.

Mr. Chairman, may this go in the record?

The CHAIRMAN. Yes.

(The documents above referred were marked "Exhibits 50 and 50A," and appear below:)

EXHIBIT No. 50

UNITED STATES DEPARTMENT OF JUSTICE,  
UNITED STATES ATTORNEY,  
SOUTHERN DISTRICT OF NEW YORK,  
New York, N. Y., March 22, 1955.

Re *United States v. Flynn, et al.*

FRANK W. SCHROEDER, Esq.,  
*Senate Office Building, Washington, D. C.*

DEAR MR. SCHROEDER: Pursuant to your request I am enclosing a copy of Government's exhibit 48, a telegram dated December 19, from Albert E. Kahn to Maurice Travis.

Very truly yours,

J. EDWARD LUMBARD,  
*United States Attorney.*

By ROBERT M. PENNOYER,  
*Assistant United States Attorney.*

Enclosure.

EXHIBIT No. 50A

CROTON ON HUDSON, *December 19.*

MAURICE TRAVIS,  
*International Union of Mine, Mill, and Smelter Workers, Labor Building:*  
Situation rather difficult. Would very much appreciate your confirming understanding with NAT.

Best regards,

ALBERT,  
A. KAHN,  
*Glengary Road, Croton on Hudson.*

Mr. SOURWINE. You gave Kahn, that is, Albert Kahn, the address of Matusow's parents' home in the Bronx?

Mr. WITT. I did.

Mr. SOURWINE. Toward the end of January 1955 did your clients in Mine, Mill tell you to tell Kahn that they would give him another \$2,000?

Mr. WITT. Yes. Specifically, the officials of Mine, Mill told me that in El Paso, Tex., on Sunday morning, January 30.

Mr. SOURWINE. Did you convey that message to Mr. Kahn?

Mr. WITT. I did.

Mr. SOURWINE. You conveyed that message to him after you had returned to New York?

Mr. WITT. I returned to New York that same day, and my recollection, we spent a lot of time on that in Judge Dimock's court. You are probably familiar with it.

Mr. SOURWINE. I am not asking you that.

Mr. WITT. I know you are not getting into it, but just that you understand the context of my answer—my recollection still is that I conveyed that to Mr. Kahn either on Monday, the 31st, or Tuesday, the 1st, or Wednesday, the 2d of February.

Mr. SOURWINE. I am simply fixing one limit. It was after you returned to New York?

Mr. WITT. Right.

Mr. SOURWINE. Two or three days after you conveyed that information to Mr. Kahn and at a time when he still had not received the \$2,000, did he ask you about it?

Mr. WITT. He did.

Mr. SOURWINE. And did you then talk to Denver by telephone and ask them to please send him the \$2,000 so that you would no longer be annoyed with the problem?

Mr. WITT. Yes, I had occasion to talk to Denver at that time on some other problem, and since Mr. Kahn had talked to the officials in Denver before they saw me, he was impatient, I said to Denver, since we have agreed to it, I have told him we have agreed to it, please pay him so I will get him off my neck.

Mr. SOURWINE. Did they say they would?

Mr. WITT. They said they would.

Mr. SOURWINE. And subsequently he got a check?

Mr. WITT. Subsequently he did.

Mr. SOURWINE. Dated February 3?

Mr. WITT. That's right.

Mr. SOURWINE. Now, Mr. Chairman, this is preliminary. I would like to ask at this time that there may be put in the record, there may be ordered put in the record, the marked item on page 2 of the issue of February 28, 1955, of the publication *El Sindicato*, which is the Spanish edition of the Mine, Mill, and Smelter Workers Union paper.

The CHAIRMAN. Put it in the record.

(The article referred to was marked "Exhibit No. 51" and appears below:)

(NOTE.—The cover of the book *False Witness*—was reproduced with the following paragraph below:)

## EXHIBIT No. 51

This is a sensational story. It is more than the confession of a paid stool-pigeon. It tells of meetings and parties of Joe McCarthy and his staff, how testimony is made to order for investigations and trials. Use the coupon below to order your copy.

## CANADA PLEDGES \$32,500—DEFENSE CAMPAIGN GAINS MOMENTUM

DENVER.—The Mine-Mill defense committee's campaign for funds is getting into high gear, according to Dave Jenkins, committee executive director, who just returned after several weeks in the Southwest, East, and Canada.

The Canadian Mine-Mill Council, in a meeting at Toronto attended by Jenkins, set up a Canadian Mine-Mill Defense Committee and named William Longridge as national secretary. Longridge, who was made executive secretary of the Canadian Council last year, is stationed in Toronto.

A nationwide tour of Canada on behalf of the defense will be made by Vice Presidents Nels Thibault and Orville Larson following the international convention in Spokane. Thibault will also make a trip to Europe to inform unions over there about the attacks on Mine-Mill.

The Canadian council also set a goal of \$32,500 to be raised in Canada in the next few months, and pledged the sale of 5,000 copies of False Witness, the book of Harvey Matusow's confessions.

Meantime, contributions and pledges have been coming in from Mine-Mill locals in growing amounts. They include: Bisbee Local 551, \$429; Miami Local 586, \$50; El Paso Local 509, \$1,000; Los Angeles Local 700, \$1,000; Hayden Local 886, \$1 per member assessment; Ray-Sonora Local 915, \$1 per member assessment; Kimberley Local 651, \$50 a month; Sudbury Local 598, \$250 monthly; Trail Local 480, \$100 a month; Alice Arm Local 906, \$50 a month; Alabama-Mississippi-Tennessee Locals, \$1 per member assessment; Timmins Local 241, \$25 a month; Port Colborne Local 637, \$25.

The Fur and Leather Workers Union has contributed \$1,000. The Midwest district of the United Electrical Radio & Machine Workers has sent in \$200. The American Communications Association contributed \$100.

The following locals of the International Longshoreman's and Warehouseman's Union have also contributed: Portland Local 8, \$750; Raymond, Wash., Local, \$5; Fisherman's Local, \$50; North Bend-Coos Bay Local, \$50; Wilmington Local 13, \$50; Eureka Local 14, \$50; Aberdeen Local 24, \$25; Los Angeles Local 26, \$25; Newport Local 53, \$180; Olympia Local, \$50; Vancouver Local 507, \$25; Bellingham Local 1-7, \$25; and Honolulu Local 142, \$100.

## ORDER FORM

MINE-MILL DEFENSE COMMITTEE,  
412 Tabor Building, Denver 2, Colo.:

Enclosed is my check for \$\_\_\_ Please send me \_\_\_\_ copies of False Witness, by Harvey Matusow, at \$1 each.

Name \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_  
State or Province \_\_\_\_\_

Mr. SOURWINE. Mr. Witt, did you ever discuss with officials of the Mine, Mill, and Smelter Workers Union a publicity, or public relations campaign with regard to Harvey Matusow's book?

Mr. WITT. No, Mr. Sourwine, not in any organized way; just generally.

It was taken for granted from the beginning that if the book were published and the union had some such relationship to it, as has been indicated by my testimony, then the union would be interested in having its members and other people read it; just in that sense.

Mr. SOURWINE. It was understood, was it not, that the union would use the book to the fullest possible extent if it was published?



Mr. WITT. I don't want to quarrel with you about language. It was understood that since the book and the subsequent affidavit was so important to the union and to Clinton Jencks, that the union would do everything in its power to make the best possible use of it.

Mr. SOURWINE. Do you know whether the publicity with regard to this book was written by ordinary employees of the union or whether anyone was employed specially for the purpose of writing publicity about this book?

Mr. WITT. I don't think anyone was employed specially to write publicity about the book.

Mr. SOURWINE. When did you first meet Harvey Matusow?

Mr. WITT. On the afternoon of December 14, 1954.

Mr. SOURWINE. You did not meet him in Salt Lake City?

Mr. WITT. Oh, yes; I am sorry. I saw him at Salt Lake City in your presence, Mr. Sourwine. I saw him when he gave his false testimony against my client, Clinton Jencks, in El Paso in January 1954. But I didn't meet him face to face as one person meets another until December 14, 1954.

Mr. SOURWINE. You never talked with him before December 14, 1954?

Mr. WITT. I did not.

Mr. SOURWINE. Have you ever been Mr. Matusow's attorney?

Mr. WITT. No, except in this sense: I think you are familiar with the testimony.

When he did come to me on December 14, Mr. Sourwine, before he talked to me about his book and the Jencks matter, he did have a minor question about the sublease of his apartment.

Mr. SOURWINE. Yes; but you weren't retained by him?

Mr. WITT. No; oh, no.

Mr. SOURWINE. There was no attorney-client relationship there?

Mr. WITT. No.

Mr. SOURWINE. All right.

When did you first know that Matusow was going to write a chapter about Jencks in the Mine, Mill, and Smelter hearings?

Mr. WITT. Let me answer it this way, if I may, Mr. Sourwine. After Mr. Matusow made his arrangements with Cameron & Kahn October 26, he got to work on the book and I would see, as I have already testified, I would see Mr. Kahn from time to time and he would tell me how the project was proceeding.

So I knew by December 14 that Mr. Matusow would be writing a chapter on his appearance before Senator McCarran and his testimony against Clinton Jencks. And I think I saw a draft of some chapter before, or 2 chapters, I think they were 2 separate chapters, before December 14.

Mr. SOURWINE. You are saying now you certainly knew it before December 14, and you may have seen the chapters before December 14?

Mr. WITT. Right. I am quite sure I saw the chapters.

Mr. SOURWINE. You discussed this matter with Matusow on December 14; did you not?

Mr. WITT. I did.

Mr. SOURWINE. Did he not at that time promise to send you the chapter when it was written?

Mr. WITT. Yes. Well, I have to explain that, an apparent contradiction with the answer I just gave, in this way, Mr. Sourwine: During the period from October 26, 1954, when the contract between Matusow on the one hand, and Cameron & Kahn on the other, was signed, until December 14, 1954, and in fact not until I returned from El Paso after we filed the motion for new trial on January 28, 1955, did Mr. Matusow know about the arrangements between Mine, Mill and Cameron & Kahn. That we kept from him, for obvious reasons.

Mr. SOURWINE. That has no bearing on the question I asked you.

Mr. WITT. I am sorry to be so long-winded and so roundabout. But I am trying to explain to you that even though I may have seen material before December 14, Mr. Matusow didn't know I had seen material because he didn't know about my relationship with Cameron & Kahn, because we didn't want to be accused, with which we have anyway, of course, and which we will be, I suppose, by this committee, we didn't want to be accused of subsidizing Mr. Matusow to his knowledge, so we kept it from him.

Mr. SOURWINE. Are you saying, in effect, this: That Mr. Matusow did promise on December 14 to send you the chapter when it was written?

Mr. WITT. Right.

Mr. SOURWINE. But you didn't let him know at that time that you knew it was already written, because you had seen it?

Mr. WITT. As I say, I am still not sure I had seen it, but if I had known they were written, if I had seen them, I would not have let him know on December 14 because we didn't want him to know about our relationship, as I say, until we filed our motion in the Jencks case, the thing was out in the open, and then we could tell him, Kahn and myself and Mine, Mill could tell him, the one fact which we hadn't told him for obvious reasons: that we had made this arrangement with Cameron & Kahn, in order to avoid the accusation that we were paying for his book or paying for his affidavit.

Mr. SOURWINE. But Mr. Matusow did promise you on December 14 that he would send you that chapter after it was written?

Mr. WITT. Yes.

Mr. SOURWINE. Which certainly carried the clear connotation at that time that he was saying it hadn't been written yet?

Mr. WITT. Well, whether he said it was written or drafted, I think you know from his testimony and from Mr. Kahn's testimony that it went through various drafts.

I am lost in that area; I didn't follow up on all that. But if he said when it was written, then he would have meant if there had been an early draft, or redraft, or a final draft, whatever you want to call it.

Mr. SOURWINE. Did you talk with Matusow himself after December 14, 1954?

Mr. WITT. At any time?

Mr. SOURWINE. Yes.

Mr. WITT. Oh, yes.

Mr. SOURWINE. Prior to his appearance before this committee?

Mr. WITT. Yes, yes.

Mr. SOURWINE. That is a foundation question, Mr. Chairman. I will come back to that.

The CHAIRMAN. Proceed.

Mr. SOURWINE. On December 14, 1954, Mr. Matusow came to your office and there told you that he would give you the chapters from his book on the Mine, Mill case and on Clinton Jencks?

Mr. WITT. When you say the Mine, Mill case, you mean what we call the McCarran hearings?

Mr. SOURWINE. There were the separate chapters.

Mr. WITT. In Salt Lake City, in October 1952?

Mr. SOURWINE. And Matusow promised you on December 14, 1954, that he would give you both those chapters?

Mr. WITT. That's right.

Mr. SOURWINE. You actually got those chapters from Kahn sometime between December 14 and January 3; is that right?

Mr. WITT. That's right.

Mr. SOURWINE. Even though you may have had the Jencks chapter earlier, yet pursuant to Mr. Matusow's statement, he sent you by Mr. Kahn these two chapters during that period between December 14 and January 3?

Mr. WITT. That's right.

Mr. SOURWINE. At least, you had them with you and took them to Denver on the 3d of January 1955?

Mr. WITT. I had one copy of them when I went to Denver on December 3, 1955.

Mr. SOURWINE. Now, when Matusow and Witt came to your office on December 14—

Mr. WITT. Excuse me, you misspoke yourself.

Mr. SOURWINE. I beg your pardon. When Matusow and Kahn came to your office on December 14, did they or either of them bring with them the tape transcription of their conversation of that date?

Mr. WITT. No.

Mr. SOURWINE. Did you ever hear that tape recording or read a transcription of it?

Mr. WITT. I certainly never heard the tape played. I never heard any of the tapes played.

Mr. SOURWINE. You never did?

Mr. WITT. I never did. And, in fact, let me answer that this way: It wasn't until I was on the stand in Judge Dimock's court, I think, that I learned that there was such a tape on this subject, or these subjects, on December 14.

Mr. SOURWINE. That was as you now know the last tape that was recorded; is that right?

Mr. WITT. I don't even know that. I have no knowledge about the tapes.

I had, as you know from my testimony, duplicates of the tapes which Mr. Kahn gave me to hold, which I turned over to the grand jury in New York. I never played them; I wasn't interested in them.

Mr. SOURWINE. Did you ever have them transcribed?

Mr. WITT. No; I never had them transcribed.

Mr. SOURWINE. Did they ever give you that, Mr. Kahn, Mr. Cameron, or Mr. Matusow, ever give you or send you transcriptions of those tapes?

Mr. WITT. Mr. Kahn would send me transcriptions, as I tried to say before, but I think I was saying so much, it got lost, during the period from the time Matusow got to work in October or November



right through to the end, of different sections of it. And as I tried to say, I wasn't paying too much attention to it, not even to the chapters on Mine, Mill, or Jencks.

Mr. SOURWINE. Can you say whether you have ever read the transcription of the tape of the conversation between Matusow and Kahn on December 14?

Mr. WITT. I can say I never did.

Mr. SOURWINE. You never did read it?

Mr. WITT. I never did. I said I saw that first in Judge Dimock's court. I think I saw it first, or heard it testified about or argued about in El Paso during the course of the hearing on the Jencks motion for new trial.

Mr. SOURWINE. Did you know that Matusow, in the tape-recorded conversation with Kahn on December 14, had labeled Jencks as a Communist under party discipline?

Mr. WITT. No; I didn't know; I don't know that now, Mr. Sourwine. I don't think you are accurate. I don't think you are being accurate, Mr. Sourwine.

Mr. SOURWINE. Without arguing that point, Mr. Witness—

Mr. WITT. Well, it is a very important point.

Mr. SOURWINE. I won't argue. May I ask the Chair to order that all references to Mr. Jencks in the tape-recorded conversations between Matusow and Kahn of the 14th of December 1954, in context, be ordered inserted in the record at this point.

The CHAIRMAN. Yes.

(The material above referred to was marked "Exhibit No. 52" and appears below:)

#### EXHIBIT No. 52

Mr. KAHN. Now let me ask you this for example—'cause I think this could come in well. You say in your testimony you met one of the Vincents at a Communist Party—at the Albert Hotel. Now actually, what was that party?

MATUSOW. Oh, I was being flippant. I think I said it was a hootenany—or a wing ding. An affair put on by Peoples Artists. No, it's unimportant here what it was. It wasn't a Communist Party party. There's a difference, you see. I drew the line to myself. A Communist-front party—so it's a Communist party. I said Vincent was introduced to me as a Communist Party member. I wasn't introduced to him saying this is Craig Vincent. He is a party member. No, not like that. The intangible again. Vincent was a party member. I knew Vincent was a party member from talking to him. When I was expelled from the Communist Party Vincent received the information from the party directly—through the party organization in New Mexico. I knew this too. There was no doubt in my mind about Vincent's party membership. When—I mean that I can't say that I didn't—there was, I can't say that I really didn't know that Vincent was a party member. Then I'd be lying. I knew he was a party member and I said so. I knew Jencks was a party member and I said so. I can't say here that Jencks wasn't a party member after he signed the affidavits because I know that he was. But I shouldn't have testified. That's the important thing.

KAHN. Why do you say you know he was?

MATUSOW. I say I know he was—I mean in this way. Men like Ben Gold who have been indicted on the same charge. He officially resigned from the Communist Party. Jencks also officially resigned from the party. Or he could have. Let's put it that way. But in—to my mind—then, in my thinking, it made him no less a Communist because he put a piece of paper down and said "I'm no longer a member." As far as I was concerned, Jencks was still under Communist Party discipline. And there's a difference. He legally, according to the law, might not have been a member of the party. I didn't know that difference. Jencks didn't change his thinking because he issued that scrap of paper.



Mr. SOURWINE. Mr. Witt, you have testified that copies of the transcriptions of the tape recordings of conversations between Matusow and Kahn were furnished to you, but at least one of them you did not read. Now, did you read the others, any of them?

Mr. WITT. Yes; I glanced at the material from time to time. I was terribly busy during this whole period, and my whole psychological slant was to stay away from the writing and publishing project, because I was fearful of becoming too heavily involved and fearful of accusations which would be leveled at me.

I know from experience since then that I haven't avoided the accusations. They have been leveled nonetheless, and I am here this afternoon, no matter how hard I tried to lean over backward, so here I am.

Mr. SOURWINE. Mr. Witt, I would like to ask you to affirm or deny, with such comment as you may care to make, this theory: That in fact you were told on the 14th of December 1954 of Mr. Matusow's statement of that date in his conversation with Mr. Kahn, the statement which has now been ordered put in the record, that it was as a result of your knowledge of that that arrangements were made to bring you into personal contact with Mr. Matusow on that date; that as a result of that personal contact, assurance was given satisfactory to you with regard to the chapters on the so-called McCarran hearings, as you referred to them, and on the Jencks case, and it was also as a result of your knowledge of that conversation that the tape recordings were terminated after that date.

Mr. WITT. I am afraid, Mr. Sourwine, I have to have that read back to me. I think I follow you, but I want to make sure because of this important question, an important series of questions.

Mr. SOURWINE. I would be glad to repeat it in substance, or have it hear, as you prefer.

Mr. WITT. I would rather have it read.

(Question read.)

Mr. WITT. My answer, yes or no, and then give you as brief an explanation as I can.

The answer to that, and I wish this one negative could be inserted in this record 17 times, at least, but we will go by our traditional methods of reporting and insert my answer "No" in the record just once.

But to go on with the short explanation, if I can keep it short, there is no explanation that can be found, no matter how many hearings this committee conducts, how many committees conduct, how many judges decide, there are no explanations which will be found for what Matusow finally said in his book about Mine, Mill, and Jencks, and his affidavit in the Jencks case, except that Matusow is now telling the truth.

Certainly, as far as I am concerned, there is no other explanation. Throughout this whole period I was leaning over as backward as I could lean over without licking my own boots from the rear, to avoid any suggestion that my conduct, the conduct of Mine, Mill, or Matusow, or Cameron & Kahn was improper.

I knew from the beginning, I knew from the beginning that when we tried to have the truth told about our union and our client, that the heavens would fall in Washington, New York, Texas, and in various other places.

I am reconciled to that, Mr. Sourwine, but I am amazed at the extent to which the heavens have fallen since January 17, 1954, when Matusow signed his first affidavit in the Jencks case.

Now, one other word. I am not being brief, but I will now be brief. It is true that when I did get the chapter on Jencks, I found this paragraph that I think you are particularly interested in, copy of which I took to Denver with me.

But despite how you or anybody else reads that paragraph, I didn't read it that way. If you want me to take time I will tell you why, but I won't unless you ask me to.

But the important thing is that I just didn't concern myself with that paragraph that you are so interested in, because, as I saw it as a lawyer, it didn't disprove the fact that in January 1954 Matusow had lied on the witness stand against my client.

Well, let me just say in a word as I read that paragraph, it may as well be part of the record, as I read that paragraph that you are talking about, it meant to me only that Matusow was explaining his psychology in being able to say that Jencks admitted he was a Communist to him when, in fact, Jencks did not so admit.

Mr. SOURWINE. How would you identify the paragraph I am talking about, Mr. Witt?

Mr. WITT. How can I?

Mr. SOURWINE. Yes.

Mr. WITT. Because after I did get those chapters between December 14 and January 3 I read them.

Mr. SOURWINE. I thought you testified here that you had never read the tape-recorded statement.

Mr. WITT. No, no; if I said that, all I intended to say was I didn't know that that tape had been made on December 14.

Mr. SOURWINE. But you have now read it?

Mr. WITT. Oh, I have read it. I read it at the time.

Mr. SOURWINE. What do you mean at the time?

Mr. WITT. At the time I got the chapters from Mr. Kahn. I read it at the time, but I am telling you, No. 1, that I did nothing about it. I didn't talk to Mr. Matusow or Kahn or anybody else in the world about it, and I am explaining to you why, as a lawyer, I did nothing about it. Now, one final word—

Mr. SOURWINE. But if your prior testimony here was that you did not read that chapter, that testimony was inaccurate?

Mr. WITT. I am sorry, then I misspoke myself.

One final word, the way I reconstructed the situation; when I did hear in El Paso that this tape had been made on December 14, the understanding, as I think I said to you, between Kahn and myself, during the period from October until December 14, was that the time would come when Kahn would say to Matusow, "Why don't you come and meet Witt?"

He had already told him he had gotten his original testimony in the Jencks case from me, so Matusow—that he knew me and was in touch with me. But the December 14 meeting came about, according to what both Matusow and Kahn told me, at Matusow's instigation or at his suggestion, and the way I reconstruct it is now, knowing that he made the tape in my area that day; that having done it he was making progress; he had more and more confidence in Kahn; he had back in his mind undoubtedly the fact that he would see me someday. He said to

himself, "Well; I may as well go see Witt. I have this little tenant problem anyway. I'll kill 2 birds with 1 stone."

I think that is what happened, but you can ask him whether that was his thinking. I haven't talked to him about it since I first discovered that this tape was made on December 14.

Mr. SOURWINE. Are you all through?

Mr. WITT. But that is a simple explanation. I think it makes sense; but there it is.

Mr. SOURWINE. All through.

Mr. WITT. I think I am. I wasn't brief.

Mr. SOURWINE. Were you present at the meeting of the board of the Mine, Mill, and Smelter Workers Union in January 1955, when Albert Kahn of the firm of Cameron & Kahn told the board about the scheduled publication of the book False Witness?

Mr. WITT. No; if that was the meeting which took place, the board meeting which took place during the week of Monday, January 24. I had been present at the board meeting early in the week on my way down to El Paso to file a motion in the Jencks case, and I think Mr. Kahn followed me into Denver, if that is the occasion you are talking about.

Mr. SOURWINE. It isn't necessary to place the date. The question was: were you present at the board meeting when Mr. Cameron made this presentation?

Mr. WITT. You said in January, Mr. Sourwine. I am sorry to take time being so precise, but I am anxious to be precise.

Mr. SOURWINE. I identified the meeting as having taken place in January.

Mr. WITT. There may have been another one. If you ask me now whether there were two executive board meetings in January, I wouldn't be sure.

Mr. SOURWINE. Were you at any board meeting of Mine, Mill, and Smelters Union at any time when Mr. Cameron told the board about the scheduled publication of the book False Witness?

Mr. WITT. You have now said Mr. Cameron. You mean Cameron or Kahn?

Mr. SOURWINE. I beg your pardon; Mr. Albert Kahn?

Mr. WITT. No; I was not at any board meeting.

Mr. SOURWINE. You, sir, drafted the form of an affidavit for Matusow; is that right?

Mr. WITT. May I have that read back?

Mr. SOURWINE. You, sir, drafted the form of affidavit for Matusow?

Mr. WITT. Yes; but it is important for me to say, although I think our minds meet on it—

Mr. SOURWINE. You left space for what you call his recantations and told him to fill in those blank spaces?

Mr. WITT. Right.

Mr. SOURWINE. Matusow gave you two affidavits about the Jencks case.

Mr. WITT. He did.

Mr. SOURWINE. One on the 17th or 18th and the other on the 20th?

Mr. WITT. One on the 17th and one on the 20th. The affidavit of the 20th was just a recasting in terms of structure aside from a couple of minor changes.



Mr. SOURWINE. With respect to the first affidavit you had given him a form with blanks in which he was to fill in his recantation?

Mr. WITT. Yes.

Mr. SOURWINE. He had gone home and typed out several pages of material and had initialed each page; and then you put that material in the affidavit and he signed it.

Mr. WITT. Yes.

Mr. SOURWINE. And thereafter you thought it would be helpful if you placed the specific recantation in each instance in the same paragraph or subparagraph with the original testimony on the point?

Mr. WITT. Yes.

Mr. SOURWINE. So you did that?

Mr. WITT. Yes.

Mr. SOURWINE. And you told Matusow you had done that and then he signed the affidavit as it was?

Mr. WITT. Yes; on the 20th. That is the one that was filed with the motion for a new trial on the 28th.

Mr. SOURWINE. Now after Matusow had executed his affidavit in the Jencks case; you talked with Mr. Kahn or with a Mr. Gerson, a defendant in the Flynn case, about the possibility of Matusow executing an affidavit in the Flynn case?

Mr. WITT. I am not sure I could fix that in time.

Mr. SOURWINE. It was not before Matusow executed his affidavit in the Jencks case; was it?

Mr. WITT. It might have been.

Mr. SOURWINE. I will put the question this way: Did you at some time talk with either Mr. Kahn or with Mr. Gerson about the possibility of Matusow executing an affidavit in the Flynn case?

Mr. WITT. Yes. As long as the question carries no implication that I sought them out to talk. I did talk to him no matter who solicited the conversation.

Mr. SOURWINE. Seeking them out would imply that they were together. As a matter of fact the two people I named were Mr. Kahn and Mr. Gerson. They aren't associated in your mind; are they?

Mr. WITT. I didn't intend it that way. I just was talking short-hand, Mr. Sourwine.

Mr. SOURWINE. What is your best recollection as to whether you talked about this with Mr. Kahn or with Mr. Gerson?

Mr. WITT. I think I talked to both about it on different occasions.

Mr. SOURWINE. With whom did you talk about it first?

Mr. WITT. That I would have no recollection of.

Mr. SOURWINE. What is your best recollection as to whether you talked about it first before or after Matusow had executed his affidavit in the Jencks case?

Mr. WITT. I wouldn't have a good recollection on that. If you asked me to guess; I would say I had at least one conversation about the Flynn case before Matusow executed his first or second affidavit in the Jencks case.

Mr. SOURWINE. Now the Gerson we are talking about is the national legislative representative of the Communist Party, is that right?

Mr. WITT. The national legislative representative?

Mr. SOURWINE. Yes.

Mr. WITT. I really don't know his title.



Mr. SOURWINE. Do you know that he holds any official position with the Communist Party?

Mr. WITT. I don't know that. I know he is a full-time representative of the Communist Party; a full-time employee, worker, official, but just what his work is or what his title is I don't know.

Mr. SOURWINE. This is Simon Gerson?

Mr. WITT. Simon Gerson I understood you.

Mr. SOURWINE. Now as a result of the talk that you had with Mr. Gerson, did Mr. Robert Zavell Lewis, an attorney for the defendants in the Flynn case, come to your office?

Mr. WITT. He did.

Mr. SOURWINE. And you gave the insert material, a copy of the January 17 affidavit in the Jencks case, a draft of a motion for a new trial and some case authorities on the question of a new trial?

Mr. WITT. Right.

Mr. SOURWINE. Did you, Mr. Witt, at the request of the Mine, Mill people, your clients, make arrangements respecting companionship for Matusow?

Mr. WITT. Do you want to repeat that question?

Mr. SOURWINE. Yes. Did you, sir, at the request of the Mine, Mill people, your clients, make arrangements respecting companionship for Matusow?

Mr. WITT. Yes.

Mr. SOURWINE. Male companionship?

Mr. WITT. Yes. Oh, I understand you are not accusing me of being a pimp, Mr. Sourwine?

Mr. SOURWINE. When did you first meet Herb Tank?

Mr. WITT. Well, I am not sure of that date. I have tried to reconstruct it, I have been asked before, but he has testified—I am not sure—that it was in my office on or about January 18 or 19.

Mr. SOURWINE. You did not meet him prior to the first of 1955; is that right?

Mr. WITT. No, I had never met him before that occasion in my office.

Mr. SOURWINE. Did he come to your office with Mr. Kahn and Mr. Matusow?

Mr. WITT. Well, in a sense he did. He was expecting Mr. Matusow and Mr. Kahn. And I remember Mr. Kahn called me that afternoon and said somebody would be there at the time he had his appointment with me, and he would tell me about it when he got there, which he did. He met Mr. Tank at my office, and brought Mr. Tank in, introduced him and said, "This is Herb Tank; this is Nat Witt."

Mr. SOURWINE. Who got there first?

Mr. WITT. Mr. Tank did, according to my recollection. He was waiting for Mr. Kahn in my outer office. I wasn't aware of the fact that he was waiting. I don't know where he was waiting in my office.

Mr. SOURWINE. You weren't aware of the fact that he was waiting. If Kahn brought him in, how do you know he was waiting before Kahn arrived?

Mr. WITT. I forget. Somebody told Kahn before Kahn came, maybe Matusow or somebody in the office told him.

Mr. SOURWINE. Did Mr. Kahn and Mr. Matusow arrive together?

Mr. WITT. My recollection is not.

Mr. SOURWINE. Then did Mr. Matusow arrive before Mr. Kahn?

Mr. WITT. That is my recollection, but I couldn't be too certain.

Mr. SOURWINE. Then Matusow and Tank were waiting together in your office?

Mr. WITT. When I say my office I mean my own work office where Mr. Matusow was when he came to keep the appointment. When I say Mr. Tank was waiting in the outer office or the library, I mean in the reception room or in the library in the middle of our suite which all of the lawyers on the floor use. So I didn't see Mr. Tank until Mr. Kahn came in, but whether he came into my office before I talked to Mr. Tank or not I don't remember. But in any event, as I said, he brought Mr. Tank into my own work office, my private office, and introduced me to him.

Mr. SOURWINE. Was Mr. Matusow in your own work office at that time?

Mr. WITT. My recollection is that he was.

Mr. SOURWINE. Mr. Matusow and you were talking privately before Mr. Kahn and Mr. Tank came in; is that right?

Mr. WITT. Yes, we were chatting or talking; I don't know.

Mr. SOURWINE. Did you ever discuss the case of Harvey Matusow with any official of the Communist Party known to you to be such?

Mr. WITT. No, with the exception of Si Gerson, if he is an official. As I said, I don't know.

Mr. SOURWINE. You discussed with Matusow on different occasions the possibility of a perjury charge against him?

Mr. WITT. Yes.

Mr. SOURWINE. You got him a copy of the Attorney General's message asking for a new perjury statute?

Mr. WITT. Yes; the one he delivered to the last Congress, I think, in April of 1954.

Mr. SOURWINE. You took the time to analyze with him the possibilities in this regard, that is the possible consequences of his giving the affidavit?

Mr. WITT. Yes.

Mr. SOURWINE. To what extent was Matusow briefed on how to act on the witness stand?

Mr. WITT. Just one word on the last question. Again I do this almost by rote now, Mr. Sourwine. I am sorry. It is important for me to say when I first discussed the question with Matusow, he didn't say to me directly or indirectly or by implication or in any other way that if he faced the possibility of perjury, he would not tell the truth.

He said he was determined to tell the truth, no matter what the consequences, but he wanted to know what the consequences might be. All right, now I lost your last question.

Mr. SOURWINE. The question is to what extent was Matusow briefed as to how to act on the witness stand?

Mr. WITT. By me? Witness stand where?

Mr. SOURWINE. I take this question to mean to your knowledge; and then I will ask you how much of it was by you.

Mr. WITT. I don't know.

Mr. SOURWINE. Or the witness stand before this committee?

Mr. WITT. He has counsel and I have no knowledge. I talked to his counsel from time to time, but I haven't been in on those discussions and I don't know the details.

MR. SOURWINE. To what extent was Matusow briefed by you as to how to act on the witness stand?

MR. WITT. Well, I don't know what you mean by "how to act," but we did discuss problems from time to time. He discussed the perjury problem and the only other general problem I remember his ever discussing with me is the problem of the fifth amendment.

MR. SOURWINE. What advice or instructions, if any, did you give Matusow about how to act on the witness stand?

MR. WITT. I never gave Matusow any instructions because I have never represented him, and that has not been my relationship to him.

Since I first met him, we, of course, have been friendly. After all, a lawyer who is trying to secure a new trial for his client, based on an affidavit of recantation, has a friendly feeling toward the witness who is recanting. So it has been that kind of talk. But it has not been instruction.

As I say, the only two objects that I remember discussing generally, there might have been some side issues, subjects of possible perjury. Oh, also contempt, especially since Judge Thomason did what he did, and the question of the fifth amendment.

MR. SOURWINE. I use the alternatives "instructions or advice." You ruled out instructions. What advice, if any, did you give him as to how to act on the witness stand?

MR. WITT. I wouldn't even call it advice because I haven't represented him as his counsel. He got to know me as a lawyer, and he discussed these questions with me.

MR. SOURWINE. Using the word "advice" not as connoting a relationship between counsel and client, which you said did not exist, using it in the ordinary sense, what advice, if any, did you give Matusow about how to act on the witness stand?

MR. WITT. I didn't give him specific advice. I explained the perjury statute with him, on which I wasn't an expert when he first came to me, but after I got Mr. Brownell's message to Congress on his proposed bill, I discussed that with him.

I discussed the fifth amendment with him on 1 or 2 occasions along the lines that you would be as familiar with as I am, Mr. Sourwine.

MR. SOURWINE. Did you give him advice on when and how to claim the fifth amendment?

MR. WITT. I don't think so. As is natural when you are talking to a layman, any time during this period, especially in that position, you might get into a question of waiver and all the rest of the business that has been built up in the fifth amendment field, so I may have touched on it from time to time.

MR. SOURWINE. Did you give him any advice or instructions as to how to destroy his previous testimony without actually lying on the witness stand?

MR. WITT. No.

MR. SOURWINE. Did you discuss with him such matters as to when not to give a "yes" or "no" answer?

MR. WITT. No.

MR. SOURWINE. Did you discuss with him such matters as when to expand the question and when to contract the question?

MR. WITT. Now you are getting into an area where he is much more of an expert than I am, Mr. Sourwine.



Mr. SOURWINE. The question is whether you discussed with him such matters as to when to expand the question and when to contract the question.

Mr. WITT. He discussed with me when he was really giving the kind of testimony this committee wanted, the Department of Justice wanted, all its techniques, the techniques pursued by professional witnesses. I could give him no advice in that regard. I am not expert in that field.

Mr. SOURWINE. You gave him no pointers at all?

Mr. WITT. No; I don't think so. I may have commented on something he said. After all, I am an older man and a lawyer, but I didn't try to compete with him as a lawyer talking to a professional witness who had considerable experience under past masters.

Mr. SOURWINE. Are you familiar, Mr. Witt, with the term "distestify"?

Mr. WITT. Pardon?

Mr. SOURWINE. The term "distestify"?

Mr. WITT. D-i-s; would that be it? I don't think I have ever heard that.

Mr. SOURWINE. Do you or did you know one Abe Unger?

Mr. WITT. Yes, I do.

Mr. SOURWINE. Did you know either of his partners, Mr. Friedman or Mr. Fleischer?

Mr. WITT. Yes, I have known both. Mr. Fleischer has not been his partner, I believe, for a long time, and I am not sure Mr. Friedman is now his partner, but I don't know one way or the other.

Mr. SOURWINE. Did you know Abe Unger as section organizer of the lawyers' section of the Communist Party of New York?

Mr. WITT. I object to the question as being immaterial for the purposes of this inquiry, Mr. Chairman.

Mr. SOURWINE. Did you know Abe Unger as section organizer of the lawyers' section of the Communist Party in New York?

The CHAIRMAN. Yes, that is a material question.

Mr. WITT. What has that got to do with Matusow or the Jencks case or the Flynn case?

The CHAIRMAN. I order you to answer the question.

Mr. WITT. All right. Then I object on the ground that the question violates my rights under the first amendment.

The CHAIRMAN. That is overruled.

Mr. WITT. Then I refuse to answer on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

Mr. SOURWINE. To facilitate proceedings, Mr. Chairman, may I suggest that it be stipulated—incidentally, the record doesn't show the witness is attended by counsel. That is my oversight.

Will counsel give his name?

Mr. FORER. Joseph Forer.

Mr. SOURWINE. Of Washington, D. C.?

Mr. FORER. Washington, D. C.

Mr. SOURWINE. May it be stipulated that at any time when the witness claims his right to refuse to answer a question on grounds that it will incriminate him, he desires first to claim an asserted privilege not to answer because of immateriality and, second, because of a claimed right under the first amendment, and that in each case the Chair has overruled those objections.



MR. WITT. So it is understood that no matter what I am asked by you or the committee, that any objection as to materiality and the first amendment is not well taken. Well, we will save time that way. I think I understand that to be the position of the committee anyway. I will agree to that.

MR. SOURWINE. You overlook the fact, Mr. Witt, that it is within the power of the Chair at any time to permit your claim, to allow your objection. I am simply attempting to save time here.

I am assuming that your future objections will be the same as the ones you have already made, and would get the same ruling of the Chair.

If you don't desire that stipulation, I will be very glad to have you go ahead. I am saving time for you, sir, and not the committee.

MR. WITT. Right; I appreciate that, Mr. Sourwine, but I would rather not save time in this area.

MR. SOURWINE. There will be no stipulation.

Did you know the firm of Unger, Friedman & Fleischer as the Communist Party law office during the period 1945 to 1949?

MR. WITT. If by that you mean that they represented the Communist Party from time to time, I did know that.

MR. SOURWINE. Did you know that this law office had supplied Communist Party leaders with mimeographed instructions on the first and fifth amendments as far back as 1948?

MR. WITT. Senator McClellan, are you acting as chairman?

Well, Senator McClellan, I want to object to that on the grounds of materiality.

These are lawyers Mr. Sourwine is talking about, giving advice about the Constitution of the United States to their clients. Here I am, as attorney for Clinton Jencks, and I am being asked a question about some other lawyers who advised their clients. Now, Senator McClellan, there are some limits to this.

MR. SOURWINE. You are not claiming any privilege regarding communications between another lawyer and client, are you, Mr. Witt?

MR. WITT. No; I am just outraged, as a lawyer, that I should be asked by another lawyer, especially in this context, when I am here only because I have been doing my job as a lawyer, to comment on the fact that other lawyers gave advice to their clients about the Constitution of the United States, specifically, the Bill of Rights.

MR. SOURWINE. The question is: did you know?

MR. WITT. What is the relevance if I knew or didn't know whether he did or didn't?

Senator McCLELLAN. Let's not argue about it. You can make any objection you care to. If you wish to object to it, the Chair will take the appropriate action.

Objection is overruled. Answer the question. Proceed.

MR. WITT. I object on the grounds of the first amendment that I may not be asked about other lawyers giving advice to their clients about the first amendment.

Senator McCLELLAN. Objection is overruled.

MR. WITT. Or about the fifth amendment.

MR. SOURWINE. Do you decline to answer, claiming your privilege under the fifth amendment, Mr. Witt?

Mr. WITT. Yes, but I call it the privilege not to be a witness against myself, Mr. Sourwine—not the privilege against self-incrimination.

Mr. SOURWINE. Did you ever have any connection with the lawyers section of the Communist Party?

Mr. WITT. May I adopt Mr. Sourwine's suggestion about a stipulation on this?

Mr. SOURWINE. You declined stipulation, sir. Go ahead.

Mr. WITT. I object on the grounds of materiality.

Senator McCLELLAN. Objection is overruled.

Mr. WITT. I object on the grounds that it violates my rights under the first amendment.

Senator McCLELLAN. Objection is overruled.

Mr. WITT. I refuse to answer on the grounds that under the fifth amendment I may not be compelled to be a witness against myself, either about my political beliefs or affiliations or whether my name is Jewish or not.

Mr. SOURWINE. Mr. Witt, as a matter of fact, you may not be required to be a witness against yourself, about anything.

Mr. WITT. But in this context these are the things I am objecting to. You are not asking me about what I had for breakfast, but at this rate you will be asking me what some lawyer who is alleged to be a member of the Communist Party had for breakfast and whom he had breakfast with yesterday.

Mr. SOURWINE. Are you connected with the Lawyers Commission or Law Commission of the Communist Party, U. S. A.?

Mr. WITT. I object on the grounds of materiality.

Senator McCLELLAN. Objection is overruled.

Mr. WITT. I object on the grounds that it violates my rights under the first amendment.

Senator McCLELLAN. Objection is overruled.

Mr. WITT. I refuse to answer on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

Mr. SOURWINE. Are you connected at the present time with any group designated for the purpose of planning legal strategy and tactics for the Communist Party, U. S. A.?

Mr. WITT. Mr. Sourwine, I am getting to the point of complimenting you on avoiding the kind of questions you asked in Salt Lake City in October 1952, but that is the kind of question I object to, it is so general and so meaningless.

Really, Mr. Sourwine, you are talking to a lawyer. Does that mean, do I ever talk to Communists? Certainly I talk to Communists. I talk to anybody who comes into my office for legal advice.

Mr. SOURWINE. Are you now or have you ever been a member of the National Committee of the Communist Party?

Mr. WITT. Why, you are promoting me, Mr. Sourwine.

No, I am sorry, I don't mean to be facetious. I am not. I have never been.

Mr. SOURWINE. Are you now or have you ever been a member of the National Board of the Communist Party?

Mr. WITT. I am not. I have never been.

Mr. SOURWINE. Are you now or have you ever been a member of the legal commission or any other legal body of the Communist Party?

Mr. WITT. I thought you asked me that, but maybe you didn't. I object on the grounds of materiality.

Senator McCLELLAN. Objection is overruled.

Mr. WITT. I object on the grounds that the question violates my rights under the first amendment.

Senator McCLELLAN. Objection overruled.

Mr. WITT. I refuse to answer on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

Senator McCLELLAN. All right. Proceed.

Mr. SOURWINE. Are you a member of any committee or group in the Communist Party, together with Harry Sacher or Mary M. Kaufman?

Mr. WITT. No.

Mr. SOURWINE. Were you present at the Communist Party convention in 1945?

Mr. WITT. Where was that held, Mr. Sourwine?

Mr. SOURWINE. I wasn't there, Mr. Witt.

Mr. WITT. Well, I have no recollection as to whether I was there or where it was held or anything else about it.

Mr. SOURWINE. Have you ever been present at a convention of the Communist Party, U. S. A.?

Mr. WITT. As a delegate, as an observer, as adviser, as a newspaperman, a lawyer?

Mr. SOURWINE. I didn't ask you to specify. I just asked you if you were present. If the answer is "No," it will save time.

Mr. WITT. In any capacity?

Mr. SOURWINE. Yes.

Mr. WITT. I object to it on the ground of immateriality.

Senator McCLELLAN. Objection overruled.

Mr. WITT. I object on the grounds the question violates my rights under the first amendment.

Senator McCLELLAN. Overruled.

Mr. WITT. I refuse to answer on the grounds that, under the fifth amendment to the Constitution, I may not be compelled to be a witness against myself.

Senator McCLELLAN. Proceed.

Mr. SOURWINE. Did you ever attend a Communist plenum?

Aren't you familiar with that term?

Mr. WITT. As a lawyer I am familiar with the materials where the term is used, but I don't know how you use it; I really don't.

Mr. SOURWINE. Do you know how the Communist Party uses the term "plenum"?

Mr. WITT. I do not.

Mr. SOURWINE. Did you ever attend a plenary session of officials of the Communist Party?

Mr. WITT. I don't know what a plenary session is, except when treaties of peace are signed and that kind of business, so I just don't understand the question.

Mr. SOURWINE. Did you ever attend a closed meeting of officials of the Communist Party for the discussion and transaction of high level party business?

Mr. WITT. May I have that question repeated?

(Question read.)

Mr. WITT. Well, now, I am afraid we are getting into the definitions which the late Senator McCarran left behind him. I must object on the grounds of materiality..



Senator McCLELLAN. Objection overruled.

Mr. WITT. I object on the grounds that the question violates my rights under the first amendment.

Senator McCLELLAN. Objection overruled.

Mr. WITT. I refuse to answer on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

Senator McCLELLAN. All right, proceed.

Mr. SOURWINE. Mr. Witt, what have been your dealings with J. Peters, former head of the underground group of the Communist Party in Washington, D. C.?

Mr. WITT. I object on the grounds of materiality.

Senator McCLELLAN. Objection overruled.

Mr. WITT. I object on the grounds that the question violates my rights under the first amendment.

Senator McCLELLAN. That objection is overruled.

Mr. WITT. I refuse to answer on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

Senator McCLELLAN. Proceed.

Mr. SOURWINE. Mr. Witt, were you ever a member of a group or organization which included among its other members Lee Pressman, Whittaker Chambers, Harold Ware, Victor Perlo, Charles Kramer, and Henry Collins?

Mr. WITT. I object on the grounds of materiality.

Senator McCLELLAN. Objection overruled.

Mr. WITT. I object on the grounds that the question violates my rights under the first amendment.

Senator McCLELLAN. Objection overruled.

Mr. WITT. I refuse to answer on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

Senator McCLELLAN. Proceed.

Mr. SOURWINE. When you were with the National Labor Relations Board did you have the responsibility for the staff hiring and firing during the period when you were Secretary?

Mr. WITT. I had responsibility as Secretary for recommending hiring and firing of all except the legal staff.

Mr. SOURWINE. Were you responsible during that period for the employment by the National Labor Relations Board of any person or persons known to you at the time to be Communists?

Mr. WITT. At the time, I was responsible for helping build up one of the finest Government staffs that Washington ever saw, and neither I nor the members of the Board were concerned with the political affiliations of the people on the staff. All we were concerned with was their devotion to an act passed by the Congress of the United States, and with their competency.

Mr. SOURWINE. Would you answer the question, please?

Mr. WITT. History records that that was a wise policy, and the policies which have been pursued since then have been most unfortunate.

Mr. SOURWINE. Now, will you answer the question, please.

Have you forgotten it?

Mr. WITT. No; I think I remember.

Mr. SOURWINE. Would you answer it, please.

Mr. WITT. If you want it answered in your form, Mr. Sourwine, I object on the grounds of materiality.



Senator McCLELLAN. Objection overruled.

Mr. WITT. I object on the grounds that the question violates my rights under the first amendment.

Senator McCLELLAN. Overruled.

Mr. WITT. I refuse to answer the question on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Chairman, I ask that there be inserted in the record at this point a short excerpt from the testimony of David J. Sapoos before the Internal Security Subcommittee in our Government hearings on June 4, 1953. It is less than two pages, and bears on this subject.

Senator McCLELLAN. Without objection that will be ordered.

(The material referred to was marked "Exhibit No. 53" and appears below:)

EXHIBIT No. 53

TESTIMONY OF DAVID J. SAPOOS BEFORE SENATE INTERNAL SECURITY SUBCOMMITTEE  
RE GOVERNMENT HEARINGS, JUNE 4, 1953

Mr. SAPOOS. Well, Nathan Witt, first, as I mentioned, was the attorney of the Review Board, which was the unit which reviewed all cases and, of course, in reviewing cases, it was possible to interpret and analyze data.

Later on when he became secretary, he was, of course, the executive officer of the Board, which gave him full responsibility for the staff in the National Labor Relations Board, except the attorneys, and it gave him responsibility for the staff in the regions, the hiring of the regional directors, the hiring of the field examiners; again, everyone in the regional offices, except the attorneys.

In addition thereto, of course, all the routine work of the Board, such as, for instance, the assigning of the order in which cases were to be heard, the citing of how the material pertaining to particular cases was to be presented to the Board in executive session—all of that gravitated and was carried through the Secretary of the Board, and therefore, Nathan Witt, as Secretary of the Board, was undoubtedly the most influential person in the conduct of the affairs of the Board.

\* \* \* \* \*

Mr. SAPOOS. \* \* \* Mr. Madden, the Chairman of the Board, seemed to be always preoccupied with the legal problems and legal principles of the Board, and paid very little attention to the administrative problems; so that in that case both Nathan Witt and Edwin Smith were in the position to actually run the Board.

\* \* \* \* \*

Mr. MORRIS. I wonder if you would just amplify a little more about the powers that Nathan Witt had at that time?

Mr. SAPOOS. Well, as I mentioned, he was able if any case came in—any case that came in, of course, came to him directly. He was able to decide the order in which it was to appear. He was the one that presented a digest to the Board as to the issues in the case. He recommended to the Board what particular action should be taken, and so on, and in that way, of course, he had a tremendous influence; and also by appointing. You see, the civil service did not apply to the employees of the NLRB, and by appointing field examiners who were the ones, of course, who made the investigations, by appointing the regional directors, by controlling the staff at the National Headquarters, he was, of course, in a position to exercise the greatest influence of anybody connected with the Board including the Board members.

Mr. MORRIS. So the solicitations of these various organizations (League for Peace and Democracy and League of Women Shoppers, the Washington Book Shop) which have been listed by the Attorney General to be Communist organizations went on during office hours?

Mr. SAPOOS. Yes.

Mr. MORRIS. Was that done very frequently, Mr. Sapoos?

Mr. SAPOOS. It was routine, I should say.

Mr. MORRIS. Do you think Mr. Witt and Mr. Smith, about whom we have been talking, knew about that?

Mr. SAPOSS. Oh, it was pretty generally understood that it was being done with their approval and support.

Mr. MORRIS. When you say it was generally understood, sir, you mean that there were conversations to that effect?

Mr. SAPOSS. The staff people knew that it was done with their support and approval, and were undoubtedly influenced in signing petitions and making donations, were influenced because of the fact that these two people, who were influential people, approved of these activities.

\* \* \* \* \*

Mr. MORRIS. Now, did he (Thomas I. Emerson) generally share the outlook and the position that was held by Smith and Witt?

Mr. SAPOSS. Yes; he was pretty sympathetic to that role. He was, of course a key member of the National Lawyers' Guild and was very active in it, and it was commonly understood insofar as the National Labor Relations Board was concerned, that he was of sort of a triumvirate; that it was Ed Smith and Nate Witt and Tom Emerson who were the triumvirate and the key people who influenced the direction and activities and the hiring of staff within the Board.

\* \* \* \* \*

Mr. MORRIS. What was Allan Rosenberg's position?

Mr. SAPOSS. He was Nathan Witt's assistant, and a very energetic, dynamic, keen individual, who was sort of regarded as Nathan Witt's hatchetman.

Mr. WITT. Mr. Chairman, we went through 7 years of Labor Board history with extensive hearings held by different committees of the Congress of the United States, running to tens of thousands of pages, and to select an excerpt from the testimony of some disgruntled employee years later, without throwing the whole subject wide open—Senator McClellan, you tried to improve the procedures of investigating committees during the McCarthy hearings. Look what you are doing. How can you justify that as a lawyer?

Senator McCLELLAN. Let's save our compliments, and we are going to save time. It will be made a part of the record. Period.

Mr. SOURWINE. Mr. Chairman, may there be inserted in the record at this point the testimony of Nathan Witt in our hearings on Interlocking Subversion in Government, testimony given before this committee on May 26, 1953.

Senator McCLELLAN. It may be inserted in the record, without objection.

(The material referred to was marked "Exhibit No. 54" and appears below:)

#### EXHIBIT No. 54

Mr. MORRIS (Robert Morris, subcommittee counsel). Mr. Nathan Witt.

The CHAIRMAN (Senator Jenner). Will you be sworn, Mr. Witt? Do you solemnly swear that the testimony you will give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WITT. I do.

TESTIMONY OF NATHAN WITT, NEW YORK, N. Y., ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER, WASHINGTON, D. C.

The CHAIRMAN. State your name to the committee.

Mr. WITT. I am sorry, Senator, Nathan Witt.

The CHAIRMAN. Where do you reside, Mr. Witt?

Mr. WITT. 160 West 77th Street, New York City.

The CHAIRMAN. What is your business or profession?

Mr. WITT. I am a lawyer.

The CHAIRMAN. Let the record show that Mr. Witt is present here with his counsel, Mr. Forer.

Proceed, Mr. Morris.

Mr. MORRIS. Mr. Witt, what degrees do you hold?

Mr. WITT. I have a bachelor of science degree from Washington Square College of New York University, and I hold a law degree from the Harvard Law School.

Mr. MORRIS. What years did you obtain those degrees?

Mr. WITT. In 1927 my college degree; in 1932 my law degree.

Mr. MORRIS. Mr. Witt, what has been your Government employment?

Mr. WITT. I entered the service of the Agricultural Adjustment Administration of the Department of Agriculture in July, I think it was, of 1933. I was a member of the legal staff of the AAA. In February 1934 I joined the legal staff of the old National Labor Relations Board set up pursuant to Public Resolution 44 under the National Industrial Recovery Act.

In July 1935 when the Wagner Act became effective, I, together with the rest of the staff of the old Board, was taken over by the Board appointed pursuant to the Wagner Act. I was on the legal staff of that Board.

In December 1935, I believe it was, I was appointed Assistant General Counsel of the Board, and in November 1937 I was appointed Secretary of the Board, and I remained Secretary in active service until some time toward the end of 1940, although I may have continued on the payroll because of accrued annual leave until some time early in 1941.

Mr. MORRIS. What was your salary as Secretary of the National Labor Relations Board?

Mr. WITT. I believe it was \$7,500 a year, Mr. Morris, at least at the time I resigned. It may have been somewhat lower when I took the post.

Mr. MORRIS. Were you associated with Edwin S. Smith? You served as Secretary when he was a member of the Board, did you not?

Mr. WITT. I did, Mr. Morris.

Mr. MORRIS. Mr. Witt, you have had no more Government employment since that time, is that your testimony?

Mr. WITT. That is my testimony.

The CHAIRMAN. Gentlemen, take your pictures, and while the witness is testifying do not take a picture.

Senator SMITH. Do you have any objection?

Mr. WITT. I have no objection except that I want that light to go out; it bothers my eyes.

The CHAIRMAN. Now then, will you turn the light out, please?

Mr. WITT. Thank you, Senator.

Mr. MORRIS. Mr. Witt, you are acquainted with the American Communications Association, are you not?

Mr. WITT. I am not sure of the word "acquainted," Mr. Morris. I know there is such an organization.

Mr. MORRIS. It is a labor union, is it not?

Mr. WITT. This is the American Communications Association?

Mr. MORRIS. Yes. It is a labor union?

Mr. WITT. Association.

Mr. MORRIS. When did you first become aware of the American Communications Association?

Mr. WITT. I wouldn't be sure, Mr. Morris. My best recollection, although I would be reluctant to be held to my oath on it, is that it was organized during the early days of the CIO, 1936, 1937, perhaps in 1938, and I think I heard its name at that time. I was with the Labor Board in the labor field, and I would know about labor organizations operating in this country.

Mr. MORRIS. I see. The Columbia Broadcasting System, the RCA Communications, Inc., Postal Telegraph, RCA Communications, Inc., Western Union Telegraph, Postal Telegraph, those organizations were all up before you while you were secretary of the Board, were they not? I have the dates here, October 11, 1938, for the Columbia Broadcasting System; November 27, 1938, for the RCA Communications; November 22, 1938, for the Postal Telegraph? You remember that the organizing of the workers of these various communications corporations was a consideration before you while you were secretary of the Board?

Mr. WITT. I now recollect, Mr. Morris, that before the organization became known as the ACA, it was known as the ARTA, the American Radio Telegraphers Association. As far as the names of those companies are concerned, I have no present recollection of all of them. I have a recollection of the Western Union case because that was an important case in which the Board disestablished the important and long-standing company union which Western Union organized at the same time the other big American employers organized their unions.



I remember that one, and I remember the Postal Telegraph case. I think that was a significant and difficult case because it involved a national election with all kinds of problems. I have a vague recollection of a case involving CBS. I have a good recollection of a case involving RCA.

Mr. MORRIS. Well, now—

Mr. WITT. I don't recall the other names.

Mr. MORRIS. So that this hearing can be put in its proper perspective, we have had Nathaniel Weyl testify before this committee and Whittaker Chambers testify before this committee to the effect that you were a member of the original Harold Ware cell that operated in Washington in the early thirties.

The question is, were you a member of the Harold Ware cell of the Communist Party at that time?

Mr. WITT. Mr. Morris, I think you are familiar with testimony I have given before congressional committees before?

Mr. MORRIS. Yes.

Mr. WITT. I think this is the fourth time I have appeared before a congressional committee, and I think for the fourth time I will have to decline to answer that question on the grounds that under the fifth amendment I may not be compelled to bear witness against myself.

Mr. MORRIS. And your answer to all such questions put to you you would refuse to answer—

Mr. WITT. I would on the same grounds.

Mr. MORRIS. Including the time that you were secretary of the National Labor Relations Board?

Mr. WITT. That is correct.

Mr. MORRIS. Would you tell us whether or not you were attending secret meetings of the Communist Party while you were secretary of the National Labor Relations Board?

Mr. WITT. I refuse to answer that, and may it be understood, Mr. Chairman, when I say on the same grounds it will be understood that I am taking the privilege under the fifth amendment.

The CHAIRMAN. That you are not compelled to testify against yourself?

Mr. WITT. Yes.

Mr. MORRIS. Are you a present member of the Communist Party, Mr. Witt?

Mr. WITT. Same refusal.

Mr. MORRIS. The National Labor Relations Board which you served on set up the framework whereby all these various unions are now being certified, did it not, Mr. Witt? The framework is essentially the same?

Mr. WITT. You mean the election procedure or the representation?

Mr. MORRIS. Yes.

Mr. WITT. Essentially the same. It has been modified and seriously weakened by the Taft-Hartley Act in ways which I do not approve, but I don't think you are interested in that. Essentially the procedure of conducting elections and certifying unions is the same.

Mr. MORRIS. I see. You have represented the Mine, Mill, and Smelter Workers Union?

Mr. WITT. I do, and I represent the International Mine, Mill, and Smelter Workers Union.

Mr. MORRIS. From time to time you have done work for the individual communications unions, and you have been amicus curiae, you have told us today in executive session, in cases involving the ACA. Now both of those unions have been expelled from the CIO, have they not, Mr. Witt?

Mr. WITT. Yes; that is correct. Mr. Morris, I have no recollection; I didn't intend in my testimony in the executive session to indicate filing an amicus curiae brief in behalf of the ACA, but I said I might have; I wouldn't be surprised to find that I had.

The CHAIRMAN. For our record I want to state at this time that in 1951 the Internal Security Subcommittee of the Committee on the Judiciary held extensive hearings on the American Communications Association. In those hearings the Communist control over that organization was amply established. This American Communications Association is now the certified bargaining agent for some approximately 5,000 employees of Western Union Telegraph Co. in the metropolitan area of New York City and some 200 employees of the Western Union Cable Co. in New York City, for RCA Communications on the east and west coasts and for employees in certain broadcasting stations, mostly in New York and in Philadelphia.



Recently a National Labor Relations Board secret ballot election among the Western Union employees in New York City was held on May 19, 1953, when the employees voted 2,421 to 1,619 in favor of the American Communications Association as against the American Federation of Labor.

Another National Labor Relations Board election is now being held among approximately 1,800 employees of the American Cable & Radio Co. and the American Communications Association is on the ballot. The results of this election are to be announced on the 28th day of May. This Internal Security Subcommittee has taken cognizance of the situation at this time.

In view of the following facts found after preliminary survey by the staff of this subcommittee, the main office of the Western Union Telegraph Co. is located in the Western Union Building at 60 Hudson Street, New York City, N. Y. Telegraph circuits to all major cities in the United States terminate in or are relayed through this building. Telegraph messages of all kinds are handled by the employees, the majority of whom are members and under the control of the American Communications Association.

Many of the messages are Government messages. For example, the following Government agencies are served by telegraph circuits, tie-lines, connecting the main Western Union office and the agency offices. The following is a partial list of these circuits: The United States Defense Department Signal Center of the First Army, headquarters at Fort Wadsworth; the United States Naval Air Station, Floyd Bennett Field, Brooklyn; the New York Port of Embarkation in Brooklyn; the United States Naval Shipyards, Brooklyn; Sea Transport Station, Atlantic Division, Army's piers 1, 2, 3, and 4; the United States Naval Communications Service, 90 Church Street, New York; Governors Island and Fort Jay, the Second Service Command.

The importance of the Western Union Telegraph Co. and the Western Union Cable Co. in our country's defense program can be judged by the following which appeared in the company's annual report for 1952:

"More deep-sea amplifiers were placed in service, further increasing international cable capacity, increased service requirements of the Armed Forces, other governmental departments and defense industries were fully met. Of special importance was the expansion of the extensive leased communications system furnished by Western Union for governmental and other large customers. The company was awarded Government contracts by the Air Force, the Navy, and the Signal Corps for the development of special electronic equipment and for other projects involving a total of \$6 million."

The Senate Internal Security Subcommittee takes cognizance of that situation as possessing a threat to the internal security of this country.

Mr. MORRIS. Mr. Witt, you understand the situation the Senator just described? You understand that the election of the ACA was just held?

Mr. WITT. I saw that in the press.

Mr. MORRIS. You know that as a practical fact?

Mr. WITT. I don't know what you mean by "a practical fact." I know it from the press; that is all I know it from.

Mr. MORRIS. You do not know it from any of your associate lawyers?

Mr. WITT. I heard it mentioned in passing the other day by somebody in the labor union the way you mention developments, but that is all I know. I saw from the press that ACA won by a larger majority this year than they won last year or 2 years ago.

Mr. MORRIS. Yes. And you know from your experience as Secretary of the National Labor Relations Board that when that election is held that it will be followed up by a certification by the NLRB?

Mr. WITT. So the law provides, Mr. Morris. That is what the election is held for, to determine whether the employees, the majority of them, vote for one of the labor unions. If they do, that union is certified.

Mr. MORRIS. And you recognize that there is very little, there is nothing, that the Western Union Co. or those other companies involved here can do about this situation?

Mr. WITT. Mr. Morris, I am not appearing as counsel for Western Union. Do you want me to talk as an expert on the labor situation?

Mr. MORRIS. I do.

Mr. WITT. I am reluctant to do it because I might be in the position to give advice to Western Union if I were representing them, but I am reluctant to do that under subpoena.

Mr. MORRIS. Senator Jenner made a statement that the situation exists in the communications industry in New York that possesses a threat to the internal

security of this country. You were the secretary of the Board that set up this framework, and it is on that basis that we are asking you these questions.

Mr. WITT. Well, I still object to it, Mr. Morris. I would like a ruling from the Chair, Senator Jenner. I am in an awkward position. Please bear in mind that I am a member of the bar; that I represent the International Union of Mine, Mill, and Smelter Workers, and now Mr. Morris is asking me a question which I would be delighted to answer if Mr. Morris sets me up as a labor expert in a different context, but in this context he is in effect asking me to give advice to the Western Union Telegraph Co.

The CHAIRMAN. Certainly you are considered as a labor expert. You spent many years down here with the NLRB, you helped organize and set it up as secretary. You were the secretary when that apparatus was set up of which I just talked about.

Mr. WITT. If you believe from all that that I am expert, I am delighted to accept the characterization.

The CHAIRMAN. Give us your opinion.

Mr. WITT. Well, as a member of the bar I still insist in all sincerity that I am caught on the horns of this dilemma. If you ask me as an expert, I would want to give you an honest answer, and my record shows that I have been in the labor field for many years, and I always try to give the right answers.

At the moment the question involves necessarily by its very nature giving advice to the Western Union Telegraph Co.

Mr. MORRIS. Mr. Chairman, there is one thing I would like to have understood, that in trying to solve the situation—our staff has been working on the problem—and the NLRB is of the opinion that they themselves can do nothing about it because of the framework which has been existing for many years and which was set up at the time Mr. Witt was secretary of the Board. So that is why you are being asked these questions.

Mr. WITT. Mr. Morris, the field of Federal regulations didn't begin with Nathan Witt as secretary of the Board. It began with Congress and many other developments many, many years ago. In fact, I never would have become secretary of the Labor Board unless Congress had passed the Wagner Act. So it is the Congress that set up this machinery and not Nathan Witt, or Edwin Smith, or anybody else. We were appointed to carry out the congressional will as expressed in the Wagner Act, and that is what we were doing, and that is what this Board is doing when it conducts elections like it did the other day among the employees of the Western Union.

Mr. MORRIS. Mr. Witt, did you aid in the formulation of the Wagner Act?

Mr. WITT. I have no clear recollection that I played any significant role in that, Mr. Morris. The old Board then had a very, very small staff, and my best recollection would be that the bill or the drafts of the bill were passed around and all of us may have made some comments and that kind of thing, but my recollection is quite clear that I can't be honored by being regarded as the principal draftsman or one of the principal draftsmen of the Wagner Act.

Mr. MORRIS. Did you not testify this morning that you aided in a small way in the formulation of the Labor Act?

Mr. WITT. I tried to say that now; if I misspoke myself, Mr. Morris, I was trying to say the same thing. In a small way. I just indicated that my recollection is we saw drafts of bills, and we may have made comments to other people who had the principal responsibility.

Mr. MORRIS. The bill was influenced largely by the recommendations of the NLRB at that time?

Mr. WITT. I wouldn't say that, Mr. Morris.

Mr. MORRIS. Give us your views.

Mr. WITT. My recollection, as you know and as I have indicated already by my testimony, the National Labor Relations Act is also called the Wagner Act for obvious reasons. My recollection is that Senator Wagner, the late Senator Wagner, and his staff were responsible for drafting that bill and putting it in shape.

As I have tried to say, insofar as I and other people at the Labor Board played a role, it was a minor role. Maybe some of the others on the Labor Board played a more important role than I did, but I don't have too clear a recollection.

Mr. MORRIS. Mr. Chairman, at another session this committee has gone into Mr. Witt's role with the International Union of Mine, Mill, and Smelter Workers. I think that that is amply covered in other hearings, and we will not ask Mr. Witt that but relate that testimony to this part of the particular session.

The CHAIRMAN. It will be related.

Mr. WITT. Mr. Chairman, in view of that statement of Mr. Morris, may I ask for one ruling from the Chair?

The CHAIRMAN. Yes.

Mr. WITT. As Mr. Morris just said, this committee under the chairmanship of Chairman McCarran conducted hearings on the Mine, Mill, and Smelter Workers Union at Salt Lake City in October 1952. I appeared there representing the witnesses and also as a witness in my own right. There had been testimony there by one J. B. Matthews that testimony had been given before a congressional committee that I had engaged in espionage.

When I took the witness stand before Senator McCarran in Salt Lake City I denied that, and I asked Senator McCarran to require such testimony, if this existed, to be made a part of the record. He denied my request.

Since this is the same committee I would like to make the request to this committee that the testimony which Mr. Matthews gave, if it does exist, be made a part of this record.

The CHAIRMAN. I will take the matter up with Senator McCarran. I was not present at those hearings.

Senator SMITH (Willis Smith). Mr. Chairman?

The CHAIRMAN. Senator Smith.

Senator SMITH. Mr. Witt's statement is in the record here, and I do not know what he means by making it a part of this hearing.

The CHAIRMAN. Relating it.

Senator SMITH. Whatever has been said has been said, and Mr. Witt has had a chance to say just what he said now, and it is all right with me.

The CHAIRMAN. It will only be related to this hearing, Senator.

Mr. MORRIS. I have no more questions.

Senator SMITH. I have a question or two.

The CHAIRMAN. Senator Smith.

Senator SMITH. Mr. Witt, I believe you refused to answer the questions as to whether or not you are or have been a Communist, relying on the rights under the fifth amendment not to testify against yourself. That is correct, is it not?

Mr. WITT. That is correct, Senator Smith.

Senator SMITH. And you still decline to answer the question as to whether you were or are a Communist?

Mr. WITT. I do, Senator.

Senator SMITH. And upon the same grounds that for you to answer that question would tend to incriminate you?

Mr. WITT. I prefer the language of the Constitution. Senator Smith, if you don't mind. You are a lawyer; I am a lawyer, and despite the fact I am here in my capacity as a layman, as a witness, I still can't disengage my personality from my profession. I know the language of the fifth amendment, and I prefer, as I have indicated, to use the language of the fifth amendment, which confers upon me the right not to be witness against himself.

Senator SMITH. I thought that is the way you said it, and I want to get it clear in the record.

Mr. WITT. Yes.

Senator SMITH. Now, Mr. Witt, if you were not a Communist or had not been a Communist and so stated to this committee this morning, there would be no way that such a statement by you would tend to incriminate you or would constitute testimony against you, would it?

Mr. WITT. I am not sure of that, Mr. Smith, and I would be delighted to argue that point with you if we were both standing on an equal basis before an appellate court. I don't think this is the forum for that kind of debate. I have gone through it before, Senator Smith. I think I know my rights, as I have stated, under the fifth amendment. I have advised clients on the fifth amendment, and no matter how you care to phrase it, Senator Smith, I know on the basis of decisions of the United States Supreme Court and other Federal Courts, I know it is sufficient if I claim my rights and the language, and I have done so.

Senator SMITH. Mr. Witt, it is entirely all right for me so far as I am concerned for you to display your knowledge of law. I was asking you as a simple fact that if as a matter of fact you had not been a Communist and were not a Communist and you so stated, if in your opinion there was any way that that can incriminate you or constitute giving testimony against yourself?

Mr. WITT. If you want me to answer that, Mr. Smith—

Senator SMITH. As a fact.

Mr. WITT. I don't think you can call that a fact question. I think that question calls for a legal conclusion. I heard Mr. Joseph give you his answer, he is a



layman, but I will give you the answer Mr. Joseph gave you. I shall remind you, too, Senator Smith, if it takes a reminder, that the Supreme Court said that the fifth amendment, the clause providing that you may not be a witness against yourself, is a protection to the innocent, not only to the guilty.

The Supreme Court has said that on several occasions. So I think that the practice of this committee and other committees to draw unfavorable inferences for the purpose of the committee is a practice which is not consistent with the decisions of the United States Supreme Court.

Senator SMITH. Well now, up to the present time, Mr. Witt, do you think that this committee has been unfair to you this morning?

Mr. WITT. No; I have no complaint against the manner of the committee, the manner in which the questions have been put to me. I am familiar with the way that the committee operates, and I have not been surprised. I think the entire premise on which this committee is operating is unfair, I don't agree with it, and I will continue to disagree with it as long as this committee and similar committees continue to function as they have been functioning.

Senator SMITH. You said something about the union just now when you were answering a question of Mr. Morris. You recognize, do you not, that there are good unions and bad unions; that there may be unions that have Communist members that want to get them out, and there may be unions that have Communist members that do not want to get them out?

Mr. WITT. There are good Senators and bad Senators, good banks and bad banks, good employers and bad employers, good unions and bad unions.

Senator SMITH. Do you mean to say that the American Communications Association is a good or bad union?

Mr. WITT. In my opinion it is a good union.

Senator SMITH. You know it is Communist-dominated, do you not?

Mr. WITT. I know it has been called that.

Senator SMITH. Well, do you not know that there has been proof to that effect?

Mr. WITT. I don't know that. I know there has been testimony.

Senator SMITH. What?

Mr. WITT. I know there has been testimony.

Senator SMITH. You know there has been testimony to the effect that it was Communist dominated?

Mr. WITT. I don't remember the phrase, Communist-dominated, Communist-supported, Communist-influenced, but I know there has been testimony along such lines.

Senator SMITH. Do you know Mr. E. S. Smith, who was a member of the Labor Board?

Mr. WITT. Yes; I do.

Senator SMITH. At the same time you were Secretary, I believe?

Mr. WITT. Yes; I do.

Senator SMITH. Did you accompany Mr. Smith on a visit to Mexico City while he was on the Board and you were Secretary?

Mr. WITT. I don't recollect that Mr. Smith made a trip to Mexico City. I have some vague recollection of that, Senator Smith, but in any event whether he did or didn't I did not accompany him.

Senator SMITH. You did not accompany him?

Mr. WITT. No; I did not.

Senator SMITH. I believe that is all then.

The CHAIRMAN. I want the staff to take up with the Chairman of the National Labor Relations Board the present situation I have just described to see if anything can be done or what should be done about the situation.

Mr. MORRIS. Mr. Chairman, I would like to point out in that connection that the testimony taken to date showed that if somebody, one of the employees, were shown to be a member of the Communist Party monitoring these various channels, there is nothing the Western Union could do under the existing labor legislation, nor could they dismiss the employee because he is a Communist.

One other thing, Mr. Witt. When you testified before the Smith committee back in 1940, you denied Communist Party membership, did you not, or at least you submitted a letter? You submitted a letter to that board, to that committee, investigating the National Labor Relations Board under the chairmanship of Congressman Howard Smith of Virginia?

The CHAIRMAN. The record will show that the witness is conferring with counsel before responding to the question.

Mr. WITT. If you have it there, Mr. Morris, may I see it?

Mr. MORRIS. Yes. Why not read the letter, Mr. Witt?



Mr. WITT (after conferring with counsel). You want me to read the letter dated October 16, 1940, signed by myself?

Mr. MORRIS. Yes; particularly the part that is annotated there.

Mr. WITT. All right; I think I know where you mean.

"However, I do wish to go on record that I am not now, nor have I ever been, a member of the Communist Party, a Communist sympathizer, or one who hews to the Communist Party line."

Mr. MORRIS. Mr. Witt, would you deny today that that statement that you gave at that time was true?

Mr. WITT. I refuse to answer on the same grounds.

"I wish to comment on certain other matters developed in the course of Congressman Keefe's testimony.

"(1) Congressman Keefe testified that the Dies committee listed my name as a member of the American League for Peace and Democracy. It is true that I was so listed. At the time the list was published I publicly denied that I was a member of the American League for Peace and Democracy. My denial was published in the Washington Post and in the New York Times for October 26, 1939, in stories, photostatic copies of which I attach hereto. Efforts by Chairman Madden and myself to discover through the Dies committee how my name came to appear on the list were fruitless. I now reiterate my denial that I was at any time a member of the American League for Peace and Democracy.

"(2) Congressman Keefe testified that in his conversation with Mr. Brooks, Mr. Brooks, 'in a rather nebulous manner, said something about a meeting' I was supposed to have had in a Washington apartment with Messrs. Browder, Amter, and Bridges. Congressman Keefe himself testified that he paid no attention to the story, because it was based on vague rumor. I deny that any such meeting took place.

"(3) While Congressman Keefe was testifying, Mr. Shaughnessy, of the committee staff, put in evidence a copy of the column the Capital Parade from the Washington Star for October 19, 1939, and copies of my subsequent correspondence with Robert Kintner, one of the authors of the column, relative to the statement in the column that I was 'an active opponent' of Judge Pecora and Mr. Jerome Frank 'when they sought to have the Lawyers' Guild condemn Communist as well as Fascist dictatorship.' I am a member of the National Lawyers' Guild. However, I wish to reiterate what I said in my correspondence with Mr. Kintner—that the statement in his column is utterly without foundation.

"I hereby request that this letter be printed in the proceedings of your committee. I am also willing to appear before your committee to testify concerning these matters."

Mr. MORRIS. Did you ever meet with Earl Browder, Israel Amter, or Harry Bridges?

Mr. WITT. I decline to answer that question on the same ground.

Mr. MORRIS. I mean, was your denial at that time predicated on the fact that these Congressmen conducting this investigation did not have conclusive evidence of your Communist Party membership?

Mr. WITT. I decline to answer that question on the same ground.

Mr. MORRIS. I have no more questions.

The CHAIRMAN. Are there any further questions?

Senator SMITH. Yes.

The CHAIRMAN. Senator Smith.

Senator SMITH. Mr. Witt, I asked you just now if you accompanied Mr. E. S. Smith while he was a member of the Labor Board and you were Secretary on a trip to Mexico, and I understand you to say you did not?

Mr. WITT. That is right, that was my answer.

Senator SMITH. Now did you at any time accompany Mr. Smith to any Communist meeting?

Mr. WITT. I decline to answer that question, Senator, on the same ground.

Senator SMITH. Did you and he belong to the same Communist cell?

Mr. WITT. I decline to answer that question on the same ground.

Senator SMITH. I believe that is all.

The CHAIRMAN. Are there any further questions?

Mr. MORRIS. I would like to put in the record a press release from the National Labor Relations Board, dated October 22, 1937, which describes various changes taking place in the National Labor Relations Board, changes which affected Mr. Witt and Mr. Smith.

The CHAIRMAN. It may become a part of the record.

(The document referred to was marked "Exhibit No. 216" and filed for the record.)

## "EXHIBIT No. 216

"NATIONAL LABOR RELATIONS BOARD, WASHINGTON, D. C.

"(Release for morning papers, Friday, October 22, 1937 (R-382))

## "BENEDICT WOLF RESIGNS AS NLRB SECRETARY

"The National Labor Relations Board has announced the resignation of its Secretary, Benedict Wolf, who on November 15 will leave the Board to resume the practice of law in New York City. In accepting Mr. Wolf's resignation the Board said:

"The National Labor Relations Board wishes to express its keen appreciation of Mr. Wolf's unusual devotion and ability in performance of the arduous duties of his office."

"When Senator Robert F. Wagner became Chairman of the National Labor Board in September 1933, Mr. Wolf served as his legal assistant and secretary and subsequently as executive officer of that Board. When that Board was replaced by the first National Labor Relations Board in July 1934, Mr. Wolf became its Executive Secretary and Assistant General Counsel, serving in that capacity until passage of the National Labor Relations Act in July 1935 when he became Secretary of the present Board. He has thus served as an important link between the three successive agencies established successfully [successively] under NIRA, congressional resolution and act of Congress, which have been entrusted by Congress with implementing the rights of employees to self-organization for the purposes of collective bargaining.

"The Board also announced the appointment of Nathan Witt, at present Assistant General Counsel of the Board, to succeed Mr. Wolf as Secretary. Mr. Witt's duties as Assistant General Counsel will be assumed by Thomas I. Emerson, of the Board's legal staff.

"Mr. Wolf was born at Woodridge, N. Y., on December 22, 1904. He graduated in 1924 from the College of the City of New York and in 1928 simultaneously took his master of arts degree and his law degree from Columbia University. He practiced law in New York for 5 years, 3 of these with his own firm, before coming to Washington as Senator Wagner's legal assistant and secretary.

"Mr. Witt was born in New York City on February 11, 1903. He graduated from New York University in 1927 and from Harvard Law School in 1932. His schooling was interrupted several times, sometimes for years at a stretch, by the necessity to earn his own living. At Harvard Law School he specialized in labor law and during his last year assisted Prof. Joseph A. Beale with the latter's treatise on the conflict of laws. After taking his law degree he practiced in New York with the firm of Donovan & Raichle. In August 1933 he came to Washington as Assistant Chief of the License and Agreement Section in the General Counsel's Office of the Agricultural Adjustment Administration. He came to the first NLRB, then under the chairmanship of Lloyd K. Garrison, in July 1934. His service with that Board and with the present Board has been continuous. On December 1, 1935, he was made Assistant General Counsel in charge of the staff of review lawyers. Mr. Witt is the editor of the supplement to James M. Landis' case-book on labor law which has just appeared.

"Mr. Emerson was born in Passaic, N. J., on July 12, 1907. He was graduated from Yale in 1928 and from Yale Law School in 1931, subsequently practicing law in New York for 2 years. He came to Washington in 1933 as Assistant Counsel, NRA. Upon the organization of the first National Labor Relations Board under Chairman Garrison he transferred to the legal staff of that Board. Mr. Emerson continued on the staff of the present Board until August 1936, when he resigned to join the legal staff of the Social Security Board. After a year's service with the Social Security Board he returned to the National Labor Relations Board.

"Mr. Witt and Mr. Emerson will assume their new duties on November 15 when Mr. Wolf leaves."

Senator SMITH. Did Mr. Witt hear that?

Mr. MORRIS. This is a press release, Mr. Witt, which announces various changes and makes the announcement of your appointment as Secretary of the Labor Board. I would like to make that a part of the record and let it speak for itself.

Senator SMITH. I do not know whether it concerns you, Mr. Witt, but I want you have a chance to say whether or not it does.

Mr. MORRIS. It is just a press release saying who your predecessor was.

Mr. WITT. Yes.

\* \* \* \* \*

Mr. WITT. Just one word if I may be permitted, Mr. Chairman? Mr. Morris, in connection with that letter signed by me to the Smith committee, referred to in the proceedings of the Smith committee, if you have examined those you will have noticed that there is a good deal concerning myself and my work with the Labor Board.

As I fear with respect to many of the activities of this committee and many similar committees, I think you build up an unfair record by selecting this and not selecting that. It happens that there are letters in that same Smith committee record written concerning my work for the Board as Assistant General Counsel and Secretary signed by every person who was a member of the Board or the predecessor Board, and of course I was supported by the then members of the Board also in connection with my work and activities with the exception of one newly appointed member.

I think it is only fair since so many references have been made to my tenure with the National Labor Relations Board that some effort be made to secure a record which reflects history and not the distortions that some people would like to put on history.

I ask that those letters written on my behalf by the members of the NLRB be made a part of this record.

The CHAIRMAN. Mr. Witt, would you care to pick out 3 or 4 of these letters, and we will make them a part of the record.

Mr. WITT. I do; I have them here.

Mr. MORRIS. They are letters from whom?

Mr. WITT. I will tell you in a moment. These are letters, as I said, signed by every person who had been a member of the old NLRB or the NLRB under the Wagner Act, and I have the page references to the Smith committee record. They are written in response to a letter of the then chairman, Mr. Madden, who had expected that the Smith committee would go into this record because of the gossip about the Board and the widespread attacks.

Mr. Madden wrote this letter to all the ex-members of the Board to write him letters which he could use. These letters by the ex-members were written in response to that letter.

Senator SMITH. Mr. Madden asking for letters that he could use in your behalf?

Mr. WITT. That is correct.

Senator SMITH. Did the Labor Board conduct any investigation into your activities?

Mr. WITT. Yes; they did. That is a long story; I am not sure that you want to take the time.

The CHAIRMAN. Edwin Smith was a member of that Board at that time?

Mr. WITT. He was.

The CHAIRMAN. He was before this committee, and he refused to answer whether he was a member of the Communist Party.

Mr. WITT. J. Warren Madden is now a highly respected judge of the Court of Claims, and he was thoroughly familiar with my activities for a period ranging from 1935 to the end of 1940.

Mr. MORRIS. Just one thing, Mr. Witt. Did Mr. Madden know at that time that you were a Communist?

Mr. WITT. I do not know one way or the other, Mr. Morris, but Mr. Madden knew what I was like on the basis of my day-to-day activities of a very intensive kind. The Board had one of the most heroic jobs ever undertaken by a Government organization in view of the widespread attacks, including the Western Union, the National Association of Manufacturers, every organization of employers in America was fighting the Board.

Mr. MORRIS. Mr. Witt, you understand—

Mr. WITT. I worked 10 and 12 hours a day, 6 and 7 days a week, and he knew of my activities, and he knew what I believed, and he knew what a faithful Government employee I was on the basis of year after year of such intimate work together. His testimony about me in the Smith committee record reflects all that.

Senator SMITH. Mr. Chairman, there is one question I would like to ask Mr. Witt since he opened up a field there.

The CHAIRMAN. Senator Smith.

Senator SMITH. You say that there were groups fighting the Labor Board. The Communist Party was not fighting the Labor Board, was it?

Mr. WITT. No, it was not, Senator Smith. Senator Johnston was in the Senate during that period; he knows what was going on; he knows what was going on in the textile mills of the South when the textile workers were being shot down



in cold blood when they were trying to organize. He knows that all the Labor Board was trying to do was to organize them and to prevent their cold-blooded murder.

Senator SMITH. I asked you a simple question, whether or not the Communist Party was fighting the Labor Board, and your answer was no, it was not, as I understand it?

Mr. WITT. I will say this, that the mere fact that the Communist Party is for or against anything does not determine my views. I am a grown man; I am a citizen of this country. I will make up my mind on the basis of my own study, my own experience, and I will not be influenced by what your views happen to be, Senator Smith. On the whole I think I am opposed to your views on labor matters.

Nor will I be influenced by the Communist Party. I will take yours into consideration, and I will take theirs into consideration.

Senator SMITH. You will not tell us whether or not you are a Communist today. You sit there and refuse to say whether you are a Communist. You expect us to believe what you say.

The CHAIRMAN. You have just testified a moment ago that you are a free man and a grown man and so forth?

Mr. WITT. That is right.

The CHAIRMAN. Yet you know that a member of the Communist Party is not a free man. He is under discipline, under orders, and you will not testify when you were down there at that Board as secretary whether or not you were a Communist. We had a member of the Board before this committee, Edwin Smith, and he refused to testify whether or not he was a Communist. We have heard enough from you. You can put in the record those letters, and you are excused. I have all I want to hear from you.

Mr. WITT. Do you want these letters?

Mr. MORRIS. Yes, I will take them.

(The letters referred to were marked as "Exhibit No. 219" and are as follows:)

"EXHIBIT No. 219

"HEARINGS BEFORE THE SPECIAL COMMITTEE TO INVESTIGATE NATIONAL LABOR RELATIONS BOARD, HOUSE OF REPRESENTATIVES, 76TH CONGRESS, 3D SESSION, PURSUANT TO HOUSE RESOLUTIONS 258 (76TH CONG.)

[NLRB exhibit No. 113, p. 2708]

"Letter from J. Warren Madden, Chairman, NLRB to all of the ex-members of the NLRB:

"I wish you would write me your opinion of the ability, integrity, and usefulness to the Board in your time, of Nathan Witt. With all of the things that are going on I may have occasion to make use of your statement as evidence.

"With best regards, I am,

"Very truly yours,

\_\_\_\_\_, *Chairman*."

"Answers:

[NLRB exhibit No. 108, p. 2706]

"Shortly after I was made Chairman of the NLRB—the Board which preceded yours—I appointed Nathan Witt a member of our legal staff. He was then, as I remember, on the legal staff of the AAA. We were in urgent need of building up our staff, and sought the best we could find in Washington. Witt was one of these, and we persuaded him to shift over to us. His work, while I was with the Board, consisted of analyzing records and writing drafts of opinions. He impressed all of us then with his high intelligence, accuracy, thoroughness, and single-minded devotion to his task. We placed great confidence in him—a confidence which he amply deserved and fully repaid.

"Sincerely,

"(Signed) LLOYD K. GARRISON'."

[NLRB exhibit No. 109, p. 2706]

"DEAR WARREN: You ask my opinion of the ability, integrity, and usefulness to the Board in my time, of Nathan Witt.

"I consider Witt by far one of the ablest men connected with the work. He was an indefatigable worker, with a keen intelligence and a real understanding of the intricate problems presented.



“Use this letter any way you want, and use it emphatically.

“Sincerely yours,

“(Signed) FRANCIS BIDDLE.”

[NLRB exhibit No. 110, p. 2706]

“MY DEAR MR. MADDEN: Nathan Witt was a member of the legal staff assembled by the first Labor Relations Board, of which I was a member. It is chiefly as a member of that staff during 1934-35 that I have known him. He was one of the ablest and most meritorious of the group. He showed unusually good ability, was very industrious, and exceedingly helpful. He knew the Board's job accurately and in his work displayed a keen sense of justice and good judgment.

“I think that Witt was the logical choice for the secretaryship when Benedict Wolf resigned, but I have too little knowledge of his work as secretary to express a judgment of his performance in his present capacity.

“Sincerely yours,

“(Signed) H. A. MILLIS.”

[NLRB exhibit No. 111, pp. 2706-2707].

“MY DEAR MR. MADDEN: Apropos of your inquiry about my opinion of Mr. Nathan Witt's ability, integrity, and usefulness to the Board during my time, I think you will recall that, while I was a member of the Board, Mr. Witt, with the title of Assistant General Counsel, served as head of the Case Review Section. As I recall it now, he had been a member of the legal staff of the preceding Board. The constitutionality of the act had been challenged formally in almost every case that came before the Board, and informally by a considerable group of lawyers in a pamphlet that got wide circulation in industry. This gratuitous legal advice to a widespread group of businessmen that they need pay no attention to a law they didn't like made the work of the Board increasingly difficult. The Board had the choice of accepting the views of these lawyers and quitting, or going ahead with cases brought by aggrieved working men and women with full knowledge that every decision would be reviewed by the courts, and every action checked by those who had fought the passage of the law when it was before the Congress.

“It was in this atmosphere that we held our hearings and reviewed the testimony as the cases came through.

“As head of the Review Section, you will recall we had daily conferences with Mr. Witt and his assistants to check and recheck testimony that had a bearing on the cases that came before the Board. I can recall no case with which Mr. Witt was not thoroughly familiar as a result of careful study. I found him thoroughly acquainted with the law and with debates on the hearings that preceded the passage of the law.

“I never had occasion to question Mr. Witt's genuine devotion to his job or to the purposes of the law. In the development of young men and in the training of older men in special administrative law, he displayed inspiring leadership. His usefulness to the Board and to the objectives of the law was demonstrated day after day.

“I thought when the Supreme Court sustained the Board in so many of those early cases over which you, he, and Ed Smith, Charles Fahy, Bob Watts, and I sweated through so many months, the opponents of the law would accept the judgment of the Supreme Court and leave the Board free to function under the law. Apparently I was mistaken.

“Sincerely,

“(Signed) JOHN M. CARMODY, *Administrator.*”

[NLRB exhibit No. 112, p. 2707]

“MY DEAR CHAIRMAN MADDEN: Reference is made to your inquiry regarding my opinion of Nathan Witt, who served as Assistant General Counsel and secretary of the Board during my tenure in office.

“Mr. Witt, in my opinion, has demonstrated that he is a person of exceptional ability and reliability. His has been an arduous task under most trying circumstances, requiring keen judgment, resourcefulness, and energy. I believe that he is possessed of, and has applied, all of these necessary attributes to the many

complex problems with which he has been confronted. I firmly believe that he has rendered an invaluable service to the Board.

"Kindest personal regards to you and your colleagues.

"Very sincerely,

"(Signed) DONALD WAKEFIELD SMITH."

Mr. SOURWINE. Mr. Witt, did you ever order white lilies sent to Whittaker Chambers?

Mr. WITT. I am really shocked that a committee of the United States has descended to this. The answer, of course, is, "No," Mr. Sourwine; and I am delighted to have this in the record to display to the people I will continue to talk to about the functioning of committees, that the committee has permitted its counsel to descend to this level. It makes the Senate of the United States a laughingstock, but go ahead, if you want to.

Senator McCLELLAN. May the Chair say to you that the committee is not particularly interested in your opinions when you fail and refuse to answer questions that might help this committee perform its functions to guard the internal security of this country.

I am not going to countenance a lecture. You were asked a question by counsel. If there is any objection, the Chair will rule. I don't propose to have a lecture.

Proceed.

Mr. WITT. Well, just so because the question has what lawyers used to call a negative pregnant, Mr. Sourwine; let there be no misunderstanding.

I never ordered or paid for either white lilies or yellow lilies or Easter lilies or water lilies or any kind of flower sent to Whittaker Chambers. All I have ever had to do with flowers is that I have sent them occasionally to my wife and other ladies over the years, whom I have felt like sending flowers to.

Mr. SOURWINE. Just so there can be no misunderstanding in the record, I do not mean the word "order" in that question in the sense of you yourself giving any order to a store.

Mr. WITT. I know what you are talking about.

Mr. SOURWINE. Suggesting or requiring or instructing that white lilies be sent to Whittaker Chambers.

Mr. WITT. I never gave, Mr. Sourwine—just let's be explicit, I never gave—John Lautner or John Smith or Bob Jones or anybody in the world either \$100 or \$200 or \$5 to see that Whittaker Chambers had flowers which he would not be able to appreciate. I never did that. I just never did that. I just never did it, Mr. Sourwine.

Now, let's go to something else.

Mr. SOURWINE. Well, let's get some answers on the record here that it will be perfectly clear.

Mr. WITT. You ask that in as many ways as you want to ask it.

Mr. SOURWINE. You invalidated your denial a moment ago by the last few words that you added.

Mr. WITT. Go ahead.

Mr. SOURWINE. Now, let me ask you, so that it will be clear on the record. Did you in late August or early September 1945 instruct a member of the Communist Party to locate Chambers at the offices of Time magazine and have sent to him a big bunch of white lilies to intimidate him?

Mr. WITT. I guess I've run out of indignation. I am just sad now, Mr. Sourwine, just sad.

Mr. SOURWINE. All you have to do is say, "No," and we will go on with the next question.

Mr. WITT. It is hard for me to say "No" as an American citizen and as a lawyer. You don't even have the date of the alleged incident straight.

Mr. SOURWINE. I know that.

Mr. WITT. No, no.

Mr. SOURWINE. What is the correct date of the alleged incident, Mr. Witt?

Mr. WITT. As testified to, as was reported to me?

Mr. SOURWINE. It is your term, "the alleged incident."

Mr. WITT. The incident as reported to me, as testified to by one John Lautner in the hearing before the Subversive Activities Control Board, is that I gave him some money to send flowers to Whittaker Chambers. That is the way I have known it in these last 2 or 3 years since I have heard about it.

When it was reported to me, I felt sad that America had come to such a pass. I feel even sadder now, but that is because I am older and a little tired.

Mr. SOURWINE. The question is, What was the date, Mr. Witt?

Mr. WITT. The date that Lautner gave I thought related to the time Chambers first came out from under the woodwork or from out of the pumpkin in 1948, sometime.

Mr. SOURWINE. Well, now, answer this question: Did you in late August or early September 1948, instruct a member of the Communist Party to locate Chambers at the offices of Time magazine and have sent to him a big bunch of white lilies to intimidate him?

Mr. WITT. No.

Mr. SOURWINE. Did you at or about that time give the sum of \$100 to any person for expenses in arranging to have lilies sent to Whittaker Chambers?

Mr. WITT. No.

Mr. SOURWINE. Were you present when John Lautner testified with regard to this matter?

Mr. WITT. No.

Mr. SOURWINE. Do you know whether he was under oath at the time?

Mr. WITT. Matusow was under oath when he testified against Clinton Jencks in January 1954. He was under oath on these dozens of other occasions when he told the lie he has now admitted to, so I am not impressed by the fact that one John Lautner was under oath.

Mr. SOURWINE. Are you stating he was?

Mr. WITT. I was told he testified about it. I wasn't there, I didn't look at the transcript, I just wasn't interested. It just made me too sad and I just have too much to do to fuss with that kind of nonsense.

Mr. SOURWINE. Did you, Mr. Witt, thereafter, and after the pumpkin paper story had broken in the public press, order the sending of the lilies stopped?

Mr. WITT. No.

No matter how many ways you put this lilies business, the answer is going to be "No." We can save time, or you can make them roses.

Mr. SOURWINE. I have one more question about the lilies.

Mr. WITT. You are in control of it.



Mr. SOURWINE. Did you thereafter meet the man to whom you had given the \$100 and receive back from him \$90?

Mr. WITT. No. That is for the lilies we are talking about, Mr. Sourwine; that is for the lilies, for the alleged lilies.

Mr. SOURWINE. Have you, Mr. Witt, cooperated in a legal capacity with the Civil Rights Congress?

Mr. WITT. Yes.

Mr. SOURWINE. The National Federation for Constitutional Liberties?

Mr. WITT. I thought I answered that. I was one of their counsel, and member of their board.

Mr. SOURWINE. The New York Conference for Inalienable Rights?

Mr. WITT. Yes.

Mr. SOURWINE. Getting back to the lilies, Mr. Witt; is there any difference in your answers whether you were talking about red lilies or white lilies, or any other?

Mr. WITT. No. I tried to make that clear, not only lilies but any other species of flowers.

Mr. SOURWINE. You are making a categorical denial of ever having had anything to do with the sending of any lilies or instructions to send any lilies to Whittaker Chambers for any purpose, at any time?

Mr. WITT. No matter how liars and degenerates so testify under oath.

Mr. SOURWINE. I have no more questions of this witness, sir.

Senator McCLELLAN. The witness is excused.

Mr. WITT. Thank you, sir.

Senator McCLELLAN. Call your next witness.

Mr. SOURWINE. Mr. Mandel Terman.

Senator McCLELLAN. Will you stand and be sworn, please, sir?

You do solemnly swear that the evidence you shall give before this Senate investigating subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TERMAN. I do, sir.

Senator McCLELLAN. Have a seat.

#### TESTIMONY OF MANDEL A. TERMAN, ACCOMPANIED BY JOSEPH FORER, HIS ATTORNEY

Senator McCLELLAN. Mr. Terman, is it your wish that the lights and television be kept off during your testimony?

Mr. TERMAN. I would appreciate it very much, sir.

Senator McCLELLAN. The photographers will observe the request.

Mr. TERMAN. And I would also like, Mr. Senator McClellan, to read a statement which I have prepared here for this committee.

Mr. SOURWINE. Was this statement transmitted to the committee 24 hours in advance of your testimony?

Mr. TERMAN. No; it was not, sir.

Mr. SOURWINE. The committee rule requires that, sir. May I ask if you have a statement, you send it forward now. The committee will determine in executive session whether to put it in the record.

Mr. Terman, will you give your full name and your address, please, sir?

Mr. TERMAN. Mandel A. Terman. My address is 660 Irving Park Boulevard, Chicago, Ill.



Mr. SOURWINE. Mr. Terman, you have been given a record of your affiliations with organizations cited as subversive by the Attorney General or the House Committee on Un-American Activities with references for the same and it was indicated to you that you would be asked to produce it and to record during your testimony in what specific instances, if any, you questioned the accuracy of the record.

Would you do that now, please?

Mr. TERMAN. This memorandum that is attached to it says:

In the interests of saving time the attached memorandum is being furnished to you in advance of your testimony.

You will be asked whether there are any statements in it that you wish to testify are false or inaccurate.

Mr. SOURWINE. That's right.

Mr. TERMAN. And, Mr. Sourwine, I do not wish to testify either way, sir.

Mr. SOURWINE. Very good, sir. I might state, Mr. Chairman, that this procedure was suggested by Mr. Witt as a possible method of saving time in his own case.

It seemed like a good suggestion and the committee has adopted it with other witnesses. May I ask that this statement may be put in the record at this time?

Senator McCLELLAN. Does the Chair understand that the witness has a copy of this statement before him?

Mr. TERMAN. Yes, sir.

Mr. SOURWINE. This is the statement concerning which the witness just said he had no desire to testify concerning anything in the statement. This is a statement prepared under my direction from sources available to the committee.

Senator McCLELLAN. It may be incorporated in the record.

I perhaps misunderstood. You said you had no desire to deny any of this statement?

Mr. TERMAN. To testify either way, sir.

Senator McCLELLAN. That is what I understood you to say that you did not care to testify either way. All right.

(The document referred to was marked "Exhibit No. 55" and appears below:)

#### EXHIBIT No. 55

#### MANDEL ALLEN TERMAN

Financial contributor, Abraham Lincoln School in 1943, 1944, and 1946 (cited as subversive by the Attorney General, December 4, 1947).

Supporter, American Committee for the Settlement of Jews in Birobidjan, Inc. (cited as subversive by the Attorney General, April 1, 1954).

Financial contributor, American Committee for Spanish Freedom (cited as subversive by the Attorney General, April 27, 1949).

Financial contributor, American Peace Crusade in 1954 (cited as subversive by the Attorney General, April 1, 1954).

Supporter, American Slav Congress (cited as subversive by the Attorney General, June 1 and September 21, 1948).

Chairman of board of directors, Chicago Council of American-Soviet Friendship, affiliated with the National Council of American-Soviet Friendship (cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

Supporter, Civil Rights Congress (cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

Supporter, Chicago Council of the Arts, Sciences, and Professions, affiliated with the National Council of the Arts, Sciences, and Professions (cited as sub-

versive by the House Committee on Un-American Activities in its report of April 19, 1949).

Member, International Workers Order (cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

Supporter, Midwest Conference To Repeal the McCarran Act.

Supporter, Midwest Committee for Protection of Foreign Born, affiliated with the American Committee for Protection of Foreign Born (cited as subversive by the Attorney General, June 1, 1948, and September 21, 1948).

Supporter, National Federation for Constitutional Liberties (cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

Supporter, Russian War Relief.

Member, American Youth for Democracy in 1945 (cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

Supporter, Chicago Committee To Secure Justice for the Rosenbergs in 1952 and 1953.

Supporter, Progressive Citizens of America, affiliated with the National Council of the Arts, Sciences, and Professions.

Financial Contributor, Communist Party, USA, in 1941 and 1945 (cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

Subscriber to *The Worker* (cited as subversive by the House Committee on Un-American Activities on March 29, 1944).

Member, Joint Anti-Fascist Refugee Committee (cited as subversive by the Attorney General, December 4, 1947, and September 21, 1948).

U. S. S. R. Information Bureau, on mailing list.

Writer of letter to the Secretary of State protesting against travel restrictions to Communist countries of Eastern Europe (*Daily Worker*, May 22, 1952, p. 8).

Sponsor, Conference for World Peace Through Negotiations in 1953, affiliated with the American Peace Crusade.

Supporter, *Jewish Life* (cited as a subversive publication by the California Committee on Un-American Activities Report, 1948).

American Peace Crusade (Illinois assembly): Sponsor (cited as subversive by the Attorney General). Photostat of letterhead dated June 21, 1952; also letterhead dated April 12, 1951.

American Peace Crusade: Signer of call for meeting to be held September 12 at UE Hall, Chicago, to launch national referendum for a ceasefire in Korea. *Daily Worker*, September 3, 1952, page 2.

Chicago welcoming committee for the delegates to the World Peace Congress (cited as subversive by the House Committee on Un-American Activities): Initiating sponsor. Handbill: *Destination Peace*, dated January 12, 1951, also mimeographed literature of the *Destination Peace Meeting*, January 12, 1951.

Civil Rights Congress of Illinois mass meeting, Orchestra Hall, November 21, 1947, Chicago: Financial contributor (cited as subversive by the Attorney General).

Civil Rights Congress, Illinois: Sponsor. Photostat of letterhead dated December 18, 1948 (cited as subversive by the Attorney General).

Midwest Committee for Protection of Foreign Born: Sponsor. Call to a midwest conference to defend the Bill of Rights and for the defense of foreign born, May 18, 1952, Chicago.

Midwest Committee for Protection of Foreign Born: Sponsor. Letterhead of sixth annual conference, Midwest Committee \* \* \* May 16, 1954, Chicago.

Midwest Committee for Protection of Foreign Born: Sponsor. Undated letterhead announcing a public meeting on the McCarran-Walter law, January 30, 1953, United Electrical Workers Hall, Chicago.

National Council of American-Soviet Friendship, Chicago Council (cited as subversive by the Attorney General): Chairman, board of directors. Photostat of letterhead March 1952.

Chicago Council of American-Soviet Friendship: Member of board of directors. Photostat of letterhead September 17, 1951.

Chicago Council of American-Soviet Friendship: To lecture June 18 on the Moscow International Economic Conference. Printed circular concerning a series of eight lectures on the Soviet Union Today, April 30-June 18, 1952, at the ASP Hall.

Currently resides in Chicago, Ill., and has business interests in the Granville Manor Convalescent Home and Waveland Manor Convalescent Home, and the Cinema Annex Theater, which serves as an outlet for Russian and Polish films in the Chicago area. He liquidated his interest in the Terman Tire & Supply Co. in 1951.

His wife Gean and his brothers Jacob, Sidney, and Louis have all been identified as members or contacts of the Communist Party. Terman has also been a contributor to the Communist Party in 1941 and 1945.

Connected with the Washington Park Forum.

Reported to have been a subscriber to the National Guardian.

Is known to have contacted Russian officials. Gave his automobile to Russia in 1945.

In 1952 he attempted to secure the attendance of a delegate to a peace conference in Russia.

On June 26, 1954, honored by a testimonial dinner in Chicago for fighting for peace and the defense of civil rights of the foreign born.

Attended the American Peace Crusade Conference in Chicago in 1951, according to a report published by the American Legion in August 1951.

In 1950 he is reported to have said he would "gladly die for Russia."

In 1944 loaned \$5,000 to the Abraham Lincoln School.

In 1954 canceled a \$150 debt owed him by the American Peace Crusade.

Senator DANIEL. Are we to take it that these statements are correct?

Mr. TERMAN. I have made no admissions, Senator.

Senator McCLELLAN. That was the Chair's understanding, that you said you did not desire to testify regarding the statements either way.

Mr. TERMAN. According to this memorandum that is attached here, they said, "Do you wish to testify?" and I said "I do not wish to testify either way."

Senator McCLELLAN. All right; you may proceed.

Mr. SOURWINE. Do you know Harvey Matusow?

Mr. TERMAN. No, sir.

Mr. SOURWINE. Do you know Albert E. Kahn?

Mr. TERMAN. Yes, sir.

Mr. SOURWINE. Did you contribute money to Cameron & Kahn, the publishing firm?

Mr. TERMAN. I did not contribute money to Cameron & Kahn but I made a loan to Cameron & Kahn.

Mr. SOURWINE. When was that?

Mr. TERMAN. I don't know the exact date, but I would say approximately 2 years ago.

Mr. SOURWINE. Has that money been returned to you or repaid in whole or in part?

Mr. TERMAN. No, sir; but I received notes for it, bearing 4 percent interest.

Mr. SOURWINE. What was the amount of that loan?

Mr. TERMAN. It was two separate loans. The first one was \$500 and the next one I believe was \$500.

Mr. SOURWINE. For a total of \$1,000?

Mr. TERMAN. Yes.

Mr. SOURWINE. And did you receive separate notes, 2 notes for \$500 each?

Mr. TERMAN. I thought I did, but when I went to look for them I found four \$100 notes which I have with me; if you want me to produce them in evidence, I will be glad to.

Mr. SOURWINE. That is all you have in the way of notes?

Mr. TERMAN. Yes, sir.

Mr. SOURWINE. And how are those notes dated, sir, and what is the maturity on them?

Mr. TERMAN. Well, I will look. It will take a minute. They are dated September 23, 1953, and the first one says, "One year, payable to Mandel Terman, 1 year after date of the undersigned promise"—



pardon me, "1 year after date the undersigned promises to pay to the order of Mandel Terman \$100 at an interest of 4 percent per annum, signed by Angus Cameron and Albert Kahn," and their corporate seal is on here, sir.

Mr. SOURWINE. Are the other notes all the same?

Mr. TERMAN. Yes, sir. Well, they are not the same maturity date. This one is 1 year and a half after date.

You can tell they are not lawyers. And 1 year and a quarter after date and 1 year and three-quarters.

Mr. SOURWINE. And have any of those notes been paid?

Mr. TERMAN. No, sir.

Mr. SOURWINE. Has the interest been paid on any of those four notes?

Mr. TERMAN. No, sir; for the simple reason that they claimed they were not able to pay them. I have asked for it.

Mr. SOURWINE. You have asked for it?

Mr. TERMAN. Yes.

Mr. SOURWINE. How many times have you asked them to pay the notes?

Mr. TERMAN. Every time I have an opportunity.

Mr. SOURWINE. The United States mails are always available to you. Have you ever asked for it by mail?

Mr. TERMAN. No. I frankly was not too much concerned about it because at the time I did not need the money and I loaned it actually because Albert Kahn was a friend of mine.

Mr. SOURWINE. You, as a matter of fact then, have never made formal demand for the payment of these notes; have you?

Mr. TERMAN. I have never turned them over to an attorney for collection.

Mr. SOURWINE. Did you ever have any other notes from these gentlemen?

Mr. TERMAN. I assume I did, but, as I said, I tried to find them in my records and I was not able to find them.

Mr. SOURWINE. Where did you find these notes?

Mr. TERMAN. I have a little box at home and I throw my stuff in there and I found these 4 notes—I don't know, there should have been 5 anyway, in any case, because I never loaned him \$400 at a time.

Mr. SOURWINE. You gave Cameron & Kahn \$500 as a loan about the 1st of August 1953, is that right?

Mr. TERMAN. I would not be a bit surprised because these notes are dated September 23, so it is around that date.

Mr. SOURWINE. You also gave or loaned Cameron & Kahn \$500 in September 1953, is that right?

Mr. TERMAN. It is very possible, sir.

Mr. SOURWINE. Did you help to raise money from other persons for the firm of Cameron & Kahn?

Mr. TERMAN. I refuse to answer that question under the privilege granted me by the fifth amendment as a free American not to be a witness against myself.

Mr. SOURWINE. Do you feel that there is anything criminal in attempting to raise money from others for a publishing firm to which you yourself are freely willing to testify respecting your own contribution?



Mr. TERMAN. Frankly, gentlemen, I am very much baffled by this procedure. I have been a businessman all my life, and for 32 years I have made loans and I have given credit and I have never been challenged by any committee before, so I am really shocked and I can't understand it.

Mr. SOURWINE. Well, that doesn't answer my question. I want to know if you anticipate any prosecution of yourself, criminal prosecution, because of anything you might tell us about raising money for the publishing firm of Cameron & Kahn?

Mr. TERMAN. Pardon me, sir; I have to take a pill.

(The witness consulted with his attorney.)

Mr. TERMAN. As I said before, Mr. Sourwine, this is my first experience before a committee of this kind and as a businessman I really never anticipated ever getting into troublemaking loans, and I feel that I must exercise my rights as an American to take my privilege under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. I am not challenging your right at all. I am only making the inquiry which it is the right of this forum to make as to whether in refusing to answer that question, you honestly fear that a truthful answer to it would form at least a link in a chain.

Mr. TERMAN. I really don't know. I frankly don't know—I have been reading an awful lot of stuff in the papers about these hearings, and believe me, it is not a good experience to appear here. I would rather be working.

Mr. SOURWINE. It is clear you are not ashamed of having loaned money to Cameron & Kahn.

Mr. TERMAN. I certainly am not. In fact I am proud of the fact.

Mr. SOURWINE. Are you ashamed of having had anything to do with raising money from other persons for Cameron & Kahn?

Mr. TERMAN. I refuse to answer for the reasons I stated before.

Mr. SOURWINE. Did you have anything to do with the giving of \$200 to Cameron & Kahn by Elmer C. Segal?

Mr. TERMAN. I refuse to answer for the reasons I have stated before.

Mr. SOURWINE. Do you know Elmer C. Segal?

Mr. TERMAN. I refuse to answer for the reasons I have stated before.

Mr. SOURWINE. Did you have anything to do with the giving of money to Cameron & Kahn in the amount of \$250 more or less by Walter Kaplan, of Chicago?

Mr. TERMAN. I refuse to answer for the same reasons, Mr. Chairman.

Mr. SOURWINE. Did you have anything to do with the giving of money to Cameron & Kahn on September 25, 1953, in the amount of \$300 more or less by S. Levinson, of Chicago?

Mr. TERMAN. I refuse to answer for the reasons I have stated before.

Mr. SOURWINE. Do you know Mr. Kaplan and Mr. Levinson?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. When you say for the same reasons, you mean because you are claiming your privilege under the fifth amendment not to be required to testify against yourself?

Mr. TERMAN. Correct, sir.

Mr. SOURWINE. Did you have anything to do with the giving of a sum of money, \$250 more or less, to Cameron & Kahn on September 25, 1953, by Boris A. Brail?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Do you have anything to do with the giving of a sum of money, \$300 more or less, by Peter A. Levine to the firm of Cameron & Kahn or for its behalf on September 25, 1953?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Did you have anything to do with this same Boris Brail giving Cameron & Kahn \$297.54 on October 13, 1953?

Mr. TERMAN. I refuse to answer for the same reasons.

Senator McCLELLAN. The Chair would like to ask one question.

Were these sums or any others that you may have raised and given to them raised and given to them for the purpose of publishing Communist literature?

Mr. TERMAN. First of all, I did not admit that I have raised money for Cameron & Kahn. I have only admitted that I made a loan to Cameron & Kahn, and as far as I know the books that they have published were not Communist literature.

Senator McCLELLAN. Proceed.

Mr. SOURWINE. Did you know, sir, that the books of Cameron & Kahn showed, in their receipts column, 2 items of \$500 as received from you on the dates indicated by my previous questions, in August and September?

Mr. TERMAN. I am sorry, sir, I missed that.

Mr. SOURWINE. I asked you whether you knew that the books of Cameron & Kahn showed receipts of two \$500 items from you on the dates indicated by my previous questions respectively August and September 1953.

Mr. TERMAN. I have never seen their books, sir.

Mr. SOURWINE. Are you, sir, interested in Granville Manor Convalescent Home and Waveland Manor Convalescent Home and the Cinema Annex Theater?

Mr. TERMAN. Yes; the Granville Manor and Waveland Convalescent Home are my business. I am director of the convalescent home. The Cinema Annex is a theater of mine. I have loaned money to them. I am a creditor.

Mr. SOURWINE. They owe you money?

Mr. TERMAN. Yes.

Mr. SOURWINE. Large amounts of money?

Mr. TERMAN. \$2,000 that I know of.

Mr. SOURWINE. Are you a mortgagee of the Cinema Annex Theater?

Mr. TERMAN. No; but I have notes from them.

Mr. SOURWINE. Do you have any interest in the management of that theater?

Mr. TERMAN. No, sir.

Mr. SOURWINE. Did you ever dictate policies or practices of that theater?

Mr. TERMAN. No, sir.

I don't know what you mean by dictate policies or practices.

Mr. SOURWINE. Did you ever instruct what should be done by the theater in any way, by the management of the theater?

Mr. TERMAN. Well, I am consulted once in a great while. I am not active in the theater.

Mr. SOURWINE. Who owns the Cinema Annex Theater in Chicago?

Mr. TERMAN. Well, it is a corporation.

Mr. SOURWINE. Do you know who the principal stockholders are?

Mr. TERMAN. I know or—pardon me—one moment.

Could I consult my counsel?

Senator McCLELLAN. You may.

(The witness consulted with counsel.)

Mr. TERMAN. Yes; I know who the stockholders are, sir.

Mr. SOURWINE. Will you tell the committee who the stockholders of the Cinema Annex Theater are?

Mr. TERMAN. One, Emil Marjotta.

Mr. SOURWINE. Can you spell it?

Mr. TERMAN. I believe it is spelled M-a-r-j-o-t-t-a. And one my wife, Gean Terman, and the other one I am not sure of, whether it is Mrs. Rosen or John Rosen, I don't know which one.

Mr. SOURWINE. How do you spell that name?

Mr. TERMAN. R-o-s-e-n.

Mr. SOURWINE. Is he a Chicago man?

Mr. TERMAN. Yes, sir.

Mr. SOURWINE. What percentage of the stock does your wife own?

Mr. TERMAN. A third.

Mr. SOURWINE. And the other two own equally one-third each?

Mr. TERMAN. Yes; but wait Mr. Sourwine, what, did you ask me, was the name of the corporation? You mentioned the name of that?

Mr. SOURWINE. We are talking about the corporation which owns the Cinema Annex Theater. The name of the corporation has never been put in the record. I will be glad to do so if you want it. This is the corporation which owns the Cinema Theater.

Mr. TERMAN. That is right, yes.

Mr. SOURWINE. Were you formerly interested in the Terman Tire & Supply Co., liquidating your interests in 1951?

Mr. TERMAN. Yes; I spent the best part of my life in Terman Tire & Supply Co.

In fact 25 years.

Mr. SOURWINE. Is the Cinema Annex Theater an outlet for Russian and Polish films in the Chicago area?

Mr. TERMAN. It is an outlet for all kinds of foreign pictures and musicals.

Mr. SOURWINE. Does it show Russian and Polish films primarily?

Mr. TERMAN. Among others. I would not say primarily; no.

Mr. SOURWINE. Were you ever a member of or otherwise affiliated with the Abraham Lincoln School?

Mr. TERMAN. I refuse to answer under my privileges as a free American not to be a witness against myself under the fifth amendment.

Mr. SOURWINE. Were you ever a member of or otherwise affiliated with the American Committee for Settlement of Jews in Birobidzhan?

Mr. TERMAN. I refuse to answer.

Mr. SOURWINE. Were you ever a member or affiliated with the American Committee for Spanish Freedom?

Mr. TERMAN. I refuse to answer for the same reason.

Mr. SOURWINE. Were you ever a member of or otherwise affiliated with any of the following organizations, the American Peace Crusade?

Mr. TERMAN. I refuse to answer for the same reason.



Mr. SOURWINE. The American Slav Congress?

Mr. TERMAN. I refuse to answer for the same reason.

Mr. SOURWINE. The Chicago Council of American Soviet Friendship?

Mr. TERMAN. I am a member of the Chicago Council of American Soviet Friendship.

Mr. SOURWINE. Are you an officer of that organization?

Mr. TERMAN. I am the chairman.

Mr. SOURWINE. How long have you held that position?

Mr. TERMAN. I might say that I have been chairman perhaps for the past 3 years and I might say in that connection that Gen. Dwight D. Eisenhower agreed with me that the work of the American Soviet Friendship was a very important function in a letter that I presented to your desk. You have a letter from him in connection with a rally we were going to hold in Chicago.

Mr. SOURWINE. You have presented no letter to me on my desk.

Mr. TERMAN. Well, when I handed that statement up there was a letter from Gen. Dwight D. Eisenhower.

Mr. SOURWINE. You gave that statement to the chairman of the committee. I do not have it and have not seen it.

Mr. TERMAN. Would you like to see it, sir?

Mr. SOURWINE. Not at this time. It is for the committee to pass upon and not me.

Mr. TERMAN. I see, O. K.

Mr. SOURWINE. Is the Chicago Council of American Soviet Friendship, to your knowledge, controlled in whole or in part by the Communist Party, USA?

Mr. TERMAN. No, sir.

Mr. SOURWINE. Are you a member of or otherwise affiliated with any of the following organizations—

Mr. TERMAN. Pardon me, Mr. Sourwine. Could I amplify that a little bit?

The Chicago Council of American Soviet Friendship is not even a part of the National Council of American Soviet Friendship. I want to get that quite clear. We are an Illinois corporation and it was founded, I believe, in 1942 by Prof. Samuel Harper, of the University of Chicago.

Mr. SOURWINE. What is its purpose?

Mr. TERMAN. Its purpose is to promote peace and friendship between the United States and the Soviet Union.

Mr. SOURWINE. You have been associated with it since its formation?

Mr. TERMAN. No; I have not. I was invited to join the board about 1945.

Mr. SOURWINE. Who invited you?

Mr. TERMAN. I believe it was a Mr. Leo Nellis.

Mr. SOURWINE. Were you ever a member of or otherwise affiliated with any of the following organizations: Chicago Council of Arts and Sciences and Professions?

Mr. TERMAN. I refuse to answer for the reasons I stated before.

Mr. SOURWINE. The Civil Rights Congress?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. The International Workers Order?

Mr. TERMAN. I refuse to answer for the same reasons.



Mr. SOURWINE. The Joint anti-Fascist Refugee Committee?

Mr. TERMAN. Pardon me, sir.

(The witness consulted with counsel.)

Mr. TERMAN. Mr. Sourwine, as all of these organizations are on this list, I thought the purpose of this list was to save time. Why are you asking me all these questions?

Mr. SOURWINE. That is a question which concerns the purposes of the committee, sir. Suffice it to say that I am being permitted by the committee to ask these questions.

Continuing with the question as to whether you were ever a member of or otherwise affiliated with the following organizations: The Joint Anti-Fascist Refugee Committee?

Mr. TERMAN. I refuse to answer for the reasons I have stated before.

Mr. SOURWINE. That is, that you are claiming your privilege under the fifth amendment?

Mr. TERMAN. Under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. The Midwest Conference to repeal the McCarran Act?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. The Midwest Committee for the Protection of the Foreign Born?

Mr. TERMAN. I refuse to answer for the reasons I previously stated.

Mr. SOURWINE. The National Federation for Constitutional Liberties?

Mr. TERMAN. I refuse to answer for the reasons stated before.

Mr. SOURWINE. The Russian War Relief?

Mr. TERMAN. Russian War Relief, I was a participant.

Mr. SOURWINE. The Washington Park Forum?

Mr. TERMAN. And I might say that, in a salute to our Russian ally in 1945, I participated and spoke on the same platform at the Chicago Stadium with Winthrop Aldrich, who is the present Ambassador to England, and the mayor of the city of Chicago, the Postmaster General of the United States, Mr. Walker, and representatives from every branch of the Armed Forces of the United States.

Mr. SOURWINE. You are to be congratulated with regard to your prominence, Mr. Terman. Were you ever a member of, or otherwise affiliated with the Washington Park Forum?

Mr. TERMAN. I refuse to answer under my privilege, under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. With the World Peace Congress?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Now, Mr. Terman, is there any significance in the fact that two organizations out of this group, with which you admitted affiliation, are organizations concerning which you have been able to say they were not communistically controlled?

Mr. TERMAN. I refuse to answer that question under my privileges under the fifth amendment.

Mr. SOURWINE. Are there any of the organizations, concerning affiliation with which you have refused to answer, which you can say are not communistically controlled?

Mr. TERMAN. I refuse to answer under my privileges as stated before.

Mr. SOURWINE. A moment ago you volunteered that your wife's name is Gean. How do you spell it?

Mr. TERMAN. G-e-a-n. And incidentally, gentlemen, I certainly expected the Senator from Mississippi, a Southern gentleman who respects a man's private life—my wife's name is being badgered around here and I really resent that, gentlemen, because I don't think she has any part to play in this picture.

Mr. SOURWINE. Earlier today a few moments ago the witness volunteered the fact that his wife's name was Gean. I just asked him how to spell it.

Mr. TERMAN. Well, I probably made a mistake answering that question because I think that my wife's name should not be dragged into this committee hearing or any other hearing.

Mr. SOURWINE. Is your wife a member of the Communist Party?

Mr. TERMAN. I refuse to answer that and I am very much put out about it and I will take the fifth amendment on that.

Mr. SOURWINE. Do you have any brothers, Mr. Terman?

Mr. TERMAN. Yes, I do.

Mr. SOURWINE. How many?

Mr. TERMAN. There are four brothers.

Mr. SOURWINE. You have three brothers?

Mr. TERMAN. I have 4; there is 5 boys.

Mr. SOURWINE. What are their names?

Mr. TERMAN. Jack, Louis, Sid, and Myer.

Mr. SOURWINE. Is your brother Myer a member of the Communist Party?

Mr. TERMAN. I will take the fifth amendment on that and I think this is an awful thing to ask a man to go through, and because of so many matters running around loose I have to take this kind of an answer.

Mr. SOURWINE. Is your brother Jacob a member of the Communist Party?

Mr. TERMAN. I refuse to answer on the privileges that I am entitled to under the fifth amendment.

Mr. SOURWINE. Is your brother Sid a member of the Communist Party?

Mr. TERMAN. I refuse to answer under the same privileges.

Mr. SOURWINE. Is your brother Louis a member of the Communist Party?

Mr. TERMAN. I refuse to answer under the same privileges.

Mr. SOURWINE. Have you ever contributed to the Communist Party?

Mr. TERMAN. I refuse to answer under the same privileges.

Mr. SOURWINE. Did you ever subscribe to the Daily Worker?

Mr. TERMAN. I refuse to answer under the privileges granted me under the fifth amendment.

Mr. SOURWINE. Did you ever subscribe to the Worker?

Mr. TERMAN. I refuse to answer under the privileges granted me under the fifth amendment.

Mr. SOURWINE. Did you ever subscribe to the U. S. S. R. Information Bureau?

Mr. TERMAN. I refuse to answer under the privileges granted me under the fifth amendment.

Mr. SOURWINE. Did you ever subscribe to the National Guardian?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Did you ever contact Russian officials?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Did you give your automobile to Russia in 1945?

Mr. TERMAN. I refuse to answer for the same reason.

Mr. SOURWINE. Were you a sponsor of the Midwest Committee for Protection of the Foreign Born?

Mr. TERMAN. I refuse to answer for the same reason.

Mr. SOURWINE. Were you chairman of the board of directors of the Chicago Council of American Soviet Friendship?

Mr. TERMAN. I answered that before, sir.

Mr. SOURWINE. Did you ever lend any money to the Abraham Lincoln School?

Mr. TERMAN. I refuse to answer under my privileges as a free American under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. Did you, in fact, lend that school \$5,000?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Did you, in fact, contribute to the Abraham Lincoln School in 1943, 1944, and 1946?

Mr. TERMAN. I refuse to answer for the same reasons, sir.

Mr. SOURWINE. And isn't it true that the money you loaned the Abraham Lincoln School in 1944 has never been repaid?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Were you ever a member of the Progressive Citizens of America?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Were you ever a member of the American Youth for Democracy?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Did you attend an organization banquet of the American Youth for Democracy in 1945?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Were you a member of the Joint Anti-Fascist Refugee Committee?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Did you attend the American Peace Crusade Conference in Chicago in 1951?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Did you give money to the Communist Party in 1951?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Did you contribute to the American Committee for Spanish Freedom in 1951?

Mr. TERMAN. I refuse to answer for the same reasons.

Mr. SOURWINE. Do you, Mr. Terman, have any knowledge of a peace conference held in Russia in 1952?

(The witness consulted with counsel.)

Mr. TERMAN. I don't even know what you are talking about.

Mr. SOURWINE. Mr. Terman, you are chairman and have been for 3 years of an organization devoted to peace and friendly relations between the United States and the Soviet Union; are you not?

Mr. TERMAN. Right.

Mr. SOURWINE. I have asked you if you have any knowledge of a peace conference held in Russia in 1952.

Mr. TERMAN. I have never heard of it.

Mr. SOURWINE. Did you ever attempt to get any person to attend a peace conference in Russia in 1952?

Mr. TERMAN. I refuse to answer under my privileges as a free American under the fifth amendment.

Mr. SOURWINE. Mr. Terman, if you never heard of a peace conference held in Russia in 1952, you could not possibly have tried to get anyone to attend such a peace conference, could you?

Mr. TERMAN. I refuse to answer under my privileges under the fifth amendment.

Mr. SOURWINE. Mr. Chairman, I respectfully suggest that the witness by having stated that he had never heard of any peace conference held in Russia in 1952 has waived his privilege, his right to claim privilege with respect to the question as to whether he attempted to get a person to attend that peace conference, and I ask that he be ordered to answer that question.

The CHAIRMAN. He will be ordered to answer the question. Repeat the question.

Mr. SOURWINE. Did you ever attempt to get any person to attend a peace conference held in 1952?

Mr. TERMAN. I will abide by my refusal.

The CHAIRMAN. I will order and direct you to answer the question, sir.

Mr. TERMAN. I will take the fifth amendment, Mr. Chairman.

Mr. SOURWINE. Did you, Mr. Terman, send a letter to the Secretary of State denouncing the State Department restriction on travel to Eastern Europe as reported in the Daily Worker of May 22, 1952, page 8?

Mr. TERMAN. I refuse to answer for the same reason.

Mr. SOURWINE. Did you ever attend functions of the Chicago committee to secure justice in the Rosenberg case?

Mr. TERMAN. I refuse to answer under the same reason.

Mr. SOURWINE. Were you a sponsor of the Conference for World Peace through negotiations in 1953?

Mr. TERMAN. I refuse to answer under the same reason.

Mr. SOURWINE. Were you, Mr. Terman, honored at a testimonial dinner in Chicago on June 26, 1954?

Mr. TERMAN. Yes, I was.

Mr. SOURWINE. For what were you honored?

Mr. TERMAN. For my long work toward peace, friendship, and understanding between all peoples and all races.

Mr. SOURWINE. Under what auspices was that testimonial dinner held?

Mr. TERMAN. There were no auspices, sir.

Mr. SOURWINE. Who promoted the dinner?

Mr. TERMAN. A group of my friends.

Mr. SOURWINE. Do you know who organized the dinner?

Mr. TERMAN. I refuse to answer under my privileges under the fifth amendment.

Mr. SOURWINE. Are you honestly afraid that if you name those of your friends who organized this dinner it will form at least a link in a chain to convict you of something?



Mr. TERMAN. No; I don't think it would form a link in a chain but I think my friends may be badgered like I am before this committee if I named them and I don't want to put my friends through an ordeal that I have to go through.

Mr. SOURWINE. Mr. Chairman, that is not a proper reason for refusing to answer. I ask that the witness be directed to answer the question.

The CHAIRMAN. Repeat the question.

Mr. SOURWINE. The question is: Who are your friends who organized this dinner?

The CHAIRMAN. I order you to answer the question.

Mr. FORER. May we have an explanation of just what relevancy that has with anything to do with this hearing?

The CHAIRMAN. That is a matter for determination of the committee. I order the question to be answered.

Mr. TERMAN. Mr. Chairman, no doubt you have been honored by dinners in the past. I am sure for your long-distinguished service in the Senate your friends have given dinners. I don't see why that becomes a matter for this committee.

The CHAIRMAN. I am ordering you to answer the question, sir.

Mr. TERMAN. Well, I think it is a shame that a man's private life has to be brought into this kind of a hearing.

The CHAIRMAN. Yes, sir.

Mr. TERMAN. But, nevertheless, if you want to know who organized the dinner, it was my wife with a group of her friends, and again I resent the fact that my wife has to be brought into this kind of a hearing.

The CHAIRMAN. Proceed.

Mr. SOURWINE. Who were the friends, Mr. Terman?

Mr. TERMAN. Now, look, I don't know who my wife's friends are. There was a group of women that met. This was a surprise party to me. How should I know?

Mr. SOURWINE. If you don't know, all you have to do is say so.

Mr. TERMAN. I don't know.

Mr. SOURWINE. Are you stating you do not know any of the organizers of this dinner except that your wife was one of them?

Mr. TERMAN. This was a surprise party for me, sir.

Mr. SOURWINE. Are you stating that you do not know who were any of the organizers of this dinner except that your wife was one of them?

Mr. TERMAN. That is a very difficult question. It might have been my aunts, my uncles, my brothers, my sisters. I don't know, I frankly don't know.

Mr. SOURWINE. Well, that is all? You do not know who any of them were?

Mr. TERMAN. Look, now, after they came to the dinner I met all my friends there, so I don't know who they were.

Mr. SOURWINE. Did you know which ones of the ones you met at the dinner were the organizers?

Mr. TERMAN. No; I did not.

Mr. SOURWINE. Did you, Mr. Terman, ever state that you would gladly die for Russia?

Mr. TERMAN. Positively and emphatically no.

Mr. SOURWINE. Were you a card-carrying member of the Communist Party in 1942, 1943, 1944, and 1945?

Mr. TERMAN. Because of the fact there are too many professional informers around I will take my privilege under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. Does the existence or nonexistence of anyone categorized by you as professional informer have anything to do with the fact as to whether you were a member of the Communist Party in 1942, 1943, 1944, and 1945?

Mr. TERMAN. I don't understand that question.

Mr. SOURWINE. Does the question of whether you were a member of the Communist Party have anything to do with the existence of any person who may or may not be an informer?

Mr. TERMAN. I still don't understand the question, sir.

Mr. SOURWINE. Were you a concealed member of the Communist Party in 1950?

Mr. TERMAN. I refuse to answer under the fifth amendment.

Mr. SOURWINE. Are you planning to attend the April 30 Conference of the Midwest Committee for Protection of the Foreign Born?

Mr. TERMAN. I refuse to answer for the same reason.

Mr. SOURWINE. I have no more questions of this witness but I ask that there be inserted in the record at this point an article from the Daily Worker regarding the conference concerning which I just asked the witness.

The CHAIRMAN. It will be admitted into the record.

(The document referred to was marked "Exhibit No. 56" and is as follows:)

[Daily Worker, New York, April 14, 1955]

#### CALL MIDWEST RALLY APRIL 30 ON FOREIGN BORN

CHICAGO, April 13.—The Midwest Committee for Protection of Foreign Born has issued a call to its annual conference, which will be held in Chicago April 30 at the Milda Hall, 3142 South Halsted Street.

Signed by Dr. Anton J. Carlson and Prof. Robert Morss Lovett, conference cochairmen, the call states that the purpose of the conference is "to discuss and develop ways to promote adequate defense of the rights of noncitizens and naturalized American citizens, as well as to seek a speedy repeal of the Walter-McCarran law and its replacement by a democratic and humane immigration and citizenship policy."

The Midwest Committee is aiding in the defense of 39 residents of 4 Midwest States in deportation and denaturalization proceedings initiated on charges of political belief or affiliation under the Walter-McCarran law.

The CHAIRMAN. Any questions?

Then Mr. Shapiro is your next witness?

Mr. SOURWINE. Mr. Shapiro, sir. He is here.

The CHAIRMAN. Raise your hand. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHAPIRO. I do.

The CHAIRMAN. I would like to wait until Mr. Forer returns. He just stepped out for a moment.

(Short recess.)

Senator DANIEL. The committee will be in order. Mr. Sourwine, proceed.

## TESTIMONY OF RALPH N. SHAPIRO, ACCOMPANIED BY JOSEPH FORER, HIS ATTORNEY

Mr. SOURWINE. Will you give your full name?

Mr. SHAPIRO. Ralph Shapiro.

Mr. SOURWINE. Do you have a middle initial?

Mr. SHAPIRO. N, as in Nathan.

Mr. SOURWINE. What does that stand for?

Mr. SHAPIRO. Noah, N-o-a-h.

Mr. SOURWINE. What is your address?

Mr. SHAPIRO. 9 East 40th Street, New York 16, N. Y.

Mr. SOURWINE. That is your business address; isn't it?

Mr. SHAPIRO. Yes; home address, 160-07 17th Avenue, Whitestone, Queens, N. Y.

Mr. SOURWINE. You are a lawyer?

Mr. SHAPIRO. That's right.

Mr. SOURWINE. Are you a member of a law firm?

Mr. SHAPIRO. I am associated with another lawyer; yes.

Mr. SOURWINE. Who is he?

Mr. SHAPIRO. Harold I. Cammer.

Mr. SOURWINE. Is that the same Mr. Cammer who is a member of the firm of Cammer & Witt?

Mr. SHAPIRO. Yes.

Mr. SOURWINE. Is Nathan Witt a member of that firm?

Mr. SHAPIRO. No; that firm has not been in existence since, I believe, the beginning of 1951.

Mr. SOURWINE. Has its name gone off the doors and off the letterheads?

Mr. SHAPIRO. Off the letterheads. There is no door; off the letterheads.

Mr. SOURWINE. Then you have a partnership with Mr. Cammer which no other attorney shares?

Mr. SHAPIRO. I prefer to call it an association.

Mr. SOURWINE. Is it in fact a partnership?

Mr. SHAPIRO. It is an association.

Mr. SOURWINE. Is it in fact a partnership?

Mr. SHAPIRO. No; it is not in fact a partnership.

Mr. SOURWINE. I just wanted to make the record clear on that.

Your office is the same as the suite used by Mr. Witt?

Mr. SHAPIRO. That's correct.

Mr. SOURWINE. What other attorneys share that office space?

Mr. SHAPIRO. Well, there is a whole floor there, Mr. Sourwine, and there are other lawyers on that floor who have absolutely no relationship with Mr. Cammer or myself. They are in the nature of tenants paying rent and so on.

Mr. SOURWINE. To whom do they pay their rent?

Mr. SHAPIRO. They pay it to Mr. Cammer.

Mr. SOURWINE. These individuals.

Mr. SHAPIRO. Yes, sir.

Mr. SOURWINE. Who are those lawyers?

Mr. SHAPIRO. Stanley Faulkner, Henry Rubin, and Joseph Diamond.

Mr. SOURWINE. Are there any other persons or organizations which share that office space?

Mr. SHAPIRO. Well, Mr. Diamond has a couple of his own corporations that use it as a mailing address but beyond that, no.

Mr. SOURWINE. Does the firm of Cameron & Kahn use that office space?

Mr. SHAPIRO. No, sir.

Mr. SOURWINE. Do they have desk space there?

Mr. SHAPIRO. No, sir.

Mr. SOURWINE. Does their telephone ring in that office?

Mr. SHAPIRO. No, sir.

Mr. SOURWINE. You are sure about that?

Mr. SHAPIRO. It does not ring on the phone that I am familiar with, namely my phone and Mr. Cammer's phone number which is the same phone number.

Mr. SOURWINE. I asked if their telephone rang in that same office, the suit of offices on this floor?

Mr. SHAPIRO. To my knowledge it does not, sir. Each of the individual attorneys has his own phone.

Mr. SOURWINE. Does the Liberty Book Club have office space or desk space on this floor?

Mr. SHAPIRO. No, sir.

Mr. SOURWINE. Do they have a telephone which rings on this floor to your knowledge?

Mr. SHAPIRO. To my knowledge, no.

Mr. SOURWINE. Are you the Ralph Shapiro who attested an affidavit by Harvey Matusow in connection with the Jencks case?

Mr. SHAPIRO. I am.

Mr. SOURWINE. When did you first see that affidavit?

Mr. SHAPIRO. Well, there were two affidavits, Mr. Sourwine. There was an affidavit.

Mr. Shapiro. Did you attest to both of them?

Mr. SHAPIRO. I attested to both of them.

Mr. SOURWINE. When did you first see the first one you attested to?

Mr. SHAPIRO. The one that was attested to January 17. I saw Mr. Matusow sign for the first time was on October 17 to the best of my knowledge.

Mr. SOURWINE. When did you first see the second one?

Mr. SHAPIRO. Again the second to the best of my knowledge on the 20th of January or maybe a day before because that was the recast affidavit, and I think perhaps Mr. Witt may have shown it to me just informally.

Mr. SOURWINE. Are you sure that the first affidavit was not in your possession before Mr. Matusow came to your office to sign it?

Mr. SHAPIRO. You mean the affidavit that was executed on January 17?

Mr. SOURWINE. Yes, sir.

Mr. SHAPIRO. I don't believe it was in was in my possession; no, sir.

Mr. SOURWINE. If I told you that Mr. Matusow had said that the affidavit was at your office and that he went there and signed it, would that make any difference in your answer?

Mr. SHAPIRO. Does he mean my office or Mr. Witt's office? We have offices on the space. Did he mean in Mr. Witt's room or in my room?

Mr. SOURWINE. Let's get that straight. In what room was it signed?



Mr. SHAPIRO. It was signed in Mr. Witt's room on January 17.

Mr. SOURWINE. Do you know whether it was there before Mr. Matusow came to sign it?

Mr. SHAPIRO. I really, Mr. Sourwine, have no recollection of that.

Mr. SOURWINE. All right, sir. Now do you know who typed the affidavit that was executed on the 17th?

Mr. SHAPIRO. I don't know who typed it.

Mr. SOURWINE. Do you know where it was typed?

Mr. SHAPIRO. No; I do not know where it was typed.

Mr. SOURWINE. Do you know who prepared it?

Mr. SHAPIRO. No, sir; I do not know.

Mr. SOURWINE. Mr. Matusow signed it and you attested it in Mr. Witt's office?

Mr. SHAPIRO. That's correct.

Mr. SOURWINE. What is the fact in this regard with respect to the second affidavit, the one that was attested on the 20th?

Mr. SHAPIRO. That was attested in Mr. Witt's room on the date indicated in the affidavits.

Mr. SOURWINE. Did you know Harvey Matusow before you notarized his affidavit in the Jencks case?

Mr. SHAPIRO. I met him for the first time on January 17, after meeting him I realized that I had seen him in the office before then, but the first time I met him was on the 17th of January.

Mr. SOURWINE. You never consulted with him on his business or the business of any of your clients before that time?

Mr. SHAPIRO. No, sir.

Mr. SOURWINE. Did you, sir, sign a nominating petition for one Simon Gerson in 1948?

Mr. SHAPIRO. Well, may I say on that, Mr. Sourwine and chairman of the committee, that I fail to see the materiality or relevance of that question for the purposes which I have been subpoenaed, namely, the execution of the affidavit by Mr. Matusow.

Mr. SOURWINE. You can't define the purposes for which you have been subpoenaed. That is for the committee.

Mr. SHAPIRO. Well then, may I request that the committee therefore define the purposes for which I have been subpoenaed? Apparently my sole connection with this matter is the fact that I witnessed, and there has been no question of it, witnessed or rather took, as we say, Mr. Matusow's signature.

Mr. SOURWINE. Mr. Shapiro, you have been subpoenaed by the committee to answer questions respecting matters which the committee is investigating.

One of those questions was just asked you. Did you sign a nominating petition for Simon Gerson in 1948?

Mr. SHAPIRO. May I request the Chair to rule on the objection, so to speak, that I have raised?

Senator DANIEL. You have been here during the testimony of the previous witnesses today, haven't you?

Mr. SHAPIRO. Some of them; yes.

Senator DANIEL. You know the ruling that has been made to suggestions or objections before and the Chair will make the same ruling. Your objection is overruled.

Mr. SHAPIRO. The ruling, sir, may I suggest respectfully should not be blanket rulings on all questions of materiality or relevancy?

Senator DANIEL. I ruled strictly on your objection now and you will proceed to answer the question.

Mr. SHAPIRO. You are therefore overruling my objection as to materiality or relevancy, sir?

Senator DANIEL. That is correct.

Mr. SHAPIRO. May I therefore raise this objection? Under my rights under the first amendment to the Constitution of the United States with regard to whether or not I signed a nominating petition, it is an act of electoral privilege which is given to all citizens and I think one that should be respected by this committee, sir.

Senator DANIEL. That objection is overruled. You will proceed to answer the question.

Mr. SHAPIRO. Having overruled these objections, sir, then I must avail myself of the privilege afforded me under the fifth amendment not to be compelled to bear witness against myself.

Mr. SOURWINE. Do you know that Simon Gerson, in 1948, ran on the Communist Party ticket?

Mr. SHAPIRO. Well, if your records show it, sir, I would take it.

Senator DANIEL. You understand he was asking: Do you know he ran on the Communist Party ticket?

Mr. SHAPIRO. It might help if you gave the office for which he ran then.

Mr. SOURWINE. I have just asked if you knew that he ran on the Communist ticket.

Mr. SHAPIRO. I heard testimony earlier today to the effect that Simon Gerson is an employee, or whatever you want to call it, of the Communist Party, and I assume then that he may have at times run. I have no recollection of whether or not he ran in 1948 for public office.

Mr. SOURWINE. As a matter of fact wasn't it your knowledge that he ran on the Communist Party ticket that led you to refuse to answer the question whether you signed a nominating petition for him that year?

Mr. SHAPIRO. I think you should know, Mr. Sourwine, that you have no right to inquire as to the reasons why a witness avails himself of the privileges under the fifth amendment.

And secondly I have already answered the question.

Mr. SOURWINE. Well, answer it now if you have already answered it.

Mr. SHAPIRO. What is the question, sir?

Mr. SOURWINE. The question is whether it is not true as a matter of fact that it was your knowledge that Simon Gerson ran on the Communist Party ticket which led you to claim the refusal as to whether you signed the nominating petition for him.

Mr. SHAPIRO. Well, I must refuse to decline to answer that question, sir, under the fifth amendment I am not required to bear witness against myself and also that it is a rather vague and generalized question.

Mr. SOURWINE. Mr. Chairman, in view of the fact that the witness had previously testified that he did not know on what ticket Mr. Gerson ran, I submit he has waived his privilege to claim the fifth amendment and therefore refuse to answer the question as to whether his knowledge of that was not a factor in his refusal to answer the prior question.

Senator DANIEL. I instruct the witness to answer the question.

Mr. SHAPIRO. I'd—

Mr. SOURWINE. The question is:

Was it not a fact that your knowledge of Mr. Gerson's having run on the Communist Party ticket was the basis for your refusal to answer the question as to whether you had signed a nominating petition for him.

Mr. SHAPIRO. I would be willing to debate at the proper time and forum the question of waiver which is a wholly technical one as you gentleman well know, but under the circumstances I must avail myself of the privilege under the fifth amendment not to be required to be a witness against myself.

Mr. SOURWINE. I ask that the witness be ordered to answer the question.

Mr. FORER. You just did.

Senator DANIEL. The Chair just ordered the witness to answer the question and the Chair orders again.

Mr. SHAPIRO. I understand that, sir, that I have been ordered and I again make my declination.

Mr. SOURWINE. Were you active in the American Labor Party rally in Peekskill, September 13, 1949?

Mr. SHAPIRO. I was not active in it, sir. I attended it.

Mr. SOURWINE. Are you or have you ever been a member of the Lawyers Guild?

Mr. SHAPIRO. I was and I am.

Mr. SOURWINE. Are you the Ralph Shapiro who once lived at 3154 Fairmont Street in Los Angeles, Calif.?

Mr. SHAPIRO. No, sir.

Mr. SOURWINE. May I say I do not mean by these questions to imply that you were. There are several Ralph Shapiros in records in various places and I'm trying to get them straightened out for your benefit as well as the committee.

Mr. SHAPIRO. I have never lived in that address that you have just stated.

Mr. SOURWINE. Were you the Ralph Shapiro who subscribed to the People's Daily World in September 1939?

Mr. SHAPIRO. No, sir.

Mr. SOURWINE. Have you ever subscribed to the Peoples Daily World.

Mr. SHAPIRO. No, sir.

Mr. SOURWINE. Were you the Ralph Shapiro who subscribed to the Daily Worker in 1948 and '49?

Mr. SHAPIRO. You mean the one in California?

Mr. SOURWINE. No; the Daily Worker, a New York publication.

Mr. SHAPIRO. Well, again I must raise an objection based upon materiality and relevancy, sir.

Senator DANIEL. That objection is overruled.

Mr. SHAPIRO. For all the reasons I have stated before.

Senator DANIEL. It is overruled. Proceed to answer the question.

Mr. SHAPIRO. I must also raise an objection on the rights given me under the first amendment, too.

Senator DANIEL. That is overruled. You will proceed to answer the question.



Mr. SHAPIRO. I must respectfully decline to answer the question on the grounds that I am not required to be a witness against myself under the fifth amendment to the United States Constitution.

Mr. SOURWINE. Are you now a subscriber to the Daily Worker?

Mr. SHAPIRO. I wish to avail myself of the same answer I gave in response to the previous question in order to shorten this hearing, sir.

Senator DANIEL. It will be understood you object because of materiality and because of the first amendment. They are overruled. Now you will proceed to answer the question.

Mr. SHAPIRO. I must respectfully decline to answer on the grounds that I am not required to be a witness against myself under the fifth amendment to the United States Constitution.

Mr. SOURWINE. Are you the same Ralph Shapiro who graduated from Michigan Law School?

Mr. SHAPIRO. I am.

Mr. SOURWINE. And in what year did you graduate?

Mr. SHAPIRO. Michigan Law School in 1940.

Mr. SOURWINE. Were you, sir, at the time you attended Michigan Law School, a member of any Communist group or faction?

Mr. SHAPIRO. I must raise again the objection as to materiality and relevancy as well as to objection under the first amendment to the Constitution of the United States.

Senator DANIEL. Those objections are overruled.

Mr. SHAPIRO. I must therefore respectfully decline to answer on the grounds afforded me not to be a witness against myself by the fifth amendment to the United States Constitution.

Mr. SOURWINE. Are you the same Ralph Shapiro who represented Joseph Silverstein, arrested and charged with assault on an officer in Union Square, August 2, 1950?

Mr. SHAPIRO. Yes; I represented him. I don't recall the dates, but I'll take what you say, sir, on that.

Mr. SOURWINE. Are you the same Ralph Shapiro who was a lawyer on the committee handling arrangements for the peace rally held at Union Square, December 11, 1951, under the auspices of the New York Labor Conference for Peace?

Mr. SHAPIRO. I don't think that I handled the arrangements. I do believe that I was asked by the committee to make representations in their behalf to the Police Department for a permit, and I believe I did accompany them and speak to some commissioner or deputy commissioner there and that was the end of my association with them. It was a client-attorney relationship, sir.

Mr. SOURWINE. Are you the same Ralph Shapiro who signed an American Labor Party nominating petition for Clifford T. McAvoy for president of the city council in 1951?

Mr. SHAPIRO. Well, again I must raise the objections I raised before as to materiality and relevancy particularly under the first amendment, it is an exercise of an electoral privilege which every citizen of the United States has and I fail to see what bearing it has whether I did or did not sign on certain dates—

Senator DANIEL. Objection is overruled.

Mr. SOURWINE. Might I state for the record the question does not go to whether Mr. Shapiro did or did not do it. The question is one of identification as to whether he is a particular Shapiro.



Mr. SHAPIRO. What bearing does that have on this?

Senator DANIEL. Overrule the objection. Proceed to answer the question.

Mr. SHAPIRO. I have identified myself sufficiently by this time. In 1950 was this, Mr. Sourwine?

Mr. SOURWINE. 1951.

Mr. SHAPIRO. I probably was. The reason I say probably was because I have no independent recollection of it, but if it shows a Ralph Shapiro too, it may have well have been me. As you indicated there is more than one Ralph Shapiro.

Senator DANIEL. Did you sign an American Labor Party petition for the nomination of Clifford T. McAvoy for president of the city council at any time?

Mr. SHAPIRO. I probably did. The reason I say probably is I have no independent recollection of having signed for that person in that year.

If you could be more precise or if you have a photostatic copy and I could see my signature I'd be glad to confirm or deny.

Mr. SOURWINE. Are you the same Ralph Shapiro who was 19th assembly district candidate for council on the American Labor Party ticket at one time?

Mr. SHAPIRO. I think by this time you have identified me sufficiently and I see no point or purpose to these questions on the issue upon which I have been subpoenaed before this committee, namely, whether Matusow signed an affidavit and I must respectfully object; I know I may object to this question.

Senator DANIEL. That objection is overruled.

Mr. SHAPIRO. Well, in that event the answer is "Yes," I did run for that office at the time indicated, on the American Labor Party ticket.

Mr. SOURWINE. What was that year?

Mr. SHAPIRO. Was that councilman, did you say? Because I have run more than once.

Mr. SOURWINE. City council.

Mr. SHAPIRO. City council, that was probably 1949.

Mr. SOURWINE. What other offices have you run for and when?

Mr. SHAPIRO. Well, the when is a different thing. I think the following year, that would be 1950, which would be a national election year I think I ran for Congress, and 1951—

Senator DANIEL. On what ticket?

Mr. SHAPIRO. On the American Labor Party ticket, sir, and I did not get elected. And the following year, and this I may be wrong on because I think the following year we have State, judicial elections, in New York State and I believe I ran for supreme court judge in Kings County in 1951.

Mr. SOURWINE. Did you, sir?

Are you the same Ralph Shapiro who spoke at a meeting sponsored by the American Labor Party at Minoral Temple, 50th Street and 14th Avenue, Brooklyn, to protest the Peekskill riot?

Mr. SHAPIRO. Say that date again, Mr. Sourwine, please, sir.

Mr. SOURWINE. I did not give a date.

Mr. SHAPIRO. Well, I have spoken, and this is the only answer I can give you, in the capacity as a candidate for the American Labor Party, at very many rallies and functions, and if your records indi-

cate that I spoke under the auspices of the American Labor Party then I probably did. I have no independent recollection.

I spoke at this Minoral Temple more than one time, too.

Mr. SOURWINE. Do you remember ever specifically speaking at meetings called to protest the Peekskill riot?

Mr. SHAPIRO. Why, yes, I have a recollection of that. There is a great deal of indignation in the community. A meeting was arranged and I spoke at it to protest what had happened when the hoodlums who assaulted the people who went to Peekskill.

Mr. SOURWINE. Where was the meeting held?

Mr. SHAPIRO. I don't know. I have absolutely no recollection of where it was held.

Mr. SOURWINE. But you did speak somewhere, to protest that.

Mr. SHAPIRO. I have that recollection, but I don't recall where or when.

Mr. SOURWINE. Are you the same Ralph Shapiro who sent May Day greetings to the Daily Worker on May 1, 1946?

Mr. SHAPIRO. Well, again I must respectfully raise the objections I raised before. I see no purpose to bringing out all these indicia of identification after my identity has been established particularly with respect to the matters of which we are concerned here this afternoon.

I don't see just what it has to do with this, sir, any more.

Senator DANIEL. We disagree on that and I overrule the objection. If you want to continue to repeat them, I will continue to rule on them.

You may actually offer some objection that the Chair will agree with you on, but things like we have had we will save time if you should see fit not to continually offer the objection as to materiality because the committee has already decided that they believe these questions are material.

The witness will proceed.

Mr. SHAPIRO. I can't probe into your minds as to the basis for ruling but I just don't see it at all.

I will therefore, and I assume your ruling will be the same as to the first amendment objection, I will therefore respectfully decline to answer under the privileges afforded me not to be a witness against myself.

Mr. SOURWINE. Mr. Shapiro, are you now a member of the Communist Party, U. S. A.?

Mr. SHAPIRO. Again I must raise the question of materiality and relevancy of that question to the issues developed in this proceeding as well as my rights under the first amendment. Having anticipated if I may, sir, your adverse ruling on this objection, which I take it there will be, I don't want to jump ahead of you, sir.

Senator DANIEL. Yes, indeed. That will be the ruling, and on this occasion I will tell you something about the materiality. This committee has been led to believe that Mr. Matusow is under the influence of the Communist Party and the Communist Party members in changing his testimony and that they have prevailed on him to do so and therefore every one who has had any connection with Mr. Matusow's changing, in testimony, his affidavits and so forth, we want to talk with and to get answers, and especially answers as to whether or not they are members of the Communist Party.

Now that is why the question has been asked to you and you will proceed to answer it.

Mr. SHAPIRO. But, sir, if I may just take a moment, I have already answered all, giving complete disclosures as to my connection, which was nil with Mr. Matusow's change of testimony. It was nil, nothing at all. All I did in this situation was to take his signature and there has been no contradiction of that either here or in a court proceeding so far as I understand it.

Senator DANIEL. Of course, that is your conclusion.

Mr. SHAPIRO. That is the fact, sir.

Senator DANIEL. We will not have any further argument about the ruling.

The ruling has been made and you will answer the question whether or not you're now a member of the Communist Party.

Mr. SHAPIRO. Again I wish to assert my rights under the first amendment in addition to the various objections I have heretofore made to this particular question.

And having anticipated that the Chair's ruling will be adverse to that.

Senator DANIEL. The Chair has already ruled.

You need not anticipate further on that.

I ask you now to answer the question.

Mr. SHAPIRO. I must respectfully decline to answer by reason of the rights given to me not to be a witness against myself under the fifth amendment.

Mr. SOURWINE. I have no more questions of this witness.

Senator DANIEL. The witness is excused.

The committee will meet at 10:30 in the morning.

(Whereupon at 5:50 p. m. an adjournment was taken, to reconvene at 10:30 a. m., Tuesday, April 19, 1955.)

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# STRATEGY AND TACTICS OF WORLD COMMUNISM

THE SIGNIFICANCE OF THE MATUSOW CASE

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## HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE  
ADMINISTRATION OF THE INTERNAL SECURITY  
ACT AND OTHER INTERNAL SECURITY LAWS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

EIGHTY-FOURTH CONGRESS

FIRST SESSION

PURSUANT TO

**S. Res. 58**

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APRIL 19, 1955

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PART 10

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## CONTENTS

---

Testimony of—	Page
John Lautner.....	890
Robert Z. Lewis.....	895
James H. Morrow, Jr.....	964
Victor O. Overcash.....	955
Harry Sacher.....	829
Joseph Starobin.....	911
Anita Willcox.....	845





# STRATEGY AND TACTICS OF WORLD COMMUNISM

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TUESDAY, APRIL 19, 1955

UNITED STATES SENATE, SUBCOMMITTEE TO  
INVESTIGATE THE ADMINISTRATION OF THE IN-  
TERNAL SECURITY ACT AND OTHER INTERNAL  
SECURITY LAWS, OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D. C.*

The subcommittee met, pursuant to recess, at 10:35 a. m. in room 318, Senate Office Building, Senator John L. McClellan presiding.

Present: Senators McClellan and Jenner.

Also present: J. G. Sourwine, chief counsel, Alva C. Carpenter, associate counsel; Benjamin Mandel, director of research; and Robert C. McManus, professional staff member.

Senator McCLELLAN. The committee will come to order. Proceed, Mr. Counsel.

Mr. SOURWINE. Is Angus Cameron here? (No response.)

Mr. Chairman, I was not sure that Mr. Cameron would be here this morning. My advice is that we have not yet been able to reach him with a subpoena. We have advised his attorney that we desired him here. Mr. Cameron knows that we want him to furnish some records which he had previously promised the committee he would make available but which have not yet been made available to the committee. We will continue our efforts to reach him with a subpoena or otherwise.

Senator McCLELLAN. Is he not under subpoena?

Mr. SOURWINE. Mr. Cameron appeared before the committee. He was not released from his subpoena. He agreed to produce this material. He has substantial records of Cameron and Kahn.

Senator McCLELLAN. Do I understand the committee is trying to serve him again with a subpoena?

Mr. SOURWINE. Yes, sir; with a subpoena duces tecum specifying these particular records. I do not believe there would be really any additional force in such a subpoena, but if we reach him with such a subpoena, it is clear evidence of the notice to him, at that time, of the time and place of hearing.

Senator McCLELLAN. The committee then will defer further action on it until we get another report. Proceed with the next witness.

Mr. SOURWINE. David Ratner. Is Mr. Ratner represented by counsel here? (No response.)

Mr. Ratner was served with a subpoena. Mr. Scribner, his counsel, forwarded a letter with what purported to be a doctor's certificate that Mr. Ratner was too ill to appear. Mr. Scribner has been unavailable in person and by telephone, but we have left word for Mr. Scribner at his office that, if Mr. Ratner desired to be excused because of illness, he should arrange to submit to an examination by a doctor

appointed by the committee. We will attempt to proceed further with that matter.

(The following documents were later marked "Exhibits 56, 56-A, and 56-B" and ordered into the record at this point:)

## EXHIBIT No. 56

NEW YORK, N. Y., *April 15, 1955.*

HON. JAMES O. EASTLAND,

*Chairman, Subcommittee on Internal Security,  
Senate Office Building, Washington, D. C.*

DEAR SENATOR EASTLAND: Mr. David Ratner, to whom a subpoena of your committee was addressed calling for his appearance in Washington on Monday April 18, has asked me to advise you as follows:

He has recently returned from confinement in a hospital as a result of a serious ulcer hemorrhage condition and is now confined to his home. At the same time he is suffering from a spinal arthritic condition which requires him to wear a neck brace. It would be impossible for him to leave his home for a considerable period.

Tomorrow I shall send you under separate cover a certificate from the physician who is attending him, which will more specifically advise you of Mr. Ratner's physical condition.

Respectfully,

DAVID SCRIBNER,  
*Counselor at Law.*

## EXHIBIT No. 56-A

NEW YORK, N. Y., *April 16, 1955.*

HON. JAMES O. EASTLAND,

*Chairman, Subcommittee on Internal Security,  
Senate Office Building, Washington, D. C.*

DEAR SENATOR EASTLAND: In accordance with the letter I sent you yesterday, I enclose a certificate of the physician attending Mr. David Ratner.

Respectfully,

DAVID SCRIBNER,  
*Counselor at Law.*

## EXHIBIT No. 56-B

FOREST HILLS, LONG ISLAND, *April 15, 1955.**To Whom It May Concern:*

This is to certify that Mr. David Ratner of 111-55 77th Avenue, Forest Hills, N. Y., is under my care for the treatment of a bleeding duodenal ulcer.

He was admitted to the hospital for surgery on March 18, 1955. During this time he received 8 pints of blood. He was discharged on April 4, 1955, and is confined to bed at this time. He is also being treated for arthritis of the spine.

Under these circumstances, I feel it will be inadvisable to allow Mr. Ratner to travel for the next few months.

Very truly yours,

HERMAN SCHILDKROUT, M. D.

Senator McCLELLAN. All right. Call the next witness.

Mr. SOURWINE. Mr. Robert Z. Lewis.

Mr. LEWIS. I requested an afternoon appearance and Mr. Haaser of your committee indicated that was going to happen.

Mr. SOURWINE. Mr. Lewis, I believe the Chair will probably be willing to grant you an appearance this afternoon.

Senator McCLELLAN. Are you waiting on your counsel?

Mr. LEWIS. He is taking a noon plane from the New York airfield and will be here at 1:30.

Mr. SOURWINE. Who is your counsel?

Mr. LEWIS. Morton Stavis.

Senator McCLELLAN. You be back here this afternoon at 1:30 then.

Mr. LEWIS. Yes, sir.

Mr. SOURWINE. Mr. Harry Sacher.

Senator McCLELLAN. All right, Mr. Sacher, will you be sworn? Do you solemnly swear that the evidence you shall give before this Internal Security Subcommittee of the Committee on the Judiciary in the course of this investigation shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SACHER. I do.

Senator McCLELLAN. Proceed.

#### TESTIMONY OF HARRY SACHER, ATTORNEY, NEW ROCHELLE, N. Y.

Mr. SOURWINE. Will you give your name and your present home address, please?

Mr. SACHER. Harry Sacher, 111 Taymil Road, New Rochelle, N. Y.

Mr. SOURWINE. You are a lawyer, are you?

Mr. SACHER. I am.

Mr. SOURWINE. And where are your legal offices?

Mr. SACHER. My law offices are at 342 Madison Avenue, New York City.

Mr. SOURWINE. Do you practice alone or in partnership?

Mr. SACHER. I practice alone.

Mr. SOURWINE. Do you have any associates in your office?

Mr. SACHER. Well, there are lawyers in the suite. They are not my associates in the practice of the law. They occupy space in the same suite where I have my offices.

Mr. SOURWINE. Who are those attorneys, sir?

Mr. SACHER. Mr. Frank Donner—

Mr. SOURWINE. Pardon my interruption. Do you object to having pictures taken during your testimony?

Mr. SACHER. No, provided they are good looking. I have no objection to them.

Senator McCLELLAN. The Chair would prefer that the pictures if you want to take them, get them over with right away, because it does interfere with our concentration here. Proceed to make a few and—

Mr. SACHER. Do you want me to continue with the list? I have given you the first.

Mr. SOURWINE. Please.

Mr. SACHER. Mr. Frank Donner, Mr. Marshall Perlin, Mr. Arthur Kinoy, Mr. Milton Friedman.

Mr. SOURWINE. Are any of those lawyers hired by you, employed by you?

Mr. SACHER. No, they are not.

Mr. SOURWINE. In what way, Mr. Sacher, have you been associated with the defense of Communist cases?

Mr. SACHER. I do not understand your question.

Mr. SOURWINE. Do you know what I mean by Communist cases?

Mr. SACHER. No, sir; I do not know what you mean.

Mr. SOURWINE. Have you been associated in the defense of prominent members of the Communist Party, U. S. A.?

Mr. SACHER. Mr. Chairman, may I inquire as to the purpose of this type of inquiry? I have no desire to invoke any privileges of any kind, but it does seem to me that unless these inquiries are related to

some legislative purpose, that the inquiry is improper. I am a member of the bar of the State of New York and of the Supreme Court of the United States in good standing and I defend and prosecute cases which are brought to me and which I choose to defend or prosecute. Now it seems to me that it can hardly be of national importance whom I defend or whom I represent, and certainly it hardly seems related to a legislative purpose, and I would, therefore, object to that question on the ground that it is not a pertinent inquiry in regard to any matters that appear at the moment at least to be within the jurisdiction of the subcommittee or the committee.

Senator McCLELLAN. Restate the question, Mr. Counsel.

Mr. SOURWINE. In what way have you been associated with the defense of Communist cases?

Senator McCLELLAN. The Chair thinks you can answer that. It would seem that either you have been associated with them or you have not, as counsel.

Mr. SACHER. I do not know what Communist cases are.

Senator McCLELLAN. You have the right, of course, to practice law.

Mr. SACHER. Of course I have and I think I have a right not to be called to account anywhere for the cases that I have participated in, and I think that it is impertinent in the legal sense—of course, I am not speaking in any other sense—in the sense of not being pertinent to any legislative purpose to inquire whom or where I have defended or participated in cases.

Mr. SOURWINE. Mr. Sacher, the primary purpose of the question is to identify you—if it is true—as of counsel in certain prominent cases which have involved leaders of the Communist Party.

Mr. SACHER. I object to the question on the ground that no lawyer is identified on the basis of the cases in which he appears professionally. If that is the basis of the inquiry, Mr. Chairman, I respectfully submit it is not relevant or pertinent.

Mr. SOURWINE. In what other way does an attorney acquire a reputation?

Mr. SACHER. I do not know what you are talking about, and now you are debating with me, and I submit I do not want to debate with counsel for the committee.

Mr. SOURWINE. I will rephrase the question.

Senator McCLELLAN. Let us see if we can work this out, Mr. Counsel. You ask him regarding specific cases in which he may have appeared in court in a particular given case.

Mr. SOURWINE. Did you appear in Judge Medina's court in a trial which involved certain leaders of the Communist Party, U. S. A., as counsel for the defense?

Senator McCLELLAN. Now you may answer that.

Mr. SOURWINE. That is a matter of record.

Mr. SACHER. Of course, it is a matter of record, and that is an added ground on which I decline to answer, Mr. Chairman.

There is no occasion for the Congress of the United States to call a lawyer before it to inquire in what cases he has participated, particularly when it is a matter of public record as to what case he participates in.

Senator McCLELLAN. The Chair will order you to answer it. There is no reason why we have to send up there and get the public record



and have it certified to when you are available and can testify. Certainly there would be no objection from the standpoint of background. You are not ashamed of it?

Mr. SACHER. Mr. Chairman——

Senator McCLELLAN. There is no reason why you cannot answer the question. The Chair orders you to answer the question.

Mr. SACHER. Mr. Chairman, I am ashamed of nothing I have done, either professionally or in my private life, but that is no reason why I should be brought to Washington to testify about it. Unless it is relevant and pertinent to some legislative purpose, I must respectfully decline to answer the question, and I should like to ask of the Chair what legislative purpose do you state is being served by my answer to this inquiry?

Senator McCLELLAN. Well, the Chair does not necessarily feel called upon to give you all the information that you may desire. This committee is constituted to perform a function for the Congress and for the country, primarily with respect to national security, and the Chair hold that any question which may be asked you regarding anything associated with the subversive elements in this country, if there are such, is a pertinent question, and it is pertinent to this inquiry. It is the duty of every American citizen to answer such questions when so interrogated under oath before this committee unless he wants to avail himself of the privilege of the fifth amendment of the Constitution. So the Chair will direct you to answer the question.

Mr. SACHER. Mr. Chairman, permit me to say this: That I think that an inquiry to any member of the bar concerning cases in which he has participated carries with it implicitly the notion that attorneys are accountable to the legislative branch of the Government for the cases they handle, and I respectfully submit, Mr. Chairman, that if I decline to answer, you will realize that I decline not out of any disrespect to this committee or any wish to subvert its process, because a declination on my part will not subvert anything that this committee aims to do because, as both of us have observed, my participation in the cases, or at least the case that is being spoken of, is a matter of public record. But I do feel, and I appeal to you as a lawyer, Mr. Chairman, to give thought to the proposition that this may create a bad precedent from the point of view of the freedom of advocacies in our country. In other words, I submit to you, Mr. Chairman, that I think you should take under advisement the wisdom of calling a lawyer before you to state whether or not he has participated in certain cases. I do not think it is wise to do it. I do not think it is in consonance with our notions of an independent bar, and I respectfully submit that a lawyer ought to be as immune from accountability for the cases in which he participates as a Member of Congress is for his utterances on the floor of the House, either of the Senate or of the House of Representatives.

Senator McCLELLAN. The question that has been propounded to you is a preliminary question as a matter of background leading into further inquiry. The Chair has already stated his position. The Chair orders you to answer the question.

Mr. SACHER. All right. I will answer the question and state that I did participate in the case in question.

Senator McCLELLAN. All right, proceed, Mr. Counsel.

Mr. SOURWINE. Mr. Sacher, do you know Harvey Matusow?

Mr. SACHER. I know him in the sense that I met him for the first time in my life 2 days before he took the stand as a witness in support of a motion for a new trial which I was to try in the case of United States against Flynn, and others, before Judge Dimock in the United States District Court for the Southern District of New York.

Mr. SOURWINE. What contact have you had with him?

Mr. SACHER. My contacts consisted, as I recall it, of the following: I think that I first met him on February 8, 1955. I believe that is the day. I think I saw him on the 8th of February and on the 9th of February, and then I saw him on succeeding days during which the hearing was being conducted before Judge Dimock, my recollection being that the first date of open court hearing on the motion I am speaking of was February 10, 1955.

Mr. SOURWINE. Did you ever give him any documents?

Mr. SACHER. Did I ever give him documents?

Mr. SOURWINE. Yes.

Mr. SACHER. No; I did not.

Mr. SOURWINE. Did you ever give him any papers or other material?

Mr. SACHER. No. Not a thing.

Mr. SOURWINE. Did he ever give you any documents?

Mr. SACHER. He did.

Mr. SOURWINE. What documents did he give you?

Mr. SACHER. He gave me a 75-page report, that is a copy of a 75-page report, that he had given to various agencies of Government, including the Federal Bureau of Investigation and the House Committee on Un-American Activities in the fall of 1951 or the winter of 1951. The report I refer to bore the date of October 19, I believe, 1951. It was offered in evidence, the report I speak of was offered in evidence by me as "Defendant's Exhibit B" before Judge Dimock.

Mr. SOURWINE. Mr. Chairman, I may say this document is in our record. Proceed.

Mr. SACHER. May I interrupt myself?

Senator McCLELLAN. Has it been made a part of the hearing?

Mr. SOURWINE. It has been.

Mr. SACHER. May I interrupt myself at this point, Mr. Chairman, to say the following: That it occurs to me again that this is an impropriety, how gross I do not intend to say, but I submit there is an impropriety in calling me, calling counsel in the case which Mr. Sourwine mentions which is pending, undetermined, under Judge Dimock at the present time, to testify concerning that case here. Now it seems to me that if there is any matter in connection with the prosecution of that motion which is deserving of scrutiny, that it ought to be submitted to Judge Dimock in the first instance. This seems to me like a flagrant disregard of the separation of powers. After all, this motion for a new trial is of primary concern to Judge Dimock. He now has that under consideration before him. He has my briefs and the United States attorneys' briefs.

Senator McCLELLAN. The Chair may say to the witness we are not going into that case as such, of course. The primary purpose of this testimony is to establish a relationship or contacts you have had with Mr. Matusow, whom this committee is investigating as to the ques-

tions relating to that, not necessarily to a case in which you are appearing as counsel.

Mr. SACHER. Mr. Chairman, my sole relationship with Matusow is limited to the case in question, United States against Flynn et al, and I submit that anything else you may ask me about I would not know anything about.

Senator McCLELLAN. That is your statement.

Mr. SACHER. And I am making it under oath.

Senator McCLELLAN. That is your statement and you are making it under oath but you are subject to cross-examination on it, and that is what the committee is proceeding to do. Proceed, Mr. Counsel.

Mr. SACHER. Well, then, I submit, Mr. Chairman, that I think a foundation should be laid, if I may be so bold as to use a bit of legal terminology here, a foundation ought to be laid here for the propriety of the inquiry that is being made.

Senator McCLELLAN. The foundation has already been laid in previous hearings for the testimony that we are seeking to adduce this morning, and if you will be a little more cooperative, we can get this disposed of pretty soon. The question, as I told you a moment ago, was primarily for background information and you are going to be asked now some specific questions.

Mr. SACHER. Mr. Chairman, may I say this: I do not think that you intended to imply that I was uncooperative, but I have no desire to do anything but two things here: One is to answer what I honestly believe is properly asked of me, and second, to see to it that so far at least as I am concerned, that nothing of the rights, privileges or immunities of attorneys and counselors at law are violated in this hearing.

Now certainly you cannot regard that as obstructive.

Senator McCLELLAN. We will try to not violate that. You have not been asked any questions regarding your case except that which is a matter of record, public record.

Mr. SACHER. No, he is asking me about things which are not of public record.

Senator McCLELLAN. He is asking you about associations and contacts with Mr. Matusow. You may proceed, Mr. Counsel. I think it is quite proper.

Mr. SOURWINE. Mr. Sacher, I may suggest that your suggestion that the proceedings here would prejudice the case in Judge Dimock's court constitute an unjustified reflection upon—

Mr. SACHER. Now that is not true. I did not say anything about the proceedings here affecting Judge Dimock's judgment. I think that judge is independent enough not to be troubled by what happens here and that was not the basis of my objection at all.

Senator McCLELLAN. We are not trying to try the case.

Mr. SACHER. All right, but I do not think it is fair to say that I suggested here in any way that the proceedings before Judge Dimock would be prejudiced by virtue of anything that was interrogated about here.

Senator McCLELLAN. If that interference was drawn and you say that was not the intention, you did not intend to imply that, we will proceed with that understanding.

Mr. SOURWINE. Mr. Sacher, the question is with regard to documents which you gave Matusow or he gave you. You said you had given him none, that he had given you some and you named one.



Mr. SACHER. That is right.

Mr. SOURWINE. Did he give you any others?

Mr. SACHER. Yes, he did.

Mr. SOURWINE. Will you tell us about them?

Mr. SACHER. He gave me, in addition to this defendant's exhibit B, some sheets of paper which bore the names of a number of people. I do not know the exact number. But these sheets of paper were part of, maybe 28 sheets which he turned in to the FBI, and which I think were received in evidence before Judge Dimock as defendant's exhibit M.

Mr. SOURWINE. These documents, Mr. Chairman, will be offered for our record at a later time.

Go ahead. Any others?

Mr. SACHER. In addition, he also gave me a diary, that is, these were loose sheets, the first sheet of which was dated, I believe, some time in 1948, and my present recollection is that the next sheet in this group of sheets was dated some time in 1950, and then there was a group of sheets running fairly consecutive from, I believe it was some time in December, 1951, to the end of April, 1952.

Now that is this diary that I am speaking of, and portions of it were introduced into evidence before Judge Dimock as defendant's exhibit A-1 to, I believe, something like 3, 4, or 5. I do not recall.

Mr. SOURWINE. This document, Mr. Chairman, will be identified by Mr. Matusow for our record when he appears before us.

Any others, sir?

Mr. SACHER. Well, there were other pieces of paper that he gave me. There were, what he called Q and A sheets used in the preparation of his testimony before the SACB in one or more cases that he was a witness in before that body, and my recollection is that those sheets were offered in evidence but not received. They were marked for identification. My recollection is those were defendant's exhibits E, F and G for identification.

Mr. SOURWINE. Any others?

Mr. SACHER. In addition there was a list of books or pamphlets which I think was exhibit H, defendant's exhibit H, either for identification or in evidence, which he had, he said, furnished to the United States attorney in the course of his preparation as a witness in the Flynn case. Now there may have been other pieces of paper which, at the moment, I do not recall.

Mr. SOURWINE. That is all you remember?

Mr. SACHER. But I think those are the main papers in any event.

Mr. SOURWINE. Those are all you know of now, all that you now recall?

Mr. SACHER. Those are all I presently recall.

Mr. SOURWINE. Did Mr. Matusow give you an affidavit made by him?

Mr. SACHER. Not me. Not me.

Mr. SOURWINE. Do you know to whom he gave that affidavit?

Mr. SACHER. I do not. I was here in Washington at the time that affidavit was executed and delivered, and I do not know of my own knowledge, nor do I even know by hearsay, as to whom precisely he delivered it to.



Mr. SOURWINE. Now, by that affidavit, do you mean an affidavit which he gave recanting certain testimony he had given in the Flynn case?

Mr. SACHER. That is what I understood you to refer to.

Mr. SOURWINE. Did you ever at any time discuss with Mr. Witt the matters of that affidavit?

Mr. SACHER. I did not.

Mr. SOURWINE. At no time?

Mr. SACHER. No, sir, not prior to its execution. I may have spoken to him subsequently in the course of the hearing of the motion because he was interested in the hearing before Judge Dimock as counsel for Jencks, and he was in court and I may have had conversations with him about it.

Mr. SOURWINE. Did you have anything to do with the phrasing or writing of the affidavit, Mr. Sacher?

Mr. SACHER. Nothing. I had nothing to do with it.

Mr. SOURWINE. Did you have anything to do with the procuring of the affidavit?

Mr. SACHER. I had not a thing to do with it.

Mr. SOURWINE. Do you know with whom, among defense counsel, that matter was discussed on behalf of Mr. Matusow or by Mr. Matusow?

Mr. SACHER. I do not. I should say by way of explanation that I was engaged in a trial right here in the District of Columbia before Judge Schweinhaut from January 10 to February 3, inclusive, and only got to my home on weekends and so that I had my hands full here in the District and other people took care of what had to be done in New York.

Mr. SOURWINE. Mr. Sacher, have you defended Gus Hall, a Communist leader and bail jumper?

Mr. SACHER. I defended Gus Hall, period.

Mr. SOURWINE. Mr. Sacher, have you ever served a prison sentence?

Mr. SACHER. Mr. Chairman, is that question related to some legislative purpose? I wonder.

Senator McCLELLAN. The Chair will hear counsel. I was not just certain what the purpose of it was.

Mr. SOURWINE. Mr. Chairman, among the measures under consideration by this committee is proposed legislation for the purpose of fixing additional standards with respect to the practice of law in the Federal courts. Among the suggestions for inclusion in such legislation is one which would prohibit members of the Communist Party from practicing in Federal courts. It is germane to the consideration of such legislation to inquire into the circumstances involving the practice of law in Federal court by persons who are Communists and by persons who are defending Communists. I believe that the inquiries made here and other inquiries which have been made and which will be made in this Matusow case have bearing upon that legislative problem now pending before the committee.

Mr. SACHER. I would like to be heard, Mr. Chairman, if I may.

Senator McCLELLAN. The Chair thinks that you should lay a foundation for that first by asking the witness if he is a member of the Communist Party, if he has ever been, and so forth.

Mr. SACHER. Mr. Chairman, may I be heard, please?

Senator McCLELLAN. Briefly.

Mr. SACHER. Mr. Chairman, my understanding, when I came here, was, as given to me by those who served the subpoena to me, that I was going to be interrogated concerning the Matusow recantation. I believe, and I say this with as much of a sense of responsibility as 30 years of practice at the bar have given me, that I have established rather conclusively by evidence other than Matusow's own recantation before Judge Dimock, that he lied and lied outrageously at the Flynn trial, and I should like the opportunity before I leave the stand today to file with your committee, Mr. Chairman, copies of the briefs that I filed with Judge Dimock and copies of some 13 exhibits that I prepared to demonstrate the falsity of Matusow's testimony at the Flynn trial.

The suggestion that my political beliefs or associations are to be inquired into seems to me to be diversionary in character. I maintain that Matusow lied and that, if this committee wants to know how our judicial procedures may be improved, let them wait until Judge Dimock passes judgment on everything that transpired before him. Let there not be here made an attempt to prejudice the determination not only by Judge Dimock, but by the people of the United States as to whether or not Matusow lied when he testified at the Flynn trial. Now I submit, Mr. Chairman, that this—if I may say so—that this is doing a disservice to the administration of justice.

Senator McCLELLAN. That is what we are trying to find out. Now let us proceed, Mr. Counsel, and ask the proper questions to lay the foundation for this.

Mr. SOURWINE. Are you, Mr. Sacher, a member of the Communist Party, USA?

Mr. SACHER. Mr. Chairman, I have been called here because of my representation of the defendants in United States against Flynn on a motion for a new trial on the ground that Harvey Matusow committed perjury in their trial. I have answered and am prepared to answer all questions concerning my participation in that case. I refuse. I refuse categorically, Mr. Chairman, to discuss my beliefs, religious, political, economic, or social. I do not do so on the ground of the fifth amendment. I do so because it is inconsistent with the dignity of any man to be compelled to disclose his political, religious, economic, social, or any other views. And I respectfully submit that an inquiry to me concerning this matter is not pertinent to anything with which this committee is concerned, and is not relevant to any inquiry that may properly be made of me. And I therefore decline on the ground that I cannot with any regard for my own self-respect, do otherwise, Mr. Chairman.

Senator McCLELLAN. Well, the Chair does not think that it is beneath the dignity of a good citizen of the United States to answer a question as to whether he is a member of an organization that seeks the overthrow of this Government by force and violence and therefore, the Chair propounds to you now the question, Are you now a member of the Communist Party of the United States?

Mr. SACHER. Mr. Chairman, medieval inquisitors also thought there was no impropriety in asking those whom they regarded as heretics to answer the question.

Senator McCLELLAN. The Chair does not care for a lecture. The Chair asked you a question.

Mr. SACHER. And I decline to answer that question, Mr. Chairman.

Senator McCLELLAN. The Chair orders you to answer the question.

Mr. SACHER. I decline to answer that question on the grounds I have already stated.

Senator McCLELLAN. The Chair asks you another question. Have you ever been a member of the Communist Party of the United States?

Mr. SACHER. I respectfully submit, Mr. Chairman, that my conscience dictates to me that I shall not, under your compulsion or anybody else's compulsion, make any disclosure of any of my beliefs, political, religious, economic, or social, past or present, and I decline to answer your question.

Senator McCLELLAN. The Chair orders you to answer the question.

Mr. SACHER. I respectfully decline to answer it.

Senator McCLELLAN. The Chair asks you another question. Have you ever been a member of any organization, Communist Party or by any other name, that advocates and seeks the overthrow of the Government of the United States by force and violence?

Mr. SACHER. I will state to the Chair that I have never been a member of any organization which I believed to be a teacher or advocate of the forcible or violent overthrow of the Government of the United States.

Senator McCLELLAN. All right. You may proceed.

Mr. SOURWINE. Have you ever served a prison sentence?

Mr. SACHER. I have, sir. I am sure that that will be most illuminating for the legislative purposes that the committee has in mind.

Mr. SOURWINE. What was that sentence for?

Mr. SACHER. I was sentenced for contempt of court.

Mr. SOURWINE. Have you ever been disbarred?

Mr. SACHER. No, sir.

Mr. SOURWINE. Have you ever been ordered disbarred?

Mr. SACHER. An order was made but was reversed by the Supreme Court of the United States. You see, Mr. Chairman, counsel is not interested in eliciting the truth. He is interested in smearing me, and so although he knows that the Supreme Court of the United States reversed my disbarment, he asks me only whether I was disbarred, and I respectfully submit it is unworthy of the great functions of a Senate investigating committee to do that.

Senator McCLELLAN. The Chair thinks you have a perfect right to make that explanation.

Mr. SACHER. I beg your pardon?

Senator McCLELLAN. The Chair thinks you have a perfect right to make that explanation, sir.

Mr. SACHER. Thank you, Mr. Chairman. Thank you.

Senator McCLELLAN. Proceed.

Mr. SOURWINE. Did you, Mr. Sacher, ever attend a gathering of leaders of the Communist Party, U. S. A.?

Mr. SACHER. Well, I defended leaders of the Communist Party of the United States of America in United States against Dennis, and I imagine I must have attended such meetings, certainly. That is what you do when you defend clients, Mr. Counsel. You meet with them occasionally.

Mr. SOURWINE. Did you ever attend a gathering of leaders of the Communist Party who were not your clients?

Mr. SACHER. I am not aware of it.



Mr. SOURWINE. Did you attend a birthday party for Alex Bittelman in January 1950?

Mr. SACHER. I do not remember.

Mr. SOURWINE. Did you attend a birthday party for Alex Bittelman in January 1950 in the board room at the Communist headquarters on the ninth floor in New York?

Mr. SACHER. I don't remember. I should say to you, Mr. Counsel, that you are speaking of a period when the Dennis case was in full progress, and I cannot say whether I was in a building where a birthday party may or may not have been taking place at the time.

Mr. SOURWINE. Did you attend a birthday party for Alex Bittelman at which Henry Winston proposed a toast, "Comrades, let's drink a toast to Alex"?

Mr. SACHER. I have no recollection of that.

Mr. SOURWINE. Do you have any connection with the legal commission or law commission of the Communist Party?

Mr. SACHER. I do not know of any such organization so I cannot say anything about it.

Mr. SOURWINE. Are you now or have you ever been a member of the Lawyers' Section of the Communist Party, U. S. A.?

Mr. SACHER. Mr. Chairman, I have declined before and I decline again—

Senator McCLELLAN. You are ordered to answer the question.

Mr. SACHER. On the grounds that I have already stated so I need not take the time of the committee, and I reemphasize that there is nothing in the purposes of the committee or the Congress which comprehends the validity, the pertinence, or the relevance of an inquiry to me concerning my political beliefs or affiliations. I respectfully decline to answer that question.

Senator McCLELLAN. May I say to you I have great respect for the law profession. I have tried to practice a little law myself. But when we come to the security of our country, an organization that is dedicated obviously to subversive purposes as an objective, I think it becomes the duty of the Congress of the United States and also the duty of the executive branch of the Government to try to ferret these things out and expose them if they relate directly to the national security—associations, at some time, and the knowledge of them, may help the Congress or help other officials of the Government to preserve national security. For that reason the Chair thinks that the question is proper and directs you to answer it.

Mr. SACHER. Mr. Chairman, I respectfully say to you that, without any desire to be immodest, I think that in the defense of those that have been charged under the Smith Act or under the Internal Security Act of 1950, I have acted in the best traditions of the profession by defending the rights of people to speak, to publish, to meet under the first amendment.

Senator McCLELLAN. This question was not related to your defending anyone in court. The question was related to your being present or being a member of a group of lawyers, presumably, ostensibly from the question—I do not know what the answer is—dedicated to the Communist Party.

Mr. SACHER. Mr. Chairman, for 30 years I have practiced law in the State of New York and elsewhere in the United States, and I think



again, without being subject to the charge of being immodest, that I have done a yeoman's share of the work that had to be done on behalf of the working men and women of our country. And I feel that my life is a living testimonial to what I am and to what I have done for my country, and I respectfully submit it is a late time of the day for me to have to appear before anybody, after 30 years of honorable practice, to testify to my loyalty to the democratic institutions of the United States, and I unswervingly and unhesitatingly tell you my devotion is to the best interests of my country. And I believe that I am serving those interests when I refuse to bend the knee to an inquiry concerning my innermost thoughts and beliefs, whether they be on politics, religion or anything else. My conscience dictates to me that I shall not, under compulsion, answer today any more than John Freeborn Lilliburne answered in the 1640's to the Court of Star Chamber and on the same grounds, Mr. Chairman, on the grounds that it is incompatible with the dignity of the individual to make compulsory disclosure of his thoughts and his ideas and his beliefs, I must respectfully decline to answer that question.

Senator McCLELLAN. You have a right to decline, of course, if you wish to invoke your constitutional privilege.

Mr. SACHER. I am invoking my rights as a man and my dignity as a man and I am not invoking any privileges against self incrimination. I have never done anything and I pledge you, Mr. Chairman, I shall never do anything which, so far as I can help, will expose me to any criminal charges.

And I say to you that I speak, not from fear of incrimination or prosecution. I speak only from the dictates of conscience. And I ask all Americans to join me in resisting inquiries of this kind, for when the day comes when Americans will resist inquiries of this kind, we shall once again witness a restoration of those liberties which we so long enjoyed prior to the advent of the suppression of them.

Senator McCLELLAN. Now you have made your speech. You are ordered to answer the question.

Mr. SACHER. I respectfully decline, Mr. Chairman.

Senator McCLELLAN. All right, proceed, Mr. Counsel.

Mr. SOURWINE. Mr. Chairman, may I ask that the witness be ordered to answer that question?

Senator McCLELLAN. I ordered the witness to answer the question. He declined. The record so shows. Proceed.

Mr. SOURWINE. Did you ever attend a Communist meeting at the home of Angus Cameron?

Mr. SACHER. I don't think I have ever been at the home of Angus Cameron, that is, at least I have no recollection of having been at his home.

Mr. SOURWINE. Did you, on November 22, 1947, attend a Communist meeting at the home of Angus Cameron at which time there was present besides yourself, one Ann Burlak, B-u-r-l-a-k, a district organizer for the Communist Party?

Mr. SACHER. I do not think I know who Ann Burlak is. I really don't.

Mr. SOURWINE. Now, answer the question, please.

Mr. SACHER. I can't. I don't know who you are talking about. How can I answer it?

Mr. SOURWINE. Did you on November 22, 1947, attend a Communist meeting at the home of Angus Cameron?

Mr. SACHER. I do not know. I certainly did not attend any Communist meeting, but I do not know whether I was ever at Mr. Cameron's home. Where was that?

Mr. SOURWINE. In Boston, sir.

Mr. SACHER. I have a recollection of being at Mr. Cameron's home once, I think in Boston.

Mr. SOURWINE. Was that on or about November 22, 1947?

Mr. SACHER. I have no recollection, not only of the month or the day, but even the year. I have no recollection.

Mr. SOURWINE. Do you say categorically that you never attended a Communist meeting at Mr. Cameron's home?

Mr. SACHER. I was at Mr. Cameron's home. I don't know what meeting took place there, whether it was Communist or not.

Mr. SOURWINE. Mr. Chairman, to save time I ask that there may be inserted in the record at this point a tabulation prepared by the Legislative Reference Service of the Library of Congress of citations to Harry Sacher appearing in the New York Times Index.

Mr. SACHER. May I see a copy of that before you act on it, Mr. Chairman?

Mr. SOURWINE. I have no other questions of this witness.

Senator McCLELLAN. The Chair will take this document under advisement for the present. I do not know what the document contains, myself.

(The document in question, after consideration, was ordered printed in the record at this point as exhibit No. 57.)

#### EXHIBIT No. 57

#### NEW YORK TIMES INDEX CITATIONS TO HARRY SACHER

1955 (to March 1)

None

1954

Communists' 2d group of leaders, prosecution of (NYC): argument on appeal, Appeals Ct; H. Sacher denies clear and present danger from Communist party . . . My 11, 18:4

ALP rally, NYC; C Lamont, H Sacher, CT McAvoy S[peeches] acting chmn Ross says ALP will run full slate in effort to retain status as legally recognized pol party. My 7, 14:4

US Sup Ct, 6-2, overrules permanent disbarment from Fed cts; remands case to lower ct for rev; Sacher 'grateful,' Ap 6, 24:2

Regis Under Internal Security Act: US completes case against Labor Youth League (LYL); defense asks dismissal; NYS Chmn Bucholt testifies; Govt rests case against Jefferson School; H Sacher asks dismissal; hearing to be moved to NYC, F 17, 19:1, 5

1953

SACB hears arguments on IWO legal status; Sacher charges Lautner lied on Miss Adams; charges slur against Presidents, D 17, 28:1

SACB hearing on Jefferson School continues . . . Sacher charges hearsay, D 16, 26:3, 5

SACB [hearing] . . . Sacher cross-examines Budenz, D 15, 25:2

. . . Dr. Dodd continues testimony on Jefferson School; names its counsel H Sacher, faculty members LR Bradley. FV Field, AA Heller, L Merrill, M Schlauch, A Trachtenberg, R Young and H Collins as Communists, D 1, 2:4

SACB hearing on Jefferson School . . . counsel H Sacher opposes regis, N 26, 39:1

US Appeals Ct Stays Sacher disbarment to permit Sup Ct Rev Je 21, 8:5

Appeals Ct upholds disbarment from Fed practice in NY Southern Dist.; por J1 7,  
1: 1

1952

. . . [W Z Foster's] atty H Sacher, Govt Arguments revd. O 28, 11: 4  
He starts prison sentence, Ap 25, 8: 4, 7  
Attys ordered to surrender to begin sentences. Ap 23, 7: 2  
US Supt Ct rejects Communists' attys plea to rev decision upholding contempt-  
of-ct sentences; refuses to stay mandate informing NY trial ct of decision,  
Ap 22, 11: 2  
Sup Ct upholds '49 contempt sentence, Mr. 11, 11: 1  
Ct denies H Sacher plea for stay of disbarment pending G Hall appeal, Ja 31,  
6: 4  
Stay granted pending final decision of appeal, Ja 29, 11: 4  
Decision reserved on H Sacher request for stay of disbarment; NY County  
Lawyers Assn and NYC Bar Assn Atty argue against stay, Ja 19, 8: 2  
Solicitor Gen asks Sup Ct uphold contempt sentences meted out to [defense  
attys], Ja 10, 14: 2  
Disbarred from Fed ct practice, Ja 5, 1: 6  
Illus. Ja 5, 5: 3

1951

Sacher unsuccessfully moves for new trial; illus, D 28, 4: 4  
Sacher files brief to show ct lacks power, D 8, 3: 8  
Sacher offers hosp evidence on mole removal in '50, N 29, 18: 2  
Judge Ryan examines Hall's scars; prosecution asks punishment for willful  
disobedience of surrender order; Sacher replies, citing lack of precedent,  
N 27, 18: 1  
Sacher moves for proceedings dismissal; says ct lacks power to impose contempt  
penalty for bail-jumping, N 22, 21: 1  
Hall contempt trial set; Sacher to be atty, N 14, 19: 5  
Ct denies H Sacher plea for more time for Hall to retain counsel; Sacher,  
I Joffe and E N Jackson to be witnesses . . . , N 3, 6: 6, 8  
Sup Ct Grants rev of contempt-of-ct convictions of Communist leaders' attys  
Sacher, Isserman, McCabe, Gladstein and Crockett, and of Dennis, own  
atty . . . O 23, 1: 6  
Grand jury hearing; . . . Sacher . . . questioned, Ag 10, 6: 5  
. . . Ryon denies Stachel attys Sacher and Isserman motion for his release on  
ground imprisonment aggravates heart condition, Ag 9, 4: 3, 7  
Jones, Garrett, Flynn, Bachrach and atty H Sacher illus, J1 4, 5: 2  
. . . St scene; defense motions denied . . . J1 3, 1: 1, 2  
Sacher to seek sentence suspension, Je 30, 5: 8  
Ct curbs defense atty H Sacher efforts to delay surrender, Je 28, 1: 2  
Communist leaders defense attys and E Dennis ask US Sup Ct to reconsider  
refusal to rev their case; ask for stay of jail sentence pending ct ruling on  
their appeal on behalf of convicted Communist leaders, Je 17, 39: 2  
5 get wk's stay, Je 13, 32: 6  
Ct reverses decision, Je 12, 16: 4  
5 Attys and Dennis petition Appeals Ct in NY for stay of sentence in order to  
apply for rehearing . . . Je 8, 17: 2  
Editorial, Je 6, 30: 3  
H Sacher resigns as Local 306 [motion pictures machine operators Union AFL]  
counsel, H. E Cooper succeeds, Je 6, 22: 5  
U S Sup Ct refuses to rev contempt-of-ct conviction, Je 5, 1: 1; Je 5, 27: 6  
Sacher and A J Isserman file briefs in reply to bar assns motion for disbarment,  
Mr 10, 13: 1  
Amer Bar Assn com rept urges Communists and sympathizers be expelled from  
bar assns and disbarred; recommends querying future and present members on  
Communist ties; H Sacher scores rept as terrorism move, F 25, 44: 1

1950

Fed Dist Ct, Conn, hearing on NYC Bar Assn and NY County Lawyers Assn  
petition to disbar Sacher and Isserman, D 22, 1: 2  
Sup Ct delays decision on revg contempt convictions of Communist lawyers,  
O 24, 1: 2  
H Sacher and A. J Isserman file brief with US Dist Ct to dismiss NYC Bar  
Assn and NY County Lawyers Assn petition to bar them from practicing  
in U S Cts in dist, O 17, 24: 4



- Hearing to bar H Sacher and A J Isserman from practicing in Fed Ct adjourned until Nov 15, S7, 33: 1
- Sacher and Isserman win 13-day delay to reply to disbarment motion; bar assns opposed, Ag 30, 13: 3
- Fed ct preliminary hearings on NYC Bar Assn disbarment proceedings against Sacher and Isserman. Jl 12, 52:7
- NYC Bar Assn to probe 15 attys for 'misconduct' in circulating petition in behalf of Isserman and Sacher, who face disbarment proceedings, My 17, 26: 6
- Appeals ct denies petition of 5 Communist leaders attys and E Dennis for rehearing on contempt convictions . . . My 16, 13:5
- Disbarment motions on Sacher and Isserman adjourned until June 27, My 13, 9: 8
- Nat'l Lawyers Guild pledges aid to convicted attys . . ., My 8, 6: 4
- Judge PO'Brien warns right of attys to handle unpopular cases will be ended if conviction of Communists attys is upheld, s, Natl Lawyers Guild, My 7, 85: 3
- Attys for Communist leaders win stay of execution on contempt-of-ct sentences, My 2, 8: 5
- With E Dennis file brief asking for convictions rehearing, Appeals Ct, My 3, 2: 2
- NYC Bar Assn and NY County Lawyers Assn ask disbarment of H Sacher and A J Isserman; they comment, Ap 15, 8: 8
- US Appeals Ct upholds, 2-1, Judge Medina contempt-of-ct sentencing of 5 attys for convicted Communist leaders, and E Dennis, who acted as own counsel; opinions quoted, Ap 6, 1: 6
- Prof I Emerson sees pattern of harassment of lawyers appearing for 'left wing' defendants, s, Civil Liberties Union; says Judge Medina should have left to another judge task of contempt sentence for Communist leaders attys, F 23.30: 7
- Attys for 11 convicted Communists file reply brief on appeal from contempt convictions, F 18, 6: 3
- Stay of execution of sentences until May 2 granted, F 8, 14: 2
- Defense case argued, F 7, 16: 1
- Goot files brief to uphold Judge Medina sentences, US Circuit Ct of Appeals, F 5, 4: 1
- Natl Lawyers Defense Com sponsors rally for convicted attys; Prof Emerson s read, F 3, 20: 4
- 16... sign statement protesting censure of attys who defend minority and labor groups; score contempt conviction of Communists defense attys, F 1, 19: 5

## 1949

- Communist defense attys hon at Civil Rights Cong dinner, NYC; s on their sentences, D 19, 21: 4
- Communist defense attys win 2 mo postponement on hearing of appeal against contempt of ct convictions; sentences stayed, D 6, 4: 4
- Communist defense attys to seek postponement of their appeal from contempt charges, N 26, 28: 8
- Defense attys for convicted top Communists win stay of contempt sentences until Dec 12, N 2, 5: 1
- Attys file notice of appeal from sentences, O 22, 1: 8
- NY County Lawyers Assn names subcom to weigh disbarment, O 18, 21: 1
- Communist party members urged to protest to Pres Truman against Communist defense attys contempt sentences, O 16, 1: 7
- Attys who defended US Communist leaders in conspiracy trial sentenced by Fed Judge Medina for contempt of ct, O 15, 1: 8
- Medina statement, O 15, 3: 2
- Scene described; NYC Bar Assn plans action against H Sacher and A J Isserman; speculation on disbarment of all; comment by PL Ross, O 15, 4: 3, 6, 7; by convicted attys, O 15, 5: 2; ed, O 15, 14: 1
- Local 306 meeting [Motion Picture Machine Operators Union]; vote to retain counsel H Sacher, Jl 15, 3: 8
- . . . H Sacher dropped as gen counsel [of Shoe Workers of America, United (CIO)], My 10, 15: 2



1948

- Left-wing locals pledge to support Quill policies; Sacher, W Quaytmen, H Poritz and F Joffe fired . . . D 8, 26: 3
- Quill bars speaking invts to P Robeson and H Sacher . . . D 4, 28: 1
- Hogan resumes full duties; to ignore charges [of leftists draining international treas, etc.]; Sacher comments, N 25, 63: 4
- H Sacher and 3 officers offer data to US Atty on alleged fraud in recent Local 100 referendum, N 20, 7: 5
- Quill demands left-wing com observe Armistice Day; walks out after denouncing com as brain-child of Communist party in TWU; scores Hogan and H Sacher, N 16, 34: 5
- D L MacMahon and H Sacher charge voting fraud in recent Local 100 in referendum; ask U S Atty action; sec-treas G Faber denies charge, O 22, 22: 5
- M Quill repts Communists and H Sacher efforts to get him to back Wallace in Dec '47, s 12; 41: 2
- Local 802 [of American Federation of Musicians (AFL) (AFM)] exec bd members vote to dismiss H Sacher as gen counsel; Sacher statement, S 11, 2: 2
- Quill predicts anti-Communist victory at Chicago Conv; revs fight against left-wing, statement following Local 100 exec bd approval of Sacher ouster; Sacher comments, S 9, 18: 3
- Local 100 exec bd meets; votes to dismiss Sacher . . . Hogan comments on Sacher dismissal, S 8, 1: 2
- Internatl exec bd meeting, NYC . . . MacMahon, Santo and Sacher get confidence vote; Quill calls Local 100 meeting for Sacher dismissal action; Sacher comments; Quill warns MacMahon, Santo and Sacher not to attend, S 7, 1: 6
- O'Dwyer names TWU officers A Hogan, D L MacMahon, J Santo and H Sacher as leaders in Communist-directed scheme to strike on transit lines in preference to accepting pay rise . . . My 21, 1: 5
- Citizens Budget Comm counsel Riegelman supports O'Dwyer legal right to use funds for deficit, reply to Sacher . . . Ap 24, 1: 4
- TWU challenges bd right to use revenue increase for debt; counsel H. Sacher interprets Rapid Transit Law . . . Ap 23, 25: 8

1947

- US drops fight to force Santo to testify; Sacher hails action; claims move foils alleged perjury attempt; to seek delay on hearings, O 11, 15: 4, 6
- Ct orders Santo to testify; Sacher plans appeal, O 4, 1: 6
- J. Santo refuses to testify at deportation hearing; US gets show cause order; hearing adjourns pending Ct action; atty H Sacher charges Govt suborns perjury, O 2, 3: 1
- Johnson again testifies; describes G Eisler connection; incriminates Sacher, S 19, 1: 2
- L F Budenz charges Communist tie, hearing; Sacher assails slurs against himself and Quill, S 13, 1: 6
- US charges Communist tie in amended complaint; hearing; illus; defense counsels score hearing; Sacher Attacks Govt witnesses, S 12, 3: 2
- TWU counsel Sacher links union conflict; to seek delay [in Santo case]; cites Santo war record, S 7, 1: 6; wins 3-day delay, S 9, 1: 1
- Sacher sees TWU as victor, Je 26, 15: 1
- Ed, Mr Sacher's Discoveries, Je 21, 16: 2
- 4 workers go on trial; charged described; denied by men; Sacher charges bd is putting TWU on trial, not men; says other workers resent action, Je 20, 1: 2
- Bd refuses to drop suspensions; Sacher scores bd. Je 11, 1: 8
- TWU counsel Sacher and bd estimate pay rise costs, Je 10, 1: 8
- TWU atty H Sacher takes issue with ed No Fare Rise, No Pay Rise, [My 6, 26: 2] My 8, 1: 3; 16: 2; ed on issues, My 9, 20: 4

1946

- Lr on arbitration award in TWU local 100-5th Av Coach Co dispute, Jl 16, 22: 7; reply, Jl 17, 22: 8
- . . . ALP designates H Sacher for Repr in 28th Dist. Je 20, 24: 3
- Testifies, Transit Advisory Com. hearing, May 21, 17: 7
- Testifies, Transit Advisory Com hearing, Mr 13, 31: 5; Mr 14, 31: 5
- Comments on TWU demands for sole bargaining rights, radio S, F 26, 13: 6

1945

Testifies, WLB hearing on NYC Omnibus Corp dispute with TWU, J1 25, 24: 3

1944

None

1943

None

This list does not include the many pages of citations to the Communist trials before Judge Medina.

[Joan Rapaich, History and General Research Division, April 11, 1955.]

Mr. SACHER. Mr. Chairman, may I ask you to be good enough to receive in evidence copies of the brief which I filed with Judge Dimock and copies of exhibits which I submitted with the brief to demonstrate that Matusow testified falsely in the Flynn trial?

Senator McCLELLAN. You may submit your documents. They will be referred to the committee for inspection and for such proper use of them as the committee thinks is advisable.

Mr. SACHER. Thank you. May I hand them to you, Mr. Chairman?

Senator McCLELLAN. You may; yes, sir. Lay them right down on the table. We will get them, all right. All right. Are there any other questions, Mr. Sourwine?

Mr. SOURWINE. I have no more questions of this witness.

Senator McCLELLAN. You are excused, Mr. Sacher.

Call your next witness.

Mr. SOURWINE. Anita Willcox.

Senator McCLELLAN. Mrs. Willcox, will you stand and be sworn, please?

Mr. BOUDIN. Mr. Chairman, I requested of Mr. Sourwine 2 days ago there be no pictures taken and that request was made by telephone and the request was made specifically with respect to pictures being taken before Mrs. Willcox testified.

Senator McCLELLAN. Just a moment, gentlemen. No more pictures.

Mr. BOUDIN. Needless to say, the request that way is hardly honored.

Senator McCLELLAN. The Chair did not quite get your remark, Counsel.

Mr. BOUDIN. I say, when I made a request of Mr. Sourwine of the kind I did several days ago and pictures are taken here after he knew my request and told me he was going to give it to the committee, the request is worthless. Either the committee is going to give a degree of privacy to witnesses or it isn't.

Senator McCLELLAN. If you will have a seat now, we will try to proceed. Will you be sworn, please?

Do you solemnly swear that the evidence you shall give before the Internal Security Subcommittee of the Committee on the Judiciary of the United States Senate in the course of this investigation shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. WILLCOX. I do.

**TESTIMONY OF MRS. ANITA WILLCOX, ACCOMPANIED BY LEONARD  
B. BOUDIN, HER ATTORNEY**

Senator McCLELLAN. I think the record should show—Will you state your name, please, sir.

Mr. BOUDIN. I am Leonard B. Boudin, 25 Broad Street, New York City.

Senator McCLELLAN. You may proceed, Mr. Counsel.

Mr. SOURWINE. Will you give the committee your full name and home address, please.

Mrs. WILLCOX. Anita Willcox, 38 Dock Road, South Norwalk, Conn.

Mr. SOURWINE. Do you have an address in New York City?

Mrs. WILLCOX. I do.

Mr. SOURWINE. What is it?

Mrs. WILLCOX. 280 West 11th Street.

Mr. SOURWINE. Are you the same Anita Willcox who was born in Chicago on the 11th of December?

Mrs. WILLCOX. 11th of November.

Mr. SOURWINE. 11th of November.

Mrs. WILLCOX. That is correct.

Mr. SOURWINE. Did you, Mrs. Willcox—

Mrs. WILLCOX. May I ask, you see I have never appeared before a committee before and I have a statement about making this bail for Harvey Matusow. Could I read it? It is very short.

Mr. SOURWINE. Did you offer this statement to the committee 24 hours in advance of your appearance?

Mrs. WILLCOX. I don't know. I talked to Mr. Boudin.

Mr. SOURWINE. There is a committee rule requiring—

Mr. BOUDIN. The statement is a very short one. I think the committee can see it in a minute.

Mr. SOURWINE. There is a committee rule requiring that statements to be presented by witnesses be submitted 24 hours in advance. I believe this statement should be submitted to the committee. The committee will consider, when it has an opportunity, whether this statement, as such, is to be admitted into the record.

Mr. BOUDIN. Can we not have the committee look into it now? It is two pages.

Mr. SOURWINE. You will only be questioned on the subject—

Mr. BOUDIN. May I address the chairman for a second?

Senator McCLELLAN. The Chair will hear you. Proceed.

Mr. BOUDIN. Mrs. Willcox prepared a statement which she gave me over the weekend which is very short and is a statement as to why she put up bail for Mr. Matusow. I think the committee will see that it is a perfectly proper nonlitigious one and I think she should be given the opportunity to make the statement and I would like the committee to take this now from me if I may.

Senator McCLELLAN. The Chair will receive your statement for the present. Send it up.

Mr. SOURWINE. Mr. Boudin, you are familiar, are you not, with the 24-hour rule of the committee?

Mr. BOUDIN. I am familiar with the fact that regularly the committee does not require the 24-hour rule in practice, as are you, Mr. Sourwine.



Senator McCLELLAN. That has eluded the committee. I am not chairman of this committee. I am only acting chairman today. It has not been my privilege and opportunity to be present at all of these proceedings. We have the same rule for the Permanent Investigating Subcommittee and we are adhering to the rule there in these matters where we have something under investigation, unless it is purely relating to some bill that is pending. In fact, this, as a general rule, I think, applies to all of the committees of the Congress. Where it is related to some bill that is pending and where the testimony is not under oath sometimes these statements are permitted to be read, but where witnesses are subpoenaed and brought in to testify under oath in a proceeding of this nature, an investigative proceeding, if the Chair and committee do not observe the rule, if they go to breaking it, whatever the circumstance may be, then we are going to subject ourselves to a procedure that would not be orderly and that might well bring about a great deal of disorder and chaos, so for the present, the witness may testify. This statement will be inspected and if it is all right, there will be no objection to placing it in the record or letting the witness read it. You may proceed with the questioning for the present, Mr. Counsel.

Mr. SOURWINE. Did you, Mrs. Willcox, sign a check for \$10,000 dated March 30, 1955, on the South Norwalk Trust Co., drawn to the United States Trust Co., 45 Wall Street, in payment for cashier's check No. 34310 on the United States Trust Co.?

Mrs. WILLCOX. I did.

Mr. SOURWINE. That cashier's check was drawn payable to the clerk of the United States District Court, El Paso, Tex.?

Mrs. WILLCOX. Right.

Mr. SOURWINE. It was turned over by Joe Calamita, attorney for Harvey Matusow, to meet Matusow's bond?

Mrs. WILLCOX. Well, I don't know who turned it over but I sent it for that purpose.

Mr. SOURWINE. To whom did you send it?

Mrs. WILLCOX. Well, I gave it to Mr. Faulkner.

Mr. SOURWINE. Mr. Stanley Faulkner?

Mrs. WILLCOX. Yes, sir.

Mr. SOURWINE. Attorney for Mr. Matusow?

Mrs. WILLCOX. Yes, sir.

Mr. SOURWINE. Had Mr. Faulkner asked you to do this?

Mrs. WILLCOX. Well, now, I mean he didn't ask me to do it.

Mr. SOURWINE. Who asked you to do it?

Mrs. WILLCOX. Albert Kahn.

Mr. SOURWINE. Did Mr. Kahn ask you to send the check to Mr. Faulkner?

Mrs. WILLCOX. Well, we discussed it. He asked me if I would put up bail for Harvey Matusow and I agreed to do so.

Mr. SOURWINE. Mr. Chairman, I offer for the record at this time a photostat of the cashier's check and a letter from the bank with which the photostat was transmitted in response to this committee's subpoena.

Senator McCLELLAN. The witness has admitted the check. This check may be made an exhibit and also the letter, transmitting it to counsel of the committee, may be admitted.



(A photostat of the cashier's check and letter of transmittal were marked "Exhibits 58 and 58A," respectively, and will be found in the subcommittee files.)

Mr. BOUDIN. May I see the check, Mr. Chairman?

Mr. SOURWINE. Mrs. Willcox, has anyone returned or repaid you that \$10,000 or any part of it or offered to return or repay it or any part of it?

Mrs. WILLCOX. Well, I don't quite understand the question. No one has paid me. There has been no repayment. I expect to get that after this appeal has been cleared up.

Mr. SOURWINE. Has anyone furnished you any portion of the money you put up for this check?

Mrs. WILLCOX. No, sir.

Mr. SOURWINE. Do you habitually carry in your personal account, the account on which this \$10,000 check was drawn, a balance in excess of \$10,000?

Mrs. WILLCOX. It varies from time to time. Sometimes it is more and sometimes it is less, depending on what investments I am making.

Mr. BOUDIN. Mr. Chairman, may I raise a question with you and then if your ruling is against me, I will merely state an objection. Apparently the inquiry here relates, as indicated, to the fact that Mrs. Willcox put up bail in the United States district court for Mr. Matusow. His legal right, his constitutional right to bail, is something that I am not directly involved in because we do not represent him. But he clearly has such a right. The right of any citizen likewise to put up bail for someone who needs it would seem to be unquestioned.

Is it the ruling of the Chair that an inquiry into Mrs. Willcox putting up bail in accordance with the Constitution is a proper inquiry of this committee?

Senator McCLELLAN. Yes; it is a proper inquiry of the committee. People do many things that they have a real right to do that may become a subject of inquiry, and it is her right to furnish the bail or furnish the money, the cash bail. Her right to do that is not questioned. The circumstances under which it is done sometimes may be a matter of inquiry and that is the purpose of this.

Mr. BOUDIN. Then may I simply state for the record now that I deny the jurisdiction of this committee to make this inquiry and that I do regard it as an infringement of the constitutional right to bail and the legal right of a citizen to put up bail.

Senator McCLELLAN. Yes, sir; you may make that statement and that statement will stay in the record. You have a right to object. The committee will proceed. The Chair overrules the objection. Counsel will proceed with the interrogation.

Mr. SOURWINE. Mrs. Willcox, have you ever contributed financially to the support of the Communist Party, U. S. A.?

Mrs. WILLCOX. I have not.

Mr. SOURWINE. Have you contributed money for the Communist Party or its defense?

Mr. BOUDIN. What was that?

Mr. SOURWINE. Have you contributed money for the Communist Party or for its defense?

Mrs. WILLCOX. Mr. Boudin says what do you mean by "defense"? I don't know.

Mr. BOUDIN. In other words, there can be a broad ramification of meaning as I understand the way——

Senator McCLELLAN. Just a moment. The Chair will clear it up. As I understand, Counsel, you are asking the witness if she has contributed money for the defense of the Communist Party. I assume you refer to its Communist leaders who have been charged with crime and brought to trial?

Mr. SOURWINE. Yes, sir.

Mrs. WILLCOX. No; I haven't. I never have. So that is that.

Mr. SOURWINE. Have you contributed money for use otherwise for the benefit of the Communist Party or its leaders?

Mrs. WILLCOX. No.

Mr. BOUDIN. Well, now, just a moment. That is exactly the question——

Mr. SOURWINE. Mr. Chairman, don't let the counsel testify for the witness.

Mr. BOUDIN. I am not testifying. That is exactly the testimony you remember, Mr. Chairman, you got an elucidation from counsel on. Now he has reverted to a broad question which has no meaning at all and I would like the question to be repeated so that you can hear it.

Senator McCLELLAN. Repeat the question and the Chair will try to rule on it.

Mr. SOURWINE. Will you read the question, please, Mr. Reporter? (The reporter read the pending question as above recorded.)

Mr. BOUDIN. You will understand my point, Mr. Chairman.

Senator McCLELLAN. I understand your point. Your objection is overruled. The witness will be ordered to answer the question. You may answer the question.

Mrs. WILLCOX. Well, I mean I have not ever given any money to the Communist Party at all, period.

Mr. SOURWINE. Are you acquainted with any of the following Communist leaders: Ella Reeve Bloor?

Mrs. WILLCOX. No.

Mr. SOURWINE. Elizabeth Gurley Flynn?

Mrs. WILLCOX. No.

Mr. SOURWINE. Grace Hutchins?

Mrs. WILLCOX. No.

Mr. SOURWINE. Claire Bodian?

Mrs. WILLCOX. No.

Mr. SOURWINE. Anna Rochester?

Mrs. WILLCOX. No, sir.

Mrs. SOURWINE. Clarina Michaelson?

Mrs. WILLCOX. I think I met her a long time ago, but I did not even know she was a Communist, I mean now or then. I haven't seen her for years.

Mr. SOURWINE. Are you, Mrs. Willcox, opposed to the Communist Party, U. S. A.?

(The witness consults her counsel.)

Mrs. WILLCOX. Well, my counsel says he thinks that he doesn't know what that means and maybe this is a matter of opinion that I should not go into. I mean, I really do not know.

Senator McCLELLAN. Do you want to state whether you oppose the Communist Party, having in mind that it is an organization termed a

conspiracy to overthrow this Government by force and violence? The question is—the Chair makes that explanation so that you may better understand the purpose of the question—whether you oppose it.

Mrs. WILLCOX. Well, now, look, I would certainly be opposed to any organization which really and in fact conspired to overthrow this Government by force and violence, but I am opposed to all violence, and I certainly would be opposed to any violence on the part of the Communist Party or any other organization.

Senator McCLELLAN. Thank you very much. Proceed, Mr. Counsel.

Mr. SOURWINE. Have you, Mrs. Willcox, ever taken any action in opposition to the Communist Party, U. S. A.?

Mrs. WILLCOX. Listen, I am an artist. I don't do anything political. I have no political—I don't take any political action at all.

Mr. SOURWINE. Have you ever, Mrs. Willcox, by any action other than financial, given aid to the Communist Party, U. S. A.?

Mrs. WILLCOX. I have never given any aid to the Communist Party.

Senator McCLELLAN. The witness has testified that she has given no aid to the Communist Party.

Mr. BOUDIN. May I appeal to the chairman, when counsel such as Mr. Sourwine asks questions of that kind of breadth, and I think meaningless, I think it puts any witness in an unfair position. What is this aid and comfort?

Senator McCLELLAN. If you will permit the Chair, he will try to keep it on the track.

Mr. BOUDIN. I hope the Chair will, but how can I call the attention of the Chair to the breadth of a question which I think is improper except by objection?

Senator McCLELLAN. All right, the question carried an implication that she had contributed whereas she has testified that she did not.

Mr. BOUDIN. Yes.

Senator McCLELLAN. Now, then, the question should be so worded as to elicit the further fact if she contributed to any other organizations.

Proceed, Mr. Counsel.

Mr. SOURWINE. Mrs. Willcox, did you know that your husband had contributed to the United May Day Committee?

Mrs. WILLCOX. He doesn't ask me about his contributions. He makes a great many contributions, and whether he has contributed to that particular committee or not, I am not prepared to answer, because I really do not follow his contributions.

Mr. SOURWINE. Is it your answer that you do not know?

Mrs. WILLCOX. I think that is what I must say. I really do not know.

Mr. SOURWINE. All right. Did you know that your husband had contributed to the campaign of Henry Wallace?

Mrs. WILLCOX. Yes, I did. I was at a dinner where he offered it quite in public.

Mr. SOURWINE. That is one contribution you know?

Mrs. WILLCOX. That I do.

Mr. SOURWINE. Did you know your husband had contributed to the DuBois Defense Committee in the sum of \$1,000?

Mrs. WILLCOX. Yes. I knew about that.



Mr. SOURWINE. Did you know your husband had contributed to the Civil Rights Congress in various amounts?

Mrs. WILLCOX. I have heard discussion of it but there, again, I do not know enough about that to testify.

Mr. SOURWINE. Did you know that your husband had contributed to the Civil Rights Congress for the defense of the Trenton Six?

Mr. BOUDIN. May I ask the chairman again whether this line of examination is deemed proper?

Senator McCLELLAN. She can answer whether she knows or not.

Mr. BOUDIN. Yes; but we are here to discuss a bail situation.

Senator McCLELLAN. We may want to bring her husband, too. We may want to inquire further, so she is permitted to answer the simple question of whether she knows.

Mr. BOUDIN. All I can do is appeal to the chairman's sense of fairness in this kind of an inquiry where somebody has put up bail and Mr. Sourwine uses the occasion to discuss the Henry Wallace campaign, the DuBois trial, and the whole world. Now, I think that is unfair and I think the chairman, who is a very able lawyer and has watched these committees and participated in them, knows that this kind of an operation on the part of Mr. Sourwine is improper, and I appeal to the chairman not to let it continue.

Senator McCLELLAN. Proceed, Mr. Counsel. The Chair will be alert to the questions. If I think they are improper, I will stop them.

Proceed.

Mr. SOURWINE. Did you know, Mrs. Willcox, that your husband contributed to the Civil Rights Congress for the defense of the Trenton Six?

Mr. WILLCOX. Well, I cannot be sure about that. I heard discussion of it but I really cannot answer that "yes" or "no."

Mr. SOURWINE. Did you know that your husband had contributed to the Civil Rights Congress for the Negro Civil Rights Congress?

Mrs. WILLCOX. Mr. Sourwine, let me explain something. I was in India for a great many months at the time that the Civil Rights Congress was operated. I think it was at the time of the Trenton Six and I really do not know about these things.

Mr. SOURWINE. The only answer you need to give is that you don't know.

Mrs. WILLCOX. O. K.

Mr. SOURWINE. Did you know that your husband had contributed \$1,500 for the Committee for Peaceful Alternatives?

Mrs. WILLCOX. Yes. I knew about that.

Mr. SOURWINE. Did your husband, Henry Willcox, contribute \$1,000 to the Communist Party in January of 1949?

Mrs. WILLCOX. I have no such knowledge at all.

Mr. SOURWINE. Did your husband, Henry Willcox, register as a Communist in the 1936 general election?

Mrs. WILLCOX. I haven't any idea what he had done.

Mr. SOURWINE. Are you a member of the New York Council of the Arts and Sciences and Professions?

Mrs. WILLCOX. I am.

Mr. SOURWINE. Were you in 1953?

Mrs. WILLCOX. Well, now, look. I will tell you about that so far as I can remember. During the Henry Wallace campaign, I believe,



because the Arts and Sciences Professions were supporting Henry Wallace, I joined them.

I have never been near a meeting but I believe I have sent them their \$2 or \$3 for membership ever since.

Mr. SOURWINE. Are you a member of the Connecticut Peace Council?

Mrs. WILLCOX. Yes.

Mr. SOURWINE. Were you in 1951?

Mrs. WILLCOX. I don't remember that.

Mr. SOURWINE. Did you attend the meeting of the Connecticut Peace Council in September 1954 at which the principal speaker was Aldo Carl Marzani?

Mrs. WILLCOX. I do not recall.

Mr. SOURWINE. Do you know Marzani?

Mrs. WILLCOX. I have met him; yes.

Mr. SOURWINE. Do you know of Mr. Marzani's connection with Mr. Kahn?

Mrs. WILLCOX. I believe he is with Cameron & Kahn; yes.

Mr. SOURWINE. Do you know of Mr. Marzani's connection with the United Electrical and Machine Workers Union?

Mrs. WILLCOX. No, I don't.

Mr. SOURWINE. Is Elsie Willcox the wife of your son, Roger Willcox, executive secretary of the Connecticut Peace Council?

Mrs. WILLCOX. Yes.

Mr. SOURWINE. Do you have any knowledge of any contacts between Albert Kahn and your son Roger?

Mrs. WILLCOX. I do not; not any. I don't think he knows him, even.

Mr. SOURWINE. Did you ever receive a message from Mr. Kahn through Roger?

Mrs. WILLCOX. No.

Mr. SOURWINE. Did Roger ever discuss Mr. Marzani with you?

Mrs. WILLCOX. No.

Mr. BOUDIN. Mr. Chairman, you have heard the witness' negative answer but I want to again point out to you the impropriety of asking a mother about her son. Now the history is familiar to the chairman as to what happens when this kind of examination is going on, and whatever may be said, about the prior examination, I think counsel should be adjured to keep within the lines of propriety. As I say, Mrs. Willcox has nothing to conceal.

Senator McCLELLAN. Counsel must realize that while this is not a court, we are not here to try an issue as to whether someone has committed a crime as such, we are undertaking to protect the security of our country. We are undertaking to ferret out those elements, those organizations that obviously are designed to promote a conspiracy that would overthrow this Government by force and violence, and therefore, in making these inquiries, those who are in such a conspiracy are not voluntarily going to expose it. It is necessary to proceed to make inquiries to get leads for further testimony.

Mrs. WILLCOX. Mr. Chairman, are you suggesting that my son or my daughter-in-law are in any such conspiracy?

Senator McCLELLAN. Nobody has expressed that.

Mrs. WILLCOX. What are you bringing it in for, then?

Senator McCLELLAN. We have a duty to perform for this country. I don't know who is in it or who is not and the purpose of this inquiry

is to try to find how this mechanism is operating in this country and so that this Government, those of us who have the responsibility, can enact the necessary legislation and take such steps as circumstances indicate are necessary to preserve our country.

Mr. BOUDIN. Mr. Chairman, could I make one observation now? I do not want to raise the issue upon which I know you and I will differ substantially as to the right of a congressional committee. I say I do not want to raise that issue, to look into crime or subversion, since I think that is a grand jury function, but I do know the chairman's position on that.

I have limited myself to this point, to the narrow issue of the right of counsel to inquire even if we assume the propriety of the total investigation of the mother, with respect to her son and her daughter-in-law.

That, I think, goes beyond propriety and I merely limit my point to that, and I hope that counsel will not pursue that kind of line with this or any other witness in the future.

Senator McCLELLAN. Proceed, Mr. Counsel.

Mr. SOURWINE. Do you, Mrs. Willcox, have a daughter, Mrs. Ann Willcox Seidman?

Mr. BOUDIN. I raise the same objection. I think the chairman is aware of the impropriety of this kind of a question. The whole history of the inquisition, as the chairman knows—I am not making a political but a legal argument—was in which children were required to testify against their parents, parents against their children, and I do not think we should carry that forward in the year 1955 when there are some rays of sunshine under our great Constitution.

Mr. SOURWINE. This was a foundation question, Mr. Chairman.

Senator McCLELLAN. If you are inquiring—the Chair will state this. If you are inquiring, if the purpose of it is to establish membership in an organization, the Chair will permit it.

Mr. SOURWINE. That is the purpose of it.

Senator McCLELLAN. I think we have a right to inquire into these organizations, who are members of them or who are not, so you may ask the question for that purpose and direct the question so that it will elicit that kind of answer.

Mr. SOURWINE. The preliminary questions I had intended to ask were only to establish that the witness has a daughter, Mrs. Ann Willcox Seidman, whose husband is Robert Benjamin Seidman. I then propose to ask Mrs. Willcox whether your daughter and Robert Benjamin Seidman, now your son-in-law, were members of the Randolph Bourne Party of Columbia University while students there?

Mrs. WILLCOX. I haven't any idea.

Mr. BOUDIN. The witness is going to answer this question under objection. Our objection was a moral one here.

Senator McCLELLAN. She says she does not know. Proceed.

Mr. SOURWINE. Are Ann Willcox Seidman and Robert Benjamin Seidman, your daughter and son-in-law, members of the Communist Party, U. S. A.?

Mrs. WILLCOX. Look, now, I want to tell you a blanket statement on all of my children. I have five children. They are all married; they are all of age, and so far as I know, not one of them is now or ever has been a member of the Communist Party.

Senator McCLELLAN. That is the right answer.

Mrs. WILLCOX. Well, now, that is that. Now can you finish that one?

Mr. SOURWINE. Surely. Is your husband, Henry Willcox, a member of the Communist Party, U. S. A.?

Mrs. WILLCOX. Mr. Willcox and I, and you probably know that, both signed an affidavit in applying for passports and reapplying, applying for extension of our passports, that we are not now and never have been members of the Communist Party. That is on the record. You know it.

Mr. SOURWINE. In the statement you made a moment ago about your children, did you mean to include your daughter-in-law, Elsie Willcox?

Mrs. WILLCOX. I did. I said I have five children; they are all married. I have got nine grandchildren. Not even the grandchildren. They are all under 5.

Mr. SOURWINE. Did you ever obtain a passport to go to Communist China?

Mr. BOUDIN. May I ask for the relevance of that to Mr. Matusow's getting out of jail after a conviction for contempt in Texas? I know they are both distant from Washington, but it does seem to me that we are going into the whole world now, and I therefore object to the question.

Mrs. WILLCOX. May I say on this, I prefer not to talk about this whole business of China because this thing is in litigation with the State Department, and I feel that any discussion of this problem, which will come out thoroughly in the State Department investigation, is prejudicial to that investigation, and therefore, I would prefer not to discuss it.

Senator McCLELLAN. Thank you very much. That will be all for the present. One member of the committee is compelled to leave at this time, and under the rules of the committee, two should be present to constitute a quorum. Therefore, we will have to recess over until 1:30. You will be back then, Mrs. Willcox.

Mr. BOUDIN. 1:30.

Mrs. WILLCOX. I wish you would read the statement then and let me read it this afternoon.

Senator McCLELLAN. I will.

(At 11:50 a. m., the hearing was recessed until 1:30 p. m.)

#### AFTERNOON SESSION

Present: Senators Daniel (presiding), Eastland, McClellan, and Jenner.

Senator DANIEL. The committee will come to order. Mrs. Willcox.

#### TESTIMONY OF MRS. ANITA WILLCOX—Resumed

Mr. BOUDIN. I am ashamed to admit my unfamiliarity with the Senate but may I ask for the name of the chairman in this session?

Senator DANIEL. Senator Daniel.

Proceed, Mr. Sourwine.

Mr. SOURWINE. The question pending at the recess this morning, Mrs. Willcox, was: Did you ever obtain a passport to go to Communist China?



Mrs. WILLCOX. May I just interrupt a minute? Before we recessed I asked if I might read my statement after the committee had had an opportunity to look it over. Is that not possible now?

Senator DANIEL. Well, the committee has not had an opportunity to study your statement, Mrs. Willcox. As soon as we have had and make a decision, we will inform you.

Mrs. WILLCOX. Thank you. Now the question again.

Mr. SOURWINE. Did you ever obtain a passport to go to Communist China?

Mrs. WILLCOX. I want to explain that, at this time, we are in process of litigation with the State Department over the whole business, this whole passport business, and the trip to China, and I would prefer not to get into this area because it would seem to be prejudicial to that case with the State Department.

Senator DANIEL. Did you ever obtain a passport, that is what Mr. Sourwine asked. Have you obtained a passport to go to Communist China?

Mr. BOUDIN. May I say to you, Mr. Chairman, there is a case pending before the Board of Passport Appeals involving Mrs. Willcox's passport rights, and this is a preliminary question to others that are necessarily involved, and I think that because another branch of the Government is now investigating that aspect with charges and counter-charges, that it should not be gone into. Obviously, the committee knows whatever it knows and will draw whatever conclusion it wishes.

Senator DANIEL. Do you make that in the form of an objection?

Mr. BOUDIN. Yes, I do, sir.

Senator DANIEL. It is overruled. Go ahead.

Mr. WILLCOX. I was just wondering whether the committee would recognize my preference not to go into this area at the present time for these reasons.

Senator DANIEL. No, the question has been asked. If you will proceed to answer it. You probably have already answered the question partially. The question is: Have you ever obtained a passport to go to Communist China?

Mr. BOUDIN. May I consult with the witness?

Senator DANIEL. The witness may consult with you.

(Mrs. Willcox consulted with her counsel.)

Mrs. WILLCOX. This was just discussing with my counsel whether I should decline at this point to answer, what to do on account of privilege.

Mr. BOUDIN. On the constitutional privilege.

Mrs. WILLCOX. I really did not want to call in the constitutional privilege because there has been so much misunderstanding about the use of the fifth amendment. I mean, the assumption by the public is that you have something to hide. Well, I have done nothing wrong, and I don't like to have this assumption about me. But, on the other hand, at this point and because of this pending litigation, I really prefer to stay out of the whole question of China and the passport.

Senator DANIEL. The committee has understood your preference but the committee has asked the question in spite of your preference. The objection has been overruled.

Mrs. WILLCOX. So then my only recourse, in spite of my not wanting to do it, is to claim the privilege; is that right?



Senator DANIEL. No, it certainly is not, and if that is the reason you claim the privilege under the fifth amendment not to give this testimony, I would say that I think you would be in contempt of this committee. You have told us what your real reason for claiming the fifth amendment might be, and that is not a reason under our Constitution and laws for claiming the privilege, and I believe, if I may express an opinion, that you would be in contempt of the committee if you refuse for that reason to give an answer to this question.

Mrs. WILLCOX. Even though I believe that to answer any of these questions would be prejudicial to my case with the State Department?

Senator DANIEL. Yes, if that is the reason that you would claim your privilege under the fifth amendment, that it would not be valid. You may consult with your attorney on that.

(The witness consulted with counsel.)

Mr. BOUDIN. May I say, Mr. Chairman—

Senator DANIEL. She may consult with you on it, but I would like to have the answer from her.

Mrs. WILLCOX. I am not sure this is all so legal. I decline to answer because of the reasons previously given and because of my privilege under the fifth amendment.

Senator DANIEL. You are stating now to the committee that you feel that under the fifth amendment you are not required to give evidence against yourself. Is that the reason now why you will not answer this question?

Mrs. WILLCOX. Yes.

Senator DANIEL. Or is it the one that you gave previously?

Mrs. WILLCOX. Both.

Senator DANIEL. Both? Well, now, the Chair will respect the latter, but not the one that you gave previously. As a matter of fact, I am going to instruct you to answer the question.

Mrs. WILLCOX. Then I must plead the fifth amendment.

Mr. SOURWINE. Mr. Chairman, I should like to ask another question of the witness in line with the committee's right to inquire into her bona fides in claiming the fifth-amendment privilege. Do you, Mrs. Willcox, honestly fear that if you give a truthful answer to this question, it will form at least a link in a chain to connect you with a criminal offense or to subject you to prosecution?

Mr. BOUDIN. Mr. Chairman, I object on the ground that it is an improper question. That is a question which comes before a court, not the committee. Mr. Sourwine is assuming not only the legislative function but the judicial one. May I suggest that that is a conclusion which may have to be proved before a court although I trust not, but he certainly has no right to ask that kind of a question. The rule about the privilege as the chairman knows and the other members of the committee know, is that you may not go into the reasons why the witness is asserting the privilege.

Mr. SOURWINE. I dislike, Mr. Chairman, arguing with counsel, but counsel has forced this. I do not believe counsel should presume to advise this committee. I desire to state that my understanding of the matter is that the forum before whom the privilege is claimed has a right to inquire into the bona fides of the witness for the purpose of determining whether the claim of privilege will be allowed or

whether, notwithstanding the claim of privilege, the witness will be ordered to answer.

It is perfectly proper to make the inquiry which has been made and I would like to have an answer to the question.

Senator DANIEL. Senator McClellan?

Senator McCLELLAN. Mr. Chairman, I take the position, I think I am correct in it, that a witness who invokes the fifth amendment, must also state under oath that they invoke it in good faith and because of an honest belief that, if they answered the question truthfully, it would tend to incriminate them.

Senator DANIEL. That has been the acting chairman's understanding and the objection is overruled.

You will proceed to answer the question.

Mrs. WILLCOX. Now I must stand—

Mr. BOUDIN. Can we go off the record for a moment?

Senator DANIEL. No.

Mrs. WILLCOX. I am just trying to see how to say this. I mean, if this is the interpretation to put on it, then I claim the privilege of the fifth amendment.

Senator DANIEL. Mr. Sourwine's question was whether you honestly believed that a truthful answer to the question as to whether you ever obtained a passport to go to Communist China would form a link in a chain of circumstances which may tend to incriminate you?

(The witness consulted with counsel.)

Mrs. WILLCOX. Well, I mean "Yes." While I have done nothing wrong, I think it might tend to. This may be a link in a chain that may tend to incriminate me.

Mr. BOUDIN. I do not know whether Mr. Sourwine is satisfied.

Senator DANIEL. Just a moment, please.

Mrs. WILLCOX. I mean, this is really so.

Senator DANIEL. That is what we want.

Mrs. WILLCOX. That is what I am trying to say. If this is the first question of a chain then I do not want to answer because I do not know what we will get into.

Mr. BOUDIN. Mr. Chairman, I am counsel to Mrs. Willcox, and I do not think that a lay witness has a right to be examined by committee lawyers and by committee members on as technical a problem as the fifth amendment. I know probably more about the fifth amendment than anybody in this room, having written about it and spoken about it. At the same time, there are many areas that I do not know and that the judges say they do not know, so how can you cross-examine a witness on her interpretation of the fifth amendment? It is positively unfair.

Senator McCLELLAN. Mr. Chairman, this is not examining her on her interpretation of the fifth amendment. This is asking a simple question to determine whether she is invoking the privilege in good faith.

Mr. BOUDIN. Senator, the link theory—I am sorry, I did not mean to interrupt the Senator. I want to hear him, as a matter of fact.

Senator DANIEL. Let us not interrupt him. And let me say this to you. That you are the first counsel I have seen interrupt the witness, place his hand upon the witness and stop the witness when the witness is testifying. Let us not interrupt, either the committee members, the

counsel, or the witness. If we follow that, I think we can run the committee in an orderly manner.

Mr. BOUDIN. Mr. Chairman, I will follow your instructions, of course. I just want to say——

Senator DANIEL. Just a minute. You are not following them. Senator McClellan is making a statement.

Mr. BOUDIN. I defer to Senator McClellan.

Senator McCLELLAN. I want to say just this: I think this committee, as well as a court, has the right to inquire of the good faith, honesty, and sincerity of anyone who invokes the fifth amendment. It is a privilege accorded under the Constitution. If they honestly believe that by answering the questions truthfully, it would tend to incriminate them, or it would tend to be giving testimony against themselves in some situation that may later result in a prosecution, they have a perfect right to decline and to invoke the fifth amendment.

But just to be anxious about it and every time you are asked a question, say, "I invoke the fifth amendment," without good reason, I think would be a fraud upon the court and a fraud upon this committee.

Mr. BOUDIN. May I just make one observation to Senator McClellan, merely to state what my legal position is, not on the facts of this matter.

Senator DANIEL. Now just a minute. I understand that you may make any objection that you may want to make, but as far as making observations and comments, this could go on forever. As a matter of fact, this is the longest I believe since I have been on this committee that we have spent in trying to get an answer to a question.

Mr. BOUDIN. I do not want to prolong the hearing. I want to get back to New York, too. All I wanted to say——

Senator McCLELLAN. Mr. Chairman, let him proceed.

Mr. BOUDIN. As a matter of law, you can consider this an objection, the link theory is only one of the reasons why one may assert the privilege. There are many others and it was a limitation by Mr. Sourwine to a specific point where the fifth may be raised which is one of my reasons for raising the objection.

The other is, I do not think it is proper to cross-examine the witness on this subject. However, the witness has answered the question finally and so I am not going to press the point.

Senator DANIEL. She was answering it.

Mr. BOUDIN. She did answer it.

Senator DANIEL. And quite frankly until you interrupted her. Will you complete your answer, please, madam? Complete the answer you were giving as to your sincerity and honesty in feeling that the truthful answer might incriminate you.

Just proceed.

Mrs. WILLCOX. I think at this point, all I can do is to claim the fifth amendment on the ground that if we get into this subject, I may be forced to make some sort of thing, to say something that would incriminate me.

Senator DANIEL. And you honestly and sincerely believe that it may do that?

Mrs. WILLCOX. Yes, I do. I mean on this link theory. I do. It is on this whole business. I want to stay out of this area because I do not

know what I might be forced to say which would incriminate me. Now is that clear?

Senator DANIEL. Yes, it is. Proceed, Mr. Sourwine.

Mr. SOURWINE. Mrs. Willcox, as a matter of fact, isn't it the truth that you never did obtain a passport to go to Communist China?

Mrs. WILLCOX. Same answer.

Mr. SOURWINE. By "same answer," do you mean——

Mrs. WILLCOX. I meant fifth amendment.

Mr. SOURWINE. You decline to answer?

Mrs. WILLCOX. I decline to answer.

Mr. SOURWINE. Claiming your privilege under the fifth amendment?

Mrs. WILLCOX. Right.

Mr. SOURWINE. Have you traveled under an official passport of the Communist Government of Poland?

Mrs. WILLCOX. Same answer.

Mr. BOUDIN. Mr. Chairman——

Senator DANIEL. Mr. Counsel, I will tell you——

Mr. BOUDIN. Please do.

Senator DANIEL. The witness has a right to counsel but I am not going to sit here and see you comment before the witness ever turns to you and asks for counsel. You comment audibly as in this instance, and I am not going to permit it as long as I have the gavel here. Now let the witness answer or seek advice from you, sir.

Mr. BOUDIN. Mr. Chairman, I did not say a word. I must have given an expression of disdain for the question being put that way but I did not say anything.

Senator DANIEL. Well, whatever you did, it was audible here, sir.

Mr. BOUDIN. I would be glad to have it stated on the record.

Senator DANIEL. Let me say to the witness, proceed. Answer the question.

Mrs. WILLCOX. Privilege on this one. I mean, I claim the privilege on this, also.

Mr. SOURWINE. You decline to answer the question as to whether you have traveled under an official passport of the Communist Government of Poland?

Mrs. WILLCOX. I decline to answer.

Mr. SOURWINE. Have you traveled under an official passport of the Communist Government of the Union of Soviet Socialist Republics?

Mrs. WILLCOX. I decline to answer.

Senator DANIEL. Give us the reason each time in order that the record may be complete.

Mrs. WILLCOX. I claim this privilege under the fifth amendment because I think this question may lead to something else that would tend to incriminate me.

Senator DANIEL. Do you feel that the truthful answer to this question itself may tend to incriminate you or be giving testimony against yourself?

Mrs. WILLCOX. May I speak to my counsel on that?

Senator DANIEL. Yes.

(Counsel and witness confer.)

Mr. BOUDIN. May I ask the chairman a question?

Senator DANIEL. No, sir.

Mrs. WILLCOX. Then I take the privilege and answer "yes."

Senator DANIEL. Answer yes?



Mrs. WILLCOX. I answer that I am declining to answer the question.

Senator DANIEL. You refuse to answer because you honestly feel that a truthful answer to this question may tend to incriminate you or be giving evidence against yourself; is that correct?

Mrs. WILLCOX. Yes.

Mr. SOURWINE. Have you traveled under an official passport of the Communist government of China?

Mrs. WILLCOX. Same answer.

Senator DANIEL. You mean the same refusal?

Mrs. WILLCOX. I am claiming the privilege on this.

Senator DANIEL. Your answer, then, will be that you refuse to answer?

Mrs. WILLCOX. Yes. Should I say that each time I refuse to answer?

Senator DANIEL. Yes; you refuse to answer, or words to that effect.

Mrs. WILLCOX. All right. I decline to answer.

Senator DANIEL. Under your privilege of the fifth amendment?

Mrs. WILLCOX. Right.

Mr. SOURWINE. Do you, Mrs. Willcox, have any official contact with the Communist Party?

(The witness consulted with counsel.)

Mrs. WILLCOX. What does that mean?

Mr. SOURWINE. Do you know that there is a Communist Party?

Mrs. WILLCOX. Why, yes.

Mr. SOURWINE. Do you know what the word "contact" means?

Mrs. WILLCOX. In a legal sense, no, I don't.

Mr. SOURWINE. In the ordinary sense, do you know what it means to contact a person or to have a contact?

Mrs. WILLCOX. Yes.

Mr. SOURWINE. And do you know what the word "official" means?

Mrs. WILLCOX. Yes; of course.

Mr. SOURWINE. Can you understand what an official contact with the Communist Party would be?

Mrs. WILLCOX. May I consult my counsel?

Senator DANIEL. If you don't understand, say so.

(The witness consulted with counsel.)

Mrs. WILLCOX. Actually, I do not know anything about the Communist Party.

Mr. SOURWINE. Let me define it this way: Defining "contact" with a person with whom you are instructed to deal, defining "official" as meaning officially designated by the Communist Party. Do you have any official contact with the Communist Party?

Mrs. WILLCOX. May I ask you this, Mr. Sourwine? In all sincerity, if I come through the United States customs and I see a customs official that goes through my luggage, am I having a contact with the United States Government?

Mr. SOURWINE. You are not having an official contact within the definition that I have just given you.

Mrs. WILLCOX. All right, then, no; I haven't. I haven't any contact with any Communist government, any official contact of any kind whatsoever.

Mr. SOURWINE. I did not say with the Communist government, I said with the Communist Party.

Mrs. WILLCOX. With the Communist Party, either.

Mr. SOURWINE. Mr. Chairman, preliminary to some questions I shall now ask, I should like to offer for inclusion in the record a release from the Department of State with regard to the recent Peiping so-called Peace Conference.

Senator DANIEL. The release will be made a part of the record.

(The document referred to was marked "Exhibit No. 59" and appears below:)

EXHIBIT No. 59

DEPARTMENT OF STATE—FOR THE PRESS

No. 771, October 1, 1952

PEIPING "PEACE CONFERENCE"

Asked for comment on the so-called Peiping Peace Conference and reports that a number of Americans are allegedly attending as delegates, Secretary of State Dean Acheson at his news conference today made the following extemporaneous reply:

"This conference is, of course, an obvious propaganda operation in which the Chinese Communists, while taking an active part in defying the United Nations and carrying the war into Korea and while they are joining with the Soviet Government in its violent 'hate campaign,' are continuing to hold 'peace conferences.' I think this deceives nobody.

"In regard to your other question about the Americans, we have heard reports that certain American citizens were attending. From the reports that we have gotten, we think we have about 15 of these Americans identified. Now, some of them were in China already. However, no persons have been issued passports to attend this conference or have asked for passports to attend the conference.

"All passports have been stamped since May 1, 'Not valid for travel to \* \* \* China \* \* \*.' We are now making efforts to find out whether any of the people that we have identified have obtained passports on false information furnished to the Department or whether they have violated the instruction which is on the passport. That is stamped on it, as I have said, and there are appropriate statutes which cover both of these cases."

Mr. SOURWINE. I should also at this time like to put into the record a memorandum from the Library of Congress with regard to certain articles published in Moscow in advance of the Peiping Peace Conference. I would like to point out that two of these articles have been translated into English. One of them is from *Izvestia* and is in Russian, and I should like to ask that not the Russian but the English translation be ordered in the record.

Senator DANIEL. They will be made a part of the record.

(The documents referred to were marked "Exhibits 60, 60A, 60B, and 60C." Exhibit 60B was not translated into English but a copy of the original is in the subcommittee files. The others appear below:)

EXHIBIT No. 60

THE LIBRARY OF CONGRESS,  
LEGISLATIVE REFERENCE SERVICE,  
Washington, D. C., October 8, 1954.

To: Mr. Benjamin Mandel, Senate Judiciary Subcommittee on Internal Security.  
From: Sergius Yakobson.  
Subject: Information on Peace Conference in Asian and Pacific Regions in October 1952.

Please find attached photostats of the following three articles published in Moscow in advance of the Peking Congress of Adherents of Peace in Asia and the Pacific Region which was held between October 2 and 12, 1952.

1. *Pravda*, September 23, 1952: The Forces of the Adherents of Peace Grow (editorial). A translation of the *Pravda* editorial is enclosed.

2. *Izvestia*, September 26, 1952: Before the Congress of Adherents of Peace of the Countries of Asia and the Pacific (editorial).

3. *Trud*, September 10, 1952: M. Kotov, The Forthcoming Congress in Peking. Translation appeared in *Soviet Press Translations* (a publication of the Far Eastern and Russian Institute of the University of Washington in Seattle, vol. 7, No. 17, Oct. 1, 1952. Pp. 379-381).

All the Soviet "peace" propaganda connected with the Peking Congress shows a strong anti-America slant. Since the Peking Congress coincided after October 5 with the 19th Congress of the All-Union Communist Party in Moscow, space in *Pravda* and *Izvestia* available for news from abroad was very limited, particularly in the issues of the second week of October. In spite of this Tass reports on the Congress were published in *Izvestia* of October 1, 2, 3, 4, 9, 11, and 16 and in *Pravda* of September 23, 26 (declaration of the American delegates, no names mentioned), October 1, 2, 4, 6, 7, 8, 9, 10, 11, 13, and 15; full text of resolutions published at Materialy Kongressa are to be found in the *Pravda* issues of October 16, 17, 18, and 21.

On September 28 *Izvestia* carried a Tass dispatch from New York dated September 27 stating that according to an AP Washington correspondent, State Department officials had announced that passports would be taken from participants in the Peking Congress and that they would be prosecuted.

According to the Soviet press reports 15 Americans participated in the congress. Names mentioned in *Pravda* of October 2, are Luis U. Uiton (Hinton?), as the head of the American delegates; Joan Hinton, an American atomic scientist (*Daily Worker*, Oct. 19), Henry Willcox, and Anita Willcox.

Isabel Cerney, a delegate, is quoted as follows:

"We are keenly aware of the immense responsibility that rests upon us, Americans, for the atrocities committed by the United States imperialists in Korea, and of the danger that threatens humanity if America's disgraceful war against Korea is not brought to an end.

"The American delegation fully associated itself with the demand of other representatives for a cease-fire in Korea and withdrawal of all foreign troops so that the Korean people could themselves arrange their domestic affairs" (*New Times*, (Moscow) 1952, No. 42, p. 7).

In *News* (Moscow), No. 21 of November 1, 1952, page 18, the following incident is reported:

"United States delegates present flowers and a small tree to the Korean delegation with this message: 'We of the American people who admire bravery and hate cruelty, ask that you will plant in the soil of Korea, soil made holy by the blood of a heroic people, this small tree. May it grow as the friendship of our peoples grow: may it be green with the green leaves of life nourished by sunlight and the rain of heaven, until it shelters under its green boughs, in safety and beauty and peace, the children of your children.'"

According to a Tass report published in *Izvestia* of September 27, a "New York-Peking" meeting was held in New York on September 25 by "progressives" under the chairmanship of Dr. John Kingsbury; Paul Robeson and Albert Kahn are mentioned as participants.

In addition to the foregoing, materials on the congress are to be found in the following publications:

1. *Soviet Press Translations*, volume VII, No. 14 of July 15, 1952, page 319 (from *Pravda*, June 8, 1952).

2. *New Times*, published by *Trud* (Moscow), 1952, No. 41 (Oct. 8) page 13. No. 42 (Oct. 15) pages 6-9: A. Markov, The Asian and Pacific Peace Congress. No. 43 (Oct. 22), page 1 (pictures only).

3. *News*, a review of world events, published by *Trud* (Moscow), 1952, No. 21 (32), November 1, pages 15-18: A. Popov, The Peoples of Asia Speak Out for Peace.

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#### EXHIBIT No. 60-A

[Editorial, *Pravda*, September 23, 1952]

#### THE FORCES OF THE PARTISANS OF PEACE GROW

Within a short time in the capital of the Chinese People's Republic at Peking, the Congress of Partisans of Peace of the countries of Asia and the Pacific will be opened. The convening of this Congress is an event of enormous international significance.



The convening of the Congress in Peking, as well as the preparations underway in all countries for the Congress of Nations for the Defense of Peace which will be held in Vienna in December, clearly demonstrates the great and insuperable force of the movement of the nations for the defense of peace.

The Partisans of Peace in all countries are inspired by the wise words of Comrade Stalin: "Peace will be preserved and consolidated if the peoples take the preservation of peace in their hands and stick to it to the end."

For the first time in history the Peking Congress will bring together representatives of nations which for centuries have experienced and the majority of which still experience colonial suppression. At the Congress the most important questions will be discussed which disturb the nations of the countries of Asia and the Pacific, and measures will be worked out for the defense of peace in that part of the globe.

"Our Congress," declares the chairman of the All-Chinese Committee for the Defense of Peace, Go Mo-Zho, "is the Congress of representatives of the nations. It has an open and honest aim—to safeguard the peace. We ask for the democratization of Japan and protest against its militarization. We ask for general reduction of armaments and we protest against the application of atomic, bacteriological, and chemical weapons of mass destruction \* \* \*. We ask for a speedy, peaceful solution of the Korean question and of the problems of the countries of southeastern Asia, and we protest against the interference by force in the internal affairs of other countries. These open and honest aims express the general aspirations not only of the peoples of the countries of Asia and the Pacific, but of all the nations of the globe which love peace and justice."

The peoples of Asia and of the Pacific region will demonstrate at the Congress their growing strength, their firm determination to preserve peace, to resist the instigators of a new world war.

For a long time the American imperialism has followed a policy of conquest in Asia and the Pacific region. After the destruction of Japanese militarism the American monopolists have promoted the program of converting this part of the world into a colony of the United States. However, the expectations of the American imperialists regarding the complete enslavement of Asia have been defeated. In the countries of Asia and the Pacific the national liberation movement has assumed very large proportions. The heaviest blow to the colonial system of imperialism was the victory of the Chinese revolution which resulted in the setting up of the Chinese People's Republic.

After they had suffered defeat in China, the American imperialists increased their aggressive actions. They started the rapacious war of conquest in Korea, in the course of which they apply the most cruel methods of extinction of the peaceful population. But their efforts to bring to their knees the courageous Korean people and to intimidate all the nations of Asia and the Pacific failed because of the barbarian methods of warfare. The Korean nation which loves liberty courageously defends itself, with the support of the heroic Chinese volunteers, against all attacks of the interventionists. The shining example of the Korean people inspires all the other peoples of Asia and the Pacific who fight against the colonizers for their national independence.

The American imperialists try to find support in Asia in the now completely defeated Japanese militarists. The separate peace treaty imposed by Washington on Japan has as its purpose the conversion of this country into an American colony, into a military base of the United States. The policy of American diplomacy in organizing the so-called Pacific pact aims at acceleration and broadening of the preparations for an aggressive war.

The nations of Asia, of the Pacific region, and of Latin America are clear in their minds that these efforts of the ruling circles of the United States bring about a new increased tension in international relations. The consciousness of the growing danger of war leads them to increase tenfold their efforts in the struggle for peace against the instigators of war.

The population of the countries of Asia and the Pacific region comprises more than two-thirds of the human race. Here live 1,600 million persons. They have experienced all the burdens of war. They deeply hate imperialistic slavery. They all recognize that on their activity in the struggle against the imperialist instigators of war depends to a considerable degree the success of the work of preserving peace and the success of the liberation movement.

A characteristic feature of the movement of the Partisans of Peace in the countries of Asia and the Pacific is its considerable growth. The broadest masses of the people are engaged in the active struggle against the instigators of a new world war.



The preparation for the Peking Congress, where the representatives of more than 30 countries will meet, is a new step in the struggle for peace which can be seen in all the countries of Asia and the Pacific region. In many countries national congresses of the Partisans of Peace have been held which demonstrated the determination of the nations to defend the peace in an even more active manner. The delegates to the Congress have been elected at thousands of meetings of workers, peasants, and members of the intelligentsia.

A short time ago the third All-Indian Congress of Partisans of Peace was held. The Congress solemnly proclaimed that India has always been a peace-loving nation and hates war. In the name of hundreds of millions of Indians the Congress asked: not to permit, in wars of aggression, the use of Indian resources, manpower, harbors; and not to participate in agreements, in pacts which can involve India in the aggressive plans of foreign powers and violate its sovereignty. In a special resolution "about the peace in Korea" the Congress proclaimed that the Indian nation declares "its absolute nonparticipation in deeds which are directed against humanity and are committed in Korea in the name of the United Nations, and joins the public conscience of the world which condemns these actions."

The powerful support given in Japan to the movement for defense of peace is remarkable. Thousands of protest demonstrations against the remilitarization of Japan promoted by the American imperialists, meetings and gatherings for the defense of the independence of the country against the American occupation, and against converting Japan into an American military base have taken place in many cities and villages.

In Pakistan and Burma, Indonesia and Thailand, in Vietnam and Malaya—in all countries of Asia the preparation for the Congress represents a powerful support of the struggle for peace. The peoples of Latin America—Mexico, Colombia, Chile, Peru, Ecuador, and Guatemala, have sent their representatives to Peking.

The Chinese people welcome the Congress with the great successes they have achieved in the building of a new life. China has not only reached the prewar level of production but has exceeded it in its industry as well as in its agriculture. The foundation has been laid for transition to economic construction on a broad scale. The achievements of the Chinese People's Republic have a tremendous international significance because they heighten the confidence of all the nations of the East in their own strength and capabilities, because they are exemplary in the fight for peace, national independence, and liberty.

The appeal of the recent All-Korean Conference for the defense of peace has reached the heart of every simple man. In a fervent declaration adopted at the conference the Korean nation has declared that the victory of peace over the forces of aggression who fight the war in Korea, means an enormous contribution to the cause of defending peace in Asia as well as in the whole world.

The Soviet nation has sent its delegates to the Peking Congress. Occupied with peaceful and creative work, our people with confidence and determination fight for and defend the cause of peace.

The peoples of the whole world hail the convening of the Congress of the Partisans of Peace of the Peoples of Asia and the Pacific. The powerful movement of the Partisans of Peace shows in a convincing manner that the nations represent an invincible force which is able to restrain aggressors and to uphold peace in the whole world. (Translation prepared by Dr. Fritz T. Epstein of the Slavic and East European Division October 7, 1954.)

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#### EXHIBIT No. 60-C

[Soviet Press Translations, October 15, 1952]

#### THE FORTHCOMING CONGRESS IN PEKING

(Trud, Sept. 10, 1952—M. Kotov<sup>1</sup>)

One day last July the stage at the International Motion Picture Festival in the Czechoslovakian city of Karlovy Vary was filled with horrible pictures. These were documentary films on the atrocities of the American aggressors in Korea. The film recorded the crimes of the American soldiery. Before the eyes of the audience passed the incinerated cities and villages of long-suffering Korea, moun-

<sup>1</sup> Responsible secretary of the Soviet Peace Committee.

tains of corpses—innocent children and old people who had been tortured—conflagrations in peaceful villages caused by napalm bombs, and bacteriological weapons employed by the interventionists for the mass destruction of human life.

Everyone who saw these showings could not remain unmoved. Cries of indignation arose from the aisles: "Shame upon the Yankees." "Down with the American bandits." "Peace to Korea."

The audience at the festival warmly applauded the Korean movie company which had created such brilliant films on the struggle of this hero-people—fighting wholeheartedly for happiness, for peace, and for freedom. In reply, the Korean delegate to the festival said:

"The day will come—and it will come soon—when we shall show the whole world a film on the total victory of the Korean people, for the American usurpers can never subjugate our freedom-loving people. Neither can they bring the other peoples of the East to their knees."

These are words of truth. Today the whole world witnesses the unprecedented proportions of the struggle for liberation among the peoples of the East, peoples who have risen to fight against the yoke of colonial oppression, against slavery, and for national independence.

It is 3 years now that the workers of great China, who have thrown off the chains of imperialism, have been building up their free republic. With admiration, the whole world watches the heroic struggle being waged by the peoples of Korea, Vietnam, and Malaya, in repulsing the frenzied onslaught of the interventionists.

The earth is burning under the feet of the imperialists. Their nefarious plans to turn the peoples of Asia and the Pacific into obedient slaves are falling through. Shameful failure awaits the policy of the Anglo-American colonizers, who are striving to use the territory, the wealth, and the human resources of these countries for the unleashing of a new world war.

The Congress of Peace Partisans for Asia and the Pacific opens at Peking late in September. Its tremendous importance is clear to all. It will serve further to activate the forces of peace in this part of the globe for their noble struggle against the monstrous schemes of the imperialists.

The representatives of people totaling more than 1,600 million persons will gather in Peking. Thirty-two countries are sending their delegates—people of various races, religious beliefs, and political convictions. They are coming to this great assembly of peoples from Asia and the Pacific, for they know that they must give every effort to the cause of peace.

The agenda of the Congress contains questions which today are troubling all people of good will. These are the defense of the independence, freedom, and peace of the Asian and Pacific peoples; the prohibition of atomic, bacteriological, and chemical warfare; the development of various normal and mutually profitable economic relations and cultural exchange; the struggle against the remilitarization of Japan; and the peaceful settlement of the Korean question on a just and reasonable basis, among others.

The idea of convening the Congress was greeted with warm support among all the peoples of Asia and the Pacific. It is not hard to comprehend that the adoption of such a measure, intended to achieve still greater solidarity among all the partisans of peace, was dictated by life itself. As formerly, the menace of American aggression in Asia and Oceania is very great. The imperialists have not renounced their criminal plans.

For more than 2 years the American usurpers have been defiling the soil of Korea. They are trying to drag out and disrupt the armistice negotiations; they are committing unheard-of indignities against Korean and Chinese prisoners of war; they are methodically carrying out their evil plan to destroy 78 of the Republic's peaceful cities. The imperialists would like to extend the war to the Far East by their air attacks against China. They have concluded a separate treaty with Japan; they are intensively remilitarizing this country; and they are building up a new and aggressive Japanese Army. The American aggressors are attempting to form a Pacific bloc modeled upon the North Atlantic bloc. This measure is designed to lay the groundwork for new military adventures against the peace-loving peoples of Asia and the Pacific. Washington is attempting to subjugate the Latin American countries by saddling them with onerous military agreements.

But today the peoples are not deceived.

No forces can halt the mighty upsurge in the movement of national liberation for Asia and the Pacific. The peoples of Korea, Vietnam, the Philippines, Malaya, and other countries are fearlessly defending their liberty and national

independence. They are thirsting for peace and for a better life. The great example of the Soviet Union, China, and the people's democratic countries illuminates their future path.

The peoples of Asia and the Pacific hate war. Even today it is bringing the common people of this part of the world incalculable calamity and suffering. This is why the angry voices of Asia's workers are sounding louder and louder, calling for an end to the crimes of the American interventionists and their accomplices in aggression, and for peace for millions of common people.

Active preparations for the Congress are being made these days in all the countries of Asia and the Pacific. They are accompanied by a new accentuation of the struggle for peace. The ranks of the peace partisans will grow with each day that passes. The minds of hundreds of thousands of people who only yesterday stood aloof from the peace movement are being awakened.

Here is a typical instance, related by a guest from far-off Paraguay. A young woman textile worker in this country was denounced to the police because she had explained the purpose and mission of the Peking Congress to her comrades. When the police came to arrest her, she calmly and firmly described—in the presence of the factory owner, the secretary of the factory trade union, and the police—the objectives of the peace movement and the reasons which had compelled her to take part in it.

"I do not want Paraguayans to be sent to their death in Korea," declared the girl. "We are fighting to save the lives of our children and countrymen."

The secretary of the trade union who heard her declared: "If that is the purpose of the peace movement, I too agree with it." And he thereupon signed the petition of the movement.

All the factory workers came to the defense of the young peace partisan. The police did not dare to arrest her, and the proprietor did not dare to fire her.

Preparatory committees for the Peace Congress have been formed in all the Asian and Pacific countries. They have done an extensive piece of work in explaining the purpose and objectives of the forthcoming Congress among all elements of the population—workers, peasants, and the intelligentsia. Thousands of assemblies and meetings have been held, in which delegates to Peking were elected.

Active preparations for the congress are underway in India. Here also a preparatory committee was formed. Upon its insistence, many newspapers in various parts of the country published the complete text of the petition of the preparatory conference, which was held at Peking in June. In August, Asia Week was proclaimed throughout the country. Initiative meetings were held in many districts. Many local peasant and trade-union organizations, among others, have already chosen their delegates for the trip to China.

Despite the brutal persecution of the police, Peace Month was observed throughout Japan in preparation for the congress. People of good will are demonstrating in defense of peace under slogans calling for opposition to the conversion of the country into an American armed base, for an immediate end to the war in Korea, for the outlawing of bacteriological weapons, for the peacetime development of the Japanese economy, and for negotiations between the five great powers. The election of delegates to the congress was accompanied by mass demonstrations of workers in defense of peace. The Japanese people's struggle against remilitarization and remobilization of the so-called police reserve reached an especially high pitch. The Yoshida government's refusal to allow the delegates visas for the trip to Peking aroused indignation everywhere.

In other countries, preparations for the congress are proceeding with great success. In Australia, Burma, Thailand, Guatemala, Colombia, Mexico, Chile, Peru, and Ecuador delegates have been elected from the most varied elements of the population.

It should be noted that the progressive elements of the intelligentsia in the Pacific countries have displayed great activity in the preparations for the congress. This class is speaking out boldly for peace and against the threat of a new war.

Large meetings were held in Pakistan, at which writers, professors, lawyers, journalists, and trade-union leaders expounded the resolutions of the World Peace Council, and denounced the use of bacteriological warfare by the Americans. The All-Pakistan Peace Committee formed a preparatory committee and sent its representatives to Peking for the congress.

The Mexican intelligentsia is likewise active in its preparations. Prominent scientific and cultural figures are taking a firm stand against the conclusion



of a military treaty with the United States of America. Leading physicians, at the behest of the Mexican Peace Council, decided to give a series of lectures on the significance of medicine in the struggle for peace. They denounced bacteriological warfare. "We will win peace if we fight for it"—this is the Mexican slogan in the preparations for the congress.

The Soviet people, together with all people of good will, stand firm for peace in Asia and the Pacific. Engrossed in their labors of construction, they are vitally interested in the preservation and consolidation of peace. Soviet people know what a great threat is posed to international security by the American aggression against the peoples of Korea and China. The workers of the U. S. S. R. stand firm against imperialist adventures and for the peaceful settlement of all disputed issues.

Our people raise a mighty voice of protest against the American atrocities in Korea. It calls for a peaceful settlement of the Korean question, and it denounces the remilitarization of Japan. Soviet people are outraged by the American use of bacteriological weapons. The Soviet workers are for unity among the peoples of Asia and the Pacific in the struggle for peace. Our representatives at Peking can tell the congress of the great feats of the Soviet Union in peacetime construction and what prosperity has been attained by the peoples in the Soviet republics of Central Asia. The inspired labors of Soviet people for peace and communism serve as a shining example to all the peoples in their noble struggle for freedom and independence, and against the threat of a new war.

The days before the opening of the Congress of Peace Partisans for Asia and the Pacific are numbered. It will be held in Peking—the capital of the new people's China. Delegates will be arriving here from dozens of countries. The hospitable Chinese people are ready for their guests. Each delegate will have an opportunity to see for himself the remarkable achievements of the Chinese people in the reorganization of their country and in their efforts to persevere and strengthen peace in the Far East and throughout the world.

The Congress of Peace Partisans for Asia and the Pacific will be a memorable event, when preparations are underway all over the world for the great Congress of Peoples in Defense of Peace, which will be held in Vienna late in the year. The Peking congress is indissolubly linked with these historic events in the great peace front. The congress will serve as a new and powerful stimulus for the unification of all the Asian and Pacific people's forces in the struggle for peace and against the threat of war.

Mr. SOURWINE. Did you, with your husband, attend the Asian Pacific Peace Conference in Peking, China, in October, 1952?

Mrs. WILLCOX. May I speak to my counsel?

Mr. SOURWINE. Do you have to talk to your counsel to know whether you—

Mrs. WILLCOX. This is the whole area on which I have asked to exercise the privilege of the fifth amendment, so my answer on this, too, would be, I refuse to answer. This is the whole area which I refuse to answer.

Mr. SOURWINE. Have you advocated admission of Red China to the United Nations?

Mr. BOUDIN. Mr. Chairman, did I understand it to be your ruling that I could not object or that I could? I cannot remember now.

Senator DANIEL. Oh, you may object.

Mr. BOUDIN. I object on the ground that the question is wholly improper and impertinent, more impertinent—by which, of course, I mean nonpertinent; I do not want to accuse counsel of discourtesy—than any issue so far raised in this case.

Senator DANIEL. I say, as far as I am concerned, you may object as long as you do not take advantage of the committee through your objections. That objection is overruled. You will proceed to answer the question.

Mrs. WILLCOX. The question was whether I ever advocated the admission of China?



Mr. SOURWINE. Have you placed the Communist China—I beg your pardon. The question that did not get answered was, Have you advocated admission of Red China to the United Nations?

Mrs. WILLCOX. Yes.

Mr. SOURWINE. Have you praised the Chinese Communist Party?

Mrs. WILLCOX. On this again I would like to exercise the privilege.

Mr. SOURWINE. Do you now think the Chinese Communists are praiseworthy?

Mr. BOUDIN. Objection on the ground it goes into a single issue, first amendment, opinion of the witness.

It has nothing to do with associations, activities, and certainly not the Matusow bail.

Mr. SOURWINE. In this connection, Mr. Chairman, I should like to point out that the previous question was not answered, claiming the fifth amendment. This question is an effort to find out whether the area is foreclosed as of the present time.

Senator DANIEL. The objection on this question—

Mr. SOURWINE. Have you criticized the United States for conducting germ warfare in Korea?

Mrs. WILLCOX. The fifth amendment.

Mr. BOUDIN. Mr. Chairman, while Mr. Sourwine is looking through his papers, may I ask a question which may be the foundation of my objection to any further proceedings here. Is this an investigation, as we understood it to be generally from the press, into Mrs. Willcox putting up bail for Mr. Matusow?

Senator DANIEL. It is an investigation with that in mind and other matters that the committee has in mind of checking into subversion in this country. All right, Mr. Sourwine, you may proceed.

Mr. SOURWINE. I should like to offer for the record, Mr. Chairman, at this time, a photostat of an article appearing in the New York Times of Thursday, November 27, 1952. I want to question the witness about it.

Senator DANIEL. All right. This article termed "Germ War Alleged by Passport Loser" will be admitted and made a part of the record.

(The document referred to was marked "Exhibit No. 61" and appears below:)

#### EXHIBIT No. 61

[The New York Times, November 27, 1952]

#### GERM WAR ALLEGED BY PASSPORT LOSER

NEW YORK ENGINEER SAYS CHINA PUTS UP BUILDING PROJECTS MUCH FASTER THAN UNITED STATES

Henry Willcox, whose passport was seized for traveling to Communist China, said yesterday that he went there "to stand up and be counted for peace." The New York engineer said his observations indicated Chinese Communist claims to be improving living standards of 500 million Chinese by 15 percent a year seemed plausible.

Mr. Willcox and his wife, Anita, whose passport was also picked up on their return Tuesday from overseas, were delegates to the peace conference of the Asian and Pacific regions held in Peiping October 2 to 11. They released a separate statement by Hugh Hardyman described as a retired fruitgrower and vice chairman of the American delegation, which said all 14 American delegates had become convinced that the United States Government had used biological warfare on a wide scale in Korea and northeast China.

The Hardyman statement, which the Willcoxes said had been broadcast over the Peiping radio, denied the parley had been Communist-run or Communist-dominated.

"Careful study of the report of the International Scientific Commission, a wholly Communist-dominated group, and the extensive collection of evidence on exhibition here, including the handwritten testimony of four of our pilots and the tape recordings of their voices, has left not the slightest doubt in the mind of any delegate to this conference, including the 14 delegates from the United States, that our Government has used this revolting method of germ warfare on a wide scale," the Hardyman statement said.

The Willcoxes, who live at 280 West 11th Street, reserved comment on a State Department statement that they might face legal action for apparent use of passports in violation of stamped restrictions banning travel to Communist countries. Mrs. Willcox said they were consulting an attorney.

Mr. Willcox is reported to be a stockholder in the Willcox Construction Co. of Long Island City, Queens, which recently built the Pomonok Houses project for the New York City Housing Authority. He said he had spent 40 years in the building business.

Senator DANIEL. Did you wish to see it?

Mr. BOUDIN. Yes; I would like to see exhibits when they are introduced. Thank you.

Mr. SOURWINE. Mrs. Willcox, this news story in the New York Times is not, of course, evidence as to anything you have said. It is only evidence as to what the New York Times said you said. This story states that you and Mr. Willcox were delegates to the peace conference of the Asian and Pacific regions held in Peiping October 2 to 11 and that upon your return you released a separate statement by Hugh Hardyman, described as a retired fruitgrower and vice chairman of the American delegation. Do you know Hugh Hardyman?

Mrs. WILLCOX. Fifth amendment.

Senator DANIEL. You mean when you say "fifth amendment" each time I will take it that you refuse to answer.

Mrs. WILLCOX. Yes; I do.

Senator DANIEL. Claiming the privilege of the fifth amendment not to give testimony against yourself.

Mrs. WILLCOX. That is correct. It is my understanding that these are link questions and that unless I claim it as I go along, I will not be able to claim it later.

Senator DANIEL. Yes.

Mrs. WILLCOX. I mean this is my understanding of it. Am I correct?

Senator DANIEL. That is correct, yes. We just want to be sure when you say "fifth amendment," that is the effect and what you mean.

Mrs. WILLCOX. That is it.

Senator DANIEL. And that each time you use it, you will sincerely and honestly believe that a truthful answer to the question may be used against you in some proceeding?

Mrs. WILLCOX. With the additional thing, correct me if I am wrong, that if I answer these questions, I will place myself in a position where I will be obliged to answer further questions or be held in contempt of this committee, is that correct?

Senator DANIEL. I think you may be wrong in that assumption because there are many of these questions that in my opinion, you could have answered without obliging yourself to answer other questions but that is something on which you should take the advice of your counsel. I will say to you that I do not believe that it would necessarily follow

that a truthful answer to some of these questions would prohibit you from taking the fifth amendment on subsequent questions along the same line.

Mrs. WILLCOX. Well, may I speak to my counsel?

Senator DANIEL. You may.

(The witness conferred with counsel.)

Mr. BOUDIN. The witness is prepared to go ahead with the examination. That is, the witness stands on the last answer. She had asked you a legal question and you gave her your view of the law, you remember, Senator. There is no pending question at the moment.

Senator DANIEL. No. I will ask Mr. Sourwine to repeat the question.

Mr. SOURWINE. The last question I asked was whether she knew Hugh Hardyman.

Mrs. WILLCOX. Well, I repeat the answer that I gave before. I claim the fifth amendment on this, too.

Senator DANIEL. All right.

Mr. SOURWINE. According to this New York Times article, the separate statement released by Mr. and Mrs. Willcox said that—

All 14 American delegates to the peace conference of the Asian and Pacific regions held in Peking, October 2 to 11, had become convinced that the United States Government had used biological warfare on a wide scale in Korea and northeast China

Did you have anything to do with the issuance of such a statement, Mrs. Willcox?

Mrs. WILLCOX. Again I take the fifth amendment.

Mr. SOURWINE. Do you have any information, Mrs. Willcox, as to whether the United States Government used biological warfare in Korea and northeast China?

Mrs. WILLCOX. I take the fifth amendment.

Mr. SOURWINE. On whether you have such information?

Mrs. WILLCOX. I beg your pardon?

Mr. SOURWINE. You decline to answer the question as to whether you have any information?

Mrs. WILLCOX. I do.

Senator DANIEL. Did you ever charge your country with using germ warfare, Mrs. Willcox?

Mrs. WILLCOX. I take the fifth amendment on that, too.

Senator DANIEL. You are the person who put up the \$10,000 for the Harvey Matusow fund?

Mrs. WILLCOX. Yes, sir.

Mr. SOURWINE. Mrs. Willcox, have you ever been in Peiping, China?

Mr. BOUDIN. Could that question be repeated, please?

Mr. SOURWINE. Have you ever been in Peiping, China?

Mrs. WILLCOX. I take the fifth amendment.

Mr. SOURWINE. Is it true that you traveled to Peiping, China, by way of Warsaw and Moscow?

Mrs. WILLCOX. I take the fifth amendment.

Mr. SOURWINE. Did you know that your husband had stated in a letter to the Passport Division that he was undertaking an extensive housing project with the Turkish Government and wanted to go to Turkey?

Mrs. WILLCOX. I take the fifth amendment.

Mr. SOURWINE. Do you know whether it is true that your husband at any time planned to undertake an extensive housing project for the Turkish Government?

Mr. BOUDIN. Just a moment. I object on the ground that I cannot see the relevance of a contract with the Turkish Government to build houses to the issue of whether Mrs. Willcox had a right to put up bail for Mr. Matusow. Aside from being improper constitutionally it seems to me to be completely irrelevant.

Mr. SOURWINE. Mr. Chairman, Mr. Boudin is attempting to define the issues here. That is wholly within the committee's competence, and speaking of impertinence, I think it is impertinent of Mr. Boudin to do that.

Mr. BOUDIN. I am not trying to define the issues. I would like to know what they are.

Senator DANIEL. Let us not have argument back and forth. The objection is overruled.

Mrs. WILLCOX. I will answer that one if you would like. Would you repeat the question, again?

Mr. BOUDIN. Have I been overruled?

Senator DANIEL. Yes; you were overruled and the witness was about to give us an answer.

Mr. BOUDIN. But sometimes I think I would like to have a legal ruling even if she is willing to answer.

Mr. SOURWINE. The question is, Do you know if it is true that your husband wished to go to Turkey to undertake an extensive housing project with the Turkish Government?

Mrs. WILLCOX. Was that the last question?

Mr. BOUDIN. No; that was not the last question.

Mrs. WILLCOX. That was the one before the last. The last question was different. The last question was——

Mr. SOURWINE. What is the question you wish to answer, Mrs. Willcox?

Mr. BOUDIN. Why don't you ask the question you want to have answered?

Senator DANIEL. Counsel, I want to caution you again to quit interrupting.

Mrs. WILLCOX. Mr. Sourwine, I thought you asked one question. That was the one preceding the last one. Am I wrong?

Mr. SOURWINE. The state of the record will be shown by the printed record. I would like now to have an answer to the question as to whether you know if it is true that your husband desired to go to Turkey to undertake an extensive housing project with the Turkish Government?

Mrs. WILLCOX. Well, that is not stating the fact the way it really was.

Senator DANIEL. You state it as it really was. All we want is the truth.

Mrs. WILLCOX. It is true that the Turkish Government wanted Mr. Willcox's company to come to Turkey and build some houses. Now, that is true.

Senator DANIEL. And did he agree to do so?

Mrs. WILLCOX. He was investigating this business. Actually, if you want to know, the Turkish Government wanted him to finance



this building. Well, I mean he is not in that kind of a business, but he did not know that at the time. He was interested in exploring this.

Senator DANIEL. He was interested in going to Turkey for that purpose?

Mrs. WILLCOX. He was interested in exploring this business.

Mr. SOURWINE. Did he, in fact, go to Turkey?

Mrs. WILLCOX. No.

Mr. SOURWINE. Did you and your husband use American passports to travel in Iron Curtain countries?

Mrs. WILLCOX. Fifth amendment.

Senator DANIEL. Did you ask for passports to Turkey?

Mrs. WILLCOX. May I speak to my counsel on that?

Senator DANIEL. You may.

Mrs. WILLCOX. You see, I just want to be sure I do not get into one of these link things.

(The witness confers with counsel.)

Mrs. WILLCOX. Look, I will state the privilege on that, too. It gets too complicated.

Senator DANIEL. You say it is too complicated?

Mrs. WILLCOX. Yes; I mean I do not know where I am on this. I will take the privilege on this, too.

Senator DANIEL. You should know because you should not take the privilege as explained to you a moment ago—

Mrs. WILLCOX. Look, I mean—

Senator DANIEL. Just a moment. Unless you sincerely and honestly believe that a truthful answer to this question may be used against you or tend to incriminate you, form some link in a chain of evidence against you, and if you do not think that a truthful answer to this question could ever be used against you for the purpose of incrimination, then you should answer the question.

Mrs. WILLCOX. Well, I cannot possibly see how this could lead to a link, but then this is where I am so unfamiliar with other people's thinking on what constitutes a link. Actually, I mean the answer is that in this case of the Turks, we had no idea whether this was, you know—this was something we went abroad to investigate. Well, then we found out that it was not worth pursuing, at which point we found out—listen, I really do not know that part, Just when we found out the thing was no longer good—

Senator DANIEL. My question was simply whether or not you obtained passports to go to Turkey.

Mrs. WILLCOX. We did not have to in order to investigate this. We went as far as Paris, expecting to go to Turkey if it proved a worthwhile thing to do, but it proved it was not.

Senator DANIEL. You asked for passports to Turkey; did you not?

Mrs. WILLCOX. No; we did not know whether it was going to be necessary to go to Turkey. We wanted to go to Paris to talk to these people and at that point we did not ask for visas to go to Turkey. No; we did not.

Senator DANIEL. You did not ask for authority to go to Turkey?

Mrs. WILLCOX. At that point; no.

Mr. BOUDIN. Could I indicate you do not have to ask specifically for authority to go to a particular country? Your passport will allow

you to go to all countries with the exception of Russia and those related countries.

Senator DANIEL. You did not ask for a visa, though?

Mrs. WILLCOX. Not at that time; no.

Senator DANIEL. Have you ever asked for a visa to go to Turkey?

Mrs. WILLCOX. I do not remember really. I really do not remember.

Senator DANIEL. All right.

Mr. SOURWINE. Mrs. Willcox, did you ever use American passports to travel in Poland?

Mrs. WILLCOX. I? Fifth amendment.

Mr. SOURWINE. Was there not at one time a Polish stamp on your passport and the passport of your husband?

Mrs. WILLCOX. Fifth amendment.

Mr. SOURWINE. Is it not true that while you were traveling in countries behind the Iron Curtain the officials of those countries inserted or caused to be inserted in your American passports a separate slip or piece of paper on which visas were stamped?

Mrs. WILLCOX. Fifth amendment.

Mr. SOURWINE. Did you, Mrs. Willcox, make a speech at the Peiping Peace Conference?

Mrs. WILLCOX. Fifth amendment.

Mr. SOURWINE. Mr. Chairman, I ask that there be inserted in the record at this point a copy of the report on a monitored broadcast from the Peking International Service in English on October 8, 1952, referring to a speech made by Mrs. Willcox. Since she will not testify on this matter, this is the next best evidence.

Senator DANIEL. This document will be admitted in the record.

(The document referred to was marked "Exhibit No. 62" and appears below:)

#### EXHIBIT No. 62

[China: Communist, October 9, 1952]

#### ANITA WILLCOX STATEMENT

(Peking, Chinese International Service, in English, October 8, 1952—Abridged recording of statement made by United States delegate Mrs. Anita Willcox at the October 8 session of the Asian and Pacific Peace Conference).

(Text)

Mr. Chairman, fellow delegates, and friends of peace, we come as representatives of the 70 percent of the people of the United States, who (would rather prefer) to express their true opinions anonymously, have (voted for) an immediate end to the war in Korea. We know full well that we, as citizens of a democracy, insofar as we \* \* \* for peace to the full limit of our power, are responsible for the killing of millions of men, women, and children in the Korean war.

We come to this conference seeking effective means to stop this murder, conscious that our planes are dropping napalm while we speak. We ask our brothers and sisters in the Asian and Pacific regions to help us stop the rearming of Japan and Germany, and the colonial oppression of the peoples of southeast Asia, before new Koreas are set ablaze.

We and the majority of our people have come here to demand an end to the killing of prisoners of war at Koje and Cheju. On October 1, while we peace delegates watched the (glories) of a free people celebrating their national day in \* \* \* Peking, 45 more men were killed at Cheju for the "crime" of daring to mark with joy the same occasion \* \* \* and strengthened in our own way by their strength, we denounce the criminal attempts to exterminate the people, their industry, and their culture.

Our Armed Forces destroy the things people live by—granaries and crops. They call homes, sampans, schools, and horses “military targets.” Our Air Force blows up ox-carts. Our Navy sinks fishing boats. For this “heroism,” parents of our children have refused medals awarded by our Government to their dead sons. [Applause—Editor.] To most of our people the horrible facts of our use of napalm have only now become known. Of the facts of germ warfare they are still unaware. The findings of the International Scientific Commission, and the testimonies of Lieutenants F. B. O’Neal and K. R. Kniss have not yet been widely circulated in the United States. The administration (believes) the whole idea of spreading disease is so repugnant to our people that the highest civilian and military authorities and our representatives to the United Nations have flatly denied any such action. They persisted in these denials even after the confessions of Lieutenants K. Enoch and J. Quinn were reported in the press.

The peace organizations will give to our people the opportunity to study the evidence and make up their own minds. We believe that the response will be a demand—in a voice so thunderous it cannot be ignored—that the newspapers publish the report of the International Scientific Commission and that our Government answer the charges of the commission, ratify the Geneva protocol of 1925, and renounce forever the use of biological warfare.

Most parents refuse to believe that our sons could commit such acts. But the fact is the \* \* \* denial of the basic rights to our colored brothers at home by \* \* \* terror, police brutality, and social discrimination, conditions are \* \* \* for the perpetration of the heinous crimes that are being committed in Korea.

Our Government is conscripting young men who are more easily led than \* \* \* because of the racist \* \* \* in the United States. Today, Japan is the military base for the war in Korea and Southeast Asia. Our Government \* \* \* is backing the very Japanese war criminals who attacked Pearl Harbor.

If Japan is consolidated as a military power we are in danger, not only of a new Korea but of being driven into a third world war. Our occupation of Taiwan \* \* \* of the cruel Chiang Kai-shek, is a fact of our preparation for a third world war.

\* \* \* the raw material \* \* \* have intensified our intervention in the countries of Latin America, where increased political pressure for bilateral military pacts have been added to our economic exploitations.

One of the major tasks of the peace movement is to make these facts known and spread by everybody at home \* \* \* our press, the radio, screen, and television account for most of the conclusions in the minds of our people. But there is another very important factor which must be taken into consideration—the widespread belief that the \* \* \* of our gigantic arms program would cause mass unemployment \* \* \*

The development of (trade) in Asia, as long as \* \* \* could take the whole measure of our production for the considerable future. Those (peoples) in Asia \* \* \* in the same direction, have \* \* \* rapidly expanding market \* \* \* in the United States of America. There are specific demands for our cotton, chemical fertilizers \* \* \* machine tools \* \* \* medical supplies and instruments, building materials, and paper \* \* \* could be shipped across the Pacific in the form of \* \* \* parts for automobiles, as easily as in the form of bombs and shells.

We have recently become a deficit economy in \* \* \* and in exports and \* \* \* resources, become ever more dependent on other lands. In India and Latin America there is need for all \* \* \* market for the products of our farms \* \* \*

There is \* \* \* commercial exchange and \* \* \* revival of cultural relations. \* \* \* building a new and better world.

Despite the press and radio blackout on peace, despite the \* \* \* our peace organizations now number over 3,000. Many are small but in them are people from all the different segments of our society: rich and poor, Catholic and Protestant and Jews, Mexican and Negro, Anglo and Japanese, and Puerto Rican Americans.

The attempt to pass a law for universal military training \* \* \* was defeated by the mass protests of our \* \* \* our mothers, our women’s organizations, social and professional workers, uplifters for peace \* \* \* because parents did not want their young sons to be thrown \* \* \* taking to the \* \* \* for peace \* \* \* In New York on August 20, 18,000 people met to condemn the war and called for immediate peace \* \* \* of all the States are the following points:

1. A cease-fire in Korea now, with all \* \* \* be settled in the \* \* \* peace conference.



2. Immediate negotiations among the major powers leading to settlement of all outstanding differences.

3. The elimination of weapons of mass destruction and an agreement on \* \* \* and armaments.

The reception accorded to the peaceworkers circulating the ballots have been overwhelmingly \* \* \* for, in spite of our continuing criminal activities in Korea, in spite of attacks on all forms of organized protests, in spite of the black silence among us \* \* \* and we want peace. [Applause—Editor.]

Senator DANIEL. Now, Mrs. Willcox, the acting chairman of the committee does not like for a witness, when he or she refuses to answer a question on the grounds of the fifth amendment, to merely utter "fifth amendment." So I am going to ask that you have your counsel assist you there. If you want something to go by so that you can give the full reply that I think you should give in claiming the fifth amendment you may have him write it out for you, so that the record will show that you have given full answers that should be given by a witness who claims the fifth amendment. I have been permitting you to just say "fifth amendment" with the understanding that you refuse to answer the question because you claim the privilege under the fifth amendment, not to give evidence against yourself, but I do want a complete reply from here on in the record and your counsel will assist you in writing it down.

Mr. SOURWINE. Mrs. Willcox, did your husband, to your knowledge, ever receive or negotiate for foreign-aid funds from the United States Government or an agency thereof to finance any foreign housing?

Mrs. WILLCOX. I do not know anything about this at all.

Mr. SOURWINE. Did you, Mrs. Willcox, convey greetings to the Peiping Peace Conference from a Mr. Uphaus?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment.

Mr. SOURWINE. Mr. Chairman. I offer for the record a copy of a report with regard to a monitored broadcast from Peking in southeast Asia on October 7 concerning this matter.

Mr. BOUDIN. Mr. Chairman, I object to the introduction of that document in evidence on the ground that whatever talk was given in Peiping, China, if any was given, has nothing whatsoever to do with this committee's investigation into whether Matusow had a right to bail and my client had a right to put it up.

Senator DANIEL. Your objection is overruled. The document will be received and made a part of the record.

(The document referred to was marked "Exhibit 63" and appears below:)

EXHIBIT No. 63

[China: Communist, October 8, 1952]

U. S. "PEACE CRUSADER" SENDS GREETINGS

(Peking, NCNA, in English Morse to Southeast Asia, Europe, and North America, October 7, 1952)

(Text)

PEKING, October 7.—Willard Ephaus [Uphaus?], leader of the American Peace Crusade, has sent a message of greetings to the Asian and Pacific Peace Conference. He supports the aims of the conference to stop wars in the East and the remilitarization of Japan and to build cultural and trade ties among nations. His message reads: "I am delighted to be able to send greetings and best wishes to your great conference through my good American friends, Mr. and Mrs. Henry



Willcox. I profoundly regret that I cannot be present in person to share the \* \* \* and deliberations that will go far to establish peace not only in Asian and Pacific regions but throughout the world."

Millions of peace-loving people in the United States concur in the noble aims of the conference, including an end of the war in Korea, Vietnam, and Malaya, an end to the remilitarization of Japan, the building of cultural ties between the East and West, and the establishment of trade that will lead to prosperity and friendship. The war in Korea is daily becoming more unpopular in the United States. Petitions, letters, telegrams, and public meetings are mounting in number, calling upon the present Administration and candidates \* \* \* to work for an immediate cease-fire.

I am sending one of the many expressions for peace in my country. It is a plea for peace being sponsored by seven eminent clergymen, calling upon Christians as they worship on World Communion, Sunday, October 5, to rededicate themselves to putting an end to the war in Korea and to reaffirm their faith in the world brotherhood of God's children.

Many American Christians join me in grateful praise for the vast improvements in living conditions being made in the new China. This great program of reconstruction will inspire similar achievements for peace and happiness in other parts of the world.

Mr. SOURWINE. Mrs. Willcox, the Worker of Sunday, October 19, 1952, refers to an American delegation of 15 attending the Peiping Conference. You and your husband were 2 of the 15. Will you tell us who the other 13 were?

Mrs. WILLCOX. I decline to answer on the ground of my constitutional privilege under the fifth amendment.

Mr. SOURWINE. Was Mr. Joseph Starobin 1 of the 15 members of that delegation?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under that amendment.

Mr. SOURWINE. Was Mr. Starobin your superior in that delegation?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment.

Mr. SOURWINE. Mr. Chairman, I ask that there may be inserted in the record at this time the Daily Worker article to which I have just referred.

Mr. BOUDIN. Objection for the reasons given.

Senator DANIEL. Objection overruled.

The article will be made part of the record.

(The article referred to was marked "Exhibit No. 64," and appears below:)

#### EXHIBIT No. 64

[The Worker, October 19, 1952]

#### ASIAN PACIFIC PEOPLES APPEAL TO U. N. TO LIVE UP TO ITS CHARTER

Four hundred delegates and observers in Peiping closed the first Peace Conference of the Asian and Pacific peoples in history this week with an appeal to the United Nations to live up to its charter.

The Conference resolution accused the United Nations of having violated its own charter provisions by waging war in Korea and favoring the oppression of national liberation movements in many countries.

The delegates and observers from 37 countries urged the United Nations to end the Korea war, take effective measures for withdrawing foreign troops from such Asian countries as Malaya and Indochina, and support the principle of a pact of peace between the five great powers.

They called on the U. N. to stop the remilitarization of Germany and Japan; to halt the dissemination of racist propaganda, of racial discrimination and the suppression of national independence movements; to prohibit all weapons of mass destruction with ratification of the Geneva Convention of 1925; and to end all barriers to normal trade and cultural relations between countries.

The resolution appealing to the United Nations was 1 of 13 adopted at the final session of the 10-day conference which had stirred the Asian and Pacific peoples with never-to-be-forgotten demonstrations of common hopes and goals. The final session also saw establishment of a permanent peace liaison committee, with headquarters in Peiping. Headed by Madam Sun Yat-sen, widow of the founder of modern China, the total committee includes 1 to 4 members from each participating country.

Eleven vice chairmen come from India, Pakistan, Chile, the United States, China, Turkey, Canada, Australia, Japan, Korea, and the Soviet Union. In their absence Paul Robeson, Pablo Neruda, Dr. James Endicott, and Madame Pak Den Ai were named vice presidents from the United States, Chile, Canada, and Korea, respectively.

In its 10 days of spirited discussion the conference heard more than 100 speeches in plenary sessions, received more than 800 telegrams of greeting from all over the world, and more than 23,000 letters from every part of China alone.

Among the truly spectacular events witnessed by the delegates and observers was a joint declaration of the Indian and Pakistan delegations in favor of a peaceful settlement of the 4-year-old Kashmir dispute; a salute from Soviet delegate Ivan Anissimov to the rising American peace movement, and a plea to the delegates to bear in mind the distinction between the American people and their ruling circles; the new realization by the Latin Americans and the Asian delegates of their essential kinship in aim and aspiration; the appeal of an American atomic scientist, 31-year-old Joan Hinton, who worked on the bombs which destroyed Hiroshima and Nagasaki, to all United States scientists "to think again what it is you are doing" and "refuse to join in the deadly work" of preparing atomic and bacterial warfare.

Many of the plenary session speakers described the havoc and sufferings brought to their peoples by foreign interests which profit from war. Noteworthy was the speech of Manuel Cruz, of the Philippines, who declared that the Filipino people want complete independence unhampered by United States domination. Cruz said the Filipinos are especially determined to secure the removal of United States bases and military installations. They want a democratic government which can guarantee a minimum standard of living for all, freedom of travel to other countries, freedom to develop their own culture and traditions, and freedom from war or threats of war.

Chan Suat Houg spoke for the people of Malaya. She charged that in June 1948 the British imperialists, supported by the American imperialists, launched an attack against the 6 million people of her homeland. She appealed for support of her people's fight for their independence. And at this point in her speech Mrs. Monica Felton and Ivor Montague, of the British delegation, rose and presented her with a bouquet of flowers—a token of the British peace movement's solidarity with the Malayan people.

Dr. Heinrich Brandweiner, member of the World Peace Council who was president of the Commission of the International Association of Democratic Lawyers that collected evidence of war crimes by United States troops in Korea, cited article 107 of the European Defense Community Pact as "tantamount to a confession" of guilt in planning to use weapons of mass destruction. He said the article contained a provision that under certain special circumstances, the employment of atomic, chemical, and bacterial weapons is permitted.

One dramatic moment in the conference came when the American delegation of 15 presented gifts to the Korean delegation as a token of the American people's abhorrence of the crimes committed in their name against the Korean people.

MR. SOURWINE. Mrs. Willcox, was your husband, Henry Willcox, a vice president at the Peiping Peace Conference?

MRS. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment.

MR. SOURWINE. Did you hold any office at the Peiping Peace Conference?

MRS. WILLCOX. I decline to answer on the ground of my constitutional privilege under the fifth amendment.

MR. SOURWINE. Who paid your expenses and those of your husband to the Peiping Peace Conference?

MRS. WILLCOX. I decline to answer on the ground of my constitutional privilege under the fifth amendment.

Mr. SOURWINE. Isn't it true that your expenses to that conference were paid by the World Peace Congress, an organization controlled by the world Communist organization?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment.

Mr. SOURWINE. Do you know John Powell?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment.

Mr. SOURWINE. Didn't you and your husband visit John Powell in Peiping, China?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment.

Mr. SOURWINE. Mrs. Willcox, did you write an article entitled "A Vision of Sanity" for the volume of What We Saw in China published by the Asian and Pacific Peace Conference?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment.

Mr. BOUDIN. Mr. Chairman, can I ask you a question again? I may be very naive, although I have represented people before these committees before, but what has this to do with the issue of the right of my client as an American citizen to put up bail and the right even of a convicted person such as Mr. Matusow to have bail put up? And isn't what Mr. Sourwine is now doing, whether intended or not, going to exercise and have a deterrent effect upon people getting bail in the Federal courts?

Senator DANIEL. Mr. Counsel, the majority of the members of this committee have heard evidence saying that Mr. Matusow is in the hands of members of the Communist Party, and that he has been since the time that he has been persuaded to change his testimony at El Paso and other testimony that he has given, and that he is under the domination and control today of members of the Communist Party. And if we think it is material to the investigation we have here to show who would put up \$10,000 bail for Mr. Matusow and if Mrs. Willcox would give us—if she is not a member of the Communist Party, if she has nothing to do with it, if she has no attachment to Russia or the Communist Party, then we will at least in one respect know that the Communist Party has nothing to do with putting up \$10,000 bail for Mr. Matusow. Now if your client would tell us all that, we could clear at least that much of the picture out of and away from the Communist Party. As I understand it, your client will not even tell us whether she is a member of the Communist Party; is that correct?

Mrs. WILLCOX. I beg your pardon.

Senator DANIEL. I will retract that and ask that that be stricken. I was not here this morning and I am sure I was thinking of another witness. Strike that from the record.

Mrs. WILLCOX. I explained this morning that when, in attempting to get our passports renewed that both Mr. Willcox and I signed an affidavit, saying we are not and we never have been members of the Communist Party and denying every kind of connection with the Communist Party. I do not even know any Communists. I do not say I do not know any Communists, maybe I do, but I do not know any official Communists at all. I really do not and this is ridiculous that I have any connection.



Senator DANIEL. I have stricken that comment from the record, and I regret that I made it. I was thinking about another witness.

Now the other questions that have been asked you concern your dealings with Red China, with other Iron Curtain countries as to whether you have traveled there, any relations that you might have had with them, any praise that you gave Red China, and various other items here which would indicate whether or not you have some sympathy for what the Communist Party stands for, and that is the reason that we are going into these matters. Now I have tried to give you that explanation. As a matter of fact, as you know, it is not necessary for the committee to explain to you the reasons and to tell you just exactly why all these questions are being asked, but I have tried to do that.

Mr. BOUDIN. Senator, I appreciate the fact that you have tried to do that and I know that your error with respect to Mrs. Willcox was inadvertent because you were not here this morning.

Senator DANIEL. Right.

Mr. BOUDIN. The point I am making is a more fundamental one, and that is if we grant the right to put up bail and the right to have bail put up for one is a statutory and a constitutional and a moral right, then the kind of hearing that we have had this morning, with all due deference to the Senators, is the kind of hearing which must exercise a deterrent effect upon people getting bail, and even if Mrs. Willcox had said that she had been a member of the Communist Party or even if she was one today, it should make no difference. She should not be called here as a witness because she put up bail. All of us may some day—I hope not, certainly not the people on that side of the table or on this—may have to have bail put up for them someday.

Senator DANIEL. I can assure you the fact she put up bail for Mr. Matusow is not the only reason she was summoned before this committee.

Mr. BOUDIN. I can assure you that is the only reason it was. She was never summoned before this committee in the years she has functioned until she put up bail and that is the real issue here. I am talking here to you as a Member of the greatest deliberative body in the world that you should hold a hearing and subpoena my client, a respectable woman, grandmother, and bring her down here because she has put up bail.

Senator DANIEL. That is the end of the argument, Counsel.

Mr. BOUDIN. It is not the end; I have finished.

Senator DANIEL. That is the end of the argument and I say to you the fact that she put up bail for Mr. Matusow is not the only reason she has been summoned before this committee. Proceed, Mr. Counsel.

Mr. SOURWINE. Mrs. Willcox, I show you the photostats of an article which appeared on pages 61 and 63 of the volume, "What We Saw in China," published under the auspices of the Asian and Pacific Peace Conference and I ask you if you wrote that article.

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment.

Senator DANIEL. What part of the fifth amendment are you referring to, Mr. Counsel? I think we know but would you give that to her?



Mr. BOUDIN. The constitutional privilege technically known as only the privilege that a person need not be a witness against himself. We are not referring to the due process clause or to the other parts.

Senator DANIEL. Would you give her the complete answer there?

Mr. BOUDIN. All right.

Mr. SOURWINE. Mrs. Willcox, do you know any other Anita Willcox?

Mrs. WILLCOX. No.

Mr. SOURWINE. Are you an artist and writer?

Mrs. WILLCOX. I am an artist.

Mr. SOURWINE. Are you a writer?

Mrs. WILLCOX. I have written things once in a while but that is not my profession.

Mr. SOURWINE. You are refusing to state whether you are the Anita Willcox who wrote this article entitled, "A Vision of Sanity," carrying the byline, "Anita Willcox, artist and writer"?

Mrs. WILLCOX. Must I say all this?

Mr. BOUDIN. No, no.

I take it counsel is just asking a question.

Mr. SOURWINE. I am just asking a question.

Mrs. WILLCOX. Shall I answer the whole thing here?

Senator DANIEL. Counsel is asking are you refusing to answer whether you are the Anita Willcox who wrote this article?

Mrs. WILLCOX. Yes; I am declining to answer.

Senator DANIEL. Now for what reason?

Mrs. WILLCOX. I do not want to get myself into a line of reasoning where I have to answer things that I do not want to answer because they may incriminate me.

Senator DANIEL. That is not an excuse and the Chair is going to order you to answer the question.

Mr. BOUDIN. May I see that article again?

Mr. SOURWINE. I suggest to the committee, Mr. Chairman, that a possible reason why the witness is not answering this question is because, in fact, she did not write the article, although it appears under her byline, and I would like to put that hypothesis to the witness and ask, Is it true that you did not write this article which appears here under your byline?

Mrs. WILLCOX. May I ask my counsel—this is really getting to be kind of Chinese puzzle to me. I do not know what to say.

Senator DANIEL. You may confer with your counsel. Go right ahead.

(The witness conferred with counsel.)

Mrs. WILLCOX. I do not want to get into this chain link business, that is all. I mean on this particular thing, on many of the questions, if I thought I would not have to—if I thought that I could really stop at any point and say this thing may incriminate and then go on and answer some of these questions which, in my mind, are completely harmless, and I would be very glad to answer as long as they did not compel me to answer something that I did think would incriminate me. Do I make myself clear? This is just a commonsense business. Many of these questions I would be very glad to answer if they did not involve me in further questions.

Mr. BOUDIN. Mr. Chairman, all the witness is saying, and I say it by way of objection, I will say it as counsel by objecting to the question that the witness admits she knows no more about the legal problems involved whatever than Mr. Justice Black did or said anybody knows, in Blau against United States, and Mr. Sourwine is moving around in a circle here apparently attempting—

Senator DANIEL. That is enough. You are not making an objection. Let us go ahead with the question. You remember the last question, do you not?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. Mr. Chairman, I offer this article for the record as the article which was shown to the witness.

Senator DANIEL. The article will be received and made a part of the record.

(The article referred to was marked "Exhibit No. 65" and appears below:)

#### EXHIBIT No. 65

#### A VISION OF SANITY

(By Anita Willcox, artist and writer)

Seven short weeks are not enough to enable one to know an individual, much less the half billion individuals in China; but it is possible to receive sharply etched impressions. Many of us from the West who went to China as Peace Conference delegates had moments of pessimism at home when it seemed that it might not be possible to thwart the plans of those who want a third world war.

But in China we met a clear dawn of expanding opportunity, vigor, courage, and joy. How many laughing faces have we seen, how many lusty youngsters shouting "Ho Ping Wan Sui"—Long live peace. In cities, in villages, even in isolated farmhouses where no delegate was expected, peace-dove designs welcomed us. For in this new China, born of a dreadful civil war and brutal occupation, every man, woman, and child wants peace.

While all of us felt this joyous sense of the renewal of life, each must have felt an aspect of it in his own way. For my part, I have not ceased to marvel at such undeniable spontaneity within such extraordinary organization.

We met it as soon as we arrived—on the eve of the 1st of October, National Day—when Chairman Mao Tse-tung gave a banquet to some 2,000 guests, including distinguished Chinese, representatives of national minority groups, model workers and the four hundred-odd delegates and observers to the conference.

I have never regarded such affairs enthusiastically, with the waiting around, desultory conversation, the long, long speeches. But I went to this dinner with great curiosity, and I had a wonderful time. Believe it or not, it was a warm, colorful, cordial affair, with an air of gaiety. Long buffet tables were set up in the ancient palace which had been rebuilt for the Peace Conference. At each table of 15 or 16, 2 Chinese hosts made us welcome, made graceful toasts, and saw to it that our glasses were kept filled.

Chairman Mao spoke for 5 minutes; then we ate the delicious Chinese food, and presently distinguished national leaders, including Premier Chou En-lai, made the rounds of the tables to drink our health and chat. The delegations visited each other, in a sort of spontaneous informal parade. Beginning at 7 sharp, the banquet broke up at 9.

For the historic Peace Conference which opened on October 2, the palace where we had dined was transformed. Long rows of desks had been installed, each with its own earphones which could be plugged into one of four languages. The equipment—made in China—worked perfectly. Underneath a huge dome, flanked by the flags of the 37 countries participating, was the platform. Smaller rooms adjoined the main halls, serving refreshments during breaks in the sessions; and in back was a spacious garden banked with chrysanthemums, where we chattered and strolled, looking out over the golden tiled roofs of the ancient Forbidden City of the emperors.

Here I must make a bow to the China Peace Committee, which managed everything with tact and grace. We had hotel accommodations, transportation to the conference hall, and services of all kinds, including hospital care, all organized seemingly without effort. Timing—even allowing for the inevitable delegate who remembered something in his room as he was boarding the bus—was perfect.

We were gently called in the morning, rounded up for meals, entertained with so little apparent direction that we might have thought we did it for ourselves—at least, those among us who had never helped organize a convention. Everything was thought of, including notebooks, newspapers, copies of the previous day's speeches—never any hurry, always on time.

We discovered this efficiency as the conference progressed, but it was first apparent on National Day. I was dubious; parades never held any attraction for me, and we were told that it would be polite to stand when Chairman Mao stood: so the 4 hours looked tedious in prospect.

But never have I been more thrilled by any spectacle. The parade of more than 500,000 began on the scheduled stroke of 10 in the morning and ended 5 minutes early, at 1:50. The first (military) section took less than an hour; then came the people of Peking, bands playing, banners flying, their voices singing and shouting, rather flowing than marching by, a mighty river of vibrant humanity 300 feet wide.

In the wind the banners stretched bravely out in the sun, over the laughing faces, a symphony of color above the predominant blue dress of the people. The different groups chose their own form of decoration, and as they marched at different speeds, a mass of jade-green flags might linger while gay cerise, blue, or purple banners streamed by. Masses of great paper flowers waved, hundreds of live peace doves were released to circle over our heads.

The floats, proudly showing China's rising industrial production, were fascinating: there were great papier-mache spark plugs, telephone switchboards, a model of a dam. But the dominant note was peace, peace.

Model of the 3,000-mile trip we made after the conference we had perfect liberty to poke around on our own, and we talked to all sorts of people. We saw many evidences of the capacity for efficient organization, coupled with spontaneity. I found it hard to believe that 3 short years of liberation from the inefficient and corrupt Kuomintang could produce such startling results. How could Chinese civilization, thousands of years old, respond so fully to the opportunity offered by liberation? Certain things I heard and observed contribute toward an explanation.

Cooperation is most certainly one element of successful organization. For example, at least 1,000 students and workers stood on a platform across the tracks when we left Peking on our tour. They stood 4 to 10 deep, a solid laughing mass, toes at the edge of the platform. They shouted "Long live peace," and some got up on benches; but nobody pushed, and nobody on the front row had to guard himself against being shoved off the platform. I marveled at it to one of our delegates. "They just aren't competitive," he observed.

When I asked a member of the China Peace Committee about this business of cooperation, he said: "The people had to learn it in the last 10 or 15 years in order to survive. They suffered so under the KMT and the Japanese that they had to cooperate or perish."

As for organizational ability, a friend pointed out that Chinese servants have always had a reputation with "old China hands" for running domestic affairs with a smoothness that foreign housewives have only dreamed of; at the other end of the scale, there have been the building of the Grand Canal and the Great Wall, which required vast organization.

Everywhere I noticed one striking thing: Of the hundreds of children of all ages we saw, we almost never heard children cry. Their round little faces and bright black eyes are usually friendly, sometimes a little shy; but it is very easy to coax a smile. I do not recall any fighting or quarreling among children playing with each other.

In Nanking, I talked with Dr. Wu I-fang, of Gingling University (the Hong Kong papers had reported her a suicide the previous year!), about the training of children in China. She thought that Chinese parents are much less rigid in training their children than westerners; that they include them in activities more; that Chinese children are much more relaxed. Certainly a warmer, more outgoing, less self-conscious lot of children I have never seen.

One method used universally by the People's Government, in securing cooperation for any kind of work, is of fundamental importance: the objective is



explained and the reasons for the work are given. The Government considers it essential to explain to the little boy carrying water, to the last worker carrying dirt in baskets hung from a shoulder pole, why the water must be carried, the dirt moved.

In China people are working together because they believe in the work; and they are accomplishing the incredible. China's engineers have long known what was required to keep the Huai River floods from ruining the crops and lives of millions who live between the lower Yellow and Yangtze Rivers. But the job required a degree of coordinated effort which no government in the past even tried to muster. The work has been done by the farmers who suffered from floods in the past: they flocked from all over the area, and mutual-aid teams cared for their land and crops in their absence. The workers returned to the farms at harvest time. The blue-clad men and women—60,000 of them at one place, as far as the eye could see, working in teams of 14 and marking each team's advance with scarlet flags—found breath, as we passed, to cheer those who had come from distant lands on behalf of peace. Such wide grins on eager faces, such a tumble of words about their dam, and how much more they can grow when they need fear flood no longer! They had known many floods, they had suffered under the landlords, they now knew liberation.

Like those eager workers, I cannot get the words out fast enough to tell of all the heartening things we have seen in this amazing new China. Coming back to our own beautiful lands, now obscured by a foul fog of evil rumors of aggression, fear and suspicion of neighbors, we brought with us the vision of sanity given us by the people of China.

Mr. SOURWINE. Mrs. Willcox, I show you another article from the same publication entitled, "A Big Builder is Impressed," by Henry Willcox, construction executive, and ask you whether or not that was written by your husband?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. You have declined before you looked at the exhibit. Would you look at it, please?

Mrs. WILLCOX. I am sorry.

Mr. BOUDIN. I think the record—

Senator DANIEL. Mr. Counsel, I am going to ask you please, sir, just to refrain from comment.

Mrs. WILLCOX. I repeat, I decline to answer on the grounds of my constitutional privilege under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. I ask that that may be inserted in the record as a document the witness has delined to identify.

Senator DANIEL. It will be received and made a part of the record.

(The document referred to was marked "Exhibit No. 66" and appears below:)

#### EXHIBIT No. 66

#### A BIG BUILDER IS IMPRESSED

By Henry Willcox, Construction Executive

I had never seen China before. I had a mental image of a big dusty country, so crowded with people you couldn't sit down, so poverty-stricken it couldn't improve. Now that I have traveled some 3,000 miles up and down East China, my general impression is of greenery and water, space and sunshine, a rich and kindly landscape, cities gay with bright paint and flags, spotlessly clean, no beggars, no flies, people smiling, well-nourished, well-clothed. These people are doing amazing things, using both old and new methods. They welcome innovation; a people vigorously raising itself by its own bootstraps.

I had no idea of the manufacturing capacity of China. It has, of course, been greatly stepped up by the United States blockade, which, contrary to its authors'



intention, has had the effect of stimulating many new kinds of production. I judge the Chinese are now making practically every industrial product they need, though not as yet in adequate quantity—cement, structural steel, big steel cables, steel windows, seamless tubing, precision lathes and grinders, precision instruments, complete telephone, telegraph and radio equipment, full lines of textile machinery. Production curves are rising sharply. Costs are falling.

The new economy of China seems to be a challenging and completely practical blend of state and private enterprise. Heavy industry and transportation are mostly nationalized; state and private textile mills, state department stores and private shops co-exist advantageously.

The owner-managers in a huge cotton mill, and in a good-sized woolen mill, both told me that private concerns whose business serves the public interest were assured of raw materials, credit and profit; and that with the continuous increase in consumer purchasing power, many of them were making more money than ever before. The mixed economy is thriving. To me, the big new bank building in Peking, built by a private bank, indicates the considerable stability of the arrangement.

Till I came to China, I believe I had not even heard of the Huai River project. We were privileged to see a lot of it—this job that will double the safety and productivity of a hundred thousand square miles of land and 80 million people. Obviously, this is a very big operation, of direct interest to engineers everywhere. It is of special interest, as showing what can be done without machinery: at 1 sluice-gate site I saw 40,000 men moving earth with the same equipment their forefathers used 1,500 years ago to dig the Grand Canal. These men had all volunteered—all knew they were working to protect their own farms, and they were getting approximately the prevailing rate of wages to boot. They were shouting and singing. And they moved a lot of dirt—I estimated very roughly 50,000 cubic yards a day with a half-mile haul.

Some of the cut was below water-table, and digging had stopped there, with 6 feet still to go. At my request, I was led to the pumping plant—a pinpoint on the vast perimeter of the job. Here were 2 single-cylinder 15 horsepower diesels, belted to 8-inch centrifugal pumps on a mile of cast-iron pipe—the whole assembly of Chinese manufacture. I was just thinking, "We would have about 5 such plants with 30 or 100 horsepower each," when the Chinese engineer said: "There is not much water, it will all come out." I am sure it will.

I am not a hydraulics man, never saw a radial gate "in the flesh" till I came here. But this battery of 63 gates, each about 32 feet wide and 20 feet high, able to pass in 1 day enough water to flood 100 square miles to a depth of 8 feet—this is really something, in any man's language. They will use 170 million man-days of hand labor on this project. But it is sound engineering to use what you have. The outstanding factor here is that by organization of muscle and enthusiasm, a huge, modern construction task is done at modern tempo.

More in my line is the Peace Hotel at Peking. I have been putting up buildings for 40 years, and I am frankly stumped by the speed of this job. Through the courtesy and persistence of our Chinese hosts, I obtained a 4-hour interview with Mr. Yang, the Chinese engineer who designed and supervised the construction. Mr. Yang was backed by Mr. Lu, the resident architect. On my side was an English-speaking architect from Chile. We had three interpreters.

The Peace Hotel covers about half of a plot served by two busy narrow streets, and encumbered by several noble trees that had to be saved. The main building is about 45 by 190 feet, eight stories and basement, with projecting stair-tower, major 1-story wings and auxiliary structures. It seems that work started in September 1951, and made excellent headway with a force of about 110 men. By cold weather, the mat foundation and five concrete floors had been erected. Then delays occurred. First, it was decided to change from a dormitory, which was the original intention, to a hotel, with more elaborate finish and much additional plumbing. Then the building department became worried, because the alluvial soil under Peking, to unknown depths, is soft; and this building would be the tallest ever set upon it. Comprehensive borings, load tests, and studies of the soil by Terghazi formulas, finally satisfied everybody the design was safe. All winter, materials were stockpiled. Then came a rainy spring. When the order of the China Peace Committee came through on July 25 to complete the hotel by September 15, the job had to get going from a standing start.

The labor force, largely from Shanghai, was built up to 900 men. Every available square foot in surrounding blocks was rented to house and feed them.

Every item of work and material was scheduled, with required starting and completion dates. Material suppliers and subcontractors were given their new deadlines, and it appears that the word that the China Peace Committee needed the hotel for the conference got everybody concerned on his toes.

Normally, the job worked 8 hours every day; but temporary lighting was provided, and any trade that fell behind the schedule put in an extra 4 hours at double wages. If the workmen had not caught up at bedtime, they would turn out early in the morning and do their stuff without extra pay. The management had to discourage this practice, to safeguard the health of the men.

For some reason not clear to me, the men were paid every day. Under these conditions it is hard to see how time was found to hold job meetings—especially as the whole labor force was invited. But hold them they did, checking and filling in all the details of the schedule. Mr. Yang was outspoken in praise of the men's suggestions for solving critical problems.

An outstanding ease was the dining room wing. Here is a large, airy, one-story structure, with mezzanine gallery, involving a lot of long-span concrete girders, a slick concrete spiral stair, and plenty of special finish. It could not be started until the main building was topped out, as the huge pile of concrete material had to be stored on the dining-room foundations. So there was only 1 month left to build the dining room. Forms were rushed in, big girders and all were concreted, checked by field cylinder tests, stripped 5 days after pouring; and the whole interior filled with scaffolding for hung ceiling, duct work and light troughs.

But the dining room has a handsome two-color terrazzo border, with a fine hardwood dance floor. It was decided the terrazzo must have 8 days to dry out, before hardwood could come near it; and, of course, concrete had to precede the terrazzo. Yet the scaffolding would be used by the painters up to the last minute.

In China, scaffolding is a special trade, fabricating tall saplings or bamboo poles with rope or fiber lashings (no nails) with really wonderful speed and rigidity. The Peace Hotel, a week before we moved in, was entirely surrounded by such scaffolding, a hundred feet high. Well, in the case of the dining room, the contractor suggested that only the top of the scaffolding was being used and only the lower part was in the way. Why not take out the lower part? Diagonal poles were butted against the mezzanine girders, sloping up to the center, lashed at intersections, forming a 40-foot span and 10-foot rise. All the scaffold posts were then sawed off head-room high (another innovation; they never cut scaffold timber) while the plasterers worked overhead, and the laborers, masons, terrazzo, and carpenters moved in underneath.

Yes, carpenters. The flooring crew decided they could make a job working in the middle toward the border—lay, scrape, and finish. Plaster notoriously spatters and stains—but if any dropped on that dance floor, it vanished without trace. On deadline day, the last foot-wide strip of tongue-and-groove flooring was worked into perfect engagement with the 8-day old terrazzo, and I could never see a sign of the patching.

Mr. Yang says the hotel was actually done September 10, 5 days ahead of time. Be that as it may, when I moved in on September 24 there wasn't a paint spot or a speck of dust anywhere; the carpet ran up the stairs and down the halls; curtains hung at the windows; and linen, china, and silverware and stationery were all marked with Picasso's Dove of Peace.

Exceptions prove the rule. As has not infrequently happened on less exacting jobs, the elevators were not quite completed—ironically enough, American elevators, two-push-button, microdrive machines. They had arrived from the United States about 1937, for a 12-story building Mr. Yang was erecting in Shanghai. But the Japanese occupation supervened, the owners stopped the job at 4 stories, and the elevators had lain 15 years in storage. Mr. Yang dug them out for the Peace Hotel.

By working fantastic hours, a 70-year-old elevator constructor and his team, in the month remaining after the shaft was completed, got these elevators in and running. They rolled the 3-ton machines across Mr. Yang's green roof slab—but the roof survived, and Mr. Yang, I can testify, has fully recovered from shock. These elevators hoisted all of us delegates successfully, but that ear doors were not finally adjusted till near the end of the conference.

The Peace Hotel cost about \$1 million, roughly what it would have cost in New York. Other Chinese buildings I have examined, built under normal conditions, are costing 40 to 50 percent as much as ours. But the 2-month sprint on the Peace Hotel accomplished what we might do at home in 6 months. To the Chinese, it

seems, nothing is impossible, and anything is worth while, if it will contribute to the cause of peace.

Mr. SOURWINE. I show you the publication *New World Review* for February 1953, wherein, on page 21, appears a picture. The caption under the picture is:

Delegates to the Asian-Pacific Peace Conference in the garden of the Summer Palace in Peking. Facing camera, left to right, they are: Joan Hinton, United States scientist who worked on the Los Alamos A-bomb and now works on an animal-breeding farm in Inner Mongolia; Anita Willcox, author of this article; Monica Felton, of England, a Stalin Peace Prize winner; Henry Willcox, United States construction engineer; Edwin Cerney, California teacher who with his wife wrote the article on page 15. Backs to camera, left to right: Hugh Hardyman, a retired west coast date grower; Lewis Suzuki, a New York Japanese-American; and Isobel Cerney.

I ask you whether the persons identified by this caption as you and your husband are, in fact, you and your husband?

Mr. BOUDIN. I object on the ground that the question is completely irrelevant and immaterial to a congressional investigation, and to the issues as apparently stated by the chairman in his case, namely, the Matusow bail issue.

Senator DANIEL. The objection is overruled.

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment not to be a witness against myself.

(Senator McClellan left the hearing room.)

Mr. SOURWINE. I ask that a cut of this picture be inserted in the record. It is a good, clear picture.

Senator DANIEL. The picture will be inserted, together with the lines thereunder, at this point in the record.

(The picture referred to was marked "Exhibit No. 67" and appears below, with identifications as printed by the magazine:)



## EXHIBIT 67



Delegates to the Asian-Pacific Peace Conference in the garden of the Summer Palace in Peking. Facing camera, left to right, they are: Joan Hinton, U.S. scientist who worked on the Los Alamos A-bomb and now works on an animal breeding farm in Inner Mongolia; Anita Willcox, author of this article; Monica Felton, of England, a Stalin Peace Prize winner; Henry Willcox, U.S. construction engineer; Edwin Cerney, California teacher who with his wife wrote the article on page 15. Backs to camera, left to right: Hugh Hardyman, a retired West Coast date grower; Lewis Suzuki, a New York Japanese-American, and Isobel Cerney.

(Senators Eastland and Daniel are present at this point in the hearing room.)

Mr. SOURWINE. Did you ever refer to your own country, the United States of America, as "obscured by a foul fog of evil rumors of aggression, fear, and suspicion of neighbors"?

Mr. BOUDIN. Mr. Chairman, if Mr. Sourwine is reading from something, I think I should be shown it before the witness answers.

If he is not reading from something—I am addressing myself to the chairman, and I am not arguing because the chairman does not want me to argue.

Senator DANIEL. He is not reading from anything. He simply is asking a question.

Mr. SOURWINE. I read from a card.

Senator DANIEL. I mean nothing more than your own notes.

Mr. SOURWINE. A question I intended to ask. I will tell you where the notes came from.

Senator DANIEL. Just a minute. All right. Go ahead.



Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. Mrs. Willcox, in the *New World Review* which contained the article in which there was a picture that I asked you to identify, there appears in connection with the picture this article entitled "Peking Jail," by Anita Willcox. Did you write that article?

Mrs. WILLCOX. I decline to answer on the grounds of my constitutional privilege under the fifth amendment not to be a witness against myself.

Mr. SOURWINE. Mr. Chairman, I ask that the text of this article from the magazine *New World Review* of February 1953, a publication which used to be titled "Soviet Russia Today," may be inserted in the record at this point.

Senator DANIEL. The article will be inserted at this point in the record.

(The document referred to was marked "Exhibit No. 68" and appears below:)

EXHIBIT No. 68

[*New World Review*, February 1953]

PEKING JAIL

WARDENS HAVE NO GUNS OR CLUBS, CELLS HAVE NO LOCKS. IF PRISONER MISBEHAVES  
THE WARDEN AND PRISONERS "TALK TO HIM"

By Anita Willcox

Anita Willcox is a New York artist. Together with her husband, Henry, she recently toured People's China where they were delegates to the Peace Conference of the Asian and Pacific Regions.

It was the Australians' idea. They had been to see the British consul as a matter of Commonwealth courtesy and he cautioned them ominously, "Well, things may look pretty good on the outside, but there are a lot of people in jail." So the Australians asked the always obliging China Peace Committee if they could see the jail, and having seen it they told the Canadians and the Canadians told us and off we all went to see the prison which is the only one in Peking, a city of over 2 million.

I've seen other prisons (voluntarily); three in this country, and they looked just like the movie versions, tiers of concrete corridors echoing under the measured pacing of the guards; men behind bars like the zoo, always visible to prying eyes. And very smelly.

Last November 11 some dozen of us, including our interpreters, drove in our special bus to the outskirts of Peking. We passed the armed guards that always stand at attention at the entrances of Government buildings, through the open gate into a pleasant courtyard where were charming green shrubs, trees, and potted chrysanthemums. The warden, An Lin, a somewhat diffident, young-looking man in his later thirties, met us, and let us into a conference room where we were served hot tea while he briefed us on his institution.

The buildings were constructed, he said, by a war lord in 1910 who did not have the modern attitude toward correction, and in consequence there was not enough sunlight and air. An Lin did what he could, had partitions taken down between the cells, and kept the prisoners out of doors as much as possible. There were over a thousand prisoners, 100 of them women, who work in 4 shops: 1 to make stockings, 1 for printing textbooks, a soap factory, and a cotton mill. With this brief description he led us around personally.

The buildings were long one-story fireproof affairs, laid out in a geometric pattern radiating from two watch towers, triangular courtyards between them, and covering about two large city blocks, and surrounded by a high masonry wall. Cell partitions had been knocked out so that 14 prisoners slept in each dormitory some 42 feet by 10 feet, with 5 doors opposite 5 barred windows 3 by 4 feet. A

corridor ran the length of the buildings with windows opposite the doors so there was a good cross draft as all the doors were open. No locks. No keys.

We followed the warden, but some of the time we strayed from him and had to hunt him up. There are about 100 on the "staff," as they call the prison guards. They carry neither guns nor clubs. Only the staff live in cells, which they choose for privacy. Some are married and we saw round-faced smiling babies crawling around.

Three of the workshops were exceedingly busy, but I couldn't tell who was staff and who prisoners. No uniforms. I asked about that later and was told that numbers and prison uniforms were not compatible with human dignity. I also, with the recent prison riots in this country in mind, looked around with curiosity at the really formidable tools I saw lying handy; big wrenches for the machinery, an ax by a fire extinguisher, heavy hammers. The soap factory was idle, as the soap seemed to be in a drying stage and the workers were sitting in a circle on stools in the courtyard listening to a prisoner who was reading a newspaper out loud to them. They did not glance at us.

In other courtyards we saw some excellent basketball going on with prisoner referees.

In each of the four sections of the jail are raised stages and on one of these we saw a busy rehearsal for a musical the prisoners had written and were playing that week. There were women rehearsing with the men, and we were told this was the only activity where the sexes were allowed to mix. Every week each shop gives a show; there are movies and "cultural lessons," which means mostly learning to read, I hear.

Ray Gardiner, one of the Canadian delegates, said he wanted to talk to a prisoner, and was told to pick his man. He picked the most surly-looking man he could see and asked him why he was in jail. "Kuomintang agent," was the answer. Reported by peasants for stealing draft animals, which was his privilege as an agent. He did not know how long he was in for, but said he was learning a good trade, and hoped to get a job in the jail when his time was up.

We saw a new building almost finished, put up by men who had never been in the building trades before. It was an excellent job. It was to be a sort of clubroom, I think.

On the walls of the dormitory corridors were several very well illustrated charts, showing the rating of different dormitories for health, cleanliness, work progress, and even an amusing picture story of the workings of the new marriage laws. The prisoners were permitted to move around freely, there was no evil smell, which in our prisons one often finds from the primitive toilet arrangement in the cells.

When we had finished poking around the place we went back to the conference room and had more hot tea and asked all the questions we could think of.

The men work 8 hours a day, get no wages, as "they have forfeited the right to earn," but if they exceed the average work quota they get a cash bonus which they can spend for tobacco and incidentals at the co-op store. Prisoners are permitted visitors every 2 weeks, whom they may see in private, with the exception of "new prisoners whom we do not yet know," in which case a staff member is present. There are five doctors attached to the jail, and hospital cases are sent to the regular civilian hospital in that area of Peking.

We asked what crimes had been committed by the prisoners, and the answer was, "mostly political"; but "by 'political' we mean real offenses like stealing, done, however, because of lack of political understanding."

All prisoners now in the jail had been committed since liberation (October 1, 1949). The Kuomintang had destroyed all records of the prison when they left Peking; so all previous prisoners were let out.

The prisoner's work record is reviewed twice a year; the magistrate who committed him reviews his case once a year, taking into consideration the recommendation of the other prisoners for shortening his sentence. No sentence is shortened without a good recommendation from the other prisoners regarding his record.

We asked about the indeterminate sentence of the prisoner Ray interviewed and the warden said it was unusual. The man had not come clean on his misdemeanors. The authorities probably knew more than he had confessed.

"You see," An Lin explained, "we have two aims here. First, to safeguard the public, and second, to reform the prisoners. A man is not reformed if he is too self-centered, too individualistic."

I asked about punishment of unruly prisoners. Solitary confinement, physical punishment, and abusive language to the prisoners are all against the law.

"What you do do," I said, "if a prisoner misbehaves?"

"We talk to him," said An Lin.

"But if that does not work?"

"We get the other prisoners to talk to him."

"You don't mean to say you have committees of prisoners?"

"Oh, yes, committees for each dormitory and for the different shops."

"Well, suppose the other prisoners have no effect on your unruly man, what then?"

An Lin lowered his voice and looked a little ashamed. "We are allowed to use handcuffs," he said, "but," brightening, "we have never had to use them."

The prisoners are all learning useful trades and will have jobs when they are released. Their workshops had looked much like other factories we had visited, with one very striking difference. In the factories outside the workers rushed up, shook hands, applauded the peace delegates, grinned all over and generally made us very welcome. In the Peking jail we were completely ignored. Just like the workers in factories I have visited at home.

Mr. SOURWINE. Mr. Chairman, I have no other questions of this witness.

Mr. BOUDIN. Can the witness now read her statement that she gave to the committee this morning before recess?

Senator DANIEL. We have not considered the statement yet. We will do that just as soon as the committee has an opportunity to do so. The witness is excused.

Mrs. WILLCOX. Mr. Chairman, I do not know whether I should say this or not. I have not consulted—

Senator DANIEL. You have been excused, Mrs. Willcox.

Mr. BOUDIN. May I just ask then if the committee decides, as I am sure it will, that this statement is admissible, will it incorporate the statement in the record as if it had been presented by the witness?

Senator DANIEL. It will.

Mr. BOUDIN. But indicating that it was not read orally but was considered by the committee and then attached.

Senator DANIEL. It will if the committee so decides.

Mr. SOURWINE. Mr. Chairman, in view of the fact that the statement may be incorporated in the record, I would like to ask Mrs. Willcox if this statement is incorporated in the record if she desires it to stand as her sworn testimony?

Mrs. WILLCOX. Well, do you mean that I swear that this is the truth, this statement?

Mr. SOURWINE. That is right.

Mrs. WILLCOX. I certainly do and I am awfully sorry I could not answer all those other questions. I would like to, if I could be sure it would not incriminate me.

Senator DANIEL. Thank you, Mrs. Willcox.

(The subcommittee later, after considering the statement offered by Mrs. Willcox, ordered it marked "Exhibit No. 69" and placed in the record with the notation that, in spite of her statement that she meant it to be her testimony, it seems obvious from the face of the document that she has no personal knowledge of certain of the matters mentioned therein, and the document seems, at most, only a statement of the witness' opinion. The statement follows:)

#### STATEMENT RE MATUSOW BAIL

I assume this committee wishes to know why I posted bail for Harvey Matusow. Ever since I received my summons to appear here I have been asking myself that question.

The easy logical explanation is, of course, that I did not see why a man should be jailed for trying to right the wrong he has done. Up to now I have never



seen Matusow nor had any contact with him whatsoever. Unlike the judge in El Paso, I do not presume to know when he lied. That is precisely the point. When was Matusow lying? The fate of many possibly innocent people is involved and justice demands that truth be established by concrete evidence, not divination. This seems to me to be especially true in the case of Clinton Jencks, where the United States prosecuting attorney wrote that Matusow's evidence (I quote), "was absolutely essential to a successful prosecution."

This is the immediate reason I posted bail. But I think there is a deeper concern, a danger to this wonderful country of ours.

When I was a little girl, over half a century ago, I was so proud of our country. I believed without question in the reality of the freedom my forebears had fought to establish; freedom to do; freedom to explore places and people and ideas. I believed in the wisdom, the justice, of our courts. Ours was a country where all the downtrodden of the earth could find a haven, could know that with hard work they would have an expanding future for themselves and their children. I think I almost equated Teddy Roosevelt with God.

But something has happened to this beautiful country of ours. Today experts and scholars are afraid to voice their opinions if they do not agree with the dogma of the Government; scientists may not serve if they speak to the wrong people; men and women are in jail for thoughts, not acts.

Matusow's book, *False Witness*, is not only an appalling self-portrait of a paid informer, it documents the inducements in money and acclaim that await a young man who can either finger-point or invent victims for the Communist hunt. I have no idea why this particular young man was finally revolted by his tale-bearing and jail-filling inventions, nor where he got the courage to expose himself. Maybe he only has a pathological passion for publicity. Maybe he is a truly repentant sinner. I do not know.

But this I do know. Harvey Matusow is a symbol of a sickness that is blighting our beloved country. We must not lock him up or forget him. We must carefully exhume the truth. We must be in fact what we boast we are—the land of the free and the home of the brave.

Mr. SOURWINE. Mr. Chairman, I should like, with the permission of the committee, to depart briefly from the scheduled list of witnesses and call as a witness Mr. John Lautner. It will not take over 10 minutes.

Senator DANIEL. Mr. Lautner.

The CHAIRMAN. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAUTNER. I do.

#### TESTIMONY OF JOHN LAUTNER, DEPARTMENT OF JUSTICE, WASHINGTON, D. C.

Senator DANIEL. You may take the witness stand.

Mr. SOURWINE. Will you give your full name, please, and your address?

Mr. LAUTNER. My name is John Lautner, and my address is the Department of Justice Building, internal security room 2366.

Mr. SOURWINE. Were you ever a member of the Communist Party, United States of America?

Mr. LAUTNER. Yes.

Mr. SOURWINE. When?

Mr. LAUTNER. From 1929 to 1950.

Mr. SOURWINE. And what was the highest position you attained in the party?

Mr. LAUTNER. Among others, district organizer of the Communist Party in the State of West Virginia, a member of the nationality



groups commission of the Communist Party, head of the New York State review commission of the Communist Party, a member of the national review commission of the Communist Party, security officer for the New York State organization of the Communist Party.

Mr. SOURWINE. Mr. Lautner, was there a time in 1948 when for safety reasons you had a part in placing J. Peters at the farm of Joe Herman, a Communist Party member living in Riegelsville, Pa?

Mr. LAUTNER. Yes.

Mr. SOURWINE. What was the reason for placing Mr. Peters there?

Mr. LAUTNER. Joe Peters was sought after by numerous Government agencies and by the labor secretary of the Communist Party, John Williamson. I was entrusted to keep J. Peters in various places in hiding.

Mr. SOURWINE. As a matter of fact, he was hiding from congressional investigation and grand jury inquiry, was he not?

Mr. LAUTNER. That is correct.

Mr. SOURWINE. Now in the early fall of 1946, were you contacted by Ann Rollins, known as Silvers, known as the wife of J. Peters?

Mr. LAUTNER. Yes.

Mr. SOURWINE. Was she a section organizer of the Communist Party in New York?

Mr. LAUTNER. She was an industrial section organizer in New York at that time.

Mr. SOURWINE. Where did she contact you?

Mr. LAUTNER. In my office at 35 East 12th Street, the headquarters of the Communist Party on the fifth floor.

Mr. SOURWINE. For what purpose did she contact you?

Mr. LAUTNER. She told me—she came up to my office—that a decision has been made that Peters has to be brought in from the farm and that he is to contact the law office of Cammer & Witt.

Mr. SOURWINE. Did she tell you why?

Mr. LAUTNER. No.

Mr. SOURWINE. What did you do?

Mr. LAUTNER. I brought J. Peters in from Riegelsville, Pa., and directed him to go to the office of Cammer & Witt.

Mr. SOURWINE. Did you take him there?

Mr. LAUTNER. No.

Mr. SOURWINE. Do you know whether he went there?

Mr. LAUTNER. I do not know. Later on I found out he did go.

Mr. SOURWINE. When you say Cammer & Witt, what are you referring to?

Mr. LAUTNER. I am referring to a law office on 40th Street east of Fifth Avenue where Nathan Witt & Cammer and Lee Pressman were practicing law.

Mr. SOURWINE. At that time?

Mr. LAUTNER. At that time.

Senator DANIEL. Do you know Nathan Witt?

Mr. LAUTNER. Yes.

Senator DANIEL. Did you see him here yesterday?

Mr. LAUTNER. I was not here yesterday.

Senator DANIEL. But you know that a Nathan Witt appeared here yesterday or did you know that?

Mr. LAUTNER. I read about it in the papers. The last time I saw him was approximately 2 weeks ago in Denver, Colo.

Senator DANIEL. Yes. He is the Nathan Witt that represents Jencks in the El Paso case?

Mr. LAUTNER. That is correct because he was discussing it there in a dining room.

Mr. SOURWINE. Now after the occasion of which you have told us, did Peters thereafter call on you?

Mr. LAUTNER. Yes.

Mr. SOURWINE. What was the next occasion on which he called on you after the time you brought him in to go to the office of Cammer & Witt?

Mr. LAUTNER. Well, it was shortly after he came back from this farm and was functioning as one of the party functionaries for the national committee on the ninth floor, it could have been a few weeks after. I am not exact on the time but it was shortly after I brought him in he called me up to his office on the ninth floor to see him.

Mr. SOURWINE. How did he contact you, by telephone or by messenger?

Mr. LAUTNER. No; by telephone. My office was on the fifth floor. When I came in, in the morning, he called shortly after that and I went up to the ninth floor where he had his office.

Mr. SOURWINE. Who was Peters at that time? What was his function in the Communist Party?

Mr. LAUTNER. J. Peters was considered one of the top organization specialists for the Communist Party. For many years he worked on the organizational commission of the Communist Party and he wrote a manual—a Communist Party manual on organization. He was a high functionary of the party.

Mr. SOURWINE. Did he have anything to do with the Communist underground?

Mr. LAUTNER. I heard a lot about it. I have no personal knowledge of it, only isolated little instances which would indicate that he did have.

Mr. SOURWINE. But you do know of your own knowledge that he was a high official of the Communist Party?

Mr. LAUTNER. That is correct.

Mr. SOURWINE. And when he called for you to come to see him, you went to see him because he was your superior in authority in the party; is that correct?

Mr. LAUTNER. In that respect, yes.

Mr. SOURWINE. Now, what happened when you went to his office?

Mr. LAUTNER. He told me that there is a very sensitive task to be performed and that I should go down to see Nathan Witt in his law office.

Mr. SOURWINE. Did he tell you what the sensitive task was?

Mr. LAUTNER. No; he did not.

Mr. SOURWINE. Did he give you to understand that Mr. Witt would tell you and that you were to follow his instructions?

Mr. LAUTNER. That is correct; he told me that Nathan Witt will tell me about it.

Mr. SOURWINE. Pursuant to Mr. Peters' instructions, did you go to Mr. Witt's office?

Mr. LAUTNER. Yes, I did.

Mr. SOURWINE. Did Mr. Witt see you?

Mr. LAUTNER. Yes.

Mr. SOURWINE. Did he usher you into his office or did he come out?

Mr. LAUTNER. Well, I went to the building which is on the north side of 40th Street, east of Fifth Avenue. I think it was on the second or the third floor. I took the elevator up into the building. I went into the foyer and the girl went in to see somebody in the adjacent room and Nathan Witt came out and he took me into that office room.

Mr. SOURWINE. Then what happened?

Mr. LAUTNER. He introduced me to Lee Pressman and another person who was there in that room.

Mr. SOURWINE. Who was that other person?

Mr. LAUTNER. I do not know.

Mr. SOURWINE. You mean you do not now know?

Mr. LAUTNER. At the time I did know. I don't know. I recall Lee Pressman was one of the persons and then this other person.

Mr. SOURWINE. And then what happened?

Mr. LAUTNER. Then Nathan Witt told me that we should go outside. We went downstairs and to the right of the entrance to his building there was a bar and we went into that bar.

Mr. SOURWINE. Did you talk while you were in there?

Mr. LAUTNER. Yes.

Mr. SOURWINE. What about?

Mr. LAUTNER. He told me that the sensitive task involved is to, first of all, ascertain in exactly what office room is Whittaker Chambers working at Time magazine in Radio City. Once that is done, that we should devise a very subtle form of intimidation because Whittaker Chambers, by his very nature, is a very scary fellow and he will understand the nature of the intimidation.

Mr. SOURWINE. That is what Witt told you?

Mr. LAUTNER. Yes. He suggested further than we should send him a bouquet of flowers and I said, "We will send him a bouquet of white lilies."

He gave me \$100 to undertake this project and I left Nathan Witt.

Mr. SOURWINE. Then what did you do?

Mr. LAUTNER. I went back to the office——

The CHAIRMAN. What was the date of this?

Mr. LAUTNER. This was about a week, approximately a week before the pumpkin story broke.

Mr. SOURWINE. In the fall of 1948?

Mr. LAUTNER. In the fall of 1948. While I was with Witt there were also grand jury hearings in New York. Peters was involved in grand jury hearings. I went back and I told Peters that I saw Witt and he says, "Well, you know what to do."

I contacted one of the party organizers by the name of Jim Faber——

Mr. SOURWINE. How do you spell it?

Mr. LAUTNER. F-a-b-e-r—to give me a reliable person, and he did. He gave me a person who, I do not recall his name. He was an industrial organizer for the party in Brooklyn in the transport industry.

The CHAIRMAN. What do you mean by "reliable person"?

Mr. LAUTNER. A person who is loyal, devoted to the Communist Party and can carry out confidential assignments.

The CHAIRMAN. Go ahead.

Mr. LAUTNER. The only thing I recall about this person, he is an engineer and he was an organizer prior to that in the Transport Workers Union. At just about that time, there was a factional fight in that



union and Mike Quill cleaned out some of these party organizers or was in the process of cleaning out outspoken party organizers in that union.

I told him what the task was. He went up to Radio City. I gave him \$10. By the way, Nathan Witt gave me \$100 for this project. I gave him \$10 for expenses, cab, and so forth. Next day, he came back that Whittaker Chambers is not with Time magazine, he is not around there but he is down at the farm somewhere in Maryland, near Frederickstown, I do not recall the exact name of the town. Well, I was going to send him down there to Maryland. In the meantime, the pumpkin story broke. That same evening Nathan Witt called me up at my home at 212 West 22d Street to not to do anything in this case, to stop any activities in this case, and he told me he will be down at my place in front of my house the next day to give him back the money. I recall he came in front of my house at 1:10 o'clock in the morning, and it was a Saturday morning and that was the end of that assignment.

Mr. SOURWINE. Did you thereafter call off the project to send the lilies?

Mr. LAUTNER. Yes.

Mr. SOURWINE. And did you give Mr. Witt back the money?

Mr. LAUTNER. I gave him back his \$90.

Mr. SOURWINE. You did not give the \$10 back? That was for expenses?

Mr. LAUTNER. That is correct.

Mr. SOURWINE. Did you ever attend a Communist Party convention at which Mr. Witt was present?

Mr. LAUTNER. Yes.

Mr. SOURWINE. When was that?

Mr. LAUTNER. That was the 1945 Reconstitution Convention of the Communist Party.

Mr. SOURWINE. You saw Mr. Witt there?

Mr. LAUTNER. That is correct.

Mr. SOURWINE. Do you know whether he was there as a delegate or as a visitor or in what other capacity?

Mr. LAUTNER. Well, that convention was a closed convention.

Mr. SOURWINE. What do you mean?

Mr. LAUTNER. There were only a hundred people at that convention. No outsiders were allowed. Very elaborate security measures were set up. J. Peters was in charge of security at this convention. I was one of his aides at the convention. To my understanding and 20 years of membership in the Communist Party, he could not have been at this convention if he was not invited.

Mr. SOURWINE. If he was not what?

Mr. LAUTNER. Invited.

Mr. SOURWINE. Did you ever see Mr. Witt at a Communist Party plenum?

Mr. LAUTNER. Yes.

Mr. SOURWINE. What do you mean by plenum?

Mr. LAUTNER. A plenary session of the Communist Party is an enlarged national committee meeting to which members of the national committee, district organizers, heads of various national commissions or committees are invited, in addition 1 or 2 other persons who are in one sort of another type of confidential assignment.

Mr. SOURWINE. Did you say you had seen Mr. Witt at such a plenum?

Mr. LAUTNER. At least at one of these meetings.

Mr. SOURWINE. When was that?

Mr. LAUTNER. In the last 1930's.

Mr. SOURWINE. Mr. Lautner, do you know Harry Sacher?

Mr. LAUTNER. Yes.

Mr. SOURWINE. Did you ever see him at a closed Communist Party gathering?

Mr. LAUTNER. Yes, in 1950, the beginning of January at a birthday party for Alex Bittelman in the national board room of the national committee of the Communist Party at 35 East 12th Street.

Mr. SOURWINE. Was that a closed meeting?

Mr. LAUTNER. There were only about 50 people there and they were all high functionaries of the Communist Party.

Mr. SOURWINE. Do you remember whether a toast was drunk at that party to the health of Alex Bittelman?

Mr. LAUTNER. Yes, and the toast was offered by Henry Winston.

Mr. SOURWINE. What was the toast, if you remember it?

Mr. LAUTNER. The toast was "Comrades, let's have a drink to the health of Alexander Bittelman," or something to that effect, but he addressed the gathering as comrades.

Mr. SOURWINE. Did Mr. Sacher drink that toast?

Mr. LAUTNER. I did not see anybody protesting the designation of comrades over there. I did not see whether he drank or not, but everybody did.

Mr. SOURWINE. He was there?

Mr. LAUTNER. He was there.

Mr. SOURWINE. But you do not know whether he drank a toast?

Mr. LAUTNER. That is correct.

Mr. SOURWINE. Mr. Chairman, I have no more questions of this witness at this time.

Senator DANIEL. The witness will be excused.

Mr. SOURWINE. I should like to call two witnesses who were called this morning and were not here so the record may show whether they are present. Mr. Angus Cameron? (No response.)

Senator DANIEL. Mr. Cameron, is he present?

Mr. SOURWINE. David Ratner? (No response.)

Senator DANIEL. Is Mr. Ratner present?

Mr. SOURWINE. Is Mr. Robert Z. Lewis here?

The CHAIRMAN. Mr. Lewis, do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary of the Senate of the United States is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEWIS. I do.

#### TESTIMONY OF ROBERT Z. LEWIS, ACCOMPANIED BY MORTON STAVIS, HIS ATTORNEY

Mr. SOURWINE. Mr. Lewis, will you give your name and address, please?

Mr. LEWIS. My name is Robert Lewis. I reside at 127 West 82d Street, New York City.

Mr. Chairman, before we proceed, I think it might be expeditious if at this time I could express my position regarding the jurisdiction of this committee in regard to this inquiry of me.

Senator DANIEL. Do you have something there in writing?

Mr. LEWIS. No, I can state it orally very quickly.

Senator DANIEL. Wait just a moment. You will proceed to answer the questions asked by the committee counsel. That has been the procedure of the committee all along and we will continue to follow that procedure. Mr. Sourwine.

Mr. SOURWINE. Mr. Chairman, there was an exchange of correspondence—

The CHAIRMAN. The attorney should identify himself.

Mr. STAVIS. I am Morton Stavis, 744 Broad Street, Newark.

Mr. SOURWINE. There was an exchange of correspondence between this committee and Mr. Lewis by telegraph. I would like to ask permission to read these and then have them inserted in the record.

Senator DANIEL. Proceed.

Mr. SOURWINE. Mr. Lewis wired as follows:

Request adjournment of my appearance before Senate Subcommittee on Internal Security now scheduled for April 18, 1955, until motion for new trial in *United States v. Flynn, etc.*, grounded on Matusow recantation finally disposed of. Since purpose of hearing is to inquire into my connection as an attorney for defendants with motion deem it advisable postpone to avoid possible prejudice. Please reply.

To which the chairman replied:

Mr. ROBERT LEWIS: Cannot grant your request to be excused from appearance before Internal Security Subcommittee April 18. Your stated reason for request constitutes unjust reflection on Judge Dimock, who is an able and experienced jurist who can be depended upon to decide any case coming before him on the record made in his court.

Senator DANIEL. They will be made a part of the record.

(The correspondence referred to was marked "Exhibits Nos. 70 and 70-A" and appears below:)

EXHIBIT No. 70

NEW YORK, N. Y., April 12, 1955.

COUNSEL, *Internal Security Subcommittee, Judiciary Committee, United States Senate, Washington, D. C.:*

Request adjournment of my appearance before Senate Subcommittee on Internal Security now scheduled for April 18, 1955, until motion for new trial in *United States v. Flynn, etc.*, grounded on Matusow recantation finally disposed of. Since purpose of hearing is to inquire into my connection as an attorney for defendants with motion deem it advisable postpone to avoid possible prejudice. Please reply.

ROBERT Z. LEWIS,  
127 West 82d Street, New York City.

EXHIBIT No. 70A

APRIL 13, 1955.

Mr. ROBERT Z. LEWIS,  
127 West 82d Street, New York, N. Y.:

Cannot grant your request to be excused from appearance before Internal Security Subcommittee April 18. Your stated reason for request constitutes unjust reflection on Judge Dimock, who is an able and experienced jurist who can be depended upon to decide any case coming before him on the record made in his court.

JAMES O. EASTLAND,  
Chairman, *Internal Security Subcommittee.*



Mr. LEWIS. Mr. Chairman, may I at this time briefly comment on that last telegram of Senator Eastland?

The CHAIRMAN. Now wait just a minute, please, sir. You can answer the questions.

Mr. LEWIS. But a statement was made about——

The CHAIRMAN. Wait just a minute, please. Proceed, Mr. Sourwine.

Mr. SOURWINE. Mr. Lewis, you are a lawyer?

Mr. LEWIS. I am.

Mr. SOURWINE. Where do you practice?

Mr. LEWIS. State of New York.

Mr. SOURWINE. And your office address?

Mr. LEWIS. 615 Columbus Avenue, New York City.

Mr. SOURWINE. Are you in a partnership in the practice of law?

Mr. LEWIS. I am not.

Mr. SOURWINE. Do you have any office associates?

Mr. LEWIS. No.

Mr. SOURWINE. Do you employ any other lawyers?

Mr. LEWIS. No.

Mr. SOURWINE. In what way, Mr. Lewis, have you been associated with the defense of Communist cases?

Mr. LEWIS. Mr. Chairman, may I raise at this time the issue of the propriety of that question?

Senator DANIEL. If you wish to make an objection, you may do that, but otherwise let us not argue the propriety of the question because the committee would not permit the counsel to ask the question if the committee did not believe that the question was entirely proper.

Mr. LEWIS. But my point, Mr. Chairman, is that the committee does not have the power to make this kind of inquiry.

Senator DANIEL. Well, that is overruled.

Mr. LEWIS. I think I should be briefly allowed to state my grounds for that belief for the record.

Senator DANIEL. We are not going to lose the time for that. You have sat through the interrogation of other witnesses this afternoon, have you not?

Mr. LEWIS. I have.

Senator DANIEL. And you know the procedure we have followed?

Mr. LEWIS. But I do not think that procedure includes being denied the opportunity to question the jurisdiction of Congress over a particular area of investigation and that is my position.

Senator DANIEL. We are certainly not going to lose the time for you to question the jurisdiction of this committee.

Mr. LEWIS. May I consult with counsel for a minute?

Senator DANIEL. Yes; you may.

(The witness consulted with counsel.)

Mr. STAVIS. Senator, may I state just about one or two sentences and I do not want to waste any time?

Senator DANIEL. If you do so in the form of an objection, but we are not going to have comments and statements. You know it would take us forever to complete the investigation if we did. Go ahead if you have an objection.

Mr. STAVIS. May I object to this question very briefly because, as the Senator well knows, the bar as a whole in the United States, has been concerned that people who are charged with being advocates of

unpopular causes shall be adequately represented before the courts of the United States. I think you are aware of the position that the American Bar Association took upon that, I think you are aware of the statement made by President Truman 2 years or so ago to the American Bar Association. And this is a matter of deep concern to the bar as a whole.

Now when the question is asked, before a congressional committee, to a lawyer, such as Mr. Sourwine has just asked, "In what way have you represented Communist cases?" or questions of that nature—

Mr. SOURWINE. That was not the question.

Mr. STAVIS. I am sure Mr. Sourwine can repeat the question but it is a question of that connotation. It suggests an impropriety in the matter of a lawyer representing someone because of a particular offense for which he is charged or the particular views which he holds.

I think the members of this committee who are lawyers would want to uphold the long standing position of the bar that every person has a right to counsel. The matter of who a lawyer represents is not a matter of inquiry or concern.

Mr. SOURWINE. Mr. Chairman, may I be heard briefly on the point?

Senator DANIEL. Briefly.

Mr. SOURWINE. I will be brief.

It would suffice if the witness answered this question by saying only as retained counsel. I am not purporting to tell him how he should answer the question, but the question, it seems to me, is entirely proper.

Senator DANIEL. Yes, your objection is overruled.

Mr. STAVIS. On the basis of that statement the objection is even withdrawn.

Senator DANIEL. All right, proceed.

Mr. LEWIS. May I hear the question again?

Mr. SOURWINE. The question is, In what way have you been associated with the defense of Communist cases?

Mr. LEWIS. As retained counsel. I see your point now.

Mr. SOURWINE. You mean only as retained counsel?

Mr. LEWIS. Only as retained counsel.

Mr. SOURWINE. Are you associated in any way with Harry Sacher?

Mr. LEWIS. You mean professionally as attorney?

Mr. SOURWINE. In any way.

Mr. LEWIS. I have been associated with him in connection with the motion for a new trial in *U. S. v. Flynn* but that is the only association.

Mr. SOURWINE. That is your only association with him?

Mr. LEWIS. That is correct.

Mr. SOURWINE. Are you associated in any way with Nathan Witt?

Mr. LEWIS. No.

Mr. SOURWINE. Are you the same Robert Z. Lewis who appeared before the House Un-American Activities Committee on July 8, 1954, as attorney for John Stuben during that committee's investigation of Communist influence in the field of publications and presented a letter from a doctor, stating that Stuben was too ill to appear as a witness on that date?

Mr. LEWIS. I did appear for Mr. John Stuben on that occasion and did present such a letter.

Mr. SOURWINE. Are you the same Lewis who appears as attorney for Pat David Rappaport, Rena Dood, and Louis J. Lubin in connection

with the public hearings by the House Un-American Activities Committee during that committee's investigation of communistic activities in the Albany area?

Mr. STAVIS. May I object, sir, and simply state that if the purpose of this or a series of other questions is to show that Mr. Lewis has represented certain people who may have been in an unpopular position, I think you pose again this very serious question. The matter troubles me very deeply as a lawyer.

Senator DANIEL. The counsel of the committee tells me this is strictly for identification. With that in mind, do you wish to object?

Mr. STAVIS. I do not think there has been any issue of identification arose.

Mr. SOURWINE. There are too many Robert Lewises.

Mr. STAVIS. Not Robert Z. Lewis. If it is a matter of identification I think he has already been identified.

Mr. SOURWINE. We have information about a person named Robert Lewis. I cannot tell whether it is Robert Z. Lewis or this Robert Lewis unless I ask.

Did you ever live in Beverly Hills, Calif.?

Mr. LEWIS. May I remind the counsel I did not reply to the last question?

Senator DANIEL. Will you proceed to reply to it?

Mr. LEWIS. As I understand it, it was with respect to my representation of—

Mr. SOURWINE. Of Pat David Rappaport, Rena Dood, and Louis J. Lubin.

Mr. LEWIS. Yes; I did represent them as attorney.

Mr. SOURWINE. Did you ever live in Beverly Hills, Calif.?

Mr. LEWIS. I have lived in Los Angeles, Calif., as a child when I was 10 years old.

I do not recall it was Beverly Hills.

Mr. SOURWINE. Did you ever live in Detroit, Mich.?

Mr. LEWIS. I have never resided in Detroit, Mich.

Mr. SOURWINE. Did you ever live in Washington, D. C.?

Mr. LEWIS. No.

Mr. SOURWINE. Did you ever attend the University of North Carolina?

Mr. LEWIS. No.

Mr. STAVIS. Objection. Are we still on the matter of identification?

The CHAIRMAN. Just a minute, please. Proceed with the questions.

Mr. SOURWINE. Did you ever attend Duke University?

Mr. LEWIS. No; I did not.

Mr. SOURWINE. Do you speak French?

Mr. LEWIS. No.

Mr. SOURWINE. Did you ever teach French at a boys' school in Connecticut?

Mr. LEWIS. No.

Mr. SOURWINE. Did you notarize on January 31, 1955, the affidavit by Harvey Matusow in the case of Elizabeth Gurley Flynn?

Mr. LEWIS. I did.

Mr. SOURWINE. Will you recount the circumstances of that occasion? (The witness consulted with counsel.)



Mr. LEWIS. Your question is whether I notarized an affidavit on January 31?

Mr. SOURWINE. You have stated you did?

Mr. LEWIS. Yes.

Mr. SOURWINE. I then asked you to recount the circumstances of that occasion. Tell us what happened when you notarized that affidavit.

Mr. LEWIS. He read the affidavit, affirmed that it was his affidavit and it constituted the truth and then he signed his name. Thereafter I notarized it, affixing my stamp and signature.

Mr. SOURWINE. Did Mr. Matusow bring the affidavit with him when he came to your office? I will apologize. That question assumes that he came to your office. Did he come to your office for the purpose of having the affidavit notarized?

Mr. LEWIS. He did not.

Mr. SOURWINE. Where was it notarized?

Mr. LEWIS. It was notarized in an automobile at 125th Street near the 125th Street Station of the New York Central Railroad.

Mr. SOURWINE. How did you get into that automobile?

Mr. LEWIS. I walked in.

Mr. SOURWINE. Did you stand on the corner or on the street and wait for the car to come along?

Senator DANIEL. Counsel, the witness may advise with you any time he wishes to, but please do not interrupt or suggest to him unless he asks you for advice. All right, proceed.

Mr. STAVIS. Excuse me, sir, just a moment.

(The witness consulted with counsel.)

Mr. LEWIS. May I inquire, Mr. Chairman—

Senator DANIEL. No—

Mr. LEWIS. I need clarification of the question. It is quite clear but, are you trying to ascertain the circumstance whether he actually swore to it?

Senator DANIEL. Trying to ascertain all the circumstances that the counsel for this committee has asked you. Tell us exactly who all was there, how you happened to meet the car, and all of the circumstances.

Mr. LEWIS. I wished to state earlier, Mr. Chairman, that I felt that all this area relating to my conduct in connection with the motion and the circumstances of the bringing of that motion in *U. S. v. Flynn* was a matter squarely and particularly and exclusively for the court, for the judiciary; not within the realm of Congress. As a matter of fact, right this minute this matter is pending before Judge Dimock in the southern district of New York.

Now, as far as my conduct in connection with the motion is concerned, as an officer of the court, I am controlled by the rules of that court, by the judge there presiding and by the canons of ethics. I fail to see how Congress, not only this committee, Congress may enter into an area so clearly demarked.

Senator DANIEL. The permanent chairman of this committee has already ruled on that and I am sure you have not forgotten it. Now, if you will proceed to answer the question Mr. Sourwine is asking you about your capacity as a notary, the affidavit that you notarized—he is not asking you anything about your relationship between attorney and client—I think you could very easily tell us all the facts about this situation.

Mr. LEWIS. All right, with that understanding. I had an appointment with Mr. Matusow for approximately 8 o'clock that morning.

Senator DANIEL. Who made the appointment?

Mr. LEWIS. I made the appointment with Mr. Matusow.

Senator DANIEL. Who asked you? Did you know him before?

Mr. LEWIS. Well, I was one of the attorneys in connection with the preparation of this motion. I had met Mr. Matusow the previous week.

Senator DANIEL. And you had helped to prepare the motion for a new trial?

Mr. LEWIS. Yes; I did.

Senator DANIEL. Did you help prepare the affidavit that Mr. Matusow signed?

Mr. LEWIS. I did.

Senator DANIEL. And you had then been in conference with him concerning the affidavit that you were to use in the motion for new trial?

Mr. LEWIS. Yes.

Senator DANIEL. All right, and then you made the appointment with Mr. Matusow as to where you would meet him to swear to the affidavit?

Mr. LEWIS. That is correct.

Senator DANIEL. All right. Go ahead.

Mr. LEWIS. I am sorry. Now, where are we?

Senator DANIEL. You just proceed. You made the appointment at 8 o'clock. Then what happened?

Mr. LEWIS. I was there.

Mr. SOURWINE. Where was "there"?

Mr. LEWIS. At the railroad station; 125th Street, New York Central Railroad Station. Our intention was to meet in the waiting room there.

Senator DANIEL. Of the railroad station?

Mr. LEWIS. As a matter of fact, I met him coming out of the waiting room.

The car in question was already parked across the street near the station.

Senator DANIEL. Whose car?

Mr. LEWIS. I do not know whose car it was.

Senator DANIEL. Well, did you bring it there or did he bring it there?

Mr. LEWIS. No; it was not mine. I came by bus.

Senator DANIEL. How did you happen to go to this particular car?

Mr. LEWIS. Well, I met Mr. Matusow coming out of the station and he went to the car and I went with him.

Senator DANIEL. Proceed.

Mr. LEWIS. We entered the car. I entered the front seat. Mr. Matusow sat in the rear seat and I had the affidavit with me. I handed it to him, he read it and then as I said before, he affirmed that it was his affidavit, that it was the truth. He signed it.

Mr. SOURWINE. Was there any other person in the car?

Mr. LEWIS. Yes; a Mr. Herb Tank.

Mr. SOURWINE. Was he waiting in the car when you and Mr. Matusow came to the car?

Mr. LEWIS. No; he was with Mr. Matusow when I walked out of the railroad station.

Mr. SOURWINE. Was there any other person besides the three of you?

Mr. LEWIS. No.

Mr. SOURWINE. And when you got into the car, did Mr. Tank sit in the front seat with you or in the back seat with Matusow?

Mr. LEWIS. Mr. Tank sat at the driver's seat. I sat beside him. Matusow sat in the back.

Mr. SOURWINE. Do you know where the affidavit attested by you and signed by Mr. Matusow on January 31 in this automobile was actually typed?

(Witness confers with counsel.)

The CHAIRMAN. Mr. Attorney, wait just a minute. He can confer with you, but do not interrupt.

Mr. STAVIS. I am not interrupting.

The CHAIRMAN. Yes; you spoke to the witness. He can confer with you when he desires.

Mr. LEWIS. May I say at this point, Mr. Chairman, that now you are again embarking into the area which I believe is exactly before the court at this moment, the circumstances under which the affidavit was formulated.

The CHAIRMAN. The witness will answer the question, please.

Mr. LEWIS. I wish to consult with counsel.

(The witness consulted with counsel.)

Mr. LEWIS. I will answer the question, Mr. Chairman. I just wish to emphasize that now the ground has shifted.

Originally you were examining me on my basis as a role of a notary. Now you are examining me on the basis of my role as attorney in this case.

Senator DANIEL. Proceed. That is your conclusion, sir. Proceed.

Mr. LEWIS. I think that is a conclusion which is compelled by the record. Now the affidavit actually was typed at the home of Mr. Albert Kahn.

Mr. SOURWINE. That is, the affidavit which he signed, that self-same affidavit, was typed at the home of Mr. Albert Kahn?

Mr. LEWIS. That is correct.

Mr. SOURWINE. When?

Mr. LEWIS. The previous day, that is, January 30.

Mr. SOURWINE. Do you know what day of the week that was?

Mr. LEWIS. Sunday.

Mr. SOURWINE. Now, by whom was it typed?

Mr. LEWIS. It was typed by a secretary.

Mr. SOURWINE. I did not ask the capacity of the person who typed it. I asked you by whom it was typed, if you know, and you do know, don't you?

Mr. LEWIS. I do.

Mr. SOURWINE. Who?

Mr. LEWIS. Phyllis Lewis.

Mr. SOURWINE. Is she any relation to you?

Mr. LEWIS. She is.

Mr. SOURWINE. Is she your wife?

Mr. LEWIS. She is.

Mr. SOURWINE. Is she a typist?



Mr. LEWIS. She was formerly a legal secretary.

Mr. SOURWINE. She is then a stenographer?

Mr. LEWIS. Correct.

Mr. SOURWINE. And did she type this affidavit from notes?

Mr. LEWIS. Is that your question?

Mr. SOURWINE. Did she type this affidavit from notes?

Mr. LEWIS. Part of it was dictated to her, part of it was from manuscript, that is, written down.

Mr. SOURWINE. When you say part of it was dictated, you mean she took it down, she took dictation directly to the typewriter?

Mr. LEWIS. No; I do not recall. I think she took it directly in shorthand and then transcribed it. Is that what you meant by "notes"?

Mr. SOURWINE. Yes.

Mr. LEWIS. Well, part of it by notes.

Mr. SOURWINE. Part of it was from shorthand notes?

Mr. LEWIS. Yes.

Mr. SOURWINE. Which she had taken?

Mr. LEWIS. Correct.

Mr. SOURWINE. Now, who gave that dictation?

(Senator Jenner came into the hearing room.)

Mr. LEWIS. I will reassert at this time, Mr. Chairman, because I want the committee to at all times be aware of the fact that it is in accordance with the opinion set forth by the Supreme Court in *Kilbourne v. Thompson*, preaching a separation of powers system in our Government and intervening into the area of the courts. The matter is now pending before the court.

Senator DANIEL. That was ruled on before you appeared as a witness.

Proceed.

Mr. STAVIS. May I state an objection very briefly, sir?

Senator DANIEL. Is it the same objection? It has been ruled on; has it not?

Mr. STAVIS. Unfortunately, I was not able to be present this morning, but I am disturbed and I think I ought to tell you that as a lawyer, and I appear in courts practically every day, about the very suggestion that when a case is pending in court and when a lawyer who has worked on the case states to you, if there is any question with respect to the preparation of that case or any of his conduct in the case that he thinks that the proper place to adjudicate such questions is before the court. I am disturbed and I think, Senators, if you think about it in your own capacity as lawyers, and I am sure some of you were judges at times, that any judge would be disturbed that anything in that case while it is pending before him should become a matter of congressional investigation.

Senator DANIEL. That is the same objection that has been passed on by the permanent chairman.

Mr. STAVIS. Unfortunately, I did not hear the permanent chairman pass upon that. I do not mean to be wasting time but I never appeared before this committee before.

Senator DANIEL. Just a moment. You read the telegram from Senator Eastland, did you not?

Mr. STAVIS. I did not read it.

Senator DANIEL. Did you hear it?

Mr. STAVIS. I heard the telegram read by Mr. Sourwine. I have not seen it before. I did not hear it until I heard it here, but I just do not think that enough thought, if I may be so bold as to suggest it—

Senator DANIEL. Counsel, just a moment. I am not going to allow you to continue to make your statements and give us your opinions on matters that have already been ruled on. The witness will proceed to answer the question. That is all, sir.

Mr. STAVIS. May I ask this very brief question?

Senator DANIEL. That is all, sir.

The witness will proceed to answer the question

Mr. LEWIS. What is the question now pending?

Mr. SOURWINE. The question is by whom was the dictation given which your wife took down in shorthand from which she subsequently typed a portion of this affidavit—who gave it?

(The witness conferred with the counsel.)

Senator DANIEL. Let the record show an extended conference with counsel.

Mr. STAVIS. I do not know what the definition of "extended" is at this point.

Senator DANIEL. Proceed.

Mr. LEWIS. There were several people present at the time of dictation. Mrs. Mary Kaufman, who is an attorney and associated with this motion also in the trial of a case originally, myself and Mr. Matusow, and the secretary, and the dictation, while it may have, you know, verbally come from Mrs. Kaufman, was generally after discussion with Mr. Matusow as to the language to be used and the facts to be included in it paragraph by paragraph.

Mr. SOURWINE. I am particularly interested in who said the words that your wife, acting as secretary, took down and from which notes she subsequently typed a part of this affidavit.

Senator DANIEL. Counsel, we have asked you please not to interrupt the witness. If the witness wants to confer—

Mr. STAVIS. I did not interrupt.

Senator DANIEL. If the witness wishes to confer with you, sir, he may do so.

We have granted the witness the privilege of having counsel here, but we do not want the counsel to interrupt the witness when he is about to give his testimony. If he wishes to consult with you, he may do so at any time.

Proceed, sir.

Mr. LEWIS. I wish to consult with counsel.

(The witness consulted with counsel.)

Mr. LEWIS. The affidavit, well, I guess it was done the way which most lawyers do it. The lawyer dictated. Mr. Matusow intervened, interjected or objected, as language was developing and it was corrected in that way. I also participated in that.

Senator DANIEL. Participated in the dictation of the affidavit.

Mr. LEWIS. That and in the correction of formulations as they were given.

Senator DANIEL. Proceed.

Mr. SOURWINE. What I am trying to find out is who said the words which your wife, acting as secretary, took down?

Mr. LEWIS. I am sorry, that is just not the way affidavits are drawn, as you, as attorneys, would know.

Mr. SOURWINE. I have drawn affidavits like that and so have you.

Mr. LEWIS. I have dictated affidavits when they are my own. Where others are involved, I have sometimes dictated them and had them read and had them approved. In this case I would say it was a joint venture.

Mr. SOURWINE. I am not attempting to suggest there was any impropriety.

Mr. LEWIS. I don't suggest that you are.

Mr. SOURWINE. I am just trying to find out on the record exactly how it was done and I will tell you that Mr. Matusow has testified before this committee as to how it was done and the committee is interested in testing his credibility and the accurateness of his testimony.

We want to know from you exactly what happened.

Mr. LEWIS. I understand. My recollection of it is that Mrs. Kaufman dictated it. Mr. Matusow was present. Mr. Matusow was at times interjecting in it. I interjected. That is the best way I can describe it.

Senator DANIEL. Who dictated the most of it?

Mr. LEWIS. I don't know.

Senator DANIEL. Did you dictate as much as she did; Mrs. Kaufman, was it?

Mr. LEWIS. I do not believe so.

Senator DANIEL. Who took the lead in dictating the affidavit?

Mr. LEWIS. What do you mean by the lead? I am sorry.

Senator DANIEL. Well, who was in charge of the dictation project? (The witness conferred with counsel.)

Senator DANIEL. Mrs. Kaufman is an attorney too, is that correct?

Mr. LEWIS. Yes.

Senator DANIEL. Which of you two took the lead in dictating the affidavit to your wife?

Mr. LEWIS. As between the two of us, I think that Mrs. Kaufman did, but actually she worked very closely with Mr. Matusow in that.

Senator DANIEL. Yes, she dictated the final words that went in the affidavit?

Mr. LEWIS. No; I am not saying that. She dictated the words.

Senator DANIEL. That is what I mean.

Mr. LEWIS. And because Mr. Matusow participated in the process, I could not say that they necessarily were her words which, you know, were presented. I should say this. I think that there was agreement.

Mr. SOURWINE. After these words had been taken down, they were then typed off, is that correct?

Mr. LEWIS. That is correct.

Mr. SOURWINE. Also as a part of the affidavit you said there was some typing which was copied by your wife, acting as secretary, from some typed script which was there, is that right?

Mr. LEWIS. I think—yes, some of it was typed. My recollection is that even before it got down to typing the affidavit that certain portions were dictated jointly and then that was copied back in. Also there was handwritten material.



Mr. SOURWINE. What were the portions that had already been typed from which she copied as a part of the affidavit?

Mr. LEWIS. I have no recollection as to how the breakdown was.

Mr. SOURWINE. Do you know whether they were technical portions, an opening perhaps or a close or a caption or whether they were substantial?

Mr. LEWIS. I am sorry.

Mr. SOURWINE. Do you know whether they were technical, that is an opening or a closing or a caption or whether they were substantial parts of the affidavit?

Mr. LEWIS. You are referring now to the typed material which was given?

Mr. SOURWINE. The typed material which your wife copied into the affidavit?

Mr. LEWIS. I am not entirely certain of that. I do know that the first couple of paragraphs—I think they were form paragraphs establishing jurisdiction, stating jurisdictional facts already were in existence.

Mr. SOURWINE. Who brought those to Mr. Kahn's home?

Mr. LEWIS. I believe those were brought by Mrs. Kaufman or myself.

Mr. SOURWINE. You do not know which?

Mr. LEWIS. No.

Mr. SOURWINE. And where did they originate? Had you originated them, or had Mrs. Kaufman, do you know?

Mr. LEWIS. No, even those originated by Mr. Matusow.

Mr. SOURWINE. You mean that the form portions of the affidavit originated with Mr. Matusow?

Mr. LEWIS. Yes.

Mr. SOURWINE. Is he a lawyer?

Mr. LEWIS. No; he is not. May I explain that?

Mr. SOURWINE. Yes, if you know the explanation.

Mr. LEWIS. He had already executed an affidavit in the Jencks case and he liked the formulation which appeared in the original two paragraphs I believe of the Jencks case and if you examine the paragraphs in the affidavit filed in the Flynn case, you will find them rather parallel. We saw no objection as attorneys.

Mr. SOURWINE. Did you know that Mr. Matusow had received those form paragraphs from Mr. Nathan Witt?

Mr. LEWIS. Well, I know that he executed an affidavit in that case and I suppose he had a copy of that affidavit and I also know that Mr. Witt was associated as attorney with that case.

Mr. SOURWINE. Well, that does not quite answer the question. It may be that that is all you know about the matter. If it is, all you have to do is say so.

Mr. LEWIS. No.

Mr. SOURWINE. The question is did you know that Matusow had obtained these form paragraphs for the affidavit from Mr. Witt?

Mr. LEWIS. Well, I cannot assume what happened between them, you see.

Mr. SOURWINE. I do not want you to assume.

Mr. LEWIS. They may have been his formulation even there, in consultation with Mr. Witt. That is all I am saying, you see. I do not know how they originated.

Mr. SOURWINE. I am only asking if you knew he obtained them from Mr. Witt?

Mr. LEWIS. I do not know that.

Mr. SOURWINE. Now after this material had all been drawn together into a single affidavit, did Mr. Matusow then read it over?

Mrs. LEWIS. Yes; he did.

Mr. SOURWINE. You have spoken of material in longhand which was copied into the affidavit. In whose handwriting was that material if you know?

Mr. LEWIS. You see, it was in longhand written there.

Mr. SOURWINE. Then you know whose handwriting it was?

Mr. LEWIS. As I recall, it was both Mr. Matusow and Mrs. Kaufman did that.

Mr. SOURWINE. They both wrote out material in longhand?

Mr. LEWIS. Yes.

Mr. SOURWINE. When she wrote out material in longhand did Mr. Matusow dictate it to her?

Mr. LEWIS. It was not dictation. It was done jointly.

Mr. SOURWINE. She wrote out some without anyone dictating to her and Mr. Matusow wrote out some without anyone dictating to him, right?

Mr. LEWIS. You see what happened was the secretary would go out and start typing material. No secretary was available for dictation, so consequently they sat down and started writing it. Since the whole operation was done always together, it was not a question of assigning a portion of the affidavit to one and a portion to the other, everything was done jointly, they worked together.

Mr. SOURWINE. Were they both writing?

Mr. LEWIS. For instance, Mrs. Kaufman may at one time be writing something, later on Mr. Matusow, although I have no recollection of Mr. Matusow actually writing.

Mr. SOURWINE. You have no recollection of him actually writing; is that correct?

Mr. LEWIS. That is right.

Mr. SOURWINE. Now, when Mr. Matusow read this finished affidavit, did he make any corrections?

Mr. LEWIS. I have no recollection of his correcting it.

Mr. SOURWINE. After it had been finished, that is, taking material, some of it from handwritten material, some of it from typed script, and some of it from notes and combined them into a single affidavit, was that single affidavit rewritten?

Mr. LEWIS. No.

Mr. SOURWINE. That single affidavit then and there completed, is it one which Mr. Matusow signed and which you attested?

Mr. LEWIS. He signed the affidavit the next day; that is correct.

Mr. SOURWINE. And in whose custody was it from the time it was completed at Mr. Kahn's home until Mr. Matusow signed it the next day?

Mr. LEWIS. Mine.

Mr. SOURWINE. In your custody?

Mr. LEWIS. Yes.

Mr. SOURWINE. And you made no changes in it of any character?

Mr. LEWIS. None whatever. I may repeat he read it again the next day. I should also like to repeat that he kept a copy of it after it was completed on the 30th.

Mr. SOURWINE. Did you ever live at 76 Maple Avenue, Hempstead, N. Y.?

Mr. LEWIS. No.

Mr. SOURWINE. Did you ever live at 258 West 105th Street, Manhattan?

Mr. LEWIS. No; I have no recollection of having lived there.

Mr. SOURWINE. Did you ever live at 2146 Vyse Avenue, in the Bronx?

Mr. LEWIS. No.

Mr. SOURWINE. Did you ever live at 153 West 84th Street, Manhattan?

Mr. LEWIS. No.

Mr. SOURWINE. Do you know Emanuel Bloch, attorney for the Rosenbergs?

Mr. LEWIS. I am acquainted with Mr. Bloch, or was.

Mr. SOURWINE. Did you send a floral offering to his funeral in February 1954?

Mr. LEWIS. I have no recollection of having done so.

Mr. SOURWINE. Do you know Abe Isserman?

Mr. LEWIS. I am acquainted with Mr. Isserman.

Mr. SOURWINE. Is he a lawyer in Newark?

Mr. LEWIS. Excuse me, sir, just a minute.

(The witness confers with counsel.)

Mr. LEWIS. I am sorry, I just do not know what his status as attorney is now. I did know there were some disbarment proceedings in connection with him. I do not know what happened.

Mr. SOURWINE. Do you know whether he has an office in Newark?

Mr. LEWIS. I do not know.

Mr. SOURWINE. Were you ever a member of the Young Communist League?

Mr. LEWIS. Excuse me, please.

(The witness consulted counsel.)

Mr. LEWIS. Upon all the grounds already stated, Mr. Chairman, and on the further grounds of the first amendment, and I further decline to bear witness against myself, I further decline to answer this question.

Senator DANIEL. Do you mean that you decline to answer this question on the grounds that you claim the privilege under the fifth amendment not to be a witness against yourself?

Mr. LEWIS. That is correct.

Mr. SOURWINE. Were you president of the Young Communist League at Cornell, 1940-41?

Mr. LEWIS. I decline to answer that for the same grounds stated heretofore.

Mr. SOURWINE. Did you work in Communist Party headquarters during the first trial of the Communist Party leaders?

Mr. LEWIS. Excuse me just a minute.

(The witness confers with counsel.)

Mr. LEWIS. Will you please repeat the question? I am sorry.  
Senator DANIEL. Repeat the question.



Mr. SOURWINE. Did you work in the Communist Party headquarters during the first trial of the Communist Party leaders?

Mr. LEWIS. Mr. Counsel, I did work in connection with the defense in that case but I do not believe it was ever in Communist Party headquarters. It was in the office of defense counsel.

Mr. SOURWINE. Are you stating that your work in that connection was solely as retained counsel?

Mr. LEWIS. No. I am not because I was not admitted to the bar at that time.

Mr. SOURWINE. Are you stating that you were not working for the Communist Party but only for defense counsel for the party?

Mr. LEWIS. That is correct.

Senator DANIEL. Are you now or have you ever been a member of the Communist Party?

Mr. LEWIS. I decline to answer that question for the reasons I have stated heretofore.

Senator DANIEL. Will you state those reasons to us clearly? This is an important question and I would like to know the full statement, if you will, the full grounds for your refusal to tell this committee whether you are now or have ever been a member of the Communist Party.

Mr. LEWIS. My full grounds are as follows: The question arises in connection with inquiry in an area which the committee has no power to investigate. That is my first ground.

Senator DANIEL. That is overruled.

Mr. LEWIS. Very well, you wished me to state my full grounds and I am.

I state further, on the grounds that the association and beliefs of individuals cannot be the subject of inquiry by Congress.

Senator DANIEL. That is overruled, sir.

Mr. LEWIS. I take the position, further, on the ground that I decline to bear witness against myself within the meaning of the fifth amendment.

Senator DANIEL. That is sufficient ground for you to refuse to give this committee the information as to whether you are a member of the Communist Party.

Are you a member of a lawyers group within the Communist Party?

Mr. LEWIS. The same reply, Mr. Chairman.

Senator DANIEL. Well, now, you mean—

Mr. LEWIS. All three grounds, the two that were overruled, and further I decline to bear witness against myself.

Senator DANIEL. You honestly feel that a true answer to that question may tend to incriminate you or may be used as evidence against you?

Mr. LEWIS. Your honor—I beg your pardon. I think I have sufficiently asserted the privilege. I am an attorney. I understand precisely what it means to testify under oath and I do not wish to enlarge upon it further.

Senator DANIEL. I simply wanted to test your sincerity and that is why I asked you the same question that was asked the previous witness as to whether you sincerely and honestly feel that a truthful answer to that question may be used against you, may tend to incriminate you in some way.

In fact, otherwise, you are not entitled to claim the fifth amendment as a ground for refusing to answer that question.

Mr. LEWIS. Well, this committee may assume because I am an attorney that I am sincere in whatever I say before it.

Senator DANIEL. Well, not necessarily. You do not object to saying that you sincerely and honestly believe that a truthful answer to the question may be used against you, do you?

Mr. STAVIS. May I object to the question at this point?

Senator DANIEL. Yes, you may object.

Mr. STAVIS. And suggest a very simple proposition, sir.

Senator DANIEL. You may suggest any objection that you have.

Mr. STAVIS. It is an objection that I am suggesting.

The objection is that in this second round of this question, it is perfectly obvious that the committee is attempting to pursue an area as to which the witness has pleaded the privilege in order to establish what the committee itself says it wants to establish, namely, a lack of sincerity and therefore possibly the criminal charge of contempt. I may point out to the Senator, and I am going to mail it to you as soon as I get back to my office, that the New Jersey Law Journal, which is a publication which all New Jersey lawyers receive, discussed this very question that you are posing, namely, the tendency of congressional committees—they discuss this in an editorial—when a person pleads the privilege, to sort of push them to the wall and get them actually to say that the reason that they are pleading the privilege is because that may actually incriminate them and, therefore, to develop the popular feeling that people who plead the privilege are actually guilty of something, whereas in truth, and in fact, as you know, and as the courts have said, the plea of the fifth amendment is for the innocent as well as the guilty. I want to send you a copy of that editorial.

Senator DANIEL. I will be glad to have it, but now I am interested in your objection, and your objection only.

Mr. STAVIS. It is very important when the witness pleads the fifth amendment; it is not for the witness to explain in further incriminating grounds, if you please, why it is that he has pleaded the fifth amendment. It is sufficient under the Constitution that he states that he pleads the fifth amendment.

Senator DANIEL. Mr. Counsel, your objection is overruled. As long as I am acting chairman of this committee, I, certainly when a lawyer, and the witness before us is a lawyer, sworn to uphold the Constitution and laws of the United States, claims the fifth amendment and refuses to tell the committee whether or not he is now a member of the Communist Party. I am going to test his sincerity, and I will say to you very frankly that I do not believe that any lawyer, an arm of the courts of this land, sworn to uphold the Constitution and laws of this country, ought to refuse to answer a question as to whether or not he is a member of the Communist Party on any grounds, and I will say this further, I do not think that any lawyer who so refuses ought to have the right to practice in the courts of this land.

Now, that is my feeling about it, and that is why I have asked this witness, a lawyer, the same question that I asked a layman a moment ago as to whether or not you are sincere and honest in your belief that a truthful answer to this question may be used against you, may be con-

strued as testimony against yourself. And I direct you to answer the question.

Mr. LEWIS. The only way this committee could test my sincerity on this question is ask me if I am sincere. I tell you I am sincere.

Senator DANIEL. That is all I am asking. Thank you. Do you have any questions, Senator Eastland?

Senator Jenner?

Any further questions?

Mr. SOURWINE. No, sir.

Senator DANIEL. The witness is excused.

Mr. SOURWINE. Mr. Joseph Starobin.

The CHAIRMAN. Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary of the Senate of the United States is the truth, the whole truth and nothing but the truth, so help you God?

Mr. STAROBIN. I do.

### TESTIMONY OF JOSEPH STAROBIN, ACCOMPANIED BY LEONARD B. BOUDIN, HIS ATTORNEY

Mr. SOURWINE. Mr. Starobin, am I pronouncing your name correctly?

Mr. STAROBIN. Yes, sir.

Mr. BOUDIN. May I ask that no pictures be taken?

Mr. SOURWINE. Would you give your full name and your residence, please?

Mr. STAROBIN. What was that question, please, sir?

Mr. SOURWINE. Would you give your full name and your residence address, please.

Mr. STAROBIN. My name is Joseph Starobin and I reside at 51 Charles Street, New York City.

Mr. SOURWINE. And what is your business, sir?

Mr. STAROBIN. I am a writer and journalist.

Mr. SOURWINE. Mr. Starobin, you have been a Communist for 25 years, have you not?

Mr. STAROBIN. I will say, Mr. Sourwine, that my political views have been a matter of public record for a long time.

Mr. SOURWINE. That is right.

Mr. STAROBIN. But my party affiliations, if any, under the American system are my private affair.

Mr. SOURWINE. You have testified with regard to your Communist membership and your Communist positions, have you not?

Mr. STAROBIN. I answered the questions with respect to this phase of affairs.

Mr. SOURWINE. And I am asking you if it is not true that you have been a Communist for 25 years?

Mr. BOUDIN. May I, before the witness answers, in the form of a foundation for an objection, ask for the reason why this witness has been called.

The CHAIRMAN. Now this is an investigation, sir.

Mr. BOUDIN. Yes, sir.

The CHAIRMAN. It is not proper for the committee to give its reasons for pursuing a line of questions. Suffice to say that the reasons are good ones.



Mr. BOUDIN. May I indicate, in order to object, sir, in order to object, as I have a right, under the decisions, to the pertinence and relevance of a question or to the jurisdiction of the committee to ask it, I have to know what the committee is inquiring into.

The CHAIRMAN. Proceed, Mr. Sourwine.

Mr. SOURWINE. May I suggest to the counsel that he has no right to object. It is a privilege granted him by the committee which can be withdrawn at any time.

Mr. BOUDIN. I deny that, but I will not argue with Mr. Sourwine. I am here as a matter of right.

Mr. SOURWINE. The question is, Is it not true, Mr. Starobin, that you have been a Communist for 25 years?

Mr. STAROBIN. I have stated that my political views were a matter of record, but my party affiliations, if any, are, under the American system, my private affair.

Mr. SOURWINE. I ask that the witness be directed to answer the question.

Senator DANIEL. The witness is directed to answer the question.

Mr. STAROBIN. I will decline to answer the question on the grounds of the first amendment to the Constitution; on the grounds of the fifth amendment to the Constitution.

Senator DANIEL. What part of the fifth amendment are you referring to? State the objection, if you will, please, sir, fully.

Mr. STAROBIN. The fifth amendment says, and I quote:

No person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Senator DANIEL. Is your refusal based upon that part of the fifth amendment which says that no person shall be required to be a witness against himself?

Mr. STAROBIN. It is the same—it says:

Nor shall be compelled in any criminal case to be a witness against himself.

Senator DANIEL. That is what I mean.

Mr. STAROBIN. Yes.

Senator DANIEL. Is that the basis of your refusal?

Mr. STAROBIN. I take it on that ground.

Senator DANIEL. On those grounds?

Mr. STAROBIN. I do, Senator.

Mr. SOURWINE. Mr. Chairman, inasmuch as this witness has testified under oath in court in public session to his membership in the Communist Party, to the fact that he joined the Communist League, the Young Communist League in 1930, and to numerous other facts with regard to his membership, I contend that he has long ago waived his privilege with respect to this question. I ask that he be directed to answer the question.

Senator DANIEL. I want to confer with members of the committee.

Mr. SOURWINE. I have the court record here, if the committee would like to have it.

Mr. BOUDIN. Would the chairman care to hear my statement in answer to Mr. Sourwine?

Senator DANIEL. No; I am about ready to direct the witness to answer the question. In view of the fact that you have answered the question previously, that you have been a member of the Communist Party, I think that you have waived any right to claim the privilege now, and I order and direct you to answer the question.

Mr. BOUDIN. Mr. Chairman——

Senator DANIEL. Just a moment.

Mr. BOUDIN. I just want to call your attention to a court decision directly contrary to your ruling. I am not afraid of your ruling.

Senator DANIEL. If you are not afraid of the ruling, let the witness answer the question, that is all.

Mr. BOUDIN. Very well.

Mr. STAROBIN. I will stand on my statement that I claim the right of the first amendment and of the appropriate clause of the fifth amendment to the Constitution in declining to answer your question.

Senator DANIEL. Now, after the Chair has ordered you to answer the question with your full knowledge, if the Chair is correct in his ruling that you may be subject to contempt of this committee, you again refuse to answer the question; is that correct?

Mr. STAROBIN. I can only claim the protection of the Constitution against this type of procedure.

Senator DANIEL. I just want to make the matter clear that you have been warned, that if the Chair is correct, you may be in contempt of this committee. After having been warned of that, do you again refuse to answer the question on the grounds stated?

Mr. STAROBIN. Yes; of course, I will, Mr. Senator.

Mr. BOUDIN. Will the chairman allow me to make a one-sentence statement?

Senator DANIEL. No, sir.

Mr. SOURWINE. Mr. Starobin, are you the Joseph Starobin who testified in August 1949 in the case of the *United States of America v. Eugene Dennis and others*?

Mr. BOUDIN. In October——

Senator DANIEL. Just a minute, counsel. Your counsel has already held his hand in front of your face signifying that you should not speak, and I want to say to the counsel that is not proper procedure.

Mr. BOUDIN. How can I object, Senator?

Senator DANIEL. Just a moment. When you were here representing an earlier witness, I tried to caution you on that. The witness has the right to refer to his counsel or at least the privilege that we have granted here and to consult the counsel, but the counsel will not by any means indicate to the witness not to answer or that the witness should consult him. It is a matter up to the witness. Therefore, I will ask the counsel to observe the rules that I cautioned him about earlier. Now the witness will proceed to answer the question.

Mr. BOUDIN. May I state an objection? If a question seems to me to be objectionable, I do not care what the witness thinks about it. I am going to object as his counsel. I am not guided by his views as to——

Senator DANIEL. Senator McClellan and I acting as chairman of this subcommittee today, have been very lenient and patient with you in allowing you to state objections.

Mr. BOUDIN. Yes.

Senator DANIEL. But if you continue to state objections that you know that this committee has already passed on, you are simply wasting the time of the committee, you are interrupting the witness on an answer which he may otherwise give and therefore, I want to caution the counsel. I will let you state the objection which you now have but, as I said before, we are not going to let you take advantage of the committee on these objections. Now state your objection briefly.

Mr. BOUDIN. No, Senator. I am sorry, but I am not going to state my objection at all, if that is what you are saying. I am here as a matter of right, but if you tell me I have taken advantage of the committee, I would rather remain silent if you think that is correct.

Senator DANIEL. I said if you take advantage of the committee—

Mr. BOUDIN. I have not done so and I resent the suggestion that I have.

Senator DANIEL. We will proceed.

Mr. STAROBIN. What was your question?

Mr. SOURWINE. The question is, Are you the same Joseph Starobin who testified in August of 1949 in the case of *United States of America v. Eugene Dennis and others?*

Mr. STAROBIN. Now, I am going to decline to go into any matters pertaining to past testimony or to writings or to what may be alleged to be activities, and I am going to ask the counsel to tell me what it is that this committee has on the agenda today that he wants me here for.

Mr. SOURWINE. I ask that the witness be instructed—

The CHAIRMAN. You are instructed and ordered to answer the question, sir. It is a perfectly proper question.

Mr. STAROBIN. I am going to decline to answer that on the grounds of the first and the fifth amendments.

Mr. SOURWINE. I ask that the witness be ordered, notwithstanding his claim of privilege, to answer the question.

The CHAIRMAN. You are ordered, regardless of the claim of privilege, to answer that question, sir.

Mr. STAROBIN. I have already stated my position and I will repeat it, that I decline to answer such questions on the ground of the first amendment and the appropriate clause of the fifth amendment.

Mr. SOURWINE. Mr. Chairman, I dislike to burden this record, but since it is obviously impossible to secure any answers from the witness about this testimony, I ask that the testimony of Joseph Starobin in the case which I have mentioned be ordered inserted in small type in the record of this proceeding.

Senator DANIEL. It is so ordered.

(The testimony referred to was marked "Exhibit No. 7" and is as follows:)

EXHIBIT No. 71

Joseph STAROBIN, called as a witness on behalf of the defendants, being duly sworn, testified as follows:

Direct examination by Mr. ISSERMAN:

Q. Mr. Starobin, where do you reside?—A. 3945 48th Street, Long Island City, New York.

Q. And with whom do you reside there?—A. My wife and son.

Q. Were you a member of the Communist Political Association in the period 1944 to 1945?—I was.

Q. Were you a member of the Communist Party before then.—A. I was.

\* \* \* \* \*



Q. When did you join the Communist Party?—A. In 1934.

Q. Were you also a member of the YCL?—A. I was.

Q. Before that time?—A. That's right.

Q. Now, where were you employed in 1945?—A. At the Daily Worker.

\* \* \* \* \*

Q. And how long had you been employed there by April 1945?—A. I had been employed there since November of 1942.

Q. And are you employed there now?—A. I am.

Q. In what capacity did you first work at the Daily Worker?—A. As a reporter in the foreign department.

Q. And did you some time later change the nature of your work at the Daily Worker or change your position?—A. I became a member of the editorial board sometime in the middle of 1943.

\* \* \* \* \*

Q. When you were a member of the editorial board did you continue to work as a writer in the foreign department?—A. Yes; I remained in the field of foreign affairs.

\* \* \* \* \*

Q. Who did you work under in the foreign department?—A. At the outset I worked under the foreign editor at that period, James S. Allen.

Q. And for how long did you continue to work under him?—A. Until he went into the Armed Forces, whereupon I became the foreign editor.

Q. And when was that?—A. To the best of my recollection, that was sometime in 1944.

Q. Now, did your duties as foreign editor cover both the Daily Worker and the Sunday Worker?—A. At that period, they did.

Q. Was there a period subsequently when your duties did not include both the Daily Worker and Sunday Worker?—A. Yes. When Mr. Allen returned from the service we shared the work of the foreign editor in the sense that I was the foreign editor of the Daily Worker and he was the foreign editor of the Sunday Worker.

Q. And for how long did that continue?—A. That continued through most of 1945, after which time Mr. Allen left the paper and I became the foreign editor of the Daily Worker and the Sunday Worker.

Q. Now, as foreign editor of the Daily Worker, what do you do?

Mr. McGOHEY. Objection.

The COURT. Sustained.

\* \* \* \* \*

Q. Do you hold any other position on the Daily Worker?—A. As a member of the editorial board, I wrote editorials and articles dealing with American policy, American foreign policy.

Q. And as foreign editor of the Daily Worker, did you in 1945 become a correspondent for the Daily Worker?—A. I attended the first session of the United Nations at San Francisco in April and May of 1945, and I have been the United Nations correspondent for the paper since that time.

\* \* \* \* \*

Q. Did you in the period 1944 to 1945 conduct any columns in the Daily Worker?—A. Yes; I conducted a column on foreign affairs under the title "Between the Lines."

Q. And did you subsequently discontinue that column?—A. That column was—yes, that column was replaced by—

Mr. McGOHEY. I object to what the further answer is.

The COURT. The answer is yes, it was later discontinued.

Q. Did you later write another column for the Daily Worker?—A. Yes, I did.

Q. And what was the name of that column?—A. It is entitled "Around the Globe."

Q. Now, in the period of your employment with the Daily Worker from 1942 to the present day did you hold any position in the Communist Party?—A. No; I have not.

\* \* \* \* \*

Q. You have been a member throughout that period?—A. Certainly.

Q. Now, did you in the course—

The COURT. I take it when you say "positions" you mean official positions?

Mr. ISSERMAN. That is correct.

Q. Did you in the course of your work go to San Francisco to the United Nations conference sometime in 1945?



Mr. McGOHEY. Objection.

A. I did.

Q. And how long—can you tell us the date when you arrived in San Francisco and the date you left San Francisco on that occasion in 1945, when you attended the United Nations Conference?—A. I arrived in San Francisco on April the 23d, 1945, and left San Francisco in the early morning of May the 17th, 1945.

Q. When did you arrive in New York after your departure from San Francisco, as you testified?—A. I arrived in New York the morning of May the 18th, 1945.

Q. Now while you were in San Francisco did you cover the United Nations Conference as a correspondent?—A. I did.

Q. Did you send in any material to the Daily Worker?—A. I sent wire stories of the day's events, my column by airmail, articles—interpretive articles mostly by airmail, and occasional editorials by airmail.

Q. Mr. Starobin, while you were in San Francisco, as you have testified yesterday, covering the United Nations conference, were you an accredited correspondent to that conference?—A. I was.

Q. Now you have testified as to—at the close of—just before the close of yesterday's session you had testified as to the material which you had sent into the Daily Worker. Was there any other material which you sent in which you did not mention yesterday?—A. Yes; there was other material.

Q. And what did that consist of?—A. There were interoffice communications, letters to the managing editor, acting managing editor, advices on how I thought a particular story should be played, proposals for further articles—that kind of thing.

Q. Now, while at San Francisco covering this conference in the period concerning which you testified, did you in the course of your work meet delegates to the United Nations?—A. Yes; I met many delegates.

Q. And did you meet them from any particular country?—A. I met delegates from as many countries as I could.

Q. Would you name some of the countries from which you met delegates?—A. The United Kingdom, the United States, Chile, France, Denmark, China—those are a few.

Q. D'd you meet any delegates from the Soviet Union?—A. Yes. I met delegates from the Soviet Union.

Q. Did you meet any delegates from the Ukrainian Republic of the Soviet Union?—A. Yes; I met the Foreign Minister of the Ukrainian Soviet Republic.

Q. And who was the foreign minister of that republic?—A. Mr. D. Z. Manuilsky.

Q. And will you tell us how many times you met Mr. Manuilsky while you were in San Francisco in the period concerning which you testified?—A. I encountered Mr. Manuilsky twice.

Q. Would you tell us when and where you encountered him on the first occasion to which you referred?—A. I encountered Mr. Manuilsky together with a group of correspondents as he entered the chief committee room on the day of his arrival in San Francisco.

Q. Did you talk to Mr. Manuilsky on that occasion?—A. Yes.

Q. What was the second occasion on which you met Mr. Manuilsky?—A. I met him at a reception given for all the delegates and all the correspondents by the delegation of the Soviet Union.

Q. And where was that reception held?—A. That was at the St. Francis Hotel, San Francisco.

Q. And on what day was that held?—A. To the best of my recollection, it was on May 12 or 13 of 1945.

Q. And did you talk to Mr. Manuilsky on that day?—A. Yes.

Q. Were you introduced to Mr. Manuilsky on that day?—A. I was.

Q. And where was that?—A. On the receiving line of the reception.

Q. Did you at any time during the period you were in San Francisco have any private conversation with Mr. Manuilsky?

Mr. McGOHEY. Objection.

The COURT. I will allow it. Yes or no.

A. No.

Q. Did you receive while in San Francisco covering the United Nations conference any communication in any form from Mr. Manuilsky?

Mr. McGOHEY. Objection.

The COURT. I will allow a yes or no answer.

A. No.

The COURT. I take it what you mean by that is that you received no communication from him either directly or indirectly?

The WITNESS. Neither indirectly nor directly.

Q. Specifically I ask you if you received any communication directly or indirectly, and I am reading from page 1614 of the record to the effect—

\* \* \* \* \*

Q. (continuing). To the effect that "Comrade Manuilsky was indignant at the American Party for not having criticized American officials more severely and particularly the Secretary of State and that French comrades had been given the commission to instruct the American comrades as to how to act in these matters"?

Mr. McGOHEY. Objection to that question in that form.

The COURT. He has already said he received no communication whatsoever, and I will permit the answer to this question.

Did you receive any such communication as that from Manuilsky?

The WITNESS. Absolutely not.

Q. Did you receive such a communication as I have just indicated from anyone at any time?

Mr. McGOHEY. Objection.

The COURT. I will allow it.

A. Certainly not.

Q. Now I ask you, again referring to the quotation on page 1614 which I have just read, whether or not you sent any communication to the editorial board of the Daily Worker, attention of Mr. Budenz, while you were in San Francisco covering the United States—United Nations conference containing the statements, in substance and effect, which I have just read out of page 1614?—

A. No, I did not.

\* \* \* \* \*

Q. Did you, while you were in San Francisco, refer to Mr. Manuilsky in any communication to the Daily Worker as Comrade Manuilsky?—A. No.

Q. Did you send a communication to any one on the Daily Worker, in substance and effect, containing the words which I have read from page 1614 of the transcript while you were in San Francisco covering the United Nations conference?

Mr. McGOHEY. Objection; it has been answered.

The COURT. I will allow it.

Mr. McGOHEY. It has been answered, your Honor.

The COURT. I know, but I will let him say it again.

A. No; I did not.

Q. Now, as I understand your testimony, the second time and last time that you saw Mr. Manuilsky was at the public reception in San Francisco on the 12th or 13th of May; is that correct?—A. Right.

Q. Now when did you leave San Francisco?

Mr. McGOHEY. Objection.

The COURT. Sustained.

Q. How many days—

The COURT. He left San Francisco in the early morning of May 17, 1945.

\* \* \* \* \*

Q. Now, were you present at an editorial board meeting of the Daily Worker on or about July 10, 1945?—A. I was.

Q. And where was that meeting held?—A. It was held in the editorial offices \* \* \* of the paper.

Q. Who was present at that meeting?—A. The board and the staff, the circulation department, the advertising department. There were other people coming and going.

Q. Now, I am referring to an editorial board meeting on July 10.—A. Oh, yes, yes, I remember an editorial board meeting at which the editors of the paper were present.

Q. And your testimony which you were giving is referring to some other meeting about the same time?—A. I had it confused with another matter.

Q. Now, who was present at the editorial board meeting on July 10, on or about July 10?—A. To the best of my recollection Mr. Budenz was there, Mr. Alan Max—

The COURT. Who was that?

A. Mr. James—

\* \* \* \* \*

The COURT. Who was the second one?

The WITNESS. Mr. Alan Max.

\* \* \* \* \*

The WITNESS. Mr. James Allen.

The COURT. Yes.

The WITNESS. And I believe Mr. Stachel was there.

Q. Was anything said at that meeting—

The COURT. Anybody else?

The WITNESS. Not to my recollection.

\* \* \* \* \*

By the court:

Q. Did you hear a debate between Mr. Allen and Mr. Stachel in June or July of 1945 in the editorial office of the Daily Worker?—A. Yes, I did.

Q. Was that debate on one day or did it continue over several days?—A. It continued over several days.

Q. What was the day that came first?—A. The—

Mr. ISSERMAN. I object to that question.

The COURT. Overruled. I am not going to play around with this indefinitely.

Q. What was the day that was first?—A. The third Friday in June.

Q. The third Friday in June. The place was the editorial office of the Daily Worker; was it?

Mr. ISSERMAN. I object to that question. That is not the testimony of the witness.

The COURT. Overruled.

Q. You say it was; do you not?

The WITNESS. May I have what I have already said reread?

Q. Well, you mean that you said "Yes" to my question, and then when Mr. Isserman said that you did not say "yes"; you want to change it?—A. No; I don't want to change it. I want to confirm what has been said.

Mr. ISSERMAN. May I say a word on that?

The COURT. No, you may not, Mr. Isserman.

Q. Now, Mr. Starobin, this debate which you say took place between Mr. Allen and Mr. Stachel on the third Friday in June of 1945 took place where?—A. In the editorial offices of the paper.

Q. And it was there—A. Pardon me, your Honor, it began on the third Friday of June.

Q. I understand that, but we can't take three of them at once. We have to start with the first one. That is what the trouble was with Mr. Isserman's question. He would bring out three of them and then he would say "on that occasion," and nobody could tell which occasion it was. Now we have got it precisely fixed on the third Friday of June which was the start—

Mr. ISSERMAN. I object to that question.

Q. At the editorial office; and who was there?

The COURT. I overrule the objection.

\* \* \* \* \*

A. The staff of the paper, business and circulation department, advertising department; those were the people present.

\* \* \* \* \*

By Mr. Isserman:

Q. Will you tell us who was present at that session, the first session, I am referring to now?

The COURT. Is this a new question? You are asking the question how many people were there.

\* \* \* \* \*

A. I can tell you the people I remember personally.

Q. Well, that is what we want, Mr. Starobin.—A. Mr. Budenz must—was there. Alan Max was there, James S. Allen was there, Mr. Stachel was there. I believe Mr. Williamson sat in at least—

Q. That is the defendant Williamson you are referring to?—A. That is right. He was there. I can't say who was or was not present beyond these people whom I remember very well.

The COURT. Do you remember others who were present?

The WITNESS. I can't recall.

The COURT. So that you say as to the rest you do not recall who they were?

The WITNESS. Right.

Q. Now, I ask you approximately how many persons were at that meeting?—

A. About 75.

\* \* \* \* \*

Q. Did you at any time in your association with the Daily Worker, as you have testified to, write any article of any kind which advocated the overthrow of the Government of the United States by force and violence?

Mr. McGOHEY. Objection.

The COURT. I will allow it.

A. I have not.

Q. Did you at any time in your association with the Daily Worker read anything in the Daily Worker which advocated the overthrow of the Government of the United States by force and violence?

Mr. McGOHEY. Objection.

The COURT. Sustained.

Q. Do you know the defendants in this case?—A. I do.

Q. Have you heard the defendants speak in the period from April 1945, to July 20, 1948?—A. I have.

Q. Did you at any time hear any defendant advocate the overthrow and destruction of the Government of the United States by force and violence?—A. I have not.

Q. Did you at any time hear any defendant teach the necessity of the overthrow of the Government of the United States by force and violence?—A. Certainly not.

Mr. ISSERMAN. Cross-examine.

Cross-examination by Mr. McGohey:

Q. Mr. Starobin, you told us on your direct testimony that you had at one time been a member of the Young Communist League, did you not?—A. I have.

Q. And when did you first join the Young Communist League?—A. In the summer of 1930.

Q. And what branch did you join?—A. I have no recollection.

Q. Was it in New York City?—A. It was.

Q. Were you a student at any school at that time?—A. Yes, I was.

Q. Where were you a student?—A. I was a student at Washington Square College, New York University.

Q. And how old were you?—A. I was then 17, I guess.

Q. Seventeen?—A. Yes.

Q. Did you join a unit or branch of the YCL at Washington Square, New York, NYU?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. No, I did not.

Q. Did you join a unit in some neighborhood?

Mr. ISSERMAN. I object to that.

The COURT. Overruled.

The WITNESS. Did you allow that?

The COURT. I did.

A. Yes.

Q. And you say you do not recall the name of the branch or unit you joined?—

A. That is correct.

Q. Did it have a meeting place?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. Yes. It must have had a meeting place.

Q. Well, I ask you, did it have a meeting place?—A. Yes, it had a meeting place.

Q. Did you attend the meetings?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. Yes, I attended the meetings.

Q. Where did you attend the meetings?

Mr. ISSERMAN. I object.



A. I don't recall.

The COURT. Overruled.

By the Court:

Q. Were they at the same place?—A. It was 20 years ago; I just don't recall.

Q. This was your first contact with the Young Communist League, wasn't it?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. That is correct.

Q. As a boy of 17?—A. That is right.

Q. But you don't remember the place where it was?—A. I just don't remember where it was.

By Mr. McGohey:

Q. Did you complete your course at Washington Square College in New York University?—A. I did complete my course at Washington Square College.

Q. When?—A. In 1936.

Q. I assume that you were not constantly at New York University from 1930 to 1936, were you?—A. That is correct; I was not.

Q. And did you go to some other school between those years?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

Let me first ask him: Did you graduate from New York University?

The WITNESS. That is right.

The COURT. What degree?

The WITNESS. Bachelor of arts.

The COURT. A. B.?

The WITNESS. B. A.

By Mr. McGOHEY:

Q. Were you a freshman at New York University in 1930?

Mr. ISSERMAN. I object to that.

The COURT. Overruled.

A. Well, 1930 is a year that embraces two terms.

The COURT. Well, I still think you ought to be able to answer that even if that year does embrace two terms.

The WITNESS. I was.

Q. Were you a freshman at New York University at the time you joined the Young Communist League?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. Yes, I was.

Q. Now, you say that between 1930 and 1936 you attended another and different school than New York University?—A. That is right.

Mr. ISSERMAN. I object.

The COURT. Overruled.

Q. When did you leave New York University to attend this other school?—A. I left New York University in the winter of 1930-31.

Q. And what was the other school that you went to?—A. I transferred to the City College of New York.

Q. And did you join a branch of the YCL at City College after you became a student there?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I did not.

Q. How long did you remain a student at City College?—A. Until the winter of 1932-33.

Q. The winter of 1932-33?—A. Yes.

Q. So you were at City College for about a year?—A. That is right.

Q. Now, during your year at City College were you associated in any way with any of the YCL at City College?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. No, I was not.

Q. Did you during that year remain a member of the branch or unit which you had first joined in the YCL?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. No, I was not.

Q. But you were in the YCL at that time?—A. I was not.

Q. You mean that you got out of the YCL after you went to City College?—

A. No, I got out of the YCL while I was at Washington Square College.

Q. I see. And then did you rejoin the YCL at sometime later?

Mr. ISSERMAN. I object.

A. 1934.

Q. 1934?—A. That is right.

Q. Now, while you were in the YCL did you meet the defendant John Gates?

Mr. ISSERMAN. I object.

The COURT. Overruled.

\* \* \* \* \*

A. I did.

Q. When did you first meet him?—A. I first met him in 1931 which was before I rejoined the YCL.

Q. Did you meet him at City College?—A. Well, that was not the first time I met him. I had met him at City College, however.

Q. But do I understand your testimony to be that you had met him prior to going to City College?—A. I am certain I met him at DeWitt Clinton High School, which was prior to my membership in the YCL.

Q. And while you were in the YCL did you meet the defendant Gilbert Green?—

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I did.

Q. When did you first meet him?—A. My first meeting with him was in 1937.

Q. Where?—A. In the offices of the Young Communist League.

Q. And where were they?—A. 35 East 12th Street, New York City.

Q. At that time did Mr. Green hold the highest national position in the Young Communist League?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I think he did.

Q. Did you hold any position in the Young Communist League at that time?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. No; I did not.

Q. Did you at any time hold any position in the Young Communist League?—

A. Yes; I did.

Q. Did you hold more than one position in the Young Communist League?—

A. I don't recall that I held more than one.

Q. Well, give us the name of the position and the time that you first assumed a position in the Young Communist League.

Mr. ISSERMAN. I object.

The COURT. I will sustain the objection. That word "assumed."

Q. Well, will you tell us what was the first position you held in the Young Communist League.

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I became the editor of the publication of the Young Communist League which I founded or helped to found in the fall of 1937.

Q. And what was the name of that publication?—A. It was called the Young Communist's Review.

Q. Young Communist's Review?—A. Yes.

Q. Were you elected to that position?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. No; I was appointed to it.

Q. By whom?—A. By Mr. Winston, I believe, the organizational secretary of the Young Communist League.

Q. Was he the national organizational secretary?—A. I think so.

Q. Was that the first time you had met Mr. Winston?—A. That is correct.

Q. You had not met him at any time before that?—A. I have no recollection before that time.

\* \* \* \* \*

Q. During your membership in the Young Communist League did you meet the defendant Gus Hall?—A. No; I did not.

Q. Never met him in the Young Communist League?—A. No.

Q. When was the first time that you met him?—A. I believe it was sometime in 1942 or 1943.

Q. After you became an employee of the Daily Worker?—A. That is correct.

Q. And where did you meet him?—A. In the offices of the Daily Worker.

Q. Also at 35 East 12th Street? A. That is correct.

Q. Was he employed by the Daily Worker at that time, do you know?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I don't know that he was—no, he was not.

Q. What position, if any, did he hold in the Communist Party at that time?

Mr. ISSERMAN. I object.

A. I did not know.

\* \* \* \* \*

Q. Do you know now?—A. What position he held then?

Q. Right.—A. No.

Q. During your time in the Young Communist League did you meet the defendant John Williamson?—A. No, I did not.

Q. Did you meet at any time during your membership of the Young Communist League the defendant Robert Thompson?—A. Yes, I did.

Q. And when and where did you first meet him?—A. I met him in 1937 or 1938, in that period, at the offices of the Young Communist League in New York.

\* \* \* \* \*

Q. When did you join the Communist Party?—A. In 1934.

Q. And you have been a member continuously since that time?—A. That is correct.

Q. Up to now, correct?—A. That is correct.

Q. Now, from the time you joined the Young Communist League in 1930 up to the present time have you attended any schools maintained either by the Young Communist League or the Communist Party?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. No. In what capacity? That is as a student, your Honor?

Q. Yes. I want to ascertain did you attend any schools maintained either by the Young Communist League or by the Communist Party as a student?—A. No, I did not.

Q. Did you attend at any such school as a teacher?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I have given one lecture at a school of the Communist Party.

Q. And when and where was that school conducted?—A. That school was—there was one class of the school in the fall of—no, it must have been in the winter of 1946–47 after my return from Latin America, and the school was at Camp Beacon.

Q. You mean Camp Beacon, New York?—A. That is right.

Q. Were any of the defendants now on trial teachers or lecturers at that school?—A. I don't know.

Q. Have you ever taught at the Jefferson School?—A. Yes, I have.

Q. When?—A. I taught at the Jefferson School in the—1943–44 semester and 1944–45, and I believe I taught a session in 1946.

Q. Now since 1944, I think, according to your testimony, you have been the foreign editor of the Daily Worker; is that correct?—A. That is correct.

Q. And that has been your employment continuously since that time?—A. That is correct.

Q. And in your employment in the Daily Worker for whom were you working?—A. For the Daily Worker.

Q. For the Daily Worker.—Have you ever concealed that fact, that you were employed and working for the Daily Worker?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. Not to my knowledge.

Q. Well, have you in any instance where you were required to state your employment concealed the fact that you were employed by the Daily Worker?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. Not to my recollection.

Q. Did you at any time represent, any time since 1944, where you were required to state your employment, or say that you were self-employed?



Mr. ISSERMAN. I object.

The COURT. Overruled.

\* \* \* \* \*

A. It is possible. I have no recollection.

Q. Did you register to vote in the year 1946?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I believe so.

\* \* \* \* \*

Q. I show you this register of voters for the 26th election district of the second assembly district in the county of Queens for the year 1946, and I call your attention to this signature which appears at the extreme right of line 10, and ask you if that is not your signature?

Mr. ISSERMAN. I object to the question.

The COURT. Overruled.

A. That is my signature.

Mr. MCGOHEY. I offer this in evidence.

Q. Just above your signature do you see a statement reading "The foregoing statements are true"?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. Yes, that's right.

Mr. MCGOHEY. I offer in evidence pages 150 and 151 of the register of voters, County of Queens, 26th election district, second assembly district, bearing the imprint "Signature Copy."

Mr. ISSERMAN. The offer is objected to.

Mr. MCGOHEY. If the Court please, I hand up the book but ask leave to substitute photostatic copies of those two pages.

The COURT. Yes, you may do so.

\* \* \* \* \*

The COURT. Have you shown this to Mr. Isserman?

Mr. MCGOHEY. Mr. Isserman objected to it immediately upon its offer.

The COURT. Objection overruled.

(Marked "Government's Exhibit 204.")

\* \* \* \* \*

Mr. MCGOHEY. \* \* \* If the Court please, I should like to read the exhibit to the jury.

The COURT. You may do so.

Mr. MCGOHEY. Ladies and gentlemen of the jury: I am reading from this official original copy of the signature register of voters for the County of Queens, 26th election district, second assembly district.

On page 150, line 10 thereof, appears some preliminary information including the date October 8, the party registered, and under that appears Joseph Starobin—

Q. Your address then was 3938 48th Street, was it, Mr. Starobin?—A. Correct.

Mr. MCGOHEY. Then information as to voter's age, 32 years of age, married, length of residence, 32 years, in city 32 years, in the election district 4 months, born in the United States, full name of the householder, tenant, year of last vote, 1945, in New York City, and then further under information as to voters under titles 28 and 29 appears "Self-employed."

Q. That was not a true statement, was it, Mr. Starobin?

Mr. ISSERMAN. I object.

A. No, it was an error.

Q. Pardon?—A. It was an error.

Q. It was not the truth was it?—A. No, it was not.

Q. Did you have some reason on October 8, 1946, to conceal the fact that you were employed by the Daily Worker?—A. I can't recall of the reason.

Q. You might have had a reason to conceal it; is that what you mean?—A. No, I should have—I should have stated that it was the Daily Worker.

Q. No, my question, Mr. Starobin, is on October 8, 1946, when you stated that you were self-employed and said that that was a true statement, did you have some reason to conceal the truth from the election inspectors?—A. None that I can think of.

Q. Do you mean by that that it is possible that you may have had a reason to conceal it?—A. No, there was no such reason.

Q. Now, your position as foreign editor of the Daily Worker is a position in the Communist Party; is it not?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. No, it is not.

Q. Well, have you at any time said under oath that it was a position in the Communist Party?—A. Not that I can recall.

Q. Well, you testified, did you not, as a witness for a man named Gerhard Eisler in an enemy alien hearing here in New York City about a year and a half or 2 years ago; did you not?

Mr. ISSERMAN. I object.

The COURT. Overruled.

The WITNESS. Must I answer that?

The COURT. Yes; you must answer that.

A. Yes, I did.

Q. And at that time you were under oath when you gave your testimony, were you not?—A. I don't recall that I was, but I probably was.

Q. Well, don't you know perfectly well that you were?—A. No, I don't know, but if you say so I take your word for it.

Q. Well, you were there, weren't you?—A. So were you.

Q. No, I was not.—A. Yes; I testified under oath.

\* \* \* \* \*

Q. Do you remember seeing me at that hearing?—A. I thought—I thought I had seen you there.

\* \* \* \* \*

Q. Now, at that hearing weren't you asked by Mr. McInerney the following questions to which you made the answers which I shall read:

"Q. Do you have a party name, sir?—A. I do not.

"Q. You are a member under your own name?—A. That is right.

"Q. Have you held any official positions in the Communist Party?—A. Other than these posts?

"Q. Membership?—A. Not that I recall.

"Q. When you say 'Other than these posts', what do you mean by posts?"

Mr. McGOHEY. That is Mr. McInerney questioning you, and your answer:

"A. Well, I have been the foreign editor of the Daily Worker. I have been—I was, prior to being foreign editor of the New Masses, one of the editors of the publications of the Young Communist League. These are not official organizational posts. They are more in the sense of technical positions."

You made those answers; did you not?

A. That's right.

Q. Now, I ask you, is not your position as foreign editor of the Daily Worker a position in the Communist Party?—A. No; it is not.

Q. Is it a technical position in the Communist Party?—A. No, it is not.

Q. Were you telling the truth when you gave that answer to Mr. McInerney under oath?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I was mistaken.

Q. That statement you gave to Mr. McInerney was not true?—A. It was a mistaken statement.

Q. It was not true?—A. It was untrue.

Q. Now you told us that you saw Dimitri Manuilsky at San Francisco once at a press conference and once at an official reception. I take it that those were both in the nature of formal occasions?—A. No. The first one is an informal occasion.

Q. I beg your pardon?—A. It is a press conference.

Q. I mean it was formal in the sense that all of the press were admitted to the conference.—A. Yes.

Q. Now it was your testimony that you saw him only twice, on those two occasions?—A. That is right.

Q. Did you see him at any time informally?—A. No.

Q. Never?—A. Never. Pardon me. The word "see." I testified that I encountered him. I have seen him at meetings of all sorts of the United Nations.

Q. Very well. I will withdraw the question because when I said "see" I intended it to mean having a conversation with him. So I withdraw that and ask you:

Did you encounter him, to use your own words, on occasions other than those two you testified to?

Mr. ISSERMAN. Now I ask that this question be limited to the San Francisco Conference.

Mr. McGOHEY. Yes, it is.

A. No, I did not.

Q. It is a fact, isn't it, that Mannilsky saw a great many people informally during the period that both you and he were at the San Francisco Conference?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. So I had heard.

Q. Didn't you write that in one of your stories in the Worker during that period?—A. Yes, I did.

Q. And didn't you also write in the Worker that you had been watching the Soviet delegation including him for a period of 3 weeks?

Mr. ISSERMAN. Objected to.

A. Yes, I had been.

Q. And that they had seen many people informally in that period?—A. I wrote that it had been said that they had met with people informally in that period.

Q. That it had been said, or that you were saying it? Which did you write?—A. Well, I wrote in my name that I was reporting that to be a fact.

Q. You reported it as a fact in your paper?—A. That is right.

Q. (Continuing). That you, Joseph Starobin, had watched the Soviet delegation for 3 weeks and that the Soviet delegates, including Mannilsky—

Mr. ISSERMAN. I object.

Q. (Continuing). Had seen a great many people informally, did you not?

The COURT. Overruled.

A. That is right.

Q. Is it your testimony now that although you were a special correspondent for the Daily Worker at San Francisco, and although you knew that Mannilsky was seeing a great many people informally, that you never saw and talked to him informally in that period?—A. That is correct.

Q. You were particularly interested in the views of the Soviet delegation at the Conference, were you not?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. Not more so than the views of all the other great powers.

Q. Very well; but there was some difference of view, was there not, between the Soviet delegates and the delegates of other great powers at the Conference?—

A. That is correct.

Q. And although the opportunity was available to see Mannilsky and the others at these informal occasions, you did not take advantage of that to talk to him and get some background information from him?

Mr. ISSERMAN. I object to that question.

The COURT. Sustained as to form.

Mr. McGOHEY. I withdraw it.

Q. Did you at any time take advantage of these informal meetings to secure background information from Mr. Mannilsky?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. No, I did not.

Q. Have you ever represented yourself by any other name than Joseph Starobin?

The WITNESS. May I ask, is the prosecutor referring to my writing?

The COURT. You may ask him that. I will permit that.

The witness desires to know, Mr. McGohey, whether you are referring to the names he used as a writer or names used in some other capacity.

Q. I desire to learn, Mr. Starobin, whether in any manner, as a writer or otherwise, you have ever represented yourself by any name other than Joseph Starobin?—A. Yes, I have.

Q. By what name have you represented yourself?—A. Well, I am known by the name of Rosen. May I explain, Your Honor?

The COURT. Yes; I think this is a good time to do it.

The WITNESS. Yes. About 10 years ago my wife bought a little cottage up in Dutchess County under her own name, and we have summered up there from time to time ever since. Her name is Rosen, and it got so that occasionally by some townspeople I am called Rosen, although I get mail under the name of Starobin, and although the place is now under the name of Starobin, so that I would not say flatly that I am not known by any other name in this connection, because some people do know me by my wife's maiden name.



The COURT. As I understand it, some of the natives up in this country place found out in some way that your wife's maiden name was Rosen, and they started calling you Rosen.

The WITNESS. She bought the house in her name; it was her house at the outset.

The COURT. That was after you were married?

The WITNESS. That is right.

By Mr. McGohey:

Q. Now, when people refer to you as Mr. Rosen, do you correct them and tell them that your name is Mr. Starobin?—A. Some of them I do. I am trying very hard to discourage them from calling me Rosen.

Q. Well now, my question, Mr. Starobin, was, have you ever represented yourself as having any other name than Starobin? Now you have told us about this situation up in Duchess County where people mistake you and call you Rosen?—A. Yes.

Q. (continuing). But I want to find out about cases, if there are any, where you represented yourself to be a man with a name other than Starobin.

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. Other than this particular situation?

Q. At any time, or in any way.—A. Yes. I have walked into the plumber's and said, "Say, will you send up some piping to the Rosen place," and he would say, "What was your name again?" and I would say "Rosen."

Q. Now, apart from Rosen, have you ever held yourself out to be a person by any other name—

Mr. ISSERMAN. I object to that.

Q. (Continuing). Than (1) Starobin; (2) Rosen?—

A. Not to my recollection.

The COURT. I want to overrule that objection that was made in the middle of a question. Do you desire to restate the objection, Mr. Isserman? Do you desire to restate the objection? You made an objection in the middle of a question, and I do not like to have the record garbled. Do you desire to make the objection again and put it in the form of a motion to strike the answer?

Mr. ISSERMAN. Not at this point.

The COURT. Well, I overrule the objection, and if there is a motion to strike out, I deny the motion.

By Mr. McGohey:

Q. Have you ever represented yourself to be a person named Hans Berger?—A. No. I have never represented myself to be such a person, because there is no such person.

Q. Have you ever written articles in the Daily Worker or other publications under the name of Hans Berger?—A. I have.

Q. Is Hans Berger your name?—A. No, it is not. It is a pen name.

Q. Is it the name of a man otherwise known as Gerhart Eisler?—A. It is not his name either.

Q. When you wrote these articles for the Daily Worker and other publications under the name of Hans Berger, as you say, were you doing that on behalf of Gerhart Eisler?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I was doing that on my own behalf.

Q. Did you write truthfully in those stories that you wrote under the name of Hans Berger?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. To the best of my ability.

Q. Were you at any time in your life a German anti-Fascist?—A. No.

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

Q. Were you at any time in your life a German anti-Fascist?—A. No, I was not.

Mr. ISSERMAN. I object to that question.

Q. Were you at any time in your life in Berne, Switzerland?—A. No, I was not.

Q. Did you at any time in the Worker write an article under the name of Hans Berger, dating it Berne, Switzerland?—A. Yes, I did. May I explain, Your Honor?

The COURT. Well, you better answer the question now, first. The explanations are usually made on redirect examination.

The WITNESS. I see. I thought we could clear this thing up.

Q. Did you at any time, writing under the name of Hans Berger, state in explanation of the article that you wrote that it was in the viewpoint of a German anti-Fascist refugee?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. I have so stated.

Q. It was not true, was it?—A. It was true.

Q. You were not a German anti-Fascist, were you?

The WITNESS. May I explain this, Your Honor?

Mr. McGOHEY. Will you please answer my question?

The COURT. Answer the questions first.

A. No; I was not.

Q. You never were in Berne, Switzerland?—A. That is right.

Q. When you put an article in the Worker saying it had come from Hans Berger, which you say was yourself, from Berne, Switzerland, that was not true, was it?—A. No; it was not true.

The COURT. Now, what is the explanation you want to make, Mr. Starobin?

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The WITNESS. I just would like to make this point: as the foreign editor of the Daily Worker it was my job, particularly in the early war years when we were cut off from Europe and we didn't have any correspondents over there, to keep in touch with as many anti-Fascists in this city and, if possible, in the country, who could give us information on some aspect or another of their country. At that time I approached a German anti-Fascist who happened to have found himself here and to whom I happened to have been introduced in a restaurant, and I asked him to do some pieces for us. He declined. I had never met the man before. But he said, "I would be willing to supply you information if you will whip it up into an article under your own name"——

By Mr. McGOHEY:

Q. May I interrupt, please, to ask, if you will tell the jury and the court the name of this man.—A. This man's name is Gerhart Eisler.

I said I could not possibly write so much stuff in the Daily Worker under my own name. As it was I was doing a great deal of that. So I, using his material and the material of other anti-Fascist refugees, did contribute to various publications in 1942 on through about 1945, 1946, articles largely about German questions under the name of Hans Berger. There is no such person; Eisler did not invent the name; I invented the name; it was a pen name. That is the heart of the whole business of Hans Berger.

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The COURT. It did not represent Gerhart Eisler any more than you said it did?

The WITNESS. That is right.

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The WITNESS. As I was telling you about these pieces that were published all during that period under the name of Hans Berger, the first time I had one of those things I was not quite sure as whether to say "Hans Berger, New York, N. Y.", or "Washington, D. C.", or something like that, or just "Hans Berger," and so, as very often happens in the newspaper business, I said, "Well, let's"—I said to somebody at the Daily Worker, I was not there at the time—"Let's give this a Berne, Switzerland, dateline and see how it looks like," which we did. To my knowledge they never again appeared under that dateline and it was purely an experiment to determine how they would look best in the paper.

I thought I would make that clear.

The COURT. That is an explanation.

The WITNESS. Yes.

By Mr. McGOHEY:

Q. Have you ever worked on any other newspaper than the Daily Worker?—A. Commercial papers?

Q. Any kind of newspaper?—A. Yes.

Q. Which paper?—A. The DeWitt Clinton News.

\* \* \* \* \*

Q. What year was that?—A. That was the year 1928-29.

Q. Did the DeWitt Clinton News have foreign correspondents?—A. No; it did not.

Q. Now, outside of the DeWitt Clinton News and the Daily Worker have you worked on any other newspapers?—A. No; I have not.

Q. Did you study journalism any place?—A. No; I did not.

Q. You stated in your explanation of the Berne dateline to this jury that as was common in newspapers you put a Berne dateline on it even though you knew it had not come from Berne, Switzerland. Didn't you say that?—A. Will you have that reread, just what I did say?

(Mr. Starobin's statement was read.)

\* \* \* \* \*

Q. Now, did you mean by that statement of yours that it is customary newspaper practice to represent a piece as coming from a foreign country when, in fact, it does not come from a foreign country?—A. It is sometimes done.

Q. Do you know of any reputable newspaper in the United States that ever did that?—A. I can think of some.

Q. Would you tell us them, please?—A. I have seen many articles in the Hearst papers, for example, which perhaps are not quite reputable and that publish material like that. For 20 years they have published material coming out of Riga, for example, by Donald Day, and I would not be surprised if a lot of the Carl von Wiegand material that appears in the Hearst papers was turned out that way.

Q. Were you in Riga at the time these articles were appearing in the papers as you say?—A. No, I was not.

Q. You were not in Riga?—A. No.

Q. You don't know whether the man who wrote them and dated them from Riga was actually there or not, do you?—A. I don't know from my own knowledge.

The COURT. He said he would not be surprised if it turned out that way.

Q. Now, when was it that you first met Gerhart Eisler?

Mr. ISSERMAN. I object.

The COURT. Overruled.

A. It was in December of 1941.

Q. And I think you said that you met him in a restaurant?—A. That's right.

Q. Do you recall who it was introduced you to him?—A. Yes, I do.

Q. Who was it?—A. Albert Schreiner, a German writer.

Q. And thereafter Berger, or, rather, Eisler lived near you out in Queens, didn't he?—A. At times.

Q. What is that?—A. At times he did.

Q. Whether he lived near you at times in Queens or not, you became, anyway, pretty good friends, did you not?—A. Yes.

Q. And you visited his house?—A. Yes, that's right.

Q. And Gerhart Eisler visited your house?—A. That's right.

Q. And your families visited together?—A. Yes.

Q. You went to social affairs together?—A. Occasionally.

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Q. Now, Gerhart Eisler was paid for the articles that you wrote on his material under the names of Hans Berger, wasn't he?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. He was paid for the information which he gave me for the articles which I wrote from time to time.

Q. And he was paid by the Daily Worker, wasn't he?—A. He was paid by me.

Q. Out of funds which you got from the Daily Worker?—A. My editorial expenses.

Q. Well, didn't you ask, whoever was the business manager, for funds out of which you have paid Eisler?—A. Out of which I could pay my editorial expenses, some of which from time to time went for Eisler.

Q. Well, do you mean to indicate by that answer that you did not disclose to the Daily Worker, No. 1, that you were getting information from Eisler and, No. 2, that you were paying him for it?—A. No. I mean to indicate that I also paid other people for information.

Q. Yes, but my point is directed to Eisler. Eisler was paid by you for whatever help he gave you out of funds which you got from the Daily Worker?—A. That is correct.

Q. And you told the officials of the Daily Worker, did you not, that you were using some of their funds to pay Eisler?—A. Yes, I must have mentioned it to the business manager.

Q. Why, as a matter of fact, when you brought in these articles under the name of Hans Berger, you submitted them to the defendant Stachel, didn't you—A. Not always, not always; in fact, rather rarely.

\* \* \* \* \*

Q. Didn't you bring them in and submit them to him, and wasn't it the fact that sometimes he would approve them at once and at other times he would hold them for a few days and then authorize them to be printed?—A. May I explain this?

Q. No, please. I would like to have you answer that question.

\* \* \* \* \*

A. I have often handed them to Jack Stachel as to other editors.

Q. And there were occasions, were there not, when they looked them over right away and said all right, they could be printed?—A. There were occasions when he commented on them and thought I should rewrite them, gave them back to me, and there were occasions when he took them. I can't recall whether he ever held them or not. It is possible.

Q. Now, you described some meetings of the editorial board that you attended and particularly the series of meetings where there was a debate between Allen and Stachel that you testified to this morning?—A. That is right.

Q. Now, you say that those meetings were held on the last two Fridays of June 1945 and the first Friday in July?—A. To the best of my recollection.

Q. Now are you sure about that?—A. I think I stated to the best of my recollection that is when they were held.

Q. And you told us that the first meeting occurred on the third Friday in July?—A. Not July.

Q. The third Friday in June, I beg your pardon.—A. I mean the next to the last Friday of June.

Q. You don't know whether there were four or five Fridays in June?—A. I have not looked at the calendar as to how many Fridays there were in June.

Q. But you are quite sure about what Mr. Allen said, you think?—A. That is right.

Q. And what Mr. Stachel said that day?—A. That is right.

Q. You are quite sure about that?—A. That is right.

Q. No doubt about that at all? Your recollection on that is good and clear, isn't it?—A. That's right.

Q. Now, you told us some of the people who were there. I think you said, of course, Mr. Stachel was there, and Mr. Allen, Mr. Budenz, and yourself, and Mr. Alan Max, and I think you said the defendant John Williamson was there, and, as I recall it, that is about all you named?—A. That's right.

Q. But you said there were other people at the meeting?—A. That's right.

Q. Now, were the same people at the second and third meetings as were at the first meeting?—A. I could not say for every single one of them. There were people coming and going.

Q. Now let us take those that you have named?—A. Yes.

Q. Was Mr. Stachel at the second meeting?—A. That is right.

Q. And Mr. Allen?—A. Yes.

Q. And how about Mr. Budenz?—A. He was there.

Q. And Alan Max?—A. Yes.

Q. And John Williamson?—A. Yes.

Q. And yourself?—A. That is right.

Q. And were six people also at the third meeting?—A. Yes; they were.

Q. Now, was the defendant Dennis at any of these meetings at all?—A. He may have dropped in.

Q. What was John Williamson's job on the Daily Worker in the latter part of June and the early part of July, in 1945?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. I don't know whether he had a job or not on the Daily Worker.

Q. You know that he did not, don't you?—A. I don't know whether he did or he did not.

Q. Well, was he a member of the editorial board of the Daily Worker at that time?—A. No; he was not.

Q. Was he a member of the advertising department?—A. No; he was not.

Q. Was he a member of the circulation department?—A. No; he was not.

Q. Was he a member of the staff of any department of the paper?—A. No.

Q. What office did he hold in the Communist Party at that time?—A. Well, that was the Communist Political Association at that time.



Q. Very well; at the Communist Political Association, what office did he hold?—  
A. I believe he was labor secretary.

Q. Now, you said the defendant Dennis came in once in a while?—A. That is right.

Q. Did he occupy any position on the editorial board?—A. Yes; he was an associate editor of the paper.

Q. And he was also an official of the Communist Political Association, was he not?—A. That is right.

Q. Now, you told us on Friday (I am reading, Mr. Isserman, from p. 12732 of the transcript):

“The staff of the paper, business and circulation department, advertising department; those were the people present.”

Q. Now, Mr. Stachel was there in his capacity as a member of the editorial board, was he not?—A. That is right.

Q. Was he one of the associate editors of the paper?—A. He was a member of the editorial board.

Q. A member of the editorial board?—A. Yes.

Q. And you and Mr. Allen and Alan Max and Budenz were all there as members of the editorial board?—A. That is right.

Q. Now, who was there from the business department?—A. I have no recollection, as I have already stated.

Q. There was somebody in charge of the business department of the paper, was there not?—A. That is right.

Q. That was the man that you used to go to get this money that you paid to Gerhart Eisler?—A. Except that that is the previous 5 years—the previous 4 years.

Q. You mean that the man that was the business manager for the paper in June and July of 1945 was not the same man from whom you had received the money to pay Eisler?

Mr. ISSERMAN. I object to that.

The COURT. Overruled.

A. I don't remember how many business managers there were in that period. I did receive money for Eisler to my recollection from William Browder, who was the business manager of the paper at least through 1945.

Q. At least through 1945?—A. Yes.

Q. Then he was the head of the business department at the time these meetings were held?—A. That is right.

Q. He was subsequently expelled from the Communist Party, wasn't he?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. He was.

Q. Was he at this meeting?—A. I don't recall.

Q. How many people were in the business department of the paper in June and July of 1945?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. I wouldn't know.

Q. Were there five?—A. I wouldn't know.

Q. Was there more than one?—A. Yes, there was.

Q. Now, do you know whether one or more than one person from the business department were present at these debates?

Mr. ISSERMAN. I object to that.

A. I just don't recall who were present from these departments.

Q. Was there a foreign department of the paper?—A. There was.

Q. You were in that, weren't you?—A. That is right.

Q. And Mr. Allen?—A. That is right.

Q. Anybody else?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. I would rather not go into the business of other people's names.

The COURT. Do you remember who those other persons were in the foreign department?

The WITNESS. I remember other names of people in the foreign department.

\* \* \* \* \*

Q. I am not asking for the identity of persons; I want to know how many more there were in the foreign department besides yourself and Mr. Allen, James Allen.

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. Well, 1 or 2 other people.

Q. One or two? Was it one or two?—A. One or two.

Q. Are you able to tell me whether it was one or whether it was two?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. People shifted their posts from time to time.

The COURT. No, but the question is, are you able to tell Mr. McGohey whether at the time of these 3 Friday meetings, you having given this detailed description of this discussion or debate between Mr. Allen and Mr. Stachel—whether you can remember also whether there was at the time 1 other member of the foreign department or 2 other members of the foreign department besides yourself?

The WITNESS. I believe there was only one.

The COURT. What is that? You say just one?

The WITNESS. I believe there was only one other member.

Q. And you know who that person is, do you not?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. Yes, I do.

Q. And you knew who that person was last Friday when you were testifying, didn't you?

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

A. Yes.

Q. Was that person present at those debates?—A. I don't remember.

Q. Who was the head of the circulation department of the paper in June and July of 1945?

Mr. ISSERMAN. I object to that question.

The COURT. I will sustain the objection unless it appears he was one of the persons present.

Q. Was there a head of the circulation department in June and July of 1945?

Mr. ISSERMAN. I object to that.

The COURT. Overruled.

A. If there was a department there must have been a head of it.

Q. Let me read your answer on Friday afternoon on the question of if there was a department:

"The staff of the paper, business and circulation department, advertising department; those were the people present."

Was there at that time or was there not at that time a circulation department?—A. There was.

Q. And was there a head of the circulation department?—A. There was.

Mr. ISSERMAN. I object.

Q. Was there a head of the circulation department present representing the circulation department at those discussions?—A. I don't remember whether he or she was or was not.

Q. Do you remember whether there was anybody from the circulation department?

The COURT. While you were there, you don't remember whether he or she was or was not?

The WITNESS. It might have been a he or she. I don't remember.

The COURT. You don't remember that much.

The WITNESS. I had very little connection with the circulation department.

Q. Mr. Starobin, you have testified and said there were present at that discussion the staff of the paper, business and circulation department, and I am trying to find out was the head of the circulation department one of those representing his department at those discussions?

Mr. ISSERMAN. I object.

The COURT. Well, the witness objects to your use of the word "his" because he says it may have been a he or it may have been a she. Isn't that what you said?

The WITNESS. I said in response to the previous question I did not know whether he or she was or was not present.

The COURT. Then you must say the same thing to this question, must you not?

Mr. ISSERMAN. I object to that. It has been answered.

A. I just don't remember whether those people were there.

Q. Do you remember whether it was a man or woman who was head of the circulation department at that time?—A. No, I do not.

Mr. ISSERMAN. I object to that question.

The COURT. Overruled.

Now, Mr. Isserman, once in a while, I think about every fourth objection, you might rise from your seat in the customary way.

Mr. ISSERMAN. I will do that.

Q. Do you recall now any person from the circulation department of the paper who was present at those discussions?—A. No, I do not.

Q. Do you recall any person from the advertising department who was present?—A. I don't recall whether they were present or not, which was my original answer to that question.

Q. Oh, your testimony on Friday is this, I will read it for the third time: "The staff of the paper, business and circulation department, advertising department; those were the people present." Did you mean on Friday to testify under oath that people from those departments were present?—A. Yes, but I answered a subsequent question saying I did not know whether they were or were not present. That is the situation.

Q. I want to know now, were there present or were there not present at those discussions, people from the business department, the circulation department and the advertising department?—A. Yes, there were.

Q. But your testimony is now that you don't remember any person from any of those departments being present?—A. Present or absent.

Q. You cannot tell us who any of them was?—A. No.

Q. In 1945, you had been with the paper for 3 years, is that correct?—A. That is right.

Q. Or 4 years, isn't it? Didn't you start in 1941?—A. No, I came here in November of 1942.

Q. So that you were in June and July there almost 3 years?—A. That is right.

Q. And you have been with the paper continuously from that time to this?—A. That is right.

Q. And you remember with clarity a discussion and what Mr. Allen said at those debates and what Mr. Stachel said?—A. That is right.

Q. But you do not remember any of the persons from those various departments who were present?—A. That is right. Perfectly obvious, your Honor. What they said was very important whereas who was present is not.

The COURT. I would not argue the matter. That is all for the jury to pass on. The fact is that of the other 75 that you said were there you cannot remember a single one except the ones you have mentioned.

The WITNESS. That is right.

Q. In connection with this issue of the Bern dateline on a story which was written in New York, I understood your testimony a little while ago to be substantially this: "I suggested that we use a Bern dateline and see how it goes" or something along that line, is that correct?—A. No, I suggested to the people on the paper, because I was not on the paper at the time—

Q. I say you suggested to the people. Who on the paper did you make that suggestion to?—A. I think to the assistant managing editor.

Q. And that was?—A. Alan Max.

Q. Was that the first story under the name of Hans Berger that you submitted to the Daily Worker?—A. To the best of my recollection.

Q. Didn't you submit that to the defendant Stachel?—A. To Mr. Alan Max.

Q. I asked you, didn't you submit it to the defendant Stachel?—A. No, I did not.

Q. Didn't you submit most of them to Mr. Stachel?—A. I submitted some of them to Mr. Stachel as well as to other editors of the paper.

Q. Now Mr. Stachel, as a matter of fact, at that time was the actual editor of the paper, wasn't he?—A. He was the actual political editor of the paper; that is to say, the editor in charge of political affairs.

Q. That was in 1941 when you first submitted them?—A. In 1941?

Q. Yes.—A. 1942 was when I became intimately familiar with the paper— from November of 1942.

Q. With respect to these Berger articles, isn't it a fact that nearly every article under the name of Berger you personally submitted to the defendant Stachel?

Mr. SACHER. I object to that. It has been answered.

The COURT. Overruled.

A. No. I submitted some to him as one of my colleagues and some to others in charge of the executive management of the paper.

Q. Didn't you submit most of them to him?

Mr. ISSERMAN. I object to that.

The COURT. Overruled.

A. My recollection is that I submitted some to Mr. Stachel, who was the political editor in charge of political affairs, and some to Mr. Max, and to other editors in charge of executive questions—

The COURT. The question is, Mr. Starobin, didn't you submit most of them to Stachel?

The WITNESS. I could not say most or some.

Q. Haven't you at some time in the past testified under oath that most always, to use your own language, most always you handed them to Mr. Stachel?—

A. Yes, I have.

Q. Were you telling the truth when you said that?—A. That is right.

Q. That is the truth now?—A. There is no great contradiction between the two statements.

Q. Most always you handed the Berger articles to Mr. Stachel?—A. That is right.

Q. The man who was at that time the actual editor of the Daily Worker?—A. No, the political—the editor in charge of the political department.

Q. Haven't you testified heretofore under oath that he was the political editor or the actual editor of the Daily Worker?—A. That is right.

Q. And that was a fact, wasn't it; he was the actual editor of the Daily Worker?—A. No. I have to explain what we mean by "editor." He was an editor of the Daily Worker. The actual editor of the Daily Worker in 1945 was Mr. Browder.

Q. You testified, did you not, as a witness in the case of *United States v. Gerhard Eisler* in the District of Columbia, did you not?—A. That is right.

Q. And you were called as a witness on behalf of Gerhard Eisler?—A. That is right.

Q. And you were examined by Mr. Isserman, Mr. Eisler's lawyer?—A. That is right.

Q. That is the same Mr. Isserman sitting here at this table?—A. That is right.

Q. And you testified there under oath, didn't you?—A. That is right.

Q. Now I ask you if at the time you were a witness there you were not asked this question by Mr. Isserman and whether you did not give the answer which I shall read:

'Q. Could you tell us briefly the process of a Hans Berger article through the course of the office of the Daily Worker, after you had prepared it initially, what would happen to it generally?—A. Well, this article would be done, say I brought it in with me in the morning, or I sat down in the morning and did it before our editorial board meeting. I would bring the article in at the 12 o'clock editorial board meeting, and I would say 'I propose that we publish this as soon as we can.' Most always I would hand the article to the man who was then the political editor, the actual editor, of the paper, Mr. Jack Stachel. Stachel might look at the article then and there and return it to me to put it through the mill or might take the article away with him, come back the next afternoon, and hand it to me, or might give it to someone else on the paper.'

Didn't you make that answer?—A. That is right.

Q. And that was truthful?—A. That is right.

Mr. McGOHEY. I have no further questions.

Redirect examination by Mr. ISSERMAN:

Q. Mr. Starobin, you said you paid Mr. Eisler for the information that he submitted to you in connection with the Hans Berger articles. Over how many years did you pay him for this information?—A. Over about 4 years.

Q. And what was the sum total of the money that you gave him?—A. Two or three hundred dollars.

Q. Altogether?—A. That is right.

Mr. SOURWINE. Mr. Starobin, is it true that you joined the Young Communist League in 1930 at the age of 17?

Mr. STAROBIN. Mr. Chairman, I am going to repeat that I decline to go into past testimony, activities, allegations of affiliations, writings



that do not seem to me to pertain to my present activity, and I will do so on the grounds of the protection of the first amendment and of the fifth amendment to the Constitution.

Mr. SOURWINE. Mr. Chairman, I ask that the witness, notwithstanding his claim of privilege, be ordered to answer the question.

Senator DANIEL. You are ordered and directed to answer the question.

Mr. STAROBIN. I respectfully decline on the grounds already stated.

Mr. SOURWINE. Were you, Mr. Starobin, a member of the Communist Political Association in 1944 and 1945 and of the Communist Party before and after that?

Mr. STAROBIN. Mr. Counsel, I have already stated that I am not going to go into this area of subject matter.

Mr. SOURWINE. You have stated, Mr. Starobin, that you are not going to answer questions—

Mr. STAROBIN. Excuse me; you are interrupting me.

Mr. SOURWINE. I am interrupting you, sir, for the purpose of clarifying the record.

Mr. STAROBIN. I would like to finish.

Mr. SOURWINE. You have stated that you would not answer questions in areas which you considered not pertinent to your present activities. I have no idea what you consider pertinent to your present activities. I will proceed to ask the questions on the subjects with respect to which the committee wants answers, and if you wish to claim your constitutional privilege, you may do so.

The question is: Were you a member of the Communist Political Association in 1944 and 1945 and of the Communist Party before and after that?

Mr. STAROBIN. I respectfully decline to answer this question on the grounds of the first amendment and the appropriate clause of the fifth amendment to the Constitution.

Senator DANIEL. You are ordered and directed to answer the question, regardless of the claim of privilege that you have just stated.

Mr. STAROBIN. I respectfully maintain my previous answer, sir.

Mr. SOURWINE. Are you the same Starobin who wrote articles for the Daily Worker under the byline of Hans Berger, based on information received from Gerhard Eisler?

Mr. STAROBIN. I must say it seems to me to be very far afield, but I will decline once again to answer on the constitutional protections which I believe that I, as a citizen, should uphold.

Mr. SOURWINE. Mr. Chairman, I ask that the witness be ordered to answer the question.

Senator DANIEL. You are ordered and directed to answer the question.

Mr. STAROBIN. I respectfully decline on the same grounds, Senator.

Mr. SOURWINE. Mr. Chairman, I ask that there be inserted in the record at this point, an excerpt from testimony before the House Un-American Activities Committee, November 22, 1946, consisting of four paragraphs.

Senator DANIEL. The excerpt will be made a part of the record.

(The excerpt referred to was marked "Exhibit No. 72" and appears below:)

## EXHIBIT No. 72

JOSEPH STAROBIN

(From testimony of Louis F. Budenz, before HUAC, November 22, 1946)

Later on he (Gerhard Eisler, representative of the Communist International) admitted it was himself, but that he had written these articles (for the Daily Worker) through a ghost writer, who turned out to be Joseph Starobin, the foreign editor of the Daily Worker (p. 20).

I have copies of the Communist here in my possession which show the leading position of Gerhard Eisler as Hans Berger. These articles prove his high rank, for they are on vital subjects in the theoretical organ of the Communist Party. \* \* \* In the Communist, Berger-Eisler has written as "the quivalent to a representative of the Communist International," which Dennis said he was (p. 20).

For instance, you do not take a Joseph Starobin, the foreign editor of the Daily Worker, and make him write an article of that kind, because Starobin has not got that authority. But you take Hans Berger, and he writes it out, and Starobin may turn it into better English for him. That is one thing that the foreign editor of the Daily Worker very frequently does, \* \* \*. Then there are the Daily Worker articles. These came to the Daily Worker, and they did not come through Starobin, who Berger makes his ghost writer \* \* \* they were in Germanized English and they had to be straightened out and Starobin had the job of seeing that they were straightened out \* \* \* (pp. 26, 27).

As a matter of fact, right on the eve of the Browder business, Joseph Starobin, the foreign editor of the Daily Worker, wrote a very indiscreet letter to the editorial board of the Daily Worker, from whence it was snatched up and immediately traveled to the ninth floor. And in that letter he said toward the end of the San Francisco Conference, that the French comrades, who were used largely to beat the Americans, asserted that there should be more of an attack upon Stettinius by the American Communists. He added that this was "likewise the opinion of Comrade Mannilsky." This letter was quickly taken by Stachel and it traveled to the ninth floor and disappeared (p. 34).

Mr. SOURWINE. Mr. Starobin, how much in total have you contributed or loaned to Cameron & Kahn, a corporation in the publishing business in New York City.

Mr. STAROBIN. I made an advance of \$1,950 to the publishing firm of Cameron & Kahn.

Mr. SOURWINE. When did you make that advance?

Mr. STAROBIN. In April and May of last year—I believe I completed sometime in May of last year—in connection with the publication of my book Eye Witness in Indochina.

Mr. SOURWINE. Did you give them the money all at one time?

Mr. STAROBIN. To the best of my recollection, I believe I gave the money in installments.

Mr. SOURWINE. Did you give them the sum of \$500 prior to May 14, 1954?

Mr. STAROBIN. To the best of my recollection, I did.

Mr. SOURWINE. Did you give them \$300 on May 14, 1954?

Mr. STAROBIN. To the best of my recollection, I did.

Mr. SOURWINE. \$100 on May 19, 1954?

Mr. STAROBIN. To the best of my recollection, I did.

Mr. SOURWINE. \$50 on or about May 25, 1954?

Mr. STAROBIN. To the best of my recollection, I did.

Mr. SOURWINE. Now can you tell us from your memory, or from memorandums now available to you, other amounts that you gave them and dates on which you gave them such amounts?

Mr. STAROBIN. To the best of my recollection, I promised them and did give them in the period of April and May of 1954 in connection with the publication of my book, a total of \$1,950.

Mr. SOURWINE. Yes. The question was, whether you can tell us any specific amounts and dates on which you gave them those amounts other than the ones concerning which you have already testified.

Mr. STAROBIN. I would have to refresh my recollection with the receipts which I have for those amounts in my personal custody.

Mr. SOURWINE. Well, now, let me point out that the sums to which you have testified add up to \$950, that you have said that you gave them \$1,950. That leaves open the possibility that you may have given them \$1,000 at some time. Did you?

Mr. STAROBIN. I did, either in the form of a thousand-dollar payment or in some fraction, some proportion thereof.

Mr. SOURWINE. Do you know which it was?

Mr. STAROBIN. I would have to refresh myself with the receipts in my custody.

Mr. SOURWINE. Did you give them all these sums in cash?

Mr. STAROBIN. To the best of my recollection, I did.

Mr. SOURWINE. You did not give them any checks?

Mr. STAROBIN. To the best of my recollection, I did not.

Mr. SOURWINE. Now was this under agreement that you were to pay for the cost of publishing your book, or part of that cost?

Mr. STAROBIN. This was under agreement that I was to contribute to the cost of the publication of this book.

Mr. SOURWINE. Were you to be repaid your contributions at a later date?

Mr. STAROBIN. I was.

Mr. SOURWINE. Was that to be in addition to the royalties on the book, or as a part of the payment of royalties?

Mr. STAROBIN. That was under a separate agreement, I think it was called an exchange, in which repayment was to be made of that capital investment, apart from the payment of the royalties for the book.

Mr. SOURWINE. Have you been repaid any of that money?

Mr. STAROBIN. I have been.

Mr. SOURWINE. How much of it?

Mr. STAROBIN. I have been repaid about \$1,000 of it.

Mr. SOURWINE. If you were told that the books of Cameron and Kahn showed receipts from you of only \$950, would that make any difference in your testimony?

Mr. STAROBIN. Well, I have receipts for the full sum of \$1,950.

Mr. SOURWINE. Very good, sir. Would you produce those receipts for the committee?

Mr. STAROBIN. I can do so but I am not able to do so at present.

Mr. SOURWINE. Mr. Chairman, may the witness be instructed to furnish those receipts for the committee at the earliest possible date?

Senator DANIEL. You are so instructed and you will furnish them, will you not, sir?

Mr. STAROBIN. I will try to, sir.

Mr. SOURWINE. And may it be ordered that the receipts, themselves, be inserted in the record at this point when they are received?

Senator DANIEL. The receipts will be so inserted.

(The receipts referred to were ordered marked "Exhibit No. 73" and had not been supplied the subcommittee at the time of printing.)

Mr. SOURWINE. Did you receive from Cameron & Kahn, in repayment of the money previously paid by you, the sum of \$125 on June 8, 1954?

Mr. STAROBIN. To the best of my recollection, I did.

Mr. SOURWINE. The sum of \$125 on or about June 14?

Mr. STAROBIN. To the best of my recollection, yes.

Mr. SOURWINE. The sum of \$196.48 about July 22?

Mr. STAROBIN. That may very well be, yes.

Mr. SOURWINE. The sum of \$100 about August 26?

Mr. STAROBIN. That may very well be.

Mr. SOURWINE. The sum of \$250 about September 8?

Mr. STAROBIN. That may very well be.

Mr. SOURWINE. When you say that may very well be, do you mean that you received these amounts, or that you have no memory about it at all?

Mr. STAROBIN. Well, I have a record of these amounts received.

Mr. SOURWINE. You do have a record of the amounts received?

Mr. STAROBIN. Yes.

Mr. SOURWINE. Will you furnish the committee with that record?

Mr. STAROBIN. I will be glad to do so at an appropriate time.

Mr. SOURWINE. So that the record may be clear, may the witness be instructed to furnish that record of amounts received from Cameron & Kahn?

Senator DANIEL. The witness is so instructed and they will be made part of the record.

(The requested material was ordered marked "Exhibit No. 73A" and appears below:)

EXHIBIT No. 73A

RABINOWITZ & BOUDIN,  
New York 4, N. Y., May 4, 1955.

Mr. BENJAMIN MANDEL,  
*Internal Security Subcommittee, Senate Committee on the Judiciary,  
Senate Office Building, Washington, D. C.*

DEAR MR. MANDEL: I enclose herewith Mr. Starobin's letter of April 20, 1955, which is self-explanatory.

Very truly yours,

LEONARD B. BOUDIN.

APRIL 20, 1955.

LEONARD B. BOUDIN,  
*New York City.*

DEAR MR. BOUDIN: With reference to my offer to submit details of my financial transactions with Cameron & Kahn, Inc., in re the publication of my book, *Eyewitnesses in Indochina*, made to the subcommittee of the Senate's Internal Security Committee on April 19, I communicate to you the following:

My personal records show receipts and acknowledgments by Mr. Cameron and by Mr. Kahn in the sum of \$1,850 as advances of capital for the publication of the book. I know for a fact that there was an additional sum of \$100 to make a total of \$1,950, which is all that was paid. The books of Cameron & Kahn, which I consulted in the offices of Mr. Stanley Faulker a week ago, bear out entries from me in that amount. Moreover, a statement to me of June 14, 1954, which covers "Sales, billings, royalty, and loan accounts" also bears out that the full sum was \$1,950, for there is an entry in this statement showing a repayment of \$125 for June 11, leaving a balance due of \$1,825 as of that date. Thus the records, both on the C. & K. books, and in the statement given me shows the full sum to have been as stated above. But I myself, I repeat, only have receipts and acknowledgments of \$1,850. There must have been a \$100 payment in that period, probably in cash, which was not receipted.

A breakdown of the above shows:

1. A letter from Mr. Cameron to Mrs. Starobin of March 30, 1954, acknowledging a check for \$500.



2. A letter from Mr. Cameron of April 16, with the seal of his firm, acknowledging the receipt of \$1,000. I am almost certain this was a cash payment made a day or two before.

3. A receipt signed by Mr. Cameron for May 13, 1954, acknowledging \$300, of which \$200 was in the form of a check. I am not prepared to say whether this was my personal check, or the check of one of my creditors, or perhaps a check of some member of my family. In addition, a sum of \$100 in cash.

4. A receipt signed by Mr. Kahn, May 24, 1954, for \$50. No indication whether it was a check or by cash, but I would guess it was cash.

With respect to repayments, I have a letter from Mr. Cameron, January 31, 1955, which itemizes the checks of the C. & K. firm beginning with June 8, 1954, and running through October 5, 1954, the total of which comes to \$1,005.28 as having been repaid under the agreement. I am currently awaiting repayment of the balance.

I trust you will agree this account fulfills my offer to the committee.

Cordially,

JOSEPH R. STAROBIN.

51 CHARLES STREET, NEW YORK CITY 14.

MR. STAROBIN. I will try to do so, sir.

THE CHAIRMAN. You say you will try to?

DID YOU SAY YOU WOULD OR YOU WOULD TRY TO?

MR. STAROBIN. I am going to make every effort to do so. Whether in fact, I am able to by the time the committee wants it, is of course, a question of the future.

THE CHAIRMAN. That is all right, sir.

MR. SOURWINE. Mr. Starobin, were these amounts received by you from Cameron & Kahn all paid to you in cash?

MR. STAROBIN. My recollection is that many of them were paid in checks.

MR. SOURWINE. In checks. Now would they be checks drawn to your order, on Cameron & Kahn's bank and signed by Mr. Cameron or Mr. Kahn, or both?

MR. STAROBIN. I have no recollection of that detail, sir.

MR. SOURWINE. Do you remember the details with respect to any checks that you got from Cameron & Kahn?

MR. STAROBIN. I have a recollection of the sums that you have read.

MR. SOURWINE. But you do not remember on what bank or how signed, or who was the payee?

MR. STAROBIN. I am afraid not; no, I do not.

MR. SOURWINE. This amount of \$196.48 rather clearly was a check instead of cash, wouldn't you think?

MR. STAROBIN. If I may so so, sir, I am prepared to bring my records instead of relying on my recollection.

MR. SOURWINE. All right. Now, where did you get the money which you gave Cameron & Kahn?

MR. STAROBIN. I think I will consult with counsel on that.

(The witness consulted with counsel.)

MR. STAROBIN. I borrowed that money from five friends in this country.

MR. SOURWINE. Who were they?

MR. STAROBIN. I will decline to answer that question and I will not disclose the confidence that these people showed in me in advancing me these sums.

MR. SOURWINE. I ask that the witness be ordered to answer.

SENATOR DANIEL. You are ordered and directed to answer the question, sir.

Mr. STAROBIN. I will decline to do so on the grounds of the first and the fifth amendments to the Constitution.

Mr. SOURWINE. Neither the first nor the fifth amendments has anything to do with divulging the names of friends, does it, Mr. Starobin?

Mr. STAROBIN. I consider that the Constitution protects me in the confidence that other people have shown in me and I do not find that this is a realm of inquiry that can possibly affect your judgment of the book or any aspect of that problem.

Mr. BOUDIN. May I suggest that counsel's argument with the witness not be had.

Senator DANIEL. Just a minute, Counsel. Did you—did the people from whom you received this money know for what purpose you were to use the money?

Mr. STAROBIN. I cannot say that they knew the precise purpose except that I told them that I was going to publish a book, and asked them to advance me these sums.

Senator DANIEL. You told them what the book was?

Mr. STAROBIN. I may have. I may not have.

Senator DANIEL. And you told them that you needed the money to advance to the publisher of the book?

Mr. STAROBIN. That is right, sir.

Senator DANIEL. I am going to order and direct you to answer the question that Mr. Sourwine has asked you as to the names of these parties.

Mr. STAROBIN. Will Mr. Sourwine repeat the question?

Mr. SOURWINE. Yes. The question is, Who are the five persons who advanced to you, from whom you borrowed, the money you gave to Cameron & Kahn?

Mr. STAROBIN. I decline to answer that on the grounds of the first and the fifth amendments.

Mr. SOURWINE. Technically, Mr. Chairman, I believe that is a new question declined. I ask that the witness be ordered to answer the question.

Senator DANIEL. You are ordered and directed to answer the question.

Mr. STAROBIN. I shall have to decline on the same grounds, Senator.

Mr. SOURWINE. Did anyone ever furnish to you or offer or promise to furnish to you any of the money which you gave to Cameron & Kahn?

Mr. BOUDIN. Could that be repeated?

Mr. SOURWINE. Yes. I am asking, aside from these five friends from whom you borrowed money, did anyone ever offer to you or furnish to you or offer or promise to furnish to you the money or any part of the money that you gave to Cameron & Kahn?

Mr. STAROBIN. Aside from these five friends, wasn't that your original question?

Mr. SOURWINE. Aside from the five friends whose names you have refused to divulge.

Mr. STAROBIN. Not to my recollection.

Mr. SOURWINE. Where do you bank, Mr. Starobin?

Mr. STAROBIN. At the Amalgamated Bank.

Mr. SOURWINE. Do you have any other bank accounts?

Mr. STAROBIN. New York.

Mr. SOURWINE. At any other banks?

(The witness consults counsel.)

Mr. STAROBIN. I do have a bank account in the Lloyd's Provincial & Foreign Limited Bank of Geneva, Switzerland.

Mr. SOURWINE. Do you have any other bank accounts beyond the two that you have testified of?

Mr. STAROBIN. No.

Mr. SOURWINE. When you received the money from your five friends, did you get it in cash in each instance?

Mr. STAROBIN. I should think that most of it came in cash. I do not have a recollection of any check transactions there.

Mr. SOURWINE. Did you clear it through your bank account, or did you take that cash and give it directly to Cameron & Kahn?

Mr. STAROBIN. You are pressing my recollection now. I believe that at least the largest part of it was given directly to Cameron & Kahn. Now there may have been a deposit for exchange. That is possible.

Mr. SOURWINE. With respect to the sums which you received in cash from any friends and which you took directly and gave to Cameron & Kahn, were you, in fact, making advances for your own account or were you only acting as intermediary?

Mr. STAROBIN. I have acted as an intermediary for nobody on this transaction with Cameron & Kahn.

Mr. SOURWINE. When you received money from Cameron & Kahn, did you deposit it in your bank?

Mr. STAROBIN. I should say in many cases I did; yes.

Mr. SOURWINE. When you received checks from them, did you deposit the checks to your account?

Mr. STAROBIN. In most cases, I did, but I have a recollection of sending perhaps one of these checks to one of my creditors who had engaged in this advance of funds to me.

Mr. SOURWINE. Who was that creditor?

Mr. STAROBIN. I am going to decline to answer that, Counselor, on the same basis as I stated before.

Mr. SOURWINE. On what ground?

Mr. STAROBIN. On the grounds that I consider this infringes my rights under the first and the appropriate clause of the fifth amendment.

Mr. SOURWINE. In view of the witness' prior statement that indicated he was doing this to save embarrassment of his friends, I ask that he be directed and ordered to answer the question.

Senator DANIEL. You are ordered and directed to answer the question.

Mr. STAROBIN. What was your question, sir?

Senator DANIEL. You are ordered and directed to answer the question Mr. Sourwine put to you.

Mr. STAROBIN. I do not think that I said that I had ever entered into this arrangement or declined to answer the question on the grounds of sparing my friends embarrassment. I simply declined on the grounds that I did not think this was the proper area of questioning.

Mr. SOURWINE. You still decline?

Mr. STAROBIN. I do on the same ground, on the ground of the first and fifth amendment to the Constitution.

Mr. SOURWINE. Mr. Starobin, what have been your sources of income since 1942?

(Witness consults counsel.)

Mr. STAROBIN. I am sorry, but I am afraid that I feel that is another way of asking the questions that I have already declined to answer and so I will decline this on the grounds of the first and fifth amendments.

Mr. SOURWINE. Money you borrow from a friend is not income and cannot be included within the question that I just asked you. Do you understand that?

Mr. STAROBIN. Well, but you asked me what my source of income was without reference to this particular matter.

Mr. SOURWINE. Money that you borrow is not income. Therefore, no money that you received as a loan would be included in your answer.

Mr. STAROBIN. I am well aware of that but I have declined to answer the question with respect to the source of my income since whatever date it was that you asked, sir.

Mr. SOURWINE. How much have you earned approximately each year since 1942?

Mr. STAROBIN. I am afraid I will decline to answer that until I can refresh my memory. I am not sure that I could answer that—1, 2, 3, that way.

Mr. SOURWINE. Are you paid a salary?

Mr. STAROBIN. At present I am not.

Mr. SOURWINE. Have you in the last 15 years been paid a salary?

(Witness confers with counsel.)

Mr. STAROBIN. I have within the last 15 years been paid a salary.

Mr. SOURWINE. And from whom did you receive that salary?

Mr. STAROBIN. I am going to decline to go into that, sir, on the grounds already stated.

Mr. SOURWINE. On the grounds of what?

Mr. STAROBIN. On the grounds already stated.

Senator DANIEL. State your grounds. As I have heretofore said, I think the record should show exactly what your grounds are.

Mr. STAROBIN. Yes. I think you are right, Senator. I am sorry. I will decline to go into the sources of my income or who paid me that income on the grounds of the protection afforded me by the first and the clauses of the fifth amendment.

Mr. SOURWINE. Has any part of your income come from the Communist Party?

Mr. STAROBIN. I will decline to answer that question on the grounds of the protections afforded me by the first and fifth amendments.

Mr. SOURWINE. Mr. Starobin, has any of your income come from Soviet sources? That is, Soviet Russian sources.

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and the fifth amendments.

Mr. SOURWINE. Have you ever referred to yourself as a small-business man?

Mr. STAROBIN. Not to my knowledge, sir.

Mr. SOURWINE. Do you consider yourself a small-business man?

Mr. BOUDIN. I object on the grounds it seems totally irrelevant to Mr. Matusow.

Senator DANIEL. Objection overruled. Proceed.

Mr. STAROBIN. I do not consider myself a small-business man.

Mr. SOURWINE. Mr. Starobin, have you reported all your income and the source thereof on your income-tax returns each year as required by law?



Mr. STAROBIN. I have and I believe I have so sworn in making out those income-tax blanks.

Mr. SOURWINE. Have any of your books and articles been published in Communist countries?

Mr. STAROBIN. Just a moment, sir.  
(The witness confers with counsel.)

Mr. STAROBIN. I will decline to answer that on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Have you received royalties from Communist countries?

Mr. STAROBIN. I will take the same stand, that I decline to answer on the grounds of the first and fifth amendments.

Mr. SOURWINE. Mr. Starobin, in connection with your book, *Eye Witness in Indochina*, did you visit Indochina?

Mr. STAROBIN. Well, sir; I am going to decline to go into the area of my travels which have been very extensive, on the grounds that I do not think they have any relevance to the inquiry as I understand it.

The CHAIRMAN. You are ordered to answer the question.

Mr. STAROBIN. I am going to decline to go into that on the grounds of the first and fifth amendments.

Mr. SOURWINE. In your book, *Eye Witness in Indochina*, you stated you had visited Indochina; did you not?

Senator JENNER. What is he, another Matusow?

Mr. STAROBIN. Yes. I am going to decline to go into the subject matter of this book at this particular forum on the grounds of the first and fifth amendments.

Mr. SOURWINE. Are you the author of the book, *Eye Witness in Indochina*?

Mr. STAROBIN. I am.

Mr. SOURWINE. Mr. Starobin, assuming that what you stated in that book is true, and that you did visit Indochina, I ask you who paid your expense for that visit?

Mr. STAROBIN. I should say, sir, I would be glad to debate this question at any appropriate forum outside of this committee.

The CHAIRMAN. Answer the question.

Mr. STAROBIN. But I am not going to go into this subject matter with this committee at this time and I will assert my privilege under the first and fifth amendments.

Senator DANIEL. Are you sincere in your opinion and honestly stating to this committee you believe a truthful answer to that question may tend to incriminate you or may be giving evidence against yourself?

Mr. STAROBIN. The Constitution tells me I cannot be compelled in any criminal case to be a witness against myself.

Senator DANIEL. That is exactly what I am asking you. Do you sincerely state to this committee that you fear that a truthful answer to that question may be interpreted as giving testimony against yourself?

Mr. STAROBIN. Well, it is not a matter of fear, sir. It is a question of law as I understand it, and if it were a matter of my personal fears, it would be very simple. I am prepared to argue about these or any other questions anywhere.

Senator DANIEL. I am not asking for any argument. The question is to test your sincerity and be sure that is your reason for claiming protection under the fifth amendment.

Mr. STAROBIN. I am sincerely claiming protection under the first and fifth amendments.

Senator DANIEL. Were you given safe conduct behind the lines of the Communists in Indochina?

Mr. STAROBIN. I will decline to answer that, sir, on the grounds that I have already stated, and I do not see that we can—

Mr. SOURWINE. Have you read the book, *Eye Witness in Indochina?* (Witness confers with counsel.)

Mr. STAROBIN. Yes, I have read the book.

Mr. SOURWINE. Does not that book state that the author was behind the lines of the Communist armies in Indochina?

Mr. STAROBIN. I am going to decline to go into the contents of the book or the circumstances of the book, sir, and I invite all of the committee members to take a copy of the book if they wish, but I am not going to answer any questions along these lines, sir, on the grounds of the first and fifth amendments.

Mr. SOURWINE. Mr. Chairman, I suggest to the committee that the witness at this time, in connection with this question, is improperly claiming a privilege under the fifth amendment. I ask that he be directed to answer the question.

Senator DANIEL. You are hereby ordered and directed to answer the question, again with the warning that if you are not correct in claiming the privilege that you may be in contempt of the committee.

Mr. STAROBIN. I will respectfully decline, sir.

Mr. SOURWINE. Were you, Mr. Starobin, ever a representative of the Cominform?

Mr. BOUDIN. I object on the grounds it is irrelevant to whether or not—

The CHAIRMAN. Wait just a minute, now, we have ruled on those things.

Mr. BOUDIN. You have not ruled on this question at all.

The CHAIRMAN. Mr. Attorney, now listen. Keep quiet. Answer the question.

Mr. BOUDIN. I state my objection.

The CHAIRMAN. We do not want to hear your objection.

Mr. STAROBIN. After I protest the line of questioning that counsel has so deliberately taken, since it is so obviously out of this world, I will decline to answer it on the grounds of the first and the fifth amendments.

The CHAIRMAN. That is not a proper claim of the privilege. I order and direct you to answer that question. Repeat the question, Mr. Reporter.

Go ahead, Mr. Sourwine.

Mr. SOURWINE. Were you ever a representative of the Cominform?

Mr. STAROBIN. I will decline to answer that question or anything similar to it under the protections afforded me by the first and fifth amendments.

Mr. SOURWINE. Is it not true that you visited Indochina and China as a representative of the Information Bureau of Workers in the Communist Party?

Mr. STAROBIN. I want to protest the line that the counsel is taking with respect to an American citizen whose record is absolutely public in this country.

The CHAIRMAN. Answer the question.

Mr. STAROBIN. And I will decline to answer that question on the grounds of the first and fifth amendments.

Mr. SOURWINE. Mr. Starobin, is your record with respect to representation of the Cominform a matter of public record?

Mr. STAROBIN. I did not answer your question, sir, and I resent the twist that you give to my answer.

Mr. SOURWINE. I thought you said that you were an American citizen whose record with respect to these matters was a matter of public record.

Mr. STAROBIN. That is right, and that is why I reject and resent questions that put me in the position of appearing to be or said to be a representative of the Cominform or anything of that kind, sir.

Mr. SOURWINE. Are you denying that you are?

Mr. STAROBIN. I have taken the privilege and repeat the privilege with respect to your question.

Mr. SOURWINE. Is there any public record anywhere in the United States or any other country which shows that you are not or that you have ever denied being a representative of the Cominform?

Mr. STAROBIN. I have stated at the outset, sir, that my activities, my beliefs are a matter of public knowledge over a period of some time. I have declined to go into questions on the ground that they are my private affair. I am not going to answer questions of this kind and I respectfully submit that I will take the privilege of the first and fifth amendments on that question.

Mr. SOURWINE. Do you think that it is a private matter, or a matter of belief whether an American citizen is a representative of the Cominform?

Mr. STAROBIN. I am going to claim the same privilege on that question, sir. I think it speaks for itself.

Mr. SOURWINE. Mr. Starobin, have you ever received funds from anybody, for a foreign purpose, from Moscow?

Mr. STAROBIN. While resenting the implications of that question, I will decline to answer it on the grounds of the first and fifth amendments.

Mr. SOURWINE. Mr. Starobin, were you in 1948 appointed secretary of the United States Communist Party's Peace Committee?

Mr. STAROBIN. Will you repeat the question, sir?

Mr. SOURWINE. Were you, in 1948, appointed secretary of the United States Communist Party's Peace Committee?

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Mr. Starobin, you have stated that you would not answer questions with regard to your travels, is that right?

Mr. BOUDIN. Could I have that repeated?

Mr. SOURWINE. You have stated that you would not answer questions with regard to your travels, is that right?

Mr. STAROBIN. Would you repeat the question and answer in which I have so stated, sir?

Mr. SOURWINE. I will start fresh if you don't remember. Did you, in 1946, travel in France, England, Yugoslavia, Italy, Colombia, and Venezuela?

Mr. STAROBIN. I will decline to answer that question with respect to those travels if any, sir, on the grounds of the first and fifth amendments.

Mr. SOURWINE. In connection with your article in Political Affairs for March 1947, on the Brazilian elections, did you visit Brazil?

Mr. STAROBIN. I will take the same stand in that regard, sir, under the first and fifth amendments.

Mr. SOURWINE. In connection with your article on the Inter-American Conference in Political Affairs for October 1947, did you visit Latin America?

Mr. STAROBIN. I will respectfully decline to go into that, sir, on the grounds of the first and fifth amendments.

Mr. SOURWINE. In 1948, did you visit Brazil, Italy, Hungary, Germany, France, Greece, Poland, Czechoslovakia and England?

Mr. STAROBIN. Excuse me, sir.

(Witness consults with counsel.)

Mr. STAROBIN. I will also take the same stand, sir, the first and fifth amendments.

Mr. SOURWINE. In 1949 did you visit Costa Rica and Europe?

Mr. STAROBIN. I will take the same position, sir, that the committee has no right to go into these matters, under the first and fifth amendments.

Mr. SOURWINE. Mr. Chairman, if a United States citizen is visiting all these countries as a representative of the Cominform, on an American passport, I think this committee certainly has the right to—

Mr. STAROBIN. I reject and resent any such implications, sir.

Mr. SOURWINE. Do you deny it?

Mr. STAROBIN. I am prepared to debate or discuss, in any forum, any of my activities, sir.

The CHAIRMAN. Then answer him.

Mr. STAROBIN. I do not think this is the province of this committee.

The CHAIRMAN. Then answer the question, sir.

Mr. STAROBIN. I have declined to do so on the grounds of the first and fifth amendments and I will take that stand again, sir.

Mr. SOURWINE. Did you, in 1950, visit Warsaw, make a tour of Poland, visit the Second World Conference in October and visit Latin America?

Mr. STAROBIN. I decline to answer that.

Mr. SOURWINE. Did you, in 1951, visit Switzerland, the Berlin movement, the U. S. S. R., Denmark, and France?

Mr. STAROBIN. I will decline to go into that on the grounds of the first and fifth amendments.

Mr. SOURWINE. Did you, in 1952, visit China, the Peiping Peace Conference; in France, and, in December, the World Peace Conference in Vienna, arriving there from Czechoslovakia?

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments.

Mr. SOURWINE. Did you, in 1953, visit China, visit Viet Nam, Indochina, and Western Europe, arriving in Amsterdam in August, 1953, en route to the United States?



Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments.

Mr. SOURWINE. Was your passport taken up by the State Department in August of 1953?

Mr. STAROBIN. It was, sir.

Mr. SOURWINE. Mr. Starobin, do you know a person named Max?

Mr. STAROBIN. Pardon me, sir.

Mr. SOURWINE. Do you know a person named Max, a representative of the Young Communist International?

Mr. STAROBIN. I am not going to go into any of my associates, before this committee, acquaintances, passing contacts, knowledge of people, or anything else. Obviously, having traveled abroad as a correspondent for many years, I have met a great many people, but I am not going to go into this subject matter here within the confines of this committee. I decline to answer that on the grounds of the first and fifth amendments.

Mr. BOUDIN. I object to the question as well. May I state an objection if you do not mind.

Mr. SOURWINE. I ask that the witness be ordered to answer the question.

Mr. BOUDIN. May I state an objection?

The CHAIRMAN. Wait just a minute.

Mr. BOUDIN. I have been waiting.

The CHAIRMAN. You are ordered and instructed to answer the question, Mr. Starobin.

Mr. BOUDIN. May I state an objection, Mr. Chairman?

The CHAIRMAN. You can state an objection if it is brief.

Mr. BOUDIN. It will be very brief. The question is irrelevant and immaterial and beyond the jurisdiction of the committee.

The CHAIRMAN. That is overruled. Now answer the question.

Mr. STAROBIN. I will respectfully decline on the grounds of the first and the fifth amendments.

Mr. SOURWINE. Is it your intention, similarly, to decline all questions with respect to persons whom you may know?

Mr. STAROBIN. I think it would be best if we take your questions one by one, sir.

Mr. SOURWINE. Do you know Gerhard Eisler, representative of the Communist International?

Mr. STAROBIN. I will decline to answer that, sir, on the grounds of the first and fifth amendments.

Mr. SOURWINE. Do you know Lombardo Calidano, a Communist trade-union leader in Mexico?

Mr. STAROBIN. I will decline to answer that, sir, on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know Carlos Prestes, leader of the Communist Party in Brazil?

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know Mr. Vishinsky, the former Soviet Foreign Minister?

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know Mr. M. Manuelaiski, the former head of the Communist International?

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know Ho Chi-minh, the Communist President of Indochina?

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know Feng Yu-Hsiang, Chinese General  
in—

Mr. STAROBIN. Let me have that again, sir.

Mr. SOURWINE. Feng, Yu-Hsiang, I am not at all sure of my pronunciation.

Mr. STAROBIN. And the man is dead many years but I will decline to go into that on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know any Guiseppi de Victoria, Italian Communist leader?

Mr. STAROBIN. I will decline to go into that on the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know a man named Juergen, a German, and Communist leader?

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendment to the Constitution.

Mr. SOURWINE. Do you know a man named Kuczynski, a German Communist leader?

Mr. STAROBIN. I will decline, sir, to go into that on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. As a matter of fact, don't you know that the name is Juergen Kuczynski, and didn't you make some comment about it when I asked you about the name of Juergen?

Mr. STAROBIN. Pardon me. I made no such comment, sir.

Mr. SOURWINE. Do you know Albert Norden, a German Communist leader?

Mr. STAROBIN. Will you repeat that, sir?

Mr. SOURWINE. Albert Norden.

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know Jacques Ducloux, a French Communist leader?

Mr. STAROBIN. I will decline to go into that on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know any Communist leaders in Greece?

Mr. STAROBIN. I will decline to go into that, sir, on the privileges afforded me by the first and fifth amendments to the Constitution.

Mr. SOURWINE. Do you know Matthias Rakosi, a Hungarian Communist leader?

Mr. STAROBIN. I will decline to go into that, sir, on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. I have one final question. You were given, when you arrived here, a memorandum respecting certain associations and activities of yours with a note indicating that you would be asked to produce the memorandum and to state whether there was anything there that you wanted to testify was in error or factually inaccurate.

Mr. STAROBIN. I have no comment to make on that, sir.

Mr. SOURWINE. You have no comment to make on that memorandum?

Mr. STAROBIN. That is right.

Mr. SOURWINE. Mr. Chairman, I ask that this memorandum be inserted in the record at this point.

The CHAIRMAN. Yes; it will be ordered inserted in the record.

(The document referred to was marked exhibit 74 and appears below:)

EXHIBIT No. 74

JOSEPH R. STAROBIN

Author of Eyewitness in Indochina published by Cameron & Kahn. Released May 10, 1954. Daily Peoples World, May 3, 1954, page 7.

JOE STAROBIN

Dance in behalf of Communist leaders. Sponsor. Daily Worker, July 5, 1949, page 5.

JOSEPH STAROBIN

Communist Political Association. Speaker. The Worker, September 10, 1944, page 7.

American Continental Congress for World Peace. Participant. Daily Worker, September 9, 1949, page 6.

California Labor School. Scheduled to lecture during the summer term. Daily Peoples World, July 8, 1954, page 7.

Appears on TV program (L. A.). Daily Peoples World, August 9, 1950, page 3.

Subject of article by Alan Max datelined from New York on Starobin's return from "People's China." Daily Peoples World, August 14, 1953, page 4.

Writer of a series of articles on, I Saw the Vietnam War for Independence, beginning June 5. Daily Peoples World, June 5, 1953, pages 4 and 5M.

Veteran foreign correspondent just visited Vietnam and will report his findings in an exclusive series to begin June 5 (photo). Daily Peoples World, May 29, 1953, page 1.

Writer of an article from Peiping, "Pacific Peace Meet Knits Unity of Asians and Latin Americans." Daily Peoples World, October 17, 1952, page 4.

Writer of article from Peiping, "Captured U. S. Pilot Lists Dates, Names in New Germ War Report." Daily Peoples World, September 17, 1952, page 1.

Writer of article from Peiping, "World-Famed Experts Say Germ War True." Daily Peoples World, September 15, 1952, page 1.

Writer of article from Peiping, "Asian, Pacific Peace Meet Ends With Appeal to U. N." Daily Peoples world, October 14, 1952, page 1.

Writer of article, World Peace Meet Calls to America. Daily Peoples World, July 7, 1952, page 8.

Writer of a series of on-the-spot articles about Vietnam. Daily Peoples World, June 15, 1953, page 4.

Writer of article, Soviet Chinese Cooperation; The Story of How the U. S. S. R. Is Helping in the Modernization of New China. Daily Peoples World, May 1, 1953, page M5.

Writer of article from Peiping, "New China Ready and Anxious to Renew Full World Trade." Daily Peoples World, July 28, 1953, page 4.

Writer of eyewitness account of Asian Peace Conference in Peiping. Daily Peoples World, November 21, 1952, pages M4 and M5.

Writer of article, Asian Peace Conference, eyewitness report of peace conference on October 1-12 in Peiping. Daily Peoples World, November 21, 1952, pages M4 and M5.

Writer of series of articles from Peiping. Daily Peoples World, January 7, 1953, page 4.

Charges United States with force and violence. Daily Peoples World, April 1, 1948, page 6.

Writes article the Land of No Jim Crow. Daily Peoples World, January 12, 1951, section 2, page 1.

Writer of eulogy of Vishinsky and Mannilsky. Daily Peoples World, November 10, 1948, page 2.

Writer of article on World Peace Congress. Daily Peoples World, October 23, 1950, page 6.

Writer of article from Geneva, Switzerland, "Freedom of the Press? U. S. Publishers Hog World Newsprint." Daily Peoples World, November 1, 1951, page 7.

Signer of Communist Party Nominating Petition for Councilman Israel Amter 1939. (See Dies committee reports, pp. 590, 5600ff, 5677, 5682, 5690.)

Speaker at meeting held under the auspices of the Citizens Committee to Free Earl Browder, held at Greenpoint Avenue and 44th Street, Queens, around May 15, 1942.

Speaker on Marshall plan discussion by Crown Heights Communist Party at Public School No. 167, 1025 Eastern Parkway, Brooklyn, on January 15, 1948.

Delegated to National Convention of Communist Party at the New York State special convention of the Communist Party held at Manhattan Center on July 21-22, 1945.

Addressed Eisler meeting on November 12, 1947, held at Manhattan Center.

Instructor on foreign policy, Jefferson School of Social Science, winter term, 1944.

Speaker at a forum meeting held at Manhattan Center on December 21, 1944, under the auspices of New York County Communist Political Association.

Addressed Brooklyn Communist Party Press Conference at the Livingston, Schermerhorn and Nevins Streets, Brooklyn, N. Y., December 29, 1948.

Testified before Judge Medina Court Communist Trial, August 20, 1949.

Spoke at meeting Bronx Winter Garden, June 29, 1944, as foreign editor of the Daily Worker.

Instructor of Key Problems in American Foreign Policy at Workers School, 35 E. 12th Street, for fall term of 1942. (Predecessor of Jefferson School of Social Science). August 25, 1942.

Author of War on the Soviet in issue of December 19, 1939, of New Masses; Balance Sheet in Finland, March 26, 1940, issue of New Masses; America's Peace Movement, May 6, 1941, issue of New Masses.

Elected to publicity committee at Special National Convention of the Communist Party Association held at Fraternal Club House on July 26, 27, 28, 1945.

Received press card as reporter for Daily Worker, 1949.

1950—Lecturer at Jefferson School of Social Science on the peace movement—ideology, organization, and programs.

He participated in a meeting known as Interpretation Please held by New Masses at Webster Hall on November 14, 1940, 119 East 11th Street, New York City.

He spoke at a meeting sponsored by CPA of Queens on May 22, 1945, held at Lost Battalion Hall, 93-29 Queens Boulevard.

Communist Party, United States of America; member of public affairs department, secretary of party's peace committee. Daily Worker, January 11, 1950, page 2.

Communist Party, Crown Heights section, New York. Speaker. Daily Worker, January 19, 1948, page 11.

Communist Party, speaker, Astoria Forum, April 13, 1947. Leaflet: Ditmars Club News, issued by Communist Party, Astoria branch.

Contributor to the Communist. The Communist, January 1943, page 73.

Defends Brazilian Communist Party. Peoples World, September 3, 1947, page 6.

Writer of article in defense of Luis Carlos Prestes, Brazilian Communist. Daily Worker, April 28, 1948, page 8.

Supports Luis Carlos Prestes; statement regarding attitude toward war with the Soviet Union. Daily Peoples World, May 10, 1949, page 6.

Speaker on Communist Parties of Europe. Daily Worker, February 3, 1949, page 4.

Communist Party convention, New York. Chairman of convention's publicity committee, delegate from Queens. New York Herald Tribune, July 27, 1945.

Furnished official report of proceedings of National Convention of Communist Party. Member of the news staff of Daily Worker. New York Times, July 27, 1945.

Writer of article on anniversary of Soviet Union. Daily Peoples World, November 11, 1949, page 1, section 2.

Writer of article on Italian Communists; statement, " 'Come back in the fall,' people tell me here. 'That's when big things will be happening.'" Daily Peoples World, August 27, 1948, page 6.



Writer of article, What the Youth Festival Was Really Like. Daily Peoples World, August 24, 1951, page 4.

Subversive statement: U. S. Warmongering Failing To Frighten Soviet Union. Daily Peoples World, October 25, 1947, page 6.

Writer of article on statute of liberty for eastern European zone; quotes Gerhart Eister. Daily Peoples World, August 19, 1949, page 6.

Returns from trip to Western Europe. Writer of article. Daily Peoples World, March 12, 1951, page 4.

Writer of article, Cop Attacks Turn French to Second Look at Smith Act. Daily Peoples World, June 12, 1952, page 4.

Writer of article from Paris, "Showdown in Germany." Daily Peoples World, May 9, 1952, page M5.

Writer of article, The Duclos Frameup—A Drive on the World Peace Movement. Daily Peoples World, June 6, 1952, page 4.

Writer of article, French Act Against U. S. War Makers. Daily Peoples World, June 2, 1952, page 4.

Writer of article, French Communists Pledge Greater Fight for Coalition. Daily Peoples World, June 24, 1952, page 4.

On tour. Biography. Photo. Daily Peoples World, June 29, 1950, page 2.

Reviews "Listen Hans," article by Dorothy Thompson. Peoples World, January 20, 1943, page 5.

Writer of article from Berlin, "In Berlin, There Is Marching for Peace." Daily Peoples World, August 13, 1951, page 8.

Photo at cathedral inside Kremlin. Daily Peoples World, January 12, 1951, section 2, page 1. Peace delegate.

To tour the Pacific coast in October under the auspices of the Peoples World; tentative schedules is: Pacific Northwest, October 7-13; southern California, October 14-21; northern California, October 21-November 1. (Photo.) Peoples World, September 18, 1953, page 1. Recently returned from foreign correspondents assignment in Far East.

To speak on his travels in China, Indochina, and Western Europe as correspondent for the Peoples World at the following cities: Los Angeles, October 16; San Bernardino, October 17; San Diego, October 18; Mendocino, October 25; San Jose, October 27; San Francisco, October 30; and Oakland, November 1. Daily Worker, October 16, 1953, page 8.

The Daily Peoples World is sponsoring his speaking tour of the Pacific coast described as the only U. S. journalist to visit the liberated areas of Vietnam and interview President Ho Chi-minh. His schedule follows: Los Angeles, NBC Auditorium, July 9; San Francisco, 150 Golden Gate Avenue, July 16; Berkeley, 3138 Grove St., July 17; small cities and towns in southern California on July 3-10; northern California on July 16-25; Washington State, July 28-August 1; Oregon, August 3-8. Daily Peoples World, June 25, 1954, page 4.

The Peoples World, in announcing a speaking tour by Starobin, stated that he spent a year in new China; weeks with the Vietnam "People's Army"; made 4 trips across the Soviet Union; spent time in Paris and Berlin; and is the only U. S. correspondent to report the war in Indochina from the side of the liberation forces; described as the "foremost authority on U. S. foreign policy." Daily Peoples World, October 2, 1953, page 1.

Scheduled to make speeches on his "observance of the foreign scenes" at Embassy Auditorium, Los Angeles, October 16; at San Bernardino, October 17; San Diego, October 18; Sonoma, October 23; Mendocino, October 25; San Jose, October 27; 150 Golden Gate Avenue, San Francisco, October 30; and 160 Grand Avenue, Oakland, November 1. Daily Peoples World, October 12, 1953, page 1.

Writer of article from Peiping (by mail) on the Daily Life of China's Liberated Army. Daily Worker, March 18, 1953, page 4.

Writer of articles from Peiping, China. Daily Worker, February 10, 1953, page 8; the Worker, Sunday, February 8, 1953, page 4; Daily Worker, February 19, 1953, page 5.

Assigned to overseas coverage of developments in China including Asian Peace Congress to open in September in Peiping. Daily Worker, September 11, 1952, page 1.

Writer of a series of articles from Communist-controlled Vietnam. (Photo.) The Worker, May 31, 1953, pages 1 and 11; June 2, 1953, page 2; June 15, 1953, page 8; June 16, 1953, page 8; June 17, 1953, page 8; June 18, 1953, page 8; June 21, 1953, page 5; June 19, 1953, page 4; June 8, 1953, page 2.

Writer of article from Peiping on flourishing of businessmen under Chinese Communist regime. Daily Worker, April 13, 1953, page 4.

- Writer of article from Peiping, China, on reactions of a former Chiang general who surrendered to Chinese Communists. Daily Worker, April 22, 1953, page 5.
- Writer of second in a series of articles from Peiping, China, on former Kuomintang general who is now working with Chinese Communist regime. Daily Worker, April 23, 1953, pages 5 and 8.
- Writer of a series of articles from somewhere inside Communist-controlled Vietnam regions, Daily Worker, June 1, 1953, pages 2 and 5; June 9, 1953, page 2; June 11, 1953, page 2; June 12, 1953, page 2; June 7, 1953, pages 5 and 14; June 10, 1953, page 8; June 14, 1953, page 5.
- Writer of article from Peiping, China, entitled "How Chinese People Smashed Wall Street Attempt at Blockade." Daily Worker, May 11, 1953, page 5.
- Writer of articles from Vienna (by mail delayed) dealing with Vienna Congress of the Peoples. Daily Worker, February 20, 1953, page 4; Daily Worker, February 23, 1953, page 4; Daily Worker, February 24, 1953, page 4.
- Correspondent, Rio de Janeiro. Worker, September 7, 1947, pages 5M and 6 (southern edition).
- Writer of article attacking the United States budget and praising Soviet budget. Daily Worker, February 3, 1948, page 8.
- Foreign editor covers Rio de Janeiro Conference. Daily Worker, August 15, 1947, page 2.
- Daily Worker—writer; author. Daily Peoples World, March 13, 1948, page 7.
- Contributor. The Worker, November 29, 1942, page 7.
- Contributor magazine section. The Worker, November 22, 1942, page 4.
- Contributor, Daily Worker, May 6, 1938, page 7.
- Contributor. Daily Worker, December 4, 1942, page 1.
- New York Daily Worker, assigned to overseas coverage—report developments in China including Asian Peace Congress. Daily Peoples World, September 15, 1952, page 4.
- Scheduled to speak at annual Christmas bazaar brunch December 13, 1953, at 2705 Joy Road, Detroit, Michigan Worker. Handbill: "Frameup! \* \* \*
- Writer of article—Shanghai. The Worker, January 11, 1953, page 7.
- Writer of article Washington's Deal for Arming Nazis Gets Harder To Sell in all Europe. Worker, May 4, 1952, page 2. (In Paris.)
- Writer of article French Fight Attempt To Foist Renazified Germany on Them. June 8, 1952, page 3, Worker.
- Book Eyewitness in Indo-China reviewed in the Worker, May 9, 1954, page 8.
- Writer of article on Second World Peace Congress. Daily Worker, October 13, 1950, page 6.
- Photos. Daily Worker, May 8, 1939, page 7; Daily Worker, June 16, 1947, page 7; Daily Worker, August 27, 1947, page 2.
- Signer of statement to the President on the death of the German "anti-Fascist" writer Friedrich Wolf. Daily Worker, October 14, 1953, page 7.
- Attacks State Department. Daily Worker, September 17, 1947, page 2.
- Attacks American foreign policy on WABD on Tuesday, April 13, 1948, 8 to 9 p. m. Daily Worker, April 19, 1948, page 13.
- Inter-American Press Congress. Representative in letter. Daily Worker, October 11, 1950, page 2.
- Calls the United States "the enemy." Daily Worker, January 2, 1946; Congressional Record, April 19, 1948, page A2455.
- Comments on speech of Malenkov. Daily Worker, November 9, 1949, page 8.
- Writer of article on Mid-Century Conference for Peace. Daily Worker, June 1, 1950, page 3.
- Fifth in series of articles inside Communist-controlled area of Vietnam. Daily Worker, June 4, 1953, page 2.
- Writer of fourth in a series of articles from somewhere inside Communist-controlled area of Vietnam. Daily Worker, June 3, 1953, page 2.
- Writer of article Militant Mass Fight for Peace Called Key by French C. P. Daily Worker, June 10, 1952, page 4.
- Writer of article on Prestes. Daily Worker, September 15, 1947, page 6.
- Writer of article from Prague. Daily Worker, September 1, 1948, page 8.
- Writer of article from Paris, "French Communists Criticize Errors." Daily Worker, June 24, 1952, page 4.
- Writer of article on Vanguardia Popular, the party of the Costa Rican Communists. Daily Worker, February 6, 1948, page 8.
- Interviews Feng Yu-hsiang. Daily Worker, January 15, 1948, page 8.

Writer of article on Guiseppe Di Vitorio. Daily Worker, August 24, 1948, page 8.

Visits Italy. Writer of article. Daily Worker, August 23, 1948, page 8.

Writer of article on L'Unita, Italian Communist newspaper. Daily Worker, August 25, 1948, page 8.

Writer of article headlined "Yanqui Conquistadores Face Rebellion at Rio Conference." Worker, August 17, 1947, page 2.

Writer of article from Berlin; The Truth About Berlin Youth Festival. Daily Worker, August 22, 1951, page 3.

Writer of article on Dimitroff. Daily Worker, July 17, 1949, page 1, section 1.

Writer of article on Vishinsky. Worker, October 2, 1949, page 5.

Writer of article from Berlin, Germany's New Generation. Daily Worker, August 19, 1951, section 2, page 1.

Interviews Juergen Kuczynski and Albert Norden. Daily Worker, December 13, 1948, page 8.

Writer of article on French civil strike. Daily Worker, November 12, 1948, page 3.

Reviews article in Cahiers du Communisme. Daily Worker, February 3, 1949, page 8.

Interviews Jacque Duclos, French Communist leader. Daily Worker, September 29, 1948, page 8.

Interviews Greek Communist. Daily Worker, November 2, 1948, page 2.

Interviews Matthias Rakosi, Hungarian Communist leader. Daily Worker, November 8, 1948, page 8.

En route to Europe. Daily Worker, August 3, 1948, page 3. (Foreign affairs editorial of the Daily Worker.)

Writer of article from Prague. Daily Worker, September 15, 1948, page 8.

Statement, "The governments which insist upon it—Marshall plan, North Atlantic Pact would rest on bayonets, or be overthrown by civil wars." Daily Worker, April 8, 1949, page 8.

Writer of article on Brazil. Daily Worker, August 25, 1947, page 1.

Writer of article from Berlin, History Marches Forward in Berlin. Daily Worker, August 23, 1951, page 3.

Writer of article, Military Intrigue in Washington, Ottawa, Rome. Daily Worker, September 10, 1951, page 5.

Writer of article, French Stunned at U. S. Defiance of Worldwide Plea for McGhee. Daily Worker, May 14, 1951, page 7.

Writer of article from Paris, Iran's Reckoning With the Oil Imperialists. Daily Worker, May 23, 1951, page 4.

Writer of article, World Youth Hear Story of U. S. Communist Leader from Berlin. Daily Worker, August 17, 1951, page 8.

Writer of article in support of Vishinsky. Daily Worker, October 24, 1950, page 2.

Writer of article from Paris, French Communists Call for Building Anti-Fascist Front. Daily Worker, June 22, 1952, page 3.

Writer of article on World Peace Congress, Warsaw. Daily Worker, December 13, 1950, page 8.

Writer of article defending U. S. S. R. policy on Jerusalem. Daily Worker, December 14, 1949, page 6.

Supports Henry A. Wallace in article. Daily Worker, January 2, 1948, page 4.

Writer of article on Stalin. The Worker, southern edition, December 18, 1949, page 5, section 2.

Writer of article, Hell Bomb or Peace Parley? The Worker, southern edition, February 5, 1950, page 3.

Foreign editor. The Worker, October 15, 1944, page 9, magazine section.

Daily Worker and the Worker European correspondent. Daily Worker April 24, 1951, page 2.

"\* \* \* foreign editor of the Daily Worker and the Sunday Worker \* \* \* lectures for the Jefferson School of Social Science and for many organizations \* \* \* reported the United Nations conference in San Francisco and has covered its proceedings since. In 1947 he visited Latin America twice \* \* \* is a former foreign editor of New Masses and a regular contributor to its successor Masses and Mainstream." Pamphlet: Should Americans Back the Marshall Plan? by Joseph Starobin, inside front cover. (1948, New Century Publishers.)

Writer of article from Peiping, China (by mail) under the title, "New China Industry Grows With Soviet Technical Aid." The Worker, April 19, 1953, page 5.



Writer of articles from Peiping describing cleanup of corruption in Communist China. Daily Worker, March 27, 1953, page 4; Daily Worker, March 31, 1953, page 5.

Writer of article from Peiping dealing with how China and U. S. S. R. are being knit by cultural exchanges and Chinese learning Russian language. Daily Worker, March 20, 1953; page 4.

International Workers Order. Speaker. New Leader, July 5, 1947, page 4.

International Workers Order. Speaker. Daily Worker, March 13, 1942, page 8.

International Workers Order, Lodge 500. Speaker. Daily Worker, February 28, 1947, page 8.

Labor Youth League, University of Wisconsin Chapter. Speaker at meeting held on the campus. Evening Star, December 18, 1953, page A9.

Contributing editor. Masses and Mainstream, January 1955, inside front cover.

Masses and Mainstream reviewer of *The Struggle for the New China*, by Soong Chingling, in books in review. Masses and Mainstream, January 1955, pages 59-60.

Masses and Mainstream contributing editor. Masses and Mainstream, June 1954, inside front cover.

Writer of article *Cultural Trends in China*. Masses and Mainstream, January 1954, pages 24-33.

Contributor of article *Literature of the New Resistance*. Masses and Mainstream, June 1952, page 50.

Reviewed *The Philosophy of Peace*, by John Somerville. Masses and Mainstream, June 1949, page 81.

Contributor of *Europe Judges the Smith Act*. Masses and Mainstream, October 1951, page 1; page 62.

Writer of article *Racism? Latin America's Song About It*. Michigan Herald, February 16, 1954, page N12.

National Student League. Contributor of *A Symposium: The Conference of Students in Politics—The National Student League, to the Student Review*. Student Review, February 1935, page 17. (Member, conference executive committee.)

Contributor to *New Masses*, August 19, 1941, page 8; May 27, 1941, page 24; October 14, 1941, page 24; May 20, 1941, page 5; March 31, 1942, page 6; March 22, 1938, page 20; March 1, 1938, page 19; February 8, 1938, page 9; January 11, 1938, page 13; November 4, 1941, page 12; November 18, 1941, page 12; March 17, 1942, page 23; February 10, 1942, page 12; January 13, 1942, page 20; April 22, 1941, pages 4 and 26; April 7, 1942, pages 13 and 24; February 17, 1942, pages 11 and 26; December 9, 1941; pages 6 and 24; May 26, 1942, page 11; May 19, 1942, page 23; July 20, 1943, page 12; June 29, 1943, page 15; February 23, 1943, page 25; July 27, 1943, page 27; July 1, 1947, page 4; April 14, 1942, page 12; October 28, 1941, page 6; September 20, 1938, page 17; September 27, 1938, page 19; December 20, 1938, page 5; December 27, 1938, page 24; November 14, 1939, page 16; May 7, 1940, page 26; May 28, 1940, page 6; June 4, 1940, page 8; May 3, 1938, page 15; August 30, 1938, page 17; September 13, 1938, page 3; January 28, 1941, page 7; February 18, 1941, page 16; April 15, 1941, page 6; September 24, 1940, page 21; October 1, 1940, page 19; October 29, 1940, page 17.

Contributor to *New Masses*, June 11, 1940, page 30; July 16, 1940, page 6; August 6, 1940, page 12; September 3, 1940, page 9.

Contributor to *New Masses*. Daily Worker, February 2, 1938, page 5.

*New Masses* Fordham Forum. Speaker at Questions Please discussion program May 29 at Bronx, N. Y. *New Masses*, April 22, 1941, page 26.

*New Masses* speaker, Interpretation Please discussion panel April 4, 1941. *New Masses*, April 1, 1941, page 25.

Summer forums. Lecturer. *New Masses*, July 2, 1940, page 26.

*New Masses* member of staff. Daily Worker, September 18, 1940, page 6.

*New Masses* member of editorial board. *New Masses*, October 7, 1941, page 31.

Contributing editor, *New Masses*, March 14, 1944, page 2; September 7, 1943, page 2; June 22, 1943, page 2.

*New Masses* editor, March 10, 1942, page 18; March 3, 1942, page 19; February 17, 1942, page 20; January 28, 1941, page 20.

*New Masses* speaker Interpretation Please. *New Masses*, December 23, 1941, page 25.

Speaker, Interpretation Please. *New Masses*, November 4, 1941, page 29.

Speaker, symposium on *The World Against Hitler*. *New Masses*, July 29, 1941, page 25.



Member, reception committee, 32d annual artists and writers ball. New Masses, November 30, 1943, page 31.

Foreign analyst for the New Masses, December 1, 1940. Speaker, Peoples Forum, 810 Locust Street.

Philadelphia Peoples Forum. New Masses speaker, Interpretation Please program, December 1, 1940, Philadelphia, Pa. New Masses, December 3, 1940, page 27.

Author of Eyewitness in Indochina published by Cameron & Kahn. New World Review, June 19, 1954, pages 46 and 47.

Political Affairs contributor, May 1947, page 403; October 1947, page 887; July 1948, page 586; August 1946, page 675; March 1947, page 269.

Workers School, New York City. Instructor. Leaflet: Announcement of Courses for Workers, fall term, 1940.

Workers School. Instructor. (6 Courses) Daily Worker, September 12, 1940, page 8; Daily Worker, September 18, 1940, page 6; Daily Worker, September 24, 1940; page 5; New Masses, January 6, 1942, page 29; New Masses, January 13, 1942, page 27; New Masses, April 14, 1942, page 31.

Workers School. Speaker. Daily Worker, February 28, 1942, page 8.

Workers School. Instructor. Leaflet: Bi-Centennial Commemoration of Thomas Jefferson. Spring term, 1943.

New York Workers School. To conduct a course at the fall session, October 7, 1940; New Masses, October 8, 1940, pages 2 and 30.

World Peace Congress. Delegate. Photo. Daily Worker, January 7, 1951, page 1, section 2.

World Peace Congress. Correspondent at Warsaw. Daily Worker, November 21, 1950, page 2.

Young Communist Review. Contributor. Daily Worker, April 11, 1938, page 5; Daily Worker, February 10, 1938, page 2.

Young Communist League. Sent greetings. Young Communist League Yearbook, 1938, page 63.

Young Communist Review, March, 1938, editor and contributor. International Book Review, June, 1939, page 97.

Mr. SOURWINE. Mr. Starobin, do you know Anita Willcox?

Mr. STAROBIN. I will decline to answer that on the grounds of the first and fifth amendments to the Constitution.

Mr. SOURWINE. Mr. Chairman, may the list which I now hand the chairman, being a compilation indicating the source of the information that the witness does in fact know each of these Communist leaders concerning whom I questioned him, be placed in the record at this point.

The CHAIRMAN. It will be made part of the record at this point.

(The document referred to was marked "Exhibit No. 75" and appears below:)

## EXHIBIT No. 75

*Joseph Starobin—Representatives of the Communist International or the information bureau of the Communist and workers parties or foreign Communist parties whom he knew*

Within	Name	Post	Source and date
United States.....	Max.....	Representative of Young Communist International.	Age of Suspicion, by James Wechsler (p. 107), 1937, 1938.
Do.....	Gerhard Eisler.....	Representative of Communist International.	Louis Budenz, 1942, 1943.
Do.....	Lombardo.....	Communist trade Union leader, Mexico	Louis Budenz.
Mexico.....	Toledano.....	Union leader, Mexico	
Brazil.....	Luis Carlos Prestes.....	Leader, Communist Party, Brazil.	1948.
	Vishinsky.....	Soviet Foreign Minister.....	Daily People's World, November 10, 1948 (p. 2).
	Manuisky.....	Former head of Communist International.	
Indoehina.....	Ho-Chi-minh.....	Communist president of Indoehina.	Daily People's World, June 25, 1954 (p. 4); 1953.
United States.....	Feng Yu-hsiang.....	Chinese general.....	Daily Worker, January 15, 1948 (p. 8).
Italy.....	Guiseppe Di Vitoria.....	Italian Communist leader.....	Daily Worker, August 24, 1948 (p. 8).
Germany.....	Juergen Kuezynski.....	German Communist leader.....	Daily Worker, December 13, 1948 (p. 8).
	Albert Norden.....	do.....	Do.
France.....	Jacques Duclos.....	French Communist leader.....	Daily Worker, September 29, 1949 (p. 8).
Greece.....		Communist leader.....	Daily Worker, November 2, 1948 (p. 2).
Hungary.....	Matthias Rakosi.....	Hungarian Communist leader.	Daily Worker, November 8, 1948 (p. 8).

Mr. SOURWINE. I have no further questions of this witness.

The CHAIRMAN. Who is your next witness?

Mr. SOURWINE. V. O. Overcash.

The CHAIRMAN. Will you hold your hand up? Do you solemnly swear the testimony you are about to give the Internal Security Subcommittee of the Committee on the Judiciary of the Senate of the United States will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OVERCASH. I do.

The CHAIRMAN. Sit down, sir.

#### TESTIMONY OF V. O. OVERCASH, CUTBANK, MONT.

Mr. SOURWINE. Would you state your full name, please, and your address?

Mr. OVERCASH. V. O. Overcash, Cutbank, Mont.

Mr. SOURWINE. And what is your business address?

Mr. OVERCASH. Same place, sir, Cutbank, Mont.

Mr. SOURWINE. In what business are you engaged, Mr. Overcash?

Mr. OVERCASH. In credit reporting and collections.

Mr. SOURWINE. Do you know Harvey Matusow?

Mr. OVERCASH. Yes, sir.

Mr. SOURWINE. Have you ever had any business dealings with him?

Mr. OVERCASH. No business in the sense that I understand the term "business."

Mr. SOURWINE. Did you ever pay to him or deliver to him any money?

Mr. OVERCASH. No, sir.

Mr. SOURWINE. Do you know of any payments of money made to Matusow?

Mr. OVERCASH. No, I do not.

Mr. SOURWINE. Did you ever have anything to do with any advertising or speech made by Matusow?

Mr. OVERCASH. It is possible that I did indirectly, sir.

Mr. SOURWINE. Did you ever prepare any—

The CHAIRMAN. What do you mean, "indirectly"?

Mr. OVERCASH. It would require a little bit of explanation, Senator, if I may go into that.

The CHAIRMAN. Yes, you may.

Mr. OVERCASH. In 1952, October of 1952, I headed up a committee to sponsor the appearance of Mr. Matusow in Montana to make some speeches with reference to anti-Communist activities, and I did prepare a brief outline of some suggested advertising and I may have suggested over the telephone to certain local committees who were sponsoring him certain types of advertising.

Mr. SOURWINE. Did you do that on the basis of any information furnished to you by Mr. Matusow?

Mr. OVERCASH. No, sir; I did not.

Mr. SOURWINE. Where did you get the information on the basis of which you suggested or contracted any advertising?

Mr. OVERCASH. Principally from an article in the American Legion magazine of October 1952, and from various congressional committee reports with which I was familiar and had in my possession, and from information which I heard by radio and read in the newspapers relating to an investigation of the Mine, Mill, and Smelter Workers Union in Utah in September and October of 1952.

Mr. SOURWINE. Did you, in October 1952, have any reason to believe that Harvey Matusow had lied at any time under oath?

Mr. OVERCASH. Certainly not, sir.

Mr. SOURWINE. Did you ever tell Matusow to lie or suggest to him that he lie?

Mr. OVERCASH. No; I did not.

Mr. SOURWINE. Did you ever furnish him any information, written or oral, or any other material for inclusion or use in any of his speeches in Montana?

Mr. OVERCASH. Yes, I did.

Mr. SOURWINE. What material did you furnish to him?

Mr. OVERCASH. I furnished him a considerable amount of material with reference to—may I start again, sir? I furnished him a considerable amount of material obtained from left-wing groups and other left-wing sources in Montana and matters which I dug up from reports of congressional committee hearings which, if I may be a little bit—well, I will start again.

I obtained the material—and I seemed to have greater knowledge than he evidenced at that time.

Mr. SOURWINE. Can you be more specific? What did those concern? For instance, what were they like?

Mr. OVERCASH. I will be glad to if I may reach in my briefcase. One instance, Mr. Counsel. I furnished Matusow with a copy of a left-wing newspaper published in Helena, Mont., known as the People's Voice. That copy of that paper contained an insertion in behalf of

the Communist Party of the State of Montana, purporting to be in the interest of peace, referring to Eugene V. Debs and Eugene Dennis. One of them—I have a copy of it, sir. I will be glad to give it to the committee for such use as they may deem advisable. It is headed, "In the Service of the American People for Peace, for Civil Liberties, for Socialism." and it says:

Speak out, and in letters, petitions, and resolutions, demand an end to the undeclared war in the Far East and freedom for Gene Dennis and all fighters for peace. Hands off Korea—

issued by the Communist Party of Montana, Post Office Box 77, Butte, Mont.

MR. SOURWINE. Mr. Overcash, I wasn't attempting to determine what was in this material so much as to identify the information there for the committee. If you have those items there, if you could leave them for the committee, I think that would suffice and then we could move to other material if any which you furnished Mr. Matusow.

If you desire to ask that these be returned to you, the committee will do that.

MR. OVERCASH. Mr. Counsel, I have every desire to be cooperative with you. If I may state my position and my situation here, I assume that the committee will be as generous with me in giving me an opportunity to defend myself here as it has other witnesses which I have observed here, and I assure the committee that I am convinced that some of the reasons behind my subpoena here have been a deliberate and a calculated attempt to destroy my effectiveness as an anti-Communist in the State of Montana, and I would like to present my side of the issues as I see them. If I have taken undue time in identifying this, I would be glad to cooperate, provided I have the opportunity to describe these documents to some extent.

The CHAIRMAN. Mr. Overcash, you are absolutely wrong.

MR. OVERCASH. I beg your pardon.

The CHAIRMAN. You are absolutely wrong, sir. There is no intention to destroy your effectiveness in any way. Your name was brought into these hearings. We are closing these hearings. We have some questions that we want to ask you regarding the testimony of Mr. Matusow. Now you are not charged with anything. You certainly will be given an opportunity to present your side of anything that is material to this investigation. This is not a political investigation.

This is a subcommittee. There has been no politics, Democrat or Republican, at these hearings. Now we are going to be courteous to you, sir. We are going to give you every right to which you are entitled.

You are not charged with anything. We simply want you to answer the questions and if you desire to comment after answering the questions, you will be given that privilege, sir.

MR. OVERCASH. Thank you, sir.

I would not wish the chairman, nor the committee to infer that I am casting any aspersions on the committee. I assume, sir, and accept the fact completely that the committee is acting in good faith.

The CHAIRMAN. Yes, sir. I signed the subpoenas. I had the subpoena issued subpoenaing you and it was not a part of any plan to discredit you, sir. It is an attempt to get pertinent information in this investigation, and I hope and I am confident that you will cooperate with us in this endeavor.



Mr. OVERCASH. I assure the chairman that I am a friendly witness. I have no intention of taking the fifth amendment, sir.

Mr. SOURWINE. Will you let the committee have these papers that you just referred to?

Mr. OVERCASH. Yes, sir.

Mr. SOURWINE. Do you have several of them there?

Mr. OVERCASH. Yes; I do, Mr. Counsel.

Mr. SOURWINE. If you will let us have them, before you leave, or when you leave the stand. If you desire them returned the committee will return them.

Mr. OVERCASH. That is right; thank you.

Mr. SOURWINE. I ask that these papers, Mr. Chairman, be made exhibits but not printed in the record.

The CHAIRMAN. That will be done.

(The papers were marked "Exhibit No. 76" and will be found in the files of the subcommittee.)

Mr. SOURWINE. Mr. Overcash, I show you a handbill:

Hear "It can happen here." Harvey Matusow, Wednesday, October 15, Cutbank High School gym.

I ask you if you have seen that before?

Mr. OVERCASH. Well, I have seen some like that.

Mr. SOURWINE. You recognize it?

Mr. AVERCASH. I do, sir.

Mr. SOURWINE. Mr. Matusow has given testimony here on the question of how he has designated himself and I call your attention to the fact that on the back of this handbill there is some printing which has at the top, "Harvey Matusow, Ex-Communist," and then goes on:

One of the Nation's most effective operatives within the Communist Party was Harvey Matusow, leader of the Kremlin's youth movement in this country.

It goes on further down to say Matusow has testified, and goes on and says, "Matusow's record." Now, I ask you, Did Harvey Matusow do anything to turn up or furnish the information on the basis of which this description of him and his activities was made?

Mr. OVERCASH. I do not believe he did, sir. It is my opinion that he did not.

Mr. SOURWINE. Do you know whether he saw this copy before the handbill was printed?

Mr. OVERCASH. No, sir; I do not. I doubt that he did.

Mr. SOURWINE. I ask, Mr. Chairman, that this handbill be inserted in the record.

The CHAIRMAN. That will be put in the record.

(The handbill referred to was marked "Exhibit No. 77" and appears below:)

#### EXHIBIT No. 77

#### HEAR "IT CAN HAPPEN HERE" IN CUT BANK

WITH THE SHOCKING TRUTH—A SENSATIONAL EXPOSÉ OF A COMMUNIST SPY FOR THE FBI

Based on the personal experiences of Harvey M. Matusow—Wednesday, October 15, 8 p. m., Cut Bank Hi School Gym. The public is invited, no collection or admission charges—paid for by Glacier Citizens for Americanism.

#### HARVEY MATUSOW—EX-COMMUNIST

One of the Nation's most effective operatives within the Communist Party was Harvey Matusow, leader of the Kremlin's youth movement in this country.

Among his sensational revelations in the press and before congressional committees was the fact that there have been more than 1 million card-carrying Communists in America, and more than 3,500 young Communists in the schools of New York alone.

Working in the New York headquarters of the Communist Party as director of literature and participating in many front organizations, he performed an invaluable service to the FBI and his country with his exposures of Red perfidy.

Carrying on as undercover observer, the information he obtained for the Department of Justice has been of immeasurable value in turning the tide of Communist influence here.

Intimate with all the policies and practices of the great conspiracy and especially with the Communist Party's plans to snare the young people of the country, Harvey Matusow answers the questions "How can it happen here?" and "How can our young boys and girls become Reds?" He tells the almost unbelievable story of how it is done—and how it can be stopped.

#### MATUSOW HAS TESTIFIED—

Last week at Salt Lake before the Senate [Internal] Security Committee pertaining to the role that the Mine, Mill, and Smelter Workers plan in the Commie setup.

That the Government of Czechoslovakia attempted in 1951 to steal atomic secrets at Los Alamos, N. Mex.

As a Government witness in the trial of the infamous 13 east coast Communist leaders—which trial is still going on.

Before the House Un-Americanism [sic] Committee exposing Communist youth activities.

Before Senate Internal Security Committee to show tie-up of Owen Latimore and Communist book groups with the official Communist Party program in Asia.

Identifying Owen Lattimore and a number of other Institute of Pacific Relations groups as members of the Communist Party.

Before Senate committee that Communists attempt to infiltrate Boy Scouts.

#### MATUSOW'S RECORD

Veteran of World War II and Korean war in Air Force.

His brother was killed in action in Europe as member of United States Air Force.

Joined Communists while in Army service in 1945, joining Commie fronts in 1946, belonging to a total of 40 Commie front groups, with contact with hundreds of Communists both high up and in the rank and file.

Member of Committee of Democratic Far Eastern Policy.

Full-time employee of the Progressive Party.

Drew a salary from the Commie Party and Commie bookshop groups.

A member and leader of the Labor Youth League, presently known as Young Communist Youth League.

While a member in 1950 of the American Newspaper Guild he attended many Commie meetings with other party members working for the New York Times, New York Herald Tribune, Time magazine, members of the staffs of the Associated Press and United Press.

Worked as an investigator for the Ohio Un-American Activities Commission in January of 1952.

See his story in the October 1952, issue of the American Legion magazine.

The CHAIRMAN. Mr. Overcash, you stated that you were chairman of a committee to bring Mr. Matusow into the State of Montana; is that right? Was that your testimony?

Mr. OVERCASH. It might well have been, sir. That is substantially correct.

The CHAIRMAN. When did you first hear of Mr. Matusow?

Mr. OVERCASH. Well, my first independent recollection of hearing him was a result of the news reports relative to the hearing which was being conducted in Salt Lake by the McCarran committee and from reading the article that appeared in the October 1952, American Legion magazine.

The CHAIRMAN. Was it your idea to bring him into the State because of the information you had received of his testimony?

Mr. OVERCASH. That was a contributing factor; yes, sir.

The CHAIRMAN. Did you, personally, arrange to bring him into the State?

Mr. OVERCASH. No; I did not.

The CHAIRMAN. Do you know who did, sir?

Mr. OVERCASH. Mr. James H. Morrow.

The CHAIRMAN. Was any money put up to bring Mr. Matusow into the State?

Mr. OVERCASH. I did not put up any, and I could not say, sir.

The CHAIRMAN. You do not know whether any was or was not?

Mr. OVERCASH. Not of my personal knowledge, I do not.

The CHAIRMAN. Proceed, Mr. Sourwine.

Mr. SOURWINE. Did Matusow appear in Montana under the sponsorship of the American Legion?

Mr. OVERCASH. No, sir; by all means, he did not.

Mr. SOURWINE. Under what sponsorship did he appear?

Mr. OVERCASH. Under the sponsorship of the Montana Citizens for Americanism.

Mr. SOURWINE. And is that a local organization?

Mr. OVERCASH. Yes, sir.

Mr. SOURWINE. Is that a political organization or nonpolitical?

Mr. OVERCASH. No; it is nonpolitical.

Mr. SOURWINE. Are you an official of that organization?

Mr. OVERCASH. Yes, sir.

The CHAIRMAN. Mr. Matusow testified that that was a front organization for the Republican Party. Is that testimony correct?

Mr. OVERCASH. Well, that is the first indication that I have ever heard, Mr. Chairman. That the Republican Party had front organizations.

My understanding of the word is that the word "front" has heretofore applied exclusively to Communist organizations.

The CHAIRMAN. Was this a Republican organization, then?

Mr. OVERCASH. No; it was not.

The CHAIRMAN. It was not affiliated in any way with the Republican Party?

Mr. OVERCASH. No, sir.

Mr. SOURWINE. Was it controlled substantially or directed by the Republican organization?

Mr. OVERCASH. No, sir.

Mr. SOURWINE. Did you accompany Matusow during any of the time he was in Montana?

Mr. OVERCASH. Yes, sir.

Mr. SOURWINE. When and where and how long were you with him?

Mr. OVERCASH. May I dig out the reference to the dates, sir?

The CHAIRMAN. Yes.

Mr. SOURWINE. Are these notes of your own making?

Mr. OVERCASH. Yes, sir. I accompanied him from Great Falls to Lewistown, Mont., October 17, 1952, and from Lewistown to Roundup, Mont., on Saturday, October 18, and from Roundup to Billings on Sunday, October 19, and I believe that that is the only place where I could say that I accompanied him. However, I did hear him speak on other occasions and other dates.

The CHAIRMAN. What was the purpose of bringing him in the State?

Mr. OVERCASH. To fight communism and subversion, give the people of Montana an opportunity to hear a man who had reportedly had experiences in the Communist movement, to bring to their minds and explain the significance of some of the policies which I, as an anti-Communist, believed were detrimental to the interests of my country at that time.

The CHAIRMAN. Now, who, besides Mr. Matusow, have you brought into the State for that purpose?

Mr. OVERCASH. I have been instrumental in bringing Mr. Ed Gibbons from Los Angeles, a well-known anti-Communist expert and authority on communism.

The CHAIRMAN. When did he come into the State?

Mr. OVERCASH. 1950 and 1951, sir.

The CHAIRMAN. Proceed, sir.

Mr. OVERCASH. I do not recall that I brought anyone into the State but I was instrumental in setting up an organization—seminars on subversive and un-American activities group in 1949. I have spoken on several occasions on that general subject myself, and have been present at seminars arranged with organizations with which I have been associated.

Mr. SOURWINE. On these trips on which you accompanied Mr. Matusow, how did you travel?

Mr. OVERCASH. By cars.

Mr. SOURWINE. Whose automobile?

Mr. OVERCASH. It is my recollection that it was a rented car in the possession of Mr. Matusow.

Mr. SOURWINE. You do not know where he got the car?

Mr. OVERCASH. It had a Utah license plate on it, sir.

Mr. SOURWINE. And who paid for the gasoline during that trip?

Mr. OVERCASH. He did. I may say that he used a credit card.

Mr. SOURWINE. Was it in his own name?

Mr. OVERCASH. It is my impression that it was.

Mr. SOURWINE. When he used the credit card he would sign the slips?

Mr. OVERCASH. Yes; he did.

Mr. SOURWINE. Who paid for Matusow's airplane trips from Lewistown to Livingston and from Livingston to Great Falls, on October 17 and 18, 1952?

Mr. OVERCASH. I do not know, sir. I doubt that they were paid for.

Mr. SOURWINE. Who arranged for the air transportation for Mr. Matusow, if you know, on those occasions?

Mr. OVERCASH. I do not have any personal knowledge of who arranged for it, sir.

Mr. SOURWINE. What makes you say you doubt if it has been paid for?

Mr. OVERCASH. Well, I was under the impression that it was just a contribution by someone who owned an airplane and probably agreed to transport him on those occasions.

Mr. SOURWINE. Do you know who owned the airplane in which he flew on those trips?



Mr. OVERCASH. I was introduced to the gentleman who owns the plane but I cannot recall his name at this time.

Mr. SOURWINE. Was he a member of this nonpolitical organization concerning which you have testified?

Mr. OVERCASH. No.

Mr. SOURWINE. Was he to your knowledge a member of the Republican Party?

Mr. OVERCASH. I do not know whether he was or not, sir.

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

Mr. OVERCASH. No; I have not.

Mr. SOURWINE. You did not have any difficulty answering that question, did you?

Mr. OVERCASH. Not a bit in the world, sir.

Mr. SOURWINE. Mr. Chairman, I have covered the points that I had in mind with this witness.

Senator JENNER. I have no questions.

Senator DANIEL. No questions.

Mr. OVERCASH. I do have considerable additional material here, Mr. Counsel. You asked me about material that I furnished Mr. Matusow that I have not covered. It seems that I perhaps inadvertently side-tracked the committee.

Mr. SOURWINE. We would like to know about it, sir, if you have additional information.

Mr. OVERCASH. I furnished him with some material specifically referring to communism in the Farmers Union, Communist infiltration of the Farmers Union with specific emphasis on the situation in the State of Montana.

Mr. SOURWINE. Mr. Overcash, the committee is not at the present time investigating the Farmers Union. Will you identify the nature of the material that you gave Mr. Matusow without going extensively into the content thereof? And I may say to you, in the case of the Farmers Union, if the committee investigates it and communism in agriculture, we will, on your statement that you have a great deal of information on this, call you as a witness.

The CHAIRMAN. The purpose of this information was for Matusow's speeches? For what purpose, in fact, did you give him this information?

Mr. OVERCASH. Oh, so that he could implement his knowledge and experience in the Communist movement with something that specifically applied to the situation in Montana, sir.

The CHAIRMAN. It was something that he knew nothing about, you are testifying?

Mr. OVERCASH. I believe that I stated something to the effect that I appeared to have a little greater knowledge of that particular thing than he did.

The CHAIRMAN. Right, but you gave him stuff for his speeches in Montana.

Mr. OVERCASH. Yes. I furnished him some material.

The CHAIRMAN. Material that he knew nothing about, yet he was to make those speeches and use that material?

Mr. OVERCASH. No, that is not quite correct, sir. He knew something about it. In fact, he purported to have certain experiences and acquaintances with people whom he claimed were members of the

Farmers Union in the eastern part of the country, and I do have, I believe, with me in the brief case, committee reports which indicate that to be a fact.

The CHAIRMAN. Did he use that information you gave him in his speeches?

Mr. OVERCASH. Yes, sir; he did.

The CHAIRMAN. He used it as that applied to the State of Montana?

Mr. OVERCASH. That is right, sir.

The CHAIRMAN. And he had no personal knowledge of the correctness of the information.

Mr. OVERCASH. Well, I could not say as to whether he had personal knowledge as to correctness or not.

The CHAIRMAN. Well, he knew nothing about communism in the Farmers Union in the State of Montana, did he?

Mr. OVERCASH. Well, again I could not say whether he did or not, sir, whether he knew anything about it. I will have to revert to my statement that at least I appeared to have a greater knowledge about it than he did.

The CHAIRMAN. Call your next witness.

Mr. SOURWINE. I wanted to be sure he had finished.

Mr. OVERCASH. I have not finished.

The CHAIRMAN. Go ahead, then.

Mr. OVERCASH. I also furnished him with a photostatic copy of a petition circulated by the Cascade County Civil Rights Committee which was in opposition to what was at that time the Mundt-Ferguson-Jackson bill, it later became known as the Mundt-Nixon bill and was eventually passed and known as the Internal Security Act of 1950 or the McCarran Act. This had a considerable number of names and signatures and that was also used.

The CHAIRMAN. Proceed.

Mr. OVERCASH. I would like to say that we also used a considerable number of photostats of the Communist Daily Worker and photostats of articles which appeared in the New Masses.

Mr. SOURWINE. What do you mean by "we also used"?

Mr. OVERCASH. The committee and Matusow?

Mr. SOURWINE. Does that complete your statement with respect to that matter you gave Matusow?

Mr. OVERCASH. I believe it does so far as I can recall at this moment. Would it be permitted for me to make a brief statement to the committee in clarification of my earlier statement with respect to the reasons why I am here, sir?

The CHAIRMAN. You are here under subpoena, Mr. Overcash.

I will permit you to comment on questions that are asked you to better explain your answers.

Mr. OVERCASH. As I understand, Mr. Chairman, there was a telegram here received by the committee from certain leadership asking that I be subpoenaed.

The CHAIRMAN. I do not know anything about that and do not want to go into that. That has nothing to do with the issuance of your subpoena. I authorized the issuance of your subpoena as I issued subpoenas for a number of people whose names had come into this testimony.

Mr. Matusow has testified under oath, and we have simply been testing the veracity of that testimony as a basis for further action against him, sir.

Mr. OVERCASH. Yes, sir. Well, may I say that I am prepared to prove I believe with credible evidence—

The CHAIRMAN. I do not want to hear any charges against anyone, Mr. Overcash. That has got nothing to do with your being here. Who is your next witness?

Mr. SOURWINE. Is Mr. Morrow here?

Mr. MORROW. Yes, sir.

The CHAIRMAN. Do you solemnly swear the testimony that you are about to give the Internal Security Subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MORROW. I do.

The CHAIRMAN. I would like to ask Mr. Overcash one further question. Do I understand from your testimony that Mr. Matusow did not come into the State of Montana under the auspices of the Republican Party or any organization affiliated with or controlled by the Republican Party?

Mr. OVERCASH. He did not, sir.

#### TESTIMONY OF JAMES H. MORROW, JR., BOZEMAN, MONT.

Mr. SOURWINE. Give us your full name, sir.

Mr. MORROW. James H. Morrow, Jr., Bozeman, Mont.

Mr. SOURWINE. What is your business or profession?

Mr. MORROW. I am a lawyer.

Mr. SOURWINE. Do you practice in Bozeman?

Mr. MORROW. Yes, sir.

Mr. SOURWINE. Mr. Morrow, are you or have you ever been a member of the Communist Party, USA?

Mr. MORROW. I have not, sir.

Mr. SOURWINE. That question does not trouble you, does it?

Mr. MORROW. Not in the least.

Mr. SOURWINE. Do you know Harvey Matusow?

Mr. MORROW. Yes, sir.

Mr. SOURWINE. Have you ever had any business dealings with him?

Mr. MORROW. No. I have had dealings pertaining to his coming into Montana in 1952.

Mr. SOURWINE. Tell us about that.

Mr. MORROW. Yes. In the latter part of September 1952, as I recall, he phoned me from New York City, stating his background of having been in the Communist Party, breaking away from the Communist Party, giving information to the FBI, to the Department of Justice, to various Government agencies, in testifying before them.

The CHAIRMAN. Right there, have you ever been employed by the Department of Justice?

Mr. MORROW. Yes, sir.

The CHAIRMAN. In what capacity?

Mr. MORROW. As a special agent of the Federal Bureau of Investigation.

The CHAIRMAN. Proceed, sir.

Mr. MORROW. He also referred to the American Legion magazine, the article, Reds in Khaki, by him.

SENATOR JENNER. What is the name of the article?

MR. MORROW. Reds in Khaki. He also referred to the fact he had campaigned in the McCarthy campaign in Wisconsin in the primaries of 1952.

THE CHAIRMAN. Did he tell you why he telephoned you?

MR. MORROW. Yes. He stated that the reason that he was calling me was that he felt that he should campaign in the Ecton-Mansfield campaign to reflect that background of the foreign policies presently existing and associated with Mansfield theretofore.

THE CHAIRMAN. Why did he call you? How did he get your name, sir?

MR. MORROW. Because I was chairman of the Ecton-for-Senator Club, and my name had been so noted, I presume, at different places.

THE CHAIRMAN. That would not mean that a man in New York would know that.

MR. MORROW. No. He must have made inquiry.

THE CHAIRMAN. Did he tell you who gave him your name?

MR. MORROW. He did not, sir. And I wish to state to the committee and for the record that there is no personal animosity between myself and Mike Mansfield. We have been personal friends for many years. In this phone call he stated he would like to give talks to reflect the Communist background of the China policies, his support thereof, through the Daily Worker, and to that end, I told him I could not see how it could be used in the State of Montana, that particular subject, for the reason Mansfield was not in any manner connected with the Communist Party or any part thereof, but I would consider the situation. Thereafter I made full inquiry as to this man's background. I checked the American Legion magazine. I checked the fact as to whether or not he had made any talks in Wisconsin; I checked the fact as to whether or not he had made any appearances before these committees of Congress and various other matters of his background and I determined what he had said in that connection was true. I also phoned Mr. Overcash at Cut Bank who was the national committeeman of the American Legion of the State of Montana and the past commander thereof and discussed the fact that this man had called, determined that Mr. Overcash had known about him, knew something about him. But I told him I could not see how this man could be brought into Montana in the political campaign under the circumstances and he decided, however, that it would be of value for the entire anti-Communist program that the man could be in here on a speaking tour of some kind.

THE CHAIRMAN. Did he attack Senator Mansfield in his speeches?

MR. MORROW. I would not know. I do know this, that I told him nothing as to what to say; that the only thing I did say to him in regard to Senator Mansfield is to at no time personally attack Senator Mansfield.

THE CHAIRMAN. Of course, you know that Senator Mansfield is not a Communist and is not affiliated with communism.

MR. MORROW. Certainly not, sir, and I so told him. I did hear the man talk once under the auspices of the Montana State Young Republican Club at Bozeman, Mont.

MR. SOURWINE. Did he in that speech attack Senator Mansfield?

MR. MORROW. No; he did not personally.

THE CHAIRMAN. What do you mean, personally?



Mr. MORROW. As I recall, he specifically stated that Mr. Mansfield was not connected with the Communist Party nor any part thereof. He did cite four Daily Worker issues that highly lauded certain speeches of Senator Mansfield in 1945 relative to the China policies.

The CHAIRMAN. Well, that was not an attempt to smear him, was it?

Mr. MORROW. I doubt if it was an attempt to smear Senator Mansfield. In view of the nature of the talk given, he went into many other subjects to show infiltration used in statements made by politicians and various other organizations of the country, as I recall.

Mr. SOURWINE. Did you ever pay to or deliver to Mr. Matusow any money?

Mr. MORROW. I did, sir.

Mr. SOURWINE. When, where, and what for?

Mr. MORROW. I may relate that he called me back a second time from New York City. He was anxious to come out to do something, and told me the expense would not be heavy. On or about October 12, 1952, at Bozeman, Mont., I did pay to him the sum of \$600 as an expense item during the time that he might be staying in Montana.

The CHAIRMAN. Where did that money come from?

Mr. MORROW. That came from the Ecton-for-Senator Club, from a fund that was provided to me.

The CHAIRMAN. Senator Ecton was the Republican nominee for the United States Senate?

Mr. MORROW. He was, sir.

The CHAIRMAN. The Republican Party of Montana then financed Mr. Matusow's trip to Montana?

Mr. MORROW. Pardon me, sir?

The CHAIRMAN. I say the Republican Party of Montana financed Mr. Matusow's trip to Montana?

Mr. MORROW. That is not correct, sir. That was the Ecton-for-Senator Club which was not connected with the Republican Party.

The CHAIRMAN. All right, sir. That was the Ecton-for-Senator Club.

Mr. MORROW. Yes, sir.

The CHAIRMAN. And he was to speak not under the auspices of the Ecton-for-Senator Club, but under the auspices of Mr. Overcash's committee?

Mr. MORROW. Well, under the arrangements, the only speaking that he did was under the auspices of the Overcash committee and one other talk as I recall under some other group, the Young Republican Group of some kind.

The CHAIRMAN. Did Mr. Overcash know that you were paying him?

Mr. MORROW. I do not know, sir. I said that he would not have to be worried or concerned about the expenses of this man in coming into Montana.

The CHAIRMAN. Proceed.

Mr. SOURWINE. Did you ever pay or deliver to Mr. Matusow any other money?

Mr. MORROW. I did, sir. As he was leaving Montana, I believe, on October 22, he related that he had other engagements to make, he was short of money and felt he needed to purchase an automobile or other rapid means of transportation. He wanted to know if he could borrow the sum of \$500 and I loaned him that sum of money.

Mr. SOURWINE. Did he ever repay it?

Mr. MORROW. No, sir.

The CHAIRMAN. Where did that money come from?

Mr. MORROW. Well, that came from myself, primarily.

The CHAIRMAN. Your personal funds?

Mr. MORROW. Yes, sir.

Mr. SOURWINE. Were you ever reimbursed?

Mr. MORROW. I would say there were funds that had been made available to me through the Ecton-for-Senator Club. There was money that I put up myself.

Mr. SOURWINE. Were you ever reimbursed for that money or did you stand the temporary loss of that \$500 down to the present time?

Mr. MORROW. The only reimbursement that I had was from the Ecton-for-Senator Club.

Mr. SOURWINE. Were you substantially reimbursed?

Mr. MORROW. I was, sir.

Mr. SOURWINE. Was it in total?

Mr. MORROW. In total.

Mr. SOURWINE. And when were you so reimbursed?

Mr. MORROW. At the time from the Ecton-for-Senator Club.

Mr. SOURWINE. You mean you got the money from the funds of the Ecton-for-Senator Club?

Mr. MORROW. Yes.

Mr. SOURWINE. Then the loan you made him was from the Ecton-for-Senator Club?

Mr. MORROW. Through me; yes, sir.

Mr. SOURWINE. You had authority to lend the money of the club, then?

Mr. MORROW. Under those circumstances I felt that I did.

Mr. SOURWINE. What happened to the Utah automobile in which he had come into Montana?

Mr. MORROW. He stated he was going to take it back into Utah.

Mr. SOURWINE. He needed another car?

Mr. MORROW. After he took that car back to Utah; yes.

Mr. SOURWINE. Did you in October 1952 have any reason to believe Harvey Matusow had lied at any time under oath?

Mr. MORROW. No, sir.

Mr. SOURWINE. Did you ever tell Matusow to lie or suggest to him that he lie?

Mr. MORROW. I did not.

Mr. SOURWINE. Did you ever furnish him with any information written or oral, or any other material for inclusion or use in any of his speeches in Montana?

Mr. MORROW. I did not.

Mr. SOURWINE. Did you ever have anything to do with any advertising for a speech made by Matusow?

Mr. MORROW. I did not, sir.

Mr. SOURWINE. Do you know of any money paid to Mr. Matusow or delivered to him while he was in Montana other than the two amounts you testified to as being delivered by you?

Mr. MORROW. I do not, sir.

Mr. SOURWINE. Do you know who wrote copy for any of the ads for Mr. Matusow's appearance other than the testimony you have heard from Mr. Overcash earlier today?

Mr. MORROW. I do not, sir.

Mr. SOURWINE. Mr. Chairman, I have no other questions.

The CHAIRMAN. Mr. Morrow, if Mr. Matusow's purpose—the purpose was to bring him in the State, he was to make speeches on communism under the auspices of a nonpolitical organization, where was it within the province of the Ecton-for-Senator Club to finance that trip?

Mr. MORROW. I told him to come on out. We felt that it was an obligation to provide for the expenses.

The CHAIRMAN. Why was it an obligation to provide for those expenses when you state he was not to attack Senator Mansfield?

Mr. MORROW. Not personally, sir, the policies of Senator Mansfield.

The CHAIRMAN. The policies of Senator Mansfield?

Mr. MORROW. Yes.

The CHAIRMAN. And he did attack those policies?

Mr. MORROW. As reflected in the Daily Workers only and that was on the background of the Daily Worker.

The CHAIRMAN. And you stated then that you said he described how the Daily Worker would take advantage of men in public office by lauding those individuals?

Mr. MORROW. Yes, sir.

The CHAIRMAN. That is not then an attack on Senator Mansfield?

Mr. MORROW. Not to my knowledge.

The CHAIRMAN. Nothing further.

Senator JENNER. I have no questions.

The CHAIRMAN. You may stand aside.

Mr. SOURWINE. Before we close the hearing tonight, I would like to ask if Mr. Angus Cameron has come into the room?

Angus Cameron? (No response.)

Is Mr. David Ratner here? David Ratner? (No response.)

The CHAIRMAN. That will be all.

(At 5:15 p. m. the subcommittee adjourned until 10:30 a. m., Wednesday, April 21, 1955.)







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