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# HEARINGS REGARDING COMMUNIST ESPIONAGE

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## HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-FIRST CONGRESS

FIRST AND SECOND SESSIONS

NOVEMBER 8, DECEMBER 2, 1949  
FEBRUARY 27 AND MARCH 1, 1950

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



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1951



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# HEARINGS REGARDING COMMUNIST ESPIONAGE

TUESDAY, NOVEMBER 8, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,  
Washington, D. C.

PUBLIC SESSION

The subcommittee met, pursuant to call, at 10:30 a. m., in room 226, Old House Office Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood and Morgan M. Moulder.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; Benjamin Mandel, director of research; John W. Carrington, clerk; and A. S. Poore, editor.

Mr. WOOD. Let the subcommittee be in order, and let the record show that these hearings are being conducted by a subcommittee designated by the chairman, consisting of Mr. Moulder and Mr. Wood.

Mr. TAVENNER. Mr. Chairman, as you know, the committee at the present time is engaged in the preparation of a lengthy report involving the activities of numerous Soviet agents who have operated within the United States and other countries. As you also know, the staff has gathered a great deal of information relating to the general subject of espionage, and in order to place in the record information that has been obtained by the committee staff, the committee has pursued the policy of calling before it various persons who have information regarding the subject of espionage, or who have been associated with persons known to have been engaged in espionage within the United States or in other countries.

We desire first this morning to present one of the investigators to give the committee the result of certain investigations, and then we will present certain witnesses.

Mr. WOOD. Very well.

Mr. TAVENNER. Mr. Owens.

Mr. WOOD. You solemnly swear the testimony you give the subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OWENS. I do.

## TESTIMONY OF COURTNEY E. OWENS

Mr. RUSSELL. Will you state your full name?

Mr. OWENS. Courtney E. Owens.

Mr. RUSSELL. Are you employed as an investigator by the Committee on Un-American Activities?

Mr. OWENS. I am.

Mr. RUSSELL. Did you have occasion to conduct an investigation in connection with the activities of one Nicholas Dozenberg?

Mr. OWENS. I did.

Mr. RUSSELL. Did you submit an investigative report based upon your investigation of Mr. Dozenberg?

Mr. OWENS. I did.

Mr. RUSSELL. Based upon the investigative report which you submitted to the committee, did you subsequently interview Mr. Dozenberg and obtain from him an affidavit which, in general, verified the information contained in the investigative report submitted by you?

Mr. OWENS. That is right.

Mr. RUSSELL. Will you read the affidavit which was given to you by Mr. Dozenberg into the record? Before you begin, I understand the affidavit was submitted in Mr. Dozenberg's own language?

Mr. OWENS. That is true. It was prepared by Mr. Dozenberg in his own language and signed by him and given to the committee. [Reading:]

#### STATEMENT OF NICHOLAS DOZENBERG

Nicholas Dozenberg was born in Riga, Latvia, on November 15, 1882. He was engaged in the activities of various Lettish worker's organizations, and later became active in the Socialist Party, mainly in the Lettish Worker's Club of the Socialist Party. In about 1921 or 1922, Dozenberg became the business manager of the Workers' Publishing Society and later became business manager of the Literature Department of the Workers Party of America, the early predecessor of the Communist Party of the United States.

Dozenberg remained with these organizations in Chicago until 1925 or 1926, at which time Party headquarters were moved to New York City. Dozenberg handled the liquidation of the Party's assets in Chicago and arranged the transfer of its publications office to New York. In the latter part of 1927 or the early part of 1928, the head of Soviet military intelligence in the United States, one Alfred Tilton, recruited him into the Soviet military intelligence organization at a salary of \$35 a week.

Shortly after Dozenberg's first contact with Alfred Tilton, he learned that Tilton was living in New York under Canadian papers in the name of Joseph Paquett, P-a-q-u-e-t-t; also, that later Tilton obtained another set of Canadian papers under the name of Martin.

Alfred Tilton, on one occasion in New York City while Dozenberg was working for him, advised Dozenberg that he had spent an entire night photostating plans of a British warship *Royal Oak* which had been intercepted en route to Washington, D. C., from somewhere. Tilton received money for his expenses through seamen couriers whom he met in the office of Dr. Philip Rosenbleitt, R-o-s-e-n-b-l-e-i-t-t, a dentist in New York City.

During 1928, Dozenberg became acquainted with Lydia Stahl, who was Tilton's assistant and an expert in photography. In addition to her activities as a photographer, the Stahl woman purchased all sort of books on technical and industrial subjects, to be sent to the home office in Moscow. Stahl and Tilton used the photographic studios of Joseph Turin, T-u-r-i-n, in New York City for their work. Tilton had installed a large photostating machine in one of Turin's back rooms. The machine was operated exclusively by Lydia Stahl.

During the latter part of 1928 or the early part of 1929, an individual named Dick Mursin, M-u-r-s-i-n, arrived in New York City to be an assistant to one Mark Zilbert, who was soon to relieve Alfred Tilton. Mursin's other name was Boris Devyatkin, D-e-v-y-a-t-k-i-n, under which name he first established a cover or front for future activities by taking office space in the Wesson Travel Agency, where he was ostensibly employed in a real estate or insurance business. Shortly after Tilton's departure for the Soviet Union in early 1929, a Mark Zilbert arrived in the U. S. A. and took over, from Tilton, all activities as head of the Soviet intelligence apparatus.

In the fall of 1929, Tilton requested Dozenberg to come to Moscow, on funds furnished by Tilton; and was introduced to General Berzin, B-e-r-z-i-n, head of

the Soviet military intelligence department. General Berzin asked Dozenberg to return to the United States for the purpose of assisting one Kirchenstein in setting up a cover for Soviet military intelligence activities in France. At the same time, Dozenberg was to do substantially the same in preparation of a cover for operations in Rumania.

Tilton, prior to leaving this country, had made arrangements to obtain citizenship papers of a deceased American veteran named Frank Kleges, K-l-e-g-e-s, through an undertaker in Brooklyn. Kirchenstein, who had assumed the identity of Frank Kleges, established an office in New York City, and contacted with several export firms on the West Coast. A short time thereafter Kleges (Kirchenstein) left for Paris, France.

From 1931 on, Dozenberg traveled considerably on the continent of Europe; in Russia, Germany, and in Rumania. After his return from Rumania, he established the American Rumanian Film Corporation under the laws of the State of New York, the offices of which were to be used as a front for Soviet military intelligence in Rumania.

During the early part of 1933, Dozenberg was ordered to Moscow. The individuals with whom he had become acquainted during the period from 1927 to 1933, in addition to those already mentioned, were Albert Feierabend, a Lettish Communist from Boston; Richard Bassow, agent in charge of military intelligence activities in Vienna; and Robert Zelms, Z-e-l-m-s, alias Elmston, whom Dozenberg had recommended for employment with the Soviet military intelligence in foreign countries.

During the year 1933, while the negotiations were under way which led to recognition of the Soviet Union by the United States, Dozenberg was residing with his first wife in Moscow. During the latter part of 1933 or the early part of 1934, Dozenberg was instructed to go to China and establish a business cover for Soviet military intelligence activities in that country and against Japan.

Dozenberg then proceeded to Peiping where he made arrangements to represent an American radio corporation in China, and where he met a Soviet agent who gave him 10,000 dollars in Chinese currency. Dozenberg then established the Anasia Sales Company in the British concession in Tientsin, China. Dozenberg's time was solely occupied with running the affairs of the business in order to make satisfactory cover for Soviet military intelligence activities later on.

In 1937, there came to Tientsin, China, a Joseph Freund, F-r-e-u-n-d, an Austrian by birth, to relieve Dozenberg, who was to return to Moscow. Dozenberg remained in Moscow four months, during which time he submitted a report on his business and commercial activities in China, and was instructed to endeavor to establish a similar business cover in the Philippine Islands.

Dozenberg left Moscow in the middle of 1937. Upon his arrival in New York City he was given \$8,000 by an agent. After making arrangements in this country to represent a motion-picture equipment corporation in the Philippine Islands he left for Manila. The difficulty of setting up a business cover in Manila was greater than had been expected. Dozenberg ran out of funds, and returned in July 1938 to Washington, D. C.

In March 1939, Dozenberg was met by the same man whom he had met before, who gave him instructions to go to Moscow, and furnished him with \$1,000 for living and travel expenses.

Dozenberg was in Moscow for approximately three and one-half months. His former superiors in the intelligence department were no longer there, and he dealt entirely with persons strange to him. He was requested to go to China. But when he indicated that it would take not less than \$100,000 to set up or acquire a representative business concern, at that time, he was asked to return to the United States to establish a business cover for Soviet agents in the United States, which he refused to do. Subsequently, he was given the sum of \$600 to cover travel costs, and told to return to the United States. To this day, it remains a mystery to Dozenberg as to why he was allowed to leave Moscow after his refusal to abide by their instructions.

After this break, Dozenberg then went to Bend, Oreg., where he acquired a small grocery store during the latter part of October 1939. He was arrested on December 9, 1939, for obtaining a passport under false pretenses, and sentenced to serve a term of one year and a day on a plea of guilty, and was received at the Northeastern Penitentiary, Lewisburg, Pa., on May 22, 1940.

He has been somewhat afraid that his break with the Soviets in 1939 would, sooner or later, result in dire consequences for him because of his association with the Soviet military intelligence organization.

I, Nicholas Dozenberg, hereby certify that I have read the above statement, and that to the best of my knowledge and belief it is substantially true and correct.

(Signed) NICHOLAS DOZENBERG.

OCTOBER 4, 1949.

Mr. RUSSELL. Mr. Owens, at the time you interviewed Mr. Dozenberg he had previously been subpoenaed by this committee, had he not?

Mr. OWENS. That is right.

Mr. RUSSELL. When you interviewed him he advised you he was too ill to appear in Washington, D. C.; that is true, is it not?

Mr. OWENS. That is right.

Mr. RUSSELL. Mr. Dozenberg also furnished you the names of other persons known to be engaged in espionage in the United States, which are not included in this statement; is that right?

Mr. OWENS. That is right.

Mr. RUSSELL. That is all.

Mr. WOOD. Any questions, Mr. Moulder?

Mr. MOULDER. No questions.

Mr. WOOD. That is all.

Mr. TAVENNER. Mr. Max Bedacht.

Mr. WOOD. Do you solemnly swear the evidence you give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BEDACHT. I do.

Mr. WOOD. Have a seat, sir.

#### TESTIMONY OF MAX BEDACHT

Mr. TAVENNER. Mr. Bedacht, the committee desires your cooperation in making available to it some information relating to events and persons as to whom it already has considerable information.

Will you please state your full name and present address?

Mr. BEDACHT. My name is Max Bedacht, and I live in Frenchtown, N. J., rural route, or, rather, star route post office.

Mr. TAVENNER. Have you ever lived at 3101 North Nordica Avenue, in Chicago, Ill.?

Mr. BEDACHT. Yes; I had a home there.

Mr. TAVENNER. When did you live there?

Mr. BEDACHT. I believe from 1923 to 1928 or so.

Mr. TAVENNER. Have you used any name other than Max Bedacht at any time?

Mr. BEDACHT. I have not. I have written sometimes under a pen name.

Mr. TAVENNER. What pen name did you use?

Mr. BEDACHT. Oh, I wrote articles under the name of Thomas Minzer, one, I remember; I believe Marshall.

Mr. TAVENNER. John Marshall?

Mr. BEDACHT. I don't know the full name any more. That was about 30 years ago.

Mr. TAVENNER. John Braum?

Mr. BEDACHT. That is possible. That is my wife's maiden name, and it is possible I used that name.

Mr. TAVENNER. H. M. Sabath, S-a-b-a-t-h?

Mr. BEDACHT. I don't think I have ever written under that name.

Mr. TAVENNER. Could you have used that name in any dealings or any transactions of yours?

Mr. BEDACHT. I can't remember.

Mr. TAVENNER. When and where were you born, Mr. Bedacht?

Mr. BEDACHT. I was born October 13, 1883, in Munich, Germany.

Mr. TAVENNER. Are you a naturalized citizen of the United States?

Mr. BEDACHT. I am.

Mr. TAVENNER. Will you please state for the committee the official positions which you have held in the past in the Communist Party of the United States?

Mr. BEDACHT. Almost everything up to secretary. I was never editor of the Daily Worker.

Mr. WOOD. Would you elevate your voice a little? We can't hear you up here.

Mr. BEDACHT. I said I held almost every position except that of editor of the Daily Worker at one time or another. I was district organizer at one time in Detroit. I was editor of a magazine for a while.

Mr. TAVENNER. What magazine?

Mr. BEDACHT. Well, what was it called, again?

Mr. TAVENNER. Was it the Communist?

Mr. BEDACHT. Yes; I was editor of that, too. The Communist was a forerunner of the other one. It was merged later into another one.

Mr. TAVENNER. Was it Political Affairs?

Mr. BEDACHT. No; never.

Mr. TAVENNER. Name several of the higher positions that you held.

Mr. BEDACHT. Well, as I said, I was district organizer at one time in Chicago. I was the director of the agit-prop department, agitation and propaganda. I guess that is about the highest.

Mr. TAVENNER. Were you executive secretary for a period of time?

Mr. BEDACHT. I was at one time, for a few months, acting secretary.

Mr. TAVENNER. Of the Communist Party?

Mr. BEDACHT. Yes.

Mr. TAVENNER. Where were your headquarters at that time?

Mr. BEDACHT. They were in New York.

Mr. TAVENNER. When did you first become affiliated with the Communist Party?

Mr. BEDACHT. Well, since I am 19 years old I have been a Socialist, and I have been in the Socialist movement, and I affiliated with the Communist Party when it was founded. I helped found it, establish it.

Mr. TAVENNER. I believe you have recently been expelled from the Communist Party: have you not?

Mr. BEDACHT. Yes, sir.

Mr. TAVENNER. On what grounds did this expulsion take place?

Mr. BEDACHT. I don't know that I know myself, but, anyway, this committee is surely not a court of appeals against my expulsion, and my explanation for it would take quite a while, and you would have to listen to the other side, too.

Mr. TAVENNER. I will not go into that. It was the result of a factional dispute within the party; is that substantially right?

Mr. BEDACHT. You may say so.

Mr. TAVENNER. When did that action take place?

MR. BEDACHT. I was expelled exactly a year ago; on the 13th of October last year it was dated.

MR. TAVENNER. Let me ask you, were you an official of the Communist International at any time?

MR. BEDACHT. Yes, I was; in Moscow, in the Communist International, as delegate to the third congress and fourth congress.

MR. TAVENNER. Do you still adhere to the Communist beliefs?

MR. BEDACHT. I most assuredly do.

MR. TAVENNER. Have you had occasion to travel in countries outside the United States since you first arrived in the United States from your native country?

MR. BEDACHT. Except as to countries going through to Russia and from Russia, I did not—oh, yes. In 1937 I went to Spain with a committee of eight to the International Brigade in Spain. I think it was 1937.

MR. TAVENNER. Was it on business of the Communist Party that that trip took place?

MR. BEDACHT. It was not. There were organizations that formed a relief committee, and the organization I was affiliated with and worked for, the International Workers Order, was affiliated with it, and out of the collections made some purchases were made of materials to deliver to the Republican Army, and it was decided to send a delegation to deliver them, and I was one of the delegation.

MR. TAVENNER. In addition to that trip to Spain, how many trips have you made out of the United States since your first arrival here, and when?

MR. BEDACHT. I don't know that I remember exactly. I was at two congresses, I know that, and maybe one or two executive committee meetings.

MR. TAVENNER. Executive committees of what organization?

MR. BEDACHT. Of the Communist International.

MR. TAVENNER. Mr. Bedacht, do you know or have you ever known an individual by the name of Jacob Kirchenstein, also known as Frank Kleges?

MR. BEDACHT. The name does not sound familiar to me.

MR. TAVENNER. Were you ever acquainted with Anton Miller?

MR. BEDACHT. Again, I cannot remember any such acquaintance.

MR. TAVENNER. Let me see if I can refresh your recollection with regard to Mr. Kirchenstein. Can you hear me plainly?

MR. BEDACHT. Yes; Kirchenstein.

MR. TAVENNER. Yes. Mr. Jacob Kirchenstein is alleged to have operated a military espionage organization at one time in London, England, using the cover of a trading organization known as Acros, A-c-r-o-s. This organization was exposed in 1927 after British authorities raided the Acros offices and the apartment of Anton Miller, who was Kirchenstein's assistant and a cipher clerk to the Soviet trade delegation in London. Does that not serve to refresh your recollection regarding the name Kirchenstein?

MR. BEDACHT. It refreshes my recollection to some disagreeable memories, but not to any person by the name of Kirchenstein. The fact my name was found there somehow, for what reason it was there I don't know, inspired some people to come to my house in Chicago and burn a cross in front of it when my family was alone, and that

was a very disagreeable thing, with four children and the house on the outskirts of Chicago; but I never knew or spoke to anybody by the name of Kirchenstein or Miller who was affiliated with or worked with any kind of military espionage.

Mr. TAVENNER. I mentioned the cover name of Arcos.

Mr. BEDACHT. I remember when it was raided by the British; yes.

Mr. TAVENNER. It seems the correct spelling is Arcos, A-r-c-o-s. What do you know of that organization?

Mr. BEDACHT. Only what I read in the papers. It was, to my knowledge, an organization, a trade commission or something, to organize mutual trade between the Soviet Union and Britain.

Mr. TAVENNER. Among the papers which the British authorities seized from Anton Miller in the raid in 1927—papers which Miller unsuccessfully attempted to destroy—were lists of cover addresses in the United States. One of the addresses was "Max Bedacht, 3101 North Nordica Avenue, Chicago, Ill." Can you explain to the committee how your name came to be included among those papers?

Mr. BEDACHT. I cannot, and I must say it was an extremely bad cover address, under my name, because it covered nothing.

Mr. TAVENNER. Mr. Bedacht, have you ever been acquainted with an individual by the name of Albert Feierabend?

Mr. BEDACHT. I didn't get that.

Mr. TAVENNER. The name is spelled F-e-i-e-r-a-b-e-n-d. Albert Feierabend.

Mr. BEDACHT. I have heard that name.

Mr. TAVENNER. He was also known at various times as Jacob Kreitz, K-r-e-i-t-z, or Ksavier Szpokas, S-z-p-o-k-a-s.

Mr. BEDACHT. I don't know whether the name I have in mind, Feierabend, is the same you are talking about, but the name is not unfamiliar.

Mr. TAVENNER. I show you a photostatic copy of a passport application filed on March 12, 1928, by one Albert Feierabend, and ask you to look at the picture on the second sheet. Possibly you will be able to identify him as the person you know.

Mr. BEDACHT. It looks like Jack Stachel to me, but it isn't. No.

Mr. TAVENNER. Now will you look at the last page entitled "Application for Extension and Amendment of Passport" and see if you can identify the woman whose picture appears there as Mrs. Emma Pauline Bleckschmidt Feierabend?

Mr. BEDACHT. I definitely don't know her.

Mr. TAVENNER. Mr. Chairman, these photostats were obtained by subpoena duces tecum from the Department of State. They include an approved passport application signed by Albert Feierabend, who represented himself as a naturalized American citizen of Latvian descent and a resident of Boston, Mass.; attached is an oath of allegiance allegedly signed by Feierabend; and an approved application for extension and amendment of passport. I desire to introduce these papers in evidence and have them marked "Bedacht Exhibit 1."

Mr. WOOD. Let them be admitted.

(The photostats above referred to, marked "Bedacht Exhibit 1," are filed in connection with this transcript.)

Mr. TAVENNER. Mr. Bedacht, I hand you photostats of two passport applications filed with our State Department by one Jacob Kreitz,

who represents himself to be a naturalized American citizen of Latvian descent and a resident of New York City. One application is dated December 9, 1930, and the other is dated September 9, 1932. Can you identify the individual whose picture appears on the second sheet of each application?

Mr. BEDACHT. No. I cannot remember.

Mr. TAVENNER. Mr. Chairman, these photostats were obtained by subpoena duces tecum from the State Department. I desire to offer them in evidence and ask that they be marked "Bedacht exhibit 2."

Mr. WOOD. Let them be admitted, but I did not understand whether he recognized the photographs or not.

Mr. BEDACHT. I do not remember ever having known this man.

(The photostats above referred to, marked "Badacht Exhibit 2," are filed in connection with this transcript.)

Mr. TAVENNER. Mr. Bedacht, I show you photostatic copy of a passport application dated September 12, 1930, and signed by an individual named Ksavier Augustus Szpokas, together with photostat of application for renewal of passport, signed by the same name under date of September 19, 1932. Can you identify the individual whose photograph appears on the last sheet?

Mr. BEDACHT. No. I do not know that man. They seem all to look alike to me.

Mr. TAVENNER. Mr. Chairman, these applications for passport and passport renewal were likewise obtained by subpoena from the State Department. I desire to offer them in evidence and ask that they be marked "Bedacht exhibit 3."

Mr. WOOD. Let them be admitted.

(The photostats above referred to, marked "Badacht Exhibit 3," are filed in connection with this transcript.)

Mr. TAVENNER. Mr. Bedacht, you have stated that the picture on each of these passport applications appears to be a picture of the same individual?

Mr. BEDACHT. They look alike to me.

Mr. TAVENNER. Mr. Chairman, Albert Feierabend, alias Kreitz, alias Szpokas, was arrested in New York City on April 10, 1933, and subsequently pleaded guilty to a charge of passport fraud. He was fined \$1,000 and placed on probation for 2 years.

Mr. MOULDER. Is the witness acquainted with any of the persons whose names appear on the passports?

Mr. TAVENNER. No. He testified the name Feierabend was familiar to him, but the other names, of Kreitz and Szpokas, were not, and he was unable to identify the photographs.

Mr. WOOD. Let me ask you this question at this point: Have you ever had any acquaintance with anybody who went under the name of Feierabend?

Mr. BEDACHT. No. The name I have heard. I cannot remember in what connection.

Mr. WOOD. But you never met the man who bore that name?

Mr. BEDACHT. This man, no; not to my knowledge. I have met many people in my life, and I could not swear I never met him, but to my recollection I never saw that man.

Mr. TAVENNER. Do you know whether your hearing of the name Feierabend was in connection with some Communist activity?



Mr. BEDACHT. No; I couldn't say. The name sounds as if I had heard it before. It is a German word. I have heard it often, and probably also somebody I knew at one time or another had that name; but I cannot remember.

Mr. TAVENNER. This may refresh your recollection. Albert Feierabend was arrested in 1933. He had just arrived from Europe, and he was found to be carrying \$28,700 in United States currency. Do you recall anything regarding his arrest?

Mr. BEDACHT. If he had left some of that money on my doorstep I might have remembered, but I certainly don't.

Mr. TAVENNER. At the time of Mr. Feierabend's arrest, he was also found to be carrying a small white ribbon with an inscription reading as follows:

JULY 18, 1930 #12C

The bearer of this credential is thoroly trustworthy and should be given all possible support so that he may effectively accomplish the mission he is engaged in.

Fraternally yours,

(Signed) MAX BEDACHT  
(For the Secretariat).

Mr. BEDACHT. I still don't remember him. I have signed such ribbons when they were presented to me, and that is that.

Mr. TAVENNER. I hand you a photostatic copy of the ribbon and ask you to examine it and see if that refreshes your recollection.

Mr. BEDACHT. It is my signature.

Mr. MOULDER. Did he say it is his signature?

Mr. TAVENNER. Yes.

Mr. Chairman, I desire to offer in evidence this photostatic copy of a ribbon, and I ask that it be marked "Bedacht Exhibit 4."

Mr. WOOD. Let it be admitted.

(The photostat above referred to, marked "Bedacht Exhibit 4," is filed in connection with this transcript.)

Mr. TAVENNER. Mr. Bedacht, that is your signature. What was the purpose of issuing that notation over your signature for the Secretariat?

Mr. BEDACHT. When people were sent to represent the Party, let's say in the Comintern, they got a credential to be identified, and that is one of them. I had credentials like that.

Mr. TAVENNER. In other words, a person coming to the United States from a foreign country who is a member of the Communist Party would be given a credential somewhat similar to that?

Mr. BEDACHT. Not coming from a foreign country; members of the party.

Mr. TAVENNER. Explain that a little more in detail.

Mr. BEDACHT. Members of the party, if they were delegated to represent the party anywhere, then they were given a credential. This credential, if it was a question of representing the party across the sea, was a very little thing, while it may have been a more detailed document if it was for representation here in a convention or committee.

Mr. MOULDER. May I clarify my mind as to this exhibit 4, which has a certification which he says he signed. Who had this in his possession?

Mr. TAVENNER. Albert Feierabend, at the time of his arrest.

Mr. MOULDER. And that is the person this witness says he was not acquainted with at that time?

Mr. TAVENNER. Yes.

Mr. MOULDER. Will you pursue that?

Mr. TAVENNER. Yes. Mr. Bedacht, do you not recall now, after seeing this certification or identification, more about Mr. Feierabend?

Mr. BEDACHT. I do not. I still do not remember him.

Mr. TAVENNER. Can you give the committee any information as to the purpose of the delivery of this particular certification on July 18, 1930, to Mr. Feierabend?

Mr. BEDACHT. No. It was the period in which I was acting secretary, and by virtue of my position as secretary I signed it, but, as I said, I signed many. I do not know that I ever saw the man. I certainly cannot remember him.

Mr. TAVENNER. Does the date July 18, 1930, call anything to your mind as to the reasons for the issuance of identification certificates at that time?

Mr. BEDACHT. Not particularly, July 1930.

Mr. TAVENNER. July 18, 1930.

Mr. BEDACHT. The date means nothing to me. It is just one of many.

Mr. TAVENNER. Mr. Bedacht, are you acquainted with an individual by the name of Nicholas Dozenberg?

Mr. BEDACHT. I did know him.

Mr. TAVENNER. You did know him?

Mr. BEDACHT. Yes.

Mr. TAVENNER. Were you a member of the central control commission of the Communist Party in the year 1928?

Mr. BEDACHT. I don't know that I was. I don't think so. I was a member of the executive committee. I don't remember ever having been a member of the control commission.

Mr. TAVENNER. Do you know whether or not Nicholas Dozenberg was ever assigned duties by the Soviet military intelligence?

Mr. BEDACHT. That I do not know. I knew him when he worked in the office of the Communist Party. He was taking care of the work there like shaving cylinders used on a dictaphone, or whatever you call it, and things of that sort.

Mr. TAVENNER. Were you at that time a member of the central committee of the Communist Party?

Mr. BEDACHT. I think I was. I was almost continuously, from the beginning of the party up to the early thirties.

Mr. TAVENNER. As a member of the central committee, would you not have information as to the particular assignments given Nicholas Dozenberg?

Mr. BEDACHT. The central committee of the party, to my knowledge and during my participation in its work, never gave any assignment for military information or for any other information.

Mr. TAVENNER. But wouldn't you know of the fact that assignments had been made for that purpose?

Mr. BEDACHT. I would if such assignments were made. I don't think they would have been made behind my back.

Mr. TAVENNER. I am not speaking of making such assignments by the committee, but if they had been made by the central control commission, would you have known of it?

Mr. BEDACHT. The central control commission had no such function. The central control commission was an appeal body, and a body to control and supervise finances and things of that sort.

Mr. TAVENNER. What unit within the Communist Party would have jurisdiction to make such assignments?

Mr. BEDACHT. There has been no such unit at any time to make such assignments; not that I know of.

Mr. TAVENNER. There were people engaged in the work of Soviet military intelligence in this country, were there not?

Mr. BEDACHT. I was asked that question by a gentleman from the FBI, and my answer there would be good here too. I think the Soviet Government, like every other government in the world, is carrying on and has maintained sources of information. I have no doubt about it. But I don't know of my own knowledge. I had no contact with them.

Mr. TAVENNER. Is it not true that Nicholas Dozenberg severed all open connections with the Communist Party in the late 1920's?

Mr. BEDACHT. He left the country, to my recollection, without being sent by the party, and that would naturally sever his connections.

Mr. TAVENNER. But wasn't his connection severed before he left this country?

Mr. BEDACHT. I know of no formal way of that being done.

Mr. TAVENNER. Wasn't it done, in fact, so that Dozenberg could work exclusively on Soviet military intelligence matters?

Mr. BEDACHT. I know nothing of that.

Mr. TAVENNER. Were you ever acquainted with an individual by the name of Alfred Tilton?

Mr. BEDACHT. Tilton?

Mr. TAVENNER. Yes; T-i-l-t-o-n.

Mr. BEDACHT. Not to my recollection.

Mr. TAVENNER. Were you acquainted at any time with an individual by the name of J. Peters, more usually known as Alexander Stevens?

Mr. BEDACHT. I knew a Peters. I only knew him as Peters or Peter.

Mr. TAVENNER. Was he also known as Alexander Stevens?

Mr. BEDACHT. That name I saw for the first time in the newspapers when he was arrested for deportation.

Mr. TAVENNER. That was the same Peters you knew?

Mr. BEDACHT. Yes; Peters or Peter. I knew him by the name of Peter.

Mr. TAVENNER. And he was the same person who was arrested as Alexander Stevens?

Mr. BEDACHT. I believe so.

Mr. TAVENNER. What were your associations with Mr. Peters?

Mr. BEDACHT. I had no particular association with him. He was for quite a while organization secretary of the party in New York City, and I naturally came in contact with him, as I came in contact with many other members of the party, or functionaries, but I had no particular reason to associate with him or work with him or deal with him, because he was not under my jurisdiction.

Mr. TAVENNER. What organizations are you affiliated with at the present time, Mr. Bedacht?

Mr. BEDACHT. I am affiliated with the International Workers' Order. I have been for many years. As a member, you mean?

Mr. TAVENNER. Yes.

Mr. BEDACHT. I joined the Hunterdon County Board of Agriculture; neighborhood cooperatives, egg-selling cooperatives. Those are the only organizations I belong to.

Mr. TAVENNER. Mr. Chairman, we have mentioned the name Jacob Kirchenstein during the course of the hearings this morning because of the fact that Mr. Kirchenstein is an important subject of the committee's investigation into espionage. Kirchenstein is known to have engaged in espionage activities subsequent to the Arcos raid, here in the United States and on the Continent of Europe, under the name Frank Kleges.

I believe there are no further questions to ask in open session.

Mr. MOULDER. On exhibit 4 you referred to a mission. What mission was that?

Mr. BEDACHT. I have no recollection of this thing. I know I signed many credentials, and this was one of them, but I don't know, and, if I did know them, I certainly don't remember. I couldn't keep on my mind everything I ever did. I have no recollection of the man. I had no close dealings with him or I would remember him.

Mr. MOULDER. You mean you signed such certificates frequently for people?

Mr. BEDACHT. If any credentials were signed, they were signed because the committee of which I was a member decided to give him a credential.

Mr. MOULDER. And now you say you don't recall what that mission was?

Mr. BEDACHT. No. I have no recollection of the man or this particular credential.

Mr. MOULDER. What were your functions and duties when you were acting as director of agitation?

Mr. BEDACHT. To get out pamphlets, and to organize party schools and things of that sort. Propaganda is education, mostly.

Mr. WOOD. I understood you to say you knew of no authority within the party in America who designated the people to whom you issued certificates of identification, naming them to perform any functions. Where did that authority come from?

Mr. BEDACHT. It certainly did not exist within the party and its committees.

Mr. WOOD. Then how would you know to whom to issue a certificate of identification such as contained in exhibit 4?

Mr. BEDACHT. He obviously was given a certificate in connection with some mission.

Mr. WOOD. But who named him for that mission?

Mr. BEDACHT. Either the committee of which I was secretary or a district committee who asked for it for him.

Mr. WOOD. Let us talk about it from the general policy standpoint. You were issuing these certificates of identification at the time you were acting as secretary. Did you issue them to anybody who wanted them, or to people whose names were given you?

Mr. BEDACHT. I issued them to the people whose need of carrying one was decided by the committee of which I was secretary.

Mr. WOOD. Who determined that need for an individual to perform any mission? Did you decide that?

Mr. BEDACHT. No. For instance, there was a meeting of the Communist International Committee. When a delegate was elected I was instructed to issue him credentials.

Mr. WOOD. You were instructed by whom?

Mr. BEDACHT. By the executive committee or secretariat.

Mr. WOOD. Just whom did you take your instructions from in issuing these credentials?

Mr. BEDACHT. I was a part of the committee, and it devolved upon me, by virtue of my position as an official of the committee, when the committee decided to send John Brown to Moscow, to issue him a credential.

Mr. WOOD. When you issued a credential such as exhibit 4, did you always know of your own knowledge that that particular individual had been approved by some authority in the party, or was it done on the word of somebody?

Mr. BEDACHT. It was done on the word of somebody, such as when a district committee decided somebody had to have a credential. District committees could not issue credentials. They had to apply to the central committee.

Mr. WOOD. Did any instructions to issue such certificates as exhibit 4 ever come to you from outside the United States?

Mr. BEDACHT. It never did. Nobody outside the United States ever approached me with a request of that sort.

Mr. TAVENNER. What was the exact name of the committee of which you were the acting secretary?

Mr. BEDACHT. At that time we called it the secretariat.

Mr. TAVENNER. It was termed the secretariat?

Mr. BEDACHT. Yes. It was a subcommittee of the national committee of the party. The national committee of the party, being made up of people all over the country, could not always be in session.

Mr. TAVENNER. Who composed that committee in July 1930?

Mr. BEDACHT. Oh, how should I know?

Mr. TAVENNER. You served as acting secretary only a few months?

Mr. BEDACHT. Yes.

Mr. TAVENNER. You should be able to recall who were members of that committee and gave you directions during that period of a few months.

Mr. BEDACHT. At this period of time we were in a state of transition, and I don't know anyone. Maybe Foster. I remember him. Maybe he and Browder were members of the secretariat. I don't remember.

Mr. TAVENNER. How many on the committee gave you directions?

Mr. BEDACHT. I don't think more than five or six.

Mr. TAVENNER. Five or six. Let's see if you can't name them.

Mr. BEDACHT. As I told you, at that time the party was in a period of transition. That is why I became secretary. Lovestone had been secretary, and there was a conflict, and in the period between that and a convention I acted as secretary for a few months.

Mr. TAVENNER. You certainly should be able to remember who were associated with you in that work in that period of a few months.

Mr. BEDACHT. But, frankly, I don't remember. I said I thought Browder was a member, but on second thought I don't believe he was in the country at the time. So I don't remember.

Mr. TAVENNER. How long were you a member of the committee in any capacity?

Mr. BEDACHT. A member of the committee?

Mr. TAVENNER. Yes.

Mr. BEDACHT. Well, it wasn't always the same committee. We had at one time a politburo. It performed the same functions. Then it became the secretariat, made up of the secretaries of the different departments. I was in the agit-prop department and was then elected the secretary.

Mr. TAVENNER. Then the persons who made up that committee were secretaries?

Mr. BEDACHT. Yes. They had some function in the national office. That is why they were always there. And the committee was made up of people who were always there.

Mr. TAVENNER. But you can't remember the names of any of them?

Mr. BEDACHT. Not at that particular time.

Mr. TAVENNER. Suppose you tell us the names of all who served on that committee with you at any time.

Mr. BEDACHT. I remember those who were in the leadership of the party, such as Foster and Browder and Lovestone and Gitlow.

Mr. TAVENNER. Please name all the persons who served on that committee with you.

Mr. BEDACHT. I couldn't remember all the persons.

Mr. TAVENNER. Name all you can. You have only named three.

Mr. BEDACHT. That is all I remember.

Mr. TAVENNER. As a member of that committee, did you investigate to determine whether or not Feierabend was traveling under fraudulent passports when you gave him this identification certificate?

Mr. BEDACHT. I probably did not see him when I signed that ribbon. That ribbon was typed outside and given to me for signing, and that is all. I certainly had no interview with him that I know of.

Mr. TAVENNER. When you are giving an identification to a person traveling on a mission overseas, wouldn't you interest yourself in whether he was traveling fraudulently before you issued him an identification?

Mr. BEDACHT. I took it for granted when a ribbon was presented to me for signature it was all right. I had no occasion to investigate each and every one.

Mr. TAVENNER. Did you know at that time that Feierabend was engaged in espionage with Nicholas Dozenberg?

Mr. BEDACHT. I certainly did not.

Mr. TAVENNER. Do you know where Mr. Feierabend is at this time?

Mr. BEDACHT. I have not the slightest idea. I don't remember him from then, and haven't seen him since then, if I did see him then.

Mr. TAVENNER. No further questions. I would like to have a closed session.

Mr. WOOD. This ends the open session, ladies and gentlemen. The subcommittee will go into executive session.

(Thereupon, at 11:45 a. m. on Tuesday, November 8, 1949, the subcommittee went into executive session.)

# HEARINGS REGARDING COMMUNIST ESPIONAGE

TUESDAY, NOVEMBER 8, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE  
ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## EXECUTIVE SESSION

The subcommittee designated by the chairman, consisting of Representatives John S. Wood and Morgan M. Moulder, met in executive session at 11:50 a. m. in room 226, Old House Office Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood and Morgan M. Moulder.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; Benjamin Mandel, director of research; John W. Carrington, clerk; and A. S. Poore, editor.

(Mr. Max Bedacht, having been duly sworn by the chairman preceding the giving of his testimony in the public session on this same date, was interrogated in executive session and testified further as follows:)

## TESTIMONY OF MAX BEDACHT

Mr. WOOD. I suppose you understand, Mr. Bedacht, in executive session the testimony is confidential to the committee only. You spoke a while ago of having made several trips to Russia during the time you were acting as a functionary, and particularly as secretary, of the party. What was the purpose of your visits to Russia?

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

Mr. WOOD. What was the purpose of your various visits to Russia?

Mr. BEDACHT. I was elected as a delegate to the Congress of the Communist International.

Mr. WOOD. That was the second or third congress?

Mr. BEDACHT. Third congress. And I was elected by the national executive committee as a delegate to the fourth congress.

Mr. WOOD. All together, how many trips did you make to Russia?

Mr. BEDACHT. Probably four.

Mr. WOOD. And each time you went, you went as a functionary of the party here in America?

Mr. BEDACHT. I went as a delegate from America.

Mr. WOOD. You had no other mission at all except that?

Mr. BEDACHT. I had no other mission.

Mr. WOOD. Those four visits you made, approximately of what duration were they over there? Approximately what length of time did you spend there?

Mr. BEDACHT. During the duration of the meeting to which I was delegated. And I was elected to the executive committee of the Comintern, I believe at the fourth congress, and then I stayed there a few months to act on the executive committee.

Mr. WOOD. In number, about what was the membership of the executive committee?

Mr. BEDACHT. The executive committee was made up of representatives of different parties.

Mr. WOOD. And in number about how many were on the executive committee?

Mr. BEDACHT. There was at least one from each party, and there was a Communist Party in each country.

Mr. WOOD. Could you give an estimate of the number?

Mr. BEDACHT. When full meetings were held there were several hundreds.

Mr. WOOD. When you attended those congresses as a delegate from America, about what was the normal membership of those meetings?

Mr. BEDACHT. In the congresses?

Mr. WOOD. Yes.

Mr. BEDACHT. Well, at the third congress there were probably 400 or 500 delegates, and at the fourth congress maybe a like number.

Mr. WOOD. How many of those were from the States?

Mr. BEDACHT. From the United States?

Mr. WOOD. Yes.

Mr. BEDACHT. There were only two or three at the first congress.

Mr. WOOD. And about how many at the fourth congress?

Mr. BEDACHT. Not the first congress—at the first congress there was no one I know of from America. At the second congress there was Jack Reed and Louis Fraina, I believe. At the third congress there was myself. There were some members of the party who had been members of the party and who had meanwhile gone back home. They acted also in the delegation. Hurwitz and two or three more.

Mr. WOOD. You are speaking of the third congress, which you attended?

Mr. BEDACHT. Yes.

Mr. WOOD. Do you remember anyone from the United States at that Congress except you and the party you named?

Mr. BEDACHT. There was one elected at the convention but he never did go.

Mr. WOOD. How many from America were at the fourth congress?

Mr. BEDACHT. I would have to look into the minutes to refresh my memory. I just can't remember offhand. The minutes are public records. You can look them up yourself, too.

Mr. WOOD. How many from America were on the executive committee of the Comintern when you were serving on it?

Mr. BEDACHT. On the executive committee that served throughout, there was only one.

Mr. WOOD. That was you?

Mr. BEDACHT. While I was there that was me.

Mr. WOOD. That is all.

Mr. TAVENNER. I would like to pursue just a little further the matter of the secretariat of which we spoke a while ago. How was the secretariat formed?



Mr. BEDACHT. It was elected by the national committee. The national committee as a whole leaves a permanent committee to carry out its work. At one time it was called the politburo, then it became the secretariat, because it was composed of people who worked in the national office and had different functions, were secretaries of the departments.

Mr. TAVENNER. Secretaries of which departments?

Mr. BEDACHT. There was the general secretary; the secretary of the agit-prop department; the secretary of the work in the trade-unions; organization secretary; I guess that is about all.

Mr. TAVENNER. Were you at one time or another in contact with the following representative from Moscow; Ewart, E-w-a-r-t?

Mr. BEDACHT. I remember an Ewart I met in Moscow, but I don't remember he was ever here.

Mr. TAVENNER. Did you meet him here in this country?

Mr. BEDACHT. I don't remember.

Mr. TAVENNER. As a representative from Moscow?

Mr. BEDACHT. I have no recollection.

Mr. TAVENNER. Pepper?

Mr. BEDACHT. Pepper, yes, I remember him.

Mr. TAVENNER. Did you meet him here in this country when he was a representative from Moscow?

Mr. BEDACHT. I believe he was here in America for a while and worked with us, but as representative, I don't know.

Mr. TAVENNER. Pepper was the Comintern representative, was he not?

Mr. BEDACHT. I know he worked with us, but I don't know whether he had the position as a representative.

Mr. TAVENNER. When he worked with you, didn't he give you directions as to what should be done in this country?

Mr. BEDACHT. There was no such thing as direction. The executive committee directed, and whoever worked with the executive committee had to accept the decisions that were made.

Mr. TAVENNER. Did Pepper work with the executive committee?

Mr. BEDACHT. Yes.

Mr. TAVENNER. That is all.

Mr. MOULDER. May I ask one question?

Mr. WOOD. Mr. Moulder.

Mr. MOULDER. Does the Communist Party in this country keep a record of its membership?

Mr. BEDACHT. Not in a central body, and, frankly, I don't even know how the records are kept now. Probably the records are only in the lower units, that is, in the lower branches.

Mr. MOULDER. The central headquarters have no record of the membership?

Mr. BEDACHT. I don't think they have a record. We never had, to my knowledge.

Mr. MOULDER. They did not keep a record while you were an official?

Mr. BEDACHT. No.

Mr. MOULDER. That is all.

Mr. WOOD. Thank you very much, Mr. Bedacht.

Mr. TAVENNER. Dr. Burtan.

Mr. WOOD. Will you raise your right hand, please? Do you solemnly swear the evidence you give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. BURTAN. Yes, sir.

Mr. WOOD. Have a seat.

### TESTIMONY OF WILLIAM GREGORY BURTAN

Mr. TAVENNER. Dr. Burtan, the committee desires your cooperation in obtaining certain information relating to events and persons, which will be brought out in my questions.

Will you state your full name, please?

Dr. BURTAN. William Gregory Burtan.

Mr. TAVENNER. What is your present address?

Dr. BURTAN. 260 West Seventy-second Street, New York City.

Mr. TAVENNER. In what occupation are you engaged?

Dr. BURTAN. Right now I am doing medical clerical work in the Union Health Center of the International Ladies' Garment Workers Union.

Mr. TAVENNER. Are you a doctor?

Dr. BURTAN. I was, yes. I haven't my license now.

Mr. WOOD. I didn't get the last sentence.

Dr. BURTAN. My license has been revoked.

Mr. WOOD. You are a doctor of medicine?

Dr. BURTAN. Yes.

Mr. WOOD. What school did you attend?

Dr. BURTAN. New York University, Bellevue Medical College.

Mr. WOOD. How long did you practice medicine?

Dr. BURTAN. In 1923 I graduated.

Mr. WOOD. When was your license suspended?

Dr. BURTAN. It was revoked in 1936, I believe.

Mr. TAVENNER. When and where were you born?

Dr. BURTAN. I was born in Russia in 1900, September 25, and came to this country in 1907.

Mr. TAVENNER. When were you naturalized?

Dr. BURTAN. When I was 21; about 1921.

Mr. TAVENNER. July 1921?

Dr. BURTAN. I guess that is right.

Mr. TAVENNER. Are you acquainted with Nicholas Dozenberg?

Dr. BURTAN. Yes; I am.

Mr. TAVENNER. Did you know at the time you knew Nicholas Dozenberg that he was a Soviet agent?

Dr. BURTAN. I did.

Mr. TAVENNER. Were you at one time connected with the American-Rumanian Film Corp. as its vice president?

Dr. BURTAN. I don't think I held a position with the corporation. I helped organize it, but I don't believe I was on the board of directors.

Mr. TAVENNER. In what way did you help organize it?

Dr. BURTAN. By getting people to help form it.

Mr. TAVENNER. Was Nicholas Dozenberg the president of this company?

Dr. BURTAN. Either he or his wife. That is an item that was unimportant, so I don't remember.

Mr. TAVENNER. Nicholas Dozenberg was actively engaged in the establishment of that corporation, was he not?

Dr. BURTAN. Yes. He was the instigator of it.

Mr. WOOD. What is the name of the corporation?

Mr. TAVENNER. The American-Rumanian Film Corp.

Were you at that time a member of the Communist Party?

Dr. BURTAN. I was not. I was a member of the same group that Mr. Mandel was, the Lovestone group. I had been expelled in 1929.

Mr. TAVENNER. When was that corporation organized?

Dr. BURTAN. I think in 1931, if my recollection is right.

Mr. TAVENNER. In 1933 I believe you were arrested by the United States Secret Service in New York City on a charge of possession and passing of counterfeit bills?

Dr. BURTAN. Yes.

Mr. TAVENNER. How much counterfeit money did you have in your possession at that time?

Dr. BURTAN. None.

Mr. TAVENNER. Well, when I speak of possession I am not referring particularly to having it in your pocket or on your person, but how much counterfeit money was involved in the matter relating to your arrest?

Dr. BURTAN. Approximately \$100,000.

Mr. TAVENNER. About \$100,000?

Dr. BURTAN. Approximately, in counterfeit bills.

Mr. TAVENNER. Where was this counterfeit money printed?

Dr. BURTAN. That is a mystery to me. I can only repeat what Dozenberg informed me. I was never a principal agent in the thing. As he informed me, it was made in Berlin; and subsequently, in talking to Secret Service agents, they seemed to believe the same thing.

Mr. TAVENNER. Suppose you tell us the entire story about Dozenberg's connection and your connection with that counterfeit enterprise?

Dr. BURTAN. Well, Dozenberg had been passing that money all over the world, and he proposed to me that I should help him in getting this money converted in large blocks. At that time I was acquainted with a German, Hans Daschan Von Buelow.

Mr. TAVENNER. Will you spell that, please?

Dr. BURTAN. V-o-n B-u-e-l-o-w.

Mr. TAVENNER. Is there an "l" in the name?

Dr. BURTAN. Yes. That is a famous German name, historical name. The proposition given to him was that he should help pass this money. I had been acquainted with him a year or a year and a half. He had no job; he had no means of support. I used to help him out. He was a good companion. He used to come to my office almost every day. We used to have dinner together almost every day. He was a very interesting fellow. He was an adventurer of the world and knew everybody and everything.

When he was shown these bills, his idea was they should be given to the Finance Minister of Guatemala, with whom he was well acquainted—this is the story given to me—and this Finance Minister would be able to put these bills in a safe and take out Guatemalan money or good American money, and he believed these bills would not be seen for many years; and, of course, he would give us a part of the

money, a certain percentage of it. That was the scheme originally advanced by Von Buelow.

Mr. TAVENNER. Was Von Buelow a Communist?

Dr. BURTAN. No. As a matter of fact, I believe he was a Nazi. He used to advocate Hitler's views, which made no difference to me at that time. Very little was known of Hitler at that time.

Mr. TAVENNER. Was Dozenberg at that time a Communist?

Dr. BURTAN. He was alleged to be one. As far as I knew he was one. The reason why he trusted me so much was because he was a sympathizer of our group. At that time there were many old-timers who were still members of the Communist Party but were sympathetic to us who had been expelled, in one way or another, and as far as I knew he was considered a Communist.

After this thing failed, it seemed that Von Buelow, without my knowledge, really had another scheme in mind. Somehow or another the matter failed in Guatemala; he never did meet the Finance Minister. He had shown me cables supposedly from the Finance Minister. His other scheme was to pass it in Chicago. I knew nothing about it. He had a friend there by the name of Smiley, who was a private detective, and through Smiley it seems Van Buelow engaged a number of underground characters. These underground characters distributed the money. This was without my knowledge. I didn't learn of it until at my trial. When one of these underground characters was caught he told the Secret Service where he got the money. At the trial there were about six or seven people who testified ahead of me whom I did not know. Each one said he got it from the other man. It was sort of a chain of events. Finally it came down to me. When I was asked where I got the money, I did not testify to that. I was really protecting Dozenberg.

Mr. TAVENNER. What was the purpose of passing these counterfeit bills? What was to be done with the money?

Dr. BURTAN. The money which I was to get, part of it I was going to turn over to Dozenberg, who would finance himself, his enterprises, and part of it was to go to the Lovestone group.

Mr. TAVENNER. You say part of it was to go where?

Dr. BURTAN. To the Lovestone group, for expenses.

Mr. TAVENNER. You said that Dozenberg was to use part of it for the financing of his enterprises. What enterprises do you refer to?

Dr. BURTAN. Well, at that time I don't remember whether we had already formed the American-Rumanian Film Corp. or not, but we were going to form it. His idea was to form various fronts for his activities, and that is all I knew. I was not to be asking questions.

Mr. TAVENNER. His activities in what connection?

Dr. BURTAN. At that time he told me he was going to go to Rumania to do some espionage work there.

Mr. TAVENNER. For what government?

Dr. BURTAN. For the Soviet Government. But I was out of the Communist Party. I was not primarily interested in the Communist Party or in the Soviet Government at that time. As a matter of fact, we were fighting the regime that was in charge.

Mr. TAVENNER. Have you carried on correspondence with the Canadian Radium & Uranium Corp. at any time?

Dr. BURTAN. Never.

Mr. TAVENNER. Have you conferred in person with any member of that corporation?

Dr. BURTAN. The only thing I can tell you is this: I knew Dr. Tomarkin away back in the days of my youth when I was a student. He came from Italy, and was a staunch Mussolini supporter at that time. That was in 1923, 1924, or 1925. I did him a lot of personal favors, and I did some medical research work with him.

Mr. TAVENNER. Will you spell his name, please?

Dr. BURTAN. T-o-m-a-r-k-i-n. Dr. Tomarkin used to have some hot arguments with me against communism. So don't get the impression he was a Communist. When I came out of jail Dr. Tomarkin still remembered me very closely, because we used to be very close in those years, and at this time he had organized a corporation that was manufacturing and selling a waterproofing compound, and they were making quite a good deal of money. Also, he was working for the Canadian Radium Corp. He knew the president, Pregel.

Mr. TAVENNER. Will you spell that name, please?

Dr. BURTAN. I don't know how to spell it. I met him through Dr. Tomarkin, but know him very slightly. At one time he was going to try to get me a job there, because I was in need of a job when I came out of prison. Subsequently he gave me a job as sanitary officer at Aquilla. I had lost my license, but was working under another doctor. For that I am very thankful to him, because he gave me a chance to make a living. I had no other connection with the Canadian Radium Corp. other than just to meet Mr. Pregel for a few minutes.

Mr. TAVENNER. You do have knowledge, do you not, that this is the concern which sold uranium nitrates and oxides to the Soviet Government in 1943?

Dr. BURTAN. No. At that time I didn't know Mr. Pregel. I met Pregel only a few months ago. I do recall the Canadian Radium Corp. at one time was in the papers as having sold uranium, and the Government told them to stop selling it.

Mr. TAVENNER. Are you acquainted with Max Bedacht, who was a witness here this morning?

Dr. BURTAN. Yes.

Mr. TAVENNER. How long have you known him?

Dr. BURTAN. I haven't known him these past 17 or 18 years, but I knew him before that. Don't forget I was in jail for 10 years, and since then I have had no contacts.

Mr. TAVENNER. Did Max Bedacht have any connection with Dozenberg's activities, in the sense of assigning duties to him?

Dr. BURTAN. None that I know of. If he had, I am sure they would not tell me about it.

Mr. TAVENNER. Did Max Bedacht ever give you directions or orders?

Dr. BURTAN. No. He couldn't give me orders. He could ask my assistance.

Mr. TAVENNER. Has he ever asked your assistance?

Dr. BURTAN. Yes.

Mr. TAVENNER. In what matters?

Dr. BURTAN. In the matter of the counterfeit bills, and in the matter of the American-Rumanian Film Corp.

Mr. TAVENNER. I believe you misunderstood me. I asked did Max Bedacht ever make any request of you? Are you speaking of Max Bedacht?

Dr. BURTAN. No. Max Bedacht never asked me and never could, because I was not a functionary of the party.

Mr. TAVENNER. You stated you knew that Dozenberg was a Soviet agent. How did you acquire that knowledge?

Dr. BURTAN. He told me so himself. I mean, his activities were such. Just for a man to tell you that would not be sufficient.

Mr. TAVENNER. Are you acquainted with Jack Stachel, who was recently convicted in Federal court in New York City?

Dr. BURTAN. I was in the old days.

Mr. TAVENNER. Are you acquainted with Gaik Ovakimian, O-v-a-k-i-m-i-a-n?

Dr. BURTAN. It doesn't strike any recollection.

Mr. TAVENNER. I show you a photograph of Gaik Ovakimian and ask if you can identify the photograph as being of a person you know?

Dr. BURTAN. No; I have no recollection of him at all. I hope you are not under a misapprehension as to my connection. I was not in the midst of any of those things. I was on the fringes. I was only asked to help, which meant that I would not be introduced to people who were agents or anything like that. I wouldn't be a man who was trusted to a degree that I would be right in things. So that a lot of these people I would never possibly meet.

Mr. TAVENNER. Will you tell the committee the names of all persons who conferred with you at any time regarding the counterfeit money?

Dr. BURTAN. What do you mean? How to pass them, how to dispose of them?

Mr. TAVENNER. Yes.

Dr. BURTAN. Only Dozenberg and Von Buelow.

Mr. TAVENNER. Did any other persons solicit your entering into this plan, or talk to you about it, besides those two persons?

Dr. BURTAN. No. If I had thought there were more than one or two people I never would have touched it with a 10-foot pole.

Mr. WOOD. Who got those counterfeit bills into the hands of the people who actually passed them in Chicago?

Dr. BURTAN. That I don't know, except what came out in the trial. Smiley was the one who passed them to those people.

Mr. WOOD. You didn't pass them to those people?

Dr. BURTAN. No; I didn't even know the people.

Mr. TAVENNER. Did you deliver them to Smiley?

Dr. BURTAN. No; that was a lie Smiley told on the stand. I delivered them to Von Buelow.

Mr. TAVENNER. Was Von Buelow tried?

Dr. BURTAN. He wasn't tried with me. There was a severance of trials. That is all hearsay. He was subsequently tried and released after 1 hour in jail, or something like that. He acted as a Government witness.

Mr. TAVENNER. Did you cooperate with the Government during the course of the trial, or is this the first time these facts have been disclosed?

Dr. BURTAN. The FBI knew the facts since 1939, I believe, when Dozenberg came to jail in Lewisburg.

Mr. TAVENNER. When did you first tell any Government agency the real facts in the case?

Dr. BURTAN. About 1939. I think Dozenberg gave the FBI a statement also, and I gave one.

Mr. WOOD. Was Dozenberg prosecuted for this counterfeit activity?

Dr. BURTAN. No; he was never prosecuted for that. He was sent to Lewisburg on a false passport charge. I was there already.

Mr. WOOD. Even after you divulged the information to the FBI you are divulging now, Dozenberg was not prosecuted?

Dr. BURTAN. Not to my knowledge.

Mr. TAVENNER. Do you know when Dozenberg was released from Lewisburg?

Dr. BURTAN. He did a year and a day, which means he did 9 months and 18 days. I can't recall whether it was 1939 or 1940 when he came in.

Mr. TAVENNER. What I am getting at is, did he serve his sentence after you had made known to the FBI the facts as you have told them here?

Dr. BURTAN. He was there in jail when the FBI received the report.

Mr. TAVENNER. How long before that had the passing of this money taken place?

Dr. BURTAN. 1932. I believe the statute of limitations applied.

Mr. WOOD. Was Dozenberg a witness at your trial?

Dr. BURTAN. No.

Mr. TAVENNER. No further questions,

Mr. WOOD. Mr. Moulder?

Mr. MOULDER. No further questions.

Mr. WOOD. I have no further questions, Doctor. Thank you.  
(Thereupon, at 12:25 p. m., the hearing was adjourned.)





# HEARINGS REGARDING COMMUNIST ESPIONAGE

FRIDAY, DECEMBER 2, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE  
ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## PUBLIC HEARING

The subcommittee of one met, pursuant to call, at 10:30 a. m., in room 226, Old House Office Building, Hon. Morgan M. Moulder presiding.

Committee member present: Hon. Morgan M. Moulder.

Staff members present: Frank S. Tavenner, Jr., counsel; Courtney Owens, investigator; John W. Carrington, clerk; Benjamin Mandel, director of research; and A. S. Poore, editor.

Mr. MOULDER. The committee will come to order.

Let the record show that on November 8, 1949, the Honorable John S. Wood, chairman of the Committee on Un-American Activities, ordered, authorized, and directed Morgan M. Moulder, a member of this committee, as a subcommittee thereof, to hold, conduct, and preside over hearings scheduled for this day.

Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. Chairman, the hearing this morning constitutes a part of the committee's effort to assemble in report from the history of the Soviet espionage apparatus from the time it began to function in the United States until the present date. The committee's investigation of Soviet espionage has reflected that there are a great many Soviet espionage agents who operated in the United States and who may be still operating because of the fact that they have never been publicly identified.

If you will recall, Mr. Chairman, a considerable number of persons known to have operated in the United States have been identified by witnesses appearing before the committee solely by pseudonyms. It is hoped that during the course of the committee's espionage hearings which will be held from time to time persons previously referred to as espionage agents under the pseudonyms of "Bill," "Herb," "Jim," and so forth, will be definitely identified under their true names.

The witness this morning has been asked to appear here because of the fact that he, at his own personal risk, assisted the United States Government in its efforts to uncover the operation of an espionage apparatus which was headed by one Mr. Herb, who was subsequently identified as Moische Stern.

So I would like to call that witness. Mr. Disch.

Hold up your right hand and be sworn. You solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DISCH. Yes, sir.

### TESTIMONY OF WILLIAM M. DISCH

Mr. TAVENNER. Will you state your full name, please?

Mr. DISCH. William M. Disch, D-i-s-c-h.

Mr. TAVENNER. What is your present address?

Mr. DISCH. 6208 Eighty-fourth Street, Elmhurst, Long Island, N. Y.

Mr. TAVENNER. Mr. Disch, will you briefly state your occupational background for the committee?

Mr. DISCH. I am electrical draftsman for the Arma Corp.

Mr. MOULDER. What corporation?

Mr. DISCH. Arma, A-r-m-a.

Mr. MOULDER. Will you speak distinctly, Mr. Disch, so we can hear what you say?

Mr. DISCH. I have been employed by this company for the past 25 years.

Mr. TAVENNER. In what type of work was that company engaged in 1931?

Mr. DISCH. They were engaged in naval instrument work, such as fire control, gyrocompass; very secretive work.

Mr. TAVENNER. You were working for that company at that time?

Mr. DISCH. I was; yes, sir.

Mr. TAVENNER. Where was the company's place of business located?

Mr. DISCH. 254 Thirty-sixth Street, Brooklyn, N. Y.

Mr. TAVENNER. When did you first become employed by that company?

Mr. DISCH. In May 1925.

Mr. TAVENNER. And your employment continued how long?

Mr. DISCH. It continued up until 1944, then I went into business for myself, and was reemployed this year.

Mr. TAVENNER. In your employment from 1925 on up through the year 1931, what was the general character of your employment?

Mr. DISCH. My employment at that time was designing instruments for fire control for naval work.

Mr. TAVENNER. While working there, did you become acquainted with a Mr. and Mrs. Samuel Kantor?

Mr. DISCH. Yes; I did.

Mr. TAVENNER. Will you tell the committee your associations with Mr. and Mrs. Kantor?

Mr. MOULDER. May I ask how you spell that name?

Mr. DISCH. I think it is K-a-n-t-o-r. Mr. Kantor was employed by the Arma Corp. as chief draftsman, and we used to have a lot of social activities, myself and Samuel Kantor and other members of the drafting department. We used to go to his home and we used to go out and do a little drinking now and then. Mr. Sam Kantor was with the Arma Corp. up until about 1930.

Mr. MOULDER. I don't believe we can hear you very clearly, Mr. Disch. Will you speak a little louder?

Mr. DISCH. I will.

Mr. TAVENNER. You say Mr. Kantor was employed by the Arma Corp. until about 1930?

Mr. DISCH. About 1930; yes.

Mr. TAVENNER. Did Mr. Kantor have access to the same classified and confidential information that you had access to?

Mr. DISCH. Yes; he did. He had access to all the confidential specifications, drawings, and contracts.

Mr. MOULDER. Specifications, drawings, and contracts?

Mr. DISCH. Yes.

Mr. MOULDER. Of what?

Mr. DISCH. Of all fire control contracts, gyrocompass contracts, all pertaining to the secretive work we were doing for the Government.

Mr. TAVENNER. Where did Mr. Kantor go after leaving the employ of the Arma Corp. in 1930, as far as you know?

Mr. DISCH. As far as I know, Mrs. Kantor told me he went to England. That is as far as I know.

Mr. TAVENNER. What contact did you have, after Mr. Kantor left, with Mrs. Kantor, if any?

Mr. DISCH. Sometime very early in 1931 she wrote me a letter, and it was delivered to me by a friend of Mr. Kantor who was employed in the machine shop at the Arma Corp., asking me to come and see her as she would like to talk to me about something.

Mr. TAVENNER. Did you go?

Mr. DISCH. I did go; yes.

Mr. TAVENNER. Tell the committee just what occurred?

Mr. DISCH. I went up to visit Mrs. Kantor, and Mrs. Kantor told me about her husband being in England, and that he would like very much to get some information on some fire-control work that we were doing. At that time we were in the process of manufacturing a stable element, which was the first time it had been used by the United States Navy. It had to do with stabilizing the guns on the battleships. She asked me if I could get information pertaining to this, as Mr. Kantor had already had half of this information himself. He got let go before we had completed this particular instrument.

Mr. TAVENNER. In other words, the development of this secret mechanism had not been completed when Kantor left?

Mr. DISCH. That is correct.

Mr. TAVENNER. Proceed.

Mr. DISCH. And I said: "Well, I can't give any information like that to Mr. Kantor or anybody else." She said, "Oh, there is no harm in doing that." I said: "Well, I will see what I can do," and let it go at that. She said she would have me meet another man in a few days or a week at her home. I said: "O. K." I don't know why I did it. I just wanted to find out what it was all about, that is all.

Mr. TAVENNER. Did she make an appointment for a definite time?

Mr. DISCH. She did; yes.

Mr. TAVENNER. Where was that appointment?

Mr. DISCH. That appointment was held in her home. She lived at that time up in the Bronx in New York.

Mr. TAVENNER. Tell us what occurred on that occasion.

Mr. DISCH. I came there and saw Mrs. Kantor, and while we were waiting for this particular party who I was supposed to meet, she was telling me: "Don't be afraid of giving this information because

there is no harm in it and you will be paid very good." I said, "What do you mean, 'paid very good'?" She said, "You will get much more than you are making at Arma." I said, "Well, I will see what it is all about."

At that time a party by the name of Mr. Herb came in. I was first introduced to him at that time, and he appeared to me at that time, when I saw him, a militaristic type of a gentleman.

Mr. TAVENNER. Did he impress you as a foreign national?

Mr. DISCH. He did. He impressed me as a person of foreign nationality, of a militaristic type.

Mr. TAVENNER. Did Mrs. Kantor refer to him by any name other than Herb?

Mr. DISCH. She did not.

Mr. TAVENNER. Did you know at that time whether Herb was his real name or not?

Mr. DISCH. I did not.

Mr. TAVENNER. Tell us just what occurred when this man who was referred to as Herb met you in Mrs. Kantor's home.

Mr. DISCH. I asked him just what he wanted. I said: "It is funny to me you want our drawings to use them in England." I said: "What is the reason?" He said: "Kantor is working in England with a competitive concern of yours and would like that information to help him in that work." He said: "You know all those countries work hand in hand." He tried to sell me a bill of goods and tell me not to worry. I said: "I don't know. Suppose I think about it." And I made an appointment with him for a later date.

Mr. TAVENNER. Did he do anything in particular to attempt to gain your confidence at that time?

Mr. DISCH. At the time when I met him first at Mrs. Kantor's home?

Mr. TAVENNER. Yes.

Mr. DISCH. No; he didn't. We just made a date to meet at Ninety-sixth Street and Broadway about a week later—something like that.

Mr. TAVENNER. What type of place was Ninety-sixth and Broadway where you met later?

Mr. DISCH. Right outside a subway station. There is a hotel on the corner there; I don't remember the hotel's name.

Mr. TAVENNER. Did you meet in the hotel?

Mr. DISCH. No; on the street.

Mr. TAVENNER. Tell us what occurred then.

Mr. DISCH. Before that I want to tell that when I went back to Arma I told the president of the concern what happened, and he became very interested in it and he said: "Good for you, fellow. We will find out what is what." So he called up the Navy Department, and the Naval Intelligence came up the following day and we talked it over, and they told me to meet him and they would have Naval Intelligence men at the corner to watch me. When I met him at Ninety-sixth and Broadway I saw two Naval Intelligence men around the corner. I had met them when I talked to Captain Jones, the head of Naval Intelligence at that time.

From there we went to a Schrafft's restaurant at Ninety-fifth and Broadway, I believe. I had no information to give him. He asked if I had anything, and I said "No," because I was nervous about what this was all about. I said: "I don't know who you are and I am jeopardizing myself in giving you some information."

He said: "Don't worry about that." To gain my confidence he reaches in his briefcase and hands me a brand new one-hundred-dollar bill, to gain my confidence.

Mr. TAVENNER. Do you remember the date of the meeting when you were handed the \$100?

Mr. DISCH. I don't just remember the date. It was in the early part of 1931. I can't say what particular month in 1931 it was.

Mr. TAVENNER. Well, now, tell the committee just what occurred from that time on. Before that, let me ask you this: What type of information was this individual interested in?

Mr. DISCH. He was interested mostly in the stable vertical, the one that was half completed when Sam Kantor left Arma Corp.

Mr. MOULDER. The what?

Mr. DISCH. The stable vertical.

Mr. MOULDER. What is that?

Mr. DISCH. The stabilizing of the guns when they are fired aboard a ship.

Mr. TAVENNER. Tell us what occurred after that conference.

Mr. DISCH. After that conference I used to meet him at least every 2 weeks for the following 6 months. I should say for about 6 months I used to meet him every 2 weeks, about. Every time I went to meet him I always took some dummy information which was worthless, and I gave him dummy specifications pertaining to some instruments way back years ago. Every time I met him he always handed me \$100, \$200, something like that.

Mr. TAVENNER. Was that work which you were doing under the supervision of any Government agency? I mean by that, were your conferences and the material you furnished at these conferences supervised in any way by a Government agency?

Mr. DISCH. Yes, sir; they were. Naval Intelligence only followed me twice, and then the FBI took over, and the FBI from that time supervised the whole case. Every time I was supposed to meet him I met with the FBI men at their building on Lexington Avenue at Forty-first Street, and I was searched. The procedure was to see how much money I had on me, so they could search me when I came back and tell how much money he gave me. At every meeting there were always FBI men near the table where we met, and they would see him hand me money and see the transactions.

Mr. TAVENNER. What was done with the money you received?

Mr. DISCH. I gave it to the FBI and they gave me a receipt for it.

Mr. TAVENNER. Did you learn, during the course of your contacts with this man referred to as Herb, where he worked or where he was employed or with whom he associated?

Mr. DISCH. No; I did not; but what I do remember, the FBI wanted to know if he was connected with Amtorg, and they were wondering how we could get him to go there, so they planned I was to give him some very confidential information which I had taken over the night and had to bring back the next morning, so we kind of put the pressure on him. I met him the early part of the evening and gave him these specifications, which were dummies, and later on in the evening he was supposed to give me the specifications back. I think he led them to the Amtorg Corp., where he went to have the specifications photographed.

Mr. TAVENNER. This man Herb led the FBI men to Amtorg Corp.?

Mr. DISCH. Yes.

Mr. MOULDER. What is that?

Mr. DISCH. That is a Russian purchasing agency?

Mr. TAVENNER. Did Herb drive a car?

Mr. DISCH. We always took a taxi and we always met at a different place each time.

Mr. TAVENNER. Give us a description of the places where you met?

Mr. DISCH. Well, we used to meet quite frequently in the Schrafft restaurants in New York, and in some of the German haubraus in East Side New York, and some other downtown restaurants.

Mr. TAVENNER. How was this information which you took with you passed to Herb?

Mr. DISCH. It was always in a package. I laid it on the table and when we got up he picked it up. It was never handed directly. I laid it on the table.

Mr. TAVENNER. Was the package so wrapped and prepared—

Mr. DISCH. It was in a folder—in an envelope.

Mr. TAVENNER. Did this man Herb indicate to you whether there were other persons furnishing him information?

Mr. DISCH. I don't think he did, but I do recall the FBI told me: "Gee, Bill, you certainly did open up a hornet's nest, because there were other people he was contacting in New York." Whether it was Sperry's or not, I don't know. I asked the FBI: "Is anybody else connected with this?" They said: "We have other fellows being shadowed the same way."

Mr. TAVENNER. This information Herb sought was strictly confidential information?

Mr. DISCH. Strictly confidential information.

Mr. TAVENNER. Did Herb explain in any greater detail than you have told us his purpose in obtaining this material and what he proposed to do with it?

Mr. DISCH. All I could find out from him at the time, I asked him if he was connected with the German Government. He never did actually tell me who he was getting this information for. I don't recall any time that he told me exactly who was paying him or who he was connected with. I don't remember that.

Mr. MOULDER. Maybe not in express words, but did he, by inference, indicate where he was taking this information?

Mr. DISCH. Only where the FBI told me they followed him to. He told me at the time I gave him these specifications; "I will have them photographed." That is the time he went to the Amtorg Corp.

Mr. MOULDER. Where did the FBI tell you he was taking the information?

Mr. DISCH. They didn't tell me.

Mr. MOULDER. They didn't tell you?

Mr. DISCH. No; they didn't tell me; but at the time they did tell me a lot of things he was doing and where he lived, and they had a man placed at the house where he lived.

Mr. MOULDER. What did you say the name of this Russian purchasing agency was?

Mr. DISCH. Amtorg.

Mr. MOULDER. How do you spell it?

Mr. TAVENNER. A-m-t-o-r-g.

Mr. MOULDER. I see.

Mr. TAVENNER. Will you state in more detail what information was given you, or what was said to you, by the FBI or the Naval Intelligence officers as to the information which was obtained relating to this man Herb's movements?

Mr. DISCH. I don't get the question. You mean what he done with it?

Mr. TAVENNER. What information did other Government agencies of the United States obtain regarding this man Herb's movements?

Mr. DISCH. They didn't tell me too much of what they actually found out in reference to him. All I can remember, I gave him prints a number of times and they followed him. At one particular time they told me they followed him and he turned around and asked the fellow, "Who are you following? Are you following me?" And the Intelligence man said "No" and walked away. Another particular time I was told that when the package of blueprints was given to one of his coworkers—I don't know who this particular party was—and he was being trailed pretty closely, he dropped them in an ashcan so he would not be caught with them.

Mr. TAVENNER. Have you ever seen this man Herb since the last time you conferred with him with regard to these documents?

Mr. DISCH. No, sir. The last appointment I had with him, he didn't show up, and when I reported back to the FBI office they told me: "He must have flew the coop." So they checked up on him and found he had moved. They were going to check up on Mrs. Kantor and found she had also moved. So that was the last I heard from Mr. Herb until sometime during that Spanish Civil War, it was after that, one of the FBI men came to Arma Corp. and asked me to identify a photograph. He said: "Do you know who this fellow is, Bill?" I said: "Yes; that is my old pal." He was supposed to have been killed in the Spanish Civil War at that time. I said: "How did you ever get a photograph like that?" He said: "We have our ways of getting information like that."

Mr. MOULDER. Who was the photograph of?

Mr. DISCH. Of Herb.

Mr. TAVENNER. Were you advised that Herb was not actually killed?

Mr. DISCH. The FBI man said: "That is a trick of theirs. He will pop up again under an assumed name."

Mr. OWENS. I would like to ask one question, Mr. Chairman.

Mr. MOULDER. Very well.

Mr. OWENS. Did you, as a result of this experience over a period of 6 months, ask our authorities, that is, the FBI, what was being done with the evidence you were obtaining, or helping them to obtain?

Mr. DISCH. I don't believe I ever asked them that question, what they were doing with it.

Mr. TAVENNER. No further questions.

Mr. MOULDER. You are excused, Mr. Disch. Thank you very much.

The subcommittee will stand adjourned until Monday, December 5, at 10:30 a. m.

(Thereupon, at 11 a. m., Friday, December 2, 1949, the hearing was adjourned until Monday, December 5, 1949, at 10:30 a. m.)





# HEARINGS REGARDING COMMUNIST ESPIONAGE

MONDAY, FEBRUARY 27, 1950

UNITED STATES HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## EXECUTIVE SESSION

The committee met, pursuant to call, at 11:15 a. m., in room 226, Old House Office Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood (chairman), Burr P. Harrison, Morgan M. Moulder, Harold H. Velde, and Bernard W. Kearney.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; William A. Wheeler, Donald T. Appell, and Courtney Owens, investigators; and A. S. Poore, editor.

Mr. Wood. Let the committee be in order, and let the record disclose that there are present Messrs. Harrison, Moulder, Velde, Kearney, and Wood, a quorum.

Will you please stand and be sworn. You solemnly swear the evidence you give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHERMAN. I do.

Mr. Wood. Have a seat. Mr. Russell, you may proceed.

## TESTIMONY OF JOHN LOOMIS SHERMAN

Mr. RUSSELL. Mr. Sherman, you are appearing before the committee by virtue of a subpoena served on you February 8, 1950, by Deputy United States Marshal Ross, of Los Angeles?

Mr. SHERMAN. That is correct, sir.

Mr. RUSSELL. What is your full name?

Mr. SHERMAN. My name is John L. Sherman.

Mr. RUSSELL. Does the L stand for Loomis?

Mr. SHERMAN. That is right.

Mr. RUSSELL. When and where were you born?

Mr. SHERMAN. I was born on a farm in the outskirts of Utica, N. Y., October 19, 1895.

Mr. RUSSELL. What is your present address?

Mr. SHERMAN. My present address is 705 West Sixth Street, Los Angeles.

Mr. RUSSELL. What is your occupation?

Mr. SHERMAN. I am at present unemployed, but by profession I am a teacher.

Mr. RUSSELL. Would you furnish the committee with a record of your past employment, beginning about the year 1925?

Mr. SHERMAN. In meeting this question, may I inform the committee that within the week I was summoned to appear as a witness before the Federal grand jury of Los Angeles.

Mr. WOOD. Within this week?

Mr. SHERMAN. Within the week. I think it was last Tuesday. There, together with the other persons present, I was sworn to secrecy, and I do not know what information I may reveal here without violating that oath of secrecy.

Mr. RUSSELL. Were you subpoenaed to appear before the Federal grand jury after this committee's subpoena was served upon you?

Mr. SHERMAN. Yes, sir.

Mr. WOOD. Mr. Sherman, permit me to advise you that the oath you take before a grand jury is that you will not divulge anything that happened in the grand jury room. No grand jury has any authority to invoke any oath of secrecy other than that. This is in executive session, also.

Mr. SHERMAN. I think you will appreciate, Mr. Wood, that the questions entered into there were of a very wide nature, and I myself, not being a lawyer, am not informed as to what my rights are or what I may reveal.

Mr. RUSSELL. Mr. Chairman, I would like to say something on that point. This man's name first developed in our investigation of Whittaker Chambers' case. It was never brought out in the trial of Whittaker Chambers' case, and it seems to me there has been interference on the part of other agencies in one of our investigations.

Mr. WOOD. I have tried to inform the witness as to how far an oath of secrecy to a grand jury goes.

Mr. SHERMAN. It is my intention to cooperate as fully as I can with this committee.

Mr. WOOD. We are not going to ask you what you testified before a grand jury.

Mr. RUSSELL. Have you ever used the name "Robert Mitchell?"

Mr. SHERMAN. I believe, in reply to this question, I must exercise my privilege that the answer may tend to incriminate me, and therefore I am unable to answer that question.

Mr. WOOD. This committee does not agree you are not able to answer it. You may decline to answer if you desire.

Mr. SHERMAN. I must decline to answer on the ground the answer may tend to incriminate me.

Mr. RUSSELL. Did you ever write for a publication known as the Daily Worker under that name?

Mr. SHERMAN. My reply to that question is similar. I must decline to answer on the ground the answer may tend to incriminate me.

Mr. WOOD. You understand, Mr. Sherman, that the committee does not accept that as a valid excuse. If you decline to answer, you do it at your own hazard. The question is whether you have written under that name. It is not a violation of any law I know of for a man to write under a pen name. I fail to see how an answer to that question could incriminate you.

Mr. SHERMAN. May I explain it is my understanding that any matter, in itself however harmless, if it may lead to the securing of evidence or the uncovering of information which may tend to incriminate me, permits me, under the constitutional privilege, to decline to answer?

Mr. WOOD. I understand you decline to answer?

Mr. SHERMAN. I must decline to answer on the ground the answer may tend to incriminate me.

Mr. RUSSELL. Mr. Sherman, I would like to go back to the question I asked you when you brought up the fact you had been sworn to secrecy before a Federal grand jury. The question was, would you furnish the committee with a record of your past employment, beginning in about the year 1925?

Mr. SHERMAN. To the best of my recollection I have been employed in newspaper work, as a teacher, and I have been a farm adviser, or, more accurately, I should say agricultural adviser, because farm adviser is a Government position, and I did not hold that. I have been a teacher for some years. I worked for the Government camp at Camp Pendleton. I was employed as a cab driver during this period. I believe that about covers it as nearly as I can recollect at the moment.

Mr. RUSSELL. What newspaper were you employed by?

Mr. SHERMAN. In reply to this question I must exercise my privilege on the same grounds and decline to answer.

Mr. RUSSELL. In connection with the answer which you have given to the question regarding the record of your past employment, did you ever have any other employment?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Have you ever used the name "Arthur"?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever used the name "Mike"?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever used the name "Don"?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Are you acquainted with Max Bedacht?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. WOOD. I can see no way on earth how an answer to that question could incriminate you.

Mr. SHERMAN. I mean this in the spirit of the greatest cooperation. I don't know what kind of case is being prepared against me. I have every reason to believe that much of the testimony given by certain witnesses here is part of a definite frame-up. I have no means of knowing to what extent I am involved or the individuals you have mentioned are possibly involved, and in the absence of any knowledge I may have of what is the background of this testimony, any answer may tend to incriminate me.

Mr. WOOD. In other words, you are assuming there is some scheme afoot that may tend to incriminate you?

Mr. SHERMAN. I am not accusing the committee, but I have every reason to believe that some such pattern has been developed.

Mr. WOOD. The question asked now is as to your acquaintanceship with a certain individual, and I fail to see how an answer to that question could incriminate you.

Mr. SHERMAN. If such individuals are themselves involved, and if by chance there is testimony involving them and possibly me which I do not regard as truthful, I may be incriminated.

Mr. WOOD. I have known many criminals in my life, and I assume almost everyone has, but that in no sense incriminates me. You haven't been asked if you were engaged in any criminal conspiracy. You were simply asked if you knew a certain individual, and I warn you, refusal to answer that question may have serious repercussions. This committee is not going to try to extract from you any testimony that will incriminate you. Will you answer now?

Mr. SHERMAN. I will try to explain my position. I think you will hold with me if I can make my position clear. A great deal of testimony is required; many questions are asked of me. If it should develop, as I believe it will, that there is countertestimony to mine, possibly on the part of many witnesses, which I regard as untrue, I may then incriminate myself and be subject to perjury. It seems to me my only security is to decline to answer on the ground the answer may tend to incriminate me.

Mr. WOOD. No man can be guilty of perjury if he testifies the truth.

Mr. SHERMAN. Provided there is not false evidence against him.

Mr. KEARNEY. I don't agree with the witness' legal reasoning here. If the witness, whether the present witness or any other witness, testifies in response to questions by counsel and tells the truth in answering those questions, there is no basis for perjury.

Mr. WOOD. Absolutely not, and I will say to the gentleman that there has been no testimony about him by the individual now asked about.

Mr. SHERMAN. There has been considerable testimony on the part of other agencies, and I will ask if in previous hearings such an entrapment and incrimination did not take place such as I fear may take place?

Mr. WOOD. If you persist in that attitude the committee has only one recourse. We are asking for information in conformity with the responsibility of this investigating committee, and I am certainly anxious and eager to protect every witness' rights here, but at the same time we must insist that we are entitled to the courtesy of an answer when there is no possibility of the answer being incriminating.

Mr. SHERMAN. I wish I knew how to escape from this dilemma. I do not know how.

Mr. WOOD. Again, will you answer that question, or do you refuse to answer?

Mr. SHERMAN. I believe I must exercise my privilege to decline to answer on the ground it may tend to incriminate me.

Mr. WOOD. Do you so decline?

Mr. SHERMAN. I must so decline, sir.

Mr. RUSSELL. Are you acquainted with an individual known as David Whittaker Chambers?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Were you ever introduced to him under any name by Max Bedacht?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Did you ever know an individual known to you as Lloyd Cantwell?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Is Lloyd Cantwell the same person as Whittaker Chambers?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Did you ever attend a meeting with Whittaker Chambers which was also attended by two persons known as Herbert and Carl?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever known an individual by the name of Ulrich?

Mr. SHERMAN. What is the name, sir?

Mr. RUSSELL. Ulrich.

Mr. SHERMAN. I must decline to answer that question on the same grounds. May I suggest to the committee—

Mr. WOOD. I don't think you are in a position to do much suggesting, Mr. Witness, in the attitude you have taken.

Mr. RUSSELL. Have you ever known an individual who used the name of Pete?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Was an individual whom you knew as Pete ever identified to you as being a man named Keith?

Mr. SHERMAN. What is that name?

Mr. RUSSELL. Keith, K-e-i-t-h.

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Was Keith a photographer?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever known Keith under any other name?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Do you know his true name?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. RUSSELL. Does he live in California at the present time?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Have you ever been acquainted with a Soviet espionage agent who used the name "Bill"?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, I would like to read to you an excerpt from testimony given to this committee by Whittaker Chambers, which reads as follows:

One day Bill brought me in touch with Sherman again and Sherman described what he had to do. Sherman was to go to Tokyo to be the head of a Soviet underground group and he wanted me to organize for him the facade here which would make it possible for him to operate in Tokyo, which, as you know, is a very difficult operation.

Do you wish to deny or affirm that statement?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. You have indicated that there has been untruthful testimony concerning you, and you are now being afforded an opportunity to refute that testimony. Do you wish to refute it?

Mr. SHERMAN. I do not have sufficient information at the present time to do it, but I have the greatest confidence that ultimately the true facts will come out.

Mr. WOOD. You are being given the opportunity to bring those facts out now, sir.

Mr. SHERMAN. I am unable to do so without my answers tending to incriminate me, as I believe.

Mr. RUSSELL. I would like to read another excerpt from the testimony of Whittaker Chambers:

So I decided that since the London project was rocking along, the expedient thing was to use Maxim Lieber to front for the Tokyo operation. That was organized in the following way. Lieber and Sherman set up what was called the American Feature Syndicate whose purpose it was to secure interesting material from abroad. As I understand it, Lieber went among various feature syndicates and various newspapers and tried to get various interests or sales in this kind of stuff, and Sherman went to work in Lieber's office, had a desk there, and his name was written on the door and I think some stationery was got out and deposits were made, I think, in the Chemical Bank in New York in the name of the syndicate. These deposits were to finance the operation in Japan. Then Peters, who was in on most of this operation, supplied a birth certificate in the name of Charles Chase and, on the basis of that certificate, which was a perfectly legal document procured in the way I have described in earlier testimony, John Sherman took out a passport and on that passport he traveled to Tokyo.

Do you wish to affirm or deny the extract which I have just read to you from the testimony of Whittaker Chambers?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Have you ever known an individual named J. Peters?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Have you ever used the name Charles Chase?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Were you ever associated with an enterprise known as the American Feature Writers' Syndicate?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Have you ever been in Tokyo, Japan?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you ever have a bank account in the Chemical Bank of New York City?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Do you know Maxim Lieber?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, I show you a photostatic copy of an application for passport made out in the name of Charles Francis Chase, which discloses that the Department of State issued Passport No. 148071 to a Charles Francis Chase on September 22, 1934, which covered travel to Japan, China, and Soviet Russia, for business purposes. I ask if you are the individual who executed this passport application?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Is that your photograph?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you sign the name Charles F. Chase care of Roland F. Kapp to this application?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. WOOD. Let that photostat be identified in the record at this point.

Mr. RUSSELL. Mr. Chairman, I ask that this passport application be introduced in the record at this point as "Sherman Exhibit No. 1."

Mr. WOOD. It will be admitted.

(The document above referred to, marked "Sherman Exhibit No. 1," is filed in connection with this record.)

Mr. RUSSELL. I have asked you whether or not you have ever been in Tokyo, Japan. I ask you the same question again.

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you ever receive a passport from the State Department in the name of Charles Francis Chase?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Who was Charles Francis Chase?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Isn't it true that on March 7, 1935, you executed an application for registration in Tokyo, Japan, in which you listed your address as the Bunka, B-u-n-k-a, Apartments, Tokyo, Japan, and in which you said that your legal residence in the United States was 545 Fifth Avenue, New York City, and that in the event of death or accident, Maxim Lieber, 545 Fifth Avenue, New York City, should be contacted?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. How many passports have you secured from the State Department for travel to Russia?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Have you ever been to Russia?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Have you ever known an individual by the name of Hideo Noda, H-i-d-e-o N-o-d-a, a Japanese-American and a portrait painter?

Mr. SHERMAN. At what time, sir?

Mr. RUSSELL. At what time?

Mr. SHERMAN. Yes. When?

Mr. RUSSELL. 1935.

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Have you seen him since 1935?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you know him prior to 1935?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. At this point I would like to read from the testimony of Whittaker Chambers as follows, which refers to the trip which Mr. Chambers said you made to Japan:

Before he went, he gave me another task which was to find for him an American-Japanese who was connected with the highest Japanese circles and who would have easy social access to important people in Japan. I found for him Hideo Noda who was a Japanese-American, I think born in California, a painter of considerable ability who was at that time, I think, an apprentice of Diego Rivera. Noda was a Communist. Then, of course, I introduced Sherman and Noda and, by separate routes, they traveled to Japan.

Do you wish to deny or affirm that excerpt from the testimony of Whittaker Chambers which I have just read to you?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. WOOD. Specifically, is the quotation which has just been read to you true?

Mr. SHERMAN. I have no means of knowing, sir, and I must decline to answer on the same grounds.

Mr. WOOD. You know whether you met this person Noda?

Mr. SHERMAN. My answer may tend to incriminate me, and I must therefore exercise my privilege and decline to answer.

Mr. WOOD. You know whether you traveled to Japan either with him or by separate routes; you can answer that?

Mr. SHERMAN. I must exercise my privilege to decline to answer on the same grounds.

Mr. WOOD. You do know, do you not, whether Noda was a Communist at that time?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. I would like to read further to you from the testimony of Whittaker Chambers:

I was ordered suddenly to dismantle the whole American end of the Japanese apparatus because an arrest had occurred and I assumed, of course, Sherman had been arrested in Japan. I was told to do this as quickly as possible. Russians are not used to Americans, never will be. I, of course, liquidated the apparatus overnight and there was nothing left the next morning. I met Bill the next day and he said he hoped that I hadn't done anything about dismantling the apparatus because it was all a mistake, but the apparatus was gone completely, so they presently recalled Sherman from Tokyo.

Is that statement true or false?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. I would like to read to you further testimony that was given to the committee by Whittaker Chambers:

I am now jumping out of the time period in order to complete the story.

And this refers to you:

He came back to the United States and was again put in touch with me. His orders were at that time to proceed to Moscow. Through Peters I again procured a birth certificate for him. I have forgotten the name. He went to Moscow. He was gone quite a while and I had the feeling he probably would never come back, but some time, I think in 1937, after Bykov was here or just before Bykov came, I have forgotten which, Sherman appeared unexpectedly one night in Lieber's apartment. He was extremely agitated and kept pacing the apartment and Lieber was present and insisted that we go out at once. We went out and the minute I got outside the door he grabbed my arm and said: "I will not work 1 hour longer for those murderers." He then told me he wanted me to act as his agent personally and get through a message to the proper Soviet agents that he was separating himself from the apparatus and that he would return to the open Communist Party.

Do you recall having had such a meeting with Whittaker Chambers and making the statements described by him?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Do you know Colonel Bykov?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Were you ever in any apartment that may have been occupied by Maxim Lieber?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. WOOD. Is the committee to understand, sir, that in each instance where you use the phrase "I must decline to answer on the same grounds," you are referring to the ground your answer may tend to incriminate you?



Mr. SHERMAN. Yes, sir, on the constitutional ground my answer may tend to incriminate me.

Mr. WOOD. And each time you have used that phrase, that is what you meant?

Mr. SHERMAN. Yes.

Mr. RUSSELL. Do you belong to the Communist Party?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Do you belong to the underground of the Communist Party?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you ever engage in espionage?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. This testimony, Mr. Sherman, refers to a visit which Mr. Chambers said you made to Moscow and the testimony following the previous testimony which I have read to you. Quoting from Mr. Chambers' testimony:

Perhaps I had better go into a little bit of the Moscow end of this story. When Sherman got to Moscow, they let him cool off for several months. Nobody came near him nor did anything for him and had no communication with him. But he got around among various expatriates there and discovered they were all perfectly wretched and trying to get out of Russia. He made some kind of conspiracy among the expatriates and, of course, it quickly got to the ears of the GPU and he was called up before a Colonel Uritsky who was reported to be the nephew of the old Uritsky who founded the GPU and who started the terror in the revolution.

Sherman, of course, believed that he would be shot at the end of this meeting. So, he wrapped himself up—he had a cold—he wrapped his neck up in flannel and put on some perfectly vile smelling medicine, and when this Uritsky questioned him he gave perfectly crazy answers to the questions, and with this vile smelling stuff and the crazy answers, Uritsky finally let him go.

They let him go out, the understanding being—I suppose it was a resumption of the old threat in the official mind that he was to go to England and work in the Soviet apparatus there, but he was to come to the United States and set it up.

However, when he got back here he decided he was through. He was not breaking with the Communist Party but was simply breaking with the Russians and the underground.

I carried this message to Bykov. Bykov, of course, was panic-stricken, and there was evidently some heavy communicating with official Russians and they finally agreed that Sherman should keep the money but that he should meet certain Russians—I presume that they were NKVD people—in New York, and it was left at that. He refused to meet them.

He said, "I am going to California, and you have to give me 1 day's jump on these people. Hold them off any way you can, but give me 1 day's jump on the train."

So I did that. I didn't tell Bykov for a whole day that he had left.

Of course, when Bykov discovered it, he was ready to kill me—as I expected he well might. He made me call up the manager of the apartment house, this furnished apartment house where Sherman had been living, which was, I think, called the Swiss Chalet, up on Riverside Drive, and Bykov, who at that time wasn't speaking English, crowded into this telephone booth to hear what the manager was saying over the telephone.

This was part of the very bad relations that developed between Bykov and me. He was sure, and rightly so, that I had had a hand in Sherman's escape. Our relations were extremely bad, desperately bad, until Sherman showed up in California and got in contact with the Communist Party, and I suppose they encircled him with NKVD people and let him alone and watched him.

Do you wish to deny or affirm the testimony which I have just read to you as given to this committee by Whittaker Chambers?

Mr. SHERMAN. I must decline to answer on the ground my answer may tend to incriminate me.

Mr. RUSSELL. Have you ever met Colonel Uritsky?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you have a conference with him in Moscow at any time?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. MOULDER. Would you care to comment or express any opinion on any of the statements read by Mr. Russell?

Mr. SHERMAN. No; I do not.

Mr. RUSSELL. Did you ever live in the Swiss Chalet?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. KEARNEY. Mr. Chairman, may I ask a question?

Mr. WOOD. Mr. Kearney.

Mr. KEARNEY. Are you now a member of the Communist Party, or have you ever been a member of the Communist Party or any other subversive organization having for its objective the overthrow of this Government by force and violence?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. KEARNEY. I understood you to say at the beginning of your testimony that you wanted to be cooperative with the committee.

Mr. SHERMAN. As far as I can do so without incriminating myself.

Mr. KEARNEY. Your answers to the questions propounded by counsel have not indicated that.

Mr. SHERMAN. I am in a dilemma.

Mr. KEARNEY. I will say you are at least consistent in your answers. Did I understand you to say earlier in your testimony that you were born on a farm outside Utica, N. Y.?

Mr. SHERMAN. I believe it is now incorporated.

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

Mr. SHERMAN. Fairfield, I believe. It was a small town.

Mr. KEARNEY. How long did you stay there?

Mr. SHERMAN. I don't know how long. I went to a country school.

Mr. KEARNEY. Where was the country school located?

Mr. SHERMAN. I don't recall. It may have been Fairfield. It is now, I believe, incorporated in the town itself.

Mr. KEARNEY. In the town or in the city?

Mr. SHERMAN. In the city of Utica, N. Y.

Mr. WOOD. When were you born?

Mr. SHERMAN. October 19, 1895.

Mr. WOOD. Any other questions, Mr. Russell?

Mr. RUSSELL. Yes.

Mr. Sherman, did you ever flee from New York to California because you were fearful something might happen to you?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you ever request Whittaker Chambers to defer relaying knowledge to Colonel Bykov for a day so that you could proceed to California without anybody knowing it for at least 24 hours?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you ever know an individual by the name of Keith?

Mr. SHERMAN. You asked that.

Mr. RUSSELL. I am asking it again.

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Mr. Chairman, the committee has subpoenaed the person referred to as Keith under his true name. The individual iden-

tified as Keith recently communicated with the committee and requested a 3-week postponement of his appearance, which was scheduled for today. The postponement was granted, and he is scheduled to appear before the committee on Thursday, March 16, 1950.

Mr. SHERMAN, did you ever make a trip to New York with a person known to you as Keith and, while there, hold a meeting with anyone, particularly two former officers of the Tsarist Army?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Mr. Chairman, I have one further question, and then Mr. Appell has a few questions based on later information.

I asked if you ever knew an individual named Ulrich.

Mr. SHERMAN. How do you spell that?

Mr. RUSSELL. U-l-r-i-c-h or U-l-l-r-i-c-h.

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Did you ever know Ulrich as Walter?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Were you ever acquainted with the true identity of Ulrich or Walter?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. Isn't it true the correct name of Ulrich or Walter is Alexander Petrovich Ulanovski?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. RUSSELL. That is all.

Mr. APPELL. Were you an officer of the American Feature Writers' Syndicate?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Did the American Feature Writers' Syndicate file with the city of New York a registration of trade?

Mr. SHERMAN. File?

Mr. APPELL. Yes.

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Did you, along the Maxim Lieber and Lloyd Cantwell, sign this certification?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Did the American Feature Writers' Syndicate have a bank account in the Chemical Bank in New York City?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Did you sign the deposit account as an officer of the American Feature Writers' Syndicate?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Did you know an individual known as Paul? Let me ask you this, was Maxim Lieber also known to you as Paul?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Mr. Sherman, did you request Maxim Lieber to obtain for you covering credentials which would permit you to travel from Japan into China and Russia?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Did you attend a luncheon with Maxim Lieber, Charles Angoff, and Whittaker Chambers in which you discussed these credentials and the purpose of them?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Did you receive a sum of money from an individual whom you knew as Keith to be used in connection with your operations in Japan?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Do you know the source of these funds?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Do you know Alger Hiss?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Didn't you meet Mr. and Mrs. Alger Hiss in the St. Paul Street Apartments, Baltimore, in the winter of 1934?

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. Weren't you introduced by Whittaker Chambers to both Mr. and Mrs. Alger Hiss in the St. Paul Street Apartments?

Mr. SHERMAN. In what city?

Mr. APPELL. Baltimore, Md.

Mr. SHERMAN. I must decline to answer on the same grounds.

Mr. APPELL. That is all.

Mr. WOOD. Any further questions? Mr. Harrison?

Mr. HARRISON. No.

Mr. WOOD. Mr. Moulder?

Mr. MOULDER. I have a few questions. You stated at the beginning of your testimony that you were once engaged in the profession of teaching. How long ago was that?

Mr. SHERMAN. The school year previous to the present one, I was instructor of social science and dean of men at one of the smaller Los Angeles universities.

Mr. MOULDER. What is the name of the school?

Mr. SHERMAN. This is an executive session, is it not?

Mr. MOULDER. Yes.

Mr. SHERMAN. Los Angeles University.

Mr. MOULDER. What was the last date of your employment?

Mr. SHERMAN. Sometime toward the end of June, as I recollect.

Mr. MOULDER. Of this year?

Mr. SHERMAN. Of the previous June.

Mr. MOULDER. 1949?

Mr. SHERMAN. 1949.

Mr. MOULDER. Your employment then terminated, or did you resign?

Mr. SHERMAN. The school had great difficulties, and there was then a question of its continuation, and subsequently it was discontinued, the Le Habre section of it was discontinued, and my employment terminated at that time.

Mr. MOULDER. And you have been unemployed since that time?

Mr. SHERMAN. I would say practically so, with the exception of some small help that I could give.

Mr. MOULDER. What has been the source of your income or support since that time?

Mr. SHERMAN. My wife has been employed most of this time and has been our only source of income.

Mr. MOULDER. That is all.

Mr. WOOD. Mr. Velde?

Mr. VELDE. No questions.

Mr. WOOD. Mr. Kearney?

Mr. KEARNEY. I haven't any questions.

Mr. RUSSELL. Mr. Chairman, I suggest you hold the witness over until tomorrow.

Mr. MOULDER. Mr. Chairman, may I ask one more question?

Mr. WOOD. Mr. Moulder.

Mr. MOULDER. What school or schools are you a graduate of?

Mr. SHERMAN. I went to grade and high school and I am a graduate of Syracuse University.

Mr. MOULDER. Syracuse, N. Y.?

Mr. SHERMAN. Syracuse University, Syracuse, N. Y.

Mr. MOULDER. Did you take an examination in California for a license to teach?

Mr. SHERMAN. University instructors require no licenses.

Mr. MOULDER. Thank you.

Mr. WOOD. You will be excused until 10 o'clock tomorrow morning.



# HEARINGS REGARDING COMMUNIST ESPIONAGE

WEDNESDAY, MARCH 1, 1950

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

## PUBLIC SESSION

The subcommittee met, pursuant to call, at 10:20 a. m. in room 226, Old House Office Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood (chairman), Francis E. Walter, and Bernard W. Kearney.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; John W. Carrington, clerk; Benjamin Mandel, director of research; and A. S. Poore, editor.

Mr. WOOD. The committee will come to order, please.

Let the record disclose that for the purposes of this hearing the chairman has designated a subcommittee composed of Messrs Walter, Kearney, and Wood, and they are all present.

Are you ready to proceed, Mr. Counsel?

Mr. TAVENNER. Yes, sir.

Mr. WOOD. I assume, in view of the fact we are operating today under a subcommittee, whereas at the last hearing we had the full committee, I will swear the witness again.

Will you stand please. You solemnly swear the testimony you will give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHERMAN. I do.

Mr. WOOD. Have a seat.

## TESTIMONY OF JOHN LOOMIS SHERMAN

Mr. RUSSELL. Will you state your full name?

Mr. SHERMAN. My name is John Loomis Sherman. By profession I am a teacher. During the previous year I was instructor in social science and the dean of men at one of the smaller universities in Los Angeles. In the current year, largely due to the activities of the FBI, I have been unable to obtain a teaching position. I should like at this time to make a slight correction for the record. It has been reported in the press and elsewhere, I think, that I have been in hiding. That is not correct. The FBI has known of my whereabouts and I think practically every detail of my life for years, for many years.

Mr. WOOD. Just a minute. The committee is not interested in going into the activities of the FBI at this moment, and I would appreciate if you would confine your testimony to answers to questions. There

has been no accusation made here that you have been in hiding, so the statement you are making is irrelevant to the present hearing. I don't want to be discourteous to you, but merely want to conduct the hearing in an orderly way, Mr. Sherman.

The irrelevant portions of the statement made by the witness that are not responsive to the question will be stricken from the record.

MR. RUSSELL. Mr. Sherman, you did say your name is John Loomis Sherman?

MR. SHERMAN. That is correct.

MR. RUSSELL. When and where were you born?

MR. SHERMAN. I was born on a farm in a section now incorporated in the city of Utica, N. Y.

MR. RUSSELL. What is your present address?

MR. SHERMAN. 705 West Sixth Street, Los Angeles.

MR. RUSSELL. Mr. Sherman, you are appearing before the committee by virtue of a subpoena served on you February 8, 1950, by Deputy United States Marshal Ross, of Los Angeles?

MR. SHERMAN. I believe that is correct.

MR. RUSSELL. Will you furnish the committee with a record of your past employment, beginning about the year 1935?

MR. SHERMAN. As nearly as I can remember, I have been engaged in various activities: Newspaper work; I was a union organizer for some time; I was a teacher throughout that period; I was employed as a cab driver for several years; I was on the WPA for a number of years; I was employed as a night watchman at Camp Pendleton near Oceanside; and more recently, as I explained, I have been an instructor at one of the smaller universities. There may have been other activities that escape me, but I believe that about covers it.

MR. RUSSELL. Were you ever employed by the Daily Worker?

MR. SHERMAN. In meeting this question, may I explain that within the week, within 8 days, I was called as a witness before a Federal grand jury in Los Angeles? Many of the questions undoubtedly to be inquired here were there investigated. I was, as were the others in that hearing, sworn to an oath of secrecy. I do not know what I can reveal without incriminating myself, or without violating that oath of secrecy.

MR. KEARNEY. May I respectfully suggest the witness is not being asked to testify as to what transpired in the Federal grand jury room.

MR. WOOD. Yes; and further than that, the Chair will instruct the witness that no Federal grand jury or State grand jury has any authority in law to gag anybody from testifying to the truth before any legislative committee. With that instruction and information, will you answer the question?

MR. SHERMAN. May I inquire of the chairman, is this committee able to grant me immunity concerning my testimony here?

MR. WOOD. Certainly.

MR. SHERMAN. It is my understanding that since 1892 Congress has not had that authority to grant immunity.

MR. WOOD. Every witness is immune from prosecution in any court by reason of testimony he may give before a legislative committee, that is true.

MR. WALTER. And the decisions have gone so far as to hold he cannot be adjudged in contempt of court for testimony given before a congressional committee.



Mr. KEARNEY. That is, if it is the truth.

Mr. WOOD. Yes.

Mr. WALTER. Yes.

Mr. RUSSEL. Have you ever been a member of the armed forces of the United States?

Mr. SHERMAN. Yes, I have.

Mr. RUSSELL. Were you in the United States Navy?

Mr. SHERMAN. Yes, sir. I enlisted in the First World War in the United States Navy.

Mr. WOOD. What is your age, please, sir?

Mr. SHERMAN. Fifty-four, sir.

Mr. RUSSELL. You stated a while ago that you had been a union organizer. By what union were you employed as an organizer?

Mr. SHERMAN. I don't remember exactly, but I believe I was an organizer for the umbrella workers; for plumbers and plumbers' helpers; and for traction workers. This dates back some twenty-odd years, and this is the best of my recollection.

Mr. WOOD. Affiliated with what national union?

Mr. SHERMAN. I don't remember. I believe it was the A. F. of L. There was no CIO at that time.

Mr. RUSSELL. Have you ever used the name "Robert Mitchell"?

Mr. SHERMAN. I must decline to answer this question on the grounds that my answer might tend to incriminate me.

Mr. RUSSELL. Did you ever write for the publication known as the Daily Worker under that name?

Mr. SHERMAN. I must decline to answer that question on the same grounds.

Mr. WOOD. You understand, Mr. Sherman, that the committee is not accepting your statement that the answers to these questions would tend to incriminate you. You can decline to answer them if you desire, on what you claim to be that ground, but the question of whether you are protected in any future proceedings that may be brought against you would depend on a construction of whether you have sufficient reason to cloak yourself behind that ground.

Mr. SHERMAN. If I may be permitted to comment on these questions in a way that I think will still protect me, I think I can develop some important information here.

Mr. WOOD. You may comment if you will give an answer, but a comment without an answer would be useless and is something the committee would not be interested in. If you answer the question, you may make such comment or any explanation you desire that is pertinent to the question. With that understanding, do you still decline to answer the question?

Mr. SHERMAN. I must decline to answer the previous questions on the grounds stated.

Mr. RUSSELL. In 1939 were you employed as organizational secretary of the Medical Bureau and North American Committee to Aid Spanish Democracy?

Mr. SHERMAN. I decline to answer on the grounds stated. I may say this is the first time that question has come to my attention, but I decline to answer it.

Mr. RUSSELL. Were you ever employed as organizational secretary of the United American Spanish Aid Committee?

Mr. SHERMAN. I decline to answer that question on similar grounds.

Mr. RUSSELL. Have you ever used the name "Arthur"?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever used the name "Mike"?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever used the name "Don," D-o-n?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Are you acquainted with Max Bedacht?

Mr. SHERMAN. I decline to answer that question on the same grounds.

(Representative Wood leaves; Representative Walter presides during remainder of the session.)

Mr. RUSSELL. Are you acquainted with an individual named "David Whittaker Chambers"?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Were you ever introduced to him under any name by Max Bedacht?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Did you ever know an individual who was named "Lloyd Cantwell"?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Is Lloyd Cantwell the same person as Whittaker Chambers?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Did you ever attend a meeting with Whittaker Chambers which was also attended by two persons known as Herbert and Carl?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever known an individual who used the name "Ulrich," U-l-r-i-c-h?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever known an individual who used the name of "Pete"?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Was an individual known as Pete ever identified to you as being a person named "Keith"?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Was Keith a photographer?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Have you ever known Keith under any other name?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Do you know his true name?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Does he live in California at the present time?

Mr. SHERMAN. I decline to answer that question on the same grounds. May I explain that all of these questions and such answers as I might make are, in my conviction and belief, part of a pattern or frame-up which has already destroyed the reputation of one fine American and is now being extended, as the facts will ultimately prove, to frame others? Many persons have been investigated; I have been under constant investigation; and I think the facts subsequently to be developed here will indicate this is part of the frame-up of a disordered mind.

Mr. KEARNEY. Would the witness mind giving the name of that so-called fine American he speaks off?

Mr. SHERMAN. I think in time I will do that.

Mr. KEARNEY. Would you mind doing it now?

Mr. SHERMAN. I will exercise my privilege at this moment not to disclose it until further testimony is revealed which will substantiate my point of view.

Mr. WALTER. Don't you think this would be a very good opportunity to clarify the atmosphere and remove whatever stigma you think has been placed wrongfully on a fine American's name?

Mr. SHERMAN. I am convinced this will be done here before we are through, judging by what transpired at the executive session.

Mr. RUSSELL. Mr. Sherman, have you ever been acquainted with a member of the Soviet underground who used the name "Bill"?

Mr. SHERMAN. I decline to answer that question on the same grounds.

Mr. RUSSELL. Mr. Sherman, I would like to read to you an excerpt from testimony given to this committee by Whittaker Chambers, as follows:

One day Bill brought me in touch with Sherman again and Sherman described what he had to do. Sherman was to go to Tokyo to be the head of a Soviet underground group and he wanted me to organize for him the façade here which would make it possible for him to operate in Tokyo, which, as you know, is a very difficult operation.

Is that statement true or false?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Mr. Sherman, you have indicated that there has been untruthful testimony concerning you. You are now being afforded an opportunity to refute that testimony. Do you wish to refute it?

Mr. SHERMAN. I have not stated that there has been untruthful testimony. I have declined to answer that testimony. I think it should be understood, any statement I make, true or false, in relation to testimony such as has been developed, would put me in jeopardy, and I must exercise my constitutional right not to answer.

Mr. RUSSELL. You stated that ultimately the true facts will come out.

Mr. SHERMAN. They are already coming out.

Mr. KEARNEY. Without any assistance from the witness.

Mr. SHERMAN. With every assistance that I can provide this committee while protecting my own rights.

Mr. RUSSELL. Mr. Sherman, I would like to read another excerpt from the testimony of Whittaker Chambers:

So I decided that since the London project was rocking along, the expedient thing was to use Maxim Lieber to front for the Tokyo operation. That was organized in the following way. Lieber and Sherman set up what was called the American Feature Writers' Syndicate whose purpose it was to secure interesting material from abroad. As I understand it, Lieber went among various feature syndicates and various newspapers and tried to get various interests or sales in this kind of stuff, and Sherman went to work in Lieber's office, had a desk there, and his name was written on the door and I think some stationery was got out and deposits were made, I think, in the Chemical Bank in New York in the name of the syndicate. These deposits were to finance the operation in Japan. Then Peters, who was in on most of this operation, supplied a birth certificate in the name of Charles Chase and, on the basis of that certificate, which was a perfectly legal document procured in the way I have described in earlier testimony, John Serman took out a passport and on that passport he traveled to Tokyo.

Do you wish to affirm or deny the extract which I have just read to you from the testimony of Whittaker Chambers?

Mr. SHERMAN. I decline to answer on the grounds of self-incrimination.

Mr. RUSSELL. Have you ever known an individual named "J. Peters"?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Have you ever used the name "Charles Chase"?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Were you ever associated with an enterprise known as the American Feature Writers' Syndicate?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you have anything to do with a bank account in the Chemical Bank of New York City?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did the American Feature Writers' Syndicate have an account in the Chemical Bank of New York City?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Have you ever been in Tokyo, Japan?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Do you know Maxim Lieber?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, I show you a photostatic copy of an application for passport made out in the name of Charles Francis Chase, and the accompanying oath of allegiance, which discloses that the Department of State issued passport No. 148071 to Charles Francis Chase on September 2, 1934, which covered travel to Japan, China, and Soviet Russia, for business purposes. I ask if you are the individual who executed this passport application?

Mr. SHERMAN. Will you state for the record again the year of this document?

Mr. RUSSELL. 1934, September 22.

Mr. SHERMAN. And what was the question?

Mr. RUSSELL. I asked if you were the individual who executed that passport application.

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. I also show you the oath of allegiance executed at the same time as the passport application, and ask if you executed the oath of allegiance?

Mr. SHERMAN. What year do you refer to?

Mr. RUSSELL. 1934.

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Is that your photograph?

Mr. SHERMAN. I decline to answer. There is no way by which I can determine whether that is my photograph.

Mr. RUSSELL. Did you have that picture made?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. WALTER. Let me see that.

(The document referred to was handed to Mr. Walter.)

Mr. WALTER. When were you born, Mr. Sherman?

Mr. SHERMAN. October 19, 1895.

Mr. RUSSELL. Mr. Chairman, I ask that this passport application and the oath of allegiance be introduced in the record as Sherman exhibits 1 and 2.

Mr. WALTER. Without objection, they will be admitted.

(The documents above referred to, marked, respectively, "Sherman Exhibit No. 1" and "Sherman Exhibit No. 2" are filed in connection with this record.)

Mr. RUSSELL. Mr. Sherman, I show you an application for registration dated March 7, 1935, signed Charles F. Chase, Bunka Apartments, Tokyo, Japan. I ask if you executed that application for registration?

Mr. SHERMAN. What does this refer to? Registration for what?

Mr. RUSSELL. This document was obtained from the State Department, and—

Mr. WALTER. Show it to the witness and let him examine it. He can determine what the purpose of it was.

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever reside in the Bunka Apartments in Tokyo, Japan?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. WALTER. When were you in Japan?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, this application for registration was executed before a vice consul in Tokyo, Japan, on March 7, 1935. There is a statement contained in the application for registration: "In event of death or accident notify Maxim Lieber, 545 Fifth Avenue, New York."

Mr. SHERMAN. In whose name was this executed?

Mr. RUSSELL. Charles F. Chase.

Mr. SHERMAN. And what is the question I am asked?

Mr. RUSSELL. I haven't asked the question.

Mr. SHERMAN. I beg pardon, sir.

Mr. RUSSELL. I was stating a fact which appears on this application for registration. I wanted to ask you again, are you acquainted with Maxim Lieber?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever use the name Charles F. Chase?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever sign that name to any official documents?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Chairman, I ask that this application for registration be introduced in the record as Sherman Exhibit 3.

Mr. WALTER. Without objection, it is received.

(The document above referred to, marked "Sherman Exhibit No. 3," is filed in connection with this record.)

Mr. RUSSELL. Mr. Sherman, have you ever received a passport from the State Department under the name of Charles Francis Chase?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Who was Charles Francis Chase?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. How many passports have you secured from the State Department for travel to Russia, under your own name or any other name?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Have you ever been to Russia?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. While you were in the Navy, were you ever in Russia?

Mr. SHERMAN. I believe that an expedition was sent—this is to the best of my recollection—an expedition was sent to Murmansk as part of the activities of the United States Navy. I believe it was Murmansk, if I remember correctly.

Mr. RUSSELL. Were you part of that expedition?

Mr. SHERMAN. I was on the ship as an enlisted man. I don't know what is meant by "expedition." I was on the ship, and we went ashore for a short time.

Mr. RUSSELL. When was that?

Mr. SHERMAN. I believe it was 1918, as I recall.

Mr. RUSSELL. Did you ever again visit Russia?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Have you ever known an individual by the name of Hideo Noda, H-i-d-e-o N-o-d-a, a Japanese-American and a portrait painter?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Have you ever seen Hideo Noda?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you know him prior to 1935?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you know an individual by that name subsequent to 1935?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, at this point I would like to read further from the testimony of Whittaker Chambers. This testimony refers to a trip which Mr. Chambers said you made to Japan under the name of Charles B. Chase:

Before he went, he gave me another task, which was to find for him an American Japanese who was connected with the highest Japanese circles and who would have easy social access to important people in Japan. I found for him Hideo Noda, who was a Japanese-American, I think born in California, a painter of considerable ability, who was at that time, I think, an apprentice of Diego Rivera. Noda was a Communist. Then, of course, I introduced Sherman and Noda, and, by separate routes, they traveled to Japan.

Do you wish to deny or affirm that extract from the testimony of Whittaker Chambers?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Is it true or false?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever travel to Japan with Hideo Noda?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever see Hideo Noda in Tokyo, Japan?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. WALTER. Where did you see him?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, I would like to read further from the testimony of Whittaker Chambers:

I was ordered suddenly to dismantle the whole American end of the Japanese apparatus because an arrest had occurred and I assumed, of course, Sherman had been arrested in Japan. I was told to do this as quickly as possible. Russians are not used to Americans, never will be. I, of course, liquidated the apparatus overnight and there was nothing left the next morning. I met Bill the next day and he said he hoped that I hadn't done anything about dismantling the apparatus because it was all a mistake, but the apparatus was gone completely, so they presently recalled Sherman from Tokyo.

Is that statement true or false?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Is it true?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Mr. Sherman, I would like to read to you further testimony given to this committee by Whittaker Chambers:

I am now jumping out of the time period in order to complete the story.

This testimony refers to you when Whittaker Chambers uses "he":

He came back to the United States and was again put in touch with me. His orders were at that time to proceed to Moscow. Through Peters I again procured a birth certificate for him. I have forgotten the name. He went to Moscow. He was gone quite a while and I had the feeling he probably would never come back, but some time, I think in 1937, after Bykov was here or just before Bykov came, I have forgotten which, Sherman appeared unexpectedly one night in Lieber's apartment. He was extremely agitated and kept pacing the apartment and Lieber was present and insisted that we go out at once. We went out and the minute I got outside the door he grabbed my arm and said: "I will not work 1 hour longer for those murderers." He then told me he wanted me to act as his agent personally and get through a message to the proper Soviet agents that he was separating himself from the apparatus and that he would return to the open Communist Party.

Do you recall having had such a meeting with Whittaker Chambers and making the statements described by him?

Mr. SHERMAN. I must decline to answer on the grounds stated.

Mr. RUSSELL. Did you ever know Colonel Bykov?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Were you ever in any apartment that may have been occupied by Maxim Lieber?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Did you ever visit Maxim Lieber in the company of Whittaker Chambers?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Are you a member of the Communist Party?

Mr. SHERMAN. I decline to answer on the grounds stated. However, I may say, if the committee is interested in the comment, I will say that I have expressed my views freely, without hesitation, to my students and in my writings, and if the committee is at all interested I will express my feelings here.

Mr. RUSSELL. I asked if you are a member of the Communist Party?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Have you ever been a member of the Communist Party?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Have you ever been a member of the underground apparatus of the Communist Party?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Have you ever engaged in espionage?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Mr. Sherman, this testimony refers to a visit which Mr. Chambers said you made to Moscow, and the testimony follows the previous testimony which I read to you. Quoting from Mr. Chambers' testimony:

Perhaps I had better go into a little bit of the Moscow end of this story.

When Sherman got to Moscow, they let him cool off for several months. Nobody came near him or did anything for him and had no communication with him. But he got around among various expatriates there and discovered they were all perfectly wretched and trying to get out of Russia. He made some kind of conspiracy among the expatriates and, of course, it quickly got to the ears of the GPU and he was called up before a Colonel Uritsky who was reported to be the nephew of the old Uritsky who founded the GPU and who started the terror in the revolution.

Sherman, of course, believed that he would be shot at the end of this meeting. So, he wrapped himself up—he had a cold—he wrapped his neck up in flannel and put on some perfectly vile-smelling medicine, and when this Uritsky questioned him he gave perfectly crazy answers to the questions, and with this vile-smelling stuff and the crazy answers, Uritsky finally let him go.

They let him go out, the understanding being—I suppose it was a resumption of the old threat in the official mind that he was to go to England and work in the Soviet apparatus there, but he was to come to the United States and set it up.

However, when he got back here he decided he was through. He was not breaking with the Communist Party but was simply breaking with the Russians and the underground.

I carried this message to Bykov. Bykov, of course, was panic-stricken, and there was evidently some heavy communicating with official Russians and they finally agreed that Sherman should keep the money but that he should meet certain Russians—I presume they were NKVD people—in New York, and it was left at that. He refused to meet them.

He said, "I am going to California, and you have to give me 1 day's jump on these people. Hold them off any way you can, but give me 1 day's jump on the train."

So I did that. I didn't tell Bykov for a whole day that he had left.

Of course, when Bykov discovered it, he was ready to kill me—as I expected he well might. He made me call up the manager of the apartment house, this furnished apartment house where Sherman had been living, which was, I think, called the Swiss Chalet, up on Riverside Drive, and Bykov, who at that time wasn't speaking English, crowded into this telephone booth to hear what the manager was saying over the telephone.

This was part of the very bad relations that developed between Bykov and me. He was sure, and rightly so, that I had had a hand in Sherman's escape. Our relations were extremely bad, desperately bad, until Sherman showed up in California and got in contact with the Communist Party, and I suppose they encircled him with NKVD people and let him alone and watched him.

Mr. Sherman, do you wish to deny or affirm the testimony which I have just read to you as given to this committee by Whittaker Chambers?

Mr. SHERMAN. If the committee will permit me at this time to comment upon this testimony, it is at this point I think we can develop some very important information. I will take just a moment. It is only in times of hysteria such as the present that we fail to analyze testimony of this sort. Here is the picture, according to this evidence: A person is left to cool off in Moscow. We see him next organizing



a conspiracy in Russia, in the country where it has been reported an all-persuasive police system exists at every turn. This man organizes this conspiracy presumably to overthrow the Russian Government. He is caught, but he deceives these people, according to this testimony, but not quite. They still give him a sum of money, according to this testimony, to conduct activities in England. He comes here and gets around. He doesn't escape, but stays around to make contact with these people whom, according to this testimony, he has called murderers. But this isn't enough—

Mr. WALTER. We have had enough of your own conclusions, Mr. Sherman. Do you wish to answer the question?

Mr. SHERMAN. If the requirement is that I give a "Yes" or "No" reply, I decline to reply on the ground I may be incriminated.

Mr. RUSSELL. What part of the testimony is true?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Have you ever met Colonel Uritsky?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you have a conference with him in Moscow at any time?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever live in the Swiss Chalet in New York City?

Mr. SHERMAN. I decline to answer on the same grounds. May I say it is only our failure to analyze these things that prevents us from seeing that we are dealing here with a disordered mind—

Mr. WALTER. That is enough. We will analyze this and leave you to answer the questions that are asked. We will analyze what you say with the other information we have.

Mr. RUSSELL. Did you ever flee from New York to California because you were fearful something might happen to you?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever request Whittaker Chambers to defer relaying knowledge to Colonel Bykov for a day so that you could proceed to California without anybody knowing it for at least 24 hours?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. KEARNEY. Mr. Sherman, I would like to ask you, were you ever a member of the Communist Party underground in this country or any other country?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. KEARNEY. Were you ever a member of the Red Army Intelligence?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, a former member of the Soviet Army Intelligence, or a person associated with them, testified in executive session on Monday of this week that you were a member of the Red Army Intelligence. Is that true or false?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever leave New York and go to California by train?

Mr. SHERMAN. I imagine I have gone by train to California from New York.

Mr. RUSSELL. How many times?

Mr. SHERMAN. I cannot recall at this time.

Mr. RUSSELL. Did you ever notify Whittaker Chambers you were making such a trip?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, I previously asked you whether or not you were ever acquainted with an individual named Ulrich.

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Was Ulrich ever known to you as Walter?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Isn't it true that the correct name of Ulrich or Walter is Alexander Petrovich Ulanovski?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, I previously asked you questions regarding the American Feature Writers' Syndicate. Did that organization file with the city of New York a registration of trade name?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did the American Feature Writers' Syndicate have a bank account in the Chemical Bank of New York City?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you sign the deposit account as an officer of the American Feature Writers' Syndicate?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever know an individual who used the name Paul?

Mr. SHERMAN. Did I ever know an individual——

Mr. RUSSELL. Who used the name Paul.

Mr. SHERMAN. I probably have known many individuals named Paul.

Mr. RUSSELL. Was Maxim Lieber known to you as Paul?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever request Maxim Lieber to obtain for you covering credentials which would permit you to travel from Japan into China and Russia under another name?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you attend a luncheon with Maxim Lieber and Whittaker Chambers in which you discussed your purpose in securing such credentials?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever receive any money from any person connected with the Soviet Government in any capacity whatsoever?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you receive a sum of money from an individual whom you knew as Keith to be used in connection with your operations in Japan?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Did you ever meet Whittaker Chambers in Baltimore, Md.?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. KEARNEY. Are you now employed?

Mr. SHERMAN. I am unemployed.

Mr. KEARNEY. How long have you been unemployed?

Mr. SHERMAN. Almost entirely so since June of 1949.

Mr. KEARNEY. You answered, in response to the question of counsel whether you were a member of the Communist Party, that you declined to answer on the ground it might incriminate you?

Mr. SHERMAN. Yes.

Mr. KEARNEY. Is it a crime, in your own mind, to be a member of the Communist Party?

Mr. SHERMAN. I decline to answer on the ground stated.

Mr. KEARNEY. Would you mind answering "Yes" or "No"?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. RUSSELL. Are you acquainted with Alger Hiss?

Mr. SHERMAN. I decline to answer on the grounds stated. May I say, however, that I would regard it as a great privilege to have the acquaintance of Mr. Alger Hiss.

Mr. WALTER. Of course, that implies that you don't know him.

Mr. SHERMAN. I am confident that Mr. Alger Hiss would not know me from Adam.

Mr. RUSSELL. Would you know him from Adam?

Mr. SHERMAN. I would, of course. His picture has been in all the papers.

Mr. RUSSELL. Did you ever meet him in the St. Paul Street Apartments in Baltimore, Md., in the winter of 1934?

Mr. SHERMAN. I decline to answer on the grounds stated.

Mr. WALTER. Why do you feel it would incriminate you to answer whether you have met him?

Mr. SHERMAN. Not answering this question directly, may I say we are dealing here with a pattern or a frame-up the ends of which, the implications of which, I have no way of understanding, and it may implicate me and others in a pattern which is now being revealed and I think ultimately will be clearly understood for what it is.

Mr. WALTER. What do you think you might be implicated in if you would answer some of these questions?

Mr. SHERMAN. I do not know for certain, but I am entirely sure in my own mind that we are dealing here with the frame-up of a disordered mind.

Mr. WALTER. No; that is not the fact. That may be your own impression of what we are dealing with. What I am interested in is what you feel you may be connected with that may in some wise reflect on your loyalty as an American citizen if you should answer some of these questions.

Mr. SHERMAN. I have already explained I was under investigation, possibly still am, by a Federal grand jury. The question of the truth or falsity of my testimony is not a protection, in view of the fact that there may be counter testimony, truthful or untruthful to any degree, and my only protection, obviously, is to exercise my constitutional privilege.

Mr. RUSSELL. Were you ever introduced to Mr. and Mrs. Alger Hiss in the St. Paul Street Apartments in Baltimore, Md., by Whittaker Chambers?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Mr. Sherman, what is the bit of evidence that would implicate you, and in what?

Mr. SHERMAN. I have explained any testimony I might give here, to which there might be counter testimony which a jury would believe, would jeopardize me to a charge of perjury. I therefore must exercise my constitutional right not to testify.

Mr. RUSSELL. What part of the testimony given by Mr. Whittaker Chambers about you is true, and what part is false?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Is any of it true?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. RUSSELL. Is any of it false?

Mr. SHERMAN. I decline to answer on the same grounds.

Mr. KEARNEY. Don't you think this is the time for you to speak the truth?

Mr. SHERMAN. In the long run the truth will prevail, but in the short run people have been convicted and jailed for telling the truth. I believe, as a philosophical and perhaps religious conviction, that in the long run the truth will prevail.

Mr. RUSSELL. I have no further questions in open session.

Mr. WALTER. Thank you, Mr. Sherman.

Mr. RUSSELL. I have two questions in executive session.

Mr. WALTER. The committee will stand in recess for 15 minutes.

(Thereupon, at 11:10 a. m., a recess was taken in the public session until 11:30 a. m., at which time the following announcement was made:)

Mr. TAVENNER. There will be no further open hearings today.

(Thereupon, the public hearing was adjourned and the subcommittee went into executive session.)

# HEARINGS REGARDING COMMUNIST ESPIONAGE

TUESDAY, JUNE 13, 1950

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE  
ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

EXECUTIVE SESSION

The subcommittee met, pursuant to call, at 10:30 a. m. in room 226, Old House Office Building, Hon. Francis E. Walter presiding.

Committee members present: Representatives Francis E. Walter, Burr P. Harrison (arriving as noted), and Morgan M. Moulder (arriving as noted).

Staff members present, Frank S. Tavenner, Jr., counsel; Donald T. Appell and William A. Wheeler, investigators.

Mr. WALTER. Let the record show this hearing is being conducted by a subcommittee consisting of Messrs. Harrison, Moulder, and Walter.

Raise your right hand, please. You swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LIEBER. I do.

Mr. WALTER. Be seated, please. Are you represented by counsel?

Mr. FRIEDMAN. Shall I note my appearance?

Mr. WALTER. Yes.

Mr. FRIEDMAN. Milton H. Friedman, 522 Fifth Avenue, New York.

## TESTIMONY OF MAXIM LIEBER, ACCOMPANIED BY HIS ATTORNEY, MILTON H. FRIEDMAN

Mr. TAVENNER. You are Mr. Maxim Lieber?

Mr. LIEBER. Yes.

Mr. TAVENNER. Is that your full name?

Mr. LIEBER. That is my full name; yes.

Mr. TAVENNER. When and where were you born?

Mr. LIEBER. I was born in Warsaw, Poland, October 15, 1897.

Mr. TAVENNER. Will you briefly outline your educational background?

Mr. LIEBER. I arrived here in February 1907; attended public schools in New York City; attended Townsend Harris Hall, which was at that time a part of New York City College, but which has been abandoned; transferred to Morris High School in the Bronx, N. Y.; and that was the extent of my formal education.

Mr. TAVENNER. Are you a naturalized citizen?

Mr. LIEBER. Yes, sir. I was naturalized in the city of Washington during the period of the war. I was stationed at Camp Meade. I was in the replacement battalion in the medical service and was brought to Washington for naturalization.

Mr. TAVENNER. What was the date?

Mr. LIEBER. July 1919. May I make it clear, I say July 1919; it may have been June 1919.

Mr. TAVENNER. The approximate date is sufficient.

Mr. LIEBER. That is approximate.

Mr. TAVENNER. Mr. Lieber, will you briefly outline your occupational background, including the names of all writers syndicates and publishing houses of which you have either been an officer or an employee or to whom you have been under contract for articles?

Mr. LIEBER. I am a literary agent. I have been a literary agent since May 1930. Prior to that I was with Brentano's, where I was in charge of the publishing department. I was in charge of the publishing department at Brentano's from 1926 until May 1930. The reason for my separation from the firm is that the firm went into involuntary bankruptcy, due to expansion and depression and so on.

Prior to that I had edited a book, an anthology of short stories, which I am happy to say is in the Library of Congress. With the advance which the publisher had paid me, I went abroad. I came back in March 1926 and worked for Brentano's. Prior to that I had a publishing house of my own, Lieber & Lewis. That was shortly after I came out of the Army. I was a sergeant in the Medical Corps at Walter Reed Hospital prior to that.

Mr. TAVENNER. Beginning with the year 1930 you say you have been a literary agent?

Mr. LIEBER. Yes. I have been operating as a literary agent or authors' representative since May 1930, and have continued to do so ever since, and I hope I shall continue to do so.

Mr. TAVENNER. Will you give us the names of the writers syndicates and publishing houses by which you may have been employed or of which you may have been an officer?

Mr. LIEBER. I do not represent any publishing houses. I represent authors. In fact, all literary agents represent authors, not publishing houses. Their function is to act as intermediaries in selling literary articles. If you should write a book and be good enough to send it to me, I would read it and try to exploit its sales possibilities to a magazine or publishing house. All of us agents operate on a commission basis. I do not represent any publishers.

Mr. TAVENNER. Then, as I understand, the only instances in which you have been an employee of a writers syndicate or publishing house were those you mentioned prior to 1930?

Mr. LIEBER. That is true. Prior to 1930 I worked for Brentano's; and also worked for a brief period before that for a small publishing house, but to be honest with you, I can't even remember its name.

Mr. TAVENNER. Does that mean that since 1930 you have not been an officer of any publishing house or writers syndicate organization?

Mr. LIEBER. I would decline to answer that on the grounds of self-incrimination.

Mr. TAVENNER. Were you at one time an officer of the American Feature Syndicate?

Mr. LIEBER. I respectfully decline to answer that question on the grounds it would tend to incriminate me.

Mr. TAVENNER. Possibly I did not give the name exactly correct. The organization to which I referred was the American Feature Writers' Syndicate. Have you ever been an officer of that organization?

Mr. LIEBER. That would be the same question, and I would decline to answer it on the same grounds.

Mr. TAVENNER. As a literary agent since 1930, you, of course, have represented a number of writers; is that true?

Mr. LIEBER. Well, I don't want to seem boastful, but I haven't represented a great number of writers because I have been rather selective. I would say that in the course of the 20 years which have just gone by in May, I may have represented about 30 writers.

Mr. WALTER. Thirty?

Mr. LIEBER. Approximately 30, more or less.

Mr. TAVENNER. What are the names of some of the more prominent writers?

Mr. LIEBER. I think the most distinguished writer I have on my list is Mr. Erskine Caldwell, whose books have sold over 20,000,000 copies the last 12 years, although I have represented him since 1931. He is the author of many novels and short stories which are world famous and have made their mark. I think every department of English giving courses in American literature has been compelled to rank him as one of the three leading American writers in the last century. He will definitely go down in history in literature.

Among some of my other writers there is Carey McWilliams, who was an attorney, and although he has not practiced in some years he wrote a book entitled "Factories in the Field" which dealt with agricultural problems in California. I don't think he is very well liked for the book, because it was an attack on the kind of peonage that existed in California. He was in the government in California. He was, I believe, the Commissioner of Immigration in Governor Olsen's administration, before Governor Warren. He has written about half a dozen books. Just this week I signed a contract with Little, Brown & Co. of Boston for a new book.

(Representative Moulder enters hearing room.)

Mr. TAVENNER. Any others?

Mr. LIEBER. Robert Coates, who is art critic of the New Yorker magazine. He has written four books of considerable quality and some significance. He is published by Harcourt Brace. He has done a good many short stories as well. His last book was a psychological thriller called Wisteria Cottage.

That gives you an idea of some of the people I represent.

Mr. TAVENNER. Will you tell the committee how the American Feature Writers' Syndicate was formed and the purpose of that organization, if you know?

Mr. LIEBER. I respectfully decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Mr. Lieber, I have some difficulty in understanding how your description to this committee of the manner in which it was formed could tend to incriminate you.

(Representative Moulder leaves hearing room.)

Mr. TAVENNER (continuing). I think there is an obligation on your part to at least give some information to the committee which would indicate that there is a possibility of your answer tending to incriminate you.

Mr. FRIEDMAN. Will you excuse us a moment?

Mr. TAVENNER. Yes.

(Witness confers with Mr. Friedman.)

Mr. LIEBER. By advice of counsel I adhere to the answer.

Mr. TAVENNER. Do you know the name of any officer or director of the American Feature Writers' Syndicate?

Mr. LIEBER. I am obliged to decline to answer that question on the same grounds.

Mr. TAVENNER. Did the American Feature Writers' Syndicate maintain a bank account in the Chemical Bank of New York City?

Mr. LIEBER. I am obliged to decline to answer that question on the grounds of self-incrimination.

Mr. WALTER. Why do you feel it would incriminate you to answer a question as to whether or not a bank account had been maintained?

Mr. LIEBER. Well, if you please, sir, that seems to be a related question.

Mr. WALTER. Related to what?

Mr. LIEBER. Related to the prior question which I respectfully declined to answer on the grounds of self-incrimination.

(Witness confers with Mr. Friedman.)

Mr. TAVENNER. Did you have any connection yourself with the bank account of that organization, either as an agent or as an employee or as an officer of the American Feature Writers' Syndicate?

(Witness confers with Mr. Friedman.)

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Did the American Feature Writers' Syndicate maintain an office and representative in Japan?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Mr. Lieber, do you know Whittaker Chambers?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you know him by the name of Lloyd Cantwell?

Mr. LIEBER. I decline to answer that question on the same grounds, sir.

Mr. TAVENNER. Did you know an individual by the name of John Loomis Sherman?

Mr. LIEBER. I decline to answer that question on the same grounds, sir.

Mr. TAVENNER. When did you last see John Loomis Sherman?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. How could an answer to that question tend to incriminate you?

Mr. LIEBER. Well, sir, that seems to be related. If you ask me when did I see this gentleman who just walked in last, and I had previously told you I did not want to tell you if I knew this gentleman, I would be giving you a half truth and an untruth.



(Witness confers with Mr. Friedman.)

Mr. TAVENNER. Did you know John Loomis Sherman under the name of Charles Francis Chase?

Mr. LIEBER. I respectfully decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Did you, together with Whittaker Chambers and John Loomis Sherman, take part in the organization of the American Feature Writers' Syndicate?

Mr. LIEBER. I decline to answer that, sir, on the grounds of self-incrimination.

Mr. TAVENNER. Was John Loomis Sherman sent to Japan as a representative of the American Feature Writers' Syndicate?

Mr. LIEBER. I decline to answer that question, sir, on the grounds of self-incrimination.

Mr. TAVENNER. Mr. Lieber, Whittaker Chambers has testified before this committee and before the United States District Court for the Southern District of New York that you and he set up, together with John Loomis Sherman, the American Feature Writers' Syndicate, and that the Syndicate's account in the Chemical Bank of New York City contained both his name and your name on its account. Do you deny this testimony?

Mr. LIEBER. I decline to answer the question, sir, on the grounds of self-incrimination.

Mr. TAVENNER. Mr. Lieber, did the American Feature Writers' Syndicate register with the Board of Trade in New York City?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you, along with Whittaker Chambers, using the name of Lloyd Cantwell, and John Loomis Sherman, using the name of Charles Francis Chase, file a registration of trade for the American Feature Writers' Syndicate?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

(Representative Moulder reenters hearing room.)

Mr. TAVENNER. Mr. Lieber, on March 7, 1935, Charles Francis Chase executed an application for registration in Tokyo, Japan, on which he gave his legal residence in the United States as 545 Fifth Avenue, New York City, and your name at the same address as a person who should be contacted in the event of death or accident to Charles Francis Chase. Do you, in view of this evidence, deny knowledge of or acquaintanceship with Charles Francis Chase, either under the assumed name or his actual name of John Loomis Sherman?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Where was your office in New York City?

Mr. LIEBER. At one time it was 55 West Forty-second Street; at another time it was 545 Fifth Avenue; and more recently it was 489 Fifth Avenue.

Mr. TAVENNER. Over what period of time did you maintain an office at 545 Fifth Avenue, New York City?

Mr. LIEBER. From about 1931 or 1932 to 1944 or 1945. Those dates must be regarded as approximate, because without looking at leases I couldn't tell. Those are fairly close dates.

Mr. TAVENNER. During 1935 did the American Feature Writers' Syndicate also send to Japan as one of its representatives Hideo Noda, a Japanese-American portrait painter?

Mr. LIEBER. I decline to answer on the ground of self-incrimination.

Mr. TAVENNER. In 1937 did you meet with John Loomis Sherman and Whittaker Chambers in your apartment in New York City following Sherman's return from Moscow?

Mr. LIEBER. I decline to answer the question, sir, on the ground of self-incrimination.

Mr. TAVENNER. Did you know Colonel Bykov?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you know Alexander Stevens, alias J. Peters?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you ever use the name "Paul" as an identifying name?

Mr. LIEBER. I decline to answer the question, sir, on the grounds of self-incrimination.

Mr. TAVENNER. Did you obtain credentials for John Loomis Sherman as a long-standing reporter and writer?

Mr. LIEBER. I decline to answer the question, sir, on the grounds of self-incrimination.

Mr. TAVENNER. Did you attend a luncheon with Charles Angoff and Whittaker Chambers at which you discussed the matter of obtaining credentials for Sherman?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you at any time own or lease property in the State of Pennsylvania?

Mr. LIEBER. Yes.

Mr. TAVENNER. Will you state the time and the location of the property?

Mr. LIEBER. I had a farm in Ferndale, Bucks County. It was 103 acres. It was bought through an agent by the name of Joseph or John Strand. I am not sure of this first name; I think it was John Strand. I had that from sometime in the thirties, I am not clear whether it was 1935 or 1936, and sold the farm because it was inaccessible during the war in 1944 or 1945.

Mr. TAVENNER. Have you at any time owned or leased any other land or property in Pennsylvania?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. WALTER. Why do you feel that it might be self-incriminating for you to answer the question as to whether or not you ever owned any other real estate?

(Witness confers with Mr. Friedman.)

Mr. LIEBER. Mr. Walter, I was subpoenaed before the grand jury of New York City, as the committee is probably fully aware, and I had occasion to testify at the grand jury hearings on two occasions. Subsequent to that, there were two trials in New York City, as is also known to the committee, and certain things have occurred. I feel I am not being capricious, because certainly the constitutional grounds

on which I claim a certain privilege are valid under the circumstances, because certain hazards are clear, are manifest.

(Representative Moulder leaves hearing room.)

Mr. TAVENNER. Do you still decline to answer the question?

Mr. LIEBER. Yes; I certainly do.

Mr. TAVENNER. Was Whittaker Chambers ever a guest at the farm which you described as having owned?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Was he ever a guest at any other property that you owned or leased in the State of Pennsylvania?

Mr. LIEBER. I decline to answer that question on similar grounds, sir.

(Representative Harrison enters hearing room.)

Mr. TAVENNER. Were you acquainted with Alger Hiss or his wife, Priscilla Hiss?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Was either Alger or Priscilla Hiss, or both of them, guests at your farm in Pennsylvania or at any other property owned by you or leased by you in the State of Pennsylvania or any other place?

(Witness confers with Mr. Friedman.)

Mr. LIEBER. I decline to answer that on the grounds of self-incrimination.

Mr. TAVENNER. Did you know Alger Hiss to be a member of the Communist Party?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Were you at any time acquainted with Otto Katz, K-a-t-z?

Mr. LIEBER. I decline to answer that question on the ground of self-incrimination.

Mr. TAVENNER. Were you ever a literary agent for Otto Katz?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you know Mrs. Otto Katz, whose first name was Ilse, I-l-s-e?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you know either Mr. or Mrs. Katz to be a member of the Communist Party of Czechoslovakia?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Were you advised in July 1943, by Mrs. Katz, that her husband and Vincente Lombardo Toledano had gone to Cuba to attend a conference of Latin-American workers?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you ever contribute to the publication Freies Deutschland which was published in Mexico during the war?

Mr. LIEBER. When you say did I ever contribute, what do you mean by that, sir?

Mr. FRIEDMAN. Financially?

Mr. TAVENNER. No; contributed an article.

Mr. LIEBER. I can't remember. I am sorry.

Mr. TAVENNER. Who was the publisher of that publication?

Mr. LIEBER. I don't know.

Mr. TAVENNER. Was it Anna Seghers?

Mr. LIEBER. I would not know.

Mr. TAVENNER. I will ask you to try to recall whether or not she was the publisher of that publication.

Mr. LIEBER. I would not be able to know the answer to that question. I just would not be able to know the answer. I do know that there were a tremendous number of refugee writers in Mexico. I knew they had publishing houses. Who the publisher or responsible manager was, I would not know, any more than I would know who the directors were of some of our own publishing houses.

Mr. TAVENNER. You know Anna Seghers?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Did you know Erwin Kisch?

(Witness confers with Mr. Friedman.)

Mr. LIEBER. On advice of counsel I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Did you ever represent him as a literary agent?

Mr. LIEBER. I am obliged to decline to answer that question too.

Mr. TAVENNER. Did Mr. Kisch ever visit you in New York City?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. In fact, did he not visit you in December of 1945 when he had entered the United States from Mexico en route to Czechoslovakia?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Where were you living in New York City in December 1945?

Mr. LIEBER. At 280—I haven't been living there for sometime, so I am trying to remember—Riverside Drive, New York City.

Mr. TAVENNER. Where was your office at that time, in December 1945?

Mr. LIEBER. I believe it was already at 489 Fifth Avenue. I say I believe it was already at 489. I had been at 545 and subsequently moved to 489 Fifth Avenue.

Mr. TAVENNER. Mr. Lieber, Mr. Kisch, in an application for a transit visa through the United States which he executed in Mexico on October 23, 1945, listed as a New York friend when he intended to visit en route, Maxim Lieber, 489 Fifth Avenue, New York. Did he so visit you?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Were you acquainted at any time with the husband of Anna Seghers, Dr. Laszlo Radvanyi?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Did you ever act as literary agent for Anna Seghers?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Did you know either or both of them to be members of the Communist Party?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Do you know Osmond K. Fraeckel?

(Witness confers with Mr. Friedman.)

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Do you know Wieland Herzfelde?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Do you know whether Mr. Herzfelde is a book reviewer for Simon and Shuster?

Mr. LIEBER. I do not know it.

Mr. TAVENNER. Are you a member of the Citizens Committee To Defend Representative Government?

Mr. LIEBER. I don't think so.

Mr. TAVENNER. I hand you an advertisement appearing in the February 19, 1948, issue of the New York Times, which I will have marked for identification "Lieber Exhibit No. 1," and ask you to examine it and see if you do not find thereon that your name is listed as author's representative of the Citizens Committee To Defend Representative Government. I will ask you if that does not refresh your recollection. The advertisement contains a list of names of persons signing a petition to Mayor O'Dwyer for the seating of Simon W. Gerson, a member of the Communist Party, to succeed Peter V. Cacchione as councilman. Does the examination of "Lieber Exhibit No. 1" refresh your recollection?

(The advertisement above referred to, marked "Lieber Exhibit No. 1" for identification only, is filed herewith.)

Mr. LIEBER. No. I have no recollection of any membership in such an organization. The name means absolutely nothing to me.

Mr. TAVENNER. Did you authorize the use of your name as a member of that committee?

Mr. LIEBER. May I look at it again?

Mr. TAVENNER. Surely.

Mr. LIEBER. Sometimes people ask me if I want to sign a document, and sometimes people just put my name on it. I sincerely can't recall whether I was asked to sign this petition or whether I was not asked to sign this petition and my name was used nevertheless. I can't say.

Mr. TAVENNER. You do recall whether or not you supported the movement to seat Mr. Simon W. Gerson; do you not?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. I hand you the April 22, 1946, issue of the Daily Worker, which I will ask to have marked for identification "Lieber Exhibit No. 2," and point out to you an article entitled "Noted Artists, Professionals Back May Day; Parley Spurs Parade Preparations," in which your name appears. Will you examine that issue? I would like for you to examine the list of names there appearing along with your name. Do you know any of those individuals?

(The paper above referred to, marked "Lieber Exhibit No. 2" for identification only, is filed herewith.)

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you authorize the use of your name in connection with that publication?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Did you sponsor or in any way back the Communist Party's May Day conference?

Mr. LIEBER. I decline to answer on the grounds of self-incrimination.

Mr. TAVENNER. That is the conference referred to in that publication.

Mr. LIEBER. I decline to answer on the grounds of self-incrimination.

Mr. TAVENNER. Mr. Lieber, I now hand you the May 25, 1948 issue of the Daily Worker, which I ask to be marked "Lieber Exhibit No. 3."

Mr. WALTER. Let it be so marked.

(The publication above referred to, marked "Lieber Exhibit No. 3" for identification only, is filed herewith.)

Mr. TAVENNER. This issue contains an article entitled "Culture Against War Makers," and in the course of this article you are named as one of the sponsors of a mass demonstration of writers and artists against the Mundt bill and the "war makers." Will you examine the article and observe that your name is one of those listed, and will you examine the list of names listed along with your name and state whether or not any of those persons are known to you?

Mr. LIEBER. I decline to answer on the grounds of self-incrimination.

Mr. TAVENNER. Did you authorize the use of your name in connection with that publication?

Mr. LIEBER. I decline to answer that on the grounds of self-incrimination.

Mr. TAVENNER. Did you sponsor the mass demonstration referred to in that article?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Did you know an individual by the name of David Breen?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Do you know whether Whittaker Chambers used the name of David Breen on any occasion?

Mr. LIEBER. I decline to answer the question on the same grounds.

Mr. TAVENNER. I hand you a photostatic copy of a passport application in the name of David Breen—David Breen, according to the testimony of Whittaker Chambers, being an alias used by him—in which he gives the address of the person to whom the passport should be mailed as David Breen, in care of M. Lieber, 545 Fifth Avenue, New York City. I ask that this passport application be marked for identification "Lieber Exhibit No. 4."

Mr. WALTER. Let it be so marked.

(The document above referred to, marked "Lieber Exhibit No. 4" for identification only, is filed herewith.)

Mr. TAVENNER. Will you examine the photostatic copy and state whether or not that passport was received by you at your address, or by any other person at that address?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. WALTER. Is that your address, Mr. Lieber?

Mr. LIEBER. 545 Fifth Avenue was my address.

Mr. TAVENNER. Mr. Lieber, I asked you several questions relating to a person by the name of John Loomis Sherman, who used the alias Charles F. Chase, and you declined to answer questions relating to him. I now hand you a photostatic copy of an application for passport signed by Charles F. Chase, which I ask be marked for identification only as "Lieber Exhibit No. 5." Please examine the passport application, and particularly the photograph appearing thereon, and state whether or not that is John Loomis Sherman?

(The document above referred to, marked "Lieber Exhibit No. 5" for identification only, is filed herewith.)

Mr. LIEBER. I decline to answer the question, sir, on the grounds of self-incrimination.

Mr. TAVENNER. Mr. Lieber, have you ever been a member of the Communist Party?

Mr. LIEBER. I decline to answer that on the grounds of self-incrimination.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. LIEBER. I decline to answer on the same grounds.

Mr. TAVENNER. Have you at any time been the literary agent of Kyle Crichton?

Mr. LIEBER. I decline to answer that question on the grounds of self-incrimination.

Mr. TAVENNER. Have you ever been the literary agent of Louis Adamic?

Mr. LIEBER. I decline to answer the question on the grounds of self-incrimination.

Mr. TAVENNER. Howard Fast?

Mr. LIEBER. Never.

Mr. TAVENNER. V. J. Jerome?

Mr. LIEBER. I decline to answer on the grounds of self-incrimination.

Mr. TAVENNER. Paul Robeson?

Mr. LIEBER. I decline to answer on the grounds of self-incrimination.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WALTER. Any questions, Mr. Harrison?

Mr. HARRISON. No questions.

Mr. WALTER. That is all.

(Thereupon, at 11:45 a. m. on Tuesday, June 13, 1950, an adjournment was taken.)







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