

**EXECUTIVE SESSIONS OF THE SENATE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE
ON GOVERNMENT OPERATIONS**

VOLUME 5

EIGHTY-THIRD CONGRESS

SECOND SESSION

1954



MADE PUBLIC JANUARY 2003

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¹The Democratic members were absent from the subcommittee from July 10, 1953 to January 25, 1954.

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PREFACE

The power to investigate ranks among the U.S. Senate's highest responsibilities. As James Madison reasoned in *The Federalist Papers*: "If men were angels, no government would be necessary. If angels governed men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself." It is precisely for the purposes of government controlling itself that Congress investigates.

A century after Madison, another thoughtful authority on Congress, Woodrow Wilson, judged the "vigilant oversight of administration" to be as important as legislation. Wilson argued that because self-governing people needed to be fully informed in order to cast their votes wisely, the information resulting from a Congressional investigation might be "even more important than legislation." Congress, he said, was the "eyes and the voice" of the nation.

In 1948, the Senate established the Permanent Subcommittee on Investigations to continue the work of a special committee, first chaired by Missouri Senator Harry Truman, to investigate the national defense program during World War II. Over the next half century, the Subcommittee under our predecessor Chairmen, Senators John McClellan, Henry Jackson, Sam Nunn, William Roth, and John Glenn, conducted a broad array of hard-hitting investigations into allegations of corruption and malfeasance, leading repeatedly to the exposure of wrongdoing and to the reform of government programs.

The phase of the Subcommittee's history from 1953 to 1954, when it was chaired by Joseph McCarthy, however, is remembered differently. Senator McCarthy's zeal to uncover subversion and espionage led to disturbing excesses. His browbeating tactics destroyed careers of people who were not involved in the infiltration of our government. His freewheeling style caused both the Senate and the Subcommittee to revise the rules governing future investigations, and prompted the courts to act to protect the Constitutional rights of witnesses at Congressional hearings. Senator McCarthy's excesses culminated in the televised Army-McCarthy hearings of 1954, following which the Senate voted overwhelmingly for his censure.

Under Senate provisions regulating investigative records, the records of the Permanent Subcommittee on Investigations are deposited in the National Archives and sealed for fifty years, in part to protect the privacy of the many witnesses who testified in closed executive sessions. With the half century mark here relative to the

executive session materials of the McCarthy subcommittee, we requested that the Senate Historical Office prepare the transcripts for publication, to make them equally accessible to students and the general public across the nation. They were edited by Dr. Donald A. Ritchie, with the assistance of Beth Bolling and Diane Boyle, and with the cooperation of the staff of the Center for Legislative Archives at the National Archives and Records Administration.

These hearings are a part of our national past that we can neither afford to forget nor permit to reoccur.

CARL LEVIN,

Chairman.

SUSAN M. COLLINS,

Ranking Member.

Permanent Subcommittee on Investigations.

INTRODUCTION

In 1954, the investigators found themselves the subject of investigation. Senator Joseph R. McCarthy stepped aside temporarily as chair of the Permanent Subcommittee on Investigations after the United States Army accused him and chief counsel Roy Cohn of having demanded special treatment for the subcommittee's former consultant, G. David Schine, then an army private. Senator McCarthy rebutted that the army had held Schine hostage in order to silence the subcommittee's investigations.

A special subcommittee, chaired by Senator Karl Mundt, then attempted to unravel these charges. Senator McCarthy, Cohn and executive director Francis Carr served as the principals in the investigation, along with Secretary of the Army Robert T. Stevens, Army Counsel John G. Adams, and Assistant Secretary of Defense H. Struve Hensel. The Army-McCarthy hearings were televised nationally and captured public attention. They resulted in an erosion of the senator's public standing, and contributed to his censure by the United States Senate that December.

REVISING THE SUBCOMMITTEE'S RULES

In the months leading up to the Army-McCarthy hearings, Senator McCarthy faced several challenges to his chairmanship of the permanent subcommittee. Eight senators died in office during the Eighty-third Congress, including Majority Leader Robert Taft, which from time to time gave Senate Democrats a numerical advantage, even though Republicans officially retained their majority status and held the committee chairmanships. Complicating matters for the permanent subcommittee in July 1953 were the resignations of all three of its Democratic members—Senators John McClellan, Henry Jackson, and Stuart Symington—over the subcommittee's hiring practices.

During their absence, Senator McCarthy was often the only subcommittee member to attend its closed hearings, many of which he held out of town with little advance notice. Republican senators on the subcommittee had other Senate business to attend to in Washington. Senator Everett Dirksen and Senator Charles Potter occasionally sent staff to represent them at the hearings, and Senator McCarthy allowed them to interrogate witnesses. Unaware of this development, Senator Potter eventually dismissed his staff delegate, Robert Jones, for misrepresenting his position. On a few occasions, even Senator McCarthy was not present and staff interrogatories replaced hearings. David Schine sometimes presided, with

Roy Cohn conducting the interrogation and addressing Schine as “Mr. Chairman.”¹

The Democrats’ continued boycott jeopardized the subcommittee’s appropriation at the opening of the second session in January 1954. Arizona Senator Carl Hayden, the ranking Democrat on the Appropriations Committee, threatened to cut off the subcommittee’s funds for lack of a “majority vote.” At the same time, Iowa Senator Guy Gillette called on the Senate to restrict the subcommittee’s freewheeling scope and prohibit it from overlapping other committees’ jurisdictions. Senator McCarthy described these efforts as “a vote against the exposure of spies and saboteurs,” and asserted that it was “a natural thing for left-wing Democrats to try to stop the exposure of treason.”²

Senator Karl Mundt, a South Dakota Republican who served on the Government Operations Committee, sought to mediate between the chairman and Democrats. At a closed meeting on January 14, 1954, Senator McCarthy agreed to the Democrats’ demand that they be permitted to hire a minority counsel. The subcommittee formally adopted these rules:

1. Future staff members as well as all present members shall be confirmed by a majority of the subcommittee.

2. The minority shall select for appointment to the subcommittee staff a chief counsel for the minority who shall, upon being confirmed, work under their supervision and direction; who shall be kept fully informed as to investigations and hearings, have access to all material in the files of the subcommittee, and, when not otherwise engaged, shall do other subcommittee work.

3. The minority counsel shall be hired at a salary not to exceed the maximum allowed Senate employees.

An increase of \$16,000 on Senate Resolution 19 will be requested to cover the salary and travel, per diem, allowance, and incidental expenses.

4. A clerk already on the staff, acceptable to it, shall be assigned to the minority and it is understood that when she is not busy she will do any work assigned to her on the subcommittee.

5. It is understood that before a voucher is submitted to the chairman for a new employee, that an FBI investigation be conducted—a full field investigation requested.

6. No public hearing shall be announced or held if the minority members unanimously object, unless the Committee on Government Operations by majority vote approves of a public hearing.³

When Democrats returned to the subcommittee they selected as their counsel a former subcommittee staff member, Robert F. Kennedy, the younger brother of Massachusetts Senator John F. Kennedy. The full committee then voted unanimously to approve the subcommittee’s appropriation. In the Senate chamber, Senator J. William Fulbright of Arkansas cast the sole vote against the appropriation.⁴

¹ Charles E. Potter, *Days of Shame* (New York: Coward-McCann, 1965), 152–159; Staff interrogatory, October 30, 1953.

² *New York Times*, January 15, 1954; *Chicago Tribune*, January 3, 7, 15, 1954.

³ *Congressional Record*, 83rd Cong., 2nd sess., 1101.

⁴ *Congressional Record*, 83rd Cong., 2nd sess., 1085–1103.

With criticism of investigative tactics mounting, the Republican Policy Committee in February 1954 proposed new rules under which a vote of the full committee would be necessary to authorize any subcommittees; hearings would be prohibited unless a quorum was present; and committees were restricted from delegating subpoena power, initiating an investigation, holding a hearing outside of the District of Columbia, or taking confidential testimony unless authorized by a majority of committee members. Witnesses subpoenaed would have the right to counsel. Only senators and authorized staff personnel could interrogate witnesses. The policy committee unanimously approved these rules and forwarded them to the Senate Rules Committee. The Rules Committee chose to let individual committees set their own investigative standards and procedures. The next year, the Permanent Subcommittee on Investigations adopted rules similar to those that the policy committee had recommended:⁵

1. An investigating subcommittee of any committee may be authorized only by the action of a majority of the committee.

2. No investigating committee or subcommittee is authorized to hold a hearing to hear a subpoenaed witness or take sworn testimony unless a majority of the members of the committee or subcommittee are present: *Provided, however,* That the committee may authorize the presence of a majority and a minority member to constitute a quorum.

3. An investigating committee or subcommittee may not delegate its authority to issue subpoena except by a vote of the committee or subcommittee.

4. No hearing shall be initiated unless the investigating committee or subcommittee has specifically authorized such hearing.

5. No hearing of an investigating committee or subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee.

6. No confidential testimony taken or confidential material presented in an executive hearing or an investigating committee or subcommittee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the committee or subcommittee.

7. Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.⁶

MCCARTHY AND THE ARMY

The subcommittee's investigation of Communist infiltration of the army eventually focused on two principal subjects: Irving Peress, an army dentist, and Annie Lee Moss, a Pentagon file clerk. Both appeared only fleetingly before the subcommittee, but with considerable consequence.

⁵ Donald A. Ritchie, *A History of the United States Senate Republican Policy Committee, 1947-1997*, S. Doc. 105-5 (Washington, D.C.: Government Printing Office, 1997), 43-44.

⁶ *Congressional Record*, 83rd Cong., 2nd sess., 2970.

During the autumn of 1953, the subcommittee had looked into charges of subversion and espionage at the Army Signal Corps laboratories at Fort Monmouth, New Jersey. Security officers abruptly suspended forty-two employees as security risks, and Senator McCarthy began calling them as witnesses. Many had graduated from the engineering program at the City College of New York (CCNY) where they had sat in classes with Julius Rosenberg. Since Rosenberg had worked at Fort Monmouth during the Second World War, suspicions arose that he had operated a spy ring within the laboratories. Army officials at first cooperated with the investigation, with Secretary of the Army Robert T. Stevens and the army's counsel John G. Adams attending executive sessions. Relations grew strained, however, when President Dwight D. Eisenhower refused to allow army security board members to be identified and questioned by the subcommittee. The president withheld other requested materials on the grounds of executive privilege.

Discovering that an army dentist suspected of being a member of the Communist party had been promoted to major, and then honorably discharged, Senator McCarthy raised the question: "Who promoted Peress?" He further demanded the names of those who had cleared Peress' discharge. Peress' commanding officer, Brigadier General Ralph Zwicker, cited an executive order that forbade him from divulging such information. "Then, General, you should be removed from any command," the chairman stormed. "Any man who has been given the honor of being promoted to general and who says, 'I will protect another general who protected Communists,' is not fit to wear that uniform, General." General Zwicker's executive session testimony was made public on February 22, 1954, and caused some alarm even among the senator's strongest supporters. An editorial in the *Chicago Tribune* suggested that McCarthy learn to "distinguish the role of investigator from the role of avenging angel." Since McCarthy's clash with Zwicker has already been published, it is not included in this edition of executive sessions, but the volume does contain an exchange between the senator and Lt. Colonel Chester T. Brown that immediately preceded General Zwicker's testimony, when the senator used equally abusive language: "I think, may I say this, that any man in the uniform of his country, who refuses to give information to a committee of the Senate which represents the American people, that that man is not fit to wear the uniform of his country."

Army counsel John G. Adams noted that Senator McCarthy's supporters on the Government Operations Committee initially tried to strike from the record his verbal assault on General Zwicker, but they had "underestimated the efficiency of the stenographic company." The army had already received copies of the transcript. Learning this, the committee voted to release the controversial exchange.⁷

The subcommittee had gotten the name of Annie Lee Moss from an FBI informant, Mary Stalcup Markward, who told them that she had seen "a woman by the name of Annie Lee Moss on the list of card-carrying, dues-paying members." However, Markward could

⁷John G. Adams, *Without Precedent: The Story of the Death of McCarthyism* (New York: W. W. Norton, 1983), 79, 129.

not recall having met Moss personally. Moss, an African American, had worked in a government cafeteria before getting a job as an Army Signal Corps communications clerk at the Pentagon in 1950. She had been cleared by loyalty boards of the General Accounting Office in October 1949 and by the army in January 1951. In September 1951, the FBI raised questions about Moss, and offered Markward's testimony as evidence, but the army did not reopen the case. Senator McCarthy described Moss herself as "not of any great importance," but he demanded to know: "Who in the military, knowing that this lady was a Communist, promoted her from a waitress to a code clerk?" Due to ill health, Moss did not attend an executive session and made her first appearance before the subcommittee at a televised public hearing on March 11, 1954.⁸

The army described Annie Lee Moss' position as a relay machine operator who received and transmitted "unintelligible code messages." When the charges against her became public, the army first transferred her to a supply room and then suspended her entirely. At the public hearing, Moss denied having been a member of the Communist party, having paid any dues, or having attended any party meetings. She testified that her late husband had received copies of the *Daily Worker*, although she was uncertain whether they had been addressed to him or to her. Moss had paid dues to a cafeteria-workers' union in 1943, but could not say whether the union had any Communist party connections. Appearing frail and perplexed at the hearing, she seemed an unlikely espionage agent even to Senator McCarthy, who left midway through her testimony. The hearing was replayed on Edward R. Murrow's popular *See It Now* television program and proved a public relations blow to the chairman. The army eventually reinstated Annie Lee Moss, placing her in its finance and accounts office. In 1958 the Subversive Activities Control Board confirmed Markward's assertion that Moss' name had appeared on the Communist party rolls in the mid-1940s. But the board conducted no further investigation of Moss, and the following year it concluded that "Markward's testimony should be assayed with caution."⁹

Reporter Ethel Payne, who covered the case for the *Chicago Defender*, an African-American newspaper, described Annie Lee Moss as a humble person of limited education. "The three things in her life were her son, her grandson, and her church, beside her job. And other than that, she knew little about the world outside. She was a widow. In those days, when the Communist Party was really campaigning in black areas to recruit blacks to join the Communist Party, they were very active. I know in Chicago, when people were evicted, Communists would come and move their furniture and everything else back into these houses, and they would bring baskets of food. They launched a serious campaign in the black community. Well, Mrs. Moss' husband was one of those who had been contacted by the Communists. He was just a simple working man, but they

⁸Permanent Subcommittee on Investigations, *Army Signal Corps—Subversion and Espionage*, part 8 (Washington, D.C.: Government Printing Office, 1954), 314–29.

⁹Thomas C. Reeves, *The Life and Times of Joe McCarthy* (New York: Stein and Day, 1982), 548–50, 667–69, 766–67; David M. Oshinsky, *A Conspiracy So Immense: The World of Joe McCarthy* (New York: Free Press, 1983), 381–85, 401–3; Arthur Herman, *Joseph McCarthy: Re-examining the Life and Legacy of America's Most Hated Senator* (New York: Free Press, 2000), 333–37.

were sending him free subscriptions to the *Daily Worker*, the organ of the Communist Party. And I don't know what he did with them, but when he died, they kept coming, these papers, and they piled up on her back porch, some with the wrappings still on them. She never paid any attention to it; the Bible was her thing."¹⁰

The Peress and Moss cases further eroded Senator McCarthy's relations with the army. Then the controversy escalated when the army charged that McCarthy and Cohn had demanded special privileges for the subcommittee's former chief counsel, David Schine. Ruth Watt, chief clerk of the subcommittee since 1947, had observed that Cohn and Schine operated outside the normal rules for Senate staff. Rather than work out of the subcommittee's limited quarters, they had rented office space in a nearby office building. Schine, as a consultant, was not on the subcommittee's payroll and could not be reimbursed for his expenses. Watt noted his tendency to place long-distance calls to notify friends whenever he expected live television coverage of the subcommittee's hearings. "Then when the bill came, it was personal, I wasn't going to pay it," she explained. "So Roy Cohn ended up paying his telephone bills." Schine once signed Senator McCarthy's name to a letter to the Senate Rules Committee asking permission for Cohn and Schine to have access to the "Senators' Baths," a pool and steam room reserved exclusively for senators. When the chairman of the Rules Committee informed Senator McCarthy that the request could not be granted, McCarthy, who had known nothing about it, simply nodded and said he knew that and would inform his staff.¹¹

That pattern of seeking special privilege continued after Schine was drafted into the army as a private. Schine made numerous requests for passes and release from basic training, which Cohn demanded of army officials. Senator McCarthy, by contrast, seemed indifferent to special treatment for Schine. During a monitored telephone conversation in November 1953, Senator McCarthy had told Army Secretary Stevens: "For God's sake, don't put Dave in service and assign him back to my committee. If he could get off weekends—Roy—it is one of the few things I have seen him completely unreasonable about. He thinks Dave should be a general and work from the penthouse of the Waldorf." Secretary Stevens had expected Senator McCarthy to turn the Fort Monmouth investigation over to the army after the initial inquiry, but began to suspect that Roy Cohn was pursuing the investigation more aggressively as leverage to win favors for Private Schine.¹²

The resulting Army-McCarthy hearings were played out before televised audiences. Only a few closed-door executive sessions were held. Rather than leading the questioning, both Senator McCarthy and Roy Cohn were called upon to testify. Reviewing his own testimony, Cohn saw things that had managed to elude him during his previous year as subcommittee counsel. "I was rambling, garrulous,

¹⁰ Ethel Payne oral history, 1987 Washington Press Club Foundation, 39–40.

¹¹ Ruth Watt oral history, 107–8; Nicholas von Hoffman, *Citizen Cohn* (New York: Doubleday, 1988), 177–78.

¹² Special Subcommittee on Investigations of the Government Operations Committee, *Special Senate Investigation in Charges and Countercharges Involving: Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr*, 83rd Cong., 2nd sess., Part 10 (Washington, D.C.: Government Printing Office, 1954), 377–78.

repetitive," he admitted. "I was brash, smug, and smart-alecky. I was pompous and petulant." Cohn had a similarly negative assessment of Senator McCarthy's performance at the hearings: "He complained bitterly of being interrupted . . . and yet he came charging in on everyone else's testimony time and again with his 'point of order, Mr. Chairman, point of order.' He used the words so often they were taken up by countless comedians and had a vogue as a national catch-phrase. His language toward his opponents was often less than parliamentary. He was verbally brutal where he should have been dexterous and light; he was stubbornly unwilling to yield points where a little yielding might have gained him advantage; he frequently spoke before thinking of the effect of his words; he was repetitious to the point of boredom." Cohn recognized that McCarthy was addicted "to dramatic techniques in presenting information," and was "impatient, overly aggressive, overly dramatic. He acted on impulse. He tended to sensationalize the evidence he had." The Senator "would neglect to do important homework and consequently would, on occasion, make challengeable statements." These were the qualities that McCarthy revealed to television audiences, and that the army's counsel Joseph Welch employed so effectively against him.¹³

INVESTIGATING COMMUNISTS IN THE DEFENSE INDUSTRY

The Army-McCarthy hearings consumed the better part of the session and delayed other subcommittee business, but Senator McCarthy was anxious to develop a new investigation of Communist involvement in the defense industry. Both before and after the Army-McCarthy hearings, the subcommittee looked into the activities of the United Electrical, Radio, and Machine Workers (UE), which had organized workers at General Electric and Westinghouse plants. UE had once been the third largest union in the Congress of Industrial Organizations (CIO). In 1941, UE president James B. Carey had been defeated for reelection largely after refusing to follow the Communist party's line on foreign policy. The union had supported the war effort throughout World War II, but in 1946 it conducted a massive strike against GE for increased wages. During the Eightieth Congress (1947-1948) enactment of the Taft-Hartley Act required union leaders to sign non-Communist affidavits, and several top UE officials had refused to comply. In 1948 the House Un-American Activities Committee had investigated the UE and heard testimony that the union's secretary-treasurer Julius Emspak and director of organization James J. Matles were members of the Communist party. Both Emspak and Matles cited the Fifth Amendment in refusing to answer the committee's questions. Senator McCarthy entered in the debate in 1950 when he denounced the United Electrical union as "one of America's worst security risks," and accused the UE of representing the "interests of the Kremlin" rather than of GE workers and management.

Prior to the subcommittee's investigation, the Senate Labor Committee had also looked into the role of Communists in the UE. By then the CIO had expelled the UE for being Communist dominated.

¹³Roy Cohn, *McCarthy* (New York: New American Library, 1968), 181, 208, 223, 275, 277.

A rival International Union of Electrical, Radio, and Machine Workers (IUE), headed by the UE's former president Carey, won elections in most General Electric plants, although the UE remained the bargaining agent at GE plants in Lynn, Massachusetts; Erie, Pennsylvania; and Schenectady, New York. In 1952 and 1953, articles in the *Saturday Evening Post* and *Reader's Digest* had linked the UE with "spies in our defense plants." In 1954, the IUE defeated the UE for the right to represent GE workers in Schenectady. As a result of this turmoil, General Electric concluded that its labor problems stemmed in large part from poor communications with its employees and the community. In September 1954, GE hired the actor Ronald Reagan (who at that time was known as a liberal anti-Communist) to promote better public relations through speaking engagements and by hosting its weekly television program, General Electric Theater.¹⁴

AFTERMATH

Although Senator McCarthy had planned to resume holding executive and public sessions in Boston after the Army-McCarthy hearings had ended, Senate Republican Leader William F. Knowland denied permission for committee hearings to be held outside of Washington for the remainder of the session. At that juncture, the subcommittee also underwent major changes in its staff.

Under pressure, Roy Cohn resigned as chief counsel in August 1954. Cohn never again held a government post. As a private attorney he was frequently reprimanded for unethical conduct, and was tried and acquitted in 1964, 1969, and 1971 on charges of conspiracy, bribery and fraud. He was eventually disbarred in 1986, just prior to his death. In his books and later interviews, Cohn conceded that Senator McCarthy's "penchant for the dramatic" and exaggerated claims and accusations had invited much of the critical storm that engulfed them, but he always insisted that McCarthy had performed "a substantial service to the country by alerting the country to the menace of communism when most people in this country were not tuned in to how deadly it was." Cohn discounted charges that their investigations had ruined people and cost them their livelihood. "Name one," he challenged. Looking back, Cohn concluded: "I can live to be 300 years old and do all sorts of things. . . . and when I die, when I'm referred to, it's going to be as Joe McCarthy's counsel."¹⁵

G. David Schine, whose army service caused so much commotion, disengaged from the political sphere and spent the rest of his life in Hollywood as a motion picture producer, winning an Academy Award for *The French Connection*. He also made a guest appearance as himself on a television episode of *Batman*. In 1996 Schine

¹⁴ *Congressional Record*, 81st Cong., 2nd sess., A7002; Herbert R. Northrup, *Boulwarism: The Labor Relations Policies of the General Electric Company, Their Implications for Public Policy and Management Action* (Ann Arbor: University of Michigan Bureau of Industrial Relations, 1964), 7-49; Ronald L. Filippelli and Mark McColloch, *Cold War in the Working Class: The Rise and Decline of the United Electrical Workers* (Albany: State University of New York Press, 1995), 141-66; and Ronald W. Schatz, *The Electrical Workers: A History of Labor at General Electric and Westinghouse, 1923-60* (Urbana: University of Illinois Press, 1983).

¹⁵ Cohn, *McCarthy*, 94-95; *New York Times*, August 3, 1986; *Washington Post*, December 22, 1985.

and his wife died in the crash of a small plane piloted by one of their sons.

As Cohn and Schine departed from the subcommittee, Robert F. Kennedy, who had resigned from the staff in 1953, returned as minority counsel. Kennedy wrote the final report on the Army-McCarthy hearings and then became chief counsel when Democrats took the majority in the next Congress. He rose to national prominence as counsel during the labor racketeering investigations, managed his brother's presidential campaign, served as attorney general, and was elected senator from New York in 1964. As a senator he served on the Government Operations Committee but not on the Permanent Subcommittee on Investigations. In 1968, Robert Kennedy ran for the Democratic nomination for president of the United States. On the night that he won the California primary, he was assassinated in Los Angeles' Ambassador Hotel, by coincidence one of the Schine family's chain of hotels.

In July 1954, Vermont Republican Senator Ralph Flanders introduced a resolution calling for the censure of Senator Joseph R. McCarthy for conduct unbecoming a senator. The resolution was referred to a select committee chaired by Utah Republican Senator Arthur Watkins. In September, after the Senate had recessed, the Watkins committee issued a report recommending the senator's censure. Following the November congressional elections, when Democrats won narrow majorities in both the Senate and House, the Senate returned in a lame duck session to debate the Watkins report and vote on censure. Friends from both parties appealed to Senator McCarthy to avoid censure by apologizing for his conduct, but he would hear none of it. On December 2, 1954, the Senate voted 67 to 22 to condemn McCarthy's conduct for having been "contrary to senatorial tradition." With his party losing the majority, McCarthy also lost the chairmanship of the Permanent Subcommittee on Investigations. Reporters ignored his speeches and press releases and his name disappeared from the front pages. His health and spirit declined rapidly and he died in 1957 at the age of forty-eight.

Senator McCarthy's most lasting legacy came in the form of judicial review of the rights of witnesses before congressional investigations. The chairman's single-minded focus on possible sedition and espionage had made him impatient over governmental efforts to treat the accused with due process. When informed that rules of the Civil Service Commission forbade the release of details of any loyalty hearing, Senator McCarthy said: "I do not care what is in any loyalty review board memorandum. This man is ordered to produce certain information. He will produce it or his case will go to the grand jury." The loyalty boards, he insisted, "are not running this committee. The senators on the committee are running it."

Along those lines, the senator defined the constitutional right against self-incrimination as incriminating in itself. He instructed witnesses that they could claim the Fifth Amendment only if they honestly felt that answering would incriminate them. Then he took the position that anyone who claimed self-protection had admitted guilt, and demanded that they be dismissed from any government-related employment.

At the time that Senator McCarthy made these assertions, the weight of judicial precedent was on his side. Dating back to the Teapot Dome investigations, the Supreme Court had ruled in *McGrain v. Daugherty* (1927) that a congressional committee could subpoena anyone, even those who were not government officials or employees, to testify. In *Sinclair v. U.S.* (1929), the Supreme Court recognized the right of Congress to investigate anything remotely related to its legislative and oversight functions. In 1940, Congress passed the Alien Registration Act (or Smith Act) that had made it illegal to advocate overthrowing the government by force or violence. In 1948 the Justice Department indicted twelve Communist leaders for having conspired to organize “as a society, group and assembly of persons who teach and advocate the overthrow and destruction of the Government of the United States by force and violence.” In *Dennis v. U.S.* (1951), the Supreme Court upheld those convictions on the grounds that the government’s power to prevent an armed rebellion enabled it to subordinate free speech. During the next six years, the government indicted 126 individuals for being members of the Communist party. Congress had also passed the Mundt-Nixon Act in 1950, which barred Communist party members from employment in defense facilities, denied them passports, and required them to register with the Subversive Activities Control Board. In *Rogers v. U.S.* (1951) the Supreme Court ruled that a witness who admitted having been treasurer of a local Communist party could not claim privilege under the Fifth Amendment when asked to whom she had given her records. Her initial admission had waived her privilege and she was guilty of contempt for failing to answer.

These rulings supported Senator McCarthy’s operating assumption that those who belonged to the Communist party were committed to overthrowing the government by force and violence, and that those who claimed the Fifth Amendment must be guilty of the accusations made against them. He believed that the subcommittee gave him license to interrogate anyone regarding any possible links to communism, and that nothing could be too private or personal in nature to escape notice. The need to uncover disloyalty, in his mind, justified all means available, including the verbal abuse and intimidation of witnesses, and the firing of suspected subversives without due process.

In 1957, the Supreme Court acted to restrict the government’s ability to prosecute under the Smith Act and broaden the rights of congressional witnesses. On June 17, 1957, a majority led by Chief Justice Earl Warren handed down a series of sweeping decisions. In *Yates v. U.S.* (1957) it reversed the convictions of fourteen Communist party members under the Smith Act, finding that joining the Communist party was not tantamount to advocating the overthrow of the government by force and violence. Thereafter, the Justice Department ceased all further indictments under the Smith Act. In *Watkins v. U.S.* (1957), the Supreme Court bolstered the rights of witnesses by insisting that an investigating committee had to demonstrate a legislative purpose in order to justify probing affairs, that public “education” was insufficient reason to force witnesses to answer questions under the penalty of being held in contempt, and that the Bill of Rights applied to anyone subpoenaed by

a congressional committee. Despite Senator McCarthy's repeated threats that witnesses would be imprisoned for perjury or contempt, not a single witness went to jail for testimony given to the subcommittee during his chairmanship. Several were tried for contempt, but their convictions were all overturned on appeal.

It was a noticeably subdued and cooperative Joseph McCarthy who attended the organizational meeting of the Permanent Subcommittee on Investigations on January 24, 1955, as ranking minority member rather than chairman. In that executive session (not included in these volumes since it occurred outside of the Eighty-third Congress), the new chairman, Senator John McClellan, announced his intention to address unfinished business left pending from the previous Congress. As Senator McClellan turned to Senator McCarthy and to James Juliana, the new minority counsel, they engaged in these valedictory remarks:

Senator McCLELLAN. Let me say to you now that you two are certainly familiar with these files, and I mean the things that are unfinished and need attention. We want your wholehearted cooperation, Joe and Jim, in calling to our attention what in your judgment needs further work of this committee. I am not familiar with them.

I want your wholehearted cooperation in these matters because there is no desire on my part to evade any responsibility that we have here. We are going through with it, whatever comes before us. I am not interested in any Democrat who has in the present administration or in the past administration as such, in no action that smacks of corruption or waste or inefficiency or anything else. I am prepared to defend or shield and I do not—there are a lot of things I don't know, and of course the work of the committee will find some other things as we go along. I am sure that every member of this committee will go into anything that needs our attention and any duty with which we are charged. I invite your wholehearted cooperation in this field.

Beyond that now, I have nothing further.

Senator McCARTHY. I have already instructed Jim here to give you all the available information. He cannot do that just on the spur of the moment, but I think the chair knows that I have not tried to protect either the Eisenhower administration or the Truman administration. As far as I am concerned, I agree with the chair that politics plays no part in this. If we find a wrongdoing, I certainly will call it to your attention.

DONALD A. RITCHIE,
U.S. Senate Historical Office.

SUBCOMMITTEE STAFF IN JANUARY 1953

Francis D. Flanagan, chief counsel (July 1, 1945 to June 30, 1953)
Gladys E. Montier, assistant clerk (July 1, 1945 to November 15, 1953)
Ruth Young Watt, chief clerk (February 10, 1947 to May 31, 1979)
Jerome S. Adlerman, assistant counsel (July 1, 1947 to August 3, 1953)
James E. Sheridan, investigator (July 1, 1947 to December 3, 1953)
Robert J. McElroy, investigator (April 1, 1948 to April 24, 1955)
James H. Thomas, assistant counsel (January 19, 1949 to February 15, 1953)
Howell J. Hatcher, chief assistant counsel (March 15, 1949 to April 15, 1953)
Edith H. Anderson, assistant clerk (January 26, 1951 to February 9, 1957)
William A. Leece, assistant counsel (March 14, 1951 to March 16, 1953)
Martha Rose Myers, assistant clerk (April 5, 1951 to July 31, 1953)
Nina W. Sutton, assistant clerk (April 1, 1952 to January 31, 1955)

SUBCOMMITTEE STAFF HIRED IN 1953-1954

Roy M. Cohn, chief counsel (January 15, 1953 to August 13, 1954)
Robert F. Kennedy, assistant counsel (January 15, 1953 to August 31, 1953) chief counsel to the minority (February 23, 1954 to January 3, 1955)
Donald A. Surine, assistant counsel (January 22, 1953 to July 19, 1954)
Marbeth A. Miller, research clerk (February 1, 1953 to July 31, 1954)
Herbert Hawkins, investigator (February 1, 1953 to November 15, 1954)
Daniel G. Buckley, assistant counsel (February 1, 1953 to February 28, 1955)
Aileen Lawrence, assistant clerk (February 1, 1953 to September 15, 1953)
Thomas W. LaVenia, assistant counsel (February 16, 1953 to February 28, 1955)
Pauline S. Lattimore, assistant clerk (March 16, 1953 to September 30, 1954)
Christian E. Rogers, Jr., assistant counsel (March 16, 1953 to August 21, 1953)
Howard Rushmore, research director (April 1, 1953 to July 12, 1953)
Christine Winslow, assistant clerk (April 2, 1953 to May 15, 1953)
Rosemary Engle, assistant clerk (May 25, 1953 to March 15, 1955)
Joseph B. Matthews, executive director (June 22, 1953 to July 18, 1953)

Mary E. Morrill, assistant clerk (June 24, 1953 to November 15, 1954)
Ann M. Grickis, assistant chief clerk (July 1, 1953 to January 31, 1954)
Francis P. Carr, Jr., executive director (July 16, 1953 to October 31, 1954)
Karl H. Baarslag, research director (July 16, 1953 to September 30, 1954) (November 2, 1954 to November 17, 1954)
Frances P. Mims, assistant clerk (July 16, 1953 to December 31, 1954)
James M. Juliana, investigator (September 8, 1953 to October 12, 1958)
C. George Anastos, assistant counsel (September 21, 1953 to February 28, 1955)
Maxine B. Buffalohide, assistant clerk (November 19, 1953 to October 15, 1954)
Thomas J. Hurley, Jr., investigator (November 19, 1953 to December 15, 1953)
Margaret W. Duckett, assistant clerk (November 23, 1953 to October 15, 1954)
Charles A. Tracy, investigator (March 1, 1954 to February 28, 1955)
LaVern J. Duffy, investigator (March 19, 1954 to February 28, 1955)
Ray H. Jenkins, special counsel (April 14, 1954 to July 31, 1954)
Solis Horwitz, assistant counsel (April 14, 1954 to June 30, 1954)
Thomas R. Prewitt, assistant counsel (April 14, 1954 to June 30, 1954)
Charles A. Maner, secretary (April 14, 1954 to July 31, 1954)
Robert A. Collier, investigator (April 14, 1954 to May 31, 1954)
Regina R. Roman, research assistant (July 15, 1954 to February 28, 1955)

**WITNESSES WHO TESTIFIED IN EXECUTIVE SESSION,
1954**

Adam, John	Mazzei, Mary
Alfred, Benjamin	McGee, Frank M.
Allen, Harold C.	Moore, George Frederick
Ault, Paul	Morgan, William J.
Ayer, Frederick, Jr.	Nabeshka, Karl T.
Babirak, John	Nestler, Frank
Barbour, W.	Nicko, Andrew
Bellino, Carmine	Nihart, Lt. Col.
Belsky, Dr. Marvin Sanford	Nisula, Waino S.
Belton, Lamuel	Oram, Charlotte
Berry, L.E.	Pallet, Simon
Beynon, Mary Stella	Pappas, Theodore
Bolys, Victor S.	Parris, Lawrence W.
Briney, Harold K.	Passikoff, Louis
Brooks, Rodney Avram	Peek, Sallie Fannie
Brown Ben H.	Pernice, John E.
Brown, Lt. Col. Chester T.	Picucci, Joseph A.
Brown, Genevieve	Quintana, Benito Sera
Cassano, Edwin Allen	Quirini, Helen
Cavalieri, Renaldo	Reston, James B.
Chandler, Lt. Col. Homer B., Jr.	Riggs, Michael
Cohn, Roy M.	Rivers, Charles
Dash, Harriman H.	Rubinstein, Sidney
DeCesare, Dante	Russiano, Thomas B.
Delos, William Vincent	Schine, J. Meyer
Donaldson, Alyn	Seaton, Fred A.
Drumright, Everett F.	Sille, Cyril
Finestone, Max	Slater, Joseph
Flores, Iris	Slater, Maurice
Furry, Wendell H.	Smedburg, Capt. W.R.
Garfield, Edwin	Smith, James H., Jr.
Goodall, Jack	Smith, Dr. Newbern
Gragis, Peter A.	Smith, Col. Vernon M.
Gregory, Alexander	Sokolsky, George E.
Heller, Alvin	Springfield, Lt. Col. R.W.
Hoag, Diantha	Suokko, Waino E.
Holmes, Yates	Szabo, John
Johnson, William S.	Thomas, Herman E.
Kalasz, Markus	Thomas, Lewis B.
Kamin, Leo J.	Torrey, Florence D.
Kantrowitz, Leo	Townsend, Allan E.
Krummel, Lillian Garcia	Trammell, Lt. Col. Charles M.
LaFortune, Robert H.	Valli, Philip
Linfield, Pvt. David LaPorte	Wallach, John
Lydon, Peter T.	Weiner, Dr. Oscar Roy
Maglin, Gen. W.H.	Wojchowski, Charles
Martz, Lt. Com. T.J.	Woodward, Capt. W.J.
Mattson, Joseph O.	Wright, Theodore
Mazzei, Joseph	Zwicker, Brig. Gen. Ralph W.

**PUBLIC HEARINGS OF SENATE PERMANENT
SUBCOMMITTEE ON INVESTIGATIONS,
PUBLISHED IN 1954**

Army Signal Corps—Subversion and Espionage: February 23–24,
1954

Army Signal Corps—Subversion and Espionage: March 1, 5, 1954

Army Signal Corps—Subversion and Espionage: March 10–11,
1954

Army Signal Corps—Subversion and Espionage: November 4, 1954
Subversion and Espionage in Defense Establishments and Indus-
try,

Part 1: November 19, 1953, January 15 and 16, 1954

Part 2: February 19 and 20, 1954

Part 3: July 19 and August 12, 1954

Part 4: December 7, 1954

Part 5: December 8, 1954

Part 6: July 20 and August 6, 1954

Part 7: January 3, 1955

Part 8: January 3, 1955

Part 9: January 15, 1954

Special Senate Investigation on Charges and Countercharges In-
volving: Secretary of the Army Robert T. Stevens, John G. Adams,
H. Struve Hensel, Senator Joe McCarthy, Roy M. Cohn and Francis
P. Carr (Army-McCarthy Investigation), supplement: April 22,
1954; part 1: March 16, April 22, 1954; part 2: April 22, 1954; part
3: April 23, 1954; part 4: April 23, 1954; part 5: April 26, 1954; part
6: April 26, 1954; part 7: April 27, 1954; part 8: April 27, 1954; part
9: April 28, 1954; part 10: April 28, 1954; part 11: April 29, 1954;
part 12: April 29, 1954; part 13: April 30, 1954; part 14: April 30,
1954; part 15: May 3, 1954; part 16: May 3, 1954; part 17: May 4,
1954; part 18: May 4, 1954; part 19: May 5, 1954; part 20: May 5,
1954; part 21: May 6, 1954; part 22: May 6, 1954; part 23: May 7,
1954; part 24: May 10, 1954; part 25: May 10, 1954; part 26: May
11, 1954; part 27: May 11, 1954; part 28: May 12, 1954; part 29:
May 12, 1954; part 30: May 13, 1954; part 31: May 13, 1954; part
32: May 14, 1954; part 33: May 14, 1954; part 34: May 17, 1954;
part 35: May 17, 1954; part 36: May 24, 1954; part 37: May 24,
1954; part 38: May 25, 1954; part 38: May 25, 1954; part 39: May
25, 1954; part 40: May 26, 1954; part 41: May 26, 1954; part 42:
May 27, 1954; part 43: May 27, 1954; part 44: May 28, 1954; part
45: May 28, 1954; part 46: June 1, 1954; part 47: June 1, 1954;
part 48: June 2, 1954; part 49: June 2, 1954; part 50: June 3, 1954;
part 51: June 3, 1954; part 52: June 4, 1954; part 53: June 4, 1954;
part 54: June 7, 1954; part 55: June 7, 1954; part 56: June 8, 1954;
part 57: June 8, 1954; part 58: June 9, 1954; part 59: June 9, 1954;
part 60: June 10, 1954; part 61: June 10, 1954; part 62: June 11,

1954; part 63: June 11, 1954; part 64: June 14, 1954; part 65: June 14, 1954; part 66: June 15, 1954; part 67: June 15, 1954; part 68: June 16, 1954; part 69: June 16, 1954; part 70: June 17, 1954; part 71: June 17, 1954; Composite Index: January 3, 1956.

WITNESSES WHO TESTIFIED IN PUBLIC SESSION, 1954

Alfred, Benjamin	Heiston, William L., Jr.
Allen, Harold C.	Heller, Alvin J.
Arsenault, Jean, Jr.	Hoag, Diantha
Ault, Paul	Inslerman, Felix A.
Babirak, John	Kalasz, Marcus
Belgrave, Gordon	Kamin, Leon J.
Belsky, Dr. Marvin Sanford	Kantrowitz, Leo
Beynon, Mary Stella	LaFortune, Robert
Bolys, Victor	Linfield, David LaPorte
Brandshear, Dewey F.	Lydon, Peter Tom
Briney, Harold K.	Markward, Mary Stalecup
Dash, Harriman	Mattson, Joseph
DeCesare, Dante	Mazzei, Joseph D.
Eagle, Ruth	McGee, Frank Mason
Fernandez, Emanuel	Middleton, Rufus E.
Friedlander, Sidney	Moss, Annie Lee
Furry, Wendell H.	Nestler, Frank
Garfield, Edwin	Nisula, Waino S.
Gebhardt, Joseph Arthur	Northrop, Robert Pierson
Glatis, James W.	Oram, Charlotte
Gragis, Peter A.	Owens, Arthur Lee
Gregory, Alexander	Pallet, Simon

WASTE AND CORRUPTION—DEVELOPMENT OF ALASKA

[EDITOR'S NOTE.—In an effort to end the investigation of Fort Monmouth, Vice President Richard Nixon met with Senator McCarthy on December 30, 1953, and urged a widening of the subcommittee's probes beyond the issue of communism in government. Senator McCarthy then told reporters that he planned to pursue fraud and mismanagement in government operations in the territory of Alaska, and that he was considering going to Alaska once the weather had improved. Scheduled for March 1954, the public hearings were never held due to the subcommittee's preoccupation with matters related to Fort Monmouth. The subcommittee then referred the Alaska investigation to the Senate Banking and Currency Committee, which conducted its own hearings.

A certified public accountant, Carmine Bellino (1905–1990) had served as a special agent in the Federal Bureau of Investigations from 1934 to 1945, becoming an administrative agent to FBI Director J. Edgar Hoover. From 1945 to 1947 he was assistant director of the Reconstruction Finance Corporation and the War Assets Administration. He established a private accounting practice in 1947 but soon afterwards was called back to government service by the Truman committee and continued to assist its successor, the Permanent Subcommittee on Investigations. He was later an investigator during the Senate's labor racketeering investigation in the 1950s, special counsel to Presidents John F. Kennedy and Lyndon Johnson, 1961–1964, chief investigator for the Senate Watergate Committee, 1973–1974, and chief investigator for the Senate Judiciary Committee, 1978–1981.]

WEDNESDAY, JANUARY 13, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met (pursuant to Senate Resolution 40, agreed to January 30, 1953) at 10:00 a.m., in room 357, Senate Office Building, Senator Joseph R. McCarthy, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Everett McKinley Dirksen, Republican, Illinois.

Present also: Francis P. Carr, executive director; Roy M. Cohn, chief counsel; Karl Baarslag, research director; Herbert S. Hawkins, investigator; Ruth Young Watt, chief clerk.

TESTIMONY OF CARMINE BELLINO

Mr. COHN. Mr. Bellino, you are consulting accountant for the committee? Is that right?

Mr. BELLINO. Yes, sir.

Mr. COHN. Have you and Mr. Hawkins, an investigator for the committee, been in Alaska in the last few months?

Senator DIRKSEN. Roy, would you mind—I wonder if it wouldn't be well, for the purpose of the record, to qualify the accountant with respect to background.

Mr. COHN. Could you tell us briefly something about your accounting experience. I believe you were with the FBI, and some other valuable experience.

Mr. BELLINO. I am a certified public accountant in the State of New Jersey and the District of Columbia. I had seven years of public accounting with a public accounting firm in New York City; seven years in my own business; eleven years with the FBI; five and a half as administrative assistant to Mr. Hoover; assistant director of the investigation division of the RFC and WAA; and I have been on the Hill since 1947 on various major investigations.

Mr. COHN. Now, you and Mr. Hawkins were up in Alaska. When did you arrive there?

Mr. BELLINO. I arrived in Juneau about November 2, 1953.

Mr. COHN. And from that time, did you conduct an investigation of various expenditures of money and situations involving the expenditure of government funds in connection with the development of Alaska?

Mr. BELLINO. Yes, sir.

Mr. COHN. And from that investigation, as a result of that investigation in which Mr. Hawkins participated, did you uncover evidence of waste and corruption?

Mr. BELLINO. Yes, sir.

Mr. COHN. Now, I wonder if you could tell us the name of the principal person involved in the transaction which you addressed yourself to?

Mr. BELLINO. I might explain this way, Senator. I was sent to Alaska at the initiation of the Department of Interior on the basis of suspicions of their man, Don R. Wilson, who is head of the Alaska Public Works Administration, which has under the law an authorization of \$70 million. They have spent up to the present time approximately \$45 million and have about \$7 million more authorized and appropriated.

[Off-record discussion.]

Mr. BELLINO. In looking into Wilson, we found that Mr. Kenneth Kadow—

Mr. COHN. He is the man involved in this?

Mr. BELLINO. I will explain just how we got into him. Mr. Kadow was interested in certain housing developments in Fairbanks and Anchorage, Alaska, and he was able to get from Mr. Wilson the installation of utilities, street paving, sidewalks, water mains, etc., and we couldn't understand how a private venture could get government funds and pay only 50 percent of the actual cost. It was learned that Mr. Kadow had been chairman of a field committee—

The CHAIRMAN. I missed something. You said government funds and pay only 50 percent of the cost—

Mr. BELLINO. Under the Alaska Public Works Act, the communities and public bodies that participate in public works may be charged at the discretion of Alaska Public Works Administration anywhere from 25 to 75 percent of the cost. They have established a policy of only 50 percent because the law said on an overall basis it should not be any more than 50 percent. What they have been doing is putting in utilities and have the public body pay 50 per-

cent to the government by giving them notes at interest of about 2 percent.

Kadow was sent to Alaska, according to his initial statement—and I am emphasizing this, at the request of former Secretary of the Interior, [Julius] “Cap” Krug. He has put that in a letter that “Cap” Krug sent him up there. When I started questioning him with a tape recorder he changed immediately and said it was Mr. Warne, William A. Warne.

Mr. COHN. He is now the head of the Stassen Mission in Iran?

Mr. BELLINO. Yes, sir.

Kadow’s job in Alaska was to coordinate all the activities of the Interior Department agencies. Now, there is a point that is unusual and that is that the governor’s function in Alaska is to coordinate all activities, including the territorial units and agencies of the Interior Department.

Senator DIRKSEN: Kadow, was he on the Interior payroll?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. And he had the title of coordinator—

Mr. BELLINO. Director of the field service. He was the only one in the office besides D’Epiro, his assistant and a secretary. Later on he had a public relations man that was on the staff of the field service.

However, in addition to the governor, in the development of Alaska, they also had a board of which George Sunbourg was consultant. They had the existing function of developing Alaska.

Kadow was sent up there especially to initiate various projects, one of the first being housing and I found in going through the various records and documents that we have here that he was not only interested in getting people to become interested in Alaska, but he would go so far as to take them by the hand, get cost prices, write letters, analyze financial set-ups and get financing for them. He did everything possible. In fact, at one point George Megrath, public relations man wrote a letter—

Senator DIRKSEN. He wrote a letter to whom?

Mr. BELLINO. William Dougherty, who is head of the public relations office, Interior, here in Washington.

Senator DIRKSEN. When was that letter written?

Mr. BELLINO. We have a copy of that.

Senator DIRKSEN. Identify it for the record.

Mr. BELLINO. This is a letter dated May 5, 1959, to William J. Dougherty.

Senator DIRKSEN. 1959?

Mr. BELLINO. It is typed 1959, but it should be 1949, in which he states:

Particularly, did I warn Kadow against continued traffic with a Mr. Cole with whom he had a joint housing proposition and who is a shareholder in the Newcastle Engineering Company of Newark, Delaware, a corporation having Kadow as president and Mrs. Kadow as vice-president along with Cole who is another vice-president. Incidentally, the man whom Kadow has been attempting to locate in Alaska as the Department Counsel is another officer and stockholder in the same corporation, a Mr. Mackey.

As he pointed out—

Mr. COHN. Let me see if I can ask you about a couple of points which will interest them particularly and then you can go on.

One project which you told us about, that is involving the U.S. Tin Company—is that right?

Mr. BELLINO. Yes, sir.

Mr. COHN. Does the U.S. Tin Company operate a mine or attempt to operate a mine up in Alaska?

Mr. BELLINO. The U.S. Tin Corporation—I might say that tin was discovered on the property in about 1903.

Senator DIRKSEN. Tin was discovered in 1903. Where?

Mr. BELLINO. At Lost River, Alaska. That is ninety miles northwest of Nome, possibly forty miles from Siberia.

Senator DIRKSEN. And how extensive was the discovery?

Mr. BELLINO. The ore has been of a very poor grade. However, in 1944 the Bureau of Mines, by drilling, discovered a granite cupola where they believed that possibly there was a higher grade of ore, but the exploration was discontinued until 1950 when the Defense Material Procurement Act was passed which permitted acquiring critical material and the government advancing funds in that connection. In other words, apparently they were of the belief it was not necessary that a corporation be financially sound, but merely that here is critical material which we could use for our stockpile.

Mr. COHN. They selected this one company, the U.S. Tin Corporation, and the government has given to that a considerable amount of money?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. Who is the U.S. Tin Corporation?

Mr. BELLINO. The U.S. Tin Corporation was organized in 1949. The principal officer is one Harry Fishnaller. The other two principal officers at that time were Fred Furey and a Robert A. F. McIntosh. They were the principal ones.

Mr. COHN. Is Kadow in that company now?

Mr. BELLINO. He is now president.

Mr. COHN. When did he become president?

Mr. BELLINO. He became president about October 2, 1951.

Mr. COHN. How long after he left the government was that?

Mr. BELLINO. Well, in connection with his employment, I might point out first in connection with Kadow's employment. Kadow left Interior March 15, 1951. He started to plan on leaving Interior in July 1950. We have a letter which he wrote to Cash Cole and in the letter he asked Cash Cole to talk to the Mortensen Construction Company, who was one of those interested in housing, to see whether they would be favorable to Kadow's joining up with them.

The CHAIRMAN. Who is Cash Cole?

Mr. BELLINO. Cash Cole is the Alaskan who owned the land Kadow initially wanted to buy—either to buy from him and start a housing development or get him started in a housing development. Kadow is—actually the letters indicate he was financial advisor to Cash Cole.

The CHAIRMAN. Was Kadow in a position to influence or aid U.S. Tin in getting the federal monies to start this mining project?

Mr. BELLINO. Here is a letter dated January 27, 1951, from Harry Fishnaller to the other officers of U.S. Tin, Bob and Henry, in which he says:

Alaska representative of Secretary of Interior (Kenneth Kadow) of great help to me. He says Lorain thoroughly sold on our property and has convinced him (Kadow) of magnitude.

The CHAIRMAN. Do you know how much money Kadow has drawn out of the corporation since he went in?

Mr. BELLINO. He was supposed not to get a salary. However, in October 1952, he arranged it so that he would get \$1,500 a month. I might say that under the contract no officer is supposed to get anything until the mill and mine are in full production, which was a period of thirty days.

The CHAIRMAN. Is he still getting \$1,500 a month?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. And no tin is being produced?

Mr. BELLINO. No tin at all. In fact, this one statement—about June 5th, a telegram was sent from the mine superintendent indicating the mill was operating on a test basis. In other words, up to that point, 1952, they had not been able to get the mill operating and suddenly they make it operate on a test basis. It is not in production; it never has been in production but Kadow told GSA that they were producing, mining and milling, and on the basis of that mining and milling they should begin to pay him \$1,500 immediately.

From that point on they were supposed to be mining and milling. Actually GSA went to Lost River and found they haven't mined or milled one ton of ore whatsoever through the lode operation.

The CHAIRMAN. Up to now, we have sunk about how much into it?

Mr. BELLINO. A little over \$2 million.

The CHAIRMAN. And the U.S. engineer has long since recommended that the project be dropped as a hopeless project; that there was no tin there?

Mr. BELLINO. There have been two recommendations to drop the project on the part of GSA. However, as he wrote in one letter that we have, he points out that "I had a nice talk today." This is a letter from Kadow.

The CHAIRMAN. The question is: Did the engineer recommend that the project be closed up?

Mr. BELLINO. This is after the project was to be closed up. I want to mention who he said helped them.

Had a nice talk today with the guy that has been trying to kill us off—he acts so friendly and nice that you'd never guess he actually tried to cancel our contract two months ago—Maull and Gumbel stopped it in its tracks with Nicoll's help. Nic sure is our real friend.

The CHAIRMAN. Who is Nichols?

Mr. BELLINO. J. S. Nichols, who is employed by the credit and finance division, and who we have evidence of private correspondence and who came to Kadow's office—

The CHAIRMAN. Was there a difference between our government engineers as to whether or not the project should continue?

Mr. BELLINO. There has been a difference to this extent. One group felt that what they should do was explore the mine—let's find out whether the granite dome has got valuable ore, then consider putting money into it. Let's not put any development into it. The other group wanted both. That was the difference.

Senator DIRKSEN. Then to summarize one phase. While Kadow was in government, he helped this corporation, the U.S. Tin Corporation get money. After he had the money transferred over to U.S. Tin, while there is a provision in the agreement of our government that no officer can get money until thirty days after tin is produced, he wrote untruthful letters to GSA, which said he was now producing tin and on the basis of that got \$1,500 a month. Is that correct?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. Does he have any other occupation?

Mr. BELLINO. That is the important thing too. I might mention when he submitted his resignation, about January 25, 1951, then he came to work—in fact, January 27, 1951, he contacted Fishnaller as to definite employment. Fishnaller agreed to take him on, while he was still in government service.

He submitted his resignation as of January 27, 1951, effective March 31, 1951.

The CHAIRMAN. Is he getting money besides the \$1,500?

Mr. BELLINO. Yes, sir. In fact he was getting money—

The CHAIRMAN. How much money is he getting and from whom?

Mr. BELLINO. Mortensen Construction Company. Under agreement of a partnership, he gets 25 percent interest in anything done. Mortensen has interest in anything Kadow does.

The CHAIRMAN. Is Mortensen doing work for the government?

Mr. BELLINO. Yes.

The CHAIRMAN. Was it doing work for the government when he was a government official?

Mr. BELLINO. Yes, sir, he helped them.

The CHAIRMAN. Did he have 25 percent interest at the time he was a government official, who was negotiating with them?

Mr. BELLINO. Senator, in that connection Mr. Kadow operated on promises for the future so there is nothing definite to show he definitely had an interest.

The CHAIRMAN. Then there was an agreement, was there? You have letters to show it?

Mr. BELLINO. Not that particular one. Another instance gives inference that he must have had that agreement with Mortensen.

The CHAIRMAN. Has he billed the government for liquor and collected money for it?

Mr. BELLINO. My recollection on some of the entertainment for liquor and business dinners, as he called it—in fact, Lorain, Bureau of Mines, I believe those were paid for but the letters that I recall seeing from that time on, he was not going to charge U.S. Tin anymore.

The CHAIRMAN. How much did he get from the government for liquor and that sort of thing?

Mr. BELLINO. Roughly, the bill on which that appeared amounted to \$1,600. However, the major portion of that was for travel. I'd say roughly \$200. I am not certain of that.

The CHAIRMAN. Did he also make claims for money with the statement that he had water available when there was no water?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Would you give us the story on that?

Senator DIRKSEN. There is a break here somewhere that we have to pick up.

Number one, let's summarize for a moment. Tin was discovered in Alaska, low grade form, way back——

Mr. BELLINO. Yes, sir.

Senator DIRKSEN [continuing]. And somebody made the suggestion that perhaps it ought to be developed.

Mr. BELLINO. They had developed——

Senator DIRKSEN. Did the Bureau of Mines or anybody in the government make a suggestion this might be developed?

Mr. BELLINO. Yes, sir, the Bureau of Mines and the U.S. Geological Services both.

Senator DIRKSEN. Number two, in 1949 three men organized a company called the U.S. Tin Corporation.

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. It had no corporate life before that time?

Mr. BELLINO. No, sir.

Senator DIRKSEN. It was organized under the laws of what state?

Mr. BELLINO. The state of Washington.

Senator DIRKSEN. Before that it was the Lost River Tin Company, which just folded up without going through liquidation.

Mr. BELLINO. They just didn't do anything more on that.

Senator DIRKSEN. Now, this corporation had to have money to sink a shaft and develop tin?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. Where did they get the money and how did they get it?

Mr. BELLINO. When they began to operate it was merely a placer operation. They didn't need much money. There was water available to run it down the creek and then put it through the mill and get it in concentrated form and ship it out.

Senator DIRKSEN. So out of their own capital structure they probably raised that money?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. Did they come to the government for money?

Mr. BELLINO. They came to the government for money in the latter part of 1950.

Senator DIRKSEN. To what agencies?

Mr. BELLINO. They had to get the approval of the Department of Interior on the basis of it being a critical item but the money was——

Senator DIRKSEN. Did the Department of Interior approve it?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. I presume it was in the form of an application under the old Exploration Act for funds with which to go ahead with exploration. How much did they ask for?

Mr. BELLINO. Initially over \$300,000.

Senator DIRKSEN. U.S. Tin Corporation asked for \$300,000. To whom was that application directed?

Mr. BELLINO. I might mention in connection with the application, Senator, in one of his letters, Harry Fishnaller's letter to Bob and Henry, he stated:

Am enclosing an application blank. Don't think we can answer all requirements as to statements, etc. Consult with Henry Schaefer and Fred Loomis as to how we might answer or side-step where we need to.

Henry Schaefer was connected with the Seattle Trust and Savings Bank at that time.

I want to get to the point where he said what should be left out of the application to get their thinking.

Senator DIRKSEN. That can come later.

They filed an application to a federal agency for \$300,000.

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. Do you know who signed the application?

Mr. BELLINO. I believe it was Mr. Walsh from the Emergency Procurement Service.

Senator DIRKSEN. No, it would have had to be somebody in the Tin Corporation.

Mr. BELLINO. From the U.S. Tin Corporation, Harry Fishnaller.

Senator DIRKSEN. This went to the Department of Interior?

Mr. BELLINO. It went to the GSA, which was Jess Larson's outfit.

Senator DIRKSEN. You said the Department of Interior had to first approve it.

Mr. BELLINO. They had to approve it. The project itself was one coming under the Defense Procurement Act, you see. It involved no money as far as the Department of Interior was concerned.

Senator DIRKSEN. They did approve it under the Exploration Act; then the application had to go where?

Mr. BELLINO. The application went to GSA, which is now GSA, it was then the Emergency Procurement Service.

Senator DIRKSEN. When was the application filed?

Mr. BELLINO. It was filed in the early part of February 1951.

Senator DIRKSEN. February 1951! Was Mr. Kadow still in the government service?

Mr. BELLINO. Yes. In fact, we have a telegram to Harry Fishnaller at government expense asking him to send the application blank to him here in Washington and second to advise him whether he could be at a meeting of the Geological Services in Washington.

Senator DIRKSEN. This was 1951 or before?

Mr. BELLINO. 1951.

Senator DIRKSEN. Now, when the application got to GSA, what happened to it?

Mr. BELLINO. When it got to GSA, it was reviewed and eventually recommended on the basis of a 25 ton mill per day project.

In other words, there was a considerable difference of opinion whether the government should put a lot of money in this project so they agreed to permit them to go ahead on a test basis. "Let's see if it is feasible to operate up there." The climatic weather conditions were terrific, the shipping and everything else. They felt it would not be feasible to put it in full production. They permitted them to start on a 25 ton basis. However, Mr. Lorain of the Bureau of Mines in Juneau was against the 25 ton mill. The money they were permitted to have would only be sufficient to operate that type of mill. He was against the 25 ton mill. Mr. Kadow got his instructions, but he said, "Let's disregard the 25 tons; we are going

to build up to 100 tons on the basis of what we have got." We have a letter where Mr. Lorain doubted the feasibility of that very much.

As a result of proceeding on a 100 ton basis, they got money for 25 tons, and naturally they had to ask for more money later on. That is what happened. When GSA finally approved the application for 25 tons test—they approved it about March 23, 1951—

Senator DIRKSEN. When was the money disbursed?

Mr. BELLINO. The first money was a guarantee by GSA to the bank, Seattle Trust Company. The bank was willing to stand 10 percent of this loss while the government would stand 90 percent. The bank, however, was willing to do that provided the company got in production and produced by a certain time. When the time came and the company failed to go into operation, the bank said, "We will not give them any more money."

At that time \$157,000 out of \$300,000 some odd guaranteed had been spent, so they came back to Washington and they got GSA—

Senator DIRKSEN. Wait. How long after this was approved, namely in February or March 1951 was it before the bank indicated they could get no more money under this guarantee?

Mr. BELLINO. About August 1951.

Senator DIRKSEN. They had roughly six or seven months to operate?

Mr. BELLINO. Actually, their operation would not have begun until July. If it was a mine which had been able to operate and able to deliver what they said they could deliver, they should have begun to operate by the first of July.

Senator DIRKSEN. By August there was no actual production?

Mr. BELLINO. No, sir. Never has been. The Seattle Bank said they would disburse no more money. GSA, however, got them to agree to loan \$10,000 more but this time GSA was responsible for 95 percent so the bank's loss, on the outside, would be 5 percent. At 6 percent interest, the bank was doing pretty good.

Senator DIRKSEN. Was that money all spent—approximately \$250,000 or \$300,000?

Mr. BELLINO. \$257,000, I think, was gotten and spent.

Senator DIRKSEN. With that additional money, how long did they run?

Mr. BELLINO. They have been trying to run ever since 1951. They came back into Washington in the latter part of November 1951 for a \$35,000 advance. In fact, on one of the letters he says:

I had a new idea. Sell GSA on this.

Instead of having the bank give them money to pay interest, the government was paying the interest, the corporation never did pay interest, they said:

Let's have GSA advance the money to use monthly as we need it and pay GSA interest unless they indicate we don't have to pay interest.

It was finally agreed that they pay 4 percent interest. They never did pay the interest.

Senator DIRKSEN. With this \$35,000 was any tin produced?

Mr. BELLINO. There was never any tin produced.

Senator DIRKSEN. Now, they came back for more money?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. How much?

Mr. BELLINO. I believe the next amount was two hundred and some thousand.

Senator DIRKSEN. What happened to that application?

Mr. BELLINO. That was the time about February 1952 when Mr. Bourret recommended that they stop giving any more funds to the development.

Senator DIRKSEN. Who is Mr. Bourret?

Mr. BELLINO. He is with the GSA, one of the mining engineers.

Senator DIRKSEN. Did they get the money or didn't they?

Mr. BELLINO. They got the money.

Senator DIRKSEN. Notwithstanding his objection?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. Was the money spent?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. How long did they take to spend that money?

Mr. BELLINO. It didn't take them long because they were back in July for about \$900,000 more.

Senator DIRKSEN. Now, by fall 1952, they had spent \$2 million?

Mr. BELLINO. I wouldn't say—they were getting close to it.

Senator DIRKSEN. How much tin was produced between November 1951 to November 1952?

Mr. BELLINO. Never tin—placer tin on placer ground producing tin of a very poor grade.

Senator DIRKSEN. How much?

Mr. BELLINO. They have gotten on an average about forty tons.

Senator DIRKSEN. Altogether forty tons?

Mr. BELLINO. A year—not out of this project however. In that area.

U.S. Tin operated that also.

Senator DIRKSEN. Out of these funds?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. They got forty tons of tin?

Mr. BELLINO. Concentrate. They ran out of the next \$200,000 and came back for \$900,000.

Senator DIRKSEN. When did they come back?

Mr. BELLINO. They came back for the \$900,000 sometime in the latter part of 1952.

Senator DIRKSEN. What happened to that application?

Mr. BELLINO. That was also approved.

Senator DIRKSEN. So they got another \$900,000. How long did that run, if you know or roughly?

Mr. BELLINO. Well, they were back in—well, that would be for 1953.

Senator DIRKSEN. Up to the present time they have spent around two million dollars altogether?

Mr. BELLINO. That is including the money they are spending at the present time.

Senator DIRKSEN. Now, what is the value of the ore concentrate—you say they got forty tons?

Mr. BELLINO. Approximately forty tons a year. I don't have the actual value in dollars.

Senator DIRKSEN. Have you any notion as to what ore concentrate is worth in tons?

Mr. BELLINO. Of course, the concentrate has to be put into tin and the tin price now is at least \$1.05 a pound. There never has been more than enough to do any more than pay off part of the bank loan. That is the most they have ever been able to do.

Senator DIRKSEN. Let's find out what the market is for ore concentrate. We have the actual amount of the sales?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. Now, I have got one other question. This is with reference to Mr. Kadow. He filed his resignation in January 1951, effective March 31, 1951. Did he actually go off the rolls in March 1951?

Mr. BELLINO. Subsequent to that resignation letter, he sent a telegram about March 13th requesting that his resignation be effective March 15th. Then he entered into an agreement with Mortensen and U.S. Tin on March 16th.

Senator DIRKSEN. When did he become president of U.S. Tin?

Mr. BELLINO. He was general manager on March 16, 1951. He became president about the latter part of September or October 2, 1951.

Senator DIRKSEN. Now then, after he became general manager on March 16th, 1951, the company actually then got the \$200,000 you referred to in 1952?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. So your recollection would indicate that U.S. Tin got \$1,100,000 within a short period of time after Mr. Kadow's resignation from the government service became effective.

Mr. BELLINO. Senator, altogether he got \$2,900,000.

Senator DIRKSEN. I am speaking about these two items?

Mr. BELLINO. Yes, sir.

[Off-record discussion.]

Senator DIRKSEN. Did he have a written contract with U.S. Tin when general manager?

Mr. BELLINO. I think initially it was oral and eventually he entered into a written contract.

What I want to explain in connection with U.S. Tin was that what I did there is take everything I could. I did not look at the records or audit the record. The GSA auditor was going to do that and we haven't gotten his report as yet.

The CHAIRMAN. Do you know when he went with U.S. Tin on the sixteenth of March if he had a contract either oral or written, and if so, how much he was to get?

Mr. BELLINO. How much stock he was to get?

The CHAIRMAN. What was he getting from U.S. Tin the day after he left the government?

Mr. BELLINO. The records indicate that the corporation gave him gratis 8,500 shares of stock in this corporation.

The CHAIRMAN. How many shares were outstanding?

Mr. BELLINO. Three hundred thousand authorization. There was outstanding, I believe, somewhere around 180,000; balance was all optioned.

The CHAIRMAN. So he got about 10 percent of the outstanding stock?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. And do you know what that stock was worth, if anything?

Mr. BELLINO. The stock had book value of \$1.00 a share. The stock had a par value of \$1.00 a share. The book value was minus zero. However, they were selling the stock not less than—from \$3.00 a share to as much as \$6.00 a share. The market value was between \$3.00 and \$6.00 a share.

The CHAIRMAN. Were they actually selling stock at that time at that figure?

Mr. BELLINO. At that date I do not know. Subsequent to getting the money from the government they began to sell stock to other individuals from \$3.00 to \$6.00 a share.

Mr. COHN. Did Kadow sell his?

Mr. BELLINO. Kadow, according to tax returns, sold some of his.

Mr. COHN. How?

Mr. BELLINO. Not less than \$3.00 a share.

Mr. COHN. And he paid zero?

Mr. BELLINO. Yes, sir.

Mr. COHN. What was his consideration?

Mr. BELLINO. Actually, it had been his help to the corporation.

Mr. COHN. Mr. Bellino, Senator Dirksen very correctly points out here, I think the pattern is very clear. Senator Dirksen makes this point: What, very specifically, did Kadow have to do with giving of any monies or any other benefits to this company prior to his leaving this government?

Mr. BELLINO. He definitely contacted officials in both Interior and GSA and helped them get the loans.

The CHAIRMAN. You have told us that. Was that his job?

Mr. BELLINO. No, sir. He says this. He says, "I was up there to develop Alaska." Everything he did was for the purpose of—

The CHAIRMAN. I am trying to find out whether in his official capacity he was supposed to contact people or not. It makes a big difference. Was part of his job to advise that money be given to deserving developing companies? If not, what was his job? He was on the government payroll. He had a job. Do you follow me on this, Carmine?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Let's say I went to Alaska, while Kadow was holding his government job and if I had some vision of developing a certain project and I needed federal funds, was Kadow part of the chain of command through which I would go to get those funds. Was he the man who would recommend for or against it.

Mr. BELLINO. Senator, Kadow injected himself into everything that he desired. I might say on that, he would go to extremes making sure they got the funds—whether it was government, Stettinius or any fund.

The CHAIRMAN. What I want to know—if that was his job. If not—

Mr. BELLINO. His job isn't spelled out at all—just development of Alaska. Anything he could do to develop Alaska was his job.

The CHAIRMAN. Then if the government sent him up there to develop Alaska, he is the man who would be depended upon, relied upon for recommendations for loans.

Mr. BELLINO. It would appear from the Alaska field service that he was in an advisory capacity. However, he went much further than that.

The CHAIRMAN. He advised the government to give loans to worthy projects?

Mr. BELLINO. No, I wouldn't say that.

The CHAIRMAN. Who would he advise?

Mr. BELLINO. His staff was made up of heads of various government agencies, Bureau of Mines, Geological Survey—

Mr. COHN. The fact is that one of his jobs was to recommend to his superiors what would be good and what bad; which ones they should finance and which ones they shouldn't. Is that correct?

Mr. BELLINO. Yes, sir.

Mr. COHN. Here is a man who was in Alaska when U.S. Tin wanted money. One of his tasks was to advise his superiors whether or not they should get the money. He did that, didn't he?

Mr. BELLINO. Yes.

Mr. COHN. In fact, on February 27, 1951, he was down here with Harry Fishnaller seeing Mr. Ellis in the Bureau of Mines about money for the corporation.

Mr. COHN. Do you have any statements that he advised his superiors, made recommendations on contracts?

Mr. BELLINO. No.

Mr. COHN. You don't?

Mr. BELLINO. No, unless—no, nothing.

That was not part of his official duty, Senator. He took that all upon himself and his own interpretation.

The CHAIRMAN. How do you know?

Mr. BELLINO. I will say that this way. When he started out, started doing that, rumors came down about his activities, so Warne wrote him a letter calling his attention to being like Caesar's wife, vulnerable, above suspicion.

The CHAIRMAN. Above suspicion of what?

Mr. BELLINO. In developing Alaska, of having any personal interest in any way or seeking to have any personal interest.

The CHAIRMAN. I didn't ask about that. I didn't ask about personal interest.

Listen to me a minute. I am not talking about personal interest. I am trying to find out whether there is a conflict here, taking over a company which he had promoted and fostered while a government agent—whether or not he did that. In order to find that out, I must find out from you or someone else whether he did perform the function of advising his superiors, advising GSA, advising Interior, the Bureau of Mines or anyone else, when they should or should not give a company some aid. It had nothing to do with personal interest.

Mr. BELLINO. Senator, this is his job description. I could read that.

The CHAIRMAN. I can read it.

Let's read it into the record. This is the job description for Kadow dated July 8, 1948:

Under the general direction of the Secretary of the Interior to serve as Director of the Alaska Field Staff, Chairman of the Alaska Field Committee, and ex officio Commissioner for Alaska for the Department. To be responsible for integrating the

activities in Alaska of the bureaus and offices of the Department and for increasing the effectiveness of the Alaskan program of the Department. Will report to the Secretary through the Director of the Division of Territories and Island Possessions.

To serve as the representative of the Department and of the Secretary in Alaska in dealing with other Federal agencies, the Territorial government, and other public or private groups or persons on matters of common interest.

To make continuous study of the operations of the bureaus and offices of the Department in Alaska and of questions of common interest in such operations; to act as a point of contact and a channel for the exchange of views and information in regard to such questions; to initiate and endeavor to secure common agreement on measures necessary to ensure, integration and economical execution of departmental programs; and to report promptly to the Secretary on any situations which may require departmental action.

To resolve directly, wherever possible, differences in matters crossing bureau lines or affecting more than one bureau or office.

In conjunction with the Alaska Field Committee to prepare and submit for the Secretary an annual report covering the following:

1. The general aspects of the entire program of the Department in Alaska and of the programs of each bureau or office.

2. Obstacles encountered in the realization of an effective program in Alaska and recommendations for overcoming such obstacles.

3. Recommendations as to steps needed to accomplish an adequate program for Alaska.

In conjunction with the Alaska Field Committee to prepare and submit to the Secretary a comprehensive long-range departmental program for Alaska on a 6-year basis; and, subsequent to the adoption of such a program, suggest such annual revisions as may be required to maintain a program on a 6-year basis.

To supervise and direct the activities of the employees of the Alaska Field Staff and to perform related duties as assigned.

[Off-record discussion.]

The CHAIRMAN. When did he have the agreement with U.S. Tin, if you know, to get the stock or anything else?

Mr. BELLINO. About the stock, that just appeared in the minutes. I don't know when he made the agreement.

The CHAIRMAN. When did it appear in the minutes?

Mr. BELLINO. I do not recall. However, about January 27, 1951, he has admitted speaking to Fishnaller about the job. He says it wasn't until after he told Fishnaller he would work for the company that he began to help the Tin Company.

The CHAIRMAN. How much salary was he supposed to get as general manager?

Mr. BELLINO. I haven't seen any salary, Senator.

The CHAIRMAN. Did you ask him?

Mr. BELLINO. No, sir.

The CHAIRMAN. That is an important thing, isn't it.

Mr. BELLINO. Certainly, yes, sir.

The CHAIRMAN. That should be in the record.

Mr. BELLINO. From what I could see, he hasn't received any salary. The agreement was that he would not receive a salary while with the government.

The CHAIRMAN. What type of deferred salary did he receive? If I go to work for your corporation, I don't go to work for nothing, even under an agreement with the mortgagee. If I don't get money as of today, certainly I am going to pile up salary.

Mr. BELLINO. He said he wasn't interested in such, that he was interested in capital gains and for that reason felt eighty-five hundred shares of stock was his salary.

The CHAIRMAN. Did you ask him?

Mr. BELLINO. I went there by what the records showed in connection with his signing the contract—his agreement to sign the contract gave him eighty-five hundred shares.

The CHAIRMAN. Do you have documents, letters or anything else to show the date that he became interested in becoming part of this company?

Mr. BELLINO. The first document that I found of this corporation, which was called to his attention, was about October 2nd.

In October, I am not sure of the date, 1950, at which time a copy of a letter written by Mr. Lorain was sent to Mr. Kadow.

The CHAIRMAN. Setting out what?

Mr. BELLINO. It showed this corporation was anxious to get money and begin doing business.

The CHAIRMAN. Have you identified Mr. Lorain?

Mr. BELLINO. Mr. Lorain was director of Bureau of Mines in Juneau.

I might explain to the senator, actually we jumped to the tin mine and you can't follow Kadow's activities. If we were to follow his prior activities we could understand his thinking, when he was ready to leave the government and go to work for Mortensen and U.S. Tin. For instance, in 1947, October 21, 1948, which was about three months after he arrived in Alaska—he went there, got there about July 15, 1948, Mr. Warne wrote a handwritten memo for the files pointing out:

Director James Boyd of the Bureau of Mines came to me this morning, having returned this week from Juneau, Alaska, where he was early in October, and other mines field stations. He said that his man Germain at Juneau, some in Geological Survey, and the governor, were worried because Ken Kadow had given the impression that (1) he was in Alaska to make a personal killing, (2) had endeavored to make a personal arrangement with a firm of architects for a cut on future building, and (3) had in mind trying to participate personally in mineral developments that he is promoting as a part of a development program. Mr. Boyd says all his information is hearsay, but he thought such rumors and reports ought to be investigated. He does not think they are widespread in Alaska.

As a result of that, the only action taken was a letter from Mr. Warne to Mr. Kadow and he starts off:

It perhaps is natural that the representatives of the Interior Department assigned to aid the development of Alaska should be watched closely by Alaskans, but I do not want you, through inadvertence or otherwise, to invite suspicious attitudes nor to be made the butt of gossip. It would hurt both you and our program for the development of Alaska.

Like Caesar's wife, as I have said before, anyone in your position must be above suspicion.

Some nasty rumors have gained some currency and apparently are being spread. They run something like this: that you have said that you were in Alaska to make a killing; that you sought a silent partnership and a 10 percent cut in a proposed building project; and that part of your interest might be personal in the proposed mineral developments. In the light of the exchange of letters—yours of August 27, mine of September 21, and yours of September 24—I cannot credit such rumors, which are based on hearsay so far as any who have repeated them to me freely admit.

I imagine, however, that the suggestion you made at the October 7 Field Committee meeting that the limestone deposit might be protected through a dummy company to hold it for appropriate later use by bona fide developers is being distorted and may be repeated with garnishment to your disadvantage. The voicing of such a suggestion, it seems to me, is ill-advised since it puts Caesar's wife in a not-totally invulnerable position, against thoughts, that is.

No government employee may use his official position, directly or indirectly, for personal gain nor can he afford, for example, to say that he would like to do so, even in jest, nor to propose anything that has the color of preparation for a situation

in which would be created the opportunity for him or others to profit personally because of the government's business.

I have been very pleased with the way you have started the field program. Perhaps we both underestimated the amount of resistance that a field coordinator would meet in our department, in other departments, and outside of government. That may account for some of the pot-shooting. I thought, however, that you should know and be forearmed. The government service is exacting in its demands for personal self-sacrifice, and is remunerative only in the satisfaction of having rendered service. Forgive me for seeming to lecture. Especially do I apologize since I believe there is no reason for me to be saying such things to you.

Mr. Warne ended up apologizing.

Senator DIRKSEN. What was the date of that letter?

Mr. BELLINO. October 21, 1948.

Senator DIRKSEN. Let's get the sequence of dates clear in the record. Mr. Kadow went to work for the Department of Interior what month?

Mr. BELLINO. July 1948.

Senator DIRKSEN. And he went to Alaska when?

Mr. BELLINO. He arrived in Alaska about that time.

Senator DIRKSEN. In July?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. What was his prior experience?

Mr. BELLINO. Prior thereto he was connected with Stettinius and his work in Liberia; before that he was with Nelson A. Rockefeller in South America.

Senator DIRKSEN. What you mean to say is: His earlier government employment consisted of work with the State Department in Liberia and later with the Rockefeller committee in South America.

Mr. BELLINO. From September 1947 to August 1948, he was with the Stettinius Associates in Liberia, Inc., and the Liberia Company, in charge of planning and development. It was his responsibility to present practical operating plans for the development of Liberia. "These two corporations were organized for the purpose of developing Liberia both economically and socially."

Prior to that time he was with the International Basic Economy Corporation and American International Association. His immediate supervisor was Mr. Nelson A. Rockefeller, president of the above corporations. He was also with the Coordinator of Inter-American Affairs, Food Supply Division in Rio de Janeiro, Brazil. Before that all of his work was in connection with agriculture, either at the University of Delaware or the University of Illinois, Urbana, Illinois. From September 1931 to December 1948, he was associate plant pathologist, Department of Horticulture, University of Illinois. Before that he was assistant to plant pathologist, Washington State College, Pullman, Washington.

Senator DIRKSEN. All right then, he entered the Department of Interior in July of 1948?

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. And was dispatched almost immediately to Alaska?

Mr. BELLINO. Within two weeks he was on his way to Alaska.

Senator DIRKSEN. He was in Alaska then roughly five months when this rather lecturing letter was written by a Mr. Warne, and Mr. Warne's full name is William E. Warne, and his title?

Mr. BELLINO. Assistant Secretary of Interior.

Senator DIRKSEN. Which means within five months after Mr. Kadow assumed employment with the Department of Interior, rumors had come back from Alaska as far as Washington and became the foundation for a letter by Mr. Warne.

Mr. BELLINO. Yes, sir.

Senator DIRKSEN. All right. Now you can proceed.

Mr. BELLINO. On October 28, 1948, there appears a letter in the file from Mr. Warne, in which he says:

I talked with Governor Gruening by phone on October 22 relative to Dr. Boyd's conversation with me and mine with John Reed of the Geological Survey about Mr. Kadow and the situation at Juneau. The Governor said he had heard rumors and had discussed the subject of the rumors with Mr. Kadow and that he, the Governor, was satisfied. He said no investigation or other action was warranted at this time, that Mr. Kadow had not had a long background of government employment but was learning rapidly.

In that connection, Governor Gruening on August 16, 1948, wrote to Mr. Kadow and he said:

I am dropping a line on the subject of a communication which George Sundborg mailed you. It has to do with a birch products project, the principal of which is a man named Franklin Lanum. The project is discussed in the enclosed memorandum.

It seems to me that other than housing and the cement plant, no other single project is so much in line with the thoughts that we were developing.

Here is a man who has gone quite a distance in seeking to develop and process an Alaska native product which hitherto has been unutilized. He can develop it as a raw-material exporter; that is, shipping out the logs; and is doing so. But this is scarcely desirable. If he could get the financing—and the amount would not seem to be large—\$170,000—he can establish a birch manufacturing and producing plant which will (1) supply Alaska with finished products needed in the construction industry; (2) obviate the high cost of transportation for corresponding materials; (3) aid in the solution of the housing problem; (4) establish another year-round industry, employing local labor.

This shows the Governor asking Kadow to help this man with his financing, which was what Kadow was doing up there—help in financing—but as indicated in other memoranda, he was looking also for his own personal interest whenever he did help with financing.

Now, Kadow wrote a note to Governor Gruening on August 28, 1948, in which he said:

I received your letter and George's regarding Franklin V. Lanum of Anchorage. I have read carefully his business prospectus. I have discussed it with several of my friends and believe that financing for this enterprise is definitely possible. I can not, however, work it out until I have a detailed breakdown of Mr. Lanum's financial statement. Considering the time that I have left here, I would suggest that you have Mr. Lanum meet me in Juneau sometime shortly after my return, which is now scheduled for the 11th. He should come prepared to discuss the whole thing in detail. It is my opinion, from what I read of his business prospectus, that I can propose a much more satisfactory capital structure for him than the one he has already.

I have asked some of my partners in the New Castle Engineering & Construction Company to help work out the financing for this company. Whether they put their money in or not is beside the point. I am reasonably sure that they will come up with a satisfactory working formula.

The governor had knowledge of this activity of Kadow, but nevertheless a few months later the question came up as to his activities and whether an investigation should be made of it. The governor said he didn't think this should be done and it stopped right there.

Senator DIRKSEN. Who was the New Castle Construction Company to which he refers and in which he refers to partners?

Mr. BELLINO. The New Castle Construction Company was organized and incorporated in June of 1948, just before he obtained his

job with Interior. He organized it for the purpose of using it in the development of housing in Alaska.

In that connection he claims that when he first—well, I could read his confidential letter from Mr. Warne to Mr. Kadow.

Senator DIRKSEN. First, the letter is to whom?

Mr. BELLINO. Mr. Warne.

Senator DIRKSEN. By whom?

Mr. BELLINO. This letter is dated October 26, 1948 from Mr. Kadow to Mr. William E. Warne, Assistant Secretary of the Interior.

Thank you very much for yours of the 21st. I appreciate it more than words can tell. You are absolutely correct in assuming that my letter of the 24th was a statement of policy on my part. It is true, however, that "Caesar's wife was very nearly seduced." This was a function of misunderstanding on our parts. I had definitely expected to make investments in Alaska when I came here. You knew this as did Secretary Krug. As a matter of fact, I can tell you without reservation, I would not have taken this job had I known that this policy would have been reversed. I could not have afforded to do so. However, that is all water over the dam. I am here as Interior's representative. I will do everything in my power to promote the best interest of the Interior Department and of Alaska, and you have my word that as long as I am a government employee, I will not personally take part in any of the many opportunities that I see.

So much for the record. Now for what I consider to be additional pertinent information. In the first place very few people in the government seem to know how a business project is born. They seem to think that if you publish some sort of a report, that almost immediately business as a whole will take it up. Personal conferences and actual solicitation of interest on the part of a person who has the facts are a very integral part of business development, as you well know. Of course, some projects will be developed in the other manner, but by and large, the road must be smoothed for the proper business psychology. Trying to smooth this road in Alaska is one of the toughest problems I have yet tackled primarily because of laws and stands taken by the government which the people consider inept. Most of the people in the government simply cannot understand how important little things are to the businessman's point of view. A typical example is the necessity for a man who is going to make a sizable investment to own the piece of ground on which he makes it.

Another point that has been somewhat disconcerting to me is the endless chain of rumors and absolutely foundless remarks that float around. For instance, it came to my attention through Reed Salisbury the other day that two different people in Agriculture are supposed to have made a statement to Rex Lee that I told them if they did not cooperate 100 percent with us, I would see that they were fired. I expect to hear all sorts of crazy things, some good and some bad. This is always the case when a fellow is really out getting something done. It distressed me particularly, however, to hear that Agriculture might be complaining because I have been bending over backward to get what I regard as a healthy relationship with them. I have made no such comment to anyone.

The greatest trouble I am having in Alaska to date is avoiding the press, and when they finally corner me for a speech or a statement, getting them to quote me correctly. I enclose herewith two articles written as a result of a speech I made in Ketchikan. If I do say so myself, the speech was fairly good, which is not always the case, but the article in the *Ketchikan Daily News* misquoted me badly. Frequently some of the misquotes seem to be intentional and are definitely popular with the people, but it irritates me, nevertheless, that they see fit to garble one's remarks.

Your reference to our meeting at which time I proposed to form a corporation with the authorization of the Field committee just about floors me because I do not see how anyone could possibly have misunderstood my motive. I stated very clearly that all the stock of the company would be assigned to the government and held by it until such a time as it saw fit to develop the project to the greatest public good. It was simply a suggestion of a mechanism whereby we could move at once. Had we followed it, the lime deposits would have been under our control. As it is, it is under somebody else's. In my opinion, any person who misconstrued my intention with regard to that recommendation is doing so deliberately. Had I wished to be two-faced, or had I been concerned about personal investment possibilities, I should certainly not have discussed it as I did in the meeting.

In closing, I want you to know that I will appreciate every bit of information you can send me that would indicate my motives or methods are being misunderstood. You have my word of honor, however, that I will not betray your faith in me nor will I abuse my position in the government. As a matter of fact, I will fight like a wildcat and raise particular hell with anyone who does. You must appreciate, however, that in all the appraisals that come to your attention, I speak as a businessman. It must be remembered that a businessman's psychology of view should be misunderstood by some bureaucrats is not a great surprise to me. However, if it becomes misunderstood by the average citizen, I will then definitely be surprised and disappointed.

Your continued confidence and support are greatly appreciated.

Now, I would like to read in connection with his stock, what Mr. Kadow said to his lawyer. This is a letter dated September 24, 1948, to Mr. Jim Mackey, Rockville Center, New York.

The CHAIRMAN. How does that date compare with the letter you just read?

Mr. BELLINO. This is September 24, 1948; the other letter was dated October 26, 1948.

As you will recall, I told you I had gotten permission from Krug and Warne to have The Newcastle Engineering and Construction Company do business in Alaska. As an afterthought, it occurred to me that I had better have that permission in writing, and accordingly I enclose a copy of a letter I received from Bill Warne after consultation with the Solicitor. The thing is so goddamn stupid, it makes me boil, but I shall of necessity take steps to comply.

I shall be sending along in a few days or at least before any actual business activity of The Newcastle Engineering and Construction Company takes place, the transfer of stock and the corporate books. At the same time I shall let you know the additional officers so that the company can get on with its business. At your first convenience I wish you would prepare a rough draft of an agreement which is adequate to indicate that you will hold the stock and that you will transfer it back to me at my request. We cannot do this as you once proposed that the corporation actually indicate on its books that the stock was being held for me or Dal since this would obviously be circumventing the provisions of the Solicitor's judgment. It will be necessary for the stock to be yours and the agreement should simply indicate that I have the right to purchase back 'x' number of shares when I choose. I would like to see your draft of this as soon as it is convenient.

The CHAIRMAN. This New Castle Engineering Company, was it doing business in Alaska?

Mr. BELLINO. It was organized to do business—in September he put \$1,000 in the corporation.

Senator DIRKSEN. When was that?

Mr. BELLINO. September 1948. He and his wife were the principal officers. He intended to have Reed Salisbury an officer of the corporation, but Salisbury eventually got out of the corporation, some difference of opinion, and he did not continue.

The corporation, as far as I can see, never did operate.

The CHAIRMAN. It had no government contract?

Mr. BELLINO. Never as New Castle Engineering. Actually, the Delaware Corporation was organized to do business in Alaska or anywhere, but never did get up there and operate under that name.

The CHAIRMAN. Do you know whether it operated under any other name?

Mr. BELLINO. There was another name, whether or not it might be tied into it—NEDCO. It might be an abbreviation.

The CHAIRMAN. It sounds as though it might be.

Mr. BELLINO. That was incorporated in Alaska. What they did, I don't have that information.

The CHAIRMAN. You don't know if they had contracts with the government?

Mr. BELLINO. No.

At any rate, Senator, on September 2, 1949, Mr. Kadow submitted a financial statement to J. E. Dougherty, vice president of the Farmers Trust Company in Newark, Delaware. He showed net assets of \$264,000, among which were stocks of \$179,000.

This is what he said under stocks:

Including controlling stock in the new housing project, the \$179,000 figure represents the actual purchase value of the stock. Since none of these stocks are listed on the market, their true par value today can only be judged by their worth in capital assets which materially exceed the \$179,000 figure. Some of the companies are fairly new and have not yet paid dividends.

The CHAIRMAN. Does that statement or anything else show how he got the controlling interest in the housing project?

Mr. BELLINO. No, sir, his explanation of this, Senator, was a very confusing one. He claimed this was the New Castle Engineering and Development Company.

The CHAIRMAN. In other words, he claimed New Castle Engineering and Development had gotten controlling interest in the housing project.

Mr. BELLINO. He claimed what he was referring to, not what he said here they were new corporations and hadn't paid dividends.

He said the new corporation was New Castle Engineering and Construction Company.

The CHAIRMAN. I am talking about the \$179,000 stock interest in the housing development. Did he say that belonged to New Castle Engineering and Development Company or him personally?

Mr. BELLINO. He said that New Castle was the company he was referring to.

The CHAIRMAN. You say the company he was referring to. Did you mean New Castle owned the controlling interest in the housing project?

Mr. BELLINO. He says the housing project is the New Castle Company. In other words, New Castle obtained it.

The CHAIRMAN. Does he say how New Castle got it? Who did they buy it from?

Mr. BELLINO. There is no question in my mind that New Castle had no part of it.

The CHAIRMAN. Did he say that?

Mr. BELLINO. He couldn't give me any details whatsoever.

The CHAIRMAN. He didn't give you any explanation of how New Castle acquired interest?

Mr. BELLINO. He got the bank account of \$1,000. He put in \$1,000 and nothing was paid out. I know it is not that. That was his explanation.

Senator DIRKSEN. Did it have an actual physical value of \$179,000?

Mr. BELLINO. I don't know what he had reference to. All he would say was that it was New Castle. If he had admitted these interests and given us the names of the companies, it might have been Bay View, West Juneau, Gastineau and other companies with which Cash Cole was identified involving housing projects that he (Kadow) was pushing, contrary to what he said to his superiors. He

may have been getting an interest in these companies. That is what this indicates. He would not admit this.

The CHAIRMAN. In other words, in his statement to the bank, he said he had \$179,000 interest in the housing project. By housing project, do you know what project that is?

Mr. BELLINO. No, sir.

The CHAIRMAN. But he said he owned the controlling stock?

How many projects are there in the area?

Mr. BELLINO. Well, I'd say there are at least twenty at the minimum. At this time there might have been five or six.

The CHAIRMAN. When you asked him he said he didn't know—New Castle owned it and he knew nothing more about it?

Mr. BELLINO. He just said this was New Castle.

The CHAIRMAN. Would he identify the housing project?

Mr. BELLINO. No, sir.

The CHAIRMAN. He said he didn't know the name of it?

Mr. BELLINO. He just said this was New Castle Company he was talking about; that was the new housing project and its business, but he said it had to do business in Delaware.

The CHAIRMAN. Did he tell you what housing project New Castle had?

Mr. BELLINO. He said a housing project in Delaware, where he owned about sixty lots.

[Off-record discussion.]

Senator DIRKSEN. Just in general, what, besides the tin mine and the New Castle Engineering Company—what other interests does it appear Mr. Kadow may have had in Alaska, if any?

Mr. BELLINO. He has interest in housing projects. At this time he definitely has interest in the Island Home Project in Fairbanks.

Senator DIRKSEN. Those are privately constructed and operated, I take it.

Mr. BELLINO. Privately constructed, private corporation. However, practically all of the money came from the government.

Senator DIRKSEN. You mean the money came from the government, FHA plan, under which money is loaned from private sources and insured, depending on the time, up to 90 percent.

Mr. BELLINO. The Alaska Housing Authority funds came out of the government revolving fund, similar to Housing and Home Finance.

Senator DIRKSEN. I suppose the Alaska Housing Authority referred to is the same kind of authority that is set up in any community, in the United States under the authority conferred by state law, which is in conformity with the federal act. It can then get funds out of the U.S. Housing Authority, that is a loan, or it can be a contribution. They get the loan, get the money from the Housing and Home Finance. The sponsor gets the Alaska Housing—they are actually government funds or bank funds?

Mr. BELLINO. Actually Alaska Housing Authority funds. However, at the present time the Alaska Housing Authority is getting out of it by having Fannie Mae take over the mortgage. Now, it is still government funds, but you see where a public housing project is built they issue bonds and the Housing and Home Finance—

Senator DIRKSEN. When it has been constructed bonds have been marketed the paid off only federal funds might be contributions in

the form of economic rent. In other words, if a house should normally rent for, let's say \$100.00 a month, but the man's pay check is such that he only earns an amount that would justify rental of \$80.00 a month, under the consideration you dip into the contribution for \$20.00 a month. Those would actually be the only funds represented. I can't tell exactly how this might be set up. The territories like Puerto Rico and Alaska are authorized to set up housing authority just as the states of the Union.

Mr. BELLINO. Yes, sir. From the Island Home Project, what I can see, is principally Alaska Housing Fund which came through the Housing and Home Finance and in December of this year Fannie Mae would take the responsibility. Getting mortgages transferred to Fannie Mae, that has been his principal activity.

There is one I might mention—how he started with Cash Cole in the West Juneau Company in Juneau, Alaska on a few lots. He got the Alaska Housing Authority to buy the land for some \$17,400. It was appraised at \$4,200, the highest evaluation the appraisers would give it. The Alaska Housing Authority paid for this project \$17,400. Part of that money, when it was paid, went to the Gastineau Utility Company, which was the water company organized by—

The CHAIRMAN. I missed the land deal.

Mr. BELLINO. Cash Cole and an individual by the name of Everett Nowell, two persons owned a large tract of land.

The CHAIRMAN. You don't know whether Kadow had an interest?

Mr. BELLINO. No, sir. That was land Kadow wanted to buy or help get developed and he induced the government to pay \$17,400 when the appraisers said it was worth \$4,200. Then when they organized it they found it had no water. A Juneau gold mining company had a stream getting water and they diverted the water from the stream so it would get down to this housing development.

Kadow was interested in Gastineau Utility Company, Inc. Nowell put \$10,000 up and Cash Cole was supposed to put up \$10,000. Kadow said he advanced the money to pay for a house. The company eventually built two houses they were trying to sell. Kadow bought one of them.

Out of this land money, \$17,400, \$8,800 went to the Gastineau Utility Company. At this time, July of 1951, Kadow was general manager of West Juneau Company, Inc. Everett Nowell is president of the West Juneau Company, Inc.

The CHAIRMAN. Let me ask this. Would you say it is correct that he appears to have an interlocking interest in both of the companies up there which received federal assistance?

Mr. BELLINO. I would say everyone he was urging, promoting personally, he endeavored to get some sort of promise or interest. That is what our documents revealed.

[Off-record discussion.]

The CHAIRMAN. I think what we should do is try to make arrangements to bring Kadow down.

[Off-record discussion.]

[Whereupon the committee adjourned for lunch at 12:05.]

AFTERNOON SESSION

[The committee met, pursuant to adjournment, at 2 p.m., January 13, 1953.]

Mr. BELLINO. Here is one point, a photostat dated March 4, 1952, from Kadow to Fishnaller.

Harry, please get Executive Committee backing of this letter I have written to Wilder. I must take action now if I'm to get the housing and other materials needed this summer. If we get our exploration program, I have the money in the budget. If we do not, I can get \$20,000 by using individual natives or by using a native cooperative. We will have to underwrite repayment of the funds advanced by A.H.A. Once we have proven the ore, this will be simple, either as an advance from G.S.A. or by increasing monthly pay of natives to cover rent and deducting it from their payroll. In either case we can own the houses once the native notes are paid. If the native actually pays the note from his own present earnings, the house would be his. Even this procedure could be evolved to our satisfaction, but I prefer us paying for the housing and owning it ourselves. It would be easier for us to handle.

All A.H.A. and I want is a legal vehicle to accomplish our goal of getting about one-half million dollars worth of building materials to our property. It is estimated to cost us about \$200 per unit to land materials on our property, but please do not stipulate in Executive Committee action any particular amount. If the boys feel that a limit is necessary, then see if they will approve \$500 per unit which is the amount A.H.A. will loan each employee. While I want Executive Committee approval of my housing plans, I do not want this action to become part of our corporate minutes. In other words, I don't want our auditor to pick this up as a corporation liability at this time. A little later on it will be O.K., but not now.

Just get me authority to go ahead and lick our housing problem through A.H.A. in any other manner possible. Scotty will know what I need.

The CHAIRMAN. What is A.H.A.?

Mr. BELLINO. Alaska Housing Authority. That, of course, indicates his scheming to Fishnaller to get, as he says, one half million dollars worth of building materials through A.H.A. He eventually succeeded but he had a call under the service assistance of Alaskan Native Service and he just helped himself to considerable surplus property. I will read one of those letters. This is a letter dated March 13, 1952 from Kadow to the United States Tin Corporation.

I have been holding the check for \$2,425 as a "wind fall" and as per our agreement. Looks like we need it now. I certainly don't understand how we managed to get \$6,000 in the hole. There must be something wrong some place. When I arranged the financing for this winter, I saw to it that we had an actual surplus over all our recorded obligations plus anticipated needs of about \$5,000 per month. Paul must be building up his Nome account. There certainly better be a good answer to this one. If we can't budget better than it looks, we had better take some drastic action.

In any event, *do not show* any such obligation over our funds on hand on your February statement. If you do all hell will break loose in D.C.

I want to know from Henry and Spence if this shortage is due to orders from the mine or from old bills that were not listed or cleaned up at the end of January.

When can Spence go to the mine? We must get this thing straightened out before we get in too much deeper. If we can't operate on \$29,190 per month at this stage of the game, we must, at once, start looking for and plugging all holes. I don't understand it unless we undershot our winter supplies. Have Spence give me his schedule for Lost River so I can plan accordingly.

Enclosed please find copy of my letter to Lomens and Bureau of Mines check for \$2,425.

In other words, they paid him for transporting the stuff to his own mines. The Bureau of Mines paid him to transport stuff to his own mine. In other words, he watered the budget. We have another letter later on where he says that, simply calls it watering the budget.

The CHAIRMAN. What does he mean by "Paul must be building up his Nome account"?

Mr. BELLINO. I will explain that. I have another photostatic bank account up in Nome. He was granted lots of leeway and not too many could see what was going on.

The CHAIRMAN. That is a personal account, huh?

Mr. BELLINO. Corporation accounts, but a lot of things he wanted to change to mine operations without anyone knowing the details.

This is a letter dated September 18, 1951 from Kadow to Harry, Fred, et al. They are officers of the U.S. Tin Corporation.

Just a short note to let you know that I have the beaches on Spenser piled a 'mile' high with things we need now or will need in the future. I have lumber, iron pipe, wooden pipe, electric cable, BX electric cable, telephone wire, houses and Pacific huts, iron rods and strips, iron plate, nails, bolts, electric fixtures, 80 octane gas for an outboard motor and many other items too numerous to mention. When I come down I'll try to have some idea of the replacement value to give you a better idea of its value and also with the hope that it may help us with our financing.

By the way, I don't remember if I asked Caidill to have you and the other members of the Board O.K. Paul and me to write checks against a new account at the Nome bank called U.S. Tin Corporation—Special. This account is the one I'm using to finance all the things I'm doing. I need lots of leeway and not too many people in possession of all the details. When I get through this fall, I'll have everything done I set out to do and I hope a little money left over. So far I've been on the point nine days and no barge has been here to haul away a thing.

I sure agree with Paul this human service is awful but we've had lots of wind and that may be the reason. I'm going to the mine today and then to Nome. If I don't have news of the barge. My whiskers are ever getting gray trying to keep this end of our show running smoothly. The progress here is great, but we sure aren't getting all the breaks so far as the mine is concerned. I can't stay here much longer so maybe I'll get someone to take my place here and be in Seattle fairly soon. I'll wire my arrival date. Keep your chin up. I still say we got a first class winner.

The main thing on that was the bank account I wanted to bring out.

The CHAIRMAN. Sounds like he got a pretty good deal, doesn't it?

Mr. BELLINO. Now, just to give you another idea on possible bribery, this is a statement of Clinton C. Staples, head of Federal Housing Administration. It is very lengthy so I won't go into the whole thing. I will point out what happened when Staples went there in connection with Kadow.

I arrived in Fairbanks early Sunday morning by plane and later that morning Mr. Kadow came to my room in the Nordale Hotel and began to tell me exactly what he wished the Director to do in the way of approving the Weeks Field area. At this point I informed Mr. Kadow that my opinions were not going to be molded by either him or any other official in the Territory, that I would later proceed to Weeks Field and would then make a decision. This I did in company with the then present Mayor and several of the Councilmen of the City. Mr. Kenneth Kadow more or less took over this meeting on the Field and I finally stated that if the City would allow our land planning analyst to land plan this section of land, which would consist of providing sewers, water and utilities, together with the removal of the present air field, that I would be favorably inclined to having this section of land developed. This was all agreed to and our land planning did proceed and in the meantime I committed a 608 project now known as Fairview, but only committed this project after a responsible builder entered the picture. This office would have refused to have committed this particular 608 project to the original sponsors as it did not consider that they were, first, builders of experience, nor possibly had the necessary finances that would be required to make a commitment for \$3,080,000.00; but, during this period Mr. Kadow and Mr. Cash Cole made repeated visits to my office here in Juneau, and while this proposal was pending presented a second project in Juneau known as Silver Bow, which never matured. The land in Weeks Field was to be given to the project on a lease basis for a period of seventy-five years at a stated annual rent, and I definitely stated to the City Council that this lease was to be made to the Fairview Corporation; and under date of December 10, 1949, under the

signature of the Mayor we have in our possession a letter addressed to the Bayview Realty Inc., P.O. Box 331, Juneau, Alaska, stating that the City will lease the twelve acres of land for a period of seventy-five years at a base rental of \$250.00 a year, also stating that the City would make application to the General Service Administration for the installation of utilities including streets, sidewalks, curbs, sewers and water, with the understanding that the City will purchase, maintain, and operate these utilities with the normal service charge; that the City Council will direct that light, power, and telephone facilities be installed and will provide fire and police protection, and signed by the City of Fairbanks, Maurice T. Johnson, as Mayor.

On page 3 and 4:

Upon arriving at the site and inspecting it comments were made by me but all of the advantages of this site were highly played up by both Mr. Wilder of the Alaska Housing Authority, and Mr. Kenneth Kadow. I did not know, upon the return to the hotel in Anchorage, just what the decision of Mr. Cassidy or Mr. Woods would be in reference to the selection of this Goose Lake site, but when I brought up the subject I definitely told them that I, as Director, would not approve this site at the present time under any circumstances and for the reason that I had been offered thirty thousand dollars for the building of the so mentioned three hundred houses by Mr. Wilder and Mr. Kadow, and that I was quite sure who the sponsor was and that if they decided to recommend this site for the building of these three hundred homes I would resign as Director of Federal Housing. This conversation took place in one of the rooms at the Westward Hotel in Anchorage and in the presence of Mr. Cassidy, Mr. Woods, Mr. Beall, Mr. Sutton and Mr. Roy Sumpter, President of the Washington Mortgage Company of Seattle.

Therefore, Goose Lake was not approved and I have now learned that when Mr. Kadow found that I was not susceptible to receiving bribes of any type that he reported this to Mr. William Warne of the Department of Interior and to Mr. Thomas J. Nally, Resident Agent of the Federal Bureau of Investigation. In my opinion, the only reason for his taking this action at that time was to clear his own skirts of an offer of bribe to me.

Now, what Kadow did after he offered the bribe, he went to one of the FBI agents and claimed that Staples had tried to bribe him. There was no motive for Staples trying to bribe him. Kadow told me about that incident. He knew I would hear about it sooner or later. I asked him what would be the motive for Staples trying to bribe him. He said Staples figured he would be getting out of government service some day and "I could help him."

To show his guilt, there was an investigation going on by Mr. Ramey of the Housing and Home Finance and when he ran into Kadow's activities, he began to look into his activities a little bit and he re-interviewed Kadow. You might want to read the letter he wrote to Cash Cole after Ramey interviewed him.

A Mr. Ramey from D.C.—Housing and Home Finance, came over to see me yesterday and is really digging into FHA—your affairs and mine. I think he's trying to get something on you or me more than Staples. I admitted that Staples had asked for a 'bribe' and that I appeared to be playing along with him, then never went back after that until a few days ago. He is trying to link me with you on Fairview, West Juneau and Bayview. I told him I owned no stock in anything in Alaska except the U.S. Tin Corporation but that I did represent both you and Everett on occasion when neither of you were here to represent yourself. I also said I hoped someday to buy an interest in West Juneau or at least to buy some lots for a building project. I admitted helping you and Everett on many problems but at no time doing anything I did not do for others.

Lee Bettinger, Mayor of Kodiak, seems to have made some remarks that at least suggest that you, Rushlight and I were all working together and that we tried to 'bribe him' on the Kodiak project. I can see how he might think the first part but where in the hell he got the notion of a bribe has got me beat. He said we could get \$1,500 for the land and would split it with him. I remember writing him an official letter saying F.H.A. would allow \$1,500 for the land with all utilities in but that is all I ever said to him. I don't remember even discussing the value of the land with him when you, Dick and I were in Anchorage. Do you? I told this Ramey that I had hoped to go into business with Rushlight but Staples' attempt to bribe me

changed all of that. I said that I never had an understanding with you or Rushlight or anyone else as to details of how I would fit into any project. I had no intentions working out such details until I was out of the government. I said that my Department knew I was looking around for a new connection and that I may go into housing.

I told him I reported the Staples incident to Warne and local FBI. I told him also that I learned of Staples' action on reporting it to Washington, D.C. about three weeks ago.

I give you all the above because I think he will be in to see you very soon and that you'd want my views and remarks to help.

I'm not positive but I'm quite sure that he is more after you and me than Staples.

Senator, now to show the connection which subsequently continued between Cash Cole and Staples and Kadow, this is a letter dated September 6, 1950, which is about the time Staples was going to leave the organization and Cash Cole tells Kadow the results of his conversation. This letter shows how Cole is now with Staples.

I had a big session with Staples last night, and got a totally different picture than what he has been putting out. First, he doesn't intend to let Rushlight have any jobs that amount to anything, he said he offered him a small 207 at Palmer, or one at Kodiak, about 20 or 25 units. There are just three people going to do any building, Lewis, Anderson, and Baldwin.

He will have nothing to do with the Railroad job if Sherman shows in it any place. He will not approve anything in the Goose Lake Area. He is off-setting this by putting more housing closer in with one or all the three. Lewis is coming up with a new one on Railroad land leased at a rental of \$1,600 a year, and a building some place close to Turnigan Arms, with a 134 units. He has been singing the blues about 207's in order to let these fellows get a big head start. He has the same plans for Fairbanks.

He told me Chris Berg was not going ahead with the Valdez deal, which is the ARC Building. He says they are clearing the tract and putting in the utilities. Check with Noyes on this. That should be a good deal for Dick, and a steady income earner for ownership.

He said he would write you the letter. I asked him if he was going to announce his departure from the Territory before the trip, and he said no, he knew that he was leaving it all depended on Cassidy. If he said stay he would stay. I asked him what prompted the change, and he either had a letter or phone call from Harry Lewis telling him that he would go to the President if necessary to help him hold his job. He was all steamed up and cocky again, sick or no sick. It would look like he is going whole hog or none, so I don't know if he should have as much protection as we felt he should have. Maybe there should be two meetings, one for each side. I feel you should nail the Railroad deal down, or we will lose it, he is very friendly to Allied Credit Bunch, and will use Sherman as an excuse to throw it out. I started to phone you last night, but got a little leary about telephoning this information. He is death on any deal Wilder has, or anything to do with it.

Here is a letter dated May 13, 1950, when Kadow was still in the government service, from Cash Cole to Kadow:

The plans we are sending you today were furnished us by Rushlight, President of a plumbing and construction firm in Portland. His establishment is over a million dollar concern, and he is more our type doing business, free wheeling and doesn't want it all himself. I think we can make a deal whereby he would put up all the front money, give us five or ten percent of the profit, and we would own all the houses, of course it would be up to us to handle the land deal, by paying for the lots as we sell the houses, or on a lease basis.

Ruth and I spent two days going over the housing situation and getting some information on him and his firm, and it was all of the best, while we were in Portland. I feel sure I laid some successful plans for an immediate substitute for Cliff, if he doesn't get something done on a lender. Rushlight said he would very willingly put up a \$125,000 front money if he could get a contract like the Fairbanks deal.

As I told you on the phone for the first time we had a meeting with all the Mortensen Firm, and the old man and Henderson agreed with Everett and I that the lender should have been had a long time ago, but in the finish Cliff seems to run the thing. He signed a commitment which allows until the eighteenth, but the whole thing hinged on our using plaster instead of plasterboard. Frank Henderson

agreed with us, but that was as far as we were concerned a definite refusal, but Cliff insisted that we wait until the 18th as his broker thought he could change their opinion on that score. Everett tells me this morning on the phone that his broker phoned that he trying to place it with some banks of which there would have to be three. That would take from a month to two months. We have the same offer here. Definitely Cliff can't get better than four percent money, and all this time has been wasted by Cliff trying to chisel part of the Broker's commission.

I had a conference with some financial people in Portland, who told me that Cliff's type are listed as chiselers amongst the lenders, and they are posted as such and that he will wind up with all the big fellows closing the door on him, and this seems to be verified by the fact that Cliff came up Saturday with three lenders instead of one, and when the word is passed on to them they will drop him. We are going to have a meeting again with them Monday morning, and have something definitely understood and done immediately. They will have to make up their mind that they are in the contracting business and not in the three ball business.

Cliff is Cliff Mortensen. Cliff Mortensen is an officer of the Mortensen Construction Company from Seattle.

This is a letter dated July 6, 1951, after Kadow left government service, addressed to Cliff Mortensen, written as a result of statement in a note from Cliff Mortensen to Kadow where he said Bob Slater, who was associate in the construction of Island Home Project, is writing you and said "you are not worth your salt. Send him a good letter." He didn't say what he was writing about, but Kadow's mind went that way. He says:

I'm a little amazed at your comment from Bob Slater that he can't see how I will earn my salt. I suppose this means he wishes to renege on his promise of stock. When Bob and Howard offered me ten percent of the stock obtained in Island Homes by them, they did so according to the words of Bob and Howard "out of appreciation for what you already did for us." As Bob and Howard both know, it took a lot of fixing to get AHA, Alaska Public Works, and the Mortensens to go on the Island Homes Project with them.

The CHAIRMAN. Who are Bob and Howard?

Mr. BELLINO. Bob Slater is one officer. Howard is Howard Hollingsworth, another officer in Island Homes. What happened in that, Senator, Slater wanted to start development but didn't have the proper backing. It got into Kadow's hands and Kadow maneuvered Mortensen in with this. He fixed the rest. That is what he means it took a lot of fixing with the A.H.A., Alaska Housing Authority, and Alaska Public Works and Mortensen to go in on this deal.

The CHAIRMAN. On July 6th, was he still working for the government?

Mr. BELLINO. He was out of government service. On March 15th he was out and on March 16th he went in. He repeated that in another letter to Slater right after that. I asked him what he meant by fixing A.H.A. He said he probably used a wrong word.

I just want to bring out one more thing on the mine. The important thing in the mine was water. When they filed a questionnaire back on February 14, 1951, with the Bureau of Mines, their answer to Item No. 11 was: "There is an excellent, constant supply of water from the main winze, and from a spring near by. The spring gives 120 gallons per minute and never freezes. In addition, Cassiterite Greek and Lost River water is available for about six months per year."

At any rate, in the letter on "tears," he says, "The only water in sight are the tears in my eyes and they are big ones."

This is what he said also on water on February 23, 1952, in a letter to Sorensen:

Washington, D.C. was still stewing about our water supply. I told them to quit worrying, *that we had pumped the spring* for several hours at 300 gals p/m with no visible effect on the supply. I know I told a little '*white one*', but you were so sure we had plenty of water there that I just took a chance. If asked, I would appreciate something that backs me up if your conscience won't hurt too badly. I said we did so in December, and if an actual test doesn't bear me out, we could say conditions are always worse in March; hence, the difference in results.

This is Kadow writing to Sorensen, the Superintendent of Mines. They still don't have enough water. Two miles of pipes to get water from the creek. After they got the water, the mill still won't work.

The CHAIRMAN. Why won't the mill work?

Mr. BELLINO. Breakdown of something or other. Right now the main reason is the gears are jammed up. They put rock, stone, tin in there and it goes so fast it makes the gears jam up. They can't do anything.

The CHAIRMAN. I think, number one, you are going to have to take all the stuff and read it over. What we should do is draw out the letters that give a sequence, for example, attempted bribery.

Mr. BELLINO. That is what I am trying to do.

The CHAIRMAN. You have picked out some excellent ones there. For example, where this fellow got eighty-five hundred shares of stock worth over \$3.00 a piece. This is \$30,000 clearly a bribe. I think this looks like a clear cut criminal case. I think we should be very careful in view of the fact Interior Department originally sent you up there. I don't think we should do anything without keeping them fully informed on it. You work very closely with Don Wilson, don't you?

Mr. BELLINO. William Strand.

The CHAIRMAN. Tell him what we are doing, Carmine. Tell them we would like to call him down sometime and if they want to be present here, they may have additional questions they would like to ask and that sort of thing. If they have any serious objections we won't guarantee to follow their suggestions but we will lean over backwards in view of the facts in this case.

Mr. BELLINO. I think they have considerable confidence in you, Senator.

The CHAIRMAN. I think you have done a tremendous job on this, Carmine. I might say you do a hell of a good job on everything except being short-winded.

[Off-record discussion.]

[Whereupon, the hearing adjourned at 2:45 p.m.]

VOICE OF AMERICA

[EDITOR'S NOTE.—In January 1954, Washington Senator Henry M. Jackson questioned a claim in the subcommittee's annual report that its investigation of the Voice of America had saved the nation \$18 million by causing the termination of construction of two radio transmitters. Senator Jackson noted that after the subcommittee held hearings on the issue in 1953, the Massachusetts Institute of Technology had submitted a report that contradicted the testimony of the subcommittee's key witness, Lewis McKesson and had raised doubts about McKesson's criticism of the planned locations of the broadcasting transmitters. See *Congressional Record*, 83rd Cong., 2nd sess., 1096-98.

Dr. Newbern Smith (1909-1987) had previously testified in executive session on February 14, 1953, and at a public hearing on February 16, 1953.]

WEDNESDAY, JANUARY 13, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met (pursuant to Senate Resolution 40, agreed to January 30, 1953) at 3:00 p.m., room 357, Senate Office Building, Senator Joseph R. McCarthy presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin

Present also: Francis P. Carr, executive director; Roy M. Cohn, chief counsel; Ruth Young Watt, chief clerk.

TESTIMONY OF DR. NEWBERN SMITH, BUREAU OF STANDARDS

Mr. COHN. Dr. Smith, as reminded by the chairman, you are still under oath.

Now, we have asked you to come in today because Senator Jackson, a member of the full committee, and formerly a member of the subcommittee, has supplied a correspondence file concerning the Bureau of Standards and the Baker West project. Senator Jackson has called our attention to your previous testimony with particular reference to the fact you said the Bureau of Standards had not been asked to make this detailed analysis and recommendation as to the location of Baker West.

Now, is it a fact that the Bureau of Standards was not asked to make the detailed analysis from the auroral zone standpoint, and make recommendations as to the location of Baker West?

Dr. SMITH. As far as I know, there was never any request made to make a complete study like that.

Mr. COHN. You have glanced at this correspondence, have you not?

Dr. SMITH. Yes.

Mr. COHN. Isn't it a fact the correspondence does show a Mr. Gautier of the Central Radio Propagation Laboratories was in

touch with somebody up at the Voice of America about Baker West?

Dr. SMITH. Yes, sir. That is right. After I had appeared before this committee, I was shown by Mr. Gautier the correspondence, which I believe is the same you have there, and until that time I was not aware of it. That went out when I was away, I believe, and he signed the letter.

Mr. COHN. What did that correspondence, in brief, indicate?

Dr. SMITH. The correspondence, as I remember it, indicated some verbal request from somebody in the Voice of America to make some maximum usable frequency and field strength calculations across the Pacific.

Mr. COHN. Did the bureau, in connection with that, make a detailed study of that auroral zone problem as you did for the committee.

Dr. SMITH. It did not. As I recall, Mr. Gautier's analysis included some auroral zone information taken from the National Bureau of Standards circular on atmospheric propagation, which came out in 1947 or 1948.

Mr. COHN. That did not reflect current evaluations, is that right?

Dr. SMITH. That is correct.

Mr. COHN. It did not embrace anywhere the job you did at the request of the committee?

Dr. SMITH. No. For the committee we did a detailed study not done before.

Mr. COHN. Now, then to sum up here, it is clear that when you said that the Voice had never contacted the Bureau of Standards when considering the location of Baker West, and I am quoting from page 11, part 1 of the record, your testimony was inaccurate to the extent that it later developed that at a period when you were away one of your subordinates had been in touch with the Voice about certain problems relating to Baker West. Is that right?

Dr. SMITH. That is right.

Mr. COHN. However, you were correct in telling the subcommittee that the Bureau of Standards had never been asked and never did in fact conduct a detailed 1953 analysis of the auroral zone question, on the question of mislocation.

Dr. SMITH. I don't recall the exact figures, but the report stands for itself.

Mr. COHN. Right. Nothing has come up that would change your opinion about that or change any of the facts in the report submitted to the committee?

Dr. SMITH. I have no subsequent information which would change that.

Mr. COHN. You stand on the report in all respects?

Dr. SMITH. Yes.

[Whereupon, the hearing adjourned at 3:30 p.m.]

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

[EDITOR'S NOTE.—Executive director Francis P. Carr telephoned army counsel John Adams on the morning of January 19, 1954 to demand that five members of the army's loyalty-security appeals board testify before the subcommittee that afternoon. Adams pointed out that Secretary of the Army Robert Stevens was out of the country at the time. Instead of complying with the request in Stevens' absence, Adams himself appeared before the chairman that afternoon. The following day, Adams met with Senator John L. McClellan, ranking Democrat on the Government Operations Committee to outline the army's objections to the Fort Monmouth investigation and the special privileges that the subcommittee's chief counsel, Roy Cohn, had sought for former staff member G. David Schine, who had been drafted into the army as a private.]

TUESDAY, JANUARY 19, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 2:45 p.m., pursuant to call, in room 357 of the Senate Office Building, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Ruth Young Watt, chief clerk.

The CHAIRMAN. The subcommittee will be in order.

STATEMENT OF JOHN ADAMS, COUNSELOR TO THE DEPARTMENT OF THE ARMY (ACCOMPANIED BY LOUIS E. BERRY, DEPUTY COUNSEL, DEPARTMENT OF THE ARMY)

The CHAIRMAN. At this point I would like to make clear that we are calling the members of the loyalty board not only to discuss with those why they have cleared people who are obviously Communists, but we are also interested in matters of graft, alleged graft and corruption and misconduct on the part of the individual members of the board having nothing to do with their official duties.

It is the same with General Reichelderfer.¹ It does not merely concern loyalty board procedures but it has to do with many other things over which this committee not only has the jurisdiction but a duty to investigate.

Mr. CARR. So that Mr. Adams will know exactly what we want, for Monday morning, then, we want General Reichelderfer and Mr. Taft and Dr. Ritchie.

¹General Perry Reichelderfer, former commanding general at Fort Monmouth.

The CHAIRMAN. And then if John feels that the Department of the Army cannot do the same as the other departments have done, namely, to order their people up here, then Friday have your subpoenas served.

Mr. COHN. We can only call one group of people at a time, and we might as well get the members of that particular panel.

Mr. CARR. That would be Malcolm R. Sewell, and——

Mr. ADAMS. You gave me nine names this morning.

Mr. CARR. Yes, I did; I gave you the nine names. All we will take on Monday will be Malcolm Sewell and Lieutenant Colonel Hodges.

The CHAIRMAN. That gives you how many people?

Mr. CARR. Five people. That gives you the entire board in the one case.

The CHAIRMAN. Can we dispose of five people? I do not want to have them sitting over here and waiting.

Mr. CARR. We can take the four, and have the general as the fifth one.

The CHAIRMAN. I want to go into this thing thoroughly. We could have two in the morning and two in the afternoon, and have the general the following morning.

Mr. CARR. That would be Taft and Dr. Ritchie in the morning, and Sewell and Hodges in the afternoon. That will be ten o'clock in the morning.

Mr. COHN. We have some other things to take care of.

The CHAIRMAN. When do you want the rest of the board?

Mr. CARR. We will take them Tuesday, then.

Mr. COHN. How about General Partridge?

Mr. ADAMS. I think he may have left the country.

Mr. COHN. Could you check that fast, and if he has not left the country, make sure he does not leave?

Mr. ADAMS. I do not know when he is leaving.

The CHAIRMAN. I think he is in Europe.

Again, on General Partridge, let us make it clear we are not going to ask General Partridge or any of these people to violate any rules or regulations under which they are operating. We are going to ask then questions which they can answer and which they must answer, and they are questions which involve no violation of any rules that are legally in effect. I just want to make that clear.

[Whereupon, at 3 p.m., an adjournment was taken.]

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

[EDITOR'S NOTE.—Irving Peress, an army dentist stationed at Camp Kilmer, New Jersey, had been under military surveillance as a suspected member of the Communist party. In September 1953, when Captain Peress applied for a promotion under the Doctor Draft Act, the First Army's G-2 (intelligence) recommended against it. The processing officers, however, judged Peress' case on his professional qualifications and the promotion went through on October 23. Camp Kilmer's new commanding officer, Gen. Ralph W. Zwicker, urged that the dentist be relieved from active duty, and on January 18, 1954, the army ordered Major Peress to be discharged within ninety days.

The subcommittee staff contacted Gen. Zwicker, who identified Major Peress as a Communist. Called to testify in executive session on January 30, Peress cited the Fifth Amendment in his refusal to answer questions (the subcommittee made that testimony public on March 4). Although Peress' discharge from the army was scheduled for March 31, he asked for an immediate release and received an honorable discharge on February 2. The day before the major's discharge, Senator McCarthy had written to Army Secretary Robert Stevens suggesting a court-martial for both Peress and whoever was responsible for his promotion. Peress testified again in public session on the morning of February 18. Following the testimony of Lt. Col. Chester T. Brown (1908–1992) in executive session that afternoon, Gen. Zwicker (1903–1991) testified. When Gen. Zwicker cited the executive order that forbid him from divulging the names of military personnel involved in Peress's promotion and honorable discharge, Senator McCarthy replied: "Then, General, you should be removed from any command. Any man who has been given the honor of being promoted to general and who says, 'I will protect another general who protected Communists,' is not fit to wear that uniform, General. I think it is a tremendous disgrace to the army to have this sort of thing given to the public. I intend to give it to them. I have a duty to do that. I intend to repeat to the press exactly what you said." The senator's treatment of Gen. Zwicker served as a precipitating event in the Army-McCarthy hearings and a subject of consideration during his later censure. Gen. Zwicker's executive session testimony was made public on February 22, 1954.

Peter A. Gragis (1913–2001) testified in public on March 5 and March 10, 1954; Leo Kantrowitz (1917–1974) on March 10, 1954; and Frank M. McGee on March 5, 1954. Max Finestone, Lt. Col. Chester T. Brown, and Capt. W. J. Woodward did not testify publicly.]

THURSDAY, FEBRUARY 18, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
New York, NY.

The subcommittee met at 3:00 p.m., pursuant to notice, in room 111 United States Court House, Foley Square, New York, N.Y., Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Daniel G. Buckley, assistant counsel; James N. Juliana, investigator; Harold Rainville, administrative assistant to Senator Dirksen; Robert Jones, administrative assistant to Senator Potter.

The CHAIRMAN. The committee will come to order.

Would you stand and be sworn? In this matter now in hearing before the committee, do you solemnly promise to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRAGIS. Yes.

TESTIMONY OF PETER A. GRAGIS

The CHAIRMAN. Mr. Cohn will examine.

Mr. COHN. Mr. Gragis, could we have your full name?

Mr. GRAGIS. Peter A. Gragis.

Mr. COHN. G-r-a-g-i-s?

Mr. GRAGIS. Yes, sir.

Mr. COHN. Where do you reside?

Mr. GRAGIS. Twenty-five Collector Lane, Levittown, Long Island, New York.

Mr. COHN. Mr. Gragis, were you ever employed at the Federal Telecommunications Laboratory?

Mr. GRAGIS. Yes, sir.

Mr. COHN. And did you work there from 1945 to 1950?

Mr. GRAGIS. Yes, roughly that.

Mr. COHN. Did you work on any government work while you were there?

Mr. GRAGIS. Yes.

Mr. COHN. Mr. Gragis, were you at that time a member of the Communist party?

Mr. GRAGIS. Not for the full length of that time, but for a good period of the time.

Mr. COHN. You were a member of the Communist party?

Mr. GRAGIS. Yes.

Mr. COHN. During what years were you a member of the Communist party?

Mr. GRAGIS. Say from about 1946 to very early in 1950.

Mr. COHN. You were a member of the party from 1946—

Mr. GRAGIS. To rather early in 1950.

Mr. COHN. I see. Were any of the other people working at the Federal Telecommunications Laboratory members of the Communist party?

Mr. GRAGIS. Some.

Mr. COHN. Can you furnish us with their names?

Mr. GRAGIS. Yes, I can. Harry Hyman, Al Shadowitz, Ruth Levine, Jack Saunders.

The CHAIRMAN. I did not get the second name.

Mr. GRAGIS. Saunders.

The CHAIRMAN. The one after Harry Hyman.

Mr. GRAGIS. Shadowitz.

Mr. COHN. Did you know Ernest Pataki?

Mr. GRAGIS. Yes.

Mr. COHN. Was he a party member?

Mr. GRAGIS. Yes.

Mr. COHN. How about Frank McGee?

Mr. GRAGIS. Yes.

Mr. COHN. Leo Kantrowitz?

Mr. GRAGIS. Yes.

Mr. COHN. Andy Castros?

Mr. GRAGIS. Yes.

Mr. COHN. Did you ever attend any Communist meetings at Harry Hyman's home?

Mr. GRAGIS. Quite a number of times.

Mr. COHN. At Hyman's home?

Mr. GRAGIS. Yes.

Mr. COHN. How about at Pataki's home?

Mr. GRAGIS. Quite a few times.

Mr. COHN. Did you ever have any at your own house?

Mr. GRAGIS. Yes. But that was not at 25 Collector Lane. That was when I lived in the city.

Mr. COHN. And while attending these cell meetings with people from the Federal Telecommunications Laboratory, were there ever any discussions of revolution and specifically of "State and Revolution" by Lenin?

Mr. GRAGIS. Yes. Frank McGee was the leader of the educational discussion.

Mr. COHN. He was the leader?

Mr. GRAGIS. Yes.

Mr. COHN. And had he been employed at the Federal Telecommunications Laboratory?

Mr. GRAGIS. Yes.

Mr. COHN. Mr. Chairman, this Mr. Gragis obviously is a most cooperative witness, and he is taking a very honorable approach to this. I was wondering, rather than asking him anything more, if Mr. Buckley could talk to him later in the afternoon or tomorrow, and then possibly we would have Mr. Gragis later.

I think that is it. Mr. Buckley will work along with you, Mr. Gragis, and we will keep in touch with you that way. We certainly want to thank you for taking this attitude.

Mr. GRAGIS. If I might just say one word—

Mr. COHN. Surely.

Mr. GRAGIS [continuing]. I wish to say this, that when I was separated from the company, FTL, I spent a good number of years thinking on just what I should do and before I read in the papers about Fort Monmouth or anything about FTL, I had come to the conclusion that I should voluntarily go to the FBI and I did. I gave them a complete history of myself for about twenty years back.

The CHAIRMAN. How long ago did you do that?

Mr. GRAGIS. That was around June of last year, I believe. Now, I might be wrong, but I think it is around then, June or maybe July.

The CHAIRMAN. I think the country owes a rather deep debt to people who have made a mistake and who are willing to rectify it as well as they can by going to the FBI or to the committee and give them that information. I know your job is an unpleasant one. It would be much easier for you to come in and refuse to testify and that sort of thing. I would like to thank you very, very much for the help not only that you have given to the committee but for the help that we understand you have also given to the FBI.

Mr. GRAGIS. May I say another thing?

The CHAIRMAN. Certainly.

Mr. GRAGIS. I have another fear now, too, and that is this: Although I went to the FBI, I knew that my appearance before them would be kept in the strictest confidence. Because I have appeared

here now I have a fear that should I be publicized or anything, that some of these subversives might make my life miserable at home with my wife or daughter.

Mr. COHN. We will have Mr. Buckley work with you on that angle, and we will do everything within our power to prevent that. We will be mindful of the fact that that is a problem.

The CHAIRMAN. Would you stand and raise your right hand?

In this matter now in hearing before the committee, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KANTROWITZ. I do.

**TESTIMONY OF LEO KANTROWITZ (WITH HIS COUNSEL,
VICTOR RABINOWITZ)**

Mr. COHN. May we have your full name, please?

Mr. KANTROWITZ. Leo Kantrowitz.

Mr. COHN. K-a-n-t-r-o-w-i-t-z.

Mr. KANTROWITZ. That is correct.

Mr. COHN. Where do you live?

Mr. KANTROWITZ. 69-B, Bruan Place, Clifton, New Jersey.

Mr. COHN. What is your occupation now?

Mr. KANTROWITZ. I am unemployed.

Mr. COHN. What was your last job?

Mr. KANTROWITZ. Draftsman.

Mr. COHN. Where?

Mr. KANTROWITZ. At Zenith Engineering Company, Newark.

Mr. COHN. Do they have any government contracts?

Mr. KANTROWITZ. I believe so.

Mr. COHN. When were you working there?

Mr. KANTROWITZ. Up until Monday.

Mr. COHN. Up until Monday of this week, is that right?

Mr. KANTROWITZ. That is right.

Mr. COHN. What were the circumstances of your leaving?

Mr. KANTROWITZ. I resigned.

Mr. COHN. Is that in connection with being subpoenaed to appear before the committee?

Mr. KANTROWITZ. Yes, it was.

Mr. COHN. Did you work on any of those government contracts?

Mr. KANTROWITZ. Well, I can't say that I know the answer to that question.

Mr. COHN. In other words, you did the type of work that could or could not be used in connection with those contracts?

Mr. KANTROWITZ. Yes.

Mr. COHN. From what branch of the service does that company have contracts, do you know?

Mr. KANTROWITZ. They didn't have it directly from any branch of the service.

Mr. COHN. Well, for what branch were they subcontracting?

Mr. KANTROWITZ. They were subcontracting from Bell Telephone.

Mr. COHN. Which was doing work for what branch of the service, do you know?

Mr. KANTROWITZ. Well, I know that they had army ordnance and navy.

Mr. COHN. Army ordnance and navy. Now, who at the Zenith Company would be familiar with those contracts?

Mr. KANTROWITZ. I should think the employers, the owners of the company.

Mr. COHN. Do you know the name?

Mr. KANTROWITZ. Yes.

Mr. COHN. That is all right. We can get that.

[The witness conferred with his counsel.]

Mr. COHN. Mr. Kantrowitz, where did you work before you were at Zenith?

Mr. KANTROWITZ. At Federal Telecommunications Laboratories.

Mr. COHN. And for how long a period of time were you employed there?

Mr. KANTROWITZ. About, approximately six years.

Mr. COHN. Approximately six years. We just had a witness in here who said that while you were working at the Federal Telecommunications Laboratory, you were a member of the Communist party. Were you?

Mr. KANTROWITZ. I refuse to answer that question on the grounds that under the Fifth Amendment a person may not be compelled to bear witness against himself.

Mr. COHN. Are you a member of the party today?

Mr. KANTROWITZ. I refuse to answer that question on the same ground.

Mr. COHN. Were you a member of the party while working at Zenith on Monday?

Mr. KANTROWITZ. I refuse to answer that question on the same grounds.

Mr. COHN. While at the Federal Telecommunications Laboratory, did you attend Communist cell meetings with other persons who were employed there?

Mr. KANTROWITZ. I refuse to answer that question on the same grounds.

Mr. COHN. Are there people still working at Federal Telecommunications Laboratory and other places doing work for the Army Signal Corps who, to your knowledge, are Communists?

You can consult with counsel, by the way, any time you want to, if you feel the need to.

Mr. KANTROWITZ. Would you mind repeating that question?

Mr. COHN. Would you read the question, please?

[The reporter read from his notes as requested.]

Mr. KANTROWITZ. I refuse to answer that question on the same grounds.

Mr. COHN. Did you discuss any of your work at the Federal Telecommunications Laboratory with any members of the Communist party?

Mr. KANTROWITZ. I refuse to answer that question also, on the same grounds.

Mr. COHN. Did you discuss any of your work at Zenith with any members of the Communist party?

Mr. KANTROWITZ. I refuse to answer that question on the same grounds.

Mr. COHN. By the way, you have had an open Communist record, have you not Mr. Kantrowitz? You have signed Communist party nominating petitions over the years, have you not?

Mr. KANTROWITZ. I refuse to answer that question.

Mr. COHN. Are you the Leo Kantrowitz who resided at 2368 East 21st Street?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. Yes.

Mr. COHN. And did you thereafter reside at 1168 St. Marks Avenue?

Mr. KANTROWITZ. Yes.

Mr. COHN. I have nothing further, Mr. Chairman.

The CHAIRMAN. Just one or two questions.

Before you worked at the Telecommunications, where did you work?

Let me ask you this question first: You said you worked at Telecommunications for six years, roughly. What year did you start and what year did you quit?

Mr. KANTROWITZ. I started in 1946, resigned March 1952, I believe.

The CHAIRMAN. Did you resign as a result of any accusations in regard to Communist party activities or membership?

Mr. KANTROWITZ. I refuse to answer that question on the grounds already stated.

The CHAIRMAN. I think I will have to order you to answer that. I am not asking whether you are a Communist, I am not asking whether or not the accusations are true. I am merely asking you the facts surrounding your resignation, the reason for the resignation. I can see nothing incriminating about that. I think I will order you to answer that.

[The witness conferred with his counsel.]

Mr. KANTROWITZ. I still refuse to answer on the same ground.

The CHAIRMAN. You understand that you have been ordered to answer?

Mr. KANTROWITZ. Pardon?

The CHAIRMAN. You understand that you have been ordered to answer?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. Yes, I understand that, sir.

The CHAIRMAN. Were you asked to resign?

Mr. KANTROWITZ. I refuse to answer that question also on the same grounds.

The CHAIRMAN. You will be ordered to answer it.

Mr. KANTROWITZ. I still refuse to answer on the same grounds.

The CHAIRMAN. What were the circumstances surrounding your resignation from Telecommunications?

Mr. KANTROWITZ. I refuse to answer that question on the same grounds, sir.

The CHAIRMAN. Were you handling classified material at Telecommunications?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. Yes, I was.

The CHAIRMAN. Could you tell us what classifications, restricted, confidential, secret, top secret?

Mr. KANTROWITZ. To the best of my knowledge, I would say the highest classification I ever handled was classified and restricted.

The CHAIRMAN. There is nothing called classified, is there? It is restricted, confidential—

Mr. KANTROWITZ. Confidential.

The CHAIRMAN. Restricted and confidential?

Mr. KANTROWITZ. That is right.

The CHAIRMAN. Do you know whether you had secret and top secret clearance?

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

The CHAIRMAN. Did you have a loyalty hearing? In other words, were you informed of any hearing that was being held questioning your loyalty or your situation as a security risk?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. I don't believe you told me where you worked before you went to telecommunications.

Mr. KANTROWITZ. I worked for a company called Paragon Design and Development Corporation.

The CHAIRMAN. How many years did you work there?

Mr. KANTROWITZ. About a year.

The CHAIRMAN. And before that?

Mr. KANTROWITZ. I worked for a company called Lloyd Rogers. That is in New York City.

The CHAIRMAN. And before that?

Mr. KANTROWITZ. I worked at Bell Telephone Laboratories, in New York.

The CHAIRMAN. Were you handling classified material?

Mr. KANTROWITZ. I can't recall.

The CHAIRMAN. You were working in electronics, were you?

Mr. KANTROWITZ. Yes.

The CHAIRMAN. Are you a graduate engineer?

Mr. KANTROWITZ. No, I am not.

The CHAIRMAN. Where did you go to school?

Mr. KANTROWITZ. I went to high school in Brooklyn, the Eastern District High School.

The CHAIRMAN. How old are you now?

Mr. KANTROWITZ. Thirty-six years.

The CHAIRMAN. Married, I assume?

Mr. KANTROWITZ. Pardon?

The CHAIRMAN. Are you married?

Mr. KANTROWITZ. Yes, sir.

The CHAIRMAN. Do you have any brothers and sisters who work either for any government agency or in any plant which is handling defense work?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. I have a brother who is working for a company who I don't know whether or not does government work. They manufacture electrical equipment.

The CHAIRMAN. What company is that?

Mr. KANTROWITZ. I think it is called the Davon Company.

The CHAIRMAN. The Davon Company?

Mr. KANTROWITZ. Yes.

The CHAIRMAN. And the Davon Company is doing a lot of defense work, is it not?

Mr. KANTROWITZ. I am totally unfamiliar with what they are doing.

The CHAIRMAN. Electrical work?

Mr. KANTROWITZ. I know the thing that they make is meters, testing meters, like voltmeters.

The CHAIRMAN. And what is his first name?

Mr. KANTROWITZ. Joseph.

The CHAIRMAN. And his last name is the same as yours?

Mr. KANTROWITZ. Right.

The CHAIRMAN. Do you have any other brothers?

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Do you have any sisters working in government work or in defense plants?

Mr. KANTROWITZ. No, sir. I don't have any sisters.

The CHAIRMAN. Is your brother a Communist?

Mr. KANTROWITZ. I refuse to answer that question on the grounds already stated.

The CHAIRMAN. Does your wife have any sisters or brothers working in government work or in any defense plant?

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. How many brothers and sisters does she have?

Mr. KANTROWITZ. My wife has only one sister.

The CHAIRMAN. And that sister is not working for the government?

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Is her husband working for the government?

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Or in a defense plant?

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Mr. Rabinowitz, that will be all for this man for today. We will want him back Tuesday morning at 10:30 in the morning.

Mr. RABINOWITZ. Is that a public session?

The CHAIRMAN. Yes.

Let me ask you one question: Why did you quit when you were served with a subpoena? Why did you quit your job?

Mr. KANTROWITZ. Well, I could be very truthful and say that I didn't want to have the company I worked for to be in any way connected with publicity that might come out of this committee.

The CHAIRMAN. Can you tell us this: Did your present boss, the man who hired you, know that you had left Telecommunications because of Communist activities on your part?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. That, it seems to me, sir, is an assertion which I haven't made, and I haven't testified on that ground at all.

The CHAIRMAN. Well, will you answer the question, then?

Mr. KANTROWITZ. I don't believe I can answer that question in the form in which you state it.

The CHAIRMAN. Well, let's restate it, then.

When you got this job working on army ordnance, do you know whether or not the man who hired you knew that you had been accused of Communist activities prior to that time?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. Again, sir, you assert that I worked on army ordnance—

Mr. COHN. You did, did you not?

Mr. KANTROWITZ. I said that is the kind of contracts that they held, and I may have worked.

Mr. COHN. But the fact is, isn't it, that you did work on those contracts?

The CHAIRMAN. Look, Mister, I am not going to waste all afternoon with you. I have asked you a very simple question. You will answer it, unless you want to take the Fifth Amendment. If you think it will incriminate you, you can take the Fifth Amendment.

Mr. KANTROWITZ. Restate the question.

[The reporter read from his notes as requested.]

[The witness conferred with his counsel.]

Mr. KANTROWITZ. Sir, I never stated and do not now know whether I ever worked on army ordnance.

Mr. COHN. Your files show you did, doesn't it?

The CHAIRMAN. When you got your present job, then, did the man that hired you know that you had been accused of Communist activities prior to the time you were hired?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. I don't know what the employer who hired me knew about me. I gave him my references, that is all.

The CHAIRMAN. Did you ever tell him that you were a member of the Communist party?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. What was his name?

Mr. KANTROWITZ. The man's name is Mr. Vasselli.

The CHAIRMAN. Vasselli.

Did you have to have any type of security clearance before you went to work for this job?

[The witness conferred with his counsel.]

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

The CHAIRMAN. Who was your reference when you got this job?

Mr. KANTROWITZ. I don't know if I understand the question.

The CHAIRMAN. Do you know what a reference is?

Mr. KANTROWITZ. Yes.

The CHAIRMAN. I said who was your reference, or references, when you got this job.

Mr. KANTROWITZ. I didn't have any references.

The CHAIRMAN. Did you get a letter of recommendation from the Telecommunications?

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Have you ever engaged in espionage?

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Have you ever discussed any classified work with individuals whom you know of had reason to believe were espionage agents?

Mr. KANTROWITZ. I discussed classified work at the time that I worked at Federal Telecommunications Laboratories with only those persons who were authorized to do so, and to no one else.

The CHAIRMAN. Answer the question.

[The witness conferred with his counsel.]

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Did you know Harry Hyman personally?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. I refuse to answer that question on the grounds already stated.

The CHAIRMAN. For your information, Hyman has been named as an espionage agent. I will ask you this question: Did you ever discuss classified work with Harry Hyman.

[Witness conferred with his counsel.]

Mr. KANTROWITZ. I refuse to answer that question also on the grounds stated.

The CHAIRMAN. You will be ordered to answer the question. First, let us have it clear. You are refusing to answer on invoking that part of the Fifth Amendment which provides that in a criminal case, no one need incriminate himself, is that correct? Is that the basis for your refusal?

[The witness conferred with his counsel.]

The CHAIRMAN. This is a simple question. You are invoking the self-incrimination part of the Fifth Amendment?

Mr. KANTROWITZ. Yes, I am.

The CHAIRMAN. Then you are ordered to answer it because you have already waived the Fifth Amendment in so far as espionage is concerned by the previous answer.

[Witness conferred with his counsel.]

Mr. KANTROWITZ. I still refuse to answer on the grounds already stated.

The CHAIRMAN. Did you know or have reason to believe that Harry Hyman was an espionage agent?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. I refuse to answer that question on the same ground.

The CHAIRMAN. You are ordered to answer that question.

Mr. KANTROWITZ. I still refuse on the same grounds as stated.

The CHAIRMAN. Did you ever engage in a conspiracy to commit espionage?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Are you a member of the Communist conspiracy as of today?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. I refuse to answer that question on the same grounds.

The CHAIRMAN. Did you know anyone at Telecommunications whom you either knew was an espionage agent or thought might be an espionage agent?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. The answer is no? Is that the answer?

Mr. KANTROWITZ. Yes, the answer is no.

The CHAIRMAN. And you refuse to tell whether or not you thought Hyman was an espionage agent?

Mr. KANTROWITZ. As I said, I refuse to answer that question on the grounds stated.

The CHAIRMAN. Did you attend any meetings with Hyman at which there was discussed either confidential, secret, top secret work?

[The witness conferred with his counsel.]

Mr. KANTROWITZ. No, sir.

The CHAIRMAN. Did you attend any meetings of the Communist party at which classified government work was discussed?

Mr. KANTROWITZ. I refuse to answer that question on the grounds already stated.

The CHAIRMAN. You will be ordered to answer. I assume you still refuse?

Mr. KANTROWITZ. I still refuse to answer.

The CHAIRMAN. That will be all for today. We will want you back at 10:30 Tuesday morning. May I say for your information that I do not know whether your case will be submitted to the Senate for contempt or not. We have the question which was submitted to the Justice Department, and this is particularly for the benefit of Mr. Rabinowitz. I take the position—I think we discussed this before—I take the position that where a man answers a question in so far as espionage, he waives in so far as the entire field is concerned. If the Justice Department agreed with me on that, then your case will be submitted, of course, with a recommendation for indictment. If the Justice Department agrees, in view of the fact that they will be prosecuting, your case may not get to the grand jury. Come back at 10:30 Tuesday morning.

Raise your right hand. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FINESTONE. I do.

**TESTIMONY OF MAX FINESTONE (ACCOMPANIED BY HIS
COUNSEL, VICTOR RABINOWITZ)**

Mr. COHN. May we have your full name, please?

Mr. FINESTONE. Max Finestone.

Mr. COHN. Is that F-e-i-n-e-s-t-o-n-e?

Mr. FINESTONE. F-i-n-e-s-t-o-n-e.

Mr. COHN. Where do you live, Mr. Finestone?

Mr. FINESTONE. 3386 Decature Avenue, Bronx.

Mr. COHN. And do you have a telephone there?

Mr. FINESTONE. Yes.

Mr. COHN. What is that?

Mr. FINESTONE. Owenville 4-4070.

Mr. COHN. What is your occupation?

Mr. FINESTONE. I am a freelance market research man.

Mr. COHN. Do you have any connection with any company?

Mr. FINESTONE. No.

Mr. COHN. For how long a period of time have you followed this occupation?

Mr. FINESTONE. About four and a half years.

Mr. COHN. Working freelance all the time?

Mr. FINESTONE. That is right.

Mr. COHN. What did you do prior to that?

Mr. FINESTONE. I was in school.

Mr. COHN. Which school?

Mr. FINESTONE. Cornell University.

Mr. COHN. What did you study at Cornell, a college course? Engineering?

Mr. FINESTONE. No, I studied industrial and labor relations.

Mr. COHN. Industrial labor relations at Cornell?

Mr. FINESTONE. Yes.

Mr. COHN. During what years did you attend Cornell?

Mr. FINESTONE. 1946 to 1949.

Mr. COHN. What did you do prior to that?

[The witness conferred with his counsel.]

Mr. FINESTONE. Prior to that I was in the merchant marine.

Mr. COHN. For how long a period of time?

Mr. FINESTONE. For about a year.

Mr. COHN. And prior to that?

Mr. FINESTONE. Prior to that? I was in school.

Mr. COHN. What school?

Mr. FINESTONE. Ithaca College.

Mr. COHN. Ithaca College?

Mr. FINESTONE. Yes.

Mr. COHN. While you were attending Cornell, did you know a man named Alfred Sarant?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

Mr. COHN. Did Sarant recruit you into the Rosenberg spy ring?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

Mr. COHN. Did you engage in a conspiracy to commit espionage with certain persons working for the Army Signal Corps?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

Mr. COHN. Did you ever visit Julius Rosenberg at the Emerson Electric Company and obtain from him material which you transmitted to a Soviet spy ring?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

Mr. COHN. In 1950 did you ask David Greenglass for classified government material, on which he was working, for the Communist party?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

Mr. COHN. In the year 1952, were you asked by William Perl to place a person working in the Army Signal Corps in contact with the Soviet underground in this country?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

Mr. COHN. Did you transmit instructions to various members of the Rosenberg spy ring within the last eighteen months?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

Mr. COHN. Did you pass money to various members of the Rosenberg spy ring during the past eighteen months?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

The CHAIRMAN. Have you been in contact with any one at the Signal Corps Laboratories or Telecommunications within the past six weeks?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

The CHAIRMAN. Have you been engaging in espionage?

Mr. FINESTONE. Sir?

The CHAIRMAN. Have you been engaging in espionage?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

The CHAIRMAN. Are you an espionage agent as of today?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

The CHAIRMAN. Are you in the pay of the Communist conspiracy as of today?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

The CHAIRMAN. Were you born in this country?

Mr. FINESTONE. Yes.

The CHAIRMAN. How many brothers and sisters do you have?

Mr. FINESTONE. Yes, one.

The CHAIRMAN. Where does he work?

[The witness conferred with his counsel.]

Mr. FINESTONE. He works in New Jersey.

The CHAIRMAN. What kind of work?

Mr. FINESTONE. He is a buyer.

The CHAIRMAN. For whom?

Mr. FINESTONE. For a department store.

The CHAIRMAN. He is not doing any work that has any connection with the government?

Mr. FINESTONE. No.

The CHAIRMAN. Is your father living?

Mr. FINESTONE. No.

The CHAIRMAN. Your mother?

Mr. FINESTONE. Yes.

The CHAIRMAN. And she is not working for the government?

Mr. FINESTONE. No.

The CHAIRMAN. Are you married?

Mr. FINESTONE. Yes.

The CHAIRMAN. Is your wife working for the government?

Mr. FINESTONE. No.

The CHAIRMAN. Does your wife have any sisters and brothers?

Mr. FINESTONE. Yes.

The CHAIRMAN. How many?

Mr. FINESTONE. One.

The CHAIRMAN. A brother or a sister?

Mr. FINESTONE. Sister.

The CHAIRMAN. Does that sister work either in a defense plant or for any government agency?

Mr. FINESTONE. No.

The CHAIRMAN. Where does she work?

Mr. FINESTONE. She doesn't.

The CHAIRMAN. Does her husband work?

Mr. FINESTONE. Yes.

The CHAIRMAN. Where does he work?

[The witness conferred with his counsel.]

Mr. FINESTONE. He is a teacher.

The CHAIRMAN. Where does he teach?

Mr. FINESTONE. I don't know the name of the school.

The CHAIRMAN. What is his first name?

Mr. FINESTONE. His first name is Benedict.

The CHAIRMAN. What is his last name?

Mr. FINESTONE. Goldsmith.

The CHAIRMAN. You do not know where he is teaching?

Mr. FINESTONE. I don't know the name of the school.

The CHAIRMAN. What school system is he teaching in?

Mr. FINESTONE. It is a——

[The witness conferred with his counsel.]

Mr. FINESTONE. It is in upstate New York.

The CHAIRMAN. What city?

[The witness conferred with his counsel.]

Mr. FINESTONE. Potsdam, New York.

The CHAIRMAN. Potsdam, New York?

Mr. FINESTONE. Yes.

The CHAIRMAN. How large a city is Potsdam?

Mr. FINESTONE. It is a small town. I don't have the least idea of the population.

The CHAIRMAN. Is he a Communist?

[The witness conferred with his counsel.]

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

The CHAIRMAN. Will you have him subpoenaed, Dan?

Mr. BUCKLEY. Yes, sir.

The CHAIRMAN. Anything else?

Mr. COHN. Nothing else.

The CHAIRMAN. If there are no more questions, you will return Tuesday morning at 10:30 to this room.

I have one further question: Is it correct that you are still in touch with the remainder of the Rosenberg ring, and that you and that ring are actively engaged in espionage as of this time?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

The CHAIRMAN. Do you consider yourself a traitor to your country?

[The witness conferred with his counsel.]

The CHAIRMAN. Is that a hard question for you to answer?

[The witness conferred with his counsel.]

Mr. FINESTONE. No.

The CHAIRMAN. I, of course, assume you did not consider the Rosenbergs traitors, either?

Mr. FINESTONE. I refuse to answer that question on the grounds of the Fifth Amendment.

The CHAIRMAN. Mr. Finestone, you have been accused, and obviously have been guilty of, espionage, which is treason against your country, or otherwise you would answer these questions. You have had an accusation against you of being a part of the Rosenberg spy ring. How many deaths that spy ring, including you, have caused, no one will ever know, of course.

How many more people have died because of your activities as a traitor, no one will know. Let me ask you this question: In view of the fact that the Rosenbergs were executed for the same crime of which you are obviously guilty, can you see any reason why you should not meet the same fate that they did?

[The witness conferred with his counsel.]

Mr. FINESTONE. I don't believe I can answer that question.

I don't see the relevance or the assumptions that it is based on.

The CHAIRMAN. Ten-thirty Tuesday morning.

Would you raise your right hand and be sworn, sir. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MCGEE. I do.

**TESTIMONY OF FRANK M. MCGEE (ACCOMPANIED BY HIS
COUNSEL, VICTOR RABINOWITZ)**

Mr. COHN. Mr. McGee, where do you reside?

Mr. MCGEE. Monroe, Louisiana.

Mr. COHN. What is your address there?

Mr. MCGEE. 1008 North Fourth Street.

Mr. COHN. And what is your occupation?

Mr. MCGEE. I am a television service man.

Mr. COHN. For what company?

Mr. MCGEE. Twin City Television Service, Inc.

Mr. COHN. For how long a period of time have you worked there?

Mr. MCGEE. Since September.

Mr. COHN. What did you do before that?

Mr. MCGEE. Well, prior to that, for several years I taught at the Pierce School of Radio and Television.

Mr. COHN. Where is that located?

Mr. MCGEE. It is now located at 52 East 19th Street, New York City.

Mr. COHN. Did you ever do any teaching in Louisiana?

Mr. MCGEE. No, sir.

Mr. COHN. What did you teach at the Pierce School?

Mr. MCGEE. Television.

Mr. COHN. And what did you do before that?

Mr. MCGEE. Before that I worked at Federal Telecommunications Laboratories.

Mr. COHN. Did you work on government work there?

Mr. MCGEE. Yes.

Mr. COHN. Up to what classification?

Mr. MCGEE. Well, I cannot say exactly. I believe that at one time I may have handled some papers that were classified as secret. I can't be certain.

Mr. COHN. When you worked on those papers, were you a member of the Communist party?

Mr. MCGEE. I refuse to answer that.

Mr. COHN. On what ground?

Mr. MCGEE. On the grounds of the Fifth Amendment.

Mr. COHN. What part of the Fifth Amendment? You can talk to counsel any time you want.

Mr. MCGEE. The answer may tend to incriminate me.

Mr. COHN. And are you a member of the Communist party today?

Mr. MCGEE. I refuse to answer that.

Mr. COHN. Did you engage in a conspiracy to commit espionage when you were working in the Federal Telecommunications Laboratory?

Mr. MCGEE. No.

Mr. COHN. Did you know Harry Hyman?

Mr. MCGEE. Yes.

Mr. COHN. Did you know him to be a Communist?

Mr. MCGEE. I refuse to answer that question.

Mr. COHN. Did you know him to be a spy?

Mr. MCGEE. No.

Mr. COHN. You did not? Did you attend Communist meetings with him?

Mr. MCGEE. I refuse to answer that question.

Mr. COHN. While you were at FTL, did you hold Communist cell meetings at your home and at them did you teach the duty and necessity for the overthrow of the government of the United States by force and violence?

[The witness conferred with his counsel.]

Mr. MCGEE. I refuse to answer that on the grounds of the Fifth Amendment.

Mr. COHN. Did you use "State and Revolution," by Lenin, as your text?

Mr. MCGEE. I refuse to answer that question.

Mr. COHN. Were you educational director of this Communist cell of FTL employees?

Mr. MCGEE. I refuse to answer the question.

Mr. COHN. Are you on the payroll of the Communist party today?

Mr. MCGEE. I refuse to answer the question.

Mr. COHN. Nothing more, Mr. Chairman.

The CHAIRMAN. Bring him back at 10:30 Tuesday.

Mr. COHN. Colonel Brown?

The CHAIRMAN. Would you raise your hand. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Col. BROWN. I do.

TESTIMONY OF LT. COL. CHESTER T. BROWN, UNITED STATES ARMY

Mr. COHN. Can we have your full name, Colonel?

Col. BROWN. Chester T. Brown.

Mr. COHN. And what is your assignment at the moment?

Col. BROWN. Assistant chief of staff, G-2, Camp Kilmer.

Mr. COHN. For how long a period of time have you held that assignment?

Col. BROWN. Since the eleventh of June 1953.

Mr. COHN. Have you had any contacts with the case of Irving Peress, the late Major Peress?

Col. BROWN. Any contact I may have had with that case was a classified matter.

Mr. COHN. I didn't ask you that, Colonel; I asked, did you have any contact?

Col. BROWN. Yes.

Mr. COHN. You did have contact with that case, is that right?

Col. BROWN. Yes.

Mr. COHN. Were you aware of the fact that Major Peress was up for promotion in the fall of 1953?

Col. BROWN. No.

Mr. COHN. You were not?

Col. BROWN. No.

Mr. COHN. When did you first learn that he had been promoted or that there were steps being taken to promote him?

Col. BROWN. I first learned that he was promoted, I believe, the day the letter was received at our headquarters.

Mr. COHN. Pardon me?

Col. BROWN. I believe the day the letter of promotion was received at our headquarters.

Mr. COHN. That is the first time you heard anything about it, is that right? You did not know he was up for promotion?

Col. BROWN. Right.

Mr. COHN. Did you submit to him at any time a questionnaire, or did your office submit to him at any time a questionnaire, concerning his status in the army?

Col. BROWN. I cannot answer that question. It is classified.

Mr. COHN. You cannot tell us whether or not you submitted a questionnaire?

Col. BROWN. I am not permitted to tell you, sir.

The CHAIRMAN. On what grounds? May I say something to you, sir, and to the others of you officers. I will listen to Communists refuse to answer; I will listen to no army officer protecting a Communist, and you are going to answer these questions or your case will come before the Senate for contempt and I intend to shove it all the way through. I am sick of this, sick and tired of it. This whole case is the greatest scandal I ever heard. Somebody in your command—and yours, General—has been protecting a man guilty of treason. We are going to find out who. Answer the question, and you are going to be ordered to answer it.

Col. BROWN. I will have to refer the committee, with regret, to special Regulation 380-320-10, paragraph 43, which states: "The disclosure of the nature, sources or even the existence of counter-intelligence information to persons mentioned in such report or to any other persons not normally entitled to such information, may be made only when specifically authorized by the assistant chief of staff, G-2, Department of the Army, or higher authority."

Under that regulation—

The CHAIRMAN. I do not recognize that as authority to refuse to answer this question. You will be ordered to answer.

Col. BROWN. I respectfully must refuse to answer.

The CHAIRMAN. All right. And I want you to know, John, that I am sick of this. These cases are going to be made public. I am going to let the public see you, sir—see what your new administration, John—is doing, protecting and covering up Communists. Let me ask you this question, Colonel: Who advised you not to answer these questions?

Col. BROWN. No one.

Mr. ADAMS. Mr. Chairman?

The CHAIRMAN. Just a minute.

Col. BROWN. No one advised me.

The CHAIRMAN. You didn't discuss your testimony with anyone?

Col. BROWN. I have discussed—

The CHAIRMAN. You are under oath now, Colonel.

Col. BROWN. That is correct.

The CHAIRMAN. You did not discuss your testimony with anyone?

Col. BROWN. I discussed it with counsel.

The CHAIRMAN. What counsel?

Col. BROWN. Mr. Adams.

The CHAIRMAN. Did he advise you you could not answer these questions? Is that correct, Mr. Adams?

Col. BROWN. I told him I was unable to answer them for that reason, and he agreed with me.

The CHAIRMAN. Did he advise you not to answer the questions?

Col. BROWN. No.

The CHAIRMAN. Did he tell you you should or should not answer them?

Col. BROWN. He agreed with me—

The CHAIRMAN. I would suggest you tell the truth, Colonel.

Col. BROWN. I am telling the truth, sir.

The CHAIRMAN. You say that Adams did not advise you?

Col. BROWN. No, sir. I quoted the regulation and he agreed with me.

The CHAIRMAN. Mr. Adams, will you stand and raise your right hand? You are more than a lawyer, you are a government employee. I am ordering you, Mr. Adams, to be sworn, because you are also an employee of the government.

Mr. ADAMS. Mr. Chairman, I respectfully request the opportunity not to appear as a witness before the committee.

The CHAIRMAN. That will not be granted.

Mr. ADAMS. I appear as a representative of the secretary of the army at your invitation, sir.

The CHAIRMAN. You are here as an employee of the government, Mr. Adams, and I intend to order you to be sworn. You are now ordered to stand up and be sworn.

Mr. ADAMS. Mr. Chairman, may I request the opportunity to get instructions from the secretary of the army?

The CHAIRMAN. You may.

Mr. ADAMS. That will take me some time, and I probably cannot accomplish it this afternoon in time before the conclusion of your hearing.

Mr. Chairman, the colonel is not lying.

The CHAIRMAN. If you are going to testify, Mr. Adams, you will be sworn.

Mr. COHN. Well, the question, Colonel, of course is whether or not any questionnaire was submitted. I am not asking you for any loyalty or security information.

Col. BROWN. If any questionnaire was submitted, it would be part of a classified—

Mr. COHN. No, Colonel, your interpretation is entirely wrong. There is no foundation in law whatsoever.

Col. BROWN. I still must refuse to answer.

Mr. COHN. You are wrong.

The CHAIRMAN. I want the room completely cleared of everyone except the witness.

[The chairman's request was complied with.]

Col. BROWN. I would like to clarify an earlier statement as to instructions which I received.

Mr. COHN. You aren't being frank with the committee, are you, Colonel?

Col. BROWN. I was not instructed. I was reminded by the commanding general and by the Department of the Army counsel of the regulation which I just quoted. I was already familiar with that regulation.

Mr. COHN. You say you were reminded?

Col. BROWN. I was reminded, yes. However, at the time I was familiar with the regulation. And I understood that I could not give the committee any classified information.

Mr. COHN. Well, do you think it is classified information whether or not a questionnaire was submitted to this man?

Col. BROWN. Any intelligence file is classified.

Mr. COHN. But Colonel, we haven't asked you for an intelligence file.

Col. BROWN. Any information I might have would be in a classified intelligence file, and I cannot even admit the existence of such a file, if there is one.

Mr. COHN. Colonel, is this your own decision, or have you received advice and instructions from superiors? If it is your own decision, it is an awfully bad one.

Col. BROWN. It is my own decision based on the regulations.

Mr. COHN. It is your own, and you received no instructions from a superior at all?

Col. BROWN. No. As I say, I was reminded of the interpretation of the regulation. May I repeat again, reading from the special regulation, "disclosure of the nature, sources or even the existence of such counter-intelligence information to persons mentioned in such a report or to other persons not normally"——

The CHAIRMAN. We have heard the regulations, Colonel.

Mr. COHN. If you will look at the wording of that thing, we have not asked you anything that is covered by that regulation. We have only asked you whether or not a questionnaire—it might be a questionnaire about buying potatoes or something for all we know, at this point. When you get to the proper point, you can assert the privilege.

Col. BROWN. Would you repeat that question? I assure you I want to cooperate as much as I can. Would you repeat the question about the questionnaire?

Mr. COHN. No, that is all right.

Mr. RAINVILLE. May I make a statement, Senator?

Who pays your salary, Colonel?

Col. BROWN. The United States government.

Mr. RAINVILLE. Where do they get the money from?

Col. BROWN. From Congress.

Mr. RAINVILLE. Then the paymaster is the guy that is in charge of you, and you ought to realize that you don't even have a job if this man decides that there is going to be no appropriation for the army. I mean, don't you realize that the Senate——

Col. BROWN. I cannot see that that has a bearing on it, sir.

Mr. RAINVILLE. That certainly has a bearing on it. That statement says that you can only give the information to authorized people. Who creates your job? Who promotes you? The president of the United States cannot promote you unless the Senate agrees.

Col. BROWN. That says when specifically authorized by the assistant chief of staff, G-2, the Department of the Army, or higher authority.

Mr. RAINVILLE. And what higher authority is there than the guy that raises your dough?

Mr. COHN. Have you requested authorization from higher authority?

Col. BROWN. I have not.

Mr. COHN. Why?

Col. BROWN. I have not had the opportunity. I only knew I was coming here at 5:30 last night.

Mr. COHN. Did you see Mr. Adams yesterday?

Col. BROWN. Mr. Adams? Yes, late yesterday evening.

The CHAIRMAN. How long were you with Mr. Adams yesterday?

Col. BROWN. I should say approximately an hour.

The CHAIRMAN. And what did you discuss?

Col. BROWN. The fact that we were to report up here today.

The CHAIRMAN. You know, of course, he is the legal counsel for the army, do you not?

Col. BROWN. Yes, sir.

The CHAIRMAN. You say you did not have an opportunity to tell him that you wanted to come down here and tell us the truth?

Col. BROWN. No, sir; I didn't say that.

The CHAIRMAN. Did you suggest to him that it might be well if you came down and told us the truth, if he would get permission for you to do that?

Col. BROWN. No, sir.

The CHAIRMAN. Do you not think it would be a good idea if you got permission to come down here and tell us the truth about this Communist?

Col. BROWN. Yes, I would be very glad to, if I could get the permission.

The CHAIRMAN. Why have you not asked for it?

Col. BROWN. Because, as Mr. Adams was Department of the Army counsel, I assumed that if permission were necessary, he would request from the proper authorities.

The CHAIRMAN. Did you discuss the question of whether or not you should ask for permission? Did you discuss that?

Col. BROWN. No, sir.

The CHAIRMAN. You never talked about it?

Col. BROWN. No, sir.

The CHAIRMAN. You never brought it up?

Col. BROWN. No, sir.

The CHAIRMAN. In that hour's time, what did you discuss?

Col. BROWN. Well, we spent about, I should say, twenty minutes discussing the procedure of the committee, the fact that we would be called up, and most of the rest of the time was just batting the breeze, waiting for his transportation.

The CHAIRMAN. What time did he get down there?

Col. BROWN. I don't know, sir.

The CHAIRMAN. What time of the day did you first see him?

Col. BROWN. I believe it was shortly after five o'clock in the afternoon.

The CHAIRMAN. You have no idea what time he got down there?

Col. BROWN. No.

The CHAIRMAN. No idea?

Col. BROWN. He was already there when I went in.

The CHAIRMAN. And when did you first learn that Peress was a Communist?

Col. BROWN. There, again, sir, I will have to respectfully refuse to answer on the grounds that that information came to me in classified information, if it came.

The CHAIRMAN. You are ordered to answer.

Col. BROWN. I must respectfully refuse.

The CHAIRMAN. Did you have any part in his promotion after you knew that he was a Communist?

Col. BROWN. No, sir.

The CHAIRMAN. Did you take any action to have him removed from the army after you learned that he was a Communist?

Col. BROWN. Again, sir, any action I might have taken was part of the classified files and I am not permitted to answer.

The CHAIRMAN. You are ordered to answer.

Col. BROWN. I must respectfully refuse, sir.

The CHAIRMAN. Did you ever take any action to have Peress removed from the army?

Col. BROWN. I must refuse to answer on the same grounds.

The CHAIRMAN. You are ordered to answer.

Col. BROWN. Again, I must respectfully refuse, sir.

The CHAIRMAN. Did you ever call the attention of your superior officers to the fact that you had reason to believe this man was a traitor?

Col. BROWN. Would you repeat that question, please?

[The reporter read from his notes as requested.]

Col. BROWN. I did have occasion to inform my commanding general that we had certain information about Peress.

The CHAIRMAN. And you recommended his removal? Did you?

Col. BROWN. That, again, is probably in a classified file, if it exists, and I cannot reveal it.

The CHAIRMAN. Do you mean to say that to recommend the removal of a person in the army is classified?

Col. BROWN. In a case such as this it would be, sir.

The CHAIRMAN. What is the classification?

Col. BROWN. Confidential.

The CHAIRMAN. Are you sure of that?

Col. BROWN. Yes, sir.

The CHAIRMAN. Who classified it confidential? Did you?

Col. BROWN. No, sir; not originally.

The CHAIRMAN. Do you know who is responsible for keeping this man on after it was known that he was a Communist?

Col. BROWN. No, sir; I do not.

The CHAIRMAN. Do you have any idea?

Col. BROWN. No, sir.

The CHAIRMAN. Do you think such a man should be court-martialed?

Col. BROWN. If there is sufficient evidence to warrant trial, yes, sir.

The CHAIRMAN. Say that the only evidence is you knew he was a Communist. Would that be sufficient in your opinion for a court-martial?

Col. BROWN. I am not a legal expert; I couldn't say.

The CHAIRMAN. I want your opinion on it, Colonel. You are handling matters down there affecting the life and death of this nation. Or cannot you answer that, Colonel? Do you not know, do you not know whether or not—

Col. BROWN. No, sir; I don't.

The CHAIRMAN. You do not know whether or not an officer that keeps on a Communist should be court-martialed? Is that your testimony?

Col. BROWN. No, sir; I don't mean to say that at all. If we have evidence of some overt act, yes, sir; certainly.

The CHAIRMAN. What do you call an overt act?

Col. BROWN. An actual—well, it might be any one of a number of things.

The CHAIRMAN. Would membership in the Communist party be enough?

Col. BROWN. I do not know, sir.

The CHAIRMAN. In other words, you don't know whether or not membership in the Communist party would be sufficient to remove a man from the military, is that your answer?

Col. BROWN. No, sir; that is not my answer.

The CHAIRMAN. Then what is your answer?

Col. BROWN. I would say membership in the Communist party is certainly enough to remove him from the service, but whether it is enough for a court-martial, I don't know.

The CHAIRMAN. How about the man who takes part in the promotion of an individual, knowing he is a Communist? Would you say that officer should be removed from the service?

Col. BROWN. Knowing that he is a Communist?

The CHAIRMAN. He is.

Col. BROWN. All I could give on that would be my own personal opinion, sir. My personal opinion would be yes.

The CHAIRMAN. Give us a personal opinion. What is your answer?

Col. BROWN. My personal opinion would be yes.

The CHAIRMAN. How about an officer who knew that a man refused to answer a questionnaire concerning alleged Communist activities and invoked the Fifth Amendment, and then such an officer took part in his promotion. Would you say such an officer should be removed? I am speaking now not of the Communist himself, as I am speaking of the officer who took part in having him promoted.

Col. BROWN. I don't know the answer to that one.

The CHAIRMAN. Well, what do you think?

Col. BROWN. I think he would certainly be worthy of investigation, sir.

The CHAIRMAN. Let's say you have investigated, now, and the investigation has ended. The investigation shows that Colonel Jones

knew that Captain Peress had refused to answer questions about his communist activities, invoking the Fifth Amendment and thereafter Colonel Jones approved this man's promotion to major. Would you say Colonel Jones should be removed from the military? Let's assume all of those facts are proven positively.

Col. BROWN. I don't consider myself qualified to state an opinion on that, sir.

The CHAIRMAN. You are ordered to. Being a servant of the people, sir, like I am, we are entitled to know how you are handling your job. One way to find out is to know how you feel about these Communists, especially when you, yourself, were part and parcel of the organization that kept on a traitor. So you are ordered to answer that question.

Col. BROWN. I would say, sir, that some disciplinary action should be taken.

The CHAIRMAN. The question is, do you think he should be dismissed, and gotten out of the army?

Col. BROWN. On the basis of the other man's refusal to answer under the Fifth Amendment? Is that correct?

The CHAIRMAN. You heard my question. I will restate it, if you want me to.

Col. BROWN. If you would, please.

The CHAIRMAN. I said let us assume that Colonel Jones knew that Captain Peress had refused to answer questions about Communist activities and membership in his party, and Colonel Jones thereafter approved the promotion of Captain Peress to major. Would you say Colonel Jones should be retained in our military?

Col. BROWN. No, sir.

The CHAIRMAN. Let us go a step further. Let us assume that Colonel or General Jones is aware of the fact that Major Peress has been before this committee, has been identified as a Communist, has been identified as having attended Communist leadership schools, that his wife has been identified as a Communist, and that Peress refuses to answer any questions asked him by this committee about Communist activity on the grounds of self-incrimination. Then, say, subsequent to that the chairman of the committee writes a letter to the secretary of the army urging a court-martial of Major Peress, and that the day after that letter is made public, Colonel Jones signs an honorable discharge for this man, knowing all the facts which I have just related. Would you say that Colonel Jones should be removed from the army?

Col. BROWN. Not necessarily, sir, because Colonel Jones would only give an honorable discharge upon a direction from higher authority.

The CHAIRMAN. Well, how about the higher authority, then? Do you think he should be removed from the army, assuming he knows those facts?

Col. BROWN. If the higher authority knew all the facts, yes, sir; I think he should.

The CHAIRMAN. You think he should be removed?

Col. BROWN. Yes, sir.

The CHAIRMAN. Do you think that a committee should be able to get the information as to who is responsible for the promotion, and

the honorable discharge of this man, or do you think that would endanger the national security if we got that information?

Col. BROWN. Simply as my personal opinion, as one of the Indians on the lower level, I think the committee might well be given the facts by the proper authorities.

The CHAIRMAN. Do you know who is responsible for the ordering of the honorable discharge for Major Peress?

Col. BROWN. I don't know the name of any individual, no, sir.

The CHAIRMAN. Have you not discussed that since he got this honorable discharge?

Col. BROWN. No, sir. The directive came from the Department of the Army. It was not questioned at our headquarters.

The CHAIRMAN. Who signed that order?

Col. BROWN. If I may look into my file, I have a copy of that letter.

The CHAIRMAN. Certainly.

Col. BROWN. I must state that this letter is not classified. It is purely administrative. I have only a carbon copy here. It does not show any name, but it does say "by order of the Secretary of the Army," and typed under that "Adjutant General." Whether the adjutant general himself signed the original, I do not know, sir.

The CHAIRMAN. May I see that?

Col. BROWN. I believe the committee has probably a photostat of the original.

[Document handed to the chairman.]

The CHAIRMAN. If he had gotten a dishonorable discharge, would he have been entitled to payment of mileage, in other words travel payment, lump sum payment for unused leave?

Col. BROWN. I do not believe so, sir.

The CHAIRMAN. So that he was financially rewarded as well as rewarded by this honorable discharge, is that right?

Col. BROWN. I believe that is correct, sir.

The CHAIRMAN. I am not sure if you answered this question or not. Do you feel that a man with a record which Peress has should got an honorable discharge?

Col. BROWN. As a matter of my own personal opinion, sir, I would say no.

The CHAIRMAN. Do you think somebody was derelict in his duty by giving this honorable discharge?

Col. BROWN. Not necessarily so. Whoever ordered the discharge may not have known all the facts.

The CHAIRMAN. Colonel, may I say to you that this committee has a very difficult job, a job of digging up traitors. We have been finding some, such as Peress, with the complete wholehearted opposition of men like yourself, men who give no cooperation at all, men who like yourself are responsible for covering up the facts so that we can not find out who has been placing Communists in the army and keeping them there. For your information, I want you to know that this is something that we are going to have to bring to the attention of all the American people. I want them to see our army officers sitting here, refusing to give the facts about traitors and spies, saying that if they tell us about those traitors, about those spies, if they let the senators know, that that will endanger the security of the nation. I think, may I say this, that any man

in the uniform of his country, who refuses to give information to a committee of the Senate which represents the American people, that that man is not fit to wear the uniform of his country. And in my opinion he is in the same category, Colonel, as the traitor whom he is protecting. I just want to make that very clear to you, so you know it will be made very clear to the people.

Col. BROWN. May I say, sir, as a soldier, it is my duty to obey my military superiors. The regulations and my military superiors forbid me to give you the classified information unless released—unless I am so authorized by G-2, Department of the Army, or higher authority. Not only that, but at this level we do not know, and have no way of knowing, what went on on higher levels. Furthermore, the complete information can be obtained from a higher level.

The CHAIRMAN. Colonel, you have recited to us an order which does not apply. You are hiding behind an order which does not apply. You have told us that no one interpreted that for you, that you yourself interpreted it. I have just gotten through telling you that that order does not apply. You are hiding behind that to protect, cover up, information which this committee needs if we are to protect this country.

Let us be completely clear on that. Following your line of reasoning, you could come in here and cite one of the verses in the Bible and say that prevents my giving the committee information. I told you before I do not recognize that as valid grounds for your refusal. I am going to ask the Senate to have you cited for contempt, for failure to give information which the committee is entitled to, relying upon a phoney order. I want it very clear also, and if you want to correct it, let us hear it now, that you have told us that you did not even ask or get the advice of the legal representative of the army, who was with you for one hour last night. If you were interested in properly interpreted legal orders, you were with the legal officer last night for an hour, you would have asked him that question. I must say I, frankly, Colonel, do not believe you are telling us the truth. I don't believe you spent an hour with Mr. Adams last night, without asking his advice, without getting it. I know that Mr. Adams traveled to Camp Kilmer to see you and other witnesses who were to come here to testify, and he advised you. You denied that.

Col. BROWN. No, sir; I did not. I remarked earlier that both my commanding general and Mr. Adams advised me about the regulation, with which I was already familiar.

The CHAIRMAN. Who is your commanding general?

Col. BROWN. General Zwicker, sir.

The CHAIRMAN. And he advised you that—

Col. BROWN. He reminded me of the regulation.

The CHAIRMAN. Did he advise you what type of questions you could not answer?

Col. BROWN. He reminded me that I could not answer any questions with regard to classified matter in this case. I have also here a copy of Change I of Army Regulations 380-10, paragraph 55, to which has been added:

Hereafter, no information regarding individual loyalty or security cases shall be provided in response to inquiries from outside the executive branch, unless such in-

quiries are made in writing. Where proper inquiries are made in writing, replies will be confined to two categories of information, as follows: (1) If an employee has been separated on loyalty grounds, advice to that effect may be given in response to a specific request for information concerning that particular Individual; and (2), if an employee has been separated as a security risk, replies to specific requests for information about that individual may state only that he was separated for reasons relating to suitability for employment in that particular agency. No information shall be supplied as to any specific intermediate steps, proceedings, transcripts of hearings, or actions taken in processing an individual on a loyalty or security program. No exceptions shall be made to the above stated policy unless the agency head determines that it would be clearly in the public interest to make specific information available as in instances where the employee involved properly asked that such action be taken for his own protection.

The CHAIRMAN. Colonel, you need not read that to me. I know all about that order. When was that signed, incidentally?

Col. BROWN. That is dated 28 May 1952, sir, by order of the secretary of the army, J. Lawton Collins, chief of staff.

Mr. JONES. Colonel, when was the first time that the counsel of the army discussed the Peress case with you?

Col. BROWN. Last night, sir.

Mr. JONES. That was the first time?

Col. BROWN. Yes, sir.

Mr. JONES. Colonel, did he advise you to stand squarely and unequivocally on those regulations when you appeared before this committee?

Col. BROWN. Yes, sir.

Mr. JONES. He did advise you to stand squarely?

Col. BROWN. Yes, sir.

Mr. JONES. Did General Zwicker indicate the same position or suggest that you take the same position?

Col. BROWN. He did.

Mr. JONES. Did the counsel of the army advise you not to discuss the Peress case?

Col. BROWN. He advised me not to discuss any classified matter, and if there was a file on the Peress case, it was classified.

The CHAIRMAN. Mr. Jones is asking a simple question. He asked you if he advised you not to discuss the Peress case.

Mr. JONES. Did he advise you not to discuss the Peress case?

Col. BROWN. Not in those words, no.

Mr. JONES. You spent an hour with him last night, Colonel. In the period of that hour, did he say to you, "Colonel, if Senator McCarthy or any member of the committee should ask you about any particular information regarding Captain or Major Peress, do not answer those questions"?

Col. BROWN. No, you left out one word. He said, "If the committee or any member thereof asks you for any information which is classified, you will not give it."

Mr. JONES. And he advised you not to discuss the Peress case?

Col. BROWN. Not to discuss any classified matter in connection with the case.

Mr. COHN. Colonel, if it were not for these regulations, would you like to tell us exactly what happened in the Peress case and exactly what steps were taken?

Col. BROWN. As far as I know of them, I would.

Mr. COHN. You would?

Col. BROWN. Yes.

Mr. COHN. Why don't you request permission, as the regulations provide, from the assistant chief of staff of G-2, and tell him you want to come in here and tell us, and ask his permission to do that?

Col. BROWN. I don't feel that I have the authority to make such a request.

Mr. COHN. Colonel, you have the duty, under that regulation, of doing that, when a request is made.

Col. BROWN. I would like to point out that I am a staff officer. I have no command function.

Mr. COHN. That regulation applies to anyone who is called as a witness. If he wants to stand on that regulation, he will not give certain information unless he receives permission to do so from the assistant chief of staff, G-2. In other words, you get the request, you are asked the questions, you are told what is expected and then you go to the assistant chief of staff of G-2, and say, "I have been asked these questions, and the regulations say I can not answer them unless you tell me I can." Then he answered you that you can. And you have permission to come in and tell us, and if he says no then you say, "Pursuant to the regulations I have consulted assistant chief of staff of G-2, and he says I may not."

Then you call in the assistant chief of staff, G-2, and we know who is giving orders. Isn't that the sensible way of doing it?

Col. BROWN. Well, I believe——

Mr. COHN. The fact is you have been made to understand you are not to discuss this case. Doesn't that save a lot of time?

Col. BROWN. Yes.

Mr. RAINVILLE. Isn't there a further consideration if you do answer, you will not be protected as Major Peress was?

Col. BROWN. If I answer, I will be subjected to court-martial.

Mr. COHN. For telling us who protected a Communist, you would be court-martialed?

Mr. JONES. You would be court-martialed for protecting the country?

Col. BROWN. You can put it that way, if you wish.

The CHAIRMAN. Colonel, you have cited to us an order which says that you cannot give certain information without the permission of the assistant chief of staff. Do you interpret that to mean that you cannot give us information about a Communist who is promoted, with special treatment, given an honorable discharge? Do you interpret that to mean that you just, to fulfill your oath, must protect people who protected this Communist?

You are ordered, and in conformity with that order, to request of the assistant chief of staff, G-2, the right to answer the questions asked you today. You are ordered to do that within forty-eight hours, and send us a copy of the request for permission to answer so that we will know that the order has been fulfilled.

Col. BROWN. Very well, sir.

Mr. JONES. Colonel, did any other person other than the counsel of the army and General Zwicker advise you not to discuss the Peress case here?

Col. BROWN. No, sir.

Mr. JONES. These were the only two persons?

Col. BROWN. That is right.

The CHAIRMAN. That will be all for the time being, Colonel. You will consider yourself under subpoena. You will be notified when we want you back. We will want you back in public session.

Col. BROWN. Right, sir. When I receive the answer to this request, sir, where shall I get that to you?

The CHAIRMAN. You can call Mr. Cohn collect at the Senate investigating committee.

Mr. COHN. Call the Capitol in Washington. Extension 1145, collect. Anybody there will take care of it.

The CHAIRMAN. The number is National 8-3120, Extension 1145.

Let me ask you this: Do you think it in a disgrace to the army to have the word go out to the country that army officers refuse to give the names of people who have been protecting known Communists? Do you think that is one of the most disgraceful things that can happen to the army?

Col. BROWN. I cannot say I am in favor of it.

The CHAIRMAN. Pardon?

Col. BROWN. I am not in favor of it.

The CHAIRMAN. I think when an officer comes in also and says "I can't tell about a Communist who got an honorable discharge because it I told the truth I would be court-martialed," I think that is the most disgraceful thing that I have ever heard. It gives the army the blackest eye conceivable. I think that your failure, when you are so fully aware of this order, to contact the assistant chief of staff, G-2, and ask him whether you can tell the truth about this case, is inexcusable.

Col. BROWN. May I say a word of explanation on that regulation, sir?

The CHAIRMAN. Yes.

Col. BROWN. That regulation was not written—this is just my own opinion—was not written with the intent of protecting any guilty person, but it was written to protect the security of classified matter in general. For example, if that entire file were brought out in an open session—there is more to it, of course, than what I have ever seen—the chances are that some secret investigative processes and names would be disclosed to the public, which would certainly hinder any future investigative procedure.

Mr. RAINVILLE. May I ask a question. In view of what you know and your own feelings about this case, and your recommendations, don't you think John Adams is quibbling when he says "We do not have the facts before us"?

Col. BROWN. No, sir; we do not have facts.

Mr. RAINVILLE. Then why did you fire the man?

Col. BROWN. Because we were ordered to do so.

Mr. RAINVILLE. Somebody has the facts, and he represents that somebody, doesn't he? Somebody had enough facts to fire the man and he sits there and says, "We don't have enough information, enough facts to move on, to answer your letter." You know he is quibbling?

Col. BROWN. Well, no, I won't say that, because I don't know that facts actually exist, proven facts.

Mr. RAINVILLE. If your superiors have enough facts to take a man's commission away and say that he can never again hold a commission in the army, they must have facts for that. For him to

sit there and say they can not answer the letter because they do not have facts, that is something beyond quibbling.

Col. BROWN. That is something beyond me. I am just one of the Indians.

Mr. RAINVILLE. Don't answer it, then. I advise you not to answer it. He obviously is quibbling.

The CHAIRMAN. You may step down, Colonel.

The CHAIRMAN. Would you raise your right hand and be sworn?

In the matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

Capt. WOODWARD. I do.

**TESTIMONY OF CAPT. W. J. WOODWARD, UNITED STATES
ARMY**

The CHAIRMAN. We are just going to ask you one or two questions about the general's health. Your name is what?

Capt. WOODWARD. Dr. Woodard.

The CHAIRMAN. And your first name?

Capt. WOODWARD. William.

The CHAIRMAN. There is a question here as to whether or not it would endanger the general's health if he were to testify before the committee today.

Capt. WOODWARD. I think it would depend, Senator, on how much he got upset.

The CHAIRMAN. If you sit beside him and if you see he is getting disturbed, if you will let us know, we will act accordingly. All right?

Capt. WOODWARD. All right, sir.

Mr. JONES. Has he a heart condition?

Capt. WOODWARD. We are not sure of it. He came into the hospital yesterday complaining of some vague chest pain over the heart area, that actually radiated like angina pain. We have had two electrocardiograms on him.

Mr. COHN. What do they show?

Capt. WOODWARD. They are just about normal. Just because of that, our commanding officer thought it would be wise for a medical officer to come up here with him.

The CHAIRMAN. Do you want to sit here with him?

Capt. WOODWARD. Yes, sir.

The CHAIRMAN. If you feel there is anything that is endangering his health, do not hesitate at all to call it to our attention.

[Brigadier General Ralph W. Zwicker testified next. His testimony was made public on February 24, 1954 and published in *Communist Infiltration in the Army*, part 3 (Washington, D.C.: Government Printing Office, 1954).]

[Whereupon, at 5:15 p.m., the hearing was adjourned.]

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

[EDITOR'S NOTE.—In the subcommittee's August 1953 hearings concerning the Government Printing Office, Mary Stalcup Markward (1922–1972) testified that she had joined the Communist party in Washington, D.C. at the request of the FBI. At an executive session of the House Un-American Activities Committee on February 22, 1954, Markward identified Annie Lee Moss (1905–1996) as a former cafeteria worker whose name had appeared on the Communist party's membership roles in 1944. At the time of the hearings, Moss was a communications clerk at the Pentagon.

Immediately following this executive session, Markward testified in a public hearing that as treasurer of the Northeast Club of the Communist party she had "a woman by the name of Annie Lee Moss on the list of card-carrying, dues-paying members," although she had not met Moss personally. Because of illness, Moss did not testify until she appeared at a public hearing March 11, 1954.

Charlotte Oram and Sallie Fannie Peek (1909–1980) testified publicly on February 24, 1954. Genevieve Brown, William S. Johnson and Lamuel Belton were not called to testify in public.]

TUESDAY, FEBRUARY 23, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 10:00 a.m., pursuant to notice, in room 357 of the Senate Office building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy M. Cohn, chief counsel; Robert Francis Kennedy, chief counsel for the minority; Francis P. Carr, staff director; Ruth Young Watt, chief clerk.

The CHAIRMAN. I wonder if the young lady would raise her right hand. In this matter in hearing before the committee, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mrs. ORAM. I do.

TESTIMONY OF CHARLOTTE ORAM (ACCOMPANIED BY HER COUNSEL, JOSEPH FORER)

Mr. COHN. Could I get your full name?

Mrs. ORAM. Charlotte Oram.

Mr. COHN. And for the information of others present, counsel is Mr. Joseph Forer of the Washington Bar, who has been before the committee on prior occasions.

Mr. FORER. That is correct.

Mr. COHN. You have been before the committee on prior occasions and you know the rules?

Mr. FORER. Yes, sir; I do.

Mr. COHN. Now, Mrs. Oram, in 1944 were you a member of the northeast branch of the Communist party with a woman named Annie Lee Moss?

Mrs. ORAM. I decline to answer that question on the basis of my privilege under the Fifth Amendment not to be a witness against myself.

Mr. COHN. Did you hold membership card 53582 in the Communist party during those years?

Mrs. ORAM. My answer to that question is on the same basis.

Mr. COHN. Do you know Annie Lee Moss?

Mrs. ORAM. I am sorry.

Mr. COHN. Do you know Annie Lee Moss?

Mrs. ORAM. That name doesn't mean anything to me.

Mr. COHN. Can you name for us the members of the Communist cell to which you belonged?

Mrs. ORAM. I decline to answer that question on the basis I stated previously.

Mr. COHN. Are you a Communist as of today?

Mrs. ORAM. I decline to answer that question on the same basis.

Mr. COHN. All right.

The CHAIRMAN. Would you have the witness over to 318 at a quarter of eleven? I do not think we will call her but we would like to have her there.

Mr. FORER. 318 at 10:45? I did not catch the last sentence.

[Discussion off the record.]

Senator JACKSON. I had a question. What is your occupation?

Mrs. ORAM. I am a housewife.

Senator JACKSON. What is your occupation?

Mrs. ORAM. I am a housewife.

Senator JACKSON. What does your husband do?

Mrs. ORAM. He works in a drugstore.

Senator JACKSON. He works here in Washington, D.C.?

Mrs. ORAM. Well, in Arlington County.

Senator JACKSON. Did you know a Mrs. Markward?

Mrs. ORAM. I decline to answer that question on the basis that I have stated previously.

Senator JACKSON. That is all.

Senator McCLELLAN. May I ask you a question? Are you now employed in the government in any way?

Mrs. ORAM. No, I am not.

Senator McCLELLAN. Have you ever been?

Mrs. ORAM. No, I never have been.

Senator McCLELLAN. You are declining to answer whether you are a Communist or have ever been a Communist? Is that correct?

Mrs. ORAM. I am declining to answer that question.

Senator McCLELLAN. You are unwilling to cooperate with your government and its agencies to the extent of giving it any information that you may have that the government or its agencies may need in order to properly function and discharge its responsibilities in preserving our country, are you?

[The witness consulted with her counsel.]

Mrs. ORAM. I decline to answer the questions for the reasons I gave.

Senator McCLELLAN. Are you an American citizen?

Mrs. ORAM. Yes.

Senator McCLELLAN. Do you owe any obligations to your country as a citizen?

Mrs. ORAM. Certainly.

Senator McCLELLAN. Do you regard an obligation to your country that protects you—

Mrs. ORAM. I don't believe I understand that.

Senator McCLELLAN. Yes, you know what I mean. Do you regard an obligation to the country in which you have citizenship to try to serve it?

Mrs. ORAM. Yes, of course.

Senator McCLELLAN. You do?

Mrs. ORAM. Certainly.

Senator McCLELLAN. Do you think that you are serving your country as a good citizen and as a patriotic citizen when you refuse to give information that your government needs?

[The witness consulted with her counsel.]

Mrs. ORAM. I believe it is my duty and every citizen's duty to protect and uphold the Constitution and I believe that in relying upon my constitutional rights I am certainly carrying that out.

Senator McCLELLAN. Is there any part of the Constitution that you hold allegiance to except the Fifth Amendment?

Mrs. ORAM. I hold allegiance to every part, including the First Amendment.

Senator McCLELLAN. One of the parts of the Constitution is to preserve the United States, is it not?

Mrs. ORAM. That is right.

Senator McCLELLAN. Are you going to contribute anything towards preserving your country?

Mrs. ORAM. I believe I am doing that.

Senator McCLELLAN. If you are willing to do that, will you tell us and give us the information that has been asked as a good citizen of this country?

Mrs. ORAM. I give you what information I feel I can and should give you.

Senator McCLELLAN. What information you feel you can and should give?

Mrs. ORAM. Under the rights of the Constitution.

Senator McCLELLAN. Is there any information that you can, or that you are willing to give us, under the Constitution?

Mrs. ORAM. That is rather a broad question.

Senator McCLELLAN. It is a broad question, but is there any, and I make it broad for your benefit? If you can indicate any information that you are willing to give us, to help to this fight against communism and to preserve our country. Is there any, and I make it broad to cover everything? Is there any that you are willing to give us?

Mrs. ORAM. Well, of course.

Senator McCLELLAN. All right. Tell us. What is it? Mention one thing.

Mrs. ORAM. Well, I don't know. I would have to have a specific question. I can't answer anything out of the blue.

Senator MCCLELLAN. Are you willing to help your government fight this conspiracy of communism?

Mrs. ORAM. I refuse to answer that question on the basis that I have already stated.

Senator MCCLELLAN. You think that would incriminate you to say that you are willing to help fight a conspiracy against the United States of America?

Mrs. ORAM. I think that I have to stick to my declination to answer.

Senator MCCLELLAN. Do you think that would incriminate you? I am not asking you; I want you to state it under oath.

Mrs. ORAM. It might.

Senator MCCLELLAN. Do you think that it would incriminate you to help your government fight a conspiracy that is trying to destroy it?

[The witness consulted with her counsel.]

Mrs. ORAM. I am afraid I don't understand that question, sir.

Senator MCCLELLAN. You do understand the question and it is just as simple as it can be. Do you think that you would be incriminated if you gave information that would help your government light a conspiracy, the conspiracy of communism that is undertaking to destroy it? You certainly understand that.

Mrs. ORAM. I am afraid I don't.

Senator MCCLELLAN. That is all, Mr. Chairman.

The CHAIRMAN. You will be over to 318 at a quarter of eleven. Mr. Forer, do you have any more clients?

Mr. FORER. Yes.

The CHAIRMAN. Will you bring your witness in. Would you raise your right hand, please.

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mrs. PEEK. I do.

TESTIMONY OF SALLIE FANNIE PEEK (ACCOMPANIED BY HER COUNSEL, JOSEPH FORER)

Mr. COHN. May we have your full name?

Mrs. PEEK. My name is Sallie Fannie Peek.

Mr. COHN. Any time you wish, you may confer with your counsel regarding the answers to any question or he may confer with you. I would like to ask you first of all whether or not you were a member of the city committee of the Communist Political Association in 1944?

Mrs. PEEK. Will you repeat that name?

Mr. COHN. Were you a member of the city committee of the Communist Political Association in 1944?

Mrs. PEEK. I refuse to answer that question because of my privilege under the Fifth Amendment not to be a witness against myself.

Mr. COHN. Did you see in attendance at meetings of the Communist Political Association a woman named Annie Lee Moss?

Mrs. PEEK. What is the last part of the question?

Mr. COHN. Did you see a woman named Annie Lee Moss in attendance at these meetings of the Communist Political Association?

Mrs. PEEK. I refuse to answer that question on the same grounds that I stated before.

Mr. COHN. Did you recruit Annie Lee Moss into the Communist party?

[The witness conferred with bar counsel.]

Mrs. PEEK. I refuse to answer that question on the same grounds that I before stated.

Mr. COHN. Did you attend a Communist party national training school in New York City in 1947?

Mrs. PEEK. I refuse to answer that question on the grounds that I before stated.

Mr. COHN. Are you a Communist today?

Mrs. PEEK. I refuse to answer that question on the grounds that I before stated.

Mr. COHN. I have nothing further.

The CHAIRMAN. I may say to the other senators that I know a lot of them have questions and I would like very much to dispose of the other three witnesses before a quarter of eleven.

Senator MCCLELLAN. We can shorten this if we are going to have these witnesses to public hearings.

Senator JACKSON. This is a completely independent question. Do you know or do you recall Annie Lee Moss?

Mrs. PEEK. I refuse to answer that question on the same grounds I before stated.

Senator JACKSON. Do you know Mrs. Markward?

Mrs. PEEK. I refuse to answer that question on the grounds that I before stated.

Senator MCCLELLAN. Mr. Chairman, we can take this up in public session, but I have an idea and I may be wrong but I want the counsel on this staff to determine whether people can refuse to answer whether they know someone on the ground that it might incriminate them. I doubt that to a valid point. There may be some court decision on it.

The CHAIRMAN. I have been into that in great detail not only with the staff but also with some of the people in the Justice Department. They take the position that the interpretation has been so liberal that anything which might be even a remote link in the chain would be applicable.

Senator MCCLELLAN. That may be true.

The CHAIRMAN. I think the witness could not refuse in the ordinary case. Where it deals with someone who has been identified as a Communist and identified as an undercover agent for the bureau, I think that she is entitled to refuse, unfortunately.

Mr. FORER. What time do you want her?

Mr. COHN. We would like her at a quarter of eleven.

Mr. FORER. Before you start, can I tell you something off the record?

The CHAIRMAN. Yes.

[Discussion off the record.]

The CHAIRMAN. Now, will you raise your right hand? In this matter in hearing before the committee, do you solemnly swear to tell

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

Mrs. BROWN. I do.

TESTIMONY OF GENEVIEVE BROWN (ACCOMPANIED BY HER COUNSEL, JOSEPH FORER)

The CHAIRMAN. We have a very few questions to ask you. Do you know Annie Lee Moss?

Mrs. BROWN. I don't recall her name.

The CHAIRMAN. Do you recall the name at all?

Mrs. BROWN. No.

The CHAIRMAN. As I understand, your sight is not too good so, perhaps, you would not be able to identify her if you had her before you.

Mrs. BROWN. I am sure I couldn't.

The CHAIRMAN. Did you know a Mary Stalcup?

Mrs. BROWN. The name is not familiar to me.

The CHAIRMAN. Now, do you know Mrs. Markward? Does that name ring a bell?

Mrs. BROWN. I decline to answer that question on the basis of the privilege granted in the Fifth Amendment.

The CHAIRMAN. The reason we have you here this morning, I may say, is because we have had sworn testimony that you were a part of a Communist cell which also included Annie Lee Moss and Mary Stalcup. Would you want to tell us whether that is true or not?

Mrs. BROWN. I don't get the question.

The CHAIRMAN. Would your counsel repeat it to you?

[The witness conferred with her counsel.]

Mrs. BROWN. I refuse to answer that question for the reason previously given.

The CHAIRMAN. Pardon me?

Mrs. BROWN. I refuse to answer that question for the reason previously given.

[Witness excused.]

The CHAIRMAN. Will you raise your right hand? In this matter before the committee, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. JOHNSON. Yes.

TESTIMONY OF WILLIAM S. JOHNSON (ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER)

The CHAIRMAN. May I make it very clear that before you answer any question you have an absolute right to consult with your lawyer. You understand that?

Mr. JOHNSON. Yes.

Mr. COHN. Your full name is what, sir?

Mr. JOHNSON. William S. Johnson.

Mr. COHN. Do you know a woman named Annie Lee Moss?

Mr. JOHNSON. Not to my knowledge.

Mr. COHN. Do you know a woman named Mary Stalcup?

Mr. JOHNSON. I decline to answer the question on the basis of my privilege under the Fifth Amendment not to be witness against myself.

Mr. COHN. Do you know a woman named Genevieve Brown?

Mr. JOHNSON. Genevieve Brown? Yes, I know her.

Mr. COHN. You know her?

Mr. JOHNSON. Yes.

Mr. COHN. Is that right?

Mr. JOHNSON. Yes.

Mr. COHN. Is she a Communist?

Mr. JOHNSON. I decline to answer the question on the basis of my privilege under the Fifth Amendment.

Senator MUNDT. Where are you employed, Mr. Johnson?

Mr. JOHNSON. Inspectors Restaurant.

Senator MUNDT. What is that?

Mr. JOHNSON. Inspectors Restaurant.

Senator JACKSON. Where is that located?

Mr. JOHNSON. In Silver Spring.

Senator JACKSON. What do you do?

Mr. JOHNSON. I am a cook, and do a little general work around.

Senator JACKSON. Are you now a member of the Communist party?

Mr. JOHNSON. I decline to answer that question on the basis of my privilege under the Fifth Amendment.

Senator JACKSON. Have you ever worked for the United States government?

Mr. JOHNSON. No. I never worked for the government.

Senator JACKSON. Did you ever work for any government agency, local, state, or other, or city or county?

Mr. JOHNSON. I never worked for them.

Senator MUNDT. Did you ever work for any of the cafeterias or restaurants in government buildings?

Mr. JOHNSON. I worked extra a short while in one of the government buildings.

Senator MUNDT. Which one? In a restaurant?

Mr. JOHNSON. In a restaurant; yes.

Senator MUNDT. Which building?

Mr. JOHNSON. Bolling Field.

Senator MUNDT. How long did you work there?

Mr. JOHNSON. I am not certain. It was a short while; probably ten or fifteen days, extra work.

Senator JACKSON. For the officers' club or for the government directly?

Mr. JOHNSON. I don't recall whether it was the officers' club or the government directly.

Senator JACKSON. Were you paid by government check?

The CHAIRMAN. Do you have any brothers or sisters who are working for the government?

Mr. JOHNSON. Do I have any brothers or sisters working for the government? No, not to my knowledge. I don't have any brothers.

The CHAIRMAN. Does your wife have any brothers or sisters working for the government?

Mr. JOHNSON. No.

The CHAIRMAN. I have no further questions.

I think you had better have him over at 318 in case we want to call him.

Mr. CARR. That is all, Mr. Johnson.

[Witness excused.]

The CHAIRMAN. Will you raise your right hand, sir, and stand up if you will. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. BELTON. I do.

**TESTIMONY OF LAMUEL BELTON (ACCOMPANIED BY HIS
COUNSEL, JOSEPH FORER)**

The CHAIRMAN. You understand that you can consult with your lawyer at any time you want to before you answer any questions.

Mr. BELTON. Yes, sir.

The CHAIRMAN. Do you know Annie Lee Moss?

Mr. BELTON. No, not that I recall.

Mr. COHN. Did you ask Annie Lee Moss to join the Cafeteria Workers Club?

Mr. BELTON. Beg pardon?

Mr. COHN. Did you ask a woman named Annie Lee Moss to join the Cafeteria Workers Club?

Mr. BELTON. I don't recall knowing a lady by the name of Annie Lee Moss.

Mr. COHN. Did you have any connection with the Cafeteria Workers Club?

Mr. BELTON. What do you mean when you say Cafeteria Workers Club?

Mr. COHN. Did you ever hear of anything called the Cafeteria Workers Club? Were you not the chairman of the Cafeteria Workers Club?

Mr. BELTON. I was chairman of the education committee, but I don't remember.

Mr. COHN. I am talking about the Cafeteria Workers Club of the Communist party.

Mr. BELTON. No, that I refuse to answer under my privilege under the Fifth Amendment, not to be a witness against myself.

Mr. COHN. Well, now, when I spoke the words "Cafeteria Workers Club," did that mean anything to you?

Mr. BELTON. That, I refuse to answer.

Mr. COHN. Were you answering honestly when I asked you the question and you did not recall anything about it when I asked you about the Cafeteria Workers Club and whether you were a member of it and you did not seem to know what I was talking about? Was that an honest answer?

Mr. BELTON. I refuse to answer that for the same reason I just gave.

Mr. COHN. You will not tell us whether that was an honest answer? I asked you a little while ago and the first question was about the Cafeteria Workers Club and whether you asked a lady to join that and I asked you if you were a member of it and your answer was to the effect you did not know anything about the Cafeteria Workers Club. Now, was that an honest answer?

Mr. BELTON. That I refuse to answer.

[The witness consulted with his counsel.]

The CHAIRMAN. Will you have the witness over in room 318?

Senator JACKSON. For the record, I do not think you asked his name.

Mr. FORER. Do you want to answer the last question?

Mr. BELTON. I am confused. I thought you were speaking of one of the things in the union.

Mr. FORER. There is a Cafeteria Workers Union.

Mr. COHN. Was the Cafeteria Workers Union under Communist domination?

Mr. BELTON. That I can't say, and I don't know who was in the union. We have got about three thousand members in that.

Mr. COHN. Was that union under Communist domination?

Mr. BELTON. That I refuse, and that I can't say, and I don't know who is running that.

Mr. COHN. At the time you were connected with that union, were you chairman of the Cafeteria Workers Club of the Communist party?

Mr. BELTON. That I refuse to answer.

Mr. KENNEDY. Have you ever heard of the Cafeteria Workers Club? Have you ever heard of it?

[The witness consulted with his counsel.]

Mr. BELTON. That, as I say before, I refuse to answer for the reason I gave before.

Senator JACKSON. Did you give his name?

Mr. COHN. What is your name?

Mr. BELTON. Lamuel Bolton.

Senator JACKSON. What is your present occupation?

Mr. BELTON. Right now, I don't know how long it will be, when you all get through. I won't have a job, I guess, but right now I am baking at the S&W Cafeteria, as of this morning.

Senator JACKSON. You are a baker?

Mr. BELTON. Yes.

Senator JACKSON. Do any of your family work for the government?

Mr. BELTON. No.

Senator JACKSON. How long have you been a baker at the S&W Cafeteria?

Mr. BELTON. I have been working at the S&W for almost nineteen years, up to date.

The CHAIRMAN. We will recess.

[Whereupon, the committee recessed at 10:45 a.m.]

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

MONDAY, MARCH 1, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

[On March 1, 1954, Private David LaPorte Linfield and Mr. Sidney Rubinstein testified in executive session during hearings held by the Senate Permanent Subcommittee on Investigations on Army Signal Corps—Subversion and Espionage. This testimony was made public on March 2, 1954, by members of the subcommittee and was published as part 9 of the subcommittee's hearings on *Army Signal Corps—Subversion and Espionage* (Washington, D.C.: Government Printing Office, 1954). Private Linfield had also testified in executive session on December 16, 1953.]

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

[EDITOR'S NOTE.—At a public session on the morning of March 10, 1954, Peter A. Gragis (1913–2001) identified Harriman H. Dash (1910–1993) as a member of a Communist cell at the Federal Telecommunications Laboratory in New Jersey, and also at Local 231 of the Federation of Architects, Engineers, Chemists, and Technicians. Dash testified in response but also asked for an executive session. Senator McCarthy responded that “you may not like the way the committee proceeds. That is up to us to decide. It is very important for the public to know the extent of Communist infiltration over the past number of years. The public cannot get that information if we take a written statement from you in a darkroom down here.” “Why not?” Dash asked. After some additional exchange, the chairman agreed to hear Dash's testimony in executive session that afternoon.]

WEDNESDAY, MARCH 10, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 3:30 p.m., pursuant to notice, in room 357 of the Senate Office building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Stuart Symington, Democrat, Missouri.

Present also: Roy M. Cohn, chief counsel; Robert Francis Kennedy, chief counsel for the minority; Francis P. Carr, staff director; Daniel G. Buckley, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. We will proceed.

Mr. COHN. Let us start this way: Is there anything you want to say first?

TESTIMONY OF HARRIMAN H. DASH (PREVIOUSLY SWORN)

Mr. DASH. Yes, definitely.

Mr. COHN. I figured there was.

Mr. DASH. I wish to apologize to this committee for some of the comments. I didn't at the time realize that it would appear as filibustering. I have been told and I heard comment that that is what it was. It was never my intention, and I shall try not to inject any opinions and stick to the facts in the situation.

My intention in coming before this committee is to tell the truth and nothing but the truth.

The CHAIRMAN. Let me say, I realize that a witness gets nervous when he comes before a committee for the first time, and I don't blame you at all for it.

Mr. DASH. If the committee wishes to know what my thoughts were at the time, I was quite distraught. As I say, I have always

feared economic repression for the stigma of having been a Communist.

Last night I heard that Gragis and Saunders had been dismissed from their jobs. I have since learned this morning from the FTL representative that Saunders was not dismissed, but was suspended. It made me feel much happier, I assure you. I realize now that the protection of this committee will be offered to me.

Mr. CARR. Mr. Dash, I don't believe we got very far this morning in your general background.

Mr. DASH. Am I supposed to be under oath or not?

Mr. CARR. You were sworn this morning.

You joined the Communist party in what year?

Mr. DASH. I joined, to the best of my recollection, around 1933 or 1934.

Mr. CARR. And you were active until when?

Mr. DASH. I was active until 1939 at which time I dropped out.

Mr. CARR. And your dropping out in 1939 consisted of dropping out of active participation in club activities?

Mr. DASH. Not directly. At that time they were thinking of setting up small groups so that they would be able to participate in activities without being detected. That small group never materialized, and I dropped away.

Mr. CARR. And so you just dropped out of active participation?

Mr. DASH. Yes, sir.

Mr. CARR. But you maintained your contacts with Communist party members?

Mr. DASH. I didn't maintain any contacts, sir, and I can't say that my ideology wasn't Communist.

Mr. CARR. Then you became active again in 1947?

Mr. DASH. I became active again in 1947; and the reason at that time during the testimony I wasn't quite clear, it wasn't at FTL that I joined because for a brief period in 1947, at a housing development in Rowville, where I got an apartment, I joined a cell and remained in that cell for a short period of time.

There again I did it because I felt under an obligation to the administrator of that housing project.

Mr. CARR. Now, to keep this as brief as possible, concerning this past activity, you joined the Communist party in 1933 when you were employed at the Bellevue Hospital in New York City?

Mr. DASH. That is right, sir.

Mr. CARR. There was an organized cell there at that time?

Mr. DASH. At that time there was; it was called a branch, and as I recollect there were about five or six people in it.

Mr. CARR. Now, the persons in this cell at Bellevue Hospital, were any of those government employees at the time, or were they all city employees?

Mr. DASH. To my recollection, I don't know what the employees were. They must have been employees of the hospital, undoubtedly.

Mr. CARR. Which is a city hospital?

Mr. DASH. Which is a city hospital. And so I take it they must have been employees of the city. I myself was not an employee of the city.

Mr. CARR. Have you given Mr. Buckley the names of as many of these people as you can remember?

Mr. DASH. Whatever I recollect of that time, I gave Mr. Buckley.

Mr. CARR. It is true then that the only name you could recall was a woman intern named Sturges?

Mr. DASH. That is correct.

Mr. CARR. At that time there were possibly two nurses, a couple of doctors, and then others were hospital maintenance people?

Mr. DASH. To the best of my recollection, that was the make-up of it.

Mr. CARR. Then, briefly, again, between 1934 and 1937, you worked on a WPA project?

Mr. DASH. That is right.

Mr. CARR. That is when you first joined the Federation of Architects, Engineers, Chemists, and Technicians?

Mr. DASH. During the years 1934 and 1939, I was in the Federation of Architects organization, and they had what was known as a Communist party faction. That is what it was called at that time.

Mr. CARR. Now, were you active in the Communist party faction of the FAECT?

Mr. DASH. Yes, I was.

Mr. CARR. Was that faction in which you were active entirely dominated by the Communist party?

Mr. DASH. Yes, it was dominated by the Communist party.

Mr. CARR. How about the—

Mr. DASH. It was known as a Communist party faction.

Mr. CARR. How about the whole organization, the whole union?

Mr. DASH. The union, as such, was not a Communist party organization, but the leadership, a good part of the leadership was Communist party leadership.

Mr. CARR. Now while you were working for the government—

Mr. DASH. I would like to distinguish facts because when I say "Communist party" I don't know actually which people hold cards, because they also hold open meetings. Those people that you know hold cards are those people who work with you at the various places, that I have worked at.

Mr. CARR. While you were working for the WPA, during this period of time, you knew two other chemists who were Communist party members, is that right?

Mr. DASH. That is right, sir.

Mr. CARR. And their names were?

Mr. DASH. Michael Kausner and Sigmund Cuttner, to the best of my recollection.

Mr. CARR. Now this WPA project was located at the Central Testing Laboratories—

Mr. DASH. That is right.

Mr. CARR [continuing]. On Canal Street, 480 Canal Street, New York City?

Mr. DASH. That is right.

Mr. CARR. Now these are the only Communists you knew in the WPA at the time you were active?

Mr. DASH. That worked with me and I knew that they were.

Mr. CARR. Now, were they members of your particular cell, or did you know them from some other more broader contact?

Mr. DASH. No, they were members of this faction that I indicated. But I knew them to have cards because I saw them daily and I saw their cards; and they knew me to be a Communist.

Mr. CARR. Do you know whether or not they are still employed by the government in any way?

Mr. DASH. No, sir, I do not.

Mr. CARR. You haven't had any contact with them in recent years?

Mr. DASH. No, sir.

Mr. CARR. This WPA cell was it fifteen or fourteen members, or how large was the cell?

Mr. DASH. The faction varied from time to time. At one time it was something like twenty-five of them and at another time something like 150.

Senator SYMINGTON. What year was this?

Mr. DASH. Over the years, as I said, from 1934 to 1939. It was 1935. It is so far back, sir, that my recollection of the exact date is almost an impossibility. But between the years 1935 to 1939 was when I participated in that faction.

Mr. CARR. Now, following that you left government employment?

Mr. DASH. Well, no, after I left Central Testing Laboratories, I did work for a short time at Fordham University which was also a WPA project.

Mr. CARR. Now, you remained there until 1939?

Mr. DASH. Roughly, that is correct.

Mr. CARR. While you were working with WPA at Fordham University, were there any other persons employed or receiving money from the government who were known to you to be Communists?

Mr. DASH. There was one person there who was known to me to be a Communist and his name was Maurice Shiller.

Mr. CARR. He is the only Communist you knew during that period that was employed in the WPA project?

Mr. DASH. A member having a card, that is correct.

Mr. CARR. Now, after that, after that period, in September of 1939, you left the government employ?

Mr. DASH. That is right.

Mr. CARR. You were no longer with the WPA and that is when you accepted employment with the testing laboratories at the Consumers Union?

Mr. DASH. That is correct.

Mr. CARR. Now, can you tell me what employment Maurice Shiller has today?

Mr. DASH. Yes. Well I can tell you up until the time of 1950, I believe, because after I left FTL I went to visit him, and he had a paint manufacturing place.

Mr. CARR. He is not employed by the government?

Mr. DASH. At the time I saw him at that time, no. I have not had any contact with him since 1950.

Mr. CARR. In 1950.

Mr. DASH. I did see him for a short period of time to try to establish a business relationship with him, and I tried to go to work for him.

Senator SYMINGTON. I was not paying proper attention, but who was it that you tried to establish a business relationship with?

Mr. DASH. This is Mr. Shiller, I went to see him, and for a short period of time I worked in his lab there. And at that time I did not know whether he was or was not a Communist; I strongly suspected he was not and that he had also dropped his connections. I had not discussed it with him at the time.

Mr. CARR. But he was not employed or connected with the government in any way at that time?

Mr. DASH. No, sir, not that I know of.

Mr. CARR. And this firm that he was operating, you have given Mr. Buckley what details you can remember concerning that?

Mr. DASH. I don't recall whether I gave it to Mr. Buckley. But as we discuss it now those are the details, sir.

Mr. CARR. The Consumers Union for which you worked, beginning in September of 1939 has been cited as a Communist front since that time, in 1944. Were there other Communists employed with you at the Consumers Union?

Mr. DASH. There was no cell that I knew of, sir; but I had known two members to have attended that Communist party faction in the union, and now whether they held cards or not I do not know. If you care to have their names. That is, Carl Mataneek, and the other one was Sidney Wang.

Mr. CARR. You have given their latest addresses and background concerning them to Mr. Buckley, to the best of your recollection?

Mr. DASH. I have had no contact with them since that time, whatsoever, except Mataneek had visited my house at one time in Levittown and said he was interested in getting a home there. And I was polite to him and I showed him the house; and he left there for that time.

Senator SYMINGTON. Have you resigned from the Communist party yet?

Mr. DASH. Since 1950, sir, I have had no contact with the Communist party; and there have been occasional contacts with people that I had known in the past, and that is a natural consequence.

Senator SYMINGTON. When did you turn your card in?

Mr. DASH. We did not have a card, at the FTL local, or cell.

Senator SYMINGTON. How did you know you were a member then?

Mr. DASH. Just by mutual agreement between the people.

Senator SYMINGTON. Did you pay dues regularly?

Mr. DASH. I paid dues, and I had attended rather sporadically myself.

Senator SYMINGTON. How much did you pay?

Mr. DASH. Sir, I don't recollect the exact amount, but I think in my case it was something like \$2 a week.

Senator SYMINGTON. A week?

Mr. DASH. Yes, and it is very vague as to whether that was on appropriate basis or not, or whether everybody paid the same amount.

Senator SYMINGTON. To whom did you pay your dues?

Mr. DASH. Well, there was a treasurer in the group for awhile, and I remember Mr. Gragis being treasurer.

Mr. CARR. That is the gentleman that testified this morning.

Senator SYMINGTON. When did you go to the FBI?

Mr. DASH. I didn't go to them, they came to me.

Senator SYMINGTON. When did you decide you were going to confess?

Mr. DASH. When the FBI came to me, and talked to me; I do not know for what reason they came to me, but when they came to me I was very reluctant to tell them anything, again because of the fear of being exposed as having been one. And then I realized that I would only be compiling perjury on top of perjury. And I realized the gravity of the situation, and as I said this morning that I could not possibly—

Senator SYMINGTON. Did you decide to say you were perjuring yourself before Mr. Gragis had gone to the FBI or afterwards?

Mr. DASH. I didn't know that anybody had gone to the FBI, sir.

Senator SYMINGTON. You didn't know that Mr. Gragis had confessed his membership in the party at any time?

Mr. DASH. No, at any time.

Senator SYMINGTON. Before you decided to confess or say you perjured yourself?

Mr. DASH. That is right, and as a matter of fact Mr. Saunders tells me now that there had been open testimony, and I didn't even know about it. And he told me that yesterday.

Mr. CARR. But you were visited by the FBI during February after you had been subpoenaed?

Mr. DASH. If you want me to give you the details of how it occurred—

Senator SYMINGTON. Just answer the question.

Mr. DASH. Yes, they visited me after I was subpoenaed.

Mr. CARR. And before that you had no contact with them?

Mr. DASH. That is correct.

Mr. CARR. The decision to cooperate with the FBI came at the time they visited you?

Mr. DASH. That is right, they came right at the time, and as a matter of fact, as I said, I was very reluctant; and I let them go out of the house without telling them, and without confessing to them; and I went out after them and called them back.

Mr. CARR. Now, following your employment by the Consumers Union, you were drafted into military service?

Mr. DASH. That is right, I was drafted; and I served in the army from 1942 to 1946.

Mr. CARR. And you were finally discharged as a lieutenant?

Mr. DASH. I was discharged as a captain in 1946, that is correct.

Mr. CARR. All of the time you were in the army, did you maintain your membership in the Communist party?

Mr. DASH. No, sir, I had no connection with the Communist party whatsoever during that time at all.

Senator SYMINGTON. What did you say when you signed that thing about your question did you ever belong to an organization, subversive organization?

Mr. DASH. I don't recollect, sir; but I must have denied belonging to any subversive organization.

Senator SYMINGTON. You perjured yourself as far back as 1942.

Mr. DASH. Even before then, because I tried to get jobs; wherever I went, I did not want to be known as a Communist for economic purposes.

Mr. CARR. Wasn't it also for the purpose of the Communist party that you didn't want to be known as a Communist; wasn't that a policy of the Communist party that your identity as a Communist not become known?

Mr. DASH. No, because—at times yes, and at times no. In the Bellevue cell, that is correct. In the faction of the Communist party, in the union, that was not so. There people were known as Communists, generally; we invited people who were not known to be Communists, and they all came to that meeting. Unless you worked with somebody and you knew that he carried a card, factually speaking, those are the people who were Communists.

Mr. CARR. Now, concerning your leaving the Communist party, Mr. Dash, isn't it known to you that following and in 1948 there were no party membership cards and no obvious registration and for you to leave the party merely meant that you disassociated yourself with Communists in your group. Isn't it true that you just dropped out of activity rather than making any formal statement?

Mr. DASH. That is right, and I never held any card in the FTL, and there was no card from the time I joined and the time I left; and I didn't have to give up any card.

Senator SYMINGTON. How can you prove to us that you were a Communist?

Mr. DASH. I couldn't prove to you, except if somebody else testified, knew that I was, and was with me and present at the time.

I would have no way of proving it, sir, and if I wanted to prove to another Communist that I was a Communist, I would not be able to do it unless he knew somebody else who knew me as a Communist.

Mr. CARR. Your only purpose now in telling this is to get the record straight as far as you are concerned?

Mr. DASH. As far as I am concerned, I am here to tell the truth. I have no other intention whatsoever.

Mr. CARR. Now, to skip over some of this time and get to when you first went to the Federal Telecommunications Laboratory, when was that?

Mr. DASH. I am sorry, I didn't get that.

Mr. CARR. When did you first get employment with the Federal Telecommunications?

Mr. DASH. I got employment in 1947, sometime in 1947.

Mr. CARR. You have explained how you happened to go back into the party at that time, this morning, and was it through Harry Hyman that you realized yourself with the party in active membership?

Mr. DASH. Yes, the actual situation was that I went to the union, and people who had known me formerly as a Communist introduced me to him. They didn't tell me that he was a Communist, but just introduced me to him. He must have known that I was because they must have known, and they must have told him that I had been. And he said that there may be a job at FTL several weeks later, and there was.

As I say, I think, if the right man, who wasn't a Communist, came along at the time, he probably would have gotten the job, too.

Mr. CARR. But you did begin to associate yourself with the cell in which Harry Hyman was active among employees of FTL.

Mr. DASH. He asked me to attend; I don't think I attended immediately, it must have been several weeks, or a few months, after I started to work at FTL.

Senator SYMINGTON. When you say, therefore, in a hearing this morning that you were in the party and out of the party and back in the party, how could you define going back into the party? Did you start paying dues again?

Mr. DASH. I started paying dues again.

Senator SYMINGTON. That would be the criteria, would it?

Mr. DASH. The criteria, that is right, sir. The criteria of being a party member is you have to in one way or another associate with a group of party members and pay dues, otherwise you are a party unto yourself, which I don't know what meaning that has.

Mr. CARR. When you went back to FTL and back to the party did you know anybody in the personnel department of FTL who was a Communist?

Mr. DASH. No sir, absolutely not.

Mr. CARR. Did you know the personnel director, Mr. Warner?

Mr. DASH. He wasn't the personnel director, he was director of the technical section that I worked for; I hadn't known him before I went to FTL at all.

Mr. CARR. Did you know him to be a Communist?

Mr. DASH. No sir, it would be a surprise to me. I had heard certain rumors, and these are purely rumors and they are not facts, that I wouldn't know anything about. I heard talk that he had served in the Spanish Civil War on the side of the Loyalists.

Senator SYMINGTON. Who did you pay your dues to when you went back into it?

Mr. DASH. I remember paying dues to Gragis, and I don't remember paying dues to anybody else.

Senator SYMINGTON. You paid dues to him before, and then you paid dues to him after you were in the army?

Mr. DASH. I am sorry, sir, I didn't get your question.

Senator SYMINGTON. You paid dues to him before, and then you paid dues?

Mr. DASH. Before, when?

Senator SYMINGTON. Before 1942?

Mr. DASH. No. I hadn't known Gragis until I entered the cell at FTL.

Senator SYMINGTON. Who did you pay your dues to before?

Mr. DASH. Before when?

Senator SYMINGTON. Before you left the party?

Mr. DASH. That was back in 1939, and in this Communist party faction there was a treasurer there that I must have paid dues to; I can't remember.

Senator SYMINGTON. So you started paying this Gragis when you went back, when you went to FTL, is that right?

Mr. DASH. When I went there, Gragis was the treasurer and he was the one I paid to. I hadn't known any of those people from previous years.

Senator SYMINGTON. Just as a matter of interest, what was the job that Hyman held in the company?

Mr. DASH. The job that Hyman held in the company, I don't know what job he held in the company because his job was union

president, and I think the company gave him, by right of the contract, I believe, the time to function, on company time, as union president. Now, I couldn't be quite certain that that was the situation, but I do know he spent a lot of time on union activity.

Senator SYMINGTON. And you also know he was the head of the Communist party in the plant?

Mr. DASH. He was the head of the cell, and he was also the head of the union. As a matter of fact, if I remember correctly, he was president of the local.

Senator SYMINGTON. How do you know he was the head of the Communist cell?

Mr. DASH. He was known as the chairman of the cell.

Senator SYMINGTON. And you would meet and he would take the chair?

Mr. DASH. That is right.

Senator SYMINGTON. And he ran the show?

Mr. DASH. Just like any other organization, sir, it would be purely a cell office.

Senator SYMINGTON. He didn't keep anything in writing?

Mr. DASH. There were no records at all. I believe that Gragis may have given us receipts, if I recollect; if anything they had our initials only on it, and no other identification.

Senator SYMINGTON. Say that again, I didn't get that!

Mr. DASH. He may have given us receipts, and he may have kept records; I don't recollect now whether I received them or not. But if I did they would only contain an initial, and they wouldn't contain any identification with respect to its being dues for the Communist party.

Mr. KENNEDY. What sort of things did you discuss at these meetings?

Mr. DASH. At the meetings primarily, the discussion was how to participate in the union activities, and how to keep control of the union, and what the union would do with relation to grievances, and so on. It seemed a little stupid to me to take up so much time for them to discuss it when they could do that right actually in the union, but apparently it was necessary because there were other people in the union who were against Commies, and at all times trying to take over the leadership.

Mr. CARR. Would it be fair to say it was the prime object of your cell at FTL to maintain the Communist control of the union and keep Hyman in charge of the union?

Mr. DASH. Not necessarily keep Hyman, but to keep the union under the control of the Communists, I would say that was the prime thing.

Senator SYMINGTON. Did you ever discuss the importance of the Communists because of being in that type and character of work?

Mr. DASH. I am sorry, I don't get the question.

Senator SYMINGTON. The FTL was manufacturing a good deal of signal equipment and so forth for the IT&T. Was it the idea of the cell that it was important to be in communications and signal work as an especially good thing to have a cell in, or were you just Communists because it was the job there?

Mr. DASH. The job was there, that was all.

Senator SYMINGTON. How about Hyman? Did he ever give you any inkling he was an espionage agent of any kind?

Mr. DASH. No, sir, if there was any such thing, it was not to my knowledge.

Senator SYMINGTON. Do you know any way of any kind directly or indirectly whether there was any espionage in the FTL of any kind whatever?

Mr. DASH. No, sir. I do not know of any.

Mr. KENNEDY. Mr. Dash, did you discuss national affairs, in these cell meetings?

Mr. DASH. Yes, we discussed the political issues of the day, and we received literature in the terms of political affairs, and if you go back on the record as to what political affairs contained at that time, those are the things that we discussed. We also received the *Daily Worker* and I remember having copies of the *Daily Worker* to give to a few people in the company. That is the extent of the activities.

Mr. KENNEDY. You discussed Russia, I suppose, did you not, and her relationship to the United States?

Mr. DASH. Generally, what we discussed was the question of the war, inevitability of the war and whether it was inevitable or not inevitable, and it was felt that war was not necessarily to come and the efforts of the group were directed to maintenance of peace as they saw it.

Mr. KENNEDY. Did you discuss what your position should be in case a conflict came between the USSR and the United States?

Mr. DASH. Well, yes, at times we did, and it was felt very definitely that people who would be in the party would definitely be subversive elements and they would know definitely that they were.

Mr. KENNEDY. And you were supposed to work for the interests of Russia rather than the United States?

Mr. DASH. That wasn't discussed at all.

Mr. KENNEDY. But it was taken for granted that you were to work for the interests of Russia.

Mr. DASH. I imagine everybody who was there, on their own had their own opinions about that.

Mr. KENNEDY. Why was it that you were going to wait until the time of conflict or war came before you would help Russia?

Mr. DASH. I never considered that I would help Russia if war came.

Senator SYMINGTON. How did you discuss being a subversive if you did not discuss that you would help the people running the show in Russia. What would be the concept of subversive if it was not to help the Soviets?

Mr. DASH. The concept of subversive naturally or subversion naturally would be that if the time ever came, subversive activities would be discussed. But it never was at that time.

Senator SYMINGTON. You say you never discussed any subversive activities?

Mr. DASH. We never discussed any.

Senator SYMINGTON. I thought you said—

Mr. KENNEDY. I am sure if we look back on the record, I am sure you said that you all took it for granted that you would be subversive agents.

Mr. DASH. I said I realized that it would be subversive, and how the others felt, I do not know. I said each one had his own individual feeling.

Mr. KENNEDY. Now, you did not.

Mr. DASH. Well, read it, sir. That is what I meant, if I—

Senator SYMINGTON. What do you mean by "subversive," and if you felt you would be subversive, what did you mean by that?

Mr. DASH. Well, by subversive, if anybody wanted to help the Soviet Union, while the United States was at war with the Soviet Union, that would actually be treason and to my mind it just couldn't be. You would have to be a spy agent.

Senator SYMINGTON. You did not feel you were subversive?

Mr. DASH. At the time I didn't feel subversive because I wasn't engaging in any kind of espionage, and I never intended to.

Senator SYMINGTON. Did you ever feel you would be a subversive?

Mr. DASH. That is right.

Senator SYMINGTON. You were sort of a Communist for fun, is that right?

Mr. DASH. No, I wasn't a Communist for fun. I was a Communist for these other issues that we had talked about.

Senator SYMINGTON. What other issues?

Mr. DASH. The issues as I said, the political issues of the day, the questions of fighting for peace, as the Communists saw it and the question of union activities.

Senator SYMINGTON. You thought that you could improve your position in this country, as a Communist and at the same time keep away from international communism, is that right?

Mr. DASH. That is right.

Senator SYMINGTON. Did you really feel that way?

Mr. DASH. Yes, sir, I felt at the time, I felt that way, sir, and I would never engage in any espionage, and I never did and I never would and I never intended to. There is no question about that, sir, there was no espionage activities going on.

Mr. COHN. You realize handling classified material—

Mr. DASH. Yes, definitely.

Mr. COHN [continuing]. And other Communists were around there handling it that whereas you might have high principles and not want to engage in espionage, the others could?

Mr. DASH. That is correct, sir, and if that ever happened I don't know. It was never my intention to engage in any kind of espionage, and I never did, and I wrote confidential reports and I might say that the security regulations were pretty lax, and they were definitely quite lax at the time.

Senator SYMINGTON. What was your job in the company?

Mr. DASH. I was chief analytical chemist and I had a chemical laboratory under my jurisdiction, and I wrote a number of confidential reports for the company.

Senator SYMINGTON. What kind of a chemist were you?

Mr. DASH. As I say, I was chief analytical chemist.

Senator SYMINGTON. Where did you get your training?

Mr. DASH. I got my training, my undergraduate training was at the College of the City of New York, and I had attended Columbia for some defense training courses.

Senator SYMINGTON. What degree did you get in chemistry?

Mr. DASH. I got the B.S. in chemistry.

Senator SYMINGTON. From where?

Mr. DASH. From the College of the City of New York.

Senator SYMINGTON. From the College of the City of New York?

Mr. DASH. Yes, sir, and then I also would have a certificate from Chicago University.

Senator SYMINGTON. And you would write confidential reports?

Mr. DASH. Did I write confidential reports?

Senator SYMINGTON. Yes.

Mr. DASH. Yes.

Senator SYMINGTON. About what?

Mr. DASH. About the work we were doing in the laboratory, and it involved dielectric materials or improvement of cable materials and improvement generally of plastics.

Senator SYMINGTON. How could they be confidential, if you write a dielectric material report about the dielectric strength of materials and how could that be confidential?

Mr. DASH. Well, maybe, I am not using the term "confidential" correctly.

Senator SYMINGTON. The word "confidential" means classified.

Mr. DASH. Yes.

Senator SYMINGTON. I am sort of interested in that.

Mr. DASH. I mean after the report was written and sent up to the release section, it was stamped confidential.

Senator SYMINGTON. Was it confidential because you did not want your competitors to get a hold of it, or was it confidential because you thought it had military secrets in it?

Mr. DASH. Was it company confidential, you mean?

Senator SYMINGTON. Yes.

Mr. DASH. That is the thing that I cannot distinguish. To the best of my recollection, it did not have a stamp on it saying, "Property of the United States Government."

Senator SYMINGTON. Suppose you are testing one material and it has a dielectric strength of something and then you test another one and it has a dielectric strength of more. Is that what you were doing?

Mr. DASH. And you write up a report.

Senator SYMINGTON. Which one has the most dielectric strength, is that right?

Mr. DASH. No, these reports were under government contracts.

Senator SYMINGTON. What is that?

Mr. DASH. Under government contracts.

Senator SYMINGTON. Suppose under government contract this has more than that, and what is confidential about that?

Mr. DASH. Well, to my mind the information wasn't too valuable to be under a classified nature, but the report as finally issued was stamped "confidential."

Senator SYMINGTON. Have you any of those reports around?

Mr. DASH. Do I have any of those reports?

Senator SYMINGTON. Yes.

Mr. DASH. No, sir, I do not have any of those reports.

Mr. KENNEDY. You are under oath now, Mr. Dash, you realize that.

Mr. DASH. When you say do I have any reports, I have given whatever I had to the FBI.

Senator SYMINGTON. Did you have any that showed what was confidential in classifying materials for dielectric strength in the laboratory?

Mr. DASH. I did confidential reports and if you wish I will describe what those are.

Senator SYMINGTON. We will get those, but you gave those to the bureau?

Mr. DASH. I gave those to the bureau, yes. They were only my own work and they dealt with my own work and that was what I had, and I kept them merely as evidence of my own work.

Mr. KENNEDY. Mr. Dash, as I say, you realize that you are under oath now.

Mr. DASH. Yes, sir, I realize that.

Mr. KENNEDY. At these cell meetings, did you discuss Russia at all in relationship to the United States?

Mr. DASH. We must have, but what we said about it I don't remember.

Mr. KENNEDY. You do not remember at all what you discussed about Russia?

Mr. DASH. That is right. I remember on one or two occasions saying that if the United States would go to war with Russia and if we maintained our Communist party membership we would definitely be subversive.

Mr. KENNEDY. Then, you were not telling Senator Symington the truth when you said that was just what you thought but it was never discussed at these meetings, and now you said that under oath.

Mr. DASH. That is what I thought and that is what I said at the meeting.

Mr. KENNEDY. That was said at these meetings, is that correct?

Mr. DASH. That is what I said, and whether the others agreed with me or not, I do not know what their sentiments were and they must have expressed them.

Mr. KENNEDY. You got up at a meeting and said that in case of war you and your fellow members of the Communist party would become subversive, is that correct?

Mr. DASH. Definitely, and I never intended to be a subversive, and I wouldn't.

Mr. KENNEDY. You said at these meetings that you would become a subversive?

Mr. DASH. I didn't say that, now, you see, I didn't say that I would become one, I said that if I would consider maintaining membership under those conditions, I would consider myself a subversive, and now I don't intend to do that, and I never did.

Mr. KENNEDY. But you said—or why did you feel that the Communist party would be subversive?

Mr. DASH. Well, undoubtedly if they are going to help an enemy, they will be subversive, and if Russia is going to be the enemy, they are going to be subversive.

Mr. KENNEDY. If you never discussed Russia at these meetings, Mr. Dash, why did you feel that the Communist party was going to help Russia?

Mr. DASH. I didn't say that the Communist party was going to help Russia. It was general discussion around that question and it was, what can we best do to maintain peace, and that was the whole thing.

Mr. KENNEDY. Why did you feel that the Communist party would become subversive in case of time of war?

Mr. DASH. Because I can't see your being a Communist and trying to help an international Communist organization, and not be subversive.

Senator SYMINGTON. Do you not see how you are denying yourself, and you just said that your interest in communism was national, and now you say that you cannot see how you would be a Communist without helping an international organization.

Mr. DASH. I wasn't interested in doing that.

Senator SYMINGTON. All we want to know or do is to help you to get the record straight but I must say I am trying hard to follow you and it is pretty hard.

Mr. DASH. If we should ever reach that point, that is when I would have considered myself, but we never reached that point and I never would have maintained any membership under those conditions.

Senator SYMINGTON. As Mr. Kennedy pointed out, that is what you told the people would be the situation if you did reach that point.

Mr. DASH. That is right, and I don't know whether any of them would want to keep any membership in any such kind of an organization, and I know I wouldn't, and I didn't.

Mr. KENNEDY. How could you reach the conclusion that you would become subversive if you never discussed Russia? And why did you feel that the Communist party in the United States was an arm of Russia?

Mr. DASH. I don't know that it is an arm of Russia, sir.

Mr. KENNEDY. Now, Mr. Dash, be frank with us, and it is a waste of time if you are not going to tell us the truth.

Mr. DASH. I am giving you actually as I see it and as—

Mr. KENNEDY. You are not. Obviously, you are not, Mr. Dash.

Mr. DASH. Well, if you make your question clear, I will be glad to answer it.

Senator SYMINGTON. I would say the last thing in the world we want to do is badger you about it, but as long as you have confessed that you have committed perjury, that is that. For what it is worth, that is it. Now, in these various degrees of your interest, you seem to be denying yourself. What we want to know is whether or not these people in this cell and in this particular plant, were interested in becoming a subversive organization or were subversive—

Mr. DASH. Definitely not, sir.

Senator SYMINGTON [continuing]. Which was interested in helping Russia. As I understood it, you said that you definitely were not and that you were just interested in bettering conditions in America, but the questions that you answered of Mr. Kennedy you

seem to completely belie that position that I had formed with respect to your opinion.

Mr. DASH. Maybe, that is a misinterpretation, sir.

Mr. KENNEDY. I just have a problem and perhaps you can help it.

Mr. CARR. Perhaps I can clear it up. Mr. Dash, you made a statement a little earlier, before we got into this, which seems to lead up into this: First, that you seemed to discuss the problem of keeping the Communist control of the union, and that was the first thing that you said. You then said that you do not recall their discussing anything other than this union, and then you said, "Well, we had *Political Affairs* and we had *Daily Workers* come in." Now, is it not a fact that among or during the period between 1947 and 1948, or during this period that you were involved in this club, that you received the *Political Affairs* and you discussed the articles in the *Political Affairs* and you received the *Daily Worker* and you discussed the articles in the *Daily Worker* and now you said that you had never given too much thought to the practice of the Communist party in finding its place in industry?

Now, in these *Political Affairs* and in these issues of the *Daily Worker*, I am sure, and I think perhaps on your reflection, you can recall something about it, there were articles which talked about the Communist party's need for colonization in industry. Now, if there were such articles, you must have discussed them. If there were in *Political Affairs* articles concerning the so-called peace movement which was just beginning in late 1948, you would have discussed them. So that, at these meetings, you did discuss a variety of subjects concerning Communist party aims and immediate objectives. Is that not right? Did you not have somebody talk to you about these things, and somebody make a point of that?

Mr. DASH. There were discussions but never relating to what we would do if war came.

Senator SYMINGTON. Now, you mean you could sit down and discuss the *Daily Worker*, day after day, and week after week?

Mr. DASH. We didn't discuss it day after day.

Senator SYMINGTON. But you discussed it week after week?

Mr. DASH. Yes, that is right, on occasions.

Senator SYMINGTON. And you could discuss the *Daily Worker* and not talk about international problems and the relationship of America to the Soviet conspiracy and the Soviet conspiracy to America? What point of the *Daily Worker* did you look at if you discussed it at all and didn't discuss those problems?

Mr. DASH. We didn't read the *Daily Worker* at the place. It was just distributed.

Senator SYMINGTON. But you just said you discussed the *Daily Worker* in the meetings.

Mr. DASH. We must have discussed issues that were in the *Daily Worker*, sir, that is correct.

Senator SYMINGTON. If you discussed the issues in the *Daily Worker*, did you discuss only the issues in the *Daily Worker* that did not have to do with Soviet communism, and discuss the ones involved?

Mr. DASH. I don't know at this point. Right now, I don't recollect that there were such articles, sir.

Senator SYMINGTON. That is not fair, do you think? I have read the *Daily Worker*.

Mr. KENNEDY. Why did you get up in the middle of a meeting and make a speech that if war came the Communist party and members of the Communist party would be subversive, and did you just suddenly get up, and did that bright idea suddenly come to you and you got up and made a speech on it? That is the first time it had ever been discussed at any time?

Mr. DASH. I remember saying that only in relation to the sense that we could not possibly, or we should not and could not possibly, engage in such kind of activities.

Mr. KENNEDY. Now, Mr. Dash, that is not what you said. You originally said you got up and made a speech that the members of the Communist party would become subversives.

Mr. DASH. Then, it is purely a misinterpretation.

Mr. KENNEDY. Nobody said anything prior to that, and you got up and made that statement and sat down and no one made any comment on it?

Mr. DASH. My feeling is——

Mr. KENNEDY. Answer my question, Mr. Dash.

Mr. DASH. My feeling was at that time——

Mr. KENNEDY. I just wanted you to answer the question, and you said Russia was not mentioned and you got up and made the speech and no mention had been made prior to that and nobody mentioned Russia after that, and so that is it. Is that right? You just got up and made the speech, is that right?

Mr. DASH. We must have been talking about the question——

Mr. KENNEDY. That is what we are trying to find out.

Mr. DASH [continuing]. Of peace and war, and, as I say, all of the efforts were directed towards the peace issues. I remember distinctly having gotten up and said that we cannot possibly engage in any kind of subversion.

Mr. KENNEDY. Why was it even discussed? Nobody said anything about that, then, Mr. Dash.

Mr. DASH. I don't recollect what it was.

Mr. KENNEDY. I do not think that you can come into the committee and appear before it and have the chairman say, "I am not going to make any recommendations to the Department of Justice about your perjuring yourself," and then come in and not be truthful with the committee when you are selling us these facts. You are obviously not being truthful.

Mr. DASH. Perhaps, I don't understand you.

Mr. KENNEDY. Mr. Dash, I cannot believe that. You have a B.S. degree and you are a well-educated man.

Mr. DASH. What do you want me to answer?

Mr. KENNEDY. You know what we want to find out.

Mr. DASH. There was no conspiracy.

Senator SYMINGTON. We want you to answer what the truth is.

Mr. DASH. There is no conspiracy.

Mr. COHN. May I suggest, Mr. Chairman, that we let the witness think this all over and come back tomorrow?

Senator SYMINGTON. You might give him the record so that you can see where you have contradicted yourself.

Mr. DASH. Well, you virtually have got me convicted of conspiracy, and there is no element involved in it at all, sir.

The CHAIRMAN. The committee will now recess.

[Whereupon, the committee recessed at 4:20 p.m.]

AMERICAN CITIZENS BEHIND THE IRON CURTAIN

[EDITOR'S NOTE.—In 1953, Senator Charles E. Potter chaired a series of executive sessions and public hearings of the subcommittee on Korean War atrocities. The following year he extended the inquiry to cover American civilian and military personnel being held prisoners in Communist-controlled countries. After holding two days of executive hearings in March, the subcommittee anticipated holding public hearings, until the People's Republic of China announced that it had sentenced eleven American airmen and two American civilians. The subcommittee deferred further hearings pending action by the United Nations Assembly.]

WEDNESDAY, MARCH 3, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 10:30 a.m., pursuant to notice, in room 357, Senate Office Building, Senator Charles E. Potter (acting chairman), presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator Henry M. Jackson, Democrat, Washington.

Present also: Francis P. Carr, executive director; Donald F. O'Donnell, assistant counsel; Robert Francis Kennedy, counsel to the minority; Ruth Young Watt, chief clerk.

Senator POTTER. The committee will come to order.

The purpose of the executive informal hearing this morning is for the executive branch to be given an opportunity to aid us in a study which we have under way to determine the people that are being held behind the Iron Curtain against their will, both military people and civilians. Senator McCarthy, the chairman of this committee, has authorized me to act as chairman of this study, and I was so authorized in December of last year. It is not a subcommittee of the investigating committee, but it is the full committee study; and I have been authorized to act as chairman.

Now, as a result of the recent hearings that were held on the Korean War crime atrocities last December and also in January of this year, it was determined that about 11,500 plus American military personnel were captured by the Communists. Of that number, approximately 3,500 were returned in Little Switch and Big Switch.

The information that the military gave us indicated that we have fairly conclusive proof that approximately 5,000 American prisoners of war were murdered or died in Communist prison camps. This leaves approximately 3,000 that are still not accounted for.

Since the end of the fighting in Korea, there has been certain fragmentary reports that have been published in the press concerning Americans behind the Iron Curtain. I think probably, in order for you gentlemen to get a perspective of what we are trying to do, that we ought to relate to you some of the news accounts of Americans that are still behind the Iron Curtain. Following the citation of these news accounts we will ask you for whatever information you can give the committee.

Therefore, if Mr. O'Donnell will briefly review or read the news accounts that have come to our attention and those which have been published concerning Americans who were held behind the Iron Curtain against their will, we can proceed.

Mr. O'DONNELL. Of course we do not know the sources of the newspaper articles, and we have taken them for what value they may be able to serve.

As to American military prisoners, the exact number apparently being held behind the Iron Curtain countries is unknown. But the newspaper accounts originally carried the figure of around 944 Americans taken prisoner in Korea by the Chinese Communists. That is the number of Americans who have never been repatriated.

One of the articles breaks it down as follows, and this is back in December of 1952: air force, 312; marines, 19; navy 3; and army 610. Reportedly, most of these prisoners were technicians.

On February 5th of this year, a recent article appearing in the *U.S. News & World Report*, however, claims that on the basis of information supplied by the Department of Defense the figure of 944 has been scaled down to 80. Relative to civilian citizens in Iron Curtain countries, generally it has been estimated by the press that there are in the vicinity of 6,000, who claim American citizenship, in various countries of Europe and Asia. These persons technically are purportedly at liberty but they are unable to leave the Communist-dominated countries.

The breakdown according to one of the articles is as follows: Russia, 2,000; Poland, 3,000; Hungary, 450; Rumania, 300; Czechoslovakia, 300; Bulgaria, 80; and China, 101.

One article indicates that approximately 1,000 of these persons has definitely been verified in number.

Now as to American civilians who are held as prisoners, we had a breakdown in one article of 64, which ran as follows: China, 31, most of whom are missionaries; Russia, 31; and Rumania, 2. Of course, previously Czechoslovakia had about 12, but all were released.

Senator POTTER. I think, before we enter further discussion, it would be well for you gentlemen to identify yourselves for the record. I would suggest that the chief representative from the various departments would identify himself and his colleagues. Then we will go right down the line.

First, the Department of State. Who is the chief representative of the Department of State?

**STATEMENTS OF BEN H. BROWN, JR., DEPUTY ASSISTANT
SECRETARY FOR CONGRESSIONAL RELATIONS,
DEPARTMENT OF STATE; MR. W. BARBOUR, DIRECTOR OF
THE OFFICE OF EASTERN EUROPEAN AFFAIRS;
ALYN DONALDSON, DIRECTOR OF THE OFFICE OF SPECIAL
CONSULAR SERVICES; AND EVERETT F. DRUMRIGHT, DEPUTY
ASSISTANT SECRETARY OF STATE FOR FAR EASTERN
AFFAIRS, DEPARTMENT OF STATE**

Mr. BROWN. I am Ben H. Brown, Jr., deputy assistant secretary for congressional relations; and on my left is Mr. W. Barbour, who is the director of the Office of Eastern European Affairs; next is Mr. Alyn Donaldson, who is the director of the Office of Special Consular Services; and Mr. Everett F. Drumright, deputy assistant secretary of state for Far Eastern affairs.

Sir, I might say that this is somewhat divided up in the departments. We do not really have a chief representative. There are certain phases of it that can be covered by these people.

Senator POTTER. Whoever has the information will please feel free to testify in accordance with his own field.

Mr. BROWN. I would like to clear up one more point, if I might.

Senator POTTER. Would you wait until we make further identification; then we will be happy to have you do that.

Is there anyone here representing the Department of Defense, as a Department of Defense representative?

Lt. Col. BRITTON. I am liaison for the Department of Defense. I am here as an observer, and I am not in a position to testify this morning.

Senator POTTER. You are here just as an observer?

Lt. Col. BRITTON. Yes, sir, and my name is John F. Britton, assistant secretary of defense for legislative and public affairs.

Senator POTTER. The air force just came in. I understand, also, that the navy has just entered. Will the chief spokesman for the army identify himself and his representatives?

Mr. BARRY. I am L. E. Barry, deputy department counselor of the army. I have on my left Colonel Smity, the adjutant general's office; Lt. Colonel Chandler, G-3; and Colonel Trammel, in the background here, from G-2; and Mr. D. P. Hill, also of the department counselor's office.

Senator POTTER. Now, the Department of the Air Force.

Mr. AYER. I am Frederick Ayer, Jr., and I am special assistant to the secretary. On my left is Colonel R. W. Springfield, who is of our casualty branch.

Senator POTTER. And, the Department of the Navy.

Mr. SMITH. My name is J. A. Smith, assistant secretary of the navy for air. I have with me Captain Smedburg, director of International Affairs Branch, chief of Naval Operations Office; Lt. Colonel Nihart, U.S. Marine Corps, head of the Casualty Branch, headquarters U.S. Marine Corps; and Lt. Commander Martz, assistant director of personal affairs, Branch of the Bureau of Personnel.

Senator POTTER. Secretary Smith, would you care to move up and take a seat here at the long table. If you need the council of your other representatives, you may feel free to consult with them at any time.

As I stated previously, there has been a great deal of concern by many Americans concerning American citizens held against their will by the Communist-dominated countries.

It used to be that when an American citizen was held against his will, we would have a battleship in the harbor the next day.

We have seen in the past that the Communists have used American citizens as hostages in order to obtain concessions from us. We made great concessions for the release of Robert Vogeler, for example, and other American citizens.

There is a moral principal involved as to the right that we have to draft Americans to fight a war; and then when they become captured, and are held hostages against their will after an armistice has been signed, we have a moral obligation not to forget those men. I do not think we can sweep it under the rug; I do not believe we can say, "Well, we cannot talk about it."

The American people are conscious that Americans are being held against their will. And the purpose of the hearing here this morning is not to harass anybody.

We are after information. You gentlemen have sources of information which we do not have. We are interested, and we are going to continue this investigation. We much prefer to do it with your cooperation and to utilize whatever sources you think would be desirable.

During the course of our other hearing, we secured most of our information as to the Korean crime atrocities from the army. But, I think, in this case, before we hear from the military personnel, it would be probably desirable to receive an expression from the Department of State.

If you have any questions as to the type of investigation that we are undertaking, feel free to comment on it at this time.

Mr. BROWN. Mr. Chairman, I would like to first, if I might, state our understanding of the nature of this particular meeting this morning.

I realize that it is an executive session, and I assume from that that in order to get information, as fully discussed by the committee as possible, we could feel free to talk with the knowledge that nothing will be published without our consent.

Senator POTTER. This is an executive session. The information that you give here will be held in confidence.

Mr. BROWN. Would you prefer us to ask to go off the record at certain points or not?

Senator POTTER. I would prefer if you would keep it on the record. But I do not want to impede your frankness in any way with the committee. If you feel that you can be more frank in certain areas off the record, bring that to our attention.

Mr. BROWN. Subject to reconsideration, if we get to a point where it seems to be getting too delicate, we will try to put it all on the record.

We have two bureaus of the department represented here this morning. Is it the committee's pleasure that we start with the Far East?

Senator POTTER. Yes.

Mr. BROWN. Mr. Drumright?

Mr. DRUMRIGHT. Would you wish me to discuss the civilian side?

Senator POTTER. I would assume that that is where you have more information.

However, if you have information as to military personnel, we would appreciate that, too.

Mr. DRUMRIGHT. Well, in my area, the Far East, our information is that there are American civilians held in Communist China. Insofar as other areas are concerned, we do not have information that American civilians are being held.

Senator POTTER. How many American citizens do you have or do you know are being held in Communist China?

Mr. DRUMRIGHT. I will discuss Communist China first. At the present time according to our information, there are thirty-two American civilians held in Communist China in prison. Apart from those thirty-two, there are something like sixty-eight or seventy, according to our records, who are in Communist China, but who are not being detained.

Senator POTTER. How many did you say?

Mr. DRUMRIGHT. A total altogether of about one hundred. That is a total of about one hundred American civilians, of whom about thirty-two, according to our information, are in prison.

But an exact tabulation is not possible since there are some dual nationals and since there may be a few Americans in China whose presence has not been reported.

Senator POTTER. Are the seventy being held there against their will?

Mr. DRUMRIGHT. Not necessarily, sir. According to the best information that we are able to obtain, thirty-two are in prison and, perhaps, another fourteen are detained under what we might call "house arrest."

Senator POTTER. There are about fourteen of those?

Mr. DRUMRIGHT. For a total of forty-six who might be detained against their will, altogether.

Of the others, we have no breakdown. Perhaps some are married to Chinese women, or vice versa; perhaps some are elderly retired people living in China who want to live out the rest of their lives there; or perhaps there are a few missionaries who are still able to do a little of their work there and who have not wanted to come out.

In addition, there are a few other people who are being held because they have not liquidated debts demanded by the Communists or something of that sort.

Senator POTTER. What is the breakdown as to their professions, are most of the American citizens that are held in prison missionaries?

Mr. DRUMRIGHT. Most of them are missionaries, Senator.

Senator POTTER. Do you have a breakdown?

Mr. DRUMRIGHT. I have a list.

Senator POTTER. I would appreciate it if you could make that available for the record. Do you have extra copies of that list available?

Mr. DRUMRIGHT. I will give you the copy we have. We have other copies over in the department.

This is a list of American citizens under arrest, and I have a Tab "E" on that. I also have under Tab "F" a list of American civilians

not under arrest but retained because of Communist refusal to grant an exit permit. I have their names and their addresses there.

Senator POTTER. I do not know whether you are familiar with an article which appeared in the *New York Times* in April of 1952 where it gave the names of the Americans that were being held as prisoners of Communist China. Are you familiar with that article?

Mr. DRUMRIGHT. No, sir.

Senator POTTER. Would you care to read some of the names in order to see if that is the same group of people and if we are talking about the same group of people? [Indicating] I notice, by checking this, that it is the same list that was published by the *New York Times*.

Mr. DRUMRIGHT. Yes.

Senator POTTER. I believe that was the one that was released after a mild controversy that the Department of State had with Senator Knowland.

Mr. DRUMRIGHT. I was not here then; I was in the field. Perhaps I might give you a little rundown of the situation by projecting back.

When the Chinese Communists began their campaign southward late in 1948, there were approximately five thousand Americans in China. As a result of warnings issued by our embassy and the consulates out there, most Americans left China between December 1948 and April 1950. Americans in prison have uniformly been held incommunicado and kept in ignorance of the charges on which they are held, denied benefit of legal counsel and refused basic personal needs.

In some cases, prisoners have been tortured according to our information, and forced to submit to Communist indoctrination, and in general treated in a barbarous fashion.

Four Americans are known to have died as a result of maltreatment received from the Communists, and it is suspected that the number may be greater.

Chinese Communists maltreatment of Americans was intensified after hostilities started in Korea. Of the thirty-two Americans now detained, in jail, all but one were arrested after the Korean War started. In short, the situation of our people out there became much worse from the Chinese intervention and the war there.

With the withdrawal of our representation from the China mainland in April of 1950, the British government agreed to represent us and to endeavor to protect our interests in Communist China. Since that time, the British government has endeavored, to the best of its ability, at our request, to do what it could to protect those Americans remaining in Communist China. They have made numerous representations, written representations, at our request, in general, and in individual cases.

Senator POTTER. Have we had any released as a result of their intervention?

Mr. DRUMRIGHT. We have people released in dribbles all of the time, but it is difficult to say whether that stems from the representation of our British allies.

In any case, not one of the British approaches has been officially acknowledged by the Chinese Communist authorities. But that is

not particularly significant because the Chinese Communists never reply to written British inquiries.

The British have worked very hard, however, and I think they are due a great deal of credit, for they have been able to collect a considerable amount of information, and some of this information that I am passing on now comes from the British. They have been able to provide food on occasions to incarcerated Americans, and vitamins, and certain other necessities.

They have been able, also, to provide a certain amount of financial assistance to Americans stranded in China, and who had no way of obtaining funds.

Senator JACKSON. Do we have any other friendly allies that are helping in that regard?

Mr. DRUMRIGHT. Yes, I will come to that. The British have done their best. I do think that we owe them a debt for what they have been able to do under the very difficult circumstances which we have there.

In September of 1951 when it became evident that the Chinese Communists were not responding to British efforts in our behalf, not as much as we would certainly like anyway, we asked a number of other governments which maintained diplomatic establishments in Communist China if they would be willing to approach the Chinese Communist authorities in efforts to obtain the release of imprisoned Americans; also, if they could use their good offices to have these people accorded more humane treatment than they had been getting.

We asked the following countries to assist as they could, informally, or otherwise. Those included: Norway, Sweden, Denmark, Switzerland, Pakistan, Burma, Indonesia, Soviet Union, India, and the Netherlands.

Senator POTTER. I assume you did not get too much help from the Soviet Union?

Mr. DRUMRIGHT. Not as far as we know. I think most of these governments did speak to the Chinese Communist officials in Peiping, and it is possible that most of them did. We have no word that the Soviet Union did so, however. It may be that some of these representations had some little effect, maybe; there is no real evidence of it.

Senator POTTER. What are the charges that the Communists use to hold these people?

Mr. DRUMRIGHT. They have never brought any formal charges, according to our information. They have said to some of the representatives of these countries that so and so is a spy, or so and so had worked for the National government when it was in power, and so on. There is that sort of thing.

But they have not felt any compulsion whatever to give any valid reasons, or to give any reasons why they are being detained, or to furnish them with counsel, or anything of that sort, or to give them a speedy trial.

Senator POTTER. Have we been put in a negotiating position for some of these men, have they tried to bargain with us, as they did in Europe?

Mr. DRUMRIGHT. No, they have not attempted that. The significant fact is that from time to time they do let out a few, and that is continuing.

Senator JACKSON. How many of this one hundred-odd are sympathetic with Communists?

Mr. DRUMRIGHT. I would not know, sir, perhaps a few.

Senator JACKSON. How many of them might have information of any kind that would be of value to the enemy?

Mr. DRUMRIGHT. Very few, because most of them are rather closely held. Apart from the thirty-two in prison and the fourteen who are under "house arrest," I should say most of the others, barring Communist sympathizers, are not allowed to move around much.

Senator JACKSON. I did not mean that. How many of them, for instance, have a technical background or have information that might be valuable to the enemy?

Mr. DRUMRIGHT. I doubt if any of them have any information, really, that would be of much value to the Communists.

Senator JACKSON. Do you know of any?

Mr. DRUMRIGHT. I do not, offhand.

Senator JACKSON. Could anybody answer that?

Mr. DRUMRIGHT. I do not believe there are any real technicians; they are business people and missionaries, most of them. We have the two press correspondents who were picked up last year, and one sailor and one captain of a ship, who were picked up at the same time the two newspapermen were.

Senator POTTER. Then, the efforts of our government at the present time in order to secure their release have been directed in the direction of having other friendly governments intercede with Communist China for us, is that correct?

Mr. DRUMRIGHT. That has been going on persistently, yes, sir.

Senator POTTER. Has there been any direct approach by our government to the government of China?

Mr. DRUMRIGHT. No, sir, not directly.

Senator POTTER. Do you know whether that was discussed or whether we intend to take this up with the government of China when we meet in Geneva?

Mr. DRUMRIGHT. I do not know that for certain; but based on instructions we gave to Ambassador Dean, when he went to Panmunjom, which were that he might mention this or bring it up if he found a suitable opportunity. I should say that we would probably issue the same instructions to our representatives who go to Geneva. If they can find a suitable occasion there, I think so, yes.

Senator POTTER. Did Dean bring it up in his negotiations?

Mr. DRUMRIGHT. He did not find any opportunity, Senator, to bring it up in view of the way the negotiations went, with the acrimony and all.

Senator POTTER. Do you know whether Secretary of State Dulles at the Berlin Conference discussed this question with representatives of the Soviet Union?

Mr. DRUMRIGHT. I am not aware that he did.

Mr. BARBOUR. I believe he did not; I do not know.

Mr. DRUMRIGHT. I cannot be absolutely certain, and I do not know anything to that effect.

Senator POTTER. Do you have any other information that you would like to present at this time?

Mr. DRUMRIGHT. I would like to say that our friendly allies who have been assisting us, and I think they have done some good because Americans are continuing to come out, desire that their rolls be kept confidential.

Senator POTTER. I can appreciate that. Do you have any idea as to the number of American citizens that have been released?

Mr. DRUMRIGHT. I have some figures here, Senator, which I would be glad to spread on your record.

Senator POTTER. Would you supply those for the record? In order that the record will be fairly complete, can you in round numbers give the number?

Mr. DRUMRIGHT. According to our information: In January of 1948, there were 6,900 Americans in China, Communist China. By January 1949 that figure had gone down to 5,000; by January of 1950 to 4,500; and by April of 1950 to 1,500. That was the period when we issued a strong request to our people to get out. That was when the Nationalist government was collapsing on the mainland, and we felt that it would be advisable for our people to get out.

So between January and April of 1950, our record shows about 3,000 people left. In December of 1950, there were 1,300 left. In September of 1951, the figure was down to 350. In January of 1952, it was 243. In January of 1953, the figure was 146. And now we reckon that 100 or 101 or 102 are left.

Senator POTTER. Have any of the American citizens returned, were they in prison?

Mr. DRUMRIGHT. Oh, yes. They are letting some of them out. I have some other figures here, which I would read, if you care or desire?

Senator POTTER. Yes.

Mr. DRUMRIGHT. Of those in Communist China there have been between 25 and 50 under arrest at any given time since 1951. In all, 117 of the American civilians in China have been under arrest at various times. Of those, 85 were eventually released and deported. Eight of those in jail and 10 under "house arrest" were released in 1953. You see, we do have a slow trickle coming out all of the time.

Senator POTTER. I am wondering if you could tell the committee what our policy is and what the State Department's policy is in an effort to secure the release of these American citizens held behind the Iron Curtain. You have stated that we are working through friendly governments, and also that instructions were given to Ambassador Dean. And I assume that the Secretary of State plans on bringing it up at Geneva; but I do not know.

Do you have any policy as to what you are going to do in an effort to secure their release?

Mr. DRUMRIGHT. Our present policy is to carry on through our friendly allies, chiefly the British, to play it patiently and slowly, and not to give publicity because we feel sometimes that that is derogatory to the objective which we want to achieve. Our policy is to just go along and try to get them out, a few at a time, ten, fifteen, or twenty a month. We are down to about one hundred now.

Senator POTTER. When the Communists do release some of our prisoners, do they make any statement as to why they were released or why they were held?

Mr. DRUMRIGHT. No, sir, they usually escort them to the Hong Kong border and give them a boot across and say nothing.

Mr. O'DONNELL. Have the people been interviewed to ascertain why they have been released?

Mr. DRUMRIGHT. They have, yes, sir.

Mr. O'DONNELL. What are their reasons for the release? What do they say?

Mr. DRUMRIGHT. They give a great variety of reasons.

For example, Robert T. Bryan, an American lawyer in Shanghai, had been an employee of the municipal council there for about twenty years. Then he was with us as a legal adviser, after the war, for about two years. Then he was practicing law, but the Communists picked him up immediately, and said that he had done many things during his term as the municipal counselor and legal adviser to damage Communist interests; that he was a spy of the United States, and he was still an agent and all of that sort of thing.

Mr. O'DONNELL. He knew of no reason why he had been personally released, is that correct?

Mr. DRUMRIGHT. He did not know. And nobody seems to know specifically why he is released at any given time. It is very arbitrary, the whole operation.

Senator JACKSON. How many have been executed?

Mr. DRUMRIGHT. None.

Senator JACKSON. How many have died in prison?

Mr. DRUMRIGHT. We have a record of four who have died, and I believe that I have a list of those people here.

Senator JACKSON. You might read their names into the record.

Senator POTTER. I think that that would be appropriate.

Mr. DRUMRIGHT. The first is Bishop Francis Exford, whom I happen to know personally.

Senator JACKSON. What was he?

Mr. DRUMRIGHT. An American Catholic missionary who died in a Communist prison in February of 1952, after over a year of continuous brutal questioning. He had a starvation diet and constant humiliation.

He was never accorded a trial, and he could not communicate with the outside world. Every attempt by the government here, the U.S. government, to get information about him through the good offices of friendly governments was ignored or rebuffed.

Another case is that of Philip Cline, arrested in April 1951 on charges of spying. Mr. Cline was suffering from heart disease and diabetes at the time of his arrest. After several months, he was released from prison and then rearrested and forced to withstand endless questioning by Communist agents. In October of 1951, he was again released. He and his wife were destitute. In mid-November of 1951, Mr. Cline died as a result of being denied insulin for his diabetes while in prison.

We have two other cases of Americans who were not confined to prison.

Senator POTTER. You say they were not confined to prison?

Mr. DRUMRIGHT. No, but they were denied permission to leave China.

Senator JACKSON. Did they die of natural causes?

Mr. DRUMRIGHT. Miss Gertrude Cone, a Methodist missionary applied for permission to leave Communist China in January of 1951. No action was taken by the Communist authorities. In August she developed cancer. When she applied for permission to telegraph Hong Kong for funds, she was refused. She was forced to go on a starvation diet. In December of 1951, she fell as a result of weakness from malnutrition and injured her hip. In early January of 1952, she again applied for permission to get funds from Hong Kong. This permission was refused.

Later that month, when she was already on a point of death, permission was finally granted for her to leave. The authorities then decided that it would be more convenient if she died outside China. They gave her an exit permit. She was escorted to the border and died in Hong Kong on February 18, 1952.

The other case was that of Dr. William L. Wallace, a highly respected Protestant medical missionary who was reported to have died under brutal treatment, at a place in southwest China. That was on February 10.

Senator POTTER. Is this in a prison camp?

Mr. DRUMRIGHT. That may have been. It was in southwest China, on February 10, 1951. Details of his arrest and the exact circumstances of his death have never been obtainable on a reliable basis.

But there appears to be little doubt that he died as a result of Communist mistreatment, which was meted out to him despite his years of self-sacrifice and work.

Senator POTTER. Could you know whether the thirty-two Americans are held in one prison or not?

Mr. DRUMRIGHT. No, sir, they are scattered about.

Senator POTTER. Do you have the names of the prison camps?

Mr. DRUMRIGHT. That record I believe shows the places where they are said to be incarcerated.

Senator POTTER. Could you supply that for the record?

Mr. DRUMRIGHT. That would be in the tabulation I have already furnished.

Senator POTTER. I see.

Mr. KENNEDY. These American business men in China, I presume that they are accused of not paying taxes, or does the American government allow money to be sent into China to pay those funds?

Mr. DRUMRIGHT. We have under special permits on occasion done that. The Treasury Department would have to clear that.

Mr. KENNEDY. We would have to get the total figure from the Treasury Department on that, is that right?

Mr. DRUMRIGHT. I think so, yes, sir.

Mr. KENNEDY. We cannot get it from the State Department?

Mr. DRUMRIGHT. I am not sure, I would have to check.

Senator JACKSON. How many of these people had an opportunity to get out?

Mr. DRUMRIGHT. Which people?

Senator JACKSON. The civilians that we have been talking about here this morning, the one hundred-odd people?

Mr. DRUMRIGHT. I could not say. I would say that forty-six or so have no opportunity. Perhaps some of the others would have.

Senator JACKSON. Perhaps I did not make my question clear. How many of these people had an opportunity to leave?

Mr. DRUMRIGHT. Previously, you mean?

Senator JACKSON. Yes.

Mr. DRUMRIGHT. I should imagine that most of them could have left in 1950, or 1950 would have been the best date; that is when most of them did leave.

Senator JACKSON. Most of these people stayed on voluntarily?

Mr. DRUMRIGHT. I assume that they did, yes, sir; or for family reasons, or business reasons, or missionary work.

Senator JACKSON. Compelling local reasons.

Senator POTTER. In answer to Counsel Kennedy's question about the money that we have put into Communist China, I wonder if you could get that information; we would like to have that information for our records.

Mr. DRUMRIGHT. Yes, sir.

Senator POTTER. Are there any other questions that you would like to ask Mr. Drumright?

Mr. DRUMRIGHT. I would like to say that as regards North Korea, we have no evidence that any American civilians remain there. At the time of the Communist attack, in June of 1950, we had about thirteen Americans seized, most of whom were missionaries who were caught on or near the border.

Senator POTTER. Have they all been returned?

Mr. DRUMRIGHT. Seven of them have returned; and according to our information, the remainder have died.

Senator POTTER. Could you know anything about their death; was it a natural death?

Mr. DRUMRIGHT. For instance, Bishop Byrne, who was a resident or native of Washington, died in a camp of malnutrition and exhaustion.

Senator POTTER. I know, we have had testimony before the committee before, that some civilians, particularly I know one was a missionary, who was thrown into a camp with military personnel and forced to make long forced marches.

Mr. DRUMRIGHT. Yes.

Senator POTTER. What is the Department of State's position concerning the release of the names of the civilians that are being held in Communist China?

Mr. DRUMRIGHT. I do not believe that there is any objection to that.

Senator POTTER. The names have been released?

Mr. DRUMRIGHT. Yes.

Senator POTTER. And, as I understand it, since the release of the names in April of 1952, some of the people whose names were mentioned have been returned?

Mr. DRUMRIGHT. Undoubtedly.

Senator POTTER. I know that Robert Bryan that you mentioned was one of the men. His name was published; afterwards, he was returned. It was the same with Reverend Thornton and Sister Ann.

All right. If there are no further questions, we will switch over to the Western European affairs.

The CHAIRMAN. May I say that I have to leave, not because I do not have a great interest in this, but I have other work back in the office. I came over here mainly to make sure that you were not running a one-man committee.

Senator POTTER. I wonder if you would also supply the committee with the names of the civilians that were detained in North Korea and the ones that were returned and the ones that died while in Communist hands.

Mr. DRUMRIGHT. Yes, sir; I do not have those presently available but I will supply those.

Mr. DONALDSON. If you wish to fill in with some of the reports that have come from China, the background information, we might be able to add a little to what Mr. Drumright has put on record.

Senator POTTER. We would like to have your statement on that.

Mr. DONALDSON. I have not heard it on the record though it may be there, but this government does not officially recognize Communist China, as you know. Because of that, we have to deal through powers that have the representation in China to work for us. Consequently, it is a very slow and tedious procedure at best. Because of reports that have come out, we have learned from prisoners that individuals have been encouraged and in fact exhorted by the Communist government to make so-called "confessions." On the basis of the confessions, the individual was picked up by the police and incarcerated in a jail and are then informed that if you wish to be released, then you in turn report your sins and the sins of those who have been related with you in your activities.

That, in turn, brings in other names, and they then offer concessions, that they will reconsider your case, and make concessions on terms of seconds. These approaches and procedures are repeated about every quarter. It is a wearing down operation and eventually the individual becomes softened up and you have this ad infinitum of bringing in name after name.

It is involved speculation and exchange which is contrary to the law of China, and it involved all of those things under the Communist code which are foreign to our code, and the result is that there are practically no admitted crimes under our code and people are picked up in China and incarcerated. It appears that the people's courts generally give sentences of two years or longer. It might be explained that some of these people who are released now is the result of the termination of sentences.

Senator POTTER. In other words, they are following the typical Communist pattern that they use, not only in China but in the Soviet Union itself.

Mr. DONALDSON. It appears to be a form of jurisprudence and Communist philosophy that exists behind the Iron Curtain.

Senator JACKSON. Is it that, or is it simply the means by which they rationalize their holding these people? The real objective would be to show to the rest of the world and particularly the satellite areas that the United States no longer is a powerful country, and the United States can no longer do anything about its citizens who have been incarcerated abroad. Is it not really the purpose to bring it locally in China, to demonstrate to the Chinese people that

we can no longer send a gunboat up the Yangtze and get our people out? I mean is it not that the real reason why they are holding these people?

Mr. DRUMRIGHT. That would certainly be one.

Senator JACKSON. More than anything else, it is to degrade the United States and humiliate our country and to demonstrate to the people of China that Mao is now a real ruler and he is not a weak ruler, and he is a strong ruler and that Mao is able to really rule China, and that the white man is now inferior? That is the real reason, is it not?

Mr. DONALDSON. There seems a basis for power politics to apply itself in that manner, definitely.

Senator JACKSON. Now, obviously, they are not really trying these people in a court of law to go through the even Communist routine of justice. That is merely a means to an end and it is the real objective to utilize the Americans in China for propaganda purposes. I think the primary objective in that regard is to humiliate them locally in China and throughout the satellite area, Russia and in the neutral zones. If I am wrong in my own reasoning on this, I would like to have your opinion on it.

Mr. DONALDSON. There appears to be sound basis for your conclusions.

Senator POTTER. If they can degrade an American citizen, that, in turn, degrades the United States, in the eyes of their people.

Senator JACKSON. Yes; to the yellow people all over Asia.

Senator POTTER. Are there any other questions before we go on to the European end of it?

Mr. DONALDSON. There is just one other thing that you might, for the purpose of the record again, want to know. These jails are so loaded that in a nine-by-twelve jail they put in as many as forty people, and they cannot lie down and sleep, and even when they put them at the rate of three and four in smaller cells, they have to lay on the side like sardines in a can in order to sleep.

Senator POTTER. You are talking now about the civilians?

Mr. DONALDSON. Yes; I am talking about civilians actually in jail in the Chinese interior of Communist China. This is typical, and these are cases that have been reported of facts as they exist, and this is just background information, of course.

Mr. O'DONNELL. You mentioned a figure of around forty. Do you have any more than thirty-two that have been discussed this morning that have been held in prison over there?

Mr. DONALDSON. When you get into this group, you are getting into not only U.S. citizens, but this is the condition that exists in the jails entirely and it is the Americans who are thrown in with them.

Senator POTTER. All right, let us switch over to the European theater now.

Mr. BARBOUR. I would like to apologize for my laryngitis. I may be a little difficult to understand, but I will do the best I can.

Senator POTTER. That is all right.

Mr. BARBOUR. The situation in the Soviet Union and the satellites is somewhat different in that there is usually, in most of these cases for which the figures are quoted, a question of the citizenship. The large proportion of these people are dual nationals.

That is they have American nationality, and Soviet or satellite nationality, or the Soviets are claiming or the satellites are claiming they do. They may or may not be justified in so claiming.

The people that are included in these figures are largely made up of three categories. That is the people who have come over here and have been naturalized and have returned to their countries of origin, and children who have been born in this country to people who came over probably and were not naturalized, and have returned to their countries of origin, or children born in the foreign countries to people who were naturalized citizens of the United States and have returned.

We have relatively few cases—and I do not have the figures but Mr. Donaldson may have—of American citizens having only American citizenship who went behind the Iron Curtain for business, or other reasons, or were living there for reasons connected with some American concern or something of that kind. They have been caught and cannot now get out.

We, also, do not have figures on how many of these people if any, and we assume there must be some, are actually in jail, or how many just cannot get out of the Soviet Union. The figures that were quoted at the beginning did not specify they were in jail, and I do not think most of them are. Of course, we have great difficulty in getting information as to where these people are. Most of them are there because they cannot get out.

The general Soviet attitude has undergone a certain amount of changes in the past several years, and up until 1947, it could be said, generally, although there were certain differences in various of the satellite countries, that the people who wished to return and could prove a preponderance of American citizenship and the Soviets did not have some particular reason to keep them, we were able to get them out. In 1947, as far as the Soviet Union was concerned, they put down a complete block and we have never been able to get any out from that time up until the death of Stalin. Since the death of Stalin, for Soviet political reasons, I think it is obvious that they wish to present to the world an appearance of more reasonableness without costing them anything. They have released a few. We have succeeded in getting a few out in Poland and Czechoslovakia particularly. One or two came out of Hungary. We have made a numerous number of representations over the past years in the case of these individuals, and recently as you all have seen in the press, we have been getting some information on possible new cases from prisoners of war which have been returned by the Soviets to Western Europe. There has been a process of trying in the first place to identify the individuals so mentioned because the information given by these prisoners is pretty sketchy. Then there is the problem of establishing the citizenship and then to get them out. We did establish the identity and citizenship of two which were Cox and Towers, and we succeeded in getting those out.

Senator POTTER. Have you been able to establish the identification of any others that you have not been able to get out?

Mr. BARBOUR. We have established the identity and citizenship of three more which we have taken up, and we have, also, taken up with the Soviets more tentative basis and some that it looks probably like they are identifiable as American citizens.

Senator JACKSON. What is that total now in the Soviet Union that you have been able to identify as American citizens?

Mr. BARBOUR. The total in the Soviet Union is usually given as two thousand. That is a very round figure.

Senator POTTER. Many of those have dual citizenship, is that correct?

Mr. BARBOUR. Well, certainly I would not like to give a percentage figure, but, by far, the largest number.

Senator JACKSON. How many of them are natural born citizens?

Mr. BARBOUR. That, I do not have, but it would be a relatively small number.

Senator POTTER. Do you have that information and could you secure that information?

Mr. BARBOUR. We have that.

Senator POTTER. I think it would be desirable to have that information for our records.

Mr. BARBOUR. Yes, and by that I take it you mean children born in this country, I believe born under the citizenship act, and it applies to born anywhere of American citizens. You mean people born in this country, or people born of American citizens?

Senator JACKSON. No one has ever defined that term, "natural-born citizen." That is the constitutional provision.

Mr. BARBOUR. I believe citizenship uses that term in both ways, whether born in the United States, or obtained citizenship by birth any place through American citizens.

Senator JACKSON. The 14th Amendment provides, if I am not mistaken, that all people born in the United States or subject to the jurisdiction thereof, are citizens of the United States in the state wherein they reside.

My point is that I think it would be well, Mr. Chairman, to have a list of the people, who, we will say, were born in the United States, where the question of dual citizenship might not arise.

Senator POTTER. I think it would be well to have the entire list, and then break it down as to the ones who have dual citizenship and the ones where there would be American citizenship.

Mr. BARBOUR. I can get both of those figures.

Senator JACKSON. We have also had a problem on this question of dual citizenship and that can arise in two situations; one, where a Russian migrates to the United States and becomes an American citizen, naturalized, and returns to the Soviet Union, and that is a clear case of the problem of dual citizenship. The next situation would be where the son of a Russian immigrant, or the parents come to the United States and the son is born in the United States, and the son returns to the Soviet Union. Am I correct in understanding that Russia, and I guess most of the countries, recognize citizenship based on blood, and we recognize citizenship based on blood, and we recognize citizenship based on place?

Mr. BARBOUR. We recognize it both ways.

Senator JACKSON. Yes, but primarily that is the basic distinction, so that they claim the individual born in the United States because his parents were Soviet citizens, and you cannot lose it by reason of birth abroad.

Mr. BARBOUR. That is correct.

Senator POTTER. I would like to have you comment on an article that appeared in the *U.S. News and World Report*, February 5, 1954, wherein it states, "In Russia, 21 American citizens have long been known to be held in prison, or forced labor camps. Now, at least 10 other cases have come into light." Can you comment on that?

Mr. BARBOUR. I have seen that report, sir, but I am not in a position to know just which cases he has in mind. I do not know which ten cases he is referring to. He may be referring to some of these cases such as the Cox and Tower cases.

Senator POTTER. He goes on a little further and he says, "Now at least 10 other cases have come to light based on eyewitness accounts from German and Austrian prisoners of war let loose by the Russians last year."

Mr. BARBOUR. That is what I think. In those cases, we are endeavoring to identify the individuals. The information from the German and Austrian prisoners of war is obviously very sketchy. They sometimes see somebody and they get the name probably phonetically, and probably have no idea of the place of birth or any other identification, and it is somewhat difficult to identify them.

Senator POTTER. Now, the figure of twenty-one Americans being held in prison is correct or not?

Mr. BARBOUR. I think it probably would be very difficult at any given time to give a definite figure on that twenty-one. There may be a few or there may be more.

Senator POTTER. Have these twenty-one been identified as to name?

Mr. BARBOUR. We have identified some of these old cases, Senator, several hundred of them, but where they are, we do not have any current information. That is whether they are actually in jail or whether they are free in the Soviet Union, but not free to leave.

Senator POTTER. Do you have knowledge of the location of these prisoners?

Mr. BARBOUR. In most cases all we have is a last known address and when it was possible before the war in some cases, or just following the war, for these people to come to the embassies in Moscow and identify themselves. Since then, the Soviets prevented any of these people coming to the embassy, and have prevented the embassy staff getting any mail to them or going out to see them. So, it is very difficult to tell exactly where they may be now. We usually have an address where they last were.

Senator POTTER. I understand that there is a prison camp about two hundred kilometers from Moscow at Vladimir, I think it is, where some American prisoners are being held. I do not know whether they are civilian or military personnel. Do you have knowledge as to that?

Mr. BARBOUR. That, also, is from the same report, sir. The reports of these various prisoners that the Soviets have sent out to Western Europe. I believe that Cox and Towers were held in that camp, and some of their information suggests very definitely that there may be some more. We are endeavoring to check that.

Senator JACKSON. How long have some of these people been held prisoners? By that I mean the longest period.

Mr. BARBOUR. I do not have any information on that, sir. Some of the cases and some of the old cases that we have been trying to get back from the Soviet Union, are very old. We have been trying since the time of the recognition in 1935, and some of them we have been arguing about dual nationality.

Senator JACKSON. Are they being held for propaganda purposes, or are they being held for intelligence purposes, or just what is it?

Mr. BARBOUR. I feel certain that they are held as a matter of general policy in the Soviet Union. That involves definitely the propaganda aspects which you mentioned earlier. I do not just see how they would be valuable from an intelligence standpoint. Most of these people have been there so many years.

Senator JACKSON. I realize that, but how about in the last few years, have they taken any prisoner in the last four or five years, and are most of these cases old, or what is the situation?

Mr. BARBOUR. Well, there have been some, and there have been some disappearances, of course, from Western Europe, and there have not been any new cases that I am aware of in the Soviet Union in recent years.

Senator JACKSON. How many of these people might be military personnel from Korea?

Mr. BARBOUR. That is anybody's question, sir, and I do not have any information on that. I have no firm information on that; firm information is very difficult to find. It is quite possible that some of them are military personnel from Korea who may have been taken to the Soviet Union.

Senator JACKSON. I assume the military people will cover that.

Senator POTTER. Are there any other questions you would like to ask the Department of State?

Mr. O'DONNELL. We have limited this so far to Russia, and we have several other European countries to go into, but getting back to Russian figures again, actually what is the number that the State Department has of American citizens who are being held prisoners, and do they have any firm figure of those actually held on the basis forever?

Mr. BARBOUR. I do not think we have any figures.

Mr. DONALDSON. I think the best way we can answer that is that the information which has been collected is collected from communications, individuals returning from behind the Iron Curtain, and members of families in this country, and in no case can you say that it is a dependable census but if you wish to put down what has been used as a record which the department has worked up on the basis of information available to it—it appears that there is one in Albania. These are behind the Iron Curtain, and not in prison. Are you only interested in prisons?

Mr. O'DONNELL. At the present time, the ones being held in prisons or forced labor camps are the ones we are interested in. Do we have any estimate of probable individuals by name who are being held in either jail or in slave labor camps, in any countries behind the Iron Curtain?

Mr. DONALDSON. Listed by name? Not to my knowledge. That record has never been made available.

Mr. O'DONNELL. Do you have it on a figure basis?

Mr. DONALDSON. We do have a collection of figures of persons which we believe are still behind the Iron Curtain by countries.

Senator POTTER. But you do not know as to whether they are imprisoned or not?

Mr. DONALDSON. That is correct.

Senator POTTER. Will you give us that figure that you have, then? Do you have these by name?

Mr. DONALDSON. By countries and only by number.

Mr. O'DONNELL. Excuse me just a moment. Is the information available in this country by name as distinct from number?

Mr. DONALDSON. No.

Mr. O'DONNELL. Is it available anywhere by name as distinct from number?

Mr. DONALDSON. It would be available from the Iron Curtain countries if they would give it to us. Let me explain that, so that I may make myself clear. We get inquiries from a man in Chicago that he would like to know about his father-in-law or about his sons, and we will send out a whereabouts inquiry to our mission and sometimes we get a reply which says, "Ask my father not to communicate with me, and I don't want to hear from him." We can only draw one deduction and that is in the best interests of the person behind the Iron Curtain to keep his face completely undisclosed. We have a record then that there is a person behind the Curtain and that is the way these figures have been drawn up, just as individual returning from abroad who said they talked to "X" in such and such a camp.

That only leads us to believe that there is a person there who has identified himself to a former prisoner but we have no way of confirming that.

Mr. O'DONNELL. On the basis of probabilities, I conclude Cox and Towers after they were released were interviewed concerning other Americans who may be held in slave labor camps or in prison camps.

Mr. DONALDSON. That is right. Everybody who comes out is interviewed as they come through the U.S. forces in Germany, or through a mission where we have a representation.

Mr. O'DONNELL. We have a case of probabilities by name as distinct from those who actually have been confirmed?

Mr. DONALDSON. We could draw up those names, which have been reported, and in many cases, as Mr. Barbour has pointed out, phonetically without definition and very indistinct as to description.

Senator POTTER. If you will give us the numbers of persons that are behind the Curtain.

Mr. DONALDSON. Albania, 1; Bulgaria, 79; Czechoslovakia, 330; Hungary, 420; Poland, somewhere between 7,000 and 10,000. Now, that has to be on a very broad basis, because of the terrible destruction of the number of people who have been completely lost sight of in Poland.

Senator POTTER. You do not know whether they are dead or whether they are alive?

Mr. DONALDSON. We have nothing at all to go on. Warsaw was wiped out and it is practically little if any information on many people. We have inquiries come in and we will go back and while

we say that they are not living there, there are no records and we do not know. Further figures are Rumania, 236. As Mr. Barbour has pointed out, it is estimated that 2,000 are in USSR.

Senator JACKSON. Most of these people have been over there for a long, long time?

Mr. DONALDSON. Yes, a number of cases have definitely indicated that they do not want to come out.

Senator JACKSON. They want to stay there?

Mr. DONALDSON. We do not know. For instance, when these inquiries come from relatives, or from members of the Congress—believe me there are many, every time your constituents come to you and ask you for information, you come to us, and we go to the mission. When we go to the mission, we ask one of our men to go out and make an inquiry or send a registered letter and in Russia the procedure is to put it in an envelope that is registered and sometimes it is returned with a notation on it, “received,” and that is all. You hear nothing.

Mr. BARBOUR. Your question, also, was whether they were new cases or not. I think that breaks down into two categories. Those that we are hearing about now from the returned prisoners may represent relatively new cases, who got behind the Curtain for one reason or another during the war or since the war. The big backlog of the two thousand cases in the Soviet Union, and these other figures in the other countries, by and large, are old cases which have gone on for ten years or more. It is usually pre-war.

Senator JACKSON. Out of this number, how many of them have been kidnaped, either taken from American zones in Germany or are any of them taken from any of our missions in the Soviet Union, or in the satellite countries?

Mr. BARBOUR. That is very difficult to determine, unfortunately, unless we get one out. We do not know the exact circumstances under which he disappeared or how he happened to fall into their hands.

Senator JACKSON. How many are missing from our missions, and do you know that?

Mr. BARBOUR. I was going on to say on that that I was talking first about going across the frontiers and things of that kind in Germany and Austria. But from the missions, we have had several dual nationals who were with the missions and who have disappeared. I do not happen to have the figures off-hand, but I should say it would be, my best guess would be somewhere around twenty-five or thirty. That is a pretty rough guess, over the period of since the war.

Senator JACKSON. That would even include the Soviet Union?

Mr. BARBOUR. All of the satellite countries; yes. Those are people who are there and not ones we have sent in.

Senator POTTER. Have we lost any that we have sent into the countries?

Mr. BARBOUR. No, sir; we got them all out now, but we had lost some.

Senator JACKSON. I am trying to refresh my recollection. Did we not have a sergeant in an American embassy that took off in Moscow?

Mr. BARBOUR. That is another matter. We have two people in Moscow who are defectionists, who went over voluntarily to the Russians. There is a sergeant and a girl clerk.

Mr. DONALDSON. There was an employee of the consulate at Bratislava, but he is out. At the time he was arrested, he left the employ at the time of his arrest.

Senator JACKSON. He was arrested by the Soviets?

Mr. BARBOUR. He was arrested by the Czechs.

Senator JACKSON. He has previously left the mission?

Mr. DONALDSON. Yes.

Mr. BROWN. I think that we might clarify this a little bit, by pointing out in addition to the foreign service people who are sent from here to our missions, our missions employ local employees, clerks and people of that nature. Now, the twenty-five to which Mr. Barbour referred were locals employed by missions, and we did not send them in. But they may have dual nationality.

Senator POTTER. They had dual citizenship, you mean?

Mr. BROWN. But they were not people we sent in as our representatives in that country, but they were hired like a resident of that country might have been hired.

Mr. DONALDSON. There is another figure that should be put in with that group, I believe, to make it more complete. The department has estimated that approximately six thousand of these people that are behind the curtain, are dual nationals, which, of course, raises immediately the sovereign right of the curtain country. I suppose that the committee is informed that leaving curtain countries requires what is known as an exit permit or visa and the control is exercised over people within the country by that procedure. How these things are all brought to bear is when you go in and ask for a permit and you do not get it, then you are in.

Senator JACKSON. I think it would be helpful if we could get a breakdown from all of the countries.

Senator POTTER. That would be very desirable.

Senator JACKSON. That is of those people who were born in the United States where there is no question raised as to dual citizenship and then another category of the people who were born in the United States but where the question of dual citizenship can be raised and so on down the line so that we can get a clearer picture. I think that unless we have that, it could be distorted.

Senator POTTER. It clouds it considerably, I think. Would you provide that?

Mr. BARBOUR. We will be very happy to supply that.

Mr. BROWN. You understand, of course, Mr. Chairman, that some of these names or numbers will be unidentifiable as to their particular status.

Senator POTTER. I would say that is so.

Senator JACKSON. Status unknown, you can give that. If we could break it down, because when you say that there are people or if something should come out in the paper that there are two thousand in Russia, they immediately start writing to us.

Mr. KENNEDY. Do you have the numbers as far as people taken from this side of the Iron Curtain, over the border, for instance, from the American zone in Vilinia or Anson in Berlin, and were

kidnaped or went over into the Soviet zone? Do you have that as far as numbers or names?

Mr. BARBOUR. I suppose that could be compiled.

Mr. DONALDSON. We would have to get up a record from available information. To identify as positive kidnaping would be the big problem.

Mr. KENNEDY. Could you at least start to give us that?

Mr. DONALDSON. We could say those who disappeared.

Mr. KENNEDY. And the ones you know were kidnaped?

Mr. DONALDSON. If we can identify them as such, we would be very glad to do that. We will have to search the record on that.

Mr. KENNEDY. I appreciate your doing that.

Senator POTTER. What has been the situation there? It is different than in China, because we do have an embassy in the Soviet Union, and just what has been the procedure of the Department of State in securing release of these men that are being held in the satellite countries of Europe and the Soviet Union?

Mr. BARBOUR. Well, the procedure has generally followed the line that we have taken the cases up with the foreign office and some of these cases we have made representations over a period of ten or fifteen years, and have written notes by the dozen, virtually, and I think in some cases we have written as many as two or three dozen notes over a long period, and we have had officers go down and argue and we have taken it up with the foreign minister. That is the American ambassador has, and we have, in other words, made all of the possible representations in all of these cases over a long period.

Senator POTTER. You do run into the situation there of in many cases having to bargain with the government, is that not true?

Mr. BARBOUR. What is that?

Senator POTTER. You do run into the situation of having to bargain with the government. We had to bargain for Oatis, for example, did we not, and in Hungary on the aviators and for Vogeler.

Mr. BARBOUR. In those individual cases, it is difficult to say that there was any particular pattern. It depends upon the circumstances as to how we have been able to successfully negotiate in getting them out. We have not made or we did not make any deal in the Oatis case. We negotiated a long time, and we exerted a lot of pressure on the Czechs by cutting off their trade and cutting off their airline over Western Germany, and eventually the Czechs for their own face-saving reasons, of course, ostensibly, released him on the plea from his wife.

Senator JACKSON. I thought I read in the paper that the Czech government announced immediately after the release of Oatis, that trade relations were being resumed with the United States.

Mr. BARBOUR. They were resumed, but it was not part of a deal. One time we were negotiating on that basis and I would not wish to give that impression.

Senator JACKSON. Frankly, I think it made us look very silly, to say that there was no quid pro quo and the day after we did not announce it but the Czech government announced the resumption of trade, at a time when we were investigating trade in Red China. I was just curious how it was possible that they would announce

it before we announced it. We apparently have not denied it and I guess we have resumed trade.

Mr. BARBOUR. The resumption of trade, I might say, we resumed trade on the same basis that we trade with the rest of the block and it is no resumption of free trade.

Senator POTTER. Our trade prior to that time had been halted?

Mr. BARBOUR. Yes, sir.

Senator JACKSON. All trade was cut off?

Mr. BARBOUR. That is correct.

Senator POTTER. And, certainly, we gave \$125,000 for the four aviators shot down in Hungary.

Mr. BARBOUR. That is right.

Senator POTTER. Certainly, there were concessions made as far as Vogeler was concerned, on the part of our government?

Mr. BARBOUR. That is a question, sir, and what we did there was to resume restitutions from Germany of Hungarian property which we had already been obligated to retribute under the peace treaty, but which we stopped when Vogeler was captured. So we merely resumed the carrying out of an obligation which we already had, and which we as an extraordinary measure of pressure had declined to do during his incarceration.

Senator JACKSON. We made a pretty heavy concession on Oatis. The announcement of the resumption of trade relations with Czechoslovakia, in coming from the Czechoslovakian government and not coming from our government, I think, was quite a propaganda victory for them. I must say that I do not think we handled it very well. I think we should have at least beat them to the punch. My memory does not serve me too well, but somehow or other I read down the corner of the paper that the Czech radio had announced it the day after or that day of the release of Oatis. I think we are just kidding ourselves, when we try to rationalize that there was not any quid pro quo. I do not know that we got any of these people out, without heavy concessions.

Senator POTTER. I was going to ask about the two former GI's that were released, Towers and Cox. Was there favorable trade concessions made?

Mr. BARBOUR. No, nothing of the kind. Representations were made by our ambassador in Moscow to the Soviet foreign minister and in response to those requests for release, they were released after a relatively short time.

Senator JACKSON. But that was due to the death of Stalin, probably, more than anything else, was it not?

Mr. BARBOUR. Of course, the whole policy of releasing any of these people has been as a result of the death of Stalin, and following the death of Stalin. That is quite true.

Senator JACKSON. Do not misunderstand me; I am not saying you should not make concessions, but I do not think we should kid anybody in saying we did not.

Mr. BROWN. On that very point, Mr. Chairman, I would like to try to draw a distinction here between—let us put it in this context, to decide whether the country had a net gain as a result of holding an American and then later releasing him. You must not overlook the fact that anything that might be agreed to at the time

of his release which was putting the situation back to where it was at the time he was taken cannot be considered a net gain.

In other words, if we cut off something in order to get a man out, and then resume it at the time he is out, then they have not made any net gain. We have used a bargaining weapon and then upon their agreeing to release him, we are back where we stood.

Senator JACKSON. But it must have been discussed.

Mr. BARBOUR. Oh, it was.

Mr. BROWN. Definitely.

Senator POTTER. With \$125,000 to Hungary, for example, for the fliers, it seems to me that is just plain paying hostage or paying tribute to a country who committed an act of violence. I may be wrong, and I think it is desirable to get those men back, but it is an embarrassing situation for our country to be in to have to pay tribute to the Soviet block countries.

Now, it is twelve o'clock and I am sorry we could not get around a little faster this morning, but I think probably it is desirable for other gentlemen to listen to this, and this is a line in inquiry that we are going into and we will meet this afternoon. I am hoping that we can get permission to sit while the Senate is in session, and unless you hear otherwise from us, we will meet at two o'clock this afternoon in this room. At that time, I think we will continue. I think it would be best to hear from the air force first, and then the navy and then the army. I believe we will be through at this time with the Department of State.

I wish to thank you.

Mr. DONALDSON. Would you mind inserting in the record then in the case of China that in 1950 the department undertook to make available a vessel at Shanghai and notified all Americans known to the missions that in the opinion of the U.S. government, they should get out, and they were warned to get out. We did then deliver those who came out safely to the United States.

Senator POTTER. Before you leave, at this particular time, we have no particular desire for any further discussions, but we would like to have you present to the committee all of the information that you have relating to this subject in unclassified material, and to go over it with our staff. If there is material that is classified, and you cannot get it released, we will request, if it is necessary for our record, the declassification.

Mr. BARRY. Will you need the army representatives this afternoon, then?

Senator POTTER. I believe not, but I believe we will let the army wait until tomorrow. I think probably it would be desirable if all of the agencies that are represented here, if they will have somebody here to act as liaison during the entire hearing. This afternoon we will hear the air force and navy, and I hope we can hear both.

Mr. SMITH. The type of question is primarily the numbers and the names of personnel?

Senator POTTER. All of the information you have we would like to have.

Mr. SMITH. I see.

Senator POTTER. We will recess until two o'clock this afternoon.

[Whereupon, the committee recessed at 12:00 p.m., to reconvene at 2:00 p.m. the same day.]

AFTER RECESS

[The hearing was resumed at 2:30 p.m.]

Senator POTTER. The committee will come to order. As long as Bob Kennedy, the minority counsel, does not bring up a point of order that we are sitting as a one-man committee, we will proceed. I can assure you that all the minority has been invited to participate, and I assume that Senator Jackson will be here very soon. Now, this morning we heard from the representatives of the Department of State and this afternoon we would like to discuss this question with the air force and the navy. The question is to correlate as much information as we can as to the American citizens, military and civilian, who are behind the Iron Curtain against their will. I think it might be well if at this time I read a portion of the statement made by General Ridgway, chief of staff, U.S. Army, when he appeared before our Korean War Atrocities Committee in January. I quote: "A total of 13,238 United States Army, Navy, Marine and Air Force personnel are known to have been either in a prisoner of war or missing in action status, since initiation of the Korean conflict on June 25, 1950. These figures show that a total of 4,631 have since been returned to military control. As may be noted, we now reach a tragic void. I believe most of this discrepancy between the number of people returned and the number of those who are still listed as missing in action and presumed to be dead, namely, 8,690, is directly attributable to Communist mistreatment in their prisons."

Now, in other words, General Ridgway is saying that there are 8,690 prisoners of war from all branches of the military that are missing in action, but we have apparently no knowledge as to whether they are dead or alive. I think that is the key figure in the general's statement. Now, according to testimony given before the committee by Colonel Todd, and Colonel Wolf, based upon a formula which they had devised and which held pretty true in their other calculations, we can presume that 5,000 of the 8,000 and so on are dead. But that still leaves a total of approximately a little over 3,000 that may be prisoners in the hands of the Communists.

As a result of the testimony that was given and one of the conclusions reached in our report, we state this: "Several thousand American soldiers who have not yet been returned were victims of war crimes, died in action, or presently confined behind the Iron Curtain." That, gentlemen, is what we are here today to discuss and get as much light as we can on those that are still confined behind the Iron Curtain.

I think it would be best to hear from the air force first on this because it is our understanding that because of the possible technical information that many of the personnel had and the nature of their military operations, the air force personnel were more susceptible to being taken back into Manchuria or China and possibly we know some are still there. If you would like to comment on that, I would appreciate what the air force has to say on that.

**STATEMENT OF FREDERICK AYER, JR.,
SPECIAL ASSISTANT TO THE SECRETARY OF THE AIR FORCE;
AND LT. COL. R. W. SPRINGFIELD, CASUALTY BRANCH,
DEPARTMENT OF THE AIR FORCE**

Mr. AYER. Mr. Chairman, I will comment on that. I am going to comment very briefly because Colonel Springfield of our casualty branch is much more able than I am to go into detail on that.

I would like to come back first of all to the figure of 312 mentioned this morning. They were individuals who were not accounted for. That is to say between the list of those the Russians said they had and would return and the air force personnel that we had reason to believe, some type of reason to believe, had at some time or other been alive back of the lines. It was not a figure of people that we knew positively were in the hands of the Russians.

Since that time, we have received or been able to dig up in interviews with returning men and other available sources of information, no positive evidence that any one of those 312 are still alive. We do have a statement which originally came, a series of statements, from Peiping radio which were to a certain degree reinforced by a statement from Wilfred Burchett.

Senator JACKSON. He is the correspondent from the Communist paper in Paris?

Mr. AYER. That is correct, that there had crashed in Manchuria—this is according to the Peiping statement—eighteen United States Air Force personnel, fourteen in one B-29 crash and four separately in jet crashes, and that three were dead, that one was in rather bad shape and might or might not live and that fifteen were still alive. We have been unable to verify that statement, but it is a reasonable presumption, I think, that would be a fair statement of it, that they are telling the truth and they do have these people. They were shot down while south of the Yalu. It is impossible to say whether they floated to earth inside the Manchurian line or came across and dragged them back. We have no way of knowing that.

Of the balance, that would be 294, or whatever the figure is, we have pretty good evidence from interrogations of returnees and so on and so forth that the majority of them are probably dead. There are some twenty that we are not sure of or have no information as to whether they are dead or alive. That is a very broad statement.

Senator POTTER. Does the twenty include the fifteen that you mentioned before?

Mr. AYER. No, that is an additional twenty.

Senator POTTER. There are thirty-five that there are a possibility of?

Mr. AYER. That is twenty who had been seen going down in parachutes.

Senator JACKSON. What is the highest ranking officer out of this total group?

Col. SPRINGFIELD. A full colonel, sir.

Senator JACKSON. How about in the aggregate, out of the total of 312 that are missing, would anyone higher than a full colonel be involved there?

Col. SPRINGFIELD. No, sir.

Senator POTTER. Now, Colonel Springfield, can you elaborate a little more on the statement that has just been given?

Col. SPRINGFIELD. I can go into more detail if you would like.

Senator POTTER. I think that would be well. Now, there has been an assumption that the number is much greater than what you have given. Now, I assume that probably some of that data has been confused with the marine air rather than with the straight air force.

Col. SPRINGFIELD. No; there are nineteen marines. They are not included there. The 312 figure was arrived at just at the same and just subsequent to the crossing of the last repatriate at the end of Big Switch. That figure was made up of personnel who by some reason or another we had reason to believe were or may have been in the hands of the Communists at one time. It has to be clarified in that if a man crossed the border and said, "I knew John Jones. He was in prison camp awaiting repatriation," they put the name on that list for an accountable purpose, and I think rightly so.

In checking that to find out for my own reasons and for the reasons of the next of kin, if this man's name was on there, I went back to the repatriates and said, "You made the statement that this man was still in prison camp. I would like to get further information so I can justify one way or the other." In every instance that we ran such an interrogation, we found that John Jones in fact was First Lieutenant John Jones of another service, within the United Nations forces, and that he had in fact been in prison and was repatriated and sometimes we would find two men of the same rank and would be the same.

Senator POTTER. Every time you checked into it, you found that it was a different man than you had originally assumed?

Col. SPRINGFIELD. Of the names that we feel got on the list with no valid reason for having been there. Now, there were other names where there was a valid reason for being there, and I am talking of this 312 names which were reduced to probably a figure of 156 by virtue of the fact that the information was believed to be solid information, but we finally through interrogation and research resolved that in fact they had someone else in mind. That may sound like a big figure, but such was true.

Senator POTTER. But that boiled down to approximately 150, did you say?

Col. SPRINGFIELD. One hundred fifty-six, approximately, we feel were justifiable on that list. Now, of that 156, he has just told you the eighteen names, fifteen of whom we still have some reason to believe may be alive. That is from propaganda sources.

Senator JACKSON. Some of these officers have a certain amount of important technical information?

Col. SPRINGFIELD. There is no pattern from the air force standpoint that would lead us to believe that anyone has been kept for technical knowledge reasons. We have four jet pilots we are talking about, and we had jet pilots come through and we have a high-ranking colonel and still he is among the bunch and we had two or three high-ranking colonels who at one time were in positions in the air force maybe having access to more knowledge that came

home. There is no pattern that we have been able to find certainly from our source of information.

Senator JACKSON. But of the ones missing out of this total of 312, did some of them have a certain amount of technical information that would not normally be available to other officers?

Col. SPRINGFIELD. I think we should consider the figure of 312 in order to understand what we are discussing here. Of this number, as I say it was reduced to 156, and the eighteen of sixty-three whom we have spoken of, allegedly who landed in Manchuria, and fifteen of whom may possibly be alive. Quite a number of those we know definitely, and we have positive proof, that they in fact did die in prison.

Senator POTTER. But they are still part of that 156 figure?

Col. SPRINGFIELD. Yes, the Communists in the trust agreement agreed to furnish the list of those who died in prison, and that they did not do. Even though we have our own persons who as many as eight or ten were present at the time of death and actually can tell us the exact spot the body is buried, we still feel we have a right to an accountability and so on, on section nine. There was probably some of this reduction to 186 over all and some of those were not on the list, and I do not want to confuse you number-wise, but a total of 186 plus eleven, which would be 197, we have positive proof of death from our own sources.

All of these were not on that list. So, we have those people on there. We have other people on that list who when last seen were alive and in prison but I can cite several cases. They were last seen and had both feet frozen and they had gangrene in both feet and they were receiving no medical attention. In one case, it was left behind in a little outhouse as a result of the march which you probably went into before.

I have another captain who bailed out and lost his shoes, and unfortunately he landed in the wreckage of the aircraft which was burning and he was badly burned both by hands and feet and with no shoes he stayed for three days in that shape. His feet froze and he had gangrene and he was irrational the last time he was seen but the last time he was seen he was alive and they gave us no information, but I have at least eight people who saw him in that condition.

Then, it simmers down to a possibly twenty people on this list, who bailed out successfully—this is the twenty he was speaking of before—who, according to their wingmen who were in the air, they stated that they bailed out successfully. They were never to be seen or heard of again.

Now, those people are rather low ranking officers and I do not believe would come under the category of personnel that you spoke of Senator Jackson. The highest is a lieutenant colonel and there are eight captains.

Senator JACKSON. Was he a squadron commander?

Col. SPRINGFIELD. He no doubt was, and I do not have his position here. I believe there are about eleven captains here, one major; actually your highest rank is one major and the other a lieutenant colonel, and the other were company grade officers.

There are people, of course, that circumstances surrounding the crash was such as to preclude survival, and we know nothing fur-

ther than our witness statements that the airplane crashed, and exploded, burned, and a parachute was not seen.

Senator JACKSON. We had some B-29s that went down off Vladivostok.

Col. SPRINGFIELD. You are speaking of B-50s, that would not be considered missing in action.

Senator JACKSON. Is one of them the B-50 that landed in Manchuria?

Col. SPRINGFIELD. No.

Senator JACKSON. What about the B-50 case?

Col. SPRINGFIELD. As you recall, one person survived and he was rescued. That was Roach. The pilot, O'Kelly's body washed ashore on the Island of Hokkaido. Also, the engineer's body washed ashore on Hokkaido about three months afterwards and in checking with the oceanic currents we find that would approximately the time that it could be expected to make that cycle.

The other persons aboard the B-50 we have absolutely no information on other than search aircraft stated they believed they saw, I believe it was from three to six which they dropped a boat to. They further stated they believed they saw PT boats of unknown nationality rushing to the scene and representation to Russia has failed to get any results whatsoever.

Senator JACKSON. What rank would they be?

Col. SPRINGFIELD. The highest aboard or all of them would be in the company grade, and I do not have their listings or airmen grade.

Senator POTTER. Were they all air force personnel?

Col. SPRINGFIELD. Yes.

Senator JACKSON. Have you included those in these figures?

Col. SPRINGFIELD. No.

Senator JACKSON. They probably should be included; they were last seen alive.

Col. SPRINGFIELD. Not in missing in action, but missing cases. That is a technicality.

Senator JACKSON. I understand but they are missing behind the Iron Curtain.

Senator POTTER. They would fit into the category in which we are interested. I do not think that there should be lumped in with yourselves, but I think that you should cite them.

Mr. AYER. They would be correctly included in a list of people who are missing and we do not know where they are. We do not know whether they are dead or not.

Senator JACKSON. I think, Mr. Chairman, that it would be well to have a list of all personnel that there is reason to believe are behind the Iron Curtain. That is with reference to air force personnel, without reference to the reason why they were taken.

Senator POTTER. Can you put them in the category of miscellaneous or something, or other air force personnel?

Col. SPRINGFIELD. Yes, but the word reasonable to believe they might be behind the Iron Curtain bothers me a little, and I have no information reasonably to believe the boys in the B-50 or the B-25 are behind there.

Senator JACKSON. Is there not a justifiable presumption if they parachuted and PT boats were moving in to pick them up and there is no other evidence to indicate that they were not there?

Col. SPRINGFIELD. Well, O'Kelly—I still cite him—got out safely and he talked to Roach and they held together for quite some time and when the boat was dropped they separated and O'Kelly washed ashore but he was alive in the water.

Senator JACKSON. But how long after were the PT boats seen in the area?

Col. SPRINGFIELD. They were at the same time O'Kelly was in the water, sir. I mean it was a simultaneous operation and we dropped the boat to Roach and we dropped the boat to the others and the PT boats were seen and Roach was picked up by the navy and these two bodies were washed ashore, and we have reason to believe one of the boys aboard there was knocked unconscious and the word "reasonable" to believe they are behind the Iron Curtain, I think requires clarification.

Senator JACKSON. I think you have probable cause to believe that or let us put it this way: I think there is a presumption that they are alive if last seen alive and boats were in the area.

Senator POTTER. How many were in that flight?

Col. SPRINGFIELD. I do not recall, sir, I think it was eleven.

Mr. AYER. I think it was seven, and I think that is correct.

Senator JACKSON. What about the one off Hokkaido?

Mr. AYER. It was a full crew of eleven, I believe, sir.

Senator JACKSON. Now, all that you have on that is that a plane from an unknown country appeared on the radar scope and thereafter the B-29 disappeared?

Col. SPRINGFIELD. We have some statements from fishermen and this is probably classified. We have some statements from some fishermen who were in the harbor at the time who were being held by the Russians who saw the aircraft fly over and explode and go into the ocean. There was a knoll between them for a short period of time that they did not see exactly what did happen and they did not see any parachutes, but we do not know whether they went down with the plane or subsequent to the time they saw the plane some might have bailed out. It is an unknown factor. It is reasonable to presume, again, or can we reasonably presume something.

Mr. AYER. I think I would like to, on behalf of the air force, make this differentiation, that the total figure which we will include the B-29 off Hokkaido and the B-50 that we know was shot down.

Certainly it should be included in the over-all figure of air force personnel whose ultimate we do not have any idea what it was. The difference is that we know or are pretty certain that of the 312 eventually reduced to 156, we knew there were 156 people who were at one time in enemy territory, or in enemy hands, and we have no knowledge whatsoever that if there were any survivors after a while of those two crashes or whether any of those people were ever in enemy hands. It is a different category of fish.

Senator POTTER. How does the air force carry the men in those two planes? Still as missing in action?

Col. SPRINGFIELD. Just missing, sir. Just carried as missing.

Mr. AYER. There is no reason, or we have no reason, to believe that they are alive. We have no positive knowledge that they are

dead, but there is no reasonable presumption, or at least I as a lawyer would not certainly say there was a reasonable presumption they were back of the Iron Curtain. That is stretching a point.

Senator JACKSON. I would just say that according to the information submitted to the committee, it would appear that at the time O'Kelly was in the water, that two or three others were likewise in the water, and that these PT boats came out from this unknown country.

Col. SPRINGFIELD. They were not seen in the area where these people were.

Senator JACKSON. How far out was that?

Col. SPRINGFIELD. They were proceeding toward the crash when seen.

Senator JACKSON. Well, was this at night or during the day?

Col. SPRINGFIELD. It was during the day, as I recall, and I believe they did go into night.

Senator JACKSON. What was the temperature of the water?

Senator POTTER. Did O'Kelly get to shore before the PT boats arrived?

Col. SPRINGFIELD. He, in fact, died in the water and his remains washed up.

Senator POTTER. How long can you remain in the water there?

Col. SPRINGFIELD. In that northern climate, it varies, I would have to get that for you. Sometimes it is fifteen minutes and sometimes it is eight hours.

Senator POTTER. That is frozen over eight months of the year.

Col. SPRINGFIELD. Roach remained in the water, I believe it was approximately eight hours and did survive and he was deathly sick when he was recovered. He was in the water about that long and he did manage to survive, but your survival point is a question in the water, if not picked up.

Senator JACKSON. I do not think it is unreasonable to presume. I do not know about it, if Roach lived and he was in the water eight hours and the other boats were seen coming to the area.

Mr. AYER. It is a possibility, I would admit that.

Col. SPRINGFIELD. We had a strong protest to the Russians—and this would be the State Department's business—and one of the notes admitted they shot it down, but reiterated very strongly there were no survivors to their knowledge or certainly they did not have them.

Senator POTTER. What has the air force done about these cases where you have fairly conclusive evidence that the air force personnel are being kept behind the Iron Curtain, and what have you done in order to protest or what has been done through our Department of Defense or has it been turned over to the Department of State?

Mr. AYER. It has been turned over through the Department of Defense to the Department of State.

Senator POTTER. Were there any of the air force personnel who signed germ warfare confessions that are still over there that have not been recovered?

Col. SPRINGFIELD. The ones we know were returned.

Senator JACKSON. Do you have any reason why they might be holding up to twenty in one group?

Mr. AYER. Fifteen we know they have and twenty we do not know where they are.

Senator JACKSON. Can you account for any reason why they would be holding them?

Senator POTTER. Is there anything in the record and were these people susceptible to communism as individuals or was there any pattern as to why they might be held?

Mr. AYER. Correct me if I am wrong, colonel, but of the twenty that were seen parachuting or otherwise landing, there is obviously no pattern to them and they are a group of people that in individual instances floated to the ground. Those who Radio Peiping claims they have, of who fifteen are still alive according to their statement, I cannot out-guess the Russians on this or would not be as accurate as the State Department estimate of the situation, but I think it is a good idea in their mind to have something that they claimed violated the Manchurian border and to hold them for whatever use they may be able to make of them later. That is not an answer because I do not know.

Senator POTTER. Have you received any information from the returned Japanese prisoners of war that were at the end of World War II, recently returned—have you received any information as to whether they ran into any captured air force personnel of the Korean War in their prison camps in either Manchuria or China?

Col. SPRINGFIELD. No, sir. There was a statement in the press. They said they had heard English-speaking people in Siberia and that was investigated, but there was no way which could tie it in to any air force or military personnel. There was some speculation it might be of any nationality since the English language is rather fluently spoken among other nationalities.

Senator POTTER. The reason I ask is that I had some information from an intelligence source that indicates that there were four either pilots or air force personnel, and I am not certain whether it was air force or marine personnel, who were seen in a prison camp in Manchuria, and as a matter of fact, I think they moved three times to three different camps, actually, and later on they were last seen being shipped down one of the rivers there from Manchuria towards Siberia. Do you have that information?

Col. SPRINGFIELD. No, sir.

Senator POTTER. If your intelligence had it, would you have it?

Mr. AYER. Yes, we would have.

Senator POTTER. It was either air force or marine personnel.

Mr. AYER. We would have received a copy of whatever intelligence report that was.

Senator POTTER. You say you would have received it?

Mr. AYER. Yes.

Senator POTTER. Did you have any questions?

Col. SPRINGFIELD. I believe, sir, maybe it would be well to state here that in our interrogation and re-interrogation of repatriates, particularly, we did get a lot of information and many of them, while this would be more or less hearsay, but it would be from being active in the prison camp over there, would state that they knew this person and we would run this down and he was either dead or he came back or he would say if he was ever in prison camp. We would have known it if he was processed and from those

names we would check and we come up with nothing. The thing I am trying to say is that there is a vast amount of information which precludes survival which cannot be said as a definite statement that they in fact did not survive. There is a vast amount of it. We have re-interrogated most of our patriots, as many as three times, many of them personally.

Mr. O'DONNELL. Have you interrogated all of the repatriates as a result of Big Switch?

Col. SPRINGFIELD. Yes, sir, and to the air force we have gone out second and third times and talked to them personally and by phone and by letter.

Senator POTTER. You are fairly confident that you have about all of the information that is available, as far as the whereabouts of the air force personnel that are still missing?

Col. SPRINGFIELD. Yes, sir, and I feel we can only reasonably presume that fifteen might still be alive. That comes down to the figure of fifteen, sir.

Mr. AYER. It would be a fair statement, would it not, colonel, that the twenty that we added to the fifteen, we do not have positive evidence that they are dead?

Senator POTTER. You have no positive evidence that they are alive or dead?

Mr. AYER. That is right.

Col. SPRINGFIELD. But from our interrogation, it is no longer reasonable to assume that they are not still alive.

Senator JACKSON. The last bit of knowledge that you have been able to sift out of all of the steps that you take as normal operating procedure on your part was that they were last seen parachuting out and they made a successful drop and thereafter you do not know what happened?

Mr. AYER. We are not sure that they all landed alive.

Colonel SPRINGFIELD. We had information that one of them landed on a land mine.

Senator POTTER. What was the normal Communist practice as to their treatment of airmen?

Col. SPRINGFIELD. It was wretched. They were treated very poorly, sir.

Senator POTTER. Were any of them killed on the spot?

Col. SPRINGFIELD. Yes, some of them were shot.

Senator POTTER. So there is a possibility of that twenty that they were just murdered on the spot.

Senator JACKSON. That is by local people?

Col. SPRINGFIELD. By North Korean guards. That is what the evidence shows that I have.

Senator JACKSON. I would think that they would try to interrogate them and then shoot them.

Col. SPRINGFIELD. Some of them they shot after they interrogated, whether they shot them right away or not.

Senator POTTER. Are there any further questions?

Mr. O'DONNELL. Do you know whether the State Department has made any effort on an inquiry basis to find out if these twenty are alive as distinct from the fifteen?

Col. SPRINGFIELD. As distinct from the fifteen? No, sir, I do not.

Mr. O'DONNELL. Do you know, by any chance?

Mr. BROWN. I do not know whether we have been asked to because we have made a good many representations.

Col. SPRINGFIELD. I think they have not been asked.

Senator POTTER. I wonder why that is true.

Senator JACKSON. What could they really do? I am just trying to understand that.

Mr. O'DONNELL. To verify the fact that they are over there.

Senator JACKSON. As I understand the situation from the testimony this morning, the State Department could run down every known American to get a rumor about someone and they would run them down, is that not it? I believe that was stated.

Mr. BROWN. They would try to run them down.

Senator POTTER. That would be the case here and you have twenty that you do not know whether they are dead or alive and it would seem to me and I may not be correct, but you probably will not get much information any more than you get on the other.

Col. SPRINGFIELD. The army is the executive agent of the forces, and the commission itself over there has made certain steps and so on and so forth, and I believe they will tell us certain things that are being done and certain intelligence efforts trying to verify it. It has not, to my knowledge, come to a point yet to where it will get into diplomatic channels versus military channels.

Senator JACKSON. Is the army handling that information for the United Nations?

Col. SPRINGFIELD. They are the executive agent for the fighting and so a lot of things probably have gone between them and the people representing the Korean side. I would rather they would discuss that and I am familiar with many of those things.

Mr. KENNEDY. Have the Chinese said that these fifteen are the only ones that they are holding and did they say that they have returned everybody except the fifteen?

Col. SPRINGFIELD. Mr. Burchett made the statement.

Mr. KENNEDY. What about the Chinese themselves?

Col. SPRINGFIELD. The Peiping Radio only told us within twenty-four to forty-eight hours they had captured these people and that is the only information we have on these fifteen people that I am speaking of and no more.

Mr. KENNEDY. As I understand the armistice terms, it was agreed that they would return all prisoners of war from one side to the other and so I presume that they have not said that they are holding any back?

Col. SPRINGFIELD. They have never admitted that.

Mr. KENNEDY. If they were asked about it, I presume that except for the fourteen which they do not consider in this category they would deny they held them.

Col. SPRINGFIELD. These names were on that list handed to the Communists for accountability and we have no satisfactory answer from the Communists as such, officially speaking.

Mr. KENNEDY. And, if they did admit holding any of these others, they would have to admit violating the armistice terms, would they not?

Col. SPRINGFIELD. That is right.

Senator POTTER. All right. We wish to thank you for giving us that information.

Mr. Secretary, do you want to tell us what information you have as far as the navy is concerned, or the navy and marine corps?

**STATEMENTS OF JAMES H. SMITH, JR., ASSISTANT
SECRETARY OF THE NAVY FOR AIR; CAPT. W. R. SMEDBURG,
DEPARTMENT OF THE NAVY; LT. COM. T. J. MARTZ,
DEPARTMENT OF THE NAVY; AND LT. COL. NIHART AND
COMMISSIONED WARRANT OFFICER JACK GOODALL,
MARINE CORPS, DEPARTMENT OF THE NAVY**

Mr. SMITH. With your permission, I am going to ask Lieutenant Commander Martz to give the information with regard to the navy and the coast guard, and Lieutenant Colonel Nihart will give it for the Marine Corps.

Senator POTTER. That is perfectly all right.

Col. NIHART. Before the Armistice occurred, Mr. Chairman, we had a total of 145 marines carried in a captured status. That is they were known to have survived the action in which they became captured. Most of this information we had as a result of interrogations after Little Switch, and they brought back some rosters with names and so on, some from the Peiping Radio broadcasts, and some from agents, I presume. One hundred and twenty-seven of this 145 were returned to military control as a result of Big Switch. That left eighteen still in the captured status.

Senator POTTER. Of the eighteen, were they infantry personnel, or airmen or both?

Colonel NIHART. Both. At least one to my personal knowledge was an airman; there may have been more. Prior to the time that the list was submitted to the Communists by the Military Armistice Commission, I believe, with a demand for an accounting, there were a total of 944 names of all services on this list; we were asked to furnish names to go on this list, of people we had reason to believe might still be in Communist hands.

We submitted our list of these eighteen names. Apparently, before they got out to the Far East, the Far East Command and the Armistice Commission submitted their own list, which included nineteen marine names. About half of these nineteen names that were submitted by the Far East Command corresponded to names on our list of eighteen.

Approximately half of the nineteen either had already been returned to military control, or were subsequently declared dead based on the interrogations of the returnees.

Senator POTTER. Of the nineteen, the list submitted by the Far East Command—

Colonel NIHART. Yes, sir.

Senator POTTER [continuing]. And half of them were on your list, and the other half either had been returned to military control, or were dead?

Col. NIHART. That is right. The names on our list, that were not included on that first list, were added to the list at a later date when the names were submitted a second time, or a correction was submitted. Now, of this eighteen, these eighteen marine names, on evidence or strong circumstantial evidence of returnees, we have declared thirteen to be dead, either as a finding under Public Law 490, the Missing Persons Act, or as a finding, with a presumptive

date, that is, if we have positive evidence someone saw him dead in prison camp; and the other with a presumptive date of death, that is, if when last seen alive he was in a sinking condition from illness or wounds or something of that nature.

We still carry five in the captured status. One of these was a first lieutenant, pilot. He was shot down near the front lines; and he was observed both from the air and from the front lines to be marched off by captors at the point of a gun. He has never been seen nor heard from since; and he never got to prison camp.

Senator POTTER. He was never seen in a prison camp?

Col. NIHART. That is right.

And the other four were privates, infantrymen. All four were seen in prison camp by people who were returned to us, as late as April of 1953. They were never seen after April. The name of one was mentioned on a Peiping Radio broadcast.

Senator POTTER. How was his name mentioned, was it mentioned as being alive, or what?

Col. NIHART. That I do not know, sir.

Mr. GOODALL. Quite often on propaganda broadcasts they would say that Private Smith, John A. Smith, sent his regards and he is safe and happy, or something of that nature.

Senator JACKSON. Were the four enlisted personnel in good health when last seen?

Mr. GOODALL. No, sir.

Senator JACKSON. They were not in good health?

Mr. GOODALL. No.

Senator JACKSON. Was there any reason to believe they might be dead by reason of their condition when they were last seen?

Col. NIHART. I do not think their condition had that far deteriorated, or we would have declared them dead.

Senator POTTER. Then you would have presumed them dead?

Col. NIHART. Yes, sir.

Senator POTTER. Did you have any evidence that these four might have been what is commonly referred to as progressives that stayed over because of their own will?

Col. NIHART. Absolutely not, sir, none whatsoever.

Senator POTTER. The reason I asked that was because people who know considerably more about this than I, and know a lot more of what the Communist tactics are, claim that the fact that they have these twenty-one GIs that they use for propaganda purposes, that undoubtedly there are many more who have deviated and are still over there; but they use these for propaganda value. I assume probably that is because their names were known in many cases, and they were known to be captured. I was wondering if these four were in that category of progressives.

Col. NIHART. So far as I know, they are not.

Mr. GOODALL. There is a peculiar story on one. We are checking now to decide whether or not he was actually a marine. There is some doubt in our mind as to whether he could be from another service.

Col. NIHART. That is not meant the way it sounds.

Senator POTTER. That would be a dirty army trick, would it not?

Mr. GOODALL. There were other marines in this same prison camp. He cannot be identified by any other marine. He was identi-

fied by personnel of other services. He was a Negro boy and from Louisville, Kentucky. The name was the same and we picked him up on that basis, as captured.

Col. NIHART. No other marines knew him. I think there were four soldiers reported that they knew him and he was a marine.

Mr. KENNEDY. There were no marines among the twenty-one who stayed over?

Col. NIHART. No.

Senator POTTER. Then yours boils down to the fact that there are four which you have reason to believe may still be behind the Iron Curtain?

Col. NIHART. We carried five, four infantrymen and an aviator. I would not go so far as to say we have reason to believe they are behind the Iron Curtain. When the aviator was last seen, he was close to the front lines being marched off at the point of a gun, and he was never seen or heard from since.

The four privates were seen maybe five or four months before the armistice. When last seen, and they were never seen after that, while they were not sinking rapidly at that time, their health was poor.

Senator POTTER. And you carry them, I assume, as missing in action?

Col. NIHART. We carry them as captured. We have others that we carry as missing in action, but that is a different matter.

Mr. O'DONNELL. The only thought that I have again, and it applied to the air force: Have you completed all interrogatories of returnees and marines who were prisoners?

Col. NIHART. Yes, we have, sir.

Mr. O'DONNELL. Do you have any outstanding leads as to these five individuals?

Col. NIHART. Absolutely none, sir.

Mr. KENNEDY. You have their names, do you not?

Col. NIHART. Yes.

Mr. KENNEDY. Can you check them and find out whether the one that you had a question about was actually a marine?

Col. NIHART. We have letters out now to these four men, as well as other people in the same count, marines in the same camp with him.

Senator POTTER. Will you supply the names of the five for the record?

Col. NIHART. Yes, we will do that.

Senator POTTER. All right. Now, perhaps, we can hear from the navy!

Com. MARTZ. The Navy Casualty Section maintains that we have a possibility of four officers, a lieutenant, a lieutenant, j.g., and two ensigns. Through these interrogation reports, telephone calls to the mother of one boy, and little incidents like that, we are led to believe that these men are held in Communist territory.

In addition to those four, we had another incident somewhat divorced from that, where a patrol plane was shot down off Swatow, in southern China.

The plane went down and the personnel did get away, or got out; and a coast guard PBY went in and crashed on take-off. There was another loss of personnel. It is a possibility that two of them got

away. Someone saw a life boat with two men aboard, two silhouettes in that boat of men who had gotten away.

And out of that incident we have one navy officer with five enlisted men missing; and there is one coast guard officer and four enlisted men missing.

Now, they are missing. And the other four that we had reference to were missing in action. There is a total of fifteen altogether, including the five coast guard, ten navy and five coast guard.

Senator POTTER. Are they carried as missing in action?

Com. MARTZ. The four engaged in Korean action are missing in action.

Senator POTTER. Were any of these men put on the list that we sent over to the Communists?

Com. MARTZ. The four are declared missing. And the commander-in-chief of the Far East carried them on his list.

Mr. O'DONNELL. Have any of these fifteen ever showed up anywhere in any PW camp?

Com. MARTZ. All of these are covered up to this moment. We screen the navy and the marine reports, and they screen ours; we have an exchange between air force and army, where they are screening their own and if they uncover any statement regarding navy personnel, they report to us, and if we uncover anything in our screening of the naval reports that pertain to army and air force, we report to them.

There has been nothing show up on the fifteen. We did have a report that a newspaper in Manila and Hong Kong carried the story of an incident where it said that two American personnel were hauled up through the streets in a cage, ridiculed and so forth.

And that would lead us to believe, or it ties in in such a manner that it would lead us to believe that the two who were silhouetted in the life boat may be the two that are involved.

Senator JACKSON. In all probability the ones that went down off the China coast would not be in the prison camps in North Korea, in any event.

Com. MARTZ. We have no reason to believe that they are, but it is hard to tell.

Senator JACKSON. It would not be reasonable to assume that they would take them all of the way back.

Mr. O'DONNELL. They would be held as diplomatic prisoners, if anything.

Com. MARTZ. I think Captain Smedburg can elaborate on these.

Mr. KENNEDY. Why do you think that the four navy personnel are still alive?

Com. MARTZ. In the case of one ensign, we have a letter from his mother telling of a phone call from a Marine Sergeant Estes, who was one of eighteen that escaped from a prison camp. He reported to her that he had seen her son in a camp north of the 38th Parallel on the 18th of May.

Mr. KENNEDY. What year?

Com. MARTZ. That would be in 1952.

Senator JACKSON. A telephone call from him after he was repatriated?

Com. MARTZ. After he came back on Big Switch.

Senator JACKSON. After you had interrogated him?

Com. MARTZ. I do not know whether the intelligence authorities have or have not. I would not say for certain. Undoubtedly, they have.

Senator POTTER. The boy's mother received this telephone call?

Com. MARTZ. And the letter. We have a letter from her. The sergeant called her by phone, and she notified us by letter.

Then to verify it, we have his name mentioned in three of the interrogation reports, where the boys making the reports state that they had seen him at various times. Some of them reported that he was in bad health. But there was no one that saw him dead, or knew of him dying. So we have the three reports and the phone call from the sergeant that tells us he is possibly over there.

Another man by the name of Brown is reported missing. We have the report from the general headquarters of the Far East in which they disclose that one of their commissions out there that inspected one of the cells or one of the prison camps found Brown's name freshly carved in the walls of the cell. He had been held there about eight days, and that tied in.

We had him missing as of the 20th, and about the 28th or 29th was the date they had picked him up. He had been moved to another camp and that is when they went into make the inspection. That shows us that he had been in that area, and in the camp, probably.

Another one of the men, a Lieutenant Venis, navy air force, we have two statements of returnees wherein they said that they had had contact with him. Statements by two different boys. They had been in camp 3 and camp 5 together. They had been in both of those camps at different times.

Now, we have not tied them down just what camp it was; but he was in one of the two because those two boys make reference to him. And those are the only two places that they had been together.

Senator POTTER. When was he last seen?

Com. MARTZ. I will have to look at the case, and I have it with me back here. But I can find out very shortly.

Then his name was added by the commanding general of the U.S. Army forces, Far East, after they had started their screening out there. He wired us to pick Venis up and add him to our list. We have done that. So that means that they uncovered something out there in their interrogations that would lead them to believe that he was out there.

Senator POTTER. Are the records in the Far East more complete than they are here?

Com. MARTZ. I assume that they are. They do send back reports and tell us how their list is. And we check it against ours in here. But probably they do have information out there in their intelligence setup.

Senator POTTER. If I may digress for just a moment, is that true with the air force?

Col. SPRINGFIELD. No, sir.

Senator POTTER. What about the army?

Mr. BARRY. I think we will have everything here that they have out there; if we have not, we can get it.

Com. MARTZ. Perhaps Captain Smedburg can answer that.

Capt. SMEDBURG. I feel that all of the information is relayed back here, but not the details.

Senator POTTER. We found that pretty much true with our atrocity hearings, that is, that actually the raw files were out there. They had the information here, but it was in a condensed form, rather than the raw files that were out there.

Com. MARTZ. I am speaking from the navy casualty section. What our intelligence section has I do not know. It may be that they do have it all.

Our other case has to do with the lieutenant junior grade Chochran, who was assigned to one of the bases, or one of the islands, in Wonsan harbor. He had charge of a boat detail, as we understand it, he had two repairmen, two enlisted boys from a destroyer that was anchored close by. They were working on one of the boats that had been assigned to the island.

Near dusk, Chochran took the boat and went out. It was the boat that they had been working on. While there had been one of the native military personnel assigned to the boat, Chochran felt he knew more about the trouble with the engine and he could render immediate repair if it broke down. Rather than sending the other man out alone with the boat, he accompanied him for the purpose of returning the two repairmen to the destroyer.

A fog set in and the boat never showed up again. But in screening the boats that were tied up in the area, they found that the boat had started out after it dropped the two repairmen off on the destroyer. It had started out in the direction of enemy-held territory.

Several mornings later, the boat was seen, but there was no report on Chochran or the man who was with him. Therefore, there is reason to believe that Lieutenant Chochran is probably out there in that area, that is, in Wonsan harbor.

Senator JACKSON. Of this group of four or five, do you have any evidence that any of them desired to stay behind the Iron Curtain?

Mr. SMITH. Not to my knowledge. I would have to check up on that. But I came here on the basis that we were going to take steps to get these fellows back. I never checked that information.

Senator POTTER. That is true. Do you have any information concerning military or naval personnel that might be held in Europe?

Com. MARTZ. We have no record of any.

Mr. SMITH. I think this sums up all that we have.

Senator POTTER. Does the air force have any information on that?

Colonel SPRINGFIELD. No.

Senator JACKSON. Or any that are in the Soviet Union?

Col. SPRINGFIELD. No.

Senator POTTER. I think we wanted to speak with you first, and I have discussed this with the Department of Defense, also with other intelligence agencies; this is more to attempt to funnel our information together. We hope that we can make some policy to strengthen our hand in getting these men returned.

I think we have, as I stated before, a real obligation to do everything in our power to get these men back who are being held. I realize at best our information is not concrete.

We probably will never be able to get complete information on this. We do have, with the returning of Japanese and other prisoners of war, who have returned from Communist prison camps, information available which I think some of the army people and probably other intelligence people have seen. I think they have interrogated some of the returned prisoners of war of other nationalities. I think we want to get as much information as we can about this, and we are not in any sense trying to be critical.

It is hard to do business with people and with a country which has no concept of human life, whose word means little. I will be very frank with you, what I hope we can do: I would like to see, if we can correlate this information as much as possible, our delegation at the United Nations present this as an argument to the United Nations, and say "Now here, we know we are not holding any Communist prisoners against their will, as a result of the Korean War, nor are our allies. We invite an impartial inspecting team to come in here and see this situation for themselves. But we want to be able to do the same thing behind the Iron Curtain."

Now, I do not envision that they would ever accept that, but at least it would put them on the defensive. It will just strengthen our hand.

In order to do that, we have to correlate as much information as possible. I think the public, due to so many newspaper reports coming out with fragments of information, is much concerned about it.

I have a stack of letters which say, "I had a son who fought in Korea. He was declared missing in action. Is he still behind the Iron Curtain?"

I do not think it is something that we should hide. I think we should come out and give the public as much information as we can.

Now, what has been discussed here has been off the record, and it will stay that way until we have further information and get further along.

Certainly, you will have an opportunity to make deletions; we can discuss that with you. That is our purpose. We are more or less feeling our way.

And I know that you gentlemen are just as much interested in this as the committee.

Senator JACKSON. I wonder if we could determine, Mr. Chairman, what type of plan is under consideration to deal with this problem. Is there a plan for the purpose of bringing about effective pressure against the Chinese and the Soviet Union?

Senator POTTER. I think that we would have to receive that from a higher echelon.

Senator JACKSON. I assume Mr. Brown could tell us that.

Mr. BROWN. I am afraid I am not in a position to give any information on that simply because I do not know.

Senator POTTER. Well, Senator Jackson, what I am hoping we shall be able to do is to correlate this information. Then possibly we can have Secretary of State Dulles and, possibly, Charles Wilson, or someone from the Department of Defense, state just what is the plan, what do they recommend, and how are they trying to implement an effort to get these men back.

I do not know how well organized it is; but I think once we obtain the information we will then be in a position to determine what we are going to do about it and what we are doing about it.

Senator JACKSON. Before we conclude, Mr. Chairman, I have been reading the article in the *New York Times* of December 30, with reference to Cox and Towers. I note from the article that Towers disappeared in Finland after having gone ashore from an American vessel.

Does anyone have the story on Towers? How did he get into the Soviet Union?

Senator POTTER. I believe you will find that Towers was one that went over of his own volition.

Senator JACKSON. Into Russia?

Mr. KENNEDY. I understand that he was a Communist.

Senator POTTER. He became disillusioned after he got in there, and he came back.

Senator JACKSON. All I noted from the article was that he went ashore in Finland, and then turned up in the Soviet Union.

Mr. SMITH. We have one other individual that might fall between the State Department and us, a captain in the United States Marine Corps Reserve, who was a civilian at the time he was seized by the Chinese Communists. His name is Lawrence Buoli and I wonder if the State Department has included him in their account of civilians in this category.

Mr. BROWN. I do not know, the committee has the list. We turned it over to the committee this morning.

Senator JACKSON. Where was he at the time of the capture?

Col. NIHART. He was a pilot for the Chinese Nationalists Airways. He was captured or arrested by the Chinese Communists, I think it was the 15th of January 1950, before the Korean War started.

Senator POTTER. How do you spell his name?

Mr. SMITH. B-u-o-l. And he has been handled as a civilian.

Senator POTTER. Yes, they have him listed in their report.

Mr. SMITH. I just wanted to be sure that he did not get dropped somewhere.

Col. SPRINGFIELD. I would like to clarify perhaps something that was not entirely clear in our statement about the twenty in addition to the fifteen.

They are not people that we do not have any information about. As a matter of fact by the end of this month, they will be listed on the basis of interrogation reports, and one thing and another, as presumed dead.

We feel that although, as Secretary Smith has said, it our duty to do everything possible, it is also our duty to the next-of-kin not to raise hopes that there are twenty people we think may be still alive in North Korea, because it may not be true. We just have not yet gone through the statutory period or the evidence of March 1st to have declared them presumed dead.

Senator POTTER. I think that is a good point.

We do not want to raise false hopes. We have to be very careful not to raise such hopes in people whose son or husband has been declared missing in action. We do not want to build false hopes to

the effect that they are still alive because we do not have good evidence.

Now, I would like to ask one question which will be applicable to each one of the branches. If you were to receive inquiry from a mother, for example, concerning one of the men who you have some information that he is still behind the Iron Curtain, what would you tell her?

Col. SPRINGFIELD. If we were to receive information from the mother of a man missing, and she says that she has information from behind the Iron Curtain, we get that information and thoroughly investigate it from the origin of its source.

Senator POTTER. What about the mother of one of the fifteen, what would you tell her?

Col. SPRINGFIELD. For example, we would tell her that Peiping Radio testified that he had been captured. We cannot tell her if her son was on a B-29, whether he was one of the three dead.

Senator POTTER. In other words, you give them the truth.

Col. SPRINGFIELD. We give them the facts.

Senator POTTER. What is the navy's position on that, Mr. Secretary?

Com. MARTZ. I have lost your point there, sir.

Senator POTTER. What do you do when someone writes in, say the mother of one of the five, who you have reason to believe may still be alive behind the Bamboo Curtain, what do you tell them, the next-of-kin if they contact you about it?

Com. MARTZ. We tell them that we will refer the information that she has to our intelligence department.

Senator POTTER. I am referring to an inquiry from them.

Com. MARTZ. We furnish her any information that we have up to that point. If there is nothing additional to add, we inform her to that effect.

Senator POTTER. You give her the information that you have given us, is that right?

Com. MARTZ. That is entirely right.

Mr. BARRY. The policy of the army has been that we are going to process them under Public Law 490. They will be presumed as dead from the missing status as the time expires on each one of them.

We do not tell them that we think they are behind the Iron Curtain, naturally, because we do not have enough information to go on. We only know that there are some that at one time were behind the Iron Curtain, whether dead or alive now we do not know.

Senator POTTER. Would you report this to them then, sir, that you had an infantry soldier who was seen in Camp No. 5, for example; that he was not returned in either Little Switch or Big Switch? And the mother writes in. Do you tell the mother that this boy was seen by another man?

Mr. BARRY. We do not, because we do not have enough information to know what has happened to them since. And the fact that you have so much confusion, as the air force has said, some of their people turn out to be our people, and vice versa, therefore, we cannot tell them that they were seen. Of course, what was done, as you well know, we asked for an accounting, and all of the services

did, and we got zero from that. They gave us no satisfaction whatsoever.

Senator POTTER. You do tell them, or you say, that they are still missing in action, but you are still investigating?

Mr. BARRY. And if we can find out anything and if it comes out that they are actually there, certainly their government will do everything that it can to get them back, obviously. But you cannot give them anything definite because you are only raising false hopes, and we have no reason to believe that we may be able to get them back.

Now, I wonder along this line, since the army has the biggest problem, number-wise, on this thing. All of my backstoppers are not here, but I need their help so that perhaps we can get this information for you much faster. Are you going to desire to have a list by names of those that we had some reason to believe might still be there, and nothing further has happened to them?

Senator POTTER. That is right.

Mr. BARRY. We can give you that.

Senator POTTER. That will be kept as a confidential list for the purposes of this investigation.

Mr. BARRY. I have one step further: Over and above those that we had some reason to believe were at one time behind the Iron Curtain, are you going to want a list of all of those that have been listed as missing in action? We have nothing further on them, one way or the other. We can provide that, but it is a big list, there were sixty-seven hundred to start with.

Senator POTTER. I do not think it is necessary to have that by name.

Mr. BARRY. If there was no information at all, you mean?

Senator POTTER. The only information you have is that they are missing in action, is that right?

Mr. BARRY. That is right.

Senator POTTER. And there was no other information on them?

Mr. BARRY. In the case of the army, there were over thirty thousand statements developed from returnees, people who escaped, or those who were repatriated, from which this list of 616 were definitely established as having been there at one time; that is the figure that we would use unless you want something different.

Senator POTTER. We want the names.

Capt. SMEDBURG. May I make one comment, that is, in regard to the young officer in Wonsan harbor.

I have been at sea for thirty-two years, and I have been lost in a fog many times, with good coxswains, compasses, and charts. This kid probably had no charts. He probably did not have much experience in the boat.

I have been in Wonsan harbor myself a number of times. On several occasions, I could not see my own fog signal from the bridge. So, I know that there is every chance that that kid got lost.

I just want to be sure that some time it does not get out that the kid probably headed for the beach.

Senator POTTER. I suggest you strike out of the record my reference to that. I was asking a question.

Capt. SMEDBURG. There was something in there that indicated that he might have gone to the beach; that he was last seen when he was headed for the beach.

Senator POTTER. That is the reason that I asked if you had any information about this, and I assumed that you had no information, now, that would have clarified the whole thing.

Com. MARTZ. He was headed in the direction of the beach, and I may have stated it poorly.

Capt. SMEDBURG. The beach is all around there.

Senator POTTER. That was the reason I asked that, and I assumed that there was no information, and that was all.

Mr. SMITH. We could have that reference stricken from the record.

Mr. BARRY. You will want the army representatives in the morning, will you not?

Senator POTTER. We will have the army representatives later. We will notify you later. I do not believe that we will be able to hear you tomorrow. So probably it will be the following day.

Before you gentlemen leave, you know the purpose of the investigation here, and we are seeking advice from you. If you have any suggestions, we would like to have them, that is, on how best to approach this problem and what can be done about it.

Mr. SMITH. I might suggest this: That if it were decided to take this matter up at the Geneva Conference, where it would be possible for this government to discuss it directly with the other governments concerned, I think we should do everything to have all of the facts and figures available for that so that the lack of facts would not prevent that.

Senator POTTER. Naturally. And that is the reason, after discussing this with you people today, who have the information, then we can take it up with the secretary of state and the secretary of defense. We will be in a much better position to say "Here is the information that is available." And we can ask what is planned to be done with it and I assume the secretary will take it up if the opportunity presents itself.

It may have been discussed as something to be on the agenda, I do not know. But I think our first job is to gather the information.

I wish to thank you gentlemen. You have been most cooperative, and I wish to assure you, captain, I was not in the navy, but I was in the service a little while myself, that I have no intention of slighting the loyalty of anybody.

We will stand in recess. As far as the other branches of the services, I think it might be desirable to have an observer here, if you care to. That is entirely up to you.

[Whereupon the hearing recessed at 4:00 p.m., Wednesday, March 3, 1954.]

AMERICAN CITIZENS BEHIND THE IRON CURTAIN

TUESDAY, MARCH 9, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met (pursuant to Senate Resolution 40, agreed to January 30, 1953) at 10:00 a.m., in room 357, Senate Office Building, Senator Charles E. Potter (acting chairman), presiding.

Present: Senator Charles E. Potter, Republican, Michigan; Senator Stuart Symington, Democrat, Missouri.

Present also: Donald F. O'Donnell, assistant counsel; Robert F. Kennedy, counsel to the minority.

Senator POTTER. The subcommittee will come to order.

Before we start the hearing, could I ask that each person present identify himself for the record. Mr. Berry, suppose we start with you and then proceed right around the table.

Mr. BERRY. L. E. Berry, deputy department counselor, Department of the Army.

Col. CHANDLER. Lieutenant Colonel Homer B. Chandler, Jr., G-3, Department of the Army.

Com. MARTZ. Lieutenant Commander David J. Martz, Department of the Navy.

Col. NIHART. Lieutenant Colonel Franklin B. Nihart, personnel department, United States Marine Corps.

Maj. GARCIA. I am Major L. R. Garcia, Office of the Secretary of the Air Force.

Mr. BROWN. John H. Brown, Department of State.

Mr. WATKINS. Alex S. Watkins, Jr., special agent, counter intelligence corps, Office of Assistant Chief of Staff, G-2.

Col. TRAMMELL. Lieutenant Colonel Trammell, Charles N. Trammell, Jr., Office of Assistant Chief of Staff, G-2, Department of the Army.

Col. SMITH. Colonel Vernon M. Smith, adjutant general office.

Senator POTTER. Thank you, gentlemen.

This is a continuation of a hearing that was held last week in an effort to determine what information our various government agencies have concerning Americans who are held behind the Iron and Bamboo Curtains against their will. I did not know until this morning that the Democrats were having a meeting at ten o'clock this morning, so they will not be present. However, they are ably represented by their counsel, Bob Kennedy.

Wait a moment, we do have a Democrat. Senator Symington has just arrived.

In discussing it with the Democrats, they had no objection to continuing the hearing this morning to wind up the executive sessions. We have heard from the air force and the navy and the Department of State. All we have left is the army.

Mr. Berry, do you want to designate your spokesman for the army?

**STATEMENTS OF L. E. BERRY, DEPUTY DEPARTMENT
COUNSELOR, DEPARTMENT OF THE ARMY; COL. VERNON M.
SMITH, ADJUTANT GENERAL'S OFFICER, DEPARTMENT OF
THE ARMY; LT. COL. HOMER B. CHANDLER, JR., G-3,
DEPARTMENT OF THE ARMY; AND LT. COL. CHARLES M.
TRAMMELL, JR., ASSISTANT CHIEF OF STAFF, G-2,
DEPARTMENT OF THE ARMY**

Mr. BERRY. Yes. If the committee please, we have Colonel Smith, who is head of the casualty branch, adjutant general's office, and I believe we will have him lead off.

Senator POTTER. All right.

Col. SMITH. I am the chief of the casualty branch of the adjutant general's office, and in such position I administer the missing persons act in the name of the secretary. On September 30, 1953, we had on our rolls 6,513 missing. That has been reduced to less than 500 at the present time and we are still working. The reason it has not been exhausted is because of the limitations in the number of cases that we can turn out per day.

Senator POTTER. When you speak of them as missing, what do you mean? Do you mean with no information as to their whereabouts?

Col. SMITH. Some of these were believed to have been captured at that time, but we had nothing positive.

Senator POTTER. It could be just missing in battle?

Col. SMITH. That is right, missing in action. Yes, these are all combat cases I am speaking of.

When the PW's returned from Big Switch, we received from those returning men about—well, I will put it this way: Over twenty thousand statements concerning men that they had seen who they did not believe would come back. As each was interrogated—they were interrogated several times—many of them submitted duplicate statements and hundreds of statements would be submitted on one man, some particular case that was very evident. In sifting through those, we found that they only referred to a little over two thousand of the total of sixty-five hundred. That left a great number on which we had nothing. It was just a void.

Senator POTTER. But the interrogation of the prisoners returned in Big Switch identified about two thousand, did you say?

Col. SMITH. Yes, sir.

Senator POTTER. And they were not returned but were in the hands of the Communists?

Col. SMITH. Yes, sir; or some that they knew were killed on the battlefield, and they told about those, too. The 610 that we referred to as being a part of this list that General Clark asked for an accounting for were included in this total figure. We have been work-

ing on those cases. In my office we have no reason to believe that any single one of those individuals is alive today. We have reduced that list, that is, with the exception of those twenty-one who were dishonorably discharged and the two that came back. As of this morning, the status of the 610 is that two returned to military control, and twenty-one were dishonorably discharged. We have made a report of death on 235.

Senator POTTER. Is that based upon statements?

Col. SMITH. Yes, sir. The report of death is where we feel we have conclusive evidence of death. We know where he died, when he died, and what he died of. We have issued 275 findings of death. That is a presumptive finding. On those men we had nothing, and we feel that they are no longer living. It is presumed they are no longer living because we have no information at all.

Senator POTTER. You have no information that they are alive, but by the same token you have no information that they are dead, is that correct?

Col. SMITH. That is right. So we put it this way, sir: They are not presumed living, therefore they must be dead. But in order to administer the law and to get them off the books, as we might say, I have to issue a finding. I have seventy-seven cases left to work.

I would like to make it clear, sir, that because I have seventy-seven cases it is not implied that those men are alive. It is a time limitation with the amount of people now. We are reducing that. By the end of this week, I expect I will practically zero out on those cases. There are a few of them that we have a few leads on that we are still trying to exploit, statements of returning prisoners that we are still interrogating, trying to determine for sure whether the man they saw was the individual referred to and whether or not he is dead. We prefer very much, of course, to make a report of death instead of a finding of death, if it is at all possible. But it is not implied that any of those men are alive at all. That is, from my office.

Senator POTTER. These seventy-seven that are left, do all of them have statements one way or the other?

Col. SMITH. No, sir. Yesterday I had—

Senator POTTER. It is just a matter of time?

Col. SMITH. That is right. Yesterday I had ninety left. Last Friday I had one hundred and some left. Last Thursday when we met here, I had 149 left. So it is a daily proposition. We are reducing it as fast as we administratively can do so.

Senator POTTER. When do you expect you will have the seventy-seven cases finished?

Col. SMITH. By the end of this week, I hope, except maybe for a few isolated instances where we are trying to get additional information.

Senator POTTER. As I understand, these figures of 235 and 275 and 77 are out of the 610?

Col. SMITH. That is right. And the twenty-one and the two and that totals 610.

Senator POTTER. The 610 you have no statements from the returned prisoners of war that they were alive in prison camp or alive in good health when they left? Your findings, if you have a report of death, I assume you have fairly conclusive evidence to

that effect, that the person died, on 235. On your findings of death, 275 findings of death, I assume you have no information, not even from returned prisoners of war?

Col. SMITH. A few isolated statements on hearsay, Senator. They will say, "I heard that" so and so "was alive and he was in another camp." But it is so vague that we can no accept it.

Senator POTTER. And you make a finding of death in those cases?

Col. SMITH. Yes, sir; in order to administratively lose the case, and to close out the financial aspects of the case. It does not mean that the man may not come back alive some day. I hope they would all do that. But we can not expect it. It is purely the legal side of the missing persons act that I administer.

Senator POTTER. The seventy-seven that are left, there is no particular significance to the seventy-seven?

Col. SMITH. None at all. We have been able to reduce our cases in total about fifty a day from the over-all picture and these work right in with the others that have been hanging fire since last fall. I think I can answer your question. By the 10th of April, all workable cases should be disposed of, and then we have about three hundred cases that are year-and-a-day cases. Under the law we cannot conclude a case until a year has passed. Unfortunately, last July the army suffered 208 men in the missing status. Those men will be carried until the comparable date this coming summer. Then they will be dropped. We have a few in April, May, June, July, which will finish it.

Senator POTTER. Are the families notified, such as in the case of the 275 where you have a finding of death? How are they notified that there is a finding of death?

Col. SMITH. By registered letter. They are notified it is a finding and they are furnished copies suitable for legal purposes to settle estates and any matters of a personal nature they may need.

Senator POTTER. The review of the total 610 cases including the seventy-seven that are left, I assume a certain review was made of all cases. Do you have any evidence at all that any of the 610 are still alive?

Col. SMITH. No, sir.

Senator POTTER. You have no statements from returned prisoners of war that they saw John Hones or Private John Hones at prison camp No. 5 and he was in good health?

Col. SMITH. Yes, sir. We had statements but nothing conclusive. As I mentioned, it was hearsay.

Mr. BERRY. Maybe this will clarify it: The original figure of 610 was composed, or the list of 610 was composed of people that there was some information on at one time that they were in enemy hands. Isn't that right?

Col. SMITH. Yes, sir.

Mr. BERRY. That is where we got the figure of 610 to start with. Is that what you wanted to know, Senator?

Senator POTTER. Yes, sir. I wondered what type of information you had. I assumed from what you stated that you interviewed quite thoroughly the returned prisoners of war in both big and little switch. I know I have had letters—I have letters on my desk from returned prisoners of war and they say, "I saw Private John Jones at prison Camp No. 5, and he was in good health and just

before Big Switch he was picked out and sent to another camp. That is the last we have heard of him and he hasn't been returned."

We have had cases of that kind brought to our attention. I was just wondering if that hasn't been brought to your attention.

Col. SMITH. Yes, sir; we had some similar statements and we exploited them to the best of our ability by interviewing other returned prisoners. We have come up with zero. As far as my administering Public Law 490, for my purpose, I must come up with a solution to each case in one manner or another.

On those findings, we have nothing conclusive at all. We had some little strings.

Senator POTTER. In other words, the doubt is weighed in the favor that the man is dead, if there is any question. Is that correct? Is that a correct statement or would you care to phrase it a different way?

Col. SMITH. I don't want to say that I am just weighing people off to get them off the army rolls. That is not the intent at all, Senator. We intended to take each case and administer it properly and as the law provides. We have made every effort to identify these individuals to find out what has become of them. We followed hundreds and hundreds of leads. We never quit even though we can determine that a man died at a certain place, after we have made a finding of death, we go back and correct those records in order to make it easier on the family and to make it a record for future use, if such should come up. But after these interrogations were made, we sifted through them, we weighed them carefully and where it is indicated, we have re-interrogated and then re-interrogated again. It is endless. We have sent officers all over the world to interview these individuals where that is deemed necessary and would contribute something.

Senator POTTER. It would be possible, however, that some of this group of 275 could be alive and in the hands of the Communists?

Col. SMITH. It is quite possible. By the same token, sir, we had thirty-four hundred that we made findings on the last day of December, and they have disappeared.

Senator POTTER. They would be in the same category?

Col. SMITH. They may have died on the battlefield. I am sure many of them did. They were killed and left on the battlefield in those retreats that were made and those terrible massacres that went on. But they may be alive. I don't know. But the present assumption is that they are not.

Senator POTTER. The point I want to bring out is that there is no evidence either one way or the other as to whether the person is alive or dead, but—and I think it is a sound position on the army's part—after that certain period of time and after doing all the interrogating that you can on returned prisoners of war, you presume them dead.

Col. SMITH. That is right. And might have been carried on army rolls since 1950. The law provides they be carried a minimum of one year and then they may be continued to be carried or there may be a determination or finding of death made at that time. So these cases have gone on and on and on and from the financial aspects it behooves us to conclude them, one way or another.

Senator POTTER. Could we get a breakdown on the 610 case as to why they were selected? I assume the majority of them were on reports from returned prisoners of war. But is there any other evidence that put them in that category, the 610?

Col. SMITH. I would like to pass that one to G-2, if I may. It was based on the Far East and the Department of the Army's reasons. And I don't know myself, exactly why. I would say, though, before he discusses it, that for the record I have a list of the names of those individuals.

Senator POTTER. That is of the 610?

Col. SMITH. Yes, sir. And I would like to present that to you.

Senator POTTER. That will be made a part of the record at this point.

Col. SMITH. That is just the army list.

Mr. BERRY. With your permission, I think we will go to G-3 next, as to what was done about these people, what steps were taken.

Col. CHANDLER. Senator, I am from the G-3 operations division, Department of the Army, specifically the Far East and Pacific Branch. It is a small organization that handles, exclusively, those matters that pertain to the Far East Command. We act for the commander in chief of the Far East, and his official matters which would come under scrutiny of the Joint Chiefs of Staff, the chief of staff of army, or in connection that he might have that would be of primary interest to the Department of State or any other governmental agency.

Frankly, we are not policy makers. However, in any case, at his suggestion we do recommend actions. Mainly my work since the 27th of July has dealt with and in the implementation of the armistice agreement itself with all that that brings into being. The missing persons part of the thing is only a very small part of what we have had to handle.

I have compiled briefly a chronological order of events that have transpired in the Military Armistice Commission. As you know, that commission has equal representation between the Communists and the United Nations Command, with both sides being equal in every effort to present demands or to request information from the other side. Neither side is obliged to comply. As you can well imagine, the Communists have been most reluctant to cooperate at all in the Military Armistice Commission.

The thing started off around the sixth of September when the Communists made a statement that they had returned all United Nations prisoners of war. That included Americans, South Koreans and all other nations fighting under the heading of the United Nations Command.

At that time, General Clark directed the senior member of the Military Armistice Commission to present on the ninth of September to the Communists a list of names of personnel of United Nations forces and republic of Korea who are known to have been captured by the Communists and to have been in their custody.

Senator POTTER. Was that the list of 900 and some?

Col. CHANDLER. That is right. The reason for compiling the list, the names on that list, was that these individuals were identified as POW's through Communist reports, radio or through their newspaper corps, broadcasts from their own radio stations, supporting

statements from UNC personnel already repatriated either in Big Switch or Little Switch and from letters these men had mailed while in the POW camps. The idea of presenting that request for an accounting to the Communists at that time was to avoid putting them on the spot of having to answer for these people after the twenty-fourth of September.

Technically speaking, they had until the twenty-fourth to turn them over. So it was sort of putting them on warning that we were going to want to see some of these people, or an accounting for them. That letter was given to the Communists and on the ninth of September they had no comment but noted they had received it.

On the twenty-first of September they replied to that letter. The reply essentially covered the following points: They stated or claimed our list contained names of 519 persons who have already been repatriated and 380 names of persons accounted for on previous rosters, in other words that were duplications of the 3,400 that were on the initial list, there they have accounted for only 899, if you accepted it on its face value.

At the same time, they requested that we account for 98,742 Chinese and Koreans that they claimed were in our custody at one time. That occurred on the twenty-first of September.

General Clark's reply to that was that the Communists' answer was totally unsatisfactory and unacceptable.

Senator POTTER. I assume that you checked your list to make sure that none of them had been returned? Had any been returned?

Col. CHANDLER. The ninety-eight thousand?

Senator POTTER. No, I mean of the American prisoners of war. None of them had been returned?

Col. CHANDLER. Well, from the initial list there were corrections that were made right up to the twenty-fourth of September, at which time we presented a corrected list and indicated to the Communists that we would give them corrections to the initial thirty-four hundred as they occurred.

Of course, obviously one of the corrections we all know about is when we deleted from our list of demands the twenty-three Americans, two who came back and twenty-one who deserted. So you can see, it has been a continuing process all the way through.

But the deletions have, in many cases, been offset by additions, so the list, essentially, today would be about the same as it was previously.

Mr. KENNEDY. Are you going to tell the Communists now that we were completely wrong about the list because these people we assumed now are dead?

Col. CHANDLER. No, we would not.

Mr. KENNEDY. Why wouldn't we, if we say over here they are dead and we have no reason to believe they are dead?

Col. CHANDLER. If we have reason to believe they are dead, we would like to get them also to make a statement that they are dead.

Mr. KENNEDY. I don't see how we can say on one hand that we are going to inform the parents and families of these soldiers that we have reached the conclusion that they are dead and we tell the Communists we think they have some.

Col. CHANDLER. We would not say that until official notification has been sent out by the adjutant general, at which time we would send out a correction to our list. But the correction would be one where you would not only have a finding based on the public law, but a report that the man is dead. Then we would make a correction. Not on a finding of death.

Senator POTTER. Even though the family had been notified that there had been a finding of death. But I assume that is based upon law that after a year has elapsed that, for purposes of insurance and other things, that they will be permitted to do that.

Mr. BERRY. It is analysis to a presumption of death after seven years under civil law.

Mr. KENNEDY. It is based on fact, is it not?

Col. CHANDLER. Not the presumptions. Where they make a report of death, then you have proof of death. Otherwise they say one year or more having elapsed and, no information developing, we presume this man is dead and we will go ahead and wind up his affairs.

Mr. KENNEDY. That means just information in that year. But what about information prior?

Col. CHANDLER. No, all information together. It does not add up to enough to say definitely that he was dead, but enough time has elapsed that they wind up his record.

Mr. KENNEDY. Then there was information that these people were alive at one time?

Col. CHANDLER. Yes. Of the 610, yes, at one time.

Col. SMITH. I believe, to answer his question, I believe I can clarify his mind very quickly.

In the original request it wasn't implied that anyone was alive at all.

Mr. KENNEDY. To the Communists?

Col. SMITH. That is right. It was never implied that they were alive. They asked for an accounting, what happened to these people, what do you know about them. But it was never implied that they were alive. I think that will straighten you out on that part, if I may put it that way.

Mr. KENNEDY. Then when the Communists made their answer, the fact that they did not know anything about the majority of these people, wouldn't that have been a satisfactory answer?

Col. CHANDLER. No, sir; that would not. Because of the 3,400 they attempted to claim some knowledge of only 699, and their answer on that was extremely evasive. They did not come down and say, "We will take the whole list and go through it and this man died here, and that man died there." They merely said that 518 have already been repatriated, but they did not say who. We knew that 518 had not been repatriated.

Mr. KENNEDY. How many mistakes had been made?

Col. CHANDLER. Well, actually of the total number turned back at the end of Big Switch, none of it, shall we say, none of the 610 that we gave were returned in Big Switch. None were returned.

Mr. O'DONNELL. Could we take the breakdown this way: The 610 which was your initial figure, what was the figure on September 24?

Col. CHANDLER. The figure on September 24 would still be 610.

Mr. O'DONNELL. It would remain the same?

Col. CHANDLER. That is right. You see, we did not make any changes to that until we got their first reply. Well, to go on from September 24, General Clark then sent another letter through the Military Armistice Commission again demanding an accounting and replying that their first answer to our request was completely unsatisfactory. The Communists answered that on the third of October in which they again stated that they had accounted for everybody or had returned everybody an again demanding that we account for the 98,742. We simply noted that statement and replied that we were checking their list of 98,000.

Senator POTTER. Did they send a list of names?

Col. CHANDLER. That is right, sir. On the twentieth of October the Communists wanted to know had we completed our checking and the answer on that was no, we had not.

From the last of October up until the first of December, very little discussion was made in the Military Armistice Commission meetings. This group meets once a week. Matters taken up during that particular period involved, actually, the explanations, charges and counter charges, involving the non-repatriated prisoners of war in the hands of the Neutral Nations' Repatriation Commission. Consequently, they were satisfied, apparently, on the 20th of October that we would notify them when we completed our checking and would not reply until that time.

On the seventh of December, three former ROK soldiers escaped from the North Korean army and crossed the demilitarized zone and came into custody of the United Nations Command. They reported that large numbers of former POW's were still in Communist custody and impressed into military service. The Military Armistice Commission, our side, made a protest to the Communists at a meeting. The Communists simply noted the statement and again demanded where are their ninety-eight thousand. On the tenth of December, two additional ROK soldiers crossed over and reported the exact unit to which they had been impressed and the fact that large numbers of UNC personnel were still under Communist control.

Senator POTTER. Did this include Americans?

Col. CHANDLER. However, their statements discussed only former ROK soldiers. They had no knowledge whatsoever of any Americans, or any other UNC, other than ROK soldiers.

On the eighteenth of December the United States delegation in the Military Armistice Commission proposed to the Communists that a joint investigation of the charges brought by the five ROK soldiers be made by the Neutral Nations Supervisory Commission, a body that is set up to investigate any alleged violations of the Military Armistice as requested by the combined commission or either side. The Communists, of course refused to have anything to do with it. On the twenty-first of December General Ridgway sent a message to the commander in chief of the Far East. I would like to, as a matter of record, indicate his statement and his personal interest in this whole proceeding. The cable read in part as follows:

General Ridgway personally desires that this matter of demanding an accounting be vigorously pursued and that detailed reports be submitted to the Department of the Army concerning actions, new developments, or future plans.

That is, of any actions taken by the Military Armistice Commission.

Senator POTTER. What is the date of that, colonel?

Col. CHANDLER. The date of that cable, sir, is the twenty-first of December. That was cabled to General Hull, from General Ridgway.

My one reason for getting this in, sir, is to point out that our chief of staff is personally concerned about the matter and is attempting to take every action possible in order to satisfy, of course, the logical and justifiable request of the American people to have a final accounting.

Senator POTTER. I know that General Ridgway is very much interested in this whole question.

Col. CHANDLER. General Hull replied to General Ridgway's message and on the 31st of December in which he gave us a round-up of all actions that had been taken to date concerning this particular problem. Followed a discussion he had with Mr. Robertson of the State Department on a visit during the early part of December of Mr. Robertson to the Far East, and in which they discussed this matter very thoroughly between them.

At that time General Hull pointed out the difficult situation facing us, practically a dilemma, you might say, if we continued through the Military Armistice Commission to harp on this particular subject, for the simple fact we were now getting to the point where we were going to have to account for the 98,742, because the Communists actually had a logical reason to demand that accounting since we in turn had demanded an accounting on our own.

Senator POTTER. Before you go into that further, I assume that the names that the Communists submitted, most of those were men who refused to go back, is that correct?

Col. CHANDLER. Shall we say over twenty-two thousand were.

Senator POTTER. And what were the others? Were they just names?

Col. CHANDLER. Yes, sir. To break it down, actually the categories that they had submitted: Escaped from our own enclosures, 50 Chinese and some 26,800 Koreans. Those 26,000 in there are the ones that President Rhee opened the gates on.

Senator POTTER. Is that an accurate figure, about, of the ones that escaped?

Col. CHANDLER. Yes, sir. As a matter of fact, 26,803. So you can see it is right down to the last man. Repatriated during Little Switch, Chinese 15, Korean 332. Repatriated during Big Switch, Chinese 4, Korean 2,219. Understand, this is the accounting that the Communists are demanding.

Here are a large number of people that have already been returned to them. Duplication of names 668. Delivered to the NNRC, Chinese 14,704, Koreans 7,479.

Senator POTTER. What is the NNRC?

Col. CHANDLER. That is the Neutral Nations Repatriations Commission. The custodial force of India would be a better name. Here is their effort to try to get us to type them off exactly as to who refused to be repatriated.

Korean civilian internees whose status as civilians had been determined and they were consequently released from a prisoner of

war status, 37,527. They never were soldiers. Additional Koreans not qualifying as prisoners of war and later released, 142. Deceased Chinese 4, Korean 250.

The deceased, incidentally, were reported to the Communist side through the International Red Cross, as required by the Geneva Convention. Never in NC custody, no record of ever having seen those people: Chinese, 91, Korean 2,008. Status not yet determined, 6,655.

He has a comment about this last category that I believe is well taken.

Senator POTTER. Who has?

Col. CHANDLER. General Hull:

Whether we shall be able to complete identification of the 6,655 is highly problematical. Difficulties inherent in present records stem from the early days of the Korean conflict when prisoner of war registration was not fully established.

In addition, identification has never been completely accurate because of deliberate switching of identities about the PW's.

In many cases that was done by the non-repatriates in an effort to avoid identification.

Necessity for relying upon internment serial numbers rather than names.

In many cases you would find ten or fifteen of them with the same names, so you had to revert to numbers.

And duplication of records occurring prior to the centralization of all prisoners of war on Koje-do in aid 1951.

Which was eighteen months after the Korean conflict started.

Generally speaking, he said that it is going to be extremely difficult, if not impossible, to make it right down to the last individual.

General Hull and Mr. Robertson both expressed through this cable and through later discussions an extreme reluctance to give to the Communists a full accounting for the ninety-eight even if we could.

First of all, we can expect nothing from them unless we are willing to provide them with the full information they have demanded. While we may realize some public benefit by a reiteration of our demands, they can produce a logical argument that we must do likewise. Any data that we can receive from the Communists is suspect at the very start. If we account for the 98,000 they may submit additional lists with just enough accuracy to keep us on the defensive. If we continue to demand an accounting of UNC personnel they can move further to demand return of additional alleged PW's, and from there to civilians

So this thing would never end. We would never get a completely satisfactory accounting from them. In the meantime, we are giving them information which is of extreme importance to them, extreme importance on this basis.

They know that the bulk of the number they have requested are composed of civilian internees, escapees and prisoners of war turned over to the custodial force of India. They probably have barely an idea, however, of the breakdown by names in each category.

They can not identify this man specifically as being a non-repatriated prisoner of war.

In their long-range intelligence exploitation program in Korea, and in any covert penetration of Formosa, additional information as to the identities of these 98 would be extremely helpful to them. There are many pressures which would be brought to bear on such individuals, particularly those whose families and relatives remain in Communist control.

In other words, we would have in a sense, some twenty-two thousand families immediately becoming hostages to the Communists without any question. And some of the individuals, as long as they feel that their identity can not be specifically established by the Communists, feel safe in remaining as non-repatriates, or now as civilians. There is another consideration, of course, we could expect that we would receive violent protest from the ROK government or from the Nationalist government of the Republic of China, if we were to turn over all of this information which we fought so hard to keep back.

That, generally, is General Hull's standing on the matter.

Senator POTTER. So from that time on there has been no effort on our part to get the names or to follow up and find out if they are holding any of our prisoners?

Col. CHANDLER. That is not exactly correct, sir. So go in and just to demand an accounting again of the thirty-four thousand and to give them the names of the ninety-eight thousand, no, that has been held in abeyance.

Agreement was made through all three services and the State Department to hold up, in taking that step. As General Hull said, he felt that it would only result in a series of charges and counter charges with no real result obtainable.

However, based on the cases of escapees, these five ROKs, we have again and again requested the Communists to join us in making an impartial investigation of these people who definitely have been established beyond a reasonable doubt as having been former members of the South Korean army. We have asked the NNSC to make an investigation, but once again you have a committee where there is no head. The Swiss and Swedes are willing to go north and make an investigation of any unit we have requested. The Poles and Czechs refuse to go. Unless all four are represented, you can have no meeting.

Consequently, we have come to the stalemate now. The Poles and Czechs will not move, and the Swiss and Swedes, of course, are powerless to act.

Senator POTTER. I assume India will refuse to act, is that correct?

Col. CHANDLER. The Indians you see, sir, are not in on this. This is the Neutral Nations Supervisory Commission which consists of the four powers, Poland, Czechoslovakia, Switzerland and Sweden. Their whole purpose in being in Korea is to investigate alleged violations of the military armistice.

The Neutral Nations Repatriation Commission dealt only with the non-repatriated prisoners of war, and it was dissolved on the 25th of February. So we have no chairman, and you have two sides of the table and nobody gets any place.

Nevertheless, we have, during the month of February, submitted four letters to the NNSC, requesting an investigation based on the five ROK soldiers and other violations of the Military Armistice. It is quite evident that the Polish and Czech representatives are not going to cooperate. It is quite evident that the Communist members of the commission are not going to cooperate. We have one action left, which we hope will result in some of the findings of death becoming actual reports of death, and that is a search and recovery

program. The Military Armistice agreement provides that joint efforts will be made to investigate known dead or reported dead where there are indications of locations of graves. Prior to the first of March of this year, the majority of that work was done inside the demilitarized zone. It was very easy to conduct such search-and-recovery programs there because of the fact that we have as much right to go into the zone as they do. It is almost, you might say, our territory, the same as it is theirs. That work does take time. I believe you can appreciate the reluctance on the part of some of these teams to stomp around in an area that they know to be mined, and consequently it takes a bit of time in doing. However, we have about completed that program and the next step is to go north, beyond the demilitarized zone. To do that, we must receive permission from the Communist forces.

Senator POTTER. By the same token, you are allowing them to come south of the line?

Col. CHANDLER. Therefore, negotiations on that are going to have to be very thorough and very painstaking to prevent them from conducting simply intelligence operations in South Korea rather than search and recovery. Our people are going up there solely for the purpose of attempting to find remains.

Senator POTTER. I assume that they have certain leads as to where bodies were buried, is that correct?

Col. CHANDLER. Yes, sir, based on operational reports.

We know, for example, that the Second United States Division fought quite a battle in the vicinity of Kunu-ri, that their sudden withdrawals subsequent to the battle, there is every reason to believe that there are a number of individuals who died on the battlefield and were either thrown into the ditch by the Chinese forces, were buried by local natives in rice paddies or in some other location.

It is amazing, the number of individuals that you can account for if you can get back on to the battlefield. We have great hopes that a large number of these people will be accounted for.

Senator POTTER. This is in the process of being negotiated at the present time?

Col. CHANDLER. That is right, sir.

Senator POTTER. Is there any reluctance on the part of the Communists to agree to that, or don't you know?

Col. CHANDLER. They have not stated either way yet, sir, because it is just being brought up. If our proposals indicate that we will follow their instructions and limit ourselves to the requirements that they place on us, they may go right on through with it, because of the fact we in turn are giving them a chance to come south.

Once again, we are going to run into difficulty, I am afraid, with the ROK government, on permitting these teams to just go an place they want to. We are not going to be able to permit them to do that. By the same token they are going to be very cautious on where our teams can operate.

Fortunately, some of the bigger battles were fought a considerable distance behind their main battle position at the present time. So once we have crossed that, we may be in the back areas and

they may not be quite as reluctant to let us look around. But that is another action that is being undertaken.

Mr. O'DONNELL. How would your search and recovery program in any way dovetail into the figure of 610? Would not that primarily be concerned with missing in action cases that have been closed?

Col. CHANDLER. No, sir; it could dovetail in with the 610, such as there is a possibility that one of the individual in the 610, his squad leader said, "I saw him captured, and wounded, and he was walking up the road under the guns of a Communist squad." Then we do have information that that man was actually captured. What happened to him afterwards, we don't know. But he would have been one of the 610.

There is no satisfactory accounting for him.

Senator POTTER. If they should get him out of sight and shoot him and bury him in a ditch—

Col. CHANDLER. The last we saw of him he was a prisoner.

Mr. O'DONNELL. Have the interrogations with Big Switch returnees been completed?

Col. CHANDLER. Not completely. I do not believe. There are still re-interrogations going on, where it is indicated.

Col. TRAMMELL. I would say that the initial interrogations, as such, using that as a word of art, have been completed. But those interrogations have indicated additional lines of inquiry. That is part of the intelligence processing, which is still going on.

Senator POTTER. Colonel, do you have any knowledge as to whether the Far East Command has requested the United Nations, in our delegation at the United Nations to establish an impartial commission to investigate behind both lines as to whether any prisoners of war are still being held against their will?

Col. CHANDLER. I would say that the information I have is of a negative nature on that. I was in the offices of the United States delegation to the United Nations yesterday and spoke to Mr. Ross. We were discussing another matter that is going to be presented to the United Nations.

I just briefly mentioned the subject, and he stated no, there had been no contemplation on our part at this time to bring up the subject.

Senator POTTER. What was the reluctance, or what is the reluctance on our part to bring it up at this time?

Col. CHANDLER. There is no reluctance, particularly, sir, except that the United Nations is not in meeting. Until such time as they meet.

Senator POTTER. I think they are supposed to meet some time in April, are they not?

Col. CHANDLER. I believe that will probably be postponed, sir, until shall we say the Korean political conference in Geneva has concluded its meetings. Of course, there are advantages and disadvantages to bringing this up in the United Nations. If any of these people are alive, and we have, as Colonel Smith points out, no definite proof that they are, but say that they were, if somebody was alive, the Communists would not dare to have that evidence suddenly presented, particularly in the United Nations.

Senator POTTER. It has been strange in that respect, because from time to time they have released other prisoners, even after their names have been known. I believe there have been civilians interned over in China, for example. We had testimony the other day that even after this became public, some of those have been returned. Apparently no reprisals have been made against those people. Whether it might be different if they were taken up in the United Nations, where I assume the propaganda value would be much greater, whether they would act differently, I don't know. But I grant you that is a problem.

Col. CHANDLER. It is a technicality, sir. However, if it is enough of a technicality that were we able, with this document that they have signed, to be able to hold it up in front of the entire world and say, "You have violated without any question this particular agreement," it then throws them on the defensive for the rest of the time. It would hardly be possible for them to defend their position. Consequently we have gone along with the State Department on determining some other means of, if a person is alive, of getting him back, or of completing the accounting.

Senator POTTER. I assume that the interrogation of, we will say ROK prisoners that escaped and got back or even some returned Japanese prisoners of World War II, I assume that probably falls in G-2 category rather than yours, is that correct?

Col. CHANDLER. Yes.

Mr. BERRY. I think we should correct the record in one instance. The gentleman from the State Department informs me that you are correct, that India is a member of the supervisory commission.

Senator POTTER. I did not know whether they had a subcommittee.

Col. CHANDLER. If they have, sir, I must admit that they have suddenly become a member. They are not provided for in the armistice agreement as a member of the supervisory commission.

Mr. BERRY. Do you know if they were added, John?

Mr. BROWN. It is the five-nation commission which is to supervise the armistice. The same general who was general of the custodial troops acted for India on this commission. There were several votes taken by the commission, actually, that were a 3-2 vote. I just called in and checked that, sir. I did not want to depend entirely on my memory.

Col. CHANDLER. Did you say repatriation or supervisory? This is the document that was signed by both sides, in which they listed Sweden, Switzerland, Poland and Czechoslovakia. India is not mentioned in this particular article.

Senator POTTER. That is the supervisory commission?

Col. CHANDLER. That is right. There were three bodies: The Military Armistice Commission which, you might say, are the co-belligerents. Then you have the supervisory commission, and then you had the reparation commission.

Senator POTTER. I think probably so that our record will be clear, if you will check back on that, we will have it so that our records will be correct.

Mr. BERRY. We have Colonel Trammell of G-2 who can follow on from here and answer most of the other questions that have been brought up in the other hearings.

Col. TRAMMELL. I am Colonel Trammell, from G-2, army. I understand that the primary thing that you are interested in is the information supporting United States government claims that there might be persons unaccounted for. I will keep my remarks along those lines, unless you decide to expand it by questions.

First I might say that in the Far East, the army, in an administrative sense, has been the executive agent for the three services. Therefore, a good bit of the information which G-2 army has collected, it has collected in that capacity, that is for all services. So some of the figures that I want to present this morning, since we have kept them on a three service basis including marines, I will give them that way.

Senator POTTER. I assume you have a breakdown as to the service?

Col. TRAMMELL. We can in any case tell you which service is involved. As executive agent, we collected as much intelligence information on persons who might be held as possible, and of course made a complete dissemination to the interested services. But in the Far East, and while the repatriates were being returned to the United States in Big Switch, we collected information particularly on this subject, along with many other subjects. We were the collecting agent in this sense for the adjutant general's office.

We have an entirely different criteria than the adjutant general. The adjutant general, as he has indicated himself, is concerned with the administration of the public law, and other army regulations concerning the accounting of individuals. We are interested in any proof that would convince a reasonable man of the existence of a fact. G-2 as executive agent has compiled a list of our persons who have disappeared from United States control and has sent them up in three main classifications. In fact, this book here, we have sections 1, 2 and 3. Section 1, to identify it for the record, are missing in action from all services. That really means missing in action in the sense of all disappearances except known captured.

Senator POTTER. Known captured are excepted?

Col. TRAMMELL. Yes, all disappearances except known captured. I want to say there is no disagreement between the adjutant general's office and G-2 on this figure. We agree upon that figure. That is applying adjutant general's standards to what constitutes missing in action. Then section 2 are the known captured, also applying adjutant general's standards. We have no disagreement on that figure.

The third section are those section 1 cases—

Senator POTTER. Those missing in action?

Col. TRAMMELL [continuing]. Those missing in action, while not meeting the legal standards required by the adjutant general for inclusion in section 2, namely for known captured, but are considered by G-2 to have been in Communist hands alive at one time.

We consider them to be in Communist hands alive for a number of logical reasons. One would be Communist admissions. This would include, among other things, China publications as the *China Monthly Review*, the *Shanghai News*, *Peking News*, and radio broadcasts.

However, we are aware that this source might be deceiving because it is known that the Communists on several occasions have

stripped battlefield dead of their dogtags, and taking these tags, they would be in a good position to give considerable details about a man's rank and serial number and would give the appearance publicly of having a very authentic record there. But at least, from a G-2 standpoint, in the absence of any other proof, if the Communists say they have a man alive, we say we will list them as being alive and in their hands.

Senator POTTER. How many would you have in that category, with Communist admissions?

Col. TRAMMELL. I don't think we have that particular breakdown.

Senator POTTER. I also assume that probably you receive certain information from Communist prisoners of war, that they were interrogated as to whether certain Americans were captured in certain areas?

Col. TRAMMELL. We exploit every source, but so few of the Communists captured would be able to identify individuals. They would be on a prominent figure, but the ordinary—but to the Chinese, all the Caucasians look alike. Not much was produced from that source. Other evidences which convinced us that the man was alive would be of a positive nature—in other words, it would not be speculation—would include, just for example, such things as the cooperation, that is, information produced by the cooperation of families who had actually received a letter from their son or relative, and simply informed the adjutant general that they had received that letter. That would be wholly by their cooperation that we would get that type of information.

Senator POTTER. Have there been many cases like that?

Col. TRAMMELL. Yes, quite a few families have actually sent in letters from their family where the family is willing to say that that was the man's handwriting and it was a genuine letter.

Then we have other cases of positive proof of being alive but generally speaking other sources would be classified sources on which it would be important not to go into details on. But other intelligence sources would confirm this. I want to emphasize that we cannot say that each person whom we had some evidence of being alive on is alive today. All we can say is that the Communists had some basis which should have required them to account for those persons and they did not account for them.

We have considerable confidence in our evidence as to these people being alive, because we have had a chance to test it in one respect. A substantial number of army personnel in Big Switch who were carried by the adjutant general as missing in action—

Senator POTTER. Finally turned up?

Col. TRAMMELL [continuing]. Finally were accounted for which meant that they should have been classified as known captured and the Communists should have accounted for them but did not. G-2 runs a little bit behind the accounting of the adjutant general's. Our figures cannot be as up to date as the adjutant general's for this reason. We accept, and we feel we should accept, any of the adjutant general's proof of known dead. When we get known dead, we eliminate the man from our list of our section 3 list.

That does not, in our opinion, excuse the Communists for having accounted for him, but at least it removes him from those classes of persons who might still be there now if we have positive proof

that he is known dead. Having in mind that we run somewhat behind, for all services, on the eighteenth of January 1954, because we had to pick a cut-off date for this type of evidence, G-2 considered, for all services, that there were 11,012 persons where there was evidence that they were alive, that they had been alive at one time in Communist hands. Also on that same day of those whom the adjutant general had listed as known captured, 120 of those were not accounted for.

Senator POTTER. One hundred and twenty that the adjutant general had classified—

Col. TRAMMELL. Classified as known captured were not accounted for. In other words, both the adjutant general and G-2 agreed that this certain number were known captured and yet in Big Switch 120 of the known captured were not accounted for.

Senator POTTER. You assume that that excludes the twenty-one—

Col. TRAMMELL. I have considered those in a separate category, because we all have public knowledge of their status of those that G-2 has listed in section 3 as having been in Communist hands alive at one time, as of the eighteenth of January, 892 were not accounted for. Among those we had some evidence as late as April 1953 which we consider a positive indication that the man was alive as late as that time.

Senator POTTER. As late as April 1953?

Col. TRAMMELL. As late as April 1953 we had convincing evidence that the man was alive and in Communist hands. But 892, as indicated, were not accounted for in that group. The two figures which I have just given you, that is, the 120 and the 892 total the 1,012 which is the figure I started with as of January 18. Because we run behind the adjutant general, the figures will be revised downward materially because any time the adjutant general comes up with a known dead we will eliminate him from that list. But although he has perhaps another week's processing to accomplish, we have approximately six weeks' more work to accomplish.

At that time we will have a figure where we can advise that there will be so many where there was positive evidence that they were held and are not accounted for. By positive evidence, I mean convincing evidence.

The least convincing of that evidence, however, are those whom the Communists said were alive.

Senator POTTER. That is the least convincing?

Col. TRAMMELL. That is the least convincing, and we recognize that many persons could be reported by them as having been alive, and it could be completely false. We have no way of judging that.

Senator POTTER. You expect in about six weeks you would have a final listing?

Col. TRAMMELL. Yes, sir.

Senator POTTER. In other words, the known dead would be removed from those?

Col. TRAMMELL. The known dead would be removed from those otherwise indicated to have been held alive. Also I think I should emphasize that we do not necessarily say those are alive as of today. They could have been disposed of. But they did not account for them.

Senator POTTER. That you are saying is that there are 1,012 people that you have convincing evidence on who were alive and in the hands of the Communists that have not been accounted for?

Col. TRAMMELL. Yes, sir; as of 18 January. Then there will no doubt be a substantial figure 101 when we end up.

Senator POTTER. And this includes members from all branches of the service, is that correct?

Col. TRAMMELL. This includes all the services, yes.

Mr. O'DONNELL. Could you tie this into that figure of 944 for us now?

Col. TRAMMELL. I think I should say one additional thing at this point: The unaccounted for persons of which we are speaking are only those of which we had evidence that they were alive. If no evidence ever appeared that they were alive, there could be a gray area, which we don't know whether they are holding or not. But we consider this as a more conservative approach.

Senator POTTER. In other words, the figures that the G-2 presented about persons that they have no evidence on, I mean, they classified them as missing in action with no evidence or whether they were dead or alive, wouldn't be included in your group?

Col. TRAMMELL. That is right, and we wouldn't even pick them up, because we would say that in the absence of that evidence, we wouldn't carry them either.

Senator POTTER. And the 1,012 are people that you have evidence on where they were alive at one time?

Col. TRAMMELL. Of the general categories which I gave you. This 944, at the time the 944 figure was announced it was announced by the Far East—at the time that they announced it we were carrying a slightly larger figure, approximately 1200, because we did not receive the proofs of death quite as rapidly as they did. However, when they received our centralized list, from all possible intelligence sources, they revised their figure upwards to meet ours, still adjusted by known deaths.

Mr. O'DONNELL. Was that new figure ever presented formally, say, on September 24 or prior thereto?

Col. TRAMMELL. Well, speaking strictly from an intelligence standpoint, all I can say is that we disseminated our information to those persons who would act. G-3 would be better able to say exactly which figures they would have used. We make the information available to them. I don't know whether I have answered your question exactly about that 944.

Mr. O'DONNELL. I would like to get a further breakdown, if I can, Colonel. I know some of the difficulties you are facing. But of the known captured that would be on the AG's list, you have 120 not accounted for. Were those 120 listed on the original list of 944?

Col. TRAMMELL. Our complete information went to them and I feel it would be accurate to say they must have been included, because they were carrying them as known captured.

Mr. O'DONNELL. In other words—

Col. TRAMMELL. And they did not come back.

Mr. O'DONNELL. In other words, all the evaluations based on figures you presented were made by another unit?

Col. TRAMMELL. Well, the actual figures selected for presentation were made by another unit. But as an intelligence agency, we kept them fully advised of the situation.

Mr. O'DONNELL. The only thing I would like to get clear is what figures were presented—

Col. TRAMMELL. Maybe the fact that the 944 is all services is causing some confusion.

Mr. O'DONNELL. No, it isn't, not in my mind, because I have been dealing with the 944 for the three services. But I am just wondering if that figure was ever revised upward. Your figures show 1,012 at one time, including both categories 2 and 3, and then at one time around 1200. I am just wondering if that 944 figure was ever revised upward formally.

Col. CHANDLER. We did revise the figure we gave to the Communists upward to 965.

Senator POTTER. Did you submit to the Communists the list as compiled by G-2?

Col. CHANDLER. No, as compiled by the adjutant general. And we revised that based on his corrections. It went up to 965.

Senator POTTER. I see. I assume that probably the adjutant general was a little ahead, again, in the known dead.

Col. TRAMMELL. If he had more current information about the known dead he would have cut our figure down to 965, and that would be what happened.

Senator POTTER. From your experience with the known dead as reported by G-1, are you in a position to give any estimate of the approximate figure you will end up with at the end of your six weeks?

Col. TRAMMELL. The present indications, Senator, are that of the cases being processed by the adjutant general, roughly 50 percent are coming up as known dead. But I don't know whether we could establish that as a trend. I think we will just have to complete our processing and then see, because possibly the trend might change at the last and it might make several hundred difference.

Mr. BERRY. You are down to 77, are you not?

Col. SMITH. Of the 610.

Col. TRAMMELL. Yes, but we have not processed some of those already completed by the adjutant general. That is simply a personnel problem of processing.

Senator POTTER. You have processed some of the 610, however, have you not?

Col. TRAMMELL. Yes, sir; we have processed some.

Senator POTTER. Do you have any further questions? First do you have anybody else, Mr. Berry?

Mr. BERRY. No, but you had some other questions the other day that you might want further information on as to any patterns, and anything like that.

Senator POTTER. Yes, sir. We have been talking pretty much exclusively about the Pacific theater. I would like to have, if possible, someone to develop what has happened in the European theater.

Mr. BERRY. Colonel Trammell will do that.

Col. TRAMMELL. Before I go to the European theater, Senator, for the record we might mention that the twenty-one are not included

in any holding, because we have considered those in a special group.

Senator POTTER. Yes.

Mr. KENNEDY. Do you have a breakdown as to service on that group?

Col. TRAMMELL. Yes. I have the book here, but I think since our figures would be so much more accurate after additional processing, or I had hoped, I might be able to give that later.

Senator POTTER. Do you mean in six weeks?

Col. TRAMMELL. Six weeks, yes.

Senator POTTER. Of the 1,012 that were mentioned, do you have that conveniently broken down by services?

Col. TRAMMELL. Yes, sir. I have all the names here. It is a code listing.

Senator POTTER. I wonder if that could be made available for the record. You do not have to do it today, but I wonder if you could submit that to the committee by services?

Col. TRAMMELL. Yes.

Senator POTTER. I think it would be well if you broke down the 892 and then the 120 by service.

Col. TRAMMELL. All right, sir.

Mr. O'DONNELL. Off the record.

[Discussion off the record.]

Senator POTTER. We will go back on the record, Colonel.

Now will you give us the information concerning the European theater?

Col. TRAMMELL. I am speaking for the European theater but it so happens that it actually encompasses the rest of the world other than the Far East.

Senator POTTER. That is perfectly all right.

Col. TRAMMELL. All of our information, of course, is not entirely firm in this field, but we did have a United States soldier who recently returned from Iron Curtain custody and he advised that he had seen eight United States soldiers in East Germany. We are not able to say whether those eight are being held against their will, however. In other words, we are not able to say either way.

Senator POTTER. Were they interned?

Col. TRAMMELL. The indications are that they were residing there. We are not able to say whether or not there was an actual internment or whether they were persuaded to stay, perhaps.

Mr. KENNEDY. Do you have their names, colonel?

Col. TRAMMELL. Yes, sir; I do have their names. The difficulty about any widespread release of any names of this character is that we might be accused of creating the inference that the man was staying there of his own volition and therefore was a deserter, when the true facts might show that he was actually being held against his will. We hate very much to hurt anyone, or do any injustice to any individual. But I do have the names here of all of the people I am speaking of.

Senator POTTER. Are these men that were on border duty? These are men, I assume, that went over there or are being held since the war, rather than ones that were captured during the war?

Col. TRAMMELL. Yes, sir. All of these men disappeared from the United States control at some time after the end of the European conflict.

Mr. O'DONNELL. Off the record.

[Discussion off the record.]

Col. TRAMMELL. I have mentioned the one man who returned and who reported the additional eight.

Senator POTTER. Is that Cox?

Col. TRAMMELL. The man who returned was Private Carlos P. Johnson.

Senator POTTER. Where is he from, Colonel?

Col. TRAMMELL. Do you mean within the United States?

Senator POTTER. Yes.

Col. TRAMMELL. I don't have it right here. Of course, all of that is available.

Mr. KENNEDY. Colonel, were they all being held in one camp?

Col. TRAMMELL. They were all in the same city.

Mr. KENNEDY. And they were living in the city, or living in jail, or living in a camp or what?

Col. TRAMMELL. Well, you see, the only information we have about them is what Johnson has given us.

Senator POTTER. Where is Johnson now, Colonel?

Col. TRAMMELL. Johnson is in military custody, and under consideration for disciplinary action. Because of the nature of his departure, and the circumstances of his return, I hesitate to appear before the committee and say how reliable his testimony is. This, I hope, will not be released, because of the injustice to any individuals involved.

But since there is a possibility—

Senator POTTER. Would you rather discuss this part off the record?

Col. TRAMMELL. Yes, sir.

Senator POTTER. Off the record.

[Discussion off the record.]

Senator POTTER. Are all of these men enlisted men who are presently in Europe?

Col. TRAMMELL. It is a question of classification. That is the only reason I am hesitating here as to just how to describe the people. Would you like me to refer again to the eight?

Senator POTTER. Yes.

Col. TRAMMELL. One of our soldiers who disappeared from United States control and who was absent behind the Iron Curtain for a considerable length of time, returned to United States control against his will, and reported that there are eight other United States soldiers in East Germany. It is not clear from the army's point of view whether those men are held against their will or not. The East Berlin radio has reported that there are three United States soldiers behind the Iron Curtain who are there for the purpose of seeking asylum. One of the persons mentioned on the East Berlin radio is the same as one named by the returning soldier which I just mentioned.

Senator POTTER. You do know that the other two are, that the other two soldiers existed and that they were assigned in that area and are now missing, is that correct, Colonel?

Col. TRAMMELL. Yes, sir. Is this all on the record? It is classified?
 Senator POTTER. This is executive session and the information will not be released until we check with you on it.

Col. TRAMMELL. Well, in addition to the returned soldier who reported the eight, whom I mentioned, there is another soldier who also disappeared from United States control, who was absent behind the Iron Curtain and returned. I am not able to report at this time any specific information from him. The only officer involved is a second lieutenant who has disappeared from United States control and is now reported behind the Iron Curtain.

Mr. KENNEDY. Is he one of the eight?

Col. TRAMMELL. He is not one of the eight.

Mr. O'DONNELL. Is he in addition to the other two that we were talking about?

Col. TRAMMELL. In addition to the two enlisted men that I was talking about. The only difference is that they have returned and the officer has not returned.

Mr. KENNEDY. Do you mean in all the military personnel held behind the Iron Curtain, outside of the Far East, there is one officer, who is a second lieutenant, is that right?

Col. TRAMMELL. That is right.

Mr. KENNEDY. And how many are there all together?

Senator POTTER. These are all in East Germany, is that correct?

Col. TRAMMELL. These are all in East Germany or close by. They are behind the Iron Curtain, in that area.

I haven't said whether these people are being held against their will, because we don't have enough information to base it on. In addition to the eight mentioned by Johnson, of having been seen behind the Iron Curtain, there are six additional enlisted personnel missing, and we do not know their whereabouts. But there is at least some indication that they might be held behind the Iron Curtain and there is no indication pro or con as to whether they might be there against their will or not.

Mr. O'DONNELL. Have any of the eight or these six had any specialized training in this country?

Col. TRAMMELL. There is no particular pattern that we have been able to observe. That is occupational speciality, no doubt you mean.

Senator POTTER. In any other areas have we lost men behind the iron curtain?

Col. TRAMMELL. None that we know of, except twenty-one in the Far East.

Mr. KENNEDY. Is that eight plus six plus one, the second lieutenant? Is that fifteen all together, or two in addition?

Col. TRAMMELL. Of course you are only concerned with those who are still missing, are you not?

Mr. KENNEDY. That is right.

Col. TRAMMELL. There is one officer still missing, eight enlisted men, based solely upon Johnson's testimony, three enlisted men reported by East Berlin radio as claiming asylum.

Mr. BERRY. That would be an additional two, wouldn't it?

Col. TRAMMELL. One of those is repeated, that is right.

Mr. KENNEDY. Then the six?

Col. TRAMMELL. Then there are six whom we cannot say are behind the Iron Curtain. They are simply missing under circum-

stances—that is, in some casual conversation or something the man may have had indicated that he might be behind the Iron Curtain.

Mr. BERRY. The officer is in addition to those figures?

Col. TRAMMELL. I was including him in the first.

Mr. KENNEDY. In the eight?

Col. TRAMMELL. No, sir.

Mr. BERRY. There is the eight, two, six and one?

Col. TRAMMELL. That is right.

Mr. KENNEDY. Or seventeen.

Are all of these eight living in the same city?

Col. TRAMMELL. Johnson reports that they are.

Mr. KENNEDY. What is the name of the city? Can you give us that?

Col. TRAMMELL. It is a small town in East Germany. I don't remember the name of it.

Mr. KENNEDY. Did he give you the addresses at which they were living, the respective addresses?

Col. TRAMMELL. Not street addresses. He said they were living in the town.

Mr. KENNEDY. I would think it would be fairly easy to check a city or town in East Germany on whether there are a number of Americans living there. Wouldn't it be, from intelligence sources?

Col. TRAMMELL. Well, it hasn't been.

Mr. KENNEDY. That is where I am wrong, then.

Senator POTTER. Are there any other questions?

Mr. BERRY. do you have any information as to whether there has been any pattern?

Mr. BERRY. I think Colonel Trammell can give that, too. The question arose at the hearing the other day, Colonel, after you had gone, as to whether or not any pattern had been developed concerning the people in the Far East that we cannot account for, as to the NOS or civilian occupation or rank or anything of that nature, that would indicate a reason or pattern on which the Communists might want to keep them.

Col. TRAMMELL. I can say definitely for the Far East those twenty-one non-repatriates you are referring to——

Mr. BERRY. Well, no, as to all we have missing. Not just those we have information on but all those that are just gone, that we cannot account for.

Is there any pattern there that would explain in any way why anyone would want to keep them?

Col. TRAMMELL. I didn't make the study myself of that but the adjutant general made a study of those disappearances for the chief of psychological warfare. The results of that study showed no pattern whatsoever. It was completely a random grouping as far as we could learn.

Senator POTTER. Gentlemen, I want to thank the army and all departments for your cooperation in this study. Where we go from here has not been determined as yet. It will take a while to kind of correlate the material that has been presented. We will like the opportunity of contacting you from time to time.

Mr. O'Donnell and the committee staff is working with us on the problem, as well as Mr. Kennedy. So from time to time they will be contacting you.

I do not know, but I think it would be very desirable if we could wait until the G-2 has had an opportunity to go through all the material and catch up with G-1. But whether we can wait that long or not, I don't know.

There will be some public hearings and we will endeavor to notify you in advance, as much as we can.

As far as security is concerned, we will take that up with the proper sources so that persons who will be called will have no concern about the security. We will clear all questions of that type prior to a hearing. We are not out to embarrass anyone. It is a matter of great concern to many people. Our effort is to be helpful in respect, as many people in the military as well as the public in general are desirous that something be done.

I am not saying that in the respect that nothing has been done. I think that all branches of the service have done an excellent job, and in presenting the case we do have what seems like pretty much an impossible situation when the other party to the bargain refuses to negotiate with us.

It is my personal feeling that very little is gained by hiding facts under a bushel. I think the American people have a right to know, that they have a right to have as much information as we have concerning whether the Communists are holding some of our men.

I think it will have a great deal of effect on our policies in the future concerning negotiations with Communist countries. This will conclude this phase of the hearing. We will be contacting you again.

Maj. GARCIA. Mr. Chairman, at your request we furnished you last week a list of the air force personnel. You also asked, with respect to the pattern, how many of them had attended the special weapons course. At the time we furnished you the list, we had checked only the personnel records here in Washington. However, we have gone out to Sandia, and the information which we furnished that is that only one had attended a special school, is true. Only one attended a special school.

Senator POTTER. Thank you, Major.

Mr. KENNEDY. Could I ask just one more question?

Colonel, when you are going through this list, which you feel will take another six weeks until you finally finish, have you finished some of those names already where you reached the conclusion that they will definitely remain on the list?

Are you doing it—

Col. TRAMMELL. I don't think you can approach it that way, because there could also be some positive evidence of death.

Mr. KENNEDY. Then in six weeks you won't be finished either, will you?

Col. TRAMMELL. In six weeks we will have all of the adjutant general's known deaths, and that is the only correction that will be on this list.

In other words, we accept the adjutant general's determination of a known death.

Mr. KENNEDY. Won't they be finished at the end of the week, as I understand it?

Col. TRAMMELL. His will be, but we will not have processed those that he has then turned over to us by that time.

Mr. KENNEDY. Well, he lists so many known dead. All you have to do is to cross them off your list then?

Is that the way you do it?

Col. TRAMMELL. He is processing them for two reasons, one to get the known dead and the other to determine administratively their disposition.

Well, that doesn't affect our list.

Mr. KENNEDY. Only the known dead, the ones that he puts on his list as known dead affects your list, is that not right?

Col. TRAMMELL. It is the known dead.

Mr. KENNEDY. He says he will be finished with that list at the end of the week, right?

Col. TRAMMELL. That is right.

Mr. KENNEDY. Then what do you have to do once he gives you the list?

Col. TRAMMELL. We are already about five weeks behind him. I mean, we run constantly about that long behind him. We have cases right now where we have to carry them to some cross-indexing.

Senator POTTER. Is there any way, Colonel, that that could be expedited?

Col. TRAMMELL. It is just simply an administrative problem of the personnel.

Senator POTTER. Can't you steal some personnel from the legal branch, or something like that?

I do think it would be desirable to have that completed before we continue.

Col. TRAMMELL. I will take the question up and endeavor to get them. I do not have them personally available to me.

Mr. BERRY. We will convey that to General Trudeau and see if we cannot speed it up.

Senator POTTER. All right, gentlemen.

The committee is now in recess.

[Whereupon, at 12:10 p.m., the committee was recessed subject to call.]

ALLEGED THREATS AGAINST THE CHAIRMAN

[EDITOR'S NOTE.—William J. Morgan (born William Mitrano, 1911–1996) was a lieutenant-colonel in military intelligence, U.S. Army Reserve, who held a Ph.D. in psychology from Yale. During World War II he served as director of the Psychological Text Bureau, worked with the British in selecting agents to operate in Nazi-occupied territories, and parachuted into France to organize and train guerillas. He later published *The O.S.S. and I* (1957). From 1947 to 1957 he created tests to examine new recruits and employees for the CIA. Dr. Morgan did not testify in public session.]

THURSDAY, MARCH 4, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met (pursuant to Senate Resolution 189, agreed to February 2, 1954) at 4:00 p.m., room 101, Senate Office Building, Senator Charles E. Potter presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Illinois; Senator John L. McClellan, Democrat, Arkansas

President also: Francis P. Carr, executive director; Roy M. Cohn, chief counsel; Robert F. Kennedy, chief counsel for the minority; Donald A. Surine, assistant counsel; James M. Juliana, investigator; Ruth Young Watt, chief clerk.

TESTIMONY OF WILLIAM J. MORGAN

Senator POTTER. In the matter now in hearing, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. MORGAN. I do.

Senator POTTER. Will you identify yourself for the record, Dr. Morgan—your full name and your present address and your present occupation.

Dr. MORGAN. My full name is William James Morgan and my occupation is psychologist. I have specialized in psychological warfare and intelligence operations for the last twelve years. I work at the Department of the Army as deputy chief of research in the office of chief, psychological warfare.

Senator POTTER. Is that under General Erskine?

Dr. MORGAN. General Erskine is at the Department of Defense level. I am with the army. My home is Merrifield, Virginia.

Mr. CARR. Where were you employed in September 1953?

Dr. MORGAN. September of 1953. I was with the Psychological Strategy Board.

Mr. CARR. Do you specifically recall the afternoon of September 20, 1953, Friday afternoon?

Dr. MORGAN. Not specifically, no, sir.

Mr. CARR. Do you recall a meeting which you attended while you were in that position which was attended by Mr. Horace "Pete" Craig?²

Dr. MORGAN. I attended many meetings with him because I was in the same office. As a matter of fact, he was my superior.

Mr. CARR. Do you recall any meeting with Mr. Craig in which a statement was made concerning Senator McCarthy?

Dr. MORGAN. Yes, sir.

Mr. CARR. Could you recount that meeting?

Dr. MORGAN. Well, on a number of different occasions the name of McCarthy came up. It is a very common term, so there were a number of different occasions when the name would have come up.

Mr. CARR. Do you recall an occasion when you suggested that the agency for whom you were working at that time attempt to become friends with Senator McCarthy?

Dr. MORGAN. There was what might be called a hypothetical discussion that we were having.

Senator POTTER. This was with Mr. Craig, was it?

Dr. MORGAN. Mr. Craig. Sometime in September he asked me to stay over and wanted to chat with me. From time to time he asked me to do this. As I recall the incident, he began to talk about various things and made a statement to the effect that the survey was completed concerning our international operation, activities, and that conclusions had been drawn that Senator McCarthy's influence was the most important factor in negating the influence of U.S. activities abroad and that then kicked off the discussion. I thought he was feeling me out on various things.

Mr. CARR. At that time was there any discussion as to a procedure to combat the influence of Senator McCarthy?

Dr. MORGAN. Well, here is the situation as briefly as I can remember it. The question of Senator McCarthy was raised—what would you do with it, and I said, "Well, I don't know what the problem is." He said, "You know General Donovan, what would his suggestion be?" I said, "Well, I don't know what Donovan would suggest."

Mr. CARR. You say General Donovan?³

Dr. MORGAN. Yes, I had been in OSS.

I said, "There is one thing very clear, what we are trying to do and what the senator is trying to do is the same." I said, "It may be desirable to indoctrinate him concerning our procedure and some of our goals," and he stated that he didn't think that was a wise procedure because Senator McCarthy was a very clever, intelligent man and that he admitted his mistakes and that it would simply not lead to anything. Then, I forget—the situation was one that I remember very clearly but exactly how it transpired, I don't know. I know I was very late getting home for dinner. I must have stayed at the office an hour or an hour and a half or so.

I want to make a remark. What Dr. Craig said—the interpretation is always difficult because some of the things he may say because he wanted to add glamour to his name by association with

²Horace S. Craig (1911–1963) served with the CIA until 1958.

³Gen. William J. Donovan (1883–1959) served as head of the Office of Strategic Services during World War II.

a figure. That is a well known psychological technique. Or he may have had other motives. He said that somebody had recently come to see him and felt the best thing to do was to penetrate the McCarthy organization, which is of course a Communist espionage technique, and he thought they had a candidate for it; that they were steering him into being employed by the investigating committee and the man's name escapes me now. I may be able to bring it to mind.

Senator POTTER. Do you know whether they were successful in doing that or not?

Dr. MORGAN. No, sir, I don't know whether they were successful or not. The man was apparently very well thought of, of good education, and had the highest recommendations. The point that he was concerned with at the time was that he didn't know how much knowledge had to be turned over to this man, because if you turned over too much knowledge, he might not be able to go through with it. One of the problems with agents, if you let them know too much in the beginning, it might frighten him, so you get him into a situation and then maneuver. I don't know whether or not the thing was ever successful.

[Off-record discussion.]

Mr. SURINE. To further identify Dr. Craig, could you administratively put on the record who his superior was at that time?

Dr. MORGAN. Well, I think it is a matter of public knowledge. In these things I have to make a decision whether it is security information or whether it is not security information. In this case this is public information because it has not been in anything with a stamp on it. The Psychological Strategy Board, of course, at that time had both a board and a staff; then the president's special assistant, Mr. C. D. Jackson, was the one who was running the Office of Evaluation, which was the office in which Dr. Craig was functioning.⁴ Things became in rather a turmoil after the new administration came in because psychological activities were supposed to continue, but actually they didn't continue and Mr. Jackson took charge, took certain responsibilities from PSB, as it is referred to, and Mr. Craig answered to Mr. Jackson because he worked with him before.

Mr. SURINE. Where is Dr. Craig now?

Dr. MORGAN. Operations Coordination Board, which is the successor agency to PSB.

Mr. SURINE. To your knowledge, what was the true employment at that time of C. D. Jackson and Mr. Craig?

Dr. MORGAN. Well, by the true employment do you mean where do they get their money?

Mr. SURINE. Who paid their salaries?

Dr. MORGAN. I don't know of Mr. C. D. Jackson. I just don't know at that time. Dr. Craig, I think he was on the CIA payroll.

Right here I ought to say this—that is a question of security. I understand that people in CIA must not be identified as CIA people. I don't know just how to classify this. He is known publicly to be on the CIA payroll.

⁴Charles Douglas Jackson (1902–1964), publisher of *Fortune* magazine, had organized the psychological warfare division at General Eisenhower's headquarters in London during World War II and served as special assistant to Eisenhower in the White House from 1953 to 1954.

Mr. SURINE. You are speaking of Craig now?

Dr. MORGAN. Craig.

Mr. SURINE. What about Jackson?

Dr. MORGAN. At that time I don't know. Later I don't know.

Mr. SURINE. How about before?

Dr. MORGAN. I may have information before, but I think that is classified.

Mr. SURINE. Were you at that time receiving your money from CIA?

Dr. MORGAN. No, sir. The Psychological Strategy Board is broken down into two echelons. Those who are GS-15s and below are paid by the Department of State. Those who are GS-16s and above are paid by CIA.

Mr. SURINE. Getting back to the conversation with Mr. Craig, which you have covered part of here, when you suggested to him that possibly CIA attempt to make friends with Senator McCarthy—could you fully develop that conversation as he related it to you and his response to your remark.

Dr. MORGAN. Well, it was very simple. He shrugged the thing off. He walked up and down the room and made the remark; then he said, "There are madmen who would be willing to do it for a price," something of that nature.

I kind of looked him over. My reaction was, "Is Pete serious about this thing or is he sounding off? Is he trying to be dramatic or what is the score?" At that time, I might add, that particular kind of suggestion was not made very often. Since then to hear that, as in connection with the Puerto Ricans, etc., everybody says, "Was Senator McCarthy there?"⁵

Mr. SURINE. To further identify yourself, could you relate your government employment, starting with roughly 1943 to the present time?

Dr. MORGAN. Yes, sir. In 1943 the OSS hired me as a psychologist. They lost my records. I went overseas. They found my records in London and I managed to stay there, soliciting spies and saboteurs with the War Office Election Board, which was a British set-up working with OSS; then in 1944 I jumped behind the lines as a civilian, close to the French Maquis, where I organized a team of 150. For six weeks we had a lot of fun shooting, etc. I left there and went to China and operated in China. Fifty teams would have been sent up to the Northern China territory to penetrate the Communist hierarchy but Chiang Kai Shek and the State Department and others fell through so then I was doing other chores in China.

I was S-3 and assistant operations officer in the Yellow River peninsula. I was the officer in charge of the important operation of sending people into the Communist territory and keeping them out of Communist hands, fighting the Japanese. After the war was over I went to Formosa as executive officer; then when the deputy left, I became deputy; then I became chief of SSU, the successor agency to OSS, making intelligence scoops on the island so we would have the information we needed; following that I returned to the States and became deputy chief of the training staff of the CIA; then I be-

⁵ On March 1, 1954, four Puerto Rican nationalists fired thirty shots into the House chamber, wounding five representatives.

came the chief of the psychological assessment unit for the screening of people because I was applying there the techniques that were used in the British set-up. In 1951, I worked for a year on career management problems, setting up career plans, etc. In 1952 I went to PSB. In 1953 I went with the army.

Senator POTTER. I would like to go back to where this man Craig stated that he felt that Senator McCarthy should be liquidated. I'd like to place the date of this. When did it happen?

Dr. MORGAN. It happened in September.

Senator POTTER. September of what year?

Dr. MORGAN. Last year, 1953.

Senator POTTER. He stated in essence that this man should be liquidated, referring to Senator McCarthy?

Dr. MORGAN. It may be necessary.

Senator POTTER. And that there are madmen—

Dr. MORGAN. For a price willing to do the thing.

Senator POTTER. Did you make any comment after that?

Dr. MORGAN. No, sir. I looked at him and kind of figured, "What gives?" I didn't say anything.

Senator POTTER. Did he follow that up with any explanation of that statement?

Dr. MORGAN. No, sir. I don't remember he did follow it up.

Senator POTTER. Did you take this as a possible activity for your agency?

Dr. MORGAN. No, sir. I was quite stunned by it. I thought he had lost his self-control, discretion, or something had gone wrong with him; and that if it did reflect people with whom he was working that it just didn't seem to me someone was going mad.

Senator POTTER. Did he ever follow that up at a later date?

Dr. MORGAN. No, sir. He never did, not that I can remember.

Senator MUNDT. Was this during the same conversation in which they were talking about penetrating the McCarthy staff?

Dr. MORGAN. Yes, sir.

Senator POTTER. I assume from the conversation which took place that he was very much opposed to activity of this committee. Is that correct?

Dr. MORGAN. I don't know, Senator, whether he was opposed to the activity of this committee or whether he was opposed to what Senator McCarthy was trying to do. This happened in September 1953. I don't know who the members of the committee were at that time.

Senator POTTER. He was referring more to Senator McCarthy than to the committee?

Dr. MORGAN. That would be my interpretation.

Senator MUNDT. You say this happened in connection with the discussion of penetrating the committee. Did this statement precede the statement about liquidation?

Dr. MORGAN. The question of penetration preceded the question of liquidation.

Senator POTTER. After he made the statement about liquidation and you registered some astonishment, what happened?

Dr. MORGAN. I think shortly thereafter we began to close up and wander out.

Senator POTTER. There was just the two of you there?

Dr. MORGAN. Just the two of us. The reason I give this testimony with extreme caution, my own feeling is that the entire interpretation is something that at the time it was a shock. I discussed it with my wife when I got home. I didn't know exactly what to do with it. It may simply have reflected an attempt on his part to do his thinking out loud.

Senator POTTER. Did he say who was to pay the madman to do, the job?

Dr. MORGAN. No, sir. He made no reference as to how it was to be accomplished except that there were madmen who would do the job. He made no reference to anyone specifically.

Senator MUNDT. Did this ever come up again in subsequent conferences?

Dr. MORGAN. No, sir. At a subsequent discussion he mentioned the name of the man he was talking about who was going on the staff, and I think it was one or two other times that he talked about this person. On one occasion he said he was having no luck and on another occasion he said something like he would like to find a job for him at the Department of Defense.

Senator MUNDT. In other words, in subsequent conversations he did continue to suggest the possibility of penetrating the McCarthy staff, but he never again referred to the possibility of liquidation?

Dr. MORGAN. He never again referred to liquidation. In the two subsequent discussions there was no discussion of penetration. He just simply mentioned the name and that he wasn't having any luck. On another occasion he said he was trying to make an effort to get him employed at the Department of Defense.

Senator POTTER. Do you know a man by the name of Matt Baird?⁶

Dr. MORGAN. Yes, I do.

Senator POTTER. What is his present employment?

Dr. MORGAN. I don't know.

Senator POTTER. What was he doing when you knew him?

Dr. MORGAN. Matthew Baird was chief of the office of training of the CIA and this is public information because it has been published in the newspapers.

Senator POTTER. When was that?

Dr. MORGAN. I would say that he became chief of that about 1951 sometime, the early part of 1951.

Senator POTTER. Did he have any personal traits that would be objectionable in normal society?

Dr. MORGAN. He is a handsome looking guy, but I would say generally speaking "no."

Senator POTTER. Is he known to you to be a homosexual?

Dr. MORGAN. That has a long history.

Senator POTTER. You mean by that it is well known that he is a homosexual?

Dr. MORGAN. If you are asking whether I have facts that he is a homosexual, the answer is "no."

Mr. CARR. Which one are you talking about now—Craig or Baird?

⁶U.S. Air Force Col. Matt Baird (1901–1972) served with the CIA from 1953 to 1965 and developed the agency's officer training and career development program.

Dr. MORGAN. Baird. I don't have any factual evidence he is a homosexual.

Senator POTTER. What is your knowledge in that respect?

Dr. MORGAN. Circumstantial and opinion. I don't know whether it is classified or not.

Senator POTTER. What information do you have to form your opinion?

Dr. MORGAN. Well, I think on that particular thing, in order to save the work of the committee, I gave information to two air force investigative officers who came to see me about Matt Baird in, I would say, early summer of 1953, around June. That file would contain everything I knew about that case.

Senator POTTER. Wasn't Mr. Baird discharged from a boys' school?

Dr. MORGAN. I understand that he was.

Senator POTTER. What information do you have as to the reason he was discharged?

Dr. MORGAN. I understand that he was discharged because he made the mistake of teaching the boys how to masturbate properly, but that doesn't come from any direct source.

Senator POTTER. When did he leave CIA?

Dr. MORGAN. I don't know whether he has left. For all I know, he may still be there.

Mr. SURINE. What is the nature of your information about his being discharged from the school on that grounds?

Dr. MORGAN. The information that I have is that a Mary Lee Fletcher, who is an employee of the agency, said that she had talked with some four or five persons in New York City, one of whom was the daughter of J. Leonard Hand, and they made the remark to her that it was a pity that the U.S. government had Matt Baird as their director of training and director of personnel.

Senator POTTER. That is director of CIA?

Dr. MORGAN. He had been director of training and personnel—in view of his record at the Arizona Desert School; that he was looked upon as a queer, etc.

Senator POTTER. I think that you have covered this subject pretty well, Dr. Morgan, and I wish to thank you for appearing here.

Senator McCLELLAN. I would like to ask a question or two. I didn't get Dr. Craig's initial.

Dr. MORGAN. Horace C. Craig, I think.

Mr. KENNEDY. There is a Horace S. in the telephone book.

Senator McCLELLAN. Where is Dr. Craig now?

Dr. MORGAN. I suppose he is with the operations coordinating board.

Senator McCLELLAN. Is he still with the government?

Dr. MORGAN. I believe so.

Senator McCLELLAN. He is still in the same position he occupied then, at the time you were testifying about, last September?

Dr. MORGAN. Well, there has been a reorganization, Senator. I don't know what position he now occupies but it is in the same framework.

Senator McCLELLAN. Is he still your boss?

Dr. MORGAN. No, sir.

Senator McCLELLAN. He was in September?

Dr. MORGAN. Yes, he was in September.

Senator McCLELLAN. Then you think he is still with the government?

Dr. MORGAN. I think he is still with the government.

Senator McCLELLAN. Of course, that fact can be ascertained. I tried to follow very closely with respect to the conversation you had last September when he was pacing the floor after he had suggested the idea—made reference to the idea of penetrating the committee staff, and then I think this is your exact language, and I want to get it accurately because you used some qualifying words, I think, after you used this language. I understood you to say and I quote, "It may be necessary to liquidate Senator McCarthy as was Huey Long." Is that quote accurate or substantially accurate as you recall what he said?

Dr. MORGAN. Yes, sir.

Senator McCLELLAN. Then you followed that by saying, if I got it correctly, and I quote: "There is always some madman who will do it for a price."

Dr. MORGAN. Yes, sir.

Senator McCLELLAN. Is that substantially what he said?

Dr. MORGAN. That is substantially as I remember what he said.

Senator McCLELLAN. Did you relate those two expressions at the time as the second implementing the first—that there would always be some madman who would liquidate Senator McCarthy for a price? Did you relate those two statements together and think the second statement referred to Senator McCarthy?

Dr. MORGAN. Oh, yes.

Senator McCLELLAN. There was no question in your mind at the time about it?

Dr. MORGAN. No, sir. That was the subject of discussion so that it was relevant to what he had been saying.

Senator McCLELLAN. Now, this could be a very serious matter and I am trying to elicit from you as of now a description or an expression of the emotion you felt then and the reaction you had to his remarks. Were you impressed at the time or did you believe at the time accept his remark as that of a threat or that of a plot that was going through his mind to actually develop a scheme to accomplish what he had said. How did you react to it at the time?

Dr. MORGAN. Well, at the time I looked over Dr. Craig and thought, "He must be losing his mind. What is wrong with the guy." That was my introspective analysis. I was sufficiently disturbed to mention it at home when I apologized to my wife for being late. She said, "He is out of his mind" or "What is wrong with him" or something of that sort. The fact that he would raise it for discussion and keep me there after closing hours—this was the subject of discussion. We closed up at 5:30 and we were there, I would guess, till 7:00 or thereabouts, so that he must have had in mind that he wanted to go over this thing.

Now that I look back, I think also he was trying to find out whether I was tied in with the McCarthy group. I think that may have been one of his intents because a question he threw at me caused me to answer, "I don't know him. I have never met him. As a matter of fact I have never seen him on TV." I think one of his intents was to feel me out with respect to my own affiliations.

Senator McCLELLAN. Is that your reflection about it now after the incident occurred some five or six months ago? Do you feel it was just a remark to feel you out, to elicit some expression from you? In other words, was he trying to find out if you were in communication with the committee?

Dr. MORGAN. I think that he was.

Senator McCLELLAN. What do you think?

Dr. MORGAN. I think his first intention was to find out whether I was tied in with the McCarthy group, so to speak.

Senator McCLELLAN. Would that be a technique that you use in this psychological warfare—whatever you call it—to make a statement that will lead somebody out to express themselves, find out what they may be thinking, their attitude, what their relation or connection may be?

Dr. MORGAN. It is one of the interrogation techniques. Whether or not he was using it on me—my impression was that he was feeling me out as to whether or not I was a member of the McCarthy group.

Senator McCLELLAN. In other words, he was trying to find out if you were leaking out information to the committee?

Dr. MORGAN. No, sir. I think what he was interested in was to find out if I had political affiliations or connections or whether I was identified with the McCarthy group.

Senator McCLELLAN. You can only work by giving information.

Dr. MORGAN. Yes, that is so, but in government, as a government employee they are always interested whether you know Senator so and so. That is a very strong weapon for any government employee.

Senator McCLELLAN. Did you ever report the incident to any of your superiors?

Dr. MORGAN. No, sir, I did not.

Senator McCLELLAN. To whom did you first report it, aside from your wife?

Dr. MORGAN. I think I first talked it over with possibly Colonel Kellis. No, he was gone by that time. He was a confidant of mine. The man I first talked to was you [pointing to Mr. Surine].

Senator McCLELLAN. Whom do you mean?

Mr. SURINE. Mr. Surine, me.

Senator McCLELLAN. You think he is the only one you talked to about it besides your wife?

Dr. MORGAN. He is the only one who knows about it besides my wife, possibly Colonel Kellis, Mr. La Venia and Mr. Surine.

Senator McCLELLAN. Mr. La Venia is also a member of the staff of this committee, is that right?

Dr. MORGAN. Yes.

Senator McCLELLAN. I want to follow up and get the real perspective of this thing. If that was a threat, that is something we want to know about, if the guy is still in government service certainly. Of course, if it was just a maneuver on his part to try to elicit information from you or gain some impression from you, folks do that all the time and it would have no significance.

I want to get you to evaluate, as of now, in the light of the facts, your reaction then and your sober reflection upon it since. How do you evaluate it as of now after five months' reflection?

Dr. MORGAN. My evaluation is that at the time he must have been concerned with the problem and that he must have held discussions with persons other than myself and that he was trying to find a solution, in his own mind, as to what ought to be done about McCarthyism, as it is so-called.

Senator McCLELLAN. That is your evaluation of it now after five months' reflection, that he really was concerned to himself at least, with what to do about McCarthyism or McCarthy and in meditating upon it and thinking out loud, he made these remarks?

Dr. MORGAN. Yes. Whether or not he would ever have enough courage to carry it through, I don't know.

Senator McCLELLAN. I know you wouldn't know that. You are the one involved; you heard the conversation; you know Dr. Craig from working with him and associating with him and you have had five months to reflect upon it. You are now giving testimony about it and you probably are the one most capable on evaluation on the standpoint of whether it really has substance that is of interest to this committee and the public or whether it was something that has no significance and should not be pursued further. I would like for you to make an expression on it.

Dr. MORGAN. I will say this very decidedly. I don't think information of this kind has public value because I don't see what purpose is going to be served. I think in connection with other items of a information, it may lead to a more clear picture of what is happening concerning psychological warfare, international operations and things of that sort. I think as an isolated scrap, it reflects the thinking of a person who in line, say with others, would be politically or other reasons. Not politically. I shouldn't say politically, but to what Senator McCarthy was doing at the time. I am not speaking of objectives. I think it has this. I don't know whether I have muddled the thing.

Senator McCLELLAN. I think it poses this question or problem for us on the committee. If that man was talking like that in a serious vein and it was thoughts rolling around in his mind, at the time, ideas he was expressing, I think the committee would be concerned about it. Whether it is something that should be given to the public or not, we might have to determine that later, but the question is if we have men in government with ideas like that and expressing ideas like that, I think the committee would be a little bit concerned.

Dr. MORGAN. I think it was a serious statement. He didn't say it in jest. He said it in a reflective sort of way. The reason I questioned the publicity end of it, I don't see what purpose that would serve.

Senator McCLELLAN. Aside from that, we don't want that kind of men in government. That would be my first reaction. A man in government making remarks like that, it might go to his fitness to continue to serve as a public servant at least.

Dr. MORGAN. I want to make a statement at the present time. The fact that I am testifying here jeopardizes my own stay in government. If I am a government employee a year from now, I will really be amazed. The very fact that I am here giving information and nobody knows what the status of the information is puts me in a position of jeopardy and I would like to make it a matter of

record. I am willing to talk and talk freely and give my opinions, but I would like to have it put down.

Senator McCLELLAN. Put down. What do you mean?

Dr. MORGAN. Put down as a matter of record. I have had a debate with my conscience ever since last night.

Senator POTTER. Did you volunteer to appear before the committee?

Dr. MORGAN. I have expressed the desire to give information which I consider is to the national interest, and I will give information which is to the national interest and I have no reluctance whatsoever to giving it.

Senator POTTER. Did you volunteer the information that you have given here?

Dr. MORGAN. A substantial part of it to staff members of the committee.

Senator POTTER. Did they elicit that information or did you give it on your own initiative?

Dr. MORGAN. I volunteered it.

Senator POTTER. While you may have been subpoenaed—

Dr. MORGAN. Yes, sir.

Senator POTTER [continuing.] You initially volunteered the information?

Dr. MORGAN. Yes, sir.

Senator POTTER. How long ago?

Dr. MORGAN. The information was volunteered, oh, during the last six or seven or eight months—since last October, I think.

[Off-record discussion.]

Senator POTTER. When did you first mention it?

Dr. MORGAN. I think it was in October.

Senator POTTER. Within a month after the incident actually occurred?

Dr. MORGAN. Something like that.

Mr. SURINE. To your knowledge, do you know of any projects of liquidation that CIA has engaged in abroad, in a general way?

Dr. MORGAN. Yes, sir.

Mr. SURINE. They call them projects?

Dr. MORGAN. They may use that.

Senator POTTER. Liquidate men or persons?

Dr. MORGAN. No, sir, I don't. It is a business I use to lecture on in CIA. I don't know of any liquidation processes going on abroad.

Mr. SURINE. Either in the past in your experience in intelligence?

Dr. MORGAN. When men are liquidated in intelligence you must not refer to it, but you don't ask for permission. The minute you ask for permission, it is denied. That is a code. The question of liquidation of enemy agents is never referred for official discussion.

Senator McCLELLAN. Now, there is one other thing I'd like to make clear here. At the time Mr. Craig had the conversation about McCarthy and penetration of the committee, was he cognizant of possible investigation or had he ever discussed the question of the McCarthy committee investigating CIA?

Dr. MORGAN. I don't remember accurately. He may very well have because everybody at the time was saying something about it, his investigation, and whether he expressed an opinion pro or con, I don't remember.

Senator McCLELLAN. Has there been any personal feelings, quarrels or misunderstandings between you and Dr. Craig at any time?

Dr. MORGAN. No, sir.

Senator McCLELLAN. No breach in your personal relationship any way at all?

Dr. MORGAN. No.

Senator McCLELLAN. Thank you very much.

Senator POTTER. Senator, before you leave—I have no other questions to ask Dr. Morgan—I would like to get permission to make public the executive hearing on Major Peress.

Senator McCLELLAN. I thought it had been made public already.

Senator POTTER. We had an open hearing. This is executive, so if there are no objections, this will be made public.

Dr. Morgan, we thank you kindly.

[Whereupon the hearing adjourned at 5:05 p.m.]

COMMUNIST INFILTRATION IN THE ARMY

[EDITOR'S NOTE.—Dr. Marvin Sanford Belsky testified at the public hearing that immediately followed this executive session. The subcommittee later requested an opinion from the attorney general regarding whether there was sufficient evidence to indict Dr. Belsky on the basis of his testimony. Only July 7, 1954, Assistant Attorney General Warren Olney III notified Senator McCarthy that the Justice Department did not believe a prosecution for contempt could be sustained as to whether he was testifying truthfully when he refused to answer on the ground that his answers might tend to incriminate him. Olney cited the Supreme Court's ruling in *Hoffman v. United States* (1951), that "The privilege afforded not only extends to answers that would in themselves support a conviction under a federal criminal statute but likewise embraces those which would furnish a link in the chain of evidence needed to prosecute the claimant for a federal crime." Olney concluded that "An answer that the witness had not truthfully claimed the privilege as to prior questions would be a direct admission of the crime of perjury."]

THURSDAY, MARCH 4, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 10:10 a.m., pursuant to notice, in room 357 of the Senate Office Building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Donald F. O'Donnell, assistant counsel; C. George Anastos, assistant counsel; Robert Francis Kennedy, counsel to the minority; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order. Will you raise your right hand. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Dr. BELSKY. I do.

TESTIMONY OF DR. MARVIN SANFORD BELSKY (ACCOMPANIED BY HIS COUNSEL, STANLEY FAULKNER)

Mr. COHN. Will counsel state his name for the record?

Mr. FAULKNER. Stanley Faulkner, 9 East 40th Street, New York 16, New York.

Dr. BELSKY. Mr. Senator, I have been served with a blank subpoena and I would like to know what is the subject matter under consideration by this committee, and what am I accused of and who has accused me?

The CHAIRMAN. The subject we are investigating is communism in the army, espionage in the army, and army installations and defense plants or anywhere else in the government. You are being questioned about that this morning. Go ahead, Mr. Cohn.

Mr. COHN. May we have your full name for the record, please?

Dr. BELSKY. Marvin Sanford Belsky.

Mr. COHN. Where are you stationed now?

Dr. BELSKY. I just want to raise two jurisdictional questions.

Senator McCLELLAN. Can we get the name for the record?

Dr. BELSKY. Murphy Army Hospital, Waltham, Massachusetts. There has been no clear definement—

Senator McCLELLAN. A little louder, please.

Dr. BELSKY. There has been no clear definement as far as legislation is concerned with which this committee is concerned, in terms of the purpose for which it functions. That is the one jurisdictional question I have.

The second jurisdictional question is under Article 2, Section II of the United States Constitution, I am as a soldier only under the jurisdiction of the president of the United States, who is a commander in chief of the army, and this committee has no jurisdiction over me.

The CHAIRMAN. Proceed, counsel.

Mr. COHN. Now, Mr. Belsky, you say you are stationed at Murphy General Hospital, is that right? Does that hospital service patients from the Lincoln Project in Massachusetts?

Dr. BELSKY. I don't know.

Mr. COHN. You do not know whether it does or not? Does it service patients who are military personnel?

Dr. BELSKY. Yes.

Mr. COHN. From the Boston area?

Dr. BELSKY. Yes.

Mr. COHN. It does?

Dr. BELSKY. Yes, sir.

Mr. COHN. I think, Mr. Chairman, we have been advised it does service patients from the Lincoln Project, which is one of the more sensitive radar projects.

The CHAIRMAN. It will be developed, also, whether he knows that.

Mr. COHN. Are you a member of the Communist party?

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment to the Constitution of the United States in that my answer might tend to incriminate me.

The CHAIRMAN. Do you know anything about the Lincoln Project? [The witness consulted with his attorney.]

Dr. BELSKY. I don't know anything about the Lincoln Project.

The CHAIRMAN. Have you ever heard of it before?

Dr. BELSKY. Not before it was mentioned just this time.

The CHAIRMAN. You said, "yes"?

Dr. BELSKY. No.

Senator McCLELLAN. You will have to talk a little louder. I have difficulty hearing you. You will have to repeat it.

Dr. BELSKY. Not before you just mentioned it.

Mr. COHN. Now, about the project connected with MIT which does work on radar, did you ever hear about that?

[The witness consulted with his counsel.]

Dr. BELSKY. I read about that in the paper.

Mr. COHN. Did you ever hear about it? Let me ask you this first: Do any civilians come into this hospital, any civilians working on any military projects?

[The witness consulted with his counsel.]

Dr. BELSKY. Not that I know of.

Mr. COHN. Do your duties at the hospital ever involve taking any information from any of the patients, out-patients?

Dr. BELSKY. Medical information?

Mr. COHN. That is right. You ask them questions, do you not?

Dr. BELSKY. I ask the medical questions.

Mr. COHN. Do you ask them their names and where they work?

Dr. BELSKY. I don't ask them where they work.

Mr. COHN. You get their names; is that right?

Dr. BELSKY. No, I don't ask them where they work.

Mr. COHN. You ask them their names, and you know who you are talking to, do you not?

Dr. BELSKY. It is on a slip. I know who I am talking to.

Mr. COHN. Do you know of the name of the individual you are interviewing? Is that right?

Dr. BELSKY. Yes, sir; I do.

Mr. COHN. Now, have you been in contact with other members of the Communist party in this work in the army?

[The witness consulted with his counsel.]

Dr. BELSKY. Could you repeat the question?

Mr. COHN. Have you been in contact with any other members of the Communist party while doing this work that you have described?

[The witness consulted with his counsel.]

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment to the Constitution of the United States in that my answer might tend to incriminate me. And, further, the question isn't clear.

Mr. COHN. Let me see if I can clarify it a little. Have you been attending Communist cell meetings while stationed at Murphy General Hospital?

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment of the Constitution of the United States in that my answer might tend to incriminate me.

Mr. COHN. Have you attempted to recruit people with whom you came in contact into the Communist party?

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment to the Constitution of the United States in that my answer might tend to incriminate me.

Mr. COHN. Have you attempted to recruit people working on classified material in the Boston area into the Communist party?

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment in that my answer might tend to incriminate me.

Mr. COHN. Have you used your post at Murphy General Hospital and the contacts you have made with personnel working on sensitive projects there to attempt to recruit them into the Communist party?

Dr. BELSKY. I respectfully decline to answer that question on the protection of the Fifth Amendment that my answer might tend to incriminate me.

Mr. COHN. When you entered the service, did you sign a loyalty oath?

Dr. BELSKY. I signed many things when I went into the service.

Mr. COHN. Did you refuse to sign anything?

Dr. BELSKY. I don't recall ever refusing to sign any form.

Mr. COHN. Was there any inquiry or interrogatory or form, written or oral, submitted to you by the army which you ever refused to sign or to respond to?

[The witness consulted with his counsel.]

Dr. BELSKY. I would have to see the form. Many forms came my way.

Mr. COHN. Did you ever claim the constitutional privilege to the army?

[The witness consulted with his counsel.]

Dr. BELSKY. The question isn't clear.

Mr. COHN. I will try to make it clear. Did you in response to any questions, written or oral, or in any applications, put to you by the army, ever refuse to furnish any information on constitutional grounds by invoking the Fifth Amendment?

[The witness consulted with his counsel.]

Dr. BELSKY. Do you mean to refuse to answer questions?

Mr. COHN. Did you refuse to furnish the information? Did you ever claim the Fifth Amendment to the army in connection with any interrogatories, written or oral, which they submitted to you in connection with any application form you ever received from them?

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment in that my answer might tend to incriminate me.

The CHAIRMAN. I am curious about one thing. You are a doctor, are you?

Dr. BELSKY. Yes.

The CHAIRMAN. You are an M.D.?

Dr. BELSKY. Yes, sir.

The CHAIRMAN. How long have you practiced?

Dr. BELSKY. Pardon me, Senator, what do you mean by practiced? How long has it been since I graduated from medical school or how long since I finished my internship? I never actually went into practice as it is known in the lay sense of the word.

The CHAIRMAN. When did you graduate from medical school?

Dr. BELSKY. In 1951.

The CHAIRMAN. And then you were an intern for how long?

Dr. BELSKY. One year.

The CHAIRMAN. When you were drafted into the army?

Dr. BELSKY. That is correct.

The CHAIRMAN. I am just curious to know why you do not have a commission. The president yesterday was quoted as saying any doctor who was drafted was entitled to a commission as a matter of form and could not be denied a commission. Were you denied a commission?

Dr. BELSKY. You will have to ask the army that, Senator.

The CHAIRMAN. You do not know?

Dr. BELSKY. Senator, I went into the army under the general draft law and not under the doctor draft law, because I have been underage.

The CHAIRMAN. Do you know why you were not granted a commission? Did they tell you?

[The witness consulted with his counsel.]

Dr. BELSKY. The army informed me that I didn't properly fill out the forms.

The CHAIRMAN. What form?

Dr. BELSKY. They gave a number and I don't recall.

The CHAIRMAN. What was the form about?

Dr. BELSKY. I don't remember.

The CHAIRMAN. You don't remember?

Dr. BELSKY. No.

The CHAIRMAN. Was it about communism?

[The witness consulted with his counsel.]

Dr. BELSKY. They didn't indicate.

The CHAIRMAN. Well, did you see the form?

Dr. BELSKY. They cited an army regulation and they didn't indicate to me the form.

The CHAIRMAN. Now, you said you did not properly fill out the form.

Dr. BELSKY. No, a form.

The CHAIRMAN. What form was it?

Dr. BELSKY. A form.

The CHAIRMAN. What is that?

Dr. BELSKY. A form.

The CHAIRMAN. What was it about?

[The witness consulted with his counsel.]

Dr. BELSKY. They didn't tell me which one it was, and they said I didn't properly fill out a form.

The CHAIRMAN. Do you have any idea what that form was about?

Dr. BELSKY. Not unless I had seen it or they had shown it to me.

The CHAIRMAN. I am just asking you: Did you have any idea what the form was about as of today as you sit here in this chair?

[The witness consulted with his counsel.]

Dr. BELSKY. There were so many forms, they didn't indicate specifically.

The CHAIRMAN. You understand my question, and the question to you today: Do you know what that form was about?

Dr. BELSKY. Not unless I see it.

The CHAIRMAN. You have no idea what that form was?

[The witness consulted with his counsel.]

Dr. BELSKY. I wouldn't know unless I saw the form.

The CHAIRMAN. You don't know, you have no idea today?

[The witness consulted with his counsel.]

Senator JACKSON. Do you recall there were a number of questions in connection with an application for a commission that you had to answer?

Dr. BELSKY. Yes, there were a number of forms.

Senator JACKSON. Did you answer all of the questions?

[The witness consulted with his counsel.]

Dr. BELSKY. Yes, I answered all of the questions to my recollection.

Senator JACKSON. You answered all of the questions?

Dr. BELSKY. Yes.

Senator JACKSON. And in any of the questions did you plead the Fifth Amendment in response to the questions contained in the application?

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment in that my answer might tend to incriminate me.

The CHAIRMAN. I think he should be ordered to answer that. You will be ordered to answer that question.

[The witness consulted with his counsel.]

Dr. BELSKY. I respectfully decline to answer that question on the protection of the Fifth Amendment in that my answer might tend to incriminate me. If I see the form, I could identify it.

Senator MCCLELLAN. Did you make an application for a commission in the army when you were drafted?

[The witness consulted with his counsel.]

Dr. BELSKY. Yes, I applied for a commission.

Senator MCCLELLAN. You applied for a commission?

Dr. BELSKY. Yes.

Senator MCCLELLAN. Did you have to fill out a form to apply for a commission?

Dr. BELSKY. I had to fill out many forms to apply for a commission.

Senator MCCLELLAN. You had to fill out many forms?

Dr. BELSKY. Yes.

Senator MCCLELLAN. And, it is your understanding, though you cannot identify the specific form, but it is your understanding that a form that you filled out, an application for commission, was not adequate or not properly answered, and, therefore, you were declined a commission, is that correct?

[The witness consulted with his counsel.]

Dr. BELSKY. They informed me, as far as I can recall, they informed me that I didn't complete my application for commission.

Senator MCCLELLAN. What do you mean by completed; that you did not answer all of the questions asked you, is that what you mean?

Dr. BELSKY. I don't know what they meant by it.

Senator MCCLELLAN. That is your understanding. Did you answer all questions asked you?

[The witness consulted with his counsel.]

Dr. BELSKY. As far as my recollection, I did answer all of the questions.

Senator MCCLELLAN. What do you mean by that, that you did not pursue it any further after making the application and you did not pursue it any further and manifest an interest in securing a commission? Is that what you mean?

[The witness consulted with his counsel.]

Senator MCCLELLAN. By not completing it, is that what you mean?

Dr. BELSKY. I was told by my local board, I was scheduled for a definite date to be drafted in the regular draft.

Senator McCLELLAN. Was it after that, that you applied for a commission in the army?

[The witness consulted with his counsel.]

Dr. BELSKY. That is correct.

Senator McCLELLAN. Did you voluntarily apply for a commission in the army?

Dr. BELSKY. Yes.

Senator McCLELLAN. And then you understood afterwards that you did not complete the form, is that correct? You did not complete the forms required?

Dr. BELSKY. I was informed so by the army.

Senator McCLELLAN. Now, you know and you were informed whether you completed them or not and in what respect you failed to complete them or failed to comply with the requirements, do you not?

Dr. BELSKY. They didn't indicate to me in what manner I had failed to complete them, and as far as my understanding was I had answered all questions.

Senator McCLELLAN. All right, then, if that is your position, let us get down to something else.

Now, you have repeatedly said in answer to questions asked you that are pertinent to the investigation that this committee is conducting, and that is undertaking to ascertain about communism in the army and subversiveness in the army and so forth and in the military services, and in answers to questions asked you as to whether you are a Communist and whether you have met with Communists and questions along that line, you have persistently since you have been on the witness stand invoked the privileges under the Fifth Amendment, saying that you are afraid that answers to those questions might tend to incriminate you, have you not?

Dr. BELSKY. The record speaks for itself.

Senator McCLELLAN. Do you still invoke the Fifth Amendment in answer to those questions, the same one that you invoke it to when asked a few moments ago?

[The witness consulted with his counsel.]

Dr. BELSKY. If I was asked the same questions, I would have given the same answers.

Senator McCLELLAN. You still invoke the same privilege?

Dr. BELSKY. To the same questions?

Senator McCLELLAN. To the same questions.

Dr. BELSKY. Yes, sir.

Senator McCLELLAN. You are under oath, and do you believe that if you answered those questions truthfully, that the answers would incriminate you?

[The witness consulted with his counsel.]

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment in that my answer might tend to incriminate me.

Senator McCLELLAN. Let me ask you the question again, so I do not want any mistake about it. Do you state under oath that you honestly believe that if you answered those questions to which you have invoked the privilege under the Fifth Amendment here this morning, since you have been on the witness stand, that if you an-

swered those questions truthfully that the answers would tend to incriminate you?

Dr. BELSKY. It appears to me, Senator, that question is in the realm of beliefs and you asked me do I believe?

Senator MCCLELLAN. I am asking you that, and do you believe, under oath, stated under oath, do you state under oath that you believe the questions asked you to which you have invoked the Fifth Amendment this morning, if answered, the answers might tend to incriminate you?

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment to the Constitution of the United States in that my answer might tend to incriminate me.

Senator MCCLELLAN. You fully understood the question I just asked you, did you not?

Dr. BELSKY. Yes.

Senator MCCLELLAN. Do you now refuse to state under oath that you honestly believe that if you answered the questions truthfully, the answers might tend to incriminate you?

[The witness consulted with his counsel.]

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment to the Constitution of the United States in that my answer might tend to incriminate me.

Senator MCCLELLAN. I respectfully ask, Mr. Chairman, that the witness be ordered to answer those questions under oath, as to whether he honestly believes that if he did answer the questions, the answers might tend to incriminate him. I take the position, and I may say to the witness and his counsel that if he cannot state under oath, that he honestly believes that they would tend to incriminate him, the answers would tend to incriminate him, then I question his right to invoke the Fifth Amendment.

The CHAIRMAN. I think Senator McClellan is absolutely right. If the witness refuses to say whether he thinks the answers might tend to incriminate him, then he has no Fifth Amendment privilege. He is ordered to answer the questions. You persist in your refusal, do you? Do you still refuse?

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment in that my answer might tend to incriminate me.

The CHAIRMAN. Do you understand the order of the chair? The chair's order is that in view of the fact that you have refused to answer Senator McClellan's question, as to whether or not you feel your answers might tend to incriminate you, you have no privilege under the Fifth Amendment, and you only have a privilege if you will tell the committee that you feel that your answer might tend to incriminate you. If you refuse to do that, you will be ordered to answer all of the questions in which you have invoked the Fifth Amendment. I assume you still persist in your refusal.

Dr. BELSKY. I respectfully decline to answer that question under the protection of the Fifth Amendment in that my answer might tend to incriminate me.

The CHAIRMAN. Do you know what type of work any of the patients in this hospital have been doing?

[The witness consulted with his counsel.]

Dr. BELSKY. Senator, as far as I know, the patients in Murphy army hospital are treated as sick people, who aren't doing any work.

The CHAIRMAN. Did you hear my question? Do you know what type of work the patients have been engaged in?

Dr. BELSKY. As patients?

The CHAIRMAN. Do you know what type of work the patients, any of the patients, have done before they were patients in the hospital?

[The witness consulted with his counsel.]

Dr. BELSKY. I never took particular notice.

The CHAIRMAN. Do you have any idea what type of work any of them were doing before they were patients? I do not care whether you took particular notice or not, the question is do you have any idea what type of work they were doing?

Dr. BELSKY. I assume they were soldiers.

Mr. COHN. You had some civilian personnel, did you not?

Dr. BELSKY. In that area as defined, there were also civilian dependents.

Mr. COHN. How long have you been at Murphy general hospital?

Dr. BELSKY. Since May 26, 1953.

Mr. COHN. Now, within the last four months, have you interviewed seven people who work at the Cambridge Research Center which is a part of the Lincoln Project, civilians?

Dr. BELSKY. I may have. I have treated some patients. I can't actually recall who was or who wasn't a part of the Lincoln Project of the Cambridge Research Center.

The CHAIRMAN. Mr. Belsky, we have a public session scheduled for 10:30, and you will be the first witness in the public session. You can remain right there, if you like. We will have a recess for about five minutes. Will you step down for five minutes?

Mr. FAULKNER. May we request that there be no pictures or shots taken of our testimony?

The CHAIRMAN. If you want no pictures taken, we will order that they not be taken. We have no control, you understand, of what happens outside in the hall.

Mr. FAULKNER. In the room for the public session, we ask that there be no pictures or shots or no movies.

The CHAIRMAN. I will order the cameras not to be focused upon your witness and no pictures taken of him. How about yourself? Do you object to pictures?

Mr. FAULKNER. I am not photogenic and I would rather not.

The CHAIRMAN. We will now take a five-minute recess and then proceed to public session.

[Whereupon, at 10:40 a.m., the committee recessed to reconvene in public session.]

COMMUNIST INFILTRATION IN THE ARMY

[EDITOR'S NOTE.—Lt. Oscar Roy Weiner, of the army medical corps, did not testify in public session.]

FRIDAY, MARCH 5, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 10:00 a.m., pursuant to notice, in room 357, Senate Office Building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Robert Francis Kennedy, counsel to the minority; Daniel G. Buckley, assistant counsel; James Juliana, investigator.

Present also: L. E. Berry, deputy department counsel, army; Col. John F. Britton, USAF, Office of Assistant Secretary of Defense, Legislative and Public Affairs.

The CHAIRMAN. The committee will come to order.

Lieutenant Weiner, first let me ask you if you desire to have a lawyer, we will adjourn this hearing to give you a chance to make arrangements.

STATEMENT OF LT. OSCAR ROY WEINER, MEDICAL CORPS, UNITED STATES ARMY

Lt. WEINER. Yes, sir, I would. I was under the impression that I would not need a lawyer today.

The CHAIRMAN. I do not know whether you need one or not. We intend to ask you questions about the background of alleged Communist activities on your part. Every man who appears here is entitled to have a lawyer if he thinks he needs one. That is entirely up to you.

Lt. WEINER. I would feel better if I had a lawyer. I questioned the colonel, and he told me that there would be no need for a lawyer at this time, that this would not be a hearing.

The CHAIRMAN. As I say, I could not tell you whether you need one or not. I do not know whether you intend to answer the questions or whether you intend to refuse to answer. I think normally it is a good thing to have a lawyer. Would you not think so?

Mr. COHN. Yes.

The CHAIRMAN. Why do you not talk to a lawyer, and you decide whether you want a lawyer here with you or not. How about coming back here Wednesday morning at ten o'clock?

Lt. WEINER. Yes, sir.

The CHAIRMAN. That will be all for today.

[Thereupon at 10:10 a.m., a recess was taken until Wednesday, March 10, 1954, at 10:00 a.m.]

COMMUNIST INFILTRATION IN THE ARMY

[EDITOR'S NOTE.—Lt. Oscar Roy Weiner, of the army medical corps, did not testify in public session.]

WEDNESDAY, MARCH 10, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 10:10 a.m., pursuant to notice, in room 357, Senate Office Building, Senator Charles E. Potter, presiding.

Present: Senator Charles E. Potter, Republican, Michigan; Senator Stuart Symington, Democrat, Missouri.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Robert Francis Kennedy, counsel to the minority; James Juliana, investigator; Ruth Young Watt, chief clerk.

Senator POTTER. The committee, will come to order.

Lieutenant Weiner, will you stand and be sworn? Do you swear the testimony you are about to give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Lt. WEINER. I do.

TESTIMONY OF LT. OSCAR ROY WEINER, MEDICAL CORPS, UNITED STATES ARMY

Senator POTTER. Will you identify yourself for the record?

Lt. WEINER. I am First Lieutenant Oscar R. Weiner, in the United States Army Reserve, the medical corps, stationed at Walter Reed Army Hospital.

Senator POTTER. Lieutenant, I notice you are here without counsel. You know that you have the privilege of having counsel if you so desire?

Lt. WEINER. I have consulted counsel.

Senator POTTER. You have consulted counsel but it is not your desire to have counsel with you this morning?

Lt. WEINER. No.

Senator POTTER. Mr. Carr?

Mr. CARR. Lieutenant, first for the record may I ask you where you were born?

Lieutenant WEINER. I was born in Philadelphia, Pennsylvania.

Mr. CARR. Born in Philadelphia, Pennsylvania, and what date?

Lt. WEINER. The 20th of January 1924.

Mr. CARR. And your parents' names?

Lt. WEINER. Joseph and Ida Weiner.

Mr. CARR. And when did you enter the army, Lieutenant?

Lt. WEINER. On active duty?

Mr. CARR. Yes.

Lt. WEINER. The first of July 1953.

Senator SYMINGTON. Could I ask who the gentleman is over behind the witness?

Senator POTTER. That is Mr. Berry, deputy counsel for the army.

Senator SYMINGTON. Deputy counsel in the army?

Mr. BERRY. Deputy counsel for the army.

Senator SYMINGTON. Who do you report to?

Mr. BERRY. To John Adams, department counsel.

Senator SYMINGTON. He is department counsel?

Mr. BERRY. That is right.

Senator POTTER. He is here as an observer.

Mr. CARR. Lieutenant, you say you entered the army on 7-1-53?

Lt. WEINER. Yes, sir.

Mr. CARR. Were you drafted under the Doctor's Draft Law?

Lt. WEINER. Yes, sir.

Mr. CARR. Had you been in the reserve?

Lt. WEINER. I had been in the reserve as of the 12th of May, 1953, when I received my commission.

Mr. CARR. And when you entered the army, did you sign a loyalty oath?

Lt. WEINER. Yes, I did.

Mr. CARR. To the effect that you were not and had never been a member of any subversive organization?

Lt. WEINER. Yes, I did.

Mr. CARR. Was that oath true?

Lt. WEINER. Yes.

Mr. CARR. Have you ever been a member of the Communist party?

Lt. WEINER. No, I have not.

Mr. CARR. Have you ever heard of the organization known as the Edison Club, the Garden Club, the 24th Ward Club, the Youth Club, and the American Youth for Democracy Club, all of the Philadelphia, Pennsylvania area?

Lt. WEINER. No, I have not heard of them.

Mr. CARR. You have never heard of them yourself?

Lt. WEINER. Let me qualify that.

Senator SYMINGTON. Could I interrupt a minute? I have heard of a lot of youth clubs. I wouldn't want you to say you have never heard of a youth club.

Lt. WEINER. That is what I mean. I may have heard of them, but I have never been affiliated in any way.

Senator SYMINGTON. Being a politician, I have heard of a lot of ward clubs. You wouldn't want to say you never heard of a ward club.

Lt. WEINER. There was a 24th Ward Club of the Democratic party.

Mr. CARR. But you never were associated with any of these clubs named?

Lt. WEINER. No, sir.

Mr. CARR. And you never have been associated with the Communist party or any branches of the Communist party to your knowledge?

Lt. WEINER. No, I have not.

Mr. CARR. Do you have a brother named Leon?

Lieutenant WEINER. Yes, I do.

Mr. CARR. Is he associated with the Communist party?

Lt. WEINER. I am not in a position to tell whether he is or not. He has never told me or anything, and as I told Mr. Juliana before, I have heard that there is something irregular about his activities, something that he has been involved in, but I cannot say positively of anything that he has done.

Mr. CARR. Have you heard this from any source? You say you have not heard it directly from him. What is the source of your information?

Senator SYMINGTON. Could I ask what the question of the man's brother has to do with the man himself? There is no guilt by association, is there? What is the point in that?

Mr. CARR. No, there is no attempt to do that. We have had information which indicated that this man, Lieutenant Weiner, had been a member of these clubs. We have other information which indicated that this man, Lieutenant Weiner, had been a member of these clubs. We have other information which indicates that it is his brother who is a member of this club, and that is Lieutenant Weiner's contention in his interview with Mr. Juliana. We are merely trying to give Lieutenant Weiner a chance to state off the record and under oath that this is his brother rather than himself. We are not trying to associate by guilt.

Senator SYMINGTON. Thank you.

Mr. CARR. I have forgotten the question exactly, but the question is you have not heard of this from your brother directly, but have you heard of it from any other source?

Lt. WEINER. Well, the only thing that I have heard, as I told Mr. Juliana, was that somebody has some information regarding my brother that is unfavorable. This was told to me by my mother when she obtained her citizenship papers. Other than that, I have no way of knowing what my brother has done.

Senator POTTER. Does your brother live in Philadelphia at the present time?

Lt. WEINER. No, he does not. I might as well make this clear for the record: My brother and I have not been very close since I was approximately twelve. At that time there was a family quarrel between my brother and my parents and I sided with my parents and he has not been living consistently at home from the age of sixteen on. He has been away and married. I have had very little to do with him.

Senator SYMINGTON. Could I ask for the record that the information with respect to the reason why they feel that Lieutenant Weiner's brother might be Lieutenant Weiner be put into the record at this point? It does not have to be done at this time, but just make it a part of the record as to why there may be a misunderstanding as to which Weiner we are talking about?

Senator POTTER. Without objection, the counsel will put it into the record. That is, believing that there might be a mix up on the names.

Mr. CARR. Lieutenant Weiner, we have received information from a highly reliable source that you were a member of these clubs which I have enumerated, the Edison Club, et cetera. We have also received information from a highly reliable source, I should say a

usually reliable source, that the information concerned a brother of yours named Leon. The question of your association with your brother is not one that we intended to go into deeply, but we would like to know what your association with your brother has been in the past years.

In other words, are you close to your brother, or could this be a mistake? That is what we are trying to get.

Lt. WEINER. Well, actually I have been very busy. I have been leading—I have my own family and I have been going to school since 1941 until I graduated in 1951. I then interned and spent a year in practice and then went into the army. We just haven't seen such of each other, other than at family gatherings at my parents' house or occasionally at his house when I went down with his parents. Other than that, I have had very little to do with him.

Senator SYMINGTON. When was the last time you saw him?

Lt. WEINER. It was when I came back from Texas, I think. I may have seen him once since. But it has been at my mother's house.

The CHAIRMAN. When did you come back from Texas?

Lt. WEINER. In November. Well, actually I left in November. I came back the beginning of December.

Senator SYMINGTON. Have you ever discussed communism with him?

Lt. WEINER. No. I haven't discussed much of anything with him.

Senator SYMINGTON. Have you ever talked about anything that you considered subversive?

Lt. WEINER. No.

Senator SYMINGTON. Never? So what his thinking is, you have had no interest in or discussion about with him, is that right?

Lt. WEINER. Yes.

Senator SYMINGTON. Thank you.

Mr. CARR. Lieutenant Weiner, has this information concerning your brother been the source of any inquiry or investigation of you in the army, since you have been in the army? Have you been questioned about him?

Lt. WEINER. No, I have not.

Senator POTTER. Lieutenant, from the questioning that has taken place this morning, I think that it should be clear that you stated under oath that you have not been a member of any Communist party unit, and the fact that you have been questioned should in no way reflect upon your loyalty or upon your service.

I do not know what other information the committee has, but apparently certainly at this time, from the statements you have made, which were under oath, I would say that probably the information is the result of a mix-up in identification between you and your brother, and the questioning, as has been stated, has not been to try to indict you by the activities of your brother, but more or less to clear up any false identification that might have been made. I hope I am stating that clearly.

Mr. CARR. I might say, Senator, if I may, to the lieutenant, that we appreciate the fact that he has been so open with us in connection with this inquiry that we have made.

Senator POTTER. Certainly the army representative is here and he has heard your testimony. So you have nothing to worry about.

Thank you kindly.

Lt. WEINER. Thank you.
Senator POTTER. The committee will now recess subject to call.
[Whereupon, at 10:20 a.m. the committee was recessed subject to call.]

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

[EDITOR'S NOTE.—This executive session was called at the request of Senator Charles E. Potter to examine charges and countercharges between the subcommittee chief counsel, Roy M. Cohn, and the counsel to the army, John G. Adams. Senator McCarthy announced that he would not sit as chairman for further discussion of the "Cohn-Adams matter," which became better known as the Army-McCarthy Hearings. Senator Karl E. Mundt assumed the chair.]

TUESDAY, MARCH 16, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 10:30 a.m., pursuant to notice, in executive session in room 357 of the Senate Office Building, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

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

[The transcript of this executive session was made public on May 12, 1954 and published in Special Subcommittee on Investigations of the Committee on Government Operations, *Special Senate Investigation on Charges and Countercharges Involving: Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr*, Part 1 (Washington, D.C.: Government Printing Office, 1954).]

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

[EDITOR'S NOTE.—The father of G. David Schine, Junius Myer Schine (1890–1971), held extensive business interests in real estate, hotels, theaters and broadcasting. He had made his apartment at the Waldorf-Astoria hotel in New York City available to the subcommittee and had entertained both Senator McCarthy and Army Secretary Robert Stevens. In 1957 he turned the presidency of Schine Enterprises over to his son. Florence D. Torrey (1905–1988) served as assistant secretary and assistant treasurer of all Schine operations. Neither Myer Schine nor Florence Torrey testified in public. Roy M. Cohn testified at public hearings on May 26–28, and June 1–4, 8–9, 15, 1954.]

MONDAY, APRIL 19, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The committee met at 3:30 p.m., in the office of Senator Mundt, Senate Office Building, Senator Karl E. Mundt presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota.

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

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

Mr. COHN. I do.

Mr. SCHINE. I do.

Mrs. TORREY. I do.

TESTIMONY OF J. MYER SCHINE

Mr. JENKINS. You are Mr. J. Myer Schine?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. What is your age, Mr. Schine?

Mr. SCHINE. I am sixty-two.

Mr. JENKINS. Your address?

Mr. SCHINE. Gloversville, New York.

Mr. JENKINS. You are the father of G. David Schine?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. What business are you engaged in?

Mr. SCHINE. I am in the theater business and the hotel business.

Mr. JENKINS. Do you own a chain of theaters?

Mr. SCHINE. I am the principal stockholder.

Mr. JENKINS. The principal stockholder?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. Those theaters are owned by a corporation?

Mr. SCHINE. By a corporation.

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

Mr. SCHINE. Schine Chain Theaters.

Mr. JENKINS. Mr. Schine, does the Schine Chain Theaters own all of the theaters in which you are interested?

Mr. SCHINE. Yes, I would say so.

Mr. JENKINS. Is there any other affiliate corporation of Schine Theaters?

Mr. SCHINE. Schine Theaters, you mean in the theater field?

Mr. JENKINS. We are talking about the theaters and not the hotel.

Mr. SCHINE. Well, it is a broad question. There are some where we own half interest and others own the other half, if that is what you would call it.

Mr. JENKINS. Are they corporations?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. Do you individually own any theaters?

Mr. SCHINE. No, I don't.

Mr. JENKINS. All of the theaters in which you have an interest, then, are theaters that are owned by the corporation whose name you mentioned?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. Or other affiliate or subsidiary corporations?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. Is that correct?

Mr. SCHINE. Yes.

Mr. JENKINS. Will you name all of the affiliate or subsidiary corporations owning theaters, besides the Schine Theater Corporation?

Mr. SCHINE. Well, there are not many, but I could not remember the names. There are maybe three or four. I would say we own one corporation in which we own two thirds, and it is known as the—let me see, Worcester Theaters. We own half; in Tiffin Theaters we own three fourths, and Shelby, Ohio, we own one half, and let me see—pardon me, what is the name—Norwalk Theaters, we own three fourths, and then we own a half interest in—let me see, what is the name of the Kentucky town. Harlan. That is right. And I don't know of any others.

Mrs. TORREY. There are many subsidiary corporations.

Mr. JENKINS. Will Mrs. Torrey be able to answer that question?

Mrs. TORREY. I am more familiar with some of the details.

Mr. JENKINS. Do all of the corporations that own any theaters and in which corporations you own stock, will she be able to give me that information?

Mr. SCHINE. She will be better able to answer it.

Mr. JENKINS. Mr. Schine, in addition to the corporations owning theaters throughout the country, are you likewise interested in hotels or a chain of hotels?

Mr. SCHINE. Yes.

Mr. JENKINS. Do you own any—

Mr. SCHINE. Pardon me. I personally am not interested in any hotels.

Mr. JENKINS. You personally own no interest in any hotel?

Mr. SCHINE. The Schine Chain is interested in several, I would say.

Mr. JENKINS. What is the name of the corporation that owns the hotels?

Mr. SCHINE. Well, each hotel has a separate corporation.

Mr. JENKINS. Is owned by a separate corporation?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. Do you know how many hotels there are?

Mr. SCHINE. Owned by the Schine Chain?

Mr. JENKINS. Yes.

Mr. SCHINE. I believe that is the stock in those corporations you refer to.

Mr. JENKINS. Correct.

Mr. SCHINE. Well, they own a controlling interest in—pardon me—

Mrs. TORREY. Just recently one was sold.

Mr. SCHINE. Only two do we own the controlling interest.

Mr. JENKINS. You know Mr. Roy Cohn, the gentleman sitting here?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. How long have you known him?

Mr. SCHINE. I would say six or seven years.

Mr. JENKINS. Has he visited in your home?

Mr. SCHINE. He has.

Mr. JENKINS. Have you visited in his home?

Mr. SCHINE. No, I never did.

Mr. JENKINS. Do you know Senator Joseph R. McCarthy?

Mr. SCHINE. I do.

Mr. JENKINS. How long have you known Senator McCarthy?

Mr. SCHINE. About two years, I would say.

Mr. JENKINS. Has he visited in your home?

Mr. SCHINE. Yes, he has.

Mr. JENKINS. Do you know Mr. Frank Carr?

Mr. SCHINE. I do.

Mr. JENKINS. How long have you known him?

Mr. SCHINE. About a year.

Mr. JENKINS. Mr. Schine, have you ever personally paid or given any money to Mr. Roy Cohn?

Mr. SCHINE. Definitely not.

Mr. JENKINS. Have you ever given him anything of any monetary value, property or cash or stocks or bonds?

Mr. SCHINE. I gave him a birthday present of a necktie or something like that.

Mr. JENKINS. I don't mean that.

Mr. SCHINE. You don't mean that?

Mr. JENKINS. No.

Mr. SCHINE. I never gave anything of any value.

Mr. JENKINS. Anything of any substantial value.

Mr. SCHINE. No, sir.

Mr. JENKINS. Is he an attorney or one of the attorneys for you or any corporation in which you are interested?

Mr. SCHINE. He is not.

Mr. JENKINS. He is not?

Mr. SCHINE. No.

Mr. JENKINS. Or has any member of this firm ever represented you or any corporation in which you are interested?

Mr. SCHINE. They have not.

Mr. JENKINS. Do you know the name of Mr. Cohn's law firm?

Mr. SCHINE. I don't know the name.

Mr. JENKINS. Have you ever paid that firm any fee?

Mr. SCHINE. No.

Mr. JENKINS. Or any money, or anything of any value?

Mr. SCHINE. Never.

Mr. JENKINS. Anything that ever passed from you to that firm?

Mr. SCHINE. I never paid anything to Mr. Cohn's law firm.

Mr. JENKINS. Let me ask you, Mr. Schine, whether or not any corporation owning any of these theaters has to your knowledge paid to Mr. Cohn or Mr. Cohn's law firm any money?

Mr. SCHINE. We never paid anything.

Mr. SCHINE. By gifts or otherwise.

Mr. SCHINE. No.

Mr. JENKINS. Has any corporation owning the theaters in which you are interested to your knowledge paid to Mr. Cohn or any member of his firm any money or thing of value?

Mr. SCHINE. No, sir.

Mr. JENKINS. You have not.

Mr. SCHINE. No.

Mr. JENKINS. Now, have you ever contributed any money to Senator McCarthy's campaign?

Mr. SCHINE. No, sir.

Mr. JENKINS. Or has any money or anything of value ever passed from you to Senator McCarthy?

Mr. SCHINE. No, sir.

Mr. JENKINS. Or from any corporation in which you are interested to Senator McCarthy?

Mr. SCHINE. No, sir.

Mr. JENKINS. Or from any member of your family to Senator McCarthy.

Mr. SCHINE. No, sir.

Mr. JENKINS. I have been asking you those questions in so far as your knowledge is concerned. If a payment was made to Mr. Cohn by any of these corporations, would you know it, or not?

Mr. SCHINE. I would positively know it.

Mr. JENKINS. You positively would?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. Would it have to clear through you before such a thing occurred?

Mr. SCHINE. Definitely so.

Mr. JENKINS. Are you or are you in conjunction with other members of your family controllers of the stock in those respective corporations, that is a majority of the stock in each and every one?

Mr. SCHINE. Yes, sir.

Mr. JENKINS. And do you have an annual audit furnished you of the affairs and condition of these respective corporations?

Mr. SCHINE. Yes, we have a quarterly audit.

Mr. JENKINS. You brought with you none of the books or papers or documents?

Mr. SCHINE. We have our chief auditor living in this town, and he can come here and testify, and he has records here that are here.

Mr. JENKINS. Do you have any knowledge of your son, G. David Schine, ever paying Mr. Cohn or Mr. Carr or Senator McCarthy any money?

Mr. SCHINE. No.

Mr. JENKINS. Is your son a stockholder in these corporations you have mentioned?

Mr. SCHINE. No.

Mr. JENKINS. How is that?

Mr. SCHINE. No, he is not. He is indirectly as a minor. He got some stock but he never had control of it.

Mr. JENKINS. Is he an officer in any of those corporations, to your knowledge?

Mr. SCHINE. Yes, he is.

Mr. JENKINS. Could he have made any payments without your knowledge?

Mr. SCHINE. No, he could not. I might say that Mrs. Torrey, it must pass through Mrs. Torrey's hands, any payment to be made.

Mr. JENKINS. Now, what is her position with you and the Schine Corporation?

Mr. SCHINE. She is manager of our office in charge of finances, and any payments must pass through her hands.

Mr. JENKINS. I see. Senator, do you want to ask any questions? Senator MUNDT. No.

Mr. JENKINS. Did you have any questions?

Mr. COHN. No.

TESTIMONY OF FLORENCE D. TORREY

Mr. JENKINS. Please state your full name.

Mrs. TORREY. Florence D. Torrey.

Mr. JENKINS. And your address?

Mrs. TORREY. 27 Poole Avenue, Gloversville, New York.

Mr. JENKINS. What official position do you hold with, we will say for the present, the Schine Corporation?

Mrs. TORREY. I am assistant secretary and assistant treasurer of I think all of them, offhand.

Mr. JENKINS. All of them?

Mrs. TORREY. Yes, sir, and I am officer manager of the home office in Gloversville.

Mr. JENKINS. Now, Mrs. Torrey, let us take these up one by one.

Is there a corporation known as the Hildemark Corporation? Is that at 40 North Main Street, Gloversville, New York?

Mrs. TORREY. That is the business office.

Mr. JENKINS. What is the nature of the business of that corporation?

Mrs. TORREY. Hildemark Corporation is a management corporation for hotels mainly.

Mr. JENKINS. It is a management corporation for the hotels?

Mrs. TORREY. That is right.

Mr. JENKINS. How many hotels are there involved?

Mrs. TORREY. Six

Mr. JENKINS. Just a moment.

Mrs. TORREY. If we count the Gulfstream, as a hotel, it is really an apartment house, but it is a hotel.

Mr. JENKINS. That would be seven.

Mrs. TORREY. Yes, sir.

Mr. JENKINS. Is each hotel owned by a separate and distinct corporation?

Mrs. TORREY. Most of them are, and some of them may be owned by one and operated by the same corporation. It is a little difficult to explain without going into detail.

Mr. JENKINS. But the Hildemark Corporation is a management corporation?

Mrs. TORREY. That is correct.

Mr. JENKINS. And what is your official position with the Hildemark Corporation?

Mrs. TORREY. I am assistant treasurer and assistant secretary.

Mr. JENKINS. As such assistant treasurer, do you have in your possession all of the records showing all payments by this management corporation to all persons, firms and corporations?

Mrs. TORREY. By the management corporation, yes to all persons.

Mr. JENKINS. We will go back to the management corporation shortly.

What is the Schine Chain Theaters, Inc?

Mrs. TORREY. The Schine Chain Theaters, Inc., is the parent corporation for the theaters. It has many subsidiaries. I don't know the exact number, but something over eighty, most of which are 100 percent subsidiaries of Schine Chain Theaters, Inc. There are a few in which there are other interests, the ones that Mr. Schine mentioned, outside interests.

Mr. JENKINS. Very well. What is the Schine Service Corporation?

Mrs. TORREY. That is a booking corporation for the buying and booking of film for these theaters.

Mr. JENKINS. What is the Schine Theatrical Company?

Mrs. TORREY. That operates a theater in Syracuse.

Mr. JENKINS. What is Schinebro, it seems to be, Inc.?

Mrs. TORREY. Schinebro is a corporation owned by Mr. J. Myer Schine and Mr. Louis W. Schine, and it in turn owns the stock of Schine Chain Theaters, Inc. I think you would call it a personal holding corporation.

Senator MUNDT. The two Schines are brothers, are they?

Mrs. TORREY. They are.

Mr. JENKINS. What is the Schine Circuit, Inc.?

Mrs. TORREY. Well, it is mostly a trade name and it does not actually operate, or own any theaters, but we use it on stationery, because everybody always used to write in to us, Schine Circuit, and so we incorporated the name.

Mr. JENKINS. It is a trade name.

Mrs. TORREY. It is a trade name.

Mr. JENKINS. What is the Schine Hotels, Inc.?

Mrs. TORREY. That is the same sort of corporation for the hotels.

Mr. JENKINS. Schine Theatrical Company, Inc., what is that?

Mrs. TORREY. You asked me that before. That operates a theater in Syracuse.

Mr. JENKINS. And I have asked you about Schine Enterprises, Inc.?

Mrs. TORREY. No. That is a booking corporation for another group of theaters.

Mr. JENKINS. Who owns the Boca Raton Hotel and Club?

Mrs. TORREY. The stock of the Boca Raton Club, Inc., that is the corporation, is owned by Hildemark Corporation.

Mr. JENKINS. About which we spoke a little while ago?

Mrs. TORREY. Yes, sir.

Mr. JENKINS. What if anything, Mrs. Torrey, do you know about the Roney Plaza, 23rd and Collins Avenue, Miami Beach, Florida?

Mrs. TORREY. The Roney Plaza Hotel is operated by Boca Raton Club, Inc., the same corporation that operates the Boca Raton Club.

Mr. JENKINS. Have I mentioned all of the corporations that either own all of the theaters in which Mr. Schine is interested, or all of the hotels in which he is interested, or are there others?

Mrs. TORREY. Well, you have mentioned all of the parent corporations.

Mr. SCHINE. Save one, the McAllister Corporation.

Mrs. TORREY. I said he has mentioned all of the parent corporations, and now all of the others are subsidiaries of either Hildemark Corporation, or of Schine Chain Theaters, Inc. As I said, on the theaters, there are eighty-some corporations involved, and I would not be able—

Mr. JENKINS. We don't want you to mention eighty.

Mrs. TORREY. I could not recall all of them, but I could send you a list if it is necessary, if it is pertinent.

Mr. JENKINS. Do all disbursements of either the parent corporation or the subsidiaries, or the affiliates, go through your office?

Mrs. TORREY. All of the major disbursements do. For instance, each theater has what we call a manager's account, from which he pays weekly the invoices for that particular theater, the operating invoices, and the advertising and the film rentals, and the payroll to his staff, and so on, and then at the end of the week he sends in whatever he has left over toward his capitol expenditures, rent, and carrying charges, and we pay those from Gloversville.

Mr. JENKINS. Now, you say that all major expenditures go through your office.

Mrs. TORREY. That is right, all management expenses, shall I say.

Mr. JENKINS. Would or would not all attorneys' fees paid by either Mr. Schine individually, or by any of these parent or subsidiary corporations, clear through your office and be reflected by your books?

Mrs. TORREY. The only ones that might not be would be, let us say, a small legal fee.

Mr. JENKINS. What do you call a small legal fee.

Mrs. TORREY. I mean a couple of hundred dollars for legal work, and I recall now one of the hotels once had a small labor consultant fee, but normally legal expenses go through our office.

Mr. JENKINS. Assuming that it were a fee of say \$1,000 or more?

Mrs. TORREY. It would go through our office.

Mr. JENKINS. It would go through your office?

Mrs. TORREY. Yes, sir.

Mr. JENKINS. Do you personally check each and every item of disbursement?

Mrs. TORREY. I do. I sign every check that goes out of the office.

Mr. JENKINS. How do you do it?

Mrs. TORREY. Well, it is too much time, I will tell you that, but what I mean is we make the major expenses, and the small operating expenses are taken care of by the branches, but when it comes to major expenditures, those are taken care of, top salaries and rents and taxes and insurance, and so on.

Mr. JENKINS. Do you have any personal knowledge of either Mr. Schine individually, or any one of these eighty or ninety corporations, either parent or subsidiary, ever making any payment of any money or any gift or any money to Mr. Roy Cohn?

Mrs. TORREY. I do not have any such knowledge.

Mr. JENKINS. Or to Mr. Frank Carr?

Mrs. TORREY. I have no such knowledge.

Mr. JENKINS. Or to Senator Joseph R. McCarthy?

Mrs. TORREY. No, I have no such knowledge.

Mr. JENKINS. I ask you whether or not such a payment has ever been made as reflected by your books?

Mrs. TORREY. No, not to the best of my knowledge, and I have been with the Schines for more than thirty years, and I have probably as extensive a knowledge of their affairs as any one person could possibly have.

Mr. JENKINS. Then you have no books, papers, records or data, documents or checks, or canceled checks, or receipts or memoranda of any kind of character, whatsoever, that reflect any payment or gift or anything of value, including money, to Mr. Cohn, Mr. Carr or Senator McCarthy.

Mrs. TORREY. I have no such.

Mr. JENKINS. Are you positive about that?

Mrs. TORREY. I am positive about any of the books that I have.

Mr. JENKINS. If this committee in its wisdom should see fit to ask that an auditor go to your office and audit your books, would you make available to him all of your books and records that I have mentioned?

Mrs. TORREY. Absolutely.

Mr. JENKINS. Of every kind?

Mrs. TORREY. Of every kind that are in the Gloversville office. I might add what Mr. Schine said originally, that the firm of Forrest E. Ferguson and Company, who are located at 1246 Connecticut Avenue, here in Washington, have audited our books, all of the Schine records since before I came with the firm, and their files are complete so far as any records are concerned.

Mr. JENKINS. And that firm has audited your books, and they are now your auditor?

Mrs. TORREY. Yes, sir.

Mr. JENKINS. What is the name of that firm?

Mrs. TORREY. Forrest E. Ferguson and Company.

Mr. JENKINS. Here in Washington?

Mrs. TORREY. 1346 Connecticut Avenue.

Mr. JENKINS. Does that firm have in its possession now your latest financial statement?

Mrs. TORREY. They do.

Mr. JENKINS. And what is your latest financial statement, the date of it?

Mrs. TORREY. That latest annual one is August 31, 1953.

Mr. JENKINS. August 31, that is the end of your fiscal year?

Mrs. TORREY. Yes, sir. They are now auditing our books for February 28, which is a six month audit.

Mr. JENKINS. Do they get out a monthly audit?

Mrs. TORREY. Not an official monthly audit, no; quarterly only.

Mr. JENKINS. Their latest quarterly audit is dated what?

Mrs. TORREY. November 30, 1953.

Mr. JENKINS. Have you seen that latest quarterly audit?

Mrs. TORREY. Yes, I have.

Mr. JENKINS. Does it reflect any payments of any money to any of the parties mentioned, Mr. Cohn, Mr. Carr or Senator McCarthy?

Mrs. TORREY. In no way that I saw.

Mr. JENKINS. Senator, do you care to ask Mrs. Torrey any questions?

Senator MUNDT. I can think of no questions.

Mr. JENKINS. I think it might shorten this, and Roy is here, and he has kindly and graciously volunteered to testify and it may shorten the things hereafter. Will you come around, Roy?

Now Senator, may she go back to Gloversville, and she wants to go this afternoon and I am through with her and with Mr. Schine.

Let me ask you this other question just for my protection, Mrs. Torrey. Does David Schine draw a salary from—

Mrs. TORREY. From Gloversville, yes.

Mr. JENKINS. Well, from what, from all of these corporations?

Mrs. TORREY. No, he draws a salary from Schine Theaters, Inc.

Mr. JENKINS. Does he draw a salary from any other corporation?

Mrs. TORREY. No, sir.

Mr. JENKINS. Do you mind telling what salary he draws?

Mrs. TORREY. I sign the check every week, and I should know, but it has the deductions taken off for withholding taxes and so on, but it is in the neighborhood of \$300. And now I can't recall the exact amount.

Mr. JENKINS. \$300 a week?

Mrs. TORREY. Yes, sir.

Mr. JENKINS. Do you know of any other income that David Schine has, in addition to that salary?

Mrs. TORRES. No, I don't.

Mr. JENKINS. Very well. Roy, come around for just about a moment.

Senator MUNDT. If you care to go, Mr. Schine—

Mr. JENKINS. Mr. Louis Schine is a brother of Mr. J. Myer Schine, and I asked Mrs. Torrey if Mr. Louis Schine was likewise a stockholder in these parent, subsidiary and affiliate corporations, and your answer is yes?

Mrs. TORREY. Yes, sir.

Mr. JENKINS. Does Mr. Louis Schine, is he interested in any other corporation besides the one that Mr. J. Myer Schine is interested in?

Mrs. TORREY. No, they are in together.

Mr. JENKINS. Would Mr. Louis Schine in your opinion have any additional knowledge that you do not have with respect to what the books reflect?

Mrs. TORREY. He would not.

Mr. JENKINS. That covers Louis, I think.

I will say that unless directed otherwise by the committee, I will not want either Mrs. Torrey or Mr. Schine here as witnesses.

Mr. PREWITT. All of the subpoenas are directed to any of Mr. Schine accounts.

Mr. JENKINS. Let us not make an agreement about it, but I think that will be our agreement, and do not have them here tomorrow. If I want any of them, Roy here will see that they are made available, and they can come at their convenience.

Mrs. TORREY. Mr. Jenkins, there is one thing I would like to supplement, because I almost forgot about it, and that is that we have, I think there are four or five what we call television corporations, which are owned by the Schine family as individuals, which purchase television sets for the hotels and lease them to the hotels, and inasmuch as you are talking about corporations in which they are interested, and those are also Schine corporations, but when you asked if they were interested in anything outside, these are, all of these corporations are in some manner connected with either the theaters or the hotels. Schine Chain Theaters also own stock in a radio station in Albany.

Mr. JENKINS. Do you likewise keep the books of those corporations?

Mrs. TORREY. Yes.

Mr. JENKINS. Do they reflect any payments to any of the parties I asked you about?

Mrs. TORREY. No.

Mr. JENKINS. Then is it your honest and candid and firm conviction that no money and nothing of any monetary value has passed from either Mr. J. Myer Schine, Mr. Louis Schine, or any of the corporations, both parent, affiliate and subsidiary, to Mr. Cohn, Mr. Carr or Senator McCarthy?

Mrs. TORREY. That is my honest belief. I don't see how it could have.

TESTIMONY OF ROY M. COHN

Mr. JENKINS. What is your full name?

Mr. COHN. Roy M. Cohn.

Mr. JENKINS. And you of course are with the Senate investigating subcommittee as its attorney.

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Cohn, you know G. David Schine?

Mr. COHN. Yes, sir.

Mr. JENKINS. How long have you known him, Roy?

Mr. COHN. I would say I have known Dave about four years or five years.

Mr. JENKINS. Has he been with your committee that long?

Mr. COHN. No, I came with the committee, Mr. Jenkins, when Senator McCarthy became chairman of the committee, in January of last year, so I have been with the committee a few months over one year. Dave Schine came with the committee after I did.

Mr. JENKINS. Has David Schine ever paid you any money or paid any gift or contribution to you of any character whatsoever?

Mr. COHN. Other than Christmas or birthday gifts, or payment of one half of a dinner check or something along those lines, the answer is no.

Mr. JENKINS. Well, by Christmas or birthday, do you mean the normal presents?

Mr. COHN. This is the birthday gift, a ball point fountain pen.

Mr. JENKINS. Has any substantial money or anything of any substantial value ever passed from him to you?

Mr. COHN. No, sir, nothing that is not an ordinary gift, such as ties or a pen, and I think cigars, and the maximum would be a small portable radio, and I have reciprocated, I might add.

Mr. JENKINS. Has Mr. J. Myer Schine ever paid you any money or any money ever passed from him to you by gift or for services or otherwise?

Mr. COHN. No, sir.

Mr. JENKINS. Has any member of his family ever paid you any money or has anything of any value ever passed from any member of his family to you?

Mr. COHN. No, sir.

Mr. JENKINS. As a gift or as compensation or otherwise?

Mr. COHN. No, sir.

Mr. JENKINS. Do you know anything about the various Schine corporations?

Mr. COHN. I can't say that I do. I know that—

Mr. JENKINS. You have heard Mrs. Torrey's testimony.

Mr. COHN. I know, and I have known they own theaters and hotels.

Mr. JENKINS. Did you know the names of those corporations until today?

Mr. COHN. I did not know the exact names, no.

Mr. JENKINS. Have any of those corporations, either the parent corporations or their affiliates, ever paid you a legal fee, or a fee or any money or anything of value?

Mr. COHN. No, sir, and when I answer I mean not only for myself, Mr. Jenkins, but for any member of my law firm, to my knowledge, and if there had been such payments, I would have known.

Mr. JENKINS. Do you examine the books of your law firm from time to time to get from whom your fees are paid?

Mr. COHN. Frankly, Mr. Jenkins, I don't. I don't think that I have ever seen any books of my law firm. My arrangement with my law firm is that I am a partner, but I draw a certain percentage of such business as I might bring in, a fixed percentage, or a fixed percentage of business, legal business on which I work, even though I did not bring it in. I have implicit faith in my partners to keep the record straight and give me that amount to which I am entitled, and I have never looked at any books or records of any kind. But I do know that neither I nor any partner of mine has ever received any fee directly or indirectly from any one of the Schine family or any of the Schine interests.

Mr. JENKINS. Or any one of these various corporations that have been mentioned, and that includes that also.

Mr. COHN. Yes, I make this as broad as I possibly can.

Mr. JENKINS. And you state that as a positive fact, Roy?

Mr. COHN. I would state it as a positive fact that while I have been here, or as long as I have been with the firm, in any capacity, the firm itself or any of the partners therein have not received any fees from any one of the Schine family or any of the Schine interests or corporations directly, indirectly, or in any way, shape, manner, form or means.

Mr. JENKINS. Do you have any knowledge whatever, or information, directly or indirectly, that either David Schine or the Mr. Schine sitting here with us, or his brother, or any of the corporations in which any of the Schines are interested, have ever made any payment, contributions, or gifts to either Senator McCarthy or to Mr. Carr?

Mr. COHN. I have no such knowledge of any such gift or payment ever having been made.

Mr. JENKINS. Have you ever heard of such a thing?

Mr. COHN. I have never heard of such a thing.

Mr. JENKINS. Senator, do you care to ask him any questions?

Senator MUNDT. No, I think not.

Mr. COHN. I want to add one sentence. I would say I certainly appreciate the obligation on the part of Mr. Jenkins and the committee in inquiring about these matters with reference to my firm and my fees, but I do want the record to note though my objection to the fact that the army suggested that such an inquiry be made, because they could have had no possible basis in fact for asking that it be done. But in saying that, I say that I fully appreciate the responsibility Mr. Jenkins has in this matter, and he would not have carried it out properly unless he made those inquiries.

[Thereupon at 4:00 p.m., the executive session was concluded.]

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

[EDITOR'S NOTE.—At a closed meeting of the subcommittee on March 16, 1954, members agreed to hold a full inquiry into the Army-McCarthy conflict, and to postpone other investigations until that inquiry was completed. Senator McCarthy agreed to step aside temporarily as chairman of the subcommittee and to allow Senator Karl Mundt to preside. At Senator McCarthy's request, the subcommittee would hold public hearings and hire a new counsel and staff for its duration, with Roy Cohn and other staff members remaining on the subcommittee's payroll.]

TUESDAY, APRIL 20, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The committee met at 4:25 p.m., pursuant to notice, in the office of the Secretary of the Senate, Senator Karl E. Mundt presiding.

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

Also present: Walter L. Reynolds, chief clerk, Government Operations Committee.

Senator MUNDT. The committee will come to order.

Let me say first of all that as ranking Republican member of the Committee on Government Operations, and in conformity with the memorandum which is herewith submitted in this record, I have at the request of Senator Joseph McCarthy called this meeting today for the purpose of confirming his nomination to the subcommittee on investigations, to replace him during the current investigation, and to take action on the rules which have been recommended to the full committee by the unanimous vote of the subcommittee.

[The memorandum of Senator McCarthy is as follows:]

I would appreciate it if you would call a meeting of the Committee on Government Operations and act as Chairman thereof for the purpose of presenting to that Committee the Subcommittee rules and the confirmation of another Republican to take such part as set forth in those rules during the current hearing. You are authorized to vote my proxy in favor of the rules which you read to me over the phone and also for the confirmation of Senator Henry C. Dworshak.

I respectfully request that the purpose of the meeting be limited solely to the purposes as set forth above and to rules and other matters that are taken up at that time,

I further request that the meeting be held either today or tomorrow so that this matter may be disposed of before the hearings begin.

A quorum is present, consisting of Senator Symington, and Senator McClellan of Arkansas, Senator Dworshak of Idaho, Senator Dirksen of Illinois, Senator Potter of Michigan, Senator Jackson of Washington, and Senator Mundt of South Dakota.

The meeting is open for business.

Senator DIRKSEN. Now, I think as a first order of business, Mr. Chairman, I move that the committee empower the subcommittee, known as the temporary subcommittee of which Senator Mundt of South Dakota is chairman to proceed with the conduct of the hearings in response to the controversy which has developed.

I move that the committee authorize the special subcommittee to conduct the hearings with respect to the controversy in which we are presently engaged.

Senator McCLELLAN. I second the motion.

Senator MUNDT. You have heard the motion made by Senator Dirksen, and seconded by Senator McClellan. Is there any discussion? All in favor say "aye"; contrary minded "no." It is a unanimous vote.

Senator McCLELLAN. Now, I move that Senator Mundt, as the ranking Republican member on the subcommittee since Senator McCarthy has stepped down from the committee, for the purposes of these hearings, be the chairman of this subcommittee for the purposes of these hearings.

Senator DIRKSEN. Second the motion.

Senator MUNDT. You have heard the motion made by Senator McClellan and seconded by Senator Dirksen. Is there any discussion? Those in favor signify by saying "aye." Contrary? The chair votes present. It is unanimously carried except for the chairman's vote of "present."

Senator McCLELLAN. I move that the actions taken by this subcommittee to date with respect to employing counsel and requiring bills of particular and specifications and charges and so forth be ratified by the full committee. I will add that the full committee authorizes the subcommittee to employ counsel and to ratify the actions taken by the counsel thus far, and to validate all actions taken and obligations incurred with respect to the committee staff.

Senator POTTER. That includes issuance of subpoenas?

Senator DIRKSEN. Yes.

I second that motion, Mr. Chairman.

Senator MUNDT. It is moved by Senator McClellan and seconded by Senator Dirksen and you have all heard it. Is there any discussion? Those in favor signify by saying "aye"; contrary "no." The motion is unanimously approved.

Senator DIRKSEN. Now, Mr. Chairman, I move that the rules which have been under consideration and perfected by the deliberations of the subcommittee which were unanimously presented and recommended to us by the subcommittee be approved, and adopted.

Senator MUNDT. Is there a second?

Senator JACKSON. Seconded.

Senator MUNDT. Is there any discussion? Those in favor signify by saying "aye"; contrary "no." It is carried.

[The rules are as follows:]

1. For all purposes of these hearings, Senator McCarthy will not participate in any of the deliberations of the Subcommittee; in any of its votes; or in the writing of the report; and he will nominate some other Republican member of the Committee on Government Operations to replace him on the subcommittee during these hearings for such purposes. It is the understanding and the rule of this subcommittee that during these hearings Senator McCarthy or his counsel and counsel for Messrs. Stevens and Adams (or Messrs. Stevens and Adams themselves), or other principals involved in the controversy, shall have the same right to cross-examine as the members of the subcommittee. These same rights shall also prevail for the new Republican member of the subcommittee to be nominated by Senator McCarthy and confirmed by the Committee on Government Operations, and for Messrs. Cohn and Carr, or other principals, or any counsel selected by them.

2. During the course of these hearings, it is the rule of this Subcommittee that counsel for the Subcommittee will first complete his questioning of all witnesses without interruption or limitation as to time, then the Chairman will proceed with questions for a maximum of ten minutes without interruption, then alternating from Democratic to Republican sides of the table and from senior members down the line, each Senator shall proceed with questions without interruption for a maximum of ten minutes. At the conclusion of these questions, Senator McCarthy and Mr. Welch, or those associated with them, shall proceed with questions for a maximum of ten minutes to each side, after which, starting with counsel for the subcommittee, the same procedure will be repeated until all those having questions to ask shall have concluded their interrogatories.

3. All examinations in each case shall proceed without interruption except for objections as to materiality and relevancy.

4. If in the course of the proceedings any motion is presented or any objection is raised by anyone competent to make an objection, and it is submitted to the Committee for its determination and there is a tie vote as to whether the motion will be adopted or the objection sustained, such motion or objection will not prevail.

5. There shall be no votes by proxy except where the absent Senator files with the Chairman of the Committee a wire or letter stating his position upon the specific issue before the Committee and in which he asks that his vote be recorded and directing the Chairman to record it accordingly.

6. Any matter or issue that may be presented during the course of these hearings not specifically covered by the special rules adopted for these hearings, or covered by the standing rules of the Subcommittee, shall immediately be Submitted to the Subcommittee for its determination by a majority vote.

7. Any member of the Committee may at any time move that the Committee go into executive session for the purpose of discussing any issue.

8. Where these special rules of the Subcommittee do not apply, the standing rules of the Subcommittee, where applicable, shall control; provided, however that, where these special rules may conflict with the regular standing rules of the Subcommittee these special rules shall prevail.

9. Because of the peculiar nature of the current controversy and the unusual problems created because of the positions of the individuals involved, these procedural rules are not in any way intended to establish a precedent.

Senator DIRKSEN. Now, Mr. Chairman, I move you that the vacancy temporarily occasioned by the action of Senator McCarthy in stepping down for the purposes of these hearings be filled by Senator Dworshak who is nominated by Chairman McCarthy to replace himself.

Senator McCLELLAN. Seconded.

Senator MUNDT. It is seconded by Senator McClellan and moved by Senator Dirksen. Is there any discussion? Those in favor signify by saying "aye"; contrary "no." Let the record show that the six members have voted "aye"; Senator Dworshak voted "no."

If there is no further business, we can adjourn.

Senator DIRKSEN. I move the committee do now adjourn.

Senator SYMINGTON. Seconded.

Senator MUNDT. It is moved and seconded that the full committee now adjourn. Those in favor signify by saying "aye"; contrary "no."

We are adjourned.

[Whereupon, the committee adjourned at 4:40 p.m.]

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

[EDITOR'S NOTE.—George E. Sokolsky (1893–1962), a columnist for the Hearst newspapers, had written for an English-language newspaper in Russia during the 1917 revolution. He later grew disillusioned and shifted his political views from radical to conservative. Sokolsky had recommended Roy Cohn for the job as chief counsel of the subcommittee and strongly supported the subcommittee's investigations in his columns. During the investigation of the Army Signal Corps at Fort Monmouth, on November 17, 1953, Sokolsky had joined Cohn, Senator McCarthy, and Army Secretary Robert Stevens for lunch at the Merchants Club in New York. Army records later indicated that the columnist had contacted Stevens and John G. Adams on behalf of Private David Schine, recommending a reduction in Schine's required basic training to enable him to enter the Counter Intelligence Division (CID) school at Camp Gordon, Georgia. Sokolsky did not testify in public session.]

FRIDAY, APRIL 23, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met in executive session at 5:20 p.m., pursuant to notice, in the office of Senator Mundt, Senate Office Building, Senator Karl E. Mundt presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator John L. McClellan, Democrat, Arkansas.

Also present: Ray E. Jenkins, chief counsel; Thomas R. Prewitt, assistant counsel; Roy M. Cohn, one of the principal participants.

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

Mr. SOKOLSKY. I do.

Senator MUNDT. Mr. Tom Prewitt, associate counsel for the subcommittee, will inquire.

TESTIMONY OF GEORGE E. SOKOLSKY

Mr. PREWITT. For the record will you state your name, please?

Mr. SOKOLSKY. George E. Sokolsky. The "E" stands for Ephrium, if you want it in full.

Mr. PREWITT. Your residence?

Mr. SOKOLSKY. 300 West End Avenue, New York.

Mr. PREWITT. And your occupation?

Mr. SOKOLSKY. Journalist and radio commentator.

Mr. PREWITT. Do you know Senator Joseph R. McCarthy?

Mr. SOKOLSKY. I do.

Mr. PREWITT. For how long have you known him?

Mr. SOKOLSKY. Why, I suppose as long as he has been a senator. I would not remember when I first met him. I have always known him.

Mr. PREWITT. In recent years, have you been closely associated with him?

Mr. SOKOLSKY. The word "associated" is a difficult word. I have known him during this whole period.

Mr. PREWITT. Well, just give me an idea of the extent of your association with him.

Mr. SOKOLSKY. I would say we are good friends.

Mr. PREWITT. Mr. Sokolsky, has it come to your attention that you were present on November 17, last, at the Merchants Club in New York City, wherein there was a meeting with Senator McCarthy, Mr. Cohn and Mr. Carr, Secretary Stevens, Mr. Adams, and a Colonel O'Leary?

Mr. SOKOLSKY. That is Colonel [Tom] Cleary.

Mr. PREWITT. Is that true?

Mr. SOKOLSKY. Yes, that is true, but it was not a meeting.

Mr. PREWITT. What was this?

Mr. SOKOLSKY. It was a party, a luncheon party, a very gay, hilarious, convivial luncheon party.

Mr. PREWITT. Were the gentlemen whom I have just indicated present on that occasion?

Mr. SOKOLSKY. Yes, they were present.

Mr. PREWITT. And will you tell us what time this party commenced, or when you first arrived?

Mr. SOKOLSKY. I would like to state how I happened to be there.

Mr. PREWITT. Yes, sir.

Mr. SOKOLSKY. Because I was not a party to the meeting at all. I had a luncheon engagement set for that day with Senator McCarthy. He was supposed to have somebody telephone to me to say where we were to meet. He failed to have anybody telephone so I went elsewhere for lunch. When I arrived at the hotel in New York, the headwaiter accosted me and said that my office wanted me to call immediately.

I called and I was told that Senator McCarthy's office or staff had phoned and asked whether I would care to lunch with him and Secretary of War Stevens that day. If so, I was to proceed to the Merchants Club in New York. As I never had met Mr. Stevens, I thought this would be a good occasion and went there.

I arrived late. I should say maybe half past one, maybe a little earlier than that. They did not wait for me. They were eating. In a very good mood and very cheerful and very gay. All were very friendly.

I was presented to those whom I did not know, and I did know I was there, and I did not know why I was there, and I had no idea at all, except it might have been Senator McCarthy's way of keeping a luncheon engagement.

My host was at that moment not Senator McCarthy, but Secretary of War Stevens, whom I had never met before. That is how one gets into a picture.

The question under discussion at the moment that I arrived was a document of twenty or more pages purporting to be an interview, as Mr. Stevens said, by the left-wing press with him, to which Senator McCarthy objected strenuously as unfair. Mr. Adams showed me the document. I did not read the document. But I commented that it was very foolish for any man to permit himself to be involved in an interview of those dimensions, because no newspaper would publish the whole document of that size, and therefore any excerpts would lead to distortions. So that the distortions were inevitable, and to be expected.

Mr. PREWITT. Before we get too far here, Mr. Sokolsky, this document that you spoke of, how did you describe it?

Mr. SOKOLSKY. It was described to me by Mr. Stevens and Mr. Adams as the transcript of an interview with the left-wing press.

Mr. PREWITT. I see, sir. Now, on that occasion how long were you at the Merchants Club in the presence of the gentlemen, that I mentioned?

Mr. SOKOLSKY. We were there several hours, because there was a television show and Attorney General Brownell and J. Edgar Hoover were testifying that day concerning Harry Dexter White, and all of the proceedings stopped and we watched that show. It was while that show was being watched by all of us that Senator McCarthy and Mr. Stevens and Mr. Cohn and Mr. Adams attempted to write a joint interview.

Mr. PREWITT. Or press statement, is that right?

Mr. SOKOLSKY. A press statement, a joint interview to be given to the press and radio and all kinds of people that came there with cameras, and I think they set up, well, I don't know what that was, whether it was a television show, or a newsreel, but they had klieg lights, and I looked at this thing and I saw that, well, a newspaper man can't keep his hand off a pencil, and so I kind of corrected what they wrote.

Mr. PREWITT. There was discussion there about a joint statement to give to the press, is that right?

Mr. SOKOLSKY. Yes, sir.

Mr. PREWITT. Now, tell me if you heard any statement by Secretary Stevens or by Mr. Adams on that occasion during any of the time when you were present, in substance or to the effect that you should go after the air force or navy or other branches of the defense establishment.

Mr. SOKOLSKY. I would like to state that in my own words so as not to tax my memory beyond what is strictly recollection, because I kept no notes, and this was just a high jinks part to me, and I had no idea it would amount to anything.

Mr. PREWITT. State what occurred to your best recollection.

Mr. SOKOLSKY. At one point Secretary Stevens said, "Why do you pick on me? Why do you always pick on us? Why don't you pick on some other branch of the government?"

Whereupon they got into a dispute about some plants, I think, in Schenectady, if I am not mistaken. Now, whether he actually said navy or army, I have been taxing my memory considerably on

that, and I am not prepared to say specifically army or navy, but I am prepared to say other branches of the government. "Why do you pick on us? Why did you pick only on the army?"

Whereupon Senator McCarthy threw his arms around him, his shoulder, and he said, "That is the trouble with having friends. If you and I were not friends, I could proceed with this investigation much more effectively."

Mr. PREWITT. Now, by this investigation do you know what the senator meant?

Mr. SOKOLSKY. Fort Monmouth.

Mr. PREWITT. Do you know for a fact that Fort Monmouth was under investigation at that time?

Mr. SOKOLSKY. Yes.

Mr. PREWITT. By Senator McCarthy?

Mr. SOKOLSKY. Yes, sir.

Mr. PREWITT. And members of his staff?

Mr. SOKOLSKY. Yes, sir.

Mr. PREWITT. And had there been prior to the occasion of Secretary Stevens making that statement or asking the questions, as you put it, discussion about the Fort Monmouth investigation?

Mr. SOKOLSKY. Yes, there was considerable discussion about that. Fort Monmouth, and I would say the whole discussion was on Fort Monmouth at that moment.

Mr. PREWITT. Now, the remark of Secretary Stevens, that you just mentioned, was that made during the course of the discussion around this press statement?

Mr. SOKOLSKY. No, this was made as we were leaving the table, to go into the television show, and the press statement was discussed while the television show was on. That I remember clearly.

Now, on this question of army and navy, I was of the impression that the army and navy was discussed, but I am being punctilious in not saying so because I am taxing my memory without any notes or anything for recollection. But that it was other branches of the government which are words I am substituting for what might have been the exact words.

Mr. PREWITT. And that statement or question of Secretary Stevens was just before you went into the television room?

Mr. SOKOLSKY. Into the room where the television was, yes. I would like to add that I did not take the remarks of either gentleman seriously in the circumstances of the party and the general atmosphere.

Mr. PREWITT. Well, was the secretary's statement or question made in a facetious vein?

Mr. SOKOLSKY. I would say that in the atmosphere in which I found myself, I took none of it seriously. I took none of the conversation.

Mr. PREWITT. Was the statement or question made in a jovial manner?

Mr. SOKOLSKY. It was all made in a jovial manner, yes, sir, the whole conversation, and there was no quarrel when I was there.

Mr. PREWITT. Now, what was this statement or question of Secretary Stevens again, so that I can be absolutely clear on it?

Mr. SOKOLSKY. As far as I am willing to state it now, repeat it now, without any means for refreshing my recollection, and guard-

ing myself against being influenced by what I have heard since, and by what I have heard in testimony, I would say that he said, "Why do you pick on me all of the time? Why do you only pick on the army? Aren't there other branches of government to investigate?"

Mr. PREWITT. Who else was in a position, if you can remember, to hear that statement?

Mr. SOKOLSKY. Well, I should imagine, anybody would be. You are really asking me to visualize how the party was divided up.

Mr. PREWITT. Just to the best of your ability.

Mr. SOKOLSKY. I would not know how to do that.

Mr. PREWITT. You don't know whether the other members of the party heard it or not?

Mr. SOKOLSKY. No, I will tell you why. If it were a serious occasion, and if I had known I was attending a serious meeting I probably would have memorized the whole environment but I went to a lunch and I did not know I was getting into anything like this. So I did not pay too much attention to the whole thing. Since this quarrel started, I have been trying to tax my memory for some precision about that occasion. This is the best I got out of it.

Mr. PREWITT. Was any statement made by Secretary Stevens on that occasion to the effect that he would supply any information on that he would supply for Senator McCarthy to investigate the other branches of the service?

Mr. SOKOLSKY. No, not in my hearing.

Mr. PREWITT. Did Mr. Adams make any such statement?

Mr. SOKOLSKY. Not in my hearing. They were very friendly toward each other, and as a matter of fact, Adams and Roy were palling up on that great occasion, and I don't think either of them were at that end of the room when we were walking about.

Mr. PREWITT. Beginning on February 1 of this year, did you have any conversations with Mr. Adams about any disagreements between Mr. Adams and Mr. Stevens, and Senator McCarthy?

Mr. SOKOLSKY. Oh, I think you have to go back a little before that.

Mr. PREWITT. All right, sir, go back to whatever it was.

Mr. SOKOLSKY. I go back to November 24.

Mr. PREWITT. All right, sir.

Mr. SOKOLSKY. On the occasion of November 17, Mr. Stevens seemed to be very pleased with me. He asked me to come see him the next time I am in Washington. I agreed to do so. I was in Washington on November 24. So I went to see him. It was about four o'clock in the afternoon. On that occasion he told me that he was in great difficulties in this whole situation and—am I talking loud enough for you?—that he was embarrassed by it, and it might ruin his career. When I say this situation, I mean the whole picture of the relationship with McCarthy, and that again he made the point that while McCarthy seems to be extraordinarily friendly to him, he seems only to pick on him, and that he is constantly troubling him, and that there are other things to do, and he thought that even if there were a continued investigation of the army, McCarthy could do some other things in between, like investigating the GE plant, or some other departments of government,

so that it was spread out and it does not seem to be so concentrated on the army, which was great embarrassment to him.

We also on that occasion discussed David Schine, and he said the point that Cohn was of the impression that he had promised that Schine would only have eight weeks of basic training, and that he probably said that, but he was in error, and he, Stevens, was in error, and he could not arrange for Schine to have only eight weeks of basic training. That Schine had to have sixteen weeks of basic training, and that there was no way of getting out of that.

He said that if they would only have sense enough to let him alone, and not put pressure on him, he at the end of the sixteen weeks would arrange for Schine to have a satisfactory job, possibly in New York, but that it was made difficult for him to do anything by the constant activities in Schine's behalf.

So I had commented on that, and I don't suppose my comments are of any importance.

Mr. PREWITT. Yes, go ahead.

Mr. SOKOLSKY. It was first to the effect that I didn't care whether Schine had eight or sixteen weeks, and secondly that my son had gone into the navy and had to do all of his boot camp training, and he said that his son had to do the usual, and he showed me a letter from his son, who I think at that moment had been promoted to corporal, or I think it was corporal or maybe it was sergeant, I don't recall whether it was corporal or sergeant, without his assistance and the first he knew of it was the notation before the name on the letter. And so then when we reached this point of Schine possibly getting something at the end of that period, I had said that I thought that anything should be done to avoid this kind of quarrelsome relationship, and it was not good for the party, or the country or for any of the parties involved, and that I did not think anybody was worth this type of unpleasantness.

Mr. PREWITT. Mr. Sokolsky, I want to get your conversation with Secretary Stevens in proper perspective. Now, it was on November 24?

Mr. SOKOLSKY. Yes, sir.

Mr. PREWITT. Is that correct?

Mr. SOKOLSKY. Yes.

Mr. PREWITT. Were you in Washington?

Mr. SOKOLSKY. I was in Washington and I had come down to hear the president make a speech before the B'nai Brith the night before.

Mr. PREWITT. Did I understand you to say that Secretary Stevens invited you?

Mr. SOKOLSKY. He had invited me on November 17.

Mr. PREWITT. On that occasion, November 17, was it made known to Secretary Stevens that you were a close friend of Senator McCarthy?

Mr. SOKOLSKY. I don't know, but it should have been obvious. I mean I don't know what Senator McCarthy said to him when the arrangement was made for my inclusion at this party, but I do know that when I arrived everybody was cordial to me and it immediately became a George-Bob relationship.

Mr. PREWITT. What I am getting at, to try to understand why Secretary Stevens was divulging this information to you.

Mr. SOKOLSKY. There is no question. There was no question in my mind as to why that was being done.

Mr. PREWITT. All right, you tell what it was.

Mr. SOKOLSKY. It was being done for repetition. Men don't always say, "You go back and tell him." It was perfectly evident to me that I, who could not make any difference in this situation, was being given a picture in the hope that I would repeat what I heard to the parties concerned, and perhaps influence them to pursue the course indicated.

Mr. PREWITT. All right, sir. Now, I did not know that you had contacted Secretary Stevens or vice versa, at such an early date. Now, will you go ahead in details for us and detail all telephone conversations or personal contacts with Secretary Stevens and Mr. Adams, of course?

Mr. SOKOLSKY. Now, I might just give you a little index on that, so that we have it clear. There were two personal contacts with Secretary Stevens, one on November 17 and one on November 24. There was one personal contact with John Adams on November 17. To the best of my recollection there were three telephone calls with John Adams.

Now, the first of the telephone calls has to be undated, and I don't know the date of it. I telephoned to Senator McCarthy. Subsequent to November 24, I don't remember the date it was. I was in New York and I was calling him and he was very cheerful. He said, "I would like to put a friend of yours on the telephone," whereupon he puts John Adams on the telephone, and John Adams and I have a conversation which left no impression on me, which was a general conversation about all the problems here.

I give that just as the incident, and I can give you no more about it because I have no recollection of the conversation except that it was general, and had no meaning to me.

Two days before the Zwicker case, and what is the date of the Zwicker case? I think it was Thursday.

Mr. CARR. The first one was the thirtieth of January.

Mr. SOKOLSKY. This was the open session; It was on a Thursday.

Mr. CARR. That is the eighteenth of February.

Mr. SOKOLSKY. I don't remember that one. February 18, you say it was February 18?

Mr. COHN. Zwicker was an open session on February 18.

Mr. SOKOLSKY. On February 16 or 15, I think it was the sixteenth, John Adams called me in New York, and he said that he would like to read to me a letter which the secretary of the army had addressed to Senator McCarthy on the Peress case. I listened to the letter and told him that in my judgment the senator will blow his top, that the letter was offensive in several places to the ideas of the senator, and I would suggest that it be changed in places, which I indicated. He then said that he had already sent the letter and I said, "Well, what is the use of telephoning me after you have sent it? I supposed you wanted me to make some suggestions. If not, I can read it in the newspapers the same as anybody else."

So he said "Well, it has gone." I said, "If you don't want to start a fight, telephone Frank Carr and tell him that you have sent a

letter to him which you don't want him to open, and that he should return the letter to you and you send him another.

At that point he said that the intercom, that the secretary was calling him on the intercom, and he would like to talk to me further, but he has to go to the secretary and he will call back.

That in the end of the second conversation.

I waited an hour or an hour and a half and finally I called him, and I said, "I have no time to wait, I have got to go off. I have something to do." So he said he was sorry, and we got into a discussion of course 95 and course 96 concerning Dave Schine. This conversation I remember pretty clearly because I did not know what course 95 was, or what course 96 was, and so we got that clear. One was in February and one was in April. Those courses were in a school in Georgia, and I know the name of the school, it is CID or CD, or something.

Mr. COHN. It is CID.

Mr. SOKOLSKY. CID. Now, he said he could not get into 95, but that he probably would succeed in putting him in 96. He gave me the impression that he was cooperative, but the secretary was not cooperative, but that he would get him in 96.

Well, I said I could not see very much difference between 95 and 96 and I thought it a very good thing for Schine to be down there and get hardened up, and he said he wished he were in Iceland, and I said, "Well, are you going to send him somewhere? Better send him to Paris or France." And with that the conversation closed. That is all the contact I have ever had with the man.

Now, it may be that he called me another time, but I have no recollection of it, and none whatsoever, I never called him.

Mr. PREWITT. On any of those calls with Mr. Adams were you calling on instructions from Senator McCarthy or at his request? Did Mr. Adams always initiate the calls to you?

Mr. SOKOLSKY. Mr. Adams always—well, now, you see, let us take the last two calls as an interrupted first call, or one call, and that was initiated by Mr. Adams. The other call, I was calling McCarthy, and I never called Adams.

Mr. PREWITT. He was the motivating caller.

Mr. SOKOLSKY. I would say so, yes, sir.

Mr. PREWITT. Now, in any of the calls of Mr. Adams, did you say that unless, or words to this effect, that unless Dave Schine gets into course 95, Senator McCarthy will continue to investigate you?

Mr. SOKOLSKY. No.

Mr. PREWITT. Or words of that import?

Mr. SOKOLSKY. No. I did stress whether in this conversation or in any other conversation, this fact, that I did not believe that Dave Schine or anybody else was worth this type of fight, and that if a way could be found to eliminate the fight by any means whatsoever, I was for it. But the exact wording of that I would not know, or whether I said it on this occasion or any other occasion, because I said it all of the time.

Mr. PREWITT. Did you suggest to Mr. Adams that if a special assignment were given Mr. Schine, that in all probability Senator McCarthy's investigations of the army would be terminated or limited?

Mr. SOKOLSKY. I never spoke for Senator McCarthy.

Mr. PREWITT. Well, that was not exactly my question.

Mr. SOKOLSKY. No, no, but the answer must be that, that never under any circumstances did I speak for Senator McCarthy, or for Roy Cohn or for Frank Carr. Anything I may have said, I said as an opinion of my own.

Now, whether on this occasion I continued saying what I have always said, that a way must be found to eliminate this fight, or not, I don't recall.

Mr. PREWITT. Do you know whether Mr. Adams' calls to you were prompted by suggestions from Mr. Carr, that Mr. Adams call you?

Mr. SOKOLSKY. I know nothing about that.

Mr. PREWITT. You do not know why Mr. Adams happened to call you on these two or three occasions that you have indicated?

Mr. SOKOLSKY. I presumed when I received the call that the only reason could be that they hoped that I would speak to the senator or to Roy about these matters. Otherwise, why call me? I mean my friendship was not with them. I had only met them on this one occasion.

Mr. PREWITT. Well to get the record clear, Mr. Sokolsky, and I am not trying to confuse you—

Mr. SOKOLSKY. Oh, no.

Mr. PREWITT. It is not our purpose, as I understand it, with Mr. Jenkins, to confuse anybody.

Mr. SOKOLSKY. Your last question interests me very much because it implies to me that it has been suggested that I was attempting to negotiate a deal.

[Senator Dirksen entered the room.]

Mr. SOKOLSKY. I am now explaining my four contacts with Stevens and Adams.

Senator DIRKSEN. In pursuance of what, a letter or newspaper article?

Mr. SOKOLSKY. Why does Adams call me? He assumes that McCarthy and I are friends, and he is setting a picture for me to carry to McCarthy.

Mr. PREWITT. Did Mr. Adams on the occasion of his calling you state that Mr. Carr suggested that he call you?

Mr. SOKOLSKY. Not to my recollection at all. Now, I would like to know why that is asked, if I may. Is there such a statement?

Mr. PREWITT. There may be. This is an investigative function, that we have underway here, and that is the purpose of this.

Mr. SOKOLSKY. No, I don't think so. I have no recollection of anything like that, nor have I any recollection of Mr. Carr telling me that. That is, that he had told Adams to call me. I don't think I talked to you during that period.

Mr. PREWITT. Now, I am sure that you are familiar with the overall issues that are involved in this present controversy. Do you know anything else that might bear light on these issues, which you haven't stated?

Mr. SOKOLSKY. You mean of my own knowledge?

Mr. PREWITT. Yes, with reference particularly to any telephone conversations that you had with either Secretary Stevens or Mr. Adams, or with reference to any personal interviews that you might have had with either of them?

Mr. SOKOLSKY. No, that is four; that is all.

Mr. PREWITT. You have had four?

Mr. SOKOLSKY. That is, shall we count—

Mr. JENKINS. It is really two conversations.

Mr. SOKOLSKY. Or three conversations; that is all.

Mr. JENKINS. And a personal contact in New York.

Mr. SOKOLSKY. And let us put it November 17, November 24, and an undated telephone call, and that is all I can recollect.

Mr. PREWITT. You have had no further contact?

Mr. SOKOLSKY. No further contact.

Mr. JENKINS. May I ask him one question? Mr. Sokolsky, did you ever at any time, either in a personal conversation with Adams, or in a telephonic conversation with Adams, tell Adams in substance that if Stevens would take care of Dave Schine, all of his troubles would be ended, and there would be no further embarrassment in so far as the activities of the committee in making this investigation were concerned? Or words to that effect?

Mr. SOKOLSKY. No, sir.

Mr. JENKINS. That is all, Tom.

[Thereupon at 5:45 p.m., the executive session was concluded.]

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

[EDITOR'S NOTE.—In his book, *McCarthy* (New American Library, 1968), Roy Cohn reproduced a memorandum by Willard Edwards, a *Chicago Tribune* reporter who, on the evening of May 25, 1954, had helped Cohn prepare for his forthcoming testimony: "Frank Carr revealed that the committee has subpoenaed and questioned Miss Iris Flores, a stunning young brunette, who is one of Dave Schine's girl friends, No. 1 on the list at the present time. She is the one to whom Dave made several phone calls a day during his Ft. Dix stay and the committee obtained her name thru subpoena of the telephone records. The Army has insisted upon questioning her to determine if Dave misused his pass privileges for feminine entertainment when he was supposed to be engaged on committee business. There was much discussion of whether her testimony would help or harm the McCarthy case. She was Dave's companion on New Year's eve and her testimony would be that she fretted the evening away while Dave pored over committee records in preparation for the annual report. This was fine but would anyone believe it? During the evening a call came from Senator Mundt and McCarthy reported that Mundt thought the girl's testimony not pertinent. This, however, was undecided and the beautiful Iris was present in the hearing room this morning. From what I heard, if she testifies it will be a field day for the press." Iris Flores did not testify in public session.]

SATURDAY, APRIL 24, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at ten o'clock a.m., pursuant to call, in the office of Senator Mundt, Senator Mundt presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota.

Also present: John Kimball, Jr., army counsel; Thomas R. Prewitt, assistant counsel; Sol Horowitz, assistant counsel.

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

Miss FLORES. I do.

TESTIMONY OF IRIS FLORES

Mr. PREWITT. Miss Flores, this is a private hearing, an executive hearing of the subcommittee. You were subpoenaed by counsel for the subcommittee. This is in the nature of an—I use the phrase pretrial hearing for investigative purposes. That is the reason why we subpoenaed you, with the idea in mind that we want to dispose

of all extraneous matters, that is, matters that might not bear on the issues of this controversy in advance of any open hearing.

I understand that through your letter to us that you have taken the position that you do not want to testify in an open hearing which is televised; is that correct?

Miss FLORES. That is correct.

Mr. PREWITT. And that matter can be disposed of at a later date.

Miss FLORES. I also said at a public hearing. Do you remember my letter?

Mr. PREWITT. Those matters can be disposed of later because this is not a public hearing.

Miss FLORES. I understand.

Mr. PREWITT. Now, you do not have counsel with you?

Miss FLORES. No, I do not.

Mr. PREWITT. Now, will you state your name for the record?

Miss FLORES. Iris Flores.

Mr. PREWITT. Your residence?

Miss FLORES. Twenty-third East 64th Street, New York City.

Mr. PREWITT. And your occupation?

Miss FLORES. I am an inventor.

Mr. PREWITT. Are you employed by any person or concern?

Miss FLORES. No. I sold an invention to I. Newman and Company, and it has to do with brassieres and it is a gadget and DuPont has been working on it, a man from DuPont, and a brassiere designer for them. I have been working closely with them for working models. We hope to bring it out in a few months.

Mr. PREWITT. What is your age?

Miss FLORES. Twenty-nine.

Mr. PREWITT. Do you know one G. David Schine?

Miss FLORES. I do.

Mr. PREWITT. For how long have you known him?

Miss FLORES. For about three and a half years. Approximately four years. 1951 I met G. David Schine.

Mr. PREWITT. Has your association with him been on a casual basis, or a closer basis?

Miss FLORES. I have had a great friendship for Mr. Schine and it certainly has been always proper.

Mr. PREWITT. Miss Flores, are you familiar with the fact that Private Schine was inducted into the army last November?

Miss FLORES. Yes, I am.

Mr. PREWITT. Did you know of that fact at the time?

Miss FLORES. Yes, I did.

Mr. PREWITT. Did you know that he was assigned to Fort Dix, New Jersey?

Miss FLORES. Yes, I did.

Mr. PREWITT. Can you recall, if you know, the approximate date when he was assigned to Fort Dix?

Miss FLORES. Everyone knows, the third of November.

Mr. PREWITT. I will ask you if you received any telephone calls from Fort Dix from Private Schine?

Miss FLORES. Yes, I did.

Mr. PREWITT. Subsequent to November 3 last?

Miss FLORES. Yes.

Mr. PREWITT. Did you receive many, or few calls?

Miss FLORES. I don't remember how many calls. I don't remember how many.

Mr. PREWITT. Did you receive calls daily?

Miss FLORES. Perhaps. I don't know. I don't remember more or less whether it was daily.

Mr. PREWITT. Did you receive more on the average of one call a week?

Miss FLORES. Yes I did.

Mr. PREWITT. Will you give us your best estimate of the number of calls which you received weekly?

Miss FLORES. I don't know. I am in and out of my house so much that I miss a great many calls. I am on these inventions and many things I do. I don't know if I could have been home when he called or if I had a message. You know, it is hard to say. I don't quite remember that far.

Mr. PREWITT. Without going into the details of these various telephone calls from Private Schine to you while the latter was at Fort Dix, tell us what the purpose of the calls were, if they had any particular purpose?

Miss FLORES. No, just to say hello I suppose, and what he was doing. He was in the army, he was very happy the way things had turned out. I suppose he was busy. That is all. Just social. It was purely a social call.

Mr. PREWITT. During the period when Private Schine was at Fort Dix, did you see him socially?

Miss FLORES. Yes, I did.

Mr. PREWITT. On many or few occasions?

Miss FLORES. Well, they were sort of few, because I went away part of November. I was in Florida. I went to Palm Beach. I believe I saw Private Schine a few times. I don't know; we had a quick dinner, and very late at night because he was always busy with things to do, and Roy Cohn. I imagine he was sort of annoyed because he never made a special—

Mr. PREWITT. Tell us if Private Schine called you on any occasion while he was at Fort Dix and made a prearrangement to see you?

Miss FLORES. What was that question again? I don't understand.

Mr. PREWITT. Did he make any engagement with you over the telephone to see you while he was at Fort Dix?

Miss FLORES. I don't know. He may have. If he didn't, he would say, "I would love to see you if I am not tied up, if I am not busy, if I have a chance I will call."

Mr. PREWITT. I am not trying to confuse you, Miss Flores.

Miss FLORES. No, but there was no definite, anything definite, I never had a definite commitment or definite date because he always seemed so terribly tied up with all kinds of things.

Mr. PREWITT. Did Private Schine after calling you from Fort Dix ever have an engagement with you?

Miss FLORES. After calling me from Fort Dix?

Mr. PREWITT. Yes, on the same day of the call, or shortly thereafter?

Miss FLORES. Possibly, but it might have been at the last minute, very late like I say. I dined with him once or twice, dinner quickly. You know, it was always hurried.

Mr. PREWITT. Where did you dine with him?

Miss FLORES. I believe at Pen and Pencil one day, about an hour. That was all. And one evening at the Drake Hotel. I don't remember.

Mr. PREWITT. That was while he was stationed at Fort Dix?

Miss FLORES. Yes.

Mr. PREWITT. Did you ever go to Trenton, New Jersey and meet Private Schine?

Miss FLORES. No.

Senator MUNDT. Did you see Private Schine while you were in Florida?

Miss FLORES. No, I saw no one that knows Private Schine. This is a different group of people in Palm Beach.

Mr. PREWITT. Miss Flores, we have information that Private Schine on December 8, 1953, telephoned you four different times. Now, is that true or not, or do you remember it?

Miss FLORES. December 8? Frankly, to tell you the truth, I do not remember it.

Mr. PREWITT. Do you remember whether Private Schine on any one day called you as much as four times from Fort Dix?

Miss FLORES. To the best of my recollection, I don't remember. It might have been so. I don't remember.

Mr. PREWITT. Did you see Private Schine while the latter was at Fort Dix at any time during any week from Monday to Friday, that is, any week day?

Miss FLORES. Yes, I did. Christmas Day, on the twenty-fifth, he had a gift for me and it was very late. He called me and told me he had just come in from Fort Dix. I spent a great deal of time in bed in December because I had laryngitis, I was sick, and I remember it.

I saw him on the twenty-fifth, but it was very late in the day. He said he had things to do and he would call me when he was through.

Then I saw him again on the thirty-first, at Mr. Cohn's house, on New Year's eve. He called me and said, he asked me if I would not mind going to Mr. Cohn's because he had several things he had to talk to Mr. Cohn about and I wouldn't want to spend New Year's there. I said no. I had been so sick. I had engagements during December. I went to some and others I couldn't get there. I was very sick. So I didn't have plans for New Year's. I made no definite plans.

Mr. PREWITT. Did I understand you to say you did have an engagement with him on New Year's?

Miss FLORES. No, I did not have a definite engagement with him on New Years. I had made no plans for the holidays.

Senator MUNDT. But you did see him New Year's eve at Mr. Cohn's house?

Miss FLORES. Yes.

Mr. PREWITT. When was that invitation extended to you?

Miss FLORES. I don't remember when it was extended. I am almost sure it was the last minute, it was "Will you have dinner at Roy's house?"

Mr. PREWITT. Who asked you, Mr. Schine or Mr. Cohn?

Miss FLORES. Mr. Schine. It was very late.

Mr. PREWITT. Was it by means of a telephone call from Fort Dix, or from New York, or where?

Miss FLORES. I don't remember where the call came from. I really don't. I believe he called me from New York and he said he had committee work, but that he would probably pick me up late, after he finished whatever it was. We had a cold supper and they did have work there. They were reading all kinds of papers. Mr. Cohn gave him lots of things to read.

Mr. PREWITT. Did you remain with those two gentlemen while they were working?

Miss FLORES. No, there was another couple there and I talked to him while they were looking at papers. He gave him something to read which he had to look over.

Mr. PREWITT. Now, let us go to the period before Christmas, 1953. Did you have any engagements with Mr. Schine between November 3 and Christmas?

Miss FLORES. Yes, I did.

Mr. PREWITT. Now, will you tell us as best you can remember when and where you met him and how he invited you and the circumstances under which you met Mr. Schine?

Miss FLORES. Well, I don't remember exactly when or where, but I know this for a fact, that the few times I dined with him was just dinner, you know for dinner, and very, very late, after he had been here I suppose all the time he was in New York. I don't know because I don't know what he was doing, you know. But I met him very, very late. He picked me up very late. We would have something to eat and talk.

I must tell you this: I went out to Fort Dix twice with him I believe once or twice. Correctly I think it was twice. I drove out to Fort Dix because it was the only time that I had a chance to talk to David Schine really, because he was always so indefinite and so terribly, terribly tied up, so he told me, he was busy.

So the times I saw him were the times, the few times for dinner and very late. I do remember driving to Fort Dix with him, when I came back from Palm Beach, I believe it was a Sunday I came back.

Mr. PREWITT. Can you give me the date that you came back from Palm Beach?

Miss FLORES. It was the last day of November. The thirtieth day of November.

Mr. KIMBALL. Did you say it was the last day?

Miss FLORES. It was a Sunday. I am not sure what it was.

Senator MUNDT. The last day of November was the thirtieth, that would be the thirtieth. The twenty-eighth was the last Sunday in November. The thirtieth is the last day of November. That was a Tuesday. Are you quite sure it was a Sunday?

Miss FLORES. It was a Sunday because he had to go back to Fort Dix, he had to go back right away.

Senator MUNDT. Wait a minute. I have a 1954 calendar.

Miss FLORES. It was a Sunday.

Senator MUNDT. Yes, I was thinking this year. It was the last Sunday in November.

Miss FLORES. Yes.

Mr. PREWITT. You drove back to the base with Mr. Schine?

Miss FLORES. Yes.

Mr. PREWITT. Did you drive the car, or someone else?

Miss FLORES. It was a chauffeur-driven car. I had to come back.

Mr. PREWITT. Did you dine with him that night?

Miss FLORES. No, I don't think so. I had just arrived from Palm Beach. I had just gotten home and I called him because he had called and left a message that he had called. It was a social thing.

Mr. PREWITT. When did you leave New York to go to Palm Beach?

Miss FLORES. I don't know. It might have been the twenty-second or the twenty-third. I am not sure.

Mr. PREWITT. Do you remember what day in the week it was?

Miss FLORES. I don't know what day in the week it was.

Mr. PREWITT. Do you recall how long you were absent from New York City?

Miss FLORES. Until the end of the month.

Mr. PREWITT. What period of time, a week, or ten days? How long?

Miss FLORES. I was away over Thanksgiving. It might have been the twenty-third. I am not sure it was the twenty-second or twenty-third. You understand I am not sure of that date.

Mr. PREWITT. You were absent possibly a week?

Miss FLORES. Possibly a week, yes, because I came back on that and I know it was a Sunday definitely.

Mr. PREWITT. Now, you went to Palm Beach somewhere around the twenty-third?

Miss FLORES. Possibly. I am not sure.

Mr. PREWITT. Now, before you went to Palm Beach and after November 3, in other words, in the approximate twenty-day period between November 3 and November 23, before you went to Palm Beach did you see Mr. Schine?

Miss FLORES. Yes, I saw him on those occasions that I told you about. I dined once or twice, and very late, very late.

Mr. PREWITT. Can you give us the approximate date when you dined with him before November 23?

Miss FLORES. I don't know. It might have been a Saturday or a Sunday. I don't really remember the dates.

Mr. PREWITT. During that approximate twenty-day period I have just indicated, did you see him on any week day, that is, not including Saturday or Sunday?

Miss FLORES. On the twenty-fifth, which was a week day wasn't it? Christmas was—

Mr. PREWITT. I am talking about the period between November 3 and November 23.

Miss FLORES. I really don't remember.

Mr. PREWITT. You just have no recollection?

Miss FLORES. I have no recollection. I can't remember that far.

Mr. PREWITT. You understand I am not trying to confuse you?

Miss FLORES. No, you are not confusing me. I am trying to think of the periods if I possibly can. I want to tell you everything you want to know.

Mr. PREWITT. It is not our function to do anything except to develop the facts. That is all I am trying to do now.

Miss FLORES. Yes, surely.

Mr. PREWITT. Now, on these few occasions that you did see Private Schine between November 3 and November 23, or approximately that period, did he call you in advance from Fort Dix for the purpose of making an engagement with you?

Miss FLORES. He may have. I don't remember my conversations with him, you know. I don't remember. If he did I was always more than sure he would probably be very busy. He would get very involved with Mr. Cohn in New York, so I just couldn't say, I couldn't tell you, I don't remember my conversations on the phone. I had so many.

Mr. PREWITT. Can you tell us now whether—

Miss FLORES. Not with Private Schine, but I have thousands of calls all day and I just don't remember.

Mr. PREWITT. Can you tell us now either yes or no whether Private Schine, while he was at Fort Dix, ever called from Fort Dix and made an arrangement over the phone whereby he was to see you after he got off the post?

Miss FLORES. I wish I could answer you, but I don't remember. I really don't remember whether he did or didn't. I am terribly sorry. I would like to answer yes or no. I just can't tell you because I don't know. I don't remember.

Mr. PREWITT. Now, tell me this: On the occasion when you saw Private Schine while he was at Fort Dix, were you ever alone with him?

Miss FLORES. Yes, I was alone with him when I dined with him once, and I was not alone with him when I dined at the Drake Hotel. Mr. Cohn was along. And some girls and some models. I don't know. Nancy something. I don't remember her last name.

Mr. PREWITT. You told us about the first ride back to Fort Dix. Now, when was the second ride, if you can remember?

Miss FLORES. I can't remember that. I don't know when it was, but I drove back because I—we rode back. I believe he fell asleep on the way. He was quite tired.

Mr. PREWITT. Was it after Christmas, or before Christmas?

Miss FLORES. I don't know that. I do know about one on the thirty-first. I don't remember.

Mr. PREWITT. Was it before the ride—I will call it the Palm Beach ride, because that was after you returned from Florida—

Miss FLORES. It sounds horrible, doesn't it, the Palm Beach ride?

Mr. PREWITT. Was it before that ride or afterwards?

Miss FLORES. I don't know. I honestly don't know. I don't know whether it was before or after. I am not sure when that was, driving back.

Mr. PREWITT. Was it on a weekday night, or weekend night?

Miss FLORES. I don't remember.

Senator MUNDT. Do you have any questions, sir?

I wanted to inquire whether you had seen David Schine any place at any time other than in New York during the time he was at Fort Dix.

Miss FLORES. No.

Senator MUNDT. Except of course, the two times you have mentioned.

Miss FLORES. Yes.

Senator MUNDT. Do I understand you returned the same night at Fort Dix?

Miss FLORES. Yes, I came right back. That is why he got the car, I had to go right back. I don't have a New York driving license. I have a California driving license, and I can't park. So I haven't taken the test until I thoroughly know what I am doing.

Senator MUNDT. Except for the times you were with him driving back to Fort Dix, you did not see him any time or any place while he was at Fort Dix except in New York City; you are quite sure of that?

Miss FLORES. He is a very quiet boy and he doesn't like night clubs and this business of newspapers is ridiculous. He likes—if he dines quietly it is very quiet, and it was always dinner. After all one has to eat you know. That was the only time I saw him, very late, after he had completed his business but he always was very busy, so he told me.

Senator MUNDT. Very late, you mean late in the night?

Miss FLORES. Very late in the evening, after he had completed what he had to do with Mr. Cohn. There were always dinner with people he had to work with. He called me to tell me this on the telephone. I understand these things. I understand people have to work. I work very hard myself and sometimes I never get to places and I have to keep calling and telling people I will be there after I finish.

Senator MUNDT. Do you have any questions, Mr. Kimball?

Mr. KIMBALL. Well, sir, I am a little in doubt as to whether I should ask questions or—as I understand it, the decision has not been made yet as, is it Miss deFlores?

Miss FLORES. Let us say Flores. Strike it for the record. DeFlores is in my family name. I got the subpoena under deFlores and I wrote the letter under deFlores. It is properly my name, but Iris Flores is right.

Mr. KIMBALL. I was going to say, as I understand it, the decision has not been made as to whether or not Miss Flores will appear at the hearing.

Senator MUNDT. That is correct. This is simply a preliminary interrogation to determine whether she would have any information that might be pertinent or relevant or material.

Mr. KIMBALL. I might ask a few questions, then.

Senator MUNDT. That will be perfectly correct.

Do you not think so, Mr. Prewitt?

Mr. PREWITT. I think so.

Miss FLORES. Certainly it is perfectly all right. If this is a private hearing, I will answer all your questions.

Senator MUNDT. We do not need to call you in a public hearing unless somebody should dispute things.

Mr. PREWITT. This is not a public hearing.

Miss FLORES. Yes, I understand.

Mr. PREWITT. So if you have something you would like to ask to satisfy yourself, Mr. Kimball, you may do so.

Senator MUNDT. Mr. Kimball is counsel for Mr. Stevens and Mr. Hensel and for Mr. Adams.

Mr. KIMBALL. Not for Mr. Hensel, sir. I believe Mr. Prewitt said he had another question to ask.

Mr. PREWITT. Tell us how your engagements with Mr. Schine were arranged. You can address yourself to particular occasions.

Miss FLORES. I don't remember different occasions. I mean, unless you ask me, I can try to remember.

Mr. PREWITT. Let us go to the period between November 3, 1953, and November 23, or whatever the date was that you left to go to Florida. You stated that you saw him on a few occasions late at night. Did he call you and make an engagement, or just how was your engagement made?

Miss FLORES. He called me and said if I possibly could get away from my work and whatever it was, what I am doing, I will call you back.

Mr. PREWITT. Did he call you in the daytime, at night, a short time before you saw him?

Miss FLORES. Rather late in the day, six, seven, sometimes eight or nine o'clock. Very late.

Mr. PREWITT. Did he ever call you early in the day to make an engagement with you?

Miss FLORES. I don't remember. I frankly really can't say because I don't remember. I doubt very much that because I remember that it was always very late.

Senator MUNDT. Are you usually in your apartment or home during the day?

Miss FLORES. No, I go out all the time a great deal. I am in and out all the time. Half the time I don't get my messages.

Senator MUNDT. Do you have members of your family or a maid, somebody there who answers the phone?

Miss FLORES. I have a roommate, but she is in and out all the time. I don't have a maid.

Senator MUNDT. So if a phone call comes in and you are not there, there is nobody to take it.

Miss FLORES. That is right.

Mr. PREWITT. Did you ever have an engagement with him where he did not call you in advance, that is, during the period when you, when he was stationed at Fort Dix?

Miss FLORES. Yes, many times he called me at the last minute, then nine o'clock, ten o'clock. I am not sure about those hours, but it was very late.

Mr. PREWITT. Did he during the period while he was at Fort Dix ever on any occasion call you considerably in advance to make an engagement with you. By that I mean several hours?

Miss FLORES. He may have, I am not sure. I really am not sure. If he did most of the time it would be late because he was always tied up.

Mr. PREWITT. Can you give me your best estimate of the number of times that you saw David Schine while he was stationed at Fort Dix?

Miss FLORES. I don't know. We dined a couple of times, a few times, very late.

Mr. PREWITT. You saw him a few times between November 3 and November 23; is that correct?

Miss FLORES. Are you referring to November when you asked me last?

Mr. PREWITT. My first question was, approximately how many times did you see David Schine while he was stationed at Fort Dix? I will break it down and ask you now how many times did you see him before you went to Palm Beach, Florida, and after he was inducted into the army?

Miss FLORES. I don't remember, possibly a few times.

Mr. PREWITT. What do you mean by a few times?

Miss FLORES. It might have been twice, three times. I don't remember.

Mr. PREWITT. Was it at least twice?

Miss FLORES. I couldn't say with certainty. I don't remember. It might be three times. I can't quite remember. I know there were a few times I saw him, but it wasn't frequently.

Mr. PREWITT. After you returned from Palm Beach the latter part of November and before Christmas of 1953, did you see him at any time?

Miss FLORES. I might have seen him once. We dined together. I remember correctly because I told you I was sick and I had some obligations which I had to attend on the thirteenth and sixteenth, and I didn't see him from about the thirteenth, I suppose, to the sixteenth. I had some parties I had to go to and they were sort of must, and I had to get there, and I didn't see him for a period there. That I remember. And the twenty-fifth and thirty-first—

Mr. PREWITT. Let us take the period immediately after you returned from Florida. As I understood it, on the day you returned you drove back to Fort Dix with Mr. Schine?

Miss FLORES. Yes, right away, quickly, because he was preparing to go back to Fort Dix and we drove back as soon as he was ready.

Mr. PREWITT. In the week that immediately followed that occasion did you see him?

Miss FLORES. In the week that followed, no.

Mr. PREWITT. You did not?

Miss FLORES. I did not see him within the week.

Mr. PREWITT. In the two-week period that followed your return?

Miss FLORES. During the week, you mean? I did not see him during the week.

Mr. PREWITT. Did you see him at all in the period of two weeks that followed your return from Florida?

Miss FLORES. I believe I did see him once.

Mr. PREWITT. Do you remember where you saw him?

Miss FLORES. I don't remember. I don't remember if we had dinner before he went back to camp, or whether it was later. I am not sure. It was in the evening, very late, or else dinner, I am not sure which.

Mr. PREWITT. Was Mr. Cohn present?

Miss FLORES. I don't believe so. I don't remember Mr. Cohn.

Mr. PREWITT. How long were you with him on that occasion?

Miss FLORES. I dined with him.

Mr. PREWITT. What period of time transpired while you were with him?

Miss FLORES. I don't remember, a few hours.

Mr. PREWITT. Did you go anywhere other than to eat dinner?

Miss FLORES. I don't remember.

Mr. PREWITT. Did you go dancing?

Miss FLORES. No.

Mr. PREWITT. During any of these times that you saw David Schine while he was at Fort Dix, did you go dancing with him?

Miss FLORES. Not at all except on one occasion, and it was—and this I am not sure of—when he was through with Fort Dix, I believe completely finished, whatever they call it when the training was finished and he had a furlough in between a few days. I suppose he was going to be transferred, and I am not sure when that was. It was the Plaza Hotel. It was a very quiet evening. Senator McCarthy was there and his wife. They had come back from a speaking trip, I believe, and were leaving right away.

Mr. PREWITT. That is all I have.

Senator MUNDT. Mr. Kimball.

Mr. KIMBALL. You said, Miss Flores, that you were absent from your apartment quite a bit during the day; is that correct?

Miss FLORES. Yes.

Mr. KIMBALL. Did you have a place of business?

Miss FLORES. No, I have been working closely with I. Newman on my invention, which is called a brassiere shaper.

Mr. KIMBALL. What is I. Newman?

Miss FLORES. I. Newman and Sons is a girdle company.

Mr. KIMBALL. They are located in New York?

Miss FLORES. Yes.

Mr. KIMBALL. Where are they located?

Miss FLORES. Two hundred Madison Avenue. I don't go there every day. I have had lots of meetings with Mr. Robert Hall, luncheon meetings in which we discussed the brassiere shaper, the people working on it, how we are going to promote its ideas, to go ahead with it as soon as it comes out. They have been working on it a whole year now.

Mr. KIMBALL. Mr. Hall is a representative of I. Newman?

Miss FLORES. Mr. Robert Hall is vice president of I. Newman and Company.

Mr. KIMBALL. When you are absent you are either, for instance, at I. Newman, or in conference with—

Miss FLORES. No, I am not at I. Newman. I am having meetings with whoever calls me from I. Newman. I have been working on another thing that I have now. I spend a great deal of time doing research and reading about it. It is a plastic bra.

Mr. KIMBALL. What I was trying to find out was, do you have an office any place?

Miss FLORES. No, I do not. I work at home. I have dedicated the last three years to working on my inventions. I have two patents right now. One is for a complete line of brassieres, which is patented under Juliet Koller and Iris Flores and the other is the I. Newman, which I have licensed to them, it is a brassiere shaper. We hope it doesn't get out because it is something new and they are going to bring it out as soon as the last working model is ready right now.

Mr. KIMBALL. I think you said that you had known Private Schine, or Mr. Schine, for about three and a half to four years; is that correct?

Miss FLORES. Yes.

Mr. KIMBALL. And you said you were very good friends with him?

Miss FLORES. Yes.

Mr. KIMBALL. Would you say you were engaged to him, or anything of that nature?

Miss FLORES. I don't think so. That is so terribly private, I don't even know about it.

Mr. KIMBALL. I assume if you were you would know about it.

Miss FLORES. I would know about it.

Mr. KIMBALL. In other words, you don't consider yourself engaged to Mr. Schine?

Miss FLORES. I don't have a ring.

Mr. KIMBALL. Could you tell me when you have most recently seen Mr. Schine?

Miss FLORES. Most recently? Just before he came to Washington.

Mr. KIMBALL. Within the past week, you mean?

Miss FLORES. No, he was on his way to Washington. We dined together, with his brother. He had to come to Washington, be in Washington. I believe he had a furlough.

Mr. KIMBALL. As I say, that was within this past week?

Miss FLORES. Yes. I have not seen him since.

Mr. KIMBALL. I believe he got into Washington the day the hearings opened. That would have been Wednesday, this past week.

Miss FLORES. I don't know.

Senator MUNDT. You mean of the present week, Mr. Kimball?

Mr. KIMBALL. Yes.

Senator MUNDT. Two or three days ago.

Miss FLORES. No, I have not seen him two or three days ago.

Senator MUNDT. Have you seen him this week?

Miss FLORES. No.

Senator MUNDT. Not this week at all?

Miss FLORES. No, not at all. When was Good Friday, Passover? Good Friday evening, and he was on furlough.

Senator MUNDT. The last time you saw him was Good Friday evening?

Miss FLORES. Yes, he was supposed to report to Washington. I believe he told me he had to leave, he was going to Florida, he had leave to go to Florida, but instead of that he was asked to report to Washington, so he came right in. He didn't have to be here I think so he came to New York. I don't really know what his business—

Senator MUNDT. We are trying to find out the last time you saw him.

Miss FLORES. Good Friday evening. We had dinner with his brother and a little friend of mine.

Mr. KIMBALL. Do you know where he came from at that time?

Miss FLORES. From Georgia.

Mr. KIMBALL. How did he arrange that meeting?

Miss FLORES. He called me on the telephone.

Mr. KIMBALL. When did he call you, if you remember?

Miss FLORES. He called me late afternoon, possibly in the middle of the day. I don't know.

Mr. KIMBALL. That same day, though?

Miss FLORES. Yes.

Mr. KIMBALL. And you dined with him?

Miss FLORES. I am sorry. I made a mistake. It was not Good Friday. It was Saturday.

Mr. KIMBALL. It would be the Saturday between Good Friday and Easter?

Miss FLORES. Saturday.

Senator MUNDT. The day before Easter?

Miss FLORES. The day before Easter, Saturday; that is right. I am terribly sorry I made a mistake. You start thinking of dates and I know it was Saturday.

Mr. KIMBALL. Saturday evening.

Miss FLORES. Saturday evening.

Mr. KIMBALL. At that time did you talk about this case at all with him?

Miss FLORES. No.

Mr. KIMBALL. Did he say that he was coming to Washington about this case?

Miss FLORES. Yes, he did, but he didn't talk about it.

Mr. KIMBALL. He didn't ask you whether or not you had been served with a subpoena or anything like that?

Miss FLORES. No.

Mr. KIMBALL. Do you know Mr. John Adams? Have you ever met him?

Miss FLORES. Yes, I met Mr. Adams once.

Mr. KIMBALL. Do you recall where that was?

Miss FLORES. I don't remember when it was, but I believe I had just returned from California.

Mr. KIMBALL. Would that have been last fall sometime?

Miss FLORES. I returned from California in September, sometime in September, and I don't remember when. I was downtown and I called David Schine and said hello and we talked. He told me he was working down there. I said, "You have to have lunch, so why don't you lunch with me." I was down there on some business. So I waited there and we had a quick lunch together and Mr. Adams.

Mr. KIMBALL. You lunched with him?

Miss FLORES. No, it was finished. I believe they had to break for lunch. I really don't know what, but we had lunched nearby there, a block or so.

Mr. KIMBALL. Was that the only occasion you met Mr. Adams?

Miss FLORES. Yes.

Mr. KIMBALL. To your best recollection?

Miss FLORES. It was the only occasion I ever met Mr. Adams.

Mr. KIMBALL. Have you ever seen him, not to talk to, but just seen him other than that occasion?

Miss FLORES. No.

Mr. KIMBALL. Do you recall if that occasion was during the Fort Monmouth hearings?

Miss FLORES. What?

Mr. KIMBALL. Do you recall if that occasion was during the Fort Monmouth hearings?

Miss FLORES. I don't know what hearings they were.

Mr. KIMBALL. It was during some hearing?

Miss FLORES. When they were downtown?

Mr. KIMBALL. In Foley Square.

Miss FLORES. In Foley Square?

Mr. KIMBALL. Do you recall where you ate?

Miss FLORES. Some cafeteria.

Mr. KIMBALL. Down near Foley Square?

Miss FLORES. Yes.

Mr. KIMBALL. Was it in the cafeteria you met Mr. Adams?

Miss FLORES. No, I met Mr. Adams—Mr. Adams walked out with Mr. Cohn and Mr. Schine. They all walked out together.

Mr. KIMBALL. Out of where?

Miss FLORES. From wherever—I waited upstairs in the lobby or the foyer.

Senator MUNDT. The Federal Building at Foley Square, you mean?

Miss FLORES. Yes. I remember I waited a very long time.

Mr. KIMBALL. In other words, you met Mr. Adams before you went to lunch with Mr. Schine?

Miss FLORES. That is right. He introduced me and I met him.

Mr. KIMBALL. You and Mr. Schine ate lunch and Mr. Cohn and Mr. Adams did not eat with you?

Miss FLORES. No, they left us.

Senator MUNDT. Mr. Cohn and Mr. Adams left together; is that right?

Miss FLORES. I don't know if they left together or not. They said goodbye to us and we left.

Senator MUNDT. You and Mr. Schine left together?

Miss FLORES. Yes.

Mr. KIMBALL. Did you yourself ever attend any of those hearings?

Miss FLORES. There?

Mr. KIMBALL. Well, any of the hearings that Mr. Schine worked on.

Miss FLORES. I attended two here in Washington, but I came to Washington quite often. I have many friends here.

Mr. KIMBALL. Did you attend any in New York?

Miss FLORES. No.

Mr. KIMBALL. Do you recall approximately when those hearings were in Washington that you attended?

Miss FLORES. They might have been, I don't remember whether it was before I left for California or after I came back. I don't remember. I know what it was. It was Robeson, it was the singer, Paul Robeson.

Mr. KIMBALL. He was the person being examined?

Miss FLORES. No, it was his wife, it was a woman. Then the other one was Mrs. Moss.

Mr. KIMBALL. That was fairly recently?

Miss FLORES. I don't know when it was, but I was in Washington at the time and I was staying with my friend, Miss Paden. I had nothing to do and I came to the hearings.

Senator MUNDT. Was Mr. Schine at either of those hearings?

Miss FLORES. I believe the first one, but the second one no, I didn't see Mr. Schine at all while in Washington.

Mr. KIMBALL. Did you ever go to a hearing which dealt with the subject of Fort Monmouth at all?

Miss FLORES. No.

Mr. KIMBALL. You said you never attended any hearing in New York.

Miss FLORES. No.

Mr. KIMBALL. Do you know the other members of the sub-committee staff? Do you know Mr. Carr?

Miss FLORES. I don't know Mr. Carr, no.

Mr. KIMBALL. Do you know Mr. Juliana?

Miss FLORES. No.

Mr. KIMBALL. Or Mr. La Venia?

Miss FLORES. No.

Mr. KIMBALL. Or Mr. Buckley?

Miss FLORES. No.

Mr. KIMBALL. If possible, just for my own chronology here, I would like to just try to find out—you went to California sometime apparently late last summer?

Miss FLORES. I left for California around maybe the fifth of August, because my birthday is on the eighth and I wanted to be with my family. They wanted me there on the eighth of August.

Mr. KIMBALL. You come back sometime—

Miss FLORES. September. I don't remember when.

Mr. KIMBALL. Near the end, do you think?

Miss FLORES. I really couldn't tell you because I don't remember.

Mr. KIMBALL. Do you think possibly I could help you? Was it before Labor Day?

Miss FLORES. I don't remember.

Mr. KIMBALL. You just don't remember?

Miss FLORES. I don't remember.

Mr. KIMBALL. But it was in September sometime?

Miss FLORES. I might have been in California seven or eight weeks. I don't really remember. I am not sure of that time at all, but it might have been that length of time.

Senator MUNDT. Do you recall when you returned?

Miss FLORES. No, I don't recall.

Mr. KIMBALL. It was before the first of October, you think?

Miss FLORES. Yes, it was. This was September sometime.

Mr. KIMBALL. Then you were in New York, am I correct in this, you were in New York from your return from California until you went to Palm Beach sometime around the 22nd or 23rd of November?

Miss FLORES. Yes.

Mr. KIMBALL. You came back to New York about the end of November?

Miss FLORES. I came back at the end of November.

Mr. KIMBALL. Then did you leave New York again during the next month, during December?

Miss FLORES. No.

Mr. KIMBALL. Or January?

Miss FLORES. January, yes, but December I did not leave New York.

Mr. KIMBALL. Could you tell me where you went in January?

Miss FLORES. Well, if it is important to this hearing, but I don't know if you are concerned with that. Are you?

Mr. KIMBALL. I think we might be.

Miss FLORES. Why, may I ask?

Mr. KIMBALL. If it has no materiality after you give the answer I am perfectly willing to drop it.

Miss FLORES. Must I answer it?

Mr. PREWITT. What is the question?

Miss FLORES. You are concerned with the time at Fort Dix, or you are concerned with what? I don't understand.

Senator MUNDT. The question was where she had gone in January, that is the question.

Mr. KIMBALL. That is right.

Miss FLORES. When in January?

Mr. KIMBALL. Any time in January.

Mr. PREWITT. Unless you have some particular objection to answering, I would suggest that you do.

Miss FLORES. I can't remember where I went in January. I really don't. I am sorry. I would state it to you, but I don't remember.

Mr. KIMBALL. Did you go back to California?

Miss FLORES. No.

Mr. KIMBALL. Florida?

Miss FLORES. I go to California once a year.

Mr. KIMBALL. Yes.

Miss FLORES. No. I didn't go to Florida. Greenwich and places around New York.

Mr. KIMBALL. You did go somewhere in January?

Miss FLORES. I went to Greenwich. If that is what you mean. I am in the country all the time.

Mr. KIMBALL. I am more interested in any extended stay.

Miss FLORES. No, I haven't made any extended stays.

Mr. KIMBALL. Can you answer this: Did you go to Florida at all in January?

Miss FLORES. No, I did not.

Mr. KIMBALL. Or February?

Miss FLORES. No, I did not.

Mr. KIMBALL. You mentioned that you dined several times with Mr. Schine. I am not trying to put words in your mouth. You did say that you dined with him in New York?

Miss FLORES. On one or two occasions.

Mr. KIMBALL. I believe you said where you dined. Will you tell us where that was again?

Miss FLORES. At the Pen and Pencil.

Mr. KIMBALL. Where is that located?

Miss FLORES. I don't know exactly.

Senator MUNDT. You will be able to ascertain that from the directory.

Miss FLORES. I don't know where it is.

Mr. KIMBALL. Is it a night club or restaurant?

Miss FLORES. It is a restaurant.

Mr. KIMBALL. Do you recall on that occasion whether anyone else was present? You may have answered this before.

Miss FLORES. I don't recall.

Mr. KIMBALL. Do you recall when you were there as far as time of day?

Miss FLORES. It was late.

Mr. KIMBALL. Was that the occasion when Mr. Schine called you at a late hour, if you remember?

Miss FLORES. I don't remember. It was pretty late.

Mr. KIMBALL. By late—

Miss FLORES. Late for me because I usually have made engagements two or three days in advance. I hate anybody to call me at the last minute. I consider it late, but I just didn't have any plans.

Mr. KIMBALL. Would eleven o'clock be appropriate?

Miss FLORES. I don't know. I don't think so.

Mr. KIMBALL. Would you regard that as late for you?

Miss FLORES. I don't regard anything as late.

Mr. KIMBALL. I mean just previously you said it was late for you. I am just trying to find out approximately the time.

Miss FLORES. Late? It depended. I suppose people would regard it late. I don't regard anything as late. It depended on how I felt. If I want to go out I will go out.

Mr. KIMBALL. On those particular occasions you regard it as late?

Miss FLORES. Yes.

Mr. KIMBALL. Now, could you tell me why you regarded it as late? Were you tired or did you have a busy day scheduled the next day, or what?

Miss FLORES. Yes, I always have a busy day. I have lots of thing to do. I always have busy days. I regard it as late, I don't know why I regard it as late. I suppose because if people are working then they can make an engagement very early. But Mr. Schine said he had committee meetings and that he couldn't make it sooner. So that is why I regard it as late I suppose.

Mr. KIMBALL. Do you work Sundays?

Miss FLORES. No, sometimes. I don't make it a habit to work any day.

Mr. KIMBALL. Would it be safe to say, then, that this would not be a Saturday night?

Miss FLORES. I don't know when it could have been. I don't really remember when it might have been.

Mr. KIMBALL. Your telephone is—what is your telephone number?

Miss FLORES. Rhienlander 4-5984. Sometimes I work Sundays. I sketch a great deal and I am working on this plastic bra and sometimes I like to work a couple of hours. It depends on how I feel. I work in a very strange way. Most of my work is ideas and putting them down. I just have different hours of working.

Mr. KIMBALL. I think that is all.

Senator MUNDT. Do you have anything further, Mr. Prewitt?

Mr. PREWITT. No.

Senator MUNDT. Is there anything else you want to say, Miss Flores?

Miss FLORES. No. I have said it.

Senator MUNDT. Thank you very much.

That is all.

[Thereupon, at 12:35 p.m., the hearing was adjourned.]

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

[EDITOR'S NOTE.—James B. Reston (1909–1995), correspondent, columnist, and Washington bureau chief for the *New York Times* (1953–1964), described Senator McCarthy's investigative and public relations techniques in his memoir, *Deadline* (Random House, 1991), as "desperately bold and cunning." The senator, he wrote, "knew that big lies produced big headlines. He also knew that most newspapers would print almost any outrageous charge a United States senator made in public, provided he put his name on it." As bureau chief, Reston assigned *Times* reporters to cover McCarthy "day by day and keep a careful record on him, being sure to report anything he said that was new but to avoid repeating his undocumented charges." Reston himself wrote numerous news dispatches and analyses regarding Senator McCarthy. Reston did not testify at a public hearing.]

WEDNESDAY, MAY 5, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 4:50 p.m., pursuant to recess, in room 248, Senate Office Building, Senator Karl E. Mundt presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota.

Also Present: Thomas R. Prewitt, assistant counsel; James N. Juliana, investigator; and Roy M. Cohn, chief counsel.

Senator MUNDT. We will come to order.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RESTON. I do.

TESTIMONY OF JAMES B. RESTON

Senator MUNDT. Let the record show that Tom Prewitt, Jim Reston, Roy Cohn and Jim Juliana are in the room.

Mr. PREWITT. Will you state your name, please?

Mr. RESTON. James B. Reston.

Mr. PREWITT. You are a reporter for the *New York Times*, is that correct?

Mr. RESTON. That is right.

Mr. PREWITT. Have you had time to refresh your memory from reading a photostat of your paper dated February 26 and containing an article purportedly written by you?⁷

Mr. RESTON. I have, sir, yes, sir.

Mr. PREWITT. You also refreshed your recollection by referring to a portion of your paper dated May 4, containing an article by Mr. Arthur Krock?⁸

Mr. RESTON. I have, sir.

Mr. PREWITT. We have called you in, Mr. Reston, because of Mr. Krock's article in particular, because it called attention to an alleged discrepancy in the statement of Mr. Stevens. We are particularly interested in Secretary Stevens' statement to the effect that on the night of February twenty-fourth last, after Mr. Stevens had consulted with certain Republican members of this committee, that he did not talk to Mr. Hensel. Your article indicates that he did. Will you tell us the source of your information and elaborate in any way you see fit to clear us up on that point?

Mr. RESTON. Well, I will tell you what I know about the incident. I will not tell you the source of my information.

Senator MUNDT. You will not be asked to.

Mr. COHN. I certainly won't ask you.

Mr. PREWITT. I will strike that from my question.

Mr. RESTON. Would you want us to go ahead?

Mr. PREWITT. Yes, sir. Just tell it.

Mr. RESTON. Well, the facts as I remember them are precisely as reported in that particular article in the *Times*. I was naturally trying to put together a chronological story of what had taken place before and after the secretary of the army came to the Hill, and I talked to some of the people on the Hill and some of the people at the Pentagon about what took place.

I was told that Mr. Hensel had a meeting just before lunch. That is before the day of the famous memorandum of understanding; that the purpose of that first meeting was for Mr. Hensel to discuss with the secretary of the army the type of questions that the secretary of the army might be asked it, as we then thought, the television hearings were going to go on. I was told secondly that after about half an hour of discussion of the subject, the secretary of the army excused himself and said he had another date, and left the room.

⁷In a front-page story in the *New York Times*, February 26, 1954, Reston had reported that before attending a luncheon with members of the subcommittee, Army Secretary Robert Stevens had met with H. Struve Hensel, general counsel to the army, to review the types of questions he would likely be asked at the televised hearing the next day. When Stevens returned from the Capitol, he met Pentagon officials, including Hensel, to report that the hearing had been canceled after the luncheon group drafted a "Memorandum of Agreement." When the group advised him that the press saw the memorandum as a surrender, Stevens issued a public denial and the agreement collapsed.

⁸In his *New York Times* column on May 4, 1954, Arthur Krock noted that in testimony about his movements on the day of the luncheon, Stevens had said: "As a matter of fact, I went back to the office and then I went home. And I don't think I saw anybody, except some of my own staff that afternoon after I got back from this meeting." Krock pointed out that this assertion clashed with Reston's dispatch describing Stevens' meeting with H. Struve Hensel, Gen. Ridgway, and other high-level officials, and he added: "Not included in the dispatch was an answer made to the reporter by a member of the group when asked why he had not advised Stevens that the statement to which he agreed would be taken as a surrender. It was a reference to the old story that, if Casey had already had his drink, there was no point in whether his credit for it was good. Compared with this dispatch, which was never contradicted, Stevens' answer today suggests at least very faulty recollection."

I was given the impression that Hensel did not know where he was going, where the secretary of the army was going, indeed that the secretary of the army did not tell him where he was going, but that Hensel then found out later that the secretary of the army had come up here to have luncheon with some of the senators.

Mr. COHN. Do you mean by later, before he returned?

Mr. RESTON. Yes. Yes. I don't know how Hensel got back into the secretary's office, but I was told that after the meeting there were gathered in the secretary of the army's office several persons, including Mr. Hensel, I believe Mr. Kyes, the chief of staff of the army, Mr. Ridgway, and I believe the assistant secretary of defense, Mr. Seaton. I was then told that the secretary of the army reported to this group what happened on the Hill and had given them the impression that he was satisfied with the results of that meeting.

I was also told, however, that one of the men in the meeting sat there with a copy of the ticker which carried the text of the meeting, the text that was put out by the senators and by the secretary of the army. And there was in the mind of the man who had the text, in his opinion this was a very damaging communique from the secretary of the army's point of view, and quite at variance with the interpretation which the—

Mr. COHN. Do you know who that was?

Mr. RESTON. Yes. It was Hensel. It was Hensel.

I then was told that—I asked the question as to whether or not anything had been said to Mr. Stevens about the interpretation he was putting on the communique and the interpretation which Hensel had himself of what the communique meant. I was told that nobody in that meeting mentioned, the discrepancy at all. And I asked why this question had not been raised, why it had not been argued out right there, and the response was to tell me the story not of Casey's drinks, as I remember the story it is Finnegan's drinks. Do you know the story about Finnegan?

Mr. COHN. No.

Mr. RESTON. It is the story of Finnegan being down below the bar, full of booze. Off the record.

[Discussion off the record.]

Mr. RESTON. That was the answer to give to me. In other words, why raise it, it was over, there was nothing to do; therefore, why go into the question of Hensel's interpretation versus the secretary of the army's.

I think the only other germane point was that as I remember the story, the secretary of the army said he had got what he wanted, namely, that he had defended the integrity of the army; and that General Ridgway, at that point, rose and walked over to him, and shook his hand and thanked him for this fight he had made on behalf of the army.

Then the only other thing I know about is that I believe there was another meeting then held in which Hensel, the secretary, a deputy under-secretary, Mr. Kyes and Seaton got together to decide what they would do about this.

Mr. COHN. Mr. Reston, did you, on that occasion, hear any discussion about this so-called Schine incident?

Mr. RESTON. No.

Mr. COHN. You had not heard about it at all at that time?

Mr. RESTON. I had heard about the Schine incident. We were chasing the story separately. But I heard nothing about the Schine incident.

Mr. COHN. When did you first hear that that incident was going to be incorporated in a report to be released, if you can give that to us.

Mr. RESTON. I don't know, but not to be released—I don't know. I knew about the preparation of the report some days ahead of time, before it finally came out. As a matter of fact, I had been queried from New York about reports up there, that there was a detailed report being made.

Mr. COHN. About how long before it came out, would you estimate?

Mr. RESTON. I would say at least two weeks. Because I remember feeling—I remember being a little upset. I did at that time talk to Elie Abel, who was on the Pentagon force, and I mentioned it to Bill Lawrence at the time, and I remember feeling that we had not been as vigilant as we might have been in chasing the story, until finally on the night that the thing began breaking loose all over the town.

Mr. COHN. Now, Mr. Reston, would you consider your source on the fact that Hensel was in Stevens' office on Stevens' return and that they discussed this meeting a reliable source?

Mr. RESTON. Yes, sure.

Mr. COHN. A highly reliable source?

Mr. RESTON. Yes. I have no doubt about that. I have no doubt whatsoever as to the source or I wouldn't have published the information.

Mr. COHN. Very good, sir.

Jim, can you think of anything which I have not covered with Mr. Reston?

Mr. JULIANA. No.

Mr. COHN. Tom, have we about covered it?

Mr. PREWITT. I think so. Have you any questions, Senator?

Senator MUNDT. Several people had sent me the Krock article.

Mr. COHN. Off the record.

[Discussion off the record.]

Senator MUNDT. On the record. Thank you very much, Mr. Reston.

[Whereupon, at 5:12 p.m., the committee recessed subject to the call of the chair.]

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

[EDITOR'S NOTE.—On February 24, 1954, Secretary of the Army Robert Stevens attended a luncheon at the Capitol office of Senator Everett Dirksen, together with Senators Dirksen, McCarthy, Mundt, and Potter. At the end of the two-hour lunch, at which fried chicken was served, Senator Mundt typed a memorandum of agreement by which Secretary Stevens agreed to permit Gen. Ralph Zwicker to testify and provide the subcommittee with the names of those responsible for the promotion and honorable discharge of Irving Peress. The agreement, which made no reference to Stevens' demand for courteous treatment of witnesses, was then released to the press. After Stevens left, Senator McCarthy boasted to waiting reporters that the army secretary could not have surrendered more if he had crawled on his hands and knees. That afternoon and the next day, newspapers uniformly portrayed the "chicken luncheon" as a surrender on Stevens' part. Stunned by that interpretation, Stevens announced at a press conference that he would "never accede to the abuse of army personnel under any circumstances, including committee hearings."

Frederick A. Seaton (1909–1974), a Nebraska newspaper publisher, had been appointed as a Republican to fill a vacant Senate seat from Nebraska in 1951, but did not stand for reelection in 1952. During the Eisenhower administration he served as assistant secretary of defense, 1953–1955; assistant to the president, 1955–1956; and secretary of the interior, 1956–1961, and was regarded as an able troubleshooter for the White House.]

THURSDAY, MAY 6, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 10:10 a.m., pursuant to notice, in room 248, Senate Office Building, Senator Karl E. Mundt presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota.

Also present: Thomas R. Prewitt, assistant counsel; James N. Juliana, investigator; Roy M. Cohn, chief counsel.

Senator MUNDT. We will be in order.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SEATON. I do.

Senator MUNDT. Off the record.

[Discussion off the record.]

Senator MUNDT. You may proceed with your hearing.

TESTIMONY OF FRED A. SEATON

Mr. PREWITT. State your name.

Mr. SEATON. Fred Seaton.

Mr. PREWITT. Mr. Seaton, you are assistant secretary of defense?

Mr. SEATON. That is right; one of them.

Mr. PREWITT. I will direct myself to the date February 25, 1954, Mr. Seaton, and I will ask you if you are familiar with the fact that on that date Mr. Secretary Stevens conferred with certain Republican members of this subcommittee, including Senator Joseph R. McCarthy?

Mr. SEATON. Yes, I believe that is right. That was, as I recall it, the date of the meeting that he had over here with Senator Mundt and others.

Mr. PREWITT. Yes. After which, I believe, a memorandum which is now known as—what is it, Roy?

Mr. COHN. Variously known as the memorandum of understanding, or memorandum of misunderstanding.

Senator MUNDT. We prefer the first name, memorandum of understanding.

Mr. PREWITT. Mr. Secretary, after that conference, did you meet with Secretary Stevens?

Mr. SEATON. Yes. As I recall it, I got a telephone call through the girls in the office around 4:30 that afternoon, and was told that a meeting was in progress in Secretary Stevens' office, and would I please come down.

I got there some minutes later, I think there was a little delay because of someone in the office, and when I got to Secretary Stevens' office there was a meeting in progress.

Mr. PREWITT. Tell us who else was present.

Mr. SEATON. There was quite a number of military people there, all of whom of course, I can't remember, and Mr. [Roger M.] Kyes, who was the deputy secretary of defense at the time, and Mr. Hensel. They were both there when I got there.

Mr. PREWITT. That is Mr. Struve Hensel?

Mr. SEATON. That is correct.

Mr. PREWITT. Now, will you state, in a general sort of way first, what, if anything, was discussed among the various persons there present?

Mr. SEATON. Well, at the time I arrived, the secretary of the army was discussing or describing the so-called memorandum of understanding, and as I remember it he expressed the opinion that this memorandum had achieved the purposes of proper treatment of army witnesses, military witnesses, whichever the case may be. And as I said, he had already been talking by the time I got there, and he talked for some minutes after I got there, and, subsequently, the meeting was over and it broke up and I started out of the door.

Some aide, whose name I no longer remember, came to me and said the secretary would like to see me, if I would stay. I went back. There was Mr. Kyes, Mr. Hensel, Mr. Stevens and myself, and there may have been some of the aides present. I don't remember that. It was a very short discussion about the memorandum. But that time, someone brought in some material off of the news ticker, the newspaper reports of it, and there was a short discus-

sion about the congressional and public reaction to it. I don't think it took more than five minutes or something like that. The three of us then, Kyes, Hensel and myself, walked back to our offices.

Mr. PREWITT. Approximately how long were you in the company of Mr. Stevens and Mr. Hensel?

Mr. SEATON. Do you mean the entire time, including the time when all the military officers were in the room?

Mr. PREWITT. Yes.

Mr. SEATON. I would guess that would be somewhere around a half-hour. That is a sheer guess.

Mr. PREWITT. Was Mr. Hensel present in Secretary Stevens' office when you arrived there?

Mr. SEATON. Yes, he was, in company with a great many others.

Mr. PREWITT. Was there any discussion about Mr. David Schine or Private Schine in your presence?

Mr. SEATON. No, sir.

Mr. PREWITT. Was any mention made by Mr. Hensel or by any other person at that meeting concerning the issuance of an army report?

Mr. SEATON. No, not so far as I remember.

Mr. PREWITT. That is, derogatory to Senator McCarthy or any member of his staff.

Mr. SEATON. No, not to the best of my memory. The conversation, if I may volunteer this, all that I remember was about this so-called Zwicker incident, you see. And that sort of thing.

Senator MUNDT. I would like to ask about one part of it, more or less to satisfy my own personal curiosity, Fred, because I had a lot to do with that luncheon. I have the memo of understanding which I had typed, as Bob said on the stand the other day. I just wondered what in the dickens could have happened, because when he left there, he certainly left there in the friendliest of moods, and we had all the difficulties patched up, and we had a big area of understanding both on the record and off the record. The memo of understanding had incorporated a meeting of the minds and had been read by him very carefully, changed a part at his suggestion, and a part at ours.

A memorandum is not always a complete report of anybody's thinking. When the clouds opened up and the hailstones started coming down, I could never understand what in the dickens could have happened down at your shop. I was wondering at this meeting if it was suddenly decided to tear that memorandum into shreds and come out swinging or what in the world did happen.

Mr. SEATON. No, there was no discussion of it in that way, Senator. The only thing that I remember about it, these early press reports took a very dim view of it, you see—

Senator MUNDT. That is what I was going to ask you about.

Mr. SEATON. But there was no material discussion about them, no decision was reached, or anything else. As I understand it, Mr. Stevens left either when Kyes, Hensel and I left his office or very shortly afterwards. The three of us walked down the hall, Kyes went into his office, Hensel into his, and I went into mine.

Senator MUNDT. Looking from outside the Pentagon, through its heavy walls, see if this is what happened, in your opinion, because it is my opinion. When Stevens went down there, reported that this

was a perfectly legitimate memorandum of understanding, that we had accomplished the purpose of the meeting——

Mr. SEATON. That is my understanding.

Senator MUNDT [continuing]. The thing was triggered off by newspaper comments who waited a long time because the left-wing press didn't seem to know how to play this, they were very late getting it on the wires, and finally by concert it appeared to me, they said this is a gross capitulation on the part of the secretary, he has surrendered everything, he came up there and lost everything. They took that general attitude in reporting it. I just wondered if it wasn't the reaction of the newspaper boys rather than the reaction of those in the memorandum of understanding that caused him to say the memorandum is off and the war is on.

Mr. SEATON. I don't know about that, Senator, because you are talking about something that happened in Stevens' mind. It is true that the press reports that I saw immediately were altered and gave an unfavorable view of it.

Senator MUNDT. But prior to the receipt of those, however, he was talking in support of the memorandum of understanding, was he not?

Mr. SEATON. Yes. I would imagine you would call it support. He was explaining he thought it was a satisfactory conclusion. Of course, I didn't know there was a meeting being held or anything else, that is, either in your office or in Stevens' office.

Senator MUNDT. It was in Dirksen's office.

Mr. SEATON. I mean the meeting that you and the other senators attended, I didn't know that was taking place, and I didn't know this meeting in Stevens' office that afternoon was taking place until I was called. I was the last man there.

Senator MUNDT. I wanted you to confirm or deny it, and all I wanted is the truth, that he was talking about it in terms of being a satisfactory settlement until the newspaper boys started coming in, and at that point he changed, very understandably, I suppose, because the press was playing it in such a way that he was capitulating. Now, is that the best of your knowledge?

Mr. SEATON. Well, I can hardly call it knowledge. That is the best of my assumption.

Senator MUNDT. Your observations, we will say.

Mr. SEATON. Yes.

Senator MUNDT. Go ahead.

Mr. COHN. Mr. Hensel has said in his specifications here that he heard there was discussion about the Schine matter on February 24. Were you present at any such discussion, at any time when there was any mention of that made?

Mr. SEATON. No, I certainly don't recall it, Roy.

Mr. COHN. And when did you first learn that this report was in the works? This report charging improper means on my part and on the part of Senator McCarthy concerning Schine?

Mr. SEATON. Well, I can't exactly pinpoint it. The first knowledge that I had that any report existed, the best of my memory would be the weekend around March 1, or something, if that is a weekend.

Mr. COHN. From whom did you get that knowledge, Mr. Seaton?

Mr. SEATON. I believe——

Mr. COHN. If you don't want to put anything on the record—

Mr. SEATON. I don't have any clear memory of that. I might be able to check back and see.

Mr. COHN. Whose idea was it to keep this report?

Mr. SEATON. Well, to the best of my knowledge, it was Mr. Adams, John Adams' idea. Of course, I frankly don't know very much about it and what I do know is hearsay.

Mr. COHN. Whose idea was it to issue the report?

Mr. SEATON. Well, let me see. At Mr. Wilson's press conference, which was in the week prior to the time of the issuance of the report, some reporter asked him pinpoint blank that if any senator asked he, Mr. Wilson, for information concerning these allegations which had been made about Dave Schine, you, and others, would the secretary see to it the information was furnished and he said yes. Then Senator Potter subsequently wrote a letter to the secretary, the contents of which I don't remember at the moment, but it had to do with that general subject, and a report was then sent to Senator Potter.

Mr. COHN. I want to come back to that in a minute, Mr. Seaton, but I want to ask you this: You recall Senator McCarthy telephoned you the day that report was sent over to him?

Mr. SEATON. Yes.

Mr. COHN. And asked you, sir, to see that it was held up in fairness to all concerned so that the other side of the story could be told at the same time.

Mr. SEATON. That is right.

Mr. COHN. Then I think you told him that it was out of your control and it was up to the army, and they were not willing to have it held up. Is that accurate?

Mr. SEATON. I don't think I used that phrase. I do remember saying to the senator that it was beyond my control, that requests were in for it. He asked me if I would transmit to the army his desire that his side of the story go in the report, and I told him I would, which I did.

Mr. COHN. To whom in the army did you transmit that?

Mr. SEATON. Well, I don't remember specifically.

Mr. COHN. Who would it be, I mean one of two or three people, Stevens, Adams—

Mr. SEATON. Well, it might have been John Adams. It may be that I could recall that. I might have a note on that, I don't know, Roy. I really don't know. I think I did say to the senator, half seriously and half facetiously, that to the best of my knowledge no senator had asked for Senator McCarthy's report, they had asked for the army's report, but I was going to pass it. Then he wanted to know if I would undertake to notify him when the report went to the Hill, and I said, "Now, that is a request that I can comply with," and I did. I had a little trouble getting to him, as you may remember.

Mr. COHN. This account you gave, Mr. Seaton, about Senator Potter's letter and the receipt of that, don't you have knowledge, sir, that the issuance of this report was planned well in advance of Senator Potter's letter, and I think as Senator Potter has explained publicly that letter was merely written to see that the Republicans on the committee, subcommittee, got the report before

the warning to send it over to the Democrats, to various members including Democrats, had been carried out by the army.

Mr. SEATON. I know this: I know that certain senators on the Hill had written requests to the army prior to that time, asking for information about these allegations. I know that, and I know that the letters were acknowledged and they were promised a report when it was ready, because I have seen that file there sometime past. I do know that under Mr. Hensel's direction, the chronological report was prepared, but I do not know, sir, that Mr. Hensel had anything to do with the report in its genesis. I am certain he didn't.

Mr. COHN. When did Mr. Hensel begin preparation of the report?

Mr. SEATON. It would have been sometime after that date or dates around March 1, because it was at that time that he told me that there was in existence a memorandum or a file of memoranda which Mr. Adams had prepared, and sometime after that he showed us a copy of it. Whether it was on that day or a day or two later, I don't know. As far as I know, that is the first time Mr. Hensel knew anything about the report.

Mr. COHN. Who is this Mr. Brown of Mr. Hensel's office who, according to Stevens, prepared this report?

Mr. SEATON. He is one of Mr. Hensel's staff.

Mr. COHN. What is his full name, do you know, his first name?

Mr. SEATON. I believe it is Frank.

Mr. COHN. I might ask you this, too, so I cover everything and will not have to call you back. Does the secretary of defense sanction monitoring of telephone calls without notifying the party on the other end?

Mr. SEATON. Well, not to my knowledge, no, sir.

Mr. COHN. Sir, is there not a directive from Mr. Wilson?

Mr. SEATON. He did issue a recent directive, a copy of which was requested by Senator McCarthy's office; my office provided it and it was sent over. So far as I know that is the only directive Mr. Wilson has ever issued on the subject.

Mr. COHN. As far as you know, he has not authorized the monitoring of telephone calls of United States senators without notifying them that there is someone on the line taking it down?

Mr. SEATON. Not so far as I know.

Mr. COHN. Is that done in your office or in Mr. Wilson's office?

Mr. SEATON. No, sir.

Mr. COHN. It is not?

Mr. SEATON. No, sir.

Mr. COHN. Do you know whether or not Mr. Adams followed that practice?

Mr. SEATON. No, I do not.

Mr. COHN. Would he have authority to do so? Well, I will withdraw that. That is not fair. Off the record.

[Discussion off the record.]

Mr. COHN. Did you ever hear any discussion in the Defense Department or particularly with Mr. Stevens or Mr. Adams, or Mr. Hensel, or any of them, concerning the fact that the issuance of this report would result in discrediting Senator McCarthy?

Mr. SEATON. No, I can't say that I did, Roy.

Mr. COHN. Why were they getting out this report, Fred? They weren't doing it—

Mr. SEATON. Are you talking now with reference to the report which was sent to the Hill?

Mr. COHN. That is right. You and I both know—

Mr. SEATON. My understanding is that was gotten out in order to satisfy the request from members of Congress who had demanded the report.

Mr. COHN. Well, now, do you have any knowledge of the fact that any of those demands were made in conjunction with Mr. Stevens and Mr. Adams prior knowledge as an avenue of getting out publicly this report?

Mr. SEATON. No, I don't recall any. I am thinking now about a conversation I had with one member of the Senate, who asked me what I knew about the report. That was sometime in February, and I told him I knew nothing about the report, which I didn't. And he went on to say that he understood he was to get a copy of the report. He is one of the senators, incidentally, whose letter was in the file, which I asked the army to furnish me as to the number of requests that they had gotten. But I don't remember any of that.

Mr. COHN. About how many requests have they gotten, by the way?

Mr. SEATON. Well, to the best of my memory, it was some place between fifteen and ten.

Mr. COHN. How many of those requests had been made on the solicitation of Mr. Stevens, Mr. Adams or anyone from the army?

Mr. SEATON. I wouldn't know any that were, but I know nothing about that, Roy.

Mr. COHN. I can't think of anything else at the moment, Tom.

Mr. PREWITT. Do you have any other questions?

Senator MUNDT. No, I think not. I was interested primarily when I found you were going to be a witness, to find out whatever happened to the memo of understanding, which provided peace for a few sweet hours.

[Whereupon, at 10:29 a.m., the committee was recessed subject to the call of the chairman.]

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

[EDITOR'S NOTE.—John E. Pernice did not testify at a public hearing.]

THURSDAY, MAY 27, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 5:50 p.m., pursuant to call, in room 248 Senate office Building, Senator Karl E. Mundt, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota.

Also present: Thomas R. Prewitt, assistant counsel; Roy M. Cohn, chief counsel; Francis P. Carr, staff director.

Senator MUNDT. The hearing will be in order.

Mr. COHN. I had better make a brief explanation here.

We have Mr. Alesandrini and Mr. Pernice here. We just want to ask them a few questions about the charts, I had communicated with the office and asked them to call Tom, here, and say that we wanted Mr. Pernice, who is a lawyer over in the army, to come in, and we were going to get him in for tomorrow, but we find he is here representing Mr. Alesandrini.

I think if it is all right with Mr. Pernice I have very few questions to ask Mr. Pernice. They are about General Lawton.

Senator MUNDT. Will you stand and be sworn, please.

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

Mr. PERNICE. I do.

**TESTIMONY OF JOHN E. PERNICE, CHIEF, LEGAL DIVISION,
OFFICE OF THE CHIEF SIGNAL OFFICER**

Mr. PREWITT. Mr. Cohn will have to question him.

Mr. COHN. What is your title, Mr. Pernice?

Mr. PERNICE. I am chief of the legal division, office of the Chief Signal Officer.

Mr. COHN. Do you know General Lawton?

Mr. PERNICE. I do.

Mr. COHN. Was there ever a time in October or November or December of 1953 that you communicated with General Lawton?

Mr. PERNICE. During those three months I communicated with him quite frequently in that I was in one sense liaison between the department counselor's office through the Office of the Chief Signal Officer to General Lawton at Fort Monmouth.

Mr. COHN. Mr. Pernice, the committee has information—not quite definitely information—that there was a time first of all in October, I believe, when you communicated with General Lawton that it might be better if he did not attend the subcommittee hearings in New York. Is that correct, sir? In October or—

Mr. PERNICE. The concept that you state comes to my recollection. I can't recall specifically the time that I did it or whether it was said in a casual vein or whether it was—I do recollect something along those lines. I would have to sit back and think.

Mr. COHN. Who would have told you to say that to General Lawton? Obviously this wasn't your decision.

Mr. PERNICE. No.

Mr. COHN. Who would have given you that instruction?

Mr. PERNICE. It was not a decision of ours. When I say ours, I mean the Office of the Chief Signal Officer. I must have gotten a feeling transmitted by contact with the office of the department counselor.

Mr. COHN. Mr. John G. Adams?

Mr. PERNICE. That is correct.

Mr. COHN. Did you talk to General Lawton on the phone about this or in person? Do you recall?

Mr. PERNICE. No, I am sorry, I can't say that I recall. It was either on the phone or obviously in person.

Mr. COHN. Mr. Adams was not happy with General Lawton, is that a fair statement?

I don't want to be unfair. I realize your position.

Mr. PERNICE. Off the record.

Mr. COHN. Off the record any time you want to. [Discussion off the record.]

Mr. COHN. Mr. Pernice I am just going to sum up.

Mr. Pernice, you were sort of a liaison between Mr. John G. Adams, the department counselor, and General Lawton, the commanding general at Fort Monmouth, is that correct?

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

Mr. COHN. Did there come a time when from conversations with Mr. Adams you sensed some displeasure on his part with General Lawton, and if so, when was that time?

Mr. PERNICE. I won't term it displeasure with him. I didn't see any evidence of displeasure. There were times when Mr. Adams questioned whether suspensions were being taken too hastily or whether they were taken in proper due course, with proper consideration being given to all the factors involved in each case.

Mr. COHN. Did you transmit these questions raised by Mr. Adams to General Lawton?

Mr. PERNICE. I did, sir.

Senator MUNDT. About what time was that?

Mr. PERNICE. That was in the area of the latter part of October or the early part of November.

Senator MUNDT. 1953?

Mr. PERNICE. 1953.

Mr. COHN. Did you get the further sense from talking with Mr. Adams that he would be just as well pleased if General Lawton would no longer attend personally sessions of the Senate subcommittee investigating Fort Monmouth?

Mr. PERNICE. I got that sense, sir, and I felt that as it was conveyed to me the reason for the desire—rather, the thought that the post commander should not personally attend these hearings every day was that the hearings had gone on for some period of time and that the probability was that he could learn as much of what was going on at the hearings from reading the record.

Mr. COHN. Sir, if he were not at the hearing of course he couldn't submit questions, could he, to be asked the witnesses?

Mr. PERNICE. No, he could not.

Mr. COHN. And he could not have the benefit of observing the witnesses, the demeanor of the witnesses?

Mr. PERNICE. No, he could not.

Mr. COHN. Did you transmit to General Lawton the sense that you would obtain from John Adams that it would be pleasing to Mr. John Adams if General Lawton no longer attended the sessions of the subcommittee?

Mr. PERNICE. I conveyed the thought that he would probably get as much from the hearings if he read the record as it was printed and that since undoubtedly he had many other duties he might just as well be back at the post performing his other duties.

Mr. COHN. Did Mr. Adams suggest any duty which might be more important than getting security risks out of the radar laboratory?

Mr. PERNICE. No, he did not.

Mr. COHN. Did you know of any that were more important than that?

Mr. PERNICE. I would say that that is one of the most important, but there are other very important missions and functions performed by a post commander.

Mr. COHN. Had you ever served under General Lawton yourself?

Mr. PERNICE. I have, sir.

Mr. COHN. For how long?

Mr. PERNICE. Approximately four years.

Mr. COHN. Did Mr. Adams ever ask you your opinion of General Lawton?

Mr. PERNICE. He did.

Mr. COHN. Did you give it to him?

Mr. PERNICE. I did.

Mr. COHN. Will you give it to us now as you gave it to him?

Mr. PERNICE. In so far as subordinate can pass judgment on his superior, I feel that he is a very fine officer and is most loyal and performs all of his duties in a most efficient manner.

Mr. COHN. Off the record. [Discussion off the record.]

Mr. COHN. Mr. Pernice, did you get from Mr. Adams at any point the sense, or however you would want to term it, that Mr. Adams would be just as happy if our committee stopped its investigation and left it to the army?

Mr. PERNICE. Yes, I must conclude that I did gather that feeling.

Mr. COHN. About when?

Mr. PERNICE. In the latter part of October of 1953.

Mr. COHN. That is all around this same period, right?

Mr. PERNICE. That is when my memory tells. I would have to sit back and reflect on that, but it is all around that same time. That as far as Mr. Adams could see from his attendance, not too much now was being developed and the army could undoubtedly handle the problem if given time.

Mr. COHN. Did you think as a personal proposition in his capacity as department counselor that Mr. Adams was pleased with the fact that the subcommittee was conducting this investigation? I will withdraw that.

[Off the record.]

Mr. COHN. Mr. Pernice, did there ever come to your attention the fact that Mr. Stevens was considering relieving General Lawton of his command?

Mr. PERNICE. Yes.

Mr. COHN. From whom?

Mr. PERNICE. From General Back.

Mr. COHN. General Back is the chief signal officer?

Mr. PERNICE. Yes, sir.

Mr. COHN. Did General Back tell you that Mr. Stevens had sent for General Back and from a paper in Mr. Stevens' hand had read to General Back certain things purportedly said by General Lawton at Fort Monmouth which disturbed the secretary?

Mr. PERNICE. That is correct.

Mr. COHN. One of these things dealt with universities?

Mr. PERNICE. Yes.

Mr. COHN. Did one of them deal with McCarthy in some way?

Mr. PERNICE. I believe it did.

[Discussion off the record.]

Mr. PREWITT. As I understand it, you acted as liaison between Mr. Adams and General Lawton and you went to General Lawton and suggested to him that he not attend the meetings of the McCarthy committee investigation, but that he merely read the record?

Mr. PERNICE. That would be one way of keeping him apprized of what was going on at the hearings.

Mr. PREWITT. Did General Lawton get the record promptly after each day's hearings?

Mr. PERNICE. No, sir; he didn't get them that promptly. They would come in, and as fast as they were made available to us we would—they were made available to him and later a copy, a complete copy, was made available to three or four elements in the First Army area who might need them.

Mr. PREWITT. Did you suggest that to General Lawton on the request of Mr. Adams?

Mr. PERNICE. I believe I did suggest that to him. I don't know whether I was instructed. I doubt that I was instructed to do so. But as a good liaison man I pass along to the field elements that which I gathered from the Washington end.

Mr. PREWITT. As I get it, it was your purpose to prevent General Lawton from going to these public hearings?

Mr. PERNICE. Purpose is a strong word. I can't prevent General Lawton from going anywhere.

Mr. PREWITT. Wasn't that the object of your mission, your liaison activity?

Mr. PERNICE. No, sir; by no means. My mission was to act as liaison with respect to the testimony, many points—

Mr. PREWITT. I am directing it to this business of General Lawton's staying away from the hearings.

Mr. PERNICE. It was suggested that the hearings had been going on—it was suggested by Mr. Adams that the hearings had been going on for some time—

Mr. PREWITT. When was it that you went to General Lawton and suggested or advised him or whatever word you want to use, that he read the record instead of going to the hearings?

Mr. PERNICE. It was some time late in October or early November.

Mr. PREWITT. Had these hearings taken a disproportionate amount of the general's time?

Mr. PERNICE. They had been going on since the early part of October. I don't like to question what you mean by disproportionate.

Mr. PREWITT. That is all right. We will go on to something else. Is it true that Mr. Adams didn't want the general attending these hearings in person?

Mr. PERNICE. He suggested that he need not attend if he could get the same amount of information from the written record.

Mr. PREWITT. Isn't it unusual for a department counselor to be advising a major general what he should do with his time?

Mr. PERNICE. Normally, if the problem or issue were on a military matter I doubt that the department counselor would assume to have any opinion on the matter, but the department counselor was deeply involved in acting as counselor to Mr. Stevens and his functions did require close contact with the committee. He himself was there at all times, as I understand it. I don't know. I gather that he attended the hearings and represented the department. So it didn't shock me, if that is what you mean.

Frankly, I don't care who attended, but I assume—and now you are asking me to interpret Mr. Adams' complete thoughts, and they were not all made available to me—but I just assumed that since he was present and representing the department that it would not be necessary for too many other people to be sitting there doing the same thing.

So it didn't shock me at all, and I do know that General Lawton has a tremendous post and that he does have—

Mr. PREWITT. What did General Lawton say to you when you suggested that he read the record rather than go to these hearings?

Mr. PERNICE. It was his thought that he could gain, that he could learn more from being there, that he could view the witnesses and estimate their truthfulness by seeing them testify.

I believe he said he would rather be there, but we thought he shouldn't be there and I believe at that point I told him that neither Adams nor I could tell him what to do. It was merely a suggestion which, if he wished to accept, it was up to him.

Mr. PREWITT. That is all.

Mr. PERNICE. I would like to clarify one point. I was asked a question concerning indications that Adams had given me with respect to whether there were too many suspensions or whether they were being too hastily made. Since that question has been asked and elicited, and I gave my answer, I must also point out that Mr. Adams told me that as far as he and the secretary were concerned that any doubtful cases must be resolved in favor of the government and that while they wanted to do justice to individuals and wanted cases to be carefully considered and action taken without heat and pressure generated in the press, they were very mindful of the fact that if there were any security risks or if there was any doubt as to whether or not an employee was a security risk, that the doubt would be resolved in favor of the government.

Mr. COHN. Why was he complaining, then?

Mr. PERNICE. The use of the word "complain" is yours, Mr. Cohn. I will say that he did question whether or not precipitous action was being taken.

Mr. COHN. In what cases?

Mr. PERNICE. He had no specific cases. He may have mentioned some names as examples.

Mr. COHN. Do you remember if he did?

Mr. PERNICE. I remember he did.

Mr. COHN. Do you remember those names?

Mr. PERNICE. I don't remember the names.

Mr. COHN. I have nothing more.

[Discussion off the record.]

[The hearing adjourned at 6:35 p.m.]

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

[EDITOR'S NOTE.—Senator Karl Mundt opened the public hearing that followed this executive session by observing that: "Many have asked about the executive committee meeting which we had this morning. One motion was made and carried, to the effect that the transcript of the executive committee meeting on May 17 is to be typed and a copy delivered to each of the members of the committee and each of the principals and their counsel, and of the meeting today, which virtually means the people who were in attendance at the meeting of May 17. The Chair has asked the reporter, in view of the action of the committee, to write across the top of those hearings, which are for distribution to the people mentioned, 'Confidential—executive committee session—not for attribution or publication.' Those who receive it will receive it with that understanding."

Senator McCarthy had accused Assistant Secretary of Defense for International Security Affairs H. Struve Hensel (1901–1991) of having improperly organized a ship supply company while he was in charge of naval procurement during World War II. Hensel, who denied the accusation, was not called to testify in public session. He left the Defense Department and returned to private practice in 1955.]

THURSDAY, JUNE 3, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The committee met at 9:45 a.m., in room 357, Senate Office Building, Senator Karl E. Mundt presiding.

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

Also present: Joseph R. McCarthy, Republican, Wisconsin; Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; Sol Horowitz, assistant counsel.

[The opening discussion was off the record, during the course of which Senator Mundt read the following letter from H. Struve Hensel:]

ASSISTANT SECRETARY OF DEFENSE,
INTERNATIONAL SECURITY AFFAIRS,
Washington, DC, May 31, 1954.

Hon. KARL E. MUNDT,
U.S. Senate,
Washington, DC.

DEAR SENATOR MUNDT: I have seen a copy of the letter dated May 28 to you from Senator McCarthy in which he states that when he takes the stand, he will be ready and willing to answer any questions put to him with respect to what he calls the "Hensel matter." I assume by this reference that he means the charges which he made against me before this subcommittee in his answer, filed on April 20, 1954, and which were dismissed on the merits by the subcommittee on May 26, 1954 without objection by him.

I have branded as false and malicious each and every one of the charges made against me by Senator McCarthy and I repeat that statement again. This applies first to the charges that I tried to impede this subcommittee's investigation and discredit it, and that I was motivated in so doing by a desire to block a purported investigation of me by Senator McCarthy. It applies equally to the charge made with respect to my business activities in World War II, which this subcommittee and its counsel have ruled (see Record, p. 1830) is incompetent, irrelevant and immaterial in this proceeding, and as to which it has been stated that the subcommittee will not permit any testimony.

Despite the fact that the charges against me have already been dismissed, it is my earnest hope that the subcommittee will compel Senator McCarthy fully to disclose the fact that his charges against me have no foundation. If he testifies concerning them, either under direct or cross examination, I request that Mr. Frederick P. Bryan, my counsel, shall have the right to cross examine him on this subject in the interests of fairness and justice.

As stated to this subcommittee by Mr. Bryan on May 26, I am ready and willing to appear and testify as a witness at any time in this proceeding. If, after the conclusion of Senator McCarthy's testimony, this subcommittee does not again dismiss the charges against me on the ground that they are without foundation, or Senator McCarthy does not withdraw such charges with a confession of error, I demand the right to take the witness stand so that I can demonstrate under oath the falsity of such charges. I assure this subcommittee that there is nothing in the letter from the President of the United States to the Secretary of Defense (see Record, pp. 3090-92) which will prevent me from testifying as to all relevant facts.

Finally, I am advised that, at the executive session of this subcommittee held on May 17, 1954 in Room 357 of the Senate Office Building, Senator McCarthy made statements which were stenographically recorded and which indicate that there is no basis for his charges against me. I request that I be supplied with a copy of the minutes of that executive session. If for any reason, the subcommittee does not care to make public the entire proceedings of that Session, I earnestly request that I be supplied with a transcript of all remarks made by Senator McCarthy with respect to his charges against me, including the information behind, and the basis for, such charges. It is only fair that I should be entitled to at least this portion of such minutes.

Very truly yours,

H. STRUVE HENSEL.

Senator McCLELLAN. I say that any man who will permit the action taken by this committee without protest, with his attorney present, comes in with very poor grace to start anything now—period. Put it in the record.

Senator JACKSON. I join in it. He had his day in court and he was there with his counsel. He knew what was going on. I think his lawyer had a law degree.

Senator POTTER. And a big voice, too.

Senator JACKSON. He seemed to understand better than some of us what was going on.

Senator McCLELLAN. Put it in the record and give him a copy of it.

Senator MUNDT. I think at this point I should read my reply to Mr. Hensel:

JUNE 2, 1951.

Hon. H. STRUVE HENSEL,
Assistant Secretary of Defense,
Washington, DC.

DEAR MR. HENSEL: Your letter of May 31 was delivered by hand to my office yesterday morning but due to the pressure of our committee activities, I did not have an opportunity to go over it until I read it in the afternoon issue of the *Evening Star*. Since it was in the nature of a public letter, it is of course unnecessary for me to call it to the attention of the other members of the subcommittee since I am sure that they also read the news release.

The fact that our subcommittee has dismissed you as a principal in the controversy which we are now endeavoring to adjudicate does not, of course, mean that you are prohibited from appearing before us as a witness. Certainly, if sworn charges are made against you by Senator McCarthy or anybody else during the course of this investigation, your counsel will not only be given the opportunity to interrogate such witnesses, but if you so desire, you can also appear as a witness. It is my understanding, however, that none of the scheduled witnesses have in mind making any sworn charges which would involve you as an important entity in this controversy.

It was on this basis and upon the recommendation and with the concurrence of your counsel, Mr. Frederick P. Bryan, that the committee voted to dismiss you as a principal and a witness so that you could devote yourself to your important duties in the Department of Defense without the necessity of having to follow the hearings and be represented at the committee table by your counsel.

As you correctly state, the committee had previously agreed that the charges made against you which related to certain of your business activities during World War II were not an appropriate or relevant matter to be brought before our special investigating sub-committee since such charges involved factors which are in no manner connected with the specific controversy which we have been called upon to adjudicate. Consequently, we have ruled them out as irrelevant to the dispute before us.

I can well appreciate your desire to defend yourself against those charges, of course, and would respectfully suggest that if you want to correct and clarify that situation, you might appeal either to the House Committee on Government Operations or to the Senate Armed Services Committee with a request that they give you the opportunity to answer those charges in the event Senator McCarthy should elect to present them officially before such a committee. Since they are not part of the material with which we are engaged, our committee cannot appropriately pass upon them, and since Senator McCarthy, himself, is chairman of the regular Senate investigating subcommittee, it would seem that one of the two committees I have suggested could more consistently be called upon to deal with that specific problem.

I shall present your request at an executive session of our subcommittee indicating you would like to have a copy of the conversations recorded at the executive session of our subcommittee which was held in Room 357 on May 17. I do not recall from memory just what was or what was not said in your connection at that meeting, but I can assure you as one member of the subcommittee, I shall vote to make public the transcript of what transpired at that meeting. Senator McCarthy has previously requested in open session that the transcript of the executive session of May 17 should be made public and the Republican members of my subcommittee indicated at that time that they favored such action. In view of the request made by both you and Senator McCarthy, I feel confident that our Democratic colleagues will also support these requests by voting to make the transcript of this executive session public. You will understand, of course, that as chairman of the subcommittee, I do not have the authority to make the executive session conversations public unless and until I am authorized to do so by a vote of my sub-committee. You have my assurance, however, that I shall vote favorably on your request.

Cordially yours,

KARL E. MUNDT, *U.S. Senator.*

Senator McCLELLAN. Mr. Chairman, his lawyer in open hearings made a statement that was tantamount to accepting a four-to-three vote of this committee as complete vindication.

Senator MUNDT. That is right.

Senator McCLELLAN. I didn't agree with him then. I don't agree with him now. But if there is any stigma on him because of these charges and because of the action the committee took, it is there

by the acquiescence of his duly appointed counsel who was present at the hearing at which time the proceedings took place, and instead of them taking place over his protest they took place with his acquiescence and actually his urging the committee to do it.

Senator MUNDT. He plead and urged, and this was the third time it happened. It wasn't the first time.

Senator SYMINGTON. If this fellow has now gotten religion, you might say, seeing what this might do to his government service record, I think this committee ought to be willing to have him come up and deny the charges.

Senator POTTER. But the charges that are made are something that we can't take up in this committee. If I were to answer, yes, I would ask the Armed Services Committee or some other committee to give him a hearing.

Senator JACKSON. Might I add this—

Senator MUNDT. I quite agree he should go to some other committee which is involved.

Senator JACKSON. To make the record complete at this point, Mr. Chairman, Mr. Hensel was present at the hearings for several days. Subsequently his counsel appeared for him and was present at all times up to and including the time when the motion was made to dismiss Mr. Hensel and Mr. Carr. As Senator McClellan pointed out, he accepted it as complete vindication. He accepted it as a final judgment of the committee.

The only basis on which Mr. Hensel can come before this committee at this time, as I see it, is on the basis that he has some new evidence, that some new element has come in by which he can justifiably claim the right to appear. I know of no new evidence. Everything that he now requests he had full and complete knowledge of, or his counsel had that knowledge, prior to the determination by the committee by a four-to-three vote to dismiss both people.

I see no basis on which he can make claim now to appear. If there is anything new that was not known at the time when the decision was made by the committee, then on that basis and that basis alone, it seems to me, Mr. Chairman, he should make his claim.

Senator MUNDT. I would like to say that I think Senator Jackson makes a very good point, to which I would like to add—

Senator JACKSON. There comes a time when you have to end these things.

Senator MUNDT. Right. This wasn't anything new to him.

Gentlemen, we haven't very much time.

Senator SYMINGTON. I will be a minority of one on this thing.

Senator MUNDT. I had the floor, but the colloquy got so loud I couldn't continue my remarks. I would like to say I agree with Senator Jackson, there has been nothing new developed. Certainly this discussion we had in public was nothing new to Mr. Bryan, because he had participated in two previous executive sessions, and we had gone into all these various matters.

When the Dirksen matter came up, you will recall that he then said that it would be perfectly all right as far as he, as counsel, was concerned to have it dismissed. I voted with the Democrats, and we kept him in by our vote at that time. He then was willing.

Then a couple of weeks later it came up again. He was willing again, and he not only acquiesced but he urged that and he put a very vigorous and fulsome argument in its support. The chair agrees entirely with Senator McClellan's attitude that he comes now pretty late with this idea that he would like to come back as a witness. Of course, if you read the letter carefully, he doesn't say that. He says that if there are some charges made against him under oath he would like the right to counter, which of course we would give him.

Senator McCLELLAN. I would like to make this statement: I am not precluding him; and I am not precluding myself from voting for it. I am stating how I feel now. If something comes up in the course of the hearings, I might change my view.

Senator JACKSON. Mr. Chairman, may I say that the statement that I have made is not inconsistent with the point you just raised in connection with his letter, if something new comes up.

Senator MUNDT. Right.

Senator JACKSON. If a charge is made, yes.

As I understand our rules, every witness will have that right. Obviously if he wants to change his mind based on the decision of his counsel, I am against that.

Senator McCLELLAN. For the present, I want to go on with what we have.

Senator MUNDT. Did you want to say something, Senator Symington?

Senator SYMINGTON. Yes. I will be very frank, I thought his counsel was extraordinarily stupid. Sure I want it on the record. That is the way I feel.

Senator MUNDT. I think Symington almost told him that in public session.

Senator SYMINGTON. Regardless of that, if the man feels that he needs to testify now to clear himself, I think that we ought to give him a hearing. If we don't give him a hearing, inasmuch as the thing is certainly in the public, if a majority of this committee recommends that he doesn't get a hearing here, I would hope that this committee would vote to turn the whole matter over to Armed Services.

Senator MUNDT. I told him in my official letter that he has this recourse. All he has to do is ask the House Committee on Government Operations.

Senator McCARTHY. Mr. Chairman, could I have a word here?

Senator MUNDT. Just a second.

Senator McCARTHY. I would like to—I think it might be important so you know my position on this thing.

Senator SYMINGTON. May I complete what I was going to say?

Senator McCARTHY. Stu, this might change what you were going to say.

My position is that motive is extremely important here. Mr. Jenkins I think rightly advised that we could not try out the facts in the Hensel case; that we could show he was under investigation; whether or not he knew that, whether or not that motivated him. But we could not try out whether he made half a million dollars with East-West trade last year when he went to Europe, whether he falsified his passport, whether or not back in 1944—

Senator JACKSON. You want this record made public?

Senator MCCARTHY. I don't mind.

Whether or not back in 1944 he illegally made money when he was counsel for the purchasing department of the navy.

In other words, Mr. Jenkins, and I think rightly so, advised the chair that we could not go into the facts in that case. We could only prove that there was an investigation and motive.

That being the case, and the president having issued his directive, I felt Hensel could not give us his conversations with other people in the executive and I had no desire then to continue him in the case.

This had nothing to do with the accuracy of the charges. I think Senator Symington has a good point when he says this man deserves a day in court. I think he should have somebody who is completely impartial as chairman. I don't think that he would be satisfied with me as chairman.

What I intended to do, if it meets with the committee's approval when we get a meeting of our regular investigating committee, I am going to propose Senator Symington as a committee of one to investigate those charges and to hold whatever hearings he finds necessary.

Senator SYMINGTON. My answer to that is that that is very cute of you, but you are not going to put any of your hot bricks in my lap. I want that right on the record, too.

Senator JACKSON. In order to expedite—

Senator SYMINGTON. Wait a minute. I was interrupted.

Senator POTTER. I second that motion. I think that is a good one.

Senator MUNDT. Senator Symington, when are you going to have your first meeting?

Senator SYMINGTON. He suggested that I be a one-man committee to investigate aviation and I told him about the same thing then. The issues weren't quite as pointed up as they are today. Therefore I refused that, in saying he is the chief lawyer in the Pentagon, I was wrong. He used to be, but not any more. Now he is in charge of the thing Styles Bridges and I were looking at in Europe where we found American companies getting 8½ percent on cost-plus-fixed-fee contracts. I cite that to give an illustration of how serious this thing might get, if the man who is handling it for Mr. Wilson has any cloud on him. Therefore, I don't care what committee it goes to. You decide that. That is not my prerogative, and I am ignorant of those things compared to you people who have been around here longer than I have if we decide we won't give this fellow what he thinks is justice not only from his standpoint but also from the standpoint of the operation of the Pentagon building, which is taking a pretty heavy beating in the press these days, I think we ought to recommend that these charges be pursued by some other body.

Senator MCCARTHY. I think that is a good suggestion.

Senator MUNDT. I suggested that in my letter to him, as you remember.

Senator JACKSON. May I bring this to your attention, Mr. Chairman?

Mr. Chairman, I move that the transcript of May 17 be made available to Mr. Hensel. Is it the wish that the committee have it made public?

Senator MUNDT. I think it should be because everybody else is involved, too.

Senator JACKSON. I have a further motion that I want to bring up. I may want to change the language.

Senator MUNDT. May 17 and the one today.

Senator JACKSON. Let us look at it before. I want to change the motion to read subject to correction.

Senator MCCARTHY. Subject to correction.

Senator JACKSON. Subject to the right of members to make, not substantive changes but any minor corrections, minor substantive matters.

Senator MUNDT. Is there a second to the motion?

Senator DIRKSEN. Second.

Senator MUNDT. It is moved and seconded that the transcript of May 17 and the transcript of today shall be made public.

Senator JACKSON. This record and May 17 that he requested.

Senator MUNDT. You have heard the motion made by Senator Jackson.

Senator DWORSHAK. I offer an amendment, Mr. Chairman, that the minutes of all the executive committee meetings be made public.

Senator SYMINGTON. I second the motion.

Senator MUNDT. That is quite all right. It has been moved and seconded that the minutes of all executive meetings be made public.

Senator McCLELLAN. Cleaned up or go in the raw?

Senator MUNDT. I suppose subject to the same cleansing process.

Senator SYMINGTON. What do you mean by that?

Senator MUNDT. If somebody says a cuss word. I don't swear much, so it suits me all right.

Senator JACKSON. I don't care.

Senator MUNDT. Let it stand as is. It is all right with me.

All right, I will restate the motion, then: The motion now before us is that all of the executive sessions of the committee which we have held and the hearings be made public.

Senator MCCARTHY. Mr. Chairman, very quickly I would like to suggest: Number one, I can see no objection that I have to that. However, I think, Henry, that you are making a sort of blanket motion which is establishing an unusual precedent. I think that you should decide which ones are important to the public and which ones should be made public. You have motion for two particular days. I question the wisdom of a blanket motion that all executive sessions be released.

Senator McCLELLAN. I think we should withhold this motion until we get them transcribed.

Senator JACKSON. Mr. Chairman, I was going to make a motion which I think—

Senator MUNDT. Wait a minute. We have one motion before us.

Senator JACKSON. My thought is, let's dispose of these first two meetings.

Senator MUNDT. I think so.

Senator JACKSON. My next motion will be to ask the chair to have transcribed and made available to the members of the subcommittee first, so we can look at the testimony taken in executive session. I am serving as one member of this subcommittee. I don't want someone later to tell me that testimony was taken in connection with this hearing that I knew nothing about not that I may not have had an opportunity, but I just couldn't go to all these hearings.

Senator MUNDT. May the chair suggest to Senator Dworshak if he will withdraw his amendment I think that would be a much better procedure. None of us knows in the last two months exactly all the executive motions we have made. Maybe we don't want them released. We don't know.

Senator DWORSHAK. Mr. Chairman, Senator Jackson just proved my point by saying that he didn't want any proceedings of an executive session made public without having an opportunity to determine whether he was present and what took place.

Senator JACKSON. Let me invite this to your attention. You realize that there has been a lot of testimony taken, and very properly so, in the presence of the chairman in many cases alone, of witnesses who have come in.

Senator POTTER. It is not fair to them.

Senator JACKSON. No. I want to know what they testified to. I don't want someone to come to me three months from now or four months from now, saying, "Did you know that certain testimony was taken and such was said?"

Senator DWORSHAK. You want to reserve the right to check the minutes of every executive committee meeting in order to determine whether you personally think—

Senator MUNDT. No, that isn't the point.

Senator JACKSON. First of all, I want the notes transcribed. They are in raw form. They haven't even been reduced to writing yet.

Senator MUNDT. I would suggest if you will withdraw your amendment, Henry, we can get on with Hensel's request. We can either grant or deny it now, and we can do the other thing by separate motion.

Senator SYMINGTON. I don't know law, but from the standpoint of equity, I think that the proper thing to do would be for every member of the committee to be given every executive hearing testimony that there is. Then he could come before the committee and ask that certain things be left out, and then the committee could decide whether they thought that it should be left out. I don't want to hurt anybody unfairly, either a witness or a member of the committee.

If that isn't done then I will go right along with Senator Dworshak's substitute motion. The facts are that there have been witnesses who have been called here before the committee that we don't even know about. I am not criticizing anybody, but I found out recently one witness was called, suggested by probably a dozen newspapermen, and we should have that. Therefore, if we are going to play this game, I think anything the chairman knows and the majority knows, the minority and the majority members should know.

I would lay it right in front of the committee and then go from there.

Senator MUNDT. It is seven minutes after ten. If you will withdraw yours, Henry, we can do both things.

Senator DWORSHAK. I don't agree or associate myself one bit with the inconsistency, displayed by the subcommittee, but in order to have some degree of harmony I will withdraw my substitute.

Senator JACKSON. Henry—

Senator MUNDT. Very well. The chair will recognize—

Senator DWORSHAK. I disapprove of what is being done.

Senator MUNDT. The chair will recognize Senator Jackson for his second motion.

Senator JACKSON. Let me say for the record I want all this made public, but first of all I want to be fair to people who have been called in executive session who may have been—this is important now—who may have been advised that this will not be made public prior to consultation.

Senator DWORSHAK. Were there any people like that?

Senator JACKSON. I don't know.

Senator MUNDT. If you will let the chair—

Mr. JENKINS. Yes, there are.

Senator JACKSON. Just as a matter of equity, and I am trying to be fair to everybody in this

Senator MCCARTHY. Mr. Chairman, could I have one word?

Senator MUNDT. May we have order, please? Let us have order. We are way behind time.

Mr. Counsel, Senator McClellan, this is much worse than when we are under the lights. Let's do this thing in orderly procedure. We have a motion before us, and the chair is going to state it.

Before he recognizes anybody, the chair is going to state the motion. The motion made by Senator Jackson and seconded by Senator Dirksen is that the executive sessions of today and of May 17 shall be made public subject to the usual grammatical corrections.

Senator SYMINGTON. I won't vote for that. I don't think we should make anything public before it is seen by the committee. Let's make it all public. I am perfectly willing to have it all laid in front of us.

Senator MUNDT. I am not telling you how you are going to vote. I am stating the motion.

Now, Senator McCarthy, I agreed to recognize you.

[Discussion off the record.]

Senator JACKSON. In order that we can get some agreement, Mr. Chairman, I am willing to modify my motion, that the minutes of the May 17 meeting be made available to Mr. Hensel pursuant to his request and to the party litigants to this controversy and the committee.

Senator MUNDT. The chair would seriously recommend, if you are going to make it available to fifteen or seventeen people, who will leak it to the press, I would much rather do it in a clean way and give it to the press. It is certainly going to leak out.

Senator JACKSON. I was trying to get unanimous action.

Senator MUNDT. It is bound to leak out with all those people having it in their possession. You know that as well as I do, the clean way is either to turn it down or make it public.

Senator POTTER. Part of it they will leak, and other parts they won't.

Senator MUNDT. It will be tainted. We are all going to be in trouble that way. That means about fifteen copies going out. You know this town as well as I do. You might better do it right than do that.

Senator MCCARTHY. You are right. It would be leaked out anyway.

Senator MUNDT. Let's make a motion of some kind. I will do whatever you say, but I want seriously to say that if you make fifteen copies, which in what you are talking about, it will leak out.

Make it public or don't make it public, either way.

Senator JACKSON. Let's vote on my motion. I move, Mr. Chairman, that the minutes of the May 17 hearings be made available to the members of this subcommittee, to the counsel of the subcommittee, and to the principals to this controversy.

Senator MCCLELLAN. May 17 hearing? You are talking about an executive session instead of a hearing.

Senator JACKSON. Executive session.

Senator SYMINGTON. I would like to make a substitute motion.

Senator JACKSON. Mine hasn't been seconded.

Senator SYMINGTON. If it is made available to the committee members alone—

Senator JACKSON. The people who are at the hearing.

Senator SYMINGTON [continuing]. It is going to leak.

Senator MUNDT. We can make it public—that is the only fair way to do—or turn it down entirely.

Senator POTTER. I offer an amendment to your motion, that the thing be made public.

Senator MUNDT. Let's vote and decide where we stand. We have a motion before us. We have a motion before us which says, again, that the hearing of today and of May 17 be released to the public.

Senator JACKSON. That was my original motion.

Senator MUNDT. Let's see where we stand on that.

Senator MCCLELLAN. I will vote against that but I will vote to make them available to the parties. If anybody leaks them, that is their responsibility.

Senator JACKSON. I will withdraw my previous motion and restate again what I said just a moment ago. I now move—

Senator MCCLELLAN. I think the parties are entitled to it.

Senator JACKSON. I think the May 17 is the critical one; the one today is not so important. I now move, Mr. Chairman, that the hearings in the executive session of May 17 be made available and that today's executive session be made available to all members of this subcommittee, to the counsel to the subcommittee, and to the principals to this controversy.

Senator MCCLELLAN. Including Mr. Hensel.

Senator JACKSON. Including Mr. Hensel.

Senator POTTER. Mr. Chairman, I offer a substitute.

Senator JACKSON. Wait. There has to be a second.

Senator MCCLELLAN. I second that motion.

Senator POTTER. Mr. Chairman, I offer a substitute motion. I move that the hearings of the executive session of today and of May 17 be made public.

Senator MUNDT. Is there a second to the substitute?

Senator SYMINGTON. Could I hear that motion?

Senator POTTER. I move that the executive hearing of today and of May 17 be made public, as a substitute to the Jackson motion.

Senator JACKSON. Mine was to make it available to the members of the subcommittee, the principals, the counsel, including Mr. Hensel.

Senator SYMINGTON. I am going to vote against both because I think——

Senator MUNDT. Does the chair hear a second to the substitute offered by Mr. Potter?

Senator SYMINGTON. I think what we ought to do, if we are going to do anything, is make every one of them available to the public except the ones which we agreed we wouldn't make available because committee counsel can't break faith. I would hope that he would say who those witnesses were that he called whose testimony he can not release.

Senator McCLELLAN. We are not talking about the taking of testimony.

Senator JACKSON. This is just the hearing of May 17, Stu, and the one today.

Senator SYMINGTON. My position is that all executive hearings be made public, or none.

Senator McCLELLAN. I think you are confusing the taking of testimony with executive sessions where we wrangle.

Senator JACKSON. Let's dispose of this and then go on.

Senator MUNDT. Is there a second to the substitute motion by Senator Potter?

The chair hears none.

It dies for the want of a second.

We have Senator Jackson's motion.

Senator SYMINGTON. Can you make them public until you read them?

Senator JACKSON. To the parties alone.

Senator MUNDT. This motion is to make available to the committee members, all of the principals and to Mr. Hensel and his counsel, to those who sat in this room, including committee counsel—those who were present at the meeting.

Senator JACKSON. All the principals.

Senator MUNDT. They were all here.

To type up and make it available to them these two sessions. Those in favor say "aye"; contrary "no."

The motion prevails.

Senator JACKSON. I have another motion to make. I move that the chairman be authorized and directed to have the present stenographic notes in connection with the taking of all testimony relating to these hearings appropriately typed up and made available.

Senator MUNDT. In the office of the counsel.

Senator JACKSON. Be made available to the members of the committee so we can look at them.

Senator MUNDT. On that point of sending it out to all the committee members I would have to vote against it for this reason——

[Discussion off the record.]

Senator JACKSON. Mr. Chairman, I now move that the stenographic notes——

Senator MUNDT. Everything I have in my drawer——

Senator JACKSON [continuing]. Taken in connection with any hearings by any member of this committee.

Senator MUNDT. Why don't you say all stenographic notes in the custody of the chairman?

Senator McCLELLAN. No. Let me make the motion.

Senator JACKSON. All right.

Senator McCLELLAN. The motion is this: I move, Mr. Chairman, that of all testimony taken in executive hearings one transcript be made and deposited with the counsel of this committee, available to all members of the committee to see, including our counsel, who will have to do most of the leg work for us. That is all we want, just the opportunity, so we won't be presented——

Senator MUNDT. I am not going to object to that conclusion, but I think it is a conclusion which is unwise. If you have a right to have a counsel, I should have the right to have a counsel. It is broadened out again. I think it should be limited to committee members.

Senator JACKSON. Do you think each one of us individually is going to have to go down there nights and start going through this? Man alive!

Senator McCLELLAN. I withdraw the counsel.

Senator MUNDT. You have an advantage there because you have a counsel and we don't have, which is certainly not a fair situation.

Senator McCLELLAN. If I want to see the thing, I am going to see it.

Senator McCARTHY. Gentlemen, how about——

Senator MUNDT. Scoop, by what reason should you have an advantage over us? We don't have a counsel. Your counsel is not a member of this staff. You have a counsel to help you, but why should you have an advantage we don't have? That doesn't make sense to me. We don't have a special counsel.

Senator DWORSHAK. Why don't we?

Senator McCLELLAN. You have about fifteen. We have but one.

Senator MUNDT. We don't have any counsel.

Senator JACKSON. I think our agent ought to be able to go through it.

Senator MUNDT. I don't see——

Senator SYMINGTON. You and Mr. Jenkins have interviewed most of these witnesses. Let's get right to the facts. He is our counsel, but he is also your counsel. He works a lot more with you than he does with us. If you think there is any reason Bob Kennedy shouldn't see them, you should tell us so. If you don't, I think he is a pretty good boy and saving us a lot of work.

Senator MUNDT. In any event someone on your side has been present at all times. Just to be perfectly fair, if you insist on it I will vote, but it seems to me the Democrats should be willing to play on an equal basis. You have a counsel, and we don't have one. If you want to put that in the record and spread it out, that is one thing. That isn't fair.

Senator McCLELLAN. If you want to designate any member of the staff of this committee——

Senator MUNDT. We don't have a counsel and don't want to designate one. We want to work as a team.

Senator JACKSON. Let's be realistic. Let's be forthright about this. One copy is going to be made available. Are some of us going to come at six in the morning and start reading through all this?

Senator MUNDT. Through the noon hour.

Senator JACKSON. Oh, Karl, noon hour! What are you going to do—eat lunch in the office? We can't take it from the office, according to your own request. What are we going to do—sit down there munching sandwiches and reading that?

Senator MUNDT. By what reasons do the Democrats have available to them what Henry doesn't have available to him?

Senator JACKSON. You have several counsel.

Senator MUNDT. We don't have anyone. They are committee employees.

Senator JACKSON. I am talking about the regular committee staff.

Senator POTTER. We can't use them.

Senator McCLELLAN. They are working all the time.

Senator MUNDT. They are not our counsel.

Senator JACKSON. Aren't you the majority? Who are they counsel to, then?

Senator MUNDT. To the committee. The only special counsel is the one we designated.

Senator JACKSON. Then you can have your administrative assistant.

Senator MUNDT. If you want to take an unfair advantage, I want it to be in the record. It is unfair.

Senator McCLELLAN. I don't want to take an unfair advantage.

Senator MUNDT. It is no different from what you are putting on the rest.

It is moved and seconded.

Senator JACKSON. If you want to play that way.

Senator MUNDT. The motion is made and seconded that we get a transcript of all the testimony which has been taken and give it to Mr. Jenkins, to be made available to all the members of the committee.

Senator JACKSON. I am going to insist on some other rules being made.

Senator McCLELLAN. The testimony of witnesses.

Senator McCARTHY. Does that include Senator McCarthy?

Senator MUNDT. That includes all. Those in favor say "aye."

Senator JACKSON. Wait a minute. No. Just members of this committee.

Senator MUNDT. I thought you said any testimony at which he was present.

Senator JACKSON. Just members of this committee. If you want to play this way.

Senator McCARTHY. It would be completely unfair to have this available and to all members of the committee and not to me. After all, I think that I have a pretty heavy interest. I am the man who has been accused—

Senator McCLELLAN. Let's adjourn without doing anything. Let's go.

Senator McCARTHY. How about permission, Mr. Chairman, to hold hearings—

Senator McCLELLAN. Let's move.

Senator MUNDT. Shall I put the motion or not?

Senator MCCARTHY. Mr. Chairman. How about permission to hold hearings on infiltration in defense plants?

Senator McCLELLAN. I will vote for that if you will make it to start at one o'clock in the morning.

[Adjourned at 10:20 a.m.]

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

[EDITOR'S NOTE.—In public testimony on June 4, 1954, the appointment clerk to the secretary of the army read into the record a transcript of a monitored telephone conversation on February 20, 1954, in which Army Secretary Robert Stevens advised Senator Stuart Symington that he had decided not to permit Gen. Zwicker to testify publicly before the subcommittee. Stevens said he "did not intend to have this abuse of our professional officer corps continued." He reported that Senator McCarthy had angrily told him to expect to be subpoenaed to appear before the subcommittee the following Tuesday. Senator Symington planned to leave for Europe that day, and he advised Stevens not to testify until he returned. The senator added: "Let me talk to Clifford about it and I will call you." Later that day, Senator Symington called Stevens to report that he had talked "to our legal friend" and had written to the chairman asking that the hearing be postponed until his return. Symington further urged Stevens not to act until he had talked "with my friend."

Presented with this information, Senator McCarthy charged that Symington had allowed Clark Clifford, "one of the top aides to President Truman to run the show." McCarthy called on Symington to disqualify himself from further service on the subcommittee. Senator Symington dismissed this demand as "just another diversion." He explained that when the secretary of the army had appealed to him for help, he had "recommended him to Mr. Clifford."

During the public hearing on June 7, McCarthy accused Symington of having "got Clark Clifford to mislead a fine, naive, not too brilliant Republican Secretary of the Army," and demanded that both Symington and Clifford be subpoenaed to testify under oath. Democrats then offered a motion in executive session to call Clifford to testify. This was defeated by a Republican substitute motion. Clark Clifford (1906–1998), who served as secretary of defense from 1967 to 1969, did not testify in public.]

TUESDAY, JUNE 8, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 9:40 a.m., pursuant to notice, in room 357 of the Senate Office Building, Senator Karl E. Mundt, presiding.

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

Also present: Ray H. Jenkins, chief counsel; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; Ruth Young Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, Republican, Wisconsin; Roy M. Cohn, chief counsel; Joseph N. Welch, special counsel for the army; James D. St. Clair, special counsel for the army.

Senator MUNDT. The meeting will come to order.

Mainly why we have this meeting this morning is that Mr. Jenkins suggested that we ought to have a meeting and decide to cast up the dimensions of this case as far as the witnesses are concerned so we can all begin to make some plans now as to who has to be heard and if there are any prospects of getting it over in a designated amount of time, or whether it is going to go on interminably with a constantly increasing cast of characters.

We ought to find out from all hands who they want to have heard, how many witnesses, and what they think the program should be, because all of us are going to have to start making plans as to what is going to happen, at least, during July, if we are not going to do anything during June.

I have no ideas on the subject, but I do think, as intelligent people, we have gone far enough now so that we can sit down and sort of figure out the length of the road ahead.

We are the ones that have it in our control. This is to me the kind of thing that if we do not begin exercising some guidance in it pretty soon, it could conceivably go on all summer, because every day different people get mentioned.

Mr. Jenkins, I will be glad to hear from you or Mr. Welch, or any member of the committee.

Mr. JENKINS. Mr. Chairman, and gentlemen of the committee: Mr. Welch and Mr. St. Clair and I conferred yesterday. After that conference I conferred with Senator McCarthy and Mr. Cohn.

Mr. Welch advised me at the time that he felt—that he felt that the army would be satisfied if, after the cross examination of Mr. Cohn is concluded, Senator McCarthy and Mr. Carr were put on the witness stand, and end the hearings with their testimony.

Pursuant to that, I conferred, as I said, with Senator McCarthy and Mr. Cohn. After some discussion, they stated that they would be agreeable to that formula.

Mr. Welch was of the opinion, I think a little optimistic, we can stay at night until it is concluded.

Senator JACKSON. Before there can be any decision on that, Mr. Chairman, I want to revert to the testimony that has been taken in executive sessions of witnesses who have appeared before the committee. I do think, as I pointed out earlier, that we should have that information.

I do not want to conclude these hearings and have someone tell me later that so and so testified and “do you mean to tell me you knew nothing about it?” I feel very deeply about that.

I presume from what I have been told that there is nothing in it. But I do want, as a matter of conscience, to be able to say that we have gone through it. I think those transcripts or notes should be typed up without delay. I think it makes the committee look difficult.

Senator MUNDT. We almost arrived at our last meeting at a formula and then the bell rang.

Senator JACKSON. If we could allow our assistants to look at it, it would be helpful. It is impossible for me to go down during the lunch hour and at nights to try to read through transcripts. It is ridiculous. I will do it under one stipulation, that everybody be required to look at it starting at five in the morning, or six. But I don't like to do it at night. I dislike to get up early and do it, but I will do it under that stipulation. I am still in good health.

Mr. JENKINS. A young man like you—

Senator JACKSON. I think that should be disposed of readily, Karl.

Senator MUNDT. Personally, I would like to have everybody on the committee read that stuff and hear it. I am a little bit under obligation to guys like Joe Alsop, and Jim Reston, and some of those fellows.

Senator MCCLELLAN. You are not under obligation to them as a committee.

Senator MUNDT. No, but to release it to the public. It seems to me if you are going to turn over all the administrative aids, etc., you are going to be going into public.

Senator JACKSON. I have no desire to make it public, but I do believe we would be derelict in our duty if we do not look at the sworn testimony.

I am not talking about interviews that the staff has had. But when you call someone in, in executive session, and take notes in the presence of a senator, I feel very strongly we are shirking our duty; at least I am.

Senator POTTER. Why don't you do this: After you have concluded with the witnesses for this week, set a day aside, or a morning, to take it up in executive session.

Senator JACKSON. Charlie, it should have been done a long time ago. You see, you need it in case there is something relevant you need on cross-examination. You don't want to read this at the end of the thing.

Senator MUNDT. Suppose, Scoop, we have it all typed up and delivered to Mr. Jenkins' office.

Senator JACKSON. All right.

Senator MUNDT. I have not had it typed.

Senator MCCLELLAN. Did you say something about whether we see it or not?

Senator MUNDT. To give it to Mr. Jenkins and let people go there and look at it.

Senator JACKSON. Let us get it typed up right away. Is that agreeable?

Senator MUNDT. Yes. By unanimous consent—I haven't done it—if there is no objection, we will get it typed up right away and have one full set delivered to Mr. Jenkins.

Senator JACKSON. Let us get it typed up. We can delegate one person to look at it for the three of us.

Senator MUNDT. Without objection that will be done.

Mr. JENKINS. Let me get this straight. If you delegate somebody, Scoop, I know it will be my friend Bob Kennedy. It is all right for

Mr. Kennedy to look at it or Senator Jackson, Senator Symington and Senator McClellan?

Senator MUNDT. They will have to assume that responsibility.

Senator JACKSON. We will have to assume it, we will assume it, and it will be in accordance with the rules.

Mr. JENKINS. Mr. Welch, did I correctly state your position?

Mr. WELCH. First may I make a comment on this last item. I think it must be apparent to everyone in the room. We don't know what has been testified to in these sessions. We couldn't know, since there was no transcription. It seems to me entirely proper that that material should be before this committee.

Now on the other point, it is true that Mr. Jenkins and I talked yesterday and on earlier occasions.

Senator MCCARTHY. Before you go into that, could I ask, is it understood that we also have a chance to see those transcripts?

Senator JACKSON. I would assume so.

Mr. JENKINS. And, of course, Mr. Welch.

Senator MCCLELLAN. The parties in interest certainly have a right to see it.

Mr. JENKINS. I think so, Senator.

Senator MCCLELLAN. Of course.

Senator MUNDT. All right. It is so understood. Go ahead, Mr. Welch.

Mr. WELCH. Here is the thing about these hearings that begins to somewhat appal me.

Looking at you, Senator McCarthy, you have, I think, something of a genius for creating confusion, throwing in new issues, new accusations, and creating a turmoil in the hearts and minds of the country that I find troublesome. And because of your genius, sir, we keep on, just keep on, as I view it, creating these confusions. Maybe I am over-impressed by them. But I don't think they do the country any good.

Not only that, we on this side of the table began the hearings with the feeling that there were certain witnesses or parties that were indispensable, and we know what we have been talking about. That really meant the parties.

And the president said he thought those people should be heard.

It is now quite clear that they are going to be heard. Mr. Cohn, of course, is on the stand. Mr. Carr and the senator in some order, are going to take the stand.

When you have heard those witnesses, if you start bothering the field thereafter to rebuttal and additional witnesses, etc., I must say I just don't see where the dickens the case ends. We could put on witnesses and the senator could put on witnesses for a long, long time.

Now, Mr. Chairman, I think it is quite clear that this hearing cannot actually resolve and solve some of the things that have been presented in it, to wit, the constitutional issue, as I view them, which can only be revealed to the public, and thought about, and settled in the course of the next year or five years or ten years or our lifetime.

Those constitutional issues have actually been revealed, there is no doubt about it.

Lawyers and senators and executives—members of the executive—can differ as to what the result ought to be, but the issues are revealed.

As to the personal conflicts here of who is saying what, I hesitate to say this but as a lawyer it would seem to me that neither side is bound to have a 100 percent clear cut victory in that. That is going to be left in some kind of balance from the way the committee looks and acts, and probably the way the country reacts.

It follows that looked at from the viewpoint of the United States of America, that I think we do no good in continuing the hearings beyond the point that Mr. Jenkins has suggested.

I am therefore prepared to say, and have said to Mr. Jenkins, unofficially—and in view of what he has now said I say it officially—that if the two witnesses we have in mind take the stand in any order, that the other side wishes, and are content at that, we would be content. And there, I think, I have all.

Senator MUNDT. Mr. Welch, may I ask a question? If we move on that formula, would you be able to have in mind clearly enough questions or the type of questions and the length of questions you would want to ask so we could couple with that a target date for conclusion?

Mr. WELCH. On that point, Senator Mundt, I would hope, Senator Potter, I would hope that we wouldn't try for night sessions and Saturday sessions.

Senator POTTER. I will grant you it is not particularly desirable. But I think if we don't have a target—for example, Roy is on the stand. I, for the life of me, do not have another question to ask Roy if he is there for six months. But I assume that you do have. I do not know how long. For example, if you cut out the senator's time, how long would it take?

Mr. WELCH. On that point, I am certainly prepared to say that we have no slightest ambition, Mr. Cohn, to retain you on the stand in any sort of marathon.

Senator MUNDT. I did not hear you.

Mr. WELCH. I was saying to Mr. Cohn that we have on this side of the table no desire to keep him on the stand for any sort of a marathon. If the senators are out of the way, so to speak, or get out of the way, so that he comes steadily to Mr. St. Clair and to me, and we will split our cross-examination, it seems to me, granted steady work on the things we want to ask, that it is only a matter of hours. Neither St. Clair nor Welch have ever been noted for long cross-examinations.

Senator MCCARTHY. What is that?

Mr. WELCH. I said neither St. Clair nor Welch have ever been noted for long cross-examination. I think we have had just about thirty or forty minutes, not very much.

Mr. COHN. Well, about forty minutes.

Mr. WELCH. That is pretty trivial.

Mr. COHN. Much more than we took on Mr. Adams.

Senator JACKSON. How about Stevens? How long were you on Stevens?

Mr. COHN. I don't think you will find we took too much time on Stevens.

Senator MUNDT. Let us stick to the subject.

Mr. WELCH. In any event, to talk about a target date, I would not think it would be wise to fix a date like next Tuesday and crowd it in, if it kills us. I would personally think, and let us say a word about Mr. Carr, also, the things that interest me about Mr. Carr's testimony are quite limited.

If he does not have a broad direct by you, Mr. Jenkins, and a broad cross by you, I should think Mr. Carr would be a short witness.

As to the senator, I know your plans about a direct and cross, Mr. Jenkins, which you have promised will be vigorous, and after a vigorous cross by you I would say that there would be very few passes by us, with a rather modest pair of lawyers and a United States senator.

I have also predicted, as you gentlemen have known, that once we could get the case rolling, it would go. I must say my prediction has never to this moment come true as to any particular witness, but I still think the case ought in some way to be gotten rolling and moving.

Mr. JENKINS. It rolled yesterday, Joe. We got all the monitored calls in.

Mr. WELCH. I will admit that, but we didn't do much after that.

Senator SYMINGTON. It was five o'clock at that point. How much do you want to work?

Senator DIRKSEN. Mr. Welch, if you don't have the compulsion of the target, you are just out in the middle of a deep blue sea, almost.

Senator MUNDT. The trouble is, Mr. Welch, if there is no time target, I could sit here and ask questions of Cohn or any of these witnesses on the basis of twenty-eight days of testimony. I suppose I could ask questions for a week. Or if I thought I could only have a couple of cracks at him, I would pick out the ones that I thought were good and get done with him in twenty minutes.

Mr. WELCH. But if you have a target and the senators take big cracks at these witnesses, we would get almost no chance.

Senator MUNDT. We would have to divide up the time, I quite agree with you on that. It would not be fair to have a target and then limit you, say, to thirty minutes.

Mr. JENKINS. Mr. Welch, as far as I am concerned, you are bound to have known for several days that I am through with Mr. Cohn. So I will consume none of your time. You can eliminate me. Now it is a question of the senators and you.

Mr. WELCH. Mr. St. Clair says to me it is fair enough to talk about a target and aim for it, and we will help aim for it, but we don't think we ought to have a curtain fall when the clock reaches a certain time.

Senator MCCARTHY. Mr. Chairman, just so my position is completely clear in this: Mr. Jenkins is right when he says he talked to me the other day in regard to limiting the time of the witnesses. I gave that some thought later and called back and told Mr. Prewitt that I believed—I would not consent to limiting the witnesses unless there was a limitation on time. If there is a limitation on time then I would be frankly willing to not call some of the witnesses that I feel should be called. If there is to be no limitation

on time, then I will want, for example, General Lawton, Clark Clifford. I will want Senator Symington.

I felt all along motive was the all-important thing here. We find now that Mr. Symington—

Senator SYMINGTON. Let us get off all that and get on the issue. You know that is just a lot of bunk. Why don't you get on the issue and talk about the time element?

Senator MCCARTHY. We find out from the record that Stevens was, the day before the charges were made—

Senator SYMINGTON. Why go into all of that? You said it all yesterday. This is an executive hearing and it is ten o'clock.

Senator MCCARTHY. Don't interrupt me.

Senator SYMINGTON. I stated my position. You can talk for an hour.

Senator MCCARTHY. So the chair can have my position. Mr. Chairman, I have always felt that motive was all-important. We now find that this thing has apparently been directed by the very competent political adviser of the opposite party, that Mr. Symington was trying to—he wanted to hold his coat while he had a fight with me. If there is a target date, if there is a definite cut-off date, so we can get back to the Communist issue, then I think I would consent to the type of limitation of the witnesses that Mr. Jenkins mentions.

If there is no cut-off date so we can start planning our work, I would consent to no limitation of the witnesses.

Mr. WELCH. Mr. Chairman, could we approach it from another way, which would seem to me the same thing?

Senator MUNDT. Mr. Welch?

Mr. WELCH. That is that we guaranteed a certain number of passes—that we be guaranteed a certain number of passes at these witnesses and a certain amount of time.

Senator POTTER. I think you should.

Senator MUNDT. I think that would be fair. I see your point.

If you are working with long-winded senators who are going to do some talking, I certainly see your point.

May I have your attention, Stu, and Mac? The chair would appreciate some kind of a routine, because I am up against this proposition. As you know, I told all sides all the way through that I would subpoena anybody where there was a legitimate reason to subpoena, providing the request was channeled through the counsel. I subpoenaed a witness yesterday at the request of Mr. Welch. As Mr. Welch points out and Joe points out, I think, in new witnesses there have been an awful lot of them.

Senator SYMINGTON. Did you subpoena the rest of them without telling the rest of the committee about them?

Senator MUNDT. I haven't told the committee about them. We are going to make all of these hearings available so you can see everybody who has been subpoenaed. I know you are going to agree that on most of them you do not want to sit around all summer and hear them.

Senator SYMINGTON. You have to discuss these charges and you don't know anything about who has been seen or what has been said. It makes it difficult.

Senator MUNDT. You are going to get the hearings, and you can read them or have Mr. Kennedy read them.

The point I am making is this: I am up against a deadline. Am I going to serve a subpoena on Clifford or not? If we are going to different issues, I have no basis for not doing it. I didn't do it yesterday. I haven't done it yet. I am hopeful that we can agree on a bunch of witnesses. I am hopeful that the one Joe gave me yesterday is not going to—I am hopeful that he is not going to insist on calling him up in public.

Senator SYMINGTON. Who is the witness that you are not going to insist on calling up in public? We are not having secrets, are we?

Mr. WELCH. No. Are you talking about a witness we asked for yesterday?

Senator MUNDT. Yes.

Mr. WELCH. It is a former chauffeur for Private Schine.

Senator DWORSHAK. Are you planning to call Schine?

Senator JACKSON. Schine is not proposed to be called. There are just two more witnesses, as I understand the agreement.

Senator MUNDT. If you don't give me some kind of dimensions, then I have to keep standing on subpoenas. Are we going to have Schine as a witness or not? That involves more subpoenas and more characters. Are we going to have General Lawton? If you do, you have to have his aide, Captain Core. So where do we end? It is like you said yesterday, when you and Joe were having your altercation, I tried to keep it in balance the best I could, but it is pretty hard to end the thing.

Senator MCCLELLAN. Mr. Chairman, first, all of this is new to me. I didn't know what had been planned. I am hearing it here for the first time.

Senator MUNDT. Nothing has been planned.

Senator MCCLELLAN. I am going to say to you now that I am not going to agree prematurely to any motion that would set a deadline date to terminate these hearings. I am ready to cooperate and move along here and call those that you know you want to call, get them in here. I will try to do as I think I have done in the past, help to expedite it. I haven't too many questions to ask any of them.

This thing about other witnesses, now, is next. We have an executive session here and there has been a lot said in public about another witness or two. I suggest this is the time, if anybody wants them, to make the motion and let us vote on it right here in executive session as to whether they will be called or not. I am ready to vote on it, if the motion is made, but I am not going to vote here this morning for any deadline and to limit witnesses until you have gotten these principals through.

I just don't think we can do that.

So far as working to a deadline for next Friday or Tuesday, I will work with you every way in the world. But I am not going to tie my hands here this morning.

Senator MUNDT. Let me find out from you, then, are there some witnesses that you want to have called?

Senator MCCLELLAN. I have no other witnesses to call, Mr. Chairman. I haven't asked for a subpoena for a witness since I have been in the matter. But I say if there is anybody that wants

a witness called, this is the time and place to make the motion for a subpoena, while we are all here.

Senator MUNDT. Are we talking about Cohn and McCarthy and Carr?

Stu, are there any witnesses that you want to have called?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Just a minute.

Stu, are there any other witnesses that you want to have called?

Senator SYMINGTON. I don't see why you ask me. People have asked about witnesses. Let's get it on the table.

I want everybody called that can add any influence or rather, add any light to this controversy.

Senator MUNDT. Have you any in mind?

Senator SYMINGTON. I will be glad to consider and make up a list of those witnesses that I think ought to be called.

Senator MUNDT. Can't you tell us now?

Senator SYMINGTON. I don't think I know right now the details of the list. I would like to have my counsel look through the testimony and see what the record shows and put a list up based on the record.

Senator MUNDT. Scoop?

Senator JACKSON. No, I haven't anyone that I personally want to call at this point. I just assumed that certain people would be called, and I am still assuming it.

Senator SYMINGTON. Would you yield to me a second?

I am sure of this. I want some more witnesses called, and I will give you a carefully delineated list. But I would like to have Bob Kennedy look the testimony over. I am operating here.

Senator JACKSON. Mr. Chairman, requests have been made by other people to this controversy for witnesses, and I am ready right now to vote on those requests.

Senator McCARTHY. Mr. Chairman, may I say—

Senator MUNDT. I am coming down the line, Charlie, have you any witnesses that you want?

Senator POTTER. No.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. I think in view of the inability to agree or any procedural methods that we ought to recess until a few days after Congress adjourns, and then take it up. We can then stay here until Christmas.

Senator DIRKSEN. Ray, how long would you take with Roy and Carr and Joe?

Mr. JENKINS. Senator Dirksen, I am through with Roy.

Mr. Welch and I discussed the length of time that we anticipated it might take, with the senator and with Mr. Carr. Necessarily their testimony will be shorter than that of Mr. Cohn. I would say that as far as I personally am concerned, I will get through with the senator certainly in a day's time, less time, perhaps, no more than a day—if I took, say, a day with the senator and Mr. Welch and the committee a day, Mr. Carr's testimony is shorter, I think, than the senator's. If the hearings were concluded at the conclusion of the testimony of those respective witnesses, I would say that these hearings would be concluded by no later than Saturday of

this week. If you had night sessions—no, that is out, Mr. Welch. I wouldn't say any more about it.

Senator DIRKSEN. Mr. Welch, how long will you take, first on Mr. Cohn?

Mr. WELCH. I was just putting down here my own estimate.

It seems to be these are maxima. I would think that Mr. Cohn's cross-examination would be bound to be finished in two days, and I think less. The senator, direct and cross, in two days, likely less, and Mr. Carr, I would like to say a day, but if you want to talk about maxima all along the line, you would have six days on these maxima, which would mean four days left this week and two next.

Mr. COHN. You want me two days more?

Mr. WELCH. I don't know. I don't think so.

Senator MUNDT. How many days did you say as a maximum?

Mr. WELCH. A maximum of six days. Mr. Cohn just asked if I wanted him two days more. The answer would be if Mr. St. Clair and I had you without interruption, it would be a lot more like one day than two.

Senator MCCARTHY. Mr. Chairman.

Senator MUNDT. Are you through?

Senator DIRKSEN. Well, I was trying to get a picture here, in so far as the junior senator from Illinois is concerned. There are no questions that I want to ask of Roy or Frank. I might take ten minutes to praise the senator from Wisconsin, but that is about as far as I would go. Mr. Chairman, I want to say to you very frankly that after Friday this committee is probably going to have to dispense with my services because we have some very important matters coming up in Appropriations. Foreign aid hearings are going to begin very soon. I have to start hearings on the District of Columbia appropriations bill early next week. I will be the only one there. I will have to run them and take all the testimony myself. That is my job, and I intend to do it.

Senator MUNDT. I have a very real problem coming up. I am the chairman of the Legislative and Judicial Appropriations Subcommittee. They have been deferring their hearings and deferring their hearings, and I have to run them.

Senator DIRKSEN. There are going to be hundreds of bills, and whatever you do, I guess you are going to be without my services, because these other things must be done at the same time.

Senator DWORSHAK. Could we eliminate day sessions and run only evening sessions?

Senator MUNDT. Joe?

Senator MCCARTHY. Mr. Chairman, I think unless the Democrats agree to a target date, I think it would be a mistake to have a four to three vote, or anything like that, cutting off the hearings. I think if the Democrat side wants to continue these, I think frankly we have no choice to continue them, number one. Number two, Mr. Welch made a statement that I want to comment on. He said Mr. McCarthy had a genius for creating confusion. I assume by that he means a genius for bringing out the facts which may disturb the people, for example, showing up that phoney chart, showing up the change in date of the letter. I think that confuses people showing up that Mr. Symington and Mr. Clifford were behind this. That

may create confusion, but I have no choice but to bring out those facts.

Mr. Chairman, I think that if we do not limit this as to witnesses, and I frankly hope that we don't, although I go along with whatever the committee does, I think it is imperative that Senator Symington take the stand. He has advised on the record the Republicans should do that. It now appears that he played a much bigger part than the Republicans did in this. I have gone over the parliamentary situation there, Mr. Chairman. I find that apparently this committee has no way of forcing him to do it. The Constitution says that a senator will be made to answer for his actions only on the floor of the Senate. That has been construed to mean that he cannot be subpoenaed.

I think, however, in view of the fact that Mr. Symington—I mean from all the mail I get, people are confused. They know that Stu—Mr. Symington, I mean, and Mr. Clifford, were engineering this deal which called off the hearings of the Communists. I am going to continue urging that he take the stand. I hope that finally public opinion, public pressure, makes him do what he so sanctimoniously told the Republicans they should do, namely, put all the facts on the table.

So I may say, I will go along with whatever the committee does, if they call a target date, so we can get back to our work. Otherwise, I would not go along with any limitation of witnesses, number one. Number two, Friday of this week Mr. Cohn is being called into service. He is going to be called to two weeks duty down, incidentally, under General Zwicker. He is one of the very important principals in this case.

Senator DWORSHAK. Going when?

Senator MCCARTHY. Friday of this week.

Mr. COHN. Saturday.

Senator MCCARTHY. I don't know how the committee can continue while one of the principals is away. Whether you will take a recess or what you will do, I am just giving you that fact now, so you will know.

Senator SYMINGTON. Have you finished?

Senator MCCARTHY. Obviously, we cannot ask for any deferment, because that would be asking for special favors, and we do not want any investigation of this committee for granting special favors for Mr. Cohn.

Senator McCLELLAN. There would not be any harm in doing that, would there? Not a bit.

Senator SYMINGTON. Have you finished?

Senator MCCARTHY. For the time being, yes.

Senator SYMINGTON. I will make a deal with you. I will go on the floor of the Senate and make a speech, and then I will take the stand, see, and I will go under oath and let this committee examine me, if you will make a speech and if you will go on the stand on the charges you never answered in 1952. There is your deal, and I will make it with you right now.

Senator MCCARTHY. Let us first get the record straight. The senator made a misstatement yesterday when he said I was asked to go on the stand in 1952. That is incorrect.

Senator SYMINGTON. You were invited to answer charges.

Senator McCARTHY. I was told that I could go on the stand.

Senator SYMINGTON. You were invited to answer the charges.

Senator McCARTHY. Let us not have any of this phoney stuff.

Senator SYMINGTON. Any time you want to pull me, going on the stand—I will make a deal with you right now. I will get on the floor of the Senate and I will give my position in this matter, and I will go under cross examination by this committee, which would be a very unusual thing for a senator to do, if you will go under cross examination with respect to the charges that were made against you by a committee which was unanimously signed by Democrats and Republicans in 1952.

There is your deal. I will make it here, and if you want to, I will make it on television, whichever way you want to do it, or both.

Senator McCARTHY. Your deal is to retry the 1952 case.

Senator SYMINGTON. There was no retrial, because he never appeared.

Senator DIRKSEN. Mr. Chairman.

Senator SYMINGTON. I am going to answer you just that way so long as you feel he understands.

I make a motion that these minutes be published today, that they be written up and published today, so everybody will know what we are talking about.

Senator DIRKSEN. Mr. Chairman, I respectfully suggest there is a motion to adjourn, which is not debatable.

Senator SYMINGTON. Just a minute.

Senator McCLELLAN. We have a request before the chairman to call a witness. Are we going to do it? It is made in public. Do you want a motion?

Senator MUNDT. I don't want a motion on that.

Senator McCLELLAN. Let us settle it. He was injected in here yesterday. Let us settle it. Are we going to call that witness or not?

Senator MUNDT. Which one are you talking about?

Senator McCLELLAN. I am talking about Mr. Clifford. Do you want him? The motion was made, the request was made in public. Let us settle it here this morning. Does anybody want to make a motion to call him?

Senator SYMINGTON. Don't you want to make a motion to call him? That is what you told the chair yesterday.

Senator McCARTHY. I am not making a motion. The chair has the request.

Senator SYMINGTON. Let us put it to a vote now.

Senator MUNDT. It will be the first time you subpoenaed anybody by a vote. You can if you want to.

Senator McCLELLAN. It was played up before the public. Let the committee vote on it.

Senator POTTER. Is there a motion before the chair on subpoenaing Clifford?

Senator MUNDT. Not that I know of.

Senator JACKSON. I move that we call Mr. Clifford.

Senator MUNDT. Is there a second?

Senator POTTER. I move it be placed on the table.

Senator McCLELLAN. I will second the motion.

Senator MUNDT. The move has been seconded, that we call Mr. Clifford. You have a motion to place it on the table.

Senator DWORSHAK. Mr. Chairman I think this is out of order. I think Everett Dirksen made a motion to adjourn.

Senator JACKSON. There was no second to that motion.

Senator SYMINGTON. Wait a minute. Here is a motion that has been made, moved and seconded, to call Mr. Clifford. How are we going to vote?

Senator MCCARTHY. Mr. Chairman, may I say that up until now the chair has called all witnesses requested by Mr. Welch. I assume the chair will follow the same procedure in so far as witnesses requested by me are concerned?

Senator MUNDT. The chair has already announced that if we are going to run this hearing on interminably—

Senator DWORSHAK. I will second the motion to lay on the table.

Senator MUNDT. Very well. I think the appropriate thing to do is to lay it on the table.

Senator SYMINGTON. It is not to lay it on the table, and you know it, because everybody in the American public thinks that Senator McCarthy has asked Mr. Clifford to come before this committee and testify now due to a lot of this, that and the other, and we are running out on the fact of whether we even take a vote on it. That is a fine way to run a committee.

Senator MUNDT. Stu, at least you should control yourself, no matter how angry you feel about it—

Senator SYMINGTON. I am not angry at all.

Senator MUNDT. Then let us act like senators. You cannot be popping off all the time.

Senator SYMINGTON. I beg your pardon.

Senator MUNDT. You don't have to beg my pardon.

Senator SYMINGTON. I will apologize for that.

Senator MUNDT. You don't have to apologize. I was going to say I think it is appropriate to lay this on the table until we can have a meeting to determine how many witnesses you want to have. You have the promise of the chair if these hearings continue, he is certainly going to subpoena Mr. Clark Clifford in conformity with the regular practice. But you have the Lawton thing and the same situation. You have a lot of other witnesses.

I think you have a good point. You have a right to read these hearings and see how many you want to call in public.

Senator MCCLELLAN. Yesterday you had a big play about Clifford. You have had it before millions of people. Do you want to take the responsibility of doing nothing about it? The motion is made here to try to take it off of you, and let the committee decide. I am ready to vote on it. Let us settle it.

Senator JACKSON. And two Democrats have made the motion to call him.

Senator DWORSHAK. Will you yield?

This is my approach. I can see no consistency in deciding whether we call one witness. I think we have tried unsuccessfully to outline a plan for a target date, and call all witnesses or no more witnesses than the principals who have been in the picture heretofore. I think we ought not to approach this in a piecemeal manner, but determine how far we want to go or how far we want to restrict the hearings in the future.

Senator MUNDT. Very well. I think we all recognize that parliamentarians are debating a motion which should not be debatable, a motion to lay on the table.

Senator McCLELLAN. All right, if the chair wants to rule it out.

Senator MUNDT. I am not ruling it out. I am pointing out that it is 10:20.

Senator SYMINGTON. Charlie, do you want to be in a position where you are blocking this vote?

Senator POTTER. Let me say this. If you are going to call Clifford, then you are going to call fifteen other people.

Senator SYMINGTON. But the big play was made yesterday that Clifford and Symington were the ones which had done this, which is totally and completely false.

Senator POTTER. I will be frank with you. I would like to see what Clifford has to say.

Senator SYMINGTON. Then why do you throw the block at it? What are you afraid of?

Senator POTTER. I am not afraid of anything.

Senator SYMINGTON. Let us vote, Mr. Chairman.

Senator POTTER. I will withdraw my motion.

Senator DWORSHAK. I will withdraw my second.

Senator McCARTHY. Mr. Chairman, it is completely unfair to the Cohn-Carr-McCarthy side of this if you call all witnesses requested by Mr. Welch, and then whenever I ask for a witness, the Democrats try to vote it down. The chair has a power to subpoena. That is the committee rule. Unless you change the rules during the middle of this proceeding, which I was promised you would not do, I was promised at the time I got off this committee that the rules would remain the same all during the hearing. Now, for some reason or other there seems to be some deathly fear on the part of Mr. Symington that Mr. Clifford may be here under oath. He knows that he can't invoke the type of senatorial immunity that Mr. Symington has.

Mr. Chairman, I ask the chair not to entertain that motion because it would be changing the rules, it would be a violation, a complete violation of the agreement made with me at the time I stepped off the committee.

This one final word, Mr. Chairman. The chair will remember, both over the phone from Arizona, and before the committee, I said I will step off with the understanding I shall depend on the honor of the senators that they not change the ground rules after I am off the committee. And that would be changing the ground rules, if you could block the witnesses that I want called.

Senator SYMINGTON. Do you want to call Mr. Clifford?

Senator McCARTHY. Of course I do.

Senator SYMINGTON. We have a motion here to call him.

Senator McCLELLAN. The Democrats are trying to help you.

Senator MUNDT. May the chair make this suggestion? The chair will give you his word, if you will withdraw your motion, that he will call Mr. Clifford. It is very unusual that you have a motion for one particular witness.

Senator McCLELLAN. Since when can not a committee move to call a witness?

Senator MUNDT. Certainly you can.

Senator McCLELLAN. That is not violating any rule. That is just voting on it.

Senator McCARTHY. Mr. Chairman, if you do that, then whenever I request to have Lawton called or anybody, it means—well, so far, and Mr. Welch, I think, will confirm the fact, whenever he wanted a witness called, that witness was called, and if after he was called Mr. Welch found that his testimony was of no value, he did not ask to have him called in public. That has been the procedure.

Now, Mr. Chairman, it is grossly unfair to put me in a position where each time I want a witness the Democrat members, and Mr. Symington voted—Mr. Symington, you cannot get away from the fact—

Senator SYMINGTON. Let's not make speeches here. You are not on television. Stick to the facts. Don't get all excited. You are not on television. We are in executive hearings.

Senator McCARTHY. Now you are trying to block my calling witnesses. It is the most grossly dishonest thing I have seen in ages.

Senator SYMINGTON. The worst you have ever seen. Everybody is upset. Everybody is upset. Let us vote.

Senator McCARTHY. Mr. Chairman, I ask the chairman not to entertain that. That is changing the rules.

Senator SYMINGTON. It is the same result anyway.

Senator McCARTHY. The chair has an absolute duty to call the witnesses we request.

Senator MUNDT. Has anybody a copy of the ground rules?

Senator SYMINGTON. Do you want to vote or not on calling Mr. Clifford?

Senator MUNDT. I want to find the rules.

Senator McCLELLAN. Do you mean we have a rule that the committee cannot call a witness?

Senator JACKSON. We are trying to comply with his request.

Senator SYMINGTON. You have said a lot of things to me, and I don't like them. Don't bluff, say them.

Senator McCARTHY. I am going to say over and over, Mr. Senator. If you have any honesty, you will appear on the witness stand under oath.

Senator SYMINGTON. You better be worried about what I am going to say.

Senator McCARTHY. I am not worried about what you are going to say.

Senator SYMINGTON. You will not intimidate me about anything.

Senator McCARTHY. I just want you to give the facts, Mr. Symington.

Senator SYMINGTON. I have never lied yet. I will give them.

Senator McCLELLAN. Do you rule us out of order, that we can't make a motion?

Senator SYMINGTON. Mr. Chairman, I make a motion that that last altercation be stricken from the record by Mr. McCarthy and me.

Senator McCARTHY. It should be left in.

Senator SYMINGTON. All right, leave it in. You said there was a lot more than you had to say about it, and so on. If you want to leave it in, leave it in.

Senator MCCARTHY. I am going to question you in detail Stu, as to what part you took in playing in calling this one.

Senator MUNDT. I don't find it in here either way. Do you want to vote?

Senator JACKSON. Let us vote and have it in.

Senator DIRKSEN. Mr. Chairman, I offer a substitute.

Senator SYMINGTON. Let us vote, Ev. It is half past ten.

Senator DIRKSEN. I offer as a substitute motion, Mr. Chairman, that the chair, after consultation with counsel, shall call and subpoena any witness requested by the principals to these proceedings if such witness is deemed to be material to a resolution of the issues.

Senator MCCLELLAN. Mr. Chairman, I raise the point of order that is not a proper substitute. It isn't relevant to this. That motion could prevail without defeating the other.

Senator MUNDT. I believe it is a proper substitute.

Senator MCCLELLAN. It isn't a proper substitute. It isn't in lieu of it.

Senator DIRKSEN. It is a proper substitute Mr. Chairman, because it goes to the basis of the substance of the earlier motion.

Senator JACKSON. It doesn't give the members of the committee a right to call witnesses.

Senator MUNDT. Is there a second to that motion?

Senator MCCLELLAN. All right, vote on the substitute. You have overruled the point of order.

Senator MUNDT. Is there a second?

Senator POTTER. Would you include members of the committee?

Senator DIRKSEN. No, I included only the principals to the proceeding.

Senator MCCLELLAN. That denies to the committee the right. If that is the way you want to have it—

Senator MUNDT. The chair will declare the motion lost for want of a second.

Senator POTTER. If you include the members of the committee, or a member of the majority committee, I will second it.

Senator DIRKSEN. Very well, Mr. Chairman, I will be willing to include not only those who may be requested by the principals.

Senator MUNDT. Restate the motion so we know what we are talking about.

Senator DIRKSEN. I move that the chair, after consultation with counsel, call and subpoena any witness who may be requested by the parties in interest, and the principals in interest, and the members or the subcommittee, if such witnesses are deemed to be material to a resolution of the issue.

Senator POTTER. I second it.

Senator MUNDT. You have heard the motion made and seconded, in the nature of a substitute. Is there any discussion?

Senator DWORSHAK. What is that?

Senator MUNDT. Read it, Mr. Reporter.

[Portion of the record read by the reporter.]

Senator MUNDT. It is moved by Senator Dirksen and seconded by Senator Potter.

Senator DWORSHAK. Commenting on that, Mr. Chairman, it seems to me we are opening the door wide with absolutely no possibility of ending the hearings under another month or more.

Senator MUNDT. This keeps it in control——

Senator POTTER. Actually, this is what it is now. It is the very same thing we have been operating under.

Senator MUNDT. The chair has said over and over again that he believes Clifford should be called and a lot of others should be called if we are going to protract the hearings. If we can agree among ourselves on limiting the number of witnesses, very good. I can assure you, with or without this motion, I will follow the practice I have followed all the way through of calling the witnesses requested.

Senator DWORSHAK. Does that mean no end in sight?

Senator MUNDT. I don't know. As I understood Senator McClellan's position, and Senators Jackson and Symington, if I understand their position, they do not want to vote now to stop the hearings of Cohn, McCarthy and Carr, until they have read the witnesses of the executive session.

Senator DWORSHAK. I think we should have a target date.

Senator MUNDT. I think it is a reasonable point. I think they want to see any testimony taken in executive session, to see if there is something they would like to see spread on the public record. I think that is a reasonable request. I don't think we should change the rules at this late stage of the game, because I don't think there is any justification in our not calling witnesses. We have called everybody they wanted. Any further discussion?

Senator McCLELLAN. Call the roll, Mr. Chairman.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Aye.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. No.

Senator MUNDT. Senator Potter.

Senator POTTER. Aye.

Senator MUNDT. Senator Jackson.

Senator JACKSON. No.

Senator MUNDT. Senator Dworshak.

Senator DWORSHAK. Aye.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. No.

Senator MUNDT. The chair votes aye. The motion prevails.

We better reassemble upstairs now. It is 10:30 and a little late.
[Thereupon at 10:30 a.m., the executive session was concluded.]

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

THURSDAY, JUNE 10, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The committee met at 5:55 p.m., in room 357, Senate Office Building, Senator Karl E. Mundt presiding.

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

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; Sol Horowitz, assistant counsel.

Principal participants present: Senator Joseph R. McCarthy, Republican, Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, staff director of the subcommittee; Joseph N. Welch, special counsel for the army; James D. St. Clair, special counsel for the army.

[The subcommittee voted to make the transcript of the executive session on June 10, 1954 public. It was published in Special Subcommittee on Investigations of the Committee on Government Operations, *Special Senate Investigation on Charges and Countercharges Involving: Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel, and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr*, part 61 (Washington, D.C: Government Printing Office, 1954).]

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

THURSDAY, JULY 15, 1954

U.S. SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The special subcommittee met at 3:00 p.m., July 15, 1954, room F-82, the Capitol, Senator Karl E. Mundt presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Also present: Ruth Young Watt, chief clerk.

Senator MUNDT. We are sitting now as the special subcommittee on investigations, of which Senator Mundt is Chairman.

Early in the course of our investigations of the so-called Army-McCarthy hearings, we passed a resolution, which is in my mind, to the effect to pay for the cost of these hearings out of our regular investigations funds, or the Committee on Government Operations funds; then ask the Senate to reimburse us the exact amount rather than make a request before we knew what the amount would be. We now have the exact amount calculated—\$24,605.67. We have supporting estimates here if anybody wants to see the breakdown.

Senator SYMINGTON. I'd like to have it sent to me.

Senator JACKSON. Karl, let me make this statement. I think it ought to be made very clear that these expenses relate directly to the cost of the hearings by the special subcommittee. I think the meeting and resolution should spell it out. I think on the face of the resolution it should define the exact nature of the expenditure, also in conformity with the motion adopted so it will be all clear.

Senator MUNDT. Ruth, make those changes, and submit it to us first.

This was a commitment that we had made and had a definite understanding.

Senator POTTER. When are we going to get the summary from Jenkins?

Senator MUNDT. He told us it would be about the 22nd or 23rd of July. That will be next week.

Now, Ruth has pointed out that unless this resolution is passed, all talk about staff is moot. We have run out of money. The whole staff will be off the payroll. I don't think we will have any trouble in the Senate if we make it unanimous with the committee. When we agreed to ask for the money, we didn't know how much we needed. There was talk of \$50,000. This is less than half of that.

I do agree with Senator Jackson that on the face it should be spelled out so anybody looking at it will know what it means.

Senator JACKSON. Mr. Chairman, may I suggest that the modified resolution as suggested here, together with the bill of particulars as to expenses, be submitted to each member of the special subcommittee prior to a formal vote of the resolution.

Senator MUNDT. Yes, that will be done.

[Whereupon the committee adjourned at 3:15 p.m.]

CONFIRMATION OF SUBCOMMITTEE PERSONNEL

[EDITOR'S NOTE.—In response to accusations made during the Army-McCarthy hearings, that members of the subcommittee staff had manufactured and backdated memoranda and doctored photographs, Senator Charles Potter called for an overhaul of the staff and recommended that the Justice Department explore whether perjury had been committed. Democrats on the subcommittee further pointed out that assistant counsel Donald Surine and investigator Thomas La Venia had never received security clearances from the Department of Defense.

Senator McCarthy publicly expressed his intention to conduct additional hearings in Boston, but Senate Republican Leader William Knowland refused to grant permission for the subcommittee to hold any public hearings for the remainder of the session. Roy Cohn resigned from the subcommittee staff on July 20; and Francis Carr followed on October 8, 1954. Donald Surine transferred from the subcommittee to Senator McCarthy's personal staff. Assistant counsels Daniel Buckley and George Anastos, and investigators Thomas La Venia and Thomas Hurley all left the subcommittee at the end of the Congress.]

THURSDAY, JULY 15, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 2:30 p.m., July 15, 1954, pursuant to notice, in room F-82, Capitol, Senator Joseph R. McCarthy presiding.

Present: Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Also present: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Ruth Young Watt, chief clerk.

The CHAIRMAN. We have a number of things I want to take up. I think we should not take up any question.

Senator DIRKSEN. Before we do, I want to make one suggestion about this meeting this afternoon, Mr. Chairman. I wanted to say with reference to the fact that the meeting was adjourned from this morning until this afternoon, that last night at a dinner which Senator Symington and I both attended, I indicated to him that I was in some difficulty about getting to this meeting this morning because of a meeting of the Judiciary Committee, at which we were going to consider the important alien property bill. I first called on the committee's time and manifested I would have to go; then Senator Symington said he was having something of the same dilemma; that the Armed Services Committee was meeting and testifying was Secretary of Defense Charles Wilson on the loyalty issue and he wanted to be present.

Stu, I was just making an explanation of the conversation we had last night; that you were in a dilemma and I was in a dilemma as to how I was going to the Judiciary meeting and you were going to the Armed Services, and when the chairman called this morning, I indicated to him what the difficulty was and it was agreed then that we could try for 2:30 this afternoon. That is the reason for the delay. I was the prime mover in it because the two of us were in some difficulty about being present this morning.

Senator MUNDT. I would like to say that I am in somewhat of the same dilemma because I had a meeting this morning of the Senate Agriculture Committee. I told them I had to attend the Government Operations Committee, so they started making suggestions. The meeting is now scheduled for this afternoon and I have to be there in fifteen minutes. I want to explain that because I especially had them to change it from this morning to this afternoon.

Senator POTTER. Karl, before you leave—

Senator SYMINGTON. Charlie, will you yield to me? If there was any delay, I wanted it to be his proposition and not mine.

Senator JACKSON. I don't think there was any problem about the meeting being held over until 2:30.

The CHAIRMAN. Could I suggest to Karl that if you have got that meeting down there, while the rule is that you have got to have a proxy in writing, could we agree that if a vote comes up, Ruth will call you and explain what the vote is and we will use your proxy.

Senator MUNDT. I will be in F-39.

The CHAIRMAN. Is that agreeable?

Senator MUNDT. Yes.

Senator POTTER. Before you leave, Karl, I am going to make a motion. This is the motion.

Senator DIRKSEN. Charlie, let me ask, in fairness to you, do you want the staff present?

Senator POTTER. I don't care. This is nothing tricky.

Whereas, the Rules of the subcommittee as amended January 1954, provide for confirmation by a subcommittee majority of all staff appointments, and

Whereas, no such confirmation has been effected,

Therefore, I move that as of July 31, 1954, all present staff appointments shall automatically terminate except in those individual instances where a Subcommittee majority in formal session shall have voted such specific confirmation prior to that date.

The CHAIRMAN. May I say two things: Most of the staff members have been confirmed. I think the minority counsel has not been confirmed. I got a call from Senator McClellan to put him on. I think you may find two or three other members who have not been confirmed. Could I suggest this—

Senator JACKSON. The rule provides that the present staff, as well as the future staff, had to be approved by a majority vote of the subcommittee.

The CHAIRMAN. Could we do this? Why not do this; if there are some staff members that anyone has objection to, then I would say move that they be removed. It has the same effect. There is nothing to be gained by taking up the time of this committee to go over the list of secretaries on the committee, for example, or go over the investigators where there is no question.

Charlie, let me say this: As far as I am concerned, whenever any member of the committee wants to make a motion to remove a member of the staff, there will be a meeting for that. If you pass this motion, we may be in the position of not having a staff after the thirty-first.

Before we decide that, could I take up another matter that I have which shouldn't take more than five minutes at the most. I have a couple of contempt cases that I would like to dispose of if I could. The attorney general has given an opinion on them, hasn't he, Frank?

Mr. CARR. Yes, sir.

The CHAIRMAN. I wonder if you and Roy will very quickly give the committee the set-up.

Mr. COHN. They cover Professor Furry of Harvard and Professor Kamin. Both of them refused to answer certain questions before this subcommittee up in Boston. They admitted having been members of the Communist party, but it gets down to the fact that they refused to name people who had been in the Communist party with them.

Professor Furry went a little further and said that some of the people were presently working in atomic installations or had been, but he still declined to name them.

These two cases plus a third involving Belsky, which I think was a private in the army, who wouldn't answer the question—wouldn't say whether or not he thought his refusal was predicated on the proposition that a truthful answer would tend to incriminate him.

On the Belsky case, the attorney general said he didn't think we had a good case. On Furry and Kamin, he sent a formal communication to the committee saying he believes they are well-founded.

The CHAIRMAN. To add to that further—Stu is interested in this—he was asked, for example, whether or not there were Communists working in this installation having to do with atomic work a number of years ago. He said, "Yes, I think five or six." We said, "Will you name them?" He said, "No." I said, "You know who they are?" I am not quoting verbatim but roughly his testimony. There was strong indication that he knew who they were. There were indications also in his testimony that they were still working, Karl, in atomic energy work. We brought this matter up before and I think Bob Kennedy or someone suggested we get an opinion from the attorney general. We have that. My thought is, in view of the fact the attorney general says the case against Belsky is not strong, there would be nothing gained by voting contempt for Belsky. In view of the fact that he says Furry and Kamin are good cases, I would like to vote contempt for Kamin and Furry.

Senator POTTER. The attorney general says you have got a good case?

The CHAIRMAN. Yes.

Senator JACKSON. The attorney general says: "Assuming authority for the investigation generally, I believe that the record of the testimony of Wendell H. Furry and Leon J. Kamin would support prosecutions of each of them for contempt of Congress."

With reference to Dr. Belsky, Mr. Olney's letter states as to Dr. Belsky, and I quote: "however, I do not believe that a prosecution for contempt could be sustained. In *Blau v. United States* . . ." etc.

Senator MUNDT. On the basis of the attorney general's opinion, I move we take whatever steps necessary to cite Furry and Kamin for contempt and drop Belsky.

Senator POTTER. I second that.

Senator JACKSON. I suggest we make the letter part of the record.

DEPARTMENT OF JUSTICE,
Washington, July 7, 1954.

Hon. JOSEPH R. MCCARTHY,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCARTHY: This is in response to your letter to the Attorney General dated June 16, requesting an opinion as to whether there is sufficient evidence to indict and convict Wendell H. Furry, Leon J. Kamin and Dr. Marvin S. Belsky for contempt of Congress on the basis of their testimony before the Subcommittee on Investigations of the Committee on Government Operations.

Before discussing the particular facts in each case, I should like to call your attention to the fact that there are presently pending before the Supreme Court for argument in October three cases, all stemming from investigations by the House Un-American Activities Committee, which may involve questions as to the scope of Congressional investigations generally. The three cases are *Emspak v. United States*, No. 8, which was argued last term, but set down for re-argument, *Quinn v. United States*, No. 9, and *Bart v. United States*, No. 117. While there are several issues in these cases which have no significance to the matters about which you seek my opinion, the Supreme Court did, on the previous argument of the *Emspak* case, exhibit some interest in the question of the degree of specificity required in a resolution authorizing investigations by a committee of Congress. It is therefore possible that the decision in these cases will have some bearing on the whole general question of prosecutions for contempt of Congress, which may in turn affect these cases. My opinion on the facts submitted to me in your letter should therefore be considered subject to this caveat.

Assuming authority for the investigation generally, I believe that the record of the testimony of Wendell H. Furry and Leon J. Kamin would support prosecutions of each of them for contempt of Congress. The record makes it clear that each witness was told by the Committee that he was ordered to answer and that he nevertheless declined to do so. Each of them specifically stated that he was not relying on the privilege against self-incrimination and declined to answer on the ground that he did not wish to divulge the names of others. The Supreme Court held in *Rogers v. United States*, 340 U.S. 367, 371, that "a refusal to answer cannot be justified by a desire to protect others from punishment, much less to protect another from interrogation by a grand jury." The same reasoning would apply to a desire to protect others from interrogation by an authorized committee of Congress.

I think that there can also be no serious question but that the questions which these two witnesses refused to answer, which are summarized in your letter, were "pertinent to the inquiry" within the meaning of 2 U.S.C. 192, and that such pertinence can be proved at the trial, within the ruling of the Court of Appeals for the District of Columbia Circuit in *Bowers v. United States*, 202 F. 2d 447. Dr. Furry testified that he knew six communists who had been employed by the government on radar work, but refused to divulge their names. The identity of communists who had been employed by the government on secret work seems on its face clearly within the scope of an investigation into the operations of government. Similarly, the question which Leon Kamin refused to answer, "whether or not individuals known to you have been members of the Communist Party are now working in defense plants", seems to be a legitimate inquiry into the operation of the government's defense establishments and therefore pertinent to the inquiry. So also the questions, taken together, asked of Kamin as to whether he knew Emmanuel Blum and whether Blum had contacts with people handling classified government material fall within an inquiry into the operations of government. Your letter does not refer to some other questions which the witnesses refused to answer, the relevancy of which to the operations of government is not so apparent on their face and which would therefore support a prosecution for contempt only if their pertinence to matters within the committee's jurisdiction could clearly be shown at the trial.

As to Dr. Belsky, however, I do not believe that a prosecution for contempt could be sustained. In *Blau v. United States*, 340 U.S. 159, the Supreme Court held that a witness may invoke the privilege against self-incrimination to refuse to answer questions concerning his membership and activity in the Communist Party. I believe

that the witness would also be held entitled to claim the privilege to refuse to answer questions, such as those to which you have directed any attention on pages 176 and 177 of the hearings, as to whether he was testifying truthfully when he refused to answer on the ground that his answers might tend to incriminate him. The general rule with respect to the privilege was stated by the Supreme Court in *Hoffman v. United States*, 341 U.S. 479, 486, as follows:

The privilege afforded not only extends to answer that would in themselves support a conviction under a federal criminal statute but likewise embraces those which would furnish a link in the chain of evidence needed to prosecute the claimant for a federal crime.

An answer that the witness had not truthfully claimed the privilege as to prior questions would be a direct admission of the crime of perjury.

Sincerely,

WARREN OLNEY III,
Assistant Attorney General, Criminal Division.

The CHAIRMAN. A motion was made and seconded.

[A vote was taken.]

The motion was unanimously carried.

Senator POTTER. Joe, can I open on this, speak on it a moment?

Now, as I recall, when we had the meeting when the Democrats came back on the committee, that it was agreed that the committee could, by majority vote hire and fire members of the staff. Questions of certain members of the staff have been current in the press as the result of the past hearings, and, in all fairness to the staff and in fairness to the subcommittee, and in fairness to the public which we serve, I think the staff should have but affirmative vote. Now, rather than the suggestion that the chairman has made, I would like to take them up individually. There are members of the committee staff that I don't know. One man, whose name I have seen in the paper, I don't think I would know him if I saw him. I understand he has done a good job with the committee. I assume there are others that way. I assume there are other members of the committee in the same position as I. There is nothing tricky with this move.

I know Senator McClellan, the ranking Democrat, is conducting a campaign down in Arkansas and I think his primary is next week. After that I would like to suggest a little—maybe you have it now—background material on each member of the staff submitted, at that time. I am not speaking of girls.

Senator JACKSON. Your motion wouldn't single out anyone.

Senator POTTER. There have been lots of charges made in the press. It has put the staff and the committee in an embarrassing position until that is cleared up. The staff should have the confidence of a majority of the members of the committee.

Senator DIRKSEN. I see some objection to the motion.

Number one, you see today comes at the most awkward time for staff members. It seems to me if I were a member of the staff, if this motion were adopted, I would feel that from that point on my service was in jeopardy; there would be no assurance that I would be hired back.

The second objection I see is, it would constitute something of a reflection on hard-working, obscure members of the staff whose names never get in print, and as you say, whose names even we as members of the committee do not know because this would be a reflection upon these people.

The third thing I see, Charlie, is this: I don't want to be illegalistic. In the eyes of the law, the doctrine of estoppel, if you

don't assert your right, you are stopped from doing something after a given period. These folks served faithfully, no doubt, for a long time, the question had never been raised, and out of the clear sky we raise the question, and I just wonder whether we are on good ground taking an action like that with respect to the staff generally. When I say that, I don't mean preclude any member of the committee voicing his protest, opposition, objection to continuance of service of any individual. I don't know how many we have. How many do we have?

The CHAIRMAN. Twenty-five.

Senator DIRKSEN. In addition you have this problem. The chairman just mentioned you may find yourself without a staff. To what extent that would be true, I don't know. I do know this. Two members of the staff came down to see me the other morning and said, "Mr. Dirksen, we have an opportunity for a good job that was offered." Both were in the government incidentally. One involved a fancy trip over in Europe to do work over there. They said, "What do you think?" I said, "That is very difficult for me to counsel you on, but I don't believe I would quit now. In all fairness, you ought to stay on the committee as it needs you."

Secondly, there is a continuity about this work that can only be done by people who have some skill and experience. Now, you see, I talked them out of it. After all, they were not identified with the investigation in any way, but those girls certainly wouldn't think kindly of me if I supported a resolution like this. Those are just humble people and I wouldn't want to cast any reflection on them.

Senator POTTER. If the senator will yield, the very purpose of this motion is the fact—it is not a reflection on the staff, but the staff has a right to have the confidence by the committee expressed in them, and that is the reason I put in an early date. I said, "July thirty-first." That is fifteen days from now. During that time if we could get the two names that have been in the press of late about security risks, we might as well bring that on the table. I haven't the slightest idea what the reason for the lack of security clearance is. If it is so, I haven't seen the documents on it.

Now, you are going to single out people who are on the spot, Roy, or whoever it may be. We have other people we don't even know. I think we owe it to them, to ourselves, and to the public. I can very frankly say there would be no reflection on the staff.

Senator DIRKSEN. But Charlie, what would you say to a staff member if he came to your office and said, "Mr. Potter, I don't think this is at all fair. I worked for the committee for two years and you never raised your voice about my services in any way. I have a right at least to imply that my services were good. Now, you introduce and approve a resolution to terminate my service without offering a single shred of testimony or specific evidence that my services were unsatisfactory; that I am under a loyalty cloud." I think any staff member could make a good case against any member of the committee on that ground. If there is evidence, reason, that is a different thing, but you would have to single the out it seems to me.

The CHAIRMAN. Also, you have this Charlie. You have got the question of time of rights. Some of these women and some of the investigators worked under Clyde Hoey, worked under me. Some

may even go back as far as Truman. If we terminate their employment as of a certain date, I don't know what effect that would have on their retirement rights.

Number two, I would suggest this. There would be nothing coy or delaying about any attempt to remove a staff member. I would call a meeting whenever they wanted. Stu asked for this meeting some fifteen days ago, a little delay which may seem rather lengthy. I think you all know the circumstances, I was out of town. I would suggest instead of putting them under a cloud, I would like to give you this. I would like to get up a report and background sketch so each one of you will know who is working where; what their duties are; who hired them; did they come in under a Democrat or Republican; and then if any of you want to meet to remove someone, you take my word for it, you will have a meeting immediately. I just think that is a much fairer way. Here, if you are working on a committee and you have got a wife and three or four kids, and word comes out that you have been ordered removed, unless you are proved within two weeks—our skins may be really thick; we have been in politics—some of these people working on the committee don't have the background of toughening up. I would think—just let us give you all the information we have about these individuals and then if you want to remove anyone, I will hold a meeting and there can be a motion to remove them.

Senator MUNDT. I would think that would be better. I would be willing to make a motion to fix the date certain on fixing staff members and vote on anybody singled out. If you have any doubt about that, I will support it. Some of these people I wouldn't know if I saw them walking across the street. This barefoot girl, I wouldn't know her if I saw her, but this will be interpreted by people in her hometown—

Senator SYMINGTON. Wouldn't a compromise be suspension?

The CHAIRMAN. You have Pete Smith or Nellie Grey, who has been doing a great job. They were hired by—even go back as far as Truman. Let's say Nellie Grey was employed by Truman and she has worked under Brewster, Ferguson, Hoey, McCarthy.⁹ Why suspend a girl like that, Charlie.

Senator POTTER. You don't. You have a date in here, before July thirty-first. You can be assured a meeting would be called and you can have the background material. I think we have an obligation to the committee, to ourselves, if nothing else. There should be no reflection.

Senator MUNDT. That way we find them guilty until we vote them innocent.

Senator POTTER. We could have a meeting at two o'clock and take them back at four o'clock. Six months ago we said this was what we were going to do. Now, we are actually repudiating what we said we were going to do six months ago.

I feel there should be no exception made to every member of the staff, rather than go out and select two men who have been in the press and there may be some guy on the staff, I don't know, who is not nearly as able and qualified as one of those mentioned. To

⁹Subcommittee chairs Ralph Owen Brewster, Homer Ferguson, Clyde Hoey, and Joseph R. McCarthy.

go out and pick out two, I don't know about the other fellows, but I don't think it is fair to them. This is not a blanket firing; this is setting a target date for the committee to go over staff problems and that way we will have an affirmative act for and approve the members of the staff.

The CHAIRMAN. Would you yield? Wouldn't you like to first have the background material on each one of these people, what their jobs are, what they are doing.

Charlie, may I suggest this: There is no reason why we should suspend people about whom, as you say, we know nothing. Frankly, there are some girls working on that staff whose names I don't know. They are the carry-overs from the previous administration. Ruth Watt here has assured me we have a competent staff. Frank Carr has. Now, Charlie, I just think it is wrong.

Senator MUNDT. Charlie, it seems to me you are indicting them in the minds of their hometown people.

Senator POTTER. You are expressing confidence in them.

Senator MUNDT. I don't like to automatically assume they are all bad.

Senator POTTER. There is no suspension, just setting a short target date to act affirmatively on members of the staff.

The CHAIRMAN. Charlie, why don't you do this? I will get you all the information we have on each member. I will want it myself. I frankly learned a lot more about the staff during the investigation. Let me get you that information for you and then if you feel somebody is incompetent, you have my positive assurance, and this is strictly on the record, that I will immediately call a meeting and let you or anyone who wants to move to remove any staff member. There is nothing tricky about that.

Senator MUNDT. You say this, Charlie. I move all present staff are automatically terminated except in those individual cases where we have voted such specific confirmation. It certainly is an implication on a lot of people I don't know. As I say, if you want to set a definite meeting and there is anybody you want to get off and somebody else takes the same vote, you haven't deliberately hurt somebody in their hometown.

Senator POTTER. Of course, I don't believe that implication is there. I envisioned with this we would have to have a committee meeting, as Joe mentioned with background on the staff, individual members of the staff, just as Joe mentioned. Now, rather than us take the position of firing them, we are approving them.

Senator MUNDT. Firing them all.

Senator JACKSON. The rule says we must approve them. The rule adopted in January provides that the present staff must be approved—past and present is the way it was worded.

The CHAIRMAN. Scoop, let me say, I think you and I see pretty much eye to eye on this. We will get you background of every staff member. Why in the devil have twenty-four or twenty-five people have a story in their hometown paper that they have been fired. Call the roll off. If there is no motion to remove them, then confirm them. Don't serve notice that they are all under suspicion.

Senator JACKSON. This is not a clear service on the staff. You proceed to approve the ones you approve.

The CHAIRMAN. You would get the same results without throwing in all the hometown papers that maybe these people are under some veil of suspicion, as I am sure in the vast majority of instances is not the case. I think we will get the same results. We will have a vote and confirm them if there is no objection.

Senator JACKSON. But this resolution really carries out the rule. This sets a stage for carrying out the rule.

The CHAIRMAN. I say set the stage for carrying out the rule without this blanket implication of indictment.

Senator POTTER. What you say doesn't set the stage—

The CHAIRMAN. I think we can set the stage for carrying out the rule without indicting the staff with a blanket resolution.

Senator MUNDT. We are going to meet here and go through the whole staff, read the names off, and if anybody objects we will have a vote. We will confirm in block those left. In other words, you can go through this without the implication that you think maybe the whole staff ought to go.

The CHAIRMAN. It is a hell of an insult to the chairman. We could take steps to adopt the rule without this obnoxious step in between.

Senator POTTER. It seems to me, when we met in January, I will be frank with you, I didn't care for the rule. I didn't want the responsibility. We agreed the individual member had to assume that responsibility for members of the staff. At that meeting we said the committee had to approve members of the staff, presently on and after they came on. Now, that has never been done. I am not crying about that.

If this hadn't come up as a result of the hearings, where you have members of the staff who may have been mentioned in the press, I think it is wrong for us to go and say, "All right, we are going to fire you and going to fire you because you have been mentioned unfavorably in the press." I don't think that is being fair. I think the staff has a right to have affirmative action in approving them by this committee. I think they have that right.

Senator MUNDT. Suppose we have a meeting Wednesday or Thursday of this week, by which time we have got a little biographical data for study; then call them up and get acquainted with them, at which time the secretary will give the staff names and any member can move to remove them; then I can say, "all right, I am against this motion;" then we take a vote; then somebody moves we approve the staff in block, and we will accomplish the same result without intermediary steps which will cause heartaches and distress.

Senator SYMINGTON. I don't see it that way. It is this first step I object to.

Senator POTTER. This step, the confirmation has to be done before certain date, before adjournment. That is the reason I put that in there.

The CHAIRMAN. Number one, the staff has been approved by the committee with a few exceptions. Some of the recent appointees have not been, but the vast majority have been approved.

Number two, may I say this off the record.

[Off-record discussion.]

The CHAIRMAN. I think Karl Mundt's suggestion will accomplish everything that could be accomplished when he says, give the members of the committee the background of all staff members; then have a meeting and go down that list and if there is anyone there that you don't want, disapprove them; if there is someone there we do want, approve them. There is nothing to be gained by going out here today and saying we are firing everybody on the committee. It is a fantastic thing. We have got people who came in under the Democratic regime and the Republican regime. We have got people whose honesty and integrity have never been questioned by anyone, even remotely.

Let me tell you, if you live back in Centerville, Iowa, and have been down here working on this committee and the local papers carry the headlines that you have been discharged by the committee and will not be put back on unless we have a meeting and decide to put you back on, you are going to make it embarrassing for his family, and it would be a tremendous insult to you. It is an insult to the chairman who hires you, whether me Hoey or whoever it was. There will be nothing gained by it. You will get the same results, exactly the same results, by doing what Karl suggested. Why the devil press for that type of action? I will give you a meeting whenever you want it. You know that. You can have it next Monday, Tuesday, next Wednesday. How long will it take to get resumes of people on the staff, their background.

Mr. CARR. It depends on how much you want. It shouldn't take long.

The CHAIRMAN. You could have that by, Monday morning, couldn't you?

Mr. CARR. [Nods affirmatively.]

The CHAIRMAN. Well, Charlie, how about having a meeting Wednesday morning.

Senator JACKSON. I second the motion by Senator Potter.

Senator POTTER. If I am out voted, that is that.

Senator DIRKSEN. Mr. Chairman, is the committee going to vote on that today?

Senator JACKSON. Sure.

Senator DIRKSEN. I would offer this as a substitute.

Senator SYMINGTON. I have a proxy from Senator McClellan.¹⁰

The CHAIRMAN. You don't have a proxy for this because you don't know what he is going to submit.

Senator SYMINGTON. Here is one written to you. Mine is a copy, but is the same as yours.

I hereby give to Senator Symington and authorize him to use my proxy and vote same in connection with the approving, disapproving, or suspension and any other appropriate action relating to the staff of the Senate Permanent Investigating Subcommittee. John L. McClellan, U.S. Senator.

The CHAIRMAN. I think in order for a proxy to be used, it has to state specifically what it is for.

¹⁰Telegram: "Hon. Joseph R. McCarthy, care Senator Stuart Symington, room 254, Senate Office Building: I hereby give to Senator Symington and authorize him to use my proxy and vote same in connection with approving, disapproving, or suspension and any other appropriate action relating to the staff of the Senate Permanent Investigating Subcommittee. John L. McClellan, U.S. Senator."

Senator JACKSON. It states on the staff. I don't know how specific you can be.

Senator POTTER. I am not going to argue the question.

The CHAIRMAN. My thought is that Senator McClellan should not be denied the right to vote, number one. Number two, we took great pains to make sure that there wouldn't be any type of blanket proxy. Senator Dirksen, for example, couldn't call me saying he was sending a wire saying, "I will authorize you to vote my proxy on questions of staff" or questions of legislation or that sort of thing. I just hope we don't get to the point of denying John the use of his proxy. I would say this: If someone could contact him by telephone and explain to him what the motion is, then he wants to express himself on it, that is what I intend to have my proxy on, he should have a right.

Senator SYMINGTON. Mr. Chairman, I discussed this with him—not this particular point, which I hadn't discussed with Senator Potter. I am certain he will approve of Senator Potter's resolution, which was seconded by Senator Jackson and I would vote for it myself, and I would like to register his proxy as also voting for it.

The CHAIRMAN. Stu, do me a favor. Don't put us in a position of denying him the right to vote. If he wants to vote that way, get him on the telephone. You can get him on the telephone in a matter of ten minutes. Make sure he knows what he is voting on. I don't think he will vote that way, and I will tell you why. When John McClellan took over the committee from George Aiken, and I hesitate reciting these facts as it was a number of years ago, there was the question of whether or not all staff members should be asked to resign. At that time we were very much concerned with, as I recall, the retirement benefits, retirement rights of members of the staff. We worked it out finally, I believe, with a request that they submit their resignations but that they not be accepted.

Now, this is not a new subject that has come up. Senator, if we are to be fair about this, there is no reason on earth why you can't come in here next week, any day you want to, and move that Nina here, for example, Ruth, Roy, Frank Carr, anybody else be removed from the staff. There is no reason why we should say to the public now that we don't have any confidence in what the chairman has done. If I have hired someone who is an improper person to act, then any member of the committee should have the absolute right to come in and say, here are the facts on this, call me to the stand, or call whoever you want to the stand and resolve this, but Charlie, may I ask this; then I will quit beating this horse. What do you gain by this preliminary action when you can do absolutely the same thing next week.

Senator POTTER. I will tell you the reason for it—

The CHAIRMAN. May I interrupt. I think we should put in the record Senator McClellan's telegram and will you copy that in toto, Nina, and also will you copy at that point the rule of the committee adopted January 14, 1953, as pertains to proxy. I will mark that for you.

Rules of Procedure Adopted by the Committee on Government Operations
Extract from the Minutes, Meeting of Committee on Government Operations, January 14, 1953

When a record vote is taken in committee on any bill, resolution, amendment, or other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing.

Such proxy shall be addressed to the Chairman and filed with the Chief Clerk. It shall contain sufficient reference to the bill, resolution, or motion as is necessary to clearly identify the proposal, and to inform the committee as to how the member wishes his vote to be recorded thereon. Such proxy shall then be counted officially in the final tabulation of that vote.

The Chief Clerk shall be required to insert such proxies in the minutes of such meeting as a permanent record.

The CHAIRMAN. I want to say this. There is no question about this as far as I am concerned even though in my opinion the wire does not conform with the proxy rule. I think that it would be highly improper to deny Senator McClellan the right to vote on this. I assume he is available by telephone in a matter of ten or fifteen minutes.

Senator SYMINGTON. He isn't, Mr. Chairman. He really isn't. That is the problem. I couldn't be more sincere. He is going from little town to little town. I talked to him every day for the last four days. One day it took ten minutes—one day I didn't get him at all. You have done it. You know what the problem is, and the telephone service.

Senator JACKSON. Let him send a wire in on the specific points if there is a question about it.

Senator DIRKSEN. I have a motion—

The CHAIRMAN. Senator Dirksen, would you take this about fifteen minutes?

[Off-record discussion.]

Senator SYMINGTON. In connection with this meeting, with the approval of Senator Mundt, I would like to file for the record the first paragraph of his letter of June 30th to Senator McCarthy because there have been some reports that this meeting was called at my request only.

Actually, it was called at the request of all the members of the special committee, as Senator Mundt's letter shows.

As Chairman of the Special Senate Committee on Investigations, the members of our group authorized and instructed me at our meeting today to write you this letter, to hand you the specified enclosures, and to secure you, as Chairman, at your earliest convenience once you have returned from your current vacation.

Senator DIRKSEN (Acting Chairman). Without objection, that will be approved.

Senator SYMINGTON. Thank you, Mr. Chairman.

[The Chairman, Senator McCarthy, returned to the meeting.]

Senator DIRKSEN. I will present my motion.

On or before July 22, 1954, the Chairman shall call a meeting of the Subcommittee and the individual names of all staff members of the committee shall be submitted to the Subcommittee for confirmation, and in the case of those members where confirmation may be denied, such action shall not be final and conclusive without a hearing before the subcommittee, if a hearing is demanded.

The CHAIRMAN. Very good.

Senator DIRKSEN. I make this brief representation. I find it very difficult to go along with Charlie's resolution. First, I don't want to hurt anybody who shouldn't be hurt. I think the committee amended its rules in January, six months ago, and there was never any question raised until now. After all, there is some implication we

were satisfied and no questions were raised to the chairman, so I don't want to hurt him now in that respect.

Third, Henry raised this question about giving the staff members a hearing. I don't think that strange. All in all, they served on the committee and we are getting ready to terminate them and I think, in the good old American tradition, if we are going to terminate their services, we ought to let them know why and if they have got something to say, let them have an opportunity to say it before the action by the committee shall be conclusive. I think it is the essence of fair play. I never like to get put up on a stool I can't defend myself on good legal or moral grounds. This is an affirmative substitution. It will accomplish what everybody wants to accomplish. Henry raised the question that suppose there should be no meeting. If there is no meeting it is only because the members of the committee do not respond. This makes it mandatory on the chairman of the committee; it makes it mandatory to call a meeting before next Thursday.

The CHAIRMAN. I can say there definitely will be.

Senator DIRKSEN. It gives us time to get briefs on the staff members.

Senator MUNDT. If Henry seriously thinks we will not call a meeting, we could put the date of the meeting.

Senator JACKSON. I think Charlie's motion is preferable as it ensures positive action prior to July 31st, number one. Number two, it does not single out any member of the staff. It means that the committee will have to go through the members of the staff and approve or disapprove affirmatively each member of the staff in accordance with the rules. I think it is the fairer of the two proposals, at least that is my—

Senator MUNDT. Henry, there is the same voting procedure under Dirksen's motion as Potter's. Take the staff members and either vote them up or vote them down. The preferential feature of Dirksen's motion quite apart from this other is the hearing, which I am not so much concerned with, but I think anybody is entitled to that. The preferential feature is not to slander anybody who ultimately will be accepted by the committee.

Senator JACKSON. I think there is one thing also for the record that should be corrected. It is my recollection after the rule with reference to majority approval of the committee was passed the latter part of January, Senator McClellan did speak to the chairman about the same situation at that time. He has so stated in public hearings and elsewhere. It is my understanding, if the facts bear me out, it wasn't very long after we came back to the committee that the now famous Army-McCarthy dispute came into being and made it impossible to implement this rule. I think everybody agrees we didn't have an opportunity, and it would have prejudiced people involved in the hearing.

The CHAIRMAN. Number one, Scoop, you were in a peculiarly pleasant position because you had no monitored phone calls, number two, McClellan did not testify.

Senator JACKSON. I didn't say he testified. I said he stated.

The CHAIRMAN. The testimony that he was visited six days before he came back on the committee by one of a group who took part in a conclave which resulted in the thirty-six days of hearings, so

that there is no testimony by McClellan, as far as I know, and just in complete fairness to McClellan, I don't want to make this unqualified unless I would check, I don't think McClellan ever told me before he came back on the committee that he was going to try and get rid of staff members.

Senator JACKSON. I didn't say that. I said this. I want to make the record clear. I said this: When he came back and at the hearing or shortly after the meeting at which we came back, I recall his having stated to you that there were some staff matters which he wanted to speak to you about. I believe that statement you referred to now was made during what is now known as the Army-McCarthy hearings. I believe he did tell you there were some matters he had been informed about he wanted to speak to you about and bring to your attention in connection with the staff. If I am wrong, I stand corrected.

The CHAIRMAN. I think you may be right. At this particular moment I don't remember. I don't think Senator McClellan would misstate the facts.

Senator SYMINGTON. I think Scoop is right on that. I know that is what Senator McClellan told me. I believe somewhere in the record, that is my recollection that he mentioned that in the hearings. Whether it was in an executive meeting, or public, I don't know.

Senator MUNDT. To me, as far as my sentiment, I would like to have a meeting next week for the purpose of confirming the staff; for the purpose of looking at the biographical data, finding out what their jobs are and deciding to continue or not continue them. To me, the Potter motion contains a blanket indictment of people I don't know and I don't want to embarrass them. Senator Dirksen's motion serves the same purpose—to have a subcommittee meeting next week and we have to confirm or disapprove them. That way we do it affirmatively and not hurt innocent people that we are subsequently going to keep on in our employment. We will get the same results. I think in all common decency we should retain the staff and not put them under suspicion for a couple of weeks and then say the subcommittee has reconsidered and accepted them.

Senator POTTER. Will the Senator yield at that point?

The CHAIRMAN. I don't believe that—

Senator POTTER. Under the Dirksen motion you are putting the committee in the position of firing members of the staff. Now, I believe that the committee has every right and the staff has every right to expect the committee's approval of them as a staff member. Now, the only thing, I have been on other committees where you vote on staff members—

The CHAIRMAN. May I say, here is the thing that bothers me. If you insist upon a vote on your motion, under the rules governing proxies, I would have to, with the greatest reluctance, rule out John McClellan's wire, which does not mention your position. I don't want to do that. I think John has an absolute right to vote on any matters that come up.

I think he should know what is coming up. I don't like to leave this room with a three and three vote, which means that the mo-

tion would lose, lose because we don't recognize the improper form of proxy.

Senator JACKSON. Is it agreed that he can submit his proxy in specific terms relating to this motion?

The CHAIRMAN. No, his proxy does not cover this.

Senator JACKSON. I am not saying that. I thought it was understood that he could submit a proxy covering this.

The CHAIRMAN. Yes, he certainly should be entitled to do that.

Senator JACKSON. We have never done this before, Mr. Chairman. We are invoking rules which have never been invoked before.

The CHAIRMAN. Senator Dirksen has a motion accomplishing everything you want, a motion to hold a meeting next Thursday. There is certainly no delay about that.

Senator POTTER. As I understand, you will rule the proxy out of order.

The CHAIRMAN. I think I would have to until John wired us or wrote us and told us what he wanted done. In doing that, I want to write McClellan myself. Senator Dirksen, Senator Mundt, Senator Jackson, I tried to get an opinion from the disbursing officer as to what effect this would have upon the retirement rights of these people. I don't have that opinion yet. I would want to write John McClellan exactly what effect that would have upon their retirement rights. We discussed that, Scoop, in great detail when John took over from Aiken and I just want to have McClellan know what he is voting on. It would be a matter of a couple of days. I will quite beating this horse, Senator Dirksen. Why doesn't Senator Dirksen's motion completely cover your situation. Every member would be up for you to vote for or against.

Senator POTTER. Because I think Senator Dirksen's motion is more of a reflection on the staff; however, if you are not going to recognize the proxy, I will accept Senator Dirksen's substitute.

Senator SYMINGTON. I think I know how Senator McClellan feels about this.

Senator JACKSON. Senator McClellan should certainly have the right to wire in his vote.

Senator SYMINGTON. I am certain he will approve Potter's motion. Senator McClellan should be given the opportunity to vote on this.

The CHAIRMAN. Just one previous question: We have right now, we have some 130 people in defense plants who have Communist records. I think we should start holding hearings immediately. I would like to know in what way your motion would affect that. That has nothing to do with the army. I think it is pretty generally agreed among the senators that it would be improper to proceed with this investigation of any improper conduct on the part of army officials until the final report is submitted to the Senate, except I would like to know, Charlie, how you anticipate this would affect defense plant hearings. I would like to, and unless the committee votes me down on it, I will proceed to bring in Communists from defense plants, starting at the earliest convenience. I am going to ask the senators on the committee, Potter, Jackson, Dirksen, Mundt, McClellan and Symington, in view of the fantastic amount of work involved, in view of the fact it would be impossible for me to sit as chairman of all these committees, I think this is something

we can all agree on; I don't think there will be any dispute by the Democrats or Republicans. I would like to ask all senators to take a spell chairing the committee. We have got 133, roughly. It means about five months of steady work.

May I say, and I don't want to take your time up, but the heads of defense plants have taken the position they can't fire these people unless and until they are called in and take the Fifth Amendment, Communists committing subversion, espionage, sabotage, what have you. I would just like to know if there is any indication, any inclination on the part of members to try to keep us from holding hearings, number one. Number two, under the rule, or proposed rule, while the Democrat members could prevent any new public hearings being started, it was agreed completely and fully that would not apply to any hearings in progress. In other words, the chairman, once he had authority to conduct a certain line of investigation, would not have to call the committee not together each day and say, "Can I hold hearings?" My proposal is not to start those hearings. They have nothing to do with the army loyalty set-up, nothing to do with Stevens, nothing to do with Adams. There has been no claim by anyone that Carr, McCarthy, or Cohn, who were the principals on one side of this case, in any way improperly handled those defense plant hearings. I am just curious to know, Charlie, how your motion, in your opinion, would affect that?

Senator POTTER. Joe, my motion could be all cleared away by Tuesday of next week, if Frank got together the biographical sketches, and it would be completely out of the way.

The CHAIRMAN. I want to hold hearings Saturday. Frankly, there are some pretty urgent matters.

Senator SYMINGTON. We have waited four weeks today or tomorrow, and I don't think we should have hearings before we get the staff situation clarified.

The CHAIRMAN. Stu, let me tell you something. You and I had gotten along very well until we got into these hearings. There is no reason, as far as I know, Stu Symington, why you should keep us from exposing Communists in defense plants. If the Democrats want to keep me from exposing Communists in defense plants, I am inclined to think they can perhaps do it.

Senator JACKSON. We have been waiting four weeks to hear from you.

The CHAIRMAN. I have been hearing it from the press every day—

Senator SYMINGTON. What did you hear from the press?

The CHAIRMAN. I have been hearing that you have taken the position there can be no exposure of Communists until after the report is written, a report involving five million words, roughly. Make that two million. I read that in the papers.

Senator SYMINGTON. You never read that statement, not from me.

Senator JACKSON. Or from me.

The CHAIRMAN. I have yet to hear one of my Democrat colleagues say, "We want to help expose some Communists." We have got in their files, Karl, we have got the most fantastic amount of work, months and months of it. It doesn't have anything to do with Ste-

vens, McCarthy, or Adams hearing. There is no reason on earth why we shouldn't go ahead.

Senator JACKSON. We haven't been able to have a meeting of the committee for a month.

The CHAIRMAN. Scoop, if you are going to hold it up until you can vote on each little girl on the committee, and each investigator, I just want to make—I just want to know it, number one, if that is your intention.

Number two, I just want to make that clear to the country because that is awfully important. That has nothing to do with Charlie Potter's motion.

Senator JACKSON. We haven't held up anything. We requested a meeting of the committee dated June 30th; then I will go ahead with the hearings.

The CHAIRMAN. There has been a meeting today, July 15th.

Senator JACKSON. Not on any member of this committee.

The CHAIRMAN. Then do I understand that there is no objection if I proceed to start holding hearings Saturday.

Senator JACKSON. Well, I think staff matters should be disposed of first.

Senator SYMINGTON. We have been waiting four weeks since the hearings closed to have a meeting. Taking Senator Potter's thought, he says that the staff problem can be cleared up by next Tuesday evening under his motion. As I understand it, I believe that is right. I would wait four more days, which includes Saturday and Sunday, until we clear up this staff situation before we go ahead with any hearings. That would be my recommendation and vote.

The CHAIRMAN. Just so I can't be accused by members of the committee of deceiving you, unless the committee votes to deny me the right to do it, I intend to start exposing Communists in defense plants on Saturday. Now, I won't do all that work myself. I want every member of this committee to take a part in chairing those committees, and I think maybe some of us may have a better picture of this threat than we have now. I just want to say that. My position is that if there were a new hearing being held, I would have to get permission of the senators and the three Democrats could block it; it being a current hearing, they cannot, except by a motion on the part of a senator, if you want to make a motion to deny me the right, if that is carried, obviously I can't hold the hearings. I am bound by the majority rules of the committee. When I leave this room, I want the press outside to know who is going to hold up the hearings.

Senator JACKSON. I think the record should disclose that a whole month has elapsed since the conclusion of the Army-McCarthy hearings.

Senator MUNDT. I can't understand why we have a meeting which lasts a couple of hours about a problem which we say we all want to solve by having a meeting to vote on confirmation of the staff members. The vote is going to be the same way. This is just a question of approach shots. We have got Charlie's motion, which I take exception to on two scores mentioned, first the intermediate step, which in the hometown papers of every employee will cast a shadow of suspicion on them automatically, that they are sus-

pending July 31st unless the committee votes them back in; and second, it denies them any possibility of a hearing. To me, that isn't the way of operation. In the first place, I don't believe in belittling people, and in the second place, we get the same results by Dirksen's resolution, plus giving them a hearing.

Senator DIRKSEN. You can't separate the humblest civil service worker under the federal laws without giving them a hearing. I don't want to bring myself into that position.

Senator JACKSON. Let's vote.

The CHAIRMAN. Senator Potter says that he would like a ruling from the chair on the proxy of Senator McClellan.

The chair is prepared to rule on that. I will have to rule that under the rules of procedure, adopted by the Committee on Government Operations on January 14, 1953, which provides that the proxy must be in such details so that it clearly appears that the member voting the proxy knows what he is voting on relating to the specific subject. This proxy does not. I would have to rule the proxy out.

Senator JACKSON. Wherein does the proxy fail to comply?

The CHAIRMAN. Let me rule first. I would say this: That is, if Senator Symington wanted to contact Senator McClellan or Senator Jackson wanted to contact him, and if they told me—I wouldn't have to talk to McClellan myself if I had the assurance from either one of you that you had given him the details of what this motion was—and he said, "My proxy still applied," I would perhaps be leaning away over backwards, but I would recognize the proxy unless the committee outvoted me.

I understand that Senator Potter's position is that he feels this matter is rather urgent and that if we rule out Senator McClellan's proxy, that Senator Dirksen's motion will perhaps accomplish the desired results. Therefore, I gather, Charlie, that you will go on and support that, not because you feel your motion is not better; you feel your motion is more desirable, but because of the time limit—

Senator JACKSON. Can we recess until tomorrow on that, so Senator McClellan can vote on these two specific resolutions?

Senator SYMINGTON. We have Senator McClellan's proxy on that vote. We have never denied a member of a committee—

The CHAIRMAN. Let's be a little frank about this thing. You are Stu Symington—and let's make this completely clear—you are doing the most unfair job on the staff members that anyone could do. Let's get this clear, and this is on the record. You were not trying to take action which will remove any employee guilty of improper conduct from the committee; you are trying to stay action, Senator Symington, which is strictly 100 percent political, and you are entitled to do that. I don't accuse you of any dishonesty in this matter, but let's have it clear, I know what you are doing. You just go right ahead as far as I am concerned. I am going to call for a vote.

Senator SYMINGTON. Mr. Chairman, you have expressed your opinion. May I express mine? I did not know the details of Senator Potter's resolution. I believe that it is a wiser and kinder resolution to the staff than any other and we can have an honest difference of opinion on that. I believe that represents the thinking of Senator

McClellan because of that. I want to assure you I have no political thinking of any kind whatever. The motion was made by one of your colleagues and supported by the Democrats. It is not a political action on my part of any kind whatever.

Senator MUNDT. I have another substitute motion if Senator Dirksen's motion loses, which I want to offer.

Senator JACKSON. We are granted the right to vote by proxy and I think it is most unfair to Senator McClellan. I don't object at all to an adjournment until tomorrow.

[Off-record discussion.]

Senator POTTER. Let me say one thing. I am offering my motion as an individual member of the committee. I hope it prevails, but if it doesn't carry, then I am going to vote for the next best motion offered to get action. I don't want to delay it. This thing has been hanging fire a long time, and in all fairness to the staff, the committee, and the public, it should be out of the way.

Senator DIRKSEN. Joe, let's not vote now. May I respectfully suggest, I think not only the chairman but the committee is inviting a good deal of hostility if a proxy is disqualified. I would prefer—I know it is your prerogative to rule it out, but I would prefer if you did consider the proxy valid for the purpose here. Let Senator Potter make his motion and I have one or two other motions I would offer which would come within the exception clause in Potter's motion.

The CHAIRMAN. I will defer it to the judgment of my very able neighbor senator, if he insists. However, I think this, Senator Dirksen.

We had this question come up, the question of discharging all staff members and then rehiring them. That was up when John McClellan took over the chairmanship of the Government Operations Committee from Aiken, either that or vice versa. It is a very important question. I would like to get the opinion from the Disbursing officer, Senator Dirksen—I would like an opinion from the Disbursing officer as to how that would affect the pension rights of these employees. You see, they all have pensions. If there is a gap in employment, I understand their pension rights are affected. I would like to strongly urge, Charlie, if you would do this, just so we don't have to worry and it will accomplish the same results. Take the Dirksen resolution, and we could have a meeting earlier than the one called for on the 22nd.

Let me say this, Senator Dirksen. I don't like to accept a proxy unless I know that the man voting it knows how it will affect the young ladies on the committee. Take for example, Ruth Watt—

Senator DIRKSEN. Let me make an inquiry. In Charlie's motion he says, "except in those individual instances where a subcommittee majority in formal session all have voted such specific confirmation prior to that date." I offer a motion that all names of staff members shall be submitted to the subcommittee on or before the 22nd of July for specific confirmation in accordance with the exception in the Potter motion.

Senator POTTER. I see nothing wrong with that.

Senator DIRKSEN. That will take care of any possibility of endangering their retirement rights or pension rights or annuity rights.

Senator MUNDT. That still leaves in the objectionable language—

Senator JACKSON. I think that these various proposals ought to be put in writing and made available by Saturday morning. In the meantime, Senator Symington or myself can get in touch with Senator McClellan and we can reconvene on Tuesday. I think it is a dangerous precedent if you are going to turn down a proxy. I think it is a pretty fair statement of the subject matter before the committee, and I do believe that in fairness to any member, I don't care if he is a Republican or Democrat, that such member of the committee should have an opportunity to vote by proxy.

[Off-record discussion as to next meeting.]

The CHAIRMAN. Can we do this? In the meantime, Stu, so we don't have a fight about this, can you get an opinion from the disbursing officer. I will get one also.

Senator SYMINGTON. You get it.

The CHAIRMAN. Let John know what effect it has before he casts a ballot. I will ask for that jointly under my name and your name,

Senator SYMINGTON. May I make this observation? If you had the 31st, or any particular day, those would be off and back on all on the same day, so from the standpoint of the Disbursing Office, it would not be a problem.

The CHAIRMAN. I will give you a copy of the letter I write to him.

Senator JACKSON. One point before we meet on Tuesday. I think the chairman should be requested to get all necessary biographical and background data on all members of the staff in the meantime.

The CHAIRMAN. Senator Jackson, we will try and get that to you Monday, so you will have that twenty-four hours ahead of time. There is only one problem. Whenever I get a name check from the FBI it is marked personal and confidential to me personally. I think there has been some violation of that. I let the former chief of staff, Flanagan, look at those. It may be I won't be able to incorporate that, but I will call Hoover and ask him if I can incorporate that FBI name check in that thing.

Number two, we have got the press waiting, and I think, Stu, even though you and I exchange rather rough language, I think we substantially—

Senator SYMINGTON. In this case all the roughness was on your side, not mine.

The CHAIRMAN. Let me say there that I can see no reason on earth—we have got Communists in defense plants, so why shouldn't we go ahead and hold hearings, unless somebody makes a motion to deny me the right.

Senator DIRKSEN. That has been authorized by the committee before.

Senator SYMINGTON. I want to say this for the record. I know, Senator McCarthy, this I am sure of, that there is going to be no further investigatory action on the part of the committee until the staff matters have been cleared up. I want to make that for the record with respect to how I feel on that point. Does that differ from the way you feel?

Senator DIRKSEN. Well, it runs in my mind that the only controversy is over the language in the record at one hearing that said there should be no regular function of the committee pursued until

the investigation had been concluded. Well, the investigation has been concluded. I assume from that we could go ahead with the hearings and have it authorized. I see the point, of course, of any new investigations.

The CHAIRMAN. I have something really urgent which I have to attend to, so if you don't mind, I will adjourn the meeting until Tuesday at twelve o'clock noon.

[Thereupon, the committee adjourned at 5:00 p.m.]

MATTERS OF STAFF ORGANIZATION AND COMMITTEE FUNDS

[EDITOR'S NOTE.—At the executive session on July 15, 1954, Senator Charles E. Potter introduced a resolution terminating all present staff appointments except for those whom a majority of the subcommittee voted to retain. The resolution was aimed primarily at removing chief counsel Roy Cohn. Anticipating that Potter, a Republican, would vote with the subcommittee's three Democrats to form a 4-3 majority, Senator McCarthy offered to transfer Cohn to his personal staff as his administrative assistant or to find him a job with another committee. Cohn chose to resign. "I feel that my helpfulness to the subcommittee has been brought to the vanishing point," he wrote in his letter of resignation. "In any future investigation in which I appeared as chief counsel, all the slanders voiced against me would be repeated to minimize the evidence presented."]

TUESDAY, JULY 20, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 12:30 p.m., pursuant to notice, in executive session in room F-65, the Capitol, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Francis P. Carr, staff director of the subcommittee; Robert Kennedy, counsel to the minority; Ruth Young Watt, chief clerk.

The CHAIRMAN. The subcommittee will come to order.

I think at this time I should announce that Don Surine has resigned from the staff, and I am taking him on my personal payroll. And this is Roy Cohn's resignation, which I have accepted. I have accepted Don Surine's resignation and have put him on my personal pay roll.

Senator DIRKSEN. Do you wish a motion to accept his resignation?

The CHAIRMAN. I don't think it is necessary. I have already done it.

Senator MUNDT. As long as they were never confirmed, you don't need a motion.

Senator POTTER. What about the other one, Mr. La Venia?

The CHAIRMAN. Well, on Tom, if there is any dispute about him, I would like to have him come in here and just tell us what it is.

Senator SYMINGTON. May I make a suggestion on that? I think the army ought to come in and tell us in executive hearing, or the Defense Department.

The CHAIRMAN. They refused to do it. I have asked them to do it.

Senator SYMINGTON. I think that they ought to.

The CHAIRMAN. I wrote Charlie Wilson about it.

Senator JACKSON. The thing to do at this point would be, Mr. Chairman, to vote on the resolutions, the substitute and the one offered by Senator Potter. I think that in view of the La Venia situation, so that we not single anyone out, that we have a twenty-four-hour waiting period here so that these people can come in and we can talk with them, and find out the story. In other words, if we approve all but some here today, those names will be hanging fire, and it would single them out in the press.

Senator DIRKSEN. Now Roy Cohn's resignation is here. And Surine's resignation has been accepted.

The CHAIRMAN. Yes, and he is no longer on the committee payroll and he is now on my office staff.

Senator DIRKSEN. That is Surine. Now, is the resignation a matter of record, or will it be here?

The CHAIRMAN. It should be here right now.

Senator POTTER. You have stated it and it is a matter of record.

The CHAIRMAN. You can make that a matter of record that Don Surine is no longer on the committee payroll, and he has been removed from the committee payroll and he is now on my office staff payroll.

I have accepted Roy Cohn's resignation.

Senator DIRKSEN. That leaves Tom La Venia for the moment.

Senator POTTER. I think in order that we be working in orderly fashion, let us act on my motion now, and I so move.

The CHAIRMAN. I think we have a good thought here, but I think that Senator Dirksen has an amendment to it which might be well. If you could go ahead and approve all of the staff and if some other member of the staff is not agreeable we will get rid of them later.

Senator DIRKSEN. I would like to outline for everybody here, number one, I am going to withdraw my substitute, and that leaves your motion before the committee. Number two, I am going to move to insert the words "without prejudice."

Senator POTTER. I will accept that.

Senator DIRKSEN. Number three, the action comes on your motion. Number four, I shall then move that we confirm all members of the staff except Tom La Venia. We must accept the resignations first.

The CHAIRMAN. I have accepted those, and that is out of the way.

Senator DIRKSEN. We can formally accept them.

The CHAIRMAN. There is no reason to accept it because Don Surine is no longer on the payroll and Roy Cohn is no longer on the payroll.

Senator DIRKSEN. It might be well to just make formal recognition of the matter.

The CHAIRMAN. Except they are no longer on the payroll. I have taken them off.

Senator MUNDT. To obviate that problem, I move we confirm the following members of the staff

Senator JACKSON. Then you single him out.

Senator POTTER. That has already been done.

Senator JACKSON. I would rather that you let this thing go over, and adopt the motion.

Senator MUNDT. When do we ever decide about La Venia?

Senator JACKSON. If you bring him over now, I want to make my position clear for the record.

The CHAIRMAN. He wants to come over, and he wants to be voted in or out. Let me say this: Tomorrow we will have no more information about La Venia than we have today. I have begged the Defense Department to give us information about him. I have gotten the FBI report, and I can give you exactly what is in it and I would like to get rid of La Venia's case today, and either vote him off the committee or on the committee.

Senator POTTER. It puts the members of the committee in an embarrassing position to vote confirmation, when you don't have security clearance.

The CHAIRMAN. I do not care whether you vote him on or off, Senator, I shouldn't say that, because I do care, but you will have more information tomorrow or the next day. The FBI will give us no further information, and they say all they have against him is this meeting he attended.

Senator JACKSON. We can find out from him what derogatory information he can give us about himself. We can ask the FBI or security and Defense Department, "Do you have any other information than that which we have?"

The CHAIRMAN. The Defense Department will give us nothing at all, and I think what we should do—if this is proper, Senator Dirksen—see if this is proper that on La Venia we gain nothing by waiting a week or two weeks, and why not bring him over and put him under oath, and let him be sworn here and tell us what these facts are.

Senator DIRKSEN. Why the hurry about it today?

The CHAIRMAN. Because if he isn't confirmed today, we have that thing hanging over our head.

Senator Jackson?

Senator JACKSON. If you follow my suggestion that problem won't exist, that we act on the Potter resolution with the Dirksen amendment, and approve that. Then we can interview La Venia and go into this thing and find out about it. Then confirm the staff tomorrow or the next day.

Senator DIRKSEN. If we don't confirm, then you have a hiatus, of course, and as I indicated in the earlier meeting, I didn't think that that was fair. I don't want to hurt him, but I can see that this is a special case because it has been on the front page, the clearance was sought and it wasn't gotten and it does put it in a special class. I would be the last to hurt Tom La Venia, but on the other hand I don't want to hurt him further by precipitate action.

Senator POTTER. I will renew my motion and accept the Dirksen Amendment.

Senator DIRKSEN. First of all, if we want to take action on the resignation, all right, although normally I respect that the resignation goes to the chairman and he accepts it.

Senator MUNDT. Why not someone move that we approve the action of the chairman?

Senator DIRKSEN. I don't think it is quite the proper thing to do.

Senator JACKSON. It is whatever the chairman wants to do, but let us not get into a committee action.

Senator DIRKSEN. I am going to ask unanimous consent to withdraw my substitute, so if there is no objection, Mr. Chairman, then the substitute motion which I offered is withdrawn.

Now I offer an amendment to the motion submitted by Senator Potter, to include the words "without prejudice" after the word "termination."

Senator POTTER. I will accept the amendment.

The CHAIRMAN. It will be so amended then.

Senator POTTER. Now, the action is on agreeing to the motion.

[The motion follows:]

Whereas, the Rules of the Subcommittee as amended January 1954, provide for confirmation by a Subcommittee majority of all staff appointments, and

Whereas, no such confirmation has been effected,

Therefore, I move that as of July 31, 1954, all present staff appointments shall automatically terminate without prejudice except in those individual instances where a Subcommittee majority in formal session shall have voted such specific confirmation prior to that date.

The CHAIRMAN. All in favor say "aye." Opposed? It is unanimously carried.

Senator SYMINGTON. At the right point could I make Senator McClellan's proxy a part of the record?

The CHAIRMAN. It will be accepted.

[The proxy follows:]

Hon. JOE MCCARTHY,
Chairman, Senate Permanent Subcommittee on Investigations, Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I hereby give to Senator Stuart Symington my proxy, and authorize and direct him to use and vote same in favor of the resolution now pending by Senator Potter, which in substance reads as follows:

"Whereas the rules of the Subcommittee as amended January, 1954, provide for confirmation by a subcommittee majority of all staff appointments, and whereas no such confirmation has been effected, therefore I move that as of July 31, 1954, all present staff appointments shall automatically terminate except in those individual instances where a subcommittee majority in formal session shall have voted such specific confirmation prior to that date."

I also give to Senator Stuart Symington my proxy, and authorize and direct him to vote same against any substitute for the Potter Resolution, including the one offered by Senator Dirksen which is now pending, and which read in substance as follows:

"On or before July 22, 1954 the Chairman shall call a meeting of the Subcommittee and the individual names of all staff members of the Committee shall be submitted to the Subcommittee for confirmation, and in the case of those members where confirmation may be denied, such action shall not be final and conclusive without a hearing before the Subcommittee if a hearing is demanded,"

And against any other substitute which may be offered therefor, and I direct him to vote for or against any amendment that may be offered to the Potter Resolution according to his discretion.

/s/s JOHN L. McCLELLAN.

Senator DIRKSEN. Now I move you that all of the staff positions, and the incumbents with the exception of Thomas La Venia, who has the status of assistant counsel, be confirmed by the committee.

The CHAIRMAN. Is there any second on that motion?

Senator MUNDT. Second the motion.

Senator JACKSON. Chairman, I find myself perhaps in rather an unusual role, but I do believe that the better course to follow at this point would be to defer action implementing the Potter Resolution, which was just passed, until a regular meeting of the committee, say tomorrow afternoon. In the meantime I would like to suggest that the committee at another place free from unnecessary publicity, interview Mr. La Venia. With all due deference to my friend from Illinois, I think the effect of the pending motion would be to single Mr. La Venia out. It does disturb me, and I wouldn't want to single him out when it is not necessary to do so.

Senator POTTER. There is no place where you can have a quiet meeting.

Senator DIRKSEN. I was going to move after this motion that the chairman be directed to call a meeting as quickly as possible, for the purpose of hearing Mr. La Venia.

Senator MUNDT. The committee could officially request the FBI and the Defense Department to give us that information if they will. I think it should be committee action.

Senator POTTER. They have already turned us down twice.

Senator MUNDT. We have never voted. I did it on my own, as chairman of the other committee, twice, and our chairman did it and we can send him a copy of the resolution.

Senator POTTER. Why cannot someone in the Department of Defense come to us in executive session and tell us what it is.

Senator DIRKSEN. My motion is pending.

The CHAIRMAN. Your motion has been made and seconded and I find myself in the unusual position of both agreeing with you wholeheartedly, and also agreeing with Senator Jackson.

Senator JACKSON. I think we ought to exhaust it anyway. This problem is going to come up again, and I see no harm in doing it, because I do not want to do any harm to anyone on the staff, and the worst thing that you could do today would be to bring him over here. They are going to have his picture all over, and he has been mentioned along with some other names.

Now you will single him out.

Senator MUNDT. You could sneak him into the room through one of the doors here.

Senator SYMINGTON. I don't want to vote on a fellow to stay on the committee who hasn't been cleared. I agree with Senator Dirksen on that. I don't want to vote on anybody who hasn't been cleared, but I think that we have the right to consider it.

Senator MUNDT. Will you vote for my amendment to request him to bring it up?

Senator SYMINGTON. All right.

Senator MUNDT. That isn't going to hurt La Venia any more than he has been hurt.

Senator SYMINGTON. I think that we have a right to demand of the War Department or the Department of Defense, in an executive hearing they give this committee any information they have.

Senator JACKSON. I think he is entitled to this.

Senator SYMINGTON. Then we might decide whether we wanted to lay the facts before the public, and keep the man on, and you might want to make some special regulation about special papers.

The CHAIRMAN. Here is the thing about his case that is very unusual. He had security clearance from the Defense Department in 1952, which was seven years after the incident, when he was with OPS. Why they would give him security clearance with OPS and then suddenly decide to deny it with our committee is rather difficult to understand. I think that we should ask them to explain that.

I will go along with your motion, Senator Dirksen.

Senator MUNDT. Can't you stick in an amendment to your motion which will say about La Venia the same as these other men, "except La Venia, who is passed over without prejudice"?

Senator JACKSON. What is the harm of letting this thing go over until tomorrow? I will vote as far as I am concerned, for approval of all of them except La Venia at this time.

Senator MUNDT. I think there is a lot of merit in what Senator Dirksen says, as far as the rest of the staff members are concerned.

The CHAIRMAN. What you should do, somehow, in that motion, I wish you could amend it to make it clear that you are not making any adverse decision against La Venia.

Senator MUNDT. "Except Tom La Venia, who is passed over without prejudice until further investigation."

Senator DIRKSEN. I move you, Mr. Chairman, that all staff members with the exception of Mr. Thomas La Venia, assistant counsel, be confirmed, and that in the case of Thomas La Venia the committee take action upon him as quickly as information in response to committee inquiry has been obtained from the appropriate sources in government.

Senator MUNDT. Seconded.

The CHAIRMAN. Is there any further discussion?

Senator JACKSON. I think we ought to talk to La Venia and ask him about it.

Senator POTTER. That would be part of the information. You plan on talking to La Venia.

The CHAIRMAN. Can I put it to a vote now?

Senator JACKSON. Why don't we ask him whether he has any objection to being singled out on this thing? I think you ought to call him in.

The CHAIRMAN. He would like to come up today, and to be put under oath and have this voted up or down.

Senator JACKSON. Mr. Chairman, I will say this: if you feel that La Venia's rights are being properly protected under this motion, I will go along with it. My own personal judgment is that looking at this resolution and this notion realistically devoid of the verbiage in it, that he is going to be singled out unnecessarily. However, if the chairman feels that this procedure is all right, I will go along on it. But I have great reluctance in doing so.

The CHAIRMAN. May I say this, Senator Jackson and Senator Dirksen, that I have great reluctance also because I am afraid it is singling La Venia out.

However, if we do not pass the Dirksen motion, it means that all of the staff are up in the air and do not know what they are doing.

I don't know what you can put in there, but could you make it very clear that this is no reflection upon La Venia?

Senator DIRKSEN. I move that with the exception of Mr. Thomas La Venia, assistant counsel to the committee, all staff members be confirmed, and in the case of Thomas La Venia that he be passed over without prejudice until such time as the committee can hear him and develop whatever information may have a bearing upon the controversy that arose in connection with Mr. La Venia.

Senator MUNDT. I second the motion.

The CHAIRMAN. Are you ready for a vote on this?

All those in favor say "aye." Opposed?

It is passed unanimously.

Senator SYMINGTON. Could we say there that Senator McClellan did not participate in the vote?

The CHAIRMAN. Let us leave it open so that he can send in his proxy if he wants to.

It is unanimously agreed that Senator McClellan can vote his proxy on this particular motion, if he cares to do so.

Senator MUNDT. The same understanding can prevail for this motion. I move that the chairman write a letter to Mr. Secretary Wilson, and to Attorney General Brownell, briefly reviewing the situation concerning Tom La Venia, and requesting that they send representatives to appear before us in executive session to give us detailed information which led to the failure to give defense clearance to Tom La Venia.

Senator DIRKSEN. Second the motion.

The CHAIRMAN. The motion has been made and seconded that we request the FBI and the Defense Department to give us the information which they have, which might bear upon any reason for refusal of security clearance for Mr. La Venia.

Senator DIRKSEN. "And such background as may be available to explain why in connection with his employment in the Office of Price Stabilization in 1952 he apparently received clearance, whereas subsequently clearance was withheld."

The CHAIRMAN. The motion is made and seconded. All those in favor say "aye." Opposed, "no."

The motion is unanimously carried.

Senator JACKSON. I have a motion I want to make. I move that only those employees who have been approved by the subcommittee shall work on the subcommittee, and only those employees shall have access to the files and information of the subcommittee.

The CHAIRMAN. Would you re-state the motion, please?

Senator JACKSON. Mr. Chairman, I move that only those members of the staff who have been approved by the subcommittee shall serve on the staff and have access to files and information of the subcommittee on investigations. This motion is being made with the understanding that it is in no way to be construed as prejudicial to the pending case of Thomas La Venia.

Senator MUNDT. Second the motion.

The CHAIRMAN. The motion is made and seconded.

Before you vote on it, let me make it clear that I do get information, and I get advice, and I get assistance by way of letter from other people.

Senator JACKSON. I construe that to be a personal matter that you refer to. That is entirely different. I am talking about people who are covered in that motion.

It is any type of investigating work, or any kind of work that comes within the supervision of the director of the staff and work on the staff. It is not intended to be directed at anybody.

The CHAIRMAN. This would not prevent someone in your office from having the right to go down and represent you and inspect the files, and from Senator Dirksen's office, and so on.

Senator SYMINGTON. It should be.

Senator JACKSON. I don't want anyone from my staff to go down.

The CHAIRMAN. I just wonder, I don't feel strongly about it at all, but I just wonder if you will find that if Senator Dirksen, for example, wants to send Mr. Rainville to a hearing, as he has done so often before, and if Senator Potter wants to send his man as he has so often before——

Senator POTTER. That would not preclude that, and I send them as an observer.

Senator JACKSON. I don't think that they ought to go to executive sessions. Anybody coming to a public hearing.

Senator SYMINGTON. The whole basis of your security picture is that people who are not cleared can not see the material and people who are cleared can see the material.

Senator MUNDT. I think it is a good resolution. In the other meetings, while I had an administrative assistant I would not let him stay in the executive sessions.

Senator SYMINGTON. I had to have carried to me and carried away from me certain documents because my girl was not yet cleared, and when she was cleared then she could stock them for me.

The CHAIRMAN. Unfortunately, we cannot get clearance for the staff.

We could add, "This shall not preclude the qualified administrative assistant of a member of the committee from attending such a hearing."

Senator JACKSON. Let me comment on that. If you send someone to a subcommittee meeting, and it is an executive session, and something comes up that is of a classified nature, and your assistant is not cleared, where are you? I am not going to be put in that position.

[Discussion off the record.]

Senator MUNDT. This is on the proposed resolution for funds.

[The resolution follows:]

PROPOSED RESOLUTION FOR REIMBURSEMENT OF FUNDS PROPOSED BY SPECIAL
SUBCOMMITTEE

Whereas the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations has incurred extraordinary expenses as a result of the recent inquiry conducted by a Special Subcommittee of such Permanent Subcommittee with respect to certain charges made by the Secretary of the Army suggesting improper influence on the part of the Chairman of such Permanent Subcommittee, and certain members of the staff of such subcommittee, and certain counter charges made by said Chairman suggesting coercion on the part of said Secretary, and certain other personnel of the Department of the Army, to halt the work of such Permanent Subcommittee; and

Whereas such extraordinary expenses as a result of such hearing make necessary additional funds in order that the Senate Permanent Subcommittee on Investigations will be able to carry out its functions; and

Whereas it was unanimously agreed by such Special Subcommittee headed by Senator Mundt, that it would ask the Senate to reimburse the Committee on Government Operations for the exact amount of the expenditures necessitated by its special investigation growing out of such charges and counter charges rather than to request in advance a separate fund to meet the estimated costs of the investigation; Now therefore be it

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is hereby authorized to expend from the contingent fund of the Senate \$24,605.67, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolutions 189, Eighty-third Congress, agreed to February 2, 1954.

EXPENSES INCURRED DURING INVESTIGATION AND HEARINGS OF THE SPECIAL
INVESTIGATION COMMITTEE

Amplifier used in Caucus Room	\$450.00
Salaries for special staff	13,880.25
Recording Proceedings	9,592.50
Open and executive—5 copies	—
Witness fees	198.67
United States Marshal (Serving Subpoenas)	40.90
Stationary Supplies	250.00
Pads, pencils, stencils, mimeograph paper and addressograph plates	—
Photostats	100.00
Telephone and Telegraph Charges (estimated)	93.35
Total	\$24,605.67

Senator DIRKSEN. I move its adoption.

Senator MUNDT. Seconded.

The CHAIRMAN. All in favor say "aye." Opposed, "no."

It is carried.

I move Senator Mundt be authorized to introduce the resolution as a unanimous resolution of the subcommittee.

Senator DIRKSEN. Seconded.

The CHAIRMAN. All in favor say "aye." Opposed?

It is carried unanimously.

Senator JACKSON. Is it understood that the motion I made will be acted on or brought up for vote prior to the adjournment of Congress?

The CHAIRMAN. With the further understanding that you will try and refine the language of that so that during the recess if a senator wants his representative present at a meeting, that he will be allowed to have him present.

Senator JACKSON. Provided that individual can get the clearance required for the meeting.

Senator DIRKSEN. This is an anomaly, to have a non-cleared member sit with cleared members. It is a little difficult to explain, and I think that we have got to work out some kind of a mode of operation there to meet that.

The CHAIRMAN. Could we pass a resolution here today requesting the attorney general to have the FBI give clearance or deny clearance to all members of the staff, and submit that as a Senate resolution?

Senator DIRKSEN. I wouldn't do it that way.

Senator SYMINGTON. Let me see if I haven't got an answer to that. We now have clearance of every member of the staff except La Venia by the Department of Defense.

Senator JACKSON. That is members of the staff that need it. There are some who don't need it.

Senator SYMINGTON. I believe every member is cleared. From the standpoint of the thought that I am trying to make, I believe that is a little bit in semantics.

The CHAIRMAN. I have instructed the staff to quit requesting clearance from the Defense Department since we are investigating the Defense Department. I felt that it was ridiculous to ask the Defense Department to clear people who were investigating the Defense Department.

Senator JACKSON. I wouldn't disagree with you on part of that. I think we are in an anomalous situation. The Mundt-Jackson bill will solve the problem.

Senator SYMINGTON. Will you let me finish my thought? If you have a Defense Department clearance, or any other second-best clearance to the FBI, whatever the clearance is that you get for your staff people certainly you have the right to get for your own personal people, the people who see the same papers. And therefore, if you do not get an FBI clearance for your own office and you don't get it for your staff, but you do get it for your staff from Defense, certainly you have the right to have it for your personal office people. Then you are entirely protected because you can say I got from the executive department all of the clearance that the executive department would give on these people.

In other words, if you can't get it from the FBI, for either, and you can get it from defense for both, then you are in as good a position as the executive department will let you be, from the standpoint of secret papers. I don't see how there could be any criticism.

Senator DIRKSEN. This is an individual matter, and I think every member of the committee who wants to send somebody, and has a particular person in mind, ought to take the trouble to send a letter and get clearance.

Now, I have never bothered to get clearance.

The CHAIRMAN. You cannot get it.

Senator DIRKSEN. I think that I should do it if I ever want to use it.

The CHAIRMAN. You can't get clearance. Mr. Brownell takes the position that they don't have the facilities to grant clearance to the members of office staffs, or committee staffs. I cannot get them to give me a field investigation of someone that we asked to have hired on this committee, which is awfully bad.

I think the Mundt-Jackson bill will take care of that.

Senator DIRKSEN. I don't think that there would be any objection to this, and I will ask Senator Jackson to listen to this: I move you that the chairman be directed to address a letter to the attorney general, and to the secretary of defense, asking them whether it is possible for them to work out a method whereby individual senators can secure clearance for at least one member, particularly an administrative assistant, who would then be qualified to sit in on the hearings of the committee.

When we have that information, we will be in far better condition.

Senator MUNDT. I wish you would make it two members instead of one.

Senator DIRKSEN. Make it members without specifying.

Senator JACKSON. I would make it two. That would be the administrative assistant or an executive secretary.

Senator MUNDT. Seconded.

The CHAIRMAN. All in favor say "aye." Contrary "no."

It is carried unanimously.

The CHAIRMAN. We will adjourn now.

[Whereupon, at 2:00 p.m., the committee recessed subject to call.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRIES

[EDITOR'S NOTE.—In November 1953, the subcommittee began investigating Communist activity at a General Electric plant in Schenectady, New York, which did contract work for the Army Signal Corps. Testifying in public on November 19, former GE employee William H. Teto had said that the FBI asked him to join the Communist party in 1941, and that he had observed Communist efforts to “colonize all the General Electric plants” during the war. Senator McCarthy then demanded that GE immediately fire any employee who took the Fifth Amendment while testifying before a congressional committee. On December 9, GE announced that it would “discharge all admitted Communists, spies and saboteurs and will suspend employees who refuse to testify under oath to such matters when queried in public hearings conducted by competent government authority.” Among those whom the company discharged were Victor Boyls, Theodore Pappas, and Alexander Gregory.

On December 17, 1954, a Boston grand jury indicted Harvard physics professor Wendell H. Furry (1907–1984) and a research assistant in social relations, Leon J. Kamin, for refusing to identify Communists they knew who were employed in defense work. Senator McCarthy was subpoenaed to testify at Kamin's trial, but when crowds cheered the senator's arrival, federal judge Bailey Aldrich (an Eisenhower appointee) dismissed the jury and heard the case himself. Judge Aldrich ruled that the subcommittee had no right to engage in a “fishing expedition” in the hope that something discreditable might turn up and acquitted Kamin on January 5, 1956. In June 1956, the government dropped its prosecution of Furry, who remained at Harvard until his retirement in 1977. Kamin later chaired the psychology department at Princeton University.

Leon Kamin, Theodore George Pappas (1925–1977), Alexander Gregory (1907–1981), Victor Boyls; Benjamin Alfred (1906–1993), and Wendell Furry testified in public session on January 15 and 16, 1954. Executive session testimony by Kamin and Furry was made public on March 31, 1955. Executive session testimony by Pappas, Gregory, Boyls, and Alfred were made public on November 17, 1955. Karl T. Nabeshka, Simon Pallet (1912–1988), Lewis B. Thomas (1896–1970), Edwin Allen Cassano, Renaldo Cavalieri, Rodney Avram Brooks, and George Frederick Moore (1923–2001) did not testify at a public hearing.]

FRIDAY, JANUARY 15, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Boston, MA.

The subcommittee met at 10:00 a.m. (pursuant to Resolution 40, agreed to January 30, 1953), in Court Room 3, Federal Building, Boston, Massachusetts, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Donald F. O'Donnell, assistant counsel; C. George Anastos, assistant counsel; Francis P. Carr, executive director.

The CHAIRMAN. The committee will come to order.

[The testimony of Leon J. Kamin was made public on March 31, 1955 and published in Permanent Subcommittee on Investigations, *Subversion and Espionage in Defense Establishments and Industry*, part 9 (Washington, D.C.: Government Printing Office, 1955).]

[Whereupon, at 10:20 a.m. the committee recessed, to reconvene at 10:30 a.m. in public session.]

AFTERNOON SESSION

2:35 p.m.

[Testimony by Theodore Pappas, Alexander Gregory, and Victor S. Boyls were made public on November 17, 1955 and published in Permanent Subcommittee on Investigations, *Subversion and Espionage in Defense Establishments and Industry*, part 10 (Washington, D.C.: Government Printing Office, 1955).]

TESTIMONY OF KARL T. NABESHKA (ACCOMPANIED BY HIS COUNSEL, HOWARD S. WHITESIDE)

The CHAIRMAN. Mr. Cohn?

Mr. COHN. I think you better spell your name.

Mr. NABESHKA. K-a-r-l Thomas N-a-b-e-s-h-k-a.

Mr. COHN. N-a-b-e-s-h-k-a?

Mr. NABESHKA. Yes.

Mr. COHN. Could we have counsel's name for the record?

Mr. WHITESIDE. Howard S. Whiteside, 30 State Street. Capitol 7-7515.

The CHAIRMAN. Mr. Whiteside, I do not think you have appeared before the committee before.

Mr. WHITESIDE. No, sir.

The CHAIRMAN. Just to explain the rules of the committee, your client may consult with you at any time. If he does not indicate he wants to consult with you, if you think he needs your advice you may so indicate to him and discuss any matter at any time you care to. We do have a rule that counsel cannot take part in the proceedings themselves. In other words, if you want to make any objection, if you want to make any statement, it will have to be done through your client.

Mr. WHITESIDE. Understood.

Mr. COHN. Do you work at General Electric?

Mr. NABESHKA. Yes, sir.

Mr. COHN. For how long a period of time have you worked there?

Mr. NABESHKA. I think it was in March or April 1941.

Mr. COHN. And from that time until the present time have you ever done any work on air force jet contracts?

Mr. NABESHKA. I did work for a period of four or five months, I believe.

Mr. COHN. On jets?

Mr. NABESHKA. Jets, that is right; 1944.

Mr. COHN. That was classified work, I assume?

Mr. NABESHKA. Yes. I was a turret lathe operator, by the way.

Mr. COHN. At that time were you a member of the Communist party?

Mr. NABESHKA. No, sir.

Mr. COHN. Were you ever a member of the Communist party?

Mr. NABESHKA. I was, sir.

Mr. COHN. When were you in the Communist party?

Mr. NABESHKA. I left in 1938, sir.

Mr. COHN. When did you join, sir?

Mr. NABESHKA. I joined the YCL, the Young Communist League after I got out of high school, I think it was in 1934 or 1935. The

meetings they had there, they were composed of Marxist theory, mostly, and then I think they changed it to the Communist party afterwards. That is going back a long ways.

Mr. COHN. Then when that came to the party, you joined the party, is that correct?

Mr. NABESHKA. Well, I still thought it was the YCL, do you know what I mean? But it was still the same thing as Marxist theory.

Mr. COHN. Where was this?

Mr. NABESHKA. This was in Central Avenue and Lynn.

Mr. COHN. In Massachusetts?

Mr. NABESHKA. West Lynn, yes.

Mr. COHN. Did any of the people who were in this, who attended these meetings with you, subsequently go to work at General Electric?

Mr. NABESHKA. I know of two, sir.

Mr. COHN. Are they there now?

Mr. NABESHKA. One is out in Detroit, now. She got married. She worked in Building 74. She got married three or four years ago and went out to Detroit.

Mr. COHN. Was there classified work going on in that building?

Mr. NABESHKA. I don't know. I imagine there was. She worked on motors, not jet motors but the electrical motors.

Mr. COHN. What was her name?

Mr. NABESHKA. Helen G-a-l-u-b-u-r-d-a.

Mr. COHN. How about the second one?

The CHAIRMAN. Do you know her married name?

Mr. NABESHKA. No, I don't, sir.

The CHAIRMAN. You don't know—

Mr. NABESHKA. She married some refugee or DP. I forget now.

The CHAIRMAN. Do you know whether she is working on government work now or not?

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

Mr. COHN. Who was the second person?

Mr. NABESHKA. His name is Simon Pallet.

Mr. COHN. And he is working at General Electric now, isn't he?

Mr. NABESHKA. That is right. He works with me on the same job, street lighting and rectifier.

Mr. COHN. Anybody else?

Mr. NABESHKA. To the best of my knowledge, no.

Mr. COHN. Is Mr. Pallet still a member of the Communist party? Do you know?

Mr. NABESHKA. I don't know, sir. Like I said, I left in 1938 and I haven't attended a meeting or anything since. I have had nothing to do with them.

Mr. COHN. Have you discussed your testimony here today with Mr. Pallet?

Mr. NABESHKA. Well, we have talked a little bit out in the hallway, but that is all.

Mr. COHN. Was there anybody else who you knew in the Communist movement who went to work for any other defense plant?

Mr. NABESHKA. No, sir, I don't.

Mr. COHN. Anybody else who went to work for the government or any kind of sensitive position?

Mr. NABESHKA. Gee, you got me. I don't know.

Mr. COHN. Have you ever talked to the FBI?

Mr. NABESHKA. Yes, sir; I talked to the FBI in the General Electric probably about a month or two before I was subpoenaed on November 18.

Mr. COHN. Did you furnish the FBI with this information?

Mr. NABESHKA. They did not ask me.

Mr. COHN. If the FBI were to ask you now, would you be willing to give them all the information you have about the Communist movement, when you were in it, to assist them?

Mr. NABESHKA. May I talk to the counsel, please?

Mr. COHN. Sure.

[The witness conferred with his counsel.]

Mr. NABESHKA. Anything that is pertinent to the General Electric, I will be glad to give any information whatsoever, or anything to do with government contracts, which I don't know anything of. But like I said before, I have been out of the party since 1938 and I don't know anything.

Mr. COHN. You cannot tell anything you don't know, but what you do know you now feel it is your obligation as an American citizen which you are willing to fulfill?

Mr. NABESHKA. Yes, sir.

Mr. COHN. When you came in last time, you claimed the Fifth Amendment, is that right?

Mr. NABESHKA. Yes, sir.

Mr. COHN. Since that time—

Mr. NABESHKA. I didn't have any counsel, if you remember correctly.

Mr. COHN. You have now talked with counsel and you consider the proper course for you to follow as an American citizen would be to furnish whatever information you have about this movement you were in, and are out of now, to legally constituted authorities, is that right?

Mr. NABESHKA. As far as defense work and the plant is concerned. But like I said before, there are a lot of names I don't remember or anything like that. 1938 is a long ways off.

Mr. COHN. Anything you cannot remember you obviously cannot tell. All you can do is tell what you can remember, and as I understand now, you are willing to do that. Is that right?

Mr. NABESHKA. That is right.

Mr. COHN. And you have given that information to us and you will give that to any other proper government body when you are asked, is that right?

Mr. NABESHKA. That is right.

The CHAIRMAN. Without searching the record, do you recall whether he claimed the Fifth Amendment as to communism as of that day?

Mr. COHN. Right.

The CHAIRMAN. Had you consulted a lawyer before you appeared last time?

Mr. NABESHKA. No, sir. Well, I did, I am sorry. I did talk to—yes, he was a lawyer. He was the UE lawyer at the time at the Union Hall, and I asked him a few questions.

The CHAIRMAN. Did he advise you to take the Fifth Amendment?

Mr. NABESHKA. Well, he didn't exactly advise me, but the way it looked then to me was that I should use the Fifth Amendment.

The CHAIRMAN. May I just say for your benefit, the thing that puzzles me a bit and disturbs me somewhat is this: You certainly appear, on the surface, to be a truthful young man.

Mr. NABESHKA. I try to be, sir.

The CHAIRMAN. But we cannot judge men by their appearance. You were here the last time and you refused to tell us whether you were a Communist the day you appeared on the ground that if you were to tell us it might tend to incriminate you. GE thereafter said "We will fire anyone who takes the Fifth Amendment on Communism."

You come in today and change that testimony. Do you change it in order to protect your job?

Mr. NABESHKA. Sir, my family comes first, and my country and family come first as far as I am concerned. I figured at that time that my claiming the Fifth Amendment would be protecting somebody that is overseas behind the Iron Curtain, namely my sister.

The CHAIRMAN. I understand.

Mr. NABESHKA. I figure that any information I might give might become public or this and that, and they might do something to her. I haven't seen her since 1932.

The CHAIRMAN. You have a sister behind the Iron Curtain now?

Mr. NABESHKA. Yes, sir. She was brought up and born in this country. The last letter my mother got from her was she was living in Saransk, Mordovia, wherever that is—near the Ural mountains, I guess.

The CHAIRMAN. You have been naturalized yourself?

Mr. NABESHKA. I was born here and so was my sister.

The CHAIRMAN. When did she go back?

Mr. NABESHKA. She didn't go back. She went there to study music in 1932, sir.

The CHAIRMAN. And she has been in Russia since 1932?

Mr. NABESHKA. That is right.

The CHAIRMAN. And one of the reasons, then, why you took the Fifth Amendment was you felt if you would start to give out names of Communists and that sort of thing, you might endanger the life of your sister?

Mr. NABESHKA. That is right.

The CHAIRMAN. Let me ask you this: I want to strongly advise you to either tell us the truth or refuse to answer. You were not at a Communist meeting in 1941?

Mr. NABESHKA. No, sir.

The CHAIRMAN. To be specific, November 14, 1941.

Mr. NABESHKA. No, sir.

The CHAIRMAN. You are sure of that?

Mr. NABESHKA. To the best of my knowledge.

The CHAIRMAN. Let me ask you this: Do you feel if you were called here in a public session that might possibly endanger the life of your sister?

Mr. NABESHKA. It might. Then again, I want to spare my family any undue publicity. I am willing to cooperate in any way I possibly can. You understand what I mean, sir. I got a family. I have nothing to do with the party since 1938.

The CHAIRMAN. Mr. Nabeshka, under the circumstances I do not think we will call you back. However, I wish you would be available here tomorrow morning at 10:30, in case we do want to call you. No one will know you are here, you understand, unless you tell them. You understand that?

Mr. NABESHKA. I understand that.

The CHAIRMAN. So I wish you would be back at 10:30. I think we can avoid calling you on that.

Mr. NABESHKA. Thank you very much.

The CHAIRMAN. Mr. Pallet, would you raise your right hand. In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PALLET. Yes, sir; I do.

**TESTIMONY OF SIMON PALLET (ACCOMPANIED BY HIS
COUNSEL, HOWARD S. WHITESIDE)**

Mr. COHN. Your name is spelled P-a-l-l-e-t?

Mr. PALLET. That is right.

Mr. COHN. Simon?

Mr. PALLET. Yes.

Mr. COHN. And you reside at 83 Rockaway Street?

Mr. PALLET. My address has been changed. It is 21 West Green Street.

Mr. COHN. And you have been with General Electric since 1940?

Mr. PALLET. I was hired the last day in 1940.

Mr. COHN. Have you ever been a Communist?

Mr. PALLET. Yes.

Mr. COHN. When?

Mr. PALLET. Back in 1937.

Mr. COHN. For how long a period of time?

Mr. PALLET. About a year.

Mr. COHN. Where did you belong to the Communist party?

Mr. PALLET. In Lynn.

Mr. COHN. In Lynn. Who were the other members of the Communist party with you?

Mr. PALLET. That is quite a long time for me to remember them all.

Mr. COHN. Give us as many as you can.

Mr. PALLET. Well, this fellow you just saw.

Mr. COHN. Mr. Nabeshka?

Mr. PALLET. Yes. And a fellow by the name of Cosores.

Mr. COHN. Where is he now?

Mr. PALLET. I don't know. I don't believe he is in Lynn.

Mr. COHN. What kind of work was he doing the last you heard of him?

Mr. PALLET. He was a Fuller Brush man, I believe.

Mr. COHN. Did he ever work at General Electric?

Mr. PALLET. No.

Mr. COHN. Who else?

Mr. PALLET. His daughter.

Mr. COHN. Who else? What was Cosores' first name?

Mr. PALLET. I think it was Herman.

Mr. COHN. Herman?

The CHAIRMAN. How old a man was he, about?

Mr. PALLET. Well, I would say probably he was around fifty or fifty-five.

The CHAIRMAN. About fifty or fifty-five. And this was not the YCL, this was the Communist party?

Mr. PALLET. That is right.

The CHAIRMAN. Did Mr. Nabeshka belong to the Communist party with you?

Mr. PALLET. Well, I can't say that he actually belonged. I have seen him at meetings. I would assume that he probably did.

The CHAIRMAN. What were your duties in the party?

Mr. PALLET. My duties? I was a rank and file member.

The CHAIRMAN. All the members, of course, have some duties, so I understand. Did they distribute literature, solicit subscriptions?

Mr. PALLET. I was asked to, but I never was the type that would do those things. I mean, they asked me to sell tickets. I am not the type of person that can sell tickets. Sometimes I would buy a few myself and turn in the money, but I wouldn't go out and sell them, because I wouldn't have the nerve to ask somebody.

The CHAIRMAN. Do you have any relatives in the old country?

Mr. PALLET. Yes.

The CHAIRMAN. Whereabouts?

Mr. PALLET. Well, I have an aunt, my mother's aunt, in Turkey. She is a nun in an infirmary, and I have another one the same way, but I think she is dead now.

The CHAIRMAN. You have no relatives behind the Iron Curtain?

Mr. PALLET. Yes, I have relatives behind the Iron Curtain, too. I had an uncle that died during the war and I have an aunt, I don't know where she is. I know she is in Russia. That is all. I also have another aunt, and she is in Persia, Iran.

The CHAIRMAN. Where were you born?

Mr. PALLET. I was born in Turkey.

The CHAIRMAN. And you have been naturalized, of course?

Mr. PALLET. Yes.

The CHAIRMAN. What year were you naturalized?

Mr. PALLET. I believe my mother was naturalized in 1929, and I became a citizen as a result of hers.

The CHAIRMAN. Were you ever paid by the Communist party, ever paid money?

Mr. PALLET. No, I was never paid.

The CHAIRMAN. You paid dues, I assume?

Mr. PALLET. Well, I think I did, yes.

The CHAIRMAN. Why did you drop out of the party?

Mr. PALLET. Well, that is kind of a hard question to answer. I just wandered off, I suppose. I can't give you a definite exact reason, I can't even tell you the exact time, but I just stopped going a little at a time. I mean, I did not tender a resignation or anything like that, if that is what you mean.

The CHAIRMAN. How old were you when you joined?

Mr. PALLET. About, I suppose twenty-seven or twenty-eight.

The CHAIRMAN. And then you belonged to that for a couple of years and just let it lapse, is that it?

Mr. PALLET. Yes. Well, I didn't belong quite two years, I don't believe it was a little over a year, probably closer to a year than two.

Mr. COHN. You have given us the name of Mr. Cosores and his daughter. What was his daughter's first name?

Mr. PALLET. Rose.

Mr. COHN. And has she worked any place that you know of?

Mr. PALLET. Well, she worked in a shoeshop with me back in 1937.

Mr. COHN. Where did she go after that, do you know?

Mr. PALLET. I don't think she worked after that.

Mr. COHN. Does she have a married name?

Mr. PALLET. Yes she got married. It is either Apple or Applebaum, I don't know which.

Mr. COHN. Where did she reside?

Mr. PALLET. She was in Lynn up until I think a couple of years ago.

Mr. COHN. Who else?

Mr. PALLET. Well, her husband, that is, this Applebaum.

Mr. COHN. What kind of work did he do?

Mr. PALLET. He used to work in GE up until about two years ago, I believe.

Mr. COHN. What has he been doing since then?

Mr. PALLET. I don't know. They moved out.

Mr. COHN. Is he working at another GE plant now?

Mr. PALLET. I don't know. I don't believe so. I am not sure.

Mr. COHN. You don't know one way or the other?

Mr. PALLET. They moved away.

Mr. COHN. Do you know to where they moved?

Mr. PALLET. Well, I understand in California.

Mr. COHN. They are in California. Do you know if he is working in a defense plant in California?

Mr. PALLET. I don't know if he is working at all. I don't know what he is doing.

Mr. COHN. What is his first name?

Mr. PALLET. Sam or Samuel.

The CHAIRMAN. Sam Applebaum?

Mr. PALLET. Yes.

Mr. COHN. And who else?

Mr. PALLET. Well those are the ones that I can remember definitely. I cannot exactly remember. If you give me a lot of time I might be able to think some, perhaps.

The CHAIRMAN. Mr. Pallet, will you sit down tonight, if you would, and try to think of the names of anyone else who belonged to the Communist party with you? Keep in mind that perhaps in your opinion they were casual party members, as your testimony would indicate you were, who may have drifted in and drifted out. On the other hand, sometimes the names of individuals who used to belong to a cell with you ties in with evidence that the same individual was active, we will say, in Detroit or some place else. You can be of benefit to the FBI at times, and sometimes completely useless. What I wish you would do is to sit down tonight and try to think of the names of any other individuals who were in the party with you. We will not ask you to give their names publicly. The information will be given over to the bureau. Would you come back tomorrow at 10:30? I do not think we will call you in public session, but we may want to. In any event, I want you to talk to

my investigators tomorrow and get any additional information you may have. But the important thing is to sit down and try to think of the names of anybody in the party with you.

Will you do that?

Mr. COHN. As the chairman indicated, if we do call you in public session, we will not have you name names publicly.

Mr. PALLET. Will I be on television?

The CHAIRMAN. No one need appear on television if they object to it. That is the general rule. You need not have your picture taken in the committee room or in any area over which the committee has jurisdiction. You need not appear on television if you object.

I say I do not think you will be called in public session. Before you are called, your counsel can tell us whether you object to having your picture taken, whether you object to having your face on television, and if you object, you will not be on television. But I don't think that question will come up as I do not think we will need you. I want you to be here, though, to discuss any additional names which you may be able to think of overnight, with the staff. And as I say, though you may think it is completely unimportant, you never know when some names may be an important link in a chain of evidence which the bureau is developing. In other words, you may think a man is completely innocent as a dupe in 1938, but in 1948 he may be an espionage agent. So it is important information for us to have. Okay?

Mr. PALLET. Yes. Are you referring to people that I know in the GE or in general, do you mean?

The CHAIRMAN. Any Communists at all, anyone who was a member of the Communist party with you. I assume you do not follow them through, you do not know where they are today, you do not know whether they are in GE, or in the radar laboratory or where they are at. You do not know, I assume, whether they are all reformed, whether they have changed, or whether they are still active members of the Communist party. So if you will just sit down and try to think of the names of all of those who are members of the Communist party with you, we will talk to you tomorrow.

You may step down. Be here tomorrow morning at 10:30.

Would you stand up and raise your right hand? In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. THOMAS. I do.

TESTIMONY OF LEWIS B. THOMAS

Mr. COHN. Mr. Thomas, what is your full name, please?

Mr. THOMAS. Lewis B. Thomas.

Mr. COHN. That is L-e-w-i-s?

Mr. THOMAS. Right.

Mr. COHN. And may we have your address?

Mr. THOMAS. No. 11 Summit Circle.

Mr. COHN. I did not get that. Summit Circle?

Mr. THOMAS. Summit Circle.

The CHAIRMAN. In view of the fact that you do not have a lawyer here, may I give you some advice. Number one, your name wasn't just picked out of a hat, you know.

Mr. THOMAS. A lawyer? I don't need any lawyers.

The CHAIRMAN. Wait until I finish. In view of the fact that you do not have a lawyer here, let me advise you to either tell us the truth or refuse to answer.

Mr. THOMAS. If I tell you the truth, won't that be accepted?

The CHAIRMAN. That certainly will be.

Mr. THOMAS. Okay.

Mr. COHN. You work at General Electric?

Mr. THOMAS. I do.

Mr. COHN. For how long a period of time have you worked there? About ten years?

Mr. THOMAS. Since 1943.

Mr. COHN. About ten years?

Mr. THOMAS. 1943.

Mr. COHN. 'Forty-three to 'fifty-three. Have you been cleared for classified work at any time?

Mr. THOMAS. Once. Do you mean defense work?

Mr. COHN. Yes.

Mr. THOMAS. Once.

Mr. COHN. That is when you were working in building 32?

Mr. THOMAS. Right.

Mr. COHN. Have you ever been a Communist?

Mr. THOMAS. No.

Mr. COHN. You never have?

Mr. THOMAS. No.

Mr. COHN. Did you ever have a Communist party meeting at your home?

Mr. THOMAS. Not in my home, no.

Mr. COHN. Did you ever go to a Communist meeting?

Mr. THOMAS. If I did, I don't know about it. I have been to house parties, but I haven't had them at my house. You know to get together like.

The CHAIRMAN. Mr. Thomas, I am not going to advise you how to testify.

Mr. THOMAS. I beg your pardon.

The CHAIRMAN. Will you listen to me? I am not going to advise you how to testify. We are not anxious to have any more perjury cases to submit to the grand jury. Day after day we have men who come in here who think the committee does not know anything about their past activities. They come in here guilty of no crime. They leave guilty of the crime of perjury.

Now, we have evidence before this committee that you have been a Communist, that you have had Communist party meetings at your home, that you have attended them. I want you to know that. I am going to advise you not to try to play with this committee. Either tell us the truth, or refuse to answer. You have the right to refuse to answer. Do not try to lie to us.

Mr. THOMAS. No.

The CHAIRMAN. With that advice, we will just go right ahead.

Mr. THOMAS. I am not going to lie.

Mr. COHN. Have you ever attended a Communist meeting?

Mr. THOMAS. If I have, I didn't know about it. I have been to parties.

Mr. COHN. Did anybody ever ask you to join the Communist party?

Mr. THOMAS. No, nobody ever asked me to join.

Mr. COHN. Do you know anybody who is a member of the Communist party?

Mr. THOMAS. I don't know them by name. I know some fellows, but I don't know them by name.

Mr. COHN. Where does this fellow work?

Mr. THOMAS. I don't know, in Lynn somewhere.

Mr. COHN. How do you know he is a Communist?

Mr. THOMAS. Well, I just hear them talk. I don't know if they are Communists or not. I know I don't belong to it and that is all I know.

Mr. COHN. Does this fellow work at General Electric?

Mr. THOMAS. I think he does.

Mr. COHN. You think he does. And can't you think of his name for us?

Mr. THOMAS. Really, I can't.

Mr. COHN. Did you ever know his name?

Mr. THOMAS. Did I ever know his name?

Mr. COHN. Yes.

Mr. THOMAS. No, I don't know it.

Mr. COHN. Where did you hear him talk this way?

Mr. THOMAS. Well, I see him some time. I go out to taverns like.

Mr. COHN. Which tavern is this?

Mr. THOMAS. I go there some time and I hear him talk.

Mr. COHN. What is the name of this tavern?

Mr. THOMAS. They call it Finkel's, it is on the corner of Sheppard and Summit.

Mr. COHN. In Lynn?

Mr. THOMAS. In Lynn.

Mr. COHN. When did you see him last?

Mr. THOMAS. Really, I don't know. It has been a long time. I ain't been out much now. Maybe it is a couple of years or something.

The CHAIRMAN. Mr. Thomas, if the information which we have is correct, you are not an important member of the Communist party. In fact, you are very unimportant if you are a member. I am not accusing you of being one. You see, we don't have any way of knowing whether you are telling the truth or whether the other witnesses who come and name you as a Communist are telling the truth. I do think that there is no reason as far as I can see that any one would come in and say you are a Communist, that Lewis Thomas is a Communist, unless they have seen him at meetings. Why would anyone come in here and tell us that you are a member of the Communist party?

Mr. THOMAS. I would tell you. A man has a right sometimes if he wants to go some place. You can come to my house if you want to. And if I have something to drink or something to eat, you don't have to be a Communist if you come to my house, do you?

The CHAIRMAN. No.

Mr. THOMAS. That is what I am talking about. I go places.

The CHAIRMAN. Did you ever pay any dues to the Communist party?

Mr. THOMAS. I have not done that.

The CHAIRMAN. Did you ever have a card issued to you by the Communist party?

Mr. THOMAS. No, I haven't.

The CHAIRMAN. Did you obtain the *Daily Worker* over a period of time?

Mr. THOMAS. You mean did I get the paper?

The CHAIRMAN. Yes.

Mr. THOMAS. No, I never got the paper.

The CHAIRMAN. Did it not come to your home?

Mr. THOMAS. I have seen it, but I never got it myself. Because I can't read myself, I don't need the paper.

The CHAIRMAN. What kind of work do you do?

Mr. THOMAS. I can't help it, but I just can't read and I don't need no paper.

The CHAIRMAN. What kind of work do you do in GE?

Mr. THOMAS. I work on motors, painting.

The CHAIRMAN. What kind of motors?

Mr. THOMAS. Motors like they use in the shops.

The CHAIRMAN. You do not know any technical work. What do you do, paint the motors?

Mr. THOMAS. Yes.

The CHAIRMAN. How old are you?

Mr. THOMAS. Fifty.

The CHAIRMAN. Are you married?

Mr. THOMAS. I am married, yes.

The CHAIRMAN. You say you are married?

Mr. THOMAS. Yes.

The CHAIRMAN. A family?

Mr. THOMAS. No. I have a daughter but she is married.

The CHAIRMAN. Where does your wife work?

Mr. THOMAS. She is home with her mother now in Virginia.

The CHAIRMAN. You say you are not now and never have been a member of the Communist party?

Mr. THOMAS. No, no.

The CHAIRMAN. As far as you know you have never attended any Communist meetings?

Mr. THOMAS. As far as I know, I haven't been. I have been to house parties and things like that, and had fun, but just going for that I ain't never been, just going intentionally for that. You can believe me, I would not belong to it and I would not join it.

The CHAIRMAN. You are excused from the subpoena. You are excused. You will not be called any further.

[The testimony of Benjamin Alfred was made public on November 17, 1955 and published in Permanent Subcommittee on Investigations, *Subversion and Espionage in Defense Establishments and Industry*, part 10 (Washington, D.C.: Government Printing Office, 1955).]

TESTIMONY OF EDWIN ALLEN CASSANO

Mr. COHN. What is your full name?

Mr. CASSANO. Edwin Allen Cassano.

Mr. COHN. C-a-s-s-a-n-o?

Mr. CASSANO. Yes, sir.

Mr. COHN. Are you living out at 62 Howard Street in Haverdale?

Mr. CASSANO. Yes, sir.

Mr. COHN. And you have been with General Electric since 1942?

Mr. CASSANO. Yes, sir.

Mr. COHN. And you have been cleared for classified work, particularly when you are working in Building 32?

Mr. CASSANO. Yes, sir.

Mr. COHN. And our records indicate that you have been a subscriber to the *Daily Worker*, is that true?

Mr. CASSANO. Yes, sir.

Mr. COHN. That is true?

Mr. CASSANO. Yes, sir.

Mr. COHN. When did you subscribe to the *Daily Worker*?

Mr. CASSANO. I would say it was either in 1946 or '47.

Mr. COHN. Who asked you to subscribe to the *Daily Worker*?

Mr. CASSANO. Nat Mills.

Mr. COHN. Mr. Mills was working at General Electric until he was called before this committee and then suspended?

Mr. CASSANO. That is right.

Mr. COHN. That is the Nat Mills you mean?

Mr. CASSANO. That is right.

Mr. COHN. Did Mr. Mills ask you to join the Communist party?

Mr. CASSANO. I don't think he ever asked me to join it outright.

Mr. COHN. You don't recall?

Mr. CASSANO. I don't recall.

Mr. COHN. Isn't that the kind of thing one usually remembers?

Mr. CASSANO. No, I don't think so.

Mr. COHN. How many people have asked you to join the Communist party?

Mr. CASSANO. How many?

Mr. COHN. Yes.

Mr. CASSANO. None that I remember.

Mr. COHN. If Mr. Mills did, would it be true that you have read that?

Mr. CASSANO. I possibly would have.

Mr. COHN. Just possibly. Did you ever attend any Communist meetings with Mr. Mills?

Mr. CASSANO. No, sir.

Mr. COHN. We have some testimony here that Mr. Mills asked you on a number of occasions to join the Communist party. Is that testimony false?

Mr. CASSANO. I would say it was false.

Mr. COHN. Are you sure that Mr. Mills never asked you to join the Communist party?

Mr. CASSANO. I am pretty sure of it.

Mr. COHN. What other Communist activity besides subscribing to the *Daily Worker* did you do at the suggestion of Mr. Mills?

Mr. CASSANO. None.

Mr. COHN. Is that the only thing he asked you to do?

Mr. CASSANO. That is the only thing I did.

The CHAIRMAN. Let me ask you this: The *Daily Worker* has been named under oath as the telegraph agency of the Communist party on a number of occasions, and named as the instrument of the

Communist party. When you subscribed to it, did you know that was a Communist publication?

Mr. CASSANO. I knew it was a Communist party publication, yes, sir.

Mr. COHN. Why did you subscribe to it?

Mr. CASSANO. I wanted to see what it was about. I heard so much about it and I never saw it.

Mr. COHN. Couldn't you have read it in the public library or something without contributing the money to it by subscribing to it?

Mr. CASSANO. I possibly could. I never knew it was in the library.

Mr. COHN. Were you subscribing to the *Daily Worker* in connection with any government work you were performing?

Mr. CASSANO. What was that again?

Mr. COHN. Why did you subscribe to the *Daily Worker*?

Mr. CASSANO. I wanted to see what it was. I heard so much about it I wanted to see what it was.

Mr. COHN. Did you know Mr. Mills was a Communist?

Mr. CASSANO. He said he was.

Mr. COHN. There was no secret about that?

Mr. CASSANO. No.

Mr. COHN. Who else in General Electric did you know to be a Communist besides Mr. Mills?

Mr. CASSANO. He is the only one I heard actually admit it. I have heard of others.

Mr. COHN. Who else do you believe is a Communist on the basis of what you heard?

Mr. CASSANO. Goodwyn.

Mr. COHN. Who else?

Mr. CASSANO. Riekskarsky.

Mr. COHN. So far you have named all people who have appeared before the committee and claimed the Fifth Amendment.

Mr. CASSANO. I have heard that Don Tommie was.

Mr. COHN. He is not working at GE any more, is he?

Mr. CASSANO. I don't know. I don't know the fellow.

Mr. COHN. Did you know he was a UE organizer at GE?

Mr. CASSANO. Yes, I heard he was, in the papers.

Mr. COHN. Are you a member of UE?

Mr. CASSANO. No, IUE.

Mr. COHN. You are a member of IUE?

Mr. CASSANO. Yes, sir.

Mr. COHN. Were you ever a member of UE?

Mr. CASSANO. Yes, sir.

Mr. COHN. While it was a plant in the union?

Mr. CASSANO. Yes, sir.

Mr. COHN. Then you changed over then to the IUE when it became the plant union?

Mr. CASSANO. Yes, sir.

The CHAIRMAN. When did IUE go in?

Mr. COHN. The last time it won was just a few weeks ago. 1950 was the first time IUE came into the plant.

The CHAIRMAN. Could I ask this: Over what period of time did you subscribe to the *Daily Worker*?

Mr. CASSANO. I don't know. It was just a short time. I don't know whether it was three months, six months or whatever it was.

The CHAIRMAN. You understand this committee does not consider it any crime to subscribe to a Communist publication. If you are subscribing to it to find out what the party line is and what they are standing for. Many people do that. It is another thing, of course, if you are engaged in Communist activities, if you are subscribing to it so that you will know what the party line is so that you can follow that party line. So when we ask you whether or not you have subscribed to the *Daily Worker*, that is no indication on our part that we think you have or have not been engaged in any improper conduct.

However, when we find a man handling classified material, find him on the roll of a *Daily Worker*, naturally we want to call him in here and get some information. Is it your testimony that you have never joined the Communist party?

Mr. CASSANO. That is right.

The CHAIRMAN. Never contributed any money to it?

Mr. CASSANO. That is right.

The CHAIRMAN. Never were asked to join the Communist party?

Mr. CASSANO. Not that I recall.

The CHAIRMAN. What was the occasion of your leaving the UE to join the IUE?

Mr. CASSANO. Well, they got defeated in the election and I got into the IUE.

The CHAIRMAN. Have you ever discussed any classified material with anyone known to you to be a member of the Communist party?

Mr. CASSANO. No, sir.

The CHAIRMAN. Mr. Cassano, I will have to ask you to come back tomorrow morning. We have testimony from other witnesses under oath which is in direct contradiction to yours. I don't know whether they are telling the truth or not, and I don't know whether you are telling the truth. Somebody here is not telling the truth. It is directly contradictory. I will have to take their testimony and yours and submit that to the Justice Department. It is not our job to determine who is lying.

Mr. CASSANO. What is that going to be, public?

The CHAIRMAN. I don't know. I would suggest this, however: Keep in mind that to merely be a member of the Communist party is no crime under our laws.

Mr. CASSANO. I am not a Communist.

The CHAIRMAN. Let me finish. I am not saying you are at all. I have never seen you before. It is not a crime if you were a member, unless you know that the party stands for the overthrow of this government by force and violence. I would suggest that you very carefully think over your testimony, and if, tomorrow morning your memory is refreshed, and you want to change it—

Mr. CASSANO. In which way?

The CHAIRMAN. You just think over all of them, any questions about any Communist activities on your part.

Mr. CASSANO. I haven't had any Communist activity.

The CHAIRMAN. I am not saying you have. I don't know.

Mr. CASSANO. I want to answer you now on everything.

The CHAIRMAN. You understand as the chairman of the committee it is not my job to decide whether John Jones or Pete Smith is lying, but when the two witnesses come in and tell stories that are directly contra, I have no choice but to submit the testimony to the Justice Department.

Mr. CASSANO. Yes, I understand that, but I mean I don't want to get in front of no cameras or anything. I would rather settle everything.

Mr. COHN. Let's settle it now. Do you want to change any of the answers you have given?

Mr. CASSANO. No, sir. That is what I say.

The CHAIRMAN. I am not trying to keep you in the dark about anything. We have witnesses who have testified that they were present on a number of occasions when you were solicited to join the Communist party.

Mr. CASSANO. That is what I can't remember. I don't know what you mean. To come right out and say join the Communist party? Nobody that I can recall ever asked me that.

The CHAIRMAN. In any event, come back tomorrow morning and our investigator Mr. O'Donnell then will talk to you. You may or may not be called as a witness. I don't know. But he will want to talk to you in the morning. Make it 9:15 or 9:25.

Mr. CASSANO. 9:15?

The CHAIRMAN. If you have difficulty—

Mr. CASSANO. I can make it. There are earlier trains.

The CHAIRMAN. The time is not terribly important. If you would rather get a later train, we will make it later. Would you rather it be a later time?

Mr. CASSANO. No, any time, to get it over with.

The CHAIRMAN. As I say, I do not know if we will call you tomorrow as a witness or just have the investigator talk to you. If you are here by eleven o'clock, that will be all right. And when you come in, see Mr. O'Donnell, will you?

Mr. COHN. He is the fellow who talked to you this afternoon.

The CHAIRMAN. He is the same investigator you talked to before. You talk to him. He will tell you whether or not we want you to testify or whether he merely wants to get further information from you.

In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CAVALIERI. Yes, sir; I do.

TESTIMONY OF RENALDO CAVALIERI

Mr. COHN. Can we have your full name?

Mr. CAVALIERI. Renaldo Cavalieri.

Mr. COHN. Where do you reside?

Mr. CAVALIERI. 39 Senate Street, Malden, Massachusetts.

Mr. COHN. Do you work for General Electric?

Mr. CAVALIERI. Yes, sir; I do.

Mr. COHN. For how long?

Mr. CAVALIERI. Since 1948.

Mr. COHN. Have you ever been a Communist?

Mr. CAVALIERI. No, sir; I have not ever been a Communist.

Mr. COHN. Have you ever attended a Communist meeting?

Mr. CAVALIERI. No, sir; I have not.

Mr. COHN. Have you ever been asked to attend a Communist meeting?

Mr. CAVALIERI. Have I ever been asked to attend? Not within my recollection I have never been asked.

Mr. COHN. You don't recall?

Mr. CAVALIERI. No, sir; I do not.

Mr. COHN. Do you know any Communists working at General Electric?

Mr. CAVALIERI. The only ones that I know are those who have been mentioned in the newspapers. Other than those I don't know of any Communists in the General Electric.

Mr. COHN. No evidence of Communists at the General Electric plant has ever come to your attention?

Mr. CAVALIERI. No, sir.

Mr. COHN. By the expression of views on the part of anyone or anything like that?

Mr. CAVALIERI. I didn't hear you.

Mr. COHN. I say you haven't heard anybody say anything which would lead you to believe he was a Communist?

Mr. CAVALIERI. No, sir.

The CHAIRMAN. Mr. Cavalieri, may I say that the fact that you were called here does not indicate, or should not indicate to you that the committee feels that you have been guilty of any misconduct of any kind. In the course of an investigation such as this, we receive a report that John Jones or Pete Smith or someone has given us information. We have had any number of good, loyal Americans here. We frankly do not have any information that you ever have been engaged in any Communist activities. We have received reports from several people to the effect that you might be able to give us some information about other individuals who are Communists. I just want to make that clear to you, that you have not been accused of any misconduct. You are sure at this time that you cannot give us any information?

Mr. CAVALIERI. I can honestly say, Senator, that the only information I know is that which I have ever seen in the newspaper.

The CHAIRMAN. And you have never been asked by Mills or anyone else out there to join the Communist party?

Mr. CAVALIERI. No, sir. I don't even know him.

The CHAIRMAN. I think that is all. You will be excused from the subpoena. Mr. Anastos here will tell you how to get your witness fees. No one will know you are here, unless you tell them you are here.

Mr. CAVALIERI. Thank you.

The CHAIRMAN. The reason we do not give out the names of witnesses is that some people think merely because you are called indicates you are guilty of some misconduct, which is not true. Therefore, no names are given out.

Mr. CAVALIERI. Thank you very much.

The CHAIRMAN. You will be excused from the subpoena.

Would you raise your right hand and be sworn. In the matter now in hearing before the committee, do you solemnly swear to tell

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

Mr. BROOKS. I do.

TESTIMONY OF RODNEY AVRAM BROOKS

Mr. COHN. What is your full name?

Mr. BROOKS. Rodney Avram Brooks.

Mr. COHN. Where do you reside, Mr. Brooks?

Mr. BROOKS. At the present I am living at 33 Breed Street, in Lynn.

Mr. COHN. And what is your occupation?

Mr. BROOKS. Physicist.

Mr. COHN. Do you hold degrees?

Mr. BROOKS. I do.

Mr. COHN. From what university?

Mr. BROOKS. The University of Florida.

Mr. COHN. What year?

Mr. BROOKS. 1953.

Mr. COHN. And by whom are you employed?

Mr. BROOKS. General Electric Company.

Mr. COHN. At which plant do you work?

Mr. BROOKS. I am at present working in the River Works Plant.

Mr. COHN. What?

Mr. BROOKS. River Works Plant.

Mr. COHN. And have you worked at any other General Electric plant?

Mr. BROOKS. Yes.

Mr. COHN. Where?

Mr. BROOKS. I have worked at the Schenectady works, I have worked at the Research Lab, and I have worked at Electronics plant.

Mr. COHN. Do you have access to classified information?

Mr. BROOKS. I have.

Mr. COHN. Do you have a confidential clearance?

Mr. BROOKS. I don't know much about the status of my security right now.

Mr. COHN. Isn't it a fact that you have a confidential clearance and you are now being processed for secret clearance?

Mr. BROOKS. No, I don't believe so. I know that I had a clearance of some form. I don't know whether I still have a clearance or not.

Mr. COHN. Do you know you are being processed for secret clearance?

Mr. BROOKS. No, I don't.

Mr. COHN. Well, you are. Let me ask you this: Have you ever resided at 1009 Cumberland Avenue, Syracuse?

Mr. BROOKS. I have.

Mr. COHN. With whom have you resided there?

Mr. BROOKS. The other residents there were Mrs. Lillian Reiner, Mr. Howard Reiner and Larry Reiner.

Mr. COHN. Was Mrs. Lillian Reiner a member of the Communist party?

Mr. BROOKS. I don't have enough information to answer that question.

Mr. COHN. What is your belief?

Mr. BROOKS. To my knowledge she is not.

Mr. COHN. Is she chairman of the American Labor party section in that community?

Mr. BROOKS. I don't know the answer to that question.

Mr. COHN. Is she active in the American Labor party in that community?

Mr. BROOKS. I don't know the answer.

Mr. COHN. Your testimony under oath is that you don't have any information on that.

Mr. BROOKS. I am saying I do not know whether or not she is active in the American Labor party.

Mr. COHN. Do you know anything about her current connections with the American Labor party?

Mr. BROOKS. No real factual information, no. I have heard the party mentioned.

Mr. COHN. By her?

Mr. BROOKS. I believe so, and by—I believe so.

The CHAIRMAN. Are you aware of the fact that the American Labor party split several years ago and the anti-Communist liberals left the party, leaving it in complete control of the Communist party?

Mr. BROOKS. I am not aware of that fact.

The CHAIRMAN. Had you ever heard of that?

Mr. BROOKS. I had not.

The CHAIRMAN. Wasn't there a great deal of publicity at the time of this ALP, which had been named as a liberal party, when it broke up and the anti-Communists said "We are leaving it and it is controlled by the Communist party"? Are you aware of that?

Mr. BROOKS. No, I wasn't aware of that fact.

The CHAIRMAN. Are you aware of the fact that it had been named officially as the front for and doing the work of the Communist party?

Mr. BROOKS. I think I have seen its name on subversive lists.

The CHAIRMAN. You say you had no reason to believe that the Reiners with whom you lived, were Communists?

Mr. BROOKS. That is what I said.

The CHAIRMAN. As of today, you have no reason to believe they were Communists?

Mr. BROOKS. Would you repeat the question?

The CHAIRMAN. I will be glad to.

[The reporter read from his notes as requested.]

Mr. BROOKS. I have no reason to believe that that is correct.

The CHAIRMAN. In other words, there was never any indication to you—

Mr. BROOKS. None whatsoever.

The CHAIRMAN [continuing]. That they were Communists?

Mr. BROOKS. None whatsoever.

The CHAIRMAN. Any indication that they were Communist sympathizers?

Mr. BROOKS. None whatsoever.

The CHAIRMAN. Did you think it at all significant that Mrs. Reiner was an officer in an organization which had been named officially as completely controlled by the Communist party?

Mr. BROOKS. I am not sure of the fact she was an officer. I believe you asked me if she is now the chairman of the American Labor party and I said I don't believe so. It might be that she was at one time chairman of the American Labor party, although I would not swear to it, and it did not strike me as—well, I forget the word you used, but whatever that word was, it did not strike me that way.

The CHAIRMAN. Significant?

Mr. BROOKS. Significant.

The CHAIRMAN. Let me ask you this: As you know, the security officer at GE has a very difficult job. You know the definition of the classification of secret. I am sure you will agree with me that the handling of secret material is not a privilege that every American is entitled to, but it is a right accorded to those who are above suspicion. Under the definition of secret, any secret material that got into unauthorized hands could endanger this nation. Do you feel that an individual, let's say John Jones, instead of Rodney Brooks, let's say John Jones who is living with people who are active and one of them an officer, in an organization which is named, in effect, as an arm of the Communist party, do you think that such an individual should have access to our military secrets?

Mr. BROOKS. I see no reason why any person who has been judged trustworthy should not have access to any information which he pledges to safeguard.

The CHAIRMAN. Well, you said judged trustworthy. Would you judge a man trustworthy to handle secrets if he were living with a person who is not only a member but an officer of an organization named as an arm of the Communist party, publicly named, over and over, since 1944? Would you say that he was trustworthy to handle secrets?

Mr. BROOKS. It would depend upon the person involved. I would not make a statement one way or the other just on that evidence.

The CHAIRMAN. Would you consider that evidence against him or for him?

Mr. BROOKS. I would say that that evidence might imply that it should be looked into further, that the case should be looked into further, but I wouldn't say that that evidence should be used one way or the other.

The CHAIRMAN. In other words, you would not consider that evidence for or against him.

Mr. BROOKS. I would not.

The CHAIRMAN. What if he were living with a Communist? Would you consider that for or against him?

Mr. BROOKS. I don't think that the company a person keeps determines, necessarily determines his trustworthiness. If he were living with a Communist, he certainly should be investigated, but I don't see why he still could not be found trustworthy even though his friends are Communists.

The CHAIRMAN. Let's say the investigation shows he is living with a Communist.

Mr. BROOKS. If that is all it shows, then I don't think he should be declared untrustworthy.

The CHAIRMAN. Let's say in addition to that, in addition to living with a Communist, the investigation shows that he spends time

writing in defense of a convicted espionage agent. Would you consider that evidence against him?

Mr. BROOKS. If you are referring to Morton Sobell, I don't believe that he was ever convicted as an espionage agent.

The CHAIRMAN. He was convicted of conspiracy to commit espionage.

Mr. BROOKS. That is correct.

The CHAIRMAN. Would you consider a man who lives with a Communist, who spends his time writing in defense of a man who was convicted of a conspiracy to commit espionage, as the type of individual who should be handling secret material, material affecting the life or death of this nation?

Mr. BROOKS. Since I can think of at least one case where that should not stand in his way of handling such information, I don't see any reason why that alone should preclude his handling security information.

The CHAIRMAN. Just to get your thought on this, your thought is that if there is an investigation, if the investigation shows that Rodney Brooks, we will say, has been living with a Communist, and Rodney Brooks has been writing in defense of Sobell, who was convicted of conspiracy to commit espionage, you would say that is insufficient to bar him from handling secret material?

Mr. BROOKS. I would say that such a decision should be reached on the merits of the individual and not on the company he keeps.

The CHAIRMAN. What else would you want? What would you want to find him doing before you would bar him?

Mr. BROOKS. That wouldn't be my job, to decide that.

The CHAIRMAN. Well, we have to rely upon your judgment, you see, somewhat, if you are handling secret material. How many communists would you want him to be associated with before you would bar him?

Mr. BROOKS. That isn't material.

The CHAIRMAN. It isn't material whether he associates with Communists?

Mr. BROOKS. I think that a person should not be allowed to handle security information if it can be proven or clearly shown that such information would be unsafe in his hands. The mere fact that he associates with Communists does not mean that he is going to turn that information over to Communists.

The CHAIRMAN. In other words, you would have no objection to giving secret material to someone living with Communists, defending convicted espionage agents, is that correct?

Mr. BROOKS. I have no objection to the person, no.

The CHAIRMAN. I think that states your position rather clearly. You were rather active in the defense of Sobell after he was convicted, were you not?

Mr. BROOKS. No, I was not.

The CHAIRMAN. Did you write a number of times in his defense?

Mr. BROOKS. No, I did not.

The CHAIRMAN. Did you ever write in his defense?

Mr. BROOKS. One letter I wrote could be construed as being in his defense, but I would not interpret it that way.

The CHAIRMAN. Only one?

Mr. BROOKS. Only one.

The CHAIRMAN. Did you ever write more than one letter in regard to Sobell?

Mr. BROOKS. I wrote two letters in regard to Sobell.

The CHAIRMAN. Who did you write them to?

Mr. BROOKS. Editor of the *Post Standard*, Syracuse, New York.

The CHAIRMAN. Did you write any other letters?

Mr. BROOKS. Yes, I wrote one other letter.

The CHAIRMAN. Actually, you wrote more than three letters, did you not?

Mr. BROOKS. To the editor of the *Post Standard*?

The CHAIRMAN. No, to anyone.

Mr. BROOKS. I thought you were talking about letters to the editor of the *Post Standard*. I have written many letters, yes.

The CHAIRMAN. You wrote many letters in defense of Sobell, have you not?

Mr. BROOKS. No, I have written many letters. Would you repeat the question?

The CHAIRMAN. How many letters have you written in regard to Sobell?

Mr. BROOKS. Two letters.

The CHAIRMAN. Only two?

Mr. BROOKS. Yes.

The CHAIRMAN. I am not talking about letters to newspapers, I am talking about letters to Communists or to non-Communists, or to newspapers, or to anyone else.

Mr. BROOKS. To the best of my recollection, I have never written any letters to any Communists and I have never mentioned the name Sobell in any letter other than the two in question. Although I would not swear to that fact. This is just the best of my recollection.

The CHAIRMAN. Have you ever been asked to join the Communist party?

Mr. BROOKS. No.

The CHAIRMAN. Did you think Sobell was innocent?

Mr. BROOKS. I have not reached any concrete opinion on it.

The CHAIRMAN. Were you disturbed about the Sobell conviction?

Mr. BROOKS. I thought—yes.

The CHAIRMAN. You felt what? You were disturbed about it?

Mr. BROOKS. Yes, I was.

The CHAIRMAN. Were you disturbed about the Rosenberg conviction?

Mr. BROOKS. Somewhat.

The CHAIRMAN. In other words, you didn't think they should have been convicted?

Mr. BROOKS. No, I didn't say that.

The CHAIRMAN. Did you think they should be convicted?

Mr. BROOKS. I think the manner in which they were convicted was not according to the best American tradition.

The CHAIRMAN. What did you object to in the manner of their conviction?

Mr. BROOKS. I felt that they were convicted during an era of hysteria, and it is no completely fair trial that can be held under such conditions.

The CHAIRMAN. What did you want to do, wait and hold their trial later? How long did you want them to wait?

Mr. BROOKS. I didn't want them to wait.

The CHAIRMAN. You said you objected because they were tried in an era of hysteria.

Mr. BROOKS. It is the hysteria I objected to.

The CHAIRMAN. Do you think we are still in an era, do you think they would get a fair trial today?

Mr. BROOKS. I think the fact that this committee is in progress today is a good indication of the fact that we are in an era of hysteria.

The CHAIRMAN. So that today you do not think they would get a fair trial?

Mr. BROOKS. It would depend upon the people conducting the trial, but under normal circumstances, I don't think anyone in that situation would stand a really fair chance of getting a fair trial.

The CHAIRMAN. Judge Kaufman conducted the trial. Do you think he was unfair?

Mr. BROOKS. I would hesitate to condemn him. I read portions of the court record and there were places where I thought that he was perhaps being a little bit unfair.

The CHAIRMAN. Before you condemned the conviction of the Rosenbergs, did you read the entire transcript?

Mr. BROOKS. No, sir.

The CHAIRMAN. Do you not think that before you condemn a judge as being unfair—

Mr. BROOKS. I have not condemned him as being unfair.

The CHAIRMAN. Do you think he was unfair?

Mr. BROOKS. I have not—would not want to say one way or the other. I do not censure him for being unfair and I wouldn't go out of my way to say he was fair. I don't know enough about his conviction of the trial to have a definite opinion.

The CHAIRMAN. You said you thought because this committee was sitting in this investigation, I believe if I understood you correctly, that the Rosenbergs could not get a fair trial as of today. In what way do you think this committee could affect the Rosenberg trial?

Mr. BROOKS. I didn't say that, I don't believe.

The CHAIRMAN. Maybe I misunderstood you.

Mr. BROOKS. I said I think the fact that this committee is operating at the present time is evidence of the fact that there is still an era of hysteria. I don't think I mentioned the Rosenbergs in connection with this committee.

The CHAIRMAN. In other words, you think the fact that this committee is sitting is evidence of hysteria?

Mr. BROOKS. Yes, sir.

The CHAIRMAN. You are entitled to that thought, certainly. Do you feel it is improper for senators who are elected to represent the American people, that it is improper for those senators to dig out and expose communism, espionage?

Mr. BROOKS. Since you asked, the answer is yes, because that isn't what they were elected for, according to the Constitution of the United States.

The CHAIRMAN. You are entitled to that thought, certainly. Do you still live with the Reiners?

Mr. BROOKS. No, I don't. I live in Lynn, Massachusetts.

The CHAIRMAN. Who do you live with now?

Mr. BROOKS. I am staying at a house owned, I believe, by Mr. William Pollard. I am not sure of the name.

The CHAIRMAN. Mister what?

Mr. BROOKS. Mr. William Pollard. It is just a rooming house.

The CHAIRMAN. A rooming house?

Mr. BROOKS. That is right.

The CHAIRMAN. Who are your roommates?

Mr. BROOKS. I have no roommates. I have a single room.

The CHAIRMAN. Who else lives in the house?

Mr. BROOKS. I don't know any other names of residents.

The CHAIRMAN. How long have you lived there?

Mr. BROOKS. Approximately two months.

The CHAIRMAN. How long since you left the Reiners?

Mr. BROOKS. Approximately two months.

The CHAIRMAN. How do you spell that name Reiner?

Mr. BROOKS. R-e-i-n-e-r.

The CHAIRMAN. How far from your place of work is the Reiners' residence?

Mr. BROOKS. A good ways. I don't know in miles, but—I believe it was three-quarters of an hour by bus.

The CHAIRMAN. Would you care to tell us how come you made this connection with the Reiners?

Mr. BROOKS. I made the connection about twenty-one years ago. She is my aunt.

The CHAIRMAN. She is your aunt?

Mr. BROOKS. That is right.

The CHAIRMAN. And you say you do not know whether she is a Communist or not?

Mr. BROOKS. I do not have any factual information on the facts, although my belief is that she is not.

The CHAIRMAN. Has she discussed communism with you?

Mr. BROOKS. No, she has not discussed communism with me.

The CHAIRMAN. Did you know whether she ever attended any Communist meetings?

Mr. BROOKS. No, I don't. I don't believe she has.

The CHAIRMAN. Did you ever attend any Communist meetings?

Mr. BROOKS. I have not.

The CHAIRMAN. Has any member solicited you to join the party?

Mr. BROOKS. No.

The CHAIRMAN. Did you read the Sobell transcript?

Mr. BROOKS. Are you referring to the court record of the Rosenberg-Sobell case?

The CHAIRMAN. Yes.

Mr. BROOKS. I read the portion pertaining to Sobell, yes.

The CHAIRMAN. Did you read all of it?

Mr. BROOKS. No, I did not.

The CHAIRMAN. You were urging a new trial for Sobell, you say a new trial for Morton Sobell would be a major step in restoring American prestige.

Mr. BROOKS. In Europe.

The CHAIRMAN. Did you urge that without reading the transcript?

Mr. BROOKS. No. When I wrote that I had read the transcript pertaining to Sobell.

The CHAIRMAN. I thought you said you did not read the entire transcript.

Mr. BROOKS. I did not read the entire transcript. I read the portion of the transcript pertaining to Sobell.

The CHAIRMAN. I read the transcript. I am just curious as to how you could separate it. A great number of witnesses testified about both the Rosenbergs and the Sobells. How did you separate that testimony?

Mr. BROOKS. As I understand it, I believe there was only one witness who testified directly to any subversive activities of Sobell, and that portion of the testimony I read.

Mr. COHN. Do you refer to Max Elitcher?

Mr. BROOKS. That is correct.

The CHAIRMAN. Is that all you read?

Mr. BROOKS. I glanced at other parts and read isolated portions in addition to that.

The CHAIRMAN. And on the basis of that, you made a public attack?

Mr. BROOKS. No, not entirely upon the basis of that, but on the basis of other general information I had received.

The CHAIRMAN. Did you get disturbed at the time the Nazi spies were executed back in 1942?

Mr. BROOKS. I don't believe I was old enough at that time to be disturbed. I certainly do not remember it very well.

The CHAIRMAN. How old are you now?

Mr. BROOKS. Twenty-one.

The CHAIRMAN. Did you ever get disturbed about any other trials, and make any public attacks on them?

Mr. BROOKS. I have never made any public attacks at all, previous to this. I have never made any public statements previous to this.

The CHAIRMAN. In other words, the only trial that you became interested in was the conviction of the Rosenbergs and the Sobells?

Mr. BROOKS. Well, I would say it is the first trial that I became interested in.

The CHAIRMAN. I think we should let the witness identify these documents. I will hand you two letters allegedly signed by Rodney Brooks. Will you glance at them and tell us whether or not you wrote those two letters?

Mr. BROOKS. Yes, I haven't checked them over in their entirety, but I would say they were.

The CHAIRMAN. Did the Reiners help you write them?

Mr. BROOKS. No.

The CHAIRMAN. Did you get any help in writing them?

Mr. BROOKS. No.

The CHAIRMAN. No one helped you write those letters?

Mr. BROOKS. No, sir.

The CHAIRMAN. Did you do the typing yourself?

Mr. BROOKS. I really don't remember—I believe both of them were typed, in which case I typed them myself.

The CHAIRMAN. Where did you obtain the transcript of the Rosenberg-Sobell trial?

Mr. BROOKS. Mrs. Reiner has one.

The CHAIRMAN. So you read her transcript?

Mr. BROOKS. I read portions of her transcript.

The CHAIRMAN. Is that the transcript published by the National Committee to Free The Rosenbergs?

Mr. BROOKS. I don't believe so. I think it was published by some government agency, whichever one is in charge of publishing court records, but I don't remember clearly looking up the publisher.

The CHAIRMAN. I think the record should show that the chairman is advised by counsel that the transcript was not published by any government agency, that the only publication was by the National Committee To Free the Rosenbergs.

Do you know if Mrs. Reiner was a member of that committee?

Mr. BROOKS. No, I do not know.

The CHAIRMAN. Did she ever tell you she was?

Mr. BROOKS. If she had told me, and I had read it, I would know. I don't remember her telling me.

The CHAIRMAN. Did you ever join the committee?

Mr. BROOKS. No.

The CHAIRMAN. Ever contribute money to them?

Mr. BROOKS. No.

The CHAIRMAN. Were you ever asked to join them?

Mr. BROOKS. I never asked to join it, no.

The CHAIRMAN. Were you ever asked to join it?

Mr. BROOKS. No.

The CHAIRMAN. As of today you think you should be given access to secret material?

Mr. BROOKS. If my work requires that, yes.

The CHAIRMAN. We will want you at 10:30 tomorrow morning. Just a second.

Mr. ANASTOS. Mr. Brooks, did you, in addition to the two letters that referred to the Sobell case, write any other letters concerning other defendants in subversive cases?

Mr. BROOKS. To the *Post Standard*?

Mr. ANASTOS. To anybody.

Mr. BROOKS. That is a difficult question.

Mr. ANASTOS. So far as you can remember.

Mr. BROOKS. Well, I might have recently mentioned some such people in some letters, but nonce that I can recall right now. I wouldn't want to say definitely under oath that I had.

Mr. ANASTOS. Did you help Mrs. Reiner prepare any papers or letters that concerned her activities in the American Labor party?

Mr. BROOKS. No.

Mr. ANASTOS. Did you help her prepare any of her activities in connection with the movement that was going on in Syracuse in favor of Gerhard Eisler?

Mr. BROOKS. I hardly recognize the two names to which you referred.

The CHAIRMAN. Answer the question. Answer yes or no.

Mr. BROOKS. No, I did not assist in any such work.

The CHAIRMAN. Just one more question: Since you wrote the letters in defense of Sobell and Rosenberg, did you write any letters

in defense of any other individuals accused of Communist activities?

Mr. BROOKS. In that connection, I wish to protest the fact that I wrote in defense of the Rosenbergs. I never have.

The CHAIRMAN. Well, let's put it this way: Since you wrote letters in which you mentioned the Rosenbergs and Sobell, have you written any letters to any newspapers or periodicals in which you mentioned the names of other individuals accused of espionage activities or Communist activities?

Mr. BROOKS. I have not.

The CHAIRMAN. You are sure of that?

Mr. BROOKS. Yes, because I have only written one letter since then and I remember it.

The CHAIRMAN. Okay. We will want you back at 10:30 tomorrow morning.

In the matter now in hearing before this committee, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOORE. I do.

TESTIMONY OF GEORGE FREDERICK MOORE

Mr. COHN. Give your full name, please.

Mr. MOORE. George Frederick Moore.

Mr. COHN. Where do you reside, Mr. Moore?

Mr. MOORE. Pardon?

Mr. COHN. Where do you live?

Mr. MOORE. I live at 7 Linden Street, Everett, Massachusetts.

Mr. COHN. Where do you work?

Mr. MOORE. Everett Steel Foundry, in Everett.

Mr. COHN. For how long a period of time have you worked there?

Mr. MOORE. I have worked at the Everett Steel Foundry for thirty-five months, that is give or take a couple of days.

Mr. COHN. Since 1945?

Mr. MOORE. Since 1951.

Mr. ANASTOS. Are you a member of the Communist party?

Mr. MOORE. No, I am not.

Mr. ANASTOS. Have you ever belonged to the Communist party?

Mr. MOORE. No, I haven't.

Mr. ANASTOS. Have you ever been asked to join the Communist party?

Mr. MOORE. No, I haven't.

Mr. ANASTOS. Have you ever supported the Communist party, knowingly?

Mr. MOORE. I have not.

Mr. ANASTOS. Are you sympathetic to the Communist party?

Mr. MOORE. I have no sympathy for the Communist party whatsoever.

Mr. ANASTOS. What clearance do you have in your work? Are you cleared for classified material?

Mr. MOORE. Well, as far as clearing for classified material is concerned, they run a check on you when you come to work for GE. But in 1951, because of some—I don't know whose idea it was—some crackpot, I presume, they ran a check on me, that is, the Federal Bureau of Investigation, and obviously I was cleared, and I

have at various times, since I became a steward for Local 201 of the IUE-CIO, taken non-Communists oaths, and as a steward for Local 201 IUE-CIO we in Everett Steel Foundry have fought the Communist party and its lackeys right down to the ground.

The CHAIRMAN. What kind of a badge do you have, a blue one, with a blue band on it?

Mr. MOORE. Right now at Everett Steel Foundry they have suspended the badges for security reasons.

The CHAIRMAN. But as far as you know, you have access to what, confidential or secret?

Mr. MOORE. Well, as a matter of fact, I could, within a limited range, have access to classified material. We have worked on navy orders and gears and so forth that were, I presume, classified, although we were never instructed that they were classified material.

The CHAIRMAN. Let me ask you this: As you know, I have never seen you before, I know nothing about you, except what we get from reports from other witnesses. But in this investigation, if we get any information at all we must call the man in. The fact that you are here does not mean that we think there is anything improper in your conduct. We just have the task of calling in all the witnesses where we receive any adverse information. Can you think of any reason why any of your coworkers out there would try to label you as a Communist?

Mr. MOORE. Yes, and this is almost laughable. I don't think that this committee in any sense would try to restrict a man from reading other than out-and-out subversive literature. I am a great reader. I like to read. I will read anything. Even advertisements on the back of serial packages. But at any rate, at the library in Everett in 1951 I got my hands on a book entitled *Siberia*. I don't know who the author was, but some obscure individual. It was on the shelves. There was nothing subversive about it. It was almost strictly a geography book, written by an Austrian prisoner of war in the last world war, World War I. I read the book and found it quite interesting. It went into great detail about the geographical features of Siberia, and the last few chapters were devoted to the collectivization of farming in Siberia with the advent of the Communists. I was in the habit of reading this book during the lunch periods at work and so forth. A friend of mine, who is also an avid reader, requested the book, and I let him read it. The foreman came into the locker room, spotted the title of the book, *Siberia*, and said to him, "Why are you reading that Communist trash," without knowing the content of the book,

At that time the General Electric Company and I were having difficulties, who have never seen eye to eye on working conditions, I was up their throats, and the first thing I knew they were running a check on it, the Federal Bureau of Investigation. They called my friends down and questioned them. And the people in my neighborhood. I am not a mixer in the sense that I go out of the way to make friends with my neighbors. It gave me a black eye in my neighborhood and I had a black eye in the shop until the people understood me. I think that is where it stems from. I pin the fact on the foreman and I attribute it right to that particular fact that I just brought out.

The CHAIRMAN. In other words, that is the only book of a Communist nature that you have had around your apartment or around the shop, is that right?

Mr. MOORE. That is absolutely correct.

The CHAIRMAN. You don't subscribe to the *Daily Worker*?

Mr. MOORE. I do not.

The CHAIRMAN. You have never joined the Communist party?

Mr. MOORE. No.

The CHAIRMAN. Nor the Young Communist League?

Mr. MOORE. No.

The CHAIRMAN. Ever attend any Communist meetings?

Mr. MOORE. No.

The CHAIRMAN. Were you ever asked to join the Communist party?

Mr. MOORE. I was not.

The CHAIRMAN. Did you ever contribute any money to the Communist party?

Mr. MOORE. I have not.

The CHAIRMAN. Anything further?

Mr. ANASTOS. You say you are an avid reader. Have you read the works of Marx and Lenin?

Mr. MOORE. No, not in its entirety. I have read excerpts from different books. I have read excerpts from the *Communist Manifesto* or *Das Capital*. But I, myself, I believe it is a little outdated right now. I don't believe it has any place in this day and age.

Mr. ANASTOS. Have you been particularly critical of the role of the United States government in Korea?

Mr. MOORE. No. In fact, there, again, I am at loggerheads. I believe that the right steps were taken in Korea at the time, in 1950, and I still believe it today, that the only way was we had to draw the line somewhere, and I believe that Korea was the place.

The CHAIRMAN. You will be excused from your subpoena. You will not be called. No one will know you are here unless you yourself tell them you were here.

Mr. MOORE. Well, Senator, for a good purpose I would like it known that I am here because I believe that the original attempt on the part of General Electric to intimidate me is being carried on today and I want them to know that it was their doing that I was intimidated in the first place.

The CHAIRMAN. May I say that you are not here as a result of any request on the part of GE.

Mr. MOORE. Well, I think—

The CHAIRMAN. Let me just tell you for your own information: You are one of hundreds of witnesses we have called. We have the very tedious and at times unpleasant task of calling everyone handling secret work about whom we have adverse information. It develops that many of them are apparently good, loyal Americans. For that reason we do not give out the names of witnesses. However, the witness himself is at perfect liberty to say he was here, to tell what went on, to talk as freely as he wants to about it. In other words, you are under no prohibition in so far as your appearance here is concerned. The only people who cannot talk about your appearance are the other people in the room who, under the danger of contempt, must not discuss a witness' testimony in public. So

when you go out, you can tell the newspapers you are here, if you like, you can tell them anything you want to, as freely as you care to. You can discuss what you think either about General Electric or this committee.

Mr. MOORE. Thank you very much.

May I elaborate for the record on my connections with the IUE and efforts to dispel it?

Mr. COHN. That does not concern us.

Mr. MOORE. For once and for all—

Mr. COHN. That has nothing to do with this investigation and does not concern us. Why clutter up the record?

Mr. MOORE. I just wondered. I was musing on this fact when I was out in the other room, that in view of my being called by this committee I wondered if it left me open to being called by the state committee. I, myself, cannot afford it. I am not a rich man and I am not on a well-paid job. I cannot afford to take days off from work.

Mr. COHN. You will paid your witness fee and given your transportation expenses.

Mr. MOORE. I hear that that is inadequate.

Mr. COHN. That is what is allowed.

[The testimony of Wendell H. Furry was made public on March 31, 1955 and published in Permanent Subcommittee on Investigations, *Subversion and Espionage in Defense Establishments and Industry*, part 9 (Washington, D.C.: Government Printing Office, 1955).]

[Whereupon, at 5:15 p.m. the committee was recessed, to reconvene at 10:00 a.m. the following day, Saturday, January 16, 1954, in open session.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRIES

[EDITOR'S NOTE.—As a result of his citing the Fifth Amendment in refusing to answer the subcommittee's questions, Louis Passikoff was discharged from General Electric.

Cyril Sille testified in public on February 20, 1954; Louis Passikoff (1915–1971) on August 12, 1954; and Dante DeCesare and Robert E. LaFortune (1892–1983) on January 3, 1955. Helen Quirini (1910–1998), Lillian Garcia Krummel, William Vincent Delos (1921–1970), Allan E. Townsend, Michael Riggi (1914–1987), and Charles Rivers did not testify in public session.]

FRIDAY, FEBRUARY 19, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Albany, NY.

The subcommittee met at 2:30 p.m., pursuant to notice, in room 424, Federal Building, Albany, New York, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; C. George Anastos, assistant counsel; James N. Juliana, investigator.

The CHAIRMAN. The committee will come to order.

May I say for the record, this is an executive session today, and we have a number of people in the room who are authorized to be here by the chairman. I want them all to understand that it being an executive session, you cannot repeat any of the testimony you hear today. Is that all right? Who do you want to call first? Would you raise your right hand. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DECESARE. I do.

TESTIMONY OF DANTE DeCESARE (ACCOMPANIED BY HIS COUNSEL, H. E. BLODGETT)

Mr. COHN. Could we get your full name?

Mr. DECESARE. Dante DeCesare.

Mr. COHN. And where do you reside?

Mr. DECESARE. 88 Broderick Street.

Mr. COHN. Where is that?

Mr. DECESARE. Colonie, New York.

Mr. COHN. Where are you employed now?

Mr. DECESARE. General Electric.

Mr. COHN. And for how long a period of time have you been there?

Mr. DECESARE. Almost seven years.

Mr. COHN. What kind of work have you been doing out there?

Mr. DECESARE. Battery truck operator, handyman and tool grinder.

Mr. COHN. Have you been on the premises for about seven years?

Mr. DECESARE. Almost, yes.

Mr. COHN. Are you a member of the Communist party?

Mr. DECESARE. No.

Mr. COHN. Have you ever been?

Mr. DECESARE. I refuse to answer, using my ground of the Fifth Amendment.

Mr. COHN. Were you a member of the Communist party last year?

Mr. DECESARE. No.

Mr. COHN. The year before?

Mr. DECESARE. [No response.]

Mr. COHN. Were you a member of the Communist party in 1949?

Mr. DECESARE. I refuse to answer, using—

Mr. COHN. In 1950?

Mr. DECESARE. I refuse to answer.

Mr. COHN. 1951?

Mr. DECESARE. No.

Mr. COHN. Have you served as chairman of the Youth Club of the Communist party?

Mr. DECESARE. I refuse to answer, using the Fifth Amendment.

Mr. COHN. Were you a member of the Schenectady County Committee of the Communist party in 1949?

Mr. DECESARE. I refuse to answer.

Mr. COHN. Do you know people now working at General Electric who you knew in the Communist party?

Mr. DECESARE. I refuse to answer.

The CHAIRMAN. You will be ordered to answer.

He stated he is not a member of the Communist party now, and he has no Fifth Amendment privilege as to other members of the Communist party.

You will be ordered to answer that question.

You can consult with counsel if you care to.

Mr. BLODGETT. May I have the question, please?

Mr. COHN. Read the question, please.

[The reporter read from his notes as requested.]

The CHAIRMAN. Off the record.

[Discussion off the record.]

The CHAIRMAN. On the record.

You refuse to give us the names of any individuals known to you as members of the Communist party at this time, is that correct?

Mr. DECESARE. Yes, sir.

The CHAIRMAN. You are invoking the Fifth Amendment on that?

Mr. DECESARE. Yes, sir.

The CHAIRMAN. Do you feel differently about the Communist party now than you did in 1949?

Mr. DECESARE. Yes.

The CHAIRMAN. Will you speak a little louder? I am having difficulty hearing you.

Mr. DECESARE. Yes, I do.

The CHAIRMAN. Do you feel as of today—

Mr. DECESARE. Well, first of all, are you referring to me as a Communist party member in 1949 or are you referring to me as—

Mr. BLODGETT. He just asked you.

Mr. DECESARE. Yes, I do feel different about the party, yes.

The CHAIRMAN. And the question or the answer will put it this way. Neither the question nor the answer carries any implication of Communist party membership, you understand.

Mr. DECESARE. It doesn't, does it?

The CHAIRMAN. No, it carries no such implication, although I may say for your information we have testimony under oath that you were a very active member of the Communist party. Do you feel as of today that the Communist party is a menace to this country?

Mr. DECESARE. Yes, I do.

The CHAIRMAN. May I make a suggestion to you, if you feel that way? You could help your country a great deal. It would take some courage on your part. It would take a lot of backbone. But you could help your country by giving the FBI, giving this committee, the names of all individuals known to you to be part of the Communist conspiracy. You see, every man has a right to reform. We know you were a Communist. I do not know whether you are today or not. I cannot help but question the sincerity of your reform if you sit here and protect individuals handling the secrets of this nation by invoking the Fifth Amendment. Keep in mind, you have an absolute right to do it, you can do it if you want to, but if you feel the Communist party is a menace to this country, you could do what the young man did this morning. As I say, it will take a lot of courage. This took a great deal of courage, more courage than a great number of men have.

Is there any inclination on your part to give either this committee or the FBI—First let me—

[The witness conferred with his counsel.]

The CHAIRMAN. Is there any inclination on your part to give either this committee or the FBI, or a grand jury, all the information you have? It would be valuable. If you would want some time to think that over, we will give you all the time you want, days, weeks, or as much time as you want.

[The witness conferred with his counsel.]

Mr. DECESARE. I already talked partly to the FBI, but on your question, I would still like to assert my Fifth Amendment rights.

The CHAIRMAN. Have you given the FBI the names of any members of the Communist party?

Mr. DECESARE. I would like to still invoke my Fifth Amendment.

The CHAIRMAN. You cannot invoke the Fifth on that. I just asked you whether you had given the FBI any information. You cannot be incriminated by giving the FBI information, so I will have to order that you answer the question.

[The witness conferred with his counsel.]

Mr. DECESARE. I still invoke the Fifth.

The CHAIRMAN. You are invoking the Fifth Amendment as to whether or not you gave the FBI information, is that correct?

Mr. DECESARE. Yes.

The CHAIRMAN. Now, isn't it a fact that as of today you have never given any intelligence agency, including the FBI, the full story of the part you played in the Communist conspiracy? Is it not a fact that as of today you are still loyal to the Communist party?

Mr. DECESARE. I already answered that question. I thought I answered it pretty clearly.

The CHAIRMAN. Is it your answer that you have given some intelligence agency all the information you have?

Mr. DECESARE. I told you I talked to them.

The CHAIRMAN. Pardon?

Mr. DECESARE. I already talked to them.

The CHAIRMAN. Of course you have talked to them. Every Communist we know has talked to them. They have come out and interviewed them. I am asking you a simple question, as to whether or not you have given the FBI the information about the other members of the conspiracy.

[The witness conferred with his counsel.]

The CHAIRMAN. Mr. Counsel?

[Discussion off the record with witness' counsel.]

The CHAIRMAN. You will be excused for the time being. You are still under subpoena. I am going to give your lawyer a chance to talk to you. You will be excused for today. We will tell your lawyer when we want you back. We may want you tomorrow morning. I do not know, but we will get in touch with your counsel.

One more question of the witness: How many brothers do you have?

Mr. DECESARE. Three.

The CHAIRMAN. Are they working in any defense plants?

Mr. DECESARE. No.

The CHAIRMAN. Are they working for the government?

Mr. DECESARE. No.

The CHAIRMAN. In other words, they have no connection with the government, is that correct?

Mr. DECESARE. No.

The CHAIRMAN. How many sisters do you have?

Mr. DECESARE. No sisters.

The CHAIRMAN. Is either your mother or father working either in a defense plant or for the government?

Mr. DECESARE. My father is retired.

The CHAIRMAN. And your mother is not working?

Mr. DECESARE. No.

The CHAIRMAN. Your wife is not working for the government?

Mr. DECESARE. No.

The CHAIRMAN. Will you raise your right hand. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss QUIRINI. I do.

**TESTIMONY OF HELEN QUIRINI (ACCOMPANIED BY HER
COUNSEL, H. E. BLODGETT)**

Mr. COHN. What is your name, please?

Miss QUIRINI. Helen Quirini.

Mr. COHN. Where do you reside?

Miss QUIRINI. 2917 Carmen Road, Schenectady.

Mr. COHN. Where are you employed?

Miss QUIRINI. General Electric Company.

Mr. COHN. For how long a period of time have you worked there?

Miss QUIRINI. For fourteen years.

Mr. COHN. What kind of work have you done during that period?

Miss QUIRINI. I have always been what they call a wire woman or wire man. During the war I worked on radar and other stuff on Campbell Avenue and now I work on electronic pens.

Mr. COHN. Have you ever been a member of the Communist party?

Miss QUIRINI. No, I have not.

Mr. COHN. Have you ever been asked to join the Communist party?

Miss QUIRINI. Yes, I have.

Mr. COHN. By whom?

Miss QUIRINI. A man named Riggi, not Mike Riggi. I think his name was Tom. This was back during the war, and I am not quite sure. I think that was Tom, though.

The CHAIRMAN. You say it was not Mike Riggi?

Miss QUIRINI. No, it was not.

Mr. COHN. Was it his brother, Thomas?

Miss QUIRINI. I don't know if it was his brother.

The CHAIRMAN. Do you know Michael Riggi?

Miss QUIRINI. Yes, I know Michael Riggi, the one who is going to be here, yes.

The CHAIRMAN. Have you talked to him about your testimony?

Miss QUIRINI. No, I have not.

The CHAIRMAN. Do you know whether he is a member of the Communist party?

Miss QUIRINI. No, I do not know whether he is a member of the Communist party.

The CHAIRMAN. Have you ever attended any Communist meetings?

Miss QUIRINI. I attended one Communist party meeting back during the war.

Mr. COHN. Were any persons now working at General Electric present at that meeting?

Miss QUIRINI. The only people I remember at that meeting—and this is the truth, even though it may not sound like it but it is, but I was impressed by this, because I went there to find out. Foster was the main speaker and I wanted to hear what they had to say. It was a regular open meeting and during the time when the Communist party was—well, a lot different than it is today, and it was at the Labor Hall on Liberty Street. I just wanted to hear what they had to say.

The thing that impressed me the most, and the only thing I remember, is that there were some GE officials there, who were out of Boulware's office, I don't even know their names. But I know I was walking down the main avenue of Schenectady one day, and I said "Who are those men," and they said they were out of

Boulware's office. So I assume they were there for the same reason that I was, to cover the meeting and see what was said.¹¹

The CHAIRMAN. In other words, this wasn't a closed meeting and the fact that someone was there would not indicate that they were members of the Communist party.

Miss QUIRINI. No, I don't think so. I know they are not members, and I am not.

The CHAIRMAN. Would you know the names of the GE officials who were there?

Miss QUIRINI. I don't know the names of the officials.

The CHAIRMAN. You have no way of knowing whether they are Communists or just there to see the meeting?

Miss QUIRINI. I have no way of knowing.

The CHAIRMAN. Would you recognize those officials?

Miss QUIRINI. I don't think I would. This was during the war, and I couldn't tell you what year it happened.

The CHAIRMAN. Do you know if they are still working for GE?

Miss QUIRINI. I wouldn't know.

The CHAIRMAN. But your testimony is that you are not and never have been a member of the Communist party?

Miss QUIRINI. No.

Mr. COHN. Were you ever a member of the American Labor party?

Miss QUIRINI. Yes, I have been.

Mr. COHN. When did you leave the American Labor party?

Miss QUIRINI. A couple of years ago.

Mr. COHN. Were you ever a candidate for the American Labor party?

Miss QUIRINI. Yes, I was, in the town of Rotterdam.

Mr. COHN. In 1949?

Miss QUIRINI. I don't remember the exact date.

Mr. COHN. You ran for the town board?

Miss QUIRINI. That is right.

Mr. COHN. Can you give us the names of any people in General Electric you know to be Communists?

Miss QUIRINI. No, I cannot.

The CHAIRMAN. Let me ask you this: The American Labor party has been publicly labeled as a Communist party arm for quite some time, long before 1949. At the time you ran for office on the ALP ticket, did you know that they had been publicly labeled as an arm of the Communist party?

Miss QUIRINI. I don't know if I can answer that. I mean, not that I am trying not to answer it, but I just don't know the answer to that.

The CHAIRMAN. I am trying to get the facts.

Miss QUIRINI. I do know our union is called Communist and I don't think it is. Sometimes when you hear people called names, you have to analyze their actions and not what they are called, because I have been called a Communist and I am not one.

¹¹ Lemuel L. Boulware served as vice president of General Electric for labor and community relations. See Herbert L. Northrup, *Boulwarism: The Labor Relations Policies of the General Electric Company, Their Implications for Public Policy and Management Action* (Ann Arbor: University of Michigan Bureau of Industrial Relations, 1964).

The CHAIRMAN. How long have you been associated with the ALP?

Miss QUIRINI. I could not tell you that. If I had known you were going to ask that question, I could have gotten the information. It was a couple of years.

The CHAIRMAN. Are you still associated with them?

Miss QUIRINI. No, I am not.

The CHAIRMAN. The ALP in 1944 was——

Miss QUIRINI. I didn't start then. Because I didn't get active until after I went——

The CHAIRMAN. In 1943 there was a break in the American Labor party and a sizeable number of self-proclaimed, apparently sincere, liberals broke with the American Labor party. The reason they gave was that the American Labor party was completely Communist dominated, so that from 1943 onward, in the minds of the average person, the ALP bears the stamp of being the arm of the Communist party. I realize it is entirely possible you may not have known that.

Miss QUIRINI. I didn't know that.

The CHAIRMAN. You seem to be not at all stupid. You seem to be a very intelligent young lady. I just am curious to know whether or not you knew.

Miss QUIRINI. I didn't know that. I didn't even know about the break in 1943.

The CHAIRMAN. Did you know that ALP had been labeled as an arm of the Communist party?

Miss QUIRINI. I didn't know at that time.

The CHAIRMAN. When did you learn that?

Miss QUIRINI. I don't—I couldn't even tell you if I know it now, except for your telling me that. As I say, our organization has been smeared by a lot of people, and I know it is not true, and sometimes, I mean——

The CHAIRMAN. Do you mean the UE has been smeared?

Miss QUIRINI. That is correct.

Mr. COHN. It has been smeared?

Miss QUIRINI. Smeared.

Mr. COHN. Do you think that Mr. Matles and Mr. Emspak, two of the top officials of UE, do you think they are not Communists?

Miss QUIRINI. I have no idea whether they are not.

The CHAIRMAN. You do not mean that?

Miss QUIRINI. I do mean that.

The CHAIRMAN. Do you mean you do not know if Emspak is a Communist?

Miss QUIRINI. I don't know. How am I supposed to know?

The CHAIRMAN. Have you been active in the UE?

Miss QUIRINI. I have been active in the UE.

Mr. COHN. People that served in the national Communist party have said so and he has not denied it, but has invoked the Fifth Amendment, when asked about it.

The CHAIRMAN. Do you mean that you have been active in the UE, and you know the UE has been expelled from the CIO——

Miss QUIRINI. That isn't the way I understand it.

The CHAIRMAN [continuing]. On the grounds that it is Communist dominated, and you mean to say that you have no ideas at this moment whether Emspak and Matles are Communists?

Miss QUIRINI. That is right.

The CHAIRMAN. You are not being truthful.

Miss QUIRINI. Well, I think I am, Senator.

The CHAIRMAN. You see, this answer casts complete doubt upon every other thing you have said. There is no person with the intelligence of a ten-year-old child, active in the UE, that would have any doubt about Emspak and Matles. And you tell us now you have no reason to believe that either one might be a Communist.

Miss QUIRINI. That is right. I have no reason to believe it.

The CHAIRMAN. Have you ever heard they were Communists?

Miss QUIRINI. I have heard a lot of people were Communists.

The CHAIRMAN. Have you ever heard that they were Communists?

Miss QUIRINI. I have heard they were Communists.

The CHAIRMAN. You have heard it repeatedly, have you not?

Miss QUIRINI. That is right. I have heard it about myself, too, though, Senator.

The CHAIRMAN. We have heard about you, too. That is why you are here. Your name wasn't picked out of a hat. You understand, do you not?

Miss QUIRINI. Yes.

The CHAIRMAN. You understand there are witnesses who will testify under oath that you have been an active Communist.

Miss QUIRINI. That is not true.

The CHAIRMAN. All right. Do you understand your case will be referred to the Justice Department?

Miss QUIRINI. Yes.

The CHAIRMAN. I may say that the first five or ten minutes of your testimony I was somewhat convinced that the other testimony we had was false. But when you sit there under oath and tell us that you have no reason to believe that Emspak and Matles with whom you have worked were Communists—

Miss QUIRINI. I don't work with these men.

The CHAIRMAN [continuing]. You indict yourself. You may step down.

Mr. Counsel, her case will be submitted to the Justice Department.

You will consider yourself under subpoena to be recalled.

Mr. COHN. We will take another witness, Mrs. Krummel.

The CHAIRMAN. Would you stand and be sworn. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KRUMMEL. I do.

TESTIMONY OF MRS. LILLIAN GARCIA KRUMMEL

The CHAIRMAN. Is this your husband?¹²

¹²In an interview in 1992, Dante DeCesare identified Lillian and Marshall Garcia as industrial "colonizers," sent by the Communist party to Schenectady to support union organizing efforts, because the party "didn't have any confidence in the home town boys. . . . And they started dictating like we have to be dictated to. . . . They wanted me to follow the party line to

Mrs. KRUMMEL. Yes.
 The CHAIRMAN. All right.
 Mr. COHN. What is your full name?
 Mrs. KRUMMEL. Lillian Krummel.
 Mr. COHN. Where do you reside?
 Mrs. KRUMMEL. 230 Marcillus Avenue, Scotia.
 The CHAIRMAN. May I say if you want to discuss anything with your husband at any time, go ahead.
 Mr. COHN. Where do you work?
 Mrs. KRUMMEL. I don't. I am a housewife.
 Mr. COHN. Have you ever worked at General Electric?
 Mrs. KRUMMEL. Yes, sir.
 Mr. COHN. Until when?
 Mrs. KRUMMEL. Last month.
 Mr. COHN. Until last month. And have you ever been a member of the Communist party?
 Mrs. KRUMMEL. I refuse to answer that question on the grounds of the Fifth Amendment.
 Mr. COHN. You don't want to refuse to answer it, do you?
 The CHAIRMAN. Does the number of people in here bother you? Would you rather I take your testimony in the other room?
 Mrs. KRUMMEL. I refuse to answer that question on the grounds of the Fifth Amendment.
 Mr. COHN. Are you a Communist now?
 Mrs. KRUMMEL. No, sir.
 Mr. COHN. You are not a Communist, are you?
 Mrs. KRUMMEL. No.
 Mr. COHN. I don't know why you want to ruin your whole career, instead of telling the truth.
 The CHAIRMAN. You have apparently broken with the party. If you are nervous, because of the number of people here, we will go into the other room where you will be alone, with just the court reporter.
 I don't think she wants to take the Fifth Amendment.
 Mr. KRUMMEL. We discussed it with Mr. Anastos yesterday, why she felt she ought to.
 Mr. ANASTOS. We are only going to ask you a few questions. Shall we start from the beginning?
 Mrs. KRUMMEL. It is up to you, sir.
 Mr. ANASTOS. Would you like to start from the beginning?
 Mrs. KRUMMEL. That is up to you. I have already—
 Mr. ANASTOS. Have you definitely made up your mind on that?
 Mrs. KRUMMEL. Yes, sir.
 Mr. COHN. Do you want to go into public session and have everybody think that you are still a Communist and claim the Fifth Amendment when the truth is you have left the party and by telling the truth you can get the whole thing done? Is that what you want to do? Or do you think that is a good thing for you and your family?
 Mrs. KRUMMEL. You have the right to make those decisions.
 The CHAIRMAN. No, we don't. We have a very deep duty, you see.

the tee." See Gerald Zahavi, "Passionate Commitments: Race, Sex, and Communism at Schenectady General Electric, 1932-1954" *Journal of American History*, 83 (September 1996), 514-5.

Mrs. KRUMMEL. Please.

The CHAIRMAN. We have to expose members of the Communist conspiracy. We have no choice. People working in a defense plant, handling the secrets of this nation, who are members of the Communist conspiracy must be exposed. That is our job. I am sworn to do that job. I think you have broken with the party. I think you can clear yourself very well. You cannot do it by taking the Fifth Amendment. I think you are making a great mistake. You are labeling yourself with a label which you should not have.

All you need do is tell the truth. You are not guilty of any crime. Why don't you go out and think it over and come back in a half-hour? Would you do that?

Mr. COHN. Do you want to go out and talk to your husband and come back in a half-hour?

Mrs. KRUMMEL. I don't want to come back.

Mr. ANASTOS. Off the record.

[Discussion off the record.]

Mr. COHN. Mr. Passikoff.

The CHAIRMAN. Would you raise your right hand? In this matter in hearing now before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PASSIKOFF. I do.

**TESTIMONY OF LOUIS PASSIKOFF (ACCOMPANIED BY HIS
COUNSEL, H. E. BLODGETT)**

Mr. COHN. May we have your full name?

Mr. PASSIKOFF. Louis Passikoff.

Mr. COHN. And where do you reside?

Mr. PASSIKOFF. Scotia, New York.

Mr. COHN. What address in Scotia?

Mr. PASSIKOFF. 304 Root Avenue.

Mr. COHN. Where are you employed?

Mr. PASSIKOFF. General Electric plant.

Mr. COHN. You are employed in the General Electric plant.

Mr. PASSIKOFF. That is right.

Mr. COHN. How long have you worked there?

Mr. PASSIKOFF. About three years.

Mr. COHN. What kind of work have you done there?

Mr. PASSIKOFF. Machinist.

Mr. COHN. Have you ever been a Communist?

Mr. PASSIKOFF. May I consult my counsel, please?

Mr. COHN. Any time you want.

[The witness conferred with his counsel.]

Mr. PASSIKOFF. I will rely on the Fifth Amendment, please.

The CHAIRMAN. You attended the Communist training camp at Hopewell Junction, New York, did you?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. Did you ever go to Camp Lakeland, to attend a Communist training course?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. At Camp Lakeland, were you taught the necessity of the destruction of our government by force and violence?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege, and I will do so on this whole line of questioning.

The CHAIRMAN. Are you handling any classified material at GE?

Mr. PASSIKOFF. No.

The CHAIRMAN. Pardon?

Mr. PASSIKOFF. No.

Mr. COHN. Have you ever?

Mr. PASSIKOFF. Not to my knowledge.

Mr. COHN. You haven't? You had a secret clearance from the air force, did you not?

Mr. PASSIKOFF. That is right. That is why I cannot understand why I am here now. You know, they must have investigated this thing. I don't get clearance for nothing. I got clearance before a couple of times.

Mr. COHN. You had secret clearance from the air force. That is good. You solve it right now and tell us whether you ever have been a Communist. You tell us now if that is a truthful answer.

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. Do you feel if you were to tell us the truth that truthful answer might tend to incriminate you?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. Just a minute. Do you refuse to tell the chair whether or not you feel a truthful answer might tend to incriminate you?

Mr. PASSIKOFF. I rely on the Fifth Amendment. I certainly don't propose to get into the trap that you tried to get the people into at the open hearing.

Mr. BLODGETT. Just a moment. No argument.

The CHAIRMAN. At the time you got secret clearance in the air corps, were you then a member of the Communist conspiracy?

Mr. PASSIKOFF. Well, I would like clarification. When was this?

The CHAIRMAN. Mister, you know better than I do.

Mr. PASSIKOFF. I have gotten the clearance three or four times, as I told you before, Senator.

The CHAIRMAN. The first time.

Mr. PASSIKOFF. I got clearance when I went to the Aleutian Islands in 1946. Is that what you are referring to?

The CHAIRMAN. Were you a member of the Communist party then?

Mr. PASSIKOFF. I refuse to answer and rely on the Fifth Amendment.

The CHAIRMAN. When did you get clearance the second time?

Mr. PASSIKOFF. Well, since then it would have been when I first came to work at the General Electric Company.

The CHAIRMAN. You had secret clearance then, did you?

Mr. PASSIKOFF. Well, I got cleared twice, Senator. Once I don't know whether it was confidential or secret. The second time it was a higher clearance.

The CHAIRMAN. It was a higher clearance?

Mr. PASSIKOFF. That is right.

The CHAIRMAN. Do you mean top secret?

Mr. PASSIKOFF. I don't know what it was, whether it was secret or top secret.

The CHAIRMAN. What type of badge did you have?

Mr. PASSIKOFF. I had a badge with red on three sides.

The CHAIRMAN. That is a top secret badge, is it not?

Mr. PASSIKOFF. Yes. I am not certain. I couldn't—

The CHAIRMAN. At the time you got clearance to handle top secret material, were you a member of the Communist conspiracy?

Mr. PASSIKOFF. No.

The CHAIRMAN. You were not then?

Mr. PASSIKOFF. That is right.

The CHAIRMAN. What year did you get the top secret clearance?

Mr. PASSIKOFF. That would be, I think it was 1953.

The CHAIRMAN. You got top secret clearance in 1953?

Mr. PASSIKOFF. Yes.

The CHAIRMAN. Were you a member of the Communist party in 1952?

Mr. PASSIKOFF. No.

The CHAIRMAN. 1951?

[The witness conferred with his counsel.]

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. In 1951?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. As to 1951? In other words, you are refusing to tell us whether you were a Communist in 1951, relying upon the Fifth Amendment? Is that correct?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. As to 1951? I am trying to get the answer.

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. I will ask the question over again. Were you a member of the Communist Party at any time during 1951?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. Were you a member of the Communist party in 1952?

Mr. PASSIKOFF. Can I ask whether I have answered that question? I am a little confused.

The CHAIRMAN. Sure. You can ask. I do not recall.

Mr. BLODGETT. I think for 1952 and 1953 his answer was no. That is my recollection.

The CHAIRMAN. He can answer it again. If you were not a Communist in 1952, then, of course if you say that you feel that your answer would incriminate you, you are perjuring yourself. You understand that. You can only refuse to answer if you honestly feel that your answer might tend to incriminate you. So when you tell me—

Mr. PASSIKOFF. Senator—

The CHAIRMAN. Just a minute, Mister. When you tell me you refuse to answer because you feel your answer might tend to incriminate you—

Mr. PASSIKOFF. That is your interpretation.

The CHAIRMAN [continuing]. You are libeling yourself as a Communist.

Mr. PASSIKOFF. That is your interpretation.

The CHAIRMAN. We will take my interpretation for the time being.

Were you a member of the Communist party in 1952?

[The witness conferred with his counsel.]

Mr. PASSIKOFF. No.

The CHAIRMAN. Were you a member of the Communist party in December of 1951?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. Do you feel differently about the Communist conspiracy today than you did five years ago? You better be careful. You may get in Dutch with your party.

Mr. PASSIKOFF. I may get in Dutch with you. That is what I am worrying about.

The CHAIRMAN. Not as long as you tell the truth, Mister, you won't get in Dutch with me.

Mr. PASSIKOFF. I try to, but you make it difficult.

The CHAIRMAN. It is a simple question.

Mr. PASSIKOFF. Would you repeat it?

[The reporter read from his notes as requested.]

[The witness conferred with his counsel.]

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege, Senator.

The CHAIRMAN. On what question?

Mr. PASSIKOFF. The question you just asked me.

The CHAIRMAN. What was the question?

Mr. PASSIKOFF. I believe you should ask the question, Senator, not me.

The CHAIRMAN. You said you rely on the Fifth Amendment. I want to know if you know what the question was.

Mr. PASSIKOFF. I know what the question was, Senator.

The CHAIRMAN. All right, what was the question?

[The witness conferred with his counsel.]

Mr. PASSIKOFF. Has my opinion changed about the Communist conspiracy over the past five years.

The CHAIRMAN. Do you think that GE is justified in adopting the rule which they have recently adopted, or since our hearings started, that they will discharge or suspend all Fifth Amendment Communists?

Mr. PASSIKOFF. No.

The CHAIRMAN. You think that is wrong?

Mr. PASSIKOFF. Yes.

The CHAIRMAN. Do you think that Communists should be allowed to work on defense projects?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. Be here at 10:30 tomorrow morning.

First, one question: Do you have any brothers?

Mr. PASSIKOFF. Yes.

The CHAIRMAN. How many?

[The witness conferred with his counsel.]

Mr. PASSIKOFF. Two.

The CHAIRMAN. What are their names?

Mr. PASSIKOFF. Alex and Benjamin.

The CHAIRMAN. Their last names are the same as yours?

Mr. PASSIKOFF. Yes.

The CHAIRMAN. Where are they working?

Mr. PASSIKOFF. I don't know.

The CHAIRMAN. You do not know where your brothers are working?

Mr. PASSIKOFF. No.

The CHAIRMAN. When have you last seen Alex?

Mr. PASSIKOFF. May I—

The CHAIRMAN. You may.

[The witness conferred with his counsel.]

[Discussion off the record.]

The CHAIRMAN. We are not concerned with Alex. How about Benjamin?

Mr. PASSIKOFF. What about him?

The CHAIRMAN. When did you last see Benjamin?

Mr. PASSIKOFF. I rely on the Fifth Amendment. And I would like to say, also, that I won't talk about anybody else, Senator.

The CHAIRMAN. All right, Mister. I will ask you the questions. You decide how many counts of contempt you want against you.

Is Benjamin working for the government?

Mr. PASSIKOFF. I rely on the Fifth Amendment. As a matter of fact, I think I answered that question before. I said I don't know.

The CHAIRMAN. You do not know?

Mr. PASSIKOFF. I don't know.

The CHAIRMAN. You have no idea where Benjamin is working?

Mr. PASSIKOFF. No.

The CHAIRMAN. As a courtesy to you I refrained from asking you where Alex was. I did that because your lawyer suggested I not do it.

Mr. PASSIKOFF. Thank you.

The CHAIRMAN. I intend to ask you that question now. I intend to go into this family relationship, if you don't want to tell us whether these men are working for the government or not. I have the job of finding out. I do not know whether you are lying to your lawyer or not, you see. You just told him a story which may be true or may not be true.

Mr. PASSIKOFF. Do you assume a witness comes here to lie, Senator?

The CHAIRMAN. I assume that a Communist, under his oath to the Communist party, has no respect for the oath—

Mr. PASSIKOFF. I have answered that question, Senator. I said I am not a member of the Communist party. Therefore, I could not be, as you say, under the discipline of the Communist party.

The CHAIRMAN. Where is Alex?

Mr. PASSIKOFF. I refuse to answer. I rely on the Fifth Amendment.

The CHAIRMAN. Do you feel it would incriminate you if you told us where Alex was?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. May I tell counsel I intend to find out where Alex and Benjamin are, and if there is nothing about their location which would incriminate him, I am going to have him cited for contempt.

Mr. PASSIKOFF. I answered that question. I don't think you are being fair.

The CHAIRMAN. I just want counsel to know that.

Mr. PASSIKOFF. I answered that question. I said I am not now a member of the Communist party. Why don't you indict me for perjury?

[The witness conferred with his counsel.]

Mr. BLODGETT. Senator, may I suggest with reference to Benjamin, I mean you can ask him the question, he tells me that he is in New York City, and he doesn't know where he is employed. The family doesn't get along and he hasn't heard from him or seen him for some time.

The CHAIRMAN. He can tell me. We know this man is an active Communist. There is no doubt about it.

Mr. PASSIKOFF. Which man?

The CHAIRMAN. You. All indications are that he still is. The new pattern now that GE has said they will discharge all Fifth Amendment Communists is to say "I am not a Communist today, but I won't tell you about yesterday." I intend to question you in detail. I intend to ask you under oath.

Where is Benjamin now, if you know?

Mr. PASSIKOFF. I rely on the Fifth Amendment, Senator.

The CHAIRMAN. Do you feel it would incriminate you to tell us where Benjamin is now?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. Do you have any sisters?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. Do you think it would incriminate you to tell us whether you have sisters?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. Is your sister working for the government?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. Do you have sisters handling any secret government material?

Mr. PASSIKOFF. I rely on the Fifth Amendment privilege.

The CHAIRMAN. Do you have a mother and father?

Mr. PASSIKOFF. I thank God that they are dead now.

The CHAIRMAN. Yes, I don't think they would be too proud of you.

Mr. PASSIKOFF. I don't think they would be proud of you.

The CHAIRMAN. How many sisters do you have?

Mr. PASSIKOFF. I rely on the Fifth Amendment. I don't think this is the least bit funny, Senator.

The CHAIRMAN. No, it isn't, Mister, the least bit funny; to find a member of the Communist conspiracy before us is not funny. It is very, very serious.

You will be here at 10:30 tomorrow morning.

Mr. COHN. We will next have Mr. Delos.

The CHAIRMAN. Would you raise your right hand. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DELOS. I do.

**TESTIMONY OF WILLIAM VINCENT DELOS (ACCOMPANIED BY
HIS COUNSEL, H. E. BLODGETT)**

Mr. COHN. Your full name, please.

Mr. DELOS. William Vincent Delos.

Mr. COHN. Where do you work?

Mr. DELOS. General Electric, Schenectady.

Mr. COHN. For how long a period of time have you been employed there?

Mr. DELOS. Twelve years, eight months, except for two years that I served in the navy.

Mr. COHN. And where do you reside?

Mr. DELOS. Amsterdam.

Mr. COHN. Amsterdam, New York, at what address?

Mr. DELOS. 10 Tryon Street.

Mr. COHN. Have you ever worked in the General Engineering Laboratory?

Mr. DELOS. Yes.

Mr. COHN. Did you ever have clearance to handle classified material?

Mr. DELOS. No.

Mr. COHN. You had a confidential clearance, did you not?

Mr. DELOS. No.

Mr. COHN. Well, the records at the plant show you did, that you had a confidential clearance which was revoked on October 24, 1951.

Mr. DELOS. Apparently I am in ignorance of the way the thing works because I don't remember having a clearance.

Mr. COHN. Did you ever work on any government work?

Mr. DELOS. Not that I knew was government work, except in the navy.

Mr. COHN. Do you work in the Turbine Division now?

Are any of those turbines made pursuant to government contract?

Mr. DELOS. It may be, but I don't know.

[Discussion off the record.]

Mr. BLODGETT. Mr. Cohn, may the witness amplify the answer about his status with the General Electric Company on this security?

Mr. COHN. I understand his testimony to be—well, go ahead.

Mr. DELOS. The thing is, I was never issued a blue button which indicated clearance and I never got a letter of revocation.

Mr. COHN. In other words, you are suggesting the possibility as far as working on government work and security work, these things might have been going on without your having direct knowledge of them, is that right?

Mr. DELOS. Yes.

Mr. COHN. That is all right.

Have you ever been a Communist?

Mr. DELOS. Well—

Mr. COHN. You can consult with your lawyer any time.

Mr. DELOS. Well, here I will stand on my privilege on the Fifth Amendment.

Mr. COHN. The privilege against self-incrimination?

Mr. DELOS. My privilege not being compelled to testify against myself.

Mr. COHN. All right. Have you contributed moneys to the Communist party?

Mr. DELOS. Fifth Amendment.

Mr. COHN. Were you a delegate to the subdistrict convention of the Communist party in Schenectady on February 8, 1948?

Mr. DELOS. Fifth Amendment.

Mr. COHN. Did you pledge \$20 to the Communist party defense fund drive in August 1950?

Mr. DELOS. Fifth Amendment.

Mr. COHN. Have you attended regular meetings of the General Electric branch of the Communist party in Schenectady?

Mr. DELOS. Fifth Amendment.

Mr. COHN. You have been a member of the Schenectady Peace Council delegation sent to Washington to attend the American Peace Crusade meeting on April 2, 1952?

Mr. DELOS. Fifth Amendment.

The CHAIRMAN. Have you ever been engaged in a conspiracy to commit espionage?

Mr. DELOS. Would you repeat that, please?

The CHAIRMAN. Have you ever been engaged in a conspiracy to commit espionage?

Mr. DELOS. Well, on the question of espionage, I stand with the statement by our union.

The CHAIRMAN. Just yes or no.

Mr. DELOS. No.

The CHAIRMAN. Have you ever engaged in espionage?

Mr. DELOS. No.

The CHAIRMAN. Have you ever discussed any classified material with anyone whom you knew or had reason to believe was either a member of the Communist party or an espionage agent?

Mr. DELOS. Well, to my knowledge, I have never had any classified information. I have never been exposed to any.

The CHAIRMAN. Then your answer to that question is no?

Mr. DELOS. No.

The CHAIRMAN. Did you ever discuss the work at General Electric, the type of material being produced, with anyone whom you either knew or had reason to believe was a member of the Communist party or espionage agent?

[The witness conferred with his counsel.]

Mr. DELOS. To the best of my knowledge, the answer to that is no.

The CHAIRMAN. The answer is no.

Did you ever attend Communist meetings at which there was discussed the work being done at General Electric?

Mr. DELOS. Here I stand on the Fifth Amendment.

The CHAIRMAN. Ten o'clock tomorrow morning.

Mr. COHN. We mean ten o'clock for all witnesses.

The CHAIRMAN. Would you stand and raise your right hand, sir? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAFORTUNE. I do.

TESTIMONY OF ROBERT E. LAFORTUNE (ACCOMPANIED BY HIS COUNSEL, H. E. BLODGETT)

Mr. COHN. Your full name, please.

Mr. LAFORTUNE. Robert LaFortune.

Mr. COHN. L-a-F-o-r-t-u-n-e?

Mr. LAFORTUNE. That is right.

Mr. COHN. Where do you reside?

Mr. LAFORTUNE. Troy, 126 Second Avenue.

Mr. COHN. And do you work for GE?

Mr. LAFORTUNE. Yes.

Mr. COHN. For how long a period of time have you worked there?

Mr. LAFORTUNE. Twenty-eight years.

Mr. COHN. Are you employed in the Aeronautics Building?

Mr. LAFORTUNE. Yes.

Mr. COHN. For how long a period of time have you worked in the Aeronautics Building?

Mr. LAFORTUNE. Ten years, I would say, roughly.

Mr. COHN. Have you ever been a Communist?

Mr. LAFORTUNE. I would like to invoke my constitutional rights under the Fifth Amendment with regard to that.

The CHAIRMAN. Let me ask you this: Do you favor the new policy of General Electric to discharge all the Fifth Amendment Communist cases?

Mr. LAFORTUNE. Am I in favor of it?

The CHAIRMAN. Yes.

Mr. LAFORTUNE. No, I don't think so.

The CHAIRMAN. You think the Communists should be allowed to work at GE?

Mr. LAFORTUNE. Present Communists?

The CHAIRMAN. Yes.

Mr. LAFORTUNE. I wouldn't say that.

The CHAIRMAN. Do you think they should not be allowed to work there? In other words, do you think the present Communists should be discharged from General Electric?

Mr. LAFORTUNE. Well, I don't know. I don't like to commit myself on anything like that. I would not want to be working there as a Communist today.

The CHAIRMAN. Well, do you think, forgetting about yourself, do you think that Communists should be discharged from General Electric? Keep in mind that GE handles defense work, all the way from top secret down to restricted.

Mr. LAFORTUNE. I really don't know enough about it to answer intelligently on that. I wouldn't want to be quoted.

The CHAIRMAN. You mean you do not want to answer on that?

Mr. LAFORTUNE. I wouldn't want to be quoted.

The CHAIRMAN. What is your thought? I would like to know. The attitude of a man in a restricted area, in the aeronautic area that is restricted, I would like to know, do you think the Communists should be allowed to work there?

[The witness conferred with his counsel.]

Mr. LAFORTUNE. Well, I think if the company regards them a security risks, it is up to the company to use their own judgment. I think if the company regards them as security risks, that is a matter for the company to decide. I wouldn't want to go on record as dictating policy to the company.

The CHAIRMAN. Have you attended Communist party meetings?

Mr. LAFORTUNE. Have I attended them?

The CHAIRMAN. Yes.

Mr. LAFORTUNE. No.

The CHAIRMAN. You have not attended any Communist party meetings?

Mr. LAFORTUNE. I am not a Communist.

The CHAIRMAN. Have you attended any Communist meetings?

Mr. LAFORTUNE. I don't just know what you mean.

The CHAIRMAN. Would you repeat the question, please?

Mr. LAFORTUNE. I told you once before that I would like to invoke my rights, my constitutional rights, under the Fifth Amendment in regard to that. I am speaking of the present.

The CHAIRMAN. Did you hear the question?

Mr. LAFORTUNE. I did.

The CHAIRMAN. What was the question? When you were saying that it would incriminate you to answer the question, I assume you know what the question is. What was the question that you invoked the Fifth Amendment privilege to?

Mr. LAFORTUNE. I think you asked me whether I attended Communist meetings.

The CHAIRMAN. What was your answer to that?

Mr. LAFORTUNE. I just told you, I invoked my rights under the Constitution to not answer that question.

The CHAIRMAN. You are entitled to that.

Mr. LAFORTUNE. At the present time.

The CHAIRMAN. Were you a Communist last year?

Mr. LAFORTUNE. No.

The CHAIRMAN. The year before that?

Mr. LAFORTUNE. No.

The CHAIRMAN. 1951?

Mr. LAFORTUNE. No.

The CHAIRMAN. 1950?

Mr. LAFORTUNE. No.

The CHAIRMAN. 1949?

Mr. LAFORTUNE. No.

The CHAIRMAN. 1947?

Mr. LAFORTUNE. Well, I don't know. You are going back.

The CHAIRMAN. If you were not, it is very simple.

Mr. LAFORTUNE. Well, I have told you.

The CHAIRMAN. Well, 1947. It is a simple question. Were you a Communist in 1947? If you were, you should invoke the Fifth Amendment perhaps. If you were not, you simply say no.

Mr. LAFORTUNE. Well, I don't remember too far back. I would invoke my rights under the Fifth Amendment then.

The CHAIRMAN. You are invoking your rights because you cannot remember?

Mr. LAFORTUNE. I can't remember that far back.

The CHAIRMAN. In other words, you do not remember whether you were a Communist in 1947?

Mr. LAFORTUNE. No. I would say not.

The CHAIRMAN. Do you remember whether you were a Communist at any time during the 1940s?

[The witness conferred with his counsel.]

Mr. LAFORTUNE. I would prefer to invoke my rights under the Fifth Amendment. I don't want to make any statements that might not be right, not knowing.

The CHAIRMAN. I am not asking you whether you were a Communist in the 1940s. I asked you whether or not you remember whether or not you were.

Mr. LAFORTUNE. No.

The CHAIRMAN. You do not remember?

Mr. LAFORTUNE. No.

The CHAIRMAN. You do not remember whether you were a Communist in the 1940s?

Mr. LAFORTUNE. No, I don't remember.

The CHAIRMAN. Do you remember whether you were a Communist in the 1930s? Again, I am not asking you whether you were a Communist, I am asking you whether you remember whether or not you were.

Mr. LAFORTUNE. I would like to invoke my constitutional rights under the Fifth Amendment.

The CHAIRMAN. You will be ordered to answer that, because there is nothing incriminating about telling us whether or not you remember whether you were a Communist.

[The witness conferred with his counsel.]

The CHAIRMAN. Will you have the record show that the witness sits mutely and refuses to answer.

Do you know a Bernard Shuldiner?

Mr. LAFORTUNE. I do not.

The CHAIRMAN. Shuldiner. Did you ever hear of him?

Mr. LAFORTUNE. Shuldiner?

The CHAIRMAN. Yes.

Mr. LAFORTUNE. No.

The CHAIRMAN. To refresh your recollection, he has been named as a Communist party organizer at Albany.

Mr. LAFORTUNE. Shuldiner. I never heard of him.

The CHAIRMAN. Do you have a brother George?

Mr. LAFORTUNE. Yes.

The CHAIRMAN. Is he a Communist?

Mr. LAFORTUNE. I don't know.

The CHAIRMAN. Where is he working?

Mr. LAFORTUNE. Where is he working?

The CHAIRMAN. Yes.

Mr. LAFORTUNE. He is a carpenter. As a matter of fact, I couldn't tell you now. I don't think he is working at the present time to my knowledge.

The CHAIRMAN. Is he living in Albany?

Mr. LAFORTUNE. No.

The CHAIRMAN. His wife's first name is Orphia?

Mr. LAFORTUNE. No.

The CHAIRMAN. Pardon?

Mr. LAFORTUNE. His wife's name is Irene.

The CHAIRMAN. Is what?

Mr. LAFORTUNE. Her first name is Irene.

The CHAIRMAN. What is your wife's first name?

Mr. LAFORTUNE. Orphia.

The CHAIRMAN. Has she been a member of the Communist party?

Mr. LAFORTUNE. No.

The CHAIRMAN. You are sure of that?

Mr. LAFORTUNE. Absolutely.

The CHAIRMAN. How long were you married?

Mr. LAFORTUNE. Forty years.

The CHAIRMAN. Did you ever live in Rensselaer, New York?

Mr. LAFORTUNE. No.

The CHAIRMAN. You never lived there?

Mr. LAFORTUNE. Never lived there.

The CHAIRMAN. Do you have any brothers that lived there?

Mr. LAFORTUNE. No.

The CHAIRMAN. Where have you lived over the past ten years?

Mr. LAFORTUNE. Ten years? Troy, the same address.

The CHAIRMAN. And did your wife ever attend Communist party meetings with you?

Mr. LAFORTUNE. No.

The CHAIRMAN. Were you ever asked to join the Communist party?

Mr. LAFORTUNE. Yes.

The CHAIRMAN. By whom?

Mr. LAFORTUNE. Well, I don't recall now. The party did not live here.

The CHAIRMAN. Where did he live?

Mr. LAFORTUNE. New York City, I believe.

The CHAIRMAN. How long ago was that?

Mr. LAFORTUNE. That must be probably fifteen years ago.

The CHAIRMAN. Did you join at that time?

Mr. LAFORTUNE. No.

The CHAIRMAN. Did you ever join since then?

Mr. LAFORTUNE. No.

The CHAIRMAN. Did you ever join before that?

Mr. LAFORTUNE. I wish to invoke my rights under the Fifth Amendment of the Constitution as to early years. I don't remember that far back.

The CHAIRMAN. You would know whether you were a Communist and whether you dropped out of the party or not.

Mr. LAFORTUNE. I will stick to the Fifth Amendment of the Constitution in regard to that, and not make any false statements.

The CHAIRMAN. You realize, of course, that invoking the Fifth Amendment in regard to fellow Communists, in regard to your fellow membership, that you will be suspended from your job. Do you have that much loyalty to the Communist party to want to lose your job?

In other words, GE has taken the position that a Fifth Amendment Communist should not be working on defense work. Do you realize that by taking the Fifth Amendment you will not be working there? It seems to indicate a great loyalty to the party.

Mr. LAFORTUNE. Well, as a matter of fact I am about ready to get through there anyway.

The CHAIRMAN. I see. In other words, you are not giving up too much?

Mr. LAFORTUNE. No.

The CHAIRMAN. Come back at ten o'clock in the morning.

Mr. COHN. Mr. Sille?

The CHAIRMAN. Would you raise your right hand, sir. In this matter now in hearing before the committee, do you solemnly

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

Mr. SILLE. So help me God.

TESTIMONY OF CYRIL SILLE

Mr. COHN. Do you have counsel?

Mr. SILLE. No.

Mr. COHN. Your full name is what?

Mr. SILLE. Cyril Sille.

Mr. COHN. C-y-r-i-l S-i-l-l-e?

Mr. SILLE. Yes.

Mr. COHN. Where do you reside, sir?

Mr. SILLE. 622 State Street.

Mr. COHN. Keep your voice up a bit so we can hear you.

Mr. SILLE. 622 State Street.

Mr. COHN. Do you work at General Electric?

Mr. SILLE. Yes, sir.

Mr. COHN. For how long a period of time have you worked there?

Mr. SILLE. A little over twelve years.

Mr. COHN. And have you ever been a Communist?

Mr. SILLE. During the years 1944 and 1945 and a portion of 1946.

Mr. COHN. You were a member of the Communist party, is that correct?

Mr. SILLE. I was a member of an organization known as the Communist Political Association.

Mr. COHN. Well, the Communist Political Association went out of existence in 1945, in June of 1945.

Mr. SILLE. In June 1945.

Mr. COHN. So I assume you were a member of the party when it was called the Communist Political Association and continued in it until after it went back to the Communist party in June of 1946. And you say you left the Communist movement when?

Mr. SILLE. Some time in 1946.

Mr. COHN. Isn't it a fact that at the beginning of 1947, in February of 1947, you were elected to the executive board of the Communist party in Schenectady?

Mr. SILLE. It is not.

Mr. COHN. That is not a fact?

Mr. SILLE. That is not a fact.

Mr. COHN. Are there any people—

The CHAIRMAN. May I just give you some advice? You are here without a lawyer. Your name wasn't picked out of a hat.

You understand that. Keep in mind that we have investigators who have checked into you thoroughly. So if I can give you some advice, either tell us the truth or refuse to answer. Otherwise, you will be in trouble for perjury. Don't make the mistake of thinking that we have a bunch of stupid investigators who do not know all about you. Either tell the truth or invoke your Fifth Amendment privilege. That is the best advice I can give you. All right, go ahead.

Mr. COHN. Can you tell us who is still working at General Electric who you know to have been a Communist when you were a member of the party?

Mr. SILLE. Who is still working in the General Electric?

Mr. COHN. Yes.

Mr. SILLE. I know a few members who I assume were members of the party.

Mr. COHN. Who were they?

Mr. SILLE. I knew Sid Friedlander.

Mr. COHN. Who else?

Mr. SILLE. I cannot remember names. If you can help me, I would—

Mr. COHN. By the way, you won a contest for selling the most *Daily Workers* in 1945, did you not?

Mr. SILLE. That is true.

Mr. COHN. And you were invited to sit on a platform at the Lenin Memorial meeting at Madison Square Garden with the top functionaries of the party?

Mr. SILLE. That is true.

Mr. COHN. I was going to suggest this, Mr. Chairman, since this witness is apparently cooperative, that we let him speak to Mr. Anastos privately.

Mr. Sille, since you are being cooperative with the committee and apparently determined to tell the truth about this instead of invoking the Fifth Amendment, instead of continuing here, Mr. Anastos, the assistant counsel of the committee, will talk to you privately and will get what information you can give that way.

The CHAIRMAN. You will not be called publicly unless we notify you. Do you understand that?

Mr. SILLE. Yes, sir.

Did you ask me a question that I was elected executive in 1947?

Mr. COHN. Yes, February 3, 1947. Our information is that you were elected to the executive board in Schenectady.

Mr. SILLE. That is absolutely false.

The CHAIRMAN. Mr. Anastos will talk to you. Mr. Anastos will see you at five o'clock. May I say that I wish you would search your memory. It seems logical that if you were active in the Communist party, if you were so active that you won prizes in the Communist party, that you would know the names of more than one individual. I wish you would spend the next hour and fifteen minutes just going over that in your mind. Mr. Anastos will talk to you at five o'clock.

Mr. COHN. Mr. Townsend?

The CHAIRMAN. Would you raise your right hand, sir. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TOWNSEND. I do.

TESTIMONY OF ALLAN E. TOWNSEND (ACCOMPANIED BY HIS COUNSEL, H. E. BLODGETT)

Mr. COHN. May we have your full name, please, Mr. Townsend?

Mr. TOWNSEND. Allan E. Townsend.

Mr. COHN. And where do you live?

Mr. TOWNSEND. 2608 Van Dyke Avenue, Schenectady.

Mr. COHN. Are you working at GE?

Mr. TOWNSEND. I do.

Mr. COHN. A and O?

Mr. TOWNSEND. That is right.

Mr. COHN. How long a period of time have you worked there?

Mr. TOWNSEND. In the A and O I have worked roughly fourteen years, going on fourteen years.

Mr. COHN. Have you ever been a Communist?

Mr. TOWNSEND. NO.

Mr. COHN. Have you ever been asked to join the Communist party?

Mr. TOWNSEND. Not to my knowledge.

Mr. COHN. Have you ever attended any meetings which you now believe to have been Communist meetings?

Mr. TOWNSEND. No, not my knowledge.

Mr. COHN. Do you know any people now working at GE who you believe to be Communists?

Mr. TOWNSEND. Well, like everybody else, I hear names, but they are just gossip. No, I don't know of anybody that I could say is a Communist. I hear gossip, but the same as everybody else hears.

The CHAIRMAN. In other words, the only information you have is the general public information?

Mr. TOWNSEND. That is the only information I have on communism, yes.

The CHAIRMAN. That leads us to a final question. Your testimony is that you are now and never have been a Communist?

Mr. TOWNSEND. No, Senator, I haven't.

The CHAIRMAN. And you are not sympathetic to communism?

Mr. TOWNSEND. No, I am not sympathetic to communism.

The CHAIRMAN. We have no further questions of this witness. You are released from your subpoena.

Mr. TOWNSEND. Thank you very much.

The CHAIRMAN. May I say, incidentally, that the names of witnesses in executive session are not given out, so that the only way that anyone will know that you are here, is if you give out your own name.

Mr. TOWNSEND. Thank you.

Mr. COHN. Mr. Riggi.

The CHAIRMAN. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RIGGI. I do.

**TESTIMONY OF MICHAEL RIGGI (ACCOMPANIED BY HIS
COUNSEL, H. E. BLODGETT)**

Mr. COHN. What is your full name?

Mr. RIGGI. Michael J. Riggi.

Mr. COHN. R-i-g-g-i?

Mr. RIGGI. Yes, sir.

Mr. COHN. Where do you live?

Mr. RIGGI. 68 Wiley Street.

Mr. COHN. And you work as an assembler in A and O?

Mr. RIGGI. Yes, sir. I happen to have my button with me here.

Mr. COHN. How long a period of time have you been working there?

Mr. RIGGI. I got the record here.

Mr. COHN. Well, just give us approximate dates.

Mr. RIGGI. I will give it to you in black and white. Is that fair enough?

Mr. COHN. All right.

Mr. RIGGI. 1951.

Mr. COHN. Have you ever been a Communist?

Mr. RIGGI. No, sir. I have no use for Communists.

Mr. COHN. Very good. Do you have a brother named Thomas Riggi?

Mr. RIGGI. No, sir; he is my cousin.

Mr. COHN. All right.

Mr. RIGGI. He is my cousin and our family have never been on speaking terms with them for the past eighteen years.

Mr. COHN. Do you know whether or not cousin Thomas is a Communist?

Mr. RIGGI. No, sir; not to my knowledge. Let's put it that way.

Mr. COHN. Do you have a brother named Fred?

Mr. RIGGI. No, sir.

Mr. COHN. Is that a cousin?

Mr. RIGGI. Not to my knowledge, not that I know of.

Mr. COHN. No relation?

Mr. RIGGI. No relation.

Mr. COHN. Do you have any brothers?

Mr. RIGGI. Yes, sir; Cataldo and Sam Riggi. They run the Altra Body Works at Creek Street, 301.

Mr. COHN. I assume they are not Communists?

Mr. RIGGI. Not to my knowledge.

Mr. COHN. You have no reason to believe they are?

Mr. RIGGI. No reason at all, sir.

Mr. COHN. I have nothing more of this witness, Mr. Chairman.

The CHAIRMAN. Do you know where Thomas Riggi is working now?

Mr. RIGGI. The way I understand it, through rumors, you know, he is at the locomotive company. But I cannot point a finger at anybody. I don't know how I heard it. All I know, as I said before, and I will say it over again, our family is not on speaking terms with them.

The CHAIRMAN. Do you know Mr. Jandreaux?

Mr. RIGGI. Yes, sir; through union business only.

The CHAIRMAN. Do you know whether he is a Communist or not?

Mr. RIGGI. Not to my knowledge.

The CHAIRMAN. Did you visit at his home?

Mr. RIGGI. No, sir. I don't even know where he lives.

The CHAIRMAN. He does not visit at your home?

Mr. RIGGI. No, sir.

The CHAIRMAN. I do not think, Mr. Counsel, we want anything further from this witness. He will be released from his subpoena.

Mr. RIGGI. Thank you a lot, Senator McCarthy.

The CHAIRMAN. May I say that the fact that a witness is called here does not mean that this committee has any opinion.

Mr. RIGGI. May I add something on that? My people in the shop when I punched out at twelve o'clock, I told them to have full faith in me, and I will cooperate to the best of my knowledge.

The CHAIRMAN. The mere fact that you are called does not mean that this committee has any opinion about you one way or the other.

Mr. RIGGI. I was kind of scared because I never faced the committee. This is the first time. I did serve jury duty for two years.

The CHAIRMAN. You will be excused.

Mr. RIGGI. In fact, if you saw the *Union Star* last night, they had my picture at the church, for the Scouts. I have it right here, if you want to see it. I happened to cut it off. I am a little nervous. Pardon me.

There it is. I have been a Catholic all my life, and I ain't got no use for Communists.

The CHAIRMAN. Your name will not be given out to anybody unless you give it out yourself.

Mr. RIGGI. Thank you a lot, because I have a cousin who is a doctor.

Mr. BLODGETT. The reporters are outside and they take the names of all of these people.

Mr. COHN. Mr. Rivers.

The CHAIRMAN. Would you raise your right hand and be sworn. In this matter now in hearing before the committee, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RIVERS. I do.

TESTIMONY OF CHARLES RIVERS

Mr. COHN. Would you give us your full name, please?

Mr. RIVERS. Charles L. Rivers.

Mr. COHN. And where do you live?

Mr. RIVERS. 714 River Street, Troy.

Mr. COHN. Have you ever worked at the General Electric plant in Schenectady?

Mr. RIVERS. No.

Mr. COHN. You never worked at the General Electric Plant?

Mr. RIVERS. No.

Mr. COHN. Have you ever worked at any defense plant?

Mr. RIVERS. I am working at W. & L. E. Gurley, Troy, New York.

Mr. COHN. What kind of business is that?

Mr. RIVERS. They make precision instruments, telescopes.

Mr. COHN. Do they have any government contracts?

Mr. RIVERS. They had quite a lot of government contracts all through the war.

Mr. COHN. Have you ever been a Communist?

Mr. RIVERS. Indeed not. Never heard of such things, don't know nothing about it.

Mr. COHN. Do you know a man named Michael Jiminez?

Mr. RIVERS. No.

Mr. COHN. You do not?

Mr. RIVERS. No.

The CHAIRMAN. Do you know another Charles Rivers?

Mr. RIVERS. Yes. I think there is a Charles Rivers somewhere around Troy or Waterville. About fourteen years ago two detectives came up to my house looking for Charles Rivers. So I was out at Henrick Hudson and they sent him down there. When I come out

one of the detectives says, "Well, no, this isn't the man." So there is another Charles Rivers somewhere in that section. I guess you got the name mixed up.

The CHAIRMAN. You spell yours R-i-v-e-r-s?

Mr. RIVERS. Yes, Rivers.

The CHAIRMAN. You have no relative by the name of Charles Rivers?

Mr. RIVERS. No, indeed not. I am the last one in my line now.

The CHAIRMAN. May I say that we sent out a subpoena for Charles Rivers who had been head of the military strategy of the Communist party in this area, a man who is a good friend of Michael Jiminez. This Charles Rivers has been identified as a Communist, a very active Communist. I am inclined to think that we definitely have the wrong man. We should apologize to you. I am sorry, but when we give the marshal a summons or, rather, a subpoena, and have two men by the same name, we cannot blame him, either. It is just unfortunate. I may say that your name will not be given to anyone unless you give it out yourself. If you care to give your name out yourself, you may.

That will be all for today.

Incidentally, this being an executive session, no one here can repeat any of the testimony they have heard. We will have public session tomorrow morning at ten o'clock.

[Whereupon, at 3:55 p.m., the hearing was recessed.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

[EDITOR'S NOTE.—During the testimony of William H. Teto at the public hearing on the morning of July 19, 1954, Lawrence W. Parrish (1906–1977) came forward to say, “I am the man who received the summons that was made out to Lawrence T. Parrish, but I am not Lawrence T. Parrish.” When Senator McCarthy later entered the hearing room, Senator Karl Mundt explained: “While you were gone, Mr. Chairman, it was brought out that a Mr. Parrish, who was subpoenaed by the marshal in Boston, was the wrong Parrish. They brought down a Mr. Lawrence W. Parrish. Our subpoena was made to a Mr. Lawrence T. Parrish. Mr. Teto looked at Mr. Lawrence W. Parrish and said it was the wrong Parrish, so we have dismissed the subpoena, paid him his money, and sent him back to Boston, and asked the marshal to serve the subpoena on the proper Mr. Parrish, whose name is listed in the subpoena.” Lawrence W. Parrish returned to testify again in executive session on August 6, 1954, and in public session on January 3, 1955. Charles Wojchowski (1924–1995) did not testify in public session.]

MONDAY, JULY 19, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 5:55 p.m., pursuant to notice, in room 357, Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Francis P. Carr, executive director; Donald F. O'Donnell, assistant counsel; Thomas La Venia, assistant counsel; C. George Anastos; assistant counsel; Karl Baarslag, research director; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

Will you raise your right hand, please? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

STATEMENT OF LAWRENCE W. PARRISH

Mr. PARRISH. I don't know what this is all about, Senator. I am here without counsel.

The CHAIRMAN. Well, if we ask any questions—all right, before you are sworn, let me say this, that we sent the United States marshal a subpoena. We thought we had described the man accurately. It appeared this morning at the hearing that apparently you were not the right man, from what I heard. I wasn't there at all but I came in and heard that you said you were not. There is absolutely no reason why you should be forced to testify now, if you want to take time to get a lawyer. But on the other hand, if you are just the wrong man, then all I wanted to get from you is the fact that the marshal made a mistake and got the wrong man.

If you feel you were the right man, then I think you might want to have counsel. I don't think any man should come in here and testify, if I may advise you as a lawyer, no one should come in here and testify without counsel, if there is something he is worried about divulging. The only thing we intend to question you about is whether or not you were the man that the subpoena was issued for—is that right? And any Communist activities.

Mr. CARR. Right.

The CHAIRMAN. With that in mind, if you would like to take time off, a day or a week or ten days, as much time as you want, to think this over—well, the only thing is this, if you refuse to be sworn—I don't know. What is the rule?

Mr. LA VENIA. If he is under subpoena and refuses to be sworn, he is in contempt and has not complied with the subpoena. To comply with the subpoena, to avoid contempt and to collect on the subpoena, he must be sworn.

The CHAIRMAN. I am inclined to think in a case such as this, Tom, such as this, where it is a possible mistake—I don't know if it is a mistake or not, where it is a possible mistake of identity, I think he should get his witness fees. I think he should get his travel and witness fees.

If you subpoena the wrong man—and I don't know whether it is the wrong man or not—

Mr. CARR. Senator, I think we could clear it up. The simplest thing is if we could ask him one or two questions. If he was in attendance at this meeting that the witness said he was—

The CHAIRMAN. First I think we should ask him the question of whether or not he would like to have a lawyer before he answers any questions.

May I say this, if you want to you can go ahead and answer questions up to whatever point you care to and then if you decide that you want a lawyer, we will quit. If you prefer not doing that, if you prefer having a lawyer first—if you are the wrong man I don't want to place upon you the burden of paying for a lawyer.

You will find, I think, that this committee is, I think, more than fair with every witness. If you want to do this, you have a number of courses. Number one, you can tell us that you don't want to be sworn, you want a lawyer. That means it will cost you the expense of getting a lawyer to come down here.

Number two, you can tell us that you don't want a lawyer but you want to have some time to think this over and come back down here.

Number three, you can be sworn and answer the questions up to whatever point you feel that you might be getting in difficulty, and then ask us to call it off. We will call it off and let you go out and get yourself a lawyer.

Those are about the three courses, are they not, Frank?

Mr. CARR. Yes, sir.

The CHAIRMAN. So it is pretty much up to you.

Mr. PARRISH. Well, having heard the different choices I have, I would have to think it over.

The CHAIRMAN. Take your time on it. I wish you would keep this in mind, that we are not trying to trap you into anything at all.

I have never seen you in my life before. I know nothing about you except what we heard by the—

Mr. PARRISH. I gave you the information this morning after I went down to 101. To tell you the truth, I don't like the way things went down there, and I am afraid. I mean, I will admit I don't know what is going to happen or what the whole score is at all.

The CHAIRMAN. If you were the wrong man, you have a right to be completely and thoroughly irritated with this. But keep in mind that I have no way of identifying the right man. All I can do is send a subpoena up to the marshal and say "Here is the description, here is where we think he is. Will you subpoena him?"

Mr. PARRISH. Yes, but none of your committee ever contact me or questioned me in any way. Maybe we could have straightened it out beforehand.

The CHAIRMAN. I think you have a good point there.

Let me say I think you do have a good point there. Mr. Carr and I talked about this. I think that a man should be called in secret session first before he is called in public session. If you are the wrong man and you are called in public session, and you are embarrassed by that, and your family was embarrassed, it is extremely bad. But I think for your own protection if there was a mistake, if you are the wrong man, then you should go under oath and tell us that you are the wrong man so we can tell the press that you have sworn under oath that you were not the man we were supposed to have subpoenaed. If you feel you are the right man, then I frankly would advise you to go back and get a lawyer and come back here and at such time that you and your lawyer can work the matter out. Right, Frank?

Mr. CARR. Right.

The CHAIRMAN. It narrows down to that.

May I repeat that? Being a judge for a long time, and a lawyer, and I know sometimes the repetition is boresome, but it is important, if you are the wrong man, if they made a mistake in subpoenaing you, then the best thing in the world for you to do is to take the oath and swear to the fact that you are not a Communist, that you are not the right man. If you feel that the marshal got the right man, then for your own protection I would say go back to Boston, get yourself a lawyer, have him contact Mr. Carr, have him tell Mr. Carr when you feel you can appear, and we will work that out for you.

I think there is nothing further we can do about that.

Mr. PARRISH. There is one thing that worries me, Senator, and that is the condition of the work in the yard itself, and the fact that the people in the area are struggling to get more work for the yard. In fact, I think they are sending a committee down to Washington Wednesday, made up of the merchants, the Chamber of Commerce and everybody else. I feel this is bad that it happened, because I don't want to be a cause in any way of jeopardizing their chance of getting more work.

The CHAIRMAN. Nor would I want to jeopardize their chance of more work.

Mr. PARRISH. In fact, my own job would have petered out in another month anyhow, and I would not have any work there, even

though I have been there twenty-one years. That is how bad the situation is.

The CHAIRMAN. Could I give you some good legal advice? This is all on the record. I would like to give you some good legal advice. If you are not now a member of the Communist party, if you have not been a member of the party, the best thing in the world for you to do is to take the oath and say you have not been. I will tell the press that, that you have so testified. If you have been a member of the party, and if you have reformed or changed, then I think maybe for your own benefit you should not come down here on this short notice and testify. I think you should get a lawyer. Keep in mind, you don't need a lawyer. If you read the testimony taken before this committee, you will find we do not badger witnesses, we do not browbeat them. We just ask them questions and try and get the truth. I get the impression from your reluctance that you would rather have some time to think this over. Is that right?

Mr. PARRISH. I think I better have, Senator.

The CHAIRMAN. I think maybe you should.

Mr. PARRISH. I think I at least ought to consult a lawyer anyhow.

The CHAIRMAN. I think you are right. You shouldn't be forced to come in here and testify if there is any question in your mind at all about whether you need a lawyer. Right, Frank?

Mr. CARR. He is entitled to a lawyer.

Mr. PARRISH. We will leave it like this. You don't have to subpoena me. I will be willing to appear.

The CHAIRMAN. Why do you not do this: Will you contact Mr. Frank Carr in room 101, Senate Office Building, and tell him how much time you would like to have, whether you want a lawyer, what the setup is. Frank, you get this young man's phone number. You can tell your employers that the fact that you have been subpoenaed has no significance except this: that we have the name of a man whose name is the same as yours, and there are indications that he was guilty of Communist activities, that it is entirely possible that the marshal may have served the wrong man. I have no way of knowing until you go under oath. When you do, then we can find out. Right, Frank?

Mr. CARR. That is right.

The CHAIRMAN. But just let me make one suggestion, and then I have to go because it is 6:10.

If you are the wrong man, if you have never been a member of the Communist party, then in heaven's name, man, do yourself a favor by testifying to that, so that I can tell the press outside the door that you have sworn that you were not the right man. That is my advice to you. I don't know you, I have never seen you before. I know nothing about you.

Mr. PARRISH. I have seen you, though, Senator.

The CHAIRMAN. I know that. I know nothing about you. But anyway, you will want to think this over?

Mr. PARRISH. I do.

Mr. CARR. George will take your phone number.

Mr. PARRISH. All right.

The CHAIRMAN. Mr. Parrish, the young lady will give you a voucher for your expenses and your per diem. We have kept you around here for a long day, have we not?

STATEMENT OF CHARLES WOJCHOWSKI

Mr. WOJCHOWSKI. That is right. I have had a sandwich, but I am tired and pretty hungry.

The CHAIRMAN. Charles, would you stand and raise your right hand and be sworn?

Mr. WOJCHOWSKI. Senator, I am here with such a short time, such a short time that the subpoena was served upon me, since Friday, and it was a weekend, and the lawyers were away.

The CHAIRMAN. If you want more time you can have it. I thought you wanted to come in. You can have as much time as you want within reason.

Mr. WOJCHOWSKI. I am not asking for time. I would like a copy of the accusations.

The CHAIRMAN. You can get a copy of the testimony against you by buying it from the reporting firm. We don't have any funds to furnish copies of the testimony. You can talk to the company and I am sure cut the testimony down to just what affects you so it will be very inexpensive.

Mr. WOJCHOWSKI. And I would like a copy of the rules so I will know what I am entitled to, and what the rules are.

The CHAIRMAN. You can have a copy of the rules. Ruth, do you have a copy of the subcommittee rules?

Mr. WOJCHOWSKI. This morning I will admit I did get a little excited. I didn't know the rules. I wasn't prepared to testify—

The CHAIRMAN. You are entitled to be excited before a Senate committee. I perhaps would be excited myself, if I were called up before a Senate investigating committee.

Let me ask you this: When would you like to come back and testify? The testimony against you has been—

Mr. WOJCHOWSKI. Do you mean I have to buy the testimony if I wanted it?

The CHAIRMAN [continuing]. That you were a member of the Communist party, working with Allis Chalmers which, in turn, is doing defense work. That is the sum and substance of the testimony. Right?

The testimony was by a witness named Glatis.

Mr. WOJCHOWSKI. Would you spell that name, please?

Mr. CARR. G-l-a-t-i-s. James W.

The CHAIRMAN. Beyond that you will find nothing of any great importance. Am I right, Frank, about the testimony?

Mr. CARR. That is right.

The CHAIRMAN. That is the sum and substance, that you have been a member of the Communist conspiracy. You have a number of courses of action open to you today. Number one, you can tell us that you would like to have time to get a lawyer, or discuss this with a lawyer, and give us some idea of how much time you want. Number two, if you never have been a member of the Communist party, and you are sure of that, you can, if you like, be sworn now and so testify.

Number three, if you want to think over what course of action you intend to take, whether you will get a lawyer, whether you will appear without a lawyer, what you want to do, you should have time, whatever time within reason you think you should have.

So perhaps you can tell us. There might be some fourth or fifth course of action, but those are the ones I think.

Mr. WOJCHOWSKI. Am I allowed to call witnesses on my behalf?

The CHAIRMAN. I would say if there are any witnesses that you think would shed any light on this, while there is no Senate committee rule to that effect, I can offhand see no objection to your calling witnesses.

In other words, a witness will come in on the proposition of whether or not you are a Communist. I can see no objection at all to our calling witnesses. We have the unfortunate problem, however, of finances. That is, the cost of bringing the witnesses down, but I think that could be worked out all right. I would say that if you have witnesses who will shed any light on this at all, you are entitled to have them before us.

Mr. WOJCHOWSKI. I would like about ten days to consult with my lawyer.

The CHAIRMAN. We can give you ten days. Would you do this, however? If you ask us to call witnesses down here, we just cannot, hit or miss, call ten, twenty, thirty, forty witnesses down, do you understand. Give us some idea of what they will testify to. In other words, they will testify that you are not a member of the Communist party, you are a member, you had been, you reformed, or what they will testify to. I think there is no reason why we shouldn't bring all witnesses within reason down, do you?

Mr. CARR. I think it should be made clear, Senator, that he is not entitled to call these witnesses, and I think it should also be made clear that if the man is not a member of the Communist party, if he tells us he is not, that is one thing. He does not need an extensive list of witnesses.

The CHAIRMAN. I would think your own testimony would be most important. If you take the Fifth Amendment, if you say you will refuse to testify as to whether or not you are a member of the Communist party on the ground that your answer would tend to incriminate you, there isn't much reason for calling down witnesses who will say you are not a member. If you claim that the man who has labeled you as a member of the Communist party is not telling the truth, then you should be entitled to have witnesses come down, a number within reason, which should be worked out with Mr. Carr. Right, Frank?

Mr. WOJCHOWSKI. Well, Senator, I should think about ten days. I have a little trouble raising the funds. I am not a wealthy man.

The CHAIRMAN. You will get your expense check here now. Ruth, you could make out the expense voucher. Just for the record, would you consider yourself under subpoena, then? Normally I might say that we would not pay travel expenses and witnesses unless you were sworn, but I think under the circumstances your notice was rather brief. You will be entitled to those fees, but you will consider yourself under subpoena.

Ruth tells me that it is after six o'clock and the disbursing office is closed. This will have to be mailed to you. However, if you are short of money to get back—

Mr. WOJCHOWSKI. I managed to get a round trip ticket.

Mrs. WATT. You will get this the day after tomorrow.

The CHAIRMAN. Will that be all right?

Mr. WOJCHOWSKI. Yes.

The CHAIRMAN. The committee will be recessed until tomorrow morning at 9:00 a.m.

[Whereupon, at 6:23 p.m. the committee was recessed, to reconvene at 9:00 a.m. Tuesday, July 20, 1954.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

[EDITOR'S NOTE.—The testimony of Edwin Garfield was published in 1955; Yates C. Holmes (1922–2002) did not testify at a public hearing.]

TUESDAY, JULY 20, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 4:15 p.m., pursuant to notice, in room 357, Senate Office Building, Senator Henry M. Jackson presiding.

Present: Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Francis P Carr, executive director; Donald F. O'Donnell, assistant counsel; C. George Anastos, assistant counsel; Thomas LaVenia, assistant counsel; Karl Baarslag, investigator; Robert F. Kennedy, counsel to the minority; Ruth Young Watt, chief clerk.

Senator JACKSON. The committee will come to order.

Mr. Carr, you will call the first witness.

Mr. CARR. Edwin Garfield.

Senator JACKSON. Mr. Garfield, will you raise your right hand and be sworn? Do you solemnly swear the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GARFIELD. I do.

TESTIMONY OF EDWIN GARFIELD

[The executive session testimony of Edwin Garfield was made public on January 3, 1955 and published in Permanent Subcommittee on Investigations, *Subversion and Espionage in Defense Establishments and Industries*, Part 6 (Washington, D.C. Government Printing Office, 1955).]

Senator JACKSON. Mr. Carr?

Mr. CARR. The next witness is Yates C. Holmes.

Senator JACKSON. Mr. Holmes, you will raise your right hand and be sworn.

Mr. HOLMES. Could I ask a question before I am sworn, Senator?

Senator JACKSON. Yes.

Mr. HOLMES. I was called down here and I am willing to testify, but I think it was some injustice done to me. Number one, my name was smeared all over the Boston papers—

Senator JACKSON. Suppose you make this statement under oath, and if you want counsel for that, I will ask you that.

Mr. HOLMES. I didn't bring a counsel. Number one, I don't need a counsel. Number two, I can't afford one.

Senator JACKSON. Just raise your right hand and be sworn. If you have a brief statement to make, you can make it under oath. You do solemnly swear in the hearing now before this committee you will tell the truth, the whole truth, and nothing but the truth?

Mr. HOLMES. I do.

TESTIMONY OF YATES C. HOLMES

Mr. CARR. Your name is Yates C. Holmes?

Mr. HOLMES. Yes.

Mr. CARR. And you live at what address?

Mr. HOLMES. 5 Ball Street, Roxbury, Massachusetts.

Mr. CARR. And you are employed as a sandblaster?

Mr. HOLMES. At Allis-Chalmers, yes.

Senator JACKSON. Mr. Holmes, before we proceed any further, you understand that you have a right to employ counsel to represent you and be with you in this proceeding?

Mr. HOLMES. Yes, sir. As I told you before—

Senator JACKSON. I mean you understand you have that right.

Mr. HOLMES. I don't need a counsel and I can't afford one.

Senator JACKSON. Do I understand that you do not desire to hire counsel—

Mr. HOLMES. I don't need the Fifth Amendment. I am going to waive the Fifth Amendment. I don't need it on anything relating to myself.

Senator JACKSON. But you understand you have the right to counsel?

Mr. HOLMES. Yes.

Senator JACKSON. And desire, despite the fact that you do not have counsel with you, you desire to proceed in this matter?

Mr. HOLMES. Yes. Could I ask one question?

Senator JACKSON. Could you answer that question?

Mr. HOLMES. Yes.

Senator JACKSON. You understand that despite the fact that you do not have counsel here with you, nevertheless you desire to proceed with this hearing?

Mr. HOLMES. Yes.

Senator JACKSON. All right.

Mr. HOLMES. Where is McCarthy? Is he going to be here?

Senator JACKSON. Senator McCarthy is not here. I am Senator Jackson and I am acting as chairman. This meeting is in executive session, and the testimony given here will not be released until further notice from the chairman of the committee.

Mr. HOLMES. I would like to ask a question, then. Knowing that this is executive session, why did McCarthy allow this guy to smear my name over the Boston papers without giving me a chance to testify at executive session and defend myself? If so, if he sees fit then to let the guy take my name and drag it all over the papers, you know, which is an injustice which has been done to me, my job is at stake, you know—

Senator JACKSON. Mr. Holmes, I know nothing about that.

Mr. HOLMES. I don't think it is fair, Senator.

Senator JACKSON. Mr. Holmes, we will give you every opportunity to state your case.

Mr. HOLMES. What good is it going to do now?

Senator JACKSON. You will be given an opportunity to testify in public, and to testify under oath, and your side of it I am sure will be given full publicity.

Mr. HOLMES. In other words, it means that I will have to come back down here again, lose another day's pay, and to give me a lousy six dollars for a hotel and three dollars to eat, and I have not had a decent meal since I have been here. I am hungry, you know. I am used to eating. Back in Boston we eat, although we eat beans, sometimes. But we still eat, you know.

Senator JACKSON. Suppose Mr. Carr, acting counsel for the committee, asks you some questions. You will have an opportunity to state your case. If there is anything not covered by the questions that you desire to make a statement on this, we will give you that opportunity.

Mr. HOLMES. I would still like to know what was the purpose of allowing this guy to drag my name all over the paper without calling me in here. Today, this gentleman here—I forget his name—he told me over there that “the reason we didn't let you come down was that we didn't think you could make it.”

You don't go around thinking for me. If you want me to come down when the guy came to my house, all you have to say is be here Monday and I would have been here. But no, you can bring this guy down here, and let him take my name, my good name, and I am a loyal American—as loyal as McCarthy.

I am a veteran and I spent five years in the army, with thirty-six months overseas. In fact, I was on the same island, at the same time, with McCarthy, at Henderson Field.

Mr. KENNEDY. Why don't we get some of these questions answered and then we can move on.

Mr. HOLMES. I still want to know. What was the purpose, what was the reason?

Senator SYMINGTON. You came down here to answer questions, not to ask them.

Senator JACKSON. We will give you an opportunity to present any matter that you wish to present growing out of these proceedings.

Mr. HOLMES. Senator Symington, you understand my position. I work for a living. My job is at stake.

Senator JACKSON. Mr. Holmes, it will expedite—

Senator SYMINGTON. The best thing for you to do would be to answer Mr. Carr's questions.

Senator JACKSON. I understand you don't plan to invoke the Fifth Amendment and that you will answer all of these questions. We will proceed with greater rapidity if you will proceed to answer the questions that Mr. Carr will put to you. Then if you wish to make a statement after he has asked these questions of you, we will give you an opportunity to make it.

Mr. HOLMES. Okay, shoot.

Mr. CARR. Mr. Holmes, where were you educated? Excuse me. Where were you born?

Mr. HOLMES. Illinois.

Mr. CARR. Where in Illinois?

Mr. HOLMES. Springfield.

Mr. CARR. What date?

Mr. HOLMES. January 19, 1922.

Mr. CARR. And where were you educated, briefly? Where did you go to school?

Mr. HOLMES. Well, I moved around.

Mr. CARR. Where were you raised? Briefly, that is. In Springfield?

Mr. HOLMES. Actually I can't say exactly because I was all over the country. But I went to school some in Springfield; not very much.

Mr. CARR. When did you finally settle in Boston?

Mr. HOLMES. I came to Boston in 1947.

Mr. CARR. 1947?

Mr. HOLMES. Yes.

Mr. CARR. And you have been living in Boston continually since 1947, the Boston area?

Mr. HOLMES. Yes.

Mr. CARR. When did you become employed at Allis-Chalmers Company?

Mr. HOLMES. 1948.

Mr. CARR. Are you married?

Mr. HOLMES. No.

Mr. CARR. Now, Mr. Holmes, I understand you say you were a veteran. Were you in the army, the marines?

Mr. HOLMES. I was with the 42nd Bomb Group of the Fifth Air Force.

Mr. CARR. And what year to what year?

Mr. HOLMES. July 1940 to November 1945.

Mr. CARR. Mr. Holmes—

Senator SYMINGTON. Did you get an honorable discharge?

Mr. HOLMES. Yes. I received the good conduct medal and several other medals.

Mr. CARR. Mr. Holmes, have you been affiliated with the National Negro Labor Council?

Mr. HOLMES. What do you mean by affiliated with them?

Mr. CARR. Are you a member?

Mr. HOLMES. No.

Mr. CARR. You have never been a member or anything that would be considered membership in that council?

Mr. HOLMES. I never heard of it before as I can recall.

Mr. CARR. The National Negro Labor Council.

Mr. HOLMES. I never heard of it before.

Mr. CARR. Were you a member of the New England Trade Union Council?

Mr. HOLMES. The New England Trade Union Council? I think so. Offhand I can't remember, but I think so.

Mr. CARR. Did you ever hold an office in a trade union council of any kind? That is, an office like vice president, president or secretary?

Mr. HOLMES. Not as I can recall.

Mr. CARR. Then you don't recall being a vice president of the New England Trade Union Council?

Mr. HOLMES. I don't know if they called it that. I remember being in some trade union council. I don't know if they called it the New England Trade Union Council or what.

Senator JACKSON. Do you remember being a first vice president of some trade union council?

Mr. HOLMES. I don't remember it being called the New England Trade Union Council.

Senator SYMINGTON. Tell the committee what do you remember about anything of this character.

Mr. HOLMES. Well, I remember some Negro trade union council.

Senator SYMINGTON. Did you join it?

Mr. HOLMES. I think so.

Senator SYMINGTON. Did you pay dues?

Mr. HOLMES. No, I never paid any dues.

Senator SYMINGTON. Who asked you to join it?

Mr. HOLMES. A fellow, named Jack Lee, I believe.

Senator SYMINGTON. Why did you join it?

Mr. HOLMES. Well, I would like to say that as a man that has been treated as a second-class citizen, it seems to me that it was interesting in helping Negroes get jobs, where we in most cases have been denied decent jobs and yet we went overseas and fought for the same thing in the area where the white Americans fought for, and came back and was in many cases denied certain things.

I don't know what their motive was. My only concern was to help them.

Senator SYMINGTON. You do not know what the motive was of the organization you joined?

Mr. HOLMES. No. I didn't.

Senator SYMINGTON. You felt it was for the benefit of the colored people?

Mr. HOLMES. Yes, and I didn't question it.

Senator JACKSON. Was it represented to you as being for the betterment of the colored people?

Mr. HOLMES. Yes, it was.

Senator JACKSON. Was that the reason you joined it?

Mr. HOLMES. Yes.

Senator JACKSON. Did you find out that they stood for things—

Mr. HOLMES. No, actually I didn't stay in there long enough to find out anything.

Senator JACKSON. Why did you leave?

Mr. HOLMES. Because I didn't have time, you know, to be in it, you know.

Senator JACKSON. Weren't you suspicious of their standing for things that were not good for this country?

Mr. HOLMES. As I said before, I didn't stay in it long enough to find out.

Senator JACKSON. How long were you in it?

Mr. HOLMES. I would say about three or four months, but I didn't attend any meetings.

Mr. CARR. In what year?

Mr. HOLMES. Offhand I don't recall what year.

Senator SYMINGTON. Roughly what year?

Mr. HOLMES. I would say roughly 1950.

Senator SYMINGTON. You then were not an officer in it, were you, if you only stayed in it three months and you can't remember when it was? You weren't a vice president or a president or a treasurer or anything like that, or were you?

Mr. HOLMES. I think he spoke to me about being vice president, or something.

Senator SYMINGTON. Who did?

Mr. HOLMES. This Mr. Jack Lee.

Senator SYMINGTON. Was he the president?

Mr. HOLMES. I don't recall if he was or not.

Senator JACKSON. You mean you did not attend any meetings although you were vice president?

Mr. HOLMES. No, I didn't go to any meetings.

Senator JACKSON. Did you attend not one single meeting?

Mr. HOLMES. As I can recall, I didn't attend not one meeting.

Senator JACKSON. How did you join it, out on the street?

Senator SYMINGTON. You are the fastest moving vice president I have heard of.

Mr. HOLMES. He came to me and said "Mr. Holmes, I understand you are interested in civil rights and so forth." And he said, "We have a trade union council." I think he said trade union council. And we sat down and he discussed it in brief in my home, and said "Would you like to become a member?"

I said, "If it is for that particular reason, yes." Just like that.

Senator JACKSON. Did he tell you then you were being made vice president?

Mr. HOLMES. No, he asked would I like to be, for that you know. And I said yes.

Senator JACKSON. For the purpose of promoting better opportunities for colored people?

Mr. HOLMES. Yes. That was my purpose and my only purpose, and I say it today. I maintain that I will continue to speak out for justice, when I know that injustice is being done. I will continue to speak out when I know we deserve as decent a job as anybody else, because I have been just as loyal, if not more, as some other people who have much better jobs today than I have.

Senator SYMINGTON. What do you make as a sandblaster? I used to do a little sandblasting. What do you make?

Mr. HOLMES. Don't let this get back to my boss, because it is piecework. Roughly \$22 a day.

Senator SYMINGTON. Do you call that a second-class citizen?

Mr. HOLMES. I am not only concerned with myself, Senator. They take one Negro and say "Look there, you are making progress."

Senator SYMINGTON. If you make \$22 a day, how many days a week do you make it?

Mr. HOLMES. I work five days a week, and I pay about \$30 income tax.

Senator SYMINGTON. You are getting to be a capitalist.

Mr. HOLMES. Some day I hope to be one.

Senator SYMINGTON. That is \$115 a week.

Mr. HOLMES. Yes.

Senator SYMINGTON. Is that right?

Mr. HOLMES. Yes.

Senator SYMINGTON. That is about it.

Mr. HOLMES. I will never catch up with you.

Senator SYMINGTON. That is \$6000 a year.

Mr. HOLMES. Yes. But still I pay about \$2000 income tax, and I end up with about \$4000.

Senator SYMINGTON. You are sure you didn't join this organization to be against the income tax?

Mr. HOLMES. Well, listen, Senator, I stated my position, the reason I joined and for nothing else. I hope when you made that statement I hope you don't mean it the way it sounded.

Senator SYMINGTON. I was only being facetious about it.

Senator JACKSON. He was kidding you about it.

Senator SYMINGTON. I think your wages are very high, and even after paying your taxes, you are making \$4000 a year.

Mr. HOLMES. What is \$4000 when other guys are making \$85,000 or \$90,000 that owns factories?

Senator SYMINGTON. Where does anybody make \$85,000?

Mr. HOLMES. Down in Missouri, a fellow that owns factories and so forth.

Senator SYMINGTON. Let's go on.

This is very interesting when a man as a sandblaster is making \$22 a day. When I was sandblasting you didn't begin to make that a week. So we are doing better.

Mr. HOLMES. And during that time you could get a pound of pork chops for about 20 cents a pound, too.

Senator SYMINGTON. That is right.

Mr. CARR. To get on, so the record is clear, you joined an organization, and at this point you can't say whether or not it was the New England Trade Union Council or whether it was the National Negro Labor Council. All you know is that it was a Negro trade organization.

Mr. HOLMES. Yes, that is what I recall.

Mr. CARR. It may very well be that you joined this for the advancement of the colored persons' interests.

Mr. HOLMES. That was my only reason, yes.

Mr. CARR. I would like to ask you whether or not you knew or whether it ever came to your attention that the National Negro Labor Council was a Communist-front organization?

Mr. HOLMES. This I don't know anything about whatsoever, you know. If I knowed it, I would tell you. As I told you, I got nothing to hide; so, therefore, why should I try to evade the issue? My conscience is clear.

Mr. CARR. The one organization you belonged to was merely for the advancement of the colored people?

Mr. HOLMES. As I stated before, that was my only reason.

Mr. CARR. You had no idea it was connected with communism?

Mr. HOLMES. No.

Mr. CARR. Let me ask you, Mr. Holmes, if you ever belonged to the Young Progressives of America?

Mr. HOLMES. I never was a member.

Mr. CARR. Did you ever attend meetings or conventions sponsored by the Young Progressives?

Mr. HOLMES. I was in Cleveland at one time when the convention was being held, and I wanted to find out for myself, so I went. It was in 1949. I was laid off due to the lack of work, and I went out to Cleveland. I had lived out there. I went out there and had I gotten a job out there I would have stayed out there.

In the meantime, I saw in the paper, you know, where they were meeting, so I went, on my own accord, and nobody asked me to go.

I went; and after that, that evening, I think I went to a party, you know. I danced and I had fun.

Mr. CARR. So this is another organization that you went to for the advancement of the colored people?

Mr. HOLMES. I didn't say I went there for that. I say I went solely on my own curiosity.

Mr. CARR. You had no idea that this organization had any connection with the Communists?

Mr. HOLMES. None whatsoever, and I didn't go to run no committee or nothing. I went on my own accord. I was in Cleveland and I went, and I don't see anything wrong with that.

Mr. CARR. So we can move along here, let me ask you: Did you ever belong to or attend any functions of the Civil Rights Congress?

Mr. HOLMES. I never belonged to the Civil Rights Congress, and I went to meetings.

Mr. CARR. You went to meetings of the Civil Rights Congress, or sponsored by the Civil Rights Congress?

Mr. HOLMES. Let me try to think when. I don't remember off-hand the exact date, but I can remember vaguely in my mind, I can remember hearing the Civil Rights Congress. Maybe someone can refresh my memory on a particular date, and I would know.

Mr. CARR. Just briefly, why did you attend the Civil Rights Congress functions?

Mr. HOLMES. Let me state this: I am the man—there are certain things I want to find out for myself, and nobody has the right to tell me I can't go here and can't go there, although they do sometimes. But there are certain things that I want to find out for myself, you know.

This particular function you are talking about, I can't recall the exact date, but I can say that maybe sometime I did go in to someplace where they were having a meeting on civil rights, because I am interested in civil rights, because that is part of me.

Mr. CARR. Let me ask you if you ever had any idea that the Civil Rights Congress was associated with the Communist party?

Mr. HOLMES. No, because I wasn't interested in it and I didn't try to find out.

Mr. CARR. Let me ask you if you know any Communists?

Mr. HOLMES. Listen, I don't go around looking at people's pockets, saying whether they are a Communist or not.

Mr. CARR. Let me ask you, do you know anybody who is a Communist?

Mr. HOLMES. No, I don't know anybody who is a Communist, or who is who.

Mr. CARR. Do you know Anne Burlak, in Boston?

Mr. HOLMES. Anne Burlak? Not that I can recall.

Mr. CARR. You don't remember an Anne Burlak.

Do you recall attending a rally in February of 1951 to free Willie McGee, held in Boston? Were you interested in the Willie McGee movement?

Mr. HOLMES. Yes, very much so.

Mr. CARR. You attended a rally in February of that year? Do you recall attending one at Butler Hall, at which Mrs. Burlak spoke?

Mr. HOLMES. Yes.

Mr. CARR. Did you know—

Mr. HOLMES. In fact, in this particular instance, I volunteered to say something myself. Nobody asked me. I was passing on the street. I went in, and I know that here is a young man that had been framed on some phony rape charge down in Mississippi, which is something that has been the practice of Mississippi and other southern states for a long time, and you can't deny it. In the past, you know. So I went in and I spoke my piece out against it.

Mr. CARR. In speaking your piece, did you talk about Paul Robeson? Was that what your piece was?

Mr. HOLMES. I don't remember mentioning anything about Paul Robeson.

Mr. CARR. Did you state that after a recent visit with Paul Robeson, you were there to say that you were in the fight for the freedom of your people to the end?

Mr. HOLMES. I don't remember saying anything about Paul Robeson.

Mr. CARR. Do you know Paul Robeson?

Mr. HOLMES. Yes.

Mr. CARR. Have you met Paul Robeson?

Mr. HOLMES. Yes, I met him. I am very fond of Paul Robeson, far as a concert artist, although I might not agree with certain things that he says, and I think that his Othello is one of the best. I have it in my home. I listen to it often.

Mr. CARR. Do you know that he has been called a member of the Communist party?

Mr. HOLMES. I read it in the paper.

Mr. CARR. And your contacts with him have had nothing to do with the Communist party?

Mr. HOLMES. None whatsoever.

Senator SYMINGTON. Did you ever discuss communism with him?

Mr. HOLMES. With Paul? No. The only thing I ever discussed with Paul was his play, Othello, which I was very much interested in.

Mr. KENNEDY. Did you go see him in it?

Mr. HOLMES. No. I wish I had had a chance.

Mr. KENNEDY. Did you ever see him in anything?

Mr. HOLMES. I went to see him when he gave a concert in Boston.

Mr. KENNEDY. When?

Mr. HOLMES. I think it was in 1951, I think, I am not for sure. But I can say definitely that I was at Butlers Hall, and I went. And if he came to Boston again, in a concert, I would go again.

Mr. KENNEDY. What if he came and spoke in Boston, would you go and hear him?

Mr. HOLMES. Is there anything about going to listen to a man speak? That doesn't mean you have to be on the side of him because you go to listen to him.

Senator SYMINGTON. Nobody is criticizing. We are only asking.

Senator JACKSON. Did Mr. Paul Robeson ever discuss with you the Communist party or communism?

Mr. HOLMES. Listen, Senator—the only thing, I went to Paul myself, and said, “Paul I have listened to your Othello, and I think it is one of the greatest masterpieces.” I don't know if you folks ever heard it. It was with Judith Hagen, a very famous Hollywood

actress, and Jose Ferrer, a famous French actor, and the theme of William Shakespeare's play, and that particular one always rings in my mind, and I love it. That was my discussion with Paul in relation to Othello.

Mr. CARR. Then, Mr. Holmes, you have never belonged to any organization—

Mr. HOLMES. That teaches to advocate the overthrow of the government? To my recollection, none whatsoever. The only organization I belong to, I belong to the union, because I work in a shop where it is union-connected, and as long as I am there, working for an honest, decent union, I will continue to belong to the union.

Senator SYMINGTON. Have you held any job in the union?

Mr. HOLMES. None whatsoever.

Senator SYMINGTON. You have never been a steward?

Mr. HOLMES. Never been a steward. I ran for steward one time, and I was defeated. I was defeated solely on the reason that I was a Negro running against a white guy, and they created all kinds of anti-Negro feeling in the shop, and I lost out.

Senator SYMINGTON. Do you have a check-off in the plant? Do they deduct some of your salary for union dues?

Mr. HOLMES. Yes. The company takes it out. I guess they give it to the union.

Senator JACKSON. To what union do you belong?

Mr. HOLMES. The UE.

Senator JACKSON. The UE?

Mr. HOLMES. Yes.

Senator JACKSON. Do you believe in what the UE stands for in its political platform?

Mr. HOLMES. Listen, I don't follow their politics. As I say, I pay my union dues.

Senator SYMINGTON. Is it a union shop?

Mr. HOLMES. Yes.

Senator SYMINGTON. Does everybody have to belong to the union who works in the plant?

Mr. HOLMES. No, it is not a closed shop.

Senator SYMINGTON. I know it is not a closed shop, but is it a union shop? Do you have to belong or can you not belong, at your discretion?

Mr. HOLMES. I don't think you have to belong to it.

Senator SYMINGTON. Why do you want to belong to it?

Mr. HOLMES. The question is, why do I belong to it? I want to make this very clear. In this particular shop, which for some time has been among some of the workers there, always, a somewhat anti-Negro feeling, I figure by belonging to the union that I can have some protection, which is not very much. And also for the company itself, I do feel that I have some protection by being a member of the union.

As far as being an officer of the union, I am not an officer. I just pay my dues. In fact, as I said, I very seldom go to union meetings.

Senator SYMINGTON. Let me ask another question along these lines, for my information: What percentage of the employees are members of the union, do you know?

Mr. HOLMES. Senator, I don't know.

Mr. CARR. Just a couple more questions, Mr. Holmes.

All of these organizations that you have been associated with, and these places that you go on the basis of personal curiosity, you have never known any of them to be Communist organizations?

Mr. HOLMES. To my recollection, I don't remember anything being Communist.

Mr. CARR. Had you known that they were Communist organizations, or affiliated with Communists or communism, would you have attended them?

Mr. HOLMES. Well, that I can't say, had I known.

Mr. CARR. Would you attend one now, attend a Communist party meeting now? If you knew it to be a Communist Party meeting, would you go?

Mr. HOLMES. No.

Mr. CARR. If you knew it to be a meeting sponsored by a Communist party front, would you go?

Mr. HOLMES. No.

Mr. CARR. You have never been a member of the Communist party?

Mr. HOLMES. I have never been, I am not now, and I have no intention of being a member of the Communist party. Is that clear?

Mr. CARR. Have you ever been asked to join the Communist party?

Mr. HOLMES. I have never been asked to join the Communist party, to my recollection. Is that clear?

Mr. CARR. Let me ask you another question. Since several of these organizations and these meetings that you have attended—and your name has appeared here in the *Daily Worker*—information has gotten about that you are a Communist, have you ever been to Communist headquarters in Boston?

Mr. HOLMES. I can say this: The guy that said I am a Communist, I say this, he told a lie, a vicious lie, and I will tell him he told a lie; and if I see him, if he was here, I will tell him to his face that he told a lie. And if he was any kind of man at all, he would sit there and face me and tell me that I was a member of the Communist party or associated with the Communist party. But he didn't come here. He is too damned ashamed to face me, you see. I will tell him he is a liar.

Mr. CARR. Mr. Holmes, in answer to this last question of yours, the man you are speaking about has said that he has seen you at Communist party functions. He did not say that he saw you at any Communist party cell or branch meetings. He said he had seen you at these functions.

The next question, and the question I would like to get cleared up here, is concerning the Communist party and the Communist organization. Since so many of these organizations and these meetings you have attended have been associated with communism, and since you have been reported in the *Daily Worker* as being associated with communism, do you think that you should continue these associations? Do you think that—

Mr. HOLMES. I am not connected with any type of organization that is associated. I just told you, you know, the only thing that I do, I work and I play baseball for sports.

Mr. CARR. And you have no interest whatsoever in the Communist party?

Mr. HOLMES. My interest is making an honest, decent living, and my interests are in civil rights.

Senator JACKSON. Mr. Holmes, just one or two last questions. I think you are intelligent enough to know what the Communist party line is, are you not?

Mr. HOLMES. I think so.

Senator JACKSON. I mean, you can detect whether a group is promoting the Communist party line, can you not?

Mr. HOLMES. I think so.

Senator JACKSON. Have you not observed that detection in the UE?

Mr. HOLMES. Well, in my shop—

Senator JACKSON. And in these other organizations, these other organizations that you attended?

Mr. HOLMES. Which one? The one that I went to in Cleveland?

Senator JACKSON. The one you went to in Cleveland, the one in Boston, and your union.

Mr. HOLMES. I went to Cleveland, but I don't remember them discussing anything in relationship to communism, none whatsoever.

As far as my union goes, what goes on at the top, I don't know. I am not concerned. My concern is going to the shop—

Senator JACKSON. Have you attended the local meetings of your local organization, the UE?

Mr. HOLMES. Yes. And nothing concerned communism. In fact, I would say 100 percent that come to the meeting, they are strictly anti-communists, and I believe if any member of that union thought there was a Communist working at Allis-Chalmers, I believe—and I am not saying that they would—that they would do their utmost to get rid of them.

Senator JACKSON. Have they ever passed any pro—

Mr. HOLMES. No.

Senator JACKSON. Wait until I give you the question. You cannot possibly answer the question until I give you the question.

In your local UE that you belong to, have they ever passed any pro-Communist resolutions?

Mr. HOLMES. What do you mean by that?

Senator JACKSON. You know what the party line is; you have testified.

Mr. HOLMES. To my recollection, no. I don't go to meetings very often, but the ones I have attended, I would say no.

Senator JACKSON. In your opinion, the local that you belong to—

Mr. HOLMES. Their hands are clean, I believe.

Senator JACKSON. In your opinion, the UE local that you belong to—

Mr. HOLMES. Local 239, Hyde Park.

Senator JACKSON. In your opinion, the UE local that you belong to in Boston does not follow and has not followed the Communist party line?

Mr. HOLMES. To my opinion, that is true.

Senator JACKSON. You get the national organ of the UE?

Mr. HOLMES. Well, I haven't gotten it now for a month or so, but I usually get it.

Senator JACKSON. You have been getting it in the past?

Mr. HOLMES. Yes.

Senator JACKSON. Do you read it?

Mr. HOLMES. Not too well.

Senator JACKSON. Not too well?

Mr. HOLMES. No.

Senator JACKSON. Is there any question in your mind that the paper follows the Communist party line?

Mr. HOLMES. Actually, I never gave it a thought, because I don't read it too much.

Senator SYMINGTON. I am interested in your ideas on civil rights. You want to see the Negro people improve their position in American life, right?

Mr. HOLMES. Don't you think that we deserve it?

Senator SYMINGTON. I am going to ask the questions, and you will help me by answering them.

But you are proud of your country, are you not, proud of being an American?

Mr. HOLMES. Have you finished?

Senator SYMINGTON. No. I am asking you the question: Are you proud to be an American?

Mr. HOLMES. Do you want me to answer that now?

Senator SYMINGTON. Yes.

Mr. HOLMES. Yes. I know of no other country. I am proud to be an American, although I don't like some of the things that go on here. As I said before, I think that my name is just as clean as McCarthy's, if not cleaner, because I got nothing whatsoever to hide. I fought.

Senator SYMINGTON. You do not want to make a comparison.

Senator JACKSON. Let's stay on the subject. We do not have to get into personalities.

Senator SYMINGTON. That is right.

Do you not think that in this country—I would like to divide this country into two parts. The first is that there has been considerable improvement with respect to Negro people as against, say, twenty-five years ago?

Mr. HOLMES. That is the same old question, Senator. Every time I got into a discussion with some high guy, the first thing he says is, "Don't you think?" The question is the basic principles upon which this country was founded.

Senator SYMINGTON. Do you not think it is better now than it was for your people twenty-five years ago?

Mr. HOLMES. What is the point of making one step forward here and slide back one step over here?

Senator SYMINGTON. How about answering the question?

Mr. HOLMES. Yes, there has been some improvement.

Senator SYMINGTON. The next question: Do you not think that the standards of living, both white and colored, are higher in this country than anywhere else?

Mr. HOLMES. The only place I have been was in the Pacific, and there were only islands, so I wouldn't know.

Senator SYMINGTON. You said you read a lot, and you said you like Shakespeare's plays. That shows you are plenty active. I just

wondered if you read about the question of relative standards of living, and I wondered how you felt about that.

Mr. HOLMES. Well, I agree they are better. But we pay more tax than anybody else in the world, and so it should be better.

Senator SYMINGTON. And you have never been an officer in the United Electrical Workers?

Mr. HOLMES. No.

Senator SYMINGTON. And you have never had any connection of any kind with the Communist party?

Mr. HOLMES. None whatsoever, to my recollection.

Mr. CARR. I have just one more question.

Do you know Eddie Garfield, the man who was here yesterday?

Mr. HOLMES. I know him. He worked in Allis-Chalmers.

Mr. CARR. Do you know Charles Wojchowski?

Mr. HOLMES. Yes. He worked at Allis-Chalmers.

Mr. CARR. Do you know whether or not they are Communists?

Mr. HOLMES. I don't know.

Senator JACKSON. Have you ever talked with them?

Mr. HOLMES. Yes.

Senator JACKSON. Have you discussed—

Mr. HOLMES. At no time have they discussed politics with me.

Senator JACKSON. What do you talk with them about?

Mr. HOLMES. We mostly talk about baseball and working conditions in the shop.

Senator JACKSON. You never discussed anything political?

Mr. HOLMES. At no time have they discussed politics with me.

Senator JACKSON. Just baseball and the shop?

Mr. HOLMES. I can hardly keep up with my own politics. In fact, I voted for Stevenson, and if he runs again I am going to vote for him, but I understand that another senator will probably run, and I will assure him that he can get my vote, and I will campaign for him in my state.

Senator JACKSON. You had a brief statement? Do you have a brief statement?

Mr. HOLMES. I have a statement, and I guess you fellows have said your piece. You want to run and leave me hanging here, which I think is unfair.

Senator JACKSON. Any statement that relates to the inquiry here, but let's keep it confined to the inquiry and make it as brief as you can.

Mr. HOLMES. I will make it as brief as I possibly can, Senator. I wish they had made it brief when they got me down at nine o'clock this morning and kept me standing until four o'clock. My feet are very tired.

As I said before, when I was called down here, I was more than glad to come to appear before the committee, after watching most of you fellows here on TV. I wanted to see how you really act, when I came face-to-face with you.

I think that this whole thing, to me, was very unfair, and injustice was done, merely because I was drug over the Boston papers and brought down here and wasn't allowed to testify in public.

I came prepared to testify in public, to defend myself against this fellow that told this lie against me. My job is at stake. If I lose my job, whoever gave the guy permission which I assume it was the

guy in charge of the committee; I don't know who he was—they don't give a hoot, because you are going to get paid, come hell or high water, as long as I can go out and make a dime or some other fellow go out and work. You will get your money.

Senator JACKSON. I do not want to interrupt you, but the witness that you have referred to, who mentioned your name, I don't believe said you were a member of the Communist party. He testified that you had attended certain Communist-front meetings.

Mr. HOLMES. All right. It has been the past practice, Senator, that if you are called, you appear in a secret session first, and then they consider if you don't cooperate, they bring you out in public.

Now, one thing further. I appeared before a committee in Boston. I went in and I told them I don't have a counsel, I don't need a counsel. I will answer your questions.

Senator SYMINGTON. What committee?

Mr. HOLMES. The Massachusetts Committee on Investigating Communism.

I went in and I sat down and I gave them or told them what I had to say. I didn't have a counsel, I didn't use the Fifth Amendment, because I didn't need it; and they told me afterwards, "Okay, Mr. Holmes, this is a private session. We will not publish your name unless you agree."

I said, "I came here, I cooperated with the committee, and I don't think it would help any by putting my name in the paper."

And he said, "Okay, we will leave it at that. That is the way it should be."

That is the way it should be here.

Senator SYMINGTON. Was your name in the paper in Boston?

Mr. HOLMES. Yes, in every paper.

Senator SYMINGTON. What did it say?

Mr. HOLMES. I don't remember offhand. I was so damned mad and disgusted, when this man said I was a Communist, or something.

Mr. CARR. Just to make the record clear at this point—

Mr. HOLMES. But I should have been able to testify.

Senator SYMINGTON. Let Mr. Carr speak.

Mr. CARR. I should like to say that everything the man said concerning you, you have admitted here this afternoon.

Mr. HOLMES. But I am saying that I should have been able to testify here, in private session. But why couldn't he, himself—why did my name have to be dragged over the papers for no reason at all?

Mr. CARR. I don't think—

Mr. HOLMES. Naturally you don't think, because you are part of the whole set-up to bring me down here. Naturally you will agree with him.

Senator JACKSON. Mr. Holmes, I think the result would have been the same, because the witness has made these statements that you participated in all these various Communist-front group meetings, and was an officer in one. As I understand it, you do not deny those statements.

Mr. HOLMES. But why didn't I get a chance to testify in public the same way, Senator, that he was brought down here, and given the TV and everything else, and had every newspaper?

Senator JACKSON. You will be given an opportunity to appear in public.

Mr. HOLMES. Listen, Senator, I have to lose another day's pay to come down, which I can't afford. And if I take off too much time, the company will say, "Okay, we have to let you go." Then what am I going to do?

Let's face the fact. I am a poor working guy, you know, for my living.

Mr. CARR. I am sure that the company—if you request, we will furnish the company with a record of everything that went on here, and I am sure that the company is going to take no retribution against you.

Mr. HOLMES. I lose a day's pay every day I come here. Why don't you give me my day's pay?

Mr. CARR. We pay you the witness fee.

Mr. HOLMES. You gave me \$9, and \$6 for the hotel. I have to eat.

Mr. KENNEDY. It is a public service. You should be proud to do it.

Mr. HOLMES. Is your name Kennedy?

Mr. KENNEDY. Yes.

Mr. HOLMES. Public service?

Senator JACKSON. The subpoena which you are now under will remain in effect, and you will be notified to return to testify at the open session. You will be given ample notice so that you can make the necessary arrangements.

The staff will get in touch with you, probably by telephone, or an appropriate means of getting in touch with you. You will be given ample notice so you can be here on time, so that you can be heard.

You are released, Mr. Holmes, subject to call. You will remain under subpoena, so there will not be a new subpoena served on you. You are under subpoena, but you are released to return to your home in Massachusetts, and you will be recalled to testify in a public session after reasonable notice has been given to you as to the time and place.

Mr. HOLMES. Couldn't you folks bring it to Boston and save me the trouble of coming down here?

Senator JACKSON. You will be advised where you are to appear in public session.

[Whereupon, at 5:35 p.m., the committee recessed, subject to the call of the chair.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

[EDITOR'S NOTE.—The executive session testimony of Diantha Hoag (1908–1995) was made public on January 3, 1955. Lawrence W. Parrish (1906–1977) testified in public session on January 3, 1955. As a consequence of invoking the Fifth Amendment during her testimony, Diantha Hoag was discharged from Westinghouse Electric.]

FRIDAY, AUGUST 6, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met (pursuant to Senate Resolution 189, agreed to February 2, 1954) at 10:30 a.m., room 357, Senate Office Building, Senator Joseph R. McCarthy presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator John McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Francis P. Carr, executive director; James N. Juliana, investigator; Robert F. Kennedy, counsel to the minority; Ruth Young Watt, chief clerk.

TESTIMONY OF DIANTHA HOAG (ACCOMPANIED BY HER COUNSEL, RICHARD LIPSITZ)

[The executive session testimony of Diantha Hoag (1908–1995) was made public on January 3, 1955 and published in Permanent Subcommittee on Investigations, *Subversion and Espionage in Defense Establishments and Industry*, part 6 (Washington, D.C.: Government Printing Office, 1955).]

The CHAIRMAN. Will you make a note of the fact we have opened the letter which was represented to us as containing a list of those who were responsible for the honorable discharge, the promotion and the change of duty orders for Major Irving Peress. We opened the letter this morning. This letter had been given to Senator Mundt as chairman of the special committee. It was represented to him that the letter contained information requested. On opening the letter we found it does not contain information at all except there is a listing of officers in various departments.

Will you stand and raise your right hand.

In the matter now in hearing, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PARRISH. I do, sir.

TESTIMONY OF LAWRENCE W. PARRISH

The CHAIRMAN. The last time you were called you claimed that you were the wrong man and you gave the press an interview saying that you were not a member of the Communist party and never had been. I would like to know now that you are under oath, what comments you would like to make.

Number one, have you been a member of the Communist party?

Mr. PARRISH. Well, can I make a statement?

The CHAIRMAN. You certainly can.

Mr. PARRISH. Senator, I have not seen a copy of the transcript of July 19th meeting, but am I correct in that it was reported in the paper that Mr. Teto said I was not the man?

The CHAIRMAN. I don't know what you read in the papers.

Mr. PARRISH. That is what I read in the papers.

The CHAIRMAN. I don't know what you read in the papers. The question is: Are you a member of the Communist party?

Mr. PARRISH. Senator, I will have to refuse to testify against myself and invoke the Fifth Amendment.

The CHAIRMAN. So when you told the newspapers you were not a member of the Communist party, were you lying to them or were you telling them the truth? As I recall, you had quite a press conference, told the newspaper reporters that you were not a member of the Communist party and never had been. You spent some time cussing out the committee for calling a perfectly innocent man.

Now, we are giving you an opportunity to tell us whether or not you were telling the truth?

Mr. PARRISH. Senator, I don't ever recall telling the press anything about that.

The CHAIRMAN. You don't recall talking to the press?

Mr. PARRISH. I don't recall answering that. I recall talking to the press.

The CHAIRMAN. Your answer is that you will not tell us whether you are a member of the Communist party at this moment on the grounds that if you did your answer might tend to incriminate you.

Mr. PARRISH. I prefer to stand on the Fifth Amendment on that.

Senator MUNDT. Are you employed at Bethlehem Steel Company?

Mr. PARRISH. Yes, sir, I am.

Senator MUNDT. And have you been there for over twenty years?

Mr. PARRISH. Yes, sir.

Senator MUNDT. And your home address, or is that your business address—Your home address is 103 Edwards Street, Quincy, Massachusetts?

Mr. PARRISH. That is right, sir.

Senator MUNDT. And you are Lawrence W. Parrish?

Mr. PARRISH. Yes.

Senator MUNDT. What is the nature of your work at the Bethlehem Steel Company?

Mr. PARRISH. What do you mean by that, Senator?

Senator MUNDT. Are you an executive?

Mr. PARRISH. I am an hourly paid worker.

Senator MUNDT. I mean you have been there twenty-one years. You must do something of comparative importance. What is the nature of your work?

Mr. PARRISH. Electrician.

Senator MUNDT. Are you working in the fabrication manufacturing of something or the maintenance of the electrical equipment around the plant. What is it?

Mr. PARRISH. Well, my general assignment is working on installation work.

Senator MUNDT. Of equipment in the plant or equipment the plant manufactures—on the ships?

Mr. PARRISH. It is a shipbuilding plant.

Senator MUNDT. Your work is installing electrical equipment in the ships built by Bethlehem Steel Company, is that right?

Mr. PARRISH. That is right.

Senator JACKSON. What type of vessels are you working on, private or government?

Mr. PARRISH. Well, I think they are private.

Senator MUNDT. Are you working on cargo ships and tankers?

Mr. PARRISH. I have been working on a tanker.

Senator MUNDT. Have you been engaged in any work in which the government is the contractor?

Mr. PARRISH. Well, I would have no way of knowing, sir.

Senator MUNDT. Well, you know whether you have been working on government naval vessels or government ships?

Mr. PARRISH. No, these are commercial boats.

Senator MUNDT. Have you worked on any government ships lately?

Mr. PARRISH. [No answer.]

Senator MUNDT. When was the last time?

Mr. PARRISH. Well, I would have to trust to my memory some-time back.

Senator MUNDT. Give us a rough estimate.

Mr. PARRISH. Some years back

Senator MUNDT. Two or three?

Mr. PARRISH. Oh, yes, probably more.

Senator MUNDT. What kind of ships were those—submarines?

Mr. PARRISH. I have worked on all types of ships in the yard during the period of twenty-one years.

Senator JACKSON. Have you ever had to fill out a questionnaire for security clearance?

Mr. PARRISH. What do you mean by that?

Senator JACKSON. Well, let me ask you this. Have you ever worked on anything of a classified nature that would be termed confidential or otherwise classified?

Mr. PARRISH. I don't believe I know what that would be, sir.

Senator JACKSON. What is your educational background?

Mr. PARRISH. High school.

Senator JACKSON. Yes. You went to some pretty fine high schools. Did you graduate from St. Johns College?

Mr. PARRISH. I attended St. Johns College. I went there about four months.

Senator JACKSON. You attended St. Johns College after you got out of high school?

Mr. PARRISH. Oh, probably a period of four or five months or six months.

Senator JACKSON. Then you know what I mean by classified or confidential work requires individuals be cleared for that type of employment?

Mr. PARRISH. In the course of my work I have no knowledge whether I worked on work that was classified.

Senator JACKSON. Weren't you advised whether the work was classified or confidential?

Mr. PARRISH. [No answer.]

Senator JACKSON. Haven't you noticed signs up in parts of the shop which say "restricted"?

Mr. PARRISH. No, sir.

Senator JACKSON. You haven't?

Mr. PARRISH. No.

Senator JACKSON. Have you ever filled out a questionnaire asking where you were born and other details; whether you belonged to organizations, subversive organizations as listed by the attorney general?

Mr. PARRISH. [No answer.]

Mr. KENNEDY. You can remember that, Mr. Parrish.

Mr. PARRISH. In the course of my work there, hiring in and entering, I don't know what I signed.

Senator JACKSON. How long ago was the last time you signed a questionnaire along this line—along the lines I just referred to?

Mr. PARRISH. I don't know.

Senator JACKSON. Let's just get back here. You are an intelligent man. You can answer these questions.

You have been working for Bethlehem Steel Company for the past twenty-one years? Is that right?

Mr. PARRISH. Yes, sir.

Senator JACKSON. You have been at this plant most of that time?

Mr. PARRISH. Yes, sir.

Senator JACKSON. During the course of your employment at Bethlehem, is it not a fact that they have come around in recent years with questionnaires for you to fill out because of the nature and type of work you were engaged in at Bethlehem Steel Company?

Mr. PARRISH. I remember during the war we were all called in and fingerprinted and issued badges.

Senator JACKSON. Did you have to fill out anything then, sign anything?

Mr. PARRISH. I don't remember.

Senator JACKSON. How about since that time?

Mr. PARRISH. I don't remember.

Senator MUNDT. Do you belong to a labor union?

Mr. PARRISH. I belong to the union in the yard, yes, sir.

Senator MUNDT. What is the name?

Mr. PARRISH. Shipyard Union RUMSWA.

Senator MUNDT. Is it an affiliate of the AF of L or the CIO?

Mr. PARRISH. It is an affiliate of the CIO.

Senator MUNDT. Have you ever been in the Ritz Plaza Hotel in Boston? You can answer that one yes or no.

Mr. PARRISH. I have been in a number of hotels in Boston. Whether I have been in the Ritz Plaza—

Senator MUNDT. Have you ever been in the Ritz Plaza?

Mr. PARRISH. I will have to decline to answer that.

The CHAIRMAN. You are ordered to answer.

It is no crime to be in the Ritz Plaza.

Senator MUNDT. You can answer that one yes or no, whatever is the truth.

Senator SYMINGTON. Did you know you could have a counsel when you came in here today?

Mr. PARRISH. I knew I could have one but I can't afford one, sir.

The CHAIRMAN. May I say for the record, before when Mr. Parrish was before us, he requested time to have a counsel. I believe he requested ten days and we gave him much longer than that.

Senator MUNDT. Back to the question. Have you ever been in the Ritz Plaza Hotel? Is your answer yes or no?

Mr. PARRISH. Senator, I will have to decline to testify against myself.

Senator MUNDT. I am not asking you to testify against yourself. I am asking you if you have ever been in the Ritz Plaza Hotel? It isn't a den of thieves.

Mr. PARRISH. Well, it might be a link in a chain of evidence. I don't know.

Senator SYMINGTON. Let me ask you a question. How much money do you make?

Mr. PARRISH. I probably take home about \$70.00 a week.

Senator SYMINGTON. That would be about \$300.00 a month?

Mr. PARRISH. Yes.

Senator SYMINGTON. Are you married?

Mr. PARRISH. Yes, sir.

Senator SYMINGTON. Have you got any children?

Mr. PARRISH. Yes, sir.

Senator SYMINGTON. How many?

Mr. PARRISH. Two.

Senator SYMINGTON. And yet you still don't think you have enough money to afford a lawyer when you come down here on as serious a matter as this?

Mr. PARRISH. Senator, you can look into my record of finances and see that I haven't.

Senator SYMINGTON. Are you a member of the Communist party?

Mr. PARRISH. Senator, I decline to answer that.

Senator SYMINGTON. You won't answer whether you are right now a member of the Communist party?

Mr. PARRISH. That is it.

Senator SYMINGTON. What is your answer to that?

Mr. PARRISH. I decline to answer under the grounds that I refuse to testify against myself under the Fifth Amendment.

Senator MUNDT. Have you ever been in the Little Building in Boston, capital L-i-t-t-l-e?

Mr. PARRISH. I believe I have, sir.

Senator MUNDT. Did you know that was the Communist headquarters in Boston at the time?

Mr. PARRISH. I decline to answer that, Senator, on the grounds of the Fifth Amendment.

Senator MUNDT. You refuse to answer?

Mr. PARRISH. Yes.

Senator JACKSON. Have you ever made a speech?

Mr. PARRISH. I am afraid not.

Senator JACKSON. Have you ever talked to a group?

Mr. PARRISH. I am afraid I haven't.

Senator MUNDT. Have you ever talked over the telephone?

Mr. PARRISH. Yes.

Senator MUNDT. Talk as loud as you talk over the telephone. That will be helpful.

Mr. KENNEDY. Did you talk to an attorney within the last two weeks?

Mr. PARRISH. What is that, sir.

Mr. KENNEDY. Have you talked with an attorney in the last two weeks?

Mr. PARRISH. Yes.

Mr. KENNEDY. Did he suggest you come down here without an attorney?

Mr. PARRISH. Well, the decision was mine.

Mr. KENNEDY. It was a matter of payment, etc.

Mr. PARRISH. I haven't the money to pay him.

Mr. KENNEDY. Did he suggest you come down without an attorney?

Mr. PARRISH. No.

Senator MUNDT. Did he suggest you take the Fifth Amendment?

Mr. PARRISH. The decision is mine.

The CHAIRMAN. Will you answer the question?

Mr. PARRISH. I consulted with an attorney and talked it over with him and the decisions that I make here are mine.

Senator MUNDT. Do you know Norman Satterthwaite?

Mr. PARRISH. I decline to answer that, Senator, on the grounds of the Fifth Amendment.

Senator JACKSON. Mr. Parrish, if I may finish what I was referring to a moment ago with reference to your having signed a questionnaire or questionnaires relating to possible security clearance for you. Have you signed any such papers since the time you referred to during World War II when you were fingerprinted, to your best knowledge?

Mr. PARRISH. Well, Senator, I may or may not have, but I think I have to decline to testify against myself.

Senator JACKSON. You are invoking the Fifth Amendment?

Mr. PARRISH. Yes, sir.

Senator JACKSON. Have you engaged in confidential or classified work during the past several years and are you so engaged at the present time?

Mr. PARRISH. That I can't answer. I don't think I have. I don't know. I told you before I didn't know exactly what would be classified.

Senator JACKSON. Have you been told that the work is of a classified nature?

Mr. PARRISH. No.

Senator MUNDT. Do you know who the tanker is going to belong to that you are working on now?

Mr. PARRISH. No, sir, I do not, sir. I don't know whether it is a Gulf Oil or Greek Company.

Senator JACKSON. Have you ever engaged in sabotage?

Mr. PARRISH. No, sir.

Senator JACKSON. Espionage?

Mr. PARRISH. No, sir.

Senator MUNDT. Have you ever attended a Communist meeting?

Mr. PARRISH. I will have to decline to answer that on the grounds of the Fifth Amendment.

Senator MUNDT. Did you consider that the Communist party does engage in sabotage and espionage?

Mr. PARRISH. Senator, I will have to decline to answer that on the grounds of the Fifth Amendment.

Senator MUNDT. Do you think that a man who belongs to the Communist party should have the right to work on government work of a classified nature?

Mr. PARRISH. Senator, I will have to decline to answer that on the grounds of the Fifth Amendment.

The CHAIRMAN. We will allow you to refuse on the grounds of the Fifth Amendment. It is an opinion question. If you prefer not to give your opinion to that—what do you say, John?

Senator MCCLELLAN. All right.

The CHAIRMAN. We will allow you to refuse.

Senator MCCLELLAN. I want you to talk loud enough to be heard. I don't think you have any physical disability so that you can't talk.

On August 8, 1945, or about that date, were you at a secret Communist meeting at the Ritz Plaza in Boston?

Mr. PARRISH. Senator, I will have to decline to answer that on the grounds of the Fifth Amendment not to testify against myself.

Senator MCCLELLAN. I will ask you further if Donald Tormay, the international representative of the UE was present on that occasion and if he acted as chairman, of that meeting?

Mr. PARRISH. Same answer, Senator, I will have to refuse to testify against myself.

Senator MCCLELLAN. Did he also speak—Donald Tormay speak at that meeting? Did he address the group?

Mr. PARRISH. Same answer. I refuse to testify against myself on the grounds of the Fifth Amendment.

Senator MCCLELLAN. All right, I will ask you if at that time, at that meeting if he didn't say, and I am talking about Donald Tormay, that the purpose of the Communist party was to infiltrate basic industries such as shipbuilding, railroad, electrical and steel in order to get control of the heart of the industrial power of the United States. Did you hear such language or imported language used on that date or about that date, whenever the meeting was held?

Mr. PARRISH. Senator, I will have to decline to answer that question on the grounds of the Fifth Amendment.

Senator MCCLELLAN. Why do you decline to answer?

Mr. PARRISH. The answer to that question might be a link in a chain of evidence.

Senator MCCLELLAN. Let me ask you this. I will make it very specific. I think you have a duty to answer this question. Did you state under oath that you honestly believe that if you answered the question I have just asked you, that if you answered truthfully that the answer and truth given in those answers might tend to incriminate you?

Mr. PARRISH. Senator, they might be a link in a chain of evidence against me.

Senator McCLELLAN. I didn't ask you that. I am asking you if you honestly believe and will you state under oath if you had answered these questions and answered them truthfully that the truthful answer might tend to incriminate you?

Mr. PARRISH. I will have to decline to answer that, Senator.

Senator McCLELLAN. I am not going to let you if I can prevent it. I am going to ask the chairman to order you to answer. We are entitled to have that.

The CHAIRMAN. If you refuse to answer Senator McClellan's question, if you refuse to tell him whether or not you think a truthful answer might tend to incriminate you, then you will be ordered to answer all the questions which you have refused to answer. You have no right to refuse to answer a question unless you feel a truthful answer might tend to incriminate you. You cannot refuse to answer if you think perjury will incriminate you, so that Senator McClellan made the completely accurate point that if you refuse to answer this question, then you have no right under the Fifth Amendment to refuse to answer all the questions and you will be ordered to answer them.

Mr. PARRISH. Well, Senator, I already stated that I feel an answer to the question might be a link in a chain of evidence.

Senator JACKSON. It is not an answer. It must be a truthful answer.

Senator McCLELLAN. I am asking you again. I know you understand the import of it. Do you honestly believe if you gave a truthful answer under oath to these questions that those answers might tend to incriminate you. Do you honestly believe that? You know what that means.

Mr. PARRISH. I don't understand, Senator.

Senator McCLELLAN. I thought I made myself clear. You understand the difference between truth and falsehood?

Mr. PARRISH. I hope so.

The CHAIRMAN. You hope so. Do you?

Senator McCLELLAN. I am asking you if you honestly believe, and you alone can answer that question—

The CHAIRMAN. John, let him answer my question first. You said, "I hope so." That is no answer to Senator McClellan.

Mr. PARRISH. I do know, Senator.

Senator McCLELLAN. You say you know the difference between truth and falsehood and I am asking you the question if you honestly believe that if you gave a truthful answer to the questions, these answers might tend to incriminate you?

I would like for the record to show the long silence of the witness.

Mr. PARRISH. That is right, sir. I don't exactly—

Senator McCLELLAN. You don't exactly what? You do understand. You are bound to understand it. You are not that dumb. You know whether you honestly believe that if you gave a truthful answer to those questions which have been asked you—that you have invoked the Fifth Amendment on, whether in your judgment those truthful answers might tend to incriminate you. That is all I am asking you.

Mr. PARRISH. You are asking me what I believe. I stated before they might.

Senator McCLELLAN. I am asking you if you honestly believe if you gave truthful answers to those questions, those answers might incriminate you. That is just as simple. A four-year-old child would understand. You can either answer or you will be ordered to answer all the questions you invoked the Fifth Amendment on.

The CHAIRMAN. In view of the fact that you haven't a lawyer, let me again explain that any invocation of the Fifth Amendment just because you don't want to answer is frivolous and makes you in contempt of the committee; only when you believe a truthful answer might tend to incriminate you can you invoke the Fifth Amendment. Senator McClellan is asking you the question to see if you have properly invoked the Fifth Amendment, whether you are entitled to invoke it. Either answer the question, if not you are ordered to answer all the questions on which you invoked the Fifth Amendment. I cannot order you to tell the senator whether or not you believe your answer might tend to incriminate you, but if you don't, you will have to answer the other questions as you would have no rights under the Fifth Amendment.

I am getting impatient with you. The senator has been trying for half an hour to get a simple answer from you. I will give you exactly one minute to answer.

Mr. PARRISH. Senator, can I ask a question? If I answer that question, do I waive my privilege?

Senator McCLELLAN. You have got to answer that question in order to obtain the privilege.

Senator JACKSON. In other words, you can't invoke the Fifth Amendment because you don't want to answer. You have to state that if you give a truthful answer it might tend to incriminate you. Don't you understand that, Mr. Parrish.? You can't invoke the Fifth Amendment for your own desire.

Mr. PARRISH. I will not waive the privilege by answering that question?

Senator JACKSON. That is the basis for invoking the Fifth Amendment; otherwise, you can't invoke it unless you answer that question truthfully.

The CHAIRMAN. Your time is running out, I am not going to sit here all day.

Mr. PARRISH. Repeat the question, please.

Senator McCLELLAN. I will repeat it one more time. Do you honestly believe that if you answered these questions on which you have invoked the Fifth Amendment; that if you answered them truthfully that the answer so given might tend to incriminate you.

Mr. PARRISH. The way I look at it, an answer to that question will incriminate me. I don't understand.

Senator McCLELLAN. You mean if you admit telling the truth, it will incriminate you?

I am trying to determine whether you are invoking the Fifth Amendment just as pretext or whether you are invoking it in good faith, invoking it because you honestly believe if you told the truth in answer to the questions, that information you had divulged might tend to incriminate you.

Mr. PARRISH. Well, I honestly believe it, yes, sir.

Senator McCLELLAN. Why have you taken so long?

Mr. PARRISH. I don't know, Senator. I don't know what my rights are.

The CHAIRMAN. The last time you were here you got up and made quite a show; said you were the wrong man.

Mr. PARRISH. Senator, I wish to correct that. I did not say I was the wrong man. I simply said my name wasn't Lawrence T. Parrish. That is all I got a chance to show.

The CHAIRMAN. For the record, a man identified pictures taken in 1934, Teto knew him as a Communist and identified him as a member of the Communist party.

Senator McCLELLAN. I hand you here a photostatic copy of page 3 of the *Shipbuilder*, dated Wednesday, October 17, 1945, which has approximately a half-page photograph of seven men. I ask you to look at that photograph and ask you if you can identify any of them; if you know who they are?

Do you recognize any of the seven persons in the photograph—or in the picture to be more accurate?

Mr. PARRISH. It is a picture of a grievance committee that I served on.

Senator McCLELLAN. It is a picture of a grievance committee you served on in the union?

Mr. PARRISH. Yes, sir.

Senator McCLELLAN. Do you recognize any of them by name?

Mr. PARRISH. Yes, sir.

Senator McCLELLAN. Do you recognize all of them?

Mr. PARRISH. I recognize all of them.

Senator McCLELLAN. Are their names correctly printed under the picture there?

Mr. PARRISH. They are, sir. I guess. I think they are correct.

Senator McCLELLAN. Is it correct with respect to the first man on the bottom row starting from the left?

Mr. PARRISH. That is my nickname.

Senator McCLELLAN. Is that a picture of you, the first one seated on the left? That is you, isn't it?

Mr. PARRISH. Yes.

Senator McCLELLAN. That is a picture of you and the grievance committee you served on at that time, is that correct?

Mr. PARRISH. That is right.

Senator McCLELLAN. Are any of those other six members of the Communist party and were they members at that time?

Mr. PARRISH. I decline to answer that, Senator, on the grounds of the Fifth Amendment.

Senator McCLELLAN. Were you at that time a member of the Communist party?

Mr. PARRISH. I decline to answer that on the grounds of the Fifth Amendment.

Senator McCLELLAN. Do you honestly believe that if you gave a truthful answer to those two questions that the answer might tend to incriminate you?

Mr. PARRISH. It might be a link in a chain that could incriminate me, yes,

Senator McCLELLAN. You are pretty convincing. I will say that, sir.

The CHAIRMAN. Let the record show Mr. Teto identified the man named Larry Parrish on this picture marked with an x as the Larry Parrish who is a member of the Communist party.

One further question. Why did you stand up and tell—

When you told Senator Mundt you were the wrong man; that the committee had made a mistake and gave your conference to the press; told them we had the wrong man, was there any doubt in your mind that you were the right man; that you were a member of the Communist party and you were the man we were looking for?

Mr. PARRISH. Senator, I did not say I was the wrong man.

I said I was not the man named under subpoena.

The CHAIRMAN. Was there any doubt in your mind that you were the man we were trying to get, even though the middle initial was different from yours?

Mr. PARRISH. The last name was spelled wrong, Senator.

The CHAIRMAN. Was there any doubt in your mind that you were the man we were trying to get down here to testify?

Mr. PARRISH. Senator, I don't know what you wanted me down here to testify for.

The CHAIRMAN. Didn't you know you were being called down here to testify in regard to Communist activities?

Mr. PARRISH. I had a telegram sent saying my name might be mentioned adversely.

The CHAIRMAN. You will be dismissed for the time being. Consider yourself under subpoena. We will let you know when we need you again.

[Whereupon, the hearing adjourned at 12:10 p.m.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

[EDITOR'S NOTE.—In 1953, the testimony of Joseph D. Mazzei (1917–2000) had helped convict five Communist party leaders in Pittsburgh for conspiracy to violate the Smith Act. While testifying in a later case, however, Mazzei was caught lying about whether the FBI had arranged for him to infiltrate the army, how much the bureau had paid him, and about his previous arrest and conviction. Nor could his allegations of sabotage and espionage be corroborated. In 1956, the U.S. solicitor general concluded that Mazzei's "untrue statements might have been caused by a psychiatric condition" and the Supreme Court voted 5–3 to order a new trial for the Pittsburgh defendants. Writing for the majority, Chief Justice Earl Warren declared that Mazzei's testimony had been "wholly discredited by the disclosures by the Solicitor General."

Joseph O. Mattson; Waino E. Suokko (1905–1986); Waino S. Nisula (1902–1982); Louis Passikoff (1915–1971); and Joseph Mazzei testified at a public hearing on August 12, 1954. Mary Mazzei did not testify publicly. As a consequence of invoking the Fifth Amendment during their testimony Joseph Mattson, Waino Suokko, Waino Nisula, and Louis Passikoff lost their jobs at General Electric.]

WEDNESDAY, AUGUST 11, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met (pursuant to Senate Resolution 189, agreed to February 2, 1954) at 2:30 p.m., room 357, Senate Office Building, Senator Joseph R. McCarthy presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator John L. McClellan, Democrat, Arkansas; Senator Stuart Symington, Democrat, Missouri.

Present also: Francis P. Carr, executive director; Robert F. Kennedy, counsel to the minority; James N. Juliana, investigator; Ruth Young Watt, chief clerk.

TESTIMONY OF JOSEPH O. MATTSON

The CHAIRMAN. Will you raise your right hand? In the matter now in hearing before this committee, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MATTSON. I do.

Mr. CARR. Your name is Joseph O. Mattson?

Mr. MATTSON. That is right.

The CHAIRMAN. First, let me say, you understand, of course, you are entitled to have counsel if you want counsel and advise with him during this hearing?

Mr. MATTSON. Uh huh.

The CHAIRMAN. Otherwise, we will proceed.

Mr. CARR. And you live at 153 High Street, Fitchburg, Massachusetts?

Mr. MATTSON. That is right.

Mr. CARR. And you are a toolmaker at the General Electric plant at Fitchburg?

Mr. MATTSON. That is right.

Mr. CARR. When did you begin employment with General Electric?

Mr. MATTSON. About twelve years ago.

Mr. CARR. July 28, 1942? Is that pretty close?

Mr. MATTSON. That is right, yes sir.

Mr. CARR. What do you do as a toolmaker?

Mr. MATTSON. I make tools.

Mr. CARR. For what?

Mr. MATTSON. Well, it is various types of pieces for production work.

Mr. CARR. Do the men in the plant come to your tool shed to pick up their tools?

Mr. MATTSON. Well, we are given the artist's design, so to speak, of what kind of tool is needed and I proceed to make it.

Mr. CARR. It isn't a question of their coming to you to check out tools?

Mr. MATTSON. No.

Mr. CARR. Where were you born?

Mr. MATTSON. I was born in Springfield, Ohio.

Mr. CARR. What year and the date?

Mr. MATTSON. April 5, 1914.

Mr. CARR. Are you a member of any union?

Mr. MATTSON. No, I am not now.

Mr. CARR. Were you in the past?

Mr. MATTSON. Yes, I was.

Mr. CARR. What union was that?

Mr. MATTSON. United Electrical Workers Union.

Mr. CARR. Did you ever hold a position in that union?

Mr. MATTSON. Yes, I did.

Mr. CARR. Were you a shop steward, or what position did you hold?

Mr. MATTSON. I was vice-president, secretary, and department steward at various times.

Mr. CARR. Mr. Mattson, have you ever been a member of the Communist party?

Mr. MATTSON. I wish to invoke the Fifth Amendment privilege on that question, sir.

The CHAIRMAN. Let me ask you this then—of course, you can invoke the Fifth if you care to on this.

Are you a member of the Communist party today?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that question, sir.

The CHAIRMAN. You understand, of course, when you invoke the Fifth Amendment you are telling us the answer might tend to incriminate you. You are in effect telling the world you are a member of the Communist party. I would suggest this since you have got no lawyer here. Give this matter some serious thought and if you

are not a member of the Communist party, say no. If you are, of course, you have a right to invoke the Fifth Amendment.

You want to invoke the Fifth Amendment, do you?

Mr. MATTSON. Yes, sir.

The CHAIRMAN. I am going to leave now to go over to the floor of the Senate. We will want you back here tomorrow morning at 10:30 and Frank will tell you what room.

Mr. Carr has some more questions to ask you.

Mr. CARR. Mr. Mattson, were you a member of the Montachusets Club of the Communist party in Fitchburg?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that.

Mr. CARR. Do you know a man named William Teto?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that.

Mr. CARR. When you were treasurer and secretary of the UE union at General Electric, what was that year? Do you recall what year that was?

Mr. MATTSON. I don't know.

Mr. CARR. Was it during the '40s?

Mr. MATTSON. It was during the '40s, possibly 1944 or 1945. I don't remember exactly, sir.

Mr. CARR. Did you ever have a Communist party membership card?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that, sir.

Mr. CARR. Do you know a man named Emanuel Blum?

Mr. MATTSON. I wish to invoke the Fifth Amendment, sir, on that question.

Mr. CARR. Did Blum order you to work harder to organize Communist cells in the General Electric plant at Fitchburg?

Mr. MATTSON. I will have to invoke the Fifth Amendment on that question, sir.

Mr. CARR. Did Blum ever ask you to furnish him with any list of persons engaged in the General Electric plant at Fitchburg?

Mr. MATTSON. I will have to invoke the Fifth Amendment on that, sir.

Mr. CARR. Mr. Mattson, did you ever discuss the work of the General Electric Company at Fitchburg with any members of the Communist party or persons known—

Mr. MATTSON. I will have to invoke the Fifth Amendment on that, sir.

Mr. CARR. Or persons known to you to be members of the Communist party?

Mr. MATTSON. I will have to invoke the privilege, sir.

Mr. CARR. What is your wife's name, Mr. Mattson?

Mr. MATTSON. Her name is Lina,

Mr. CARR. How do you spell that?

Mr. MATTSON. L-i-n-a.

Mr. CARR. Is your wife a member of the Communist party?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that, sir.

Mr. CARR. Do you have any brothers?

Mr. MATTSON. Yes, I do.

Mr. CARR. How many do you have?

Mr. MATTSON. I have one brother.

Mr. CARR. What is his name?

Mr. MATTSON. Matti.

Mr. CARR. M-a-t-t-i?

Mr. MATTSON. Yeah.

Mr. CARR. Is your brother Matti a member of the Communist party?

Mr. MATTSON. I wish to invoke the Fifth on that, sir.

Mr. CARR. Do you know whether or not your brother fought for the Spanish Loyalists in Spain?

Mr. MATTSON. I wish to invoke the Fifth on that, sir.

Mr. CARR. Have you ever committed espionage for the Communist party?

Mr. MATTSON. I wish to invoke the Fifth on that, sir.

Mr. CARR. Are you engaged in espionage at the present time?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that, sir.

Mr. CARR. Have you ever committed sabotage for the Communist party?

Mr. MATTSON. I wish to invoke the Fifth on that, sir.

Mr. CARR. If you were instructed by the Communist party to commit espionage or sabotage, would you follow that instruction?

Mr. MATTSON. I would not, sir.

Mr. CARR. You would not?

Mr. MATTSON. I would not, sir.

Mr. CARR. Let me ask you again then: Have you committed sabotage or espionage for the Communist party?

Mr. MATTSON. Sir, I wish to invoke the Fifth Amendment on that question.

Mr. CARR. Are you presently engaged in espionage for the Communist party?

Mr. MATTSON. I will invoke the Fifth Amendment on that question, sir.

Mr. CARR. To what club of the Communist party or branch do you now belong?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that question, sir.

Mr. CARR. In your position at the plant, what access do you have to the plant? You work in the tool department?

Mr. MATTSON. The tool making department.

Mr. CARR. Are you cleared for any classified work?

Mr. MATTSON. I don't know of any classified work, sir.

Mr. CARR. If it is classified, you don't know it?

Mr. MATTSON. I don't know, no, sir.

Mr. CARR. Do you have access to any other portion of the plant?

Mr. MATTSON. No, sir. I stay in my own department. I have no reason to go in others.

Mr. CARR. But you could if you wanted to? If you wanted to go to other portions of operation, could you go? I mean off duty hours, relief or lunch?

Mr. MATTSON. Probably that. The only reason I would go would be because I was called to repair some tool or fixture that had broken down at the department of operation; then I might go if I am called to go.

Mr. CARR. Do you know any Communists engaged or employed at the General Electric Plant at Fitchburg?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that question, sir.

Mr. CARR. Do you recall a meeting of a group of Communist party persons at the home of Alfred Haase?

Mr. MATTSON. I wish to invoke the Fifth on that question, sir.

Mr. CARR. Did you ever attend a Communist party meeting at the home of Alfred Haase?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that question, sir.

Mr. CARR. Do you know Alfred Haas?

Mr. MATTSON. I wish to invoke the Fifth Amendment.

Mr. CARR. Do you know Hugh DeGregori?

Mr. MATTSON. Fifth Amendment, sir.

Mr. CARR. Link Gammon?

Mr. MATTSON. Fifth Amendment, sir.

Mr. CARR. Do you know a man named Waino Suokko, W-a-i-n-o S-u-o-k-k-o?

Mr. MATTSON. Fifth Amendment, sir.

Mr. CARR. You understand that there is nothing wrong with knowing Suokko?

Mr. MATTSON. I don't know what you are driving at from the question, sir.

Mr. CARR. At a meeting at Alfred Haas' home in 1947, November 20, 1947, or thereabouts, was it expressed that Suokko was defeated for election in the union at the General Electric Plant because of so-called "Red issue"?

Mr. MATTSON. Fifth Amendment, sir.

Mr. CARR. Do you know a man by the name of Isadore Silverman?

Mr. MATTSON. Fifth Amendment, sir.

Mr. CARR. Did you ever attend Communist party meetings or meeting at his home?

Mr. MATTSON. Fifth Amendment, sir.

Mr. CARR. Now, could we just have a little background.

You say you were born in Springfield, Illinois, or was it Ohio, or Massachusetts? Which was it?

Mr. MATTSON. Ohio.

Mr. CARR. And what education do you have?

Mr. MATTSON. I went up to the junior year of high school.

Mr. CARR. In what city?

Mr. MATTSON. Fitchburg High School.

Mr. CARR. And do you believe that the Communist party is dedicated to the overthrow of this government by force and violence?

Mr. MATTSON. I wish to invoke the Fifth Amendment on that question, sir.

[Witness excused.]

The CHAIRMAN. Will you just raise your right hand and be sworn, sir.

In the matter now in hearing before this committee, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SUOKKO. I do, yes, sir.

TESTIMONY OF WAINO E. SUOKKO

The CHAIRMAN. You understand you are entitled to have counsel if you want counsel?

Mr. SUOKKO. Yes, sir. Could I ask one question?

The CHAIRMAN. You certainly may.

Mr. SUOKKO. I am not quite clear. If this is going to be just a one-man committee—

The CHAIRMAN. I am the only senator here now.

Mr. CARR. Would you state your full name for the record, please?

Mr. SUOKKO. [No answer.]

Mr. CARR. Do you have any difficulty hearing, sir?

Mr. SUOKKO. A little bit.

The CHAIRMAN. The question is: State your full name.

Mr. SUOKKO. Waino E. Suokko.

Mr. CARR. S-u-o-k-k-o?

Mr. SUOKKO. That is right.

Mr. CARR. And you are employed as a drill press operator at General Electric, Fitchburg?

Mr. SUOKKO. Right.

Mr. CARR. You live on New Ipswich Road, Ashby, Massachusetts?

Mr. SUOKKO. Right.

Mr. CARR. And you have been employed by the General Electric since 1942?

Mr. SUOKKO. Yes, sir.

Mr. CARR. Did you at one time live in Newport, New Hampshire?

Mr. SUOKKO. Yes, sir.

Mr. CARR. What was the number of the street you lived on?

Mr. SUOKKO. Well, I lived on several different streets.

Mr. CARR. Did you ever live at 76 Winter Street?

Mr. SUOKKO. Yes, but that—I think it was—

Mr. CARR. 1936?

Mr. SUOKKO. No, I lived on Canterbury Street

Mr. CARR. Did you ever live on Winter Street?

Mr. SUOKKO. Yes.

Mr. CARR. Would that be about 1936?

Mr. SUOKKO. Could be.

Mr. CARR. Could you identify this as your signature?

Before you do, I want you to see the other side. I might say this is a copy of the nomination papers and a pledge on your part, or the part of the signer by the name of Waino Suokko, in support of Earl Browder and James Ford for president and vice president of the United States.

Is that your signature, sir?

Mr. SUOKKO. I shall invoke the Fifth Amendment on that.

Mr. CARR. As to whether or not that is your signature?

Mr. SUOKKO. Yes.

Mr. CARR. Did you in 1936 sign nomination papers for Earl Browder and James Ford of the Communist party?

Mr. SUOKKO. I shall invoke the Fifth Amendment on that.

The CHAIRMAN. In other words, you feel if you were to answer that question your answer might tend to incriminate you?

Mr. SUOKKO. That is correct.

Mr. CARR. What is your wife's name?

Mr. SUOKKO. Limpi.

Mr. CARR. L-i-m-p-i?

Mr. SUOKKO. That is correct.

Mr. CARR. Would you recognize her handwriting?

Mr. SUOKKO. I don't know.

Mr. CARR. I will just ask you one question concerning that. Do you recognize the handwriting directly under yours on this paper as that of your wife, Limpi Suokko?

Mr. SUOKKO. I refuse to answer that also on the basis of the Fifth Amendment.

Mr. CARR. Are you a member of the Communist party today?

Mr. SUOKKO. No, sir.

Mr. CARR. Have you ever been a member?

Mr. SUOKKO. I shall invoke the Fifth Amendment on that.

The CHAIRMAN. Were you a member of the Communist party yesterday?

Mr. SUOKKO. No, sir.

The CHAIRMAN. How about a year ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Two years ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Three years ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Four years ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Five years ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Six years ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Seven years ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Eight years ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Nine years ago?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Ten years ago?

Mr. SUOKKO. I invoke the Fifth Amendment.

The CHAIRMAN. In other words, you invoke the Fifth Amendment as to whether you were a Communist in 1944. Is that it?

Mr. SUOKKO. Correct.

The CHAIRMAN. But in 1945 you say you were not?

Mr. SUOKKO. Correct.

The CHAIRMAN. Could I give you a bit of advice, in view of the fact you don't have a lawyer here.

You say you haven't been a Communist for ten years. That must mean you found something wrong with the Communist party and broke with it. If you did, if you found there was something wrong with that party, we all know now, I believe, including you, that the Communist party is dedicated to the bloody destruction of this country. You could be of benefit to the FBI, to the Justice Department and this committee if you would give all the information you have. Some people don't like this committee; some people don't like the chairman and don't want to give information to this committee. If you would want to give information to the FBI, to the Justice Department, that is—

Mr. SUOKKO. I have already talked with the FBI.

The CHAIRMAN. Have you given them all the information about Communists you know?

Mr. SUOKKO. I refuse to answer that on the basis of the Fifth Amendment.

The CHAIRMAN. In other words, the FBI tried to get information from you and you refused to give it?

Mr. SUOKKO. I am not saying that.

The CHAIRMAN. Isn't that the truth?

Mr. SUOKKO. No. I am not saying that. I am saying I invoke the Fifth Amendment.

Mr. CARR. When were you contacted by the FBI?

Mr. SUOKKO. I refuse to answer that on the basis of the Fifth Amendment.

The CHAIRMAN. You will be ordered to answer that because you told us you had been contacted by the FBI, so you have waived the Fifth Amendment insofar as that is concerned. So you will be ordered to answer that question.

Mr. SUOKKO. What?

The CHAIRMAN. Let me explain it again. You told us you had talked to the FBI.

Mr. SUOKKO. That is correct.

The CHAIRMAN. Therefore, you have waived the Fifth Amendment privilege insofar as the time and place of that conversation is concerned.

Therefore, you are ordered to answer Mr. Carr's question as to when you contacted or were contacted by the FBI. And I will inform you now for your own protection that if you refuse to answer that I will ask the committee to cite you for contempt and send your case to the grand jury. Whether the committee will agree, I don't know, but I tell you for your own protection.

I have also told you that you were entitled to counsel. You are getting into a situation where you may get in grave difficulty.

Mr. SUOKKO. I can't remember.

The CHAIRMAN. You can't remember?

Mr. SUOKKO. That is correct.

The CHAIRMAN. Do you know whether it was five years ago, or more?

Mr. SUOKKO. I can't remember. It was years ago. I have got no exact memory of any years.

The CHAIRMAN. Give us an estimate then. You told us you were afraid to answer that because it might tend to incriminate you. Now, you are saying you can't remember, and that couldn't possibly incriminate you, so Mister, you had better think a bit. The Fifth Amendment is not to be played with. It cannot be frivolously invoked.

You just got through telling us if you were to answer when the FBI contacted you, it might tend to incriminate you. Did you honestly believe that when you told us that?

Mr. SUOKKO. Well, it may incriminate me in that your next question may be "what did you tell them; who did you tell them?"

The CHAIRMAN. You are ordered to answer when they contacted you.

Mr. SUOKKO. I can't remember.

The CHAIRMAN. Did they contact you or did you contact them?

Mr. SUOKKO. I will have to think about that.

I don't remember.

The CHAIRMAN. All right. Think about it. I suggest maybe you think rather hard.

Mr. SUOKKO. I think the way it happened—yes, I think they did contact me. That is correct.

The CHAIRMAN. In other words, they came to see you?

Mr. SUOKKO. That is correct.

The CHAIRMAN. They came to see you?

Mr. SUOKKO. I wasn't at home at the time they came so they came some other place where I was.

The CHAIRMAN. Did they find you?

Mr. SUOKKO. Yes, they found me, so I had a talk.

The CHAIRMAN. Did you talk where you were or did they take you down to headquarters?

Mr. SUOKKO. They didn't take me anywhere. They let me understand it was up to me whether I wanted to answer or not.

The CHAIRMAN. Did they ask you about the Communist party?

Mr. SUOKKO. I presume they did.

The CHAIRMAN. You presume they did. Do you remember?

Mr. SUOKKO. Yeah.

The CHAIRMAN. In other words, they asked you whether or not you were a Communist?

Mr. SUOKKO. Yes, but I refused to answer that.

The CHAIRMAN. I am not asking you what you told them. I am asking you whether they asked you if you were a Communist?

Mr. SUOKKO. Yes, they did.

The CHAIRMAN. Do you know where you were contacted?

Mr. SUOKKO. What is that?

The CHAIRMAN. Where were you contacted?

Mr. SUOKKO. I think it was my next door neighbors'.

The CHAIRMAN. You don't remember the year.

Mr. SUOKKO. That is correct.

The CHAIRMAN. About how many years ago?

Mr. SUOKKO. Probably 1947 or 1948, somewhere.

The CHAIRMAN. Did you refuse to give them names of members of the Communist party?

Mr. SUOKKO. Now, just a minute. I invoke the Fifth Amendment. I don't see how you can ask me that question.

The CHAIRMAN. You are entitled to invoke the Fifth Amendment. Did you give them information about the Communist conspiracy?

Mr. SUOKKO. I also invoke the Fifth Amendment on that question.

The CHAIRMAN. Have you ever engaged in espionage?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Have you ever engaged in any sabotage?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Have you attended a Communist party meeting in the last ten years?

Mr. SUOKKO. No, sir.

The CHAIRMAN. Did you attend Communist party meetings in 1944?

Mr. SUOKKO. I invoke the Fifth Amendment on that one.

The CHAIRMAN. Will you tell us why you dropped out of the Communist party?

Mr. SUOKKO. Okay, I will tell you. I was never active. I never wanted to spread any propaganda.

The CHAIRMAN. In other words, you say you were never active in the party and decided to drop out.

Mr. SUOKKO. Yes, sir.

The CHAIRMAN. I am not your lawyer, but you will be called in public session tomorrow and I would suggest that you decide to either tell the staff of this committee or tell me or tell the FBI what you know about the Communist conspiracy. You and I know that the Communists have overrun nearly half the world. You and I know they have enslaved over seven hundred million people. Apparently you became dissatisfied with them or you wouldn't have dropped out of the party. You would perform a great service to yourself if you would decide to very frankly and freely give information. You are not bound by any rules not to give the names of co-conspirators. As far as you are concerned, if you haven't belonged for ten years, the statute has run, hasn't it Frank?

Mr. CARR. Yes, but we have other information. We have information that he belonged to the Montachusets Club of Fitchburg, Massachusetts.

The CHAIRMAN. Did you ever belong to the Communist Political Association?

Mr. SUOKKO. I refuse to answer that on the basis of the Fifth Amendment.

The CHAIRMAN. Did you belong to that in 1945?

Mr. SUOKKO. I refuse to answer that.

The CHAIRMAN. So when you said—

Mr. SUOKKO. Look, I can't remember dates. It is too damn far back.

The CHAIRMAN. You said you weren't a member of the Communist party in 1945.

You, of course, know that the Communist Political Association was the Communist party for a number of years. Now, I ask you if you belonged to the Communist Political Association?

Mr. SUOKKO. I don't remember.

The CHAIRMAN. You don't remember whether you belonged to it or not?

Mr. SUOKKO. I don't remember.

The CHAIRMAN. In other words, you don't recall ever having belonged to the Communist Political Association?

Mr. SUOKKO. I refuse to answer on the basis of the Fifth Amendment.

The CHAIRMAN. You can't refuse. You just told me. I am just firming up your question. You said you didn't remember, so you have waived the Fifth Amendment privilege. I ask you now if it is your testimony that you don't remember ever having belonged to the Communist Political Association, and you will be ordered to answer that question because you have waived the Fifth Amendment on that.

Mr. SUOKKO. I said I don't remember. I don't remember the names of parties or anything else. You are asking me questions about things that happened ten years ago. Maybe it happened—

The CHAIRMAN. You don't have any recollection?

Mr. SUOKKO. I don't know party associations; besides I don't care.

The CHAIRMAN. Then you had no connection with the Communist party, Communist Political Association or any Communist clubs after 1944, is that right?

Mr. SUOKKO. I think I stated that before.

The CHAIRMAN. Well, is that correct?

Mr. SUOKKO. It is hard for me to remember.

The CHAIRMAN. In other words, you don't know whether you had any Communist party connections after 1944?

Mr. SUOKKO. Look, this I do know that I was never active or took part in any of their activities. As far as dates are concerned, that is something I can't answer.

The CHAIRMAN. Being a member of the Communist party is something of importance and you should be able to give us an estimate of the year.

Now, let's go a year later. Can you truthfully say you had no connections with the Communist party or Communist Political Association or any Communist club in 1945 or thereafter?

Mr. SUOKKO. Yes.

The CHAIRMAN. You had no connection?

Mr. SUOKKO. That is correct.

The CHAIRMAN. You are sure of that?

Mr. SUOKKO. I am absolutely sure of that.

Mr. CARR. You say that you never were a member of the Montachusets Communist Party Club?

Mr. SUOKKO. I don't remember the name.

Mr. CARR. You were never a member of the Montachusets Club?

Mr. SUOKKO. I don't remember the name, I said.

Mr. CARR. Do you know a man named Alfred Haase?

Mr. SUOKKO. I don't seem to remember the name.

Mr. CARR. Do you know a man by the name of Hugh DiGregori?

Mr. SUOKKO. I say I can't remember any names that far back.

Mr. CARR. Were you an official in your union?

Mr. SUOKKO. Yes, sir.

Mr. CARR. What was your union?

Mr. SUOKKO. UE.

Mr. CARR. What was your job?

Mr. SUOKKO. I was chief steward in 1945.

Mr. CARR. At the Fitchburg plant?

Mr. SUOKKO. That is correct.

Mr. CARR. And did you receive the support of the Communist group at that time?

Mr. SUOKKO. I refuse to answer that on the basis of the Fifth Amendment.

[Senator Stuart Symington took over as acting chairman, and Senator Joseph R. McCarthy left to go to the floor of the Senate.]

Mr. CARR. Briefly, what does your job entail?

Mr. SUOKKO. Well, it is drilling and tapping small parts.

The Acting CHAIRMAN. Is it multiple spindlers?

Mr. SUOKKO. Single spindler.

Mr. CARR. And are you presently a shop steward?

Mr. SUOKKO. I have no connections with no unions at all.

Mr. CARR. Not now at the present time?

Mr. SUOKKO. No.

Mr. CARR. What section of the plant do you work at?

Mr. SUOKKO. They call it the miscellaneous department.

Mr. CARR. That includes doing the type of work you are doing and other work?

Mr. SUOKKO. Machining miscellaneous small parts.

Mr. CARR. Do you have access to other parts of the plant?

Mr. SUOKKO. No, sir.

Mr. CARR. When you say "no, sir," do you mean that you are restricted to this one area?

Mr. SUOKKO. No, I am not restricted.

Mr. CARR. In order to go to the other departments, if you wanted to see someone, you have to ask your foreman? You can do that?

Mr. SUOKKO. You can do that, oh, yes. We have got nothing that is secret in the plant.

Senator SYMINGTON. Could I ask the witness some questions?

Are you a member of the Communist party?

Mr. SUOKKO. I refuse to answer on the basis of the Fifth Amendment.

Senator SYMINGTON. Have you ever been a member of the Communist party?

Mr. SUOKKO. I also refuse to answer that on the basis of the Fifth Amendment.

Senator SYMINGTON. What do you do? What do your parts go into?

Mr. SUOKKO. I imagine the biggest part of them go in turbines.

Senator SYMINGTON. Do you know whether or not the turbines are classified?

Mr. SUOKKO. No, I don't.

Senator SYMINGTON. So you take the Fifth Amendment now as to whether or not you are a member of the Communist party?

Mr. SUOKKO. I said I am not a member of the Communist party.

Senator SYMINGTON. You said you were not?

Mr. SUOKKO. I told him [referring to Mr. Carr] once.

Senator SYMINGTON. Have you ever been a member?

Mr. SUOKKO. I refuse to answer that on the basis of the Fifth Amendment.

Senator SYMINGTON. If you were a member, what year did you leave?

Mr. SUOKKO. I refuse to answer that on the basis of the Fifth Amendment.

Senator SYMINGTON. But you are not a member now, is that correct?

Mr. SUOKKO. That is right.

Mr. CARR. You wish the record to stand that way. You previously said you have not been a member of the Communist party since 1944.

Mr. SUOKKO. I haven't said that.

Mr. CARR. All right. You previously said you were not a member of the Communist party for the last ten years.

Mr. SUOKKO. Maybe I did, I don't know.

Mr. KENNEDY. Is that the truth?

Mr. SUOKKO. Is it true? Yeah, of course it is. What are you asking me now?

Mr. KENNEDY. Have you been a member of the Communist party in the past ten years?

Mr. SUOKKO. No, sir.

Mr. KENNEDY. You have not?

Mr. SUOKKO. No, sir.

Mr. KENNEDY. Then you don't wish to invoke the Fifth Amendment as to that portion of the question just asked you?

Mr. SUOKKO. What portion?

Mr. CARR. You see the record is confused at this point because you have said, first, that you have not been a member of the Communist party, at least during the last ten years, but you have also taken the Fifth Amendment as to membership in the Communist party during that period.

Mr. Kennedy wants to know which part is true. Have you been a member of the Communist party in the last ten years?

Mr. SUOKKO. No.

Senator SYMINGTON. That clears that up.

Mr. CARR. On the question of the FBI situation, I want to make it very clear. You have never been to the FBI and offered to tell them what you know about the Communist party, if anything?

Mr. SUOKKO. I refuse to answer that on the basis of the Fifth Amendment.

Senator SYMINGTON. Did you know that you could have a lawyer here?

Mr. SUOKKO. I was aware of the fact but I haven't got that kind of money. I found out it would cost me \$300.00. If you fellows are after my job, and I am going to lose it anyway, I am not going to spend \$300.00 more. The position of the GE is that anyone up before this committee is thrown out of their job.

Senator SYMINGTON. We are after information, not trying to get you thrown out of your job.

Mr. SUOKKO. It amounts to the same thing.

Senator SYMINGTON. You were advised that you could have counsel?

Mr. SUOKKO. That is correct.

Senator SYMINGTON. And, you are aware of the fact that if you were a member of the Communist party and can give this committee any information you have concerning the party or give the information to the FBI—information you have concerning the party.

Mr. SUOKKO. I haven't got any information to give, what the heck!

Mr. CARR. Mr. Chairman, the chairman directed that he return here tomorrow at 10:30. I don't know whether he is going to use him or not.

Mr. SUOKKO. I'd like to know about the hearings tomorrow.

Mr. CARR. Open hearings. The chairman said you were to be here. I don't know whether you will appear or not. I don't know. You will have to stay in touch with Mrs. Watt as to whether or not you will be called—the woman in 101—to see whether or not you will be called for tomorrow morning.

Mr. SUOKKO. I will be called?

Mr. CARR. I think you will. The chairman directed you be here tomorrow morning at 10:30.

Mr. SUOKKO. How about hotels?

Mr. CARR. See Mrs. Watt. She will take care of anything like that.

All right, you are excused.

[Witness excused.]

Senator SYMINGTON. Will you raise your right hand, please.

Will you swear to tell the truth and nothing but the truth, so help you God?

Mr. NISULA. I do.

TESTIMONY OF WAINO S. NISULA

Mr. CARR. Your name is Waino S. Nisula?

Mr. NISULA. I pronounce it Nisula.

Mr. CARR. Is that the right spelling, N-i-s-u-l-a?

Mr. NISULA. Yes.

Mr. CARR. And your address is Ashby, Massachusetts? Do you have a street address there? I just have a post office box.

Mr. NISULA. Well, it is West State Road.

Mr. CARR. And you are a turret-lathe and screw operator at General Electric?

Mr. NISULA. I consider it turret-lathe operator.

Mr. CARR. How long have you been employed as a turret-lathe operator?

Mr. NISULA. Well, I would have to guess at that. I guess approximately four years.

Mr. CARR. When did you first go into the employ of the General Electric Company?

Mr. NISULA. I believe it was in January 1943.

Mr. CARR. And when you went into the employ of the General Electric Company in 1943, January 4, I believe it is, did you sign a form which states, "I am not a member of the Communist Party or of the German American Bund." Do you recall that?

Mr. NISULA. I recall something to that effect, yes.

Mr. CARR. You did sign something to that effect?

Mr. NISULA. I believe there was something to that effect, yes.

Mr. CARR. In signing that were you telling the truth at that time?

Mr. NISULA. On that question I will invoke my privilege under the Fifth Amendment.

Senator SYMINGTON. Did you know you could have a lawyer if you wanted one?

Mr. NISULA. That is what has been bothering me. I have no counsel because I have no money to pay for it.

Senator SYMINGTON. How much do you make a week? What is your pay per hour?

Mr. NISULA. I am on piece work.

Senator SYMINGTON. What is your average?

Mr. NISULA. Well, my average goes up and goes down.

Senator SYMINGTON. Well, guess at it.

Mr. NISULA. Oh, I'd say roughly around \$2.00 more or less, I mean.

Senator SYMINGTON. Do you do much overtime?

Mr. NISULA. No, I haven't done much overtime.

Senator SYMINGTON. You are making \$330 to \$350 a month? Right?

Mr. NISULA. Well—

Senator SYMINGTON. It's about that, isn't it?

Mr. NISULA. I get paid by the week. I never figured it by the month.

Senator SYMINGTON. You never figured it by the month or year?

Mr. NISULA. I get a yearly statement for income tax purposes.

Senator SYMINGTON. What did you make last year?

Mr. NISULA. It was less than \$6,000.

Senator SYMINGTON. Between \$5,500 and \$6,000?

Mr. NISULA. That may be it.

Senator SYMINGTON. Haven't you saved any money at all?

Mr. NISULA. I have none that I can remember putting in the bank, although I may have some.

Senator SYMINGTON. The only point I am trying to make, it seems if you are making those kind of wages, this is pretty important to come down here before a Senate committee, and if you are not a lawyer, it seems you would want to have counsel.

Mr. NISULA. I was reading in the paper where Mr. McCarthy, who makes a lot more than I—

Senator SYMINGTON. I don't think that is pertinent, do you? As temporary chairman, I am wondering why you haven't got counsel if you feel you can handle it by yourself.

Mr. NISULA. I would have counsel if I could afford it.

Senator SYMINGTON. You don't think you could afford it, even though you are making around \$80.00 a week and have for some-time?

Mr. NISULA. That is right.

Mr. CARR. Were you a member of the Communist party in January 1943, when you signed this paper for your company?

Mr. NISULA. On that question I will invoke the Fifth Amendment.

Mr. CARR. Are you a member of the Communist party today?

Mr. NISULA. No.

Mr. CARR. Were you a member of the Communist party last year?

Mr. NISULA. On that I will invoke the Fifth Amendment.

Mr. CARR. Were you a member of the Montechusetts Club of the Communist party?

Mr. NISULA. I don't believe I have ever heard of that.

Mr. CARR. Did you belong to a Communist party club made up of persons who were working at the General Electric Company in Fitchburg ?

Mr. NISULA. I refer to the Fifth Amendment on that question.

Mr. CARR. On the ground that a truthful answer might tend to incriminate you?

Mr. NISULA. Well, the way I read it, of course I won't quote it verbatim, but the answer may—

This is new to me. Pardon me if I hesitate. No person should be forced to testify against themselves. I believe that is the wording.

Mr. CARR. But you believe if you told the truth, it might tend to incriminate you?

Mr. NISULA. Yes, I believe that would be it.

Mr. CARR. Were you ever a member of the Young Communist League?

Mr. NISULA. I will use the Fifth Amendment on that question too.

Mr. CARR. What is your wife's name?

Mr. NISULA. Lydia.

Mr. CARR. Was your wife a member of the Young Communist League?

Mr. NISULA. I will use the Fifth Amendment on that question.

Mr. CARR. Did you ever attend any meetings at a house in Fitchburg at 352 Main Street?

Mr. NISULA. Fifth Amendment on that question.

Mr. CARR. Did you ever attend any meeting at that house?

Mr. NISULA. I don't know the house by the number.

Senator SYMINGTON. Did you talk to a lawyer yourself and decide because of what he wanted to charge you it was too much money to have one?

Mr. NISULA. Pardon me.

Senator SYMINGTON. Did you talk to a lawyer and find out how much he would charge you and decide that was too much, or did you just think it would be too much?

Mr. NISULA. I had a rough estimate of the approximate amount.

Senator SYMINGTON. Who gave you that?

Mr. NISULA. I don't think I have to answer that.

Senator SYMINGTON. If you don't want to. You said you are new at this and don't understand—

Mr. NISULA. I had a rough estimate of what it would cost me.

Senator SYMINGTON. And even though you don't understand, you are willing to take that chance. The committee wants to be very fair with you, but sometimes we feel witnesses ought to know he can have counsel if he wants one.

Mr. NISULA. Yes, sir. My main purpose to come here is to find out what is wanted of me and perhaps through help I may—

Senator SYMINGTON. Where were you born?

Mr. NISULA. Worcester, Massachusetts.

Senator SYMINGTON. You have lived there all your life?

Mr. NISULA. No, sir.

Senator SYMINGTON. Where else have you lived?

Mr. NISULA. Since 1924 I have lived in Ashby, Massachusetts.

Mr. CARR. Mr. Nisula, were you at one time a member of the United Electrical Workers Union?

Mr. NISULA. Yes.

Mr. CARR. Are you a member now?

Mr. NISULA. No. We have a new union in the shop.

Mr. CARR. You are a member of another union at this time? Are you a steward of that union?

Mr. NISULA. No.

Mr. CARR. You have never been a steward of either union?

Mr. NISULA. I have been a steward of United Electrical Workers.

Mr. CARR. During what years?

Mr. NISULA. I couldn't say exactly.

Mr. CARR. During the '40s?

Mr. NISULA. Well, the new union came in, I believe, in 1950, a little bit before 1950.

Senator SYMINGTON. What is the union you are a member of now?

Mr. NISULA. Pardon me, I have my union card right here. United Radio and Electrical Workers.

Senator SYMINGTON. And what is the new one?

Mr. NISULA. It is the International Union of Electrical, Radio and Machine Workers, CIO.

Senator SYMINGTON. You say you are a turret-lathe operator and have been for sometime?

Mr. NISULA. Yes.

Senator SYMINGTON. What kind of work are you doing?

Mr. NISULA. Small parts.

Senator SYMINGTON. Like what?

Mr. NISULA. Flankers, type plugs, barnets.

Senator SYMINGTON. What do they go into—those parts?

Mr. NISULA. I believe they go into turbines.

Senator SYMINGTON. Do you work off blueprints?

Mr. NISULA. Yes, sir.

Senator SYMINGTON. Do the blueprints show part or the complete pieces?

Mr. NISULA. Just part.

Senator SYMINGTON. You do not know whether or not the work is classified?

Mr. NISULA. According to statements made by Mr. Campbell, it is not classified.

Senator SYMINGTON. Who is Mr. Campbell?

Mr. NISULA. He is—if I could remember his correct title now. I can't remember.

Senator SYMINGTON. He is a plant official though?

Mr. NISULA. He is a plant official.

Senator SYMINGTON. One more question, Mr. Nisula. You say in effect that you are not a member of the Communist party today but you take the Fifth Amendment as to whether you ever were a member of the Communist party, and counsel asked you if you were a member last year and you took the Fifth Amendment on that.

Now, wouldn't you like to tell us frankly why you left the Communist party?

Mr. NISULA. Why I left it? That is a loaded question.

Senator SYMINGTON. You say it is a loaded question?

Mr. NISULA. Yes, I believe so.

Senator SYMINGTON. I was asking it in your own interest. If you left the Communist party, would it be better to say when you left it and why? Your answers implied you were a member and you are not any longer and I thought in your own interest—

Mr. NISULA. I believe you are just assuming that.

The CHAIRMAN. I think Senator Symington is giving you some good advice. You will be called in public session—pardon me, Stu, for interrupting—you will be called and asked whether you were a member in 1952. If you take the Fifth Amendment on that, that is saying you were a member. If you say you are not a member today, most people will doubt whether you have broken with the party. If I were just sitting back here as a disinterested person and you would say in effect that you were a Communist in 1952 and

not today, and in the interim you haven't helped out the FBI in tracking down other members of the Communist party, your answer is not convincing. When Senator Symington says if you actually left the party, tell us when you did, why you did and I—what the circumstances were, it would be to your own benefit. If you are still a member of the party—

Mr. NISULA. Not having legal advice, I still think it is a loaded question.

Senator SYMINGTON. It is not intentional on my part. I was just trying to help you.

The CHAIRMAN. Did you discuss your coming here with a lawyer?

Mr. NISULA. I don't know whether I should answer that.

The CHAIRMAN. Did you talk to a lawyer about coming here?

Mr. NISULA. I think that is a personal affair.

The CHAIRMAN. You will be ordered to answer that because you said you couldn't afford a lawyer. You volunteered that information, so I ask you whether you talked to a lawyer?

Mr. NISULA. I still say it is a personal matter.

The CHAIRMAN. You will be ordered to answer the question.

Mr. NISULA. I will use the Fifth Amendment.

The CHAIRMAN. You will be ordered to answer the question. There is nothing criminal about talking to a lawyer as far as I know.

Mr. NISULA. Yes, sir, I know. At least, I think I know. I asked the cost or the approximate cost.

The CHAIRMAN. What will the cost be?

Mr. NISULA. Well, I felt that it would probably be \$400 or \$500.

The CHAIRMAN. What did he tell you the cost would be?

Mr. NISULA. I think \$250.00 in cash, plus expenses.

The CHAIRMAN. Did he tell you to take the Fifth Amendment?

Mr. NISULA. We didn't discuss that.

The CHAIRMAN. You didn't discuss that?

Mr. NISULA. Not that I can remember.

The CHAIRMAN. Was the lawyer a Communist?

Mr. NISULA. I use the Fifth Amendment on that question.

The CHAIRMAN. You refuse to tell us whether he was a Communist or not?

Mr. NISULA. I don't know. I don't know a person's political opinion when I talk to him. I don't know whether he was a Communist.

The CHAIRMAN. Do you have any idea?

Mr. NISULA. I use the Fifth Amendment on that, question.

The CHAIRMAN. Did you feel that if you were to tell us the truth in answer to that, the answer might tend to incriminate you?

Mr. NISULA. I believe that the interpretation Mr. Carr—

Yes. Yes, it is.

The CHAIRMAN. You believe it would or might tend to incriminate you if you told us whether you had reason to believe that lawyer was a Communist?

Mr. NISULA. Well, having no counsel here to advise me, I'd like to play it safe and use the Fifth Amendment.

The CHAIRMAN. Not to play it safe, mister. You can only invoke the Fifth Amendment if you honestly think a truthful answer might tend to incriminate you. I am asking you if you told us

whether you had reason to believe the lawyer was a Communist, you believe that would tend to incriminate you?

Mr. NISULA. Yes.

The CHAIRMAN. Why did you go to a lawyer you thought was a Communist if you are not a Communist yourself?

Mr. NISULA. As I stated before, I don't ask a person his political opinion.

The CHAIRMAN. Why did you go to a lawyer you had reason to believe was a Communist?

Mr. NISULA. I don't believe I said I had reason to believe.

The CHAIRMAN. You said if you told us the truth as to whether or not you had reason to believe he was a Communist, it might tend to incriminate you. If you are not a Communist, it couldn't incriminate you.

Therefore, you are telling us you had reason to believe he was a Communist.

Mr. NISULA. My reason was based on rumors.

The CHAIRMAN. I see. Why go to a lawyer you had heard was a Communist when you were not a Communist yourself?

Mr. NISULA. He was the only lawyer available or closest to where I live.

The CHAIRMAN. Where do you live?

Mr. NISULA. Ashby.

The CHAIRMAN. How many lawyers are in that town?

Mr. NISULA. Two, I believe. I am not sure.

The CHAIRMAN. What was the name of the lawyer you saw?

Mr. NISULA. Mr. Allen.

The CHAIRMAN. How about the other lawyer? What is his name?

Mr. NISULA. He is also Mr. Allen.

The CHAIRMAN. Are they brothers?

Mr. NISULA. No.

The CHAIRMAN. How about the other Allen? Was there any rumor he was a Communist?

Mr. NISULA. I haven't heard.

The CHAIRMAN. Do you know that is the Mr. Allen ejected from the hearing in Boston?

Mr. NISULA. It might possibly be.

The CHAIRMAN. Do you know?

Mr. NISULA. I believe it is.

The CHAIRMAN. In other words, this is the Mr. Allen ejected from the hearing, and you have got good reason to know he is a Communist, haven't you?

Mr. NISULA. I don't hear about his political beliefs.

The CHAIRMAN. Were you a member of the Communist party in 1953?

Mr. NISULA. I believe I answered that.

The CHAIRMAN. Answer it again.

Mr. NISULA. Fifth Amendment.

The CHAIRMAN. You refuse to tell us whether you were a member of the Communist party in 1953, is that right?

Mr. NISULA. I am using the Fifth Amendment.

The CHAIRMAN. You are refusing to tell us whether you were a member of the Communist party in 1953?

Mr. NISULA. At this time, yes.

The CHAIRMAN. You feel if you were to answer that question, the answer might tend to incriminate you?

Mr. NISULA. Yes.

The CHAIRMAN. How about January of 1954?

Mr. NISULA. I am not a Communist.

The CHAIRMAN. Were you a Communist in January of 1954?

Mr. NISULA. No.

The CHAIRMAN. Were you a Communist in December 1953?

Mr. NISULA. I would wish to get counsel before I appear before this committee, if I may.

The CHAIRMAN. Were you informed that you could have counsel?

Mr. NISULA. I thought the cost was too much at the time.

The CHAIRMAN. But you have changed your mind now and want a lawyer before you answer any questions?

Mr. NISULA. Yes.

The CHAIRMAN. All right, return here at 10:30 tomorrow morning. You will be allowed the usual fee of \$9.00 a day. If you want additional time to go back and get a lawyer, you will have to pay your own transportation back and forth.

Mr. NISULA. I don't have the money.

The CHAIRMAN. You were sent \$25.00, plus transportation, were you not? Have you spent \$25.00?

Mr. NISULA. That has got to get me home.

The CHAIRMAN. Your transportation was taken care of, plus \$25.00?

Mr. NISULA. Yes, but I don't live in Boston. My transportation was taken care of from Boston.

The CHAIRMAN. You have been paid round trip from Ashby to Boston and Boston here. The plane ticket is from Boston to here. You were paid seven cents a mile from Ashby to Boston. You were sent money for taxis and incidentals.

Mr. NISULA. I just have money to get me back home.

The CHAIRMAN. Let's not be coy. You were sent seven cents a mile from Ashby to Boston and return. You were sent a plane ticket from Boston to here and back again. You were given \$25.00 expense money. Have you spent the \$25.00?

Mr. NISULA. No, but I haven't arrived home.

The CHAIRMAN. You will be here at 10:30 tomorrow morning.

Have the record show the witness was given seven cents a mile for round trip from Ashby to Boston and also given a plane ticket from Boston to Washington and return; was given \$25.00 expense money; and was given an allowance of \$9.00 per day for two days.

You will be ordered to be here at 10:30 tomorrow morning in room 101. Now you may leave.

Mr. NISULA. May I say something? As I understand it, and as the request was made, this \$25.00 was to be used for cabs, meals and other incidentals, if you will read the telegram, Senator.

The CHAIRMAN. When you have spent the \$25.00, come in and give Mrs. Watt an accounting of how you spent it—when you have used it up for meals and cabs—come in and tell her.

I am sorry, you are entitled to \$9.00 a day. You got an advance of \$9.00 a day for two days. You got \$18.00. That is all a senator or anyone else is allowed.

Mr. NISULA. There was no indication in the telegram—

The CHAIRMAN. You will be here tomorrow morning at 10:30, room 101.

Have the record show he was advanced money for today and tomorrow, the full legal amount allowed per diem. The record will show the witness was given round trip plane transportation to Boston, and that you were given seven cents a mile from Boston to Ashby, is that right, Ruth?

Now, you will leave and be here at 10:30 in the morning.

[Witness excused.]

**TESTIMONY OF LOUIS PASSIKOFF (ACCOMPANIED BY HIS
COUNSEL, MARTIN R. BRADLEY, JR.)**

The CHAIRMAN. Will the witness stand and raise his right hand? In the matter now in hearing, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PASSIKOFF. I do.

The CHAIRMAN. I think counsel has been identified.

Mr. BRADLEY. Martin R. Bradley, Jr., 900 Ellicott Square, Buffalo.

The CHAIRMAN. And the witness's name is?

Mr. PASSIKOFF. Louis Passikoff, 304 Root Avenue, Scotia, New York.

The CHAIRMAN. Is your employment the same as when you were before this committee before?

Mr. PASSIKOFF. You mean working for the same company, yes.

The CHAIRMAN. Have you been denied any clearance since then?

Mr. PASSIKOFF. No.

The CHAIRMAN. Do you work on classified material?

Mr. PASSIKOFF. Not so far as I know.

The CHAIRMAN. About six months ago when before us, you took the Fifth Amendment and refused to tell us whether or not you were a Communist on the grounds of self-incrimination. Before calling you in public session, I wanted to give you an opportunity to tell us whether or not you are a Communist today.

Mr. PASSIKOFF. I would like to answer it this way. I would like the testimony made at the previous session to stand for today.

The CHAIRMAN. Are you a member of the Communist party?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. Have you been engaged in espionage?

Mr. PASSIKOFF. At no time have I ever engaged in espionage or sabotage or anything which is detrimental to the best interests of my country.

The CHAIRMAN. When was the last time you attended a Communist meeting?

Mr. PASSIKOFF. I rely on the Fifth Amendment, Senator. I would like to say that I consider that a very unfair question.

The CHAIRMAN. Do you know that the Communist party is dedicated to the overthrow of this government by force and violence?

Mr. PASSIKOFF. Is that a rhetorical question or are you asking me that?

The CHAIRMAN. It is a question.

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. If the Communist party were to ask you to sabotage the work on which you are engaged, would you disobey that order?

Mr. PASSIKOFF. You seem to have the opinion, Senator, that I am a Communist or have been a Communist. I haven't said so. I used the Fifth Amendment and I don't see how you can continue with that line of questioning.

The CHAIRMAN. Well, if somebody asked me if I would obey orders of the Communist party, I would just say no. The question is: Would you or would you not.

Mr. KENNEDY. I think the record should show that the witness consults with his lawyer.

Mr. PASSIKOFF. Do I have to ask permission to speak with counsel?

The CHAIRMAN. You can speak with your counsel. We are just having the record show what goes on in this room.

Mr. PASSIKOFF. Would you repeat the question, Senator?

The CHAIRMAN. If the Communist party were to order you to sabotage any of the materials or work upon which you are engaged, would you disobey that order?

Mr. PASSIKOFF. I would not commit sabotage for anybody for any reason.

The CHAIRMAN. You would not commit sabotage even if the Communist party ordered you to?

Mr. PASSIKOFF. I would not commit sabotage for anybody for any reason. I would prefer that the answer remain that.

The CHAIRMAN. I know this may get you in Dutch with the Communist party, but I want to know if that includes the Communist party.

Mr. PASSIKOFF. It includes every organization or that organization. It could include you.

The CHAIRMAN. Does it include the Communist party?

Mr. PASSIKOFF. Yes.

The CHAIRMAN. Is the answer "yes"?

Mr. PASSIKOFF. Well, I would prefer, as I said, to have the answer stand.

The CHAIRMAN. I am asking you the simple question—

Mr. PASSIKOFF. Look, Senator, you ask the questions and I will tell the answers.

The CHAIRMAN. I will insist you answer the question.

Mr. PASSIKOFF. I will not commit sabotage no matter who tells me to, including the Communist party.

Mr. CARR. Were you ever in Pittsburgh, Pennsylvania?

Mr. PASSIKOFF. I seem to recall going on a summer vacation and passing through Pittsburgh on the way, but I never stayed there any length of time.

Mr. CARR. Did you ever go to Pittsburgh, Pennsylvania, for the Communist party?

[Witness consults with counsel.]

Mr. PASSIKOFF. I rely on the Fifth Amendment.

Mr. CARR. Do you know a man named Sam Reed in Pittsburgh?

Mr. PASSIKOFF. I rely on the Fifth Amendment on that.

Mr. CARR. Do you know a woman named Georgiana Reed?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

Mr. CARR. Do you know a man named Joseph Mazzei?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

Mr. CARR. Did you ever go as a troubleshooter for the Communist party to Pittsburgh at any time?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

Mr. CARR. Do you know a man named Steve Nelson in Pittsburgh?

Mr. PASSIKOFF. I rely on the Fifth Amendment.

The CHAIRMAN. That isn't sufficient retort. There is a provision in the Fifth Amendment on which you can rely—if you feel your answer might tend to incriminate you, you will so state. That is the only ground under which you can refuse to answer. If you feel so you will state so each time you refuse to answer.

Mr. PASSIKOFF. Well, Senator, I will answer that this way. I rely on the Fifth Amendment because it is an amendment to protect the innocent as well as the guilty, which is the opinion of very prominent people in the United States.

The CHAIRMAN. Unless you feel your answer might tend to incriminate you, you, have no privilege under the Fifth Amendment.

Mr. PASSIKOFF. But I will claim that privilege any way, Senator.

The CHAIRMAN. Do you feel your answer might tend to incriminate you?

[Witness consults with counsel.]

The CHAIRMAN. For the benefit of counsel, so you will know the position of the chairman, there is a provision in the Fifth Amendment under which a witness can refuse to answer, and the chairman has taken the position that unless a witness tells the committee that in his opinion an answer might incriminate him, he cannot rely on the Fifth Amendment. In other words, it is not something that can be frivolously invoked. It can only be invoked if there is a feeling the answer might incriminate him—a truthful answer might incriminate him. He cannot rely on the Fifth Amendment if he feels perjury will incriminate him. If he is being questioned about a perjurious act, then he can rely on the Fifth Amendment.

Unless he tells the chairman that he feels a truthful answer might tend to incriminate him, he will be ordered to answer all the questions. If he refuses, I will ask the committee to cite him for contempt. Whether they will agree, I don't know. I am just giving you that for your information before you consult with your client.

Mr. PASSIKOFF. Would you repeat those questions, Senator, please?

The CHAIRMAN. You have refused to answer a number of questions, taking the Fifth Amendment—saying you rely on the Fifth Amendment. I now ask you this question: When you say you rely on the Fifth Amendment, do you take the position that in your opinion a truthful answer to the question might tend to incriminate you?

Mr. PASSIKOFF. Well, I will say this, Senator, that it is repeating myself, but I believe that the Fifth Amendment again is designed to protect the innocent as well as the guilty; that the Fifth Amendment states specifically that a person need not be a witness against himself, and for that reason I rely on the Fifth Amendment.

The CHAIRMAN. The question is: Do you feel a truthful answer to the question you were asked and refused to answer might tend to incriminate you?

Mr. PASSIKOFF. I have already answered that.

The CHAIRMAN. You will answer it now.

Mr. PASSIKOFF. I will rely on the Fifth Amendment.

The CHAIRMAN. Do you feel a truthful answer to the question might tend to incriminate you?

Mr. PASSIKOFF. I will rely on the Fifth Amendment.

The CHAIRMAN. Have the record show the witness has been given repeated opportunity to tell the chairman whether or not his answer might tend to incriminate him. He refuses to tell the chair whether or not he feels his answer might tend to incriminate him. I will ask him the question again so there will be no doubt in any future legal proceedings. Do you feel that if you answered the questions which you refused to answer that your answer might tend to incriminate you?

Mr. PASSIKOFF. I don't know why you are badgering me so much, Senator, but I will use the same term.

The CHAIRMAN. Then will you have the record show that the witness was ordered to answer the questions which he refused to answer on the ground that he has no Fifth Amendment privilege. It has been explained to the witness that because he will not state that he feels an answer to the question will tend to incriminate him, he has been ordered to answer all the questions, he refused to answer. Have the record show he sits mute and still refuses to answer.

You will be here at 10:30 tomorrow morning.

Mr. KENNEDY. You said when you first—

Mr. PASSIKOFF. Excuse me, Senator, may I know who he is?

The CHAIRMAN. This is the minority counsel, Mr. Robert Kennedy, who has a right to ask you questions.

Mr. KENNEDY. You said when you first came in that you had never done anything which was detrimental to the best interests of the United States.

Mr. PASSIKOFF. Best interest of the United States, yes.

Mr. KENNEDY. Have you ever done anything detrimental to the best interests of the United States that if you told this committee about, it would tend to incriminate you?

Mr. PASSIKOFF. I don't understand that. I thought the answer to the question given previously was explicit enough. I have not done anything detrimental to the best interest of the United States.

The CHAIRMAN. Answer Mr. Kennedy's question.

Mr. KENNEDY. Have you ever done anything you could not tell this committee about because it might tend to incriminate you?

Mr. PASSIKOFF. I am afraid I might have to take the same position I took with the senator.

Mr. KENNEDY. What was that position?

Mr. PASSIKOFF. I claim the Fifth Amendment.

The CHAIRMAN. Did you at any time engage in any illegal activities in connection with or in association or under orders of the Communist party?

[Witness consults with counsel.]

The CHAIRMAN. Could you answer that question now?

Mr. PASSIKOFF. Yes, Senator. I will answer this the same way as I did a similar question you asked me. I never engaged in illegal activities for anybody or any organization. I could repeat the same thing, but I will say including the Communist party.

The CHAIRMAN. Then you will be ordered to answer the questions which you refused to answer.

Mr. PASSIKOFF. I will say the same thing I said before. I think you are badgering me and I can't understand the reason. I would assume I have the same rights as any other citizen before any committee, and I am certainly not going to change because you are threatening me or badgering me. The only thing I will say is my testimony stands the way it was given up till now.

The CHAIRMAN. What threats were made to you?

Mr. PASSIKOFF. Implied threats—threats of contempt proceedings.

Mr. KENNEDY. Who made the threats, Senator McCarthy or did I make the threats?

Mr. PASSIKOFF. I don't recall.

Mr. KENNEDY. You don't recall who made the threats?

Mr. PASSIKOFF. The threats were made at that end of the table. I would interpret it as a threat, Senator, when you said something about—well, the best way I can describe it is contempt proceedings.

The CHAIRMAN. When I explained the law to your lawyer, you consider that a threat?

Mr. PASSIKOFF. I don't recall what you said.

The CHAIRMAN. Did I threaten you with contempt proceedings?

Mr. PASSIKOFF. I understood it as such.

The CHAIRMAN. Just so there is no misunderstanding on your part, I do propose to submit your case to the committee with the recommendation that you are held in contempt. I explained that so you would have a chance to clear yourself of contempt on two grounds, in my opinion, where you have no Fifth Amendment privilege. Number one, you said you had never engaged in any illegal activities of any kind in connection with the Communist party or in association with them.

Number two, you have refused to tell me that you felt your answers might tend to incriminate you, therefore, you have no Fifth Amendment privilege in my opinion. You can even call that a threat if you like. I call it the courtesy of informing you what action we intend to take so you can consult with your lawyer on the matter if you want to.

I don't want to do anything in the dark here, anything in the nature of entrapment. If you call that a threat, informing you of what action we intend to take, that might be your idea of a threat. It is my idea of a courtesy given to every witness.

That will be all unless you have a statement to make. If you have to make it. You can consult with your counsel if you care to and make any statement you care to.

[Witness consults with counsel.]

Do you have any further statement to make?

Mr. BRADLEY. Could I make a request?

The CHAIRMAN. Go right ahead.

Mr. BRADLEY. I know the rules of the committee with respect—As I understood the question which he asked and you used as the

basis for your first statement that he does not have the privilege available, I thought it contained language different than when you stated it.

The CHAIRMAN. The question was whether or not he felt his answers might tend to incriminate him. He was first asked the question whether he felt a truthful answer might tend to incriminate him; then he was asked the question whether an answer might tend to incriminate him; then he was asked whether he had engaged in any illegal activities in connection with or association with the Communist party. His answer was that he had engaged in no illegal activities in connection with anyone or at anyone's instructions or instructions of the Communist party.

Mr. BRADLEY. That was not my recollection with respect to the question. If they were like that, I would like for my client to have a chance to reconsider. My recollection of the question was any illegal acts at the direction of the Communist party. I would like—if we could have a copy of the transcript. If not, I misunderstood the question. I think he misunderstood the question.

The CHAIRMAN. The record will speak for itself and you may have a copy.

You will be here at 10:30 tomorrow morning, room 101.

Just one question. You said you were badgered. Who badgered you?

Mr. PASSIKOFF. I believe you did, Senator.

The CHAIRMAN. Did anyone else badger you? Did Mr. Kennedy?

Mr. PASSIKOFF. No.

The CHAIRMAN. Did Mr. Carr?

Mr. PASSIKOFF. I don't think so.

The CHAIRMAN. By badgering, you mean the questions asked you?

Mr. PASSIKOFF. Repeating, repeating the same questions which I had already given what to my mind was a satisfactory answer.

The CHAIRMAN. Thank you. You will be here tomorrow at 10:30 in room 101. If you have any statement to make, you are at liberty to make it.

Mr. PASSIKOFF. I have no statement to make.

[Witness excused.]

The CHAIRMAN. In the matter now in hearing, do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MAZZEI. I do.

TESTIMONY OF JOSEPH MAZZEI

Mr. CARR. Mr. Mazzei, you were employed by the FBI, is that right?

Mr. MAZZEI. Yes, sir.

Mr. CARR. Were you what is commonly known as an undercover agent for them?

Mr. MAZZEI. Yes, sir.

Mr. CARR. What years?

Mr. MAZZEI. 1941 to March 26, 1953.

Mr. CARR. You reported regularly to the FBI?

Mr. MAZZEI. Yes, sir.

Mr. CARR. Regarding the activities of the Communist party?

Mr. MAZZEI. Yes, sir.

Mr. CARR. Were you a member of the Communist party at their direction?

Mr. MAZZEI. Yes, sir.

Mr. CARR. In other words, you technically belonged to the Communist party but you did not believe in or had no affection for the party; you were merely doing it as a service for the FBI?

Mr. MAZZEI. They suggested I belong to the Communist party.

The CHAIRMAN. This witness was here before another committee and we called him in to save the expense of bringing him back on some matters which developed today. Number one, identification of defense workers, and there were other matters developed today with the military, which we will not want to use in public record until the report of the other committee is completed. Frank, if you will proceed.

Mr. CARR. Senator, first just to make it clear concerning defense workers, and the second point we have information we would like to get on the record, we have a good deal of investigation to do in connection with.

The CHAIRMAN. May I say for the record, I think it would be improper to publicly use any of the stuff in regard to the army while there is still pending one committee report, but while the man is here on other matters, let's put it on the record.

Mr. CARR. Mr. Mazzei, would you put your address on the record?

Mr. MAZZEI. 834 Tropical Avenue, Pittsburgh 16.

Mr. CARR. Mr. Mazzei, did you see the last gentleman that left this room, the one with the glasses?

Mr. MAZZEI. Yes, sir.

Mr. CARR. Did you recognize him?

Mr. MAZZEI. Yes. My wife recognized him too but we were a little confused as to the pronunciation of his name. I called over to this gentleman and said, "I happen to know this man. I said, I may be wrong but I think his name is Cassicoff." My wife and I made a little bet which was correct. I gave this gentleman his name. He said to me I couldn't know him. I think he goes under the name of Sam but that may not be his name. I told him I recognized him from coming to Pittsburgh IUE and also we were having some trouble, and I am not sure on the date, it was either 1948 or 1949, for the Allis Chalmers—they were having a strike. Now, I am a little mixed up on the dates. Westinghouse had a strike around that time and the party had some sort of understanding that the Allis-Chalmers strike was to last a little longer than the Westinghouse strike.

The party decided that since the strike was on at Westinghouse—I think the strike lasted around six months and the party had decided to show the Allis Chalmers that we could go one a little better, which we did. We were very successful.

Mr. CARR. When you say party, you mean the Communist party?

Mr. MAZZEI. Yes.

He came to Pittsburgh. He caused a hell of a stink.

The CHAIRMAN. He who?

Mr. MAZZEI. This man who just left, Cassikoff or whatever his name is.

The CHAIRMAN. How do you spell his name?

Mr. CARR. Passikoff. P-a-s-s-i-k-o-f-f.

Mr. MAZZEI. He came to Pittsburgh and he got in an argument with Steve Nelson on the tactics that he had decided to use; then from Pittsburgh he got shipped to Erie, and in Erie there was a man by the name of Sam Reed, who was at Westinghouse or General Electric, and when he got to Erie, he caused trouble in Erie; then he went to Buffalo; then he came back to Pittsburgh. I don't know what he did, but nevertheless, he was always arguing with Steve Nelson when in Pittsburgh I remember.

Mr. CARR. There is no doubt in your mind this is the same man?

Mr. MAZZEI. I had no idea of seeing him here today.

Mr. CARR. Steve Nelson, just for the record, has been convicted because of his Communist activities and he was one of the top members of the Communist party?

Mr. MAZZEI. That is right. I testified to his Smith Act case in Pittsburgh.

Mr. CARR. In other words, you testified in a criminal case at which time he was convicted?

Mr. MAZZEI. That is right.

Mr. CARR. What was this Passikoff, or whatever his name is, arguing about?

Mr. MAZZEI. He wasn't satisfied with what the party was doing at Westinghouse and the argument was around that the members of the party in Westinghouse wasn't carrying out regular Communist tactics. In other words, we had the New York or upstate New York division here doing it all wrong. This is the right way. Steve Nelson had just come in—just came in 1948 in Pittsburgh, by the way. Steve taken over Roy Hudson's position. Roy Hudson was taken out of circulation. Steve Nelson was afraid he was going to step in his place. He thought, "Who is going to step in Nelson's place?" Passikoff was high enough to be competing for Nelson's job. He was very good amongst the workers in the plant; in organizing something wrong. In Pittsburgh they weren't being organized right.

Mr. CARR. Would you call him sort of a trouble-shooter for the Communist party?

Mr. MAZZEI. That is exactly what I told this gentleman out there. I said he was a troubleshooter in the Communist party.

Mr. CARR. Mr. Mazzei, do you know a woman by the name of Delilah Hargrove?

Mr. MAZZEI. Yes, sir. I know her under another name, Delilah Ousling. She is a Negro. She is, I'd say, almost six-foot tall, very dark, very brilliant girl, at present working for the Pittsburgh Ordnance. I seen her, I think, Monday.

Mr. CARR. On Monday of this week did you go to the Pittsburgh Ordnance for the express purpose of seeing this girl and identifying her with the girl known to you as a member of the Communist party?

Mr. MAZZEI. Yes, sir, and I'd like to tell you how I came about that. This Mr. Jim Banaham, who is one of the officer in immigration, where I am used as a consultant from time to time—I went to Pittsburgh and I asked for the security officer and I told the security officer my name and I said I would like to see a certain party and if you could arrange for me to see her. He said, "That

is impossible." I told him that I was connected with the immigration office as a consultant and he could call there and verify it. He called Mr. Banaham and he told him to give me all the cooperation he could give me. Then they decided to take me upstairs, Banaham and the security officer, I guess they worked this out amongst themselves to have me see Delilah in a group of people so I wouldn't identify her by herself. They arranged to have her working at the files with three other people, another Negro and two whites. They took me up the freight elevator and opened the door about three or four inches and said, "Now, point her out." I said, "That is Delilah." He said, "Oh, my God, she has been here quite sometime. She works for the attorneys on government contracts."

Mr. CARR. Mr. Mazzei, how do you know that she was a member of the Communist party?

Mr. MAZZEI. I attended Communist party meetings with her.

Mr. CARR. Where?

Mr. MAZZEI. In the different sections of the city of Pittsburgh, which we used for our meetings—on the Hill district on the north side in a Negro church and I have seen her from time to time in the Communist party office.

Mr. CARR. What years was this?

Mr. MAZZEI. 1948 and 1949.

Mr. CARR. Did you have any contact with her as a Communist party member in 1953?

Mr. MAZZEI. Yes, sir. Before I came out in the open, about three weeks before I came out in the open—

Mr. CARR. Which was March 1953?

Mr. MAZZEI. That is right. Around that time, three weeks or two weeks before we held an affair for a man by the name of Patterson. This was for members of the Communist party. Steve Nelson was there. Joe Mackin was there. All these people mentioned as top party functionaries in the city of Pittsburgh. I would say there was around 150 people at the meeting. It was a very large meeting. By the way, you had to buy tickets. The tickets, I think were \$1.00. I think I have the photostat of the ticket. I even photostated the ticket before I gave it to the bureau. At that meeting for Patterson they sold books called *We Charge Genocide*. The discussion centered around how he went to Russia, and how he went all over Europe telling what was going on here in America in the Communist party.

Mr. CARR. This is William Patterson, head of the Civil Rights Congress?

Mr. MAZZEI. That is right, sir.

That same day an agent of the FBI took him to the Pittsburgh airport and put him on a plane.

Mr. CARR. Now, this meeting Hargrove attended you are talking about, now was that in effect a Civil Rights Congress meeting?

Mr. MAZZEI. That is right.

Mr. CARR. So she could have been there and not be a member of the Communist party?

Mr. MAZZEI. Yes, but I knew her as a member of the Communist party. I also knew her as a member of the IWO, the International Workers Order.

Mr. CARR. You mentioned a meeting at a Negro church. Do you recall what that meeting was about?

Mr. MAZZEI. That is the meeting I was talking about.

[Off-record discussion.]

Mr. CARR. Mr. Juliana, do you have any other questions on the Hargrove case?

Mr. JULIANA. Where is the Communist party headquarters in Pittsburgh?

Mr. MAZZEI. Now?

Mr. JULIANA. At the time you saw this woman?

Mr. MAZZEI. That was in the Bakewell Building on Grant Street.

Mr. JULIANA. That is where you observed her attending some of the Communist party meetings you attended?

Mr. MAZZEI. I observed her at the Jewish Culture Center located in Squirrel Hill. It is a house. As a matter of fact, that is where I got Communist tactics on sabotage in that building. It is there still and used as the Jewish Culture Center.

[Off-record discussion.]

Mr. JULIANA. Was she a member of any particular cell in the Communist party, to your knowledge?

Mr. MAZZEI. No, sir. I'd have to say I don't know. I could tell you that she is a very brilliant girl.

Mr. JULIANA. Who were her close associates who you know also to be members of the Communist party?

Mr. MAZZEI. I have about four or five people.

Mr. JULIANA. You have already furnished some names to Mr. Anastos and I think we have them on the record.

Mr. MAZZEI. There was Joe Makin; there was Alex Wright, who is also a Negro head of the Progressive party in Pittsburgh; Ben Crowthers who was convicted on the sedition trials; Jim Dolson.

The CHAIRMAN. Jim, I'd like——

[Off-record discussion.]

The CHAIRMAN. Did your wife recognize this fellow?

Mr. MAZZEI. Yes, sir, as a matter of fact, she gave me his correct name.

The CHAIRMAN. And your wife knew the name of the woman connected with the army?

Mr. MAZZEI. Yes.

Mr. KENNEDY. Do you know any other individuals that were doing this work Passikoff was doing?

Mr. MAZZEI. No, I don't. You mean in the Communist party?

Mr. KENNEDY. Yes.

Mr. MAZZEI. Well, there was a man by the name of Sam Reed, who is a Communist party member, one of the top Communist functionaries in western Pennsylvania. He was shifted from Pittsburgh to Erie and his job was to go to Erie; they were having trouble in Erie, and his job was to straighten things out in Erie.

The CHAIRMAN. Let me ask Mrs. Mazzei some questions.

Will you raise your right hand and be sworn.

In the matter now in hearing do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. MAZZEI. I do.

TESTIMONY OF MARY MAZZEI

The CHAIRMAN. You saw the man leave here by the name of Passikoff?

Mrs. MAZZEI. Yes, sir. When we were in the hall we were debating just how his name is pronounced or said. I recognized him as I got off the elevator.

The CHAIRMAN. You and your husband know him as a member of the Communist party?

Mrs. MAZZEI. Yes.

The CHAIRMAN. You weren't brought here for the purpose of identifying him but you saw him, and recognized him?

Mrs. MAZZEI. Yes, sir.

The CHAIRMAN. You appeared before the Jenner committee today also?

Mrs. MAZZEI. Yes, sir.

The CHAIRMAN. Now, this woman, Mrs. Hargrove, do you know that she was a member of the Communist party?

Mrs. MAZZEI. I couldn't say I ever attended a closed Communist party meeting with her. I did meet her at a party held for Alex Wright. That was held under the auspices of the Progressive party.

The CHAIRMAN. You and your husband had discussed her, and you knew from conversations with your husband he knew her as a member of the Communist party?

Mrs. MAZZEI. Yes, sir.

The CHAIRMAN. I am going to leave, but I wonder if you could return tomorrow morning at 10:30. I am not going to ask you about the woman in the army.

Mr. MAZZEI. I can't. I should be at the theater at 6:30. I have a theater. I am just sitting here on pins and needles saying I hope the theater gets open, hope the film gets there and hope the customers get there.

The CHAIRMAN. Could you possibly return in the morning? We don't want to ask you questions about the army, but I would like to have you identify this defense worker.

[Off-record discussion.]

Mr. CARR. We'd like to get on record a little more about this woman, Hargrove. Mr. Juliana will ask you some questions.

Mr. JULIANA. Mrs. Mazzei, I have here a photostatic copy of a piece of paper with several names on it. Do you recognize that?

Mrs. MAZZEI. Yes, sir. This is my handwriting.

Mr. JULIANA. What is that?

Mrs. MAZZEI. This is a Communist party list I had turned in.

Mr. JULIANA. When did you turn that in to the FBI?

Mrs. MAZZEI. This was turned in after one of the meetings I attended.

Mr. JULIANA. Do you recall where the meeting was that you attended or where it is?

Mrs. MAZZEI. No, sir.

Mr. JULIANA. Whose name is on the bottom of the page?

Mrs. MAZZEI. Delilah Hargrove, colored, former IWO, works Pittsburgh Ordnance.

Mr. JULIANA. You wrote that in your own handwriting as a result of what you observed at Communist party headquarters in Pittsburgh?

Mrs. MAZZEI. Yes, sir. I misspelled Ordnance.

Mr. JULIANA. Did you attend a party in Pittsburgh held in behalf of Patterson—a party or a meeting?

Mrs. MAZZEI. No, I did not.

[Off-record discussion.]

Mr. JULIANA. That was a party for Patterson?

Mrs. MAZZEI. I did.

Mr. JULIANA. I think the question was: Do you recall attending a party for Patterson which was attended by other members of the Communist party in Pittsburgh?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. Where was that held?

Mrs. MAZZEI. In a Negro church. I believe it was on the Hill. The Hill is the Hill District of Pittsburgh. It is off the colored section. This one church was where we usually had most of our meetings.

Mr. JULIANA. You mean Communist meetings?

Mrs. MAZZEI. Civil Rights Congress meetings and Communist meetings.

Paul Robeson was there one time, I remember. There were so many there it is confusing to say just what party. I do remember the Patterson party.

Mr. JULIANA. Was Mrs. Hargrove at that party?

Mrs. MAZZEI. I believe she was. I can state this truthfully, that I remember the woman at Alex Wright's party.

Mr. JULIANA. When was that?

Mrs. MAZZEI. That was held in either, well, his birthday is either—in the fall of the year, I believe it was.

Mr. JULIANA. Where was it held?

Mrs. MAZZEI. It was held in the same place.

Mr. JULIANA. Who was Alex Wright?

Mrs. MAZZEI. Alex Wright is a Communist party leader; also the Progressive party head of western Pennsylvania.

Mr. JULIANA. Were all the people present at that party Communists?

Mrs. MAZZEI. Yes. I think I was on some sort of committee and at this Alex Wright party I remember getting some donations to carry out another party from the Civil Rights Congress for Ben Crowthers. I was trying to get money to put on another party.

Mr. JULIANA. Do you know an individual by the name of Sunny Robinson?

Mrs. MAZZEI. Yes, I do.

Mr. JULIANA. Is he a member of the Communist party?

Mrs. MAZZEI. Yes, he is.

Mr. JULIANA. Was he a close associate of Mrs. Hargrove?

Mrs. MAZZEI. Yes, he was. He and his wife and Mrs. Hargrove often had conversations together.

Mr. JULIANA. Where does Mrs. Hargrove work now as far as you know?

Mrs. MAZZEI. At the Pittsburgh Ordnance.

Mr. JULIANA. When was the last time you saw her?

Mrs. MAZZEI. I haven't seen her since the party at Alex Wright's—his birthday party. I don't know just when that was.

Mr. JULIANA. Were you a member of the Communist party?

Mrs. MAZZEI. Yes, I was

Mr. JULIANA. Were you an informant for the FBI?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. Did you furnish reports of your Communist activities to the FBI?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. Is the photostatic copy that I showed you a few minutes ago a copy of what you gave to the FBI?

Mrs. MAZZEI. Yes, sir.

[Off-record discussion.]

Mr. JULIANA. Mr. Mazzei, when did you first meet Mrs. Hargrove?

Mr. MAZZEI. I would say around 1948.

Mr. JULIANA. Was that in the Pittsburgh area?

Mr. MAZZEI. That is correct.

Mr. JULIANA. At that time did you meet her as a member of the Communist party?

Mr. MAZZEI. Yes, sir. I met her as a member of the Communist party.

Mr. JULIANA. At that time do you recall what her employment was?

Mr. MAZZEI. I didn't know where she was employed until the other day—until I started scanning through names.

Mr. JULIANA. Prior to the time you met her did you ever learn of her previous activities?

Mr. MAZZEI. No, sir.

Mr. JULIANA. Where does she come from?

Mr. MAZZEI. That I don't know. I had an idea from her conversations that she may be from New York or Philadelphia.

Mr. JULIANA. Do you know her husband?

Mr. MAZZEI. No, sir. I don't know her to be married, other than these two names. I was trying to figure out if this was her maiden name and her married name.

Mr. JULIANA. You know Delilah Hargrove as Delilah Ousling?

Mr. MAZZEI. That is it. I did not know if she was married and divorced or never married.

Mr. JULIANA. Did you ever attend Communist party meetings at the Congressional Library basement in Pittsburgh?

Mr. MAZZEI. That is the Carnegie Library?

Mr. JULIANA. That is it.

Did you attend Communist party meetings there?

Mr. MAZZEI. Yes, I did.

Mr. JULIANA. Was Mrs. Hargrove ever in attendance at meetings with you?

Mr. MAZZEI. That is right, the north side.

Mr. JULIANA. Is that library located at 440 Wood Street?

Mr. MAZZEI. No, sir, 440 Wood Street is another section of Pittsburgh and another building used by the Communist party. The address I don't know but it is located on the north side.

Mr. JULIANA. What is the name of the street it is located on?

Mr. MAZZEI. That I don't know. There is only one library there and that is the one.

Mr. JULIANA. Do you know a Robert Jones?

Mr. MAZZEI. Yes; he is a member of the Communist party.

Mr. JULIANA. Miriam Scheverts?

Mr. MAZZEI. Yes, she is a member of the Communist party and also head of the Civil Rights Congress.

Mr. JULIANA. Eleanor Sachter?

Mr. MAZZEI. That is right, with the Civil Rights Congress and in the Communist party too.

Mr. JULIANA. Do you know Sunny Robinson?

Mr. MAZZEI. Sunny Robinson is a Negro boy. He is in the steel works—steel mills in Pittsburgh now.

Mr. JULIANA. Is he a member of the Communist party?

Mr. MAZZEI. Yes. He was a member of the Young Communist League when I first met him and then he automatically got into the Communist party.

Mr. JULIANA. Were these people that I have just mentioned close friends of Mrs. Hargrove?

Mr. MAZZEI. That is right.

Mr. JULIANA. What type of work did Mrs. Hargrove do for the Communist party?

Mr. MAZZEI. Before I answer that, sir, Eleanor Sachter, may I say this to you. When Matt Cvetic came out in the open, Eleanor Sachter was given a hearing by the Communist party and she was expelled from the Communist party for failing to give information in on Matt Cvetic. She was held responsible for Matt Cvetic, and she and another member of the party, Mamula.

Mr. JULIANA. What type of work did Mrs. Hargrove do for the Communist party?

Mr. MAZZEI. She was working in the Negro section in the city of Pittsburgh in Allegheny County.

Mr. JULIANA. Was she also active in the Civil Rights Congress?

Mr. MAZZEI. Yes, she was. She was active also in the IWO.

Mr. JULIANA. Did she do work for the Civil Rights Congress as on the Negro question?

Mr. MAZZEI. That is right, sir.

[Off-record discussion.]

Mr. CARR. Mr. Mazzei, there is no doubt in your mind that the person you identified on Monday of this week, that would be August 9th, at the Pittsburgh Ordnance, is the same Mrs. Hargrove that you knew as a member of the Communist party?

Mr. MAZZEI. Yes, Delilah Hargrove is the same woman I knew while in the party, as a member of the party.

Mr. CARR. I would like to ask you the same question, Mrs. Mazzei. Have you seen the person identified by your husband at the Ordnance Plant?

Mrs. MAZZEI. No, sir. I did not see her. I haven't seen her since Alex Wright's birthday party.

Mr. CARR. Can you describe her as best you can remember?

Mrs. MAZZEI. The best I can remember she is a kind of tall person and she keeps herself pretty well groomed. I couldn't say how her hair is; it seemed to be sort of flattened down in front.

Mr. CARR. Is she a Negro?

Mrs. MAZZEI. Yes.

Mr. CARR. There is no doubt in your mind you could recognize her if you saw her again?

Mrs. MAZZEI. I could recognize her immediately.

Mr. CARR. Now, Mr. Mazzei, we would like to ask you if you know a man by the name of Theodore H. Savage?

Mr. MAZZEI. I know Mr. Savage.

Mr. CARR. Mr. Juliana, would you ask him some questions concerning Mr. Savage.

Mr. JULIANA. Mr. Mazzei, when did you first meet Theodore Savage?

Mr. MAZZEI. The first time that I met Theodore Savage was in 1935 or 1936.

Mr. JULIANA. Was that in Pittsburgh?

Mr. MAZZEI. That was in Pittsburgh.

Mr. JULIANA. Do you know the name of Mr. Savage's father?

Mr. MAZZEI. Nathan Savage.

Mr. JULIANA. Do you know Nathan Savage as a member of the Communist party?

Mr. MAZZEI. Yes, I knew Nathan Savage as a member of the Communist party.

Mr. JULIANA. In Pittsburgh, Pennsylvania?

Mr. MAZZEI. That is right.

Mr. JULIANA. Does Theodore Savage have any brothers?

Mr. MAZZEI. He has either two brothers or one brother. I am a little confused. I know he has one sister who was a member of the Communist party.

Mr. JULIANA. Do you know where the sister is now?

Mr. MAZZEI. In Pittsburgh. She married Judge Ellenbogen.

Mr. JULIANA. Judge Ellenbogen married the daughter of Nathan Savage?

Mr. MAZZEI. That is right.

Mr. JULIANA. Were Savage's brothers members of the Communist party?

Mr. MAZZEI. The entire family was a member of the Communist party. That is what I was told by Jim Dolson. I was told that by Dave Grant, who was a member of the Communist party. His mother is dead.

Mr. JULIANA. The one you are talking about is his foster mother. His father married again?

Mr. MAZZEI. I don't know a thing about that.

Mr. JULIANA. Did you know Theodore Savage's mother?

Mr. MAZZEI. Yes.

Mr. JULIANA. As a member of the Communist party?

Mr. MAZZEI. Yes.

Mr. JULIANA. And she is now deceased?

Mr. MAZZEI. That is right.

Mr. JULIANA. When did she die?

Mr. MAZZEI. She died during the war sometime.

Mr. JULIANA. Was it possibly towards the end of the war—possibly 1947?

Mr. MAZZEI. No, sir. I say middle—'43 or '42, something like that. I am not certain on the dates.

Mr. JULIANA. When you first met Theodore Savage in Pittsburgh, what was he doing for the Communist party?

Mr. MAZZEI. He was working in the Communist party office.

Mr. JULIANA. Where?

Mr. MAZZEI. In Pittsburgh. There was a building on Balm Boulevard. It is still standing, and in front of the building there is a Harrison City beer sign up. It is a very large sign with a man having his arm sticking out with a glass of beer in his hand.

Mr. JULIANA. What type of work was he doing at Communist party headquarters?

Mr. MAZZEI. He was working in the office.

Mr. JULIANA. Were you a member of the Communist party at that time?

Mr. MAZZEI. No, sir.

Mr. JULIANA. Were you a member of the Young Communist League at that time?

Mr. MAZZEI. No, sir.

Mr. JULIANA. What was your connection with the Communist party at that time?

Mr. MAZZEI. I was manager of the Arts Cinema Theater, which showed Soviet movies. It was my job to do publicity on pictures that were playing. The owner of the theater, which I have identified as a member of the Communist party—

Mr. JULIANA. Who was that?

Mr. MAZZEI. Gabriel Rubin. He was the owner of the Arts Cinema Theater.

Mr. JULIANA. Was he a member of the Communist party?

Mr. MAZZEI. May I say this before I answer that. He was the owner of the theater but the theater was really owned by the Artkeno, which were the purchasing agents for North and South America for the Soviet Union. They owned the theater and turned it over to him. It is sort of complicated. He was the front man, but I was the manager and it was my job to do publicity for the pictures. We had like an agreement to show Soviet movies once or twice a month and get a percentage of the gross receipts.

Mr. JULIANA. What did Theodore Savage do for the Arts Cinema Theater?

Mr. MAZZEI. He would receive the literature on pictures and he would see that it was properly distributed to members of the party wherever they had a meeting.

[Off-record discussion.]

Mr. JULIANA. Was Theodore Savage employed by Gabriel Rubin for this particular job?

Mr. MAZZEI. No, he wasn't.

Mr. JULIANA. Was he paid part of his salary by the Arts Cinema Theater?

Mr. MAZZEI. If he was, I didn't know it.

Mr. JULIANA. Was he paid by the Communist party for his work?

Mr. MAZZEI. If they did, I didn't know that.

Mr. JULIANA. Was Nathan Savage, Theodore's father, employed by the Arts Cinema Theater?

Mr. MAZZEI. No, sir.

Mr. JULIANA. Did he do any work for the Arts Cinema Theater?

Mr. MAZZEI. No, sir.

Mr. JULIANA. At this period of time you were not a member of the Communist party?

Mr. MAZZEI. No, sir.

Mr. JULIANA. Did you, however, frequent Communist party headquarters in Pittsburgh, Pennsylvania?

Mr. MAZZEI. Yes, I did.

Mr. JULIANA. And you frequented Communist party headquarters in connection with your job at the Arts Cinema Theater, is that correct?

Mr. MAZZEI. That is right.

Mr. JULIANA. At Communist party headquarters, whom did you usually speak with?

Mr. MAZZEI. Savage.

Mr. JULIANA. Theodore Savage?

Mr. MAZZEI. Theodore Savage.

Mr. JULIANA. He was at Communist party headquarters?

Mr. MAZZEI. That is right.

Mr. JULIANA. What was his job? What was his job in the party?

Mr. MAZZEI. I know I was to give him the literature.

Mr. JULIANA. You delivered literature from the theater to Communist party headquarters and gave it to Theodore Savage?

Mr. MAZZEI. That is right.

Mr. JULIANA. Did anyone ever ask you to join the Young Communist League?

Mr. MAZZEI. Yes, sir.

Mr. JULIANA. Who asked you?

Mr. MAZZEI. Theodore Savage.

Mr. JULIANA. He asked you to join the Young Communist League?

Mr. MAZZEI. Yes.

Mr. JULIANA. Who directed Savage to ask you that?

Mr. MAZZEI. Jim Dolson.

Mr. JULIANA. Who is Jim Dolson?

Mr. MAZZEI. Jim Dolson was convicted on the Smith Act as a Communist party functionary in the Pittsburgh area.

Mr. JULIANA. Did you join the Young Communist League?

Mr. MAZZEI. No, sir.

Mr. JULIANA. Were there times when Savage refused to accept literature at Communist party headquarters?

Mr. MAZZEI. Yes, there were times when he refused to accept it and times when he refused to let me in the office. There were always arguments with Gabriel Rubin that he didn't want me to go down because I wasn't a member of the Communist party. He told Gabriel I had no business up there.

Mr. JULIANA. In other words, he questioned your reliability as a Communist?

Mr. MAZZEI. Well, I wasn't a Communist. That is the reason he wouldn't let me in.

Mr. JULIANA. Over how long a period of time did this activity go on where you would deliver this advertisement on behalf of the theater to the Communist party headquarters?

Mr. MAZZEI. Up until the time I left the Arts Cinema Theater. I left that in 1950.

Mr. JULIANA. You left that in 1950, am I right?

Mr. MAZZEI. I believe it was 1951, sir. I may be wrong on the dates, sir.

Mr. JULIANA. How long a period of time, and if you can, during what years did you deliver these advertisements to Theodore Savage at Communist party headquarters?

Mr. MAZZEI. I started with the Arts Cinema Theater in 1935, and immediately after I started there I started to bring the Communist literature up to the Communist party headquarters and I would say from 1935, 1936, 1937, 1938, 1939 and 1940, I finally broke down and I joined the American League against War and Fascism. It had gotten to the point where I was getting nowhere. I would take the literature to the office and they would let it sit there. It would still be there and the picture would be over with. The explanation was they were not going to let me in, were not going to associate with me, were not going to cooperate with me, why doesn't he do something. Then finally Dolson said, "You are Italian" and Gabriel Rubin gave me the fifty cents to join the American League Against War and Fascism.

Mr. JULIANA. During the period from 1935 to 1940, did you observe Theodore Savage at Communist party headquarters?

Mr. MAZZEI. I lost track of Theodore Savage.

Mr. JULIANA. When?

Mr. MAZZEI. I'd say 1937, right after the flood in Pittsburgh.

Mr. JULIANA. You lost track of him sometime around 1937?

Mr. MAZZEI. That is right.

Mr. JULIANA. What was the nature of the Communist literature and advertisements? Was it the *Daily Worker*, Soviet films or what?

Mr. MAZZEI. Soviet films.

When Arkino would send us the advertisements, we were to get the advertisements in print—in other words, the bottom of the circular. To explain it, for instance this circular on top was blank. In other words, we had to insert Arts Cinema Theater, 70 Liberty Avenue and the time it would play. It would be printed and I would take three or four thousand or six thousand up to them.

Mr. JULIANA. When did you join the Communist party?

Mr. MAZZEI. I joined the Communist party in 1941 at the request of the FBI. From 1941 until 1953 I was a member of the Communist party.

Mr. JULIANA. From 1941 until 1953, you were a member of the Communist party, during which period you furnished detailed reports to the FBI, is that right?

Mr. MAZZEI. That is right.

Mr. JULIANA. Did you keep photostatic copies of some of those reports?

Mr. MAZZEI. No, sir.

Mr. JULIANA. Did you ever see Theodore Savage at a May Day celebration in Pittsburgh, Pennsylvania?

Mr. MAZZEI. Yes, sir.

Mr. JULIANA. When was that?

Mr. MAZZEI. That was the affair I am not sure on the date, but I had gotten in trouble with a policeman, a mounted policeman and we had sort of an argument and Savage made the remark to me, "You see how they handle the working people. Now, you will know what I am talking about." I was going down the street passing out the literature. I almost got arrested, I think, on that deal.

Mr. JULIANA. That was during a May Day celebration in Pittsburgh?

Mr. MAZZEI. That is right.

Mr. JULIANA. Do you know a man by the name of Al Haines?

Mr. MAZZEI. Yes, sir.

Mr. JULIANA. Was he a member of the Communist party?

Mr. MAZZEI. Yes, sir. Al Haines is a member of the Communist party in Detroit now. Al Haines was at one time in Washington, D.C. doing something—working for some housing authority. Al is married to Sidney Horowitz's sister. Sidney is dead now.

Mr. JULIANA. How do you spell that?

Mr. MAZZEI. H-o-r-o-w-i-t-z.

Mr. JULIANA. Is Al Haines or was Al Haines a close friend of Theodore Savage?

Mr. MAZZEI. Al Haines and Savage were very close friends. There was a clique. I could tell you the names of the clique.

Mr. JULIANA. Who was in the clique with Savage?

Mr. MAZZEI. Savage, Gabe Rubin, Jules Irmin, Sidney Sises; then we had another fellow by the name of—this is his nickname, but they called him Bubble Golomb. These people were the ones that were more friendly with Theodore Savage. These people were the members of the Communist party who when they went to Pittsburgh, all those fellows went to the University of Pittsburgh. They called them, the Communist party had a nickname for them. They called them the "Split Tails." They got that name from having coats with a split. All of them wore the same type of hats, same type of clothes, very narrow pants. Later on they formed the Tom Paine group, when it was formed. They were the originators of the Tom Paine group, like charter members.

Mr. JULIANA. Were they all members of the Communist party?

Mr. MAZZEI. That is right. They later became the group. They were the intelligentsia, sort of the snooty part of the Communist party.

Mr. JULIANA. During all this time, do you know where Theodore Savage resided?

Mr. MAZZEI. In Pittsburgh. The address, I don't know.

Mr. JULIANA. In other words, he resided in Pittsburgh area through the '30s?

Mr. MAZZEI. That is right.

Mr. JULIANA. During this period of time, did you know his father, Nathan Savage, as a member of the Communist party?

Mr. MAZZEI. I knew him as a member of the Communist party. I also knew him as an instructor at the Communist school I attended.

Mr. JULIANA. What did he instruct?

Mr. MAZZEI. He had two or three classes, one class on unionism in labor and how to work out bargaining agreements in labor and in plants, defense plants, at that time during the war, and the classes were held sometimes in the morning, sometimes in the afternoon and sometimes late at night to take care of the three shifts.

Mr. JULIANA. Did he actually instruct you in these classes?

Mr. MAZZEI. I attended maybe four classes. He had a class in Jewish, by the way.

Mr. JULIANA. Where were these classes held?

Mr. MAZZEI. Well, it was upstairs of a bakery in the Hill District, that is the Negro section. The bakery was owned by James or Joe Filner. He is not in Pittsburgh now; he is in New York. He has something to do with the Communist party in New York.

By the way, he owns a concrete block company in New York called the Bulldog Concrete Block Company, I believe, maybe I am wrong.

May I say, this man's mother, Joe Filner's mother, was a member of the Communist party. She is a woman eighty-five or eighty-six years old, and every time the Communist party would hold a picnic or party she would donate all the cakes and rolls from her bakery. She had a Jewish bakery, one of the best in the city of Pittsburgh.

Mr. JULIANA. There came a time when Savage apparently left the city of Pittsburgh, is that right?

Mr. MAZZEI. Yes, sir, he went into service.

Mr. JULIANA. That would be sometime in the early '40s?

Mr. MAZZEI. That is right.

Mr. JULIANA. What did he do in service? Was he in the army?

Mr. MAZZEI. Yes, sir.

Mr. JULIANA. Was he an officer?

Mr. MAZZEI. He was a warrant officer.

Mr. JULIANA. When did he return to Pittsburgh following his army service?

Mr. MAZZEI. 1946 or 1947.

Mr. JULIANA. Did you know him to return and reside in the Pittsburgh area after he served in the army?

Mr. MAZZEI. At least I thought he lived in Pittsburgh.

Mr. JULIANA. When did you see him following his discharge from the army?

Mr. MAZZEI. Well, I would say I saw him right after he came home from the army, but then I lost track of him again.

Mr. JULIANA. You saw him in the Pittsburgh area?

Mr. MAZZEI. Yes.

Mr. JULIANA. You saw him at Communist party meetings?

Mr. MAZZEI. Communist party headquarters.

Mr. JULIANA. Where?

Mr. MAZZEI. At that time, Communist party headquarters, I think it was the Triangle Building on Liberty Avenue, which was about two blocks away from the Arts Cinema Theater.

Mr. JULIANA. In 1947 or 1948, did you come to Washington with the veterans' encampment?

Mr. MAZZEI. Yes, I came as a delegate from my section of the Communist party in Pittsburgh, the North Side branch.

Mr. JULIANA. Who made the arrangements for you to come to Washington in Pittsburgh?

Mr. MAZZEI. I was a veteran, just got out of service and I was selected by my officers in the Communist party that I should come to Washington.

Mr. JULIANA. When you arrived in Washington did you meet Theodore Savage?

Mr. MAZZEI. We all met him. Our entire committee met him.

Mr. JULIANA. Your entire contingent met Theodore Savage?

Mr. MAZZEI. Western Pennsylvania, sir.

Mr. JULIANA. Where did you meet him?

Mr. MAZZEI. At a little hotel—it was a hotel and you could say it wasn't a hotel, sort of a house, but they had rooms with maybe five or six beds in one room for us.

Mr. JULIANA. Where was this encampment held?

Mr. MAZZEI. At a place called Turner's Arena.

Mr. JULIANA. Who took care of the reservations while you were here in Washington? Were they made by Mr. Savage?

Mr. MAZZEI. Mr. Savage made the reservations for our rooms, for the Western Pennsylvania contingent while we were here in Washington, D.C.

Mr. JULIANA. Did you spend some time with Theodore Savage in Washington?

Mr. MAZZEI. When I say the first time I met him here—he was talking to a man by the name of Johnny Gates, who I later found out went back to Pittsburgh and was a writer for the *Daily Worker*, who now, I believe, is in jail.

Mr. JULIANA. Johnny Gates was the national committee member of the Communist party convicted under the Smith Act as one of the top eleven Communist party leaders?

Mr. MAZZEI. Short fellow—that is right.

Mr. JULIANA. Who were some of the other people in your group that came to the encampment?

Mr. MAZZEI. Well, we had a fellow by the name of Johnny Widmaer; we had Sam Reed; we had Nathan Alberts; we had Pete Carper; we had we had Joe Filner; Eddie Lang. I would say, sir, we had over seventy-five people.

Mr. JULIANA. Did Theodore meet with this whole contingent upon their arrival in Washington?

Mr. MAZZEI. Yes, let me explain something. When we got to the Pennsylvania Turnpike, halfway through the turnpike, Dave Grant placed a call to Washington stating the time that we would arrive. The call was made to Savage and Savage—in other words, he wanted to know how many was in the group, so Dave Grant walked out of the phone booth and called us all in a circle. We had numbers. When we left Pittsburgh we were given a piece of paper with a number. That piece of paper was something similar like this. My number I don't remember. I told the bureau what my number was. That was the chair I was to sit in and occupy the bed with that number. I was to remember that number. In other words, I was not to lose it. I registered with that number at the Turner's Arena.

Dave Grant told them how many were coming there. He made arrangements for that many people.

Mr. JULIANA. Upon your arrival in Washington, did Savage arrange for you to take trips here in Washington to government offices?

Mr. MAZZEI. Yes, that was arranged by Savage and Dave Grant. I was selected to go to the Justice Department building.

Now, may I say something, sir. Savage said that he called us in a group, circle and said, now, I want you to be quiet and I want you to listen to what I am telling you now. This is very important. When you get in the Justice Department building you are going to be brought upstairs, and naturally you are going to have to sit and

wait and let you cool your heels. That afternoon the Washington newspapers said Washington was crawling with Reds. He showed us the headlines and told us not to be rowdy; not to get involved so it would reflect on the Communist party. He told us when we got in the building there would be a large table with chairs, and in the front of the room they will have a picture of a Mexican village. There is a window in the Mexican village which will be cut out and in the back of the room there is a clock and the calendar, which will designate the date. They will be photographing your picture from the front and photographing the time and date this was happening. They will also be listening in to your conversation, so I want you not to discuss anything not to use vile language; don't damn anybody; just sit and do this; that he was going to ask everyone that night what happened when he came out.

We did sit there forty-five minutes; then a gentleman by the name of Clark came out with two or three other gentlemen and he said, "My name is Mr. Clark" and they introduced themselves. He said they were also veterans and served in the First World War, etc., and he said, "You fellows are all veterans so you won't object if we ask you your names; go right down the line." They went down the line and asked me my name and from what part of Pittsburgh. We let off some steam by talking about the boys being overseas and not coming home; we were talking about lynching of Negroes, talking about unemployment, housing and they listened quite some time and then we went back and reported back to Savage.

Mr. JULIANA. Mr. Mazzei, following this meeting at the office of the attorney general, did you report back to Mr. Savage as a full committee that was there?

Mr. MAZZEI. I am sorry.

Mr. JULIANA. The committee reported back to whom?

Mr. MAZZEI. To Mr. Savage.

Mr. JULIANA. Alone or a committee?

Mr. MAZZEI. Mr. Savage was by himself.

Mr. JULIANA. Where was that?

Mr. MAZZEI. That was in front of our hotel. A man by the name of Nathan Alberts reported what really happened. Then there was a fellow by the name of, his last name was Hall, he was arrested. I think it was Gus Hall.

Mr. JULIANA. Was he a Communist party functionary?

Mr. MAZZEI. He was here. He had gone to another part of Washington; another office building of some kind and he was anxious to get Savage away. He wanted to talk to Savage about something else.

Mr. JULIANA. When you were in Washington attending the Veterans Encampment, did you take notes of your activities?

Mr. MAZZEI. Yes, sir, I did.

Mr. JULIANA. What was the purpose for those notes?

Mr. MAZZEI. The purpose for those notes, the party had suggested we do so, so when we got back to Pittsburgh we would have a better picture on what we had done in Washington, so we would have a better picture of the meeting.

Mr. JULIANA. You took note at the instructions of the Communist party?

Mr. MAZZEI. That is right.

Mr. JULIANA. Did you turn those notes over to the FBI?

Mr. MAZZEI. I did. Here is what I did.

Mr. JULIANA. I know what you did. Did you turn those notes over to the FBI?

Mr. MAZZEI. Yes, sir.

Mr. JULIANA. Was the name of Theodore Savage mentioned in those notes?

Mr. MAZZEI. Yes, sir.

Mr. JULIANA. Did you also turn over to the FBI a complete report of your trip to the encampment?

Mr. MAZZEI. Yes, sir, and I also turned over, while at Turner's Arena I very conveniently stole the roster of the entire membership of the committee that had gone to the encampment. In other words, they had made a duplicate copy of all members who attended the encampment and not only took our page, but I took some other states as well.

Mr. JULIANA. You turned that over to the FBI?

Mr. MAZZEI. That is right.

Mr. JULIANA. Was Theodore Savage a name on that list also?

Mr. MAZZEI. It was not.

Mr. JULIANA. How do you explain the fact it was not on that list?

Mr. MAZZEI. It wasn't because I looked for it.

Mr. JULIANA. Did Theodore Savage actually attend proceedings of the encampment at Turner's Arena?

Mr. MAZZEI. He attended. As a matter of fact, he sat with the delegates—they had a pole with a card, Pittsburgh, Western Pennsylvania, District 5. He sat with us. His name wasn't on that roster.

Mr. JULIANA. After seeing Savage at this encampment, you returned to Pittsburgh?

Mr. MAZZEI. That is right.

Mr. JULIANA. Did you ever thereafter see Savage in the Pittsburgh area?

Mr. MAZZEI. From time to time.

Mr. JULIANA. In connection with Communist party activities?

Mr. MAZZEI. Yes, sir. I would see him in the Communist party office.

Mr. JULIANA. How frequently did you see him at the Communist party office? Once or twice a year or ten times a year?

Mr. MAZZEI. I'd say more than that. I couldn't exactly say, maybe ten or fifteen times a year. I would see him today and tomorrow and maybe I wouldn't see him again until three weeks later.

Mr. JULIANA. During that period would you say you were a frequent visitor to Communist party headquarters?

Mr. MAZZEI. I would go so far as to say I was at Communist party headquarters every day.

Mr. JULIANA. In 1949 did you make a second trip to Washington, D.C.

Mr. MAZZEI. Yes, sir, I did.

Mr. JULIANA. What was the purpose of that trip?

Mr. MAZZEI. The purpose of that trip, that was the Mundt-Nixon Bill.

Mr. JULIANA. Was that the Mundt-Nixon or Taft-Hartley?

Mr. MAZZEI. I went down on both.

Mr. JULIANA. Did you come to Washington as a delegate of the Communist party?

Mr. MAZZEI. It was a caravan called the "Caravan."

Mr. JULIANA. Did you see Theodore Savage on that trip?

Mr. MAZZEI. I saw him on both trips—the Mundt-Nixon and Taft-Hartley.

Mr. JULIANA. Those were two separate trips?

Mr. MAZZEI. That is right.

Mr. JULIANA. Did Edward Lang come with you from Pittsburgh?

Mr. MAZZEI. Edward Lang got arrested on that trip.

Mr. JULIANA. For what?

Mr. MAZZEI. This is what I was told: He was arrested on a trumped up charge, like creating a riot and he was put in jail and Theodore Savage arranged with a lawyer or group of lawyers to try to get him out. The affair was held, don't laugh, at a big monument that looks like it is coming to a point out in the middle of a field some damn place out here.

Mr. JULIANA. It is not the Washington monument, is it?

Mr. MAZZEI. Darn if I know.

Mr. JULIANA. Is it the tallest building in Washington?

Mr. MAZZEI. It is a thing like that. That is all I can tell you. It sets all by itself. Most likely it is the Washington Monument.

Savage arranged for Lang's bail through a third party. That was the Civil Rights or something that put up the bail to get him out. They weren't successful.

Mr. JULIANA. When did you learn that Theodore Savage worked for the U.S. Government?

Mr. MAZZEI. His father told me. His father, Nathan Savage, told me.

Mr. JULIANA. When?

Mr. MAZZEI. I'd say in 1950.

Mr. JULIANA. Approximately 1950?

Mr. MAZZEI. That is right.

Mr. JULIANA. And at that time was Theodore Savage in Washington, D.C.?

Mr. MAZZEI. That is right.

Mr. JULIANA. Where did Nathan Savage tell you that he worked in Washington?

Mr. MAZZEI. Housing, Public Housing.

Mr. JULIANA. When you attended the Veterans Encampment in Washington, did you know at that time that Theodore Savage was working for the United States government?

Mr. MAZZEI. No, I did not.

Mr. JULIANA. Did you know he was working somewhere in Washington, D.C. for somebody?

Mr. MAZZEI. To tell you the truth, I thought he was working for the Communist party in Washington.

Mr. JULIANA. It was the first time that you knew that Savage was employed, Theodore Savage, was employed by the United States government was in 1950 when his father, Nathan, told you?

Mr. MAZZEI. That is right.

Mr. JULIANA. Did you immediately report that to the FBI?

Mr. MAZZEI. May I say this, Mr. Juliana. I had been reporting on Savage so much the FBI suggested that in conversation with his

father I try to find out exactly where he worked and also if he was married again and during the course of the conversation with the father, I said, "How is your son?" He said he was getting along fine; you know he is working for Housing; that he is married again and doing much better. He has got a nice wife and he started explaining to me how his domestic life was in better relation.

Mr. JULIANA. Did you ever meet Theodore Savage's first wife?

Mr. MAZZEI. Yes, I did.

Mr. JULIANA. What was her name?

Mr. MAZZEI. That I don't know.

Mr. JULIANA. Where did you meet her—the Communist party office in Pittsburgh?

Mr. MAZZEI. That is it.

Mr. JULIANA. What did she look like?

Mr. MAZZEI. Rather tall, good-looking woman. She drank an awful lot and was more or less running around with quite a number of Communist party members.

Mr. JULIANA. Did they have any children?

Mr. MAZZEI. That I don't know.

Mr. JULIANA. He was later divorced?

Mr. MAZZEI. That is right.

Mr. JULIANA. And it is your understanding he remarried?

Mr. MAZZEI. That is what his father told me.

Mr. JULIANA. Did you ever meet his second wife?

Mr. MAZZEI. No, sir.

Mr. JULIANA. Did he have any children by his second wife?

Mr. MAZZEI. He was supposed to have two.

Mr. JULIANA. How did you know that?

Mr. MAZZEI. His father told me.

Mr. JULIANA. When did he tell you he had two children?

Mr. MAZZEI. 1950.

Mr. JULIANA. Did he tell you how old the children were?

Mr. MAZZEI. No, sir.

Mr. JULIANA. Did he mention that one possibly would be a baby at that time?

Mr. MAZZEI. He may have. At this particular moment I don't remember.

Mr. JULIANA. When was the last time you saw Theodore Savage?

Mr. MAZZEI. The last time I saw him was when Matt Cvetic came out in the open, and he made the remark to me when in Pittsburgh that he never did trust Matt Cvetic; that he was a little skeptical about him and he was disbursing that the Communist party wasn't using enough precautions and that a thing like this never should have happened; that it was the fault of the party.

Mr. JULIANA. In 1950 Theodore Savage talked to you about Matt Cvetic?

Mr. MAZZEI. In other words, he was condemning the way we had taken security measures.

Mr. JULIANA. Who had been a Communist and at that time had already broken with the Communist party?

Mr. MAZZEI. That is right.

May I say this. I am going to try to see if I can get you just about the time that happened. It may have been in the summertime—May or June.

Mr. JULIANA. 1950?

Mr. MAZZEI. That is right.

Mr. JULIANA. Do you know Theodore Savage's brother, Abe Savage?

Mr. MAZZEI. Yes, sir.

Mr. JULIANA. Do you know what he does for a living?

Mr. MAZZEI. He is supposed to be a writer or public relations man in New York City.

Mr. JULIANA. For whom?

Mr. MAZZEI. At one time I thought it was a newspaper called *PM*.

Mr. JULIANA. Do you know where he is presently employed?

Mr. MAZZEI. No, I don't.

Mr. JULIANA. Do you know a brother of Theodore Savage by the name of Harry Savage?

Mr. MAZZEI. As I said before, the first name doesn't mean anything to me too much.

Mr. JULIANA. Do you know that he has a brother who is an attorney in Pittsburgh?

Mr. MAZZEI. Yes, sir.

Mr. JULIANA. Do you know that brother to be a member of the Communist party?

Mr. MAZZEI. Yes.

Mr. JULIANA. Do you know Abraham to be a member of the Communist party?

Mr. MAZZEI. As I say, I knew all the Savages, as far as names are concerned I am a little confused, but I knew the whole family as Communist. The only one I didn't know was the second wife of the father. I didn't know her, as a member of the Communist party. That is all I have.

[Off-record discussion.]

Mr. JULIANA. Mr. Mazzei, to go back to your trip to Washington when you attended the veterans' encampment, did Theodore Savage more or less serve as your guide while here in Washington?

Mr. MAZZEI. Yes, he did.

Mr. JULIANA. Did he give advice and instruction as to where you should eat in Washington?

Mr. MAZZEI. He gave it to the entire committee, the entire committee from western Pennsylvania. They typed out sheets to take with us. We were each one of us given a sheet of paper with the restaurants to go to. It had friendly and unfriendly.

Mr. JULIANA. And the reason that was so marked "unfriendly" was because they would not cater to the Negroes?

Mr. MAZZEI. Yes.

Mr. CARR. At this encampment, was Johnny Gates, was he prominent in that, do you recall?

Mr. MAZZEI. Johnny Gates, yeah. Johnny Gates at that time I thought him to be a member of the Communist party from New York. He later came to Pittsburgh and was very, very active in western Pennsylvania. Johnny Gates wanted the Communist party member, veterans to get into an organization called the American Veterans.

Mr. JULIANA. We will ask Mrs. Mazzei a few questions. Mrs. Mazzei, when were you active in the Communist party in the Pittsburgh area?

Mrs. MAZZEI. From the year of 1944 up until February 1953, March 1953.

Mr. JULIANA. When you were active in the Communist party movement in Pittsburgh, did you know a Theodore Savage?

Mrs. MAZZEI. No, I did not. I don't know the man.

Mr. JULIANA. Was Theodore Savage ever introduced to you by your husband?

[Off-record discussion.]

Mr. JULIANA. When you were a member of the Communist party was your husband, Joseph Mazzei, also a member of the Communist party?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. While he was a member of the Communist party, did he report regularly to the FBI?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. Did you assist him in writing his reports?

Mrs. MAZZEI. Yes, sir, I did all the writing.

Mr. JULIANA. You wrote the reports for your husband, Joseph?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. And in turn they were given to the FBI?

Mrs. MAZZEI. He would dictate them to me and I would write them.

Mr. JULIANA. Now, in taking this dictation from your husband concerning his activities in the Communist party, did he give you on many different occasions information concerning Theodore Savage's activities in the Communist party?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. And you put this information in report form?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. And these reports were furnished to the FBI?

Mrs. MAZZEI. Yes, sir.

Mr. JULIANA. You have never seen Theodore Savage?

Mrs. MAZZEI. I would never say I have never seen the man because at the Pittsburgh area I got to meet the Communist party members, but would not know them to see them. I would be around certain groups but not around others. Maybe I would be around the women's groups rather than the man. I would not be around them.

Mr. JULIANA. There is a possibility, however, that you could recognize Theodore Savage if you saw him?

Mrs. MAZZEI. Yes, sir. There may be a possibility.

Mr. JULIANA. That is all, Mrs. Mazzei.

[Whereupon, the hearing adjourned.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

[EDITOR'S NOTE.—Herman E. Thomas testified publicly on December 7 and 8, 1954. Joseph A. Picucci (1899–1975), John Szabo (1908–1983), and Markus Kalasz (1893–1987) testified in public on December 7. John Babirak testified in public on December 8. John Wallach (1921–1995); Philip Valli (1893–1975); and Benito Seara Quintana (1902–1970) did not testify at a public hearing. As a consequence of invoking the Fifth Amendment during their testimony, Joseph A. Picucci and John Szabo were discharged by Bethlehem Steel. John Babirak was discharged and reinstated after agreeing under oath before a company hearing to cooperate fully with the subcommittee.]

MONDAY, DECEMBER 6, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 2:15 p.m., pursuant to notice, in room 357 of the Senate Office Building, Senator Karl E. Mundt presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; and Senator Charles E. Potter, Republican, Michigan.

Also present: James N. Juliana, acting executive director; Donald F. O'Donnell, assistant counsel; Daniel G. Buckley, assistant counsel; Robert F. Kennedy, counsel to the minority; Ruth Young Watt, chief clerk.

Senator MUNDT. Will you raise your right hand. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. THOMAS. I do.

Senator MUNDT. You may be seated, Mr. Thomas.

TESTIMONY OF HERMAN E. THOMAS

Mr. THOMAS. Thank you.

Senator MUNDT. Give us for the benefit of the record your name and a word or two about your background and your present employment, and how you happen to be here.

Mr. THOMAS. My name is Herman E. Thomas. I reside at 518 North 23rd Street, in Allentown, Pennsylvania. I own and operate the Herjeans Chip Steak Company in Allentown.

As to my background in the Communist party, I joined the Communist party in 1937, and remained in the Communist party until 1939, at which time I dropped out of the Communist party, one of the main reasons being when I found out what the true aims and purposes of the Communist party were, I got out.

In the early part of 1944, I was approached by two agents of the Federal Bureau of Investigation. They had known I had been in the

party before, and they asked me if I would be willing to go back into the Communist party as an undercover agent. They told me the hazards I would have while I was in the party, operating as an undercover agent, but I would be doing a service to my country. I accepted at that time.

Senator MUNDT. At that time did you rejoin the Communist party then with the full knowledge of the FBI, and virtually at their instructions?

Mr. THOMAS. Yes, sir.

In April of 1944, I was signed back into the party by a charter member, Mother Ella Reeve Bloor, and I remained in the party until May 6, 1954, when I testified for the Justice Department against nine Smith Act violators in Philadelphia.

Senator MUNDT. That brought you out into the open and from that time on I suppose you have resigned?

Mr. THOMAS. Well, yes, I have resigned the party, that is correct.

Senator MUNDT. That was May 6 of this year.

Mr. THOMAS. That is correct.

Senator MUNDT. That you testified in the open and severed your connection.

Mr. THOMAS. That is correct.

Senator MUNDT. Now, during the days and the years and the months that you were a member of the Communist party, what was your employment then, your means of earning a living? Where were you working, and so on?

Mr. THOMAS. In 1944 when I rejoined the Communist party, at the request of the Federal Bureau of Investigation, I was working for Metropolitan Life Insurance Company, and in January of 1945 at the request of the Communist party that I get back into the steel industry, I went back into the employment of the Bethlehem Steel plant at Bethlehem, Pennsylvania, and stayed there until July of 1947, at which time I left and went into business for myself.

At that time I went into the luncheonette business. Prior to that, one of the reasons for my getting out of the Bethlehem Steel was that I was involved in an automobile accident in March of 1947 while coming home from a Communist party meeting, and I was in a head-on collision, and I could no longer do the work at Steel.

I remained in the luncheonette business until October of 1950, when again the Communist party asked me to try to get back into the Bethlehem Steel Company. I got back in October or November of 1950, and I was fired in January of 1951 for being a member of the Communist party.

Senator MUNDT. While you were a member of the Communist party, did you ever meet a Pennsylvanian by the name of Steve Nelson?

Mr. THOMAS. Yes, I met Steve Nelson at a meeting in Philadelphia on one or two occasions.

Senator POTTER. That was a Communist party meeting?

Mr. THOMAS. Oh, yes, a Communist party meeting.

Senator MUNDT. What was his position at that time?

Mr. THOMAS. He was the district organizer of western Pennsylvania.

Senator MUNDT. Did he have something to do with a Communist group of laborers at Westinghouse Electric at one time, do you recall?

Mr. THOMAS. That I don't know, Senator.

Senator MUNDT. Mr. Juliana, do you want to pick up the questioning from here?

Mr. JULIANA. Mr. Thomas, when the party asked you to return into the employment of Bethlehem Steel Company, did they give you any reasons why they wanted you to go into Bethlehem Steel?

Mr. THOMAS. Yes. I would say as early as this last time, October of 1950, William Hood, who was the section organizer for the Communist party, said that I was the only one that was well known among the steel workers and that I could help by going back in and finding out what is going on in the plant, and probably be able to recruit steel workers back into the party.

Mr. JULIANA. Was not it a definite plan of the Communist party to infiltrate Bethlehem Steel Company, at Bethlehem, Pennsylvania?

Mr. THOMAS. Bethlehem Steel was the main concentration center of the Communist party of eastern Pennsylvania and Delaware.

I might add, too, that certain funds were allocated out of the district of Philadelphia for work in this concentration area.

Mr. JULIANA. Mr. Chairman, for the record, I would like to say that Mr. Thomas has been under subpoena by this subcommittee for some time, and was interviewed at great length and furnished very valuable information. He subsequently testified before another congressional committee, and following his testimony, both he and members of his family were threatened by members of the Communist party, and he has suffered some great personal hardship from that.

Therefore, I thought it was advisable to advise the local police of this, and they have agreed to cooperate and to give Mr. Thomas whatever protection is needed.

Senator MUNDT. All right.

Mr. JULIANA. Now, I think we can go into the individual cases.

Senator MUNDT. Let us proceed.

Mr. JULIANA. Mr. Thomas, do you know a man by the name of Joseph A. Picucci?

Mr. THOMAS. Yes, I do.

Mr. JULIANA. When did you first meet Mr. Picucci?

Mr. THOMAS. In 1945.

Mr. JULIANA. What were the circumstances of your meeting with him?

Mr. THOMAS. At that time I was—I am wrong. I met him in 1947. I was a member of the Bethlehem City Club, the Bethlehem Steel Club of the Communist party of Bethlehem, at that time, and Charles Spencer was the section organizer for the Communist party, and it was at a Communist party meeting that I met Joseph Picucci for the first time.

Mr. JULIANA. Do you know Joseph as a member of the Communist party?

Mr. THOMAS. Yes, sir, I do.

Mr. JULIANA. When was the last time you knew him to be a member of the Communist party?

Mr. THOMAS. May 6, 1954.

Mr. JULIANA. Is that the date that you testified in the Smith Act trial at Philadelphia, Pennsylvania?

Mr. THOMAS. That is correct.

Mr. JULIANA. Up until your actual testimony in that trial, you were a member of the Communist party?

Mr. THOMAS. That is right, in good standing.

Mr. JULIANA. Where does Joseph Picucci work?

Mr. THOMAS. He works at the Bethlehem Steel plant of the Bethlehem Steel in Bethlehem, Pennsylvania.

Senator POTTER. Does he still work there?

Mr. THOMAS. Yes, sir, he does, to the best of my knowledge.

Senator MUNDT. Does the Bethlehem Steel Company there have any defense contracts, or do they have any business with our security establishments which would be dangerous to have Communists employed around?

Mr. THOMAS. Definitely, the Bethlehem Steel definitely has contracts with the government, and where Joseph Picucci is employed, it would be dangerous to have a Communist working in that department.

Senator MUNDT. What department is he in?

Mr. THOMAS. He is a millwright, that is, a repairman, and he repairs the furnaces where the steel is made, the open hearth furnaces.

Senator MUNDT. He would be in a good position to do a quick job of sabotage if it became Communist policy to engage sabotage, is that right?

Mr. THOMAS. Definitely.

Mr. JULIANA. I have some figures that have been furnished by the Bethlehem Steel Company on classified contracts, and would you like me to put those in the record?

Senator MUNDT. Yes, if it is unclassified material.

Mr. JULIANA. It is unclassified. They are putting this in the form of official letters to us which we haven't received, but this is in substance what their situation is, as of December 1, 1954.

On plain material contracts with the United States government they have a total estimated value of over \$30 million. They have an estimated value for shipments in 1955 of \$203 million. Now, on classified contracts, they have one classified contract which involves armor test goods, which is estimated at about \$17,000. They also have another classified contract on a common projectile MK-42 which amounts to approximately \$811,000, or a total of approximately \$829,000 of classified work being done for the United States government.

Senator MUNDT. Do you know, Mr. Thomas, whether Joseph Picucci is known to officials and management of the Bethlehem Steel Corporation as a Communist?

Mr. THOMAS. I couldn't say that, Senator.

Senator MUNDT. In other words, to the best of your knowledge he has never been exposed in a public hearing or a public trial.

Mr. THOMAS. His name was mentioned when I testified before the Jenner committee.

Senator MUNDT. Do you know of his ever having appeared as a witness?

Mr. THOMAS. No, sir, I do not. He hasn't, to the best of my knowledge.

Senator MUNDT. You don't know whether he would deny or admit a record of communism, or whether he would try to take refuge behind the Fifth Amendment?

Mr. THOMAS. That I don't know, sir.

Mr. JULIANA. Mr. Thomas, to your knowledge, was Mr. Picucci ever given any assignments by the Communist party in connection with his work in Bethlehem Steel Company?

Mr. THOMAS. I might say the only party assignments that I know of Joe receiving was to distribute Communist party literature within the plant, try to recruit steel workers into the party, and Senator, I would like to correct myself. I know Joe Picucci since 1945, and not 1947, because right after World War II the Communist party held a meeting where they discussed a postwar program, and at that meeting it was an open meeting, Joe Picucci brought quite a few steel workers.

Mr. JULIANA. Was Mr. Picucci given the assignment to keep the Italian section of the steel workers alerted as to Communist party thinking in the steel plant?

Mr. THOMAS. Joe Picucci held an office in one of the Italian societies in Bethlehem, and it was his job to try to get this Italian society to go along on Communist propaganda and Communist party political, especially in the backing of the Progressive party in 1948.

Mr. JULIANA. Where did Picucci reside before moving to Bethlehem?

Mr. THOMAS. Youngstown, Ohio.

Mr. JULIANA. Was he a member of the Communist party in Youngstown?

Mr. THOMAS. Yes, he told me he was a member of the Communist party in Youngstown, Ohio, and to further substantiate that a fellow by the name of Coka came in from the National Steel Commission of the Communist party in Ohio, to get a survey of the Bethlehem steel plant, and at a meeting with Coka, Picucci and myself, along with William Hood, who was the section organizer for the Communist party of eastern Pennsylvania and Delaware, they talked about people that both of them know out in Ohio, who were well-known Communists.

Mr. JULIANA. Was he a member of the Italian branch of the International Workers Order?

Mr. THOMAS. Joe Picucci told me that he helped organize the Italian branch of the IWO in Youngstown, Ohio.

Mr. JULIANA. In August of 1950, were you a member of a three-man secretariat set up by the Lehigh Valley Communist party?

Mr. THOMAS. Yes, sir, I was.

Mr. JULIANA. Who were the other two members of that secretariat?

Mr. THOMAS. Joseph Picucci and Morris Chasan.

Mr. JULIANA. Who was Morris Chasan?

Mr. THOMAS. Morris Chasan was a caretaker for Budd Schulberg.

Mr. JULIANA. Was he a member of the Communist party in 1950?

Mr. THOMAS. Definitely.

Mr. KENNEDY. He is a caretaker for whom?

Mr. THOMAS. Budd Schulberg, the writer.

Mr. KENNEDY. He is a caretaker down there now?

Mr. THOMAS. Right now he has tourist cabins of his own, and he went into business for himself.

Mr. KENNEDY. When was he a caretaker for Schulberg?

Mr. THOMAS. I would say up to about a year ago, or a year and a half ago.

Mr. JULIANA. What was the purpose of the three-man secretariat?

Mr. THOMAS. Well, in August of 1950, under directions of Joseph Kuzma, who was then the organizational secretary of the Communist party of eastern Pennsylvania, and Delaware.

Senator MUNDT. Who is that?

Mr. THOMAS. K-u-z-m-a, one of the Smith Act defendants in Philadelphia.

Senator MUNDT. Is that Joseph or Morris?

Mr. THOMAS. Joseph Kuzma. Joseph Kuzma had instructed Bill Hood, who was the section organizer of the Communist party of Lehigh Valley, to disband the section committee for security reasons, and to break the clubs down into cells of members, not more than three or four to a cell, so that one cell would not know who was in the other cell, and that there would be no more use of the telephone, and that instead of the enlarged section committee, Joe Picucci would have charge of the party work in Northampton County, Morris Chasan in Bucks County, and I having charge of Lehigh Valley section. That is Lehigh County. And that we would meet once or twice a month in cars, and discuss plans of operation.

Mr. JULIANA. In 1950, Mr. Thomas, was there a movement on the part of the Communist party to operate in the underground?

Mr. THOMAS. That was the purpose of this secretariat.

Mr. JULIANA. What you have just explained was the start of the underground movement of the Communist party?

Mr. THOMAS. That is correct.

Mr. JULIANA. Now, I want to divert your attention to early 1954, which is this year. In connection with the Smith Act trial in Philadelphia, Pennsylvania, was Joseph Kuzma one of the defendants in that trial?

Mr. THOMAS. That is correct.

Mr. JULIANA. What position did he hold in the Communist party?

Mr. THOMAS. He was organizational secretary of the Communist party of eastern Pennsylvania and Delaware.

Mr. JULIANA. Do you know Kuzma's wife?

Mr. THOMAS. Yes, very well.

Mr. JULIANA. Was she a member of the Communist party?

Mr. THOMAS. Yes, sir, she was.

Mr. JULIANA. Did Marion Kuzma, Joe Kuzma's wife, solicit Joseph Picucci for funds in behalf of the defendants in the Philadelphia trial?

Mr. THOMAS. Marion Kuzma told me that she visited Joseph Picucci as well as others and explained the situation that the party had to raise \$100,000 for defense of the party, \$60,000 of this to be used for the attorneys in the Smith Act trial.

Joseph Picucci went down to the bank and said that he took out his last \$200 to give to Marion Kuzma for the defense.

Mr. JULIANA. At the time that Marion Kuzma told you this, you were still a member of the Communist party?

Mr. THOMAS. Yes, I was.

Mr. JULIANA. Senator, I don't have any further questions on Joe Picucci.

Senator MUNDT. Let us take up then Mr. John Szabo. Do you know Mr. John Szabo?

Mr. THOMAS. Yes, sir, I do.

Senator MUNDT. When did you meet him? Or when did you know him if you can't remember when you first met him?

Mr. THOMAS. Just a moment, Senator. I would say in 1946 I met John Szabo.

Senator MUNDT. Did you know him off and on until the time you left the Communist party?

Mr. THOMAS. That is correct.

Senator MUNDT. In May of 1954?

Mr. THOMAS. That is correct.

Senator MUNDT. Did you know him to be a Communist?

Mr. THOMAS. Yes, sir.

Senator MUNDT. Did you attend Communist meetings at which he was present?

Mr. THOMAS. A few, Senator.

Senator MUNDT. Did you ever attend a Communist meeting in his home?

Mr. THOMAS. Yes, sir, I did.

Senator MUNDT. Where was his home located?

Mr. THOMAS. In Butztown. That is part of Miller Heights section of Bethlehem.

Senator MUNDT. He also was employed in Bethlehem Steel?

Mr. THOMAS. Yes, sir.

Senator MUNDT. To the best of your knowledge, is he still there?

Mr. THOMAS. Yes, sir, he is.

Senator MUNDT. Does he have any official status in the Communist party, or is he just a card-carrying Communist?

Mr. THOMAS. Senator, there are no longer any card-carrying Communists. The cards were taken away from us when the security period was instituted, so that in case any of us were picked up, that the government would not have any redress to say that we were card-carrying members.

Senator MUNDT. That is right, and I misspoke myself, I know that, but let me rephrase the question. Does he hold any official function in the Communist party, or is he just a run of the mill?

Mr. THOMAS. He is a rank and file member of the Communist party.

Senator POTTER. But a disciplined Communist party member.

Mr. THOMAS. Yes, sir.

Senator MUNDT. Are there any other questions that you men want to ask about Szabo?

Mr. O'DONNELL. Has Szabo to your knowledge been a member and an active member of the Communist party since you first knew him in 1946, up until the time you testified in the Smith Act trial?

Mr. THOMAS. He has been a member of the party from 1946 up until the time I testified.

Mr. O'DONNELL. To your own knowledge?

Mr. THOMAS. That is correct.

Senator MUNDT. You testified that at one time you attended a Communist meeting in his home, in Butztown, Pennsylvania. Briefly, for our information, will you sort of recast what occurs in a meeting of that kind, and you walk in the door and what goes on from there?

Mr. THOMAS. At that meeting there were three or four individuals present, and William Hood, who was the section organizer at that time told John—the importance of having him going to union meetings, finding out what is going on in the union, and to try to help promulgate the Communist party program within the union. That when certain issues came up, he could play an active part in the union. That was about the sum and substance of that.

Senator MUNDT. What seemed to be the immediate objective of the Communist cell to which Szabo belonged, for example? Obviously they were not going to attempt any great sabotage at the moment, and was it to stir up this discontent among the members of the union, leading to labor trouble, or just to recruit the members, or was it to develop a plan of systematized sabotage if, as and when the time came when the Communists were going to try to do some overt act of revolution, outside, or outside attack?

Mr. THOMAS. I might say, Senator, that John's role, I know he was approached one time by the section organizer, and myself, when there was a strike in the beam yard, and the section organizer, William Hood, tried to get information as to what was going on during the strike, and what the workers were thinking about, and John admitted that he had not been serving on the picket line, and he was reprimanded by the section organizer, who told him that a disciplined Communist must do picket duty, and follow instructions of the Communist party.

Senator MUNDT. Was it your impression that that particular strike was called at the direction or instigation of the Communists?

Mr. THOMAS. No, the strike was not called at the instigation of the Communists. But I might say that the Communists try to prolong the strike.

Senator MUNDT. In other words, anything that slows down the defense production is part of the Communist program.

Mr. THOMAS. To give you an example of that, Senator, there was a work stoppage during the Korean War, and we were instructed to visit the contacts we had in steel, to try to prolong the strike, because as you know the Communists said the Korean War was an unjust war, and Steven Nelson whom I mentioned before, brought that out, and I know even during that time some of the Communists who had to buy United States bonds through payroll deduction were disciplined because of the fact that buying United States bonds was helping the Korean War effort, and the Communists at no time wanted to have any part to help the United States in the Korean War effort. They were on the part of the Soviet Union, the Communists in this country were.

Senator POTTER. Did the Communist faction within the labor union, did they endeavor to try to guide the union policy?

Mr. THOMAS. I would say, Senator, that in the early part of 1947 I was a trustee of Local 2600, and at a caucus or at a Communist party meeting we were instructed to try to get certain resolutions

presented to the forthcoming industrial CIO union council convention that was held in April of 1947 in Harrisburg, and I might say that I was instrumental in getting some resolutions presented and passed by Local Union 2600 but I want to say now, so that I am not misunderstood, that Local 2600 is 100 percent American, but I would like to show you how just a few Communists can sway five or six thousand workers.

These resolutions were presented at the industrial union convention in Harrisburg.

Senator POTTER. In other words, that is a typical Communist strategy that they use, a small group of people working with a singleness of purpose can sway a big organization, whose motives are totally different.

Mr. THOMAS. A drip of water, Senator, on stone will eventually crack it, and that is the way the Communists figure.

Mr. KENNEDY. At these meetings with them were you discussing the fact the Korean War was going on and it was caused by the United States? Was that some of the questions and problems that you talked about?

Mr. THOMAS. Yes. In fact, I was at a section committee meeting, and the section committee is the high echelon of the Communist party of the section, and I was one of the members of the section committee, and I had not told the Communists that I was serving as a ground observer in the civilian air observer corps. I had served during World War II, and that was okay, as far as the Communists were concerned, because World War II was a people's war according to the Communists.

Well, at one of these meetings just about a little over a year, or less than a year ago, I told them I had to leave early, and they asked me where I was going, and I said I go on at twelve o'clock, airplane spotter, and they said, "What, you helping the Korean War effort?", and why, they were going to bring me up on charges before the section committee. So I told them, well, I didn't know that that was helping the Korean War effort, and I said I would resign from that post. I didn't resign. I told them that I did, but I kept that post until I testified on May 6, 1954.

Mr. KENNEDY. When you were talking about going around to your various contacts after some of these meetings, and trying to prolong the strike, would you give as your reason to these people to whom you talked that the Korean War was a capitalist war, or would you give the reason that you wanted to prolong the strike, because you were not getting fair wages?

Mr. THOMAS. They used that, that the Bethlehem Steel Company was not coming across with what the workers were producing, and what should be their just gains, and that they should hold out for better conditions.

Mr. KENNEDY. Now, at these Communist party meetings, were you told when you went to make these contacts, were you told to give this as the reason rather than the reason that you were discussing at the meeting?

Mr. THOMAS. We tell them, or we were instructed to use that first, and then to show them, too, how this was an imperialist war, the Korean War, and that we would have to get along with the Soviet Union, and that we are just killing innocent people. It was

warmongering and so forth in Washington, as the Communists put it.

Mr. KENNEDY. Is there any question in your mind that the primary reason that they wanted you or that they wanted the strike to be prolonged was because of the fact that they were against the Korean War?

Mr. THOMAS. That is the only reason they were against the Korean War, and that is why they did it.

Senator MUNDT. We will go now to Mr. Markus Kalasz. Do you know Mr. Markus Kalasz?

Mr. THOMAS. I do.

Senator MUNDT. About how long a period of time had you known him?

Mr. THOMAS. I would say I know Markus Kalasz about sixteen years.

Senator MUNDT. Do you know him to be a member of the Communist party?

Mr. THOMAS. I have never seen his membership card, but I would like to say this, that Markus Kalasz attended several Communist party meetings at which time there were only Communists present.

Senator MUNDT. Meaning that you were present?

Mr. THOMAS. That is correct, and that Markus Kalasz paid moneys over to William Hood, the section organizer of the Communist party, and Markus Kalasz gave us the names of some of the shop stewards in the Bethlehem Steel working in his department, who we could see as possible recruits for the Communist party, one or two of which the section organizer recruited into the party, and Markus Kalasz subscribed to the *Sunday Worker*, which is the Communist party publication, and Markus Kalasz took excerpts or clippings from the Communist party *Sunday Worker* and posted them in his department at Bethlehem Steel, and he told me on several occasions that they called him the Joe Stalin of the steel foundry.

Senator MUNDT. Let me ask you one other question. When a Communist or anybody else takes an open Communist piece of propaganda, such as an article from the *Sunday Worker*, would obviously be, and post it on company property, on a company bulletin board, does anybody representing the company ever come along and tear that down, or don't they pay any attention to it?

Mr. THOMAS. I will tell you. Sometimes it stays up there for a few days.

Senator MUNDT. It does?

Mr. THOMAS. Yes. It is hard to believe.

Senator MUNDT. You mean it would appear to me as being that the company is either entirely indifferent to what kind of propaganda is given its employees, or that they are oblivious to the fact it was there? Would they know about it being there?

Mr. THOMAS. I think that they are oblivious to the fact that there is a danger existing with Communists working in the Bethlehem Steel.

Senator MUNDT. I never worked in a steel plant, and I do not know where those bulletin boards are, but does anyone representing the management go by these bulletin boards?

Mr. THOMAS. Yes, and the management puts up safety bulletins on these billboards, too.

Senator MUNDT. So they would not be oblivious to the fact that a clipping from the *Sunday Worker* was actually there, and they might be oblivious to its significance, but they would certainly know that it was there.

Mr. THOMAS. That is correct.

Senator MUNDT. So if it stayed there, it stayed there because they did not take it down.

Mr. THOMAS. That is right.

Senator MUNDT. And there is nothing in the union contract there that prohibits management from taking something off this bulletin board if it does not like it?

Mr. THOMAS. Not that I know of, Senator.

Senator MUNDT. Are there any other questions on this man?

All right, we will go to the next.

Mr. JULIANA. I have a couple of questions, Senator.

Mr. Thomas, you said that Kalasz gave money to Hood?

Mr. THOMAS. That is correct.

Mr. JULIANA. What did this money represent? Was it dues, Communist party dues, or what?

Mr. THOMAS. I can't say what they represented. I would say most Communist party members paid a certain sustainer every month for the support of the section organizer, and probably this was used as part of his contribution toward the sustainer of the section organizer.

Mr. JULIANA. Now, in 1952, do you know for a fact that Kalasz was in contact with William Hood, then section organizer of the Communist party for the Lehigh Valley?

Mr. THOMAS. Yes, sir, he was.

Mr. JULIANA. How do you know that?

Mr. THOMAS. Well, Hood told me. You see, there were certain individuals during this security period, we broke up the work that would not be too obvious to the FBI where we were working, and we used to work individually, and one comrade would have one or two contacts and another contact would have another couple of contacts.

Mr. JULIANA. Why was Hood in touch with Kalasz?

Mr. THOMAS. To find out what was going on within the plant.

Mr. JULIANA. What did Hood specifically want to know from Kalasz concerning the internal conditions of the Bethlehem Steel Company?

Mr. THOMAS. From time to time he would ask him how many workers were in the department, and how the conditions were in the plant, in that particular steel foundry where he worked, and you see we had a district steel commission and there were certain steel workers that were on this steel commission. There would be probably two fellows from Bethlehem Steel at the Bethlehem plant, and maybe one fellow or two from the Bethlehem Steel at Lackawanna, and one or two fellows from the Sparrows Point of Bethlehem Steel, perhaps one from Lukens Steel in Coatesville, and once a month we would have a steel commission meeting, where we would get together and talk about what is going on in each shop. It was a central organized committee.

This information was received from the members in the plant itself.

Mr. JULIANA. Did Hood want to know the exact type of products that were being manufactured where Kalasz was employed by Bethlehem Steel?

Mr. THOMAS. That was one of the things. We know what was being manufactured in every department, and we had a physical checkup of every department, how many men working in a department, and who were our friends, and friends of the Communist party, and the product that was manufactured there, and that was the general setup.

Mr. JULIANA. Your testimony in effect is that the Communist party had people placed in steel, and we are talking now of Bethlehem Steel, and these people would report back and this information would eventually get to this steel commission, where it would be discussed once a month.

Mr. THOMAS. Yes.

Mr. JULIANA. This information concerned the internal workings of the Bethlehem Steel Company?

Mr. THOMAS. That is correct.

Mr. KENNEDY. What about this group, then, this steel commission? What would they do with that information? Did that go on to someone else?

Mr. THOMAS. A higher source.

Mr. KENNEDY. Was all of this work being done in all of these steel plants that went on and you coordinated all of this information that you had and sent it on to a higher source?

Mr. THOMAS. That is correct. You see, then there was a national steel commission, at which time, and I and he, one of the Smith Act defendants in Pittsburgh, was on that. I might say that in 1946 I attended two such national conventions or commission meetings in Cleveland, Ohio at which time Gus Hall, who is now serving time in the federal penitentiary for Smith Act, and he was one of the original twelve indicted Communists, and he was a member of that steel commission. Arnold Johnson who is now awaiting sentence to jail was one of the second string leaders of the Communist party, and Jack Kline, off the record who the bureau would like to know where he is, and this is where a lot of this material was woven together, and I might say that the material, in the early part of 1953 a pamphlet was published by the Communist party which consolidated a lot of this material. I think it was called "Communist Viewpoint on Steel."

Mr. KENNEDY. Would it be your contention that the Communist party would know exactly what was taking place in all of the steel mills throughout the country?

Mr. THOMAS. There is no question about it.

Mr. KENNEDY. Because of the fact that these various meetings had taken place?

Mr. THOMAS. Yes, sir.

Mr. KENNEDY. And various reporting in was done?

Mr. THOMAS. That is right.

Senator POTTER. It was a regular intelligence apparatus working within the steel industry.

Mr. THOMAS. That is right.

Senator POTTER. Do you have any knowledge whether a similar commission exists within other basic industries?

Mr. THOMAS. I might say that, you see they have trade union commissions, and there is a steel commission, and there is an electric commission, and there is ship, and marine, and you know, each commission met separately.

Senator POTTER. But certainly it would be your assumption that they had a similar intelligence apparatus?

Mr. THOMAS. I know they did.

Senator POTTER. Within the other industries.

Mr. THOMAS. Yes.

Senator MUNDT. Is this Mr. William Hood connected with the steel business in any way, or was he?

Mr. THOMAS. He was a full time party organizer, Communist party organizer.

Senator MUNDT. Let us go to Mr. John Wallach.

Mr. KENNEDY. Could I ask one other question? On this Kalasz, he took part in the 1946 steel strike?

Mr. THOMAS. That is correct.

Mr. KENNEDY. Was he an active participant in it?

Mr. THOMAS. Yes, sir, he was. He was an active union member, too.

Mr. KENNEDY. Did the Communist party take any position and was he acting in that strike because of instructions from the Communist party?

Mr. THOMAS. Partly, I would say.

Mr. KENNEDY. That was their position during that strike?

Mr. THOMAS. In 1946?

Mr. KENNEDY. That was the big strike in 1946.

Mr. THOMAS. That was the national steel strike throughout the country, and Joseph Kuzma who was at that time an officer of Local 2599 of one of the Bethlehem Steel locals had charge of publicity for the strike, for the union, and he was a member of the Communist party at that time, probably unbeknownst to the union itself. And under Kuzma's directions, a lot of action was taken, some of the examples I would like to give. One was that it was proposed and carried out that a leaflet be issued in the Spanish language for the Spanish speaking steel workers to let them know what was going on during the strike.

Two, there were relief committees set up, which I personally think was a good thing, and it helped those needy families. That is about it.

Senator MUNDT. All right. Mr. John Wallach. Did you know him personally?

Mr. THOMAS. I met John Wallach on just several occasions, Senator.

Senator MUNDT. Did you ever attend a Communist party meeting with Mr. John Wallach present?

Mr. THOMAS. I attended a meeting at the Americus Hotel at Allentown, at which John Wallach was present, along with James West, who was a member of the national steel commission, and William Hood, who was a section organizer for the Communist party of Lehigh Valley.

Senator MUNDT. That was a closed meeting? That was not open?

Mr. THOMAS. It was closed.

Senator MUNDT. Closed, Communists only?

Mr. THOMAS. Yes.

Senator MUNDT. You do not know beyond that whether he is a member of the Communist party or not?

Mr. THOMAS. No, I do not.

Senator MUNDT. He is still working for Bethlehem Steel?

Mr. THOMAS. Yes, in ingot mold.

Senator MUNDT. All right. Mr. Philip Valli, do you know him?

Mr. THOMAS. Yes, very well.

Senator MUNDT. Is he presently employed by Bethlehem Steel?

Mr. THOMAS. Yes, he is.

Senator MUNDT. Do you know him to be a Communist?

Mr. THOMAS. Senator, my contact with Phil Valli has been from the time I became active in the labor movement, and I would say about 1937, up until the time I left Bethlehem Steel in 1947. I know on different party assignments I was assigned to see Valli to get him to get the backing of the Croatian society, of which he was head. And then in 1952 and 1953 I visited his home on several occasions with Mr. William Hood, the section organizer, to get the feeling of the men in his department. And then in the early part of 1954, I visited Markus Kalanz with the now section organizer, William Powers, and when we approached him, or when we came to Valli's home, I said, "This is William Powers, section organizer for the Communist party, and he is here and we are here to find out what is going on in the plant," and he said, "Look, Thomas, I know you, but how do I know that Powers isn't an agent for the FBI?"

Well, I said, "Look, you know me well enough, and I can vouch for William Powers." William Powers at that time was just known as "Jack." That is the only name he used.

Valli told us he was a member of the Communist party back in 1928, and he also told us that the FBI had him in, in Allentown, and had spoken to him for about two hours, and we reprimanded him for speaking to the FBI, and we told him that he doesn't have to speak, and his rights as a citizen are such that he does not have to speak to the FBI. When they have you there for two hours they are trying to pump stuff out of you.

Well, he says, "They did not get anything out of me, and the only thing I told them was I was a charter member of the Progressive party."

Valli stated at that time that he was getting too old to fight, and Jack told him, or William Powers told him that we needed men with his experience. He said he had read Karl Marx before he ever came to this country, Valli said, and he knew what the Communist doctrine was, and that he is willing to go to jail if fascism comes to this country.

Senator MUNDT. All right. Mr. John Babirak. Do you know him?

Mr. THOMAS. Yes, sir.

Senator MUNDT. Is he employed at Bethlehem Steel today?

Mr. THOMAS. He is in the welding department of Bethlehem Steel.

Senator MUNDT. Do you know him to be a Communist?

Mr. THOMAS. I know Babirak to be a Communist up until 1950, and in 1954 Babirak contributed money to the defense fund in Philadelphia, \$100 that I know of. He was a member of the Communist party when I first joined in 1947.

Senator MUNDT. Was he an open member or did he become an underground agent, do you know?

Mr. THOMAS. Well, I will tell you, Senator. There were very few Communists in the Lehigh Valley who were known as open members of the Communist party.

Senator MUNDT. Did he head the Hungarian section of the International Workers Order for a while?

Mr. THOMAS. He did for a while, and he also had charge of the Hungarian Press.

Senator MUNDT. Do you have any other questions on him?

Mr. Benito Seara Quintana. Was he employed with the Bethlehem Steel Company?

Mr. THOMAS. The last I knew of Quintana, he was employed in the coke works division of Bethlehem Steel.

Senator MUNDT. Did you know him to be a Communist?

Mr. THOMAS. I know him to be a Communist.

Senator MUNDT. You know him personally?

Mr. THOMAS. Very well.

Senator MUNDT. Was he a citizen or was he a foreigner operating as a Communist agent?

Mr. THOMAS. Quintana was not a citizen of the United States, and in fact he told me at one time he wanted to sever connections with the Communist party for the reason that he had come into this country illegally, and that he was going to try to marry an American citizen, so that he could stay in this country.

Senator MUNDT. He entered the country illegally?

Mr. THOMAS. He said he came in illegally through Canada.

Senator POTTER. Did he marry an American girl?

Mr. THOMAS. Yes, he did.

Senator POTTER. Do you know whether he became a citizen subsequently?

Mr. THOMAS. No, sir, and he won't become a citizen.

Senator POTTER. Why do you say that?

Mr. THOMAS. I am going to appear before the INS as a witness against him.

Senator MUNDT. Mr. Thomas Basil Luzian——

Mr. JULIANA. That is the end up to date.

Senator MUNDT. Does anybody have any further questions?

Mr. O'DONNELL. There is only one general question Mr. Thomas, and it would be this. Have the individuals who have been mentioned outside of Kalasz, are there any that you know of who actually furnished information concerning the internal security conditions of Bethlehem Steel to any member of the Communist party? For example, did Babirak?

Mr. THOMAS. Yes.

Mr. O'DONNELL. He did?

Mr. THOMAS. Yes. What do you mean by internal security, the setup of the plant, and how many men are working and the product that is manufactured?

Mr. O'DONNELL. Yes.

Mr. THOMAS. Of all of those mentioned to date, they all did.

Mr. O'DONNELL. These all did, and they are part of an operation?

Mr. THOMAS. Yes, sir.

Senator MUNDT. Let me ask you according to your general knowledge when you left Bethlehem Steel, would you be able to give us any sort of intelligent guess as to the number of Communists and Communist sympathizers employed in that particular plant? Did Mr. Hood ever give you any information on that?

Mr. THOMAS. Did who?

Senator MUNDT. Mr. Hood or anybody?

Mr. THOMAS. I think I am as much of an authority on that as he is. Yes, I would say there are several hundred sympathizers within the plant.

Senator MUNDT. How many?

Mr. THOMAS. Several hundred; that is correct.

Senator MUNDT. How many of those would you say are under discipline, under Communist discipline?

Mr. THOMAS. Let me say this, Senator, that there are members who belong to the now defunct IWO, and they have set up what they call a policy holders' group, or something, an organization to hold these people together. The Communist party influence among national groups in the Lehigh Valley is very great. I would say they could be disciplined, and God forbid, if the United States was ever at war with the Soviet Union, it would be pretty pitiful for the United States with the people who are sympathetic to the Soviet Union in the Bethlehem Steel plant.

I am not saying this in trying to exaggerate, but in my time, in the party, which goes back to 1937, and being in contact with none of the important leaders of the Communist party in the country, I know it is detrimental to have those people working in the plant.

Senator POTTER. Mr. Thomas, even you say that even the sympathizers, while they may not be commonly accepted Communist party members, if it came to a showdown between the United States and the Soviet Union, we could not depend on their loyalty?

Mr. THOMAS. That is correct. To give you an example of that, Senator, it is this: In the last fund drive, defense fund drive for the Smith Act defendants in Philadelphia, Lehigh Valley section was one of the first sections to raise its quota, and some of that money was raised among the sympathizers. I know on the Mundt-Nixon bill, we raised \$2600 in the Lehigh Valley to fight the Mundt-Nixon bill, in Allentown and Bethlehem it was. It has been a pleasure to meet you, Senator.

Senator MUNDT. I think they spent some of it in the last campaign out in South Dakota. That is very interesting, and certainly is wonderful, Mr. Thomas, to have fellows like you who having had this background of experience, and realized the mistakes you have made, who are trying to do what Whitaker Chambers did, devote the rest of their lives to undoing the damage that they helped to create, and have the courage to go back in under the FBI and try to right the wrongs, and to come before committees like this, and to do what you tell us today you are doing to stop these people who become citizens otherwise from becoming a part of our great American colony of citizenship. Thank you very much.

Mr. Thomas, we would like to have you back in the room tomorrow morning at ten o'clock for an open hearing.

Mr. THOMAS. Yes, sir.

TESTIMONY OF JOSEPH A. PICUCCI (ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER)

Senator MUNDT. Are you Mr. Joseph A. Picucci?

Mr. PICUCCI. Yes, sir.

Senator MUNDT. Will you stand, please, and be sworn.

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

Mr. PICUCCI. I do.

Senator MUNDT. And Mr. Attorney, will you identify yourself for the record?

Mr. FORER. Joseph Forer, 711 14th Street, Northwest, Washington, D.C.

Senator MUNDT. You are here as the attorney for Mr. Joseph A. Picucci?

Mr. FORER. That is correct, sir.

Senator MUNDT. Mr. Picucci where were you born?

Mr. PICUCCI. In Italy.

Senator MUNDT. How old are you?

Mr. PICUCCI. I will be fifty-six.

Senator MUNDT. When did you come to the United States?

Mr. PICUCCI. In 1921.

Senator MUNDT. Are you a naturalized citizen?

Mr. PICUCCI. Yes, sir.

Senator MUNDT. When did you become a citizen?

Mr. PICUCCI. Twenty-third of April 1927.

Senator MUNDT. In 1927?

Mr. PICUCCI. Yes, sir.

Senator MUNDT. Where are you presently employed?

Mr. PICUCCI. Bethlehem Steel.

Senator MUNDT. In what town?

Mr. PICUCCI. In Bethlehem Plant, Bethlehem, Pennsylvania.

Senator MUNDT. You are in what capacity?

Mr. PICUCCI. Mechanical repairing.

Senator MUNDT. Do you repair everything generally or do you have some specialty?

Mr. PICUCCI. Machineries, and the open hearth furnaces.

Senator MUNDT. Did you repair the machinery?

Mr. PICUCCI. We have three departments. It includes machinery, two departments, and the open hearth.

Senator MUNDT. Do you know a Mr. William Hood?

Mr. PICUCCI. I refuse to answer under the base of my privilege under the Fifth Amendment not to be a witness against myself.

Senator MUNDT. Are you a member of the Communist party?

Mr. PICUCCI. I refuse for the same reason.

Senator MUNDT. What reason? You have to state the reason.

Mr. PICUCCI. I refuse to answer on the basis of my privileges under the Fifth Amendment, not to be a witness against myself.

Senator MUNDT. Do you have any questions?

Mr. O'DONNELL. Mr. Picucci, have you ever made any financial contributions to the Communist party?

Mr. PICUCCI. I refuse to answer under the same reasons, sir.

Senator MUNDT. You have to state the reason in full.

Mr. O'DONNELL. State the reason.

Mr. PICUCCI. Under the Fifth Amendment, I refuse on the basis of my privileges under the Fifth Amendment not to be a witness against myself.

Mr. O'DONNELL. You are refusing on the basis that your answer might tend to incriminate you, on the basis of the Fifth Amendment.

Mr. PICUCCI. It might tend to, sir.

Mr. O'DONNELL. Did you ever furnish to any member of the Communist party any information concerning any internal conditions at Bethlehem Steel Company where you worked?

[Witness consulted with his counsel.]

Mr. PICUCCI. I refuse to answer on the same reason.

Mr. O'DONNELL. Will you state your reason?

Senator MUNDT. You are going to have to state the reason.

Mr. PICUCCI. My Fifth Amendment.

Senator MUNDT. You have to cite it each time.

Mr. PICUCCI. I refuse on the basis of my privileges under the Fifth Amendment not to become a witness against myself.

Mr. O'DONNELL. Mr. Picucci, have you ever engaged in espionage?

Mr. PICUCCI. Certainly not.

Mr. O'DONNELL. Have you ever engaged in sabotage?

Mr. PICUCCI. Positively not.

Mr. O'DONNELL. If the Communist party were to order you to commit espionage, would you commit espionage?

Mr. PICUCCI. Pardon me?

Mr. O'DONNELL. If the Communist party ordered you to commit espionage, would you commit espionage?

[Witness consulted with his counsel.]

Mr. PICUCCI. Sir, I will not commit espionage, no matter who ordered me to.

Mr. O'DONNELL. In the event this country went to war with Russia, and the Communist party ordered you to commit sabotage, would you commit sabotage?

Mr. PICUCCI. I just stated I would not commit sabotage for nobody.

Senator MUNDT. Do you know a Miss Marion Kuzma?

Mr. PICUCCI. What is that?

Senator MUNDT. Do you know a Mrs. Marion Kuzma?

Mr. PICUCCI. That I refuse to answer, sir, on the same reason I stated before.

Senator MUNDT. You will have to recite your reason.

Mr. PICUCCI. I refuse to answer on the basis of my privilege under the Fifth Amendment to not become a witness against myself.

Senator MUNDT. Is there something about Mrs. Kuzma that would tend to incriminate you?

Mr. PICUCCI. It might tend to, sir.

Senator MUNDT. Are there any questions?

Senator POTTER. Mr. Picucci, you are now employed at Bethlehem Steel Company, is that right?

Mr. PICUCCI. Yes, sir.

Senator POTTER. You are now employed there?

Mr. PICUCCI. Yes, sir.

Senator POTTER. In order to secure your position or when the company receives a government contract, are you required at any time to sign a loyalty oath that you do not belong to an organization that overthrows the government by force and violence?

Mr. PICUCCI. Not to my knowledge.

Senator POTTER. You have never signed such an oath?

Mr. PICUCCI. Not that I know of.

Senator MUNDT. Are you a member of the Bethlehem City Club?

Mr. PICUCCI. What is that?

Senator MUNDT. Are you a member of the Bethlehem City Club? [Witness consulted with his counsel.]

Mr. PICUCCI. I refuse to answer, sir, on the same reason I gave before.

Senator MUNDT. The same reasons you gave before. You are going to have to tell us why you refuse to answer.

Mr. PICUCCI. Well, I did not know that. I refuse to answer on the basis of my privileges under the Fifth Amendment, not to become a witness against myself.

Senator MUNDT. Is the Bethlehem City Club a subversive organization?

[Witness consulted with his counsel.]

Mr. PICUCCI. I refuse to answer that, sir, on the basis of my privileges under the Fifth Amendment not to become a witness against myself.

Senator MUNDT. I have only one other question, Mr. Picucci. If you are not a member of the Communist party, and we are living in a pretty tricky world, and there is a growing tendency in this country, I hope, to deny employment in all or defense establishments to people who are Communists, or who value their American citizenship so little that when given an opportunity, they refuse to avail themselves of the chance to deny that they are Communists, that I want to suggest to you, sir, that this is a magnificent opportunity for you, under oath, to deny that you are a Communist, if you care to do it. Do you want to avail yourself of this opportunity?

[Witness consulted with his counsel.]

Mr. PICUCCI. No, sir, I do not want to take the oath.

Senator MUNDT. What is that?

Mr. PICUCCI. I do not want to take the oath.

Senator MUNDT. You mean to say you do not want to avail yourself of the opportunity?

Mr. PICUCCI. Yes.

Senator MUNDT. You have already taken the oath. I am just asking you if you want to avail yourself under oath of the opportunity to deny the fact that you are a Communist, and if I understand, your answer, it is no, is that correct?

Mr. PICUCCI. That is right.

Senator MUNDT. Does anybody have any other questions?

Mr. KENNEDY. Were you a Communist party member in 1935?

Mr. PICUCCI. I refuse to answer on the basis of my privileges under the Fifth Amendment not to give witness against myself.

Mr. KENNEDY. What about 1925, were you a Communist member at that time?

Mr. PICUCCI. I refuse under the same reason.

Senator MUNDT. You have to state the reason.

Mr. PICUCCI. I refuse on the basis of a privilege under the Fifth Amendment not to be a witness against myself.

Mr. KENNEDY. Were you a member of the Communist party on the twenty-third of April 1927?

Mr. PICUCCI. I refuse on the basis of my privileges under the Fifth Amendment not to be a witness against myself.

Mr. KENNEDY. At that time, do you remember that you took an oath to swear allegiance to this country, and renounce allegiance to any other country because that was the day that you became a United States citizen, and you do remember that, Mr. Picucci.

[Witness consulted with his counsel.]

Mr. PICUCCI. Sure I did.

Mr. KENNEDY. You did take that oath?

Mr. PICUCCI. Yes, sir.

Mr. KENNEDY. At that time, were you a member of the Communist party?

Mr. PICUCCI. I refuse to answer, sir, on the basis of my privilege under the Fifth Amendment, not to become a witness against myself.

Mr. JULIANA. Do you know Morris Chasan? Do you know a man by the name of Morris Chasan?

[Witness consulted with his counsel.]

Mr. PICUCCI. I don't.

Mr. JULIANA. You do not remember?

Mr. PICUCCI. I don't know him, no, sir.

Mr. JULIANA. Were you a member of a three-man secretariat of a section committee of the Lehigh Valley Communist party in 1950?

[Witness consulted with his counsel.]

Mr. PICUCCI. I refuse to answer, sir.

Senator MUNDT. Let him answer. Answer the question.

Mr. PICUCCI. I refuse on the basis of my privilege under the Fifth Amendment not to become a witness against myself.

Mr. JULIANA. Do you know a man by the name of Charlie Spencer?

Mr. PICUCCI. I refuse for the same reason, sir.

Senator MUNDT. You will have to give the proper answer unless you want to run the risk of being in contempt of Congress; you have to take refuge legally and precisely.

Mr. PICUCCI. I refuse on the basis of my privileges under the Fifth Amendment not to become a witness against myself.

Mr. JULIANA. Where did you live before you moved to Bethlehem?

Mr. PICUCCI. Cleveland, Ohio.

Mr. JULIANA. Did you live in Youngstown, Ohio?

Mr. PICUCCI. Yes, sir.

Mr. JULIANA. Were you the organizer for the Italian branch of the International Workers Order in Youngstown, Ohio?

Mr. PICUCCI. Sir, I refuse to answer on the basis of my privilege under the Fifth Amendment not to become a witness against myself.

Senator MUNDT. Mr. Forer, you advised Mr. Picucci that we will want him at the open hearing at ten o'clock tomorrow morning?

Mr. FORER. What room?

Senator MUNDT. Right here, 357.

Mr. FORER. Do you want Mr. Szabo now?

Mr. O'DONNELL. Yes.

**TESTIMONY OF JOHN SZABO (ACCOMPANIED BY HIS
COUNSEL, JOSEPH FORER)**

Senator POTTER. Mr. Szabo, will you raise your right hand and be sworn. Do you 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. SZABO. I do.

Senator POTTER. Will you, Mr. Szabo, identify yourself for the record, and give your full name and your address and your occupation.

Mr. SZABO. John Szabo, Box 122, Butztown, steel worker.

Senator POTTER. And, Mr. Szabo, will your attorney identify himself for the record?

Mr. FORER. Joseph Forer, 711 14th Street, Northwest, Washington, D.C.

Senator POTTER. Mr. Szabo, are you an American citizen?

Mr. SZABO. Yes, sir.

Senator POTTER. Are you a native born or naturalized American citizen?

Mr. SZABO. I was born in Europe.

Senator POTTER. And when did you come to the United States?

Mr. SZABO. In 1926.

Senator POTTER. And when did you become naturalized?

Mr. SZABO. I came after my dad, you see my dad was a citizen at the time.

Senator POTTER. Your citizenship status is from your father who was an American citizen?

Mr. SZABO. Yes sir.

Senator POTTER. Mr. Juliana.

Mr. JULIANA. Mr. Szabo, have you ever held Communist party meetings in your home in Butztown, Pennsylvania?

Mr. SZABO. I refuse to answer on the basis of my privilege under the Fifth Amendment, that I will not testify against myself.

Mr. JULIANA. Do you know William Hood, a man by the name of William Hood?

Mr. SZABO. I refuse to answer on the same reasons.

Mr. JULIANA. Do you know a man by the name of Morris Chasan?

Mr. SZABO. I refuse to answer for the same reason.

Senator POTTER. In order for you to be fully protected, if you use the Fifth Amendment as a reason for not replying or responding to a question, you have to give the reason.

Mr. FORER. I don't agree with you, counsel. He does give the reason when he says the same reason.

Senator POTTER. But as far as the committee is concerned, you are better protected.

Mr. FORER. He wants you to give it in full each time.

Mr. SZABO. I refuse to answer for the same reason on the basis of my privilege under the Fifth Amendment, not to testify against myself.

Mr. JULIANA. Do you work at the Bethlehem Steel company in Bethlehem, Pennsylvania?

Mr. SZABO. Yes, sir.

Mr. JULIANA. What is your position there?

Mr. SZABO. I am a chain man.

Senator POTTER. What is a chain man, what does he do?

Mr. SZABO. I hook up beams, chain up beams.

Mr. JULIANA. Have you ever been requested by a member of the Communist party to report concerning the internal conditions of the Bethlehem Steel Company?

Mr. SZABO. I refuse to answer for the same reason on the basis of my privileges under the Fifth Amendment that I will not testify against myself.

Mr. JULIANA. Have you ever been a member of the Communist party?

Mr. SZABO. I refuse to answer for the same reason, as before.

Mr. JULIANA. Are you a member of the Communist party as of today?

Mr. SZABO. I refuse to answer for the same reason as before.

Mr. JULIANA. Give the whole reason.

Mr. SZABO. Well, on the basis of my privileges, that under the Fifth Amendment I will not testify against myself.

Mr. KENNEDY. Were you in the military service?

Mr. SZABO. Yes, sir.

Mr. KENNEDY. And when did you go in?

Mr. SZABO. In 1942.

Mr. KENNEDY. And what were you in, the army?

Mr. SZABO. Army air force.

Mr. KENNEDY. What rank did you have?

Mr. SZABO. Corporal.

Mr. KENNEDY. And where did you serve?

Mr. SZABO. I served—you mean overseas?

Mr. KENNEDY. Were you overseas or were you in this country?

Mr. SZABO. Yes, sir.

Mr. KENNEDY. Overseas, and where did you serve?

Mr. SZABO. Italy.

Mr. KENNEDY. During what years?

Mr. SZABO. 1943 and 1944—wait, now, it was 1944 and 1945.

Mr. KENNEDY. What part? Were you in the Italian campaign, the end of the Italian campaign?

Mr. SZABO. Yes, sir.

Mr. KENNEDY. What was your job?

Mr. SZABO. I was a sheet metal worker.

Mr. KENNEDY. Were you a member of the Communist party at that time?

Mr. SZABO. I refuse to answer under the basis of my privileges under the Fifth Amendment, I will not testify against myself.

Mr. KENNEDY. Were you under Communist party instructions at that time, did you get—strike that.

Did you get any orders from the Communist party while you were in the military?

Mr. SZABO. I refuse to answer for the same reason.

Mr. KENNEDY. Were you in touch with any Communists in Italy, during and while you were in the service?

Mr. SZABO. I refuse to answer for the same reason, on the basis of my privileges under the Fifth Amendment, I will not testify against myself.

Mr. O'DONNELL. Would you explain a little more about your particular position, and you said it had to do with steel beam, and just what type of work do you do? Do you move the beams around the plant, or what?

Mr. SZABO. Well, the crane moves them around.

Mr. O'DONNELL. Do you operate the crane?

Mr. SZABO. No, sir.

Mr. O'DONNELL. Well, just what do you do? What do you do in connection with the crane operating the beams?

Mr. SZABO. Well, I throw the chains round the beam and the crane takes it up.

Mr. O'DONNELL. All right.

Senator POTTER. Are there any other questions?

Mr. Szabo, have you ever been engaged in espionage work on behalf of the Communist party?

Mr. SZABO. No.

Senator POTTER. If you were instructed by the Communist party to so engage in espionage, would you do so?

Mr. SZABO. I refuse to answer.

Senator POTTER. You refuse to answer on what grounds?

Mr. FORER. Can we have the question again?

Senator POTTER. If you were instructed to engage in espionage by the Communist party, would you do so?

Mr. SZABO. No.

Senator POTTER. Have you ever, if you were instructed to engage in sabotage by the Communist party, would you do so?

Mr. SZABO. No.

Senator POTTER. While you were in the military service, you signed a document which states that you do not belong to an organization that believes in the overthrow of the government by force and violence. Did you so sign such a document?

Mr. SZABO. I did not get the question right.

Senator POTTER. When you were in the military service, you were asked to sign a document which stated that you did not belong to an organization that believed in the overthrow of the government by force and violence; did you so sign such a document, and if so, how did you sign it?

Mr. FORER. He still has not gotten the question.

[Witness consulted with his counsel.]

Mr. SZABO. I don't remember.

Senator POTTER. You have no recollection of signing such a document?

Mr. SZABO. No.

Mr. JULIANA. Have you ever contributed money to the Communist party?

Mr. SZABO. I refuse to answer on the basis of my privilege under the Fifth Amendment. I will not testify against myself.

Mr. JULIANA. Have you ever been a part of a conspiracy to commit espionage?

[Witness consulted with his counsel.]

Mr. SZABO. I did not get the question right.

Mr. JULIANA. Have you ever been a part of a conspiracy to commit espionage?

Mr. SZABO. No.

Mr. JULIANA. Have you ever been a member of the Communist party?

Mr. SZABO. I refuse to answer on the same reason, on the basis of my privilege under the Fifth Amendment, I will not testify against myself.

Mr. KENNEDY. Do you believe in the forceful overthrow of this government by force and violence?

Mr. SZABO. No.

Mr. KENNEDY. Do you advocate the overthrow of this government by force and violence?

Mr. SZABO. No.

Mr. KENNEDY. Do you advocate that at some future time this government might be overthrown by force and violence?

Mr. SZABO. I don't quite understand that.

Mr. KENNEDY. Well, can you foresee that this government—strike it.

Do you belong to an organization which advocates the forceful or teaches the forceful overthrow of this government by force and violence?

Mr. SZABO. I refuse to answer for the same reason, on the basis of my privileges under the Fifth Amendment, that I will not testify against myself.

Senator POTTER. Would you belong to an organization that the courts have determined believes in the or advocates the overthrow of our government by force and violence?

You answered prior to that time that you do not believe in the overthrow of our government by force and violence. Do you believe in an organization that the courts have determined advocates the overthrow of our government by force and violence?

[Witness consulted with his counsel.]

Mr. SZABO. I don't quite understand the question.

Senator POTTER. I say the courts have determined that the Communist party is an organization that advocates the overthrow of our government by force and violence. In answer to a previous question by Mr. Kennedy, you stated that you personally did not believe in the overthrow of our government by force and violence. Now, if you do not believe in the overthrow of our government by force and violence, are you a member of the Communist party which the courts have determined advocates the overthrow of our government by force and violence?

Mr. SZABO. I refuse to answer on the same grounds.

Senator POTTER. I have no further questions. If you will be present in this room tomorrow at ten o'clock, please.

Mr. Kalasz, will you raise your right hand and be sworn, please. Do you swear that the testimony you are about to give to be the truth, the whole truth and nothing but the truth, so help you God?
Mr. KALASZ. Yes, sir.

TESTIMONY OF MARKUS KALASZ

Senator POTTER. Mr. Kalasz, you realize that you have the privilege of being represented by an attorney, and what is your desire in this case?

Mr. KALASZ. Please, I am working in a noisy shop, a very noisy shop, and the hearing of mine is a little bit weak, and will you please a little—

Senator POTTER. You realize that you have the privilege of having a lawyer, and an attorney with you, if you desire. Do you so desire?

Mr. KALASZ. Well, I don't think, gentlemen, that I need any lawyer, because I don't have anything to do on this case that I was called in here on. I was a Democrat and I campaigned on the Democratic side since Roosevelt, campaigned for president on that side only.

I am a steel worker, and we campaigned to organize the United Steel Workers, a voluntary organizer.

Senator POTTER. If I brought that up, so that you would know your rights as a witness, and during the course of the examination if you feel that you prefer to have an attorney with you, just say so.

Now, will you identify yourself for the record by giving us your full name, and your address, and where you work? Just tell us.

Mr. KALASZ. My name Markus Kalasz, and I work 923 Spring Street, working at the Bethlehem Steel.

Senator POTTER. How do you spell your last name?

Mr. KALASZ. K-a-l-a-s-z.

Senator POTTER. What is your present employment?

Mr. KALASZ. I am a crane operator.

Senator POTTER. You are a crane operator at Bethlehem Steel?

Mr. KALASZ. Yes.

Senator POTTER. That is located in Bethlehem, Pennsylvania?

Mr. KALASZ. That is right, sir.

Senator POTTER. How long have you been an employee of Bethlehem Steel?

Mr. KALASZ. Well, on a straight stretch now, I think it is a little bit over twenty-five years, but I worked there since 1909 off and on, because when the slack came they lay us off, and sometimes when we got a new job, they put me in a job that I could not do, and I am not physically fit to do heavy work and I could not do it, and then I had to quit and start another job. So since 1909 I am employed in the steel plant, off and on, but a straight stretch I have got twenty-five years.

Senator POTTER. Are you a native-born American?

Mr. KALASZ. I am a foreign born, I am born in Hungary.

Senator POTTER. And when did you come to the United States?

Mr. KALASZ. Well, in 1907 or 1906, we leave here somewhere in October, October 5, and I was only about fifteen years of age.

Senator POTTER. Have you become a naturalized citizen?

Mr. KALASZ. I became naturalized citizen in my mind, I am a little bit absent minded, I believe in 1921 or 1922. I got my first papers in Northampton County, and then I had to move over to Lehigh County to move with my father and mother because of their old age, at that time, and I got the second paper in Lehigh County.

Senator POTTER. When was that?

Mr. KALASZ. My God, I cannot say on that.

Senator POTTER. Approximately?

Mr. KALASZ. That was around about December, the naturalization court came on then.

Senator POTTER. December what year, about?

Mr. KALASZ. I think it was 1922 some time.

Mr. KENNEDY. December 18, 1922.

Mr. KALASZ. You have got the record there, and you know better than I.

Mr. JULIANA. Mr. Kalasz, have you ever been a member of the Communist party?

Mr. KALASZ. I am not. I am not a member in no political party sir. I am an active in political election comes up, under our policy, United Steelworkers of America, and I am a shop steward at the department where I work, and our policy forbids that we should have any Nazis or fascists or Communist affiliation, or any representative in the shop. We can't. Anybody who put my name in anywhere in the Communist party, if I have it, I sue them. I sue them.

Mr. JULIANA. When was this policy adopted by your union?

Mr. KALASZ. Well, we were against that right along since 1937, but our policy, in the national office, did not clamp down since the last convention, and the other convention made the move, and this convention they really put it in the bylaws.

Mr. JULIANA. When was this convention held?

Mr. KALASZ. I was not there in the convention. It was in the last year.

Mr. JULIANA. Was it a couple of months ago, two or three months ago?

Mr. KALASZ. I can't answer on that, but it was somewhere when convention was there and they made a bylaw.

Mr. JULIANA. In 1954, was it in 1954, this year?

Mr. KALASZ. This year, and the last year, they made it, the previous convention, and they made moves, strong moves, but I never was in the convention yet. I never had an opportunity to go to a convention. I can't go away from home, because no matter where I go, I can't eat.

Mr. JULIANA. However, this is a new policy by the union, a new written policy.

Mr. KALASZ. We was fighting against it a long time already.

Mr. JULIANA. But it is a new written policy.

Mr. KALASZ. It is a strict clamp down.

Mr. JULIANA. In 1948 were you a member of the Communist party?

Mr. KALASZ. I was not a member of the Communist party and will you permit me to tell you the story in short?

Mr. JULIANA. Surely.

Mr. KALASZ. I think you are going to save a little time. We started organizing the steelworkers in 1936, and at that time the company had what they call employee representation plans. They are nicknamed employer representation, and some of them call it a Charlie McCarthy, carbon paper, Charlie McCarthy unit, because it is financed by the company.

We didn't have any complaint grievances to hand in, and they called a committee man, and they said, "What have you got to say," and that is all, and that was taking place.

Any man who opened his mouth for rights, for the other man, to represent the other man, well, they right away the superintendent would say, what is this. They are scared. So the fellows got tired of that company union, and so we asked the CIO to come in and give us help in organizing a bona fide labor organization. I became a volunteer organizer.

On 1936, March, was the election. It was in March, election for committeeman, because I was active signing up members in our shop, morning, dinner time, and after quitting time. These fellows say, "How about, Markus, you be a representative," and I said, "Nothing doing boys, nothing doing." And I said when this company union is going to be out, and we can bring in a bona fide laboring, a bargaining agency, if you want me to serve you as a representative, I am willing.

Well, anyway, they told me, "You have got to go in and bust the damn thing up from inside."

Mr. JULIANA. Who told you that you had to go in?

Mr. KALASZ. All of the boys, my fellow working man, told me this.

Mr. JULIANA. When were these boys members of any club or any organization?

Mr. KALASZ. No, there was no such a thing, and we did not hear anything about communism then.

Mr. JULIANA. You say that in 1936—

Mr. KALASZ. In 1937 I became a member.

Mr. JULIANA. In 1936 you started to organize the steelworkers.

Mr. KALASZ. Yes, in 1937 I was elected as a committeeman.

Mr. JULIANA. Who started to organize the steelworkers?

Mr. KALASZ. The CIO.

Mr. JULIANA. Did the Communist party have anything to do with the organizing?

Mr. KALASZ. Pardon me?

Mr. JULIANA. Did the Communist party have anything to do with that?

Mr. KALASZ. That is one thing I don't know and I can't answer.

Mr. JULIANA. Were you a member of the Communist party in 1936?

Mr. KALASZ. No, I don't. I didn't even know what the party is, because I did not know what is Democrat, and I did not know what was Republican, because I never vote before, sir, and I was not even registered on any party.

Mr. JULIANA. Were you a member of the Communist party in 1937?

Mr. KALASZ. I never was a member of the party, in any party.

Mr. JULIANA. You were never a member of the Communist party?

Mr. KALASZ. No.

Mr. JULIANA. Are you a member of the Communist party today?

Mr. KALASZ. No, absolutely not.

Mr. JULIANA. Did you ever read the *Daily Worker*, the Communist party newspaper?

Mr. KALASZ. That was handed out at the gate, and a stranger who never worked in a steel plant, and they handed that out on the gate.

Mr. JULIANA. Did you read it?

Mr. KALASZ. Well, anybody who went in the gate, they handed it to them.

Mr. JULIANA. Did you read the *Daily Workers*?

Mr. KALASZ. Yes, I did that.

Mr. JULIANA. Did you cut articles out of the *Daily Worker* and put them on the bulletin board inside of your shop?

Mr. KALASZ. Well, I tell you no, not from the *Daily Worker*. I did cut out from the *Philadelphia Record*, the *Morning Call*, labor board decision, Supreme Court decision in favor of the union man, because I—but other fellows who might have got this paper through the gate, and sometimes they stick it in my locker.

Senator POTTER. Did you ever subscribe to the *Daily Worker* or the *Sunday Worker*?

Mr. KALASZ. I tell you why, yes. I did get the *Sunday Worker*, but not the *Daily Worker*, because I was from 1932 I was laid off, and I was off fourteen months, and I had small children there and I got so deep in debts, and so deep in debts and it took me almost to 1939 or 1940 before I cleaned all of my debts out, and so I could not get the *Daily Worker* or any other paper, paid eight or nine or ten dollars down for the whole year, and it was impossible, and I did not know what political party was. Now I started as my story in before, and if you will permit me to tell what it is, and what happened in 1937.

I am willing to do that. Then the only answer—

Mr. JULIANA. You let us ask you some questions first. In 1946, did you pay dues to the Communist party?

Mr. KALASZ. No. I did not. Any money that went to the Communist party regardless of how, that money is what I paid for that paper, *Sunday Worker*, I got a receipt of it. This fellow named—he did not work in the plant, and he was driving a truck, some kind of a truck, Thomas, what is the other name?

Mr. JULIANA. Did you give this man your money for the *Sunday Worker*?

Mr. KALASZ. He and another fellow, and I don't remember his name, they came to the house just at the time when we eat, before I would go to the afternoon shift work, and they asked me to join the party, and I said, "Boys, nothing doing. I am registered Democrat, and I tell you this," and I point my finger to them, and I said, "A man cannot be a Jew and a Catholic, and a man cannot be a Democrat and a Communist. It is impossible."

Mr. KENNEDY. When were you telling him this?

Mr. KALASZ. That day, and they coax me, and coax me.

Mr. KENNEDY. When was this?

Mr. KALASZ. They picked me up in his car, and took me down to the gate where I was going to work.

Mr. KENNEDY. When was this?

Mr. KALASZ. They coaxed me to get the paper.

Mr. KENNEDY. Just answer me. When was that when you did point your finger that you can remember, when you pointed your finger at them?

Mr. KALASZ. I don't know the date.

Mr. KENNEDY. If you can remember when you pointed your finger at them, Mr. Kalasz, you ought to remember about what year this was, and was it a month ago, or was it ten years ago?

Mr. KALASZ. Oh, no, that was in about those years you mentioned over there, that was before we got the contract.

Senator POTTER. Would it be about 1937?

Mr. KALASZ. No, that was later, pretty close to 1940, and after 1940, after we got the first contract, and they came many times.

Mr. KENNEDY. You can remember pointing your finger at them but you can't remember what year it was?

Mr. KALASZ. I am too doggone absentminded on that.

Mr. KENNEDY. Why can you remember that you pointed your finger at them?

Mr. KALASZ. I just told them, I said it is impossible.

Mr. KENNEDY. When did you learn all about the Communist party, then, that you know that the Communist party—

Mr. KALASZ. I learned that about 1939, and I tell you how that happened. When I went in, and when I was elected representative, and I don't know what day that was, April 1 of 1937, the superintendent called every shop steward or committeeman and gave instruction how to represent the men. So okay, they let me out, and a couple of days later, a couple of fellows, I think a crane operator had some kind of a grievance, and because they were operating the crane on labor wages, and I went in, and I think he asked what grievance have you got, and what complaint have you got, and when he came to me, what complaint I had, I then told him what these fellows wanted, and they are working as crane operators and still getting low rates, and when are you going to give the crane operator crane operator wages.

He said, "They are not fit to be even a B crane man," and I said, "Why do you keep them off?" Then because I told him this, he said, "Doggone Communist, go back to the country where you belong," and he was a man from Ohio, and he did not know me, and I did not know him, and my God, now, listen, I got so doggone mad, I don't know how to get at him, and I could not sue him. I did not know what communism was at that time.

Senator POTTER. The purpose of this hearing today, the committee has certain evidence that in the Bethlehem plant there are members of the Communist party who are working there. That is the reason for talking with you, and we have asked you specifically, and we are not particularly interested and it is not our province to go into the management-labor. We are interested, however, in knowing whether you yourself have been engaged in any Communist activities.

Mr. KALASZ. Not Communist line.

Senator POTTER. I want to make sure in order to be fair to you, you realize you are under oath, and there may be other witnesses that will testify before this committee, that if you falsify your state-

ment, you do not tell the truth, you can be subject to a citation for perjury. I just want to make sure that you fully understand that.

Now, let me ask you this question: In 1946, did you ever pay dues to the Communist party?

Mr. KALASZ. I did not.

Senator POTTER. You did not?

Mr. KALASZ. There somebody must have put my name in one way or another, but as a guilty person, I do not want to be a member of any political party, because all of my family, everybody from my father on, we never bothered with politics.

Senator POTTER. In 1946—I believe you testified that you did subscribe to the *Sunday Worker*.

Mr. KALASZ. Well, that is only because this man, my superintendent, he called me a name, and I did not know what that is, and I thought maybe he might be calling me a son of a bitch, or calling me a robber, or what, and I did not know what a Communist word means at that time.

Senator POTTER. So they made you mad and you went out and subscribed to the *Sunday Worker*?

Mr. KALASZ. I was so mad, and I went home and I took my children's dictionary out and I tried to figure out what that word means, and I never take any part in any political move, or anything. I was just like a child who goes in the kindergarten.

Senator POTTER. Why if you became angry because he called you a Communist, why did you subscribe to the *Sunday Worker*, which is a Communist publication?

Mr. KALASZ. I wanted to find out, the first time I ever find out was from the dictionary what that means, but as a dumbbell, I looked on the "K" and you can't write my name, I can write my last name with "C" or "K," and I went down the "K", and I could not find out what it means. So finally on the morning call, one paper came in my hand and I saw the word "Communist," one paper, and it is spelled "C", and so picked the dictionary out again, and I wanted to know what it means. That is what he called me that for. That is what I wanted to dig out. So when I found in the dictionary, and I came down to communism, it is a Webster dictionary, and it says, "A government without private enterprise," and now here again I was there where I was before, and I don't know what the hell it is.

Senator POTTER. So then you—

Mr. KALASZ. I never went to school in this country, gentlemen, and I never went in to school in this country, and not even one year's school, and I am telling you, I was a dumb kid.

Senator POTTER. Then you subscribed to the *Sunday Worker*, is that correct?

Mr. KALASZ. I did just to get my boss mad.

Senator POTTER. How long did you receive the *Sunday Worker*?

Mr. KALASZ. I think that I did not get it only just I got it for I think three months, or a year, but they send it, and they keep on sending it, and I think that I paid only about \$1, and that was at that time when Thomas was over there.

Senator POTTER. Do you still get the *Sunday Worker*?

Mr. KALASZ. No.

Senator POTTER. When was the last time that you received the *Sunday Worker*?

Mr. KALASZ. I don't know, any time it comes in there, they don't got no pay for it, because it goes into wastebasket, and then send it, and they try to—

Senator POTTER. Do they still send it to you?

Mr. KALASZ. No.

Senator POTTER. When was the last time that you have had the *Sunday Worker* in your home?

Mr. KALASZ. Well, I don't know, because as soon as it comes in by mail, my wife destroys it right away, and it can't come in, and if they send it without pay, secretly, wrapped up or what, it goes in the wastebasket.

Senator POTTER. What would you say, Mr. Kalasz, if somebody testified under oath that you were a member of the Communist party. Mind you, he is testifying under oath, the same as you. If he says that you are a member of the Communist party, and here today you say that you are not?

Mr. KALASZ. No, I am not. They must have put my name on there. They are guilty of fraud. I do say that.

Mr. JULIANA. Do you know a man by the name of William Hood?

Mr. KALASZ. William what?

Mr. JULIANA. William Hood. H-o-o-d.

Mr. KALASZ. Yes, he was there and he asked me to join up.

Mr. JULIANA. Was he a member of the Communist party?

Mr. KALASZ. He was there with this Thomas.

Mr. JULIANA. Is he a Communist, William Hood?

Mr. KALASZ. I believe so, because he coaxed me to go in there, but I told him—I chased him, I got so doggone mad at him, and I just told him to go out. They are not working in the steel plant and what the hell do he come—

Mr. JULIANA. Have you received the *Daily Worker* or the *Sunday Worker* in 1954?

Mr. KALASZ. I don't remember now. I don't know whether it came in 1954.

Mr. JULIANA. Have you received it within the last three months?

Mr. KALASZ. No.

Mr. JULIANA. The last six months?

Mr. KALASZ. No.

Mr. JULIANA. The last nine months?

Mr. KALASZ. No, not even in the last year.

Mr. JULIANA. Not in the last year?

Mr. KALASZ. No, not *Sunday Worker*.

Mr. JULIANA. Why did you cut clippings from the *Sunday Worker* and put them on the bulletin board of your shop?

Mr. KALASZ. That is only just because my superintendent called me a Communist and I was not Communist, and I only got that to tease him, but I cut out from the *Morning Call*, and *Philadelphia Record*, anything we found on, for example, labor board decisions, and I found a piece in the paper, as a union membership should not bar to get a job in employment, that is a court decision, but even today the boys are putting things on.

Mr. JULIANA. Just answer our questions and we will get through here a lot faster.

Do you know a man by the name of Morris Chasan?

Mr. KALASZ. I don't know him.

Mr. JULIANA. Were you ever a member of the Bethlehem City Club?

Mr. KALASZ. No.

Mr. JULIANA. Were you ever requested to give Communists information about Bethlehem Steel Company? Have you ever been a member of a conspiracy to commit espionage?

Mr. KALASZ. No.

Mr. JULIANA. Would you commit espionage if the Communist party asked you to?

Mr. KALASZ. Jesus, if that would be, if they would try to do that, I would be the first one to report it.

Mr. JULIANA. Would you commit sabotage for the Communist party?

Mr. KALASZ. No, this man won't do that, no.

Mr. KENNEDY. Did you ever give any sort of information to William Hood about what you were doing in the steel company?

Mr. KALASZ. Well, you know—

Mr. KENNEDY. Just answer yes or no, and then you can go on.

Mr. KALASZ. I don't know what his aim was. He asked how many days we work and so on, and well, that is what we said, but otherwise, how many men work there, and so on, he asked so frankly, and he came out, he is smart, I am telling you, he is a smart kid, and he had me.

Mr. KENNEDY. Why did he talk to you?

Mr. KALASZ. I am a dumbbell.

Mr. KENNEDY. Why did he talk to you, Mr. Kalasz? Why did he come to talk to you?

Mr. KALASZ. In the hope he was going to get me in the party. He wanted me to go into the party and get papers, and probably get me leaflets and this and that.

Mr. KENNEDY. Mr. Kalasz, what did you say to him when he asked you to come into the party?

Mr. KALASZ. I told him, "Absolutely, Hood, no; Bill, no."

Mr. KENNEDY. You said that the first time he spoke to you?

Mr. KALASZ. Every time.

Mr. KENNEDY. Why would he keep coming to you? Did he do that to everybody?

Mr. KALASZ. You have got to ask him that.

Mr. KENNEDY. But he kept coming to you and saying would you join the Communist party, and you would say absolutely no.

Mr. KALASZ. I did tell him no. I am telling you, really last time he was there, I was rough to him.

Mr. KENNEDY. How many times did he come to you, Mr. Kalasz? One hundred times?

Mr. KALASZ. He was over there very often.

Mr. KENNEDY. About one hundred times?

Mr. KALASZ. He was there twice, I believe, with Thomas. Thomas coaxed me much, and he came along a couple of times.

Senator POTTER. Did you ever attend a Communist party meeting?

Mr. KALASZ. Well, I was on account of my superintendent calling me a Communist, I didn't know what the Communist party was

and really I was snooping round, and I am telling the truth. I was snooping. I did not go so that I was really anxious, but he asked me. He gave me his card to go out and I didn't have time, and he told me again and I didn't have time. I said what the hell is on the inside.

Senator POTTER. You mean to tell me if someone called you a robber, you would go out and rob a bank?

Mr. KALASZ. Not in that case, but I wanted to find out, when I found out he is a Communist—is a party, and when I found that out, I wanted to know how that looks inside, just like when you are going to buy a house, you see a house here, and you want to know how the house looks inside.

Senator POTTER. How many Communist party meetings did you attend?

Mr. KALASZ. They called me on one picnic, but what a picnic, but what a picnic, son of a gun. I was on one meeting up on Fourth Street, or where the hell that was. It was Mechanics Street, and Elizabeth Flynn made some kind of a talk.

Senator POTTER. Did you go to say twenty-five meetings?

Mr. KALASZ. Oh, no, no, I remember I went just to find out what is it about, two or three meetings

Senator POTTER. Say eight or ten?

Mr. KALASZ. Two or three meetings I went to, and when I saw what it was, I was not interested in it. I was acting in a democratic movement.

Senator POTTER. While at those meetings, did you ever pay them any money? Did you ever pay them any money?

Mr. KALASZ. I did not pay them any money, and sometimes they would bring—

Senator POTTER. Did they ever ask you for money for dues?

Mr. KALASZ. Oh, yes, they asked me for some money.

Senator POTTER. Did you give it to them?

Mr. KALASZ. No, I could not, because I did not have any.

Senator POTTER. Do you testify here under oath that you never gave any money to the Communist party?

Mr. KALASZ. Well, nothing outside of that paper.

Mr. KENNEDY. At these meetings, when they took the collection up at these meetings, didn't you give any money at that time?

Mr. KALASZ. What kind of a collection?

Mr. KENNEDY. When they wanted some money at these meetings or at this picnic, didn't you give any money at that time?

Mr. KALASZ. I don't think so. I don't think I gave any money. They used to, but any meeting I was there, I don't remember they made any collection.

Mr. KENNEDY. What about at the picnic? Didn't you pay any money at that time?

Mr. KALASZ. No, I don't think so. I don't think I paid any money because I didn't take any money with me.

Mr. KENNEDY. You can remember the fact that you didn't take any money.

Mr. KALASZ. I had taken money, a dollar or two, but that was—it was some sloppy beer over there that we drink.

Senator POTTER. Any other questions?

Mr. KALASZ. That is all. I was in hopes it would be a nice dance, a nice thing, and I am crazy for dancing, I am telling you, European dance, but when we go over there and there were bushes and lumpy ground, and what the hell, so I went off quick as possible, and I left it again.

Mr. KENNEDY. Did you have any discussions with your wife about the Communist party, Mr. Kalasz?

Mr. KALASZ. No, we didn't have any discussion, but my wife saw what it was, and she always raised hell about it, and it is true, raised hell. And I said, "Let them go, I am going to put them out sooner or later."

Mr. KENNEDY. Why would she raise hell about it?

Mr. KALASZ. She don't care about politics, and she don't care, and I had to coax her to even come out to vote.

Mr. KENNEDY. What was she upset about, and what would she say to you, "Get rid of these people"?

Mr. KALASZ. She said, "What the hell do you let this fellow come in here for?" And when she saw the *Sunday Worker*, she said, "You have got the other papers, and the *Call*, and the *Steel Laborer*, and the whole house will be full of papers." And I said, "I want to see pro and con."

Mr. O'DONNELL. What kind of questions did Bill Hood ask you about the plant?

Mr. KALASZ. The most that he was very anxious how the fellows feel about these conditions in the country, and I say, "My God, Bill, I am up in that crane, and I can't talk to the fellows. I am up there thirty or forty feet from the floor." And I said, "When we change around, we don't have anything to talk about, and after we change, I go up, and when we come down, everybody goes to wash," and I said, "We don't have any time to talk."

Mr. O'DONNELL. He asked you how many men were in your department, didn't he?

Mr. KALASZ. Well, approximately. He found out from all of us. He didn't ask me, and I don't remember he asked me.

Mr. O'DONNELL. About fifteen minutes ago you said that he asked you how many people work in your department.

Mr. KALASZ. No, accidentally it is, it is how many shop stewards have you got.

Mr. O'DONNELL. How many shop stewards?

Mr. KALASZ. Yes, and many times some of the shop stewards quit, and went away, and we got new ones in, and he asked who was the shop steward. I did not know what he wants.

Mr. O'DONNELL. How often did William Hood talk to you about the plant, how frequently?

Mr. KALASZ. Well, he used to come around about—some time he would come once in a year, and sometimes he would come in six months, and every time he would come around in the evening, in the car.

Mr. O'DONNELL. Where would he come, to your home?

Mr. KALASZ. Yes.

Mr. O'DONNELL. He talked to you there?

Mr. KALASZ. Yes, and he talked to me there, and what the hell, he could not gain anything, because I don't give a damn, and I just said no.

Mr. O'DONNELL. Did you ever tell him the answers to the questions that he asked about the plant?

Mr. KALASZ. He asked how many shop stewards there are, and what is their name, and I don't know what the hell it was, and why he wanted to know it I and I am telling you I was a dumbbell, and I just gave the name of the shop steward, and what his aim was, I don't know. It was beyond me.

Mr. O'DONNELL. Do you know any other members of the Communist party besides William Hood?

Mr. KALASZ. What is that?

Mr. O'DONNELL. Do you know any other Communists besides William Hood?

Mr. KALASZ. Thomas.

Mr. O'DONNELL. Do you know Thomas?

Mr. KALASZ. Herman Thomas, he was there with Hood, and he came about twice, Herman Thomas did. Thomas, when he would drive a truck, and he would bring those soft drinks about four doors away in the beer distributor, and he brings the soft drink there, and he didn't work in the plant. He would coax me and I know him from that time on, and then later on he got down in the plant, and working in the plant, and he became, I think, I don't know whether he was a shop steward or not.

Mr. O'DONNELL. Mr. Kalasz, what other members of the Communist party do you know?

Mr. KALASZ. I don't know. I can't tell you their names, because every time I see them, they take me out, I was just like a stranger, and just like virgin territory, and I did not see anybody from Bethlehem, and I was there.

Mr. O'DONNELL. When you went to these Communist party meetings, who were the other people who were there?

Mr. KALASZ. On the picnic, you mean?

Mr. O'DONNELL. You went to some Communist party meetings, didn't you?

Mr. KALASZ. I don't know how many people, on a farm at one time, and there was a group there from Quakertown, and from Amayas, and I never saw them before.

Mr. O'DONNELL. Wasn't there a group there from Bethlehem Steel?

Mr. KALASZ. And from the Bethlehem Steel, anyone who was there they were just like me, who didn't have anything to do with the party, and they left the plant, and when they came out they said, "What the hell do they want?"

Mr. O'DONNELL. Who? Name the people who were at these Communist party meetings, and you said you only went to two or three, and who were the people who were there, and if you were that much interested in finding out about communism—

Mr. KALASZ. I am telling you, I don't remember names because it is all strange to me. One fellow was there, and he was mad about it, and what the hell did they call us here, and we thought it was a union meeting. We thought it was a CIO meeting, and we thought it was a CIO meeting.

Mr. KENNEDY. What was the fellow's name?

Mr. KALASZ. Because at that time they could not get no one.

Senator POTTER. Who was that man?

Mr. KENNEDY. Who was the man who was upset, Mr. Kalasz?

Mr. KALASZ. That was George Shinner. He is out in California somewhere.

Mr. KENNEDY. How do you spell his name?

Mr. KALASZ. George Shinner, I think, and he said, "God damn it, what the hell they call us here for, and I don't want nothing to do with them guys." He got mad about it, you see.

Senator POTTER. Mr. Kalasz, I believe that is all the questions we have today, and if you will report here tomorrow morning for a public hearing.

Mr. KALASZ. Listen, I will tell you something here. I have got a wife at home that is sick. Her tongue is removed in Philadelphia Temple University Hospital, and she had a cancer. I did not bring any money, because I did not know that this was going to last that long. I did not bring nothing only I bought the ticket and the freight. I don't have anything here and I didn't know that this was going to last long, and my wife is very ill.

Senator POTTER. You will receive your expenses for being here.

Mr. KALASZ. I don't know where to go, and I am a stranger.

Senator POTTER. We will get reservations, and Mrs. Watt will take care of that.

Mr. KALASZ. I never was out from Bethlehem, and no matter where I am, I can't eat anything.

Senator POTTER. If you will go down to room 101, the room you came from, and wait, somebody there will make the arrangement for you. You are excused.

We will see you tomorrow morning.

Mr. John Wallach. Mr. Wallach, will you raise your right hand, please. Do you 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. WALLACH. So help me God, I do.

TESTIMONY OF JOHN WALLACH

Senator POTTER. Mr. Wallach, will you identify yourself for the record, and give your full name, your address, your occupation, and where you are employed?

Mr. WALLACH. John Wallach, 2352 Curbon Street. I work as a laborer at the Bethlehem Steel ingot mold foundry.

Senator POTTER. Will you spell your last name?

Mr. WALLACH. W-a-l-l-a-c-h.

Senator POTTER. Mr. Wallach, as you know, you have the right to have counsel if you so desire. Do you desire an attorney?

Mr. WALLACH. For what?

Senator POTTER. Well, that is a right you have, if you care to have an attorney.

Mr. WALLACH. I don't want one. What do I want an attorney for?

Senator POTTER. How long have you worked for Bethlehem Steel?

Mr. WALLACH. Since August of 1948.

Senator POTTER. Where did you work prior to that time?

Mr. WALLACH. I don't understand you.

Senator POTTER. Where did you work before then?

Mr. WALLACH. I just got out of service.

Senator POTTER. You just got out of service?

Mr. WALLACH. I got out of service, and may I explain this myself?

Senator POTTER. Yes.

Mr. WALLACH. I got out of the service on January 9, 1948, and I got a job in Patapsco Railroad River Yard in Baltimore.

Senator POTTER. How long did you work there?

Mr. WALLACH. Well, up until about July, and I don't know the exact date it was.

Senator POTTER. Approximately? July of 1948, is that it?

Mr. WALLACH. Yes.

Senator POTTER. And then you went with Bethlehem Steel?

Mr. WALLACH. Yes, and I worked about a week or two for a contractor.

Senator POTTER. As a laborer for a contractor, is that correct?

Mr. WALLACH. Yes.

Senator POTTER. How long were you in service?

Mr. WALLACH. Altogether up until 1948 I had done six years, and I was called back in 1950.

Senator POTTER. What branch of the service were you in?

Mr. WALLACH. Navy.

Senator POTTER. And were you assigned to sea duty?

Mr. WALLACH. Most of the time, yes, to sea duty.

Senator POTTER. All right, Mr. Juliana.

Mr. JULIANA. Mr. Wallach, what is your position at Bethlehem Steel Company?

Mr. WALLACH. Labor now.

Mr. JULIANA. What does that work entail?

Mr. WALLACH. Just anything in general, I guess anything with a shovel, unload bags, or anything, clean up.

Mr. JULIANA. What is your home address for the record, where do you reside?

Mr. WALLACH. 2352 Curbon Street, as of a year ago.

Mr. JULIANA. As of a year ago?

Mr. WALLACH. Yes, sir.

Mr. JULIANA. Where do you reside now?

Mr. WALLACH. That is where I reside now.

Senator POTTER. Allentown, Pennsylvania.

Mr. WALLACH. Yes.

Mr. JULIANA. Do you know a man by the name of William Hood?

Mr. WALLACH. You mean Bill Hood.

Mr. JULIANA. Well, Bill is the nickname for William, and do you know a man by the name of William Hood?

Mr. WALLACH. I only know him as Bill Hood.

Mr. JULIANA. Who is Bill Hood?

Mr. WALLACH. I don't know who he is. He is just another guy, I guess.

Mr. JULIANA. Are you friendly with him, socially, or in your work?

Mr. WALLACH. I would not say I am friendly with him anyway.

Senator POTTER. What does he do?

Mr. WALLACH. I don't know what he does.

Senator POTTER. Does he work at Bethlehem Steel?

Mr. WALLACH. I don't know where he works.

Senator POTTER. How do you know him?

Mr. WALLACH. He came to my house.

Senator POTTER. What did he do?

Mr. WALLACH. He said he was a friend of my sister.

Senator POTTER. What did he do at your house? What did he come to your house for?

Mr. WALLACH. Well, he said he was a friend of my sister and he would like to talk to me.

Senator POTTER. What did he talk to you about?

Mr. WALLACH. About the Bethlehem Steel, and how the unions are.

Senator POTTER. What questions did he ask you?

Mr. WALLACH. I don't know.

Senator POTTER. Did he ask you how many men were employed there, and what they were doing?

Mr. WALLACH. I don't remember whether he did ask me those questions or not.

Senator POTTER. What is your——

Mr. WALLACH. I could not tell him anyhow.

Senator POTTER. What is your recollection of that conversation?

Mr. WALLACH. Well, I could not remember it, and I——

Senator POTTER. You said he asked you about what was going on at Bethlehem Steel, and——

Mr. WALLACH. He never asked me about that. He asked me about the union.

Senator POTTER. He asked you about the union, was that it?

Mr. WALLACH. Yes. I imagine he asked about what do you guys do to make our working conditions better, and stuff like that.

Senator POTTER. How many times have you seen Mr. Hood?

Mr. WALLACH. I could not exactly say, and I couldn't say exactly, I would not know.

Senator POTTER. Would you say one hundred times?

Mr. WALLACH. Oh, never.

Senator POTTER. Approximately how many times did you see him?

Mr. WALLACH. Maybe five or six or seven or eight times.

Senator POTTER. How many times has he visited your home?

Mr. WALLACH. I could not tell you. I could not say.

Senator POTTER. Would you say half a dozen times?

Mr. WALLACH. I guess probably.

Senator POTTER. And each time he came to the home, was it on the pretense that he knew your sister, or did he just come to talk with you?

Mr. WALLACH. Well, he introduced himself, I guess he said he knew my sister, and after that he just came to the house and said he wanted to talk to me, and I could not throw the man out after I knew him, and he always said he would talk about the union and it was important. Anything about the union I would be willing to listen to.

Senator POTTER. Did he?

Mr. JULIANA. When did you first meet Mr. Hood?

Mr. WALLACH. I don't remember.

Mr. JULIANA. Was it two years ago or three years ago?

Mr. WALLACH. I haven't seen him a year before I was called back to the service, at least that long, and I would not say for sure, but at least that long.

Mr. JULIANA. When were you called back into the service?
 Mr. WALLACH. In 1950, in September 1950, yes.
 Mr. JULIANA. And you have not seen him since a year before that?
 Mr. WALLACH. I would not say exactly a year, but close to that time.
 Mr. JULIANA. What is your sister's name?
 Mr. WALLACH. Alga.
 Mr. JULIANA. Alga?
 Mr. WALLACH. Yes.
 Mr. JULIANA. How do you spell that?
 Mr. WALLACH. A-l-g-a.
 Mr. JULIANA. Wallach?
 Mr. WALLACH. Yes, sir.
 Mr. JULIANA. Where does she reside?
 Mr. WALLACH. In Pottstown.
 Mr. JULIANA. Do you know the address?
 Mr. WALLACH. No, I don't.
 Mr. JULIANA. Where is she employed?
 Mr. WALLACH. I don't know.
 Senator POTTER. Do you know a James West?
 Mr. WALLACH. No.
 Senator POTTER. Did you ever meet a man named James West?
 Mr. WALLACH. No, I haven't.
 Mr. JULIANA. In 1951, did you attend a meeting at the Americus Hotel in Allentown, Pennsylvania?
 Mr. WALLACH. I don't remember whether it was 1951.
 Mr. JULIANA. Did you ever attend a meeting at the Americus Hotel?
 Mr. WALLACH. Yes, I did.
 Mr. JULIANA. Who was present at the meeting?
 Mr. WALLACH. Bill Hood.
 Mr. JULIANA. And who else?
 Mr. WALLACH. I don't know the other two gentlemen.
 Mr. JULIANA. Two other gentlemen?
 Mr. WALLACH. Yes, sir.
 Mr. JULIANA. You don't know their names?
 Mr. WALLACH. No, I don't.
 Mr. JULIANA. Do you know whether or not these men were members of the Communist party?
 Mr. WALLACH. No, I don't know.
 Mr. JULIANA. Is Bill Hood?
 Mr. WALLACH. No one said they were.
 Senator POTTER. What was the purpose of that meeting?
 Mr. WALLACH. To discuss union, about Bethlehem Steel, the one gentleman was supposed to be a Bethlehem Steel worker from out in Pittsburgh somewhere.
 Senator POTTER. You don't recall his name?
 Mr. WALLACH. No, I don't.
 Senator POTTER. Was his name James West?
 Mr. WALLACH. I don't know his name. I don't know the other man's name, and I don't know either gentlemen's name.
 Senator POTTER. What was the nature of the discussion?

Mr. WALLACH. Well, they did most of the talking, and I did not talk anything. I was just there like a dummy, I think.

Senator POTTER. Did you know the purpose of the meeting?

Mr. WALLACH. The whole reason is because I was too nose-y and curious about everything, I imagine.

Senator POTTER. Did you know the purpose of that meeting?

Mr. WALLACH. No, I did not know the purpose, and it was only about the union.

Mr. KENNEDY. Who invited you to the meeting?

Mr. WALLACH. Bill Hood.

Mr. KENNEDY. Did he say, "We want to discuss the union"?

Mr. WALLACH. He told me to come to the meeting and it is important, and it is a guy from Pittsburgh and he said, "Come on, you will learn something," and "It is good for you," and anytime I can learn something, I felt I might go.

Mr. KENNEDY. What about when Bill Hood was discussing those things to you, did he ever mention the Communist party to you?

Mr. WALLACH. Yes, he asked me to join it.

Mr. KENNEDY.. Was he building up its attractions or for what reason did he want you to join it?

Mr. WALLACH. I don't ever remember him telling me.

Senator POTTER. What was your response to it?

Mr. WALLACH. I didn't want to be in the party.

Senator POTTER. Did you ever join the party?

Mr. WALLACH. No, I never did. Can I explain that in my own words?

Senator POTTER. Yes.

Mr. WALLACH. He would come over and ask me to join the party, and well of course my wife is a Catholic and I can't have anything to do with this, because if I do, it would bust my family up.

Well, he would always press me, and I said I don't understand this thing, why should I have a part, and as long as he can talk to me, if I can learn something about the union, it is my livelihood, and I work, and I am connected with it. It didn't bother me, and I don't care who would talk about that, I would talk with them, but when it came to getting in the party.

I could never get him off my neck and he would pester me, and you can't shoot a man. What can you do with him, and you can't chase him away.

Senator POTTER. But you never did join?

Mr. WALLACH. No, I never did. I will explain that, also. I would not say I didn't join or I did. He pestered me of such a nature I could not shake him off, and he would ask me to join, and would say, "Why don't you give a half a dollar and join the party?" And to get him off my neck, I gave him half a dollar, but that is the last time I saw him, also.

Senator POTTER. Did you ever attend a Communist party meeting?

Mr. WALLACH. Never.

Senator POTTER. Did you subscribe to the *Sunday Worker* or the *Daily Worker*?

Mr. WALLACH. The *Daily Worker*, I did, but I never got it because my wife destroyed it before I ever got a chance to get it, and she never told me until I was called to this thing here, and in fact she

said I was getting other kind of literature that I never saw or anything.

Senator POTTER. You did subscribe to it, but your wife destroyed it?

Mr. WALLACH. I never got it.

Mr. JULIANA. Why did you subscribe to the *Daily Worker*?

Mr. WALLACH. Just curiosity.

Mr. JULIANA. Did Bill Hood ask you to subscribe to it?

Mr. WALLACH. I don't know whether it was Bill Hood or my kid sister.

Mr. JULIANA. Is your kid sister a member of the Communist party?

Mr. WALLACH. I don't know.

Mr. JULIANA. Do you think she is?

Mr. WALLACH. I imagine so. Her name is in this paper and everything else.

Mr. JULIANA. Her name is in the *Daily Worker*?

Mr. WALLACH. No, in the *Morning Call*, the *Allentown Morning Call*.

Mr. KENNEDY. What is her name in the paper for, for what reason?

Mr. WALLACH. Well, with this Thomas fellow from Allentown whatever it is, and I didn't even bother reading it.

Mr. KENNEDY. He named your sister?

Mr. WALLACH. I guess so, and I don't know.

Mr. KENNEDY. Now long ago was that?

Mr. WALLACH. Just here a couple of weeks ago.

Senator POTTER. What does your sister do?

Mr. WALLACH. She is a married girl now.

Senator POTTER. What is her married name?

Mr. WALLACH. Boushak. I could not spell it for you.

Senator POTTER. Where does she live?

Mr. WALLACH. She lives in Pottstown now.

Senator POTTER. Pottstown, Pennsylvania?

Mr. WALLACH. Yes.

Senator POTTER. What does her husband do?

Mr. WALLACH. He works for a tire and rubber company, or something.

Senator POTTER. You were discharged the last time from the navy, when?

Mr. WALLACH. It will be two years this month.

Senator POTTER. While you were in the navy, did your curiosity ever lead you into my activities in behalf of the Communist party?

Mr. WALLACH. Never.

Senator POTTER. Were you ever contacted while you were in the navy?

Mr. WALLACH. No, I was not.

Senator POTTER. To participate in Communist party activities?

Mr. WALLACH. No, not while I was in service.

Senator POTTER. You realize, Mr. Wallach, the purpose of this hearing. The committee does have evidence that there are men working in Bethlehem Steel who are members of the Communist party, and Bethlehem Steel has many defense contracts where the government is directly involved, and so our purpose is to find out

how extensive the Communist party movement is in Bethlehem Steel, and we feel that the public has every right to expect that people working on defense contracts, and companies receiving defense contracts, should have the protection of being sure that the people who work there are loyal Americans. That is the purpose of this hearing

Were you discharged from the navy in the regular order?

Mr. WALLACE. Honorable discharge.

Senator POTTER. It was an honorable discharge?

Mr. WALLACE. Honorable discharge, and I was in the CCC's a year before that.

Senator POTTER. Are there any other questions? I would like to say this—

Mr. WALLACE. There is one gentleman downstairs that I have seen him once before in my life, and I don't know his name or anything, but he was a fellow that told me he worked for Bethlehem Steel, that I met through Bill Hood.

Senator POTTER. Was he a man that attended the meeting?

Mr. WALLACE. No.

Senator POTTER. At Allentown?

Mr. WALLACE. No, and I don't know what he was, although all I know was that he worked for Bethlehem Steel, and I don't know anything else about him.

Senator POTTER. You say that you are not a member of the Communist party?

Mr. WALLACE. No. I am not.

Senator POTTER. You have no desire to follow the Communist party policies?

Mr. WALLACE. I guess I would be a member if I did that.

Senator POTTER. And it is your feeling that you are a good loyal American citizen?

Mr. WALLACE. I positively do.

Mr. KENNEDY. Do you know any Communist party members?

Mr. WALLACE. No, I don't, except Bill Hood, that you say he is.

Mr. KENNEDY. I didn't say he was, Mr. Wallach?

Mr. WALLACE. Then I could not say. I don't know any.

Mr. KENNEDY. You don't know anybody. Has anybody else besides Mr Hood attempted to get you into the Communist party?

Mr. WALLACE. No, never.

Mr. KENNEDY. Just Mr. Hood.

Mr. WALLACE. Yes, and I don't know whether he is a Communist, but he must be or he would not ask me to join.

Mr. KENNEDY. What about your sister? Has she ever asked you to join the Communist party?

Mr. WALLACE. She never discussed any of that stuff in the house.

Mr. KENNEDY. Did she discuss it outside that you know of?

Mr. WALLACE. No, me and my sister aren't on especially good terms all of our lives.

Mr. KENNEDY. You aren't or you are?

Mr. WALLACE. We are sister and brother but we never talk or anything.

Mr. KENNEDY. But when you were talking about the *Daily Worker* before, and you suggested that she might have talked you into receiving the *Daily Worker*, and it was either she or Bill Hood,

now, I was wondering how you know the fact that she had some Communist party sympathy?

Mr. WALLACH. Because she used to get literature at home.

Mr. KENNEDY. That is it, but she would never discuss it with you?

Mr. WALLACH. I never used to look at her literature that was not my business and I only lived home four months, and I don't know what my kid sister is, and she lived in Philadelphia most of her time. When I came out of the service I came home from Baltimore, that is about the same time she came home. It was from Philadelphia, and she lived in Philadelphia all of that time, and what her business was I don't know.

Mr. KENNEDY. Did Bill Hood ever mention to you anybody else that might belong to the Communist party that worked at Bethlehem Steel Company?

Mr. WALLACH. No, just this one gentleman that I did see downstairs, and he works at Bethlehem Steel.

Mr. KENNEDY. And he is the only one?

Mr. WALLACH. I don't know anything about him, and I met him one time, that is all.

Mr. KENNEDY. With Bill Hood?

Mr. WALLACH. Yes.

Mr. KENNEDY. You don't know. What did he look like, the fellow downstairs, that you saw with Bill Hood. Was he a short man?

Mr. WALLACH. Shorter than me. He was a young kid, maybe younger than I am, maybe not. I don't know.

Mr. KENNEDY. Was he down when you left to come up here?

Mr. WALLACH. I don't know.

Mr. KENNEDY. You must have known at the time you were down there. Was he still there?

Mr. WALLACH. I saw him when I came in at one o'clock down there, and him and a whole bunch of fellows come upstairs. I don't know whether he is down there or not now.

Senator POTTER. We want to thank you for coming down, and you are released from your subpoena. There will be no necessity of your appearing tomorrow.

Mr. WALLACH. Is that all?

Senator POTTER. That is all.

Mr. KENNEDY. Mr. Valli.

Senator POTTER. Mr. Valli, will you take a chair there. Will you raise your right hand and be sworn. Do you 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. VALLI. So help me God.

TESTIMONY OF PHILIP VALLI

Senator POTTER. Would you care to have a seat there, Mr. Valli? Will you identify yourself for the record, and give your full name and address, where you work, and the type of employment that you are engaged in?

Mr. VALLI. My name is Philip J. Valli.

Senator POTTER. Now do you spell your last name?

Mr. VALLI. V-a-l-l-i and originally supposed to be "y."

Senator POTTER. But it is V-a-l-l-i?

Mr. VALLI. That is the way I use it.

Senator POTTER. That is your home address?

Mr. VALLI. 1879 Major, Northington County, Pennsylvania.

Senator POTTER. What is your present employment?

Mr. VALLI. I am a carpenter in Bethlehem Steel.

Senator POTTER. A carpenter with Bethlehem Steel?

Mr. VALLI. Yes.

Senator POTTER. Mr. Valli, you have the right to have counsel if you so desire, and do you care to have counsel?

Mr. VALLI. I don't think it is necessary.

Senator POTTER. How long have you worked for Bethlehem Steel?

Mr. VALLI. Since 1935.

Senator POTTER. Are you a native born citizen?

Mr. VALLI. I am a citizen. I got my citizenship paper in May of 1928 in Eastern Pennsylvania.

Mr. JULIANA. Mr. Valli, what does your job at Bethlehem Steel require you to do?

Mr. VALLI. Well, the carpenter's duties is making scaffolds, working around the office, like a carpenter, you know, and servicing the bricklayers and laborers.

Mr. JULIANA. Do you know a man by the name of Bill Hood?

Mr. VALLI. Bill Cush?

Mr. JULIANA. No, Bill Hood. H-o-o-d.

Mr. VALLI. Hood? I am sorry. I don't know him.

Mr. JULIANA. Do you know a man by the name of William Hood?

Mr. VALLI. No Hood at all.

Mr. JULIANA. You don't know any man by the name of Hood?

Mr. VALLI. No, I don't.

Mr. JULIANA. Have you ever been a member of the Communist party?

Mr. VALLI. No, I never was, not to my knowledge.

Mr. JULIANA. Were you a member of the Communist party in 1928?

Mr. VALLI. No, I never was, only if you don't mind, to say it in my own way, about 1930 or 1932, they were after me very much to get me in the Communist party, you see, and so I refused it and I studied it and I read a lot of books and papers and studied it very carefully, and I saw it, the more I studied it, and the more I was against it, and that is the reason I didn't join the Communist party.

Mr. JULIANA. Who tried to get you to join the Communist party?

Mr. VALLI. I don't know the names, and I am awful sorry and I was not interested, and I could not tell you the names of the organizer. There was not only one. There was about four or five in that period, changing and every time anyone was there, they came there and I would argue with them and they let me know, and once they would let me go about five or six years in that period, so when the new one came in, they tried to go after me again.

Mr. JULIANA. In March of 1954, in March of this year, did Bill Hood contact you concerning your job at Bethlehem Steel Company?

Mr. VALLI. Concerning the job at Bethlehem Steel?

Mr. JULIANA. Concerning your job, did anyone contact you this year and ask you questions about Bethlehem Steel Company?

Mr. VALLI. Well, this Hood, I know not the job, only the system or how is it working conditions, and perhaps like that I that was the organizer, and he came with Mr. Thomas.

Mr. JULIANA. Well, you do know Mr. Hood then?

Mr. VALLI. Well, I don't know the name, and I told you. I don't know any organizer's name, except Mr. Thomas I know that, but the rest of the organizing names, I could not tell you none of them.

Mr. JULIANA. Who is Mr. Thomas?

Mr. VALLI. He was working for Allentown, Pennsylvania.

Mr. JULIANA. You mean Herman Thomas?

Mr. VALLI. I don't know his first name.

Mr. JULIANA. Did he contact you in March of 1954?

Mr. VALLI. Well, I could not tell you the date or the month or what it was, but he was there probably not only once, they were there a couple of times.

Mr. JULIANA. Where?

Mr. VALLI. At my home.

Mr. JULIANA. Did you tell them about the internal conditions of Bethlehem Steel Company?

Mr. VALLI. No.

Mr. JULIANA. Did you tell them about your job and how many men were working in your area?

Mr. VALLI. Well, they asked how many people were working there at Bethlehem, and everybody knows, about eighteen thousand people, and I did say that.

Mr. JULIANA. Did they ask you to join the Communist party?

Mr. VALLI. Oh, yes, they did.

Mr. JULIANA. Did you join the Communist party?

Mr. VALLI. No, I did not.

Mr. JULIANA. Did you give them any money for the Communist party?

Mr. VALLI. Well, they were asking, but I promised to give it, but they never came for it.

Mr. JULIANA. Do you know a man by the name of William Powers?

Mr. VALLI. What is that?

Mr. JULIANA. P-o-w-e-r-s.

Mr. VALLI. No.

Mr. JULIANA. William Powers.

Mr. VALLI. No.

Mr. JULIANA. Did he ever ask you to join the Communist party?

Mr. VALLI. I just told you, there are so many guys asking me, but I didn't know or I could not remember the names. I know Mark Pavlech.

Mr. JULIANA. How do you spell that?

Mr. VALLI. P-a-v-l—I will have to write it down. P-a-v-l-e-c-h.

Mr. JULIANA. Did you ever give any information to members of the Communist party concerning Bethlehem Steel Company?

Mr. VALLI. Well, not concerning Bethlehem Steel, it was workers, us.

Mr. JULIANA. You did tell members of the Communist party about your work?

Mr. VALLI. They did not ask about the work or how was this or that, but they only asked the system and I could not say they were

asking how Bethlehem Steel was built, and this or that or where is this or where is that. They did not ask that.

Mr. JULIANA. What did they ask you?

Mr. VALLI. Well, they asked me how is the working conditions, and I said not so bad, and we work, and how is the bosses, and some are tough and some are good, and that is all. They didn't ask how the furnace lays, or open hearths there, or blast furnace there or the main office here, or they did not ask anything like that.

Mr. JULIANA. I want to ask you again if you know a man by the name of William Powers. P-o-w-e-r-s.

Mr. VALLI. P-o-w-e-r-s. I could not recall the name. I am awful sorry.

Mr. JULIANA. Did you know that Herman Thomas was a member of the Communist party?

Mr. VALLI. Well, can I say my own way?

Mr. JULIANA. Yes.

Mr. VALLI. He was in my local, in my union, and he was running in the trustees, and I was running against him, and of course he won the election against me, and they told me, some of the guys, don't you know he is a member of the party or the Communist party, and I said, what the hell do I care, and what kind of party is this, and I am a member of this union and I can run against anyone I wish, and so that is how I know he was in the party, and that is all I know. I can't say yes or no, because I only could say yes when I can prove it is so.

Mr. JULIANA. Did you ever tell Thomas or any other person, that you were a Communist in 1928?

Mr. VALLI. No, I was not a Communist. I was studying it, and I would read the books and that is the reason I did not join, and I studied it, the more I read it and studied it, the more I was against it.

Mr. JULIANA. When did you study it?

Mr. VALLI. I could not say the years, and you know I did not mark the years.

Mr. JULIANA. Was it in the 1920s?

Mr. VALLI. It might be 1920s or it might be 1926, or it might be 1936.

Mr. JULIANA. You have read about communism?

Mr. VALLI. Well, mostly I was starting more to study it or reading about it, around 1932 or 1930 or something like that.

Mr. O'DONNELL. Did you ever live at 513 Buchanan Street?

Mr. VALLI. Yes, I did.

Mr. O'DONNELL. Did you ever sign a Communist party nominating petition for anybody? That was back in 1940.

Mr. VALLI. What year was that?

Mr. O'DONNELL. 1940.

Mr. VALLI. I believe he was our baker, and I really could not tell you what he was running for, city council or a state job.

Mr. O'DONNELL. Did you know he was a Communist?

Mr. VALLI. Well, I did know that, that I did know, and I knew he was a good man, and he was bringing our bread and stuff like that. Of course, when your petition was there, that is all I know, and we signed it.

Senator POTTER. If it was a Communist party petition, it would have Communist party at the top of the petition?

Mr. VALLI. I could not recall whether I read it or not. I am awful sorry.

Senator POTTER. In your union activities, you have been active in your union, haven't you?

Mr. VALLI. Yes, I did.

Senator POTTER. In your union activities, did you follow the Communist party line?

Mr. VALLI. No, I never did.

Senator POTTER. Did you ever tell Mr. Thomas that you carried out the Communist policies within your labor activities?

Mr. VALLI. No. If he would be an honest man, he would not say that, because when he was there, every time they asked me, as soon as they worked it out, I forgot all about it, and I can't recall back in our union meeting minutes there was never anything that had anything that was concerning the Communist party. It was not in the unions or any other places.

Senator POTTER. You never told Mr. Thomas that you carried out the Communist party policies within the union?

Mr. VALLI. Not that I can recall, and I could not remember anything like that.

Mr. KENNEDY. Do you know the names of any Communist party members?

Mr. VALLI. No.

Mr. KENNEDY. You know Herman Thomas, and you knew him.

Mr. VALLI. I knew him because he was the organizer, about three or four times to my home.

Mr. KENNEDY. Was there anybody else come to your home like that?

Mr. VALLI. Well, I just said a while ago when the organizer was changed, every time when the new one came, he tried to get me in.

Senator POTTER. Do you have anything else?

Mr. VALLI. Every time the new organizer came in, they tried to get me in, and that is all I could say. I don't know their names, because I was not interested much in it.

Senator POTTER. Mr. Valli, that concludes our questioning this afternoon, and if you will be here tomorrow morning at ten o'clock.

Mr. VALLI. Tomorrow at ten o'clock.

Senator POTTER. Mr. Babirak, would you have a chair at the end of the table there? If you will raise your hand and be sworn. You swear the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. BABIRAK. I do.

TESTIMONY OF JOHN BABIRAK

Senator POTTER. Mr. Babirak, will you identify yourself for the record, and give the committee your full name?

Mr. BABIRAK. John Babirak.

Senator POTTER. How do you spell your last name?

Mr. BABIRAK. B-a-b-i-r-a-k.

Senator POTTER. What is your address?

Mr. BABIRAK. 1125 Arcadia Street.

Senator POTTER. Where are you employed?

Mr. BABIRAK. I like to get a lawyer.

Senator POTTER. You have a right to a lawyer if you want to.

Mr. BABIRAK. I have no lawyer, and I would like to get it postponed for about two or three days so I can look for a lawyer. I will be ready to testify.

Senator POTTER. Could you have a lawyer by Wednesday?

Mr. BABIRAK. Well, I hope to have one. The day is over and I don't know about tomorrow.

Senator POTTER. You were served with your subpoena Thursday, were you not?

Mr. BABIRAK. That is right.

Senator POTTER. And did you try to secure a lawyer?

Mr. BABIRAK. Well, you see I didn't know what it was.

Senator POTTER. You just decided you would need one now?

Mr. BABIRAK. Yes.

Senator POTTER. Well, you will remain under subpoena, and you will report here at ten o'clock Wednesday with your lawyer and you are excused at the present time. Just a moment. That will be one o'clock Wednesday. That is Wednesday afternoon, and your subpoena will be still in effect, and you can be here at one o'clock Wednesday afternoon, and it will give you a chance to secure a lawyer.

Mr. BABIRAK. Thank you.

Senator POTTER. Mr. Quintana, will you stand and be sworn. Do you swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. QUINTANA. Yes, I do.

TESTIMONY OF BENITO SEARA QUINTANA

Senator POTTER. Mr. Quintana, will you identify yourself for the record as to your full name?

Mr. QUINTANA. Benito Quintana Seara.

Senator POTTER. Your last name is Quintana?

Mr. QUINTANA. Q-u-i-n-t-a-n-a.

Senator POTTER. That is your last name?

Mr. QUINTANA. Yes, sir.

Senator POTTER. What is your address?

Mr. QUINTANA. 315 Pierce Street, in Bethlehem, Pennsylvania.

Senator POTTER. Mr. Quintana, you have the right to have an attorney if you so desire. Do you desire an attorney?

Mr. QUINTANA. No.

Senator POTTER. Do you desire an attorney?

Mr. QUINTANA. Well, I have this from Philadelphia, what do you call it, inspector, from the immigration board.

Mr. O'DONNELL. Just a moment. Do you have another one in your pocket now, or do you want to explain that?

Mr. QUINTANA. He said I don't need a lawyer. That is what he said, and I will tell you the truth, and I said, "Listen, Mister, I don't talk so good English, and I don't read and I don't spell, and perhaps I need an interpreter," and he said, "I don't believe you will need it." That is what he said.

Senator POTTER. If during the course of your questioning you decide that you want a lawyer, why, you can stop us and we will give you time to secure one.

Now, Mr. Quintana, you have nothing to fear and the only thing we are interested in is the truth, and I know you went to give truthful testimony. You are under oath to tell the truth.

Have you talked with a lawyer at all since you received your subpoena?

Mr. QUINTANA. No, I don't see no lawyer at all.

Senator POTTER. I think in order to protect yourself, the purpose of our inquiry is this, and now we will tell you the purpose, and then you can decide for yourself whether you need a lawyer.

The purpose of our inquiry is to determine whether Communists, or persons are working at Bethlehem Steel Company who are members of the Communist party, or have ever been members of the Communist party.

Now, if you feel that in answering questions along that line that you would like to have a lawyer, you can feel free to secure one. Do you feel that it would be better if you had a lawyer?

Mr. QUINTANA. I think that is better, because I don't know, perhaps I need a couple of days, though.

Senator POTTER. In that case if you can come back here Wednesday afternoon at one o'clock, that will give you an opportunity to at least talk to a lawyer, and you can talk to one. After you talk with them, then you can decide whether you want a lawyer or not.

Mr. QUINTANA. Yes, sir.

Senator POTTER. But your subpoena is still in effect, and you are ordered to report here at one o'clock Wednesday afternoon.

Mr. JULIANA. I think for the record we should state that the subpoena was served by U.S. deputy marshall on December 2, 1954.

Senator POTTER. You are excused.

Mr. QUINTANA. I live in Bethlehem.

[Thereupon at five o'clock p.m., a recess was taken until Tuesday, December 7, 1954, at 10:00 a.m., the subcommittee to reconvene in open session.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

[EDITOR'S NOTE.—Markus Kalasz (1893–1987) testified in public on December 7, 1954. John Babirak, Paul Ault (1911–1992), Harold C. Allen, Maurice C. Slater (1911–1982) and Alvin J. Heller testified in public on December 8. Philip Valli (1893–1975) and Andrew Nicko did not testify at a public hearing. As a consequence of invoking the Fifth Amendment, Alvin Heller was discharged from the Luria Engineering Company, Harold Allen was discharged from the Lehigh Foundries, and Maurice Slater was discharged from the Ingersoll-Rand Company. Paul Ault and John Babirak were suspended from the Bethlehem Steel Company.]

TUESDAY, DECEMBER 7, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at three o'clock p.m., pursuant to notice, in room 357, Senate Office Building, Senator Karl E. Mundt, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; and Senator Charles E. Potter, Republican, Michigan.

Also present: James N. Juliana, acting executive director; Donald F. O'Donnell, assistant counsel; Daniel G. Buckley, assistant counsel; Robert F. Kennedy, chief counsel to the minority; Ruth Young Watt, chief clerk; and John Gomien, administrative assistant to Senator Dirksen.

Senator MUNDT. The committee will please come to order.

Do you solemnly swear that the testimony you are now about to give, is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KALASZ. I do.

TESTIMONY OF MARKUS KALASZ

Mr. KENNEDY. May I suggest, Senator Mundt, that you go through some of that discussion about the attorney before you ask him some questions?

Senator MUNDT. Mr. Kalasz, you came to my office about three o'clock; is that right?

Mr. KALASZ. Yes.

Senator MUNDT. You saw me about ten minutes ago and at that time I told you that if you wanted to have an attorney you could have one, and that if you did not want to have an attorney, you could testify today.

You said you were not exactly sure what the situation was and I said that in my opinion a witness before a congressional committee who was going to tell the truth, did not have to worry about an attorney, but that if you have anything you are trying to cover

up, or if you thought there were things in the record about which you wanted to take refuge in the Fifth Amendment, you might want to have the advice on those matters of an attorney, that we might hear you tomorrow so that you could have an attorney.

What was the response to what I told you? You just tell us in your own words what you want to do.

Mr. KALASZ. Can I repeat what I said yesterday?

Senator MUNDT. You can repeat that, or you can change it because you are supposed to tell the truth.

Mr. KALASZ. In 1936 we started to organize under the CIO, organize the Steel Workers in Bethlehem. In 1937 I became a volunteer organizer under the CIO. Also in 1937, March was the election in our department, maybe throughout the whole plant for the committee on the employee-representation plan.

The boys picked me up as a union man to get in that representation plan as a committeeman.

Senator POTTER. Who picked you up?

Mr. KALASZ. The boys in the shop. I said, "Boys, I don't want it. I am going to wait until we have a union. If you want me to represent you in the union, at that time I am willing."

Against my wish they threw me in as a representative under the employee representation plan.

Senator POTTER. That was a representative of your union?

Mr. KALASZ. Under the company union.

Then at that time Mr. Beverly, he was about a three hundred pound, six-foot man, he was a—I don't know—he just played a joke, or he meant it, but he was a bully man, bully toward the representative.

The first case I took in—previous to that time, I never was at the poll to vote on either side for public office, I never was registered as a voter before.

Senator POTTER. I think we can save a lot of time, Mr. Kalasz, if you will answer a few questions just as briefly as possible.

Are you now a member of the Communist party?

Mr. KALASZ. Absolutely no.

Senator POTTER. Have you ever been a member of the Communist party?

Mr. KALASZ. Probably I was a member, probably. I remember I gave some money to someone just to kick back against the supervisor because he called me names, only for that purpose.

Senator POTTER. In 1946, did you pay dues to the Communist party?

Mr. KALASZ. Senator, I don't know what year it was. I don't remember what year I paid.

Senator POTTER. But you have paid dues?

Mr. KALASZ. Something probably I paid.

Senator POTTER. How much did you pay?

Mr. KALASZ. I don't remember that.

Senator POTTER. Did you ever subscribe to the *Sunday Worker*?

Mr. KALASZ. The *Sunday Worker*, I got, as I said, I paid for, I don't know, for six months. But they sent it almost a year, they mailed it to me.

If I remember good, I think the slip was only for six months. I wouldn't swear on that now.

Senator POTTER. Did you ever recruit workers at the Bethlehem Steel Plant for the Communist party?

Mr. KALASZ. I recruit members in the union. I couldn't recruit, because I would not be authorized by the Communist party above. I was not authorized by any of the higher officers to get members into the party without a slip to collect money.

Senator POTTER. Did you know William Hood to be a member of the Communist party?

Mr. KALASZ. Yes.

Senator POTTER. And you knew Mr. Thomas to be a member of the Communist party?

Mr. KALASZ. Yes, sir; I knew him before he started working in the plant.

Senator POTTER. Have you ever been associated with them at a Communist party meeting?

Mr. KALASZ. I associated with Thomas not only on Communist meetings so much as on our union meetings. I don't remember; I didn't attend many meetings, many Communist meetings, because I was tied up with other things, but one meeting I remember when Thomas was there.

I was at a meeting where Bill William took me in person in his own car.

Senator MUNDT. You went to the meeting with William in his car?

Mr. KALASZ. One was in Allentown, I don't remember what street, but it was a narrow street in a row house, by some people in a row house. I don't know the people, and the people living in the houses weren't present at the meeting.

Only Bill Hood, Kusman, and a colored woman from, I believe, down south, a young colored woman.

Senator POTTER. As late as 1952, did you give William Hood information about what was going on in your plant?

Mr. KALASZ. You mean troubles?

Senator POTTER. Did Mr. Hood contact you to find out what the conditions were in your plant, what was going on in your plant?

Mr. KALASZ. He mostly asked me about our union in our meeting, what we were going to carry on, what we were going to propose about housing, about labor legislation throughout the country.

I don't remember he asked anything about the shop, what goes on inside the shop.

Senator POTTER. Did he suggest what you should do in your labor meetings?

Mr. KALASZ. In the meetings?

Senator POTTER. Yes.

Mr. KALASZ. He tried to keep his finger on me to use as tool; I admit that, but he couldn't use me. He tried to use me to put this vote on this, make a motion on this, urge the other fellow.

Senator MUNDT. When did you last see Mr. Hood?

Mr. KALASZ. The last time, that is about pretty close to three years now, because I got rough with him.

Senator MUNDT. You got what?

Mr. KALASZ. I got rough with him.

Senator MUNDT. You got rough with him?

Mr. KALASZ. Yes.

Senator MUNDT. Tell us about that.

Mr. KALASZ. And he didn't show up.

Senator MUNDT. Tell us how you got rough with him?

Mr. KALASZ. Again he came on for two purposes. He even asked me for money, donations here on those, to save those fellow out in New Jersey.

I said, "No, I don't have the money."

He asked me about getting the paper. No. Even about selling a book. I said no. Then he talked about the union affair and told me why we don't do this; why we don't do that.

I said, "Bill, you remember you read it in the paper, what they say. Phillip Murray's statement that there shall be no political party control our union from outside and my God, Bill, since I worked in this right from the beginning, from the first hour, to organize it, do you think I am going to be your tool? My God, don't ask me anything like this."

I said, "Your party is not so shiny as you are bragging about."

When he left he never showed up any more.

I am telling you honestly even today I don't know why, there is always the doggone *Worker* coming in the mail. Nobody pays for it; nobody is asking for it.

Mr. O'DONNELL. You can answer this question yes or no.

Did you ever have a Communist party card issued to you that you carried with you?

Mr. KALASZ. Yes, that was in, I think that was before—no, I think Thomas gave me that card.

Mr. O'DONNELL. But you had a Communist party card?

Mr. KALASZ. He gave me a card, but I don't believe I carried a card more than a week.

Mr. O'DONNELL. But you did have a card?

Mr. KALASZ. He gave me a card.

Mr. O'DONNELL. What year did you get the card?

Mr. KALASZ. I can't answer on that.

Mr. O'DONNELL. Was it in 1937, in 1938; was it in 1940, or was it in 1950?

Mr. KALASZ. It could be 1938.

Mr. O'DONNELL. You must have some idea, now, when you got this card? About what year was it?

Mr. KALASZ. Between 1938 and 1939, I believe.

Mr. O'DONNELL. That is when you received the card?

Mr. KALASZ. That is what I think.

Mr. O'DONNELL. Did you ever pay Communist party dues? Did you have to give the card to someone and have them put stamps on it, or punch the card?

Mr. KALASZ. I don't remember that.

Mr. O'DONNELL. Do you know Rufus Middleton?

Mr. KALASZ. Yes, sir; he worked under the same superintendent that I was.

Mr. O'DONNELL. Do you know if he was a member of the Communist party?

Mr. KALASZ. He said he belonged.

Mr. O'DONNELL. Do you know him to be a member?

Mr. KALASZ. Yes, he was a member.

Mr. O'DONNELL. How do you know he was a member of the Communist party?

Mr. KALASZ. He said that.

Mr. O'DONNELL. He told you?

Mr. KALASZ. Yes.

Mr. O'DONNELL. Where did he tell you?

Mr. KALASZ. In the shop.

Mr. O'DONNELL. Did you ever go to Communist party meeting with him?

Mr. KALASZ. He asked me if I am going to go to this meeting or that meeting.

Mr. O'DONNELL. Wait a minute. Did you ever go to a Communist party meeting with Middleton?

Mr. KALASZ. Not with him, together.

Mr. O'DONNELL. Were you there when he was present?

Mr. KALASZ. Yes, I was there when he was present.

Mr. O'DONNELL. When was that meeting?

Mr. KALASZ. I don't remember the year. That was held somewhere out in Crackertown somewhere, in some kind of club or hotel.

Mr. O'DONNELL. About what year was it? The '30s, the '40s? Was it two or three years ago?

Mr. KALASZ. That was between '30 and '40. What year it was, I don't know. It was between '30 and '40, I believe.

Mr. O'DONNELL. Do you know a Bill Powers?

Mr. KALASZ. Sorry, I don't.

Mr. O'DONNELL. Do you know a William Powers?

Mr. KALASZ. I am sorry, I don't. I don't remember him. I don't know him.

Mr. O'DONNELL. Did you ever tell Herman Thomas when you were talking to him and he introduced another man to you as a Communist party member, member of the Communist party, did you ever tell Thomas "How do I know he is not an FBI agent?"

Mr. KALASZ. I don't remember, sorry; I don't remember. I really would be willing to tell you if I would know that is so.

I would say yes if I would know.

Mr. O'DONNELL. Then, today, you can actually remember that you were a member of the Communist party and that you did have a Communist party card?

Mr. KALASZ. I know he gave me a card. I remember now he gave me a card. But I wouldn't swear—Thomas gave it to me, sure; Thomas gave it to me, or some other fellow organizer gave it to me.

Mr. O'DONNELL. You have a very convenient memory. You couldn't remember any of this yesterday. In fact, you denied membership in the party and today you now remember in a limited way.

Mr. KALASZ. All night I was thinking of it and I couldn't get my mind together. I didn't sleep, honest, a minute.

Mr. O'DONNELL. Do you have your memory together now?

Mr. KALASZ. Somehow, as you bring it up a little by little, my memory lights up. But if I clearly know, remember clearly, I say yes.

Mr. O'DONNELL. Have you ever been interviewed by the FBI?

Mr. KALASZ. Yes, they were at the house to give me this paper here.

Mr. O'DONNELL. No, the FBI.

Mr. KALASZ. The FBI agent came there at the house, they gave me this paper, and they were down in the plant, I think that was from immigration in New York.

Mr. O'DONNELL. Did you talk to an immigration man?

Mr. KALASZ. Yes, they called me in and they took me out in the plant office.

Mr. O'DONNELL. Did you give the immigration man what he wanted to know, or you couldn't remember what you wanted to tell him?

Mr. KALASZ. Anything I could remember clearly, I told them. They asked me names, if I would know, but they didn't show me pictures about them.

Another picture they show me of this man and that man, which I don't remember, a fellow from Eastern, another man from Philadelphia. They asked me about a lady Dame, but they didn't show me a picture.

Senator MUNDT. Do you know Mr. Picucci from the Bethlehem Steel plant? He testified here this morning. Did you ever see him before this morning?

Mr. KALASZ. You mean the fellow that was sitting here with the lawyer, a heavy, chunky fellow?

Senator MUNDT. That is right.

Mr. KALASZ. I don't know his name. I only know him from the picket line.

Senator MUNDT. You were in a picket line?

Mr. KALASZ. Yes, I was a picket.

Senator MUNDT. Did you ever see him at a Communist meeting?

Mr. KALASZ. At a Communist meeting, I don't remember seeing him. I don't know him that time so good. I don't know what was his name. I don't remember seeing him. If I would know him as I know him now after the strike, I would say yes.

Mr. O'DONNELL. When you were interviewed by Immigration and Naturalization, do you remember that there was a man that came around interviewing people? Did he interview Rufus Middleton at the same time?

Mr. KALASZ. Not at the same hour, the same minute. The same day they took him out, too. I think they took him out with a car before they came for me.

Mr. O'DONNELL. After immigration talked to Mr. Middleton, after Immigration had finished talking to Middleton, then you were talking to Middleton, too, and you said to him, "Why did you tell immigration the truth? Why did you say that to him?"

Mr. KALASZ. If that is a statement, I believe that is wrong statement.

Mr. O'DONNELL. Did you say anything like that to Mr. Middleton?

Mr. KALASZ. I don't remember.

Mr. O'DONNELL. You don't remember?

Mr. KALASZ. No.

Mr. O'DONNELL. You do not remember whether you did or did not?

Mr. KALASZ. I don't believe I did.

Mr. O'DONNELL. Do you deny that you made it?

Mr. KALASZ. I don't remember that I said anything like that. He should tell the truth.

Senator POTTER. You must realize that you are under oath.

Mr. KALASZ. I know.

Senator POTTER. And whatever statements you make that are not the facts could cause you to be cited for perjury?

Mr. KALASZ. I don't remember. If I would say that, that would be a sin for my part. I am sorry. I would say on this particular shift when this happened we could not see each other because he works in a different building. I worked in a different building.

I believe on the following shift, or the other shift we went home together, walked home.

Senator MUNDT. You and Middleton?

Mr. KALASZ. Me and Middleton. We walked together home. But after this immigration, on that evening I didn't see him. The other fellow saw them take him out and back. On that evening we didn't see each other. He is a slow walker and I am a fast walker, see.

Mr. O'DONNELL. You say you knew William Hood was a member of the Communist party?

Mr. KALASZ. William Hood?

Mr. O'DONNELL. He was a member of the Communist party, was he?

Mr. KALASZ. He was a member. He had a certain kind of office as district organizer, I believe.

Mr. O'DONNELL. How do you know that?

Mr. KALASZ. He said himself.

Mr. O'DONNELL. He told you that himself?

Mr. KALASZ. He said he was a district organizer. He took the place of, I believe, this fellow in Philadelphia, in jail now.

Mr. O'DONNELL. He took Charles Spencer's place?

Mr. KALASZ. This Joseph Kuzma was a district organizer and he was put over to Philadelphia, I believe.

Mr. O'DONNELL. Wait a minute. Stop right there. You say Joseph Kuzma was a district organizer for the Communist Party?

Mr. KALASZ. Around here and Philadelphia?

Mr. O'DONNELL. You knew that?

Mr. KALASZ. Well, it was in the paper when he was arrested that he was a district organizer.

Mr. O'DONNELL. Before he was arrested did you know it?

Mr. KALASZ. When they were arrested it was in the paper they were district organizers.

Mr. O'DONNELL. You said about five minutes ago that you knew that Rufus Middleton was a member of the Communist party, did you not?

Mr. KALASZ. I knew he was.

Mr. O'DONNELL. How did you know that?

Mr. KALASZ. Because I saw him at our meetings and he admitted it, himself.

Mr. O'DONNELL. You said that you knew that Herman Thomas was a member of the Communist party?

Mr. KALASZ. Who?

Mr. O'DONNELL. Herman Thomas, you say, was a member of the Communist party?

Mr. KALASZ. Well, I wouldn't say that he was a member in the party but he was active in the party. Remember, I don't know whether he paid dues or not.

Mr. O'DONNELL. Did you know a Warren Perry? You must know him. He works in the same shop, in the same department.

Mr. KALASZ. Yes, I know him.

Mr. O'DONNELL. You know him?

Mr. KALASZ. Yes.

Mr. O'DONNELL. What took you so long in answering? He works right with you every day.

Mr. KALASZ. Yes, but there are too many names. I can't catch on. We have about three hundred in the shop. I can't remember all of them.

Mr. O'DONNELL. Was Warren Perry a member of the Communist party?

Mr. KALASZ. I don't know, but he was out in one picnic.

Mr. O'DONNELL. Were you ever at a Communist party meeting with Warren Perry?

Mr. KALASZ. It was a picnic; it was not a meeting.

Mr. O'DONNELL. You were there and Perry was there?

Mr. KALASZ. I was there and Perry was there.

Mr. O'DONNELL. Did you ever go to Communist party meetings where Perry was present?

Mr. KALASZ. Only at the picnic.

Mr. O'DONNELL. You are sure of that?

Mr. KALASZ. That is what I remember. I don't remember only picnics, and I remember we played ball over there.

Mr. O'DONNELL. Do you think that Perry was a member of the Communist party?

Mr. KALASZ. I wouldn't swear on that.

Mr. O'DONNELL. I want to say one thing, Mr. Kalasz. You have made some very strong statements this afternoon, naming certain people whom you believe to be Communists, members of the Communist party, and you have had an actual Communist party membership. Have you ever seen a Communist party card that these other fellows that you talked about had? Did you ever see a Communist party card for Hood, for Perry, for Thomas?

Mr. KALASZ. No, I didn't see the Perry card. I didn't see any other card. I saw what I got, a little white card.

Mr. O'DONNELL. How big was the card that you got?

Senator MUNDT. Do you still have it?

Mr. KALASZ. No, I threw it away. I have the card only about a week, a week or two weeks.

Mr. KENNEDY. You only had it a week?

Mr. KALASZ. Only a week or two weeks. My wife asked me, what that is.

Mr. KENNEDY. Did you ever bring it in to any meeting?

Mr. KALASZ. Bring the card at a meeting?

Mr. KENNEDY. Yes, show the card at a meeting.

Mr. KALASZ. No.

Mr. KENNEDY. Did you ever pay dues and have your card checked off?

Mr. KALASZ. No.

Mr. KENNEDY. You never did that?

Mr. KALASZ. No.

Mr. KENNEDY. You just got rid of it in two weeks?

Mr. KALASZ. Anybody could go there, member or non-member. They asked the man in the hope that they would sign up. I was not a member, I don't know how many years. They just come after me, coaxed me, "Go out here, go out there."

Mr. KENNEDY. You do not remember of putting your card out and having it checked?

Mr. KALASZ. No.

Mr. KENNEDY. Having it punched when you paid your dues? You don't remember that?

Mr. KALASZ. They never did that. They never did that while I was on the picnic, they never checked it.

Senator POTTER. Mr. Kalasz, if you would tell the committee if you belonged to the Communist party at one time, which you admitted that you have, rather than try to hide the facts, if you can give the committee all the knowledge you have concerning the Communist party activities while you were a member, the committee would have a lot more credence in your testimony. I think in all fairness to you, you must realize that there are many contradictions in your statements. This record is going to be sent down to the Department of Justice and you may be hearing from it further.

Now, you have the opportunity here today to clear that record. This may be the last opportunity you will have.

Mr. KALASZ. I would like to clear it up. My memory is bad. I am telling you the truth, my memory is bad, and I can't think so quick, because I didn't go through high school or college. My memory is too bad, I admit that.

I say the membership card was about this size [indicating], if I remember. That was the size of the membership card. It was a piece of paper like this [indicating].

Mr. O'DONNELL. Why could you not remember that yesterday?

Mr. KALASZ. I didn't, because—when I heard Thomas yesterday—

Mr. O'DONNELL. I am talking about yesterday. You did not hear Thomas yesterday. You came in here alone. You did not hear anyone talk or testify about you and you could not remember that you had a card yesterday, but today you can cut it to proper size and tell us the color. Why did you not remember that yesterday?

Mr. KALASZ. I didn't know I had a card. I didn't remember right away. I couldn't remember right away. I am telling you, I couldn't remember right away.

While we were talking here and the other witness before, and sitting back there, I was thinking about this.

"Doggone," I said, "there must be something in it. I must have paid something somewhere." But I don't know that the year Thomas said—I don't know how many years he said, from 1938, what year, I don't remember now, how long I would be, or how long I was in the party. He got a book there. He had it written up, and if the book is right, maybe it is more right than I am, because I

am going on my memory. He has pencil marks. I don't have pencil marks in my head. My head is not a calendar.

Senator POTTER. You certainly know whether you belonged to the Communist party or not. That is something that is not like shaving in the morning.

Mr. KALASZ. I admit that, that I was with them. I went to a meeting for the purpose only to pay back my superintendent on account of the way he treated me. It is not because I loved the doggoned party, no, because I didn't like the way he treated me, that is what hurt me the most.

Mr. O'DONNELL. You know that little piece of paper you have there the Communist party card was that big. What did it say on the card? What was at the top of the card?

Mr. KALASZ. I don't remember.

Mr. O'DONNELL. Don't you remember what was on the card?

Mr. KALASZ. It was on there, "Communist party," but I don't know what Communist party—Philadelphia, New York or what it was, but it was some written up.

Mr. O'DONNELL. You remember that today very clearly, it was printed "Communist party"?

Mr. KALASZ. But how it was worded, word by word, honestly, I don't remember.

Senator MUNDT. You were trying to tell us what your wife said when she found the card.

Mr. KALASZ. Pardon me.

Senator MUNDT. Tell us what your wife said when she found the card?

Mr. KALASZ. I can't get that.

Senator POTTER. What did your wife say when she found you had a Communist party card?

Mr. KALASZ. She raised hell about it, she said, "Throw it away." I said, "You are right. I will throw it away." I threw it away. She doesn't like politics. She hates politics.

Mr. KENNEDY. Yesterday you came in here and you sat there and you said you knew William Hood was a Communist because William Hood kept approaching you and trying to interest you to join the Communist party, and each time you got madder and madder and you said "Absolutely not." You said that this occurred frequently. You said that Mr. William Hood came up and kept saying this to you and you got indignant. Now we find out today you were a member of the Communist party all the time. Why was Mr. Hood coming to you as a district organizer, trying to get you to be a member when you were already a member?

Mr. KALASZ. He wanted to sign me up again.

Mr. KENNEDY. You resigned from the Communist party?

Mr. KALASZ. Well, if I didn't pay dues for, I don't know how many years I don't pay dues, naturally, they throw you out. They come after you to get you to sign up again.

Mr. KENNEDY. You did not pay any of your dues, then?

Mr. KALASZ. The dues on that one card, I think.

Mr. KENNEDY. When was the last day you paid your dues?

Mr. KALASZ. I don't remember the date, 1938, I don't remember. If they have it in the book right, they can answer that right. After

I was out of the party for a long time, they came after me to get me back in.

Senator MUNDT. Did you pay dues in 1942?

Mr. KALASZ. In 1942?

Senator MUNDT. Yes. Did you pay dues in 1948?

Mr. KALASZ. I am going to say "no" because I don't keep no book on it. They have the book.

Mr. JULIANA. Were you a member of the Communist party in 1948?

Mr. KALASZ. In 1948 I know there was a party.

Mr. JULIANA. Were you a member of the party?

Mr. KALASZ. I don't know.

Mr. JULIANA. Were you a member of the Communist party in 1950?

Mr. KALASZ. I don't remember. I am sorry—I don't remember. If you cut my head off and hang me up right here, I can't say yes or no.

Senator MUNDT. Did you attend any meetings at which Communists were present, Communist meetings, in 1952?

Mr. KALASZ. What you call a meeting, a regular meeting, I went to that, Kuzma and a colored girl from down south, and Bill Hood took me there. But the other people, outside Bill Hood, I don't know. I was at a meeting when Bill Hood—no, not Bill Hood—a fellow by the name of Charles—

Mr. O'DONNELL. Charles Spencer?

Mr. KALASZ. That is right, Charles Spencer. He was once at my house. I didn't know him. I thought he worked somewhere in the plant. I never see him before. He had the same position as William Hood got. That was before William Hood. He came and called us up on this particular meeting. I thought it was some kind of department meeting, shop meeting. I didn't know whether this was going to be some kind of political meeting Communist meeting. Then Elizabeth Gurley Flynn was there. He made a speech, came back from Europe, Germany, talked about foreign countries.

Mr. O'DONNELL. Charlie Spencer, you said, was the section Communist party organizer?

Mr. KALASZ. Something like that.

Mr. O'DONNELL. How did you know that?

Mr. KALASZ. Well, I think they mentioned that over there on the meeting. They mentioned that. I don't know when Elizabeth Gurley Flynn—she was introduced—

Mr. O'DONNELL. At that meeting now, that Spencer said he was in the Communist party, where Elizabeth Gurley Flynn was present, at that meeting, were any people there who were not members of the Communist party?

Mr. KALASZ. I can't say that because I didn't see them come. Whether they were members or not, or they just coaxed them there because they wanted to sign them up. They didn't ask no card to punch out to go in or this. Anybody could go in. They invited anybody there.

Senator POTTER. Mr. Kalasz, you were active in organizing, working with the CIO in Bethlehem. You were one of the leaders in the big strike in 1946.

Now, you knew a lot about the labor organization, so you are not the type of man, you are too smart a man, to be fooled by the Communist party members leading you into meetings without your knowing the purpose of those meetings. Is that not correct? You knew what you were doing, did you not?

Mr. KALASZ. Well, on that particular meeting they couldn't mention—they were talking strictly union problems, because when they would talk Communist problems they would go out frequently, because the union wouldn't stand for it. They were smart enough—no, Joe Kuzma was one of the leaders of the strike at that time, one of the leaders.

Senator POTTER. You have a greater knowledge of the Communist party movement at Bethlehem Steel than you have told us, is that not correct? You might as well be honest about it. Is that not the fact? You know a lot more about it than you have told us?

Mr. KALASZ. Well, no; I was mostly on the—Kuzma was talking, and these union fellows, they couldn't bring up the Communistic idea in our meeting because the chairman would call them out of order.

Senator POTTER. Did you not actually recruit other workers in the steel plant to join the Communist party? Did you not do that?

Mr. KALASZ. No. If I would do that the union would surely expel me.

Senator POTTER. You have never recruited anybody for the Communist party?

Mr. KALASZ. I never recruited a single man that, myself, I would say to this man, "Here, friend, come in to the Communist party." I never did. In the union—yes.

Senator POTTER. Did you ever ask a shop steward, or a member of the union, or say "You should join the Communist party," or did you ever introduce them to somebody else so they could join the Communist party? Mind you, you are under oath to tell the truth.

Mr. KALASZ. On introducing, I don't remember I did, but Bill Hood, William Hood, came to the house, and he asked me about who are the shop stewards, who are this, what is the name? I don't know why he asked me about those fellows, but he finally went to the house and found that name in the telephone directory.

Senator POTTER. You knew what he was doing? You knew what the purpose of it was?

Mr. KALASZ. I didn't think of it. I don't know how the hell he got around me.

Senator POTTER. Was it not because you were a member of the Communist party? Is that not the reason?

Mr. KALASZ. Probably he got it before the other guys.

Senator POTTER. Were you not one of Bill Hood's men in the Communist party? He came to you and you helped him get other men to join the Communist party? Is that not the fact?

Mr. KALASZ. That means that he was smarter than I was.

Senator POTTER. You knew what was going on, did you not? You knew what was going on?

Mr. KALASZ. Well, not—I never could know what the other men had in their minds.

Senator POTTER. You knew that he was a member of the Communist party—you knew that. You knew that you were a member of the Communist party. You testified to that.

Mr. KALASZ. I knew it was a member, but he showed it in such a nice way, that, my God, he hooked me.

Mr. KENNEDY. Mr. Kalasz, I just want to read you your testimony here yesterday. Mr. Juliana asked: "Were you a member of the Communist party in 1937?" And you answered: "I never was a member of the party in any part."

Mr. Juliana then asked you: "You were never a member of the Communist Party?" And you answered: "No." Now, that testimony is incorrect, is it?

Mr. KALASZ. I would like to correct that. Maybe I was in, according to Thomas's statement what he got in the book. My memory was bad at that time.

Mr. KENNEDY. Mr. Kalasz, you had a Communist party card. You paid Communist party dues?

Mr. KALASZ. I didn't remember that.

Mr. KENNEDY. You remember it now, do you?

Mr. KALASZ. Now, I do, I agree, according to Thomas's statement—something came into my mind. Last night I thought—I made a mistake, maybe I had a card.

Mr. KENNEDY. You see, Mr. Kalasz, Mr. Thomas never mentioned the fact that you had a card. He never mentioned that.

Mr. KALASZ. I know he didn't mention it, but he said I was a member from this time to that time. He said that. I think that man—somehow he handled the books, I think, he handled the books. He must know something more than I do.

Mr. KENNEDY. On page seventy-four, Senator Potter asked you: "Did they ever ask you for money for dues?" and you answered "Oh, yes; they asked me for some money."

Then Senator Potter asked: "Did you give it to them?" And you answered: "No, I did not, because I did not have any." Then Senator Potter asked: "Do you testify here under oath that you never gave any money to the Communist party?" and you answered: "Well, nothing outside of that paper." Now that testimony evidently is wrong; is that right?

Mr. KALASZ. Yes. I would like to say that it should be changed.

Mr. KENNEDY. Mr. Kalasz, let me ask you one other question.

Mr. KALASZ. When he came to the house he asked fifteen cents here, fifteen cents there, fifteen cents on this thing, little amounts. He hands me kind of little pamphlets, another pamphlet. I couldn't refuse in the beginning—I gave him fifteen cents, but asking big donations, I said "No, I can't give big donations." This little booklet, he left it there, sometimes he left two or three books there for nothing, just to spread the propaganda.

Mr. KENNEDY. Mr. Kalasz, did you ever advise anybody, any of your fellow workers, not to cooperate with the FBI?

Mr. KALASZ. If I asked—

Mr. KENNEDY [continuing]. Any of your fellow workers, if you advised any of your fellow workers not to cooperate with the FBI? Do you remember having done anything like that? What is your answer?

Mr. KALASZ. I can't remember I said anything like that to anybody.

Mr. KENNEDY. Did you ever tell or advise any of your fellow employees not to cooperate with the Immigration and Naturalization Service?

Mr. KALASZ. No; I didn't say anything like that.

Mr. KENNEDY. What did you say?

Mr. KALASZ. I don't remember I said anything to anybody like that.

Mr. KENNEDY. Did you ever tell them not to say that you looked upon the Communist party as just a party, such as the Republican party or Democratic party?

Mr. KALASZ. This question I cannot understand.

Mr. KENNEDY. Did you ever have any discussions with Rufus Middleton about the Immigration and Naturalization Service, and advise him to refer to the Communist party is just a party, such as the Republican or Democratic party?

Mr. KALASZ. I don't remember anything, only two days after we went home, because he was called up—we were talking about this—he asked me—I asked him what they asked him. He said, "I told them I belonged to it."

I said: "I don't belong to it at this time."

Senator POTTER. You were a little disturbed at Mr. Middleton weren't you, for telling—

Mr. KALASZ. No; that was his business.

Senator POTTER [continuing]. For being honest with the Immigration and Naturalization Service? When you saw Middleton after that, were you not a little disturbed?

Mr. KALASZ. For my part, not on his part, no. On my part. On his part it is his business.

Senator POTTER. You were disturbed over what he told the Immigration and Naturalization Service about you, were you not? Were you not unhappy about that?

Mr. KALASZ. No.

Senator MUNDT. Did you ever clip any articles from the *Sunday Worker* and put them on the bulletin board of the Steel Company?

Mr. KALASZ. I remember—not only, no from the Communist paper, but from the *Philadelphia Record*.

Senator MUNDT. I am just talking about the Communist paper. Did you ever cut any articles from the Communist paper and put it on the bulletin board?

Mr. KALASZ. Maybe. I don't remember. I would admit it if I did.

Senator MUNDT. You can admit that or deny it. Did you ever clip any articles out of the Communist paper and put them on the bulletin board in the Bethlehem Steel plant? Either the Communist *Daily Worker*, or *Sunday Worker*, or any other Communist propaganda?

Mr. KALASZ. Even these today they put in the paper, fishing, hunting.

Senator MUNDT. I am talking about what you put up. Do you know what you put up? Did you ever take anything from the Communist paper and put it on the bulletin board?

Mr. KALASZ. I don't remember. Maybe I did.

Senator MUNDT. Did you ever hand any Communist material of any kind to a fellow worker?

Mr. KALASZ. Pardon me?

Senator MUNDT. Did you ever hand any Communist printed material to one of your fellow workers?

Mr. KALASZ. I don't know.

Senator POTTER. You could certainly remember that, could you not? If you would hand him the literature, that would certainly stand out in your mind, would it not?

Senator MUNDT. Did you ever stand up any place and denounce the Communist party? Would you give us the names of three or four people who are friends of yours that we can call down to Washington and have testify saying "We have heard Markus Kalasz denounce the Communist party?" That is what you need. You need a character witness who can remember your background. Did you ever stand up at a union meeting or any meeting and denounce the Communist party? Did you ever denounce William Hood? Did you ever denounce Thomas? Steve Nelson, Charlie Spencer, or the Communist party? Did you ever do that?

Mr. KALASZ. I can't do that. I feel sick.

[The witness was thereupon excused temporarily.]

Senator MUNDT. Mr. Valli, will you be sworn?

Mr. VALLI. Yes.

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

Mr. VALLI. So help me God.

Senator MUNDT. Be seated.

TESTIMONY OF PHILIP VALLI

Mr. JULIANA. Mr. Valli, you appeared before this subcommittee in executive session yesterday and at the noon recess I had a little talk with you down in my office; is that correct?

Mr. VALLI. That is correct.

Mr. JULIANA. Now your testimony is to the effect that you have never been a member of the Communist party?

Mr. VALLI. Never.

Mr. JULIANA. You have never contributed money to the Communist party?

Mr. VALLI. Not to my knowledge. They were asking, but they never came and collect it.

Mr. JULIANA. Also your testimony is to the effect that you have never been active in the Communist party or the Communist movement?

Mr. VALLI. Never, not even so much as associated with them.

Mr. JULIANA. Mr. Valli, would you be willing to contact the FBI office in Allentown, Pennsylvania, and cooperate fully with them?

Mr. VALLI. Yes, I will.

Mr. JULIANA. Would you be willing to answer all of their questions?

Mr. VALLI. Anything they ask me.

Mr. JULIANA. Mr. Chairman, I would like to recommend that we discharge this witness if there are no further questions.

Mr. KENNEDY. Mr. Valli, have you talked to the FBI before?

Mr. VALLI. Three years ago. I am not sure exactly three, but in that.

Mr. KENNEDY. Did you cooperate with them at that time?

Mr. VALLI. Anything they asked me I did.

Mr. KENNEDY. Now did any member of the Communist party criticize you for spending too much time with the FBI?

Mr. VALLI. Yes, they did.

Mr. KENNEDY. What did they say to you?

Mr. VALLI. They told me I should not go and I should not say anything. I said I told them—Mr. Thomas was present at that time, I told them why I should—I have nothing to hide. I am not afraid. Why shouldn't I go there?

Mr. KENNEDY. You did not say "They did not get anything out of me. The only thing I told them was that I was a charter member of the Progressive party." Did you tell the FBI that at that time?

Mr. VALLI. Yes, sir.

Mr. KENNEDY. Did you say to these people, these Communists, including Thomas, at that time "They did not get anything out of me, all I did was tell the FBI that I was a member of the Progressive party"?

Mr. VALLI. No; not exactly that way. I told them—every question they asked me I answered them. Really, they were asking about my brother-in-law. They claimed he was a Communist. They asked me if he was a member of the Communist party. I said I couldn't testify to that, I couldn't prove it, I must be there present at a meeting with them and I couldn't say he was a member of the Communist party. I couldn't say this man or that man was a Communist because I couldn't prove it. I must be there in a meeting with him to see that he was paying dues. The other way, I couldn't say he was a Communist, if somebody else talked, that is no effect. That is what I said. They didn't get anything out of me because I didn't know anything. I didn't associate very much; I didn't go with them, so I couldn't say anything.

Mr. KENNEDY. You knew Thomas was a member of the Communist party?

Mr. VALLI. I knew it much later on, when he was in my home.

Mr. KENNEDY. When he asked you about whether you would cooperate with the FBI—

Mr. VALLI. He didn't ask that.

Mr. KENNEDY. Did he speak to you about going to the FBI?

Mr. VALLI. I would say this: Mr. Thomas, every time he was in my home, he never asked any questions; he never talked at all. He was sitting in an arm chair and he was just listening. He was probably trying to memorize in the head what was talking about, but he never asked any questions.

Mr. KENNEDY. After you went to the FBI, some members of the Communist party came and met with you and said "What did you tell the FBI?" Is that right?

Mr. VALLI. I said "Everything I knew. They couldn't get anything out of me because I didn't know anything."

Mr. KENNEDY. Who were these people that said that to you?

Mr. VALLI. The guy that was with Thomas. I couldn't recall the name. Of course he introduced his name, but as soon as they

walked out of my home I forget about it. I am sorry, I couldn't remember the name.

Mr. KENNEDY. You knew Thomas was a member. Did you know him at that time as a member of the Communist party?

Mr. VALLI. Yes. That was not so long ago. This year some time.

Mr. KENNEDY. Did you know at the time, after you talked with the FBI that he was a member of the Communist party?

Mr. VALLI. Yes.

Mr. KENNEDY. Did the FBI ask you about the names of individuals that you knew?

Mr. VALLI. No. What they really were after me for was my brother-in-law.

Mr. KENNEDY. If they are interested in other individuals, Mr. Valli, you are going to give them all the information that they want?

Mr. VALLI. If I know it; like I said, anything I know, I will give them.

Mr. KENNEDY. They will ask you the questions and you will answer them?

Mr. VALLI. I will answer yes or no.

Mr. KENNEDY. Then we will learn whether he is cooperating with the FBI.

Mr. JULIANA. Yes, I think we can get a report.

Mr. VALLI. The other part, when they were finished, he asked me if I would be willing to testify any time. I told him, "I got to read it and study. I just can't sign it, because I am not sure exactly what was put in." They said, "If you feel that way, we will read all the things," and we took about four or five paragraphs out of that, with my initials on. I told them I didn't say that, I said so and so.

Mr. JULIANA. You will tell them everything you know now about the Communist party?

Mr. VALLI. Yes, as soon as it is suitable for them I will go down.

Senator MUNDT. In March of 1954 you were still working with Mr. William Hood; is that right?

Mr. VALLI. He was working, yes; that is the name that was mentioned. That is the same guy. I still say I couldn't remember the name.

Senator MUNDT. You will tell the FBI all you know about Mr. Hood, will you?

Mr. VALLI. What I know, yes. Everything they ask me, what he tells me, I will tell them if they ask me that. I am willing to cooperate 100 percent. It is my country the same as yours.

Senator MUNDT. Your testimony is that you have not been in the Communist party since when?

Mr. VALLI. I never was a member of the Communist party. I only said to Mr. Thomas I would study it, the Communist party, I would read about it.

In 1918 there was a man living in a town, in Steelton, Pennsylvania, alongside of Harrisburg. I played music and he was our leader in the band. He was a little bit in that category and we had a lot of discussion about this thing. Every time I go home and I sleep I can see that I never agreed, and I would tell him he was wrong. That was maybe two years. I was tired of that and I moved

from Steelton. I moved to Cleveland—three years, so nobody knows me and nobody did bother me. After that I moved back to my grandmother's place in Grandview, Indiantown Gap, and from there I moved to Bethlehem. That was in 1922. So there I didn't know anybody and nobody didn't bother me until 1930 or 1932, like that; I didn't remember the particular year. Somehow they knew it or they found out. I wouldn't deny I am a progressive man, and liberal—I always try to do something for the benefit of me and you and anybody else, if it is possible to make a better living. They were after me. When I see they were too much after me—they almost got me in 1930 and 1932—he came next week again, and I chase him out of the house and I really took the book and I read a lot of them books, really studied it and, well, it is about fifteen or seventeen years, maybe a little less or more. I said. "Well, Philip, that is not for you." That is what made my mind up at that time and that was out.

Senator MUNDT. Anything you can do from now on to stop the activity of the Communist party, you will do?

Mr. VALLI. Well, I should listen to my wife, Senator, ten years ago. She said: "Philip, take your broom and chase them out,"—I should listen to her. I would be better off today. I am old now, and not so bad set. I have always worked with my own hands, with my sweat and blood, so I like to keep that.

Senator MUNDT. You will be dismissed then, as a witness.

Mr. VALLI. Thank you very much, gentlemen. I am glad I met you all. Maybe I am a better citizen after that. I didn't miss an election yet. Maybe I didn't vote for you people, but I always voted.

Senator MUNDT. Mr. Ault, will you stand to be sworn?

Do you solemnly swear that the testimony you are about to give us is the truth the whole truth, and nothing but the truth, so help you God

Mr. AULT. I do.

**TESTIMONY OF PAUL AULT (ACCOMPANIED BY HIS COUNSEL,
JOSEPH FORER)**

Senator MUNDT. For the record, will you give us your name and present address?

Mr. AULT. My name is Paul E. Ault.

Senator MUNDT. Let the record show that Mr. Forer is representing Mr. Ault as counsel.

Mr. AULT. My address is 307 Valley Street, Duboistown, Pennsylvania.

Senator MUNDT. You may proceed.

Mr. JULIANA. Where are you presently employed?

Mr. AULT. The Bethlehem Steel Company.

Mr. JULIANA. In what capacity?

Mr. AULT. In Williamsport.

Mr. JULIANA. In what capacity?

Mr. AULT. I am a wire drawer.

Mr. JULIANA. When and where were you born?

Mr. AULT. In Minotville, Pennsylvania, in 1911, May 27th.

Mr. JULIANA. How long have you been employed by the Bethlehem Steel Company?

Mr. AULT. It will be sixteen years, June the seventh, 1955.

Mr. JULIANA. Have you ever been a member of the Communist party?

Mr. AULT. I refuse to answer on the basis of privilege under the Fifth Amendment.

Senator MUNDT. It is your privilege under the Fifth Amendment only under certain circumstances. You may refuse to answer under the Fifth Amendment only if your testimony would tend to incriminate you. There is no over-all privilege under the Fifth Amendment.

Mr. AULT. I refuse to answer on the basis of my privilege under the Fifth Amendment not to be a witness against myself.

Mr. JULIANA. Were you a section organizer for the Communist party in Williamsport, Pennsylvania in 1951?

Mr. AULT. I refuse to answer on the basis of my privilege under the Fifth Amendment not to be a witness against myself.

Mr. JULIANA. Did you attend a national Communist party steel commission convention in Cleveland, Ohio?

Mr. AULT. I refuse to answer on the same basis.

Mr. JULIANA. Will you state it completely?

Mr. AULT. I refuse to answer on the basis of my privilege under the Fifth Amendment not to be a witness against myself.

Senator MUNDT. Mr. Ault, you will appear in this same room tomorrow morning at 10:30.

Mr. JULIANA. Mr. Ault, are you a member of the Communist party as of today?

Mr. AULT. I refuse to answer on the basis of my privilege under the Fifth Amendment not to be a witness against myself.

[Witness temporarily excused.]

Mr. FORER. I discussed this with the staff earlier, and they suggested that I bring it to the attention of the committee.

Yesterday, Mr. O'Donnell called me and told me that there was a witness before the committee by the name of Quintana, and asked me if I would be willing to represent him, because he didn't have an attorney.

It is difficult for these people to get attorneys. I told them that I was reluctant to do so because I already had enough witnesses to represent, but finally I said, "Okay, send him around and I will talk to him."

So Quintana came to me at my office, and this what I discovered:

He apparently is a Cuban and he speaks Spanish but a very, very broken English, so much so that I had very great trouble understanding him. Worse than that, he could not understand me. I mean I could not understand why he wanted an attorney, whether he needed an attorney, whether he wanted to answer questions, did not want to answer questions, and I could not understand him and he could not understand me.

So I explain this to this committee, because I cannot represent him. That would be worse than his having no lawyer at all. But, because I did speak to him I feel it would not be right without my calling it to your attention because I really do not see how you can question him without an interpreter.

Senator MUNDT. We can provide an interpreter from the Library of Congress. Would you advise him then, if we could get an interpreter?

Mr. FORER. My situation is that we have enough of these people. There was another gentleman who was not able to get counsel, a man by the name of Babirak. I agreed to represent him. It is not the most pleasant thing in the world. As a matter of fact, earlier, in the open hearing today, when I walked back after I had been with one of these witnesses, some man sitting there said "Why don't you go back to Hungary?" The fact is that I have never been in Hungary in my life.

But I also have to be in court on Thursday. Another thing is that it would be impossible for me to advise him, sitting next to him, because I would never understand him, and he would never understand me. Now, I wanted to bring that to your attention. I have not the faintest notion as to whether he needs an attorney. It may be that he could answer every question truthfully, "No." I just do not know. I felt he was in a box and I felt the committee did not want him there.

Senator MUNDT. I do not see how you could very well represent him as counsel.

Are you Mr. Babirak?

Mr. BABIRAK. Yes.

Senator MUNDT. Will you raise your right hand and be sworn?

Do you solemnly swear that the testimony you are about to give to this committee is the truth the whole truth, and nothing but the truth, so help you God?

Mr. BABIRAK. I do.

Senator MUNDT. Give us your full name for the record.

**TESTIMONY OF JOHN BABIRAK (ACCOMPANIED BY HIS
COUNSEL, JOSEPH FORER)**

Mr. BABIRAK. John Babirak, 1135 Arcadia Street, Bethlehem, Pennsylvania.

Mr. JULIANA. Where are you currently employed?

Mr. BABIRAK. Bethlehem Steel.

Mr. JULIANA. What is your position?

Mr. BABIRAK. Welder.

Mr. JULIANA. How long have you been employed by the Bethlehem steel Company?

Mr. BABIRAK. Altogether, twenty-six years.

Mr. JULIANA. Where were you born?

Mr. BABIRAK. Bethlehem, Pennsylvania.

Mr. JULIANA. When?

Mr. BABIRAK. Today is my birthday, December 7, 1905.

Mr. JULIANA. Have you ever been a member of the Communist party?

Mr. BABIRAK. I refuse to answer this question under the Fifth Amendment.

Mr. JULIANA. Will you state why under the Fifth Amendment you decline to answer?

Mr. BABIRAK. On the basis of my privilege under the Fifth Amendment not to be a witness against myself.

Mr. JULIANA. Are you a member of the Communist party as of today?

Mr. BABIRAK. I refuse to answer this question under my privilege under the Fifth Amendment, not to be a witness against myself.

Mr. JULIANA. Have you ever given money to the Communist party?

Mr. BABIRAK. I refuse to say anything, on the same basis.

Mr. JULIANA. Will you state it in full, please?

Mr. BABIRAK. I refuse to answer because of my privilege under the Fifth Amendment not to be a witness against myself.

Mr. JULIANA. In 1952, you were a member of the Hungarian Section of the International Workers Order?

Mr. BABIRAK. I refuse to answer that on the same basis.

Mr. JULIANA. Will you state it in full, please?

Mr. BABIRAK. I refuse to answer the question on my privilege under the Fifth Amendment not to be a witness against myself.

Senator MUNDT. You will report back to an open hearing in this room tomorrow morning at 10:30.

Senator MUNDT. Are you Alvin Heller?

Mr. HELLER. That is right.

Senator MUNDT. Will you stand to be sworn? Do you solemnly swear that the testimony you are about to give to this committee is the truth, the whole truth, and nothing but the truth, so help you God?"

Mr. HELLER. I do.

**TESTIMONY OF ALVIN HELLER (ACCOMPANIED BY HIS
COUNSEL, JOSEPH FORER)**

Senator MUNDT. Your name is Alvin Heller? Where do you live?

Mr. HELLER. I live on R.D. 20, University Heights, Bethlehem, Pennsylvania.

Senator MUNDT. Where are you presently employed?

Mr. HELLER. Luria Engineering Company.

Senator MUNDT. Where is that located?

Mr. HELLER. Bethlehem.

Senator MUNDT. Is that part of Bethlehem Steel?

Mr. HELLER. No.

Senator MUNDT. Where were you born?

Mr. HELLER. Philadelphia, Pennsylvania.

Senator MUNDT. When?

Mr. HELLER. 1927.

Senator MUNDT. Are you now or have you ever been a member of the Communist party?

Mr. HELLER. I refuse to answer on the basis of my privilege under the Fifth Amendment, not to be a witness against myself.

Senator MUNDT. You will be back tomorrow morning at 10:30.

Are you Mr. Harold C. Allen?

Mr. ALLEN. That is correct.

Senator MUNDT. Do you solemnly swear that the testimony you are about to give this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALLEN. I do.

Senator MUNDT. You may be seated.

TESTIMONY OF HAROLD C. ALLEN

Senator MUNDT. Where do you live presently?

Mr. ALLEN. Easton, Pennsylvania.

Senator MUNDT. What address?

Mr. ALLEN. 627 Mauch Chunk Street.

Senator MUNDT. Where are you presently employed?

Mr. ALLEN. Lehigh Foundry.

Senator MUNDT. Located in Easton, Pennsylvania?

Mr. ALLEN. That is correct.

Senator MUNDT. What do you do in Lehigh Foundry?

Mr. ALLEN. I am an operator's helper.

Senator MUNDT. In which division?

Mr. ALLEN. In the foundry division.

Senator MUNDT. Are you now or have you ever been a member of the Communist party?

Mr. ALLEN. I refuse to answer that question on the basis of the privilege granted me under the Fifth Amendment not to be a witness against myself.

Senator MUNDT. You will report back to the committee at 10:30, at a public hearing, tomorrow.

Senator MUNDT. Are you Mr. Maurice Slater?

Mr. SLATER. That is right.

Senator MUNDT. Will you raise your right hand to be sworn?

Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SLATER. I do.

Senator MUNDT. Will you identify the gentleman seated beside you?

Mr. SLATER. Basil Pollock.

Senator MUNDT. What is your address, sir?

Mr. POLLOCK. 11 East 51st Street, New York City.

Senator MUNDT. You represent Mr. Maurice Slater in these hearings?

Mr. POLLOCK. I do.

TESTIMONY OF MAURICE SLATER (ACCOMPANIED BY HIS COUNSEL, BASIL POTTER)

Senator MUNDT. Mr. Slater, what is your present address?

Mr. SLATER. 13 Davis Street, Phillipsburg, New Jersey.

Senator MUNDT. Where are you presently employed?

Mr. SLATER. Ingersoll-Rand Company, the same town.

Senator MUNDT. In what capacity?

Mr. SLATER. Inspector.

Senator MUNDT. Where were you born?

Mr. SLATER. Garwood, New Jersey.

Senator MUNDT. When?

Mr. SLATER. March 1, 1911.

Senator MUNDT. Are you now or have you ever been a member of the Communist party?

Mr. SLATER. I refuse to answer that question under the privilege granted me by the Fifth Amendment.

Senator MUNDT. On what basis?

Mr. SLATER. I told you.

Senator MUNDT. You have only one basis on which you can plead the Fifth Amendment and that is if the answer would tend to incriminate you.

Mr. SLATER. All right, if you insist.

Senator MUNDT. I do not insist.

Mr. SLATER. I do not have to be a witness against myself, as provided for in the Fifth Amendment to the Constitution.

Senator MUNDT. Under those circumstances, you will appear before the committee at 10:30 tomorrow morning, in open hearing.

Senator MUNDT. Are you Andrew Nicko, Sr?

Mr. NICKO. Yes.

Senator MUNDT. Mr. Nicko, will you raise your right hand to be sworn?

Do you solemnly swear the testimony you are about to give to the committee will be truth, the whole truth, and nothing but the truth, so help you God?

Mr. NICKO. I do.

Senator MUNDT. Will you identify the gentleman seated beside you?

Mr. COBB. My name is David Cobb. I am an attorney, a member of the Bar of the District of Columbia. My office is at 1822 Jefferson Place, Northwest.

Senator MUNDT. You represent Mr. Nicko at this hearing?

Mr. COBB. I do.

**TESTIMONY OF ANDREW NICKO (ACCOMPANIED BY HIS
COUNSEL, DAVID COBB)**

Senator MUNDT. You may be seated, Mr. Nicko.

Where do you live?

Mr. NICKO. Easton, Pennsylvania, R.D. 2

Senator MUNDT. Where were you born?

Mr. NICKO. In Hungary.

Senator MUNDT. When?

Mr. NICKO. 1898, June thirteenth.

Senator MUNDT. When did you come to the United States?

Mr. NICKO. 1923, July 25.

Senator MUNDT. Are you a naturalized citizen?

Mr. NICKO. Yes.

Senator MUNDT. When and where were you naturalized?

Mr. NICKO. In 1944, in Easton.

Senator MUNDT. You were naturalized in the courthouse at Easton, Pennsylvania?

Mr. NICKO. Yes, sir.

Senator MUNDT. Your wife was also born in Hungary?

Mr. NICKO. Yes.

Senator MUNDT. When did she come to the United States?

Mr. NICKO. In 1923.

Senator MUNDT. Is she a naturalized citizen?

Mr. NICKO. She died.

Senator MUNDT. Where are you presently employed?

Mr. NICKO. In Lehigh Foundry.

Senator MUNDT. In what capacity?

Mr. NICKO. I am a maintenance foreman.

Senator MUNDT. Are you now or have you ever been a member of the Communist party?

Mr. NICKO. I am not a Communist, and I never was a party member. In 1932—from 1932 to 1934, I was unemployed, and I went to the Unemployed Legion, and over there the organizer gave

me a ticket to sign for membership. At that time I could not read or write very well. I told him—

Senator MUNDT. Talk a little louder, please. We will get along if you talk loudly enough.

Mr. NICKO. All right. In 1932 to 1934 I was unemployed and I have four children and at that time a sick woman and then the baker who brought the bread every day to our place, he told me to come down to the Central Labor Union, on an unemployed meeting, maybe we can help you over there. I went down there to a couple of meetings and then he gave me a ticket, to sign it.

I went to him, I told him I no can join no organization where I don't have any money to pay any—how do you call it—initiation and dues. He said, "Never mind, just sign it." I signed the paper.

Later on I asked him what kind of paper that is, anyhow? He said "You signed up for the party."

Senator MUNDT. The Communist party?

Mr. NICKO. Yes.

Senator MUNDT. Who was the man, now?

Mr. NICKO. Tilvick.

Senator MUNDT. Could you spell that?

Mr. COBB. I can give you the spelling I have, sir, but I don't know that it is correct. V-i-t-o-l-d T-i-l-v-i-c-k.

Senator MUNDT. Who was he?

Mr. NICKO. He said he organized hunger marches to go to Harrisburg, Pennsylvania and go up to the courthouse, and all that.

Senator MUNDT. This was in 1932?

Mr. NICKO. Yes, in 1932 and 1934.

Senator MUNDT. Go ahead.

Mr. NICKO. In 1934 I got my job. Since then I went to no meetings, just from that time until 1936, I joined the IWO. I took out a thousand dollar insurance and \$10.00 sick benefit and \$250 insurance for my children and \$500 insurance for my wife.

In the meantime I have the Hancock Insurance. The Hancock was a whole lot more than the International Workers Order. I make just \$24 or \$25 a week. We were six in our family, and a sick woman. I took that cheapest policy out just for that reason.

After that I worked steadily for Lehigh Foundry for over twenty years. A couple of times I was elected for treasurer secretary for IWO, collect the dues and send them in to headquarters in New York. I got paid for that \$10 every month that I collected dues and sent that in. That is the one reason I did that job.

Senator MUNDT. Are you still doing that?

Mr. NICKO. No. The IWO is dissolved. The Continental Insurance Company took it over, in Chicago.

Senator MUNDT. Did you know that the IWO was a Communist front organization?

Mr. NICKO. I don't know how long, from Washington, that the IWO is a subversive organization. In the meantime I got a letter from Mr. Bruno—or what is his name, the head inspector for the New York State Insurance. We got a letter from him, "Don't drop your insurance, just pay your dues and don't drop your insurance." So I keep my insurance. Now, three months ago, something like that, I got a letter from the Continental, from IWO, that we have to send our dues to Continental Company to Chicago.

Senator MUNDT. Do you know a Mr. Joe Herman?
 Mr. NICKO. Joe Herman, Sr., yes, I know him.
 Senator MUNDT. What does he do?
 Mr. NICKO. He was out working at Bethlehem Steel.
 Senator MUNDT. Working where?
 Mr. NICKO. He worked in Bethlehem Steel.
 Senator MUNDT. He lives in Easton Pennsylvania, too?
 Mr. NICKO. No, he is not from Easton.
 Senator MUNDT. How come you know him?
 Mr. NICKO. I go out to his parents and buy some eggs and cabbage, something like that, for my family.
 Senator MUNDT. Where did you meet him?
 Mr. NICKO. What?
 Senator MUNDT. Where did you meet him?
 Mr. NICKO. On his parents' place.
 Senator MUNDT. You met him there?
 Mr. NICKO. Yes, sir.
 Senator MUNDT. How did you happen to be there?
 Mr. NICKO. What?
 Senator MUNDT. Why were you out there?
 Mr. NICKO. To buy some chickens and eggs, something like that.
 Senator MUNDT. You met him on the farm?
 Mr. NICKO. Yes.
 Senator MUNDT. Do you know Mr. Joseph Herman, Sr., to be a Communist?
 Mr. NICKO. I don't know; I never talked to him about politics.
 Senator MUNDT. You are a pretty good friend of his, are you not?
 Mr. NICKO. I go over there and buy chickens, something like that.
 Senator MUNDT. You sometimes stop in there to eat a little bit?
 Mr. NICKO. Sometimes I drink a cup of coffee, something like that.
 Senator MUNDT. Has he ever been in your home?
 Mr. NICKO. He was there once or twice, just dropped in to say "Hello," "Hello, Nicko," that is all.
 Senator MUNDT. When was he there last?
 Mr. NICKO. What?
 Senator MUNDT. When was he there last?
 Mr. NICKO. When he was over there last? It was a month ago.
 Senator MUNDT. You say he has only been to your house twice?
 Mr. NICKO. Not more than twice or three times at the most.
 Senator MUNDT. You are sure he has never been in your house more than three times?
 Mr. NICKO. No.
 Senator MUNDT. About how many times have you been in his house?
 Mr. NICKO. Just once, where he lives now.
 Senator MUNDT. How many times where he lived before now?
 Mr. NICKO. Maybe once or twice I was in his old place.
 Senator MUNDT. You do not think you have been in his place, either one of them more than three times?
 Mr. NICKO. Yes.
 Senator MUNDT. That is six times?
 Mr. NICKO. Yes.

Senator MUNDT. Would you be willing to say under oath that you have never seen him more than six times?

Mr. NICKO. I see him more often.

Senator MUNDT. How many times did you see him on his father's place? One hundred?

Mr. NICKO. No.

Senator MUNDT. Fifty?

Mr. NICKO. No, a dozen times, that is all.

Senator MUNDT. Did you ever attend any meetings with him?

Mr. NICKO. No.

Senator MUNDT. Did you ever see him anyplace at all except on his place or his father's place, or your place? Did you ever see him anyplace else?

Mr. NICKO. No.

Senator MUNDT. Are you sure you have never seen him at any place where somebody has seen you with him?

Mr. NICKO. No.

Senator MUNDT. You are sure of that now?

Mr. NICKO. Yes, sir.

Senator MUNDT. Think that over carefully.

Mr. NICKO. Yes.

Senator MUNDT. I am asking you whether you are sure you have never seen him or been with him when somebody besides the two of you may have been present?

Mr. NICKO. No.

Senator MUNDT. You do not want to tell me whether you think he is a Communist or not?

Mr. NICKO. I no can tell.

Senator MUNDT. I did not quite understand.

Mr. NICKO. I no can tell for sure that he is a Communist. We never talked about politics.

Senator MUNDT. Ever talk about foreign policy, about Russia?

Mr. NICKO. No.

Senator MUNDT. Did you ever contribute any money to the Smith Act Defense Funds?

Mr. NICKO. Who?

Senator MUNDT. The money that was raised to defend the people who were being charged with being Communists, under the Smith Act? It was called the Philadelphia Smith Act Defense Fund.

Mr. NICKO. No.

Senator MUNDT. Think pretty carefully now. I am talking about this year. Did you ever contribute any money to the Philadelphia Smith Act Defense Fund drive?

Mr. NICKO. I know nothing about that.

Senator MUNDT. Did you contribute any money in the last two or three years to anybody who said they were using that money to help some people defend themselves against charges that they were Communists?

Mr. NICKO. Once I gave \$5.00 to Mr. Herman. He asked me for \$5.00—that is all I know. He no told me where it was going.

Senator MUNDT. Now we are getting down to the truth, that you gave Mr. Herman \$5.00.

Mr. NICKO. Yes.

Senator MUNDT. Why did he say he wanted it? He did not just say "Andrew, give me \$5.00."

Mr. NICKO. He said it was for a good purpose.

Senator MUNDT. So you said, "For what?"

Mr. NICKO. I no ask him.

Senator MUNDT. You said "For what?" We all do that.

Mr. NICKO. I asked him. He said "It is a good purpose. Don't worry about it."

Senator MUNDT. What else did he say?

Mr. NICKO. That is all.

Senator MUNDT. Are you going to sit there and try to make us believe—

Mr. NICKO. I tell you the truth. I am not lying over here.

Senator MUNDT. I want you to tell the truth.

Mr. NICKO. I never was in court, I never was in trouble with the law.

Senator MUNDT. We are now trying to keep you out of trouble, I am talking to you as a friend. I do not want you to let that record stand, that here is a man you have only seen a few times, and he says to you "Andrew, give me \$5.00." And you say "Here it is." I do not want that record to stand.

Mr. NICKO. I no saw his father two times. I saw his father every two weeks when I go over there and some—

Senator MUNDT. Who was it that asked you for the \$5.00?

Mr. NICKO. The father.

Senator MUNDT. This is not the man that you were talking about before?

Mr. NICKO. No, that is Joe, Sr.

Senator MUNDT. I am talking about Joe Herman, Sr, that is the father.

Mr. NICKO. Yes.

Senator MUNDT. We will start over again. How many times did you see him?

Mr. NICKO. Every two weeks.

Senator MUNDT. Where?

Mr. NICKO. On his farm.

Senator MUNDT. He has been in your home?

Mr. NICKO. He was home in my place.

Senator MUNDT. Has Mr. Joseph Herman, Sr. ever talked to you about the Communist party?

Mr. NICKO. Yes.

Senator MUNDT. What did he say about that?

Mr. NICKO. What?

Senator MUNDT. What did he say about that?

Mr. NICKO. He was joking all the time, something like that.

Senator MUNDT. Give us an illustration.

Mr. NICKO. What?

Senator MUNDT. Tell me about how he sounded. Tell me what he said.

Mr. NICKO. We were talking Hungarian. I no can translate that in English.

Senator MUNDT. All right. Go ahead.

Mr. NICKO. Jokes, that is all.

Senator MUNDT. What did he say about the Communist party?

Mr. NICKO. Nothing he said about the Communist party, I tell you. I never talked on Communist party. I never was mixed up in politics.

Senator MUNDT. I asked you earlier whether Mr. Joseph Herman, Sr. ever talked to you about the Communist party and you said "Yes."

Mr. NICKO. No; I no talked to him about the Communist party.

Senator MUNDT. Did Joseph Herman Sr. ever talk to you about the Communist party?

Mr. NICKO. No.

Senator MUNDT. He asked you for \$5.00?

Mr. NICKO. Yes.

Senator MUNDT. Last year or this year?

Mr. NICKO. I do not exactly remember when.

Senator MUNDT. Comparatively recently, within a year or so?

Mr. COBB. Was it very long ago?

Mr. NICKO. I don't remember how long ago it was.

Senator MUNDT. About how long? Fifty years ago?

Mr. NICKO. No.

Senator MUNDT. Then about how long?

Mr. NICKO. In the springtime—something like that.

Senator MUNDT. So you gave him \$5.00?

Mr. NICKO. Yes.

Senator MUNDT. And when you gave him the \$5.00, of course, you asked him what he was going to do with it?

Mr. NICKO. I said, "What are you going to do with it?" He said, "A good purpose."

Senator MUNDT. You said "What good purpose?" What did he say?

Mr. NICKO. He said nothing, just "Thank you."

Senator MUNDT. You must have been a soft touch.

Mr. NICKO. I give it to the Salvation Army, too. Boys Town every Christmas, I send \$9.00 or \$10.00 for Boys Town.

Mr. JULIANA. Mr. Nicko, do you know a man by the name of Rufus Middleton?

Mr. NICKO. No, I never heard that.

Mr. JULIANA. Middleton, M-i-d-d-l-e-t-o-n.

Mr. NICKO. I never heard that name.

Mr. JULIANA. Were you a member of the Communist party in 1950?

Mr. NICKO. What?

Mr. JULIANA. Were you a member of the Communist party in 1950?

Mr. NICKO. No; I never was a Communist party member.

Mr. JULIANA. Never?

Mr. NICKO. Never. I never carried a card or nothing. I don't pay dues.

Mr. JULIANA. Do you have a son, Andrew Nicko, Jr.?

Mr. NICKO. Yes.

Mr. JULIANA. Is he a member of the Communist party?

Mr. NICKO. No.

Mr. JULIANA. How old is your son?

Mr. NICKO. He was born in 1924, in Easton.

Mr. JULIANA. Where does he work?

Mr. NICKO. Lehigh Foundry.

Mr. JULIANA. What does he do?

Mr. NICKO. He is a foreman over there.

Mr. JULIANA. Was he in the United States Army?

Mr. NICKO. Yes, he was in the Merchant Marine.

Mr. JULIANA. World War II?

Mr. NICKO. Yes.

Senator MUNDT. You are sure you do not know Mr. Rufus Middleton?

Mr. NICKO. What?

Senator MUNDT. You are sure you do not know Mr. Rufus Middleton, M-i-d-d-l-e-t-o-n? His first name is Rufus.

Mr. NICKO. Honest to God, I don't recall Middleton.

Mr. KENNEDY. He is a colored fellow.

Senator MUNDT. He is a colored man, a Negro.

Mr. NICKO. No.

Senator MUNDT. You are sure of that?

Mr. NICKO. Positively.

Mr. KENNEDY. You never attended any Communist party meetings?

Mr. NICKO. No. I went to the IWO meetings; that is all. I never went to a Communist party meeting.

Mr. KENNEDY. Joe Herman never took you to a Communist party meeting?

Mr. NICKO. No.

Senator MUNDT. Did you ever go to any meeting with Joe Herman at all? Joe Herman, Sr.?

Mr. NICKO. No.

Senator MUNDT. Did you ever attend any meetings on his farm while there were other people present besides you and Mr. Herman?

Mr. NICKO. No.

Senator MUNDT. Or at your home?

Mr. NICKO. No.

Senator MUNDT. You are sure of that?

Mr. NICKO. Positively.

Senator MUNDT. All we want you to do is to tell the truth here.

Mr. NICKO. I am swearing that I tell the truth.

Senator MUNDT. That is what we are trying to do. We are trying to give you every chance.

Mr. KENNEDY. Did you ever hear of the Smith Act?

Mr. NICKO. Not much. In the paper, what I pick up from the paper.

Mr. KENNEDY. You read it in the paper? You read the name "Smith Act" in the paper?

Mr. NICKO. Yes.

Mr. KENNEDY. Did you ever discuss it with anybody else?

Mr. NICKO. No.

Mr. KENNEDY. You never discussed it with Herman?

Mr. NICKO. No.

Mr. KENNEDY. Did you ever discuss any of the individuals who were prosecuted under the Smith Act, with Joe Herman?

Mr. NICKO. No.

Mr. KENNEDY. Did you ever discuss communism with Joe Herman?

Mr. NICKO. No.

Mr. KENNEDY. Did you ever discuss communism with anyone?

Mr. NICKO. No.

Mr. KENNEDY. You never discussed communism?

Mr. NICKO. We talked about Indo-China or something like that, that is all.

Mr. KENNEDY. Did you ever hear Herman say who started the war in Korea? Did you ever discuss the war in Korea?

Mr. NICKO. No.

Mr. KENNEDY. You never discussed the war in Korea?

Mr. NICKO. No.

Mr. KENNEDY. You never did talk about the war in Korea?

Mr. NICKO. We talked about war, how the poor boys were getting killed over there.

Mr. KENNEDY. Did Herman think that the war was started by the United States? Did Herman ever say anything like that?

Mr. NICKO. No.

Mr. KENNEDY. Did you hear me? Did Herman ever say he thought the war in Korea was started by the United States?

Mr. NICKO. No.

Mr. KENNEDY. Did anybody ever say that to you?

Mr. NICKO. No.

Mr. KENNEDY. Nobody has ever said that?

Mr. NICKO. No.

Senator MUNDT. Did you ever read any Communist literature?

Mr. NICKO. No.

Senator MUNDT. I do not mean to subscribe to it. Did you ever read anything about it? Do you know anything about the Communist party?

Mr. NICKO. No.

Senator MUNDT. You have heard about it?

Mr. NICKO. I heard of the Communist party. I heard that.

Senator MUNDT. Suppose I were a little boy in the neighborhood and saw you coming down the street today and I said, "Mr. Nicko, what is the Communist party?" What would you say?

Mr. NICKO. What the dickens I know what is the Communist party? I never have been to a meeting.

Senator MUNDT. You are an American citizen. You have a son in the army. You have a family, you have been working a long time.

Mr. NICKO. I have been working fourteen and sixteen hours every day.

Senator MUNDT. Like everybody else, you have heard of the Communist party?

Mr. NICKO. I heard of the Communist party. I never was interested in that to study the Communist party.

Senator MUNDT. I am asking you what your opinion of it is, how would you describe it, what the Communist party means to you.

Mr. NICKO. Nothing. It don't mean nothing to me. I am Democrat and that is all.

Senator MUNDT. I do not care what your politics are. I want to know what your reaction is. You say you never read any Com-

munist literature, you never read the Communist *Daily Worker*, you never bought a copy of the *Daily Worker*.

Mr. NICKO. In 1932 when I was in the Unemployed Legion, I no can read at that time.

Senator MUNDT. Is the Communist party, as you think about it, something good for America or something bad for America or does it not make any difference?

Mr. NICKO. I no longer hear in America Communists. It is all right how it is now.

Senator MUNDT. Do you—you do not think the Communist party would be any good for America?

Mr. NICKO. No.

Senator MUNDT. Did you ever argue about that with Mr. Joseph Herman, Sr., either one of them?

Mr. NICKO. I tell you honest, he never mentioned to me the Communist party.

Mr. JULIANA. Mr. Nicko, you stated here that you were very active in the IWO, you were secretary-treasurer; is that right?

Mr. NICKO. Yes.

Mr. JULIANA. Do you know that the IWO was a Communist-front organization?

Mr. NICKO. No.

Mr. JULIANA. Do you know that the IWO was dominated and controlled by the Communist party?

Mr. NICKO. No.

Mr. JULIANA. Do you know that the IWO was set up by the Communist party in this country?

Mr. NICKO. No.

Mr. JULIANA. Do you know that funds from the IWO were given to the Communist party?

Mr. NICKO. No.

Mr. JULIANA. Yet you were an official of the IWO and you did not know this?

Mr. NICKO. I worked for the branch as secretary-treasurer.

Mr. JULIANA. How did you become the secretary?

Mr. NICKO. The members elected me.

Senator MUNDT. Were the members Communists?

Mr. NICKO. No, church members.

Senator MUNDT. I did not understand that.

Mr. NICKO. Church members in that, union members in that; all kinds of members in that.

Senator MUNDT. When did you learn that the IWO was on the attorney general's list?

Mr. NICKO. When there was come out from IWO——

Senator MUNDT. A notice—they sent you a notice?

Mr. NICKO. I no was secretary at that time.

Senator MUNDT. Did you resign from the IWO after you found out that it was a subversive organization?

Mr. NICKO. Yes. I got a letter from the state insurance, New York State Insurance Department. I got a letter, "don't drop your policy, don't drop out, just keep on paying your policy," so I keep on paying.

Senator MUNDT. Mr. Nicko, we appreciate the fact that you have talked to the committee under oath and that you have given us direct answers.

Mr. NICKO. Another thing, I never was a union member, never belonged to the union, CIO or AFL. I was working for Lehigh Foundry twenty-eight years. I worked in the cable foundry before and then the cable foundry break up—

Senator MUNDT. Do you know some of the managers or top people in the Lehigh Foundry? Do they have confidence in you?

Mr. NICKO. Yes, sir, my boss has confidence in me, but I did lots of improvements in that foundry.

Senator MUNDT. They put you on some pretty important places?

Mr. NICKO. I improve the pouring devices. We made six hundred molds in our day in eight hours. I made improvements. We raised it up to twelve hundred molds. Carrying the iron away I made improvements, where we needed four men we need only one.

Senator MUNDT. If you were a Communist, they would make you a Stakhanovite.

They put you in some pretty important positions in the foundry?

Mr. NICKO. Yes. In 1936, after the Depression, when I got called back, I got my job back and I worked for four or five cents an hour.

Senator MUNDT. Is that not a unionized plant?

Mr. NICKO. Yes, now it is a union plant.

Senator MUNDT. You do not belong to the union?

Mr. NICKO. No, sir, I never belonged to the union.

Senator MUNDT. You have been there for thirty-five years?

Mr. NICKO. Twenty-eight years altogether, the cable foundry and the Lehigh foundry together.

Senator MUNDT. They place a lot of confidence in you so that today you have a job that places you close to the ammunition?

Mr. NICKO. I never worked in the shell shop.

Senator MUNDT. You walk through the ammunition room.

Mr. NICKO. I never went over there. I worked in the Northside plant and the Southside plant has the maintenance gang. Over there the Hydraulic, 600-ton press went bad, then Fran Shuman, "Andy, go over there and fix that press up, we can't keep on going." I went over there. In a half hour the press was in production again. That is the only one time—

Senator MUNDT. You work in the same building now where ammunition is manufactured?

Mr. NICKO. Sixty-millimeter rough castings. That is where I improve it from the six hundred molds to twelve hundred or thirteen hundred molds.

Senator MUNDT. As a maintenance foreman you would have credentials to walk in any part of the plant where they make ammunition if you wanted to?

Mr. NICKO. Not in the Southside. I am in the Northside. I am in the Northside plant and in the Southside plant they have their own maintenance foreman and maintenance gang.

Senator MUNDT. You would agree that it would be pretty bad business for the country and for your fellow employees if somebody having access to that were not loyal to America?

Mr. NICKO. I am loyal to America.

Senator MUNDT. I did not say you were not. You would agree it would be pretty bad for the country if somebody not loyal to America had the right to go in a plant where you have the right to go?

Mr. NICKO. I would like to see somebody do something over there to the machinery. I would like to see that.

Senator MUNDT. You mean you would not like to see that?

Mr. COBB. That is what he means.

Senator MUNDT. The inflections will not show up in the transcript.

Mr. NICKO. With my son there, and I, working over there.

Senator MUNDT. Now, Mr. Nicko, it is a little difficult for us, we have some conflicting testimony about you, it may have grown out of your past background in the IWO which was a Communist outfit. You did not know at the time it was. Naturally, it cast suspicion on you.

Mr. NICKO. I tell you the truth: In 1936 when I got my job back then I took the insurance from Hancock. Before the Depression I got the Prudential. In the Depression I lost it. I no can keep it. I no have money. I got \$6.00 a week for six in the family, a sick woman. I have to live on that \$6.00. That is why I went down to that meeting over there.

Senator MUNDT. All right.

Mr. NICKO. In 1936, when I got my job back I got the Hancock. Maybe a half year later two fellows came over there and told me, "Look, the IWO, you get \$1,000 insurance, \$10 sick benefit, for \$1.81 a month." I paid Hancock over \$43.00 a month.

Senator MUNDT. I am not trying to accuse you of anything. I am trying to figure out how come you are here today.

Mr. NICKO. What?

Senator MUNDT. I am trying to figure out why you are here today. We have conflicting testimony. You have testified straight out, you have been direct, and you have been precise, so that you make a rather convincing witness. We appreciate the fact that you do talk to us. You are here because we have some testimony on the other side. However, as I say, that might have grown out of understandable suspicion because you belonged to an outfit that was a Communist outfit. It may grow out of some of your contacts in the association. I don't know any of these fellows, Joe Herman, Sr. or Joe Herman, Jr. I do not know the fellow who sold you the eggs, but a man who works in a responsible job like yours has to be careful about his friends. If you have some friends who are organizers for the Communist party then you can understand why you have been called down to Washington. If you contributed the money to what you say is a good cause, and it turns up to help some Communists propagandize so they will not get convicted for violating the espionage act, then you can understand why you are called down. As far as I am concerned, I am willing to dismiss this subpoena and let you go back. Should there be some other testimony develop we might have to call you back again. I hope not. I hope everything you have told us is completely the truth.

Mr. NICKO. I have told the truth.

Senator MUNDT. We are giving you that chance. If everything you have told us completely the truth, you have nothing to worry about from this committee.

Mr. NICKO. Fran Shuman called me in. He says, "Andy, you go up on that hearing. I want you to tell the truth. I know you were loyal to the foundry all the time, you never were in trouble with the law and I don't want you to be in trouble. You go up and tell the truth."

I told Fran Shuman, "I tell the truth."

Senator MUNDT. He is the president of Lehigh?

Mr. NICKO. Yes.

Senator MUNDT. Does he know of your friendship with Herman, Sr.?

Mr. NICKO. No.

Senator MUNDT. Do you not think as a friend of yours, who has given you some good advice, and I congratulate your attorney, because he has given you some good advice, because he has told you to tell the truth, do you not think you should tell the president of Lehigh about your contact with Mr. Joseph Herman, Sr.? Do you not think you should tell him about your contact with Joe Herman, Sr.?

Mr. NICKO. I could tell him.

Senator MUNDT. Do you not owe him that? He has been a friend of yours. You owe him that much.

Mr. NICKO. Yes.

Senator MUNDT. I am not condemning you. I do not know, but, on the basis of the information we have, he was a solicitor for funds for the Smith Act Defense group, and is a Communist contact.

Mr. NICKO. The only fellow I know that was a Communist was Telvick.

Senator MUNDT. That was a long time ago. We forgive you for that. I am just talking in the interests of you, right now.

Mr. NICKO. Yes, I know that.

Senator MUNDT. I think in your own interest you owe it to Mr. Shuman to tell him that you came down here, tell him what you told us, which, for the purpose of the record today, we are going to accept as the truth in the absence of more important testimony than we have now. Mr. Shuman is not going to hold that against you but, if he finds it out some other way, reading—this testimony, or something else, he is going to think a lot less of Nicko. than he would if you told him yourself.

Mr. NICKO. When I go back I will talk to him right away.

Senator MUNDT. Will you promise me, immediately when you go back, you will tell him about your contact with Herman?

Mr. NICKO. Yes.

Mr. COBB. I think the record should show that I am representing Mr. Andrew Nicko. on the request of Mr. Palmer, whom I believe to be the attorney for the Lehigh Foundry. Mr. Palmer called me and stated to me that Mr. Shuman had known this man for many years, had examined him, taken his affidavit, and believed him to be fully loyal to the country, know him to be fully loyal to his country and employment, and he asked me to represent Mr. Nicko, to have Mr. Nicko speak and tell his story in full, and stated that the company would pay for my retainer.

Senator MUNDT. Very good. As I say, Mr. Nicko is a very convincing witness. He has been very persuasive and convincing as a witness.

I think as evidence of his good faith he should tell Mr. Schuman about the whole proceedings, including all our curiosity about Mr. Joseph Herman, Sr., because you flirted around, let us say completely unintentionally, but you flirted around with some pretty bad Communists when you were in the IWO. You belonged to the outfit a little while. Anybody can make a mistake.

Now, the good thing for you to do is to go to this fine president of yours, and tell him, "One thing I want you to know is about this Joseph Herman, Sr. I don't know anything wrong with him but if there is anything wrong with him I don't want him for a friend."

Mr. NICKO. I no want him anymore. From now on I won't go over there.

Mr. KENNEDY. Does Mr. Shuman know about your membership in the IWO?

Mr. NICKO. Yes, I told him.

Mr. KENNEDY. When did you last attend a meeting of the IWO?

Mr. NICKO. About two years.

Mr. KENNEDY. So you were a member for ten years?

Mr. NICKO. From 1936 I am a member.

Senator MUNDT. All right, Mr. Nicko. You will be dismissed. You will not have to appear before an open hearing tomorrow.

Mr. NICKO. Thank you very much.

[Whereupon, at 5:45 p.m. the committee was recessed.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

[EDITOR'S NOTE.—Thomas B. Russiano (1898–1992) repeated his prepared statement at the public hearing on December 8, 1954. At that session, Senator Karl Mundt noted that in view of his cooperation, “our committee has decided that we are not going to recommend that he be dismissed, we are not going to recommend to [Secretary of Defense] Charlie Wilson that he follow through on this, we are not going to make any recommendations to Bethlehem Steel, because he seems to be a forthright witness, of considerable ability who, on the basis of his testimony today, appears to be a young man who is determined to do as much as he can for a proper way of life, under our American system, for business and its employees as well, and he assures us that he has joined up with the Communist party for the last time and doesn't think he could be induced again.”]

WEDNESDAY, DECEMBER 8, 1954

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 3:30 p.m., pursuant to notice, in room 357, Senate Office Building, Senator Karl E. Mundt, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; and Senator Charles E. Potter, Republican, Michigan.

Also present: James N. Juliana, acting director; Donald F. O'Donnell, assistant counsel; Robert F. Kennedy, chief counsel to the minority; Daniel G. Buckley, assistant counsel; Ruth Young Watt, chief clerk; and Richard O. Melia, general counsel to the Committee on Government Operations.

Senator MUNDT. The committee will come to order.

Mr. Russiano, will you stand to be sworn. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RUSSIANO. Yes, sir.

Senator MUNDT. Mr. Juliana, you may proceed with the questioning.

Mr. JULIANA. Will you state your full name for the record.

TESTIMONY OF THOMAS B. RUSSIANO

Mr. RUSSIANO. Thomas B. Russiano.

Mr. JULIANA. R-u-s-s-i-a-n-o?

Mr. RUSSIANO. Yes, sir.

Mr. JULIANA. Where do you reside?

Mr. RUSSIANO. Orefield, Route 1, Pennsylvania.

Mr. JULIANA. Where are you employed?

Mr. RUSSIANO. Bethlehem Steel.

Mr. JULIANA. In what position?

Mr. RUSSIANO. Slagger.

Mr. JULIANA. Where were you born?

Mr. RUSSIANO. Hazeltown, Pennsylvania.

Mr. JULIANA. When?

Mr. RUSSIANO. December 29, 1898.

Mr. JULIANA. How long have you been employed at Bethlehem Steel?

Mr. RUSSIANO. I think I got in there around '40, but I quit for a month. I am still there.

Mr. JULIANA. Have you ever been a member of the Communist party?

Mr. RUSSIANO. Let me say this first, please. How am I to direct you fellows? May I say "sir" or "your honor"? I do not want to be pinched for contempt.

Mr. JULIANA. You will not be pinched for contempt. This is Senator Mundt. The rest is the staff.

Senator MUNDT. You may address me as Mr. Chairman.

Mr. RUSSIANO. Before we go into questions, I see the other guys clammed up, and I do not intend to do that.

Mr. JULIANA. Before you go further, let me say this: You have the right to have counsel, to have an attorney with you. You have that right. It has been the policy of this committee to have your attorney sit next to you and to counsel you. Now if you want an attorney, you just say so and we will give you enough time to get an attorney.

Mr. RUSSIANO. To expedite things, what I want to say is this: There is an expression that this guy likes a guy that spills his guts. I broke my guts down in here; it is in very short form, if I have the privilege of doing that before we get into questioning. I am scared if we get into questioning you guys will trip me up and I will be forced to clam up.

Senator MUNDT. Let me say we have no intention to trip you up, and if you are resolved to tell the truth, it is hard see how you could get into any trouble with this committee.

How long will it take?

Mr. RUSSIANO. It is all one side. It is a rough resume of my experience.

Senator MUNDT. Let me ask you before you start reading whether you are then prepared to testify and answer any questions.

Mr. RUSSIANO. Sure; without an attorney.

Senator MUNDT. You are going to tell us the truth?

Mr. RUSSIANO. I will try to, to the best of my ability.

I have had some thirty-four years of acquaintance with the radical movement, been in and out of the Communist party many times until I was finally kicked out of the party a short time before the Korean War; and although Herman E. Thomas has done a thorough job as an FBI agent in the CP and I have him to thank for clinching the decision for having me kicked out of the party, I was nevertheless burned up because he was mistaken about the reason.

At the trial of the nine Communist leaders at Philadelphia, Thomas said another fellow and I were anti-Semitic and Negro; the Chief Defense Counsel McBride asked if I had been expelled from the party, and Thomas admitted I was. Now the truth is, I never knowingly was anti-Semitic or Negro, nor is the implication that I

was kicked out of the party for the reason of being anti-Semitic and Negro true.

I saw Thomas on the street one day while he was walking with another man. I started to talk to him, wanting to tell him that it was right and proper for him to say I was a Communist party member, that I attended meetings, et cetera, but what did he have to lie about me for? Instead of talking to me he ducked, speeded up his walking, and left me standing. Later on I tried to set the facts straight by writing an article which I took to the local press to have published. A few days later I received it in the mail saying something about it not being relevant to the Thomas matter. I thought fiddlesticks.

Now the question is: What is it that the CP has that is such an attraction and that can get such a hold upon an individual? The CP has not got its mind cluttered up with a lot of obsolete cultural patterns it tries to face up to the twentieth century problems; at least they are always mouthing them. Any discerning person can readily see that regardless of the nostalgic attachments to past cultural patterns, those same patterns cannot solve our twentieth century problems. So one returns to the Communist party in spite of the fact that one is fully aware of the war with Finland, the purges, the Hitler deal, et cetera. It is not the wisdom or efficiency of their leaders, for they are usually quite dull. The binding element is the determined decision of the respective individual to face up squarely to the problems of our day and to somehow influence or help in correcting them.

Towards the end of my activity with the Communist party, I began to slowly realize that my influence or endeavor to do good after all those years was nil and I began to see things not as I had wished but as they actually are. I hate the word "dupe," for I know its full implication; but by God one has to finally face up to the full reality of things, and a dupe I was pure and simple.

Now the word "squealer" has a bad connotation. Is it static? Does it always have the same bad meaning? Decidedly not, for when an individual or a group of individuals are indulging in an act that is detrimental to the individual, the group, and community, it is the moral obligation of the discerning one to bring the individual or individuals to their senses by exposing the acts to the full light of day. So the word "squealer" is ambiguous; bad when it aids malefactors, commendable when it aids benefactors.

I have much respect for the good intentions of many of the members of the Communist party and would not deliberately try to harm any one of them intentionally, but they will have to face up to reality and decide for themselves in the full light of day if their acts are meritorious or not.

I have seen some ten or twelve Communist party organizers come and go in a period of some twenty years in our locality. Every time one left the place, the new organizer had to reorganize all over again. An integrate group never was developed. I do not believe it was desired. There was always a constant drive for raising money for one cause or another; always new orders from the higher ups; a hurry blurry; no time to think.

As for democratic centralism, it is in the books; you will find it nowhere else. What the members in our community were faced

with was spending their money, using up their time, straining their relations with their families and friends, jeopardizing their jobs, antagonizing their community, exaggerating every issue they could and alleviating none. The question each Communist party member should ask himself is when is he going to stand up and do his own thinking and not leave the leaders take advantage of their good intentions?

The question of allegiance. I like to think that most people are people of good will who would like to lend their allegiance to what would be good for all; if not all, then for what is good for most of the people. What validity is there in Marxism to hold one's allegiance?

We say that capitalism is a progressive stereotyped system fighting for markets developing into imperialists, the workers' position getting progressively worse, that the workers in the more advanced countries would found the first Socialist state. What are the facts?

The major capitalist countries have a fluid instead of a stereotyped system. They are growing less in place of more imperialistic by shedding their colonies. The workers' positions are getting progressively better in place of worse. The first socialist state was not founded by workers in a most advanced country, but was founded in a backward country by professional conspirators and not workers at all. On the capitalist side the issues—

Senator MUNDT. May I interrupt? By "that country," are you referring to Russia? You do not name the country.

Mr. RUSSIANO. Yes, surely. That is right, decidedly.

Senator MUNDT. Go ahead.

Mr. RUSSIANO. That was the first socialist country that had been established.

On the capitalist side the issues are not as clear for there are many old cultural patterns vying for survival amidst the pressures of the twentieth-century demands for jobs, job security, housing, schooling, et cetera. Force and violence is not the prerogative of the Communist alone, for in British Guiana and Guatemala two regimes came into power by peaceful means only to be stopped dead by force and violence.

The question is, where is the right to which we can lend our allegiance with a degree of certainty that it will help most of the people? The Russians say, and many of the Western world countries agree, that atomic energy should be outlawed for war and developed for peaceful uses; that such action would solve our demands and tend toward bringing peace.

The question is: Did the lack of atomic energy tend toward peace? The answer is no. The problem to be solved is a problem that has plagued all civilizations. It arises from the humble act of breeding beyond the immediate capacity to feed and educate, thus creating a backlog of demands, a media where demagogue can have a field day by not pointing to the cause of the backlog of demands which is intemperate breeding but preaching that the more industrious and better educated ones are responsible for their plight, that the better educated's improved position was the results of deceit and theft, eventually stampeding the supposed oppressed into the reckless use of force and violence with the weapons of the day, be they pickaxe or atomic bombs. The fear of the better educated

in the backward areas of the world is a real tangible fear that has been too long played down.

The demagogue Mussolini found out what it was to ride the backs of a misguided people. When he was thrown off he was mauled, but good. Hitler created and rode a plundering creature which had to be finally killed, taking the master along. Many of the demagogues of Russia know what it is to slip off of the back of the creature they have created, never to ride again—Beria being one of the latest. The perch is not altogether safe for those who are still riding.

The fear engendered by the demagogues of Marx is no figment of the imagination, either. Society will find peace when it learns to breed within the immediate capacity to feed, shelter, keep occupied, and educated. How much has the twentieth caught up with us? If we would do away with social security, labor, unions, subsidies to foreign governments, to our farmers, airlines, housing, flood control, atomic energy, et cetera, our country and world would fall apart like a house built from a deck of cards. They are nearly all twentieth-century innovations. The backbone is tax money; collective or social money, not individual or private money.

This country is more socialist than many will admit. The Republican and Democratic parties are conservative and progressive socialist parties. If they do not believe it, let them try to get along without collective money. We are not Marxists, to be sure, but nevertheless socialists.

Thank you for the privilege of letting me spill my guts.

Senator MUNDT. Mr. Russiano, did you write that yourself without any outside help?

Mr. RUSSIANO. Absolutely.

Senator MUNDT. It indicates that you have had considerable education. Tell us something about your educational background.

Mr. RUSSIANO. I started to work when I was eleven years old. I have been working since.

Senator MUNDT. You say in your prepared statement you have been in and out of the Communist party several times.

Mr. RUSSIANO. Yes, many times. Usually when it was progressive, I was with them. When I thought it was reactionary, I clashed with them.

Senator MUNDT. Are you in or out of it?

Mr. RUSSIANO. Right before the Korean War, to be exact, I was kicked out.

Senator MUNDT. Why were you kicked out?

Mr. RUSSIANO. I was told by the FBI that they had me down for questioning. What was the term—petty bourgeoisie tendencies.

Senator MUNDT. The FBI talked to you, then?

Mr. RUSSIANO. Yes, several times.

Senator MUNDT. When did you last talk to the FBI?

Mr. RUSSIANO. I wrote this article for the press up there not too long ago. I do not remember. I am sure—

Senator MUNDT. The one you just read?

Mr. RUSSIANO. No, another one; the rebuttal to Thomas, the one they would not publish in the paper.

I asked the guy deliberately if he had seen the article. He said yes. Then they came up and saw me.

Senator MUNDT. When was that?

Mr. RUSSIANO. It can't be more than a month ago, a couple weeks ago.

Senator MUNDT. The FBI talked to you within the last two weeks?

Mr. RUSSIANO. Yes, that is right. Two fellows came one day from Washington here and they got the other guy from Allentown. They came here the following day.

Senator MUNDT. Did you tell the FBI the whole story about being in the party and out of the party?

Mr. RUSSIANO. Definitely.

Senator MUNDT. Did you ever deny to the FBI that you were a Communist?

Mr. RUSSIANO. No. Everybody knows I was in the Communist party because I worked over and above board. I showed my colors.

Senator MUNDT. Were you ever interviewed by the Bureau of Immigration and Naturalization?

Mr. RUSSIANO. Yes.

Senator MUNDT. Did you tell them you had been a Communist?

Mr. RUSSIANO. Yes, them are the guys that told me what was the reason I was kicked out. They told me the dates.

Senator MUNDT. Do you know an Irving Riskin?

Mr. RUSSIANO. Yes, sir.

Senator MUNDT. Who is he?

Mr. RUSSIANO. He works in a grocery store, and he is a Communist member.

Senator MUNDT. Where does he live?

Mr. RUSSIANO. In Allentown.

Senator MUNDT. You and he have attended Communist meetings together, so you know he is a Communist?

Mr. RUSSIANO. That is right. Let me say this, too; I want to add this: I think Irv is a good guy. I will do anything—I mean if they take a collection for his defense, to do that in his defense because I think he is a good guy. He may be misguided. What comes first to me is the truth and to face up with the reality. I think he is a good American citizen.

Senator MUNDT. Do you think Communists should be employed in defense plants?

Mr. RUSSIANO. I think that the Communist party should be an American party, definitely. I think they should show their colors.

Senator MUNDT. Do you think the Communist party is an American party now?

Mr. RUSSIANO. I have doubts. Too much has transpired.

Senator MUNDT. Since we agree that we have doubts about the Americanism of the Communists today, do you think the Communists should work in a defense plant manufacturing weapons allegedly to defend ourselves against communism?

Mr. RUSSIANO. Definitely not; not to be linked up sufficiently with us in a subversive group. I worked above board.

Senator MUNDT. Are you willing to tell the committee now under oath that if you are interviewed by the FBI or by representatives of this committee or some other committee charged with helping to protect the security of the country that you will aid them in eliminating Communists from jobs insofar as you are able to do it?

Mr. RUSSIANO. Yes; but the decent guys, I will still try to help them, too.

Senator MUNDT. We are trying to get them out of defense plants.

Mr. RUSSIANO. That is right.

Senator MUNDT. I think in 1950 you made a contribution—

Mr. RUSSIANO. 1953.

Senator MUNDT. You made a contribution to Irving Riskin, did you not?

Mr. RUSSIANO. What was it for?

Senator MUNDT. I suppose to help the Communists. I do not know what for.

Mr. RUSSIANO. He was out there one time. The only contribution I know I made—and I think it was a ten dollar contribution—I think it was for the defense of the Rosenbergs. He came out with an article, and it seemed quite tangible to me. The article said that the Rosenbergs were tried for attempted espionage, not espionage. I do not know if it is true or not. I am not too well informed. If it is true that they were tried for attempted espionage, I did not think it reflected well on America for having executed them.

Senator MUNDT. What do you think about the Rosenbergs? You have interested yourself in the case. Do you not have confidence in the American courts?

Mr. RUSSIANO. What do I think about the Rosenbergs? All indications are that they were implicated sufficiently to be held in jail and if, say, times prove that they were as disastrous as it was told, you could still execute them at any time.

Senator MUNDT. It is a little bit late if you wait until the atomic bomb fell.

Mr. RUSSIANO. I do not know it would be late, because no sooner did a plane come over, you could knock them off. You would have them in your custody.

Mr. KENNEDY. It was not for attempted espionage.

Mr. RUSSIANO. That is the article I read.

Mr. KENNEDY. It was for actual espionage. They were handling atomic bomb secrets.

Mr. RUSSIANO. Does the law call for execution for actual espionage?

Mr. KENNEDY. Yes. But you gave money nevertheless.

Mr. RUSSIANO. I gave ten dollars on that understanding. With that I thought I was doing good.

Senator MUNDT. You are pretty well educated. You use good English at times.

Mr. RUSSIANO. I read a great deal.

Senator MUNDT. And you have some very penetrating and understandable and plausible thoughts in your statements. But if you are going to be a fall guy for every article that you read, like the Rosenberg thing, you should be intelligent enough to sift the chaff from the wheat.

Mr. RUSSIANO. To be honest about it, I have not read enough because I thought the historian's case would be too great. Take the Fuchs case in England. They saw fit to let Fuchs go quite early. I do not like to punish, to have a guy punished, especially if you have him in jail. No use adding insult to injury. That is the point I am making.

Senator MUNDT. Did you fight in the Spanish Civil War?

Mr. RUSSIANO. Yes, sir.

Senator MUNDT. On which side?

Mr. RUSSIANO. On the Loyal side, the government.

Senator MUNDT. The Communist side?

Mr. RUSSIANO. If you want to call it that, but actually it wasn't the Communists, because you had the Anarchists, you had the Republic—it was a mixed affair.

Senator MUNDT. At the time you fought in the war you were then a Communist?

Mr. RUSSIANO. Well, you can call it that. To me I thought it was democratic—

Senator MUNDT. You said you were in the party and out of the party several times.

Mr. RUSSIANO. Was I in the party at the time?

Senator MUNDT. Yes.

Mr. RUSSIANO. I don't think so because—what was the guy's name that I went down to see? I think I was on the outs at the time—Ernst, Frank Ernst. That is the guy I went to see. He made arrangements for me to go.

Mr. JULIANA. Do you know Steve Nelson?

Mr. RUSSIANO. He had left right before I got in the what-you-call-it. I never seen him personally.

Mr. JULIANA. Did you see Steve Nelson in Spain?

Mr. RUSSIANO. No; he left Spain when I got there. They said he was commander. He was a big shot.

Mr. JULIANA. He was a lieutenant-colonel.

Mr. RUSSIANO. That is right.

Mr. JULIANA. You don't know him?

Mr. RUSSIANO. No. To be honest, I don't know him. I went over there. You could check that up easy. I left here in August '37.

Mr. JULIANA. Who paid your fare to get over there?

Mr. RUSSIANO. Well, it was your money was grouped together, and I think I put \$90.00 in the group.

Mr. JULIANA. \$90.00 didn't get you to Spain. Who paid the rest of the money? The Communist party?

Mr. RUSSIANO. I imagine, yes. I imagine. I don't—I have no proof.

Mr. JULIANA. You know they did, don't you?

Mr. RUSSIANO. I know they did?

Mr. JULIANA. Yes

Mr. RUSSIANO. I assume they did.

Senator MUNDT. You are pretty sure it wasn't the American Legion?

Mr. RUSSIANO. I am darned positive it wasn't. At least I will say I—

Senator MUNDT. What do you think the possibilities are, Russiano, that you are going to be lured back into the Communist party by some smooth operator?

Mr. RUSSIANO. I think it is negligible. I don't see it any more. The fact of the matter is, they approached me.

Senator MUNDT. If the FBI comes to you—as it probably will—

Mr. RUSSIANO. They have been there.

Senator MUNDT. If they come to you and say to you, "Russiano, do you know Joe Blank"—

Mr. RUSSIANO. Who?

Senator MUNDT. We will just assume a name—Joe Somebody, Blank.

Mr. RUSSIANO. Yes.

Senator MUNDT. "Did you ever attend a Communist meeting with him?" And if, in fact, you did attend a Communist meeting with him, will you so advise the FBI?

Mr. RUSSIANO. I have did that already.

Senator MUNDT. You have done that?

Mr. RUSSIANO. Yes.

Senator MUNDT. Would you do it again?

Mr. RUSSIANO. Why, certainly. Of course, don't forget this: this is—I would probably not remember all of that—this is back in '50, but if I remember the guys, I would, very decidedly. If I think the guy is a good guy, and they get in a jam unjustly, I think I am respectable and an honest man and obligated to set him straight if I can.

Mr. JULIANA. If the FBI asks you about Irving Riskin, will you tell them about him?

Mr. RUSSIANO. Definitely.

Senator MUNDT. And tell them that you know him to be a Communist?

Mr. RUSSIANO. That is right.

Senator MUNDT. Well, we appreciate your candidness and frankness.

Mr. RUSSIANO. I have always worked like that. While I was a party member, in a Jewish community and somebody would get up and challenge the party, I would say, "Here, I'm a Communist and I question that remark you made," and I would like to debate him.

I know a lot of them get huffed. That was my position all the way through.

Senator MUNDT. A man like you could be of a great deal of assistance to this country in its security effort, if you were as active and vigorous on the side of the stars and stripes, as you were on the side of the so-called Loyalist movement in Spain.

Mr. RUSSIANO. I think I will be as active as I was any place as long as they conform with what I think is right in man. I think that states it very frankly right there.

Senator MUNDT. Do you have any publication of that statement?

Mr. RUSSIANO. No, I wish it would be public.

Mr. KENNEDY. How long were you in Spain?

Mr. RUSSIANO. I went over there, I think it was on August, '37, and come back in December of '38. About a year—about fourteen months.

Mr. KENNEDY. Did you have American officers?

Mr. RUSSIANO. Yes. What's-his-name was the head of it. He is the head of the International Brigade of America.

Senator POTTER. The Abraham Lincoln Brigade?

Mr. RUSSIANO. Yes. What is his name? Milton Wolff.

Mr. KENNEDY. Were you in the Abraham Lincoln Brigade?

Mr. RUSSIANO. That is right.

Mr. KENNEDY. And then how did you get back to this country? Did you get back by ship?

Mr. RUSSIANO. That is right.

Mr. KENNEDY. Who paid that transportation?

Mr. RUSSIANO. On the Ausonia. We were told that the League of Nations come in there to break it up, or I mean, the League of Nations come in there and says that if they withdraw the International Brigade on the Loyalists' side, and withdraw the Fascists and the Nazi's on the Franco side, that it wouldn't break into a world war and it would be only a fight among the Spaniards, see? So I think it was the—what was the International—

Mr. KENNEDY. The United Nations?

Mr. RUSSIANO. United Nations—that's the thing, I think they are the ones financed it. I ain't sure.

Senator MUNDT. You told us when you were a Communist you were an open member of the party.

Mr. RUSSIANO. That is right. I give papers out and I was blackballed for it.

Senator MUNDT. When you left the party did you leave it openly? Does everybody now know that you have quit the party?

Mr. RUSSIANO. Everybody knows I was kicked out. Some of them doubt it, though, because they still, some of them still say, "Hi, Rubles," or "Hi, Tvarish."

Senator MUNDT. Suppose you had not been kicked out, what would be your status today?

Mr. RUSSIANO. I will tell you what actually happened. I was building up for about a year and a half. I clashed with our organizer—that was Bill Hood. Thomas will verify that if he wants to be honest about it. What happened is that—how will we put it? Before Bill Hood come up here, come up, that is, in our section, before he come up in our section, we were told that Riskin, I and Thomas, I believe it was—anyhow, us three, I believe, was told that we would manage the affairs of that area, see, without no organizing, because the guy that was kicked out—what was his name? Spencer—the guy was kicked out and they said they couldn't afford another organizer, and that they wouldn't send another organizer, we had to work among our own group. So it was a short time after, they send Hood up, and I balked, and I said, "No, you told us we could run the show. Why bring in another guy?" Every time a new guy come in he disrupted the thing, he did more harm than good. The group all went along with Hood, they sided up with him. I accused him of being nothing but a worshiper and bowing. I thought we had democratic centralism, and when you have democratic centralism, you go with the majority. So I went with the majority on this stipulation, that after six months' time—we had to give a sustainer, to keep the organizer, so much a month. I think I paid \$5.00 a month. After six months' time we would have an evaluation on what he did, if he improved the situation in the area or not, or made a more integrated group. After six months was up I automatically stopped my sustainer. I think Thomas will verify that. I told all the other members, "The only way you can get Hood to face up to realities is to have an evaluation of him and have a meeting to that effect." And they postponed it and postponed it, and therefore I was disrupted. I was trying to agitate everybody against Hood, so we would have an evaluation. I think it went on about a year, or maybe better than that. When they did have a meeting they saw fit to kick me out.

Senator MUNDT. Were you here this morning?

Mr. RUSSIANO. I come here—

Senator MUNDT. Did you hear the testimony this morning?

Mr. RUSSIANO. No.

Senator MUNDT. What do you suppose motivates former Communists, or motivates some of your associates who have got jobs something similar to yours, as to whom the evidence was submitted by Mr. Thomas, who appeared to me to be an honest and capable fellow—what do you suppose motivates them to stand there where you are now standing, and take the Fifth Amendment and refuse to say yes or no, when they know they are going to lose their jobs? What makes them do that?

Mr. RUSSIANO. What makes them do that? Well, they are coached. I think the object is, for instance—I will tell you an incident in Spain: There was a group there of Anarchists and the Fascists. They made a truce for an hour or so, you see, and they sent men out in no man's land. Well, they tried to have a psychological effect on one another. Our guys went over maybe with some hams, and them guys come over with mine, to make an impression, and they would swap. But the Communists there, there was one of the fellows, some guy by the name of White, raised hell with them because they fraternized with the Fascists even for a short period. They don't want fraternization between, say, the capitalists and the Communists, so they put a barrier between them.

Senator MUNDT. In other words, you think somebody coached the witnesses before they came down here?

Mr. RUSSIANO. Most assuredly. I think on their own. I think they are good guys. At least, their livelihood, they work for a living and pay their taxes.

Senator MUNDT. Did somebody approach you before you came down here?

Mr. RUSSIANO. No, but I have read accounts, and I was approached, and they said that the only safe thing to do is to mention your name and your address and then clam up and invoke the Fifth Amendment.

Senator MUNDT. Somebody told you that?

Mr. RUSSIANO. That is right.

Senator MUNDT. Some Communist?

Mr. RUSSIANO. That is right. I assume—I don't know—I assume he is a Communist.

Senator MUNDT. But at any rate—

Mr. RUSSIANO. They said if I am approached, I could get a lawyer; they could get me a lawyer, and that is the advisable thing to do, and what this committee tried to do is to get a guy to spill his guts. I like to spill my guts.

Senator MUNDT. When you go back home, will you do me a favor?

Mr. RUSSIANO. Certainly.

Senator MUNDT. You tell these people who have coached you when you go back, that you are still going to have a job, and that these fellows who clammed up and said nothing, when they get back they aren't going to have a job.

Mr. RUSSIANO. They ought to see that themselves. They're not that dumb.

Senator MUNDT. I mean the fellows who told you, not the fellows who were witnesses.

Mr. RUSSIANO. It wasn't fellows, it was one guy in particular. I only know him by his first name, but the FBI guys know him. They know his full name. What the heck is his name? Herman—that's all I know. He's a new guy.

Senator MUNDT. Joseph Herman, Sr.?

Mr. RUSSIANO. I wouldn't know. Herman, that's all. I only saw him once or twice. In fact, when Thomas accused me of being anti-Semitic, I was burned up. I do get burned up. I show my colors when I get burned up. I wrote that article. Maybe you can get a hold of that article, if you want me to send it down. I tried to have it published in the paper. So I told the guys I was kicked out, you know, on Thomas. I sensed it right away that the guy was squealing, or giving information long before he was exposed. So I told some of these fellows, "He is a stoolie, and beware of him." So, of course, when you are out of the party, they shun you, you are like poison. You are kicked out and you are just dirt, see? And they didn't believe me. They ignored me. When Thomas come out of this hearing in Philadelphia, they think, "Maybe Russiano ain't such a bad guy after all." So they come up and saw me.

Senator MUNDT. We are going to dismiss this subpoena on you, Mr. Russiano.

Mr. RUSSIANO. What does that mean?

Senator MUNDT. With this parting statement; This is a kind of a warning shot, Mr. Russiano. We don't want to have you back before us again. We hope you will stay out of trouble.

Mr. RUSSIANO. I hope you publish that. I will tell you, I stick by my guns, you can rest assured of that.

Senator MUNDT. The trouble is you switch guns too much.

Mr. RUSSIANO. I grow. Let's put it that way. I grow. I think we all do. When we see a thing that is right, I think: we try to make adjustments. I think it is the proper thing to do.

Senator MUNDT. I would like to say that you had better think a long time before you let anybody pull you back into that Communist party. You are too independent, for one thing. You wouldn't be happy.

Mr. RUSSIANO. If this is ever published, I am automatically—how would you say "untouchable," as far as they are concerned.

Senator MUNDT. Well, I am going to call that bluff.

Mr. RUSSIANO. What bluff?

Senator MUNDT. If it is a bluff. You want this thing published?

Mr. RUSSIANO. Yes.

Senator MUNDT. We will be glad to have you testify in public and let you read your statement to the press.

Mr. RUSSIANO. That is right. I would appreciate that.

Senator MUNDT. You may step down and we will call you in a little while.

Mr. RUSSIANO. I didn't get that.

Senator MUNDT. Off the record.

[Discussion off the record.]

[Whereupon, the executive session was recessed and the committee proceeded in open session, at 3:40 p.m.]

SUBVERSION AND ESPIONAGE IN DEFENSE ESTABLISHMENTS AND INDUSTRY

[EDITOR'S NOTE.—Frank Nestler; Mary Stella Beynon (1901–1995); Joseph Slater (1914–1989); Peter T. Lydon; Theodore Wright (1904–1996); and Harold K. Briney (1896–1987) all testified in the public session that followed this executive session on January 3, 1955. Frank Nestler returned to testify in executive session during the next Congress, on May 10, 1955. As a consequence of invoking the Fifth Amendment during their testimony, Joseph Slater was discharged from the Westinghouse Electric Corporation, and Harold K. Briney and Theodore Wright were discharged from Westinghouse Airbrake.

With the close of the Eighty-third Congress, this hearing marked Senator McCarthy's last day as chairman of the Permanent Subcommittee on Investigations.]

MONDAY, JANUARY 3, 1955

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met at 11:05 a.m., at the call of the chair, in room 357, Senate Office Building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator John L. McClellan, Democrat, Arkansas; and Senator Stuart Symington, Democrat, Missouri.

Also present: James N. Juliana, acting executive director; Donald F. O'Donnell, assistant counsel; C. George Anastos, assistant counsel; Robert F. Kennedy, chief counsel to the minority; and Ruth Young Watt, chief clerk.

The CHAIRMAN. Come to order.

Mr. JULIANA. The first witness is Frank Nestler.

The CHAIRMAN. Mr. Nestler, would you take the stand? Would you raise your right hand and be sworn? In this matter now in hearing before the committee, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NESTLER. I do.

TESTIMONY OF FRANK NESTLER

Mr. JULIANA. Mr. Nestler, will you state for the record your home address?

Mr. NESTLER. 129 Goode Street, Jeanette, Pennsylvania.

Mr. JULIANA. And where are you now employed?

Mr. NESTLER. Currently I am unemployed. However, I am a freelance photographer so I still do quite a bit of freelance photog-

raphy. Because of business conditions at a commercial studio that I worked at in Pittsburgh, I was laid off.

Mr. JULIANA. When were you born, Mr. Nestler?

Mr. NESTLER. September 15, 1920.

Mr. JULIANA. What is your educational background?

Mr. NESTLER. I graduated from Jeanette High School in 1938; got a bachelor of science in business administration from the University of Pittsburgh in June of 1950; have two years at Art Center School in Los Angeles, California.

Mr. JULIANA. Did you ever serve in the military?

Mr. NESTLER. Yes, sir, the United States Marine Corps Reserve, May of 1944 to June 1946.

Mr. JULIANA. Were you ever a member of the Communist party?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. When did you join the Communist party?

Mr. NESTLER. The specific date I am really not sure of, sir, but sometime probably in the end of 1942 or the early part of 1943.

Mr. JULIANA. Under what circumstances did you join the Communist party?

Mr. NESTLER. I joined the Communist party at a meeting at the Penn Lincoln Hotel in Wilkinsburg, Pennsylvania, where William Z. Foster spoke. It was one of the preliminary meetings you know, that the party holds for people that they plan to bring in.

Mr. JULIANA. Who recruited you into the Communist party?

Mr. NESTLER. Well, the actual initial recruiting at this meeting was done by Joe Slater.

Mr. JULIANA. Joseph Slater?

Mr. NESTLER. Joseph Slater. Also known as Joseph Slutsky.

Mr. JULIANA. How long were you a member of the Communist party?

Mr. NESTLER. In Pittsburgh, at the hearings I said I quit the party in 1946. I said I left the party in 1946. As an active member, yes. When I was in the Marine Corps, if you don't mind me telling you the full story on it, I had decided that the thing wasn't for me, you know. I was hunting an escape. It was during that time, in 1946, the early part of 1946, that I decided in myself, you know, to leave the party.

I even made a little record of it on film the day I burnt my Communist party card. I made a little record of it on film. I did that out on a little street in Whittier, California, one day. However, when I got discharged from the Marine Corps, I made application to go to Art Center School in Los Angeles.

There were no openings available at the time, so I had to wait until the January term. During that six month period from July until January, I went back to East Pittsburgh and took my job. I had been reelected as editor of the union newspaper back there, and being in that job, I naturally re-associated with the Communists and attended the Communist party meetings and all.

However, I was kind of hesitant during that period. Myself, I never donated money to the party or anything. But I was, however, active in it, in the association of the party during that period of time.

Then when I went to Art Center School, I just left it, I mean, because after I got out of Art Center School, I came back to the

University of Pittsburgh, got my degree, and later went out to Lockheed and got a job in aircraft working. I had no further association with the party except sometime while I was at Lockheed I was visited by a couple of FBI men, because, I mean, I shouldn't have been working in aircraft, being a former Communist.

But these guys had requested at the time that maybe I should attend a few meetings out there, you know, the Rosenberg meetings and things like that, to write a few reports on them, because I did get a major at the university in journalism and I do know how to write pretty well. So I still managed to keep a friendly relationship with the party during that period of time.

Actually, even the day before the hearings in Pittsburgh, on the ninth of November, in 1953, after I got my subpoena along with the rest, Tommy Quinn, you know, who was one of those subpoenaed, called me up and invited me to their strategy meeting to offer me counsel at the hearing and all, and the strategy they were planning for the hearing.

Mr. JULIANA. What hearings are you referring to?

Mr. NESTLER. They are the hearings that Senator [John Marshall] Butler held in Pittsburgh for the Committee on Internal Security. I think it is a subcommittee of the Justice Committee, I think.

Mr. JULIANA. And you testified before that committee?

Mr. NESTLER. Yes, sir.

Senator SYMINGTON. What year?

Mr. NESTLER. 1953.

Mr. JULIANA. While you were a member of the Communist party, did you cooperate and work with the FBI?

Mr. NESTLER. Yes, sir.

Wait. I don't know whether I was actually a member of the Communist party at the time. To myself, I left the party in 1946, but I still retained a friendly relationship with it. Communists visited my home, I went to meetings, and everything else, but not too many.

Mr. JULIANA. As I understand your brief statement here, you did not cooperate with the FBI until a couple of agents contacted you and asked you to cover some meetings for them. Is that correct?

Mr. NESTLER. No. An agent had contacted me in 1946. They contacted me, the Immigration Department contacted me on information on Ella Piazzia

Mr. JULIANA. How do you spell that name, please?

Mr. NESTLER. Pi—gosh. There are two z's in it, P-i-a-z-z-i-a, I guess.

Mr. JULIANA. If I can brief it down for brevity, you were not what is commonly referred to as an undercover agent for the FBI?

Mr. NESTLER. No, I was not, sir. I mentioned this maybe in executive session, because I don't want that contention. It is not. It wasn't that. I merely was doing that.

Mr. JULIANA. Were you ever employed by Westinghouse Electric Company?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. In Pittsburgh, Pennsylvania, is that right?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. What years?

Mr. NESTLER. From February of 1940, I think, until January 1947.

Mr. JULIANA. While employed at Westinghouse Electric, did you know Joseph Slater?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was Joseph Slater a member of the Communist party?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Is this the same Joseph Slater that recruited you into the Communist party?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Is Joseph Slater still working at Westinghouse to your knowledge?

Mr. NESTLER. I really don't know, sir.

Mr. JULIANA. Mr. Chairman, the people I am asking him to identify are those we have subpoenaed for executive session and later in open session.

While working at Westinghouse Corporation in Pittsburgh, did you know Evelyn Darin?

Mr. NESTLER. Yes, sir. Evelyn Darin is the girl I mentioned before, Ella Piazzia is a sister to Evelyn Darin.

Mr. JULIANA. Was she a member of the Communist party?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was she employed at Westinghouse Electric Corporation?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Do you know a man by the name of Alfred Oysler?

Mr. NESTLER. Yes, sir. He was, but I don't know whether he is now.

Mr. JULIANA. He was?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was he employed by Westinghouse Electric Corporation?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Did you know a man by the name of Peter Tom?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was he a member of the Communist party?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was he employed at Westinghouse Electric Corporation?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Do you know a man by the name of William Heiston?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was Mr. Heiston a member of the Communist party?

Mr. NESTLER. Definitely. At any closed party meetings I don't recall him being there, because he became active in the movement a little after I left Westinghouse. I have heard of him referred to during that period, but during the period of 1942, '43, and '44, when I was very active, Bill was still a shop steward over in the shop and wasn't too active at the union and didn't attend party meetings, and I hadn't seen him there.

When I came back from the Marine Corps, he had taken a job in the district as an organizer, and the only references I know to him being a member of the Communist party were by the Communists talking about what a good job Bill was doing.

Mr. JULIANA. Was he employed at Westinghouse Electric Corporation?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Do you know a man by the name of Armino Sardoch?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was he a member of the Communist party?

Mr. NESTLER. To spot him at any particular meeting I would have a hard time doing it. But I know he was. I know his son, Emil, who was a member of the party, real well.

But the old man didn't bother much with the group, you know, the little party cell that ran the local there. The old man's connections were more with the other progressive organizations, the Slavic groups that were in the valley area, and I wasn't a member of those.

As I recall, I had seen Mr. Sardoch at the Slav convention in New York in 1946. That was the American Slav Congress convention.

Mr. JULIANA. Was Mr. Sardoch an employee of Westinghouse Electric Corporation?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was his son employed there also?

Mr. NESTLER. Yes, sir. His son is not employed there now, I understand.

Mr. JULIANA. He is no longer employed at Westinghouse.

Were you ever employed by Westinghouse Airbrake Company in Pittsburgh?

Mr. NESTLER. No, sir.

Mr. JULIANA. Did you know Harold K. Briney?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Was he an employee of Westinghouse Airbrake Company?

Mr. NESTLER. Yes, sir.

Mr. JULIANA. Do you know him to be a member of the Communist party?

Mr. NESTLER. Through references, yes.

I will explain that by saying Briney would have no connection with our group down at the electric. He belonged to a different unit. He belonged to Local 610. The only person I ever had occasion to be in conference with from 610 was Matt Jurichic, who was the editor of the 610 newspaper. William Chambers, who was at the time the director of publicity for the district, held meetings of Matt Jurichic, myself and he quite frequently to discuss the policy that the house organ should take.

At these meetings, I know he had a lot of trouble with Matt because Matt was kind of a lazy guy, and he used to just take editorials out of the *Daily Worker* and run them in the *610 News*. Chambers didn't think that was right, that you ought to change a few words anyhow. He always used to say to Matt "Check these things through Briney." And that was always the caution that he

gave Matt Jurichic at these meetings, to check these through Briney. That is the major contention that I ever had for Briney being a Communist.

Mr. JULIANA. You never knew him of your own knowledge to be a member of the Communist party?

Mr. NESTLER. No. He was never at a closed Communist party meeting with me.

Mr. JULIANA. Mr. Nestler, these individuals that you have named as members of the Communist party, did you know them as members because they were in the same group that you were in?

Mr. NESTLER. Yes. I had known those as members because they were in the same cell units at times with me.

Mr. JULIANA. Mr. Chairman, I have no further questions of this witness.

The CHAIRMAN. I think I will not question at this time.

Could you return at two o'clock in the same room?

Mr. NESTLER. Yes, sir.

The CHAIRMAN. Thank you very much for coming here.

Senator MUNDT. Is that a Phi Beta Kappa key I see hanging from your chain?

Mr. NESTLER. No. I wish it were. Pitt doesn't have a Phi Beta Kappa chapter. They do now but at the time they didn't.

The CHAIRMAN. In this matter now in hearing before this committee, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss BEYNON. Yes.

TESTIMONY OF MARY STELLA BEYNON

The CHAIRMAN. Would you cut down the background information as much as possible and speed this up if you can?

Mr. O'DONNELL. Would you please state your name for the record?

Miss BEYNON. Mary Stella Beynon.

Mr. O'DONNELL. Were you ever a member of the Communist party?

Miss BEYNON. Yes, I was.

Mr. O'DONNELL. When did you join?

Miss BEYNON. On my card it is dated February 5, 1946.

Mr. O'DONNELL. When did you leave?

Miss BEYNON. I was expelled on the 13th of May 1947.

Mr. O'DONNELL. What were the reasons for your expulsion?

Miss BEYNON. They—

Senator SYMINGTON. Can you talk a little louder?

Miss BEYNON. They had one of my reports that I had sent into the FBI, and they had the report for two weeks and finally found out who wrote it and they expelled me.

Mr. O'DONNELL. During the time you were in the party, were you furnishing information to the FBI?

Miss BEYNON. Yes. I volunteered before I joined.

Mr. O'DONNELL. Before you joined?

Miss BEYNON. Yes.

Mr. O'DONNELL. And went in as an undercover informant, so to speak?

Miss BEYNON. Yes.

Mr. O'DONNELL. How did they happen to find the report?

Miss BEYNON. I don't know to this day.

Mr. O'DONNELL. Where were you employed during this period of time you were in the party?

Miss BEYNON. When I first joined, I was a member of General Motors, United Motors Service, a division of GM, and then later, where I am presently employed, Steel City Electric Company.

Mr. O'DONNELL. Could you repeat that?

Miss BEYNON. Steel City Electric Company.

Mr. O'DONNELL. While you were in the party, which would be from 1943 to '47—

Miss BEYNON. 1946 to '47.

Mr. O'DONNELL [continuing]. Did you know an Evelyn Darin?

Miss BEYNON. Yes.

Mr. O'DONNELL. Did you know if she was a member of the Communist party?

Miss BEYNON. She attended closed meetings with me.

Mr. O'DONNELL. As far as you are concerned, from your association with the party, was she a member of the party?

Miss BEYNON. Absolutely.

Mr. O'DONNELL. After you got out, did you make contact with her after you were out of the party?

Miss BEYNON. No.

Mr. O'DONNELL. So you don't know if she is a Communist party member today?

Miss BEYNON. No, I do not.

Mr. O'DONNELL. At the time she attended these closed meetings, was she employed at Westinghouse Electric, do you know?

Miss BEYNON. Yes.

Mr. O'DONNELL. While you were in the party, did you know Alfred L. Oyler?

Miss BEYNON. Yes.

Mr. O'DONNELL. Did he attend any Communist party meetings with you?

Miss BEYNON. At the time he was an organizer for the UE, but he did attend closed meetings with me.

Mr. O'DONNELL. Then as far as you are concerned, was he a member of the Communist party?

Miss BEYNON. Absolutely.

Mr. O'DONNELL. At that time, did he work for the Westinghouse Electric?

Miss BEYNON. He was on a leave of absence as an organizer.

Mr. O'DONNELL. As an organizer?

Miss BEYNON. Yes.

Mr. O'DONNELL. Do you know whether he is a member of the party today?

Miss BEYNON. No. I do not.

Mr. O'DONNELL. Do you know a Peter T. Lydon?

Miss BEYNON. Yes.

Mr. O'DONNELL. Did he attend any closed meetings of the Communist party?

Miss BEYNON. Yes. He acted as chairman of some of our party meetings.

Mr. O'DONNELL. As far as you were concerned, was he a member of the Communist party?

Miss BEYNON. Yes.

Mr. O'DONNELL. Do you know if he worked at Westinghouse Electric?

Miss BEYNON. Yes.

Mr. O'DONNELL. Do you know if he is a member of the Communist party today?

Miss BEYNON. No.

Mr. O'DONNELL. Do you know William L. Lydon, Jr.?

Miss BEYNON. Yes.

Mr. O'DONNELL. Did he attend any closed meetings of the Communist Party?

Miss BEYNON. Yes, he did.

Mr. O'DONNELL. As far as you are concerned, was he a member of the Communist party?

Miss BEYNON. Yes.

Mr. O'DONNELL. Do you know if he was working at Westinghouse Electric Corporation?

Miss BEYNON. He was on a leave of absence to be an organizer for the UE.

Mr. O'DONNELL. Do you know a Theodore Wright?

Miss BEYNON. Yes.

Mr. O'DONNELL. He is colored?

Miss BEYNON. Yes.

Mr. O'DONNELL. Do you know if he was ever a member of the Communist party?

Miss BEYNON. Yes. He attended meetings with me.

Mr. O'DONNELL. Those were closed Communist party meetings?

Miss BEYNON. That is right.

Mr. O'DONNELL. That would be up through 1946, at least?

Miss BEYNON. And 1947.

Mr. O'DONNELL. Do you know if he ever worked at Westinghouse Airbrake Company?

Miss BEYNON. Yes.

Mr. O'DONNELL. Do you know if he is a Communist party member today?

Miss BEYNON. No.

Mr. O'DONNELL. That is all, Mr. Chairman.

The CHAIRMAN. There is nothing further.

Can you return at two o'clock this afternoon?

Miss BEYNON. All right.

The CHAIRMAN. Thank you very much.

Mr. O'DONNELL. Joe Slater will be the next witness.

The CHAIRMAN. Mr. Slater, will you take this chair here at the end of the table?

Would you raise your right hand and be sworn?

STATEMENT OF JOSEPH SLATER

Mr. SLATER. Mr. McCarthy, I don't have an attorney to represent me.

The CHAIRMAN. Do you want time to get a lawyer?

Mr. SLATER. Yes, sir. I would appreciate that.

The CHAIRMAN. When were you subpoenaed?

Mr. SLATER. What?

The CHAIRMAN. When were you subpoenaed?

Mr. SLATER. I think it was Thursday.

The CHAIRMAN. Have you talked to a lawyer since then?

Mr. SLATER. No, sir.

The CHAIRMAN. How much time do you want to have a lawyer, to get a lawyer?

Mr. SLATER. I don't know. How does that work? I don't know how these legal proceedings go.

The CHAIRMAN. It is more or less up to you to tell us how much time you think it will take for you to get a lawyer.

Mr. SLATER. Would a week be all right?

The CHAIRMAN. I assume that will be all right.

Mr. KENNEDY. You didn't talk to any lawyers Thursday or Friday? You didn't talk to anyone?

Mr. SLATER. No.

Mr. KENNEDY. You didn't try to get one, then?

Mr. SLATER. No.

Mr. KENNEDY. Why not?

Mr. SLATER. I am a total stranger to legal proceedings in general.

Senator SYMINGTON. Have you ever talked to a lawyer about any problem that you have had in your life?

Mr. SLATER. Yes.

Senator SYMINGTON. Is this the type or character of problem that you would go to a lawyer about if you were subpoenaed?

Mr. SLATER. Well, I suppose. I was pretty well bowled over and well, I just didn't know how to take it, exactly.

Senator SYMINGTON. What do you mean by that?

Mr. SLATER. I mean I was just taken by surprise.

The CHAIRMAN. I don't understand why you didn't see a lawyer. If you wanted a lawyer, why didn't you see one after you were subpoenaed?

Mr. SLATER. Well, I mean, it just occurred to me that it would be a good idea.

Senator SYMINGTON. That it would be a good idea to see a lawyer or not to see one?

Mr. SLATER. To see one.

Senator SYMINGTON. Then why didn't you?

Mr. SLATER. I would like to.

Senator SYMINGTON. But you have had since last Thursday. Why didn't you see one between now and Thursday?

Mr. SLATER. What, sir?

Senator SYMINGTON. I said you had since last Thursday. Why didn't you see one between now and Thursday?

Mr. SLATER. I didn't know what the procedure was here. I thought you furnished a lawyer or there would be attorneys here. Something like that.

Mr. JULIANA. Mr. Chairman, the information that we have is that this man was subpoenaed on Wednesday.

Mr. SLATER. Was it Wednesday?

Mr. JULIANA. We did not have any communication from him. The marshal in the past has been very helpful and has answered any questions of people under subpoena that he serves. I am at a loss

to understand why this man comes here on Monday morning when he is to testify and then decides that he better have an attorney.

Senator McCLELLAN. May I ask a question, Mr. Chairman?

The CHAIRMAN. Yes.

Senator McCLELLAN. Who suggested to you since you got here today that you better get an attorney?

Mr. SLATER. Well, I will tell you. When I was down in the waiting room, one of the witnesses mentioned the fact that he needed an attorney and I figured I ought to have one, too.

Senator McCLELLAN. That is one of the witnesses who had been in here and who had already made the same request, that is correct isn't it?

Mr. SLATER. Yes, sir.

Senator McCLELLAN. So you got the idea from a witness who appeared here a short time ago today, who made the same request, that his testimony be continued until he could get an attorney.

Mr. SLATER. Yes, sir.

Senator McCLELLAN. So he suggested it to you?

Mr. SLATER. Yes.

Senator McCLELLAN. You never had the idea until then, did you?

Mr. SLATER. No.

Senator SYMINGTON. Have you ever been a member of the Communist party?

Mr. SLATER. Well, do you want me to testify now, is that it, or do I have to testify now?

Senator SYMINGTON. I will withdraw the question.

The CHAIRMAN. Return at two o'clock this afternoon. I might say that you will be identified as a member of the Communist party.

Off the record.

[Discussion off the record.]

The CHAIRMAN. On the record.

Senator McCLELLAN. Which one of the witnesses was it that you talked to? What is his name?

Mr. SLATER. He was the man who had glasses on. I don't know his name. He is down there now.

Senator McCLELLAN. You find out his name and be able to report at two o'clock.

Mr. SLATER. What, sir?

Senator McCLELLAN. Find out his name and be able to report who it was at two o'clock, the man who suggested this idea to you.

Mr. SLATER. I mean, if you insist I testify now, maybe I better do that.

The CHAIRMAN. No, we won't insist. Senator McClellan wants to know who it was who advised you to follow this procedure this morning. You didn't see a lawyer from Wednesday until Monday. You could have seen one. Suddenly you talk to another Fifth-Amendment case—I assume he is a Fifth-Amendment case—and he tells you this is the way to stall the proceedings, and you come up here and stall them.

We are going to allow you to stall them because we lean over backwards to let you have a lawyer. Senator McClellan rightly asks who it was who advised you to follow this procedure. At two o'clock be prepared to give us the name of the man who advised you.

Mr. SLATER. Yes, sir.

The CHAIRMAN. You will return here at two o'clock this afternoon. If you are not here, you understand you will be held in contempt.

Will you raise your right hand and be sworn? In this matter now in hearing before the committee, do you 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. LYDON. I do.

TESTIMONY OF PETER T. LYDON

The CHAIRMAN. Your name is Peter Lydon?

Mr. LYDON. That is right.

The CHAIRMAN. Where do you work?

Mr. LYDON. Westinghouse Electric.

The CHAIRMAN. Do you handle classified material?

Mr. LYDON. Pardon?

The CHAIRMAN. Do you handle any classified material?

Mr. LYDON. I don't know that. Whatever I am given, that is what I do.

The CHAIRMAN. It is on defense work, is it?

Mr. LYDON. I think it is standard work that I work on. I don't know whether it is used in defense work or not.

The CHAIRMAN. Are you a member of the Communist party today?

Mr. LYDON. No. I am not.

The CHAIRMAN. Have you been a member of the Communist party in the past?

Mr. LYDON. I was.

The CHAIRMAN. You were a member?

Mr. LYDON. Yes.

The CHAIRMAN. When did you break from the party?

Mr. LYDON. I think around 1946.

The CHAIRMAN. About 1946?

Mr. LYDON. That is right.

The CHAIRMAN. Have you attended Communist party meetings since then?

Mr. LYDON. I have had nothing to do with them.

The CHAIRMAN. Nothing to do with them since then.

Has the FBI contacted you in regard to those who were members of the party with you?

Mr. LYDON. Am I supposed to answer that?

The CHAIRMAN. Yes.

Mr. LYDON. Yes.

The CHAIRMAN. And have you been giving the FBI the information that they asked for?

Mr. LYDON. No, I don't think I did. I talked to them, but whether I gave them the information they wanted or not, I don't think, I don't know.

The CHAIRMAN. Let me ask you this: Would you be willing now to talk to an FBI agent and give him all the information that you have about the Communist party, those who were members with you, those who attended meetings and that sort of thing?

Mr. LYDON. Would it be made public?

The CHAIRMAN. The FBI reports are not made public.

Mr. LYDON. I mean, will I be called into public hearings?

You see, I have been away from this and I want to stay away from it.

The CHAIRMAN. I don't blame you for that. If you made a mistake and rectified it—we all make mistakes—we don't want to make a public spectacle of you. But to test your sincerity as far as a break is concerned, the all-important question is: Will you give the FBI all the information that you have? May I say that their files are not made public. They are secret files. So the information you give them would not be made public.

Mr. LYDON. Well, I don't like to appear in public.

The CHAIRMAN. You wouldn't be appearing in public if you talked to the FBI.

Mr. LYDON. I am agreeable to do that.

The CHAIRMAN. You would be agreeable to do that?

Mr. LYDON. Yes.

The CHAIRMAN. Are you willing to give the staff of the committee the names of the other members of the Communist party who worked with you?

Mr. LYDON. Well, I don't think I could give them all for the reason that I attended a lot of union meetings and these meetings at the same time, and they might overlap. I may be naming some innocent people.

Mr. JULIANA. Do you know Joseph Slater?

Mr. LYDON. Yes, I do.

Mr. JULIANA. Was he a member of the Communist party?

Mr. LYDON. Not in East Pittsburgh that I know of. I don't believe I ever saw Joe at a meeting.

Mr. JULIANA. When did you know him? What year?

Mr. LYDON. I think around 1944 or 1945, or 1946.

Mr. JULIANA. Do you know Evelyn Darin?

Mr. LYDON. Yes, sir.

Mr. JULIANA. Was she a member of the Communist party?

Mr. LYDON. Yes.

Mr. JULIANA. Do you know Alfred Oyler?

Mr. LYDON. Yes.

Mr. JULIANA. Was he a member of the Communist party?

Mr. LYDON. I saw him at one meeting.

Mr. JULIANA. A Communist party meeting?

Mr. LYDON. Yes.

Mr. JULIANA. Did you assume him to be a member of the Communist party?

Mr. LYDON. Yes.

Mr. JULIANA. Do you know Peter Tom Lydon?

Mr. LYDON. That is myself. I don't know where they got the Tom. It is Thomas.

Mr. JULIANA. Do you know William Heiston, Jr.?

Mr. LYDON. Yes.

Mr. JULIANA. Was he a Communist?

Mr. LYDON. I don't believe I ever saw him at a meeting.

Mr. JULIANA. Armino Sardoch?

Mr. LYDON. There are two Sardochs. There is a father.

Mr. JULIANA. The father, Armino, was he a Communist?

Mr. LYDON. I assumed him to be.

Mr. JULIANA. Was the son a Communist, Emil?
 Mr. LYDON. Yes.
 Mr. JULIANA. He is a Communist, too?
 Mr. LYDON. Yes.
 Mr. JULIANA. Do you know Harold Briney?
 Mr. LYDON. I know of him, but I don't know him.
 Mr. JULIANA. You know of him?
 Mr. LYDON. Yes.
 Mr. JULIANA. But you don't know him?
 Mr. LYDON. No.
 Mr. JULIANA. Did you know about him as a Communist?
 Mr. LYDON. No, I don't believe I did.
 Mr. JULIANA. Do you know Theodore Wright?
 Mr. LYDON. Yes.
 Mr. JULIANA. Was he a Communist party member?
 Mr. LYDON. Yes.
 Mr. JULIANA. Do you know Roy Hudson?
 Mr. LYDON. Yes.
 Mr. JULIANA. Was he a Communist?
 Mr. LYDON. Yes.
 Mr. JULIANA. Do you know Andy Onda?
 Mr. LYDON. No.
 Mr. JULIANA. You don't know Andy Onda?
 Mr. LYDON. No. I know about him, by reading in the paper, but I don't know him personally.
 Mr. JULIANA. You were not a close friend of Andy Onda's?
 Mr. LYDON. I don't believe I ever met the man.
 Mr. JULIANA. Do you know Steve Nelson?
 Mr. LYDON. Yes.
 Mr. JULIANA. Personally?
 Mr. LYDON. No. That is, I have seen him.
 Mr. JULIANA. Do you know Frank Nestler?
 Mr. LYDON. Yes.
 Mr. JULIANA. Was he a Communist?
 Mr. LYDON. I don't believe I ever saw Frank at a meeting.
 Mr. JULIANA. Do you know Mary Beynon?
 Mr. LYDON. Yes.
 Mr. JULIANA. Was she a Communist?
 Mr. LYDON. Yes.
 Mr. JULIANA. When these FBI agents talked to you, did you answer their questions?
 Mr. LYDON. Some of them, yes, I believe I did.
 Mr. JULIANA. Some of them you answered?
 Mr. LYDON. Yes.
 Mr. JULIANA. Why didn't you answer all of the questions?
 Mr. LYDON. Well, like I said, I don't want to mention people that may be innocent.
 Mr. JULIANA. In other words, you were not fully cooperative with the FBI?
 Mr. LYDON. I guess you would say I wasn't.
 Mr. JULIANA. And if they will contact you in the future, you will continue not to be fully cooperative, is that right?
 Mr. LYDON. Well, I can't say. What I want to do now, I want to clear myself.

Mr. JULIANA. Yes. But if you don't name everybody, you are not fully cooperative with the FBI.

Mr. LYDON. I am willing to name as far as I know for sure. But I don't want to involve some innocent person.

Mr. JULIANA. Did you ever voluntarily go to the FBI?

Mr. LYDON. No.

Mr. JULIANA. They had to come to you?

Mr. LYDON. That is right.

Mr. JULIANA. Where did they contact you? At your home?

Mr. LYDON. They met me on the street.

Mr. JULIANA. Met you on the street?

Mr. LYDON. Yes.

Mr. JULIANA. What has changed your mind and made you decide to cooperate with this subcommittee?

Mr. LYDON. I want to clear myself.

Mr. JULIANA. You want to clear yourself?

Mr. LYDON. That is right.

Mr. JULIANA. As of today you are working at Westinghouse Electric Company?

Mr. LYDON. I was. I don't know whether I will have a job when I go back or not.

Mr. JULIANA. Why do you say that?

Mr. LYDON. It seems to be the policy that anybody who comes here, they have been getting rid of them.

Mr. JULIANA. That is not the policy. We have had witnesses come before us that have not been fired by defense plants.

Mr. LYDON. I don't know that.

Mr. JULIANA. We have had witnesses come before us who have taken the Fifth Amendment in public session who have been fired, but other witnesses have not been fired.

Is the prime purpose of your wanting to be somewhat cooperative—because I don't think you are completely cooperative—is the prime reason that you are trying to save your job at Westinghouse Electric Company?

Mr. LYDON. Say that again?

Mr. JULIANA. Is the prime reason for your coming here and answering some questions trying to be cooperative, or to give the impression that you are cooperative—is that prime reason because you want to save your job at Westinghouse?

Mr. LYDON. I was raised a Catholic.

Mr. JULIANA. Pardon?

Mr. LYDON. I was raised a Catholic. For a while I slipped. I am back at my religion now, and I want to stay there.

Mr. JULIANA. Then I think, as an American, you are duty bound to give the FBI everything, and not withhold information that you don't want them to have. I have talked to men like you, as an FBI agent, and you don't help the FBI by not being completely cooperative. You should give them everything, and they should not have to follow you and meet you on the street corner. You should go to the FBI office and help your government. You owe it to them.

Senator SYMINGTON. May I ask a question, Mr. Chairman?

The CHAIRMAN. Yes.

Senator SYMINGTON. Do you work at Westinghouse Electric or Westinghouse Airbrake?

Mr. LYDON. Electric.

Senator SYMINGTON. Are you a member of the union?

Mr. LYDON. Yes.

Senator SYMINGTON. What union?

Mr. LYDON. The IUE.

Senator SYMINGTON. Is that the new electric union?

Mr. LYDON. Yes.

Senator SYMINGTON. When did it go from the United Electrical Workers to the IUE?

Mr. LYDON. I don't know what year it was.

Senator SYMINGTON. You don't know that?

Mr. LYDON. I couldn't say for sure what year it was.

Senator SYMINGTON. What union has the Westinghouse Airbrake?

Mr. LYDON. That is the old union.

Senator SYMINGTON. That is the old union?

Mr. LYDON. Yes.

Senator SYMINGTON. And it is at Westinghouse Airbrake?

Mr. LYDON. That is right.

Senator SYMINGTON. And the new union is Westinghouse Electric, is that it?

Mr. LYDON. Yes.

Senator SYMINGTON. Is there any corporate relationship that you know of between the two companies? It is two different companies, isn't it?

Mr. LYDON. I think it is.

Senator SYMINGTON. And both are in Pittsburgh?

Mr. LYDON. I think the main offices are in Pittsburgh.

Senator SYMINGTON. Of both companies?

Mr. LYDON. I think so. I wouldn't say for sure.

Senator McCLELLAN. Did I understand you to say that you were raised a Catholic?

Mr. LYDON. Yes, sir.

Senator McCLELLAN. And for a while you slipped from your religion?

Mr. LYDON. That is right.

Senator McCLELLAN. You have returned to it?

Mr. LYDON. That is right.

Senator McCLELLAN. During the time you slipped, do you feel that in joining the Communist party you did wrong?

Mr. LYDON. That is right.

Senator McCLELLAN. Do you now want to make amends for it?

Mr. LYDON. Yes.

Senator McCLELLAN. Do you feel that it is your duty and responsibility, if you are sincere in that, that you should give all of the help and cooperation to constituted authorities you can in their effort to combat Communist infiltration into this government?

Mr. LYDON. I think you are right.

Senator McCLELLAN. What do you think?

Mr. LYDON. I think you are right.

Senator McCLELLAN. Are you willing to do it?

Mr. LYDON. Yes, sir.

Senator McCLELLAN. Are you afraid of any reprisals from the Communist element if you do so?

Mr. LYDON. I don't know. I don't know how strong they are As far as myself, I don't care. I got two children, too.

Senator McCLELLAN. Then you are willing to come before this committee in public session and tell the whole truth?

Mr. LYDON. If necessary, yes.

Senator McCLELLAN. Well, I think it is necessary.

Mr. LYDON. Okay.

Senator McCLELLAN. Are you willing to do that?

Mr. LYDON. All right.

Senator McCLELLAN. All right.

The CHAIRMAN. You will return at two o'clock this afternoon.

Mr. LYDON. Here?

The CHAIRMAN. Two o'clock here in this room.

We will recess now and resume in executive session at 1:30 in this room.

[Thereupon, at 11:44 a.m., the subcommittee recessed to reconvene in executive session at 1:30 p.m., the same day.]

AFTER RECESS

[The executive session reconvened at 1:30 p.m.]

The CHAIRMAN. Will you raise your right hand.

In the matter now in hearing before the committee, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WRIGHT. I do.

TESTIMONY OF THEODORE WRIGHT (ACCOMPANIED BY HIS COUNSEL, DAVID SCRIVENER)

The CHAIRMAN. Where do you work, Mr. Wright?

Mr. WRIGHT. Westinghouse Air Brake.

The CHAIRMAN. And are you now a member of the Communist party?

Mr. WRIGHT. I am not a member of the Communist party.

The CHAIRMAN. You are not a member now?

Mr. WRIGHT. I am not a member of the Communist party.

The CHAIRMAN. Have you been a member?

Mr. WRIGHT. I use my privilege to invoke the Fifth Amendment.

The CHAIRMAN. I wonder if your attorney would identify himself?

Mr. SCRIVENER. David Scrivener, 11 East 51st Street, New York City.

The CHAIRMAN. Were you a member of the Communist party six months ago?

Mr. WRIGHT. I still invoke the Fifth Amendment.

The CHAIRMAN. Were you a member of the Communist party when you were subpoenaed?

Mr. WRIGHT. I still invoke the Fifth Amendment.

The CHAIRMAN. Will you return here to this room at two o'clock this afternoon. That is twenty minutes of two right now.

TESTIMONY OF HAROLD K. BRINEY (ACCOMPANIED BY HIS COUNSEL, DAVID SCRIVENER)

The CHAIRMAN. Would you raise your right hand. In the matter now in hearing before the committee, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRINEY. I do.

The CHAIRMAN. Where do you work, sir?

Mr. BRINEY. Westinghouse Air Brake Company, Wilmerding, Pennsylvania.

The CHAIRMAN. How long have you worked there?

Mr. BRINEY. Thirty-seven years.

The CHAIRMAN. And they do considerable classified work for the government, is that right?

Mr. BRINEY. Well, I mostly work on airbrake work, and I suppose I have worked on some classified work, too. I am a bench hand, and I work on rolls, rolling steel.

The CHAIRMAN. What kind of clearance do you have?

Mr. BRINEY. Well, I know that I have had a good record with this company, and I have never been ridiculed for any of my work.

The CHAIRMAN. Do you have secret clearance, or confidential clearance, or what type of security clearance do you have?

Mr. BRINEY. I would not know that. You have to ask the company. They get clearance for anybody that works on secret work. We have designated places in our shop for secret work. I do not work in that, and I never have, and I have always worked mostly all of the work that I have done in the plant has been on railroad equipment.

The CHAIRMAN. Do you have access to the parts of the plant where they do secret work?

Mr. BRINEY. I have never been denied access to any place in that plant.

The CHAIRMAN. Have you been a member of the Communist party?

Mr. BRINEY. I am not a member of the Communist party.

The CHAIRMAN. Have you been a member?

Mr. BRINEY. I stand on my rights under the Fifth Amendment.

The CHAIRMAN. Were you a member the day you were subpoenaed?

Mr. BRINEY. I stand on my rights under the Fifth Amendment,

The CHAIRMAN. I think that is all.

Mr. SCRIVENER. David Scrivener, 11 East 51st Street, New York City.

Mr. BRINEY. Harold K. Briney, 301 Churchill Road, Turtle Creek, Pennsylvania. You had 322, and I lived there at the time I was subpoenaed, before the Butler committee, and I moved to this new home, and I built a home there, and I moved in last December 5, that is a year ago last December 5.

The CHAIRMAN. After you were subpoenaed before the Butler committee, did you and some members of the Communist party have a meeting and devise the strategy that you would follow?

Mr. BRINEY. I stand on the Fifth Amendment that anything I might say may tend to incriminate me.

The CHAIRMAN. If you were ordered to commit sabotage by the Communist party in case of war with Communist Russia, would you obey those orders?

Mr. BRINEY. I would not. I would protect this country against anyone.

The CHAIRMAN. Have you ever given information about your work to members of the Communist party?

Mr. BRINEY. I stand on the Fifth Amendment.

The CHAIRMAN. You will return at two o'clock this afternoon.

Mr. BRINEY. Thank you.

The CHAIRMAN. That is about fifteen minutes from now.

Mr. SCRIVENER. We will be outside.

[Thereupon at 1:45 p.m., the executive session was concluded.]

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[EDITOR'S NOTE.—The senators and staff members of the Permanent Subcommittee on Investigations are not indexed unless they are the subject of a hearing, as in the Army-McCarthy hearings.]

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