

**INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
PACIFIC NORTHWEST AREA—Part 4 (SEATTLE)**

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-THIRD CONGRESS

SECOND SESSION

JUNE 14 AND 15, 1954

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

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83d CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make, from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE PACIFIC NORTHWEST AREA—Part 4 (SEATTLE)

MONDAY, JUNE 14, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.

PUBLIC HEARING

AFTERNOON SESSION ¹

The Committee on Un-American Activities met, pursuant to recess, at 2:07 p. m., in room 402, County-City Building, Seattle, Wash., Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Clyde Doyle, and James B. Frazier, Jr.

Staff members present: Robert L. Kunzig, counsel; Frank S. Tavener, Jr., counsel; William A. Wheeler, investigator; and Thomas W. Beale, Sr., chief clerk.

Mr. VELDE. The committee will be in order, please.

Before commencing this afternoon's hearings, I should like to acknowledge a gift from Commissioner William Sears of these lovely carnations which grace our desk here. They add a little beauty to the hearing room and are very much appreciated.

We are also very much appreciative, as I said before, of the help that has been given to us by the city of Seattle, especially by Detective John Hoberg and Officer Charles Seely of the Seattle Police Department who have been very kind to us in seeing that we get where we should at the proper time and on time.

Mr. Counsel, are you ready to proceed?

Mr. TAVENER. Yes, sir.

I would like to call as the first witness Mr. Carl Harvey Jackins. Will Mr. Jackins come forward, please?

TESTIMONY OF CARL HARVEY JACKINS, ACCOMPANIED BY COUNSEL, JOHN CAUGHLAN

Mr. VELDE. Will you raise your right hand, Mr. Jackins?

In the testimony that you are about to give before this committee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

¹ During the morning session, testimony of Barbara Hartle was heard, which is printed in pt. 2 of these hearings.

Mr. JACKINS. I do.

Mr. VELDE. You may be seated.

Mr. TAVENNER. Will counsel identify himself for the record, please?

Mr. CAUGHLAN. Yes. I am John Caughlan, attorney and member of the Washington State bar.

Do you want my address?

Mr. TAVENNER. Yes.

Mr. CAUGHLAN. 702 Lowman Building, Seattle.

Could I make an inquiry?

Mr. TAVENNER. Yes.

Mr. CAUGHLAN. In case I care to confer with Mr. Jackins or Mr. Jackins cares to confer with me, what is the situation as far as these microphones are concerned? Is our confidential conference going to be broadcast over it?

Mr. TAVENNER. I think if you conduct your conversation discreetly, it will not be heard on the magnifying system. Otherwise you may move back a little.

I have just been told that if you give a signal it will be cut off completely, so you will be running no risk whatever.

Mr. CLARDY. I think, Mr. Chairman, that it would be well to let the record show that the committee has asked those in charge of the radio and television to cut the volume down if they want to confer.

Mr. VELDE. Yes; the record will so show.

Our committee rules, of course, provide that the witness shall have ample opportunity to confer with his counsel in private, and I want to caution those in charge of the broadcast here, both radio and television, that anything that comes out on the air between the counsel and the witness will be certainly objectionable to the committee's procedure.

Mr. DOYLE. Mr. Chairman.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. May I emphasize this point? I am sure that the committee would agree that if counsel feels that he is not far enough removed from the microphones when he is conferring with his client, the committee would want him to remove himself far enough away from the microphones so that he feels comfortable in his consultation with his client.

Mr. VELDE. Certainly, and that permission will be granted.

Proceed, Mr. Counsel.

Mr. TAVENNER. What is your name, please, sir?

Mr. JACKINS. Harvey Jackins.

Mr. TAVENNER. Will you spell your last name, please?

Mr. JACKINS. Certainly. J-a-c-k-i-n-s.

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

Mr. JACKINS. I was born June 28, 1916, in northern Idaho.

Mr. TAVENNER. Where do you now reside?

Mr. JACKINS. In the city of Seattle, sir.

Mr. TAVENNER. How long have you lived in the city of Seattle?

Mr. JACKINS. A number of years, sir.

Mr. TAVENNER. Approximately how long?

Mr. JACKINS. Approximately 20.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been, that is, your formal educational training?

Mr. JACKINS. I think so. I have been to grade school; I have been to high school; I have been to college.

Mr. TAVENNER. How many years have you had in college?

Mr. JACKINS. Somewhat less than 4 years.

Mr. TAVENNER. At what institution?

Mr. JACKINS. At the University of Washington.

Mr. TAVENNER. When did you complete your training at the University of Washington, in what year?

Mr. JACKINS. I have not completed my training at the University of Washington.

Mr. TAVENNER. At what time did you stop your work at the University of Washington?

Mr. JACKINS. The last work that I took at the University of Washington, I believe, would be around 1950.

Mr. TAVENNER. How many years had you been in attendance at that university immediately prior to 1950? In other words, was there a gap in your attendance at the University of Washington?

Mr. JACKINS. Yes.

Mr. TAVENNER. Of a period of years?

Mr. JACKINS. Yes, there was.

Mr. TAVENNER. Will you explain it briefly to us?

Mr. JACKINS. Well, to the best of my recollection, I took no class work at the University of Washington between the years of 1937, or thereabouts, and around 1950.

Mr. TAVENNER. Were you in the Armed Forces at any time between 1937 and 1950?

Mr. JACKINS. I would like to confer with counsel, sir.

Mr. VELDE. You will have that opportunity.

(At this point Mr. Jackins conferred with Mr. Caughlan.)

Mr. VELDE. I can hear you conferring. I would suggest that you move farther back from the microphone.

Mr. JACKINS. It is not necessary.

Mr. VELDE. All right. Proceed. Answer the question, please.

Mr. JACKINS. Would you repeat it?

Mr. TAVENNER. Did you serve in the Armed Forces of the United States at any time during the period 1937-50?

Mr. JACKINS. I did not.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your employment record has been since 1935?

Mr. JACKINS. Well, because of the character of this committee and the nature of these hearings, I must decline to answer that question, claiming my privilege under the fifth amendment to the Constitution not to bear witness in any attempt on the part of this committee to involve me.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. I ask that he be directed to answer the question.

Mr. VELDE. Certainly. That is a very simple question and the Chair sees no way in which it can incriminate you to answer it whatsoever. You are directed to answer the question.

Mr. JACKINS. What the Chair sees and what might be the facts in the situation are not necessarily the same, Mr. Chairman. I have declined to answer, invoking my privilege under the fifth amendment

not to bear witness against myself in any attempt on the part of this committee, considering these circumstances, to involve me.

Mr. VELDE. And upon further consideration, you still invoke the fifth amendment, upon the Chair's direction that you answer the question; is that correct?

Mr. JACKINS. I have been informed by counsel that if I were to give testimony before this committee which would be at variance with witnesses who have appeared before this committee, seeking to curry the favor of the committee because of prison sentences hanging over their head, that regardless of the obvious lack of integrity of such witnesses I would still be subjected to possible charges of perjury.

Mr. VELDE. Mr. Witness, the testimony of the previous witness has nothing to do with your testimony.

Mr. JACKINS. It has a great deal to do with the situation.

Mr. VELDE. Will you answer the question? Or do you refuse to answer?

Mr. JACKINS. I have answered very clearly. I declined to answer that question under my privileges guaranteed under the fifth amendment not to bear witness against myself in any attempt on the part of this committee, considering the circumstances, to involve me.

Mr. VELDE. And upon direction by the Chair to answer the question as to your previous employment, you still refuse to answer upon the grounds of the fifth amendment; is that correct?

Mr. JACKINS. I have answered that very clearly, Mr. Chairman.

Mr. VELDE. How do you mean that—that you answered it very clearly? By refusing to answer? Can you tell me of one way in which giving us the benefit of your previous employment can possibly incriminate you?

Mr. JACKINS. Under other circumstances, Mr. Chairman, I would be very glad to discuss those questions, with you or with anyone else, but under the conditions of this hearing and the character of this committee I must decline to answer that question as well, invoking my privilege under the fifth amendment not to bear witness against myself.

Mr. VELDE. Very well. Proceed.

Mr. TAVENNER. How are you now employed, Mr. Jackins?

Mr. JACKINS. I am employed as a personal counsellor.

Mr. TAVENNER. In what type of business?

Mr. JACKINS. In the field of professional personal counseling.

Mr. TAVENNER. How long have you been so employed?

(At this point Mr. Jackins conferred with Mr. Caughlan.)

Mr. JACKINS. Three and a half years, approximately.

Mr. TAVENNER. That would take you back to 1950 or 1951, approximately, would it not?

Mr. JACKINS. Approximately.

Mr. TAVENNER. How were you employed in 1948?

Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I must decline to answer that question, claiming my privilege under the fifth amendment not to bear witness against myself in any attempt to involve me.

Mr. TAVENNER. Did you hold an official position in 1948 or at any time prior thereto in Local 46 of the International Brotherhood of Electrical Workers?

Mr. JACKINS. Under other circumstances, I would be glad to discuss that, but considering the nature of this committee and the character of these hearings I must decline to answer that question, claiming my privilege under the fifth amendment to the Constitution not to bear witness against myself in any attempt to involve me.

Mr. VELDE. May I ask the witness this question?

Under what other circumstances would you be willing to answer that question?

Mr. JACKINS. Under conditions otherwise than before this committee, Mr. Chairman. I would be glad to discuss the entire issue with you publicly.

Mr. VELDE. To whom would you give an answer to that question other than to members of this committee?

(At this point Mr. Jackins conferred with Mr. Caughlan.)

Mr. JACKINS. Mr. Chairman, I would be glad to discuss these issues with you, say, in public debate, in a public discussion before a friendly—before an audience or before the general public. The actions of this committee in presenting testimony—

Mr. SCHERER. Mr. Chairman.

Mr. JACKINS. From thoroughly discredited people and people without integrity this morning has left me with no choice but to decline to answer that.

Mr. CLARDY. Regular order, Mr. Chairman.

Mr. VELDE. Regular order is ordered.

Would you go under oath before me and discuss this question as to your employment—on any matters involving your connection with the Communist Party?

Mr. DOYLE. I think, Mr. Chairman, that he has volunteered—

Mr. VELDE. Just a moment, Mr. Doyle.

May I ask if he will answer this question, please?

Mr. JACKINS. In your present capacity, Mr. Chairman?

Mr. VELDE. Yes; in my present capacity, naturally.

Mr. JACKINS. My answer would be the same as I have made.

Mr. CLARDY. May I suggest something, Mr. Chairman?

Mr. VELDE. The Chair recognizes the gentleman from Michigan.

Mr. CLARDY. May I point out that since he has indicated a willingness to answer these questions before other people, he has waived any protection that he might claim under the fifth amendment, and I ask that he be directed to answer that last question.

Mr. VELDE. Yes; I think the gentleman from Michigan is absolutely right.

You are directed to answer the last question.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. So that the record may be complete at this point I want to make this observation, so that we will not overlook it. When he has stated that he is willing to answer that question under certain other circumstances or to other people, it is obvious that any claim that there is any protection afforded him by the fifth amendment is false, because if he is willing to state it to others then there can be no possibility of it incriminating him.

Mr. VELDE. I am usually entirely in agreement with the gentleman from Michigan, but I believe that he has not stated that he would answer if he were under oath at the present time.

Mr. CLARDY. I do believe there is a distinction, Mr. Chairman, and his statement that he is willing to answer it indicates that there can be no incrimination, because if he gives testimony somewhere else under oath or otherwise, he has at least touched upon the subject of which he is now apprehensive—if he has any such apprehension—and that, obviously, removes any possibility of claiming the fifth amendment in good faith. And I am sure that he is not claiming it in good faith but is attempting merely to filibuster and follow the usual Communist Party line.

Mr. VELDE. Witness, if we engaged in public debate or if we engaged in a private session, where you came before me personally, would you answer the question that has been put to you about your employment, under oath?

Mr. JACKINS. Are you asking that again?

Mr. VELDE. Yes. Do you understand the question that has been propounded, Witness?

Mr. JACKINS. In the byplay here, I have lost track of where we are. If you would care to present the situation again—

Mr. VELDE. You have been directed to answer the question as to whether or not in a session with me, in my capacity, whether it be public or private, you would answer the question as to your previous employment, under oath—the oath, of course, to be administered by me?

Mr. JACKINS. Might I ask you a question? Is a hypothetical question such as that proper at this point?

Mr. VELDE. If you will answer that question, instead of refusing to answer under the grounds of the fifth amendment, then perhaps we might consider the question properly.

Mr. JACKINS. It seems to me that to give you an answer to that would only be to express an opinion. If it is your desire that I express an opinion about it, I will.

Mr. JACKSON. Regular order, Mr. Chairman.

Mr. VELDE. Regular order.

Mr. JACKSON. It is quite obvious that the witness has no intention of answering any questions which have to do with his alleged membership in the Communist Party, and I think it is a waste of time to pursue it any further. As far as I am concerned you can ask him the question now and excuse him.

Mr. VELDE. Very well. The observation of the gentleman from California is very astute and wise.

Are you now a member of the Communist Party?

Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I decline to answer that question, claiming my privilege under the fifth amendment to the Constitution not to bear witness against myself in any attempt on the part of this committee to involve me.

Mr. VELDE. Have you ever been a member of the Communist Party?

Mr. JACKINS. Considering again the character of these hearings and the nature of this committee, I decline to answer that question, claiming my privilege under the fifth amendment to the Constitution not to bear witness against myself in any attempt to involve me.

Mr. VELDE. Proceed with your questions, counsel.

Mr. TAVERNER. Mr. Chairman, it was my intent to inquire of this witness as to what knowledge he had regarding Communist Party

activities in connection with unions of which he was a member or had official positions with, but the witness has refused to answer that he was even a member of the first union that I mentioned.

I think, however, that having asked that question, I should follow it up, even if I do not pursue the others.

Mr. VELDE. You may proceed.

Mr. TAVENNER. Now were you expelled from local 46 of the International Brotherhood of Electrical Workers in 1948?

(At this point Mr. Jackins conferred with Mr. Caughlan.)

Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I must decline to answer that question, invoking my privileges under the fifth amendment.

Mr. CLARDY. I suggest, Mr. Chairman, that he be directed to answer that question.

Mr. VELDE. Certainly. You are directed to answer that question. The Chair can see no reason why the answer to such a question should incriminate you in any way.

You are directed to answer the question.

Mr. JACKINS. What the Chair can see, in the actual situation, need have no meeting ground at all, and again I repeat, considering the character of this committee and the nature of these hearings, I must decline to answer that question, claiming my privileges under the fifth amendment not to bear witness against myself in any attempt on the part of this committee to involve me.

Mr. TAVENNER. Were you also expelled as business agent of the Building Service Employees' Union some time prior to 1948?

Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I must decline to answer that question, invoking my privileges under the fifth amendment to the Constitution not to bear witness against myself in any attempt on the part of this committee to involve me.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. May I suggest that the witness be directed to answer that question?

Mr. VELDE. Again, without objection, you are directed to answer that question.

Mr. TAVENNER. Were you expelled from lodge 751—

Mr. VELDE. Just a minute, counsel.

Mr. TAVENNER. Excuse me, sir.

Mr. JACKINS. Where are we now?

Mr. VELDE. Again you are directed to answer the last question. Again the Chair and the members of the committee see no reason why you could possibly be incriminated by an answer to that question.

You are directed to answer the last question.

Mr. JACKINS. The same answer as I gave to the previous question for the reasons that I previously stated.

Mr. TAVENNER. Were you at any time expelled from lodge 751 of the Aero Mechanics' Union?

Mr. JACKINS. The same answer which I gave to the previous questions and for the reasons which I stated.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. I ask that he be directed to answer.

Mr. VELDE. Again you are directed to answer the question.

Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I decline to answer, invoking my privileges under the fifth amendment of the Constitution not to bear witness against myself in any attempt on the part of this committee to involve me.

Mr. SCHERER. Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Witness, isn't it a fact that you were expelled from all three of these unions because of your Communist Party activities within the unions? Isn't that a fact?

Mr. JACKINS. Considering the nature of this committee and the character of these hearings, I must decline to answer that question and for the same reasons.

Mr. SCHERER. Were you on the Communist Party payroll?

Mr. JACKINS. The same answer as to the previous question and for the same reasons.

Mr. SCHERER. Isn't it a fact that you have refused to answer the question as to your previous employment because you were on the payroll of the Communist Party in this country during those years?

(At this point Mr. Jackins conferred with Mr. Caughlan.)

Mr. JACKINS. The use of my privileges under the fifth amendment does not in any sense imply that any of your statements are fact. I am invoking my privileges and declining to answer that question under the fifth amendment in order not to bear witness against myself in any attempt on the part of this committee to involve me.

Mr. SCHERER. Witness, tell me what part of the statements I have just made are false then?

Mr. JACKINS. I decline to answer that question and for the same reasons.

Mr. SCHERER. I thought you would.

Mr. JACKINS. You were correct.

Mr. CLARDY. May I ask a question, Mr. Chairman?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Was there any reason, other than that cited by Mr. Scherer, for your expulsion from those three unions?

Mr. JACKINS. Well, again I would like to draw your attention to the fact that the use of the fifth amendment and my privileges under the fifth amendment does not construe any guilt on my part or the accuracy of any of the statements made by members of this committee.

I decline to answer for the reasons previously stated.

Mr. CLARDY. Did you ever engage in any espionage activities?

Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I must decline to answer, invoking my privileges under the fifth amendment.

Mr. CLARDY. Then you won't even answer a question as to whether or not you have engaged in any espionage activities; is that correct?

Mr. JACKINS. Considering the nature of this committee and the character of these hearings, I must decline to answer, invoking my privileges under the fifth amendment.

Mr. JACKSON. Would a true answer to the question as to whether or not you have ever engaged in espionage activities tend to incriminate you?

Mr. JACKINS. To use the fifth amendment and my privileges under it does not in any way imply incrimination.

Mr. JACKSON. We understand the provisions of the fifth amendment very well.

The question is, "Would a truthful answer to the question of whether or not you have ever committed espionage tend to incriminate you?"

Mr. JACKINS. Because of the nature of this committee and the character of these hearings, I must decline to answer that question, invoking my privileges under the fifth amendment not to bear witness against myself in any attempt of this committee to involve me.

Mr. DOYLE. Mr. Chairman.

Mr. VELDE. The Chair recognizes the gentleman from California, Mr. Doyle.

Mr. DOYLE. My question does not involve the Communist Party.

I noticed that you said that between 1937 and 1950 you did not render any military service to your own United States Government. Were you excused during those years for any reason from military service, or why didn't you serve? Would that incriminate you, too, if you told the truth in that regard?

Mr. JACKINS. Mr. Congressman, I feel that you are trying to bait me on that, but I will try to answer it, if you wish.

Mr. DOYLE. I asked it in the hope that you would answer it.

Mr. JACKINS. The technical reasons involved in my being excused from military service, I assume you would have to refer to the draft boards to get down accurately. To the best of my knowledge, I was excused from military service during those years for three reasons, in series: the first a question of health—that my service was postponed for a year because of a physical examination which turned up certain health conditions of which I was not previously aware; that again my service in the Armed Forces was deferred because of a critical emergency involving the repair of fighting ships, where my skill was badly needed at the particular time; and, finally, I was deferred because I was regarded as too old at the expiration of that period.

Mr. DOYLE. What draft board excused you for each or any of those reasons?

You have your draft card in your pocket, haven't you?

Mr. JACKINS. I am unable to give you that information at this time.

Mr. DOYLE. Do you have your draft card in your pocket? If you don't, I submit that you ought to have it.

Mr. JACKINS. I would have to search through my wallet to see whether I have it with me or not. I have no notion.

Mr. DOYLE. What was the number of your draft board and where was it?

Mr. JACKINS. I don't remember it—not at this time.

Mr. DOYLE. What city was it in?

Mr. JACKINS. It was in Seattle.

Mr. DOYLE. Under what name did you register for military service?

Mr. JACKINS. Under the name which I have given this committee.

Mr. DOYLE. How old were you when you registered?

Mr. JACKINS. If you can refresh my memory as to the date of the first draft registration, I can tell you.

Mr. DOYLE. You don't remember?

Mr. JACKINS. It would be not necessarily accurate.

Mr. DOYLE. Approximately.

Mr. JACKINS. I am told that the first draft registration was in October of 1940.

Mr. JACKINS. I would be at that time then approximately 24 years of age.

Mr. DOYLE. May I ask one more question, Mr. Chairman?

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Every time you pleaded the fifth amendment, I noticed you said "because of the character of this committee." I don't know whether you have a speech ready to make or not—I presume you do—but this committee is composed of Members of your United States Congress. Now do I understand that, because we are Members of the United States Congress and a committee of your Congress, there is something about the character of this committee that you have no respect for or trust in or confidence in? Is that your answer?

I assume that that is the basis of your answer. You say "because of the character of this committee," and each one of us is a Member of your United States Congress, comprising a sort of cross-section of the United States Congress, so I assume when you use that language time after time that you are objecting to your United States Congress functioning as we have been authorized to function by the Congress.

Mr. JACKINS. Mr. Congressman——

Mr. DOYLE. Is that correct?

Mr. JACKINS. I think there is a considerable difference between respect for an office and respect for the uses to which it is sometimes put.

Mr. DOYLE. Of course the Congress, your Congress, created this committee.

Mr. CLARDY. I think you ought to point out that the members were elected unanimously by the Congress to this committee.

Mr. VELDE. Not only that, but we should also remind the witness that in this last session of Congress, when our appropriations came up before the Congress, they were approved with only one dissenting vote. So that this is a representative body of the people of the United States, who elected the Congress.

Mr. JACKINS. Which would not, in itself, establish the character of this committee nor the role which it plays.

Mr. JACKSON. The character of this committee and the role which it plays had been established long before the vote to which the chairman refers. In other words, sir, 362 to 1 means that the people of the United States are speaking through their Congress, through this committee, asking people like you to cooperate with the committee, giving us the benefit, giving the Congress the benefit, and giving the American people the benefit of anything you may know about the Communist conspiracy. That you have failed to do completely, and mere words about the character and the motives of this committee isn't going to change the fact that the American people have elected their Congress which in turn established this committee.

Mr. JACKINS. Nor would it necessarily indicate the judgment of the people on the work of this committee.

Mr. JACKSON. The judgment of the people has already been passed in their vote of their elected representatives.

Mr. JACKINS. It will be passed again.

Mr. JACKSON. It will be passed again comes the revolution?

Mr. JACKINS. I believe that the judgment of the people on committees such as this is being passed, in a large measure, by them being shown to television audiences throughout the country.

Mr. JACKSON. We are talking about this committee, sir, and not any other committee, and the work of this committee will be reflected in the response and the reactions we receive from the people of Seattle and the Northwest area which, if it follows the course of other reactions, will be overwhelmingly favorable.

Mr. JACKINS. If Mr. Doyle has an honest question as to why I raised that question, I think I can—

Mr. CLARDY. Mr. Chairman, the witness has no business insulting Mr. Doyle or the Congress by using the language that he has, and I ask that it be stricken.

Mr. JACKINS. I meant no insult to Mr. Doyle.

Mr. VELDE. I am sure that Mr. Doyle would not ask any dishonest question whatsoever.

Do you want to repeat the question, Mr. Doyle?

Mr. DOYLE. I think the witness remembers my question quite clearly. I am sure he remembers it.

I don't think, in view of your heavy load of witnesses, that I care to take more time.

Mr. JACKINS. Mr. Doyle—

Mr. DOYLE. May I say this to you, though, young man? I am very much disappointed in you that, as a young American, you take the position you do. You evidently have leadership ability; you have evidently been a leader in labor; you evidently have been blessed by your country, and I hope that you will reverse your opinion.

Mr. JACKINS. You need not be disappointed in me, sir, and I think I could easily explain to you why, but not under conditions such as this.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. We have already taken up, I understand, 40 minutes of time with this witness, with many witnesses still to be heard. I would very respectfully suggest the regular order.

Mr. VELDE. The Chair certainly concurs with the gentleman from California.

Mr. Counsel, do you have any further questions to ask of this witness?

Mr. TAVENNER. May I ask the witness one further question?

Mr. VELDE. Proceed.

Mr. TAVENNER. I think I should advise the witness that there has been heard in executive session before this committee the witness Elizabeth Boggs Cohen and the witness Leonard Basil Wildman, both of whom were heard on May 28, 1954, and both of whom identified you as at one time having been an active member of the Communist Party, Mr. Wildman having identified you as the organizer of a branch of the Communist Party while you were in attendance at the University of Washington.

This is your opportunity, if you desire to take advantage of it, of denying those statements, if there is anything about them which is untrue.

Mr. JACKINS. Is that a question?

Mr. TAVENNER. Yes. Do you desire to deny any part of that identification?

Mr. JACKINS. Considering the character of this committee and the nature of these hearings, I must decline to answer that question, calling upon my privileges under the fifth amendment to not bear witness against myself in any attempts of this committee to involve me.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. JACKINS. The same answer as before for the same reasons.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. VELDE. Mr. Clardy?

Mr. CLARDY. Witness, you told us that at present you were engaged in an occupation that I didn't quite understand. What is it that you are doing at the moment?

Mr. JACKINS. I am engaged in the work of personal counseling.

Mr. CLARDY. What do you mean by personal counseling? That is what I do not understand.

Mr. JACKINS. I work with individuals to help them with their personal problems.

Mr. CLARDY. What kind of personal problems?

Mr. JACKINS. With their emotional difficulties, with the inhibitions which keep them from functioning well as individuals.

Mr. CLARDY. Are you a medical expert or a psychiatrist of some kind?

Mr. JACKINS. Not at all. The approach is quite different than either of those fields.

Mr. CLARDY. Do you belong to some profession of some sort that is licensed by the State to engage in this kind of activity, or is this something that you have invented yourself?

I am serious about this. I want to know, because I don't understand.

Mr. JACKINS. May I have a little latitude in explaining it, sir?

Mr. CLARDY. I haven't limited you.

Mr. JACKINS. Fine. I am working with a very new approach to the problem of individual human beings. We have discovered, a group of us, that apparently anything wrong with an individual human—any limitation on his ability, his enjoyment of life, his ability to be intelligent in any situation—is purely and solely the result of the experiences of hurt which he has endured, including emotional distress, quite as important as experiences of physical pain; that anything less than rational or able about an individual human being can be traced as the literal expression of experiences when he has been hurt, beginning very early and accumulating, and that it is possible in a teamwork relationship for one person's intelligence as a counselor to be linked with that of the person who is enduring the difficulty or the limitation or the emotional problem—to go back in memory, in effect and, by repetitively seeking out these experiences of hurt, discharging the stored up painful emotion; and in assisting the person to think them through over and over and over again, it is possible to free an individual from the inhibiting effects of the distresses which have stored up on him during his life.

Now this is a very exciting field; the possibilities implicit in it—and we are pioneering in the group with which I work—are amazing.

Mr. CLARDY. What do you mean by "we"? Is this something originated by the Communist Party as part of its program?

Mr. JACKINS. Considering the character of the committee and the nature of these hearings, I must decline to answer that question, calling upon my privileges under the fifth amendment to not bear witness against myself in any attempt of this committee to involve me.

Mr. CLARDY. Mr. Chairman, I ask that he be directed to answer.

Mr. VELDE. Just a moment, Mr. Clardy.

May I again direct the physical audience that are present here that the committee cannot operate as it should under the duties it has with any disturbances of either expressions of approval or disapproval, and the chair and the committee would appreciate it if the physical audience present would not laugh or make any demonstrations whatsoever, either of disapproval or of approval.

Mr. CLARDY. Now, Mr. Chairman, would you direct him to answer the last question?

Mr. VELDE. Will the reporter read the question, please?

(Question read.)

Mr. CLARDY. I ask that he be directed to answer that question.

Mr. VELDE. Yes; the Chair directs you to answer that question. Is it part of the Communist Party program?

Mr. JACKINS. I must decline to answer that question for the reasons previously stated.

Mr. CLARDY. Who are the other people, then, when you use that word "we," that are associated with you in this movement?

(At this point Mr. Jackins conferred with Mr. Caughlan.)

Mr. JACKINS. Under the conditions of this hearing and considering the nature of the committee, I must decline to answer that question.

Mr. CLARDY. I think I should caution you, Witness, that you do not have to decline to answer anything. I am assuming when you say you must that you mean you are. Am I correct?

Mr. JACKINS. Certainly

Mr. CLARDY. You have been saying "I must decline."

Mr. JACKINS. For the reasons stated, sir.

Mr. CLARDY. Very well. Are those that you associate with the persons that have been identified in this proceeding as members of the Communist Party?

Mr. JACKINS. I decline to answer the question for the reasons previously given.

Mr. CLARDY. Have you ever been a member of any organization whose avowed purpose is the overthrow of this Government through the use of force and violence?

Mr. JACKINS. Under the conditions of this hearing and considering the nature of the committee, I must decline to answer that question, invoking my privileges under the fifth amendment not to bear witness against myself.

Mr. CLARDY. Very well. One final question.

Will you give us the names of the persons you are associated with in this activity that you have described?

Mr. JACKINS. I must decline to answer for the reasons previously given.

Mr. CLARDY. Mr. Chairman, I ask that he be directed to answer.

Mr. VELDE. Yes; the chairman directs you to answer that last question.

Mr. JACKINS. I decline to answer the question for the reasons previously given.

Mr. CLARDY. That is all I have.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. I have two questions.

You are the one that volunteered that your present occupation was working with a group, and in my book that is a waiver of your privilege under the fifth amendment.

But what is the name of the group?

(At this point Mr. Jackins conferred with Mr. Caughlan.)

Mr. JACKINS. Sir, I believe that the committee has sought to involve me in a trap on this question. Were I to decline to answer the question, certainly it is conceivable that I will be threatened with contempt charges, but, on the other hand, to answer it would lead to all sorts of other involvements, as I have tried to explain previously; so that in the circumstances, I have no choice but to decline to answer the question, invoking my privileges under the fifth amendment not to bear witness against myself.

Mr. CLARDY. Mr. Doyle, I think you should ask the Chair to direct him to answer it, because I think this is clearly beyond the pale.

Mr. DOYLE. I ask that the chairman direct the witness to answer that question.

Mr. VELDE. Certainly. There is no possible way that you can incriminate yourself by an answer to that question.

You are directed to answer the question, Mr. Witness.

Mr. JACKINS. I decline to answer it for the reasons previously stated.

Mr. DOYLE. I have two more questions.

Does this office have an address here in Seattle? Do you work with a group in an office in some building? If so, where is that office?

Mr. VELDE. May I suggest, Mr. Doyle, that you ask one question at a time.

Would you ask him the first question again?

Mr. DOYLE. Yes.

You volunteered that you were working with a group. Does that group have an office in Seattle?

Mr. JACKINS. I work in an office in Seattle.

Mr. DOYLE. Does the group that you referred to have an office, with you in that same office that you work in?

Mr. JACKINS. I decline to answer that question for the reasons previously stated.

Mr. DOYLE. Do you have a business card on you, a professional card that you use for identification of your work as a professional adviser? If you have, will you please present me with one or present counsel with one for identification?

Mr. VELDE. I respectfully suggest that you ask him whether or not he has such a card.

Mr. JACKINS. To my knowledge, I have no card with me.

Mr. DOYLE. If you have one on you, would you please give it to us?

You carry a business card or a professional card, don't you?

Why don't you answer honestly on that?

Mr. JACKINS. I said I do not have one with me, to my knowledge.

Mr. DOYLE. Do you sell your services for a fee, a professional fee?

Do you collect a fee for the professional advice you give?

Mr. JACKINS. I decline to answer that question.

Mr. DOYLE. Is there a membership fee paid to the group that you claim to be a member of?

Mr. JACKINS. I decline to answer that question for the reasons previously stated.

Mr. VELDE. Mr. Frazier.

Mr. FRAZIER. No questions.

Mr. VELDE. Is there any reason why this witness should not be dismissed?

Mr. TAVENNER. No, sir.

Mr. VELDE. Very well. The witness is dismissed.

Mr. JACKINS. May I ask, am I dismissed for the duration of these hearings?

Mr. VELDE. You are dismissed.

Mr. CAUGHALAN. Can he be excused from the hearing room and not return at all?

Mr. TAVENNER. Yes, you are dismissed.

(Witness was excused.)

Mr. VELDE. Call your next witness.

Mr. TAVENNER. Mr. Will H. Parry, will you come forward, please?

TESTIMONY OF WILL H. PARRY, ACCOMPANIED BY COUNSEL, C. T. HATTEN

Mr. VELDE. Will you raise your right hand, please?

In the testimony that you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PARRY. I do.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. TAVENNER. What is your name, please, sir?

Mr. PARRY. My name—and I answer this and all subsequent questions under protest—is Will H. Parry, P-a-r-r-y.

Mr. TAVENNER. Are you accompanied by counsel, Mr. Parry?

Mr. PARRY. I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. HATTEN. C. T. Hatten. I am an attorney in the city of Seattle.

Mr. SCHERER. Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Before we go any further, what does that say on the button the witness has on?

Mr. PARRY. It says, "Joe must go," sir.

Mr. TAVENNER. Mr. Parry, when and where were you born?

Mr. PARRY. I will confer with counsel, sir.

(At this point Mr. Parry conferred with Mr. Hatten.)

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. I ask that he be directed to answer that question.

Mr. VELDE. Just a minute. The witness has a right to confer with his counsel.

Mr. CLARDY. I appreciate that, but he was asked where he was born and I don't think he should be entitled to filibuster, as he is trying to do.

Mr. VELDE. Nevertheless, he should be given a reasonable time to consult with counsel.

Mr. CLARDY. Counsel wouldn't know that as well as he would.

Mr. VELDE. You know the committee rules, sir.

Mr. CLARDY. I submit sir, I don't think the counsel would know the answer to that any better than he would.

(Upon order of the chairman, gratuitous remarks of witness were stricken from the record.)

Mr. PARRY. I will answer the question that I was born on April 23, 1920.

Mr. TAVENNER. Where?

Mr. PARRY. In the city of Seattle.

Mr. TAVENNER. Have you lived in Seattle continuously since 1940?

Mr. PARRY. I will confer with counsel.

(At this point Mr. Parry conferred with Mr. Hatten.)

Mr. PARRY. I have lived here since 1940, yes, sir.

Mr. TAVENNER. Now, Mr. Parry, the Committee on Un-American Activities has investigated at several places on the west coast the use that has been made of the People's World and that is being made of the People's World. We have heard testimony in San Francisco on that subject, we have heard it in Los Angeles, and we have heard it in San Diego.

In San Diego the committee went particularly into the method of raising funds for the issuance of that publication and discovered, for instance, that a very substantial loan was made by certain methods in that city to enable that paper to function.

The committee desires now to know what use is being made of that publication in the area of Seattle, and it has information indicating that you should be able to tell the committee a great deal about that paper. In fact, the committee has been advised that you held a position with it here.

What position, if any, have you held with the People's World?

Mr. PARRY. I will decline to answer that question on the following grounds: First, that to answer in any way that question would be to become a party to this committee's unconstitutional investigation involving and jeopardizing the freedom of the press, which is protected under the first amendment to the Constitution of the United States; and, second, because that question or a chain or series of questions opened by that question might cause me to be forced by this committee to testify against myself, and therefore I invoke the fifth amendment of the Constitution of the United States of America, the shield of the innocent, sir, in order to be safeguarded from any possibility that I may be compelled to testify against myself.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. Do I understand the witness to contend that the Communist press is part and parcel of the free press?

(At this point Mr. Parry conferred with Mr. Hatten.)

Mr. PARRY. Is that the question, Mr. Jackson?

Mr. JACKSON. That is the question, as explicit as I can make it, yes. Do you consider the Communist press to be a free press?

(At this point Mr. Parry conferred with Mr. Hatten.)

Mr. PARRY. I will confer with counsel.

(At this point Mr. Parry again conferred with Mr. Hatten.)

Mr. PARRY. Mr. Chairman, I will decline to answer that question on the grounds that it is very clearly the previous question in a different form and invades the area protected by the first amendment and on the further grounds that under the fifth amendment of the Constitution of the United States I cannot be compelled to bear witness against myself before any congressional committee.

Mr. JACKSON. In stating whether or not the Communist press was a free press, I cannot conceive that you could in any way incriminate yourself.

However, for the record I think it should be stated very clearly that Mr. David Blodgett, former East Bay correspondent for the Daily People's World, testified that the Communist International, the Communist Party of the United States, the Communist Party State organization in the State of California, did everything except dot the I's and cross the T's as far as the Communist Daily People's World was concerned; that the reporters on that paper were told what to write and how to write and, if they didn't write the way they were told, everything was blue-penciled out. That is not my concept of a free press in a free land.

However, you are entitled to your own opinion, if you so believe.

Mr. PARRY. It is freer than the Hearst press, I bet.

Mr. JACKSON. That, of course, is open to question. I don't think that the Communist is free in any sense of the word and, obviously, its sole purpose in existing is to hand down through the party organization the directives of the Communist International, so that they may know from day to day what right-angle turn has just been taken.

Mr. VELDE. I want to concur with the gentleman from California in that. We have had a great deal of testimony as to how the party line was handed down from Soviet Russia to the American Communist Party and the Communist parties throughout the world.

Mr. CLARDY. Mr. Chairman, may I make an observation?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. The witness made a statement about the Hearst newspapers that I don't think I am going to let go unchallenged. It is perfectly obvious that this witness, along with other members of the Communist Party, has a—

Mr. PARRY. Are you accusing me, sir?

Mr. CLARDY. Will you please subside? I am not asking you any question at all: I am telling you something.

I repeat, it is perfectly obvious that this witness, along with other members of the Communist Party, hates the Hearst newspapers because they have dedicated themselves to the task of routing out people like himself and others who belong to a conspiracy seeking to destroy everything we hold dear.

I can understand full well why you let your spleen and your hatred be vented in what you said, not in answer to a question, but merely in an effort to get across to the audience here the fact that you don't like that newspaper chain. I happen to like it, because I think they

are doing an excellent job that ought to be done by every newspaper in the United States.

And you said something else. You said the fifth amendment was the shield of the innocent. Well, the greatest shield that the innocent have is the truth; and if the Communists who appear here, like yourself, would use the shield of truth, they would be in no danger whatever. It is only when they use the tactics that you are using and that the other witnesses are using that you endanger yourself, as indeed you have thus far.

That is all I have, Mr. Chairman.

MR. VELDE. Proceed, Mr. Counsel.

But first I want to remind the members that we do have a great number of witnesses to be heard. It is getting well into the afternoon, and if it does appear that the witness has answered, refusing to give any information whatsoever, could we possibly keep our questions down so that we may hear as many witnesses as possible?

MR. TAVENNER. Mr. Parry, is the People's World published in San Francisco?

MR. PARRY. I will refuse to answer that question——

MR. TAVENNER. Does it not——

MR. PARRY. Let me finish my answer, please.

MR. TAVENNER. Please go ahead.

MR. JACKSON. You were in the middle of your declination to answer.

MR. PARRY. I refuse to answer that question on the grounds that under the fifth amendment to the Constitution of the United States of America, I am not and cannot be compelled to bear witness against myself.

MR. JACKSON. Mr. Chairman, I ask that the witness be directed to answer the question as to whether the Daily People's World is published in San Francisco.

MR. VELDE. Certainly. There is no way in which the Chair and members can see that an answer to that question would tend to incriminate you under the fifth amendment and under your privileges, so you are directed to answer that question, Mr. Witness.

MR. PARRY. Mr. Chairman, upon the grounds previously stated, I refuse to answer that question; under my rights under the fifth amendment, I am not to be forced to bear witness against myself.

MR. VELDE. Proceed, Mr. Counsel.

MR. TAVENNER. It is my information that one issue a week is dedicated to the Northwest, and that is called the Northwest Edition of the People's World. Am I correct in that?

MR. PARRY. Mr. Chairman, to save the committee's time, I will refuse to answer that and all similar questions involving freedom of speech and freedom of the press under the grounds previously stated, namely, that to do so might compel me to testify against myself, either at that point or at some later point in a series of related questions which would be opened up by that question.

MR. TAVENNER. To what extent, if any, has the Communist Party in Seattle contributed to the publication of the Northwest Edition of the People's World?

MR. PARRY. That is the same type of question and I will give the same answer, sir—that I refuse to answer under my rights, under the fifth amendment to the Constitution of the United States, under which I cannot be compelled to bear witness against myself.

Mr. TAVENNER. Are you at this time the editor of the Northwest Edition of the People's World?

Mr. PARRY. That and all subsequent questions along that line will receive the same answer, sir, and that one specifically at this time I do give the same answer to, namely, that I refuse to answer on the ground that under the fifth amendment to the Constitution of the United States I cannot be compelled to bear witness against myself.

Mr. TAVENNER. Do you know of any employee of the People's World who is not a member of the Communist Party?

Mr. PARRY. No matter how many questions of that sort you ask, sir, I will answer them by refusing to answer on the grounds that to do so might compel me to testify against myself and that under the fifth amendment of the Constitution of the United States of America I am not required to testify against myself.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. PARRY. I will consult with counsel.

(At this point Mr. Parry conferred with Mr. Hatten.)

Mr. PARRY. Just so I am crystal clear, what was the last question?

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. PARRY. I refuse to answer that question on the following grounds: that if I were to answer that question, "Yes," which I have no intention of doing, I would be subjected to possible indictment and imprisonment under the Smith Act; and that if I were to answer that question truthfully, which I have no intention—I do have intention of answering it truthfully—but if I were to answer it "No," and if that were the truth—and I have no intention to give such an answer—then this committee could hail the stool pigeon, Barbara Hartle, or some other stool pigeon back on this witness stand and get them to testify that I was lying and that I would be indicted for perjury. Under such circumstances, I have no alternative but to refuse to answer that question on the ground of the fifth amendment, under which I cannot be compelled to testify against myself.

Mr. CLARDY. You do have an alternative, and that is the truth, sir.

Mr. PARRY. And the fifth amendment is the bulwark of the innocent, and it is a truthful answer when I refuse to answer, relying upon that basic constitutional right, sir.

Mr. CLARDY. I don't agree with you at all, but you are entitled to your opinion.

Mr. TAVENNER. Have you ever been a member of the Communist Party prior to this time?

Mr. PARRY. I will refuse to answer that question, sir, on the same grounds as previously stated, and may I direct an inquiry as to my rights to this committee?

Do I, in order to be protected against possible further charges, have to repeat each time that formula in regard to invoking the fifth amendment?

Mr. VELDE. No. The committee has more or less followed the rule that if you do take refuge under the fifth amendment that you need only answer or refuse to answer on the grounds previously stated, if you have previously stated them under the fifth amendment, or any other grounds that you care to state.

Now will you proceed to answer the question?

Mr. PARRY. May I have the question again?

Mr. TAVENNER. The question is: Have you ever been a member of the Communist Party?

Mr. PARRY. I refuse to answer that question on the grounds previously stated.

Mr. VELDE. Now let me say this: The witness mentioned the fact that he might be subsequently convicted for perjury or for contempt of the Congress. I am certain that no witness who has ever appeared before the House Committee on Un-American Activities, who has answered questions truthfully has ever been subsequently committed to jail or prosecuted for any crime by reason of his answers.

Now I suppose you do not believe me on that, but I assure you it is the truth. However, if you do believe me, would it change your idea about answering this question?

(At this point Mr. Parry conferred with Mr. Hatten.)

Mr. PARRY. Did you ask me a question, sir? I am sorry.

Mr. VELDE. Yes. In view of what I have said, in view of the statement that I have made, will you now answer the question as to whether you have ever been a member of the Communist Party?

Mr. PARRY. No, I will not answer that question. I will refuse to answer on the grounds previously stated.

Mr. VELDE. Do you have anything further, counsel?

Mr. TAVENNER. I have no further questions.

Mr. VELDE. Mr. Jackson?

Mr. JACKSON. I have no further questions.

Mr. VELDE. Mr. Clardy?

Mr. CLARDY. I have no questions.

Mr. VELDE. Mr. Scherer?

Mr. SCHERER. Yes, I would like to make this observation.

Witness, you are wearing a button, a rather large one, which says, "Joe must go." It is my feeling that if persons like you continue to wear such buttons, Joe will never go.

That is all.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. I have one question.

I am sure I understood you to state, Mr. Witness, that this committee was unconstitutional.

Mr. PARRY. I made that statement, yes, sir.

Mr. DOYLE. Now it certainly would not subject you to be a witness against yourself if you tell me your authority for that statement. By what authority do you make that statement?

My records show that our highest courts have held this committee to be constitutional. Now if you have a different authority, tell me what it is.

Mr. PARRY. I will consult with counsel.

(At this point Mr. Parry conferred with Mr. Hatten.)

Mr. PARRY. Counsel advises me that the answer to this question to state the legal grounds upon which I believe this committee to be unconstitutional cannot incriminate me or make me testify against myself, and, therefore, I am glad to do so.

Mr. DOYLE. I am asking you for the court citation. This is a government of laws and not of personal opinion. Now our highest courts have held this committee to be constitutional.

Mr. PARRY. Our highest courts have changed their minds time and time again, and I am confident that when the people demand it they will change their opinion.

Mr. DOYLE. I am asking you what opinion of the high courts—

Mr. PARRY. There have been a number of dissenting opinions in the first place.

I am not a lawyer, sir.

Mr. DOYLE. I know that.

Mr. PARRY. I don't pretend to be versed in the fine points of the law, but I have read the Bill of Rights, and I say that this committee is violating the Bill of Rights and that in its field of jurisdiction—

Mr. DOYLE. Our highest courts have ruled that it does not, and you made a flat statement that the committee was unconstitutional, and that is why I am challenging you to give the citation.

Mr. PARRY. No citizen of the United States has to agree with the courts, high or low.

Mr. DOYLE. Nor obey the law, either, according to your opinion?

Mr. PARRY. I didn't say that, and you know I didn't

Mr. DOYLE. That is what you are getting at.

Mr. PARRY. That may be your opinion.

Mr. DOYLE. It is very clearly my opinion.

That is all.

Mr. CLARDY. Mr. Chairman, may I ask a question on that same line?

Mr. VELDE. All right, Mr. Clardy.

Mr. CLARDY. Witness—and I am deadly in earnest about this: If you do not have and did not have in mind any citation of any court in the land which held, in effect, that we were without constitutional authority to function—I say if you did not have that in mind, then how could you truthfully have told us that we were without constitutional authority? It is obvious to me and it must be to you that you knew that you were uttering a falsehood when you said that, since you have now said that you are not a lawyer and have no citation in mind, and you obviously did not. It seems to me you ought to reconsider all of the answers that you have given thus far, because if this, sir, is the test to be applied to determine and assay the truthfulness of everything else that you have said, then you have deliberately falsified every answer that you have given us, as is evidenced by what you have said.

That is all I have, Mr. Chairman.

Mr. VELDE. Mr. Frazier.

Mr. FRAZIER. Mr. Chairman, there is nothing to be gained by questioning this witness further. I suggest that we dismiss him.

Mr. VELDE. The Chair concurs with the gentleman from Tennessee. If we have nothing further, the witness is dismissed at this time, and we will stand in recess.

(Witness was excused.)

(Whereupon, at 3:20 p. m., the hearing was recessed to reconvene at 3:35 p. m.)

(Whereupon, at 3:40 o'clock p. m., the hearing was reconvened.)

Mr. VELDE. The committee will be in order.

Proceed, Mr. Counsel.

Mr. TAVENNER. Mr. Eugene V. Dennett, will you come forward, please, sir?

**TESTIMONY OF EUGENE V. DENNETT, ACCCOMPANIED BY COUNSEL,
KENNETH A. MacDONALD**

Mr. VELDE. Will you raise your right hand, please?

In the testimony that you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DENNETT. I do.

(Witness takes the stand in the process of knitting and continues knitting during his testimony.)

Mr. VELDE. You may be seated.

Mr. TAVENNER. What is your name, please, sir?

Mr. DENNETT. Eugene Victor Dennett—named after Eugene V. Debs.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. DENNETT. Yes, sir.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. MACDONALD. Kenneth A. MacDonald. I am an attorney at law in Seattle.

Mr. TAVENNER. What is your occupation besides knitting, Mr. Witness?

Mr. DENNETT. Steelworker, sir.

Mr. TAVENNER. How long have you been engaged in business as a steelworker? How long have you been so employed?

Mr. DENNETT. Since about 1942, I think it is.

Mr. TAVENNER. When and where were you born?

Mr. DENNETT. Revere, Mass.

Mr. TAVENNER. When?

Mr. DENNETT. April 26, 1908.

Mr. TAVENNER. Where do you now reside?

Mr. DENNETT. In the city of Seattle—7324 34th Avenue SW.

Mr. TAVENNER. How long have you lived in Seattle?

Mr. DENNETT. Most of the time since 1932.

Mr. TAVENNER. Did you serve in the Armed Forces at any period?

Mr. DENNETT. I did.

Mr. TAVENNER. When was that service performed?

Mr. DENNETT. I was inducted into service in August of 1943 and received an honorable discharge in October of 1945.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. DENNETT. I graduated from high school in Oregon. I graduated from the Oregon Normal School, which was a 2-year school at that time and has since been converted to a 4-year teachers' college; and I took additional work at the University of Oregon, both in residence at Eugene and later at Portland.

Mr. TAVENNER. Have you had any other educational training?

Mr. DENNETT. Some in the Army—Army administration.

Mr. TAVENNER. Have you attended any other schools other than those you have mentioned?

Mr. DENNETT. I can't think of any right now.

Mr. TAVENNER. Will you tell the committee, briefly, please, what your work record has been; that is, your record of employment—where and how you have been employed, say, since 1935.

Mr. MACDONALD. May the witness confer with counsel?

Mr. VELDE. Surely.

Mr. TAVENNER. You may confer with counsel at any time.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Upon advice of counsel, my answer is this: In 1935 I was employed on the waterfront. I worked on these freight boats on Puget Sound.

Mr. TAVENNER. How long did you continue in that employment?

Mr. DENNETT. I was in that employ, outside of representing the union in various activities—there was an association of waterfront employees—it isn't the Pacific coast association, it was a local association; and each of the operators of freight boats at that time belonged to this association, and our union had collective-bargaining agreements with the association, and therefore the employment was with all of them really. However, my first employment there was with the Puget Sound Freight Lines.

Mr. TAVENNER. Yes. Now my question was, how long did that employment continue?

Mr. DENNETT. That continued until—off and on, I said, except for periods when I was representing the organization in other union work. It continued on until my employment with the present employer. But there were many different employers in between there.

Mr. TAVENNER. You state that you were connected with certain union activities. What did you have reference to there?

Mr. DENNETT. May I confer, please?

Mr. TAVENNER. Yes.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Counsel advises me that I should be able to answer, so I will do my best.

Please repeat the question, sir.

Mr. TAVENNER. You referred to having been engaged in certain union activities.

Mr. DENNETT. Yes, sir.

Mr. TAVENNER. And my question was, to what did you refer?

Mr. DENNETT. Yes, sir. In 1935-36, there existed in the Pacific Northwest an organization known as the Maritime Federation of the Pacific. I was a member of the Inland Boatmen's Union, and in that capacity had been elected a number of times to represent the organization as a delegate to other bodies. I was a delegate to the Maritime Federation of the Pacific, District Council No. 1, which was the Northwest council in Seattle. I was also a delegate to the Coastwise Convention. I was also a delegate to the Central Labor Council. At that time our organization was affiliated with the American Federation of Labor.

Subsequently, when the labor movement split and the CIO was organized, I, being one of those who had advocated industrial form of organization, was expelled from the Central Labor Council, along with many others who likewise suffered that same disciplinary action, and then was subsequently elected a delegate to form what was known as the Seattle Unity Council, and there I was the executive secretary of the Seattle Unity Council. It was comprised of both A. F. of L. and CIO unions, attempting to heal the breach which was developing.

At the end of the year 1938—by 1938 it became clear that the split was irrevocable, could not be stopped, and at that time the council

was reduced in affiliation to only CIO locals; and, subsequently, petition was made for a charter and it was chartered as a CIO council, as such.

Immediately after that, in 1938, a statewide convention was called—

Mr. TAVENNER. Let me interrupt you there, please.

Mr. DENNETT. For the organization of the State CIO council, and I was elected a delegate to that and served as an officer of it. That is all.

Mr. TAVENNER. Did the Communist Party, to your knowledge, play any part in the split that you describe, which resulted in a formation of the CIO?

Mr. DENNETT. May I confer with counsel, please?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Counsel advises me to attempt to answer.

Please repeat the question.

Mr. TAVENNER. Will the reporter read the question?

(Question read.)

Mr. DENNETT. I believe, sir, the answer to that would have to be that it was common knowledge among all persons that the Communist Party did have an attitude on the question.

Mr. TAVENNER. What was that attitude?

Mr. DENNETT. Well, I believe that they were favorable to the organization of industrial organizations. I believe that was the case. At least I was always under that impression.

Mr. TAVENNER. Were you active as an individual in promoting the work of either group?

Mr. DENNETT. What do you mean by "either"?

Mr. TAVENNER. You have described this split which occurred and I gained the impression from what you said that you were compelled to resign from one group that you were associated with and that you became a member of the second group. Isn't that substantially correct?

Mr. DENNETT. No, that isn't quite the way it happened in my case.

Mr. TAVENNER. Will you describe it then?

Mr. DENNETT. You see, the Inland Boatmen's Union, of which I was a member at that time, was in itself an industrial form of organization already, and it had accomplished that organizational form within the framework of the American Federation of Labor, and its members looked upon that form of organization as the only practicable form for them and felt that since it was true for them that it probably was true for workers in like circumstance elsewhere. Therefore they gave all the moral support they could to this idea—this organization of which I was a member and which I was representing in various AFL councils at that time.

It so happens that the history will show that those organizations of the A. F. of L. were somewhat tolerant and lenient toward us through 1935, until the A. F. of L. convention, at which time those participating in CIO activities were ordered out of the A. F. of L.; and among those ordered out were practically all the waterfront unions. But to the best of my recollection, the union of which I was a member—I don't recall exactly what did happen, as to whether they were ordered out or not; I don't recall that as a matter of historical

fact, and I might give you some wrong impression if I were to say one thing or the other.

However, among the officers from whom we delegates obtained our direction, and from the members it was deemed advisable to not attempt to participate any further in the A. F. of L. council as an organization for the reason that the interests seemed to be somewhat in conflict and our members felt that it wasn't worth becoming involved in that kind of an argument and instead joined with the other organizations on the waterfront and elsewhere which were attempting to develop CIO organization.

So I don't know whether that is a satisfactory answer or not, but that is as near as I can give you.

Mr. MACDONALD. Mr. Counsel, may I speak for a moment with Mr. Dennett in an effort to elaborate in a small way the testimony that he has just given to clear up any possible confusion?

Mr. VELDE. Yes, you are privileged to speak with your client.

(At this point Mr. MacDonald conferred with Mr. Dennett.)

Mr. DENNETT. The point counsel reminds me of is that I used the expression "our" and that there might be some misunderstanding as to what that means.

I was referring there to the membership of the Inland Boatman's Union and to the officers of that union.

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

Mr. MACDONALD. Would you state the date, Mr. Tavenner?

Mr. TAVENNER. At the time that the witness has described.

Mr. DENNETT. You are speaking of 1935?

Mr. TAVENNER. At the time that you have described your activities.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. After properly conferring with counsel, sir, I find that I have to invoke the privileges of the fifth amendment of the Constitution for the reason that to continue to testify along this line and to answer this specific question might tend to incriminate me; and I feel, sir, that it is just one of those ironical pieces of legislation and ironical interpretations of law by the courts which blocks witnesses from testifying freely on matters which they would desire to testify on but fear subsequently later becoming involved in a contempt citation, because your next questions would obviously be in a direction that would give us that trouble.

Mr. VELDE. Mr. Witness, the only way that you could possibly be involved in a contempt citation is by your refusal to answer questions, as I see it. You might, if you told a lie, be involved in a perjury charge, if you answered the questions.

The Chair has the impression that possibly you might be of great value to the committee's work if you would see fit to cooperate with your Federal Government and the House of Representatives and with this committee. Of course that may be only an impression.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Mr. Chairman, after conferring with my counsel, I wish to make this explanation to you. It is quite different than anything you have heard before, I believe——

Mr. SCHERER. That will be refreshing.

MR. DENNETT. It is refreshing, and it is rather unusual. But may I make this statement by way of explanation to you, that you may understand what is the fact?

Recently, sir—and, gentlemen, I have been brought up on charges and tried within my local union, the United Steelworkers of America, Local Union, 1208, of which I am presently a member and of which I have been an officer during the past 4 years.

MR. CLARDY. Do you mean charges dealing with the subject under inquiry here?

MR. DENNETT. Yes, sir. Yes, sir. And, as a consequence, some decisions were made against me at that time, and also some statements were subsequently made about me, which I contend to be false; and, therefore, I have pending in the superior court of King County a libel action against those persons who have committed what I consider to be libel against me.

Now, under the circumstances—also in view of the fact that although the decision of the local union was partly in my favor and partly against me—but those who accused me have appealed to the international executive board for further action against me—I think that in this situation it is unfair to either them or myself—I mean the accusers or myself—to review all of this matter here when it is going to be aired in the superior court in King County. Under those circumstances, I believe, sir, that the fifth amendment clearly applies to me, as well as the right of the court to have prior jurisdiction.

I wish it were possible for me to testify in every respect; I wish it were so, because I would like to correct the public record on many, many things. But, under the circumstances, upon advice of counsel, I am compelled to resort to invoking my privileges under the fifth amendment to not incriminate myself.

MR. VELDE. I would like to ask the witness this question and then I will yield to the gentleman from California.

If you were assured that the testimony you gave here would not conflict with any lawsuits that are pending at the present time or any hearings before your local union to expel you from the union, would you then testify and give us truthful answers regarding the questions asked?

MR. DENNETT. I am sorry. I couldn't quite hear you.

MR. VELDE. If you were assured that the answers you gave to questions which are submitted to you here by counsel and members of the committee would not interfere with the actions of your local or the lawsuits that are now pending, would you then give us a truthful answer to the question as to your Communist Party activity?

MR. DENNETT. Let me confer with counsel on that.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

MR. DENNETT. Upon advice of counsel, my counsel is very much of the opinion that in the event I understood to answer in the form in which you suggest that I would still have to invoke the fifth amendment privileges in order to protect myself against possible incrimination. I just wish it weren't so, but that seems to be the general legal counsel and it seems to be the general opinion of all competent legal advisers that I have discussed the matter with, and I have discussed it with many, including my present counsel.

MR. VELDE. Of course it is very disappointing to me that you feel that you must take that attitude.

I yield to the gentleman from California, Mr. Jackson.

Mr. JACKSON. The witness has volunteered testimony to the effect that certain charges were leveled against him in connection with his activity in a given union. I believe it has already been read into the record, but I should like to ask whether or not those activities dealt with allegations relative to Communist Party activities?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. I am having difficulty remembering just exactly the precise thing that you are referring to.

(At this point Mr. Dennett again conferred with Mr. MacDonald.)

Mr. SCHERER. Mr. Jackson, will you yield for a moment—not for a question but for an observation?

Mr. JACKSON. Yes.

Mr. SCHERER. The witness, in my opinion, has already said that the charges did deal with Communist Party activities in response to a question asked him by Mr. Clardy. I think that is already in the record; he has admitted that the charges involved in the union hearing related to Communist Party activities on his part.

Mr. VELDE. The Chair concurs in that. I think Mr. Clardy made that very clear.

Mr. JACKSON. That is precisely the reason I am again asking the question, so that it will be perfectly clear in the record that such allegations were made and did result in certain actions by the union.

Is the understanding of the committee correct that these charges relative to Communist activity did play a part in the action taken by your local?

Mr. DENNETT. It would be hard to answer that in the precise form in which you indicate you desire an answer, sir, and I think that my remark here was to the effect that the general subject matter is what was referred to; and I tried not to be too specific on it, sir, because it involves allegations, you see, and therefore, I don't believe that I could properly conform with your thinking as to your jurisdiction.

Mr. JACKSON. Were the allegations to the point that you had been or were a member of the Communist Party?

Mr. DENNETT. I have to confer with counsel, sir.

Mr. JACKSON. Very well, confer with counsel.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. VELDE. At this point, the Chair has other business to attend to, so I am forced to leave. I appoint the gentleman from California, Mr. Jackson, as chairman, and I note that there is a quorum present.

(At this point Mr. Velde left the hearing room.)

Mr. DENNETT. Upon advice of counsel, I can reply in this fashion, sir—that I must decline to discuss that question, as such, on the basis of my privileges under the fifth amendment.

Mr. SCHERER. Mr. Chairman.

Mr. JACKSON. Mr. Scherer.

Mr. SCHERER. I ask you to direct the witness to answer that question.

Mr. JACKSON. Yes, in the light of the answer already in the record, the witness is directed to answer the question now pending.

Mr. DENNETT. Sir, I feel compelled, under the circumstances, to invoke the fifth amendment privileges.

Mr. JACKSON. Under what compulsion?

Mr. DENNETT. I feel, sir, that, were I to answer, it might tend to self-incrimination, which is my privilege under the fifth amendment to not so testify.

Mr. JACKSON. The committee understands that full well. However, the committee, I am sure, does not consider that the matter of your personal libel action is of any concern to the committee in the pursuit of its duties. Therefore, I should like to ask one more question, relative to these charges, upon which it is my understanding that you have based a libel action.

Mr. DENNETT. No, sir. May I correct that?

Mr. JACKSON. Yes, of course.

Mr. DENNETT. The libel action grew out of something which occurred after the decision of the local union trial committee, and I am of the firm conviction that things which transpired prior to that will have a bearing upon the suit in court, itself, and therefore I feel that it would be contrary to jurisdiction of law for me to testify here at this time when it is going to come up.

Mr. CLARDY. Mr. Chairman, may I inquire at this time?

Mr. JACKSON. Mr. Clardy.

Mr. CLARDY. As I understand it, the action you are talking about is a civil action instituted by you, is that correct?

Mr. DENNETT. I believe that is what it is called.

Mr. CLARDY. There is no action of a criminal nature pending, dealing with the subject we are discussing, am I right?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. To the best of my knowledge, no.

Mr. CLARDY. Very well. Is the nature of the civil action one in which you are accusing someone else of having libeled you by identifying you as a member of the Communist Party?

I am seeking to know the basis for your action, and since it is already filed, as a matter of public knowledge, we can probably obtain the declaration, but it will hasten the matter if you will tell us what it is.

Mr. DENNETT. Well, sir, I hesitate to impose upon the committee by asking you a question.

Mr. CLARDY. Don't do it then. Just answer the question.

Mr. DENNETT. But, you see, there is more involved in it than that.

Mr. CLARDY. Well, give me the substance of the accusation, the charge, if you please, that you have leveled in your declaration or whatever you may term it in the court where it is filed?

Mr. DOYLE. You might even give us the number of the action.

Mr. CLARDY. Yes. If he doesn't answer that question, I intend to pursue it so that we can get the documents before us and find out.

Mr. JACKSON. One at a time, gentlemen.

Mr. SCHERER. I don't think we need to get the documents. I think he must answer.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Sir, upon advice of counsel, I will identify the civil action for you. I do not have the case number that it is filed under, but it is under the title of Dennett versus Blair Furman, international representative.

Mr. JACKSON. How do you spell that name?

Mr. DENNETT. F-u-r-m-a-n.

Mr. CLARDY. In his individual as well as his representative capacity?

Mr. DENNETT. Yes, sir—and against James McCarthy, and against Robert L. Ferguson.

Mr. CLARDY. Then, Witness, I think before asking that question, we should tell you this.

In view of the fact that this is purely a civil action and in view of your flat statement that there is no criminal proceeding involved, any answer that you might give as to the Communist Party connections you may have, as are embodied in the civil action that you have discussed, could not in any way possibly have incriminated you, as an action instituted by yourself, so when I ask this next question I wish you would bear that in mind.

Is it not true that the basis for the action that you have described by the title of Dennett versus Furman is that you have been libeled by being called a member of the Communist Party, among other things?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. I have to confer with counsel. I am sorry to take the time.

Mr. CLARDY. Counsel may advise you on your constitutional rights.

Mr. DENNETT. Do I understand your question, sir, that—

(At this point Mr. MacDonald conferred with Mr. Dennett.)

Mr. DENNETT. Counsel suggests that you repeat the question.

Mr. CLARDY. If you didn't know what the question was, what were you conferring with counsel about?

Mr. DENNETT. I think I know.

Mr. CLARDY. I think you do. Please answer it.

Mr. MACDONALD. I ask that the question be read.

Mr. CLARDY. I am not addressing you at all. Under the rules, you have no right—

Mr. MACDONALD. I repeat, sir, I will ask again to have the question read.

Mr. CLARDY. The witness says he understands the question.

Will you answer it?

Mr. DENNETT. Mr. Chairman, I will do my best to answer the question, according to the advice of counsel. Counsel, however, has suggested that for purposes of everyone understanding clearly what the situation is that we have the question repeated. I think it would help.

Mr. JACKSON. Very well. Read the question.

(Question was read.)

Mr. DENNETT. Now, sir, advice of counsel is that I can answer that question now.

That issue was not involved at all. That is not the basis of the libel action.

Mr. JACKSON. Is there any accusation of any kind made by you in this suit that you have been wrongfully identified as a member of any organization?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Sir, upon advice of counsel, we believe that the proper answer to that question is "No."

Mr. CLARDY. Then suppose that you tell us exactly what the basis for the action may be?

Mr. DENNETT. Sir, I have to confer with counsel, because this counsel has advised me all the way through on this, and I think that I must have that advice.

Mr. CLARDY. Go right ahead. We haven't even slowed you down.

Mr. JACKSON. The Chair will state at this time that as long as the witness has declared that the matter which is the subject of interrogation in this hearing, according to the witness, is not the matter in the libel action which he has introduced, unless there is an affirmative vote from the members of the committee to further pursue the matter of this case the Chair will ask the witness to suspend in his answer.

(Mr. Dennett has been conferring with Mr. MacDonald.)

Mr. DOYLE. Mr. Chairman.

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. I feel, Mr. Chairman, that you are right in your ruling. Unless the issue of subversive activities or the Communist Party is involved in the civil suit which the witness has filed, I don't see where it is pertinent.

Mr. CLARDY. I will explain, Mr. Doyle.

The point I am getting at is that he has raised the fifth amendment a little bit earlier, and now he has very clearly, in my opinion, by the answers he has given, made it clear that there is no danger of any possible incrimination, no matter what your answer may be, I say, on the basis of the record that you yourself have made, and therefore I have gotten this far because I want to ask this question.

Are you now or have you ever been at any time a member of the Communist Party?

Mr. DENNETT. Sir, that question makes it very simple. The answer to that has to be—under the circumstances it has to be that I invoke my privileges under the fifth amendment to decline to answer for the reason that I think that it might tend to incriminate me.

Mr. JACKSON. Let me say again what the chairman of the committee has said several times today: You are under no compulsion to answer the question.

Do you decline to answer the question that has just been asked?

Mr. DENNETT. The compulsion I am thinking of, sir, is the logic involved in it.

Mr. Jackson. Yes; but we are interested in the legality involved in it.

Do you so decline to answer that question?

Mr. DENNETT. I do, sir: upon advice of counsel, I invoke the privilege of the fifth amendment to not give testimony which might tend to incriminate me.

Mr. CLARDY. Before I surrender, I just want to ask the Chair to direct him to answer that on the basis of having, I think, as I have previously stated, cut the ground out from under his feet on the fifth amendment.

Mr. JACKSON. The Chair will issue such a direction that the witness answer the last question.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Sir, it is my feeling that in the answers I have given you, I have replied to questions which do not—the answers to which do not in anywise involve self-incrimination. I feel that the privilege of the fifth amendment has to be invoked on the questions which you are now raising, because it is my further understanding that if a witness fails to use them on any question which might tend to incriminate, that from then on the witness is obliged to continue to reply, no

matter how painful. I desire, sir, to not become involved in that kind of situation.

Mr. CLARDY. You are invoking the fifth amendment and refusing to answer then?

Mr. DENNETT. Yes, sir.

Mr. CLARDY. Very well. That is all.

Mr. JACKSON. Let us get this last declaration clearly on the record.

You were directed to answer the question, and it is my understanding that you declined to answer the question on the grounds of the fifth amendment; is that correct?

Mr. DENNETT. Yes, sir.

Mr. JACKSON. Very well.

Mr. SCHERER. Mr. Chairman.

Mr. JACKSON. Mr. Scherer.

Mr. SCHERER. By injecting the libel suit into the questioning in this matter, we have gotten away from the principal question which has never been answered.

Isn't it a fact now, Witness, that you were expelled from the union because of Communist Party activities?

Mr. DENNETT. Sir, the question which has just been asked has a certain error in fact, which I wonder if the questioner is aware of.

Mr. SCHERER. I will ask you what part of my statement is not true?

Mr. DENNETT. Well, you made a statement, sir, to the effect that I was expelled from some union. I wonder what you are referring to there?

Mr. SCHERER. What were you expelled from?

Mr. DENNETT. Well, I haven't been expelled from a union, sir.

Mr. SCHERER. What did happen?

Mr. DENNETT. Now there we are getting into the same area again.

Mr. SCHERER. It is my recollection that you testified that you were expelled.

(At this point Mr. MacDonald conferred with Mr. Dennett.)

Mr. DENNETT. There must be some confusion, sir.

Mr. SCHERER. What did you testify to, then?

Mr. DENNETT. What is it that you are referring to?

Mr. SCHERER. What happened between you and your union?

Mr. DENNETT. Which union are you referring to now?

Mr. SCHERER. You know what union I am referring to—the one with which you had difficulty.

Mr. DENNETT. Well, I am not sure, sir, because you haven't identified it.

Mr. SCHERER. All right. Which union have you been expelled from or suspended from or did you have trouble with?

Mr. DENNETT. That is the difficulty. Your statement has an error of fact in it. I have not been expelled from a union.

Mr. SCHERER. What has happened to you?

Mr. DENNETT. I have to confer with counsel now, sir.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Sir, let us try to get the record straight on this.

I think you are referring to the current situation, that is, my relations in the Steelworkers' Union.

Mr. SCHERER. I am referring to your testimony of just a few minutes ago, before you led us away from that subject and started to discuss

the libel suit, which now has nothing to do with your difficulties with the union.

I specifically remember that you said that charges were preferred against you by a union. I don't remember which union it was, but that is your testimony.

Mr. DENNETT. If you are referring to that, sir, then you must be referring to the developments within the United Steelworkers of America, local 1208, and, if you are, sir, I was not expelled from the union.

Mr. SCHERER. Is it not a fact that those charges referred to Communist Party activities on your part?

Mr. DENNETT. No.

Mr. SCHERER. What did they refer to?

Mr. DENNETT. Sir, that raises a very interesting item, and I hope that my remark will not be misconstrued.

If we had a clear definition here as to what constituted subversive activity, we might know what you are talking about.

Mr. SCHERER. Did the charges refer to subversive activities then—as a Trotskyite or as a member of the Communist Party, or anything else?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Upon advice of counsel, my reply to you must be and is that I invoke the privileges of the fifth amendment to not give testimony which might tend to self-incrimination, and to advise that that information you are asking about is obtainable as public information.

Mr. SCHERER. Then I can draw no other conclusion from the statement you made, when you injected the words "subversive activities," but that the charges must relate to subversive activities. Am I in error about that?

Mr. DENNETT. I will take the fifth amendment, sir, if I may.

Mr. SCHERER. You are invoking the fifth amendment?

Mr. DENNETT. Yes.

Mr. JACKSON. And you are declining to answer the question?

Mr. DENNETT. Yes, sir.

Mr. SCHERER. Now did you have a hearing before the union on those charges?

Mr. DENNETT. The matter is still pending, sir.

Mr. SCHERER. Did you have a preliminary hearing?

Did you have any kind of a hearing?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Yes.

Mr. SCHERER. You were under oath at that time, were you?

Mr. DENNETT. Yes.

Mr. SCHERER. Who administered the oath?

Mr. DENNETT. A court reporter that took the transcript of the trial.

Mr. SCHERER. Was it a union proceeding?

Mr. DENNETT. Yes, sir.

Mr. SCHERER. All right. Now let me ask you this one question.

At that hearing, did you testify, make a statement—of course, nobody in the union proceeding has authority to administer an oath.

Mr. DENNETT. This was an official court recorder for the superior court that was called in to take the transcript of testimony—every thing—a person that was qualified under the law of the State of Washington to administer oaths.

Mr. SCHERER. She may be qualified, but there is no right of any person to administer an oath in a proceeding before a union.

Mr. DENNETT. It was done.

Mr. SCHERER. Well, if it was done, you couldn't have been held for perjury for any misstatement or false statement you might have made.

Now did you testify at that hearing?

Mr. DENNETT. Upon advice of counsel, sir, I invoke the privilege of the fifth amendment for the simple reason that if we opened this thing up at all—I have read the Congressional Record for May 11, 1954, and I see what has happened to a good many other persons.

Mr. SCHERER. I am not asking you what you testified to. I am merely asking you if you testified in this hearing that you had, resulting from charges brought against you by the union. I am merely asking if you testified.

Mr. DENNETT. That is getting into the substance of the subject, however.

Mr. SCHERER. Mr. Chairman, I request that the witness be directed to answer the question as to whether or not he testified.

Mr. JACKSON. The witness is directed to answer the question.

Mr. DENNETT. I must decline and claim my privileges under the fifth amendment.

Mr. JACKSON. Do you so decline?

Mr. DENNETT. Yes, sir, on the grounds of the fifth amendment—self-incrimination.

Mr. SCHERER. Isn't it a fact that at that time you did testify and you were not knitting?

Mr. MACDONALD. May we have one question at a time?

Mr. DENNETT. The second question is in error.

Mr. SCHERER. That is all.

Mr. JACKSON. Do you have any further questions, counsel?

Mr. TAVENNER. Yes.

When was the trial or hearing held by your union?

Mr. DENNETT. I don't know, sir, whether I can give you the exact date or not.

Mr. TAVENNER. Give us the approximate date.

Mr. DENNETT. I will see if I can look it up.

Mr. TAVENNER. The approximate date will be satisfactory.

(At this point Mr. MacDonald conferred with Mr. Dennett.)

Mr. TAVENNER. If you can, give us the month and year.

Mr. DENNETT. I have a note, sir, in my little private diary of Saturday, the 27th day of February.

Mr. TAVENNER. What year?

Mr. DENNETT. 1954.

Mr. TAVENNER. Did you, during the course of your hearing, make an admission that you had been a member of the Communist Party, although you were not at that time a member of the Communist Party?

Mr. DENNETT. May I, sir, take the shortest possible way of invoking the fifth amendment privileges in this case, in this answer?

Mr. TAVENNER. Do you refuse to answer the question on the grounds of the fifth amendment? Is that the position that you are taking?

Mr. DENNETT. I feel, sir, that my only protection is to invoke the privilege of the fifth amendment against self-incrimination.

Mr. TAVENNER. Weren't you expelled from the Communist Party in 1947 or 1948?

Mr. DENNETT. I invoke the privilege of the fifth amendment, sir, because of the possibility of self-incrimination.

Mr. JACKSON. And you decline to answer the question?

Mr. DENNETT. I decline to answer the question for that reason.

Mr. TAVENNER. A report by the district executive board, District Review Commission of the Northwest district of the Communist Party, addressed to all members of the Communist Party, a copy of which was introduced in evidence as Barbara Hartle exhibit No. 1, shows that you were expelled from the Communist Party.

Now you and your counsel were given this document to examine this morning after it was introduced in evidence.

Had you ever seen it before it was handed to you this morning, that is, the document, Barbara Hartle exhibit No. 1?

Mr. DENNETT. Counsel wishes to look at it, sir.

(At this point Mr. MacDonald examined the document.)

Mr. DENNETT. Upon advice of counsel, sir, I decline to answer, invoking my privilege under the fifth amendment against self-incrimination.

Mr. TAVENNER. I will read one paragraph from the document, which is as follows:

A long record of unprincipled factional attacks upon the party leadership; of beating his chest and posing as the one and only guardian and defender of a correct party policy, while at the same time associating with known Trotskyites; together with the erratic, unstable, and disruptive conduct of Harriet Dennett over an equally long period of time, has finally landed them fully in the camp of FBI informers, Trotskyite scum, red-baiters, and every other enemy of the Communist Party and the working class.

Do you recall that language having been used in action taken by the Communist Party in regard to you?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Sir, upon advice of counsel, I must decline to answer your question, sir.

But one thing must be clear. I have never been an FBI informer or agent, and I am sure that anybody with an ounce of sense knows better than to make such a statement.

Mr. CLARDY. By that statement you are impliedly answering that you are or were all the other things that were mentioned.

I will again ask the same question that counsel asked you.

Mr. DENNETT. There might be some dispute as to the interpretation you make.

Mr. CLARDY. None whatever. I am asking you the same question in view of what you have said.

Mr. DENNETT. I am not sure that I follow you there, sir.

Mr. Clardy. You have, by saying that you were never a member of the FBI informers' staff, or whatever you called it; impliedly admitted that you were all the other things covered by the paragraph. Now I am asking you to again answer the same question that was submitted by Mr. Tavenner?

Mr. DENNETT. I am afraid that that question has a little bit of a catch to it, sir; and, while I am declining to answer it on the basis of the fifth amendment, I trust that you understand, as well as everyone else, that by doing so I am not in the least accepting your affirmative position with respect to interpretation.

Mr. JACKSON. May the Chair say at this time that we have taken a considerable amount of time with this witness? We have several other witnesses whom we hope to conclude with this afternoon, so it would be appreciated if we could move along on the direct questioning by counsel.

Mr. TAVENNER. What was the attack upon the leadership of the Communist Party which was alleged in this document to have been made by you?

Mr. DENNETT. I decline to answer, sir, on the basis of the fifth amendment, privileges against self-incrimination.

Mr. TAVENNER. Did you not become definitely identified at a very short period after that action by the Communist Party with an organization known as the Socialist Workers' Party, frequently referred to as a Trotskyite organization?

Mr. DENNETT. On this sir, I invoke the privilege of the fifth amendment and decline to answer on the grounds of possible self-incrimination, without any construction such as is implied in your question.

Mr. TAVENNER. There has been handed to you and to your counsel earlier today Barbara Hartle exhibit No. 2, which is a certification by the Secretary of State of Washington of records of the Socialist Workers' Party, and the last page, filed on September 17, 1952, gives the names of the list of signers, constituting the nominating petition for the Socialist Workers' Party of September 9, 1952.

I will ask you to examine it again and state whose name appears as item 17 thereon.

(At this point Mr. MacDonald examined the document.)

Mr. TAVENNER. It is the last page.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Sir, a slight correction: This instrument speaks for itself; it is a photostat from public records, and the name that you are referring to, I think, is 18.

Mr. TAVENNER. Well, what is No. 18—if I have made a mistake? Whose name appears as No. 18?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. TAVENNER. It is the last page of the document. The number appears on the margin. It is very easy to see.

(No response.)

Mr. TAVENNER. May I ask the witness to look at the last page? I noticed counsel this morning had a different page.

(At this point Mr. Dennett and Mr. MacDonald examine the page indicated by counsel.)

Mr. TAVENNER. Whose name appears as item 17?

Mr. DENNETT. Sir, upon advice of counsel, I answer that the instrument speaks for itself.

There seems to be some peculiar thing about it.

Mr. SCHERER. Mr. Chairman.

Mr. JACKSON. Mr. Scherer.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. JACKSON. The witness is directed to answer the question.

Mr. DENNETT. I must confer with counsel.

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Upon advice of counsel, sir, my reply is that I decline to answer for the reason that the fifth amendment gives me the privilege to not give testimony of self-incriminating nature.

Mr. JACKSON. The Chair cannot see how reading the name would incriminate you.

However, what does appear on the line in question, Mr. Counsel?

Mr. TAVENNER. The name appearing opposite the figure 17 is Eugene V. Dennett.

Mr. DENNETT. There is some discrepancy on that copy—on the other copy.

Mr. TAVENNER. What was your address September 9, 1952?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. My counsel has something on his mind, sir.

(At this point Mr. MacDonald conferred with Mr. Dennett.)

Mr. SCHERER. Mr. Chairman, the duty of counsel in this case is to advise a client as to his legal rights—not to tell him what to testify to.

Mr. DENNETT. My counsel isn't doing that, sir. My counsel is giving me legal advice.

Mr. MACDONALD. I assure you that I am not telling him what to testify to. The rules say that I can give him legal advice, and that is exactly and precisely what I am doing. If you have anything to the contrary, I would be glad to hear it.

Mr. JACKSON. Proceed with your conference.

Mr. TAVENNER. Will you now please tell us what your address was on September 9, 1952?

Mr. DENNETT. Upon advice of counsel, sir, I invoke the privilege of the fifth amendment and decline to become involved in any testimony which might tend to incriminate myself.

Mr. TAVENNER. Will you examine page 11 of the document and examine line 3 from the bottom, and state whether or not that is your signature—a copy of your signature?

(At this point Mr. MacDonald examined the document.)

Mr. TAVENNER. I notice that you have not examined the document that I handed you.

Mr. DENNETT. Yes, I have, sir; I have looked at it.

My answer, sir, is that I decline to answer under the grounds of the fifth amendment, because to answer might tend to lead to self-incrimination; under the fifth amendment, I claim the privilege to not give testimony of that character.

Mr. JACKSON. Mr. Counsel, is there any further useful purpose to be served in further examination of this witness?

Mr. TAVENNER. I think not, other than to ask him one question.

Mr. JACKSON. Very well. Proceed.

Mr. TAVENNER. Are you now a member of the Communist Party?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Upon advice of counsel, sir, I am going to answer that question "No."

Mr. TAVENNER. When did you cease to become a member?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. SCHERER. Mr. Chairman, this is not funny. The witness and his counsel have been laughing continuously.

Mr. JACKSON. Evidently it is a humorous matter, as far as the witness is concerned, but I assure him that it is not humorous as far as the committee or the country is concerned.

Mr. DENNETT. I appreciate that it is a very serious matter that is under discussion; I appreciate it very much.

Mr. JACKSON. It has not been reflected in your conduct on the witness stand.

However, there is a question pending. Let us proceed.

Mr. MACDONALD. This is the one man who has cooperated with this committee. You asked for cooperation.

Mr. JACKSON. Will counsel kindly refrain from making these remarks.

Mr. CLARDY. Mr. Chairman, I will ask that counsel be ejected from the room if he says one more thing.

Mr. MACDONALD. This witness—

Mr. JACKSON. Just a moment. Counsel will please refrain from entering into a debate or a discussion about it. I am sure that he is familiar with the rules of the committee. It is not the desire of the chair or the committee to unduly infringe on any right he may have. However, under the rules of the committee, counsel is not permitted to engage in any argument with the committee members. I hope that counsel will observe that ruling.

Mr. DENNETT. Sir, the reason that I saw a somewhat element of humor was because counsel for the committee stated that he was going to ask one question and, as soon as he got through asking the one question, he went on to another.

Mr. CLARDY. Because you didn't answer.

Mr. DENNETT. I did answer, sir; I did answer. That was the humorous part.

Mr. JACKSON. That is the prerogative of counsel.

It seems, Witness, that the humor of the whole thing struck you the moment you took the stand, so it precedes by a long time anything that counsel has done lately.

It is the prerogative of counsel to ask 1 more or 10 more questions, as your answers seem to indicate the necessity.

Proceed, Mr. Counsel.

Mr. TAVENNER. Will you answer the question, please?

(At this point Mr. Dennett conferred with Mr. MacDonald.)

Mr. DENNETT. Under the fifth amendment, sir, I invoke the privilege of declining to answer, because to answer might tend to incriminate me.

Mr. SCHERER. Mr. Chairman, may I ask a question at this point?

Mr. JACKSON. Mr. Scherer.

Mr. SCHERER. You stated that you are not a member of the Communist Party now. Were you a member of the party yesterday?

Mr. DENNETT. Sir, I think that you will recognize why I invoke the privilege of the fifth amendment to that question—because it is obviously leading to something else, and I think that it is clear to everyone that the only protection I have is to invoke the fifth amendment against possible self-incrimination; so I therefore do so and decline to answer your question very respectfully, sir.

Mr. JACKSON. Very well. Proceed.

Mr. TAVENNER. Are you now a member of the Socialist Workers' Party?

Mr. DENNETT. Sir, do you want to shorten this up by my saying I decline to answer—

Mr. TAVENNER. Just answer.

Mr. DENNETT. My answer is that I decline to answer on the basis of the fifth amendment, because of possible self-incrimination.

If there is a shortened form that the committee will accept, I will be glad to use it.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Mr. Clardy?

Mr. CLARDY. No questions. But may I make this suggestion, Mr. Chairman?

The file in *Dennett v. Furman* may have some information which may lead to some further questions in a possible executive session when we may have better control, and maybe he won't bring his knitting along.

Mr. DENNETT. I bring it everywhere, sir.

Mr. CLARDY. Mr. Chairman, I ask that the witness be dismissed from the stand and be continued under subpoena.

Mr. JACKSON. Yes; the Chair agrees that this should be gone into further. The subpoena will therefore be continued and counsel may confer with counsel for the committee as to time and place.

Are there any further questions?

Mr. SCHERER. Mr. Chairman, I would like to make this observation in connection with this witness.

Often complaints have been made that witnesses appearing before this committee do not have the same rights that witnesses do when they appear in a courtroom. Let me say that, at least in the court-rooms I have practiced in, if a witness had come before the court and taken the witness stand and knitted as this witness has done, the judge, within a very few minutes, would have found a comfortable cell—and I don't mean a Communist cell—for the individual to continue his knitting. He is clearly in contempt of this committee as he would have been in contempt of the court.

Mr. CLARDY. I think he was so advised by his counsel, from the look on his face.

Mr. MACDONALD. Sir?

Mr. CLARDY. Never mind.

Mr. MACDONALD. If you were making comments about me, I can call—

Mr. CLARDY. You heard me. Please subside.

Mr. MACDONALD. Yes, I heard you, and I object to your assertion, sir.

Mr. JACKSON. The committee will be in order.

Mr. DOYLE. Mr. Chairman.

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. I note that counsel stated, that is, witness' counsel, that this witness endeavored to cooperate with the committee, and I take counsel at his word. I am a lawyer, so in asking this question I made that preliminary statement for the benefit of counsel and the witness.

I ask you this question, Witness, very earnestly and sincerely: If you were not presently involved in the difficulties you have related so far as any union is concerned, and the lawsuit which you have named—if you were not presently involved in those difficulties and you had been asked this line of questions as to whether or not you had been a member of the Communist Party, would you then still plead the fifth amendment, or would you waive that and answer the questions without placing yourself behind the fifth amendment?

(At this point Mr. MacDonald conferred with Mr. Dennett.)

Mr. DENNETT. Sir, the question you raise is a question which has given me a cause to do a great deal of reflection, and I tried to figure out what would be the proper thing to do. The present circumstances are such that I can only answer with respect to the present and, under the present circumstances, it appears to me, after conferring with counsel, that the only course I can take at the present time is the course that I have taken.

Now I am aware that your question indicates the possibility that in the event there wasn't any pending litigation and no question involving the local organization, that that might create different circumstances, and certainly it might. I cannot say what I would do under those circumstances, but I think that I might be under less restraint than I am at the present moment; I think that would be the case.

My feeling, sir, is that it is grossly unfair for me to set about naming a lot of people who may, in all their innocence, and everything else, have become entangled in something that they wish they had not been entangled in. It is very possible that the line of questioning might lead in that direction, sir. It might hurt people in important public office, and I think that it is grossly unfair for me, as a person, to subject anybody to that kind of thing because, in so doing, I might involve myself in some fact or some information which might tend to be self-incriminating.

Mr. DOYLE. I think you have answered my question.

Of course I just assumed, in asking you that question, that you, as a labor leader, were well aware of the press release made by Walter Reuther during our Flint hearings, in which he advocated very specifically that all members of CIO, if possible, waive the fifth amendment and testify in cooperation with this committee. And I will bring that statement by Walter Reuther, Mr. Chairman, and read it into the record.

I want to suggest this to you, sir. Granting that what you say may have a lot of merit to it, you know, as well as I do, that there has been and still is today a very definite Communist Party conspiracy in this country, and I am always hopeful that you labor leaders will place the interests of your country ahead of a little personal inconvenience and embarrassment and help expose that. That was the purpose of my question—to see whether or not you would come to the conclusion that you would cooperate with the Government on that basis, if you were not involved in the two situations in which you apparently rely on now as the reason why you plead the fifth amendment.

Mr. DENNETT. Congressman Doyle, I appreciate the purport of your question, and I think that the very way in which you pose it indicates that you are as aware as many other persons that there are political implications to activities of investigation—they can be used for political purposes. I do not desire to become so involved, sir, and I think that if I were to become so involved that that might tend to incriminate me.

Mr. DOYLE. I heard you, but I hope that you get around to thinking of putting the interests of your own country, as against the Communist conspiracy, ahead of even some political implications. I hope that you will come to that before too long, Mr. Dennett.

That is all, Mr. Chairman.

Mr. JACKSON. If there are no further questions of this witness, he will be dismissed at this time.

(Witness was excused.)

Mr. JACKSON. Before the committee recesses until tomorrow morning, some communications have been received which we wish to acknowledge and read into the record.

The committee is very happy to have received the following telegram, which refers to the leaflet that was mentioned in this morning's session.

Mr. DOYLE. You mean the yellow sheet?

Mr. JACKSON. The yellow sheet; yes.

(See appendix for communication.)

Mr. JACKSON. I am sure that the members of the committee join with me in extending thanks for that information.

Mr. DOYLE. Mr. Chairman, in view of the fact that this morning I invited whatever union Mr. Kirkwood was a member of to come forward and state whether or not it was done with the authority of that union, I wish to say that the telegram that our distinguished chairman read, signed by James Willoughby, port agent, Marine Cooks and Stewards, A. F. of L.—I wish to compliment the leadership of that A. F. of L. union in so promptly accepting the committee's invitation to disavow the contents of the yellow sheet and to compliment the members of this committee.

(See appendix for communication.)

At this time the committee will stand in recess until 9 o'clock tomorrow morning.

(Whereupon, at 4:45 p. m., the hearing was recessed, to reconvene at 9 a. m., Tuesday, June 15, 1954.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE PACIFIC NORTHWEST AREA—Part 4 (SEATTLE)

TUESDAY, JUNE 15, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.

PUBLIC HEARING

AFTERNOON SESSION¹

The Committee on Un-American Activities met, pursuant to recess, at 2:05 p. m., in 402, County-City Building, Seattle Wash., Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Clyde Doyle, and James B. Frazier, Jr.

Staff members present: Robert L. Kunzig, counsel; Frank S. Tavenner, Jr., counsel; William A. Wheeler, investigator; and Thomas W. Beale, Sr., chief clerk.

Mr. VELDE. The committee will be in order, please.

Will you proceed, Mr. Counsel?

Mr. TAVENNER. Yes.

Mr. Melvin W. Kirkwood, will you come forward, please, sir?

TESTIMONY OF MELVIN W. KIRKWOOD, ACCCOMPANIED BY COUNSEL, C. T. HATTEN

Mr. VELDE. Will you raise your right hand and be sworn, please?

Mr. KIRKWOOD. Before I take the oath—

Mr. VELDE. Will you raise your right hand and be sworn?

Mr. KIRKWOOD. I have a question with regard to counsel. I think it is only right for me to ask it. Then I will be very happy to take the oath.

Mr. VELDE. I repeat, Witness, will you take the oath?

Mr. KIRKWOOD. I believe before I should be expected to take the oath—

Mr. CLARDY. Mr. Chairman, regular order.

Mr. VELDE. Regular order.

Mr. CLARDY. I ask that the witness be compelled to take the oath or take the consequences.

Mr. VELDE. Do you refuse to take the oath?

Mr. KIRKWOOD. I will take the oath.

Mr. VELDE. Then raise your right hand.

¹ During the morning session, testimony of Barbara Hartle was heard, which is printed in pt. 2 of these hearings.

In the testimony that you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KIRKWOOD. I do.

Mr. VELDE. You may be seated.

Proceed, Mr. Counsel.

Mr. TAVENNER. What is your name, please, sir?

Mr. KIRKWOOD. If you please, sir, I have a question with regard to counsel that I would like to ask before I proceed, if I may.

May I have the privilege of asking the question?

Mr. CLARDY. Mr. Chairman, I suggest that counsel should first identify himself for the record.

Mr. HATTEN. My name is C. T. Hatten. I am a member of the bar in the city of Seattle.

I would also like to address a question, if I could, particularly with regard to the fact that I have been excluded from the hearings.

Mr. VELDE. Not until the witness is identified. And it depends on whether or not the witness will answer the questions directed to him or whether he refuses to answer the questions directed to him.

Mr. KIRKWOOD. May I have the privilege of my question, please?

Mr. VELDE. Proceed.

Mr. KIRKWOOD. My question is, because of the fact that I am an ordinary workingman and have had no legal training, I have serious doubts but what I might have a little disadvantage when it comes to handling certain legal questions that may arise in this hearing.

Mr. VELDE. You have an attorney.

Mr. KIRKWOOD. I do.

Mr. VELDE. And he is a qualified attorney, is he not of the bar of the State of Washington? You will have the opportunity to confer with him at any time you care to.

Mr. KIRKWOOD. The remainder of my question is—the main part of my question is, does my attorney—is my attorney allowed to speak in my behalf on legal questions that might arise in this hearing?

Mr. VELDE. Of course not. As you well know, the committee has certain rules regarding the right of the witness to counsel. You have a right to confer with counsel at any time you desire on questions of law, questions of constitutional rights.

Mr. KIRKWOOD. Then I am to understand that I am not to have full use of my legal counsel, is that correct?

Mr. VELDE. Will you proceed, Mr. Counsel, to identify the witness before we proceed further?

Mr. KIRKWOOD. I don't believe my question has been fully answered.

Mr. TAVENNER. What is your name, sir?

Mr. KIRKWOOD. I will answer under protest, but I believe it is only fair that my question be answered. It has been set aside.

Mr. TAVENNER. Your counsel is fully informed of the rules of this committee.

Mr. KIRKWOOD. By the way, what are the rules of the committee? I am not fully informed.

Mr. CLARDY. Mr. Chairman, regular order.

I ask that the witness be instructed to answer the question and to refrain from making comments or from asking questions.

Mr. VELDE. Certainly. The witness is directed to answer the question and give his identity.

And may I say to you, Mr. Witness, that upon your refusal to answer the question as to your identity, the committee will certainly take up the matter of a citation for contempt.

Mr. KIRKWOOD. I am aware of that.

Mr. CLARDY. Will you please subside and hold your peace? You have no question pending at the moment other than as to your identity.

Mr. KIRKWOOD. This is very easy for you fellows with 5 of you against 1. After all, I'm ill at ease.

Mr. VELDE. Order, please.

Mr. KIRKWOOD. I will give you my name, if it is necessary.

My name is Melvin W. Kirkwood.

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

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. I still do not know the rules of this committee. The point I was trying to raise—

Mr. CLARDY. Mr. Chairman, I again ask that the witness be instructed to answer the questions or refuse to do so that we may take the proper steps.

Mr. KIRKWOOD. I don't think the point—

Mr. VELDE. Will you let me say this to you, Mr. Witness? We have some witnesses who are called before this committee who can give us valuable information to help us in the work that we are directed to do and we cannot argue too long with you.

I ask you as a man and as a patriotic citizen, if you are one, to answer the questions of the counsel and members of the committee in the best way that you know how without a long harangue.

Now I direct you to answer the question as to where you were born.

Mr. KIRKWOOD. Well, there is no doubt about my patriotism, sir. If you will ask me to speak on that, I would be very happy to tell you.

Mr. VELDE. I asked you to answer the question.

Mr. KIRKWOOD. I haven't had a very important question put to me. I do not know the rules of the committee, I have not been issued a book of rules, and I think it is only right—

Mr. CLARDY. Mr. Chairman, regular order.

Mr. VELDE. Let us have regular order.

Mr. KIRKWOOD. Am I being denied the privilege of reading the rules?

Mr. VELDE. Answer the question, Mr. Kirkwood, as to where you were born.

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. SCHERER. Mr. Chairman.

Mr. VELDE. Just a minute. He may confer with counsel.

Mr. KIRKWOOD. Well, I have a legal objection to answering any question of this committee.

Mr. SCHERER. Now, Mr. Chairman, may I be heard?

Mr. VELDE. No, Mr. Scherer. The witness has not answered the question.

Mr. SCHERER. I understand that he has not answered.

Mr. VELDE. The gentleman from Ohio is not recognized until the witness gets a chance to answer the question.

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. Well, I would ask this question. Am I to be the only one not to receive a copy of the rules of this committee? I did not receive a copy of the rules.

Mr. SCHERER. Mr. Chairman, may I be heard?

Mr. KIRKWOOD. The gentleman over there apparently does not want this question answered.

Mr. VELDE. Does the witness refuse to answer the question as to his place of birth?

Mr. KIRKWOOD. I am asking a question.

Mr. VELDE. I repeat, does the witness refuse to answer the question as to his place of birth?

Mr. KIRKWOOD. I was born in Nome, Alaska, in the year 1912.

Mr. VELDE. The Chair now recognizes the gentleman from Ohio.

Mr. SCHERER. It is too late now.

Mr. VELDE. Very well. Proceed, Mr. Counsel.

Mr. DOYLE. May I make just one statement, Mr. Chairman?

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. I wish the record to show that I recall that the distinguished legal counsel of Mr. Kirkwood was also counsel yesterday, and I presume that, as a member of the bar appearing before this committee, the counsel, now counsel for Mr. Kirkwood, is familiar with the committee's rules, because they were available yesterday; they were distributed in the room yesterday, and I surmise that the rights of the witness are well known to his legal counsel.

Mr. HATTEN. May I answer that?

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. The Chair recognizes the gentleman from Michigan.

Mr. CLARDY. I want to point out to the witness and to his counsel that it makes no difference whether you have read the rules or not. As the hearing proceeds, you will be asked questions. If there is any doubt in your mind as to whether under your constitutional rights you are bound to answer or not, you may confer with your counsel, as we have told you. Beyond that, you have no additional rights whatsoever.

Now you have no business at all attempting a filibuster as you are doing now and, if you proceed, I shall ask—

Mr. KIRKWOOD. Are you putting words in my mouth?

Mr. CLARDY. Be still until I have finished.

If you proceed with this, I shall formally ask the committee to cite you for contempt, because I want the record to show at this time that in my considered judgment you have deliberately attempted to disrupt the actions of a committee of the Congress, and if you persist in it I shall do exactly what I said I would do.

Now if you don't understand those instructions, confer with your counsel.

Then I ask, Mr. Chairman, that we get on with the business of the hearing.

Mr. KIRKWOOD. It seems to me—

Mr. CLARDY. Never mind. There is nothing addressed to you at the moment.

Mr. KIRKWOOD. I think it is only right—

Mr. VELDE. Will you proceed, Mr. Counsel?

Mr. KIRKWOOD. Now the committee—

Mr. VELDE. There is no question pending at the present time.

Mr. KIRKWOOD. This gentleman has made some very severe statements and charges, Mr. Chairman.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. TAVENNER. Mr. Kirkwood, where do you now reside?

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. I live at 5106 Fifth Avenue NE. I answer that question——

Mr. TAVENNER. In Seattle?

Mr. KIRKWOOD. In Seattle, zone 5.

I answer that question only under protest, because I recognize that coming out of the hysteria around this committee, it is likely that there might be hoodlum attacks around the house that belongs to my mother, which would disturb her as well as me—and it's mostly her that I'm worried about.

I wanted to state that at this time, to make it clear that I answer this question under protest for those reasons.

I still have a legal objection which I would like to state, if I may, if you don't mind.

Mr. CLARDY. The witness has answered the question, Mr. Chairman. There is no objection to be made after he has answered.

Mr. VELDE. Yes. You must not consider yourself privileged beyond other witnesses who appear here, Mr. Kirkwood.

And let me say this to you now: We would like to obtain some information from you relative to our work here. However, if you do continue making these violent outbursts, these voluntary statements that have nothing whatsoever to do with the questions asked you, the Chair will be forced to ask the deputy sergeant-at-arms, the police officers here, to remove you from the hearing room.

(At this point Mr. Hatten conferred with Mr. Kirkwood.)

Mr. TAVENNER. What is your occupation?

Mr. KIRKWOOD. May I consult with counsel for a moment, please?

Mr. VELDE. Certainly.

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. Would you mind repeating the question, sir?

Mr. TAVENNER. What is your occupation, Mr. Kirkwood?

Mr. KIRKWOOD. I am a longshoreman on the Seattle waterfront, working out of the longshore pool, which is, you might say, a permit—on a permit basis.

Mr. TAVENNER. How long have you been engaged in work of that character?

Mr. KIRKWOOD. I would say as an actual member of the pool approximately a year, slightly over a year, but off and on, through extra work out of the fishermen's union, of which I am a member, it has been somewhat longer than that. I don't remember precisely how long.

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. TAVENNER. Do you have a Coast Guard clearance?

Mr. KIRKWOOD. No, sir.

Mr. TAVENNER. Why not?

(At this point Mr. Hatten conferred with Mr. Kirkwood.)

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. I want the record to suggest the fact that this is obviously a filibuster on his part. I want the record to show it clearly, because he has taken an inordinate amount of time to confer with his counsel and there seems to be amusement between the two of them over what they are discussing. I want that in the record because I am prepared to ask for a citation for contempt if it continues one more minute.

Mr. VELDE. Will the reporter please show the conferences between witness and his counsel?

The Chair recognizes the gentleman from California, Mr. Doyle.
Mr. DOYLE. May I make this observation at this point?

I think we ought to go as far as possible in allowing every possible minute necessary for the witness to consult with counsel, and I assume that counsel here is qualified to advise the witness of his legal rights. And I want the record to show that unless there is manifest contempt in the attitude of the witness—I want counsel to take every minute that he feels is necessary, as far as I am concerned, to advise any witness before this committee of his legal constitutional rights.

Mr. VELDE. Mr. Doyle, the Chair generally agrees with you on most of your propositions, but we cannot permit the counsel and witness to confer for so long a time over a very simple question which requires only a very simple answer, and delaying the work of the committee. As you know, we are all busy in Congress; we don't have time to sit here all day and listen—

Mr. DOYLE. I know that, Mr. Chairman, but I hesitate to cut short the time of the distinguished member of the bar before this committee in conference with his client, even though I may not agree with the witness.

Mr. VELDE. Has the witness had sufficient time to confer with his counsel to answer the question or does he refuse to answer?

Mr. KIRKWOOD. I have had more than enough time.

Mr. VELDE. Then will you proceed to answer?

Mr. KIRKWOOD. What was the previous question, please?

Mr. TAVERNER. You stated that you did not have a clearance, a Coast Guard clearance, and I asked you why it was that you did not have one.

Mr. KIRKWOOD. I have to answer that question in this way. It is my conviction that I must answer it in this way: Because I honestly believe that this committee, by what I have learned of its activity in other cities, has as one of its purposes the slapping of a witness—

Mr. CLARDY. Mr. Chairman, I ask that the witness be directed to answer the question and to desist from making propaganda speeches.

Mr. VELDE. Yes, certainly. We have heard enough of this all over the land to know exactly what you are trying to do.

Now I insist that you answer the question "Yes" or "No" or in as simple terms as possible, and you are so directed to do.

Mr. KIRKWOOD. I believe I am stating a legal objection.

Mr. CLARDY. No, you are not, Witness, and you know you are not.

Mr. KIRKWOOD. That is not true. You are putting words in my mouth or thoughts in my mind. I don't think even you can agree—

Mr. CLARDY. You have been directed to answer the question. Now proceed to do so and desist from the party line tactics, Witness.

Mr. KIRKWOOD. Well, I have no other choice than to answer this question in the following way: that I consider this question irrelevant on the grounds of the first and fifth amendments.

Mr. CLARDY. Very well.

Mr. SCHERER. Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. He has not invoked the fifth amendment properly because he considers the question irrelevant. He must refuse to answer claiming the fifth amendment.

Mr. CLARDY. He has counsel there. If he doesn't know how to invoke it properly, I am certainly not going to help this witness.

Mr. KIRKWOOD. I am very sorry if I made a misstatement.

Mr. CLARDY. No, you are not, and you know you are not.

Mr. KIRKWOOD. I would certainly appreciate the chairman instructing Mr. Clardy—

Mr. CLARDY. You have been scurrilous enough in the document that you have circulated. I shall not, as far as I can help it, indulge you to do any more as long as I am on the committee.

Mr. VELDE. Let me first ask, did you circulate this document that is presently before this committee?

Mr. KIRKWOOD. Pardon me, sir?

Mr. VELDE. Did you circulate this document? Did you sign it?

Mr. KIRKWOOD. I believe there is a question. Is there not a question before me?

Mr. VELDE. Will you answer the question?

Mr. KIRKWOOD. Now I have two questions before me.

Mr. VELDE. Do you have any question as to the document that I am referring to?

Mr. KIRKWOOD. Well, now I am confused. I will have to consult with counsel now. I have two questions before me.

Mr. VELDE. You may consult with your counsel.

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. Is the previous question waived or has it been answered because of the objections of—

Mr. VELDE. I will waive all previous questions that have been asked.

Mr. SCHERER. Mr. Chairman.

Mr. VELDE. Just a minute, Mr. Scherer, please.

Mr. SCHERER. I have tried four times now to get the floor.

Mr. VELDE. I will certainly give you the floor when I get through.

I want to hand you a document which is purportedly signed by you, Witness, and ask whether or not this is your signature?

Mr. CLARDY. Or a reproduction of it?

(At this point Mr. Kirkwood examined the sheet referred to and then conferred with Mr. Hatten.)

Mr. DOYLE. Mr. Chairman, I think the record should show—

Mr. VELDE. Mr. Doyle, there is a question pending.

Mr. DOYLE. I think before the witness answers it, the record should show that he has had the benefit of more than a minute of uninterrupted conference with his counsel.

Mr. CLARDY. Considerably more than that, Mr. Doyle. You are being very generous.

Mr. KIRKWOOD. Well, I would like to point out to these constant objections to my consulting with my attorney. You have to remember I have no legal experience.

Mr. CLARDY. You have been asked if that is your signature and it shouldn't take an attorney to tell you whether it is your signature. You should know that better than he does, and you know it.

Mr. VELDE. The Chair concurs. You can give a very simple answer to that question.

Is it your signature?

Mr. KIRKWOOD. It does happen to be my signature.

Mr. CLARDY. Thank goodness.

Mr. VELDE. Now may I ask you this question?

Are you a member of the Communist—

(At this point Mr. Kirkwood began to confer with Mr. Hatten.)

Mr. VELDE. Will you listen, please?

Are you presently a member of the Communist Party?

Mr. KIRKWOOD. Of course, if I have to answer a loaded question like that, standing on my rights, under the fifth amendment, I refuse to incriminate myself.

This amendment was written to protect the innocent and I thereby stand on the fifth amendment of the United States Constitution.

Mr. VELDE. Have you ever been a member of the Communist Party?

Mr. KIRKWOOD. I obviously must give the same answer as to the previous question.

Mr. VELDE. Do you have anything further, Mr. Counsel?

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Clardy?

Mr. CLARDY. I don't think it would serve any useful purpose, so I pass.

Mr. VELDE. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. Yes; I have a question.

Mr. Kirkwood, this sheet which you have identified, with your signature affixed thereto, did you write that? I mean did you write the language—did you author the language that is over your signature?

Mr. KIRKWOOD. Yes; I wrote the leaflet.

Mr. DOYLE. All of it?

Mr. KIRKWOOD. All of it.

Mr. DOYLE. That is all.

Mr. CLARDY. Mr. Tavenner, did you get the educational qualifications of this gentleman?

Mr. TAVENNER. No, sir; I never got that far.

Mr. CLARDY. Mr. Chairman, I suggest, in view of the language in this document, that it might be well to get that.

Mr. VELDE. Yes; I concur with you on that.

Maybe counsel had better proceed and find out the general background of the witness.

Mr. KIRKWOOD. Well, Mr. Chairman—

Mr. VELDE. Will you let the counsel address the questions?

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. KIRKWOOD. My formal education consists of grammar and high-school education.

Mr. TAVENNER. How have you been employed since 1940?

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. It is a little difficult to go back that far and remember in detail; but in 1940 I was employed as a boatyard worker in Ballard.

In early 1941 through 1945—I should say 1942 until 1945, I was a member of the Armed Forces, for which I volunteered. I went through six amphibious assaults on Japanese-held islands.

Mr. SCHERER. May I interrupt?

Were you a member of the Communist Party when you were a member of the Armed Forces of this country?

Mr. KIRKWOOD. Now are you kidding?

Mr. VELDE. No; he is very serious. I can guarantee you that.

Mr. KIRKWOOD. I can answer that the same way as I answered the previous loaded questions, sir; I can answer them no other way. I stand on the fifth amendment for the reasons previously stated.

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. TAVENNER. Did you come to Seattle immediately upon your being released from the Armed Forces?

Mr. KIRKWOOD. I did, sir.

Mr. TAVENNER. And you have remained in work here since that time?

Mr. KIRKWOOD. I have.

Mr. TAVENNER. Did you prepare the leaflet in question with the help of others?

Mr. KIRKWOOD. No, sir. This is something that I personally felt—seeing that I had been subpoenaed by this committee I felt sincerely and honestly that this committee, judging from my having read about them in the press and elsewhere, intended to put me on the spot; so, to put it very simply, I did some simple research and wrote this myself.

Mr. TAVENNER. I note that you use this language:

If you are a member of the local, take the floor and urge the local to carry out the plan to call stop-work meetings while the Velde committee is here fouling up the air.

Now what plan were you speaking of?

Mr. KIRKWOOD. I have another copy here, sir, if I may refer to it. And it happens to be on white paper. I was not admitted to the hearings previously, but I heard it on TV mentioned as a yellow sheet, which has a double implication.

Mr. CLARDY. Wasn't the yellow sheet the copy that you circulated?

Mr. KIRKWOOD. I was aware of the double inference, which I think was unfair.

Mr. CLARDY. If there was anything unfair about it, I wish it had been deliberate.

Mr. KIRKWOOD. May I have the privilege of reading the entire sheet?

Mr. TAVENNER. No. Just answer the questions, please.

Mr. KIRKWOOD. I believe that the public, having heard so many references to this sheet, might like to hear the entire leaflet read.

Mr. CLARDY. Mr. Chairman, I ask that the witness be directed to confine his answer to the question and not again go afield with a Communist harangue.

Mr. VELDE. Certainly. We are more interested in the question of whether or not you as a—I presume that you are a Communist at the present time; I take that as a conclusion from the evidence that you have given here today. Can you, in this great city of Seattle, cause a work stoppage by circulating such a type of leaflet?

Mr. KIRKWOOD. I had no purpose in causing a work stoppage, Mr. Chairman.

Mr. VELDE. Isn't that what you ask in your leaflet?

Mr. KIRKWOOD. May I explain? If I may have the courtesy of giving my answer to a question that has been asked me, the reference in that particular part of a paragraph—now I notice that only a portion of a paragraph is mentioned here: Longshore local 19—I can't give you the exact date—but some time back, when it was first announced that the Velde committee was planning to come to Seattle, had voted to hold stop-work meetings to protest this meeting.

(At this point Mr. Hatten conferred with Mr. Kirkwood.)

Mr. KIRKWOOD. And my counsel, having a legal mind, points out if they were attacked—

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. That is not a legal question.

Mr. SCHERER. Mr. Chairman, that is just what counsel has been doing all through this testimony. He is advising this man not on legal questions only but on factual matters and telling him what to say, and it was clearly demonstrated by the answer just made by the witness.

Mr. VELDE. The Chair certainly concurs with the gentleman from Ohio in that particular case.

Mr. HATTEN. May I answer that, Mr. Chairman?

Mr. CLARDY. Counsel, you know the rules and you know that you are not permitted to address us; but you may get an opportunity, if I have my way, of answering it at some other tribunal.

Mr. KIRKWOOD. I don't see why counsel should be threatened.

Mr. VELDE. I believe that you know, Mr. Witness, if you treated a court of law this way, you would be removed from the courtroom.

Mr. KIRKWOOD. My dear sir, I am sure you are aware that if I were in a legal court of law, my counsel could speak in my behalf, is that not correct?

Mr. VELDE. Counsel, you may proceed.

Mr. KIRKWOOD. You know it is correct.

Mr. VELDE. Will you please subside?

Mr. TAVENNER. You say there was a plan afoot to cause a work stoppage?

Mr. KIRKWOOD. I did not say any such thing.

Mr. TAVENNER. What did you say?

Mr. KIRKWOOD. I said a motion had been passed. I was given to believe from what I had read in a publication of local 19 that they had voted to hold stop-work meetings and to attend this hearing in force. Having been at the hearing yesterday when even I, as a witness, was not even allowed to come in because I did not have a pass, probably the longshoremen, had one of their members been attacked, would have been forced to stay out in the hall or on the courthouse lawn, which I am sure would—

Mr. TAVENNER. As a matter of fact, you showed your subpoena to the officers and you were permitted to come in, weren't you?

Mr. KIRKWOOD. I was not allowed to come in yesterday because I had not been subpoenaed for that date, and I objected to your doorman—the football player.

Mr. TAVENNER. And then you were admitted, were you not?

Mr. KIRKWOOD. I was not admitted, sir. I was told I could only be admitted on the date subpoenaed. I was not allowed to hear the charges that were made. I had to go across the street and listen and watch on television.

Mr. CLARDY. You were subpoenaed for today and you are here, so that is all that is important.

Mr. VELDE. Yes; and I think our counsel can very well testify that charges were made against you by Mrs. Hartle and you have an opportunity now to deny or admit those charges.

Mr. TAVENNER. Are you acquainted with Mrs. Barbara Hartle?

Mr. KIRKWOOD. Well, in the first place, the people I associate with I don't think would have much respect for me if I admitted to having anything to do with any stool pigeon.

Mr. TAVENNER. Let me interrupt you at that point.

We have received communications here from three unions in which they express their opposition to the use of the fifth amendment by witnesses here, and you say that your associates would not have respect for you.

Mr. KIRKWOOD. My associates.

Mr. TAVENNER. You are evidently not speaking of your associates in the union, are you?

Mr. KIRKWOOD. Yes, I am speaking of my associates in several labor organization—not in the ones from which you have read the telegrams, because I did not circulate this leaflet among those men; I am not working directly with them. I circulated these only among those people with whom I closely work.

Mr. TAVENNER. Were you associated with Mrs. Barbara Hartle in the Communist Party?

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. It is obvious, sir, that I can't answer that. I must stand on the fifth amendment for the same reason that I have before.

Mr. TAVENNER. Mrs. Hartle identified you as a person known to her to be a member of the Communist Party—

Mr. KIRKWOOD. Well, there is all kinds of things stool pigeons can do. They can identify black being white or vice versa very nicely and are believed apparently by this committee—are given all kinds of prompting and help. I was allowed in the hearings this morning and noticed particularly the help that was given Mrs. Hartle when she was on the stand—leading questions: "Now, Mrs. Hartle, is it not true that—?"

Mr. TAVENNER. Was there any statement made by her false to your knowledge?

Mr. KIRKWOOD. Well, I won't answer that question.

Mr. TAVENNER. You won't answer?

Mr. KIRKWOOD. As a matter of fact, I didn't listen to enough.

Mr. SCHERER. Mr. Chairman, I ask that the witness be directed to answer the question.

Mr. VELDE. Certainly.

Mr. SCHERER. As to whether there was any statement made by Mrs. Hartle that was false.

Mr. VELDE. The witness heard the testimony of Mrs. Hartle relative to himself.

Mr. KIRKWOOD. I can do nothing else but stand as I have here.

Mr. VELDE. You are directed to answer.

Mr. KIRKWOOD. I stand on the fifth amendment for the same reasons. It is another loaded question to lead to another question which will involve me further and further until I will be trapped and accused of either perjury or cited for contempt, neither of which I want to happen to me.

Mr. TAVENNER. You can't be trapped for perjury as long as you tell the truth.

Mr. SCHERER. Let us see, Mr. Chairman, whether he will answer this question. Certainly he will answer this one.

Have you ever engaged in any espionage activities on behalf of the Communist Party?

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. SCHERER. I asked you if you had ever been engaged in any espionage activities.

Mr. KIRKWOOD. Your drama moves me very deeply. Your drama moves me very deeply.

Mr. CLARDY. Yes, from the smile on your face, that is very apparent.

Mr. KIRKWOOD. I recognize in that, Mr. Scherer—I presume I pronounce that correctly?—

Mr. SCHERER. That is right.

Mr. KIRKWOOD. Another loaded question. I think it is obvious that I have not been engaged in anything of that sort; otherwise I would have been prosecuted for it.

Mr. SCHERER. Have you? You said it is obvious that you have not.

Mr. KIRKWOOD. For fear that this is leading to another trap, sir, I must refuse to answer for the same reasons that I have not answered previous questions.

Mr. SCHERER. Do you mean that you are refusing to answer as to whether or not you have been engaged in any espionage activities in behalf of the Communist Party?

(At this point Mr. Hatten conferred with Mr. Kirkwood.)

Mr. DOYLE. I think, Mr. Chairman, the record should show that the question was discontinued so that the witness could consult with his counsel, which he has been doing and is still doing.

Mr. VELDE. The record will so show.

Mr. KIRKWOOD. It seems to me that the gentlemen of this committee—and I use the word advisedly—are attempting to make a great deal of my conferring with counsel. I have already told you that I am a simple workingman, that I do not know some of the legal aspects of what might occur.

Mr. SCHERER. Is there any legal problem involved in the question as to whether or not you have been engaged in espionage activities, sir?

Mr. KIRKWOOD. My dear sir, had I ever been engaged in any sort of espionage, I am sure that I would have been prosecuted for it.

Mr. SCHERER. Will you answer the question as to whether you have or have not been so engaged?

Mr. KIRKWOOD. I still refuse on the previous grounds. I think that is a question—

Mr. SCHERER. You have refused to answer on the grounds that it would incriminate you, is that correct?

Mr. KIRKWOOD. You are trying to smear me indirectly by the use of that question, which I fear will lead me into something else; and I certainly, as I have stated, feel that the committee member is well aware that had I been engaged in espionage, you would be aware of it.

Mr. SCHERER. Maybe we haven't found it all out yet.

Mr. KIRKWOOD. My dear sir, I mentioned that I was in the United States Navy for 3½ years.

Mr. SCHERER. But you refuse to tell—

Mr. KIRKWOOD. And I have an honorable discharge.

Mr. SCHERER. Just a minute.

Mr. KIRKWOOD. And I was screened by Navy Intelligence very thoroughly and accepted for naval-intelligence work.

Mr. SCHERER. You have refused to tell us, while you were in the Navy, whether you were a member of the Communist conspiracy or not.

Mr. KIRKWOOD. I think it is obvious to anyone that the insistence of the committee member to put me on the spot with this question is like asking the question "When did you stop beating your wife?"

Mr. SCHERER. I will ask you the question I asked a little while ago.

While you were in the Navy, were you a member of the Communist conspiracy?

Mr. KIRKWOOD. First of all, you are assuming there is a conspiracy of some kind in which I am involved, and I will have to refuse to answer that question, as I have the others. I am sure you are aware

of that; I mean I think that would have occurred to you before you asked me.

Mr. SCHERER. Again you have not answered the question I last asked you as to whether or not you have been engaged in any espionage activities. You said if you had, you would have been prosecuted.

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. If I were charged with a crime or with any sort of espionage in a legal court of law, I would hesitate not at all to answer that question yes or no.

Mr. CLARDY. What would that answer be?

Mr. KIRKWOOD. Well, you are asking two questions in a different way. Isn't that true? You know it, yourself.

Mr. CLARDY. It is inconceivable to me, Witness, that any honest, patriotic American citizen would hesitate for one second to answer that question if he were innocent and had never engaged in espionage against his country. You have convinced me, sir, that possibly you have.

Mr. KIRKWOOD. Mr. Clardy—

Mr. CLARDY. Never mind. I am not asking you any question.

Mr. KIRKWOOD. You made a long statement to me.

Mr. CLARDY. I have no desire to hear anything further.

Mr. Chairman, I ask regular order.

Mr. VELDE. Regular order.

Counsel will proceed to ask further questions.

Mr. TAVENNER. Did I understand you to say that while you were in the Armed Forces of the United States, you were in Naval Intelligence?

Mr. KIRKWOOD. Yes, sir—not directly in the Naval Intelligence unit, but in a photographic unit which was under Naval Intelligence, if you understand what I mean. Certain parts of the Navy were, say, under the Bureau of Aeronautics—certain parts of the Bureau of Aeronautics were under certain sections of the Navy apparatus. My particular work, which was combat photographer with Amphibious Group 3M5 was under Naval Intelligence and I was very carefully screened, very thoroughly screened and was accepted without question from that time on.

Mr. SCHERER. The Rosenbergs were screened, too.

Mr. TAVENNER. At the time you were screened for that service, were you a member of the Communist Party?

Mr. KIRKWOOD. Well, now, are you kidding? You keep popping these questions about Communist Party. I have answered various phases of that question at least a half dozen times.

Mr. TAVENNER. You are trying to draw the inference that there was nothing wrong with your record whatever because you were thoroughly screened. Now I am bringing the question right to the point.

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

Mr. KIRKWOOD. The United States Navy had no reason to believe there was anything wrong with my work. As a matter of fact, one of the last jobs I was entrusted with was going to the Battle of Leyte in what was a top-secret job in the photographic darkroom.

Mr. CLARDY. Mr. Chairman, I ask that the witness be directed to answer.

Mr. VELDE. The witness seems to have a great desire to make a speech.

Let me tell you this, Mr. Witness—will you give me your attention, please?

If you will answer the questions put to you by counsel instead of refusing to answer them—

Mr. KIRKWOOD. I am not refusing. I answer in my own way in my own defense.

Mr. VELDE. Then we will certainly be all inclined to give you a chance to make a speech. But we will not sit up here wasting our time and the time of the Congress in listening to you make speeches in answer to these questions when you refuse to answer the questions.

Now do you understand that clearly?

Mr. KIRKWOOD. It is very curious to me—I heard at least two speeches by one individual on your committee.

Mr. CLARDY. Mr. Chairman, regular order.

Mr. VELDE. Regular order.

Will you answer the question as submitted to you by counsel?

Mr. KIRKWOOD. I have already answered that question, I believe, sir. Or do you have another question?

Mr. TAVENNER. I did not hear your answer, if you gave it.

At the time you stated that you were thoroughly screened for the work in which you were engaged while in the Navy, were you a member of the Communist Party?

Mr. KIRKWOOD. That because it is another phase or another type of loaded question, I decline to answer for the reasons previously stated on the previous questions; in other words, I stand on the fifth amendment, which was originated for the purpose of the protection of the innocent.

Mr. TAVENNER. Now after your return from service to the United States.

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. TAVENNER. Did you engage in any teaching activity in the Pacific Northwest Labor School?

(Mr. Kirkwood continues to confer with Mr. Hatten.)

Mr. KIRKWOOD. No. It is my opinion that the Seattle Labor School which you have mentioned, Mr. Counselor or Counsel, has in some way or another been labeled "subversive" by somebody or other—I am not sure where it was. I think I have heard something about it. I am afraid I am going to answer that question the same as I have previously; rather than incriminate myself or to appear as a witness before myself, I will stand again on the fifth amendment.

Mr. CLARDY. Mr. Chairman, may I ask a question at that point?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Will you listen to me now, please?

(Mr. Kirkwood has been conferring with Mr. Hatten.)

Mr. CLARDY. You don't have to confer with him before I inquire. Wait until I finish.

Do you know whether or not the school in question was subversive?

Mr. KIRKWOOD. Another loaded question, Mr. Clardy.

Mr. CLARDY. It is a plain question, and if you give an honest answer you can't endanger yourself.

Mr. KIRKWOOD. My honest answer to that is that it is another loaded question and I stand on the same grounds as the previous ones.

Mr. CLARDY. My question merely went, Mr. Chairman, to whether he had any knowledge about it.

I ask that he be directed to answer.

Mr. VELDE. You are directed to answer.

Mr. KIRKWOOD. I have answered the question, Mr. Chairman.

Mr. CLARDY. Is that the answer you will give?

Mr. KIRKWOOD. I stand on the grounds of the fifth amendment. I refuse to bear witness against myself.

Mr. CLARDY. Very well.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Jackson?

Mr. JACKSON. I have no questions.

Mr. VELDE. Mr. Scherer?

Mr. SCHERER. I have no further questions.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. I think I heard you say that you circulated this sheet which you have identified as having authored and signed your name to entirely by yourself, is that correct?

Mr. KIRKWOOD. That is absolutely right, sir. I would like to underline that. This was entirely my own idea, my own work—the typing, the mimeographing, and the distribution.

Mr. DOYLE. How many copies did you have typed and distributed?

Mr. KIRKWOOD. I managed to scrape up, I think, a ream and a half of paper, I believe, and ran it off myself. I did not have it typed nor distributed, sir. I distributed them myself and typed them myself.

Mr. DOYLE. That is about 750 sheets, isn't it?

Mr. KIRKWOOD. I would judge that is a pretty accurate estimate.

Mr. DOYLE. I think you said you distributed this amongst the men you worked with?

Mr. KIRKWOOD. That is right.

Mr. DOYLE. And those are longshoremen in Seattle?

Mr. KIRKWOOD. Longshoremen and fishermen and warehousemen who work from the same—

Mr. DOYLE. Are they all members of local 19?

Mr. KIRKWOOD. No; they are not all members of local 19. Most of the men who work the dock, I would judge—and I don't know the accurate figures—but I presume that most men who work the docks are members of local 19.

Mr. DOYLE. Are you a member of local 19?

Mr. KIRKWOOD. No, sir, I am not a member of local 19. I am a member of local 3 of the fishermen's union.

Mr. DOYLE. Were you ever a member of local 19?

Mr. KIRKWOOD. No, sir.

Mr. DOYLE. Are you an officer of the fishermens' union now?

Mr. KIRKWOOD. No, sir.

Mr. DOYLE. Were you ever?

Mr. KIRKWOOD. No, sir.

Mr. DOYLE. What union are you a member of?

Mr. KIRKWOOD. Local 3, the fishermen's union. The Fishermen and Allied Workers it is. I believe it is local 3—the official name.

Mr. DOYLE. At the time you were screened by the Navy, were you asked the question whether or not you were a member of the Communist Party?

(At this point Mr. Kirkwood conferred with Mr. Hatten.)

Mr. KIRKWOOD. At the risk—

(At this point Mr. Hatten conferred with Mr. Kirkwood.)

Mr. DOYLE. I notice that you are conferring with counsel, and that is always your right before you answer a question.

Mr. KIRKWOOD. I am sorry. I was in doubt about this question because my impression is that this might be a loaded question.

Mr. DOYLE. No; there is no load in it. It is a blank cartridge.

Mr. KIRKWOOD. I am afraid, sir, that I will just stand on the fifth amendment, as I have for the previous stated reasons, for fear that there might follow from this some means from which I might be forced to incriminate myself.

Mr. DOYLE. Of course the record will show how you answered the question.

Mr. KIRKWOOD. I am certain it will.

Mr. DOYLE. What discharge did you receive from the Navy?

Mr. KIRKWOOD. Honorable discharge.

Mr. DOYLE. And you said you were in top secret work at Leyte?

Mr. KIRKWOOD. I was on a ship and connected with the Intelligence Department on that ship, and my duty at this particular instance of which I spoke was to make some prints of negatives that had been sent us from the aircraft squadron that had photographed the terrain of the beach that was to be attacked by our forces; and because of the fact that at that time no one of us knew what objectives we were headed for, it was necessary—the Naval Intelligence felt—

Mr. DOYLE. Mr. Witness, I didn't realize that in asking you this question you were going to describe it.

Mr. KIRKWOOD. I wanted to give a full explanation.

Mr. DOYLE. And your part was in top secret?

Mr. KIRKWOOD. Yes; it was top secret.

Mr. DOYLE. It probably is still top secret.

Mr. KIRKWOOD. I wouldn't know.

Mr. DOYLE. Except as you have given it to us today.

(At this point Mr. Hatten conferred with Mr. Kirkwood.)

Mr. DOYLE. Now I have noticed that you emphasized 4 or 5 times today that you were rather an unschooled and uneducated person, not familiar with your legal rights.

Mr. KIRKWOOD. I wouldn't put it quite that way, sir.

Mr. DOYLE. Just let me state this, Mr. Chairman:

As a lawyer I have taken particular pains to notice that this gentleman, in my judgment, not only is pretty well familiar with his legal rights, but he is pretty well acquainted with legal verbiage that we trained lawyers use—and far from being an unschooled and inexperienced man. I submit for the record that his statements and his answers show that he is very well informed.

Mr. VELDE. I think the gentleman is absolutely right, and if you would give us the benefit of some of that information our country would benefit by it greatly.

Mr. DOYLE. And I will say this to you, sir; that while I interrupted my distinguished chairman in order to have the record show that I wanted you to have the fullest possible opportunity to consult with your counsel without interruption, I want it to further show that I consider it quite a compliment, after meeting you and hearing you, to be one of the Members of Congress described by you as a "rat."

Mr. CLARDY. Mr. Chairman, may I point out one thing?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. This witness has testified that he prepared this document himself, with no help from anyone. And he disclaims any knowledge of the law whatsoever. He has made a point of that repeatedly.

Now the language in the document indicates exactly as you have said, Mr. Doyle. I doubt very much whether he prepared it without help from someone or, if he was telling the truth when he said that, then he was perjuring himself when he said the other.

I think we should take that up in executive session. One of the two can't stand.

Mr. KIRKWOOD. Mr. Clardy—

Mr. CLARDY. Never mind. I am not asking you anything.

Mr. KIRKWOOD. Mr. Clardy has made a speech, I believe.

Mr. CLARDY. There is no question pending.

Mr. KIRKWOOD. He has made a statement—

Mr. VELDE. As I mentioned before, if you will give us the benefit of your information concerning Communist activity and subversive activity, then certainly we would all be seriously inclined to allow you to make a speech, but when you take the fifth amendment we cannot waste our time listening to a lot of haranguing here.

Do you have any questions, Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. VELDE. I want to say before we dismiss this witness that I appreciate the fact that he did say that he was the sole person responsible for this diatribe which is on the yellow sheet, because we have received communications from legitimate labor organizations, including the Sailors' Union of the Pacific and including the Marine, Cooks and Stewards, which fully support the work that we are attempting to do here, "rejecting the filthy rag," as is described in the Sailors' Union of the Pacific letter, and as is described in the telegram received from the Marine, Cooks and Stewards—

Rest assured that Mr. Kirkwood and his illiterate language does not speak for the rank and file in the maritime industries.

The witness is dismissed.

(Witness was excused.)

Mr. VELDE. Will counsel call the next witness?

Mr. TAVENNER. Jerry William Tyler.

Mr. VELDE. In the testimony that you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TYLER. I do.

Mr. VELDE. You may be seated.

Mr. TAVENNER. What is your name, please, sir?

TESTIMONY OF JERRY WILLIAM TYLER, ACCCOMPANIED BY COUNSEL, C. T. HATTEN

Mr. TYLER. My name is Jerry William Tyler.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. TYLER. I am, sir.

Mr. TAVENNER. Will counsel please identify himself?

Mr. HATTEN. My name is C. T. Hatten, attorney in Seattle.

Mr. TAVENNER. When and where were you born?

Mr. TYLER. I was born in the town of Shenandoah, Iowa, November 11, 1911.

Mr. TAVENNER. Where do you now reside?

Mr. TYLER. I reside at 4056 Prince Street in Seattle.

Mr. TAVENNER. How long have you lived in Seattle?

Mr. TYLER. Roughly, I think about 12 years.

Mr. TAVENNER. What is your occupation?

Mr. TYLER. May I consult with counsel, sir?

Mr. TAVENNER. Yes.

(At this point Mr. Tyler conferred with Mr. Hatten.)

Mr. TYLER. Mr. Chairman, through my own choice, my own reasoning, I will decline to answer this or any other question of this committee under the rights guaranteed me by the fifth amendment of the Constitution, which, in my opinion, does not hold me duty-bound to testify against myself in any way.

Mr. CLARDY. Did I understand you correctly to say that you are making a blanket refusal to answer any further questions?

Mr. TYLER. This or any other question of a similar type.

Mr. CLARDY. I want the record to be perfectly clear on that, Mr. Chairman.

You don't know what the questions are going to be, but you are not going to answer them under any circumstances, you say.

Mr. SCHERER. Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. I submit that this witness is clearly in contempt.

Mr. JACKSON. Mr. Chairman, I suggest that the witness be excused.

Mr. CLARDY. First let us get the answer to be sure.

Mr. Chairman, I ask you to direct him to answer the pending question.

Mr. VELDE. May we have the question again, please?

Mr. TAVENNER. My question, Mr. Chairman, was this:

Will you please advise the committee as to your occupation?

Mr. VELDE. Now, as I understand it, you have refused to answer that question, claiming your privilege under the fifth amendment?

Mr. TYLER. That is right, sir.

Mr. VELDE. The Chair directs you to answer that question.

Mr. TYLER. You mean you want me to answer this question again, just as if this was the first time it was asked?

Mr. VELDE. Yes, under the direction of the committee.

Mr. TYLER. You mean I am to answer this just as if this was the first time it was asked? Is that what you are driving at?

Mr. JACKSON. You have been directed by the Chair to answer the question again precisely as if you had been asked in the first instance.

Mr. TYLER. I refuse to answer the question under the fifth amendment.

Mr. DOYLE. Mr. Chairman.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. May I ask the witness this question, please?

(At this point Mr. Tyler conferred with Mr. Hatten.)

Mr. DOYLE. Witness, do you hear me?

Mr. TYLER. Yes, sir; I hear you.

Mr. DOYLE. Your answer now that you refuse to answer this question, claiming your rights under the fifth amendment, has been given by you after you have consulted with counsel, hasn't it?

I saw you consulting with counsel.

Mr. TYLER. Well, now, counsel asked me a question here, and I am not quite—

Mr. CLARDY. Mr. Doyle is asking you about the question propounded by counsel.

Mr. DOYLE. You heard our legal counsel's question as to your occupation.

Mr. TYLER. Oh, yes, I heard that.

Mr. DOYLE. And you refused to answer that, and you stood upon your constitutional right under the fifth amendment, is that correct?

Mr. TYLER. That is correct.

Mr. DOYLE. And you made that claim to fifth amendment protection after consulting with your legal counsel by yourself? I saw you consulting with him.

Mr. TYLER. That is correct. Yes, sir.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. The Chair recognizes the gentleman from Michigan.

Mr. CLARDY. May I propound a single question before we excuse the witness?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. So that the record will be clear, when you answered the last question the first time, you appended to your answer the blanket, flat statement that you were not going to answer that question or any further questions on the grounds of the fifth amendment.

Now what I want to know is this—

Mr. TYLER. Oh, no. I didn't mean that.

Mr. CLARDY. Then will you continue to answer the questions from here on out?

Mr. TYLER. Similar ones is what I meant, but—I mean I get fouled up on that language.

Mr. CLARDY. What did you mean, so that the record will be clear?

Mr. TYLER. Any question which I feel might tend to incriminate me or force me to bear witness against myself.

Mr. JACKSON. That is quite a different statement than the one that you made at the outset.

Mr. TYLER. I agree. I am a little fluttery around the edges.

Mr. JACKSON. Very well. I withdraw my request.

Mr. CLARDY. Mr. Chairman, I think we should advise the witness that if he had persisted we would have had no alternative but to cite him for contempt.

Mr. TYLER. It just shows you how easy it is to get in a jam.

Mr. CLARDY. So I suggest that you answer the future questions.

Mr. VELDE. Proceed, counsel.

Mr. TAVENNER. What has been your educational training, Mr. Tyler?

(At this point Mr. Tyler conferred with Mr. Hatten.)

Mr. TYLER. I will have to decline to answer the question with the same reasons as stated before.

Mr. JACKSON. Mr. Chairman, as a matter of proper identification, it seems to me that the question is entirely within the prerogative of the committee, and I request that the witness be directed to answer.

Mr. VELDE. The Chair concurs wholeheartedly. The matter of identification of the witness is essential to this investigation and to this hearing, so you are directed to answer the question.

Mr. TYLER. The reason I hesitate, sir—I have heard of certain educational institutions being cited as subversive, and I am afraid that that would lay me open to some further questions.

I think I should have the protection of the fifth amendment.

Mr. JACKSON. Did you attend any educational institutions which you have reason to believe were subversive?

Mr. TYLER. I will decline to answer for the same reasons as before.

Mr. JACKSON. Did you go to grade school?

Mr. TYLER. I decline to answer for the same reasons, sir.

Mr. JACKSON. Mr. Chairman, I ask that the witness be directed to answer as to whether he had elementary-school training.

Mr. VELDE. The Chair can see no reason why that would incriminate the witness, so you are directed to answer the question, Mr. Witness.

(At this point Mr. Tyler conferred with Mr. Hatten.)

Mr. TYLER. Is this question merely for my formal education, sir?

Mr. JACKSON. Yes; your formal education. At least, that was what I understood counsel to intend.

Am I correct in that assumption, counsel?

Mr. TAVENNER. That is correct.

Mr. TYLER. I wouldn't be able to ask if that is as far as I would have to answer and still have the fifth amendment rights—

Mr. VELDE. Do you refuse to answer, on the ground that it will incriminate you, upon direction by the Chair?

Mr. TYLER. Upon my attorney's advice, I can answer any questions concerning my formal education.

Mr. JACKSON. Witness, your education in elementary schools, if you had such training, is part of your formal educational background.

(At this point Mr. Tyler conferred with Mr. Hatten.)

Mr. TYLER. Well, I finished grade school and high school in the city of Shenandoah, Iowa. That was in 1929 that I graduated from high school. I had 1 year of college in the little town of LeMoyne, Iowa. After that it was the middle of the depression and I wandered around the country for a few years—and I took a little course in a junior college in Modesto, Calif.

That was the extent of my education.

Mr. TAVENNER. Did you conduct a course during the fall term of 1946 at the Pacific Northwest Labor School in Seattle?

(At this point Mr. Tyler conferred with Mr. Hatten.)

Mr. TYLER. I decline to answer the question on the same grounds as before, sir—the fifth amendment.

Mr. TAVENNER. Do you have any knowledge of Communist Party connections and control of the Pacific Northwest Labor School?

Mr. TYLER. I decline to answer on the same grounds, sir.

Mr. TAVENNER. Mrs. Barbara Hartle testified this morning before this committee and, in the course of her testimony, she identified you as a person known to her to have been a member of the Communist Party. Was she correct in her identification of you as a Communist Party member or was she in error about it?

Mr. TYLER. I will have to decline to answer the question on the same grounds.

Mr. TAVENNER. Were you a member of the Communist Party at any time between 1946 and July 1950?

Mr. TYLER. I will have to decline to answer the question on the same grounds.

Mr. TAVENNER. Are you now a member of the Communist Party?

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

Mr. TAVENNER. Have you at any time been a member of the Communist Party?

Mr. TYLER. Same answer, same reasons.

Mr. TAVENNER. I have no further questions.

Mr. VELDE. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. VELDE. Mr. Clardy?

Mr. CLARDY. I have none.

Mr. VELDE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. Yes.

Are you now an officer in any organized labor group?

Mr. TYLER. I decline to answer under the fifth amendment, sir.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. I ask that he be directed to answer that question.

Mr. VELDE. Certainly. There is nothing wrong with being an officer of a labor group. How could that possibly incriminate you?

You are directed to answer the question.

(At this point Mr. Tyler conferred with Mr. Hatten.)

Mr. TYLER. I decline to answer the question on the same grounds, sir, and the questions that might follow—because of questions that might follow.

Mr. VELDE. Mr. Frazier, do you have any questions?

Mr. FRAZIER. No questions.

Mr. VELDE. Nor have I any further questions.

I hope that the committee members agree that we should proceed with the particular witnesses at hand. The first witness we had this afternoon consumed 1 hour, the second witness consumed 15 minutes, and we have gotten no facts about infiltration by the Communist Party in the Northwest area whatsoever. So I suggest that the witness be dismissed—and he is dismissed.

(Witness was excused.)

Mr. VELDE. Call your next witness.

Mr. TAVENNER. Theodore Raymond Astley, will you please come forward?

Mr. VELDE. In the testimony that you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ASTLEY. I do.

I ask that the TV cameras be taken off.

Mr. VELDE. According to the rules of the committee, the witness has the right to ask that he not be telecast during his particular hearing, so I now direct the cameras to be turned off of the witness during the time that he testifies.

Proceed, Mr. Counsel.

Mr. TAVENNER. What is your name, please, sir?

TESTIMONY OF THEODORE RAYMOND ASTLEY, ACCCOMPANIED BY COUNSEL, KENNETH A. MacDONALD

Mr. ASTLEY. My name is Theodore Raymond Astley.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. ASTLEY. I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. MACDONALD. Kenneth A. MacDonald. I am an attorney in Seattle.

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

Mr. ASTLEY. To the best of my knowledge I was born in St. Joseph's Mercy Hospital in Atlanta, Ga.

Mr. TAVENNER. When?

Mr. ASTLEY. April 4, 1920.

Mr. TAVENNER. Where do you now reside?

Mr. ASTLEY. Seattle.

Mr. TAVENNER. How long have you lived in Seattle?

Mr. ASTLEY. Since late 1944 or early 1945. I don't recall exactly.

Mr. TAVENNER. What is your occupation?

Mr. ASTLEY. May I ask that the photographers go ahead and take their pictures and then leave so that they won't interrupt here? It is sort of nerve racking to have these lights in my eyes.

Mr. VELDE. The committee would greatly appreciate it if the still photographers would take any pictures they desire and then desist from taking further pictures while the witness is on the stand.

Mr. TAVENNER. What is your occupation, please, sir?

Mr. ASTLEY. I am a dogger.

Mr. TAVENNER. What do you mean by that?

Mr. ASTLEY. I am a sawmill worker. That is a job in a sawmill.

Mr. TAVENNER. How long have you been so engaged?

Mr. ASTLEY. I have worked in a sawmill now since—I believe, early 1949, roughly. That is correct within a year or so, I believe.

Mr. TAVENNER. How were you employed in Seattle between 1944 and 1949?

Mr. ASTLEY. Well, let me see. In 1944—I don't know; I can't remember exactly when I did come down from Alaska, but I had been stationed in Alaska and was put on temporary duty here in Seattle while I was in the Army. And after that, after I was discharged from the Army, I got a job at the University of Washington as a vocational counselor, and I was on that job until around the middle of 1948, approximately.

Mr. TAVENNER. When did that work at the University of Washington begin?

Mr. ASTLEY. 2 weeks after I was discharged from the Army.

Mr. TAVENNER. And that was in 1944?

Mr. ASTLEY. 1946. I was in the Army here in Seattle from 1944 through 1946.

Mr. TAVENNER. So that from 1946 until 1948 you were a vocational counselor at the University of Washington?

Mr. ASTLEY. Yes.

Mr. TAVENNER. Just briefly, what were your duties as vocational counselor?

Mr. ASTLEY. Well, you are aware of the fact that there was a GI bill of rights, Public Law 346, I believe it was, and then a vocational rehabilitation bill—I don't even recall the number of that—and veterans of World War II were entitled to educational benefits under the GI bill of rights, Public Law 346, and disabled veterans were eligible for educational benefits as part of the vocational rehabilitation; and it was considered necessary, I guess, that there be someone who was familiar with occupations, the titles and names and characteristics of different occupations, as well as the relationship between past educational and experience background and the desires of veterans to avail themselves of their rights under these public laws, and my job was to advise these veterans on their rights and help them in selecting a course of training, either at the university or at a trade school or some type of vocational, on-the-job training, apprenticeship, et cetera.

Mr. TAVENNER. What had your previous educational training been?

Mr. ASTLEY. Well, do you want a summary of my educational background? Is that what you are asking?

Mr. TAVENNER. A brief summary; yes.

Mr. ASTLEY. Well, I went to grade school in Pontiac, Mich.—right across the street from the Pontiac Motor Co.

Then I went to high school also in Pontiac. I graduated from Pontiac High School in 1938.

Then because it was depression and I didn't have very much money, I worked for a year and then I entered Wayne University in Detroit—had my freshman year there.

Mr. TAVENNER. What was the year in which you entered Wayne University?

Mr. ASTLEY. I was there in 1939 and 1940—the school year of 1939-40—and then entered the University of Michigan as a sophomore. I was graduated with a bachelor's degree, A. B. in psychology in January 1943, and went immediately on active duty, having enlisted in the Reserve prior to that time.

And then after I got out of the service—well, while I was in the service—you are asking about qualifications for that job—while I was in the service I also had considerable experience along those lines, since I was a classification and assignment specialist and personnel technician in the Army, and so that most of my Army experience was considered relevant also.

Mr. SCHERER. You said you had your A. B. in psychology?

Mr. ASTLEY. Yes.

Mr. SCHERER. What did you say you are doing now?

Mr. ASTLEY. I am working in a sawmill.

Mr. SCHERER. What type of work do you do in the sawmill?

Mr. ASTLEY. I described it already.

Mr. SCHERER. I missed it.

Mr. ASTLEY. It is called a dogger.

Mr. SCHERER. What are the duties of a dogger?

Mr. ASTLEY. Well, do you want me to describe it or just characterize it?

I will describe it. I don't mind.

Mr. SCHERER. So I understand.

Mr. ASTLEY. You are familiar with the fact that the logs are brought into the sawmill and put onto a carriage which takes them through the saw. Well, the dogger is the person who puts a dog into the log to hold it on the carriage as it goes through the saw.

Mr. SCHERER. How long have you been doing that?

Mr. ASTLEY. I think about a year.

Mr. SCHERER. Is there any particular reason why you are engaged in that specific type of activity in view of your educational background?

Mr. ASTLEY. To earn a living.

Mr. SCHERER. Is there any particular reason why you are earning your living in that way?

Mr. ASTLEY. Well, I don't understand your question.

Isn't it all right for me—

(At this point Mr. MacDonald conferred with Mr. Astley.)

Mr. ASTLEY. I am advised by counsel to say or to suggest that this question might not be pertinent to this inquiry. However, I am quite willing to answer it. I just don't understand what is pertinent about it.

Mr. SCHERER. We have had some testimony on colonization. I don't know whether that applies to you or not, but that is the reason for my question; therefore, I think it is pertinent. I think it arises in the mind of everyone in the audience as to why, with your training and educational background, you have engaged in the type of work that you describe now.

Is there any special reason for it?

Mr. ASTLEY. Well, to earn a living.

Mr. SCHERER. I understand that.

Mr. ASTLEY. You see, the job I had before I went to work in the sawmill, I was fired from it—the job at the University of Washington. I was dismissed—fired, and I was given no reason for it other than incompetence; I was told that I was fired for incompetence. Well, I had no recourse other than to just go off and find another job. You have no protection when you are working on a nonunion job. I had no recourse at all, except to be just fired. There is no job security if you have no union, so I went to work on a job where I could belong to a union and have some protection.

Mr. SCHERER. That answers my question. I think I understand now.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Witness, the chairman and Mr. Scherer, myself and Mr. Doyle were recently on some hearings in Michigan, and it was there developed at some length that a number of people with college degrees had been sent out primarily from the city of New York or its environs by the Communist Party for the deliberate purpose of injecting new life into the party in Michigan, particularly in Flint, and the questions that were being asked you were the result of the information that we picked up there, which demonstrated that it was part of the Communist Party technique to send out what they call colonizers, people with exceptional educational qualification.

I am giving you that explanation so that you will understand. You started out by saying that you didn't see that it was pertinent. Well, it is extremely so, and you have answered in a way up to now—

Mr. ASTLEY. Perhaps if I gave you my whole occupational background, you would understand it better.

Mr. VELDE. I think we do understand that and we appreciate the witness answering in the way that he did.

At this time we shall take a recess for 15 minutes.

(Whereupon, at 3:30 p. m., the hearing was recessed, to reconvene at 3:45 p. m.)

(Whereupon, at 3:45 p. m. the hearing was reconvened.)

Mr. VELDE. The committee will be in order, please.

Proceed, Mr. Counsel.

Mr. TAVERNER. While you were in attendance at the University of Michigan, did you become aware of the existence at the university of a club or branch of the Communist Party known as the Ralph Neafus Branch?

Mr. ASTLEY. I don't recall ever having heard of anything like that.

Mr. TAVERNER. Testimony has been received that there was also an organization known as the Downtown Club of the Communist Party in Lansing. Were you aware of its existence?

Mr. ASTLEY. Never heard of anything like that.

Mr. TAVERNER. Were you a member of any group or club in the Communist Party while in attendance at the University of Michigan?

Mr. ASTLEY. Well, in view of the uncertainty and the—I should say the uncertainty of the application of the fifth amendment—the fact that a person who is testifying is uncertain as to know at what point he may be waiving his rights against self-incrimination, I think that I will have to decline to answer that question, citing the fifth amendment, relying on the fifth amendment provision against self-incrimination.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were in attendance at Wayne University in Detroit?

Mr. ASTLEY. I will have to decline to answer that question on the same grounds.

Mr. TAVENNER. You have been identified by Mrs. Barbara Hartle that while you were at the University of Washington in Seattle you were a member of the branch of the Communist Party at that institution. Was she correct in that statement or was she in error?

Mr. ASTLEY. I will have to decline to answer that question on the same grounds as I have previously stated due to the fact that a person in my position, a witness, is quite uncertain as to how he might waive his rights under the fifth amendment.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were vocational counsellor at the University of Washington?

Mr. ASTLEY. I will have to decline to answer the question under the same grounds.

Mr. TAVENNER. Did you engage in the giving of a course at the Pacific Northwest Labor School in the fall term of 1946?

Mr. ASTLEY. I will have to decline to answer that question on the same grounds.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. ASTLEY. I decline on the same grounds.

You understand what the grounds are. Is that sufficient?

Mr. TAVENNER. Yes, quite sufficient.

Have you at any time been a member of the Communist Party?

Mr. ASTLEY. I decline on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. VELDE. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. VELDE. Mr. Clardy?

Mr. CLARDY. While you were at the University of Michigan, did you know anybody by the name of Myron Sharpe, commonly known as Mike Sharpe?

Mr. ASTLEY. I don't recall ever having known a person by that name.

Mr. CLARDY. Did you know anybody by the name of Edward Shaffer while you were there?

Mr. ASTLEY. No, I don't recall knowing anyone by that name.

Mr. CLARDY. Did you know that there was at one time a branch of the Labor Youth League at the University of Michigan?

Mr. ASTLEY. I don't recall ever having known about the existence of such a league.

Mr. CLARDY. Were you ever a member of the Labor Youth League?

Mr. ASTLEY. Well, there I have already told you that I don't recall the existence of such an organization.

Mr. CLARDY. I didn't limit that to Ann Arbor; I just say at any time were you a member of the Labor Youth League?

Mr. ASTLEY. Then I will have to decline to answer that question on the same grounds of uncertainty as to point of waiver under the fifth amendment.

Mr. CLARDY. When you raise that then, you mean you are not quite certain whether you will incriminate yourself or not, or are you just going to raise it for good measure?

Mr. ASTLEY. No, I don't mean that. I mean that in my mind, I am just refusing to answer the question because I believe that it might tend to incriminate me.

Mr. CLARDY. That is all.

Mr. VELDE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. No questions.

Mr. VELDE. Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. VELDE. Unless there is any further reason why this witness should be continued under subpoena, the witness is dismissed, and he is dismissed.

(Witness was excused.)

Mr. VELDE. At this time the Chair appoints Mr. Jackson as chairman.

Mr. ASTLEY. May I ask a question of the Chair about the subpoena?

Mr. VELDE. As far as your subpoena is concerned, you may consult with the clerk here.

(At this point Mr. Velde left the hearing room.)

Mr. JACKSON. Call your next witness, Mr. Counsel.

Mr. TAVENNER. Margaret Jean Irving.

Mr. JACKSON. Will you raise your right hand, please?

Do you solemnly swear that 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?

Miss IRVING. I do.

Mr. TAVENNER. What is your name, please?

TESTIMONY OF MARGARET JEAN IRVING, ACCOMPANIED BY COUNSEL, JOHN CAUGHLAN

Miss IRVING. Margaret Jean Irving.

Mr. TAVENNER. Are you accompanied by counsel?

Miss IRVING. Yes, I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. CAUGHLAN. John Caughlan. I identified myself yesterday on the record further.

Mr. TAVENNER. Are you a resident of Seattle?

Miss IRVING. Yes, sir.

Mr. TAVENNER. How long have you lived in Seattle?

Miss IRVING. Since the early part of 1946.

Mr. TAVENNER. Miss Irving, you have been identified by a witness here today, Mrs. Barbara Hartle, as Margaret Backlund. Are you also known by the name of Margaret Backlund?

Miss IRVING. Just a moment, please.

(At this point Miss Irving conferred with Mr. Caughlan.)

Miss IRVING. I was once known by the name of Backlund. It is no longer my name.

Mr. TAVENNER. Margaret Backlund was identified by Mrs. Barbara Hartle as having been known to her as a member of the Communist Party. Was she correct in identifying you as a member of the Communist Party?

Miss IRVING. Mr. Tavenner, I would like to answer that question this way:

I believe that this question, in itself, is a violation of the first amendment of the Constitution, which says that Congress shall not abridge the right of the people to free speech and press and assembly, and the courts have held that to apply to free association; and therefore Con-

gress, being unable to legislate and make any laws abridging these freedoms, cannot possibly have a legal right to investigate, because its only power to investigate is to give the grounds for legislation, and I am now relying on the first amendment.

Mr. TAVENNER. Are you assigning now reasons why you will refuse to answer the question?

Miss IRVING. Yes, I am.

Mr. JACKSON. Very well. The first amendment, if that is one of the reasons that you are assigning, will be accepted.

Do you have any further reasons to refuse to answer the question?

Miss IRVING. Yes, I have. I am also going to cite the 9th amendment and the 10th amendment, and the 4th amendment and the 5th amendment—the clause which says I shall not be compelled to bear witness against myself.

Mr. JACKSON. Very well, the witness has refused to answer on the 1st, 4th, 9th, 10th, and 5th.

Proceed.

Mr. TAVENNER. Are you now a member of the Communist Party?

Miss IRVING. I think I will answer that question on the same grounds, and for the additional reason that I believe that some of the witnesses here have not been making it very plain why the answer to this question would tend to incriminate one.

Mr. TAVENNER. You just speak for yourself and let the other witnesses speak for themselves.

Miss IRVING. I will speak for myself.

I believe that anyone in this country, including myself, who should admit to any past or present association with any organization or person who can be and has been named in any of the trials and prosecutions under the Smith Act is running a severe risk of prosecution himself, and for that reason I have to cite the fifth amendment in protection of everyone's right of free association.

Mr. JACKSON. Do you decline to answer on the grounds of the fifth amendment?

Miss IRVING. And on the other grounds that I stated previously.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Miss IRVING. I will give you the same answer for the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Mr. Clardy?

Mr. CLARDY. No questions.

Mr. JACKSON. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. I have no questions.

Mr. JACKSON. Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. Very well. The witness is excused.

(Witness was excused.)

Mr. JACKSON. Call your next witness.

Mr. KUNZIG. Marion Camozzi Kinney.

Mrs. KINNEY. Mr. Congressman I would like to ask that these still pictures be not taken.

Mr. JACKSON. The Chair does not feel constrained to lay any restrictions on the press as to their activities. If it is the desire of the witness that she not be televised during the course of her testimony, very well.

Mrs. KINNEY. I don't mind being televised but I dislike very much having these still pictures taken, and I think I have a right not to have such photographs taken for anyone to have around them.

Mr. JACKSON. The Chair has made the ruling. He will lay no restrictions upon the freedom of the press to operate within this hearing room.

Will you please stand and be sworn?

Do you solemnly swear that the testimony that you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KINNEY. I do.

Mr. JACKSON. Be seated, please.

The committee would appreciate it if the still photographers would complete their work before the witness commences to testify.

Mr. KUNZIG. Would you state your name, please?

TESTIMONY OF MARION KINNEY

Mrs. KINNEY. My name is Marion Kinney, K-i-n-n-e-y.

Mr. KUNZIG. Mrs. Kinney, I note that you are not accompanied by counsel. I know that you know that under rule 7 of our committee, published in our rules at every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

Do I take it that you desire to testify without counsel?

Mrs. KINNEY. I did not receive that book of rules. However, it has been my information—and I heard it here yesterday—that a person may have an attorney sitting beside them.

An attorney doesn't seem to be of much help.

Mr. KUNZIG. You desire to testify then without an attorney? You are perfectly willing to testify without an attorney?

Mrs. KINNEY. Do you wish to pay for an attorney for me?

Mr. JACKSON. The question is not in order. The committee is not prepared to pay the cost of your attorney. However, if you desire an attorney, in answer to the question that has been asked by counsel, I wish you would signify by saying yes or no to the question.

Mrs. KINNEY. It may not necessarily be my desire not to have counsel, Congressman. It may be that I have no money to pay for counsel.

Mr. JACKSON. If that is the situation, I think the committee should take a brief recess to discuss the matter and determine the will of the committee as to whether or not you should proceed without counsel.

Mr. KUNZIG. Mr. Chairman, I suggest that we ask the witness whether she will proceed and testify without counsel. If she will, it is perfectly all right.

Mrs. KINNEY. I will proceed and testify without counsel.

Mr. JACKSON. Very well, proceed.

Mr. KUNZIG. Now, Mrs. Kinney, what is your present address?

Mrs. KINNEY. My address is 210 29th North.

Am I speaking loud enough for you?

Mr. KUNZIG. Thank you.

Would you kindly give us a brief résumé of your educational background?

Mr. KINNEY. In view of the fact that Congressman Velde, I believe—I know—stated some time ago that the basis for communism is the education of the people, I feel that this question is not a question which I ought to answer.

I am assured that everything that I say before these Congressmen may be held against me.

Mr. KUNZIG. Now, just a minute, Mrs. Kinney. The question is very simple. I will break it down a little bit more.

Did you go to elementary school? I doubt very much if that will incriminate you, Mrs. Kinney.

Mrs. KINNEY. That is part of education of the people, isn't it?

Mr. JACKSON. Very well, the witness is standing upon the grounds that the chairman of the committee made a statement.

Now upon that ground, are you refusing to answer the question that has been asked?

Mrs. KINNEY. I don't think that is a legal ground, is it?

Mr. JACKSON. No; it is not a legal ground.

Mrs. KINNEY. Well, in that case, perhaps I had better state my legal ground then.

Mr. JACKSON. I think it would be a good idea.

Proceed, please.

Mrs. KINNEY. I will answer the question that according to my legal grounds, according to my rights under the Constitution of my country that I may not have to answer any question in any way that will be used against me at some future time, and that I may not be compelled to testify against myself in any manner in any place—

Mr. CLARDY. Are you invoking the first amendment?

Mrs. KINNEY. That is the fifth amendment, Mr. Congressman.

And I would like to say something about the fifth amendment.

Mr. JACKSON. Nothing further is needed. You have declined to answer the question as to your educational background, taking the fifth amendment, giving the fifth amendment as your reason.

Mrs. KINNEY. I have a further reason, which is that this is an inquisitional body.

Mr. JACKSON. That is solely a matter of your own opinion and has no legality so far as your refusal to answer is concerned.

Mrs. KINNEY. It is not a matter of my opinion.

Mr. JACKSON. Under the direction of the Chair, the witness is directed to answer as to her educational background.

Mrs. KINNEY. I am trying to answer your questions, Mr. Congressman.

Mr. KUNZIG. I would like to have the reporter read back the exact question which the chairman has directed to be answered.

(Question was read.)

Mr. KUNZIG. Now the question to this witness is—Did you go to elementary school? And I specifically request that she be ordered to answer that question.

Mr. JACKSON. The witness is directed to answer that question.

Mrs. KINNEY. Mr. Congressman, in view of the statement by Congressman Velde on education of the people being a basis for communism, and in view of the many concepts that I learned in my schooling in my country regarding my Constitution and regarding my rights as a free born American, I believe that I should not answer this question under the fifth amendment, and I would like to say this about the fifth amendment.

Mr. KUNZIG. Do you refuse to answer?

Mrs. KINNEY. You have stated here that the invoking of the fifth amendment is a commie line, and I wish to state in furtherance to my question that the fifth amendment was stated back in the 12th century.

Mr. JACKSON. The Chair will state to the witness that the committee is fully and thoroughly familiar with the origins of the fifth amendment.

The question is whether or not you take refuge under the fifth amendment in answer to the question now pending.

Mrs. KINNEY. I don't believe you are aware of the fifth amendment, Mr. Congressman, because you have said that it is a Commie line. The fifth amendment was originally—

Mr. JACKSON. Will the witness kindly refrain from haranguing the committee? We have heard that speech, that identical speech, word for word, in practically every large city in the country; it isn't necessary to repeat it. You have been asked a question which can be answered yes or no or you can refuse to answer it on the grounds of the fifth amendment. No one is questioning your right to take the fifth amendment. However, we do wish you would get to it and without the long harangues and speeches which accompany your answers.

Mrs. KINNEY. I am trying to be polite to you.

Mr. JACKSON. We are trying to be courteous to you.

Mrs. KINNEY. Then I wish you would let me finish my answer.

Mr. JACKSON. We will let you finish to the extent that there is a constitutional reason cited.

Mrs. KINNEY. Congressman Doyle has maligned the fifth amendment in the public press.

Mr. CLARDY. Mr. Chairman, regular order.

Mr. JACKSON. Regular order.

Mr. CLARDY. May I make an observation to the witness? Because she is without an attorney, and I think we should call her attention to one thing. It is very brief.

Mr. JACKSON. Mr. Clardy.

Mr. CLARDY. Witness, we are doing our best to enable you to understand that if you want to protect yourself, you should in simple language, if you desire to do this, refuse to answer on the grounds of the fifth amendment. If you fail to do so and persist in this course, you may be running the danger of having a contempt citation.

Now, I say that because you do not have an attorney. I ask you—I implore you to give an answer, direct and concise, right now.

Mrs. KINNEY. Congressman Clardy, I am very well aware and have been very well aware during the whole of the proceedings of this inquisition that I will have a very difficult time to protect my rights before you Congressmen—you, who sit here on judgment of me and who have slandered me. And I have been slandered in the public press, and you have smeared me—you Congressmen, Members of the United States—

Mr. KUNZIG. Mr. Chairman, I respectfully request that she be directed to answer the question. She has not yet answered the question under your direction as to the very first question, which was—"Did you attend elementary school?"

Mr. JACKSON. There seems to be very little point in trying to cut this harangue short. However, I would again ask if the witness would be good enough to answer the question that is pending?

Mrs. KINNEY. I am trying to answer the question.

Mr. KUNZIG. Are you refusing to answer on the grounds of the fifth amendment—yes or no?

Mrs. KINNEY. I am trying.

Mr. KUNZIG. Yes or no? Are you refusing to answer on the grounds of the fifth amendment?

Mrs. KINNEY. You are not permitting me to continue and, furthermore, you call me—you say I am haranguing. I am not haranguing.

Mr. CLARDY. Mr. Chairman.

Mr. JACKSON. Just a moment. Counsel has directed a question to the witness.

Mr. KUNZIG. The question is, Are you refusing to answer the question of Mr. Jackson on the grounds of the fifth amendment?

Mrs. KINNEY. I am refusing, declining to answer the question because of Congressman Velde's statement and because—under the fifth amendment of my Constitution, which was put into practice to stop torture by Government back many generations ago; and I consider this punishment which is another violation of my Constitution.

Mr. JACKSON. She has answered to my satisfaction.

Proceed.

Mr. KUNZIG. Now I want to ask these questions very clearly so that the entire situation is perfectly clear.

The next question is: Where did you attend elementary school? And I respectfully request that the reporter mark that question; I will follow that question through. Where did you attend elementary school?

Mrs. KINNEY. You mean you will keep on asking me that question?

Mr. KUNZIG. No. The other was, Did you attend. This is where did you attend—the place. Very simple. Where did you attend elementary school, if you so attended?

Mrs. KINNEY. Without conceding your right whatsoever to inquire into my personal beliefs, into my life and into any of my personal affairs, I will answer that I attended grade school in Seattle.

Mr. JACKSON. Let us have order in the courtroom, please.

Mr. KUNZIG. Did you attend high school? That is the next specific question.

Mrs. KINNEY. I attended high school in the city of Seattle.

Mr. KUNZIG. When did you graduate from high school?

Mrs. KINNEY. I graduated from high school in 1929.

Mr. KUNZIG. Did you have any further education, any college education?

Mrs. KINNEY. I had college education at the University of Washington.

Mr. KUNZIG. Did you graduate from the University of Washington?

Mrs. KINNEY. No, Congressman, I did not graduate from the University of Washington.

Mr. KUNZIG. When did you leave the University of Washington?

Mrs. KINNEY. I don't remember the precise time that I left the University of Washington, but I left it during the dark days of the depression because I had no money to continue and because I had to go to work to support myself.

Mr. KUNZIG. Since those dark days or at any time, have you ever been a member of the Communist Party?

Mrs. KINNEY. This question is an invasion of my rights under the first amendment of the Constitution, which says that Congress shall

make no law concerning freedom of speech, freedom of the press, freedom of assembly, and the freedom of people to petition for grievances.

Mr. CLARDY. Mr. Chairman.

Mrs. KINNEY. And I haven't finished yet.

Mr. JACKSON. Let the witness proceed. Let it not be said that the committee further curtailed freedom of speech.

Mr. CLARDY. I suggest, Mr. Chairman, that she merely state the number of the amendment. We understand what they are.

Mrs. KINNEY. I don't think you do, because otherwise you wouldn't have this inquisitional committee, because this committee is not here by law of the first amendment to the Constitution.

Mr. JACKSON. Will the witness proceed to enumerate her reasons for refusing to answer?

Mrs. KINNEY. And my further reasons to decline to answer as to my personal beliefs, as to my political affiliations—and I feel that for these reasons it is encumbent upon me to take this position in the very defense of the basic law of my land and of my country, because when Congressmen institute such inquisitional committees as this, then ordinary citizens like myself have to defend the law of my land.

Mr. CLARDY. Are you raising the fifth amendment?

Mrs. KINNEY. We will get to it.

Mr. CLARDY. Then get to it right now, please.

Mr. JACKSON. Will you please, if you don't mind, get to the constitutional reasons why you are refusing to answer the question? The committee would appreciate it if you would.

Mrs. KINNEY. I have other reasons.

Mr. JACKSON. No doubt, but will you please make it as brief as possible?

Mrs. KINNEY. I have reasons stated in the bill of rights of my constitution, in the ninth and tenth amendments, which also reserve to the people all rights not given to Congress; and the secretary of my State, the State of Washington, has put out a very fine pledge, which I would like to state—

Mr. JACKSON. The Chair has tried to be reasonable as far as allowing you ample time to state your constitutional reasons.

Do you have any additional questions to ask the witness?

Mr. KUNZIG. Yes.

Mrs. KINNEY. I haven't finished my answer yet, Mr. Congressman.

Mr. JACKSON. Your answer is apt to be eternal, if not immortal.

For that reason do you have further questions, Mr. Counsel?

Mr. KUNZIG. Yes.

Mrs. KINNEY. I haven't finished my answer to the last question.

Mr. JACKSON. I understand. Are there any other constitutional reasons which you wish to give briefly before you are excused?

Mrs. KINNEY. I haven't cited yet—

Mr. JACKSON. I wish you would start.

Mrs. KINNEY. My rights under the fifth amendment, which also deal with due process. And I am being tried without a trial, and you people here are acting as judge and jury and everything else.

Mr. KUNZIG. Nobody is being tried at all here.

Mrs. KINNEY. You have smeared me.

Mr. KUNZIG. No one is being judge and jury, unless it is the people watching you here today and your behavior.

Mrs. KINNEY. This is not a public hearing—

Mr. JACKSON. Will the committee please be in order?

Mr. CLARDY. Mr. Chairman.

Mr. JACKSON. Just a moment. Counsel, it appears, has several more questions to ask.

Do you have any further questions?

Mr. KUNZIG. Yes.

Appearing in the Post-Intelligencer of October 25, 1947, Mrs. Kinney, is a most interesting letter signed—or it is printed here Marion Kinney, Frontier Book Store. The letter reads as follows:

To the Post-Intelligencer: In an article on October 18 you have for the umpteenth time, in making reference to my name, prefaced it with a lie. When you say "an alleged Communist," it is a slanderous and lying implication, which I am sure does not escape your perception.

Never, under pressure, inquisition, torture, third degree, or anything else, have I "admitted" that I am a Communist. To those interested, I state proudly that I am a member of the Communist Party of America.

I am proud of my party, struggling against odds, as the early Christians of antiquity, as our forefathers of 1776, as the abolitionists, and as all other brave people for the material, spiritual, and political rights of man.

Because it is unlikely that this letter will ever see print in your "free" paper, I am sending copies to other publications.

Signed Marion Kinney, Frontier Book Store.

Did you admit in this letter, Mrs. Kinney, that you were a member of the Communist Party? Did you state proudly that you were a member of the Communist Party?

Mrs. KINNEY. Congressman, I shall decline to state whether or not that document was written by me, and I do so.

Would you please have these people [referring to photographers] wait until I finish? It is a little bit disturbing. Besides they always take such ugly pictures, too; and I have seen what they do with pictures in McCarthyite proceedings; I have heard it over the television what they did with the pictures.

Mr. CLARDY. Mr. Chairman, I suggest we are getting nowhere fast. Let us dismiss the witness from the stand.

Mrs. KINNEY. I didn't finish answering the last question.

Mr. JACKSON. The committee will be in order.

Does the witness have any constitutional grounds upon which to base her refusal to answer the questions?

Mrs. KINNEY. I certainly do have constitutional grounds upon which I base my declination to answer any questions regarding—

Mr. JACKSON. Would you please state them?

Mrs. KINNEY. I am stating them.

Mr. KUNZIG. Are they the same grounds as before?

Mrs. KINNEY. I am stating what my grounds are.

Mr. KUNZIG. Are they the same grounds as before?

Mrs. KINNEY. I am trying very hard by myself not to become entrapped by this committee.

Mr. KUNZIG. You can't be entrapped by the committee.

Are they the same grounds?

Mrs. KINNEY. I just want to make sure.

Mr. KUNZIG. Are they the same grounds?

Mrs. KINNEY. I am refusing to answer the question based on my rights under the fifth amendment.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. JACKSON. Are there any further questions of the witness?

Mr. FRAZIER. Did you write the letter that has been read to you by the counsel?

Mrs. KINNEY. Congressman Doyle, you stated in the public press that the use of the fifth amendment was a Commie line, did you not?

Mr. JACKSON. The witness is excused.

(Witness was excused.)

Mr. JACKSON. Call your next witness.

Mr. KUNZIG. Dr. Richard L. Nelson.

Mr. JACKSON. Do you solemnly swear that 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?

Dr. NELSON. I do.

Mr. JACKSON. Be seated, please.

The committee will be in order.

Mr. KUNZIG. Will you give your full name, please?

TESTIMONY OF RICHARD LEON NELSON, ACCCOMPANIED BY COUNSEL, C. T. HATTEN

Dr. NELSON. Mr. Chairman, might I have a glass of water, and may I have the windows open? It is very stuffy and hot in here and I am very dry.

Mr. KUNZIG. Certainly.

Let the record show that the windows have been opened.

Mr. CLARDY. Do you have any further requests?

Dr. NELSON. No, that is sufficient.

Mr. KUNZIG. Would you state your full name, please, sir?

Dr. NELSON. Answering that question under protest, because this committee is unconstitutional, illegal, immoral, and subversive, I will state that my name is Richard Leon Nelson.

Mr. KUNZIG. Will counsel, whom I recognize as having been here before, state his name for the record?

Mr. HATTEN. C. T. Hatten. I am an attorney in the city of Seattle.

Mr. KUNZIG. Now would you give us your address, please, Dr. Nelson?

Dr. NELSON. I live in Kirkland.

Mr. KUNZIG. What is your profession, sir?

Dr. NELSON. I am a dentist.

Mr. KUNZIG. Would you give the committee a brief résumé of your educational background?

(At this point Dr. Nelson conferred with Mr. Hatten.)

Dr. NELSON. Do you mean formal education?

Mr. KUNZIG. Formal education; yes.

Dr. NELSON. Just formal, that is all?

Mr. KUNZIG. Yes.

Dr. NELSON. I attended grade school, high school, and dental school.

Mr. KUNZIG. What year did you graduate from dental school, and where did you graduate from?

Dr. NELSON. I graduated from North Pacific College of Oregon in the year 1928.

Mr. KUNZIG. Have you been practicing ever since then?

Dr. NELSON. Yes, except for—it might not be called practice, because I spent 3½ years in the armed service of the United States.

Mr. JACKSON. As a dentist?

Dr. NELSON. As a dentist.

Mr. KUNZIG. Have you ever been a member of the Communist Party, Doctor?

Dr. NELSON. Excuse me while I consult with counsel.

(At this point Dr. Nelson conferred with Mr. Hatten.)

Dr. NELSON. In view of the fact that members of my family helped write parts of that constitution, whom I revere beyond words, and in view of the fact that this committee is totally without morals, I refuse to answer this question, citing the first amendment of the Constitution, which states that the people shall have the right to assemble, peaceably assemble and petition the Government for a redress of grievances, and to the fifth amendment, which is the shield of the innocent, which you have heard before—and I have, too—

(At this point Mr. Hatten conferred with Dr. Nelson.)

Dr. NELSON. Against testifying against myself.

Mr. KUNZIG. Now, Doctor, what service were you in during the war, Army, Navy? What was it?

Dr. NELSON. I was in the Army. I had been a commissioned officer of the United States since March 8, 1930, commissioned there when Hitler's shadow fell over Europe.

Mr. KUNZIG. Let us talk about the Communist shadow for a moment.

Were you ever a member of the Communist Party during the time that you were a commissioned officer of the United States Army?

Dr. NELSON. I again invoke the first and fifth amendments.

Mr. KUNZIG. On the ground that you don't wish to incriminate yourself?

Are you still a Reserve officer in the United States Army, at this moment?

(At this point Dr. Nelson conferred with Mr. Hatten.)

Dr. NELSON. I have never received a discharge. I am not in the active Reserve; I have no connections with the Army whatsoever, but I have never received a discharge. All I have is a certificate of satisfactory service, a letter from President Truman, thanking me for my services and an order placing me on inactive status.

Mr. KUNZIG. Are you now a member of the Communist Party?

Dr. NELSON. I refuse to answer that question on the grounds previously stated, namely, the first and fifth amendments.

Mr. KUNZIG. I have no further questions.

Mr. JACKSON. Mr. Clardy?

Mr. CLARDY. No questions.

Mr. JACKSON. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. No questions.

Mr. JACKSON. Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. JACKSON. Very well, the witness is excused from further attendance under the subpoena.

(Witness was excused.)

Mr. JACKSON. Call your next witness.

Mr. KUNZIG. Jean Danielson Schuddakopf.

Mr. JACKSON. Will you raise your right hand?

Do you solemnly swear that 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?

Mrs. SCHUDDAKOPF. I do.

I don't want any television. I request not to have television.

Mr. JACKSON. Both television cameras will refrain from photographing the witness during the course of her testimony.

Proceed, Mr. Counsel.

Mr. KUNZIG. Is it Miss or Mrs.?

Mrs. SCHUDDAKOPF. It is Mrs.

Mr. KUNZIG. Mrs. Schuddakopf, would you please state your full name for the record?

**TESTIMONY OF MARGARET JEAN SCHUDDAKOPF, ACCCOMPANIED
BY COUNSEL, KENNETH A. MacDONALD**

Mrs. SCHUDDAKOPF. My name is Margaret Jean Schuddakopf.

Mr. KUNZIG. Mrs. Schuddakopf, I note that you are accompanied by counsel who has been here previously, but we would appreciate it if he would please state his name for the record again.

Mr. MACDONALD. Kenneth A. MacDonald, attorney in Seattle.

Mr. KUNZIG. Thank you.

Mrs. Schuddakopf, did you ever at any time use the name of Jean Danielson?

Mrs. SCHUDDAKOPF. I was once known by that name.

Mr. KUNZIG. You were once Jean Danielson?

Now what is your present address?

Mrs. SCHUDDAKOPF. Big Harbor, Wash.

Mr. KUNZIG. And your present employment?

Mrs. SCHUDDAKOPF. I am a social worker.

Mr. KUNZIG. By whom are you employed?

Mrs. SCHUDDAKOPF. I was employed by the Tacoma Public School District No. 10.

Mr. KUNZIG. You used the past tense. Are you still employed?

Mrs. SCHUDDAKOPF. I have a contract for the coming year but the school session is out for this year, so I am not working right now.

Mr. KUNZIG. You are not working, the reason being that the school session is out?

Mrs. SCHUDDAKOPF. That is correct. It was out last week.

Mr. KUNZIG. What are your duties? In what capacity do you work?

Mrs. SCHUDDAKOPF. I would like to answer that, but it would be with some trepidation that I would do so in view of what has just been happening, because the duties that I have are anything but simple and I fear that if I started answering them I might be accused of filibustering.

Mr. KUNZIG. Tell us briefly what you do.

Mrs. SCHUDDAKOPF. I cannot tell it briefly, sir.

Mr. JACKSON. Very well, let us not tell it at all then.

Mr. KUNZIG. Mrs. Schuddakopf, Mrs. Barbara Hartle here in these hearings has identified a Jean Danielson, the name you said you once went by, as a member of the Communist Party, whom she knew personally to have been a member of the Communist Party; so I ask you the question—have you ever been a member of the Communist Party?

Mrs. SCHUDDAKOPF. That, sir, I decline to answer, invoking my rights under the fifth amendment not to testify against—

Mr. KUNZIG. Are you now a member—

Mrs. SCHUDDAKOPF. Let me finish.

Mr. KUNZIG. All right, you invoke the rights of the fifth amendment.

Are you now a member of the Communist Party?

Mrs. SCHUDDAKOPF. That, sir, I again decline to answer.

Mr. KUNZIG. Did you ever teach at the Seattle Labor School or the Pacific Northwest Labor School?

Mrs. SCHUDDAKOPF. That again I decline to answer for the same reason.

Mr. KUNZIG. Do you work with children, with young people, in your present work?

Mrs. SCHUDDAKOPF. Well, sir, that would come back to the question, which I said before I would be glad to answer if I would not be accused of filibustering.

Mr. KUNZIG. Just say whether you have any connection with children and young people.

Mrs. SCHUDDAKOPF. It isn't so simple as that.

Mr. KUNZIG. You can answer "Yes" or "No," whether you do or whether you don't.

(At this point Mrs. Schuddakopf conferred with Mr. MacDonald.)

Mrs. SCHUDDAKOPF. I work in the elementary school system. My work is with different groups of people.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. JACKSON. Mr. Clardy?

Mr. CLARDY. I have no questions.

Mr. JACKSON. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. I have no questions.

Mr. JACKSON. Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. JACKSON. The witness is excused from further attendance under the subpena.

(Witness was excused.)

Mr. JACKSON. Call your next witness.

Mr. KUNZIG. Robert Camozzi.

TESTIMONY OF ROBERT T. CAMOZZI, ACCOMPANIED BY COUNSEL, JOHN CAUGHLAN

Mr. JACKSON. Raise your right hand, sir, and be sworn,

Do you solemnly swear that the testimony you give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CAMOZZI. I do.

Mr. JACKSON. Be seated, please.

Mr. CAUGHLAN. May I request on behalf of my client that we also avoid this sort of stuff here. (Referring to photographers.)

Mr. JACKSON. Is the request being made by the witness not to be televised?

Mr. CAUGHLAN. No; it is not.

Mr. JACKSON. What is the request? If counsel will advise his client, the client may make the request of the Chair.

Mr. CAUGHLAN. Would you please tell the Chair that we would like to have these photographers out of the way, because they are extremely

disturbing when you are being examined or anybody is being examined, I have noticed. They flash bulbs——

Mr. CAMOZZI. I imagine they have taken their pictures. As long as they have ceased now——

Mr. JACKSON. You have no request to make?

Mr. CAMOZZI. No; I have none at this time.

Mr. JACKSON. Proceed.

Mr. KUNZIG. Would you state your full name?

Mr. CAMOZZI. I have a little chest cold. I was wondering if I could get some fresh water?

Mr. KUNZIG. Certainly.

Would you state your full name, please?

Mr. CAMOZZI. Robert T. Camozzi.

Mr. KUNZIG. I note, Mr. Camozzi, that you are accompanied by counsel who has been here before today.

Would you please state your name for the record?

Mr. CAUGHLAN. My name is John Caughlan. I am a Seattle lawyer.

Mr. KUNZIG. What is your address, Mr. Camozzi?

Mr. CAMOZZI. Seattle, Wash.

Mr. KUNZIG. Do you have a street address?

Mr. CAMOZZI. Well, I would rather not give it, because the name being mentioned yesterday started a chain of events that injured innocent people which are very dear to me.

Mr. CLARDY. Would you rather that other people, who might have a similar name, be injured instead? Because unless we know where you live, others—and there are other people by that name—may be apprehensive about it.

Mr. CAMOZZI. There aren't very many with that same name.

I think the committee has my address and I would rather not give it over television.

Mr. JACKSON. Very well.

Mr. KUNZIG. What is your present employment?

Mr. CAMOZZI. As of 9 o'clock yesterday, in the circulation department of the Seattle Post-Intelligencer. I think it must be apparent to the committee that with the smear to my name, after the many years of faithful work I put in for the paper, there may be some doubts as to whether I will work there after this week.

Mr. JACKSON. Let the Chair say, if there has been any smear, this is the best forum in the world to clear it up. You will be asked some questions that will very easily clear it up.

Mrs. KUNZIG. Where were you born?

Mr. CAMOZZI. Prince Rupert, British Columbia.

Mr. KUNZIG. When?

Mr. CAMOZZI. March 27, 1910.

Mr. KUNZIG. When did you come to this country?

Mr. CAMOZZI. When I was 2 years old.

Mr. KUNZIG. Did you go to school in this country?

Mr. CAMOZZI. I did.

Mr. KUNZIG. Where?

Mr. CAMOZZI. I went to grade school in Blaine, Wash. I graduated from high school in Bellingham, Wash. I attended 1 quarter at the Bellingham Normal School, now known as the Western Washington College of Education, and 15 quarters at the University of Washington.

Mr. KUNZIG. In what year did you complete your formal training?

Mr. CAMOZZI. In 1936.

Mr. KUNZIG. Are you a naturalized citizen today?

Mr. CAMOZZI. Yes, sir.

Mr. KUNZIG. Now, Mrs. Barbara Hartle has identified you as having been a member of the Communist Party, to her own personal knowledge.

Have you ever been a member of the Communist Party?

(At this point Mr. Camozzi conferred with Mr. Caughlan.)

Mr. CAMOZZI. Well, on that question I am forced to invoke my privilege under the first and fifth amendment and decline to answer.

Mr. KUNZIG. You have also been identified as having been a member of the Communist Party by a Philip Cohen in executive session before this committee; by Ward Warren, Nat Hoenig, Erla Page Hoenig, and by H. C. Armstrong. All of these people have identified you as having been, within their personal knowledge, a member of the Communist Party.

I will ask you once again, have you ever been a member of the Communist Party? Here is your opportunity to clear up this so called "smear" that you have been talking about.

Mr. CAMOZZI. I would like to make a statement at this time and I will try not to be provocative; I will try not to invoke any Cohenisms into this hearing.

In answer to that question—just early this afternoon my former wife testified here. If I were to start giving answers to this committee, one of the persons I would be forced to testify against would be my former wife. I was married to her for 12 years, and there is no power on earth that could force me, under any conditions, to violate the sacred relations in that marriage.

Mr. JACKSON. The committee is not asking you, nor is counsel asking you to violate any confidences of any kind. You have been asked the question as to whether the identification of you as a member of the Communist Party was true or false.

Mr. CAMOZZI. I would still like to make a statement. I haven't finished it. I am going to give you an answer to the question.

Mr. JACKSON. The statement is not responsive to the question that has been asked you, and if you are going to decline to answer, if you will give your constitutional reasons for so declining, that is all that will be necessary.

Mr. CAMOZZI. Well, in the past I have been privileged to work with thousands of youngsters, adolescents in this community, and there are many people that I have worked with that I think in most cases, in almost all cases have respected my work, and I think if I am not allowed to give some explanation for my answer it is going to be misunderstood.

Mr. CLARDY. You haven't been choked off. We merely suggest that you advance your constitutional reasons for refusing to answer, if that is what you desire to do. And if it calls for some reasonable explanation, I am sure that the Chair will permit it.

Mr. JACKSON. After the question has been answered any explanation will be in order.

Mr. CAMOZZI. Well, from the inferences of the hearing and from the publicity that has been in the paper, there would be inferences that

I have done something wrong in my past. I know that I have never in my full life ever committed any type of a crime. I have served my country proudly in peace and in war, and during one period of my life I made a contribution to the trade-union movement which I am very proud of; and, if the occasion arises again, in which I will ever be given that opportunity, I will respond in like fashion.

But, because of the nature of the hearings, I, too, am one of those who do not agree that just because you are constituted by Congress that all acts of Congress or all deliberations of Congress or decisions are necessarily constitutional.

For my grounds I would like to mention the recent act of the Supreme Court. It took almost a hundred years to finally end segregation in the schools in the South. It took, I think, some 28 decisions—this is part of my answer.

Mr. CLARDY. Mr. Chairman, I submit that he is far afield.

Mr. JACKSON. Yes. Your answer and your statement is hardly responsive to the question that has been asked.

Mr. CAMOZZI. Frankly, I don't think that this committee has any right to inquire into my political beliefs in the past or as to whomsoever I might have associated with in the past, but in answer to the question, I must invoke my privilege under the first and fifth amendments.

Mr. KUNZIG. I think the record should show clearly, Mr. Chairman, that the Supreme Court of the United States of America has said again and again in official decisions that this committee has every right under the Constitution to ask these questions.

Mr. CAMOZZI. I am also certain that someday this committee will be declared unconstitutional.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. CAMOZZI. For reasons given before, I decline to answer under the first and fifth amendments.

Mr. KUNZIG. We are to understand when you say the reasons given before that you mean the first and fifth amendments?

Mr. CAMOZZI. Yes, sir.

Mr. KUNZIG. You said you were in the service of the United States. What military service were you in?

Mr. CAMOZZI. Army.

Mr. KUNZIG. From when to when?

Mr. CAMOZZI. I enlisted in October 1942 and was discharged the last day of March 1946.

Mr. KUNZIG. Were you a member of the Communist Party when you were in the Army of the United States of America?

Mr. CAMOZZI. For reasons given I invoke the same privilege, the first and the fifth amendments.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. JACKSON. Mr. Clardy?

Mr. CLARDY. I have no questions.

Mr. JACKSON. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. I think, Mr. Chairman, I want to take 1 minute in view of this gentleman's occupation.

This committee of course is here today under Public Law 601 of the United States Congress, and is a regular committee of the United

States Congress, which is your Congress, Mr. Camozzi, and it has declared that after investigation it has found that the Communist Party in the United States is subversive and has been in its history. Therefore, this committee is here today investigating whether or not you have been a member of a subversive group. I just wanted to call that to your attention.

Now may I reaffirm this? That I recognize and I am sure the committee recognizes that the opinions of our highest courts—and we follow the courts instead of our own personal opinion—have held that no inference is to be drawn of either innocence or guilt merely because a person claims his constitutional privilege. Therefore the policy of this committee, following the law, which we always respect, is that merely because a person claims the constitutional privileges there is no reason for us, inferentially or otherwise, to have any belief or take any position that that person is necessarily guilty of any crime. However, as long as a few minutes ago, my name was mentioned as having declared in the public press that the taking of the fifth amendment was a Commie line. I wish to restate now that to my knowledge, in the history of this committee, the taking of the fifth amendment is a Commie line. That doesn't necessarily mean, in my book, that every person that takes it is one, but the records clearly show that taking the fifth amendment is a direction of the Communist Party.

I wish to state this, too, being a lawyer. No question we have asked you today, Mr. Camozzi, was intended to or would violate the relationship of husband and wife, as you well know.

Mr. CAMOZZI. Yes, but the inference was here.

Mr. JACKSON. Mr. Frazier?

Mr. FRAZIER. Mr. Camozzi, did you receive derivative citizenship through the naturalization of your father?

(At this point Mr. Camozzi conferred with Mr. Caughlan.)

Mr. CAMOZZI. I really don't know the answer to that, because my father—there was some question when I was being naturalized. My father had American papers at one time, and there was some legality, so I really don't know whether I am a citizen by my father's papers or whether by naturalization. I couldn't really answer that question.

Mr. FRAZIER. I understood you to testify that you were a naturalized citizen.

Mr. CAMOZZI. As I said, my father had originally had American papers. Then he moved to Canada, and there was a question as to the day that he took out Canadian papers—whether I was born one day before or one day afterward; so to insure myself, I also became naturalized.

Mr. FRAZIER. Did you ever go into court and receive naturalization yourself?

(At this point Mr. Camozzi conferred with Mr. Caughlan.)

Mr. CAMOZZI. Yes.

Mr. FRAZIER. Where and when?

Mr. CAMOZZI. In Seattle.

Mr. FRAZIER. What year?

Mr. CAMOZZI. At the start of 1929 in Bellingham, I believe, and I think I had my papers in 1938 or 1939. I don't recall—

Mr. FRAZIER. Do you have a copy of those naturalization papers with you?

Mr. CAMOZZI. Yes, I have.

Mr. FRAZIER. Would you mind filing them with the clerk? Let him see them, please.

(At this point Mr. Camozzi conferred with Mr. Caughlan.)

Mr. CAMOZZI. I must have misunderstood your question. I don't have them with me.

Mr. FRAZIER. My question asked if you had them with you.

Mr. CAMOZZI. I misunderstood you. I don't have them with me.

Mr. FRAZIER. Would you mind securing those and turning them over to the counsel for the committee for examination?

(At this point Mr. Caughlan conferred with Mr. Camozzi.)

Mr. CAMOZZI. Yes, I would. I can't see that it is germane to this inquiry.

Mr. FRAZIER. We would appreciate it if you will present them to the committee.

Mr. JACKSON. Do you have anything further, Mr. Frazier?

Mr. FRAZIER. I have nothing further.

Mr. JACKSON. Counsel, do you have anything further?

Mr. KUNZIG. I have nothing further.

Mr. CAUGHLAN. Just a moment.

Mr. CAMOZZI. Are you ordering me to produce my citizenship papers?

Mr. FRAZIER. I requested you to, and with the permission of the chairman, I will ask him to order you to present them to the committee for examination.

Mr. JACKSON. I hope that it will not be necessary to issue such an order or such a subpoena. If the witness would be good enough to cooperate to the extent of conferring with counsel on the papers, it would be appreciated by the Chair and by the committee.

(At this point Mr. Caughlan conferred with Mr. Camozzi.)

Mr. CAMOZZI. Was I excused?

Mr. JACKSON. Yes. The witness is excused.

(Witness was excused.)

Mr. JACKSON. Call your next witness.

Mr. KUNZIG. Edward Friel.

Mr. JACKSON. Will you raise your right hand and be sworn?

Do you solemnly swear that the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FRIEL. I do.

Mr. KUNZIG. Would you state your full name, please, Mr. Friel?

TESTIMONY OF EDWARD FRIEL

Mr. FRIEL. Edward Friel.

Mr. KUNZIG. I note that you are not accompanied by counsel. I am sure that you know that under rule 7 of this committee every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

Do you desire to testify without counsel?

Mr. FRIEL. I have consulted counsel and I have advice of counsel. But counsel is not present and I have no objection to examination without counsel.

Mr. JACKSON. Very well, proceed.

Mr. KUNZIG. What is your present address?

Mr. FRIEL. 1837 12th Avenue West, Seattle.

Mr. KUNZIG. Would you give the committee a very brief résumé of your formal educational training, your schooling?

Mr. FRIEL. I went to grammar school in Waterville, Wash. I went to high school in the same place, and I went about 2½ years to the State College of Washington.

Mr. KUNZIG. When did you finish that 2½-year period?

Mr. FRIEL. I believe in 1933, sir.

Mr. KUNZIG. How are you presently employed, sir?

Mr. FRIEL. I am a painter.

Mr. KUNZIG. Are you a member of a union and, if so, what union?

Mr. FRIEL. Yes, I am a member of Painters' Local 300.

Mr. KUNZIG. Have you ever been at any time a member of the Communist Party?

Mr. FRIEL. Since I have no counsel, sir, I hope that the committee will give me a moment for thought on occasion.

I should say that due to the nature of the testimony against me and due to the great respect which the committee and even credulity that the committee has shown toward the testimony of this chameleon, I feel that it is not only possible but almost certain that if I were to tell the simple truth I would be charged with a crime, and I therefore claim the privilege of the fifth amendment and decline to answer on the grounds that I will not become a witness against myself.

Mr. JACKSON. In what respect is the testimony of the witness to whom you refer in error?

Mr. FRIEL. The answer is the same as to the preceding questions.

Mr. JACKSON. In other words, the information obtained from the previous witness is not in error?

Mr. FRIEL. I decline to answer on the grounds that to do so might tend to make me bear witness against myself.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. FRIEL. The answer is the same as to the preceding questions.

Mr. KUNZIG. Were you ever in the armed services of the United States?

Mr. FRIEL. I was not.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. JACKSON. Mr. Clardy?

Mr. CLARDY. No questions.

Mr. JACKSON. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. No questions.

Mr. JACKSON. Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. JACKSON. The witness is excused from further attendance under the subpoena.

(Witness was excused.)

Mr. JACKSON. Call your next witness.

Mr. KUNZIG. John Robert Plumb.

Mr. PLUMB. My attorney just went out the door; she thought that the hearings would be over.

Mr. JACKSON. Mr. Counsel, do you have another witness?

Mr. KUNZIG. Lenzie Shellman.

Mr. SHELLMAN. I am in the same position. My attorney is out. As soon as she comes back in, I am willing to testify.

Mr. JACKSON. What is the name of your attorney?

Mr. SHELLMAN. Sara H. Lesser.

Mr. JACKSON. Will the officer make an effort to determine if Sara Lesser is in the hallway?

POLICE OFFICER. I believe she left permanently, sir.

Mr. KUNZIG. Of course the witness knew that he was liable to be called and Miss Lesser knew that he was liable to be called.

I respectfully suggest that we will probably have to put this over, but I don't think a man should not be able to testify because his attorney is conveniently not present.

Mr. JACKSON. If this were the concluding day of the hearing, certainly the committee would be of like opinion. However, it is not the desire of the committee that any witness who is represented by counsel be required to appear without that counsel.

Do you have any other witnesses to call?

Mr. KUNZIG. Not at this moment, Mr. Chairman.

Mr. DOYLE. Mr. Chairman.

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. Mr. Chairman, I suggest that the two gentlemen, before we adjourn, be instructed to return here at 9 o'clock tomorrow morning with their counsel.

If you are not here with counsel, proceed to prepare to testify anyway. You are under subpoena and have been and your attorney should be here with you.

Mr. JACKSON. The Chair issues that instruction—that the two witnesses who were last called are to be here at 9 o'clock tomorrow morning with counsel or be prepared to proceed without counsel.

If there is nothing further, gentlemen, the committee will then stand in recess until 9 o'clock tomorrow morning.

(Whereupon, at 4:55 p. m., the hearing was recessed, to reconvene at 9 a. m. Wednesday, June 16, 1954.)

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