INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES AREA—Part 2

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-THIRD CONGRESS

FIRST SESSION

MARCH 26, 27, AND 28, 1953

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CONTENTS

March 26, 1953:

Testimony of— Page

Bart Lytton (recalled) 440

Jody Gilbert 461

Charlotte Darling Adams 471

Simon M. Lazarus 478

March 27, 1953:

Testimony of—

LeRoy Travers Herndon, Jr 499

Richard Byrd Lewis 526

Abraham Minkus 541

March 28, 1953:

Testimony of—

Edith Macia 558

Appearance of Charles A. Page 587

Appearance of Harry C. Steinmetz 589

Testimony of—

Bernard Lusher 591

Ben Maddow 599

Index 605

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

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

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES AREA—PART 2

THURSDAY, MARCH 26, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to adjournment, at 10:14 a. m., in room 518, Federal Building, Hon. Harold H. Velde (chairman) presiding.

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

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, chief investigator; Thomas W. Beale, Sr., chief clerk; Raphael I. Nixon, director of research; and William A. Wheeler, investigator.

Mr. VELDE. The committee will come to order.

Miss Reporter, let the record show that present are Mr. Jackson, Mr. Clardy, Mr. Scherer, Mr. Walter, Mr. Doyle, Mr. Frazier, and the chairman, Mr. Velde, a quorum of the full committee.

Proceed, Mr. Counsel.

Mr. TAVENNER. Before calling the first witness, may I call to the attention of the public a message I have received from a person by the name of Lewis Allen.

Mr. VELDE. Yes, sir.

Mr. TAVENNER. During the course of the testimony of Mrs. Silvia Richards, reference was made near the end of her testimony to a position taken by a person by the name of Lewis Allen with reference to writers who played an important part in the war effort.

Now, this telegram has been received from a Lewis Allen, who states he is not the Lewis Allen referred to in that message. I think possibly I should read the telegram.

Mr. VELDE. Proceed and read the telegram.

Mr. TAVENNER (reading):

DEAR SIR: Silvia Richards in her testimony yesterday stated that a Lewis Allen and his wife were members of the screen writers' group in the Communist Party. I wish to state that I am not the Lewis Allen referred to. I am a motion-picture director, not a writer, and I have never belonged to any writers' group or guild. This confusion came up once before and almost cost me a job but fortunately it was corrected in time. In order to avoid a repetition of this and in view of the wide publicity of your hearing I would be very grateful if you would make a public statement. Thank you.

LEWIS ALLEN.

Mr. VELDE. May I make a statement regarding any confusion in identity, that in case anyone's name is brought up here as being a member of the Communist Party or a former member of the Communist Party, whose name is similar to that of some other person in a similar occupation, the committee would welcome a similar telegram or similar communication, so that we might clear up the confusion in identity. Proceed.

Mr. TAVENNER. Mr. Bart Lytton, will you return to the stand?

TESTIMONY OF BART LYTTON, ACCOMPANIED BY HIS COUNSEL, STEVEN WEISMAN—Recalled

Mr. TAVENNER. Mr. Lytton, are you accompanied by the same counsel who accompanied you here yesterday?

Mr. LYTTON. No, sir. Mr. Weisman is an associate of my counsel, who is in court today.

Mr. WEISMAN. My name is Steven Weisman, 403 West 8th Street, Los Angeles. Mr. Moffitt, who was here yesterday, is engaged in the superior court today. I am his law partner.

Mr. TAVENNER. Mr. Lytton, at the time your testimony was continued over until today, you were telling the committee about an experience that you had in Los Angeles.

You were advising the committee that in talking to a screen writer the statement was made to you to the general effect, "Why don't you come in and become one of us?"

(Representative Kit Clardy entered the hearing room at this point, 10:20 a. m.)

Mr. TAVENNER. And I believe you were considering that for a period of time and the individual came back to you and made a statement to the general effect that he understood that you had been expelled from the Communist Party in New York and that created a situation which you ought to get cleared up. You stated further that during the course of the conversation this person made reference to the fact that if you didn't get this cleared up your name would be "Mud" in this community.

I asked you who made that statement to you and you said Mr. George Beck. Now, the expression that you made about the necessity of clearing up of this matter else your name would be "Mud" in this community has been interpreted in some sources as having constituted a threat on the part of George Beck as a means or a weapon to compel you to come into the party.

If that is true, I want you to state so clearly, and if it isn't true, if that isn't the correct interpretation of your testimony, I would like for you to clarify that.

Mr. LYTTON. Well, George Beck is about as threatening as the St. Louis Browns. No, sir, George Beck was not threatening me. I didn't take it as a threat. I took it quite differently at the time and I would again conclude today that his purpose was not to threaten me, Mr. Tavenner. His purpose was to advise me. That was the manner in which he approached it and that is the manner in which he handled it straight through, because more than that occurred.

George's attitude at the time, and he and I are friends, and although I haven't seen George for many, many years, his attitude seemed to

be "This is not good for you. This will hurt you, will hurt your career. Your name is Mud. Why don't you do something about it?"

But, Mr. Tavenner, before I go any further in regard to this, I would like to get a little matter off of my mind in regard to an incident that occurred on my entering the room this morning.

Mr. WALTER. Before you go into that, may I get this straight in my own mind: What he was telling you was that the fraternity brothers were getting the best of it, isn't that it?

Mr. LYTTON. Yes. May I speak on the other matter?

Mr. DOYLE. What was your answer? You nodded your head.

Mr. LYTTON. Yes, sir.

When I entered the room this morning, a rather nice-looking gray-haired young woman said, "Shame on you." She smiled when she said it quite pleasantly and I said, "Shame on me for what?" and she said, "For being a stool pigeon."

I said, "Shame on you because this is the way I feel." I feel very sorry for such people. I am sorry for the thickness or the thickheadedness that makes them take the positions they take. But I think that perhaps they ought to know that they do not intimidate people any longer by this device. It is tired and worn out; the vast bulk of the American people express themselves quite differently.

There was a telephone call I got last night, or yesterday afternoon, from San Diego, from a Mrs. Mary Kelly, whom I don't know and who certainly was no crackpot. She was a pleasant woman, who told me she heard my testimony yesterday. This encouraged me. There were many other calls received.

I think it is well that these people know that by the use of terms like "stool pigeon," "fink," and "informer," and so forth, they brand themselves quite correctly as those involved in a conspiracy.

I was never in a conspiracy, and therefore I can never be a stool pigeon.

Mr. WALTER. But more than that, don't they admit by the use of such terms that they are parties to some sort of an unlawful conspiracy?

Mr. LYTTON. I would rather think so. I would reach rather the same conclusion and inference from it.

Mr. CLARDY. Did you ever hear the word "stool pigeon" used in connection with anything other than criminal?

Mr. LYTTON. No, sir.

Mr. CLARDY. Isn't that the normal use of that word? You call a man a stool pigeon because he is telling the authorities of something that has been done of an unlawful nature.

Mr. LYTTON. Well, I think that the term has been used a bit more broadly than that, Congressman. I think that sometimes it is used in labor circles in regard to anyone who talks to even management in certain instances.

Mr. CLARDY. But you generally find a red taint in connection with the use of that word by that person; do you not?

Mr. LYTTON. Well, I didn't know that the people referred specifically to a conspiracy. I can only say that to me it clearly is evidence of a feeling of conspiracy.

Mr. CLARDY. They certainly are not on our side.

Mr. LYTTON. Let us put it that way.

Mr. TAVENNER. As a result of the various experiences that you had in Hollywood, after you arrived here, did you finally unite with the Communist Party again?

Mr. LYTTON. Well, let me continue in regard to the last question and this question, because we have a basic continuity there. I want to reiterate, so there is no question about it, that George Beck didn't threaten me. George Beck was counseling me to the best of his knowledge and belief that this is what would happen.

I think that George Beck would corroborate at any time that he said it to me and that he advised me to handle the matter by clearing these charges up. He pointed out at the time that if charges like this were bandied about, that not only the members of the Communist Party, but that liberals and many people who had no particular politics would hear vague and disturbing things about me, or perhaps specific things, and that they would then consider me anathema to their to their way of living or their principles or anything else. And he felt that the waves of such a reaction could be disastrous to my career and to my sense of well-being, because my first response was "Oh, chuck it; I am not going to do anything about it."

After several conversations on the matter, I had to conclude it was important. I was angry about it, and as more came to me my anger mounted. It was based on no facts. It was based on neither evidence nor what proved later to be factual, so I began to set to work with a will. I was put in contact with an Elizabeth Glenn. I was given to understand that she was in a membership capacity in the Communist Party in Hollywood.

Mr. TAVENNER. Did she have another name at that time, to your knowledge?

Mr. LYTTON. You know, I may have given the wrong name there. Is it Leech?

Mr. TAVENNER. Our information is she was known at different times by both of those names, Glenn and Leech.

Mr. LYTTON. I see. I don't recall. I know I have heard both references, and I don't know her. I was put in contact with her by Beck, and she reviewed the story with me. She told me that there were a number of charges leveled against me in New York. I had done everything, apparently, but set fire to my mother. She stated that I had been expelled from the party, according to the best of their knowledge, and that I had been considered as unreliable, a provocateur—a term frequently bandied about—and that I had stolen a typewriter from the Communist Party headquarters and had pawned same, and that I had deserted the party.

The party likes faithful lovers and many other things. I don't even recall them all. Now, if she said that I deserted the party, I said, "Well, this is true." But as to the typewriter incident, there was no truth in it whatsoever. As to having been expelled, as far as I knew there was no truth in it whatsoever, and I resented the charges.

I asked her what I could do about it. Well, it didn't seem that I could do very much about it. I asked her if there was such a thing as a hearing. She said, well, they take care of it in their own way. She said she would correspond with New York.

I said, "Well, you ought to know something next week."

She said, "No, it will be longer than that."

Many months went by and I became more and more agitated, because now a process began. People previously friendly to me were no longer friendly. I would arrange to have dinner with friends, my wife and I, and at the last minute the dinner date would be canceled. I would walk into guild meetings and backs would be turned if I went to enter the conversations, and I became very agitated at this. It is not pleasant, and I still didn't fully understand it. I understood the emanation of it.

I meant to say that I was not equipped to handle it at this time. It therefore became a struggle on my part, I should say, and a very important one, to clear these particular charges. I wasn't concerned at that time with the issue of the Communist Party. I was concerned with the fact that apparently a rumor factory and a very competent rumor factory was at work.

One incident brought it into its sharpest focus. I had been a prolific provider of material for USO camp shows. As a matter of fact, I believe, I was told by the USO that I wrote more camp show material than any other writer in the United States, and was commended by them for that. Some of my sketches had played to as many, I was told, as 6 million men. It seemed like an awful lot to me. And I doubted it, but nevertheless I knew they were played to many, many Army camps and installations throughout—where fighting forces were stationed.

The USO was trying to get comedy material unslanted, and they arranged at the Screen Writers' Guild—not the Screen Writers' Guild, the Hollywood Writers' Mobilization—to have an evening in which they would show the kind of material that they wanted.

They gave me what was to the Communist the kiss of death. It shows my material as unslanted material. That evening Carole Landis and Fay McKenzie and Ed Lorre, who ran USO camp shows, entertainment division, came down together with others—I don't recall whom—to the Hollywood-Roosevelt Hotel, and they played these sketches.

Now, this one sketch was the forerunner of a type of sketch that has become tiresome enough since. It was a psychiatric sketch. At the time there hadn't been psychiatrist sketches of this character. It was a very funny sketch, and it had played already with teams taking it out and stars requesting to take it out, even though it had been old material by this time, they still wanted to take it out to military installations.

The sketch was played, and most of the writers present sat on their hands. They didn't laugh, they didn't applaud, they didn't like it. This was rather unusual, in view of the fact that by that time several hundred thousand American GI's had laughed their heads off at the sketch. And these were supposed to be judges of material.

It was brought in because it was to be the top laugh producer that the USO had in its repertoire. They sat on their hands, and I was deeply agitated by this. I began to feel by this time that I was involved in a crusade. I hadn't done what was charged. The feelings at that time were not political; they were personal. I wanted to clear a name and be able to work again and work in peace.

I don't know how many months ensued. It dissolves, as you say in motion-picture terminology. But lots of time elapsed. In the course of this time I did everything that I knew to do to clear the so-called charges.

Subsequently I was engaged to do a documentary film by Princeton Film Center, the Rockefeller Foundation subsidizing it, in Gloucester, Mass., on war shipbuilding. I went up there and did the film and came back through New York.

In New York I went to Communist Party headquarters on 13th Street, and I told them my story. I told them that there was this story extant on the west coast, that it wasn't true, and I wanted them to produce for me any records which indicated any truth in these particular charges.

I also said to them, "If these charges are true, would you have a record?"

They said, "Oh, certainly, we would. If the charges are true, believe me, we will have them."

About a half hour passed and a girl came to me who introduced herself as an organization secretary, I believe, I don't recall. In any event, I was taken to another floor. I waited some more.

She came back down and told me, "Not only are there no charges against you, but somebody upstairs knew you who says you are a mighty fine fellow." She said, "No; we have no record whatsoever, and, therefore, there wouldn't be any truth in these charges."

I said, "Well, they seem to believe it in the West."

She said, "Well, that is pretty far away. What do you want us to do about it?"

I said, "For heaven's sake, let them know that these charges are untrue and tell them to stop their rumor factory."

She said, "We will be very glad to."

I appreciated that. I came back to the coast. I got in touch with the same people. No word from New York. More time went on, months. Finally, apparently there was word from New York. I don't know what circuitous routes it took, whether it came out by carrier pigeons or how, but, in any event, apparently the word came out at that time that I was cleared in New York and that the charges were groundless.

This Elizabeth Leech Glenn again contacted me and told me that I was cleared and they regretted very much the fact that I had been so badly treated as a result of it, she was sorry, and she sent a rather inept public-relations officer, I might say, to see me at my home, who explained that in revolutionary situations the innocent must die with the guilty, it is just too bad. "We are sorry, fellow, that this happened to you. We are sorry that for a year and a half now," or a year, whatever the time was, "we understand, it is awful," she said.

"Once up in Michigan the same thing happened to me, I was called a renegade," she said, "a Trotskyite, and some kind of deviationist." She said, "I lived through that, and I know what it is and I understand," and so forth. "And it is too bad, but you mustn't have any ill feeling toward the party. You must understand it. You must be a Bolshevik."

Mr. TAVENNER. Do you recall the name of the emissary that came to see you?

Mr. LYTTON. Her name and her face blotted out from my memory, I think, instantly. I found it a particularly painful interview, I didn't like it; I was uncomfortable and unhappy about it. I have never seen her before or since. I can only state that she stated she was from Michigan. More than that I do not know.

As a matter of fact, she didn't give me a name. I might make that point clear, Mr. Tavenner. People are not necessarily introduced to each other formally in the Communist Party, and first names are often used. You will learn a name, but you are not necessarily brought up to a person and someone doesn't say, "Comrade So-and-So, meet Comrade So-and-So." It isn't done this way, at least in this short experience that I had. So I don't know who she was.

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

Mr. VELDE. Yes.

Mr. JACKSON. You were told during the course of this interview that in the process of a revolution the innocent sometimes had to suffer along with the guilty. Did that strike you as being inconsistent with the party line as it generally operates?

This hysterical cry of smear that you hear from the Communists, from the fellow-traveling press, this hysterical denunciation of committees of this kind, simply because in the course of the investigation sometimes, as happened yesterday, an innocent name is mentioned, which the committee attempts on all occasions to correct immediately, but still this cry goes on, "Guilt by association, Fascists, witchhunting, red baiting," where, according to your statement, they accept as everyday practice the fact that a lot of innocent people are going to get hurt during this revolutionary period.

This seems to me to be a very glaring inconsistency in what they say and what they practice. That is not a question. It is simply an observation, because it made a marked impression on me. The comrades talk out of one side of their mouth about one thing, and out of the other about something else.

Mr. LYTTON. Well, Congressman Jackson, for a long time I wanted to say, "I dig you, Jackson," [Laughter.]

Mr. VELDE. May we be in order, please.

Mr. LYTTON. I would say if you are trying to pinpoint one inconsistency to the Communist Party, it might take us longer than your terms in Congress to pinpoint all the inconsistencies in the Communist Party and its line.

Mr. JACKSON. The committee has been working for many years to pinpoint a few of them. However, this is an important one.

Mr. LYTTON. I think so. I think it is a very important one. You and I are of a different political stripe. I am a Democrat and you are a Republican.

Mr. JACKSON. That is the hallmark of America.

Mr. LYTTON. Nonetheless, we can sit and discuss our differences, and we have; not you and I, but a couple of Republicans have with me, and other Democrats.

Mr. CLARDY. We haven't had any differences up to date.

Mr. LYTTON. Well, me might.

Mr. CLARDY. Don't work on it too hard.

Mr. LYTTON. No, sir. We might, I don't know. I have no fear——

Mr. WALTER. Take my word for it, you will have trouble with Mr. Clardy in no time.

Mr. LYTTON. I have no fear that would hold me from quarreling with this committee at any point I felt a quarrel were coming. As a matter of fact, this whole business about free speech being brooded about, that it is a violation of free speech. For heaven's sake, what could be more free speech? I have a microphone and cameras and a television camera and a committee of the Congress of the United States and the whole American public to talk to. What more could be free speech?

Mr. SCHERER. You are doing real well, too.

Mr. LYTTON. If a man believed in what he was doing and felt it wasn't shameful, he would get up and tell you what he was doing and he would argue about it. I think the speech is free enough, as free as could be possibly envisaged.

The more important issue, so far as my comment is concerned—I am not making them relative—the more important thing is that the innocent must suffer with the guilty. I learned then that was a standard concept.

I was referred to a statement made by someone I understand was also considered a renegade, a Rosie Luckenberg, who wrote pamphlets in Russia. I don't recall exactly what she said, but I was told something she said in regard to this matter. I was given quotes, but I don't necessarily recall them verbatim, quotes from Lenin and others, that in a revolutionary situation it is necessary to have a disciplined Bolshevik party and under this circumstance you can't be too squeamish as to what the attitude was.

I said all this was fine, but I happened to be the victim. And it was asking a lot to ask me to be tolerant—I don't know—of 12 or 15 months of pretty rough punishment. I say it is difficult to project to you the kind of punishment that is involved.

Mr. WALTER. I think I can understand it perhaps better than anyone, because ever since I had the privilege of selling to the United States Congress the advisability of enacting an immigration code that would protect the United States I have been subjected to the same thing.

As a matter of fact, to such an extent that I often wondered about the legitimacy of my birth. But it comes from the same source; that is to be expected.

Mr. LYTTON. Well, a fellow Pennsylvanian, I can answer you in this fashion: No, sir, you did not have the same experience. You see, the majority of the people you knew backed your position. The majority of the people you knew and had to work with still respected and admired you.

But this wasn't the case in my instance, because the story became broader and broader. And in the Screen Writers' Guild, since I had identified myself in voting consistently for a number of years with the leftists, even though I was not in the party, I had voted with them on virtually every issue, and they were fighting at that time to build a guild and they weren't political in their attitude for the guild at that time.

I felt they were fighting to build a strong Screen Writers' Guild and I voted with them on issue after issue, as I recall, and I was probably

identified with them in the minds of many screen writers. They weren't looking for my company, shall we say.

And all these leftists, the liberals, from the Reds on through to the liberals--not all of them, but many of them, we will say, were now turning their backs upon me. It was more than that. It was affecting my work and my career. You are still a Congressman. I am not still a screenwriter.

Mr. TAVENNER. Will you tell us the result of the correction of the Communist Party charges and the arrival of the emissary from Mrs. Glenn?

Mr. LYTTON. Yes, sir. I was asked to--I was told I would be contacted further, and she hoped that I would not let this influence my coming back into the party. The inference that I drew was that I had better come back in now, too, because if I didn't, why, then, of course, it would be just simply q. e. d., that I must have been guilty, in the first place.

I was subsequently contacted—I don't remember, it wasn't very long—and I was told to go to a meeting, my first meeting would be at the home of Sam Moore.

Mr. TAVENNER. Can you fix the approximate time of the meeting at the home of Sam Moore?

Mr. LYTTON. It is very difficult to do. I would say it was——

Mr. TAVENNER. I mean just approximately.

Mr. LYTTON. Approximately, I think it was—it is hard to fix. It was in this period.

Mr. TAVENNER. Very well. If you are unable to fix it definitely enough to be satisfied in your own mind, why, just proceed and tell us what happened.

Mr. WALTER. Approximately is all right.

Mr. LYTTON. This is why I am trying to recall it carefully. It may have occurred in the fall of 1944 or it may have occurred early in 1945, and it is difficult to remember.

Mr. TAVENNER. Well, what occurred when you went to that meeting?

Mr. LYTTON. I couldn't possibly tell you, since I didn't go to that meeting. I was called the night before the meeting was canceled.

I said, "I see. When is the next meeting?"

"You will be called and told." That is that.

Mr. TAVENNER. Can you tell us who gave you this information?

Mr. LYTTON. No. Just someone called and said, "Is this Bart Lytton?"

"Yes."

"Bart, this is Mary," or Jane, or something like that. I don't know the name—I mean it was just the first name that was given to me on the telephone. And "I was told to contact you. The meeting is canceled."

Now, I knew a Sam Moore. I hadn't been at the meeting, so I didn't know what Sam Moore's home it was. I knew it was Sam Moore on Rossmore. And I knew a Sam Moore, and I knew him as president of the Radio Writers' Guild.

I saw this Sam Moore subsequently, in the next couple of weeks, and I said, "Sam, what about that meeting at your house. Why was it canceled?"

He said, "What do you mean, canceled?"

I said, "Oh, it wasn't canceled?"

He said, "Oh. Oh, sure, it was. You are darned right it was," and he turned and walked away.

I understood instantly that the meeting wasn't canceled, that he had made a slip. It was, at least what I took from it, and that the matter wasn't yet—now, I know why I was troubled about the time. This occurred prior to the visit of the young woman who came in the previous discussion. It was in the period of clearing the matter up that I had been told to report to a meeting, and this was what occurred.

Then I continued the attempts to get the matter straightened out. And following her visit—now, I am clear about the times on that. Following her visit I was then asked to go to a meeting up in the Laurel Canyon-Crescent Heights area in what is loosely referred to as Hollywood or West Hollywood, I am not sure.

And I think I can fix the time because the meeting that I attended there—not the first meeting, I think the second one the following week, had presented to it a letter that was subsequently to become famous and known as the Duclos letter. Now, that was sometime, I think, in May of 1945, if my memory serves me correctly. But it was in this period, in any event. Perhaps it was a little later.

I attended the first meeting, as I stated, and nothing much transpired, and I went to a second meeting. At the second meeting the Duclos letter came out. Now, the Duclos letter isn't important for me to describe, but I am sure that the committee is well aware of it and can identify it for the purpose of my statement, and what it meant to me that night.

The Duclos letter was—well, let us put it this way: Yesterday there was a young man here who in a very provocative and brazen fashion walked about this room with a "Fire Velde" button. I thought that if he were in a court of law, a bailiff would have removed him.

Mr. WALTER. You know, one of the most disappointing things about that button and the agitation is that Junior Roosevelt and those who have been agitating haven't the courage to try to press for a conclusion. Now, I think that is because they realize they would get all of 18 votes in the entire House of Representatives.

Mr. LYTTON. That is interesting.

Mr. VELDE. Thank you for the compliment, Mr. Walter.

I would like to say to the witness that we would appreciate hearing all about the Duclos letter, and I know that the television audience would, too, but we have quite a number of witnesses who we have to hear, so if you can confine your remarks as much as possible, the committee will appreciate it.

Mr. LYTTON. Very quickly, the Duclos letter was read at that meeting and I considered it a "Fire Browder" letter, and argued in the course of the meeting that that was what it meant, that the Communist Party was going to fire Earl Browder.

Only 1 or 2 others in the room seemed to agree. Most of them thought quite the opposite. Browder was their hero. Several girls broke down and cried. It was quite an emotional scene.

I was told that I was a provocateur; how did I dare come into the Communist Party and tell them that letter meant "Fire Browder." I became quite disturbed about it, and, in any event, they fired Browder. Let us put it that way.

Two or three weeks later, or whatever the time period was, they fired Browder. It was the meaning of the letter.

I was looked upon with great suspicion, however, and I learned that in the Communist Party if you interpret the line ahead of the interpretation that comes from upstairs, you are a very suspect person.

Mr. TAVENNER. Did that represent the beginning of your reaffiliation with the Communist Party?

Mr. LYTTON. It pretty close to represented the end as well.

Mr. TAVENNER. How long did you remain in the Communist Party after you came back?

Mr. LYTTON. For a matter of weeks thereafter. I don't recall how many.

Mr. TAVENNER. Well, will you tell us who attended that meeting or who the members of that group were of which you were a member?

Mr. LYTTON. I didn't know—now, I only attended a couple of meetings with this group. I didn't know the people in the group, and they, incidentally, were not studio people. The only person in that group whom I could positively identify as having been at the meeting would be Ann Morgan.

Mr. TAVENNER. Ann Morgan?

Mr. LYTTON. Yes.

Mr. TAVENNER. Did she hold a position in the Screen Writers' Guild at that time?

Mr. LYTTON. I don't know. I don't think so, not in the Screen Writers' Guild at that time, but she had held a position in the Screen Writers' Guild.

Mr. TAVENNER. What was the position?

Mr. LYTTON. She was—I don't know if she was—she was not executive secretary. She was an officer, a supervisor, to say the least. I don't know what her official position was.

Mr. TAVENNER. Now, do you know in whose home the meeting was held?

Mr. LYTTON. No, I do not.

Mr. TAVENNER. Or any of the meetings you attended?

Mr. LYTTON. Yes, I do.

Mr. TAVENNER. In whose homes were they?

Mr. LYTTON. I attended a meeting in the home, I think one or two meetings in the home of Dan James.

Mr. TAVENNER. Was he a screen writer?

Mr. LYTTON. It is my impression he was a screen writer.

Mr. TAVENNER. Well, during the short period of time when you had returned to the Communist Party did you have an occasion to attend any fraction meetings?

Mr. LYTTON. I did.

Mr. TAVENNER. Will you tell the committee briefly about that, please?

Mr. LYTTON. I attended two fraction meetings. I went in attendance upon two fraction meetings. One was canceled. I believe they were in regard to the issue of the strike that the Conference of Studio Unions were conducting at that time.

Mr. TAVENNER. When I say "fraction meetings" I am referring to fraction meetings of the Communist Party. Is that your understanding?

Mr. LYTTON. That is right.

Mr. TAVENNER. Will you tell the committee who took part in the fraction meeting that you attended?

Mr. LYTTON. Once again I have to state this, Mr. Tavenner. While I know that a large number of screen writers, motion picture people were members of the Communist Party—and there isn't a shadow of a doubt in my own mind as to their membership—my membership was of such short duration and the difficulties attendant upon it, including the blacklisting that I very clearly suffered from, that it would be difficult for me to pin down very many as having specifically been at any given time or place or meeting.

I hope that you will understand that, because I wish to be responsive. At one fraction meeting, John Wexley approached me, and I recall it very well because he approached me at the meeting, and he said, "Bart, you should be with us."

That was the second time I heard "with us." And he meant by that a writers' more closed group, and he said, "You will be called." And the following meeting was my last meeting.

Mr. VELDE. I believe this will be an appropriate place to take a recess. The committee will be in recess for 10 minutes, until 5 minutes after 11.

(Short recess was taken.)

Mr. VELDE. The committee will be in order.

Mr. TAVENNER. Mr. Chairman, it has just been called to my attention that the mention by the witness of a person by the name of Ann Morgan might give rise to some misunderstanding as to the Ann Morgan referred to by the witness.

There is an Ann Morgan who is a teacher in the Los Angeles schools.

Are you well enough acquainted with the Ann Morgan whom you mentioned in the course of your testimony to be able to state that it is not the person that I just referred to?

Mr. LYTTON. I am not well acquainted with the person you just mentioned to testify that it is not, but I know this, that Ann Roth Morgan was not a schoolteacher.

Mr. TAVENNER. And never has been a schoolteacher to your knowledge?

Mr. LYTTON. I doubt that she has.

Mr. TAVENNER. Do you know whether the person referred to, that is, the person referred to by you as Ann Morgan, Ann Roth Morgan, is also known by the name of Ann Roth Morgan Richards?

Mr. LYTTON. That I don't know.

Mr. TAVENNER. Mr. Chairman, I think I should state for the record that we know, from our investigative work, that those names refer to the same person, that is, that the person mentioned by the witness is the same person as Ann Roth Morgan Richards who was subpenaed as a witness before this committee.

Mr. SCHERER. And not the schoolteacher.

Mr. TAVENNER. And is an entirely different person from the school teacher. I believe that clears that up.

Mr. CLARDY. If it doesn't, Mr. Counsel, you would welcome her appearing here if she wishes to, so we may be certain?

Mr. TAVENNER. Oh, yes; if she would like to appear here, she will be welcome.

Will you tell us, please, the names of the persons who were identified with this group of writers in the Communist Party, if you can?

Mr. LYTTON. Well, either at a fraction meeting or at the home of Dan James or one other meeting I attended, I can state that I saw or talked to John Howard Lawson, of course, and Jay Gorney, Dan and Lilith James, and Stanley Praeger and Maurice Clark.

Mr. TAVENNER. Can you give us further identifying information relating to the last person you mentioned?

Mr. LYTTON. Only that I knew Mr. Clark in New York when he was connected with a group called the Theater Collective.

Mr. TAVENNER. Now, will you tell us, please, any further circumstances that you may have regarding your leaving the Communist Party?

Mr. LYTTON. I was at this time expelled from the Communist Party formally. I had argued at these few meetings I attended and I was expelled from the party. The charges were that I was an agent provocateur, that I was an FBI plant, and that I was generally to be considered as an enemy of labor and the people.

I will let the "people" make their own judgment on that.

Mr. TAVENNER. Can you give us the approximate date when that occurred?

Mr. LYTTON. That occurred, it seems to me that that occurred in late 1945 or the middle of 1945. I don't know.

Mr. TAVENNER. At the beginning of your testimony you told us that you are no longer in the screen-writing business.

Mr. LYTTON. That is right.

Mr. TAVENNER. When did you terminate your screen-writing career?

Mr. LYTTON. At the same time that I terminated with the Communist Party. I didn't terminate at that time, but I had no further career.

Mr. TAVENNER. Why was that?

Mr. LYTTON. I found that from then on a variety of wild charges were made all over town, incorrect identifications, identifications that occur unhappily at a moment like this. For example, a writer named Barre Lyndon was writing a picture "I Married a Communist." I am not Barre Lyndon and he was writing an anti-Communist picture. It was charged that Bart Lytton wrote it. My wife was called and she was cursed up and down roundly by a former friend.

She was told, "Don't you believe that he isn't writing it. We know he is writing it," for example, and so on.

I found that from any interview that I seemed to have thereafter I didn't get a job. An interesting one to me was one where a producer, whom I did not know, had expressed keen interest in a story I had written. I was invited to the studio to see this producer, and I went to the studio, RKO, again, and the producer was Adrian Scott. When he saw who the writer was he apparently didn't like it, let us put it that way. He delivered me a stern lecture on fascism and dismissed me curtly without discussion of the story.

I was to be hired by Abe Burrows to write specialty material for him. I met him at his request at the Brown Derby on Vine Street. He said, "Gee, I have decided I don't need a specialty writer. I don't need a writer." And he turned around and walked out on an invitation to lunch.

This kind of incidents kept occurring. Wherever I turned I was astounded that while the party was not large, they had as many areas of influence as they had in Hollywood. I made several attempts to have a hearing on the matter. I didn't want to get back in the Communist Party. I wanted no part of it. I had learned everything I had to learn about it and everything it represented, but I wanted a hearing because I wanted to be confronted with any evidence that might exist, and I wanted to see what they had to say. I was never afforded a hearing. I was never afforded any opportunity.

I was told, "We don't have to give you a hearing. We don't have to listen to you. We know what you are."

I asked who told them those things, and they said, "That is our business," and so forth.

The feeling there was simply that I was guilty because I was seen with an Army officer who was known to be an intelligence officer. The Army officer was my brother. He was a captain in the field artillery.

Mr. JACKSON. So that was guilt by association.

Mr. LYTTON. Yes, sir; guilt by association.

Mr. JACKSON. Isn't that a very reprehensible thing in the Communist Party parlance?

Mr. LYTTON. I think "guilt by association" is generally reprehensible and I think the Communists have very poor grace in ever accusing anyone else of it.

Mr. JACKSON. Except for the fact that a bank cashier who travels around with thugs and holdup men. He doesn't hold his job very long, does he?

Mr. LYTTON. I don't know what you mean.

Mr. JACKSON. That would be guilt by association.

Mr. LYTTON. I see what you mean; yes, that is right.

Mr. JACKSON. But the Communists do practice guilt by association.

Mr. LYTTON. Most assuredly they do. There is no question about that.

Mr. CLARDY. Of course, they never assassinate anybody's character.

Mr. LYTTON. They did their darndest to assassinate mine. Well, let us put it this way: I was no longer welcome in any of the circles I previously knew. People would not talk to me about it. The very nice people to whom I am indebted for my appearance here today, Pauline and Leo Townsend, I went to, because I had seen them at a meeting, and I asked them what it was about, and at that time they weren't out of the decompression chamber and they appeared nervous and ill at ease about the matter, and said that I had better talk to somebody else.

They were the only people, incidentally, who would even speak to me about it. Others just simply turned their backs.

Mr. DOYLE. You mean that only Communists who would talk to you?

Mr. LYTTON. No, sir; I wouldn't say—I will put it a little stronger than "only Communists." I would say that the Reds have a lot of fellow travelers, as you know, and you get to know pretty well who the fellow travelers are, or you would say, "Well, maybe this person is a Communist. I don't know whether he is a Communist Party member, but I know he is a Communist or a fellow traveler."

The fellow travelers, in turn, have influence at concentric circles, influence upon liberals, we will say, and this goes on. Now, they

didn't care what they said and they said many things that had no basis in fact whatsoever.

Mr. CLARDY. What you are trying to say is that they are the most intolerant people on earth.

Mr. LYTTON. Tolerance is not even considered to be a virtue in the Communist Party, according to its teachings.

Mr. CLARDY. You are agreeing with me, then, I take it?

Mr. LYTTON. Most assuredly.

Mr. TAVENNER. Well, as a result of your experience in the Communist Party, you left the field of screen writing; is that what I understand?

Mr. LYTTON. Well, let us say that it was certainly a large contributing factor. I was unable to secure another job in town.

I had the interesting experience, incidentally, of being told by a couple of producers that I was a known Communist. I said, "How did you learn that?"

And he said, "Well, your name was dropped by a couple of people I know to be Communists."

This was in that period. In other words, if it was necessary to state that I was a Communist not to get a job, they would do it that way.

Mr. DOYLE. May I ask this question?

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. I hope you will see the pertinence of my question, sir. Up until the time of your trouble with the Communist Party leadership, as a screen writer you had been financially successful?

Mr. LYTTON. I certainly had.

Mr. DOYLE. Thank you.

Mr. TAVENNER. You mentioned the name of Mr. Stanley Praeger. Will you spell that for me?

Mr. LYTTON. P-r-a-e-g-e-r, I believe.

Mr. TAVENNER. What is his occupation—what was it at that time?

Mr. LYTTON. Oh, he was a road show Lou Costello. That is what you call a poor man's comic. He used to appear at all social affairs and do skets and skitches—"skets and skitches," that is interesting. And he was, I think, for a time employed at Twentieth Century-Fox as a comedian.

Mr. TAVENNER. Since the time of your withdrawal from the Communist Party or your expulsion, have you engaged in any Communist Party activities, to your knowledge?

Mr. LYTTON. No, sir. In the decompression period, which we will speak of again, I supported Henry Wallace in 1948 in his candidacy for the Presidency of the United States, before the campaign and during part of it, but before the campaign was over, however, I didn't like the associations that it required and I ceased that support. I voted for him, however.

Mr. TAVENNER. I believe, Mr. Chairman, that is all I desire to ask.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. Your contention, as I understand it, Mr. Lytton, is that as a result of your break with the party that you were, in turn, reviled and blacklisted by those with whom you had previously been associated?

Mr. LYTTON. It is stronger than a contention, sir. At any time and any place I would provide evidence that that is so.

Mr. JACKSON. In other words, those who now scream "Blacklist" are in some instances, at least, the same people who used the black list as a weapon against you when you broke with the Communist Party?

Mr. LYTTON. They most assuredly did.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. They practice the worst kind of persecution possible, don't they?

Mr. LYTTON. I only know what happened to me——

Mr. CLARDY. From your own experience would you not agree?

Mr. LYTTON. Representative, and I would say that the inflictions upon me brought me to a state of nervous collapse; that it stopped what at least had been a successful career. I had come to a point where I made the kind of money that is most respectable. I was a successful and a prolific writer.

It not only stopped me from getting jobs, it finally affected my ability to put words on paper. It was a terrifying, humiliating, devastating experience. And as a result of that experience anything that I can ever do to aid in taking the cancer, the sickness, out of our social well-being, our society, I stand more than ready to do.

Mr. CLARDY. Wouldn't you say that those bleeding hearts who bleed against this committee and the work that it is doing are guilty of the grossest kind of fraud on the American public today?

Mr. LYTTON. I don't think there is any doubt about that.

Mr. CLARDY. That is all.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Mr. Chairman, in view of the testimony that has been so ably given by this witness, and in view of Mr. Clardy's remarks, I would just like to read a few excerpts from a pamphlet entitled "Courage is Contagious" that is being circulated in the Los Angeles area by the Citizens Committee to Preserve American Freedoms, of which the Reverend A. A. Heist is chairman. I think in view of the testimony that we have heard, and that which we have heard all during the past week, people that are listening on the radio and television should see what this committee has to face in different parts of the country from groups such as the Citizens Committee to Preserve American Freedoms.

Here are just a few excerpts from that publication:

> The House Un-American Activities Committee has long stood indicted of subverting the Bill of Rights.
>
> * * * * * * *
>
> It has shown total disregard for American principles of due process.
>
> * * * * * * *
>
> Because the committee does not trust our traditions, it is causing the whole world to distrust us.
>
> * * * * * * *
>
> The committee is the most un-American feature of life in the United States—practicing those very evils of which they accuse the Kremlin and its satellites.
>
> * * * * * * *
>
> A logical first step for us is the abolition of the un-American committee. Every Congressman must be urged to vote against all appropriations for its activities.
>
> * * * * * * *
>
> The most un-American activity I know is that of the Un-American Activities Committee * * * The grounds of attack are un-American. The procedure is un-American. The result is un-American, for a man may be condemned even if he is cleared.

I just would like you people here to listen to these statements, in view of what has been demonstrated to you and to the television audience in the last few days of these hearings.

Mr. JACKSON. Will the gentleman yield briefly?

Mr. SCHERER. Yes.

Mr. JACKSON. There is one thing which could be much worse than that, and that is if the Reverend Heist and his organization supported the committee. That would be an extremely serious situation.

Mr. WALTER. I am not a resident of California, of course, and know nothing about this or the gentleman. Is he an ordained minister, and has he a parish or church?

Mr. SCHERER. He is a retired Methodist minister, unfortunately.

Mr. WALTER. I made an examination, cursory, of course, this morning, and found that not only is that pamphlet filled with misrepresentations, but with things that are absolutely false. And it is a tragic thing, to my mind, that a man of the cloth would deliberately lie.

Mr. SCHERER. I think you are right, Mr. Walter. I think this hearing this week has demonstrated more clearly than anything else that these allegations are lies.

And, Mr. Chairman, may I read just a few more excerpts?

Mr. VELDE. Yes. Proceed, Mr. Scherer.

Mr. SCHERER. Let's ask any of you people who have been here today if you have seen anything like this.

*The committee has the power to sully a man's reputation unmercifully, * * * can send a witness to jail for refusal to answer a question even one which a court might not require him to answer * * * Committee members can and do slander witnesses with impunity.*

* * * * * * *

I charge this committee with contributing to the buildup of a big lie in this country with respect to the alleged menace of communism.

* * * * * * *

The printed record of the Un American Activities Committee that reaches the public, therefore, is a censored, emasculated version of the committee's un-American activities.

As Mr. Clardy said the other day, the press has done a marvelous job, as well as television and radio, in getting every word that has transpired here to the public, so how can there be any emasculation of the testimony?

*The claim that the committee has done much to "educate" the American people to the menace of communism is canceled by the committee's success in confusing and terrifying them. Terror and confusion do not make for successful defense against anything * * *.*

Mr. CLARDY. You are still reading from the pamphlet, I trust?

Mr. SCHERER. I am reading from the pamphlet.

Mr. CLARDY. I don't want the audience to get the impression that that is your idea.

Mr. SCHERER. I don't think they have gotten that impression.

Now, the last one:

The fears whipped up by the un-Americans are the bastard offspring of hysteria and greed. Conditions that spell misery for millions are perpetuated only because they are profitable for a few.

Mr. CLARDY. You say a minister put that out?

Mr. SCHERER. Yes.

Mr. WALTER. Don't you think it might be well, in view of all of the name-calling and the extravagant use of the kind of language not

frequently used by a clergyman, that he ought to be extended an invitation to come to Washington and tell us exactly what is wrong with our operation?

Mr. CLARDY. I vote for that motion, Mr. Walter.

Mr. JACKSON. May I ask one question? This is directed to the witness, Mr. Lytton.

Does that content ring a bell with you in any way from your experience in the Communist Party?

Mr. LYTTON. Yes.

Mr. JACKSON. In other words, the straight Communist Party line?

Mr. LYTTON. I don't know what the Communist Party line is today.

Mr. JACKSON. Well, it was yesterday?

Mr. LYTTON. I only say that as I knew the Communist Party line it would have fit.

Mr. CLARDY. It is a typical Communist tactic; isn't it?

Mr. LYTTON. I think it is one.

Mr. CLARDY. I didn't mean to say it is all of them, but it is at least one; isn't it?

Mr. LYTTON. I think so.

Mr. SCHERER. The pathetic thing is that there are so many men like the Reverend Heist—not so many, but enough of them who are not members of the party who are sold on such things as I have just read.

Mr. VELDE. Mr. Walter.

Mr. WALTER. I want to congratulate you on coming before this committee, and I am sure that my colleagues of the committee feel as I do about it. This isn't a nice job that we are obliged to do. It is a duty. Some of us are doing it against our better judgment. But it certainly took a lot more intestinal fortitude to do what you have done than it did for those people who came here and hid behind the very Constitution which if they had their way they would destroy. And I congratulate you.

Mr. LYTTON. Thank you, sir.

Mr. CLARDY. Let me join in that.

Mr. LYTTON. Thank you.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Mr. Chairman, I wish to say this to the witness. I join heartily in thanking you for coming and exposing the conspiracy which you did and the manner in which you did it. And in connection with that compliment to you, I wish, Mr. Chairman, to say while I do not have more than just personal acquaintance with the counsel now sitting beside the witness, he had with him yesterday a very able, distinguished attorney, who lives in my old congressional district in Los Angeles County, and I want to compliment him, and the partner here today, counsel for this witness, as men of the bar, successful as they are, taking time to come to this sort of a proceeding and add dignity and patriotic attitude by the bar toward the United States Congress.

Before I close, Mr. Chairman, I have received so many requests, both orally here and over the phone, and by messenger, where people are asking under what basic law this committee functions. I have had four questions to that effect this morning. While I have often referred to this, I believe it is pertinent, in view of the observations by

the distinguished committee member from Ohio, especially, that I take one minute to read just this basic law, Public Law 601.

The Committee on Un-American Activities as a whole or by subcommittee is authorized to make from time to time investigations of the extent, the character, and the objects of un-American propaganda activities in the United States, 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 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.

That was Public Law 601 passed by the 79th Congress, and that of course is the basic law under which this committee is here today.

Then I wish to read just one paragraph of Public Law 831, the 81st Congress, which is the enunciation by the United States Congress of its attitude as representing the American people of the Communist movement in the United States.

I read section 2 of Public Law 831 of the 81st Congress:

Necessity for legislation. As a result of evidence adduced before the various committees of the Senate and House of Representatives, the Congress hereby finds that -

(1) There exists a world Communist movement which, in its origin, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a worldwide Communist organization.

And I have again taken time to read those, Mr. Chairman, for the reasons stated.

Also, I think this large audience here in the room, as well as the large number of people seeing the work of this committee on television, should understand that this committee is here under an express direction of the United States Congress, which in the 81st Congress adopted as its declaration of policy and conclusion the fact that there does exist a world Communist conspiracy.

I just wish to call the attention of the audience, also, in the room here, that when the matter of appropriation for this committee this year was before the House of Representatives, in which we requested the sum of $300,000, which, by the way, was the largest sum ever asked for by this committee, there were only 2 votes against it in all the membership of the United States House of Representatives.

Of 435 Members, only 2 negative votes.

Mr. VELDE. Mr. Frazier.

Mr. FRAZIER. Mr. Lytton, I join my colleagues in expressing my very sincere appreciation for the fine testimony and the great assistance you have rendered this committee by appearing here.

Mr. LYTTON. Thank you, Mr. Frazier.

Mr. FRAZIER. That is all.

Mr. VELDE. Mr. Lytton, the Chair also wishes to concur and join with the other members who have expressed their gratitude for your appearance here.

Mr. Counsel, is there any reason why this witness should not be dismissed?

Mr. TAVENNER. No, sir.

Mr. LYTTON. Just before being dismissed, Mr. Chairman, I wasn't asked what might be done, and everyone has his own opinion, and if I could have just a moment to state it, I should like to.

Mr. VELDE. Certainly.

Mr. DOYLE. I think that would be very valuable, Mr. Chairman.

Mr. LYTTON. I have two things in particular on my mind: First, I think it well that we understand that these people, the bulk of them, are not villians. I know them. They were my friends. They are for the most part fine enough people as individuals. They are deluded, they are misled. That is our judgment. And it is certainly a judgment concurred in by all free men, I think, throughout the world.

Mr. WALTER. Do you think that is true today, since what occurred in Korea and what is now going on in Russia?

Mr. LYTTON. Congressman Walter, I am not talking about members of the Communist Party today. I think anyone who is a member of the Communist Party today, with all the evidence that is in, is either sick or dangerous. I am talking about countless people like myself, however, who had a short or longer brush with the Communist Party. And I think we have to help them out. I think we have to help them in many ways to come through to a real understanding of the wonderful country in which they live, and its way of life, to understand the nature of the society in which they live from our point of view.

In order to help them, I modestly propose to this committee that if a witness be brought here, subpenaed to appear before this committee, and if he is not yet ready to tell all, let him tell that part that he wishes to tell.

I told all. I was a responsive witness, and I think, therefore, I have the right to say this. I understand these people. They are going through a grave, emotional crisis. They would like to be helped. And let's not make them case-hardened Reds. Because if we don't help them on these first difficult steps, in which many of them are paying tribute to adults, as far as they are concerned, we will drive them back frantically into the arms of the Communists.

I don't want to see this happen to many decent people whom I suspect would come here gladly if they felt they didn't have to answer perhaps two names, or something of the sort. Each person has that which he doesn't want to respond to. Because I was a fully responsive witness and told you what I know, I know what they went through in arriving at that.

I suggest humbly that we help them through. It may be the next stage for the committee to bring in people openly and say, "All right, you tell us now what you know, we will let the American people be the judge." And they are a mighty good and a mighty fine and warm judge. I know, because I have today a large business, it is a successful enterprise, I have 30 people on my staff. I want to tell you that to a man and a woman they have stood up and told me they were with me.

I want to tell you that my business associates, that the people with whom I do business, told me, because I told them in advance of this hearing, that I would be here, how they felt about my appearance here. And I want to assure those people, in turn, that they will be received back in the community, the community will welcome them most wholeheartedly. Let's give them the chance for the first steps, and then I think many of them will come along to subsequent steps.

Secondly, and I will conclude. I would like to suggest that it is time that we beamed the Voice of America both ways. I feel that every large organization has its public-relations department.

I would like to tell you exactly why I was not susceptible, really, to Communist indoctrination. It is very simple. It is a matter of moral suasion. It is the fact that I was taught as a boy the difference between right and wrong, and it is the fact that I was imbued with a deep love for America. I always loved it.

My parents before me, my grandparents, my great-grandparents loved America, and I was imbued with such a deep love for it that when I recognized that this was really aimed against and not for my country, I dropped it.

Now, I think it most important that we teach and we imbue and we inspire this love, and I think that the Voice of America could do much to do this, because I think it is high time in this war of ideas that we sold ourselves to ourselves.

I would like to suggest that the committee think about that and perhaps recommend an appropriation, and a large one, for such purposes. Every organization, even if they are not on salary, has a public relations or sales department. For Heaven's sake, let's have America have its own public-relations department tell us about our country. Use every means, the means the Communists use so cleverly, let us use, decently and clearly, pamphlets, speeches, radio, every possible means. Let's give every educational instrument it is possible to give, because I believe that a constructive program is necessary, that we have to fight this idea, this monstrous idea, we have to fight with a better idea, and we have so much better an idea if only we would get to the people.

I am sorry. I realize I sounded like I was making a speech.

Mr. FRAZIER. It is a very good one.

Mr. VELDE. It is all right.

Mr. CLARDY. May I suggest the committee is already following your first suggestion as to how to treat witnesses. We are following that procedure pretty religiously, and I am glad to hear you approve of it.

Mr. LYTTON. I might say that I was treated most courteously by Mr. Tavenner, by Mr. Wheeler, when they discussed what I knew with me, and that they are remarkably fair; that they never asked me at one point to say anything that I could not say under oath as absolutely so. They never asked me to say, "Well, don't you think so-and-so," or they didn't ask me to say, "Well now, you could recall," or something of that sort. They merely asked me what I could say positively, and when I a few times said, "I am not sure about this or that," they said, "That is all right, then, don't tell us if you are not sure."

I want to compliment them in their handling of it.

Mr. DOYLE. Mr. Chairman, in view of the fact that Public Law 601, which I read a moment ago, charges this committee with recommending to the United States Congress any remedial legislation, I would like to ask this witness before he leaves the witness stand whether or not the field of legislation dealing with the Communist conspiracy has been given any consideration by you; and, if so, if you have any suggestions to give this committee as to what remedial or additional or different legislation we should consider recommending to the United States Congress. Have you given any thought to that?

Mr. LYTTON. I have, but I have no positive conclusions. There is much discussion as to whether the Communist Party should be outlawed. At this time I do not think that it is a good idea. I think that it has certain dangers in it.

I hold with the FBI on the matter of the outlawing of the Communist Party. I believe the position of the FBI is that it should not be outlawed. I think they are quite correct, because I think nothing is liked by those of a martyr complex better than to have the position of martyrdom, to begin with, thrust upon them.

And, secondly, I think driving them underground will make them more difficult to find and expose, and I think they may use it as an issue, and that, I think, is the dangerous—and, worse than that, once they do recruit someone into an underground movement he will never get out alive.

Mr. DOYLE. Thank you very much.

Mr. JACKSON. May I ask a question in that connection, Mr. Chairman?

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. Is it possible to conceive anything in the way of an underground movement which would be more diabolical or more completely conspiratorial, more completely underground than the operation of an espionage ring in the Nation's Capital?

Mr. LYTTON. Well, I think your question is very apt, because I think the party's roots are deep underground.

Mr. JACKSON. It is like an iceberg.

Mr. LYTTON. And its flower is just peeping above the soil.

Mr. JACKSON. There is one-eighth above the water and seven-eighths below the water.

Mr. LYTTON. No doubt about that. But I would feel that if the party were to be outlawed that there are two grave dangers. One is that, once outlawed, those who remain with this outlawed group would tend to become so hardened that they would never move away and they would be thereby that much more dangerous.

I am like many Americans who are trying to find out what should be done. On the other hand, however, outlawing has one basic advantage. It is saying clearly to young people that it is illegal. Now, most young people, if they have character, and while they will play with radical ideas, won't do anything illegal; so it may have that advantage of stating "This is illegal."

I once prepared a sketch in which my plan was called Soak the Reds. I paid some high income taxes and I realized that a great part of it was going, the greater part of it was going, because of this conspiracy in the world, because of the war situation, I thought, "Well, heck, they have yelled for many years 'soak the millionaires'; so now we will say 'soak the Reds'; let us tax them out of existence."

I wish it were possible, but every time I pay my tax I think it is a shame that they are allowed a personal exemption, because I thought a personal exemption was allowed to only Americans. But in any event, and more seriously, I think the problem is twofold.

One, there is the problem of the Communist Party and communism, and then there is the problem of socialism. And, as to socialism, I believe we have to act positively in order to vitiate the belief in socialism which should have been demonstrated clearly to any reason-

able man today as unworkable, as badly conceived, and as having no place in our American way of life. But a lot of people don't know that yet. They have yet to learn that.

I know in pictures they still show—don't still show it, but they were still showing it, let us say, that a banker is always a villain. That is not done by Communists. It is done by writers. A banker is always a villain. Now, I work every day with bankers, and they are not villains. I know they are not villains. I know some of the nicest people I have ever met were bankers, and they were very human. I have never met a man in the banking business who ever was willing or anxious to foreclose on a home.

Mr. VELDE. The witness is excused with the committee's thanks, and the committee will stand in recess until 2 o'clock.

Mr. LYTTON. Thank you.

(Whereupon, at 11:50 a. m., the hearing was recessed to reconvene at 2 p. m. same day.)

AFTERNOON SESSION

(At the hour of 2:14 p. m of the same day, the proceedings were resumed. Representatives Harold H. Velde (chairman), Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, and James B. Frazier, Jr., being present.)

Mr. VELDE. The committee will come to order.

Let the record show that present are Mr. Jackson, Mr. Clardy, Mr. Scherer, Mr. Walter, Mr. Frazier, and the chairman, Mr. Velde, a quorum of the full committee.

Mr. Counsel, do you have a witness?

Mr. TAVENNER. Yes. I would like to call Miss Jody Gilbert.

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

Miss GILBERT. I do.

TESTIMONY OF JODY GILBERT, ACCOMPANIED BY HER COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please?

Miss GILBERT. Jody Gilbert.

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

Miss GILBERT. J-o-d-y.

Mr. TAVENNER. Are you accompanied by counsel?

Miss GILBERT. Yes; I am. There isn't room for both of them. Could we do something about that? I would be all right by myself, believe me. I am happy to have them with me.

Mr. TAVENNER. Will counsel please identify themselves?

Mr. MARSHALL. Daniel G. Marshall, Los Angeles.

Mr. ESTERMAN. William B. Esterman, Los Angeles.

Mr. TAVENNER. Where were you born?

Miss GILBERT. Fort Worth, Tex.

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

Miss GILBERT. Well, I went through high school in Texas, but I don't like to leave it at that because since I was 4 years old I have

been training and preparing and studying to work at my profession. There has been considerable training of one kind or another since I was 4 years old. I consider this part of my education right now.

Mr. SCHERER. I am sorry, I can't hear the witness.

Mr. VELDE. Will the witness please raise her voice?

Miss GILBERT. Which mike? There are four of them.

Mr. VELDE. The long one, I believe.

Mr. TAVENNER. What is your profession?

Miss GILBERT. Now?

Mr. TAVENNER. Yes.

Miss GILBERT. That is a little bit difficult to say. My profession at the moment is as a witness.

Mr. TAVENNER. Well, what has your profession been in recent weeks or months or years?

Miss GILBERT. Weeks?

Mr. TAVENNER. Months or years.

Miss GILBERT. Months or years?

Mr. TAVENNER. Yes.

Miss GILBERT. I have been many things. I have been an actress in the theater, radio, television, movies. I forgot the movies; I am sorry. I have been a teacher and I have been a student.

Mr. TAVENNER. Let us begin with your career as an actress. Would you describe in a general way—not in great detail—what your——

Miss GILBERT. My first appearance, or my first movie or my first radio show or my first television show?

Mr. TAVENNER (continuing). What the record of your profession has been. If you were entitled to screen credits and received them in moving pictures or in radio, or any other matter, we would like to know just what it has been.

Miss GILBERT. Well, the reason I speak a little slowly—and I hope you won't infer from the fact I may sometimes stop to think before I speak——

Mr. TAVENNER. We would prefer you to stop and think.

Miss GILBERT. I am not dangerous or ill, but it is simply because I did swear to tell you the truth, and I have to stop and think before I speak.

I was a little bit surprised myself, when I sat down to count up the score the other night, because I didn't realize that I had such a fine career, because I was such an unimportant person, you see, the person that the Hollywood trade papers referred to as a good——

Mr. TAVENNER. Now, will you answer my question, please?

Miss GILBERT. Yes.

Mr. TAVENNER. What are your screen credits?

Miss GILBERT. It is hard to remember the work that you do. Put it this way: From 1932 to 1938 I worked mainly in the theater. From 1938 to—no, because I was in pictures before there was a Screen Writers' Guild—from 1937 to 1947 I worked mainly in pictures.

Miss GILBERT. What were the main screen credits that you received?

Miss GILBERT. Well, like I——

Mr. TAVENNER. Beginning in 1938 to 1948.

Miss GILBERT. I did a hundred-and-thirty-some-odd pictures, and it is a little difficult——

Mr. TAVENNER. I didn't ask you for a detailed statement. I just want the committee to have just some general idea.

Miss GILBERT. Screen credit?

Mr. TAVENNER. Yes.

Miss GILBERT. That is hard to remember, because I particularly remember the people I worked with. You know, I don't mind being called yesterday morning and having to sit here all day waiting for you to put me on, because I am accustomed to that in the films, you know, when they say 10 o'clock, hoping they will be able to use you——

Mr. TAVENNER. If you will just confine yourself to answering my questions.

Miss GILBERT. I hope that you will stop me, Mr. Tavenner, because I talk too much, like most women.

Mr. TAVENNER. I will do so.

Mr. CLARDY. There are some witnesses who don't talk too much.

Miss GILBERT. Well, the Long Beach papers said that I would be a talkative witness, and I don't want to disprove anything that is printed in the press.

Mr. TAVENNER. Just tell the committee what your principal screen credits have been during the period from 1938 to 1948.

Miss GILBERT. Well, I mean anything I did—you know, I did pictures with Gary Cooper, for one, a couple with John Wayne, and—

Mr. TAVENNER. What were they?

Miss GILBERT. I beg your pardon?

Mr. TAVENNER. I say, will you tell us what they were?

Miss GILBERT. The pictures? One of the pictures I remember that I did with Cooper was the first one for which he won the Academy Award, and the second picture that I did with Gary Cooper I remember specifically because he is such a fine actor.

Mr. TAVENNER. My only question—just a moment, please. My only question—

Miss GILBERT. The second picture was with Mr. DeMille.

Mr. TAVENNER. If you will just confine yourself to answering my questions and naming the pictures, that is all I have asked you.

Miss GILBERT. Well, I remember those two specifically.

Mr. TAVENNER. Were there any other pictures that you received screen credits for, major screen pictures?

Miss GILBERT. Oh, I am so sorry. I didn't know—you want the screen credit—because I don't think I received screen credits for many of them at all. I received very good notices.

Mr. TAVENNER. All right, then, I will change that question and ask you what were some of the major pictures in which you took part?

Miss GILBERT. Well now, that again is a matter of semantics. I have given you two or three major pictures. The one that I remember most is the one that I—the one I remember the most is one in which I got the best notices.

Mr. TAVENNER. You are still not answering, and I will have to withdraw my question, because you don't make your answers responsive.

Miss GILBERT. I am terribly sorry, Mr. Tavenner, but I worked in so many pictures.

Mr. TAVENNER. Yes. Well, let's leave the field of moving pictures and let me ask you what has been your major participation in radio scenes and in exhibitions.

Miss GILBERT. Exhibitions?

Mr. TAVENNER. Yes.

Miss GILBERT. I would be glad to. My major role which I played in radio 4½ years was in a program called—you see, there is a problem about names, because the names change so often. It was first called The Little Immigrant, and the name was then changed to Life With Luigi.

Mr. TAVENNER. What other major performances have you taken part in?

Miss GILBERT. It would be almost impossible for me to answer that question without getting my records. I will be glad to, if you want. I am sure my union has a record of it.

Mr. TAVENNER. I do not want them in detail, and if you cannot select some of the major ones we will just let it go at that.

Miss GILBERT. I have worked for nearly every network.

Mr. TAVENNER. Where did you begin your career in the theater in 1932? Was it in Los Angeles or was it in some other place.

Miss GILBERT. I didn't begin in 1932. I began when I was 4 years old. You didn't ask me how old I was?

Mr. TAVENNER. No.

Miss GILBERT. I don't mind telling you. Do you want to know?

Mr. TAVENNER. No, I didn't ask you. I find it is very difficult to meet the wishes of the witnesses on that subject.

Miss GILBERT. I don't mind. Why don't you ask me and find out if I want to answer it?

Mr. TAVENNER. Some actresses have taken exception to my asking that question, and I decided never to ask it again.

Miss GILBERT. That isn't me, though.

Mr. TAVENNER. If you want to volunteer, it is all right, but I am not asking you.

Miss GILBERT. I will answer the questions that you ask me.

Mr. TAVENNER. All right. Then will you tell me where you began your career in the theater?

Miss GILBERT. When I was 4 years old, I told you.

Mr. ESTERMAN. Where?

Miss GILBERT. My first public appearance was when I was 4 years old.

Mr. TAVENNER. Where?

Miss GILBERT. At the Majestic Theater in Fort Worth, Tex.

Mr. TAVENNER. Did you come immediately from Texas to Los Angeles?

Miss GILBERT. No.

Mr. TAVENNER. Where did you go, to New York? That is what I am inquiring about.

Miss GILBERT. Well, I went through high school in Texas, I told you that. Then I went to New York, and I came out here, and I went back to New York, wherever I could find work.

Mr. TAVENNER. Well, of course, I am only interested in what your work has been since you have been an adult, and I am trying to find out where it is.

Miss GILBERT. Since I have been an adult. Then we didn't have to go back that far.

Mr. TAVENNER. Certainly not. Will you tell us where you began your career after reaching the age of maturity, or when you considered you were an adult?

Miss GILBERT. Well, I think that you have helped me to grow up, Mr. Tavenner, you see. That is why it is so difficult to understand the meaning of your words. If you would give me a specific year, I will be glad to tell you where I was and what I was doing.

Mr. TAVENNER. What cities in the United States?

Miss GILBERT. Have I visited?

Mr. TAVENNER. Have you engaged in your work as an actress. Has it been generally over the country?

Miss GILBERT. I have been all over. Do you want the list, really?

Mr. TAVENNER. I want to know principally where you centered your activities before coming to Los Angeles.

Miss GILBERT. In my activities?

Mr. TAVENNER. Yes.

Miss GILBERT. As an actress?

Mr. TAVENNER. As an actress.

Miss GILBERT. I suppose I have been acting all my life, because this is the thing that has interested me the most.

Mr. TAVENNER. When did you come to Los Angeles?

Miss GILBERT. When did I come to Los Angeles?

Mr. TAVENNER. Yes.

Miss GILBERT. I have been in the Los Angeles area since 1932, with intermittent visits back and forth to New York.

Mr. TAVENNER. Mr. Chairman, I think possibly at this point I should refer to a telegram which I received from a person by the name of Miss Jo Gilbert, J-o.

Miss GILBERT. I get a lot of her checks.

Mr. TAVENNER. Are you acquainted with Miss Jo Gilbert?

Miss GILBERT. I am, and Mr. Velde made the request this morning, so I discussed it with my attorney whether or not it was advisable to mention this person, and we decided that we would leave it up to the committee in this regard. But since you asked, you know, I think she should be mentioned, and a couple of others, because of the similarity in name and the type of work that I do and the kind of person that I am.

I made a list of seven people—I am sure there are a lot more—whose letters I have received, and whose checks I have received, and whose phone calls and requests for blind dates, you know. And I don't want anything except what I have got coming to me, you see. So I thought that these people's names might be mentioned.

Mr. TAVENNER. That was my purpose in bringing up this matter.

Miss GILBERT. Thank you.

Mr. VELDE. Suppose you read the telegram, counsel, into the record.

Mr. TAVENNER. I would like to read it. [Reading:]

DEAR SIR: If you call Witness Jody Gilbert, may I please have complete identification. I have been in radio 16 years, Chicago, New York, Hollywood. In TV and motion pictures, 3 years. I am not nor have I ever been associated with the Communist Party, and am not the same person as your witness. Since news of possible calling of Jody Gilbert, have received many phone calls and must insist clarification between your witness and me. My name legally is Josephine Gilbert. Professional name, Jo Gilbert. My address, 6938 Camrose Drive. Phone——

Miss GILBERT. I have tried, because I have had this trouble, I have always had my address and phone number in the book.

Mr. TAVENNER. What is your address?

Miss GILBERT. My address is in the phone book.

Mr. TAVENNER. What is your street adress? Where do you reside?

Miss GILBERT. Well, before I say that, may I mention that I have had a little trouble, too, in giving out my address, as well as Miss Gilbert. I can certainly sympathize with her. I would like to say for the benefit of anyone whom I do not ask to visit me or phone me, that I am under the protection of the Congress of the United States and the Hollywood Police Department. I think that should be made very clear.

(Representative Francis E. Walter left the hearing room at this point.)

Mr. TAVENNER. What is your address, please?

Miss GILBERT. My address, which has always been in the phone book, is 1325½ North Bronson. And my phone number, if you want it——

Mr. TAVENNER. No.

Miss GILBERT. It is in the book.

Mr. TAVENNER. I can look it up if I need it.

Miss GILBERT. Thank you.

Mr. TAVENNER. The committee has received the testimony of Mr. Narcisenfeld.

Miss GILBERT. Who?

Mr. TAVENNER. Narcisenfeld, N-a-r-c-i-s-e-n-f-e-l-d. His first name is Harvey.

Miss GILBERT. Who?

Mr. TAVENNER. Harvey Narcisenfeld.

Miss GILBERT. Would you spell the last name, please?

Mr. TAVENNER. The spelling was N-a-r-c-i-s-e-n-f-e-l-d.

Miss GILBERT. One moment. May I confer with my counsel?

Mr. Tavenner, would it be possible for us to confer for about 2 minutes? It is a little difficult. Nobody is more aware of dead air than I am.

Mr. TAVENNER. I am willing for you to consult with counsel, of course, but I haven't asked you a question yet.

Miss GILBERT. I know you haven't, but this creates a question for me, you see.

Mr. TAVENNER. Very well.

Miss GILBERT. Go ahead, Mr. Tavenner. I am sorry I interrupted you.

Mr. TAVENNER. It is quite all right.

You have been identified as having been a member of the Communist Party by——

Miss GILBERT. You are all going to have to be quiet, because I can't hear.

I beg your pardon.

Mr. VELDE. Let's have order, please.

Miss GILBERT. Thank you, Mr. Velde.

Mr. TAVENNER. I say you have been identified by Mr. Harvey Narcisenfeld as having been a member of the Communist Party, and I want to ask you about that. Have you ever been a member of the Communist Party?

Miss GILBERT. Do you really expect me to answer that?

Mr. TAVENNER. Well, I hope you will.

Miss GILBERT. You hope I will?

Mr. TAVENNER. Yes.

Miss GILBERT. Why didn't you come to my house and ask me that, or bring me down here quietly?

Mr. TAVENNER. Mr. Chairman, I ask that she be directed to answer the question.

Mr. VELDE. Yes, Miss Gilbert, you are directed to answer that question. It is very simple and entirely in accord with your rights in this matter.

Miss GILBERT. Do you direct me to answer this question, Mr. Velde?

Mr. VELDE. Yes, Miss Gilbert, please.

Miss GILBERT. Thank you, Mr. Velde.

I hope you will be quiet, because I am an actress and I am accustomed to these lights and the mikes and everything else, but I hope that these people will not infer that because I stop to think before I speak, that there is anything guilty connected with it.

I decline the privilege of answering this question, and I have certain grounds on which I decline, and I would like to invoke the 19th amendment, which gives me equal rights to decline, and have just a few moments to answer it.

Mr. TAVENNER. Well, we understand that that is one ground. Do you have any other ground?

Miss GILBERT. I have not given my legal grounds, Mr. Tavenner. I have asked for just a moment to give my legal grounds.

Mr. TAVENNER. I understood you to say that you were relying on the 19th amendment.

Miss GILBERT. I did not say that. I said that I would like to invoke the privilege of relying on the 19th amendment.

Is it permitted, Mr. Velde?

Mr. VELDE. Certainly.

Miss GILBERT. Thank you. I have certain grounds, certain very definite grounds, Mr. Tavenner.

If you don't mind, I will pose for you afterward; I will be glad to [addressing photographers].

Mr. TAVENNER. There is no one attempting to photograph you.

Miss GILBERT. The Herald-Express put such an ugly picture in the paper of me the other day my mother tore it up.

Mr. TAVENNER. Well, I think I have the same complaint to make.

Mr. VELDE. Please proceed.

Miss GILBERT. I am terribly sorry. I am trying to concentrate.

Mr. VELDE. This is a serious matter.

Miss GILBERT. It certainly is. I lost my job. My grounds for declining what I consider to be the privilege of answering this question don't have anything to do with the press or the cameras or the people that are watching, or anything, except for the very profound respect in which I hold the Congress of the United States. You may find this hard to believe, but I took an oath I was going to tell the truth, and this respect is the truth. Beyond that I have a very profound respect for myself. No matter whether or not I have acted like a clown or make jokes or tried to find some comfort in some way to speak publicly, I have this respect and I thank you, Mr. Velde,

for allowing me just a few minutes. I will try to be very short, because I know I talk too much.

I have three grounds on which I want to decline the privilege.

Mr. TAVENNER. Will you name them, please?

Mr. CLARDY. Mr. Chairman, I move the witness be directed by the chairman to answer the question.

Mr. VELDE. Yes. If you decline to answer these questions relating to your connection with the Communist Party, it should be on a legal basis.

Miss GILBERT. A legal basis?

Mr. VELDE. Yes. Your legal grounds for not answering.

Miss GILBERT. I will try to be very short. When you sustain the shock of a lifetime, being stopped in your profession with no excuses, no reasons given, and you see—you sit for many days and you watch people of brilliance being tortured, it isn't easy to choose the right words to say at the moment of decision.

My legal grounds are actually based on powers of reasoning which I am not allowed to expound here, as other people have been, so that women don't have equal rights. They are based on the fifth commandment, which reads, "Honor thy father and thy mother that thy days may be prolonged in the land which the Lord thy God has given thee."

I choose to interpret this to mean forefathers. For that very reason I accepted, accept it as a privilege to be allowed to say, with all the lights on, everybody listening, that the fifth amendment was written for the protection of the innocent. It says nowhere in the fifth amendment that anyone will be compelled to bear witness against themselves. There is not one word in the fifth amendment about self-incrimination.

I am not a lawyer, though I have conferred with lawyers and I have talked to so many people it would make your head swim. If you think I am——

Mr. VELDE. Now, your statement is not responsive to the question.

Miss GILBERT. I am sorry. I didn't finish.

Mr. VELDE. Do you decline to answer the question?

Miss GILBERT. I decline. I haven't finished my reasons. Do you withdraw the question?

Mr. VELDE. Do you rely on the 5th amendment as well as the 19th amendment for your refusal to answer?

Miss GILBERT. Mr. Velde, I actually rely on the Constitution of the United States and the ten commandments, because of the fact I am aware that the fifth amendment was written for the protection of the innocent, and I rely on the fifth amendment. I am not hiding behind it. I am standing right in front of it.

Mr. VELDE. Do you have any further questions?

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

Mr. VELDE. Mr. Jackson?

Mr. JACKSON. No.

Mr. VELDE. Mr. Clardy?

Mr. CLARDY. No, Mr. Chairman.

Mr. VELDE. Mr. Scherer?

Mr. SCHERER. No.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. No.

Mr. VELDE. Mr. Frazier?

Mr. FRAZIER. No.

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

Mr. TAVENNER. No.

Mr. VELDE. The witness is excused.

Miss GILBERT. I have one question.

Mr. VELDE. The witness is excused.

Miss GILBERT. I am not allowed one question. I will ask it elsewhere.

Mr. TAVENNER. William Oliver.

Mr. Chairman, William Oliver is in transit here, I understand. If you are going to have a recess anywhere soon, this would be just as good a place to take it.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. The other day during the course of the testimony of the witness Danny Dare I made mention of an organization called the American Jewish League Against Communism, which is headed in Los Angeles by Rabbi Max J. Merritt.

In my opinion and the opinion of a great many people this league is doing a very substantial and worthwhile service in their work. I feel that the committee should take at least this degree of official recognition of the work being done by the American Jewish League Against Communism. I ask unanimous consent that it may be inserted in the record.

Mr. VELDE. Without objection, it is so ordered.

Mr. SCHERER. I suggest it be read.

Mr. VELDE. Proceed to read it.

Mr. JACKSON. It is addressed to Congressman Velde.

In this calculated attack being made on you by subversives and their allies because of your suggestion that men of the cloth who have taken part in Communist or pro-Communist activities, ought not to be any more immune to investigation than any other citizen, the American Jewish League Against Communism, Inc., that I have the honor to serve as local executive director, wishes to commend you for the stand that you have taken.

When men of the cloth, whether Protestant, Catholic, or Jew, take part in subversive activities or give expression to subversive opinions that have no faintest relation to their religious or spiritual functions, they have no reason to complain when the spotlight of legislative inquiry is focused on them and they are not entitled to hide behind the sanctity of the cloth.

I believe that the vast majority of the 140,000 clergymen in America—Catholic, Protestant, and Jewish—have no complaint against the investigation of colleagues who have made themselves apologists for a criminal and atheistic Russia.

Yours sincerely,

Rabbi MAX J. MERRITT.

Mr. TAVENNER. Mr. Chairman, while we are at this point, may I read another letter into the record regarding the identification of a person?

Mr. VELDE. Proceed.

Mr. TAVENNER. This letter has been received from Mr. Barry Trivers.

LOS ANGELES 46, *March 26, 1953.*

DEAR CHAIRMAN VELDE: May I respectfully call the committee's attention to an unintentional injustice which is being done to me, growing out of the fact that there are two writers in the motion picture industry who are named Trivers. One, Paul Trivers, has been named before the committee as an alleged Communist; on a number of occasions he has been mentioned and listed by last name alone. This has caused confusion and may do harm to a writer named

Barry Trivers who very definitely wants no part of Paul Trivers' first name, principles, or political idealogies.

I should be most grateful to you and the committee if they would be good enough to make this vital point clear. Otherwise my own reputation and livelihood may be jeopardized.

Your prompt consideration in this matter will be greatly appreciated.

Gratefully,

BARRY TRIVERS.

Mr. VELDE. The letter will be accepted into evidence and put in the record at this particular point, and the committee will stand in recess for 10 minutes.

(Short recess was taken.)

(Representative Velde left the hearing room during the recess, which lasted from 2:50 p. m. to 3:10 p. m.)

(Representative Walter returned to the hearing room at 3:10 p. m.)

Mr. JACKSON. The committee will come to order. Who is your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. William Oliver. I had understood that he was present.

Mr. ROBERT KENNY. He is on his way.

Mr. TAVENNER. Still on his way? I believe we can wait a minute or two.

Mr. JACKSON. The committee will stand in temporary recess.

(The committee stood in recess from 3:11 p. m. to 3:15 p. m.)

Mr. JACKSON. Do I understand the witness objects to the audio and video?

Mr. ROBERT KENNY. To everything.

Mr. JACKSON. Very well. In that case, the witness will be set over until Monday, to be notified by counsel.

Do you have another witness?

Mr. TAVENNER. Yes, sir. I would like to know first whether his counsel is here. May I see you a minute, Mr. Esterman?

(Conference between Mr. Tavenner and Mr. Esterman.)

Mr. TAVENNER. Mr. Albert Page.

Mr. PAGE. My counsel isn't in the room. I saw him going down the corridor. I will attempt to get him.

Mr. TAVENNER. Who is your counsel?

Mr. PAGE. Robert W. Kenny.

Mr. TAVENNER. I suggest he be given an opportunity to have his counsel present.

Mr. JACKSON. Do you want to call another witness, or do you want to wait?

Mr. TAVENNER. I can't see whether the witness is there or not.

Mr. JACKSON. He is there.

Mr. TAVENNER. I am taking your word for it. Just speak up. Are you there?

Mr. PAGE. Yes.

Mr. JACKSON. I suggest that the witness find his counsel and bring him in as promptly as he can.

Mr. TAVENNER. Mr. Chairman, I understand that the witness has had difficulty locating his counsel, and rather than delay matters further, may I call another witness?

Mr. JACKSON. Who do you wish to call?

Mr. TAVENNER. Charlotte Darling Adams.

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

Mrs. ADAMS. I do.

Mr. TAVENNER. Be seated, please.

Mr. Chairman, while we are waiting, may I read another telegram which has just been received?

Mr. JACKSON. Proceed.

Mr. TAVENNER (reading).

Chairman VELDE,
Un-American Activities,
Federal Building, Los Angeles:

Thanks for the correction. I am not only a teacher but a Roman Catholic and have been a screenwriter for 20 years. Thanks.

ANN MORGAN BARRON.

TESTIMONY OF CHARLOTTE DARLING ADAMS

Mr. TAVENNER. What is your name?

Has the witness been sworn?

Mr. JACKSON. She has been sworn. You may proceed.

Mrs. ADAMS. Charlotte Darling Adams.

Mr. TAVENNER. Are you accompanied by counsel?

Mrs. ADAMS. No; I am not.

Mr. TAVENNER. Do you desire counsel?

Mrs. ADAMS. No, I don't.

Mr. TAVENNER. It is the practice of the committee to permit every witness to consult counsel at any time they desire to do so.

Mrs. ADAMS. I would rather be on my own.

Mr. JACKSON. Will you speak a little louder?

Mrs. ADAMS. I am sorry. People usually can't hear me when I am talking right to them.

Mr. TAVENNER. Will you state, please, where you were born?

Mrs. ADAMS. Born in California.

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

Mrs. ADAMS. I went to Hollywood High School, graduated, and I attended part of a year at Los Angeles Junior College.

Mr. TAVENNER. What is your occupation?

Mrs. ADAMS. I am a housewife.

Mr. TAVENNER. Have you followed an occupation other than that of housewife?

Mrs. ADAMS. Yes; I have.

Mr. TAVENNER. What was it?

Mrs. ADAMS. I was a cartoonist.

Mr. TAVENNER. A cartoonist?

Mrs. ADAMS. Yes.

Mr. TAVENNER. Over what period of time?

Mrs. ADAMS. From 1933 until—well, intermittently, I stopped several times. Well, I stopped once to have—Can you hear me?

Mr. TAVENNER. Yes, I am hearing you.

Mrs. ADAMS. I stopped first to have my first child, and quit altogether in 1946 when I had my second one.

Mr. TAVENNER. Where were you employed during that period of time?

Mrs. ADAMS. Well, let's see. In—the first job I had in 1933 was in a knitting mill in Los Angeles. Cal-Det Knitting Mill. That only lasted 3 weeks. Then I was unemployed for a while and I went to work at Ed Fox Productions, an animated film studio. This was during the bank holiday, and I think that was in 1933, wasn't it?

Mr. TAVENNER. Yes; it certainly was.

Mrs. ADAMS. I am a little fuzzy on dates sometimes. Anyway, that lasted 6 weeks and the studio went broke. Then I went to work in June of 1933 at Leon Schlesinger Productions.

Mr. TAVENNER. Will you give the last name again?

Mrs. ADAMS. Schlesinger, Leon is the first name.

Mr. TAVENNER. Yes.

Mrs. ADAMS. I worked there for 5 years. For 3 years I was what is called an inker and for 2 years I was a background artist.

Mr. TAVENNER. Your particular work was that of inker, and what else?

Mrs. ADAMS. Background artist. That was for the last 2 years.

Mr. TAVENNER. Then it could be said that you were employed in the craft end of the business rather than the creative end?

Mrs. ADAMS. I was never at any time a creative artist.

Mr. TAVENNER. Were you acquainted with Mrs. Bernyce Polifka Fleury?

Mrs. ADAMS. Yes, I was.

Mr. TAVENNER. Was she employed by the same company by which you were employed?

Mrs. ADAMS. Not at the same time, no.

Mr. TAVENNER. How well acquainted were you with Mrs. Fleury?

Mrs. ADAMS. I knew her personally, and her husband.

Mr. TAVENNER. Are you acquainted with the fact that Mrs. Fleury testified before this committee in September of 1951?

Mrs. ADAMS. Yes.

Mr. TAVENNER. During the course of her testimony she identified a person by the name of Charlotte.

Mrs. ADAMS. Undoubtedly me.

Mr. TAVENNER. As a person who was known to her to have been a member of the Communist Party group of which she was a member.

Mrs. ADAMS. I had no idea that she had mentioned my name.

Mr. TAVENNER. You had no idea that she had?

Mrs. ADAMS. No, I didn't read her testimony. I just heard that she had testified.

Mr. TAVENNER. Well, was she correct in that statement?

Mrs. ADAMS. Yes, she was.

Mr. TAVENNER. That you were a member of that same group?

Mrs. ADAMS. I was.

Mr. TAVENNER. Now, in the course of Mrs. Fleury's testimony she described a rather violent disagreement, I should say a positive disagreement, between herself and Mr. Ed Biberman regarding the use of art. Can you enlighten the committee, or do you recall the incident?

Mrs. ADAMS. Yes, I do. It was on an occasion, I think it was an educational, open educational meeting where there were both Communists and non-Communists present, and the discussion had to do with art and whether or not an artist should express himself in any way he chose or whether he should just reflect social influences, and—

well, I am not really an artist, and it is a little above my head, but that was the general idea.

There was a basic difference of opinion. I believe that Mr. Biberman felt that the artist had a duty to society to speak for people, and so forth.

Mrs. Fleury felt that an artist should paint as she wished.

Mr. TAVENNER. Had Mr. Biberman attended many meetings of groups of Communists, to your knowledge, when you were present?

Mrs. ADAMS. Yes, he did.

Mr. TAVENNER. Was he known to you at the time to be a member of the Communist Party?

Mrs. ADAMS. He was.

Mr. TAVENNER. Did you acquire a feeling that the Communist Party, through the leadership of Mr. Biberman, was attempting to influence people in the practice of their art?

Mrs. ADAMS. Well, yes, and that was a point on which there was quite a bit of disagreement, I believe.

Mr. TAVENNER. And Mr. Ed Biberman was one of the leaders in the Communist Party, was he not? Was he not so recognized?

Mrs. ADAMS. He was well known.

Mr. TAVENNER. And prominent in the work of the Communist Party, within the knowledge of Communist Party members?

Mrs. ADAMS. Yes, I believe so.

Mr. TAVENNER. Did you have the feeling that he was a person who spoke with some authority for the Communist Party?

Mrs. ADAMS. Oh, yes. He had that manner.

Mr. TAVENNER. And so if a person of that character and reputation and personality of Mr. Biberman advocated a principle, it was a matter that necessarily had weight with other Communist Party members, wouldn't you say?

Mrs. ADAMS. Yes, to a degree.

Mr. TAVENNER. And on this particular occasion he was endeavoring to lead the membership of the Communist Party into the line of carrying out some special design in their art? By design I mean some purpose.

Mrs. ADAMS. Well, the art phase of the Communist Party was never that rigid. Actually, the fact that they had, that Mrs. Fleury and Mr. Biberman had discussion—it was not like a debate, it was simply a discussion, and the two ideas were thrown out for whoever was listening to select.

Mr. TAVENNER. Do you recall the circumstances under which Mrs. Fleury left the Communist Party?

Mrs. ADAMS. I think it had something to do with her disagreement with Mr. Biberman.

Mr. TAVENNER. It was because of her disagreement with the Communist Party purpose to direct how she should practice her art?

Mrs. ADAMS. Well, I think that the party was more in favor of Mr. Biberman's approach than it was Mrs. Fleury's.

Mr. TAVENNER. And that resulted in her leaving the Communist Party?

Mrs. ADAMS. I believe I heard you say the other day that that was her reason.

Mr. TAVENNER. Well, from your independent recollection.

Mrs. ADAMS. She didn't tell me herself.

Mr. TAVENNER. Yes. How long did you remain in the party?

Mrs. ADAMS. Until 1946.

Mr. TAVENNER. 1946. What were the circumstances under which you got out of the party?

Mrs. ADAMS. I got tired of being told what to do.

Mr. TAVENNER. Will you explain a little more fully what you mean, please.

Mrs. ADAMS. Well, I am purely and simply a trade unionist, and I always have been since a union has been available, and when it was suggested to me that I go back to the—this is almost immediately following my leaving work after I had my baby—when it was suggested to me I go back to work because I was useful to the party as a trade unionist, I said, "This is the end. I am through." I didn't want to have anything more to do with it.

Mr. TAVENNER. Well, will you tell us more in detail how that direction was given to you, the circumstances under which it was given?

Mrs. ADAMS. Well, let's see. I was called on the telephone.

Mr. TAVENNER. Do you recall by whom?

Mrs. ADAMS. No, I don't. It was a woman, I think. I can't remember.

Mr. TAVENNER. Who were the members of your particular group at the time that you withdrew from it?

Mrs. ADAMS. That is kind of hard for me to remember, because during that last year I didn't participate very much in the party, and I went very occasionally to meetings.

Mr. TAVENNER. Will you tell us what class or type of people were in your particular group? That is, were they members of your own trade or profession explicity, or was it a larger group?

Mrs. ADAMS. No, because Mr. Biberman, who was a member, was not in our union. There were several people who were not. I don't remember them very well.

Mr. TAVENNER. Will you give us the names of those you remember?

Mrs. ADAMS. I will tell you, Mr. Tavenner, I was a member of the party for quite a long time, and participated in an awful lot of different groups, due to the flexibility of the party itself.

If you remember, during this period when I belonged there were a great many changes in policy and a great many changes in approach, you know, instruction and things like that, and consequently it is pretty hard—I have been sitting down every night trying to remember some of the things.

There are periods that are a complete blank, actually.

Mr. TAVENNER. I do not believe you told us when you first became a member.

Mrs. ADAMS. No, you didn't ask me before.

Mr. TAVENNER. Yes. Well, will you tell us?

Mrs. ADAMS. Yes, I will. Would you like to know how I became interested in the party?

Mr. TAVENNER. Yes; I would like to know that, too.

Mrs. ADAMS. I think it has to do with how I got the attitude which made me respond. In about 1935 or 1936 a friend of the studio who had done a little acting in college or something like that, I believe, asked me if I would like to visit the Contemporary Theater, which was, I believe, a leftwing theater in Los Angeles.

She didn't tell me what kind of theater it was. She just said Contemporary Theater, and contemporary sounded—well, it sounded all right to me, so I went with her. I was not interested in acting, myself, but I thought maybe that I could find something of interest there.

Well, at that time they were producing, or in the process of running a play, an antiwar play which was called Bury the Dead. It was a very stirring antiwar play, and it did have a lot to say against war and its results. The play, however, was not a financial success, I think. I made a scrapbook for them to keep their press clippings in, and I worked a little on posters and things like that, but there wasn't really much for me to contribute to the theater.

They started some classes there in, oh, various different things. One was the social history of the theater, and I think there was a class in acting, body movement, and I don't know what else.

I took the class in social history of the theater, because—well, it just sounded interesting, and it was. It was conducted by an Eli Jacobson. I have never heard of him since.

I wasn't happy there, because I felt out of things. Nobody—my friends decided not to go any more, and nobody at the theater would have conversation with me, and I thought it was rather peculiar, because I was willing to work, and I took notes on all the classes, but I was treated with suspicion.

So then, let's see—oh, yes. They wanted to publish a series of lectures which Mr. Jacobson had given in a magazine called the New Theater. I don't know if you are familiar with that or not, but it was a magazine devoted to the social theater. Nobody had taken notes but me, and so they used my notes and the atmosphere was a little friendlier then. I had a certain amount of regard for those people. They all seemed very bright, and I was glad to be accepted.

Well, they stopped going to the theater. At that time there was a particular—I remember during the same period going to some meetings for fund raising for the Spanish war, and I became, I would say, anti-Fascist. It was such a novel situation to me that there was no other choice.

At that time I was working at Leon Schlesinger Productions and at that time a number of the cartoonists joined a union in the studio, not the cartoonists' union, but one of the craft unions, a very small group of craft unions it was, and they asked me if I would be interested in joining that.

I said "Yes," anything to improve conditions in the studio. So I joined, and about the second meeting I went to, the union that we belonged to decided that we were too small a group for them to bother with, and about that time a number of unorganized different crafts in the studios were organizing independent organizations for the purposes of collective bargaining, and another small group who was in this other union decided they would also organize, and the cartoonists were interested.

Well, we were very green in the matter of organization. We knew absolutely nothing about what we had to do.

Mr. TAVENNER. I don't quite understand when you say "we."

Mrs. ADAMS. We had no experience, we had no understanding of organization, so I asked several members of the union who were the

unions organizing themselves independently if maybe they could help us in our organization, and they said yes; they would be glad to. And then one of them asked me if I would be interested in attending a discussion group.

I said "Yes." And the discussion group turned out to be—had to do with China, and at that time I believe Sun Yat-sen had been the leader of the Chinese.

Mr. TAVENNER. Without going into detail——

Mrs. ADAMS. That was the subject, anyway, China and feudalism.

Mr. TAVENNER. Did this group have a name?

Mrs. ADAMS. I don't know of any name.

Mr. TAVENNER. Was this a group of the Communist Party at that time?

Mrs. ADAMS. Well, yes; I believe it was, although apparently there were many people like myself who were not Communists there.

Mr. TAVENNER. Well now, that led up to your becoming a member of the Communist Party?

Mrs. ADAMS. It did. They passed cards around that night, and I signed an application.

Mr. TAVENNER. What year was that?

Mrs. ADAMS. 1937 or 1936. It was 1936 or 1937, it seems.

Mr. TAVENNER. Were you then assigned to a special group or a group of the Communist Party?

Mrs. ADAMS. Well, I was assigned originally to quite a mixed group, all kinds of studio workers.

Mr. TAVENNER. How many people were in the group?

Mrs. ADAMS. Goodness, that first group must have had about 40 or 50 people in it. I don't know what the reason was.

Mr. TAVENNER. Can you give us the names of the leaders in that group?

Mrs. ADAMS. In that particular group? I only attended two meetings of that group and it broke up.

Mr. TAVENNER. The group was broken up into smaller units?

Mrs. ADAMS. Yes.

Mr. TAVENNER. And is that the time then that you were assigned to a group of people who were interested in very much the same things as you were interested in?

Mrs. ADAMS. That's right.

Mr. TAVENNER. How many were in that group?

Mrs. ADAMS. A handful. About 10 or so, I should think.

Mr. TAVENNER. Who were they?

Mrs. ADAMS. Well, I don't remember all of them. In the first place, nobody used their right names.

Mr. TAVENNER. Will you give us the names of those who you do remember?

Mrs. ADAMS. I do remember one, because he took me to all the meetings.

Mr. TAVENNER. What was his name?

Mrs. ADAMS. Well, he was a set designer, and his name was Frank Drdlik.

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

Mrs. ADAMS. D-r-d-l-i-k.

Mr. TAVENNER. And the first name was——

Mrs. ADAMS. Frank.

Mr. TAVENNER. Can you identify him a little further as to what his occupation was?

Mrs. ADAMS. He was a set designer.

Mr. TAVENNER. I understand now. I didn't hear that. Can you give us the names of others?

Mrs. ADAMS. The only other one that I can recall is Ed Gilbert.

Mr. TAVENNER. I am sorry, I could not hear.

Mrs. ADAMS. Gilbert.

Mr. TAVENNER. Ed Gilbert?

Mrs. ADAMS. Yes.

Mr. TAVENNER. Can you tell us more of his occupation or what his particular——

Mrs. ADAMS. He had the same occupation as the other one.

Mr. TAVENNER. And these were back lot workers, as they are usually called?

Mrs. ADAMS. Yes. They had no prestige at all.

Mr. TAVENNER. Will you continue, please, and give us the names of others?

Mrs. ADAMS. Those are the only two that I recall, sir. And the reason I remember those is because the set designers helped us with our organization.

Mr. TAVENNER. How long did you remain in that particular group?

Mrs. ADAMS. It changed from time to time. People were in and out. I believe it was about 2 years or so.

Mr. TAVENNER. Then what group were you assigned to?

Mrs. ADAMS. I had this all written down and I left it at home.

Mr. TAVENNER. Well, if you are uncertain at this time——

Mrs. ADAMS. I am. I don't really remember. You know, the groups changed. I don't know whether it was this same group with different people in it, or what.

Mr. TAVENNER. You have not talked to any member of the committee or any employee of the committee at all, have you, about your testimony?

Mrs. ADAMS. No, I haven't.

Mr. TAVENNER. Well, I want to compliment you on the decision that you made.

Mrs. ADAMS. It was very hard to do.

Mr. TAVENNER. I understand that, and appreciate it fully. And I am quite pleased that you have taken the position you have.

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

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. I have no questions.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Walter.

Mr. WALTER. No questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. I want to join in complimenting you as a mother of two——

Mrs. ADAMS. Three.

Mr. DOYLE. Three California-born children. I want to compliment you very sincerely in making this move. I am a member of the bar myself, but I noticed you made the statement, "I have no counsel. I would rather be on my own."

Mrs. ADAMS. I didn't want anyone to be responsible for anything I had to say.

Mr. DOYLE. Have you any suggestion to make to this committee in the field of possible consideration of legislation dealing with the Communist conspiracy? I can see you have thought a good deal of your own position, you have analyzed it and made up your own mind.

Mrs. ADAMS. Yes.

Mr. DOYLE. You went into the party in 1936 and 1937. I think according to your own testimony you got out. Did it ever come to you to consider what the legal situation was with reference to the Congress of the United States and the Communist Party in the United States? Have you given that any thought at all?

Mrs. ADAMS. I haven't thought about the Communist Party since I quit.

Mr. DOYLE. Thank you very much.

Mr. VELDE. Mr. Frazier.

Mr. FRAZIER. Thank you very much, Mrs. Adams, for your assistance in the matter.

That is all.

Mr. TAVENNER. May I ask another question? I have not interrogated you here as fully as I would like to, and I would like to ask you whether you will cooperate with the committee in talking further to an investigator who will be assigned for that purpose?

Mrs. ADAMS. I will do anything I can.

Mr. TAVENNER. Thank you very much.

Mr. VELDE. Just a minute. The Chair would like to join with my colleagues in expressing our appreciation for your testimony. I regret I was unable to be here to hear all of it. We want to thank you for cooperating and assisting our investigators in the future.

Mr. Clardy.

Mr. CLARDY. I think you have expressed what we feel. We thank you very much.

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

Mr. TAVENNER. No; except for the request I made.

Mr. VELDE. The witness is excused. Do you have another witness?

Mr. TAVENNER. Yes. Mr. Lazarus.

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

Mr. LAZARUS. I do.

TESTIMONY OF SIMON M. LAZARUS, ACCOMPANIED BY HIS COUNSEL, BEN MARGOLIS

Mr. TAVENNER. Your name, please, sir.

Mr. LAZARUS. Simon M. Lazarus.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. LAZARUS. Yes; I am.

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

Mr. MARGOLIS. Ben Margolis.

Mr. TAVENNER. When and where were you born, please, sir?

Mr. LAZARUS. I was born in Russia on April 19, 1894.

Mr. TAVENNER. When did you come to the United States?

Mr. LAZARUS. In the early part of 1914.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. LAZARUS. Yes; I am.

Mr. TAVENNER. When were you naturalized and where?

Mr. LAZARUS. I was naturalized in New York City on May 5, 1924.

Mr. TAVENNER. Where do you now reside?

Mr. LAZARUS. In Monrovia, Calif. It is a suburb of Los Angeles.

Mr. TAVENNER. How long have you lived there?

Mr. LAZARUS. About 7 months.

Mr. TAVENNER. Prior to that time, where did you reside?

Mr. LAZARUS. I resided in Hollywood and Beverly Hills, San Fernando Valley.

Mr. TAVENNER. When did you come to California?

Mr. LAZARUS. In 1925.

Mr. TAVENNER. You have lived here continuously since that time?

Mr. LAZARUS. That is correct, with the exception of some short periods.

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

Mr. LAZARUS. I am an exhibitor, a motion-picture exhibitor.

Mr. TAVENNER. How long have you been engaged in that business?

Mr. LAZARUS. Since 1917, 36 years; approximately 36 years.

Mr. TAVENNER. Have you also been engaged in the production side of the motion-picture business?

Mr. LAZARUS. I don't know how to answer this question. May I answer it in my own way, so I will explain to you what my position was as an exhibitor, first? As far as production, I was not a producer. I have undertaken a production about a year an a half ago. Is that what you are referring to?

Mr. TAVENNER. Yes. I want to know how long you have been engaged in the production business.

Mr. LAZARUS. About a year and a half ago, maybe; not quite 2 years.

Mr. TAVENNER. Are you engaged in that business as an individual or in a corporate way?

Mr. LAZARUS. In a corporate way.

Mr. TAVENNER. What is the name of your company?

Mr. LAZARUS. Independent Productions Corp.

Mr. TAVENNER. Are you one of its principal officers?

Mr. LAZARUS. I was the president of that corporation.

Mr. TAVENNER. Are you president of the corporation now?

Mr. LAZARUS. No, I am not.

Mr. TAVENNER. When did you cease to be its president?

Mr. LAZARUS. On March 19, 1953.

Mr. TAVENNER. How long a period of time were you the president of that company?

Mr. LAZARUS. Since its inception.

Mr. TAVENNER. Who is its president now?

Mr. LAZARUS. I do not know.

Mr. TAVENNER. Are you a stockholder of the corporation?

Mr. LAZARUS. Yes, sir.

Mr. TAVENNER. Are you a director of the corporation?

Mr. LAZARUS. Not now.

Mr. TAVENNER. When did you cease to be a director?

Mr. LAZARUS. On the same day of March, the 19th, 1953.

Mr. TAVENNER. Prior to March 19, 1953, what was the extent of your financial interest in the corporation?

Mr. LAZARUS. $5,000.

Mr. TAVENNER. What was the total amount of issued and outstanding capital stock at that time?

Mr. LAZARUS. Only $5,000.

Mr. TAVENNER. Then you were the sole owner of the corporation?

Mr. LAZARUS. Of this $5,000 of the stock.

Mr. TAVENNER. Yes. That being all the stock and you being the holder of all of it——

Mr. LAZARUS. That is correct.

Mr. TAVENNER. You were the sole owner of the corporation?

Mr. LAZARUS. Mr. Tavenner, I really don't know the legal end of that——

Mr. TAVENNER. There may have been qualifying shares in the names of other persons, in order to make up the necessary number of directors under the California law.

Mr. LAZARUS. Not that I know of.

Mr. TAVENNER. There were no other stockholders?

Mr. LAZARUS. There were no other stockholders, so far as I know. As far as I remember—as far as I know.

Mr. TAVENNER. Then to be certain, you were the sole owner of the corporation?

Mr. LAZARUS. That is correct. That is correct.

Mr. TAVENNER. Of the stock of the corporation?

Mr. LAZARUS. That is right.

Mr. TAVENNER. How many pictures had your corporation produced before you resigned or left the position of president?

Mr. LAZARUS. They were about finishing a picture. They were about to finish one production.

Mr. TAVENNER. One production. What was that picture?

Mr. LAZARUS. The title, the working title of that picture was Salt of the Earth.

Mr. TAVENNER. Had you produced any other picture or worked in the production of any other pictures besides that one?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. We did not produce any other picture besides this one.

Mr. TAVENNER. Had you contracted for any picture other than that one?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. There were agreements made for one other picture. Some oral agreement was made about another picture that we had in mind to make. However, no other pictures were made by the corporation.

Mr. TAVENNER. When was that agreement made for the production of another picture?

Mr. LAZARUS. That must have been about a year ago we were contemplating to make that picture.

Mr. TAVENNER. Did you abandon the production of the other picture that you have reference to?

Mr. LAZARUS. Yes, we did.

Mr. TAVENNER. This is a California corporation, is it not?

Mr. LAZARUS. Yes, sir.

Mr. TAVENNER. Do you still own the $5,000 of stock in the corporation?

Mr. LAZARUS. Yes, sir.

Mr. TAVENNER. But as a stockholder you do not know who its president now is?

Mr. LAZARUS. At the present time I don't know.

Mr. TAVENNER. Who is the secretary of the corporation?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. Mr. Tavenner, to answer this question pertaining to names that you will ask me from now on in, of any names, I will ask the privilege of refusing to answer. I have a slight knowledge of the workings of this committee——

Mr. TAVENNER. Let me ask you a question at this point. Do you have the custody of the records of the corporation, or are the records in the custody of its secretary?

Mr. LAZARUS. I do not have it with me.

Mr. TAVENNER. I understand that.

Mr. LAZARUS. I do not have the records——

Mr. TAVENNER. Are the records subject to your control?

Mr. LAZARUS. No.

Mr. TAVENNER. Then I will have to ask that you tell us who the secretary of the corporation is.

Mr. LAZARUS. I will have to answer you that I do not desire to name names before this committee. As I said, I have sat here the last few days and I have seen with my own eyes something that was a little bit repulsive to me——

Mr. TAVENNER. Your answer is not responsive to my question.

Mr. LAZARUS. I am sorry, Mr. Tavenner. This is absolutely my answer. It has to be, because I have drawn certain conclusions from the meeting, from this forum, which makes me do things that I probably did not think of before. I think I have a perfect right to explain to you why I don't want to mention any names. And I am doing that. I am trying to tell you that I don't want to mention any names because this committee is only interested in naming names to blacklist these people.

Mr. VELDE. Mr. Lazarus, the committee will listen to any reasons you have based upon logical, legal grounds for your refusal to answer.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. VELDE. But we don't care to listen to any lecture or any voluntary statements like you have been making. I direct you to answer the question that was asked of you by counsel. If you don't remember it, I will ask him to rephrase it or have the reporter read it to you.

Mr. LAZARUS. Mr. Velde, I haven't given you the reasons yet, all the reasons. I think I am entitled to have the privilege of addressing to you, as much as the other witnesses did. And I think you have left witnesses here talking to you for hours, with repeats. However, they did, and you let them, while I want to explain my reasons and you refuse.

Mr. VELDE. If you will answer the question, Mr. Lazarus, we would probably give you the privilege of talking to us.

Mr. LAZARUS. Mr. Velde, I am explaining to you why I don't want to answer this question. I have a perfect right to explain the reasons.

I want the American people to know, I am in front of television and I am in front of radio. I want them to know my reasons.

Mr. DOYLE. I feel as a member of this committee, I want to sincerely counter your charge that this committee is interested in blacklisting people. That is absolutely false. As a member of this committee, I want you to understand that I am not interested in anyone being blacklisted unless they are subversive and intend to unlawfully overthrow my Government.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. DOYLE. Those are the kind of people we are trying to discover. Are you a member of the Communist Party now?

Mr. LAZARUS. Now, Mr. Congressman, I have been a businessman for 37 years. I have been a good citizen in this community for 37 years. I have not committed any crimes. I have made nothing but friends.

Mr. DOYLE. We don't say you have committed any crimes, but I am asking you if you are a member of the Communist Party now?

Mr. LAZARUS. Let me answer you the way I feel like answering. I have answered this question in front of other forums all over the country. I have made statements all over the country about my political affiliations.

However, I refuse to make my political affiliations in front of you, to tell you, for a reason, and this is the reason, my friend: If I tell you what you want me to tell you—and I have to tell the truth, and I would be a very nice fellow, I would not be called any names, because I am not the kind of fellow that you think I am.

However, if I say it in front of this audience today, and tomorrow and 6 months from now, and a year from now, somebody would drag me into court and state that I have perjured myself, and then I have to go to court and I have to be dragged in. And at my age, Congressman, I don't think I should do that, that you should ask me to do that.

Mr. DOYLE. We are not asking you to perjure yourself. We are asking you to tell the truth.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. CLARDY. Mr. Chairman, I suggest that counsel propound his question again so that we may get back to that.

Mr. LAZARUS. By the way——

Mr. CLARDY. Just a moment, sir. I made a request of the chairman.

Mr. VELDE. Will counsel propound his last question?

Mr. TAVENNER. The question, Mr. Lazarus, is this: Will you please advise the committee as to who the secretary of your corporation is at the present time?

Mr. LAZARUS. I didn't hear the question.

Mr. TAVENNER. Will you please advise the committee of the name of the secretary of your corporation, that is, the corporation of which you are the sole stockholder?

Mr. JACKSON. The Independent Productions Corp.

Mr. TAVENNER. The Independent Productions Corp. at the present time.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. Mr. Tavenner, I refuse to answer this on the grounds that I propounded to you before, and I refuse it relying on the Constitution of the United States, on the first amendment, and all of the amendments, especially the fifth amendment.

Mr. CLARDY. May I propound a question at this juncture?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Do you know the name of the secretary of the corporation?

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

Mr. CLARDY. Do you know the names of the directors of your corporation?

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

Mr. CLARDY. Have there been any stockholders', or directors' meetings since or even prior to the March date that you mentioned a few moments ago?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. Before I answer your question, I would like to make clear Mr. Doyle's question before. I want to answer it in the same manner as I answered the other question, namely, that I am absolutely relying on the Constitution of the United States and on the first and fifth amendments.

Mr. CLARDY. You mean you are refusing to answer on those grounds?

Mr. LAZARUS. Yes, sir; on those grounds.

Mr. CLARDY. Would it be fair to say, then, that any question we might ask you concerning the personnel connected with the corporation will be answered in the same way? That will shorten it up.

Mr. LAZARUS. Concerning the personnel, yes, sir; yes, sir. I would like to talk to you anything you want about my personal affair in the corporation, of which I am very proud. Now, if you desire to talk to me about the corporation from my standpoint, from my understanding, I will gladly answer your every question. But I will not mention any names.

Mr. WALTER. How did you become president of the corporation?

Mr. LAZARUS. I became president of the corporation a year and a half or 2 years ago when I decided to go into the business of producing pictures.

Mr. WALTER. How did you become president?

Mr. LAZARUS. I became president because I was the initiator of the thing, I was the first investor in this corporation, and therefore I became the president.

Mr. WALTER. That isn't an answer to my question. Who nominated you for president?

Mr. LAZARUS. The original directors.

Mr. WALTER. Who were they?

Mr. LAZARUS. I can't mention any names.

Mr. WALTER. Well now, if you had all of the stock, how could there have been other directors?

Mr. LAZARUS. Yes, we did. Originally, the corporation, I imagine——

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. My attorney tells me that the laws of California do not require a stockholder to be a director, or a director to be a stockholder.

Mr. WALTER. I don't know anything about the laws of California. I am assuming that that is correct.

Who were the incorporators of this company?

Mr. LAZARUS. I don't remember their names, and, as I said, I am not going to give you out any names——

Mr. WALTER. There must have been three people.

Mr. LAZARUS. There were four.

Mr. WALTER. Four?

Mr. LAZARUS. As far as I can remember.

Mr. WALTER. You were one?

Mr. LAZARUS. Yes, and three others.

Mr. WALTER. And this group had a meeting at which you were elected president?

Mr. LAZARUS. I imagine that was the case; yes.

Mr. DOYLE. How many shares of stock—I am not asking you the names now of any of them—how many shares of stock did the other incorporators have in the articles of incorporation?

Mr. LAZARUS. I don't think they had any.

Mr. DOYLE. In other words——

Mr. LAZARUS. I was the sole stockholder.

Mr. CLARDY. Witness, to whom did you submit your resignation as president?

Mr. LAZARUS. To people that are interested in the corporation.

Mr. CLARDY. And who were they?

Mr. LAZARUS. Mr. Congressman, I refuse to answer you on the same grounds. As I said before, I am not going to mention any names.

Mr. DOYLE. I will ask you this question. I am not asking you any names, in view of the fact that you are standing on the fifth amendment and others——

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. DOYLE. You said you had not been president since 8 days ago. Was that after or before you were served with a subpena to come to this court?

Mr. LAZARUS. It was after.

Mr. DOYLE. How many days after, about?

Mr. LAZARUS. About 2 weeks after.

Mr. DOYLE. Now, when you ceased to be president of this corporation, if you did actually as a matter of law, did you transfer all of your stock to other people?

Mr. LAZARUS. I did not.

Mr. DOYLE. Did you transfer any of it to other people?

Mr. LAZARUS. I did not.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. DOYLE. How much stock, if you know—I beg your pardon.

Mr. LAZARUS. By the way, I want to correct myself to you, Mr. Doyle, to the previous questions that you have asked me. I want to claim the same privileges of refusing to answer you on the same grounds as I mentioned before, namely, the first and fifth amendments.

Mr. DOYLE. You understand that we recognize it is perfectly legal for any person to claim the constitutional protection that you got when you became an American citizen in New York in 1924.

Mr. LAZARUS. I understand that aliens also have the same right.

Mr. DOYLE. That is one difference between our country and some other countries.

Mr. LAZARUS. Wonderful. That is why I am here.

Mr. DOYLE. May I just ask this one question? As I understand it, 8 days ago or thereabouts you claim you ceased to be president of this California corporation, but you have testified you did not transfer

any of your stock, $5,000 worth, which you originally owned, and which you still own, and as far as you know, there are no other stockholders?

Mr. LAZARUS. That is correct.

Mr. WALTER. You resigned as president, as I understand it?

Mr. LAZARUS. That is correct.

Mr. WALTER. What did you do—mail the resignation to yourself?

Mr. LAZARUS. I mailed the resignation to the people that were interested in the corporation.

Mr. WALTER. Where is the office of the corporation?

Mr. LAZARUS. I refuse to tell you, Mr. Walter, on the same grounds.

Mr. JACKSON. Do you mean, sir, that to disclose the office location of a corporation incorporated under the laws of the State of California would be incriminating?

Mr. LAZARUS. I don't know about that.

Mr. JACKSON. Well, I can assure you it would not be incriminating; that it is obviously a misuse and an abuse of the constitutional privilege.

Mr. CLARDY. In that connection I would like to slightly amend the statement that my colleague, Mr. Doyle, made. You have the right to rely upon the fifth amendment, but only in the event that it is not a frivolous objection. It must be one that is founded upon something solid and substantial, as you may discover, sir.

Mr. SCHERER. Pursuing this, may I just ask one question, Mr. Chairman?

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Mr. Lazarus—I am sorry.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. SCHERER. Mr. Lazarus, to produce the picture Salt of the Earth did you or the corporation borrow any money?

Mr. LAZARUS. Yes.

Mr. SCHERER. Were you given any——

Mr. LAZARUS. We did borrow money.

Mr. SCHERER. Did you receive any money, directly or indirectly, from the Communist Party to finance the "Salt of the Earth"?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I want to say to you this much, Mr. Congressman: This was a business venture, and you know that for a business venture you don't go to any Communist Party or any other party to get money. This was a pure and simple business venture.

Mr. SCHERER. I understand that, but I asked you, Did you receive any money or anything of value, directly or indirectly, from the Communist Party to finance it?

Mr. LAZARUS. I refuse to answer on the grounds previously mentioned.

Mr. SCHERER. Did you receive any compensation, directly or indirectly, from the Russian Government or any agency of the Russian Government to promote this picture?

(At this point Mr. Lazarus confererd with Mr. Margolis.)

Mr. LAZARUS. My attorney tells me that I should answer this question, because this is so much nonsense and so much—I don't know, I don't want to use the word that I have in my mouth. This is absolutely ridiculous. I am not an agent of any government, any Russian Government, or any other government, and I am not an agent of any

other parties, and I have not received any moneys from anybody, from any parties of any sort. I have received moneys from people.

Mr. SCHERER. Will you tell us from whom you received money?

Mr. LAZARUS. From a lot of people, and I will not mention their names.

Mr. SCHERER. Do you know whether these people from whom you received money——

Mr. LAZARUS. Pardon me. My attorney tells me that I must mention why do I refuse to answer you this question, or refuse to give you names.

Mr. SCHERER. Go ahead.

Mr. LAZARUS. Because I am relying upon the first and the fifth amendments.

Mr. SCHERER. Were any of these parties from whom you got money members of the Communist Party?

Mr. LAZARUS. I was not interested to inquire their politics, and I don't know whether they are or they are not.

Mr. SCHERER. You don't know whether they were or were not?

Mr. LAZARUS. That's right.

Mr. SCHERER. Did you receive this money to finance this picture from individuals or from financial institutions, such as banks or insurance companies?

Mr. LAZARUS. From individuals

Mr. SCHERER. Just from individuals?

Mr. LAZARUS. That's right.

Mr. SCHERER. Will you tell us the names of those individuals?

Mr. LAZARUS. Mr. Congressman, I said before I will not mention any names, and I am claiming the same privileges of the first and the fifth amendments.

Mr. JACKSON. Did you receive any auxiliary financing for the picture from the Mine, Mill and Smelter Workers Union?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. We did not receive any money from the Mine, Mill and Smelter Workers.

Mr. JACKSON. At no time were any funds deposited——

Mr. LAZARUS. To my knowledge.

Mr. SCHERER. Would you mind telling us what the total amount of your borrowings were for the production of this picture?

Mr. LAZARUS. Approximately $90,000.

Mr. SCHERER. How much?

Mr. LAZARUS. $90,000.

Mr. JACKSON. Was money borrowed from any officials of the Mine, Mill and Smelter Workers Union as distinguished from the union itself?

Mr. LAZARUS. Not to my knowledge.

Mr. DOYLE. May I ask this question, Mr. Chairman?

When you say that a large number of people put money into this venture, did they loan you or the corporation their investment in the corporation or is this venture with you in the corporation represented by your stockholdings in the corporation? Do you understand the question?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. Yes; I understand.

Mr. DOYLE. In other words, are you the trustee of their investment in the corporation, or how did they put their money into the corporation? Again I am not asking you the names, in view of your answer previously.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. They loaned money to the corporation and we gave them promissory notes.

Mr. DOYLE. May I ask you this question? No doubt you had some well-qualified writer who wrote the script for Salt of the Earth. Will you tell us, please, the name of the scriptwriter who wrote the Salt of the Earth?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. Mr. Doyle, mentioning names, I told you I am not going to mention any names in front of this committee. I will claim the privileges of all the amendments.

Mr. DOYLE. About when will the production Salt of the Earth be ready for exhibition; about how long from now?

Mr. LAZARUS. I hope very shortly.

Mr. DOYLE. Is that 1 month or a year?

Mr. LAZARUS. I would say in about 2 months or 10 weeks.

Mr. DOYLE. About how large a cast do you have in the production Salt of the Earth? How many people; about how many people?

Mr. LAZARUS. I don't remember how many. There are quite a few people. A lot of people, as a matter of fact, are involved in some of the scenes of this picture.

Mr. DOYLE. About 50 or 500 people?

Mr. LAZARUS. I imagine I don't know. I wasn't there at the time when the picture was taken. I read the script; I know the story; I have discussed the story with people, and I really don't know how many people, Mr. Doyle; quite a few.

Mr. DOYLE. Where was the picture taken?

Mr. LAZARUS. The picture, most of it——

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I understand that the picture was taken at Silver City, N. Mex. I was not there.

Mr. VELDE. Are there any further questions of this witness?

Mr. TAVENNER. Yes. Mr. Lazarus, I have before me the February 26, 1953, issue of Citizens-News, Hollywood, Calif., which carries an article under the dateline of El Paso, Tex. In the closing paragraph this language appears:

> Simon Lazarus, theater owner in Monrovia, Calif., denied earlier this week his corporation is making the picture. "It happens some of the people working on the picture have been connected with our corporation," he said. "It is being entirely financed by the United Mine, Mill and Smelter Workers' Union."

Were you correctly quoted?

Mr. LAZARUS. That was absolutely incorrect.

Mr. TAVENNER. Then, as a matter of fact, your corporation was financing the production of the picture and not the United Mine, Mill and Smelter Workers' Union.

Mr. LAZARUS. That is correct.

Mr. TAVENNER. I hand you what purports to be a photostatic copy of a cashier's check, payable to the International Union of Mine, Mill and Smelter Workers special motion-picture account in the amount of $50,000.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. TAVENNER. I will ask you if you can identify it as a cashier's check purchased by your corporation and delivered at the direction of your corporation to the payee.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. That is not my check.

Mr. TAVENNER. I understand. It is a cashier's check. I am asking you to see if you can identify it as one purchased by your corporation.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. Now, this is not my check. I know my signature. This is a cashier's check. I made out a regular check from our checkbook and it was—they called me on the phone and I told the bank to make out a cashier's check, to send it to the international union special account.

Mr. TAVENNER. So a check for $50,000 was sent?

Mr. LAZARUS. Yes, sir.

Mr. TAVENNER. In accordance with your instructions?

Mr. LAZARUS. Yes, sir.

Mr. TAVENNER. May the check be marked as "Lazarus' Exhibit No. 1" for identification only?

(The document referred to was marked "Lazarus' Exhibit No. 1" for identification.)

Mr. DOYLE. For further identification, I have this photostat in my hand now, dated December 15, 1952——

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. DOYLE. Which the witness testified about. Now, I notice an endorsement on the endorsement page thereof of "International Union of Mine, Mill and Smelter Workers' Special Motion Picture Account," signed "Paul Jarrico." Isn't that the name of someone who has been named before this committee, Paul Jarrico?

Mr. TAVENNER. Yes, there has been testimony by a number of witnesses identifying him, at least six, I think, as having been a member of the Communist Party.

Mr. JACKSON. Is it also true that the Mine, Mill and Smelter Workers in question was expelled by the CIO several years ago for Communist domination?

Mr. TAVENNER. That is correct. I hand the witness an additional check, and ask it be marked as "Lazarus' Exhibit No. 2" for identification only.

(The document referred to was marked "Lazarus' Exhibit No. 2" for identification.)

Mr. TAVENNER. It is a check bearing date of January 16—or, rather, it is a photostatic copy of a check dated January 16, 1953——

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. TAVENNER (continuing). On the Bank of America National Trust and Savings Association, Tarzana branch, Tarzana, Calif., payable to the order of Paul Jarrico, in the sum of $30,000, and signed "Independent Productions Corp., by S. M. Lazarus, president" and by "Kathleen Sims, secretary," and on the back of which appears an endorsement in the name of Paul Jarrico.

Will you examine the check and state whether or not you can identify that as a check issued by that corporation?

Mr. LAZARUS. Yes, sir.

Mr. TAVENNER. Was Miss Sims the secretary of your corporation at that time, as stated on the check?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. TAVENNER. Did you hear my question?

Mr. LAZARUS. What was it, sir?

Mr. TAVENNER. I said would you look at the signature, again look at the exhibit No. 2 for identification, and state whether immediately under your signature as president there appears the name of the secretary of your corporation, as of January 16, 1953? Under the name of "Independent Productions Corp." appears the name of "S. M. Lazarus," as president, "by Kathleen Sims, secretary."

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. TAVENNER. Was Kathleen Sims secretary to your corporation at that time?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I refuse to answer on the same grounds. I would like to explain to you gentlemen why. Again, I think it is very important, why I refuse to answer on all of the reasons I previously mentioned, all the--relying upon the Constitution of the United States, of all the amendments.

Mr. TAVENNER. Was that check of $30,000 charged to the account of your corporation at the bank?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. That is correct. By the way, I would like to explain to you gentlemen about this special account of the Mine, Mill and Smelter Workers' Union. We made out a special account to these people, and they in turn handled the accounts of our corporation.

Mr. TAVENNER. I hand you now——

Mr. DOYLE. In other words, they were your agents for the corporation, for your corporation?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. They handled the money, Mr. Doyle. I don't know whether they were the actual agents of ours. They handled the money.

Mr. DOYLE. That may be a legal conclusion, I will grant.

I will ask you whether or not there is a written agreement in existence between your corporation, that is, the Independent Productions Corp., made during the time you were president, and this Mine, Mill and Smelter organization, whereby they agred to handle these funds for your corporation, for the purpose of paying the expenses of this production Salt of the Earth?

Mr. LAZARUS. I think it was; it was an agreement.

Mr. DOYLE. Under that agreement were they to share in any profits?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. The agreement does not provide for sharing of the profits.

Mr. SCHERER. Where is that agreement now?

Mr. LAZARUS. I have no idea.

Mr. DOYLE. If that agreement does not provide——

Mr. LAZARUS. I don't know where all the papers are. I imagine——

Mr. SCHERER. Where are all the papers?

Mr. LAZARUS. With somebody in the corporation, that is interested.

Mr. SCHERER. You are saying now you don't know who that person is?

Mr. LAZARUS. I refuse to answer you, this question, because it is pertaining to names, and I am not going to name names.

Mr. SCHERER. I didn't ask you to name names. I said you don't know who that person is?

(At this point, Mr. Lazarus conferred with Mr. Margolis.)

Mr. SCHERER. Did I understand that is your testimony?

Mr. LAZARUS. I don't know who has the papers. I know who I turned the papers over to. I don't know who has the papers right now.

Mr. SCHERER. Whom did you turn them over to?

Mr. LAZARUS. I refuse to answer you.

Mr. SCHERER. On the ground your answer might tend to incriminate you?

Mr. LAZARUS. On the ground of the fifth amendment, where any person cannot be forced to witness against himself. On the entire 5th amendment, as well as the 1st and the 9th and the 10th.

Mr. SCHERER. When was the last time you saw the papers of the corporation, Mr. Lazarus?

Mr. LAZARUS. Some of the papers I saw on March 19. That is the last time I saw them.

Mr. DOYLE. Mr. Chairman, may I ask this question: You said a moment ago, Mr. Lazarus, that the agreement did not provide for any sharing of the profits, if there were any, between your corporation and the Mine, Mill, and Smelter Workers organization.

Mr. LAZARUS. I think that is substantially correct.

Mr. DOYLE. Even though it wasn't in writing, was there an oral agreement or any auxiliary memorandum or agreement whereby they were to share in the profits?

(At this point, Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I don't know the details. I have not met with the Mine, Mill, and Smelter [Workers] people personally. I don't know anything about it, what agreements were made, if any.

Mr. SCHERER. Was it a gift from the union?

(At this point, Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. What are you talking about? What kind of a gift are you talking about, Mr. Congressman?

Mr. SCHERER. Just a gift.

Mr. LAZARUS. I didn't receive any gift from anybody.

Mr. SCHERER. Did the corporation receive any gift?

Mr. LAZARUS. I don't think so, not so far as I know; while I was the president, definitely, I did not receive any gifts.

Mr. JACKSON. What was the financial arrangement as between the corporation and the Mine, Mill, and Smelter Workers Union for the production of the picture?

(At this point, Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. Mr. Jackson, I wasn't there and I did not make the agreement with the people. I don't know what agreement—which way they were supposed to handle the money. I don't know anything about it. I only know I was interested in seeing the picture made for a certain amount of money.

Mr. DOYLE. May I just interpose this question—I want to ask the witness in all sincerity—a minute ago you said the agreement did not provide for the sharing of profits. If you don't know what the

agreement was, how do you know it didn't provide for the sharing of profits?

Mr. LAZARUS. As I stated before, I signed a written agreement with the Mine, Mill, and Smelter Workers, and in that agreement there was no sharing of profits of any sort.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. SCHERER. Can you give us the terms of that agreement, the substance?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I really don't know the details of the agreement. I know that the whole thing was, the main and important issue was they were supposed to be the sponsors of this picture.

Mr. SCHERER. Were they to contribute any money?

Mr. LAZARUS. Not as I know.

Mr. SCHERER. Did they contribute any money?

Mr. LAZARUS. Not as I know, Mr. Congressman. I can't remember your name.

Mr. SCHERER. Are those all of the terms of the agreement? Wasn't it a rather lengthy agreement?

Mr. LAZARUS. That is all the terms as far as I can remember.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. SCHERER. When, about, was that agreement signed?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I really don't remember. It must have been quite a few months ago; must have been 4, 5, or 6 months ago.

Mr. TAVENNER. Are you finished?

Mr. SCHERER. Right now, Mr. Tavenner. I may have a couple of questions later.

Mr. TAVENNER. Mr. Lazarus, do you recall the $50,000 check that was delivered, that is, exhibit No. 1 for identification, which I handed you, the cashier's check for $50,000?

Mr. LAZARUS. I don't remember the details of the delivery of that check.

Mr. TAVENNER. Well then, let me hand you a photostatic copy, or, copies of two letters of December 15, and I ask these be marked for identification as "Lazarus' Exhibits 3 and 4" for identification only.

(The documents referred to were marked "Lazarus' Exhibits Nos. 3 and 4" for identification.)

Mr. TAVENNER. I will ask you to read the first letter.

Mr. LAZARUS. Shall I read you the letter of the date of December 15——

Mr. TAVENNER. Read the one you can determine from the context was written first. I might point out to you in the one letter you failed to mention the amount.

Mr. LAZARUS. These are my letters. I wrote the letters, I don't see any reason in the world why you gentlemen can't read them. This is my letter. I wrote them.

Mr. TAVENNER. Now, do they refresh your recollection as to what occurred?

Mr. LAZARUS. They do not any more.

Mr. TAVENNER. Well, they were only dated December 15, 1952.

Mr. LAZARUS. They do refresh with reference to the money to be paid to—that is, the "Kindly give check to bearer"——

Mr. TAVENNER. Excuse me. Does it also refresh your recollection as to whom the check was delivered to?

Mr. LAZARUS. Yes.

Mr. TAVENNER. Who was it?

Mr. LAZARUS. You see it for yourself. I am not going to state names, mention any names.

Mr. TAVENNER. Will you read the paragraph in the letter dealing with that matter?

Mr. LAZARUS. You can read it yourself, Mr. Tavenner. Please do so.

Mr. TAVENNER. Very well. "We are withdrawing the time deposit open account of the Independent Productions Corp. Kindly give check to bearer, Mr. Paul Jarrico."

You say that refreshes your recollection?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I have already answered it, Mr. Tavenner.

Mr. TAVENNER. All right. Then there is a receipt at the bottom of the letter in the following language, "Received CC 4291075—" which is the number of the cashier's check handed you, as Lazarus' exhibit No. 1 for identification, and signed "Paul Jarrico."

Will you look at the paper again and state whether or not that is the signature of Paul Jarrico, if you are acquainted with his signature?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I am refusing to answer with respect to the name on the grounds of the first and fifth amendments.

Mr. TAVENNER. I hand you what purports to be a photostatic copy of a signature card of the Bank of America at Tarzana. Will you examine it, please, and state whether or not the signatures that appear there are yours as president and Kathleen Sims as secretary?

I ask that the document be marked "Lazarus' Exhibit No. 5" for identification.

(The document referred to was marked "Lazarus' Exhibit No. 5" for identification.)

Mr. LAZARUS. Yes, sir.

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

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. Counsel, did you get from the witness an acknowledgment that the two letters were received by him?

Mr. TAVENNER. He stated that they were his letters. They were letters by his corporation.

Mr. CLARDY. I should have put it that way.

Mr. TAVENNER. Directed to the bank.

Mr. CLARDY. There is no doubt in the record those letters did emanate from that source.

Mr. TAVENNER. Yes.

Mr. LAZARUS. No doubt.

Mr. CLARDY. I wish you would make sure of that, for a reason I have in mind and which you probably understand.

Mr. TAVENNER. Mr. Lazarus, will you examine again the Lazarus exhibits Nos. 3 and 4 and state whether or not they are photostatic copies of letters——

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. TAVENNER. Composed and signed by you?

Mr. LAZARUS. I have already answered that, Mr. Tavenner.

Mr. TAVENNER. I think you have. In order that we may be certain——

Mr. CLARDY. What is your answer?

Mr. LAZARUS. My answer is they are my letters and I wrote them.

Mr. CLARDY. In view of that, do you still refuse to answer the questions concerning the identity of Mr. Lazarus or his signature?

Mr. LAZARUS. Mr. Lazarus I have identified, very much so.

Mr. CLARDY. Jarrico, I mean.

Mr. LAZARUS. Let me tell you something. These people are very nice people. I am proud to associate with them, notwithstanding the fact you have left me——

Mr. CLARDY. You have identified the letters, you acknowledge their authorship. Do you still refuse to answer the other questions concerning the two paragraphs read to you and the persons named therein?

(Representative Donald L. Jackson left the hearing room at this point, 4:40 p. m.).

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I have stated before, and I have answered this question quite a few times. I still say I am not going to mention the name.

Mr. CLARDY. I want to know if you continue to persist in your refusal to answer the questions regarding the identity of the person in the letter.

Mr. LAZARUS. I state to you these are my letters. I wrote them. The names are in there. I am not going to mention them to you. You can read them yourself.

Mr. CLARDY. You are not answering my question concerning that name?

Mr. LAZARUS. No.

(Representative Donald L. Jackson reentered the hearing room at this point, 4:43 p. m.)

Mr. CLARDY. That is all.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. I have no questions.

Mr. VELDE. Mr. Walter.

Mr. WALTER. No.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. I think I only have a couple of questions.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. DOYLE. Mr. Lazarus, I am assuming in asking you this question that you, apparently being the only stockholder to put any money into the corporation, that you were familiar with the script which was going to be used in the production of this play.

Now, I am not asking you again who wrote the script, because it apparently would be useless.

Mr. LAZARUS. Yes. I think Mr. Doyle, you know the name. You know the name, why do you ask me?

Mr. DOYLE. Thanks for giving me credit for knowing everything.

Mr. LAZARUS. I read the book. I read the script. I was very much in love with the script.

Mr. DOYLE. Good. Were you familiar also with the names of any of the chief participants to be in the cast? Don't misunderstand me. I am not asking you nor I am not going to ask you the names of any

of the members of the cast. But when your corporation made this deal with the Mine, Mill & Smelter Workers outfit, were you then familiar with, or prior thereto were you familiar with the names of any or all of the leading figures to be in the cast?

Mr. LAZARUS. I was not familiar with any names of the cast.

Mr. DOYLE. All right. Thank you.

Mr. VELDE. Mr. Frazier.

Mr. FRAZIER. No questions.

Mr. VELDE. Mr. Counsel, is there anything more?

Mr. TAVENNER. Yes, sir; I think there is another question.

Mr. Lazarus, I understood you to say in the early part of your testimony, I believe you said you would not reveal the address of the office of your corporation. Did I understand you correctly or not?

Mr. LAZARUS. I really don't know the address of the corporation today, what address, if any, it does have. Originally it was my address. It was the address of my home when I first incorporated. It was 1250 Beverly Estate Drive, and then when I moved to different places I have changed the address to where I moved to.

Mr. TAVENNER. What was the address of the office in September of 1951?

Mr. LAZARUS. I don't recollect September 1951.

Mr. TAVENNER. You don't recollect?

Mr. LAZARUS. I suppose you know it. It is in front of you. Will you please tell me, ask me the address and I will tell you whether it is correct or not?

Mr. TAVENNER. All right, sir. I will try to refresh your recollection. I hand you what purports to be photostatic copies of the bank statement for your corporation covering the period from September 21 of 1951, to January 30, 1952, and ask that they be marked also as Lazarus' exhibit No. 6 for identification.

(The document referred to was marked "Lazarus' Exhibit No. 6" for identification.)

Mr. TAVENNER. I will ask you to examine the name of the account and see whether or not the address of the account appears—I mean the address of the company appears as part of the account.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. TAVENNER. May the record show that those papers constitute Lazarus' exhibit No. 6 for identification only?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. The address is the attorney's address, the attorneys of the corporation address.

Mr. TAVENNER. What is that address?

Mr. LAZARUS. It is 709, I think, Rives Strong Building, Los Angeles.

Mr. TAVENNER. Well, was that the address of your corporation?

Mr. LAZARUS. No; that was the address of the attorneys.

Mr. TAVENNER. Why did you give the bank the address of your attorney for your account, instead of your own company's address?

Mr. LAZARUS. I really don't remember what was the reason at that particular time.

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. I know that I was at that time in the process of moving from one place to the other.

Mr. TAVENNER. It took quite long to move, from September 1, 1951, to February 1952.

Mr. LAZARUS. I left it there from the first time we opened the account, we left the address there. We did not use it and the bank was at that time right across the street from me, the Union Bank, located on Eighth Street.

Mr. DOYLE. Mr. Tavenner, I might say this: As a member of the California bar I know that it is quite the practice where there was a corporation such as this, owned entirely by one person, it is quite a usual thing for the official office of the corporation to be the office of legal counsel. It is not unusual at all.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Mr. Lazarus, I have in my hand a certified copy by the secretary of state of the State of California of the articles of incorporation of the Independent Producers Corp. I would like to have the witness look at this and identify it as the articles of incorporation of his corporation.

Mr. TAVENNER. I suggest that the photostatic copy be marked Lazarus' exhibit No. 7 for identification only.

(The document referred to was marked "Lazarus' Exhibit No. 7" for identification.)

Mr. LAZARUS. Mr. Congressman, there are other names on the document presented to me, and therefore I will refuse to answer on the grounds previously stated.

Mr. SCHERER. I haven't asked you about names; I am merely asking you whether that is a copy, a certified copy of the articles of incorporation of your corporation.

Mr. CLARDY. Before you answer, turn it over and look at the certification on the back.

Mr. SCHERER. The certification is right on the front.

Mr. CLARDY. There is a certification on the back.

Mr. LAZARUS. Gentlemen, I think you are not looking for any information. This information is right in front of you. Why do you want me to answer this, which is a certified copy of the franchise of the State of California? Do you need additional information from me?

Mr. SCHERER. Yes, very much so.

Mr. LAZARUS. I am not going to give it to you on the grounds previously stated.

Mr. JACKSON. Mr. Chairman, that is obviously an abuse of the privilege. I ask that the witness be directed to answer whether or not that is a copy of the articles of incorporation.

Mr. VELDE. Yes, the Chair feels that that is a perfectly legitimate question and can be answered.

Mr. JACKSON. The constitutional amendment can be stretched just so far.

Mr. VELDE. Therefore I direct the witness to answer the question.

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

If he answers that question will it be considered a waiver with respect to any of the names that appear thereon?

Mr. CLARDY. What?

Mr. MARGOLIS. Will it be considered a waiver of his rights with respect to any of the names that appear on the document?

Well, he has to know in order to know whether he can claim the privilege. If it will not be considered a waiver, he will answer the question. If it will be considered a waiver, he will not answer the question.

Mr. VELDE. That is a matter for the witness and his counsel to decide.

Mr. MARGOLIS. We are asking you in order to find out.

Mr. VELDE. We will make no statement.

Mr. MARGOLIS. In other words, you are trying to entrap Mr. Lazarus, and I won't permit it.

Mr. VELDE. That will be stricken as a voluntary statement.

Mr. DOYLE. We are not a court.

Mr. MARGOLIS. You act like one.

Mr. DOYLE. You don't.

Mr. MARGOLIS. I am not one.

Mr. CLARDY. I believe you directed the witness to answer the question, Mr. Chairman?

Mr. VELDE. Yes.

Mr. LAZARUS. I stand on my previous answer.

Mr. VELDE. That is, you decline to answer?

Mr. LAZARUS. Yes, claiming all the amendments.

Mr. MARGOLIS. I want to make the record clear that if the committee says there is no waiver, I will advise him to answer the question.

Mr. SCHERER. I want to know whether you know Kathleen Sims.

Mr. LAZARUS. I refuse to answer on the same grounds.

Mr. SCHERER. Now, I want to know whether you know Rose Kolker—K-o-l-k-e-r.

Mr. LAZARUS. I refuse to answer on the same grounds.

Mr. SCHERER. Whether you knew Herbert Ganahl—G-a-n-a-h-l—in his lifetime.

Mr. LAZARUS. I refuse to answer on the same grounds.

Mr. SCHERER. And I want to know whether you know Robert Gammon—G-a-m-m-o-n.

Mr. LAZARUS. I refuse to answer on the same grounds.

Mr. SCHERER. Now, let me ask you this further question and then I am finished: Were they not incorporators with you of this corporation, namely, the Independent Productions Corp., the application for a charter for which was signed on August 28, 1951?

Mr. LAZARUS. I refuse to answer on the same grounds.

Mr. JACKSON. I should like to read into the record one finding here.

Mr. VELDE. All right, Mr. Jackson.

Mr. JACKSON. From the *People* v. *Shultz*. It is a New York citation.

Where a witness——

Mr. LAZARUS. Mr. Jackson, may I ask you——

Mr. JACKSON. May I complete my statement first?

Where a witness refuses to answer a question solely because of his desire to protect others, it was held that he could not avail himself of the constitutional privilege, and that no person shall be compelled to give evidence against himself in a criminal case, and that he was properly committed for direct contempt.

If this purpose is for the purpose of protecting others, then quite obviously it is not a matter which falls within the purview of the intended use of the fifth amendment.

Mr. LAZARUS. It is for the purpose of protecting myself only, and on all the grounds that I previously stated. I am also interested, Mr. Congressman, to protect others.

Mr. JACKSON. Would that incriminate you, to identify the articles of incorporation of the Independent Productions Corp. filed with the secretary of state legally under the laws of the State of California; that would tend to incriminate you if you identified it?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. CLARDY. Remembering, Witness, that that is a public document or a copy thereof.

Mr. MARGOLIS. Are you gentlemen finished?

(At this point Mr. Lazarus conferred with Mr. Margolis.)

Mr. LAZARUS. Yes, insofar as it tends to tie me in with other persons, I am claiming the fifth amendment.

Mr. SCHERER. Let me ask you one more question. That document was purported to be signed—what date did I say? It was signed on the 28th day of August before a notary public named Charles J. Katz, and sworn to by you. Do you know Charles J. Katz?

Mr. LAZARUS. I refuse to answer on the same ground that I previously stated.

Mr. SCHERER. Did you swear under oath to the statements contained in this document before Charles J. Katz?

Mr. LAZARUS. I refuse to answer on the same grounds.

Mr. SCHERER. Are the people whose signatures appear on the document below yours, were they present at the time that you signed it, and did they swear before the same notary that you did?

Mr. LAZARUS. I refuse to answer on the same grounds.

Mr. SCHERER. That is all.

Mr. TAVENNER. Mr. Chairman.

Mr. VELDE. Mr. Counsel.

Mr. TAVENNER. Mr. Chairman, in order to save time I would like to say that the photostatic copies of the documents which have been presented, that were marked for identification only, were obtained through a subpena duces tecum, and rather than put Mr. Wheeler on to prove those effects, I would just offer now all of those documents in evidence, and ask that they be given exhibit numbers as indicated.

Mr. VELDE. With that statement the documents will be received in evidence.

Mr. CLARDY. Will you indicate on the record the person upon whom the subpena was served to obtain the documents?

Mr. WHEELER. I will have to look it up.

Mr. CLARDY. We should have it in the record clearly.

Mr. TAVENNER. To conserve time, if you let me report that to the record tomorrow morning——

Mr. CLARDY. That is O. K. And you have a copy of the subpena duces tecum?

Mr. TAVENNER. Yes.

Mr. CLARDY. I want this to be in the record, also. I want this to be nailed down tight.

Mr. DOYLE. In connection with the certified copies of the articles of incorporation, it ought to show, the record of this hearing, that on the back page thereof is this wording:

The document to which this certification is attached is a true and correct copy of the document on file and of record in my office. Attest: March 23, 1953. Harold J. Ostley, county clerk and clerk of the Superior Court of the State of California, in and for the county of Los Angeles. By L. Gold, deputy.

In other words, this certification was made 3 days ago only.

Mr. TAVENNER. That applies to exhibit No. 7.

Mr. DOYLE. That's right.

(The documents heretofore marked "Lazarus' Exhibits Nos. 1 to 7," inclusive, for identification were received in evidence.)

Mr. LAZARUS. Now, gentlemen, Mr. Chairman, I think—Mr. Chairman, may I have the privilege of just saying a few words?

Mr. VELDE. There is no question being asked of you, Mr. Lazarus. We don't care for any further replies.

Mr. LAZARUS. Mr. Chairman, we were talking about a picture.

Mr. SCHERER. Just a minute.

Mr. LAZARUS. Aren't the American people interested in knowing what the picture is about?

Mr. VELDE. Let us have order, please.

Mr. LAZARUS. I believe that the American people would like to know the content of the picture, and I am here to tell you.

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

Mr. TAVENNER. No, sir.

Mr. VELDE. Accordingly, this witness is dismissed.

Mr. CLARDY. I move the remarks of the witness be stricken from the record.

Mr. LAZARUS. Because you don't want the American people to hear about it.

Mr. VELDE. The voluntary remarks of the witness will be stricken from the record.

The committee will stand in adjournment until 10 o'clock tomorrow morning.

(Whereupon, at 5 p. m., the hearing was recessed until 10 a. m. Friday, March 27, 1953.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES AREA—Part 2

FRIDAY, MARCH 27, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to adjournment, at 10:10 a. m., in room 518, Federal Building, Hon. Harold H. Velde (chairman) presiding.

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

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, chief investigator; Thomas W. Beale, Sr., chief clerk; Raphael I. Nixon, director of research; and William A. Wheeler, investigator.

Mr. VELDE. The committee will be in order.

Let the record show that a full quorum of the committee is present.

Mr. Counsel, do you have a witness?

Mr. TAVENNER. Yes. Mr. LeRoy Herndon.

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

Mr. HERNDON. I do.

TESTIMONY OF LeROY TRAVERS HERNDON, JR.

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

Mr. HERNDON. LeRoy Travers Herndon, Jr.

Mr. TAVENNER. Will you spell your last name?

Mr. HERNDON. H-e-r-n-d-o-n.

Mr. TAVENNER. When and where were you born?

Mr. HERNDON. In Gonzales, Calif., September 1, 1906.

Mr. TAVENNER. What is your profession?

Mr. HERNDON. I am a teacher.

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

Mr. HERNDON. I graduated from Stanford University, January of 1927. I did my graduate work there that same year, finished my graduate work there. I went to the 1928 summer session at Stanford.

In 1935 I attended the University of New Mexico summer session. In 1937, summer session at Stanford, 1949, 1950, and 1951, summer sessions at the University of Southern California.

Mr. TAVENNER. Where do you now reside?

Mr. HERNDON. In La Canada, Calif.

Mr. TAVENNER. Will you tell the committee how you have been employed since the beginning of your professional career?

Mr. HERNDON. In 1927-28 I taught in the Orosi Union High School. In 1929 and 1930 I had better put something else in there.

In 1928 and 1929 I traveled in Europe. I was in Spain for 4 months and I had 2 jobs there. I worked for the Ford Motor Co. in their assembly plant in the daytime and taught English at night.

Coming back to the United States I taught in the Sacramento Junior College the year of 1929 and 1930.

Since 1930 I have been at Glendale College, except for 3 years when I was absent on military leave.

Mr. TAVENNER. What years were you absent on military leave?

Mr. HERNDON. From September 1942 until October 1945.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. HERNDON. No, sir.

Mr. TAVENNER. You are aware of the fact, are you not, that you are entitled to counsel at any time during the course of your interrogation?

Mr. HERNDON. Yes.

Mr. TAVENNER. Professor Herndon, it has come to the attention of the committee, through several sources, that you were at one time a member of the Communist Party. Is that correct?

Mr. HERNDON. That is. I was.

Mr. TAVENNER. Over how long a period of time were you a member of the Communist Party?

Mr. HERNDON. I thought it was 2 years, but I just this morning at 5 o'clock finally realized it was from the fall of 1937 until the fall of 1940, so that makes 3 years.

Mr. TAVENNER. Since 1940 have you been associated in any way with the Communist Party or the activities of the Communist Party?

Mr. HERNDON. Not officially, not socially, not in interest, not in any way.

Mr. VELDE. Mr. Counsel, I interrupt at this point. It is apparent that the witness is going to give certain information. The committee has need to go into executive session to determine the future conduct of the committee hearings, and in view of the large number of witnesses that we have subpenaed, I now will appoint Mr. Clardy of Michigan as chairman of the subcommittee consisting of himself and Mr. Scherer of Ohio to continue with this hearing, and the remainder of the committee will go into executive session.

Mr. TAVENNER. Mr. Herndon, let's start your testimony with the very inception of your Communist Party membership.

Mr. HERNDON. Do you want me to tell you why I joined?

Mr. TAVENNER. Yes; including all the circumstances under which you became a member and any facts that you have in mind leading up to your membership in the party, because before your testimony is completed I think the committee would like to know all the circumstances under which you became a member and all the circumstances under which you left the party.

Mr. HERNDON. Before I answer that question specifically and directly, would it be possible for me to answer it rather generally?

Mr. TAVENNER. Yes.

Mr. HERNDON. I think I have learned a little bit at a rather heavy price from my association with the Communist Party. Many people still believe anyone who has been a Communist is a traitor, and many people think that the Communists preach overthrowing the Government by force and violence, and I think the Communists are highly dangerous just because they soft-pedal and conceal and try to explain away their ultimate ends.

If the Communist Party were to openly preach the sort of murder and theft that their theories will result in, they would have even a very much smaller fractional membership than the small membership they now have.

I think that the Communists pick every possible kind of trustworthy cause to use as bait. In my unhappy experience every one of the good and trustworthy causes which the Communists have espoused has concealed a hook, a very deviously and cleverly concealed hook, and in my case the hook that caught me was the Spanish Republic.

Mr. TAVENNER. Was what?

Mr. HERNDON. Was the Spanish Republic. I am a Spanish teacher. I read the newspapers in Mexico at the time of the Spanish War during the summer of 1936, and the newspapers in Mexico during the Spanish War treated it as if it were more important than the newspapers here. They regarded the Spanish War as somewhat dangerous to the safety of the world, the Western Hemisphere included.

In many cases I thought that most of the American newspapers were underplaying it, and the only people that were making it known here were the Communists, and I was reading at that time the British papers, French, Spanish, Mexican, Cuban, anything I could lay my hands on, and finally, unfortunately, I got my hands on some Communist publications, and they were working for the Spanish Republic. I thought the safety of the Spanish Republic, which was being attacked by the Fascists, was vital to the United States.

I thought that our policy was rather suicidal in reference to abandoning the Spanish Republic. I was interested in these people who I thought were clearly presenting what might be the unhappy consequences of abandoning the Spanish Republic.

So, unfortunately, I became more and more interested in the Communists who I thought were doing good work. It wasn't until long after I left the party that I saw the hook in it, that the Communists were interested in the Spanish Republic, I believe now, not for the preservation of the Spanish, but so that they could take it over as a Communist country after the wreckage of the civil war. I thought that they were interested in defeating the enemies of the Spanish Republic, but I believe now that they were interested in it so that they could take over the country as a Communist country after the wreckage of it by the civil war.

Mr. CLARDY. In other words, there was a hook even in that.

Mr. HERNDON. I believe so. But it wasn't until after I left the party that I was able to figure that out by continuously reading all I could lay my hands on as to what had happened.

Mr. TAVENNER. Well, will you tell the committee, please, how your interests in the Spanish Republic finally led you into the Communist Party?

Mr. HERNDON. I thought the Communists at the time were doing a great deal by way of propaganda and explanation and really straight news reporting to give the truth about what was happening in the Spanish Republic. I think they shaded the truth now a little bit, but they were giving a great deal more of what later turned out to be the truth than the immediate communications at the time.

I thought if they were right on that and right on saying that Hitler—of course, at that time many people thought Hitler was a funny man with a mustache, like Mr. Chaplin, and I thought he was a grave danger and the Communists had been screaming that for some time. They also thought that it was extremely dangerous that the Japanese were invading China. They were more or less right on that. They concealed a hook in both of those cases, also.

I wondered if they were right in those cases, and thought that if they were right in those cases, they might be right in other things. I was interested to find out what they stood for. I had to go inside the party to find out what they did stand for.

I think I could have stayed out and perhaps taken a little longer and become disillusioned without having to take the step of joining the party, but I did take that step.

Mr. TAVENNER. Just what steps did you take in getting into the party?

Mr. HERNDON. I was in San Francisco. There was a girl I knew slightly. I asked her if she knew any way I could make contact with the Communist Party. I didn't think of going to their headquarters for some reason or other. She said she might know someone in San Francisco who might know someone in Los Angeles who might get in touch with me.

I returned to Los Angeles. Some time later I received a telephone call to come to a certain address in Los Angeles at a certain time. I went there. I met a man who introduced himself to me as Sidney Freeman. I am not quite sure of that name. I don't know if it is a real name or an alias.

He asked me why I wanted to get into the Communist Party. I told him on account of Spain, and he handed me a membership card and I signed it.

Mr. TAVENNER. Were you assigned to any particular group of the Communist Party after becoming a member?

Mr. HERNDON. Yes, sir. I was immediately assigned to the teachers' unit of the Hollywood Professional Section.

Mr. TAVENNER. To the teachers' unit of the Hollywood Professional Section of the Communist Party?

Mr. HERNDON. Yes.

Mr. TAVENNER. Now, when you were given that assignment were you at the Communist Party headquarters in Los Angeles?

Mr. HERNDON. No.

Mr. TAVENNER. Where were you?

Mr. HERNDON. A person who was a member of the unit called me and told me where the next meeting would be, and I was to appear at the next meeting of the unit.

Mr. TAVENNER. Who called upon you and gave you that information?

Mr. HERNDON. Richard Byrd Lewis.

Mr. TAVENNER. Do you know what Mr. Lewis' occupation was at that time?

Mr. HERNDON. He was a teacher.

Mr. TAVENNER. Where, at what institution?

Mr. HERNDON. In Glendale College.

Mr. TAVENNER. What college?

Mr. HERNDON. In Glendale College.

Mr. TAVENNER. Now, when was it, as nearly as you can recall?

Mr. HERNDON. This was sometime in the fall of 1937.

Mr. TAVENNER. Well, as a result of that information, did you attend a meeting of the teachers' unit?

Mr. HERNDON. I did.

Mr. TAVENNER. Where was the meeting held?

Mr. HERNDON. I cannot now remember. I have tried time and again. I know the section of the city, but I can't find the street. I have been by there trying to find the place.

Mr. TAVENNER. How long did you remain a member of that particular unit, the teachers' unit of the professional group of the Communist Party?

Mr. HERNDON. I don't know, and I have tried to remember that. I must have left sometime in 1940, in the winter or spring of 1940.

Mr. TAVENNER. Then during that period of time you became very familiar with the activities of that group?

Mr. HERNDON. Yes.

Mr. TAVENNER. How many persons composed the group?

Mr. HERNDON. I could remember 12 names and I think that is about it, but some people left and other people came in later, perhaps 8 or 10 at the time at the most.

Mr. TAVENNER. Were these persons representatives from different educational institutions or where they all from one educational institution?

Mr. HERNDON. They were individuals from various educational institutions.

Mr. TAVENNER. Well, let us try to get clear at this point just what the Communist Party organization was within the teaching profession. Can you give me information as to other Communist Party groups within the teaching profession in addition to the one that you were in?

Mr. HERNDON. I know of no other teachers' unit, not directly or by hearsay, in Los Angeles. At that time the various professions were not—or at that time the professional people in the Communist Party were organized by professions so that there would be a teachers' unit and perhaps some other units. There were motion picture units.

Mr. TAVENNER. Well, this particular unit of the Communist Party within the teaching profession covered what general territory or area?

Mr. HERNDON. Los Angeles and its surroundings. I think Lewis and I were the only people who were not in the Los Angeles public schools, the only two.

Mr. TAVENNER. Well, were the rest of the members from any particular public school or from the public schools generally?

Mr. HERNDON. I believe they were mostly scattered. My recollection isn't plain, but I don't believe that there was more than one per school.

Mr. TAVENNER. Was that group already organized when you joined it?

Mr. HERNDON. Yes, sir.

Mr. TAVENNER. Now, did you learn in the course of your experience in that group how long it had been organized?

Mr. HERNDON. No; I did not. If I did, I have forgotten.

Mr. TAVENNER. Will you tell the committee, please, what the main interest was of that group of the Communist Party which was created within the teaching profession in Los Angeles?

Mr. HERNDON. Two interests. One of them was self-education in Communist philosophy, which we did by making book reports to each other, really. And in the second place, at the time I was in it, attempting to control to whatever degree possible the policies of the Teachers' Union.

Mr. TAVENNER. What do you mean by the Teachers' Union?

Mr. HERNDON. I mean at that time the American Federation of Teachers, Local 430.

I would like to say that I believe that local 430 had its charter revoked by the national organization and that the present Teachers' Union in Los Angeles has a new charter.

Mr. TAVENNER. When was that local's charter revoked?

Mr. HERNDON. I believe sometime within the last 2 or 3 years.

Mr. TAVENNER. Do you know the reasons for the revocation?

Mr. HERNDON. I know from what I have read in the newspapers that there were charges of Communist infiltration, and the union purged itself of that.

Mr. TAVENNER. So, then, if I understand you correctly, the two main interests of this Communist Party group was self-education in Communist theory.

Mr. HERNDON. Yes, sir.

Mr. TAVENNER. And controlling the policies of the Teachers' Local 430.

Mr. HERNDON. Yes.

Mr. TAVENNER. In your study of Communist Party literature, can you advise the committee more fully as to just what that covered?

Mr. HERNDON. I had been accepted in the teachers' unit without any formal indoctrination period, and I imagine that some of the other members had been accepted in the same way because we were supposed to sort of catch up on general party theory, and also keep abreast of the latest explanations of the change in party line at all times. I don't think we really did in the teachers' unit a very good job of either one of those.

The Communist Party literature is written, a large part of it, in a special vocabulary, a special jargon, which is hard to read and rather unpleasant to read unless you have been brought up on it, and I think we rather skipped our homework assignments a good part of the time.

Mr. TAVENNER. How was this Communist Party material obtained?

Mr. HERNDON. There were at the time a couple of bookstores in Los Angeles. There was 1 on Western Avenue, 1 downtown on, I believe, Spring Street, and 1 member of the party—1 member of

the unit had the job of acting as literature agent. He would go there and pick up all types of pamphlets, books, mimeographed sheets, and what not, which he would attempt to sell to his fellow members.

Mr. TAVENNER. Do you recall whether that literature included such works as the Communist Manifesto?

Mr. HERNDON. It did.

Mr. TAVENNER. Marx's Das Kapital?

Mr. HERNDON. I don't believe a copy of that was ever sold while I was in the unit. It was for sale in the bookstore.

Mr. CLARDY. It is a little too turgid for ordinary reading.

Mr. HERNDON. I have read very little of it, not 10 pages.

Mr. CLARDY. It is difficult stuff to read.

Mr. HERNDON. It is.

Mr. TAVENNER. Did you study or was there brought to these meetings the various works of Lenin and Engels?

Mr. HERNDON. Yes; I can remember even a couple of titles.

Mr. TAVENNER. Well, I would like to know what they were.

Mr. HERNDON. Lenin's Statement on Revolution, and Lenin on Imperialism, and I remember Engels on Value, Price, and Profit.

Mr. TAVENNER. Do you recall also the various works of Foster?

Mr. HERNDON. Not by name. I know he wrote a good many pamphlets which may have been sold at the meetings.

Mr. TAVENNER. I am speaking of William Z. Foster, who was the head of the Communist Party in the United States at that time.

Mr. HERNDON. Yes, sir.

Mr. TAVENNER. Where were these bookstores located and what were their names?

Mr. HERNDON. One of them was called the Progressive Book Store.

Mr. TAVENNER. Would you state that again, please?

Mr. HERNDON. The Progressive Book Store.

Mr. TAVENNER. Where was it located?

Mr. HERNDON. I don't know whether it was the one on Northwestern Avenue or the one on South Spring Street.

Mr. TAVENNER. Is it still in existence?

Mr. HERNDON. I don't know. I don't believe so—no; because I have been by both places.

Mr. TAVENNER. Then what was the name of the second bookstore you referred to?

Mr. HERNDON. I cannot remember.

Mr. TAVENNER. Do you remember the location? Well, I think possibly I should not ask you that question if you don't recall the name of the store, so I withdraw the question.

During the course of your Communist Party meetings were you addressed from time to time by high functionaries of the Communist Party?

Mr. HERNDON. No.

Mr. TAVENNER. You were not?

Mr. HERNDON. No.

Mr. TAVENNER. In your Communist Party experience, did you become acquainted with functionaries of the Communist Party on a higher level than that of your group?

Mr. HERNDON. In the next highest level we had a contact with the professional section, and a contact with—I don't know whether it was

a contact with the county or with another contact with the professional section. But there were two so-called professional Communists who sometimes attended our meetings.

Mr. TAVENNER. Who were they?

Mr. HERNDON. A woman named Jane Wallace, I think.

Mr. TAVENNER. Do you know whether that was her party name or her actual name?

Mr. HERNDON. I am not sure whether it was Jane Wallace or it was Jane Wilson, and I don't know which was which; Jane Wallace or Jane Wilson.

Mr. CLARDY. If he can identify her any further——

Mr. TAVENNER. Can you give us any further identifying information——

Mr. HERNDON. Other than the name, no.

Mr. TAVENNER. Of the individual?

Mr. HERNDON. Of the individual?

Mr. TAVENNER. Do you know whether the individual was a full-time employee of the Communist Party or whether the person had some other occupation?

Mr. HERNDON. I understood she was a full-time employee.

Mr. TAVENNER. Do you recall the name of the second person?

Mr. HERNDON. Anne—I got her mixed up with someone else, now.

Mr. CLARDY. Perhaps he had better give it a little more thought.

Mr. TAVENNER. Possibly you should wait and see if the name occurs to you later in the course of your testimony.

Mr. CLARDY. I would rather we didn't get anything unless he is sure.

Mr. TAVENNER. Yes. I think if you are not sure about a name you should not suggest that it was possibly so and so. We want only your very positive and distinct recollection.

I want to read to you and make a part of the record some things that were said about the teachers and the teaching profession in the Communist Party literature as a basis for asking you additional questions.

In volume 23 of Lenin, at page 499, there appears this statement:

> Today the chief task of those members of the teaching profession who have taken their stand with the International and the Soviet Government is to work for the creation of a wider and, as nearly as possible, an all-embracing teachers' union.

Of course, Stalin at that time was writing in Russia and he was writing on the subject generally.

Again at page 500, Lenin has this to say:

> Your union should now become a broad teachers' trade union embracing vast numbers; a union which will resolutely take up its stand on the Soviet platform and the struggle for socialism by means of a dictatorship of the proletariat.

Do you recall whether that part of Lenin was actually discussed in your special group within the teachers' group?

Mr. HERNDON. I don't recognize either of those quotations as having heard them before.

Mr. TAVENNER. I would like also to read you a paragraph from Toward Soviet America by William Z. Foster, printed in 1932, relating to the subject of education. He said:

> Among the elementary measures the American Soviet Government will adopt to further the cultural revolution are the following:

The schools, colleges, and universities will be coordinated and grouped under the National Department of Education and its State and local branches.

The studies will be revolutionized, being cleansed of religious, patriotic, and other features of the bourgeois ideology.

The students will be taught on the basis of Marxian dialectical materialism, internationalism, and the general ethics of the new Socialist society.

Present obsolete methods of teaching will be superseded by a scientific pedagogy. Religious schools will be abolished.

Do you recall that portion of Foster's volume on Toward Soviet America having been read or discussed in your meetings?

Mr. HERNDON. I remember the title of the book, as we were recommended to read it, and I evidently never read it because I don't remember that passage.

Mr. TAVENNER. Were you informed by higher functionaries of the Communist Party fully as to what the Communist Party intended to accomplish by infiltration into the teachers' groups?

Mr. HERNDON. No, sir.

Mr. TAVENNER. In this connection I want to read you an excerpt from the Communist, an organ commonly referred to as an organ of the Communist Party, of May 1937, entitled "The School and the People's Front," by Richard Frank. Richard Frank was a member of the education commission of the Young Communist League. He had this to say:

The task of the Communist Party must be first and foremost to arouse the teachers to class consciousness and to organize them into the American Federation of Teachers, which is the main current of the American labor government. In the effort to organize the teachers every care must be taken to bring together in united front actions all existing teachers' organizations. Especial attention must be paid to secure such action with the American Association of University Professors, the National Education Association and the Guild. Our party members in these organizations must work actively toward that end.

Well, do you recall those purposes or objectives of the Communist Party being discused at your meetings?

Mr. HERNDON. The part you read about increasing working-class consciousness among teachers, yes, that sort of thing. The influence on the teachers' unit of the Communist Party at the time I was in it seemed to be not based on any broad general philosophy, but on, rather, week-by-week or month-by-month piecemeal actions in favor of this, that or the other.

Mr. TAVENNER. Now, you have stated that 1 of the principal objectives, 1 of the 2 principal objectives, as you understood it, of your particular group of the Communist Party was to control the policies of the teachers' local.

Mr. HERNDON. Yes.

Mr. TAVENNER. Did that include also the ability to take over the organization and influence it generally?

Mr. HERNDON. By "take over the organization," we did not want to have a complete slate of officers, for instance, who were Communists. We had the secretary of the union during the time I was there, and she was a Communist. I think she was perhaps the only member of the governing board who was a Communist.

But that, you see, was the contact and the in for the Communist Party. We didn't want to head it. The Communists didn't want to head it. They wanted to have people who were not possibly compromised running it for them, and they would pull the wires behind the

scene. Domination in that sense, yes, but not by electing a complete slate of officers.

Mr. TAVENNER. Now, the Teachers' Union was composed of many teachers who were not in any sense members of the Communist Party or even sympathetic to the Communist Party, is that right?

Mr. HERNDON. I myself had joined it in Sacramento in 1929, practically before I heard of the Communist Party, on its own merits.

Mr. TAVENNER. How many people were members of Local 430 of the Teacher's Union?

Mr. HERNDON. I do not know.

Mr. TAVENNER. Can you give us a general idea?

Mr. HERNDON. The membership must have been much larger than the attendance at meetings. At meetings we would have 150 or 200 members, perhaps.

Mr. CLARDY. How frequent were those meetings?

Mr. HERNDON. I believe once a month.

Mr. CLARDY. That was about the average attendance?

Mr. HERNDON. One hundred and fifty members average.

Mr. TAVENNER. How many members were there in this Communist Party unit which was seeking to exert its influence on the union?

Mr. HERNDON. Eight, ten, twelve.

Mr. CLARDY. Of course, the 8, 10, or 12 were a cohesive unit with a definite objective, so you were able to sell your ideas to those at least who just at random differed on particular subjects?

Mr. HERNDON. Exactly, yes, because the Communist Party acted as a unit, frequently would dissolve its meeting, the formal meeting, and reconvene as a fraction of the teachers' units to discuss what was coming up, to plan motions and seconds to motions, and so on, and plan just what route would be followed in case anything unforeseen came up, and we could call the party caucus in advance of the executive board of the union. We caucused before the executive board and also we caucused in advance of the general membership meetings.

Mr. CLARDY. So at the meeting you had all your moves planned both for the executive committee and for the membership meetings.

Mr. HERNDON. The Communists came early, stayed late, and volunteered for the dirty jobs.

Mr. CLARDY. And outshouted the rest of them when that became necessary, I take it?

Mr. HERNDON. If necessary.

Mr. TAVENNER. Did this type of activity continue during the entire period of your membership in the teachers' unit of the Communist Party?

Mr. HERNDON. Yes.

Mr TAVENNER Would you state to the committee, please, whether in your judgment your Communist Party unit was fairly successful in its endeavors in connection with the Teachers' Union?

Mr. HERNDON. It was very successful in its endeavors. We were careful not to try anything too raw, so we would try only things which were slightly raw, because if we tried anything too raw we would have been slapped down by the membership at large.

Mr. CLARDY. I take it you really never lost out on an important issue that you wanted to raise?

Mr. HERNDON. Not that I can remember. My memory is quite vague on specific issues at this distance.

Mr. CLARDY. I would imagine it would be.

Mr TAVENNER Can you recall any particular instance when the Communist unit set about a deliberate plan to cause the Teachers' Union to follow its leadership in any outstanding matter?

Mr. HERNDON. Not specifically.

Mr. TAVENNER. Do you know whether or not the Communist Party endeavored, to your knowledge, to have the Teachers' Union adopt resolutions that related to matters outside of its own immediate sphere of operations, such as on international questions or foreign policies of the Government, or matters of that kind as to which the Communist Party line changed from time to time?

Mr. HERNDON. I can remember telegrams, for instance, being authorized by the resolutions of the membership on matters of housing, on matters—on Spain, also, on which the Communist Party line of the moment was followed.

Mr. TAVENNER. Were such matters endorsed and approved at your meetings of the Communist Party members, which were held prior to the meetings of the Teachers' Union?

Mr. HERNDON. They were and that was pursuant to instructions from above, which would frequently come in the form of directives in the Communist newspapers, that all Communist organizations should get the non-Communist organizations with which they were affiliated to further certain policies of the party nationally.

Mr. TAVENNER. Can you recall any instance in which they took a position with respect to the foreign policy of this country or the Soviet Union?

Mr. HERNDON. I cannot.

Mr. TAVENNER. Can you give us the names of the schools or institutions which were represented in this Communist unit of the professional units of the Communist Party?

Mr. HERNDON. I wouldn't say the schools were represented. There was a member from the City College of Los Angeles. There was a member from the junior high schools.

Mr. TAVENNER. I think possibly at this time it would be well to identify, if he can, who the member or members were from the various schools.

Mr. HERNDON. There was a man named Norman Byrne from the City College. There was a high school, a junior high school in North Hollywood; I do not know the name of the high school. The teacher's name was Harry Shepro.

Roosevelt High School, there was a teacher named Rose P-o-s-e-l-l. And Lewis and myself from Glendale College.

Mr. TAVENNER. What was Lewis' first name?

Mr. HERNDON. Richard Byrd Lewis.

Mr. TAVENNER. Did he have a nickname or a pseudonym?

Mr. HERNDON. Dick was his nickname.

Mr. TAVENNER. Can you recall the names of other persons from other institutions?

Mr. HERNDON. Those are the only names whose schools I can remember at this time. I may never have known the schools these people were from. We were very secretive with one another and very secretive within the party as to the other units. I didn't know, for instance, of certain knowledge what other professional units there were besides

teaching. I know there were others. I can't say certainly what others there were.

Mr. CLARDY. Each cell was more or less hermetically sealed against the rest.

Mr. HERNDON. At that time, yes.

Mr. TAVENNER. We have learned in the course of these hearings from the testimony of Mr. Ashe that the purpose of forming the professional cells, was to give the members of the professions a type of security which other persons in the Communist Party did not enjoy.

Mr. HERNDON. Exactly.

Mr. TAVENNER. Now, were most of the members in that group members of the Teachers' Union Local 430?

Mr. HERNDON. All of them who were in teaching were, I believe.

Mr. TAVENNER. But there were some persons in your group who were not teachers?

Mr. HERNDON. There were some people whose status was—there was the wife of one there. I am not sure whether she was or ever had been a teacher.

Mr. TAVENNER. What was her name?

Mr. HERNDON. Anna Shepro. She was a member for a short time and dropped out.

Mr. TAVENNER. Do you recall how many locals of the Teachers' Union there were in the State of California at that time?

Mr. HERNDON. No, sir.

Mr. TAVENNER. You know there were others.

Mr. HERNDON. There were others. I was a charter member of the local which was formed in Glendale and Burbank, which never amounted to much, died of lack of interest, and that was born on orders from the party.

Mr. CLARDY. From whom did the orders come?

Mr. HERNDON. I don't know, sir, and I don't suppose we were encouraged to ask these questions. As I remember it, I didn't ask many questions.

Mr. CLARDY. You mean someone in your own local group just advised the group that he had orders from higher up to set up this program and you all blindly followed through?

Mr. HERNDON. That is about it.

Mr. CLARDY. Who was the secretary of your group?

Mr. HERNDON. They changed at various times. The idea was more or less to rotate the officers. I cannot remember anyone who was secretary.

Mr. TAVENNER. Can you give us the names of other persons in your group who may not have been teachers at the time? You gave us the wife of Mr. Shepro as one. Now, were there others that you can recall?

Mr. HERNDON. Another wife of another member, and I am not sure whether she is a teacher or not or whether she merely attended our meetings because of family convenience.

Mr. TAVENNER. Well, just a moment. If it is a mere matter of family convenience, I don't believe I will ask you any questions, unless you are certain she was a member of your group.

Mr. HERNDON. I could not be that certain of it.

Mr. TAVENNER. Were you acquainted with a person by the name of Jane Howe?

Mr. HERNDON. Jane Howe is the name that I remembered as Anne. It is not Anne. It is Jane Howe. That was the name I couldn't remember a minute ago.

Mr. TAVENNER. Do you know whether she went by another name, used another name, also?

Mr. HERNDON. She did, but I can't be sure what it was.

Mr. TAVENNER. Was it Anne Kinney?

Mr. HERNDON. I believe it was. I believe it was.

Mr. TAVENNER. Well, Anne Kinney has testified before the committee in executive session, and has admitted her membership in the Communist Party. In fact, she testified that she was at one time a Socialist, and that there was a Communist Party unit organized within the Socialist Party of which she was a member, and Mr. Ashe, who was one of the early witnesses in this hearing, was also a member and who had testified to it.

She also testified how she was assigned to this particular unit, your unit of the Teachers' Union, and that she left the party, I believe in October of 1945, and has not been a member of the party since.

Now, she further testified that she was on a committee which had the job of disciplining members of the Communist Party where occasion for such a thing existed.

Do you know anything about that? Do you know anything about discipline that was exercised within the Communist Party by a committee?

Mr. HERNDON. Only by hearsay. I heard that there were disciplinary committees which were supposed to be very fierce organizations, but there were no disciplinary cases in regard to anyone whom I knew while I was in the party.

Mr. CLARDY. You yourself were never disciplined by the party?

Mr. HERNDON. No formal reprimands after a formal hearing or anything of the sort. There was a good deal of self-criticism and informal slapping down of members who were slack in any way. At my first party meeting I was too frightened. I was told to stand up on my feet and give a 3-minute speech on why it was important not to come 2 minutes late. I came in 2 minutes after 8 or whatever it was. I suppose you would call that informal discipline.

(Representative Donald L. Jackson reentered the hearing room at this point, 11 a. m.)

Mr. JACKSON. Did your group of the Communist Party endeavor to exercise its influence over the Teachers' Union to the extent of controlling the delegates from the teachers' local to the State or National conventions which it had?

Mr. HERNDON. I imagine so, but I can't say so of certain knowledge.

Mr. JACKSON. Did you ever attend the State or National convention as a delegate?

Mr. HERNDON. No, sir.

Mr. TAVENNER. Did you ever attend a fraction meeting of the Communist Party?

Mr. HERNDON. I attended what was called the State fraction meeting, which was held in San Luis Obispo, I don't know when, and I don't know where it was. I think I know who I went with. I can

remember where we had dinner. I can't remember where we met or a single thing that was discussed at the meeting. I am astounded at my own lack of memory. I have been trying ever since I was subpenaed to recall this. I suppose that this whole business is so unpleasant in my mind I have forgotten things, or I try to forget things until I no longer can remember.

It was a State fraction meeting which was held in San Luis Obispo. I went there with a number of members of the unit, and the purpose was to settle policy at the coming State convention of the Teachers' Union.

Mr. TAVENNER. That was the general purpose?

Mr. HERNDON. But the details I cannot recall.

Mr. TAVENNER. Does that mean that representatives from other party units in other locals of the State met in that fraction meeting?

Mr. HERNDON. Yes.

Mr. TAVENNER. You said "Yes"?

Mr. HERNDON. Yes.

Mr. TAVENNER. That indicates, then, that there were Communist organizations within other locals of the union in the State.

Mr. HERNDON. Yes.

Mr. TAVENNER. Can you tell us how many people attended that fraction meeting?

Mr. HERNDON. I cannot even recall to mind the room in which the meeting was held, which I should be able to see.

Mr. TAVENNER. Can you give us the names of any of the persons who attended in addition to yourself?

Mr. HERNDON. One delegate from Stanford, Dr. Holland Roberts.

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

Mr. HERNDON. H-o-l-l-a-n-d R-o-b-e-r-t-s.

From my own unit, Norman Byrne, Jane Howe, Marjorie Hay, myself, Richard Lewis, and one other person whom I cannot remember. I only know there were 6 people.

Mr. TAVENNER. You used the name Marjorie Hay.

Mr. HERNDON. Marjorie Hay was a member of the teachers' unit. She was secretary of the union while I was in the unit.

Mr. TAVENNER. Was she a teacher at that time?

Mr. HERNDON. A former teacher, I believe. Yes, a former teacher.

Mr. TAVENNER. Were there any other members of your Communist Party group who became officers of the local union?

Mr. HERNDON. I don't remember. There may have been.

Mr. TAVENNER. Were the members of your union called upon at any time to conduct meetings of other groups or appear at meetings of other groups of the Communist Party?

Mr. HERNDON. Do you mean, Mr. Tavenner, members of my unit?

Mr. TAVENNER. Yes; your unit of the Communist Party.

Mr. HERNDON. I know that I did no outside speaking. I believe, during that time, Norman Byrne did some outside speaking. I don't know of other members who may have.

Mr. TAVENNER. Do you know how the arrangements were made for him to speak at other places or at other meetings?

Mr. HERNDON. No.

Mr. TAVENNER. Is there any other activity of your group which you can tell the committee?

Mr. HERNDON. Oh, various types of fund-raising activities, subscription selling drives for the New Masses, the People's World. We were supposed to get rid of copies of such things as transcripts of the Moscow trials. We would be assigned 2 or 3 copies and told to go out and sell those and bring back the money. In some cases people would be afraid to do that sort of thing, so they would merely bring back the money and dispose of the literature somewhere else.

The teachers' unit collaborated with the Hollywood professional section in selling tickets to what was, by the way, a very worthwhile series of old movies which was given in Hollywood. That I can remember. The purpose was fund raising for the party, but under a cover organization name.

Mr. TAVENNER. Were the members of this group encouraged to join Communist-front organizations?

Mr. HERNDON. Yes; they were.

Mr. TAVENNER. Will you tell the committee about that, please?

Mr. HERNDON. At that time the Communists were very interested in exposing Hitler and Mussolini, in attempting to stop their forward march, and there was an organization which I think at that time was called the American League Against War and Fascism. It changed its name later to the American League for Peace and Democracy, and we were all supposed to be members of that. When I was first in the party we were encouraged to become members of the Friends of the Abraham Lincoln Battalion, which was a group of American volunteers fighting for the Spanish Republic and sponsored, I believe, by the Communist Party.

Mr. TAVENNER. Do you recall whether you were urged to join the Friends of the Soviet Union?

Mr. HERNDON. I knew of the organization, but I don't believe we were encouraged to join it. I was not.

Mr. TAVENNER. Now, how did your group handle the question of recruitment into the party?

Mr. HERNDON. By pep talks, but not much action.

Mr. TAVENNER. Well, did you invite members of the faculty of the various schools from which your members had come to meetings for the purpose of interesting them into coming into the Communist Party?

Mr. HERNDON. We talked about it, but I don't believe we ever did during the time I was in the party. We were afraid of exposing ourselves. We didn't know anyone who was ripe enough to join. We were supposed to do that, but we couldn't find enough candidates.

Mr. TAVENNER. Well, did you use your own name in signing your Communist Party card?

Mr. HERNDON. We used an alias and then the name was penciled in—the right name was penciled in in some cases, but we all of us had what was called a party name.

Mr. TAVENNER. What was your party name?

Mr. HERNDON. Joe Anderson.

Mr. JACKSON. Let me ask one question. Did you pick your own party name or did the party pick it for you?

Mr. HERNDON. I picked that one.

Mr. JACKSON. They gave you some latitude.

Mr. HERNDON. Yes, sir.

Mr. TAVENNER. Will you tell the committee whether or not you have engaged in any Communist Party association or affiliation since the time you withdrew from the party?

Mr. HERNDON. I stayed as far away from those people as I thought I could possibly get.

Mr. TAVENNER. What activity, if any, have you engaged in since you left the party which would be an indication of good faith in your complete withdrawal from the party?

Mr. HERNDON. I went back to work teaching school to the very best of my ability. I have joined no organizations. I had a perhaps irrational fear of organizations. There are some organizations which have called themselves anti-Communist and have been called pro-Communist, and I frankly distrusted my own political judgment, which had been so bad in getting me into the Communist Party. I thought I better stay out of organizations for a while.

Mr. TAVENNER. Well, will you tell the committee the circumstances which led you to the decision to get out of the Communist Party?

Mr. HERNDON. I was transferred with another member to a unit which met in Pasadena, and I was told that the unit was dying on its feet and that I, being one of the youngest members in the teachers' unit—I think the youngest—was supposed to go over there and revivify it, and by that time, the beginning of 1940, Stalin had signed his pact with Hitler, and I hadn't been able to believe it. I thought the Communist breast would come out with some fine reason behind this action and that it would be explained away.

Well, I waited a long time. I am still waiting for an explanation which would explain it away. I see now that I was becoming very disillusioned with the Communist Party at that time.

I went over to Pasadena and the unit was dying on its feet and they were not teachers, mostly. We had very little in common outside of an interest in communism, and my interest in communism was becoming less and less. I used my school work as an excuse. At the time I was designing and building stage scenery for school productions and I had a good excuse to miss meetings. I skipped as much as I could. I had an operation that summer. I spent a month in bed. I spent 2 months in Mexico on leave from the party. That fall I went back rather sporadically, becoming more and more disgusted with the whole thing, and when Stalin invaded Finland I gave up. I went away and didn't come back.

I had decided by that time—what I had joined was supposed to be the teachers' unit of the Hollywood professional section of the Communist Party of the United States, and I decided finally that I had more than enough evidence to persuade me that the so-called Communist Party of the United States was absolutely nothing more nor less than a tool of the Soviet foreign policy, of Russian foreign policy, and I didn't want any part of it.

Mr. TAVENNER. And as a result you made the decision to get out of it and to stay out?

Mr. HERNDON. Yes. I should have done it sooner, of course. I had heard all sorts of tales of disciplinary committees and goon squads and I thought someone would drive up beside me and finish me off, perhaps. Actually, I really had nothing to fear.

Mr. TAVENNER. I have not asked you any question about the efforts of the teachers in your unit to influence students in the schools, if they

made any effort at all. Was that matter discussed at any time in your group meetings?

Mr. HERNDON. Of course, a good Communist was supposed to influence anybody and everybody, but a professional, a Communist in the professional section, and especially a teacher Communist, had something else to think about, and that was that he must on no account allow himself to be exposed or labeled as a Communist. It was felt it would rather cramp the teacher's style.

Mr. TAVENNER. What do you mean by that, might cramp the teacher's style?

Mr. HERNDON. If a teacher is going to be promulgating in his class the Communist Party line day after day, in most cases it would become a little too obvious that he was teaching the Communist Party line and not teaching his subject, which would be the same as exposing himself and branding him, and at that time the Communists believed that a teacher who was a known Communist was a teacher almost without influence.

Mr. JACKSON. May I ask a question there? Why were teachers considered to be of such great importance that it was felt necessary to take such extreme measures to prevent their disclosure as Communists? Were they considered important in the Communist Party picture, teachers?

Mr. HERNDON. Teachers organizationally in the Communist Party, I think not. They were considered important as potential propagandists. Potentially as propagandists they were considered very important. Actually, there were rather few. There were about 700 teachers in Glendale at the time, and I only know of myself and one other who were members.

(Short recess was taken.)

(After the recess, at 11:40 a. m., Representatives Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Morgan M. Moulder, Clyde Doyle, and James B. Frazier, Jr., reentered the hearing room.)

Mr. JACKSON. The committee will be in order.

Mr. TAVENNER. In the earlier part of your testimony, Mr. Herndon, I understood you to say there were approximately 12 members of this Communist Party unit in the professional group of which you were a member.

Mr. HERNDON. Yes.

Mr. TAVENNER. I have already asked you to give us the names of those who were teachers. I think you have done that.

Mr. HERNDON. I gave you the names of those teachers whose specific schools I know. There were others who were teachers of schools I do not know, whose names I know.

Mr. TAVENNER. Mr. Herndon, will you give us the names of the other teachers that you know?

Mr. HERNDON. There was a man named Sam Kalish, K-a-l-i-s-h, who was a night school teacher, who attended very few meetings on that account.

Mr. TAVENNER. Can you give any further identifying information in regard to him?

Mr. HERNDON. I may have seen him only a few times. He was a member before I was, I know that.

Mr. TAVENNER. If you will proceed.

Mr. HERNDON. Norman Byrne, whose name I already gave. Marjorie Hay, H-a-y. Harry Shepro, S-h-e-p-r-o, and Anna Shepro. Zara Becker.

Mr. TAVENNER. Can you give any further identifying information?

Mr. HERNDON. No further identifying information. An English teacher.

Mr. TAVENNER. Excuse me?

Mr. HERNDON. An English teacher, I can say that, yes.

Zara Becker—pardon. Barta Numovna, Honoré Carey, Matilda Lewis, Abe Minkus.

Mr. TAVENNER. Can you give us any further identifying information regarding him?

Mr. HERNDON. I know he didn't teach high school. I know he didn't teach senior high school. That is all I know.

Mr. TAVENNER. Do you know how long he was a member of your group?

Mr. HERNDON. He became a member after I entered, and he was still in when I left. His wife, Libby Minkus, who, I believe, was not a teacher, and myself, and Richard Byrd Lewis, no relation to the Matilda Lewis.

Matilda Lewis, by the way, did not come to meetings for more than a short while. She may have left the party or been transferred, I am not sure which, before I left.

Mr. TAVENNER. Now, you have told us that you were sent on a mission to another area to attempt to revive a Communist Party group which was beginning to weaken.

Mr. HERNDON. Yes.

Mr. TAVENNER. Where was that?

Mr. HERNDON. That was in Pasadena and it was a mixed group.

Mr. TAVENNER. What do you mean by "mixed group"?

Mr. HERNDON. Not one profession. In fact, not even entirely professional.

Mr. TAVENNER. Do you remember how many members there were?

Mr. HERNDON. Well, including the 2 of us who were sent there, 10.

Mr. TAVENNER. Who were the 8 members who were originally members of that group, before you went over?

Mr. HERNDON. I can remember only 2 names, a man and his wife. At his home we met. I don't know what they did, now.

Another man and his wife. The man, I believe, was a dentist.

A man who was an instructor.

Mr. TAVENNER. Let me ask you, are you positive of the names of the individuals——

Mr. HERNDON. I cannot—haven't the faintest recollection of the names of those four. And I have attempted to remember. I spent an hour and a half last Saturday driving around Pasadena, trying to locate the two houses in which we had met.

I was fairly sure I had found one, and the other one I was completely at a loss to find, although I knew about where to look for it.

Mr. TAVENNER. Have you, by one means or another, refreshed your recollection so that you can positively remember them?

Mr. HERNDON. Two people.

Mr. TAVENNER. Can you identify them by name?

Mr. HERNDON. Yes.

Mr. TAVENNER. Will you please do so?

Mr. HERNDON. One of them was an instructor at Caltech. His name was Sidney Weinberg.[1] There was another man who, I think, may be dead. He was an elderly man at the time.

Mr. TAVENNER. Just a minute.

Mr. HERNDON. I feel a little reluctant in giving his name.

Mr. TAVENNER. If the person is deceased, I don't want to press the question.

Mr. JACKSON. I think not.

Mr. HERNDON. He was a member from Glendale, not from Pasadena.

Mr. TAVENNER. I will ask you to make some further inquiry yourself as to whether or not the individual you have in mind is deceased, and ask you to advise the investigator of the committee, who is stationed here, of the result of your investigation.

Mr. HERNDON. I think I may be able to do so.

Mr. TAVENNER. Did that group of the Communist Party continue in its operations?

Mr. HERNDON. Yes; I think it became weaker, rather than stronger, though.

Mr. TAVENNER. Was it still in existence when you left the Communist Party?

Mr. HERNDON. It was.

Mr. TAVENNER. Have you had any knowledge of its operations since you left the Communist Party?

Mr. HERNDON. This man Sidney Weinberg[1] came twice to my house to ask me to come back, after I had stayed away, with no explanation whatsoever. I didn't say, "Goodby." I just stayed away. Both times I told him, "I am far too busy. I have to work nights. I think not."

Mr. TAVENNER. Can you fix the approximate time when that occurred?

Mr. HERNDON. It was before Christmas, before the end of the year, in 1940.

Mr. TAVENNER. Now, Mr. Herndon, the committee is very much concerned about the situation that may exist where a teacher at the present time who is subject to the discipline of the Communist Party may be actively engaged in teaching in a school. Now I would like to know from you, from your own experience and from your knowledge of the objectives of the Communist Party and its operation, what you have to say from your own standpoint as to the advisability of a teacher being permitted to teach young students, particularly where the teacher is subject to the directives of the Communist Party and its discipline.

Mr. HERNDON. That brings up the question of academic freedom, and my conception of academic freedom is that a teacher should teach his subject, and good citizenship and good character along with it, to the best of his ability, that he should use his intelligence and teach the truth as far as he can see it, and that his teaching should be in accordance with his conscience.

Now, a teacher who is in the Communist Party is not a free agent. No matter how intelligent he may be, when he enters the party he

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[1] See p. 521 for correction; name should be Sidney Weinbaum.

agrees to accept the direction of the Communist Party as to what he should think, when he should think it, without demur and without a why. He is not a free agent intellectually, and he is not a free agent morally. I don't see how, really—I have come to the conclusion that with a practicing Communist I don't see how it can be a question of academic freedom at all. I think that a teacher who is at the present time, let us say, a practicing Communist is a person who is under the direction of the Communist Party to teach not the truth as he sees it, but the truth as the Communist Party sees it, as far as possible.

Mr. SCHERER. May I interrupt, Mr. Chairman and counsel?

Mr. JACKSON. Mr. Scherer.

Mr. SCHERER. Professor, from your experience, do you feel that a person who remains in the Communist Party today, after all that has transpired, should teach in our public schools or anywhere else?

Mr. HERNDON. I don't know what is in a man's mind, but a person who is considering what has happened in the Communist Party——

Mr. SCHERER. I say after all that has transpired. I make that qualification.

Mr. HERNDON. I don't see how he can stay in.

Mr. SCHERER. I think perhaps you might agree with Lewis Webster Jones, who is the president of Rutgers University. Rutgers University is one of the best universities in this country.

Unfortunately, the university had to act within the last few months to remove from the faculty a number of its members. In connection with the removal of those members, the president of Rutgers made a statement, which has been reduced to pamphlet form and which is entitled "Academic Freedom and Civic Responsibility."

In the past the committee has, as you perhaps know, been attacked from various sources by prominent educators on the ground that by investigating persons who are engaged in Communist activities in the teaching profession we are interfering with academic freedom. In that connection I think it would be well, Mr. Chairman, to ask this witness if he agrees in the conclusions drawn by President Jones of Rutgers.

I just have 2 or 3 paragraphs which are along the lines which you have just testified. The president says in his statement, first:

> The legal right of any citizen to refuse to testify on the grounds of possible self-incrimination as provided under the fifth amendment is not in dispute, though the legal as well as the moral wisdom of exercising it is open to serious doubt.

And then he continues:

> The Communist Party is not a political party like any other. It is a secret conspiratorial organization imposing on its members a discipline and regimentation of thought quite alien to the normal political parties of a democracy. Its standards of ethics are radically different from the ethical principles on which in a free society freedom of thought, freedom of research and of teaching are based. The university must insist on tolerance of honestly held and frankly proclaimed differences of opinion, and its faculty must be free to engage in ordinary open political activity, but it must protect itself and cooperate in protecting the country against any conspiracy which, if successful, would destroy that freedom. It is unreasonable to deny that there is a real danger of Communist subversion or to dismiss all public concern with Communist activity as hysteria. The public has the right, through its legally constituted representatives, to inquire into the Communist Party membership of individuals. Public investigation of the universities is legitimate and should be frankly met. It implies no invasion of academic freedom.

I just don't want to labor the point too much, but finally he says in another paragraph:

> It follows that for the members of a university faculty to give a rational account of their positions on vital community issues not only cannot be defended by an appeal to academic freedom, but in fact except for such academic freedom, which is the only weapon of defense we are given, the entire academic community must suffer accordingly.

Now, from your experience, would you concur in the statements made by the president of Rutgers University with reference to this subject and the subject about which you have just been testifying?

Mr. HERNDON. I took notes as you were reading, and I think I can agree with the president of Rutgers on all of his points.

Mr. JACKSON. I think in that connection Rutgers is a long way off in point of miles, but within the past few days the heads of the great California institutions, the University of California, Dr. Sproul; the University of California at Los Angeles, Dr. Allen; and the president of Stanford University up north, have all joined in effect in the position taken by Dr. Lewis Webster Jones, and it is a matter of great satisfaction to me and to my colleague from California, Mr. Doyle, to know that these university presidents have taken that position with respect to the necessity for finding out where Communists are in their schools and exposing them.

Mr. CLARDY. I think it ought to be noted, Mr. Chairman, that while we had some witnesses before us from the faculty of Rutgers, the president and the entire school administration cooperated 100 percent with us and expressed satisfaction with our motive and with the results of our investigation.

Mr. JACKSON. Yes. I should also point out that the same is true also of Ohio State University, Temple University, and Harvard University.

Mr. SCHERER. Mr. Chairman, may I make a further observation in connection with that statement, particularly with reference to Ohio State University?

In the mail this morning I received a newspaper article from the Cincinnati Enquirer concerning Dr. Bevis' action with reference to Prof. Byron T. Darling, who testified before this committee in Washington just a few weeks ago, or as Mr. Clardy says refused to testify, which is perhaps more in line with the truth. And in view of the fact that we are on this subject now and in view of the fact that Professor Bevis has just spoken on that, I believe that what he said should be at least included in the record at this point, for the benefit of those who are here today at this point.

For the benefit of those who are here today, Prof. Byron T. Darling is an outstanding professor at Ohio State University. He is working on a project for the United States Air Force in aerodynamics at Ohio University, and was receiving, until a few weeks ago, part of his compensation from the Federal Government in connection with that project for the Air Force.

He refused to answer on the ground that it might tend to incriminate him, whether or not he was a member of the Communist Party, whether he had ever been a member of the Communist Party, or whether he at the present time was a member of the Communist Party, or whether he had any classified information under his control at that time of the United States Government, refused to answer whether

he had received any compensation from the Communist Party, and Professor Bevis just yesterday or the day before, in a communication addressed to Professor Darling, said this:

> Your refusal to answer these questions raises serious doubt as to your fitness for the position you occupy. Doubt is raised as to your ability to answer these questions truthfully without self-incrimination. Doubt is raised as to your moral integrity. Doubt is cast upon your loyalty to your colleagues and the integrity of the university itself.
>
> There is also a serious implication of gross insubordination to the university policy and of conduct clearly inimical to the best interests of the university.

There is quite a bit more, but they had reference to the transcript of the testimony taken at that hearing, and Dr. Bevis further said that he had studied the transcript of the testimony of Dr. Darling before the Un-American Activities Committee, and said for this reason he wished to inform him of the grounds upon which he might find it necessary to remove him from the university and ask him to present himself for a hearing.

Mr. JACKSON. Counsel, just a moment. Mr. Doyle is seeking recognition.

Mr. DOYLE. Professor Herndon, a moment ago—and you correct me if I am in error—did I understand you to say that a teacher in your judgment should teach a subject according to his own conscience and teach the truth? You so stated?

Mr. HERNDON. Yes, sir.

Mr. DOYLE. You also stated that a teacher in the Communist Party membership was not a free agent, intellectually or morally.

Mr. HERNDON. Yes.

Mr. DOYLE. Now, if that is your conviction, why is not a Communist Party member who happens to be a teacher or in the field of education, why isn't he a free agent intellectually or morally? Do you understand my question? Why isn't he free? What difference does it make whether he is a Communist Party member or not?

Mr. HERNDON. The Communist Party member takes his opinions from the Communist Party leadership. They are not his own opinions. They are the Communist Party opinions, and the Communists have an opinion on almost every subject under the sun.

Mr. DOYLE. Do you mean then to tell me that the high-school boys and girls in my native State of California, when they are being taught by a man like you when you were a member of the Communist Party, are being taught by a man who is not free to teach the truth?

Mr. HERNDON. It depends upon how many opportunities the teacher has to put forth the Communist line. Naturally, some teachers in certain subjects and on certain levels would have many more opportunities than other teachers.

Mr. DOYLE. Well, we grant that, but is a member of the Communist Party, who happens to teach in the California public schools, in your judgment taking the opportunity to teach the Communist line as far as he can? Is that his obligation?

Mr. HERNDON. The obligation is to take opportunities to teach the Communist Party line as far as he can without destroying his usefulness and exposing himself too obviously.

Mr. DOYLE. In that case, then, he is absolutely prostituting the truth, isn't he?

Mr. HERNDON. Yes, he is.

Mr. DOYLE. And that sort of thing has been going on in other California high schools, in your judgment, at least while you were in the Communist Party, because you have given us other names in addition to your own?

Mr. HERNDON. It was, but while it is a serious danger, I think the importance, if you don't exaggerate it—as I say, there were as of the time I was in the party about 700 teachers in Glendale where I come from, and I do not know of my own knowledge, I do not know second-hand or third-hand or by the wildest hearsay of any other Communists that there ever is or has been at Glendale.

So that while it is potentially dangerous——

Mr. DOYLE. Well, isn't it potentially dangerous if there is just one?

Mr. HERNDON. It is.

Mr. DOYLE. In our public schools teaching our children and youth, isn't one too many?

Mr. HERNDON. One is too many.

Mr. JACKSON. It is the intention of recalling the witness after lunch. Would it be satisfactory to you to take the lunch recess now?

Mr. DOYLE. Yes. I have some more questions of this witness after lunch.

Mr. JACKSON. The committee will stand in recess until 2 p. m.

(Thereupon, at 12:06 p. m., the hearing was recessed, to reconvene at 2 p. m., same day.)

AFTERNOON SESSION

(At the hour of 2:05 p. m., of the same day, the proceedings were resumed, with the subcommittee present, composed of Representatives Kit Clardy (chairman) and Gordon H. Scherer.)

Mr. CLARDY. The committee will be in order.

Mr. TAVENNER. Mr. Herndon, will you return to the stand, please?

TESTIMONY OF LE ROY TRAVERS HERNDON, JR.—Resumed

Mr. HERNDON. Mr. Herndon, you testified this morning regarding the Communist Party unit at Pasadena, I believe.

Mr. HERNDON. Yes.

Mr. TAVENNER. I asked you to name the persons that you could positively identify.

Mr. HERNDON. And I named an instructor at Caltech, and I said he was Sidney Weinberg, which was a slip of the tongue. I meant to say Sidney Weinbaum, We-i-n-b-a-u-m.

Mr. TAVENNER. Do you think you identify the photograph of Sidney Weinbaum, if you saw it?

Mr. HERNDON. I think so.

Mr. TAVENNER. I hand you a photograph, and I ask that it be marked and I offer it in evidence as Exhibit No. 1.

Mr. CLARDY. Herndon Exhibit No. 1?

Mr. TAVENNER. Herndon Exhibit 1.

Mr. CLARDY. It will be received.

(The photograph referred to was marked "Herndon Exhibit No. 1," and was received in evidence.)

Mr. TAVENNER. Will you examine it and state whose photograph it is?

Mr. HERNDON. That is a photograph of the man I knew as Sidney Weinbaum.

Mr. TAVENNER. I want to call to your attention one further excerpt from the article written by Richard Frank and entitled "The School and the People's Front," which appeared in the Communist of May 1937. This statement was made:

To enable the teachers and the party to do the latter——

and by "latter" was meant to furnish to the students working class education.

the party must take careful steps to see that all teacher comrades are given thorough education in the teachings of Marxism and Leninism.

Did you consider that instruction was being carried out in your cell, that you were being given teachings in Marxism and Leninism?

Mr. HERNDON. I considered that that was a party ideal. I do not think that in my time in the party it was thoroughly carried out.

Mr. TAVENNER. And continuing to read:

Only when teachers have really mastered Marxism and Leninism will they be able skillfully to inject it into their teachings at the least risk of exposure, and at the same time to conduct struggles around the schools in a truly Bolshevik manner. Such teachers can also be used to advantage to conduct classes in Marxism, Leninism, for workers generally, and many such teachers should be assigned not to school units, but to factory or industrial units where they can have great aid in party education, in helping with leaflets, shop papers, and so forth. Others can play an important role in the educational activities of the Young Communist League.

Now, I have during the course of your testimony asked you various questions to indicate to what extent those very objectives were being carried out or fostered in your group. If you have anything further to say about it, I will be glad to hear it.

Mr. HERNDON. That is the Communist of May 1937?

Mr. TAVENNER. Yes.

Mr. HERNDON. Well, I joined late in the fall of 1937, and at that time, as I said this morning, the policy of the party was to keep the teachers in a teacher unit, for instance, and not put them out one by one, scatter them out in shop and factory units.

Mr. TAVENNER. I find, also, this interesting paragraph in Mr. Frank's article:

In rural communities teachers who are among the few educated people are looked up to with tremendous respect, they are in a position to become community leaders. As a means of mobilizing the people in the villages and the countryside, steps should be taken to try to send Communist teachers into rural communities where they should become active in all community organisations.

Mr. HERNDON. May I say something on that?

Mr. TAVENNER. Yes, sir.

Mr. HERNDON. It sounds as if it might be a translation from—that doesn't sound like an American rural community to me. It sounds like a translation from something written for some other country.

Mr. TAVENNER. Well, that was contained in the article appearing in the Communist of May 1937, entitled "The Schools and the People's Front" by Richard Frank, who, as I have stated before, was a member of the education committee of the Young Communist League.

Mr. HERNDON. Of the United States?

Mr. TAVENNER. Of the United States. That apparently is one of the basic and underlying—that indicates something of the basic and underlying policies of the Communist Party, and of course we are

interested to know how or to what extent it was translated into the activities of your particular group, if at all.

Mr. HERNDON. I work in a rather highly literate community in which a good many people think they are just as smart as the teachers, so I don't think there was too much application in my particular case, nor in the case of the teachers unit in Los Angeles.

Mr. TAVENNER. You saw no indication of any planned effort to be certain that the teachers who went into the rural areas were Communist teachers?

Mr. HERNDON. I had no contact with teachers in rural areas.

Mr. TAVENNER. Now, near the close of the morning session a statement was made and a statement was also read into the record regarding the attitude of the president of Rutgers University on the general subject of Communist activities among teachers.

Now, when you received your subpena to appear before this committee, did you report it to your superiors?

Mr. HERNDON. I reported it to the president of the board of education. In fact, I had spoken to him, told him that I might, I thought, receive a subpena, before I received it.

Mr. TAVENNER. What was the general attitude of your superiors as to your appearance here and your divulgence of the fact that you had formerly been a member of the party?

Mr. HERNDON. Well, I should say that their first concern probably was—I am inferring this—that their first concern probably was the welfare of the school system as a whole. I think that was their first concern.

Mr. TAVENNER. Speak a little louder, please.

Mr. HERNDON. Aside from that, the school board was interested in knowing when I joined the party, how long I had been in the party, why I had gotten in in the first place, and why I had gotten out. I think that is about the substance.

Mr. TAVENNER. And did you make a full disclosure to them of what your prior activities had been?

Mr. HERNDON. I did. I made a statement for them and answered to the best of my ability any questions they had.

Mr. TAVENNER. As a result of your good faith in coming forward and telling what you know or being willing to tell what you know about the Communist Party, I understand your position with your teaching institution is satisfactory?

Mr. HERNDON. The administration has been helpful and friendly.

Mr. SCHERER. I think the committee would feel that the administration should be helpful and friendly, and not invoke any sanctions of any kind whatsoever against the professor.

Mr. TAVENNER. As the members of the committee well know, that has been the way in which this type of information has been received and acted upon by a number of other institutions. Smith College is one that I have in mind.

Mr. SCHERER. Yes, sir. I think we would even recommend that, if it was in our province to do so in this instance, don't you, Mr. Clardy?

Mr. CLARDY. Definitely.

Mr. TAVENNER. In other words, a citizen's effort to be truthful and fair in a serious matter of this kind is a patriotic duty.

Mr. CLARDY. That is the way every member of the committee regards it, Mr. Counsel, and I want to express that to you, Mr. Witness,

because we want to encourage people like yourself who have educated themselves out of the false position which they initially took and have reached the position which you have reached, where you understand what communism really would mean to this country. I think you are doing a patriotic service, and I say that not only to you, but through you, to all those who, like yourself, would like to be encouraged into that attitude.

Mr. TAVENNER. Mr. Chairman, isn't it a rather general fact, that is, when a witness testifies and by his testimony you can observe the character and trustworthiness which would convince you that his statements are truthful, and that they are made in good faith, that that is one of the prime considerations?

Mr. CLARDY. Definitely, and I think we have all observed a considerable difference between those who cooperate on this point.

Mr. SCHERER. Those who don't indicate to us, I think that they are still part of the conspiracy.

Mr. CLARDY. That is a natural conclusion, Mr. Scherer.

Mr. SCHERER. You don't have to be smart to come to that conclusion.

Mr. CLARDY. Not very.

Mr. SCHERER. That is the reason I came to it.

Mr. TAVENNER. I believe, Mr. Herndon, that that covers everything that I had intended to ask you. Just a minute. The committee may have something.

Mr. CLARDY. Mr. Scherer, do you have some questions?

Mr. SCHERER. No, I have no questions. I covered them this morning.

Mr. CLARDY. Mr. Herndon, to try to draw together some of the loose threads here and more or less paint the picture in its entirety with a few brush strokes, and bearing in mind the things that were read to you this morning by my colleague Mr. Scherer, from the president of Rutgers, I would like to ask you this:

Don't you think that the recruiting of teachers into the Communist Party apparatus does present an especial threat because of the position that the teachers occupy and the respect that they have in the community, and the almost unequaled opportunity for them both within and without the school to insidiously spread the doctrine without appearing to do so. In other words, following out your testimony, to do it without betraying themselves—does that, to rephrase my question, pose an especial threat to our form of government, and, to get down to the question, doesn't the need increase for an exposure and for a revelation of those things?

Mr. HERNDON. I think that a teacher occupies a position of public trust.

Mr. CLARDY. Much as a lawyer does as an officer of the court.

Mr. HERNDON. In some ways it is more important.

Mr. CLARDY. I agree with you.

Mr. HERNDON. You have young people whom you can impress.

Mr. CLARDY. You have young minds that can be molded, in other words.

Mr. HERNDON. You have.

Mr. CLARDY. Go ahead.

Mr. HERNDON. I think that—and I am mindful of the statement—I think that the weakness of the Communist position is shown by the numerically small proportion, by the very few number of teachers, as far as my experience has been, that can be recruited into the party.

I think, however, that while quantitatively it shows the weakness of the Communist Party, nevertheless, qualitatively it is a dreadful thing.

Mr. CLARDY. In other words, it is very like planting one time bomb. It is one bomb, but it can do a lot of damage if it eventually explodes.

Mr. HERNDON. It is like a seed, depending upon how big it might grow.

Mr. CLARDY. It is like a cancer, which starts small and eventually destroys the whole body. Would you say that is the case?

Mr. HERNDON. Yes.

Mr. CLARDY. Then would you not agree, Mr. Witness, that if that danger can be laid open so the public will understand fairly and completely what it is, that not only is academic freedom not under attack but is rather being preserved?

Mr. HERNDON. Rather being strengthened.

Mr. CLARDY. Do you have any more?

Mr. SCHERER. May I follow that up with just one question?

Mr. CLARDY. Yes.

Mr. SCHERER. I think the professor has already answered it, but there is nothing in your experience before this committee or in your contact with the staff of this committee that has interfered in any way with your academic freedom, is there?

Mr. HERNDON. No.

Mr. SCHERER. Not in the least?

Mr. HERNDON. No. May I amplify that?

Mr. CLARDY. I wish you would.

Mr. HERNDON. It has given me a little peace of mind.

Mr. CLARDY. In other words, you have unburdened yourself of something which has probably troubled you for a long time.

Mr. HERNDON. That is quite so.

Mr. CLARDY. I say this in parting to you, I think the sort of people like you are doing an essentially patriotic service to their country. We have had quite a few like you. We have had a number of that type here and we have had a number of them in the hearing before in Washington, who, like yourself, are most articulate and understandable witnesses, who have said much the same thing you did. In fact, we have a considerable amount of testimony from people like yourself along that same line, and it gave me considerable peace of mind to hear you say what you have just said, sir.

Do you have any further questions?

Mr. TAVENNER. No further questions.

Mr. CLARDY. Mr. Witness, we thank you.

Call your next witness.

Mr. TAVENNER. Mr. Chairman, before calling the witness I have two telegrams which I think should be read.

Mr. CLARDY. You may read them.

Mr. TAVENNER (reading):

CHAIRMAN, HOUSE COMMITTEE UN-AMERICAN ACTIVITIES:

I would like to have it known that the Fred Bernbach mentioned in the testimony of David Lang is a different person than Arthur Bernbach who has been serving as Chief of the Berling Legal Division of the United States Department.

Mr. CLARDY. State Department, isn't it?

Mr. TAVENNER. It is intended, I guess, to be State Department.

Mr. CLARDY. That is the way it looked to me.

Mr. TAVENNER (continuing to read):

For the past 8 years has been a member of the legal family of Bernbach in Detroit and Los Angeles.

And then I have a telegram to the House Un-American Activities Committee, Congressman Jackson:

My name is Frank Gammon and I am employed in the motion picture industry. I live at 1651 West 60th Street, Los Angeles 47, I would like to have it announced that I am not connected in any way with Simon Lazarus or the Robert Gammon whose name was mentioned at your meeting of yesterday.

Sincerely,

ROBERT FRANK GAMMON.

Mr. TAVENNER. I would like to call at this time Richard B. Lewis.

Mr. CLARDY. Do you solemnly swear that the testimony you are about to give to be the truth, the whole truth and nothing but the truth, so help you God?

Dr. LEWIS. I do.

TESTIMONY OF RICHARD BYRD LEWIS

Mr. TAVENNER. What is your name, please?

Dr. LEWIS. Richard Byrd Lewis, L-e-w-i-s.

Mr. TAVENNER. How do you spell your middle name?

Dr. LEWIS. B-y-r-d.

Mr. TAVENNER. Are you accompanied by counsel?

Dr. LEWIS. No, sir.

Mr. CLARDY. You understand, of course, you have the right to have counsel here, the committee grants that privilege to every witness?

Dr. LEWIS. Yes. Thank you, sir.

Mr. CLARDY. You prefer to proceed alone?

Dr. LEWIS. Yes.

Mr. TAVENNER. When and where were you born?

Dr. LEWIS. Porterville, Calif., December 7, 1908.

Mr. TAVENNER. What is your profession?

Dr. LEWIS. I am a teacher, college teacher.

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

Dr. LEWIS. Yes. I went through Hamper Union High School. I graduated there. Got a B. A. degree from San Jose State College in 1930, master's degree from Stanford, postgraduate work done in 1934, 1935, and my degree awarded in 1937 after completing the thesis, and the doctor's degree awarded from Stanford University in 1950.

Mr. TAVENNER. How are you now employed?

Dr. LEWIS. I am a professor at San Jose State College at San Jose, Calif.

Mr. TAVENNER. How long have you been engaged in teaching at that institution?

Dr. LEWIS. Since the fall of 1949.

Mr. TAVENNER. Would you tell the committee briefly what your other employment has been as a teacher?

Dr. LEWIS. The years preceding my work at San Jose State College I worked in a staff capacity for a commission, a lay commission in California called the State Commission on School Districts. I did that from the period after the war until I went to San Jose.

The preceding 3½ years I was in the United States Navy a commissioned officer and came out a lieutenant commander. Before that I taught from 1935 to 1942, before I went in the Navy, at Glendale College at Glendale, Calif.

Before that I had taught part time in the evenings during the early thirties in the adult school in San Jose while I was employed in the daytime as a truckdriver and warehouseman.

Mr. TAVENNER. Have you been a member of the Communist Party at any time?

Dr. LEWIS. Yes, sir.

Mr. TAVENNER. Over how long a period of time were you in the party?

Dr. LEWIS. Well, my recollection of it is it was around the end of the year 1935 or the beginning of the year 1936, until about late in 1939 or early 1940.

Mr. TAVENNER. Now, during that period of time you were engaged in the teaching profession, I believe?

Dr. LEWIS. That is right.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you joined the party?

Dr. LEWIS. Yes, sir.

Mr. TAVENNER. That is, the Communist Party.

Dr. LEWIS. Right. When I finished my graduate work first in 1935 I had gone through a period of years in which I had difficulty in getting started in my profession. A great many people had in the early thirties.

I was somewhat frustrated and was ambitious, but it was a difficult thing to get a start. For that reason I went back to Stanford.

During the period of my education there I became aware of the fact the Teachers' Union was in activity. It appealed to me as probably a very worthwhile organization that was working for the interests of the teaching profession.

When I came to southern California I looked up the Teachers' Union in Los Angeles and became a member. Being somewhat, I would say, an eager beaver I became known because I talked and took part, and I was interested and I found I was being included in caucus discussions. Small groups of people would get together and talk about the problems of the union and some of the program that was being carried on. It was sort of a gravitational thing.

I found one evening, through this particular group meeting, that evening, there was a unit of the Communist Party in the Teachers' Union and would I like to be a member and I said "Yes."

I would like to say, gentlemen, that I think there is, as other witnesses have indicated who have talked with you freely as I do, that it is not a very easy thing to talk about these things, because you feel so foolish afterwards. You look back and say you don't know how a person could do that. But it looked so easy and seemed so unimportant at the time. In that period it was easy just to say, "This looks like a fine thing."

I would like to also point out the one thing about communism I discovered, after considerable time, that it takes many phases and has appeals to almost any kind of interest. A person who has an enthusiasm for doing a job in a field that is important to people, there is usually a place for him to work where communism has a part.

I found that at the time, and I have no regrets about this, and I don't think anyone else will either, who worked in it, that at the time we felt that the Teachers' Union was trying to do something for the teaching profession and for the schools. We weren't thinking so much about the ultimate ends that communism had intended for us, and we were pretty unaware of them, I think. At any rate, that is how we got in. You sort of gravitated in from the union.

Mr. TAVENNER. Your induction into the Communist Party is interesting because I believe you are about the first witness who got into the Communist Party from the Teachers' Union, who has been before us. In all the other instances that have been called to our attention the individuals were members of the Communist Party which were attempting to infiltrate the Teachers' Union.

Dr. LEWIS. I see.

Mr. TAVENNER. So you are a direct product, apparently——

Dr. LEWIS. Yes.

Mr. TAVENNER. Of that Communist Party effort, because you were led from the Teachers' Union into the party.

Now, when you speak of the Teachers' Union, what local was it that you joined?

Dr. LEWIS. It was the Los Angeles local. I forget the number; 430, I think it was.

Mr. TAVENNER. 430.

Dr. LEWIS. I think it was.

Mr. TAVENNER. Will you give the committee an idea of the membership of teachers in that union?

Dr. LEWIS. I have tried to remember that, I think that the enrolled membership at its peak was probably not over—I am guessing at it now—it was about 400, I would say.

Mr. TAVENNER. About 400?

Dr. LEWIS. About 400. There were some, I suppose, 8,000 to 10,000 teachers in Los Angeles, and the people in the area around that local, as I recall it, represented the Los Angeles County area, as a whole.

I think, as Mr. Herndon pointed out, the attendance at meetings was somewhere between a 100 and 200 usually.

Mr. TAVENNER. How many Communist Party members were there in your cell or group of the Communist Party?

Dr. LEWIS. My recollection of it at any one time is that it probably wasn't more than a dozen at the most, sometimes fewer. There may have been 1 or 2 more. There were always at least, my recollection is, about 10 or 12.

Mr. TAVENNER. Do you know whether there were any other Communist Party units or groups within your local consisting of 400 members?

Mr. LEWIS. If there was one, I didn't know about it, I was not aware of it. I don't think there was.

Mr. TAVENNER. Can you tell the committee how many locals of the Teachers' Union there were in the State of California at that time?

Mr. LEWIS. At that time, my best recollection of it is that there were probably 4 or 5, perhaps, I think. I am just guessing at this. I am not sure, to tell you the truth.

Mr. TAVENNER. Can you give the committee the names of the areas or any other title or name that the locals had?

Mr. LEWIS. Well, I am pretty sure there was 1 in Sacramento, and I think there was 1 in Palo Alto, and I think there was 1 in San Diego. And I don't know whether there was 1 in San Jose, or not. I really don't know. I wasn't aware of it when I was there.

Those are the only ones I would suspect, but even then I am guessing, because I am not too sure of the period.

Mr. TAVENNER. Do you have any information or general knowledge as to the membership of the Teachers' Union in these various locals or in the State as a whole?

Mr. LEWIS. No, sir. I was in a position where I probably should have known that, but I don't recall. I would guess that in the State—I am just guessing now—I would guess in the State there would probably be around maybe 900 or 1,000 members of the Teachers' Union throughout the State. That is a guess.

Mr. TAVENNER. You say you were in a position where you ought to have known. What do you mean by that?

Mr. LEWIS. Well, what I mean was at one time I was acting as State secretary for the State Federation of Teachers, for a short period.

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

Mr. LEWIS. Yes, I believe I was.

Mr. TAVENNER. To what extent was the Communist Party responsible for your election to that office, if any?

Mr. LEWIS. That is something I can't tell you, sir. A person who, as I said before, is something of an eager beaver gets put into positions where he will do a job if he is willing to work, and I had a lot of energy, and I don't know quite how I got there, to tell you the truth, and I can't remember when I first was or when I got over it, you know, but I was in there for a short period, and I somewhat have a feeling or recollection, in fact, I wasn't very efficient at it, because I had a great many other interests and responsibilities, and I suspect that I didn't do very well at it. That is why I say I was in a position where I should have known, and if I had known my business better I probably could have told you how many members there were.

Mr. TAVENNER. Can you tell the committee what in your judgment was the principal interest of this Communist Party group to which you were affiliated?

Mr. LEWIS. Well, my recollection of it is that the primary interest of this Communist Party group was the Teachers' Union, that was its primary function. It was concerned with the things that teachers were concerned about, teacher welfare, retirement, tenure, and so on.

The second facet of its program, of course, was the study of communism and its function in American life.

Those two phases of the work.

I think Mr. Herndon brought it out, as you know he and I were in there together for quite a while, as you can see from our dates, we weren't very much students, we were more concerned with the present. We had come out of the depression and we were concerned with the teachers and the teaching situation in the schools, and as a result our studies were secondary, in my opinion, they certainly were with me, to the job I felt that was important in the schools themselves, which was working with teachers to improve the teaching profession, which,

by the way, I think is a worthy motive. Some things hang on to where the motives sometimes are not worthy.

Mr. JACKSON. Do you think it is a matter of great concern to the Communist Party?

Mr. LEWIS. I think at the time—my recollection of it, sir, is that I don't think at that time it was of much concern. Maybe I was wrong. Maybe I didn't know. And I possibly didn't. But I felt that we were isolants, that we were isolated from the main stream of the party, and one of the reasons for that is that we had so seldom ever seen anyone who could be called a party official in our group, and we had practically no contact with them, as far as I know. It was, as I say, out of the main stream.

Mr. JACKSON. I don't know whether I made the import of my question absolutely clear. Do you think that the plight of teachers generally, with respect to pay and working standards and things of that sort, was actually a matter of deep concern to the Communist Party?

Mr. LEWIS. I see what you mean.

I think, insofar as they were interested in teachers, they were interested in using any, let's say, susceptibility of a group's concern as something to hang their program on.

Mr. JACKSON. As they parallel the minority groups or parallel Adolf Hitler, or parallel any number of other things toward the ultimate goal of the party?

Mr. LEWIS. That is what I would say, sir, yes, that they had used—in any group of people you can find something that is important to them. Take that important thing and hang your program on it, and go along with it, and you have the people.

Mr. JACKSON. You pick up a lot of people along the way doing it?

Mr. LEWIS. Yes. And very many innocent people, too.

And I hope you gentlemen appreciate that in my comments on the Teachers' Union I want to be sure that you understand I don't feel there were lots of Communists in the Teachers' Union, but a lot of people who were seriously, sincerely concerned in the welfare of the teaching profession and felt that was a good way to help it, and probably were completely unaware, except possibly in rare moments, if even at all, that they were being guided in any way.

I want to make that clear. Because there are such people, many of them.

Mr. TAVENNER. Yes, and that is one reason why I brought out the exact facts about the membership.

Mr. LEWIS. Yes, sir.

Mr. TAVENNER (continuing). Of the union and the membership of the Communist Party.

Were you present during the taking of the testimony of Mr. Herndon?

Mr. LEWIS. Yes, sir.

Mr. TAVENNER. I do not want to descend to the same particulars in questioning you, because I think it would be pretty much of a repetition——

Mr. LEWIS. It would, sir.

Mr. TAVENNER. So I will ask you just a few general questions.

First of all, I would like for you to tell me in a general way anything, any knowledge that you have about the actual workings of your

group, which would indicate its line of interest, and how it functioned, how the party functioned, which would be of interest to the committee.

Mr. LEWIS. I would like to highlight anything that I can think of that Mr. Herndon hasn't covered, rather than repeat it. I think probably I would just have to say briefly what is in the forefront of my mind as to how it operated, and let it go at that, if that is agreeable.

It seems to me, first accepting the fact, which I think I can say is completely true, we were as a small group not a group of revolutionaries working hard for a revolution, we were a bunch of teachers who were seeking solutions to frustrations and problems that we had had during our depression experience. I thought a lot of them felt that way.

The fact that I am here and confident in what I am saying is based partly upon the fact that I am sure others feel the way I do.

So our operation was largely directed, and my feeling about it was that it was largely directed toward guiding the union in its policies and programs.

Now, at the same time, as Mr. Herndon pointed out to you, we did have program points and policies that came along that related to world affairs that we were, of course, pressed to bring forward and present to the people of the group.

As you know, almost any organization will take a position on certain public matters, and the Teachers' Union was no exception. And, of course, like most of us, we were at that time concerned about Germany, we were concerned about Spain. Very few were concerned about Russia at the moment. Our concerns were directed toward the other situations. And, consequently, there were proposals for resolutions and for letters to people supporting such actions as seemed to be right in that direction.

Mr. JACKSON. May I interrupt?

Mr. LEWIS. Yes, sir.

Mr. JACKSON. Were those actions, your actions, the result of discussion and debate on certain policies, or were your actions the result of instruction and directives which reached you from outside sources?

Mr. LEWIS. I think there was some of both, sir, but I think the outside source is the sparkplug. In other words, directives were brought in which indicated that the thinking at the present moment was so and so. That is what I think, if I may use the word—maybe it is not a good one—disenchanted a lot of people who thought that the Communist Party represented a very fine advancement of democracy. We were sold some very fine words along that line. Since that was one of the feelings that people had, that we had at the time, these proposals that came in, many of them, were along the lines that many people felt were the right thing, you see. We were against isms, against facism, against oppression, against any big man taking on a little man, oppression of all kinds, and, as a matter of fact, as I say, we weren't a violent group of people. I think personally the closest I have ever come to violence was wrestling on TV. I mean we weren't talking in terms of revolution, but the ideas that we were bringing forward were ideas that were common to a great many people at the time, but they did come as directives:

Here is a program, there is going to be a meeting, here we are to support this group.

And I would say there was discussion about it, and usually a rather automatic acceptance of what had been brought in, as it must be all right, you see.

Mr. TAVENNER. By acceptance, you are referring to acceptance by the Communist Party members?

Mr. LEWIS. The group in that small group. I am not talking about the union, sir.

You weren't speaking about that, were your, sir, when you asked, Congressman? You weren't talking about the union; you were talking about the party group?

Mr. JACKSON. I was talking about the party group.

Mr. LEWIS. That is what I was talking about.

Mr. SCHERER. You say you didn't discuss any revolutionary theories. It would have been suicide, would it not, for the party functionaries to discuss revolutionary theories with a group of teachers at that date?

Mr. LEWIS. I think possibly that that is one reason we saw so little of them, sir.

Mr. SCHERER. They were too smart to talk about that?

Mr. LEWIS. And we weren't pressed to move out into those conflict areas.

We were like this: They knew we were—may I sort of jump ahead to the end product? I would like to say this, because I think it points your statement, sir. After I dropped out of this thing I have never once had anyone come to me and ask me to come back. I never had a union member ask me why I didn't rejoin the union or come back to the union. In other words, I feel sincerely that this was true, that in the party structure we were looked upon as, maybe, a group that ought to be developed, and I think in the statements that you read, Mr. Tavenner, the party accepted the fact that it was a responsibility to develop the teachers and the professional groups. But I think we were a matter of minor interest to the main stream of party activity in this area. There were bigger fish frying than about 12 teachers, if you see what I mean.

Does that follow your question, sir?

Mr. SCHERER. You mean there were priorities in this?

Mr. LEWIS. That's right, there were priorities and more valuable contributions. That is my recollection and feeling of the period.

Mr. SCHERER. This was just a softening-up process, as far as your group was concerned?

Mr. LEWIS. I think so, sir.

Mr. CLARDY. And to feel their way into the teachers' group?

Mr. LEWIS. That's right.

Mr. CLARDY. Feel how far they could go without defeating their purpose?

Mr. LEWIS. I think that is probably correct, or without losing the potential values.

Mr. CLARDY. Sort of fattening you up for the slaughter a little later on?

Mr. LEWIS. I think so, sir.

(Representative Donald L. Jackson left the hearing room at this point, 2:45 p. m.)

Mr. TAVENNER. What was your subject in school as a teacher?

Mr. LEWIS. As a teacher?

Mr. TAVENNER. Yes; what was your specialty?

Mr. LEWIS. I have done a number of things, sir. Public speaking, for one thing, oral interpretation, reading; in college I am working now in the field of training aids, audiovisual materials, instructional materials. That was my work in the Navy, too.

Mr. TAVENNER. To what extent was the subject of influencing the pupil or students discussed in your Communist Party meetings, if at all?

Mr. LEWIS. My recollection of that, Mr. Tavenner, was that it wasn't discussed. I think it was sort of assumed, probably, by the party, I assume they assumed that we were party members who would carry the word whenever and wherever we could.

In the teachers' unit, that small group, my recollection of the only things that were discussed that seemed important at the time were such things as salary schedules and retirement, teacher security, and the fact that we felt the schools should be improved as much as possible.

My feeling, too, was that in this particular group—and this is only natural to people who had come through a teacher training preparation and were working in the teaching profession—that they were concerned about the welfare of children, about having good education and good schools. I think that is automatic with teachers. And I don't recall strategy conferences on how do you affect the children. I don't have any recollection of any such incidents in that group.

Mr. TAVENNER. Do you consider, if your Communist Party group had carried out the purposes for which the Communist Party organized your particular group, that you would have endeavored to lead the students in any way in your course of training?

Mr. LEWIS. I think it is entirely conceivable, judging from the literature you have quoted today, and some of the things you mentioned, that that inevitably was what was expected of us, I think it is inevitable. And I think present history has borne that out.

Mr. TAVENNER. But you have no personal knowledge of any effort that was made by any of your group to actually influence the students noticeably?

Mr. LEWIS. No; I wouldn't say so, sir.

Let's say this, however: I think we must be very cautious to indicate that anybody is an entity, a personality is complete, a person who has thoughts along certain lines, it seems to me, reveals those thoughts by his reactions, the eyebrows he raises at the wrong time or right time, so it would be folly to say that we didn't influence or try to influence, because even subconsciously a person might have brought forth a viewpoint toward one thing or another, because of its importance, that could have planted a seed, you see. So I wouldn't say that we didn't.

But what I did say was—and I believe this is true in my recollection of it—there was no planning, "This we will do next, and we will get the kids to think this, and then we will get the kids to think that." That wasn't done.

Mr. CLARDY. Wasn't that largely because they knew they were dealing with an intellectual group who could be relied on to work out their own devices and plans to promote the party policy?

Mr. LEWIS. I suspect that may have been so. And it also may have been—I think that's right. I don't know what they thought, really, and we hadn't thought about what they thought, either.

Mr. CLARDY. Wouldn't you say that they probably planted the original seed in your minds and then left the tactics more or less up to you within some broad general limits which they established?

Mr. LEWIS. I think, sir, we were what you might call a highly autonomous group. I don't think they knew much about us or about how we worked, or what we could do, but they left it up to us, as you say, I think that's right, in the teacher group.

Mr. TAVENNER. Your value to the Communist Party or the value of your group went back largely to the question of your own indoctrination into the principles of the Communist Party, and therefore your influence on your associates in that manner?

Mr. LEWIS. I think so. I think that's right, sir; yes.

Mr. TAVENNER. I would be very glad to have you describe, in any way it occurs to you that you should do so, what you think of the use of an active Communist Party member today as a teacher in our public schools, or any schools, for that matter.

Mr. LEWIS. The thing that you were discussing with Mr. Herndon?

Mr. TAVENNER. Yes.

Mr. LEWIS. Right.

I have formulated over a number of years a very strong feeling about that, and it ties up very much with what Herndon said.

In the first place, I am a great believer in what we have called academic freedom. But I think what Herndon pointed out, and what I would like to repeat here, is that we are pretty clearly in mind now, and I think everybody in this audience is clearly in mind, that you are not a freethinker when you follow party policy. We were deluded, Mr. Tavenner, once upon a time, to believe quite honestly that the Communist Party was almost the most democratic thing that God had created, although He didn't have anything to do with it in this instance, but it was democratic. And we have since found perfectly clearly that the orders come from above. It is not autocracy, it is a militaristic type of structure.

Now, how can a person defend himself in the name of academic freedom when he is receiving orders from someone else and has to follow the line or get out or be hurt?

It seems to me, then, with the logic that way, that we have on one hand we must respect the fact that there is a concept of academic freedom, which does not provide us with the opportunity to have academic license, which means to pass on orders that have been handed to us, on to other people, just as a matter of handing it out. So, in short, then, I don't see how a person today could be an active Communist and be useful as a teacher in our country.

Mr. SCHERER. That is one question I didn't have to ask.

Mr. CLARDY. Witness, those of you who have finally awakened, of course, obviously came out from under the opiate rather gradually, as other witnesses have expressed, and as you have inferred: Don't you think that probably you lose the proper concept of academic freedom somewhat in reverse order, that gradually you submerged your own personality into that of the party line? In other words, they gave you orders of small importance first, and gradually increased it, as someone goes on the dope, so to speak?

Mr. LEWIS. I think probably, sir, that could be described as the evolution of it.

I think one thing could be made clear here, and I think this should be of comfort to other people who might want to come before you sometime. I think they recognize that you recognize that a person doesn't just suddenly become one and then suddenly stop becoming one. You sort of go along through a period of evolution while you are having troubles, or something else, like we did in the depression years, and many of us had personal difficulties, and you find things that you grope for to help you, and these look good, and that is the time those boys move in on you, when you are groping. Then when the time comes that you see it isn't all like it looked, then you begin to move out again, and you don't just chop it off, but you start wrestling with it, you see, and it takes time.

Mr. SCHERER. Hasn't your experience indicated that the party, even today, is trying to create dissensions in order that it can move into certain groups, and therein create dissension among people?

Mr. LEWIS. That's right.

Mr. SCHERER. So it can move in?

Mr. LEWIS. It feeds on them.

Mr. SCHERER. In 1939 our economic system perhaps provided those frustrations without the party's help?

Mr. LEWIS. That's right.

Mr. SCHERER. Now they set minority against majority to create those things to enable them to move in, is that a correct statement?

Mr. LEWIS. I think that is true.

I am not aware how it is functioning today, except I read what I read in the papers. But I think that is good enough guide for me.

I do say this, it is one of the reasons—now, mind you, I want to be careful about this, because I don't want to cause any misunderstanding, there are many people right now who believe that the trade-union approach to teachers' organization is a good one, and I am not criticizing that fact at all, I believe if they want to believe that they should; however, my personal feeling, one of the things that got me out of the Communist Party was my reaction to the fact that the trade-union philosophy, with all due respect to labor, the trade-union philosophy was not the kind of organization for the teaching profession, for several reasons that to me are very sound.

Number 1, we teach all the children of all the people.

Number 2, we represent rather a unique kind of function in our society, in which we are representing all the people through a board of education, through school administrators, and through the teachers who have just one job, and that is giving good education to children.

Therefore, the trade-union concept of separating employment from management as a bargaining function causes a breakdown in the coordination necessary to make good schools, which is based upon full understanding and coordination of the board, which is the public, the teachers, and the administrators.

Do I make my philosophy clear on that?

That is one of the things that drew me strongly away from the trade-union movement and the party movement, which of course was steering it.

Mr. SCHERER. A teacher is largely part of government itself, the same as these deputy marshals sitting here.

Mr. LEWIS. That's right. We are an instrument of the state, shall we say, sir.

Mr. SCHERER. When you accept employment with government you become part of government and you forego certain rights that belong to people engaged in private industry, don't you, is that what you mean?

Mr. LEWIS. Well, that is the idea. I wasn't thinking of it in exactly those terms, sir, as much as I was in saying that the principle of negotiating for the welfare of a school group, without seeing it as a total entity of school administration, the public, and teachers working together for children. When you divide up in such ways that you can't work that way, then you have broken down something that I think is fundamental in education in the United States.

I am not saying—you understand what I mean here? I want to be sure that we don't say a teacher renounces his rights, whatever they may be, when he becomes a teacher. He is even more aware of his rights, it seems to me, more aware of his privileges. But he is just as much more aware of his responsibilities.

Mr. SCHERER. Another facet of the problem, perhaps?

Mr. LEWIS. Yes, another emphasis, perhaps.

Mr. CLARDY. Witness, to carry the earlier thought one further step, I don't mind confessing that for quite some time I was concerned, I could not find in my own thinking the answer to the problem that you are giving us now and that the other witnesses have given since I have been on this committee, and that question was: How on earth was it possible for anyone of the intellectual capacity that a teacher and a professor must be, how is it possible for such a person to ever so far submerge his intellectual freedom, his ideas, to that of the Communist Party line? I couldn't find that. I found that in not only your testimony, but in that of many witnesses I have heard since I have been on this committee. And I think one of the most important things that you are doing and the other witnesses are doing is getting across to the public generally the real explanation of how that thing happens, how you get wound up, and then how you unwind. And it ties in with this. We are being attacked continuously, rabidly, by——

Mr. SCHERER. You mean the committee?

Mr. CLARDY. Yes. Being continually attacked, as witness one of the incidents yesterday, and what you saw in the papers last night, by members of the cloth and others, who claim we are subverting academic freedom, and that the very way in which we conduct our hearings is destroying the American concept of academic freedom.

I am laboring this a little bit perhaps, because I think it is a most important point that the committee is reaching for in bringing people of your kind before us.

I want you to again bear with me a moment.

Dr. LEWIS. All right.

Mr. CLARDY. Isn't it true that academic freedom and membership in the Communist Party are utterly irreconcilable?

Dr. LEWIS. That is right, sir. That is my opinion now and has been for a long time.

Mr. CLARDY. And that an exposure of that fact—and that is what this committee is trying to do—will probably be the best product of this committee's work, if we can do that?

Dr. LEWIS. That is right, sir. May I comment on that, sir?

Mr. CLARDY. I wish you would.

Dr. LEWIS. To do it I have to put some ashes on my head.

Mr. CLARDY. Let me tell you this: There are none among us that have not made mistakes. I look back on the way I tried some of my early cases and I am ashamed of what I did to some of my early clients.

Dr. LEWIS. That is a great comfort. I think one of the most—I have to say this, too—one of the most important things that has occurred to me, and I think should be said, is the fact that a person like me and Herndon and others in this group, I am sure, are going to come forward to speak out, that they suddenly discover they have an whale of a lot of friends——

Mr. CLARDY. You bet they do.

Dr. LEWIS. Who have confidence in them.

Mr. CLARDY. If they could see the pile of telegrams and mail we get they would understand just how right you are in what you say.

Dr. LEWIS. Thank you, sir.

Mr. CLARDY. Go ahead.

Dr. LEWIS. Fine. It is with that spirit and support that a person can say, "Look how stupid I was."

I would like to add something at this point, sir. Nobody can quite explain why those things happen to people because every man grows up a little differently. It seems to me our big problem right now is to try to avoid the mistakes like people like I have made.

(Representative Donald L. Jackson reentered the hearing room at this point, 3:05 p. m.)

Dr. LEWIS. And what should they do? It seems to me no one should be put in the position that I was put in. You know the story, I guess. It is what they say about contracts, that the large print giveth and the fine print taketh away.

Mr. CLARDY. You are speaking of insurance contracts?

Dr. LEWIS. Perhaps. Perhaps we didn't read the fine print. What are the factors that keep a person from reading fine print?

(Representative Morgan M. Moulder reentered the hearing room at this point, 3:07 p. m.)

Dr. LEWIS. Mainly ignorance of the facts. It seems to me the more widespread information like this can be given to the people, the more information they will have and the fewer people will be dupes. I am convinced an ignorant man is duped. As I say, I will put some ashes on my head.

Mr. CLARDY. Let me disagree slightly with you. Isn't it true that sometimes because of the self-interest in some particular problem, and the Communists cultivate that, that you become suddenly blind to the fine print, so to speak, and you don't discover it until you find out you were sold down the river on the original proposition that brought you in?

Dr. LEWIS. I think so. As Mr. Herndon mentioned, the Finland shock, where you suddenly shake your head and say, "What is going on and what has been going on?"

Mr. CLARDY. Like the fellow that is given a hard punch in the first round and wakes up in the sixth round and says, "What is going on and how did I get here?"

Mr. TAVENNER. I was interested in your statement about the lack of knowledge, and that people are taken in on these matters because of that. We haven't mentioned at any time here the matter of teaching communism in schools.

Dr. LEWIS. Do you want me to comment on that? I feel kind of strongly about this.

Mr. TAVENNER. If you will.

Dr. LEWIS. I think that ought to be done. I think we ought to teach a lot about a lot of isms. I think we ought to lay all we know openly on the line to people and tell them young.

I think that there is one mistake we have made sometimes, and I hope you will listen very carefully, gentlemen, so you don't misunderstand me.

I think sometimes we have talked a great deal about the virtues of our country, but haven't always set up the contrast by which a person can make his measures

Mr. CLARDY. There is no norm to judge by.

Dr. LEWIS. No norm. We have ideals. I think that is one reason why some of us went haywire on communism. We heard the idea and we didn't have the norm. It took a long time for some other functions of communism, that cropped up here and there, to serve as a measure. Do I make myself clear?

Mr. CLARDY. Yes. And that is that if communism is laid out cold, for what it stands for, that it would perform a great service in that respect.

Dr. LEWIS. That is right.

Mr. TAVENNER. In other words, you would recommend a good course of preparatory government?

Dr. LEWIS. Yes. I will give you one example. This is sort of selling one of my beliefs and hobbies. I think we could take the broadcast from radio Moscow and use it as current material, and show what we mean by Communist propaganda, and bring it out in your current problems and set it up against critical analysis and see what happens. Then they will learn——

Mr. SCHERER. The State Department has set up libraries in foreign countries in connection with many of these foreign-aid programs. You would feel that those libraries, they should have books on Stalinism and Marxism, and so forth.

Dr. LEWIS. You have me in a jam.

Mr. SCHERER. I am not saying they should.

Dr. LEWIS. Yes; to know what they are.

Mr. SCHERER. But to know what they are. The investigations have disclosed unforunately we haven't had any books on Americanism or anticommunism works.

Dr. LEWIS. Well, I don't know the facts on the details of the situation, sir, but any such program of instruction would be predicated upon thorough treatment of a whole problem.

Mr. SCHERER. And it is rather shocking to think that isn't so in the libraries that our State Department maintains in foreign countries.

Dr. LEWIS. It would be, sir.

Mr. JACKSON. I was about to ask one question in connection with your statement on teaching communism in schools.

Dr. LEWIS. Yes, Mr. Jackson.

Mr. JACKSON. Is it your opinion that this subject should be taught by Communists?

Dr. LEWIS. No, sir; I do not.

Mr. JACKSON. I wanted to make that very clear.

Dr. LEWIS. Yes.

Mr. JACKSON. Lest there be any misunderstanding about it. Do you believe that Communists or the directives and discipline of the Communist Party have any place in the American school?

Dr. LEWIS. No. I believe I said earlier I don't believe he does. My point is at the same time when we teach it there are many scholars that know a great deal about it. It isn't that we can't get material and know.

It can be presented in a scholarly way. It should be presented without fear and a broad understanding of the public. That is why we are studying; so we will understand it.

Mr. MOULDER. Mr. Chairman, as to the remark about libraries being maintained by the State Department and containing only Communist material, I will disagree with the gentleman from Ohio on that, because our public libraries, I think, are staffed thoroughly with books that show the history of America, the progress that has been made under our American Government.

I think it is out of place to accuse the Department of State of staffing our books with Communist material.

Mr. JACKSON. Proceed, Mr. Counsel.

Mr. TAVENNER. I have not asked you about the membership in this group of the Communist Party to which you were assigned, except to ask you the number.

Dr. LEWIS. Yes, sir.

Mr. TAVENNER. I believe you said there were about 12. Will you give us the names of those that you can recall.

Dr. LEWIS. They are the same list, sir, that Mr. Herndon gave you. I wrote them down and there is only one name I recall that I can remember the first name, a first name in addition——

Mr. TAVENNER. Just a minute. If you don't know the last name, don't give the first name.

Dr. LEWIS. I only remember the first name and not the last name. That is the only one beyond his list that I recall. I think he covered the others.

Mr. TAVENNER. There may be too many people having that first name. I am reading a good many telegrams now and I don't want to have to read any more.

Dr. LEWIS. That is right. Yes, sir.

Mr. TAVENNER. I think, however, you should give us the names of those you can identify from your own knowledge as having been members of your group.

Dr. LEWIS. I jotted them down here. Marjorie Hay, Anne Kinney, Harry and Anna Shepro, Zara Becker. A girl named Barta Numovna, Herndon, and myself. Matilda Lewis. I though he mentioned Al Lewis, Matilda Lewis' husband, who was in for a short time.

Norman Byrne, who was in and out. Abe Minkus. Honoré Carey.

I didn't remember the Rose Posell he mentioned. I don't remember the person. I remember the name vaguely.

He mentioned Sam Kalish. That was recalled to me when I heard it. I didn't remember it. I recall he was a member of that group for a time.

Those were the only ones I had, except that person—I remember that was a vague, shadowy person who was there a little and was ill and left.

Mr. TAVENNER. Did you meet with a Communist Party fraction, a fraction of the Communist Party that——

Dr. LEWIS. I believe I did on one occasion. The one that Herndon mentioned. I didn't remember it as a fraction meeting, but as a union executive board meeting. My memory is really foggy on that.

The day after I went into the hospital for an appendicitis, and that sort of took over my attention for the time. I don't recall whether it was a fraction or a union executive board meeting, which was sometimes held on a State basis.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Mr. Clardy?

Mr. CLARDY. No further questions.

Mr. JACKSON. Mr. Moulder?

Mr. MOULDER. No further questions.

Mr. TAVENNER. I do have another question.

Mr. JACKSON. Mr. Scherer, do you have any questions?

Mr. SCHERER. Not with the witness. I have a comment.

Mr. JACKSON. All right, counsel.

Mr. TAVENNER. Will you state what your experience has been since it became known you were going to be subpenaed to testify before this committee?

Dr. LEWIS. Gladly. I would like to say that the first thing—and this to me is extremely important—is the thing that Herndon said and I think others will tell you the same thing that it is a matter of great relief to have this thing out in the open, in person.

When I was served with the subpena there were a substantial number of people who, at the time, had known about this for various reasons, why I don't need to explain, I am sure. However, the minute it was out, it was announced in the papers and I had no reaction except favorable support from hundreds and hundreds of people. I could get, if the committee wished—I would be glad to get—another deluge of letters from people who have known my work for about 12 to 15 years, or more, who would give me moral support, who came forward and said, "We have confidence in you. Go to it."

It bothers me to think—and again some more ashes—why a person doesn't realize that the confidence of the people, you can't have more confidence in the people when you are liked than when you are embarrassed. A person can be very fearful of being embarrassed. But once you get it out in the open you find you have your friends with you, and people that know you back you up. There is no reaction except one of great relief. It is now open and you can, in fact, be kidded. That is the first thing.

The second thing, I was delighted with the community reaction in our own community, where the papers pointed out, in what I would call very stable tones, that this committee was doing a job and those people who came before it should not be considered criminals or in any way unpleasant characters, because they were called by the com-

mittee. But that the facts should explain things to the public when the facts became completely known.

Our college felt pleased with the public reaction. We have, to my knowledge, had no one call up and say, "Isn't he fired yet?" See what I mean? It has been complete support.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. On behalf of the committee, I would like to extend our very sincere thanks for your cooperation and the very able presentation that you have made of your own experiences in the Communist Party.

Is there any reason why the witness should not be excused?

Mr. TAVENNER. No.

Mr. JACKSON. You are excused. Thank you.

The committee will stand in recess for 10 minutes.

(Short recess taken.)

(At the end of the recess, at 3:32 p. m., Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Morgan M. Moulder, James B. Frazier, Jr., were present.)

Mr. JACKSON. Who is your next witness?

Mr. TAVENNER. Mr. Harry Steinmetz.

Mr. Chairman, I have no idea how long it will be before the witness appears. May we call another witness?

Mr. JACKSON. I think it might be desirable to call another witness.

Mr. TAVENNER. Mr. Abraham Minkus.

Mr. JACKSON. Do you solemnly swear the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MINKUS. Yes, I do.

TESTIMONY OF ABRAHAM MINKUS, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

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

Mr. MINKUS. Abraham Minkus, M-i-n-k-u-s.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. MINKUS. I am, very able counsel. I will introduce them. Mr. William Esterman and Mr. Daniel Marshall.

Mr. MARSHALL. Daniel G. Marshall.

Mr. TAVENNER. Have both counsel identified themselves for the record?

Mr. MINKUS. Mr. Chairman—yes.

Mr. TAVENNER. When and where——

Mr. MINKUS. Mr. Chairman, I wonder if I might ask you to permit my counsel to cross-examine the first two witnesses.

Mr. JACKSON. No. I am sorry, you cannot.

Mr. MINKUS. May I request that my lawyer be permitted to make a statement, a brief statement?

Mr. JACKSON. The request, in line with the rules of the committee, is not agreed to. It is denied.

Mr. MINKUS. May I myself make a brief statement?

Mr. JACKSON. You may file any statement you want with the committee. It will be considered by the committee.

Mr. MINKUS. Thank you, Mr. Chairman.

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

Mr. MINKUS. Chicago, Ill.

Mr. TAVENNER. When?

Mr. MINKUS. February 1, 1914.

Mr. TAVENNER. Where do you now reside?

Mr. MINKUS. I now reside at Los Angeles.

Mr. TAVENNER. What is your profession?

Mr. MINKUS. I am a teacher.

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

Mr. MINKUS. I am a graduate of Crane Junior College in Chicago. I received my bachelor of education degree with honors from the University of California at Los Angeles.

Mr. TAVENNER. How long have you been engaged in the teaching profession?

Mr. MINKUS. 10 years.

Mr. TAVENNER. Will you tell the committee, please, where you have been employed as a teacher?

Mr. MINKUS. From 1934 to 1937 I was a teacher in the Redondo city schools. From 1937 until the present time I have been employed as a teacher in the Los Angeles city schools.

Mr. TAVENNER. Mr. Minkus, were you present in the hearing room during the testimony of Mr. LeRoy Herndon?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. Mr. Chairman, I didn't pay very much attention to it.

Mr. TAVENNER. Were you present in the hearing room during the testimony of Mr. Richard B. Lewis?

Mr. MINKUS. Same answer, Mr. Tavenner.

Mr. TAVENNER. You paid no attention to his testimony, either?

Mr. MINKUS. Not very much. I heard some of it and I thought it was such drivel I stopped listening. As a matter of fact, I walked out in the hall several times.

Mr. TAVENNER. You did not agree with what either of them were saying about the Communist Party?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. If you want to reread their testimony to me, that is one thing. Otherwise, I do not wish to be bound.

Mr. TAVENNER. What is there about their testimony that you disagreed with?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. What I didn't like about their testimony, Mr. Chairman—Mr. Tavenner, excuse me——

Mr. TAVENNER. I didn't ask what you didn't like about it. I asked what you disagreed with.

Mr. MINKUS. What I disagreed with about their testimony, that they allowed themselves to be used for a union-busting job in this city. And furthermore, I feel that they allowed themselves to be used to weaken and undermine the whole cause of academic freedom, not only for Los Angeles but throughout the country.

Mr. TAVENNER. What fact did they testify to that you conclude in your own mind was incorrect?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. If you will reread the testimony it will refresh my memory.

Mr. TAVENNER. You have indicated that your disagreements were of such a positive character you left the room on several occasions.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. TAVENNER. What testimony did either of them give which, according to your judgment, was erroneous?

Mr. CLARDY. And caused him to leave the room.

Mr. TAVENNER. Whether it caused him to leave or not, I would like to know what was erroneous.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. CLARDY. Mr. Tavenner, when he concludes, I wish you would ask the other question. I want to know why he left.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. Mr. Tavenner, since you will not reread the testimony, I feel that no useful purpose will be served by my comment on it in any way.

Mr. TAVENNER. Was there any statement made by either of those witnesses which you are willing to say was untrue?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. If you will read the statement of that part to which you refer, I will then decide whether I wish to comment.

Mr. TAVENNER. I am covering all the statements of both witnesses heard by you.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. Then go ahead and read all of his testimony, Mr. Tavenner.

Mr. TAVENNER. Is that the only answer you will give to that question?

Mr. MINKUS. That is my answer.

Mr. MOULDER. Mr. Chairman.

Mr. JACKSON. Mr. Moulder.

Mr. MOULDER. You made some reference to their testimony supporting union busting. What explanation do you have to make on that assertion?

Mr. MINKUS. I read the headlines of one of the paper as I came in this afternoon. It says that Communists seized Los Angeles Teachers' Union. That is a monstrous hoax. It is, in fact——

Mr. MOULDER. That isn't responsive to my question. I asked what was in their testimony that had reference to union busting.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I am not going to be interrupted and I am not going to answer the question.

Mr. SCHERER. Wait a minute.

Mr. JACKSON. Proceed, Mr. Counsel.

Mr. TAVENNER. Did the Communist Party succeed in capturing the local union that you were speaking of——

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. TAVENNER. Local 430, and which you seem to take an exception to, from the newspaper account?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. ESTERMAN. Is there something funny about this, Mr. Chairman?

Mr. WALTER. There is nothing funny about it, but, after all——

Mr. JACKSON. Let's have order in the committee room. No expressions of approval or disapproval, if you please.

Mr. ESTERMAN. Thank you, Mr. Chairman.

Mr. MINKUS. Mr. Tavenner, I will answer neither "Yes" nor "No" to this question, and to all other questions like it. I do so for the following five reasons: They are brief and succinct, and I would like to be able to state them in full.

No. 1, as an employee of the State of California I am subject to the statutory tenor provisions with which the people of this State have seen fit to protect the rights of the teachers of their children. These are in division 7 of the State education code.

Under the law of this State, also, I have subscribed to all the required oaths and declarations relating to my loyalty, including, to the best of my memory, the following:

An oath on receiving my teaching credentials in 1934. An oath on receiving my lifetime teaching credential in 1942. The Los Angeles Board of Education loyalty reaffirmation oath in 1948.

The State Levering Act oath of 1950.

Also, I have taken approximately 4,000 pledges of allegiance during my 19 years of teaching.

Since the 9th and 10th amendments of the Bill of Rights reserved to the people and to the States the rights not expressly granted to the Federal Government, I now invoke them as a restriction upon this committee and assert you have no power to invade these rights and require of me additional oaths and declarations.

No. 2. Since I have sworn as an employee of the State of California to support and defend the Constitution of the United States, and of the State of California, I cannot violate that oath, nor will I be compelled to repudiate that oath.

This requires that I resist any abridgment of constitutional rights for myself and for others.

I have taught my students to honor and live by the Constitution and the Bill of Rights. I can do no less myself.

No. 3. The Education Code of California, section 18280, in one sentence states:

> Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, and patriotism; to teach them to avoid idleness, profanity, and falsehood; to instruct them in the principles of free government, and to train them up to a true comprehension of the rights, duties, and dignity of American citizenship.

I would repudiate this obligation if I failed to assert my rights before this committee.

No. 4——

Mr. JACKSON. Have you almost concluded?

Mr. MINKUS. Almost.

Mr. JACKSON. If you will please expedite it.

Mr. MINKUS. The Federal Constitution includes in the fifth amendment the provision that no person may be compelled to bear witness against himself, a privilege which was designed for the protection of innocent people, and I invoke each and every part of the fifth amendment for myself as a restriction upon this committee, and to help protect this basic constitutional right for all people, thereby fulfilling my oath as a teacher, which I must not violate, to protect and uphold the Constitution of the United States.

No. 5. The Federal Constitution includes in the first amendment guaranties to freedom of belief and association, and I invoke the first amendment now, particularly since I believe as a teacher that any invasion of these rights represents a threat to academic freedom, for if teachers cannot think freely, students cannot learn to think at all.

My sworn obligations as a teacher require that I resist any threat to freedom of education by inquisitions of this committee or any other.

Finally, in the language of the Supreme Court on Monday of this week, quote, I claim my rights under the first amendment of the Bill of Rights, not the Bill of Privileges, because under the first amendment the Congress can make no law abridging the freedom of speech or of the press, and as the Supreme Court said, and I adopt its language, if a congressional committee can require me or any other person to disclose what I read yesterday and what I will read tomorrow, fear will take the place of freedom in the libraries, bookstores, and homes of the land, through the harassment of hearings, investigations, reports——

Mr. JACKSON. I am sorry, the Chair is constrained, this is not a reason for refusing to answer the question, and unless there is objection from other members of the committee I am going to ask that the witness desist.

Mr. MINKUS. It is the language of the Supreme Court.

Mr. JACKSON. The language of the Supreme Court, yes, but what we want is your language in the form of constitutional reasons why you will not answer. The decisions of the Supreme Court do not appear to me to bear upon your declination to answer.

Mr. MINKUS. I would like to finish my answer, Mr. Chairman.

Mr. JACKSON. I am sorry, but I do not feel that it is pertinent nor responsive to the question that was asked, nor does it bear upon your direct declination.

Mr. TAVENNER. Mr. Chairman——

Mr. MINKUS. Mr. Chairman, I haven't finished——

Mr. SCHERER. Just a moment, Witness.

Mr. JACKSON. Do you have other legal grounds for your refusal to answer the question?

Mr. MINKUS. I have, but I have not finished.

Mr. TAVENNER. I beg your pardon.

Mr. JACKSON. It is not necessary for you to explain your position; it is only necessary for you to take your stand upon the Constitution. We are not going to listen to a great deal of argument about it.

Mr. CLARDY. Mr. Chairman, may I suggest, in view of the fact that he has already mentioned the fifth amendment, and since that is the only one which can be recognized, I submit that his answer is complete.

Mr. JACKSON. If the witness has any other constitutional grounds upon which he wants to take his stand, the committee will hear the constitutional grounds. We will not hear lengthy explanations.

We have borne with the witness now for some 15 minutes. I think that the witness can abbreviate his statement considerably.

Mr. MINKUS. If you had waited, Mr. Chairman, I would have finished in about 5 minutes—5 lines.

Mr. ESTERMAN. Five lines.

Mr. JACKSON. We are not going to listen to the Supreme Court decisions. I don't think that they are pertinent to this interrogation. If you have any other constitutional reasons, please advance them at this time.

Mr. ESTERMAN. Can we ascertain where we were on the record when we were interrupted?

Mr. JACKSON. Will the reporter determine where we were when we reached the point involving the Supreme Court decision?

(The following portion of the record was read by the reporter:)

* * * fear will take the place of freedom in the libraries, bookstores, and homes of the land, through the harassment of hearings, investigations, reports * * *.

Mr. CLARDY. Mr. Chairman, I trust the witness understands he is not to be permitted to read the balance of that decision?

Mr. JACKSON. I believe the witness so understands.

Mr. MINKUS. I have only 4½ lines.

Mr. CLARDY. You understand you are not permitted to read it, sir. Now, desist from that.

Mr. ESTERMAN. May we point out this is a legal reason for refusing?

Mr. JACKSON. I can't see that. The committee knows none of the facts with respect to this case or upon what the case had bearing. For all we know it may have been a matter entirely unrelated to the matter now under investigation. I think the witness has been given every opportunity to set forth in some detail his reasons for refusing to answer the questions on constitutional grounds. I wish that the witness would cooperate with the committee to that extent.

Mr. MINKUS. I request, Mr. Chairman, that you then withdraw the question.

Mr. JACKSON. Is there a pending question?

Mr. TAVENNER. Yes. The question was whether or not he knew that the Communist Party endeavored to obtain control or influence over the Teachers' Union, which was the matter which he objected to that appeared in the daily press.

Mr. MINKUS. I don't mean to be disrespectful, but I submit I have not finished my answer, which has only 4½ lines and contains a legal reason. It seems to me that I am entitled to give the reasons for my opinion.

Mr. CLARDY. Is that 4½ lines from the decision from which you were reading when the interruption took place?

Will you answer that question, Witness?

Mr. ESTERMAN. No; he will not.

Mr. JACKSON. I will ask counsel not to answer for the witness.

Mr. ESTERMAN. I apologize.

Mr. JACKSON. The witness is capable of answering these questions.

Mr. MINKUS. I will not answer that question.

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

Mr. JACKSON. I so direct.

Mr. MINKUS. I am reading from my own notes.

Mr. JACKSON. Will you answer the question?

Mr. ESTERMAN. What is the question?

Mr. JACKSON. The question which has been asked by counsel.

Mr. MOULDER. May I ask a question at this point?

Mr. CLARDY. Let him answer this one first.

Mr. MINKUS. May I, please, now proceed with the answer to the pending question?

Mr. CLARDY. Witness, I have propounded a question to you, and you have been directed.

Mr. JACKSON. Just a moment.

Do you have a pending question, Mr. Counsel?

Mr. TAVENNER. Yes.

Mr. JACKSON. Let's dispose of that.

Mr. TAVENNER. He has given six reasons, probably. The last is the first amendment——

Mr. ESTERMAN. He is finishing his sixth, in about 10 seconds.

Mr. TAVENNER. The witness was reading from the decision of the court in regard to it.

Mr. CLARDY. And my question was as to whether or not his resumption of reading the 4½ lines was a completion of that, and we have not had an answer to that, and yet he has been directed to answer. I wish you would press for an answer to that.

Mr. TAVENNER. Yes. You stated you are reading from your notes. But are not those notes a copy of the decision which you referred to?

Mr. MINKUS. My notes are my notes, and I am not required to tell you.

Mr. WALTER. Just a minute. You stated those notes are your notes You never saw those notes up to a minute ago, because I saw Mr. Esterman hand them to you.

Mr. CLARDY. Is that not true, Witness?

Mr. ESTERMAN. Just don't say anything.

Mr. CLARDY. That is a question addressed to him, and will counsel please refrain from making audible comment?

Mr. ESTERMAN. If you wouldn't listen so hard you wouldn't hear it.

Mr. CLARDY. I suggest that while counsel has a right to confer, he does not have the right to put the answer in the mouth of the witness.

Mr. JACKSON. That should be well understood. I believe it is understood by all counsel representing witnesses before the committee, that they are here for the purpose of advising their clients on constitutional questions, when that advice is sought by the client.

Mr. CLARDY. Not to manufacture answers.

Mr. ESTERMAN. I beg your pardon. What did you say?

Mr. MARSHALL. May I address myself to the Chair?

Mr. ESTERMAN. Did you say manufacture evidence?

Mr. MARSHALL. Was that the statement?

Mr. ESTERMAN. Just take it back.

Mr. MARSHALL. Do you withdraw it?

Mr. CLARDY. I do not withdraw anything. Will you be seated and remain quiet, sir?

Mr. MARSHALL. Does the chairman tell me to be seated?

Mr. JACKSON. We will please have order here. We will take these things up in order.

Mr. ESTERMAN. I think that a good time to take that up will be now. That is a contemptible statement.

Mr. MARSHALL. May we take that up now?

Mr. JACKSON. If you will be seated we will take the matter up in order. I do not intend to have counsel take over this committee session as long as I am sitting here.

Mr. MARSHALL. May I stand and address the chairman?

Mr.——

I am informed by the gentleman from Michigan that he said "answers."

Mr. ESTERMAN. This answer was manufactured by the Supreme Court of the United States.

Mr. JACKSON. The paper you hold in your hand was manufactured by someone, I don't know whom, but certainly not by the Supreme Court of the United States. It was just handed to the witness several minutes ago.

Mr. MARSHALL. Must we submit our books and papers to the committee?

Mr. JACKSON. That has not been suggested.

Counsel, I wish you would press for the answer to the question now pending, and let's get on with the orderly conduct of this committee.

Mr. MINKUS. I still have not finished my answer to the last question.

Mr. TAVENNER. Mr. Chairman, it is purely a question of whether or not he will be permitted to read the rest of the opinion from the Court consisting of four lines.

Mr. JACKSON. If it will facilitate the meeting, and it undoubtedly will, without objection on the part of any member of the committee, these four lines may be concluded. However, thereafter and for the balance of these hearings—at least at such times as I have the chair—these long statements are not going to be permitted above and beyond those necessary to identify the portions of the Constitution upon which the witness is basing his declinations.

The witness may continue.

Mr. MINKUS. Thank you very much.

Mr. CLARDY. May I be sure that this is conditioned upon the fact that he admits that he is reading the decision of the court? If he does, I have no objection to his finishing.

Mr. JACKSON. Proceed.

Mr. MINKUS. Thank you very much, Mr. Jackson.

(Continuing to read.)

> Through the harassment of hearings, investigations, reports, and subpenas, government will hold a club over speech and over the press. Congress could not do this by law. The power of investigation is also limited. Inquiry into personal and private affairs is precluded, and so is any matter in respect to which no valid legislation could be had.

I have finished and thank you very much, Congressman Jackson.

Mr. JACKSON. Continue, Mr. Counsel.

Mr. TAVENNER. Mr. Chairman, the only ground assigned for refusal to answer the question which is recognized as a valid ground by this committee was the fourth matter which he mentioned, namely, the fifth amendment, but it occurs to me that in light of his voluntary statement he has waived the fifth amendment when he stated to the committee that he had seen an article in the press which charged that by the testimony of certain witnesses the Communist Party had taken over the Teachers' Union, and that this was absolutely not true, or words to that effect. So I think I am entirely within my rights in insisting upon an answer to questions relating to his knowledge or lack of knowledge of the Communist Party effort to influence and control that union of which he spoke.

Mr. SCHERER. I think counsel is absolutely right.

Mr. JACKSON. Proceed, Mr. Counsel.

Mr. SCHERER. Wasn't that a voluntary statement on his part?

Mr. TAVENNER. A volunteered statement.

Mr. CLARDY. Not in answer to any question.

Mr. TAVENNER. I want to ask this witness whether he took any part in a Communist Party effort to control—or let me change the question, please.

I want to ask this witness whether or not he knows of any effort made by the Communist Party to influence and control this Teachers' Local Union 430 in Los Angeles.

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. Will counsel repeat the question, please?

Mr. TAVENNER. I expect I better have the reporter read the question.

Mr. JACKSON. The reporter will read the question.

(The question was read.)

Mr. MINKUS. Mr. Chairman, in answer to this question I wish to adopt in full the answer which I gave previously to a similar question, and may it be deemed that it is my answer in full as I gave it, without repeating it?

Mr. JACKSON. You decline to answer the question?

Mr. MINKUS. I am answering the question.

Mr. JACKSON. You are answering the question?

Mr. MINKUS. The same answer as I gave before.

Mr. JACKSON. For the same reasons?

Mr. MINKUS. And for the same reasons.

Mr. TAVENNER. Mr. Chairman, I suggest that the witness be directed to answer.

Mr. JACKSON. Inasmuch as the statement made was a voluntary statement that did not come as a result of a question directed by counsel or any member of the committee, the witness is directed to answer the question.

Mr. MINKUS. Which question is that?

Mr. JACKSON. That is the question which is now pending.

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. JACKSON. Do you want the question read again?

Read it, Mr. Reporter.

(The question was reread.)

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. Mr. Chairman, I wish to repeat again the answer that I gave before in full, and may it be considered that it is adopted in full without my repeating it, and I would like to incorporate without repeating the earlier answer this addition, that the policies of the union are and have been determined by the membership in open meeting.

Mr. JACKSON. My understanding is that you persist in your declination to answer the question that was asked you, standing upon the same grounds you gave at the opening of the hearing?

Mr. MINKUS. The record will speak for itself.

Mr. JACKSON. Do you so decline to answer the question?

Mr. MINKUS. The record speaks for itself, Mr. Chairman.

Mr. CLARDY. Is that the only answer you will give?

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

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. JACKSON. Yes. It seems to me that the witness must answer or decline to answer.

Mr. CLARDY. He has done neither yet.

Mr. MINKUS. I will stand on the record, Mr. Chairman.

Mr. CLARDY. You what?

Mr. JACKSON. All right, Mr. Counsel. Proceed.

Mr. TAVENNER. Mr. Minkus, on what do you base your statement that the newspaper article carrying an account of the hearing was false? May I amplify that question a little, so that there will be no misunderstanding about it?

Mr. ESTERMAN. I think you misquoted the statement. May we have it read?

Mr. TAVENNER. I am sorry. I didn't hear you.

Mr. ESTERMAN. I think you misquoted his statement.

Mr. TAVENNER. Mr. Reporter, did you get the statement at the beginning of the testimony that he volunteered?

Mr. REPORTER. I was not here.

Mr. TAVENNER. Then I will have to rely upon my recollection. I understand that the reporters have been changed since the witness took the stand, and that the reporter who is now present was not here at that time.

Mr. CLARDY. Well, ask the witness what he said.

Mr. TAVENNER. Mr. Minkus, did you not state in effect to this committee that you had seen an article in a paper which you referred to the testimony that was taken here this morning, and that that article was to the effect that the Communist Party had taken over the Teachers' Union, teachers local union, in Los Angeles, and that you bitterly denounced that fact as being false.

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. I prefer to rely on the record, Mr. Tavenner.

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

Mr. JACKSON. The question is somewhat involved. If it can be put in the form of several short, brief questions it would greatly facilitate the answering, I think, and also clarify the matter for the chair. I don't know that I fully understand the import of the question myself.

Mr. TAVENNER. Mr. Minkus, will you state what you told the committee?

Mr. MINKUS. It is in the record.

Mr. TAVENNER. Well, what is it?

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. SCHERER. I move that the witness be directed to answer.

Mr. JACKSON. Mr. Counsel, is there any way you can rephrase that question or break it down?

Mr. TAVENNER. Yes; I think I can.

Mr. Minkus, did you not tell the committee that it was untrue or that it was false that the Communist Party had gotten control of the local union, the local Teachers' Union in Los Angeles?

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. I think that the best way to get that is to bring in the record. I don't feel that I am required to engage in any memory test.

Mr. JACKSON. Mr. Minkus, are you a member of the Communist Party?

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. I will answer neither yes nor no to this question and to all other questions like it, for the following reasons: No. 1——

Mr. JACKSON. The reasons have already been given, if those are the reasons upon which you relied originally. Are they the same reasons?

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. I wish to give my full answer, unless the question is withdrawn.

Mr. JACKSON. Well, the question is not going to be withdrawn and the committee is not going to listen to a review or to a prolonged argument on the question. You have advanced 4 or 5 reasons for your declination to answer a previous question.

I am asking you whether these are identical to the reasons that you gave before.

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. Thank you very much for waiting, Mr. Jackson. I would like to give in full the answer that I gave previously, if that will be allowed.

Mr. JACKSON. You decline to answer that question?

Mr. MINKUS. I have answered the question.

Mr. JACKSON. Do you decline to answer the question for the reasons previously stated?

Mr. MINKUS. I have given my answer.

Mr. JACKSON. Your answer has not been given. I have asked you if you are a member of the Communist Party. I should like to have a yes or no answer or a declination upon constitutional grounds.

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. In that case I would like to give my reasons.

Mr. JACKSON. Are those the same reasons you read into the record at the outset?

Mr. MINKUS. They are.

Mr. JACKSON. Is it essential that you read them again at this time, or is this just a delaying tactic on your part to further delay and harass the committee and handicap its operations? Your previous answers are a matter of record here.

Mr. MINKUS. Which part of your question am I to answer?

Mr. JACKSON. You can answer any part of it, pick out any part you want. Those are the same reasons you advanced, is that correct?

Mr. MINKUS. Yes.

Mr. JACKSON. Which are already in the record.

Mr. MINKUS. Yes.

Mr. JACKSON. It is your intention, as I gather from your testimony, to refuse to answer the question for the reasons previous given?

Mr. MINKUS. I wish to adopt the answer that I gave before, Congressman Jackson.

Mr. JACKSON. You decline to answer that question?

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. I have adopted the answer that I gave before.

Mr. JACKSON. That is not responsive to the question. Do you decline to answer the question which is pending?

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. I am satisfied with the record.

Mr. CLARDY. Mr. Chairman, so that there may be no question in this record in the event any contempt proceedings may be contemplated by this committee, I now ask that you direct him to answer.

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

(At this point Mr. Minkus conferred with Mr. Esterman and Mr. Marshall.)

Mr. MINKUS. I have answered the question and I have asked that it be adopted, that the answer I give previously be adopted as the answer to this question.

Mr. JACKSON. I beg to differ with you. You have not answered this question. How do you answer it?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I will be glad to repeat my answer in full.

Mr. CLARDY. That you will reread the reasons for declining, or do you have a new answer to give?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. WALTER. Mr. Esterman, you just said to your client, "Don't answer that."

Mr. ESTERMAN. Yes, I did.

Mr. WALTER. I don't think that you understand why or how you happen to be here. You are not here as a matter of right.

Mr. ESTERMAN. Am I here at your grace?

Mr. WALTER. The grace of the committee.

Mr. ESTERMAN. I am here discharging my duty as a member of the bar of the State of California. I will give my client the advice I think he should have. You will not tell me how to advise my client.

Mr. WALTER. You are putting words in the witness' mouth.

Mr. ESTERMAN. I told him not to answer. I repeat he is not to answer that last question.

Mr. JACKSON. It has been quite evident since the outset of this hearing that not only has the witness been advised on his constitutional rights and the constitutional problems involved, but he has been instructed as to what answers he should give verbatim.

Mr. MARSHALL. May we be removed so we are not so close to the committee and they can't hear us conferring with our clients?

Mr. WALTER. You don't mean conferring, you mean instructing.

Mr. MARSHALL. That is not so. Do you care to withdraw that, as one lawyer to another lawyer?

Mr. WALTER. No.

Mr. MARSHALL. Will you make it good? Will you make it good?

Mr. WALTER. Yes.

Mr. ESTERMAN. May I make a statement? I would like to be heard. He has made a remark——

Mr. JACKSON. That will not be permitted.

Mr. ESTERMAN. The committeeman gets a chance to make a remark and I don't get a chance to answer it? I think that is evident to the people outside.

Mr. CLARDY. I ask they be instructed to be seated or the marshal be instructed to remove them.

(Representative Clyde Doyle re-entered the hearing room at this point, 4:25 p. m.)

Mr. TAVENNER. A witness by the name of Max Silver—I want to be certain the witness is listening.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. TAVENNER. If you haven't completed conferring with counsel, I will wait until you do.

Mr. MINKUS. I have.

Mr. TAVENNER. A witness by the name of Max Silver, who was formerly organizational secretary of the Communist Party in Los Angeles County, testified in executive session before the Committee on Un-American Activities on January 24, 1952, in identifying persons known to him to have been members of the Communist Party, and he stated this:

Abraham Minkus, teacher, at one time section organizer for the professional section, member of the county committee—

Were you at one time the section organizer for the professional section of the Communist Party in Los Angeles?

Mr. MINKUS. Excuse me one moment.

(At this point Mr. Minkus conferred with Mr. Esterman.)

(Representative Francis E. Walter left the hearing room at this point, 4:30 p. m.)

Mr. MINKUS. I wish to adopt the answer I gave previously, consisting of five points. If you wish, I will repeat them.

Mr. TAVENNER. As I understand, you are refusing to answer the question on the same grounds you have previously assigned?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I stand on the record.

Mr. SCHERER. I submit he has never said that, "I decline to answer the question."

Mr. TAVENNER. It could have no other meaning.

Mr. ESTERMAN. We stipulate he didn't.

Mr. CLARDY. I shouldn't be addressing you at all. We do not recognize stipulations before this committee.

Mr. ESTERMAN. I wanted to agree with the Congressman over there.

Mr. CLARDY. I understood you.

Mr. JACKSON. Proceed, Mr. Counsel.

Mr. TAVENNER. Mr. Silver further testified in the following manner, in regard to the questions that were asked him.

Question. Did these teachers represent various branches of the educational system of the community, such as the public schools, the universities and private schools?

Mr. SILVER. I have no information.

Question. Do you know how many members were in the branch?

Mr. SILVER. I believe 15 or 20.

Question. Who was the organizer of the group, if you know?

Mr. SILVER. The most active teacher that participated in the general life of the party was Abe Minkus. As a matter of fact, he was at one time organizer of the Professional Section.

Is there anything about the testimony of Mr. Silver which was untrue?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I wish to adopt in full the answer which I gave previously to a similar question, and which I will give to all future questions of the same kind, the answer consisting of five points, which I will to glad to repeat, if you wish.

Mr. MOULDER. Then you don't wish to deny those allegations testified to by the witness—what was his name?

Mr. TAVENNER. Max Silver.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I wish to adopt in full the answer which I gave previously to a similar question, and which I will give to all future questions of the same kind, consisting of five points. I will repeat it, if you wish.

Mr. CLARDY. Just a moment. So there will be no mistake on the record, you are declining to answer that or any other questions along that line on the five grounds which you have read into the record? Do I understand you correctly? You can answer that yes or no.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I will stand on the record.

Mr. CLARDY. Will you answer it "Yes" or "No"?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I will stand on the record.

Mr. CLARDY. I ask he be directed to give an answer. He can explain after he gives his yes or no, Mr. Chairman.

Mr. JACKSON. I have the feeling the witness is not answering directly. He is directed to answer the question.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I will stand on the record.

Mr. JACKSON. Continue, Mr. Counsel.

Mr. TAVENNER. Dr. Light, Louise Light, also testified about the Committee on Un-American Activities and identified you as a member of the Communist Party. Do you deny the identification here?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I will adopt the previous answer, Mr. Tavenner, with the 5 points. I will be glad to repeat it, if you wish.

Mr. TAVENNER. Anne Kinney, also known as Jane Howe, testified before the committee on December 22, 1952. She told the committee she had joined the Communist Party in 1933 and remained a member until 1945. She was a member of the group of the Communist Party which was organized within the Teachers' Union Local 430.

Both she and the two witnesses who appeared on the stand this morning, that is, Mr. LeRoy Herndon and Mr. Richard B. Lewis, all three testified that you were a member of that group with them. Was their testimony true or false?

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. TAVENNER. The testimony of any them, was it true or false?

Mr. MINKUS. I wish to adopt in full the answer which I gave previously. I would like it understood that in answering thus I am including all of the points which I included in my original answer. If that is not understood, why, I will read them now—I will give them now. Is that understood, Mr. Chairman? Is it understood I include all the points?

Mr. JACKSON. We will let the record speak for itself.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. TAVENNER. Mr. Chairman——

Mr. ESTERMAN. We haven't finished our answer.

Mr. CLARDY. I thought you had declined to answer, Witness.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. CLARDY. Did you decline on the grounds stated or did I misunderstand you? That is the question.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. I would like to give my answer.

Mr. CLARDY. I would like you to give your answer. What is it?

Mr. MINKUS. I will answer neither "Yes" nor "No" to this question, and all other questions like it——

Mr. JACKSON. The witness will suspend.

Mr. MINKUS. May I finish my answer?

Mr. JACKSON. You may not finish your answer in this form and fashion.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. JACKSON. These dilatory tactics, these tactics which are designed to slowdown the action of the committee and to tiptoe and to toe-dance around the fifth amendment may be all right in your mind. However, the time of the committee and the time of the Congress of the United States is not going to be taken up in that fashion.

You have stated you stand upon the 5 points you made——

[Applause.]

Mr. JACKSON. Order in the hearing room. The audience will please refrain from any expression of approval or disapproval or the marshal will be asked to clear the room.

You are not going to take up the time of this committee any further with these long harangues and these attempts to make a sounding board out of the committee. If you have any constitutional reasons you can give us lucidly and briefly, the committee will be very happy to hear them. We are not going to hear two pages of prepared propaganda read before the committee for a second time.

(At this point Mr. Minkus confers with Mr. Esterman.)

Mr. MINKUS. Do I understand the question has been withdrawn?

Mr. JACKSON. The question has not been withdrawn. The question is still pending.

(At this point Mr. Minkus conferred with Mr. Esterman.)

Mr. MINKUS. Then I will have to give my answer.

Mr. SCHERER. The record discloses——

Mr. MINKUS. What answer do you want?

Mr. SCHERER. The witness refuses to answer the question propounded by Mr. Tavenner for the same reasons he has given before.

Mr. JACKSON. That is all right.

Mr. SCHERER. That is the end of that question. Now we are ready for another question.

Mr. JACKSON. If that is the answer, that the answers previously given, or you stand on the answers previously given, that is quite all right with the committee.

Mr. MINKUS. I do so.

Mr. JACKSON. Proceed.

Mr. TAVENNER. I suggest the witness be temporarily excused and be directed to return at the morning session.

Mr. ESTERMAN. May I point out I will not be here? I will be in Phoenix.

Mr. TAVENNER. I overlooked that fact. I suggest he return Monday morning.

Mr. ESTERMAN. We will wait until you bring the record in. Isn't it in the building?

Mr. CLARDY. It is not the fault of the committee or of counsel that this matter necessarily must be carried over until tomorrow, and I think it should be carried over and completed tomorrow.

The business of the committee demands us to finish up here soon, so we may be back at our work in Washington, as you well know.

I suggest that we should call this man again in the morning and conclude it. Counsel well knows, because we have all practiced law for some time, that these changes come about and are necessitated many times. I suggest we call him tomorrow.

Mr. ESTERMAN. May the record show I discussed this with Mr. Tavenner and that he knows I am leaving by plane in the morning and I will not be back until Sunday night. He knows that.

Mr. JACKSON. What suits the convenience of counsel in this matter?

Mr. TAVENNER. Mr. Chairman, I do know that counsel cannot be here because of other plans he has told me about. And other witnesses that he had were put over until Monday, for that reason.

I think this is a rather important phase of this witness' testimony and I would not like to see him deprived of any of his counsel during that period. I think we should either get the record this afternoon or we should put it over until Monday morning.

Mr. CLARDY. Then I am prepared to stay until we get it. I want to complete this while it is fresh in my mind.

Mr. JACKSON. Several of the committee members have important meetings at this time and other obligations. Therefore, it is necessary that we terminate today's hearing at this time. The witness will be set for Monday morning.

Mr. ESTERMAN. Ten o'clock?

Mr. JACKSON. Ten o'clock, Counsel.

Mr. TAVENNER. What time are you going to convene on Monday?

Mr. JACKSON. The committee will convene at 9:30 on Monday morning. Tomorrow morning the committee will convene at 9 a. m.

Mr. ESTERMAN. At 9:30 Monday we will be here.

Mr. JACKSON. The committee is adjourned.

(Whereupon at 4:33 p. m., the hearing was recessed until 9 a. m. Saturday, March 28, 1953.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES AREA—Part 2

SATURDAY, MARCH 28, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to adjournment, at 9:08 a. m., in room 518, Federal Building, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Donald L. Jackson, Kit Clardy, Gordon H. Scherer, Francis E. Walter, Morgan M. Moulder, Clyde Doyle, and James B. Frazier, Jr. (appearance noted in record.)

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, chief investigator; Thomas W. Beale, Sr., chief clerk; Raphael I. Nixon, director of research; and William A. Wheeler, investigator.

Mr. VELDE. The committee will come to order.

Let the record show that a full quorum of the committee is present.

The Chair recognizes the gentleman from Pennsylvania, Mr. Walter.

Mr. WALTER. Mr. Chairman, on yesterday there appeared in a local newspaper an editorial entitled, "Walter Lacks Proof for Slur on the Union." The fact of the matter is what I said was not intended to be a slur on the union and it was not a slur on the union.

As a matter of fact, if any implication is to be drawn from what I said, it is to the effect that the union was in no wise connected with this act of sabotage.

This is an example of the ends that certain segments of the press go to in an attempt to discredit the work of this committee.

Mr. CLARDY. I understood your efforts to imply, at least, that the sabotage might conceivably be charged to some Commie influence.

Mr. WALTER. Of course. The man who had testified, in connection with whose testimony this statement was made, was not a trade unionist.

Mr. CLARDY. He was talking about the spike-throwing incident, as I recall it.

Mr. WALTER. That is correct. It seems to me that every trade union should resent this attempt to speak of communism and unionism as being synonymous.

Mr. CLARDY. You recall the last witness last night immediately started off on that attack.

Mr. WALTER. Of course.

Mr. VELDE. Do you have a witness?

Mr. TAVENNER. Yes. I would like to call Mrs. Edith Macia.

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

Mrs. MACIA. I do.

TESTIMONY OF MRS. EDITH MACIA

Mr. TAVENNER. What is your name, please?

Mrs. MACIA. Edith Macia.

Mr. TAVENNER. How do you spell your name?

Mrs. MACIA. M-a-c-i-a.

Mr. TAVENNER. Where were you born, Mrs. Macia?

Mrs. MACIA. I was born in Leadville, Colo., September 17, 1884.

Mr. TAVENNER. I was going to ask you whether or not you were an actress. If you were, I would not have asked you your age.

Will you state, please, for the committee, what your educational, formal educational background has been?

Mr. DOYLE. Counsel, excuse me for interrupting. I notice the witness does not have counsel.

Mr. TAVENNER. Yes. I would like to ask about that.

Mrs. MACIA. No, I do not have.

Mr. TAVENNER. You are aware of the practice of the committee, are you not, in permitting all witnesses to have counsel with them.

Mrs. MACIA. Yes, I am.

Mr. TAVENNER. And consult counsel if deemed advisable or the witness desires to do so?

Mrs. MACIA. Yes.

Mr. TAVENNER. Will you state for the committee, please, what your educational background has been?

Mrs. MACIA. I completed the public schools of Tombstone, Ariz., and 1 year of college at the University of Arizona.

Mr. TAVENNER. Where do you now reside?

Mrs. MACIA. In Orange County, [Calif.].

Mr. TAVENNER. You spoke of having completed high school at Tombstone, Ariz.

Mrs. MACIA. Well, in those days we didn't have high school. We finished high school in the grammar-school grades. We didn't have a high school.

Mr. TAVENNER. How long did you live at Tombstone, Ariz.?

Mrs. MACIA. Over 50 years.

Mr. TAVENNER. And did you come to Los Angeles from Tombstone?

Mrs. MACIA. I did.

Mr. TAVENNER. While you were living in Tombstone, Ariz., did you hold a position of any kind with the United States Government?

Mrs. MACIA. I was postmaster of Tombstone from 1928 to 1935.

Mr. TAVENNER. When did you come to Los Angeles?

Mrs. MACIA. 1935, in September. 1936. I am wrong there. I was in Tombstone until 1936.

Mr. TAVENNER. After coming to Los Angeles did you have occasion to become affiliated in any way with the Communist Party?

Mrs. MACIA. Yes, I did.

Mr. TAVENNER. How did that happen?

Mrs. MACIA. Well, in August 1948 an agent of the Federal Bureau of Investigation came to my home and asked me if I would be willing to join the Communist Party. I had expressed myself quite freely as being anti-Communist, but I didn't quite feature ever becoming a member of the Communist Party. I hesitated, and then, when he informed me that there was one group in my area that they, the Federal Bureau of Investigation, had never been able to get a line on, as it were, I changed my mind and told him I would. This was on Tuesday. I told him I would let him know for sure on Thursday. I asked him for information and advice——

Mr. TAVENNER. Now, let me suggest that you not make any statement of the circumstances or the method under which you became a member of the Communist Party. I merely want to ask you whether, after being requested to take that action, whether you did.

Mrs. MACIA. Yes, I did.

Mr. TAVENNER. When did you become a member of the party, as nearly as you can tell?

Mrs. MACIA. In August 1948.

Mr. TAVENNER. And how long did you remain a member of the Communist Party at the instance of a Government agency?

Mrs. MACIA. Until January 1, 1949.

Mr. TAVENNER. And what was your reason at that time for ceasing to be a member of the Communist Party?

Mrs. MACIA. We were leaving Los Angeles.

Mr. TAVENNER. Well, in the course of the period of time when you were a member of the Communist Party did you make reports to the Government agency that you mentioned of the information you obtained?

Mrs. MACIA. Yes, I did.

Mr. TAVENNER. How frequently did you make such reports?

Mrs. MACIA. After every meeting. The meetings were twice a month. Every 2 weeks, and after every meeting.

Mr. TAVENNER. Do you have your Communist Party card showing your admission as a member of the Communist Party?

Mrs. MACIA. Yes, I do have.

Mr. TAVENNER. Will you exhibit it, please? In whose name does that Communist Party card appear?

Mrs. MACIA. My party name.

Mr. TAVENNER. What was your party name?

Mrs. MACIA. Edda Nichol, E-d-d-a N-i-c-o-l.

Mr. TAVENNER. Were you assigned that name or did you select it of your own accord?

Mrs. MACIA. I selected it.

Mr. TAVENNER. Mr. Chairman, I would like to offer the Communist Party card of the witness in evidence and ask that it be marked Macia Exhibit No. 1, and I would like to substitute for it a photostatic copy so the original may be returned to the witness.

Mr. VELDE. It is so ordered and the evidence will be received.

(The document referred to was received in evidence and marked "Macia Exhibit No. 1.")

Mr. TAVENNER. Will you explain the Communist Party card to the committee, please, as to the date it was issued and as to the meaning

of the stamps that appear on the left-hand side of the card? I believe one of the committee members has it.

Mrs. MACIA. Well, how shall I start?

Mr. TAVENNER. Well, first tell us for what year that card was issued.

Mrs. MACIA. From November 5, 1947, to January 1, 19——well, for all the year 1948, until January 1, 1949.

Mr. TAVENNER. I notice on 1 page there are a number of stamps, 6 stamps, showing 10 cents each, at the bottom of each stamp.

Mrs. MACIA. That represents dues. The dues were paid, and the reason that 12 of them are not in was because they didn't have stamps at the time, the Communist Party didn't have stamps at that time, and instead they marked it paid.

Mr. TAVENNER. Is that card signed by the State chairman of the Communist Party?

Mrs. MACIA. It is signed by W. Schneidermann.

Mr. TAVENNER. If you will hand it to the committee so they may examine it, please.

Mr. DOYLE. Mr. Chairman.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Undoubtedly our distinguished counsel is—undoubtedly you are going to read into the record, for the benefit of the public, the rights and duties of party members; are you, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. That appears on the back of the card. It reads as follows:

Rights and duties of party members:

To at all times loyally defend the interests of the working class against the forces of fascism and reaction; to fight all kinds or forms of national oppression, discrimination and segregation; to fight ideological influences that oppress racial minorities; to fight for the full social, political and economic equality of the Negro people; to fight for Negro and white unity; to attend club meetings, read the party press and literature, pay dues regularly and be active on behalf of the program and the policies of the party; to participate in the working out of policies and tasks of the club, and to regularly examine the execution of such policies; to vote for officers, committees, and delegations and be elected to any office or committees in accordance with provisions of the constitution; to appeal any decision with which there is disagreement to the next higher body, carrying out the decision while the appeal is pending; to strive to master the program and policies of the party, the principles of Marxism and Leninism.

Were cards of a similar nature issued to all the Communist Party members at the time that you were issued this card, that is, to members of your group?

Mrs. MACIA. Yes; they were.

Mr. TAVENNER. I have here 4 receipts or papers indicating that they are receipts. I would like to hand them to you and ask you to identify them and tell the committee what they are.

Mrs. MACIA. I have 4, and the first one is dated April 2, 1946.

Mr. TAVENNER. In whose name is it made out?

Mrs. MACIA. To Edda N.—just "N." My name is not written in.

Mr. TAVENNER. Is it a receipt for dues for that period?

Mrs. MACIA. Yes; it is.

Mr. TAVENNER. Does the name of the organization appear there as W. A.?

Mrs. MACIA. Yes; it does.

Mr. TAVENNER. What do the initials W. A. stand for?

Mrs. MACIA. West Adams.

Mr. TAVENNER. West Adams?

Mrs. MACIA. Yes.

Mr. TAVENNER. Is Adams the name of a street?

Mrs. MACIA. The name of a street; Adams Boulevard.

Mr. TAVENNER. Does that indicate the name of the club or unit or cell of the Communist Party to be the West Adams cell of the Communist Party?

Mrs. MACIA. West Adams Club, as we called it.

Mr. TAVENNER. There is a place on the receipt for the name of the treasurer. It says "Treasurer's signature," and there appear two initials, H. W. Do you know whose initials those are?

Mrs. MACIA. No; I don't recall.

Mr. TAVENNER. You do not recall?

Mrs. MACIA. No.

Mr. TAVENNER. On the back of the receipt are several memoranda.

Mrs. MACIA. They were just subjects that were discussed at that meeting or meetings following. I perhaps had this with me and wrote these notes. I have no idea of when they were taken up.

Mr. TAVENNER. Excuse me. I desire to offer the receipt in evidence and ask that it be marked "Macia Exhibit No. 2," and, as in the other case, I would like to substitute a photostatic copy for the original.

Mr. VELDE. It is so ordered, without objection. This evidence will be received.

(The document referred to was received in evidence and marked "Macia Exhibit No. 2.")

Mr. TAVENNER. Does the memorandum on the back of that receipt refresh your recollection as to what business was transacted or discussed at the meeting which was held about April 7, 1946, or shortly thereafter?

Mrs. MACIA. I would say yes; to the best of my knowledge, it was.

Mr. TAVENNER. Will you describe it; tell us what those matters related to?

Mrs. MACIA. Well, one of the questions that I have written in was evidently asked by some member of the group, "Is not Soviet Russia practically imperialism?"

Mr. TAVENNER. Now, just a moment. Do you recall now what the trend of the discussion was on that subject?

Mrs. MACIA. No; I do not. It was just a question that arose and we just discussed it at length, but my reason for being at these meetings kept me busy. I really didn't get all that transpired in the discussion.

Mr. TAVENNER. Do I understand that your principal purpose was to ascertain who were members of this particular group?

Mrs. MACIA. That is correct; yes, sir. I was told to go and find out who they were and what they were doing, and as a result, the names were difficult to obtain, and, as I say, I was too busy getting the names to do much about—to take too much part in the discussion.

Mr. TAVENNER. If you will proceed, what other notations do you find on the back of the receipt which may indicate the subject under discussion?

Mrs. MACIA. One is "Demands on Iran, what right had the Russian representative to walk out in the United Nations?"

The next one is, "What will happen if the U. S. S. R. representative does not return tomorrow?"

Mr. TAVENNER. Those were questions that were asked and answered at this Communist Party meeting?

Mrs. MACIA. Yes. And the last one is, "Why we were against loan to England."

Mr. MOULDER. The "we" referring to whom?

Mrs. MACIA. To Soviet Russia and the Communist Party.

Mr. TAVENNER. How many other receipts do you have?

Mrs. MACIA. I have three more.

Mr. TAVENNER. Will you give their dates, please?

Mrs. MACIA. February 4, 1947, and I was paying 35 cents dues at that time.

Mr. TAVENNER. Whose initials are signed as treasurer at that time?

Mrs. MACIA. R. K.

Mr. TAVENNER. Do you know whose name R. K. stood for?

Mrs. MACIA. Yes; I do. It was the wife of the treasurer of our group. Rose Kline was the name.

Mr. TAVENNER. Rose Kline. Would you spell Kline?

Mrs. MACIA. K-l-i-n-e.

Mr. TAVENNER. What is the name of the organization referred to in the left-hand margin?

Mrs. MACIA. The West Adams——

Mr. TAVENNER. The same?

Mrs. MACIA. W. A., just the same.

Mr. TAVENNER. I desire to offer the receipt in evidence and ask it be marked as "Macia Exhibit No. 3."

Mr. VELDE. It is so ordered and the exhibit will be admitted.

(The document referred to was received in evidence and marked "Macia Exhibit No. 3.")

Mr. TAVENNER. A photostatic copy will be furnished.

The next?

Mrs. MACIA. The next is issued in the name of Edda N., just the same, for 35 cents. It is signed "L. S."

Mr. TAVENNER. Do you know whose initials they were?

Mrs. MACIA. No; I don't recall.

Mr. TAVENNER. What is the name of the organization, or was the name of the organization at that time?

Mrs. MACIA. West Adams, just the same.

Mr. TAVENNER. Very well. And the next?

Mrs. MACIA. The next is April 12, 1948. I paid $1.10 dues which carried me through to the 1st of January 1949.

On the left-hand side of this there is "63–2."

Mr. TAVENNER. What does that indicate?

Mrs. MACIA. That it was the 63d assembly district and there were two parties. That is, there were two groups in that party.

Mr. TAVENNER. Two groups?

Mrs. MACIA. Yes.

Mr. TAVENNER. Two groups that consolidated, does it mean that?

Mrs. MACIA. It might mean that or it might be there were two upgradings in the West Adams. I couldn't tell what it was.

It is signed "H. S."

Mr. TAVENNER. Does the name of the person represented by those initials appear on the back of that receipt?

Mrs. MACIA. Yes, it does.

Mr. TAVENNER. What is the name?

Mrs. MACIA. Helen Samuels. 2012 West 37th Place.

Mr. TAVENNER. Did you write that on the back of the receipt?

Mrs. MACIA. No, I did not.

Mr. TAVENNER. Was it written on the back of the receipt at the time you received it?

Mrs. MACIA. It must have been on the receipt at the time I received it, yes.

Mr. TAVENNER. What position did she hold at that time in your group?

Mrs. MACIA. She was just a member of the group or a visitor, I can't say which. I knew her as a member.

Mr. TAVENNER. But the initials "H. S." appear above at the space marked "Treasurer's signature"?

Mrs. MACIA. That is true.

Mr. TAVENNER. I desire to offer that receipt in evidence and ask it be marked as "Macia Exhibit No. 4."

Mr. VELDE. Without objection, it will be admitted in evidence.

(The document referred to was received in evidence and marked "Macia Exhibit No. 4.")

Mr. TAVENNER. Will you tell the committee, please, just what type of an organization of the Communist Party this was, which you had joined?

Mrs. MACIA. Well, it would be rather difficult for me to say. It was a group that was constantly receiving recruits, new recruits. They came in for a few meetings and then went into other groups of the Communist Party.

(Representative Donald L. Jackson reentered the hearing room at this point, 9:32 a. m.)

Mrs. MACIA. Whether it was a recruiting organization or not, I am not sure.

The meeting place was the same for about two years and a half.

Mr. TAVENNER. Where was the meeting place?

Mrs. MACIA. It was on West Adams, but I don't have the address; I don't know.

Mr. TAVENNER. Then, if I understand you correctly, members of this group were assigned out to other groups of the Communist Party?

Mrs. MACIA. Must have been, because they disappeared from our meeting place and from our group, and evidently went into some other group.

Mr. TAVENNER. Was it what is known as a community or neighborhood group?

Mrs. MACIA. I would say so, yes. The people who came regularly seemed to live in that area.

Mr. TAVENNER. Who was the chairman of that group when you entered it?

Mrs. MACIA. Well, since I am not sure of the date, which I am not, I would rather not answer that question if it is permissible.

Mr. TAVENNER. Yes, if you are in doubt——

Mrs. MACIA. I am in doubt, yes.

Mr. TAVENNER. Who was chairman at that time, I would rather you not answer it.

Mrs. MACIA. Well, I will answer that I will give the name later.

Mr. TAVENNER. Did you make a record of the names of the members of this group at the time that you were a member of the party?

Mrs. MACIA. Yes, I did.

Mr. TAVENNER. Just tell the committee how you made that record.

Mrs. MACIA. Well, I made it by sitting as close as I could to the treasurer of the group and watching the cards signed and the receipts issued, and in that way I obtained quite a number of names, and otherwise I just watched and listened until I could get the name.

Mr. MOULDER. May I at this point ask a question, Mr. Chairman?

Mr. VELDE. Mr. Moulder.

Mr. MOULDER. Would those names be fictitious, like your own name, or would they be true names?

Mrs. MACIA. A great many of them, I think, were true names.

Mr. MOULDER. You have no way of being sure whether they were or not?

Mrs. MACIA. No, I haven't.

Mr. TAVENNER. How long a period of time did it take you to obtain a list of the group by the method you have described?

Mrs. MACIA. Many, many months. But it was very hard because they spoke—they called one another by their first names usually.

Mr. TAVENNER. Was it your purpose to obtain and list the true names of these individuals or the names, the party names, of the individuals?

Mrs. MACIA. The names that the receipts were issued to, and that perhaps was the party name or their real names, whichever they were using at the time.

Mr. TAVENNER. Did you preserve the result of your work?

Mrs. MACIA. Well, I have some of it. I don't have it all, but I have some of it.

Mr. TAVENNER. Do you have it with you?

Mrs. MACIA. Yes, I do have.

Mr. TAVENNER. Will you exhibit, please, to the committee the list of names that you prepared at the time you were a member of the Communist Party?

Mrs. MACIA. You want me to give these originals, do you?

Mr. TAVENNER. Give the original list as you first prepared it. Those names appear in your own handwriting?

Mrs. MACIA. Yes, they do. They were written very hurriedly.

Mr. TAVENNER. I desire to offer the list in evidence and ask that it be marked "Macia Exhibit No. 5."

Mr. VELDE. Without objection, it will be received.

(The document referred to was received in evidence and marked "Macia Exhibit No. 5.")

Mr. DOYLE. Counsel, while the committee members are viewing that interesting list, and, apparently, you are waiting for them so to do——

Mr. TAVENNER. Yes.

Mr. DOYLE (continuing). I wonder if it would be appropriate to ask the witness to fill in this minute or two, and ask if she has counted the number of names on that original list which she made.

Mr. TAVENNER. Yes. Have you counted the names?

Mrs. MACIA. Yes, I have; 146.

Mr. MOULDER. May I inquire?

Mr. VELDE. Mr. Moulder.

Mr. MOULDER. Now, as I understand you, those names were taken as the treasurer handed the receipts for the dues.

Mrs. MACIA. Most of them were.

Mr. MOULDER. And you don't know whether or not they were the real names of those persons?

Mrs. MACIA. No, I do not.

Mr. MOULDER. You don't know whether they were the fictitious names and you have no other way of further indentifying the names of the people on there?

Mrs. MACIA. No, I haven't.

Mr. MOULDER. The point I am trying to get at is, it would be entirely possible then for some person's name to be used who wasn't a member of the Communist Party?

Mrs. MACIA. I don't think so.

Mr. DOYLE. What is your answer? I didn't hear that.

Mrs. MACIA. I don't think so.

Mr. MOULDER. I mean by that, say, if some person, who was an active Communist there, might select the name of some prominent citizen for the purpose of not betraying their own name.

Mrs. MACIA. That is right.

Mr. DOYLE. May I ask the witness if she ever heard of that being done in this group, 135 people?

Mrs. MACIA. No.

Mr. DOYLE. Did you recognize any prominent citizens there?

Mrs. MACIA. No, I didn't.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. On one of these pages, with reference to one of the names, I see what I interpret to be "Transfer La Brea and Wilshire."

Mrs. MACIA. Yes.

Mr. JACKSON. Was that a transfer to or from a branch at La Brea and Wilshire? What is the significance of that?

Mrs. MACIA. What is the exact wording there?

Mr. JACKSON. It says "T-r-a-n. La Brea and Wilshire."

Mrs. MACIA. He was transferred to La Brea and Wilshire, because I show in all my lists the word "From" wherever I have it.

Mr. JACKSON. There was a branch at La Brea and Wilshire?

Mrs. MACIA. There must have been.

Mr. CLARDY. During this interlude, Mr. Chairman, something else suggests itself to me. I have the Communist Party card in my hand and I am not sure we have put in the record here the rather interesting bit of information on the inside, under the heading, "Dues Rates." I would like to read that in. It is very brief.

Mr. VELDE. Proceed, Mr. Clardy.

Mr. CLARDY. Under that capitalized lettering it says,

Income over $60 per week, $2 per month. Income $25 to $60 per week, $1. Income under $25 per week, 35 cents. Unemployed, 10 cents.

Then beneath it—I don't know where the unemployed would get the dime. Beneath that it says,

Read the Daily Worker and the Worker. Read our Monthly Magazine Political Affairs.

On the outside I notice they have done a very artistic job on the front page. They have in faint blue letters, as the background of

everything, the words "Communist Party of America" repeated over and over again.

I haven't been on this committee long enough—do you know whether this is an exact duplicate of all the other cards we have received in evidence in prior hearings?

Mr. VELDE. No. As a matter of fact, the cards were somewhat different.

Mr. TAVENNER. No, I think it is not. I think the form is somewhat different.

Mr. CLARDY. It is quite an artistic job.

Mr. VELDE. In fact, I think up until about the year 1945, '44 or '45, the Communist Party card carried the hammer and sickle and seal, if there is any doubt in anybody's mind that the Communist Party is not connected with Russia in any way.

Mr. MOULDER. In connection with the questions I asked you a moment ago regarding the names you took at the meetings, Mr. Wheeler, our investigator, has informed me he has made a thorough investigation of the names you obtained at those meetings, and 90 percent or more of them were members of the Communist Party and active in Communist affairs.

Mr. MACIA. I am glad to know that.

Mr. TAVENNER. I think the investigator meant that 90 percent had been identified.

Mr. JACKSON. Previously identified?

Mr. TAVENNER. That is what I understand. Not identified by testimony, but identified by the investigator's work.

Mr. CLARDY. For fear that what I said about the dues might give the wrong impression, we have voluminous testimony to show that in the arts, sciences, and professions they have a percentage scale instead of the flat dollar scale that I read in. Sometimes it runs up to 10 percent or more, and they are expected to contribute that on a monthly basis also; is that not right?

Mr. TAVENNER. I believe the largest percentages I have heard referred to were 5 percent of the professors' salaries at Harvard University, and 4 percent in Hollywood.

Mr. CLARDY. I recall one witness said it might run that high, but I can't remember his name.

Mr. TAVENNER. Now, will you read the list of names of those that you identified during the period of time that you were a member of the Communist Party from this first list that you prepared, and where you are able to do it, give the committee the benefit of your recollection as to the part that the individual played in any of the meetings, and any other identifying information that you can give concerning the person.

Mrs. MACIA. Well, I can't give too much, but I shall be glad to do that, Mr. Tavenner. I have no idea of the dates on these.

Mr. TAVENNER. I will ask you to give the names slowly and to spell them.

Mrs. MACIA. This is a revised list that I made, some from memory and some from this list. Is it permissible to give those? They are all people that I can identify.

Mr. TAVENNER. I would like for you to give——

Mrs. MACIA. The list as I had it here?

Mr. TAVENNER. I think that you should give the list as you prepared it originally, and then if there are others that you can identify, to name those also.

Mr. DOYLE. May I just ask this question? It would be interesting to know if these names were made by you at the time of your attendance at the meetings.

Mrs. MACIA. Well, I made them up after I returned home.

Mr. DOYLE. But within an hour or two after the meetings?

Mrs. MACIA. Yes. I would make them out on one slip of paper and then the next on another slip of paper and then put them all together at home.

Mr. DOYLE. In other words, you made a memorandum in the meeting on a slip of paper.

Mrs. MACIA. Yes.

Mr. DOYLE. And when you got home from the meeting you immediately transferred what you had on the memorandum which you had made in the Communist Party meeting to this list to which you are now referring.

Mrs. MACIA. That is right.

Mr. DOYLE. Thank you.

Mrs. MACIA. Shall I give the husband's wife's name at the same time, because this is a very long list?

Mr. TAVENNER. Just as you like, just so that you cover the list. Possibly it would be better to give it in the order in which they appear on the list.

Mrs. MACIA. Serill Gerber.

Mr. TAVENNER. Will you spell it, please?

Mrs. MACIA. I spelled the first name S-e-r-i-l-l, but it may be C-y-r-i-l, I don't know, and the last name G-e-r-b-e-r.

Mr. TAVENNER. What part did he play, if any, in the Communist Party group that you were a member of?

Mrs. MACIA. Well, at one time he was the chairman of the group.

Mr. TAVENNER. Now, do you know that person's occupation?

Mrs. MACIA. No, not actually I do not. I have been told he is a teacher in the Los Angeles schools.

Mr. TAVENNER. Can you tell us how long he was chairman of your group, approximately?

Mrs. MACIA. Well, he wasn't chairman too long, because he left the group to go to Detroit and remained there evidently for some time. He later returned, and I saw him once afterward. He did not come back to our group.

Mr. TAVENNER. When you say him, what were the circumstances under which you saw him on his return from Detroit?

Mrs. MACIA. Well, there were to be several people come from other groups to visit our group that meeting night, and he was there to place the chairs for seating the additional group, but he did not appear at the meeting.

Lillian Gerber, his wife.

Helen and Bob Pate, P-a-t-e.

Fred Putman, P-u-t-m-a-n.

Joe and Rose Kline, K-l-i-n-e.

Mr. TAVENNER. Now, what was the position of Joe Kline?

Mrs. MACIA. He was the treasurer or the financial secretary.

(Representative James B. Frazier, Jr., entered the hearing room at this point, 9:45 a. m.)

Mr. TAVENNER. Will you proceed?

Mrs. MACIA. Sara Kusnitz, K-u-s-n-i-t-z. She was the recruiting secretary of the group.

Mrs. Mitty, M-i-t-t-y. She was a very elderly lady, but told me that she was one of the charter members of the Los Angeles group.

Edith Johnston, J-o-h-n-s-t-o-n, who was a waitress or owned a cafe close by the meeting place.

Horace Pratt, P-r-a-t-t. He was the president of the group at one time. And Ida Pratt, his wife.

Ann White. She had charge of what they called educationals.

Myrtle and Joe Rohr, R-o-h-r. He also was chairman at several different times, acted as chairman.

Harry and Billie Norman, N-o-r-m-a-n. I don't know anything about where they were or what they were doing.

Joe and Sandra Young. Joe Young was a graduate of the University of Southern California, and I don't know what his business was, but he afterward changed his name and gave the name that he graduated under, which was Charles Gladstone.

Mr. TAVENNER. Can you give us any further identifying information regarding him?

Mrs. MACIA. No; I cannot. There were Charles and Shirley Ellis, husband and wife. He gave his name first as Ellis, and then about the same time that Young changed his name to Gladstone, he gave the name Stone. So his name was Charles Stone.

Mr. TAVENNER. Can you give us any further identifying information regarding him as to his activities then or later in the Communist Party?

Mrs. MACIA. Well, he was very active. He was evidently a writer for the People's World, and he was very active and had revolutionary ideas.

Mr. DOYLE. What was the name of that man?

Mrs. MACIA. He first gave the name of Ellis and then changed it to his own name, his right name, which was Stone. He had belonged to the Abraham Lincoln Brigade and fought in Spain. He lost a limb there, I understand.

Mr. TAVENNER. Did he ever address your group?

Mrs. MACIA. Oh, many times. One of the things that he said that is very outstanding in my memory, he told the women of the party, "Rise up and infiltrate into the churches, into the synagogues, into the homes of all of the people. When you see 2 or 3 women gathered together in your neighborhood, maybe drinking tea or playing cards, join them and just drop your little word of wisdom and in time it will take effect."

Now, those are my words. Those are not exactly his, because I don't remember them exactly, but that is in effect what he said.

Henry Hudson.

Mr. TAVENNER. Spell the name, please.

Mrs. MACIA. H-u-d-s-o-n. Sam and Mary Rubin, R-u-b-i-n.

Mr. TAVENNER. Let me remind you again that wherever you can, to give any further identifying information.

Mrs. MACIA. I shall be glad to. I don't know anything about them, either. They had a daughter, Florence, who died shortly after I entered the group, so her name isn't here.

Sophia and Fran Salit, S-a-l-i-t.

Mr. TAVENNER. Did you spell the last name?

Mrs. MACIA. S-a-l-i-t. The next name I have here is Rose Sherry, but that wasn't the proper name. I found out afterward her name was Sharf, S-h-a-r-f.

Jack Englehardt, E-n-g-l-e-h-a-r-d-t. I don't know whether he was a member of our group or not. He lectured often, but he may have been a visitor. He came often, but he came as a lecturer.

Git Perlman, P-e-r-l-m-a-n.

Mr. TAVENNER. How do you spell the first name?

Mrs. MACIA. G-i-t. She had charge of the literary table, the books and the magazines, and so forth.

Vern and Iva Anthony.

Dave Sharf, S-h-a-r-f, and his wife Rose Sharf, whom I mentioned as Sherry in the first place.

Hymie Alpert, H-y-m-i-e A-l-p-e-r-t. He was a clothier, or something of that kind. He was in that line of business.

Doreen Holtz, H-o-l-t-z. She was working in a doctor's office.

Frieda Trachgin, F-r-i-e-d-a T-r-a-c-h-g-i-n.

Frank and Fanny Emer, E-m-e-r.

Jack Lazar, L-a-z-a-r.

Lucy Warren, W-a-r-r-e-n.

Mary Goldstein, G-o-l-d-s-t-e-i-n. She and her husband owned a cleaning shop.

Bernie Nidiss, N-i-d-i-s-s.

Edith Hershey, H-e-r-s-h-e-y.

Charles Reichman, R-e-i-c-h-m-a-n.

Mr. Polasti. He was a very elderly man, also.

Mr. DOYLE. How do you spell that name?

Mrs. MACIA. P-o-l-a-s-t-i.

Mr. TAVENNER. Do you know how he was employed, if employed?

Mrs. MACIA. No, I do not. Hilton Wolf, W-o-l-f. He was the one that was transferred from La Brea and Wilshire. He was transferred from that group.

Maurice Perlman, M-a-u-r-i-c-e P-e-r-l-m-a-n. He was the husband of Git Perlman when I first went into the group, but they were afterward divorced.

Jack Chassen and wife. They were transferred. I don't really know just where now.

Mr. TAVENNER. Will you spell it, please?

Mr. MACIA. C-h-a-s-s-e-n.

Mr. JACKSON. Do you have any further identification of that individual?

Mrs. MACIA. On Jack Chassen? No, I do not. Miriam was the name of the wife.

Lillian Heron, H-e-r-o-n.

Holly and Norman Perlman. I don't know anything about them, either.

Freda Spivak, F-r-e-d-a S-p-i-v-a-k.

Morris Oster, O-s-t-e-r, and in parentheses I have the name Alzar, A-l-z-a-r, so one or the other was the right name in all probability.

Mr. VELDE. May I ask the witness about how many names you have left to read? Do you have 20 or 30?

Mrs. MACIA. At least that.

Mr. VELDE. I believe at this point we will declare a recess for 10 minutes.

(Whereupon, a recess was taken from 10:05 a. m. until 10:18 a. m.)

Mr. VELDE. The committee will be in order.

Mr. TAVENNER. Mrs. Macia, the last name you gave us was that of Morris Oster or Alzar. Would you pick up again at that point?

Mrs. MACIA. The next name is Rosalind Freud, F-r-e-u-d.

Mr. TAVENNER. All right.

Mrs. MACIA. John Doherty, D-o-h-e-r-t-y.

Joe Brodsky, B-r-o-d-s-k-y.

Mr. TAVENNER. May I ask you again if you can recall any additional identifying information, to make that known to the committee?

Mrs. MACIA. I shall be glad to. Joe Brodski was employed at Sears Roebuck on Pico Avenue, but I don't really know in what capacity.

Harry and Ned Schwartz, S-c-h-w-a-r-t-z.

B. Hirsch, H-i-r-s-c-h. He was transferred to our group from Chicago.

Harry Gilder, G-i-l-d-e-r.

Mr. TAVENNER. What was the first name?

Mrs. MACIA. Harry Gilder, G-i-l-d-e-r. He was transferred from the Boyle Heights group.

Burton Freund, F-r-e-u-n-d.

Harry Judis, J-u-d-i-s, and Minnie Judis, his wife.

John Dicho, D-i-c-h-o.

Steve and Tillie Oleksink, O-l-e-k-s-i-n-k.

Edith and Allan Bomser, B-o-m-s-e-r.

Sara Rudimon, R-u-d-i-m-o-n. That might be "a."

Mr. TAVENNER. Excuse me. I don't understand you.

Mrs. MACIA. That may be "a" instead of "i." It may be R-u-d-a-m-o-n.

Anne and Bert Witkowski, W-i-t-k-o-w-s-k-i.

Nat Bookchin, B-o-o-k-c-h-i-n.

Harold Dimsdale, D-i-m-s-d-a-l-e.

Rose Dreyfus, D-r-e-y-f-u-s.

Michael Frank, M-i-c-h-a-e-l F-r-a-n-k.

Dora Garber, G-a-r-b-e-r.

Sam Horn, H-o-r-n.

That is all on this list.

Mr. VELDE. The Chair would like to state at this point that if there are any persons in this area who have identical or similar names to any of the people mentioned by the witness, they are at liberty and welcome to come to the committee and have any confusion which may be evidenced in their own minds or the minds of the public removed by this committee.

Mr. DOYLE. Mr. Chairman.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Apropos of your statement, wouldn't you also say at this time that if any of those persons who have been named want to come to this committee and deny that they were members of that group, now is the opportunity for them to do it.

Mr. VELDE. I concur with the gentleman.

Mr. DOYLE. That is a standing invitation that this committee makes.

Mr. CLARDY. Or if they want to repent of their sins and come forth and admit it, I suggest that we invite them.

Mr. DOYLE. Well, if they come forward and deny the testimony of this distinguished witness, if they want to, or affirm it, I invite everyone to help their Government instead of conspiring against it.

Mr. VELDE. The Chair, of course, concurs with that. Proceed.

Mr. TAVENNER. I might add, Mr. Chairman, as a practical method of getting at that, if any person would write the committee, we would see that an investigator for the committee calls upon him first, in order to have some of these matters straightened out.

Mr. DOYLE. I realize that it would have to be done in an orderly manner, but it still stands as a standing invitation.

Mr. TAVENNER. Yes, sir. Mrs. Macia, were you ever observed making any of the notes which you used to compile that list?

Mrs. MACIA. Yes, I was.

Mr. TAVENNER. What occurred when you were observed making the notes?

Mrs. MACIA. I was sitting beside Sara Kusnitz and she informed me, "Oh, you musn't make any notes."

I told her, "I can't remember unless I make some notes."

And she said, "Don't ever take a name."

I assured her I would not.

Mr. SCHERER. Was Sara—what was the last name?

Mrs. MACIA. Kusnitz, K-u-s-n-i-t-z.

Mr. SCHERER. Is she the one who had a brother in the politburo in Russia?

Mrs. MACIA. Yes.

Mr. DOYLE. What is your answer?

Mrs. MACIA. Yes.

Mr. DOYLE. I am surprised she didn't ask to see the note you made on the piece of paper, when she said not to take any names, with that kind of a connection.

Mrs. MACIA. She was very courteous.

(Representative Donald L. Jackson left the hearing room at this point, 10:25 a.m.)

Mr. TAVENNER. This is the first list you prepared of members of the West Adams Club of the Communist Party?

Mrs. MACIA. Yes, it is.

Mr. TAVENNER. Now, did you have occasion to make another list?

Mrs. MACIA. Yes, I did. We were transferred to another meeting place.

Mr. TAVENNER. Well, first of all, let me ask you over what period of time was this first list compiled.

Mrs. MACIA. Around 2 years and a half, I would say.

Mr. TAVENNER. Then you say you were transferred?

Mrs. MACIA. Yes.

Mr. TAVENNER. Transferred where?

Mrs. MACIA. I was—we were transferred to—I can give you the exact address on that, I think. The West Adams Women's Club on La Brea.

Mr. TAVENNER. What do you mean you were transferred to the West Adams Women's Club, the Women's Club of the Communist——

Mrs. MACIA. The Women's Club building.

Mr. TAVENNER. Women's Club building.

Mrs. MACIA. Yes. It was the same group transferred to this building.

Mr. TAVENNER. The place of meeting was changed?

Mrs. MACIA. Yes; the place of meeting.

Mr. TAVENNER. There was no difference in the organizational structure of your group——

Mrs. MACIA. No, it was just the same.

Mr. TAVENNER. Well, did additional people join your group after your place of meeting was changed?

Mrs. MACIA. Well, I rather think, yes. The Jefferson group, the Jefferson Club, disbanded or broke up for some reason and many of them came to the meeting at the West Adams Women's Club.

Mr. TAVENNER. Were you able to identify separately those who came from the Jefferson Club?

Mrs. MACIA. Yes, I have.

Mr. TAVENNER. I do not want to ask you at this moment who they were, because we are still considering the original membership of your West Adams Club.

Now, you say after you moved to the new location for your meetings, why, you, as I understand, prepared a list again.

Mrs. MACIA. Yes, I did.

Mr. TAVENNER. What was the purpose of that?

Mrs. MACIA. Just to add it to my membership, that was the list of membership I was making.

Mr. TAVENNER. You mean additional persons had joined from the time you prepared the first list?

Mrs. MACIA. Oh, yes, they were joining and being transferred at every meeting.

Mr. TAVENNER. Well, will you tell us the circumstances under which you prepared the second list? Were they the same as the first list?

Mrs. MACIA. Yes, they were the same.

Mr. TAVENNER. I mean the same method of making the list?

Mrs. MACIA. Yes, just the same exactly.

Mr. TAVENNER. Well, when you prepared the second list did you also list the same persons whose names you listed at the first meeting in your first list?

Mrs. MACIA. Yes, I did.

Mr. TAVENNER. So that this list includes all the original members who were still members of your group at the time you prepared the second list and also the new members?

Mrs. MACIA. Yes, that is correct.

(Representative Donald L. Jackson reentered the hearing room at this point, 10:29 a. m.)

Mr. TAVENNER. Will you tell us when this second list was prepared and how long it took you to prepare it?

Mrs. MACIA. I couldn't tell you exactly when it was prepared, but it was prepared during the time I attended the meetings at the West Adams Women's Club, and I would say it took at least a year.

Mr. TAVENNER. Do you have that list, original list which you prepared in your own handwriting?

Mrs. MACIA. Yes, I have.

Mr. TAVENNER. I would like to offer that list in evidence and ask it be marked Macia Exhibit No. 6.

Mr. VELDE. Without objection, it will be received.

(The document referred to was marked Macia Exhibit No. 6 for identification, and was received in evidence.)

Mrs. MACIA. Now, you don't want me to repeat the names I have already given, do you?

Mr. TAVENNER. Well, I think it would be well to do that, because it would show how many of them remained a member of this particular group over a considerable period of time. I wonder if you would be able to tell us, as you name these persons a second time, that you have already named them.

Mrs. MACIA. Well, if I can remember, I will, yes.

The first name——

Mr. TAVENNER. Maybe I can help you with that part of it. Proceed with your list just as you prepared it. That is, of the persons who were members of your club at the time you met at the West Adams Women's Club building. By that I want to make it clear, that is the Communist club meeting in a building owned by the Women's Club.

Mr. VELDE. May I ask what the date of those meetings, what year those meetings were held?

Mrs. MACIA. Well, it would be very hard for me to say because I don't know. Some of these receipts, however, came from those meetings. Some of the receipts I have already given, but I can't give you the date because I don't recall.

Mr. DOYLE. In other words, counsel, you are making it clear, if I understand it, that the Women's Club merely rented the building to this group?

Mrs. MACIA. Yes, that is true.

Mr. TAVENNER. That is right.

Mr. DOYLE. That is right, Mrs. Macia?

Mrs. MACIA. Yes, that is right. That is correct.

Mr. TAVENNER. Mr. Chairman, it may be that I can help you, from the testimony, as to the date. The witness has testified that she joined this group of the Communist Party in 1943, and my recollection is it was in August of 1943, and it took about two and a half years to prepare the list which she first testified to, and then later it took a year to prepare the list which she now has.

Mr. DOYLE. I am assuming, Mr. Chairman, that the Women's Club did not know it was a Communist cell that were using their building. I am assuming that.

Mr. JACKSON. Is that the case?

Mr. DOYLE. I don't know.

Mrs. MACIA. I hope it is.

Mr. DOYLE. I am assuming that the Women's Club did not knowingly rent this building to a Communist cell.

Mrs. MACIA. I don't see how they could have helped knowing.

Mr. DOYLE. I make that statement in view of the discussion. I think it ought to be made clear in this hearing what the fact was, so the Women's Club will not be criticized, if they are not subject to criticism.

Mrs. MACIA. That is true.

Mr. CLARDY. May I pursue that another step?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. You made the remark, in the midst of my colleague's statement, you don't see how they could have helped knowing. Will you explain that?

Mrs. MACIA. The manager of the club was always present in the next room, in a small frame house, and she could certainly have heard if she had wanted to, the lectures and the discussions that were going on all the time.

Mr. CLARDY. You think it is possible that the lady might have wanted to listen to what was going on?

Mrs. MACIA. I think so.

Mr. CLARDY. That is what you had in mind when you said you didn't know how they could possibly misunderstand it?

Mrs. MACIA. That is true.

Mr. CLARDY. Was there a building there of any size or substance?

Mrs. MACIA. No, it was an old home—a house that had been turned into a women's club. It was about—it had one very large room, and had a living house besides that the manager lived in, rooms for her and accommodations.

Mr. CLARDY. Was it rented at a nominal sum?

Mr. MACIA. Yes.

Mr. CLARDY. Or was there a considerable amount paid?

Mrs. MACIA. It was paid by the month, but what it was I don't know.

Mr. CLARDY. Paid out of the dues collected from the members, is that right?

Mrs. MACIA. That is right.

Mr. CLARDY. Was it used for any other purpose?

Mrs. MACIA. I really don't know, except for the meeting of the Women's Club, perhaps.

Mr. CLARDY. I see.

Mr. JACKSON. To your own personal knowledge were any members of the Women's Club members of the Communist group that met there?

Mrs. MACIA. I couldn't answer that question. I don't know.

Mr. DOYLE. May I ask this one question?

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. As I understand it, Mrs. Macia, these names which you are giving us are totally the group of names which in the course of your representation of the FBI you have already reported to the FBI?

Mrs. MACIA. I have.

Mr. DOYLE. I think you said you made them a report twice a month?

Mrs. MACIA. After every meeting.

Mr. DOYLE. After every meeting you reported these names to the FBI?

Mrs. MACIA. Yes, I did.

Mr. DOYLE. Thank you.

Mr. CLARDY. Were these meetings conducted quietly or were they noisy enough so that persons in the next room could have been aware of them?

Mrs. MACIA. They were conducted very quietly part of the time. Sometimes they got excited and it was rather loud.

Mr. CLARDY. How many attended those meetings normally?

Mrs. MACIA. We have had as many as 50 members, but when the membership became that large it was immediately broken up into smaller groups or, at least, these people were sent to other groups.

Mr. CLARDY. I suppose the comings and goings were quite frequent and the door would be open and the discussion could be heard very plainly?

Mrs. MACIA. Yes.

Mr. JACKSON. I suppose when things got out of hand was when the Un-American Activities Committee of the House or the FBI was mentioned?

Mrs. MACIA. Yes.

Mr. JACKSON. Did that give rise to considerable dispute?

Mrs. MACIA. It certainly did.

Mr. TAVENNER. Now, if you will proceed, please, with the names you recorded as having attended, and members of your group, while you were meeting at the West Adams Women's Club building.

Mrs. MACIA. Sophia and Rose Malloy, M-a-l-l-o-y. I don't know what their occupations were.

Mr. TAVENNER. Will you proceed, please?

Mrs. MACIA. Morris and Nina Oster. Those names I have given, I am sure.

Mr. TAVENNER. I am sorry. I didn't hear.

Mrs. MACIA. Those names I have given. Sophia and Rose Malloy are new.

Lillian Baron I have also given.

Lena Wiena, W-i-e-n-a.

Ruth H. Wellman, W-e-l-l-m-a-n. Ruth Wellman had a brother, so she told me, who was in business in Mexico City. She took many trips during the time, she flew to Mexico City, to conduct business of her own, she said.

Mr. JACKSON. Did she hold any office in the Communist Party or serve it in any special capacity of which you have knowledge?

Mrs. MACIA. No, not any different from myself. She was just a member.

Anita Boyagian, B-o-y-a-g-i-a-n. Another name she gave was C-h-a-t-i-n-o-v-e-r, Chatinover. That is a new name, I am sure.

Florence McDonald.

Mr. TAVENNER. Will you spell McDonald, please?

Mrs. MACIA. M-c-D-o-n-a-l-d. Seargent Roman, R-o-m-a-n.

Mr. TAVENNER. Could you give us any further identifying information regarding him?

Mrs. MACIA. He came to the meetings in his uniform and talked, lectured quite frequently on the way they handled the Communist Party over in France, discussed it quite at length.

Mr. TAVENNER. Well now, can you recall in a general way how he treated the subject of how the Communist Party was handled in France?

Mrs. MACIA. They were handling it a great deal rougher than it was being handled in America, in Los Angeles, at least.

Mr. JACKSON. You mean by that that the discipline was more rigid?

Mrs. MACIA. More severe, much more so.

Mr. MOULDER. Do I understand he was in the service?

Mrs. MACIA. Oh, he came in his uniform and had just been released from the service.

Mr. MOULDER. What branch of the service?

Mrs. MACIA. He didn't say. He was a sergeant in the Army. He was in the Army.

Mr. JACKSON. Do you know where he was stationed?

Mrs. MACIA. No, I do not. Harry Campbell, C-a-m-p-b-e-l-l.

Joe Carr, C-a-r-r.

Joe Adams.

Morris Isaacman, I-s-a-a-c-m-a-n.

John O'Neal and his wife. They were transferred from the Echo Park group. I don't know what her name was.

Ed Fisher and wife. They were transferred from San Francisco.

Mary Bindley, B-i-n-d-l-e-y.

Cliff Stice.

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

Mrs. MACIA. S-t-i-c-e.

Mr. TAVENNER. Again may I ask, if you have any further identifying information, that you give it?

Mrs. MACIA. I will. Joe McClosky, M-c-C-l-o-s-k-y.

Herman Mazer, M-a-z-e-r.

Irving Myer, M-y-e-r.

That is all of that list.

Mr. TAVENNER. You used the name a moment ago or referred to the name of Harry Campbell. Campbell is a very ordinary name in the sense—I mean many people have that name. Can you give us any further identifying information regarding that individual?

Mrs. MACIA. No, I cannot.

Mr. TAVENNER. Do you recall whether in his first apperance at your group that he was dressed in any unusual way?

Mrs. MACIA. No, just his sport clothes.

Mr. TAVENNER. He was not in uniform?

Mrs. MACIA. No, he was not.

Mr. VELDE. Counsel, I noticed the name of Fisher, too. Can you identify this person?

Mrs. MACIA. No, I cannot.

Mr. VELDE. What was the first name, Mr. and Mrs. Fisher? That name is fairly common and there is a chance there might be some confusion of identity.

Mr. TAVENNER. It is the fifth name from the end of your list. I think the name was Ed Fisher.

Mrs. MACIA. Ed Fisher, yes; that is correct.

Mr. TAVENNER. Can you recall any identifying information as to him?

Mrs. MACIA. No, I cannot.

Mr. JACKSON. How old a man was he, Mrs. Macia?

Mrs. MACIA. I really couldn't tell—he was a young man, middle—I would say around 35 to 45, but I couldn't tell you his age.

Mr. JACKSON. Mr. Campbell?

Mrs. MACIA. He also was about the same age.

Mr. JACKSON. Thank you.

Mr. TAVENNER. Now, all the names you have just given us from this group were new names. In checking them I have not found you had named them before.

Mrs. MACIA. They were all new then.

Mr. TAVENNER. Does your list also include the names of persons that you named on the first list?

Mrs. MACIA. Oh, yes, all that were left in our group.

Mr. TAVENNER. Can you refer to your record there and indicate those who were still members of your group?

Mrs. MACIA. Fred Putman was one. He, by the way, was a tinsmith.

Mr. TAVENNER. All right.

Mrs. MACIA. Sam and Mary Rubin. Sophia and Fran Salit.

Mr. TAVENNER. Will you spell that name?

Mrs. MACIA. S-a-l-i-t. Rose and Dave Sharf, S-h-a-r-f. Hymie Alpert. Mary Goldstein. Freda Spivak, S-p-i-v-a-k. B. Hirsch, H-i-r-s-c-h. Allan and Edith Bomser, B-o-m-s-e-r.

I think that is all.

Mr. TAVENNER. You spoke of members of the Jefferson Club having been transferred to your group at this time or at least having met with your group.

Do you know where this Jefferson Club group was located originally?

Mrs. MACIA. Not exactly. It was on Vermont Avenue. Quite a distance out. I don't know just where it was.

Mr. TAVENNER. Did you prepare a list of those that came to your group from the Jefferson Club?

Mrs. MACIA. Yes, I did.

Mr. TAVENNER. Do you have that original——

Mrs. MACIA. Yes, I have it here.

Mr. TAVENNER. Do you have the list that you made originally while you were a member of the Communist Party?

Mrs. MACIA. Yes, I do have.

Mr. TAVENNER. I offer it in evidence and ask it be marked "Macia Exhibit No. 7."

Mr. VELDE. Without objection, it will be received.

(The document referred to was marked "Macia Exhibit No. 7" for identification, and was received in evidence.)

Mr. TAVENNER. Will you give us the names, please, of those who came to your group from the Jefferson Club, and such identifying information as you can recall?

Mrs. MACIA. I can give you very little information on the Jefferson Club. They only remained in our group for three or four meetings. Then they went out into other groups.

Mary Jane Adams. Arthur and Dorothy Anhattzer, A-n-h-a-t-t-z-e-r. Ernest Dawson. Sadie Dawson. And Jane Dawson Kelly, a daughter of Ernest and Sadie Dawson.

Mr. DOYLE. Isn't Ernest Dawson now deceased?

Mrs. MACIA. Yes. Jacob Geyer, who also went by the name of Jack Geyer, G-e-y-e-r. And Sara Geyer.

June Kelleher, K-e-l-l-e-h-e-r. Her nickname was Kay

Mr. TAVENNER. What is the spelling of the last name?

Mrs. MACIA. K-e-l-l-e-h-e-r. Edith Landall, L-a-n-d-a-l-l. That is all.

Mr. TAVENNER. Is that all?

Mrs. MACIA. That is all, yes.

Mr. TAVENNER. Now, did you prepare any additional lists of members of your cell in the Communist Party?

Mrs. MACIA. Yes, there were several of us transferred from the West Adams Women's Club meeting place. We were still the West Adams group. We were transferred to what I called the 30th Street group. I don't know what the name of the club was. But I have it in my notes as the 30th Street group.

Mr. TAVENNER. Can you tell us about the date of that transfer?

Mrs. MACIA. Well, it must have been in the spring of 1948, because I didn't attend too many meetings after being transferred to this group.

Mr. TAVENNER. Were very many members of your group assigned to the 30th Street group?

(Representative Francis E. Walter re-entered the hearing room at this point, 10:45 a. m.)

Mrs. MACIA. Yes.

Mr. DOYLE. May I ask a question there?

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. When you say 30th Street, was that the meeting place?

Mrs. MACIA. Yes.

Mr. DOYLE. Was it on East 30th or West 30th?

Mrs. MACIA. West 30th.

Mr. DOYLE. Approximately what block on West 30th?

Mrs. MACIA. It was amout three blocks off Jefferson. I went down on the Jefferson car and walked back. I walked north 2 blocks and east 3 blocks.

Mr. DOYLE. That would be approximately how many blocks west of Main Street or west of Figueroa? Jefferson runs parallel with 30th.

Mrs. MACIA. Yes, I know it does. I really can't tell.

Mr. DOYLE. Was it as far west as the Women's Club Building which had been rented?

Mrs. MACIA. I don't think so.

Mr. DOYLE. Thank you.

Mr. TAVENNER. I believe you were preparing to give us the number of people who transferred to that group with you.

Mrs. MACIA. Pardon me. Yes, there were 6 or 7 of us. I think there were six. I have six here and I think that was all that was transferred.

Mr. TAVENNER. Will you give the names of the six who were transferred with you?

Mrs. MACIA. Sara Kusnitz, Sam and Mary Rubin, Hymie Alpert, Edith Hershey, and myself.

Mr. TAVENNER. Will you give the spelling of the last name?

Mrs. MACIA. H-e-r-s-h-e-y.

Mr. TAVENNER. How many were in the new group to which you were assigned, that is, the 30th Street group?

Mrs. MACIA. I really couldn't tell you, because I think I only attended three meetings and there were several of them that didn't appear at the second meeting, and there were others that appeared at the second meeting, that didn't come to the third, so I never really knew who belonged to this group. It was not a large group, however.

Mr. TAVENNER. Did you make a record of any of the members of that group?

Mrs. MACIA. Yes, I have.

Mr. TAVENNER. Did you make the record in the same general manner that you have made the records of those who were at the other group?

Mrs. MACIA. Yes, that is the way I made the records.

Mr. TAVENNER. Do you have that list with you, as you originally prepared it?

Mrs. MACIA. Yes, I do.

Mr. TAVENNER. I offer it in evidence and ask it be marked "Macia Exhibit No. 8."

Mr. VELDE. Without objection, it will be received in evidence.

(The document referred to was marked "Macia Exhibit No. 8" for identification, and was received in evidence.)

Mr. TAVENNER. Will you give us the names of the 30th Street group?

Mrs. MACIA. There was Marsha and Gus Browne. Their number was 3569 West 30th. B-r-o-w-n-e.

Jane Callender.

Mr. TAVENNER. Let me ask you again to give us all the identifying information you can recall.

Mrs. MACIA. I shall. Paul Allen, A-l-l-e-n.

Nathan Gervin, G-e-r-v-i-n.

Jane Callender, C-a-l-l-e-n-d-e-r.

Bob Robinson, R-o-b-i-n-s-o-n. And Marjorie Robinson. They were both graduates of the University of Southern California. They were Negroes.

Morris Karson, K-a-r-s-o-n, who was also known as "Red" Karson. Bobbie Karson, who was perhaps his wife. And Ethel Karson and Charles Karson. I think they were husband and wife.

Sanford Bernstein, B-e-r-n-s-t-e-i-n.

Lawn Brooks.

Tommy Downs, D-o-w-n-s.

Frank Moskin, M-o-s-k-i-n.

Nina Handman, H-a-n-d-m-a-n.

Mr. TAVENNER. Does that complete the list?

Mrs. MACIA. Yes.

Mr. TAVENNER. The receipts which we presented to you bearing date of April 12, 1948, had at the left-handed lower margin the name of the organization as "63," which you indicated meant 63d Assembly District.

Mrs. MACIA. Yes, it did. Whether the "2"—is that what you mean?

Mr. TAVENNER. Yes.

Mrs. MACIA. Whether the "2" stands for the fact there were 2 meeting places or 2 groups, or whether it meant something else I don't know.

Mr. TAVENNER. Was that still an additional group of the Communist Party of which you were a member?

Mrs. MACIA. Yes, that was the same as the West Adams.

Mr. TAVENNER. The same as the West Adams?

Mrs. MACIA. Yes.

Mr. VELDE. The committee will be at recess for 10 minutes.

(Whereupon, a recess was taken from 10:55 until 11:05 a. m.)

AFTER RECESS

Mr. VELDE. The committee will be in order. Let the record show a quorum present, being Congressmen Clardy, Scherer, Jackson, Velde, and Moulder.

Mr. TAVENNER. Mrs. Macia, who was it that actually recruited you into the party?

Mrs. MACIA. Sara Kusnitz who was at that time the recruiting secretary of the group.

Mr. TAVENNER. During the period that you were a member of the West Adams Club of the Communist Party and later the Thirtieth Street Club, was your club visited by functionaries of the Communist Party from a higher level?

Mrs. MACIA. Yes, it was.

Mr. TAVENNER. Do you recall the names of any of those persons who visited your club and the purposes for their visit?

Mrs. MACIA. Ernest Dawson was one. He is now deceased, I think, a Mr. Freud, F-r-e-u-d I think, and Jack Englehardt, E-n-g-l-e-h-a-r-d-t, and a man named Mann, but he was recruiting members all over the Southwest and he told me he was going into Arizona to work on the Mexicans. I don't recall his first name.

Mr. TAVENNER. What was his name?

Mrs. MACIA. Mann, M-a-n-n, but I don't know his given name.

Mr. TAVENNER. Do you recall whether the Duclos letter argument was presented to your group?

Mrs. MACIA. Yes, it was.

Mr. TAVENNER. Can you recall how it was presented and who presented it?

Mrs. MACIA. They were outraged by the situation, and shortly after all of the big people of the Communist Party in our group rose and apologized for ever having drawn us into an organization that a man like Browder could lead, and they were afraid he would be a turncoat, and so forth, but the tragedy was that he had led us, that we had been led by him, and now we were being led by a man, when Foster was appointed, that we were being led by a man who was a real Communist.

Mr. TAVENNER. Can you tell us who took that position, who were the major or principal leaders in your group?

Mrs. MACIA. Charles Stone was one, and Joe Rohr was another, and Charles Gladstone was another. That is all I remember now.

Mr. VELDE. At the time of the Duclos letter, Mrs. Macia, did a number of the members in your particular cell break away and resign?

Mrs. MACIA. No; I don't think so.

Mr. VELDE. They all stuck together?

Mrs. MACIA. Yes, they did.

Mr. VELDE. And obeyed the Duclos letter.

Mrs. MACIA. Yes.

Mr. TAVENNER. In other words, so far as you could determine, practically the entire membership accepted the decision.

Mrs. MACIA. Yes, they did.

Mr. TAVENNER. Which was made on the basis of the Duclos letter.

Mrs. MACIA. As far as I know, all of them did, especially those who were attending the same meeting place that I did.

Mr. VELDE. Was there a heated discussion about it?

Mrs. MACIA. Yes.

Mr. TAVENNER. Were any of your party meetings devoted to indoctrination of Communist Party members in Communist Party philosophy and principles?

Mrs. MACIA. I think that was one of the main reasons for the meetings there. After the indoctrination took place they were transferred into other groups. Especially if they were new to the Communist Party.

Mr. TAVENNER. How would this indoctrination practice develop? How was it developed in your meetings?

Mrs. MACIA. By study and by lectures, by lecturers who came to conduct the classes.

Mr. TAVENNER. What did the study consist of?

Mrs. MACIA. Marxism and so forth.

Mr. TAVENNER. Were books and literature of one kind or another made available to the members?

Mrs. MACIA. Oh, yes, every meeting.

Mr. TAVENNER. Where did this material come from?

Mrs. MACIA. From the Dawson Bookstore.

Mr. TAVENNER. Dawson Bookstore?

Mrs. MACIA. Dawson Bookstore. I think it was around Sixth and Grand.

Mr. TAVENNER. Was this the same Dawson that you mentioned a few moments ago?

Mrs. MACIA. Yes, it was.

Mr. TAVENNER. Do you know whether any other bookstores were resorted to for the material?

Mrs. MACIA. I don't think so. I think they got all of their books from the Dawson bookstore, bought all of them there.

Mr. TAVENNER. How many years was it that you performed this bimonthly service for the Federal Bureau of Investigation?

Mrs. MACIA. Five years and about 3 months, from August 1943 until January 1, 1949.

Mr. TAVENNER. Were you paid a salary during that time?

Mrs. MACIA. Just expenses.

Mr. TAVENNER. You performed this work as a patriotic service to your country?

Mrs. MACIA. Entirely.

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

Mr. VELDE. Mrs. Macia, I want to congratulate and compliment you on your excellent testimony here today, and also compliment you and congratulate you on the excellent patriotic work you have done in the past as an informant for the Federal Bureau of Investigation. And I think that your work in this respect will not go unsung, especially since the Un-American Activities Committee has been formed, and it is now in the process of putting some of the information that you obtained and turned over to the Federal Bureau of Investigation before the public and before legislative bodies so that these legislative bodies might take the matter into consideration and pass legislation to handle the matter of subversives throughout the country, and I thank you very kindly.

Mrs. MACIA. Thank you.

Mr. VELDE. Mr. Clardy?

Mr. CLARDY. I think she has covered the subject very thoroughly.

Mr. VELDE. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Walter?

Mr. WALTER. No questions.

Mr. VELDE. Mr. Moulder?

Mr. MOULDER. No questions.

(Representatives Frazier and Doyle entered the hearing room at this point, 11:15 a. m.)

Mr. VELDE. Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. Yes; I do have, if it is my time to ask a question.

Mrs. Macia, at the time you made some of your testimony I made notes on some of it, but do I understand that you attended these Commie cells in Los Angeles as late as January 1949?

Mrs. MACIA. No; I don't think I attended after November 1948.

Mr. DOYLE. And those cells that you have related were active as late as that; were they?

Mrs. MACIA. They were.

Mr. DOYLE. At least to your knowledge they were active that late, and then they have been active later than that, as far as you know?

Mrs. MACIA. As far as I know; yes.

Mr. DOYLE. You think they were, as far as you know?

Mrs. MACIA. They showed no inclination to disband.

Mr. DOYLE. Why, if you know, were the five members transferred to the 30th Street unit?

Mrs. MACIA. Well, because that group was becoming too unwieldy, there were too many members.

Mr. DOYLE. You said this—I think this was your exact wording: "Allen, whose real name was Stone, he had revolutionary ideas." Do you remember so saying?

Mrs. MACIA. Well, he was always advising the group to rise up and fight and gain members, and prepare themselves to be ready when the big day came.

Mr. DOYLE. When was that big day to come?

Mrs. MACIA. Well, he didn't say.

Mr. DOYLE. You said he addressed the group many times?

Mrs. MACIA. He did.

Mr. DOYLE. And when you said he had revolutionary ideas and told them to rise up, what sort of a revolution did he advocate or speak of?

Mrs. MACIA. They seemed to understand what it was all about. I didn't.

Mr. DOYLE. Did they discuss in their meetings the work of the United States Congress through the Un-American Activities Committee?

Mrs. MACIA. It was touched on very lightly.

Mr. DOYLE. And I understood you to say that this man Stone, his real name being Stone, as far as you know, said: "So, women, rise up and infiltrate synagogues and churches."

Mrs. MACIA. And homes, wherever two women were gathered together.

Mr. DOYLE. What was the response of the women to that word?

Mrs. MACIA. They seemed to think it was the proper thing to do.

Mr. DOYLE. Well, to your knowledge, did they state or indicate that they would do that or try to do that?

Mrs. MACIA. I don't know.

Mr. DOYLE. You didn't know whether they actually did anything following his advocacy of that?

Mrs. MACIA. No.

Mr. DOYLE. I think, Mr. Chairman, while I have done it before, in connection with this witness' testimony that this man Stone had revolutionary ideas and advocated it openly and addressed the group many times advocating revolution and the group seemed to understand what he meant, that I want again to just call to the attention of the group that may be listening and for the record this one paragraph of Public Law 831 of the 81st Congress, which deals with this subject of the world Communist movement, and I read Public Law 831, 81st Congress, chapter 1024, 2d session, section 2:

Necessity for legislation. As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress hereby finds that there exists a worldwide Communist movement which in its origin, its development, and its present practice is a worldwide revolutionary movement whose purpose is by treachery and deceit infiltration into other groups, governmental and otherwise, espionage, sabotage, terrorism, and any other means that may be necessary to bring about a Communist totalitarian dictatorship throughout the world through the medium of worldwide Communist organization.

I want to ask one more question. Was there any effort with any of these Commie cells that you were theoretically a member of in the performance of your patriotic duty, for which I wish to compliment you, and compliment you very earnestly and sincerely; was there any effort to urge work among young people, school children, high-school children, college students? Do you recall any?

Mrs. MACIA. Not that I know of. They did sell the books to young mothers to take home for the little children, to take home to read them nursery rhymes, and so forth, that were truly communistic.

Mr. DOYLE. When you say they were children's books, was that what I understood?

Mrs. MACIA. And nursery rhymes.

Mr. DOYLE. Do you have a sample of those?

Mrs. MACIA. No; I am sorry I do not. I took home the one I bought and burned it in my fireplace, because I didn't want it.

Mr. DOYLE. In other words, you tell me that those nursery rhymes were entirely different?

Mrs. MACIA. They were based on the same nursery rhymes that we know, but they were entirely different from the ones that we learned.

Mr. DOYLE. In what way different?

Mrs. MACIA. It would be hard for me to tell you.

Mr. DOYLE. Well, you said they were communistic.

Mrs. MACIA. Yes; they were written for the Communist Party's children.

Mr. DOYLE. At what age level would these children's books such as the one you burned up be attractive? In other words, what age children would these Communist nursery rhymes reach?

Mr. MACIA. It was baby rhymes like A Little Birdie in the Tree, and so forth.

Mr. CLARDY. You mean they went and they made some covert type of correction in their subject matter.

Mrs. MACIA. That is right.

Mr. CLARDY. They just changed the nursery rhymes to suit the Communist theory?

Mrs. MACIA. To suit the Communist theories.

Mr. CLARDY. They start pretty early; don't they?

Mrs. MACIA. Yes; they do; and they stay late.

Mr. CLARDY. Yes; we have had a lot of evidence of that. And this committee is going to stay rather late, too.

Mr. DOYLE. Thank you very much. I think that is all.

Mr. VELDE. Mr. Counsel, is there any reason why this witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. VELDE. Accordingly, the witness is excused with the committee's thanks.

Mrs. MACIA. And may I thank you all for giving me the privilege of appearing before you. I feel it is a real privilege.

Mr. VELDE. Do you have any other witness at the present time?

Mr. TAVENNER. Well, Mr. Chairman, I have 1 or 2 matters here which might be raised at this time.

Mr. VELDE. Proceed.

Mr. TAVENNER. I have a letter addressed to Mr. Jackson by a person by the name of Anne Morgan. In the letter she states: "My name is Anne Morgan and I wish to say I am not the Anne Morgan mentioned on television this morning as having been or is now a Communist." The letter is dated March 26. The writer of the letter goes on to state certain very decided views against communism, and a commendation to the committee, and then winds up with this paragraph:

> Therefore, as I hold a position of trust in our church, I would like to make it clear, I am sure we all do know or must know that I am not the Anne Morgan mentioned in television as a Communist.

Mr. MOULDER. What is the address on that, Mr. Tavenner?

Mr. TAVENNER. It is signed, "Sincerely yours, Mrs. Charles E. Morgan (Anne Morgan), 4426 South Wilton Place, Los Angeles."

Mr. CLARDY. Do you recall the address of the other Anne Morgan?

Mr. TAVENNER. No; I do not.

Mr. CLARDY. Perhaps it might be well to state the occupation and position of the other one so that there will be no question in anybody's mind.

Mr. TAVENNER. The other person was identified as Ann Roth Morgan, to my recollection.

There has just come to the attention of the committee this morning a letter addressed to the chairman by Mr. Robert Weil in behalf of Mr. William N. Robson. The letter is as follows:

> We have been advised that in recent days it has become the policy of the Committee on Un-American Activities, as evidenced by public statements of its members, to allow a hearing to persons who have been mentioned by name in committee reports concerning the organizations and activities into which the committee has been inquiring. I agree that this policy on the part of your committee is in accord with the highest American traditions of fair play and justice. We represent William N. Robson, who for many years has been a prominent radio writer, director, and producer. Mr. Robson's name appeared in the official report of the Committee on Un-American Activities, Seventy-eighth Congress,

second session, appendix No. 9, page 576, where his name was listed as a sponsor of an organization entitled Artists Front To Win the War. Mr. Robson has never been a member of the Communist Party nor has he ever been affiliated in any active manner in any so-called Communist front organization. In the sworn affidavit which accompanies this letter Mr. Robson has explained as best he could the circumstances under which his name does appear, and also how his name came to appear as he signed the statement supporting the presidential candidacy of Henry A. Wallace, and we are informed that a like affidavit is also to be filed with the Federal Bureau of Investigation. On behalf of Mr. Robson we hereby request the opportunity to allow Mr. Robson to make a voluntary appearance and a statement before your committee at the time of its hearing in Los Angeles at the end of this month. We desire to cooperate with the committee in their purpose and want to answer whatever questions you may wish to ask concerning the circumstances under which his name appeared in the committee report. It would be appreciated if you would favor us at your earliest convenience with a communication concerning the appearance of Mr. Robson. We are also taking the liberty of sending a copy of this letter to the Honorable Donald L. Jackson, who is a Californian, and who has expressed a very keen interest in this situation.

Yours very truly,

ROBERT WEIL.

It has been decided to read that in the record.

Mr. VELDE. Yes, I think the record should show it.

Mr. TAVENNER. It should be done as a matter of record, and because of the present business we have not had an opportunity to accord a hearing to him at this immediate hearing.

Mr. VELDE. But certainly as soon as possible the committee will grant this man the hearing, either in executive or open session, at his convenience.

Mr. TAVENNER. I have just received another communication. This was transmitted by telephone, from Mr. John P. O'Neil, 2328 South Hope, in which he denies having been a Communist or being one. I don't know whether his name was mentioned in any connection or not. I do not recall it, except there was a person by the name of O'Neil mentioned on the list just given.

A similar message has been received from a person by the name of Eva Johnson, a waitress and a cafe owner, 1040 West 56th Street, Los Angeles.

Mr. VELDE. That is the message, that her identity has been confused?

Mr. TAVENNER. That is the purport of her telephone message.

Mr. SCHERER. Mr. Chairman, while we are reading letters into the record, I have a letter which I would like to read into the record and make a few comments about. This letter is dated March 27, addressed to this committee and signed by one Robert Gammon, and it is relative to the testimony of Mr. Simon Lazarus, who is the owner of the Independent Production Corp. who testified.

Mr. TAVENNER. I believe that was read yesterday.

Mr. SCHERER. Was it?

Mr. TAVENNER. I am certain that it was read yesterday.

Mr. CLARDY. This is dated March 27. I recall one letter. I am not sure it is the same one.

Mr. TAVENNER. We read a letter from Mr. Gammon which said that he was not connected with Mr. Lazarus' firm and that he was a worker, a back lot worker of some kind.

Mr. SCHERER. No, I think this is entirely a different letter, Mr. Counsel. Would you like to look at it?

Mr. CLARDY. It touches on another phase of Lazarus' testimony, too.

Mr. SCHERER. Is that a different letter?

Mr. TAVENNER. It is a different letter.

Mr. SCHERER. I thought it was. I think that before reading the letter, in view of what you said, Mr. Counsel, we should recall just briefly that during Mr. Lazarus' testimony with regard to the Independent Production Corp, Mr. Lazarus was asked by counsel the names of the individuals who had participated with him in the organization of that corporation. He refused to say whether he knew those individuals or in any way identify them. It will be recalled further, at least it is my recollection, that he was presented a certified copy of the articles of incorporation filed with the Secretary of State of the State of California. That certified copy indicated that he and a number of other persons on the same date before a notary public had signed the application for the letters of incorporation, and he refused to say whether he knew those people or to identify them in any way.

Now, we have this significant letter from Mr. Gammon, who does appear as one of the incorporators of that corporation, and this letter reads as follows:

This is to inform you and your committee that I am not and never have been a member of the Communist Party or of any other subversive group. It has come to my attention that when Mr. Lazarus testified before your committee on March 20, 1953, he refused to give information regarding my name appearing as an incorporator of his company. In way of explanation I wish to state that my business is a service for attorneys, which includes process serving. On or about September 1, 1951, I was asked by Mr. Charles J. Katz, an attorney by whom I am employed, to act as a dummy director of this corporation. Mr. Katz, you will recall, was the notary who took the acknowledgement, both of Mr. Lazarus and all of the other incorporators. It was my assumption that Mr. Katz was in a hurry to get this corporation started and needed somebody for this purpose. Two days later, after signing this, I was given a resignation as director to sign and did so. I hope this statement will be of help to your committee.

It is evident that dummy incorporators were used, which is not, of course, an unusual practice, but it is significant, at least to me, that Mr. Lazarus refused to comment in this particular case on the use of dummy incorporators and did not advise or see fit to advise the committee that they were asked to resign 2 days later, so that there is no public record as to who the actual moving spirits were behind this corporation. I don't think that need be offered in evidence, since I have read it in the record.

Mr. DOYLE. You would say, Mr. Scherer, wouldn't you, that there is no public record of who the moving spirits in the corporation might have been beside Mr. Lazarus?

Mr. SCHERER. None except for Mr. Lazarus as far as the testimony is to this point.

Mr. VELDE. Proceed.

Mr. TAVENNER. I would like to call Mr. Norman Byrne.

Mr. ROBERT W. KENNY. I don't know that I am appearing for Mr. Byrne, but he has called my office, and he spoke to my secretary and she has relayed the message to me, that the witness lives in Lake Hughes and left there in a car and broke a spring and cannot be here until late this afternoon, and asked me to tell the committee that he was to be here immediately after lunch, and that he would call me at home this evening or tomorrow.

Mr. TAVENNER. May I suggest that you get in touch with him and have him here.

Mr. KENNY. We haven't any professional relationship. Apparently he has phoned in and--he did call me so I am relaying the message to you that he asked to be relayed.

Mr. TAVENNER. We are expecting him here after lunch.

Mr. KENNY. He said that; he just phoned to say to me and tell me that you were expecting him after lunch.

Mr. DOYLE. After lunch today, Mr. Kenny.

Mr. KENNY. That is the message.

Mr. CLARDY. What did he say was broken?

Mr. KENNY. A spring.

Mr. CLARDY. A spring on what?

Mr. KENNY. His automobile.

Mr. TAVENNER. How far does he live from here?

Mr. KENNY. Well, Lake Hughes--I was born in the county and I don't know where it is. My impression is it must be near some lake and it must be up in the mountains.

Mr. TAVENNER. I understand it is about 65 miles, and of course if he has not left and he is not on his way here he can't be here by 2 o'clock.

Mr. CLARDY. Well, is there any message other than this?

Mr. TAVENNER. Yes, sir. We would like you to have him here this afternoon.

Mr. CLARDY. What is the message?

Mr. KENNY. It isn't a letter, it is a message. That was apparently phoned to my office and my secretary brought it in here. He says he is going to call me this evening or tomorrow, so I will tell him.

Mr. TAVENNER. In other words, you can't get in touch with him in any quick way?

Mr. KENNY. I don't know. I am just relaying this information to you.

Mr. CLARDY. Would you mind telling the hour at which the message was received?

Mr. KENNY. My secretary came in I think at the time of your antipenultimate recess, the recess before the last one. I don't know the exact time.

Mr. CLARDY. About 10 o'clock.

Mr. KENNY. About 10.

Mr. VELDE. Do you have any other witness?

Mr. KENNY. I will be glad to give the message to him when he calls.

Mr. CLARDY. How far was he from Los Angeles when this accident happened, do you know?

Mr. KENNY. Congressman, I will give you this.

Mr. CLARDY. No, I don't want to see it.

Mr. VELDE. Do you have another witness, Mr. Counsel?

Mr. TAVENNER. Yes, sir.

APPEARANCE OF CHARLES A. PAGE, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY

Mr. TAVENNER. Mr. Charles Page.

Mr. KENNY. Before you proceed, Mr. Page objects to any testimony being taken over television, either audialy or visually, in line with the decision of the District Court of the District of Columbia.

Mr. VELDE. We will take that up after he is sworn.

Do you solemnly swear that the evidence you shall give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PAGE. I do.

Mr. VELDE. So that we might understand the matter relative to television, do you, Mr. Witness, object to being televised entirely, that is, both audio and video?

Mr. PAGE. I do, sir.

Mr. VELDE. In that particular case I think it has been the ruling of the committee to continue the hearing until a time when there will be no television equipment playing on the witness, so, accordingly, your testimony will be continued until 10 o'clock next Monday morning.

Mr. KENNY. Sunday morning?

Mr. VELDE. Monday morning.

Mr. TAVENNER. Mr. Chairman, before you excuse the witness, just a moment please.

Mr. VELDE. Just a minute.

(At this point Mr. Tavenner conferred with Mr. Velde and other members of the committee.)

Mr. VELDE. The committee has changed its plans with reference to your appearance. Could you be here at 4 o'clock this afternoon?

Mr. PAGE. Yes.

Mr. VELDE. Therefore, you are dismissed until 4 o'clock this afternoon.

Do you have another witness, Mr. Counsel?

Mr. TAVENNER. I believe it would be hardly worth while to start in on anything now.

Mr. VELDE. That being the case, the committee will stand in adjournment until 1:45.

(Thereupon, at 11:45 a. m., the hearing was recessed, to reconvene at 1:45 p. m., same day.)

AFTERNOON SESSION

(At the hour of 2:03 p. m., of the same day, the proceedings were resumed, the same parties being present, excepting Representative Harold H. Velde.)

Mr. JACKSON. The committee will be in order.

Do you have a witness, Mr. Counsel?

Mr. TAVENNER. Yes, sir. Before calling the witness, may I read into the record the responses from certain individuals?

Mr. JACKSON. Yes.

Mr. TAVENNER. Here is a telephone message, handed me, from Lillian Baron, 1622 South Mansfield, real estate business: "Please make it known she is not the party mentioned on the broadcast this a. m."

Here is a message from Sam Horn, H-o-r-n, 839 Rimpau Boulevard: "Would like to have people know he is in no way connected with the Communist Party and is not the Sam Horn mentioned on the broadcast this a. m."

A message was received from a person by the name of Charles Smith, Jr., which does not have to do with this matter.

A Charles Carson, 1401 Third Street, Manhattan Beach, called and said that he is a novelist and literary consultant and would appreciate

an announcement being made publicly he is not the Charles Karson Mrs. Macia mentioned.

Mr. MOULDER. Well, is he?

Mr. TAVENNER. I have no idea about any of these. These just are in response to the invitation the chairman has made, where names have appeared, to give them the right to appear and state what they choose. This is only a statement of what they said. I have no knowledge at all, of course, of the identity of any of these persons, but this at least puts them in the position of being heard.

This is a telegram from a person by the name of Sam T. Horn, Arizona—I guess that is a telephone number, Arizona so and so.

Please be advised that Sam T. Horn, residing at 198 North Carmelina Avenue, Los Angeles, Calif., is not the same person that was mentioned by witness Macia. I would greatly appreciate your announcing this correction on the air, as I am not associated and have never been with such a party."

This is addressed to the chairman, a telegram:

American Federation of Teachers Local 1021 is greatly concerned over publicity regarding inquiry in the Los Angeles schools. Persons referred to as Teachers Union members are not and have not been members of local 1021. In 1948 the American Federation of Teachers investigated charges brought against the policies and officers of local 430 of the AFL. That charter was revoked. The action was upheld in AFTF convention— —

I guess that is "AFL convention," "AFTF." It reads:

AFTF convention of 1949. Meanwhile the Los Angeles Teachers Union Local 1021 was chartered and from that time it has been in good standing with the A. F. of L. on local, State, and National levels. No members of local 1021 are involved in charges of communism. It is the urgent and sincere hope of local 1021 that this respected professional organization within the American Federation of Labor not be confused with a group that lost its charter by action of the American Federation of Teachers. Respectfully, Walter S. Thomas, president, local 1021, American Federation of Teachers, 3787½ Maple Avenue, Venice, Calif.

My recollection is that according to the testimony of Prof. LeRoy Herndon, he made it clear that local 430 had its charter removed because of the Communist charges, and that the local had been entirely reorganized.

Mr. CLARDY. Didn't you make it pretty clear that the federation that sent this telegram was not in any way being charged with anything, despite the outburst of the witness on the stand toward the close yesterday?

Mr. TAVENNER. I thought that was perfectly clear.

Mr. CLARDY. I am sure it was. Here is another one.

Mr. JACKSON. Counsel, I would suggest, inasmuch as we have a number of these, that we hold them until we have disposed of several of the witnesses, and then take the balance of them up at that time.

Who is your first witness?

Mr. TAVENNER. Harry Steinmetz.

APPEARANCE OF HARRY C. STEINMETZ, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY

(Representative Francis E. Walter entered the hearing room at this point, 2:10 p. m.)

Mr. JACKSON. Mr. Steinmetz, will you stand and be sworn? Do you solemnly swear that the testimony you are about to give to this sub-

committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STEINMETZ. Yes.

Mr. KENNY. At this point, Mr. Chairman, Dr. Steinmetz objects to giving any testimony as long as the proceedings are audioly or visually televised.

Mr. JACKSON. Very well. In accord with the demand of the witness and in line with the decision voted unanimously by the committee this noon, Professor Steinmetz will be laid over, his subpena will be extended until Monday, April 6, at which time he will appear before a subcommittee of the House committee.

Mr. KENNY. What time?

Mr. JACKSON. You will be notified.

Mr. CLARDY. May I suggest, Mr. Kenny, if I am not out of turn, Mr. Chairman, that if you represent any other witnesses, you let the witnesses speak for themselves on that. It is a committee rule.

Mr. KENNY. Unfortunately, I do not represent any other witnesses. I must say that this is the first time I have been called out of order, and I think Chairman Jackson will agree with me on that.

Mr. JACKSON. The witness is excused.

Mr. CLARDY. I didn't call you out of order. I am making a suggestion.

Mr. JACKSON. I would say that I have had no complaint with the conduct of this counsel.

Mr. KENNY. To date.

Mr. JACKSON. To date, with reservations for the future, Mr. Kenny.

Mr. CLARDY. That is what I had in mind.

Mr. JACKSON. Call your next witness, please.

Mr. TAVENNER. Mr. Bernard Lusher.

Mr. MARGOLIS. My name is Ben Margolis. I represent Mr. Lusher, and he will be here in a few minutes. It was my fault in notifying him late that he would be on this afternoon. He is on his way and should be here in 10, 15, or 20 minutes.

Mr. JACKSON. Do you have another witness, Counsel?

Mr. TAVENNER. Just a moment, please.

Mr. DOYLE. Mr. Chairman, while we are waiting on that witness, it seems to me that I have something here that is very pertinent and very valuable. I might state that because I wanted information from the Congressional Library in Washington as to the words "un-American" and "subversive," I communicated to the Library of Congress, and on February 24, 1953, I received a reply from the Library of Congress on that subject.

I just have one short paragraph which I wish to give for the information of the committee and those who are here. They referred me to the decision in the case of the *United States* v. *Bryan*, 72 Fed. Sup. 583, United States Circuit Court of Appeals, and the Library of Congress said:

> In that case it was argued the resolution authorizing the committee—

and, by the way, that is Public Law 601—

> at that time it was unconstitutional because it was too indefinite, in that the words "un-American" and "subversive" were not defined, did not have a precise and well-established meaning.
>
> In reply the court said, "Many an act of Congress may be found in which general terminology is intentionally or unintentionally employed. The committee is

directed to investigate un-American and subversive activities. The exact scope of an investigation cannot always be charted and bounded in advance with the precision of a survey. Some discretion must be left to those to whom the task is being entrusted. If we analyze the words 'un-American' and 'subversive,' there are some activities which everyone will agree are un-American and subversive. There may well be differences of opinion as to the exact application or meaning of these terms or as to whether some particular activity falls in one class or the other. This circumstance, however, does not deprive Congress of the power to investigate un-American and subversive activity for the purpose of carrying out its duties to vest in the investigating committee the discretion to make a determination as to what activities are compressed within these two terms."

I felt it appropriate to read that at this time because many people have asked on that subject.

Mr. JACKSON. Counsel, if you have several more of those disclaimers, it might be well to read them while we are waiting.

Mr. TAVENNER. A message has been received from Robert T. Carson, of 1231 Harvard—I don't know. That is probably the street address.

Mr. JACKSON. Harvard Street, probably.

Mr. TAVENNER. In which he states that he is not the man mentioned on the air this morning.

A person by the name of Michael Frank, whose address is 1139 18th Street, Santa Monica, advises that he is not the party mentioned and is not the same Michael Frank as was mentioned by the witness Mrs. Macia. I think I have read them all. I am sure I have.

Mr. JACKSON. I have one additional one here, having to do with a Cliff Stiss, who was mentioned by a witness today. Unfortunately the telegram is signed by a business concern, and I am sure that the sender of the telegram will appreciate the fact that the reason I cannot read it is quite obvious. There is quite a listening audience, I imagine, and the committee is very anxious to disassociate itself in any way from any business enterprise in this connection. If a telegram will be sent back in that can be worded in some other manner, the committee will be glad to consider reading it.

Mr. TAVENNER. I am advised that Mr. Lusher is now here.

Mr. JACKSON. Mr. Lusher.

You solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LUSHER. I do.

Mr. JACKSON. Be seated, please.

TESTIMONY OF BERNARD LUSHER, ACCOMPANIED BY HIS COUNSEL, BEN MARGOLIS

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

Mr. LUSHER. Would you kindly wait until the photographers are through, please?

Mr. TAVENNER. Certainly.

What is your name, please?

Mr. LUSHER. The name is Bernard Lusher. Mr. Tavenner, for the record I would like to make it clear that I am here only because I have been subpenaed, and that I am most proud to announce that I am unfriendly to this committee.

Mr. CLARDY. How do you spell your last name?
Mr. LUSHER. Lusher, L-u-s-h-e-r.
Mr. TAVENNER. Are you accompanied by counsel?
Mr. LUSHER. I am, Mr. Tavenner.
Mr. TAVENNER. Will counsel please identify himself for the record?
Mr. MARGOLIS. My name is Ben Margolis.
Mr. TAVENNER. When and where were you born, Mr. Lusher?
Mr. LUSHER. Cleveland, Ohio, April 1913.
Mr. TAVENNER. What is your occupation?
Mr. LUSHER. Union organizer.
Mr. TAVENNER. Pardon me?
Mr. LUSHER. Union organizer.
Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?
Mr. LUSHER. Mr. Tavenner, I will answer these questions, but I would like to say I am most reluctant to do so, because I don't like to help this committee, no matter how indirectly, to carry out its attack against academic freedom.
Mr. TAVENNER. Well, it is quite apparent that you don't want to help the committee, but I am asking you to do it as far as you feel you can.
Mr. LUSHER. I went to grade school in Cleveland, Ohio, high school in Los Angeles, and UCLA for about 3 years.
Mr. TAVENNER. Will you give the committee, please, a record of your employment since 1940?
Mr. LUSHER. In 1940 I was employed as a clerical worker at the Metro-Goldwyn-Mayer Studios. Since then I have been—in 1941 I became a union organizer and I have been a union organizer except for shortly less than a year which I spent in the Army in 1945.
Mr. WALTER. I suppose when you said that you were also aware of the fact that a member of this committee wrote the Government contract law?
Mr. LUSHER. I was not aware that he was the author.
Mr. WALTER. So that when you address your remarks to the committee you will probably say with the exception of those members of the committee who have made substantial contributions to the American way, toward the betterment and improvement of working-class people.
Mr. LUSHER. Well, Mr. Walter, I have seen this committee on many occasions turn up, I don't believe coincidentally, at a time when groups of workers were fighting for higher wages and were in the middle of a crucial strike, and in so doing assist the employers in holding their employees down in terms of their wages and working conditions.
Mr. WALTER. That, sir, is absolutely untrue, because in every instance when a Communist or one who has been believed to be in the Communist Party who, incidentally, was employed with a labor organization has been subpenaed before this committee and requested a postponement because of a conflict, the request has been granted. That is the record of this committee.
Mr. DOYLE. That is correct. I join in the statement [that of Congressman Walter], and your [that of the witness] statement, sir, is absolutely false. I know that. I live in Los Angeles County myself.
Mr. JACKSON. Proceed, Mr. Counsel.
Mr. LUSHER. My information, gentlemen, is contrary.

Mr. DOYLE. Your information is, I know, not founded in fact.

Mr. JACKSON. Proceed, Mr. Counsel.

Mr. TAVENNER. Were you a member of the Screen Office Employees' Guild in 1944?

Mr. LUSHER. Mr. Tavenner, I must decline to answer that question, and I should like to explain my reasons for so declining. I shall be brief. My first reason is that the Constitution and Bill of Rights of the United States was written by a Congress which was interested in protecting the civil rights and freedom of the American people, and I do not choose by cooperating with this particular group of Congressmen to tear down what the other Congressmen built up.

My second reason is that I believe this committee to be illegal and to be pursuing an illegal objective, because the congressional committees are supposedly set up to gather facts for introduction of legislation, and since the purpose of this committee itself interferes with a freedom of speech and association and of religion, and since the Constitution prohibits such restriction, this committee can have no legal objective.

Thirdly, I believe this committee has assisted employers, as I have said, in holding down wages and working conditions, and since I am a union man, a trade unionist, I believe that to help this committee would be to help this committee accomplish its job of union busting.

Fourth, I base my declination to answer on the first amendment to the Constitution, which guarantees freedom of speech, association, religion, and assembly, and I believe that your inquiry into my beliefs and into my association is prohibited under that section of the Constitution.

Finally, and particularly, I base my declination to answer on the fifth amendment to the Constitution, which gives me a right to refuse to testify against myself. I would like, in the course of calling or standing upon the rights guaranteed to me by the fifth amendment to refuse to testify against myself, to call the attention of this committee to someone who is probably the best known figure in the world, who has set down something which perhaps is similar to the fifth amendment, and although I am Jewish, I refer to Jesus Christ, and I would like to quote, a very short quote, which I think will indicate that the fifth amendment is not something new. This is a quote from Mark 25: 2-5, and I quote from the Bible:

> And Pilate asked him, Art thou the King of the Jews? And he answering said unto him, Thou sayest it.
> And the chief priests accused him of many things; but he answered nothing.
> And Pilate asked him again, saying, Answerest thou nothing? Behold how many things they witness against thee.
> But Jesus yet answered nothing; so that Pilate marvelled.

And that is the end of the quote, Mr. Tavenner.

Mr. CLARDY. Did you ever hear a Communist cite any section of the Bible?

[Laughter.]

Mr. LUSHER. I must decline to answer that question on the grounds previously stated, Mr. Congressman.

Mr. JACKSON. The witness must be given a hearing by the committee. Please give no demonstration of approval or disapproval.

Mr. SCHERER. Mr. Jackson, just to answer the witness' attack upon members of this committee with reference to their attitude toward

organized labor, Mr. Clardy and I have only been on this committee for 3 months, but I think that it should be pointed out, to show the lie of the statement made by the witness, and I don't merely—because it happened to me I hesitate to say it, but I think we should know that there is no basis in fact for a statement such as has been made by this witness. In the last few years two locals of national unions gave to me citations for efforts that I have put forth in behalf of organized labor. A minority group, in the State from which I come, awarded me a plaque a few years ago for my efforts on behalf of minority groups, so I greatly resent the statement made by this witness, because he knows not whereof he speaks.

Mr. DOYLE. Mr. Chairman, may I ask——

Mr. JACKSON. No; we are going to continue with the inquiry.

Mr. DOYLE. Mr. Chairman, may I, however, at this point say that I think perhaps this is the place for me to say a word, because I am a Los Angeles County Congressman.

In view of the gentleman's allegation of union-busting at the hands of this committee, which I say is absolutely false, and I repeat it, I think I should say this, so the gentleman will understand my attitude about union-busting.

I think it is well-known that I received in every one of my campaigns for election—I am in my fourth term now—and I am very proud of the fact, I have received the endorsement of AFL and CIO.

May I say to you, however, that this committee is aware of the fact of certain people in labor who are subversive, and if unions are led by subversive people, why, then, of course, we are cooperating with the unions to uncover and expose those subversive activities.

If that is the kind of activity you refer to, when you refer to activities of this committee, we do cooperate at all levels of American life with folks who want to get rid of this subversive leadership. Other than that, this committee is not acting.

Mr. LUSHER. Mr. Doyle, I refer to strikebreaking activities of the committee, such as recently took place——

Mr. JACKSON. Just a moment. If we engage in byplay and answers and counteranswers we will be here all night.

Mr. WALTER. No. I think he ought to continue.

Mr. JACKSON. No. The witness and members of the committee have taken 10 minutes apiece. Everything is even.

Mr. Counsel, will you continue.

Mr. CLARDY. Mr. Chairman, I can't refrain from making one statement. All but one member of this committee is a lawyer. Of all the unions in the United States, I think the lawyers' union is the tightest.

Mr. TAVENNER. Did you take any part in the negotiations between the United Office and Professional Workers of America and the leadership in the CIO, in the dispute that took place when the United Office and Professional Workers of America were expelled from membership in the CIO?

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Mr. Tavenner, I must refuse to answer that question on all the grounds stated previously, including the fifth amendment to the Constitution of the United States.

Mr. JACKSON. May I say, sir, you are under no compulsion to answer. You said, "I must refuse to answer."

Your declination can simply be that you refuse to answer for the reasons previously given.

Mr. LUSHER. Mr. Jackson, it is my conscience and my beliefs that make me say I must refuse to answer.

Mr. JACKSON. I still want the record to show you are under no compulsion to answer. You can decline to answer for the reasons previously stated.

Mr. TAVENNER. Were you organizer of Branch N-2 of the Communist Party among the secretaries' union, which was known as the Screen Office Employees' Guild?

Mr. LUSHER. Mr. Tavenner, I must decline to answer that question on all the grounds stated previously.

Mr. CLARDY. Mr. Counsel, have you yet asked him what union he is an organizer for?

Mr. TAVENNER. No, I have not.

Mr. CLARDY. I suggest you do.

Mr. TAVENNER. Except I asked him if he has affiliated with the United Office and Professional Workers, and he declined to answer.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. CLARDY. He has no protection of the fifth amendment on that question, because he has voluntarily told us he was an organizer.

Mr. DOYLE. Union organizer.

Mr. CLARDY. Union organizer. I suggest you ask him that question.

Mr. TAVENNER. Of what unions were you an organizer?

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. I must decline to answer that question, Mr. Tavenner, on the grounds previously stated.

Mr. CLARDY. Now I ask the witness be directed to answer the question.

Mr. JACKSON. The witness volunteered the statement he was a union organizer.

You are directed to answer the question.

Mr. LUSHER. I volunteered no statement. I answered the question of Mr. Tavenner.

Mr. JACKSON. I believe you said since 1940—my recollection may not be exact on this, but since 1940 you had been a union organizer.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. That was an answer to a question, that was not a voluntary statement.

Mr. JACKSON. Irrespective of whether it was an answer or not, you did answer that question. Therefore, you are directed to answer the question just put to you by counsel.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Mr. Jackson, my lawyer advises me that you apparently are not aware of the law in this regard, and I believe that I am correct in standing upon my previous answer.

Mr. JACKSON. You decline to answer?

Mr. LUSHER. I decline to answer.

Mr. JACKSON. Very well.

Mr. LUSHER. On all the grounds I have previously stated, including the fifth amendment.

Mr. JACKSON. That is satisfactory.

Mr. TAVENNER. Have you signed a Taft-Hartley affidavit as an organizer for any union?

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Mr. Tavenner, I have never held a position in the union which required me to sign these affidavits.

Mr. TAVENNER. On what do you base that statement?

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Mr. Tavenner, I have not been an officer of a union and my understanding of the Taft-Hartley law is only officers of unions are required to comply with that section of the law.

Mr. WALTER. That is right.

Mr. TAVENNER. So your position is that as an organizer; you were not the type of officer or not an officer who is required to sign a Taft-Hartley affidavit.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. I was not required to sign a Taft-Hartley affidavit because of my position.

Mr. TAVENNER. Mr. Chairman, this is very close to the problem that the committee considered and made a recommendation to Congress on a year or more ago, where the Army and Navy, in construing the security, various security laws, concluded that an officer of a union did not have to be cleared where that union was engaged in defense contracts, where the Atomic Energy Commission, in construing the laws applicable to it, construed the law so as to require all officers of a union to be cleared.

Mr. WALTER. But there is a difference in the language in the Atomic Energy Act. There is a difference.

Mr. TAVENNER. That is right.

Mr. WALTER. That is the difference.

Mr. TAVENNER. That is why I am pointing the matter out. The language is different in all the acts.

Mr. CLARDY. And because you think, Mr. Tavenner, there may be some necessity for an amendment to the statute——

Mr. TAVENNER. It may be just as important that an organizer for a union be required to sign the Taft-Hartley affidavit as it would be for the president of a local. In fact, the organizer may have even greater powers than the president of the local. I am not certain about that.

Mr. WALTER. Mr. Tavenner, the law is well understood along that line.

Mr. CLARDY. Your point being there may be some need for a recommendation for legislation along that line?

Mr. TAVENNER. Certainly it is a matter to be considered.

Were you a member of the Communist Party at any time while you were on organizer?

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Mr. Tavenner, I will answer no questions of that character. I stand upon all of the reasons previously given, including the fifth amendment to the Constitution.

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

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Same answer.

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

Mr. JACKSON. Mr. Clardy.

Mr. CLARDY. I want to pursue 1 angle a little further. Are you at the moment an organizer for some union?

Mr. LUSHER. I am unemployed at the moment.

Mr. CLARDY. Since when did you cease to be an organizer for a union, if you have actually ceased?

Mr. LUSHER. Today.

Mr. CLARDY. This morning?

Mr. LUSHER. That is right.

Mr. CLARDY. Was that a voluntary severance?

Mr. LUSHER. That is right, I resigned some time ago, effective as of today.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. CLARDY. Do you expect to resume as an organizer after this hearing is over?

Mr. LUSHER. No, I do not.

Mr. CLARDY. What was the name of the union?

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. I am sorry, I didn't hear your question. I would like to say, by the way, these hearings have had absolutely nothing to do with my resignation, which was submitted considerably in advance of these hearings, or subpenas to these hearings.

Mr. CLARDY. You are not charging us with anything in connection with that, then?

Mr. LUSHER. No.

Mr. CLARDY. What was the name of the union you last served as an organizer?

Mr. LUSHER. I must decline to answer that question upon all the grounds I previously stated.

Mr. CLARDY. I again ask the witness be directed to answer, Mr. Chairman.

Mr. JACKSON. Not being clear in my recollection whether that direction has been given on that question, I will direct the witness.

Mr. LUSHER. I must decline to answer that question on all the grounds previously stated, including the fifth amendment to the Constitution.

Mr. CLARDY. Do I correctly understand your prior statement to be, no matter how far I may pursue that line of inquiry concerning your past connections, you will refuse to answer on the same grounds? that will shorten this.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. I am not quite sure I understand your question.

Mr. CLARDY. Maybe I didn't understand you. I understood you a moment ago to tell Mr. Tavenner you would decline to answer any further questions concerning your Communist activities or your connections as a union organizer, upon the same grounds already advanced.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. CLARDY. Now I want to discover whether you are going to continue to do that, so I may not be bothering you with further questions.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Mr. Clardy, no matter how many ways you ask me what unions I have been associated with or organizer for or member of, I will continue to refuse to answer for the reasons I have previously enumerated.

Mr. CLARDY. I thought that was what your answer was, but I wanted it clear in the record. That is all.

Mr. JACKSON. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. JACKSON. Mr. Walter?

Mr. WALTER. No questions.

Mr. JACKSON. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. Just one question. Mr. Lusher, I know you are aware of the law, Public Law 601, under which this committee operates, aren't you?

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. DOYLE. From your statement, I just assume that you don't want to help the committee in any way, and that you are therefore familiar with the law under which we are operating. Or did you make that statement without knowing the law under which we are operating?

Mr. LUSHER. Yes; I am familiar with it to a certain extent.

Mr. DOYLE. You know that under Public Law 601 we are charged with investigating subversive activities and propaganda throughout the country? You are familiar with that objective of the law?

Mr. LUSHER. Well, I know, for example, that propaganda, in my opinion, has connection with things that are spoken and written, and I believe that the Constitution prohibits this Congress from making laws in regard to freedom of speech, assembly, and other protections of the first amendment.

Mr. DOYLE. Of course, Congress has no authority to make any law in violation of the Constitution. But, of course, the Supreme Court of the United States is the final judge of whether or not any law passed by Congress is unconstitutional, and the United States Supreme Court has not said Public Law 601 is unconstitutional. So we are operating under a constitutional law, so far as the American people and the courts are concerned.

The purport, however, of my question was this: I wondered if you are also familiar with Public Law 831, section 2, in which Congress declared there was a world Communist movement infiltrating in the Government through espionage and sabotage and terrorism, to establish a Communist totalitarian government in the world.

Are you familiar with that?

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Will you tell me the name of that act? Perhaps the numbers don't mean much to me.

Mr. DOYLE. Here is the Subversive Activities Control Act. I hand you the text of it, as it is so designated, for identification. You can hand it to your counsel. He will show you the number of it, and section 2, the first paragraph thereof.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. Yes; I am familiar, not in tremendous detail, but I am familiar with that law. I believe it is called the McCarran Act, if I am not mistaken. I think it is probably the only law ever passed that is worse than the Alien and Sedition Act.

Among other things, as I understand, it sets up concentration camps in America for the first time.

Mr. DOYLE. Well, it doesn't do that. May I have it again, please, sir?

The thing I wanted to know is whether or not you are familiar with the fact that your Congress, sir, in paragraph 1, declared

that there was a world Communist movement to establish a Communist totalitarian dictatorship in the world. Now, that is plain language, and I just wanted to know if you were familiar with the fact that your Congress has so declared in this act. I don't expect you to be familiar with all of the terms of the act.

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. LUSHER. I know it because you just told me so; yes.

Mr. DOYLE. Somehow I felt that you hadn't known before. I just kind of felt that you were not familiar with the fact that your own Congress had declared that this world Communist conspiracy existed. Now, the reason I said that I felt that you couldn't know that was——

(At this point Mr. Lusher conferred with Mr. Margolis.)

Mr. DOYLE. I will wait until you get through conferring with your counsel.

Mr. LUSHER. Are you finished, Mr. Doyle?

Mr. DOYLE. No. I just said that I sort of felt that you did not know that your United States Congress had made that declaration, because I felt that if you had known that, you would not have said as you did, and I wrote down your exact words: "I don't want to help this congressional committee in any way."

I think that is all.

Mr. JACKSON. Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. JACKSON. Mr. Moulder?

Mr. MOULDER. I want to ask you one question, Mr. Lusher, as to what rights do organized laborers or the laborers of Russia have to organize unions.

Mr. LUSHER. I am not familiar with the labor laws to which you refer.

Mr. MOULDER. Isn't it the truth that they have no rights whatsoever?

Mr. LUSHER. I have no direct knowledge.

Mr. MOULDER. They are not recognized or permitted in Russia; isn't that true?

Mr. LUSHER. I have no direct knowledge, Mr. Moulder.

Mr. JACKSON. Any further questions?

Mr. TAVENNER. No further questions.

Mr. JACKSON. Any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. The witness is excused.

Next witness.

Mr. TAVENNER. Mr. Ben Maddow.

Mr. JACKSON. Raise your right hand, sir. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MADDOW. I do.

Mr. JACKSON. Proceed, counsel.

TESTIMONY OF BEN MADDOW, ACCOMPANIED BY HIS COUNSEL, J. B. TIETZ

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

Mr. MADDOW. Ben Maddow.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. MADDOW. Yes; I am.

Mr. TAVENNER. Will counsel please identify himself for the record?
Mr. TIETZ. Tietz.
Mr. FRAZIER. I didn't get the first name.
Mr. TIETZ. J. B. are the initials. Los Angeles.
Mr. JACKSON. Would you spell your name, sir?
Mr. MADDOW. M-a-d-d-o-w.
Mr. TAVENNER. When and where were you born, Mr. Maddow?
Mr. MADDOW. I was born in Passaic, N. J., in 1909.
Mr. TAVENNER. Where do you reside?
Mr. MADDOW. I reside in Los Angeles.
Mr. TAVENNER. What is your occupation?
Mr. MADDOW. I am a writer.
Mr. TAVENNER. Would you tell the committee, please, what your formal educational training has been?
Mr. MADDOW. Well, after grammar and high school in my home town, I attended Columbia University for 4 years.
Mr. TAVENNER. When did you complete your training at Columbia University?
Mr. MADDOW. In 1930.
Mr. TAVENNER. What?
Mr. MADDOW. 1930.
Mr. TAVENNER. How have you been employed since that time, since 1930, I mean in a general way? Just describe it in a general way.
Mr. MADDOW. I was unemployed for about 2 years from 1930 to about 1932, and then the following 3 years I spent as an orderly in a hospital in New York.
The 3 years following I spent as an employee of the Emergency Relief Bureau in New York City.
Mr. TAVENNER. When did you come to California?
Mr. MADDOW. I think the first time I saw California was from a troop train, but I was employed here——
Mr. TAVENNER. Proceed and tell us how you were employed in New York before you came to California.
Mr. MADDOW. I think I left my employment in the Emergency Relief Bureau in about 1938, would be my estimate, and between that time and my entry into the Army I was a free-lance writer and did a considerable amount of work in industrial and documentary films, small films.
Mr. TAVENNER. And when did you come to California for the purpose of resuming your work as a writer?
Mr. MADDOW. Upon my discharge from the Army, which was in October of 1945.
Mr. TAVENNER. How have you practiced your profession since that date, in what way? As a free-lance writer or screen writer or what?
Mr. MADDOW. I have been a screen writer during the major portion of that time.
Mr. TAVENNER. What have been some of your principal screen credits?
Mr. MADDOW. To go back to the earliest one, I worked for Columbia Pictures. I wrote a film called Framed, I think was the name of it, if I remember correctly.
The second film in which I had a credit, I think it was a split credit, was A Man From Colorado, a Western.

Two subsequent films were Intruder in the Dust, and a split credit on Asphalt Jungle.

Following this I did two screenplays for Columbia again. On neither of these screenplays, however, do I have credit at present, so it is probably pointless to mention it.

Mr. TAVENNER. Mr. Maddow, you know, I suppose, that the committee has been engaged for some time in an investigation of the Communist infiltration into the amusement field, with special emphasis upon the moving pictures, for the purpose of determining what the real objectives of the Communist Party have been in that field, and what they have accomplished, including the extent of infiltration and their methods of operation, and we trust that you will give this committee the benefit of any knowledge that you have on that subject.

Mr. MADDOW. I don't understand. Is that a question, Mr. Tavenner?

Mr. TAVENNER. I am asking you now for your cooperation in telling the committee all you know about the operations of the Communist Party in this area, if you have any knowledge of it. Would you do so?

Mr. MADDOW. If you will address to me a specific question, I will endeavor to answer it.

Mr. TAVENNER. I was afraid of that. In the course of our investigation, sworn testimony was taken on March 12, 1953, of Pauline Swanson Townsend, and she admitted her former Communist Party membership, explained the circumstances under which she left the party, and during her testimony regarding the operations of the party as she observed it, the following questions and answers occurred:

Mr. WHEELER. Will you identify the individuals that you met as Communists, in the first group?

That was the first group of the Communist Party to which she herself had been assigned.

Mrs. TOWNSEND. Ben and Norma Barzman, Jay and Sondra Gorney, Pauline Lauber Finn, Ring Lardner, Alice Hunter, Bill Pomerance, Meta Reis, Richard Collins, Lewis[1] Allen, Ben Bengal, John Weber.

Mr. WHEELER. How long were you in the first group, Mrs. Townsend?

Mrs. TOWNSEND. A year and a half.

Mr. WHEELER. Did you hold any office in this group?

Mrs. TOWNSEND. At one time I was chairman. Also, I recall Ben Maddow.

Now, was she correct in identifying you as one of that group of the Communist Party of which she was a member?

(At this point Mr. Maddow conferred with Mr. Tietz.)

Mr. MADDOW. Mr. Tavenner, I will decline to answer that question on the rights and privileges afforded me both by the first amendment and by the fifth.

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

Mr. MADDOW. I will decline to answer that on the grounds previously cited.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Mr. Clardy?

Mr. CLARDY. No. questions.

Mr. JACKSON. Mr. Walters?

Mr. WALTER. No questions.

[1] Name of Louis Allen on pages 427 and 428, same title, pt. 1, should be Lewis Allen.

Mr. JACKSON. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. JACKSON. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. No questions.

Mr. JACKSON. Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. JACKSON. Any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. The witness is excused.

Mr. JACKSON. Who is your next witness, Mr. Counsel?

Mr. TAVENNER. Mr. John Looschen is here, but does not desire to be televised or testify while the sound equipment is on. He is willing to state that back out of view of the television cameras.

Mr. JACKSON. After Mr. Looschen has been qualified as a witness, I will be glad to hear his request.

Mr. MARGOLIS. Will you turn off the television cameras while you qualify him?

Mr. JACKSON. I will not.

Mr. MARGOLIS. Mr. Looschen is here and willing to state his position from his position there. He is not willing to come before the television cameras.

(At this point Mr. Jackson conferred with the other members of the committee.)

Mr. JACKSON. Is the witness present in the rear of the room? If so, will you express your request?

Mr. LOOSCHEN. I request that the television cameras——

Mr. CLARDY. Will you speak louder, please?

Mr. MARGOLIS. Will you wait a minute until they finish with the pictures, please?

Mr. CLARDY. Yes.

Mr. JACKSON. Will the witness now make his request?

Mr. LOOSCHEN. I request that the television and sound be cut off during my testimony.

Mr. JACKSON. Your subpena will be continued until Monday, April 6, in executive session.

Do you have another witness?

Mr. TAVENNER. Mr. Chairman, you will recall that the witness Charles Albert Page made an objection to the use of television this morning and was directed to return at 4 o'clock. I do not know whether you want to continue to hear him or whether you desire to have his matter go over likewise.

Mr. JACKSON. That subpena should also be extended until Monday, April 6, and I believe that we have one additional witness who several days ago made the request not to be televised. Was there an additional witness?

Mr. TAVENNER. Yes, but that witness was heard.

Mr. JACKSON. Mr. Oliver was heard?

Mr. TAVENNER. No; Mr. Oliver was not heard.

Mr. JACKSON. Well, Mr. Oliver's subpena should also be extended. If there is a passion for anonymity, it should extend equally to all of the media of public information, and the committee will make appro-

priate press releases upon conclusion of the executive hearings, so all of those who have entered objections heretofore to television will be set over until Monday, April 6, in executive session.

(Representative Francis E. Walter left the hearing room at this point, 2:58 p. m.)

Mr. TAVENNER. Mr. Chairman, there were several other witnesses slated for this afternoon, but I knew of the circumstances under which their attorney was to be out of the city, and to have compelled them to appear would have been to have compelled them to appear without the benefit of the counsel of their choice, and I took the liberty of extending them over until Monday, thinking we wouldn't reach them, anyway, this afternoon.

Mr. CLARDY. In addition to the executive session, I think everyone should know there will be the open session on the other witnesses on Monday, also, simultaneously.

Mr. JACKSON. There will be a regular session of the committee here on Monday next.

Mr. MOULDER. Day after tomorrow.

Mr. JACKSON. That is correct. However, the executive session will be on April 6, which is a week from this coming Monday.

The situation at the moment is that there are no further witnesses to be heard at this time?

Mr. TAVENNER. That is correct.

Mr. JACKSON. The committee then will at this time recess until 9:30 on Monday.

(Whereupon, at 3 p. m., the hearing was recessed until 9:30 a. m. Monday, March 30, 1953.)

INDEX

Individuals

Page

Adams, Charlotte Darling ..... 470, 471–478 (testimony)
Adams, Joe 576
Adams, Mary Jane 577
"Allen" (alias for Stone) 582
Allen, Dr. (president, UCLA) 519
Allen, Lewis 439, 601
Allen, Paul 579
Alpert, Hymie 569, 577, 578
Alzar 569, 570
Anderson, Joe, (Communist Party name for LeRoy Travers Herndon) 513
Anhattzer, Arthur 577
Anhattzer, Dorothy 577
Anthony, Iva 569
Anthony, Vern 569
Ashe, Harold 510, 511
Baron, Lillian 575, 588
Barron, Ann Morgan 471
Barzman, Ben 601
Barzman, Norma 601
Beck, George 440, 442
Becker, Zara 516, 539
Bengal, Ben 601
Bernback, Arthur 525
Bernbach, Fred 525
Bernstein, Sanford 579
Bevis, Dr. 519, 520
Biberman, Ed 472–474
Bindley, Mary 576
Bomser, Allan 570, 577
Bomser, Edith 570, 577
Bookshin, Nat 570
Boyagian, Anita (Chatinover) 575
Brodsky, Joe 570
Brooks, Lawn 579
Browder, Earl 448, 449, 580
Browne, Gus 579
Browne, Marsha 579
Burrows, Abe 451
Bryan 590
Byrne, Norman 509, 512, 516, 539, 586
Callender, Jane 579
Campbell, Harry 576
Carey, Honoré 516, 539
Carr, Joe 576
Carson, Charles 588
Carson, Robert T 591
Chaplin, Charles 502
Chassen, Jack 569
Chassen, Miriam (Mrs. Jack Chassen) 569
Chatinover (see also Anita Boyagian) 575
Clark, Maurice 451

Page
Collins, Richard ---- 601
Cooper, Gary ---- 463
Dare, Danny ---- 469
Darling, Byron T. ---- 519, 520
Dawson, Ernest ---- 577, 580
Dawson, Sadie (Mrs. Ernest Dawson) ---- 577
DeMille, Mr ---- 463
Dicho, John ---- 570
Dimsdale, Harold ---- 570
Doherty, John ---- 570
Downs, Tommy ---- 570
Drdlik, Frank ---- 476
Dreyfus, Rose ---- 570
Duclos ---- 448, 530
Ellis, Charles (name changed to Charles Stone) ---- 568
Ellis, Shirley (Mrs. Charles Ellis) ---- 568
Emer, Fanny ---- 569
Emer, Frank ---- 569
Englehardt, Jack ---- 569, 580
Esterman, William B ---- 461, 470, 541–556
Finn, Pauline Lauber ---- 601
Fisher, Ed ---- 576
Fisher, Mrs. Ed ---- 576
Fleury, Bernyce Polifka ---- 472, 473
Foster, William Z ---- 505–507, 580
Frank, Michael ---- 570, 591
Frank, Richard ---- 507, 522
Freeman, Sidney ---- 502
Freud, Mr ---- 580
Freud, Rosalind ---- 570
Freund, Burton ---- 570
Gammon, Robert ---- 496, 526, 585, 586
Gammon, Robert Frank ---- 526
Ganahl, Herbert ---- 496
Garber, Dora ---- 570
Gerber, Lillian ---- 567
Gerber, Serill ---- 567
Gervin, Nathan ---- 579
Geyer, Jacob (Jack) ---- 577
Geyer, Sara (Mrs. Jacob Geyer) ---- 577
Gilbert, Ed ---- 477
Gilbert, Jo ---- 465
Gilbert, Jody ---- 461–469 (testimony)
Gilder, Harry ---- 570
Gladstone, Charles (*see also* Joe Young) ---- 568, 580
Glenn, Elizabeth (*see also* Elizabeth Leech Glenn; Elizabeth Leech) ---- 442
Glenn, Elizabeth Leech (*see also* Elizabeth Glenn; Elizabeth Leech) ---- 444, 447
Gold, L ---- 498
Goldstein, Mary ---- 569, 577
Gorney, Jay ---- 451, 601
Gorney, Sondra (Mrs. Jay Gorney) ---- 601
Handman, Nina ---- 579
Hay, Marjorie ---- 512, 516, 539
Heist, A. A ---- 454–456
Herndon, LeRoy Travers, Jr ---- 499–526 (testimony), 529–531, 534, 537, 539, 540, 542, 554, 589
Heron, Lillian ---- 569
Hershey, Edith ---- 569, 578
Hirsch, B ---- 570, 577
Holtz, Doreen ---- 569
Horn, Sam ---- 570, 588, 589
Howe, Jane (*see also* Anne Kinney) ---- 511, 512, 554
Hudson, Henry ---- 568
Hunter, Alice ---- 601
Isaacman, Morris ---- 576
Jacobson, Eli ---- 475

Page
James, Dan 449, 451
James, Lilith (Mrs. Dan James) 451
Jarrico, Paul 488, 492, 493
Johnson, Eva 585
Johnston, Edith 568
Jones, Lewis Webster 518, 519
Judis, Harry 570
Judis, Minnie 570
Kalish, Sam 515, 540
Karson, Bobbie 579
Karson, Charles 570, 589
Karson, Ethel 579
Karson, Morris ("Red") 579
Katz, Charles J 497, 586
Kelleher, June (Kay) 577
Kelly, Jane Dawson 577
Kelly, Mary 441
Kenny, Robert W 470, 587–591
Kinney, Anne (*see also* Jane Howe) 511, 530, 554
Kline, Joe 567
Kline, Rose 562, 567
Kolker, Rose 496
Kusnitz, Sara 568, 571, 578, 580
Landall, Edith 577
Landis, Carole 443
Lang, David 525
Lardner, Ring 601
Lawson, John Howard 451
Lazar, Jack 569
Lazarus, Simon ..... 478–498 (testimony), 526, 585, 586
Leech, Elizabeth (*see also* Elizabeth Glenn; Elizabeth Leech Glenn) 442
Lewis, Al 539
Lewis, Matilda 516, 539
Lewis, Richard Byrd ..... 503, 509, 512, 516, 526–541 (testimony), 542, 554
Light, Louise 554
Looschen, John 601
Lorre, Ed 443
Luckenberg, Rosie 446
Lusher, Bernard ..... 590, 591–599 (testimony)
Lyndon, Barre 451
Lytton, Bart ..... 440–461 (testimony)
McClosky, Joe 576
McDonald, Florence 575
McKenzie, Fay 443
Macia, Edith ..... 558–589 (testimony), 591
Maddow, Ben ..... 599–601 (testimony)
Malloy, Rose 575
Malloy, Sophia 575
Mann 580
Margolis, Ben 478–498, 590–599
Marshall, Daniel G 461–469, 541–556
Mazer, Herman 576
Merritt, Max J 469
Minkus, Abe (Abraham) ..... 516, 539, 541–556 (testimony)
Minkus, Libby 516
Mitty, Mrs 568
Moffitt, Robert A 440
Moore, Sam 447
Morgan, Ann 449, 450
Morgan, Anne (*see also* Mrs. Charles E. Morgan) 583
Morgan, Ann Roth 450
Morgan, Mrs. Charles E. (*see also* Anne Morgan) 584
Moskin, Frank 579
Myer, Irving 576
Narcisenfeld, Harvey 466
Nicol, Edda (party name for Edith Macia) 559, 560, 562

Page
Nidiss, Bernie 569
Norman, Billie 568
Norman, Harry 568
Numovna, Barta 510, 539
Oleksink, Steve 570
Oleksink, Tillie 570
Oliver, William E. 469, 470, 601
O'Neal, John 576
O'Neal, Mrs. John 576
O'Neil, John P. 585
Oster, Morris 569, 570, 575
Oster, Nina 575
Ostley, Harold J. 408
Page, Charles Albert ..... 470, 587-589 (appearance), 601
Pate, Bob 567
Pate, Helen 567
Perlman, Gil 569
Perlman, Holly 569
Perlman, Maurice 569
Perlman, Norman 569
Polasti, Mr. 569
Pomerance, Bill 601
Posell, Rose 569, 539
Praeger, Stanley 451, 453
Pratt, Horace 568
Pratt, Ida 568
Putman, Fred 567, 577
Reichman, Charles 569
Reis, Meta 601
Richards, Ann Roth Morgan (Ann Roth Morgan) 450
Richards, Silvia 439
Roberts, Holland 512
Robinson, Bob 570
Robinson, Marjorie 570
Robson, William N. 584, 585
Rohr, Joe 568, 580
Rohr, Myrtle 568
Roman, Seargent 575
Roosevelt, Franklin D., Jr. 448
Rubin, Mary 568, 577, 578
Rubin, Sam 568, 577, 578
Rudinon, Sara 570
Salit, Fran 569, 577
Salit, Sophia 569, 577
Samuels, Helen 563
Schneidermann, W. 560
Schwartz, Harry 570
Schwartz, Ned 570
Scott, Adrian 451
Sharf, Dave 569, 577
Sharf, Rose 569, 577
Shepro, Anna 510, 516, 539
Shepro, Harry 509, 510, 516, 539
Sherry, Rose 569
Shultz 496
Silver, Max 553, 554
Sims, Kathleen 488, 489, 492, 496
Smith, Charles Jr. 588
Spivak, Freda 569, 577
Sproul, Dr. 519
Steinmetz, Harry C. ..... 541, 589-591 (appearance)
Stice, Cliff 576
Stone (alias Allen) 582, 583
Stone, Charles (alias for Charles Ellis) 568, 580
Sun Yat-sen 476
Thomas, Walter S. 589

Page
Tiets, J. B. 599-601
Townsend, Leo 452
Townsend, Pauline Swanson 452, 601
Trachgin, Frieda 560
Trivers, Barry 469, 470
Trivers, Paul 469, 470
Wallace, Henry A. 453, 585
Wallace, Jane 506
Warren, Lucy 560
Wayne, John 463
Weber, John 601
Weil, Robert 584, 585
Weinbaum, Sidney 521
Weisman, Steven 440-461
Wellman, Ruth H. 575
Wexley, John 450
White, Ann 568
Wiena, Lena 575
Wilson, Jane 506
Witkowski, Anne 570
Witkowski, Bert 570
Wolf, Hilton 569
Young, Joe 568
Young, Sandra 568

ORGANIZATIONS

Abraham Lincoln Battalion 513
Abraham Lincoln Brigade 568
American Association of University Professors 507
American Federation of Labor 589, 594
American Federation of Teachers 507, 589
American Federation of Teachers, Local 430 504
American Federation of Teachers, Local 1021 589
American Jewish League Against Communism 469
American League Against War and Fascism 513
American League for Peace and Democracy 513
Artists Front To Win the War 585
Atomic Energy Commission 596
Bank of America, Tarzana 492
Bank of America National Trust and Savings Association 488
Brown Derby 451
Cal-Det Knitting Mill 472
California State Commission on School Districts 526
Caltech 517, 521
Citizens Committee to Preserve American Freedoms 454
City College of Los Angeles 509
Columbia Pictures 600, 601
Columbia University 600
Conference of Studio Unions 449
Congress of Industrial Organizations 488, 594
Contemporary Theater 474, 475
Crane Junior College, Chicago 542
Dawson Bookstore 581
Department of State 538, 539
Ed Fox Productions 472
Emergency Relief Bureau, New York City 600
Federal Bureau of Investigation 451, 459, 559, 574, 575, 581, 585
Ford Motor Company 500
Friends of the Soviet Union 513
Glendale College 500, 503, 509, 521, 527
Hamper Union High School 526
Harvard University 519, 566
Hollywood High School 471
Hollywood Police Department 466

Page
Hollywood Professional section of the Communist Party of the United States ... 502, 514
Hollywood-Roosevelt Hotel ... 443
Hollywood Writers' Mobilization ... 443
Independent Productions Corporation ... 479, 482, 488, 489, 492, 495–497, 585, 586
International Union of Mine, Mill and Smelter Workers ... 486–491, 494
Jefferson Club of the Communist Party ... 572, 577
Leon Schlesinger Productions ... 472, 475
Library of Congress ... 590
Los Angeles Board of Education ... 544
Los Angeles Junior College ... 471
Los Angeles Teachers' Union ... 543
Los Angeles Teachers Union, Local 1021 ... 589
Metro-Goldwyn-Mayer ... 592
Mine, Mill and Smelter Workers Union. (*See* International Union of Mine, Mill and Smelter Workers.)
Moscow Trials ... 513
National Education Association ... 507
Ohio State University ... 510
Orosi Union High School ... 500
Princeton Film Center ... 444
Progressive Book Store ... 505
Radio Writers' Guild ... 447
RKO ... 451
Rockefeller Foundation ... 444
Roosevelt High School ... 500
Rutgers University ... 518, 519, 523, 524
Sacramento Junior College ... 500
San Jose State College ... 520
Screen Office Employees' Guild ... 593, 595
Screen Writers' Guild ... 443, 446, 449, 462
Sears Roebuck ... 570
Smith College ... 523
Stanford University ... 499, 500, 512, 519, 520, 527
State Federation of Teachers ... 520
Supreme Court ... 545, 546
Supreme Court of the State of California ... 498
Supreme Court of the United States ... 548, 598
Taft-Hartley ... 595, 596
Teachers' Union ... 504, 508–512, 527 531, 546, 548, 550, 589
Teacher's Union, Local 430 ... 508, 510, 540, 554
Temple University ... 510
Theater Collective ... 451
Thirtieth Street Club of the Communist Party ... 580
Twentieth Century-Fox ... 453
Union Bank ... 495
United Office and Professional Workers of America ... 594, 595
United States Air Force ... 519
United States Army ... 592, 596, 600
United States Circuit Court of Appeals ... 590
United States Navy ... 527, 533, 596
University of Arizona ... 558
University of California ... 510
University of California at Los Angeles ... 519, 542, 592
University of New Mexico ... 500
University of Southern California ... 500, 568, 579
USO ... 443
Voice of America ... 459
West Adams Club of the Communist Party ... 561, 571, 572, 580
West Adams Women's Club ... 572, 573, 575, 578
Young Communist League ... 507, 522

PUBLICATIONS

Page
Cincinnati Enquirer 519
The Communist 507, 522
Daily Worker 505
Hollywood Citizen-News 487
Los Angeles Herald-Express 407
New Masses 513
New Theater Magazine 475
People's World 513, 508
Political Affairs 505
The School and the People's Front 507, 522
Toward Soviet America 506, 507
The Worker 505