

**INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
LOS ANGELES, CALIF., AREA—PART 9**

HEARING
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH CONGRESS
SECOND SESSION

APRIL 19, 1956

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

(INDEX IN PART 10 OF THIS SERIES)



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PUBLIC LAW 601, 79TH CONGRESS

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

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

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

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

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

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

(A) Un-American Activities.

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

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

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

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

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

* * * * *

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

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA—PART 9

THURSDAY, APRIL 19, 1956

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

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 9:40 a. m., pursuant to recess, in room 518, Federal Building, Los Angeles, Calif., Hon. Morgan M. Moulder (chairman of the subcommittee) presiding.

Committee members present: Representatives Morgan M. Moulder, of Missouri (presiding), Clyde Doyle, of California, Donald L. Jackson, of California, and Gordon H. Scherer, of Ohio.

Staff members present: Frank S. Tavenner, Jr., counsel; William A. Wheeler and Courtney E. Owens, investigators.

Mr. MOULDER. The committee will be in order.

Will you please call the next witness?

Mr. TAVENNER. Mr. Albert Glasser, will you come forward, please?

Mr. MOULDER. Will you hold up your right hand and be sworn.

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

Mr. GLASSER. I do.

Mr. MOULDER. You may be seated.

TESTIMONY OF ALBERT GLASSER

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

Mr. GLASSER. Albert Glasser.

Mr. TAVENNER. Mr. Glasser, it is the practice of the committee to advise all witnesses that they have a right to have counsel accompany them to the witness chair, and the right to consult counsel at any time they may desire during the course of their testimony.

When and where were you born, Mr. Glasser?

Mr. GLASSER. I was born in Chicago, Ill., January 25, 1916.

Mr. TAVENNER. Where do you now reside?

Mr. GLASSER. 8855 St. Ives, I-v-e-s, Drive, Los Angeles 46.

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

Mr. GLASSER. California since 1922. I was 6 years old.

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

Mr. GLASSER. Graduate of high school—Roosevelt High School in Los Angeles. I had a scholarship at the University of Southern California, composition and orchestration.

In 1934 I won the Alchin, A-l-c-h-i-n, Charity Foundation Award. After leaving the university—it was during the depression years—I began to work gradually on movie circuits, and trying to establish a reputation as a composer and conductor.

Mr. TAVENNER. I wanted to find out what your profession or occupation is. Do I understand it is both that of a composer and an instrumentalist?

Mr. GLASSER. Yes, sir; composer and conductor; motion pictures, radio shows, television shows; all types of commercial work; and, when I have time, my concert work.

Mr. TAVENNER. During the course of its investigation the committee learned that, for a period of time, you had an opportunity to learn something of the activities of the Communist Party within a group of musicians in this area.

Mr. GLASSER. That is right.

Mr. TAVENNER. Were you ever a member of a Communist Party group composed of musicians?

Mr. GLASSER. Unfortunately, yes.

Mr. MOULDER. May I ask, composed exclusively of musicians?

Mr. GLASSER. Of Communist members.

Mr. MOULDER. Of musicians alone?

Mr. GLASSER. Yes, sir; exclusively of musicians.

Mr. TAVENNER. Tell the committee, please, over what period of time you were a member of such an organization.

Mr. GLASSER. Well, sir, this was in 1943, and it was over a period of perhaps from 6 to 7 months at most.

I was recruited somewhere about the middle of the year, around the summertime of 1943.

Mr. TAVENNER. Will you tell the committee the circumstances under which you became a member?

Mr. GLASSER. I would be glad to.

Through various family friends, we became acquainted with a gentleman named Max Silver and his wife, a Dr. Louise Light.

Mr. TAVENNER. Max Silver was a functionary of the Communist Party in Los Angeles at that time?

Mr. GLASSER. That is right. He was one of the officers. Which particular job he had I am not aware of. Actually it was organizer or chairman or something. I didn't pay much attention to it.

We were soon aware that he was a high official in the high party.

Mr. DOYLE. The summer of 1943?

Mr. GLASSER. The summer of 1943.

We actually had met him, I would say, in the spring of 1943.

After going to his house many times and being invited to his house and being wine and dined by them, we realized years later as to why we were wine and dined. It was sort of a membership drive at that time.

But, after seeing him there often and spending a lot of time with them—because, for one thing there, Dr. Silver is an extremely intelligent man, and in his conversation, even though most of the time it would lead toward politics which I wasn't too much concerned with

at the time, it was educational, if anything, to hear him describe things and discuss political affairs along liberal elements.

My background naturally had been slightly liberal all my life. My parents had been. My father had been a bodyguard at one time for Eugene V. Debs back before the First World War.

And, as the years went by, this form of semiliberalism was more or less instilled in the conversation at home. So my environment became a liberal form of education.

When I heard Mr. Silver discuss things in a more radical light and stronger tone, for basic curiosity reasons alone—I am a very curious guy; I like to learn. And from Mr. Silver we began to learn various things which at times might have puzzled me and confused me as to how things operated under communism, under different forms of liberal elements.

As the time moved along through the spring he began pressuring us—I shouldn't use that word—asking us, we are intelligent young kids; I am a good musician; I am going far; I should come into the party and help organize a certain type of thing which they were eventually going to steer toward the Musicians Congress Committee.

Mr. TAVENNER. You were told that that was to be one of the objectives of this Communist Party group?

Mr. GLASSER. I can't actually recall if Mr. Silver discussed this particular element at the time. But in overall discussions they were pointing out that one of the lacks in America was the fact that we don't have a Minister of Culture, a general governmental agency which could help and control and sponsor music and all the allied arts like the various European countries have—France, England, Finland. Many of the European countries have a definite Minister of Culture, so-called, which helps guide all cultural things.

That we here in America don't have such a thing, and we should have something like that, which is true. This much I still believe today. We should have something like that.

In fact, there was an item in the paper recently, if I can find it at the moment, where such a proposition is being sponsored in Congress today. It came out a week or two ago where the United States does need some form of help from the Government toward the arts.

Well, on principles like this, which are basically sound and correct, which is something we Americans should have, it sounded very correct at the time especially. And the general approach at the time was, we have to build some form of educational program to present these things to the American public.

How are you going to present it to the American public?

You have your Musicians' Congress and invite all the greatest musicians in America or the world to come here at a big symposium, and show the facets of music, the culture of music, how it can help the American public in various ways and help the war effort, or something else at the time. Everything was to help build the war effort, naturally.

Mr. JACKSON. Mr. Glasser, do you distinguish between the aid and assistance of the United States Government in such a program, and direction of the United States Government in such a program?

I don't know whether you were present in the hearing room day before yesterday or not.

Mr. GLASSER. No.

Mr. JACKSON. We heard about a Government agency which certainly is not the sort of agency that any of us would want. It was the agency which directs the cultural art or the agencies which direct cultural art in the Soviet Union.

Mr. GLASSER. They shouldn't direct.

Mr. JACKSON. I think the distinction should be made very clear that, while some such program as the one you suggest might be very meritorious and undoubtedly would be, we should be very careful.

Mr. GLASSER. You are so right, sir. They should not direct; they should help in other ways.

Mr. DOYLE. May I join the comment of Mr. Jackson at that point. The testimony day before yesterday was not only that Russia had an agency but there was a state control——

Mr. GLASSER. They sure do.

Mr. DOYLE. That controlled the writing and publication of the music. And no music other than jazz could even be published without the consent of the Russian or the Soviet Government, and that the whole purpose of the emphasis on music and art in the Soviet Union was for the purpose of interpreting the Soviet philosophy to the Russian people.

Mr. GLASSER. That is right.

Mr. DOYLE. On the contrary, of course, that destroys, in my book, individual initiative and independent respect for the individual, and places it as a servant of the state.

Mr. GLASSER. Very much so.

Mr. DOYLE. Which is contrary to the American philosophy.

Mr. GLASSER. When the Soviet Government began to slap the wrist of Shostakovich and Prokofiev and other great, sincerely great composers in the Soviet Union, and chastised them for writing an un-Soviet type of music, music against the culture of the Soviet form of government, this is going a little bit too far.

And there have been dozens of instances and cases where Russians themselves have told the world they have chastised these various individuals for writing music not acceptable to the people.

What means "acceptable to the people"? Whose opinion are they taking?

Mr. SCHERER. Whenever you get government into that field don't you run the risk, however, of eventual control and domination?

Mr. GLASSER. That is entirely possible.

Mr. SCHERER. I am not so sure that the Government of the United States has anything to do with interesting itself, even by way of grants-in-aid, in the promulgation of the cultural society. We can do that with our free institutions, and have done it for many years. I don't think government has any part in it. Those are my own feelings, because it eventually leads to control and domination by government whether you like it or not as soon as you start putting money into those programs.

Mr. GLASSER. Don't you think it is possible? For example, the Department of Labor has helped without interfering with labor. In the same sense, we could have a Department of Culture if it is correctly set up.

Mr. SCHERER. We have too many departments and agencies now.

Mr. GLASSER. This may be.

Mr. TAVENNER. Mr. Glasser, as indicated by several members of the committee, we heard extensive testimony here 2 days ago, and in quite some detail, regarding the political uses that were made in the Soviet Union of the various arts, which included music.

Now after you got into this organized group of the Communist Party composed of musicians and the Musicians Congress—was that the name of it?

Mr. GLASSER. Musicians Congress Committee.

Mr. TAVENNER. Committee was established, did you learn of anything indicating an effort to use that organization in a political way or to influence its decisions in a political way?

Mr. GLASSER. Very much so. If I may, I would like to elaborate on that and explain it.

Mr. TAVENNER. I would like for you to.

Mr. GLASSER. As the work began to organize for the Congress Committee, which was to be held at the University of Southern California in Los Angeles—UCLA—we had a few meetings, gatherings of members and nonmembers of the party, to discuss as to how the congress should take place and the form it should follow, who should be invited, who shouldn't be invited, what they should expect and what they should say.

Now as the discussion would come along, we would drop out certain names. They would say, "How about so-and-so, a great composer." And they could kick it around. And the first big fight that I had with the group was about the name of Rachmaninoff, Sergei Rachmaninoff, who had just passed away in the summer of 1943 or late fall, who was one of the towering lights in music, one of the great geniuses of our time, unquestionably.

I said we should have a man like him represented, or at least some of his works should be played as representative of today's great music because we do have great geniuses.

We talked about Beethoven, Bach, Brahms. But we have greats in our own time who in a period of history will take shape along with the greatest composers of all time.

The minute I mentioned the name Rachmaninoff there was a big outburst and a shout: "That dirty White Russian?"

And this began a long series of discussions and doubletalk.

I said, "So what? White Russian. Obviously, we all know this. But the man is still a great genius, a great composer, one of the big men of our time. What the heck has politics got to do with music? Is this going to be a congress of politics or music? Music comes first as far as I am concerned."

And as time subsequently proved, in most of these cases, members of Communist beliefs, intense beliefs—they carried the political beliefs to a greater extent than the musical beliefs. They loved politics more than music. And, once this picture began to become clear to me, then I knew there was something wrong, and I had to get out and get out fast.

There were other names of individuals from New York, the New York area—certain composers who were very small, very petty, very—I shouldn't say stupid because they might be intelligent people, but the music they write is very inferior and very low grade.

The orchestrations on certain occasions, I know personally, as I have studied some of the scores, a third-grade orchestra student would be ashamed to orchestrate what these big men were doing. It was ridiculous. These men were being pushed to the front. This one should lead this symposium; this one should definitely be in charge of American folk music; this man was, in my opinion, a very inferior composer, a very small-time situation.

And it is very unfortunate that his work should be pushed so to the fore, that the general American public should hear his things rather than other greater men of more significance and importance.

Slowly, as the congress committee began to take shape and more and more of these names were dropped, and more of the greater men who might be White Russians or unsympathetic to liberal causes were dropped out and eliminated, the whole thing began to take a definite political shape. We were saying goodbye, good luck, and thank you, and I backed out in a hurry.

Mr. TAVENNER. You backed out of the congress. Did you also back out of the Communist Party?

Mr. GLASSER. The party, simultaneously. It was a joint venture.

Mr. TAVENNER. Did you hold a position of any kind in the Musicians Congress Committee?

Mr. GLASSER. Yes. I had been appointed secretary and treasurer of the original congress committee. And I was to help raise funds and collect the money and hang on to the money and protect it. Apparently they felt I was the only honest fellow in the bunch. I don't know why.

I had to get stationery printed, and we just had enough money for 1 ream of paper which at that time cost around \$7. We had \$10 in the treasury. So we had 1 ream of stationery printed up, which was this, which fortunately we have maintained the balance of the ream. And on the ream of stationery my name is listed as secretary-treasurer of the committee.

Mr. JACKSON. May I see that?

Mr. GLASSER. Certainly.

Mr. TAVENNER. I would like to offer that letterhead in evidence, and ask that it be marked "Albert Glasser Exhibit No. 1."

Mr. MOULDER. It is so ordered.

Mr. JACKSON. Mr. Chairman, I don't know what the testimony is going to develop, but I would add to the insertion the stipulation that the mere appearance of a name on the letterhead does not connote membership in the Communist Party or sympathy with the Communist Party.

Mr. GLASSER. Definitely not. That is very true.

Mr. MOULDER. With that understanding, the exhibit will be admitted into evidence.

Mr. TAVENNER. Now let us go back a little further.

You have told us that, as a result of your associations and discussion of matters in which you were interested, you became a member of the Communist Party. Can you tell the committee anything more in detail as to how you actually became a member? That is, who brought you in and whether you signed any Communist Party cards.

Mr. GLASSER. Yes, sir.

GLASSER EXHIBIT No. 1

MUSICIANS CONGRESS COMMITTEE

1655 CHEROKEE STREET, ROOM 301

HOLLYWOOD 28, CALIFORNIA

HEMPSTEAD 3501

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Mr. TAVENNER. Or whether you paid dues and all matters of such character.

Mr. GLASSER. In the course of time we were spending many evenings with free dinners—which we needed badly because we were broke—at the home of Mr. Max Silver. It came to the point where he finally said, "Look. You kids have got to get in. This is silly. You are bright, you are intelligent. You have got to join this thing and help establish this cause, and help work for the war."

Everything was the war—second front, Musicians Congress, help culture; all the various double-talk phrases which were coming through.

They had been so kind to us and so sweet we just felt so grateful. And when they kept saying "You have got to sign," they finally shoved a membership card in my wife's hand and myself, and said, "Now, sign, and no more backing out. Come on. Do it right now."

We took the cards and stood up against the wall, and, with a pen, started to sign. I told my wife, "Wait a moment. One second. Don't sign with your actual handwriting. I still don't trust this thing. There's something fishy, and I know in my heart there's something wrong. Put the pen in your left hand and write it backward so maybe, in the event there may be trouble, they could not trace it to me, because I don't believe in this. We aren't doing a wrong thing, but we will go along with it for the ride. There is nothing to lose. We aren't doing anything wrong. We aren't doing any criminal acts. We don't do any espionage. We wouldn't hold up a bank or kill anyone. We are doing no wrong as wrong goes. We are simply signing a piece of paper which means nothing."

We signed the membership cards backward with our left hands, and Mr. Silver and Louise—Dr. Light—raised holy heck with us. They screamed. But we stuck to our guns. We said, "No, if you want it, take it this way. That is good enough for you." And they finally accepted.

Now, soon afterward we were contacted to go to a meeting, a membership drive.

I don't know whether it was a membership drive, but sort of a welcoming-to-the-Communist-Party type of thing. And after this meeting we had 3 or 4, 4 or 5 actual meetings of the Communist Party, 2 of which were in our own home.

The reason we had to have it in our own home was very simple. My little girl had just been born, January 23, 1943, and was still a little infant, 6, 7, 8 months old, and my wife was slightly nervous and high strung and refused pointblank to have babysitters. This was out of the question. Have a stranger watch our baby? Nonsense.

MR. TAVENNER. Let me interrupt you a moment.

It is not my purpose to ask you anything regarding your wife.

MR. GLASSER. I'm sorry.

MR. TAVENNER. It is not our practice to do so. However, if the witness desires to mention his wife in order that it may be known what his wife's position is, it is all right for you to do so.

MR. GLASSER. May I request the presence of my wife to come on the stand along with me and appear jointly? Is this possible, if you desire to?

MR. TAVENNER. We can call her as soon as you complete your testimony. I interrupted you. You had come to the point where you signed your membership card and were asked to come to a meeting.

MR. GLASSER. Yes.

We went up to a home on Sunset Plaza Drive. Whose home I wasn't aware of at the time, and never have been. But when we came to this big, very fine home, there were about 40 or 50 people sitting around in the living room. And after a few minutes a gentleman came to the front and said, "Ladies and gentlemen, welcome to the Communist Party."

And we said, "Welcome. Thank you, thank you."

Very friendly, very jovial, a lot of fun, and all total strangers to me. We didn't know anyone there at the time.

A gentleman began to speak, Mr. John Howard Lawson, whose name has come up, we know, at various times. He was a very bright man, a very intelligent man. But, as far as I am concerned, his political thinking was way off the beam, completely confused.

He began to speak for an hour or two—I forget how long—just going along, explaining the purposes and ideals and motives of the Communist Party in America, how they hoped to bring about certain changes in the Government through normal legal processes, through the ballot, through the vote of the American people, by the wishes of the American people and a majority, following standard American basic procedure straight down the line. And he talked and talked and talked. And at times he would go off on tangents, which at times sounded like double talk.

And toward the end he kept building up toward the fact that we have to do this through normal legal processes, due process of law. He pounded his fist and would get very dynamic because he is a very dynamic man, and kept stressing the fact that through the American system way of law we shall accomplish these purposes.

Now when he got through, my wife, who is a very, very spunky little woman, raised her hand to ask a question. And he said, "Yes," and pointed to her.

And she said, "Mr. Lawson, what is the ultimate goal of the Communist Party?"

And he immediately went into a long series of double talk, divergence, tangents, all over the place. He didn't answer her question one iota.

When he finally got through with the story, "But," she said, "I still ask the same question. What is the ultimate goal? What happens if we can't accomplish this through legal process, through the ballot box?"

Again he went off on a long-winded story, evading the issue.

Three or four times she kept after him. And I almost started to poke her and say, "Hey, cut it out." I didn't realize what she was after.

She kept needling him. Not needling, but insisting he answer the question, at least answer the simple question: What is the ultimate goal?

And he finally got so angry, and his face flushed up—I shouldn't use the word "red." But his face came red, and he just blurted out with vehemence, "Revolution." But strong.

My wife said, "That does it."

He forgot himself for a moment. I think he forgot himself. I assume that because there was a general murmur of dissatisfaction in the group. They felt this wasn't necessary.

Mr. JACKSON. Murmur of dissatisfaction?

Mr. GLASSER. Dissatisfaction.

But we knew right then and there, oh, oh, something is wrong. This is definitely silly, ridiculous, because to follow this type of thinking requires an individual that has certain basic elements of conceit, of vanity and ego where they think that what they feel is so correct that they and they alone have the true message for the world.

These people are so vain in a small, petty way that, once they get the idea of communism or socialism implanted in their brain, they feel this is the only way that can help humanity go forward. They become so stodgy and so stupid in their steadfastness and so blind—they cannot see other ways and they refuse to accept other ways.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. GLASSER. To me this is so ridiculous, so foolish. They just cannot comprehend how big the world is, how much more there is to life and living than just their one little idea.

And once we began to feel these things, this trend, we gradually backed off and said, "What have we done now?"

When it finally came to the breaking point we said, "We'll get out and get out fast. This is too much."

Mr. TAVENNER. Mr. Glasser, who were the leaders of this group of the Communist Party? That is, the persons you found to be the leaders after you joined the group?

Mr. GLASSER. There was one gentleman whom I always had a sort of secret fascination for—put it that way; his intelligence, a very lucid man, a very fine brain. His name was Mischa Altman. This man steered, ran, did everything.

He was just general factotum as far as I could tell. He was always present at our meetings. I gathered he was present at all the other meetings. He must have had three bicycles to run all over the town at the same time.

Mr. MOULDER. Are your references to these people in the year 1943?

Mr. GLASSER. 1943, yes, sir. Only 1943.

Mr. TAVENNER. Can you recall the names of any persons who held or seemed to hold positions in that organization, such as the person who would collect the dues?

Mr. GLASSER. Yes, sir.

As to officials, our particular group was very loosely strung. There was no definite, intense type of job. But various people would be appointed at various times to do a certain type of thing—literary director, to read some current book and discuss it at meetings and try to make us all buy the book, which is one of the gimmicks, too, to help raise money.

The literary director at one time, when we were at the party in 1943, was a fellow named Henry Roth. This I recall vividly because he gave a long dissertation on one of the books at the time, and discussion groups were held on that particular subject. I think he was also the treasurer of our group at one time.

Mr. TAVENNER. That is Henry Roth, R-o-t-h?

Mr. GLASSER. R-o-t-h.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. GLASSER. A very fine violinist.

Mr. TAVENNER. Will you give us the—

Mr. MOULDER. Order in the hearing room, please.

Mr. TAVENNER. Will you give us the names of any other members of that group you can now recall? Before doing that I want you to know of your own personal knowledge that they were members of this particular group.

Mr. GLASSER. That is right.

Mr. TAVENNER. And if you know they were members through your personal knowledge, then we want that information.

Mr. GLASSER. These are the only names I can actually recall. I have done a lot of soul searching. At times certain names—you think of a person's face. Going back 13 years, it isn't easy to remember who is who.

Mr. MOULDER. Are you now going to identify these people as members of the Communist organization or as members of your Communist Party group?

Mr. GLASSER. These individuals here I can recall definitely as having come to my home at the Communist Party meeting.

Mr. MOULDER. All right.

Mr. GLASSER. Henry Roth, Esther Roth, Mischa Altman, Carla Altman, A-l-t-m-a-n, Herb Offner, O-f-f-n-e-r.

Mr. TAVENNER. What was the first name?

Mr. GLASSER. Herb or Herbert.

Mr. GLASSER. And Herb, H-e-r-b, Lessner, L-e-s-s-n-e-r. Cyril Towbin, C-y-r-i-l T-o-w-b-i-n. Sol Kaplan, S-o-l K-a-p-l-a-n. Martha Goldberg, Anita Short, Kathryn Becker and Carroll Hollister, H-o-l-l-i-s-t-e-r.

Mr. TAVENNER. Did you say Becker?

Mr. GLASSER. Becker, B-e-c-k-e-r.

These are the only people whom I definitely know had been in the Communist Party.

Mr. DOYLE. May I interrupt you at this point—

Those were the meetings you say the Communist group held in your home. Were those meetings limited, within your knowledge, to Communist Party members?

Mr. GLASSER. The two meetings that we had at our home, yes, sir, were only of the Communist Party.

Mr. DOYLE. Limited to Communist Party members?

Mr. GLASSER. That is right. And I might add to this there was nothing surreptitious, nothing secret, nothing cloak-and-dagger type of thing at all. The windows were wide open. We had the bakery come to the front door and deliver all the bakery goods for refreshments later. It was all very clean, very official, very normal, very decent; nothing wrong at all.

Mr. MOULDER. Did you pay Communist Party dues?

Mr. GLASSER. We paid Communist Party dues when I could afford it at the time.

Mr. MOULDER. Who did you pay them to?

Mr. GLASSER. Henry Roth.

Mr. JACKSON. During what period of time? In what years were these meetings conducted?

Mr. GLASSER. 1943, between August or September and about December. The reason I know that, in December we began to get out and get out fast, was the fact that on December 11 you will find a little card attached to the Musicians Congress letterhead. We threw our first party to raise funds for the Congress Committee. The question was how could we raise funds and get money to get the show on the road for the congress. So the thought was expressed we should throw a big party, serve refreshments and have a lot of good entertainment and charge admission, and raise money by passing the hat.

So all the girls got together and cooked all the food, a bunch of turkeys, potato salad—the usual things for a big spread. Entertainers were invited, and a big party was thrown at a home which is listed on the card, the address there, on December 11 of 1943.

We had very many big celebrities of the motion picture world who had nothing to do with those elements at all, because this was now

completely the Musicians Congress, a very cultural institution on the surface, and many people were drawn in without knowing or suspecting what might have been steering behind the scenes.

We had a very successful party and raised a few hundred dollars. I was at the door collecting tickets and collecting admissions. My wife was helping serve the food and cooked two of the turkeys. And some of the girls from our party group cooked the other turkeys.

It was a very successful social affair. Put it that way.

But various things were happening at this time before and during the party itself, this party to raise the funds, which began to give us various insights into these people's character, where they were so petty in various ways. We felt these can't be Communists. These people talk of working for the world, for humanity, to help humanity advance and go forward. And all this yak, yak, yak about humanity: "We love humanity." And they were doing so many little petty things which didn't help humanity, but showed how selfish they were, how petty they were in their thinking and their living.

And these two things are so diverse. How can we be petty and small and think of yourself in a selfish way and still think of humanity and work for humanity? To me this is impossible.

MR. TAVENNER. You withdrew from the Communist Party at the time you withdrew as financial secretary of the Musicians Congress Committee?

MR. GLASSER. That is right.

MR. TAVENNER. Did you become affiliated with the Communist Party at any later date?

MR. GLASSER. Oh, no.

MR. TAVENNER. And your severance of ties with the Communist Party then was complete?

MR. GLASSER. Complete and total. We stayed away from the Musicians Congress like a plague. We just went to one affair, which was based on motion picture music. We are sorry we went. We completely avoided the entire Musicians Congress, wanted no part of it.

MR. TAVENNER. Since that time have you had any credits in your profession, or works that had any special standing as being anti-Communist in character?

MR. GLASSER. Yes, I have, very fortunately.

MR. TAVENNER. What are they?

MR. GLASSER. Well, in the last 8½ years I have composed, orchestrated, and conducted music for over 85 motion-picture films, and a few of these things including various types of films would be Top of the World, I Shot Jesse James, Geisha Girl, Tokyo File 212, Captain John Smith and Pocahontas, Huk, H-u-k, Paris Models, Invasion USA, Unmie—a Japanese word that means faith.

Most of these pictures, Tokyo File 212, Invasion USA, and Huk, which I just completed 2 months ago, are very strong, very dynamic anti-Communist pictures. Invasion USA was a story of the supposed future enemy invading the United States, and how they could do it and what would happen if they did it. They couldn't mention any definite country. We weren't concerned with getting international politics involved. But the idea was clearly brought to us as to what could happen in such an event.

Tokyo File was made completely in the Orient, in Tokyo, and showed how some of the Communist Party methods operate, what

they have done in various ways, and shows their machinations, how they can accomplish certain purposes and how it was stopped by the Japanese Government with the help of the American Government. At that time General MacArthur was still in Tokyo. And, in fact, all of us who worked in the production, had to be cleared by the general, I was told later, subsequently.

Huk was a story of the Communist uprising in the Philippine Islands 5 years ago, and the damage it made and how it was stopped eventually by Magsaysay, the President of the Philippine Islands.

MR. TAVENNER. Was any effort made at any later date to get you back into the Communist Party?

MR. GLASSER. No, I don't think so for one reason. We made it very clear and very self-evident we wanted no part of them. And I feel sure in my heart that we were the dirtiest bunch of bums they ever recruited. They wouldn't want any part of us either. So it is mutual, if anything.

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

MR. MOULDER. Any questions, Mr. Doyle?

MR. DOYLE. Yes.

I have never spoken with the witness, nor heard him say anything until this hour. But you may not know, Mr. Glasser, that this committee is here under what is known as Public Law 601, passed in Congress, delegating the members of this committee to investigate the extent of subversive activities and propaganda in our country whether it originates within our country or some foreign country, and then to report what we find, with our recommendations, back to Congress from time to time.

Of course, one of the purposes of this type of an investigation, as well as the purpose of subpoenaing you, was not only to get the facts which you have given us, but to see if there is a possibility of veering those facts toward improving, modifying, or amending legislation dealing with subversive activities in our country.

MR. GLASSER. That is right.

MR. DOYLE. The Supreme Court has held, and in commonsense, that you can't legislate unless you know the facts.

MR. GLASSER. True.

MR. DOYLE. The most recent case so declaring was the case of Quinn, which has been quoted by those who oppose this committee.

It is true, is it not, that I have never spoken with you in your life?

MR. GLASSER. That is right.

MR. DOYLE. So I have no idea what your answer is going to be. But I am going to ask you if you are at all familiar with the field of legislation as it is at present in Congress?

MR. GLASSER. Vaguely.

MR. DOYLE. Well, have you given it any thought?

MR. GLASSER. Yes, I have.

MR. DOYLE. Which you can give us the benefit of?

MR. GLASSER. What I think you are driving at, sir, is if I have any ideas or thoughts that might help you as a committee.

MR. DOYLE. That is what I am saying to you.

MR. GLASSER. And the American public.

MR. DOYLE. Have you any?

MR. GLASSER. I do.

Mr. DOYLE. Will you tell us your ideas or thoughts because we are making a study of that very subject.

Mr. GLASSER. I think you should almost take a page out of the Communist book and throw it right back at them. It is very effective.

Mr. DOYLE. Throw what back at them and how?

Mr. GLASSER. From an educational committee.

What I have learned in the last month since I was subpoenaed, I have had a tremendous education and very enlightening. I have assembled all these things that have happened to us in the last month, and it makes sense in one way.

Many people have called us and said, "Gee, Albert, I'm so sorry for you. I'm so sorry you have been called up. Gee whiz, isn't it terrible?"

I come back and say, "No. This is wonderful. What is wrong? What have I done that is so wrong? I didn't kill anyone. I didn't rob a bank. I didn't do anything against my country. I have done nothing criminal. I simply joined a rotten little Communist Party one time, and got out fast. Big deal. What have I done that is so terrible? Nothing. At the time I went in, the Communist Party was not a bad thing."

Now the fact that this is being cleared up, and my name and reputation are being cleared up once and for all, where there can be no suspicion as to where I stand and how I feel, this is a good thing; not a bad thing. I am darn glad the committee has called me in. I have had a chance to tell the whole American world where I stand and what I feel, take it or leave it. This is the way I am built.

Now what you should do as a committee, I think, is to have an actual educational committee—follow a page from the Communist form of operations—where you go on a deliberate campaign to tell the American public and get to the American public through the press, the magazines, articles perhaps—I don't know how—television programs. But point out all these thousands and thousands of Americans all over the country who feel like I do, who at one time or another were so liberal and felt a certain way for certain reasons, and they wanted to do something to help.

Mr. SCHERER. Don't you think it would be fine to have you on television here today? Would people then understand?

Mr. GLASSER. I wish I could.

But get to the American public because there are thousands like me who are so frightened of you as individuals, based on one fact, that, coming from a liberal element, liberal background, the fears of you as a committee are very intense. They hate you with all their blood, for one reason: They have been told to hate you by your Communist Party again and other liberal elements.

Going way back to the Martin Dies committee, who did a great job with Fritz Kuhn when they got that son-of-a-gun out of the country and got his neck, and the Nazi Party at the time.

Once he jumped on a different form of political thinking, they came back at him and slit his throat; the liberal elements.

The country has been told, and it has been thrown down their throats by the publicists from the Communist Party—not necessarily paid publicists but men working throughout the party and able to get these through in various ways—it has been shoved down the American public to hate your committee.

Mr. JACKSON. I think, if I may say, that Martin Dies has since recovered completely.

Mr. GLASSER. Yes, sir.

Mr. JACKSON. And what comes out of it still makes a lot of sense.

Mr. GLASSER. He did a magnificent job; no question of it. It is historical. You can't lie with history.

Mr. MOULDER. May Mr. Doyle proceed with his line of questioning?

Mr. DOYLE. Mr. Glasser, are you through giving us your recommendations?

Mr. GLASSER. That you should have a deliberate campaign of education of the American public that, "If you have anything to say pertaining to any form of Communist membership at one time or another, come forth. We are not going to hurt you. We are going to help you"—in the way I have been helped.

Mr. SCHERER. Again I repeat, there could be no more effective way than to let the public see through the medium of television just what you are saying and doing here today.

Mr. GLASSER. This is true to a small extent. One appearance wouldn't do it. It is a constant form of punching it. It takes time.

Mr. DOYLE. In view of the fact that I have never spoken with you in my life or knew anything about you except what you have stated today, I am going to ask you this question:

Are you in any way, directly or indirectly, being paid or compensated for coming here without a lawyer and testifying this morning?

Mr. GLASSER. Absolutely not. This is silly.

Mr. DOYLE. Have you in any way, directly or indirectly, been promised any reward or compensation?

Mr. GLASSER. Absolutely not. It is silly.

Mr. MOULDER. There is no basis for that.

Mr. DOYLE. There may not be any basis for such a question, but there are people in this room who have sort of a sneer on their face right now.

Mr. GLASSER. I am sure they will come forth and say that. I expect villification from that forum. There is no question of it. It is anticipated.

Mr. DOYLE. This witness is not what they call, in the Daily People's World and other anti-American papers, a paid informer.

Mr. GLASSER. They can't think for themselves. They are being told what to think. As far as the petty part of the pettiness—

Mr. MOULDER. Do you have any questions, Mr. Jackson?

Mr. JACKSON. No; except to say, in the matter of the vilification you will receive you will have a considerable amount of company, including a great many Members of the Congress of the United States who have been elected by their people.

Mr. GLASSER. I would be very proud to get the vilification.

Mr. JACKSON. As long as the name of Max Silver and Dr. Louise Light have been brought into the testimony, it should be in the record that Max Silver and his wife also subsequently saw the same things that you did in the Communist Party, and got out of it. Both of them appeared before this committee and gave extremely valuable information based on their official capacity in the Communist Party. I have nothing further.

Mr. MOULDER. Mr. Scherer, do you have any questions?

Mr. SCHERER. No.

Mr. MOULDER. Any more questions, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. MOULDER. Mr. Glasser, the committee desires to express to you our appreciation for your courage and your cooperation and the contribution you have made in informing the public and this committee of such knowledge as you have concerning Communist Party activities.

In that connection I wish to say, as an example, I am sure your appearance before this committee will not affect your employment. You have had the courage, the patriotism to come forward and state honestly, without any reservations, your past connections with the Communist Party approximately 13 years ago, and give a very thorough explanation about severing any connections you might have had with the Communist Party.

Such conduct on the part of any person who appears before this committee certainly has never and should never affect their employment.

Mr. GLASSER. That is true.

Mr. MOULDER. And I am sure the the rest of the committee will concur with me that the employment of any other witnesses who would be just as honest and straightforward as you have been would not be affected either.

Mr. GLASSER. Your country comes first.

Mr. MOULDER. Unless they continue to believe in the Communist philosophy they would not take——

Pardone me.

Mr. GLASSER. May I make one more statement?

The thought that occurred to us is the fact that the country comes first no matter what. So much so that in time of war when I am drafted and I get a letter from the President of the United States requesting my presence at the induction center, I have got to go whether I like it or not, or whether I believe it or not, or how I feel. This is immaterial. But when my country requests my presence or requests anything from me, I have got to go and I have got to do it.

Now your committee has requested my presence here. It is by the same beholden duty I come and talk to you and answer any questions you may have to throw at me as an agency of the Congress of the United States.

This is our country. If you don't like it you can always get out, which is an old cliché thrown around many times.

The fact remains when you are here and love it as much as I do and intend to stay here and die here, I want to cooperate and work with my country.

If you are the elected representatives of my country what more can I say than to come back and say I will answer any questions you want me to without any nonsense or boloney.

Many people want to evade these things. Why? What have they done that is so horrible? What did they do that they have got to escape from the United States of America? Did they throw a bomb somewhere? Did they pass information along? God knows what. They must have done some horrible thing which only they know about for which they would have to escape the United States of America.

If they come here and say, "I take the fifth amendment" you say, "What have you done that is so horrible? Belonged to the Communist Party that was completely official and normal and correct at the time? What is so bad?"

Mr. MOULDER. As you have stated, you wanted to be a liberal, and still have answered the questions. And there could be no question as to your loyalty by the committee.

Mr. GLASSER. I am still aware of many things wrong in the country. And that will be corrected in time.

Mr. MOULDER. I wish to reiterate my statement I made in appreciation for your clear and convincing testimony.

Mr. DOYLE. I am sure my colleagues join with me in complimenting this gentleman on his musical achievements and attainments. Certainly music is a universal language.

Mr. GLASSER. Yes, it is; my language, anyway.

Mr. MOULDER. Thank you very much, Mr. Glasser.

The witness is excused.

Mr. GLASSER. Thank you.

Mr. TAVENNER. Mrs. Glasser.

Is she here?

Mr. GLASSER. My wife, Mrs. Glasser, is right back here.

Mr. MOULDER. The committee will be in order.

Will you hold up your right hand and be sworn.

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

Mrs. GLASSER. I do.

(Representative Donald L. Jackson withdrew from the hearing room at this point.)

Mr. MOULDER. The photographers will please be seated.

TESTIMONY OF KATHERINE GLASSER (MRS. ALBERT GLASSER)

Mr. TAVENNER. What is your name, please?

Mrs. GLASSER. Katherine Glasser.

Mr. TAVENNER. You are the wife of Mr. Albert Glasser?

Mrs. GLASSER. That is right.

Mr. TAVENNER. Mrs. Glasser, you were not subpoenaed as a witness; were you?

Mrs. GLASSER. No. I came in voluntarily.

Mr. TAVENNER. In the course of your husband's testimony the fact of your membership in the Communist Party was made known. We will give you an opportunity to state to the committee, without reiterating his testimony, just what period of time you were in the Communist Party and anything you desire to state to the committee regarding your knowledge of the Communist Party activities.

Mrs. GLASSER. Well, according to my knowledge, I know we got in in 1943 because we base this upon roughly the date my child was born. That day was not rough, but the child was born in January of 1943, and it was shortly after that, a few months, that Max Silver and Dr. Louise Light asked us to join, and we finally did.

Mr. TAVENNER. And how long did you stay in the Communist Party?

Mrs. GLASSER. It was a matter of just a few months as far as I can recall, because I recall the printed little program slip from December 11, 1943, and it was after that that we broke with the entire thing.

Mr. TAVENNER. Why did you break with the Communist Party?

Mrs. GLASSER. Because their premises and principles did not agree with ours. We happen to be free thinkers, and we believe in free speech and free opinion, and did not believe in being directed as to what I shall say or what I shall think or how I shall feel at any time, to this day.

Mr. TAVENNER. And you, while in the Communist Party, felt that you were restricted in that way?

Mrs. GLASSER. Yes; in many ways.

Mr. MOULDER. At that point may I ask you this:

During the period of time Soviet Russia was our ally in the World War, the Supreme Court of the United States had not yet held or cited the Communist Party as being a world conspiracy to overthrow our form of government by force if necessary. Is that not correct?

Mrs. GLASSER. Yes; that is true.

Mr. TAVENNER. Do you recall the first meeting of the Communist Party that you attended?

Mrs. GLASSER. The very, very first meeting that I recall quite vividly, for obvious reasons, was that meeting—I believe it was a telephone call, and we were told to go to this address at Sunset Plaza Drive. And it was one of these welcome-to-the-Communist-Party meeting things.

Mr. TAVENNER. Do you know in whose home that meeting was held?

Mrs. GLASSER. No. At first we thought it was in the home of the—

Mr. TAVENNER. Don't say whose home you thought it was unless you know.

Mrs. GLASSER. No; I don't know that. We presumed it was the speaker.

Mr. TAVENNER. Excuse me. I didn't hear you.

Mrs. GLASSER. I said we presumed that it was the man who spoke to us. We thought it was his home; that was all.

Mr. TAVENNER. What do you mean, "spoke to you"?

Mrs. GLASSER. Well, trying to tell us the various premises of what the Communist Party intended doing.

Mr. TAVENNER. You mean the speaker at that meeting?

Mrs. GLASSER. That is right.

Mr. TAVENNER. Who was the speaker at that meeting?

Mrs. GLASSER. John Howard Lawson.

Mr. TAVENNER. But you do not know whether it was his home or not?

Mrs. GLASSER. No.

Mr. TAVENNER. What took place at that meeting?

Mrs. GLASSER. As best as I can recall, it was welcome to the Communist Party, and it was a group meeting of various groups; integration in other words. And then they went on to explain the various premises of what the Communist Party meant, which meant sharing things, all the people sharing the businesses, the various, what we consider liberal premises.

And then I became a little disgruntled with certain things because, you know, in order to create a certain situation you have to arrive

there by some means. And I wanted to know what the means were. And, as far as I can recall at that time, there was no such thing as revolution. It was all evolution.

But it still didn't make sense to me, and I just kept asking questions because after the discussion was concluded they said, "Well, any questions from the people sitting here?" And this just bothered me because I wanted to know what is the eventual deal that we are getting to. And finally he made the statement that—I mean I don't know whether he was mad at me because I was a youngster then, and he might have just blurted it out and not meant it—I can't presume to think for him, but this is what he did say: He says, "By revolution, we will be able to evolve all the things that we want."

MR. TAVENNER. Was there anything else said by Mr. Lawson on that occasion which you recall at this time?

MRS. GLASSER. Not that I recall.

MR. TAVENNER. Are you a member of the musical family or organization?

MRS. GLASSER. Yes, I am.

MR. TAVENNER. In what capacity?

MRS. GLASSER. Well, I am an orchestra manager, which means that I hire the musicians for the orchestras, and I am also a copyist and librarian, which means writing down the notes for the musicians to be able to play.

MR. TAVENNER. Were you assigned to a particular group of the Communist Party after this welcoming meeting referred to?

MRS. GLASSER. Yes. It was a musicians' group, to the best of my knowledge. I mean, from what I can recall, there were not more than 20 to 25 attending at any one meeting. But they were all musicians.

MR. TAVENNER. I believe your husband has testified that several of the meetings were held in your home.

MRS. GLASSER. Yes, they were. To the best of my knowledge, there were two.

MR. TAVENNER. Will you give the committee the names of persons that you yourself can identify as having attended Communist Party meetings of the group of which you were a member.

MRS. GLASSER. Yes, I can.

Kalman Bloch, B-l-o-c-h, and his wife. I don't recall her first name, but it was Mrs. Kalman Bloch as of 1943.

Anita Short, Sam Albert, Doris Albert, Blanche Sweet—

MR. TAVENNER. Doris Albert the wife of—

MRS. GLASSER. Of Sam Albert.

(Representative Donald L. Jackson returned to the hearing room at this point.)

MRS. GLASSER. There was Blanche Sweet and her husband. I don't recall his first name. And Henry Roth, Esther Roth, Mischa Altman, Carla Altman, Herbert Offner, O-f-f-n-e-r, Herbert Lessner, L-e-s-s-n-e-r, and his wife, I believe. Don Christlieb—

MR. TAVENNER. Just a moment. What is that name?

MRS. GLASSER. Christlieb.

MR. TAVENNER. Will you spell it, please.

MRS. GLASSER. C-h-r-i-s-t-l-i-e-b; Victor Gottlieb, Eudice Shapiro Gottlieb.

Mr. JACKSON. What is the first name?

Mrs. GLASSER. Eudice, E-u-d-i-c-e. Helen Tannenbaum—

Mr. TAVENNER. Spell the name, please.

Mrs. GLASSER. T-a-n-n-e-n-b-a-u-m.

Cyril T-o-w-b-i-n, Towbin; Kathryn Becker, B-e-c-k-e-r, Carroll Hollister; Sol Kaplan, and Martha Goldberg.

Mr. TAVENNER. Did you leave the Communist Party at the same time that your husband did?

Mrs. GLASSER. We do everything together. So we left it together, too.

Mr. DOYLE. At that point may I ask this question: To your knowledge were these two meetings of the musicians' group that were held at your home limited in attendance to members of the Communist Party? In other words, was it a closed meeting?

Mrs. GLASSER. From my knowledge—and this I am quite certain of—these were Communist Party meetings. They were closed only to Communists.

Mr. JACKSON. You mean they were open only to Communists.

Mrs. GLASSER. Excuse me. Yes; they were open only to Communists.

Mr. TAVENNER. Is there any additional fact you have not already testified to regarding your reasons for leaving the Communist Party that you might want to tell the committee?

Mrs. GLASSER. Well, actually, as I said before, what they wanted—

For instance, like, take the Musicians Congress. When they wanted to raise funds they wanted just to have a party and just have entertainers. I said this is ridiculous. How can you do this to people. You just call them in and ask them for funds. You have to give them something.

So that is when I started with the dinner, with the turkeys that were discussed. And by the time I got through we had the most beautiful turkey dinner for everybody. They had the most wonderful entertainment, and the entire price was \$2. And we still made a profit for the Musicians Congress. So it can be done like ladies and gentlemen instead of just asking people to contribute for their thoughts. And these were things that did disturb me because I don't live this way.

Mr. TAVENNER. Is there anything else you desire to say to the committee?

Mrs. GLASSER. Yes. I desire to tell the woman who sat next to me that I am very proud to be my husband's wife, no matter what she said. And I heard everything that she said.

I am sorry if I started a disturbance, but nobody says anything about my husband without my permission.

Mr. TAVENNER. You mean in this hearing room?

Mrs. GLASSER. Yes.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

We will have order in the hearing room.

Mr. DOYLE. No questions.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. SCHERER. No questions.

Mr. MOULDER. In addition to what you have said, I assume, Mrs. Glasser, you share your husband's views concerning the Communist Party and its objectives?

Mrs. GLASSER. In every possible way.

Mr. MOULDER. Thank you very much.

You are excused as a witness. The committee will stand in recess for 5 minutes.

(Whereupon, a short recess was taken, there being present Representatives Moulder, Doyle, Jackson, and Scherer.)

(The committee was reconvened upon expiration of the recess, there being present Representatives Moulder, Doyle, Jackson, and Scherer.)

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

Mr. TAVENNER. Mr. Herbert Offner, will you come forward, please.

Mr. MOULDER. Will you hold up your right hand.

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

Mr. OFFNER. I do.

TESTIMONY OF HERBERT OFFNER, ACCOMPANIED BY COUNSEL, FRANK PESTANA

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

Mr. OFFNER. Herbert Offner.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. PESTANA. Frank Pestana, P-e-s-t-a-n-a.

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

Mr. OFFNER. I was born in Montreal, Canada, in the year 1905.

Mr. TAVENNER. When did you first come to this country?

Mr. OFFNER. I would say approximately 1910, at the age of 5.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. OFFNER. Yes, sir; I am.

Mr. TAVENNER. When and where were you naturalized?

Mr. OFFNER. In 1928, in the city of Cleveland, Ohio.

Mr. TAVENNER. Over what period of time did you reside in Cleveland?

Mr. OFFNER. Since 1919, and I resided there until the year 1936.

Mr. TAVENNER. Where did you next reside?

Mr. OFFNER. Los Angeles.

Mr. TAVENNER. You have lived in Los Angeles since that time?

Mr. OFFNER. Yes, sir.

Mr. TAVENNER. What is your profession or occupation?

Mr. OFFNER. I am primarily a musician.

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

Mr. OFFNER. Well, I attended public schools of Newark, N. J. I graduated from high school in Cleveland, Ohio. Thereupon I entered a premed course at Western Reserve University, which I attended for about a year and a half. Subsequent to that I enrolled at UCLA. I have a bachelor of arts degree from that school, and a master of arts degree, with a major in the music college.

Musically speaking, I received my early education at the Cleveland Institute of Music, and had a scholarship there as a child, and studied

composition under Roger Sessions and Ernest Bloch and later under Arnold Schoneberg. That was at UCLA. I studied violin under such teachers as Harold Berkley and Andre de Ribaupierre, and viola under Samuel Lifschey. That about does it.

Mr. TAVENNER. Approximately what date did you begin your professional career in California?

Mr. OFFNER. The year 1946.

Mr. TAVENNER. Mr. Offner, were you aware of the existence of an organized group of the Communist Party composed exclusively or almost exclusively of members of the musical profession in Los Angeles?

Mr. MOULDER. Do you mean at this date or now or at any time?

Mr. TAVENNER. At any time.

(The witness confers with his counsel.)

Mr. OFFNER. Could you please repeat the question, sir?

Mr. TAVENNER. Are you aware of the existence of an organized group of the Communist Party in the city of Los Angeles at the present time or at any time in the past composed exclusively or almost exclusively of members of the musical profession?

(The witness confers with his counsel.)

Mr. OFFNER. In view of the fact that I am here under compulsion, not of my own free will, and in view of the fact that I believe this committee is in violation of the first amendment of the United States Constitution in that it is trying to delve into the private thoughts and opinions and associations of people, in view of the fact that I believe that Public Law 601, which created this committee, is similarly in violation of the first amendment, which clearly states that Congress or any authorized body appointed by Congress shall in no way abridge freedom of the press, association, and free speech—therefore, I decline to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. SCHERER. May I interrupt?

Mr. MOULDER. Yes, Mr. Scherer.

Mr. SCHERER. Witness, do you believe that the first amendment of the Constitution of the United States gives you the right to belong to the Communist Party and then prevents this committee from inquiring as to your membership in the party? Do you believe the first amendment of the Constitution does that?

(The witness confers with his counsel.)

Mr. OFFNER. I wish to point out that the first amendment, in my understanding of it, states clearly that Congress shall make no law abridging freedom of speech or assembly, and that my refusal to answer this question or the previous one was based on my understanding of that amendment, sir, and of the fifth.

Mr. SCHERER. The Congress itself and the courts have said that the Communist Party is actually a criminal conspiracy directed by a foreign power. Now the first amendment gives you no more right to belong to such a conspiracy than it does to any of the other criminal conspiracies, as, for example, a narcotic ring.

(The witness confers with his counsel.)

Mr. SCHERER. Therefore, this committee certainly has the right to inquire as to your membership in such a conspiracy, the same as another committee or the Department of Justice would have the right to

inquire as to your membership in a conspiracy to violate the Narcotics Act. It has nothing to do with the question of freedom of speech.

This committee is asking you whether or not you have membership or have any knowledge of the activities of the Communist conspiracy. (The witness confers with his counsel.)

Mr. TAVENNER. Mr. Chairman, may I suggest this witness be directed to answer the question.

Mr. MOULDER. The witness is directed to answer the question because your reasons for declining to answer are not sufficient under the law.

Mr. JACKSON. May I ask a question. May I have read again or asked again the question that is pending?

Mr. TAVENNER. Yes. The question I asked was whether or not the witness has knowledge of the existence of an organized group of the Communist Party composed exclusively or almost exclusively of members of the musicians' profession that may be in existence now or has been in existence in the past in Los Angeles.

Mr. JACKSON. My understanding from the witness' answer is that he has invoked the first and the fifth amendments.

Mr. TAVENNER. No; I did not understand that.

Mr. MOULDER. I did not understand that.

Mr. JACKSON. I believe that is the case.

Mr. DOYLE. He invoked the first amendment supplemented by the fifth.

Mr. SCHERER. My question was only directed to the invocation of the first amendment because, as I point out, we have the right to ask him with reference to his membership in the Communist conspiracy the same as another agency of the Government would have the same right to ask him whether he had any knowledge of the operation of any other conspiracy.

Mr. MOULDER. I understand that you refuse to answer, and your refusal is based upon the first and fifth amendments of the Constitution. Is that correct?

Mr. OFFNER. To supplement the reasons for my previous refusal to answer on the grounds that I already did give, I wish to state in answer—

Mr. MOULDER. Will you answer my question definitely, specifically, as to whether or not you refuse to answer, and whether you base your refusal on the provisions of the first and fifth amendments of the Constitution?

(The witness confers with his counsel.)

Mr. JACKSON. That is in the record.

Mr. MOULDER. He still refuses to answer.

Mr. JACKSON. The record will disclose, I think, that the witness refuses to answer on the grounds of the first amendment supplemented by the fifth.

Mr. MOULDER. That is correct. I am asking him that question.

Mr. OFFNER. I think that, as Congressman Jackson pointed out, the record speaks for itself. It is on the record, I believe, what my answer was.

That is correct, yes, sir; that is correct.

Mr. TAVENNER. Were you a member of the Communist Party, any branch of the Communist Party, in 1943?

Mr. OFFNER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you a member of the Communist Party in 1928 when you were naturalized as an American citizen?

(The witness confers with his counsel.)

Mr. OFFNER. On the advice of counsel, I refuse to answer on the grounds of the first amendment supplemented by the fifth.

Mr. SCHERER. In view of the witness' answer to that question, I think we should ask the Department of Justice to determine whether or not denaturalization proceedings should be commenced in this case.

(The witness confers with his counsel.)

Mr. TAVENNER. Mr. Offner, were you aware of the existence of a plan by the Communist Party to use its members in assisting to get the Independent Progressive Party on the ballot in this State in 1948.

Mr. OFFNER. Apparently, if I may digress for a moment here in answer to the statement that was previously directed at me, my impression of this committee here was that it was here to obtain information, information preparatory to the passing of legislation or preparatory to recommending certain legislation for Congress, and that it was not an inquisitorial body, it was not here to pillory people or to in any way accuse them of any crime, or to persecute them or prosecute them for any crime.

To my recollection, I have violated no law, I have committed no crime, I haven't even been accused of having committed any crime. Yet the threat was made here that I was to be threatened with revoking of my citizenship.

Mr. TAVENNER. You were threatened with an investigation of your situation when you refused to answer a very plain question as to whether or not you were a member of the Communist Party in 1928.

(The witness confers with his counsel.)

Mr. SCHERER. When he was naturalized at the time.

Mr. OFFNER. May I point out, sir, that the recent decision of the Supreme Court in the Slochower case condemned the practice of imputing any sinister meaning to the right of a person, the privilege of that person to take the fifth amendment, and that the exercise of that right to take the fifth amendment in no way establishes a confession of guilt, nor is there a presumption of perjury.

Mr. MOULDER. Mr. Doyle.

Mr. DOYLE. Right at that point, Mr. Offner, I am glad you are familiar with that recent decision by the Supreme Court of the United States with reference to the State law of New York.

We, of course, agree with that decision.

Mr. SCHERER. Don't say we do, Mr. Doyle. I do not agree with it.

Mr. DOYLE. I do in substance.

But may I say that you apparently agree with that decision. Therefore, as far as I am concerned, I take it for granted that you can be frank with this committee, and that you are not afraid of any imputation of having done any wrong if you answer the questions of this committee frankly and honestly.

If you believe in that decision why do you hide behind the fifth amendment?

Mr. MOULDER. The next outbreak or disturbance or demonstration in the hearing room will necessitate clearing the room of those responsible for the disturbance.

Mr. DOYLE. There are a half dozen people right over here that repeatedly cause a disturbance, and have done so every day they have been here.

Mr. MOULDER. Let us proceed.

Mr. DOYLE. You get my point.

Now you also are quite right that this committee is here to seek information from you. That is why you were subpoenaed, to give us information as an American congressional committee looking toward ways and means in which the United States of America, which you adopted as your nation, could better legislate in the field of the Communist or any other conspiracy designed to overthrow by force and violence our form of government.

Why don't you, therefore, as long as you have given that as a basis—and you are quite right; that is the basis or one of the reasons for this committee's being here. Why don't you cooperate and give us the information instead of claiming something that you are not afraid of?

Mr. OFFNER. May I ask you a question?

Mr. DOYLE. Certainly you can.

Mr. OFFNER. In one breath you tell us that you uphold the decision of the Supreme Court in the *Slochower* case, which you are in favor of. In the very next breath you ask me why I am attempting to hide behind that fifth amendment.

Mr. DOYLE. That is right.

Mr. OFFNER. Isn't there a contradiction in what you say?

Mr. DOYLE. Not at all.

Mr. OFFNER. The Supreme Court said that there is no attempt, nor any reference nor implication of an attempt to hide behind anything, nor is it a confession of guilt.

Mr. DOYLE. I have given you an opportunity again to answer and give the committee the information, and apparently you came here cocked and primed to give a speech against the committee. It is clear as crystal that is why you came. That is your position.

And you have the right to claim the constitutional provisions, of course. But I didn't want you to claim familiarity with that recent decision of the Supreme Court and then refuse to come forward with information about the Communist conspiracy.

You are the one that is inconsistent. If you are not afraid of having any imputation of guilt of some kind by pleading the amendment why do you plead it? What are you afraid of?

(The witness confers with his counsel.)

Mr. OFFNER. May I point out, sir, that the amendment—and I include the first as well as the fifth in this case—is for the innocent as well as the guilty.

Mr. DOYLE. Certainly.

Mr. OFFNER. And your efforts to take the fifth amendment or the meaning put into it by the decision of the Supreme Court recently in interpreting that fifth amendment shows that you are out not to uphold that fifth amendment but to destroy it.

Mr. DOYLE. Oh, no. Let me state this one thing clearly for your information. You have heard me state that I am in substantial agreement with the Supreme Court decision to which you refer.

And I take it that you are. You are, aren't you?

(The witness confers with his counsel.)

Mr. OFFNER. Well——

Mr. DOYLE. If you are or are not, say so. I have stated my position. If you agree with that decision why then do you hide behind the amendment in this case?

Mr. OFFNER. That to me again, Mr. Doyle, is an indication of a contradictory statement.

Mr. DOYLE. That is all right, but——

Mr. OFFNER. You in one breath uphold the decision of the Supreme Court in that particular case, and, in the next breath, you accuse the person of hiding behind that.

That clearly states——

Mr. DOYLE. I don't impute anything to you, sir, as a result of that amendment. I do impute to you a definite refusal to give to your Congress any information about the Communist conspiracy. You laid before this group here the fact that you thought we had come here to get information. We have. And our counsel has given you a chance to give us the information. And then you plead the amendment.

Mr. OFFNER. May I point out, sir——

Mr. DOYLE. I am not imputing any guilt.

Mr. JACKSON. May we have the regular order? We have 20 or 25 more witnesses to hear.

On this discussion, of course, the witnesses are here prepared to plead every possible instance in court where their position has been upheld. It is quite logical. If we get into a debate as to the merits of the decisions we can be here until next month, which I am sure we don't want and I am sure the witnesses don't want either.

Mr. MOULDER. Any additional questions, Mr. Doyle?

Mr. DOYLE. No; I have no questions.

Mr. MOULDER. Proceed, Mr. Tavenner.

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

Mr. OFFNER. What is the question, sir?

Mr. TAVENNER. I didn't think you remembered.

My question was were you familiar with the plan of the Communist Party to use its members to assist in putting the Independent Progressive Party on the ballot in California in the year 1948?

Mr. OFFNER. To my best recollection, I believe I already answered that question by pleading the first and fifth amendments.

Mr. TAVENNER. Do you so plead?

Mr. OFFNER. Yes, sir; I do.

Mr. TAVENNER. Testimony has been received that the members of this musicians' group of the Communist Party with which you have been identified by sworn testimony were directed to circulate petitions to put the Independent Progressive Party on the ballot.

(The witness confers with his counsel.)

Mr. OFFNER. Is there an inference there, Mr. Tavenner, to the effect that the people of this Nation do not have the right given them by the first amendment to petition? Is it a crime to petition? I would like to have that question answered.

Mr. TAVENNER. I will be glad to answer the question in this way:

The committee has received evidence indicating the plan of the Communist Party to put a ticket on the ballot, not under the name of

the Communist Party because it had been proved that they could not appeal to the rank and file of the people of this country under its proper name, and, therefore, the Independent Progressive Party in this State was sponsored by the Communist Party.

Now that is a matter of which this committee has received some evidence. You are in a position to enlighten the committee on that subject, according to our information. We are asking you to do so.

Now will you answer the question?

Mr. OFFNER. Yes, I will answer it.

The historical records are full of instances where the charge of conspiracy has been made in attempts to squelch public rights.

Mr. MOULDER. Please let us proceed. We will never finish our hearings.

That isn't an answer to the question, Mr. Offner. You could decline to answer the question and state your reasons for declining, or make a direct answer in response to the question.

Mr. OFFNER. Sir, I am merely attempting to answer in my own way. If it is a clumsy way, if it is a little bit lengthy, I am sorry. That is the only possible way I can answer this question to the best of my ability.

Mr. MOULDER. You do intend to give an honest answer to the question?

Mr. OFFNER. Yes, sir, I do intend to come to an honest answer in this.

Mr. MOULDER. All right.

Mr. OFFNER. History is full, as I said before, of evidences of this type of charge, of conspiracy.

May I point out that Marcus Aurelius accused the early Christians—

Mr. TAVENNER. That is not responsive to the question, and I ask that—

Mr. MOULDER. You are clearly far afield. You are directed to answer the question or decline to answer the question—one or the other.

(Representative Donald L. Jackson left the hearing room at this point.)

(The witness confers with his counsel.)

Mr. OFFNER. Is the Chair ruling that I cannot give the answer in my own way, but that I must restrict my answer to the confines and to the methods and procedures that this committee—

Mr. MOULDER. The Chair is ruling that you cannot give the answer in the manner which you have on three occasions now, and endeavor to reply by making a long dissertation or speech about ancient history or something of that sort.

You understand clearly what counsel means when he asked you that question, without going around the bush as you are, and, therefore, I direct you to answer the question or decline to answer, as you choose.

(The witness confers with his counsel.)

Mr. OFFNER. I am answering the question in the best way that I know how. But I also would like to point out that there was a speaker here the other day that spoke here for 6 hours without an interruption.

Mr. MOULDER. You are directed to answer the question or decline to, as you please.

(The witness confers with his counsel.)

Mr. OFFNER. I decline to answer that question on the basis of the grounds previously stated.

Mr. MOULDER. That is the first and fifth amendments?

Mr. OFFNER. That is correct.

Mr. MOULDER. Now you see how easily you could have avoided all this harangue we have gone through?

Proceed, Mr. Counsel.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. TAVENNER. I hand you a photostatic copy of a petition under date of January 31, 1948, at the end of which there is an affidavit signed in the name of Herbert Offner to the effect that he had solicited the signatures on this petition. Will you examine it, please, and state whether or not the signature appearing in the affidavit was made by you?

(Document handed to the witness and his counsel.)

Mr. MOULDER. At this point the chair wishes to announce that we are honored by the presence in the hearing room of Col. Carl White, director of customs of the port of Los Angeles.

Thank you.

Now may the record also show that the witness has examined the document referred to by counsel?

Mr. TAVENNER. I have asked the witness a question.

Mr. PESTANA. I think the record should show that the witness is examining the document.

Mr. MOULDER. The record will show that the witness is examining the document referred to by counsel.

(The witness confers with his counsel.)

Mr. MOULDER. Now this is being marked exhibit what?

Mr. WHEELER. No. 1.

Mr. MOULDER. This document is now marked "Offner Exhibit No. 1."

Mr. TAVENNER. For identification only.

Mr. OFFNER. In declining to answer this question I would like to state my reasons, primarily this, that, as is well known, the Constitution of the United States, specifically the first amendment, clearly states that a person has a right to petition the Government, and that I believe it is not in violation of any existing law. No one has committed a crime by signing petitions of this type. On the contrary, they are exercising their constitutional right to do so.

But if I am asked whether that is my signature or not, I decline to answer on the basis of the first and fifth amendments.

Mr. JACKSON. Mr. Chairman, I am in complete accord with the witness, that no crime is involved in the matter of the petition. That has been stated by the witness himself. And I submit that any claim of the provisions of the fifth amendment relating to self-incrimination are obviously misused in this instance. I do not accept the refusal of the witness in this instance inasmuch as he has stated that no crime is involved, and ask for direction that he be required to answer the question as the basis for a possible contempt citation.

Mr. MOULDER. The witness has heard the statement and the motion made by Mr. Jackson, of California. The witness is directed to answer the question.

Mr. OFFNER. I have already declined to answer that question on the basis of the first and fifth amendments.

Mr. JACKSON. May I make a statement for the record?

I do not accept the answer on the basis of the witness' own statement.

(The witness confers with his counsel.)

Mr. DOYLE. I wish to supplement Mr. Jackson's statement and the statement of our distinguished legal counsel a few minutes ago when he explained to the witness that we are not undertaking to interfere with the right of petition, but we were inquiring as to the extent to which the Communist Party in California secretly, subversively circulated this petition to obtain the signatures of unsuspecting American citizens without revealing the identity of the Communist Party as the circulator.

That is why we are inquiring, as I see it, from this witness in this field.

It has nothing to do with our interfering with the right of petition to the Government for redress of grievances.

Mr. SCHERER. Mr. Doyle is perfectly right.

The Government always has the right to inquire into fraudulent petitions which deceive the public.

Mr. TAVENNER. I desire to offer the document in evidence, and ask that it be marked "Offner Exhibit No. 1."

(This exhibit is similar to Roth Exhibit No. 2, p. 3860, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. It is so ordered.

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

Mr. OFFNER. I decline to answer that on the grounds previously stated.

Mr. TAVENNER. Have you at any time been a member of the Communist Party?

Mr. OFFNER. The same type of question; the same answer.

Mr. TAVENNER. I have no further questions of this witness.

Mr. MOULDER. Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. The witness is excused. You may claim your attendance fee at the desk behind your chair.

Mr. TAVENNER. Mr. Sam Fordis.

Mr. MOULDER. Will you please hold up your right hand and be sworn.

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

Mr. FORDIS. I do.

**TESTIMONY OF SAM FORDIS, ACCOMPANIED BY COUNSEL,
FRANK PESTANA**

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

Mr. FORDIS. My name is Sam Fordis.

Mr. TAVENNER. It is noted that the witness is accompanied by the same counsel who accompanied the preceding witness.

When and where were you born, Mr. Fordis?

Mr. FORDIS. I was born in July of 1921 in Kansas City, Mo.

Mr. TAVENNER. Where do you now reside?

Mr. FORDIS. I reside in Los Angeles, sir.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. FORDIS. I have lived here successively since, I believe, 1934.

Mr. TAVENNER. What is your profession?

Mr. FORDIS. I am a musician.

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

Mr. FORDIS. Yes, I would be glad to.

I received the usual elementary school education and studied music at an early age privately. I was given a scholarship as a youth somewhere—Oh, I believe I was 9 or 10 years old. I played a weekly radio program with my teacher acting as guardian, so to speak, along with me. I played these programs over one of the important stations in Kansas City.

Our family left Kansas City and came here, at which time I resumed my studies of violin, and then the correlative studies in music proper—harmony, counterpoint, composition, solfeggio.

I attended high school, was concert master of the high school orchestra, was represented on the, as I recall, the all-city high school orchestra, and then the all-State high school orchestra in the capacity as violinist.

On graduation from high school, I went to college where I received an A. A. degree, an associate of arts degree in music. I went to UCLA, continuing my education in music, in the meanwhile playing, performing, studying in every attempt to broaden my musical knowledge and understanding.

Mr. TAVENNER. What date did you complete your studies at UCLA?

Mr. FORDIS. Somewhere in May or June of 1942, I believe. I enlisted in the Army Air Forces.

Mr. TAVENNER. How long did you serve in the United States Army?

Mr. FORDIS. I served for 3½ years approximately.

Mr. TAVENNER. Then in approximately 1945 or early 1946 you returned to the practice of your profession?

Mr. FORDIS. That is substantially correct.

Mr. TAVENNER. I am not certain I understood the date and place of your birth. Will you tell me that again.

Mr. FORDIS. The date and place?

Mr. TAVENNER. Yes.

Mr. FORDIS. Did the recorder get that?

Mr. TAVENNER. I said I didn't. I presume the reporter did.

Mr. FORDIS. The date was July 21 of 1921.

And you wanted the place, too?

Mr. TAVENNER. Yes.

Mr. FORDIS. Kansas City, Mo.

Mr. TAVENNER. Did you ever live in Minneapolis?

Mr. FORDIS. No, sir.

Mr. TAVENNER. You practiced your musical career then in Kansas City and here in California except such times as your work required you to go out on short trips. Is that correct?

Mr. FORDIS. That would be correct.

Mr. TAVENNER. Were you a member of the organized group of the Communist Party composed exclusively or almost exclusively of musicians in the city of Los Angeles?

Mr. FORDIS. Is that the question, sir?

Mr. TAVENNER. Yes, sir.

Mr. FORDIS. The full question?

Mr. TAVENNER. Yes.

Mr. FORDIS. I decline to answer that question, sir, and I would like to explain my reasons, if I may.

Mr. TAVENNER. May I suggest, Mr. Chairman, that he be permitted to state his legal grounds, and be confined to that.

Mr. MOULDER. He has declined to answer and requested the opportunity to state his reasons for not answering. He clearly has that right under the law. I don't know what they are going to be, but he has the right.

Mr. FORDIS. Mr. Chairman, may I ask the chair a question?

Without seeming to be impudent, and with no intention of being, there are some questions which I feel are in the category of, "Have you stopped beating your wife?"

Members of the law here on the committee, I believe, are familiar with this type of question.

I would like to, if you permit me, give my reasons to this question.

Mr. MOULDER. You are entitled to give your reasons for declining to answer.

Mr. JACKSON. I would qualify that, Mr. Chairman, by saying he is entitled to give his legal reasons.

Mr. MOULDER. His reasons may be legal. I don't know. We don't know until he proceeds.

Mr. JACKSON. We have no way of knowing until he proceeds.

Mr. FORDIS. Mr. Tavenner has asked a question which today has very serious import because it has already been stated in the case of the Slochower decision and so on, and other decisions, a person who, for reasons as a sovereign of the United States, as a citizen of our country, has the privilege of not giving or giving, affirming or denying any questions relating to specific parts of the first amendment of the Constitution, which refer specifically to opinions, which refer to associations. These are, in essence, an invasion upon the rights of a citizen.

Now, if I so choose—

Mr. SCHERER. Even the Slochower decision didn't say that.

Mr. FORDIS. If I so choose to refuse to affirm or deny, this is my privilege. It is your privilege and my privilege, as I understand it, unless counsel will tell me that I am wrong.

Mr. TAVENNER. As far as counsel is concerned, you are absolutely wrong when you go outside of the legal ground for refusal to answer. If the committee rules otherwise, of course, that is—

Mr. FORDIS. Is this senior counsel?

Mr. MOULDER. Proceed.

(Representative Donald L. Jackson withdrew from the hearing room at this point.)

Mr. SCHERER. Yes, he is very senior. He tried the war crimes trials in Japan for the Government of the United States, and I could tell you a lot more about Mr. Tavenner's ability. He is very senior counsel.

(The witness confers with his counsel.)

Mr. FORDIS. Of course, this enters upon an area where senior counsel and my counsel might, in the light of their legal knowledge, discuss their different opinions as to counsel's statement.

However, I do not believe that this or similar committees—due to the fact that, if associations are asked of anybody, that I may or may not be an active member of a trade union or of Boy Scouts or Cub Scouts, I am not assured that at some future time that these organizations might be deemed subversive. I am not saying that you gentlemen are going to make this statement. But it might be possible because we know in our history that what was popular one time was unpopular another time.

Mr. DOYLE. Mr. Chairman, I object to this witness taking the time of this committee to give "some time in history" and so forth, and I move that he be confined to giving his legal reasons. That manifestly is not a legal reason.

Mr. TAVENNER. May I suggest that it might be of some value to announce that the committee is prepared to stay here to finish this work no matter how long the witnesses attempt to delay the proceedings.

Mr. MOULDER. Of course, we are not going to be made to appear ridiculous.

I won't be intolerant, but we are going to proceed fairly in these proceedings.

The objection made by the gentleman from California, Mr. Doyle, is sustained.

Please proceed without giving us a long discourse on your interpretation of the meaning of the Constitution, but state briefly your reasons for declining to answer the question. If you are claiming the amendments as reasons for not answering the question, do so.

Mr. FORDIS. In other words, Mr. Moulder, you are saying you are not going to give me the same privilege as the first witness in length of time.

Is that correct?

Mr. MOULDER. Yes, you have had ample time.

Mr. SCHERER. There is a significant difference between this man and the first witness. The first witness answered counsel and the committee's questions. This man isn't answering. If he answers your questions instead of declining to answer, I will let him make a speech all day. But he isn't answering. He is refusing to answer.

(The witness confers with his counsel.)

Mr. FORDIS. I don't intend to make speeches all day. I would just like to answer the question without interruptions, if I may.

Mr. DOYLE. I am going to object to this witness making a speech. He has been here in the room and he heard Mr. Offner make the same

sort of remarks, and finally Mr. Offner was gracious enough to cooperate and give the first and fifth amendments as a basis for refusing to answer.

Now if these are legal reasons, I am asking that he give them. If they are not, I object to his making a speech.

(The witness confers with his counsel.)

Mr. MOULDER. As you know, it is most difficult to preside as chairman of a committee of this sort when everybody wants to make a speech. I am not going to make one.

I am not badgering you to try to encourage you to make one. So please cooperate with the committee by declining to answer, and state your reasons for declining to answer as briefly as possible, and cite the Constitution if you intend to claim it as your reason.

Mr. FORDIS. In other words, we should be as objective without becoming subjective—we should be as objective about this as possible.

Mr. MOULDER. Do you decline to answer?

Mr. FORDIS. Now I decline to answer the question on the reasons as stated before, and also I decline to answer for reasons that this committee, although having stated that it did not come at this time to interfere with the union affairs—

Mr. DOYLE. I object to this sort of a tirade against the committee.

Mr. FORDIS. I believe—

Mr. DOYLE. Just a minute.

I am going to insist that you be bound by the same procedure that this committee has bound other witnesses to. I don't know what your counsel is advising you. He has the right to advise you only on your constitutional rights.

Mr. FORDIS. Mr. Doyle, what are you afraid of?

Mr. DOYLE. I am not afraid of anything.

Mr. MOULDER. Let's have order.

Let me tell you one thing clearly, and then we will proceed in that order.

You are being given a reasonable time to answer the question or to decline to answer. If you don't do so immediately you will be excused as a witness, and probably face a contempt proceeding. That is a danger and a risk which you are going to have to assume and take upon yourself.

Mr. FORDIS. Is this a threat?

Mr. MOULDER. It is not a threat. It is said in the spirit of advising you so that you might avoid placing yourself in that position. Certainly it is not a threat.

Mr. FORDIS. Now, to continue, if I may continue, this is an unfortunate time for the committee to have come to Los Angeles.

Mr. SCHERER. I move that the witness be excluded from the witness stand.

Mr. MOULDER. The witness is excluded from the room.

Mr. FORDIS. I stand on the fifth amendment in addition.

Mr. MOULDER. The officer will take the witness from the witness stand.

Mr. FORDIS. Thank you, gentlemen.

Mr. TAVENNER. I desire to offer in evidence a photostatic copy of a petition to participate in the primary election of June 1, 1948, by the Independent Progressive Party of California, at the end of which

there is an affidavit over the signature of a person by the name of Sam Fordis, F-o-r-d-i-s, bearing date the 7th day of January 1948, showing that he circulated this petition in the area of Los Angeles and obtained the signatures.

And a second petition of the same character with the same type of affidavit, bearing the date the 16th day of February 1948, signed with the name Sam Fordis.

I ask that they be introduced in evidence and marked "Fordis Exhibits Nos. 1 and 2," respectively. (These two exhibits are similar to Roth exhibit No. 2, p. 3860, and will not be reproduced in the printed record. They are on file in the committee's records.)

Mr. MOULDER. It is so ordered.

Mr. MOULDER. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Henry Roth.

Mr. MOULDER. Hold up your right hand and be sworn, please, Mr. Roth.

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. ROTH. I do.

TESTIMONY OF HENRY ROTH, ACCOMPANIED BY COUNSEL, BEN MARGOLIS

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

Mr. ROTH. Henry Roth, R-o-t-h.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. MARGOLIS. My name is Ben Margolis.

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

Mr. ROTH. Pardon me, Mr. Chairman.

May I submit a short statement to be put on file for the committee?

Mr. MOULDER. Yes; you may. The statement is admitted.

Mr. ROTH. I would like to read it. It would take about a minute and a half. I would really appreciate if I could read it.

Mr. MOULDER. The statement will be admitted, and is on file. Therefore, let's proceed with the examination of the witness.

What is the question pending?

Mr. TAVENNER. When and where were you born?

Mr. ROTH. New York, August 20, 1916.

Mr. TAVENNER. Where do you now reside?

Mr. ROTH. Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. ROTH. Off and on since 1923; most of the time.

Mr. TAVENNER. In what profession are you engaged?

Mr. ROTH. Well, I am basically a professional musician, but, like most musicians, by virtue of our permanent 80 percent unemployment, I have done other things. I have been in the building game, and I am also a student.

Mr. TAVENNER. But essentially you say you are in the musical profession?

Mr. ROTH. Well, I would say essentially all three of those would be correct, sir.

Mr. TAVENNER. Were you essentially in the musical profession in this area in 1943?

Mr. ROTH. I believe so.

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

Mr. ROTH. I have gone to grammar school. I am a high-school graduate. I have had extensive private training on the violin. I have been a violin soloist. I have been under contract at the studios, and later on my education consisted of, well, when I helped my union to get some \$2 million a year in wage increases from the Hollywood studio producers, and when I helped to end the Jim Crow racial segregation in my union, and when I appeared before the Kearns investigating committee, which I imagine you gentlemen know about—

Mr. TAVENNER. Were you educational director of an organized group of the Communist Party in 1943 composed almost exclusively of members of the musical profession?

Mr. ROTH. Well, sir, that has to do with my political affiliations, and I am going to refuse to answer that on the following grounds: The first reason, this attempt to blacklist outspoken members of my union, is an attack upon my union, and I will not cooperate with it.

Mr. DOYLE. Just a minute, Mr. Chairman. I am going to object to this. This witness came here to make a speech manifestly, and I am objecting, and require that he be confined to stating his legal reasons for refusing to answer the question. He has filed a statement.

(The witness confers with his counsel.)

Mr. ROTH. May I read the statement, Mr. Doyle? It is short.

Mr. DOYLE. No.

Mr. ROTH. It is a promise.

Mr. DOYLE. I ask that he be confined to his legal reasons like all other witnesses are confined.

Mr. MOULDER. We cannot tolerate your complaints and accusations against the committee, and the Chair will recognize your privilege of giving reasons for declining to answer.

Mr. ROTH. Mr. Moulder, I honestly promise to be short. I honestly promise to be short.

Mr. MOULDER. Proceed then.

Mr. ROTH. Secondly, the second reason is that I consider this an invasion on my private rights under the first amendment for this committee to use me as an attempt to get free election publicity in the coming election campaign.

Mr. MOULDER. I assure you I am not getting any.

Mr. ROTH. Third, sir, I would like to know if your hurry is in order to get down South and investigate the Ku Klux Klan.

Mr. DOYLE. Just a minute.

I am going to insist that this witness confine himself to legal reasons.

Mr. MOULDER. You will be given one more opportunity to answer or decline to answer the question.

Mr. ROTH. Mr. Chairman, are you legally adjusted to my reasons, sir?

Mr. MOULDER. We are offering you a reasonable opportunity to answer—

Mr. ROTH. I have a right to state them.

Mr. MOULDER. Or decline to answer and state your reasons for not answering the question.

Mr. ROTH. I have a right to state them, sir, I believe, and I haven't taken time.

Mr. MOULDER. So far you have not, and the witness will be excused because you decline to answer the questions.

Mr. ROTH. What is your question?

(The witness confers with his counsel.)

Mr. ROTH. Am I ordered to answer the question?

Mr. MOULDER. Yes; you are directed to answer the question.

Mr. ROTH. What is the question, sir?

Mr. TAVENNER. The question, which you have not paid any attention to, is whether or not in 1943 you were a member of an organized group of the Communist Party in Los Angeles composed exclusively or almost exclusively of members of your profession.

Mr. SCHERER. And your question added whether or not he was educational director of that organization.

Mr. TAVENNER. Yes.

(The witness confers with his counsel.)

Mr. SCHERER. That is the question.

Mr. TAVENNER. May I withdraw that last question.

Mr. ROTH. You have me confused now. I don't know what the question is.

Mr. MOULDER. So we have no doubt, I suggest the reporter go back to the original question and read it.

Mr. ROTH. Will I get the original time limit or is that going to be—

Mr. MOULDER. Let the reporter read the question.

(Whereupon, the record was read by the reporter, as follows:)

Were you educational director of an organized group of the Communist Party in 1943 composed almost exclusively of members of the musical profession?

Mr. ROTH. Do you Congressmen agree that this is the question I have to answer?

Mr. MOULDER. Yes. The witness is directed either to answer or decline to answer the question.

Mr. ROTH. Very well then, I will start again.

I must refuse to answer that question because I feel this hearing is deliberately timed to the affairs of my union, to achieve national publicity, and is an attack upon my union.

Mr. MOULDER. The witness will be removed from the witness stand for deliberate contempt of this committee.

Mr. ROTH. I am still giving my reasons.

Mr. MOULDER. The committee will stand in recess until 1:30.

Mr. ROTH. I am still giving my reasons on the first and fifth amendments.

Mr. TAVENNER. You got it in, didn't you?

Mr. ROTH. I sure did.

Mr. SCHERER. I move that that last answer of the witness be stricken from the record because it was made after he was ordered to leave the room and after the committee was adjourned.

Mr. MOULDER. The record will speak for itself. The committee was not in session when he made the statement.

(Whereupon, at 12 noon, the committee was recessed, to be reconvened at 1:30 p. m., this same day, there being present Representatives Moulder, Doyle, and Scherer.)

AFTERNOON SESSION—THURSDAY, APRIL 19, 1956

(The committee was reconvened upon the expiration of the recess at 1:40 p. m., there being present Representatives Moulder, Jackson, and Scherer.)

Mr. MOULDER. The committee will be in order.

Call your next witness, please, Mr. Tavenner.

Mr. SCHERER. Mr. Chairman, before we commence the afternoon session, I would like to say that it has been obvious to me that there has been, upon the part of a number of the witnesses who have testified before this committee, a planned and deliberate attempt to harass the committee and to delay and to interfere with the work of the committee.

The last two witnesses in particular have participated in this attempt, and, to my mind, they are guilty of contempt. Therefore, I am going to move that the subcommittee recommend to the full committee that the last two witnesses, Henry Roth and Sam Fordis, be cited for contempt of Congress.

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

Mr. JACKSON. Mr. Chairman?

Mr. MOULDER. Mr. Jackson.

Mr. JACKSON. May I at this time acknowledge receipt—and I am not going to read the letter, but I think it should go into the record—a letter from Victorio Toriano, who identifies himself as a busboy in a local restaurant, and who has sent in, with his congratulations and expression in support of the committee, a \$5 bill to be used in the fight against communism, from which he says he is happy to be an escapee.

While the Treasury is in not too good straits, it is not the intent or purpose of the committee to solicit or use or accept any money of this kind, and it would be my hope that the chairman of the subcommittee would express the thanks of the committee to Mr. Toriano, and that his money be returned to him.

Mr. MOULDER. The subcommittee will return the money, and express our appreciation for the sentiments expressed in this letter.

Mr. JACKSON. And I ask also, Mr. Chairman, that the letter be inserted in the record at this point.

Mr. MOULDER. It is ordered by the subcommittee that the letter referred to by Mr. Jackson be inserted in the record at this point.

(The letter referred to follows:)

APRIL 17, 1956.

Chairman and Members of the House Un-American Activities Committee at Present in Los Angeles:

HONORABLE GENTLEMEN: Although I'm a person of humble background and occupation—at present I'm a busboy in a local restaurant—I want to congratulate all of you for the fine job you are doing: exposing those who wittingly or otherwise are helping or have in the past helped the Communist cause.

I also would like to congratulate you for the patience and fairness you've displayed yesterday towards those subpoenaed, the majority of whom behaved like boors and not "cultured," as they so loudly claim to be. I'm quite sure that even I, with almost no education, would have behaved like a sensible adult

should. I'd like to add also that, although I never had the means, I've managed to travel a little. I've been to a few foreign countries, not as a tourist, and I assure you, gentlemen, that there's not a single country in the world where witnesses such as Mrs. Edith Rapport could have behaved the insolent way she did yesterday towards you and gotten away with it. She knows very well that if she had behaved that way in her native Russia, if fortunate, she would at this moment be in solitary confinement; if unfortunate, she probably would already have been disposed of.

Now, concerning Mr. Rubin Decker's "deep concern" for Nat King Cole and the Negro in general, I'd like to state as a member of a racial minority that Mr. Rubin Decker's kind is not sincerely concerned over the Negro or any other minority except for propaganda purposes. If Mr. Rubin Decker's kind would ever get in power, we, the so-called racial minorities for whom he and his kind weep so copiously now, would be the first to go under the heels of these potential tyrants. To finish, I'd like to very respectfully ask you to please accept the five-dollar bill I enclose to be used in the fight against the Communist conspiracy and their native and foreign puppets. I only wish that I was financially able to give more to you.

Give my best regards to Rep. Francis E. Walter, truly a great American, and keep up the good work.

Yours for the great United States of America,

VICTORIO TORIANO,

634 Sunset Boulevard, Los Angeles 12, Calif.

P. S.—Please overlook any grammatical mistakes I may have committed in the course of my letter. As for William D. Waddilove, let it be known that it takes a lot more guts to state that one has been a Communist than to hide behind the 5th or any other Amendment. Three Bravos for him.

Mr. TAVENNER. Mr. Chairman, I desire to offer in evidence at this time a photostatic copy of an affidavit of registration of Henry L. Roth, bearing date the 17th day of April 1948, showing an intention to affiliate with the Independent Progressive Party.

I also offer in evidence a petition of the Independent Progressive Party of California, at the end of which there is an affidavit over the name of Henry L. Roth, bearing the date the 15th day of February 1948, stating, in substance, that he had circulated this petition and obtained the signatures thereto.

I ask that these documents be admitted in evidence and marked "Roth Exhibits Nos. 1 and 2," respectively.

(Representative Clyde Doyle entered the hearing room at this point.)

Mr. MOULDER. It is so ordered.

(Exhibits referred to follow:)

ROTH EXHIBIT No. 1

STATEMENT OF TRANSFER OR CHANGE OF NAME

I last registered under the name of

I last registered at and removed from

No. Street

ORIGINAL

Precinct

I hereby authorize the cancellation of said registration. LOS ANGELES CITY PRECINCT NO. 1318

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES, } SS.

AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the State one year, of the County ninety days, and of the Precinct forty days next preceding such election, and will be an elector of this County at the next succeeding election.

1. I have not registered from any other precinct in the State since January 1, 1936.

(If applicant has so previously registered, mark out the word "not" and fill out the appropriate blanks at the top of the affidavit.)

2. My full name is HENRY L. ROTH

(Including Christian or given name and middle name or initial, and in the case of woman, the prefix Miss or Mrs.)

3. My residence is 1842 North Western Ave. East

(Name street or road. If remote from both, then give Sec., Twp., and Range.)

between Hollywood and Franklin Streets, Floor, RoomPost-office address 1842 North Western Ave. 274. My occupation is Musician

9. I intend to affiliate at the ensuing primary election with the

5. My height is 5 feet 9 1/2 inchesIndependent Progressive Party.

(If affiliation is not given, write or stamp "Decline to State.")

6. I was born in New York

(State or Country)

7. I acquired citizenship by

(If a native born citizen you need not answer question No. 7.)

a. Declaration of Court

b. Father's naturalization

c. Mother's naturalization

d. Marriage to a citizen prior to September 22, 1922

e. Naturalization of my husband prior to September 22, 1922

f. Act of Congress

CANCELLED
TRANSFER

DEATH

Date 7-24-52

BENJAMIN S. HITE, Registrar of Voters

BY M. Hoffmann

(when) (where)

My father's name is (was)

mother's

husband's

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband)

8. I can read the Constitution in the English language; I can write my name; I am entitled to vote by reason of having been on October 10, 1911

An elector.

More than sixty years of age.

I can mark my ballot by reason of

(State physical disability, if any)

Henry L. Roth

(Affiant sign here)

1842 No. Western Ave.

(Street Address)

Subscribed and sworn to before me this

17 day of April, 1948

M. J. DONOSHUE, Registrar of Voters

By Mrs. Esther Roth

Deputy Registrar of Voters.

E 435543

G

IPPC 2666

**INDEPENDENT PROGRESSIVE PARTY OF CALIFORNIA
PETITION TO
PARTICIPATE IN THE PRIMARY ELECTION JUNE 1, 1948**

Circulated in the County (or City and County) of LOS ANGELES

STATE OF CALIFORNIA,

County (or City and County) of LOS ANGELES ss.

TO THE HONORABLE SECRETARY OF STATE OF THE STATE OF CALIFORNIA:

We, the undersigned, registered, qualified electors of the State of California, residents of the County (or City and County) of LOS ANGELES, State of California, present to the Secretary of State of the State of California this Petition and declare that we represent a political party, the name of which is **INDEPENDENT PROGRESSIVE PARTY OF CALIFORNIA**, which party said electors desire to have participate in the Primary Election to be held on June 1, 1948.

6

NAME	RESIDENCE		Date of Signing	Precinct
	Street and Number	City or Town		
1				
2				
3				
49				
50				

STATE OF CALIFORNIA,

County (or City and County) of LOS ANGELES ss.HENRY L. ROTH

being first duly sworn, deposes and says: I am, and during all the time while soliciting signatures as hereinafter set forth was, a qualified

and registered elector of the above named County (or City and County) of LOS ANGELES, and of the State of California; I am the person who solicited the signatures to the attached and foregoing Petition; all the signatures to the attached section were made in my presence and upon the date shown after each signature, and at the time each signer signed his name to said Petition he also affixed thereto his residence as above stated, and the date of said signing, and said signatures were solicited

by me within the above named County (or City and County) of LOS ANGELES, and to the best of my knowledge and belief, each signature to the said section is the genuine signature of the person whose name it purports to be.

Subscribed and sworn to before me this 15th day ofFebruary, 1948Carlson YoungNotary Public in and for the County (or City and County) of Los Angeles

State of California.

Henry L. Roth
1842 No. Western Ave.
Los Angeles 27, California

1318

OK
EP

Mr. TAVENNER. Mr. Chairman, there have been several individuals identified as members of this Communist Party musicians' group during the course of the testimony and who have not been subpoenaed. For lack of time, the staff and the committee did not attempt to subpoena them.

I desire to offer in evidence at this time a petition of the Independent Progressive Party of California, at the end of which there is an affidavit by Seymour Sheklow, bearing the date the 6th day of February 1948, in which it is stated that he is the individual who circulated this petition and solicited the signatures. I ask that it be marked "Sheklow Exhibit No. 1."

Mr. MOULDER. It is so ordered.

Mr. TAVENNER. And I desire also to introduce in evidence another petition of the same character, at the end of which there is an affidavit over the name of Samuel Albert, bearing date the 29th day of January 1948, in which it is stated that he is the individual who solicited the signatures thereon. I ask that it be marked "Albert Exhibit No. 1."

Mr. MOULDER. It is so ordered.

(The above-mentioned petitions, Sheklow exhibit No. 1, and Albert exhibit No. 1, are similar to Roth exhibit No. 2, p. 3860 and will not be reproduced in the printed record. They are on file in the committee's records.)

Mr. TAVENNER. I might say that the last-named individual appeared before this committee on the 7th day of April 1953, and at that time refused to answer any material questions, relying upon the fifth amendment.

Will Mr. Cyril Towbin come forward, please?

Mr. Towbin?

Mr. MARGOLIS. I think he thought it was 2 o'clock. The impression was it was 2 o'clock. Do you want to wait a minute? I will see if he is outside.

Mr. TAVENNER. Mr. Victor Gottlieb.

Mr. BROOKS. Mr. Gottlieb was to meet me here at 1:30. I expect he is on his way. I will make a phone call.

Mr. MARGOLIS. I think Mr. Towbin will be here in 2 or 3 minutes.

Mr. TAVENNER. Let me know when he arrives?

Mr. Manuel Compinsky.

Mr. MARGOLIS. Mr. Towbin is on his way down the hall now.

Mr. BROOKS. Mr. Compinsky is here, Mr. Tavenner.

Mr. TAVENNER. I will call Mr. Towbin first.

Mr. MOULDER. Please hold up your right hand and be sworn, Mr. Towbin.

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

Mr. TOWBIN. I do.

TESTIMONY OF CYRIL TOWBIN, ACCOMPANIED BY COUNSEL, BEN MARGOLIS

May I just say that if I appeared to be a little delayed it was because I had been told the hearing would start at 2 o'clock.

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

Mr. TOWBIN. I want to give you my name, Mr. Counselor, under protest.

I am brought here under compulsion. My name is a very good one. It has been honored and respected, and I know too well—and who doesn't—that the name mentioned before this committee amounts to a kiss of death.

My name is Cyril Towbin. It is spelled T-o-w-b-i-n.

Mr. TAVENNER. Would counsel accompanying the witness please identify himself for the record.

Mr. MARGOLIS. Ben Margolis.

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

Mr. TOWBIN. I was born in New York City on August 9, 1897.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. TOWBIN. I do.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. TOWBIN. Approximately 15 or 16 years. I came to Los Angeles about the year of 1940.

Mr. TAVENNER. What is your profession?

Mr. TOWBIN. I am a musician.

Mr. TAVENNER. How long have you been engaged in the practice of your profession in Los Angeles?

Mr. TOWBIN. I have been engaged in the practice of my profession in Los Angeles ever since I arrived, sir, which is about since 1940.

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

Mr. TOWBIN. I attended the public schools in New York City, and from the earliest times that I can remember, thanks to the good direction of a principal of my public school, who was a great American—he taught me to respect the Constitution of our Government and to defend it at all times, which I intend to do here, sir.

I went to high schools in New York City. I had education privately through scholarships with the greatest master of his time in New York City, in music, privately and in an institution, the Institute of Musical Art.

I guess I can call all of my life an education because I consider an education the fact that when I was about 17, I organized and directed one of the first community orchestras under the sponsorship of the well-known politician in New York. My education continued when I enlisted in the Army. And before I enlisted in the Army I had a great education when I made a tour of the South and the East playing for the wounded soldiers coming back, the first wounded coming back from World War I. This was one of the greatest and most painful educations I can think of. That is why I have dedicated my life ever since that time to the cause of peace and cultural relations with all peoples.

My education continued all during the time that I had the privilege of teaching. I taught a class of blind pupils in New York at The Lighthouse.

Mr. TAVENNER. Where did you teach in New York?

Mr. TOWBIN. At The Lighthouse. It is a blind school.

Mr. TAVENNER. When did you teach there?

Mr. TOWBIN. I can't remember that year. I was quite a young man at the time. But I have taught a great many years in my life.

Mr. TAVENNER. That was before you came to California?

Mr. TOWBIN. Oh, yes.

Mr. TAVENNER. Mr. Towbin, during the course of the 1954 hearings—

(The witness confers with his counsel.)

Mr. TOWBIN. I believe, Mr. Counselor, I didn't quite finish my background.

Mr. TAVENNER. Instead of answering my questions, you have gone rather far afield. I asked you for your formal educational training. You were giving that and a great many other things, too.

If there is anything else regarding your formal educational training, we would be glad to hear it.

Mr. TOWBIN. This all I consider as a part of my education, sir.

Mr. TAVENNER. That wasn't what I asked you. Your statement is not responsive to my question. I wanted to know where you attended school in connection with your profession, or where you attended school in connection with your general studies.

Mr. TOWBIN. I think the record will show that I did give you this information.

Mr. MOULDER. May I ask you, did you say you were in the armed services?

Mr. TOWBIN. Yes, sir; for a short time.

Mr. MOULDER. How long?

Mr. TOWBIN. Well, it was a matter of a few months. It happens I enlisted just before the close of the war.

Mr. SCHERER. Which war?

Mr. TOWBIN. The First World War.

Mr. MOULDER. In what branch of the service were you in?

Mr. TOWBIN. I was in the heavy Coast Artillery at Brooklyn. No. I am sorry. I will think of it in a moment. I will be glad to give that to you.

Mr. MOULDER. We will give you an opportunity to state the extent of your Army service.

Proceed, Mr. Tavenner.

Mr. TOWBIN. It was at Fort Hamilton, in New York.

Mr. TAVENNER. In connection with the hearings conducted by this committee in 1954, in Seattle, a person by the name of Elizabeth Cohen appeared as a witness before this committee and identified you as being a member of the Communist Party in this area.

You have also been identified to the committee by other persons as having been a member of a branch of the Communist Party known, or sometimes referred to, as the musicians branch.

Mr. TOWBIN. Did you say that happened in Seattle, sir?

Mr. TAVENNER. No, I didn't. I said a witness, in connection with that hearing, testified you had been a member of the Communist Party here in Los Angeles.

Mr. TOWBIN. Oh, I see.

Mr. TAVENNER. This person herself having been a member of the Communist Party and having left the Communist Party.

And, as I was in the process of saying, the committee has other information that you were a member of this branch of the Communist Party.

Is it true that you were a member of the Communist Party?

Mr. TOWBIN. In reply to that question, Mr. Tavenner, I would like to say the following: I have always been brought up to consider that an informer is the worst specimen of humanity. He has always been detested, dishonored, and ostracized from a civilized community.

Mr. TAVENNER. I believe the answer is not at all responsive to the question.

Mr. MOULDER. Counsel asked a question which would call for a direct answer, and the committee will give you a reasonable opportunity and time to reply directly to it.

Mr. TOWBIN. I am very glad to answer it.

Mr. MOULDER. Respond to the question by answering it or decline to answer the question.

Mr. TOWBIN. Mr. Chairman, I am very glad to answer this question because I want to reflect my feelings on the kind of testimony that is being accepted by this committee.

Mr. MOULDER. Let's put it this way: If you intend to answer the question, and I am sure that is in accord with the feeling of the committee, I direct you to answer the question, and then you may make any explanation you wish of your answer.

Mr. TOWBIN. Will I be given that opportunity to express my opinions about it after I have answered it?

Mr. MOULDER. After you have answered the question.

Mr. SCHERER. If you answer the question.

Mr. MOULDER. If you answer the question.

Mr. SCHERER. Not if he refuses to answer.

Mr. TOWBIN. What difference does that make, Mr. Scherer?

Mr. SCHERER. There is a lot of difference.

Mr. TOWBIN. I have the protection of the Constitution of the United States that I may decline in my innocence to answer any such improper question.

Mr. SCHERER. Mr. Chairman, just a minute.

Mr. TOWBIN. I am very glad to answer this question if you will allow me, sir.

Mr. SCHERER. You said that Elizabeth Cohen was an informer, and you began to attack this woman.

(The witness confers with his counsel.)

Mr. SCHERER. Whether she is an informer or whether she is not an informer, did Elizabeth Cohen, when she testified before this committee under oath, lie about you when she said that you were a member of the Communist Party?

(The witness confers with his counsel.)

Mr. TOWBIN. Which question is pending?

Mr. SCHERER. The one I just asked you is pending now.

(The witness confers with his counsel.)

Mr. TOWBIN. How about the first question? Is that withdrawn, Mr. Tavenner?

Mr. SCHERER. It is withdrawn temporarily.

Mr. TAVENNER. Yes.

Mr. TOWBIN. Will you repeat your question, Mr. Scherer?

Mr. SCHERER. You attack Elizabeth Cohen, saying that she was an informer. I am asking you whether or not the testimony given under oath to this committee about you by this Elizabeth Cohen was true or false?

Mr. TOWBIN. Mr. Scherer, I think I am entitled to due process. And will you be willing to produce this character, Miss Elizabeth Cohen, for cross-questioning?

Mr. SCHERER. I ask that the witness be directed to answer the question.

Mr. MOULDER. The witness is directed to answer the question. (The witness confers with his counsel.)

Mr. TOWBIN. Mr. Scherer and gentlemen of this committee, if you don't produce this witness or this informer for cross-questioning, I will refuse to answer this question on the grounds that I refuse to dignify the droppings of an informer by an answer. And I stand on the grounds as guaranteed me by the first amendment, which provides that I have freedom as an American citizen to associate with whom-ever I please, to speak and think as I please, and also on the grounds of the fifth amendment which provides that an innocent person need not testify against himself.

Mr. SCHERER. Witness, the real reason—

Mr. TOWBIN. Don't you try to interrupt my answer. Don't put words in my mouth. I know what I said.

The record stands, Mr. Scherer.

Mr. SCHERER. The real reason, isn't it, Witness—I am asking you another question—that you refuse to say whether this woman who testified before this committee was lying is because if you do so you would be committing perjury yourself? Isn't that the reason?

Mr. TOWBIN. Mr. Scherer, you heard my answer. The record stands, and I will stand by my answer.

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

Mr. MOULDER. What is the question pending now?

Mr. SCHERER. Will you read the question, please?

Mr. MOULDER. I believe the question is in the nature of an argument.

Mr. SCHERER. No.

What the question was, Mr. Chairman, is, Isn't it a fact?

Will you read the question?

(Whereupon, the record was read by the reporter, as follows:)

The real reason, isn't it, Witness—I am asking you another question—that you refuse to say whether this woman who testified before this committee was lying is because if you do so you would be committing perjury yourself? Isn't that the reason?

Mr. SCHERER. A perfectly good question.

I ask, Mr. Chairman, you direct the witness to answer the question because the witness gave one reason, and I don't believe that that is the real reason. So I have a right to ask him. And he can answer whether or not the reason he refuses to say whether Elizabeth Cohen was lying is because he would be committing perjury if he answered that question affirmatively.

Mr. MOULDER. Very well. If there is no objection by any member of the committee, the witness is directed to answer as requested by the gentleman from Ohio, Mr. Scherer.

Mr. TOWBIN. Mr. Scherer, isn't it true that if you had confidence in your so-called witness that you would produce her for cross-questioning?

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

(The witness confers with his counsel.)

Mr. TOWBIN. In answer to this second question, I consider it the same question as the previous one in different words, and I have already answered that, and I stand on my previous answer for the grounds given.

Mr. SCHERER. In other words, you feel that to answer my question might tend to incriminate you. Is that right?

Mr. TOWBIN. Mr. Scherer, you are resorting to the same kind of tricky, slimy questioning that is trying to put me in a bad color here.

Mr. SCHERER. No.

Mr. TOWBIN. Don't try that with me, sir, because I know what rights I have as an American citizen. I resent this.

Mr. SCHERER. You may resent it, but I resent your attitude also.

Mr. TOWBIN. My attitude is perfectly respectful, as it should be, to the Congress of the United States. I cannot speak for you personally, sir.

Mr. SCHERER. I appreciate that.

Mr. MOULDER. May we proceed.

As I understand it, the witness has claimed the privilege under the first and fifth amendments.

Mr. JACKSON. I say again that I see no reason in pursuing any line of questioning with these witnesses having to do with any alleged activities in the Communist Party after they have indicated beyond any peradventure of a doubt that they do not intend to divulge any information in their possession.

I would respectfully suggest that with such witnesses that the material upon which the interrogation is based be read into the record, that an effort be made to determine the past or present membership of the witness, and that, upon his declination to answer, he be excused from the stand.

We are taking up hour after hour with idle byplay, which is serving absolutely no purpose, and I—

Mr. TOWBIN. I concur in that.

Mr. JACKSON. I was about to say—I am sure you will agree with me—that we are falling right in with a predetermined plan of the witnesses to hamstring and delay the taking of testimony.

(The witness confers with his counsel.)

Mr. JACKSON. To the extent that we lend ourselves to that program I think that we are permitting them to hamstring the committee and to destroy its utility. And I would respectfully suggest that these tactics be frustrated by the committee. And, as far as I am concerned, I have one question to ask the witness, which I will propound at this time, and that is whether or not you are now, sir, or have ever been a member of the Communist Party.

Mr. TOWBIN. Mr. Jackson, as a member of our Congress, I think you should know this is a highly improper question under the law under which you are operating, supposed to be, and under the Constitution of our United States.

Mr. JACKSON. Very well. I am very happy to have your opinion. Now will you answer the question, sir?

Mr. TOWBIN. Since it is an improper question and it concerns an organization which you have named and which has been arbitrarily put on the so-called subversive list, I refuse to answer this question on the grounds of the 1st amendment, as previously stated; on the grounds of the 4th amendment, as previously stated; on the grounds of the 9th and 10th amendments, as I haven't stated but I will so state now; and on the grounds of the 5th amendment, which needs no further—

Mr. JACKSON. I would suggest that the witness be excused from the stand.

Mr. TOWBIN. Mr. Chairman, before I am excused, may I very respectfully make one request?

Mr. MOULDER. May I ask you a question?

Mr. TOWBIN. Yes, sir.

Mr. MOULDER. As an American citizen, do you have any knowledge or information concerning any subversive or disloyal activities on the part of any person against our Government?

(The witness confers with his counsel.)

Mr. TOWBIN. Sir, that I may have the question clear, will you please repeat it? I want to be sure I have the question clear.

Mr. MOULDER. It is a very simple question.

Do you have any knowledge or information concerning any subversive activities or disloyalty committed or planned by any person in this country against our Government or the United States of America?

Mr. TOWBIN. Thank you, sir.

I do know one thing, that what may be considered subversive by one person may be perfectly patriotic to another. I have heard on this platform, in previous hearings, one of your own Members of Congress who has—I am talking about something which I consider subversive, sir.

Mr. MOULDER. My question is a very simple one.

I am just asking you as a patriotic person. And any American citizen would be proud to so state if he does have any such knowledge or information. He would answer the question or he would say that he doesn't have any such knowledge.

Mr. TOWBIN. I am trying to give you an instance which I thought was very subversive, sir, if I may be permitted to continue.

Mr. JACKSON, it is directed against you, sir, if you would ge good enough to listen to this.

Mr. JACKSON. I would be happy. I have heard it before, but I will listen to it again.

Mr. TOWBIN. I have a direct quote that I happen to have before me. I considered it considerably subversive, sir.

On Thursday, September 20, 1951, and this I have from the United States Government transcript of these hearings, page 1680, part 5, and I am quoting from your statement, sir:

If we didn't have the fifth amendment we probably would find out where a lot of people are at work trying to destroy the rest of the Bill of Rights and the rest of the Constitution of the United States.

Mr. SCHERER. I concur in that statement.

Mr. TOWBIN. I wouldn't be a bit surprised on that.

Mr. SCHERER. You can quote me.

Mr. TOWBIN. The reason I consider that subversive, sir—

Mr. JACKSON. At least I have not been brought before any of the tribunals of the United States Government. And if I am questioned about that in the proper tribunal I would be very happy to cooperate with any official body.

To that extent our attitudes differ very much.

Mr. TOWBIN. I also remember, sir, being present when you denied having made this statement.

Mr. MOULDER. Do you know of any Communist or subversive activities or disloyalty to the United States or the United States Government?

(The witness confers with his counsel.)

Mr. TOWBIN. You know that this is, again, a very important question, Mr. Moulder, and I will not go into discussing any such matters before this committee. All my friends, relatives, colleagues throughout this country and abroad know exactly how I feel on everything. But, under compulsion, I refuse to answer this question on the grounds previously stated, sir.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. TOWBIN. May I make one request, Mr. Chairman?

(Representative Donald L. Jackson withdrew from the hearing room at this point.)

Mr. DOYLE. I understood the witness to plead the 10th amendment to the Constitution of the United States.

Mr. TOWBIN. Yes, sir.

Mr. DOYLE. Because it is so unusual that a person pleads that, I thought I would just read it as this point and see if I was mistaken.

Mr. TOWBIN. Yes, sir.

Mr. DOYLE (reading) :

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Mr. TOWBIN. Exactly, sir.

That is precisely the sentence on which I depend.

Mr. DOYLE. I have no further questions.

Mr. TOWBIN. May I make one request, sir?

Mr. SCHERER. No. You didn't answer any questions.

Mr. MOULDER. No questions.

Mr. TOWBIN. I have just as much right to refuse as to answer, sir, for your information.

Mr. MOULDER. The witness is excused.

Mr. TOWBIN. May I submit a statement for the record?

Mr. SCHERER. No, no, no.

Mr. TOWBIN. Thank you for your courtesy, sir.

Mr. TAVENNER. Helen Taverniti.

Mr. MOULDER. Hold up your right hand and be sworn.

Do you solemnly swear the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. TEVERNITI. I do.

**TESTIMONY OF HELEN TEVERNITI, ACCOMPANIED BY COUNSEL,
BEN MARGOLIS**

Mr. TAVENNER. What is your name, please?

Mrs. TEVERNITI. Helen Taverniti.

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

Mrs. TEVERNITI. T-e-v-e-r-n-i-t-i.

Mr. TAVENNER. It is noted that you are accompanied by the same counsel who appeared with the previous witness.

Where do you reside?

Mrs. TEVERNITI. Seattle, Wash.

Mr. TAVENNER. Where were you born?

Mrs. TEVERNITI. Red Oak, Iowa.

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

Mrs. TEVERNITI. 32 years.

Mr. TAVENNER. What is your profession or occupation?

Mrs. TEVERNITI. I am a housewife and also a musician.

Mr. TAVENNER. How long have you been engaged, commercially, in the musical profession in Seattle?

Mrs. TEVERNITI. It has been very casual. I would say 15 years.

(Representative Donald L. Jackson returned to the hearing room at this point.)

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

Mrs. TEVERNITI. I attended public schools right on through high school, had 1 year at the University of Washington, 1938, and had private training on my instrument, the piano, from the time I was 4½ on. I think that covers it.

Mr. TAVENNER. Were you on the faculty of the Pacific Northwest Labor School in the spring of 1947?

Mrs. TEVERNITI. I believe that is an organization that has been cited as a Communist-front organization.

I shall certainly plead my privilege under the first and fifth amendments in refusing to answer that question.

Mr. TAVENNER. You recall that Mrs. Barbara Hartle gave testimony to the committee regarding that school; do you not?

Mrs. TEVERNITI. I believe that was the case.

Mr. TAVENNER. Is it true that Mrs. Hartle was the No. 2 person in the Communist Party in the area of Seattle at the time she was prosecuted as one of those indicted under the Smith Act in Seattle in 1953 or 1954?

(The witness confers with her counsel.)

Mrs. TEVERNITI. I should certainly think I should refuse to answer that question on the grounds previously stated.

Mr. SCHERER. What counsel says is true. So let's go on.

Mr. TAVENNER. Mrs. Hartle testified in the course of that hearing in Seattle that she knew you as a member of one of the professional branches of the north King County area of the Communist Party and connected with cultural work of the Communist Party.

Was her testimony, insofar as it related to you, truthful?

Mrs. TEVERNITI. It is obvious that I will refuse to answer that question and any similar questions on the grounds previously stated.

Mr. JACKSON. Do you decline to answer? It may be obvious, but I think we should have it a little more specific.

Mrs. TEVERNITI. Yes, I certainly do decline.

Mr. TAVENNER. Did you engage in any Communist Party teachings in any field, whether music or otherwise, while living in Seattle?

Mrs. TEVERNITI. I am sure that this would come under the same category of questions, and I refuse to answer on the grounds previously stated.

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

Mrs. TEVERNITI. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. Have you at any time been a member of the Communist Party?

Mrs. TEVERNITI. I refuse to answer that question also on the grounds previously stated.

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

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. The witness is excused.

The next witness, please.

Mr. TAVENNER. Mr. Elias.

Mr. MOULDER. Will you be sworn, please?

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

Mr. ELIAS. I do, sir.

TESTIMONY OF LEWIS J. ELIAS

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

Mr. ELIAS. My name is Lewis J. Elias.

Mr. TAVENNER. How do you spell your first name?

Mr. ELIAS. The first name is L-e-w-i-s.

Mr. TAVENNER. Mr. Elias, it is the practice of the committee to advise all witnesses that they have the right to have counsel present with them if they so desire, and the right to consult with counsel at any time during the course of their testimony.

Mr. ELIAS. I understand, sir. I have thought it over in my own mind, and I don't feel that I have need for counsel.

Mr. TAVENNER. By that, do you mean that you propose to tell the committee all that you know regarding Communist Party activities?

Mr. ELIAS. I propose to tell the truth as far as I can remember it.

Mr. TAVENNER. What is your profession?

Mr. ELIAS. I am a musician, sir.

Mr. TAVENNER. Do you reside in Los Angeles?

Mr. ELIAS. That is right, sir.

Mr. TAVENNER. When and where were you born?

Mr. ELIAS. I was born in 1922 in Boston, Mass.

Mr. TAVENNER. When did you move to California?

Mr. ELIAS. I was 2 years old when I came here.

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

Mr. ELIAS. I graduated from high school here.

Mr. TAVENNER. How long have you been engaged professionally as a musician?

Mr. ELIAS. I would say I possibly started professionally when I was about 15 years old.

Mr. TAVENNER. Has your employment in that field been confined to the area of Los Angeles?

Mr. ELIAS. Only until the last about 7 years. Since that time I have done some traveling outside of Los Angeles.

Mr. TAVENNER. Were you a member of the Communist Party at any time during the practice of your profession as a musician?

Mr. ELIAS. That would be very approximate, sir. I can't remember the exact dates. Probably about the middle of 1946 to the end of 1947. I don't think I was in 1948. If I was I might have attended a very few meetings, but I doubt it.

Mr. TAVENNER. So your membership was confined to that period?

Mr. ELIAS. That is right, sir, as far as approximate is concerned.

Mr. TAVENNER. Will you tell the committee briefly the circumstances under which you became a member?

Mr. ELIAS. When I got out of the Army I started working in the motion picture studios.

Mr. TAVENNER. During what period were you serving in the Armed Forces?

Mr. ELIAS. It was 3½ years. Do you want to know the exact years?

Mr. TAVENNER. About when did you return from the service?

Mr. ELIAS. 1945, I think; about June.

Mr. TAVENNER. Very well. Proceed, please.

Mr. ELIAS. Working at that time fairly extensively in the motion-picture studios, I was struck that there was a certain economic crisis in the musicians' affairs. There were many reasons for that, but it was very obvious to me. I saw many older musicians, very well respected, who had difficulty finding jobs. It was sort of a goal of mine, a very strong goal, to try to improve that in any way possible.

There was an organization called the Union Activities Committee. I understood the purposes of that organization were to devise ways of improving the economic situation of musicians in any way possible. When I heard about it, it had a great appeal to me, and I felt that I should join that organization.

I attended all their meetings. I was very sincere in the objectives of that organization.

Around the middle of 1946 I was at a friend's house, and we had quite a long conversation. The gist of it was his recognition of my desires to help the music situation, to help other musicians, and also to help myself in that same respect.

He informed me that the people who were doing this kind of work to help musicians were Communists, that they knew how to help the musicians, and they seemed to be the only people who cared about helping the musicians.

There was quite a long conversation, but that was the major point.

Mr. MOULDER. Did you name this person?

Mr. ELIAS. His name was Edgar Lustgarten.

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

Mr. ELIAS. L-u-s-t-g-a-r-t-e-n.

He felt because of my beliefs in that matter that I should join the musicians branch of the Communist Party to further that. I remember quite vividly that conversation. I remember what I said, that I couldn't join the Communist Party because I knew about communism, I didn't believe in it, and I could never be a Communist.

But he informed me that that really had no bearing. If I really wanted to accomplish what I felt—this was the only way to do it.

In the end his argument swayed me, and I was swayed to that. His argument swayed me, and I said I would join.

Mr. MOULDER. Was he, too, a musician?

Mr. ELIAS. That is correct, sir.

Mr. TAVENNER. You say he told you, in order to persuade you to get into the Communist Party, that it didn't make any difference whether or not you were a dedicated Communist?

Mr. ELIAS. That is correct.

Mr. TAVENNER. After you were in the Communist Party, did you find any effort was being made to make a dedicated Communist out of you?

Mr. ELIAS. Eventually, yes.

May I go into that when I discuss something else? Is that all right?

Mr. TAVENNER. Quite all right.

Mr. ELIAS. I found out in the very first meeting that they were trying to make a mass party out of the Communist Party, trying to recruit as many people as possible. And the expression "working on people" was bandied around quite a bit at that first meeting.

So in the very beginning there was not too much bearing on actual communism, but on trying to get as many people as possible into the party.

Mr. TAVENNER. At the time that you entered this group of the Communist Party, how many persons in your group do you think were actively engaged in the work of the Communist Party.

Mr. ELIAS. That is a difficult question to answer because there were various numbers at the meetings. I could estimate there were about 50, but that is just an estimation. I never saw that many in one particular group.

Mr. TAVENNER. What was the average attendance at the meetings you attended?

Mr. ELIAS. It could have been about 25 people.

Mr. TAVENNER. But not always the same people?

Mr. ELIAS. No; that is true. Sometimes there were less. And as time went on it got to be a great deal less; maybe just 10 people.

Mr. TAVENNER. Will you tell the committee, please, what activities you observed in the Communist Party after you became a member of it. What work were they principally engaged in at that time in 1946 and 1947?

Mr. ELIAS. There comes to me one specific thing. That was in the period of the studio strike and the—

Mr. TAVENNER. Was that the Conference of Studio Unions? Is that the strike to which you are referring?

Mr. ELIAS. That was one union against the International Alliance of Stage Employees (IATSE).

I recall that the Communist Party was fully in back of the Conference of Studio Unions at that time.

Mr. TAVENNER. How do you know that?

Mr. ELIAS. Probably about twice when I was there, an outside member of the Communist Party—by that I mean someone not a musician, but a man who was active in the strike, and a member of the Communist Party came to the musicians branch and lectured and discussed this strike, and asked the musicians to support the accomplishments of studio unions in every way possible.

(Representative Morgan M. Moulder left the hearing room at this point.)

Mr. TAVENNER. Who was that individual?

Mr. ELIAS. His name was Paul Perlin.

Mr. TAVENNER. Paul Perlin?

Mr. ELIAS. That is right.

Mr. TAVENNER. Paul Perlin was subpoenaed before this committee about 2 years ago here in Los Angeles, and he refused to answer any material questions, relying upon the fifth amendment as the reason for refusal.

Was the Conference of Studio Unions under the leadership of Herbert Sorrell?

Mr. ELIAS. Yes. That is what I recall, yes.

Mr. TAVENNER. Did you find when you joined this group of the Communist Party, the musicians branch, that there were other persons who had worked with you in the Union Activities Committee?

Mr. ELIAS. That is correct.

Mr. TAVENNER. And who were members of the Communist Party?

Mr. ELIAS. That is correct, sir.

Mr. TAVENNER. Who were those individuals?

Mr. ELIAS. I am trying to remember as best I can.

I remember at the beginning Mischa Altman was active in that. Jack Pepper, Seymour Sheklow, Jean Musick.

Mr. TAVENNER. What was that last name?

Mr. ELIAS. Jean Musick.

Mr. TAVENNER. How do you spell it?

Mr. ELIAS. I believe it is M-u-s-i-c-k.

Rubin Decker, Sam Fordis. There were others, but I can't specifically remember if they were in that group or not.

Mr. TAVENNER. Suppose at this time you give us the names of all the persons that you can recall who were members of the musicians branch in addition to those you just named.

Mr. ELIAS. Outside of what I named, Henry Roth and his wife, George Sandell and his wife.

Mr. TAVENNER. Do you know the first names of the wives of the two persons you mentioned?

Mr. ELIAS. It was Esther Roth and Beatrice Sandell.

Victor Gottlieb.

Mr. TAVENNER. How do you spell it?

Mr. ELIAS. G-o-t-t-l-i-e-b. And his wife, Eudice Shapiro. Manuel Compinsky, C-o-m-p-i-n-s-k-y, and his wife Dorothy. George Kast, Sidney Greene, Rubin Decker, Sam Fordis, Seymour Sheklow, Tamara, T-a-m-a-r-a Hovey, H-o-v-e-y. Sam Albert, Joe Pass, Wayne Ronka, Anita Short, Joe Eger, E-g-e-r. Joseph DiFiore, D-i-F-i-o-r-e.

Louis Kievman, K-i-e-v-m-a-n. Jean Musick—that is one I already mentioned. Leonard Selic, S-e-l-i-c. Don Christlieb and his wife, Pearl. Cyril Towbin, Herbert Offner, Kalman Bloch and his wife. I don't know her name.

Larry Goldman I saw one or two times. Betty Sugar, Morris Browda, B-r-o-w-d-a. I believe the first name is Milton, Kestenbaum. Lydia Marcus, Paul Powell, Alex Walden. And just before I left the party I saw Philip Goldberg, Morris Boltuch, B-o-l-t-u-c-h.

Mr. TAVENNER. When you say you saw them what do you mean?

Mr. ELIAS. I mean at party meetings.

Mr. JACKSON. Closed Communist Party meetings?

Mr. ELIAS. That is correct, sir.

There was another person that I saw once, but I must say the reason he was there is because he left the party and he came there to give his reasons for leaving. His name was Milton Feher, F-e-h-e-r.

I saw Paul—No, I am not sure of his first name. His last name is Dessau; something like that. D-e-s-s-a-u. He is now in East Berlin. He is a composer.

Mr. TAVENNER. In East Berlin?

Mr. ELIAS. As a composer.

Mr. TAVENNER. Mr. Chairman, we understand that he has renounced his American citizenship.

Mr. ELLAS. There might be some other people, but I can't recall them right now.

Mr. TAVENNER. Are all of these individuals whom you have mentioned persons known by you to be members of the Communist Party, or to have been members of the Communist Party?

Mr. ELIAS. That is correct.

Some of them attended very irregularly. I am not discussing anything about what they did or anything, but I have seen them in the closed meetings.

Mr. SCHERER. What was the name of the person identified by the witness who has since renounced his American citizenship?

Mr. TAVENNER. Paul Dessau, D-e-s-s-a-u, now in the Eastern Zone of Germany.

Mr. SCHERER. He is at least being forthright.

Mr. JACKSON. Do you know whether any of the individuals you named have left the party subsequently or are no longer members of the Communist Party?

Mr. ELIAS. There is really no way of my knowing that, sir.

Mr. JACKSON. I thought perhaps you might have known some of them on a personal basis and that you have seen them since.

Mr. ELIAS. In my own case, when I left the party I made a definite attempt to actually try to forget my past association, and I have been out of town quite a lot, which was very good for me in that respect. I haven't associated with these people too much.

Mr. TAVENNER. During the period of time that you were in the Communist Party did you learn whether it was interested in trying to capture any of the positions of leadership in your union?

Mr. ELIAS. It was definitely against the administration, and it would liked to have either some of its own people in office, but probably, preferably, to have other people whom they felt would be friendly. I didn't see that ever happen.

Mr. TAVENNER. You say then that it was not successful insofar as gaining any control over your local union was concerned?

Mr. ELIAS. I know of no officer of the union who was a member or even close to it.

Mr. TAVENNER. You said you were in the Communist Party up until during the year 1947.

Mr. ELIAS. Approximately, sir.

Mr. TAVENNER. Why did you leave the Communist Party?

Mr. ELIAS. Well, many things.

One of the most oppressive things that I have ever gone through in my life was in the Communist Party. There was complete thought control in that party.

When I first became a member everything that I knew from before seemed to just be taken away from me.

The heritage of freedom of thought, in my opinion, is the most glorious thing about this country, and I certainly, up to that time and since that time, have used that very appreciatively.

But I found in the Communist Party that there was only one goal or, rather, one action, and you had to follow that action. If you didn't you were either a Fascist or a Trotskyite or just plain stupid.

It was something I couldn't live with at all because I like to express my thoughts, and I like to hear all various opinions on every subject.

I think there is also something that is of great import to me that is dangerous. There is blind obedience to the dictates of a magazine called the Political Affairs, I believe, that comes out about once a month. I don't know if it does now or not. But that comes from the headquarters of the Communist Party.

I never heard any criticism of any of the articles in that magazine. And it seemed to be the duty of the Communist to accomplish the ends which this magazine wanted done.

The writings of that magazine were not only from American Communists but they were from other countries—China and so on.

It was very evident to me from when I first joined the Communist Party that there was really no respect at all for the individual, not only outside of the party but inside of the party.

This, too, is one of the most important things in our American democracy, individual freedom and protection of other people.

There was also a personal thing I resented very much.

I might say this:

I am primarily interested in music and the entertainment industry. So I was interested in reading what the party had to say about books, motion pictures, and so on. And I found that the criticism would be on an ideological basis. I never went for that.

I used my own opinion, and sometimes I would mention to somebody else I liked a certain motion picture, and they would say no, and they will give me the same story that I just read in one of the Communist organs.

There was tremendous scorn of liberal people, and a contempt for reformers, although they would use people as much as they could. I felt that personally, because at that time I guess I thought of myself as a reformer.

I think the main thing is that they like to get people working for their ends, but they must control what is being done. In a sense I think that is why it is doomed to failure.

They just about killed the liberal movement in this country because of the infiltration. To me, that is a cardinal sin.

But I think the main specific thing why I left was that at one meeting Mischa Altman said, "The good and worth of any act or action that an individual or group of Communists does is if it aids or enhances socialism."

I realized fully that that was his morality and possibly the morality of the Communist Party. That was never my morality.

Mr. TAVENNER. By that do you mean that, regardless of the means, it was the end that justified it?

Mr. ELIAS. That is correct.

Mr. TAVENNER. Is that what you mean?

Mr. ELIAS. Yes.

For myself that was a long road from wanting to help the economic situation of musicians, to a point where the only thing that is good is if it benefits socialism.

I left the party. I didn't bother to resign officially.

I guess that is about it.

Mr. JACKSON. Was any effort made subsequent to your departure to recruit you into the party?

Mr. ELIAS. Many of the party members knew my dissatisfaction and dislike of the methods used and the objectives, so I didn't find that.

I did find incidents which were a little disturbing.

Mr. DOYLE (presiding). Do you have further questions, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Did your associate members in the Communist Party at times refer to you as a Fascist?

Mr. ELIAS. There was a specific incident. I guess it was a couple of years after I left. I was called by a member of the American Legion post in the musicians' union, and they were starting a symphony orchestra. The person told me what music was going to be played and who the conductor was, and I thought I would like to come down and play.

I went to this rehearsal. Subsequently my name was printed in the union magazine. There was a small article about that. Later I met a leading figure in the Communist Party. I mean I met him in a market. And he said, "I saw your name, that you play in this American Legion orchestra. I didn't know that you turned Nazi."

Mr. TAVENNER. That individual then was more interested in the political implications than he was in music for art's sake, was he not?

Mr. ELIAS. Yes. There were really no political implications of that rehearsal, but I guess he thought there were.

I found many times—in fact, always—that the leading figures would never discuss issues with you, or even argue with you or debate with you. If you disagreed with them, as I said, you are considered either dumb or anti-Communist.

I was even told once when I was in the party—I managed to have a disagreement with Mischa Altman, and, instead of enlightening me possibly or giving me reasons, he just said, "Well, you're going to end up in a concentration camp."

Mr. DOYLE. Said what?

Mr. ELIAS. He said, "You're just going to end up in a concentration camp."

Mr. SCHERER. Is that when you left the Communist Party?

Mr. ELIAS. When I was in the party and disagreed with him.

Mr. SCHERER. You hadn't even left?

Mr. ELIAS. That is right.

Mr. TAVENNER. Who was that individual who made the comment you described as to your playing in the American Legion band?

Mr. ELIAS. That was Henry Roth.

Mr. SCHERER. Henry Roth, the same witness who was on the stand here this morning?

Mr. ELIAS. I wasn't here this morning, sir.

Mr. SCHERER. I think he is still back here.

Is Roth still here? Yes; he is in the back row.

Stand up. Is that the man?

Mr. ROTH. He's a liar, for the record.

Mr. SCHERER. Mr. Chairman, just a minute.

I ask that we excuse this witness for a minute, and call Mr. Roth and let him repeat under oath that this man is telling a lie.

Come on up, Mr. Roth.

Mr. DOYLE. We will recess the testimony of the present witness, Mr. Elias, and call Mr. Roth.

(Witness temporarily excused.)

Mr. DOYLE. Are you ready, Mr. Roth, to come under oath again?

Mr. ROTH. My attorney isn't here.

Mr. DOYLE. Mr. Marshall has spoken to you. He is an attorney at the bar.

Mr. ROTH. I prefer to wait for my own.

Mr. DOYLE. Will you call and get him here where you can take the oath again? As long as you have called this man a liar in public, in the hearing room, we would like to have you put under oath again.

Mr. SCHERER. I say we should call him forthwith. We only want to ask him one question. Let him demonstrate it.

Mr. ROTH. I want my counsel, and I prefer to have him.

Mr. DOYLE. Will you come forward just a minute, please. I recognize your right of counsel. I am not trying to force you to testify without your counsel. But you are being advised by Attorney Marshall. So I suppose that is all right.

Mr. ROTH. I would prefer to wait for my own attorney.

Mr. SCHERER. Let him wait for his own attorney.

Mr. DOYLE. Of course, we always favor a witness having counsel.

When do you want to testify under oath before this committee again?

Mr. ROTH. As soon as my attorney comes into the room I will be happy to.

Mr. DOYLE. Who is your attorney?

Mr. ROTH. Mr. Margolis.

Mr. DOYLE. Mr. Margolis was here. Is he due here with other clients?

Mr. TAVENNER. I don't know.

Mr. JACKSON. Mr. Chairman, may I make a suggestion, that if Mr. Margolis has not reappeared during the balance of the afternoon that Mr. Roth be resubpoenaed to appear here tomorrow morning with his counsel.

Mr. DOYLE. Will you be here tomorrow morning at 9:30, Mr. Roth?

Mr. ROTH. I would prefer to do it today if my attorney—

Mr. JACKSON. I say if he does not show up.

Mr. ROTH. If he doesn't come, may I then have a choice of another attorney?

Mr. DOYLE. Yes, indeed.

But, at any rate, Mr. Roth, you are under order to be here tomorrow morning, if Mr. Margolis doesn't appear this afternoon.

We always favor giving anyone who wants to contradict a statement made under oath, a chance to go under oath himself and contradict it.

Mr. TAVENNER. Mr. Elias, will you come forward.

Mr. DOYLE. Mr. Elias, will you please take the stand again.

TESTIMONY OF LEWIS ELIAS—Resumed

Mr. ELIAS. May I say something, sir?

Mr. TAVENNER. Yes.

Mr. ELIAS. I don't know what I was just called when he walked by. I expect to be called a lot of things by some people.

Mr. SCHERER. Before we go any further, may I interrupt?

A few minutes ago in your testimony you identified Henry Roth as a member of the Communist Party; did you not?

Mr. ELIAS. That is correct.

Mr. SCHERER. You were under oath when you identified him?

Mr. ELIAS. That is right.

Mr. SCHERER. You also identified Cyril Towbin as a member of the Communist Party?

Mr. ELIAS. That is correct, sir.

Mr. SCHERER. And Sam Fordis also?

Mr. ELIAS. That is right, sir.

Mr. SCHERER. I think I would want to call Mr. Cyril Towbin back also, Mr. Chairman, at a later date because he was here this morning, and he was the witness who made such disparaging remarks about Elizabeth Cohen who had identified him in Seattle. Now we have this gentleman here, and Mr. Towbin is in the room. And I would like to have him now deny this man's testimony, too.

Mr. TAVENNER. I think he is still here.

Mr. DOYLE. We are glad to offer you, Mr. Towbin, the opportunity to come and be under oath and deny the witness' testimony.

(Representative Donald L. Jackson left from the hearing room at this point.)

Mr. DOYLE. Some of you gentlemen have hollered about never having a chance to answer. Here's your chance, Mr. Towbin.

Mr. SCHERER. I think we can subpoena him.

Mr. TOWBIN. Mr. Doyle, I simply say my attorney is not here at present.

I again will repeat what I said under oath, that I would refuse to dignify the droppings of an informer under any circumstances.

Mr. DOYLE. All right.

Is that your answer to my invitation to you to take the stand and go under oath?

Mr. TOWBIN. I am glad to testify under oath to anything that is honest and honorable as an American citizen, sir.

Mr. DOYLE. You have heard this gentleman's testimony.

Mr. SCHERER. I think we will subpoena him tomorrow now. He is the witness who complained this morning, when you read Elizabeth Cohen's testimony.

Mr. TOWBIN. You refused to produce this witness for cross-questioning. And I can have my rights as an American citizen, too, as well as you can.

Mr. DOYLE. We have a witness right here on the stand.

Mr. SCHERER. I wanted to show the fallaciousness of his contentions.

Mr. DOYLE. Proceed, Mr. Tavenner.

Mr. TAVENNER. You had not quite completed your statement.

Mr. ELIAS. Of course, maybe this is out of order, but—

Mr. SCHERER. I'm sorry I interrupted, but I wanted to demonstrate here what we are up against and the hollowness and fraud that is perpetrated by these individuals when they attack the so-called informers. They don't dare get on the stand and deny the testimony under oath because they would obviously be guilty of perjury. Then they come and parade about innocence.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. DOYLE. All right, Mr. Elias. Are you prepared to proceed further?

Mr. ELIAS. I wasn't going to go into all of this. It is personal. But, after what happened, I would like to.

Mr. DOYLE. All right.

Mr. ELIAS. I have had a great heritage in my life—religion, and a heritage of this great country; training, parents and teachers. I have tried to use it to the best that I could all my life. There was a certain period where I didn't. There was something personal in that.

The year before I joined the Communist Party I had a complete nervous breakdown, and it took me a few years to really get back on my feet, though I got back. Thank God I am on my feet, I think, better than before.

I can only do and say according to my conscience; not what anybody tells me. I can only do and say what is right for my country and the people who have trained me to be a good citizen and a good person.

When I left the Communist Party I completely disassociated myself from it. I was fortunate enough to get away from these people, make friends for the first time in my life, not on the basis if they were a Democrat or a Republican or anything, but the basis of a person.

But even then I found it wasn't enough. There was something inside of me that bothered me. And I knew what it was. I felt that it would be in an emergency or war; I didn't want one American to waste his time bothering if I am loyal or not because I know I am.

For that reason I went to the Federal Bureau of Investigation before all this happened.

Some of these people, I know, are not revolutionaries. They are misguided, misled, frustrated individuals. If they could just think themselves without benefit of the people sitting next to them and getting together, I wish they would do what I consider the right thing. I have nothing against any person, but I have everything against the Communist Party.

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

Mr. DOYLE. Mr. Jackson?

Mr. JACKSON. No, Mr. Chairman, I have no questions, except to observe again how unfortunate it is that we do not have the facility to put the words of witnesses before the people of the community, as I am very much impressed by the sincerity of the witness.

I think that those of us who serve on the committee realize what an ordeal psychologically, emotionally, it is to break with the party, with associates, people with whom one has been on very close terms.

We realize what an ordeal it is to come before the committee and to tell this committee and the Congress of the American people of one's experiences in the Communist Party. I sometimes think it takes a considerably greater degree of courage to sit there in the almost audible scorn which is emanating from certain quarters of the room and to be frank and complete in your testimony in an effort to help us in the job we are trying to do.

I want to express my appreciation to the witness and thank him on behalf of the House of Representatives, if I may.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I just wanted to point out, Witness, that you came here and answered all the questions, and I do not think that there is any fairminded person in this room who does not believe that you absolutely told the truth under oath.

I do not think there is a fairminded person in this room who does not believe that when he identified Sam Fordis, Henry Roth and Cyril Towbin as members of the Communist Party he was telling the truth because those men were on the stand this morning, and all three of them refused to say whether or not they were members of the Communist Party. They won't deny it now.

Mr. JACKSON. May I ask one more question?

Mr. DOYLE. Yes.

Mr. JACKSON. In order to lay aside the paid-informer charge, with which you are familiar and which you will probably hear more of in the columns of the Daily People's World and elsewhere, were you offered any emolument, any reward, anything in order to make possible your testimony here today?

Mr. ELIAS. I would like to answer that question. I am certainly glad you asked me because I am under oath now.

To me, when I left the offices of the Federal Bureau of Investigation, and when I am leaving here, I feel somewhat that I have regained the precious citizenship which I kind of felt like I had lost. That is a great reward, and I really don't care what anybody calls me.

Mr. SCHERER. You should not worry about that. You have company in the committee.

Mr. ELIAS. Thank you.

Mr. SCHERER. We do not worry about it either.

Mr. DOYLE. May I ask, for the record, Mr. Elias, I have never spoken with you in my life, have I? We have never met?

Mr. ELIAS. No, sir.

Mr. DOYLE. That is, before this incident.

I want to ask you: Directly or indirectly, have you been offered any compensation of any sort by any person to testify as you have here today?

Mr. ELIAS. I haven't been offered any compensation of any kind.

Mr. DOYLE. Or any promise of any sort?

Mr. ELIAS. I have had no promises of any kind of anything, or in the future.

Mr. DOYLE. I have conferred with my colleagues, and, as acting chairman of this subcommittee, I am going to continue you under the power of the subpoena.

Mr. ELIAS. Yes, sir.

Mr. DOYLE. If anyone tries to interfere with you, let Uncle Sam know.

Mr. ELIAS. Thank you, sir.

Mr. DOYLE. We will handle it.

And, in view of the fact that I offered these two gentlemen, one of whom called you a liar, an opportunity to testify again will you hold yourself subject to Mr. Tavenner's call?

Mr. ELIAS. Yes, sir.

Mr. DOYLE. We may want you to take the stand again after they do, if they do. We want you here to hear what they say, if they say anything.

Mr. ELIAS. All right, sir.

Mr. DOYLE. Any other questions, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. DOYLE. Thank you, Mr. Elias.

Mr. ELIAS. May I leave?

Mr. DOYLE. You are excused.

Mr. TAVENNER. This would be a convenient place for a break, if you want a recess.

Mr. DOYLE. We will recess for 5 minutes.

(Whereupon, a short recess was taken, there being present Representatives Doyle, Jackson, and Scherer.)

(The committee was reconvened upon the expiration of the recess, there being present Representatives Doyle (presiding), Jackson, and Scherer.)

Mr. DOYLE. The committee will reconvene, please.

May the record show that 3 members of the subcommittee of 4 are present.

Mr. TAVENNER. Mr. Leonard Dahlsten.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you, God?

Mr. DAHLSTEN. I do.

Mr. DOYLE. Be seated.

TESTIMONY OF LEONARD H. DAHLSTEN, ACCOMPANIED BY COUNSEL, EDWARD C. MADDOX

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

Mr. DAHLSTEN. My name is Leonard Dahlsten.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. MADDOX. Edward C. Maddox.

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

Mr. DAHLSTEN. I was born on a farm in Nebraska in 1910.

Mr. TAVENNER. Where do you now reside?

Mr. DAHLSTEN. I reside in Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. DAHLSTEN. I have lived in Los Angeles about 15, 16 years.

Mr. TAVENNER. What is your profession or occupation?

Mr. DAHLSTEN. I am a musician; at least up until now. I suppose I am blacklisted as of now. But I have made my living as a musician for all my life.

Mr. TAVENNER. During the period that you were making your living as a musician, were you a member of the Communist Party?

Mr. DAHLSTEN. I decline to answer that question for the following reasons:

Number 1, I do not believe this committee has the power to investigate in this area where no legislation is possible or contemplated.

Under the first amendment of the Constitution every citizen of this country is guaranteed the right of freedom of speech.

Mr. DOYLE. Mr. Maddox, we don't have time—we wish we did—to hear your speech. And so I am going to limit you to giving your legal reasons.

Mr. DAHLSTEN. Mr. Doyle, may I ask—

Mr. DOYLE. That is all the time you are going to have. So let's make it clear and have an understanding.

You give your legal reasons and we will give you reasonable time, but we are not going to give you time to make a speech to us.

Mr. MADDOX. You addressed yourself to Mr. Maddox. Do you mean—

Mr. DOYLE. I beg your pardon. I meant Mr. Dahlsten, the witness. I didn't mean Mr. Maddox. Thank you.

Mr. DAHLSTEN. Further, I believe that the duties of this committee are purely legislative, but they have taken on a punitive nature.

Mr. DOYLE. You heard what I said, Mr. Dahlstein, and I mean it. We ask your cooperation.

I will be reasonable. You have your constitutional rights, and plead them if you want to plead them.

But we are not going to give you time to tirade against the committee.

Please cooperate.

Mr. DAHLSTEN. I certainly wish to cooperate to that extent. I am not running for reelection in Congress in the district.

Mr. JACKSON. Why don't you try?

Mr. DAHLSTEN. I might do that.

Mr. JACKSON. I think it would be an excellent idea.

Mr. DOYLE. We will have put out of the room anyone who makes an outburst, regardless of whether it is favorable or unfavorable.

Proceed, Mr. Dahlsten, or we will have to excuse you from the chair if you are not ready to answer or to decline to answer on your legal reasons.

I am sorry to disappoint you, not giving you time to make a speech.

Mr. DAHLSTEN. Under the first amendment, sir—

Mr. DOYLE. You are entitled to plead it. Do you plead it?

Mr. DAHLSTEN. I plead the first amendment, but may I explain?

Mr. DOYLE. No. We know what the first amendment is. The Supreme Court has explained it.

Mr. DAHLSTEN. Being a musician, the first amendment is something special to me.

Mr. DOYLE. It doesn't mean anything different to you than to any other American citizen.

Mr. DAHLSTEN. Freedom of expression of a musician is an essential thing. Without freedom of expression there would be no music, there would be no art, no culture.

Mr. DOYLE. We recognize that amendment as you do.

Do you plead the first amendment?

Mr. DAHLSTEN. I say I do plead the first amendment.

Mr. DOYLE. Give any other legal reason you feel you have.

Mr. DAHLSTEN. I plead the first amendment and I also plead the amendment which has been in the Constitution since the Bill of Rights was written, which was put there for—

Mr. DOYLE. Which amendment is it, please?

Mr. DAHLSTEN. A specific purpose. I will identify it.

Mr. DOYLE. Identify it.

Mr. DAHLSTEN. As a union man, this amendment has a particular meaning because in the beginning of the trade-union movement this amendment was used as a protection when trade unions were considered subversive. This amendment was considered as a protection against the stool pigeons who were trying to destroy the unions.

Mr. DOYLE. What amendment do you intend to plead?

Plead it if you are going to.

Mr. DAHLSTEN. That, sir, is the fifth amendment.

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

Mr. DAHLSTEN. Now, Mr. Tavenner, you know better than to ask me that question. I have stated, at the outset, that I will not answer that question from the previously—

Mr. TAVENNER. There have been a great many people who have refused to answer questions on the basis of the fifth amendment on what had occurred in earlier dates, but who frankly told the committee they are not now members of the Communist Party in the case where that is true. So I want to give you that opportunity.

Are you now a member of the Communist Party?

Mr. DAHLSTEN. I will not give up 1 inch of my rights as an American citizen under the Bill of Rights.

Mr. DOYLE. Any other questions, Mr. Tavenner?

Mr. SCHERER. I think there should be a direction to answer the question.

Mr. JACKSON. As a matter of information, have you, in answer to the counsel's last question, refused to answer on the grounds of the first and fifth amendments?

Mr. DAHLSTEN. I think it is very clear that I have refused to answer that question on the grounds of the first and fifth amendments.

Mr. JACKSON. You had better make it abundantly clear by so stating.

Mr. DAHLSTEN. I may answer—

Mr. JACKSON. Just once more.

Mr. DAHLSTEN. I refuse to answer the question on the basis of the first and fifth amendments. May I include the fourth, the ninth, and the tenth?

Mr. JACKSON. As far as I am concerned, you may include all of them that have not been repealed.

Mr. DOYLE. The 1st, 5th, 4th, 9th, and 10th.

Mr. TAVENNER. I hand you a photostatic copy of a petition of the Independent Progressive Party of California which has been marked for identification purposes only as "Dahlsten Exhibit No. 1." Will you examine the affidavit appearing at the end of it, and state whether or not the name appearing there was written by you?

(Document handed to the witness and his counsel.)

(The witness confers with his counsel.)

Mr. DAHLSTEN. I shall refuse to answer that question upon the grounds previously stated, and I furthermore say that if you want to not waste time, any question of this nature I will continue to refuse to answer on those two specific grounds, the first and the fifth amendments.

Mr. DOYLE. May it be understood that when the witness refuses to answer on constitutional grounds that it is on all of the grounds already stated.

As counsel, is that acceptable, Mr. Maddox?

Mr. MADDOX. Yes; if it is on constitutional grounds it is agreeable.

Mr. TAVENNER. I desire to offer the document referred to above, marked "Dahlsten Exhibit No. 1" in evidence.

Mr. DOYLE. It is so ordered.

(This exhibit is similar to Roth exhibit No. 2, p. 3860, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. At the end of the petition there is an affidavit, Mr. Chairman, over the name of Leonard H. Dahlsten, in which it was stated, under oath, on the 29th day of December, 1947, that he was the person who solicited the signatures to this document.

I now hand you a photostatic copy of a document marked for identification only as "Dahlsten Exhibit No. 2" which is an Affidavit of Registration under date of the 6th day of April 1948, in which it is declared that Leonard H. Dahlsten intends to affiliate with the Independent Party. Will you look at the signature appearing there and state whether or not it is your signature?

(Document handed to the witness and his counsel.)

Mr. DAHLSTEN. This is merely a duplication. I decline to answer that question on the previously stated grounds.

Mr. TAVENNER. I desire to offer the document in evidence, as "Dahlsten Exhibit No. 2."

Mr. DOYLE. It is so received and so marked.

(This document is similar to Roth exhibit No. 1, p. 3859, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. SCHERER. No questions.

Mr. DOYLE. The witness is excused.

Mr. MARGOLIS. I received a telephone call that you wanted Mr. Roth back on the stand, and want to advise you that, pursuant to that telephone call, I am here.

Mr. DOYLE. Have you had the benefit, Mr. Margolis, of consultation with your client?

Mr. MARGOLIS. I have had the benefit of consultation, and, if you wish to proceed, we are ready to proceed.

Mr. TAVENNER. We will recall him.

Mr. MARGOLIS. Do you wish to proceed at this time?

Mr. TAVENNER. Yes.

Mr. DOYLE. Will you please raise your right hand, Mr. Roth.

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. ROTH. Yes, sir.

**TESTIMONY OF HENRY ROTH, ACCOMPANIED BY COUNSEL,
BEN MARGOLIS—Resumed**

Mr. DOYLE. May the record show that Mr. Roth, the witness earlier in the day, is again a witness under oath, at his request, and that he is accompanied by counsel, Mr. Margolis, who was counsel for him earlier in the day.

Mr. SCHERER. Mr. Roth, a few minutes ago while you were in the hearing room, Mr. Lewis Elias, a witness under oath before this committee, identified you as a member of the Communist Party.

Did he lie to this committee when he so identified you?

Mr. ROTH. Mr. Scherer, I answered before under oath all of those questions, all the questions of this type to you, and in my own way.

If I may, and my counsel may, cross-examine this person as in a court at law we will then proceed. Otherwise I will not dignify what he has to say under the grounds of the first and fifth amendments. May I cross-examine him? May we cross-examine?

Mr. SCHERER. Mr. Chairman, this man stood up in this room and called Mr. Roth, a witness, a liar. He is now given the opportunity under oath to repeat that charge, and obviously he refuses to do so.

But I think we must have a direction, and I ask that you direct this witness to answer my question as to whether or not—

Mr. ROTH. You have refused me the right to cross-examine.

Mr. SCHERER. I am not finished.

Mr. ROTH. You are finished.

Mr. SCHERER. Whether or not Lewis Elias lied to this committee when he identified him as a member of the Communist Party.

Mr. ROTH. Sir, I answered those questions before, fully, and to your satisfaction because you dismissed me.

Mr. SCHERER. No; you did not answer them to my satisfaction.

Mr. ROTH. Not in the way you wished, but to your satisfaction as a member of this committee.

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

(The witness confers with his counsel.)

Mr. SCHERER. Let it be understood that if he does not answer the question he has had ample opportunity to answer, and if he doesn't answer he should be dismissed.

Mr. DOYLE. So that there will be no misunderstanding of the circumstances which occurred, according to the record, I feel it is my duty and province to direct you to answer the question, and I do so.

Mr. ROTH. I answer the question in the same way that I did before. I refuse to answer it on the grounds of the first amendment and the fifth amendment.

And, Mr. Scherer, this is not a Nazi camp yet. Don't talk to me that way. This is not a Nazi camp yet, sir.

Mr. SCHERER. Let the record show that the witness——

Mr. ROTH. Please put that in the record.

Mr. SCHERER. Let the record show that the witness' tone is exceptionally belligerent, and that his attitude is that of hateful.

Mr. ROTH. I affirm the tone of my voice.

Mr. SCHERER. That is all I want to know.

We have already voted to recommend to the full committee that you be cited for contempt.

Mr. ROTH. I might add on, that I think this is a punitive, black-listing committee. That is your function, and not a legislative function, in my opinion.

Mr. JACKSON. I ask the witness be excused.

Mr. ROTH. Thank you, Mr. Jackson.

Mr. DOYLE. If there is no further legal answer to the question, you are dismissed.

Mr. ROTH. Mr. Jackson, are you for subsidies for musicians, as you stated this morning? I would like that for the record because I think it is a very good thing if you are. I would be for you on this basis.

Mr. JACKSON. I don't recall what I said this morning.

Mr. ROTH. You said you thought subsidies were a good thing.

Mr. JACKSON. If I did recall, you would be the last one in the world at this moment with whom I would discuss it.

Mr. ROTH. Will you say it to the press, sir? Not to me. I don't care if you discuss with me.

Mr. JACKSON. Is it my understanding of the chairman's instructions that you are finished?

Mr. ROTH. Thank you.

Mr. JACKSON. You are quite welcome.

Mr. TAVENNER. Mr. Victor Gottlieb.

Mr. SCHERER. We have one more—Mr. Cyril Towbin. I wonder if he is ready with his lawyer.

Mr. MARGOLIS. Towbin? Do you want Mr. Towbin back.

Mr. TAVENNER. It is all right with me.

Mr. DOYLE. He wanted to come back in your absence, and took the floor.

Mr. TOWBIN. I am sorry: I took the floor in answer to a question. I didn't ask to come back. I said if you call me I am ready to answer to anything that is honorable and honest. I just repeat that.

Mr. DOYLE. Did you take down what he said? Will you please read that?

Mr. SCHERER. Without reading what he stated, I am asking that he be recalled.

Mr. TOWBIN. I am here, sir.

Mr. SCHERER. And that he be sworn.

Mr. MARGOLIS. He has already been sworn.

Mr. DOYLE. He was dismissed before, Mr. Margolis.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TOWBIN. I do, sir.

**TESTIMONY OF CYRIL TOWBIN, ACCOMPANIED BY COUNSEL,
BEN MARGOLIS—Resumed**

Mr. SCHERER. Mr. Towbin, you were in the hearing room a few minutes ago when the witness, Mr. Lewis Elias, under oath, identified you as a member of the Communist Party.

Did Mr. Elias lie to this committee when he so identified you?

Mr. TOWBIN. Mr. Scherer, it is your personal question. I answer you personally that I refuse to dignify anything that any informer will say against anybody by an answer, and that the history of informers is something that I refuse to have any respect for. If you choose to respect the words of informers I will have nothing to do with you; I will not cooperate with you, sir.

Mr. SCHERER. Let's keep the record.

I ask for a direction that he be directed to answer the question.

Mr. TOWBIN. I have already—

(The witness confers with his counsel.)

Mr. DOYLE. If, by your answer to Mr. Scherer, you inferred that it was his personal question, I assure you it was not his personal question. It is his official question as a member of this committee. It was not his personal question, and I direct you to answer the question in view of what has occurred.

(The witness confers with his counsel.)

Mr. TOWBIN. Mr. Doyle, in respect to your remarks, I will repeat the refusal to answer to the whole committee, to answer this question on the basis of the first amendment and on the basis of the fifth amendment which provides that no innocent person need testify against himself.

Mr. JACKSON. I ask the witness be excused.

Mr. DOYLE. The witness is excused.

Mr. TOWBIN. Thank you.

Mr. TAVENNER. Mr. Victor Gottlieb.

Mr. DOYLE. Mr. Gottlieb, will you please be sworn.

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. GOTTLIEB. I do.

Mr. DOYLE. Will you be seated.

**TESTIMONY OF VICTOR GOTTLIEB, ACCOMPANIED BY COUNSEL,
ARTHUR A. BROOKS, JR.**

Mr. TAVENNER. Will you state your name, please, sir.

Mr. GOTTLIEB. My name is Victor Gottlieb.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. BROOKS. Arthur A. Brooks, Jr.

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

Mr. GOTTLIEB. Philadelphia, May 17, 1916.

Mr. TAVENNER. Where do you now reside?

Mr. GOTTLIEB. In Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. GOTTLIEB. Approximately 15 years.

Mr. TAVENNER. What is your occupation or profession?

Mr. GOTTLIEB. I am a musician, sir.

Mr. TAVENNER. How long have you been engaged in the practice of a professional musician?

Mr. GOTTLIEB. I would say approximately 20, 21, 22 years.

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

Mr. GOTTLIEB. I studied privately and entered the Curtis Institute of Music in Philadelphia at the age of 12. Upon my graduation I entered the Philadelphia Orchestra as the youngest member of that organization at that time.

Before conclusion of the first season I was released from my contract to form the Coolidge Quartet that was then being formed. I played and traveled extensively over the Northern Hemisphere for approximately 5 years, after which I joined the Pro Arte Quartet of the University of Wisconsin. After that I enlisted in the Army Air Forces, and, after serving and an honorable discharge, I entered free-lance work in Hollywood.

Mr. TAVENNER. That was approximately what year?

Mr. GOTTLIEB. I was discharged in December of 1945.

Mr. TAVENNER. Have you been a member of the musicians branch of the Communist Party in Los Angeles at any time between 1945 and the present date?

Mr. GOTTLIEB. I am not a member of the Communist Party.

Mr. TAVENNER. Will you answer my question, please, sir?

Mr. GOTTLIEB. Well, as I said, it is a compound question. Could you separate it?

Mr. TAVENNER. No, it is not compound. I have asked you if you have been a member of the Communist Party at any time between 1945 and the present date.

Mr. GOTTLIEB. May I consult counsel, please, sir?

(The witness confers with his counsel.)

Mr. GOTTLIEB. Sir, I decline to answer that question on the basis of the first and the fifth amendments of the Constitution.

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

Mr. GOTTLIEB. Excuse me, sir.

(The witness confers with his counsel.)

Mr. GOTTLIEB. I have answered that, sir. I am not a member of the Communist Party.

Mr. TAVENNER. Were you a member of the Communist Party in 1948?

Mr. GOTTLIEB. I decline to answer that question, sir, on the previously stated grounds.

Mr. TAVENNER. Were you aware of a plan of the Communist Party to have its members assist in putting the Independent Progressive Party on the ballot in the State of California?

Mr. GOTTLIEB. Sir, is that party on the Attorney General's subversive list?

Mr. TAVENNER. No, sir.

Mr. GOTTLIEB. Excuse me, sir.

(The witness confers with his counsel.)

Mr. GOTTLIEB. I decline to answer that question on the previously stated grounds.

Mr. TAVENNER. Did you participate in a plan to assist the Communist Party in putting the Independent Progressive Party on the ballot in this State?

Mr. GOTTLIEB. I decline to answer that question, sir, on the previously stated grounds.

May I address this committee for one moment?

Mr. DOYLE. If it is an appropriate remark.

Mr. GOTTLIEB. In my opinion, it is, Mr. Doyle.

I want to say that, as you already know or think you know, everything you are going to know about me, the conclusion seems inescapable to me that the only reason I am here is for the sole purpose of seeing that I am blacklisted, to make sure my talent and experience cannot be used to bring pleasure to the American people.

Mr. DOYLE. It is in, but we won't have any more time for that, I am sure.

Mr. JACKSON. Mr. Chairman, I don't think it should be let go that abruptly. I think the witness is here not because he is a musician, not because he is an artist of note, but, rather, because of sworn testimony which indicates to this committee that he was in fact, a member of the Communist Party and that he did engage in the activities about which counsel has questioned him.

This somewhat hysterical position that one is here because he is a musician, and that it is the desire of the committee to blacklist—

Mr. GOTTLIEB. I have—

Mr. JACKSON. Just a moment.

To blacklist anyone because of his occupation, is one of the most fallacious charges that is made against the committee.

You are here because it was hoped by the committee that, on the basis of information and evidence in the possession of the committee, you would see fit to cooperate with the committee in telling it what you knew, if you knew anything, with respect to the matters under consideration which are clearly matters within the jurisdiction and the purview of the committee.

That is the reason you are here.

I do not think that you yourself really believe that Members of the Congress of the United States came out here to put you in the witness chair to make sure that you never got a job. If you do I think that you had better disabuse your mind of it because that was not our purpose.

Mr. GOTTLIEB. I am glad to hear that, sir. I only meant to say that, as you already know, you knew what you were going to learn from me, and that it was my impression that it was then the desire to make sure is the point I bring—

Mr. DOYLE. May I ask this question:

You have stated twice, "I am not a member of the Communist Party now."

To be frank with you, I assume that you got out of the Communist Party for good cause. Why don't you help Congress to understand, therefore, how the Communist Party operated when you were a member of it, if you were? Why don't you help the United States Congress to understand why you got out, if you did?

In other words, I am not going to impute to you, in view of your answer, that you never were a member. But the frame of my question indicates naturally, that I assume from your answer that there

was a time when you were in the Communist Party because you said, "I am not now a member of the Communist Party."

Why don't you help us if you got out of the party in good faith? I assume you got out for good cause.

Mr. GOTTLIEB. Sir, I feel that I am cooperating with this committee to the fullest extent consistent with the Constitution.

Mr. JACKSON. Let me say to the witness, while the cooperation may fall short, certainly the attitude of the witness has been somewhat refreshing.

Mr. GOTTLIEB. Thank you.

Mr. TAVENNER. Mr. Gottlieb, I hand you a photostatic copy of an Independent Progressive Party petition marked for identification as "Gottlieb Exhibit No. 1." Will you examine the affidavit, appearing at the end of the petition please, and state whether or not the name appearing there is your name.

(Document handed to the witness and his counsel.)

Mr. GOTTLIEB. I decline to answer this question, sir, on the previously stated grounds, namely, the first and fifth amendments.

Mr. TAVENNER. I desire to offer the document in evidence, as "Gottlieb Exhibit No. 1."

Mr. DOYLE. It will be received and so marked.

(This exhibit is similar to Roth exhibit No. 2, p. 3860 and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. This affidavit bears the date of February 4, 1943. The name of the affiant is Victor Gottlieb, and the affidavit shows that Victor Gottlieb solicited the signatures appearing thereon.

Mr. GOTTLIEB. If I may add one sentence to that which I said before, I don't believe, gentlemen, that the American people will believe that I, a musician who spent my entire life in that calling, could possibly be considered a threat to the internal security of our country.

Mr. TAVENNER. Do you feel that it is not a threat to this country for the Communist Party to deceive the public in putting its own party on the ballot under the name of some other party?

Mr. GOTTLIEB. Excuse me.

(The witness confers with his counsel.)

Mr. GOTTLIEB. I decline to answer that question, sir, on the previously stated grounds.

Mr. DOYLE. May I state this to the witness:

Certainly this committee does not believe that every person that is in the Communist Party is necessarily a revolutionist in the sense of being willing to use force and violence. We certainly are not charging or inferring that every member, every musician in Los Angeles who happened to be in the Commie cell was necessarily a hard-core Communist. But we do have plenty of evidence that many of you members of the Communist cell among the musicians did, at the direction of the Communist Party in Los Angeles, circulate these petitions as a direct subterfuge to California voters, to get the IPP on the ballot as an active front for the Communist Party. And we have evidence, from former Communist Party members that they didn't reveal to these electors whose names they solicited, the fact that it was being circulated deliberately by the Communist Party.

Mr. SCHERER. And it is possible that this particular witness may not have fully understood the full import of what he was doing.

Mr. GOTTLIEB. Without discussing that particular——

Mr. SCHERER. I am merely saying he may not have understood what the program was. It is possible. His testimony might reveal the fact that——

Mr. DOYLE. Let's proceed. But we are going to assume that you were not a willing party to the fraud.

Mr. JACKSON. Any member of the Communist Party, on the basis of the evidence which we have in this particular group, knew full well the purpose for which the petitions were circulated.

I regret very much that this witness, who is obviously a man of intelligence and probably great talent, has seen fit to go just so far in his denial of Communist Party membership but has also seen fit to stop there and say, Beyond that I will tell you nothing."

I place the testimony of the witness precisely in the same category as that of any other witness who comes up here and declines to answer any questions concerning his Communist Party membership.

I want my position clear.

Mr. DOYLE. Let me ask the witness one question.

Were you a member of the Communist Party at the time this petition was circulated in 1948, which appears to have your name thereon? That is giving you an opportunity.

Mr. GOTTLIEB. Sir, I believe you are trying to link me with a period and an activity which you allege is subversive.

I must decline to answer that question on the previously stated grounds.

Mr. DOYLE. We are not trying to link you with it. We are trying to give you a chance to unlink yourself from it, if you can.

Mr. TAVENNER. Were you a member of the Communist Party when the subpoena was served on you to appear at this hearing?

Mr. GOTTLIEB. I decline to answer that question, sir, for the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Jackson.

Mr. JACKSON. No questions.

Mr. SCHERER. No questions.

Mr. DOYLE. You are excused. Thank you.

Mr. TAVENNER. Mr. Joseph DiFiore.

Mr. BROOKS. Mr. Tavenner, I represent Mr. DiFiore. I expect him here a little later.

Mr. TAVENNER. Very well. Do you represent Mr. Feher?

Mr. BROOKS. Who?

Mr. TAVENNER. Do you represent some other person who is now present.

Mr. BROOKS. Yes; Mr. Compinsky.

Mr. TAVENNER. Very well, we will call Mr. Compinsky.

Mr. BROOKS. I might state at this time I would like to thank you and Mr. Wheeler for the consideration you have given me in arranging the schedule for my witnesses. I appreciate it.

Mr. DOYLE. I wish to say, in return for that, we know we have highly ethical, highly cooperative and highly distinguished counsel.

Mr. BROOKS. Thank you, Mr. Doyle.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you, God?

Mr. COMPINSKY. I do.

**TESTIMONY OF MANUEL L. COMPINSKY, ACCOMPANIED BY
COUNSEL, ARTHUR A. BROOKS, JR.**

Mr. TAVENNER. What is your name, sir?

Mr. COMPINSKY. My name is Manuel L. Compinsky.

Mr. TAVENNER. Spell your last name.

Mr. COMPINSKY. C-o-m-p-i-n-s-k-y.

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

Mr. BROOKS. Arthur A. Brooks, Jr.

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

Mr. COMPINSKY. I was born in England, sir.

Mr. TAVENNER. What date?

Mr. COMPINSKY. 1901.

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

Mr. COMPINSKY. I came to America in 1925.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. COMPINSKY. I was naturalized in 1931.

Mr. TAVENNER. Where.

Mr. COMPINSKY. In New York State. I think it was Westchester.

It was completed in Westchester.

Mr. TAVENNER. Where do you now reside?

Mr. COMPINSKY. In Burbank.

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

Mr. COMPINSKY. I came to California in 1933, but I concertized and I moved around about. But I think I stayed here permanently from about 1938.

Mr. TAVENNER. What is your profession?

Mr. COMPINSKY. I am a concert artist.

Mr. TAVENNER. How long have you been engaged in that profession, commercially?

Mr. COMPINSKY. Well, I was considered a child prodigy, and I have been at that since then, you might say.

Mr. TAVENNER. What was your formal educational training?

Mr. COMPINSKY. I had the usual elementary tuition, and then I went to Clephane's College in London—C-l-e-p-h-a-n-e's. And my musical education was in Trinity College.

I studied with famous teachers like Emanuel Sauret—S-a-u-r-e-t—Leopold Auer, and Eugene Ysaye—Y-s-a-y-e. And during the First World War years I had the unfortunate education of the bombing of London. I say this because it was a kind of education which taught me to abhor anything connected with force and violence, sir.

Mr. TAVENNER. I am not asking you for your life history. I asked you for your formal educational training.

Mr. COMPINSKY. Well, that was about it.

And I went to America in 1925. I taught at the Trinity College in 1920 to 1925. I was offered a professorship there.

Mr. TAVENNER. You have virtually been here since 1925?

Mr. COMPINSKY. That is right—since 1925.

Mr. TAVENNER. We have heard considerable testimony regarding an organized Communist Party group in Los Angeles composed almost exclusively of members of the musical profession. We are endeavoring to ascertain just in what way the Communist Party was using that group.

I want to call on you to help the committee in understanding that problem.

Mr. COMPINSKY. Well, sir, if you will allow me to give my reasons and my legal reasons, after expressing my legal grounds—

Mr. JACKSON. Is there a pending question?

(The witness confers with his counsel.)

Mr. TAVENNER. No; I was explaining why I wanted to question him.

I was hoping that you might be able to give this committee the facts within your knowledge. I am sorry there has been an indication that you are not willing to do so, but I still have hope.

Were you aware of an attempt being made by the Communist Party to use musicians to advance its political interests?

(The witness confers with his counsel.)

Mr. COMPINSKY. Well, sir, I regret I must decline to answer that question, on my constitutional privilege of the first amendment. And, if you will be so courteous as to let me explain my reasons, I would like to explain and express them, the reasons I have, which will only take a minute and a half. It is being respectful.

Mr. TAVENNER. It will be quite sufficient if you would state your legal grounds without going into all of the personal reasons that you may have for not wanting to answer the question.

Mr. COMPINSKY. I don't want to be misinterpreted, sir.

Mr. TAVENNER. If you confine yourself to your legal reasons you couldn't be misinterpreted.

(The witness confers with his counsel.)

Mr. JACKSON. Mr. Chairman, may I make a suggestion in that connection?

Mr. DOYLE. Yes.

Mr. JACKSON. In contrast with the attitude of many witnesses, the present witness has, in every manner that I have been able to observe, conducted himself in a respectful and dignified manner. I would suggest that it would be completely compatible with the rules if the witness desires to submit a statement to the committee. It is provided for in the rules of procedure, and, if it does not take the form prohibited by the rules of the committee, in that it attacks the motives of the committee or the Congress of the United States, I would ask that it be included in the transcript of the hearings at this point.

Mr. COMPINSKY. Sir, I think what I have to say will be, and it shows respectfully, in regard to my constitutional answers.

Sir, if you will only give me the privilege, I would appreciate it. It will only take a minute and a half.

Mr. JACKSON. As far as I can go, it is the suggestion that I have made, that it be incorporated as a prepared statement which can be handed to the reporter.

Mr. BROOKS. May I inquire?

In other words, he will just hand the reporter the statement rather than reading it. Is that your suggestion?

Mr. JACKSON. Subject to the approval of the committee, however.

Mr. BROOKS. Yes.

Mr. JACKSON. That is my suggestion.

Mr. DOYLE. We will adopt the suggestion if the witness desires.

Mr. TAVENNER. It will be necessary to inquire whether, in that statement, he is relying in part upon the fifth amendment.

Mr. COMPINSKY. Yes, I am.

(The statement referred to is as follows:)

STATEMENT OF MANUEL COMPINSKY

Gentlemen, when I received your subpoena to appear here for questioning I experienced a chain reaction of mixed feelings which moved from one of shock to indignation. But now I am glad you invited me because in the last few weeks you have caused me to become reacquainted with myself. In having to appear before you I have had to dig deep within myself to face certain values. We often take values for granted until something happens to make us realize we may be losing them.

My first thought was, yes, I will answer all the questions about my life and profession. Then a thought struck me. I have done nothing wrong. All my neighbors know me well. I have respected them and never hurt them or invaded their privacy. My colleagues know me well. I have respected them and have never invaded their privacy. I have lived faithfully as an American citizen respecting the Constitution and every law of the land. Why this invasion into my privacy?

America has been waving her flag of democracy to the rest of the world, a beacon of light for all the world to see of liberty and freedom. I remember when I arrived in America I had a thrilling experience as the Statue of Liberty greeted me, a symbol of freedom for all peoples regardless of race, creed, or color. In all these years as an artist I have performed with all kinds of people and for all kinds of organizations in every type of situation regardless of race, creed, or color. I have never questioned them as to their beliefs of any kind. I have listened to all beliefs with great interest, as I feel that only in that way can a person mature and gain understanding.

As an artist I cannot possibly function and be of value unless I can think freely and associate freely with my fellow beings.

We are living in an era of enlightenment. There is no need to fear ideas. New ideas made this country. And today, if new ideas are not accepted and nourished by the citizens of America, they will automatically die a natural death. That is my belief.

Most of my life has been dedicated to music and in every era there have been new composers who spoke a strange language. For example, I have spent much time with the music of Arnold Schoenberg, not because I like his music, but because I must keep an open mind for ideas I do not understand. That is progress. Because I do not understand or dislike a certain composer's music, should I organize a committee to abolish the performance and the publication of his works? It sounds preposterous, doesn't it? Let us remember that criticism is healthy. New ideas will always be subject to criticism. Conformity chokes out imagination and originality.

As an example of democracy in action, I would like to present a symphony orchestra. Here we have a hundred men and women, regardless of race, opinions, and personalities, who assemble to work together in harmony and to create a work of art for all to hear, and elevate the spirit to higher levels of living. Our democracy benefits from the example of musicians who live together and work together for a common aim in peace and brotherhood.

Music is an art that brings peace and it can only thrive in an atmosphere of peace. Beethoven wrote his ninth symphony for the brotherhood of all men. I believe in that heritage. There can be no brotherhood if people inform and point out each other because they may differ on opinions. That breeds hate. There is room for differences in this big world of ours and it is possible to live in peace and have respect for each other as human beings, for there is no problem that cannot be solved amicably if we try enough.

In summation of what I have said up to now, I would like very much to be myself, but in this terrible atmosphere of compulsion, I find it impossible to be so. I have lived by the laws of our land and will continue to live by these laws as guaranteed by our Constitution. I hope to continue to enjoy my right to think, speak, and associate freely. Therefore I must decline to answer your questions on the grounds of the first amendment, supplemented by the fifth amendment. Some may think I am hiding behind such a privilege. Actually I am standing in front of the fifth amendment, for the protection of the innocent.

In conclusion, I would like to add that we all tend to take our liberties too much for granted. They need to be fought for and protected. Otherwise we may lose them altogether.

MR. TAVENNER. Then, with that understanding, I will just ask you one or two further questions.

I have before me a photostatic copy of an Independent Progressive Party petition marked for identification purposes as "Compinsky Exhibit No. 1." The affidavit at the end of the petition shows that Manuel Compinsky solicited the signatures on it. The date is February 2, 1948. Who asked you to circulate this petition?

(The witness confers with his counsel.)

MR. COMPINSKY. I regret, sir, and I have to decline on the grounds previously stated.

MR. TAVENNER. Examine the petition, please, and state whether or not the signature appearing there is your signature, and whether it was put there by you.

(Document handed to the witness and his counsel.)

MR. COMPINSKY. I respectfully decline to answer the question, sir.

MR. TAVENNER. I offer the document above referred to in evidence, as "Compinsky Exhibit No. 1."

MR. DOYLE. It will be received and so marked.

(This exhibit is similar to Roth exhibit No. 2, p. 3860, and will not be reproduced in the printed record; it is on file in the committee's records.)

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

MR. COMPINSKY. I am not, sir.

MR. TAVENNER. Were you a member of the Communist Party when the subpoena was served on you for your appearance here?

(The witness confers with his counsel.)

MR. COMPINSKY. I decline, sir, on the grounds previously stated.

MR. TAVENNER. Were you a member of the Communist Party yesterday?

(The witness confers with his counsel.)

MR. COMPINSKY. I am sorry, sir, the same grounds. I decline to answer on the same grounds.

MR. DOYLE. Any questions, Mr. Jackson?

MR. JACKSON. No questions.

MR. DOYLE. Mr. Scherer?

MR. SCHERER. Just that, while this witness invoked the fifth amendment, I think he did so in a proper and a dignified manner, and invoked it in most instances properly.

MR. DOYLE. The witness is excused.

MR. COMPINSKY. Thank you.

MR. TAVENNER. Mr. Brooks?

MR. BROOKS. Yes.

MR. TAVENNER. Will you advise me when your client comes, and I will put him on.

MR. BROOKS. I believe Mrs. Gottlieb was here. She was subpoenaed. Would you like to have her now?

MR. TAVENNER. Yes.

MR. DOYLE. Mrs. Gottlieb, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MRS. GOTTLIEB. I do.

MR. DOYLE. Please be seated.

**TESTIMONY OF MRS. EUDICE GOTTLIEB, ACCOMPANIED BY
COUNSEL, ARTHUR A. BROOKS, JR.**

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

Mrs. GOTTLIEB. My name is Eudice Gottlieb.

Mr. TAVENNER. It is noted that you are accompanied by the same counsel who accompanied the preceding witness.

Mr. BROOKS. That is correct.

Mr. TAVENNER. Are you a native of California?

Mrs. GOTTLIEB. I was born in New York State.

Mr. TAVENNER. New York City?

Mrs. GOTTLIEB. New York State.

Mr. TAVENNER. Where?

Mrs. GOTTLIEB. In Buffalo.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mrs. GOTTLIEB. I do.

Mr. TAVENNER. How long have you resided in California?

Mrs. GOTTLIEB. Since 1941.

Mr. TAVENNER. Do you have a profession?

Mrs. GOTTLIEB. Yes. I am a musician.

Mr. TAVENNER. How long have you been engaged in your profession?

Mrs. GOTTLIEB. Since I was 5 years old.

Mr. TAVENNER. What has been your formal educational training?

Mrs. GOTTLIEB. I am a graduate of high school, and I attended the Curtis Institute of Music where I got my diploma.

Mr. TAVENNER. Do you know whether or not the Communist Party in this area was instrumental in having musicians perform in various front organizations of the Communist Party?

Mrs. GOTTLIEB. I must decline to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Did you engage in performing for the American-Russian Institute in 1947?

Mrs. GOTTLIEB. Gentlemen, I play for all kinds of organizations. This is my profession. And I feel that this is what I am capable of doing. I have never screened an organization. I play because I think people want to hear my playing, and that is my contribution to the cultural life of this country.

I have also stressed and feel a great importance in playing our American music for people because I feel that we have made a great contribution to the cultural life of the whole world.

Mr. TAVENNER. What the committee is interested in is this: It has received evidence that the Communist Party used entertainers—not only musicians but actors and others—in giving various parties and performing for various front organizations as a duty to the Communist Party. The committee has also heard testimony from some such individuals stating that that was the thing which they did for the Communist Party.

Mr. SCHERER. Also for the purpose of raising funds for the Communist Party.

Mr. TAVENNER. And for the purpose of raising funds.

My question was whether or not you had engaged in any such activities for the Communist Party.

Mrs. GOTTLIEB. I must decline to answer that question on the grounds I have previously stated.

Mr. TAVENNER. Have you at any time been a member of what is known as the musicians branch of the Communist Party in Los Angeles?

Mrs. GOTTLIEB. I decline to answer that on the same grounds.

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

Mrs. GOTTLIEB. No; I am not.

Mr. TAVENNER. Were you a member of the Communist Party yesterday?

Mrs. GOTTLIEB. I must decline to answer that question, sir, on the same grounds.

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

Mrs. GOTTLIEB. I decline to answer that on the grounds I previously stated.

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

Mr. DOYLE. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. No questions, Mr. Doyle.

Mr. DOYLE. You are excused. Thank you.

Mr. TAVENNER. Mr. Roy Eugene Frankson.

Mr. JOHN CROWE (attorney). Mr. Frankson's attorney, Mr. Kenny, is not here. He is over in superior court. He will be here at 4:30.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. MARSHALL. Mr. Tavenner, did you start to call the name of the witness Feher a little while ago?

Mr. TAVENNER. Yes.

Mr. FEHER. May I testify now?

Mr. TAVENNER. Very well.

Mr. DOYLE. We will have to wait a minute. Mr. Jackson stepped out.

Mr. TAVENNER. May we have a few minutes' recess?

Mr. DOYLE. The committee will stand in recess for not over 3 minutes.

(Whereupon a short recess was taken, there being present Representatives Doyle and Scherer.)

(The committee was reconvened upon the expiration of the recess; present, Representatives Doyle, Jackson, and Scherer.)

Mr. DOYLE. The committee will please reconvene.

May the record show that three members of the subcommittee of four are present.

Mr. DOYLE. Will you please raise your right hand and be sworn? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FEHER. I do.

TESTIMONY OF MILTON FEHER, ACCOMPANIED BY COUNSEL, DANIEL G. MARSHALL

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

Mr. FEHER. Milton Feher, F-e-h-e-r.

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

Mr. MARSHALL. Daniel G. Marshall.

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

Mr. FEHER. I was born in New York City.

Mr. TAVENNER. When?

Mr. FEHER. In September 1906.

Mr. TAVENNER. Where do you now reside?

Mr. FEHER. In Los Angeles.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. FEHER. In Los Angeles almost 20 years.

Mr. TAVENNER. What is your profession?

Mr. FEHER. I am a musician.

Mr. TAVENNER. Will you tell the committee briefly what your formal educational training has been.

Mr. FEHER. I went to elementary and high school in Brooklyn, N. Y. My musical education began at the age of 5. My first teacher was my father. Then I attended the Institute of Musical Art, at that time the finest school of its kind in the country. I entered the school at the age of 10, and I stayed until the age of 21.

In 1928 I received an artist's diploma from the Institute, and followed with a year's study abroad. First, I spent the summer in Fontainebleau, France, and the rest of the year in Hungary as an American exchange student. There I was awarded another artistic diploma.

Then I returned to this country, and I was engaged by Leopold Stokowski to play in the Philadelphia Symphony Orchestra, where I played for 6 years. I left there and came to Los Angeles in 1936, lured by the prospect of the high pay in the motion picture studios.

I was a free-lance musician for quite some time. I played 2 years with the Los Angeles Philharmonic.

Mr. TAVENNER. Have you been engaged in the practice of your profession in the city of Los Angeles from 1936 on until the present time?

Mr. FEHER. Yes.

Mr. TAVENNER. Have you at any time been a member of the Communist Party since 1936?

Mr. FEHER. That is a question I refuse to answer under the first amendment of the Constitution, supplemented by the fifth amendment. (The witness confers with his counsel.)

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

Mr. FEHER. I decline to answer the question on the same grounds.

Mr. TAVENNER. Have you ever used the name of Harry Brown? (The witness confers with his counsel.)

Mr. FEHER. The same answer, the same grounds. I answered. I declined on the same grounds as before.

Mr. TAVENNER. You started to say something else?

Mr. FEHER. I just want to repeat. You seemed to question it. You seem to be surprised.

Mr. SCHERER. He is beyond the stage of being surprised. Mr. Tavenner has heard everything.

Mr. FEHER. I have heard a lot, too.

Mr. TAVENNER. Have you been a member of the Musicians Branch of the Communist Party in Los Angeles at any time?

Mr. FEHER. The same answer, the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Any questions, Mr. Jackson?

Mr. JACKSON. No questions.

Mr. SCHERER. No questions.

Mr. DOYLE. You are excused, Mr. Witness.

Mr. TAVENNER. Mr. DiFiore?

(There was no response.)

Mr. DOYLE. Is Mr. DiFiore in the hearing room?

(There was no response.)

Mr. TAVENNER. I believe Mr. Brooks was the attorney representing this individual. Someone spoke for him here a few minutes ago.

Mr. BROOKS. Yes, Mr. Tavenner. Mr. DiFiore was at work today. He was coming down here this afternoon. I called the studio. He is still recording.

I told him to get down here as soon as he could. It may be that he won't get here before you adjourn. If so, I am wondering if he could appear in the morning.

I regret this mixup, but I would appreciate it.

Mr. DOYLE. Mr. Brooks, if he doesn't arrive here this afternoon, of course we would regret it, but be here by 9:30 in the morning without fail.

Mr. BROOKS. Yes, sir. I will guarantee that he will be here at that time.

Mr. TAVENNER. Mr. Frankson?

Mr. JOHN CROWE. Mr. Kenny is not here.

Mr. TAVENNER. Are you a member of Mr. Kenny's firm?

Mr. CROWE. Yes.

Mrs. TAVENNER. Can't you go ahead?

Mr. CROWE. Mr. Frankson is not here either yet, sir.

Mr. TAVENNER. Here we are, Mr. Chairman, trying to proceed. A matter of two witnesses is an important thing. It will take that much longer tomorrow.

Mr. SCHERER. Are there any others?

Mr. TAVENNER. No, sir; because I tried to arrange these matters to accommodate counsel and the witnesses as nearly as possible so that they wouldn't be kept hanging around here all day.

Mr. JACKSON. I can understand. Things have progressed more expeditiously than the committee might have hoped for.

Mr. TAVENNER. I guess I draw too thin a line, maybe, in trying to work these things out.

May I ask counsel who are present to advise me whether any of their clients who are subpoenaed for tomorrow are here?

If so, we will proceed with them.

Do you have any, Mr. Brooks?

Mr. BROOKS. Mr. DiFiore is my only remaining client.

Mr. SCHERER. Maybe we could have a 5-minute recess and somebody will show up.

Mr. DOYLE. Is there a possibility of Mr. Bob Kenny being back here this afternoon with his client?

Mr. CROWE. Yes. I can't speak for his client, but he will be here.

Mr. TAVENNER. It won't do much good to have him if you don't have his client. May I ask you to get in touch with your client?

Mr. CROWE. He is not my client.

Mr. TAVENNER. He is in your firm. You are speaking for your firm.

Mr. CROWE. I am speaking only for Mr. Kenny, sir.

Mr. TAVENNER. It is your firm that is responsible. And I don't think it is very good taste for you to sit here and indicate you are not interested, if you are interested to the point of coming here and making representations.

Mr. JACKSON. May I suggest we take a 10-minute recess.

Mr. DOYLE. Let's take a 5-minute recess and hope that they will be here, and not 10 minutes. That is too long.

Mr. TAVENNER. I think, in the light of the fact that Mr. Kenny's firm is represented here, that the gentleman who came and stated Mr. Kenny is not here yet but may arrive, but will not call his associate's client, that we should proceed for contempt against this man if he is not here before this proceeding is closed this afternoon.

Mr. DOYLE. Very well.

Mr. CROWE. I don't know how to get in touch with Mr. Frankson.

Mr. TAVENNER. I think it was your duty this morning.

Mr. CROWE. I was here all day in the Federal district court trying a case.

Mr. TAVENNER. It is your duty to find out.

Mr. CROWE. I merely came up here. I am not even a partner of Kenny's or anyone else. I merely have office space in that building.

Mr. TAVENNER. I understood you were with Mr. Kenny.

Mr. CROWE. I am associated with Mr. Kenny, and very proud to be, sir. But I have no jurisdiction or governing power over Mr. Kenny or his clients.

Mr. TAVENNER. Nevertheless, if someone doesn't become interested in the case, I am going to suggest to the committee that we proceed for contempt against this man who is paid to appear.

Mr. DOYLE. Do you know where the client is?

Mr. CROWE. I do not know that.

Mr. DOYLE. I assume Bob Kenny does. He is usually pretty prompt.

Mr. CROWE. He is over in superior court now, and I assume he is on his way over here.

Mr. DOYLE. It won't take over 10 minutes to get here.

Mr. JACKSON. Are we in recess?

Mr. DOYLE. Yes.

(Whereupon, a short recess was taken, there being present Representatives Doyle, Jackson and Scherer.)

(The committee was reconvened upon the expiration of the recess; present Representatives Doyle, Jackson and Scherer.)

Mr. DOYLE. The committee will come to order.

The committee will stand in recess until 9:30 tomorrow morning.

Any witnesses in the room who were subpoenaed, but have not yet been heard, will return tomorrow morning.

Is that correct, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. Thank you very much.

(Whereupon, at 4:51 p. m., Thursday, April 19, 1956, the committee was recessed, to be reconvened at 9:30 a. m., Friday, April 20, 1956.)