

COMMUNIST POLITICAL SUBVERSION

THURSDAY, DECEMBER 13, 1956

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

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to recess at 10 a. m., in the Council Room, County-City Building, Seattle, Washington, Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle, of California and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, director; William A. Wheeler and Donald T. Appell, investigators; and Richard S. Weil, staff member.

Mr. DOYLE. The committee will please come to order.

Let the record show that by reason of the provisions of Public Law 601, 79th Congress, the chairman of the committee, Francis E. Walter, of Pennsylvania appointed for the purpose of this hearing, a subcommittee of three, consisting of Mr. Velde of Illinois, who is not present this morning—he necessarily left the committee after the San Francisco hearings—Mr. Gordon Scherer of Ohio, who sits to my right, and myself, Representative Clyde Doyle of Los Angeles County, as subcommittee chairman.

Let the record show that Mr. Scherer and Chairman Doyle are both present, therefore, a legal quorum of the subcommittee is present.

May I say that, under our rules and under the rules of the House of Representatives, now it is required, and properly so we believe, that at least two members of Congress sit in every investigating committee where a witness is testifying under oath.

Let the record show that pursuant to authorization, therefore, of Chairman Walter, authorized by Public Law 601, the public hearings are being held at this time.

Our hearings in this great city will go further into the current campaign of political subversion which the Communist Party, and possibly Communist-controlled fronts, and its confederate organizations, are conducting throughout our great Nation. This committee has already held hearings in Chicago, Washington, D. C.; Youngstown, Ohio; and during the last week in Los Angeles and San Francisco.

Sworn testimony which we have received in these hearings shows as clear as crystal that the Communist Party campaign of political

subversion now in vogue, ranks today as one of the greatest threats of the Communist Party and its confederate subversives to our constitutional form of Government. The American Communist Party, though a corps of militant revolutionaries, is attempting to rob the United States of America of its legal defenses as they now exist in Federal statutes against ultimate conquest by an alien conspiracy and a foreign power which directs the Communist Party and its confederates in the United States of America.

More appalling, however, is the fact the Communists and their confederates, either knowingly or unknowingly, by propaganda and infiltration subversively and always in contempt of our United States Constitution, are seeking at all times to enlist the services of well-meaning American citizens in this illicit, diabolical undertaking.

The activities of the Communist Party in the United States and a multitude of subversive Communist front organizations, some members of which are unsuspecting of the real subversive control of those organizations, but which the Communist Party has created for their subversive purposes, are directed against such existing Federal statutes as the Smith Act, the Internal Security Act, the Communist Control Act, and with a special vehemence against the provisions of our existing Immigration and Nationality Act, which provides, among other things, for the deportation of alien Communists who have obtained residence in the United States by misrepresentation and who maintain allegiance still to the Kremlin instead of to the United States of America.

I want to make it clear that we are not engaged in these hearings in considering the merits or the lack of merits of any particular Federal statute. Furthermore, we are not and never have, and never will, contest the right of any American citizen to either individually or to organize in behalf of, support of, or opposition to, any particular law.

Such political activity is a constitutional inherent, fundamental right under the United States Constitution. This committee and all American Congressmen are sworn to uphold that right and always will uphold that right.

As a rule in these hearings, we are not confronted with sincere citizens who seek to participate in good faith and patriotically in the process of our Constitutional form of Government. We are confronted, rather, with a group of people, unfortunately, who hold these very democratic constitutional processes in deliberate contempt, and who contrive to use them to advance the operation of an illegal subversive Communist conspiracy which is clearly dedicated to the destruction, even to the extent of force and violence in some cases, of all democratic processes as is proven time and time again in the jury trials and other court trials throughout our Nation.

The Congress is entitled to know at all times—and I am sure any thinking patriotic American citizen will agree with us—that the United States Congress is at all times entitled to know the identity and the true interests of all persons who petition Congress for a change of any sort in existing Federal legislation. Only if Congress knows who it is dealing with, and what the real interests of a petitioner before Congress are, can we in Congress discharge with dispatch, with justice, with soundness, and with fairness, our duties as legislators for all the American people.

A number of witnesses before this committee during this series of hearings have charged that we have no legislative purpose. I don't want to dignify that by making any extended answer because the charge is false and known to be false. Public Law 601 expressly states that as one of the purposes for the existence of this committee. Without such hearings there would be no Smith Act, nor any Communist Control Act. There would be no weapon by which the United States Government could adequately defend itself as it now can.

I would also like to point out that the Committee on Un-American Activities was first created as a regular standing committee by the 79th Congress in 1946. It has been reestablished ever since then. In other words, by the 79th Congress, by the 80th Congress, 81st Congress, 82d Congress, 83d Congress, 84th Congress and by the 85th Congress. The full committee consists of nine members. Public Law 601 expressly authorizes the creation of subcommittees like this one here this morning. The committee has established its rules of procedure, as is well known. We expect that, as a result of these hearings, this subcommittee of the Committee on Un-American Activities and the full committee will be better able and equipped to consider legislative recommendations to the next Congress in January, which will be of further aid to our Government in combating the Communist apparatus in this area, and that the information obtained here will serve to further alert the well-meaning, patriotic people of the Seattle-Portland area, and the United States as a whole, of the forces which subversively seek the destruction of our constitutional form of government.

Before we proceed I would like to cordially state that it has come to our attention, and we are pleased to have it so, that some of the witnesses appearing here this morning will be represented by very eminent, very respected, and able members of the Seattle Bar Association.

And I make clear the fact that these members of the Seattle Bar Association who have been assigned to do this representation as attorneys today and tomorrow are doing so in accordance with their oath which requires them to appear, if one has to, for any person who is clearly indigent or who is believed to be indigent and, therefore, not able to employ counsel on such an occasion.

Their appearance before this committee—I refer to the attorneys of the local bar association who are acting without compensation—is in no way to be construed as a reflection on either their motives or their integrity.

On behalf of the committee I wish to compliment the members of the Seattle Bar Association on performing this part of their oath as lawyers.

(See statement of John N. Rupp, president, Seattle Bar Association, pp. 7015, 7016 of testimony.)

Mr. SCHERER. May I interject a word or two?

Mr. DOYLE. Yes, Mr. Scherer.

Mr. SCHERER. There should be no reflection attached to any other lawyer who appears on behalf of a client and who is paid by that witness to represent him in this hearing. I think you should state that.

Mr. DOYLE. Thank you for adding that.

Mr. SCHERER. Unless it is otherwise shown to the contrary.

Mr. DOYLE. I think that it might interest the members of the bar to know that Mr. Scherer and I both are lawyers of many years of prac-

tice before we went to Congress 7 and 10 years ago in respective cases.

Of course there is no smoking in the room during the sessions of the committee.

If you will pardon just a personal word at this point by me, I wish to state it is always a pleasure to return to Seattle. I have a great fondness for Seattle and this area because, when I was a boy in the grammar grades, I had the pleasure of attending and graduating from University Heights Grammar School in Seattle, Wash. Ever since I have had a great fondness for Seattle and the great Northwest.

As a matter of local history, I might state that I recall very definitely I was a babysitter in those days in the home of the distinguished president of the University of Washington, President Landes, and that means in the home of one of your distinguished mayors of Seattle, now deceased, Bertha K. Landes. Then, of course, some of you know that the home in which I lived when I was here was the home of a very distinguished minister of the gospel, Rev. Thomas C. Wiswell, pastor of University Heights Congregational Church.

So if you will pardon that personal reference, Mr. Scherer, this is one reason why I am a little glad to get you back here, so you can see the beauties and advantages of this great Northwest. And I am glad to bring you the greetings of my native State of California, and of my great county of Los Angeles.

Are you ready to proceed, Mr. Arens?

Before we do that, and so we will save time, I want to call to the attention of the bar, especially, and the witnesses, a couple of rules of the committee that have been in effect for many years. I read rule VII:

At every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

Rule VIII:

Counsel for a witness shall conduct himself in a professional, ethical, and proper manner. His failure to do so shall, upon a finding to that effect by a majority of the committee or subcommittee before which the witness is appearing, subject such counsel to disciplinary action which may include warning, censure, removing from the hearing room of counsel, or a recommendation of contempt proceedings.

In case of such removal of counsel, the witness shall have a reasonable time to obtain other counsel, said time to be determined by the committee. Should the witness deliberately or capriciously fail or refuse to obtain the services of other counsel within such reasonable time, the hearing shall continue and the testimony of such witness shall be heard without benefit of counsel.

Therefore, may I suggest that if any counsel has anything to say at any time to the committee, say it during the recess period of the committee or before the committee begins work. Because we do not have time to grant time to counsel to speak directly to the committee.

One further point: Under Public Law 601, I read:

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.

* * * * *

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—

I wish you to note this, please—

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.

Mr. SCHERER. That last, you are reading from is not from the rules of the committee, but from the public law of the Congress creating the committee.

Mr. DOYLE. Public Law 601, which has been standing as a matter of public law just as it is ever since 1946.

Are you ready to proceed, Mr. Arens?

Mr. ARENS. Yes, sir.

Burt Nelson, kindly come forward. Would you please remain standing while the chairman administers an oath to you.

Mr. DOYLE. Mr. Nelson, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NELSON. I do.

Mr. DOYLE. Please take the chair there.

TESTIMONY OF BURT NELSON, ACCOMPANIED BY COUNSEL, JOHN M. RUPP

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. NELSON. My name is Burt Nelson. I live at 1218 Westlake, North, Box 25.

Mr. ARENS. And your occupation, please, sir?

Mr. NELSON. I decline to answer this question.

Mr. ARENS. Why?

Mr. NELSON. On the following grounds: That it has no legislative purpose, and in claiming the privilege and the right of the first amendment to the Constitution, I assert, as does the first amendment to the Constitution, that Congress shall pass no law respecting and establishment of religion, or the practice thereof, nor any abridgment of the right of freedom of speech, of press, the right of the citizens to peacefully assemble and to petition for redress of grievances. And further, on the grounds of the ninth amendment, and of the fifth amendment, which provides, among other things, that no one shall be required to testify against themselves in any manner, way, shape, or form. And on the grounds that it might incriminate me.

Mr. ARENS. Mr. Chairman, for the purpose of ascertaining whether or not this witness is invoking the fifth amendment in good faith, I now ask you, Mr. Witness, do you honestly apprehend that if you told this committee truthfully what your occupation is, you would

be supplying information which might be used against you in a criminal proceeding?

(The witness confers with his counsel.)

Mr. NELSON. Yes.

Mr. ARENS. Thank you sir.

And you are today appearing in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(The witness confers with his counsel.)

Mr. NELSON. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. NELSON. I am.

Mr. ARENS. Counsel, would you kindly identify yourself?

Mr. RUPP. I am sorry, Mr. Arens. I should have done that before.

Mr. ARENS. No, this is proper procedure. At this point, if you please, sir.

Mr. RUPP. My name is John M. Rupp, R-u-p-p. I am appearing in a representative capacity for Mr. Nelson, also as president of the Seattle Bar Association, the organization to which the chairman alluded in his opening statement.

Mr. ARENS. Mr. Nelson, how long have you occupied your present position?

Mr. NELSON. I decline to answer this question for the following reasons: That it has no legislative purpose, and in claiming the right and privilege of the first amendment, I assert that the Congress of the United States shall make no abridgment of the right of the people to peacefully assemble and petition for redress of grievances. On the grounds of the ninth amendment, which provides the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. And on the grounds of the 10th amendment which, among other things, provides the powers not delegated to the United States, or prohibited to the States, are reserved to the people.

Mr. SCHERER. Mr. Chairman, may I suggest—

Mr. NELSON. And further—

Mr. SCHERER. I am sorry. Go ahead.

Mr. NELSON. On the grounds of the fifth amendment, which, among other things, provides that no one shall be denied life, liberty, and the pursuit of happiness without due process, which includes a trial by jury, the right to examine witnesses, to cross-examine, to test the validity of the allegations and the integrity of he who makes the allegations.

Mr. DOYLE. Mr. Nelson—

Mr. NELSON. And on the grounds that it might incriminate me.

Mr. DOYLE. Now that you have made it clear what you intend to plead, with your plea of the first and fifth and ninth and your constitutional privileges, may I request or suggest that, in your answers where you do intend to plead your constitutional privileges, you just state that you plead all your constitutional privileges, just as you have before, and we will accept that as sufficient plea of your constitutional privileges.

(The witness confers with his counsel.)

Mr. SCHERER. I think, Mr. Chairman, if he indicates clearly that he is invoking the fifth amendment, I think he should say "for the reasons I have previously stated, including the fifth amendment."

Mr. DOYLE. Of course.

Mr. ARENS. Mr. Nelson, as the chairman made clear in his opening statement, the Committee on Un-American Activities is in the process of developing factual information respecting Communist political subversion, the efforts of the Communist conspiracy to destroy the security laws of this country. With that end in view, there is now being displayed to you a document entitled "Coalition for Freedom and Democracy, a Report of the Washington State Committee of the Communist Party, November 1955." Kindly look at that document and tell us first of all whether or not you have ever seen it before.

(Document marked "Exhibit No. 614," see appendix, pp. 8186-8203.)

(The witness confers with his counsel and examines document.)

Mr. ARENS. Mr. Chairman, while the witness is perusing the document, may I respectfully suggest that each of the several exhibits shown to the witness will by general order be appropriately marked and will be either incorporated in the appendix or by reference, as the case may be.

Mr. DOYLE. I will now make that order.

Mr. ARENS. Would you kindly answer the question.

Mr. NELSON. I decline to answer the question for the following reasons—

Mr. DOYLE. May I ask your cooperation at this point. To follow my suggestion for the purpose of saving your time and everyone else's, that you not undertake to take time to again repeat the way you have twice—

Mr. NELSON. I decline for the reasons that I have previously stated.

Mr. ARENS. This document, which sets forth the program of the Communist Party on legislation, includes a drive to destroy the Internal Security Act, the Immigration and Nationality Act, the Smith Act, and hearings by congressional committees, alluded to here as Velde hearings, Velde being a former chairman of this committee.

While you are under oath, Mr. Nelson, please tell this committee, if it is not a fact that you were one of the instigators and formulators of this program of the Communist Party of the State of Washington.

(The witness confers with his counsel.)

Mr. NELSON. I decline to answer the question specifically on the following grounds: That Congress shall make no law—

Mr. DOYLE. Mr. Nelson, may I admonish you, we will appreciate getting your cooperation. I have stated that this committee will consider it sufficient if you will plead your constitutional privileges. You have made your valued statements, I am sure, in the last three answers elaborating on it.

Mr. NELSON. Specifically, I would like to state in response to this question the following reasons: That Congress shall make no law abridging the right of the people to peaceably assemble and petition for a right of redress in any manner, particular, or respect, and for the additional reasons that I have previously stated.

Mr. ARENS. You understand, Mr. Nelson, I wasn't asking you or suggesting that any group did not have a right to petition Congress. I was only asking you in the question whether or not to your certain knowledge the Communist conspiratorial apparatus had these particular objectives set forth in that document which was displayed to you.

Now we want to display to you a document from the Communist Daily People's World, an article appearing in the issue of Friday,

February 17, 1956. This article says: "Nelson to head Communist Party in State." The body of the article contains the following language:

Election of Burt Nelson, veteran Seattle maritime union leader, as chairman of the Washington State Communist Party, was announced this week by the party's State committee.

and so forth.

Kindly look at that article and tell this committee while you are under oath, whether or not that article makes a correct recitation of the facts.

(Document marked "Exhibit No. 615," see appendix, p. 8204.)

(The witness confers with his counsel.)

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

Mr. ARENS. Now are you connected with the Washington State Committee for Protection of Foreign Born?

(The witness confers with his counsel.)

Mr. NELSON. I decline to answer this question—

Mr. ARENS. What is the relationship between the Washington State Committee for Protection of Foreign Born and the Communist conspiracy in this State?

Mr. NELSON. You interrupted me.

Mr. ARENS. I beg your pardon. I apologize.

Mr. NELSON. On the grounds that I had previously stated.

Mr. ARENS. Yes. Now tell us what is the connection between the Washington State Committee for Protection of Foreign Born, to your certain knowledge, and the Communist conspiratorial apparatus in this State.

Mr. NELSON. I decline to answer this question for the following reasons: It has no legislative purpose, it is a leading, exploratory question and I assert the provisions of the first amendment, that Congress shall pass no law respecting peaceful assembly of people to petition for right of grievance, and under those—

Mr. DOYLE. Excuse me. Mr. Nelson, I have the full text of the United States Constitution right here. So if you will just identify the section of the Constitution that you rely on, we have the full text right here, and even if we didn't have, we should know the Constitution.

Mr. NELSON. And on the further grounds of the fifth amendment.

Mr. ARENS. Now, Mr. Nelson, we lay before you a photostatic copy of the Daily Peoples World of April 27, 1956, in which an article appears, part of which reads as follows:

MAY DAY DINNER SLATED

A panel discussion by Washington State Communist Party leaders and a question period will feature a May Day festival and dinner, at the Casa Italiana, 1520 17th Street.

Subject of the panel talks will be the 20th Congress of the Communist Party of the Soviet Union, and the 1956 elections. Those participating will be Burt Nelson, State chairman—

and so forth.

Kindly look at that article of the Communist Daily People's World and tell this committee while you are under oath whether or not the facts there are, to your certain knowledge, accurately set forth.

(Document marked "Exhibit No. 616," see appendix, p. 8204.)

Mr. NELSON. I decline to answer this question on the grounds that I have previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that in the presence of this witness, another witness be called, Mrs. Barbara Hartle. Will you kindly come forward.

Mr. ARENS. Mrs. Hartle, will you please come forward.

Kindly remain standing while the chairman administers an oath to you.

Mr. DOYLE. Mrs. Hartle, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HARTLE. I do.

Mr. DOYLE. Please take a seat.

TESTIMONY OF MRS. BARBARA HARTLE

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. HARTLE. Barbara Hartle, Route 1, Box 2, Evans, Wash. I have no employment. I work on the farm and in the house of my father.

Mr. ARENS. Mrs. Hartle, I expect a little later on to interrogate you at length on a number of matters, but for the present I should like to ask you now, Have you ever been a member of the Communist Party? And during what period of time were you a member of the Communist Party?

Mrs. HARTLE. From the winter of 1933-34, until March 12, 1954, at which time I renounced the Communist Party.

Mr. ARENS. During the course of your membership in the Communist Party, did you have occasion to know a person by the name of Burt Nelson?

Mrs. HARTLE. Yes.

Mr. ARENS. Did you know him as a Communist?

Mrs. HARTLE. Yes, I did.

Mr. ARENS. Do you swear while now under oath, to your certain knowledge, that Burt Nelson was a Communist during the experience of yourself in the Communist conspiracy?

Mrs. HARTLE. Yes, I do.

Mr. ARENS. Do you see the Burt Nelson in the hearing room today, now, whom you have identified as a Communist?

Mrs. HARTLE. Yes. He is here at the witness table.

Mr. ARENS. Would you point him out to the committee?

Mrs. HARTLE. He is sitting right to my right.

Mr. ARENS. Thank you.

TESTIMONY OF BURT NELSON—Resumed

Mr. ARENS. Mr. Nelson, you have just heard the testimony of Mrs. Barbara Hartle. Have you not?

(The witness confers with his counsel.)

Mr. NELSON. Yes.

Mr. ARENS. Was she lying or was she telling the truth?

(The witness confers with his counsel.)

Mr. NELSON. I decline to answer this question on the following grounds—

Mr. ARENS. You may return to your seat, Mrs. Hartle.

Mr. NELSON. To dignify this person by an admission of knowledge of her would be incriminating and degrading.

Mr. ARENS. Do you honestly feel—

Mr. SCHERER. Just a minute. Whether you wanted to dignify her or not, and whether it be degrading to you or not, the question is, Was she telling the truth or was she lying when she said that you were a member of the Communist Party?

(The witness confers with his counsel.)

Mr. SCHERER. That is the question.

Mr. NELSON. Was that a question?

Mr. SCHERER. Yes, it was.

Mr. NELSON. I decline to answer, on the grounds that I have previously stated, the fifth amendment.

Mr. ARENS. Do you honestly feel that if you told this committee truthfully whether or not Mrs. Hartle was lying when she swore a few moments ago that you were a Communist, you would be supplying information which could be used against you in a criminal proceeding?

(The witness confers with his counsel.)

Mr. NELSON. I decline to answer this question on the grounds of the fifth amendment.

Mr. ARENS. Do you know a man—

Mr. SCHERER. Just a minute. Mr. Chairman, I ask that you direct the witness to answer the question.

Mr. DOYLE. Mr. Witness, I order and direct that you answer that last question.

(The witness confers with his counsel.)

Mr. NELSON. Yes.

Mr. ARENS. Do you know a person by the name of Jess Fletcher?

(The witness confers with his counsel.)

Mr. NELSON. I decline to answer this question on the grounds of the fifth amendment and of the first amendment.

Mr. ARENS. Jess Fletcher took an oath and testified while he was under oath that while he was a member of the Communist Party he knew you as a Communist. Was he lying or was he telling the truth?

Mr. NELSON. I decline to answer this question on the previous grounds.

Mr. ARENS. H. C. Armstrong took an oath, laid his liberty on the line, and said he knew you as a Communist. Was he lying or was he telling the truth?

Mr. NELSON. I decline to answer this question on the previous grounds.

Mr. ARENS. Elizabeth Boggs Cohen took an oath and identified you as a member of the Communist conspiracy. Was she lying or was she telling the truth?

Mr. NELSON. I decline to answer this question on the grounds of the fifth amendment.

Mr. ARENS. Leonard Wildman took an oath and identified you as a member of the Communist conspiracy. Was he lying or was he telling the truth?

Mr. NELSON. I decline to answer this question for the reasons I have previously given.

Mr. ARENS. Al Bristol, former Communist Party functionary in Seattle, took an oath and identified you as a member of the Communist conspiracy. Was Al Bristol lying or was he telling the truth?

Mr. NELSON. I decline to answer this question——

Mr. ARENS. Are you now a——

Mr. NELSON. For the reasons previously stated.

Mr. ARENS. Are you now a member of the Communist conspiracy?

Mr. NELSON. I decline to answer this question, and I assert, as does the first amendment, that Congress shall pass no abridgment of the right of the people to peacefully assemble, petition for the right of redress of grievances. And on the grounds of the fifth amendment which provides in part the right to a fair trial, to confront your accusers and cross-examine them, to test the truths or untruth of their allegations and of their motives, and on the grounds that it might incriminate me.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact that you are now an integral part of the Communist conspiracy in the State of Washington.

Mr. NELSON. I decline to answer this question on the grounds I have previously stated.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. DOYLE. Congressman Scherer, any questions?

Mr. SCHERER. Yes, sir.

Witness, have you continued to be a member of the Communist conspiracy since the Communists committed the atrocities in Hungary in the last few months?

Mr. NELSON. I decline to answer this question on the grounds of the 1st amendment, of the 9th amendment, the 10th amendment, the 5th amendment, and on the additional grounds that it has no legislative purpose.

Mr. SCHERER. Do you approve the actions of the Communists in Hungary?

Mr. NELSON. I decline to answer this question on the following grounds: The first amendment, the ninth amendment, the tenth amendment, the fifth amendment, which all or in part prohibit the Congress from legislating on approval or disapproval of the internal affairs of a sovereign nation beyond the bounds of the United States.

Mr. SCHERER. That answer is quite revealing. It indicates that you have answered "yes" to my question.

Mr. DOYLE. At this point, Mr. Scherer, I wish to call attention for the record and for our colleagues in Washington next Congress, to the fact that the Seattle Post Intelligencer of this morning carries the headline, "U. N. Assembly vote condemns Russia for actions in Hungary by a vote of 55 to 8." I think that is magnificent.

I don't think we have ever had a witness before us in any of these hearings who has been identified as a Communist or a member of the Committee for Protection of Foreign Born who publicly in our presence condemned the action of Russia in slaughtering and murdering innocent men, women, and children in Hungary.

Mr. SCHERER. I have no further questions.

Mr. ARENS. May the witness be excused, Mr. Chairman?

Mr. DOYLE. The witness is excused. Thank you, Counsel.

Mr. ARENS. Mrs. Barbara Hartle, would you kindly take the principal witness chair.

Mr. DOYLE. Counsel, while Mrs. Hartle is coming to take the stand, I have before me—I just want to read one paragraph, I wish I had

time to read it all—in the case of *Quinn v. United States of America*, decided by the Supreme Court of the United States, October term, 1954, in view of Mr. Nelson's statements that we had no power to investigate because there was no legislative purpose, as claimed by him. I read from page 5 of his decision and I quote this decision of the United States Supreme Court:

There can be no doubt as to the power of Congress, by itself or through its committees, to investigate matters and conditions relating to contemplated legislation. This power, deeply rooted in American and English institutions, is indeed coextensive with the power to legislate. Without the power to investigate—including of course the authority to compel testimony, either through its own process or through judicial trial—Congress could be seriously handicapped in its efforts to exercise its constitutional function wisely and effectively.

And of course it has been stated by me before, the chief reason that this committee is here is for the purpose of investigating, for the purpose of benefiting the United States Congress in the field of legislation.

TESTIMONY OF BARBARA HARTLE—Resumed

MR. ARENS. Mrs. Hartle, you have previously been sworn on this record this morning, and you have told us that you were a member of the Communist Party. Would you give us just a brief summary of your break with the Communist Party, what precipitated the break, and then we will go on from there.

MRS. HARTLE. After I had been sent underground by the Communist Party in the summer of 1950, I began to be in less close contact with the party organization and activities, and became in closer contact with the ordinary lives of ordinary American citizens. During that time I decided to quit being an active functionary of the party. I had attempted to break contact with the Communist Party in the underground on the wrong assumption that if I broke contact that they would then leave me alone.

I was then pursued by the Communist Party in the persons of its leaders, attempting to discipline me, attempting to bring me back into activity and responsibility. And after my arrest on a Smith Act charge and release on bond here in Seattle, I was further pursued by persons I had known as members of the Communist Party to resume my political activity as a Communist, to accept my responsibilities and discipline. I was expelled at one point and reinstated at another point.

Later as I was released on appeal bond in the city of Seattle, and tried to earn a living while waiting for the time that the case came to a close and I would either be freed or serve a sentence, I was again pursued by various factions of the Communist Party in an attempt to pressure me back into activity. And through these experiences and others, I finally came to the realization that the Communist Party was a gigantic fraud and a hoax, that it had raised havoc with my life, that it was a danger to the country and at that time I voluntarily went to the Federal Bureau of Investigation and made a public statement in the Seattle Post-Intelligencer renouncing the Communist Party.

MR. ARENS. Thank you.

Now, during the course of your experience in the Communist Party, did you have occasion to become thoroughly acquainted with the activities of the Communist Party designed to destroy, undermine, and

weaken the anti-Communist program of this Government, including the legislative program?

Mrs. HARTLE. Yes, I did.

Mr. ARENS. Did you have occasion to become acquainted with the membership and activities of the Northwest Committee for Protection of Foreign Born?

Mrs. HARTLE. Yes.

Mr. ARENS. Was it controlled by the Communist Party?

Mrs. HARTLE. Yes.

Mr. ARENS. I would like to display to you, if I may, please, Mrs. Hartle, two documents from the Northwest Committee for Protection of Foreign Born. The first is an application for membership bearing the names of a number of the officers of this organization. And the second is a call to a Northwest Conference to Fight Deportation under the auspices of the Northwest Committee for Protection of Foreign Born, listing certain of the officers and leaders of that organization.

Would you kindly look at those documents, and tell this committee while you are under oath, the names of any persons, to your certain knowledge, who were Communists and officers or leaders of the Northwest Committee for Protection of Foreign Born.

(Document marked "Exhibits No. 617 and 618," see appendix, pp. 8205-8209.)

Mrs. HARTLE. Hugh DeLacy.

Mr. ARENS. And by the way, if it is agreeable with you, give us just a comment about the individual, what you might know about him. We don't want an extensive biographical sketch but just a word about him.

Mrs. HARTLE. Hugh DeLacy was one time president of the Washington Commonwealth Federation of the State of Washington, was one time a Congressman from the First District of the State of Washington.

Mr. ARENS. And Mr. Chairman, I think it would not be inappropriate if I would interpose this comment on this record, namely, that in our hearings in Ohio, in anticipation of the hearings in Ohio, we made vigorous search to find Hugh DeLacy in order to subpoena him. Our best information is he has been dodging the subpoena.

Mr. SCHERER. Wasn't Hugh DeLacy called before our committee and took the fifth amendment?

Mr. ARENS. On a preceding occasion, yes, sir.

Mr. SCHERER. Yes, some years ago.

Mr. ARENS. Yes.

Now, do you have another name there?

Mrs. HARTLE. Joseph Jurich, J-u-r-i-c-h, whom I knew as an official of one of the waterfront unions in Seattle.

Karley Larsen, whom I knew as an official of a lumber workers union in the Northwest area and as a leader of the Communist Party.

Mr. ARENS. By the way, I wanted the record to be clear, because of the tenor of your conversation there. Name only persons who to your certain knowledge were members of the Communist Party in each instance, and we will not have to ask you each time do you know him as a Communist.

Mrs. HARTLE. Yes, I will do that.

Marion Kinney, who was manager of the Frontier Book Store in the city of Seattle, from about 1943 to 1954, to my knowledge.

Mr. ARENS. How is she listed on the documents before you? In what capacity is she connected with the—

Mrs. HARTLE. She is listed as Executive Secretary of the Northwest Committee for Protection of Foreign Born.

Mr. SCHERER. The name is familiar. Where did I hear that name, Counsel?

Mr. ARENS. She is one of the petitioners in a certain legal proceeding which was recently instituted in this city.

Mrs. HARTLE. Mabel Conrad, whom I knew as one of the State officers of the Washington Pension Union, as well as a member of the Communist Party.

Myrna Anderson, whom I knew as a member of the Waterfront Section of the Communist Party, and as a woman working in one of the offices of a waterfront union.

Walter Belka, B-e-l-k-a, whom I knew as an official of one of the lumber unions in the Northwest area.

Professor Joseph Butterworth, whom I knew as a teacher at University of Washington, and later as a person who had been charged with contempt by the State Un-American Activities Committee and I believe convicted.

Robert Cummings, whom I knew as an officer of one of the Seattle waterfront unions.

John Daschbach—

Mr. ARENS. D-a-s-c-h-b-a-c-h. Is that correct?

Mrs. HARTLE. Yes. Whom I knew as the director of the Seattle Labor School, and Pacific Northwest Labor School, and as executive secretary of the Washington State Civil Rights Congress.

O. L. Dearing, D-e-a-r-i-n-g-e-r, whom I knew as a member of a longshore union in Seattle.

A. A. Fisher, whom I knew as an official of a CIO council in Seattle at one time, and as a member and officer in a lumber union in the Pacific Northwest area.

Rachmiel Forschmiedt—

Mr. ARENS. Is that Fo-r-s-c-h-m-i-e-d-t? And the first name R-a-c-h-m-i-e-l?

Mrs. HARTLE. Yes, I believe that is correct, and whom I knew as an employee of the sanitation department of the city of Seattle. And later as one of the persons cited for contempt by the State Un-American Activities Committee, the Canwell committee.

Ray Glover, whom I knew as an officer of one of the lumber unions in the Enumclaw area.

Oiva Halonen—

Mr. ARENS. Spell that name, please.

Mrs. HARTLE. O-i-v-a H-a-l-o-n-e-n. Whom I knew as a member of the party active in national-group work for the party among Finnish workers, and that type of activity.

Florence and Burton James, whom I knew as directors of the Seattle Repertory Play House. Perhaps I should say that it has come to my knowledge that Burton James is deceased.

Harold Johnston, whom I knew as an officer of a machinists' union in the Seattle area.

Mr. SCHERER. May I interrupt just a minute, Mr. Chairman?

Mr. DOYLE. Yes, Mr. Scherer.

Mr. SCHERER. Mr. Counsel, will you tell me the date of this list of officers and sponsors of the Committee for the Protection of Foreign Born?

Mr. ARENS. The Northwest Committee for Protection of Foreign Born, as the evidence will show in a little while, subsequently became the Washington Committee for Protection of Foreign Born. This list and this document is a 1949 list.

Mr. SCHERER. This is 1949?

Mr. ARENS. Yes, sir.

Mr. SCHERER. This sounds like a roster of the Communist Party.

Mr. ARENS. Yes, sir.

Mr. SCHERER. Go ahead.

Mrs. HARTLE. Charles Nichols, whom I knew as an officer of a waterfront union in Seattle.

Jerry O'Connell, whom I knew as an officer of the Progressive Party of the State of Washington.

William J. Pennock, deceased, whom I knew as president of the Washington Pension Union, and who was a codefendant with myself in the Seattle Smith Act trials.

Prof. Herbert J. Phillips, whom I knew as a teacher at the University of Washington.

Thomas C. Rabbitt, whom I knew as an officer of the Washington Pension Union of the Washington State Progressive Party, among other things that he did.

Harry Sunoo, whom I knew as a member of the Communist Party in the University District area. S-u-n-o-o.

Jerry Tyler, whom I knew as an officer of one of the Seattle waterfront unions.

Winnie Thomson, whom I knew as a worker in one of the offices of a Seattle waterfront union.

William Wallace, whom I knew as an officer of one of the lumber unions of the Northwest area.

And that completes the list of the Northwest Committee.

Mr. ARENS. If you will just hesitate a moment, Mrs. Hartle. Before we have a little recess, the Northwest Committee for Protection of Foreign Born, subsequently in 1954 changed its name and became the Washington Committee for Protection of Foreign Born, isn't that correct?

Mrs. HARTLE. Yes; that is right.

Mr. SCHERER. Have we determined what percentage of the officers and membership were Communists as identified by the witness?

Mr. ARENS. What percentage of those names that you have identified there as Communists, are they to the aggregate number?

Mr. SCHERER. Of course I understand there may be others on that list who might have been Communists, whom Mrs. Hartle did not know as such. But I am interested in knowing what percentage of that organization were Communists.

Mrs. HARTLE. For the information of the committee, I should say that there are names on this list of persons that I have been told were Communists.

Mr. SCHERER. You haven't mentioned them?

Mrs. HARTLE. The ones I mentioned were ones that I knew to be Communists from meetings, from discussions with them, et cetera.

Mr. SCHERER. That is all we wanted. That is what I just said. It is possible that there are others in that list who were members of the Communist Party, whom you did not know personally of your own knowledge to be members. I wanted to know what percentage of the total list are Communists.

Mrs. HARTLE. Do you want that quite accurately? Or an estimate?

Mr. ARENS. A fair estimate.

Mrs. HARTLE. It appears to me that it is about 75 percent.

Mr. ARENS. Was the organization controlled, to your certain knowledge, lock, stock, and barrel by the Communist conspiracy?

Mrs. HARTLE. Yes; it was.

Mr. ARENS. Now, may we have a little recess, Mr. Chairman—

Mr. DOYLE. May I make this comment, Mr. Scherer, in the field of legislative action, or the petitioning of Congress, and the right to petition Congress, which we certainly respect and want to occur: In 1949 the evidence will show—that is down to the present date—but in 1949, when you and I were there, if the American Committee for Protection of Foreign Born petitioned Congress from Seattle and the Northwest, it would really have been the Communist Party, and a Communist front. I think the evidence clearly shows that.

Mr. SCHERER. In 1949 most of the Congressmen would not have known that—that the Committee for Protection of Foreign Born was a Communist-front organization.

Mr. DOYLE. How would we know? We certainly have to get into the area of legislation to consider legal ways and means to make sure that it isn't the Communist conspiracy that is petitioning us under dummy names such as the American Committee for Protection of Foreign Born manifestly was in 1949, at least.

Mr. SCHERER. It isn't only the American Committee for Protection of Foreign Born that is controlled and dominated by the Communists, but I believe to date in these hearings it has been established, has it not, Counsel, that there are 180 organizations with high-sounding names that have been set up by the Communist Party and controlled and dominated by the Communist Party for the purpose of repealing the internal security laws of this Nation?

Mr. ARENS. 180, Mr. Scherer, exclusively designed to destroy the Immigration and Nationality Act, the so-called McCarran-Walter Act. In addition to that, there are countless organizations that have been set up for the purpose of destroying other comparable legislative enactments.

Mr. DOYLE. Just before we do take a 5-minute recess, may I say this: I note the presence of distinguished members of the marshals, police, and police staffs. We appreciate your coming.

We do not allow either any evidence of approval or disapproval from those in the room. That is cricket, certainly.

So if the enforcement officers will do as they had to do in Los Angeles and San Francisco, without further word from me, when there is any deliberate violation of courtesy to the committee, the city, and community, just apply whatever force is necessary to eject the person and don't let them come back, please.

The committee will stand in recess for 5 minutes.

(Whereupon, a short recess was taken. Committee members present: Representatives Doyle and Scherer.)

(The committee was reconvened at the expiration of the recess. Committee members present: Representatives Doyle and Scherer.)

Mr. DOYLE. The committee will please reconvene.

The committee will hold session this morning until 12:30. We will hold a night session tonight at 7:30.

I wish to give order now that anyone under subpoena who is not called before we adjourn this afternoon, please report here tonight at 7:30. We are sorry to cause you that inconvenience but it is also an inconvenience to us to have to hold night sessions.

May I say that I was approached during recess by a person who said to me, "Congressman, why attack the Communist Party so much? Isn't there any other group that also should be equally exposed?" And I just wish to read apropos of that remark one paragraph from the decision in the case of United States of America, plaintiff, versus Sam Title, being an opinion by the distinguished Federal Judge Leon R. Yankwich, Chief United States Judge, Southern District of California, June 8, 1955. In other words, a little over a year ago. And more is what he said, in brief:

We have already referred to the fact that the Communist Party of the United States and the local branch to which the defendant belonged—

I may interpolate here that that was the Los Angeles Branch of the Communist Party—

adopted the gloss which Lenin, Stalin, and the Communist International placed on Marxist teachings. The literature in the record shows that American Communist conventions and American writers pointed not only to these teachings as correct, but to the practice embodied in the Russian Revolution and the Communist dictatorship enthroned by it as the "way out." The following brief quotations will suffice.

This is a quotation which Judge Yankwich, one of the most distinguished Federal Judges on the west coast, adopted as part of his decision.

"The experience of the victorious workers of the Soviet Union before, during and after the seizure of power, throw a brilliant light showing the path which must be followed in every land, the path of Bolshevism, of Marx, Engels, Lenin, and Stalin."

I think that will answer for the present why we are presently engaged in this hearing, with reference to contemplated legislative action which will strengthen our internal security laws.

Are you ready, Mr. Arens?

Mr. ARENS. Yes.

Mr. Chairman, in the presence of this witness I should like to have another witness sworn for the purpose of identification.

Mr. William Wheeler, would you kindly be sworn.

Mr. DOYLE. Mr. Wheeler, I wish the record to show, is the distinguished chief of staff of our committee on the Pacific coast.

Mr. Wheeler, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WHEELER. I do.

TESTIMONY OF WILLIAM A. WHEELER

Mr. ARENS. Mr. Wheeler, you are an investigator for the Committee on Un-American Activities?

Mr. WHEELER. Yes, sir.

Mr. ARENS. I lay before you now a document which is a summons and complaint in a civil action instituted in the District Court of the United States for the Western District of Washington, Northern Division, and ask you if you have ever seen that document before.

(Document marked "Exhibit No. 619," retained in committee files.)

Mr. WHEELER. Yes, sir.

Mr. ARENS. Where was that?

Mr. WHEELER. That was served upon me by the United States marshal yesterday evening.

Mr. ARENS. Thank you, sir.

Mr. Wheeler, you will be excused from testifying. I respectfully suggest that you lay that document before the witness in the principal witness chair.

(Document handed to Mrs. Hartle.)

TESTIMONY OF BARBARA HARTLE—Resumed

Mr. ARENS. Mrs. Hartle, would you kindly look on page 2 of this document on which the following appears under II.

Mr. SCHERER. Did we state for the record what that document is?

Mr. ARENS. Yes.

It is a complaint for declaratory judgment and injunctive relief, brought by John W. Caughlan, Marion Kinney, Louise Hatten, Cecelia Corr, and Clara Paulson individually and as the Washington Committee for Protection of Foreign Born, against Clyde Doyle, Harold H. Velde, and Gordon Scherer individually and as persons purporting to constitute a subcommittee of the Committee on Un-American Activities of the House of Representatives and John Doe I, John Doe II, and John Doe III, defendants.

Now, Mrs. Hartle, on page 20 of this document which has been identified in this record, we see a number of persons listed as officers of the Washington Committee for Protection of Foreign Born by their allegation here.

I should like to ask you, do you know Marion Kinney who is identified in this document as executive secretary of the Washington Committee for Protection of Foreign Born?

Mr. DOYLE. Mr. Arens, may I interrupt here. Is that complaint verified? I mean is it sworn to before a notary public?

Mr. ARENS. Yes, sir.

Mr. DOYLE. On what day?

Mr. ARENS. The affidavit of Marion Kinney is subscribed and sworn to on the 11th day of December 1956.

Mr. SCHERER. So the record is clear, Marion Kinney swore to the allegations contained in that complaint, one of the allegations being naming of the local members of the Committee for Protection of Foreign Born.

Mr. ARENS. The local officers?

Mr. SCHERER. The local officers.

Mr. DOYLE. By the local officers, you mean the Seattle officers in the Northwest?

Mr. ARENS. Yes. The Washington Committee.

Mr. DOYLE. That was filed in court when? In the District Court in Seattle when was it filed?

Mr. APPELL. Yesterday.

Mr. DOYLE. When was the summons issued?

Mr. ARENS. December 12.

Mr. DOYLE. This week?

Mr. SCHIEFER. Yesterday.

Mr. ARENS. Do you know Marion Kinney who is identified here as executive secretary of the Washington Committee for Protection of Foreign Born?

Mrs. HARTLE. Yes.

Mr. ARENS. Did you know her as a Communist?

Mrs. HARTLE. Yes, I did.

Mr. ARENS. Do you know Cecelia Corr who was identified in this sworn document as treasurer of the Washington Committee for Protection of Foreign Born?

Mrs. HARTLE. Yes.

Mr. ARENS. Did you know her as a Communist?

Mrs. HARTLE. Yes, I did.

Mr. ARENS. And did you know Clara A. Paulson, P-a-u-l-s-o-n who is identified as recording secretary of the Washington Committee for Protection of Foreign Born? And did you know her as a Communist?

Mrs. HARTLE. Yes. I knew her as a Communist.

Mr. ARENS. Now, Mrs. Hartle, on the basis of your background and experience in the Communist Party, and the operations of the Communist conspiracy in this area, can you tell us whether or not the Washington Committee for Protection of Foreign Born took over and succeeded the Northwest Committee for Protection of the Foreign Born?

Mrs. HARTLE. Yes, it did.

Mr. ARENS. And was, to your certain knowledge, the Washington Committee for Protection of Foreign Born controlled lock, stock, and barrel by the Communist conspiracy?

Mrs. HARTLE. Yes, it was.

Mr. ARENS. What was the relationship, if any, between the Washington Committee, Northwest Committee and the American Committee for Protection of Foreign Born?

Mrs. HARTLE. They were all a part of the same organization.

Mr. ARENS. Now, Abner Green has been identified on this record back in Washington as the executive secretary of the American Committee for Protection of Foreign Born and has been repeatedly identified under oath by witnesses, as a member of the top echelon of the Communist conspiracy.

Has Abner Green to your certain knowledge participated in the direction of the affairs of the Northwest Committee for Protection of Foreign Born, and of the Washington Committee for Protection of Foreign Born?

Mrs. HARTLE. To my certain knowledge he has participated in direction of the affairs of the Northwest Committee for Protection of Foreign Born. My knowledge does not run to the Washington Committee.

Mr. ARENS. In that respect, you mean with reference to his participation.

Now, you had two documents there. The first document you mentioned was an application for membership in the Northwest Committee for Protection of Foreign Born and the second document, which

was before you which you now have, I see, is a document in the nature of a call to a conference, issued under the auspices of the Northwest Committee for Protection of Foreign Born. Kindly look at the second document, if you please, Mrs. Hartle, and tell this committee while you are under oath if there are any persons there whom you have not named who to your certain knowledge are officers or were officers of the Northwest Committee for Protection of Foreign Born, and who were Communists.

Mrs. HARTLE. On the first page of the call to the conference is listed the name of Lenus Westman, executive secretary. I knew him and knew him as a member of the Communist Party.

The others I have named.

Mr. ARENS. Thank you.

Now, Mrs. Hartle, what is, in Communist Party jargon, a "united front tactic"?

Mrs. HARTLE. A united front tactic is the program of the Communist Party to draw non-Communists in to work with Communists on some specific issue with the aim of influencing them in the direction of Communist policies, with the aim of gaining sympathizers for the Communist Party, and with the aim of gaining from among them recruits, members to the Communist Party.

Mr. ARENS. Did the Communist Party in its efforts to destroy and undermine the various anti-Communist legislative enactments, penetrate non-Communist and anti-Communist organizations in order to solicit those organizations to take stands which would ultimately inure to the benefit of the conspiracy?

Mrs. HARTLE. Yes, it did.

Mr. ARENS. Why would the Communist Party be so vigorously opposed to the Immigration and Nationality Act, the so-called Walter-McCarran Act?

Mrs. HARTLE. It was opposed to it because this act made it possible to deport persons from the country who were Communists, made it possible to restrict the activities of the Communists who were aliens, and made it possible to guard some of the work of Communists in such places as Alaska that might in some way endanger the security of the country.

Mr. ARENS. Now, did the Communist Party, to your knowledge, while you were a member, impose discipline upon the members of the party, the comrades, with reference to their action, the position they were to take, before congressional investigating bodies such as the House Committee on Un-American Activities?

Mrs. HARTLE. Yes; they most certainly did.

Mr. ARENS. What did they do; what discipline did they impose on the comrades with regard to this committee and other committees of comparable jurisdiction?

Mrs. HARTLE. The discipline they imposed was that a member of the Communist Party, in what they call a bourgeois or capitalist court or before a congressional committee such as this, should defy the committee, that they should attempt as much as possible to bring forward the program of the Communist Party, and that they should refuse to cooperate with any of the committees or to conduct themselves as ordinary defendants in a court.

Mr. ARENS. During the course of your experience in the Communist Party, did you have occasion to gain knowledge, and did you gain

knowledge, respecting a creation of a special underground apparatus of the Communist conspiracy in these parts?

Mrs. HARTLE. Yes; I did.

Mr. ARENS. And could you tell us, first of all, what precipitated the creation of that underground operation and, secondly, who were the participants?

Mrs. HARTLE. The underground operation was precipitated by the situation created in the mind of the Communist Party by the Korean war. The Communist Party said the Korean war would certainly evolve into world war III and that this could become a very dangerous thing for the Communist Party. That it was possible that many members and leaders of the Communist Party could be arrested and that it was necessary for the Communist Party districts such as the Northwest district, to have leaders, capable organizers, and agitators of the party in reserve, in hiding; that is, so that in the event the operating leadership of the party were arrested, that there would be in reserve capable forces to direct the party from underground to continue its activities.

Mr. ARENS. And who, to your certain knowledge, were assigned to the Communist Party underground?

Mrs. HARTLE. Assigned to the Communist Party underground to my certain and personal knowledge were Milford Sutherland, Ralph Hall, John Lawrie, L-a-w-r-i-e, Paula Alexander.

Those are some that I can recall.

Mr. ARENS. Was Pearl Castle assigned to the underground?

Mrs. HARTLE. Not to my personal knowledge. I had only indirect knowledge of that.

Mr. ARENS. Was Clayton VanLydegraf assigned to the underground?

Mrs. HARTLE. I knew that he had been assigned to the underground from reports in meetings of the underground State committee.

Mr. ARENS. Now, did you during the course of your experience in the Communist Party have any conversations with a person by the name of Sarah Hortense, H-o-r-t-e-n-s-e—Sarah Hortense Lesser, L-e-s-s-e-r—respecting her personal activities?

Mrs. HARTLE. Yes.

Mr. ARENS. Could you tell us just in your own words the essence of that conversation?

Mrs. HARTLE. The essence of my conversation with her regarding this matter was that at some time in the past she had undergone discipline by the Communist Party, that she had experienced some discipline due to breaking the discipline of the party on her own part. The conversation indicated to me that she had been a member of the Communist Party in undergoing this discipline.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. Yes; just one or two.

Mr. DOYLE. Go ahead.

Mr. SCHERER. Mrs. Hartle, I am again referring to the complaint filed in the district Federal court yesterday against the members of this subcommittee. It is my recollection that you identified all but one of the complainants as members of the Communist Party, including Marion Kinney, who was one of the complainants who made affi-

davit as to the truth of the allegations set forth in the complaint.

Isn't Marion Kinney the executive secretary of the Washington Committee for Protection of Foreign Born, Mr. Arens?

Mr. ARENS. That is right.

Mr. SCHERER. Yes; she so states under oath that she is, I see here in the complaint.

Now, acting as notary public, the man who took the affidavit of this Marion Kinney, is one John Caughlan. I am advised that he is a member of the bar, and one of the lawyers who is representing the petitioners, the plaintiffs in this action. Do you know John Caughlan, the lawyer.

Mrs. HARTLE. Yes.

Mr. SCHERER. Did you know him during the time that you were in the Communist Party as a member of the Communist Party?

Mrs. HARTLE. Yes, I did.

Mr. DOYLE. Was it in Seattle that you knew him as a Communist?

Mrs. HARTLE. Yes.

Mr. SCHERER. Well, it looks like all of them are members of the Communist Party except one. There is a John W. Caughlan who is also a petitioner. I believe he is the one that you have not identified, the only one that you have not identified in this litigation. He was not a member of the Communist Party, is that right?

Mr. DOYLE. Maybe it is the same John.

Mr. SCHERER. No, I understand that he is the father of the attorney. Did you know him or not?

Mrs. HARTLE. I knew him.

Mr. SCHERER. You have not identified him, however. He is the only one you have not identified as a member of the Communist Party.

Mrs. HARTLE. That is correct.

Mr. DOYLE. Then he should get the benefit of it being made very clear that John W. Caughlan is not identified in this hearing as a member of the Communist Party so far. Is that correct, Mr. Arens?

Mr. WHEELER. He is a minister, not a lawyer.

Mr. DOYLE. He is a minister.

Mr. SCHERER. He is put on notice now that his son and all his associates are members, if he didn't know it before, which I doubt.

Mr. DOYLE. Any further questions?

Mr. SCHERER. No, I have no further questions.

Mr. DOYLE. I just have one. I think at this point, Mr. Scherer, it would be appropriate for me to refer to the Guide to Subversive Organizations and Publications, published on May 14, 1951, by this committee as House Document 137.

It appears crystal clear to us from a great deal of evidence under oath and documentarywise, that the Northwest Committee for Protection of Foreign Born, and the Los Angeles committee are all offshoots or auxiliaries of the American Committee for Protection of Foreign Born. Let me read the record of the American Committee for Protection of Foreign Born on page 13 of this House Document 137. (See p. 6628 of testimony.)

I see by this sworn complaint we have referred to that they frankly state they collect substantial sums of money. I mean the Northwest Committee for Protection of Foreign Born. So evidently the appraisalment by the California Committee on Un-American Activities was correct in that feature, too.

I wish to make this observation, Mr. Scherer, with reference to our report when we go back to Washington. It seems to me that in the field of legislation Congress should take notice that we ought to consider whether or not it would be constitutional and necessary to enact legislation concerning the activities of these Communist fronts such as this one in this complaint on page 2—four of the five executive officers of this Northwest Committee for Protection of Foreign Born under their own oath, filed yesterday in district court in this city, they declare that they are all of the officers of the Washington Committee for Protection of Foreign Born. So again we have here the same pattern as in this Los Angeles and San Francisco. This alleged Committee for the Protection of Foreign Born, the Communists are in control of the money and the policy.

Mr. SCHERER. May I interrupt. I don't know whether we have them here or not—but in Los Angeles it was shown by numerous checks introduced in evidence, where the Communist officers of the Committee for the Protection of Foreign Born, were making out checks to other Communists for services rendered to the Committee for the Protection of Foreign Born.

Mr. DOYLE. To complete this statement, for the purpose of the record, so all our colleagues in Washington can see as we see in this hearing that here is another case where the bank account and all the funds are in control of admittedly, over their own oath in court yesterday in this complaint, of four of the five executive officers of the Washington Committee who are identified as Communists.

So it is the Communist Party in Washington and Seattle that is controlling the policy and the funds of the Northwest or Washington Committee for Protection of Foreign Born instead of anyone else.

And in Los Angeles the record shows admittedly, that while the woman on the stand admitted under oath, that she had been convicted of violation of the Smith Act more than 2 years previous, it was proven that she and another identified Commie were the two people who signed the checks and controlled the bank account of the Los Angeles committee.

Mr. SCHERER. She was promoted after she was convicted.

Mr. DOYLE. She was promoted as chairman after she was convicted by a jury in Federal Court for violating the Smith Act.

That is the kind of people that the people in the Northwest, the great Northwest, are contributing money to when they contribute money to pay the salaries of the officers of apparently the Washington Committee for Protection of Foreign Born.

That is as we see the evidence now.

Mr. SCHERER. Can we say, Mr. Doyle, further, that this type of evidence of Communist control of committees for the protection of foreign born is not confined only to the Los Angeles Committee and San Francisco Committee, but we found that same thing to be true in our hearings in Washington, Youngstown, and Chicago. At those hearings we had witnesses subpoenaed not only from those cities, but from other areas.

So the pattern is the same not only in California but all over the United States.

Mr. DOYLE. That is right.

Well, if the people in the great Northwest wanted to support that kind of thing, they have notice now of what they are paying to.

Go ahead, Mr. Arens.

Mr. ARENS. The next witness, Mr. Chairman, if you please, will be Marion Kinney.

Mr. DOYLE. Mrs. Kinney, will you please raise your right hand.

Mrs. KINNEY. Mr. Chairman, may I request no pictures.

Mr. DOYLE. Be sworn first. You are not before the committee until you are sworn.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KINNEY. I do.

TESTIMONY OF MRS. MARION KINNEY, ACCOMPANIED BY COUNSEL, CHESTER ADAIR

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. KINNEY. May I make a request for no pictures?

Mr. DOYLE. I beg your pardon?

Mrs. KINNEY. May I make a request for no pictures? I prefer not to have any pictures.

Mr. DOYLE. No pictures will be taken while you are testifying. That is the rule of the committee.

Mrs. KINNEY. All right.

Mr. DOYLE. We never interfere with the freedom of the press, however. May I make that clear.

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mrs. KINNEY. My name is Marion Kinney. I live in Seattle.

Mr. ARENS. I can't hear you. Would you get closer to the microphone and raise your voice a little bit, please.

Mrs. KINNEY. My name is Marion Kinney. I live in Seattle and——
(The witness confers with her counsel.)

Mrs. KINNEY. I am not working.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. KINNEY. Yes; I am.

Mr. ARENS. You are represented by counsel?

Mrs. KINNEY. Yes; I am represented by counsel.

Mr. ARENS. Counsel, will you kindly identify yourself.

Mr. ADAIR. I am Chester Adair, a trustee of the Seattle Bar Association. I am representing Mrs. Kinney at her request, she being indigent. And at the request, as I understand, of both your committee and the officers of the bar association to help those who are without counsel.

Mr. ARENS. Now, Mrs. Kinney——

Mr. SCHERER. May I interrupt. Did I understand you to say, Mrs. Kinney, that you are presently unemployed? Did you say you had no occupation?

Mrs. KINNEY. I am not working now.

Mr. SCHERER. Not working now. Do you receive any compensation as secretary for the Washington Committee for Protection of Foreign Born?

(The witness confers with her counsel.)

Mrs. KINNEY. I believe, Mr. Chairman, that I shall decline to answer that question because I believe that—that an answer to that question may tend to abrogate my rights under the fifth amendment of the Constitution in which it may be a link in a chain of evidence at some future time. It may be used to incriminate me and against me.

Mr. SCHERER. Now, you are the Marion Kinney, are you not, who is one of the plaintiffs in the complaint filed against the members of this committee in the Federal court yesterday?

(The witness confers with her counsel.)

Mrs. KINNEY. May I have a glass of water, Mr. Chairman? Thank you.

(The witness confers with her counsel.)

Mr. KINNEY. I make the same answer to that question, Mr. Chairman.

Mr. SCHERER. You mean you refuse to tell us whether you are the Marion Kinney who just yesterday filed a complaint in the Federal courts? Do I understand that to be your answer, that you are refusing to answer on the grounds of the fifth amendment?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer the question.

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

Mr. DOYLE. Yes; I direct you to answer that question.

Mr. SCHERER. I can't possibly see how answering that question would incriminate her.

(The witness confers with her counsel.)

Mrs. KINNEY. Would you please state that question again?

Mr. SCHERER. I merely asked whether or not you were one of the petitioners, one of the plaintiffs, in an action filed yesterday in the Federal court against the members of this subcommittee.

(The witness confers with her counsel.)

Mr. DOYLE. I think, Mr. Scherer, for the purpose of the record we should identify that action as "Civil Action File No. 4287." Merely for the purpose of the record identification.

Mr. SCHERER. Yes. I understand that the chairman has directed you, Mrs. Kinney, to answer that question.

(The witness confers with her counsel.)

Mrs. KINNEY. May I see that, Mr. Chairman?

Mr. SCHERER. Would you hand her a copy of it?

Mr. DOYLE. Here is a copy.

(Document handed to witness.)

Mr. SCHERER. Witness, you signed it, and swore to it day before yesterday?

(The witness examines the document.)

Mrs. KINNEY. Didn't you say they weren't going to take any pictures during the session?

Mr. DOYLE. I didn't take the picture. I don't know who did. I was reading a document here.

Mr. SCHERER. I think that is an order, a rule of the committee.

PHOTOGRAPHER. I wasn't here when they issued that. I just came in, sir.

Mr. DOYLE. I stated the rule, a standing rule of the committee, that after a person is under oath and while they are testifying, only under oath, that we permit no pictures if the witness requests no pictures. But we will not undertake to take jurisdiction of the press and interfere with their freedom before the witness is sworn or afterward.

PHOTOGRAPHER. I will cooperate with you.

Mr. DOYLE. We believe in the freedom of the press very, very much.

PHOTOGRAPHER. Thank you.

(The witness confers with her counsel.)

Mrs. KINNEY. Well, I am the Marion Kinney who signed a document similar to this.

Mr. SCHERER. And you swore to the allegations set forth in that complaint, did you not, before a notary public?

(The witness confers with her counsel.)

Mrs. KINNEY. I swore to a document similar to this before a notary public.

Mr. SCHERER. This is the copy that was filed with your original copy and was given to the members of the committee by the marshal on their arrival in town. Do you know the notary before whom you made affidavit?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question for the same reasons. I don't have to state my constitutional privilege every time, do I?

Mr. SCHERER. No. If you say "for the same reason," we understand then that you are invoking the fifth amendment. Is that correct?

Mrs. KINNEY. That is correct.

Mr. SCHERER. In refusing to answer the question.

Mrs. KINNEY. And therefore we can save time.

Mr. SCHERER. You knew John Caughlan to be a member of the Communist Party, did you not? Do you not?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman, for the same reasons.

(The witness confers with her counsel.)

Mr. SCHERER. Now, when you swore to the allegations set forth in this complaint, was everything you said in this complaint true?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman.

Mr. SCHERER. Do you mean—

Mrs. KINNEY. On the same grounds.

Mr. SCHERER. Do you mean to tell us that you will not tell this committee whether the allegations you made in a petition in the Federal court just yesterday were true, when you swore to those allegations?

(The witness confers with her counsel.)

Mrs. KINNEY. That is the same question, Mr. Chairman, and I decline to answer that question.

Mr. SCHERER. For the reasons given?

Mrs. KINNEY. On the same grounds.

Mr. SCHERER. Well, did you make any false statements in this complaint in the Federal court?

(The witness confers with her counsel.)

Mrs. KINNEY. I believe that is the same question, and I decline to answer for the same reasons.

Mr. SCHERER. I believe you did say, however, that you did swear to the allegations, did you not, contained in that complaint?

(The witness confers with her counsel.)

Mrs. KINNEY. I believe the record will have to show what I answered.

Mr. SCHERER. I am not clear. What does the record show?

Mrs. KINNEY. Get the man to read it.

Mr. SCHERER. Would you look, Reporter, and see what she said with reference to whether or not she swore to the original of this complaint?

(The record was read by the reporter as follows:)

Mrs. KINNEY. Well, I am the Marion Kinney who signed a document similar to this.

Mr. SCHERER. My recollection is that I asked her a subsequent question. I will repeat it again. Did you swear to the allegations set forth in this complaint?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question for the same reasons.

Mr. SCHERER. Now, Reporter, will you again search the record to see whether or not, following the question which you just read, there was a subsequent question by me with reference to her swearing to the allegations in the complaint? I am not certain, but my best recollection is that I did ask the question and she said "Yes." Read the question and answer after the one you read before.

(The record was read by the reporter as follows:)

Mr. SCHERER. And you swore to the allegations set forth in that complaint, did you not, before a notary public?

Mrs. KINNEY. I swore to a document similar to this before a notary public.

Mr. SCHERER. I thought she said that.

That is all the questions I have at this time, Mr. Counsel. Proceed. I do have one more question.

When you swore, as you said you did, to the allegations set forth in this complaint, were you telling the truth?

(The witness confers with her counsel.)

Mrs. KINNEY. Upon the advice of my counsel, Mr. Chairman. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. That can only lead this committee to draw one conclusion then—perhaps you did not tell the truth insofar as all of the allegations are contained in this complaint.

(The witness confers with her counsel.)

Mrs. KINNEY. Is that a question?

Mr. SCHERER. No; it is an observation, a conclusion that I reach. I think anybody else in the room could only reach that conclusion.

Go ahead, Mr. Arens.

Mr. DOYLE. All right, Mr. Arens.

Mr. ARENS. Mrs. Kinney, are you now a member of the Communist Party?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Mrs. Hartle, would you kindly stand up.

(Witness Hartle stood up.)

Mr. ARENS. Mrs. Kinney, look at this lady who is standing there.

Mrs. KINNEY. Yes; I am looking at her.

Mr. ARENS. I beg your pardon.

Mrs. KINNEY. I am looking at her.

Mr. ARENS. Have you ever seen her before?

(The witness confers with her counsel.)

Mr. DOYLE. May the record show that Chairman Doyle is leaving the committee for just time enough to answer an emergency long-distance phone call at this time, in the next room. I will be right back.

(Representative Doyle left the hearing room.)

Mr. ARENS. Have you ever seen that lady before who is standing there?

Mrs. KINNEY. I decline to answer that question upon the grounds previously stated.

Mr. ARENS. That lady standing there is Mrs. Hartle. Just a little while ago she testified under oath that she knew you as a Communist. Was she lying or was she telling the truth?

Mrs. KINNEY. I decline to answer that question upon the grounds as previously stated.

Mr. ARENS. Now, we want to display to you a check, photographic copy of a check on the Pacific National Bank of Seattle, drawn by Marion Kinney, payable to the order of the American Committee for Protection of Foreign Born. Kindly look at that check and tell this committee while you are under oath whether you drew that check.

(Document marked "Exhibit No. 619," see appendix, p. 8210.)

(The witness conferred with her counsel and examines document.)

Mrs. KINNEY. I decline to answer that question.

Mr. ARENS. For what grounds?

Mrs. KINNEY. On the grounds previously stated.

Mr. ARENS. Now, we display to you a photostatic copy of an article appearing in the Daily People's World of July 1949, an article telling about formation of a new chapter of the Committee for Protection of Foreign Born, with Marion Kinney as vice chairman. Look at that article, please, and tell this committee whether or not the facts recited therein are true and correct to your knowledge.

(Document marked "Exhibit No. 620," see appendix, p. 8211.)

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman.

Mr. ARENS. For the same reasons?

Mrs. KINNEY. Precisely.

Mr. ARENS. Now, earlier this year, the Subversive Activities Control Board subpoenaed before it Abner Green, or at least he appeared before the Subversive Activities Control Board with reference to the functions of that Board, to ascertain the nature of the American Committee for Protection of Foreign Born. Abner Green testified under oath. During the course of his testimony under oath before the Subversive Activities Control Board, he was asked about the North-

west Committee for Protection of Foreign Born and the Washington Committee for Protection of Foreign Born.

(Representative Doyle returned to the hearing room.)

Here is one particular question I would like to read to you.

Q. Is Mrs. Kinney presently associated or connected in any way with the Northwest Committee?

A. I believe she is secretary of the Northwest Committee at the present time.

Was Mr. Green lying or was he telling the truth?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question for the same reasons.

Mr. ARENS. Mr. Green likewise identified in connection with your organization Lenus, L-e-n-u-s, Westman, and Mabel Conrad as officers of that organization. Was he lying or was he telling the truth?

Mrs. KINNEY. I decline to answer that question for the same reasons.

Mr. ARENS. Now, the subpoena which was served upon you calls upon you to produce before this committee certain documents, does it not?

(The witness confers with her counsel.)

Mrs. KINNEY. Yes.

Mr. ARENS. Do you have those documents in your custody and control?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman, on the basis that I stated originally of the fifth amendment.

Mr. ARENS. Do you honestly feel that if you told this committee whether or not you have custody and control of the documents called for in the subpoena which was served upon you, you would be supplying information which might be used against you in a criminal proceeding?

(The witness confers with her counsel.)

Mrs. KINNEY. Any answer that I might give to that question might tend to be used against me and to incriminate me in any proceeding that might be subsequently instituted.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this record now at this time reflect an order and direction to this witness, in view of the status of the record, to produce forthwith the documents called for in the subpoena duces tecum which was served upon her, and I further request that the body of the subpoena duces tecum be incorporated in the record.

Mr. DOYLE. I make the order as to the subpoena, that it be embodied in the record. The subpoena duces tecum. And I order and direct you, Mrs. Kinney, to answer that question and produce each and every record identified in the subpoena.

(Document marked "Exhibit No. 621 and 622," see appendix, pp. 8212, 8213.)

Mr. SCHERER. She swore to the original.

Mr. DOYLE. Yes; and apparently a copy of an original which was on file in court, because it was a copy served upon Mr. Wheeler, our chief investigator—I mean a copy from which you testified was the one served on him by the United States marshal last night. So I think we are fair to you, in assuming that it is a true and correct copy of the original in court. And in that document you identified and swore under oath that you had all of these documents which were

asked for in the subpoena duces tecum You swore to that day before yesterday.

Those are the documents we are asking you to produce now. It did not incriminate you to swear to that in Federal Court day before yesterday.

(The witness confers with her counsel.)

Mr. DOYLE. So I direct you to answer the question and produce each and every document identified in the subpoena, including each and every document that you identified under oath in the action which you filed against the members of this committee day before yesterday in Federal Court in Seattle, of which you said you had custody in that case.

(The witness confers with her counsel.)

Mr. SCHERER. You can go ahead and answer the question.

Mrs. KINNEY. Any answer that I might give to that question, Mr. Chairman, might tend in the direction of incriminating me, and therefore I claim the protection of the fifth amendment.

Mr. SCHERER. It was the subpoena requesting those records that you asked the Federal Court to quash in your action yesterday, and are you still refusing to produce those records in view of the adverse ruling of the Federal Court at 9 o'clock this morning, the adverse ruling that you received?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question for the same reasons.

Mr. ARENS. Now, we are going to display to you a signature card from the Pacific National Bank of Seattle signed by yourself as an officer of the Northwest Committee for Protection of Foreign Born. Also a resolution signed by yourself as an officer for the Northwest Committee for Protection of Foreign Born. Kindly look at this card and the accompanying resolution and see if you will be good enough to authenticate your signature.

(Document marked "Exhibit No. 623a, b," see appendix, pp. 8214, 8215.)

(The witness confers with her counsel.)

Mr. ARENS. And verify the authenticity of your signature, I should say.

While she is doing that, I respectfully suggest that if, as, and when this witness signs a voucher for her per diem that that part of the voucher bearing her signature be incorporated in the body of the record for comparison of signatures.

(Document marked "Exhibit No. 624," for identification purposes.)¹

Mr. DOYLE. That order will be made.

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman, on the same grounds.

Mr. ARENS. Now, we are going to display to you a number of documents. First is a card from the Fifth Annual Southern California Conference to Protect the Rights of Foreign Born Americans, in which you are identified as representative of the Washington Committee; second are documents of the Northwest Committee and the Washington Committee for Protection of Foreign Born setting forth the program of activities of those two organizations, with yourself identified as chairman of various committees and as executive secretary of these two particular committees.

¹ Signed voucher not returned at date of printing of testimony.

Mr. ARENS. I am grouping these documents now, because we are very much pressed for time.

Kindly look at those documents and see if you would be good enough to verify their authenticity for this committee.

(Documents marked "Exhibit Nos. 625-630," see appendix, pp. 8216-8225.)

(The witness examines documents and confers with her counsel.)

Mrs. KINNEY. Mr. Chairman, I decline to answer the question on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness, except for this question which I don't believe we have asked:

Are you now a member of the Communist conspiracy?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman, on the same grounds.

Mr. DOYLE. Any further questions, Mr. Scherer?

Mr. SCHERER. Witness, since you have represented to the Seattle Bar Association that you have no funds to employ counsel, I assume then that you did not pay the fees and the costs involved in filing this suit in the Federal court yesterday. Will you tell us, then, who did pay it?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question on the same grounds.

Mr. SCHERER. Isn't it a fact that the Communist Party paid the costs involved and advanced the costs involved in the filing of this litigation, and is also assuming the counsel fees involved in the presentation of this matter in the Federal Court?

Mrs. KINNEY. I decline to answer that question on the same grounds.

Mr. SCHERER. You signed this complaint. Who are your attorneys in that action that you filed yesterday?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman, on the grounds that I cited previously.

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

Mr. DOYLE. I direct you and order you to answer that question, Mrs. Kinney. It is usual for the attorneys in the State of California, at least, to sign——

Mr. SCHERER. One of them did.

Mr. DOYLE. Sign pleadings in both the State courts and the Federal courts.

(The witness conferred with her counsel.)

Mr. SCHERER. The copy discloses only the notary public.

Mr. DOYLE. In this complaint, the copy that we have that was served on Mr. Wheeler only discloses the notary public.

Mrs. KINNEY. Pardon me, I didn't hear your question.

Mr. SCHERER. There is a direction by the Chair that you answer my question as to who is your counsel in the litigation filed in the Federal court yesterday. Because the copy that was served on the staff of this committee does not indicate, with the exception of the notary, who that counsel is.

(The witness conferred with her counsel.)

Mrs. KINNEY. May I see that complaint, Mr. Chairman?

(Document handed to the witness.)

Mr. SCHERER. Would that make any difference as to answering the question as to who your counsel is? We could go over of course and look at it in the Federal court in the records of the Federal court but I think since it is a matter of public record you have no right to invoke the fifth amendment in refusing to answer the committee's question.

(The witness conferred with her counsel.)

Mr. SCHERER. How could it possibly incriminate you to say who represented you in the suit filed yesterday? If I ask you whether one of them is a Communist then you can properly invoke the fifth amendment. But you can't invoke the fifth amendment in good faith in refusing to answer my question who your counsel was in the suit filed yesterday.

(The witness confers with her counsel and examines document.)

Mrs. KINNEY. Mr. Chairman, I think that it is a matter on the record as to who the attorneys were that signed the complaint.

Mr. SCHERER. The mere fact that it is on the record then doesn't relieve you from telling. That fact alone prevents you in my opinion from invoking the fifth amendment when I asked you who your counsel were. It is kind of ridiculous, isn't it, to invoke the fifth amendment?

Mrs. KINNEY. I don't even recall all the counsel.

Mr. SCHERER. You don't know who all the counsel were? Was John Caughlan, the man who acted as notary public, one of counsel, then?

(The witness conferred with her counsel.)

Mrs. KINNEY. I don't know, Mr. Chairman.

Mr. SCHERER. You don't know whether he was one of counsel? Who selected these counsel?

Mrs. KINNEY. You will have to go to the record and find out.

Mr. SCHERER. Do you know John Caughlan, then?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman, based upon my privilege under the fifth amendment.

Mr. SCHERER. Who selected these counsel, then, for you if you don't know who they are?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question based upon my privilege.

Mr. SCHERER. Did you read the allegations in that complaint before you signed the complaint?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question for the same reasons.

Mr. SCHERER. Do you know what is in that complaint?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question for the same reasons, Mr. Chairman.

Mr. SCHERER. When you signed that complaint—you told us before you swore to it—were you in the presence of the notary, John Caughlan, when you signed that complaint? Did you swear to it in his presence?

(The witness confers with her counsel.)

Mrs. KINNEY. I decline to answer that question, Mr. Chairman, for the same reasons.

Mr. SCHERER. I think it is abundantly clear, now, what the situation is. You know John Caughlan to be a member of the Communist Party, do you not?

Mrs. KINNEY. I decline to answer that question, Mr. Chairman, for the same reasons.

Mr. SCHERER. I think it is abundantly clear to the committee and everyone else just what happened in this case.

Mr. DOYLE. May I ask—I have before me a check, No. 570, drawn on the Pacific National Bank of Seattle, dated September 1956. It is signed by you, apparently. This was already presented to you by our worthy counsel and there appears to be your signature upon it for the Washington State Committee for Protection of Foreign Born, made payable to the American Committee for Protection of Foreign Born. I just wish to recall, Mr. Scherer, as in other cases in Los Angeles and San Francisco, where the funds contributed by, presumably, the unsuspecting American public, are dispensed by persons identified under oath as Communists. So again I want to say to the people that read this record, or hear us, that they want to do that with their eyes open. They should have their eyes opened by this time.

One thing more, Mrs. Kinney: I have before me a letter, an open letter on the Walter-McCarran law, and I will read just two short paragraphs:

I am writing this letter because I am very deeply interested in the work of the Washington Committee for the Protection of Foreign Born. The committee is an unaffiliated, nonpartisan body—

notice “unaffiliated,” Mr. Scherer—

devoted to the preservation of democratic rights of all foreign-born residents of the United States.

And then skipping over to the last page—this is 2¾ pages long, typewritten—it says:

In closing I hope that the people of Seattle and our State will find a way of increasing the opposition to the Walter-McCarran law. I think the Washington Committee for the Protection of Foreign Born is worthy of all moral support to help effect this aim.

Do you know who apparently signed that, Mr. Scherer? Here is a copy of a signature, John W. Caughlan. He has been identified here as—

Mrs. KINNEY. Will you read the whole thing, Mr. Chairman?

Mr. SCHERER. No.

Mr. DOYLE. He has been identified here as the father of John Caughlan, who has been identified here under oath as a Communist who, himself, is the chairman, according to the sworn complaint under oath in the district court, which we have been discussing, and of which you Mr. Kinney—under oath, yesterday, in the Federal court, the complaint showed—were the executive secretary.

I just wish to say this: This 2-page document with which you apparently are familiar, and I only read it because it is addressed as an open letter. I presume therefore it is a hand-out to the public and to the press. The address of the gentleman is 4408 92d Avenue, Northeast Bellview, Wash. He attacks unmercifully Francis E. Walter,

the chairman of the full Committee on Un-American Activities. I just wish to say that Chairman Walter didn't hesitate at a matter of great personal sacrifice and inconvenience when the Russian Communists began butchering the people of Hungary—men, women, and children, because of their beliefs and desire for freedom—Chairman Walter didn't hesitate to go at once to Hungary and Austria and cut all the red tape he could to get thousands of refugees from Hungary into the United States in accordance with the Walter-McCarran bill and all the other Federal statutes.

Mr. SCHERER. It was the Walter-McCarran Act that made possible the receipt of these refugees.

Mr. DOYLE. That is right. I just wish the record to show that he didn't hesitate to do that, and they were foreign born, every one of them.

Mr. SCHERER. They are not interested in those people, because they are not Communists.

Mr. DOYLE. I am mighty proud of my country, that already we are spending millions of dollars in transportation and otherwise, to give those people a haven of freedom from the murderous attack of the very Soviet propaganda which some people before this committee in the last few years, many of them, support. In fact, the Communists have a habit of supporting that sort of butchering. At least they don't speak out against it. They don't resolve against that.

Mr. SCHERER. I resent also the attack on Chairman Walter of this committee. Chairman Walter happens to be a Democrat and I disagree with him on some things but he is a great American. And certainly this attack is unjustified.

Mr. DOYLE. I knew you felt that way about it and that is the reason I brought it out, for your information.

The reason he went over there and wore himself out physically to help protect those people to bring them to this country is the reason he is not here presiding as chairman of this committee this morning instead of me being here.

The committee is excused until 2 o'clock.

(Whereupon, at 12:40 p. m., the committee was recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION—THURSDAY, DECEMBER 13, 1956

(Committee members present : Representatives Doyle and Scherer.)

Mr. DOYLE. The committee will please reconvene.

May the record please show, Mr. Reporter, that of the subcommittee of three, Members Scherer of Ohio, on my right, and Doyle of California, acting as subcommittee chairman, are both personally present: therefore, a legal quorum constituting two is here present.

Proceed, Mr. Arens.

Mr. ARENS. Mr. Chairman, I should like to announce that the next witness who was scheduled was Dr. Barney Malbin. His attorney has appeared and presented to the committee a doctor's certificate to the effect that Dr. Malbin is confined to the hospital, and would therefore be unable to appear. I therefore respectfully suggest he be excused from appearance today, but that he be continued under his subpoena for an indefinite time until he can be called by the committee.

Mr. DOYLE. It will be so ordered.

Mr. ARENS. The next witness, if you please, is Mr. Lawrence Sefton. Mr. Sefton, will you please come forward?

I beg your pardon, I thought she (Mrs. Kinney) was excused.

Mr. DOYLE. Excuse me just a minute.

Are there any other questions?

Mr. SCHERER. No. I didn't see her there.

Mr. DOYLE. This witness is excused. Thank you, Counsel.

Mr. ARENS. Mr. Lawrence Sefton, please come forward.

Mr. DOYLE. Mr. Sefton, will you first be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SEFTON. I do.

**TESTIMONY OF LAWRENCE SEFTON, ACCOMPANIED BY COUNSEL,
FRANK H. POZZI AND BERKELEY LENT**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SEFTON. Did you say name, residence, and occupation?

Mr. ARENS. If you please, sir.

Mr. SEFTON. My name is Lawrence Sefton. I reside in Portland, Oreg. And I am a waterfront worker.

Mr. Chairman, I would rather not be photographed.

Mr. DOYLE. Well, may I make it clear, please, if there are any newspaper photographers here who were not here when I announced it before that if the witness objects after he is sworn, the press will please not take any pictures out of respect for his request. But before a witness is sworn, it certainly is freedom of the press to take the picture and we have no objection. Proceed, Mr. Arens.

Mr. ARENS. Mr. Sefton, you are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. SEFTON. That is right.

Mr. ARENS. And you are represented by counsel?

Mrs. SEFTON. I am.

Mr. ARENS. Counsel, will you kindly identify yourself.

Mr. Pozzi. F. H. Pozzi, Loyalty Building and Mr. Lent, Loyalty Building, Portland, Oreg.

Mr. ARENS. I don't believe we got the name of your associate.

Mr. Pozzi. Mr. Lent.

Mr. ARENS. Do you want to give his first name, please?

Mr. Pozzi. Berkeley Lent.

Mr. ARENS. Mr. Sefton, are you a member of the Communist Party? (The witness confers with his counsel.)

Mr. SEFTON. I respectfully decline to answer that question, based upon the rights, privileges, and immunities afforded to me by the first, fourth, fifth, and ninth amendments to the Constitution of the United States.

Mr. ARENS. Mr. Sefton, we display to you now a reproduction of The Lamp, which is the official publication of the American Committee for Protection of Foreign Born. The issue we display to you is

the January 1950 issue, page 2. And in this issue, on this page, among other things, the following appears:

The Committee for Defense of Four of Oregon's Foreign Born, has issued an attractive folder on the Portland deportation cases. A copy of the folder can be obtained by writing to the committee secretary, Lawrence Sefton, 4616 Southwest Corbett, Portland, Ore.

Kindly look at this document and tell us whether or not you are accurately described in that document as secretary of that Committee for Defense of Four of Oregon's Foreign Born.

(See exhibit No. 14, appendix, p. 7111.)

(The witness confers with his counsel.)

Mr. SEFTON. I respectfully decline to answer that question based upon the rights, privileges, and immunities afforded to me by the first, fourth, fifth, ninth, and tenth amendments to the Constitution of the United States.

Mr. ARENS. What is your address in Portland, Ore.?

(The witness confers with his counsel.)

Mr. SEFTON. My address is 4616 Southwest Corbett Avenue, Portland, Ore.

Mr. ARENS. The record will show of course, Mr. Chairman, that is the same address of the committee as designated in The Lamp of the Committee for the Protection of Foreign Born.

Mr. DOYLE. May I suggest this to the witness and counsel: We will understand, and receive it as acceptable and sufficient, if, instead of reading the ground upon which you rely in your refusal to answer, as long as they are the constitutional grounds, you will just state "On the same grounds that I gave before." It will save your time and ours. We will receive it as sufficient pleading of the constitutional privilege.

Mr. SEFTON. Would the Chair prefer that I use the exact language that the Chair has just recited?

Mr. DOYLE. Oh, no. Don't try to do that. But if you will just say that you rely upon your constitutional grounds the same as you did before, it will be sufficient.

Mr. ARENS. Do you know Dr. Barney Malbin?

(The witness confers with his counsel.)

Mr. SEFTON. The same grounds, I decline to answer on the same grounds.

Mr. ARENS. Do you know Dirk De Jonge?

Mr. SEFTON. Again I decline to answer on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that concludes the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. No questions.

Mr. DOYLE. I have no questions. Thank you, Witness and Counsel.

The witness is excused.

Mr. ARENS. Rachmiel Forschmiedt. R-a-c-h-m-i-e-l. Last name is F-o-r-s-c-h-i-m-i-e-d-t.

Mr. DOYLE. 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. FORSCHMIEDT. I do.

I respectfully request, Mr. Chairman, that neither the still cameras, motion picture, or TV cameras be used during my testimony.

Mr. DOYLE. There is no camera being pointed at you now that I can see. So no photography is going on in the room.

**TESTIMONY OF RACHMIEL FORSCHMIEDT, ACCOMPANIED BY
COUNSEL, CHARLES HOROWITZ**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FORSCHMIEDT. Rachmiel Forschiemdt, 6757 37th Avenue, SW., Seattle.

Mr. ARENS. Keep your voice up, Mr. Forschiemdt, so we can hear you.

Mr. FORSCHMIEDT. That is my customary speaking voice.

Mr. ARENS. Would you kindly get a little closer to the microphone.

Mr. FORSCHMIEDT. My occupation, I am self-employed.

Mr. SCHERER. I didn't hear you.

Mr. FORSCHMIEDT. Self-employed.

Mr. ARENS. Where are you employed, in what line of work?

Mr. FORSCHMIEDT. I sell.

Mr. ARENS. Sell?

Mr. FORSCHMIEDT. Yes.

Mr. ARENS. What do you sell?

Mr. FORSCHMIEDT. Whatever I do get to sell.

Mr. ARENS. What commodity do you sell?

Mr. FORSCHMIEDT. Sunglasses and gifts and things of that sort.

Mr. ARENS. Do you know a lady by the name of Barbara Hartle?

Mr. FORSCHMIEDT. On the grounds of the first amendment, which guarantees the right to freedom of speech and assembly and to petition Congress for redress of grievances—

Mr. SCHERER. I cannot hear.

Mr. ARENS. Could you raise your voice a little, please.

Mr. FORSCHMIEDT. On the grounds of the first amendment to the United States Constitution which guarantees the right of freedom of assembly and the right to petition Congress for redress of grievances, and also freedom of speech, and on the basis of the fifth amendment to the United States Constitution which protects a person against self-incrimination, I refuse to answer that question.

Mr. ARENS. Now you are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. FORSCHMIEDT. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. FORSCHMIEDT. Yes, sir.

Mr. ARENS. Counsel, will you kindly identify yourself?

Mr. HOROWITZ. My name, Mr. Chairman, is Charles Horowitz. I am first vice president of the Seattle Bar Association. I am appearing here by appointment of the president of the association pursuant to the policy of the association to provide counsel for indigent witnesses.

Mr. ARENS. Mrs. Hartle, would you kindly stand up.

(The witness Hartle stood up.)

Mr. ARENS. Now, Mr. Forschmiedt, look over to your right there to the lady who is standing. Do you see her?

Mr. FORSCHMIEDT. Yes.

Mr. ARENS. This morning she took an oath before this committee and testified that she knew you as a member of the Communist Party. Was she lying or was she telling the truth?

(The witness confers with his counsel.)

Mr. FORSCHMIEDT. I refuse to answer on the grounds previously stated.

Mr. ARENS. Now, we want to display to you certain signatures for the Washington State Committee for Protection of Foreign Born, in which your name appears. One as past president and the other as president. Kindly look at these signature cards on the Pacific National Bank of Seattle, of the Washington Committee for Protection of Foreign Born, and tell this committee while you are under oath whether or not you are able to identify your signature.

While he is doing that, Mr. Chairman, I respectfully suggest that if, as, and when this witness signs a pay voucher that part of the voucher bearing his signature be incorporated in the body of the record.

(Documents marked "Exhibit No. 631" for identification.)¹

(The witness examines document and confers with his counsel.)

Mr. FORSCHMIEDT. On the grounds previously stated I refuse to answer that question.

Mr. ARENS. Now, we display to you a document of the Northwest Committee for Protection of Foreign Born, which has been identified in this record as the predecessor organization of the Washington Committee for Protection of Foreign Born, in which your name appears as one of the committee. Kindly look at this document and see if you won't be good enough to verify the designation there of yourself.

(The witness examines document and confers with his counsel.)

Mr. FORSCHMIEDT. On the grounds previously stated I refuse to answer that question.

Mr. ARENS. Are you now a Communist?

(The witness confers with his counsel.)

Mr. FORSCHMIEDT. On the grounds previously stated I refuse to answer that question.

Mr. ARENS. That concludes the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. I have no questions.

Mr. DOYLE. The witness is excused. Thank you, Counsel.

Mr. ARENS. Walter Belka, please come forward.

Please remain standing while the chairman administers an oath to you, Mr. Belka.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BELKA. I do.

Mr. DOYLE. Thank you. Please occupy the witness chair.

¹ Signature cards retained in committee files and signed voucher not returned at date of printing of testimony.

**TESTIMONY OF WALTER BELKA, ACCOMPANIED BY COUNSEL,
JAY G. SYKES**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

(The witness confers with his counsel.)

Mr. SYKES. Might I direct an inquiry to the Chair?

Mr. ARENS. Surely. Is this witness hard of hearing?

Mr. SYKES. No; he is not hard of hearing.

Mr. ARENS. There was some witness whose counsel said he or she was hard of hearing and I made a notation. I see it now. It is another witness.

Mr. SYKES. Mr. Chairman, I am not certain whether the Chair or the committee counsel has stated officially the scope of these hearings.

Mr. DOYLE. We have stated them, and if that is your inquiry I am sorry we can't take time now to repeat them again.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation, Mr. Belka.

Mr. BELKA. My name is Walter Belka. I live in Seattle.

Mr. ARENS. Please complete the answer.

Mr. BELKA. I decline to answer this question or any further questions of the committee on the grounds that the scope and purpose of this committee, as stated by the committee, is beyond the scope of its mandate, and is in violation of the first amendment to the Constitution and article I, section 8, of the Constitution.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be now ordered and directed to answer the question.

Mr. DOYLE. I direct, Witness, that you answer that last question, please.

(The witness confers with his counsel.)

Mr. BELKA. I must decline to answer the question on the grounds previously stated.

Mr. ARENS. In view of the rather poor acoustics here, I don't know whether you invoked the fifth amendment or not.

Mr. Belka, did you invoke the provisions of the fifth amendment in response to that question? The noise outside and the acoustics here are rather poor.

Mr. BELKA. I did not.

Mr. ARENS. What is your home address?

Mr. BELKA. 2921 12th Avenue South.

Mr. ARENS. Are you a Communist?

(The witness confers with his counsel.)

Mr. BELKA. I decline to answer on the grounds previously stated.

Mr. ARENS. Let's get the record clear. Do the grounds previously stated with reference to this last principal question include an invocation of the fifth amendment?

(The witness confers with his counsel.)

Mr. BELKA. It did not include it, Counsel.

Mr. ARENS. I beg your pardon.

Mr. BELKA. It did not include it, Counsel.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. BELKA. Will you repeat the question, please?

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(The witness confers with his counsel.)

Mr. BELKA. Yes; I am.

Mr. ARENS. You are represented by counsel?

Mr. BELKA. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. SYKES. Jay G. Sykes, Seattle.

Mr. ARENS. Mrs. Hartle, would you kindly stand up.

(The witness Hartle stood up.)

Mr. ARENS. Mr. Belka, would you kindly look at the lady there standing by the window.

(The witness confers with his counsel.)

Mr. ARENS. Do you see her?

Mr. BELKA. Could she come a little closer, please.

Mr. ARENS. Yes. Would you step over a little. It is a little dark there by the—

(The witness confers with his counsel.)

Mr. BELKA. I see her.

Mr. ARENS. Have you ever seen her before?

(The witness confers with his counsel.)

Mr. BELKA. Yes; I have seen her before.

Mr. ARENS. Where?

Mr. BELKA. I think I saw her on TV in some of the previous hearings.

Mr. ARENS. Have you ever seen her in a Communist Party meeting?

(The witness confers with his counsel.)

Mr. BELKA. I decline to answer on the grounds previously stated.

Mr. ARENS. This lady took an oath this morning and laid herself open to perjury prosecution if she lied, and she said that she knew you as a Communist.

While you are under oath, will you tell this committee was she lying or was she telling the truth?

(The witness confers with his counsel.)

Mr. BELKA. I decline to answer on the grounds previously stated.

Mr. ARENS. Now, I would like to invite your attention to a few exhibits. First of all, we have here a document from the Daily Worker, New York, March 10, 1950:

NORTHWEST GROUP PROTESTS MUNDT BILL

The Washington Pension Union has sent emergency notices to locals representing 18,000 members calling for certain protests against the Mundt bill.

That was the anti-Communist bill when it was in the Congress.

Karly Larsen, president, and Walter Belka, secretary of the Northwestern Washington District Council, International Woodworkers of America.

Kindly look at that document and see if you were appropriately designated there, and if you were one who was active in that enterprise described in the Communist Daily Worker.

(The witness confers with his counsel.)

Mr. BELKA. I decline to answer on the grounds previously stated.

Mr. ARENS. Now, Mr. Belka, I show you two photostats which have been introduced into this record. One is an application form for membership in the Northwest Committee for Protection of Foreign Born and the other is a call to a conference to fight deportation of certain people under the auspices of the Northwest Committee for Protection of Foreign Born. Your name appears as a member of the official group in each instance.

(See exhibits Nos. 617 and 618, appendix, pp. 8205-8209.)

(The witness examines document and confers with counsel.)

Mr. BELKA. I decline to answer on the grounds previously given.

Mr. ARENS. Have you been rather active in defense of the Bill of Rights in the course of the last few years?

(The witness confers with his counsel.)

Mr. BELKA. Well, I think I have been.

Mr. ARENS. Tell us what you have done in defense of the Bill of Rights in the course of the last few years?

Mr. BELKA. I decline to answer on the grounds previously given.

Mr. ARENS. As an upstanding citizen, you certainly wouldn't feel ashamed of anything you did to defend the great Bill of Rights, would you?

(The witness confers with his counsel.)

Mr. BELKA. No; I think everybody should defend the Bill of Rights, Mr. Counsel.

Mr. ARENS. I want to see if you can help us.

Here is an article from the Daily Worker of June 6, 1949: "Men of labor and civic leaders throughout Nation voice indignation." It talks about Judge Medina, who tried the 11 Communist traitors in New York City, and we see here the following:

Speaking for the Northern Washington District Council of the International Woodworkers of America, Karly Larsen, president and Walter Belka, secretary, wired Medina: "Your high-handed action makes a mockery of the Bill of Rights."

Look at that document and see if that is what you mean when you were telling us about your defense of the Bill of Rights, your attack upon the Federal judge who sentenced 11 Communists traitors to the penitentiary.

(Document marked "Exhibit No. 632," see appendix, p. 8226.)

(The witness examines document and confers with counsel.)

Mr. BELKA. I have an opinion on that, Mr. Counsel.

Mr. ARENS. I beg your pardon?

Mr. BELKA. I have an opinion on that.

Mr. ARENS. We would be delighted to have you express it.

Mr. BELKA. I would be delighted to discuss it with you probably someplace else.

Mr. ARENS. You mean after you are released from the pains and penalties of your oath?

Mr. BELKA. I decline to answer for the grounds previously given.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. I have no questions.

Mr. DOYLE. Thank you, witness and counsel. You are both excused.

Mr. ARENS. Mr. Dirk De Jonge, kindly come forward.

Mr. DOYLE. Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DE JONGE. I do.

TESTIMONY OF DIRK DE JONGE

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. DE JONGE. My name is Dirk De Jonge. I am a retired lumber worker, and I live at 1415 Southwest Alder Street, Portland, Oreg.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. DE JONGE. Yes, I was served a subpoena.

Mr. ARENS. Mr. De Jonge, you are not represented by counsel?

Mr. DE JONGE. No, I am not.

Mr. ARENS. Mr. De Jonge, are you a Communist?

Mr. DE JONGE. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Mr. De Jonge, I want to lay before you first of all a document from the International Labor Defense, which this record shows is a predecessor organization to the American Committee for Protection of Foreign Born. Dirk De Jonge is listed here as a member of the national committee.

Kindly look at this document issued by the International Labor Defense, and tell this committee whether or not you are accurately designated.

(Document marked "Exhibit No. 633," see appendix, p. 8227.)

Mr. DE JONGE. I decline to answer this question on the basis of the fifth amendment.

Mr. ARENS. Do you know a man by the name of Homer L. Owen, O-w-e-n?

Mr. DE JONGE. I decline to answer that question.

Mr. ARENS. Mr. Owen took an oath before this committee and laid his liberty on the line and said, while he was under oath, that he knew you as a member of the Communist conspiracy. Was he lying or was he telling the truth?

Mr. DE JONGE. I decline to answer that question, also.

Mr. ARENS. Now, Mr. De Jonge, are you connected with the Oregon Committee for Protection of Foreign Born?

Mr. DE JONGE. I decline to answer that on the same basis.

Mr. ARENS. I want to lay before you, if you please, sir, another document. It is from the Daily Worker of December 1934, with reference to a trial of Edward Denny, Daily Worker salesman, charged with criminal syndicalism. According to this article in Portland, Don Cluster, 21-year-old organizer of the Young Communist League has been sentenced to jail and Dirk De Jonge, Communist candidate for mayor in the last municipal election, to 7 years.

Kindly look at this document and tell this committee while you are under oath whether you were accurately described there.

(Document marked "Exhibit No. 634," see appendix, p. 8228.)

(The witness examines document.)

Mr. DE JONGE. I decline to answer this question on the same basis.

Mr. ARENS. I put it to you as a fact, sir, that you are now one of the chairmen, or you recently were one of the chairmen, of the Oregon Committee for Protection of Foreign Born.

Mr. DE JONGE. I decline to answer that question also.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that concludes the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. No questions.

Mr. DOYLE. Thank you, Mr. De Jonge. You are excused from further attendance.

Mr. ARENS. Mary Jane Tancioco, T-a-n-c-i-o-c-o.

Mr. DOYLE. Please raise your right hand and be sworn.

Do you solemnly swear that you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mrs. TANCIOCO. I do.

Mr. DOYLE. Thank you.

TESTIMONY OF MRS. MARY JANE TANCIOCO, ACCOMPANIED BY COUNSEL, FRANK H. POZZI AND BERKELEY LENT

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mrs. TANCIOCO. My name is Mrs. Mary Jane Tancioco. My address is 7805 Southwest Taylors Ferry Road, Portland, Oreg. I am a stenographer-receptionist.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(The witness confers with her counsel.)

Mrs. TANCIOCO. Yes, I am.

Mr. ARENS. You are represented by counsel?

Mrs. TANCIOCO. Yes.

Mr. ARENS. Will counsel kindly identify yourselves.

Mr. POZZI. F. H. Pozzi, Loyalty Building, Portland, Oreg.; Berkeley Lent, Loyalty Building, Portland, Oreg.

Mrs. Tancioco. Sir, I would prefer not to be televised. I don't know whether the television cameras are operating but I would like to ask—

Mr. ARENS. It is off now, I believe.

Mrs. TANCIOCO. Thank you.

Mr. ARENS. What was your maiden name, ma'am?

(The witness confers with her counsel.)

Mrs. TANCIOCO. My maiden name was Brewster, B-r-e-w-s-t-e-r.

Mr. ARENS. Then you have been known both as Mary Jane Brewster and as Mary Jane Tancioco?

Mrs. TANCIOCO. Tan-chi-yoko.

Mr. ARENS. Tan-chi-yoko.

Mrs. TANCIOCO. Yes.

Mr. ARENS. Now, we display to you an original letter of the Committee for Protection of Oregon's Foreign Born, dated February 9, 1953, bearing the name Mary Jane Tancioco as corresponding sec-

retary. Kindly look at this document and tell this committee whether or not that is your signature and whether or not you are accurately described therein as corresponding secretary of that organization.

(Document marked "Exhibit No. 635," see appendix, p. 8229.)

(The witness confers with her counsel.)

Mrs. TANCIOCO. Sir, I respectfully decline to answer that question based on the rights, privileges and immunities afforded to me by the first, fourth, fifth, ninth and tenth amendments to the Constitution of the United States.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully whether or not that is your signature you would be supplying information which could be used against you in a criminal proceeding?

(The witness confers with her counsel.)

Mrs. TANCIOCO. I decline to answer on the grounds previously stated, sir.

Mr. ARENS. Mr. Chairman, I suggest the witness be ordered to answer that question.

Mr. DOYLE. I direct you to answer that question.

(The witness confers with her counsel.)

Mrs. TANCIOCO. Sir, may I request that you repeat the question.

Mr. ARENS. Do you honestly fear that if you told this committee truthfully whether or not that is your signature on this document, and whether or not you are or have been the executive secretary of this organization, you would be supplying information which might be used against you in a criminal proceeding?

(The witness confers with her counsel.)

Mrs. TANCIOCO. Yes.

Mr. ARENS. Thank you.

Do you know a person by the name of Owen, Homer Owen?

(The witness confers with her counsel.)

Mrs. TANCIOCO. I respectfully decline to answer on the grounds previously stated, sir.

Mr. ARENS. In 1954 Mr. Owen took an oath before the Committee on Un-American Activities, laid his liberty on the line, and said while he was under oath, subject to the pains and penalties of perjury, that he knew you as a Communist. Was Mr. Owen lying or was he telling the truth?

(The witness confers with her counsel.)

Mrs. TANCIOCO. I respectfully decline again, sir, to answer on the grounds stated.

Mr. ARENS. Now I display to you, if you please, a reproduction of a document of the Committee for Protection of Oregon's Foreign Born, calling for the repeal of the McCarran-Walter Act, attacking the act, in which your name appears. Kindly look at this document and tell this committee whether or not you are connected with the Committee for Protection of Oregon's Foreign Born.

(Document marked "Exhibit No. 636," see appendix, p. 8230.)

(The witness confers with her counsel.)

Mrs. TANCIOCO. I respectfully decline to answer on the grounds previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Any questions?

Mr. SCHERER. No questions.

Mr. DOYLE. I have no questions, but I want to reiterate here, and I know that some witnesses and counsel are in the hearing room now who were not here this morning, that this committee recognizes as a committee of Congress the right of any American citizen to petition us or to object to any legislation, both that which is on the books and that which is contemplated. We, for instance, recognize the constitutional right of the Communist Party or the Committee for the Protection of Foreign Born, or any group or any individual to petition Congress. But we feel full well that we are entitled to know the identity of the people or groups that are petitioning Congress in order that we might be able to judge the full weight and credit which shall be given to any petitioning individual or group.

I think, Madam, I should state while you are on the stand, as I did this morning to some others, that we don't object to the Communist Party petitioning us. We do think that they ought to do it in their own name, instead of doing it through a dummy organization which they don't reveal is controlled by the Communist Party. And that is the main purpose of this hearing, to examine the extent to which the Committee for Protection of Foreign Born in the Northwest is controlled by the Communist conspiracy.

We have no objection to the Communist Party petitioning us, nor do we have objection to the Committee for Protection of Foreign Born petitioning us, except that we do now know by these hearings and otherwise that the Committee for Protection of Foreign Born in the Northwest is dominated and controlled by identified Communists. And, therefore, it is the Communist conspiracy in the Northwest which is in fact petitioning us, undisclosed, under the guise of the American Committee for the Protection of Foreign Born, instead of bona fide patriotic citizens.

Thank you very much.

Mr. ARENS. Just one more question, if you please.

Are you now a member of the Communist conspiracy?

(The witness confers with her counsel.)

Mrs. TANCIOCO. I respectfully decline to answer on the same constitutional grounds.

Mr. ARENS. The next witness, if you please, Mr. Chairman.

Mr. DOYLE. Witness and Counsel, thank you. You are excused.

Mr. ARENS. James S. Fantz.

Mr. POZZI. Is the witness excused from further attendance?

Mr. DOYLE. Yes.

Mr. ARENS. F-a-n-t-z.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FANTZ. I do.

TESTIMONY OF JAMES S. FANTZ, ACCOMPANIED BY COUNSEL, FRANK H. POZZI AND BERKELEY LENT

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FANTZ. I would like to request that no pictures, television, or movies be taken, please.

Mr. DOYLE. That will be observed. The press will gladly cooperate with us. They will observe your request.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FANTZ. My name is James S. Fantz. I reside in Portland, Oreg., and I am employed as a maritime worker.

Mr. ARENS. Where are you employed, Mr. Fantz, as a maritime worker?

Mr. FANTZ. On the waterfront.

Mr. ARENS. What capacity?

Mr. FANTZ. As a longshoreman.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(The witness confers with his counsel.)

Mr. FANTZ. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. FANTZ. Yes.

Mr. ARENS. Counsel, will you kindly identify yourselves.

Mr. POZZI. F. H. Pozzi, Loyalty Building, Portland, Oreg.; Berkeley Lent, Loyalty Building, Portland, Oreg.

Mr. ARENS. Mr. Fantz, we display to you now two letters of different dates, on stationery of the Committee for Protection of Oregon's Foreign Born, both calling for funds and activities to repeal the Immigration and Nationality Act. On these letterheads your name appears as a sponsor. Kindly look at those documents, please, sir, while you are under oath, and tell this committee whether or not you are accurately and appropriately identified there.

(See exhibit Nos. 635 and 636, appendix, pp. 8229, 8230.)

(The witness confers with his counsel and examines document.)

Mr. FANTZ. I respectfully decline, Mr. Chairman, to answer that question based upon the rights, privileges, and immunities afforded to me by the 1st, 4th, 5th, 9th, and 10th amendments to the Constitution of the United States.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist conspiracy?

(The witness confers with his counsel.)

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

Mr. ARENS. Are you now a member of the Communist conspiracy?

(The witness confers with his counsel.)

Mr. FANTZ. I decline on the same grounds.

Mr. ARENS. Now we display to you, Mr. Fantz, a photostatic copy of an article appearing in the Daily People's World, April 1955, in which a number of people are attacking and denouncing the Brownell-Butler law. That was the law that was pending in the Congress to enable the Defense Department to oust from defense facilities Communist saboteurs. Among those who are participating in this enterprise and protesting the Brownell-Butler law, is listed here James Fantz, Portland, longshoreman's Local 8, in which Mr. Fantz is quoted as saying:

The Brownell law is a hoax on the American people and the delegates should bring back the discussion to the rank and file. "Today," he said, "there is no free discussion and we must speak out."

Will you kindly, while you are under oath, speak out and tell this committee whether or not you are the Fantz who was protesting this anti-Communist legislation?

(Document marked "Exhibit No. 637," see appendix, p. 8231.)

(The witness confers with his counsel and examines document.)

Mr. FANTZ. Would you please read back the exact wording of the question?

Mr. ARENS. Mr. Reporter, would you kindly read it to the witness?

(The reporter read from his notes as requested.)

Mr. FANTZ. I decline to answer this on the grounds previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. No questions.

Mr. DOYLE. May I ask, Mr. Fantz, may we have the benefit of any other criticism or suggestion you may have, with regard to the internal security provisions, the antisubversive and anti-Communist provisions of any of our Federal statutes? I ask you that so if you do have any criticism or suggestion, only relating to the antisubversive sections of Federal statutes—that is what we are concerned with in these hearings—I will be glad to get them from you.

(The witness confers with his counsel.)

Mr. FANTZ. Not at this time, Mr. Chairman.

Mr. DOYLE. I thank you. The witness is excused. Counsel, also.

Mr. ARENS. The next witness, if you please, will be Myrna Anderson. M-y-r-n-a Anderson, A-n-d-e-r-s-o-n. Please come forward.

Mr. BARNETT. Mr. Chairman, I am one of the Seattle attorneys appointed by the bar representing the civil rights committee. The witness has asked me to precede her for reasons of health to ask that the Chair instruct or request photographers not to take flash pictures of her and she does not wish to be televised. She was under a tuberculosis operation as late as 1953 and she has been nervous and feels that this will be injurious to her.

Mr. DOYLE. Well, I will not instruct the press to waive their rights of freedom. However, they have heard your statement and they are as anxious to protect the rights, the health, of any citizen as we are. As you know, the rule is we will not instruct the press in any way prior to the time a witness is sworn.

Mr. BARNETT. The witness feels, Mr. Chairman, that she was compelled by subpoena to be here before being sworn. I feel that she is under protection of the committee.

Mr. DOYLE. I know. But we think that maybe waiting an hour or 2 or 3 isn't too long for a witness to wait on a busy hearing of this kind. I don't think so, Counsel. So let us call your witness and we will make this as convenient as we can and as easy as we can. We regret her illness.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss ANDERSON. I do.

Mr. DOYLE. May I have the record show that I thank the press for not photographing her prior to the time that she was sworn. I think the press deserves a compliment for cooperation.

Mr. BARNETT. We certainly thank them, Mr. Chairman.

TESTIMONY OF MISS MYRNA ANDERSON, ACCOMPANIED BY
COUNSEL, ARTHUR G. BARNETT

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss ANDERSON. My name is Myrna Anderson. I live in Seattle and I work as a secretary.

Mr. ARENS. Are you a Communist?

(The witness confers with her counsel.)

Miss ANDERSON. I decline to answer that question under the self-incrimination clause of the fifth amendment to the Constitution.

Mr. ARENS. Do you know Barbara Hartle?

(The witness confers with her counsel.)

Miss ANDERSON. I decline to answer on the same grounds.

Mr. ARENS. Mrs. Hartle, would you kindly stand up?

(Witness Hartle stood up.)

Mr. ARENS. Miss Anderson, would you please look to your right there at Mrs. Hartle. Did you ever see her before?

(The witness confers with her counsel.)

Miss ANDERSON. I decline to answer that question on the same grounds, fifth amendment.

Mr. ARENS. She came forward in public testimony under oath and said she knew you as a Communist, a member of the Communist conspiracy. Was she lying or was she telling the truth?

Miss ANDERSON. I must decline to answer that question on the basis of the self-incrimination provisions of the fifth amendment.

Mr. ARENS. Now, we lay before you two documents, one is an application form for membership in the Northwest Committee for Protection of the Foreign Born; the other is a call to a Northwest conference under the auspices of the Northwest Committee for Protection of Foreign Born, which is identified here on this document as an affiliate of the American Committee for Protection of Foreign Born. Your name appears in both documents as an officer or sponsor, as the case may be, of the organization.

Kindly look at those documents and see if you will be good enough to verify the authenticity of the designation of yourself.

(See exhibit Nos. 617 and 618, appendix, pp. 8205-8209.)

(The witness confers with her counsel.)

Miss ANDERSON. I must decline to answer the question on the basis of the self-incrimination provisions of the fifth amendment.

Mr. ARENS. Are you connected, or have you been connected, with the United Office and Professional Workers Union?

(The witness confers with her counsel.)

Miss ANDERSON. I must decline to answer that question on the basis of the self-incrimination provision of the fifth amendment.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer that question, whether she is connected with that union.

Mr. DOYLE. You heard the question, Witness?

(The witness confers with her counsel.)

Miss ANDERSON. Yes; I heard the question.

Mr. DOYLE. I instruct you to answer that question.

(The witness confers with her counsel.)

Miss ANDERSON. I must decline to answer the question on the grounds previously stated.

Mr. ARENS. Now, this document which we first displayed to you, identifies you as an official of the United Office and Professional Workers Union, indeed, as president of one of the locals of that organization. Is that a correct designation?

(The witness confers with her counsel.)

Miss ANDERSON. I decline to answer on the same grounds previously stated.

Mr. ARENS. Where do you work now?

(The witness confers with her counsel.)

Miss ANDERSON. I am employed by a local automobile firm.

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

(The witness confers with her counsel.)

Miss ANDERSON. Approximately 3 years.

Mr. ARENS. And what was your employment immediately prior to that time?

(The witness confers with her counsel.)

Miss ANDERSON. I was in Furland Sanitorium.

Mr. ARENS. What was your employment prior to that time?

(The witness confers with her counsel.)

Miss ANDERSON. I must decline to answer on the basis of the fifth amendment.

Mr. ARENS. In view of the record and the exhibits, Mr. Chairman, identifying this lady with the United Office and Professional Workers Union, I respectfully suggest that this record at this point reflect the fact that the United Office and Professional Workers Union was ejected from the CIO because the CIO found that organization was not in truth and in fact a labor organization but was controlled by the Communist conspiracy.

Mr. DOYLE. The record will so show.

Mr. ARENS. Are you connected with the American Peace Crusade?

(The witness confers with her counsel.)

Miss ANDERSON. I must decline to answer on the basis of the fifth amendment.

Mr. ARENS. Are you Miss or Mrs.?

Miss ANDERSON. I am Miss Anderson.

Mr. ARENS. I want to exhibit to you now, if you please, a copy of the Daily Peoples World of February 1951:

PEACE POLL BOOMS

A peace committee of Local 35, Distributive Processing and Office Workers, is gathering signatures to the mass "peace poll" sponsored by the American Peace Crusade, President Myrna Anderson announced this week.

And so forth.

Kindly look at the document and tell this committee while you are under oath whether or not you were accurately described there.

(Document marked "Exhibit No. 638," see appendix, p. 8232.)

(The witness confers with her counsel and examines document.)

Miss ANDERSON. I must decline to answer on the grounds previously stated on the fifth amendment.

Mr. ARENS. I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. No, Mr. Doyle; I have no questions.

Mr. DOYLE. I think before the witness is excused, in view of the questions and answers that were given and made at this point, it is proper for me to call attention to the fact that when I was here in Seattle on June 14 and 15, 1954, on this committee, I read into the record a portion of news release issued by Walter P. Reuther. It was pertinent at that time, and I think it is pertinent right here because it refers to UAW-CIO. I will just take the time to read four sentences by Mr. Reuther, national president of UAW-CIO at that time, and I quote:

We have no quarrel with the professed purposes of the House Committee on Un-American Activities. Each witness appearing before these committees must of course make his own individual decision as to the course of action which he will follow in his testimony. This is a matter of individual conscience and judgment. However, we in UAW-CIO sincerely urge every witness called before the House Un-American Activities Committee, if it is at all possible to do so, to avoid using the fifth amendment.

Just that part of the record as I made it in 1954 in this city.

Mr. ARENS. That will conclude the staff interrogation of this witness.

Mr. DOYLE. The witness is excused, and counsel.

Mr. ARENS. Sarah Hortense Lesser. H-o-r-t-e-n-s-e L-e-s-s-e-r. Please come forward.

Miss LESSER. I don't see my attorney. Might I go and look for my attorney?

Mr. ARENS. Surely. There she comes.

Please remain standing while the chairman administers an oath to you.

Mr. DOYLE. Will you please raise your right hand and be sworn. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss LESSER. I do.

Mr. DOYLE. Please take a chair.

TESTIMONY OF MISS SARAH HORTENSE LESSER, ACCOMPANIED BY COUNSEL, JAY G. SYKES

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss LESSER. My name is Sarah Lesser. My address is 317 Second and Cherry Building. I am by occupation an attorney.

Mr. ARENS. Is your name Miss or Mrs.?

Miss LESSER. Miss.

Mr. ARENS. You are appearing today, Miss Lesser, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Miss LESSER. You can put your hand down. We can see your grin. Yes.

Mr. ARENS. And you are represented by counsel?

Miss LESSER. Yes; I am.

Mr. ARENS. Counsel, would you kindly identify yourself.

Mr. SYKES. Jay G. Sykes.

Mr. ARENS. Miss Lesser, give us if you please, just a thumbnail sketch of your education.

Miss LESSER. I am a graduate of the University of Michigan, with a bachelor of arts degree, and I am a graduate of the University of Washington with a law degree.

Mr. ARENS. And when did you receive your law degree?

Miss LESSER. In 1951.

Mr. ARENS. And you are admitted to practice law in the courts of the State of Washington?

Miss LESSER. In the courts of the State of Washington, and in the Federal courts and in the Immigration Service.

Mr. ARENS. You are admitted to practice law in the Immigration Service, too?

Miss LESSER. That is right, and the circuit court of appeals.

Mr. ARENS. You are admitted in the Federal court also?

Miss LESSER. That is right.

Mr. ARENS. Miss Lesser, when you received your license to practice law in the courts of this State, did you take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic?

(The witness conferred with her counsel.)

Miss LESSER. Yes; of course.

Mr. ARENS. At the time you took that oath, were you a member of the Communist Party?

(The witness confers with her counsel.)

Miss LESSER. I have a statement to make at this point, and I want to get it in.

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

Mr. DOYLE. You are instructed to answer.

* * * * *

Miss LESSER. I am going to decline to answer that question and I would like to read a short statement to explain my answer.

Mr. ARENS. Just a minute. How long is that statement?

Miss LESSER. It will take about 1 minute.

Mr. ARENS. So we know the source of that statement, was it written by a member of the Communist conspiracy?

(The witness confers with her counsel.)

Miss LESSER. It was written by me. And I don't need anybody telling me how to write a statement. As I told you, I have two degrees and I would think that that would be sufficient to convince you that I can write as I please.

Mr. ARENS. Tell us, in addition to your degrees, when you wrote that statement were you a member of a conspiratorial apparatus designed to destroy the Constitution of the United States?

Miss LESSER. There is a question pending and I said I wished to answer, read the statement, before I continued and there is a question pending and I cannot answer two questions at the same time.

Mr. ARENS. Accept my apologies, lady. You go right ahead.

Miss LESSER. I have been subpoenaed to appear before this committee to aid it in an investigation which, as to stated purpose, is illegal in my opinion. The powers given to Congress are enumerated in article I, section 8 of the Constitution. The powers given to the executive and judicial branches of the Government are also enumerated in the Constitution. Any other powers remain in the people. And these powers granted to Congress do not include—excuse me—the inquiry into legitimate political activity.

The first ten amendments of our Constitution were adopted to insure that all citizens of our country could not have certain of their rights usurped by any branch of the Government. And so the first amendment states in part that Congress shall make no law abridging the freedom of speech, or of the press, or of the rights of the people peaceably to assemble and to petition the Government for a redress of their grievances. Under that provision it appears to me that not only President Eisenhower and Mrs. Eleanor Roosevelt and other dignitaries may state that they consider the Walter-McCarran Act and other legislation unwise and work for its amendment, revision or appeal, but I can do it, too. And so can any person.

Mr. ARENS. Of course you can.

Miss LESSER. So can any person in this room.

Mr. ARENS. Of course you can. We want you to tell us what you have done along that line.

Miss LESSER. And Congress has no power to prevent it and therefore cannot legislate to prevent peaceable opposition. And since Congress has no power to so legislate in this field, it has no such power to investigate it.

And I wish to point out to the committee that in *Rumely v. United States* the Court held that Congress could not give—the Court held in that case that Congress could not give a committee power to investigate activities intended to influence, encourage, promote or retard legislation or to investigate activities designed to influence legislation indirectly by influencing public opinion, as this committee has done, because this is beyond any power conferred on Congress by the Constitution and violates the first amendment.

Therefore, I decline to answer on the grounds of the first amendment and article I, section 8 of the Constitution.

Mr. ARENS. Do you want to invoke the fifth amendment?

Miss LESSER. No, I do not.

Mr. ARENS. Are you now a Communist?

Miss LESSER. I answer as before. If you want me to repeat the statement, I will.

Mr. ARENS. I just want to be sure that the record is clear on whether or not you have invoked the fifth amendment on that question.

(The witness confers with her counsel.)

Miss LESSER. I will reconsider that. I am not now a Communist.

Mr. ARENS. Have you ever been a Communist?

(The witness confers with her counsel.)

Miss LESSER. Will you define that? Do you mean that as a matter of philosophical belief or as a member of an actual Communist Party?

Mr. ARENS. You tell what is in your mind, if you want to tell us.

Miss LESSER. You tell us what is in your mind. You are the questioner.

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

Miss LESSER. No, I have never.

Mr. ARENS. Have you ever been under Communist discipline?

Miss LESSER. What do you mean by that?

Mr. ARENS. Under the control and responsible to the will of the Communist Party.

Miss LESSER. No.

Mr. ARENS. Do you know a lady by the name of Barbara Hartle?

Miss LESSER. Certainly I do.

Mr. ARENS. Do you remember a conversation you had with her some time ago, in which you talked about the Communist Party?

Miss LESSER. Now let me explain something to you. I was an attorney in a case involving Barbara Hartle. I never met her before I met her up in jail, and I was an attorney at the time called in to represent her. And any conversations I had with her were conversations concerning representation of her and other codefendants in a case. And I have had no personal conversations with that woman whatsoever. And I would request at this time that you have repeated in the record the question you asked her, the answer she made, and you will see how equivocal it is.

Mr. ARENS. Tell us have you had any conversations with Barbara Hartle—

Miss LESSER. I have had many conversations.

Mr. ARENS. Just a moment, please, ma'am. Have you had any conversations with Barbara Hartle other than those conversations which were in the capacity of attorney and client?

(The witness confers with her counsel.)

Miss LESSER. They were not, except that I may say this: That the—

Mr. ARENS. Let's get the record clear. You are a lawyer and you know what it means to clear the record. Tell us have you had any conversation with Barbara Hartle other than the conversations as attorney and client?

Miss LESSER. Now I am going to explain that answer, now, and you cannot stop me. I was attorney for several people besides Barbara Hartle at the same time. And I want to make that clear, and that I have a duty as an attorney and an attorney-client privileged communications, as you know them—you are all attorneys here—and that I can only go so far in answering this. And I will say that I have had no conversations with Barbara Hartle except as a result of representing her or other codefendants of hers.

Mr. ARENS. Let's be sure of something here.

Mr. SCHERER. Witness, what would your representation of Barbara Hartle, if there was such representation, have to do with the statement by you that you had been subjected to Communist discipline?

Miss LESSER. I never made such a statement. I will deny it equivocally [sic].

Mr. ARENS. Did you ever live in Chicago?

Miss LESSER. Yes, I lived in Chicago.

Mr. ARENS. When did you live in Chicago?

(The witness confers with her counsel.)

Mr. ARENS. Maybe this will help you: Were you educational director of Branch 16 of the Communist Party in Chicago in 1942 and 1943?

(The witness confers with her counsel.)

Miss LESSER. No.

Mr. ARENS. Have you ever attended meetings of the Communist Party in Chicago?

(The witness confers with her counsel.)

Miss LESSER. The Loyalty Board made the determination that I did not. You know that.

Mr. ARENS. Were you ever expelled from the Communist Party?

Miss LESSER. I never belonged to the Communist Party so I could never have been expelled from it.

Mr. ARENS. Did you ever live in Toledo, Ohio.

Miss LESSER. Yes, I have lived in Toledo, Ohio.

Mr. ARENS. While you were in Toledo, Ohio, in the early 40's, were you an active member of the Communist Party in that city?

Miss LESSER. No, I was not.

Mr. ARENS. Did you ever attend Communist Party meetings in Toledo, Ohio?

Miss LESSER. What is a Communist Party meeting in your definition?

Mr. ARENS. You know what a Communist Party meeting is.

Miss LESSER. No, I don't.

Mr. ARENS. You told about these degrees you have.

Miss LESSER. I have told all about the degrees. I have also told you I am an attorney and I have been in plenty of things and hearings and court actions where people like Barbara Hartle have defined Communist Party meetings.

Mr. ARENS. The Supreme Court of the United States has said what the Communist Party is. It is a conspiratorial apparatus designed to overthrow this Government by force and violence.

Miss LESSER. I ask that you define to me what a Communist Party meeting is.

Mr. ARENS. I just did. I alluded to a decision of the Supreme Court of the United States.

Miss LESSER. Go ahead, I am sorry.

Mr. ARENS. I would like to display to you a photostatic copy of an article in the Communist Daily Worker, January 1953: "150 Women Sign a Plea for Amnesty for 11."

These are the 11 Communist traitors in New York City who were convicted under the Smith Act for conspiring to overthrow the Government of the United States by force and violence. Among these 150 women who are interceding on behalf of these traitors is, according to this article, Sarah H. Lesser. Kindly look at this document and see if you are accurately described in that enterprise.

(Document marked "Exhibit No. 639," see appendix, p. 8232.)

(The witness examines document and confers with her counsel.)

Miss LESSER. Yes, I signed that. I am proud of it. I feel that I am also in the category with Mrs. Eleanor Roosevelt in feeling that the Smith Act should be repealed.

Mr. ARENS. Are you connected with the Washington State Committee for Protection of Foreign Born?

(The witness confers with her counsel.)

Miss LESSER. Only in an attorney-client relationship.

Mr. ARENS. Do you represent them professionally?

Miss LESSER. When and where—Will you please be more specific?

Mr. ARENS. You would know if you represent them.

Miss LESSER. I have. Yes.

Mr. ARENS. And do you represent the committee or do you represent aliens who are up for deportation for whom the committee has interceded?

(The witness confers with her counsel.)

MISS LESSER. I don't understand that question. Will you please simplify it?

MR. ARENS. I am really surprised.

MISS LESSER. You are?

MR. ARENS. Do you represent the committee in its litigation, or do you represent aliens in their litigation with the Government?

(The witness confers with her counsel.)

MR. ARENS. And are you paid by the Washington State Committee for Protection of Foreign Born? That is very clear.

MISS LESSER. That is not a clear question. That is 3 questions in 1.

MR. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

MR. SYKES. It is three questions.

MR. DOYLE. Try, Witness. It would seem to me it is not at all confusing. Try. It is rather a simple question for a trained lawyer like you.

MISS LESSER. No, it isn't. There are too many questions involved.

(The witness confers with her counsel.)

MISS LESSER. I have represented many aliens, and I have represented the Committee for Protection of Foreign Born.

MR. ARENS. What is the nature of the representation of the Washington Committee for Protection of Foreign Born? That is all I am trying to ask.

MISS LESSER. Mere legal representation.

MR. ARENS. In what kind of proceedings?

(The witness confers with her counsel.)

MISS LESSER. Judicial proceedings.

MR. ARENS. Before what agencies?

(The witness confers with her counsel.)

MISS LESSER. The Immigration Service.

MR. ARENS. Do you know Abner Green?

(The witness confers with her counsel.)

MISS LESSER. Yes, I have met him.

MR. ARENS. Do you and Abner collaborate on certain matters?

MISS LESSER. No, he is not an attorney.

MR. ARENS. I know he is not an attorney. Did you and Abner both participate in a dinner meeting in Washington Hall in 1954? Do you recall?

(The witness confers with her counsel.)

MR. ARENS. According to the account we have of the meeting, Abner Green talked there and Sarah Lesser talked there.

(The witness confers with her counsel.)

MISS LESSER. Well, it would help me recollect if you would identify what you are reading from.

MR. ARENS. It is an account of the meeting. We have sources of information that give us that account.

MISS LESSER. I know that.

MR. ARENS. Of certain meetings. An account of a meeting held in Washington Hall in 1954; it is an account of the meeting and it depicts you as one of the principal orators there.

Do you recall that it was sponsored by the Washington State Committee for the Protection of Foreign Born? And Abner Green, a hard-core international Communist agent, was a guest of honor?

(The witness confers with her counsel.)

MISS LESSER. What is the question, please?

MR. ARENS. Do you recall addressing the gathering and orating at that time?

(The witness confers with her counsel.)

MISS LESSER. What is the date on that?

MR. ARENS. March 6, 1954.

MISS LESSER. I don't particularly recall that date. I do know that when I have—that that was approximately the date when I went to San Francisco and won in the circuit court of appeals in a case clarifying the ruling in the Walter-McCarran Act as to what entry meant, and won the Alcantra case. And when I returned I did make—it was not oratory, it was a report of what occurred down there.

MR. ARENS. Do you know Roderich Holmgren, H-o-l-m-g-r-e-n?

MISS LESSER. Yes, I do.

MR. ARENS. And his wife?

MISS LESSER. Yes, I do.

MR. ARENS. Did you live with them in Chicago for a little while?

MISS LESSER. I did. They were very good friends of mine and when I got out of the Army and had no place to stay and could find no place to stay, I stayed with them for a short while until I found a place to live, yes.

MR. ARENS. Did you know they were members of the Communist conspiracy?

(The witness confers with her counsel.)

MISS LESSER. On legal advice, I am not answering that question because it is a leading question.

MR. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

MR. DOYLE. I direct you to answer that question.

(The witness confers with her counsel.)

MISS LESSER. Are you stating that these two people were members of the Communist Party, and that I knew that fact?

MR. ARENS. I am asking you, yes.

MISS LESSER. That isn't what you said before. No.

MR. ARENS. You did not know they were Communists?

MISS LESSER. I did not know they were members of the Communist Party. No.

MR. SCHERER. Wait a minute.

MISS LESSER. I am not stating that they are members, either. Because I do not know that fact.

MR. SCHERER. Do you know whether they are Communists? Did you know whether they were Communists?

MISS LESSER. Do you mean members of the Communist Party?

MR. SCHERER. I didn't say that.

MISS LESSER. No, I have no knowledge in the short time I stayed with them. No, I didn't have no such knowledge.

MR. SCHERER. Didn't you attend Communist Party meetings with them?

MISS LESSER. No. I did not.

MR. SCHERER. You are sure?

MISS LESSER. Yes.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any other questions?

Mr. SCHERER. Yes. You were one of counsel, were you not, who filed this suit in Federal court yesterday on behalf of Caughlan, Kinney, Hatten, Corr, and Paulson against this subcommittee?

Miss LESSER. I was not one of original counsel, no.

Mr. SCHERER. What do you mean, not of original counsel?

Miss LESSER. I was added later.

Mr. SCHERER. Then you were one of counsel?

Miss LESSER. In court this morning, yes.

Mr. SCHERER. Now do you know that all of those people, with perhaps the exception of John W. Caughlan, are members of the Communist Party?

(The witness confers with her counsel.)

Miss LESSER. I would have no way of knowing that, sir.

Mr. SCHERER. You have never been in a Communist Party meeting with any one of the four?

Miss LESSER. No, sir.

Mr. SCHERER. All right. That is all.

Mr. DOYLE. The witness is excused. And, Counsel, thank you very much.

Mr. DOYLE. The committee will be in recess for 5 minutes.

(Whereupon a short recess was taken. Committee members present: Representatives Doyle and Scherer.)

(The committee was reconvened at the expiration of the recess. Committee members present: Representatives Doyle and Scherer.)

Mr. DOYLE. The committee will please reconvene. And may the record please show that a legal quorum is present of the subcommittee. Congressman Scherer, of Ohio, and Congressman Doyle, of Los Angeles, Calif. are both present, therefore, a legal quorum of the subcommittee of three is here and we will proceed.

For the benefit of counsel and witnesses, I am pleased to say that we are making good progress, and unless I make an announcement to the contrary, then, the committee will, when we adjourn this afternoon, stand in recess until 9 a. m. tomorrow morning.

And may I thank the people who are guests in the hearing room, because you are wonderfully quiet and cooperative, and the committee appreciates it very much. May I say just while we are waiting for the witness that you are the most cooperative group that we have met on the Pacific coast. That goes for the witnesses and lawyers, also. We appreciate it very much.

Your first witness, Mr. Arens.

Mr. SCHERER. Mr. Chairman, before we proceed I move that the testimony of the last witness, Sarah Lesser, be referred to the Department of Justice to determine whether or not perjury has been committed before this committee.

Mr. DOYLE. All those in favor say "aye."

Mr. SCHERER. "Aye."

Mr. DOYLE. "Aye."

It is so ordered that the testimony of Miss Lesser, the last witness before the subcommittee, will be referred to the Department of Justice by the committee.

Mr. ARENS. Raymond Glover, kindly come forward.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GLOVER. I do.

Mr. DOYLE. Thank you. Will you take the chair. Please be seated.

**TESTIMONY OF RAY (RAYMOND) GLOVER, ACCOMPANIED BY
COUNSEL, JAY G. SYKES**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. GLOVER. My name is Ray Glover. I live in Enunclaw, Wash.

Mr. ARENS. And kindly complete the answer.

(The witness confers with his counsel.)

Mr. GLOVER. I am an independent logger.

Mr. ARENS. I am having difficulty hearing you. Would you say that again, please?

Mr. GLOVER. I am an independent logger.

Mr. ARENS. An independent logger?

Mr. GLOVER. That is right.

Mr. ARENS. You are appearing today, Mr. Glover, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(The witness confers with his counsel.)

Mr. GLOVER. I am.

Mr. ARENS. And you are represented by counsel?

Mr. GLOVER. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. SYKES. Jay Sykes.

Mr. ARENS. Mr. Glover, this morning Barbara Hartle took an oath and testified that while she was a member of the Communist Party she knew you as a Communist.

We want to give you an opportunity to deny that now while you are under oath if you would care to do so.

Was Mrs. Hartle lying or was she telling the truth when she said she knew you as a Communist?

(The witness confers with his counsel.)

Mr. GLOVER. I decline to answer that question and all further questions directed to me on the grounds that the scope and purpose of these hearings as stated by the committee is beyond the scope of the mandate of this committee, and violates, number one, the first amendment of the Constitution; and two, article I, section 8 of the Constitution.

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

Mr. DOYLE. Witness, I direct that you answer the question, please.

Mr. GLOVER. I decline to answer—

(The witness confers with his counsel.)

Mr. GLOVER. I decline to answer on the grounds previously stated.

Mr. SCHERER. Mr. Chairman, may I inquire?

Witness, do I understand that you are not invoking the fifth amendment in refusing to answering the question of Counsel?

(The witness confers with his counsel.)

Mr. GLOVER. Yes, that is right. I am not invoking it.

Mr. SCHERER. You understand that when the chairman directs you to answer the question, it is because we do not accept your answer and feel that if you do not answer the question, then you are subjecting yourself to possible contempt proceedings? Do you understand that?

(The witness confers with his counsel.)

Mr. SCHERER. Go ahead, Counsel.

Mr. GLOVER. Yes; I believe so.

Mr. ARENS. Now, we display to you, Mr. Glover, two documents. The first is a document of the Northwest Committee for Protection of the Foreign Born, in which your name appears. The second is a call to the Northwest Conference to Fight Deportation, under the auspices of the Northwest Committee for Protection of Foreign Born, in which your name appears as sponsor, Ray Glover, secretary, International Woodworkers of America.

(See exhibits Nos. 617 and 618, appendix, pp. 8205-8209.)

Kindly look at these two documents and tell this committee whether or not you are accurately described.

(The witness confers with his counsel.)

Mr. GLOVER. I decline to answer on the grounds previously given.

Mr. ARENS. What was your connection with an IWA local?

Mr. GLOVER. I decline to answer on the grounds previously given.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

Mr. DOYLE. I direct you, Witness, to answer that question.

Mr. GLOVER. I respectfully decline to answer on the grounds previously given.

Mr. SCHERER. Now, so that the record is clear, do I understand, Witness, you are not invoking the fifth amendment as a basis for your declination to answer? Am I right?

(The witness confers with his counsel.)

Mr. GLOVER. You are right.

Mr. ARENS. Now we want to lay before you a copy of the Daily Worker of June 1949. "Men of labor and civic leaders throughout the Nation voice indignation." It is all about the indignation voiced on the trial and conviction of 11 Communist traitors down in New York City. Among those who are voicing their indignation, according to this Communist publication, is Ray Glover, identified here as a business agent of the Enumclaw IWA Local. Enumclaw, E-n-u-m-c-l-a-w.

Kindly look at that document and see if you are one of those who expressed your indignation. And if so, if you are accurately identified.

(See exhibit No. 632, appendix, p. 8226.)

(The witness confers with his counsel and examines document.)

Mr. GLOVER. My name appears there. But I refuse to answer the question on the grounds previously stated.

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

Mr. DOYLE. Witness, I direct you to answer that last question.

Mr. GLOVER. I respectfully repeat that I refuse to answer on the grounds previously stated.

Mr. ARENS. No more questions of this witness, Mr. Chairman.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. Was your first question, Counsel, with reference to his present membership in the Communist Party?

Mr. ARENS. I do not remember.

Mr. SCHERER. Witness, I will ask it: Are you presently a member of the Communist Party?

(The witness confers with his counsel.)

Mr. GLOVER. No.

Mr. SCHERER. Were you a member of the Communist Party last year?

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

Mr. SCHERER. And you are not invoking the fifth amendment in declining to answer that question as to whether you were a member of the Communist Party last year? Is my assumption correct, Witness?

(The witness confers with his counsel.)

Mr. GLOVER. Yes.

Mr. SCHERER. Were you a member of the Communist Party yesterday?

(The witness confers with his counsel.)

Mr. GLOVER. I refuse to answer, decline to answer, on the grounds previously stated.

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

Mr. DOYLE. I direct the witness to answer the question.

Mr. GLOVER. I must still repeat that I decline to answer on the basis and grounds previously stated.

Mr. ARENS. Are you under Communist Party discipline this minute?

(The witness confers with his counsel.)

Mr. GLOVER. Of course not.

Mr. ARENS. Were you under Communist Party discipline after you were subpoenaed to appear before the Committee on Un-American Activities in this hearing?

(The witness confers with his counsel.)

Mr. GLOVER. Of course not.

Mr. ARENS. Were you under Communist Party discipline a month ago?

(The witness confers with his counsel.)

Mr. GLOVER. What do you mean?

Mr. ARENS. If you can deny the question twice you ought to know what I mean. Were you under Communist Party discipline 6 months ago?

(The witness confers with his counsel.)

Mr. GLOVER. I am under nobody's discipline but my own.

Mr. ARENS. Have you ever been under Communist Party discipline?

(The witness confers with his counsel.)

Mr. GLOVER. Not to my knowledge.

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

(The witness confers with his counsel.)

Mr. GLOVER. I must decline on the basis of the grounds previously stated.

Mr. ARENS. What distinction do you make between being a member of the Communist Party and being under Communist Party discipline?

(The witness confers with his counsel.)

Mr. GLOVER. I am not a lawyer, I don't make any distinction.

Mr. ARENS. I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no further questions.

Mr. DOYLE. I wish to call the witness' and counsel's attention to this fact: Mr. Scherer did that which he often does, and we do often—make sure that the witness, if he does not plead the fifth amendment as part of his answers, understands he is not doing so and that it was the reason for Mr. Scherer asking you repeatedly, whether or not you included the fifth amendment as part of your answer. Now, as I understand the record, in answer to no question have you included the fifth amendment. You understand that, do you, Witness?

(The witness confers with his counsel.)

Mr. GLOVER. Yes.

Mr. DOYLE. That was your intention, to never raise that as a reason for not answering? Is that correct?

(The witness confers with his counsel.)

Mr. GLOVER. That is correct.

Mr. DOYLE. I beg pardon?

Mr. GLOVER. That is correct.

Mr. DOYLE. All right.

The witness is excused. And so is counsel. Thank you.

Mr. ARENS. Mr. Robert Cummings, please come forward.

Mr. DOYLE. Mr. Cummings, please raise your right hand. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CUMMINGS. I do.

Mr. DOYLE. Thank you. Will you occupy the witness chair.

TESTIMONY OF ROBERT CUMMINGS, ACCOMPANIED BY COUNSEL, JAY G. SYKES

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. CUMMINGS. Mr. Chairman, could I ask that no pictures be taken.

Mr. DOYLE. Very well. Of course it will be so ordered.

Mr. CUMMINGS. Pardon me, would you state the question again?

Mr. ARENS. Yes, would you please identify yourself by name, residence and occupation?

Mr. CUMMINGS. My name is Robert Cummings.

Mr. ARENS. Would you keep your voice up. We are having some noise outside, which is distracting me.

Mr. CUMMINGS. My name is Robert Cummings. I live in Seattle and as to the third part of your question, I will refuse to answer that on the grounds that the question and this particular session of the committee are exceeding their scope and jurisdiction and therefore are in violation of the first amendment of the Constitution.

And under protection of the first amendment, I refuse to answer. And under the further protection of the fifth amendment.

Mr. SCHERER. Do you feel that to tell us the nature of your occupation might lead to a criminal prosecution of you?

(The witness confers with his counsel.)

Mr. CUMMINGS. I am informed that legally there is a possibility of any answer to that question being used against me.

(The witness confers with his counsel.)

Mr. CUMMINGS. Either the answer or in waiving the right as to future questions.

Mr. SCHERER. All right.

Mr. ARENS. Where are you employed?

Mr. CUMMINGS. Where?

Mr. ARENS. Yes.

Mr. CUMMINGS. Seattle.

Mr. ARENS. What type of work?

(The witness confers with his counsel.)

Mr. CUMMINGS. I refuse to answer on the same grounds as previously.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer that question.

Mr. DOYLE. The witness is instructed and ordered to answer that question.

Mr. CUMMINGS. Same answer, same reason.

Mr. SCHERER. Again we understand, witness, that you are not invoking the fifth amendment as a basis for your refusal to answer the question. Is that correct?

Mr. CUMMINGS. I am afraid you misunderstand.

Mr. SCHERER. Are you invoking it on this question?

Mr. CUMMINGS. I did invoke the fifth amendment.

Mr. ARENS. Now, Mr. Witness, Mrs. Barbara Hartle this morning took an oath to tell the truth. If she didn't tell the truth, she could be prosecuted for perjury. And she said while she was a member of the Communist Party she knew you as a Communist. Was she lying or was she telling the truth?

While you are under oath you tell us about it.

(The witness confers with his counsel.)

Mr. CUMMINGS. It is my understanding that from the tenor of your question there seems to be some sort of a challenge. I would like to include in my answer the observation that—

Mr. ARENS. Just stand up and say "No, she lied about me, I am not a Communist. I am not a member of a conspiratorial apparatus. I am a patriotic American." Do that while you are under oath and then we will get on. Was she lying or was she telling the truth?

(The witness confers with his counsel.)

Mr. CUMMINGS. What are you asking?

Mr. ARENS. Asking you whether or not Barbara Hartle lied or if she told the truth when she took an oath before the committee this morning and said she knew you as a Communist. You, Robert Cummings.

Mr. CUMMINGS. In view of the fact that even though the witness you are speaking of may have been under oath, her testimony was not subject to cross-examination and, as such, has no legal status further than hearsay testimony.

Mr. SCHERER. What?

Mr. CUMMINGS. Other than that—

Mr. SCHERER. That is an entirely—

Mr. CUMMINGS. Other than that—were I to answer, and were there reason for this witness or other witnesses to my observation to perjure

themselves, there seems to never be anything done about it. They are never prosecuted.

Mr. ARENS. You deny that under oath and someone will be prosecuted for perjury. You tell this committee——

Mr. CUMMINGS. In view of that fact, there seems little point in accepting such a challenge as you seem to issue. Therefore, I refuse to answer the question on the grounds previously stated.

Mr. SCHERER. Just a minute. Did I understand you to say that Barbara Hartle had perjured herself with relation to her testimony about you?

Mr. CUMMINGS. I refused to answer the question and stated the grounds and reasons.

Mr. ARENS. These exhibits we are going to display to you, we want you to tell us whether or not they are forgeries or whether or not they are true. These exhibits can't be perjurers. Look at these exhibits now. We have, one, the Northwest Committee for Protection of Foreign Born, with Robert Cummings listed here as one of the leaders and we have another one, a Northwest Conference to Fight Deportation, under the auspices of the Northwest Committee for Protection of Foreign Born, in which Robert Cummings again is listed as one of the sponsors.

Look at those two documents and tell us whether or not you were accurately described.

(See exhibit Nos. 617 and 618, appendix, pp. 8205-8209.)

(The witness confers with his counsel.)

Mr. ARENS. Just tell us are those bona fide documents.

Mr. CUMMINGS. I have no means of knowing whether they are bona fide documents. I am not too sure exactly what they are. I see my name there. What was the question now?

Mr. ARENS. Are you accurately described, were you identified with that organization?

Mr. CUMMINGS. On this one it doesn't say anything about the organization as to myself. I don't know how I am described.

Mr. ARENS. Your name appears there, does it not, as a sponsor?

Mr. CUMMINGS. In relation to that organization, you said.

Mr. ARENS. Yes. Now tell us, are you accurately described as a sponsor of the Northwest Committee for Protection of Foreign Born?

Mr. CUMMINGS. Oh. I am sorry. The word sponsor was practically blacked out. I didn't see it.

Mr. ARENS. I am sure now that you——

Mr. CUMMINGS. Yes, I was one of the sponsors of the Northwest Committee for the Protection of Foreign Born.

Mr. ARENS. Thank you. Would you look at the other documents where your name appears——

Mr. CUMMINGS. If it says sponsor and then that is accurate.

Mr. ARENS. Thank you very much. I wonder if you would help us on still another enterprise. It is an article from the Daily Worker. "Men of labor and civic leaders throughout the Nation voice indignation."

It appears that Judge Medina in New York City had a legal proceeding involving some Communists. A number of people are protesting that legal proceeding, including, according to this Communist Daily Worker, Robert Cummings, secretary of the CIO International Fishermen and Allied Workers, Local 3.

(See exhibit No. 632, appendix, p. 8226.)

He was quoted here as saying:

This is turning American jurisprudence into American judasprudence.

Kindly look at that document that is being displayed to you now, and see if you recall joining that enterprise and if you are accurately quoted.

(The witness examines document and confers with his counsel.)

Mr. CUMMINGS. I am not sure that that is an exact quote. But I think it is quite likely that it is something like that, yes.

Mr. ARENS. Thank you, sir.

Who solicited you to be a sponsor of the Northwest Committee for Protection of the Foreign Born?

Mr. CUMMINGS. Oh, that was so long ago I don't remember who solicited me.

Mr. ARENS. Can you tell us the name of the officers?

(The witness confers with his counsel.)

Mr. CUMMINGS. Well, I might possibly read the list that you just gave me. Other than that——

Mr. ARENS. Do you have an independent recollection? It is useless to sit and read a list that would be supplied to you.

Mr. CUMMINGS. What date was this you are talking about?

Mr. ARENS. Do you know Marion Kinney?

(The witness confers with his counsel.)

Mr. ARENS. She is listed here as Chairman of the Northwest Committee for Protection of the Foreign Born.

Do you know her?

Mr. CUMMINGS. I know Marion Kinney, yes.

Mr. ARENS. I beg your pardon?

Mr. CUMMINGS. Yes.

Mr. ARENS. How long have you known her?

Mr. CUMMINGS. A number of years. I couldn't say just exactly.

Mr. ARENS. What has been the nature of your acquaintanceship with her?

Mr. CUMMINGS. Through the American Committee for the Protection of Foreign Born?

Mr. ARENS. I beg your pardon?

Mr. CUMMINGS. As a worker or an officer in the American Committee for the Protection of Foreign Born, or the Washington Committee for the Protection of Foreign Born.

Mr. ARENS. Did you know her as an officer of the Washington Committee for Protection of Foreign Born, too?

Mr. CUMMINGS. Yes, I did.

Mr. ARENS. Did you know her in any other capacity?

Mr. CUMMINGS. No, I never did; not to my recollection.

Mr. ARENS. Did you ever serve in the Communist Party with her?

(The witness confers with his counsel.)

Mr. CUMMINGS. I am going to decline to answer that question on the grounds that I previously stated in my previous declination.

Mr. ARENS. Now I have here a document I want to display to you. It is the Communist Daily Worker of 1951: "438 at Washington State peace parley." It is about a conference held under the auspices of

the Washington Peace Crusade. In the course of this article the following appears:

More than 80 workers took part in a labor and peace panel chaired by Secretary Robert Cummings of Seattle Fishermen's Local 3—3.

Do you recall that conference and do you recall your chairing that panel under the auspices of the Washington Peace Crusade?

(Document marked "Exhibit No. 640," see appendix, pp. 8232-8233.)

(The witness confers with his counsel and examines document.)

Mr. ARENS. That was in 1951. That is while the Korean war was on.

(The witness confers with his counsel and examines document.)

Mr. ARENS. Do you recall that, please, Mr. Cummings?

Mr. CUMMINGS. In order to avoid waiver of any rights on future questions, I am going to refuse to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that concludes the staff interrogation of this witness.

Mr. DOYLE. Congressman Scherer, any questions?

Mr. SCHERER. No questions.

Mr. DOYLE. I have no questions. You are excused, Witness.

Mr. ARENS. Mr. Norman Haaland, H-a-a-l-a-n-d.

(No response.)

Mr. ARENS. Norman Haaland. Is he here, please?

Mr. HAALAND. I am here, but I am without counsel and I would like if my hearing could be postponed until tomorrow that I may get counsel at that time.

Mr. DOYLE. Yes, indeed. We are always glad to do so. I expect you to come with counsel tomorrow morning at 9 o'clock.

Mr. HAALAND. That is right.

Mr. DOYLE. You will be here with counsel.

Mr. ARENS. Mr. Victor Todd, kindly come forward.

Mr. Pozzi. This is the witness that can't hear.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Todd. Yes, I do.

TESTIMONY OF VICTOR TODD, ACCOMPANIED BY COUNSEL, FRANK H. POZZI AND BERKELEY LENT

Mr. Todd. I request the cameras be turned the other way, sir.

Mr. Pozzi. He requests the cameras be turned the other way.

Mr. DOYLE. All right.

Mr. LENT. Mr. Chairman, this is the witness I spoke to you about this morning who is very hard of hearing. He will have to try to read the lips of counsel.

Mr. ARENS. Is he that hard of hearing? If I raise my voice and get close to this microphone would he be able to hear me?

Mr. LENT. He can't hear you unless he is watching you.

Mr. ARENS. He can't hear me at all unless he is watching me?

Mr. Pozzi. That is right. He has had no formal lip-reading training, either. So it is just what he has taught himself.

Mr. ARENS. Then I will be as brief as possible.

Mr. DOYLE. Counsel, may the record show that if the witness' counsel, either of them or both of them, have any indication from the witness that he does not understand the question, will you please make sure that the question is repeated until he does understand?

Mr. Pozzi. Thank you.

Mr. ARENS. Now, Counsel, may I have your attention a minute. I will lead the witness on the preliminaries to avoid unnecessary conversation.

You are Victor Todd?

Mr. TODD. Yes, sir.

Mr. ARENS. And you are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. TODD. Yes, that is correct.

Mr. ARENS. And you are represented by counsel?

Mr. TODD. Yes, I am.

Mr. ARENS. Counsel, will you kindly identify yourselves.

Mr. Pozzi. F. H. Pozzi and B. Lent, Portland, Oreg.

Mr. ARENS. Now our investigations, Mr. Todd, disclose that you are identified with the Committee for Protection of Oregon's Foreign Born. Is that correct?

(The witness confers with his counsel.)

Mr. Pozzi. Can you hear him?

Mr. TODD. I respectfully decline to answer that question based upon the rights, privileges, and immunities accorded to me by the 1st, 4th, 5th, 9th, and 10th amendments to the Constitution of the United States.

Mr. ARENS. Our investigation further discloses that you were a leader of the Communist Party of Oregon, and that in the course of your leadership of—

Mr. SCHERER. He can't see your lips.

Mr. ARENS. Our investigation discloses that you were a leader of the Communist Party of Oregon. Is that correct?

(The witness confers with his counsel.)

Mr. TODD. Again I respectfully decline to answer that question based upon the rights, privileges, and immunities afforded to me by the 1st, 4th, 5th, 9th, and 10th amendments to the Constitution of the United States.

Mr. ARENS. Just for the purpose of further identification, has your impediment in hearing existed over a number of years, or is it a recent affliction?

Mr. Pozzi. Did you hear him?

(The witness confers with his counsel.)

Mr. TODD. Perhaps I could say 10 or more years. At least 10 years.

Mr. ARENS. Are you now a Communist?

(The witness confers with his counsel.)

Mr. TODD. Again I respectfully decline to answer that question based upon the rights, privileges, and immunities afforded to me by the 1st, 4th, 5th, 9th, and 10th amendments to the Constitution of the United States.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Any questions, Mr. Scherer?

Mr. SCHERER. No questions.

Mr. DOYLE. Thank you, Witness. No questions. You are excused. Thank you, Counsel.

Mr. ARENS. Mrs. Valerie Lee Taylor.

Mr. DOYLE. Mrs. Taylor, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. TAYLOR. I do.

Mr. DOYLE. Thank you. Will you take the witness chair?

**TESTIMONY OF MRS. VALERIE (LEE) TAYLOR, ACCOMPANIED BY
COUNSEL, FRANK H. POZZI AND BERKELEY LENT**

Mr. ARENS. Kindly identify yourself, by name, residence, and occupation.

Mrs. TAYLOR. May I request no pictures, please.

Mr. DOYLE. Very well. I am sure the press will cooperate as they have always up here.

Mrs. TAYLOR. My name is Valerie Taylor and I live at North Bend, Oregon. And I am a housewife.

Mr. ARENS. Mrs. Taylor, are you a Communist?

Mrs. TAYLOR. Mr. Chairman, I respectfully decline to answer that question based upon the rights, privileges and immunities afforded to me by the 1st, 4th, 5th, 9th, and 10th amendments to the Constitution of the United States.

Mr. ARENS. Mrs. Taylor, Mrs. Hartle, Barbara Hartle, this morning—in her previous testimony. I beg your pardon. It was not in this morning's testimony—in her previous testimony before the Committee on Un-American Activities, identified you as a Communist.

Was she lying or was she telling the truth?

(The witness confers with her counsel.)

Mrs. TAYLOR. I would like to decline that question on the grounds previously stated.

Mr. ARENS. Now we want to display to you two exhibits of the Committee for Protection of Oregon's Foreign Born, in which you are identified as a sponsor of that organization.

These exhibits are copies of letterheads and other documents issued by that committee calling for the repeal of the Walter-McCarran law, calling for people to act before it is too late on certain cases of deportation of Communists. Kindly look at those documents and tell this committee while you are under oath whether or not you are identified in the capacity specified in those documents, with that organization.

(See exhibit Nos. 635 and 636, appendix, pp. 8229, 8230.)

(The witness confers with her counsel and examines document.)

Mrs. TAYLOR. I decline to answer the question on the previous grounds stated.

Mr. ARENS. Now we display to you a copy of the Communist Daily People's World, of Friday, April 17, 1953, with reference to the support of a movement to get executive clemency for the Rosenbergs. According to this article, this drive is coupled with the drive to repeal the McCarran-Walter Act, and other activities in which Mrs. Valerie Taylor is president.

Kindly look at this article and tell this committee while you are under oath whether you are accurately described in that enterprise.

(Document marked "Exhibit No. 641," see appendix, pp. 8233, 8234.)

(The witness confers with her counsel and examines document.)

Mrs. TAYLOR. I decline to answer on the grounds as previously stated.

Mr. ARENS. Now we have still another document we would like to display to you, an original document from the Washington Evening Star, in which a number of people are protesting to the then Attorney General, J. Howard McGrath, in 1951, about the jailing of certain people, including Abner Green, executive secretary of the Committee for Protection of Foreign Born. This document bears the signature of a number of people, including that Mrs. Valerie Taylor, president, ILWU, Federated Auxiliaries of Oregon.

Kindly look at that document and tell the committee whether or not you participated in that enterprise and whether or not you are accurately described.

(The witness confers with her counsel and examines document.)

Mrs. TAYLOR. I decline on the same grounds.

Mr. ARENS. Now we lay before you still another document, the Daily Worker of November 1953, in which an article appears entitled "134 notables hit move to ban Marxist school." It is with reference to the activities of the Government through the Subversive Activities Control Board under the Internal Security Act to investigate the Jefferson School of Social Science, a Communist controlled enterprise in New York City.

This article asserts that a number of people protested this, including Valerie Taylor. Mrs. Valerie Taylor. Kindly look at that document and tell this committee whether or not you are appropriately and accurately described there.

(Document marked "Exhibit No. 642," see appendix, pp. 8234, 8235.)

(The witness confers with her counsel.)

Mrs. TAYLOR. I decline to answer on the same grounds.

Mr. ARENS. Now we lay before you still another document from the Communist Daily Worker of January 1953: "150 women sign a plea for amnesty for the 11." Those are the 11 Communist traitors in New York City. It includes, according to this article in the Daily Worker, Valerie Lee Taylor. Kindly look at that document as it is displayed to you and tell this committee while you are under oath whether you are one of those persons who interceded on behalf of the 11 Communist traitors in New York City.

(See exhibit No. 639, appendix, p. 8232.)

(The witness confers with her counsel and examines document.)

Mrs. TAYLOR. I decline to answer on the same grounds.

Mr. ARENS. Do you know Homer L. Owen?

Mrs. TAYLOR. I decline to answer on the same grounds previously stated.

Mr. ARENS. Homer L. Owen back in 1954 took an oath before this committee and testified that while he was a member of the Communist conspiracy he knew you as a Communist. Was he lying or was he telling the truth?

(The witness confers with her counsel.)

Mrs. TAYLOR. I decline to answer on the grounds as previously stated.

Mr. ARENS. Are you this moment a member of the Communist Party?

(The witness confers with her counsel.)

Mrs. TAYLOR. I decline to answer that question on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer.

Mr. SCHERER. I have no questions.

Mr. ARENS. The next witness, if you please——

Mr. DOYLE. May I just take a minute, Mrs. Taylor. I would like to call attention in the record to the fact that on December 4th I wired the Department of Justice in Washington and asked them to tell me how many cases had been prosecuted, finally, under the Smith Act, since 1953. And I just want to read a portion of this answer which I received by wire.

Hon. CLYDE DOYLE.

Subcommittee, House Un-American Activities Committee:

Following statistics on Internal Security prosecutions covering period 1953 to date, furnished pursuant to your telegraphic request:

I want the record to show clearly, Mr. Reporter, the answer.

Advocating overthrow of United States Government in violation of Smith Act, 72 convictions, 10 acquittals, 10 cases pending involving 30 defendants. Seditious conspiracy 27 convictions, one acquittal.

That is the element of concern that we have as a committee to inform Congress about, the extent to which the Communists in this area, or the Communist Party, are undertaking to defeat the very internal security legislation that makes it possible to succeed in convicting these persons who do advocate overthrow of the United States Government in violation of the Internal Security Regulations.

Mrs. Taylor, I don't know whether you are a mother of any children or not. I am not going to ask you. It is not pertinent to this examination, but may I just observe as a parent I do hope that there are no children in your home, or any children under your control or influence that are being raised to be future Communist conspirators and subversive persons in our country.

I just hope that that is not occurring. I am not inferring anything. I am just talking plainly to you as an American Congressman. As a leader in your community.

The witness is excused and thank you, Counsel.

Mr. Pozzi. Thank you.

Mr. ARENS. Mr. Vincent Howard, kindly come forward.

Mr. SCHERER. Before we call the next witness, Mr. Chairman, has Victor Todd left the room?

Mr. LENT. He is still here.

Mr. SCHERER. I would like to ask him some questions.

Mr. Pozzi. Pardon me.

Mr. SCHERER. That is all right. Go ahead with this next witness.

Mr. ARENS. Mr. Vincent Howard.

Mr. HOWARD. I am here without counsel. I will have counsel in the morning at 9 o'clock for sure.

Mr. DOYLE. Thank you. Then you will return without fail, Mr. Howard, at 9 o'clock with counsel?

Mr. HOWARD. Yes.

Mr. DOYLE. Thank you. You are excused until 9 o'clock tomorrow morning.

Mr. ARENS. Clayton VanLydegraf.

Mr. VANLYDEGRAF. Mr. Chairman, I do not see my counsel at present.

Mr. ARENS. Do you know his name?

Mr. VANLYDEGRAF. Here he is. He is here.

Mr. ARENS. Please remain standing while the chairman administers an oath to you.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VANLYDEGRAF. I do.

TESTIMONY OF CLAYTON VANLYDEGRAF, ACCOMPANIED BY COUNSEL, JOHN M. RUPP

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. VANLYDEGRAF. My name is Clayton VanLydegraf. I live in Bellingham, Wash.

Mr. ARENS. It is difficult to hear you. Would you say that again, please, sir?

Mr. VANLYDEGRAF. My name is Clayton VanLydegraf. I live in Bellingham, Wash.

Mr. ARENS. And we didn't get your occupation.

Mr. VANLYDEGRAF. I did not give my occupation.

Mr. ARENS. Give it, please.

Mr. VANLYDEGRAF. I decline to give my occupation on the grounds of my constitutional rights under the 1st amendment, 4th and 5th amendments, the 9th and 10th amendments, and also my rights under the enabling act in the constitution of the State of Washington.

Mr. ARENS. Are you engaged in some criminal activity in your occupation?

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

Mr. ARENS. How long have you been engaged in your present occupation?

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

Mr. ARENS. Where are you engaged in your present occupation?

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

Mr. ARENS. In what State are you engaged in your present occupation?

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

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question as to which State he is engaged in his occupation.

Mr. DOYLE. Yes. Of course. I direct you, Witness, to answer that question. It is a reasonable question. We believe it a pertinent and appropriate question to ask you.

Mr. VANLYDEGRAF. On advice of counsel, I will answer this question: in the State of Washington.

Mr. ARENS. Now, in what city are you engaged in your occupation? (The witness confers with his counsel.)

Mr. VANLYDEGRAF. I decline to answer that on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

Mr. DOYLE. I direct you, Witness, to answer the question.

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

Mr. ARENS. How long have you been engaged in your present occupation?

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

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer how long he was engaged in his present occupation.

Mr. DOYLE. I order and direct you to answer that last question.

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

Mr. ARENS. What was your occupation immediately preceding your present occupation?

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

Mr. ARENS. And what was your occupation immediately preceding that occupation?

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

Mr. ARENS. Have you been engaged in any occupation during your adult life, vocation, livelihood, that you can tell us about without giving information that could be used against you in a criminal proceeding?

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

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

Mr. DOYLE. Yes, Witness, I order and direct you to answer that question.

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

Mr. ARENS. Do you know a lady by the name of Barbara Hartle?

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

Mr. ARENS. This lady, Barbara Hartle, this morning took an oath and said she knew you as a Communist. In fact, she said she knew you as a person who was in the Communist underground conspiratorial apparatus. Was she lying or was she telling the truth?

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

Mr. ARENS. We would like to display to you a document entitled: "Coalition for Freedom and Democracy. A Report of the Washington State Committee of the Communist Party, November 1955."

(See exhibit No. 614, appendix, pp. 8186-8203.)

Were you part of this coalition for freedom and democracy?

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

Mr. ARENS. You certainly wouldn't be ashamed of being in a coalition for freedom and democracy, would you?

Mr. VANLYDEGRAF. I decline to——

Mr. ARENS. Unless it was a false freedom and false democracy under the auspices of a conspiratorial apparatus?

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

Mr. ARENS. Look at this document, Coalition for Freedom and Democracy, a Report of the Washington State Committee of the

Communist Party for November 1955, in which I see set forth here the program of the Communist Party of this State, to subvert and undermine the Smith Act, the Internal Security Act, the Immigration and Nationality Act, the Communist Control Act, and other anti-Communist legislation. Look at that document and first of all tell us whether or not you have ever seen that document before.

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

Mr. ARENS. I put it to you as a fact, sir, that you were head of the Communist Party here when that document was prepared and circulated in secret among the comrades.

Deny it while you are under oath, would you, please, if it isn't true?

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

Mr. ARENS. Kindly tell this committee, while you are under oath, sir, the relationship between the Oregon State Committee for Protection of Foreign Born and the Communist conspiracy?

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

Mr. ARENS. Kindly tell this committee the relationship between the Communist conspiratorial apparatus, and the Washington State Committee for Protection of Foreign Born.

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

Mr. ARENS. We want to display to you certain documents.

In this, the Communist Daily Worker of May 26, 1938, there is an article: "Oregon Delegates Hail Victory Over Martin." This was before the passage of the Smith Act.

There are photographs here of three people. "Three from the Coast." Delegates to the national Communist convention. Curiously enough, there is a photograph that looks remarkably like your own. Indeed, underneath this photograph appears the name Clayton VanLydegraf.

The article proceeds as follows:

Back on the Oregon Trail from the woods and the ships and the ranches of the Pacific Northwest seven Communist Party delegates rolled in for the 10th national convention yesterday.

They tell about a number of people who have come in from the trails out here to this Communist Party convention, including one Clayton VanLydegraf.

Look at that article and photograph and tell this committee if you are accurately and truthfully described there as one of the comrades in this conspiratorial apparatus.

(The witness examines document.)

(Document marked "Exhibit No. 643," see appendix, pp. 8236, 8237.)

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

Mr. DOYLE. Was that in 1938, Mr. Arens?

Mr. ARENS. Yes, sir.

Mr. DOYLE. That is a long time to be in a conspiracy.

Mr. ARENS. We have still another publication in which a certain man informs on himself. An application filed with the secretary of state of Washington to get the Communist Party candidates on the ballot here, in July 9, 1946.

(Document marked "Exhibit No. 644," see appendix, pp. 8238-8242.)

It bears the signature of a number of people. Curiously enough we see the name Clayton Van Lydegraf, 1316 West Kenyon Street, Seattle, Wash. And his occupation in 1946 was Communist Party

official, which I am sure as you know, in Communist Party lingo, means a Communist Party functionary.

Kindly look at that document and see if that refreshes your recollection with reference to your vocation in 1946.

(The witness examines document.)

Mr. VANLYDEGRAF. I decline to answer on the same grounds, and with particular reference to article 4 of the Enabling Act establishing—creating—the provisions for the State of Washington into the Union, adopted by Congress in 1889.

Mr. ARENS. Now I apologize to counsel. You are represented by counsel today?

Mr. VANLYDEGRAF. I am.

Mr. ARENS. Counsel, I am sorry I didn't recognize you sooner. Would you kindly identify yourself?

Mr. RUPP. Certainly, Mr. Arens. Again, I am John Rupp, president of the Seattle Bar Association, appearing by appointment as I think I stated at the outset of the hearing.

Mr. SCHERER. Again I think we should say the committee appreciates Mr. Rupp and the other members of the Seattle bar for serving in this capacity and doing it so well and so ably.

Mr. DOYLE. We certainly do.

Mr. ARENS. Where were you born, Mr. VanLydegraf?

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. I was born in Salem, Oreg.

Mr. ARENS. And a word about your education.

(The witness confers with his counsel.)

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

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

Mr. DOYLE. Yes, I direct you, Witness, to answer that question. How could you possibly be prosecuted for telling us what your schooling has been?

Mr. ARENS. We are not asking about your professorial activities. We want to ask about your own training.

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. Upon advice of counsel, I attended grade school in Wisconsin and in Oregon, in Albany and in Eugene.

Mr. ARENS. And did you attend high school?

Mr. VANLYDEGRAF. Yes.

Mr. ARENS. And where was that?

Mr. VANLYDEGRAF. In Eugene, Oreg.

Mr. ARENS. And did you graduate from high school?

Mr. VANLYDEGRAF. I did.

Mr. ARENS. And when was that?

Mr. VANLYDEGRAF. I think the year was 1932.

Mr. ARENS. And did you pursue your education further?

Mr. VANLYDEGRAF. I decline to answer that question on the same grounds as before.

Mr. ARENS. Did you attend college?

Mr. VANLYDEGRAF. I decline to answer that question on the same grounds as before.

Mr. ARENS. Have you ever traveled outside the United States?

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. I decline to answer that question on the same grounds as before.

Mr. ARENS. What was your first job after you completed your formal education?

Mr. VANLYDEGRAF. I decline to answer that question on the same ground as before.

Mr. ARENS. I want you to help us on this. We only have high school education thus far recorded. It is our information that you have been engaged in a professorial work yourself as a teacher and instructor. Generally that type of work is reserved for those who have had higher education. Can you tell us about some of your professorial activities?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. You were a teacher at a Communist leaders' school, were you not, here in Seattle?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Do you know Eugene Dennett?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Eugene Dennett said he knew you as a functionary in Seattle. That means a full-time member of the conspiracy in Seattle, of the Communist Party. Was Dennett lying or was he telling the truth?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Mrs. Elizabeth Boggs Cohen, who, herself was a former functionary of the Communist Party in Seattle, identified you as a member of the conspiratorial apparatus. Was she lying or was she telling the truth?

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

Mr. ARENS. Do you know Harold W. Sunoo?

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

Mr. ARENS. Mr. Sunoo told this committee while he was under oath about your teaching Communist strategy and Communist tactics of the underground apparatus here in Washington. Was Sunoo telling the truth?

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

Mr. ARENS. Have you ever transmitted to a person, not authorized to receive the same, security or restricted information?

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

Mr. ARENS. In other words, have you ever engaged in espionage?

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

Mr. ARENS. Have you ever taught sabotage?

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

Mr. ARENS. Have you ever been trained in the Lenin School in Moscow?

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

Mr. ARENS. Now, Mr. Karley Larsen, former member of the Communist conspiratorial apparatus who broke away, identified you with reference to some of your conspiratorial activities before the committee while he, Mr. Larsen, was under oath.

Was he lying or was he telling the truth?

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

Mr. ARENS. Are you this minute a member of the Communist conspiracy?

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

Mr. ARENS. What has been your connection with the Huks in the Philippines?

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

Mr. ARENS. It has been the information of this committee you were one of the conspirators over there that led the Huks in the bloody uprising in which innocent blood was flowing like water. Can you deny it while you are under oath?

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. I deny it on the same grounds.

Mr. ARENS. You say you deny it?

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

Mr. ARENS. Do you deny that you have been connected with the Huk uprising in the Philippines?

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

Mr. ARENS. Have you been taught the art of garroting?

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

Mr. ARENS. I put it to you as a fact, sir, and ask you while you are under oath to affirm or deny the fact that you are an expert in the Communist underground conspiratorial apparatus and in garroting?

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

Mr. ARENS. Have you ever taken an oath of allegiance to support and defend the flag of the United States of America?

(The witness confers with his counsel.)

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

Mr. ARENS. Have you ever——

Mr. DOYLE. Counsel, I am going to instruct this witness to answer that question. I don't see how answering whether or not he took an oath to support the Stars and Stripes can tend to incriminate him.

Mr. SCHERER. I don't see how it could.

Mr. DOYLE. I instruct you to answer that question. What are you ashamed of? How in God's name could you possibly be incriminated if you did take the oath?

Mr. SCHERER. Because he obviously violated it.

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. Upon advice of counsel, having suggested that I answer this question, and I will answer it "Yes."

Mr. ARENS. And under what occasion did you take an oath to support and defend the flag of the United States?

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. Counsel suggests that I ask you to clarify that question as to the content of the oath that you have in mind.

Mr. ARENS. When did you ever take a pledge to support the flag of the United States or Constitution of the United States?

Mr. VANLYDEGRAF. That is one question or two.

Mr. ARENS. Yes. If you have taken 2 oaths, tell us about 2 of them. If you have taken 3, tell us about 3 of them.

Mr. VANLYDEGRAF. I answered the question——

Mr. ARENS. You said Yes, you had.

Mr. VANLYDEGRAF. I answered the question, having in mind affirming the fact that I, upon at least one occasion took an oath to uphold the Constitution of the United States.

Mr. ARENS. Where and when?

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. I took such oath as a part of my service in the United States Army.

Mr. ARENS. Where and when?

Mr. VANLYDEGRAF. I took the oath in Seattle, Wash.

Mr. ARENS. When?

Mr. VANLYDEGRAF. In 1942.

Mr. ARENS. And were you inducted in the Armed Forces?

Mr. VANLYDEGRAF. I was.

Mr. ARENS. And in what branch did you serve?

Mr. VANLYDEGRAF. In the Air Force.

Mr. ARENS. Where did you serve?

Mr. VANLYDEGRAF. I served in various locations.

(The witness confers with his counsel.)

Mr. SCHERER. Witness, were you a member of the Communist conspiracy when you were inducted into the Army and took that oath?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. In what areas of the world did you serve, when you were inducted in the Air Force?

Mr. VANLYDEGRAF. I decline to answer on the same ground.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question. He knows he has to answer that question. If not he ought to be told.

Mr. DOYLE. How in the world your service under the flag of the United States could possibly incriminate you, I don't see. I instruct you and order you to answer that question.

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. Upon advice of counsel I will answer the question. I served in Seattle, Wash. I served in San Antonio, Tex. I served in Waco, Tex. I served in Arkansas. I served in Michigan. While stationed in Michigan I served in all but—I served in the State of New York, I served in the State of Ohio. I served in the State of Minnesota. I served in the State of Wisconsin. I served in the State of Florida. I served in the State of North Carolina. I served in the State of South Carolina. I served in Washington, D. C. I served in Delaware. I served in California. I served in Arizona. I served in New Mexico. I served in Montana. I served in Kansas. I served in Missouri. I served in Kentucky. I served in Tennessee. I served in Alabama. I served in Mississippi. I served in Louisiana. I served in other States as well.

There may have been 3 or 4 in which I did not serve during this period.

Mr. ARENS. And in what capacity?

Mr. VANLYDEGRAF. I served as a private. I served as an aviation cadet and I served as a law attendant.

Mr. ARENS. And in what branch of the Air Force did you serve?

Mr. VANLYDEGRAF. I served in the Air Transport Command.

Mr. ARENS. And did you serve any place overseas?

Mr. VANLYDEGRAF. I did.

Mr. ARENS. And where did you serve overseas?

Mr. VANLYDEGRAF. I served in Morocco. I served in Egypt. I served in India. I served in China. And I served over Burma.

Mr. ARENS. Are those the only places you served?

Mr. VANLYDEGRAF. I also served in Labrador, in Greenland, in Iceland, and in Scotland.

Mr. ARENS. Is there any other place else you served?

Mr. VANLYDEGRAF. That is all that I remember.

Mr. ARENS. Did you ever serve in the Philippines?

Mr. VANLYDEGRAF. As I said, that is all that I remember.

Mr. ARENS. Have you ever been in the Philippines?

Mr. VANLYDEGRAF. I decline to answer that question on the same grounds as before.

Mr. ARENS. During the course of your service in the United States Army, were you under discipline of a conspiratorial apparatus controlled by a foreign government?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. During your service in the United States Army, did you pass security or confidential information to any person not authorized by law to receive the same?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. DOYLE. Mr. Arens, I instruct this witness to answer. In view of the fact that he took the pledge of allegiance to the flag of the United States, according to his own testimony on at least two occasions, I think it is a very pertinent question.

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

Mr. ARENS. Did you receive an honorable discharge?

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

Mr. ARENS. Mr. Chairman, I respectfully suggest this witness be ordered and directed to answer that question.

Mr. DOYLE. Of course. I direct the witness to answer that question.

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. What was the nature of your discharge?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Was your separation from the service voluntary or involuntary?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. When did you return to the United States from your last sojourn abroad with the Armed Forces of this Nation, whose flag you are sworn to protect?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. I respectfully suggest Mr. Chairman, that witness be ordered and directed to answer that question.

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. Upon advice of counsel, I will answer that I returned in the spring of 1945.

Mr. ARENS. And from whence did you return to the United States?

Mr. VANLYDEGRAF. From India.

Mr. ARENS. And have you left continental United States since then?

Mr. VANLYDEGRAF. I decline to answer that question on the same grounds as before.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. I direct you to answer that question.

Mr. VANLYDEGRAF. I decline on the same grounds as before.

Mr. ARENS. What is garroting? See if you can just help this committee trying to protect this same flag you swore to uphold. What is garroting?

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

Mr. ARENS. You know what garroting is, don't you?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Have you ever garroted anybody?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Have you received any military training in the use of firearms or in the use of deadly weapons other than the military training which you received by the Government of the United States?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. I put it to you as a fact, sir, that you have so received such training by the underground conspiratorial apparatus of the Communist Party. Deny it while you are under oath if it isn't true.

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. How many people have you killed in the course of your career in the Philippines?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. I put to you as a fact, sir, that you were trained in the underground school to garrot for the International Communist conspiracy. Now deny that while you are under oath.

(The witness confers with his counsel.)

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Now, tell us in view of your background which we have been covering, about some of your activities for the uplift of this community. Let us start with the Oregon Committee for Protection of Foreign Born. Tell us some of your activities in that regard to protect the foreign born.

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

Mr. ARENS. You certainly are not ashamed as one who has sworn to defend this great Republic to state what you have done to protect the helpless foreign born, would you? Unless they happened to likewise be Communist conspirators?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Now tell us what you have done in this community and elsewhere to protect this Nation, this flag you are sworn to uphold, by

advocating proposed amendments to the Smith Act. Can you tell us about that?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Now tell us what you have done to defend this flag of yours and of mine—

Mr. SCHERER. Not of his.

Mr. ARENS. With respect to the Internal Security Act of this Nation.

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Have you changed your position with reference to Comrade Stalin since Khrushchev told the world he wasn't quite the man everyone thought he was? Have you changed your position with reference to Comrade Stalin?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as before.

Mr. ARENS. Who was right, Khrushchev or Stalin?

Mr. VANLYDEGRAF. I see no legislative purpose in such a question, and I continue to decline on the same grounds as before.

Mr. Chairman, may I have a glass of water? This is going along for some length of time.

Mr. ARENS. Certainly.

Mr. VANLYDEGRAF. And I am getting a little dry.

Mr. DOYLE. Under Public Law 601, Witness, a legislative purpose assigned to this committee is to investigate the extent to which the Communist conspiracy comes from a foreign country and infiltrates our constitutional Government, or tries to.

Mr. ARENS. What was the last question, Mr. Reporter?

(The record was read by the reporter as requested)

Mr. ARENS. What is your position with reference to the atrocities being committed against the innocent people of Hungary by the leaders of this conspiratorial apparatus?

Mr. VANLYDEGRAF. I decline to answer on the same grounds as previously given.

Mr. ARENS. Have you formed any committee for the protection of the Hungarians?

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

Mr. ARENS. Now tell us what you have done to protect the flag of this country by your activities in connection with congressional investigating committees. Have you had some enterprises on in respect to, say, the House Committee on Un-American Activities?

Mr. VANLYDEGRAF. I will refrain from commenting on the present occasion on the same grounds as before.

Mr. ARENS. Go right ahead, we want you to exercise the rights you have under that flag to free speech. Just do it now while you are under oath. Tell us what you have done with reference to the House Committee on Un-American Activities.

Mr. VANLYDEGRAF. I decline on the same grounds.

Mr. ARENS. Have you betrayed the flag that you were sworn to uphold?

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

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. It is unbelievable.

Mr. DOYLE. I have no questions. The witness is excused, Mr. Arens.

(The witness confers with his counsel.)

Mr. DOYLE. And thank you, Counsel. I want the record to show—

Mr. VANLYDEGRAF. Can I sign a voucher and so on?

Mr. DOYLE. Beg your pardon?

Mr. VANLYDEGRAF. Do I sign a voucher?

Mr. DOYLE. Yes.

Mr. ARENS. Yes, and Mr. Chairman, I respectfully suggest that if, as and when this witness signs a voucher that that part of the voucher bearing his signature be incorporated in the body of this record for obvious reasons.

(Document marked "Exhibit No. 645a," see appendix, p. 8243.)

Mr. DOYLE. May I have the record show this, please:

Under date of April 2, 1956, I received a letter from Mr. J. Edgar Hoover, United States Department of Justice, Federal Bureau of Investigation, Washington, D. C.

Hon. CLYDE DOYLE,

House of Representatives,

Washington, D. C.

My DEAR CONGRESSMAN—

I read only part of it because it is quite a long one.

The American people owe a great debt of gratitude to the work over the years of congressional investigating committees. These committees, day after day, secure information vitally needed in the consideration of new legislation. They are indeed indispensable parts of the American legislative process.

Congressional investigating committees, moreover, time after time have brought to the attention of the Nation conditions of fraud, dishonesty and subversion. This function of awakening public opinion is of the greatest importance in our democratic life—a service not within the province of regularly constituted investigative agencies. Congressional investigating committees, by the very nature of the broad powers vested in them, are enabled to search out the facts and make them available to the citizenry.

End of quote.

(Pursuant to subsequent order of the chairman of the subcommittee, a news clipping from the Seattle Times dealing with VanLydegraf's endorsement of his veteran's bonus check to the Communist Party and a news clipping from the Los Angeles Times (see pp. 7019 and 7050 of testimony) are included in the appendix.

(Documents marked "Exhibit Nos. 645b and 646," see appendix, pp. 8244–8247.)

Mr. DOYLE. I am pleased to state for the benefit of the witnesses and counsel that the committee will not meet tomorrow morning until 10 a. m. instead of 9.

So the witnesses and counsel need not be here until 10 a. m. tomorrow instead of 9. And there will be no session tonight.

The people under subpoena here are directed to report back at 10 a. m. tomorrow instead of 9.

Mr. LENT. Mr. Chairman, in that connection, Mr. Scherer asked after Witness Todd had been excused if he would wait a few minutes for a question or two.

Mr. SCHERER. I have changed my mind.

Mr. DOYLE. Thanks very much, Counsel.

Mr. LENT. Thank you very much.

(Whereupon, at 5:20 p. m. Thursday, the committee was recessed, to reconvene at 10 a. m. Friday, December 14, 1956.)

STATEMENT OF THE PRESIDENT OF THE SEATTLE BAR ASSOCIATION TO THE COMMITTEE ON UN-AMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, DECEMBER 13, 1956

My name is John N. Rupp, and I appear here at this time in my capacity as president of the Seattle Bar Association.

There will be a number of Seattle attorneys appearing at this hearing in the capacity of counsel for certain of the witnesses, and I want the record to be clear as to the circumstances under which they will appear. Briefly put, they will be here because, as president of the Seattle Bar Association, I appointed them to represent the persons for whom they will act as counsel. I appointed them because I was informed that these several witnesses were without counsel and had no funds with which to employ counsel, and I was asked to appoint counsel for them. These attorneys will, of course, serve without pay and as a public duty, in conformity with the oath which each of them took when he became a member of the bar.

Since I would not ask any of my colleagues to undertake a task without undertaking a similar one myself, I shall appear later at this hearing representing at least one of the persons subpoenaed. The others whom I have appointed are: Charles Horowitz, the first vice president of the Seattle Bar Association; Chester C. Adair and David O. Hamlin, two of the trustees of the Association; David J. Williams, chairman of the association's civil rights committee; and Arthur Barnett, a member of that committee. If additional counsel are appointed, that fact will be made known to the committee.

In connection with this representation, and with the appearances of any lawyers before the committee, I should like to have the record contain a statement made over 2 years ago by the trustees of the association. It is published in 30 Washington Law Review 327-328, and it reads as follows:

"REPRESENTATION OF UNPOPULAR PERSONS OR CAUSES

"Be it resolved by the Board of Trustees of the Seattle Bar Association, on this 11th day of June, 1954, That certain of the fundamental principles underlying the representation by lawyers of unpopular persons and causes should be set forth at this time for the information and assistance of the public and the bar and that, therefore, the following statement should be issued and made public:

"Throughout the course of history lawyers have been frequently called upon to represent and defend persons and causes known to be unpopular. This has been particularly true in criminal matters, but it has been and is also true in other fields, including investigations and hearings conducted by the legislative department of government.

"The right of an accused person, or of a person called as a witness in a legislative investigation, to have legal counsel carries with it the right of the lawyer to represent and defend him in accordance with the ethical standards of the bar.

"Having undertaken any such representation, the lawyer has a duty to assert for his client every remedy or defense authorized by the law of the land. The duty of the lawyer is to be performed, however, only within the bounds of the law, and his office does not permit, nor demand of him, for any client, any violation of the law nor any manner of fraud nor improper conduct.

"The public and the bar should recognize the duties and responsibilities of the lawyer in such cases and should keep in mind that such representation, when performed in accordance with the applicable ethical standards, is lawful and proper and that it does not impute to the lawyer his client's views, character, deeds, or reputation."

There is an analogy to what we have done here. It is in the field of the criminal law. There, when a person is charged with crime and arraigned before the court, if he is without counsel and has no funds to enable him to employ an attorney, the court will appoint an attorney for him to serve without pay (or, in our State courts, for a small fee paid by the State). The duty to accept such appointments is a part of the obligation of every lawyer.

The proceedings before this committee are not, however, criminal proceedings, and the committee has no power to appoint counsel for witnesses summoned to appear before it. In the absence of that power, therefore, the Seattle Bar Association has undertaken the task of supplying counsel for indigent witnesses just as the courts, for centuries, have appointed counsel for indigent defendants.

The committee is, I think, also aware that there is a precedent for our action here. When the committee was here 2½ years ago, in June 1954, a similar situation was presented. To refresh our recollection I refer to the following pages of the printed record of the committee's hearing at that time on its Investigation of Communist Activities in the Pacific Northwest Area, pages 6336, 6337, 6379, 6380, 6516, 6517, and 6561-6564.

There the situation developed this way: A witness named Henrickson complained that he needed an attorney, that he did not have one and had no money to employ one. The chairman said that he would excuse the witness for the day and would ask the president of the Seattle Bar Association to obtain counsel for the witness. He did so, and the next morning Mr. Michael K. Copass, who was then president of the association and now is one of our superior court judges, appeared with the witness and stated that he had undertaken the representation himself.

Later on in the hearing Mr. Copass appointed Mr. Wayne C. Booth, who was then the association's first vice president and later became its president, to represent another indigent witness, and Mr. Booth did so.

Also, pursuant to an appointment made by Mr. Copass, Mr. Alfred J. Schweppe, who was later that year elected president of the Washington State Bar Association, appeared at the hearing representing the witness, John Caughlan.

All of these gentlemen served without compensation and in fulfillment of their obligations as members of the bar. A similar situation exists in the case of those who will appear before the committee at the present hearing.

I am proud to say that no one of those whom I have appointed hesitated for a moment in accepting the appointment, even though it was made on short notice and necessitated the cancellation of many appointments and a serious disruption of the busy practice of each of these gentlemen. I think that their conduct is in keeping with the very highest traditions of the bar, and I am happy to inform the committee of these facts, so that the committee and the public will understand them.

COMMUNIST POLITICAL SUBVERSION

FRIDAY, DECEMBER 14, 1956

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

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10:05 a. m., in the county commissioners assembly room, County-City Building, Seattle, Wash., Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle of California, and Gordon H. Scherer of Ohio.

Staff members present: Richard Arens, director; William A. Wheeler and Donald T. Appell, investigators; and Richard S. Weil, staff member.

(Committee members present at the time of convening: Representatives Doyle and Scherer.)

MR. DOYLE. Please may the committee come to order.

I want to cordially say again how very much the committee appreciates the very definite cooperation of everyone in the hearing room yesterday—we know we will have the same today—the cooperation with the large group here in the matter of keeping absolutely quiet and making no demonstration of either approbation or disapproval.

And we appreciate very much also, the definite cooperation of the legal counsel who have appeared with witnesses and have been so observant of the committee's rules. We also appreciate the cooperation of the witnesses.

May the record show that, again this morning, Congressman Scherer, of Ohio, and Congressman Doyle, of California, subcommittee chairman, are both present, of the subcommittee of three appointed by the full committee chairman, Francis E. Walter, and, therefore, a legal quorum of the subcommittee is present and qualified to proceed. In this connection may I make this statement for the information of those that do not know:

The House of Representatives in the last session unanimously adopted a resolution which became the governing rule of all House of Representatives investigative committees requiring at least two members of an investigative committee be present with a witness testifying under oath. That is a standing rule now of all investigative committees of the House of Representatives. We think it is a great advancement in the congressional procedure.

Now, if counsel and my distinguished colleague please, I thought it appropriate, in view of much mention yesterday of Civil Action File No. 4287, which was the case by John W. Caughlan, Marion Kinney, Louise Hatten, Cecelia Corr and Clara Paulson, as members of the Washington Committee for Protection of Foreign Born, against myself, Clyde Doyle, and Harold Velde and Gordon Scherer and Mr. Wheeler as a John Doe who was served—I thought it appropriate that we might, Mr. Scherer, include at this point the press release or press comment as to what the judge said because it appears to be a quote in the Seattle Post-Intelligencer for Friday, December 14, 1956. It is very brief. It is on page 8 thereof, and here is what the paper released as a quote:

Judge Bowen ruled—

this is the Federal judge, a very distinguished Federal judge.

"No court can limit the lawful actions of the legislative branch of the United States Government.

"There has been nothing shown to this court which leads the court to find there is anything invalid in the indicated desire of the legislative committee in question.

"The material sought (letters, documents and leaflets of the Washington Committee for Protection of the Foreign Born which Judge Bowen said were designed to obtain revision or repeal of the Smith, Internal Security, and Immigration and Nationality Acts) is well and clearly and unmistakably confined to matters within the jurisdiction, objectives and normal work of the Congress of the United States and of its congressional committees, here," he continued.

John Caughlan, attorney for the plaintiffs, asserted—here is another quote:

"Production of the material (before the House subcommittee) will immediately result in termination of the activities of the Washington Committee for Protection of the Foreign Born.

"If Mrs. Kinney (Marion Kinney, a plaintiff and executive secretary of the WCPFB) declines to produce this material on the ground the committee is exceeding the scope of the committee or Congress, then she immediately is subject to the threat of criminal prosecution."

I thought, Mr. Scherer, it would be appropriate to read this and get this into the record at this point for the benefit of our colleagues in Congress.

Mr. SCHERER. That last part that you read, as I understand it, you were quoting Caughlan.

Mr. DOYLE. I was quoting the quote as reported by this distinguished newspaper, the Seattle Post-Intelligencer. And they quote the attorney, John Caughlan, for the plaintiff as making these two declarations in Federal court yesterday morning about 9 o'clock.

And I think, therefore, it might be interesting to us—it certainly is to me—to observe the difference of opinion between some of these witnesses and the distinguished Federal judge where the question is raised by witnesses that this committee is exceeding its jurisdiction.

There is one other point I want to make for the record. In this copy of this complaint, which was served on Mr. Wheeler yesterday, as to which Mrs. Kinney testified she signed a similar document, there is an allegation there that you and I, Mr. Scherer, as I recall it, are residents of Seattle, Wash. Now, of course, that is a most untrue allegation.

Mr. SCHERER. I don't think it says that.

Mr. DOYLE. Yes, I think so. I remember reading it yesterday.

If I am not incorrect, there is an allegation here that you and I are residents, which, of course, was known to be untrue, manifestly, because it is well known by paper publication and so forth that we are only here 2 days in these hearings.

I think it is on page 3 or 4.

How much bad faith can you plead in a complaint in order to try to get jurisdiction?

Are you ready, Mr. Arens?

Mr. ARENS. Yes.

Mr. SCHERER. Before we proceed you will recall that the last witness yesterday was Clayton VanLydegraf. This morning there was handed me an article from the Seattle Times of Friday, July 28, 1950.

The heading of the article is: "Red Party Gets Communist's Bonus." And then it shows a bonus check from the Washington State Veterans' organization in the amount of \$475, payable to Clayton VanLydegraf. It is his bonus check from the treasurer of the State of Washington. And it also shows the endorsement of that check by VanLydegraf to the Communist Party of the State of Washington.

I think I should read at least part of that article. It says, and it was written by Ed Guthman of the Seattle Times:

VanLydegraf is the No. 2 Communist leader in the State, second only to Henry Huff, the party's State organizer.

VanLydegraf told a University of Washington faculty investigating committee in 1948 that he probably would resign his Air Force commission in event of war with Russia. His commission expired in 1948 and has not been renewed.

VanLydegraf told the committee he has been a Communist since 1933 and State Communist secretary the past 3 years.

Mr. Chairman, I ask that the entire article from the Seattle Times be made a part of the record at the conclusion of VanLydegraf's testimony yesterday.

Mr. DOYLE. The order will be made.

(See exhibit 645b, appendix, p. 8244.)

Mr. SCHERER. Yes, the check was endorsed to the State Communist Party Defense Committee, and the committee was organized to collect funds for the defense of the 11 Communist leaders convicted in New York for conspiring to teach the forceful overthrow of the United States Government. And the article says that in another paragraph. That is what his bonus check went for.

Mr. DOYLE. Anything further, Mr. Scherer?

Mr. SCHERER. No.

Mr. ARENS. Louise Hatten, kindly come forward. H-a-t-t-e-n.

Mr. DOYLE. Please raise your right hand.

Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HATTEN. I do.

Mr. DOYLE. Please take the witness chair.

TESTIMONY OF MRS. LOUISE HATTEN, ACCOMPANIED BY COUNSEL, ARTHUR G. BARNETT

Mrs. HATTEN. Could I request that I not be televised and no pictures taken?

Mr. BARNETT. Mr. Chairman, the witness asked that she not be televised.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. DOYLE. The press will observe, please.

Mrs. HATTEN. I am Louise Hatten, 1815 18th. I am a housewife.

Mr. ARENS. You are appearing today, Mrs. Hatten, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. HATTEN. Yes, I am.

Mr. ARENS. And you are represented by counsel?

Mrs. HATTEN. Yes.

Mr. ARENS. Counsel, would you kindly identify yourself.

Mr. BARNETT. I identify myself as Arthur G. Barnett, attorney, 1304 Northern Life Tower, assigned by the Seattle Bar Committee on Civil Rights to represent this witness.

Mr. ARENS. Mrs. Hatten, what was your maiden name, please?

(The witness confers with her counsel.)

Mrs. HATTEN. Seifried.

Mr. ARENS. Would you spell that?

Mrs. HATTEN. S-e-i-f-r-i-e-d.

Mr. ARENS. Where were you born?

(The witness confers with her counsel.)

Mrs. HATTEN. Cheyenne, Wyo.

Mr. ARENS. And give us a word, please, about your education.

(The witness confers with her counsel.)

Mrs. HATTEN. I have a bachelor's degree from the University of Washington, and master's degree from the University of Pennsylvania.

Mr. ARENS. What is your Pennsylvania master's degree in, please?

Mrs. HATTEN. Social work.

Mr. ARENS. Could you get a little closer to the microphone. Pull your chair up a little bit. I have difficulty hearing you.

When did you receive your master's degree?

Mrs. HATTEN. 1948.

Mr. ARENS. Now tell us, if you please, what was your first occupation after you received your master's degree?

Mrs. HATTEN. Social worker.

Mr. ARENS. Where?

(The witness confers with her counsel.)

Mrs. HATTEN. My first job after I graduated was in Arlington, Va., with the Children's Home Society of Virginia.

Mr. ARENS. How long were you employed there?

Mrs. HATTEN. For 2 years.

Mr. ARENS. And then tell us what was your next employment and where you were employed.

(The witness confers with her counsel.)

Mrs. HATTEN. From there I went to a job in Seattle with the Washington Children's Home Society.

Mr. ARENS. What year was that?

Mrs. HATTEN. 1950.

Mr. ARENS. And how long did you occupy that job?

(The witness confers with her counsel.)

Mr. BARNETT. The witness, Your Honor, is objecting to photographers still taking pictures after she has been sworn.

We would like the record to show this is in contempt of this committee and her rights.

A PHOTOGRAPHER. Her request was TV only.

Mr. BARNETT. No. Both.

Mr. DOYLE. Where is any photographer engaged in taking pictures?

A PHOTOGRAPHER. There is no picture being made here.

Mr. BARNETT. At this time, Mr. Chairman, I made the same request yesterday, and we both thanked the press. And this morning pictures appeared in the Seattle Post-Intelligencer, and the record should show that the Post-Intelligencer ignored it.

I don't know what can be done about it, but I would like that mild reproof for the sake of accuracy.

Mr. SCHERER. Do you claim the pictures that appeared in the papers were taken while the witness was on the stand?

Mr. BARNETT. That is what we claim.

And, despite our request yesterday on Myrna Anderson, it is in the front page of the Post-Intelligencer this morning.

Mr. SCHERER. Were they taken before she was sworn?

Mr. BARNETT. I preceded the witness and made the request before she came forward.

Mr. DOYLE. Well, that may be, Counsel. But if that picture was taken before she was sworn it was perfectly proper.

A PHOTOGRAPHER. It was made before she was sworn.

Mr. DOYLE. It is a fact that you made the request before she was sworn, and now here is the representative of that paper who says to us audibly right here in your presence, and mine, that that picture was taken before she was sworn.

Mr. BARNETT. I am referring at this point to Myrna Anderson.

Mr. DOYLE. That is what he is referring to.

So let's proceed, please.

Mr. ARENS. The last question outstanding on this record is how long were you employed in this children's home in Seattle.

Mrs. HATTEN. Five years.

Mr. ARENS. Beginning when and ending when, please?

Mrs. HATTEN. Beginning 1950; ending 1955.

Mr. ARENS. And then your next employment, please?

Mrs. HATTEN. That was the end of my employment.

Mr. ARENS. Are you a member of the Communist Party?

(The witness confers with her counsel.)

Mrs. HATTEN. I decline to answer that question on the basis of my rights under the fifth amendment.

Mr. ARENS. We display to you now, if you please, the signature card and resolutions of authority, etc., on the Pacific National Bank of Seattle for the Washington Committee for Protection of Foreign Born, on which appears the signature of Louise Hatten as one of the officers of that organization. The date is 1954, December.

Kindly look at these documents as they are being displayed to you and see if you would be good enough to verify their authenticity.

(Document marked "Exhibit No. 647a, b," see appendix, pp. 8248, 8249.)

(The witness examines documents and confers with her counsel.)

Mrs. HATTEN. I decline to answer that question also on the basis of my rights under the fifth amendment.

Mr. ARENS. Now we display to you two checks drawn and stamped by the Washington State Committee for Protection of Foreign Born,

signed by Marian Kinney and Louise Hatten. One is dated September 1956, and the other is in August of 1956.

Kindly look at those checks and see if you won't be good enough to verify the authenticity of your signature.

Mr. ARENS. And while she is doing that, Mr. Chairman, I respectfully suggest that if, as and when this witness signs a voucher for her per diem, that part of the voucher bearing her signature be incorporated in the body of the record.

(Documents marked "Exhibit Nos. 648a-c," see appendix, pp. 8250-8252.)

Mr. DOYLE. The order is made.

(The witness examines documents and confers with her counsel.)

Mrs. HATTEN. I refuse to answer again on the same grounds.

Mr. ARENS. Have you ever been a member of an organization that bore the name of Queen Anne?

(The witness confers with her counsel.)

Mrs. HATTEN. I refuse to answer on the same grounds.

Mr. ARENS. You were the recording secretary of the Queen Anne Branch of the Communist Political Association here in Seattle; were you not?

Mrs. HATTEN. I refuse to answer that on the same grounds.

Mr. ARENS. I put it to you as a fact that you were active in the Communist Party in Philadelphia, and ask you to affirm or deny that fact.

Mrs. HATTEN. I refuse to answer that also on the same grounds.

Mr. ARENS. Are you or have you been an officer of the Washington State Committee for Protection of Foreign Born?

Mrs. HATTEN. I refuse to answer that question on the same grounds.

Mr. ARENS. Do you know Lillian Clott, C-l-o-t-t?

Mrs. HATTEN. I decline to answer that question also on the grounds of the fifth amendment.

Mr. ARENS. What was the address at which you lived when you were working in Seattle?

(The witness confers with her counsel.)

Mrs. HATTEN. I decline to answer that also on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

Mr. DOYLE. I direct you to answer that question, Witness.

(The witness confers with her counsel.)

Mrs. HATTEN. I decline to answer that on the same grounds.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that in 1949 you were living with Lillian Clott, a Communist.

Mrs. HATTEN. I decline to answer that on the same grounds.

Mr. ARENS. Are you this minute a Communist?

Mrs. HATTEN. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Any questions, Mr. Scherer?

Mr. SCHERER. Yes; I have 1 or 2, Mr. Chairman.

Is it Mrs. Hatten?

Mrs. HATTEN. Yes.

Mr. SCHERER. Mrs. Hatten, since you requested the Seattle Bar Association to represent you at this hearing because you have no funds, I assume then that you did not pay the costs or the fees involved

in this suit which you filed against this committee 2 days ago.

Who paid those costs and fees?

(The witness confers with her counsel.)

Mrs. HATTEN. I don't know the answer to that question.

Mr. SCHERER. Well, do you know that money was advanced to the clerk of the Federal district court here so that the subpoenas could be served? Do you know that?

(The witness confers with her counsel.)

Mrs. HATTEN. I have heard that that is true.

Mr. SCHERER. Who advanced that money?

Mrs. HATTEN. Well, I don't know.

Mr. SCHERER. Who were your attorneys in this action?

(The witness confers with her counsel.)

Mrs. HATTEN. There were several attorneys involved in that, and I am not sure who they all were. Mr. Phil Burton—

Mr. SCHERER. Give us the names of those you know.

Mrs. HATTEN. Mr. Phil Burton, Philip Burton, was the chief counsel in that action.

Mr. SCHERER. What other attorneys that you know of participated in the filing of this action on your behalf?

(The witness confers with her counsel.)

Mrs. HATTEN. I know that I don't know all of them, but I know Mr. Sykes, Jay Sykes, Mr. John Caughlan, and Mr. Francis Hoague.

Mr. SCHERER. Your husband is a member of the Seattle bar. Was he one of counsel?

(The witness confers with her counsel.)

Mrs. HATTEN. No; he wasn't one of them.

Mr. SCHERER. Did you see this complaint before it was filed?

(The witness confers with her counsel.)

Mrs. HATTEN. No; I didn't, sir.

Mr. SCHERER. Did you know what the complaint contained?

(The witness confers with her counsel.)

Mrs. HATTEN. Yes; in general I know what is in it.

Mr. SCHERER. What part did the Communist Party have in the preparation of this complaint and the filing of this complaint?

(The witness confers with her counsel.)

Mrs. HATTEN. I decline to answer that question on the basis of the fifth amendment.

Mr. SCHERER. Do you know how many of the parties involved with you as plaintiffs in this action were actual members of the Communist Party?

Mrs. HATTEN. I decline to answer that question on the basis of the fifth amendment.

Mr. SCHERER. Did you know that at least one of the attorneys was a member of the Communist Party?

Mrs. HATTEN. Again I must decline to answer that question on the basis of the fifth amendment.

Mr. SCHERER. Now before we pass on to another matter, Mr. Chairman, I want to apologize to you because when you said that this complaint alleged that the three Members of the Congress who were parties defendants were residents of King County, Seattle, Wash., I questioned that. I didn't think they would have the gall to make that allegation in order to obtain jurisdiction.

But, in reading the petition, I find that you were right and I am wrong.

We were not even present in the State of Washington at the time this affidavit was made. Nor were we present, actually present, in the State of Washington at the time the suit was filed. And, of course, we are not residing in the State of Washington. That is obvious. We are here as visitors on assignment of the Congress of the United States.

So I apologize for questioning your statement this morning.

Mr. DOYLE. Well, you and I both have practiced law years before we first went to Congress, and we know that is bad faith with the court, to deliberately make a knowingly false and untrue allegation in order to get jurisdiction.

Mr. SCHERER. Well, if you will recall, the party plaintiff who actually signed this complaint was on the stand yesterday and took the fifth amendment when I asked her whether all the allegations in this petition or complaint were true. And there are others that I do not want to discuss at this time.

Mr. DOYLE. You and I in our years on this committee have learned we can expect most anything false and misrepresentative and untrue from any committee that is controlled by the Communist Party the way this American Committee for Protection of Foreign Born is throughout the United States so far as the evidence is concerned. We know that. But we can't overlook it just because they are in the habit of lying.

Mr. SCHERER. I have no further questions.

Mr. DOYLE. I have no questions.

You are excused, Witness, and counsel.

Thank you.

Mr. ARENS. Julia Ruuttila, R-u-u-t-t-i-l-a.

Mr. DOYLE. Will you please raise your right hand and be sworn.

Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. RUUTTILA. Yes, I do, so help me, God.

TESTIMONY OF MRS. JULIA RUUTTILA, ACCOMPANIED BY COUNSEL, FRANK H. POZZI AND BERKELEY LENT

Mr. ARENS. Kindly identify yourself by name, residence—

Mrs. RUUTTILA. May I request no pictures, no television, and no movies.

And please accept my apologies as a reporter for making this request.

Mr. DOYLE. The press always cooperates with such a request, and I am sure they will in this instance.

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

(The witness confers with her counsel.)

Mrs. RUUTTILA. My name is Julia Ruuttila.

Mr. ARENS. We can't hear you.

Mrs. RUUTTILA. My name is Julia Ruuttila.

Mr. ARENS. Please get a little closer to the microphone.

Mr. DOYLE. May the witness spell that name, Mr. Arens, please.

Mr. ARENS. Is it R-u-u-t-t-i-l-a?

Mrs. RUUTTILA. Yes, it is.

I have a bad case of pleurisy, and it is difficult for me to talk. I will do my best.

My name is Julia Ruuttila. I live in Astoria, Oreg. I am a housewife, and I do a little writing.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. RUUTTILA. Yes, I am.

Mr. ARENS. And you are represented by counsel?

Mrs. RUUTTILA. Yes, I am.

Mr. ARENS. Will counsel kindly identify yourselves.

Mr. Pozzi. F. H. Pozzi, Loyalty Building, Portland, Oreg.; B. Lent, Loyalty Building, Portland, Oreg.

Mr. ARENS. What was your maiden name, Mrs. Ruuttila?

(The witness confers with her counsel.)

Mrs. RUUTTILA. I respectfully decline to answer that question, based upon my rights, privileges, and immunities accorded to me by the first, fourth, fifth, ninth, and tenth amendments of the Constitution of the United States.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer the question as to what is her maiden name.

Mr. DOYLE. I direct you, Witness, to answer the question.

(The witness confers with her counsel.)

Mrs. RUUTTILA. I must decline to answer on the same grounds that I have stated.

Mr. ARENS. For whom do you do this writing? You said in your apologies to the press that you do a little writing and you are a reporter.

For whom do you report and for what publication do you write?

(The witness confers with her counsel.)

Mrs. RUUTTILA. I am a free-lance reporter, and the only thing that I am doing regularly at the present time is I send Oregon local ILWU news items to the official union newspaper, the Dispatcher.

Mr. SCHERER. I can't hear the witness.

Mrs. RUUTTILA. I am a free-lance reporter and writer, and the only thing that I am doing regularly at the present time is I send local ILWU news items from Oregon to the official union newspaper, the Dispatcher.

Mr. ARENS. Under what name do you write?

(The witness confers with her counsel.)

Mrs. RUUTTILA. I write for the Dispatcher under the name Kathleen Ruuttila.

Mr. ARENS. Spell that, please.

Mrs. RUUTTILA. K-a-t-h-l-e-e-n R-u-u-t-t-i-l-a.

Mr. ARENS. Have you ever used the non de plume Julia Eaton?

(The witness confers with her counsel.)

Mr. ARENS. You don't need to read that again. If you just want to invoke the fifth amendment, invoke it.

Mrs. RUUTTILA. I decline—

(The witness confers with her counsel.)

Mrs. RUUTTILA. I decline to answer on the basis of all the reasons I stated before.

Mr. ARENS. Do you honestly feel, young lady, that if you told this committee truthfully whether or not you write under the name of Julia Eaton you would be supplying information that could be used against you in a criminal proceeding?

(The witness confers with her counsel.)

Mrs. RUUTILA. I must decline to answer that for the reasons previously given.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

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

(The witness confers with her counsel.)

Mrs. RUUTILA. Will you repeat the question, please.

Mr. ARENS. Yes.

Do you honestly apprehend if you told this committee truthfully whether or not you write under the name or have written under the name of Julia Eaton you would be supplying information that might be used against you in a criminal proceeding?

(The witness confers with her counsel.)

Mrs. RUUTILA. Yes.

Mr. ARENS. Now for what other publications do you write besides the labor group that you have told about, this ILWU?

Mrs. RUUTILA. I have written a good deal of poetry for the Oregonian.

Mr. ARENS. I didn't get that. Say that again, please.

(The witness confers with her counsel.)

Mr. RUUTILA. I have written a good deal of poetry for the poetry page of the Oregonian.

Mr. ARENS. I respectfully suggest that counsel for the witness be admonished not to touch the witness, and to signal her in that respect, and to wait until the witness requests advice from counsel.

Now, ma'am, what other publications have you written for?

Mrs. RUUTILA. I have written a good deal of poetry for the poetry page of the Oregonian published in Portland, Oreg.

Mr. ARENS. What other publications?

(The witness confers with her counsel.)

Mrs. RUUTILA. I must decline to answer on the reasons previously stated.

Mr. ARENS. Now I want to lay before you a few exhibits. First of all, we have an exhibit from the Communist Daily People's World, Julia Eaton, whose articles have appeared in the Daily People's World under the byline Kathleen Cronin, was fired under a loyalty program over in Portland.

Look at this article and tell this committee now while you are under oath if it is not a fact that you are the same person, Kathleen Cronin and Julia Eaton and Julia Ruuttila.

(Document marked "Exhibit No. 649," see appendix, p. 8253.)

(The witness confers with her counsel and examines document.)

Mrs. RUUTILA. I must decline to answer on the same grounds.

Mr. ARENS. I put it to you as a fact, ma'am, that you are one and the same person as indicated in the Communist publication.

Now, we want to lay before you a copy of the Communist Daily People's World in which your photograph appears, in a striking likeness to your present appearance, in 1948. A photograph of Julia

Eaton, who, according to the articles, was discharged from the Oregon Public Welfare Commission.

Kindly look at that article and tell us if you won't be good enough to verify the authenticity of your photograph and of that designation of yourself.

(Document marked "Exhibit No. 650," see appendix, p. 8254.)

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. I must decline to answer on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

Mr. DOYLE. I direct you to answer that question, Witness.

(The witness confers with her counsel.)

Mrs. RUUTILA. I must decline to answer on the grounds previously stated.

Mr. ARENS. Were you fired because you criticized the Oregon Public Welfare Commission?

(The witness confers with her counsel.)

Mrs. RUUTILA. I received a letter from the commission, signed by Loa Howard, the administrator, firing me without notice and with no reasons being given.

Mr. ARENS. And under what name did this all transpire?

(The witness confers with her counsel.)

Mrs. RUUTILA. I must decline to answer on the reasons I have previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer this question.

Mr. DOYLE. I again direct you to answer that question, Witness.

(The witness confers with her counsel.)

Mrs. RUUTILA. I must decline to answer for the same reasons.

Mr. ARENS. I would like to display to you one of your creative efforts in the field of writing. It is in the Communist Daily People's World, an article about America's stepchildren, telling about 14 million persons of foreign birth who are jeopardized under the infamous law, the McCarran-Walter Act, by Julia Ruutila.

Look at this article in which all kinds of allegations and assertions are made respecting a reign of terror in the United States, and see if you don't want to apologize again to the press representatives who are here because of your authorship of that article.

(Document marked "Exhibit No. 651," see appendix, pp. 8255-8257.)

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. Will you have the question repeated for me, please.

Mr. ARENS. Yes.

Kindly repeat the question back to the witness, Mr. Reporter.

(The question was read by the reporter.)

Mrs. RUUTILA. I shall have to decline to answer on the grounds previously stated.

Mr. ARENS. I should like to display to you still another article. It is from the Communist Daily Worker, Sunday, January 29, 1956. It is a curious thing I want to invite your attention to.

The by-line says by "Julia Ruutila". And there is a description of who this "Julia Ruutila" is. It says this is:

First of a series of articles written exclusively for Federated Press by Mrs. Ruutila, secretary of the Clatsop County Committee for Protection of Foreign Born.

The article is headed: "McCarran Act Exiled Over 11,000 Last Year."

A vicious attack against a security law of this country.

Look at this article and see if you don't want to repeat the apology you made to your fellow pressmen who are present today.

(Document marked "Exhibit No. 652," see appendix, pp. 8257, 8258.)

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. I must decline to answer on the grounds that I previously stated.

Mr. ARENS. Are you honestly described there, truthfully described there as secretary of the Clatsop County Committee for Protection of Foreign Born?

Mrs. RUUTILA. I must decline to answer on the same grounds.

Mr. ARENS. And have you been connected with the Astoria Committee for the Protection of Foreign Born?

(The witness confers with her counsel.)

Mrs. RUUTILA. I must decline to answer on the same grounds I previously stated.

Mr. ARENS. I want to submit to you still another article from the Communist Daily Worker of February 5, 1956, entitled: "Shadow of Fear Hangs Over Many Foreign Born, by Josephine Ruuttila (sic)." And the lead paragraph I want to read to you:

Hundreds of victims of the vicious McCarran-Walter Nationality Act just disappear from the American scene. People remembered by neighbors and workers as "that nice Canadian woman I used to meet at the supermarket" or that Norwegian—or Italian, or Finn—"who worked on the green chain."

People who had no money for lawyers' fees, no idea which lawyer to approach. Men who told their wives before they were hauled off to jail: "Call up the plant (or the hiring hall). Tell 'em I can't come to work for a while, but say I'm sick." Men who never saw their fellowworkers again.

Don't you want to apologize now again to the press, your fellow pressmen, for this monstrous misrepresentation appearing in a Communist publication with reference to a security law passed by the Congress of the United States?

Look at that article and tell this committee while you are under oath and your fellow pressmen, to whom you apologized a few moments ago for not permitting your picture to be taken, whether or not you are the author of that diatribe.

(Document marked "Exhibit No. 653," see appendix, pp. 8258, 8259.)

(The witness confers with her counsel.)

Mrs. RUUTILA. It was rather lengthy.

Would you please have it repeated to me, please.

Mr. ARENS. Yes.

First of all, do you want to apologize writing that article to your fellow pressmen?

(The witness confers with her counsel.)

Mrs. RUUTILA. I must respectfully refuse to answer the last questions upon the rights, privileges, and immunities afforded to me by the 1st, 4th, 5th, 9th and 10th amendments to the Constitution of the United States.

Mr. ARENS. Do you know of a single case in which a person has been the subject of investigation—exclusion, deportation—in which you or your organization have taken an active interest, in which that person is not a member of the Communist conspiracy?

Mrs. RUUTILA. I'm sorry, but I don't have too much breath. I have pleurisy. And you didn't permit me to finish answering.

Mr. Pozzi. The previous question.

Mrs. RUUTILA. The previous question.

Mr. ARENS. I thought she just invoked the fifth amendment.

Mr. Pozzi. She has some other grounds.

Mr. ARENS. You go ahead and give us all the grounds you want to give us.

Mrs. RUUTILA. I further decline to answer that question on the grounds that it is not pertinent to the matter and question under inquiry.

And I further decline to answer that question on the grounds that it is beyond the scope of matters concerning which this commission is authorized to inquire.

Mr. ARENS. We would like to display to you still another document from the Communist Daily Worker of February 12, 1956—"Immigration Laws Create Second-Class Citizenship"—again alluding to the reign of terror because of the McCarran-Walter Act which provides for the deportation of Communist traitor aliens.

Kindly look at this document and tell this committee while you are under oath whether or not that is one of your handiworks.

(Document marked "Exhibit No. 654," see appendix, p. 8260.)

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. I must decline to answer this question upon all of the grounds, all of them that I have previously stated.

Mr. ARENS. I would like to discuss with you for a few moments some of your other activities.

We see here in 1948, in a copy of the Communist Daily Worker—"Oregon Communist Party Presents Flood Aid Plan, by Kathleen Cronin":

The Oregon Communist Party today presented a blueprint for relief of—certain flood victims.

Kindly look at this document and see if you were the author and if you can't be good enough to verify the authenticity of your authorship of that article.

(Document marked "Exhibit No. 655," see appendix, p. 8261.)

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. I must decline to answer this question on the grounds already given.

Mr. ARENS. Now we would like to display to you, in series here, in order to economize on time, articles of your authorship—Kathleen Cronin—appearing in Communist publications.

Kindly look at those documents and tell this committee while you are under oath whether or not you are the author of those articles.

(The witness examines documents and confers with her counsel.)

(Documents marked "Exhibit No. 656 a, b," see appendix, pp. 8262, 8263.)

Mr. LENT. Where exhibits are attached in 2 parts are you referring to it all as 1 exhibit?

Mr. ARENS. That is right, yes.

Mrs. RUUTILA. I must decline to answer on the same grounds.

Mr. ARENS. Now I see here a document that puzzles me a little, and perhaps you can help us.

Kathleen Cronin, well-known labor journalist in the Northwest, has agreed to serve as MOL's correspondent in the Northwest States.

And then there is an article appearing: "Marshall Plan in Reverse, by Kathleen Cronin, MOL's Northwestern correspondent." This article appears in March of Labor.

Tell us, if you please, ma'am, while you are under oath, are you or were you one of the correspondents for the March of Labor?

(Document marked "Exhibit No. 657," see appendix, p. 8264.)

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. I must decline to answer upon all of the grounds previously stated.

Mr. ARENS. I have here, by an article by yourself: "It Was Murder on Clatsop Spit." All about a man who, as a result of the immigration laws where he was deported, finds himself facing death and murder, under the authorship of Kathleen Cronin.

Would you tell us about that case while you are under oath on this record? And would you also verify the authenticity of your authorship of that article.

(The witness examines document and confers with her counsel.)

Mr. RUUTILA. I decline to answer upon all of the reasons I have previously given.

Mr. ARENS. What is your husband's name, for the purpose of identification?

(The witness confers with her counsel.)

Mrs. RUUTILA. My husband's name is Oscar Ruuttila.

Mr. ARENS. Thank you. Now I want to show you another exhibit from the Communist Daily People's World of August 2, 1951, when the 11 Communist traitors were on trial in New York City.

According to this article, Oscar Ruuttila of Astoria, Oreg. wired Mr. Truman that the arrest of these people constitutes a horrible nightmare in America from which there may be no awakening unless you act now. And Kathleen Cronin, who is listed in the same article as a veteran labor journalist in the Northwest, wired the Attorney General her vigorous protest.

Unless you act now to reduce the prohibitive bail in this case many working newsmen will regard you as a second Goebbels.

(Document marked "Exhibit No. 658," see appendix, p. 8265.)

That was directed to the Attorney General in protest of the arrest of the 11 Communist traitors who were tried in New York City. Now tell your fellow pressmen, to whom you apologized a little while ago, whether you really were sincere when you felt the arrest of these 11 Communist traitors, the trial of them by a jury of their peers, and their conviction, was really just a matter of Goebbels' operation and a reign of terror.

Mr. SCHERER. Even with the high bail, didn't some of them jump bail?

Mr. ARENS. I think 1 or 2 of them did, yes.

Mr. SCHERER. They couldn't find them.

The bail should have been higher.

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. I must decline to answer upon the grounds previously stated.

Mr. ARENS. Maybe you can give us a little bit of enlightenment as to what you mean in this article: "Layoffs Mount as State Department Bans China Trade." It is in the Communist Daily Worker,

by Kathleen Cronin, in which our Government is taken to task for banning trade with Red China, Communist China, and in which article that is described and characterized as one of the principal causes for the layoffs of the working people.

Look at that article and see if you don't have perhaps a twinge of conscience that maybe you may have stretched the facts a bit.

(See exhibit No. 656b, appendix, p. 8263.)

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. I must decline to answer upon all of the grounds previously stated.

Mr. ARENS. I have just 1 or 2 more articles I want to ask you about. And you understand we are very happy to have you speak up freely. We are not undertaking to impede your free speech here.

Here is an article appearing in the Communist Daily People's World. "Framed" is the name of the article, the title. "Framed." Just one word. The author of this article about people being framed, with a photograph, is Julia Eaton.

She is described this way:

Julia Eaton, who writes under the name of Kathleen Cronin—

She is identified further as a person who is a special correspondent for the Daily People's World.

Look at that article and that photograph and see if you have any apology to offer for that photograph.

(Document marked "Exhibit No. 659," see appendix, p. 8266.)

(The witness examines document and confers with her counsel.)

Mrs. RUUTILA. I must decline to answer upon all of the grounds I have previously stated.

Mr. ARENS. I put it to you as a fact, ma'am, that you are a member identified, or have been, with the North End Club of the Communist Party in Portland, Oreg., and that you are now and have been for several years one of the principal propagandists in the Northwest for the Communist conspiracy. If that isn't true, deny it, while you are under oath.

(The witness confers with her counsel.)

Mrs. RUUTILA. Would you repeat the question, please.

Mr. ARENS. Yes.

I put it to you as a fact that in the course of the last few years you were actively identified with a Communist cell in Portland, Oreg. That is question No. 1. North End Club. Answer that question and then we will get on to the next one.

Mr. Pozzi. Mr. Arens, I am sorry to interrupt but are these gentlemen taking pictures?

A PHOTOGRAPHER. No. We are just looking.

Mrs. RUUTILA. I must decline to answer upon the grounds I previously stated.

Mr. ARENS. Now will we get to the second question.

I put it to you as a fact, ma'am, and ask you to affirm or deny the fact that you are and have been for some several years been one of the principal propagandists in the Northwest for the Communist conspiracy.

Mrs. RUUTILA. Would you repeat the question to me, please.

Mr. ARENS. Yes, ma'am, I would be glad to, for the third time.

I put it to you as a fact, that you are now and have been for some time one of the principal propagandists for the Communist conspiracy in the Northwest.

Mrs. RUUTILA. I must decline to answer upon all of the grounds I have previously stated.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. Madam, you have written about the alleged reign of terror resulting from the application of the provisions of the security acts of this country.

Have you written anything at all about the reign of terror resulting from the massacres by the Communists of the Hungarians in the last few months?

(The witness confers with her counsel.)

Mr. DOYLE. Of course, that would have been published if she had, at least a week or 10 days ago.

Mr. SCHERER. A month.

Mr. DOYLE. Or a month ago.

So she should have a copy of it, shouldn't she?

Mr. SCHERER. If she wrote it.

Mr. DOYLE. If she wrote it. Sure.

Mrs. RUUTILA. No.

Mr. SCHERER. The answer is no?

Mrs. RUUTILA. That is correct.

Mr. SCHERER. Did you approve the actions of the Communists in Hungary?

Is that the reason you haven't said anything about it?

(The witness confers with her counsel.)

Mrs. RUUTILA. Which Communists?

Mr. SCHERER. The Communists are an international group. The Russians.

Mrs. RUUTILA. The question is so unclear to me that I must decline answer on the grounds I previously stated.

Mr. SCHERER. The question is unclear?

I merely asked: Do you approve of the actions of the Russian Communists against the people of Hungary who are asking for self-determination of their Government—that is clear—and the obvious reign of terror which the whole world knows has been created by the killing of these people who have merely asked that they have the right to select their own Government and not be dominated by the Kremlin?

(The witness confers with her counsel.)

Mrs. RUUTILA. I have never been in a position to cover that story, and I haven't read too much about it. But, from the little that I have read in the press, I disapprove.

Mr. SCHERER. From the little she has read about it, she disapproves.

Mr. ARENS. It hasn't caused you to break with the Communist conspiracy, though, has it?

Mrs. RUUTILA. I must decline to answer that question on the grounds I have previously stated.

Mr. SCHERER. But you have not said anything about it in your writings in the articles you have submitted to these papers for whom

you write? You have not gone on record publicly in any of your writings as criticizing the action of the Russian Communists, have you?

(The witness confers with her counsel.)

Mrs. RUUTILA. I must decline to answer that question on all of the reasons I have previously given.

Mr. SCHERER. I put it to you as a fact that you have not written one single word criticizing the action of the Russian Communists in Hungary in relation to the oppression of the Hungarians who are attempting to have self-determination in their own Government.

Mrs. RUUTILA. I am very sorry, I turned to my attorney. I thought you had finished the question. I am afraid I missed part of it.

Mr. SCHERER. I put it to you as a fact, and if it is not a fact will you deny it, that you have not written one single word criticizing or condemning the actions of the Russian Communists in Hungary.

(The witness confers with her counsel.)

Mr. DOYLE. Well, she said she had read very little about it. I didn't suppose there was a newspaper person or a writer in America that, in the presence of all the newspaper headlines and voluminous Associated and UP reports about the slaughter in Hungary by the Soviet Communists—I didn't suppose there was any intelligent person that had read very little about it.

But this witness—I understood her to say she read very little about it.

Mr. SCHERER. That is right. But I just say I put it to her as a fact that she has not written one word condemning or criticizing the action of the Russian Communists in Hungary.

Mr. DOYLE. How could she write anything intelligent about it, Mr. Scherer? She said she had read very little about it.

Mr. SCHERER. Is what I have said true?

Mrs. RUUTILA. In answer to Representative Scherer, the answer would be "no" in answer to the question that he has.

Mr. SCHERER. The answer is what?

Mrs. RUUTILA. No.

Mr. SCHERER. No, you have not written.

All right.

Mr. DOYLE. I think while the witness is on the stand I want to read one brief paragraph, and I think I want to ask her a question.

I hold in my hand a copy of Public Law 831 by the 81st Congress. This is known as the Internal Security Act of 1950. Are you familiar with that law, Mrs. Cronin?

(The witness confers with her counsel.)

Mrs. RUUTILA. To answer your question, to say that I was extremely familiar with that law would imply that I had a detailed, technical knowledge of the law through having studied and read it to considerable extent.

Mr. DOYLE. You do have?

Mrs. RUUTILA. I would not say that I did have as much detailed knowledge of that law as some lawyers might have, no.

Mr. DOYLE. No. But you have a good knowledge, do you not—you feel you do—about the objectives of that law, without knowing the detail of it?

(The witness confers with her counsel.)

Mrs. RUUTILA. I am not that familiar, Representative Doyle.

Mr. DOYLE. I beg your pardon?

Mrs. RUUTILA. I am not that familiar with the law, Representative Doyle.

Mr. DOYLE. Well, I took it you were at least familiar enough with it so that you wrote against it. I would assume that you would know what you were talking about when you wrote an article against it. (The witness confers with her counsel.)

Mr. DOYLE. You assumed to know enough about it to inform your readers against it, I think this testimony shows. So you were writing something you didn't know anything about. Was that it?

Mrs. RUUTILA. I will decline to answer that question on the grounds I have previously stated.

Mr. DOYLE. Now I am going to read you one paragraph, and this is the very first section of the act about which you have written some articles condemning it. And certainly you took time to read this much before you wrote your article for pay to the Communist paper.

Now this is a declaration by your Congress, of which Mr. Scherer and I are a part for several years. And here is what it says in section 1:

This title may be cited as the Subversive Activities Control Act of 1950.

Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States, and no regulation shall be promulgated hereunder having that effect.

(Representative Gordon H. Scherer withdrew from the hearing room at this point.)

Mr. DOYLE. Section 2.

As a result of evidence adduced before the various committees of the Senate and House of Representatives, the Congress hereby finds that—there exists a world Communist movement which in its origins, its development and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a worldwide Communist organization.

End of quote.

As long as you have written in the Communist People's World condemning and criticizing this act, one paragraph of which I have read, I will give you the opportunity to criticize that paragraph, if you will.

Is there anything wrong in that?

Your United States Congress made that finding.

Did we make a mistake or no?

(The witness confers with her counsel.)

Mrs. RUUTILA. I must decline to answer on the same grounds previously stated, Representative Doyle.

Mr. DOYLE. I would suggest that before you write any more articles condemning the internal security provisions of our existing statutes that you study them a little bit more so you will know what you are talking about instead of having to testify under oath that you don't know much about them.

I think that is all from this witness.

Thank you, and counsel.

Mr. ARENS. Maybe you want to take a recess.

Mr. DOYLE. May we have not over a 5-minute recess.

(Whereupon a brief recess was taken. Committee members present : Representative Doyle.)

(The committee was reconvened at the expiration of the recess. Committee members present : Representatives Doyle and Scherer.)

Mr. Doyle. While we are waiting for just a minute, I will state that there will be an afternoon session of this committee starting at 2 o'clock.

We will run as long as necessary to hear all the witnesses we want to.

Mr. ARENS. Are you ready for the first witness, Mr. Chairman?

Mr. DOYLE. Yes.

Mr. ARENS. Vincent Howard, kindly come forward.

Mr. DOYLE. Mr. Howard, will you please raise your right hand.

Do you solemnly swear that you will tell the truth, the whole, and nothing but the truth, so help you God?

Mr. HOWARD. I do.

Mr. DOYLE. Please take the witness chair.

TESTIMONY OF VINCENT HOWARD, ACCOMPANIED BY COUNSEL, JAY G. SYKES

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mr. HOWARD. My name is Vincent M. Howard. I live at 2706 North Williams Avenue.

Mr. ARENS. Will it be convenient for you if you get a little closer to the microphone?

Mr. HOWARD. My name is Vincent M. Howard. I live at 2706 North Williams Avenue, Portland, Oreg. And I am a warehouseman.

Mr. ARENS. Mr. Howard, I have to apologize to you. We couldn't hear you.

Would you kindly accommodate us by repeating that?

Mr. HOWARD. My name is Vincent M. Howard. I live at 2706 North Williams Avenue, Portland, Oreg. I am a warehouseman.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. HOWARD. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. HOWARD. Yes, sir.

Mr. ARENS. Counsel, will you kindly identify yourself?

Mr. SYKES. My name is Jay G. Sykes. And I am representing this witness at the request of and on behalf of the Washington State Chapter of the American Civil Liberties Union.

Mr. ARENS. Mr. Howard, please tell us the post you hold with the Committee for the Protection of Oregon's Foreign Born.

Mr. HOWARD. I hold no post with that organization.

Mr. ARENS. Have you ever held a position of educational director for the Committee for the Protection of Oregon's Foreign Born?

Mr. HOWARD. I have not.

Mr. ARENS. Have you ever been identified with the organization in any capacity?

Mr. HOWARD. I have not.

Mr. ARENS. Have you ever been a member of the Civil Rights Congress of Portland?

(The witness confers with his counsel.)

Mr. HOWARD. Yes.

Mr. SYKES. Just a minute.

(The witness confers with his counsel.)

Mr. HOWARD. Well, I decline to answer that under the——

Mr. ARENS. You have already answered it. You said "Yes." It is on this record.

Mr. SCHERER. Maybe he wants to change his answer.

(The witness confers with his counsel.)

Mr. HOWARD. Will you repeat the question.

Mr. ARENS. The question was: are you a member and officer of the Civil Rights Congress in Portland? And you said yes.

Mr. HOWARD. Well, I am not. I misunderstood the question.

Mr. ARENS. I see. Have you ever been identified with the Civil Rights Congress of Oregon?

(The witness confers with his counsel.)

Mr. HOWARD. I refuse to answer on the fifth.

Mr. ARENS. Are you now or have you ever been a Communist?

Mr. HOWARD. I refuse to answer that question on the fifth also.

Mr. ARENS. That will conclude the staff interrogation of this witness.

Mr. DOYLE. Any questions, Mr. Scherer?

Mr. SCHERER. Have you ever been identified with any committee for the protection of the foreign born?

(The witness confers with his counsel.)

Mr. HOWARD. I don't understand what that "identified" means.

Mr. SCHERER. Member of.

Mr. HOWARD. I refuse to answer that under the fifth.

Mr. ARENS. Do you know Abner Green?

Mr. HOWARD. No.

Mr. SCHERER. As I understand it—maybe I am confused—you denied having ever been a member of the Oregon Committee for Protection of Foreign Born, but you have taken the fifth amendment to my question as to whether or not you have been a member of any committee for the protection of the foreign born. Is that right?

Mr. HOWARD. I ask you to repeat the question. I wasn't sure what it was.

Mr. SCHERER. Have you ever been a member of the American Committee for Protection of Foreign Born or any of its branch or local organizations?

Mr. HOWARD. I will take the first and fifth on that.

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

Mr. DOYLE. The witness is——

Mr. ARENS. I would like to ask this one question: Did you attend a session in Oregon in which Pettis Perry spoke on behalf of the American Committee for Protection of Foreign Born?

Mr. HOWARD. I will take the first and the fifth on that.

Mr. ARENS. Did you confer with Abner Green, executive secretary of the American Committee for Protection of Foreign Born with reference to the operations of that organization in Oregon?

Mr. HOWARD. I will take the first and fifth.

Mr. ARENS. We have no further questions of this witness, Mr. Chairman.

Mr. DOYLE. The witness is excused. Thank you, counsel.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Norman Haaland, H-a-a-l-a-n-d.

Norman Haaland.

Mr. SYKES. Congressman Doyle, because of certain legal issues that may have been raised by responses of clients that I have represented, I feel that I must ask the committee whether it considers that it has stated officially and formally for the record the purpose and scope of this inquiry.

Mr. SCHERER. Yes.

Mr. DOYLE. Yes; it has been stated several times.

Mr. SCHERER. We made a long opening statement which is a part of the record, and a part of which has been reported in the press.

Mr. SYKES. Congressman Scherer, do I understand that that formal statement, that that statement you made, you consider the formal official statement as to the purposes?

Mr. DOYLE. No, no.

When I make a statement as a preliminary statement, we are not limited in our questions by that statement, if that is what you are getting at. That is merely a preliminary statement. We don't intend to be limited by that or by anything else we legally inquire into. Does that help you?

Mr. SYKES. Yes, Congressman. I am raising this question on a legal point.

Mr. DOYLE. This is not a court, sir. And we will not entertain any legal points.

Mr. SYKES. If the matter comes to court, the issue of the scope of this inquiry might be relevant.

Mr. ARENS. You prove your case on the basis of the information you have.

Mr. DOYLE. The law gives the scope, and not any preliminary statement.

Mr. ARENS. Norman Haaland, kindly come forward.

Mr. HAALAND. I am standing before you.

Mr. ARENS. Please raise your right hand.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAALAND. Yes.

TESTIMONY OF NORMAN HAALAND; ACCOMPANIED BY COUNSEL, JAY G. SYKES

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. HAALAND. I am Norman Haaland, of Portland, Oreg.

Mr. ARENS. How do you spell that, please?

Mr. HAALAND. H-a-a-l-a-n-d. And I am unemployed.

Mr. ARENS. And your address?

Mr. HAALAND. 1727 Southeast Ladd.

Mr. ARENS. When were you last employed?

(The witness confers with his counsel.)

Mr. HAALAND. I was last employed in Portland, Oreg.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. HAALAND. That is right.

Mr. ARENS. And you are represented by counsel?

Mr. HAALAND. That is right.

Mr. ARENS. Counsel, will you kindly identify yourself.

Mr. SYKES. My name is Jay Sykes, and I am representing this witness on behalf of and at the request of the Washington State chapter of the American Civil Liberties Union.

Mr. ARENS. What was your last employment, please, Mr. Haaland?

(The witness confers with his counsel.)

Mr. HAALAND. You mean the nature of that or what date it was—

Mr. ARENS. What was it?

Mr. HAALAND. It was carpenter work.

Mr. ARENS. And how long were you employed there?

(The witness confers with his counsel.)

Mr. HAALAND. Seven or eight days.

Mr. ARENS. What was your last principal employment prior to this carpentry work?

(The witness confers with his counsel.)

Mr. HAALAND. Carpenter work.

Mr. ARENS. And for how long were you engaged in this carpentry work?

Mr. HAALAND. Sir, does that mean how long I have been at the trade?

Mr. ARENS. Yes, sir. That would help us.

Mr. HAALAND. Approximately 10 years.

Mr. ARENS. Could you tell us of some of your outside activities?

You have told us of your principal occupation as a carpenter.

What have been some of your outside interests and activities in addition to your carpentry work?

(The witness confers with his counsel.)

Mr. HAALAND. I would like to have that question more specific.

Mr. ARENS. Well, you have engaged in the aged and honorable profession or trade of a carpenter. Tell us some of your outside interests and activities that you engage in or have engaged in in your spare time in the course of the last 10 years.

Are you still a little bit uncertain about what we are talking about?

(The witness confers with his counsel.)

Mr. HAALAND. I refuse to answer that question on the basis of the 1st, 4th, 5th, and I think I will invoke the 9th and 10th amendments as well.

Mr. ARENS. Do you belong to any lodges?

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

Mr. ARENS. Do you belong to any organizations of the nonsubversive variety?

(The witness confers with his counsel.)

Mr. HAALAND. What do you mean by nonsubversive?

Mr. ARENS. We are right back where we started from. Let's enumerate now, if you please, the organizations that you have belonged to in the course of the last 5 years.

(The witness confers with his counsel.)

Mr. ARENS. If you want me to help you, I can perhaps suggest to you, do you belong to the American Legion?

Mr. HAALAND. I have already answered your previous question, but that I——

Mr. ARENS. Do you belong to the American Legion? You wanted me to be a little more specific. Let's try that.

(The witness confers with his counsel.)

Mr. HAALAND. I refuse to answer that question on the grounds that it might incriminate me.

Mr. ARENS. Mr. Chairman, I respectfully——

Mr. SYKES. Excuse me.

(The witness confers with his counsel.)

Mr. SYKES. May the witness finish the answer?

Mr. ARENS. You go right ahead, Witness.

Mr. HAALAND. Under the amendments of the Bill of Rights, as previously stated. I think that is covered by amendment No. 5.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question whether or not he belongs to the American Legion.

Mr. DOYLE. Yes, I so instruct you, Witness.

(The witness confers with his counsel.)

Mr. DOYLE. We have never known a case where membership in the American Legion might possibly incriminate a patriotic American citizen.

(The witness confers with his counsel.)

Mr. HAALAND. I think this might incriminate me, and I might waive my right under the fifth amendment.

Mr. ARENS. Do you honestly feel if you told this committee whether or not you are or have been a member of the American Legion you would be giving information that could be used against you in a criminal proceeding?

(The witness confers with his counsel.)

Mr. HAALAND. Yes. I don't know anything about the character of it, and it might be subversive as far as I know.

Mr. ARENS. Do you hold a card in the carpenter's union?

(The witness confers with his counsel.)

Mr. HAALAND. Yes.

Mr. ARENS. And what organization is that? What labor organization is that?

(The witness confers with his counsel.)

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

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question. He has already said he holds a card in a labor organization. I just asked him which organization it was.

Mr. DOYLE. I direct you to answer that question, Witness.

(The witness confers with his counsel.)

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

Mr. ARENS. Can you tell the committee what you have done for the preservation of the Constitution in the course of the last 5 or 10 years?

Mr. HAALAND. I refuse to answer—

Mr. SYKES. Just a minute.

(The witness confers with his counsel.)

Mr. HAALAND. Would you make that more specific?

Mr. ARENS. Yes. What organizations have you been active in which, on the surface at least, purport to be interested in preserving the Constitution?

(The witness confers with his counsel.)

Mr. HAALAND. I refuse to answer that question on the grounds previously stated, and also that it is not a clear question.

Mr. ARENS. Let's be as specific as possible. Have you been an official of the Committee for Protection of Oregon's Foreign Born?

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

Mr. ARENS. Back in 1955 you were chairman of the ways and means committee of the Committee for the Protection of Oregon's Foreign Born, were you not?

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

Mr. ARENS. And presently you are an official of the Portland Communist Party and an official of the State apparatus of the Communist conspiracy; are you not?

(The witness confers with his counsel.)

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

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. DOYLE. I have one question, Witness.

I understood you to say that one of the reasons you refused to answer the question whether or not you were a member of the American Legion was that it might be subversive.

You so stated, did you not?

I think the record will show that. I clearly heard you.

(The witness confers with his counsel.)

Mr. DOYLE. And in connection with that answer you relied upon your constitutional privilege, and then added that the American Legion might be subversive.

Now is the reason you claimed your constitutional privilege in answer to the last question by our distinguished counsel regarding the Communist Party in Portland—is the reason you claim your constitutional privilege there also because it might be subversive?

(The witness confers with his counsel.)

Mr. HAALAND. I do refuse to answer that on the grounds previously stated.

Mr. DOYLE. I couldn't help but notice that you put the American Legion in the possible category of being subversive, but you don't put the Communist Party in that answer in that same category.

Mr. HAALAND. I refuse to answer that on the same grounds.

Mr. DOYLE. I wanted you to know that we had noticed that answer about the Legion.

Mr. SCHERER. A typical Communist answer.

Mr. DOYLE. It is typical. No, no. This is the first time I have ever heard a man state from the witness chair that the Legion might be subversive.

Mr. ARENS. That term subversive means perhaps in some people's terminology subversive to their interests.

Mr. SCHERER. The Communist Party.

Mr. DOYLE. That is, the Legion might be undertaking to destroy the Communist Party, and therefore be subversive. I see. Well, that explains it. The witness is excused.

Mr. ARENS. The next witness, please, Mr. Chairman, is John Daschbach. John Daschbach, please come forward.

Mr. CAUGHLAN. My client requests that there be no pictures taken during his interrogation, if you please.

Mr. DOYLE. We will observe the freedom of the press at all times before the witness is sworn, actually sworn, and after he is dismissed from the witness chair.

But, of course, when the witness is sworn, counsel, then we recognize that he is under the control of the committee for a lawful purpose, and we expect the press to fully regard the expressed wish of the witness.

Mr. CAUGHLAN. Thank you. Of course, I call your attention to the fact that he is here under subpoena, and he was to be here. So that, as far as freedom is concerned——

Mr. DOYLE. That is right. And, of course, the press does not have to be here, but it also has some freedoms in our country. We won't undertake to control the free exercise of democracy by the press.

Mr. CAUGHLAN. I assume the hearing is under the control of the chairman, and the chairman can make any directions he sees fit.

Mr. DOYLE. I will never direct the press to not take a picture of a person in a hearing room when he is not under oath. Please raise your right hand.

Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DASCHBACH. I do.

Mr. DOYLE. Please take the chair.

TESTIMONY OF JOHN DASCHBACH, ACCOMPANIED BY COUNSEL, JOHN CAUGHLAN

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mr. DASCHBACH. I am appearing here under subpoena. My name is John Daschbach.

Mr. ARENS. Your occupation?

(The witness confers with his counsel.)

Mr. DASCHBACH. I would like to have that question again.

Mr. ARENS. And your occupation, please, sir?

Mr. CAUGHLAN. May I advise the committee Mr. Daschbach is somewhat hard of hearing, and we may have some difficulty.

Mr. ARENS. Please give us your occupation.

(The witness confers with his counsel.)

Mr. DOYLE. Mr. Arens, excuse me.

Counsel, will you please explain to the witness, in view of the fact that he has an open book on his table there from which he apparently intends to read in whole or in part, that we do not permit any reading of prepared statements or any books or histories or anything like that.

If there is any statement, it should have been furnished to the committee before now.

Mr. CAUGHILAN. Maybe we could identify the book.

Mr. DOYLE. No, we don't permit reading from any book.

Mr. ARENS. Please tell the committee your occupation.

Mr. DASCHBACH. I decline to answer that question on the following grounds, that I am appearing here under a subpoena which states that there are certain pains and penalties attached to it. I am provided with a right of counsel.

I have certain inalienable constitutional rights which are given to me, and I am going to claim and assert each and every one of them.

I decline to answer that question on the grounds, first, that I am going to uphold the right of conscience and decline to answer that question on the grounds of the most basic proposition of our Government, of popular sovereignty, and that, as a citizen of the United States and a citizen of the State of Washington, I possess part of the popular sovereignty which the whole people possess.

Mr. ARENS. Do you honestly feel that if you told this committee—

Mr. DASCHBACH. I haven't finished my answer.

Mr. ARENS. Just a moment. Do you honestly apprehend that if you told this committee truthfully what your occupation is you would be supplying information that could be used against you in a criminal proceeding? That is the issue.

(The witness confers with his counsel.)

Mr. DASCHBACH. Mr. Chairman, I am going to complete my answer. And then I shall proceed.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. I want to inform you that you are not going to complete making a speech for public consumption. You are going to—

Mr. DASCHBACH. On the grounds, sir, of the fourth amendment of the Constitution of the United States, which provides the American people with certain rights of privacy.

On the grounds, secondly, of the first amendment, that Congress has no right to investigate such matters as where I work.

On the grounds of the sixth amendment, that this represents an invasion of my right of appeal, an invasion of my right under the fifth amendment to due process of law.

I decline to answer that question.

Mr. ARENS. Wait just a minute. Which part of the fifth amendment are you invoking? You had better confer with your counsel on that.

Are you invoking that portion of the fifth amendment which enables you to decline to give information which, in your judgment, might honestly be used against you in a criminal proceeding?

(The witness confers with his counsel.)

Mr. DASCHBACH. In answer to that question, I propose that the subcommittee withdraw the subpoena issued to me as a violation of my rights under the fifth amendment guaranteeing me due process of law.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness——

Mr. DASCHBACH. And I hold to every part of the fifth amendment except that part dealing with the presumption of a charge to a grand jury.

Mr. ARENS. Mr. Chairman, I want to make an announcement for the record with reference to this witness.

This witness was convicted under the Smith Act. The conviction was, or the sentence was October 16, 1953. The matter is now on appeal. I therefore announce for the record that I do not propose to ask this witness any questions relating to facts or circumstances prior to October 16, 1953.

Mr. DOYLE. Very well. We will take notice of that.

Mr. ARENS. Since October 16, 1953, have you been active in the affairs of the Washington State Committee for Protection of Foreign Born?

(The witness confers with his counsel.)

Mr. DASCHBACH. On the advice of counsel, I decline to answer that question, first, on the grounds of the first amendment, that my right to peaceably assemble with anybody is my right; it is not subject to review by the Congress of the United States of America.

No. 2, on the grounds of all sections of the fifth amendment, that the very giving of the date by the examiner, the statements made here in regard to the Smith Act, repeatedly, yesterday and this morning, make it clear that the Smith Act is an issue in this hearing, and, as such, it infringes my rights under the Constitution, and my right of due process, and my full right of appeal.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(The witness confers with his counsel.)

Mr. DASCHBACH. That question has already been answered.

Mr. ARENS. Thank you, sir.

And you are represented by counsel?

Mr. DASCHBACH. Yes. Surely.

Mr. ARENS. Counsel, would you kindly identify yourself.

Mr. CAUGHLAN. My name is John Caughlan, member of the Seattle bar. I represented Mr. Daschbach in the proceeding which has already been referred to, as his counsel. And I am his attorney on the case which is now pending on appeal. And I represent him in that capacity, deeming that this situation is related to the other matters.

Mr. ARENS. Mr. Daschbach, do you know your counsel, Mr. Caughlan, there, in any capacity other than in the capacity of attorney and client?

(The witness confers with his counsel.)

Mr. DASCHBACH. In answer to that question, my relations with my attorney are privileged.

Mr. ARENS. Wait just a minute.

Mr. DASCHBACH. I do not wish to discuss them.

Mr. ARENS. I explicitly said do you know him in any capacity other than the capacity of attorney and client.

(The witness confers with his counsel.)

Mr. DASCHBACH. And, to continue, on the basis of the first amendment of the Constitution, I have the full right to associate with anybody I wish, and it is no business of the Congress of the United States whom I associate with.

Further on the ground of the fifth amendment, that I am entitled to full, due process of law in my appeal. I regard this question as an invasion, an infringement of that right, and I again ask the committee to withdraw this subpoena which is in conflict with the fact that the judiciary already has matters pertaining to this in its custody.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer the question.

Mr. DOYLE. I direct you, Witness, to answer that last question.

(The witness confers with his counsel.)

Mr. DASCHBACH. Mr. Chairman, that question I have already answered. My answer is fortified by the Constitution and by the Bill of Rights.

I do not forswear any of the rights given to me on appeal.

And I again ask the committee to withdraw the subpoena which is in conflict with the fact that this matter is already before the courts, it is in the courts, and this action, by itself, is an infringement of my rights of full appeal.

Mr. ARENS. I have a report here I want to invite your attention to. You were convicted in 1953. This report is with reference to a meeting in 1956—this year—of the Washington Committee for the Protection of Foreign Born. According to this report that we have, John Daschbach—that's you—was the first speaker of the evening at this rally under the auspices of the Washington Committee for the Protection of Foreign Born. And, according to this report, what he was speaking about was the repeal of the Smith Act and repeal of the Walter-McCarran Act.

Would you tell us whether or not you made that little speech before the Washington Committee for the Protection of Foreign Born in 1956 calling for the repeal of the very act under which you were convicted?

(The witness confers with his counsel.)

Mr. DASCHBACH. Counsel has declined to give me the statement. I presume, therefore, it is a report by some stool pigeon.

Mr. Chairman, I rely upon my rights not only under the first amendment of the Federal Constitution but my right as a citizen of the State of Washington which entered into a compact with the United States Government in 1889 by which the State of Washington guaranteed it would never enact a piece of legislation repugnant to the Constitution of the United States or the principles of the Declaration of Independence.

Following that, in the constitution of the State of Washington, they declared that the right of petition and of people peaceably to assemble for the common good shall never be abridged, shall never be abridged. I am fully under my rights under the first amendment of the Constitution of the United States and under the constitution of the State of Washington to petition the Government for any redress of grievance I wish.

Mr. ARENS. Of course you are. We just want you to tell us about it. Now you just tell this committee while you are under oath,

whether or not you are now a member of a conspiratorial apparatus designed to destroy the Constitution of the United States.

Mr. DASCHBACH. Mr. Chairman, to make it crystal clear, I base my position upon the sovereignty of the people, that Congress has no right under the first amendment to try and tell people what they should think——

Mr. ARENS. We are not trying to do that.

Mr. DASCHBACH. What they should talk about or whom they should assemble with.

It is my obligation and duty to defend that, and I am doing it.

Mr. ARENS. Have you——

Mr. DASCHBACH. Excuse me. I am not finished. I am not finished, counsel.

Mr. ARENS. I know you are not. Tell this committee while you are under oath are you a member of the conspiratorial apparatus designed to destroy the Constitution of the United States?

(The witness confers with his counsel.)

Mr. DASCHBACH. The answer I was trying to make, Mr. Chairman, was not completed.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be admonished to answer the question.

Mr. DASCHBACH. And I would like to ask the Chair also, in view of the fact that section 1 of the Constitution of the State of Washington, sir——

Mr. DOYLE. Just a minute. Please proceed in an orderly manner. You have had your time to make your oration, and I am not going to grant any more time for those——

Mrs. DASCHBACH. Mr. Chairman, I am stating constitutional grounds. I am not making any oration.

Mr. DOYLE. All right. Plead your constitutional grounds. But we know the Constitution a little bit, too. You don't need to take 2 or 3 or 4 minutes to explain what each section contains. We have it right here in front of us.

Mr. DASCHBACH. I rely then upon all the grounds previously stated plus an additional ground, sir, that article I, section 1 of the Constitution of the State of Washington says that the Government is set up with the consent of the governed and is established to protect and maintain individual rights.

And I should like to ask the chairman to ask the counsel to respect my individual rights as a citizen of the United States and the State of Washington.

Mr. DOYLE. You make it very difficult for me also as chairman, Witness, because you are insisting on using this as a forum unnecessarily to make speeches. Now please desist in that. It is rather difficult for us to let you take time for that when we haven't allowed anyone else. I am not going to do it any more.

(The witness confers with his counsel.)

Mr. ARENS. Now, Mr. Daschbach, I was interested——

Mr. DASCHBACH. Excuse me. I hadn't finished my answer.

Mr. ARENS. You have given us enough answer. You invoked everything, you said, in the Constitution.

Mr. Daschbach, I was interested in your characterization of someone as a stool pigeon. I have here the Communist Daily Worker in which your name appears in an article by Abner W. Berry. This article is "On the Way" and it tells all about John Daschbach.

Please look at this article under date of April 1954, and tell this committee whether or not you are the John Daschbach alluded to, and whether or not the facts recited in that article are true.

(Document marked "Exhibit No. 660," see appendix, pp. 8267, 8268.)

(The witness examines document and confers with his counsel.)

Mr. DASCHBACH. Mr. Chairman, I rely upon all the answers I have already given stating my constitutional grounds, and, in addition to which, sir, there can be no legislative purpose served by the incoming Congress by any answer to that question.

Mr. ARENS. I want to invite your attention to still another meeting. Recalling that you were convicted in 1953, this meeting was held in March 1954, in Washington Hall, under the auspices of the Washington State Committee for the Protection of Foreign Born, in which it appears that you gave another oration on the Smith Act and the Walter-McCarran Act calling for the repeal of those laws and calling for all the folks to defend the Constitution of the United States and the Bill of Rights by insisting that the Congress repeal these anti-Communist laws.

Can you tell us whether or not you remember that oration you gave before the Washington State Committee for the Protection of Foreign Born in March of 1954 in Washington Hall here in Seattle?

Mr. DASCHBACH. Mr. Chairman, I have stated that, as an American citizen and a citizen of the State of Washington, I am protected in my right to have any opinion I want about any piece of legislation. If I want to agree with President Eisenhower I can do that; if I want to disagree with him, I can do that. The Congress has no power, because it is forbidden by the first amendment of the Constitution, to ask me questions about that.

Mr. ARENS. Are you going to answer the question now?

Mr. DOYLE. I don't think you have stated your answer fully. If you intend, in answer to that question, to rely on a constitutional privilege I don't think the record is clear that you did so.

Mr. ARENS. Did you attend the meeting on March 6, 1954 at Washington Hall under the auspices of the Washington State Committee for the Protection of Foreign Born after you were convicted in October of '53?

(The witness confers with his counsel.)

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

Mr. DASCHBACH. As part of the subpoena, Mr. Chairman, it states about certain pains and penalties and—

Mr. DOYLE. Now—

Mr. DASCHBACH. Excuse me. I would like to answer the question. I don't know which question you are talking about.

Mr. ARENS. We want to know whether or not you attended this meeting on March 6, 1954, Washington Hall, under the auspices of the Washington Committee for the Protection of Foreign Born.

(The witness confers with his counsel.)

Mr. DASCHBACH. On the advice of counsel, that I am now confronted by a number of questions, I ask the committee to withdraw all questions and state one question to me.

Mr. ARENS. Mr. Chairman, I respectfully suggest this record now reflect an order and direction to the witness to answer this question.

Mr. DOYLE. There is one question before you, the last question. You heard it. I direct you to answer the question.

Mr. DASCHBACH. Will you state the question, sir.

Mr. ARENS. Mr. Chairman, he is just parrying with us now.

I respectfully suggest the witness be ordered to answer the question.

Mr. SCHERER. He has been ordered. Let's pass to the next one.

Mr. DASCHBACH. Could I have the record read back.

Mr. ARENS. We will go to the next question if you don't want to answer that one.

The next question is did you attend a meeting on April 15, 1956, in Seattle under the auspices of the Washington State Committee for the Protection of Foreign Born?

(The witness confers with his counsel.)

Mr. SCHERER. May I suggest, Mr. Chairman——

Mr. DASCHBACH. May I answer the question?

Mr. SCHERER. Just a minute. I want a little time here. May I suggest that counsel be advised of the rule that he is supposed to advise his client with respect to his legal rights and not tell him what to say in response to a question. I can hear him all the way up here.

Mr. CAUGHLAN. I must object to that. I was trying to do just that. It seems to me—and I could have been mistaken—that the witness did not have an opportunity to answer the last question, and I was confused. He is hard of hearing. I was confused as to what question was pending, and I advised him to clear the matter up before going on.

Mr. DASCHBACH. Is it the position of the Chair that I have one question before me now, and all the questions are withdrawn?

Mr. DOYLE. No. No question is withdrawn. And you have one question before you.

Now please answer that.

Mr. DASCHBACH. It is only this question.

Mr. ARENS. Yes.

The question is did you attend this meeting on April 15, 1956, in Seattle of the Washington Committee for Protection of Foreign Born?

(The witness confers with his counsel.)

Mr. DASCHBACH. Mr. Chairman, on the basis, one, of the first amendment of the Constitution, that Congress has no right to inquire with whom I may peaceably assemble and petition the Government for redress of grievances, I decline to answer that question, and also all other grounds heretofore stated.

Mr. ARENS. Maybe you could help us here about a defense committee. It is the Northwest Citizens' Defense Committee. Apparently, from what you say, it must have been a committee to defend the Constitution. I say that with tongue in cheek also, obviously.

In July 2, 1954, the Communist Daily People's World has an article in which one John Daschbach, announces the formation of a Northwest Citizens Defense Committee, and that it is now a committee of the Civil Rights Congress for the purpose of soliciting funds to defend those people who have been convicted under the Smith Act.

Look at that article and tell us if, after you were convicted under the Smith Act, you formed a committee to defend people who were convicted under the Smith Act.

(Document marked "Exhibit No. 661," see appendix, p. 8268.)

(The witness confers with his counsel.)

Mr. DASCHBACH. Mr. Chairman, I had the assurance that the matters relating to the Smith Act were not a part of this proceeding.

Mr. ARENS. You had the assurance that we would not ask you any questions respecting any activities prior to the conviction in October 1953. And this is 1954. Now look at that article and tell this committee whether or not the facts recited in that article are true.

(The witness confers with his counsel.)

Mr. DASCHBACH. Mr. Chairman, this relates to the conduct of my appeal. It is a matter which is within the jurisdiction of the judiciary department of the Government. The legislative department of the Government has no right, absolutely, to interfere and ask me questions about my appeal.

Mr. ARENS. I respectfully ask the order to answer the question.

Mr. DASCHBACH. Further on the grounds of the first amendment, that Congress clearly has no right to ask me whom I assemble with to perfect an appeal, and all other grounds stated hereon.

Mr. ARENS. I respectfully suggest, Mr. Chairman, so there can be no ambiguity in the record, that this record now reflect an order and direction of the witness to answer the question.

Mr. DOYLE. I direct you to answer the question. It is not interfering with your appeal. Your appeal is perfected, of course. I direct you to answer the question.

(The witness confers with his counsel.)

Mr. DASCHBACH. Mr. Chairman, I clearly stated the constitutional grounds of my declining to answer that question, and I will add one more.

Section 3, article I of the State constitution of Washington, that no person shall be deprived of life, liberty, or property without due process of law.

Mr. DOYLE. Yes. You read that before. So if you just refer to it—

Mr. DASCHBACH. I think it is very important because this is a legislative trial interfering with my judicial appeal.

Mr. DOYLE. No; it is not.

Mr. ARENS. I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Any questions?

Mr. SCHIERER. I have no questions.

Mr. DOYLE. The witness is excused. Thank you, counsel.

I think, for the benefit of the printed record and our colleagues in Washington and those that may be here, in view of the witness testimony and other testimony by witnesses identified under oath as Communist or convicted under the Smith Act, I refer to Public Law 637, 83d Congress, known as the Communist Control Act of 1954. This is what the United States Congress said, very briefly:

The Congress hereby finds or declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It

constitutes an authoritarian dictatorship within a republic demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. * * *

Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members.

End of quote.

Then I refer here to the Smith Act, which is well known, and has been through these hearings part of the subject matter of discussion as to the anti-Communist provisions thereof. Public Law 670, 76th Congress, and I read three short paragraphs so we can see what we are getting at:

It shall be unlawful for any person—

(1) to knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying any Government of the United States by force or violence, or by the assassination of any officer of any such government;

(2) with the intent to cause the overthrow or destruction of any Government of the United States, to print, publish, edit, issue, circulate, sell, distribute, or publicly display any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any Government in the United States by force or violence;

(3) to organize or help to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any Government in the United States by force or violence; or become a member of, or affiliate with, any such group, society, or assembly of persons, knowing the purposes thereof.

I just wish to state, in closing, that we have plenty of evidence here and elsewhere that convicted Communists are in control of policy and finances of the Committee for Protection of Foreign Born. And that is what we are trying to bring out at this hearing.

We have no disagreement with the Communist Party or any other group. They have the right to petition Congress. Congress recognizes that right. It is a constitutional right. But the thing we American Congressmen want to know—and we believe we are entitled to know—is when we get a petition in Congress over the names of the American Committee for Protection of Foreign Born from Seattle, we are entitled to know the extent to which that Committee for Protection of Foreign Born in Seattle is controlled by convicted or other identified Communists because that makes it a Communist Party committee instead of a bona fide committee for the protection of foreign born.

If the Communist Party wants to petition Congress it has the constitutional right to do so. But we don't believe that any committee or any party has the right to petition Congress secretly and subversively without disclosing their true identity and their true interests.

If Congress has to deal with people in secret without them revealing their identity and their interest in legislation there is no way in God's world that we American Congressmen can legislate intelligently or fairly or soundly. And I am sure any thinking American citizen will recognize that.

One of the purposes of this hearing is to get on the record the ways and means in which the Communists in the Seattle area control or seek to control not only the Committee for the Protection of Foreign Born in Seattle and Portland but the way the Communist Party seeks to control the finances of the Seattle Committee for Protection of Foreign Born.

The committee will stand adjourned until 2 o'clock.

(Whereupon, at 12:35 p. m., the committee was recessed to be reconvened at 2 p. m., this same day. Committee members present: Representatives Doyle, and Scherer.)

AFTERNOON SESSION—FRIDAY, DECEMBER 14, 1956

(The committee was reconvened at the expiration of the recess, at 2:25 p. m. Committee members present: Representatives Doyle, and Scherer.)

Mr. DOYLE. The committee will please come to order.

Let the record show that of this subcommittee of three, appointed by Chairman Francis E. Walter of the full committee under Public Law 601, Representatives Scherer of Ohio, and Doyle of California, subcommittee chairman, are both personally present, and, therefore, a legal quorum of the subcommittee.

The committee will please proceed.

Mr. SCHERER. Before you proceed, Mr. Chairman, yesterday there was some criticism of our counsel when he asked a question of one of the witnesses as to whether he had participated in murder in connection with Communist Party activities.

I think it is appropriate, Mr. Chairman, that we introduce in the record the front page of yesterday's Los Angeles Times. I am just going to read a few lines from that article appearing in the Times.

There are big headlines, as you can see, across the top: "Student Death Follows Red Design for Murder." Remember this comes from yesterday's Times in Los Angeles.

The death last April of Sheldon Joseph Abrams, 25, Socialist agitator at UCLA, falls into a pattern of at least 6 well-documented Communist assassinations in this country in the last 20 years, the Times was told exclusively yesterday.

Techniques varied but the motive was always the same—to silence someone either in or out of the party who had too much information and no longer was considered a good risk.

And each assassination—whether undisguised murder or ingenious liquidation passed off as suicide or accident—served the additional purpose of warning others who knew too much of the fate that awaited them if they talked.

This picture of continuing Communist intrigue was painted for the Times yesterday by Richard E. Combs, chief counsel of the State senate committee on un-American activities, following a 2-day hearing here into the circumstances and significance of Abrams' death.

It was Combs' work on the Abrams case—which he tackled a few days after the student's body was found—that brought public disclosures this week indicating that the youth's carbon-monoxide death could not have been accidental.

Spurred by the expert testimony at the hearing, Santa Monica Police Chief Otto Falkner announced yesterday that investigation of the 8-month-old case will be reopened.

And then it goes on at great length to detail the information that this individual had concerning Communist Party activities over the past few years, and pointed out that the individual who was killed had a file that in some instances was greater than that of the FBI dealing with the subject of subversive activities.

(See exhibit No. 646, appendix, pp. 8245-8247.)

Mr. SCHERER. I ask that the whole article be incorporated in the record at the end of the testimony of Clayton VanLydegraf.

Mr. DOYLE. It is so ordered. The first witness, Mr. Arens. Pearl Castle. Kindly come forward.

Mr. DOYLE. Mrs. Castle, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mrs. CASTLE. I do.

Mr. DOYLE. Thank you. Will you be seated, please.

**TESTIMONY OF MRS. PEARL CASTLE, ACCOMPANIED BY
COUNSEL, JAY G. SYKES**

Mrs. CASTLE. Mr. Chaiman, I would like to ask that there be no pictures, please.

Mr. DOYLE. Your request, I am sure, will be acceded to by me and by the photographers.

You are now under oath.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. CASTLE. My name is Pearl Castle. I live in Seattle, and I am a housewife.

Mr. ARENS. You are appearing today, Mrs. Castle, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. CASTLE. That is true.

Mr. ARENS. And you are represented by counsel?

Mrs. CASTLE. Yes.

Mr. ARENS. Counsel, would you kindly identify yourself.

Mr. SYKES. Jay Sykes.

Mr. ARENS. Mrs. Castle, do you know a lady by the name of Barbara Hartle?

(The witness confers with her counsel.)

Mrs. CASTLE. I refuse to answer that question on the grounds of the fifth amendment, precisely because it may tend to incriminate me.

Mr. ARENS. Mrs. Hartle, would you kindly stand up.

(Mrs. Barbara Hartle arose.)

Mr. ARENS. Mrs. Castle, would you kindly look at the lady who is standing there—Barbara Hartle?

Yesterday morning Mrs. Hartle swore before this committee that she knew you as a member of the Communist Party underground conspiratorial apparatus. Was Mrs. Hartle lying or was she telling the truth?

(The witness confers with her counsel.)

Mrs. CASTLE. Is that what Mrs. Hartle said about me?

Mr. ARENS. Yes, ma'am. Was she lying or was she telling the truth?

(The witness confers with her counsel.)

Mrs. CASTLE. I don't think that is what the record shows.

Mr. ARENS. What is your recollection of the record then?

Mrs. CASTLE. I think, if you will have the reporter look it up—

Mr. ARENS. Just answer this question: Are you a member of the underground apparatus of the Communist Party?

Mrs. CASTLE. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Are you connected with the Washington State Committee for the Protection of Foreign Born?

Mrs. CASTLE. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. DOYLE. May I ask the witness: you were in the hearing room yesterday morning, were you not?

Mrs. CASTLE. Yes, sir.

Mr. DOYLE. And you heard Mrs. Hartle name you and testify about you, did you not?

Mrs. CASTLE. Yes, I did.

Mr. DOYLE. Was her testimony true or false?

Mrs. CASTLE. What she said about me was that she could not recall anything about me from her own personal knowledge.

Mr. DOYLE. No. I don't recall what she said, but that all she said that you heard?

Mrs. CASTLE. That is all I recall, sir.

Mr. SCHERER. My recollection of her testimony was, with reference to this witness—and I may be in error—that she knew from party circles rather than from her own knowledge that this witness was a member of the Communist Party.

Mr. DOYLE. Oh, I see.

Mr. SCHERER. Was the information that Mrs. Hartle got from these witnesses or these persons correct?

Mrs. CASTLE. I refuse to answer that question on the grounds of the fifth amendment.

Mr. DOYLE. No further questions.

Mr. ARENS. Mr. Chairman, just a moment, please.

Mrs. Hartle, would you kindly come forward. In view of the fact that you have been excused from your appearance here the first time, I respectfully suggest, so there will be no question, that you submit yourself now to an oath.

Would you kindly swear the witness?

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God, Mrs. Hartle?

Mrs. HARTLE. Yes, I do.

Mr. DOYLE. Take the witness chair, please.

TESTIMONY OF BARBARA HARTLE

Mr. ARENS. Mrs. Hartle, during the course of your experience in the Communist Party did you know the lady who is seated at the principal witness chair?

Mrs. HARTLE. Yes, I did.

Mr. ARENS. Did you know her as a Communist?

Mrs. HARTLE. Yes, I did.

Mr. ARENS. Did you know her as a member of the Communist underground?

Mrs. HARTLE. I knew her as a member of the Communist underground from reports of Henry Ruff to the underground State committee of which I was a member.

Mr. ARENS. And did you, before you had the information respecting her assignment to the underground, know her as a person who was in the Communist Party?

Mrs. HARTLE. Yes, I did.

TESTIMONY OF PEARL CASTLE—Resumed

Mr. ARENS. Now, ma'am, you have just heard the testimony of Mrs. Hartle, haven't you?

Mrs. CASTLE. Yes, I have heard it.

Mr. ARENS. Was she lying or was she telling the truth?

Mrs. CASTLE. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Thank you, Mrs. Hartle, and thank you, ma'am.

The next witness, if you please, Mr. Chairman, will be Lillian Rubicz.

Mr. DOYLE. Will you please raise your right hand.

Do you solemnly swear that you will tell the truth, the whole truth and nothing but the truth, so help you, God?

Mrs. RUBICZ. I do.

Mr. DOYLE. Please take the witness chair.

TESTIMONY OF MRS. LILLIAN RUBICZ, ACCOMPANIED BY
COUNSEL, DAVID J. WILLIAMS

Mrs. RUBICZ. I would request no television, please.

Mr. DOYLE. Your request will be observed, now that you are under oath.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. RUBICZ. I am Lillian Rubicz, 110 Eighth Avenue. I am unemployed.

Mr. ARENS. Is that R-u-b-i-t-z?

Mrs. RUBICZ. No. It is c-z.

Mr. ARENS. R-u-b-i-c-z?

Mrs. RUBICZ. That is right.

Mr. ARENS. Is it Miss or Mrs.?

Mrs. RUBICZ. Mrs.

Mr. ARENS. Are you appearing today, Mrs. Rubicz, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. RUBICZ. I am.

Mr. ARENS. Are you represented by counsel?

Mrs. RUBICZ. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. WILLIAMS. My name is David J. Williams; offices in 725 Central Building. I am chairman of the civil liberties committee of the Seattle Bar Association, and I have been assigned by the bar association to represent this witness.

Mr. DOYLE. We are glad you are here, Mr. Williams.

Mr. ARENS. Where were you last employed, Mrs. Rubicz?

Mrs. RUBICZ. I was employed for an insurance company.

Mr. ARENS. How long were you employed in the insurance company?

Mrs. RUBICZ. Ten months.

Mr. ARENS. What was your employment prior to your employment in the insurance company?

Mrs. RUBICZ. Just doing housework?

Mr. ARENS. Can you tell us about your connection with the Washington Committee for the Protection of Foreign Born?

(The witness confers with her counsel.)

Mrs. RUBICZ. I invoke the fifth amendment on this.

Mr. ARENS. On March 6, 1954, there was a meeting of the Washington State Committee for the Protection of Foreign Born with Abner Green as guest of honor, held in Washington Hall; was there not?

Mrs. RUBICZ. I have no knowledge.

Mr. ARENS. Did you attend a meeting in March of 1954 as State secretary of the Committee for the Protection of Foreign Born?

(The witness confers with her counsel.)

Mrs. RUBICZ. I never was.

Mr. ARENS. Were you ever State secretary of the Washington Committee for the Protection of Foreign Born?

Mr. RUBICZ. I was not.

Mr. ARENS. Were you ever an officer of that organization?

Mrs. RUBICZ. I was not.

Mr. ARENS. Were you ever a member of that organization?

Mrs. RUBICZ. It is not a membership organization.

Mr. ARENS. How did you know that?

(The witness confers with her counsel.)

Mrs. RUBICZ. I will invoke the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question. She has opened the door and walked right in.

Mr. DOYLE. I direct you to answer the question, Witness.

(The witness confers with her counsel.)

Mr. ARENS. Tell this committee how you knew that the Washington State Committee for the Protection of Foreign Born is not a membership organization.

Mrs. RUBICZ. Because it has never solicited my membership.

Mr. ARENS. How do you know it has never solicited your membership?

Mrs. RUBICZ. Well—

(The witness confers with her counsel.)

Mrs. RUBICZ. I should know, shouldn't I?

Mr. ARENS. That is what I want you to tell us, how you know about this.

(The witness confers with her counsel.)

Mrs. RUBICZ. Well, I should know, shouldn't I?

Mr. ARENS. Why should you know?

Mrs. RUBICZ. Well, I am not a dumb animal.

Mr. ARENS. Well, tell us why you should know about the nature of the affiliations of people with the Washington State Committee for the Protection of Foreign Born.

Mrs. RUBICZ. I invoke the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. I will make that an instruction, Witness. But may I ask this question because I didn't hear part of your answer:

Do you mean that you were never solicited to join that committee as a member, and that is how you know that it is not a membership organization?

Mrs. RUBICZ. That is right.

Mr. DOYLE. Well, you heard my instruction to answer the question.
(The witness confers with her counsel.)

Mrs. RUBICZ. Repeat the question.

Mr. ARENS. The question is:

How did you know that the Washington State Committee for the Protection of Foreign Born is not a membership organization?

You have made that assertion. I want you to tell us why, how you know.

(The witness confers with her counsel.)

Mrs. RUBICZ. Well, I was never solicited for any membership. There are no membership cards. I was never solicited for membership.

Mr. ARENS. Well, how do you know that the organization does not have members just because you weren't solicited for membership?

(The witness confers with her counsel.)

Mrs. RUBICZ. I invoke the fifth amendment on that.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

Mr. DOYLE. I direct you to answer the question, Witness.

(The witness confers with her counsel.)

Mrs. RUBICZ. I invoke the fifth amendment on this.

Mr. ARENS. Do you know a man by the name of Clark Harper, H-a-r-p-e-r?

Mrs. RUBICZ. I invoke the fifth amendment on this.

Mr. ARENS. Why?

(The witness confers with her counsel.)

Mrs. RUBICZ. I can invoke—

I invoke the fifth amendment on this.

Mr. ARENS. Why?

Mrs. RUBICZ. I invoke— For the same reasons.

Mrs. ARENS. Do you honestly feel now, if you told this committee whether or not you know Clark Harper you would be supplying information that might be used against you in a criminal proceeding?

Mrs. RUBICZ. I invoke the fifth amendment on this.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that last question.

Mr. DOYLE. I direct you to answer the question, Witness.

(The witness confers with her counsel.)

Mrs. RUBICZ. No.

Mr. ARENS. Then, Mr. Chairman, I respectfully suggest the witness be admonished to answer the question.

Mrs. RUBICZ. I didn't understand the question.

Mr. ARENS. We will start over again then. Do you know Clark Harper?

Mrs. RUBICZ. I invoke the fifth amendment.

Mr. ARENS. Why do you invoke the fifth amendment with reference to Clark Harper?

(The witness confers with her counsel.)

Mrs. RUBICZ. I invoke the fifth amendment on this.

Mr. ARENS. Do you feel that if you told this committee whether or not you know Clark Harper you would be supplying information that could be used against you in a criminal proceeding?

(The witness confers with her counsel.)

Mrs. RUBICZ. Yes.

Mr. ARENS. Thank you. Clark Harper has advised this committee that he knew you as a member of the Communist conspiracy. Was he lying to us or was he telling the truth?

(The witness confers with her counsel.)

Mrs. RUBICZ. I invoke the fifth amendment on this.

Mr. ARENS. Have you ever been a member of the staff of the Washington Committee for the Protection of Foreign Born?

Mrs. RUBICZ. I invoke the fifth amendment on this.

Mr. ARENS. Are you at the moment a member of the Communist Party?

(The witness confers with her counsel.)

Mrs. RUBICZ. I invoke the fifth amendment on this.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Scherer, any questions?

Mr. SCHERER. I have no questions.

Mr. DOYLE. Witness, I have one question, please.

When you answered counsel that you knew that you had never been solicited for membership in the Washington Committee for the Protection of Foreign Born, may I ask you whether or not you were ever solicited for funds, money to pay part of the costs of the Committee for the Protection of Foreign Born even though they didn't give you a card or invite you to be a member? Did you give financial support?

(The witness confers with her counsel.)

Mrs. RUBICZ. No.

Mr. DOYLE. All right. Thank you.

Mr. ARENS. John Caughlan, kindly come forward.

C-a-u-g-h-l-a-n.

Mr. DOYLE. Mr. Caughlan, please, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you, God?

Mr. CAUGHLAN. I do.

Mr. DOYLE. Thank you. Have the witness chair.

TESTIMONY OF JOHN CAUGHLAN, ACCOMPANIED BY COUNSEL, PHILIP L. BURTON

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mr. CAUGHLAN. My name is John Caughlan. I live in Seattle.

I don't care to give my occupation. I will give you the reasons if I may, please.

I believe that the inquiry which this committee is making has no legislative function whatsoever. In that connection, in giving you my reasons for not caring to answer the question, I call your attention to the following from the New York Times of 11-14-56, November 14—

Mr. SCHERER. I object to anything that appeared in the New York Times.

Mr. CAUGHLIN. May I complete my answer?

Mr. SCHIERER. As a reason for refusal to answer.

Mr. DOYLE. Clearly, counsel, you know the rules of the committee. And, of course, an article in the newspaper is not any sufficient reason for you. We want you to cooperate and not, please, take the time to——

Mr. CAUGHLAN. May I make this suggestion then, that this article of the New York Times—I notice that the committee has several times asked that such things be incorporated as a part of the record—that this article from the New York Times of November 14, 1956, which gives as a general statement of the committee that its purpose is to collect data for a counterattack——

Mr. ARENS. I respectfully suggest the witness now be admonished to answer the question.

What is your occupation?

Mr. CAUGHLAN. That this——

Mr. DOYLE. Please, Attorney Caughlin. Give us your cooperation. And you are welcome to plead your constitutional privilege always, of course, in good faith.

Mr. CAUGHLAN. I want to. I only want to identify the article so that it may be incorporated by reference into the record as indicated.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered to forthwith answer the question as to what his occupation is.

Mr. CAUGHLAN. Does the chairman so direct?

Mr. DOYLE. Yes, please.

Mr. CAUGHLAN. I am an attorney.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. CAUGHLAN. Yes, I am.

Mr. ARENS. And you are represented by counsel?

Mr. CAUGHLAN. I am.

Mr. ARENS. Counsel, would you kindly identify yourself.

Mr. BURTON. My name is Philip L. Burton. I am a Seattle attorney.

Mr. ARENS. Where were you born, Mr. Caughlan?

Mr. CAUGHLAN. I was born in Missouri.

Mr. ARENS. Where in Missouri?

Mr. CAUGHLAN. In Nevada.

Mr. ARENS. And when?

Mr. CAUGHLAN. In 1909.

Mr. ARENS. Give us a word, please, about your education, where were you educated.

Mr. CAUGHLAN. Without waiving the same objection I previously made, but, instead of asserting it, and under protest, I will tell you that I was educated in grade school, high school and college and in law school.

Mr. ARENS. Where did you go to college?

Mr. CAUGHLAN. University of Washington, and Yale.

Mr. ARENS. And where did you go to law school?

Mr. CAUGHLAN. Harvard Law School.

Mr. ARENS. When did you graduate from Harvard?

Mr. CAUGHLAN. 1935.

Mr. ARENS. And then pick up the thread of your life, if you please, sir, right there, and tell us what was your first occupation and where after your graduation from law school.

(The witness confers with his counsel.)

Mr. CAUGHLAN. With the same general objection I previously made, I will state that ever since that time I have been engaged in the practice of law.

Mr. ARENS. And in what courts are you admitted to practice law?

Mr. CAUGHLAN. In the Supreme Court of the State of Washington, United States Supreme Court, and the Federal courts of this area.

Mr. ARENS. Have you been engaged in private practice ever since you had your admission to the bar? Or have you been employed by a corporation or firm or organization?

Mr. CAUGHLAN. With the same general objection, I will state that I have been, for the most part, engaged in private practice.

Mr. ARENS. What is the part that isn't the most part?

Mr. CAUGHLAN. I was deputy prosecuting attorney for King County for a period of time.

Mr. ARENS. Is that the county in which we are presently sitting?

Mr. CAUGHLAN. Yes, it is.

Mr. ARENS. And when were you deputy prosecuting attorney here in King County?

Mr. CAUGHLAN. I honestly don't recall the exact dates, but it was in the late thirties or early forties.

Mr. ARENS. Is that an elective position here or is that an appointive position by the prosecuting attorney himself?

Mr. CAUGHLAN. That is an appointive position.

Mr. ARENS. When did you actually first take your oath as an attorney to be admitted to practice law, and in what court?

Mr. CAUGHLAN. In 1935 or 1936. I can't recall exactly.

Mr. ARENS. That was in the State court here?

Mr. CAUGHLAN. That is right.

Mr. ARENS. At the time that you took that oath did you, in effect, swear to support and defend the Constitution of the United States against all enemies, foreign and domestic?

Mr. CAUGHLAN. I did.

Mr. ARENS. And at the time you took that oath were you a member of the Communist Party?

Mr. CAUGHLAN. I am going to decline to give any answers whatsoever concerning any past connection with the Communist Party for reasons which were fully set out and which I will refer to in just a moment, calling your attention to the fact that I was tried in this city in 1948 on the charge that I had made a false statement in stating that I was not and never had been a member of the Communist Party, and that, after a full and fair trial before a Federal judge and jury, I was acquitted of that charge.

I also, in connection with any statements about that——

I mean the purpose of this committee is to embarrass——

Mr. ARENS. Mrs. Hartle hadn't testified in 1948.

Mr. CAUGHLAN. Just a moment. I hadn't finished my answer, sir.

That in connection with that answer I was called before this same committee in 1954 and asked substantially the same question. My testimony at that time appears in a document published by this committee, part VIII, Seattle Investigation of Communist Activities,

Pacific Northwest Area, June 19, 1954, commencing on page 6565 and continuing to page 6578.

And I incorporate as my answer to the question at this time each and every statement that was made in connection with the answer to that question at that time, as though the same were fully set forth here.

And I will read it to you if you want, but I don't think anybody wants it.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this witness be admonished to forthwith answer the question as to whether or not he was a member of the Communist Party when he was admitted to practice law in 1935.

Mr. CAUGHLAN. I have given my answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. I direct you to answer the question. Is that the only answer you want to give?

Mr. CAUGHLAN. I have given my answer. My reasons set forth for declining to answer are precisely the same as those I gave in answer to the same question in 1954. That is my answer.

Mr. DOYLE. Do you now plead your constitutional privilege?

Mr. CAUGHLAN. This is all fully set forth in my testimony on the pages that I referred to of the record. I incorporate that, in full, here. It is there. You gentlemen know what it is.

Mr. ARENS. Were you a member of the Communist Party when you took your oath and became a lawyer in this State in 1935?

(The witness confers with his counsel.)

Mr. CAUGHLAN. I invoke in that testimony the privileges which I felt that I had then and I feel I have now. It is the same question. I invoke each and every one of those privileges again. And that is my answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest he be ordered to answer that question without telling us to read another book.

Mr. DOYLE. This is 2 years later. It may be that this question is asked you at this time with something else in mind. We may know or we may not know or may believe we know.

I think we are entitled to ask you the question directly, Attorney.

Mr. ARENS. Were you a Communist when you took the oath as a lawyer?

Mr. CAUGHLAN. I have answered that question by stating the reasons that I am declining to answer and giving you the specific and basic grounds.

Now, if you want me to, I will now read, so there can be no misunderstanding, my full statement at that time. I would like to incorporate it in the record.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this witness be admonished to answer this question.

Mr. SCHERER. Direct him to get the record clear.

Mr. ARENS. Do you honestly apprehend that if you gave us a truthful and full answer as to whether or not you were a member of the Communist Party when you took the oath as a lawyer you would be supplying information that might be used against you in a criminal proceeding?

Mr. CAUGHLAN. I apprehend that this committee would do everything in its power to get me in trouble.

And, so, the answer is I certainly do apprehend that you would endeavor in every way, if I answer that question, to bring forth the same type of witnesses that were brought before this jury, and maybe others that you have got in your control at the present time, and attempt the same thing all over again. So I certainly apprehend.

Mr. ARENS. Mrs. Hartle, would you please stand up?

(Mrs. Barbara Hartle arose.)

TESTIMONY OF BARBARA HARTLE—Resumed

Mr. ARENS. Mrs. Hartle, you have been sworn just a few moments ago.

Do you see this man sitting in the witness chair?

Mrs. HARTLE. Yes.

Mr. ARENS. When you were in the Communist Party did you know him as a Communist?

Mrs. HARTLE. Yes; I did.

Mr. ARENS. Do you swear now, to a certainty, that John Caughlan, sitting in the witness chair, was a member of the Communist conspiratorial apparatus?

Mrs. HARTLE. I do.

TESTIMONY OF JOHN CAUGHLAN—Resumed

Mr. ARENS. Now, Mr. Caughlan, you have heard the testimony of Mrs. Hartle; have you not?

Mr. CAUGHLAN. That is not testimony. That is a hearsay statement. She is not under oath and she is not subject—she is under oath but not subject to cross-examination.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be admonished to answer this question: Was she lying or was she telling the truth when she was under oath?

Mr. CAUGHLAN. So far as I am concerned, in my opinion, the truth is not in that witness. I have cross-examined her at length. I have cross-examined her at length, and I would be glad to do so again if this committee wishes to give me the privilege.

Mr. ARENS. While you are under oath tell this committee was she lying or telling the truth when she said she knew you as a Communist?

Just answer that simple question while you are under oath.

(The witness confers with his counsel.)

Mr. CAUGHLAN. I invoke each and every one of the grounds I have already invoked.

Mr. SCHERER. Wait a minute. The record is not clear.

I ask that you direct the witness to answer the question because he has not invoked the privilege of the fifth amendment. He has referred to his previous testimony. He has been very clever about it. Let's get the record straight.

Mr. DOYLE. May I make it clear, Witness, we are not accepting your reference to the answers you gave in any other hearing or any other occasion as sufficient answer to that question. And, therefore, I instruct you to answer that last question.

Mr. CAUGHLAN. This committee is fully aware of the decision of the United States Supreme Court in *Quinn* against the United States.

Mr. SCHERER. Let's go to the next question.

Mr. CAUGHLAN. In which a witness before this committee did precisely what I am doing and incorporated each and every part of testimony taken before the committee.

I do the same here, and I stand on that, and I decline for the reasons previously given to answer the question of this committee other than to stand on the grounds that I have already stated.

Mr. ARENS. The record is clear on your position and the admonition on the record.

Mr. SCHERER. Just one minute. I have a question here.

Witness, you say you were acquitted on the charge of being a Communist. Did you want to leave that impression here with this committee? (The witness confers with his counsel.)

Mr. CAUGHLAN. I was charged, sir, with having made a false statement under oath when I testified in the United States district court that I was not—and this was long after 1935—that I was not and never had been a member of the Communist Party. That charge was fully aired at that time, and the verdict of the jury and the judgment of the court stands on that. And I do not intend to open it up. For this committee—

Mr. ARENS. You just have opened it up.

Mr. CAUGHLAN. To bring out Mrs. Hartle or some other blunted tool and try the thing all over again—

Mr. SCHERER. Just one more question.

The fact is, Witness, that that case was decided on the fact that the question asked you was not material, and there was no finding as to whether or not you lied. It was merely decided by the court in that case that the question asked you, namely, whether you were a member of the Communist Party, was not material. Isn't that a fact?

(The witness confers with his counsel.)

Mr. CAUGHLAN. I would say it wasn't a fact.

Mr. ARENS. Now that you have opened this question up with this little proceeding, at the time of the proceeding were you a Communist?

Mr. CAUGHLAN. I have answered the question by declining to answer.

Mr. ARENS. Answer it again.

Mr. CAUGHLAN. By declining to answer it. I stand on the grounds previously stated.

Mr. SCHERER. The question in your trial was not decided as to whether you had lied or not. Wasn't it decided on the basis that the question asked you was not material? Isn't that a fact?

Mr. CAUGHLAN. Well, I can't see, sir, how you are serving any legislative purpose whatsoever by exploring the details of legal issues in this trial. And I don't believe you are. I think you are trying to bait me into some kind of an answer.

Mr. SCHERER. You raised it.

Mr. CAUGHLAN. No. I beg your pardon.

Mr. SCHERER. Just a minute.

You raised the question about your trial. We didn't raise it. You raised it. You said you had been acquitted of being a Communist, acquitted of the charge of perjury. You raised that question. I didn't.

I just wanted to clarify this record on what actually happened in that case. They never cleared you of being a Communist, or never decided the issue as to whether you lied or not.

Mr. CAUGHLAN. I think you are mistaken, sir.

Mr. SCHERER. All right.

Mr. CAUGHLAN. But that is your opinion, and I have my opinion.

Mr. SCHERER. We will let the record stand.

Mr. ARENS. Do you know a man, other than in the capacity of attorney and client, by the name of John Daschbach?

Mr. CAUGHLAN. John Daschbach is a client of mine.

Mr. ARENS. I say do you know him in any capacity other than the capacity of attorney and client?

Mr. CAUGHLAN. I understood your question, and I am going to answer it. I know Mr. Daschbach, and he is and has been for a long time a client of mine.

My communications with him, so far as I recall, have been in that relationship of attorney and client. But if there have been any occasions, as implied by your questions that there have been, in which I have had any contact with him other than in that relationship—if, and I don't believe there are, but there may be—if there are, then I invoke, in regard to any relationship that may exist or may have existed between him and me, all the privileges that I am afforded under the first amendment, the fifth amendment, the ninth and tenth amendments, and I don't believe your inquiry has any conceivable legislative basis.

Mr. ARENS. Now let's see if we can refresh your recollection a little bit. You said a few moments ago you didn't believe you had been associated with him except as attorney and client.

On March 6, 1954, there was a meeting at the Washington Hall sponsored by the Washington State Committee for the Protection of Foreign Born, all in honor of Abner Green, executive secretary of the American Committee for Protection of Foreign Born.

Do you remember that occasion?

(The witness confers with his counsel.)

Mr. CAUGHLAN. I don't specifically, but I wouldn't doubt there has been such an occasion.

Mr. ARENS. Were you in attendance at that session?

Mr. CAUGHLAN. I don't recall, but I may well have been.

Mr. ARENS. Do you recall being in attendance at some sessions or dinner meetings of the Washington Committee for the Protection of Foreign Born here in Seattle?

(The witness confers with his counsel.)

Mr. CAUGHLAN. I will have to ask you to repeat the question.

Mr. ARENS. Do you recall being in attendance at a session of the Washington Committee for the Protection of Foreign Born in March 1954, in which Abner Green was the guest of honor?

Mr. CAUGHLAN. I don't recall being at that particular session, but I may well have been at a meeting called by the Washington Committee for the Protection of Foreign Born for the purpose of speaking and discussing certain matters that I thought might be of interest to the public or to the committee.

Mr. ARENS. Do you have a recollection of more than one such occasion?

Mr. CAUGHLAN. Oh, I think so.

Mr. ARENS. And how many do you recall having attended and spoken in?

Mr. CAUGHLAN. I have no idea.

Mr. ARENS. Well, would you have attended as many as six?

Mr. CAUGHLAN. Possibly.

Mr. ARENS. Would you have attended as many as 12?

Mr. CAUGHLAN. I very seriously doubt it.

Mr. ARENS. Well, would you have attended as many as eight?

Mr. CAUGHLAN. I have no recollection. And if you would say three-dozen I can't help you out any more than I am.

Mr. ARENS. Could you have attended more than one, do you believe?

Mr. CAUGHLAN. If I am invited to express my views or opinions on any matter that is of interest to me, and I want to do it, I do it.

Mr. ARENS. Of course, you do. And we want you to do that.

Mr. CAUGHLAN. I doubt that.

Mr. ARENS. And you just tell us if you recall attending more than one session of the Washington State Committee for the Protection of Foreign Born.

Mr. CAUGHLAN. I have already answered that question.

Mr. ARENS. Answer it again.

Mr. CAUGHLAN. I said my recollection is I have attended several meetings. And they may well have been——

Mr. ARENS. Of what organization?

Mr. CAUGHLAN. Well have been under the sponsorship of the Washington Committee for the Protection of Foreign Born, in which I have spoken on various cases involving the foreign born which I have handled——

Mr. ARENS. And have you recalled——

Mr. CAUGHLAN. Just a moment.

Mr. ARENS. Go right ahead.

Mr. CAUGHLAN. Which I have handled.

And I have no doubt that I have expressed my views at those meetings on various aspects of legislation relating to the foreign born.

If I speak publicly on that subject I very frequently do that.

Mr. ARENS. And did you speak publicly on this subject in the course of the last year?

Mr. CAUGHLAN. Oh, I feel quite confident I have.

Mr. ARENS. And did you, in the course of the last year, speak before the Washington Committee for the Protection of Foreign Born?

Mr. CAUGHLAN. I think so.

Mr. ARENS. How many times did you speak before the Washington Committee for Protection of Foreign Born in the course of the last year.

Mr. CAUGHLAN. Very few.

Mr. ARENS. Would you say you spoke more than once?

Mr. CAUGHLAN. I don't think that is any of your business.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. I so direct you, Witness. I think it is a reasonable question.

Mr. CAUGHLAN. Well, my public expression of my views on legal cases or on the wisdom or unwisdom of pending legislation can't possibly be of any assistance to anybody in Congress or anywhere else.

Mr. ARENS. Do you think it might be of interest to the House Committee on Un-American Activities to know what the Communists are doing to subvert the anti-Communist legislation? Do you think that might be of some conceivable interest to this committee?

(The witness confers with his counsel.)

Mr. CAUGHLAN. I really wouldn't know.

Mr. ARENS. I have a report here about one of your speeches in which the subject matter was a little different from that which you have been telling us about.

It is a meeting, March 12, 1955, under the auspices of the Washington State Committee for the Protection of Foreign Born, in which you made a little speech on paid informers. Do you recall that speech?

(The witness confers with his counsel.)

Mr. ARENS. Do you remember the speech you made on paid informers before the Washington Committee for the Protection of Foreign Born?

Mr. CAUGHLAN. Not offhand. But I may well have made such a speech.

Mr. ARENS. And do you remember any of these sessions in which the principal speaker was Abner Green?

Mr. CAUGHLAN. I think I have spoken at places where Abner Green has spoken.

Mr. ARENS. And where was that? Where is your recollection?

Mr. CAUGHLAN. I don't recall offhand.

Mr. ARENS. Would that be in Seattle?

Mr. CAUGHLAN. Most likely.

Mr. ARENS. And under the auspices of what organization do you recall speaking on the platform with Abner Green?

Mr. CAUGHLAN. No, I have no recollection. But if you have some information that it was under the auspices of the Washington committee, it probably was.

Mr. ARENS. Do you know Abner Green?

Mr. CAUGHLAN. I certainly do.

Mr. ARENS. How long have you know him?

Mr. CAUGHLAN. Oh, a number of years. I can't say exactly how long. I have the highest respect for the gentleman.

Mr. ARENS. Do you know he has been identified repeatedly as a hard-core agent of the international Communist conspiracy by witnesses under oath who were not paid informers?

Mr. CAUGHLAN. I have heard you make that assertion a few times, but I have no knowledge of that.

Mr. ARENS. You do not know that Abner Green is a Communist?

(The witness confers with his counsel.)

Mr. CAUGHLAN. No.

Mr. ARENS. Do you know with what organization he is connected?

Mr. CAUGHLAN. My understanding he is connected with the American Committee for the Protection of Foreign Born.

Mr. ARENS. And in what capacity is he connected with the American Committee for the Protection of Foreign Born?

Mr. CAUGHLAN. I think he is executive director or something like that. I think he is one of the best-informed people in the United States on the operation of the Walter-McCarran Act and, in particular, on the various court tests and court proceedings which have in-

volved that act and which have involved issues arising under that and the Internal Security Act, and other matters involving and relating to the foreign born.

Mr. ARENS. The Smith Act?

Mr. CAUGHLAN. I don't know anything about his knowledge of the Smith Act. I suppose he has it. He probably does.

Mr. ARENS. Are there any particular provisions of the Immigration and Nationality Act on which he has specialized?

Mr. CAUGHLAN. Well, I have no knowledge as to what he specialized in. His position is one that I would think would bring him into a good deal of contact with all phases of that act, and I daresay he is pretty familiar with all of them.

Mr. ARENS. How many times, to your knowledge, in the course of the last 2 or 3 years has Abner Green been in this community?

Mr. CAUGHLAN. I really couldn't say. I think I probably talked to Mr. Green 3 or 4 times.

Mr. ARENS. In the course of what period of time?

Mr. CAUGHLAN. If you are talking about the last 2 years, say twice.

Mr. ARENS. Yes.

Mr. CAUGHLAN. Say once each year. Maybe it was more than that; I don't know.

Mr. ARENS. You mean you talked with him on a platform or engaged in personal conversation?

Mr. CAUGHLAN. No, no. I mean engaged in conversation with Mr. Green in regard to matters in which he might give me valuable information.

Mr. ARENS. That would be on matters relating to people who were up for deportation?

Mr. CAUGHLAN. That is right.

Mr. ARENS. And with what type of people does he specialize?

Mr. CAUGHLAN. I believe Mr. Green—

I beg your pardon. Excuse me just a moment.

(The witness confers with his counsel.)

Mr. CAUGHLAN. I believe Mr. Green's interest in the foreign born and in aliens and naturalized citizens of foreign birth is general. I don't think there is—I don't think he has any specialty. He may have, but I don't know it. My interest in discussion with him has certainly been of a general character.

Mr. ARENS. Do you know of his relationship to the officers of the Washington Committee for the Protection of Foreign Born?

(The witness confers with his counsel.)

Mr. CAUGHLAN. No, I really don't.

Mr. ARENS. Do you know Harriet Baron?

Mr. CAUGHLAN. No, I don't believe I do.

Mr. ARENS. Do you know Pettis Perry?

Mr. CAUGHLAN. No, I don't believe I do.

(The witness confers with his counsel.)

Mr. ARENS. Can you help us? Who are the officers of the Washington State Committee for the Protection of Foreign Born?

Mr. CAUGHLAN. I am afraid I can't—

Mr. ARENS. You have been around to some of their meetings.

Mr. CAUGHLAN. I am afraid I can't discuss that with you. My knowledge of any dealings of the organization involve an attorney-client relationship.

And I will say this, that, if you are really interested in knowing it, I think it is a matter of public record.

I think it has been referred to here before the committee in connection with the pleadings that were filed in the United States district court.

Mr. SCHERER. Then that isn't confidential on your part.

Mr. CAUGHLAN. What has been told to me is confidential. What is in the public record isn't.

Mr. SCHERER. Just a minute. He asked you whether you know who the officers are.

Mr. ARENS. Who is the president?

Mr. SCHERER. Just a minute now, counsel.

And just 2 days ago you were the attorney——

By the way, did you draw that petition that was filed in the Federal court 2 days ago?

(The witness confers with his counsel.)

Mr. CAUGHLAN. I can tell you what appears in that file. I can't tell you anything more. Anything more would involve——

Mr. SCHERER. That is what I was driving at. It is no longer a confidential relationship.

Mr. CAUGHLAN. Incidentally, there are a half dozen questions that have been fired at me here.

Mr. SCHERER. No, there are not. There are no questions that have been fired at you now. I am asking you some questions.

Mr. CAUGHLAN. Is the counsel's question withdrawn then?

Mr. ARENS. No.

Mr. SCHERER. No.

Mr. CAUGHLAN. Then which one am I supposed to answer?

Mr. SCHERER. The first one.

Mr. CAUGHLAN. Could I ask the reporter, please, to read back the question which I am supposed to answer.

Mr. SCHERER. Let's just go right from here on.

My question is: Did you draft the complaint that was filed by the officers of the Committee for the Protection of Foreign Born that was filed 2 days ago against this committee?

Mr. CAUGHLAN. I assisted in drafting it along with cocounsel.

Mr. SCHERER. Who were the other cocounsel?

Mr. CAUGHLAN. Chief counsel was Mr. Burton.

Mr. SCHERER. That is your counsel seated there?

Mr. CAUGHLAN. Yes. That is Mr. Burton right here.

Mr. JAY SYKES. And then, appearing pro hac vice, h-a-c v-i-c-e, for the American Civil Liberties Union, were Paul D. Jackson and Francis Hoague. And then there were others who assisted with advice who I don't think appeared of record.

Mr. SCHERER. In that petition, which was partially prepared by you, you specifically state that the plaintiffs in that action were members of the Washington Committee for the Protection of Foreign Born.

How can you claim that that is a confidential relationship between attorney and client?

Mr. CAUGHLAN. I don't. I said anything that is in that complaint I can tell you; anything further than that I can't.

Mr. SCHERER. You refused to answer the question when Mr. Arens asked you that question. Who are the officers?

Mr. CAUGHLAN. I am unaware of refusing to answer any question. If you will please call my attention to it I will endeavor to answer it right now.

Mr. SCHERER. Who are the officers of the Committee for the Protection of Foreign Born?

Mr. CAUGHLAN. According to the complaint——

Mr. SCHERER. Not according to the complaint; according to your knowledge.

Mr. CAUGHLAN. According to information which I am able to give you and which is alleged in the complaint, the chairman is Reverend John W. Caughlan.

Mr. SCHERER. That is your father?

Mr. CAUGHLAN. That is correct. The executive secretary is Marion Kinney.

The other—just a moment. I will refresh my recollection.

(The witness refers to document.)

Mr. CAUGHLAN. Louise Hatten, Cecelia Corr, and Clara Paulson.

Mr. SCHERER. How many of those persons, to your certain knowledge, are members of the Communist Party?

(The witness confers with his counsel.)

Mr. CAUGHLAN. Any information that I might have other than appears in this complaint—and I am not suggesting in my answer that, to my knowledge, any of these people are—but any information I might have concerning their affiliations or political views or anything of that sort are based entirely upon confidential communications which I cannot discuss with the committee.

Mr. SCHERER. Did these plaintiffs whom you represent confidentially advise you that Mr. Doyle and I were residents of King County, Wash., the State of Washington?

(The witness confers with his counsel.)

Mr. CAUGHLAN. No.

I think we ought to read the entire paragraph of that complaint so we will have clearly before us what the allegation is.

Mr. SCHERER. I am not asking you to read it. I am asking you to advise us and to answer the question.

Mr. CAUGHLAN. Obviously I wouldn't be in a position to state to you what my clients advise in confidence. And you, as an attorney, are fully aware of that. But I think, if you will read the full allegation of the complaint——

Mr. SCHERER. I read it.

Mr. CAUGHLIN. And I might go ahead and add that is the opinion of counsel.

Mr. SCHERER. Just answer the question whether they told you that we were residents of the State of Washington. That is the question.

(The witness confers with his counsel.)

Mr. CAUGHLAN. Well, anything that my clients told me, as I say, is something that is in the nature of confidential communication.

But I was going to add that it is the legal opinion of counsel preparing this case that, for the purposes of this action and of this hearing—because it is our view that this committee is completely exceeding any pretense of a legislative function in being here—that, for that reason, the committee can't really represent the Congress of the United States, and that, for the purposes of this hearing, they are residents

of the State of Washington, here for the purpose of conducting this hearing.

Mr. SCHERER. What law school did you say you graduated from?

Mr. CAUGHLAN. I have already answered that question.

Mr. SCHERER. Did they teach you that at Harvard? Any lawyer in this room would know differently than that.

Mr. CAUGHLAN. That isn't just my opinion.

Mr. SCHERER. All right. Go ahead.

Mr. ARENS. Now in this complaint, which was filed partially at your instigation or at least by you as one of the counsel, assertion is made that the Washington Committee for the Protection of Foreign Born solicits and receives funds. That is in the complaint, is it not?

Mr. CAUGHLAN. Yes, it is.

Mr. ARENS. Do you have information respecting the amounts of the funds that the Washington Committee for the Protection of Foreign Born has solicited and has received from the people of this area?

Mr. CAUGHLAN. I am not at liberty to disclose any information that I may have about that, sir.

Mr. ARENS. Do you have such information?

Mr. CAUGHLAN. I am not at liberty to disclose that. Anything that I may have in regard to those matters are matters that are confidential between my client and me. And I am simply not in a position to discuss that with this committee at all.

Mr. ARENS. Were you a candidate for the State legislature in 1948? (The witness confers with his counsel.)

Mr. CAUGHLAN. I have been a candidate three times. It might be—unsuccessfully. I might add.

It may be that that was one of the dates. I have forgotten.

Mr. ARENS. And for what offices have you been a candidate?

Mr. CAUGHLAN. It has always been, my candidacy for public office has always been for the State legislature.

Mr. ARENS. Did you at any time in your candidacy make known to the citizenry here in this community your affiliation with any organization which is controlled by a foreign power?

(The witness confers with his counsel.)

Mr. CAUGHLAN. My counsel advises me that that is a loaded and leading question.

Mr. ARENS. We will back up and start over. You didn't run for public office on the Communist Party slate, did you?

Mr. CAUGHLAN. I certainly did not.

Mr. ARENS. And when you ran for public office on the slate of one of the major political parties were you at that time, in truth and in fact, a member of another organization which frequently bears the label of a political party?

(The witness confers with his counsel.)

Mr. CAUGHLAN. I was a candidate on the Democratic Party ticket.

Mr. ARENS. Were you at the time you were candidate on the Democratic Party ticket, at that very time, a member of another organization which bears the label of a political party?

(The witness confers with his counsel.)

Mr. CAUGHLAN. Well, my counsel advises me that what you are trying to do here is to work out something so you can repeat this Com-

munist question that I have already said I would decline to answer, having given you the reasons. So I have no further comment to make on that.

Mr. ARENS. Mr. Chairman, I respectfully suggest that if that is the reason, and unless he invokes the fifth amendment, he be ordered and directed to answer that question.

Mr. DOYLE. I direct you to answer that question, Witness.

Mr. CAUGHLIN. What is the question?

Mr. ARENS. The question is:

While you were holding yourself forth as a candidate on the Democratic ticket were you a member of the Communist Party?

(The witness confers with his counsel.)

Mr. CAUGHLIN. That is what I thought you were getting at, although you didn't say that before.

Mr. ARENS. Of course.

Mr. CAUGHLIN. I said I thought that is what you are getting at.

Mr. ARENS. Tell us, please.

Mr. CAUGHLIN. The answer to that is the same as when you asked the question directly. By going around the bush you are asking it directly. I am not going to—it won't assist us any. I am not going to answer that question for the reasons that I have already fully stated when the question was asked me directly before.

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

Mr. DOYLE. I direct the witness again to answer that question.

Mr. CAUGHLIN. I stand on my previous answer, including the detailed statement of this matter which I have referred to and which I am prepared to quote in full, namely, the invocation of the various privileges that I made in connection with my 1948 testimony—1954 testimony, which included the first, fifth, tenth and ninth amendments and various other things, and particularly—

Mr. ARENS. Are you at this moment a member of the Communist conspiracy?

Mr. CAUGHLIN. Well, I am not, never have been a member of any conspiracy. But—

Mr. ARENS. Are you at this moment a member of the Communist Party?

Mr. CAUGHLIN. No, sir.

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

Mr. CAUGHLIN. That is the same question all over again. I told you I wasn't going to—

Mr. ARENS. Well, we will go at it the hard way.

Mr. CAUGHLIN. If you ask me was I a member yesterday, the day before or anything else—

Mr. ARENS. We are going down the line.

Mr. CAUGHLIN. My answer is the same. I have already indicated I will not, for the reasons, fully stated—

Mr. ARENS. We understand. Let's do it so we get the record straight, as the lawyers say. Are you a member of the Communist Party today?

Mr. CAUGHLIN. I have already answered the question.

Mr. ARENS. Were you a member of the Communist Party yesterday?

Mr. CAUGHLIN. The same answer I have already given. I won't discuss that in any manner whatsoever.

Mr. SCHERER. I ask that you direct the witness to answer counsel's question whether he was a member of the party yesterday.

Mr. DOYLE. I direct you to answer.

Mr. CAUGHLAN. On the grounds previously stated I decline to answer.

Mr. ARENS. Have you resigned technical membership in the Communist Party so that you could take an oath today and swear that you are not today a technical member of the Communist Party?

Mr. CAUGHLAN. I suppose that appears to be a very clever question, but it is the same one. Any way you put it, it is going to be the same one. My answer is going to be the same.

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

Mr. DOYLE. I direct you to answer the question.

Mr. CAUGHLAN. My answer is I decline to answer on each and all the grounds previously stated. My answer will be that no matter how many different ways you ask me.

Mr. ARENS. Are you presently under Communist Party discipline?

Mr. CAUGHLAN. Of course not.

Mr. ARENS. Were you under Communist Party discipline yesterday?

Mr. CAUGHLAN. I have never been under anybody's discipline. I act on my own basis, of my own judgment, and always have.

But if this is a roundabout way of going back into this question of whether I ever was a member of the Communist—

Mr. ARENS. You want to talk about everything under the sun except communism. Have you been under Communist Party discipline at any time since you were served with a subpoena to appear before this committee?

Mr. CAUGHLAN. I haven't answered your question. I said that I have never been under anybody's discipline except my own.

(The witness confers with his counsel.)

Mr. CAUGHLAN. And my father's when I was a youngster.

But if this is a means of asking me whether I was in some past time a member of the Communist Party, on all the grounds previously stated I decline to answer.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. CAUGHLAN. For the reasons stated already.

Mr. DOYLE. Any questions, Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. DOYLE. No questions, Mr. Coughlan.

Mr. ARENS. The next witness, if you please, Mr. Chairman, is Milford A. Sutherland, S-u-t-h-e-r-l-a-n-d. M-i-l-f-o-r-d.

Mr. DOYLE. I think before that witness is sworn, if you will pardon me a minute, the case of Quinn versus United States of America was referred to, and I now have the full decision here.

I want to read one paragraph as long as the last witness referred to this case, page 5 thereof:

There can be no doubt as to the power of Congress, by itself or through its committees, to investigate matters and conditions relating to contemplated legislation. This power, deeply rooted in American and English institutions, is indeed coextensive with the power to legislate. Without the power to investigate—including, of course, the authority to compel testimony, either through its own processes or through judicial trial—Congress could be seriously handicapped in its efforts to exercise its constitutional functions wisely and effectively.

End of quote.

Now, Witness and Counsel, please.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SUTHERLAND. I do.

Mr. DOYLE. Please take a seat.

**TESTIMONY OF MILFORD A. SUTHERLAND, ACCOMPANIED BY
COUNSEL, DAVID O. HAMLIN**

Mr. SUTHERLAND. I would like to request that there be no cameras and pictures during the interrogation, without any disrespect to the press.

Mr. DOYLE. The press is always very cooperative, and they heard your request.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SUTHERLAND. My name is Milford Sutherland, M-i-l-f-o-r-d S-u-t-h-e-r-l-a-n-d. My address is 702 North Fourth in Tacoma, Wash. And, as to the last part of that question, I decline to answer for the following reasons:

Now, in the first place, I think that this is not a genuine hearing directed at legislation, toward a proper legislative purpose because the committee has already come to its conclusions as indicated and enumerated in the opening remarks of the committee chairman.

Mr. DOYLE. Now, Witness, it so happens that a Federal judge, yesterday, made a finding in court in this very case, according to the newspapers, that this committee was here on a legal purpose.

So don't take the time, please, of the committee now in arguing that it is not here on a legal purpose. If you are going to plead your constitutional privilege in good faith, then do it. But don't try to make this hearing a forum, please. We don't have time for that. Just go ahead and plead your constitutional privilege, whatever it is.

Mr. SUTHERLAND. Sir, my constitutional privilege is, in the first place, that this committee is transgressing the first amendment. And it is transgressing the rights of the people to influence legislation and Congress. And, as such, I claim the privilege of the first amendment.

Mr. ARENS. Would you hesitate there. Have we transgressed any of your activities undertaking to influence legislation? Could you tell us that?

Mr. SUTHERLAND. There is certainly the very——

(The witness confers with his counsel.)

Mr. ARENS. Go right ahead. You can consult your counsel, and counsel is not to lead you there.

Tell us, have we transgressed on any of your activities, legislative-wise?

Mr. SUTHERLAND. On advice of counsel, this appears to be a leading question, and I therefore claim the privilege of the——

Mr. ARENS. There is no relationship between a leading question and the privilege. You know that.

Mr. SUTHERLAND. I claim the privilege of the fifth amendment in this regard. But, further, I would like to——

Mr. ARENS. Then we have transgressed on activities of yours which, if you told us about them, would lead to criminal prosecution; is that right?

Mr. SUTHERLAND. Sir, I would like to—I was stating my objections to a previous question.

Mr. ARENS. You go right ahead. Your objections now are to what your occupation is.

Mr. SUTHERLAND. And I would like to continue.

Mr. ARENS. All right, go ahead.

Mr. SUTHERLAND. Now I believe that my rights under the fifth amendment are involved here both with respect to due process of law and also with respect to the rights not to testify against myself.

I believe, further, that the eighth amendment is involved in this case because I think that today in America the activities and nature of this committee constitute a form of cruel and unusual punishment to a large number of citizens.

Mr. SCHERER. I would love to hear this.

Mr. DOYLE. I will not permit you to attack the committee that way. It is untrue. It is not a defense to the question. It is not an answer to the question. And I am not going to permit you to give that tirade in this hearing on that sort of bunkum. Go ahead and plead your constitutional privileges.

Mr. SUTHERLAND. I am in the process of it. I am not attacking the committee.

Mr. DOYLE. You are, and I won't permit you.

Mr. SUTHERLAND. I am speaking of the results of these hearings.

Mr. DOYLE. You might just as well know that, Witness. You are through making a platform of this committee. Plead your defenses if you want to.

Mr. SUTHERLAND. I am further calling upon my rights and the rights of the American people under the ninth amendment of the Constitution which says, in effect, that all powers which are not delegated to Congress remain with the people. Or—I wish to correct myself.

The ninth amendment says that, in effect, the Bill of Rights, in listing a number of rights for the American people, does not, by that means, limit further rights or deny further rights of the people.

And it is the 10th amendment which states, as I had earlier said, that these powers so enumerated and not specifically given to Congress remain with the people.

And I think it is appropriate in this connection to note that tomorrow is Bill of Rights Day, the anniversary of the Bill of Rights.

Mr. DOYLE. Yes; we are quite aware of that.

Mr. SUTHERLAND. Finally, let me state in furtherance of my constitutional reasons, sir, that, in addition to all of the specific articles which I have cited here, I wish to stand on the Bill of Rights as a whole, its aims and intent and purpose; namely, a spirit of jealous defense of the rights of the people.

Mr. DOYLE. No, Witness. I am not going to permit you to make a speech on the Bill of Rights.

Mr. SUTHERLAND. Sir, this is not a speech. That is——

Mr. DOYLE. Never mind. I heard what you said.

Mr. SUTHERLAND. This is a question. I am standing on the Bill of Rights as a whole.

Mr. ARENS. He has already invoked the fifth amendment, Mr. Chairman. I think it is sufficient invocation to the question.

You are represented by counsel today; are you?

Mr. SUTHERLAND. Allow me to finish.

Mr. ARENS. Are you represented by counsel?

Mr. DOYLE. Do not make a speech.

Mr. SUTHERLAND. Allow me to make one more sentence to finish the sentence I was on.

Mr. DOYLE. Go ahead. Make it a short sentence.

Mr. SUTHERLAND. You see, in the language of the street, the Bill of Rights is to keep people from being pushed around by officeholders who are exceeding their authority. I think this committee——

Mr. DOYLE. Thank you very much.

Mr. ARENS. You are represented by counsel today?

Mr. SUTHERLAND. I am represented.

Mr. ARENS. Counsel, would you kindly identify yourself.

Mr. HAMLIN. My name is David Hamlin. I am a member of the board of trustees of the Seattle Bar Association, and was assigned to assist this witness today.

Mr. ARENS. I want to read to you now, Mr. Witness, a little language. You have been reading us the Constitution. I want to read you a little language.

This is from the Communist Manifesto:

The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forceful overthrow of all existing social conditions.

Do you subscribe to that doctrine?

Mr. SUTHERLAND. I decline to answer.

Mr. ARENS. Now, with reference to your legislative activities, you said a while ago we were impeding your legislative activities. I want to be sure that you make your point clear as to what we are impeding.

I have here a coalition document entitled "Coalition for Freedom and Democracy," a report of the Washington State Committee of the Communist Party, November 1955, in which Lenin is quoted and Marx and Engels, on how the Communists are going to proceed legally or illegally to establish the dictatorship of the proletariat.

(See exhibit No. 614, appendix, pp. 8186-8203.)

Mr. ARENS. In the course of this voluminous document we see the comrades called upon to work vigorously, legally or illegally, surreptitiously or otherwise, to repeal the Immigration and Nationality Act, to repeal the Smith Act, the Internal Security Act, and other anti-Communist legislation.

Take a look at that document and see if this is a legislative program that this Committee on Un-American Activities of the United States Congress is impeding. Tell us that now while you are under oath.

(The witness examines document.)

Mr. SUTHERLAND. Sir, I think the asking of this question establishes proof of the necessity of my taking my rights under the first amendment, that this committee is going beyond its legislative purpose and is transgressing on the right to influence the bills before Congress. And, therefore——

Mr. ARENS. No, no. We want to know whether that is your program. This is a congressional committee. Tell us, Is that your

program? We are not trying to impede you. We want you to speak up and tell us. Is that your program?

Mr. SUTHERLAND. And, therefore, I invoke the rights under the first amendment and all my other constitutional rights.

Mr. ARENS. Are you now a member of a conspiracy designed to destroy the Constitution?

(The witness confers with his counsel.)

Mr. SUTHERLAND. That is really a loaded question, and I invoke my constitutional rights, including the fifth amendment.

Mr. ARENS. I want to invite your attention to a publication, the Communist Daily Peoples World, an article appearing under date of February 1956, in which you are identified in this publication as the organizational secretary of the Communist Party.

This was public property. Anybody could read this, pick it up on a street corner.

Look at this article and tell us now whether or not that publication defamed you or if it told the truth.

(The witness examines document.)

Mr. ARENS. That is the Washington State Communist Party.

Mr. SUTHERLAND. I decline to answer for the same reasons.

Mr. ARENS. Now you were emphasizing Bill of Rights Day, which is tomorrow.

I have here an article from the Daily Peoples World of April 27, 1956, with reference to your participation in a May Day affair in which there was a panel discussion by the Washington State Communist Party.

Look at that while I ask you a couple of questions.

First of all, in that panel discussion were you then talking about preserving the Bill of Rights?

(The witness examines document.)

Mr. SUTHERLAND. I decline to answer that question.

Mr. ARENS. The fact is that you were engaged there in a conspiratorial operation to undermine and destroy this Government, were you not?

Mr. SUTHERLAND. You are asking a question?

Mr. ARENS. Yes, sir. And answer the question while you are under oath.

Mr. SUTHERLAND. It is not clear what the question is. There seems to be doubt.

Mr. ARENS. You were engaged there in a conspiratorial operation as recounted in that exhibit which was just displayed to you. Is that not true?

Mr. SUTHERLAND. I decline to answer.

Mr. ARENS. Do you know a lady by the name of Hartle, Barbara Hartle?

(The witness confers with his counsel.)

Mr. SUTHERLAND. I decline to answer on the basis——

Mr. ARENS. Mrs. Hartle, would you kindly stand up.

Mr. SUTHERLAND. I have a question here. Is it sufficient for me to say I decline to answer? Or do I need to state——

Mr. ARENS. We want to know whether or not your declination is based upon an honest fear under the fifth amendment that if you did

give us a truthful answer while you are under oath you would be supplying information that could be used against you in a criminal proceeding.

Mr. SUTHERLAND. Now, as I understand it, the question before me is whether or not I know somebody or other.

Mr. ARENS. Yes. Do you know Barbara Hartle?

Mr. SUTHERLAND. I decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Mrs. Hartle, may I trouble you to stand up for this last witness?

(Mrs. Barbara Hartle arose.)

Mr. ARENS. Witness, look to the right at that lady standing there, please.

She testified yesterday under oath that while she was in the Communist Party she knew you as a Communist. Was she lying or was she telling the truth?

Mr. SUTHERLAND. I wonder if the witness would come around where I can see her.

Mr. ARENS. I don't think we ought to permit this sort of theatrics here by this man who has been identified repeatedly as a Communist. Was this woman lying or was she telling the truth?

Mr. SUTHERLAND. If you do not wish to accede to that, then—
Just a moment.

(The witness confers with his counsel.)

Mr. SUTHERLAND. I decline to answer this question on the basis of the fifth amendment, and, in saying that, where there were two other instances I did not mention the fifth previously here a couple of questions ago, I want to make it clear that—

Mr. ARENS. You want to back up now and invoke the fifth amendment so that the record is clear that if you did give us a truthful answer you would be giving information that could be used against you in a criminal proceeding. Is that correct?

(There was no response.)

Mr. ARENS. Is that correct?

(There was no response.)

Mr. ARENS. Witness, answer the question. Is that correct?

(There was no response.)

Mr. ARENS. It will be your last opportunity to clear the record.

Is that correct?

Mr. SUTHERLAND. Just a moment.

(The witness confers with his counsel.)

Mr. SUTHERLAND. Sir, all I wish to do at this point is to put in the record that on those two questions where I declined and failed to state a reason—I believe perhaps you were rushing on to the next question—that I wanted to state for the record that there were reasons for that declination in those two instances, and that reason was the fifth amendment.

Mr. ARENS. Are you presently connected with the Washington State Committee for the Protection of Foreign Born?

Mr. SUTHERLAND. I decline to answer for the same reason.

Mr. ARENS. Where were you born?

Mr. SUTHERLAND. I decline to answer for the same reason.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

Mr. DOYLE. I direct you to answer that question. It certainly is an appropriate question. It couldn't possibly incriminate you because you were born someplace.

(The witness confers with his counsel.)

Mr. ARENS. He is trying to figure out where he was born.

Mr. DOYLE. Did you hear my question, Witness, instructing you to tell us where you were born? I don't know that you heard me. I observe that it couldn't possibly incriminate you because you were born. That is why I am instructing you to answer.

Mr. SUTHERLAND. It is possible, before this committee, sometimes for a question to lead to other questions.

Mr. DOYLE. How could that incriminate you?

Mr. SUTHERLAND. And the most innocent-appearing questions are often very loaded and lead to other questions which are incriminating.

Mr. ARENS. Tell us where you were born.

Mr. SCHERER. The witness has had sufficient time. Let's pass to another question.

Mr. DOYLE. I think the witness surely will answer that question.

We are entitled to know, as long as you were born, where you were born.

Mr. ARENS. Were you born in the Western Hemisphere or the Eastern Hemisphere?

(There was no response.)

Mr. SCHERER. Where does the record show, counsel?

Mr. ARENS. That is precisely why I am asking the question. I am not certain.

Mr. SUTHERLAND. I think the——

Mr. ARENS. Were you born in the Western Hemisphere or Eastern Hemisphere?

Mr. SUTHERLAND. I am sure that the committee has a record of that.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer that question. We have wasted about 15 minutes waiting here for this answer.

Mr. DOYLE. Answer the question. I direct you to answer it.

(There was no response.)

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. No. He is going to answer finally. What was your answer?

Mr. SUTHERLAND. I wish to refuse to answer this question under my rights under the fifth amendment and other constitutional rights.

Mr. DOYLE. I have always been ashamed and afraid of any citizen, anyone who lives in the United States, that is ashamed to tell the United States Congress or the Government where they were born. I am always kind of leery of them. I don't know why, but that is just my experience, being 10 years in Congress.

It makes me feel uncomfortable when a person claiming the glory of residence and prosperity in the United States is afraid to tell the people of the United States where he was born. What are you afraid of?

Mr. SUTHERLAND. This is a common query of this committee.

Mr. DOYLE. There is nothing wrong on our part in asking you where you were born. I will instruct you to answer the question, and see what we can do about it.

(There was no response.)

Mr. DOYLE. Are you a citizen of the United States?

(There was no response.)

Mr. DOYLE. If you are, produce your certificate of citizenship.

(The witness confers with his counsel.)

Mr. SUTHERLAND. I am a citizen of the United States.

Mr. SCHERER. You are a citizen. Are you a naturalized citizen, sir?

Mr. SUTHERLAND. I am not a naturalized citizen.

Mr. SCHERER. Are you a citizen of the United States by derivation?

Mr. SUTHERLAND. No, I am not.

Mr. SCHERER. Then you are a naturally born citizen of the United States?

Mr. SUTHERLAND. That is right.

Mr. SCHERER. Why would you hesitate then to tell us you were born in the United States?

Mr. SUTHERLAND. I did not hesitate to tell you that.

Mr. SCHERER. You didn't?

Mr. DOYLE. You didn't?

You took 7 or 8 minutes to refuse to tell us where you were born. I watched the clock.

Mr. SUTHERLAND. Before this committee every question opens up such an area——

Mr. SCHERER. That couldn't possibly——

Mr. SUTHERLAND. That one must be careful even of telling the time of day to this committee, as to where it may lead legally.

Mr. SCHERER. I realize your apprehension, Witness, but you are stretching the point.

When we ask you where you were born and you are born in the United States, you are just fencing.

Mr. DOYLE. Any other questions of this witness?

Mr. SCHERER. No, I have no further questions.

Mr. DOYLE. That is all from this witness.

May I say to the police and sheriffs, Mr. Scherer and I are going to take 2 or 3 minutes to make a statement.

We very much appreciate and expect the courtesy of those that are in the room to not leave while we are speaking.

You have all been very courteous, and we appreciate it.

We do hope and expect that it will not result in a disturbance because we are going to take 2 or 3 minutes to say something. So please cooperate with us.

Mr. Scherer?

Mr. SCHERER. I want to say something with reference to the testimony of Attorney Caughlan, John Caughlan.

While he was on the stand he voluntarily mentioned the criminal case in which he was involved in this area some time ago, and, by his testimony, I believe, attempted to lead the committee to believe that a Federal court had decided that he was not a member of the Communist Party on the basis of evidence available at that time.

I have had the record checked of that case. And that case didn't basically involve the question as to whether or not he was a member of the Communist Party. It did not involve solely the question of whether the Defendant Caughlan made a false statement about his membership in the Communist Party. That was the basic issue.

But, as I said, the question as to whether he made a false statement as to his membership in the Communist Party wasn't the sole question involved, because the judge said in his charge to the jury in that case—

The indictment states that Caughlan was testifying to a material matter.

If you find the statements made by the defendant here not material to the Knaisky case, then you must return an acquittal.

So said the judge. So one of the issues involved was whether or not the statement that was alleged to have been made by John Caughlan was material to the case.

Mr. DOYLE. Gentlemen, in the next couple of minutes this committee wants to make the closing record of this hearing, and we would appreciate the courtesy of you people in not disturbing us by not leaving for a couple of minutes. We will hurry along.

But, lest our listeners or the people who read this record get an idea that this committee of Congress is just concerned about chickenfeed when it comes to the seriousness of the Communist threat to our own internal-security laws through the committee for the alleged protection of the foreign born, or through the Communist Party, or any other way, let me read one paragraph referred to and incorporated as a part of a decision June 8, 1955, by the distinguished Federal Judge Leon Yankwich of the Federal court of Los Angeles County. And this was as recent as June 8, 1955. I will just read one paragraph which he referred to in his decision. This is what the Federal judge incorporated by reference:

A Communist must be prepared to make every sacrifice and, if necessary, resort to all sorts of schemes and stratagems, employ illegitimate methods, conceal the truth, in order to get into the trade unions, stay there, and conduct the revolutionary work within.

Now my own closing statement is this: With this last session today in this great city of Seattle this subcommittee of the Committee on Un-American Activities concludes the current phase of its series of hearings on the broad subject of Communist political subversion and propaganda activities directed against the internal-security provisions of our national laws.

This series in several major cities of the United States has been one of the most extensive ever conducted. It has afforded us the opportunity of examining the operation of the subversive Soviet apparatus in the United States as it functions at this moment in the East, in the Midwest, in California and here in the great Pacific Northwest.

Because of the consecutive nature of these hearings we have been able to scrutinize the Communist Party activities and propaganda in these various geographical, heavily populated areas, and we have also been able to see how each relates to the other, and all, viewed together, form a cohesive nationwide pattern of subversive, conspiratorial, and illicit activity.

We have received a vast quantity of sworn testimony that illuminates the operation of the Communist underground from one end of the Nation to the other. We have been informed in detail about the flood of Communist propaganda flowing into the United States from behind the Iron Curtain and being distributed, in part, as a result of present subsidies by American taxpayers.

That is one area in which we are going to consider the matter of legislation.

We have been able to establish the identity of innumerable Communist-front organizations actively engaged in intensive subversive assault upon our security laws. We have seen how each of the regional organizations of the American Committee for Protection of Foreign Born functions as an integral component of the parent organization, the American Committee for Protection of Foreign Born.

We have been able to determine that the American Committee for Protection of Foreign Born and the regional organizations are controlled and directed by the Communist Party of the United States.

Here in Seattle we have been provided with an excellent present illustration of how the Communist Party operates.

The Federal court action filed just 2 days ago here in Seattle by the Washington Committee for Protection of Foreign Born, masquerading as a group of sincere and patriotic citizens, was, in fact, planned and instituted by the Communist Party in this area.

The sworn testimony and documentary record of bank checks introduced in this hearing show that the bank account of the Washington Committee for Protection of Foreign Born was actually under the control of persons identified under oath as Communist Party functionaries.

The parade of witnesses before this committee during this past week has been particularly instructive. We have been confronted with men and women who have migrated to this Nation and who have repaid our generosity with loyalty to a foreign conspiracy instead of the Stars and Stripes.

We have observed native-born Americans who would cast aside all patriotism in order to serve the Soviet Union and open the way for the conquest of their fellow countrymen.

Outside of this very hearing room, certain witnesses before this committee have prated of their concern for our basic freedom of speech and political action. They have expressed great pride in the propaganda they have issued on behalf of supposedly noble objectives. But before us, a congressional committee of American Congressmen here under authority of law, and while they were under oath, they have refused to speak about their activities and affiliations although they were given every reasonable opportunity.

They have, instead, taken refuge in deceit and evasion, and, while they have provided us with little information, they have enabled us to gage the extent of their lack of sincerity.

We do not criticize any witness who pleads his constitutional privilege in good faith. But too often we know that their use of this privilege is hypocritical and subversive.

It is a sobering picture we have received during these past days as we have contemplated these men and women who are seeking to defraud the people of this area of financial contributions to Communist-front organizations and enlist them in a campaign aimed at the subversive destruction of our constitutional form of government.

While they clamor about civil rights, about justice and fair play, and freedom of speech and of the press they actually hold these constitutional values in contempt. Their single purpose is to bring an

end to all our legal defenses against the conspiracy of international communism.

They have clearly revealed themselves not as progressives but as the vanguard of the blackest reaction that mankind has ever known and which today is murdering innocent freedom-loving women, men, and children by the thousands in a foreign country, in Hungary.

While they agitate on behalf of supposedly victimized foreign born in the United States it is obvious that they have no real humanitarian motive. The butchery of the people of Hungary leaves them unmoved. They give neither words nor money to aid the refugees from Hungary. Instead, they attack the immigration and nationality law and other Federal statutes which make it possible for us to give asylum to thousands of these innocent victims of Soviet oppression and butchering.

At this point I want to thank everyone who has been so helpful to this committee here. Manifestly, you observe and we know and feel that the work of this committee is no picnic. It is very difficult. But it is our job to do.

I want to thank the Seattle Police Department, the sheriff's department and the custodians of this building, including the elevator men and women and the janitors who have to clean up after us, and the commissioners of this great county and city. We appreciate it very, very much.

And I want to especially thank the members of the Seattle Bar Association who volunteered their services. They were so cooperative in protecting their clients' rights and yet consistently making it as brief as they could. I couldn't help but observe, though—and I don't say this critically—that I wonder if the Seattle bar hasn't been a little bit imposed upon by some of these people.

In other words, if all of these witnesses claimed to the bar that they were indigent and didn't have money to pay \$25 or \$50 or \$75 to hire a lawyer before this committee, it just looks to me like some of the witnesses have been imposing upon some of the members of the Seattle bar. I say that with utmost respect to the Seattle bar. You are most generous; you are most capable; you are most patriotic.

But it just looked to me, from the jewelry and the fine appearance of some of these witnesses, that they have imposed upon some members of the Seattle bar in saying that they didn't have the money to pay for representation.

Now, in closing, I would like to emphasize again that the Committee on Un-American Activities is not attempting to restrict the right of any legitimate organization or individual to engage in efforts to change our laws. Our purpose is to develop accurate, extensive information on the activities of the Communist Party in the United States and the Communist fronts, their methods of illegal propaganda and infiltration, and their activities against the internal security laws passed by the United States Congress. We in Congress feel we are entitled to know with whom we are dealing.

I wish to repeat that I am certain that every thinking, patriotic citizen knows that we in Congress and the members of your State legislature must know who is petitioning us in order that we might do a fair, honest, equitable job in legislation.

The secret lobbyists, the deceptive lobbyists, the undisclosed lobbyists are the ones that are dangerous. We welcome and invite the

lobbying and the petitioning of Congress at every level by people who disclose their true identity and their true interest.

It is apparent to us that, far from there being the need for repeal of any existing anti-Communist legislation, there is an imperative need for the strengthening of all existing laws so the democratic processes of this Nation may be further safeguarded against those who seek to use them for ultimate annihilation of our constitutional democracy.

In the field of contemplated legislation this subcommittee, promptly upon our return to our Nation's Capital, shall have a conference with our full committee membership, and we shall, together, carefully determine what legislation we will recommend to the next session of the United States Congress.

My last word is that I wish to also express appreciation to all you listeners who have been in the commissioners' room. You have been most gracious.

And I think, Mr. Scherer, that, as a California Congressman, I want the record to show that I think the Seattle listeners, the Seattle witnesses, and the Seattle counsel, substantially, have been the nicest group that we have had to work with on the Pacific coast. And that means that we have had hearings in my city of Los Angeles and San Francisco. But you are the nicest group to work with, and we appreciate it very much.

The committee will stand adjourned.

(Whereupon, at 4:10 p. m., Friday, December 14, 1956, the committee was recessed subject to the call of the Chair. Committee members present: Representatives Doyle and Scherer.)