

No. _____



COMMITTEE ON
UN-AMERICAN ACTIVITIES

ANNUAL REPORT
FOR THE YEAR 1961



NOVEMBER 5, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Prepared and released by the Committee on Un-American Activities
U.S. House of Representatives, Washington, D.C.

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WASHINGTON : 1962

COMMITTEE ON UN-AMERICAN ACTIVITIES

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87TH CONGRESS } HOUSE OF REPRESENTATIVES { DOCUMENT
2d Session } { No. 2559

COMMITTEE ON UN-AMERICAN ACTIVITIES ANNUAL REPORT FOR THE YEAR 1961

NOVEMBER 5, 1962.—Committed to the Committee of the Whole House on the
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Mr. WALTER, from the Committee on Un-American Activities, sub-
mitted the following

R E P O R T

[Pursuant to H. Res. 8, 87th Cong., 1st sess.]

PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

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

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

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

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

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

(A) Un-American activities.

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

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

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

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 87TH CONGRESS

House Resolution 8, January 3, 1961

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,
* * * * *
(r) Committee on Un-American Activities, to consist of nine Members.
* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

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* * * * *

27. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

FOREWORD

As world Communist power grows, creeping ever closer to these United States, it becomes more and more imperative that the American people know the truth about communism. The truth alone will not keep us free, but it will make clear to us what weapons we must develop—in the military, spiritual, economic, political, and diplomatic fields—to put an end forever to the very real threat communism poses to this Nation and to free men throughout the world. Armed with this knowledge, we will have no one but ourselves to blame if, as free men, we fail to develop those weapons and, more important, to use them unhesitatingly wherever and whenever it becomes necessary.

Too often in the past we have been slow in taking the steps demanded by our national interest and justified by our fundamental right of self-preservation. We have done this not because of a lack of knowledge of communism or of weapons with which to combat it, but because of an unrealistic approach to the necessity for utilizing them. This same failing has proved fatal in the past to more than one civilization threatened by the forces of barbarism. Softened by prosperity, luxury, and ease, they failed to arouse themselves until it was too late. This we must not forget—and dare not repeat.

This report of the Committee on Un-American Activities does no more than touch briefly on a few aspects of the overall operations of just one unit of the many regiments in the army of world communism. Despite this limitation—one imposed by the nature and restricted functions of the committee—the report will, I hope, contribute to the awakening of the too complacent to the reality that the danger is here, as well as abroad, and that we dare not ignore the home front in our war for survival.

FRANCIS E. WALTER, *Chairman.*

ANNUAL REPORT FOR THE YEAR 1961

CHAPTER 1

THE INTERNAL COMMUNIST MENACE

Should Congress and the American citizen be concerned about the U.S. Communist Party as a threat to the security of the United States?

A variety of sources are telling them they should not, that Communist Party membership is lower today than it has been at any time during the past 30 years, that the Federal Bureau of Investigation and congressional committees (or the FBI alone) can readily deal with whatever problem it presents, and that John and Mary Doe should, therefore, ignore all talk about any internal Communist danger; they have absolutely no cause for concern and should leave the job of fighting communism completely in the hands of the Government.

Such advice is false and therefore dangerous. The purpose of this chapter is to demonstrate why this is so, to prove conclusively that there is a very real internal Communist menace, that it is serious enough to warrant the concern of Congress, and that concerted action on the part of organizations and individual American citizens in support of sound legislative proposals and other measures designed to lessen the danger it presents is called for.

Claims that there is no internal Communist danger are usually based on statements—made by both top-ranking Communists and also by Government officials in positions to know the truth—that there are now only about 10,000 Communist Party members in the United States.

This figure on party membership would be an accurate gauge of Communist strength in the United States *if* all Communists were members of the Communist Party, *if* there were no Communist fronts, no Communist-dominated unions, no Communist-infiltrated organizations, and no non-Communist organizations and individuals cooperating with the Communist Party and its fronts. It would be an accurate gauge of the internal Communist danger *if* the Communist Party received no help from abroad, *if* it was not reaching hundreds of thousands of Americans with its propaganda, and *if* there were not groups in this country composed of fanatical extremists who, though not Communists, constantly agitate for the adoption of policies and actions which the Communists also demand because Moscow deems them vital to the final victory of the world Communist movement.

Because none of the above conditions holds, however, the bare figure of 10,000 Communist Party members has little relevance to the question of the strength of the Communist movement in this country and the degree of danger it presents. To the contrary, this figure tends to be misleading rather than informative.

READERSHIP OF COMMUNIST PROPAGANDA PUBLICATIONS

The Communists have repeatedly demonstrated their belief that, when the time is ripe, the sword is much mightier than the pen. At the same time, however, they daily demonstrate their belief that the pen is a tremendously powerful weapon, second to none in preparing the groundwork for use of the sword.

Statistics on the number of Communist propaganda and agitational organs published in the United States, the quantity in which they are distributed, and their probable readership are sufficient to demonstrate how intensely active the Communist Party is, the tremendous importance it attaches to propaganda efforts, and how meaningless the 10,000 figure is as a true indicator of its strength.

Postal regulations require that publications using second-class mailing privileges file annual statements of ownership, management, and circulation with the Post Office Department. Statements filed by various Communist and Communist-front publications with the Post Office Department, in compliance with Section 132.61 of the Postal Manual, gave the following average paid circulation picture for the reporting year ending October 1, 1961, for the below-listed publications, all of which have been cited as Communist or pro-Communist:

ENGLISH LANGUAGE PUBLICATIONS

Title	Frequency	Where Published	Circulation
The Worker	Twice weekly ...	New York City ..	16, 239
People's World	Weekly	San Francisco ...	7, 696
Political Affairs	Monthly	New York City ..	1, 045
Mainstream	Monthly	New York City ..	806
National Guardian ...	Weekly	New York City ..	29, 072
New World Review ...	Monthly	New York City ..	6, 100
Jewish Currents ¹	Monthly (except July & August)	New York City ..	3, 262
			64, 220

¹ Cited under its former title, "Jewish Life."

FOREIGN LANGUAGE PUBLICATIONS

Vilnis (Lithuanian)---	Daily-----	Chicago-----	18,260
Morning Freiheit (Yiddish).	Daily-----	New York City-	7,896
Rusky Golos (Russian).	Daily-----	New York City-	5,263
Glos Ludowy (Polish)-	Weekly-----	Detroit-----	3,183
Glas Naroda (Slovene).	Twice weekly---	New York City-	2,359
The Ukrainian News--	Weekly-----	New York City-	2,185
Ludove Noviny (Slovak).	Weekly-----	Chicago-----	1,775
Nok Vilaga (Hungarian).	Monthly-----	New York City-	1,720
Nova Doba (Czech)---	Weekly-----	Chicago-----	1,523
Narodna Volya (Macedonian- Bulgarian).	Weekly-----	Detroit-----	1,029
Vistnik (Carpatho- Russian).	Monthly-----	McKees Rock, Pa.	1,691
			46,884

UNION PUBLICATIONS

The Dispatcher (International Longshoremen's and Warehouse- men's Union).	Bi-weekly-----	San Francisco---	41,381
UE News (United Electrical, Radio and Machine Workers of America).	Bi-weekly-----	New York City-	57,490
Mine-Mill Union (Mine, Mill and Smelter Workers Union).	Monthly-----	Denver-----	38,000
New York Teacher News (Teachers Union).	Weekly-----	New York City-	8,900
ACA News (American Communications Association).	Monthly-----	New York City-	6,403
			152,174

These figures add up to a total average paid circulation per issue of over 263,000 for some 23 U.S. Communist and pro-Communist publications.

The total *readership* of these publications, of course, would be much higher. By the most conservative method of estimating readership, it would be at least double the circulation figure.

The readership total, however, is no more an accurate guide to Communist strength in the United States than is the figure of 10,000 party members.

A certain percentage of the circulation of all these publications is accounted for by security agencies, libraries, and anti-Communist organizations and individuals. In the cases of some of the publications listed, this would amount to no more than a few copies. In the cases of *The Worker*, *People's World*, and *National Guardian*, it would be a much greater number. Moreover, the above-listed union publications are sent to *all* members of the respective unions, including the many non-Communists within their ranks.

In addition, there is unquestionably considerable duplication of readership by Communists in the total, at least as far as certain of the above-listed publications are concerned.

In the natural course of events, too, a considerable quantity of the publications distributed free in an effort to develop sympathetic readership do not achieve the desired effect.

Even if 25 percent, a quarter of the total, is deducted to allow for these factors, however, the remainder is still impressively large.

It must also be kept in mind that a considerable number of officially cited party and party-line publications are not included in the preceding listing because they do not utilize second-class mailing privileges or are exempt from filing statements with the Post Office Department. Not included in the tabulation are, for example, *Science and Society*, the party's quarterly on Marxist-Leninist philosophy and doctrine; *Freedomways*, its new Negro quarterly;¹ *New Horizons for Youth*, its student and youth newspaper;¹ and *Economic Notes*, published by the "direct auxiliary of the Communist Party," the Labor Research Association.

Also not included in the tabulation—for the same reasons—are publications such as the following which are the official organs of cited Communist-front groups:

The Social Questions Bulletin, official organ of the Methodist Federation for Social Action;

Law in Transition (quarterly) and *The Guild Lawyer* (monthly), both publications of the National Lawyers Guild;

Facts for Farmers, published by Farm Research, Inc.;

Rights, official organ of the Emergency Civil Liberties Committee;

Abolition, publication of the New York Council to Abolish the House Un-American Activities Committee and Youth to Abolish HUAC.

The Communist Party is always creating new Communist fronts—so many, in fact, that this committee and other official agencies could not possibly investigate and formally cite all of them. For this reason, no listing of officially cited organizations and publications has ever been complete. Today, as in the past, there are a consid-

¹ Identified as publication of the Communist Party by Director J. Edgar Hoover in FBI Annual Report for the fiscal year 1961.

erable number of organizations which are under Communist control and which are very obviously promoting Communist objectives, although they have not been officially cited as Communist fronts. For obvious reasons, the publications of these groups—though they unquestionably fall into the category of Communist literature—have not been considered in this tabulation.

Publications of Communist splinter groups, too, have not been considered thus far. Although they have separated themselves from the main Communist Party and disagree with it on some tactical points, these groups and their publications must be considered in any estimate of Communist strength in the United States. Like the main Communist Party, they are completely dedicated to the principles of Marxism-Leninism and, as will be demonstrated later in this chapter, the main Communist Party, through united-front tactics, has succeeded in winning the support and cooperation of these smaller Communist organizations in promoting Soviet objectives in the United States. (See section beginning on p. 40.)

One of these groups, the Socialist Workers (Trotskyist Communist) Party has been cited as Communist and subversive by the Attorney General of the United States. Its official newspaper, *The Militant*, reported an average paid circulation of almost 5,000 for the 12 months preceding October 1961. The Young Socialist Alliance, a Trotskyist youth group, has an official organ, *The Young Socialist*, also with a claimed circulation of 5,000.

The Marxist-Leninist Vanguard, *Workers World*, and *Turning Point* are some of the other publications which avowedly represent additional Communist splinter groups in this country.

Though the total circulation of the publications of all these splinter groups is not great, the fact remains that even a small number of persons who operate on Marxist-Leninist conspiratorial principles are a very real danger. There may be only some thousands of people who read and agree with the official publication of the Socialist Workers Party (which is more openly violent and subversive than the main Communist Party) yet, allied with the orthodox Communists of this country and their fellow travelers, they obviously intensify the very real internal danger posed by the latter.

Finally, a considerable number of magazines designed primarily for readership in academic circles—and with definite Marxist and pro-Communist orientation—have sprung up within the last year or so.

No exact figures on Communist strength can be deduced from the combined readership of all these Communist and pro-Communist publications. One fact, however, does stand out beyond contradiction when their probable readership figures are totaled. It is that the Communist movement in the United States must have a following far greater than 10,000 people—and much greater than most Americans realize.

CIRCULATION INCREASES

Moreover, there are indications that, at the present time, the distribution and readership of the type of Communist literature under consideration is increasing rather than decreasing.

Circulation of the official Communist Party newspaper, *The Worker*, has risen steadily since 1957. A drive was begun in 1961 to increase its subscribers to 20,000. Paid circulation of the party's West Coast newspaper, the *People's World*, increased by almost 1,000 in 1961.

The Teachers Union, with headquarters in New York City, which has been expelled from both the AFL and the CIO as Communist-dominated, claimed an average circulation of only 8,900 for its official publication, the *New York Teacher News*, during the 12 months preceding October 1, 1961. At the end of the year, however, it boasted that its circulation had increased to over 12,000. Subscribers to its publication, it said, included not only teachers, but PTA and civic leaders, legislators, and school officials.

Jewish Currents claimed, in mid-1961, that it had obtained almost 600 new subscribers in the year 1960.

For the past year, the *National Guardian*, with a paid circulation of over 29,000, has been conducting a stepped-up circulation drive, aimed particularly at students. It claims that 135 students on 55 different college and university campuses have agreed to promote its sale and distribution among their fellow students. It further claims that, through these student representatives, the *National Guardian* was introduced, during 1961, to 1,000 students and teachers who had never seen it before and that response from its new readers has been overwhelmingly favorable. It also asserts that a number of its new subscribers are professors who request extra copies of the paper to distribute to "receptive, but needy students." The *National Guardian* has prepared an intensified promotional drive among college students for the year 1962.

DISSEMINATION OF OTHER PARTY-LINE LITERATURE

Communist and pro-Communist periodicals are but a small part of the weapons in the U.S. Communist Party's propaganda arsenal. In addition to them, the party prepares and distributes, each year, millions of handbills, pamphlets, reprints of magazine articles and speeches, and similar items which carry its line to non-Communist American citizens. Its front organizations play a key role in the distribution of this propaganda, although they are not the only vehicles used for its dissemination.

The effectiveness of such literature is an imponderable. No one can gauge with preciseness just how many people (and dollars) it brings into Communist fronts; how many converts it makes to the party's and Moscow's position on disarmament, banning nuclear weapons tests, Cuba, and dozens of other issues of national and international importance which affect national security.

Two things can be said with certainty, however:

1. The party must find that such literature pays dividends or it would not waste its and its members' and fellow travelers' valuable time and money producing and distributing it.

2. The great quantity of this literature regularly distributed in this country is an indication that the party has financial and manpower resources much greater than that of a mere 10,000 persons.

FOREIGN COMMUNIST PROPAGANDA IN THE UNITED STATES

Communist propaganda publications published by the Communist Party and its fronts within the United States do not, by any means, account for all the Communist literature distributed and read in this country.

On September 11, 1961, the chairman of this committee pointed out that in 1960 the U.S. Bureau of Customs had processed over 14 million packages of Communist propaganda mail entering this country from abroad and that these packages contained in excess of 21 million items such as newspapers, magazines, books, posters, and pictures. This was an increase of 137 percent over the year 1959. He also pointed out that in the two months of February and March 1961, over 162,000 packages of magazines and 11,000 packages of newspapers were addressed to the United States from Communist Cuba alone.

These figures include only second-class mail. No one knows how much propaganda of this type enters this country each year in first-class mail. The quantity, however, is undoubtedly great.

Moreover, there are a number of publishing firms in this country which serve as official literature-distributing agencies for the Soviet Union. Included among them are the Four Continent Book Corporation, Imported Publications and Products, Crosscurrents Press, Inc., International Arts and Sciences Press, and World Books, all located in New York City. These firms print, sell, and distribute many thousands of copies of Soviet propaganda documents annually.

THE PARTY LINE IN NON-COMMUNIST PUBLICATIONS

No consideration of the extent to which Communist propaganda is disseminated among the American people can be complete without consideration of its distribution through media which are considered completely respectable, non-Communist, and even anti-Communist. Unfortunately, from a statistical viewpoint, it is impossible to gauge, even approximately, the extent to which this goes on. But the fact that it does go on is known to all persons who have studied the problem and have experience in the field.

On December 31, 1961, Allen W. Dulles, who had recently resigned as director of the Central Intelligence Agency, appeared on the "Meet the Press" radio-TV program. In the course of his appearance, he was asked about a recently published book which claimed to tell the "inside story" of the CIA. One of the reporters on the program cited certain alleged facts about CIA activity contained in this book and then asked Mr. Dulles if he had any comment to make on this material.

Mr. Dulles replied that he would call the book the "upside-down story" rather than the "inside story" of the CIA. The book, he said, contained "a great number of inaccuracies and a good deal of material which has been pulled from far-leftist sources, which I think should not have been in the book."

The reporter then asked Mr. Dulles:

Would you say perhaps they have fallen for some Communist propaganda? Would you go that far?

Mr. Dulles replied:

The Communists have tried to sell their propaganda, and unfortunately they have succeeded in many cases. They have placed their propaganda—first it comes out in their own publications and radio and other ways, then it is picked up by leftist journals and then it gets more and more respectability until you find people quoting Communist

propaganda, sometimes maybe without knowing what they are doing.

On June 18, 1961, an assistant director of the Federal Bureau of Investigation addressed the Virginia Press Association on the subject of "The Fourth Estate Versus The Fifth Column." In the course of his address, he indicated very clearly that there is Communist infiltration of the press in this country and also pointed out its dangers:

* * * the communists * * * seldom miss an opportunity to exploit our free press.

They are definitely interested in infiltrating the newspaper field, in placing members or sympathizers in strategic positions. This is one of the Party's prize objectives * * *. * * * Hence, it should be no surprise that some misguided newspapermen have leaped like sucker fish from the main stream of life to follow the dangling lure of communism. * * * By successfully infiltrating noncommunist publications, communists gain far wider dissemination of their views than is possible through their own press, since their thinly veiled propaganda is camouflaged by the fact that it appears in a respectable publication. Moreover, the appearance of communist views in noncommunist publications goes far toward substantiating the spurious claim of the Communist Party, USA, that it is a liberal and progressive political party. This aura of legitimacy helps to condition noncommunists to the more ready acceptance of communist views on a wide variety of issues.

The opportunity to slant material along procommunist lines is frequently considered to be the only motivation for communist infiltration attempts, but another reason—equally important—is that successful infiltration also provides the opportunity to attack noncommunist forces and to suppress facts which reflect unfavorably on communism.

He also stated:

Unfortunately, in some few instances, there have been newspapermen and other writers who not only fail to protect their country but who prostitute themselves by selling their talents to those obviously desirous of using them to support communist causes.

WHO OR WHAT IS A COMMUNIST?

The consistent underrating of the strength of the U.S. Communist movement and the danger it presents, which has characterized so many statements made on the subject in recent years, is due, in large part, to the misconception that Communist strength is composed completely of, and based wholly on, the number of persons formally enrolled in the Communist Party. This, as clearly indicated by the preceding section on the number of American citizens who are readers of the hard-core Communist press, is anything but true.

The answer to the question, "Who or what is a *Communist?*" is extremely difficult, yet vital to any realistic appraisal of Communist strength within this country and the danger it presents. And the

answer to this question, unfortunately, is not the same as the answer to the question, "Who or what is a Communist Party member?"

A Communist Party member, obviously, is any person formally or technically enrolled as a member of the so-called Communist Party. In estimating the Communist danger, however, the question of the number of Communist Party members, in this technical sense, has become almost meaningless. The answer to it is misleading rather than informative. The reasons for this are as follows:

Repeatedly, in recent years, the committee has received sworn testimony from those who have broken with the Communist Party and from persons who have served as underground operatives for the FBI that many persons have technically resigned from the Communist Party with the understanding that they would remain Communists and continue to do the work of the party and of Moscow. Obviously, such persons, though technically outside the party, are part of the Communist movement or apparatus in this country and must be counted in any estimate of Communist strength.

The technique of the basically false resignation from the Communist Party was first adopted, on a significant scale, in the late 1940's following the passage of the Taft-Hartley Act which required the signing of a non-Communist affidavit by trade union officials. The obvious intent of the party in having its members who were trade union officers turn in technical resignations was to make it possible for them to retain their union offices, use them to manipulate the unions in the service of the Kremlin, and thus frustrate the intent of the Taft-Hartley Act while avoiding a technical violation of it which would make prosecution possible.

This is illustrated by the following excerpt from testimony given before the committee in May 1959, during an investigation of the Communist infiltration of the meatpacking industry in Chicago. The witness was Carl Nelson, who had been a party member from 1934 to 1949 and who was subsequently active in various Communist fronts until 1955, when he broke completely with communism. On the basis of previous testimony and evidence on this point gathered by the committee, Nelson was asked the following question:

COMMITTEE COUNSEL. During the period in 1948 of the passage * * * of amendments to the National Labor Relations Act, requiring certain officials to sign non-Communist affidavits, to your certain knowledge, did certain people resign from the formal entity known as the Communist Party and maintain themselves in the Communist operation?

Mr. NELSON. They did.

COMMITTEE COUNSEL. Did they do that so that they could take a non-Communist affidavit in order to avoid the impact of the then existing law?

Mr. NELSON. That is right.¹

Another witness in the same hearings was a man named John R. Hackney, who had been a member of the Communist Party from 1942

¹ See "Communist Infiltration of Vital Industries and Current Communist Techniques in the Chicago, Ill., Area" May 5, 6, and 7, 1959. Hearings before the Committee on Un-American Activities.

to 1948. In response to a question concerning these technical resignations from the party, he answered, in part, as follows:

Mr. HACKNEY. * * * as far as experience I have had with members of the Communist Party resigning for technical reasons, I can cite you one particular case that comes in my mind and that was in the 1948 convention [of the United Packinghouse Workers of America] here in the city of Chicago.

There was a caucus meeting held of top party officials and for the purpose of deciding who was to resign from the party because of the refusal to sign the Taft-Hartley oath and in one particular case there was Meyer Stern, the district director of District 6 in New York, whom I knew to be a member of the party, and to my surprise I learned that he had resigned from the party the night before the election of officers took place and that he was now eligible to run for office and be reelected a district director of District 6 because he was now not a member of the party and free to sign a non-Communist affidavit.

COMMITTEE COUNSEL. Did he maintain himself for all intents and purposes as an active member of the conspiracy?

Mr. HACKNEY. Yes. (See footnote p. 9.)

In the course of these hearings, eight witnesses who were key officials and employees of the United Packinghouse Workers of America—and who had been identified as members of the Communist Party—were called to the stand and asked if they were presently members of the party.

All stated, under oath, that they were not.

All eight were then asked if they had turned in technical resignations to the party so that they could deny membership while continuing to do the work of the conspiracy.

All eight invoked the fifth amendment rather than answer this question.

Subversive Activities Control Board member, Francis A. Cherry, in his December 26, 1961, recommended decision in the case of the Mine, Mill and Smelter Workers Union (charged by the Attorney General with being a Communist-infiltrated organization as defined in the Internal Security Act) found that Raymond Dennis, a member of the union's International Executive Board from 1950 to 1960, was one of six members of the board who "were members of or affiliated with the Communist Party." (Decision, p. 30.)

The following paragraph in his recommended decision referring to Dennis illustrates the extent to which the specious resignation technique has been used by Communist trade union officials:

Gardner [a Government witness, then a Communist Party member] accepted the position [as international representative of the union] and worked out of District 3 office of Mine-Mill in Cleveland, Ohio. A few months after he went to work, Gardner noticed in the files of that office a letter of Raymond Dennis' resignation from the Communist Party. This was in December of 1951 or January of 1952. Gardner asked Dennis if he thought it was wise to let a letter of that sort remain in the files of the Union. Dennis replied

that he could see nothing wrong with it because this letter was one that was *sent out by all trade union officials who were members of the Communist Party* at the time they signed a non-Communist affidavit under the Taft-Hartley Act, and was merely a protection that they had against any possible prosecution for membership at the time of signing. (p. 16, par. 51(c)) [Emphasis added.]

The following quotations from Mr. Cherry's recommended decision referring to Maurice Travis, secretary-treasurer of the union from 1948 to 1955, provide additional evidence on this technique:

In the latter part of 1949, Travis made a speech before Mine-Mill Local 392 in which he said he resigned from the Communist Party with reluctance and that he would still continue to believe in the principles and the practices of the Communist Party.

Petitioner's witness Kirby spoke with Travis at the 1949 Mine-Mill convention after Travis had signed the non-Communist Taft-Hartley affidavit. Travis offered Kirby a place on the Mine-Mill Executive Board if Kirby would cease his opposition to the positions for which Travis had been working. Kirby asked Travis how he could sign the Taft-Hartley affidavit and Travis replied that *all it meant was that at the moment of signing he was not a Party member.*

In 1953, petitioner's witness Henderson heard a Mine-Mill member tell Travis he could not support him for secretary-treasurer of the Union because of his political beliefs, and heard Travis reply that: "I haven't changed my political beliefs any." (p. 24, pars. 57 (c),(d),(e)) [Emphasis added.]

It is probable that many hundreds of Communists in the trade union movement have resorted to this device of the technical, but specious, resignation from the party. Its effectiveness can be gauged from the fact that only 10 Communist trade union officers have been successfully prosecuted for filing false non-Communist affidavits under the Taft-Hartley Act.

A variation of the false severance of Communist Party ties device in the non-union field was revealed in the testimony of Mrs. Moisselle Clinger, a former FBI undercover operative in the Communist Party, in an appearance before the committee in Los Angeles on October 20, 1959. Mrs. Clinger stated that when she dropped out of the party in 1956 because of ill health, she was asked to continue working for it, though not a formal member of it. The following exchange between the committee counsel and Mrs. Clinger then took place:

COMMITTEE COUNSEL. Well, it appears then that although you were severing your connection as a member of the Communist Party, they were asking you to continue in your activity in the Communist Party?

Mrs. CLINGER. That is correct. I mean, that I would at least support them financially and, possibly later when I felt better, to do other things.

COMMITTEE COUNSEL. You were expected to be affiliated with the Communist Party although not actually a member in the legal sense?

Mrs. CLINGER. That is correct.¹

It can readily be seen from the facts cited and testimony quoted that the question of the so-called "former" or "ex"-Communist is an important one in assessing the extent of the internal Communist menace. The following item concerning some so-called "ex"-Communists points up this truth:

In "Communist Target—Youth," his report on the San Francisco riots of May 1960, FBI Director J. Edgar Hoover described some of the developments which took place within the ranks of the Communist Party after the riots. The following is one of them:

Mickey Lima [a member of the National Committee of the Communist Party and chairman of its Northern California District] expressed his pleasure at the number of former party members the affair had brought back into the fold. He said that individual supporters the party had not seen or heard of in years seemed to "emerge from the woodwork" in response to the party's campaign.

Additional testimony and factual evidence along the same lines could be cited at this point, but would be superfluous. It is clear that the mere fact that a person has "resigned" from the Communist Party or has dropped out of it and ceased attending its meetings is not proof at all that that person is not a Communist and not still actively working for the party.

HOW MANY—AND HOW DANGEROUS—ARE THE "EX"-COMMUNISTS?

There is no question about the loyalty of some ex-Communists. Persons such as Louis Budenz, the late Whittaker Chambers, Elizabeth Bentley, and John Lautner have proved by their actions that their break with the Communist Party and the Communist movement has been complete and unquestioned. These people and others have demonstrated, by the assistance they have given to Federal security agencies and congressional investigating committees, by their writings, their support for anti-Communist organizations and causes, and by numerous other deeds, their loyalty to the United States and their sincere desire to see the end of the conspiracy of which they were once a part.

But the previously cited testimony indicates that there is serious question about the loyalty of many so-called "former" Communists, even though they are no longer formally a part of the Communist Party itself. These people are still doing the work of the Kremlin and assisting the party in whatever way they can.

How many former Communists are there?

Report on the American Communist,² a book published in 1952, estimated that during the prior 30 years some 700,000 American men and women had left the Communist Party after being members of it for varying periods of time.

In his book *American Commissar*, published in 1961, Sandor Voros estimates that there are approximately one million former Communists in this country. Voros, a member of the Communist Party

¹ See "Western Section of the Southern California District of the Communist Party"—Part 1, October 20, 1959, Hearings before Committee on Un-American Activities.

² Morris L. Ernst and David Loth. Henry Holt and Company, Inc.

for 11 years, was campaign manager for Earl Browder when the Communist Party leader was running for President of the United States in 1936.

Mrs. Marion Miller, an FBI undercover operative in the Communist Party from 1952 until 1955, estimated, while testifying before this committee in the fall of 1959, that there are a half-million former Communists in the United States.

Exact figures are impossible to arrive at in attempting to answer this question. It would seem, however, that the figure of 750,000 would be a reasonable estimate of the number of former Communists in this country.

Where does the loyalty of these people lie today?

Again, a precise answer to this question is impossible. A relative handful of this total has given conclusive evidence of their loyalty to the United States by their actions and writings since leaving the party.

Nothing is known definitely about the remainder although it is probable that most of them are today completely loyal Americans who are firmly opposed to the Communist movement. At the same time, it is also apparent that a question remains about the ultimate loyalty of many thousands of persons in this country who are not today actual members of the Communist Party.

Mrs. Miller, in her testimony before the committee, made the following statement on this subject:

I have found from my experience that at least, and this is a conservative number, at least fifty percent * * * [of the ex-Communists in the United States], if it came to a showdown whether their loyalties lie with the Soviet Union or with the United States in case of emergency, still are sympathetic with what they call the "Father of Scientific Socialism," that is Russia. * * *

I would like to explain, it is not easy to stay in the Communist Party, because to be a good, loyal, dedicated Communist, it takes all of your time, your money, and energy, and Communists can be selfish, too. Many of them say, I can be a good Communist and not to go meetings, just like a good lot of people can say I can be a good Christian and not go to church on Sunday. They follow out the party line. They subscribe to the Communist publications. They give their donations. They attend these front organizations, and these other groups, and when they are within their own legitimate organizations they are promoting communism.

This is the point. You see, so * * * many people who dropped out are still promoting communism * * *.¹

Although it is impossible to judge accurately just how many former Communists in this country are still loyal to the Communist cause and how many are completely devoted to the United States, it appears reasonable to estimate that there is a sizable minority of them, some tens of thousands of people, at least, who must be counted on the Communist side.

For this reason, it is certainly apparent—again—that the strength and danger of the internal Communist apparatus is far greater than the figure of 10,000 technically enrolled party members would indicate.

¹ See "Western Section of the Southern California District of the Communist Party"—Part 2, October 21, 1959, Hearings before Committee on Un-American Activities.

THE INDUSTRIAL PHASE OF THE INTERNAL COMMUNIST THREAT

COMMUNICATIONS INDUSTRY

One of the committee's hearings in 1961 is sufficient to prove how real and dangerous the internal Communist menace is. On October 26 and 27 and November 29, 1961, the committee took public testimony on the subject of Communist penetration of radio communications facilities.¹ These hearings, like hearings held in August 1960 on the same subject,² were designed to develop information pertinent to communications security bills which had been introduced in the Congress.

In the course of these hearings, high-ranking officials of the Federal Communications Commission, the Department of Defense, and commercial broadcasting corporations testified that, in time of emergency, Communist subversives with access to transmitting facilities could sabotage vital communications equipment, betray the positions of this country's ships at sea, and commit espionage by copying messages and making them available to Soviet agents. Such action could result in the breaking of our codes so that we would have no secrets from our enemy—a development that would be disastrous in time of emergency. They also testified that it is possible for Communists with access to transmitting equipment to sabotage the whole CONELRAD defense warning system on which the lives of millions of Americans will depend in the event of enemy attack.

How could one Communist do this?

CONELRAD, which means CONTROL of ELECTROMAGNETIC RADIATION, was developed by the FCC at the request of military and civil defense officials to serve a double purpose—to deny radiation from any transmitter which would provide a homing signal to attacking enemy planes or air-breathing missiles and, at the same time, to provide a means of Government communication to the people under attack conditions.

In the event of enemy attack, on signal from the North American Air Defense Command, some 1,300 stations in the United States which participate in the CONELRAD setup will either go off the air or shift to frequencies of 640 or 1240. The latter will reduce their power and not identify their locations.

Just one Communist, by not switching to these channels or by staying on the air and identifying his transmitter, could provide the homing signal that would enable the enemy to zero in on preselected targets in this country.

A Communist with access to transmitting equipment could do other things as well. He could broadcast statements that would sabotage civil defense measures or create panic.

Is there any danger that this could happen in the event the United States should be attacked?

One witness subpoenaed to testify in these committee hearings was identified by two other witnesses in the hearings as a person they had known as a member of the Communist Party. A third witness had similarly identified him in executive testimony before the committee in August 1960.

¹ See "Communist Penetration of Radio Facilities (CONELRAD—Communications)"—Part 2, October 26, 27, and November 29, 1961. Hearings before Committee on Un-American Activities.

² See "Communist Penetration of Radio Facilities (CONELRAD—Communications)"—Part 1, August 23, 24, 1960. Hearings before Committee on Un-American Activities.

This man denied that he was a member of the Communist Party on October 26, 1961, the day he testified before the committee. He invoked the fifth amendment, however, when asked if he had attended Communist Party meetings; had recruited others into the Communist Party; and if he had resigned from the party just prior to receiving his subpoena to testify.

At the time he appeared before the committee, this man was employed as a *television engineer* by the *American Broadcasting Company* in New York City. He was also licensed by the FCC to operate an amateur radio station in his home.

Another witness who testified under oath in the hearings had been identified as a member of the Communist Party by two witnesses in testimony before the committee. This man had been screened off U.S. vessels as a security risk during World War II. He, too, denied that he was a member of the Communist Party on the day he testified, but invoked the fifth amendment when questioned about past party membership and whether he had, in the previous month, resigned from the party.

At the time of his appearance before the committee, this man was employed as an *operating engineer* by the *National Broadcasting Company* in New York City.

Another witness subpoenaed to testify before the committee in these hearings denied current membership in the Communist Party, but invoked the fifth amendment in refusing to answer all questions asked him concerning previous membership. At the time of his testimony, he was employed as *chief engineer* of the *Tuschman Broadcasting Company* in Cleveland, Ohio.

Still another witness, who was identified as a member of the Communist Party by three other witnesses who testified during the hearings, denied current party membership, but invoked the fifth amendment in refusing to state whether he had ever been a member of the Communist Party and had resigned from it. This man, at the time of his testimony, was employed as a *radio technician* by *Station WBNX*, New York City.

Each one of these men held a position that might have enabled him to sabotage the CONELRAD defense warning system in the event of enemy attack. This fact alone indicates how dangerous to the security of the United States even a small Communist Party can be.

The conduct of another witness before the committee was even more revealing of the nature and extent of the internal Communist menace. This man had been identified as a member of the Communist Party by five witnesses who testified before the committee. In his appearance on October 26, 1961, he invoked the fifth amendment when asked if he was presently a member of the Communist Party.

This man, William Bender, is currently secretary-treasurer of the American Communications Association, a union which claims 8,000 members. This union is recognized as the bargaining agent for employees of Western Union in New York City, RCA Communications in the United States and Puerto Rico, the French Cable Company, Western Union Cables, TeleRegister Corporation, and several radio stations. Its members service highly sensitive communications lines of the U.S. Government—lines which carry messages of the Department of Defense and other agencies.

Bender is not the only official of the American Communications Association who has been identified as a member of the Communist Party. Joseph Selly, president of the union, and Charles Silberman, editor of the union's publications, have also been identified as party members—as was the late Joseph Kehoe who preceded Bender as the union's secretary-treasurer. The American Communications Association was expelled by the CIO as Communist-dominated in 1950.

Despite this fact and despite the fact that the union has been cited as Communist-controlled by this committee, by anti-Communist labor leaders, and by numerous newspapers and magazines in this country, the 8,000 or so members of the union, year after year, have been reelecting their same old Communist leaders, reading the pro-Communist line peddled in the union's publications, and adopting Moscow-serving resolutions at their conventions.

Most members of this union, of course, are not Communist Party members. But can it be argued effectively that the thousands of members of this union employed in the sensitive broadcasting and communications industry are in no way a danger to the security of this country?

The undeniable fact is that they accept Communist leadership today and have done so for years. The big question is: Will they continue to accept it at a time of crisis and danger to this country?

The possibility of union action contrary to the interests of the United States in the communications field is just one aspect of the internal menace of communism. There are others in this same field.

The Federal Communications Commission can deny an operator's license to a person known as a Communist or a pro-Communist when his initial application is made. It can deny such a person's application for renewal of a license, but it has no authority to take a license away from such a person once it has been issued and, therefore, may have to wait almost 5 years before acting against a Communist licensed to operate communications facilities.

Moreover, there are many unlicensed transmitters in this country, and there is no law requiring their registration with the FCC. In addition, transmitters which can operate worldwide can be built by almost anyone of average intelligence from kit form. All the parts needed for the construction of such transmitters can be purchased from radio and electronic supply houses.

It is clear from these facts that even a small number of individual Communists can present a serious threat to national security in the communications field.

The FCC also faces a problem in the licensing of stations of all types. Communists have secured ownership of stations in the past, and strict vigilance is required to see that they do not today succeed in seizing control of such powerful propaganda instruments which can be turned into deadly weapons of sabotage under certain conditions.

Is the Communist Party alert to the opportunities for subversion open to it in the communications field?

One of the witnesses in the committee hearings on this subject was Michael Mignon, a communications expert and representative of the anti-Communist Communications Workers of America (AFL-CIO). Mignon was once a member of the Communist Party, during which time he was also a member of the American Communications Association. Testifying before the committee in July 1957, he made the

following statement about the importance the Communist Party has always placed on infiltration of our communications industry:

To the best of my recollection, sir, it was always pointed out to me that the importance of obtaining control of the communications industry in times of stress or in revolutionary times was a primary factor, and therefore the efforts of the Communist Party in subsidizing the union [American Communications Association] and offering whatever assistance they could in building the union in the communications industry was primarily the main objective.¹

ANOTHER TRADE UNION THREAT

The International Longshoremen's and Warehousemen's Union (ILWU), like the ACA, was expelled from the CIO in 1950 as Communist-dominated. This union is headed by Harry Bridges, who has often been identified as a member of the Communist Party.

Bridges, through his leadership of this union which claims 56,000 members, controls shipping on the West Coast from Alaska to Mexico. He also has power to undermine the welfare and security of our 50th State—Hawaii. He has organized not only the longshoremen there, but workers on sugar and pineapple plantations. In the past, he has demonstrated his power to cripple the economy of Hawaii by calling strikes which have completely tied up all shipping between the islands and the mainland.

The fact that it is a policy of Communists, when possible, to call strikes for no other reason than to further Soviet objectives, indicates that Bridges' power over West Coast-Hawaii shipping poses a continuing threat to the security of the United States.

In an appearance before the Committee on Un-American Activities in early 1959, Bridges testified that in the event of a war between the Communist and Nationalist Chinese, he would do everything he could to prevent the shipment of any assistance from this country to the Chinese Nationalists.²

Just a short while after his appearance before the committee, Harry Bridges went to Japan where he played a leading role in the first All-Pacific and Asian Dockworkers' Trade Union Conference. This was a gathering attended by some 75 delegates representing Communist-run unions in Australia, India, Japan, Indonesia, Cambodia, Canada, and the U.S.S.R. Its apparent purpose was to unite, under Communist control and in the service of the Kremlin, all the dockworkers' unions of the Asian-Pacific area—so that when the time came, these unions could coordinate strikes, sabotage, and similar activities to assist the Kremlin in undermining the defense of the free world. Bridges led a four-man delegation from his union to this conference.

Despite these actions and the fact that his statement before this committee about the role he would play in the event of a war in China was denounced by many newspapers as verging on treason, Harry Bridges and the Communists with whom he has surrounded himself in the leadership of the ILWU are as firmly in control of the union as ever before.

¹ See "Investigation of Communist Penetration of Communications Facilities"—Part 1, July 17, 18, 19, August 2 and 9, 1957. Hearings before Committee on Un-American Activities.

² See "Passport Security"—Part 1 (Testimony of Harry R. Bridges), April 21, 1959. Hearings before Committee on Un-American Activities.

THE ELECTRONICS, MANUFACTURING, AND POWER FIELDS

Another union expelled from the CIO as Communist-dominated in 1949 was the United Electrical, Radio and Machine Workers of America (UE). This union today claims 160,000 members. An indication of the continuing Communist power in this union is found in the fact that, in October 1961, the Communist Party selected one of UE's officers, James Lustig, to become business manager of *The Worker* when Louis Weinstock resigned that position.

The UE is recognized as the bargaining agent for workers in many major electrical manufacturing plants in this country, plants which are turning out instruments and parts for planes of all types, submarines, warships, missiles and other defense weapons.

When the committee held hearings in Pittsburgh in March 1959, A. Tyler Port, Assistant Secretary of Defense for Manpower, testified that five prime contractors for the Department of Defense in the Pittsburgh area alone were turning out defense materiel in plants in which the UE was the bargaining agent for the workers. Mr. Port pointed out the danger to our national security which exists in the fact that workers in the power industry, as well as in manufacturing, are represented by the UE. He said:

The potential for bringing defense production to a halt by sabotage of power facilities is enormous and the repercussions would be, I think, disastrous because if the power itself is cut off, defense plants cannot produce, and we would thus be denying ourselves the weapons which are so essential to our national defense effort.¹

THE BASIC MINING INDUSTRY

The Mine, Mill and Smelter Workers Union today claims 100,000 members. Like the ILWU, ACA, and UE, it was expelled from the CIO because it was Communist-dominated. Its members are organized in seven districts, representing locals in 30 states. The strategic role this union plays in our basic and defense industries, particularly in time of war, is made apparent by the following quotation from the December 1961 recommended decision of Subversive Activities Control Board (SACB) member Francis A. Cherry in the case of Robert F. Kennedy, Attorney General of the United States vs. International Union of Mine, Mill and Smelter Workers (Docket No. 116-56):²

The jurisdiction of Mine-Mill under its constitution extends to all mining operations except coal, plus the processing of ore, chemical and reduction plants, casting and allied industries. In practice, however, the Union's chief concentrations are in nonferrous metals, particularly copper, lead and zinc, and its effective jurisdiction is over mining, milling, smelting and refining these ores. (p. 10, par. 37)

¹ See "Current Strategy and Tactics of Communists in the United States (Greater Pittsburgh Area—Part I)," March 10, 1959. Hearings before Committee on Un-American Activities.

² On July 28, 1955, Attorney General Herbert Brownell, Jr., petitioned the SACB to hold hearings on Mine-Mill for the purpose of determining if it was a Communist-infiltrated organization as defined in the Internal Security Act of 1950.

Mr. Cherry, in his decision, also found:

It is quite clear from the evidence that many important functionaries of [Mine-Mill] are and have been members of the Communist Party, and that other important functionaries are persons who are and have been amenable to the Communist Party. This situation prevails with respect to the International Executive Board to the extent that *the Executive Board is and for many years has been dominated and controlled by the Communist Party members on the Board.* A substantial number of the staff members who assist the Executive Board are and have been members of the Communist Party. (pp. 92, 93, par. 222) [Emphasis added.]¹

The Communist Party, in other words, still runs the largest union of nonferrous metal workers in the United States.

THE ARMED FORCES'—AND YOUR—FOOD

When the CIO cleansed its ranks of Communist-dominated unions in 1949-1950, the United Packinghouse Workers of America barely escaped expulsion. In 1959, this committee held hearings on continuing Communist penetration of the Packinghouse Workers Union.

As mentioned earlier in this report, eight high-ranking officials and key employees of the union were among those identified by witnesses in these hearings as persons they had known as members of the Communist Party. When called to the witness stand, the eight denied that they were then Communist Party members. But every one of them proceeded to invoke the fifth amendment when asked if they had been members of the party and had turned in a technical resignation so that they could sign a non-Communist affidavit or deny membership under oath in any hearing, while actually remaining dedicated Communists and continuing to do the party's work.

Two former Communist Party members who were employed in the meatpacking industry and had broken with the conspiracy testified in these hearings. In response to questions, they explained, on the basis of their experience as Communists, why the party was trying to infiltrate and seize control of the unions in this field. One of them, Carl Nelson, explained it in these words:

Well, if this country was ever to go to war, an army has to travel on its stomach, and they would be in an excellent position to cut off food for the Armed Forces.²

The other witness, John R. Hackney, said:

Because the party felt that the meat industry was essential to the national economy and it was important that they build the party within the meat industry in the event that we had war with other nations, that we could control the meat industry and its various outlets.²

¹ Additional findings of Mr. Cherry concerning the Mine, Mill and Smelter Workers Union will be found on pp. 23-27.

² See "Communist Infiltration of Vital Industries and Current Communist Techniques in the Chicago, Ill., Area," May 5, 6, and 7, 1959. Hearings before Committee on Un-American Activities.

When Hackney, who was still employed in the meatpacking industry at the time, was asked to give his estimate of the Communist Party's strength in this field, he replied:

From my most current information and my experience in my activity in the party I would say that the party is stronger now in the meat industry than it ever has been. (See footnote 2, p. 19)

Communist Party membership was probably somewhat lower in 1959 than it is today. On the basis of formally enrolled members, the party was weaker than it had been in many years. Yet this man—who had been a party member in the past, had worked in the meatpacking industry as such, and was still employed in it—estimated that party strength was then stronger in the field “than it ever has been.”

COLONIZERS

The internal Communist threat in the field of labor is not limited to the fact that some half-dozen unions in this country representing workers in basic industries are dominated or heavily infiltrated by party members. For years, the Communist Party has been sending so-called “colonizers” into strategic plants where workers are not organized in unions under its control. It is the function of these colonizers, who are usually highly educated young men and women (who conceal their education from their employers and fellow workers), to create Communist cells in these plants and, if possible, work themselves into positions of leadership in non-Communist unions. During recent years, the committee has uncovered Communist Party colonizers in the textile, steel, and other industries.

What is the ultimate aim of these colonizers and of the Communist Party members who hold positions of leadership in the unions previously mentioned in this chapter?

This question is answered by a document introduced into the committee's records when it held hearings in Buffalo in 1957. This document had been given to an FBI undercover operative in the Communist Party by a man who was a Communist Party organizer in the Bethlehem Steel Company plant in Lackawanna. It was an official directive issued to all Communist Party clubs in the area. A single mimeographed sheet, it was entitled “STEEL CONCENTRATION.” Immediately under the title, in capital letters, was the following:

EVERY CLUB SHOULD DISCUSS THIS IN THEIR NEXT MEETING
AND IF THEY WANT A SPEAKER CALL THE OFFICE OR BETTY.

The first paragraph under this notation read as follows:

Three Basic industries, Steel, Railroad and mining. These are basic to the national economy, that is if any one or all three are shut down by strike our economy is paralyzed. It is necessary for a Marxist Revolutionary Party to be rooted in these industries.

Even if no consideration is given to the dangers posed by Communist infiltration in certain unions classified as non-Communist and to the question of cells organized in various plants by Communist colonizers, the harsh truth is that today, though the Communist Party has only

some 10,000 formally enrolled members, some 324,000 workers in industries vital to any U.S. defense and war effort are members of unions which have been found to be under Communist leadership.

HOW MUCH A MENACE?

Is there any danger that all these workers or a significant number of them in one or several of these unions would, in time of emergency, take action inimical to the United States? Are they doing so today in the cold war, taking the side of Moscow rather than that of the United States?

It must first be emphasized that the great majority of these workers are not Communists. Sentimentally, at least, they are anti-Communists. A good number of them are actually "captive" members of these Communist unions. Because these unions are recognized as the bargaining agents for employees in various plants, they must join these unions if they want to work at their trades in these localities. For all practical purposes, they have no other choice.

Despite this fact, the record of past events indicates that non-Communist workers of this type do not always appreciate the degree to which certain actions on their part can endanger the security of this country. They can and have been tricked by their Communist leaders into doing serious damage to the security of the United States.

THE STALIN-HITLER PACT PERIOD

During the Stalin-Hitler pact of 1939-41, the line of Moscow and, therefore, of the U.S. Communist Party was that everything possible must be done to sabotage defense preparations and production in this country. The aim here was to prevent the United States from giving effective military aid to free nations which were then fighting Hitler and also to delay our defense production so that this country would be unprepared, or inadequately prepared, to take part in the war against the Axis Powers as long as Stalin was Hitler's buddy.

A wave of sabotage strikes hit U.S. defense industries during this period. These strikes, for weeks and months, tied up the Allis-Chalmers plant in Milwaukee, Wisconsin; the International Harvester plant in Chicago, Illinois; the Aluminum Company of America plants in Cleveland, Ohio; the North American Aviation Company plant in Inglewood, California (a strike which was so serious that it compelled the President to order the Army to take over the plant); and the Vultee Aircraft and Harvill plants in Los Angeles. Additional strikes were called by the Transport Workers Union in New York City, by the International Woodworkers of America, and by the Mine, Mill and Smelter Workers Union.

The Special Committee on Un-American Activities investigated each one of these strikes—and found that each one had been engineered by a Communist union official.

Most of the members of these unions were not Communists. Basically, they were loyal Americans who did not want to hurt their country. But the fact is that, at a time of great danger to this Nation, they did incalculable harm to its defense efforts. Their strikes were Communist-staged and, although most of the men who took part in them were not Communists, the strikes served the interests of the Soviet Union and Nazi Germany.

Could the same thing happen today? Or have the American people become so alert to the nature and dangers of communism that they would not let themselves be used by Communist agents as they did 20 years ago?

Just 10 years ago, at the time of the Korean war, anti-communism reached its peak in the United States. The fathers and sons of the American people were fighting Communist armies on the battlefields of Korea. They were being tortured, wounded, and killed there by the thousands. The Communist Party in this country sided with the enemy. It was only natural that anti-Communist feeling was intense. Through the revelations of Louis Budenz, Elizabeth Bentley, and Whittaker Chambers before this committee, the Smith Act trial of the Communist Party's top leaders, the Hiss case, and other developments, the American people had learned much about communism that they had not known at the time of the Hitler-Stalin pact.

In the summer of 1951, at the height of the Korean war, the Mine, Mill and Smelter Workers Union, which had been labeled as Communist-dominated not only by this committee but by the CIO itself, called the first strike in the history of this Nation against the "big four" of the copper industry—Kennecott, Anaconda, Phelps-Dodge, and the American Smelting and Refining Company.

The strike affected 100,000 workers and shut down 95 percent of U.S. copper production at a time when copper was in shortest supply of all strategic materials vital to the Korean war and our general defense production. There had been a serious copper shortage before the strike. The strike aggravated the situation so much that President Truman invoked the national emergency provisions of the Taft-Hartley law to end the strike on the ground that it was exposing the United States to grave danger.

Manufacturers of Armed Forces materiel were forced to close down their plants, and iron and steel production was cut by the shutdown of manufacturers' copper casting departments. The Director of Defense Mobilization had to take 30,000 tons of copper from our stockpile of critical materials to keep the industry going. The Director of the Mint appealed to the people of this country to get their nickels and pennies into circulation in order to relieve the shortage.

When the Mine, Mill and Smelter Workers called this strike, the *Daily Worker*, official organ of the Communist Party, praised it and held it up as a model for all other unions!

There can be no question about the fact that this strike, staged by Communist union leaders, served the interests of the Soviet Union, Red China, and the entire Communist bloc and that it posed a serious threat to the United States. Yet, it was basically loyal, non-Communist American trade unionists who made this sabotage action possible and took part in it.

WHAT ABOUT THE PRESENT?

Could the same thing happen today? Could the identified Communist leaders of the ILWU, ACA, UE, and Mine-Mill foment similar sabotage strikes at a time of national emergency? Another important point: Are they today using the several hundred thousand workers under their control to promote the aims and interests of the Soviet Union in the cold war while, at the same time, undermining this Nation in its fight for survival?

In 1955, the Attorney General of the United States petitioned the Subversive Activities Control Board to hold hearings for the purpose of determining whether the Mine, Mill and Smelter Workers Union was a Communist-infiltrated organization as defined in the Internal Security Act of 1950.

On December 26, 1961, SACB member Francis A. Cherry made his recommended decision on the case, after holding hearings at which the union was given the opportunity to defend itself against the charge. A total of 9725 pages of testimony was taken in 110 days of hearings. The Department of Justice presented 19 witnesses and 82 exhibits in building its case against Mine-Mill. The union presented 125 witnesses and 167 exhibits in its defense. It was represented by counsel of its own choosing, who were permitted to cross-examine and do everything in their power to refute or undermine the testimony of the Government witnesses.

As a result of these hearings, Board member Cherry recommended to the full Board that it find Mine-Mill a Communist-infiltrated organization within the meaning of the Internal Security Act. Numerous statements in his 96½-page recommended decision spotlight the danger posed to the United States today by the Mine-Mill and the other unions previously discussed in this chapter.

First of all, the following quotations from his decision make it unmistakably clear that the Mine, Mill and Smelter Workers Union is controlled by Communists who have used the union to promote the interests of the U.S. Communist Party and the Soviet Union:

As indicated in the findings *supra*, [Mine-Mill] has consistently taken positions in opposition to the foreign policies of the United States and in opposition to the domestic laws and programs of the Federal Government in the field of Communism. As will appear, petitioner presented evidence that the policies and programs of [Mine-Mill] and the views advanced by the leaders of [Mine-Mill] in these areas have had a consistent similarity with and have been substantially identical to the positions taken and advanced by the Communist Party of the United States. (p. 77, par. 173)

The record is replete with instances, of which the findings heretofore made in this section are illustrative, where the Communist leadership of [Mine-Mill] has aligned Mine-Mill with the Communist camp of the world and has taken and advanced positions in their official capacities which have been identical with the positions of the Communist Party of the United States. (p. 81, par. 186)

There is no instance in the record where [Mine-Mill] has taken a position which varied from a position or program of the Communist Party. (p. 83, par. 197)

The Communist leaders of Mine-Mill have also succeeded, Mr. Cherry found, in eliminating or smothering the anti-Communist opposition within the ranks of the union:

As will appear, Communism remained an issue in Mine-Mill after the Union had been expelled from the C.I.O., and the efforts of the anti-Communists were consistently defeated. (p. 62, par. 124)

In the history of [Mine-Mill] the issue of Communism has brought about the loss of considerable members, the expulsion of the Union from the C.I.O., the dismissal from the Union of anti-Communist staff members, and secessions by a number of local unions. * * * Various persons who held functionary positions in [Mine-Mill] have been discharged after taking anti-Communist positions. Persons who were members of the Communist Party and were expelled from the Party were thereafter discharged from the Union. (p. 95, par. 230)

Moreover, the Communist leaders of [Mine-Mill] have successfully prevented the passage of any regulations which would bar Communists from holding positions of leadership and trust (see *supra*). And, various of [Mine-Mill's] own witnesses testified that they had no objection to Communists holding office in the Union. (p. 92, par. 220)

More than this, they have also used their position in the union to oppose and undermine governmental anti-Communist activities:

As the findings made below will illustrate, the policies and the position taken and advanced by [Mine-Mill] and by the Communist Party have been identical in opposing and urging elimination of the domestic laws of the United States designed to hamper and expose the Communist movement. (p. 81, par. 188)

The majority of the leadership of the International has consistently pursued and advanced policies and programs in opposition to the Government of the United States in its foreign policies and in the domestic laws and programs designed to combat the Communist movement in the United States. The positions taken and advanced by [Mine-Mill] have never deviated from the positions taken and advanced by the Communist Party of the United States. (pp. 95, 96, par. 231)

HATE THE U.S.—LOVE THE U.S.S.R.

It is also apparent from Mr. Cherry's recommended decision that the leaders of this union have done everything they could to undermine the loyalty of the union's members to the United States and to promote, in its place, sympathy for the Soviet Union and the world Communist movement:

The positions of Mine-Mill and of the Communist Party regarding the foreign affairs and relations of the United States have consistently been against the United States—it has always been the United States at fault, never the Soviet Union. The latter, in fact, has been consistently praised. Persistent efforts have been made, and with apparent success as the findings *supra* indicate, by the Communist leaders of Mine-Mill to convince the membership of the Union that Wall Street and the United States Government are their enemies. (p. 81, par. 187)

A reading of the record is convincing that a major program of [Mine-Mill] throughout the many years covered by the evidence has been one of stirring up and advocating hate for and distrust in the Government of the United States and advocating action to change the foreign policy and the domestic policy in the field of Communism. On the other hand, whenever the Soviet Union has been referred to in convention resolutions or in statements by the leadership of [Mine-Mill] there has been a complete absence of criticism and usually praise. (p. 84, par. 198)

It is a policy of the Communist Party that its members in labor unions educate the workers that the Government of the United States is their enemy (*supra*). The Communist leaders of [Mine-Mill] have consistently done this (*supra*). (p. 85, par. 202)

What instrumentalities have the Communist leaders of this union used to achieve their above-described diabolical ends?

First of all, there is the union newspaper, *Mine-Mill Union*, which is published biweekly:

Every paid-up member of a local affiliated with the International Union receives a copy of the newspaper put out by the International. (p. 89, par. 212(f))

The Union newspaper has been an important link between the Mine-Mill leadership and the rank and file members, and so considered by the Union officials. Over the years there has been strong criticism of the Union paper by the anti-Communist people in Mine-Mill (*infra*) and the paper has often advanced positions similar to the positions taken by the Communist Party, including positions on the foreign affairs of the United States (*infra*). (p. 35, par. 69)

Union conventions, held every year, have also been used for this purpose:

Resolutions opposing the foreign policies of the United States and opposing the domestic policies of the Government in the field of Communism or subversion, such as those set forth above and also set forth in the findings on earlier conventions, have been consistent occurrences at the Mine-Mill conventions. Similarly, the reports and declarations of certain of the International officers have consistently, at the various conventions, been quite critical of the Government of the United States, especially the foreign policies and the domestic programs in the field of Communism. (p. 64, par. 135)

Moreover, the Communist Party members have gained and maintain the full faith, confidence and support of the majority of the convention delegates to the extent that the conventions have consistently taken actions and adopted policies and programs favored by these officials, and the conventions have consistently rejected matters not favored by these officials. In a nutshell, the record established that the majority of the convention delegates have accepted without

question or outward concern—"take their word for it" as one of [Mine-Mill's] witnesses testified—the views expressed and the policies advanced by those on the governing board who are Communist Party members and those who are amenable to the Communist Party. (p. 93, par. 224)

The most frightening finding in Mr. Cherry's recommended decision—from the viewpoint of this country's security, the danger of Communist-led sabotage strikes in times of emergency, and continuing aid to the Soviet Union in cold war activities—had to do with the extent to which the Communist leaders of the Mine, Mill and Smelter Workers Union have succeeded in hoodwinking and winning the loyalty and devotion of the members of the union, despite their continuing record of activity bordering on the treasonous:

Most if not all of the more than 100 rank and file members who testified for [Mine-Mill] showed from their testimony that the officers of [Mine-Mill], who were shown on this record to be members of the Communist Party or working with the Party, have *gained the support and confidence of the witnesses*, none of whom were themselves Party members. (p. 45, par. 98)

The importance of the fact that the Communist officers of [Mine-Mill] have *gained the confidence and support of the majority of the Union membership* was given added significance by the extent to which this confidence goes, as evidenced by the findings now to be made. (p. 46, par. 99(a))

A substantial number of the leadership of [Mine-Mill] have been members of the Communist Party (*supra*). The Communist Party member-leaders of [Mine-Mill] have advanced positions to the membership * * * and the membership itself has taken and carried out policies and positions which have been consistently identical with the policies and positions of the Communist Party (*supra*). The Communist leaders of [Mine-Mill] have *gained the confidence and support of the majority of the Union membership* (*supra*). (p. 85, par. 201)

The Communist orientation of the Union and *the blind faith with which the majority of the members follow and support the Communists holding leadership positions*, constitute [Mine-Mill] an organization through which the Communist Party can work with respect to a sizable section of the working class. (p. 97, par. 236) [Emphasis added in these quotations.]

After listening to the many thousands of words of testimony in the case and after reading, reviewing, and analyzing the facts produced in the hearing, Mr. Cherry was forced to the conclusion:

The Union [Mine-Mill] is being and for many years has been used to a significant extent to further and promote the objectives of the Communist Party, particularly with respect to the Party objectives as to the trade union movement. (p. 96, par. 234)

The aid and support flowing to the Communist Party from [Mine-Mill] and its controlling leadership has been real, substantial and significant. Through [Mine-Mill],

the Communist Party has acquired and continues to have a dependable foothold in the labor movement in the United States. (p. 96, par. 236)

There is no reason to believe that conditions in the other unions previously discussed in this chapter differ in any substantial degree from those Mr. Cherry found in Mine-Mill. On the contrary, there is abundant evidence that they are equally bad.

An analysis of the records of these unions over the years since their expulsion from the CIO as Communist dominated reveals that:

Year after year, Harry Bridges of the ILWU and the Communist leaders of the ACA and UE have also been re-elected to the positions from which they dominate the activities of these unions;

Year after year, they make vicious anti-U.S. and pro-Communist, Soviet-serving public statements;

Year after year, they succeed in crushing such anti-Communist opposition as rises to oppose them;

Year after year, the newspapers of these unions continue to peddle the Communist line on numerous issues;

Year after year, the delegates to the conventions of these unions adopt one resolution after another attacking and undermining the internal and foreign policies of the United States and promoting the position of the Communist Party, the Soviet Union, and the world Communist bloc.

There is no indication today—any more than there was at the time of the Korean war—that the great majority of the 324,000 members of these unions is prepared to rebel against such utilization of its organizations in promoting the aims of the Communist Party and the Kremlin.

It is not known just how many Communist Party members there are in these unions. Between 50 and 60 top officials, officers, and employees of the Mine, Mill and Smelter Workers Union were identified as members of the Communist Party in the SACB proceedings, although the Government made no effort to uncover all the Communists in the union. The one fact that stands out clearly, however, is that whether there are 60, 120, 300, or 500 party members in Mine-Mill, their real strength, in many respects, is that of 100,000 Communists—because they have repeatedly and continuously succeeded in throwing the *full weight of the union* behind Communist positions and against the policies of the United States.

Combined, the leaders of these four unions which have been found to be Communist dominated—the MMSW, ILWU, UE, and ACA—have succeeded, year after year, in using the power, prestige, and influence of some 324,000 American working men to promote the interests of the Soviet Union while, at the same time, subverting the interests of their own country.

Moreover, two of these unions, the ILWU and MMSW, recently succeeded in breaking the ban on collaboration with Communist-led unions which had existed within the labor movement in this country since 1950, when the CIO cleansed its ranks of those unions which were Red-ruled.

The Mine, Mill and Smelter Workers Union recently signed a mutual assistance pact with the powerful 1,600,000-member Teamsters Union, led by James Hoffa. Harry Bridges' ILWU has obtained an agreement from the Teamsters for joint formation of a Pacific Coast

Warehouse Council. A tie-up between the Teamsters and two of the largest Communist-dominated unions in the country does anything but strengthen this Nation's industrial security.

OTHER COMMUNISTS IN INDUSTRY

In any reasoned attempt to point up the internal Communist menace, questions must be asked, even though complete or conclusive answers to them cannot be given. It would be erroneous to conclude this section without pointing out that the danger of communism in the organized labor movement is not limited to those unions already mentioned in this chapter—the ILWU, MMSW, ACA, and UE. These are only four of the 11 unions expelled by the CIO in 1949–50 on the grounds they were Communist dominated. What, it must be asked, about all the Communists in the seven other unions the CIO found to be under Communist domination? Where are they today?

The Communists who were officials and rank-and-file members of two of these unions are already accounted for because (1) the United Farm Equipment and Metal Workers Union joined the Communist-run UE in late 1949 and (2) the International Fishermen and Allied Workers Union merged with Harry Bridges' ILWU shortly before the expulsion of these two unions was formally announced by the CIO on August 29, 1950.

The Communists in the other five unions, however, are today largely unaccounted for.

Two of these unions, the United Office and Professional Workers of America (UOPWA) and the Food, Tobacco, Agricultural and Allied Workers Union of America (FTA), joined the independent Distributive, Processing and Office Workers of America (DPOWA) in 1950.

The DPOWA had been formed earlier that year by a merger of eight locals of the CIO's United Retail, Wholesale and Department Store Employees of America, which had seceded from the parent union in 1948 to avoid expulsion (because their leaders would not sign Taft-Hartley Act non-Communist affidavits). In 1954, the DPOWA merged with the CIO's Retail, Wholesale and Department Store Union. It now makes up that union's District 65.

And where are all the Communist officials and rank-and-file members of the old UOPWA, FTA, and DPOWA who saw to it that, for a period of many years, these unions faithfully adhered to the policies of Moscow and the Communist Party? What evidence is there that these Communists have been eliminated from all positions of influence in the Retail, Wholesale and Department Store Union?

Early in 1955, the 45,000-member International Fur and Leather Workers Union, which 5 years before had been expelled from the CIO as Communist-dominated, merged with the AFL's Amalgamated Meat Cutters and Butcher Workmen. The Meat Cutters and Butcher Workmen took in the Fur-Leather Union over the strong objection of AFL President George Meany and the AFL Executive Council, which warned that the Meat Cutters would be expelled from the AFL if it did not get rid of the Fur and Leather Workers. Later, in October 1955, the AFL Executive Council dropped its objection to the merger on the belief that a "good start" had been made toward eliminating the Communists in the union. This belief was based on

the fact that 29 top officers and a larger number of lower ranking officials of the Fur and Leather Workers had been removed, or forced to resign, from their positions, or had been barred from running for office again.

Today, however, Abe Feinglass, formerly an official of the Fur and Leather Workers, is now a vice president of the Amalgamated Meat Cutters and Butcher Workmen and the director of its Fur Department.

Feinglass has been identified as a member of the Communist Party by witnesses who have testified before this committee. In April 1954, less than a year before the Fur and Leather Workers merged with the Meat Cutters, Feinglass invoked the fifth amendment when asked by this committee if he was a member of the Communist Party.

The United Public Workers of America, composed of employees in the Federal Government and State, county, and municipal governments, was disbanded in February 1953. Its members and officials presumably have joined other unions. The old Local 555 of this union continues to function as the New York Teachers Union (independent).

Finally, the Marine Cooks and Stewards Union became defunct following an NLRB representation election in 1954. Many of its members went over to the strongly anti-Communist Seafarers International Union.

The committee does not claim to know just how many Communist Party members there were in the seven above-named unions in 1949-50. It believes it reasonable to assume that at least a few thousand Communist agents were required to keep these unions hueing to the Red line in the face of nationwide criticism and the threat of expulsion from the CIO and the disgrace that would go with it. Furthermore, though it cannot itself provide the answers, the committee deems it reasonable to propound the following questions:

How many of these people are still members of the Communist Party?

How many of them are doing the work of Moscow and the Communist Party in the non-Communist unions of which they are now members—or wherever else they may be?

In view of these unanswered—and unanswerable—questions and the facts presented in this section, it is ridiculous, on its face, to say that the internal Communist menace has dwindled to the point where it is practically nonexistent or that it can be gauged by the fact that the Communist Party has only about 10,000 technical members.

The members of the unions discussed in this chapter and Communist Party colonizers and infiltrators in other unions in our basic defense industries have continuing access to vital communications, production, power, and transportation equipment and facilities. The opportunities for acts of sabotage by these individuals are great. FBI Director J. Edgar Hoover, in testifying on the question of appropriations for the Federal Bureau of Investigation for the year 1958, stated:

In time of crisis, the concealed Communist puppets in the steel, coal, or rubber industries; or in the automobile, airplane, atomic, and similar defense plants can be *of far greater value to the Communist conspiracy than whole divisions of armed soldiers.* [Emphasis added.]

INTERNAL COLD WAR

The internal Communist menace is by no means limited to the danger presented by Communist control of trade unions and infiltration of the basic industries of this country. Although that danger is very real, it is far from the whole of the Communist menace.

Most authorities agree that the Soviet Union would prefer to conquer this country without war, if it is at all possible. This could be done, as it has been done in other nations, by activities that might be summed up in the phrase "political and policy sabotage." This encompasses the promotion of foreign policy positions and actions which have the ultimate effect of aiding Soviet aggression and its conquest of additional territories and peoples. It encompasses the promotion of activities which have the effect of undercutting or destroying firm policy positions or actions that would put a stop to Soviet conquest or would help liberate territory already seized by the Kremlin. It means the spreading of confusion, misleading of the American people on vital policy matters, sabotaging their faith in their country, undermining their will to resist, dividing them internally, and promoting sympathy for Communist regimes.

Is the Communist Party capable of successful operations in these fields?

UNITED FRONT OPERATIONS

In the introduction to its recently published and latest edition of the "Guide to Subversive Organizations and Publications," the committee makes the following statement concerning the current Communist Party strategy and line:

Communist strategists revive the united front tactics of 1935; Communist cooperation is offered to socialists and capitalists * * *; substituted for Hitler as the "main enemy" of the united front, however, are the "monopoly capitalists" allegedly ruling the United States and pursuing bellicose and imperialistic policies. The Communist "peace" propaganda slogan, "outlaw nuclear weapons," is expanded to "total disarmament," while the Soviet Union in practice steadfastly resists implementation of the slogans by rejecting all free-nation proposals for an effective system of armament inspection and control.

Defined as briefly and simply as possible, a "united-front" operation is one in which Communists succeed in getting non-Communists to cooperate with them in some activity. It may be accomplished from "above"—that is, by a more or less open approach of Communists to non-Communist organizations and individuals—or from "below," by the infiltration of non-Communist groups by Communists who exert their influence within these organizations to bring about their cooperation with the Communist Party.

In another section of the introduction, the committee says:

In contrast to the overtly hostile attitude adopted by Communists in the post-World War II period, a switch in party line decreed by Soviet Communist leaders calls for Communists to extend their hands in "friendship" and "co-operation" with non-Communists—whether as nations, organizations or individuals.

THE ORDERS COME DOWN

The major issue on which the Communists' revived united-front tactics are based is that of "peace." The statement adopted by 81 Communist parties in Moscow in December 1960—a document which outlines Communist strategy for world conquest in the period immediately ahead—declared:

The broadest possible united front of peace supporters, fighters against the imperialist policy of aggression and war inspired by U.S. imperialism, is essential * * *.

* * * * *

To fight for peace today means to * * * arouse the righteous indignation of the peoples against those who are heading for war, organize the peace forces still better, continuously intensify mass actions for peace * * * Today, as never before, it is important to fight perseveringly in all countries to make the peace movement thrive and extend to towns and villages, factories and offices.

The peace movement is the broadest movement of our time, involving people of diverse political and religious creeds, of diverse classes of society, who are all united by the noble urge to prevent new wars and to secure enduring peace.

On January 6 of this year, following the Moscow meeting, Khrushchev made a major speech in which he spelled out the strategy and tactics to be used by Communists in all parts of the world. He said, in part:

Every day bigger sections of the population should be drawn into the struggle for peace, and the passivity which unfortunately still prevails among some sections in the bourgeois countries overcome. * * * The banner of peace enables us to rally the masses around us. By holding aloft this banner we will be even more successful.

[and]

Lenin pointed to the need of establishing contacts with those circles of the bourgeoisie which gravitate towards pacifism, "be it even of the palest hue." (*Collected Works*, Russ. Ed., Vol. 33, p. 236.) In the struggle for peace, he said, we should not overlook also the saner representatives of the bourgeoisie.

The soundness of these words is confirmed by current events * * * .

THE U.S. PARTY BOSS SPEAKS

On January 20, 1961, Gus Hall, leader of the U. S. Communist Party, gave a report before a meeting of the party's National Committee in New York City. The purpose of this report was to interpret and summarize for American Communists the statement of the 81 Communist parties adopted in Moscow and also Khrushchev's speech of January 6. Hall's report was deemed of such importance that it was printed in the party's magazine, *Political Affairs*, and also in special pamphlet form. In the section of his report entitled "The Peace Movement," Hall stated:

Peace activities take place in the most varied quarters and include a great variety of actions—mass marches, demonstrations, peace walks, picket lines, postcard campaigns, letters to Congressmen and senators, delegations, meetings, and many others.

In the same section, Hall mentioned with approval certain organizations which are "specifically devoted to peace," including the Quaker Committees for Peace, Women's International League for Peace and Freedom, the pacifist Fellowship of Reconciliation, the Committee for a Sane Nuclear Policy, and "committees for peace and friendship with Cuba."

He complained, however, that U.S. peace movements—

have not yet reached the volume, scope, and militancy which the situation imperatively demands.

It is necessary to widen the struggle for peace, to raise its level, to involve far greater numbers to make it an issue in every community, every people's organization, every labor union, every church, every house, every street, every point of gathering of our people. * * *

It is imperative to bring everyone—men, women, youth and yes, even children—into the struggle. * * *

It is essential to give full support to the existing peace bodies, to their movements and the struggles they initiate, to building and strengthening their organizations. It is particularly important at this time to get the widest unity and community of effort around such actions as the coming Easter March * * *. [Emphasis added.]

* * * *It is also necessary to recognize the need for additional peace organizations* * * *. [Emphasis in original.]

* * * * *

We Communists seek to be the most active fighters for peace. * * * peace is the best way, the best condition for advancing socialism in our country.

* * * * *

Above all Communists will intensify their work for peace, and their efforts to build up peace organizations. * * *

We regard peace as the paramount issue in American political life.

Later in his report, Hall made the following statement:

The problem is not one of sending people [i.e., party members] into organizations. *Many are already there.* The central question for us is to help our members, our clubs, our leaders, to carry on political activities where they are * * *.

Here is where we must work out the application of our policy. Here is where the vanguard role meets the test of life. Here is where the policies of the united front meet the test of reality. [Emphasis added.]

Hall's report, as important as it was in spelling out just which groups and what kind of groups the Communists were to support and infiltrate, was not the first such tactical directive issued by the U.S. Communist Party. The April, May, and June 1960 issues of the Communist magazine, *New World Review*, published a series of articles under the title "Peace Groups in the U.S."

The purpose of these articles was made clear in the opening paragraphs of the first article in the series:

No amount of conspiratorial silence can wipe out the forces for disarmament and peace; but it can leave them isolated from each other and ignorant of the efforts their fellows are making. Lack of information on peace activities can also serve to immobilize large sections of the population who long to do something specific to help end the threat of war, but do not know of the programs and activities of organizations working for disarmament and lasting peace.

It is our purpose to bring to our readers' [i.e., Communists' and fellow travelers'] attention the main groups in our country working toward these ends, beginning in this issue, with a description of the main non-sectarian national organizations. [Emphasis added.]

Khrushchev's speech of January 6, 1961, and Hall's report to the National Committee of January 20, just quoted, make clear the significance of these two paragraphs. The purpose of this series of articles was to spell out for party members just what American organizations had aims, and were engaged in the type of peace activity, that warranted Communist support and offered a challenge to the Communist infiltrators.

The National Committee for a Sane Nuclear Policy (SANE) was the very first group mentioned in the series and was also given more space than any other. Excerpts from the section on SANE follow:

SANE offers a wide choice of channels for expression * * *
SANE provides an elastic organization and comprehensive program through which ordinary people can be effective.

Referring to the local committees of SANE, the article stated:

Their membership policy is flexible and they generally welcome additions to their forces, whether for one particular campaign or on a long-term basis. * * * Committees in the Greater New York area are lending major efforts at

present toward a big SANE rally scheduled for Madison Square Garden on May 19 * * *.

There is also a National Student Council for a Sane Nuclear Policy and a "Hollywood for SANE" Committee * * *.

As facts to be cited indicate, the Communists, in the case of SANE's New York City chapter, succeeded in effectively carrying out the party's directives on peace activity contained in these articles and in Gus Hall's speech.

The next organization discussed was the Women's International League for Peace and Freedom. The article noted that this organization did not exclude men from membership and has, since its founding, advocated "abandonment of the war system." The article said that today the WILPF "stand is for complete and universal disarmament * * * with a ban on nuclear weapons tests * * *."

The following excerpt from the Eleventh (1961) Report of the California Senate Fact-Finding Subcommittee on Un-American Activities provides at least a partial answer to the question of whether Communist infiltration and/or united-front techniques have been applied with any success to the WILPF:

Any organization of a liberal character that is interested in achieving results that are in coincidental conformity with the Communist line is a natural target for infiltration. So it has been with the Women's International League for Peace and Freedom * * *. The objectives of the Women's International League for Peace and Freedom thus being in conformity with the international Party line, some infiltration was inevitable. On a national scale it has not been sufficiently acute to warrant characterizing the organization as a Communist front or Communist dominated. In California, and some other localities, however, the invasion has been far more serious. Chapters of the movement were situated in Oakland, Berkeley, San Francisco, Hollywood, and Los Angeles. *All have been active at one time or another, in cooperating with known Communist-front organizations.* [Emphasis added.]

A national organization of scientists and a number of smaller local organizations which were disseminating nuclear and radiation information were also singled out for specific mention in the first *New World Review* article.

The second article in the series plugged the SANE Madison Square Garden rally and then went on to mention a half-dozen or so church and church-affiliated organizations which had undertaken peace programs of various kinds. After mentioning several church publications by name, the article made this statement:

A number of pacifist groups participate in Hiroshima Memorial demonstrations, walks for peace, vigils and attempts at nonviolent entry into germ warfare centers, missile bases, and other military installations.

It then named certain pacifist organizations which had taken part in such activities. The article closed with favorable mention of the activities of several cited Communist-front organizations—the National Council of American-Soviet Friendship (and its Chicago

branch) and the American-Russian Institutes of San Francisco and Los Angeles.

The third and final article in this series, dealing with "Peace Trends in U.S. Labor," was—from the Communist viewpoint—a pessimistic one. The article saw little hope of Communist-serving movements in the American labor movement. On the contrary, it stated:

The most serious deterrent to the achievement of a broader and more vigorous peace movement in this country is, of course, the AFL-CIO cold-war approach to international affairs.

It then went on to roundly denounce the April 1960 AFL-CIO Conference on World Affairs and AFL-CIO President George Meany, whose firm anti-Soviet policies have made him one of the chief villains of the Communist press. Looking for hopeful signs, the article could point to no more than a few speeches or statements made by a handful of influential U.S. labor leaders favoring a soft approach to the Soviet Union and the activities of some Communist-dominated unions.

With the exception of the two organizations named above which, as stated, have been cited as Communist fronts, none of the many liberal, pacifist, and church organizations named in this series of articles is Communist or pro-Communist. Yet, the message for party members in these three articles—as in Hall's report and other recent party directives—made it clear that these groups had been singled out by the Communist Party for infiltration and "united-front" activity. These groups had adopted positions (disarmament, the banning of nuclear weapons testing, pacifism) and were engaged in activities which, if the Communists played their cards carefully, could be used by them to assist in the achievement of Moscow's goal. Communists would have to turn out in numbers to make the demonstrations, meetings, marches, etc., of these groups as large and impressive as possible. They would have to insinuate themselves into the groups and their activities and use their positions to disseminate Communist-serving propaganda in the name of peace, disarmament, and the banning of nuclear weapons.

Have the Communists been successful in carrying out the orders given them in these articles, in the 81-party statement, and by Khrushchev and Gus Hall?

For the past 2 years or so, the Communist press has been packed with accounts of varied peace activities—marches, vigils, parades, symposiums, fairs, meetings, etc. The manner in which these affairs have proliferated in this and other free world nations, following Soviet and Communist demands for "mass actions for peace," has been little short of amazing.

Almost equally amazing has been the frequency with which it has developed that the sponsors of these activities have been the very same non-Communist organizations named in the *New World Review* articles and in Gus Hall's speech.

INFILTRATION OF SANE

The Committee for a Sane Nuclear Policy (SANE) is not a Communist front. It is not controlled by the Communist Party. Its leaders are not Communists, although a number of its national

sponsors have extensive records of Communist-front activity. SANE's aims, however—total disarmament, the abolition of nuclear weapons and their testing, and opposition to any civil defense program—coincide with the major propaganda demands which the Soviet Union and the Communist Party are making to camouflage their true aim of taking over the world. This being so, it was inevitable that Communists, following their present tactics of infiltrating non-Communist groups, and particularly those with such objectives, should move in on the SANE organization.

The largest and most successful SANE operation in the years of its existence was a rally held in Madison Square Garden, New York City, on May 19, 1960. The purpose of the rally was to mass public sentiment around SANE's aim of pressuring the U.S. Government to cease development of nuclear weapons.

The Communists, like the leaders of SANE, know that Government policy and actions may be influenced to a considerable extent by large demonstrations and by propaganda and agitation campaigns which ostensibly represent the will of the citizens of this country. The Communists therefore had a very real interest in making the Madison Square Garden rally a success, as well as in building up SANE and making its influence as strong as possible.

Some 17,000 persons packed Madison Square Garden for this SANE rally.

On May 25, 1960, Senator Thomas Dodd made a statement on the Senate floor which revealed how large a role the Communists had played, not only in the Madison Square Garden demonstration, but in other SANE activities as well:

Because I esteem the sincerity of the original founders of the Committee for the Sane Nuclear Policy and the sincerity of the speakers [at the Madison Square Garden rally who] I have named, it was for me an unpleasant duty to have to notify them that the unpublicized *chief organizer of the Madison Square Garden rally, Henry Abrams, was a veteran member of the Communist Party*; that there was also evidence of *serious Communist infiltration at chapter level throughout the Committee for a Sane Nuclear Policy*; that the Communist Party and its front organizations had done their utmost to promote the meeting; that *the Communists provided much of the organizing machinery for the meeting* because they planned to use it as a pressure instrument in support of Soviet nuclear diplomacy. [Emphasis added.]

On March 8, 1961, Senator Dodd again spoke on the subject of Communist infiltration of SANE. He stated that the Senate Internal Security Subcommittee had learned through its hearings that "the Communist Party had made the nuclear test ban movement the chief target of its infiltration operations in this country * * *."

In its hearings on the subject, the Senate subcommittee called a total of 24 witnesses associated with the Greater New York City chapter of SANE. Their testimony has since been made public. Of these 24 witnesses, one denied ever being a member of the Communist Party and another denied present membership. The other 22 refused to answer questions concerning Communist Party mem-

bership and activities, invoking, in all cases but one, the fifth amendment. Of these 22 persons, seven were chairmen of local SANE chapters. The others were members of the organization, "volunteer" workers for it, or persons who had paid for advertisements in the program of SANE's Madison Square Garden meeting.

The national leaders of SANE took some corrective action when informed of the findings of the Senate Internal Security Subcommittee. Abrams was gotten rid of. Communists were barred from holding office (but not membership) in the organization; and, in November 1960 in an effort to clean up the problem of Communist infiltration of its ranks, the national leadership of the organization ordered the Greater New York City chapter to surrender its charter. This action in itself was an indication of how heavily the Communist Party had infiltrated the largest, and probably the most influential, chapter of SANE.

When Senator Dodd addressed the Senate on May 25, 1960, he said that the national leaders of SANE were "a group of nationally prominent citizens about whose integrity and good faith there is no question."

Yet, the fact is that these nationally prominent citizens apparently did not even realize, until it was brought to their attention by the subcommittee, how heavily the ranks of their organization had been infiltrated by Communists.

Today, though barred from holding office in the organization, Communists are still giving all-out support to SANE and are capitalizing on the approach it takes to U.S. nuclear policy by distributing its literature at Communist-front meetings. This, of course, helps win acceptance of Moscow's line among the non-Communists who are duped into attending such gatherings.

It would appear from the facts cited about the Communist Party's infiltration of SANE that the party would constitute a very real internal danger even if it conducted such operations on a very limited scale. Yet, the penetration of SANE is only a small measure of the danger presented to this country by camouflaged Communist influence on the thinking of the American people on vital national and international policy matters.

When J. Edgar Hoover testified before the Appropriations Committee in March 1961, he stated that the FBI then had *approximately 200 suspected Communist-controlled or Communist-infiltrated groups under investigation* and that many of these groups were national in scope.

If there are some 200 organizations in this country—many of them national in scope—which are controlled lock, stock, and barrel by Moscow agents or infiltrated and influenced by them, then there most obviously is an internal Communist menace of considerable proportions—a menace much greater than the figure of 10,000 party members would indicate. Through its many fronts and the non-Communist groups it has infiltrated, the Communist Party not only spreads its and Moscow's propaganda themes, but involves many thousands of non-Communists in activities it has not only planned but managed from beginning to end. All these activities, to some degree, weaken the United States while, at the same time, they promote the interests of the Soviet Union.

WHO'S BEHIND THE "PEACE" DEMONSTRATIONS?

The numerous peace demonstrations that have taken place in this country vary in their inspiration. Some are conceived and run by the Communist Party and ensnare well-meaning liberals and pacifists into taking part in activities designed to serve the Kremlin. Others are initiated by non-Communist pacifists, radicals, and liberals whose aim is not to help communism, but who find their movements infiltrated by Communists.

A "Rally for Peace to Stop the Spread of Nuclear Weapons" was held in Carnegie Hall, New York City, on May 12, 1961. The major feature of this gathering was a report by Dr. Linus Pauling on the (Oslo) Conference Against the Spread of Nuclear Weapons. An advertisement for this gathering, published in the *New York Times* on May 10, listed about 80 sponsors. A few of them were identified Communists, and a great number had long records of affiliations with Communist fronts. Yet a sizable proportion were prominent innocents who had fallen for the Communist "peace" bait.

This meeting was sponsored by the Conference of Greater New York Peace Groups, which also organized the "100 Days for Peace" demonstration in New York City, a campaign described as one of "intensive action designed to express the American people's desire for survival in the nuclear age."

The true purpose and origin of the Carnegie Hall meeting and the "100 Days for Peace" demonstration is indicated by the fact that a key official of the Conference of Greater New York Peace Groups was none other than Henry Abrams, the "veteran member of the Communist Party" who had organized the huge Madison Square Garden rally against nuclear weapons testing for SANE. When forced out of SANE following his appearance before the Senate Internal Security Subcommittee, Abrams had simply shifted his activities to another Communist-serving "peace" operation.

The following is an example of a non-Communist group organizing a peace demonstration which was infiltrated and used by Communists to their advantage:

Some 3,000 "peace lovers" demonstrated outside the U.N. headquarters in New York City on August 6, 1960, in commemoration of the 15th anniversary of the bombing of Hiroshima. Technically, this demonstration had been called by SANE. It was sponsored by a considerable number of non-Communist individuals from the religious, trade union, and pacifist fields. It had the support of the Women's International League for Peace and Freedom. It was one of many demonstrations that took place in this country and in Canada on that day to protest nuclear weapons.

Art Shields, a correspondent for the Communist newspaper *The Worker*, wrote an account of this demonstration in which, in a kind of Freudian slip, he told of how "we" had marched several miles through New York City to the U.N. headquarters and how Pete Seeger sang at the close of the demonstration:

And he never had a better audience, I think. Many more folks had now come in. Four to five thousand enthusiastic people were packed closely together. And they were shouting: "We Want Pete! We Want Pete!" until Pete

climbed the ladder to the shaky sound truck roof that was used as a rostrum.

Pete's songs were a call to keep up the fight for peace.

Less than a year later, on April 1, 1961, there was an Easter Peace Rally at the United Nations headquarters in New York City—also sponsored by SANE. As the "March for Peace" rolled through the city from its starting point at the George Washington Bridge, 7 miles from the U.N. headquarters, it grew in size—600, 800, 1,000, 1,200, and eventually 3,000 persons were finally assembled at the headquarters of the United Nations.

It was the same old show all over again—with the Communists, the SANERs, the liberals, the pacifists, and left radicals of various types each playing its role. Again, the mob yelled for entertainment. This time it was "We Want Seeger" (a slight variation of the "Pete" theme). Again, Pete Seeger got up and sang—this time, a song about the dangers of nuclear war called "Roll On." Again, the crowd clapped and cheered Pete Seeger, king of the party's propaganda songsters.

You could see the chain of command—the 81 Communist parties ("mass actions for peace"), Khrushchev ("rally the masses around us"), Gus Hall ("It is particularly important * * * to get the widest unity and community of effort around such actions as the coming Easter March"), and Pete Seeger, the Communist puppet on the end of the string, obediently turning out for this SANE rally as his masters had ordered party members to do.

Just 2 days before his appearance at this rally, Pete Seeger, who has been identified as a member of the Communist Party, was convicted of contempt of Congress for refusing to answer questions about party membership and activities asked him by this committee in August 1955. Seeger has marched in Communist Party May Day parades, has performed for various units of the Communist Party, for its cultural division and, in 1949, in behalf of the 12 Communist Party leaders then being tried under the Smith Act. In his contempt trial, the Government informed the court that in the years 1942 to 1945 alone Seeger had appeared at 24 separate events sponsored by Communist-front organizations. He is, without question, the best known of all the Communist Party's entertainers.

The demand for him at the SANE U.N. rallies, described in both the Communist and non-Communist press, was obviously the work of Communists and fellow travelers in the crowd who, following party orders (as he had), had turned out for this SANE peace demonstration. "Pete" would hardly be so well known to others.

Revealingly, the latter demonstration was covered by five reporters who represented the Soviet news agency, Tass; the Soviet Communist Party newspaper, *Pravda*; and the U.S. Communist Party newspaper, *The Worker*. It made a good propaganda item for the Communist press—both Soviet and U.S.

Among the individual sponsors of the first of these SANE demonstrations were Meyer Stern, director of District 6 of the United Packinghouse Workers of America, who has been identified as a member of the Communist Party by three witnesses before this committee, and David Livingston, leader of District 65, Retail, Wholesale and Department Store Union. Livingston has testified before a congressional

committee that "I'm against wiping out communism." Testifying before this committee in 1953, Livingston invoked the fifth amendment when questioned about present and past membership in the Communist Party.

Where are the Communists carrying out their united-front activity?

Primarily in actions and demonstrations having to do with peace, disarmament, the banning of nuclear weapons tests, and related matters. But they are also pushing their united-front tactics in all areas of concern to the Communist Party. They are doing this wherever they are.

And where are they?

In his appearance before the Appropriations Committee in March of 1961, J. Edgar Hoover said:

They [the Communists] have infiltrated every conceivable sphere of activity; youth groups; radio, television, and motion picture industries; church, school, educational, and cultural groups; the press; national minority groups, and civil and political units.

COLLABORATION OF SPLINTER GROUPS

For years there has been in this country a number of Communist "splinter" organizations which have broken with the orthodox Communist Party. The "Trotskyist" Communists, who have been feuding with the "Stalinist" Communists since the 1920's, compose the largest of the splinter organizations. In the past, their relations with the Communist Party have been marked by extreme bitterness. Khrushchev's speech attacking and denouncing Stalin at the 20th Congress of the Soviet Communist Party in 1956, however, has done much to heal the breach between these two groups.

Following the 20th Congress and immediately before the dissolution of the Cominform, which took place about 2 months later, the world Communist movement, through a Cominform publication, called upon the orthodox Communists of the world to work for united action between themselves and other Communist groups. Since that time, the U.S. Communist Party, following Moscow's orders, has made a deliberate effort to heal the breach between itself and the Socialist Workers (Trotskyist Communist) Party in the United States.

In recent years, there has been increasing evidence of orthodox Communist success in this endeavor. On numerous occasions, representatives of the Socialist Workers Party—who, some years ago, would never have anything to do with the orthodox party—have been appearing on the same platform with its representatives and taking part in actions initiated by the orthodox party and vice versa. Other examples could be given, but the following should suffice to demonstrate how successful the orthodox Communists have been in their "left" united fronting.

In September 1961, a protest meeting against nuclear weapons was held in Los Angeles. Among the speakers at this meeting were John T. McTernan, chairman of the Unitarian Fellowship for Social Justice who has been identified as a member of the (orthodox) Communist Party by several witnesses who have testified before this committee; Theodore Edwards, chairman of the Southern California *Socialist*

Workers (Trotskyist) Party; and also Dr. A. J. Lewis, executive secretary of the Los Angeles Fair Play for Cuba Committee.

The following is a near perfect example of a "united front of the left" operation:

On December 15, 1961, the Twin Cities Labor Forum of Minneapolis arranged a meeting at which the following persons were featured speakers:

Henry Mayville, secretary of the Minnesota Committee To Defend the Bill of Rights (Mayville invoked the fifth amendment in the fall of 1961 when questioned by this committee concerning Communist Party membership); a professor at the University of Minnesota; the chairman of the *Socialist Club* of the University of Minnesota; Joseph Johnson, local organizer for the *Socialist Workers Party*; and George Tselos, Minnesota chairman of the *Young Socialist Alliance*, the Trotskyist youth organization.

Trotskyist Communists are as thoroughly dedicated to the creation of a Communist world as are the more orthodox Communists. They are, if anything, more openly revolutionary than those who are in complete accord with Khrushchev and his policies. The fact that, as pointed out earlier in this chapter, the Socialist Workers Party publication has an average paid circulation of 4,776 copies per issue (indicating a readership of many more thousands) indicates that the support of this group adds considerably to the strength of the Communist Party.

MISCELLANEOUS ITEMS

THE SAN FRANCISCO ELECTIONS

In the fall of 1961, elections were held in the city of San Francisco for five places on the city's ruling body, the Board of Supervisors. Thirty-three candidates entered the race. The top vote-getter won 100,000 of the total 229,000 votes cast.

The man who placed fifteenth in the election, garnered 17,268 votes, and outclassed 18 of the other candidates was none other than Archie Brown, for years a well-known Communist in the area.

The fact that more than 17,000 citizens of San Francisco chose Brown to help run the affairs of their city can hardly be explained away as due to voter ignorance of Brown's loyalties. Through local newspaper, radio, and television coverage of the Communist-inspired San Francisco riots of May 1960—in which Brown played the top leadership role—and through similar coverage of his conduct on the witness stand during the committee's hearings at that time, Brown's dedication to undermining duly constituted authority in the United States and serving the Communist Party had been made abundantly clear to the people of San Francisco. Moreover, at the time of the election, Brown stood publicly accused of being a member of the Communist Party by the Department of Justice, having been indicted several months earlier for violating the Landrum-Griffin Labor Act (by holding office in an ILWU local while being a party member).

In addition, Brown's record as a Communist leader of many years' standing had been well publicized in San Francisco even before the May 1960 riots. Two years earlier, in 1959, Brown had also entered the race for a position on the San Francisco Board of Supervisors. His Communist record was publicized at that time. In that election,

Brown won 33,000 votes—13 percent of the total. The fact that in the 1961 elections the votes cast for him were cut to about 7½ percent of the total is a decided improvement, but there is obviously something to be concerned about when even this percentage of voters in a major U.S. city will support a notorious Communist candidate in his bid to run that city's affairs.

In 1946, when the Communist Party had over 75,000 members and Archie Brown ran as the party's candidate for Governor of California, he received only about 25,000 write-in votes. Relatively speaking, the party's vote-getting strength appears to be greater in San Francisco today than it was in all California 15 years ago.

On this same subject of voter awareness of the danger inherent in Communist penetration of governmental bodies, it is worth recalling that, as recently as the 1958 primary elections in California, Holland Roberts—then an identified member of the Communist Party—won 400,000 votes as candidate for the position of State Superintendent of Public Instruction, the top-ranking education office in the State.

A TEACHER VOTE

There are 40,000 teachers in New York City, 32,390 of whom voted, in late 1961, for a union to represent their interests in negotiations with city officials. Although an anti-Communist union won almost two-thirds of the votes cast in this election, and thus the election itself, *over 2,500 schoolteachers*—almost 8 percent of those who voted—cast their vote for the Teachers Union, which had been expelled from the AFL as Communist-dominated as long ago as the 1930's and from the CIO on the same grounds in 1950 (when it was Local 555 of the United Public Workers Union).

Moreover, in pre-election developments, over 4,000 New York City schoolteachers signed a petition that this union (which had been denied recognition by city authorities since its expulsion from CIO) be granted a place on the representation ballot.

INTERNATIONAL ASSISTANCE

The December 1961 issue of the *World Marxist Review*, a Communist organ published in 19 different languages, featured a letter written by Henry Winston, a member of the National Committee of the U.S. Communist Party. Winston has been a top-ranking Communist for many years. He was one of the first-string party leaders indicted for violation of the Smith Act in 1948, tried, convicted, and sentenced to prison. Winston and three others—Gilbert Green, Robert Thompson, and Gus Hall, the party's present leader—jumped bail and went into hiding following their conviction. When Winston eventually gave himself up in 1956, he was sentenced to an additional 3-year term for contempt of court. This year, because he was in ill health and had lost his eyesight, Winston's sentence was commuted to time served by President Kennedy and he was released from prison on June 30, 1961.

Winston opened his letter to the editor of the *World Marxist Review*, which was published under the headline "Heartfelt Thanks," with the following words:

Let me express my gratitude to the *World Marxist Review* and its readers for the splendid efforts made in the struggle to secure my release from a United States federal prison.

The closing paragraphs of his letter read, in part, as follows:

The worldwide Communist, anti-imperialist and democratic movements were in great measure responsible for the action taken by the President of the United States in issuing an order for the immediate commutation of my sentence to time served.

Through the pages of the *World Marxist Review* I want to take the opportunity to extend my heartfelt thanks to the freedom-loving people of the world who helped make possible the restoration of my freedom. I clasp my hand in solidarity and friendship with those who participated in these struggles * * *.

Winston's claim that the worldwide Communist pressure campaign for his release was what had actually brought it about, probably is not true. His letter, nevertheless, serves to illustrate a point which cannot be forgotten in considering the nature and extent of the internal Communist threat—the fact that the U.S. Communist Party is not an independent, domestic organization, standing alone and unassisted, but the U.S. branch of a worldwide Communist movement which unquestionably has great strength. The U.S. party receives assistance on various matters, not only from the headquarters of this movement in Moscow, but from its branches in other nations of the world. This is another reason why the extent of the internal Communist menace cannot be judged merely by the membership figures of the U.S. party, whatever that may be at any given time.

The case of Pete Seeger, the folk singer, offers another example of the type of assistance the U.S. Communist Party receives from abroad. Seeger, as mentioned before, has been identified as a member of the Communist Party and today, as for many years past, is an inveterate promoter of party fronts and the party line.

After Seeger's conviction for contempt of Congress on March 29, 1961, an organization called the "Friends of Pete Seeger" was set up. The purpose of this organization is to collect funds to enable Seeger to appeal his conviction—if necessary, to the U.S. Supreme Court—and also to create agitation in his behalf. A special bulletin released by this organization in October 1961 contained the following item:

TREMENDOUS SUPPORT FOR PETE COMES IN FROM ALL OVER THE WORLD

Hundreds and hundreds of letters and messages have been sent to Pete and to the Friends of Pete Seeger, from all over the world, and from people of all walks of life in support of Pete's case. With these letters have come *thousands of dollars* to help pay for the legal costs. This great response has come without the efforts of any organization and has been a magnificent spontaneous response on the part of so

many people who feel a great disservice has been done to American democracy by the jail sentence imposed upon Pete. The next BULLETIN will contain excerpts from some letters and a report of activities on behalf of Pete.

Moscow itself has gotten into the act in Seeger's behalf. On April 6, 1961, Moscow radio featured a commentary by Nina Alekseyeva, which read as follows:

The news of Pete Seeger's sentence is shocking. To think that the folk singer should be sentenced to a year in jail for refusing to answer the questions of the Un-American Activities Committee! It must remind people of the darkest days of McCarthyism when Americans lost their basic constitutional rights. In present-day America, too, it seems, it's dangerous to combine folk singing with the struggle for peace.

Just a few days ago Pete Seeger was applauded by thousands at the U.N. Plaza in New York during the meeting that brought to a close the Easter Week Peace March. Little did the people know they were cheering the folk singer for the last time this year. On Tuesday he was gagged by a committee that has no right to exist as long as America has a constitution—a committee that has usurped executive and judicial power in the country and has become an agency of repression * * *.

The international Communist agitation in behalf of Pete Seeger probably will not affect the ultimate disposition of his case, but it will unquestionably provide him with funds that he would never have if the U.S. Communist Party were not part and parcel of the international world Communist movement with its headquarters in the Kremlin.

Realizing that its strength depends, in considerable part, on the strength of Communist parties abroad, the U.S. party aids other national parties to the best of its ability. An example:

The March 27, 1960, issue of the Communist Party newspaper, *The Worker*, and the March 28, 1960, issue of the *National Guardian* published identical letters written by Janet Jagan, wife of admitted Communist Cheddi Jagan, now Prime Minister of British Guiana. These letters appealed to readers of *The Worker* and the *National Guardian* to send books on a variety of subjects—economics, politics, etc.—as contributions to the library of the Jagans' People's Progressive Party in British Guiana.

When Cheddi Jagan later visited this country and spoke at a gathering of Communists and fellow travelers, he thanked them for sending books in response to his wife's plea.

The committee has no idea of just how much in the way of Communist and party-line books, pamphlets, and other materials on economics, government, politics, and related subjects American Communists and fellow travelers sent to the People's Progressive Party library in response to Mrs. Jagan's request. There can be no question, however, about the fact that this literature, whatever its quantity, helped build and strengthen the prestige of the Jagans and their party and thus their influence in the affairs of British Guiana—

an influence which culminated in Cheddi Jagan's taking control of the country in August 1961, when Great Britain granted virtual independence to its former colony.

Inasmuch as the Communists themselves appreciate the fact that the various national Communist parties draw strength from the others and from the world Communist movement, it would be foolhardy for non-Communists to refuse to take cognizance of this fact. As U.S. party leader Gus Hall said in his speech of January 20, 1961:

Each component part both contributes and draws strength from the alliance [of the Communist parties and nations of the world].

ESPIONAGE

There is no need here for a detailed or lengthy treatment of this aspect of the internal Communist threat. Brief mention of a few facts is sufficient to illustrate how serious a danger even a small Communist Party poses to the security of the Nation in this field:

1. Traditionally, the Communist Party and its fronts have served as agencies for the recruitment of persons who are willing to betray their country by working for Soviet intelligence;
2. Soviet intelligence operations in the United States are on the increase according to J. Edgar Hoover and other top security officials;
3. It takes just a handful of native Communists—as the Rosenberg case proved—to do tremendous damage to the Nation through espionage activity.

SUMMARY

If it is true that Communist strength in the United States and the danger it presents to this country can be accurately gauged by the simple fact that the party has only 10,000 members, then the conclusion must be drawn that these 10,000 are supermen and superwomen, both physically and mentally; that they are, in truth, "10 feet tall"—and there is no other group of men and women in the country which can compare, even remotely, with members of the Communist Party who have established a fabulous record for so small a group:

Their official publications have a readership that is more than double their membership;

They control the content of over 30 different publications which promote their ideology and line and which have a combined circulation of about 350,000;

They dominate unions in the basic industries of the United States and, through this control, powerfully influence the lives and welfare of some 325,000 American workers—and also the national security;

They actually control or have infiltrated something in the neighborhood of 200 other groups in this country, some of them national in scope;

Though members of a disloyal, criminal conspiracy directed from abroad and thus detested by most Americans, they still succeed in spreading their poisonous line and ideology among the American people by infiltration of radio and TV, moving pictures, churches, schools, political parties, and numerous other instrumentalities.

The truth, of course, is that it would be a virtual impossibility for 10,000 people to carry on the activities and exercise the influence

now exercised by the Communist movement in the United States. The party can do what it is doing only because there are many thousands of people in this country who, though not technically members of it, are, consciously and knowingly, members of what might be called the Communist movement or apparatus.

These people, of course, are not 10 feet tall, nor are they supermen and superwomen. More informed and accurate reporting on the extent and nature of their forces would reduce them to normal size and make clearer just what can and should be done to destroy the threat they pose.

Those who minimize the internal Communist threat, claiming that it is so small it presents no danger at all and nothing needs to be done about it, endanger the life of the Nation just as much as a person endangers his own life when he ignores and does nothing about a cancer because its cells comprise only a tiny fraction of the millions of healthy cells in his body. Smugness and folly of this type are conducive to funerals, not long life—and Khrushchev has openly proclaimed his desire to bury freedom.

WHAT IF THE COMMUNISTS WERE NAZIS!

Certain individuals, publications, and groups in this country which cannot and never have been able to see any internal danger in communism have, for many years, been expressing great fear of nazism and fascism.

They have done this despite the fact that nazism is today generally discredited throughout the world, that there is no international Nazi movement, nor any powerful Nazi party in any nation. Nazism in this country is represented by a small organization with an insignificant number of members who are generally considered crackpots, are shunned, and continually ridiculed, denounced, and exposed.

During recent months, certain segments of the press—which have never done anything in the way of exposing the Communist Party or its fronts—have been packed with articles and exposés concerning both responsible and irresponsible anti-Communist groups in this country. These articles have often characterized, by implications or outright statements, all of these groups as constituting a very real danger to democracy, freedom, and our form of government. It is often hinted darkly—though no evidence is produced to substantiate the charge—that all of these groups are Fascist or neo-Fascist in their orientation.

At the same time, the same newspapers and magazines are telling the American people, over and over again, that the Communist Party presents no danger at all to this country.

But suppose Hitler were alive today! Suppose that he was the boss of an international Nazi machine comparable in size to the world Communist movement—a Nazi movement which had some 40 million members organized in secret, conspiratorial units in 87 nations of the world, which controlled one-fourth of the earth's surface, one-third of its population and 17 nations!

Suppose that the American Nazi Party had the number of members, fellow travelers, collaborators, fronts, publications, cooperating non-Nazi groups that the U.S. Communist Party has today—and that Nazi propaganda publications emanating from the major centers of the movement abroad were pouring into the United States at the rate

of many millions of packages annually, and a half-dozen or more publishing firms in the United States were turning out books extolling nazism day after day!

Would these same voices then be telling the Congress and the American people that there was no need to worry about the U.S. Nazi Party?

The answer is obvious. Their publications would be filled, day after day, with denunciations and exposures of the American Nazi Party and all its fronts, collaborators, and fellow travelers. The air-waves would feature numerous similar items by commentators who can today see no danger in internal communism. There would be demands that this committee's appropriations be increased tremendously, its staff enlarged, and its activities greatly expanded—and that every State in the Union set up a committee to fight the Nazi menace within its boundaries.

The anti-Communists of today who are denounced as "right-wing extremists" would be made to look like ineffective "babes in the woods" in the art of propagandizing and agitating against those they believed to be a real danger to the Nation. Anti-nazism would be the biggest thing in the country.

CHAPTER II

HEARINGS CONDUCTED FOR LEGISLATIVE PURPOSES

THE FUND FOR SOCIAL ANALYSIS

(Hearings on H.R. 4700, To Amend Section 11 of the Subversive Activities Control Act of 1950, as Amended)

PURPOSE OF THE HEARINGS

A Communist propaganda offensive, in many guises and directed to the American people, is being waged from both within and without this country. Hearings held by this committee in the past have disclosed the tremendous volume of Communist propaganda printed in the Soviet Union, its satellite countries and Red China for dissemination in the United States. In an effort to alert the public to the large quantities of propaganda mail entering this country from abroad, the chairman, on March 21, 1961, introduced H.R. 5751, a propaganda control bill identical to one which had passed the House in the 86th Congress but did not reach a vote in the Senate.

Within the United States, scores of Communist-front organizations engaged in propaganda activities have enjoyed tax-exempt status. Preliminary investigation by the committee disclosed that, over a period of less than 5 years, one such group had solicited more than a quarter of a million dollars. This tax-free money was used almost exclusively for dissemination of propaganda in defense of the Communist Party and its members and in furthering Communist Party objectives.

Several attempts have been made to restrict this tax-free flow of Communist propaganda by denial of tax exemption to organizations from which it emanates. In 1947, the Commissioner of Internal Revenue began denying tax exemption to those organizations found to be subversive by the Attorney General. A provision in the Internal Security Act of 1950 denies tax exemption on contributions to, and income of, those Communist action and/or front organizations registered or ordered to register with the Subversive Activities Control Board (SACB) or determined by the Board to be Communist infiltrated.

It is apparent that mere denial of tax exemption has not brought, and will never of itself bring, about the elimination of these organizations. Furthermore, past measures intended as restrictions have proved ineffectual and demonstrate the need for further remedial legislation. This is so primarily because these organizations, through their methods of operation, utilize to their advantage present laws and the often considerable delay in their administration under our democratic system of government.

The persons in control of these propaganda organizations are usually talented in marshaling support for their causes and skilled in evading

the reach of law. They form deceptive fronts, which are quickly dissolved or deserted once they have been identified as such, and then form another front under a new name which works for the same purpose. The ostensible purposes of these organizations often indicate eligibility for tax exemption, but the groups seldom seek it—because that would require disclosure of their operations. Their principal income is not taxable because it is derived from gifts or contributions which are excluded from tax computation on their returns. Thus, their expenses exceed their taxable income and no tax is due the United States.

The committee has found that many organizations engaged in subversive propaganda fail to file tax returns or keep records. This deliberate concealment places upon the Internal Revenue Service the burden of proving the amount and source of their income. The directors of one organization which failed to file a tax return refused to make its records available for examination by the Internal Revenue Service, and by the time their production was demanded, the group had disbanded. Within months, the same group was re-formed as a new propaganda front.

Few of these organizations have perished for lack of income. Some were dissolved because they had served their purpose or because disclosure of their subversive nature had ended their acceptability to the public. During their existence, however, their substantial incomes escaped taxation.

One provision in present law which works to the advantage of such groups is the requirement in the Internal Security Act of 1950 that tax exemption be denied only to those organizations registered with the Subversive Activities Control Board, ordered to register with it, or determined by the Board to be Communist-infiltrated. As was to be expected, no Communist organization has voluntarily complied with the Act's registration requirement, and through 1961 the SACB had ordered only 13 Communist-front groups to register.

The Supreme Court's delays in passing upon the provisions of the Subversive Activities Control Act of 1950, the years it has taken between hearings before the Board and issuance of final orders, and the continuing expectation of prolonged litigation, used as a tactic of obstruction by Communist organizations in Board proceedings, point to the necessity of devising more effective means to deny tax benefits to these organizations and their contributors.

For this reason, on February 21, 1961, the chairman introduced H.R. 4700, to amend section 11 of the Subversive Activities Control Act of 1950 by removing the tax-exempt status from Communist action, front, and infiltrated organizations immediately upon their formation. It provides that, for Federal income tax purposes, the income of Communist organizations, including gifts and contributions, shall be taxable and subject to no deductions. It further provides that donors, when reporting gross income, may not deduct any contributions of funds or services to Communist organizations.

Hearings on H.R. 4700 were held May 31, June 7, and August 16, 1961, to develop information that would help the committee appraise the bill, which had been referred to it for study and evaluation. The purpose in calling the officers of The Fund for Social Analysis was to determine whether it is an organization using tax-exempt contributions for the development and dissemination of Communist propaganda or

for other Communist objectives and, if so, whether the enactment of H.R. 4700 would assist in deterring such Communist operations. An additional purpose of the hearings was to ascertain whether or not the witnesses, aside from any relationship to The Fund for Social Analysis, are engaged in activities in behalf of the Communist Party, USA, or the international Communist movement.

Members of the Fund's Committee on Awards, when served with subpoenas, sought to obscure the hearings' purpose by initiating a campaign to solicit support from the "academic community" for their specious claim that the Fund was being subjected to "harassment by the HUAC * * * aimed directly at the liberty of thought and right to knowledge which are basic for all academic freedom."

Contrary to this claim, the committee has actually encouraged objective study of and teaching about communism in order to increase understanding of the grave problems it has created in the United States and throughout the world. The committee's inquiry was directed not at liberty of thought, right to knowledge, or academic freedom, but at tax-free manufacture and dissemination of propaganda and activities in furtherance of Communist objectives. These objectives are served by many Communist-front organizations which have ostensibly laudable purposes and which, like the Fund, may seek no tax exemption or "any other form of public assistance." Information was sought concerning The Fund for Social Analysis because pre-hearing investigation by the committee staff produced evidence that the Fund fell into this category.

Accordingly, questions were asked concerning the Fund's formation, personnel, finances, and awards. The witnesses, in declining to respond and disclaiming possession or knowledge of records subpoenaed, infringed upon the committee's right to obtain information pertinent to the legislation under consideration. Their refusal to answer practically all questions asked could be properly justified solely for the reason, as they asserted, that truthful answers might tend to incriminate them.

During the course of its investigation and hearings, the committee obtained the following information about the Fund, its leaders, beneficiaries, purpose, and program:

THE FUND'S FORMATION AND OFFICERS

Creation of The Fund for Social Analysis was announced in the April 1958 issue of the Communist Party publication *Mainstream*. In a letter to the editor, Mary Jane Keeney, the Fund's corresponding secretary, stated that the Fund had—

just been organized as an informal group of individuals interested in aiding research on problems of Marxist theory and its application, bringing together people who want to encourage such studies and to provide financial assistance toward their production. It operates without paid personnel or other overhead costs, and distributes all money raised by the sponsors through voluntary activities in research grants.

A certificate filed with a New York bank for the Fund's account, executed on November 14, 1958, named Harry Magdoff as president, Irving Kaplan as treasurer, and Dr. Annette T. Rubinstein as secretary.

Members of its Committee on Awards for the first year, with entire responsibility for making grants, were listed in Fund literature as follows: "Frank Coe, Irving Kaplan, Harry Magdoff, Stanley Moore, Russell Nixon, Annette Rubinstein and J. Raymond Walsh, as well as a panel of consultants in special fields who are available on call."

Elected members of the Committee on Awards in 1960 were Barrows Dunham, Jules (Julius) Emspak, Irving Kaplan, Harry Magdoff, Russ Nixon, and Annette T. Rubinstein.

BACKGROUNDS OF PERSONS ASSOCIATED WITH THE FUND

Officers:

Harry Magdoff, president and Irving Kaplan, treasurer, were identified by Elizabeth Bentley, former courier for a Soviet espionage ring, as active members of Communist cells in the United States Government in the 1930's and 1940's who furnished information to her for transmission to the head of the espionage ring for which she worked.

Magdoff resigned from his position in the office of the Secretary of Commerce in 1946.

Kaplan left the Treasury Department in 1948 to work for the United Nations. He was dismissed by the UN in 1952 after invoking the fifth amendment when questioned concerning Communist Party membership by a congressional committee investigating U.S. personnel employed by the UN.

Annette T. Rubinstein, Fund secretary, was identified as a Communist Party member by Dr. Bella Dodd, a former member of the Communist Party's National Committee, and also by John G. Huber, in testimony before the Senate Permanent Subcommittee on Investigations in 1956.

Awards Committee members:

Frank Coe was identified by Elizabeth Bentley in the same manner as Magdoff and Kaplan.

Coe was dismissed as secretary of the International Monetary Fund in December 1952, a few days after invoking the fifth amendment when questioned concerning Communist Party membership by a congressional committee investigating Communist infiltration of the United States Government.

Russell Nixon has been identified as a member of the Communist Party by four witnesses who have testified before this committee.

Julius Emspak ("Comrade Juniper") has been identified as a member of the Communist Party by two witnesses in testimony before this committee and by Louis Budenz, former member of the Communist Party's National Committee and managing editor of the *Daily Worker*, in testimony before a House Labor Subcommittee.

Stanley Williams Moore, who has taught philosophy at several colleges, has been identified by three witnesses before this committee as a member of the Professional Sections of the Communist Party in California and Oregon.

Barrows Dunham, subpoenaed to testify before this committee in 1952, invoked the fifth amendment when questioned about Communist Party membership and activities. In a passport application filed in

1957, he stated that he had been a member of the Communist Party from 1938 to 1944 and the Communist Political Association in 1944-45.

J. Raymond Walsh, former radio commentator, served on the executive committee of the Emergency Civil Liberties Committee (ECLC) from 1954 to 1960. [The ECLC is the Communist Party's legal defense arm.] Mr. Walsh has an extensive record of affiliation with Communist fronts and causes dating back more than 20 years.

Thus; of the nine persons who have served as officers and Awards Committee members of The Fund for Social Analysis, eight have been identified as members of the Communist Party.

Others:

Isidore Gibby Needleman, attorney for the Fund, who also served as counsel for two of its three directors in their appearance before the committee, was identified as a member of the Communist Party by John Lautner in an executive hearing of this committee in Washington, D.C., on July 7, 1961. Lautner, a party member from 1929 to 1950 and an official in the New York State Communist Party organization for many years, testified that in the mid-1930's he had been introduced to Needleman as a Communist in the offices of Amtorg, the official Soviet trading corporation in New York City, and that he had attended party conferences in New York with Needleman. He further testified that in 1948 when he (Lautner) was head of the New York State Communist Party Control Commission (which had the function of reviewing party disciplinary cases), Needleman had asked him to quash expulsion proceedings against a woman party member because he felt she was doing good work for the party.

THE FUND'S OPERATIONS

In a statement issued after the witnesses had been subpoenaed for the committee's hearings, the Awards Committee announced that, since its inception in 1958, the Fund had made six grants totaling \$8,500, as follows:

"*Martin J. Sklar*, graduate student [University of Wisconsin], \$2,000 to enable him to complete his study of the background and development of U.S. imperialist ideology since the time of McKinley.

"*Professor Paul A. Baran* [Stanford University], author of *Political Economy of Growth*, \$1,500 to facilitate completion of a Marxian analysis of monopoly capitalism which he is writing jointly with Dr. Paul M. Sweezy.

"*Dr. Herbert Aptheker*, author of *Negro Slave Revolts, Documentary History of the American Negro*, \$1,000 for research expenses in connection with the documentation of his history of the Civil War period, scheduled for publication during the Civil War Centennial in 1961.

"*Professor William Appelman Williams* [University of Wisconsin], author of *Shaping American Diplomacy 1750-1955, The Tragedy of American Diplomacy*, \$1,500 to assist in the completion of an interpretive history of the United States from the sixteenth century to the present day.

"*Professor Gordon K. Lewis*, [University of Puerto Rico], author of articles published in a great variety of learned journals including the

Western Political Quarterly, the *Political Quarterly of London*, and the *Journal of Politics*, \$1,000 to assist in the completion of his book entitled *America As A Colonial Power: The Puerto Rican Experience*.

"Dr. Bernice Shoul, instructor of economics [Boston University, 1959-60], author of articles in such periodicals as the *Quarterly Journal of Economics*, \$1,500 to assist in the completion of a series of essays on the relation between Marxian and Classical economics."

TESTIMONY OF WITNESSES

Magdoff, Kaplan, Rubinstein, Nixon, Moore, and Dunham were subpoenaed to appear as witnesses in the hearings. Also subpoenaed were Isidore Gibby Needleman, counsel for the Fund, and Herbert Aptheker, the recipient of a \$1,000 grant from the Fund.

Annette T. Rubinstein, the Fund's secretary, testified that at the time she was first served with a subpoena, and since that time, she had had no minutes of Fund meetings or other Fund records in her possession; that she had no knowledge of their whereabouts, if any existed; and that she had destroyed none. She invoked the fifth amendment when asked if she had had any records in her possession before she was served; if the Fund had maintained records and files of minutes, correspondence, etc., before service of subpoenas for the hearings; and whether, to her knowledge, such records had been destroyed.

Magdoff, the Fund's president, testified in similar manner with respect to minutes, copies of letters or memoranda, applications from individuals, account books, and other records.

Irving Kaplan, the Fund's treasurer, produced records of a checking account for the period November 14, 1958, to April 1, 1961, which showed payment of the grants announced, except the one to Paul A. Baran. He also produced a savings account book showing deposits totaling \$10,132 and withdrawals of \$5,700, made during the period between January 24, 1958, and November 9, 1960.

Kaplan declined to identify his signature on the certificate filed with the bank or on the canceled checks. He testified that he had no books of account showing the amount of receipts, their source, or disbursements and that he had no copies of tax returns. He asserted that the bank records produced comprised all records he possessed on April 10, 1961 (when the first subpoena was served him) and which he had since acquired. With respect to the period prior to service of the subpoena, he declined to testify, invoking the self-incrimination clause of the fifth amendment.

Magdoff, Kaplan, and Rubinstein refused to admit their relationship to the Fund or to disclose its income, operations, or purpose except insofar as the purpose had been stated in a public announcement "purporting to be issued by the Fund," as Kaplan put it. They also invoked the fifth amendment when asked if they had been members of the Communist Party.

Needleman testified that he charged the Fund no fee for his services as attorney and that, although the address of the Fund was the same as that of his law office in New York City, his office was used by the Fund only as a mailing address. Correspondence addressed to the Fund was left on a table in his office, he asserted, to be picked up by

someone from the Fund. He said that he had never seen any Fund officers come into his office for mail, but that he had seen Kaplan pick up bank statements. He also said that he had never seen any of the Fund's records, except for the bank statements which came in the mail. On grounds of the first and fifth amendments and the confidential nature of attorney-client relationship (which he claimed the committee was violating), he refused to say who handled moneys of the Fund.

He testified that no state tax returns were prepared by him and that the Fund had been advised that it did not have to file a Federal income tax return. When a representative from the Internal Revenue Service called on him to inquire about the Fund's reports, Needleman said, he informed the representative that he would communicate with his client. He declined to tell the committee to whom he had referred the tax matter or who the Fund's officers were, claiming a privileged communication. He stated further that he could not recall the name of the tax attorney the Fund had consulted.

Needleman declined to state whether Lautner's testimony concerning him was correct, whether he was a member of Section 22 of the Communist Party when Sam Brown headed it, or whether he and persons directing the Fund are Communists. He confirmed that in 1961 he registered with the Department of Justice as agent for the Four Continent Book Corporation, described by him as the general book distribution agency for the Soviet Union. On the registration form he also stated he was legal adviser to the Amtorg Trading Corporation, an official Soviet instrumentality in the United States (cited as subversive by the Attorney General and this committee). The form required a listing of all organizations of which the applicant had been a member, director, officer, or employee during the past 2 years. Needleman's answer to these questions on the form was, "I invoke the fifth amendment to this question."

Russell Nixon, Washington legislative representative of the Communist-controlled United Electrical Workers Union and correspondent for the *National Guardian*, invoked the fifth amendment in refusing to answer questions concerning the Fund and Communist Party membership.

Stanley William Moore, a teacher at Barnard College, had previously appeared before the committee in 1954, at which time he had invoked the fifth amendment in refusing to answer questions concerning Communist Party membership. In his appearance before the committee on May 31, 1961, Moore testified that he was not a member of the Communist Party at the time of his prior appearance before the committee and that he had not been one since that time. He invoked the first and fifth amendments when questioned about membership prior to his 1954 testimony and, on the same basis, refused to answer questions concerning the Fund and his membership on its Awards Committee.

Barrows Dunham had also been subpoenaed to testify before the committee on a previous occasion—in February 1952—in the course of an investigation of Communist infiltration in the field of education. On that occasion, he invoked the fifth amendment not only in response to questions concerning membership in the Communist Party, but even when asked preliminary questions about his occupation and education for purposes of identification. In his appearance before the

committee on June 7, 1961, he refused, on the grounds of the fifth amendment, to respond to any inquiries about the Fund and publications for which he now does freelance writing.

Dr. Herbert Aptheker was a member of the National Committee of the Communist Party at the time he received a \$1,000 grant from the Fund and at the time he testified before the committee on May 31, 1961. Aptheker is the editor of the Communist Party's theoretical organ, *Political Affairs*, and has also served as associate editor of *Masses and Mainstream* (now called *Mainstream*), the Communist Party's cultural monthly. He is also head of the New York School for Marxist Studies, the most important Communist Party school in the East.

As a defense witness for members of the Communist Party's Politburo who were tried under the Smith Act in 1949 and for other party leaders prosecuted under the Smith Act in 1954 and also for the party itself in proceedings before the Subversive Activities Control Board in 1952, Aptheker testified that he had been an active Communist Party member since 1939. In the hearing on the Fund for Social Analysis, however, he invoked the fifth amendment when questioned about Communist Party membership.

CONCLUSION

The 16th National Convention of the Communist Party, USA, held in February 1957, instructed the National Committee of the party to prepare a written program to "define clearly and unequivocally the viewpoint of American Communists on all fundamental problems of the struggle for socialism in the U.S."

The National Committee delegated the carrying out of this instruction to a Draft Program Committee, of which Herbert Aptheker (later a recipient of a grant from the Fund) was a member.

According to James S. Allen, the secretary of the Draft Program Committee, in an article in the Communist *Political Affairs* magazine of September 1958, his committee viewed the preparation of a written program as a "really major undertaking" which must, he said—

be the outcome of an expanding wave of serious study and discussion at all stages of preparation. The best Marxist-Leninist thinking in America should be "mobilized" and brought to bear upon the problems of the program. The real and "thinking" strength that is resident within the Communist movement and in circles around it has to be aroused to the task.

The Fund for Social Analysis, according to its own statement of policy issued in 1958, aims to "correct" the dwindling level of research on "problems opened up by Marxist theory." It follows the selective approach of giving preference to applicants who propose:

"Topics bearing upon current problems * * * over those of purely historical interest" and

"Topics bearing upon the United States * * * over those solely concerned with other countries."

The Fund claims that it does not propose to merely "popularize a set of uncritical beliefs" on "problems of Marxist theory and its application," but rather that it expects each grant recipient to "be

to some extent a critic of the theories he examines or applies" and "to decide how far the criticism shall go."

This statement of Fund policy, as well as some of the studies for which it has made grants, clearly indicates that the Fund's purposes coincide with the "written program" called for by the Communist Party at its 16th National Convention. In view of the refusal of Fund witnesses to answer questions concerning the organization's objectives, the similarity of the Fund's program to that of the Communist Party speaks for itself.

These facts, as well as the Communist and pro-Communist records of the Fund's officers and Awards Committee members brought out at the hearings, led the committee to conclude that the Fund for Social Analysis "was being operated as a Communist propaganda organization."¹

These hearings also illustrated the ease with which a Communist propaganda organization can function under existing laws, without disclosing the nature of its operations. The Fund, for instance, obviously designed its financial structure so that it would be immune from taxation even though it made no request for tax exemption. Furthermore, the Fund, by not maintaining even the basic records kept by most organizations or else by being prepared to dispose of them at a moment's notice, was in a position to conceal much information about its activities when investigated by this committee.

The hearings clearly established that the Fund for Social Analysis and monetary contributions to it would be denied privileged tax treatment if H.R. 4700 became law.

DISSEMINATION OF COMMUNIST PROPAGANDA IN THE UNITED STATES (HEARINGS ON H.R. 9120 AND H.R. 5751, TO AMEND THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950)

On September 13, 1961, the committee held a hearing on proposed legislation concerning the use of first-class U.S. mail service for dissemination of unlabeled Communist propaganda emanating from foreign countries. Of primary interest to the committee at this hearing was H.R. 9120, an amendment to H.R. 5751, a bill calling for persons who distribute foreign political propaganda through the mail in this country to register as foreign agents with the Department of Justice, to label foreign political propaganda as such, and to send sample copies of foreign propaganda material to the Library of Congress and to the Justice Department with a statement setting forth full information as to the times, places, and extent of importation of such material.

H.R. 9120 had been introduced by the committee chairman on September 11, 1961, for the purpose of giving the Postmaster General the authority, when reasonably justified, to warn recipients of first-class mail coming directly from foreign countries that it might contain Communist propaganda. H.R. 9120 was prompted by the Communist technique of mailing foreign propaganda, by first-class as well as other mail, directly to individual addressees in the United States, rather than to resident Communist agents for further distribution.

¹ For complete citation, see p. 78 of the committee's "Guide to Subversive Organizations and Publications."

Attorneys from the Post Office Department, the Department of Justice, and the Customs Bureau of the Treasury Department testified in the hearing. The Department of State had been invited to send a representative, but was unable to do so and forwarded its regrets to the committee chairman.

All executive branch representatives at the hearing were essentially in agreement with the purpose and composition of H.R. 9120. A number of minor revisions were suggested, most of which were incorporated in a supplemental report to H.R. 5751 filed on September 14, 1961, by Mr. Walter. This report recommended that the Postmaster General be directed to display notices in post offices throughout the Nation warning that Communists are using the mail service of the United States to circulate Red propaganda initiated in foreign countries. The report also recommended that he be given the authority to invite recipients of Communist propaganda to return it to the post office without cost to themselves.

H.R. 5751 was passed by the House on September 18, 1961, by an overwhelming majority.

In October 1961, the Post Office Department notified the committee that it was going ahead with the preparation of posters warning about the Communist use of the mails for propaganda purposes. At year's end, the Post Office Department had definite plans for the distribution of these posters to its branches throughout the country in early 1962.

NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS AND CITIZENS COMMITTEE FOR CONSTITUTIONAL LIBERTIES

On June 5, 1961, the U.S. Supreme Court, in two 5-4 decisions, upheld the constitutionality of the registration and disclosure provisions of the Internal Security Act of 1950 (the McCarran Act) as applied to the Communist Party, and also the Smith Act membership clause making punishable active and purposive membership in the Communist Party.

Some three months later, on September 23 and 24, 1961, a so-called "National Assembly for Democratic Rights" attracted an estimated 3,000 persons to New York City's St. Nicholas Arena for "an all-inclusive gathering * * * of representatives and supporters of every plea for reversal or nonapplication of the June 5th decisions of the Supreme Court on the Smith and McCarran Acts."

The preannounced and widely publicized objectives of the National Assembly for Democratic Rights were so similar to the official aims of the Communist Party—and preliminary investigation revealed the names of so many notorious Communists and inveterate supporters of Communist fronts among the organizers and sponsors of the Assembly—that the committee felt compelled to hold hearings on this gathering. The purpose was to determine whether it was, as evidence indicated, a concealed Communist Party operation and, if so, whether the subversive techniques utilized by the Communists in arranging and controlling this Assembly lent themselves to correction by legislation.

Committee investigation and hearings directed toward these aims, held in Washington, D.C., on October 2 and 3, 1961, developed the following information concerning the origin, organization and operation of the National Assembly for Democratic Rights.

COMMUNIST PARTY OPPOSITION TO INTERNAL SECURITY ACT

The history of Communist Party opposition to the Internal Security Act, often referred to as the McCarran Act, pre-dates its enactment in 1950. When the act was first proposed in the late 1940's, it was known as the Mundt-Nixon Bill. In June, 1948, a National Committee To Defeat the Mundt Bill was formed. After investigation, this group was officially cited by the Committee on Un-American Activities in 1951 as "a Communist lobby" against anti-subversive legislation. The National Committee To Defeat the Mundt Bill was dissolved, but was succeeded in December, 1950—following adoption of the Internal Security Act—by the now defunct National Committee To Repeal the McCarran Act which was cited as a Communist front by the Senate Internal Security Subcommittee in 1956.

Through the years, numerous other Communist fronts—notably the Civil Rights Congress, the American Committee for Protection of Foreign Born, the Emergency Civil Liberties Committee and the Citizens Committee To Preserve American Freedoms—have participated in the overall Communist Party campaign to nullify the Internal Security Act.

Significantly, the third point in the Main Political Resolution adopted at the 17th National Convention of the Communist Party, held in December, 1959, called for the repeal of the Internal Security and Smith Acts.

As was expected, not only the U.S. Communist Party but Communists the world over reacted violently following the Supreme Court's upholding of the constitutionality of the Internal Security Act's registration and disclosure provisions on June 5, 1961, and launched an intensified propaganda and agitational war against the Act. Testimony and evidence introduced in the committee's hearings revealed that the effort to nullify the act by various pressure devices became a large-scale international Communist operation.

On June 6, 1961, the Moscow radio denounced the Supreme Court and pledged solidarity with the Communist Party of the United States in the campaign to destroy the Internal Security Act. Communist Party publications in Canada, Great Britain, France, Japan, Burma, New Zealand, India, West Germany, Communist China, Czechoslovakia, Rumania, Denmark, and North Korea echoed Moscow's position.

New Times, an international Communist organ printed in Moscow in eight different languages, published an editorial attacking the Supreme Court's decision in its issue of June 21, 1961. The decision was also attacked in the August 1961 issue of *World Marxist Review*, a magazine published in Communist Czechoslovakia and distributed throughout the world in 18 other languages. There is no doubt that the worldwide Communist conspiracy was throwing its full propaganda weight behind the U.S. Communist Party's attempt to nullify the Internal Security Act. At year's end—several months after the Assembly—the Communist attack on the Internal Security Act was still being carried on in foreign countries.

The June 11, 1961, issue of *The Worker* quoted Gus Hall, general secretary of the Communist Party of the U.S., as saying that voices would be heard "in strong protest" against the "McCarran Act" and the "Smith Act." Subsequently, the National Committee of

the Communist Party protested the Supreme Court's decisions in an open letter to the American people published in the Communist press; it was also placed in several non-Communist newspapers as an advertisement.

The Worker of June 18 quoted statements made at a press conference at which Hall was accompanied by Elizabeth Gurley Flynn, national chairman of the Communist Party of the U.S., and National Secretary Benjamin Davis.

Hall said, "We are announcing a massive educational campaign to save the Bill of Rights. * * *"

In her column in the July 9 edition of *The Worker*, Mrs. Flynn told the party's members that the campaign against the McCarran Act "cannot be postponed for a single day." In the July 23 issue, discussing an organization called the Citizens Committee for Constitutional Liberties which was sponsoring the proposed National Assembly for Democratic Rights, she wrote that:

Special folders will be ready shortly at the committee's office, addressed to youth and to the Negro people, also one addressed to Labor and to the Jewish people.

If you live in N.Y., visit the committee's office.

If you can give some time for volunteer work in mailing jobs, please go there and do so.

Now is the time to be busy. We can breathe easier, better, later, after we win.

In her column in *The Worker* of September 10, 1961, Mrs. Flynn urged attendance at the National Assembly for Democratic Rights, and said, "Let us welcome this magnificent effort and do all in our power to make it a huge success."

Revealingly, the National Assembly for Democratic Rights was scheduled to meet on the eve of the reconvening of the Supreme Court, at which time the Court was to consider an appeal by the Communist Party for a rehearing of its petition against the Internal Security Act. Also, on the night before the Assembly was to open, a rally was held in New York by the Emergency Civil Liberties Committee, at which the audience was urged to attend the Assembly.

ORGANIZING THE ASSEMBLY

An organization called the Citizens Committee for Constitutional Liberties was formed immediately after the Supreme Court decisions of June 5, 1961. This group was the parent organizing and coordinating body for the National Assembly for Democratic Rights (NADR), its open and official sponsor of record. The two names which appeared on the literature of the Citizens Committee for Constitutional Liberties (CCCL) as officers of the organization were those of *Miriam Friedlander* as executive secretary, and *Oakley C. Johnson* as treasurer.

Miss Friedlander was then a member of the National Committee of the Communist Party. Oakley Johnson, the CCCL treasurer, has a Communist Party record that dates back to 1919, when he served on a 7-man National Organizing Committee which issued a call for a convention to organize the Communist Party of America. Identified as a member of the Communist Party before this committee in 1957,

he invoked the fifth amendment when the committee questioned him concerning party membership during that same year.

On June 12, 1961, exactly one week after the Supreme Court decisions, Miss Friedlander, as executive secretary of the CCCL, leased rooms 1525-1526 at 41 Union Square, New York City, for use as the CCCL headquarters.

On June 30, acting for the CCCL, she signed a lease for the premises of the Riviera Terrace, 1686 Broadway, New York City, to be used for a mass meeting of the organization on July 27.

Testifying under subpoena in the committee hearings, Miss Friedlander and Mr. Johnson repeatedly invoked the self-incrimination clause of the fifth amendment in refusing to answer all questions pertaining to their Communist Party membership, their appointment as CCCL officers by the Communist Party, the source of monies used for the previously mentioned leases, the raising of funds, selection of sponsors, and all other matters pertaining to the CCCL and its National Assembly for Democratic Rights.

The key organizer for the NADR, working with Friedlander and Johnson, was *Joseph Brandt*, also a member of the Communist Party. The committee hearings revealed that it was Brandt who, in the name of the Assembly, signed a lease on July 19, 1961, for Room 703, 118 East 28 Street, New York City, which became the headquarters of the NADR, leased St. Nicholas Arena for the two-day rally (signing the lease as the Assembly manager), and placed an advertisement for it in the *New York Times* of September 7, 1961.

Brandt, testifying in the hearings under subpoena, invoked the fifth amendment on all questions pertaining to his membership and official posts in the Communist Party and his role in organizing and participating in the Assembly.

James Tormey, another member of the National Committee of the Communist Party, also assisted in organizing the party's counter-attack on the Supreme Court decisions. Subpoenaed to testify in the hearings, Tormey, on self-incrimination grounds, refused to answer when asked if the Communist Party had assigned him the responsibility of establishing and organizing the Citizens Committee for Constitutional Liberties and the National Assembly for Democratic Rights; if he had directed the establishment of supporting groups in cities throughout the United States; and all other questions concerning the Communist Party's role in the organization, financing, and control of these groups.

ASSEMBLY SPEAKERS

After *Joseph Brandt* had made a brief statement as the National Assembly for Democratic Rights got underway on September 23, the following persons—all identified or professed members of the Communist Party—addressed the gathering on that and the following day:

Rev. William Howard Melish, who delivered the invocation. Rev. Melish was identified as a member of the Communist Party in testimony before the Subversive Activities Control Board in the course of its hearings on the National Council of American-Soviet Friendship. Although Melish denied in these hearings that he had ever been a member of the Communist Party, the report and order of the Board, Docket No. 104-53, February 7, 1956, found that "the declination of

the Examiner to credit Melish's testimony in explanation or denial of connection with Party activities was justified."

John Abt, attorney for the Communist Party in proceedings before the Subversive Activities Control Board (SACB) and other cases. Abt has been identified in testimony before both this committee and the Senate Internal Security Subcommittee as a member of the Communist Party and leader of one of the Communist cells operating in the U.S. Government in Washington during the 1930's and early 1940's. He has also invoked the fifth amendment before both this committee and the Senate Internal Security Subcommittee when questioned about his Communist Party membership and activities.

Dr. Herbert Aptheker, editor of the Communist Party's monthly magazine *Political Affairs*. Aptheker is a member-at-large of the Communist Party's National Committee. Testifying as a defense witness for the Communist Party before the SACB, he stated that he has been an active Communist Party member since 1939.

Carl Marzani, former State Department employee. Marzani was convicted and served a prison term for concealing the fact that, under the name of Tony Wales, he was a member of the Communist Party while employed by the U.S. Government.

Ishmael Flory, leader of the Afro-American Heritage Association. Flory has been identified as a member of the Communist Party by two witnesses who testified before this committee in 1953.

Oakley C. Johnson, whose background has already been given.

Benjamin J. Davis, Jr., presently the national secretary of the Communist Party and a man who has served as one of its top leaders for many years.

(A witness who attended the National Assembly for Democratic Rights testified that when Davis rose to speak, he received the biggest ovation accorded anyone at the Assembly.)

Rev. Richard Morford. Like Rev. Melish, Rev. Morford was identified as a member of the Communist Party in SACB hearings on the National Council of American-Soviet Friendship.

Moe Fishman, a leader of the Veterans of the Abraham Lincoln Brigade. Fishman was identified as a Communist Party functionary in the SACB proceedings against the VALB.

Richard Criley, who made a report to the Assembly for the Midwest region. Criley has been identified as a member of the Communist Party by four witnesses who have testified before this committee and has invoked the fifth amendment when asked about Communist Party affiliations by both this and the Senate Internal Security Subcommittee.

Mrs. Rose Chernin (Kusnitz), executive secretary of the Los Angeles Committee for Protection of Foreign Born. Rose Chernin has been identified as a member of the Communist Party by four witnesses who have testified before this committee. In 1952, she was convicted for violation of the Smith Act. The Supreme Court, however, reversed her conviction in 1957. Denaturalization proceedings were also instituted against her in 1953, but culminated, in 1956, in a court decision in her favor.

A number of those who addressed the National Assembly for Democratic Rights, although not publicly identified as members of the Communist Party, have invoked the fifth amendment when

questioned on party membership by congressional committees. Among them were:

John T. McManus, the late publisher and business manager of the *National Guardian*, who invoked the fifth amendment when questioned concerning his Communist Party membership by the Senate Internal Security Subcommittee in 1956.

Mr. McManus was subpoenaed to produce for this committee's hearings on the CCCL and NADR the records of advertisements for the National Assembly for Democratic Rights which had appeared in the *National Guardian*. In his appearance before the committee, he testified that he did not know who had actually paid for the ads. Mr. McManus produced only a letter and some file cards relating to their placement. The cards contained no more than penciled notations that certain amounts had been paid for the advertisements.

William H. Hinton, who has invoked the fifth amendment on Communist Party membership in two appearances before the Senate Internal Security Subcommittee. Hearings before that committee revealed that Hinton, while in China during the period of the Korean war, had been employed by the Red Chinese Government and had worked for the Chinese Communist Army.

Sam Pevzner, a member of the editorial board of the Communist Party publication *Jewish Currents*. Mr. Pevzner invoked the fifth amendment when questioned concerning Communist Party membership in an appearance before this committee in June 1958. Years ago, he was a member of the board of the official publication of the Young Communist League. There is also public record of his having addressed Communist Party units in the past. Pevzner was one of the three speakers featured at the Communist Party's 1961 May Day rally in New York City (the other two were James Jackson, editor of *The Worker* and a member of the Communist Party's ruling body, the National Board, as well as its National Executive Committee, and Louis Weinstock, also a member of the party's National Committee).

Several other persons who occupy key positions in important Communist Party fronts were also speakers at the Assembly. They included:

Clark H. Foreman, director of the Emergency Civil Liberties Committee, which has been cited as a Communist Party front by both this committee and the Senate Internal Security Subcommittee. The ECLC is the party's principal defense front, the successor to its now defunct Civil Rights Congress.

Aryaj Lenske, executive secretary of the National Lawyers Guild, the party's front for attorneys which has been cited as such by the Senate Internal Security Subcommittee and was the subject of a 1950 report by this committee which characterized it as "the foremost legal bulwark of the Communist Party" in this country.

HONORARY CHAIRMEN OF THE ASSEMBLY

Although all did not address the Assembly, it is significant that of its six honorary chairmen, two have been identified as members of the Communist Party—the Rev. William Howard Melish (see p. 61) and Rockwell Kent.

Rockwell Kent, a leader of the National Council of American-Soviet Friendship, was identified before the Special Committee on

Un-American Activities in 1939 and the Washington State Joint Legislative Fact-Finding Committee in 1948. He invoked the fifth amendment before the Senate Permanent Subcommittee on Investigations in 1953.

Another honorary chairman, Rev. Stephen H. Fritchman, invoked the fifth amendment when questioned concerning membership in the Communist Party while testifying before this committee in 1951 and 1956.

ASSEMBLY SPONSORS

The Communist nature of the National Assembly for Democratic Rights is apparent not only from the facts already stated in this report but, additionally, from the type person who sponsored the enterprise.

The names of 165 sponsors of the National Assembly for Democratic Rights were made public in advertisements placed in the *New York Times*, the *National Guardian*, in *The Worker* articles, and in literature of the CCCL and NADR. Of these 165 persons, 32 have been identified as Communist Party members. They are:

Victor Arnautoff—Identified by two witnesses at 1957 hearings held by this committee; invoked the fifth amendment before this committee on December 12, 1956.

Richard W. Baum—Identified by former FBI undercover operative, Joseph A. Chatley, in testimony before this committee on October 3, 1957.

Elmer A. Benson—Identified before the Subversive Activities Control Board in 1954.

Valeda J. Bryant—Identified before this committee in 1960.

Edwin Berry Burgum—Identified in 1941 before the New York City Subcommittee of the Joint Legislative Committee To Investigate the Public Educational System; invoked the fifth amendment before the Senate Internal Security Subcommittee in 1952 and the Senate Permanent Subcommittee on Investigations in 1953.

Edwin H. Cerney—Identified before this committee in 1960.

Isobel M. Cerney—Identified before this committee in 1960.

Max Dean—Identified and invoked the fifth amendment before this committee in 1954.

Moe Fishman—Identification previously cited; see p. 62.

Joseph B. Furst—Identified before the Senate Internal Security Subcommittee in 1953; invoked the fifth amendment before that same subcommittee in 1960.

Sidney J. Gluck—Identified by Mrs. Mildred Blauvelt before this committee on May 3, 1955.

Shirley Graham (Mrs. W. E. B. DuBois)—Identified before the Subversive Activities Control Board in 1954.

Ralph H. Gundlach—Identified before Washington State Joint Legislative Fact-Finding Committee on Un-American Activities in 1948, Senate Judiciary Subcommittee on Immigration and Naturalization in 1949, and this committee in 1954; refused to answer questions about party affiliation before Washington State Joint Legislative Fact-Finding Committee on Un-American Activities in 1948 and was subsequently convicted of contempt.

William Harrison—Identified before this committee in 1951 and again in 1958 and before the Senate Internal Security Subcommittee in 1953; invoked Massachusetts Declaration of Rights privileges before

the Special Commission on Communism, Subversive Activities and Related Matters Within the Commonwealth of Massachusetts in 1954.

Oakley C. Johnson—Record previously cited. See pp. 60, 61.

Rockwell Kent—Identification previously cited. See pp. 63, 64.

Sol Londe—Identified as party member and invoked fifth amendment before this committee in 1956.

John T. McManus—Record previously cited. See p. 63.

John T. McTernan—Identified as party member by two witnesses before this committee in 1952; invoked the fifth amendment before this committee in 1956.

William Howard Melish—Identification previously cited. See pp. 61, 62.

Richard Morford—Identification previously cited. See p. 62.

George B. Murphy, Jr.—Identified as party member and invoked the fifth amendment before this committee in 1956.

Otto Nathan—In denying Nathan a passport in 1955, the State Department said that he had been a member of the Communist Party in Germany before coming to this country. In an appearance before this committee on June 12, 1956, Nathan invoked the fifth amendment when asked questions concerning Communist Party membership.

Don Rothenberg—Identified by Mary Markward in executive session testimony before this committee on June 11, 1951. On June 19, 1957, Rothenberg, in an appearance before this committee, invoked the fifth amendment when questioned concerning Communist Party membership.

Daniel Rubin—Identified as a national youth director and national committee member of the Communist Party by FBI Director J. Edgar Hoover in 1960 and 1961.

Annette Rubinstein—Identified by Bella Dodd before the Senate Internal Security Subcommittee on February 2, 1956. Four days later, on February 6, Annette Rubinstein invoked the fifth amendment when asked questions concerning Communist Party membership by that subcommittee.

David Sarvis—Identified by Ernestine Gatewood in testimony before the Subversive Activities Control Board. On June 19, 1957, Sarvis invoked the fifth amendment when asked about Communist Party membership in an appearance before this committee.

Morris U. Schappes—Admitted Communist Party membership in an appearance before a New York State legislative committee in 1942. Elected member-at-large of the 1957 New York State party convention. On April 2, 1953, when questioned concerning Communist Party membership by the Senate Permanent Subcommittee on Investigations of the Senate Government Operations Committee, Schappes invoked the fifth amendment.

Hymen Schlesinger—Identified before this committee on February 22, 1950, and before the Subversive Activities Control Board in its hearings on the Civil Rights Congress by Matthew Cvetec. Schlesinger invoked the fifth amendment on November 28, 1956, when questioned by this committee concerning Communist Party membership.

Louis B. Scott—Identified as a party member by William Ward Kimple in executive testimony before this committee on April 18, 1955.

Maurice Sugar—Identified before this committee by two witnesses in 1939.

Robert C. Travis—Identified as a party member by two witnesses in executive testimony before this committee—Donald O. Spencer and Walter W. Rumsey, both of Moline, Ill., on July 30, 1952.

Jeanette Turner—Described in the *Daily Worker* of January 6, 1938, as being one of the women leaders of the Communist Party, invoked the fifth amendment on November 14, 1956, when questioned concerning Communist Party membership by this committee.

Mary Van Kleeck—Identified as party member before the Senate Internal Security Subcommittee in 1951.

Rev. Eliot White—Reported as having joined the Communist Party by the *Daily Worker* of August 19, 1943, which quoted White as stating: "I find communism maintains the teachings of the Bible, which I promised my Bishop, when I was ordained to the ministry of the Episcopal Church nearly 50 years ago, to follow in my life and preaching."

Five other sponsors have invoked the fifth amendment when subpoenaed to testify before congressional committees and questioned concerning their membership in the Communist Party. These persons are:

Henry Abrams—Invoked the fifth amendment before the Senate Internal Security Subcommittee on May 19, 1960, when questioned about Communist Party membership.

Stephen H. Fritchman—As previously indicated, invoked the fifth amendment before this committee in 1951 and 1956.

Charles A. Hill—Invoked the fifth amendment before this committee in 1952 and 1956.

Hugh Mulzac—Invoked the fifth amendment before this committee in 1956 and 1960.

C. LeBron Simmons—Invoked the fifth amendment on February 27, 1952, when questioned concerning Communist Party membership in an appearance before this committee.

Many other sponsors of the Assembly, though not identified as members of the Communist Party, have extensive records of affiliations with Communist-front organizations.

SUPPORTING ORGANIZATIONS

The Citizens Committee for Constitutional Liberties and its National Assembly for Democratic Rights were supported by what appeared to be numerous independent local groups scattered across the country. *The Worker*, official Communist Party newspaper, of September 17, 1961, listed the following names and addresses of supporting organizations:

Minnesota Committee to Defend the Bill of Rights, 690 14th Avenue, N.W., New Brighton, Minnesota.

The address proved to be that of Henry Harrison Mayville, who was described in *The Worker* of August 27, 1961, as the spokesman for the Minnesota group. Testifying before the committee under subpoena on October 3, 1961, Mayville declined to answer questions about the Minnesota group and whether he was a member of the Communist Party.

Committee for Constitutional Liberties, 942 Market Street, Room 401, San Francisco, California.

Utah Council for Constitutional Liberties, P. O. Box 1112, Salt Lake City 10, Utah.

The committee's investigation disclosed that this organization had not functioned in Utah since 1960. *The Worker's* information in this instance was therefore incorrect.

Wisconsin Committee for Constitutional Freedom, P.O. Box 433, Milwaukee, Wisconsin.

At the committee hearings on October 3, 1961, Malcolm C. Nelson testified that Post Office Box 433 in Milwaukee was his, that he had attended a meeting of the Wisconsin Committee for Constitutional Freedom, but was not a member of it or of the Communist Party. He also said that though he had once permitted the WCCF to use his Post Office box for a mailing, he had not authorized the group to use it in conjunction with the National Assembly for Democratic Rights.

A street photographer, Mr. Nelson admitted under questioning that, about two years ago, he had been enclosing Communist newspapers and magazines with pictures mailed to customers. He also admitted under questioning that he had visited Cuba in December 1960.

Constitutional Liberties Information Center, P.O. Box 388, Hollywood, California.

Michigan Committee of the National Assembly for Democratic Rights, 1306 Holden Avenue, Detroit 2, Michigan.

Evidence introduced in the October 3 hearings indicated that the premises located at the above address had been leased to Mark I. Solomon. The *National Guardian* of October 2, 1961, stated that Solomon had delivered a report at the final plenary session of the National Assembly for Democratic Rights. When Solomon appeared before the committee on October 3, he invoked the fifth amendment in refusing to affirm or deny current Communist Party membership and in refusing to testify about his affiliations with the Michigan Committee or the National Assembly for Democratic Rights.

Chicago Committee of the National Assembly for Democratic Rights, Mrs. Nellie De Schaaf, secretary, 189 West Madison, Chicago, Illinois.

Nellie De Schaaf, who in a previous appearance before this committee had taken the fifth amendment on inquiries about her membership in the Communist Party, again did so on October 3. She also declined to confirm or deny association with the above-listed Chicago Committee or the National Assembly for Democratic Rights.

Investigation by the committee revealed that 189 West Madison Avenue, Chicago, was also the address of the Chicago Youth Committee for National Assembly for Democratic Rights, the Chicago Committee to Defend the Bill of Rights (See next paragraph), and the Midwest Committee for Protection of Foreign Born. The committee and the Subversive Activities Control Board have found the Midwest Committee for Protection of Foreign Born to be an integral part of a parent organization, the American Committee for Protection of Foreign Born, both of which have been cited as Communist fronts.

Chicago Committee to Defend the Bill of Rights, Rev. William T. Baird, executive director, 189 West Madison, Chicago, Illinois.

The secretary for this group was Richard Criley, an identified Communist Party member, who, as previously stated, delivered a report at the National Assembly for Democratic Rights. Testifying before the committee on October 3, 1961, Criley invoked the fifth amendment in response to all pertinent questions.

Ohio Citizens for Constitutional Rights, 14712 Shaw Avenue, East Cleveland.

The chairman of this group was Edna A. Kaufman, a previously identified Communist who appeared before the committee on October 3, 1961, and, under the protection of the fifth amendment, declined to answer questions about the Cleveland group and her participation in the National Assembly for Democratic Rights.

Maryland Committee for Democratic Rights, 1526 Winford Road, Baltimore, Maryland.

Philadelphia Representative, 249 South Melville Street, Philadelphia, Pennsylvania.

St. Louis Representative, 1434 Chambers Road, St. Louis, Missouri.

NEW COMMUNIST-FRONT TECHNIQUE

The fact that the National Assembly for Democratic Rights was supported by strategically located—but differently named—groups in various parts of the country is illustrative of a relatively new Communist concealment technique. Ten or twelve years ago a major Communist operation of this type, in one sense at least, would have been much more readily identified as such—because, from beginning to end, it would have been the work of *one* organization. There would have been, for example, a “National Assembly for Peace” sponsored by a “National Committee for Peace” and affiliated local branches—the “New York Committee for Peace,” “Chicago Committee for Peace,” “San Francisco Committee for Peace,” etc. By their very names, the groups sponsoring and supporting the Assembly would have revealed their affiliation with one another and with their parent national Communist-front organization.

The basic Communist motivation in departing from this past practice and in adopting the technique of having *differently named local groups* sponsor a front operation that is national in scope was revealed in testimony given to this committee on July 5, 1955. On that day Mrs. Anita Bell Schneider, a former FBI undercover operative in the Communist Party, told the committee of a meeting at which she, Peter Hyun, and other Communist Party members had outlined plans for establishing in San Diego a Communist-front operation in the “peace” field:

It was a Communist Party meeting. We discussed setting up the San Diego Peace Forum in detail. Peter Hyun said that he had just returned from a national meeting of the American Peace Crusade¹ and that it had been decided in Chicago to divide the American Peace Crusade up into smaller regional sections. In California it would be divided into the Northern California Peace Crusade, under, I think, William Kerner; the Southern California Peace Crusade would be under Peter Hyun and in San Diego it would be called the San Diego Peace Forum.

Peter Hyun explained that he had been taught by Mao Tse-tung in China to divide up into small groups. In that way, if a small group was attacked it doesn't wipe out the parent organization. He said it was like hitting a pillow with

¹ Cited as a Communist front by this committee, the Senate Internal Security Subcommittee and the Subversive Activities Control Board.

your fist: although you crush some of it the rest of it is still intact.

In its report on "Communist Political Subversion," published in 1957, this committee revealed that the various local affiliates of the American Committee for Protection of Foreign Born—which had previously professed their ties with the parent group—began to represent themselves as independent organizations "only after enactment of the Internal Security Act which would have required them, as affiliates, to register as Communist-front organizations."

This denial of affiliation with a national Communist-front organization by local affiliates *with the same name* was one step taken by the Communist Party to make it more difficult for governmental agencies to cite its nationwide front operations.¹ The current device of using *differently named local organizations* to support a nationwide Communist operation is a further step in the same direction—a step that has the advantage of also making it more difficult for the average citizen to identify local branches of nationwide Communist fronts. In addition, identification of a local group as a Communist front will not have the effect of similarly identifying the (differently named) parent national organization and all local affiliates (also differently named).

SIGNIFICANCE OF COMMUNIST ATTACK ON INTERNAL SECURITY ACT

The massive, worldwide Communist attack on the Supreme Court decision upholding the registration provisions of the Internal Security Act is a tribute to the effectiveness of disclosure and exposure as weapons in the fight against communism. It is also an indication of how thoroughly the U.S. Communist Party and the world Communist movement are committed to the use of concealment and deceit to achieve their aims.

The Internal Security Act is basically a mild anti-Communist law. Its registration provisions require no more than that organizations found to be Communist file certain information (concerning finances, officers and/or membership) with the Attorney General and that they label their propaganda as the product of Communist organizations. The Act does no more than try to strip from U.S. Communist Party operations the masks of "peace", "democracy", "Americanism", etc., behind which their true intentions are normally hidden. It is an attempt to force Communists to be honest and aboveboard. *It gives Communist groups complete freedom to continue their operations as long as they do not try to conceal their true nature.*

But honesty in operation, apparently, is something the Communist movement cannot risk. Hence the "Citizens Committee for Constitutional Liberties", the "National Assembly for Democratic Rights", and the worldwide attack on the Internal Security Act.

Attorney General Robert F. Kennedy touched on one of the key reasons for the intense and widespread Communist attack on the Internal Security Act decision when he stated on June 10, 1961:

The Communist Party as it exists in the United States and in other countries is not a legitimate political party. It is a group whose policies, decisions and movements are directed

¹ Despite this denial, the Subversive Activities Control Board found, in 1960, after extensive hearings, that the American Committee for Protection of Foreign Born and its supporting groups throughout the country were, in effect, one Communist-front organization.

and controlled by a foreign power. This is why the Soviet Union and the Communist Party are so inimical to the activities of free men everywhere. It is the Trojan Horse assuming the form of a so-called political party in democratic countries around the world—agrarian reformers in China, guerillas in South Viet-Nam or rioters in Japan.

* * * * *

After 10 years of litigation, the Supreme Court has held that the Communist Party of the United States is directed, dominated and controlled by the Soviet Union.

For this reason this is a momentous decision. The control of the Communist Party in the United States is no longer a matter of charges and accusations, but a matter of judicial finding. The Communist Party of the United States has had its day and, in fact, its years in court.

* * * * *

The case * * * should be studied by all non-Communist governments and groups, such as teachers, students and labor organizations around the world.

Worldwide study of both the SACB proceedings against the Communist Party and the Supreme Court decision on the case, as recommended by the Attorney General, would have disastrous effects on the Communist movement. It is for this reason that Communists everywhere are so desirous of nullifying the Internal Security Act and all legal proceedings and decisions related to it.

On the basis of the extensive evidence compiled by the committee's investigation and hearings which clearly demonstrated the predominant role the Communist Party played in planning, organizing, and conducting both the CCCL and NADR—and because of the fact that the aims of both coincided completely with the aims of the Communist Party and the world Communist movement—the committee concluded that—

The National Assembly for Democratic Rights and a coordinating and organizing group in support thereof, titled the "Citizens Committee for Constitutional Liberties," are Communist fronts (H. Rept. 1282, Nov. 29, 1961).

Although the National Assembly for Democratic Rights was supposedly a one-time activity and the Supreme Court has denied a rehearing of the Communist Party's petition against the Internal Security Act, the campaign to nullify this antismersion law continues. The Assembly maintains a post office mailing address in New York City and stated at year's end that 16 supporting groups, including the Citizens Committee for Constitutional Liberties, were still active.

These groups are continuing their efforts to enlist new members and supporters in order to strengthen their attacks on antismersion legislation. Non-Communists should be extremely cautious about participating in, or lending support to, any groups which oppose the Internal Security Act until they have investigated them thoroughly and are satisfied that they are not dominated by the Communist Party.

COMMUNIST PENETRATION OF RADIO FACILITIES (CONELRAD—
COMMUNICATIONS)—PART 2

On October 26 and 27 and November 29, 1961, additional hearings pertaining to Communist penetration of radio facilities and the CONELRAD system of communications were held in Washington D.C. The hearings were held in connection with Section 321 of H.R. 6, a bill introduced by the chairman of the Committee on Un-American Activities on January 3, 1961. H.R. 6 is commonly referred to as the Internal Security Amendments Act of 1961 or the Omnibus Bill.

Section 321 of H.R. 6 provides that any person who wilfully fails to answer, refuses to answer, or falsely answers questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall have any license which has been issued to him by the Federal Communications Commission revoked by that Commission.

In opening the hearings on the bill on October 26, 1961, the chairman of the subcommittee conducting the hearings, the Honorable Edwin E. Willis of Louisiana, pointed out that sworn testimony of experts in the communications field plainly indicated that Communist penetration of communications facilities presented a prime source of danger to the security of the United States. Since Mr. Willis' opening remarks appear in the printed hearings and define the committee's interest in this field of inquiry, this point will not be fully discussed herein.

On the second day of the hearings, October 27, 1961, Mr. Dee W. Pincock, assistant general counsel of the Federal Communications Commission; Mr. Gerard M. Cahill, assistant general counsel of that agency's Legislation Division; and Mr. Frank M. Kratokvil, assistant chief of the Field Engineering and Monitoring Bureau of the same agency, appeared before the committee. They discussed some of the problems confronting the Commission, which is the agency of the Federal Government responsible for the issuance of licenses to persons who operate radio or television broadcasting equipment. Mr. Pincock, speaking for himself and as a long-time Government employee, made it clear that there is not at present adequate statutory authority to protect our communications systems from subversive elements. He stated—

that if we wish to protect the vital communications establishments such as the international telecommunications stations and the CONELRAD broadcasting stations, that the effective way to achieve that is not so much by tightening up our own licenses, our own licensee requirements, and plugging this hole in the sieve, but we have to get to the whole problem. * * * We have a big question here so no matter what we do to tighten up this phase of it, we still have a very big area which we have not as yet found our way to get to. This is a matter I think the committee will want to give serious consideration to. * * * I am sure a great many agencies of the Government have given thought to this problem. There are interdepartmental committees that work with this and struggle with it every day and it boils down to a question, I suppose, of balances as to how much restriction for

security purposes are we willing to place on our liberties, and this is where the really difficult problem comes. * * * In the years I have been working with this problem and I have been close to it since 1949 or 1948, this has been the frustration point with me, the feeling that here we go through this ritual and we make the effort to tighten up on licensees, and yet they are a very, very small part of the problem.

Mr. Pincock also pointed out in his testimony that the language of Section 321 of H.R. 6, as it now stands, is applicable only to the licensing of operators who transmit messages and that it does not apply to the licensing of stations themselves.

Mr. Frank M. Kratokvil, assistant chief of the Field Engineering and Monitoring Bureau of the Federal Communications Commission, pointed out that:

The building and construction of a transmitter to work all the way around the world is no great problem. Almost anyone could do it from a kit form and the parts are readily obtainable.

Mr. Kratokvil was asked the following question pertaining to clandestine operation of amateur transmitters by subversives:

In the case of a national emergency would there be any great difficulty in our monitoring system locating an unauthorized operator of a station?

In answer to this question, Mr. Kratokvil replied, in part:

Not if the volume were reasonable. In other words, in any system—I won't mention agencies, I don't want to get into an argument—but any agency can be inundated. * * * If you said individually—if you had one in the Midwest, one in the East, one in the West—anything like that could be handled; but if you had obviously fifty or a hundred of them all simultaneously operating, then there would be a certain lag in getting at them.

Mr. Kratokvil also testified that there is no definite provision in the communications law requiring registration of unlicensed transmitters, and that in some cases, a law requiring their registration would be of definite assistance to the monitoring division of the Federal Communications Commission. Both Mr. Kratokvil and Mr. Pincock pointed out that there are certain technical devices which can be converted into transmitting equipment and that present laws do not enable the Commission to cope fully with this problem.

The testimony of the Commission representatives during these hearings amply demonstrated the need for the study of broader legislation applying to the communications field in order to insure, insofar as possible, the uninterrupted flow of vital messages in times of emergency. The hearings demonstrated that there are no effective legislative measures preventing the illegal use of radio transmitters for subversive purposes in times of emergency. The problem of Communist infiltration into this field is a pressing one which must be met by the broadest possible legislation.

During the course of the hearings, it was brought out that the major consolidated effort of past and present infiltration by Commu-

nists in the communications field has been channeled through the Communist-controlled American Communications Association, commonly known as the ACA. William Bender, the present secretary-treasurer of this union, was a witness before the committee on October 26, 1961. Mr. Bender testified before the committee on a prior occasion, October 9, 1957, at which time he denied that he was then a member of the Communist Party. During questioning on that 1957 date as to his previous membership in the Communist Party, Mr. Bender invoked the fifth amendment as the basis for declining to answer committee questions. However, on October 26, 1961, Mr. Bender declined to answer on the basis of the fifth amendment whether he was, on October 10, 1957, the day after his previous appearance before the committee, a member of the Communist Party. He also refused to state, on October 26, 1961, whether he was on that date a member of the Communist Party, again invoking the fifth amendment. On the same ground, Mr. Bender also refused, on October 26, 1961, to state whether his union had ever made any effort to free itself of Communist control after it had been expelled from the Congress of Industrial Organizations (CIO) on this ground on June 15, 1950.

Mr. Bender has been identified as having been a member of the Communist Party by five witnesses who have appeared before this committee. All of these persons were themselves former members of the Communist Party who had left it in disillusionment. Two of these witnesses testified that it was William Bender who had recruited them into the Communist Party.

Mr. Bender, during the course of his testimony on October 26, 1961, attempted to castigate the committee for questioning him regarding one Joseph Kehoe, deceased, former secretary-treasurer of the American Communications Association and the person whom Mr. Bender succeeded in office. The hearing record reveals, however, that it was Bender who first mentioned the name of Joseph Kehoe.

Normally the committee does not ask questions regarding deceased persons. In this instance, however, it questioned Mr. Bender regarding Mr. Kehoe because Bender had brought Kehoe's name into the hearing; Kehoe had several times been identified as a Communist Party member before his death (and had failed to deny the identification in an appearance before another committee); and the committee desired to demonstrate that the secretaryship of the American Communications Association had remained in Communist hands over a period of many years.

Mr. Bender also declined to answer, on the basis of the fifth amendment, whether he had ever attended a Communist Party fraction meeting with Joseph Selly, president of the ACA, or with Charles Silberman, editor of the union's publication, the *ACA News*. Both Selly and Silberman have been identified as having been Communist Party members by witnesses before this committee. Mr. Bender's testimony did nothing to refute the charge made in 1950 by the CIO that the American Communications Association is a Communist-controlled union.

Mr. Bender was called before the committee during the October 1961 hearings because he had not previously been questioned by the committee regarding radio operator's licenses which had been issued to him in the past by the Federal Communications Commission.

Testimony by Mr. Bender and others before this committee establishes that the American Communications Association is the bargaining agent for the employees of Western Union in New York City, the RCA Communications in the United States and Puerto Rico, the French Cable Co., Western Union Cables, and Teleregister Corp. The union also represents several commercial radio stations.

It is not intended in this report to convey the impression that any organization mentioned, other than the union under discussion, the American Communications Association, has any connection whatsoever with the Communist Party. Moreover, no charge or implication of Communist Party membership on the part of persons who belong to the American Communications Association is intended, unless a person has been specifically identified as having been a member of the Communist Party.

Another witness who appeared before the committee on October 26, 1961, was one Ralph Ilowite, then employed by the American Broadcasting Company in New York City as a television engineer. Mr. Ilowite presently holds a license issued by the Federal Communications Commission to operate an amateur station at his home in Ridgewood, New Jersey. Prior to receiving this license, Mr. Ilowite had held licenses issued by the Commission in his capacity as a commercial radio operator. Mr. Ilowite, during the course of his appearance before the committee, declined to answer the question of whether he was a member of the Communist Party in August 1961, the month during which he filed his application for renewal of his amateur license with the Federal Communications Commission.

Ilowite was identified as having been a member of the Communist Party by a witness who appeared before the committee in executive session on August 19, 1960. This witness had also been a member of the Communist Party and testified that it was Ilowite who had recruited him into the Communist Party. Two witnesses in the 1961 hearings also identified Ralph Ilowite as having been known to them as a member of the Communist Party.

Mr. Ilowite denied current Communist Party membership, but declined to answer, on the basis of the fifth amendment, whether he had resigned from the Communist Party "just prior to the time" he was subpoenaed to testify before the committee. He also declined to say, on the basis of the fifth amendment, whether he had attended Communist Party meetings with Joseph Selly and other officials of the American Communications Association during the time he belonged to that union and whether he had ever recruited anyone into the Communist Party.

Another witness who appeared before the committee on October 26, 1961, was one Marvin Shapiro, who stated that he also uses the name of Milton Shapiro upon occasions. Shapiro testified that he is employed as a radio technician by radio station WBNX in New York City and that he is a member of the American Communications Association. Shapiro was identified during the hearings by one Loron Wardwell, through a personal confrontation, as having been a member of the Communist Party during the period Wardwell was also a member of the party. He was also identified as having been a member of the Communist Party by two other witnesses who appeared during the course of the hearings.

Shapiro denied current membership in the Communist Party but refused to answer, on the basis of the fifth amendment, whether he had ever been a member of, and had resigned from the Communist Party. Shapiro also refused to state, on the same ground whether he had ever held a radiotelephone license which had been issued to him by the Federal Communications Commission; whether he had ever been denied a license by the FCC because he refused to answer a questionnaire pertaining to past and/or present membership in the Communist Party; and whether he had attended Communist Party fraction meetings with various officials and members of the American Communications Association who have been identified as Communists, including William Bender, secretary, and Joseph Selly, president of that union.

Jacob Winocur, 2045 East 24th Street, Brooklyn, New York, testified on October 26, 1961, that he is employed as an operating engineer by the National Broadcasting Company in New York City. Winocur declined to answer, on the basis of the fifth amendment, whether he had ever been a member of the American Communications Association; whether he had ever been issued a license by the Federal Communications Commission; whether he had been screened off American shipping vessels during World War II; and whether he had ever been a member of the Communist Party. Mr. Winocur has been identified as having been a member of the Communist Party by two persons whose testimony was made public by the committee. He denied current membership in the Communist Party, but declined to state whether he had resigned from it and whether he was a member of the Communist Party as recently as September 1961.

A witness who appeared before the committee on October 27, 1961, Rudolph William Jones, testified that he was at the time employed as chief engineer of the Tuschman Broadcasting Corp., of Cleveland, Ohio. Jones denied current membership in the Communist Party, but declined to answer any questions asked him by the committee referring to previous membership.

Jones has been the holder of several professional or commercial radio operator licenses issued to him by the Federal Communications Commission. His applications for renewal of his licenses have not yet been approved because he refused to execute a questionnaire directed to him by the Federal Communications Commission at the time his licenses were about to expire. This questionnaire pertains to past and/or current membership in the Communist Party, or any organization which advocates the overthrow of the United States Government by force and violence.

Two other witnesses, Stanley Blumenthal and Stanley M. Hauser, who appeared before the committee in 1960 and invoked the fifth amendment on questions about membership in the Communist Party, were also subjects of pending applications for renewal of their FCC commercial operators' licenses. Like Jones, both Blumenthal and Hauser, refused to execute the questionnaire directed to them by the FCC. Both Jones and Hauser were identified as having been members of the Communist Party by Loron Wardwell, former member of the Communist Party and undercover operative for the Federal Bureau of Investigation.

The Federal Communications Commission's statutory and constitutional authority to ask applicants for licenses questions concerning

Communist Party membership was established and reaffirmed in two recent cases, *Borrow v. Federal Communications Commission*, 285 F. 2d 666, certiorari denied 364 U.S. 892, and *Cronan v. Federal Communications Commission*, 285 F. 2d 288. The Morton Borrow case, which resulted in a favorable decision for the FCC and which was upheld by the Supreme Court, grants the Commission the right to deny the renewal of a license to any operator who refuses to answer certain questions relating to Communist Party membership and activities when so questioned by the Commission.

The Borrow decision does not grant power of revocation to the Commission in those cases where an operator with Communist leanings has already secured a license.

Despite the decision, the Federal Communications Commission, under present law, would have to wait almost 5 years in some cases before it could take any action against the holder of a license who, subsequent to the issuance of the license, was identified as a Communist. The language of the majority opinion in the Borrow case, combined with the testimony of experts in the communications field who have appeared before this committee, makes clear the fact that additional legislation is needed in the communications security field.

NATIONAL SECURITY AGENCY

During 1961, the National Security Agency continued to be the object of an investigation and a series of executive hearings which the committee had initiated in 1960, following the defection to the U.S.S.R. of NSA mathematicians Bernon F. Mitchell and William H. Martin. In the 13 months that followed the defection, the committee's investigative staff devoted 2,000 man-hours and covered 15 States—in developing information and leads that served as the basis for 16 separate executive hearings. The committee staff interviewed scores of former NSA employees and 34 present and former employees of the Agency testified in executive sessions before the committee.

See Legislative Recommendations Chapter of this report for legislation proposed as a result of the investigation into personnel security practices at the National Security Agency.

BACKGROUND

The Mitchell-Martin case became a matter of immediate interest to the committee on August 1, 1960, when the Department of Defense made a public announcement that these two NSA employees had failed to return from a supposed vacation trip which they had taken together. The committee had already begun a preliminary investigation when, on August 5, 1960, the Defense Department made a followup statement concluding that, as a result of its own investigation into why Mitchell and Martin had not returned from leave, "there is a likelihood that they have gone behind the Iron Curtain."

Other events which provided the background for the committee's hearings, which began on September 14, 1960, occurred as follows:

(a) By the end of August, committee investigators had uncovered important evidence indicating there was far more involved than just the fact that two NSA employees had defected to the U.S.S.R. Ac-

cordingly, in a letter to Secretary of Defense Thomas S. Gates, Jr., on August 31, 1960, Chairman Walter said:

It is apparent to me that Executive regulations intended to guarantee the loyalty of Government employees, especially of sensitive agencies, are not effective and are not safeguarding the security of the United States.

(b) On September 6, 1960, at a press conference in Moscow, the Soviet Union presented Mitchell and Martin to the world in the role of traitors, willing to accuse the United States of acts about which they possessed no knowledge. Mitchell and Martin did possess much knowledge, however, about the organization and operation of the supersensitive National Security Agency, and it was reasonable to presume that their disclosure to the U.S.S.R. of information about the NSA adversely affected the security of the United States.

(c) On September 7, 1960, the Committee on Un-American Activities authorized a formal investigation and hearings on the National Security Agency for the following legislative purposes:

1. Strengthening of security laws and regulations by amending those parts of H.R. 2232 referred to this Committee on January 12, 1959 relating to unauthorized disclosure of certain information affecting national defense and Section 349 of the Immigration and Nationality Act, providing for loss of nationality in certain cases;

2. Consideration of legislation to amend the Act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security in line with H.R. 1989, introduced by the Chairman on January 9, 1959;

3. Proposed legislation affixing procedures for investigative clearance of individuals prior to government employment with a view to eliminating employment of subversives and security risks;

4. Performance of the duties of legislative oversight.

(d) Also on September 7, 1960, the Department of Defense denied, in the face of reports to the contrary, that the records of either Mitchell or Martin indicated homosexuality or other sex abnormality.

(e) On September 12, 1960, a corrective public statement was made in behalf of the Department of Defense to the effect that "one of the men, Mitchell, in his employment interview, stated that in his teens he had engaged in certain abnormal sexual practices."

At the outset of the committee's probe into the National Security Agency, the Defense Department, which has jurisdiction over NSA, exhibited great reluctance to cooperate. As an example, a committee request for the Government employment application forms filled out by Mitchell and Martin was denied by the Department, and the desired records were produced only after issuance of subpoenas *duces tecum*. Furthermore, in an executive session of the committee on September 16, 1960, the then General Counsel of the Department of Defense attempted to present as his testimony the verbatim text of a statement which had been released to the public the day before. Under the circumstances, the committee refused to accept the prepared statement or a summary of it.

In order to understand the significance of the defection of Mitchell and Martin, it is sufficient to say that the National Security Agency was established approximately 10 years ago by a Presidential directive to provide centralized coordination and direction for certain very highly classified functions of the Government vital to the national security. The functions assumed by the NSA were similar to those performed by military security agencies during and after World War II. In fact, much of the civilian leadership of the NSA has been composed of former military personnel who served with the wartime military security agencies. Today the military services still contribute large numbers of personnel to the National Security Agency, whose operations are subject to the direction and control of the Secretary of Defense.

The specific functions of the National Security Agency and the role they play in the security of the United States are so highly sensitive that they are carefully guarded not only from the public, but from other Government agencies as well. Since July 1959, even the Civil Service Commission has been prohibited by act of Congress from conducting job audits of NSA positions, despite the fact this has been a major Commission responsibility for most Federal Government positions subsequent to the passage of the Classification Act of 1949. Congress granted NSA this authority to evaluate and classify its own positions solely for the purpose of further protecting the secret nature of its operations.

The sensitive nature of the operation of the National Security Agency was recognized and respected by the Committee on Un-American Activities during its investigation and hearings. The committee did not attempt to learn the details of the organizational structure or the products of the Agency, feeling it had no need for knowledge in these areas. In addition, to reduce even further the chance that the security of the Agency's work would be in any way compromised, the committee will not make public the testimony acquired in executive sessions.

FACTS DEVELOPED FROM THE INVESTIGATION

VIOLATIONS OF AND INCONSISTENT APPLICATION OF SECURITY PROCEDURES

The mission of the National Security Agency, whether performed by it or its predecessor, the Armed Forces Security Agency, is and has always been extremely sensitive. Its sensitivity was demonstrated by the following testimony of a top Defense Department official before a subcommittee of the House Armed Services Committee on September 15, 1960:

Appointment of civilians in the Department of Defense is subject to investigation, the scope of which depends upon the degree of security importance of the position in question. Clearance to handle classified information is also the result of investigations whose extent is measured by the security level of the information handled. Because of the sensitive nature of the National Security Agency's activities, and because employment in the Agency requires access to very

highly classified information, NSA employees must meet the strictest of all the security standards in the Department.

While this position sensitivity has always existed, it was not until August 1959 that it was so designated by formal action of the Department of Defense. The absence of this designation prior to 1959 had the effect of reducing the value of security directives and confusing their application to employees and applicants for employment at NSA. It further made it possible for the Agency to frustrate the security regulations by instituting security requirements which did not meet the standard intended for positions within the Armed Forces Security Agency and subsequently NSA. As a result, until the time of the committee's investigation, interim access to cryptologic (highest security classification) information was permitted on the basis of a mere national agency check¹ and polygraph interview. Through this procedure, the Agency was failing to assure itself that an employee given access to cryptologic information was "of excellent character and discretion and of unquestioned loyalty to the United States *without qualification or exception.*"² (Department of Defense Directive, "Eligibility Criteria for Cryptographic Clearances," June 5, 1952.)

While the committee found that NSA was technically complying with Department of Defense security regulations, it found further that the Agency, specifically its Office of Security Services, was not complying with the intent of the regulations, namely, guaranteeing that employees granted interim clearances posed no threat to the security of the United States.

Not only did the Office of Security Services fail to live up to Department of Defense intent in granting interim clearances but, beginning in 1951 or 1952—NSA officials were unable to provide precise testimony as to the date—the Agency began making appointments prior to conducting national agency checks or initiating full field investigations. Such appointments were not in accordance with Department of Defense appointment directives, which provided that positions as sensitive as NSA's should not be filled "prior to *completion with satisfactory results* of a full field investigation, which in no event will be less than a Background Investigation * * *"

These same regulations provided for appointment to less sensitive positions in the Defense Department without full field investigations, but even in these categories the minimum investigation requirement was "a national agency check with satisfactory results * * * *prior to appointment* * * *"

These Defense Department directives provided relief from the pre-appointment investigative requirements, referred to above, in cases of emergency. However, to avoid abuse, it was further provided that emergency appointments would be on a position-by-position basis; that in each case there would be a finding that the appointment was necessary in the interest of national defense; and that this finding be made a part of the records of the department or agency concerned. The committee's investigation uncovered the fact that neither the Armed Forces Security Agency nor NSA had made an attempt to satisfy these requirements of the appointment directives. It further found that the Department of Defense had been aware of this fact.

¹ A check with several specified agencies, such as the Federal Bureau of Investigation, the Civil Service Commission, etc., which might be in possession of facts bearing on the trustworthiness and loyalty of an individual concerned.

² Emphasis in quotations on this page added by committee.

NSA officials, in attempting to justify the appointment-before-investigation practice that was still being followed at the time the committee initiated its inquiry, claimed that this policy had originally been adopted because of an urgent need for personnel during the Korean war. The committee found, however, that NSA had continued the practice after the Korean emergency and until the very time the committee, during the course of its investigation, concerned itself with this practice. As will be pointed out hereafter under "Corrective Action" taken by the Agency, this practice is no longer followed.

The appointment-before-investigation practice resulted in large numbers of individuals being placed on the Agency payroll without prior investigation. Initially, in accordance with the basic provisions of Defense Department regulations, these appointees were not given access to cryptologic information and material until they had been properly cleared. In order to make use of these appointees after they had been placed on the payroll but before they had received security clearance, the Agency assigned them to unclassified job-related training in the Agency school. This was not a satisfactory solution, however, because many completed their training course before security investigations on them had been concluded and thus still could not be used in the positions for which they had been hired.

Accordingly, the Agency adopted as routine practice the utilization of another emergency provision contained in Defense Department security regulations—that which authorizes the granting of an interim clearance to a new employee after a satisfactory national agency check has been made, but prior to the completion of a full field investigation. Also, the Office of Security Services overlooked the fact that the above provision required the Agency to have in its possession the results of a pre-appointment background investigation before granting this interim clearance. In effect, therefore, instead of granting such clearances to individual emergency appointees on the basis of a successful national agency check and on a position-by-position basis as authorized by the regulations, the Agency simply decreed a general emergency and began granting interim security clearances to all employees who had passed national agency checks but who were still awaiting the completion of field investigations.

The departures from the spirit and intent of the appointment and interim clearance regulations, the latter coming on top of the former, had the effect of vitiating their effectiveness as security measures even while there was technical compliance with them.

In an attempt to augment its now relaxed security procedures, the Agency—at the suggestion of its Office of Security Services—initiated the use of the polygraph (popularly known as the "lie detector") interview as a security-screening device. In the absence of derogatory information resulting from the national agency check, interim clearance was granted or denied by the Office of Security Services according to an evaluation of data obtained during the polygraph interview.

When the polygraph was first instituted by the NSA as a means of screening new employees and updating security clearances on old ones, some of the older employees protested by threatening to resign from the Agency rather than submit to the polygraph interview. Although leading NSA officials subsequently placed far more importance and reliance upon the polygraph as a security device than

was justified, they did not make the older employees submit to the new procedure. However, since the institution of this procedure in 1951, many older employees have submitted to polygraph interviews.

In addition to the old-time civilian employees who were exempted from the polygraph, the Agency was confronted with reluctance on the part of the military services to have the large components of their enlisted and officer personnel assigned to NSA submit to the polygraph interview. They were, therefore, also exempted, and this exemption is still in effect.

Some former NSA employees interviewed by committee investigators related examples of laxity in NSA security practices. One example was NSA's hiring of a person who had been denied employment by another Government agency because he was strongly suspected of both homosexuality and Communist activities. (When this information was later uncovered, NSA demanded and received the employee's resignation.)

Former investigators for agencies which conduct background inquiries of NSA employees told of homosexuals and sex deviates within the Agency.¹ They related how difficult it was to check on some NSA personnel because often the only references given by employees were personal friends or fellow employees. The most outspoken complaint against NSA by former investigators, however, was that occasionally, prior to the committee's investigation, when derogatory information was uncovered during background investigations, responsible officials in the Office of Security Services ignored it.

NSA'S OFFICE OF SECURITY SERVICES

Much of the committee's probe centered on the Office of Security Services, because it was discovered that this office handled all personnel and physical and industrial security matters involving the National Security Agency. It was this office that initiated, or caused to be initiated, national agency checks and background investigations on NSA employees. While most of the field investigations were conducted for NSA by the investigative branches of the Army, Navy, and Air Force, a relatively few of them were conducted by agents of the Office of Security Services. The findings of all investigations and polygraph interviews were evaluated by NSA's own Office of Security Services, and it was this office that granted all security clearances, interim and final.

The committee found in the course of its hearings and investigation that, at the time Mitchell and Martin were hired, it was possible that the judgment of only one medium-grade (GS-9) evaluator would determine whether the results of a particular investigation or polygraph interview were favorable or unfavorable. If nothing appeared out of order to this evaluator in the report of investigation or polygraph interview, he was not required to refer it to anyone else for concurrence in his judgment. In some cases, although the hearings made it clear that it was not standard practice, this same evaluator was assigned to review all phases of the investigative findings pertaining to an employee, and thus was the only person to pass judgment on the subject's acceptability from an overall security standpoint.

¹ This condition, it is believed, has been corrected by NSA's subsequent dismissal of 26 individuals because of indications of sexual deviation.

The director of the Office of Security Services had delegated exceptional authority to individual evaluators with minimum cross-control.

Another important factor ascertained by the committee was that the Office of Security Services was the only office permitted access to information resulting from polygraph interviews of NSA employees. NSA's personnel office was not allowed to review the security files. And, of possibly greater significance, the Office of Security Services did not furnish Army, Navy, or Air Force investigators with the results of polygraph interviews for investigative direction when they were conducting full field investigations of NSA employees.

THE DEFECTORS

Bernon F. Mitchell was born on March 11, 1929, at San Francisco, California. He was interviewed by an NSA recruiter on February 25, 1957, while a student at Stanford University. He had gained field experience in cryptology during the course of Navy service from 1951 to 1954 (during which time he and William Martin became friends) and had acquired familiarization and experience with computers. Based on Mitchell's academic record, the recruiter's recommendation, the personal knowledge of an NSA supervisor as to Mitchell's work performance while in the Navy, and the fact that he had been previously cleared by the Navy for access to cryptologic information, he was offered, and accepted, employment as a mathematician, GS-7, reporting for duty on July 8, 1957.

On July 17, 1957, the Office of Security Services requested the Civil Service Commission to conduct a national agency check on Mitchell. On July 23, 1957, Mitchell was given a polygraph interview. At that time he refused to answer any questions about sexual perversion or blackmail. Eleven days later Mitchell submitted to another polygraph interview and admitted that, between the ages of 13 and 19, he had participated in sexual experimentations with dogs and chickens.

The Office of Security Services evaluator who reviewed the data on Mitchell—including the results of the polygraph interviews, a national agency check, and a background investigation conducted by the Navy in 1951—did not refer the case to another evaluator for a supporting or dissenting judgment before approving Mitchell for an interim security clearance, which was granted on August 7, 1957, 5 days after his second polygraph session. On September 4, 1957, Mitchell executed a Security Indoctrination Oath. On the same day he was issued a badge permitting access to information through top secret on a "need-to-know" basis. It was not until September 9, 1957—2 months after he had been placed on the payroll—that NSA requested a full field investigation into his background. The Air Force agency which conducted this investigation was not given the benefit of any of the information revealed during his polygraph interviews.

On January 3, 1958, the Air Force Office of Special Investigations submitted its report on Mitchell's background investigation to NSA. On January 23, 1958, he was given final clearance.

NSA's director of the Office of Security Services told the committee at an executive session that the Agency did not turn over information obtained from polygraph interviews to other investigative organizations because NSA employees had been promised by NSA that polygraph interviews would be kept confidential. The only exceptions to

this policy, the committee was told, would be in cases where interviews turned up information about undetected crimes and subversive activities.

William H. Martin was born on May 27, 1931, at Columbus, Georgia. He was interviewed by an NSA recruiter on March 8, 1957, while a student at the University of Washington in Seattle. He had become experienced as a cryptologist during a tour of duty in the Navy from 1951 to 1955 and continued the same type of work as a civilian for the Army in Japan for nearly a year after receiving his discharge from the Navy. As in the case of Mitchell, the recruiter detected no reason why Martin would have any difficulty in obtaining security clearance to work at NSA. Based on the recruiter's recommendation, Martin's academic record, and the recommendation of an NSA supervisor who had known both Martin and Mitchell in Japan, he was hired as a mathematician, GS-7, and reported for duty on July 8, 1957, with Mitchell.

The national agency check on Martin and his polygraph interview disclosed no information that the NSA evaluator considered to be a bar to interim security clearance. During the background investigation on Martin, which included the results of the 1951 Navy investigation, it was revealed that acquaintances described him as (1) an insufferable egotist; (2) a little effeminate; (3) not wholly normal; (4) rather irresponsible; and (5) one who might be swayed by flattery. Former supervisors of Martin, both Navy and Army, were almost unanimous in expressing the opinion they would not want to have him work for them again. Nevertheless, with only one exception, persons interviewed recommended him as one who could have access to classified information.

The NSA security evaluator concerned saw nothing sufficiently derogatory about the above characterizations of Martin to recommend that he be denied a security clearance. The findings of the field investigators, of course—in accordance with the practice at that time—were not turned over to NSA's personnel office or any other office having to do with Martin's employment. Martin was granted an interim clearance on August 14, 1957.

On August 28, 1957, more than a month and a half after he had been hired, NSA requested the Department of the Navy to conduct a full field investigation on Martin. On September 4, 1957, he executed a Security Indoctrination Oath and on the same day he was issued a badge permitting access to information classified through top secret on a "need-to-know" basis. NSA received the Navy's report of investigation on April 22, 1958. On May 12, 1958, Martin was granted a final clearance.

Despite the sensitive nature of the work of the National Security Agency and the Office of Security Services' declared program of periodically updating security investigations on all NSA employees, the committee's investigators turned up some startling facts about Martin and Mitchell which were unknown to the Agency's security office until after they had defected. Examples follow:

1. When Martin, as an employee of NSA, was sent to study at the University of Illinois in 1959, he had associations with members of the Communist Party.

2. In December 1959, Mitchell and Martin traveled to Cuba without permission of the Agency and in violation of its directives.

3. Martin was sexually abnormal; in fact, a masochist.

4. Mitchell had posed for nude color slides perched on a velvet-covered stool.

5. Mitchell and Martin were agnostics who were critical of the United States and complimentary of the Soviet way of life. This was known by several dozen employees of NSA, yet unknown to its Office of Security Services.

6. In May 1960, Mitchell sought the services of a psychiatrist whose offices are located near the Nation's Capital in suburban Maryland. The psychiatrist testified in executive session before the committee in September 1960 to the effect that, on the basis of three consultations with Mitchell, he had concluded that Mitchell had had homosexual problems for many years.

NSA'S FORMER DIRECTOR OF PERSONNEL

Among other things, the investigation established that the then director of personnel had, over the years, acquired such power that some former NSA employees were fearful of supplying the committee with information. One example of such fear was provided by an employee who had transferred from NSA to another security agency and who told a committee investigator: "If I tell you what I know, Mr. _____ will see that my security clearance is taken away and I will be unable to continue employment in this field." Other former NSA employees expressed similar fears, though the committee was not seeking information of a classified nature, but simply making inquiries which dealt with employment practices that affected the security of the Agency.

As the committee's investigation deepened, evidence indicated more and more clearly that the then director of personnel was also lacking in integrity. It was reliably reported, for example, that he had made several false statements in the execution of official Government personnel documents at the time his employment with the Agency was changed from a military to a civilian status. He had falsely listed Harvard as the college from which he obtained his LL.B. degree; he had concealed a change in his name; he had listed several different dates for his birth; and he had supplied an employment history which was not factual.

This making of false statements on official Government documents, when discovered by NSA, should have been a bar to his continued employment as director of personnel in such a sensitive agency. However, the committee's investigation did not concern itself with this subject. What did particularly concern the committee was reliable information that he had later substituted, without authorization, corrected documents for the original ones containing the false information.

When evidence continued to mount in support of the reports about the director of personnel's falsification of records and record switching, the committee requested permission from the Department of Defense to review this highly placed NSA official's personnel file. On the day the official's file was being prepared at NSA for delivery to the Department of Defense for examination by an investigator for this committee, document switching again took place for the purpose of concealing the original substitution.

Continued digging by the committee led to the reconstruction of the following facts regarding NSA's director of personnel:

Subject official made application for civilian employment with the Agency on June 15, 1949. At that time he was an Army major, already assigned to the Agency as assistant chief of the Operations Division. In preparing Form 57 (standard Government employment application form), he provided false information to make it conform with false information he had supplied the Government earlier and which was contained in his military personnel file. He was accepted as a civilian employee by NSA and granted cryptologic clearance on the basis of background investigations which had been conducted while he was in military service. Unfortunately, those investigations had been made during World War II and lacked the thoroughness of the usual investigative inquiries carried out by security agencies in normal times.

After President Eisenhower entered the White House, he issued a directive for all civilian Government employees occupying sensitive positions to be reinvestigated. During the resulting reinvestigation of the subject NSA official, it was discovered that he had made the false statements on his personnel forms. This discovery was reported to NSA, together with other derogatory information about the employee. The director of security interrogated the official about the discrepancies in his records, but apparently was not alarmed by them for he continued to certify the employee in question, not only for employment with NSA, but for cryptologic clearance as well. Thereafter, the subject official used the director of security as one of his references when he filled out security forms for the Agency.

Following his interrogation by the director of security, the director of personnel—who had ready access to his own personnel file—removed the original Form 57 containing false information and replaced it with a newly prepared form containing accurate information about his background. This substituted form remained in the NSA personnel file until the time the subject's records were being prepared for delivery to the Department of Defense for examination by an investigator for this committee. Realizing that it would be discovered that the substituted Form 57 had been printed by the Government Printing Office later than the form's supposed date of execution (June 15, 1949), the director of personnel made another Form 57 substitution. The second substitution was an old Form 57 (bearing an earlier GPO printing date than June 15, 1949), which the subject official apparently obtained from his personal effects and on which he had made erasures of some earlier penciled entries and had typed correct information about his background. On this form, also, he had typed June 15, 1949, as the date of execution.

The erasures on the document caused the committee staff to become suspicious of its authenticity. The suspicion was strengthened by the fact that this Form 57 (which the director of personnel had made available to the Defense Department for examination by committee staff members) contained no entries on that portion of the form reserved for remarks by NSA's personnel division and the Civil Service Commission. The committee learned that notations had been made on this portion of other employees' Forms 57 in NSA files.

The typewritten entries contained on the Form 57 supplied the Defense Department by NSA also appeared to have been made by a

later model typewriter than was in existence in 1949. With the assistance of the Identification and Detection Division of the Veterans' Administration, which examined a photo copy of the questionable Form 57, it was determined by the committee that the document had been prepared by an IBM Electromatic typewriter, bearing elite type, spaced 12 letters to the inch. The year of the typewriter's manufacture could not be determined without making an examination of the original Form 57 from which the photo copy had been made. Inasmuch as the original was still in the possession of the Department of Defense, Secretary of Defense Robert S. McNamara was furnished the committee's findings and requested to make an independent investigation.

Moving with dispatch, the Defense Department called upon its investigative services and the Federal Bureau of Investigation before arriving at the conclusion that the Form 57 in question could not have been the one filed by NSA's director of personnel when he became a civilian employee of the Agency in 1949. In fact, the Defense Department's own probe clearly established that the subject Form 57 had not been filled out until the time the director of personnel's records were requested by the Pentagon for review by this committee.

In the light of the findings of the committee, the investigating unit of the Veterans' Administration, and the Defense Department's inquiry, the following exchange between the committee's general counsel, Frank S. Tavenner, Jr., and NSA's director of personnel, which took place at an executive hearing in 1961, assumed considerable significance:

Mr. TAVENNER. Information has come to our attention that you were permitted to withdraw Form 57 and supplant this form [the one sent the Defense Department] in its place.

WITNESS. Absolutely not, sir.

Mr. TAVENNER. Did you withdraw—

WITNESS. No, sir.

Mr. TAVENNER. Did you withdraw a 1957 and supplant it by another form?

WITNESS. No, sir. 1957?

Mr. TAVENNER. A Form 57.

WITNESS. No, sir.

In view of the contradictions between the testimony quoted above and the facts uncovered by both the committee's and Department's investigations, this matter was referred to the Department of Justice for possible prosecution of the witness for perjury before the committee or for any other criminal offense justified by the evidence.

During its long investigation, the committee discovered evidence of misconduct on the part of other National Security Agency officials. Inasmuch as the nature of most of the misconduct was outside the jurisdictional scope of this committee, the evidence and investigative leads pertaining to it were turned over to the Department of Defense. Followup inquiries and joint action by the Defense Department and the Agency have resulted in the removal from the payroll of several officials in NSA's Office of Security Services.

CONCLUSIONS

Officials of the National Security Agency, many of whom were associated with the operation when it was the Armed Forces Security Agency, operated this most sensitive organization over a period of many years without proper regard for Department of Defense security regulations pertaining to appointment of personnel.

Even before the defection of Mitchell and Martin, one NSA employee and one AFSA employee had been dismissed for security reasons—the former after being indicted for espionage and the latter after being convicted of contempt of a grand jury investigating espionage. In addition, some AFSA polygraph operators had been exposed and dismissed for engaging in unethical conduct.

Past efforts by the Defense Department to investigate NSA were ineffective for the most part because, when matters involving irregularities at the Agency were brought to the attention of the Department, it more often than not appointed as the investigators of the irregularities the very NSA officials responsible for their existence. This is in sharp contrast with recent investigations conducted by the Department after irregularities were called to its attention by the committee and the salutary reforms that resulted therefrom.

The committee found that the basic provisions of the Defense Department security regulations, as applicable to NSA, were in themselves sound, but they failed to achieve their objectives because (1) too much authority to administer them was delegated from the Secretary of Defense to the Director of NSA and, in turn, to lesser NSA officials, and (2) in its haste to make personnel appointments, NSA did so without adequate background investigations.

Through Department of Defense Directive 5100.23, the Director of the National Security Agency or, in his absence or incapacitation, the person acting for him was delegated all authority required for the administration and operation of the Agency. Under this delegation of authority, the Director of NSA was authorized, in case of an emergency, to appoint a person to a sensitive position for a limited period, even though a full field investigation on that person had not been completed. The Director was further authorized to clear personnel of NSA for interim access to classified material before full field investigations had been completed.

In all events, when granting a temporary appointment to a person who had not been fully investigated, the Director of NSA was required to submit a written record of such action, citing the emergency which dictated it, to the Department of Defense. Nothing in the regulations authorized blanket hiring under a general and longstanding declaration of emergency without national agency checks and background investigations.

The committee found that the NSA and its predecessor, the Armed Forces Security Agency, acted wholly outside the spirit of Defense Department security regulations by operating generally and for an extended period of time under those provisions which permitted use of interim clearances for access to sensitive cryptologic information. That the Agency began utilizing these provisions in order to get new appointees on the job more quickly to fulfill emergency needs during the Korean war was no justification for its still being the practice

nearly a decade later, when Mitchell and Martin² defected to the U.S.S.R.

Awareness that the United States is in a death struggle with the international conspiracy of communism dictates that extraordinary procedures be applied in obtaining data upon which to make a determination of an individual's eligibility for access to activities as vital as those of the National Security Agency. While the National Security Agency did employ an additional investigative step (the polygraph) beyond the minimum required by departmental regulation for interim clearance, the automatic granting of interim clearances was inconsistent with the security objectives of the Agency.

Furthermore, despite the fact that the Defense Department regulations delegated authority to the Director of NSA to determine when a person was suitable for hire and safe for access to classified material, in practice it was actually medium-grade personnel in the Agency's Office of Security Services who made these determinations in many cases.

The procedure at NSA at the time Mitchell and Martin were hired, as well as when they defected, permitted the Office of Security Services to retain exclusively for its own use all investigative reports and records of polygraph interviews. The personnel office, which did the actual hiring, therefore may well have been deprived of information not bearing directly on the appointees' loyalty but which might have been important in determining their suitability to perform the duties for which they were hired.

The committee found that the Agency relied on the polygraph primarily for purposes of adjudication rather than for investigative leads. Few persons familiar with the limitations of the polygraph would use it for any purpose other than as an aid to investigation. The committee does not know of any competent criminal investigative agency or department which uses the polygraph alone for making a final determination of either innocence or guilt.

On March 27, 1953, J. Edgar Hoover, Director of the Federal Bureau of Investigation, testified before the Senate Appropriations Committee as follows about the use of the polygraph as a lie detector:

The name "lie detector" is a complete misnomer. The machine used is not a lie detector. It shows the variations of your blood pressure and of your emotions. The person who operates the machine is the lie detector by reason of his interpretations. The machine technically is known as the polygraph. The man operating it must be extremely skilled and must be conservative and objective. He must be able to properly interpret the recordings made. However, whenever the human element enters into an interpretation of anything, there is always a variance. I would never accept the conclusion of a lie detector as proof of innocence or guilt. All that it can be called is a psychological aid.

For instance, I have in mind defalcations in banks. There was a case where one or two defalcations had been reported. We never use the lie detector except upon agreement of the employees. Two employees immediately admitted they had committed this defalcation and 11 others admitted other defalcations which the bank did not know of and which had not been reported. That was psychological.

I saw the lie detector used in a kidnaping case which I handled some years ago in which a young man in his early twenties was picked up. He was quite a nervous and high-strung individual. The lie detector indicated he was guilty of kidnaping and murdering a child. We were not satisfied to accept that. We tried it on another suspect. He proved to be as innocent as any man could be. Five days later I received a full confession from the second suspect whom the lie detector proved to be innocent and he went to the chair and paid the penalty.

That is why I have said I do not have confidence in it as specifically proving anything. It is a psychological aid but as you and I both know, there are many persons who are highly excitable and highly emotional, who get very nervous when they have committed no crime.

NSA's reliance upon polygraphy as almost an exact science was so contrary to Mr. Hoover's 1953 evaluation that the committee asked the FBI Director if his above-quoted views had changed. Mr. Hoover advised the committee by letter dated September 22, 1961, as follows:

The position I took in 1953 regarding the polygraph or so-called "lie detector" remains basically and essentially unchanged. I feel that the polygraph technique is still not sufficiently precise to permit absolute judgments of guilt or nonguilt without qualifications. The polygraph is currently being used by the FBI as an investigative aid in carefully selected cases. The examination results must be considered within the context of a complete investigation. The polygraph can be helpful to implement an interrogation and provide investigative direction but must not be relied on solely or used as a substitute for logical investigation.

The committee found that NSA not only placed far too much importance upon the polygraph as a means of conclusively determining an employee's security suitability but too little, if any, importance upon the polygraph's real value in providing "investigative direction."

It is the opinion of this committee that the Agency should furnish outside agencies which do field investigations on NSA applicants and employees all the raw material possible—including any significant results from polygraph interviews—that would be helpful in giving leads to the subjects' backgrounds.

It is the opinion of the committee that, without knowledge of Bernon Mitchell's polygraph admissions of sex deviation, the Air Force investigators who checked on his background for NSA were denied leads into an area of considerable significance as far as determining his security suitability was concerned. By the same token the investigators were deprived of other information that would have made possible a more accurate evaluation of statements from persons queried about Mitchell's habits and characteristics. Without Mitchell's polygraph admissions, the effectiveness of the background investigation was bound to be reduced considerably. The committee does not think it unreasonable, therefore, to conclude that Mitchell's appointment to NSA employment and his clearance for cryptologic work were a miscarriage of security awareness.

The personnel security procedures which permitted Mitchell to be hired by the National Security Agency have been responsible for the employment by the same Agency of more than a score of persons who were security risks to the United States. Evidence to this effect was ridiculed by the Defense Department until the committee's investigation brought about admission that, after the committee had initiated its series of executive hearings in September 1960, NSA began a review of all employees' files which contained any derogatory information. As a result of this review, by August 1961, 26 persons on the payroll had been fired by NSA for reasons of sex deviation. Just one year earlier, based on assurances from NSA, the Defense Department had denied that NSA possessed derogatory information of this nature on even one of its employees. Yet, of the 26 subsequently released, several were persons whose security files had contained damaging facts for more than 5 years.

The committee investigation obtained evidence that, prior to the investigation, NSA did not understand the homosexual or sex deviate. The directive from which security evaluators received their guidance was so ambiguous that it failed to establish a clear-cut policy. After stating that criteria used by other Government agencies would not be used by NSA, it set forth NSA rules on the sex pervert as follows:

NSA's general rule therefore must be that we will look at all of the circumstances in this type of case to determine whether the acts are isolated instances, whether there are mitigating circumstances, whether the acts constitute a pattern, whether the Subject has a genuine perverted compulsion, as well as other facts to determine whether there is a likelihood of repetition. Where the results of interview indicate that the Subject may be a latent pervert, or is confused in his own mind as to his sexual desires, the Subject will normally be referred to the Office of Personnel for referral to the NSA Medical Center if he is an employee. If the Subject is an Applicant the Office of Security will normally advise the Office of Personnel that there is insufficient information upon which to make a security determination.

Another weakness in the National Security Agency's personnel security program involved its relationship with the Federal Bureau of Investigation. Wisely, the Agency notified the FBI of the names of its employees at the time they were hired. Unwisely, however, NSA failed to notify the FBI when one of its employees was relocated for some special reason in a different part of the country. Thus, when NSA sent William Martin to the University of Illinois in 1959 to undertake a special academic course, the FBI was not informed. As it turned out, Martin had associations with known members of the Communist Party while he attended the university. Had the FBI been aware that the William Martin associating with Communists while he attended the University of Illinois was the William Martin employed by NSA, it could have immediately effected appropriate security measures.

The NSA investigation has made the committee acutely aware of how much can be accomplished when there is proper cooperation between a committee of Congress and a department of the executive branch. The committee experienced considerable contrast in the

degree of cooperation received from the Department of Defense and the Agency at various stages of the investigation.

In 1960, when the investigation began, obstacle after obstacle was placed in the path of the committee. Its requests for routine documents were denied by the Department of Defense, thus necessitating the issuance of a congressional subpoena. The Defense Department released misleading statements to the press which had the effect of discrediting the committee's investigation. Consequently, the committee had to undertake considerable work which would not have been necessary if there had been full cooperation from the very beginning.

Chairman Walter addressed a letter to the Secretary of Defense on February 8, 1961, in which he set forth the difficulties encountered by the committee during the administration of the Secretary's predecessor with regard to the production of certain records needed in the committee's investigation, and requested that the decision of his predecessor be reviewed. The letter also set forth adequate precedent for the furnishing of the desired information. The results were rewarding. A plan of cooperation was agreed upon which proved most beneficial to the committee's investigation and to the Agency's self-analysis of its programs and practices. This plan could well serve as a model for proper cooperation between executive agencies and legislative committees.

CORRECTIVE ACTION

The investigation had produced positive results by August 1961, when the Director of the National Security Agency reported to the committee that a number of sweeping security changes had taken place. A summary of these corrective measures follows:

1. The mandatory preemployment medical examination has been expanded to include psychological tests to assess a job candidate's mental and emotional fitness.

2. Professional psychological and psychiatric advice is now immediately available for resolution of uncertain cases.

3. Arrangements are being made with one of the military services to give the Agency's psychological tests to candidates for military cryptologic schools.

4. NSA's screening techniques now consist of an examination of the applicant's professional qualifications and mental attributes, a polygraph screening interview, a national agency check, a medical examination, aptitude or achievement tests, and the background investigation.

5. NSA job candidates must pass all screening devices except the full field investigation before receiving conditional appointments.

6. Conditional appointees are not permitted access to sensitive information until the full field investigation has been completed.

In addition, the Director's report to the committee contained the following information:

Delegated authority to grant interim security clearance to new employees for access to cryptologic information has been terminated. Formerly, the Director of Security was authorized, on an emergency basis and in line with our former conditional appointment practices, to grant an interim

security clearance to new employees who had passed a national agency check and a polygraph screening interview.

Under present procedures, no new employee can be granted interim clearance for access to cryptologic information except upon my personal authorization. Security clearance for access to cryptologic information is now granted only after the evaluation of the background investigation confirms the suitability and eligibility of the employee.

In order to expedite investigations and utilize an employee's talents as soon as possible, we have arranged for the three Services, who perform the bulk of our security investigations, to provide us with more expeditious handling of selected cases to fill critical jobs. We have further requested the Service organizations to provide the broadest possible investigative coverage. In addition, we can now handle a limited number of investigations through our own resources. Agency investigations will be limited to select groups of candidates urgently required to fill critical vacancies.

We have just completed a review of the security clearance record of each employee of the Agency. When the review disclosed information which raised any question as to an individual's eligibility for continued security clearance, the case was placed under the most searching scrutiny. Further investigations, medical and psychological examinations, and interviews of the employees concerned were undertaken as required. My senior subordinates and I are being kept fully apprised of the facts disclosed through this re-evaluation process and we are personally participating in the final resolution of individual cases.

As a preventive measure, supervisors have been apprised of the available psychological counseling services and are being actively alerted to greater awareness of any indications of undue mental or emotional strain on the part of their subordinates.

We have established a requirement that the Office of Security Services and the Office of Personnel Services be notified of any unexplained absences of employees within two hours of the time the absence without official leave is known.

We have revised the Agency's security indoctrination to provide more comprehensive coverage of personnel and physical security programs. A revised security manual has been prepared and distributed throughout NSA to provide each employee with a ready reference to accurate and current information about security policies and practices and a guide for security conduct.

In the area of physical security we have improved our controls over custodial and contract personnel.

Within several months following the above report, NSA's director of personnel, the official who had falsified information on his Form 57 and then attempted to cover up the falsification, was ordered to resign by the Defense Department, which he did, effective November 10, 1961.

NATIONAL SCIENCE FOUNDATION

The National Science Foundation was created by an Act of Congress in 1950. Among other things, the Foundation was given authority to award fellowships and scholarships to deserving science students and also grants to institutions for scientific research projects. The objectives of the Foundation, as spelled out by Congress, are "to promote the progress of science, to advance the national health, prosperity, and welfare, and to secure the national defense, and for other purposes."

In view of these reasons for passing the Act, Members of Congress were justifiably jolted in March 1961, when the Foundation announced a fellowship award to Edward Yellin, a graduate student at the University of Illinois. In 1958, this same Edward Yellin had been identified as a member of the Communist Party by former Federal Bureau of Investigation undercover operative Joseph E. LaFleur when the Committee on Un-American Activities held hearings in Gary, Indiana, on Communist infiltration of basic industry. LaFleur testified that Yellin was one of a number of well-trained, well-educated young Communist colonizers sent into the steel industry in an effort to rehabilitate the Communist Party in the labor movement.

When Yellin was called to testify during the Gary hearings, he claimed the protection of the first amendment, rather than the fifth, and refused to answer questions relating to his employment, Communist Party membership, and whether he had deliberately concealed facts concerning his college education when applying for employment with the Carnegie-Illinois Steel Corporation.

In 1960, Yellin was convicted of contempt of Congress, fined \$250, and sentenced to one year in prison for his misconduct before the committee at the Gary hearings. His conviction was upheld by a Federal Court of Appeals on February 16, 1961 (a month before the National Science Foundation announced the award of a scholarship to him), and Yellin then petitioned the Supreme Court to review his case. (A petition for writ of certiorari, in forma pauperis, was granted by the Supreme Court on October 9, 1961, and was still pending at year's end.)

The Gary hearings were not the first occasion on which Yellin had been identified as a Communist Party member. He had also been so named under oath before the committee in 1954 by former Communist Francis X. Crowley.

After it was reported that a National Science Foundation fellowship had been awarded to Yellin, a staff member of the committee contacted the Foundation, which confirmed that the award had been made but claimed to be completely in the dark about Yellin's Communist background and his conviction for contempt of Congress, as well as the fact that he had been suspended for about 10 days by the University of Illinois at the time of his contempt trial. The committee then decided to review the security provisions of the National Science Foundation Act and to look into the screening practices employed by the NSF prior to approving applications for scholarships, fellowships, and grants. Accordingly, an investigation and a series of executive hearings (beginning June 6, 1961) were initiated by the committee.

FACTS ESTABLISHED

The National Science Foundation awarded a \$2,000 fellowship, plus an \$1,800 family allowance, to Edward Yellin on March 15, 1961.

The Foundation has made awards to at least three other persons who have either been identified as Communist Party members or declined to answer questions about party membership before legislative committees.

Columbia University received a grant of \$4,500 from the Foundation in 1956 for a project to be conducted under the direction of Professor Harry Grundfest. In 1958, Columbia University received another grant of more than \$75,000 for a second project to be supervised by Grundfest. This is the same Harry Grundfest who continued to serve on the boards of directors of two organizations after they had been cited as "subversive and Communist" by the Attorney General; who numbered among his associates a member of the infamous Canadian Communist spy ring; who invoked the fifth amendment when questioned about Communist Party membership by a Senate committee investigating subversion in the Army Signal Corps in 1953; who pleaded the fifth amendment on similar questions before an executive session of the Committee on Un-American Activities on October 2, 1961 (in the course of the investigation of the National Science Foundation); and who, 2 days later—on October 4, 1961—was the object of an additional grant of \$156,000 awarded to Columbia University by the Foundation. Grundfest also has a long Communist front record.

When Dr. Alan T. Waterman, director of the National Science Foundation, was queried on October 25, 1961, about the grants made to Columbia in Grundfest's behalf, he claimed that the Foundation had no knowledge of the professor's Communist affiliations or his fifth amendment record at the time the grants were made.

In 1957 the Foundation awarded a 2-year grant of \$9,800 to Philander-Smith College in Little Rock, Arkansas, for research to be conducted by Dr. Lee Lorch. In 1950, the same Lee Lorch had been identified as a member of the Communist Party by three witnesses in public testimony before the Committee on Un-American Activities. When Lorch had appeared as a witness before the committee in public session in 1954, he denied party membership as of the time he testified but refused to answer questions about party membership for an earlier period. He was cited for contempt of Congress, but was acquitted by a Federal court on a technicality. Dr. Lorch had been dismissed as undesirable by at least three colleges before the Foundation approved the grant for his project at Philander-Smith.

Dr. Waterman claimed that the NSF had none of the above information about Dr. Lee Lorch at the time the grant was awarded to Philander-Smith.

In 1958, the Foundation awarded a one-year, \$7,500 fellowship to Martin Berman for postgraduate work at the University of Illinois. Berman used 8 months of the fellowship before deciding that he was carrying a heavier academic workload than he could handle. He forfeited the balance of his fellowship.

Upon learning that Berman had been a recipient of an NSF fellowship, the committee subpoenaed him to testify because information previously furnished the committee by a confidential source had

linked Berman with the Communist Party. Berman appeared at an executive session of the committee on July 25, 1961, and pleaded the fifth amendment on all questions about Communist Party membership and on nearly all other questions asked him.

PROVISIONS OF THE NATIONAL SCIENCE FOUNDATION ACT

In the cases of awards to individuals, the National Science Foundation Act requires candidates to be U.S. citizens and states that they must be chosen "solely on the basis of ability." The Act also specifies that recipients of fellowships and scholarships, before receiving any payment, must take an oath of allegiance to the U.S. and execute an affidavit stating that they do not believe in, are not members of, and do not support, any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional method. Thus, Congress made clear its intention of having only loyal persons in the program. Both Yellin and Berman filed disclaimer affidavits and took oaths of allegiance requirements.

In the cases of grants to institutions, even when such grants are earmarked for persons such as Grundfest and Lorch who have long records of Communist affiliations, the National Science Foundation Act does not require either the disclaimer affidavit or loyalty oath from persons who are going to work on the proposed projects. An application from an institution must identify only the chief investigator of the project and his principal assistants. The names of other persons who will work on the project need not be made known to the Foundation. (Some project personnel are not selected, in certain instances, until after an application has been approved by the NSF.) Persons who work on projects underwritten by Foundation grants to institutions need not be U.S. citizens. An assistant on one of the Foundation-sponsored projects directed by Grundfest was a scientist from Communist Poland. In at least one instance, NSF funds allotted to the National Academy of Sciences were used to pay the cost of transporting a Russian scientist to this country in accordance with a U.S.-U.S.S.R. exchange program.

LOYALTY POLICY

The Foundation adopted a policy statement on loyalty to establish its position on this subject in regard to persons who work on institutional projects, since no such position had been expressed in the NSF Act.

Dr. Alan T. Waterman, director of the NSF, testified^r that the Foundation considers this policy statement a guide for dealing with the question of loyalty when it arises among candidates for or recipients of individual scholarships and fellowships. The statement and its preamble read as follows:

One of the basic objectives of the National Science Foundation is the promotion of progress in science. For this reason the Foundation is vitally concerned with the relationship between the Federal Government and American scientists. If this relationship is not healthy, and results in mutual distrust, scientific progress is retarded. The Nation is de-

prived of the fruits of much research and the scientist of a source of support needed for his investigations.

Therefore, in keeping with fundamental concepts of justice and freedom, and in fairness to the scientific community, the Foundation early in its career determined that:

In appraising a proposal submitted by or on behalf of a scientist for the support of unclassified research not involving considerations of security, the Foundation will be guided as to an individual's experience, competence, and integrity by the judgment of scientists having a working knowledge of his qualifications. However, the Foundation does not knowingly give nor continue a grant in support of research for one who is—

1. An avowed Communist or anyone established as being a Communist by a judicial proceeding, or by an unappealed determination by the Attorney General or the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950, or anyone who avowedly advocates change in the United States Government by other than constitutional means, or

2. An individual who has been convicted of sabotage, espionage, sedition, subversive activity under the Smith Act, or a similar crime involving the Nation's security.

Furthermore, if substantial information coming to the attention of the Foundation indicates that a potential or actual researcher might be guilty of violation of any such law, the information will be forwarded to the Department of Justice for its consideration.

When asked by a committee member to explain what was meant by the preamble's reference to "mutual distrust" between the Federal Government and American scientists, Dr. Waterman said, in part, that—

Therefore, we have to watch out for the policies which may antagonize them [American scientists] as a group so that they will not contribute to the research which the country needs.

Charles B. Ruttenberg, deputy general counsel and congressional liaison officer for the National Science Foundation, testified as follows about the Foundation's policy statement on loyalty:

I think personally that there could be a serious legal question if challenged, in other words, if someone attacked the Foundation on this score [denying or revoking a fellowship because of a question of loyalty] and we do apply these principles to fellowships and will. Legally, though, we might be hard put to sustain this position if challenged in a court. However, we felt that, in the public interest, this should be applicable to the fellowship program. How far beyond this kind of thing we can go is questionable in my mind.

Dr. Bowen C. Dees, assistant director for scientific personnel and education for the National Science Foundation, also expressed his doubts about the Foundation's right to carry out its own policy on loyalty:

We have been given to understand that the Foundation had no legal grounds after it had made an award on the basis solely of ability to revoke such an award without being sued as part of the

fact that this is the legal requirement that we must choose these individuals solely on the basis of ability.

Witnesses for the Foundation repeatedly emphasized, (1) that the National Science Foundation Act insists that candidates for awards be selected solely on the basis of ability, (2) that the Act does not permit the Foundation to consider a candidate's subversive or criminal record unless that record might have some effect upon the individual's ability to produce scientifically, (3) that the Act does not require a loyalty investigation of applicants for awards, (4) that the Foundation is neither trained nor equipped to conduct loyalty investigations even if they were required, and (5) that when applicants for fellowships and scholarships fulfill the disclaimer affidavit and oath of allegiance requirements of the Act, the Foundation can legally demand no further evidence of loyalty from them, even if suspicions about some of them might exist. Despite these alleged shortcomings in the Act which became law more than 10 years ago, the NSF has never asked Congress to strengthen it.

When asked about considerations of the personal integrity of applicants for Foundation awards, Dr. Waterman insisted that the keen competition for fellowships and grants necessarily limits the awards to only the best scientists and students of science and that a good scientist, in his judgment, had to be a person of unquestioned integrity. He said that, by its very nature, the field of science is one in which the work of one person is always checked by many others. Accordingly, if a scientist is found by his colleagues to be lacking in scientific integrity (misrepresents his findings, claims credit for others' accomplishments, etc.), Dr. Waterman testified, he will be exposed as a poor scientist by his associates. In such a case, contended the director of the NSF, the scientist would not be able to get recommendations from other scientists and, therefore, would not receive awards from the National Science Foundation.

The committee's hearings revealed that the various forms which have to be filled out by applicants for awards from the Foundation require little background information, other than that of a scholastic nature. They do not require information relating to convictions of crime or of past membership in subversive organizations. The latter point is not even required in the Act's disclaimer affidavit, which pertains only to present membership in such organizations. No character references are required.

Furthermore, most applications for Foundation fellowships are not processed by the NSF itself, but are contracted for processing to the National Academy of Sciences. The Academy, in turn, appoints panels to review the various categories of applications. Normally, there is no personal contact between the reviewing panel and an applicant for a Foundation fellowship. The panel bases its judgment in each individual case on the information contained in the application and accompanying references from four persons who have knowledge of the candidate's scientific ability. The persons who furnish the references have all been chosen by the applicant. No check is made by the Foundation or the National Academy of Sciences' screening panels into the loyalty or integrity of the persons who provide the applicant's references.

Dr. Waterman testified that the NSF had awarded some 18,000 fellowships and 20,000 to 30,000 research grants, yet the Foundation

could present no evidence that, prior to the hearings, it had ever denied or revoked a fellowship because of a candidate's or recipient's disloyalty or suspected disloyalty to the United States. The only applications denied which in any way related to the question of loyalty were those of candidates who had refused to fulfill the disclaimer and/or oath requirements of the NSF Act.

When committee members suggested to Foundation witnesses that persons of questionable loyalty should be kept from receiving NSF awards since the preamble to the NSF Act states that one of its purposes is "to secure the national defense," the response was that most awards were for the support of unclassified basic research, not in any way affecting the national defense.

The National Science Foundation Board arrived at two decisions in late June 1961, after its witnesses had appeared before the Committee on Un-American Activities at three executive hearings.

1. On June 21, Dr. Waterman, in compliance with an NSF Board decision, sent the following telegram to Edward Yellin:

We regret to advise you that after a full review of all facts in your situation, including the possibility that you may not be able to pursue your studies without interruption during the fellowship tenure,¹ the present fellowship award made to you on March 15 for the year 1961-62 is revoked.

On June 29, 1961, the National Science Foundation Board adopted a policy statement which, according to testimony by Dr. Waterman before the House Committee on Science and Astronautics on July 20, 1961, said that "conviction of a crime is a factor to be taken into account in judging [an] individual's qualifications for a National Science Foundation fellowship."

CONCLUSIONS

Loopholes in, and questionable administration of, the National Science Foundation Act by the National Science Foundation and the Foundation's fear of antagonizing members of the science community make it possible for persons of questionable loyalty to the United States to become the beneficiaries of Federal grants of taxpayers' money. When awards are made to persons of the caliber of Yellin, Lorch, and Grundfest, the Foundation—in the committee's view—is disregarding the purposes Congress had in mind when it passed the Act in 1950, to wit, "to advance the national health, prosperity, and welfare, to secure the national defense * * *."

The Foundation's claim that recipients of fellowships and grants work only on unclassified basic research is not a justification for using Federal funds to advance the interests of persons who are either members of, or sympathetic to, a foreign-directed conspiracy bent on the destruction of this Nation. Such persons clearly should not at Government expense be given, or helped to develop, information which they might be inclined to use for the benefit of the enemies of this country. Moreover, Federal funds should not be used to educate scientists of doubtful loyalty who would be unemployable by the Government and therefore could contribute nothing to the defense of the United States.

¹ Because Yellin might be serving a prison term for contempt.

Congress must depend upon administrative agencies to adopt supplementary measures to carry out the spirit of enacted legislation, because—quite obviously—no statute can spell out in every detail just how it is to be administered. The National Science Foundation has not met its responsibilities in this respect. Prior to this committee's hearings, the Foundation was not even concerned about whether an applicant for a scholarship had a criminal record.

Foundation representatives claimed, during the hearings, that it had to keep confidential the references they received for fellowship applicants, otherwise persons providing the references would not feel free to be completely objective in their remarks. The committee can only conclude that this confidential relationship did nothing for the objectivity of the four persons who provided the academic references (no character references were required) for Yellin. Not one of them mentioned Yellin's having been identified as a Communist, his shameful performance before the Committee on Un-American Activities, his contempt conviction, or his temporary suspension by the University of Illinois.

The Foundation has reported that "the prestige of these [predoctoral] fellowships is so high that they are much sought after by top quality graduate science students." Accordingly, the Foundation says it can best attain its objectives "by keeping these fellowships highly selective and highly competitive" (National Science Foundation's 1958 report, p. 51). Despite this claim, approximately one out of every three of the 13,000 applications the Foundation receives annually for fellowships is approved, even though no inquiry is made about the applicants beyond their scholastic achievements. Additional inquiries as to character, conduct, etc., would certainly seem appropriate in view of the Foundation's interest of obtaining "top quality" students from a "highly competitive" field of applicants.

By Dr. Waterman's definitions, the distinction between a grant and a fellowship is as follows:

(1) A grant goes to an institution when someone at the institution has proposed that certain scientific research or experimentation would be worthwhile, and the Foundation agrees. In other words, when a grant is awarded to an institution, the Foundation's primary interest is in the work that is to be done, not the people who are to do it;

(2) A fellowship is awarded to an individual when the Foundation feels that an applicant's scholastic record is such that he should be encouraged and helped to study further. The Foundation is not concerned with the specific studies the applicant will undertake, as long as they are approved by the college or university of the applicant's choice. In short, in the case of a fellowship, the Foundation is concerned with helping the applicant to increase his potential as a scientist, but is not concerned precisely with the courses he chooses to accomplish this.

Whenever Federal money is appropriated in the interest, and for the benefit, of an individual citizen, particularly for the purpose of underwriting higher education, that citizen is indeed a privileged person. Traditionally in this country, privileges—whether publicly or privately inspired—are based on merit. On this basis, Yellin's Communist record and his misbehavior before a committee of Congress should most certainly have disqualified him from being approved for a fellowship from the National Science Foundation.

Dr. Waterman testified that the Foundation had no background information on Yellin beyond his scholastic record. The committee cannot help but conclude, therefore—since Yellin did fulfill the loyalty oath and disclaimer affidavit requirements of his fellowship application—that the NSF Act and the administration of it both need to be tightened considerably to assure that only deserving persons will be privileged to obtain awards from the Foundation. This need is particularly apparent when it is recalled that NSF witnesses claimed that even if they had had Yellin's Communist record and information about his appearance before the committee, they would not have had the authority, either under the NSF Act or the Foundation's policy statement on loyalty, to refuse or revoke his fellowship. (Note that when Yellin's award was canceled, the reason implied was that his pending jail sentence might make him unavailable during the period for which the fellowship had been granted. He was not informed that the Foundation had decided that he did not deserve the award!)

Dr. Waterman testified that the NSF policy statement on loyalty which he read into the record of the hearings was initially directed at persons who work on institutional projects sponsored by Foundation grants. These persons are not required by the NSF Act to complete a loyalty oath or disclaimer affidavit.

Although Dr. Waterman said the NSF policy statement was widely hailed at the time of its adoption (1956), it still remains unclear to the committee whether the statement was drafted to keep persons of questionable loyalty out of Foundation programs or whether its real purpose was to pacify those members of the science community who are antagonistic to loyalty inquiries about persons in their field. The policy statement seems more designed to emphasize conditions under which the Foundation will not disqualify persons of suspected disloyalty than it does to create conditions under which the Foundation will make a positive effort to screen out persons whose loyalty to this country is questionable.

The primary reason for the committee's reluctance to accept the statement as a positive policy for the elimination of undesirables from Foundation programs is that the conditions under which a person would be rejected for or removed from a Foundation program because of suspected disloyalty are so rigid that practically no one could be eliminated under them. According to the statement, the fact that Yellin had been identified under oath before a congressional committee by a former FBI operative in the Communist Party and had refused an opportunity to deny the testimony when he himself was under oath, were not sufficient reasons to question Yellin's loyalty.

The Communist and Communist-front records of Professors Lorch and Grundfest, respectively, would not have been sufficient reason to disqualify them from working on Foundation-sponsored projects, according to the NSF policy statement.

Furthermore, the three NSF witnesses (Dr. Waterman, Dr. Dees, and Mr. Ruttenberg) raised doubts about the Foundation's legal right to carry out its stated loyalty policy. The committee wonders why, if the policy statement had been adopted for the positive purpose of keeping disloyal persons out of Foundation programs, all of these witnesses testified so negatively about it. If it is true that the policy was not adopted for the purpose of screening out persons who might be disloyal, then it must have been adopted for some other purpose.

Could that purpose have been to minimize the chance that the Foundation would have to question or take action against a person whose loyalty was in doubt? If that was the purpose, it was no doubt pleasing to that element of the science community which the Foundation is admittedly most reluctant to antagonize by questioning *anyone's* loyalty.

Regardless of what motivated the policy statement adopted by the Foundation, the committee concludes that it not only is not an effective tool for keeping disloyal persons out of the program, but that it also actually serves the interests of disloyal persons who want to obtain fellowships but who probably would be unable to do so if careful checks were made to see if they deserved the privilege.

Although the committee concedes that it would be impractical for loyalty investigations to be made for every person who *applies* for a Foundation fellowship, it would seem important that loyalty investigations be conducted on all applicants who have been approved as qualified academically. Such investigations should be made before fellowships are awarded. If this procedure were followed, it would greatly reduce the chances of the Federal Government's being caught in the utterly ridiculous position of financing the activities of a person whose ultimate goal is to overthrow this Government by force and violence.

The committee believes that loyalty investigations should also be made on persons who work on institutional projects which are awarded grants by the Foundation. They should also be required to take an oath of loyalty to the United States. Under present practice, these people do not take such an oath or disclaim membership in subversive organizations. As previously pointed out, the Foundation requires only the names of the principal persons who work on institutional projects. The NSF assumes that if an educational institution allows a person to work or study on its premises, he cannot be a loyalty risk or undesirable for any other reason. The committee concludes that this is not a safe assumption. Certainly the three colleges that hired (and subsequently fired) Lee Lorch exercised poor judgment when they employed him.

The vast amount of money that the Federal Government spends each year in the field of education, both for individuals and institutions, is further reason why its educational programs should be administered carefully. In 1960, \$328 million, or 44 percent of the total Federal allocation for basic research, went to educational institutions and research centers administered by them. Five Federal departments or agencies accounted for 98 percent of the \$328 million. Excluding obligations for research centers, amounts made available by the following agencies for basic research at educational institutions in 1960 were:

National Science Foundation.....	\$59,477,000
Department of Health, Education and Welfare.....	59,450,000
Department of Defense.....	54,979,000
Atomic Energy Commission.....	27,945,000
National Aeronautics and Space Administration.....	8,193,000

The National Science Foundation budget for 1961 was \$263,250,000, of which almost one-half was obligated for grants to universities, capital research facilities, and other national programs. About one-third was used for individual fellowships, institutional projects, and other

program activities under the Division of Scientific Personnel and Education.

It can readily be seen that National Science Foundation grants constitute a large part of a vast Federal operation in underwriting education and research at educational institutions. It is also apparent that there could be similar shortcomings in laws and the administration of them by other Federal departments and agencies in the fields of education and research. There is a definite and urgent need to establish some uniformity in security standards applicable to the administration of fellowships, scholarships, loans, and grants which, at present, are being administered differently by different Federal authorities.

In any event, wherever the intent of Congress is not clear in laws pertaining to Federally-sponsored education and research programs, the administering agencies should ask Congress to clarify them.

RECOMMENDATIONS

Following this committee's disclosure in early June 1961 of the National Science Foundation's award to Edward Yellin, hearings on the matter were also held by the House Committee on Science and Astronautics. On June 21, 1961, following these hearings, the late Representative Overton Brooks, then chairman of that committee, introduced H.R. 7806, a bill designed to prevent additional NSF grants to persons such as Edward Yellin.

H.R. 7806 would have amended section 10 in the National Science Foundation Act to provide that selections for scholarships and fellowships be made "on the basis of character, ability, and loyalty to the United States and its constitutional form of government." It would also have amended section 16 to require each applicant for a scholarship or fellowship to furnish information as to whether he has ever been a member of, or supported, any organization cited by the Attorney General as subversive and whether he had been arrested, charged, or held for any violation of law other than minor traffic violations or a violation committed before he was 16 years of age. After further study, this bill was superseded by a new bill (H.R. 8556) introduced by Chairman Brooks on August 8, 1961, and reported favorably by the Committee on Science and Astronautics on August 24, 1961 (H. Rept. No. 1029). The Senate Committee on Labor and Public Welfare accepted the provisions of H.R. 8556 in its report of September 21, 1961 (S. Rept. No. 2117).

H.R. 8556 prohibits the National Science Foundation from making scholarship or fellowship payments unless the awardee has taken an oath of allegiance to the Constitution and to the United States and has provided a full statement explaining any crimes of which he has been convicted or which have been charged against him and are pending. Furthermore, it would make it unlawful for any person to apply for a Foundation scholarship or fellowship if he is a member of a Communist organization and has knowledge that the organization has registered, or been ordered to register, in accordance with the Internal Security Act of 1950. Finally, the proposed amendment includes the following provision:

Nothing contained in this Act shall prohibit the Foundation from refusing or revoking a scholarship or fellowship award, in whole or in

part, in the case of any applicant or recipient, if the Board is of the opinion that such award is not in the best interests of the United States.

Clearly, if H.R. 8556 had been enacted prior to the date of the Yellin application, it is highly unlikely the Foundation would have made an award to him.

While the House Committee on Un-American Activities regards the solution offered in H.R. 8556 as a step forward, it is recommended that the Congress give further study to the problems raised in the committee investigation, which involve both grants and scholarship awards. There are obvious difficulties in reaching a complete solution to these problems through legislative activity. Certainly a great deal can be accomplished through a responsible administration of the Act by those in the academic world who recommend, as well as by those on the official side who award, grants and fellowships.

STRUCTURE AND ORGANIZATION OF THE COMMUNIST PARTY OF THE UNITED STATES—PARTS 1 AND 2

The functioning of the United States Communist Party since the death of Stalin—with particular attention to its relationship with the post-Stalin Soviet dictatorship—was explored by the committee at public hearings on November 20, 21, and 22, 1961.

During these hearings, the committee received testimony and documentary evidence from its director of research and also interrogated five individuals who played key roles in recent Communist Party developments while serving as party officers or as editors on the staff of the party's official newspaper.

The hearing record graphically recapitulates

(a) a bitter struggle which erupted within the Communist Party leadership in this country following Soviet dictator Khrushchev's confirmation in 1956 of Stalin's criminal behavior;

(b) an ensuing 2-year stalemate as a minority of American party leaders subservient to every whisper from Moscow jockeyed to unseat a majority of party leaders suddenly imbued with visions of some independence of the Soviet Union;

(c) repeated intervention by Soviet and other foreign Communists to end the American party conflict in favor of the staunchly pro-Soviet faction;

(d) final victory for the Moscow-backed Communist leaders, manifested by a reshuffle of personnel in the party's top offices in February of 1958.

A total of 110 documents, based chiefly on confidential or publicly distributed Communist writings, was introduced during the hearings. The Communists' own words and actions recorded in these documents support the conclusion that the Communist Party of the United States is as abject an instrument of the Soviet Union under Khrushchev's dictatorship as it was in the days of Stalin's brutal tyranny.

The structure of the Communist apparatus in America, its principles of organization, and its operating procedures were also delineated with a wealth of detail as a result of the committee's examination of the present-day functioning of the Communist Party, USA.

Charts outlining the various organizational units of the Communist Party from the national board—the top ruling clique—down to

clubs operating in local neighborhoods or shops were introduced in the hearings by the committee's director of research, Francis J. McNamara. These charts also disclosed the identity of the individuals whose official positions place them at the top of the Communist hierarchy in America.

Mr. McNamara presented testimony explaining the roles played by the different organizational units of the party—the national convention, national committee, national executive committee, national board, national commissions, as well as the many subordinate units operating on the levels of a district, state, city, county, section, or club. He pointed out that this paramilitary party structure—combined with the Communist principles of monolithic unity and democratic centralism—provides the Red leaders with the necessary tools for enforcing their will upon party members. He also drew attention to a reorganization of the party apparatus, begun in 1959, which seeks to streamline and increase the operating efficiency of the party by eliminating unnecessary bureaucracy between the national and local levels of party organization.

The sharp contrast between the principles of organization of the Communist Party and those of non-Communist democratic groupings in our society was pointed up by the Communists' own statements introduced into the record by Mr. McNamara and by the record of party actions in events involving five Communists and former Communists called as witnesses before the committee.

The Communist Party of the United States was clearly demonstrated to be a paramilitary organization, whose members are required to respond with lock-step obedience to directives channeled down to them through a hierarchy of party officials. Nonelected, self-perpetuating party officials enforce obedience with the aid of martial disciplinary procedures. The membership does not participate in policy decisions, and dissent constitutes heresy in the Communist Party. The system of organization is patterned after the select and secret party of professional revolutionists developed by Lenin prior to the Bolshevik overthrow of the Russian Government in 1917.

The hearing record shows that American Communists who unsuccessfully sought to operate with some independence of the Soviet leadership in recent years had also unsuccessfully attempted to introduce into the party organization in America certain democratic procedures—e.g. election of leaders, the right of dissent, membership participation in policy-making, etc. But the post-Stalin Soviet leadership, in a series of wrathful statements against what was then a majority view among the leaders of the Communist Party of the United States, condemned proposed changes in the traditional autocratic or "Leninist" form of party organization in this country just as vigorously as it denounced American Communists daring to take a critical view of certain post-Stalin Soviet policies. When the party's internal conflict was resolved in 1958 by installation of a national leadership as subservient to enunciations from Moscow as in Stalin's heyday, a strict adherence to Leninist methods of party functioning was also promised. Manifestly, the organizational principles of the Communist Party of the United States are a key factor in the effectiveness with which the party serves as an instrument of Soviet policy on American soil.

BACKGROUND OF RECENT COMMUNIST PARTY DEVELOPMENTS

A devastating indictment of the Communist Party, USA, as a totalitarian organization subservient to the will of the Soviet dictatorship was provided by the American Communists themselves in a chain reaction set off by Soviet dictator Nikita Khrushchev in February 1956. Khrushchev, then a rising star in the "collective leadership" which controlled the Soviet Government following Stalin's death, delivered a "secret" speech on that date to the 20th Congress of the Communist Party of the Soviet Union. The speech, shortly thereafter subject to wide publicity outside the Soviet Union, condemned Stalin as an egotistical, brutal tyrant, guilty of the unjustifiable murder of thousands of Soviet citizens, Communist as well as non-Communist.

Such revelations by the new Soviet leader regarding the man who had been the supreme and unquestioned authority over the World Communist Movement for about 30 years created turmoil within many Communist parties around the world. In the United States, many members quit the Communist Party and those remaining were split into factions advocating such divergent courses of action as: (a) blind obeisance to the prevailing dictatorship in the Soviet Union, with mechanical apologies for any past mistakes incurred by the Communists' similar support of Stalin; (b) independence of the Soviet leadership more or less imitative of Tito's "national" communism; or (c) continued loyalty to the late Stalin's policies and methods and complete enmity toward the new Soviet leadership.

Within 4 months after Khrushchev's famous "de-Stalinization" speech, Soviet Communists began an open campaign to reunite world Communists under Soviet dominion. The mounting Soviet campaign, conducted via radio and the printed word, was reinforced beginning in November 1957 by a series of Moscow conferences attended by most of the world's Communist parties. This Soviet effort, which is documented in great detail in the committee's recent hearings, singled out for attack in the United States those Communists who, for a variety of motives, were chary of continued complete reliance on Moscow.

A group of so-called "revisionists," who sought to introduce membership responsibility and democratic procedures into the party organization in America in order to effectuate an independent or "nationalist" type of Communist movement, received the brunt of the Soviet attack by virtue of the fact that they held a majority of top party offices. Another faction of abjectly pro-Soviet Communists in this country, backed to the hilt by Moscow, was at a distinct disadvantage in 1956 with respect to power positions. In addition, the editor-in-chief of the party's most important newspaper, the *Daily Worker*, had joined the revisionist cause and kept the spotlight of publicity on the actions of dissenting factions in the course of pleading for a new type of party. As a consequence, every action by the pro-Soviet minority to establish undisputed control over the party organization served to undermine the cherished Communist propaganda line that the Communist Party, USA, is an independent political organization, operating in the best democratic tradition for socialist goals. The long-drawn-out power struggle which finally ended in victory for the Moscow-backed faction of American Com-

munists in 1958 is documented in the committee's hearings. The committee believes that anyone who reads the hearing record on the complaints of bona-fide Communists seeking to reform the traditional party organization and the responding words and actions by the Soviet Communists and their American puppets during and after this period of party conflict will agree that the Communists themselves have irreparably discredited the image of the party they offer to non-Communist Americans.

COMMUNIST TESTIMONIALS ON THE TRUE NATURE OF THEIR PARTY

Typical of those American Communists who took a new and more objective look at their own Communist organization after Khrushchev's revelations about Stalin was Robert Friedman, then city editor of the *Daily Worker*. Mr. Friedman's writings in the *Daily Worker*, under his own name, and in a secret, internal bulletin of the New York State Communist Party, under the alias "Robert Mann," made charges going to "the very nature of the Communist Party, its procedures, structure and methods of work." Mr. Friedman was called as a witness and interrogated regarding his knowledge of certain basic and totalitarian operational procedures of the party which he had revealed in the New York party bulletin, *Party Voice*, under date of June 1956:

I joined the movement in my late teens at the height of the depression. * * *

But, although I had had no long experience in other organizations, trade union or otherwise, I quickly came to recognize a disparity between the methods of work, either already existing or fought for by Communists and others in organizations and unions and in the party organization itself.

In the unemployed organization to which I belonged, I insisted on elections, minutes, motions, decisions, check-up, majority rule and parliamentary process. In my club [of the Communist Party], I became increasingly conscious of the absence of all this * * *.

* * * * *

We swallowed whole the concept of a tightly disciplined, "chain-of-command" type of organization, adopted from abroad.

Robert Friedman told the committee he had not been a member of the Communist Party in the past 4 years and was presently anti-Communist and opposed to the Communist system. He confirmed that the principle of "democratic centralism"—on which the Communist Party, USA, is admittedly organized—is "just a pretty word to cover and cloak the totalitarian Soviet system of government." However, Mr. Friedman refused on grounds of possible self-incrimination to answer all committee questions involving an acknowledgment of his own past participation in the party.

Witness Leon Nelson was interrogated by the committee regarding his proposals before the National Committee of the Communist Party in June 1956 for the democratization of the party. Mr. Nelson, who was then organizational secretary of the New York State Communist

Party, had also urged the party to "cast off to positions of greater independence of policy and public expression from positions we have held in the past in regard to our relationship to the Soviet Union and other lands of Socialism." Mr. Nelson's report to the National Committee, introduced in evidence at the recent hearings, had further objected to the fact that party organizational concepts were taken "lock, stock and barrel" from Lenin; that nonelected leaders issued policy decisions without consultation with the membership; and that even the few democratic procedures provided for in the party constitution were never actually practiced.

Documentation produced at the hearings showed Mr. Nelson had lost his position with the important New York State party organization in June 1957 and that, within another year, other officers of the State organization holding similar views had left in the face of the party's complete domination by a staunchly pro-Soviet faction. Mr. Nelson responded to all committee questions on recent Communist Party developments and his own participation therein by invoking the fifth-amendment provisions against self-incrimination.

The hearing record is replete with statements by many other Communists suddenly and vocally concerned that the party's constitution is largely a propaganda document; that the party is not a "political party as the American people understand it"; but rather a "semi-military" or "war-military" organization, ruled despotically with the aid of a harsh system of discipline.

An entire Brooklyn club of the party protested in October 1956 against the practice that "once a policy decision has been made, it must never be questioned as a matter of party discipline." The club also complained that "Discussion in many areas has taken place in an atmosphere of intimidation" and "Differences of opinion have often been construed as 'anti-leadership tendencies' and outright 'deviationism.'" ¹ Many individual Communists took a new look at past expulsions of party members and found the party leadership guilty of making standardized, unjustifiable charges against members for the purpose of suppressing dissent.

Communists on both high and low levels in the party also minced no words about the party's relationship with the Soviet Union. One leader declared that "whatever Stalin said became our policy." Another member said American Communists had been "living our lives, to some extent, vicariously, as Soviet citizens," while yet another Communist declared the party in America was "a miniature Soviet party in both organizational form and domestic outlook." A fourth Communist reminded his fellow comrades:

The American Communist Party does not approach the American people with clean hands, as far as the Soviet Union is concerned. The American Communist Party repeated, as gospel truth, which it sincerely believed, every lie told by the Soviet Union about its living standards, about Tito, about democracy in the Soviet Communist Party, about the Moscow trials, about the electoral system, about the Doctor's Case, the stamping out of Jewish culture.

¹ "Deviationism" in Communist terminology means departing, either to the left or right, from the correct party line. Generally speaking, right deviationists (opportunists) want to go slower and pursue a "softer" course than does the party leadership, while left deviationists (sectarians) call for bolder and more unyielding tactics to fulfill Communist aims.

The Communist last quoted also found that, as of 1956, certain Communist Party leaders were still showing a "cringing subservience" to pronouncements and criticisms from Moscow."

SOVIET INTERVENTION IN AMERICAN COMMUNIST DISPUTE

"Cringing subservience" to Moscow was an apt description for the position taken in the 1956-1958 party controversy by a faction of American Communists headed by the late William Z. Foster. Foster held the successive posts of national chairman and honorary national chairman of the Communist Party, USA, during this period and quickly received the endorsement of the Soviet Communist leadership in his maneuvers to dethrone a majority of party leaders advocating a revision of the party organization and its relationship to the Soviet Union. The increasingly persistent Soviet efforts to settle the American party conflict in favor of the Foster minority is recorded with extensive documentation in the course of the committee's interrogation of its own director of research, Francis J. McNamara, and A. B. Magil, former foreign editor of the *Daily Worker*, who was personally castigated by the Soviet Communists for his position in the party dispute. Mr. Magil, however, refused to confirm or deny his role in recent Communist Party developments, invoking his privileges under the fifth amendment.

Moscow's first impact on the Communist movement was registered as a result of a resolution by the Central Committee of the Soviet Communist Party dated June 30, 1956. This resolution, condemning an Italian Communist criticism of the present Soviet Government and demanding a resumption of international Communist "solidarity" under Soviet leadership, acted as a brake on the independent thinking stimulated within the American Communist Party by the shock of Khrushchev's revelations a few months earlier. This was the assessment of Communists themselves, who also recorded an immediate abject response to the Soviet Central Committee by such American Communist leaders as Chairman Foster and the late Eugene Dennis, then general secretary.

The committee's hearings call attention to a rapid succession of other Soviet statements, widely propagated by Soviet press or radio, as well as by international Communist journals, in which still recalcitrant American Communist officers and writers came under bitter, personal attack. The Soviet Communist statements took issue, for example, with Communists in the United States who—

demanded, instead of democratic centralism, adoption of the principle of "democratic leadership," the right of the minority to organize factions, to reject and refuse to submit to majority decisions, to "fight to become the majority."

and who—

campaigns for withdrawing their Parties from the international Communist movement and, above all, for severing contact with the Communist Party of the Soviet Union.

The Soviet leadership extolled the merits of the traditional Leninist form of party organization with its "unity" and "uniform discipline" and accused reformists of attempting "to reduce the revolutionary

proletarian party to the level of ordinary bourgeois parties." The deviating opinions of American Communists such as John Gates and witness A. B. Magil were quoted with derision by the Soviet Communists, who had no hesitation in quoting out of context or name-calling in their effort to quell the revolt in the American Communist Party. The majority of American leaders and their adherents during this period of conflict were "anti-Marxist," "unstable elements," and "unhealthy" forces in Soviet diatribes.

An interesting addition to this Soviet intervention, the committee hearings show, was the effort of French Communist leader Jacques Duclos to promote a victory for Fosterite forces. The ouster of American Communist chief Earl Browder in 1945 had been precipitated by a condemnation from Duclos, then acting as Stalin's intermediary. Duclos' most recent service for the Kremlin took the form of two sharp messages to the 16th National Convention of the Communist Party, USA, held in February 1957. Duclos warned American Communists that changes proposed by reformist elements involved "dangerous departures" from proper Communist principles of party organization exemplified by the Soviet Communist Party. Although National Chairman William Z. Foster appealed to other party leaders to heed the words of Moscow and Duclos, the party convention did nothing to resolve the internal struggle. A "collective leadership" body, representative of the main contending factions, was installed at the 16th National Convention, in striking similarity to the collective leadership then prevailing in the Soviet Union while Khrushchev vied with other Soviet Communists for supreme power.

The power struggle within the Communist Party, USA, continued unabated for another year—featured, as the committee hearings demonstrate, by intrigues among various factions of American Communists, each seeking undisputed domination of the party organization, together with a continuing barrage of Soviet interventionist declarations.

In November 1957, Khrushchev, who had finally attained dominance over the Soviet Government, called representatives of 65 Communist parties throughout the world to Moscow. Declarations signed as a result of this meeting called for, and recognized the necessity for, unity of the international Communist movement under Soviet leadership and condemned Communists who would deviate from the Soviet norm.

The effect on the Communist Party, USA, a majority of whose leaders now stood accused of heresy by the international Communist movement, is recorded in the committee's hearings. As leaders of the main contending factions themselves admitted, the international Communist declarations at Moscow played a key role in enabling the abjectly pro-Soviet faction of American Communists to reorganize and assume undisputed control of the top party bodies in February 1958. The resolution of the U.S. party power struggle in Moscow's favor was further assisted by the intrigues of the pro-Soviet faction and by continuing resignations of Communists who despaired of any change in the traditional party operation.

A new National Executive Committee of the CPUSA (eight of the nine members of which had long been identified as unwavering supporters of Soviet Communist leadership) was installed. Almost immediately, this new group adopted a public statement aligning the

party organization in America with the policies of the world's Communist parties enunciated at Moscow in November 1957.

Interrogation of witnesses Homer Chase and Alexander Bittelman dealt with recent disciplinary actions by the Communist Party leadership and demonstrated that the party's present operation is as totalitarian and as Soviet-oriented as it was in Stalin's day.

RECENT COMMUNIST DISCIPLINARY CASES

In 1960, Homer B. Chase served as "organizer" (the top official) of the New England District of the Communist Party, USA, and held membership on the party's National Committee. In October of the same year, the National Secretariat—a five-man body then representing the pinnacle of leadership in the American party organization—circulated a letter among party members within the New England District, charging Chase with opposition to party "policy" and announcing that action against him would be on the agenda of the next meeting of the National Committee. The letter demanded that New England Communists repudiate Chase and take steps to establish a new district leadership. Further, the National Secretariat warned Communists in the New England District that any actions taken in support of Mr. Chase violated the party's organizational principles of "democratic centralism" and "Party discipline." Other significant observations were made in the letter regarding party procedure following the termination of the power struggle in 1958:

During the past few years, our party has successfully weathered the most severe crisis in its history. It has * * * defeated the onslaught of revisionism, as well as the assaults of the ultra-left dogmatists from within its ranks.

In these struggles the 17th National Convention [1959] was a major landmark, registering an impressive advance toward the unification of the Party. This was expressed in Comrade Gus Hall's concluding remarks in these words: "Above all—and of crucial importance—emerging from the 17th Convention is the fact that we have *one* party, *one* policy and *one* direction. . . . The policy, line and direction set forth at this convention will be the policy, line and direction for the whole Party, for every member, including national committee members and officers."

* * * * *

We are now at a point where the looseness of the past on policy questions, growing out of the severe ideological struggles through which we have passed, can no longer be tolerated. Today the Party must demand that every leading comrade, without exception, adhere to and fight for the Party's policies * * *.

A lengthy bill of particulars on Mr. Chase's differences with prevailing party "policy" included the charge that he was "guilty of irresponsible anti-Soviet statements." His opposition to various party tactics—such as Communist participation in the 1960 electoral campaign—was also cited as an example of what the party leadership labeled as "sectarian" or "ultra-left dogmatist" deviations.

Mr. Chase was subsequently ousted from leadership of the party's New England District. His National Committee membership was also revoked at a meeting of that committee in January 1961. When Mr. Chase was interrogated by the committee on this documented record of party disciplinary action, he refused to discuss his relations with the Communist Party on constitutional grounds. Mr. Chase's volubility with respect to his personal views, however, was instructive in light of the response they had provoked from the Communist Party leadership. Mr. Chase testified, for example, that he had "always regarded Stalin as an outstanding humanist"; that Khrushchev's attacks on the late dictator were unjustified and against the interests of the working class; and "the outstanding Marxist-Leninist" is the Chinese Communist leader, Mao Tse-tung.

Another disciplinary case acted upon at the January 1961 meeting of the Communist Party's National Committee was that of Alexander Bittelman, for years the party's leading spokesman on matters of Communist theory. Although Mr. Bittelman was also one of the founders of the Communist Party, USA, and long an occupant of high national office, the present party leadership decided to throw him out of the organization he had served for more than 41 years. The record of events leading up to the expulsion of Mr. Bittelman from the party exposes the falsity of a great many Communist propaganda claims regarding the party organization, including the alleged disavowal of force and violence in achieving its objectives.

Alexander Bittelman was among those American Communists who, to quote his own words, took "a fresh look" at the theory and practice of Communists after Khrushchev embarked on his de-Stalinization campaign in 1956. In October 1957, the *Daily Worker*—then under the editorship of the reformist John Gates—published a series of 12 articles by Mr. Bittelman, in which he discussed the prevailing party crisis, re-examined various Communist theoretical and programmatic concepts, and offered his proposals for a peculiarly "American road to socialism." He suggested, for example, that American Communists strive for a new, intermediate goal of a "welfare state," which would precede an eventual "peaceful and constitutional transition" to a Communist system of government in this Nation.

William Z. Foster immediately took up the cudgels against Bittelman, accusing him of "revisionism"—the type of deviation from "true" Marxism-Leninism which Foster and the Soviet Communists were also attributing to the majority leadership of the Communist Party, USA, at this time. In 1958, following the takeover of party leadership by rigidly Moscow-oriented Communists, Mr. Bittelman's views were publicly condemned by fellow members of an important committee engaged in preparing a draft program for the party's next national convention. In 1959, Mr. Bittelman announced plans to publish a book he had written on the subject of his "American road to socialism." Although the new party leadership threatened him with dire consequences, the book was released in September 1960. The National Secretariat of the party immediately instructed Mr. Bittelman's local party club to terminate his membership; the club obeyed in November 1960; and the action was affirmed by the National Committee in January 1961.

Mr. Bittelman, appearing under subpoena in the committee hearings, refused on constitutional grounds to answer all committee ques-

tions dealing with the Communist Party and his own participation therein. However, documents introduced in the course of the committee's interrogation of the witness included the statement of charges by which the party's National Secretariat justified the expulsion of Mr. Bittelman. The Secretariat accused him of violation of the "Party principles of democratic centralism," "insistent defiance of Party discipline," and advocacy of "views in direct opposition to the very principles of the organization which he joined to uphold." In addition to illustrating the autocratic nature of the party organization, this disciplinary case demonstrates the fate of a Communist theory and program "made in America" and gives the lie to such statements in the party constitution that: "The Communist Party of the United States is an American working-class political organization" which advocates "a peaceful, democratic road to socialism" and seeks the "establishment of socialism by the free and democratic choice of a majority of the people."

What authority did the National Secretariat of the Communist Party, USA, rely on to prove that Alexander Bittelman was guilty of "departure from Marxism-Leninism," "bourgeois individualism," and other heresies? The Secretariat cited from the New Soviet textbook, *Fundamentals of Marxism-Leninism*, published in 1959 for the stated purpose of providing a "scientifically sound, though popular, elucidation of the Marxist-Leninist teaching" which the Soviet editors reminded were "not a dogma but a guide to action." The National Secretariat quoted from the Soviet text to show that Mr. Bittelman was guilty of "reformist and revisionist" deviation in foreseeing an "evolving" of capitalism into communism, rather than "a clear-cut program of decisive struggle against the capitalist monopolise * * * for the overthrow of the dictatorship of a handful of monopolist aristocracy."

It should be known that the same Soviet text, which obviously represents another Khrushchev effort to replace Stalin as the infallible authority in the international Communist movement, also states:

Of course, it would be wrong to think that power can be won by parliamentary means on any election day. Only reformists who are convinced that profound social changes are decided by a mere vote could believe this. Marxists-Leninists do not have so primitive a conception of the coming of the working class to power through the parliament.

and

Wherever the reactionary bourgeoisie has a strong army and police force at its disposal, the working class will encounter fierce resistance. There can be no doubt that in a number of capitalist countries the overthrow of the bourgeois dictatorship will inevitably take place through an armed class struggle.

As the committee hearings show, such ominous warnings were also made in Khrushchev's speeches downgrading Stalin in 1956 and in many subsequent Soviet declarations seeking to restore the disciplined unity of American Communists under Soviet leadership.

CHAPTER III

INFORMATION AND REPORTS COMPILED TO ASSIST THE CONGRESS IN ITS LEGISLATIVE DELIBERATIONS

RULES OF PROCEDURE

The committee's Rules of Procedure, first codified and published in 1953, were revised and reprinted in 1961.

Early in the year, the chairman appointed a Subcommittee on Rules, consisting of Mr. Doyle (chairman), Mr. Tuck, and Mr. Johansen. In reviewing and revising the rules, the subcommittee not only drew upon the extensive experience of its members, but called upon all Members of the House to contribute suggestions on procedures for refining the operating procedures of the Committee on Un-American Activities. On two occasions, the subcommittee chairman made personal appeals on the floor of the House for his colleagues to take advantage of the subcommittee's invitation.

After the revised rules were printed, a copy was distributed to each Member of the House.

In a statement announcing the publication of the revised rules, Mr. Walter said that several Members of the House had responded to Mr. Doyle's invitation by submitting suggestions to the subcommittee, which had given them careful consideration. He also noted that a number of other Congressmen had expressed satisfaction with the procedures which the Committee on Un-American Activities had been following in the past. In the course of his statement, Mr. Walter said:

We take pride in the committee rules hitherto promulgated and now revised, and note that this committee was the first to adopt written Rules of Procedure, the substance of which were in fact, some years ago, incorporated within Rule XI of the House. Of course, it will be understood that no set of rules can cover every conceivable situation that might arise in the course of the many and varied investigations undertaken by this committee. The rules which we publish today, in a sense, form a constitutional framework within which we can effectively pursue our work. A disciplined judgment, applied within the framework of these rules, will be the safeguard for the rights and interests of those who may become involved in this necessary work. * * *

SUPPLEMENT TO CUMULATIVE INDEX

A much needed supplementary cumulative index was printed in 1961, listing every hearing, report, and consultation published by the committee during the period 1955-1960, as well as the 14,312 individuals, 2,427 organizations, and 892 publications mentioned in them. The supplement reveals that during the 84th, 85th, and 86th Con-

gresses, the committee published 99 hearings or parts of hearings and 67 reports and consultations or parts thereof.

In addition to the 14,312 persons listed in the supplementary index, hundreds of aliases attributed to many of these persons are included. The 2,427 figure for organizations does not include several thousands of their subsidiaries and affiliated groups which are listed in the index. There are, for example, 732 separate subdivisions and units listed in the index under "Communist Party of the United States of America," although only the party itself is included in the 2,427 figure.

The mere fact that a name appears in the supplementary index, in itself, means nothing—favorable or unfavorable—about the individual, organization, or publication listed. The supplement includes the names of such persons as President Kennedy, former President Eisenhower—and Stalin and Lenin; such organizations as the American Legion, the Democratic and Republican Parties, and the Communist Party of Italy; and such publications as *The Worker* and the *Chicago Tribune*. The only way to determine under what circumstances an individual, organization, or publication was mentioned by or before the committee would be to consult the original hearing or report in which the name appears.

THE TRUTH ABOUT THE FILM "OPERATION ABOLITION"

The Annual Report for 1960 described at length the Communist-inspired riots and demonstrations against the committee's hearings held May 12–14, 1960, in San Francisco, California. On-the-scene newsfilms of the riots and hearings were subpoenaed by the committee from San Francisco television stations KRON and KPIX and used by Washington Video Productions, Inc., in the preparation of a documentary motion picture entitled "Operation Abolition."

The film "Operation Abolition" not only served as an official exhibit in a committee report to Congress on the need for legislation against misconduct by witnesses and spectators whose purpose is to thwart or impede proper inquiries by committees of Congress, but also, through popular public demand, became perhaps the most widely viewed non-Hollywood motion picture of the year.

During the latter part of 1960 and throughout 1961, as the documentary became more and more sought after by the American people, there arose a militant minority movement to discredit both the film "Operation Abolition" and the committee for having authorized its production. In order to wage this campaign effectively, film dissenters had to widen their attack to include such other targets as the Federal Bureau of Investigation, San Francisco law enforcement agencies, the mayor of San Francisco, and a judge of that city—all of whom supported the film's main theme that the San Francisco riots were Communist-inspired.

The Communist Party's long-standing opposition to, and hatred for, the committee is well known. Therefore, having been caught by cameras in the act of inciting violence against it in San Francisco, it was neither surprising nor unexpected that the party and those organizations and individuals who, knowingly or unwittingly, have been manipulated by the Reds in the past began screaming "foul" as millions throughout the Nation were viewing the committee film "Operation Abolition."

It was surprising, however—and also a serious threat to the dissemination of the truth about internal subversion—when many irresponsible and uninformed persons and organizations began echoing the Communists' flagrantly untruthful attacks on the film. Authors of the attacks, in addition to denying that the riots were Communist-inspired, charged that "Operation Abolition" contained numerous "distortions" and was, as some critics said, a "forgery by film." As a result, doubts about the integrity of the committee were raised even in some quarters normally undisturbed by such propaganda. Members of Congress and the committee received an avalanche of mail requesting the truth about the film.

In order to set the record straight for Members of the House and the American people, the committee made an extensive study of all the known charges against the film "Operation Abolition." After eliminating those of such obvious falsity that no reply to them was called for, the committee found that there were 29 claims that might seem plausible to reasonable persons if they were not equipped with the facts by which to judge them. Finally, the committee made an exhaustive analysis of the evidence that would either uphold or refute these 29 claims.

The committee published both the charges and the facts relating to them in a two-part report entitled "The Truth About the Film 'Operation Abolition.'" Part 1, which dealt almost exclusively with the most serious of all charges—that the San Francisco riots were not Communist-inspired—was published on October 5, 1961. The remaining 28 charges were answered in Part 2, released December 27, 1961.

PART 1

"Communist Target—Youth," an official report by FBI Director J. Edgar Hoover, was cited as primary evidence that the San Francisco riots were conceived, organized, and fomented by the Communist Party. The committee pointed out that Mr. Hoover not only identified Communists who played an active role in the riots and demonstrations, but also reported the places and dates of party meetings where the operation was planned; told of the decisions reached at these meetings; and named Communist Party members and officials who had taken part in them.

Furthermore, he reported in detail how Communist Party members in the San Francisco area contacted, and won the support of, some student groups on college campuses, circulated petitions against the hearings, paid for anti-committee advertisements in newspapers and on radio, and conducted a massive telephone campaign to assure a large turnout for anti-hearing demonstrations. The FBI director—who is in a better position to know the truth about Communist activities than any other non-Communist in the country—stated that this overall operation was in keeping with the main political resolution adopted at the Communist Party's 17th National Convention (New York City, December 1959), which called upon all Communists to "abolish the witchhunting House Un-American Activities Committee."

The committee report quoted from a prefatory statement in "Communist Target—Youth," in which Mr. Hoover fully supported the

committee's reason for documenting "Operation Abolition" on film. Mr. Hoover said—

it is vitally important to set the record straight on the extent to which Communists were responsible for the disgraceful and riotous conditions which prevailed during the HCUA hearings.

Part 1 quoted several other official statements by Mr. Hoover in which he consistently and unequivocally maintained that the San Francisco riots were the end product of Communist planning and direction.

The first part of "The Truth About the Film 'Operation Abolition'" draws upon the conclusions of numerous other public officials and organizations, as well as private groups and individuals, to illustrate the widespread and responsible support of the film's main theme. A summary of the sources and the nature of their support follows:

The California Senate Fact-Finding Subcommittee on Un-American Activities, after "a careful investigation of the San Francisco riots," concluded:

The [Communist Party] plan was first to wage an intensive and prolonged propaganda campaign to make certain that large numbers of non-Communists, already conditioned against the Committee, would be present at the hearings, and then to provoke a carefully planned series of incidents that would turn the spectators into an enraged mob. Key Communists were to act openly * * *. Others were to operate inconspicuously: nudging, exhorting, prodding and otherwise inciting the crowd to violence.

San Francisco Mayor George Christopher, an eyewitness to the demonstrations, said:

Known Communists, and I repeat this emphatically, known Communists were in the lead of this demonstration. The students were dupes who joined some of these causers of agitation believing it is an innocent and harmless expression of civil liberties * * *.

Municipal Court Judge Albert A. Axelrod, although he dismissed charges against more than three score of the rioters on June 1, 1960, in the hope that they had learned their lesson and could avoid having their futures impaired by records of conviction, nevertheless concluded—

they chose the wrong means to accomplish their purpose and let themselves become victims of those who profit by creating unrest, riots, and the type of conduct which is outlawed by the penal code sections I have quoted.

And, on January 5, 1961, Judge Axelrod wrote to an Illinois State senator that "it was and still is my opinion that the riots were inspired by members of subversive groups * * *."

Sheriff Matthew C. Carberry, who was on duty at the San Francisco City Hall during the committee hearings, subsequently told the editor of the *Indianapolis News* that:

The people stirring the students up, and bringing them to an emotional pitch, were well-known Communists in the San Francisco area.

Senator Strom Thurmond (D.-S.C.) stated on the Senate floor on July 31, 1961:

I was there, and I saw it in person, with my own eyes; and after that I stated that I only wished that every American could have been in San Francisco and could have seen what I saw there. It reminded me of a bunch of howling wolves—to see these Communists and Communist-led people, with thwarted minds, and misled people—college professors, students, and others being led by Communists and being sucked into that movement, going along and committing the acts they did, in protest against the very fine and patriotic work of the House Committee on Un-American Activities.

A former undercover operative for the FBI testified at the committee's San Francisco hearings and said that, while serving in the Communist Party for the FBI, he had been trained to participate in the types of riots and demonstrations then taking place in that city. He also correctly predicted that, when exposed, the Communists would countercharge that the demonstrations had begun peacefully and that it was police brutality which caused the riots.

After the hearings were concluded, seven clergymen who had been eyewitnesses to the agitation inside the hearing room released a statement in which they said:

We watched a national committeeman for the Party line up a dozen Communists near the railing and throw every sneer, invective, abusive language, vile profanity, and fiendish charge at the Congressmen they could conceive.

Part 1 of "The Truth About the Film 'Operation Abolition'" lists numerous Communists who were in the hearing room, in the rotunda outside the hearing room, and among the demonstrators outside City Hall. It lists, as contributing in a prominent way to the riots and demonstrations, six organizations which are either controlled or have been influenced by the Communist Party.

In short, there is such complete evidence in Part 1 of the report that the San Francisco riots were Communist-inspired that it would seem unlikely any reasonable—and informed—American could believe to the contrary.

PART 2

The second part of "The Truth About the Film 'Operation Abolition'" replies to 28 other charges against the film. The claims and the facts relating to them are summarized as follows:

Claim—San Francisco Municipal Court Judge Albert A. Axelrod, at the time he dismissed charges against those arrested for rioting, implied that the riots were not Communist-inspired.

Fact—Judge Axelrod actually implied, at the time of the dismissal, that the riots were Communist-inspired and, on December 24, 1960, said, "I very definitely agree with the view of FBI Director J. Edgar Hoover that the City Hall riot last May 13 was instigated by Communist subversives."

Claim—Matthew Carberry, the sheriff of San Francisco, has stated: "There was no act of physical aggression on the part of the students."

Fact—The source of this charge was an article by Paul Jacobs in *The Reporter* magazine of November 24, 1960. On December 6, 1960, Sheriff Carberry said that he had been at lunch at the time the riots broke out and would not have been in a position to make the statement attributed to him by Jacobs. Accordingly, the sheriff stated: "I did not make that statement." Jacobs subsequently acknowledged in a letter to *The Reporter* that he had misquoted the San Francisco sheriff.

Claim—An investigator for the committee admitted that the film contained "distortions."

Fact—This claim stemmed from a television panel discussion of the film "Operation Abolition" on "The Tom Duggan Show" on August 9, 1960, over Station KCOP-TV, Los Angeles, in which William A. Wheeler, committee investigator, was a participant. Burton White, representing the Bay Area Student Committee for the Abolition of the House Committee on Un-American Activities, charged that "the film does have inaccuracies. * * * Does have distortions." Mr. White paused after charging inaccuracies, at which time Mr. Wheeler began his reply: "And, we have admitted that. Let us go to another subject." Mr. White and other anti-committee persons have claimed that, at that point, Mr. Wheeler admitted the film contained distortions, which he obviously did not. Earlier in the conversation, Mr. Wheeler had flatly denied the "distortion" charge by saying, "I dispute it wholeheartedly."

Claim—The committee was in recess during the May 12 demonstration.

Fact—The official transcript of the hearings and the film itself prove that the committee was very much in session—and attempting to conduct its business—during that demonstration.

Claim—The film does not show the May 13 demonstrators' attack on the barricades outside the hearing room which, the film commentary claims, justified the police use of fire hoses. This claim implies that no such attack was made.

Fact—There were no television cameramen or news photographers on the scene at the time this incident suddenly occurred. However, the San Francisco police, the Associated Press, and San Francisco newspapers—which had representatives on the scene—all reported that the attack occurred. There is no doubt that it did.

Claim—The student demonstrators were not guilty of violence.

Fact—In addition to the sources cited in the answer to the previous claim, others, including the University of California newspaper, reported that violence had occurred. Significantly, the American Civil Liberties Union, which has frequently aligned itself with leftist causes and individuals, refused to defend those arrested as a result of the rioting.

Claim—The film suppresses scenes of police brutality.

Fact—Reporters, clergymen, and committee staff members who have reviewed the entire original film footage of the riots taken by television stations KPIX and KRON agree that no scenes of significant police action were deleted from the documentary "Operation Abolition."

Claim—The film distorts the meaning of an article on the front page of the May 12, 1960 (opening day of the hearings), *Daily Californian*, the University of California student newspaper.

Fact—The film narration accurately states that the article reported a call from the Student Committee for Civil Liberties for students to attend the hearings and “laugh out loud in the hearings when things get ridiculous.” Eyewitnesses reported that copies of this article were circulated among the hearing room spectators and that many persons followed the SCCL’s instructions.

Claim—The police did not warn the demonstrators to disperse before turning the fire hoses on them.

Fact—J. Edgar Hoover and reporters for three major newspapers said that, before the hoses were turned on, the sheriff repeatedly pleaded with the demonstrators not to cause a disturbance, but that all of his pleas were ignored.

Claim—The film distorts by implying that only the Communist press charged police brutality.

Fact—The film narration states that the Communist and pro-Communist press charge police brutality. The fact that a few other newspapers picked up this claim is irrelevant to the purpose of the film, which is to portray the Communist role in the San Francisco demonstrations and riots. Mr. Hoover reported that the charge of police brutality was part of the prearranged plan adopted by the Communists. The charge was predicted in advance by a former Communist Party member and FBI undercover operative.

Claim—The film does not explain that the May 12 demonstration was for the purpose of presenting a petition to Congress.

Fact—The petition plea was a gimmick seized upon by hard-core Communists to foment disorder in the hearing room. Petitions are not presented to a subcommittee of Congress. They are normally presented to the President of the Senate and the Speaker of the House. Furthermore, no Members of Congress could be expected to accept a petition in an atmosphere of coercion.

Claim—The film distorts by implying that “We Shall Not Be Moved,” originally a religious spiritual and sung by the demonstrators, is a Communist song.

Fact—A Gospel hymn used widely in the South in the latter part of the 19th Century was entitled “I Shall Not Be Moved.” In the early thirties, however, Communist, Socialist, and some labor groups changed the initial pronoun to “We” and used it for their own special purposes. “We Shall Not Be Moved” has been published in several Communist Party song books.

Claim—The film distorts by saying that Harry Bridges was escorted out of the City Hall just before the riots broke out.

Fact—This is an error in the film which the committee has admitted from the time it was first pointed out. Bridges was escorted out of City Hall after the riots. A distortion, as distinguished from an error, is a deliberate, calculated attempt to mislead or present a false account. The committee in no way attempted to do this. The fact that Bridges put in an appearance at this Communist-inspired activity speaks for itself.

Claim—By splicing together unrelated film sequences, “Operation Abolition” creates the false impression that students booted and jeered police attempts to restore and maintain order.

Fact—As previously mentioned, the committee had no film of the chaos and rioting in the rotunda outside the hearing room. In order to illustrate what occurred there, a film sequence of jeering students

taken at a different time in a different place was used. The main fact is that Mr. Hoover, Mayor Christopher, the Associated Press, and San Francisco newspapers all reported that the demonstrators in the rotunda mocked, booed, and jeered authorities who tried to preserve order.

Claim—By splicing together out-of-sequence events which took place at different hours and on different days, the film conveys a distorted impression that such events were causally related or related in time.

Fact—Again, lack of film footage of all events on each day of the hearings made it necessary to use out-of-sequence film in order to produce an accurate motion picture documentary of the San Francisco riots. A jeering, ill-mannered demonstrator is a jeering, ill-mannered demonstrator no matter what day of the week or hour of the day he performs. The important fact is that all the film used was taken from the overall Communist-inspired, anti-committee operation. Even more important is the fact that the committee has ample proof that every event portrayed by an out-of-sequence section of film did actually occur as illustrated by the substituted film. As a matter of fact, although the film makes no such claim, there was a causal relationship among all the demonstrations against the committee in San Francisco—each event was part of the whole Communist Party plan to accelerate its efforts to have the committee abolished.

Claim—The film does not show that friendly witnesses were allowed to read statements before the committee, while uncooperative witnesses were denied this right.

Fact—Committee rules require prepared statements to be submitted in advance of hearings so that members may determine if they are pertinent to the inquiry. No friendly witnesses read statements in the San Francisco hearings. As a matter of fact, the only three witnesses the film shows were all hostile to the committee, and one of them, Douglas Wachter, was permitted to read a prepared statement, despite the fact it had not been submitted in advance.

Claim—The film fails to tell viewers about organizations which protested the committee hearings.

Fact—The film identifies four organizations which protested the hearings, so the claim is false. On the other hand, the film does not identify a single one of the far more numerous organizations which supported the hearings. The naming of organizations supporting or opposing the hearings was not relevant to the purposes of the film, namely, to portray communism in action and to present to Congress evidence of the need for legislation to control the conduct of witnesses and spectators at congressional committee hearings.

Claim—The film fails to tell about the “white cards” and how they were used to keep students from knowing what was going on in the hearing room. The film distorts the proportion of friendly and hostile spectators in the hearing room on Friday, May 13.

Fact—For over a dozen years the committee has used the “white card” system of issuing hearing passes to civic, veteran, patriotic, religious, police, and security groups; and this is the first time such an objection has been raised. The system has been in effect for two reasons: (1) to give non-Communists an opportunity to attend the hearings (Communist practice has been to pack the hearing rooms

early to keep non-Communists out), and (2) thereby assure some balance in the make-up of the spectators and a reasonable possibility of maintaining order in the hearing room.

The film narrator states that nearly 100 passes had been issued by the committee. Thirty passes (each good for the admission of a group of people) were issued to students at Stanford University. Furthermore, after all seats in the hearing room had been filled, police admitted an additional 100 to 140 persons (mostly students) who stood along the walls and in the aisles. As it turned out, they caused so much commotion that the practice of admitting standees had to be discontinued the following session. The committee's contention that a large proportion of the spectator crowd was made up of persons hostile to the committee is based on the number of passes issued by the committee and the total number of spectators present as estimated by the San Francisco police.

Claim—The film fails to reveal that the students had a justified grievance because, a year earlier, the committee had subpoenaed about 100 teachers for hearings, released their names to the press, and then called off the hearings without giving the teachers a chance to clear themselves.

Fact—This multiple claim is completely false. Proposed committee hearings, in which some members of the teaching profession in California would be called, were announced on June 5, 1959, for later that month. These teachers were subpoenaed. Pressing business forced delays in those hearings. Eventually, at the suggestion of the California Teachers Association, which expressed a desire for the teachers in question to be investigated by their local school boards, the hearings were canceled. At no time did the committee release the names of the subpoenaed teachers, except in confidence to the school boards concerned, although some were somehow learned and published by the press. The committee would be willing to provide a hearing to any subpoenaed teacher who wished to "clear" himself, but no such request has ever been received by the committee.

Claim—The film edits and falsifies the San Francisco testimony of William Mandel.

Fact—Mandel's testimony was edited to include only that portion necessary to make the point which preceded it in the film narration: that defiance by witnesses and their attorneys is one of the tactics used against the committee by the Communists. No other Mandel testimony was required to make the point intended.

Claim—The film says Vernon Bown is a Communist, although the committee's hearings in San Francisco indicated that he is not. The film says that Bown was one of the "Louisville Seven" charged with sedition in 1954, but does not say he was acquitted.

Fact—Although Bown was unwillingly expelled from the Communist Party in 1959, J. Edgar Hoover's report shows that he was clearly under the discipline of the party as it prepared its San Francisco operation against the committee. Bown took the fifth amendment about current party membership before the committee during the San Francisco hearings. The film does not say that Bown is a member of the Communist Party, but rather that he is a Communist. His submission to direction by the party indicates this to be true. Technical membership is not the only qualification for being dedicated to communism.

Bown was not acquitted of the sedition charge made against him in Kentucky. His case had to be dropped when the Supreme Court invalidated all State sedition laws in the Nelson case.

Claim—The film "Operation Abolition" is a highly edited propaganda film.

Fact—The film did receive customary editing in the interests of eliminating repetition and in holding it to a reasonable length. It is propaganda in the sense that it is a planned effort to present to Congress and the American people factual information about how, in one instance, Communist-directed activity disrupted and impeded congressional proceedings. It is not propaganda in the sense normally applied to Communist efforts to sell a specious idea or "line" by half-truths, falsehoods, and distortions.

Claim—The film does not give screen credits because its producers are reluctant to identify themselves, desiring to avoid responsibility for the film's distortions.

Fact—The film was produced by the committee for the purpose of submitting it as an official exhibit to Congress. As such, the committee was its authority, not the producer. The committee has never concealed the fact the film was produced by Washington Video Productions, Inc.

Claim—The committee "confiscated" or "seized" the films of the riots from San Francisco television stations and did not pay for them.

Fact—Television stations KRON and KPIX were willing to provide the committee with their films; the committee issued subpoenas to the stations to protect them from any unforeseen legal problems. The films were returned to the stations as soon as the committee had copies made of portions of them.

Claim—The film was turned over to a commercial firm which is selling it for profit.

Fact—Washington Video Productions, Inc., offered to produce the copy of the film the committee planned to submit to Congress at no cost to the committee and to produce some extra copies which might be sold to reimburse the firm for the production costs. Much greater demand for the film than had been anticipated developed, and a profit on it was realized. From the profit, however, a new shortened version suitable for television presentation was made. Washington Video has never charged the normal royalty for showings of the film on television stations.

Claim—The acquittal of Robert Meisenbach, University of California student charged with clubbing a policeman during the riots, proves that the film "Operation Abolition" is a fraud and vindicates all the student rioters.

Fact—The acquittal (or conviction, if that had been the case) of Meisenbach of an assault charge had no bearing on the theme of the film "Operation Abolition"—that the San Francisco riots were Communist-inspired. It in no way removed the fact that he and the other student rioters were dupes of the Communists. The only question at issue in the Meisenbach trial was whether he had attacked a policeman.

Claim—A "fair" and "objective" 32-page report by the National Council of Churches proves that the film completely distorts the facts surrounding the 1960 San Francisco hearings.

Fact—The NCC report is heavily slanted in favor of the opinions of persons so biased against the committee that they are incapable of making impartial judgments about the San Francisco riots. One “authority” quoted in the NCC report attacked the film even though he had never seen it, had not read J. Edgar Hoover’s report on the riots, and had not been an eyewitness to the San Francisco hearings. In fact, the NCC report all but ignores the fact that rioting occurred at the San Francisco hearings.

Claim—The film implies that all persons who oppose the committee are dupes of the Communists.

Fact—There are five instances in the film narration when the word “dupe” or variations of it are used. In each case, it is directed at a specific group of people who, by their unwitting actions, have shown themselves to be dupes of the Communists. In no instance is it implied or stated that all critics of the committee are dupes of the Communists.

“The Truth About the Film ‘Operation Abolition’” concludes that the film has squarely and fairly met the standards of a documentary, as defined by Dr. Richard D. McCann, assistant professor of cinema at the University of California in Los Angeles. Dr. McCann said:

Documentary film insists not on an actual reproduction of the entire event, but on choosing the significant events that represent truth.

Furthermore, the committee report concludes that the film has alerted millions of Americans to the serious threat of communism and, because of this, Communists and their dupes have gone all out to discredit and undermine the effectiveness of the film “Operation Abolition.”

GUIDE TO SUBVERSIVE ORGANIZATIONS AND PUBLICATIONS

A new edition of the committee’s Guide to Subversive Organizations and Publications—the first revision since January 2, 1957—was released on December 1, 1961.

The Guide is essentially a compilation of organizations, projects, and publications which have been declared Communist or Communist-front enterprises in official statements of Federal legislative and executive authorities and by various State and Territorial investigating committees. Approximately 200 organizations and projects and 44 publications not in the 1957 edition were included in the new Guide, which lists a total of 818 organizations and projects and 147 publications.

Each organization and publication listed is accompanied by the official wording and the identification of the authority which characterized it as communistic. Where a Communist organization, or publication has been so designated by more than one official public body, all sources are listed.

The committee cautions users of the Guide not to assume that it contains a complete listing of all Communist and Communist-front activities and publications in existence in the United States. It lists only those which have been officially cited as such. Numerous Communist fronts, extant and defunct, have never been cited by any official source. The committee also emphasizes that the mere listing of an organization or publication in the Guide does not mean that it

is necessarily still functioning. The inclusion of an organization or publication in the Guide means that, during the course of formal investigations by an appropriate and official Federal, State, or Territorial body, it (the organization or publication) was found to be or to have been a Communist or Communist-front enterprise.

In addition to the listings mentioned above, the Guide contains useful information on how to identify Communist fronts and current Communist strategy in relation to non-Communist groups. Inasmuch as the Kremlin has reverted to the "united front" tactic, which succeeded so well for the Reds in this country during the 1930's, the committee believes the revised edition of the Guide is of particular importance at this time.

THE NEW ROLE OF NATIONAL LEGISLATIVE BODIES IN THE COMMUNIST CONSPIRACY

Bullheaded, unwavering adherence to their official doctrines—even when they have been proved wrong—is one of the outstanding characteristics of Communists. Despite this, there has been considerable evidence in recent years that the current Communist attitude toward parliaments represents a radical departure from the original teachings of Marx and Lenin.

Communist strategy formerly called for the capture of national legislative bodies for the sole purpose of destroying them. Now, when conditions make it possible, the Red conspirators prefer to retain parliaments after capturing them and utilize them for outlawing opposition parties and other measures which assist in the consolidation of their power. By not abolishing parliaments (although stripping them of their democratic processes and powers), Communist propagandists can brazenly claim that their conspiratorial seizure of power has been absolutely "democratic" and legal.

A boastful account of the role this new parliamentary strategy played in the subjugation of Czechoslovakia in 1948 was an important acquisition by the committee in 1961. The document consisted of two chapters from a book, *About the Possible Transition to Socialism by Means of the Revolutionary Use of Parliament and the Czechoslovak Experience*, by Jan Kozak, a Communist member of the Czechoslovak National Assembly and historian of the Czechoslovak Communist Party. Although existence of the Kozak thesis was first brought to the attention of the free world in 1957, the Communist apparatus successfully kept its contents an Iron Curtain secret until a copy fell into the hands of Radio Free Europe 3 years later.

In addition to telling the inside story of the techniques used by the Reds in their takeover of Czechoslovakia, the author suggests that his document can well become the blueprint for Communist revolutions in many other nations which thus far have remained unyielding to the pressure of the international conspiracy. For its value as a warning to America and because it gives a fresh insight into the deceitful and treacherous tactics Communists employ to attain their objectives, the entire Kozak document was reprinted in a committee publication under the title of "The New Role of National Legislative Bodies in the Communist Conspiracy."

Except for the post-revolution role of its Parliament, the 1945-48 diary of Czechoslovakia reads like the pages from any Communist primer on how to overthrow a democratic government. As Kozak

tells it, the Communist Party infiltrated Parliament and high Czech Government positions to exert pressure "from above," stirred up peasants' and workers' groups to create pressure "from below" and then used the combination of high-low pressure like the jaws of a pincer on the opposition in Parliament. Parliament was converted into an "active revolutionary assembly" of such stormy proportions that its non-Communist members reluctantly knuckled under to the demands of the Communist disrupters. When, after nearly 3 years of ever increasing Communist subversion and coercion, 12 anti-Communist government ministers resigned in protest, their posts were filled by Reds and pro-Reds and the takeover in Czechoslovakia was complete. Selected factory guards and "mature" workers were armed to secure the revolution.

In keeping with basic Marxist-Leninist doctrine, the overall revolutionary program—from which the Communist Party of Czechoslovakia never deviated—included, in Kozak's words, the following measures:

the breaking up of the basic members of the old oppressive bourgeois state apparatus and assumption of power by the national committees, the formation of a new people's security system and army, the prohibition of the revival of the political parties which had represented the treacherous upper bourgeoisie, a systematic purge of the entire political, economic and cultural life of the country * * * the transfer of all enemy property * * * to the national administration of the new people's authorities * * * [and] unequivocal alliance with the Soviet Union * * *.

One vitally important Kozak admission (which should dispel a misconception held by many uninformed persons) is that the Communist movement is not a reform movement. In fact, he describes true reformists—those who earnestly attempt to bring about changes for the benefit of an entire society—as the worst kind of enemies of the Communists. Communists reason that when reformists work toward cooperation among all groups of people, they obstruct the Red plan for isolation and annihilation of all elements of society which refuse to accept absolute Communist domination. Characteristically, however, Kozak advocates an initial, insincere Communist alliance with reform groups, not only to utilize their assistance in building a united front but also to enable Communists to infiltrate, capture, and render them ineffective for any reform purposes after they have served their usefulness to the conspiracy.

While Kozak repeatedly boasts that the Communist takeover in Czechoslovakia was carried out "legally" and "peacefully," he nevertheless confesses that it was the initial presence of Soviet armed forces that made the revolution possible.

In an introduction to the reprinted Kozak document, the committee points out that the new revolutionary role of parliament has been confirmed by the 20th Congress of the Communist Party of the Soviet Union in *Fundamentals of Marxism-Leninism* (a new 876-page book of basic Communist doctrine published in Moscow in 1959), in a 1960 statement by 81 of the world's Communist parties; and by recent statements and actions of the Communist Party of the United States. The introduction calls attention to past Communist suc-

cesses in penetrating legislative bodies in this country and reviews the revolutionary role of parliament in the Red conquest of Guatemala in the early fifties.

The committee emphasizes, however, that the Communists' new attitude toward parliaments in no way means that they have discarded force and violence as necessary revolutionary tools. Korea, Tibet, Vietnam, Hungary, Cuba, and Laos are recent proof that the Red conspirators still take to arms to win and maintain power. This the Communists admit.

Fundamentals of Marxism-Leninism says:

There can be no doubt that in a number of capitalist countries the overthrow of the bourgeois dictatorship will inevitably take place through an armed class struggle.

The previously mentioned statement by the 81 Communist parties says—

the possibility of nonpeaceful transition to socialism should be borne in mind. Leninism teaches, and experience confirms, that the ruling classes never relinquish power voluntarily. In this case the degree of bitterness and the forms of the class struggle will depend . . . on the resistance put up by the reactionary circles. . . .

In a major address on January 6, 1961, Soviet dictator Nikita Khrushchev said:

Marxism-Leninism starts from the premise that the forms of the transition to socialism may be peaceful *and non-peaceful*. It is in the interests of the working class, of the masses, that the revolution be carried out in a peaceful way. But in the event of the ruling classes resisting the revolution with violence and refusing to submit . . . the proletariat will be *obliged to crush their resistance and launch a resolute civil war*. [Emphasis added.]

The committee's introduction to the Kozak document concludes with a message from Petr Zenkl, Vice Premier of Czechoslovakia and a member of its Parliament at the time of the Communist overthrow, who says:

While democratic Czechoslovakia's defeat was composed of many factors, one important element facilitating the Communist march to power was our *wishful thinking*. We believed that Communists could be transformed into partners in the parliamentary sense. The contrary happened. While taking part in Czechoslovakia's Parliament, they successfully followed Kozak's commandment: "not to lose sight for a single moment of the aim of a complete socialist overthrow."

But now the secret is out—in Kozak's book of revelation. Read it and heed it, gentlemen of the Free World, while you *are* free. For those who cannot remember the past are condemned to repeat it. [Emphasis in original.]

EXCERPTS FROM SPEECHES BY COMMITTEE MEMBERS
CONSTITUTING COMMITTEE VIEWS

During the course of each year, the committee compiles much important background information while reviewing the effectiveness of existing security laws and formulating recommendations for new legislation. Since it is impossible for the committee to publish reports on all new information pertinent to the problem of internal security, speechmaking is sometimes the only means by which important committee findings are made known to the Congress, the executive branch, and the American people.

This section of the Annual Report consists of excerpts from a number of 1961 speeches in which committee members disclosed new data on Communist strategy and tactics, discussed the Supreme Court's decision on the Internal Security Act, and suggested guidelines by which individual Americans can help reduce the menace of subversion. The speech excerpts incorporated in this report have been approved and adopted as the expressions of the entire committee.

A NEW COMMUNIST MANIFESTO

Last November [1960], 81 of the world's 87 Red fascist parties met in Moscow to plot the final destruction of freedom—to draw up plans for bringing the whole world under their totalitarian domination. On December 5, 1960, they unanimously adopted a 20,000 word "statement," as they called it. This statement was then published in Soviet Russian journals, in international Communist organs, and also in periodicals of various national Communist parties. In the United States, it has appeared in the party's monthly journal, *Political Affairs*, and has also been published in pamphlet form by one of the two major publishing houses of the Communist Party, New Century Publishers in New York City. It sells for 25 cents.

This is probably the most dangerous 25-cent document ever to appear in print, for it is, fundamentally, the Communists' master plan for taking over the world. It outlines the basic strategy they are to use in the years immediately ahead, the tactics they are to put into effect in different areas of the world to bring into reality the perverted, more than 100-year-old dream of Karl Marx and Frederick Engels—a dream that frequently occupied the twisted minds of Lenin and Stalin and so obviously preoccupies Khrushchev's mind today.

As the document itself states, it is binding on every Communist party and every Communist in the world. It tells them what they are to do and how they are to do it. It also proclaims that all Communist parties recognize the Soviet Communist Party as their boss and that what it does—which is another way of saying what it commands—is to be followed by them. There are no "ifs," "ands," or "buts" about it.

Even if we did not have a judicial finding in the recent Supreme Court decision on the Internal Security Act, that the U.S. Communist Party is an agent of the Soviet Union, completely controlled and dominated by it, this document—the declaration of the Communists themselves—would be proof of the point, if any further proof is needed after all these years.

The document reveals that "peaceful co-existence," as the Communists preach it to the non-Communist world, is a complete fraud.

It states bluntly that "peaceful co-existence is a policy of mobilizing the masses and launching vigorous action" against the United States and every other anti-Communist nation and that peaceful co-existence "implies intensification of the struggle * * * of all the Communist Parties" for the triumph of communism.

Shall Communists use force and violence and internal revolution to seize power in their native lands? Yes, says the Kremlin and all the other 80 Communist parties, if the decadent bourgeoisie—which is their term for us—do not surrender without a fight.

Inasmuch as many 25-cent and 5- and 10-cent pamphlets outlining basic Communist plans have been published before, it may be wondered why it is claimed that this one is the most dangerous ever to appear in print. The reason is that, in the past, such pamphlets usually outlined Communist dreams or very long-range plans and hopes that saw no chance of realization in the very near future. This one is different. Today, the Communists, as they say in it, see victory as not far off, as something they may grasp before many more years have gone by. They claim in this document that the world balance of power has already changed—and in their favor.

Whether we agree with this or not, we must face the fact that their power is greater than it has ever been before, that they dominate and control more territory and people than at any time in their history, and also that they wield greater influence on governments and peoples not under their control than at any time in the past.

The total, unending war between communism and freedom has entered its final, crisis stage. Before too long, its outcome will be decided once and for all, the scales definitely tipped one way or another. For this reason, this pamphlet may be Moscow's final battle order and thus the most dangerous of any published under its auspices.

Many things of vital importance to world communism are treated in the Moscow declaration of December 1960. There are too many, in fact, to be considered here. There is one matter in this statement, however, that deserves our attention because, to the best of the committee's knowledge, it has never before appeared in a major international Communist directive. Its appearance in the Moscow statement is, therefore, of special significance. It reads:

In our time * * * conditions are particularly favorable for * * * *vigorously exposing anti-Communism* * * * and winning the broadest sections of the working masses for Communist ideas. * * * *it is indispensable to wage a resolute struggle against anti-Communism*—that poison weapon which the bourgeoisie uses to fence off the masses from socialism. [Emphasis added.]

What does this mean to America? It means that anti-Communist organizations, which have been prime targets of the Communist Party, its fronts, fellow travelers, and dupes in the past, know that these attacks will continue; that they will be smeared and vilified and that unending efforts will be made to destroy their effectiveness as long as they continue vigorously to oppose Red treason.

Although smear tactics against those who most strongly oppose the movement are well known to students of communism, the fact that the Moscow declaration openly called for this strategy is highly significant.

It means that the world Communist conspiracy now considers itself so powerful that it can go about openly and systematically destroying all anti-Communists, all those who stand in the way of its program of global conquest, all those who are its enemies.

And because Moscow has made it more than clear, over and over again in recent years, that the United States is the *major obstacle* to its plans for world domination and, therefore, its *No. 1 enemy*, it follows that anti-Communists in the United States rate as the prime enemies not only of the U.S. Communist Party, but of Communists everywhere.

Specifically, it means that attacks on all anti-Communist governmental bodies, private organizations, and individuals in this country will now be stepped up greatly. The Communist Party will make every effort to destroy each and every anti-Communist individual and organization, or at least render them powerless to impede in any way the Red totalitarian advance.

OBJECTIVES, STRATEGY, AND TACTICS OF AMERICAN COMMUNISTS

On January 20, 1961, Gus Hall, boss of the U.S. Communist Party, made a major speech to the party's National Committee. In this speech, he emphasized five issues as the important ones on which the party was to concentrate its activities. On May Day, 1961, the party called on all Americans to demand that our Government take certain actions. On the basis of these two recent Communist directives, the following are the top issues of the day—because they are the Communists' most important, immediate cold-war objectives:

1. Universal disarmament.
2. The complete abolition of nuclear weapons testing.
3. The dismantling of U.S. overseas defense bases.
4. The dissolution of NATO, SEATO, and other free-world defense alliances.
5. An "end to the cold war."
6. The adoption of the policy of "peaceful co-existence."
7. Re-establishment of friendly relations with Cuba.
8. Recognition of Red China and its admission to the UN.
9. Demilitarization of Berlin.
10. The ending of colonialism everywhere.

After these ten points comes another one of major importance to the Communist Party because it always has a place in its platforms and directives:

"Abolish the Un-American Committee."

These demands are revealing in several ways:

1. Notice that not one of the top ten objectives of the U.S. Communist Party has anything to do—at least directly—with what might be called the positive promotion of communism within the United States. Party demands for nationalizing certain industries and other internal communizing steps are way down on its priority ladder. Every one of these ten demands concerns U.S. foreign policy and, specifically, United States foreign policy toward the Soviet Union. These demands are, in themselves, proof that the U.S. Communist Party is nothing but the traitorous tool of a foreign enemy power. The demands the U.S. Communists parade as theirs are all made in Moscow.

2. Notice, too, that the first demand of the Communist Party which concerns internal affairs is for the abolition of the Committee on Un-American Activities. This, too, has nothing to do—directly—with communizing the United States, though the gimmick in it is clear. The party gives abolition of the committee first priority among all domestic issues because it wants free rein to carry out its subversive activities. Its aim is to destroy, not to build.

3. Further, these demands reveal that the U.S. Communist Party has no hope of achieving power in this country legitimately. They reveal that it is counting on Moscow to conquer this country and that it is meanwhile doing everything it can to help the Kremlin in this task by promoting the adoption of U.S. policies which will weaken this country and, at the same time, build Soviet power.

Every Communist and fellow traveler in this country is today doing everything he can to whip up support among the American people for these and other party objectives.

COMMUNISTS AND THE POLICE

In the summer of 1960, Gus Hall issued a directive that all members and "friends" of the Communist Party "must be first * * * in the sitdowns, on the picketlines, in the peace marches and meetings" that are taking place in this country and which frequently turn into riots. Committee findings in 1961 did nothing to alter its conclusion in the Annual Report for 1960 that:

There is considerable evidence that, in the United States, as well as on a world scale, the Communists feel that the present tactical situation calls for increased utilization of rioting and mob violence.

This not only means that there will be more riots, but that there will be more charges of police brutality. They will be made every time and in every place in the United States where the Communists stage or participate in a riot. It is standard operating procedure for the Communist Party to make this charge whenever the police interfere with or impede its subversive efforts. It is part of the Reds' "Stop thief!" technique—to charge others with brutality when they have resorted to it in order to achieve one of their ends.

One complication is that many of these demonstrations are initiated and organized by non-Communists. Without a doubt, in the majority of the cases the demonstrators are not Communists or pro-Communists. But the unpleasant truth is that the U.S. Communist Party boss has ordered the Communists to infiltrate these groups and play key roles in the demonstrations.

These facts and developments put the police generally in a very delicate position. They must enforce the law. There can be no question about that. Yet, at the same time, they are placed in situations where, unless they are most careful, they can open themselves up to Communist-inspired charges of brutality.

Police forces everywhere must realize that the Communist Party hates them—just as it hates the Committee on Un-American Activities—and will do everything it can to discredit them. This is because police forces stand for law and order, *and the Communists want chaos.* It is only by breaking down or seizing control of the police and other

law enforcement institutions that the Communists can pave the way for their takeover.

The Communists know that police forces are powerful instruments in assisting—or preventing—Communist seizure of power. This is why, whenever they obtain sufficient strength in any country and a united-front type of government is established, the Communists always want one of their men to be given the post of Minister of Justice. They know that if they can get control of the police, they can dispose of their opposition with relative ease and it will just be a matter of time before they have the whole nation in their hands.

When the Communists succeed in doing this, policemen become the agents of tyranny. They are no longer the enforcers of law, the protectors of free men, but, rather, the oppressors of an enslaved people.

THE SEPARATE FUNCTIONS OF THE COMMITTEE AND THE FBI

Critics often claim that the Committee on Un-American Activities duplicates the work of the Federal Bureau of Investigation or that the committee isn't necessary because the FBI alone is fully capable of protecting this Nation against communism. Neither claim is true for the following reasons:

It is the function of the Congress and its committees to develop information on national problems through investigation, research, and hearings and to pass appropriate legislation, if it is needed, to cope with these problems. It is also its job to plug loopholes in existing laws and to oversee the operations of the executive branch.

Congressional committees, in the course of their hearings, perform a valuable and essential side function—that of informing the American people, who are the ultimate rulers of this land, about problems and the issues involved in them.

This informing function is accomplished through the committee's published hearings and reports and also, of course, by press, magazine, radio, and TV reports on committee proceedings.

For over 20 years the House of Representatives has relied upon the Committee on Un-American Activities to perform its vital legislative and informing functions in the field of countering Communist subversion. Independent studies made by the Library of Congress reveal that in the years 1941 to 1960, the committee made 96 separate and distinct legislative recommendations to the Congress. They reveal that 35 of these recommendations have been adopted by the Congress and are now a part of the laws of this land which are designed to protect the Nation from the destructive, subversive forces of communism. The studies also show that the executive branch of the Federal Government has adopted 13 recommendations of the committee which covered policy matters rather than legislation.

As far as its informing function is concerned, the many thousands of published pages of committee hearings, reports, consultations, and scholarly works—on numerous facets of communism—have been a vital service to the Congress, the executive branch, and to the American public.

Once congressional legislation becomes law, it is then the duty of the executive branch to enforce it. This is where, in the field of Communist activities, the FBI enters the picture as a branch of the Department of Justice. The FBI operates under directives of the

Attorney General of the United States, our country's chief law enforcement officer. The FBI is his investigative arm.

The FBI's job is to collect evidence that will make possible the trial and conviction of lawbreakers. Over the years, in the field of Communist subversion, the FBI has done an excellent job of penetrating the Communist Party, keeping track of all its activities and the identity of its members. Numerous Communist Party leaders have been tried and convicted under the Smith Act—on evidence collected by the FBI. Others have been tried and convicted under our espionage laws or, if diplomats, have been exposed and shipped back behind the Iron Curtain as *persona non grata*—all on the basis of evidence provided by the FBI.

It must be remembered, however, that most of the extensive information the FBI collects on the operations of the Communist conspiracy in this country, for a number of good reasons, is kept absolutely secret. It is rarely ever made public except in the case of a court trial.

Because the FBI is purely an investigative agency and has neither the legislative nor the informing function of a congressional committee, it, alone, cannot do a complete job of protecting this country from communism.

Critics of the committee sometimes complain that it has not "convicted" any Communists or spies. It is not the committee's job to do this. This is the work of the executive branch of the Government—the Department of Justice with the help of the FBI.

In some cases, in the course of its hearings, the committee has produced evidence that was later used in the courts to convict certain individuals. But when this happens, it is more or less an incidental development, an offshoot of the committee's primary function of holding hearings for legislative purposes.

In sum, the picture of how our Government is set up to meet the threat of internal communism is as follows:

The Congress, with the Committee on Un-American Activities playing a special role, develops information and legislation pertinent to the problem. The Department of Justice, with the FBI playing a special role, then develops the evidence to prosecute those who have broken the law—with the courts judging innocence or guilt.

HOW INDIVIDUAL AMERICANS CAN FIGHT COMMUNISM

Many people believe that they need not worry or do anything about the problem of communism because appropriate governmental agencies are taking care of it. Others feel that the only threat posed by communism is in terms of Communist forces in foreign countries, about which the individual American can do nothing. Both groups are wrong.

The committee has no quarrel with those who say that the most important elements of the struggle in which we are engaged involve our foreign policy and foreign Communist forces. This is plain for all to see. The Communist Party of the Soviet Union, the Communist Party of Red China, and the Communist Party of Cuba have all been assigned vital roles by Moscow in the war it is waging to destroy the United States.

But it must never be forgotten that the U.S. Communist Party is also a part of Moscow's army; that it is carrying on the same basic

attack on the United States *within our borders* that the foreign Communist forces are waging against us from without; and that its activities are carefully coordinated by the Kremlin with those of all its other troops.

The U.S. Communist conspiracy, then, must be fought, too. To ignore its operations and give it free rein could have the most serious consequences. The American people must be made to understand that this Communist war is total, involving both internal and international policy, internal and international *Communists*, and internal and international *anti-Communists*. The attack is both from within and without. *The counter-attack must be the same.*

While the House Committee on Un-American Activities and the Senate Internal Security Subcommittee have found Communists operating in nearly every important phase of American life—Government, the Armed Forces, churches, in the legal and teaching professions, etc.—it is impossible for these two small congressional bodies to obtain and give the American people of our 50 states the knowledge of local Communist activity which they must have if they are to play the role they should play as good citizens in combating this conspiracy. The most dangerous type of Communist activity is the day-to-day, semi-concealed party agitation and propaganda work that is being carried out in the cities, towns, and villages across the country; in schools, in trade unions, in the press, in industry, and in clubs and organizations of all kinds. This is the fifth-column weapon with which the Communists have subverted other nations and weakened them for the kill. It is the weapon with which they can eventually destroy this Nation—if it is not immobilized.

Here is how the Red fifth column works. A new nationwide Communist front is set up. It establishes branches in many cities and towns. Its members start passing out propaganda and holding public meetings and rallies at which pro-Communist and concealed Communist speakers are featured. By a concerted campaign of deceptive propaganda and agitation, it induces many citizens in many communities to accept a position on a vital national question—such as that of nuclear weapons testing—which follows exactly the line of the Communist Party and Moscow. It succeeds in getting many of these people to promote this position in letters to Members of Congress, the White House, and the Department of State—and to sell their friends the idea that the United States should sign an agreement with the Soviet Union banning nuclear tests, even though Moscow will not permit adequate inspection of its territory.

Concerted nationwide activity along these lines—if not fought and exposed—could have disastrous effects, not only on our country's testing policy but, through it, on our very survival.

An important fact which many people do not realize about the Red fifth column and its members is that most of their activities are not illegal.¹ Therefore, while the Federal Bureau of Investigation keeps a watchful eye on the fifth column, it can do nothing more, in

¹ Although the Internal Security Act of 1950, as amended, recognizes the Communist movement as a worldwide conspiracy directed by a foreign power for the purpose of establishing Communist totalitarian dictatorships in all countries of the world, and although the Act makes it illegal for anyone to perform an act which would substantially contribute to the establishment of a totalitarian dictatorship within the United States, the Act also specifically states that the holding of office or membership in the Communist Party in itself cannot be used as evidence that a person is engaged in an effort to establish a totalitarian dictatorship in this country or that he has been associated with an illegal procurement of classified Government information for use by a foreign power.

most cases, than add to its bulging files the names of persons taking part in its activities.

Party members and their fellow travelers in the United States number in the many, many thousands. J. Edgar Hoover testified in March 1961, that the FBI then had 200 known or suspected Communist-controlled and infiltrated groups under investigation.

What can the Committee on Un-American Activities do? Obviously, in the course of a year, it and the Senate Internal Security Subcommittee can investigate no more than a very small fraction of the activities of these groups and individuals. This means that *for the most part*, as far as governmental agencies are concerned, *the Communist Party's dangerous operations are completely unimpeded.*

Accordingly, the Communist conspiracy's fifth-column operation, designed to bring about the conquest of America, must be fought on the community level by Mr. and Mrs. America. It must be fought by businessmen, labor leaders, educators, clergymen, municipal officials, the press—people in all walks of life.

How can it be fought? Through letters to local newspapers; by countermeetings and rallies at which persons well informed on Communist activities, strategy, and tactics are featured as speakers; by the issuance of effective counterpropaganda; by the exposure of the back-grounds of the Communist and pro-Communist agitators who are doing the conspiracy's work. But these steps are not easy ones.

Because it is so difficult to obtain documentary evidence of Communist Party membership today (there has been no such thing as a card-carrying Communist since 1948), those who fight the Communists must be better informed on national and international issues than ever before. In most cases, the only way the effectiveness of a concealed or secret Communist propagandist can be destroyed is by defeating his arguments with the true facts on the issue at hand.

There is no one set of rules that will guarantee a successful counter-fight against the many-sided strategy of the international conspiracy of communism. Perhaps the best single piece of advice that can be given anyone who wants to be effective against communism is to first know America and what she really stands for.

Americans cannot possibly comprehend what we stand to lose, should we ever yield to international communism, unless we first fully understand and appreciate what we have. A person who stands for nothing is likely to fall for anything.

Do you want to be an intelligent, effective, anti-Communist? Do you want victory for your country in the total war in which it is engaged with communism? Then, know your America—and do all in your power to see that every other American knows it as well as you do.

The following suggestions would have to be included in any meaningful individual or group program for combating communism:

1. **GET THE FACTS.** Study communism. You can't fight an enemy you don't know. This is a fundamental rule of warfare. Learn communism's basic doctrines, its strategy, and tactics; its line on current national and international affairs; the names of major Communist fronts and of leading Communists and fellow travelers.

2. **ACT.** Knowledge that is not put to use is wasted. No matter how much you learn about communism, you will contribute nothing to the fight against it unless you have the will to *DO*, to translate your learning into deeds that weaken communism.

3. *GET THE HELP OF OTHERS.* Two heads are better than one—and ten men are more powerful than two.

4. *ORGANIZE* your helpers and *PLAN* your action. Mere numbers are not enough. Any project you undertake should have at least as much planning and organization as the Communists normally put into their schemes. And that's plenty.

5. Be *SCRUPULOUS* about your evidence and the rules of fair play before making a charge against any individual or group. You have helped communism instead of hurting it when you have to retract.

6. *NEVER BACKTRACK.* Stick to your guns. Resolve that though you are unjustly attacked and subjected to various pressures, you will not retreat.

7. The *TRUTH AND EXPOSURE* are your most powerful weapons. Use them in letters to newspaper editors and public officials—the molders of public opinion and initiators of government action.

8. Don't forget the *POWER OF THE PURSE.* You, as a consumer, have considerable power over radio and television advertisers, producers of public entertainment, and many others whose success depends on public acceptance of their goods, services, or talents. In short, don't let your dollars support those who unwittingly or otherwise support the Communist cause.

No outline of action against communism would be complete without a word about dedication. Many years ago, Lenin wrote:

We must train men and women who will devote to the revolution, not merely their spare evenings, but the whole of their lives.

Communist success in training such men and women is the key reason for the tremendous power the conspiracy wields today. Members of the various Communist parties of the world comprise only a little more than one percent of the world's population—yet they completely rule one-third of the people of this globe and have extensive influence on millions of others. They have, indeed, devoted to their cause not merely their spare evenings, but the whole of their lives.

If we are to defeat the international conspiracy of communism so that our way of life may endure, we must devote ourselves to our cause as wholly as the Communists have devoted themselves to theirs. There is no other way.

SUPREME COURT DECISION ON COMMUNIST PARTY CASE

On Monday, June 5, 1961, the Supreme Court of the United States announced its decision in the case of the *Communist Party of the United States of America, Petitioner v. The Subversive Activities Control Board.* This decision was a landmark of importance in law and in relation to the congressional effort to curb Communist internal subversion. At issue in this case was the constitutionality of certain basic provisions of the Internal Security Act of 1950, more particularly the registration and disclosure provisions thereof, as applied to Communist-action organizations.

The Internal Security Act of 1950 was the product of many years of intensive hearings and study conducted by the Committee on Un-American Activities and its predecessors. Legislation to counter the

program of internal subversion presents complex problems, some of which are basically solved in the Internal Security Act, as amended. These problems, both legal and practical, are of the utmost subtlety. As a free society, responding to ethical and constitutional inhibitions, we proceed in accordance with the tenor of our institutions. Accordingly, the Internal Security Act is not a police-state statute. On the contrary, it is designed to draw the Communists from the underground into the light of day, so that our people may better judge and evaluate their activities, as Justice Frankfurter said, "against the revealed background of their character, nature, and connections." The registration and disclosure provisions of this statute, designed to promote and preserve the integrity of free speech, therefore serve to strengthen democratic processes.

Under Sections 12 and 13 of the Act, the Subversive Activities Control Board was established as a quasi-judicial body for the purpose of making certain determinations in relation to the requirements for registration of Communist organizations. Having reason to believe that the Communist Party of the United States was required to register under Section 7 of the Act, the Attorney General, pursuing procedures set up in the Act, filed with the Board on November 22, 1950, a petition requiring that party to register as a Communist-action organization. After extensive hearings, the Board found that the Communist Party of the United States was an organization operating in this country under Soviet Union control, for the purpose of establishing a Soviet-type dictatorship in the United States, and was hence a Communist-action organization and required to register as such.

For more than a decade, however, until the Supreme Court decision of June 5, 1961, the Communist Party avoided a showdown on registering as a Communist-action organization by litigation challenging the constitutionality of the registration and disclosure requirements of the Internal Security Act.

The order of the Subversive Activities Control Board requiring the Communist Party to register was upheld by a majority of the Supreme Court, consisting of Justices Frankfurter, Clark, Harlan, Whittaker, and Stewart. Dissenting were the Chief Justice and Justices Black, Douglas, and Brennan. The Court's decision confirmed the power of Congress to strengthen the national security by the adoption of this type of statute which, aimed principally to inform rather than to prohibit or punish, is representative of, as well as calculated to assist in preserving, a free society.

For its purpose, the Internal Security Act of 1950 classifies Communist organizations within the United States as either "Communist-action" or "Communist-front." A third category designated as "Communist-infiltrated" was created by the Communist Control Act of 1954, as an amendment to the Act. A Communist-action organization is one which is substantially directed, dominated, or controlled by a foreign government or a foreign organization controlling the World Communist Movement, and operates primarily to advance its objectives. A Communist-front organization is one which is substantially directed, dominated, or controlled by a Communist-action organization, a Communist foreign government, or the World Communist Movement. A Communist-infiltrated organization is one which is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 3 years have been actively

engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement, and is serving, or within 3 years has served, as a means for giving aid or support to any such organization, government, or movement, or the impairing of the military strength of the United States or its industrial capacity to furnish material support required by its Armed Forces.

Under Section 13 (e) and (f) of the Act, certain relevant and material evidential guidelines, segregated as to action and front groups, are laid down, but which are not exclusive, to assist the Board in reaching its determination as to the character of the organization. A just application of the detailed rules will leave no reasonable basis for error in the designation of the organization. Yet, of course, as one might anticipate, the section has been assailed by Communists as an adoption of the principle of "guilt by association," a phrase to which they have given currency if not meaning and respectability. The phrase, taken from the Communist smear vocabulary, is just another application of Communist semantics, in conformity with propaganda principles expressly laid down by Lenin, designed solely to obscure the issue and to foreclose reasoned discussion. The above-mentioned section in reality is not limited to any one form of proof, but nonetheless guilt by association is, in fact, a most reliable form of proof—depending on how close the association may be. Familiarly known to the law as "circumstantial evidence," and accepted in both criminal and civil proceedings, it is recognized by the experts as a form of proof even more reliable, in certain instances, than a confession of guilt. The late Justice Jackson, in his concurring opinion in *American Communications Association v. Douds*, 339 U.S. 382, at 432f, had occasion to note:

However, there has recently entered the dialectic of politics a cliché used to condemn application of the conspiracy principle to Communists. "Guilt by association" is an epithet frequently used and little explained, except that it is generally accompanied by another slogan, "guilt is personal." Of course it is; but personal guilt may be incurred by joining a conspiracy. That act of association makes one responsible for the acts of others committed in pursuance of the association. It is wholly a question of the sufficiency of evidence of association to imply conspiracy.

Under Section 7 of the Act, each Communist-action organization required by a final order of the Board to register as such, shall, within the time limited, register with the Attorney General as a Communist-action organization. The statement accompanying the registration must contain the name of the organization and the address of its principal office; the name and last-known address of each individual who is, and was at any time during the 12 months preceding the filing of such statement an officer of the organization; an accounting of all monies received and expended, including the sources from which received and the purposes for which expended during the 12 calendar months preceding the filing thereof; the name and last known address of each individual who was a member of the organization at any time during the preceding 12 months; and a listing of all printing presses or machines in the possession or control of the organization, or in

which its officers and members have an interest. After the organization has registered, it must file an annual report containing the same information as is required in the registration statement.

The procedures and requirements of registration for Communist-action and Communist-front organizations are identical, except that the fronts need not list their non-officer members. Communist-infiltrated organizations are not required to register with the Attorney General, but are under other sections of the Act, as is the case with front and action organization, required to label their publications or mail transmitted through the channels of interstate or foreign commerce, and to identify themselves in any broadcast by radio or television sponsored by them; and no deduction for income tax purposes shall be allowed in the case of contributions to or for the use of such organizations, nor shall such organizations be entitled to exemption from Federal income tax; and they are deprived of certain benefits under the National Labor Relations Act.

It is gratifying to note that the congressional findings which form the statement of necessity for the legislation, embodied in the preamble to the Internal Security Act of 1950, have received judicial recognition and sanction, and indeed have not been disputed by any of the nine Justices. Upon these findings, which spring from investigations and study mandated to the Committee on Un-American Activities, Justice Frankfurter made the following observations:

On the basis of its detailed investigations Congress has found that there exists a world Communist movement, foreign controlled, whose purpose it is by whatever means necessary to establish Communist totalitarian dictatorship in the countries throughout the world, and which has already succeeded in supplanting governments in other countries. Congress has found that in furthering these purposes, the foreign government controlling the world Communist movement establishes in various countries action organizations which, dominated from abroad, endeavor to bring about the overthrow of existing governments, by force if need be, and to establish totalitarian dictatorships subservient to that foreign government. And Congress has found that these action organizations employ methods of infiltration and secretive and coercive tactics; that by operating in concealment and through Communist-front organizations they are able to obtain the support of persons who would not extend such support knowing of their true nature; that a Communist network exists in the United States; and that the agents of communism have devised methods of sabotage and espionage carried out in successful evasion of existing law. The purpose of the Subversive Activities Control Act is said to be to prevent the world-wide Communist conspiracy from accomplishing its purpose in this country.

It is not for the courts to re-examine the validity of these legislative findings and reject them. See *Harisiades v. Shaughnessy*, 342 U.S. 580, 590. They are the product of extensive investigation by Committees of Congress over more than a decade and a half. Cf. *Nebbia v. New York*, 291 U.S. 502, 516, 530. We certainly cannot dismiss them as unfounded or irrational imaginings. See *Galvan v. Press*,

347 U.S. 522, 529; *American Communications Assn. v. Douds*, 339 U.S. 382, 388-89. And if we accept them, as we must, as a not unentertainable appraisal by Congress of the threat which Communist organizations pose not only to existing government in the United States, but to the United States as a sovereign, independent nation—if we accept as not wholly unsupportable the conclusion that those organizations “are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of [a] . . . foreign country,” § 2(5)—we must recognize that the power of Congress to regulate Communist organizations of this nature is extensive.

Unless the dissent of Chief Justice Warren—which rested principally upon procedural grounds—is regarded as a suspension of judgment on the issue, none of the Justices has taken exception to the specific conclusion of the Subversive Activities Control Board which, after receiving voluminous evidence, pronounced the Communist Party of the United States to be a foreign-dominated organization, controlled by the Soviet Union, and operating primarily to advance the objectives of the World Communist Movement. Justice Douglas, although dissenting on other grounds, accepted the specific findings of the Board and said:

The Subversive Activities Control Board found, and the Court of Appeals sustained the finding, that Petitioner, the Communist Party of the United States, is “a disciplined organization” operating in this Nation “under Soviet Union control” to instill “Soviet style dictatorship in the United States.” Those findings are based, I think, on facts; and I would not disturb them.

Equally striking was the degree of unanimity with which the Court disposed of the first-amendment objections to the statute. With the lone exception of Justice Black, none of the Justices found the Communist Party defense on that basis valid. In view of the congressional findings and the evidence laid before the Subversive Activities Control Board, it would seem that no other conclusion could sensibly be reached. Moreover, it would seem obvious that the registration and disclosure provisions of the statute, which were treated by the Court as separable from other provisions and which were alone at issue, effected no denial of free speech, peaceable assembly or association by their terms, but required only that the speaker be identified. For the majority, Justice Frankfurter made that clear:

The present statute does not, of course, attach the registration requirement to the incident of speech, but to the incidents of foreign domination and of operation to advance the objectives of the world Communist movement—operation which, the Board has found here, includes extensive, long-continuing organizational, as well as “speech” activity. * * * To state that individual liberties may be affected is to establish the condition for, not to arrive at the conclusion of, constitutional decision. Against the impediments which

particular governmental regulation causes to entire freedom of individual action, there must be weighed the value to the public of the ends which the regulation may achieve.

* * * * *

Where the mask of anonymity which an organization's members wear serves the double purpose of protecting them from popular prejudice and of enabling them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support, * * * it would be a distortion of the First Amendment to hold that it prohibits Congress from removing the mask.

For the minority (excepting Justice Black), Justice Douglas said:

If lobbyists can be required to register, if political parties can be required to make disclosure of the sources of their funds, if the owners of newspapers and periodicals must disclose their affiliates, so may a group operating under the control of a foreign power.

The Bill of Rights was designed to give fullest play to the exchange and dissemination of ideas that touch the politics, culture, and other aspects of our life. When an organization is used by a foreign power to make advances here, questions of security are raised beyond the ken of disputation and debate between the people resident here. Espionage, business activities, formation of cells for subversion, as well as the exercise of First Amendment rights, are then used to pry open our society and make intrusion of a foreign power easy. These machinations of a foreign power add additional elements to free speech just as marching up and down adds something to picketing that goes beyond free speech.

These are the reasons why, in my view, the bare requirement that the Communist Party register and disclose the names of its officers and directors is in line with the most exacting adjudications touching First Amendment activities.

Thus, although the first amendment was a relevant consideration the Court did not allow the tail to wag the dog. The first amendment is but one item in the bundle of constitutional liberties guaranteed to our people. All liberty will perish upon the demise of this Government, which gives life to liberty and the first amendment its application. As the late Chief Justice Vinson said in *Dennis v. United States*, 341 U.S. 494, at p. 509, a Smith Act prosecution, "if a society cannot protect its very structure from armed, internal attack, it must follow that no subordinate interest can be protected."

RED CHINA'S ACTIVITIES IN LATIN AMERICA

Within the past 2 years, Moscow and Peking have established a beachhead 90 miles from the shores of the United States. Their aim, in doing so, is the ultimate destruction of this Nation. It is not, however, limited to this. They also intend to seize control of every nation in Latin America—either before or after conquering the U.S.—and turning each one of them into a Red satellite.

The Castro regime has given us a foretaste of what this will mean to tens of millions of Latin Americans: mass executions before firing squads, a brutal war against religion, dictatorial control of the press and all media of information, the suppression of liberty in every form—all the horrors the peoples of Russia, China, and the satellites have suffered at the hands of Communist governments for years.

What has been Red China's role in the enslavement of the people of Cuba?

It has given Castro a loan of \$60 million with the understanding that he need not pay it back. It has bought 500,000 tons of his slave-labor sugar crop. In February, 1961, Raoul Castro said Red China had given the Communist Cuban dictatorship hundreds of machine guns and other weapons "for which we have not had to pay one cent."

In the spring of 1961, when Castro asked Red China's help in putting down any anti-Communist revolution or invasion, Liu Shao-chi and Chou En-lai pledged Red China's complete support. In another message, Peking referred to former President Eisenhower and President Kennedy as "jackals of the same lair" and stated that "whatever happens" Communist China would take "all the necessary measures in every field" to see that Castro's Communist grip on the Cuban people is never broken.

Shortly after Castro seized power, diplomats in Cuba reported that Peking's worldwide extortion machine had already gone to work on the 30,000 Chinese there. The Overseas Chinese Returnees Association in Peking was asking them if they had relatives in Red China and what property they owned in Cuba. Peking's letters of inquiry bore the correct names, addresses, and even apartment numbers of the addressees—an indication of how thoroughly its international extortion ring goes about its business.

Overseas Chinese in this country and other nations have, for years, been receiving extortion notes from Red China. Many are in the committee's files. The fear created by the Red extortionists among Chinese in free nations, however, is nothing compared to what it is for those who live under a Communist dictator.

Red China's freedom-wrecking efforts in the Western Hemisphere have not been limited to Cuba. Two training centers for Latin Americans have already been established in Peking. One of them is teaching guerrilla warfare, an art in which the Chinese Communists excel. The other has already sent 200 Communist agents into various Latin American countries as students and journalists and under other guises.

Through its Sino-American Cultural and Friendship Association, Red China has established binational cultural centers in nine Latin American countries. It has stepped up its Latin America broadcasts to 21 hours per week, and in April, 1960, added 10½ hours in Portuguese. Its New China News Agency has an office in Havana and is publishing a slick propaganda magazine for distribution throughout Latin America. In 1960, over 1,000 Latin Americans traveled to Red China at Peking's expense.

The purpose of all these activities is obvious. It is to destroy freedom throughout the Western Hemisphere by whatever means are possible and impose in its place Red totalitarian regimes.

CHAPTER IV

CONTEMPT PROCEEDINGS

In 1961 the committee made no recommendation to the House for contempt citation of any of the witnesses who had appeared before the committee during that year.

CASES PENDING, 1961

Twelve persons had previously been cited for contempt of Congress for refusal to answer pertinent questions before a subcommittee of this committee in Puerto Rico in 1959. They were indicted by the grand jury in Puerto Rico on November 30, 1961, and at year's end, were awaiting trial. These persons are:

<i>Jose Enamorado Cuesta</i>	<i>Ramon Diaz Cruz</i>
<i>Juan Saez Corales</i>	<i>Frank Ruiz</i>
<i>Consuelo Burgos De Pagan</i>	<i>Juan Emmanuelli Morales</i>
<i>John Peter Hawes</i>	<i>Cesar Andreu Iglesias</i>
<i>Gertrudis Melendez Perez</i>	<i>Pablo M. Garcia Rodriguez</i>
<i>Cristino Perez Mendez</i>	<i>Juan Santos Rivera</i>

In addition, the following cases of earlier years are pending in various Federal district courts, as listed:

Robert Lehrer, Gary, Indiana
Victor Malis, Gary, Indiana
Alfred James Samter, Gary, Indiana
Harvey O'Connor, Newark, New Jersey

DISTRICT COURT CASES IN 1961

The cases of *George Tyne* [also known as Martin (Buddy) Yarus], radio, screen, theater, and television actor, and *Elliott Sullivan*, also an actor, were tried by a judge without a jury in the Southern District of New York. The judge directed a verdict of acquittal of both defendants on October 28, 1961, because of failure of a necessary link in the chain of proof, to wit: the resolution authorizing the subcommittee to hold the hearings.

CIRCUIT COURT OF APPEALS CASES IN 1961

Martin Popper, former secretary of the National Lawyers Guild presently engaged in practice of law in the city of New York, was convicted in the District Court, District of Columbia, on May 4, 1961. The conviction was appealed to the Circuit Court of Appeals, District of Columbia.

The conviction of *Donald C. Wheeldin*, a former writer for the West Coast newspaper, the *Daily People's World*, was affirmed by the Circuit Court of Appeals, Ninth Circuit, on October 17, 1960. Certiorari was denied by the Supreme Court on July 19, 1961.

The conviction of *Sidney Turoff*, a former member of the State Committee of the Communist Party of the State of New York, was reversed by the Circuit Court of Appeals, Second Circuit, on June 29, 1961, and was remanded to the district court for a new trial.

Peter (Pete) Seeger, an entertainer, was convicted in the District Court for the Southern District of New York, on March 29, 1961. The conviction was appealed to the Circuit Court of Appeals, Second Circuit.

SUPREME COURT CASES IN 1961

Frank Grumman, a former radio operator for RCA Communications, Inc., was convicted in the District Court, District of Columbia. This conviction was affirmed by the Circuit Court of Appeals, District of Columbia, on July 30, 1961. Certiorari was granted by the Supreme Court on December 5, 1961.

The conviction of *Bernard Silber*, a former service writer for the Western Union Telegraph Company, was affirmed by the Circuit Court of Appeals, District of Columbia, on July 30, 1961. Certiorari was granted by the Supreme Court on December 5, 1961.

The Supreme Court of the United States on February 27, 1961, affirmed the conviction of *Frank Wilkinson* and *Carl Braden*, each of whom received a sentence of 12 months.

No decisions as of this date have been handed down in the cases of *John T. Gojack*, *Norton Anthony Russell*, and *Edward Yellin*.

CHAPTER V

LEGISLATIVE RECOMMENDATIONS

Introduction

Over the years, this committee, within the area of its assigned mandate and on a variety of subjects, has made a large number of legislative recommendations which have for their ultimate purpose the preservation of our free society and constitutional form of government. These recommendations, from 1941 through 1960, together with a statement of action subsequently taken either legislatively or administratively, are set forth in the committee publication released December 30, 1960, titled "Legislative Recommendations by the House Committee on Un-American Activities (A Research Study by the Legislative Reference Service of the Library of Congress)." The present chapter is a detailed study limited to action taken on committee recommendations by the 87th Congress, 1st session, or by executive agencies during the year 1961, including an exposition of certain urgent proposals for legislative action in the future. This chapter might well be read in connection with the above-mentioned 1960 publication.

It will be observed that many of the committee's proposals have found support from numerous Members of both the House and Senate, and many bills reflecting the committee's proposals have been offered in this and prior sessions of the Congress. This accords with the evident purpose of the Congress in the creation of this committee, which has a statutory basis in Public Law 601—the Legislative Reorganization Act of 1946—as well as in the Rules of the House of Representatives. The congressional mandate requires the committee to report to the House the results of its investigations, together with such recommendations as it deems advisable. Its function is, therefore, to inform the House, and its recommendations are offered to all Members. The record of legislative action in the 87th Congress, 1st session, will evoke the conclusion that the committee's work has met with unusual response. Indeed the effectiveness of the committee's efforts may well be measured in part in the light of this response by Members, who have introduced many bills incorporating the committee's proposals.

The record further demonstrates that a substantial number of committee proposals have met with approval by passage in the House, or enactment finally into law. Yet, the efforts of this committee and the validity of its proposals are not to be measured finally by the number of bills passed by the House or immediately enacted into law. Quantity alone exposes neither extent of labor nor depth of insight. As was pointed out in the committee's Annual Report for the Year 1960, the form which legislative proposals should take is often a matter for continuing refinement and development, which is particularly true in the area of activity with which the committee is concerned.

The proposals do serve to inspire a ferment of ideas and to initiate the democratic process. Moreover, it is the committee's function to make continuing investigations and studies for the information of the House. An informed opinion is a necessary ally in the legislative process.

Nor are the efforts of this committee and the validity of its proposals to be impugned by the suggestion, even though now rarely heard, that frequently bills based upon the proposals of this committee are referred to other committees for disposition. The mandate of this committee and its proposals are in the area of the national security and necessarily involve varied subsidiary subjects of legislation. It is not always possible to compartmentalize, or completely to insulate, the functions of the several committees of Congress from each other. This is generally acknowledged by those who are well versed in parliamentary procedure. Nevertheless, it seems clear that in the investigation of subversion and un-American activities, this committee has been mandated to service the House as a whole, as well as having its special charges. It is a committee highly specialized, trained, and experienced in the investigative process within the area of its mandate and, therefore, an effective instrumentality well equipped to serve the parliamentary process in a unique way. The record will demonstrate that the committee has made a determined effort to carry creditably the burdens imposed upon it by the Congress.

This Chapter is divided into six parts:

Part I. Bills enacted into law in 1961;

Part II. Bills passed by the House in 1961;

Part III. Detailed summary of all legislative recommendations and subsequent action by the 87th Congress or by executive agencies in 1961, including bills under study and pending;

Part IV. Bills urgently recommended;

Part V. Appendix to relevant bills introduced in the 87th Congress, 1st session;

Part VI. Index to committee recommendations.

"Item" numbers hereafter referred to in the above parts correspond to the original "Item" number in the aforementioned 1960 publication titled "Legislative Recommendations by House Committee on Un-American Activities." Also, it is pointed out that those "Items" to which reference is made in Parts I and II of this chapter are repeated and detailed in Part III. It is, therefore, not necessary to make reference to the 1960 publication to ascertain the history of the recommendations or the status of legislation introduced in the 1st session of the 87th Congress.

Finally, the committee wishes to express its appreciation to the Legislative Reference Service of the Library of Congress, which has very kindly prepared in large part the excellent analysis of legislative action which follows.

Part I. Bills Enacted into Law in 1961

Four laws were enacted in 1961 which contain provisions in the field of the committee's prior recommendations.

Public Law 87-301, § 5—Judicial review of final order of deportation. (See Item 99, Part III of this chapter, p. 160, for details.) Section 5 of this act provides an exclusive procedure for judicial review of orders of deportation which is intended to frustrate tactics of delay

indulged in by certain aliens, including subversives and immoral persons, who have managed unduly to protract their stay in the United States by repetitive and frivolous proceedings before administrative agencies and courts.

Public Law 87-301, § 19—Loss of United States nationality—burden of proof. (See Item 115, Part III of this chapter, p. 164, for details.) Section 19 of this act establishes evidentiary rules governing the adjudication of cases arising pursuant to provisions of law, where it is claimed that an act causing the loss of nationality was involuntary. The provision is aimed at proceedings affecting loss of citizenship (expatriation) and not at revocation of naturalization (denaturalization). While the burden of proof of loss of nationality is upon the party alleging such loss, there is by the provisions of this law a presumption of voluntariness in the case of any person who commits an act of expatriation. Although it is true that the presumption is rebuttable, yet the burden of proving the involuntariness of such act is now imposed upon the party claiming it, for such evidence would normally lie in his possession. Thus the act does not disturb the body of judicial decisions which held that expatriation shall not occur through an involuntary act; rather, it shifts the burden of proof of such involuntariness to the person who would normally have such proof.

Public Law 87-366—Registration of domestic organization controlled by foreign government. (See Item 128, Part III of this chapter, p. 169, for details.) This act amends the *Foreign Agents Registration Act* so as to include within the definition of a "foreign principal" domestic organizations which are substantially "supervised, directed, controlled, or financed by any foreign government or foreign political party."

The act originally had defined a "foreign principal" to include a domestic organization which is "subsidized" by a foreign government or foreign political party. This definition left a loophole through which agents of a domestic organization could escape the registration requirements, even though their organizations, while not "subsidized," were in fact controlled or directed by a foreign government or foreign political party.

Public Law 87-369—Espionage and censorship jurisdiction extended. (See Item 98, Part III of this chapter, p. 160, for details.) The act extends the application of chapter 37 of the United States Criminal Code, which relates to espionage and censorship, to acts committed anywhere in the world. Prior legislation limited jurisdiction to cases within the admiralty and maritime jurisdiction of the United States, on the high seas, and within the United States. Such limitation on jurisdiction prevented prosecution of acts of espionage committed against the United States in foreign countries, which was, of course, an intolerable situation.

Part II. Bills Passed by House in 1961

Four bills in the fields of the committee's recommendations were passed by the House of Representatives and are now pending in the 87th Congress.

H.R. 3247—The Smith Act. (See Item 122, Part III of this chapter, p. 166, for details.) This bill provides that the term "organize," as used in the Smith Act, shall include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs.

It is the belief of our committee that the ambiguity in the present definition of the term and the interpretation given it by the Supreme Court in the Yates case (354 U.S. 298) have had a harmful effect upon the Government's efforts to combat Communist conspiratorial activity in this country. That decision reversed the conviction of several leading Communists on the ground that the Communist Party of the United States was "organized" in 1945 and that the then existing 3-year statute of limitations barred prosecution for any organizational act with respect to the Communist Party, such as the establishment of new cells, occurring after 1948. If the construction of the term "organize" is not modified in the manner proposed by this bill, then a significant provision of the Smith Act is nullified. This bill will revitalize the Smith Act, which has been an important weapon toward the containment and destruction of that odious conspiracy.

H.R. 4469—Vessel and port security. (See Item 126, Part III of this chapter, p. 168, for details.) This bill provides that no individual who wilfully fails or refuses to answer, or falsely answers certain questions relating to subversive activities, when summoned to appear before certain agencies, shall be employed on any merchant vessel of the United States or within waterfront facilities in the United States.

As we stated in our report on the bill, because of the very nature of their occupation, seamen may be, and in fact have been, used as convenient links in a worldwide Communist communication and espionage network. If our merchant marine can be paralyzed by sabotage and made the available vehicle for espionage, then all the billions we are spending for defense still leave us woefully unprepared.

H.R. 5751—Dissemination of Communist Propaganda in the United States. (See Item 128-B, Part III of this chapter, p. 170, for details.) This bill has been passed by the House and reported favorably by the Senate Judiciary Committee. It was likewise briefly debated in the Senate as late as September 26, 1961, and is now pending.

In order to alert the recipients of mail and the general public to the fact that large quantities of Communist propaganda are being introduced into this country from abroad and disseminated in the United States by means of the United States mails, the bill requires that the Postmaster General shall publicize such fact (1) by appropriate notices posted in post offices, and (2) by notifying recipients, whenever he deems it appropriate, that the mail may contain such propaganda. The return of such mail to local post offices shall be permitted without cost to recipient thereof. This bill does not authorize the Postmaster General to open, inspect, or censor any mail.

H.R. 7053—Admissibility of confessions. (See Item 97, Part III of this chapter, p. 159, for details.) This bill applies only to the District of Columbia, but includes the principle which the committee has propounded in its recommendation for general application. It provides that confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before an officer empowered to commit persons charged with offenses against the laws of the United States.

According to testimony given by the Chief of Police of the District of Columbia before the House Committee on the District of Columbia, crime in the District has shown a steady increase for the past 4 years, and he attributes this, in large measure, to the Mallory decision (354 U.S. 499), in which the Supreme Court held that a confession was

inadmissible because of such delay. The practical effect of this decision is to exclude from evidence many voluntary confessions. This bill will make "voluntariness" the test of admissibility of confessions. It does not seek the admission of a confession which was not made freely and voluntarily.

Part III. Detailed Summary of All Legislative Recommendations and Subsequent Action by the 87th Congress or by Executive Agencies in 1961, Including Bills Under Study and Pending

OUTLAWING ORGANIZATIONS UNDER FOREIGN CONTROL

Item 5. *Committee recommendation*—The enactment of legislation to outlaw certain political organizations which are shown to be under the control of a foreign government (contained in *House Report No. 1*, 77th Congress, dated January 3, 1941).

Action—It should be noted here that in the *Communist Control Act of 1954* (68 Stat. 775 § 2) Congress declared the Communist Party to have a "role as the agency of a hostile foreign power." Thus, a bill proposing to outlaw the Communist Party would be implementing the committee's recommendation contained in Item 5.

In the 87th Congress, the following bills propose to outlaw the Communist Party by prohibiting membership therein with knowledge of its objectives:

H.R. 2302 (Mr. Smith of California), January 9, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7388 (Mr. Brooks of Louisiana), June 1, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7545 (Mr. Hagen of California), June 7, 1961; referred to the House Committee on the Judiciary; now pending and under study.

H.R. 8043 (Mr. McDonough), July 10, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

REFUSAL OF FOREIGN COUNTRIES TO ACCEPT DEPORTEES

Item 6. *Committee recommendation*—The enactment of legislation to prohibit all immigration from foreign countries which refuse to accept the return of their nationals found under American law to be deportable from this country (contained in *House Report No. 1*, 77th Congress, dated January 3, 1941).

Action—Present law provides that when the Attorney General notifies the Secretary of State that any country refuses or unduly delays to accept a deportee who is a national, citizen, subject, or resident thereof, the Secretary of State shall instruct the consular officers in such country to discontinue the issuance of immigrant visas to the nationals, citizens, subjects, or residents of such country until such country has accepted such alien (Immigration and Nationality Act (Walter-McCarran Act) § 243(g); 8 U.S.C. § 1253(g)).

In the 87th Congress, the following bills propose that "no immigrant or nonimmigrant visa (other than a diplomatic visa or a visa issued to a duly designated representative of a foreign state in any international organization) may be issued," and "no immediate and con-

tinued transit may be authorized," during the period in which a foreign state refuses to accept or delays in the acceptance of any of its nationals, citizens, subjects, or residents, under final order of deportation from the United States:

H.R. 6 (Mr. Walter), January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 388 (Mr. Hiestand), January 3, 1961; referred to the House Committee on the Judiciary; now pending and under study.

INDEPENDENT COMMISSION ON FEDERAL LOYALTY

Item 11. *Committee recommendation*—That Congress create an independent commission with authority to investigate and to order the discharge of any employee or official of the Federal Government whose loyalty to the United States is found to be in doubt (contained in *House Report No. 2742*, 79th Congress, dated January 2, 1947).

Action—*H.R. 972* (Mr. Hiestand), January 3, 1961, *The Federal Security Act*, proposes to establish a Central Security Office to coordinate the administration of Federal personnel loyalty and security programs, and to prescribe administrative procedure for the hearing and review of cases arising under such programs.

The bill was referred to the House Committee on Post Office and Civil Service, and is now pending.

H.R. 6183 (Mr. Gubser), April 11, 1961, proposes that the President shall designate one agency of the Federal Government to conduct all security investigations of civil officers and employees of the United States, and of persons who apply for employment as such officers and employees.

The bill was referred to the House Committee on Post Office and Civil Service, and is now pending.

RESTRICTION OF TAX-EXEMPTION PRIVILEGES OF COMMUNIST EDUCATIONAL AND CHARITABLE ORGANIZATIONS

Item 17. *Committee recommendation*—Legislation should be enacted to restrict the benefits of certain tax-exemption privileges now extended to a number of Communist fronts posing as educational, charitable, and relief organizations (contained in *House Report 2742*, 79th Congress, dated January 2, 1947).

Action—Present law denies income tax exemptions under § 101 of the Internal Revenue Code, to Communist organizations required to register under § 7 of the *Internal Security Act (Internal Security Act of 1950)* (64 Stat. 997 § 11; 50 U.S.C. § 790)).

In the 87th Congress:

H.R. 4700 (Mr. Walter), dated February 21, 1961, proposes to amend section 11 of the *Internal Security Act* (known as the *Subversive Activities Control Act of 1950*) so that its provisions for tax-denial will not be dependent upon the registration requirement of the organization involved. The bill would deny certain tax-exemptions to Communist organizations whether or not they register or are required to register.

The bill was referred to the House Committee on Un-American Activities and is now pending and under study.

H.R. 4862 (Mr. Scherer), dated February 23, 1961, is identical with *H.R. 4700*, above. It was referred to the House Committee on Un-American Activities, and is now pending and under study.

H.R. 9090 (Mr. Mills), dated September 7, 1961, proposes to amend the *Internal Revenue Code*, by adding a section (§ 291) which would deny certain income tax exemptions to Communist-action organizations, Communist-front organizations, and Communist-infiltrated organizations. The denial is not made to depend upon the registration requirement.

The bill was referred to the House Committee on Ways and Means, and is now pending.

EMPLOYMENT OF SUBVERSIVES IN DEFENSE PLANTS—SAFEGUARDS

Item 29. *Committee recommendation*—Adoption of *H.R. 3903*, 81st Congress, providing for safeguards against employment of subversive individuals in defense plants (contained in *House Report No. 1950*, 81st Congress, dated March 15, 1950).

Action—Under present law, § 5 of the *Internal Security Act of 1950* (64 Stat. 992; 50 U.S.C. § 784), members of a Communist-action organization are forbidden to hold employment in a defense facility.

In the 87th Congress, the following bills propose to amend the *Subversive Activities Control Act* (Title I of the *Internal Security Act of 1950*) so as to authorize the Federal Government to guard strategic defense facilities against individuals believed disposed to commit subversive acts. Proof of actual Communist Party membership will not be required under these bills. However, the bills do require that there be reasonable ground to believe that such individuals may engage in subversive acts, and provide for a hearing to allow them to answer the charges against them. Where an individual is summarily barred, by regulation, from access to a defense facility, he shall be entitled to a hearing after proper notification in writing of the charges against him.

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 5424 (Mr. Walter), dated March 9, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 5425 (Mr. Scherer), dated March 9, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

S. 1769 (Mr. Butler), dated May 3, 1961; referred to the Senate Committee on the Judiciary; now pending.

DETENTION OF UNDEPORTABLE ALIEN COMMUNISTS

Item 30. *Committee recommendation*—*H.R. 10*, 81st Congress, providing for the supervision and detention of undeportable aliens, should

be enacted into law in order to deal with thousands of alien Communists refused acceptance by the country of their birth (contained in *House Report No. 1950*, 81st Congress, dated March 15, 1950).

Action—Present law, § 242(c)–(h) of the *Walter-McCarran Immigration Act* (66 Stat. 210–212; 8 U.S.C. § 1252(c)–(h)) provides for detention and supervision of such aliens.

In the 87th Congress, the following bills seek to strengthen the provisions of § 242(c)–(h) of the *Walter-McCarran Immigration Act*, by giving the Attorney General wider power to return to detention aliens under final order of deportation who have violated any requirement or restraint imposed upon them under certain provisions of said § 242, whenever the Attorney General determines that the national security requires the detention of that alien.

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 388 (Mr. Hiestand), dated January 3, 1961, referred to the House Committee on the Judiciary; now pending.

IMMUNITY FOR CONGRESSIONAL WITNESSES

Item 41. *Committee recommendation*—Legislation to effect a greater latitude in granting immunity from prosecution to witnesses appearing before congressional, executive, or judicial hearings (contained in *House Report No. 2431*, 82nd Congress, dated February 17, 1952).

Action—Present law (68 Stat. 754 Ch. 769; 18 U.S.C. § 3486) authorizes a grant of immunity from prosecution to witnesses compelled to give testimony tending to incriminate them, in the course of an investigation, relating to an attempt to endanger the national security of the United States, held by Congress or by a congressional committee, or in any case or proceeding relating to such subject matter before any grand jury or court of the United States.

In the 87th Congress, the following bills propose to amend 18 U.S.C. § 3486 to add membership in the Communist Party as a means whereby the national security may be endangered, so that § 3486 as amended by such bills will permit the compelling of testimony relating to such membership and the granting of immunity from prosecution in connection therewith:

H.R. 2302 (Mr. Smith of California), dated January 9, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7388 (Mr. Brooks of Louisiana), dated June 1, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 8043 (Mr. McDonough), dated July 10, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

A Senate bill proposes to amend 18 U.S.C. § 3486 in other respects:

S. 1386 (Mr. Keating), dated March 20, 1961, proposes that in any proceeding before a grand jury or court of the United States the compelling of testimony and the granting of immunity from prosecution in connection therewith be extended to all evidence which in the

judgment of a United States attorney is necessary to the public interest.

The bill was referred to the Senate Committee on the Judiciary and is now pending.

RESTRICTIONS ON TRAVEL BY SOVIET AND SATELLITE DIPLOMATS

Item 42. *Committee recommendation*—That reciprocal restrictions be enforced by this country on the travel of Soviet and satellite diplomats (contained in *House Report 2431*, 82nd Congress; dated February 17, 1952).

Action—*H.J. Res. 153* (Mr. Rivers of South Carolina), dated January 18, 1961, proposes that the United States withhold from representatives of foreign nations privileges which such nations withhold from representatives of the United States. Among the privileges which are listed as being withheld from diplomatic, consular, and military representatives of the United States are the privileges to be free to visit areas having no military significance, and to be free to use transportation and communication facilities. The duty of reciprocal restraint upon foreign diplomats is placed on the officers of the United States whose duties relate to the granting of privileges to representatives of foreign nations, and wilful violation of this duty is made punishable by fine or imprisonment or both.

This bill was referred to the House Committee on Foreign Affairs and is now pending.

REVOCATION OF COMMISSION IN ARMED FORCES

Item 55. *Committee recommendation*—That in any instance where a person holding a commission in the armed services chooses to refuse to answer questions concerning his present or past membership in the Communist Party, such commission shall be immediately revoked (contained in *House Report No. 1192*, 83rd Congress, dated February 6, 1954).

Action—*H.R. 224* (Mr. Hiestand), dated January 3, 1961, proposes a standard of loyalty to the United States Government to be prescribed for military personnel. The bill prescribes procedure for the determination of the loyalty of such personnel. Whenever it is determined after proper hearing that there is a reasonable doubt as to the loyalty to the United States Government of a member of one of the Armed Forces, he shall be discharged according to specified methods.

In determining whether there is reasonable doubt as to the loyalty of any individual, activities and associations of that individual of certain categories may be considered. Among these categories is (6) membership in an organization found by Congress to have been organized or utilized for the purpose of advancing the objectives of the Communist movement, and (8) refusal to testify, upon grounds of self-incrimination, in any authorized inquiry relating to subversive activities conducted by any congressional committee, Federal court, Federal grand jury, or any other duly authorized Federal agency, as to any question relating to subversive activities of the individual involved or others, unless the individual, after opportunity to do so, satisfactorily explains his refusal to testify.

The bill was referred to the House Committee on Armed Services and is now pending.

DENIAL OF SECOND-CLASS MAILING PRIVILEGES TO SUBVERSIVE PUBLICATIONS

Item 59. *Committee recommendation*—That legislation be enacted forbidding the use of the United States mails under second-class mailing privileges to subversive publications emanating either from foreign sources or from sources within the borders of the United States (contained in *House Report No. 57*, 84th Congress, dated January 26, 1955).

Action—The following bills, now pending, contain provisions to deny the use of the United States postal service for the carriage of Communist political propaganda:

H.R. 9411 (Mr. Derwinski), dated September 23, 1961, referred to the House Committee on Post Office and Civil Service and now pending.

H.R. 9455 (Mr. Rousselot), dated September 26, 1961, referred to the House Committee on Post Office and Civil Service and now pending.

H.E. 9465 (Mr. Beermann), dated September 26, 1961, referred to the House Committee on Post Office and Civil Service, now pending.

H.R. 9250 (Mr. Mills), dated September 15, 1961, proposes to amend § 305 of the *Tariff Act of 1930* (19 U.S.C. § 1305) to prohibit the import of Communist propaganda. This bill was referred to the House Committee on Ways and Means and is now pending.

H.R. 9120 (Mr. Walter), dated September 11, 1961, proposes to amend the *Subversive Activities Control Act of 1950* so as to require the Postmaster General in certain cases to give notice of the use of the mails for the dissemination of Communist propaganda. The bill was referred to the House Committee on Un-American Activities and is now pending. (See Item 128-B, p. 170.)

AFFIDAVIT BY GOVERNMENT CONTRACTOR

Item 74. *Committee recommendation*—That appropriate legislation be enacted requiring an affidavit by any person bidding for a Government contract, that he is not now and has not been within the past 10 years a member of any organization advocating the overthrow of the Government by force and violence (contained in *House Report No. 53*, 85th Congress, dated January 2, 1957).

Action—*H.R. 9066* (Mr. Rogers of Texas), dated September 6, 1961, requires Government contractors, their officers, employees, and the labor organizations representing them, to file loyalty affidavits in the office of the contractor before the Government may enter into a contract with such employer. The bill was referred to the House Committee on the Judiciary and is now pending.

PROTECTING THE SECURITY OF CONFIDENTIAL FILES

Item 80 (6). *Committee recommendation*—That means be provided, during criminal or civil proceedings in which the United States is a party, for the withholding of information contained in confidential Government files the production of which would be prejudicial to the security of the United States (contained in the *Internal Security Amendments Act of 1958*, dated January 13, 1958, *H.R. 9937*, 85th Congress, presented by the committee chairman, Mr. Walter).

Action.—Present law (18 U.S.C. § 3500) contains such a provision but makes it applicable to criminal cases only, and omits any reference to the effect of the production of such Government files upon the security of the United States, stressing mainly the relevancy of same.

In the 87th Congress, The following bills provide a means in any civil or criminal proceeding to which the United States is a party for withholding any documents of a Federal agency which contain information of a confidential nature, the disclosure of which the Attorney General concludes would be prejudicial to the public interest, safety, or the security of the United States. Provision is made for the protection of the constitutional rights of the party affected thereby:

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities, now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

UNAUTHORIZED DISCLOSURE OF CERTAIN DEFENSE INFORMATION

Item 80(8). *Committee recommendation*—That it be made unlawful for any person who has obtained information which is classified “top secret,” “atomic top secret,” “secret,” or “atomic secret” by Presidential Executive Order, to communicate same to any person who is not authorized by law to receive such information (contained in the *Internal Security Amendments Act* of 1958, dated January 13, 1958, *H.R. 9937*, 85th Congress, presented by the committee chairman, Mr. Walter).

Action—The following bills carry such a provision:

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

REVOCATION OF NATURALIZATION ILLEGALLY PROCURED

Item 80(15). *Committee recommendation*—That the *Walter-McCarran Immigration and Nationality Act* (§ 340(a)) be amended to provide that a United States Attorney shall on his own initiative or upon affidavit showing good cause therefor, institute proceedings to revoke naturalization illegally procured, or procured by concealment of a material fact or by wilful misrepresentation (contained in the *Internal Security Amendments Act* of 1958, dated January 13, 1958, *H.R. 9937*, 85th Congress, presented by the committee chairman, Mr. Walter).

Action—Present law (8 U.S.C. § 1451(a)) provides that the United States Attorney shall institute proceedings, only upon affidavit showing good cause therefor, and omits as a ground for such revocation, that the naturalization was illegally procured. It is true that § 1451(g) provides for revocation of naturalization procured in violation of law, but it must have been “knowingly” so procured.

In the 87th Congress, the following bills contain the exact wording of the committee’s recommendation:

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

LOSS OF NATIONALITY OF NATIVE-BORN OR NATURALIZED CITIZEN

Item 80(16). *Committee recommendation*—That § 349(a) of the *Walter-McCarran Immigration and Nationality Act* be amended to provide that accepting, serving in, or performing the duties of any office, post, or employment under any foreign state or any political or geographical subdivision of any foreign state, whether or not recognized by the United States, which is Communist-dominated, Communist-occupied, or Communist-controlled (as determined by the Secretary of State), shall be grounds for loss of nationality by a person who is a national of the United States whether by birth or naturalization (contained in the *Internal Security Amendments Act* of 1958, dated January 13, 1958, *H.R. 9937*, 85th Congress, presented by the committee chairman, Mr. Walter).

Action—Present law (8 U.S.C. § 1481(a)(4)) provides for such loss of nationality by acceptance of such service “under the government of a foreign state or political subdivision thereof” if the person accepting same has or acquires the nationality of such foreign state, or if in the performance of such services an oath of allegiance is required. The committee recommendation omits these two prerequisites in order to render a person liable to loss of nationality, if such service is rendered in a country which is determined by the Secretary of State to be either Communist-dominated, -occupied, or -controlled.

In the 87th Congress, the following bills contain provisions identical to the committee recommendation:

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

FRAUDULENT USE OF SOCIAL SECURITY CARDS

Item 89. *Committee recommendation*—That § 1107 of the *Social Security Act* (42 U.S.C. § 1307) be amended by the addition of a provision that any person, who, for the purpose of procuring, obtaining, or retaining employment by, in, or upon any defense facility, war utilities, national defense premises, or national defense utilities, shall exhibit to his employer or prospective employer a social security account number card bearing a false, assumed, or fictitious name, without disclosing his true identity shall be fined not more than \$1,000 or imprisoned not more than one year or both (contained in *House Report No. 187*, 86th Congress, dated March 8, 1959).

Action—The following bills carry the identical provision recommended:

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

SURVEILLANCE BY TECHNICAL DEVICES

Item 90. *Committee recommendation*—Information obtained through surveillance by technical devices should be permitted as evidence in matters affecting the national security, provided that adequate safeguards are adopted to prevent any abuse of civil liberties (contained in *House Report No. 187*, 86th Congress, dated March 8, 1959).

Action—The following bills contain such provisions:

H.R. 6 (Mr. Walter), dated January 3, 1961, proposes that in the conduct of any investigation to detect or prevent any offense against the security of the United States, any security investigative agency may, upon express written authorization given by the Attorney General to the head of such agency, intercept any wire or radio communication if that interception is specifically described as to place and time in the authorization given. Information thus obtained may be disclosed (1) to the head of the security investigative agency or his officer or agent, making the investigation, (2) by the head of such investigative agency to the President, the National Security Council, the head of any department or agency in the executive branch, or the head of any other security investigative agency, (3) by any officer or agent of a security investigative agency in giving testimony in any criminal proceeding before any court, grand jury, or court-martial of the United States for the prosecution of an offense against the security of the United States, and (4) to any attorney for the United States who is duly authorized to engage in or supervise the prosecution of that offense.

In any such proceeding, evidence so obtained, if otherwise admissible, shall not be excluded because of the means by which it was obtained. Unauthorized disclosure of information obtained through authorized interception is made punishable by fine or imprisonment or both.

This bill was referred to the House Committee on Un-American Activities; is now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961, contains a provision identical to that contained in *H.R. 6*. *H.R. 7* was referred to the House Committee on Un-American Activities; is now pending and under study.

H.R. 387 (Mr. Hiestand), dated January 3, 1961, contains a provision identical to that contained in *H.R. 6*. *H.R. 387* was referred to the House Committee on the Judiciary and is now pending.

H.R. 8142 (Mr. King of New York), dated July 13, 1961, provides that no Federal law shall be construed to prohibit the interception by a State agency or law enforcement officer in compliance with State law of any wire or radio communication, and divulgence of same in State court, if such interception was made after determination by the State court that reasonable grounds existed for belief that such interception might disclose evidence of the commission of a crime.

This bill was referred to the House Committee on the Judiciary and is now pending.

H.R. 8964 (Mr. Walter), dated August 29, 1961—*Federal Wire Interception Act*—makes it unlawful to (1) intercept or attempt to intercept or to conspire to intercept or attempt to intercept, any wire communication or (2) divulge to any person the contents of any wire communication.

Permits the following persons to intercept any wire communication: (1) the sender; (2) the intended recipient; (3) a person authorized by either the sender or intended recipient; (4) an agent of a communications facility in the normal course of his employment; and (5) an investigative officer as hereinafter described.

Permits the following persons to divulge the contents of any wire communication: (1) the sender and the intended recipient; (2) any third party when such information has been divulged by either the sender or intended recipient, or any person while giving testimony as hereinafter provided; and (3) any person when complying with the provisions of this Act.

Authorizes the Attorney General to approve applications empowering Federal law enforcement officers to intercept any wire communication, provided the Attorney General determines there is reasonable ground for the belief that (1) a felony has or is about to be committed; (2) essential evidence will be obtained thereby; and (3) no other means are readily available for obtaining such evidence.

Permits the Attorney General to authorize any Federal law enforcement officer to apply to a judge for leave to intercept a wire communication to obtain evidence or prevent the commission of a felony.

Permits State and local law enforcement officers, when authorized by law, to make application to a judge for leave to intercept a wire communication in order to obtain evidence or to prevent the commission of a felony.

Empowers judges to enter ex parte orders granting leave to intercept wire communications subject to conditions (1), (2), and (3) *supra*.

Requires applications and orders to be specific, definite, and particular.

Limits period covered by orders granting leave to intercept a wire communication to 60 days.

Lists purposes for which lawfully intercepted information may be used.

Prescribes penalties for unauthorized interception or disclosure of wire communications.

Requires judges to file reports within 30 days relating to the approval or denial of applications to intercept wire communications.

Amends the *Communications Act of 1934* to reflect the foregoing changes.

This bill was referred to the House Committee on the Judiciary and is now pending.

S. 1495 (Mr. Dodd), dated March 30, 1961, contains practically the same provisions contained in *H.R. 8964*. *S. 1495* was referred to the Senate Committee on the Judiciary and is now pending.

S. 1822 (Mr. Hruska), dated May 8, 1961, provides that no Federal law shall prohibit the interception by a State agency or law-enforcement officer in compliance with State law, if such interception was made after determination by a court of such State that probable cause existed for belief that a crime has been, or is about to be, committed and that the particular wire facility involved is being, or will be used in the furtherance of the commission of that crime. Leave granted to intercept shall be for a reasonable period of time, not to exceed 30 days.

This bill was referred to the Senate Committee on the Judiciary and is now pending.

STATUTE OF LIMITATIONS FOR SUBVERSIVE ACTIVITIES

Item 92. *Committee recommendation*—That the statute of limitations for prosecution of the offenses of treason, espionage, sabotage, and other subversive activities be amended so as to permit prosecutions for a period not to exceed 15 years from the time of the commission of the offense (contained in *House Report No. 187*, 86th Congress, dated March 8, 1959).

Action—Present laws (50 U.S.C. § 783(e) and 18 U.S.C. § 3291) provide for a 10-year limitation period.

In the 87th Congress, the following bills contain a provision proposing an amendment to extend the 10-year period, for treason, espionage, sabotage, sedition, and subversive activities, within which an offense for same may be prosecuted to 15 years:

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

ADMISSIBILITY OF CONFESSIONS

Item 97. *Committee recommendation*—That evidence, including statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in arraignment, provided that such delay shall be considered as an element in determining the voluntary nature of such statements and confessions. The introduction into evidence of confessions, etc., made to law enforcement officers should be prohibited unless the arrested person has been advised that he is not required to make a statement and that any statement so made may be used against him (contained in *H.R. 1990*, 86th Congress, introduced by the committee chairman, Mr. Walter, on January 9, 1959).

Action—The following bills were introduced in the 87th Congress, carrying provisions on this subject.

H.R. 6 (Mr. Walter), dated January 3, 1961, and *H.R. 7* (Mr. Scherer), dated January 3, 1961, include provisions which are identical to the recommendation. They were referred to the House Committee on Un-American Activities; are now pending and under study.

H.R. 467 (Mr. McCulloch), dated January 3, 1961, and *H.R. 2785* (Mr. Poff), dated January 16, 1961, and *H.R. 3248* (Mr. Cramer), dated January 25, 1961, contain provisions identical to the recommendation, except for the omission of the requirement that delay in arraignment shall be considered as an element in determining the voluntary nature of such statements and confessions. These three bills were referred to the House Committee on the Judiciary and are now pending.

H.R. 654 (Mr. Colmer), dated January 3, 1961, provides that no confession or other statement, otherwise admissible, shall be inadmissible in evidence solely because of delay in taking the person making such confession or statement before a commissioner or other judicial officer. This bill was referred to the House Committee on the Judiciary and is now pending.

H.R. 7053 (Mr. James C. Davis), dated May 15, 1961, applies only to the District of Columbia, and provides that in the courts of the District of Columbia, evidence, including statements and confessions,

otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States. However, no statement or confession made by any person during an interrogation by a law enforcement officer made while such person is under arrest shall be admissible unless prior to such interrogation the arrested person had been advised that he is not required to make a statement and that any statement made by him may be used against him.

This bill was passed by the House on June 12, 1961, was referred to the Senate Committee on the District of Columbia on June 13, 1961, and is now pending.

S. 2067 (Mr. Ervin, for himself, Mr. Eastland, Mr. Johnston, Mr. McClellan, and Mr. Byrd of Virginia) dated June 13, 1961, provides that in the courts of the United States or the District of Columbia voluntary admissions and confessions shall be admissible in any criminal proceeding and the finding of the trial court in respect to the voluntariness of the admission or confession shall be binding upon any reviewing court in the event it is supported by substantial evidence.

This bill was referred to the Senate Committee on the Judiciary and is now pending.

ESPIONAGE AND CENSORSHIP—JURISDICTION EXTENDED

Item 98. *Committee recommendation*—That the jurisdiction of the United States relating to espionage and censorship be extended to acts committed anywhere in the world. The provisions hitherto in effect extended only within the admiralty and maritime jurisdiction of the United States, on the high seas, and within the United States. (Committee's recommendation was contained in *H.R. 1992*, 86th Congress, which was introduced by its chairman, Mr. Walter, on January 9, 1959, and which was passed by the House on March 2, 1959.)

Action—In the 87th Congress, three bills were introduced: *H.R. 2730* (Mr. Poff), dated January 16, 1961, *H.R. 6746* (Mr. Celler), dated May 2, 1961, and *S. 1895* (Mr. Eastland), dated May 17, 1961.

H.R. 2730 extends the application of Chapter 37 of Title 18 of the United States Code, relating to espionage and censorship, to acts committed anywhere in the world. The bill was enacted into law and is now *Public Law 87-369*.

JUDICIAL REVIEW OF FINAL ORDER OF DEPORTATION

Item 99. *Committee recommendation*—The committee's recommendation was embodied in *H.R. 2807*, 86th Congress, introduced by its chairman, Mr. Walter, on January 19, 1959, and passed by the House on July 7, 1959.

H.R. 2807 establishes a sole and exclusive procedure for the judicial review of all final orders of deportation. It limits the venue of such hearings to (1) the judicial circuit in which the administrative proceedings before the special inquiry officer were conducted, or (2) the judicial circuit wherein the petitioner resides. It provides that such action shall be brought against the Immigration and Naturalization Service, as respondent, and that, except for a determination as to a claim that the petitioner is a citizen of the United States, the petition

shall be determined solely upon the administrative record upon which the deportation order is based. It specifies that the findings of fact by the Attorney General, if supported by reasonable, substantial, and probative evidence on the record considered as a whole, shall be conclusive.

It specifically provides that nothing contained in this section shall be construed to require the Attorney General to defer deportation of an alien after issuance of a deportation order because of the right of judicial review or to preclude the Attorney General from detaining or continuing to detain an alien at any time after issuance of a deportation order.

It specifically provides that any alien against whom a final order of exclusion has been made may obtain judicial review of such order by habeas corpus proceedings and not otherwise and that such orders shall not be reviewed until the alien has exhausted the administrative remedies available to him.

Action—H.R. 187 (Mr. Walter), dated January 3, 1961, contains the identical provisions of the recommendation. *H.R. 187* was passed by the House on July 10, 1961, and was referred to the Senate Committee on the Judiciary on July 11, 1961.

S. 2212 (Mr. Ervin), dated July 10, 1961, is identical to *H.R. 187*.

S. 2237 (Mr. Pastore, for himself and Mr. Dirksen), dated July 12, 1961, was passed by the Senate with provisions covering only the entry of certain eligible alien orphans. It was referred to the House Committee on the Judiciary on August 15, 1961, which reported it out on August 30, 1961 (*House Report No. 1086*), with the provisions of *H.R. 187* incorporated as section 5 of the bill. It was thus passed with the provisions concerning judicial review of orders of deportation which are identical to the committee's recommendations. The bill was enacted as *Public Law 87-301*.

DEFINITION OF TREASON BROADENED

Item 100. *Committee recommendation*—That the United States Constitution be amended to broaden the constitutional definition of treason so as to include adherence to any group which advocates the overthrow of the Government by force or violence (contained in *H.J. Res. 100*, introduced by the committee chairman, Mr. Walter, on January 7, 1959).

Action—H.J. Res. 482 (Mr. Bennett of Florida), dated July 17, 1961, contains such a provision. The Resolution was referred to the House Committee on the Judiciary and is now pending.

LOYALTY OATH FOR FEDERAL JUDGES

Item 101. *Committee recommendation*—That the oath of office prescribed for justices and judges of the United States include a direct oath to support and defend the Constitution of the United States (contained in *H.R. 4106*, 86th Congress, introduced by the committee chairman, Mr. Walter, on February 4, 1959).

Action—H.R. 1985 (Mr. Utt), dated January 6, 1961, contains the identical provision recommended. This bill was referred to the House Committee on the Judiciary and is now pending.

S. 735 (Mr. Thurmond), dated January 31, 1961, contains the recommended provision. This bill was referred to the Senate Committee on the Judiciary and is now pending.

ATTORNEY GENERAL'S POWERS TO SUPERVISE DEPORTABLE ALIENS

Item 102. *Committee recommendation*—The committee's recommendation is contained in *H.R. 5136*, introduced by its chairman, Mr. Walter, on March 2, 1959.

It permits the Attorney General to detain until deportation any alien in the interest of national security whenever such alien has violated certain requirements or restraints, under the order initiating deportation proceedings. It otherwise broadens the authority of the Attorney General to supervise and/or restrict activities of aliens, to (1) insure continued availability for departure of such alien; (2) aid the Attorney General in taking evidence concerning the privilege of any person to travel or reside in the United States; and (3) to aid in the determination of whether the alien is or has (a) violated a penal statute of the United States, or (b) engaged in conduct dangerous to public safety or security.

Action—*H.R. 6*. (Mr. Walter), dated January 3, 1961, and *H.R. 7* (Mr. Scherer), dated January 3, 1961, both contain the identical provision recommended. These two bills were referred to the House Committee on Un-American Activities; are now pending and under study.

EFFECTIVENESS OF STATE SEDITION LAWS

Item 104. *Committee recommendation*—That *H.R. 3*, 86th Congress, which passed the House on June 24, 1959, be enacted into law. The bill contains provisions similar to recommendations made by the committee in its report for the year 1958 (*see* Item 82), and provides that no act of Congress should be construed as indicating a congressional intent to occupy the field in which such act operates, to the exclusion of all State laws on the subject matter, unless such act contains an express provision to that effect. The enactment of such a law would counteract the decision of the Supreme Court of the United States in the case of *Pennsylvania v. Nelson*, 350 U.S. 497 (1956), which held that the *Smith Act* preempted the field of sedition and subversion in favor of the Federal Government (contained in *House Report No. 1251*, 86th Congress, dated February 8, 1960.)

Action—The following bills, now pending in the 87th Congress, contain provisions similar to those recommended:

H.R. 3 (Mr. Smith of Virginia), dated January 3, 1961; referred to House Committee on the Judiciary.

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 284 (Mr. Abernethy), dated January 3, 1961; referred to the House Committee on the Judiciary.

H.R. 392 (Mr. Hiestand), dated January 3, 1961; referred to the House Committee on the Judiciary.

H.R. 536 (Mr. Poff), dated January 3, 1961; referred to the House Committee on the Judiciary.

H.R. 568 (Mr. Selden), dated January 3, 1961; referred to the House Committee on the Judiciary.

H.R. 649 (Mr. Colmer), dated January 3, 1961; referred to the House Committee on the Judiciary.

H.R. 654 (Mr. Colmer), dated January 3, 1961; referred to the House Committee on the Judiciary.

H.R. 1191 (Mr. Matthews), dated January 3, 1961; referred to the House Committee on the Judiciary.

H.R. 3245 (Mr. Cramer), dated January 25, 1961; referred to the House Committee on the Judiciary.

H.R. 4096 (Mr. Flynt), dated February 9, 1961; referred to the House Committee on the Judiciary.

H.R. 7146 (Mr. Meader), dated May 17, 1961; referred to the House Committee on the Judiciary.

S. 3 (Mr. McClellan, for himself and others), dated January 5, 1961; referred to the Senate Committee on the Judiciary.

CLARIFICATION OF THE "ADVOCACY" CLAUSE OF THE SMITH ACT

Item 106. *Committee recommendation*—The committee urges the adoption of *H.R. 1991*, introduced in the 86th Congress by the committee's chairman, Mr. Walter, and the consideration of any other legislative proposal which would renew the effectiveness of the *Smith Act* as a weapon in the national defense and the internal security of the country.

H.R. 1991 defines the terms "advocate," "teach," "duty," "necessity," "force," and "violence" as used in that section of the Federal Criminal Code dealing with advocating overthrow of the Government (*The Smith Act*). (Contained in *House Report No. 1251*, 86th Congress, dated February 8, 1960.)

Action—The recommended provision is contained in *H.R. 6* (Mr. Walter) and *H.R. 7* (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

COMMUNIST LOBBYING ACTIVITIES

Item 111. *Committee recommendation*—That the *Federal Regulation of Lobbying Act* (2 U.S.C. §§ 267(a) and 261) be amended so as to require certain additional information from persons required to register as lobbyists, including disclosure of Communist Party membership at any time since January 1, 1948 (contained in *House Report No. 1251*, 86th Congress, dated February 8, 1960).

Action—The recommended provision is contained in *H.R. 6* (Mr. Walter) and *H.R. 7* (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

ORDER OF SUBVERSIVE ACTIVITIES CONTROL BOARD TO REGISTER MADE APPLICABLE TO SUCCESSOR ORGANIZATION

Item 112. *Committee recommendation*—The Committee recommended the enactment of *H.R. 8429*, 86th Congress, introduced by its chairman, Mr. Walter, on July 28, 1959, and passed by the House on September 7, 1959.

The bill provides a procedure whereby a final order of the Subversive Activities Control Board requiring an organization to register as a Communist organization, or determining it to be Communist infiltrated, shall apply to an organization determined by the Board to be a successor organization.

Authorizes the Attorney General to file with the Board a petition for a determination that an organization is a successor. Permits joinder of affiliated organizations. Permits an organization, within 6 months after such determination, to petition the Board for a determination that it is no longer a successor. Provides for speed, when required.

Requires the Board, in making such determination to consider the identity between the (1) managers; (2) policies; (3) assets; and (4) membership of the alleged successor organizations and the Communist predecessor organizations. Requires the Board, after hearing, to state in writing findings of fact and conclusions on the issues, and enter its order thereon.

Action—The recommended provisions are contained in *H.R. 6* (Mr. Walter) and *H.R. 7* (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

LOYALTY OF GRAND AND PETIT JURORS

Item 114. *Committee recommendation*—Enactment of legislation which would require that a grand or petit juror take an oath or affirmation that he does not advocate, nor is he a member of an organization which advocates, the violent overthrow of the Government (contained in *H.R. 1185*, 86th Congress, introduced by the committee chairman, Mr. Walter, on January 7, 1959).

Action—The following, bills now pending, contain the recommended provisions:

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to the House Committee on Un-American Activities; now pending and under study.

H.R. 189 (Mr. Walter), dated January 3, 1961; referred to the House Committee on the Judiciary.

LOSS OF U.S. NATIONALITY—BURDEN OF PROOF

Item 115. *Committee recommendation*—The committee's recommendation is contained in *H.R. 10512*, 86th Congress, introduced by its chairman, Mr. Walter, on February 17, 1960. It provides that when loss of United States nationality is put in issue in any action under a Federal statute, the burden of proving such loss by a preponderance of the evidence shall be upon the party claiming that such loss occurred. The bill raises a rebuttable presumption of voluntariness in the case of any person who commits an act of expatriation.

Action—The identical provision is contained in *H.R. 192* (Mr. Walter) dated January 3, 1961.

S. 2237 (Mr. Pastore, for himself and Mr. Dirksen), dated July 12, 1961, was passed by the Senate with provisions covering only the entry

of certain eligible alien orphans. It was referred to the House Committee on the Judiciary on August 15, 1961, which reported it out on August 30, 1961 (*House Report No. 1086*), with the provisions of § 5 of *H.R. 192* (covering burden of proof of loss of U.S. nationality) incorporated as § 19 of *S. 2237*. The bill was enacted with this provision and is now *Public Law 87-301*.

COMMUNIST NOT TO APPEAR AS COUNSEL BEFORE EXECUTIVE AGENCIES

Item 117. *Committee recommendation*—The committee's recommendation is embodied in *H.R. 12793*, 86th Congress, introduced by its chairman, Mr. Walter, on June 23, 1960.

It prohibits any person to appear as counsel before executive agencies, congressional committees, or judicial proceedings, who has been a member of the Communist Party or other similar organization which urges the forcible overthrow of the Government, within the 5 years next preceding such appearance. Prohibition applies to one who was identified under oath as such a member, unless he has sworn under oath that such identification is not true. It provides a penalty of not over \$1,000 or imprisonment for not more than 1 year, or both, for violation or attempted violation of this provision.

Action—*H.R. 6* (Mr. Walter) and *H.R. 7* (Mr. Scherer), dated January 3, 1961, contain the identical provisions recommended. Both these bills were referred to the House Committee on Un-American Activities; now pending and under study.

The recommendations that follow are all contained in the Committee's Annual Report for 1960, *House Report No. 2237*, 86th Congress, dated January 2, 1961.

PASSPORT SECURITY

Item 120. *Committee recommendation*—The adoption of legislation authorizing the Secretary of State to deny passports to persons whose purpose in traveling abroad is to engage in activities which will advance the objectives of the Communist conspiracy.

Action—The following bills, now pending, contain similar provisions:

H.R. 6 (Mr. Walter), dated January 3, 1961; referred to House Committee on Un-American Activities.

H.R. 7 (Mr. Scherer), dated January 3, 1961; referred to House Committee on Un-American Activities.

H.R. 388 (Mr. Hiestand), January 3, 1961; referred to House Committee on the Judiciary.

H.R. 935 (Mr. Collier), January 3, 1961; referred to House Committee on Foreign Affairs.

H.R. 973 (Mr. Hosmer), January 3, 1961; referred to House Committee on Foreign Affairs.

H.R. 1086 (Mr. Selden), January 3, 1961; referred to House Committee on Foreign Affairs.

H.R. 2485 (Mr. Judd), January 12, 1961; referred to House Committee on Foreign Affairs.

H.R. 2538 (Mr. Derounian), January 12, 1961; referred to House Committee on Foreign Affairs.

H.R. 3170 (Mr. King of New York), January 24, 1961; referred to House Committee on Foreign Affairs.

H.R. 4077 (Mr. Curtis of Missouri), February 9, 1961; referred to House Committee on Foreign Affairs.

H.R. 4461 (Mr. Rogers of Florida), February 16, 1961; referred to House Committee on Foreign Affairs.

H.R. 5722 (Mr. Stafford), March 20, 1961; referred to House Committee on Foreign Affairs.

H.R. 7079 (Mr. Adair), May 16, 1961; referred to the House Committee on Foreign Affairs.

H.R. 7529 (Mr. Burleson), June 7, 1961; referred to the House Committee on Foreign Affairs.

H.R. 9427 (Mr. Gubser), September 23, 1961; referred to the House Committee on Foreign Affairs.

S. 229 (Mr. Wiley, for himself, Mr. Bennett, and Mr. Butler), January 9, 1961; referred to the Senate Committee on Foreign Relations.

S. 1614 (Mr. Hruska), April 13, 1961; referred to the Senate Committee on Foreign Relations.

MISBEHAVIOR OF WITNESSES AND OTHERS BEFORE CONGRESSIONAL COMMITTEES

Item 121. *Committee recommendation*—Legislation to amend sections 102 and 104 of the *Revised Statutes* (2 U.S.C. §§ 192, 194) to prohibit and punish misbehavior of witnesses and others in the presence of, or so near thereto as to obstruct either House or any committee thereof in the performance of its duties.

Action—The following bills, now pending, contain such provisions.

H.R. 6 (Mr. Walter), January 3, 1961; referred to the House Committee on Un-American Activities.

H.R. 7 (Mr. Scherer), January 3, 1961; referred to the House Committee on Un-American Activities.

H.R. 179 (Mr. Walter), January 3, 1961; referred to the House Committee on the Judiciary.

THE SMITH ACT

Item 122. *Committee recommendation*—That the *Smith Act* be strengthened by appropriate legislation defining the term "organize" to include continuing acts of organizing and recruiting.

Action—*H.R. 6* (Mr. Walter) and *H.R. 7* (Mr. Scherer), January 3, 1961, were referred to House Committee on Un-American Activities and are now pending.

H.R. 3247 (Mr. Cramer), January 25, 1961, was passed by the House on May 15, 1961, was referred to the Senate Committee on the Judiciary on May 16, 1961, and is now pending.

FEDERAL EMPLOYEE SECURITY PROGRAM

Item 123. *Committee recommendation*—That legislation be enacted to stem the serious breach in the Federal Employee Security Program opened in 1956 by the decision in *Cole v. Young*, 351 U.S. 536. The committee recommends a measure that would permit the head of any department or agency of the Federal Government, in his absolute

discretion and when deemed necessary in the interest of national security, to suspend, without pay, any civilian officer or employee of the Government. It requires that such person be notified of the reason of his suspension and given an opportunity within 30 days to show why he should be reinstated. All employees of any department or agency of the United States shall be deemed to be employed in an activity of the Government involving national security. The Civil Service Commission, upon request of the employee, shall review the agency's decision and the determination of the Civil Service Commission shall be final.

Action—*H.R. 6* (Mr. Walter) and *H.R. 7* (Mr. Scherer). January 3, 1961, both contain the recommended provisions. These bills were referred to the House Committee on Un-American Activities; are now pending and under study.

INDUSTRIAL SECURITY

Item 124. *Committee recommendation*—It is urgently recommended that Congress authorize the President to prescribe regulations, relating to Government contracts with industry, creating industrial personnel security clearance programs, to assure the preservation and integrity of classified information, and reposing in the President a summary or discretionary power to deny clearance, without judicial review, to those not clearly loyal or who may be security risks, *with authority to subpoena witnesses* to testify under oath in matters relating to any investigation or hearing provided for by such regulations.

Action—There is at present in effect *Executive Order No. 10865*, issued February 20, 1960, which provides for the safeguarding of classified information within industry. Under this Order, however, the heads of the departments concerned are not empowered to subpoena witnesses.

The committee's recommendation seeks to empower the President to subpoena witnesses, to empower the district court to issue an order to appear to anyone who fails to heed the subpoena so issued, and to empower the court to punish as for contempt anyone who fails to obey such court order.

Action—The following bills, now pending, carry provisions similar to those recommended.

H.R. 6 (Mr. Walter), January 3, 1961; referred to the House Committee on Un-American Activities.

H.R. 7 (Mr. Scherer), January 3, 1961; referred to the House Committee on Un-American Activities.

H.R. 972 (Mr. Hiestand), January 3, 1961, the *Federal Security Act*; referred to the House Committee on Post Office and Civil Service.

OBSTRUCTION OF DEFENSE MATERIALS IN FOREIGN COMMERCE

Item 125. *Committee recommendation*—Amendment of the *Communist Control Act of 1954* to prohibit interference by certain persons with the free movement of defense materials in foreign commerce. Legislation should prohibit agitation, conduct, or inaction by labor organization representatives which obstructs the free movement of defense materials in foreign commerce in national emergency or war. Violation should be punishable by fine of not more than \$25,000 or imprisonment for not more than 10 years or by both.

Action—These provisions, identically, are contained in *H.R. 6* (Mr. Walter), *H.R. 7* (Mr. Scherer), and *H.R. 596* (Mr. Younger), dated January 3, 1961. They were referred to the House Committee on Un-American Activities; are now pending and under study.

S. 2631 (Mr. McClellan, for himself, Mr. Curtis, Mr. Holland, and Mr. Mundt), September 23, 1961, prohibits strikes in strategic defense facilities, and provides for an emergency board to settle labor disputes involving employees in such a facility. This bill was referred to the Senate Committee on Labor and Public Welfare and is now pending.

H.R. 7015 (Mr. Hoffman of Michigan), May 11, 1961, *H.R. 7036* (Mr. Martin of Nebraska), May 15, 1961, and *H.R. 7097* (Mr. Hoffman of Michigan), May 16, 1961, prohibit strikes, work stoppages, and slowdowns at critical defense facilities, and authorize the district courts of the United States to issue injunctions with respect to violations. These bills were referred to the House Committee on Education and Labor and are now pending.

S. 2401 (Mr. Case of South Dakota), August 10, 1961, makes it an unfair labor practice for a labor organization to call a strike in an industry if the President has certified that an interruption of work in such industry would threaten or impair the national security. This bill was referred to the Senate Committee on Labor and Public Welfare and is now pending.

Executive Order 10946 (26 F.R. 4629), which establishes a program for labor disputes at missile and space sites, instructs the Commission established thereunder to develop with the Federal contracting agencies and with the parties programs for obtaining in collective bargaining contracts or other agreements or arrangements covering work at missile and space sites, the inclusion of effective commitments that there will be no lock outs or work stoppages at such sites.

VESSEL AND PORT SECURITY

Item 126. *Committee recommendation*—Amendment of the *Subversive Activities Control Act* so as to provide that no individual who wilfully fails or refuses to answer, or falsely answers, certain questions relating to subversive activities, when summoned to appear before certain agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States.

Action—*H.R. 6* (Mr. Walter), January 3, 1961, *H.R. 7* (Mr. Scherer), January 3, 1961, *H.R. 4469* (Mr. Walter) February 16, 1961, and *H.R. 4470* (Mr. Scherer), February 16, 1961, the *United States Merchant Vessel and Waterfront Security Act* contain this provision. These four bills were referred to the House Committee on Un-American Activities.

H.R. 4469 was reported out on February 23, 1961 (H. Rept. 25) and was passed by the House on March 21, 1961. It was referred to the Senate Committee on the Judiciary on March 22, 1961, and is now pending.

FEDERAL EMPLOYEE COMMUNIST ACTIVITIES TESTIMONY ACT

Item 127. *Committee recommendation*—Amendment of the *Subversive Activities Control Act of 1950* so as to provide that any Federal officer or employee who wilfully fails or refuses to answer, or falsely

answers certain questions relating to Communist activities, when summoned to appear before any Federal agency, shall be removed from his office or employment.

Action—*H.R. 6* (Mr. Walter), January 3, 1961, *H.R. 7* (Mr. Scherer), January 3, 1961, *H.R. 9325* (Mr. Walter), September 20, 1961, and *H.R. 9439* (Mr. Scherer), September 25, 1961, all contain this provision. These four bills were referred to the House Committee on Un-American Activities; are now pending and under study.

H.R. 2928 (Mr. Rivers of South Carolina), January 18, 1961, provides that any Federal employee who refuses to answer a question of a committee of Congress with respect to Communist, Communist-front, or subversive affiliations, shall be removed immediately from his office or employment. This bill was referred to the House Committee on Post Office and Civil Service and is now pending.

H.R. 7914 (Mr. Scherer), June 28, 1961, provides that any individual subpoenaed or ordered to appear before any Federal agency who wilfully fails or refuses to appear or answer under oath any question concerning Communist activities, shall be ineligible for any right, privilege, or benefit under any law of the United States including the holding of any office or place of honor, profit or trust, and the holding of any certificate, license, passport, or other document issued under the law of the United States, which confers any right, privilege, or benefit upon such individual. This bill was referred to the House Committee on Un-American Activities; is now pending and under study.

REGISTRATION OF DOMESTIC ORGANIZATION CONTROLLED BY FOREIGN GOVERNMENT

Item 128-A. *Committee recommendation*—Amendment of the *Subversive Activities Control Act* so as to require the registration of certain additional persons disseminating political propaganda within the United States as agents of a foreign principal, and the establishment of an Office of the Comptroller of Foreign Propaganda in the Bureau of Customs of the Department of the Treasury. This provision was originally contained in *H.R. 12753*, 86th Congress, introduced by the committee chairman, Mr. Walter, on June 21, 1960, and passed by the House on August 22, 1960.

Action—The recommended provisions, including a provision for an Office of the Comptroller of Foreign Propaganda, are contained in *H.R. 6* (Mr. Walter), January 3, 1961, *H.R. 7* (Mr. Scherer), January 3, 1961, and in *H.R. 5751* (Mr. Walter), March 21, 1961, and *H.R. 5839* (Mr. Scherer), March 22, 1961, all referred to the House Committee on Un-American Activities, and in *S. 1508* (Mr. Dirksen, for himself and Mr. Bennett), April 6, 1961, referred to the Senate Committee on the Judiciary. *H.R. 2786* (Mr. Poff), January 16, 1961, contains the registration provisions only. It was referred to the House Committee on the Judiciary.

H.R. 470 (Mr. McCulloch), January 3, 1961, contains the registration provisions only. This bill was enacted into law and became *Public Law 87-366*. It includes within the definition of a "foreign principal" as the term is used in the *Foreign Agents Registration Act*, domestic organizations which are substantially supervised, directed, controlled, or financed by a foreign government or foreign political

party. It clarifies the commercial exemptions of the *Foreign Agent's Registration Act* by providing that a foreign principal, in order for its agents to be eligible for exemption from registering under the act, must be engaged only in activities which are private and nonpolitical, financial or mercantile.

DISSEMINATION OF COMMUNIST PROPAGANDA IN THE UNITED STATES

Item 128-B. *H.R. 5751* (Mr. Walter), listed above in Item 128-A, was reported out favorably in its original form on April 26, 1961 (*H. Report No. 309*).

On September 14, 1961, the committee submitted a supplemental report (*H. Report No. 309, Part 2*), striking out all after the enacting clause and inserting a provision concerning notice by the Postmaster General with respect to Communist propaganda being distributed in the mail. The purpose of this bill is to combat the Communist propaganda items entering the United States by first-class mail. Such mail is not opened for inspection.

H.R. 5751 now provides that in order to alert the recipients of mail and the general public to the fact that large quantities of Communist propaganda are being introduced into this country from abroad and disseminated in the United States by means of the United States mails, the Postmaster General shall publicize such fact (1) by appropriate notices posted in post offices, and (2) by notifying recipients of mail, whenever he deems it appropriate in order to carry out the purposes of this section, that the United States mails may contain such propaganda. The Postmaster General shall permit the return of mail containing such propaganda to local post offices, without cost to the recipient thereof. Nothing in this section shall be deemed to authorize the Postmaster General to open, inspect, or censor any mail. The Postmaster General is authorized to prescribe such regulations as he may deem appropriate to carry out the purposes of this section.

The bill was passed by the House on September 18, 1961 and was referred to the Senate Judiciary Committee on September 19, 1961. It was reported out by the Senate Judiciary Committee on September 21, 1961 (*Senate Report No. 1105*), was debated in the Senate on September 26, 1961 (*Daily Cong. Record* 9/26/61, p. 20012-20016) and is now pending.

COMMUNISTS NOT TO BE LICENSED UNDER THE FEDERAL COMMUNICATIONS ACT OF 1934

Item 129. *Committee recommendation*—Amendment of the *Subversive Activities Control Act* so as to prohibit the issuance and authorize the revocation of licenses under the *Federal Communications Act of 1934* of any individual who wilfully fails or refuses to appear before a Federal agency, when subpoenaed, or to answer any question concerning membership in, activities of members of, or participation in activities of the Communist Party. "Communist Party" shall mean the Communist Party of the United States, or successors or subsidiaries thereof.

Action—This provision is now contained in *H.R. 6* (Mr. Walter), January 3, 1961, and *H.R. 7* (Mr. Scherer), January 3, 1961. Both of these bills have been referred to the House Committee on Un-American activities; are now pending and under study.

Part IV. Bills Urgently Recommended

FEDERAL EMPLOYEE SECURITY

The committee recommendation in this respect is dealt with under Item 123, and likewise in its Annual Report for 1960, at page 130ff.

The committee's recommendation as to the form such legislation might take is set forth in Sec. 320 of *H.R. 6*, introduced by Congressman Francis E. Walter on January 3, 1961. The bill amends the *Act of August 26, 1950* (64 Stat. 476), to make clear that the powers granted by Congress therein to the Executive Branch are not to be limited to "sensitive" positions only. The bill gives summary authority to the head of any department or agency of the United States Government to suspend any civilian officer or employee. The individual whose employment is suspended shall have notification of the reasons for his suspension with an opportunity to submit his reply. A hearing procedure is established, of which the employee may avail himself prior to termination of his employment.

It is urgently recommended that legislation be adopted to close the serious breach opened in the Federal employee security program as a result of the decision in *Cole v. Young*, 351 U.S. 536 (1956). *Cole v. Young* cut down the applicability of the *Act of August 26, 1950*, to "sensitive" positions only, which Justice Clark in his dissent described as unrealistic, for as Justice Clark pointed out, "The janitor might prove to be in as important a spot security-wise as the top employee in the building." The responsibilities of the Executive in the execution of law, and appointing for that purpose those who will faithfully serve that end, reasonably suggest the concomitant power of suspension and termination of the employment of those who are disloyal or security risks, without regard to whether or not an employee occupies a position commonly but often mistakenly described as nonsensitive.

NATIONAL SECURITY AGENCY

The committee is in the course of preparation of a proposal for legislative action to cure former deficiencies in security procedures at the National Security Agency disclosed as a result of an extensive investigation conducted by this committee which was prompted by the defection in June 1960 of two NSA employees to the Soviet Union. The proposal is to establish a legislative base for improved security procedures which were instituted after the Martin and Mitchell defection and to strengthen the capability of the Secretary of Defense and the Director of the NSA to achieve maximum security.

Such legislation should establish a security standard and prohibit the employment in the Agency of any person who has not been the subject of a full field investigation. Further, to assist the Secretary of Defense and Director of NSA in carrying out their personnel security responsibilities, one or more boards of appraisal, to be appointed by the Director of NSA, should be established in the agency.

In view of the special nature of the Agency's activities, the proposal would further expressly exempt the Agency from the provisions of the Civil Service laws with respect to appointments to the Agency, and from the requirements of the Performance Rating Act of 1950. Moreover, the Secretary of Defense should be authorized summarily to terminate the services of employees whenever such action is necessary

in the interest of the United States, should he determine that the procedures prescribed in other provisions of law relating to termination of employment cannot be invoked consistently with the national security.

The National Security Agency investigation and conclusions drawn therefrom are dealt with in a separate chapter of this report. (See pp. 76-92.)

INDUSTRIAL SECURITY

The committee is in the course of preparation of specific legislative proposals, in addition to those discussed under Item 124, *supra*, and in its Annual Report for 1960 (at p. 133ff), which would provide an express legislative authorization for the Secretary of Defense to establish a security program with respect to defense contractors and their employees, for the protection of classified information released to or within industry or any enterprise within the United States. In view of the Supreme Court decision in the case of *Greene v. McElroy*, 360 U.S. 474, decided June 29, 1959, which, in part, struck down the personnel security clearance review program of the Department of Defense, it is considered that congressional action is mandatory. A failure to assert congressional authorization for a security program, such as that established under *Executive Order 10865*, may result in extensive damage claims against the Government.

WIRETAPPING

The committee has made repeated recommendations for legislation that would authorize the interception of communications by wire or radio, under appropriate circumstances and safeguards, in the conduct of investigations and for the prevention and prosecution of crime. This recommendation has been dealt with in part under Item 90, *supra*. The urgency of legislation of this type is again emphasized. Moreover, both Federal and State officials, within reasonable limitations, should be authorized to acquire and intercept communications for such purposes and with respect to selected criminal activity within their respective jurisdictions.

In the case of State law enforcement, it is felt that the prohibitions of Section 605 of the *Communications Act of 1934* should be made inapplicable to the interception or divulging of any communication by wire or radio which is authorized pursuant to the statutes of any State for the purpose of enforcing the criminal laws of the State. Each State should be free to exercise a clear constitutional privilege of determining its own public policy with respect to persons and crimes committed to its jurisdiction.

The committee advocates legislation designed to give law enforcement capabilities consistent with the scientific and technological progress of this modern age, and to relieve law enforcement of the handicap of being forced to operate with the tools of the horse-and-buggy era. Wiretapping does not involve the introduction of a new principle of law enforcement, but simply brings law enforcement abreast of the modern techniques utilized by the criminal of today. Many serious crimes cannot be prosecuted because of the status of existing law. Legislation on this subject has long been overdue.

PASSPORTS

The committee's recommendation is set forth in Item 120. However, the importance of the adoption of legislation having this objective is strongly emphasized. The historic discretion of the Secretary of State to issue, withhold, or limit passports must be strengthened by the enactment of legislation which will authorize him to deny passports to persons whose purpose in traveling abroad is to engage in activities which will advance the objectives of the Communist conspiracy. The necessity for such legislation is posed in the cases of *Kent and Briehl v. Dulles*, 357 U.S. 116, and *Dayton v. Dulles*, 357 U.S. 144, which are dealt with more fully in the committee's Annual Report for the Year 1960, at page 122f.

The *Internal Security Act of 1950*, which is now effective with respect to the passport provisions of Section 6 thereof, applies to members of Communist-action organizations only, and does not completely solve the problems in this area. The operation of the provisions of this act are effective only on proof of the actual Communist Party membership of the individual concerned. Evidence before the committee has conclusively demonstrated that, pursuant to security practices of the Communist Party organization, many persons affiliated knowingly with the Communist Party and obedient to its instructions, have not assumed provable membership. Where the Secretary of State has good cause to believe such persons are traveling abroad in support of the objectives of the Communist conspiracy, it appears intolerable that they should receive from a Government they seek to injure and destroy, the recommendation of character and protection which a passport implies.

Part V. Appendix to Relevant Bills Introduced in the 87th Congress, 1st Session

HOUSE OF REPRESENTATIVES

Bill No.	Author	Committee referred to	Action	See item No.
H. R. 3	Smith (of Virginia)	Judiciary	Pending	104.
H. R. 6	Walter	Un-American Activities	Pending (several provisions of this bill are contained in other bills which have been passed by one or both Houses).	6, 29, 30, 80, 89, 90, 92, 97, 102, 104, 106, 111, 112, 114, 117, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129.
H. R. 7	Scherer	do	Pending (several provisions of this bill are contained in other bills which have been passed by one or both Houses).	6, 29, 30, 80, 89, 90, 92, 97, 102, 104, 106, 111, 112, 114, 117, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129.
H. R. 179	Walter	Judiciary	Pending	121.
H. R. 187	do	do	H. Rept. 565, June 22, 1961; passed House, July 10, 1961; referred to Senate Judiciary, July 11, 1961; provision was incorporated into S. 2237 which became Public Law 87-301, sec. 5.	99.
H. R. 189	do	do	Pending	114.
H. R. 192	do	do	Provision was incorporated into S. 2237, which became Public Law 87-301, sec. 19.	115.
H. R. 224	Hiestand	Armed Services	Pending	55.
H. R. 234	Abernethy	Judiciary	do	104.
H. R. 387	Hiestand	do	do	90.
H. R. 388	do	do	do	6, 30, 120.
H. R. 392	do	do	do	104.
H. R. 467	McCulloch	do	do	97.
H. R. 470	do	do	Public Law 87-366	128.
H. R. 536	Poff	do	Pending	104.
H. R. 568	Selden	do	do	104.
H. R. 696	Younger	Un-American Activities	do	104.
H. R. 649	Colmer	Judiciary	do	125.
H. R. 654	do	do	do	104.
H. R. 655	Collier	Foreign Affairs	do	97, 104.
H. R. 872	Hiestand	Post Office and Civil Service	do	120.
H. R. 973	Hosmer	Foreign Affairs	do	11, 124.
H. R. 1086	Selden	do	do	120.
H. R. 1191	Matthews	Judiciary	do	120.
H. R. 1985	Utt	do	do	101.
H. R. 2302	Smith (of California)	Un-American Activities	do	101.
H. R. 2465	Judd	Foreign Affairs	do	6, 41.
H. R. 2538	Deroullan	do	do	120.
H. R. 2730	Poff	Judiciary	do	98.
H. R. 2785	do	do	Public Law 87-369	97.
H. R. 2786	do	do	Pending	128.
			Same provisions contained in H. R. 470 which became Public Law 87-366.	

H. R. 2928	Rivers (of South Carolina)	Post Office and Civil Service	Pending	127.
H. R. 3170	King (of New York)	Foreign Affairs	do	120.
H. R. 3245	Cramer	Judiciary	H. Rept. 248; passed House, May 15, 1961; referred to Senate Judiciary May 16, 1961; pending.	104.
H. R. 3247	do	do	Pending	122.
H. R. 3248	do	do	do	97.
H. R. 4077	Curtis (of Missouri)	Foreign Affairs	do	120.
H. R. 4096	Flynt	Judiciary	do	104.
H. R. 4461	Rogers (of Florida)	Foreign Affairs	do	120.
H. R. 4469	Walter	Un-American Activities	H. Rept. 25; passed House, Mar. 21, 1961; referred to Senate Judiciary, Mar. 22, 1961; pending.	126.
H. R. 4470	Scherer	do	Provisions identical to H. R. 4469.	126.
H. R. 4700	Walter	do	Pending	17.
H. R. 4890	Scherer	do	do	17.
H. R. 4892	Walter	do	do	29.
H. R. 5424	Scherer	do	do	29.
H. R. 6425	Scherer	do	do	29.
H. R. 5722	Stafford	Foreign Affairs	do	120.
H. R. 5751	Walter	Un-American Activities	do	123.
H. R. 5839	Scherer	do	H. Rept. 309, pt. 2; passed House, June 18, 1961; referred to Senate Judiciary, S. Rept. 1106, Sept. 21, 1961; debated Sept. 26, 1961; pending.	128.
H. R. 6183	Gubser	Post Office and Civil Service	Part of this bill is identical to H. R. 470, which became Public Law 87-366.	11.
H. R. 6746	Celler	Judiciary	Identical to H. R. 2730, which became Public Law 87-369.	98.
H. R. 7015	Hoffman (of Michigan)	Education and Labor	Pending	125.
H. R. 7036	Martin (of Nebraska)	do	do	125.
H. R. 7053	James C. Davis	District of Columbia	H. Rept. 460; passed House, June 12, 1961; referred to Senate Committee on the District of Columbia, June 13, 1961; pending.	97.
H. R. 7079	Adair	Foreign Affairs	Pending	120.
H. R. 7097	Hoffman (of Michigan)	Education and Labor	do	125.
H. R. 7146	Meader	Judiciary	do	104.
H. R. 7388	Brooks (of Louisiana)	Un-American Activities	do	5, 41.
H. R. 7520	Burleson	Foreign Affairs	do	120.
H. R. 7645	Hagen (of California)	Judiciary	do	5.
H. R. 7914	Scherer	Un-American Activities	do	127.
H. R. 8043	McDonough	do	do	5, 41.
H. R. 8142	King (of New York)	Judiciary	do	90.
H. R. 8964	Walter	do	do	90.
H. R. 9066	Rogers (of Texas)	do	do	74.
H. R. 9090	Mills	Ways and Means	do	17.
H. R. 9120	Walter	Un-American Activities	do	59.
H. R. 9250	Mills	Ways and Means	do	59.
H. R. 9325	Walter	Un-American Activities	do	127.
H. R. 9411	Dorwinski	Post Office and Civil Service	do	59.
H. R. 9427	Gubser	Foreign Affairs	do	120.
H. R. 9439	Scherer	Un-American Activities	do	127.
H. R. 9455	Rousselot	Post Office and Civil Service	do	59.
H. R. 9465	Beermann	do	do	59.
H. J. Res. 153	Rivers (of South Carolina)	Foreign Affairs	do	42.
H. J. Res. 482	Bennett (of Florida)	Judiciary	do	100.

Part V. Appendix to Relevant Bills Introduced in the 87th Congress, 1st Session—Continued

THE SENATE

Bill No.	Author	Committee referred to	Action	See Item No.
S. 3.....	McClellan.....	Judiciary.....	Pending.....	104.
S. 229.....	Wiley, Bennett, and Butler.....	Foreign Relations.....	do.....	120.
S. 735.....	Thurmond.....	Judiciary.....	do.....	101.
S. 1386.....	Keating.....	do.....	do.....	41.
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CHAPTER VI

REFERENCE SERVICE FOR MEMBERS OF CONGRESS

The committee maintains extensive files of public source material on individuals, organizations, and publications which are related to, or concerned with, the question of communism. The number of reports on organizations and individuals furnished to Members of Congress in response to written requests and based on information in these files has tripled in the last 5 years.

During the year 1961, the committee received 3,200 inquiries from Members of the Congress, an increase of 45 percent over 1960. These requests for information required checks on approximately 5,100 individuals and 2,600 organizations and periodicals. They resulted in the compiling of almost 2,500 reports, a 26 percent increase over 1960.

Although the committee's files are not open to the public, they are made available to investigative agencies of the executive branch. The files were utilized on 2,100 separate occasions by representatives of executive branch agencies in 1961.

The files are in constant use, of course, by members of the committee's staff for the preparation of exhibits, hearings, consultations, legislation, House reports, etc. During 1961, the reference section prepared 3,800 exhibits for staff personnel, an increase of 192 percent over 1960. The number of visits to the files for the above purposes totals in the many thousands during the course of a year.

CHAPTER VII

BIBLIOGRAPHY OF COMMITTEE PUBLICATIONS FOR THE YEAR 1961

During the year 1961, approximately 88,250 copies of 11 new committee hearings¹ and reports were printed. Although most of these copies were not off the press until the last 2 months of the year, by January 1962, more than 43,000 of them had been used for distribution to Members of Congress and Government agencies and to fill requests received by the committee from private individuals and organizations. In addition, 475,000 reprints of 17 publications issued by the committee in previous years were ordered and received. More than 215,000 of these reprints were used to fill a backlog of requests.

Following is a list of committee hearings and reports published during the 1st session of the 87th Congress:

HEARINGS

Hearings Relating to H.R. 4700, To Amend Section 11 of the Subversive Activities Control Act of 1950, As Amended (The Fund For Social Analysis), May 31, June 7, and August 16, 1961.

Hearings Relating to Revision of H.R. 9120 and H.R. 5751, To Amend the Subversive Activities Control Act of 1950, September 13, 1961.

Manipulation of Public Opinion by Organizations Under Concealed Control of the Communist Party (National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties), Parts 1 and 2, October 2, and 3, 1961.

Communist Penetration of Radio Facilities (CONELRAD—Communications)—Part 2, October 26, 27, and November 29, 1961.

Hearings on Structure and Organization of the Communist Party of the United States, November 20, 21, and 22, 1961.

REPORTS

Rules of Procedure, Committee on Un-American Activities, Revised 1961.

U.S. Merchant Vessel and Waterfront Security Act of 1960, House Report 25, 87th Congress (to accompany H.R. 4469), February 23, 1961.

Amending the Subversive Activities Control Act of 1950, House Report 309, 87th Congress, Parts 1 and 2 (to accompany H.R. 5751), April 26, 1961 and September 14, 1961.

Supplement to Cumulative Index to Publications of the Committee on Un-American Activities, 1955 through 1960, June 1961.

¹ The committee held 42 sessions of executive hearings for which no transcripts were published.

- Dissemination of Communist Propaganda in the United States, House Report 309—Part 2, 87th Congress (to accompany H.R. 5751), September 14, 1961.
- The Truth About the Film "Operation Abolition," House Report 1278—Part 1, October 5, 1961.
- Manipulation of Public Opinion by Organizations Under Concealed Control of the Communist Party (National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties). House Report 1282—Parts 1 and 2, 87th Congress, November 30, 1961.
- Guide to Subversive Organizations and Publications (And Appendixes), December 1, 1961.
- Communist Penetration of Radio Facilities (CONELRAD—Communications)—Part 2, House Report 1283, December 5, 1961.
- The Truth About the Film "Operation Abolition," House Report 1278—Part 2, December 27, 1961.
- The New Role of National Legislative Bodies in the Communist Conspiracy, December 30, 1961.
- Annual Report for 1961.

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