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COMMITTEE ON UN-AMERICAN ACTIVITIES

ANNUAL REPORT FOR THE YEAR 1962

JANUARY 2, 1963
(Original Release Date)

MARCH 28, 1963.—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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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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88TH CONGRESS, *1st Session* } HOUSE OF REPRESENTATIVES { REPORT No. 176

COMMITTEE ON UN-AMERICAN ACTIVITIES ANNUAL REPORT FOR THE YEAR 1962

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Mr. WALTER, from the Committee on Un-American Activities, submitted the following

REPORT

[Pursuant to H. Res. 5, 88th Cong., 1st sess.]

CONTENTS

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.

* * * * * * *

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* * * * * * *

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FOREWORD

No true American can find any satisfaction in the knowledge that, only a few months ago, Communist-manned missiles were poised to strike this Nation from Cuba, just 90 miles away. Yet the Cuban crisis had its value. It again placed in sharp focus Moscow's true intentions as far as our country is concerned. It revealed the insincerity in Khrushchev's talk of "peace." It again spotlighted the familiar pattern of conspiracy, treachery, and deceit by which non-Russian Communists reduce once independent nations to the status of puppets of the Soviet Union.

To thoughtful Americans, the real shocker in the Cuban crisis was not that Communist missiles were emplaced just 90 miles from our shores (when we are the target of missiles, it doesn't much matter whether they are 90, 900, or 3,000 miles away), but rather that the Kremlin had boldly and successfully demonstrated its total takeover power on our very doorstep—and that it had done this with seeming ease in an anti-Communist country, without an invasion and without great numbers of native Communists and Soviet sympathizers. There had never been a mass Communist Party in Cuba. A relative handful of Communist agents had done the job.

A completely independent Communist Cuba would pose no threat to the United States. A Communist Cuba, however, which is in reality an advance base for the military weapons and operations and the international subversive activities of the Soviet Union is a very serious threat.

What can we learn from the Cuban crisis? First, that national boundaries lose their meaning once communism takes over any nation. We should stop thinking in the outmoded, conventional terms of a Communist "Cuba," a Communist "Poland," or Communist "Bulgaria." These one-time nations are no longer separate countries but rather parts of the international Communist state. Cuba is no longer Cuba; it is an advance outpost of the Soviet Union in the Americas.

Second, a relatively small number of Communists can—in a very short time and against the will of the great majority of the people—convert a once independent, anti-Communist nation into one enslaved by communism.

Third, countries of the Western Hemisphere are not invulnerable to Communist seizure of power.

Fourth, in the U.S. Communist Party, with its upwards of 10,000 hard-core members and many additional thousands of Communists and sympathizers, the Soviet Union has a larger, better organized, and more experienced fifth column in this country than it had in Cuba shortly before Castro's seizure of power.

Finally, Cuba should teach us again that freedom is not free. All who would enjoy its bounties must be constantly alert to those forces which threaten it and, more important, ready to act swiftly and decisively against them. What has happened in Cuba, happened some years earlier in Guatemala. It has now happened in almost a score of countries. It could happen here.

FRANCIS E. WALTER, *Chairman.*

ANNUAL REPORT FOR THE YEAR 1962

CHAPTER I

HEARINGS CONDUCTED FOR LEGISLATIVE PURPOSES

COMMUNIST PROPAGANDA—AND THE TRUTH—ABOUT CONDITIONS IN SOVIET RUSSIA

(Testimony of David P. Johnson)

On May 11, 1962, news dispatches from London reported that an American family was returning home from the Soviet Union after abandoning plans to defect to that Communist country. David P. Johnson, a 32-year-old Philadelphia railway clerk, his pregnant wife and twin sons—one of whom needed heart surgery—had traveled to the USSR as members of an organized group of tourists for the secret purpose of dropping out of the tour and remaining permanently in Russia. After 3 days of observing life and conditions in Leningrad, Moscow and points in between, the Johnsons' illusions of finding an earthly paradise had been shattered and replaced by the nightmare of Soviet reality.

The Johnson family returned to the United States and, on May 22, 1962, in an executive session of the committee, Mr. Johnson testified how he had been attracted to communism, why he had decided to take his family to the USSR, what he had found there and what he planned to do in the future. A summary of the facts brought out by the Johnson testimony follows:

David Paul Johnson was born in Providence, Rhode Island, on October 24, 1929. He received a public grammar school education in New England, but left high school in Manchester, New Hampshire, 2 months after he had entered. Johnson worked as a boiler stoker and salesman of men's clothing in Manchester before being drafted by the Army, from which he received an honorable discharge in the summer of 1952.

In September 1952, Johnson went to Philadelphia, where he was hired as a clerk by the Pennsylvania Railroad. He remained on that job for nearly 10 years, during which time he entered into his second marriage and became the father of twin boys.

It was during Johnson's second or third year in Philadelphia that he began actively pursuing a growing curiosity about communism by reading the classical works of Marx and Lenin and buying the *Daily Worker*, *National Guardian* and other publications which promoted the Communist Party line. Johnson found Communist theories appealing, particularly those concerning the building of a "classless society." From advertisements in both Communist and non-Communist newspapers, he learned of other and newer writings on Marxism-Leninism obtainable from book stores in New York City. As a rail-

road employee, he was able to ride trains from Philadelphia to New York on a pass. He began making frequent trips to New York to acquire books on communism.

Johnson also attended lectures given in Philadelphia by leading American Communists. Through the Soviet Embassy in Washington, he subscribed to the cultural exchange magazine, *USSR*, for which the Embassy later sent him a bonus book called *Khrushchev in America*, published by Crosscurrents Press. This book consisted of pictures taken of the Soviet dictator and the texts of speeches made by him when he visited this country in 1959.

Although Johnson never joined the Communist Party, he became a highly informed student of Communist theory. Meanwhile, he was building an illusion that the Soviet Union was a land where no class distinctions were made, where his heart-damaged son could receive a free operation by surgeons more skilled than those in the United States, where his children could receive a better education than they could in this country and where, as Communist sympathizers, he and his family would be welcomed with open arms. Johnson yearned to live in the USSR.

In December 1961, Johnson learned that his wife was pregnant. He felt that with the increased expenses the new baby would bring, the Soviet Union was more appealing than ever. At about that time he bought a copy of a British publication entitled *Labour Monthly*, which contained an advertisement for a relatively inexpensive tour from London to Helsinki, Leningrad, and Moscow (for May Day), then back to Leningrad, Copenhagen, and London again. Although he would have to purchase a ticket for the whole tour (including the return trip from Moscow to London), Johnson decided the $500 it would cost for his entire family would be a cheap enough means of getting them from London to Russia. Including the cost of his family's flying to London from the United States, he estimated the entire one-way trip could be made for approximately $1,100.

Johnson made arrangements for his family to take the London-to-Moscow "May Day Tour" by corresponding directly with Progressive Tours of London. He was granted permission by his employer to combine 2 weeks of vacation with 2 weeks of leave without pay so that he and his family could "tour" Europe, including the USSR.

Johnson had about $500 which he had saved over a period of a year and a half and borrowed $600 more so as to have sufficient funds to pay for the entire trip. With one-way tickets, the Johnsons flew to London, with an overnight stop in Glasgow, Scotland, in late April 1962. After they had remained for several days in the British capital, the tour began. The first leg was to the port of Tilbury, England, where about 500 tourists (150 in the Johnsons' group, plus two other tour groups) boarded the Russian ship, *Baltika*. Once on board, Intourist, the Soviet-controlled travel agency, assumed almost complete charge of all the tourists.

The tourists on the *Baltika* were later assessed by Johnson as being in three distinct categories. He classified one third of them as pro-Communists, another third as anti-Communists, and the remaining third as Nehru-type neutralists.

While the *Baltika* was approaching Leningrad, after the tourists had made a stopover at Helsinki, Johnson became friendly with an Intourist agent and told him that he and his family planned to leave

the tour and remain permanently in the Soviet Union. It was the first time Johnson had told his secret to anyone outside his family. The Intourist agent mildly reproved Johnson for not having contacted the Soviet Embassy in Washington so that proper arrangements for remaining in Russia could have been completed in advance. Nevertheless, the man did not think the Johnsons would have any serious difficulty in carrying out their plan, and said he would cable Leningrad to try to ease the path of defection.

Also, while the Johnsons were still on board ship between Helsinki and Leningrad, an Intourist man pointed out to Mr. Johnson that the lips and fingers of one of the Johnson twins were blue. When Johnson explained that this son had a heart defect that needed early correction, the tour agent said he would arrange for a preliminary physical examination of the boy in Leningrad.

When the tourists arrived at Leningrad on April 27, Johnson told the Communist port manager of his defection plans, and the Soviet official promised to help. Later, after apparently telephoning Moscow, the port manager informed Johnson that all the arrangements would have to be taken care of after the American family reached the Soviet capital. He warned that even then things might be difficult to settle because most Soviet officials in Moscow were busy preparing for the forthcoming May Day celebrations.

Johnson's son was given an examination by a Russian woman doctor in Leningrad. The father was very much impressed by her ability because she arrived at the same diagnosis as had doctors in the United States. Mr. Johnson was told that the preliminary findings of the woman physician would be forwarded to Moscow where a staff of doctors would examine the boy again. Johnson was pleased with the attention received by and promised for his son.

It was in Leningrad, though, that Johnson first learned that the Communist propaganda about the Soviet Union's "classless society," which he had accepted for many years in the United States, was completely false. He immediately detected an attitude of fear and subservience on the part of non-Communist Soviet citizens toward card-carrying Communists. Johnson observed, for example, that when non-Communist Russians or foreign tourists passed through the main gate of the port on their way into the city of Leningrad, guards on the gate scrutinized most carefully all their credentials, passports (including photographs), etc. When a Communist, Soviet or other, approached the gate, however, all he had to do was show identification as a Communist Party member and the guards practically stood at attention as they waved him through. The Johnsons, in fact, just walked through the gate with a Soviet Communist who had shown his CP membership card. They weren't even asked to show their identification.

The lie about the Soviet Union's "classless society" was exposed in another way when the Johnsons were joined in a restaurant by two English-speaking Russian students. One of the students gave the following "friendly" advice to Mr. Johnson about Russian Mongolians:

> Keep away from the Mongols. They can't be trusted and they are notoriously drunkards. Have no talk or anything with these people.

Mr. Johnson was also shocked in Leningrad to see boys 12 and 13 years old doing hard, dirty work around the shipyards. He immediately doubted the Communist propaganda he had been reading and listening to for years about the high standards of education the Soviet Union maintains for its young people.

Enroute from Leningrad to Moscow by train, Johnson was amazed and shocked to see Russian families living on railroad track sidings in ancient freight cars "just about ready to collapse." This was hardly in accord with the Communist propaganda he had absorbed in the United States about modern housing in the Soviet Union. Arriving in Moscow, Johnson became particularly incensed at the terrible housing conditions he had just seen when he found that, to his way of thinking, the Soviet Government had wasted vast sums of money in constructing that deplorably elegant, marble encased, chandeliered, sculpture-trimmed showplace—the Moscow subway.

In the Soviet capital, Johnson avoided most of the scheduled guided tours and managed, on his own, to see parts of the city not shown to foreigners. In this way he discovered that Moscow had the most intolerable slum areas he had ever seen anywhere. In keeping with the class distinction that had become evident to Johnson from the moment he set foot on Soviet soil, he found that what good housing, comparatively speaking, there is in Moscow is occupied by Communist Party members or persons favored by the Communists.

Both Mr. and Mrs. Johnson also observed that Communists were quite easily distinguished from non-Communists in Moscow—as they had been in Leningrad—by the clothing they wore. Communists were far better dressed than most other Russians. Mr. Johnson was repeatedly pestered by non-Communists, adults and youths alike, who wanted to buy the clothing on his back. The fact that one Russian offered to buy Johnson's shoes—without even asking what size he wore—convinced him that there was an important black market for clothing in Moscow. This was further evidenced by the wornout condition of the shoes on the average Russian he passed on the streets. Johnson knew these conditions could not have existed if there had been truth in the Communist propaganda he had read in the United States about how well the Russians were clothed.

One incident concerning an offer to buy clothes also served as another illustration to Mr. Johnson of how Communists, rather than building a "classless society" as they propagandize, are actually creating new class distinctions whereby they themselves assume a position of superiority over all non-Communists. The incident in question took place in Moscow's Red Square and involved a British Communist and a non-Communist Russian student in his late teens. The student engaged the well-dressed Englishman in conversation and, after learning that the foreigner was a Communist Party member, offered to buy his coat. Two civilian policemen, apparently under orders to arrest Soviet citizens who attempt to purchase clothing from foreigners, overheard the student's offer and seized him.

As he was being taken away, the student tearfully pleaded with the British Communist to "show them your party card," knowing that if he did, the policemen would leave it up to the Englishman to decide whether the student should be arrested or released. When the Englishman said nothing, the young Russian was carted off to jail.

Johnson was deeply disturbed and shocked by this incident and other evidence that, in the Soviet Union, Communist Party members (even foreign ones) have the power to wield tremendous influence over the lives of non-Communist Russians.

Although the Johnsons had arrived in the Soviet capital on April 28, and the port manager of Leningrad had notified Moscow authorities in advance that the American family wanted to stay in the Soviet Union permanently, it was not until April 30 that Johnson was informed he would be officially contacted by the Soviet Government at 7 p.m. the next evening (May Day).

By this time, however, both Mr. and Mrs. Johnson had been so amazed and disheartened to find the Soviet Union as it really was that they wanted no part of staying there. They desired only to get back to the United States. Not wanting to meet Soviet officials under these changed circumstances, Mr. and Mrs. Johnson found a baby sitter for their twins and left their hotel room an hour before the 7 p.m. appointment time on May 1. They purposely stayed away from their quarters until 10:30 p.m. When they returned to the hotel, the baby sitter said nothing about there having been any callers while they were out and the Johnsons heard nothing further from the Soviet Government while they were in Moscow—nor did they receive the promised medical examination of their son. For the remaining 3 days the Johnsons were on Soviet soil, they were followed by civilian-clothed Soviet policemen wherever they went.

A week after the tourists had first arrived in Leningrad, they were back there again getting ready to return to England by way of Copenhagen. The Leningrad port manager seemed surprised to see the Johnson family still with the tour and asked what had gone wrong. Mr. Johnson told him that because of the May Day celebrations they had been given the runaround and had not been able to contact the appropriate authorities.

The port manager made several telephone calls and then told Johnson that he and his family had three choices: (1) they could get a hotel in Leningrad and let the ship leave without them; (2) they could go to the captain of the ship, tell him of their desire to stay in the Soviet Union and hope that he could cut the red tape for them; or (3) they could go to Copenhagen and ask the Soviet Embassy there to have them admitted for residence in the U.S.S.R. Johnson pretended to accept the third choice, though he had absolutely no intention of approaching the Soviet Embassy in Copenhagen.

When he arrived in Copenhagen, Johnson went instead to the American Embassy where he related his story, including the fact that he did not have enough money to get his family home. He was advised to continue the tour to England and make application for a loan from the U.S. Government through the American Embassy in London.

The Johnsons returned with the other tourists to Tilbury. British authorities took Mr. Johnson to the American Embassy where he filled out an application form for the loan and then returned him to the ship at Tilbury, where his family had had to remain. (Under British law, the Johnsons could not leave the ship until such time as they could produce sufficient funds to purchase return transportation to the United States.)

The Johnsons spent three and one-half jittery days on board ship at the Tilbury docks before the loan came through. It was an anxious period, because they were well aware by then that, according to international law, if they could not disembark at Tilbury, the captain of the ship would be obliged to return them to their port of origin which, in this case, was Leningrad. In the meantime, the story of the Johnsons' plan to defect to the Soviet Union and their subsequent change of heart and reasons for it had been reported in the press. The American family had good reason to fear what might happen to them if they were forced to return to the Soviet Union.

This, of course, did not happen. The Johnson family returned to the United States on May 11.

When Mr. Johnson testified before the committee on May 22, he reflected upon why he had been so thoroughly duped by Communist propaganda and concluded that:

1. He had never had an understanding of the free enterprise system and its merits.

2. The sharp contrast between Communist theory and propaganda, and its actual practice, had never been made clear to him, so he had had no doubts about the desirability of communism until he witnessed it in action in the Soviet Union.

What is Mr. Johnson going to do in the future? He will talk, wherever people will listen, he said, about how he was duped by Communist propaganda into believing the Soviet Union was a Utopia and worker's paradise and how it took him only 3 days to learn the truth about the evils of communism when he finally saw it in practice.

"INTELLECTUAL FREEDOM"—RED CHINA STYLE

(Testimony of Chi-chou Huang)

The committee met in executive session on May 24 and 25, 1962, to hear the testimony of Chi-chou Huang, a Red Chinese linguist who had defected to the West in 1961. In addition to recapitulating the events leading to his defection, Huang told the committee how Communist propaganda he had read while studying in the United States during the late forties had first attracted him to Red China.

In September 1945, Chi-chou Huang entered Johns Hopkins University in Baltimore as a premedical student on a scholarship from the Yunnan Provincial Government of Nationalist China. After one semester he transferred to the University of Maryland, located only a few miles from Washington, D.C.

Before long, Huang's interest in his studies was surpassed by his concern—and confusion—over the civil war between the Communists and Nationalists in China.

Huang had had no knowledge of communism before he came to this country. In order to learn what the fighting was all about, he began reading everything he could get his hands on pertaining to social problems, communism, and China. He visited the Library of Congress, sought out books on these subjects—and was impressed by what he read.

As he testified before the committee:

> My ideas were very vague and sketchy; but according to those sketchy few books I read, under socialism there would be equality and prosperity and freedom for every individual. So I thought, well, that is the kind of society the Chinese people should have and one I would enjoy living under, for I would not have to worry about my personal future, occupation, or job, and that kind of thing.

Huang's conclusions were bolstered by articles about China contained in Communist newspapers, magazines, and pamphlets sold in a "progressive" bookshop in Washington; the pro-Communist views of another Chinese student at the University of Maryland; and theories expounded by a campus group of the Young Progressives of America which was set up to support Henry Wallace, the Progressive Party candidate for President in the 1948 election.

A lecture on "socialism" by Scott Nearing [1] in Washington in late 1947 or early 1948 also had a marked influence on Huang, as did the fact that, on this same occasion, he was befriended by Dr. Frederick A.

[1] Mr. Nearing, a long-time and continuing supporter of Communist fronts and causes, was expelled from the Communist Party in January 1930, after having been a member for some years.

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Blossom, manager of Nearing's lecture series and then a Library of Congress employee.

In the latter part of 1948, Huang decided to return to China to join the Communist forces which then controlled the northern part of the country. He went to Dr. Blossom, who introduced him to Maud Russell.[1] She suggested that he go to Hong Kong and contact a certain Chinese newspaper which strongly supported the Chinese "democratic" movement.

In the spring of 1949, 5 months after arriving in Hong Kong—and after visiting the newspaper office to which he had been referred—Huang was directed to a small, crowded boat manned by a Chinese crew. The boat took its Communist and pro-Communist passengers to the north China port of Tientsin, where they were given a royal welcome by Red officials. The new arrivals were fed the finest food and lodged in the most luxurious quarters in the city.

After several days in Tientsin, they were sent to Peking. Here they were given civilian "uniforms" and pocket money and treated to motion picture films, feasts, sightseeing excursions, operas, etc. Huang became bored and annoyed with this treatment day after day and asked to be assigned work that would contribute to the revolution. He was told to be patient, that he needed to readjust to being in China.

After a month in Peking, he was sent to the North China University of the Peoples Revolution where, for about 6 months, he was "re-educated" away from the "old society" he had known and toward what was to exist in the "new society."

Huang was somewhat disappointed when he found that his teachers would not permit him to dissent from anything they said, even when he knew they were lying in their teachings about the United States, a subject about which he had recent and personal knowledge. Nevertheless, he conceded that it might be necessary to prohibit any debate among students until they were better indoctrinated in, and adjusted to, what was expected under the new Communist regime.

In February 1950, Huang was sent back to Peking to teach English at the Foreign Language Institute. In 1953 he married an avid Communist, who was a teacher at this institute.

The Communist Party conducted widespread "rectification" campaigns among its members on several occasions during Huang's first few years under the Red Chinese rule. These were initiated because, in periods of relaxed discipline, Communist bureaucrats furnished their offices lavishly, worked little at their jobs, and became complacent about the future course of the revolution. The rectification campaigns always produced much self-criticism by party members which, in turn, led to temporary reforms.

Huang was enthusiastic about the possibilities of communism until the mid-1950's—although he had never been able to accept fully its limitations on personal freedom. At that time the Red Chinese Government launched a 12-year plan that was supposed to raise Red China's standard of living to that achieved in the United States. The Communist leaders decided that, in order to fulfill this plan, greater freedom would have to be given to the intellectuals. It was with

[1] Miss Russell, an active propagandist for the Chinese Communist cause since World War II, was identified as a member of the Communist Party by Mrs. Anita Bell Schneider, an undercover operative for the Federal Bureau of Investigation, in testimony before this committee on July 5, 1955.

this thought that Mao Tse-tung, chairman of the Communist Party of China, made his now famous speech which contained the exhortation:

> Let one hundred flowers bloom. Let one hundred different schools of thought contend.

At the Foreign Language Institute, which had branched out into many other fields since Huang first arrived there, much new research was undertaken and broader studies were introduced. At Peking University, some professors even incorporated certain capitalist theories in their courses of instruction. The intellectuals were pleased, not only with their new freedom, but because mandatory political activity was reduced to a fraction of what it had been.

Somewhat later, however, the Communist Party launched another "rectification" campaign, and this time the usual confessions and self-criticisms of party members did not satisfy the Red hierarchy. The party therefore also called upon non-Communists to join in the criticism of the party and its members. At first the non-Communist intellectuals were reluctant to participate because they did not trust the party or its motives. But the party pleaded for their cooperation "for the country's good." Communist leaders promised that there would be no reprisals for criticisms made.

A few non-Communists cautiously pointed out party shortcomings and, when no retaliation came, others among the intellectuals followed suit. Then more and more joined in. Newspapers overflowed with accusations against Communists. Some persons went so far as to declare that they did not like communism and would like to see Communists dead. Still there was no retaliation.

At Huang's institute, new and bigger bulletin boards were built because existing ones could not hold all the complaints about the party made by the intellectuals.

Suddenly all this was brought to an end. The Communist Party announced that "rightist, anti-party elements" had used the increased freedom to cause trouble for the party and the government. They had diverted the rectification campaign from its proper course and this would have to be corrected. The party, therefore, organized a bitter "anti-rightist" struggle to smash all open anti-communism.

At the same time, the party stepped up its "rectification" campaign, and all intellectuals—Communist and non-Communist—were forced to participate fully. Huang described to the committee how it was carried out at the institute:

> In this struggle, everybody—I mean, every intellectual in every organization—had to go through the process of criticism and self-criticism. Some in small groups, some in larger groups—a few were conducted with the participation of the entire school * * *. At these meetings, each person, each participant, had to re-examine his own thoughts. In other words, they had to go through a great process of thought remolding, by exposing their own views and thoughts. You read your own thoughts in written form, aloud to the group; and the group would criticize you, point out what was wrong and what was right, in addition to your own criticism. * * *
>
> They made everybody go through a stage, a fairly long period of criticism and self-criticism, and finally, in 1957,

late 1957, the party decided to take measures to send intellectuals to the countryside to go through a period of manual labor.

Huang and others from the institute were sent to a collective farm. They worked as many as 16 hours a day, for this was part of Red China's attempt to make the "Great Leap Forward." After a year they were transferred to work iron mines and furnaces for 3 months. Huang characterized this period as "silly." The intellectuals at first did not know anything about farming and, just at the time they were beginning to learn something from the peasants, were shifted to the mines and the iron furnaces. Again, knowing nothing about their new work, they produced little.

In 1959, Huang was sent back to the Foreign Language Institute. He was now a candidate for the Communist Party but did not become a member. Soon afterwards he was sent to Iraq to teach the Chinese language under a cultural exchange agreement. He had to leave his wife and two children in China.

In Iraq he became the head of the Chinese Section at the Institute of Languages of Baghdad University. After his 2-year contract had been fulfilled, he was ordered to return to Red China for a "vacation." As Huang told the committee, the Chinese Communist knew that "if you lived abroad too long, all kinds of influences would have affected your thoughts and actions * * *."

On June 8, 1961, Huang and a fellow Chinese teacher boarded an airplane for their return trip to Red China by way of Damascus, Athens, and Prague. Huang was now determined to try to defect somewhere enroute.

When the plane landed at Athens for a short stopover, Huang was amazed to find that he could just pick up his suitcase and walk away from the airport, which he did. He obtained official protection from Greek authorities.

From Greece, he proceeded to West Germany where he stayed for 10 months before coming back to the United States.

When Huang was asked by the committee why he had defected, he said:

> In my experience during the past 10 years' life, including the life lived in Iraq, I found the regimentation, the limitation of personal liberty, unbearable. You cannot do this, you cannot do that, you have to think in this way, you have to in that way, and that way is the only correct way of thinking; so it made me in many cases feel that I was not honest.
>
> * * * * * * *
>
> That kind of mental pressure. They do not beat you. You are not beaten by roughnecks or hoodlums. They do not have such practice * * * but a sort of abstract pressure that I felt very strongly.
>
> * * * * * * *
>
> If you said something against the party line, then you have something to worry about: I have said something wrong, I have acted in the wrong way, now I must start preparing self-criticism, and you don't know how long that will take. Sometimes you write again and again to criticize yourself.

> Sometimes I felt rather sick of it, because I felt I have no more to say along this line. But they say it is still not good enough; you should study more and analyze your thoughts * * *.

Huang had learned the difference between Communist propaganda and Communist practice.

EXECUTIVE HEARINGS IN LOS ANGELES, CALIFORNIA (APRIL 24–27, 1962)

In April 1962, a subcommittee under the chairmanship of Representative Clyde Doyle held 4 days of executive hearings in Los Angeles, Calif. These hearings served as the basis for two reports published by the committee later in the year. (A third report based on the hearings will be published early in 1963.)

The first report, entitled *The Communist Party's Cold War Against Congressional Investigation of Subversion*, was released on October 10, 1962, and included the testimony of Robert C. Ronstadt, who had appeared before the subcommittee on April 25, 1962. The witness was formerly an undercover operative in the Communist Party for the Federal Bureau of Investigation.

The second report, released November 2, 1962, was titled *Communist and Trotskyist Activity Within the Greater Los Angeles Chapter of the Fair Play for Cuba Committee* and contained the testimony of Albert J. Lewis and Steve Roberts, two leaders of the Los Angeles organization who had appeared before the committee on April 26 and 27, 1962, respectively.

Summaries of the two reports appear on pages 74 and 82, respectively.

COMMUNIST OUTLETS FOR THE DISTRIBUTION OF SOVIET PROPAGANDA IN THE UNITED STATES

(Parts 1 and 2)

The forces of world communism today control one-third of the world's population and one-fourth of the earth's surface. These same forces are feverishly employing an array of conspiratorial techniques in a concerted effort to win the ideological battle for men's minds. The Soviet Union and its international network of Communist and Workers Parties utilize numerous weapons in their unrelenting revolutionary struggle to attain world conquest. One of the principal weapons in their arsenal is the ingenious and extensive application of a variety of propaganda devices.

Stressing the formidable dangers of propaganda as utilized by the world Communist movement, Evron M. Kirkpatrick states in his book, *Target: The World*,[1] that "only in the hands of the Nazi and Communist leaders has propaganda attained first-rate importance as a weapon for achieving national and international political goals."

Dr. Kirkpatrick, executive director of the American Political Science Association, author of books on American government, and former Government official and chairman of the Social Science Division of the University of Minnesota, also wrote in the above-named study:

> Modern totalitarianism, of which Communism is the preeminent example, has harnessed technology and psychology to persuade, convince, confuse, demoralize, and control. Inside Communist countries propaganda is used to control the ideological environment of the people, to secure obedience, consent, and conformity. Internationally, Communist leaders utilize propaganda to recruit followers, secure sympathy, and to divide and demoralize opposition. Universally, Communists use propaganda in the effort to suggest and insinuate the view of the world most favorable to their temporary plans and policies and to their long-range goals. Aware that loyalty and action alike grow not so much from what happens as from what men think happens, the Communists have developed a huge, diversified propaganda operation at work night and day * * *.
>
> No one can read the history of the Communist movement, or for that matter the history of the world in this century, without being impressed with how crucial the use of the modern means of mass communications, of propaganda, is to Communist tactics. And yet, in spite of the obvious importance of propaganda and propaganda activities to the Communists, in spite of the role these activities have played in the cold war of recent years, there has been very little systematic attention devoted to this propaganda effort.

[1] The Macmillan Company, 1956.

The Committee on Un-American Activities believes that propaganda directed from Soviet sources constitutes one of the greatest single threats to the security of the United States and the free world. Through this weapon, Khrushchev and other Soviet and national Communist leaders have succeeded in swaying many millions of non-Communists throughout the world, winning their support for Soviet policies and turning them against the programs and policies of the free world.

The worldwide Communist propaganda offensive is largely an insidious slander campaign against the United States. The Soviet propaganda machine consistently characterizes this country as "imperialistic," a "warmonger," and a participant in war crimes. The Communist propaganda effort within this country, implemented primarily through the dissemination of thousands of publications, is designed—by playing on the hopes and fears of the American people—to subvert the United States by undermining its foreign policy and military establishment.

The world Communist movement allocates many millions of dollars annually for the publication and distribution of propaganda documents. While the Soviet Union publishes the bulk of this literature, Czechoslovakia, Hungary, Rumania, Poland, and Communist China are also producers of enormous quantities of printed material.

The major source of printed literature emanating from the Soviet Union is the Foreign Languages Publishing House, located in Moscow, which produces material in scores of languages. Another official Soviet agency, Mezhdunarodnaya Kniga—International Book Company, and hereinafter referred to as such—operates as the exporter of propaganda documents to agents located in numerous countries throughout the world. The function of these agent-publishers is to print these documents in the language of the country of which they are residents and/or citizens.

On May 9, 10, and 17 and July 11 and 12, 1962, the committee held hearings in Washington, D.C., on the publication and distribution within the United States of Communist propaganda material originating in foreign countries. The purpose of the hearings was to develop information which would assist the committee in weighing the merits of amendments to the Internal Security Act and the Foreign Agents Registration Act pertaining to the printing and dissemination of foreign propaganda, and also the administration of existing laws relating to this subject.

As the hearings reflect, the witnesses subpenaed to testify were publishing, within the United States, translated material supplied to them by the International Book Company or other representatives of the Soviet Government, or were engaged in the importation of Communist propaganda material already published in the Soviet Union, chiefly in the English and Russian languages.

A number of companies engaged in such activity are located in New York City. Under the ownership of Myron Emanuel Sharpe, they are known by the trade names of International Arts and Sciences Press, Bookfield House, Inc., Tradeworld, Inc., and Crosscurrents Press, Inc. The committee's investigation and hearings established that Crosscurrents Press, Inc., and International Arts and Sciences Press are major publishers and distributors of Soviet propaganda literature in this country.

Myron Emanuel Sharpe testified during the hearings in response to a subpena. It was not the first time he had appeared before the committee. A 1954 committee hearing, in which he was also a witness, revealed that Sharpe was then the leader of Communist students on the campus of the University of Michigan and also an official of the Michigan section of the Labor Youth League, a now defunct Communist youth organization. During his appearance before the committee in 1954, Sharpe refused to answer all questions concerning Communist Party membership and activities, invoking the fifth amendment and other constitutional privileges.

During the current hearings, Sharpe again invoked constitutional privilege—the first, fourth, and fifth amendments—in response to all questions concerning present or past membership in the Communist Party and also when interrogated about other matters pertinent to the subjects under inquiry.

Four subpenas had been served on Sharpe in an attempt to obtain two of his companies' books of account so that the committee could adequately inform itself and the Congress about his propaganda operations and financial or other agreements with representatives of the Soviet Union. He produced for the hearings photocopies of only certain selected pages from his financial records. In doing so, he concealed his sources of income—and admitted this in the course of his testimony, claiming that he would bring harm to his customers if he disclosed their names.

Dissemination reports filed by Sharpe with the Foreign Agents Registration Section of the Department of Justice stated that 10,000 copies of the book, *Program of the Communist Party of the Soviet Union*, were delivered to the New Era Book and Subscription Agency, Inc., and another 10,000 to the Four Continent Book Corporation, both of New York City. The owner of the New Era Book and Subscription Agency, however, testified that he had canceled his order and returned his 10,000 copies after being subpenaed for the hearings and that, had he not done so, he would have been charged only 1¢ each for these 50¢ booklets. Moreover, the owner of the Four Continent Book Corporation informed the committee that he had not received 10,000, but only 185, copies of this booklet from Crosscurrents Press.

Sharpe invoked the fifth amendment in response to all questions concerning his dealings with the New Era Book and Subscription Agency and the Four Continent Book Corporation and also concerning his reported distribution of the 20,000 copies of this book.

Documents produced in the course of the hearings revealed that in 1959 Sharpe had entered into an agreement with Soviet Government representatives, whose identities are not known to the committee, to publish English translations of various Soviet documents. Subsequently, under the name of the International Arts and Sciences Press, Sharpe published articles and photographs supplied by the International Book Company and Novosti Press Agency (also of Moscow) in a periodical originally called *Soviet Highlights* and now known as *Soviet Review*. He also published in English, under the name of Crosscurrents Press, Inc., the proceedings of Soviet conventions and congresses and the complete texts of certain speeches of Nikita S. Khrushchev and other Soviet officials.

The hearings disclosed that over 740,000 copies of these publications were printed between 1959 and mid-1962 and that the bulk of them was delivered to the Soviet Embassy in Washington, D.C. The press department of the Soviet Embassy then distributed these books throughout the United States by unsolicited bulk mailings. The same publications were also distributed at the United Nations by personnel of the Soviet delegation and at a Soviet Children's Exhibit recently held in this country under the official Cultural Exchange Agreement between the United States and the Soviet Union. Documents introduced in the hearings reveal that the Soviet Government paid Crosscurrents Press, Inc., a sum in excess of $240,000 for these books.

The U.S. Post Office delivered hundreds of thousands of these propaganda documents to individuals, organizations, and institutions in all parts of the country under less-than-cost mail rates—which means that the American taxpayers were, in part, subsidizing this Soviet propaganda project.

It is also worth noting that the distribution of these documents at the Soviet Children's Exhibit was in violation of the Cultural Exchange Agreement between the United States and U.S.S.R. and that the provision barring such distribution was included in the agreement at the insistence of the Soviet Union.

The committee investigation revealed that Sharpe, in carrying out his agreement with the Soviet Union, first published propaganda material under the name of the International Arts and Sciences Press. The magazine *Soviet Highlights* was originally published under the name of this firm, which was not registered with the Department of Justice as the agent of a foreign principal. Sharpe then formed Crosscurrents Press, Inc., registered this firm with the Department of Justice, made it the publisher of *Soviet Highlights*, and published four properly labeled issues of the magazine under the Crosscurrents Press label. He next changed the format and the name of *Soviet Highlights* to *Soviet Review* and started publishing it once more under the name of the International Arts and Sciences Press, without registering it with the Department of Justice.

Joseph Felshin, president of both the New Era Book and Subscription Agency, Inc., and New Century Publishers, Inc., of New York City, was subpenaed to testify in the hearings and was questioned about the financial arrangements existing between his organizations and Sharpe's Crosscurrents Press, Inc. New Era Book and Subscription Agency, Inc., is the distributor of *Political Affairs* and other Communist propaganda published by New Century Publishers, Inc., which has previously been cited by the committee.

Felshin, as previously indicated, testified that he had received 10,000 copies of Sharpe's publication, *Program of the Communist Party of the Soviet Union*, but that he had returned all copies of the booklet after receiving the committee's subpena. He also testified that Crosscurrents Press had sold the 10,000 booklets to him for only $100, or 1¢ each. When asked the identity of the individual from whom he had learned he could obtain the booklets for only 1¢ each, Felshin refused to answer, invoking the fifth amendment. He also took refuge behind the fifth amendment when questioned about past or present membership in the Communist Party.

Translation World Publishers, another firm engaged in the same type of publishing activity, is located in Chicago and is jointly owned

by LeRoy Wolins and David S. Canter. The firm was formed for the purpose of publicizing the admissions made by U–2 pilot Gary F. Powers during his trial in Moscow. In order to expedite the publication of a Soviet-serving report on this case, daily transcripts of the trial were cabled to Translation World Publishers from Moscow at no cost to the firm. *The Trial of the U–2*, its subsequently published account of the case, contained photographs of Powers and pictures of his equipment and demolished plane. These photographs, too, were furnished Translation World Publishers by Soviet sources at no cost.

The publishing firm did not comply with the requirement of the Foreign Agents Registration Act that it register with the Department of Justice until after it had already printed and distributed *The Trial of the U–2*.

The hearings disclosed that Translation World Publishers not only received trial transcripts and photographs pertaining to the Powers case on a gratis basis, but was also the recipient of the sum of $3,400 from the Soviet Government. According to a registration statement filed under the Foreign Agents Registration Act, Wolins and Canter claimed that $2,400 of this amount had been advanced to Translation World Publishers for the purchase of copies of a geography book on the U.S.S.R. which they proposed to print but which was never published. An additional advance of $1,000 was for 1,000 copies of *The Trial of the U–2*.

Both LeRoy Wolins and David S. Canter, co-owners of Translation World Publishers, have been identified as members of the Communist Party. Appearing before the committee, neither Wolins nor Canter would answer any questions propounded to them regarding their past or present membership in the Communist Party. They also invoked the fifth amendment and other constitutional privileges when asked about their activities in connection with the publication of *The Trial of the U–2* and a subsequently published book entitled *The Case Against General Heusinger*.

Records of the committee disclosed that Wolins and Canter failed to register under the Foreign Agents Registration Act until after publication of *The Trial of the U–2*. On February 16, 1961, the day they filed as publishers of this book, they also formally terminated their registration. Therefore, when Translation World Publishers subsequently published *The Case Against General Heusinger*, neither Wolins nor Canter was registered under the Foreign Agents Registration Act. Moreover, they were not registered at the time of their appearance before the committee.

In publishing *The Case Against General Heusinger*, Wolins and Canter directly assisted the worldwide Communist campaign to discredit NATO, and particularly the United States and West Germany, by disseminating false charges against General Adolph Heusinger, the then newly appointed chairman of the NATO Permanent Military Committee.

On December 12, 1961, the day General Heusinger's appointment to the NATO post was announced, the Soviet Union delivered a note to the United States demanding the extradition of General Heusinger on the grounds that he was guilty of "crimes against peace, war crimes, and crimes against humanity." Enclosed with the note were 67 documents which purportedly substantiated the Soviet charges.

On the very same date, a State Department official, in referring to the Soviet note and documents, stated at a press conference:

> This crude and ludicrous propaganda exercise is unworthy of notice and I have no intention of dignifying it with any comment. I would merely call your attention to the fact that it has become Soviet practice to engage in such propaganda activities on the eve of NATO Ministerial Meetings for the purpose of creating disunity within the alliance and discrediting the alliance.

On October 23, 1961, immediately after the nomination of General Heusinger had been announced, the State Department issued an official release in reply to Communist-instigated criticisms of the nomination. This 3½-page statement of fact pointed out, among other things, that:

> Thorough investigations by both Allied authorities after the end of World War II as well as by scholarly nongovernmental investigators into the events of World War II do not bear out any of the charges now being made against General Heusinger. In fact, after investigations conducted immediately after World War II had cleared Heusinger, he served as consultant to the United States prosecution at the Nuremberg trials. Nonetheless, the Department has carefully reviewed the material sent us by various groups expressing objection to the appointment. On the basis of this review we have concluded that this material consists entirely of either allegations which are not supported by facts or interpretations of facts, often taken entirely out of their real context, which are not warranted.
>
> The record shows that General Heusinger was aware of the plot being conducted by a number of German officers against Hitler over a number of years which culminated in the events of July, 1944. While he was not personally involved in the details of that particular attempt and the actual placing of the bomb, he, as other German officers, was aware of the general outlines of the plot and sympathized with it. This fact became known to the Gestapo. After the attempt failed, General Heusinger was arrested, and interrogated at length in a Gestapo prison. However, the Gestapo was unable to obtain sufficient proof to implicate him in this plot and consequently he was simply dismissed from the active service at that time and spent the remaining ten months of World War II in that status.

A short while after the Soviet note was delivered to the United States, it was revealed that one of the documents submitted in support of the charges against General Heusinger was fraudulent. It was a picture allegedly portraying German troops executing Russian partisans. Actually, however, the Soviet Union had previously used this very same picture to portray alleged Japanese atrocities.

The Wolins-Canter book on Heusinger reproduced 56 of the 67 documents submitted with the Soviet note. It did not include the above-mentioned fraudulent document and nine others which did not pertain specifically to General Heusinger.

Wolins refused to discuss with the committee the reasons for the deletion of certain of the Soviet documents in the publication. He also invoked constitutional privilege when asked about the deletion of one additional document which was signed not by General Heusinger, but by Vinzenz Mueller, creator of the post-World War II East German People's Army.

Wolins and Canter prepared a foreword to *The Case Against General Heusinger* which condemned the United States and its allies for the Heusinger appointment. They did this in spite of the fact that the U.S. Government had exposed the fraudulent nature of the Soviet charges and all 14 governments represented on the NATO Military Committee had unanimously approved Heusinger's appointment after carefully weighing all the facts in the case.

The committee's hearings brought out the fact that an unsolicited general mailing of *The Case Against General Heusinger* was made by Translation World Publishers to members of the Washington press corps. When Wolins was questioned about the identity of the source which financed this mailing, he invoked the fifth amendment. The committee finds that Translation World Publishers was created by known Communists to serve the propaganda interests of the U.S.S.R.

Propaganda Retail Outlets

In addition to the publishers of Soviet propaganda in the United States, there are certain domestic booksellers and book distributors actively engaged in spreading Soviet Communist literature throughout the country. Some of these booksellers and distributors not only import Soviet propaganda bulletins for retail purposes, but serve as "legal" intelligence agencies of the Soviet Government. An example of this type of operation was disclosed by the committee nearly 15 years ago when it revealed that the Four Continent Book Corporation was purchasing American patents for the Soviet Government for 25¢ each.

The recent committee hearings disclosed that, between the years 1946 and 1960, the Four Continent Book Corporation, located in New York City, had spent nearly a half million dollars annually for the purchase, from American sources, of books, periodicals, and public documents, including patents, for shipment to the Soviet Union. Since 1960, the committee learned, the Soviet Government has divided this operation among several agents. As a result, the sum expended by Four Continent Book Corporation for such purchases (exclusive of patents, which are now officially exchanged) was reduced to only $35,000 in 1961.

During the period 1946 to 1960, Four Continent Book Corporation also imported from the Soviet Union printed material valued in excess of $1,000,000. Since 1960, however, the corporation's imports of printed matter from the U.S.S.R. have amounted to only a little over $110,000.

Allan Markoff, who had become president of the Four Continent Book Corporation in 1948, testified that the firm had made no profits during the 11 years of his presidency.

Despite this fact and the decline in Four Continent Book Corporation's business since 1960, Serge P. Ushakoff, the present owner, testified that he had recently invested $15,000 in the firm—$10,000 for 17 shares of stock in the company which his predecessor had purchased

for $8,840 and an additional $5,000 for the purchase of 8 shares from a third party.

As an employee of the firm, Ushakoff had earned $75 a week. He testified that, as president of the firm, his salary is $125 per week. The increase in his weekly take-home pay, represented by these figures, would hardly justify the investment of $15,000 in a firm which had made no profit throughout its history.

Ushakoff answered all questions asked him by the committee. He denied that he had ever been under the direction of a foreign power. As previously indicated, he also testified, in contradiction to a statement filed with the Department of Justice by Myron Sharpe, that the Four Continent Book Corporation did not receive 10,000 copies of the *Program of the Communist Party of the Soviet Union* published by Crosscurrents Press, Inc.

Allan Markoff testified that he had become president of the Four Continent Book Corporation when he bought 10 shares of the firm's stock from the preceding president, Cyril Lambkin, in 1948. He denied having known at the time of purchase that Lambkin was a member of the Communist Party and had been so identified before this committee in 1947. Markoff's testimony was vague about the circumstances under which, through an intermediary, he sold controlling interest in the corporation to Ushakoff for a profit of $1,160 in 1960.

The sale of the Four Continent Book Corporation stock to Serge P. Ushakoff in January 1960 ended, for a time, Markoff's role as an agent of a foreign principal. Markoff reregistered under the Foreign Agents Registration Act in January 1962, however, as an agent for an organization called Raznoiznos, a Bulgarian Government-owned firm engaged in the export of Communist propaganda. Markoff acknowledged that he was currently registered as an agent of a foreign power, but refused to answer any questions concerning the services he rendered for the Communist government of Bulgaria through his principal, Raznoiznos, and refused to even acknowledge to the committee that he was an agent for the Bulgarian Government. He invoked the fifth amendment when questioned concerning his recently formed business enterprise, the FAM Book and Translation Service. Markoff also took refuge behind the fifth amendment when questioned concerning his membership in the Fair Play for Cuba Committee. He denied membership in the Communist Party, but refused to say whether he had ever rendered financial assistance to it.

The committee hearings revealed that there is a definite relationship between membership in the Communist Party of the United States and the ownership of bookstores which serve Soviet interests by importing foreign Communist propaganda material. Three such bookstores which were subjects of the committee's investigation and hearings are owned by persons who have served the cause of world communism by holding leadership positions in the Communist Party of the United States.

Imported Publications and Products, located in New York City, is owned by Mrs. Margaret Cowl. She is the widow of Charles Krumbein, who, prior to his death, was treasurer of the Communist Party. She herself served as a Communist agent in Russia and China in the 1930's. In her appearance before the committee, Mrs. Cowl revealed that she is registered with the Department of Justice as an agent for the International Book Company of the Soviet Union and

Guozi Shudian of Communist China. She also testified that during the past 5 years she had shipped bulk literature received from the International Book Company in Moscow to various bookshops in the United States, including the International Bookstore in San Francisco, the Modern Book Store in Chicago, and the Jefferson Book Shop in New York City. Mrs. Cowl also stated that she had operated Imported Publications and Products since 1950. She invoked the fifth amendment when questioned about a statement she had made on a Foreign Agents Registration Act form filed June 4, 1958, to the effect that she was not a member of any nonbusiness organization.

World Books, a newly established firm in New York City, is owned and operated by Philip Frankfeld, former chairman of the Communist Party of Maryland and the District of Columbia. Frankfeld was convicted under the Smith Act in 1952 for conspiring to teach and advocate the overthrow of the U.S. Government by force and violence. After his release from prison in 1956, he was employed by the Four Continent Book Corporation and remained with it until 1960, according to the testimony of Markoff and Ushakoff. Frankfeld admitted that he has been a registered agent for the International Book Company of the Soviet Union and Guozi Shudian of Red China. On fifth amendment grounds, he refused to answer any questions concerning membership in the Communist Party.

Global Books, located in Detroit, is owned and operated by Mrs. Helen Allison Winter, wife of Carl Winter, who recently resigned as chairman of the Communist Party of Michigan to avoid prosecution under the Internal Security Act. Mrs. Winter has been a member of the National Committee of the Communist Party and, like Frankfeld and her husband, was convicted for violation of the Smith Act. Her conviction, however, was subsequently reversed because of the Supreme Court's decision in the Yates case.

Carl Haessler, chairman-treasurer of Global Books Forum, invoked the first, fifth, and fourteenth amendments when questioned concerning Global Books and certain individuals affiliated with it. He denied ever having been a member of the Communist Party.

Cross World Books and Periodicals of Chicago is co-owned by Alexander Svenchansky and Henry Levy. Svenchansky, in an appearance before the Senate Internal Security Subcommittee in 1952, refused to respond to questions concerning his membership in the Communist Party. As a result of this, he was dismissed from employment with the United Nations. With an indemnity payment which he received from the United Nations following his dismissal, Svenchansky was permitted by the Soviet Government to purchase a firm then known as Parcels to Russia and since renamed Package Express and Travel Agency.

Gregory Boris Lotsman, manager of Cross World Books and Periodicals, testified that, at the time they took over the firm, Svenchansky and Levy had entered into a contract to pay the International Book Company of Moscow the $71,000 owed it by the previous owner for books in Cross World's possession. Mr. Lotsman expressed the opinion that this stock was not worth $10,000. Lotsman also testified that this $71,000 debt had been reduced by Svenchansky and Levy, through installment payments, to approximately $68,000.

Cross World Books and Periodicals was subsequently extended additional credit of $25,000 to $50,000 by the International Book Company, although the Moscow agency had been paid only $3,000 against its note for $71,000.

COMMUNIST ACTIVITIES IN THE CLEVELAND, OHIO, AREA

(Parts 1 and 2)

Public hearings relating to Communist activities within the Cleveland, Ohio, area were held by the Committee on Un-American Activities in Washington, D.C., on June 4, 5, 6, and 7, 1962. The principal witness before the committee was Julia Clarice Brown, who testified that her initial contact with the Communist Party had been in the year 1947, when she assisted in the political campaign of Albert Young, then a candidate for the Cleveland City Council. She related the circumstances under which she had been deceived into joining the Communist Party, having been led to believe that she was joining a "civil rights" organization which was working for the betterment of Negroes.

Mrs. Brown further explained that she quit the Communist Party approximately 9 months later when she had come to realize the Communist Party was "a conspiracy and trying to destroy my country." Having reached that conclusion, she thereupon voluntarily contacted the FBI, informing that agency of her suspicion. Later, in the summer of 1951, Mrs. Brown was asked by the FBI again to associate herself with the Communist Party as an undercover operative. This she agreed to do. She remained a "member" of the Communist Party in Cleveland, Ohio, until June of 1960, at which time she left the party to take up residence in California.

Mrs. Brown's testimony was productive of much new and useful information concerning Communist tactics in fundraising; racial discrimination within the Communist Party structure, described by Mrs. Brown as "Jim Crow" practices; the implementation of "united-front" tactics which was prescribed as the "chief task" of the party at the December 1959 National Communist Party Convention in New York City and the organization, in 1958, of a new Communist splinter group, the Provisional Organizing Committee for a Marxist-Leninist Communist Party.

Additional information was obtained relating particularly to the creation and manipulation of a Communist front called the Sojourners for Truth and Justice. This organization, founded in September 1951, was designed by Communists to involve Negroes in the activities and objectives of the Communist Party and to function under the party's complete control.

An Initiating Committee of 14 persons established the Sojourners for Truth and Justice. Four of these individuals were identified by Mrs. Brown during the hearings as having been members of the Communist Party; namely, Beulah Richardson, Sonora B. Lawson, Louise Patterson, and Pauline Taylor. Beulah Richardson was listed as having held the strategic position of acting secretary for the Initiating Committee during the period of the formation of the organization.

Other Initiating Committee members of the Sojourners group were Shirley Graham DuBois and Eslanda Goode Robeson, whose hus-

bands, Dr. William Edward Burghardt DuBois and Paul Robeson, Sr., respectively, are well-known members of the Communist Party. Mrs. DuBois was identified as a member of the Communist Party during hearings conducted by the Subversive Activities Control Board in the mid-1950's. Appearing before a Senate committee in 1953, Mrs. Robeson invoked the fifth amendment when asked whether she had ever been a member of the Communist Party.

The testimony of Mrs. Brown also disclosed that the Cleveland delegation to the 1951 founding convention of the Sojourners for Truth and Justice was composed entirely of Communist Party members.

For reasons of expediency, the Communist Party decided to dissolve the national group and all local chapters of the Sojourners for Truth and Justice in 1956.

Functioning under the sponsorship of the Sojourners for Truth and Justice was another Communist front called the Defense Committee for Mrs. Myrtle Dennis. Mrs. Brown testified that Mrs. Dennis, an active member of the Communist Party and a former officer of the Sojourners for Truth and Justice, was arrested by Federal authorities for making fraudulent statements in an application for an American passport in connection with her travel to the Soviet Union in 1951. At this point in the hearing, a copy of an appeal for funds issued by the Defense Committee for Mrs. Myrtle Dennis (Brown Exhibit No. 4) was introduced into the record. The exhibit noted that all petitions and money collected in behalf of Mrs. Dennis were to be returned to Mrs. Julia Brown, 3196 E. 123d Street, Cleveland.

The founding meeting of the Defense Committee for Mrs. Myrtle Dennis was held at the home of Mrs. Dennis. The meeting was called by Sarah Roberts McMillan who emerged as chairman of the organization. Julia Brown was appointed treasurer. Mary Turner, Margaret Wherry and Samuel Handelman, attorney for Mrs. Dennis—all identified by Mrs. Brown as members of the Communist Party of Cleveland, Ohio—became members of the organization's executive board.

Mrs. Brown further testified concerning the activities of numerous other Communist-front organizations operating within the Cleveland, Ohio, area, including the National Negro Labor Council, the Progressive Party, and the Ohio Committee for Protection of Foreign Born. She detailed the action of local Communist Party members in the employment of these groups for the exploitation of Communists and non-Communists alike.

Of special interest was Mrs. Brown's testimony revealing Communist Party tactics in bringing about the dissolution of front organizations over which it had lost control or which no longer served party purposes. She also contributed information relating to the infiltration of church organizations and the use of such organizations for fundraising, propaganda, and recruiting purposes; tactics employed by the party for the defense of its members involved in violations of the Smith Act and other Federal and State laws; the Communist organizational structure in the Cleveland, Ohio, area; and the party's activities in the political arena.

Mrs. Brown described the activities of more than 100 current and former residents of the Cleveland area whom she identified as persons she had known to be members of the Communist Party. Many of the individuals named by Mrs. Brown as party members were still active

in Communist Party affairs at the time she moved from Ohio in June 1960.

Eighteen persons from the Cleveland area and one from Youngstown, Ohio—all identified by Mrs. Brown as Communist Party members—were subpenaed as witnesses before the committee. They were: Eugene Bayer, Martin Chancey, William Henry Cooper, Ruth Emmer, Ethel L. Goodman, Samuel Handelman, Frieda Katz, Jean Krchmarek, Frida Kreitner, James Smid, Regina Sokol, Abraham (Abe) Strauss, Sylvia Strauss, Elsie R. Tarcai, Violet J. Tarcai, Pauline Taylor, Milton Tenenbaum, James Wells, and Margaret Wherry. Among them were persons in the legal and teaching professions, church and civic organizations, and other important and influential fields of endeavor.

All of the above-mentioned witnesses invoked the fifth amendment in refusing to answer questions with respect to present or past membership in the Communist Party, with the exceptions of William Henry Cooper and Margaret Wherry. While stating that he was not presently a member of the Communist Party and had not been one for the past 10 years, Mr. Cooper invoked the fifth amendment in response to all questions concerning prior membership and activities in the Communist Party. Mrs. Wherry denied present membership in the party, but invoked the fifth amendment and refused to testify regarding past Communist Party membership.

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COMMUNIST YOUTH ACTIVITIES

(Eighth World Youth Festival, Helsinki, Finland, 1962)

Important facts about how pro-Communists captured the leadership of the American delegation to the Eighth World Youth Festival held in Helsinki, Finland, July 29–August 6, 1962, were recorded at two separate hearings conducted by the committee. Some background information is necessary, however, before the significance of the facts developed at those hearings can be understood.

Background

The World Federation of Democratic Youth (WFDY) and the International Union of Students (IUS) are organizations which were formed, under the direction of Moscow, at the close of World War II for the purpose of capturing the minds of youth around the globe. Beginning in Prague, Czechoslovakia, in 1947 and every 2 years thereafter through 1959, these groups jointly sponsored a World Youth Festival. After a first-time lapse of 3 years between festivals, they sponsored the eighth and most recent one in Helsinki, Finland, during the summer of 1962.

World Youth Festivals are always ballyhooed by their sponsors as democratic forums for airing and advancing the aspirations of young people everywhere. In reality, however, each one of them has been devised—and used—primarily as a medium for disseminating Communist propaganda. These festivals have traditionally been the scenes of vicious Communist attacks upon the United States.

Each World Youth Festival is run by an International Preparatory Committee (IPC), appointed by the WFDY and the IUS. Hearings conducted by the Committee on Un-American Activities in 1960 disclosed that the IPC which had ruled over the Seventh World Youth Festival in Vienna in 1959 was unquestionably Communist dominated. The character of the IPC for the 1962 Festival was no different, according to the August 6, 1962, edition of *Helsinki Youth News*, which identified and gave the backgrounds of the 19 IPC leaders who "carry the main burden of running this Festival." Most of them had Communist or pro-Communist records. The majority had been active in the World Federation of Democratic Youth or the International Union of Students. Ten were known Communist Party members and four others, not identified as Communists, were from the USSR and Poland. Furthermore, the IPC member appointed by that committee to put its Festival plans into operation was a well-known, 37-year-old French Communist, Jean Garcias. This same "youth" had also served as operational director of the Festival in Vienna 3 years earlier.

The theme chosen for the 1962 Festival was the much-used Communist propaganda slogan, "Peace and Friendship." Past festival themes had reflected other Soviet lines on nuclear weapons, disarmament, the

people's "liberation" struggle in Viet Nam, and the people's fight against "imperialist" aggression in Korea.

On October 14 and 15, 1961, 37 people met without fanfare on the University of Chicago campus for the purpose of forming a United States Festival Committee (USFC) to organize the American delegation to the Eighth World Youth Festival. A significant outcome of the Chicago meetings was that most of the USFC leaders selected at that time were also to become the leaders of the 480-member U.S. delegation which eventually went to Finland. Not only were the rank-and-file participants in the delegation to be denied an opportunity to choose their own leaders, but they were also to be thwarted from contributing to the official voice of the American group at the Helsinki Festival.

No general announcement was made about the formation of the United States Festival Committee until 2 months after the Chicago meetings. One of the first newspaper reports about the USFC appeared in the December 16, 1961, edition of *People's World*, the Communist Party's West Coast organ. Thereafter, the activities of the USFC were given extensive coverage by Communist-influenced organs and strong support by Communist sympathizers.

Many of the USFC leaders had records of affiliation with pro-Communist causes. A USFC advertisement in the Communist-line *National Guardian* newspaper of February 5, 1962, however, claimed that:

> The initiators of this movement in the United States are a former college secretary of the American Friends Service Committee; a national councilman of the Student Peace Union; a former chairman of SLATE at Berkeley * * *.

The *National Guardian* for April 2, 1962, printed a letter from three prominent supporters of Communist fronts, urging financial contributions to the USFC. The authors of the letter were Willard Uphaus, Carlton B. Goodlett, and Victor Rabinowitz.

On April 24, 1962, *The Worker* (Communist Party newspaper) announced a "Folk and Jazz Concert" to raise funds for the USFC. Identified Communist Party member Pete Seeger was listed among persons scheduled to perform.

The Worker of June 12, 1962, reported that "fifty educators, churchmen and community leaders" had signed a statement encouraging American youths to participate in the Eighth World Youth Festival. Initiators of the statement were Carlton B. Goodlett and the Reverend George A. Ackerly.

Among the 13 people identified by *The Worker* as part of the group which signed the Goodlett-Ackerly statement were an identified member of the Communist Party and a half-dozen others with extensive records of Communist-front activity. Coincidentally, or otherwise, 10 of these 13 people had been among the signers of a full-page advertisement calling for the abolition of the Committee on Un-American Activities which appeared in the *New York Times* on February 22, 1962.

The USFC received help in recruiting delegates to Helsinki from a number of local Festival committees formed on college campuses and in various cities throughout the country. Participants and leaders in some of these groups were either Communist Party members or openly

favorable to Communist causes. The head of the San Francisco Festival Committee, for instance, was Patrick Hallinan, the son of Vincent Hallinan, candidate of the Communist-controlled Progressive Party for President of the United States in 1952. Young Hallinan was one of 62 persons from the Bay Area who several years ago planned to go to Cuba to build a school for Communist dictator Fidel Castro, despite a State Department prohibition against such activity.

Although there is no doubt that the Eighth World Youth Festival was a Communist-controlled affair and the leadership of the American delegation was pro-Communist, the committee wants to make it clear that by no means were all American participants pro-Communist. As a matter of fact, some exceedingly patriotic young people knowingly journeyed to the Communist-dominated Festival for the precise purpose of defending the interests and prestige of the United States. The Nation is indebted to the fine young Americans who pursued this noble endeavor.

The Hearings

In April 1962, the committee held 4 days of executive hearings in Los Angeles on "united front" techniques of the Communist Party in the Southern California District. One of the subpenaed witnesses was Marco Schneck, who, according to preliminary committee investigation, was a member of both the District Committee and the Youth Commission of the Southern California District of the Communist Party.

Schneck was also chairman of the Los Angeles Festival Committee, which had been recruiting pro-Communists for the Eighth World Youth Festival in Helsinki, Finland, and at the same time attempting to prevent pro-Americans from becoming members of this country's delegation.

Marco Schneck was an uncooperative witness, invoking constitutional privileges, including the fifth amendment, on numerous questions put to him about his activities in the Communist Party, as determined by the committee's investigation. He similarly invoked the fifth amendment on questions about his recruiting of pro-Communist young people for the American delegation to Helsinki.

Another witness at the Los Angeles hearings was Paul Rosenstein, also a member of the Los Angeles Festival Committee, who subsequently became part of the pro-Communist hierarchy of the American delegation at Helsinki. Preliminary investigation had revealed that this witness was a member of the Youth Commission of the Southern California District of the Communist Party.

Rosenstein invoked the fifth amendment when asked about the Los Angeles Festival Committee and if he were a member of the Communist Party. He declined to answer whether he and Schneck had attended the Chicago convention of the United States Festival Committee, as evidenced by the committee's investigation.

On October 4, 1962, the committee held public hearings in Washington, D.C., on the Eighth World Youth Festival which had taken place in Helsinki, Finland, from July 29 through August 6, 1962.

Prior to the Festival, the committee had been contacted by about 10 anti-Communist young men and women who said they planned to go to Helsinki with the American delegation and, upon return, would be glad to inform the committee of the events that occurred

in Finland. Two of these persons became witnesses at both public and executive hearings held in Washington on October 4.

The first was Donald Quinlan, 20-year-old junior at Fordham University in New York City. A summary of his experiences and observations in connection with the Eighth World Youth Festival follows:

Mr. Quinlan first contacted the United States Festival Committee in the spring of 1962, several weeks before the April 15 deadline for applications for the trip to Helsinki. Periodically, thereafter, he went to the USFC office at 460 Park Avenue South in New York City and helped with routine work such as typing, mailing letters, etc. In that way he became acquainted with a number of the leaders of the USFC, including the chairman and executive director, Michael Myerson.

Myerson was a recent graduate of the University of California. While in attendance there, he had been president of SLATE, a leftist student political group which became so radical that its accreditation as a campus organization was voided by the university. Under the leadership of Myerson, SLATE participated energetically in the Communist-inspired San Francisco riots against this committee in May 1960.

While working at USFC headquarters, Quinlan learned that Myerson, along with Michael Tigar and Richard Prosten, members of the board of directors and in charge of the organization's operations on the West Coast and in the Middle West, respectively, formed the real leadership of the American delegation to Helsinki. In fact, when the group arrived in Finland, Myerson referred to himself, Tigar, and Prosten as the "troika" of the Festival. Another member of the board was Norman Berkowitz, who stayed in the New York office most of the time and was in charge of USFC's East Coast operations.

Like Myerson, Michael Tigar was once chairman of SLATE at the University of California. He also was a leader of an attack on the university's ROTC program and headed a campus campaign in behalf of the Fair Play for Cuba Committee. Tigar has been active in student movements to block and abolish activities of the Committee on Un-American Activities.

Behind the "troika" of Myerson, Tigar, and Prosten, Quinlan identified USFC's secondary leaders as Norman Berkowitz; Bert Weinstein, assistant executive secretary; Barbara Rabinowitz, public relations director; and Paul Rosenstein, who was previously mentioned in connection with the Los Angeles hearings.

Fundraising and processing of applications were two primary functions of the USFC office in New York. Mr. Quinlan testified, however, that it was impossible to learn, as an observer in the office, just how the Festival applications were screened because they were treated very secretly by Berkowitz, who even took them home with him for safekeeping.

Nevertheless, Quinlan learned that an application from Donald J. Devine was rejected by USFC because he had been active with the Young Americans for Freedom, an anti-Communist organization.

When the American delegation arrived in Helsinki, the Myerson-Prosten-Tigar "troika" was recognized as the leadership of the U.S. group by the International Preparatory Committee, which ran the Eighth World Youth Festival. The "troika" and the secondary

USFC leaders mentioned by Quinlan were about the only Americans the IPC would deal with.

Paul Rosenstein's job at the Festival was seeing that delegates' identifications were checked, that they were properly registered, and that nondelegates were kept out of meetings of the American group.

Quinlan said that the American delegation was poorly organized at the Festival, with only the previously mentioned leaders knowing what was going on much of the time. The rank-and-file members were not consulted about any delegation decisions. They were simply given instructions from the leaders, often by means of a loudspeaker.

When asked by the committee counsel to describe the general orientation of the Festival, Quinlan suggested that the two words which would best describe it were "Hate America." He said that the theme of most every seminar and meeting would be along the lines of "Down with the imperialist U.S.," "Down with neocolonialism," or "Down with American and Federal colonialism."

The witness testified that the Festival not only tried to make the free world—and particularly the United States—look bad politically, but also from a cultural standpoint. Said Quinlan—

> cultural programs were so arranged that the Western countries, with their amateur groups, would be in sharp contrast to the Communist countries who came with professional groups * * * so that the effect was to give the "obvious superiority" of the Eastern countries in cultural events.

One of the alleged purposes of the Festival, to promote informal person-to-person contacts among delegates from different regions of the world, was all but impossible to achieve because of the widely scattered locations in which the various groups were housed. Many delegations lived on ships which could not be boarded by strangers without a personal invitation. When interdelegation meetings were held, they were so highly organized that there was little time for person-to-person contact.

A double standard for pro-Communist and anti-Communist interests prevailed at the Festival. Mr. Quinlan provided several examples of this.

When people such as the Hungarian youths now living outside Hungary put in an appearance at the Festival, they were not allowed to speak, ostensibly because they did not have the approval of the Hungarian Government. On the other hand, pro-Communist exiles from Spain were permitted to speak and participate in the Festival, when quite obviously they were not sanctioned by the Spanish Government.

At one seminar a Canadian delegate made a speech in which he took an anti-Soviet position. Chinese Communist delegates were permitted to make a rebuttal. Later, at the same seminar, an American girl attempted to rebut anti-U.S. propaganda, but she was refused the floor.

Back in the United States, before the Festival took place, the USFC had said in a published statement:

> The United States Festival Committee intends to use all its influence to guarantee the fullest discussion possible and to permit the freest expression of point of view.

At the Helsinki Festival, however, according to Quinlan, the leadership of the U.S. delegation made no protest about numerous flagrant curtailments of freedom of speech. The leadership only reacted with surprise that any American delegates wished to express anti-Soviet views.

The American delegation had a display table which was stocked with Communist Party and Communist-front literature published in the United States, including *New Horizons for Youth*, a publication of the U.S. Communist Party's Youth Commission. When anti-Communist U.S. pamphlets were put there, they would suddenly disappear completely, apparently having been removed by the delegation leadership.

Quinlan reported that in the Festival's closing-day parade such signs as "No more Hiroshimas" and "Close down military bases on foreign soil" were allowed, but one saying, "No more Soviet tests," was removed.

Of the 440 persons Quinlan estimated there were in the American delegation, he said about one-fifth was anti-Communist, two-fifths were leftist-pacifist, and the remaining two-fifths were Communist or pro-Communist.

The second witness to testify at the committee's public hearings in Washington on October 4, 1962, was Miss Ann S. Eccles, 25, an officeworker, of Brooklyn, N.Y.

Miss Eccles corroborated many of the facts supplied by Mr. Quinlan. She, too, worked in the USFC office in New York before the Festival. Miss Eccles had made several telephone calls to the office to check the status of her Festival application when, on one occasion, she was asked if she would come into the office and do some work for the USFC. It was not until after she had worked in the office four different times that Norman Berkowitz finally said that her application was approved.

Miss Eccles told about an anti-Communist American delegate who obtained permission to speak at one of the Eighth World Youth Festival seminars, but abbreviated his prepared hour-long remarks to take only a quarter of that time because the chairman had been limiting all speeches to 10 minutes so that each could be followed by a question-and-answer period. But when the American finished, there was no question-and-answer period. Then a Russian spoke for an hour and 15 minutes, followed by a Hungarian who spoke for 35 or 40 minutes more.

During this seminar, the same American delegate (a Mr. Ingels) heard a North Korean claim that during the Korean war the American soldiers used Korean babies for cannon fodder. Miss Eccles described what then occurred:

> Mr. Ingels stood up, even though he was shouted down, and could not control himself and said, "That is a lie." The rest of the Americans who were there immediately acted embarrassed and shunned him, and the Korean delegate demanded an instant apology. He came around with 20 of his people and stated that his delegation had been insulted. Mr. Ingels finally did apologize for insulting the delegation, but he did not retract the statement that it was a lie. I doubt, though, that this was noted—the propaganda impact of the American apologizing seemed to be sufficient.

Miss Eccles also testified about a seminar on cinematography which she attended. When a delegate from Senegal was given the floor, he said that there was no movie industry in his country, so he used his allotted time to attack American "imperialism." Miss Eccles said this delegate was heard to give the exact same speech, less his remarks about the movie industry, at a different seminar.

The lady witness agreed with Mr. Quinlan's report that the leadership of the American delegation made no protest about the undemocratic procedures which marked the Festival. In contrast, the whole Ceylonese delegation and individuals from other groups walked out after realizing that they were being used for Communist propaganda purposes.

After the public hearings were completed on October 4, both Mr. Quinlan and Miss Eccles gave additional testimony in executive session.

From their executive testimony, the following items are summarized:

On the opening-day's parade at the Helsinki Festival, the American delegation was supposed to sing "America the Beautiful." When a few persons started to sing it, they were drowned out by other American delegates singing "We Shall Not Be Moved" and "We Ain't Going To Study War No More."

When the Cuban delegation entered the parade shouting, "Cuba si, Yankee no," many Americans joined in the shouting of that slogan.

A Hungarian youth, living in exile and claiming to represent 6,000 young exiled Hungarians, had been refused recognition as a delegate by the Festival and was unable to get the floor at any of the seminars. Finally at one seminar, an anti-Communist American delegate got the floor for himself after much effort and then immediately turned it over to the exiled Hungarian leader. As the Hungarian tried to speak, shouts of "Fascist" filled the hall, and he was unable to be heard.

At another seminar at which the United States had been under a particularly heavy attack, a pro-Communist American girl was asked by a delegate from another country what nation she was from, and the American replied that she was Cuban.

On the last day of the Festival, after many of the delegations had already departed from Helsinki, the International Preparatory Committee permitted a free forum. Why? The Soviet press corps was on hand in full force with floodlights, cameras, and microphones to record the "democratic" procedures which prevailed at the Eighth World Youth Festival.

U.S. COMMUNIST PARTY ASSISTANCE TO FOREIGN COMMUNIST GOVERNMENTS

(Medical Aid to Cuba Committee and Friends of British Guiana)

Activities of two domestic organizations soliciting funds within this country to send certain supplies to Communist-oriented governments in Latin America were the subjects of committee investigations and hearings during the past year.

Officials of the Medical Aid to Cuba Committee and the Friends of British Guiana were interrogated by the Committee on Un-American Activities at public hearings November 14 and 15, 1962, after preliminary investigations revealed that individuals with records of activity in the Communist Party, USA, had become active in both of these organizations. The committee sought to determine whether the organizations were engaging in propaganda and other activities in order to help form Communist-controlled governments in the Western Hemisphere, or to aid and strengthen those already in existence.

The committee announced that the legislative purpose of this inquiry was to determine whether the Foreign Agents Registration Act of 1938 required further amending to carry out the full intent of the act as originally set forth by the Congress.

Subcommittee Chairman Morgan M. Moulder explained at the outset of the committee's public hearings that the aim of the registration statute is "public disclosure by persons engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties, and other foreign principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities." Agents of foreign principals are defined in the act as including anyone who "within the United States solicits, disburses, dispenses, or collects compensation, contributions, loans, money, or anything of value, directly or indirectly, for a foreign principal * * *." Solicitation of funds used *solely* for medical assistance is presently exempt from provisions of the act, however.

"Confusion concerning the application of the act to certain organizations has resulted from court decisions," the subcommittee chairman declared, and the committee is considering the necessity for "clarification of the act" as well as amendments to "substantive provisions" and a possible increase in penalties for violation of the act.

Medical Aid to Cuba Committee

The chairman of the Medical Aid to Cuba Committee and two other individuals who have served as treasurer appeared before the Committee on Un-American Activities on November 14, 1962. The organization, with headquarters at 147 West 33d Street in New York City, was created in October 1961. By May of 1962, it had collected between

$20,000 and $30,000 for the purpose of sending medical supplies to Cuba, Chairman Melitta del Villar informed the committee.

Mrs. del Villar identified herself as a Cuban-born U.S. citizen, whose real name is Emma Lopez-Nussa Carrion Amster (Mrs. Louis J. Amster). She said that Melitta del Villar is a professional name she employs in her career as a singer and entertainer in New York City. According to her testimony, the Medical Aid to Cuba Committee was formed after she had heard about an "emergency" need for medicines in Cuba and invited two or three acquaintances to get together to explore the possibilities of helping to supply medical items to that country.

Mrs. del Villar insisted in her testimony before the committee that, as chairman, she had exercised close personal supervision over the operating expenses of the organization which she said has continuously functioned as a charitable, nonpolitical endeavor and has not engaged in propaganda activities. As a purely "humanitarian" organization, she said, the Medical Aid to Cuba Committee had been advised that it is exempt from the provisions of the Foreign Agents Registration Act.

Preliminary committee investigations showed that the only other individuals currently holding official positions in the Medical Aid to Cuba Committee were Dr. Louis I. Miller, its "medical director," and Sidney J. Gluck, treasurer.

Mr. Gluck was interrogated by this committee on November 14, 1962, but repeated efforts to serve a subpena upon Dr. Miller at his home and office in New York were unsuccessful.

Dr. Miller is credited with purchasing medical supplies which have been shipped to Cuba by the MACC. Mrs. del Villar testified that she had invited him to join the MACC for that purpose, although she was not acquainted with him personally at the time and did not know anything about his background other than that he had once been active in medical aid to Spain. She also said she could not recall who had recommended Dr. Miller to her.

Committee counsel thereupon read from public records which showed that Dr. Miller was not only chairman of the Medical Bureau of the cited Communist front, the American Friends of Spanish Democracy, in the 1930's, but was also one of the "principal New York contacts" during the 1940's for Soviet espionage agent Arthur Alexandrovich Adams. Counsel further stated that Louis F. Budenz had testified before the committee in executive session in 1951 that he had met Dr. Miller during the 1940's at enlarged meetings of the National Committee of the Communist Party.

Sidney Gluck, treasurer of the Medical Aid to Cuba Committee since April 1962, was brought into the organization by Dr. Louis Miller. In his appearance before the committee on November 14, 1962, Mr. Gluck invoked the fifth amendment in response to committee questions concerning past and present membership in the Communist Party. Mrs. Mildred Blauvelt, an undercover informant within the Communist Party for the New York Police Department, had testified publicly before the committee on May 3, 1955, that Mr. Gluck was a member of the Flatbush Club of the Communist Party. In November of 1944, she said, he was credited with having recruited 54 new members into the party.

Mr. Gluck refused to answer questions concerning literature issued by the Communist Party's Jefferson School of Social Science in New York, identifying him as a teacher at the school in 1947 and 1950. The 1947 advertisement about the school named Mr. Gluck as instructor of a class on "Principles of Marxism, I."

This witness acknowledged that in 1961 he had engaged in activities sponsored by the Emergency Civil Liberties Committee and the National Assembly for Democratic Rights, which have been characterized as Communist fronts in official reports of this committee. He resorted to the fifth amendment again, however, when confronted with evidence that he publicly solicited the participation of young Americans in the Communist-dominated Eighth World Youth Festival in 1962.

When questioned concerning the selection of Mr. Gluck as treasurer of the Medical Aid to Cuba Committee, Chairman del Villar disclaimed any knowledge of his relationship with the Communist Party. "I do not screen people," she said. "I do not question anybody who wants to help Medical Aid."

Mrs. del Villar acknowledged that she had been in correspondence with local Medical Aid to Cuba Committees established in Los Angeles, Detroit, and Chicago. Although they had sent in financial contributions, she said, they were not "branches" of her organization, because the New York committee exercised no control over them. She disclaimed any personal acquaintanceship with officers of the Los Angeles Medical Aid to Cuba Committee, as well as any knowledge that several of them had appeared as witnesses in previous hearings of the Committee on Un-American Activities.

Committee counsel observed for the record that Helen Travis, secretary of the Los Angeles Medical Aid to Cuba Committee, had invoked the fifth amendment when questioned by this committee on August 30, 1950. The committee had interrogated Mrs. Travis, a former *Daily Worker* employee, regarding evidence that she had transferred $3,700 to a "money drop" in Mexico City in an effort to finance the release of a Stalinist agent imprisoned for murdering Leon Trotsky.

Simon M. Lazarus, treasurer of the Los Angeles committee, had refused to answer committee questions on March 26, 1953, regarding his role as financier of a motion picture produced by the Communist-infiltrated International Union of Mine, Mill and Smelter Workers.

Chairman del Villar was questioned about a MACC press statement which attributed the need for its activities to (1) "an unofficial boycott" by U.S. drug manufacturers, even though certain foods and medicines were exempted from the U.S. embargo on trade with Cuba; and (2) an expansion in medical care through public health services in Cuba since the Castro-led revolution. Mrs. del Villar testified that her information regarding an alleged boycott was obtained from a British "peace" magazine and other journalistic sources. She conceded, however, that her organization had experienced no difficulty in purchasing medical supplies for shipment to Cuba. She stated she personally knew of an improvement in social conditions in Cuba under Castro.

Mrs. del Villar informed the committee she would not discuss her own attitude toward the Communist dictatorship Castro has estab-

lished in Cuba because her "political beliefs" were not a "question for debate" in an inquiry into a "humanitarian" organization. When confronted with committee evidence that she had been active in the extremely "political" and notoriously pro-Castro propaganda organization, the Fair Play for Cuba Committee, Mrs. del Villar admitted membership in and speaking engagements in behalf of the FPCC. She insisted, however, that she severed her relations with the organization several months before conceiving the idea of a medical relief agency. Her appearances for FPCC, she stated, were not "as a propagandist for the Communist regime in Cuba, but simply to say what I know to be true—that I knew Cuba and that I knew many things that happen in Cuba now which were beneficial to the Cuban people from my direct knowledge, whether it is called communism or Buddhist or Zendist * * *." (During almost 30 years' residence in the United States, Mrs. del Villar said she had made two trips to Cuba—one in 1950 and the other in the summer of 1960.)

Contradictory testimony was received from Mrs. del Villar and a former MACC officer regarding the purpose of a telegram, bearing the signature "Pat O'Morte," which had been sent from MACC headquarters on February 23, 1962, to a private New York residence. A Western Union record of the telegram listed the names Mrs. Amster (Mrs. del Villar) and Albert S. Baker, "subscriber."

Mrs. del Villar testified the telegram was a "fun message" which she had sent to a birthday celebration for Mr. Baker (treasurer of the MACC until his resignation in February 1962 for reasons of ill health). Mrs. del Villar said "Pat O'Morte" was herself and was a name which meant "nothing"—"just a play of words" because "sometimes they say that I am somber."

When the committee interrogated Mr. Baker on November 14, 1962, he insisted that he had neither received nor sent such a telegram, that his birthday was in October, and that his name may have appeared on the telegram as subscriber because he paid telegraphic bills for MACC. This committee has also taken note of the striking similarity between Mrs. del Villar's allegedly meaningless alias "Pat O'Morte" and the slogan popular in revolutionary Cuba: "Patria o muerte (Country or death)."

DISTRIBUTION OF MEDICAL AID TO CUBA

Members of the committee pointed out to Chairman del Villar that Communist governments in East Europe have made political use of food and medical relief by distributing or withholding them so as to reward Communist collaborators and punish those not considered loyal to the Communist regime. They asked whether or not there was any followup by the MACC on the distribution of its supplies in Cuba. Mrs. del Villar responded that there was no followup and that she was ignorant of past Communist practices. She nevertheless expressed "complete confidence" that the supplies were being distributed in Cuba on the basis of need. She said medical supplies which have been purchased with contributions to MACC (after an approximate 14-percent deduction for operating expenses) are sent to the National Hospital in Havana. She said the hospital director, Dr. Martha Frayde, communicated with MACC on Cuban medical needs.

After interrogating officers of the Medical Aid to Cuba Committee, this committee received testimony on November 15, 1962, from three

Cuban doctors who have taken asylum in the United States since Castro's assumption of power: Dr. X, a surgeon who recently left Cuba and whose identity was withheld to prevent possible reprisals against relatives in Cuba; and Drs. Emilio V. Soto and Jose G. Tremols, Cuban pediatricians, who arrived in this country in 1960.

All of the doctors testified to a shortage of medical supplies in Cuba. Dr. Soto offered the opinion that the shortage as of August 1960, when he left Cuba, had been created by Castro, who wanted to make it appear the United States was to blame. He explained that American drug manufacturing firms were still operating in Cuba and supplying medicines to the Cuban medical profession at that time.

Dr. X stated that by the date of his departure from Cuba in 1962, he saw very few American medical supplies and he believed the existing shortage was caused by the Cuban Government's inability to purchase sufficient quantities and Soviet failure to provide the quality of medical supplies to which Cubans are accustomed. Dr. X noted that no private hospitals remained in Communist Cuba, and that the Cuban Government controlled all medical supplies, which would include the distribution of relief shipments from the United States. This physician said on one occasion he had observed that medical tablets bearing the name of an American laboratory were packaged in cases labeled as coming from an East European Communist nation.

Dr. Tremols recounted occasions in 1960 when a Cuban hospital, still being operated privately, had to rely on one of its interns with "good relations with the government" in order to obtain needed medical supplies. Each of the three doctors testified that Dr. Martha Frayde, director of the National Hospital in Havana, has the reputation in Cuba of being a Communist.

Friends of British Guiana

An organization known as Friends of British Guiana made its appearance in New York City early in 1962 for the avowed purpose of raising "a few thousand dollars" to buy printing equipment for Cheddi Jagan's governing party in British Guiana.

Advertisements placed in U.S. publications by the Friends of British Guiana in April and May 1962, and introduced as exhibits during the committee hearings on the organization on November 15, 1962, frankly explained that "Dr. Jagan's elected government relies upon one crudely printed, totally inadequate weekly paper to explain its position to the people." "A political movement or government without the means to convey its program to the broadest masses of the people operates under a severe handicap," the advertisements declared. "Friends of British Guiana in this country have accordingly determined to provide Dr. Jagan's movement, the People's Progressive Party, with a linotype machine, photoengraving equipment, and other essential printing machinery" so that it can issue a daily newspaper and "meet its important political obligations."

British Guiana is a former colonial possession of Great Britian which has almost complete autonomy in internal affairs, and its government recently has been engaged in negotiations for complete independence. The local ruling party is the aforementioned People's

Progressive Party, whose leader, Cheddi Jagan, holds the post of Premier of the Government of British Guiana. A general strike and rioting erupted in British Guiana in February 1962, and was settled only after British troops arrived on the scene at the request of the Jagan government. In its April appeals for funds to help Dr. Jagan's movement establish a daily newspaper, the newly formed Friends of British Guiana stated:

> In a recent Guardian [1] interview Janet Jagan, wife of the Prime Minister of British Guiana, declared that one of the chief reasons for the February riots in Georgetown was the government's lack of a daily paper to explain its new budget to the people.

Publicity issued by the Friends of British Guiana referred to Jagan's political followers as "embattled friends of democracy" and his opponents in British Guiana as "reactionaries." In contrast, an official British Commission of Inquiry into the February disturbances in British Guiana found that some of the opposition to Dr. Jagan and his local government was motivated by the belief that his policies were "leading the country towards Communism." The Royal Commission observed that Dr. Jagan had evaded answering its questions as to whether he was a Communist. The Commission concluded: "There is very little doubt that many of his speeches and some of his deeds gave rise to the apprehension that despite his evasions and profession to the contrary, he was acting as a communist." The Royal Commission quoted statements made by Dr. Jagan (subsequently made part of this committee's hearing record) showing that the British Guiana Premier was an admitted Marxist who had publicly declared that "Communism is winning throughout the world—it will win everywhere."

Preliminary committee investigations revealed that the leaders of Friends of British Guiana were: Leo Huberman, provisional chairman; Michael Crenovich, vice president; and Marcia G. Rabinowitz, treasurer. The committee also ascertained that the organization had not registered with the U.S. Attorney General as a foreign agent.

The three officials of Friends of British Guiana were interrogated by this committee on November 15, 1962, but they uniformly refused to answer questions concerning their activities in the organization on the grounds of possible self-incrimination.

Provisional Chairman Huberman, who is also co-editor of the "independent socialist magazine" *Monthly Review*, readily discussed his own views as a "Marxist." He informed the committee that he was an "independent Marxist-Socialist," who has never been a member of the Communist Party but who believes in "working together with others, including Communists, to the extent that their aims and methods coincide with mine." Mr. Huberman admitted having personally talked with Premier Cheddi Jagan within the past year, but refused to state whether the conversations involved the Friends of British Guiana organization.

Michael Crenovich, a New York printing pressman, has never been identified in Friends of British Guiana publicity as an officer of the

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[1] This reference is to the *National Guardian*, a weekly newspaper cited in the committee's Guide to Subversive Organizations and Publications as "a virtual official propaganda arm of Soviet Russia."

organization, although he applied for a post office box for the organization on March 22, 1962, in the capacity of vice president. Mr. Crenovich's membership on the National Committee of the Communist Party in 1961 had been made public by the committee in the course of hearings which it held in November 1961 on the *Structure and Organization of the Communist Party of the United States.* In his appearance before the committee on November 15, 1962, Mr. Crenovich invoked the fifth amendment in response to all questions regarding his membership in the Communist Party. He also refused to confirm the accuracy of literature issued in 1959 by the Communist Party training school, the Faculty of Social Science, which listed him as an instructor of its courses dealing with Latin America.

Marcia Rabinowitz, publicized as treasurer of Friends of British Guiana, has been a member of the Coney Island Club of the Communist Party in the Second Assembly District, Kings County, New York, according to information received by the committee. On grounds of possible self-incrimination, Mrs. Rabinowitz refused to answer committee questions concerning her past or present membership in the Communist Party.

COMMUNIST ACTIVITIES IN THE PEACE MOVEMENT

(Women Strike for Peace and Certain Other Groups)

On December 11, 12, and 13, 1962, a subcommittee of the Committee on Un-American Activities held public and executive [1] hearings in Washington, D.C., relating to the Communist Party's "united-front" tactics of infiltrating peace organizations, with particular reference to Women Strike for Peace and its Metropolitan New York, New Jersey, and Connecticut section.

The purposes of the hearings were to determine whether Communists are exerting influence upon the so-called "peace movement" in a manner and to a degree affecting the national security, and to obtain information to aid the committee and the Congress in determining the need for amendment of the Internal Security Act of 1950 to make its provisions applicable to persons engaged in such activities, or to make unlawful membership in the Communist Party as proposed in H.R. 9944, referred to this committee on January 30, 1962.

When Chairman Walter announced the hearings on December 6, he said:

> It is with reluctance that the committee deems it necessary to conduct hearings which touch upon alleged peace activities in this country. Without a doubt, the word "peace" reflects the deepest aspirations of the greatest number of individuals on both sides of the Iron Curtain and in all parts of the world.
>
> Unfortunately, the Communist conspiracy, through treachery and deceit, has established a long record of converting man's greatest dreams into tools for bringing about man's most tragic losses of dignity and freedom. If Communists are today attempting to use the earnest desire for peace of the average American as a means for making him more vulnerable to conquest by a Communist-triggered war, then the Congress should be made aware of it so something can be done about it.

As the hearings began, Subcommittee Chairman Doyle pointed out in his opening statement past Communist uses and abuses of the word "peace." In 1948, for instance, Soviet dictator Josef Stalin had launched a spectacular "peace" offensive marked by "peace" conferences and congresses in the major nations of the world. These "peace" gatherings were attended and supported by leading Communists and fellow travelers of the countries in which they were held.

But how sincere was the Stalin "peace" offensive? In June 1950, at the very time Stalin was directing the establishment of the Moscow-controlled World Peace Council, the international Communist conspiracy unleashed its war upon South Korea. This phase of the Communist "peace" offensive took the lives of more than 50,000 Americans.

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[1] Released by the committee and ordered to be printed.

At a lengthy Moscow meeting in the fall of 1960, delegations from 81 Communist parties around the globe unanimously adopted a statement of the strategy by which they hope to conquer the world. A sample of the language in that statement follows:

> 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.

On January 6, 1961, just 1 month after the 81-party meeting, Soviet dictator Nikita Khrushchev made a major address. In it he further emphasized the need for using the appeal of peace as a strategic Communist weapon. The Khrushchev speech, which was subsequently reprinted in many languages and distributed to Communist parties everywhere, said in part:

> Every day bigger sections of the population should be drawn into the struggle for peace * * *. The banner of peace enables us to rally the masses around us. By holding aloft this banner we will be even more successful.

Gus Hall, general secretary of the Communist Party in the United States, wasted little time before acting upon the "peace" strategy instructions emanating from Moscow. In a report to the U.S. Communist Party's National Committee on January 20, 1961, Hall repeatedly hammered at the urgency for carrying out the Communist "peace" strategy. Examples follow:

> 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 also necessary to recognize the need for additional peace organizations * * *.
>
> Above all, Communists will intensify their work for peace, and their efforts to build up peace organizations.

Mr. Doyle pointed out that although Communists have always found the peace theme an effective propaganda instrument for disarming, confusing, and weakening those nations they seek to destroy, they have consistently stated that they themselves are not opposed to war and, on the contrary, consider it a vital tool for the achievement of their revolutionary aims.

Lenin, the master Communist tactician, wrote in 1917:

> We are not pacifists. We are opposed to imperialist wars for the division of spoils among the capitalists, but we have always declared it to be absurd for the revolutionary proletariat

> to renounce revolutionary wars that may prove necessary in the interests of socialism.

This basic Communist doctrine on war, Mr. Doyle pointed out, had been reaffirmed by 81 of the world's Communist parties as recently as December 1960 when they unanimously adopted their previously referred to strategy statement.

In the *Large Soviet Encyclopedia* (*Bolshaya Sovetskaya Entsiklopediya*) published in 1951, he stated, war is defined as follows (p. 570, Vol. 8):

> War is a social phenomenon inherent in a society containing classes and antagonism.

Two pages later, in a discussion of war, the encyclopedia says:

> Wars will cease only with the destruction of capitalism and the victory of the socialist system in all the world.

Thus, Mr. Doyle said, while the Communists talk peace incessantly, they actually believe there can be no real peace until they have conquered the entire world, eliminating all other systems.

Mr. Doyle emphasized that although peace agitation and propaganda in the United States have been given top priority by Moscow, this does not mean that everyone who agitates for peace is a Communist or a fellow traveler. He pointed out that the cry for peace is universal and that it comes from sincere, patriotic persons and groups, as well as from the Communists, who, even while crying "peace," foment unrest and war. Mr. Doyle further cautioned that just because Communists have infiltrated some peace groups, it does not mean that all, or even a majority, of the persons in such groups are pro-Communists.

The first witness to appear at the committee's public hearings beginning December 11, 1962, was Richard A. Flink, a New York attorney. National attention had been focused on Mr. Flink 3 months earlier when the Department of Justice disclosed that he, with the full knowledge and approval of the Federal Bureau of Investigation, had accepted a $3,000 payment from two Russian employees of the United Nations and entered into an espionage arrangement with them. The two Russians, Yuri A. Mishukov and Yuri V. Zaitsev, had already returned to the Soviet Union by the time the Justice Department announcement was made.

A summary of Mr. Flink's testimony before this committee follows:

Mr. Flink first met Mishukov, a translator at the U.N., in 1959 at a cocktail party in New York City. About two months later, this Russian national telephoned Flink and invited him to lunch. Flink made a tentative luncheon appointment with Mishukov, but then sought advice from the U.S. Attorney's Office in New York where he had worked as a legal assistant. He was advised to contact the FBI.

The FBI asked Flink to meet Mishukov, find out what he wanted, and report back to the Bureau. This inaugurated a series of meetings between the American attorney and the Russian translator. They averaged about two encounters a month for a period of 3 years, during which time Flink kept the FBI fully informed of all developments.

"Most of these meetings," Flink told the committee, "were devoted to social, philosophical, ideological discussions."

Inasmuch as Flink was obtaining information for the FBI, he did not want to antagonize Mishukov. Therefore, he normally let the Russian bring up whatever topics he wished and then discussed them in the way he thought would please the Soviet translator. In this way, Flink testified, he and Mishukov "built up a so-called friendly relationship, predicated primarily on our mutual desire for peace."

Topics initiated by Mishukov included disarmament, nuclear testing, increased trade, economics, and Flink's future. The Russian often urged his American "friend" to get into government service.

Mishukov was highly pleased in the spring of 1962 when he learned that Flink was going to be a candidate to represent the 12th District in the New York State Assembly. He offered to finance Flink's campaign, provided the latter would accept direction on what policies to advocate.

Flink objected and told Mishukov that he (Flink) would have to use his discretion on this inasmuch as the policy positions the Soviet representatives would want him to advocate would be "out of place" on many occasions because of the subject matter and places at which he would be delivering speeches.

In response to a question about the policies that Mishukov wanted him to advocate in public office, Flink replied that he was to talk about trade with the Soviet Union and Communist bloc countries, disarmament, and nuclear testing, and that he was to "generally relate whatever I was discussing to the general subject of peace."

The compromised arrangement agreed to by Flink was satisfactory to Mishukov, who gave him $1,000 of a promised $3,000 payment. On the occasion when Mishukov was supposed to give Flink the second payment, he informed the American that he was returning to Russia, but that Yuri Zaitsev, to whom he shortly introduced Flink, would continue the campaign arrangement then in effect.

Mishukov returned to the Soviet Union early in July 1962, and Flink continued the relationship with Zaitsev as it had been arranged by Mishukov.

Just a month after Mishukov had gone back to Russia, however, Zaitsev followed him there. Thus, Flink's role as a counterspy came to a close.

Mrs. Blanche Hofrichter Posner of Scarsdale, N.Y., a graduate of Hunter College, who had taken postgraduate work at New York University, City College, and Columbia University, was a witness before the public session of the committee on December 11. She answered the initial routine questions asked by the committee's counsel for the purpose of establishing the identity of the witness.

Mrs. Posner admitted that she had been a teacher, but invoked the fifth amendment when asked if, in accordance with committee information, she had been a member of a Communist Party fraction of public school teachers during the course of her employment at the DeWitt Clinton High School in New York City.

Although Mrs. Posner declined to testify about her role in the New York group of the Women Strike for Peace, the committee's counsel placed several exhibits into the record of the hearings which indicated she held an official position in the group. An article in the

New York Times of April 19, 1962, reporting an interview with her, described Mrs. Posner as the office coordinator for this group and stated:

> She spends as many as ten hours a day working for W.S.P. Her files contain the names of 6,000 local adherents, each of whom, she said, has a list of friends she can call upon.

Literature published by the Women Strike for Peace identified the address of the New York group as 750 Third Avenue, New York City.

An undated document acquired by the committee, entitled "Structure for Women Strike for Peace, Metropolitan N.Y., New Jersey, Conn.," named Mrs. Posner as the chairman pro tem of the office committee for the New York area. The witness invoked the fifth amendment when asked questions about this document.

Mrs. Posner also declined, on the basis of the fifth amendment, to confirm or deny committee information that she had distributed a document with the title "Bibliography" at a Women Strike for Peace meeting. This bibliography was a list of recommended reading material on the subjects of war, peace, disarmament, nuclear testing, etc. The witness declined to say whether she had prepared the bibliography.

One source of recommended reading on the bibliography was the Greenwich Village Peace Center, headed by John W. Darr, Jr., an identified member of the Communist Party and a witness in the present hearings. Mrs. Posner invoked the fifth amendment when asked if, when distributing the bibliography, she had informed members of the WSP that Darr had been so identified.

She also claimed the privilege of the fifth amendment when asked if she had told WSP members that Henry Abrams, who heads another organization whose "peace" publication was included as recommended reading in the bibliography, had been publicly denounced as a "veteran member of the Communist Party."

Mrs. Posner invoked the fifth amendment when asked if she was currently a member of the Communist Party; if she had worked in Women Strike for Peace upon the request of, or on orders from, the Communist Party; if she had received listings of names for WSP from persons known to be members of the party; if she had received listings of names from any organization known to be Communist controlled or designated as subversive by the Attorney General of the United States or any official agency of Government; if she had transmitted information from the WSP files to person or persons known to be members of the Communist Party; and if she had knowledge of, or belonged to, a Communist caucus within the New York organization of the WSP which met separately to coordinate Communist policies with respect to the WSP.

Another witness who appeared at the committee's public hearings on December 11 was Mrs. Ruth Meyers of Roslyn, N.Y., a graduate of Hunter College, with a master's degree in the science of education from Hofstra College. She denied that she was a member of the Women Strike for Peace, insisting that the WSP has "no membership." She refused to acknowledge whether she knew Mrs. Posner.

Mrs. Meyers testified that she was associated with a group in her neighborhood known as Women for Peace, which had acted on certain occasions under the banner of Women Strike for Peace.

The witness refused to say whether she knew Mrs. Dagmar Wilson, ostensibly the head of the national Women Strike for Peace group, but did admit that she first met with women working for peace after Mrs. Wilson's announcement of the formation and call for support of the national WSP.

Mrs. Meyers said that, whenever possible, her Women for Peace group tried to send representatives to county meetings of the Women Strike for Peace. (According to WSP literature, local groups were to send representatives to WSP county meetings from which delegates would be sent to meetings of the central coordinating committee.)

Mrs. Meyers expressed pride in the work she had done to help organize a New York group of members of the Women Strike for Peace who took part in a picket-line demonstration at the White House on January 15, 1962. She also acknowledged that she had played a leading role in arranging a sendoff demonstration at Idlewild Airport on April 1, 1962, for the Women Strike for Peace delegation to the 17-nation disarmament conference at Geneva, Switzerland.

The witness denied that she was the Ruth Meyers who, as a resident of Brooklyn on July 27, 1948, had signed a Communist Party nominating petition for an identified Communist who was seeking a seat on the New York City Council.

Mrs. Meyers invoked the fifth amendment, however, when asked if she was, or ever had been, a member of the Communist Party and declined to state if she had engaged in activities with the Women Strike for Peace or the Women for Peace in order to carry out Communist Party directives.

The final witness at the committee's public hearings on December 11 was Mrs. Lyla Hoffman of Great Neck, N.Y., a high school graduate, who described herself as a "housewife and peace worker."

Mrs. Hoffman testified that she helped form the Great Neck Women Strike for Peace group, that she had represented that group at Nassau County meetings of WSP and, in turn, had represented Nassau County at meetings of the central coordinating committee of the New York City group. She also said that she had attended several of the meetings which established the structural plan for the Metropolitan New York, New Jersey, and Connecticut area group of the Women Strike for Peace.

The witness testified that the Great Neck WSP maintained a mailing list of persons who attended the group's meetings and demonstrations. She said that she did not personally maintain that list; that it passed from one woman to another, according to who was available to send out the next scheduled mailing. She estimated that there were 375 names on the mailing roster.

Mrs. Hoffman refused to state whether she was acquainted with Mrs. Dagmar Wilson of Washington, D.C.

When asked if she had been a member of the Communist Party in 1944, Mrs. Hoffman responded that she was not now a member and had not been a member for more than 5 years.

She declined to invoke the fifth amendment, but nevertheless refused to tell the committee (1) if she had ever formally resigned from the Communist Party; (2) if she had ever publicly announced withdrawal from the party; (3) if her alleged withdrawal had been purely a technical one; and (4) if she had had an understanding with any Communist Party functionary at the time of her alleged withdrawal to the effect that she would continue to support the party, its policies, and objectives.

At the conclusion of the public hearings on December 11, the committee heard two witnesses in executive session. The first witness was Mrs. Elsie Neidenberg, a high school graduate, housewife, and volunteer hospital worker of Long Island, N.Y.

Mrs. Neidenberg invoked the fifth amendment, rather than admit or deny membership in the Women Strike for Peace.

According to committee information, this witness attended a meeting of the New York group of the WSP on January 22, 1962, and, with two other women, volunteered to serve as co-treasurer when the preceding treasurer resigned. When asked to confirm this information, Mrs. Neidenberg invoked the fifth amendment—as she did when queried on whether, during her tenure as co-treasurer, the New York group had filed any financial reports with the Washington headquarters of the WSP. She invoked the fifth amendment in refusing to answer questions by the committee regarding the financing of the travel of nearly 1,500 women who entrained from New York to Washington to participate in the White House picket line on January 15, 1962.

Mrs. Neidenberg invoked the fifth amendment to avoid confirming or denying committee information that she had signed a Communist Party independent nominating petition on August 27, 1946, for the New York election of that year.

She also invoked the fifth amendment when asked (1) if she was currently a member of the Communist Party; (2) if, as co-treasurer of the New York WSP group, she had solicited or received funds from persons known by her to be members of the Communist Party; (3) if she had communicated to any person known to her to be a member of the party information relating to the financial status of the WSP; and (4) if she had engaged in the Women Strike for Peace activity for the benefit of the Communist Party.

The second witness heard in executive session on December 11 was Mrs. Sylvia Contente, a high school graduate and resident of the Bronx, N.Y., who testified she was president of a public school parent association, active in community affairs, and employed as a bookkeeper. Mrs. Contente invoked the fifth amendment when queried about committee information that she had attended a 1945 State convention of the American Youth for Democracy, the 1943 successor organization of the Young Communist League. Her response was the same when presented information by the committee to the effect that in 1946 she had signed a Communist Party independent nominating petition for Robert Thompson, a leading CP functionary who sought the governorship of New York State, and for other party candidates for elective public office.

Mrs. Contente invoked the fifth amendment when asked if she belonged to the New York group of the WSP; if she had been a member of the WSP delegation organized by the New York group and sent to the Geneva disarmament conference; if she personally assumed

the expense of her trip to Switzerland; and if the New York group had organized the delegation to Geneva in behalf of the national Women Strike for Peace.

She also invoked the fifth amendment in refusing to say whether she was presently a member of the Communist Party or if she had been counseled by any member of the party to work in Women Strike for Peace and other peace organizations.

Miss Rose Clinton, "a free lance stenographer" of New York City, was the first witness at the committee's public hearings on December 12, 1962. She testified that she had received a bachelor of laws degree from George Washington University and that she had formerly lived in Washington, D.C.

The committee's preliminary investigation had disclosed that Miss Clinton was the secretary and membership chairman of an organization known as the West Side Peace Committee, located in New York City. Miss Clinton invoked the fifth amendment when asked how the West Side Peace Committee had come into being and the circumstances under which she had become one of its executives.

It was pointed out by the committee counsel that a U.S. Senate investigation of the Greater New York Committee for a Sane Nuclear Policy had brought out the fact that Henry Abrams, a prominent leader of that group, was a Communist Party member. Abrams was subsequently suspended and then expelled from the national SANE organization in January 1961. The committee's counsel presented Miss Clinton with the further information that Abrams had then formed and assumed the chairmanship of a new organization called the Conference of Greater New York Peace Groups, which established an executive committee to coordinate the activities of local supporting groups.

According to the committee's information, Miss Clinton was one of the initial members of the Conference of Greater New York Peace Groups, but she declined under the fifth amendment privilege against possible self-incrimination to affirm or deny this fact. She invoked the fifth amendment when asked if, as the committee's investigation had indicated, the West Side Peace Committee was one of the local groups operating in support of the Conference of Greater New York Peace Groups formed by Abrams.

Miss Clinton again declined, under the fifth amendment, to answer questions about the committee's investigative findings that the West Side Peace Committee had a paid-up membership of about 95 persons, a mailing list of approximately 800 names, and had a representative on the Conference of Greater New York Peace Groups. She declined to say whether she either knew Henry Abrams or knew him to be a member of the Communist Party.

She invoked the fifth amendment when asked if she had been appointed secretary and membership chairman of the West Side Peace Committee by a person known to her to be a Communist Party member.

The committee counsel cited testimony before this committee on July 11, 1951, by Mrs. Mary Stalcup Markward, an undercover operative for the Federal Bureau of Investigation in the Communist Party of the District of Columbia from 1943 to 1949. Mrs. Markward had stated under oath that she met Rose Clinton at a secret Communist Party meeting in Baltimore during the spring of 1949. Miss Clinton

declined, under the fifth amendment, to state whether Mrs. Markward's testimony concerning her was correct.

The witness also declined to affirm or deny testimony of Dorothy K. Funn given before this committee on May 4, 1953. Mrs. Funn had testified that she had known Miss Clinton as a member of the Communist Party in Washington, D.C., during the mid-1940's.

Miss Clinton continued to invoke the fifth amendment when asked (1) if she was presently a member of the Communist Party; (2) if she had participated in activities of the New York group of the Women Strike for Peace; (3) whether she was a member of the Women Strike for Peace; (4) whether she had discussed with Mrs. Blanche Posner or Mrs. Lyla Hoffman activities of the West Side Peace Committee; (5) if she had participated in making arrangements for a representative of the New York group of the WSP to speak at a fallout shelter panel discussion in New York City, under the auspices of the West Side Peace Committee, as advertised in the *National Guardian* newspaper of January 15, 1962; and (6) if she had been under the discipline of the Communist Party while active with the West Side Peace Committee.

The second witness to appear at the public hearings on December 12 was Mrs. Iris Freed, a graduate of the Girls' Commercial High School and a housewife of Larchmont, N.Y.

Mrs. Freed denied that she was a delegate from Westchester County, N.Y., to the central coordinating committee of the New York group of the Women Strike for Peace. She insisted that the WSP was not "organized," although she did admit a familiarity with the New York group's structural plan which provided a central coordinating committee for its area of jurisdiction.

The witness testified that the Women for Peace and Women Strike for Peace were one and the same organization, and that she was the person who had been referred to as a Westchester community chairman of the organization called "Women for Peace" in the *Daily Argus* of Mount Vernon, N.Y., on January 12, 1962. Mrs. Freed denied, however, that the Westchester Women for Peace had a chairman.

Mrs. Freed admitted that on May 12, 1961, she had participated in a Carnegie Hall meeting, featuring an address by Linus Pauling, which was sponsored by the Conference of Greater New York Peace Groups, which also established the 100 Days for Peace Committee. She invoked the fifth amendment, however, when asked if she knew Henry Abrams, the group's chairman.

Early in her testimony, Mrs. Freed had acknowledged that her maiden name was Iris Schwartz and that she had lived at 659 Pennsylvania Avenue in Brooklyn, N.Y., in the 1940's. Nevertheless, she invoked constitutional privilege in declining to say whether she was the person of that name who had, while living at the same address, on September 15, 1941, signed a Communist Party nominating petition in behalf of well-known Communist functionaries.

Mrs. Freed declined, under the fifth amendment, to affirm or deny committee information that she had been a member of the Communist Party Carpet Shop Branch of Yonkers, N.Y., and that meetings of that branch had been held in her home in 1954. She claimed constitutional privilege in declining to affirm or deny committee information

that she had attended a Westchester County Convention of the Communist Party in January 1957. She also invoked the fifth amendment when asked if she were currently a member of the Communist Party.

Another witness who appeared at the committee's public hearings of December 12 was Mrs. Anna Mackenzie of Westport, Conn., a graduate of Vassar College.

Mrs. Mackenzie testified that she was proud to have worked in the Women Strike for Peace movement but insisted that the WSP was not "an organization" and that she was therefore not a "member" of it.

The committee's investigation had disclosed that this witness had been in charge of publicity for the sendoff demonstration for the Women Strike for Peace delegation to the April 1962, 17-nation disarmament convention at Geneva. Mrs. Mackenzie claimed all constitutional privileges, excluding the self-incrimination clause of the fifth amendment, in refusing to say whether she had written or disseminated three items of WSP publicity which were entered into the record of the hearings.

The witness repeatedly said that she was excluding the self-incrimination clause of the fifth amendment, while claiming other constitutional protections as her basis for not answering questions about her role in WSP publicity.

Mrs. Mackenzie was confronted with information regarding her Communist Party membership during the 1940's but continued to exclude the self-incrimination clause of the fifth amendment and refused to state whether she had ever been, or was currently, a member of the Communist Party.

Miss Elizabeth Moos of New York City, holder of an A.B. degree from Smith College and an M.A. degree from Columbia University, appeared before the committee during its public hearings on December 12. She testified that she had attended meetings of the Metropolitan branch of the Women's International League for Peace and Freedom, but denied that she had been a leader of the group.

She acknowledged that she had been director of the Peace Information Center for a brief period when it existed 12 years earlier. This organization was officially cited by this committee in 1951 as having been under the directorship of "Elizabeth Moos, an identified Communist," and by the Senate Internal Security Subcommittee in 1956 as a Communist front. It had assumed as its principal task the circulation of the World Peace Appeal, also known as the Stockholm Peace Appeal, which was issued in March 1950 by the Communist-controlled Permanent Committee of the World Peace Congress at a meeting in Stockholm, Sweden, just 3 months before the Communist attack on South Korea.

Miss Moos admitted having attended the World Peace Congress held in Paris in April 1949 and cited as Communist by this committee in 1949 and by the Senate Internal Security Subcommittee in 1956.

The committee counsel cited the fact that, as a result of the World Peace Congress of April 1949, an organization known as the American Continental Congress for Peace was established in the Western Hemisphere. The counsel introduced as an exhibit a *Call to the American Continental Congress for Peace* to be held in Mexico City, September 5–10, 1949. The name of Elizabeth Moos appeared with others on the

Call under the heading of "Women's Sponsoring Committee from the United States." The witness invoked the fifth amendment when asked if she were, in fact, the Elizabeth Moos whose name was so listed on that exhibit.

It was pointed out by the committee counsel that in April 1951 the Committee on Un-American Activities published a report on the *Communist "Peace" Offensive*, in which the American Continental Congress for Peace was officially cited as "another phase in the Communist 'peace' campaign, aimed at consolidating anti-American forces throughout the Western Hemisphere."

Miss Moos again invoked the fifth amendment in refusing to state whether, in 1953, she had written an article for the *Friendship Book* published by the American Russian Institute of San Francisco, an organization cited as subversive by the Attorney General in 1948.

She made a fifth amendment declination rather than say if there was any inaccuracy in the testimony of William W. Remington when, before a Senate subcommittee on January 30, 1948, he identified Elizabeth Moos as his mother-in-law and as a Communist.

Miss Moos also invoked the fifth amendment when asked if she wished to correct information given this committee at a hearing on July 6, 1953, by former FBI undercover operative Herbert A. Philbrick, who said he had at one time been assigned by the Communist Party to work with Miss Moos on a Communist Party project in Boston.

The witness testified that she had participated in demonstrations conducted by the New York group of the Women Strike for Peace, but she declined, under the fifth amendment, to say if such participation had been as a result of Communist Party directives. She also invoked the fifth amendment when asked if she was currently a member of the Communist Party.

Mrs. Ceil Gross, of New York City, a high school graduate, appeared before an executive session of the committee on December 12, 1962. She said that she was employed as a production assistant in the printing industry.

The committee counsel introduced as an exhibit an advertisement from the *New York Times* of August 29, 1961, which featured the following message: "West German Rearmament—*with nuclear weapons*—is the Main Issue in Berlin." This ad was subscribed as a public statement of the Conference of Greater New York Peace Groups and identified Ceil Gross as the secretary of that organization.

Mrs. Gross invoked the fifth amendment when asked if she were the same person whose name had been listed in the advertisement as the secretary of the Conference of Greater New York Peace Groups. She similarly declined to answer numerous other questions about this ad, as well as questions pertaining to another advertisement in the *New York Times* of May 10, 1961, which announced that Linus Pauling would be the featured speaker at a Carnegie Hall meeting on May 12, 1961. The advertisement, titled "Rally for Peace To Stop the Spread of Nuclear Weapons," was sponsored by the Conference of Greater New York Peace Groups, which also was the sponsor of the Carnegie Hall meeting.

Mrs. Gross invoked the fifth amendment rather than affirm or deny the committee's information that she was co-chairman of the West

Side Peace Committee and that her home address had also been designated as the official mailing address of the West Side Peace Committee.

She also invoked the fifth amendment when asked if she knew Rose Clinton; if she knew Miss Clinton to be a member of the Communist Party; if she knew Henry Abrams or knew him as a member of the Communist Party; if she herself was a member of the Communist Party; and whether she had participated in activities of the Women Strike for Peace.

Mrs. Jean Brancato, a graduate of the Omaha Technical High School, 1 year in attendance at the New Haven State Teachers College, and a housewife of the Bronx, N.Y., appeared before the executive session of the committee on December 12, 1962.

The witness denied committee information that she had held office as a Bronx representative on the central coordinating committee of the New York group of the WSP. She refused, however, under the fifth amendment privilege, to answer a series of questions about the organization and function of the central coordinating committee. Mrs. Brancato also invoked the fifth amendment when queried as to whether she had been active with the New York group of WSP.

She likewise declined to affirm or deny that she had circulated and signed a nominating petition in 1949 for Benjamin J. Davis, Communist Party candidate for councilman in the city of New York. When presented a photostatic copy of the petition bearing the signature of "Jeanne" Brancato, she again relied upon the fifth amendment in refusing to affirm or deny that it was her signature.

She also invoked the fifth amendment when asked if she had been a member of the Communist Party in 1954 and if she was currently a Communist Party member.

Another witness who appeared at the committee's December 12 executive hearings was Mrs. Miriam Chesman, a graduate of Hunter College and housewife of the Bronx, N.Y.

The committee's investigation had indicated that Mrs. Chesman was a Bronx delegate to the central coordinating committee of Women Strike for Peace, Metropolitan New York, New Jersey, and Connecticut. She acknowledged that she had attended some meetings of the central coordinating committee, but denied that she was an official delegate to them because, she said, "there are no such things." She denied that she had helped in the preparation of the structural plan for the New York group of the WSP.

The witness invoked the fifth amendment when asked if she knew Mrs. Jean Brancato.

The committee's counsel introduced photostatic copies of nominating petitions for known Communist candidates for public office in New York during the election years of 1946, 1951, and 1954. Each of these petitions contained the signature of a Miriam Chesman.

The witness invoked the fifth amendment and refused to affirm or deny that she was the Miriam Chesman who had signed the petitions. She also invoked the fifth amendment and refused to say whether she was a member of the Communist Party at the time or times any or all of the petitions were executed.

Mrs. Chesman again exercised her fifth amendment privilege when asked if she had at any time served as subscription clerk or staff member of the American Council of the Institute of Pacific Relations. The

committee counsel pointed out for the record that the American Council of the IPR had been thoroughly investigated by the Senate Committee on the Judiciary, whose report of July 2, 1952, declared that the U.S. Communist Party and Soviet officials considered that organization to be "an instrument of Communist policy, propaganda, and military intelligence." The record of that Senate hearing revealed that a Miriam Chesman was a staff member of the American Council for the Institute of Pacific Relations during 1944, 1945, and 1946.

The witness invoked the fifth amendment when asked if she had been a Communist Party member while serving as a subscription clerk for the American Council of the IPR.

The witness also invoked the fifth amendment to questions relating to current membership in the Communist Party; if she had engaged in Women Strike for Peace activities in response to Communist Party directives; or if she had ever received financial support from the Communist Party for the purpose of promoting the Women Strike for Peace.

The first witness at the committee's public hearings on December 13 was Dr. William Obrinsky of Staten Island, N.Y. After identifying himself by name, current address, and as a practicing physician, Dr. Obrinsky then invoked the fifth amendment on all questions, including those pertaining to his place of birth, former residence, and his education.

The witness, under the fifth amendment, declined to say if he had organized the Staten Island Community Peace Group early in 1961. He chose, in similar manner, not to reveal if he had made available to the press information which appeared about that group in the *Staten Island Advance* of March 6 and 15, 1961. These news accounts reported plans by the Staten Island Community Peace Group for a public showing of an anti-war film titled "Grand Illusion" and the circulation of a petition against nuclear weapons for NATO for presentation at the Oslo, Norway, meeting of the NATO powers on April 15, 1961.

Dr. Obrinsky declined, under the privilege of the fifth amendment, to provide any information about the office location, the organizational structure, or the membership of the Staten Island Community Peace Group.

He also invoked the fifth amendment, rather than confirm or deny that he had formerly been chairman of the Staten Island chapter of the National Committee for a Sane Nuclear Policy and that, following the expulsion of Henry Abrams by the national SANE group, he had terminated membership in SANE and formed the Staten Island Community Peace Group.

The committee counsel cited hearings conducted by this committee on February 17, 1957, during which Dr. William Sorum testified that he had been a member of the Communist Party from 1945 until 1952, and that he was a member of the State Committee of the Communist Party of Louisiana during the years 1946 and 1947. Dr. Sorum had also testified under oath that during the course of his party membership he had been assigned to the Professional Branch of the Communist Party in New Orleans and that William Obrinsky was also a member of that branch.

Dr. Obrinsky invoked the fifth amendment when asked if he had known Dr. Sorum; if he (the witness) had resided in New Orleans;

if he had belonged to the professional branch of the Communist Party in New Orleans; and if he were currently a member of the Communist Party.

The witness was handed a news item from the *Staten Island Advance* of December 20, 1961, reporting a public debate on civil defense during which Dr. Obrinsky had maintained a position strongly opposed to the creation of a bomb or fallout shelter program. The witness declined to inform the committee how he had secured a place on the panel of debaters; whether he had done so upon instructions from anyone known to him to be in a position of leadership in the Communist Party; or whether he had done so in response to Communist Party directives to infiltrate the peace movement.

Dr. Obrinsky continued to exercise his privilege under the fifth amendment by refusing to say if he had been under the discipline of the Communist Party while chairman of the Staten Island SANE group, while an organizer or member of the Staten Island Community Peace Group, or while a public debater against a civil defense bomb shelter program.

John W. Darr, Jr., of New York City, was a witness at the committee's public hearings on December 13, 1962. He was responsive to the committee counsel's request that he state his name and address, but then declared that he was not going to cooperate further. He also declared that he would not invoke the self-incrimination clause of the fifth amendment as the reason for not cooperating.

Mr. Darr not only refused to answer questions pertaining to his chairmanship of the board of directors of the Greenwich Village Peace Center, located at 133 West Third Street, New York City, but refused to examine a letterhead of that organization introduced by the committee counsel on which the name John Darr was so identified.

The witness thereafter refused to answer a series of questions put to him about his role in, and the activities of, the Greenwich Village Peace Center. In addition to refusing to answer the questions asked by the committee counsel, Mr. Darr refused to respond to the subcommittee chairman's direction that a number of them be answered.

Other refusals by Mr. Darr were in relation to queries about whether he had participated in the formation of the Greenwich Village Peace Center in response to Communist directives and whether he was currently a member of the Communist Party.

The committee counsel cited for the record the 1956 Report and Order of the Subversive Activities Control Board following its hearings in proceedings under the Internal Security Act of 1950 in the case of the *Attorney General of the U.S.* v. *The National Council of American-Soviet Friendship, Incorporated.* This SACB report declared that Mr. Darr had been identified as a member of the Communist Party while serving on the board of directors of the National Council of American-Soviet Friendship, Incorporated, an organization which the SACB found to be a Communist front and, accordingly, ordered it to register as such with the Attorney General.

The witness refused to answer—and refused the chairman's direction to answer—when asked whether he had ever been a member of the Communist Party.

The final witness at the committee's public hearings on December 13, 1962, was Mrs. Dagmar Wilson, of Washington, D.C., a graduate of high school in London, England, trained in the Art Department of

London University, which she attended for 4 years, and now generally recognized as the leader of the Women Strike for Peace.

Mrs. Wilson disclaimed the role of being the official leader of the group, but testified that it was her initiative which started the movement. She said that she considered the recognition of herself as the leader of the WSP to be more honorary than official.

The witness testified that nobody is controlled by anybody in Women Strike for Peace, but she said that there was constant communication among the participants.

Mrs. Wilson told the committee that, although some individual groups in different localities preferred to use a different name, the generally accepted name for the national movement is Women Strike for Peace. She said further that the group recently decided to communicate with peace organizations in other nations and, as a result, on January 15, 1962, changed its name to Women's International Strike for Peace (WISP). She testified that she could not recall specifically at whose suggestion the name had been changed, but she said she was "pretty sure" that it had not been the recommendation of any member of the New York group of Women Strike for Peace.

The committee counsel then produced information that, a few days prior to January 15, 1962, a number of cablegrams had been sent from foreign countries addressed to the "Women's International Strike for Peace" at the New York City address. Mrs. Wilson was asked why cablegrams were designated for the Women's International Strike for Peace and sent to a New York address prior to the time that "International" was supposed to have been inserted in the movement's name by its leadership or coordinators in Washington, D.C.

Mrs. Wilson responded that a woman who resided in New York had volunteered to make contact with women in other countries, and that that woman's address was therefore the one to which the cabled replies were sent.

The committee counsel informed Mrs. Wilson—who claimed not to know—that committee investigation showed that the woman who had made the contacts and received the cables from women in foreign countries was also a member of the central coordinating committee of the New York group of the WSP. Counsel also gave Mrs. Wilson the information that the chairman of WISP's international work committee was also a member of the central coordinating committee of the New York group.

In view of this information, the witness agreed with the committee counsel that the international contacts made by WISP rested in the hands of the New York group of the movement, rather than with the Washington group.

When asked if it were not a fact that she did not really exercise effective leadership or control over the New York group, Mrs. Wilson replied: "I think I already explained that. I mean we all act on our own."

She would not say, in response to counsel's question, that the New York group had played the dominant role in activities of the Women Strike for Peace.

Mrs. Wilson said that she could not recall precisely whether the WISP picket demonstration at the White House on January 15, 1962, had been her idea or someone else's. She testified that she was not

sure whether it had been she who called for a WISP demonstration at the United Nations on February 20, 1962, which was held to protest President Kennedy's decision to resume nuclear testing after the Soviet Union had violated the nuclear weapons test ban.

The witness conceded that the idea of sending 51 WISP delegates to the Geneva disarmament conference in April 1962 had originated from within the New York group.

The witness said that she had no part in drawing up the proposed structural plan for the New York group of WSP which had been entered as an exhibit when Mrs. Posner was a witness before the committee on December 11. Mrs. Wilson admitted having discussed with persons in the New York group the structural plan actually adopted by the Women Strike for Peace, Metropolitan New York, New Jersey, and Connecticut, which was also introduced as an exhibit during the testimony of Mrs. Posner. The testimony of Mrs. Wilson on this subject, however, did little to indicate that she had exerted any degree of influence over the structure of the New York group of WSP.

Mrs. Wilson told the committee that she had participated in the February 20, 1962, anti-U.S. nuclear test demonstration at the United Nations as a result of an invitation to do so from the New York group of the WSP. She said that neither prior nor subsequent to that date had she ever exercised any control over the activities of the New York group.

The committee counsel introduced a copy of the March 28, 1962, Moscow-published *New Times* which stated that the Women's International Democratic Federation was sponsoring a Women's World Assembly for Disarmament (March 23–25, 1962) in Vienna, Austria. The article further stated that the Women's International Democratic Federation (which has been cited by this committee as an international Communist front) had established contact with the Women Strike for Peace in the United States about participating in the Assembly.

Mrs. Wilson denied that she had been in personal contact with the WIDF on the matter of the Disarmament Assembly. She said that she thought WIDF had initiated the contact between itself and the Women Strike for Peace. The witness testified that the WSP person who was the actual contact with the Moscow-based women's group might have been WSP's international coordinator, who lived in New York and was a member of the New York group of the Women Strike for Peace.

The witness told the committee that the first national demonstrations by Women Strike for Peace had been staged in 60 cities throughout the country on November 1, 1961. She claimed that they occurred as a result of her initiative, although she would not affirm or deny having been the coordinator of them.

Mrs. Wilson acknowledged that in June 1962 she had attended a national conference of Women Strike for Peace hosted by an Ann Arbor, Mich., group of WSP. She said the idea of holding such a conference had originated with that group. She initially denied that it had been a political conference, although, as committee counsel pointed out, the September 15, 1962, edition of the *People's World*, West Coast Communist newspaper, had reported:

> At their first national conference last June at Ann Arbor, Mich., Women for Peace (in some cities called Women's

> Strike for Peace, also Women's Intl. Strike for Peace) discussed at some length the question of political action.

The article from which the above has been excerpted was authored by Peggy Dennis, wife of the late Eugene Dennis, who, prior to his death in January 1961, was general secretary of the Communist Party of the USA.

The committee counsel cited another item from the same article in the *People's World* which said:

> A grass roots, votes-for-peace activity by many hundreds of women in Pacific Coast states has added a new dimension to congressional and state election campaigns, which go into high gear in the remaining seven weeks before Nov. 6.

Mrs. Wilson, who had denied that the Ann Arbor conference had been a political meeting, testified that political activity described as having taken place on the West Coast was actually conceived by the Washington office of the Women Strike for Peace. She subsequently acknowledged, too, that political activity may have come up for discussion at Ann Arbor.

On the question of WSP political activity, it is interesting to note that Mr. Flink testified that, during his campaign for a seat in the State Assembly of New York, he was contacted by a representative of Women Strike for Peace who gave him some of its literature and asked him questions about disarmament, the conversion of presently operated military plants to peacetime use, and other related issues.

Committee counsel asked Mrs. Wilson if she had at any time consulted with Blanche Posner, Ruth Meyers, Lyla Hoffman, Iris Freed, or Anna Mackenzie with the view of directing the activities of the New York group of the Women Strike for Peace.

The witness responded that she had never exercised direction or control; that she had only made suggestions.

Committee counsel informed Mrs. Wilson the committee had obtained information that Selma Rein had participated in past activities of the Washington group of the Women Strike for Peace, that Mrs. Rein had had possession of a key to the Washington office of the WSP, and that in March 1962 Mrs. Rein was appointed to a committee of four members who were to arrange a list of international contacts to be made by the Women Strike for Peace. Counsel asked Mrs. Wilson specifically if Mrs. Rein had made contact with the Women's International Democratic Federation (WIDF) in Moscow in behalf of the Women Strike for Peace.

Although she had readily responded to questions about individual WSP participants up to this point, Mrs. Wilson, when asked about Mrs. Rein, indignantly said that she did not think she could be expected to give the names of persons who have participated in the Women Strike for Peace. She said Mrs. Rein could not have been the person who made contact with the WIDF because contact between WIDF and WSP had been made prior to March 1962. She said that Mrs. Rein could not have been appointed to a four-member committee because "No one has ever been appointed to anything" in the Women Strike for Peace. People do volunteer for jobs, she added.

The witness said that she did not have any knowledge that Mrs. Rein had served as a volunteer on a committee to make a list of international contacts for WSP.

Mrs. Wilson testified that she had no knowledge that Mrs. Selma Rein had been identified as a member of the Communist Party.

Committee counsel informed her that Mrs. Rein had been so identified before this committee on December 13, 1955, by a former member of the Communist Party. When subpenaed to appear before the committee on February 28, 1956, to explain or deny her alleged membership in the Communist Party, Mrs. Rein invoked the fifth amendment.

Near the conclusion of her testimony, Mrs. Wilson was asked if she would knowingly permit or encourage a Communist Party member to occupy a leadership position in Women Strike for Peace. She replied:

> Well, my dear sir, I have absolutely no way of controlling, do not desire to control, who wishes to join in the demonstrations and the efforts that the women strikers have made for peace.

She was then asked if she would knowingly permit or welcome Nazis or Fascists to occupy leadership positions in Women Strike for Peace. She said:

> Whether we could get them or not, I don't think we could.

The final question by the committee counsel to Mrs. Wilson and her reply follow:

> COUNSEL. Am I correct, then, in assuming that you plan to take no action designed to prevent Communists from assuming positions of leadership in the movement or to eliminate Communists who may have already obtained such positions?
>
> Mrs. WILSON. Certainly not.

HEARINGS RELATING TO H.R. 10175, TO ACCOMPANY H.R. 11363, AMENDING THE INTERNAL SECURITY ACT OF 1950

On March 15, 1962, the Committee on Un-American Activities held public hearings on H.R. 10175, a proposed amendment to the Internal Security Act of 1950. The bill had been introduced in the House by Chairman Francis E. Walter on February 8, 1962, and was referred to this committee for study and evaluation. The purpose of H.R. 10175 was to provide the Secretary of Defense, under such regulations as the President might prescribe, the authority to establish a personnel security program for industrial facilities performing classified contract work for the U.S. Government.

The need for such legislation arose from a Supreme Court decision on June 29, 1959 (*Greene* v. *McElroy*, 360 U.S. 474), which had the effect of nullifying in part a Department of Defense industrial security program of many years' standing. The Court's majority opinion left unanswered questions raised by the plaintiff about the constitutionality of certain procedures of the then existing security program, but found instead that neither the Congress nor the President had created any authority whereby the Defense Department could properly impose the personnel security procedures in question upon employees of industry. The committee's *Annual Report for 1960* dealt in detail with this Supreme Court decision and the legislative void which became apparent therefrom.

An industrial security bill introduced by Mr. Walter on July 7, 1959, was passed by the House on February 2, 1960, but no action was taken on it by the Senate before the 86th Congress adjourned. Meanwhile, on February 20, 1960, the President issued Executive Order 10865, which gave authority to the Department of Defense to prescribe requirements and establish regulations for the safeguarding of classified information released to defense industries. Inasmuch as the Supreme Court, in *Greene* v. *McElroy*, left open the question whether the President alone had the constitutional power to authorize such a program, the committee felt strongly that the Executive order had not erased the need for the enactment of industrial security legislation by the Congress. It was for this reason that Mr. Walter introduced in the 87th Congress H.R. 10175, providing legislative support for the industrial security program reinstituted by the Department of Defense following Executive Order 10865.

In the course of its public hearings on H.R. 10175, the committee received testimony from representatives of the Departments of Defense and Justice, as well as written views from the Department of Labor. These departments approved the objectives of the bill, although they did offer modifications and revisions.

In light of the testimony, it was decided to incorporate the recommended changes in a new bill. Mr. Walter introduced the new bill, H.R. 11363, on April 17, 1962. It was referred to the Committee on Un-American Activities for consideration.

On May 3, 1962, the committee voted unanimously to report out H.R. 11363 with minor amendments. This reported bill was approved by the Department of Defense, and met with no objection from any other agency of Government.

In addition to spelling out the basic authority for the Department of Defense to conduct an industrial security program, the bill provides that where an industrial employee's work involves access to classified information, such access may not be finally denied or revoked unless the individual concerned has been given (1) a written statement of reasons for denial or revocation, (2) an opportunity (after he has replied under oath and in writing to the statement within a reasonable time) for a personal appearance proceeding to present evidence in his own behalf, (3) a reasonable time to prepare for the hearing, (4) the opportunity to be represented by counsel, and (5) a written notice advising him of final action which, if adverse, specifies whether the Secretary found for or against him with respect to each allegation in the statement of reasons. Deviation from the above procedures would be permitted only in cases in which the Secretary of Defense determines personally that to follow them would be inconsistent with the national security.

H.R. 11363 provides further that an employee shall be given the right, with respect to any information in the statement of reasons which he contests, to inspect the documentary evidence and to cross-examine witnesses furnishing such information. If the documentary evidence is classified, however, the individual need be given only such a detailed and comprehensive summary of it as the national security will permit. And an informant need not be produced if he cannot be brought forward because of death, serious illness, or for similar cause; or if he cannot be identified or cross-examined for reasons determined to be good and sufficient by the Secretary of Defense; or if, in the judgment of the head of the department supplying the informant, his identity cannot be revealed without substantial harm to the national interest. Nevertheless, if an informant is withheld, the witness is entitled to a summary of the information supplied by him.

H.R. 11363 also gives the Secretary of Defense the power to subpena witnesses; authorizes the payment of fees and expenses to the Government's witnesses (and, in some cases, to witnesses for the individual); gives the Secretary the authority to reimburse individuals for earnings lost because of adverse actions under the security program; authorizes the extension of the security program to other agencies by agreement with the Department of Defense; excludes application of the Administrative Procedure Act in the industrial security program; and includes within the definition of classified information all such information, regardless of country of origin, so that the Department of Defense can likewise protect foreign classified information entrusted to the United States.

On May 10, 1962, H.R. 11363 was placed on the Consent Calendar at the request of Chairman Walter. When it was called on May 21, 1962, one member objected and it was denied passage. At the request of the chairman, the bill was subsequently recommitted to the Committee on Un-American Activities, where the remarks initially accompanying it were extended. The bill was reported favorably again on June 28, 1962, and again put on the Consent Calendar.

When H.R. 11363 was next called on the Consent Calendar on August 6, 1962, it was again objected to by one member of the House. When called again on August 20, 1962, three members objected to it. Therefore, in accordance with the rules of the House, the bill was removed from the Consent Calendar.

The bill was then considered under suspension of the rules on September 19, 1962. It failed of passage, being six votes short of the two-thirds majority required under this procedure.

Inasmuch as the need for industrial security legislation continues to be vital in the judgment of members of the committee, Mr. Walter is expected to introduce a new bill on this subject during the first session of the 88th Congress.

HEARINGS RELATING TO H.R. 9753, TO AMEND SECTIONS 3(7) AND 5(b) OF THE INTERNAL SECURITY ACT OF 1950, AS AMENDED, RELATING TO EMPLOYMENT OF MEMBERS OF COMMUNIST ORGANIZATIONS IN CERTAIN DEFENSE FACILITIES (NOW PUBLIC LAW 87-474)

On February 7, 1962, the committee held public hearings on H.R. 9753, proposed legislation to amend sections 3(7) and 5(b) of the Internal Security Act of 1950. The proposed amendments were designed primarily to provide greater secrecy for vital defense information and to facilitate successful prosecutions of Communist agents who unlawfully gain employment in our Nation's key defense industries.

Section 5(a) of the Internal Security Act provides that members of Communist organizations required to register under the act be prohibited from securing employment in industrial organizations designated as defense facilities by the Secretary of Defense. Originally, the law also directed the Secretary of Defense to publish in the *Federal Register* a complete list of facilities he so designated.

In compliance with the Internal Security law as originally enacted, the Secretary of Defense had compiled a tentative list of those facilities deemed so vital as to require the exclusion of members of Communist organizations. The list included those industrial facilities engaged in the following activities: (1) top secret projects; (2) production of the most essential weapons systems and most critical military items and components; (3) production of essential common components, intermediates, and basic and raw materials; and (4) important utility and service facilities and other industrial and research installations whose operations and contributions to the national defense effort are of utmost importance. In addition, facilities and installations of interest to the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, and certain other departments and agencies were included in the Secretary of Defense's compilation.

In introducing his bill H.R. 9753 on January 18, 1962, the chairman of this committee reminded his colleagues that, when the law was originally enacted, considerable doubt had been expressed as to the advisability of requiring defense facilities to be listed in the *Federal Register*. Dissenters had reasoned that the listing of defense facilities in this manner would make their identification too readily available to enemies of this country.

The chairman acknowledged that no matter what method was used to announce the fact that certain installations had been designated as defense facilities, Communist agents would ultimately be able to discover which of them had been so classified. Despite this concession, the chairman argued that the acquisition of such information should be made as difficult as possible for enemy agents, rather than being conveniently compiled for them in the *Federal Register*.

H.R. 9753 retained the requirement that the management of each facility designated as a defense facility by the Secretary of Defense be so notified by the Secretary in writing and be required to post notice

of such designation within the facility. In addition, the bill proposed that the management of every defense facility, upon request of the Secretary of Defense, obtain a signed statement from employees certifying that they know that the defense facility has, for purposes of the act, been so designated by the Secretary of Defense.

H.R. 9753 also contained provisions to ensure that employees affected by section 5(b) of the Internal Security Act would know what conduct on their part would render them liable to penalties of the act.[1] Each installation designated as a defense facility by the Secretary of Defense would be required to display prominently the notice of such designation. In appropriate instances, the Secretary of Defense could also require that each employee of a defense facility be personally notified that continued employment at that facility by members of Communist organizations is unlawful.

At the committee hearings on H.R. 9753, testimony was received from representatives of the Department of Justice and the Department of Defense. They testified that, in the opinion of intelligence experts, publication of a list of defense facilities would materially aid the intelligence efforts of any foreign government hostile to the United States. Publication of this information, they said, would (1) aid in planning intelligence penetration and hostile espionage, (2) provide a target list for potential sabotage operations and for target intelligence purposes, and (3) confirm and establish the accuracy of existing intelligence documentation.

Testimony of these witnesses supported the committee's view that the requirement for publication of the names of defense facilities in the *Federal Register* created a very real danger to our national defense and security. All of the witnesses endorsed H.R. 9753 as essential remedial legislation and recommended its enactment.

Following the hearings, the committee recommended an amendment to the bill to eliminate the requirement that management "keep" posted the notice of designation as a defense facility. The amendment stated that "Such [original] posting shall be sufficient to give notice of such designation to any person subject thereto or affected thereby."

This change was based on the committee's belief that, while management would be expected to post designation notices in places customarily frequented by the employees, it would be unwise to impose a statutory requirement that such notices be *continuously* posted. In prosecuting Communist Party members for violating the provision of section 5(a) of the Internal Security Act, it would be very difficult for the Government to prove that a notice had been continuously posted. Further, those who might seek to thwart prosecution under section 5 could readily remove, destroy, or obliterate the notice of designation and thus prevent fulfillment of the requirement that the notice be "kept posted."

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[1] Violations of the Internal Security Act are punishable by a fine of not more than $10,000 or imprisonment for not more than 5 years, or by both such fine and imprisonment.

The committee favorably reported H.R. 9753 to the House on February 19, 1962. The bill was passed by the House on March 5, 1962, and the Senate on May 17, 1962. It became Public Law 87–474 (76 Stat. 91) on May 31, 1962.

On August 20, 1962, the Department of Defense announced that it was in the process of implementing the new legislation by forwarding appropriate notification to all defense facilities regarding the requirements contained in the Internal Security Act as amended by Public Law 87–474.

TESTIMONY BY AND CONCERNING PAUL CORBIN

Testimony by and concerning Paul Corbin, which was received during a series of executive hearings held between September 6, 1961, and July 2, 1962, was released by the committee on October 1, 1962.

Paul Corbin has served as special assistant to the chairman of the Democratic National Committee since approximately February 1961. Various statements appearing in the press subsequent to his appointment alleged that Mr. Corbin had been active, in prior periods, in the Young Communist League in Canada and the Communist Party of the United States.

The committee located and interrogated under oath three individuals who stated they had advised the press of various statements Mr. Corbin had made to them in the past on the subject of Communists and the Communist Party. These individuals were John Dominick Giacomo, who was interrogated on September 6, 1961; Walter T. Anderson, who testified September 13, 1961; and Joseph C. Kennedy, a witness on November 27, 1961. Mr. Kennedy charged that Mr. Corbin had described himself to Kennedy as a member of the Young Communist League in Canada in the 1930's and a member of the Communist Party of the United States in the 1940's.

Paul Corbin, who had been informed that the committee was conducting an investigation of public accusations concerning him, requested an opportunity to answer the charges. In sworn testimony before the committee on July 2, 1962, he flatly denied most of the statements attributed to him by the aforementioned witnesses and declared that he had never been a Communist and had never "dreamed" of becoming a Communist. Mr. Corbin added that he had emerged "clean as a whistle" from a lie detector test which he had taken on the same subject at the behest of his employer, the chairman of the Democratic National Committee.

Following is a brief summary of some of the contradictory testimony received in the course of these hearings, preceded by certain biographical information provided by Mr. Corbin when he testified before the committee.

Paul Corbin was born near Winnipeg, Canada, in August 1914. In 1934, which also marked the end of his 2-year attendance at the University of Manitoba, he made the first of several visits to the United States without complying with U.S. regulations on travel across the Canadian border. On a trip made during 1935, he admitted, he had used the birth certificate of a brother born in Brooklyn.

Mr. Corbin entered the United States on a permanent visa in late 1936 and, after brief residence in Indiana and New York, settled in Minneapolis, where he was engaged in selling advertising from 1937 or 1938 to about 1940. Between 1940 and 1943 when he enlisted in the U.S. Marines, he held a series of union jobs in Illinois, which included employment with the Rockford CIO District Council; organizer in Rockford for unions of Retail Clerks and Furniture Work-

ers; and organizer in Freeport and Chicago for the International Longshoremen's and Warehousemen's Union. Following his military service, in the course of which he had obtained U.S. citizenship, Mr. Corbin settled in Janesville, Wis., in 1946. After selling advertising for the *Wisconsin CIO News* for several months, he served as business agent for the United Public Workers of America from 1946 until April 1948. He returned to advertising sales work in 1948 and 1949 and became increasingly active in the Marine Corps League, in which he had advanced from Wisconsin commandant to national chief of staff by 1952.

As special assistant to the national chairman of the Democratic Party, he has been working with local party organizations, with the exception of 3 or 4 weeks during the initial stages of the Kennedy administration when he processed applications received at national party headquarters for positions in the Government. Mr. Corbin testified that he had held no authority with respect to the disposition of such applications and never recommended anyone for a Government position on his own initiative.

Kennedy and Corbin

Joseph C. Kennedy, president of a publishing company in Cedar Falls, Iowa, testified that he was business manager of a local of the United Furniture Workers of America in Rockford, Ill., in 1941 when he first met Paul Corbin. Kennedy thereafter helped Corbin obtain the organizing jobs he held with the Retail Clerks, Furniture Workers, and Longshoremen's and Warehousemen's Unions in the early 1940's. Kennedy testified that he himself was a member of the Communist Party from 1937 to 1943, although he was on inactive status after the summer of 1939 and barred from attendance at closed party meetings. He explained that the party had contemplated expelling him when he refused to follow the party line which opposed American aid to the Allies during the Hitler-Stalin Pact (August 1939–June 1941).

Kennedy testified that in August 1941 or shortly thereafter, Corbin had informed him that he (Corbin) had been a member of the Young Communist League at the University of Manitoba in Winnipeg, Canada. When asked to describe the circumstances under which such a conversation took place, Kennedy stated that it occurred after Corbin had been arrested by Rockford police on a "desertion" charge and that he supposed Corbin had "heard that I was involved in some way with * * * this leftwing union [United Furniture Workers] and the Communist Party, and he was attempting to probably ingratiate himself with me." Kennedy testified that the address which Corbin had given to Rockford police as his home address on that occasion was actually Kennedy's residence. Kennedy also said Corbin did not actually become a roomer at his home until later in 1941, and "The reason Mr. Corbin said he lived with me was we had considerable political influence, the Furniture Workers Union, in this town."

The witness charged that, in this same period, Corbin "sold some subscriptions to the *Daily Worker*" and sold one subscription in Kennedy's presence to Rockford attorney James Berry. Corbin also allegedly made overtures to Kennedy in the early 1940's for assistance

in getting Corbin into the Communist Party. Mr. Kennedy, in elaborating on this point, stated:

> He [Corbin] kept hanging around and hinting and saying, well, you know, indicating that he was already communicating with the higher level [Communist Party] people, and the implication was that, you know, I should take him to the meetings, and so forth and so on. I just simply ignored his advances and had nothing to do with him on this question.

Kennedy further declared that Corbin had followed "the party line" by opposing aid to the Allies during the Hitler-Stalin Pact and by supporting the Allied war effort after the Nazis attacked the Soviet Union.

Kennedy said his own membership in the Communist Party was terminated during his service in the Army from 1943 until October 1945; that he had attended one or two party meetings following his discharge from the Army and thereafter had nothing more to do with the Communist movement. He was employed in a wholesale produce business in Rockford from 1946 until 1948, when he entered into a partnership with Paul Corbin in the field of advertising sales.

During 1946, in the course of personal conversations which took place in Rockford, Ill., and Milwaukee and Janesville, Wis., Corbin allegedly told Kennedy about Corbin's membership in the Communist Party in Milwaukee. When asked by the committee to elaborate on these discussions, Kennedy testified:

> Every time I would see him he would be talking about how he was wheeling and dealing and he was always talking about Fred Bassett Blair, who I believe was State chairman of the Communist Party of Wisconsin, and Harold Christoffel, who I am sure is well known to this committee, and [Emil] Costello * * *.
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> * * * * * * *
>
> He specifically used to tell about going out with this Fred Bassett Blair, with whom he had some sort of an affinity, and sit around having a scotch or a beer and talking about all sorts of things about the party * * *.
>
> Q. But he told you of Communist discussions with known Communists?
>
> A. Yes, sir, he did.
>
> Q. Did he specifically state whether or not he was at that time a member of the Communist Party?
>
> A. Yes, he did.
>
> Q. Tell us more in detail about that.
>
> A. On several occasions when he would drop in to see me, he told me about he and Fred Bassett Blair associating together and being at meetings and he told me about being at some party meeting and getting into a fist fight and slugging one of his fellow comrades and a lot of things like this.

Paul Corbin, in his appearance before the committee, asserted that "I never was a member of the Young Communist League of Canada. I was never a member of the Communist Party of the United States."

He denied telling Joseph C. Kennedy at any time that he was a member of the Young Communist League, adding "I didn't know a

Young Communist League. I wouldn't know what it looked like." Corbin also contradicted Kennedy's description of the circumstances under which Corbin allegedly admitted Young Communist League membership. Corbin stated he was actually residing at the Kennedy home in August 1941 when detained by Rockford police, and "I wasn't looking for influence" by using that address.

With respect to Kennedy's statement regarding a "desertion" charge against Corbin, Corbin testified that there was no warrant against him for desertion and that a Rockford detective had informed him his detention for 3 or 4 days was based on an anonymous telephone call that Corbin was wanted in New York City. Corbin stated the detective also warned him at the time that Joseph Kennedy "to our knowledge, is a Communist" and as a result "I left Joe Kennedy's place." [1]

Regarding Kennedy's allegation that Corbin sold subscriptions to the *Daily Worker*, Corbin told the committee that he "never" sold a subscription to the paper to Rockford Attorney James Berry [2] or to anyone else. He also denied distributing copies of the *Daily Worker*, which he knew was an organ of the Communist Party and which he received "on occasion" because it was "automatically mailed to every [union] organizer."

Kennedy's testimony regarding Corbin's alleged overtures to join the Communist Party in the early 1940's and Corbin's adherence to the party line in the same period was "untrue," according to Corbin. Corbin said he never asked to join the Communist Party and never would have applied for membership. He added that he did not take the position of opposing the Allied war effort during the Stalin-Hitler Pact, but, in fact, supported the idea of American aid to Britain at that time. Corbin stated that the only element in this portion of Kennedy's testimony with which he agreed was Kennedy's statement that Corbin was "getting into his hair" in the early 1940's. Corbin claimed that as a member of the Rockford CIO Council he drew protests from Kennedy for voting against some of Kennedy's resolutions, "and if what he says is true, if he was a Communist at the time, I am very glad that I did get in his hair."

Corbin testified that he had never made any statement to Kennedy in the postwar period describing himself as a member of the Communist Party in Milwaukee and that Kennedy's testimony to that effect was "absolutely false." Corbin also denied that there was any truth to Kennedy's recollection of Corbin's statements on his conferences with known Communists in Wisconsin. In his work in the labor movement after the war, Corbin said, "I was never a follower of the Communist line, never voted with the Communists."

There were numerous other contradictions in the testimony of Joseph Kennedy and Paul Corbin, who maintained a business part-

[1] In an affidavit subsequently submitted to the committee, the detective in question, now a retired Army colonel, stated "most emphatically" that:

"Mr. Corbin's version of our meeting and conversations is incorrect insofar as it relates to (a) the source of the information which led to his arrest; (b) the alleged statement that to our knowledge Joe Kennedy is a Communist; (c) the alleged reference to being informed [that] he [Corbin] had been checked out with labor people and was a clean fellow; (d) and to any admonishments concerning his future associations with Mr. Kennedy."

[2] Following Kennedy's testimony and prior to Corbin's appearance before the committee, James Berry submitted an affidavit to the committee stating that he had subscribed to the *Daily Worker* for a period of about 3 months in 1941 or 1942 and he recollected that Joseph Kennedy was at his law office when Berry purchased the subscription. The attorney stated that he had no recollection as to who was with Kennedy at the time and could not state who sold him the subscription.

nership in 1948–1949 in spite of Kennedy's description of Corbin as an admitted Communist who was "emotionally unstable" and untrustworthy, and Corbin's characterization of Kennedy as a "nut." Both stated one of the factors in the termination of their partnership in the spring of 1949 related to "communism." Corbin maintained that he objected to finding a *Daily Worker* on Kennedy's desk although Kennedy had allegedly informed him: "Well, they just mail it to me." Kennedy testified to fright and embarrassment when Corbin and he, in the course of their partnership, were shown a naval radar setup "and stuff like that and Corbin was eating this stuff up." Kennedy stated he subsequently went to the FBI and Immigration authorities about Paul Corbin "because I consider him a very dangerous person."

Paul Corbin summarized his own attitudes with respect to communism as follows: During his pre-war activities in the labor movement—

> maybe I was naive, more so than the next man, but I didn't know what communism was. * * * I never knew that the Communist Party was the enemy of this country. I never knew that they advocated the overthrow of our country. I never knew the evil philosophy they had.
>
> * * * * * * *
>
> after the war when I was in Milwaukee, I was a marine, I knew what the score was, and I knew the Reds were our enemies.

Appearing in the printed hearing record are a number of documents submitted to the committee by Corbin and dating back to 1950. They include press accounts of speeches "fighting communism" which Corbin stated he had made "in my activities with the Marines across the country."

Testimony of John Giacomo and Walter Anderson

John Dominick Giacomo, of Milwaukee, a United Steelworkers of America staff representative since 1945, became acquainted with Paul Corbin in 1946. Mr. Giacomo told the committee that he himself had never been a member of the Communist Party and had no knowledge with respect to party membership by Paul Corbin. He testified, however, that on various occasions in Milwaukee in 1946 or 1947, Corbin had asked him (1) when he (Giacomo) was going to join the party; (2) why he did not join the Communist Party; and (3) whether or not Giacomo wanted to make contributions to the party.

Subsequently, in 1947, Corbin allegedly told Giacomo during a chance encounter on the street that he (Corbin) was going to a high-level meeting of the Communist Party. On yet another occasion, Giacomo stated, Corbin informed him "in passing" that he had just come from a high-level Communist Party meeting.

Giacomo testified that, when Corbin asked him why he did not join the Communist Party, "he never took me aside and attempted to rationalize why I should join the Communist Party. He would just merely ask the question and continue right on [without any discussion of communism]." The witness also observed that known Communist leaders in Wisconsin "didn't say to me ever that they were having a meeting." Giacomo said it was his opinion that Paul Corbin was not

a Communist and that his statements regarding attendance at top-level Communist meetings were an "exaggerated lie."

The Steelworkers representative described Corbin as a "mouthy" individual, who deliberately called attention to himself. He explained that Corbin would "blurt out" before a group of Democrats that he had an appointment with Republican Senator Joseph McCarthy or he would announce before a group of union people that he was leaving to meet with "one of the most antilabor employers in the city." Although he had no evidence to support his belief, Giacomo said he had the impression Corbin was "spying" on Communists in the labor movement for the FBI, for example, or for "an employers' group."

In his appearance before the committee, Paul Corbin denounced as false Giacomo's testimony that Corbin had asked him when he was going to join the Communist Party and why he did not join; Corbin also stated that testimony that he had solicited contributions to the party was untrue. Corbin testified that he and Giacomo "liked each other" and "used to go out together." He said that occasionally he would "facetiously needle" or "kid" Giacomo about the Communists by asking him such questions as "John, how's the Communist Party going?" and "Have you joined? Are you a Red?" Asked by committee counsel whether he had ever informed Giacomo that he was engaged in formulating Communist Party policy, Corbin replied, "Absolutely not."

Walter T. Anderson, a field representative for the United Steelworkers of America who has no record of personal activity in the Communist Party, testified before the committee regarding an alleged conversation he had with Paul Corbin in 1946 or 1947. A resident of Milwaukee since 1943, Anderson stated he met Paul Corbin in 1946. While giving Corbin a ride between Milwaukee and Janesville, Wis., Anderson testified, Corbin—

> talked about Phil Smith. He was with the United Electrical Workers. He talked about Jim DeWitt, and he talked about Harold Christoffel. He says, "They're great labor leaders."
>
> I says, "They're a great bunch of Commies, is what they are. You know the paper carries their names every day or two."
>
> He [Corbin] says, "Why don't you get yourself on the right side of the fence?"

When Paul Corbin appeared before the committee, he was not interrogated with respect to the testimony of Walter Anderson.

Testimony of Perry E. Wilgus

Joseph C. Kennedy, in his testimony before the committee, said that Perry Wilgus, representing himself as a member of the Communist Party, had come to Rockford, Ill., in 1943, "to see me several times about doing something about Corbin." Kennedy explained the situation as follows:

> You see, the war was now on and the Communist Party line was to win the war and not have strikes, and so forth, for the interests of the Soviet Union * * *. Corbin was being rather reckless in his activities in Freeport [Ill.], causing a lot of

trouble and the possibility of sitdowns, etc., not following their political line as precisely as Mr. Wilgus wanted it followed. So Wilgus came and talked to me about it. He had no control over Corbin whatsoever.

On March 15, 1962, the committee interrogated Perry E. Wilgus, a resident of Marion, Ind., who admitted having been a Communist Party member from 1935 to about 1944. Wilgus said that in 1943, while employed in Freeport, he was informed by a Communist Party functionary in Chicago that Corbin was "acting up" and asked to "See what you can do about it." At that time, the witness testified, Corbin was "tied in with the Longshoremen's Union" when the Longshoremen were trying to organize the W. T. Rawleigh Co., a manufacturing firm in Freeport.

Wilgus testified that he recalled making a trip to Rockford, where he thought Corbin lived at that time, to see a United Furniture Workers official (known to him to be a Communist Party member) about arranging a conference between Wilgus and Corbin. Wilgus could not recall whether that official was Joseph C. Kennedy, although confronted with Kennedy's previous testimony to that effect. Wilgus also could not recollect whether he had seen Corbin at the same time he met with the UFW union official. The witness stated he thought he met Corbin in Freeport once or twice and probably in Rockford. Wilgus said he could not recollect their conversations or what results were obtained from his visits with Corbin.

When Paul Corbin testified, he said he recalled having conferred with Wilgus on one or two occasions, but only in Freeport, not in Rockford. Corbin said that Wilgus had only made suggestions to him about his methods of organizing the W.T. Rawleigh Co. and that he had ignored Wilgus' advice. Corbin also testified that he lived in Freeport at the time he was organizing the company, not in Rockford as Wilgus indicated. Corbin said that he never knew Wilgus was a Communist and that he never knowingly accepted Communist discipline in regard to his union organizing efforts at the Freeport firm.

Other Witnesses Interrogated by the Committee

Seena Powell, who was married to Paul Corbin from 1934 until 1944 but was separated from him during most of this period, was interrogated by the committee on November 27, 1961. Miss Powell, a resident of Brooklyn, N.Y., testified that she had no knowledge that her former husband was ever affiliated with the Young Communist League in Canada or the Communist Party, USA.

Harold Scott, electronic technician and a lifelong resident of Janesville, Wis., testified before the committee on November 13, 1961, that he had been a member of the Communist Party for 2 months during the mid-thirties and had rejoined the party for a period extending from 1945 until approximately 1949. In response to questioning by the committee counsel, Scott testified that he personally knew Corbin, but had no direct knowledge that Corbin had ever been a member of the Communist Party, had ever attended party meetings, or had ever subscribed to *The Worker*, official party newspaper.

Mrs. Esther Eisenscher Wickstrom, who according to committee information was secretary of the Wisconsin State Communist Party in 1948, was questioned by the committee on March 15, 1962, regarding

any knowledge she might have of Communist Party affiliations on the part of Paul Corbin. Mrs. Wickstrom invoked the fifth amendment in response to questions related to her own activities in the Communist Party but stated she had no knowledge that Corbin was a member of the party.

Kenneth Born and Ishmael P. Flory, who served as witnesses for Paul Corbin in a divorce proceeding in Chicago during February 1944, appeared before the committee on November 27, 1961. Kenneth Born, now a bartender in Chicago, stated he was not now a Communist Party member and had not been a member for the past 6½ years. He invoked his constitutional privileges against self-incrimination in response to questions concerning his relationship with the party prior to that time, which included running as candidate for city treasurer of Chicago on the Communist Party ticket in 1943. He also refused on the same grounds to state whether or not he ever knew Paul Corbin to be a member of the Communist Party. He acknowledged, however, that he had been a witness in connection with Corbin's divorce proceedings.

Ishmael Flory, of Chicago, previously identified by two witnesses before the committee as a member of the Communist Party, refused to answer all committee questions regarding his own membership in the party on constitutional grounds. He declared, however, that he did not know Paul Corbin to be a member of the Communist Party and had no knowledge of ever having attended party meetings with him. Flory said he "vaguely" recalled serving as a witness for Corbin in a divorce proceeding.

When he appeared before the committee, Corbin was questioned regarding his selection of Ishmael P. Flory and Kenneth Born as witnesses in his divorce proceeding. Corbin told the committee that while serving in the Armed Forces, he had acquired a 10-day leave of absence for the purpose of divorcing his wife, Seena, and marrying his present wife. Upon arriving in Chicago, Corbin was informed that two witnesses would be required to testify in court that they personally knew him. Since all the people he knew were in the service, Corbin stated:

> The only place I knew where to go was the labor hall. I went down to the old union office, and there were two fellows sitting there, one that had an office for a union that I had seen on various occasions and another person who was also a union official. One said, "Corbin, what are you doing back?" I said, "I am here on leave for a divorce and I am looking for two witnesses. Will you boys testify that you know me?"
> "Yes, we will."

Corbin testified that he did not know Flory and Born to be members of the Communist Party until after having read newspaper accounts of their party activities in the *Milwaukee Journal* "17 years later."

Fred Bassett Blair, publicly known as chairman of the Wisconsin Communist Party in the 1940's, appeared before the committee on November 27, 1961. He invoked the fifth amendment in response to committee questions concerning his own membership in the Communist Party and any knowledge he might have regarding Paul Corbin's affiliation with the party.

Emil Costello, operator of an employment agency in California, appeared as a witness on November 28, 1961. Joseph C. Kennedy had testified to various conversations involving himself, Paul Corbin, and Costello, who was a reputed Communist. Kennedy said Costello eventually broke with the party. Costello invoked his constitutional privileges against self-incrimination in response to committee questions regarding his own relationships with the Communist Party and any knowledge he might have of Paul Corbin's relationship with the party.

Edward S. Kerstein, a reporter for the *Milwaukee Journal*, appeared as a witness on November 27, 1961, and submitted affidavits he had acquired from the following individuals in regard to Paul Corbin's alleged membership in, or statements about, the Communist Party: John D. Giacomo, Walter T. Anderson, and Joseph C. Kennedy. The committee's own interrogation of these individuals subsequent to the date of the affidavits has previously been summarized. Kerstein stated he had no personal knowledge that Corbin had been involved in activities of the Communist Party.

CHAPTER II

REPORTS

NATIONAL SECURITY AGENCY

On August 13, 1962, the committee released a report entitled *Security Practices in the National Security Agency*. It was based upon an extended series of investigations and executive hearings initiated by the committee in 1960 following the defection to the Soviet Union of NSA mathematicians William H. Martin and Bernon F. Mitchell.

A highlight of the report was the listing of 22 corrective security steps taken by the Agency as a result of shortcomings revealed by this committee. Many of these steps were described in the *Annual Report for 1961*. Several important ones did not occur or were not reported to the committee until 1962. They are as follows:

Procedures have been instituted at NSA to assure prompt investigative action to determine the whereabouts of any missing employees and the circumstances of unauthorized absences.

Contrary to previous practices, there is now a free exchange of information between the security and personnel offices at NSA when an individual's suitability for employment or continued employment is being evaluated.

At least two independent evaluations are now made in the security office to determine a job candidate's eligibility for security clearance and at least two independent judgments are made in the personnel office as to his suitability for being hired.

Data obtained during polygraph interviews of job candidates are made available to outside agencies when they conduct full field background investigations for NSA. This is a new procedure.

NSA has reestablished the Office of Inspector General to assure that prescribed security procedures are being carried out.

NSA's Office of Security Services has been reorganized to permit maximum emphasis on counterintelligence and personnel security.

For the legislative developments which took place in 1962 in regard to the National Security Agency, see the Legislative Recommendations section of this report.

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THE COMMUNIST PARTY'S COLD WAR AGAINST CONGRESSIONAL INVESTIGATION OF SUBVERSION

(Testimony of Robert Carrillo Ronstadt)

A militant drive against anti-communism in all forms, including the U.S. Communist Party's campaigns to abolish this committee and the Senate Internal Security Subcommittee and to repeal this Nation's vital security laws, is in keeping with the openly proclaimed strategy of the international Communist conspiracy.

The main political resolution adopted by the Communist Party of the United States at its 17th National Convention in New York City, in December 1959, contained the following as one of its major planks:

> Abolish the witchhunting House Un-American Activities Committee and the Senate Internal Security Committee.

In the fall of 1960, representatives from most of the world's then 87 Communist parties met in Moscow for a number of weeks to update their strategy and tactics for global conquest. On December 5, 1960, 81 of these Communist parties issued a 20,000-word doctrinal and strategy statement which said, in part—

> conditions are particularly favorable for expanding the influence of the Communist parties, vigorously exposing anti-communism. * * * it is indispensable to wage a resolute struggle against anti-communism * * *.

On January 6, 1961, Soviet dictator Nikita Khrushchev delivered a major address which was published in numerous languages by international Communist organs so that his message would be conveyed to the party faithful in all parts of the world. In this speech, Khrushchev made the 81-party statement official doctrine by giving it his wholehearted approval, particularly emphasizing its call for a renewed struggle against anti-communism.

On January 20, 1961, Gus Hall, general secretary of the Communist Party of the United States, dutifully echoed the 81-party statement and Khrushchev's endorsement of it in a report to the U.S. party's National Committee in New York City. Said Hall:

> Spearheading the attack [of anti-communism] are the un-American Activities Committee and its Senate counterpart, the Internal Security Committee, both of which wage an increasing assault on the liberties of Communists and all other Americans. Both are monstrosities which must be abolished.

The party's official May Day statement in 1961 called upon Communists to stamp out anti-communism.

It is significant that both Hall's above-quoted report to the National Committee and the party's 1961 May Day pronouncement stressed abolition of the Committee on Un-American Activities as the No. 1 task of Communists, insofar as internal U.S. affairs were concerned.

The only Communist tasks given higher priorities involved foreign affairs; specifically, the altering of U.S. foreign policy so as to aid the Soviet Union.

Although the Communist conspiracy has greatly stepped up its fight against anti-communism, the fight itself is not a new one. The history of the U.S. party's effort to discredit and abolish congressional investigations into its operations, for instance, dates back to the earliest days of the Special Committee on Un-American Activities (Dies Committee), forerunner of this committee.

The September 1938 edition of *The Communist*, official party magazine of that day, bitterly denounced the newly formed Dies Committee and claimed that it was set "to launch a smearing expedition, branding all opponents of reaction as 'Reds' * * *."

During the early forties, Communist Party National Chairman William Z. Foster called for "liquidation" of the Dies Committee. When the Dies Committee became the present standing committee in 1945, Foster wrote that it "*must be abolished.*" [Emphasis in original.]

On August 6, 1948, the party's 14th National Convention in New York City adopted an election platform which contained a demand to—

Abolish the Un-American Committee

Although the Communist Party has concentrated most of its fire on this committee, it has not done so to the exclusion of other Federal organizations. As FBI Director J. Edgar Hoover wrote in his book *Masters of Deceit*—

> any organization which has the duty to investigate or expose communist activity is singled out for attack. For years the Party has campaigned against the House Committee on Un-American Activities, the Senate Internal Security Sub-Committee, and the Senate Investigating Committee. The Department of Justice and the FBI have not been spared, and we have come to judge our effectiveness by the intensity of communist attacks.

Communist-Front Activity

A number of Communist fronts, in addition to the party itself, have played key roles in the Communist drive to bring about the abolishment of each and every congressional committee which investigates subversive activities.

Citizens Committee To Preserve American Freedoms

In January 1952, the Citizens Committee To Preserve American Freedoms was organized in Los Angeles, Calif., with the self-declared "single purpose of arousing the public to abolish all Un-American [Activities] Committees." This group has since been extremely active and versatile in pursuing that purpose. Attacks upon this committee, for example, have been waged in the forms of CCPAF-published newspapers and pamphlets, CCPAF-produced phonograph records, CCPAF-inspired rallies and demonstrations, and, in one instance, a CCPAF-sponsored concert.

In a report on the May 1960 San Francisco riots against this committee, FBI Director Hoover wrote:

> Much of the literature that was distributed during the campaign, for example, emanated in the name of the Citizens Committee To Preserve American Freedoms * * *.
>
> [and]
>
> The Communist Party furnished funds to the CCPAF to defray the expense of mailing literature during the campaign * * *.

The Citizens Committee To Preserve American Freedoms was cited as a Communist front by this committee in House Report 259 on the Southern California District of the Communist Party, April 3, 1959.

Emergency Civil Liberties Committee

The Emergency Civil Liberties Committee, formed in 1951, was cited by the Senate Internal Security Subcommittee in 1956 as a front created "to defend the cases of Communist lawbreakers." (It was also cited as a Communist front in this committee's 1958 annual report.)

On September 20, 1957, ECLC formally launched an abolition campaign against the Committee on Un-American Activities with a rally at Carnegie Hall in New York City. At the time of the rally, more than half of the 61 persons serving on ECLC's National Council had records of Communist Party or Communist front affiliation. Harvey O'Connor, chairman of the group, had been identified as a party member.

Like the CCPAF, the Emergency Civil Liberties Committee has used such media as pamphlets, newsletters, "open" letters, newspaper advertisements and rallies to press for abolition of congressional committees investigating subversion, as well as for repeal of important U.S. anti-subversion laws.

National Committee To Abolish the Un-American Activities Committee

On August 15, 1960, a public announcement revealed the formation of the National Committee To Abolish the Un-American Activities Committee, with the same Los Angeles address as that of the Citizens Committee To Preserve American Freedoms. Seven of the 13 persons named as leaders of the new organization had previously been identified as members of the Communist Party.

NCAUAC's initial program called for (1) the preparation and distribution of literature opposing the committee; (2) endorsement of a national political action tour by a field representative for the purpose of electing anti-committee candidates to Congress and, after the 1960 general election, convincing newly elected Congressmen that they should work for abolition of the committee; and (3) maintenance of a Washington office during the month of January 1961 to lobby for abolition of the committee and a reduction in its appropriations.

The formation of NCAUAC was followed by the organization of a New York Council To Abolish the House Un-American Activities Committee (whose co-chairmen—Otto Nathan and Russ Nixon—had both been named as Communists), the Youth To Abolish the House

Un-American Activities Committee (located in New York City), and the Washington [D.C.] Area Committee for Abolition of the House Un-American Activities Committee. NCAUAC, Youth To Abolish the House Un-American Activities Committee, the Citizens Committee To Preserve American Freedoms, and the New York Council To Abolish the House Un-American Activities Committee, have been officially cited by this committee as Communist fronts.

Support Operations

The campaign of the Communist Party, its fronts and sympathizers to abolish the Committee on Un-American Activities is a many-sided one.

In July 1961, Ballantine Books, Inc., published a paperback entitled *The Un-Americans*, a distortion-packed volume which proclaimed itself to be "the first fully documented account of the notorious House Committee on Un-American Activities—how their abuse of power is being met by a growing opposition." The book was written by Frank J. Donner, who has been identified as having been a member of the Communist Party by a number of witnesses who have testified before this committee.

Several anti-committee songs have been published in *Sing Out*, an alleged folksong magazine which frequently features favorite Communist melodies and party-line lyrics.

The Liberty Prometheus Book Club of New York City has announced publication in the near future of a book entitled *A Quarter Century of Un-Americana*. It will be composed of derogatory cartoons about the committee. This book club was founded by Angus Cameron and Carl Marzani, both of whom have been identified as Communist Party members.

Late in 1962 an anti-committee motion picture film was being produced for early release by a west coast party member.

"Mr. Abolition"

The name of Frank Wilkinson appears again and again whenever a study is made of Communist Party front efforts to discredit and bring about the abolition of the Committee on Un-American Activities. Wilkinson has held key positions with the Citizens Committee To Preserve American Freedoms, the Emergency Civil Liberties Committee, and the National Committee To Abolish the Un-American Activities Committee while pursuing these objectives. He is a professional agitator, and makes his living by carrying out anti-committee operations.

In 1952 Wilkinson was dismissed by the Los Angeles City Housing Authority after he had invoked the fifth amendment in response to a series of questions about Communist Party affiliations asked him by the California Senate Fact-Finding Committee on Un-American Activities.

In 1953 Wilkinson became the executive secretary of the Citizens Committee To Preserve American Freedoms. Shortly thereafter he was appointed to the National Council of the Emergency Civil Liberties Committee.

He was identified as a Communist Party member in testimony given this committee on December 7, 1956, by Mrs. Anita Bell Schneider,

former undercover operative for the Federal Bureau of Investigation in the Communist Party.

On the same day Mrs. Schneider testified, Wilkinson appeared before the committee. He was almost totally uncooperative. When asked his occupation, Wilkinson replied:

> I am answering no questions of this committee because the House Committee on Un-American Activities stands in direct violation * * * of the first amendment to the United States Constitution. This committee should be abolished, and the question is none of your business.

In 1957 Wilkinson was borrowed from the Citizens Committee To Preserve American Freedoms (where he was still serving as executive secretary) by the Emergency Civil Liberties Committee to help plan the previously mentioned Carnegie Hall rally and to serve as the field director for its resulting campaign to abolish this committee.

Wilkinson was sent to Atlanta, Ga., by the ECLC in 1958 to organize opposition to hearings held there by this committee in July 1958. When he was subsequently subpenaed to testify at those hearings about Communist strategy and tactics, he was again as defiant as he had been in 1956. He not only refused to answer all but a few of the questions asked, but declined to invoke the fifth amendment as his reason for doing so.

For this performance, Wilkinson was cited for contempt by the Congress on August 13, 1958, convicted of this charge by a Federal District Court in Atlanta on January 23, 1959, and sentenced to a year in prison. He was released on bail when he appealed the conviction, and continued his anti-committee agitation.

On February 24, 1959, he was observed distributing anti-committee literature outside the Los Angeles building in which this committee was holding executive hearings.

In the FBI's previously mentioned report on the 1960 San Francisco riots, Director J. Edgar Hoover stated that after the hearings were concluded Mickey Lima, chairman of the Northern California District of the Communist Party, praised Wilkinson "for the role he had played in organizing the demonstrations."

In the latter part of 1960, Wilkinson began touring the country as spokesman and field director of the newly formed National Committee To Abolish the Un-American Activities Committee.

During the early part of 1961, "Mr. Abolition" prepared a year's program of NCAUAC abolition activity covering the period March 1961 to February 1962. It called for petitions in opposition to—

> (a) such new hearings as HUAC may schedule; (b) all forms of governmental sponsorship of the HUAC-aided film "Operation Abolition"; (c) HUAC's appropriation; (d) other.

Additional features of the Wilkinson program were that—

> all future hearings called by the HUAC be countered by every possible effective public demonstration * * *. Persons subpenaed to the Capital from distant cities should be honored by sendoff and welcome-home rallies at airports.

Wilkinson's 1961–62 program for NCAUAC urged continued acquisition of all the anti-committee literature possible and its distribution to a mailing list of between 5,000 and 10,000 key groups and indi-

viduals. It proposed the formation of anti-committee student groups and close coordination of their activities.

On February 27, 1961, the Supreme Court upheld the contempt conviction of Frank Wilkinson and on May 1, 1961, he began serving his prison sentence.

He was released from prison on February 1, 1962, after completing 9 months of the 1-year sentence. He wasted little time in resuming his role as the No. 1 paid agitator against the Committee on Un-American Activities. He was promoted to the post of executive director of the National Committee To Abolish the Un-American Activities Committee on March 3, 1962, and almost immediately announced NCAUAC's program for the period between then and the convening of the 88th Congress in January 1963.

The most essential aims of this program were: (1) To bring about the nomination and election of as many anti-committee congressional candidates as possible in the 1962 primary and general elections; (2) to persuade the maximum number of elected Congressmen possible that they should vote for the abolition of the committee; and (3) to bring to Washington in January 1963 "community leaders" from all over the country to present the new Congress with thousands of signatures on anti-committee petitions.

The Testimony of Robert Ronstadt

Inasmuch as Frank Wilkinson has, without a doubt, been the driving force behind the campaign to have the Committee on Un-American Activities abolished, the executive testimony of Robert Carrillo Ronstadt before this committee in Los Angeles on April 25, 1962, was of special interest because it provided a new insight into Wilkinson's Communist Party background. Ronstadt, an undercover FBI operative in the Communist Party from the middle of 1947 through the end of 1954, testified that he and Wilkinson had served in the same party unit in Los Angeles for about 4 years.

Ronstadt told the committee that the party had assigned him the task of keeping Wilkinson from falling apart emotionally when the latter was being investigated by the California Senate Fact-Finding Committee on Un-American Activities in 1952. The witness said that although Wilkinson showed effects of the strain of that investigation, he [Ronstadt] was honestly able to report to Communist superiors, in response to their inquiries, that Wilkinson remained a dedicated party member throughout this development.

Witness Ronstadt told the committee further that after Wilkinson had lost his job with the Los Angeles City Housing Authority in 1952, he became a paid employee of the Communist Party, and the party assigned him to the executive secretaryship of the Citizens Committee To Preserve American Freedoms.

Ronstadt testified from personal knowledge that Frank Wilkinson had attended Communist Party meetings and made financial contributions to the party. The witness said that when he left the party in the latter part of 1954, Wilkinson was still a member.

A summary of Ronstadt's testimony in regard to other matters follows:

Robert Ronstadt was graduated cum laude from the University of Notre Dame in 1941, and continued postgraduate work in sociology

and administration. In the latter part of 1942, he passed an examination for the FBI and was placed on its waiting list. Early in 1943, however, he enlisted as a private in the Marine Corps, where he served throughout the remainder of World War II. He was discharged as a lieutenant in 1946.

In 1946 Ronstadt was approached and offered employment in Los Angeles by a private investigative firm headed by two former FBI agents, Joseph P. McCarthy and Joseph Dunn.

Mr. McCarthy explained that the president of Allied Records, a communications material manufacturing company doing contract work for the U.S. Government, had contacted the investigative firm because he had reason to believe that some Communist Party members had infiltrated his plant. The company president wanted to know if the private investigative firm could find out who the Communists were. This was the assignment McCarthy had in mind when he approached Ronstadt.

After being assured by McCarthy that all information about the Communist Party he uncovered would be turned over to the FBI, Ronstadt accepted the offer and went to work for Allied Records in March 1946. In the fall of 1946 Ronstadt was approached by Donald C. Wheeldin (who was identified as a Communist Party member before this committee in 1958) and given an application form for membership in the Communist Party. Ronstadt completed the application form at that time.

Between then and the spring of 1947, when Ronstadt was finally accepted as a member by the Communist Party, he sold subscriptions to the *Daily People's World* (Communist West Coast newspaper) and made numerous speeches urging that American troops be brought home from overseas military bases. This, of course, was a major element in the Communist line of that period.

When Ronstadt was accepted for membership in the Communist Party, he discontinued employment with both Allied Records and the Dunn & McCarthy private investigative agency. He did so at the request of the FBI, and thereafter reported directly to, and only to, the FBI.

During the period he was at Allied Records, however, Ronstadt learned that the following persons were members of the Communist Party: Hursel Alexander, Carl Brant, Leona Chamberlain, William Elconin, and previously mentioned Donald C. Wheeldin.

Also while at Allied Records, Ronstadt studied several books on carpentry, practiced with carpenters' tools and then passed an oral and written examination which qualified him as a journeyman carpenter with a union local in Los Angeles. Thus, when Ronstadt severed relations with Dunn & McCarthy and Allied Records in the spring of 1947, he was able to find employment as a carpenter.

Ronstadt worked as a carpenter in Los Angeles until the fall of 1948, when he went to Connecticut for a brief period. He engaged in no Communist Party activities in Connecticut.

He returned to Los Angeles early in 1949. By this time the construction business had slowed down considerably, so Ronstadt looked elsewhere for employment. He secured a job as a social worker for the city government. Before long his position was transferred to the jurisdiction of the State.

Upon his return to Los Angeles, Ronstadt, with Wheeldin, was assigned to a Communist Party industrial club consisting of 25 to 30 persons. In a few months, however, he was reassigned to another Communist unit known as the Altgeld group, "a security group" made up of members whom the party believed to be especially loyal. Generally speaking, members of the Altgeld group did not reveal their party membership to rank-and-file Communists. The group to which Ronstadt belonged was one of a number of Altgeld security clubs in the Los Angeles area, each consisting of six or seven supposedly unusually loyal party members. Ronstadt was assigned liaison work with several of the other security groups.

In the same security club with Ronstadt were Frank Wilkinson, Oliver Haskell, and Sid Green, all three of whom were employed at that time, 1949–52, by the Los Angeles City Housing Authority. Also in the same Altgeld group were Mr. and Mrs. Drayton Bryant, Mrs. Oliver Haskell, and Fay Kovner.

Among the Communist Party members with whom Ronstadt had contact in other Altgeld clubs were Carole Andre and Dave Elbers.

In 1950, Ronstadt took leave of absence from his social work for the State and entered UCLA to take some postgraduate courses. When he completed these in 1951, instead of returning to his State job, he accepted a position at Hughes Aircraft with his former investigative associate, Joseph P. McCarthy. He remained at Hughes until after he left the Communist Party in 1954.

Ronstadt began thinking about leaving the party in 1953, at which time the party was exerting considerable pressure on him to go completely underground. Since this would have entailed moving to another part of the country and since he was now engaged to be married, he decided to give up his undercover work. This he did in 1954. with the reluctant understanding of the FBI.

COMMUNIST AND TROTSKYIST ACTIVITY WITHIN THE GREATER LOS ANGELES CHAPTER OF THE FAIR PLAY FOR CUBA COMMITTEE

(Testimony of Albert J. Lewis and Steve Roberts)

The Greater Los Angeles Chapter of the Fair Play for Cuba Committee was the most active Communist front in the Los Angeles area in 1961, according to a report and testimony released under the above title November 2, 1962, by the Committee on Un-American Activities.

An unusual feature of this front operation was the fact that it was dominated from its inception by members of the Socialist Workers Party, an ultrarevolutionary Communist organization which has competed for many years with the "orthodox," Moscow-spawned Communist Party, USA. Members of the Socialist Workers Party consider themselves genuine Communists, but they are usually called "Trotskyists" because they adhere to the principles of Marx, Engels, and Lenin as interpreted by Russian revolutionary leader Leon Trotsky.

Although they have differences with the Soviet Communist leadership and its puppet party in the United States over tactical and ideological matters, Trotskyists agree with U.S. Communists that the Soviet Union must be defended against "aggressors" such as the United States, and that the Communist system must be extended throughout the entire world.

The committee report expressed concern over the ultrarevolutionary Trotskyist movement's recent growth in power and influence not only as demonstrated by its unusual success in manipulating the Los Angeles Fair Play organization, but also as evidenced by public admissions of the Socialist Workers Party's strength by competing Marxist groups. The committee's 1962 investigations and hearings in Southern California revealed that Socialist Workers Party members had infiltrated an industrial defense plant there in 1961 and had captured key offices in the trade union which had bargaining rights for that plant's employees. Details of these developments have been withheld by the committee pending further investigation.

The improved fortunes of the Trotskyist movement in the United States are attributed, in part, to the cooperation Trotskyists have received from the U.S. Communist Party in recent years. In a brief review of the history of the Socialist Workers Party and its relations with the orthodox Communist Party, the committee report called attention to the bitter rivalry which existed between the two Communist organizations for more than 25 years. The feud had its origin in Soviet dictator Stalin's disputes with Leon Trotsky, who was exiled from the Soviet Union in 1929 and assassinated by a Stalinist agent in Mexico in 1940. The death of Stalin in 1953 and Nikita Khrushchev's denunciation of Stalin in 1956 paved the way for some degree of rapprochement between Trotskyists and orthodox Communists.

Collaboration between the two forces was also furthered by the present Soviet dictator's instructions that Communists throughout the world should establish "united-front" relationships with other individuals and groups when expedient, regardless of differing views. Khrushchev encouraged such relationships on the basis that they serve to advance certain mutual objectives, although the Soviet dictator made it clear that all participants in united-front operations are expected to give support to the Soviet Union's "peace" policies as opposed to what he terms the "aggressive" policies of the United States.

Collaboration of Trotskyists and Communist Party members was strikingly illustrated in the operations of the Greater Los Angeles Chapter of the Fair Play for Cuba Committee.

In January 1961 the local Fair Play group launched a full-scale propaganda operation in the Los Angeles area for the alleged purpose of spreading the "truth" about the Castro-led revolution in Cuba. In order to disseminate its version of the "truth," which was all favorable to Fidel Castro, the organization staged public meetings and mass picket demonstrations. It also spread its propaganda by publishing and circulating literature about Cuba and by providing speakers, equipped with movies or slides, to local community gatherings.

The Los Angeles Fair Play group's propaganda was effusive in praise of the Castro regime and vitriolic toward United States policies with respect to Cuba. The report released by the Committee on Un-American Activities in November concluded that the Los Angeles Fair Play organization's propaganda, rather than contributing to a better understanding of the complex Cuban situation as it really existed, deliberately misinformed the public in order to generate sentiment for a "Hands-Off-Cuba" policy by the United States Government.

Speaking at public rallies, officials of the subject Fair Play chapter described Cuba as a "fine type of democracy" not dependent upon the Soviet bloc but merely enjoying its "humanitarian" aid. These allegations, the report noted, were contradicted by the facts. Cuba was already a professed member of the Soviet bloc of nations and clearly dependent upon Communist countries for assistance. Moreover, Castro was in the avowed process of building a one-party dictatorship and a collective economy similar to those which had been imposed upon the people of the Soviet Union.

Committee investigations revealed that the key leadership posts in the Greater Los Angeles Chapter of the Fair Play for Cuba Committee were held by individuals who were also active members of the Trotskyist Socialist Workers Party. Lesser functionary positions in the organization were allotted to members of the orthodox Communist Party, USA. The committee learned that, within a month after the January 1961 public appearance of the local Fair Play group, Communist Party members in the area were instructed to turn out in force at Fair Play meetings and obtain dominance over the organization. They were unable to wrest control from the entrenched members of the Socialist Workers Party, however, and had to content them-

selves with the role of vigorous supporters of the Trotskyist-led chapter as prescribed by the Communists' "united-front" policy.

The committee report included reproductions of a number of photographs taken at mass picket demonstrations staged by the Fair Play group in the spring of 1961. These photographs confirmed that not only rank-and-file Communists, but even the top officers of the party's Southern California District, had participated with picket signs to help make the Fair Play propaganda campaign more effective.

Key officers of the Greater Los Angeles Chapter of the Fair Play for Cuba Committee, according to investigation by the Committee on Un-American Activities, were Dr. A. J. Lewis, executive secretary, and Steve Roberts, who was the official West Coast representative for the national Fair Play for Cuba Committee. Both individuals, it was also learned, were concurrently active members of the Socialist Workers Party.

The Testimony of Albert J. Lewis and Steve Roberts

Dr. Lewis and Mr. Roberts were interrogated by the committee at executive hearings in Los Angeles on April 26 and April 27, 1962, respectively. They both invoked the fifth amendment in response to committee questions regarding their activities in the local Fair Play for Cuba group and the Socialist Workers Party. The committee learned that, several weeks prior to the opening of its hearings, Dr. Lewis had left both organizations for reasons not pertinent to the subject under inquiry. The committee report named a number of other persons who were associated in official capacities with both the Fair Play group in Los Angeles and the Trotskyist Socialist Workers Party.

The report noted that Delfino Varela represented the Southern California District of the Communist Party on the executive committee of the Fair Play chapter in Los Angeles and that Martin Hall, chairman of the Fair Play Committee, has been a "continuous supporter of front organizations of the orthodox Communist Party, USA."

In September 1961, 9 months after it was formed, the Los Angeles Chapter of the Fair Play for Cuba Committee claimed a membership of more than 1,000. By March of 1962, however, officials of the organization admitted that its membership was shrinking. This resulted in the suspension of public activity between April and the fall of 1962. At the latter time, the committee learned of elaborate Fair Play chapter plans to stage a picket demonstration on the occasion of President Kennedy's scheduled speaking engagement in Los Angeles on October 26, 1962. Although the President's speech was canceled because of the gravity of the Cuban crisis, on which the propaganda organization intended to agitate in behalf of Castro, the Fair Play chapter nevertheless carried out the demonstration as planned.

The membership decline experienced by the Fair Play for Cuba group early in 1962 was attributed to well-publicized statements by Fidel Castro that he was a confirmed Marxist-Leninist who believed in the future world victory of communism. The committee report expressed the opinion that—

> Castro's blatantly pro-Communist actions and pronouncements of the last year or so have made it virtually impossible

> for any group, no matter how skilled in propaganda and agitation, to continue selling the American public the line that communism is not an issue in Cuban-American relations.

The report also declared that preoccupation with problems created by the orthodox Communist Party "should not blind the Congress to the subversive potentials of smaller, dissident Communist groups having the common objective of supplanting our constitutional government with a Soviet-style dictatorship." The united-front relationship between Trotskyists and the Communists, warned the report, "has produced dividends for both groups and adds to the overall strength of subversive forces in this country."

CHAPTER III

BIBLIOGRAPHY OF COMMITTEE PUBLICATIONS FOR THE YEAR 1962

During the year 1962, the committee set a new high for total number of publications distributed to Members of Congress, Government agencies, and to private individuals and organizations. The approximate total number of publications distributed was 456,410 copies. This figure is broken down as follows:

At the beginning of 1962, the committee had 260,000 copies remaining of publications reprinted in 1961; 211,870 copies of these reprints were used to fulfill requests in 1962. Also during 1962, the committee received a total of 156,000 reprints of publications released in 1961, plus 35,000 copies of the committee publication *The House Committee on Un-American Activities—What It Is—What It Does*, originally released in 1958.

This constituted a total of 191,000 reprints of previously published documents. Of this number, 159,700 copies were distributed.

In addition to the above, the committee received 148,790 copies of publications issued in 1962.[1] Of these, 84,840 copies had been distributed by the end of the year.

The committee receives numerous requests for publications which date back a number of years and, whenever feasible, attempts to fulfill these requests. An exact account of the number of these earlier hearings and reports distributed has not, however, been maintained.

Following is the list of committee hearings and reports for the second session of the 87th Congress:

HEARINGS

Hearings Relating to H.R. 9753, To Amend Sections 3(7) and 5(b) of the Internal Security Act of 1950, As Amended, Relating to Employment of Members of Communist Organizations in Certain Defense Facilities, February 7, 1962.

Hearings Relating to H.R. 10175, To Accompany H.R. 11363, Amending the Internal Security Act of 1950, March 15, 1962.

Testimony By and Concerning Paul Corbin, September 6 and 13, 1961; November 13, 27, and 28, 1961; and March 15 and July 2, 1962.

Communist Propaganda—and the Truth—About Conditions in Soviet Russia (Testimony of David P. Johnson), May 22, 1962.

"Intellectual Freedom"—Red China Style (Testimony of Chi-chou Huang), May 24 and 25, 1962.

Communist Activities in the Cleveland, Ohio, Area, Parts 1 and 2, June 4, 5, 6, and 7, 1962.

[1] The committee held 16 sessions of executive hearings in 1962 for which no transcripts were published.

Communist Outlets for the Distribution of Soviet Propaganda in the United States, Parts 1 and 2, May 9, 10, and 17 and July 11 and 12, 1962.

Communist Youth Activities (Eighth World Youth Festival, Helsinki, Finland, 1962), April 25 and 27 and October 4, 1962.

U.S. Communist Party Assistance to Foreign Communist Governments (Medical Aid to Cuba Committee and Friends of British Guiana), November 14 and 15, 1962.

Communist Activities in the Peace Movement (Women Strike for Peace and Certain Other Groups), December 11, 12, and 13, 1962.

REPORTS

Publication in Federal Register of Lists of Defense Facilities, House Report 1362, 87th Congress (to accompany H.R. 9753), February 19, 1962.

Protection of Classified Information Released to U.S. Industry and Defense Contractors, House Report 1665, 87th Congress (to accompany H.R. 11363), May 8, 1962.

Protection of Classified Information Released to U.S. Industry and Defense Contractors, House Report 1945, 87th Congress (to accompany H.R. 11363), June 28, 1962.

Amending the Internal Security Act of 1950 To Provide for Maximum Personnel Security in the National Security Agency, House Report 2120, 87th Congress (to accompany H.R. 12082), August 2, 1962.

Security Practices in the National Security Agency (Defection of Bernon F. Mitchell and William H. Martin), August 13, 1962.

The Communist Party's Cold War Against Congressional Investigation of Subversion, October 10, 1962.

Communist and Trotskyist Activity Within the Greater Los Angeles Chapter of the Fair Play for Cuba Committee, November 2, 1962.

Annual Report for 1962.

CHAPTER IV

REFERENCE SERVICE

This committee, unlike most of those in the House of Representatives, does not periodically turn over its files to the Clerk of the House, because it is required by law to retain custody of all files. The public source material in the files, therefore, constitutes a valuable, extensive and ever-growing collection of information on Communist and Communist-front activities in this country.

The committee is under a mandate to make the information in this collection available to the Members of the House and, in compliance with this mandate, supplies them with special reference service. This service has been extended to the Members of the U.S. Senate as well. For the sake of accuracy and in compliance with committee rules, both requests for information and replies to them must be made in writing. During 1962, Members of Congress made over 3,800 inquiries of the type necessitating reference service. Information resulting from checks of the reference material on the 7,500 individuals and 3,900 organizations and publications mentioned in the inquiries resulted in the preparation of a total of 3,747 written reports.

The committee's records and reference material, moreover, have been a source of information for the investigative agencies of the executive branch of the Government for many years. In Executive Order No. 9835, instituting the Loyalty Program in 1947, President Truman specifically listed the committee's files as one of the sources of information where "an investigation shall be made of all applicants" for Federal employment. When this program was supplanted by the Security Program under President Eisenhower's Executive Order No. 10450 in 1953, that order maintained the requirement of a national agency check on all applicants for Federal employment. Although sources of agency checks were not listed by name in this order, the investigative agencies displayed no less interest in checking the records and files of this committee, and the practice has been continued up to the present time. In 1962, their representatives made more than 2,000 visits for this purpose, used the reference facilities to the limit of physical capacity, and were given all practicable assistance in locating available information.

Staff members of the committee consulted reference section files constantly during the year for information to be used in connection with almost every phase of committee work. In addition, they made requests of the section for the compilation of information on several thousand subjects, the reproduction of more than 5,200 exhibits from material in the files, and the loan of numerous files, periodicals, pamphlets, and other publications.

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CHAPTER V

LEGISLATIVE ACTION

Introduction

This committee has made numerous legislative recommendations designed to fulfill the mission assigned it, first by House resolution and later by the Legislative Reorganization Act. It is the committee's function, through such legislative activity to assist in protecting our country from subversion and in guarding it against those who seek to destroy the freedom which the American people have secured under our constitutional form of government. Recommendations made during the years 1941 through 1960, together with a description of action subsequently taken by Congress or by the executive branch in the field of the committee's activity, were summarized in the committee publication released December 30, 1960, entitled *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 limited to a detailed study of action taken on committee recommendations by the 87th Congress, second session, during the year 1962. The committee suggests that it be read in conjunction with the aforementioned 1960 publication.

Many of the committee's recommendations have been repeated through the years, in some cases in the original form and in other cases in altered form. In all instances they are designed to meet conditions as they appear to exist, from time to time and as brought to light in the course of committee investigations.

As was pointed out in its *Annual Report for the Year 1961*, the efforts of this committee and the value of its proposals cannot, in the final analysis, be measured by the number of bills passed by the House or immediately enacted into law. If the committee's proposals serve to stimulate the democratic process they have accomplished a worthy and important purpose.

This chapter is divided into five parts:

Part I. Bills enacted into law in 1962;

Part II. Bills passed by the House in 1962;

Part III. Detailed summary of all legislative recommendations and subsequent action by the 87th Congress or by executive agencies in 1962;

Part IV. Appendix to relevant bills introduced in the 87th Congress, second session;

Part V. Index to committee recommendations.

"Item" numbers hereafter referred to in the above parts correspond to the original "Item" number in the aforementioned 1960 publication entitled *Legislative Recommendations by House Committee on Un-*

American Activities. Also, 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 second 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 contained in this chapter.

Part I. Bills Enacted Into Law in 1962

Three laws were enacted in 1962 which contain provisions in the field of the committee's prior recommendations.

Public Law 87-474—Designation of defense facilities by Secretary of Defense. (*See* Items 29 and 34, Part III, of this chapter, pp. 95 and 96, for details.) This act eliminates the requirement in section 5 of the Internal Security Act of 1950, that the Secretary of Defense publish in the *Federal Register* the list of defense facilities, designated by him as such. Such publication would be inimical to our security by making easily and readily available to a potential enemy the information needed for the selection of military targets and facilities for sabotage.

Public Law 87-486—The Smith Act. (*See* Item 122, Part III, of this chapter, p. 99, for details.) This act 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.

Public Law 87-793, § 305—The "Cunningham Amendment" to the Postal Service and Federal Employees Salary Act—*Communist political propaganda.* (*See* Item 128–B, Part III, of this chapter, p. 102, for details.) Section 305 permits mail (except sealed mail) from a foreign country, which is determined by the Secretary of the Treasury to be Communist political propaganda, to be detained by the Postmaster General with notification to addressee of receipt of same, delivery to be permitted only upon declaration by addressee that he wants the material.

Part II. Bills Passed by House in 1962

H.R. 12082—Personnel Security Procedures in National Security Agency. (*See* Item 130, Part III, of this chapter, p. 103, for details.) This bill establishes personnel security procedures for the National Security Agency. The enactment of this bill would cure deficiencies in security procedures at that agency disclosed by the committee's investigation of the defection in 1960 of two National Security Agency employees to the Soviet Union.

Part III. Detailed Summary of All Legislative Recommendations and Subsequent Action by the 87th Congress or by Executive Agencies in 1962

Outlawing Political 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.

Action in 1962—The following bills propose to outlaw the Communist Party by providing penalties for becoming or remaining a member of a *Communist-action organization:*

H.R. 9944 (Mr. Doyle), January 30, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10019 (Mr. Staggers), January 31, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10228 (Mr. Johnson of Maryland), February 15, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10560 (Mr. Holifield), March 6, 1962; referred to the House Committee on Un-American Activities; pending and under study.

The following bill provides penalties for knowingly and willfully becoming or remaining a member of the *Communist Party*, with knowledge of the purpose or objective thereof:

H.R. 10039 (Mr. Martin of Nebraska), February 1, 1962; referred to the House Committee on Un-American Activities; pending and under study.

The following bill seeks to outlaw the Communist Party by providing that whenever it shall appear to the Attorney General or to any United States District Attorney that any organization is probably a Communist organization he may seek an injunction to enjoin the performance of acts by the organization or its members, which would be unlawful if there were in effect a final order of the Subversive Activities Control Board requiring such organization to register. This may be done before, during, or after any hearing of the Board:

H.R. 13398 (Mr. Hall), October 11, 1962, "The Russian Organization Control Act of 1962." This bill was referred to the House Committee on Un-American Activities; pending and under study.

Refusal of Foreign Countries To Accept Deportees or To Return Certain Persons to the United States

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).

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 § 243(g); 8 U.S.C. § 1253(g)) (Walter-McCarran Act).

Action in 1962:

H.R. 12829 (Mr. Walter), August 8, 1962, proposes that upon notification by the Attorney General that any country upon request denies or unduly delays acceptance of the "return of any alien" who is a national, citizen or resident thereof, the Secretary of State shall instruct consular officers performing their duties in the territory of such country to discontinue the issuance of immigrant visas to nationals, citizens, subjects, or residents of such country until such time as the Attorney General shall inform the Secretary of State that such country has accepted such alien.

This bill adds another section which provides that the same procedure shall be followed in a case where any country refuses or unduly delays the return of any person who has fled from the United States after conviction of an offense against the United States.

The bill was referred to the Judiciary Committee.

Restriction on 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 No. 2742*, 79th Congress, dated January 2, 1947).

Present law denies income tax exemptions under § 101 of the Internal Revenue Code (now 26 U.S.C. § 501) to organizations registered as Communist organizations, or regarding which there is in effect a final order requiring such organization to register as a Communist organization (64 Stat. 997 § 11; 50 U.S.C. § 790).

Action in 1962—The following bills propose to amend section 11 and 12 of the Internal Security Act (64 Stat. 997 § 11; 50 U.S.C. §§ 790(b) and 791(e)) so that its provisions for tax-denial would not be dependent upon the registration requirement. The Subversive Activities Control Board would upon application by the Attorney General or any interested person, determine whether an organization is a Communist organization. Upon a final order of such determination, the tax-denial provisions would take effect.

H.R. 9944 (Mr. Doyle), dated January 30, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10019 (Mr. Staggers), dated January 31, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10228 (Mr. Johnson of Maryland), dated February 15, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10560 (Mr. Holifield), dated March 6, 1962; referred to the House Committee on Un-American Activities; pending and under study.

Employment of Subversives in Defense Plants—Safeguards

Item 29. *Committee recommendation*—Adoption of H.R. 3903, 81st Congress, providing safeguards against employment of subversive individuals in defense plants (contained in *House Report No. 1950*, 81st Congress, dated March 15, 1950).

Present law—Section 5 of the Internal Security Act of 1950 (64 Stat. 992; 50 U.S.C. § 784) forbids members of a Communist-action organization to hold employment in a defense facility. The section also authorizes and *directs* the Secretary of Defense "to designate and proclaim, and from time to time revise, a list" of such facilities, to publish such list in the *Federal Register*, and to promptly notify the management of any facility so listed, whereupon the management shall conspicuously post such designation in such places as to give reasonable notice to its employees and to applicants for employment, that it is a defense facility.

The present requirement that the list of defense facilities be published in the *Federal Register* creates a very real danger with respect to our national defense and security by making easily available to any potential enemy vital intelligence information which could be used as a detailed and accurate map for sabotage and the selection of military targets (*House Report No. 1362*, 87th Congress, 2d session, p. 2).

Action in 1962—The following bills all provide for the elimination of the requirement contained in section 5(b) of the Internal Security Act that the list of facilities designated as defense facilities by the Secretary of Defense be proclaimed and published in the *Federal Register*. The requirement that the management of each facility so designated be notified in writing and be required to post such designation is retained. The bills also require the management of such facility, upon request by the Secretary, to obtain a signed statement from each employee that he knows that such facility has been so designated by the Secretary:

H.R. 9753 (Mr. Walter), January 18, 1962; referred to House Committee on Un-American Activities; hearings were held on February 7, 1962; reported favorably, February 19, 1962 (*House Report No. 1362*); passed by the House, March 5, 1962; referred to Senate Judiciary Committee, March 8, 1962; reported favorably, May 3, 1962 (*Senate Report No. 1443*); passed Senate, May 17, 1962; approved May 31, 1962—*Public Law 87–474*.

H.R. 9888 (Mr. Scherer), January 24, 1962; referred to House Committee on Un-American Activities. (See *H.R. 9753* for action.)

S. 2689 (Senator Eastland), January 16, 1962; referred to Committee on the Judiciary. (See *H.R. 9753* for action.)

Secretary of Defense to Put Into Effect Section 5 of Internal Security Act

Item 34. *Committee recommendation*—That Congress adopt a resolution calling upon the Secretary of Defense to immediately place in effect the provisions of section 5 of Public Law 831, 81st Congress (Internal Security Act of 1950, 64 Stat. 992) (contained in *House Report No. 3249*, 81st Congress).

Present law—This section 5 provides that members of Communist organizations which are registered or with reference to whom there is in effect a final order requiring registration with the Attorney General under the act, shall not conceal their membership in such organization when seeking or holding employment in a defense facility, and, if such organizations are Communist-action organizations, such members shall not engage in any employment in a defense facility. The Secretary of Defense shall designate, and proclaim, and publish, a list of facilities to which he thinks these provisions shall apply in the interests of our national security.

Note—The committee suggests that "the present requirement that the list of defense facilities be published in the *Federal Register*, creates a very real danger with respect to our national defense and security by making easily available to any potential enemy vital intelligence information which could be used as a detailed and accurate map for sabotage and the selection of military targets." (*House Report No. 1362*, 87th Congress, 2d session, p. 2).

Action in 1962—The following bills all provide for the elimination of this requirement of the proclamation and listing of defense plants in the Federal Register. The requirement, that the management of each facility designated as a defense facility be notified in writing and be required to post such designation, is retained. The bills also require the management of such facility, upon request by the Secretary, to obtain a signed statement from each employee that he knows that such facility has been so designated by the Secretary:

H.R. 9753 (Mr. Walter), January 18, 1962; referred to the House Committee on Un-American Activities; hearings were held on February 7, 1962; reported favorably, February 19, 1962 (*House Report No. 1362*); passed by the House March 5, 1962; referred to the Senate Judiciary Committee, March 8, 1962; reported favorably, May 3, 1962 (*Senate Report No. 1443*); passed Senate, May 17, 1962; approved May 31, 1962—*Public Law 87–474*.

H.R. 9888 (Mr. Scherer), January 24, 1962; referred to House Committee on Un-American Activities. (See *H.R. 9753* for action.)

S. 2689 (Senator Eastland), January 16, 1962; referred to the Committee on the Judiciary. (See *H.R. 9753* for action.)

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*, 82d Congress, dated February 17, 1952).

Present law—Existing 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.

Action in 1962—H.R. 10039 (Mr. Martin of Nebraska), dated February 1, 1962, proposes 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 H.R. 10039 would permit the compelling of testimony relating to such membership and the granting of immunity from prosecution in connection therewith. The bill was referred to the House Committee on Un-American Activities; pending and under study.

Surveillance by Technical Devices—Wiretapping

Item 90. *Committee recommendation*—Information obtained by wire or radio 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). In its *Annual Report for 1961* (*House Report No. 2559*) the committee again emphasized the urgency of legislation of this type. Both Federal and State officials, within reasonable limitations, should be authorized to acquire and intercept communications in the conduct of investigations and for the prevention and prosecution of selected criminal activity.

Action in 1962—H.R. 9482 (Mr. Walter), January 10, 1962, authorizes under rules prescribed by the Attorney General, and under Court permit, the interception and disclosure of communications in the detection and prosecution of offenses against the security of the United States including treason, sabotage, espionage, seditious conspiracy, violations of neutrality laws, violations of the Foreign Agents Registration Act, and violations of the act requiring the registration of organizations subject to foreign control which engage in political activity or civilian military activity, of organizations engaging both in civilian military activity and in political activity, and every organization the aim of which is overthrow of government by force (now 18 U.S.C. § 2386).

This bill was referred to the Committee on the Judiciary.

H.R. 10185 (Mr. Celler), February 12, 1962, permits the Attorney General to authorize the Federal Bureau of Investigation to intercept any wire communication, provided he determines that there is reason-

able ground for belief (1) that a felony involving national security has been, is being, or is about to be committed; (2) that facts concerning such offense may be obtained thereby, and (3) that no other means are readily available for obtaining such information. The Attorney General may authorize any Federal law enforcement agency to apply to a Federal judge for leave to intercept wire communications where certain serious felonies are involved. State and local enforcement officers of State whose law permits this, may make application to a State judge for leave to intercept wire communications to obtain evidence of murder, kidnapping, dealing in narcotics, and other specific crimes. The bill limits the purposes for which lawfully intercepted information may be used.

The bill was referred to the Committee on the Judiciary.

S. 2813 (Mr. McClellan, for himself and Mr. Eastland and Mr. Ervin), February 7, 1962, is identical to *H.R. 10185*. *S. 2813* was referred to the Committee on the Judiciary.

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 *Annual Report for the year 1958*, 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* had preempted the field of sedition and subversion against the Federal Government (contained in *House Report No. 1251*, 86th Congress, dated February 8, 1960).

Action in 1962—H.R. 3, 87th Congress, introduced by Mr. Smith of Virginia on January 3, 1961, referred to the Committee on the Judiciary, reported out on June 13, 1962 (*House Report No. 1820*).

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 (contained in *House Report No. 1251*, 86th Congress, dated February 8, 1960, and emphasized in the *Annual Report for 1960*, *House Report No. 2237*, 86th Congress, and in the *Annual Report for 1961*, *House Report No. 2559*, 87th Congress.)

Present law—Section 6 of the Internal Security Act of 1950 (50 U.S.C. § 785) provides that when a Communist organization is registered or there is in effect a final order of the Subversive Activities Control Board requiring such organization to register, it shall be unlawful for a member of such organization to apply for a passport or for a renewal of same or to attempt to use any such passport: and if such organization is a Communist-action organization it shall be

unlawful for an officer or employee of the United States to issue or renew a passport for a member of such organization.

However, as the committee has pointed out in its *Annual Report for 1961* (at p. 173), "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 organization 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."

Action in 1962—The following bills provide that before any passport is issued or renewed, the Secretary of State shall require the applicant to subscribe under oath with respect to his membership in Communist organizations. Should applicant fail to so subscribe, the application for a passport or renewal thereof shall be denied without further proceedings. A review procedure is provided for cases where a passport is denied for *other* reasons:

H.R. 9754 (Mr. Walter), January 18, 1962; referred to House Committee on Un-American Activities; pending and under study.

H.R. 10194 (Mr. Scherer), February 12, 1962; referred to the House Committee on Un-American Activities; pending and under study.

The following bills propose to amend section 6 of the Internal Security Act (50 U.S.C. 785) so that denial of passports to members of a Communist organization shall no longer depend upon whether such organization is required to register under the Act. Instead, if the Subversive Activities Control Board has determined that an organization is a Communist organization and its order to that effect is final, it shall be unlawful for a member of such organization, with knowledge that such order is final, to apply for a passport or renewal of a passport or to attempt to use any such passport; and it shall be unlawful for any Federal officer or employee to issue or renew a passport if he knows or has reason to believe that the applicant for same is a member of such organization:

H.R. 9944 (Mr. Doyle), January 30, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10019 (Mr. Staggers), January 31, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10228 (Mr. Johnson of Maryland), February 15, 1962; referred to the House Committee on Un-American Activities; pending and under study.

H.R. 10560 (Mr. Holifield), March 6, 1962; referred to the House Committee on Un-American Activities; pending and under study.

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 (contained in *House Report No. 187*, 86th Congress, dated March 8, 1959; repeated in *House Report No. 1251*, 86th Congress, dated February 8, 1960; again

urged in *Annual Report for 1960, House Report No. 2237*, 86th Congress, dated January 2, 1961.

Action in 1962—H.R. 3247 (Mr. Cramer), which was introduced January 25, 1961 and which was passed by the House on May 15, 1961, was enacted into law and approved on June 19, 1962—Public Law 87–486. This law provides that as used in section 2385 of title 18 of the United States Code (The Smith Act), the terms "organizes" and "organize," with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons.

Federal Employee Security Program

Item 123. *Committee recommendation*—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 (64 Stat. 476 c803), known as the Summary Suspension Act, 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 (contained in *House Report No. 187*, 86th Congress, dated March 8, 1959; emphasized in *House Report No. 1251*, 86th Congress, dated February 8, 1960; urgently recommended in *House Report No. 2237*, 86th Congress, dated January 2, 1961; again emphasized and urgently recommended in *Annual Report for 1961, House Report No. 2559*, 87th Congress, dated November 5, 1962).

Action in 1962—H.R. 12367 (Mr. Walter), June 29, 1962, provides that the head of any department or agency of the United States Government may, at his absolute discretion and when deemed necessary in the interest of national security, suspend, without pay, any civilian officer or employee of the Government. It provides for notification to the employee of reasons for his discharge with opportunity to answer the charges. The Civil Service Commission, upon employee's request, is required to review the validity, truth, and merits of the charges made and the procedures followed. The determination of the Commission shall be final. The bill was referred to the Committee on Un-American Activities; 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 subpena witnesses* to testify under oath in matters relating to any investigation or hearing provided for by such regulations (contained in committee's *Annual Report for 1960, House Report No. 2237*, 86th Congress, dated January 2, 1961).

Present law—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 Executive order, however, the heads of the departments concerned are not empowered to subpena witnesses. The committee's recommendation seeks to empower the President to subpena witnesses, and to empower the court to punish as for contempt anyone who fails to obey such court order.

Action in 1962—H.R. 10175 (Mr. Walter), February 8, 1962, authorizes the Secretary of Defense to prescribe requirements, restrictions, and safeguards with respect to access to classified information in connection with the performance of any contract with a military department. The bill establishes the procedure to be followed in personal appearance proceedings with respect to persons denied access to such information. It empowers the Secretary of Defense to issue process to compel witnesses to appear and testify at such proceedings, and provides a penalty for failure to appear or testify in obedience to such process, such penalty to be enforced in any judicial district where such person is found, the action to be brought by the United States Attorney of that district. The bill authorizes reimbursement for loss of earnings resulting from unjustified denial of access to classified information.

This bill was referred to the House Committee on Un-American Activities. Hearings were held on March 15, 1962. The bill received no further action. (H.R. 11363 was filed in substitution.)

H.R. 11363 (Mr. Walter), April 17, 1962, authorizes the Secretary of Defense, under such regulations as the President may prescribe, to prescribe uniform regulations, standards, restrictions, and other safeguards to protect classified information "released to or within any industrial, educational, or research organization, institution, enterprise, or other legal entity, located in the United States, whether or not operated for profit."

The bill establishes uniform personal appearance procedure as a condition precedent to a determination as to whether a person employed in "United States industry" as described above shall be denied access to classified information or whether his access to such information shall be revoked. The individual involved shall be given an opportunity to cross-examine any witness appearing against him with respect to matters pertaining to such individual. Classified information and information supplied by an informant whose identity cannot be revealed without harm to the national interest, may be received without an opportunity for inspection or cross-examination if the applicant is given a summary of such evidence or information which is as comprehensive as the national security will permit.

Compulsory process is provided for in the same manner as provided in *H.R. 10175*, above. When the Secretary personally determines that the procedures outlined above cannot be employed consistently with the national security, he shall personally make the determination to

deny or revoke authorization to the access of classified material. The Government shall reimburse an individual for loss of earnings resultant therefrom if a denial of access, later found to be unjustified, causes a loss which the United States should bear.

By agreement between the Department of Defense and any other Federal Department or agency, regulations prescribed by the Secretary of Defense may be extended to release of classified information to industry by said other Department or agency.

This bill was referred to the House Committee on Un-American Activities. Hearings relating to *H.R. 10175*, held on March 15, 1962, were studied. The bill, *H.R. 11363* was reported favorably on May 8, 1962 (*House Report No. 1665*). Request filed by Mr. Walter on May 10, 1962, to place on consent calendar (Consent Calendar No. 439); called May 21, 1962; objected to; recommited to committee at request of Mr. Walter, May 31, 1962; reported June 28, 1962 (*House Report No. 1945*); notice to put on Consent Calendar, by Mr. Walter, July 26, 1962 (Consent Calendar No. 510); called August 6, 1962; objected to; called August 20, 1962; objected to; noted in Daily Congressional Record, August 24, 1962, that bill would be considered by the House under suspension of rules; failed of passage under suspension of rules September 19, 1962, falling short of the required two-thirds majority by six votes.

H.R. 11414 (Mr. Scherer), dated April 18, 1962, is identical with *H.R. 11363*. It was referred to the House Committee on Un-American Activities. (See *H.R. 11363*, above, for action.)

Dissemination of Communist Propaganda in the United States

Item 128–B. *Committee recommendation*—The committee's recommendations are contained in *H.R. 9120* (Mr. Walter), September 11, 1961, the substance of which was used as an amendment to *H.R. 5751*. *H.R. 5751*, 87th Congress, also introduced by Chairman Walter, as amended in committee (*House Report No. 309, Part 2*), and as passed by the House, provided that in order to alert 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 bill 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.

Action in 1962—H.R. 7927, the Postal Service and Federal Employees Salary Act, referred to the Post Office and Civil Service Committee, was amended by the addition of the "Cunningham Amendment." This permits mail (except sealed mail) from a foreign country, which is determined by the Secretary of the Treasury to be Communist political propaganda, to be detained by the Postmaster General with notification to addressee of receipt of same, delivery to be permitted only upon declaration by addressee that he wants the material. *H.R. 7927*, as thus amended, was approved on October 11, 1962 (Public Law 87–793 § 305).

S. 2740 (Mr. Bush), January 25, 1962, provides that the Postmaster General shall notify addressee of receipt of Communist propaganda mail matter, and shall deliver such matter only upon request of addressee. This bill was referred to the Post Office and Civil Service Committee.

Security Procedures in National Security Agency

Item 130. *Committee recommendation*—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 committee proposes 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 would 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. 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 (contained in the 1961 Annual Report, *House Report 2559*, 87th Congress).

Action in 1962—The following bills incorporate the provisions recommended and are similar.

H.R. 10174 (Mr. Walter), February 8, 1962; referred to House Committee on Un-American Activities; received no further action, *H.R. 12082* reported out instead.

H.R. 12082 (Mr. Walter) June 12, 1962, adds a new title to the Internal Security Act of 1950, to establish personnel security procedures for the National Security Agency. It requires full field investigations for employment at the Agency and provides for one or more three-member boards of appraisal, appointed by the Director of the Agency, to review the loyalty and suitability of persons for access to classified

information. It excludes proceedings under authority of this act from the Administrative Procedure Act. No person shall be cleared for access to classified information, contrary to the recommendations of any such board, unless the Secretary of Defense shall make a written determination that such employment or access to classified information is in the national interest. The Secretary of Defense may summarily terminate the employment of any officer or employee of the Agency, whenever he considers that action to be in the national interests and that the other provisions of law to effect such termination of employment cannot be invoked consistently with the national security. Such a determination is final.

The bill was referred to the House Committee on Un-American Activities, was reported favorably on August 2, 1962 (*House Report No. 2120*), and passed the House on September 19, 1962.

H.R. 12207 (Mr. Scherer), June 19, 1962, contains the same provisions as *H.R. 12082*. It was referred to the House Committee on Un-American Activities; received no further action; *H.R. 12082* was reported out.

H.R. 12367 (Mr. Walter), June 29, 1962, contains provisions similar to *H.R. 12082*. It was referred to the House Committee on Un-American Activities. However, *H.R. 12082* was reported out. (*See H.R. 12082*, above, for action.)

Bail in Criminal Cases Pending Appeal

Item 131. *Committee recommendation*—The committee's recommendations are contained in *H.R. 13068*, introduced by its Chairman, Mr. Walter on September 6, 1962. The bill seeks to amend the Subversive Activities Control Act by adding a section which would strengthen the law with respect to the granting of bail to defendants in criminal cases pending appeal or certiorari. The enactment of this bill would prevent a repetition of the circumstances in the Soblen case which made it possible for Soblen to flee the country when certiorari was denied.

Action in 1962—H.R. 13068 was referred to the House Committee on Un-American Activities; pending and under study.

Part IV. Appendix to Relevant Bills Introduced and Action Taken in 87th Congress, 2d Session

Bill No.	Author	Committee referred to	Action	See item No.
		HOUSE OF REPRESENTATIVES		
H.R. 3	Smith (of Virginia)	Judiciary	H. Rept. 1820	104.
H.R. 3247	Cramer	do	Public Law 87-486	122.
H.R. 7927	"Cunningham amendment."	Post Office and Civil Service	Public Law 87-793, §305.	128-B.
H.R. 9482	Walter	Judiciary		90.
H.R. 9753	do	Un-American Activities	Public Law 87-474	29, 34.
H.R. 9754	do	do		120.
H.R. 9888	Scherer	do	Same provisions contained in H.R. 9753 which became Public Law 87-474.	29, 34.
H.R. 9944	Doyle	do		5, 17, 120.
H.R. 10019	Staggers	do		5, 17, 120.
H.R. 10039	Martin (of Nebraska)	do		5, 41.
H.R. 10174	Walter	do		130.
H.R. 10175	do	do	Hearings held Mar. 15.	124.
H.R. 10185	Celler	Judiciary		90.
H.R. 10194	Scherer	Un-American Activities		120.
H.R. 10228	Johnson (of Maryland)	do		5, 17, 120.
H.R. 10560	Holifield	do		5, 17, 120.
H.R. 11363	Walter	do	H. Rept. 1665, H. Rept. 1945; failed of passage Sept. 19, 1962.	124.
H.R. 11414	Scherer	do	Identical with H.R. 11363.	124.
H.R. 12082	Walter	do	H. Rept. 2120; passed House Sept. 19, 1962.	130.
H.R. 12207	Scherer	do	Same as H.R. 12082	130.
H.R. 12367	Walter	do	Supersedes H.R. 12082 and H.R. 10174; however, H.R. 12082 was reported.	123, 130.
H.R. 12829	do	Judiciary		6.
H.R. 13068	do	Un-American Activities		131.
H.R. 13398	Hall	do		5.
H. Res. 743	Rivers	Rules	H. Rept. 2282	6.
		THE SENATE		
S. 2689	Eastland	Judiciary	Same as H.R. 9753 which became Public Law 87-474.	29, 34.
S. 2740	Bush	Post Office and Civil Service		128-B.
S. 2813	McClellan (for himself, Eastland, and Ervin).	Judiciary		90.

Part V. Index to Committee Recommendations

CHAPTER VI

LEGISLATIVE RECOMMENDATIONS

The preceding chapter concerned itself with legislative action taken in the second session of the 87th Congress with respect to prior recommendations of this committee. As was pointed out, all prior recommendations for legislative action made by this committee for the period 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. This research study by the Legislative Reference Service of the Library of Congress was continued in 1961 and its results detailing legislative action taken in the first session of the 87th Congress were presented in the committee's *Annual Report for the Year 1961.* The present chapter is limited to a presentation of proposals believed to be of a pressing nature which the committee suggests might well form the basis for a legislative program, in the area of national security, for the forthcoming Congress.

I. FEDERAL EMPLOYEE SECURITY

It is strongly recommended that legislation be passed to close the breach in the Federal employee security program opened by the decision in *Cole* v. *Young*, 351 U.S. 536 (1956), which cut down the applicability of the Act of August 26, 1950 (Public Law 733, 81st Cong.) to "sensitive" positions only.

The Act of August 26, 1950, gave to the heads of certain specifically named departments and agencies involved in activities of an obviously sensitive nature, the power summarily to suspend any civilian officer or employee "when deemed necessary in the interest of national security." The act included provisions for notification, to the employee concerned, of the reasons for suspension, to the extent that the interests of national security permit and gave him an opportunity to submit a reply. The agency head was empowered, following such investigation and review as he deemed necessary, thereafter to terminate the employment of the suspended employee should he determine such to be necessary in the interest of the national security; but if the employee is one having a permanent or indefinite appointment, and is a citizen of the United States, it is required that the employee be given a hearing upon request prior to termination of employment.

The act authorized the President from time to time to extend the coverage of the act to such other departments and agencies of the Government as he deemed necessary in the interests of national security. In April 1953, by Executive Order 10450, President Eisenhower deemed it necessary to extend the provisions of the act to all other departments and agencies of the Government.

Cole, a food and drug inspector employed in the Department of Health, Education, and Welfare, was charged with having continued a close association with persons reported to be Communists and with maintaining a sympathetic association with an organization designated as subversive by the Attorney General. Cole did not answer the charges, replying that they constituted an invasion of his private rights of association and, although advised that he could have a hearing, requested none. The Secretary of the Department concerned made a formal determination that Cole's continued employment was not "clearly consistent with the interests of national security" and dismissed him.

On appeal, the Supreme Court reversed the dismissal, construing the act as applying not to all officers or employees of the Department, but only to "sensitive" positions within the Department. The majority of the Court thus cut down the applicability of the act to "sensitive" positions only.

Justice Clark, with whom Justices Reed and Minton joined in dissenting, declared, "We have read the Act over and over again, but find no ground on which to infer such an interpretation. It flies directly in the face of the language of the Act and the legislative history." (p. 566). He added, at page 569, that:

> We believe the Court's order has stricken down the most effective weapon against subversive activity available to the Government. It is not realistic to say that the Government can be protected merely by applying the Act to sensitive jobs. One never knows just which job is sensitive. The janitor might prove to be in as important a spot security-wise as the top employee in the building. The Congress decided that the most effective way to protect the Government was through the procedures laid down in the Act. * * * They should not be subverted by the technical interpretation the majority places on them today.

The immediate result of the majority decision in *Cole* v. *Young* was the restitution of 109 persons from suspension or termination of their employment. Back pay was awarded, without the benefit to the Government of loyal services, in the amount of $579,656.55.

In order to correct the shocking situation created by the decision, Chairman Walter introduced H.R. 1989 in the 86th Congress; H.R. 6 (Sec. 320) and H.R. 12367 (Title V), in the 87th Congress. Such legislation as this is now necessary to clarify congressional purpose and provide a basis for maintaining adequate security for the executive branch of Government.

It must be made clear that the President, in whom is reposed the constitutional responsibility of executing laws and the duty of appointing for that purpose those who will faithfully serve that end, possesses the necessary and concomitant power of suspending and terminating the employment of those who are disloyal or security risks, under reasonable safeguards to the individual which do not compromise our intelligence activities or impose undue burdens upon the exercise of administrative discretion. To intimate that such a power would not be decently exercised is an unwarranted slur upon

our great body of able administrators. In these critical times there is no place in Government for those who are not clearly loyal to the institutions of our free society.

II. INDUSTRIAL SECURITY

It is urgently recommended that express legislative authorization be granted to the Secretary of Defense, under such regulations as the President may prescribe, 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, and to prescribe procedures to be followed in personal appearance proceedings accorded to individuals whose access to classified information is denied or revoked under such program. Such legislation is essential to clarify the position of Congress with respect to questions raised in the case of *Greene* v. *McElroy*, 360 U.S. 474 (1959), which in part struck down the industrial security clearance review program established for some years prior thereto under regulations of the Secretary of Defense. A failure to assert congressional purpose and approval may result not only in unnecessary litigation and extensive damage claims against the Government, but also in compromise of vital national defense secrets.

Greene, who began his employment in 1937 with the Engineer and Research Corp., a business devoted mainly to the development and manufacture of mechanical and electronic products, was first employed by that corporation as a junior engineer and at the time of his discharge in 1953, was vice president and general manager. He had been credited with the development of a complicated electronic flight simulator and with the design of a rocket launcher, produced by this corporation and long used by the Navy. The corporation was engaged in classified contract work for the various armed services, and had entered into a security agreement or contract by which the corporation agreed, in the performance of this work, to provide and maintain a system of security control, and that it would not permit any individual to have access to classified matter unless cleared by the Government. During the World War II period, Greene had received security clearance, but in 1951 information came to the attention of the Government, including evidence of his maintenance of a close and sympathetic association with various officials of the Soviet Embassy, which showed clearly that Greene was a security risk, if not actually disloyal to the United States.

A letter of charges was delivered to Greene and he was informed that he could seek a hearing before the Review Board. He appeared with counsel, was questioned, and in a series of hearings was given an opportunity to present his witnesses and his case. Greene's own admissions would seem to establish what the Government had reasonably concluded, namely, that he was a security risk, although the Government presented no witnesses and, relying largely on confidential reports, did not give Greene the opportunity to confront and cross-examine confidential informants whose statements reflected on him. Greene's security clearance was finally withdrawn and, as a result, his services were no longer useful to his corporation. He was forced to resign from his offices in the corporation and was discharged.

Greene appealed to the district court, asking for a declaration that the revocation of his security clearance was unlawful and void. The district court and the court of appeals upheld the validity of the revocation, but a majority of the Supreme Court, in a decision by Chief Justice Warren, reversed, and held the revocation of clearance invalid on the ground that the administrative procedures of the industrial security program were not explicitly authorized by either Congress or the President. This decision left several basic questions suspended and unanswered. Chief Justice Warren said, at page 508:

> Whether those procedures under the circumstances comport with the Constitution we do not decide. Nor do we decide whether the President has inherent authority to create such a program, whether congressional action is necessary, or what the limits on executive or legislative authority may be. We decide only that in the absence of explicit authorization from either the President or Congress the respondents were not empowered to deprive petitioner of his job in a proceeding in which he was not afforded the safeguards of confrontation and cross-examination.

Immediately after the decision in the *Greene* case, the chairman of this committee, on July 7, 1959, introduced in the House, H.R. 8121, with a view toward establishing congressional authority for the issuance by the Secretary of Defense of such regulations. This bill was reported out by this committee on September 2, 1959, and passed the House on February 2, 1960. However, there was no final Senate action. Further, in order to plug the hole in the dike, the President on February 20, 1960, issued Executive Order No. 10865, giving authority to certain departments, including the Department of Defense, to issue regulations and prescribe requirements for the safeguarding of classified information within industry.

In the 87th Congress, Chairman Walter introduced H.R. 10175 to provide an express legislative authorization for the Secretary of Defense, under such regulations as the President might prescribe, to establish a security program relating to defense contracts. Hearings were held upon this bill and the views of interested departments of Government received. Following the hearings the chairman introduced a revised bill, incorporating the revisions requested by the departments. The revised bill, H.R. 11363, was reported out by this committee on June 28, 1962, House Report No. 1945, 87th Congress, second session. The bill was considered by the House under suspension of rules on September 19, 1962, but fell short by six votes of the two-thirds majority required for passage under such procedure. The Congress adjourned prior to further action upon the bill.

H.R. 11363 basically enacts into law the principal provisions of Executive Order 10865, and has received the approval of all agencies of Government concerned. It gives clear expression of congressional purpose to support and strengthen such procedures as are adopted in Executive Order 10865, and improves the operation of such procedures, in particular by granting subpena powers to the Secretary of Defense, thereby assuring individuals affected, as well as the Government, a means for the adequate presentation of their case in the personal appearance proceedings authorized by the bill.

The procedures authorized in the bill are a solution which reconciles the imperative and overriding demand for the safeguarding of classified information in the execution of vital defense projects, on the one hand, with the interests and expectations of the individual involved on the other. The procedures afford the individual employees the maximum benefits consistent with the interests of the national security. (See H. Rept. 1945, and hearings of March 15, 1962, relating to H.R. 10175, to accompany H.R. 11363.)

The necessity for a security program of this type is apparent. When one reflects that approximately one-quarter of every procurement defense dollar has been allocated for classified defense work and that, according to reliable estimates, nearly 50 percent of the Communist Party membership is now concentrated in basic industry, the significance and necessity of a security program is clear.

In the hearings before this committee on March 15, 1962, the representative of the Department of Justice, Mr. J. Walter Yeagley, Assistant Attorney General, Internal Security Division, testified:

> I can only put it this way: that we know that there are a great many people here who are Communists. We know where their loyalties are, and not only that, but their interests and their hopes and their desires. If they are in an area that is sensitive, where they have access to information, I would have to assume they are going to pass it on.

When asked whether, based upon his knowledge and experience, Mr. Yeagley found that members of the Communist Party of the United States are disposed, and indeed required by the principles of their association, to commit sabotage and espionage under appropriate circumstances, he replied unequivocally in the affirmative.

III. NATIONAL SECURITY AGENCY

The committee recommends legislation establishing an authoritative base for enforcing a strict security standard for the employment and retention in employment of persons in the National Security Agency, to achieve maximum security for the activities of the Agency, and to strengthen the capability of the Secretary of Defense and the Director of the Agency to provide for such. With this conclusion the Department of Defense and the National Security Agency have concurred.

In June of 1960, two employees of the Agency, Bernon F. Mitchell and William H. Martin, who had access to classified information, defected to the Soviet Union. This committee conducted an extensive investigation of the circumstances surrounding the defection, together with a thorough and detailed examination of the personnel security regulations and procedures in effect at the time of the defection, and of subsequent measures taken by the Agency to resolve any weaknesses in its procedures. A detailed report of the investigation, titled *Security Practices in the National Security Agency*, was released by this committee on August 13, 1962. The specific legislative recommendations made by the committee, based upon its investigations, are incorporated in that report, together with a copy of the bill, H.R. 12082, introduced by Chairman Walter in the second session of the 87th Congress, in which these recommendations are embodied. The bill was reported out by this committee on August 2, 1962, House Report

No. 2120, 87th Congress, second session. Considered under suspension of rules, the bill passed the House on September 19, 1962. The Congress adjourned prior to its consideration by the Senate.

While the committee is aware that personnel security in the National Security Agency is dependent primarily upon continuing effective administrative leadership and the enforcement of pertinent Department of Defense directives, the committee concluded that additional legislation was necessary to achieve maximum security. The committee is of the opinion that such legislation should establish a security standard and expressly prohibit the employment in the Agency of any person who has not been the subject of a full field investigation. In view of the special nature of the Agency's activities, legislation is recommended which will 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.

IV. PORT AND VESSEL SECURITY

It is recommended that legislation be enacted which will provide a legislative base for remedying the deficiencies of the Magnuson Act revealed in the decisions of *Parker* v. *Lester* (227 F. 2d 708) and *Graham* v. *Richmond* (272 F. 2d 517).

During the Korean crisis in 1950, Congress enacted the Magnuson Act (50 U.S.C. 191, 192, 194). This act provided that:

> Whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, the President is authorized to institute such measures and issue such rules and regulations * * * to safeguard against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, vessels, harbors, ports, and waterfront facilities in the United States, the Canal Zone, and all territory and water, continental or insular, subject to the jurisdiction of the United States.

To implement the authorization contained in the Magnuson Act, the President on October 20, 1950, promulgated Executive Order 10173. This order, as amended, found that the security of the United States was endangered by subversive activity, and prescribed regulations relating to the safeguarding of vessels and waterfront facilities in the United States. The order, vesting enforcement of the act in the Coast Guard, prohibited the employment of seamen on American merchant vessels unless they held validated documents which were not to be issued if the Commandant of the Coast Guard was satisfied that the "character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would be inimical to the security of the United States. . . ."

The order authorized the Commandant to issue regulations, which he did, for establishing procedures under which security clearance would be granted or denied. For reaching such determination, the Commandant's regulations provided that he "may consider whether on all the evidence and information available reasonable grounds existed for the belief" that the seaman (1) has committed acts of treason, espionage or sabotage; (2) is under the influence of a foreign government; (3) has advocated the overthrow of the Government by force or violence; (4) has intentionally disclosed classified information to unauthorized persons; or (5) is or recently has been a member of, or affiliated with, an organization designated by the Attorney General as totalitarian, Fascist, Communist, or subversive.

Under the initial practice provided by the Commandant's regulations, when a seaman applied for clearance to accept employment, his application was checked by the Coast Guard, and if clearance was denied at this stage he was notified in writing and informed of the "general basis" of such denial which was accomplished by a form letter. In the event of security denial the seaman was permitted to apply first to a local and then to a national appeal board, each composed of one Coast Guard member, one management, and one labor. The appeal board had before it the complete record upon which the denial had been based, although this was not disclosed to the seaman, who could however appear in person and by counsel and was privileged to submit testimonial and documentary evidence. He had no right to know the names of confidential informants or to confront or cross-examine them.

Under the procedures then established, approximately 1,800 seamen were screened from merchant vessels. Then followed *Parker* v. *Lester*, decided by the U.S. Court of Appeals for the Ninth Circuit on October 26, 1955, from which no application for review by the Supreme Court was made by the Solicitor General. In this case several seamen brought action in the circuit court against the officers of the Coast Guard stationed in the San Francisco area, to enjoin the enforcement of the regulations issued by the Coast Guard under the Magnuson Act, alleging principally that the regulations operated to deprive the plaintiffs of their liberty and property rights without due process of law, and asking for declaratory relief establishing the screening program to be void and unconstitutional. The court of appeals sustained the plaintiffs' contention, on the ground that the procedures established by the regulations provided for no hearing for the plaintiffs with opportunity to interrogate the witnesses testifying against them.

Although this decision preceded the Supreme Court judgment in *Greene* v. *McElroy*, 360 U.S. 474, decided June 29, 1959, (discussed under the Industrial Security Program, *supra*,) the language of the court in *Parker* v. *Lester* foreshadowed the pronouncements of *Greene*, and indeed seems to have gone even further. While the court did not specifically state that the Coast Guard could not adopt a program which in some degree would qualify the right of confrontation and cross-examination, it seems clear that the sense of the decision would require the Coast Guard to grant the applicant seaman an opportunity to be confronted with his accusers and to cross-examine witnesses.

The blanket injunction issued by the court of appeals in *Lester* against the enforcement of the Coast Guard regulations had an im-

mediate and disastrous effect upon the screening program. As a result of that decision, the Coast Guard was forced to issue documents validated for security clearance to several hundred seamen previously determined to be security risks. Appearing before this committee on June 6, 1960, in hearings titled *Communist Activities Among Seamen and on Waterfront Facilities*, Adm. James A. Hirshfield, Assistant Commandant of the Coast Guard, testified that the requirements laid down in *Parker* v. *Lester* have seriously hampered the Coast Guard in its administration of an effective port and vessel security screening program, forcing the validation of security clearances to many of the seamen previously determined to be security risks. He testified there was no doubt that, except for the necessity of confrontation and cross-examination, many of these several hundred clearances would be revoked. In the absence of available witnesses, and being precluded from using confidential information, the Coast Guard is compelled to issue a document evidencing security clearance even though the Commandant might not be satisfied as to the applicant's loyalty. He said that although the regulations of the Coast Guard were immediately altered after the decision in *Parker* v. *Lester*, to conform to the requirements of that decision, the screening program was ineffective as a result of it.

Following the *Lester decision*, *Admiral Hirshfield* testified that the Coast Guard maintained some degree of control by refusing to process applications in which the applicant failed or refused to answer inquiries necessary for a determination of his security status. However, then followed *Graham* v. *Richmond*, decided November 5, 1959, in the U.S. Court of Appeals for the District of Columbia. Graham was an applicant who declined to answer three questions submitted to him in his application for security clearance. (Briefly, the questions dealt with whether he was a subscriber to certain Communist publications; whether he had engaged in their sale, distribution, or publication; and whether he had been a member of certain Communist organizations.) His application was denied for this reason and his request for a statement of charges and for a hearing was rejected by the Coast Guard. Graham then brought his case to court.

The court of appeals in *Graham* v. *Richmond* from which the Government made no application for review, although ruling that the questions were proper and relevant, held that the Coast Guard's refusal further to consider the application upon failure to answer the questions, amounted to an outright denial of his application without a full hearing. Previously citing *Greene* v. *McElroy*, *supra*, the court pointed out that it was nowhere provided in the Magnuson Act, in the Executive order, or in the Commandant's regulations, that the failure or refusal to answer certain questions would entitle the applicant to no further consideration; and that therefore the applicant was entitled to a processing of the application in the manner for which the regulations provided, namely, after a hearing upon all the evidence, although in the processing of the application the applicant's refusal to answer certain questions might be a critical factor. This decision was a further blow to the Coast Guard screening program. The Coast Guard could not, in granting hearings, allow, in most cases, the confrontation and cross-examination of confidential witnesses. Now the Coast Guard is back to the situation in *Lester*.

In the hearings referred to above, several of the seamen who were previously denied clearance, but to whom clearance was subsequently granted as a result of these decisions, appeared and testified before the committee. That many of them are active in the Communist conspiracy to destroy our free society, is beyond question. That they constitute a grave danger to the security of the United States should not be doubted. The evidence supports the conclusion that Communists will commit sabotage and espionage under appropriate circumstances; that seamen are in a position to act, and do act, as couriers for the international Communist movement; and that they engage in smuggling of subversive persons into the United States. Admiral Hirshfield testified:

> Anyone familiar with the work of men who follow the sea must agree with the conclusion of the Court as expressed in *Parker* v. *Lester* that merchant seamen are in a sensitive position in that opportunities for serious sabotage are numerous. Furthermore, because of the very nature of their occupation, seamen may be used easily as links in a worldwide Communist communication system and a worldwide espionage network.

Mr. Ray R. Murdock, Washington counsel of the Seafarers' International Union of North America, testified:

> Let me emphasize that, under existing conditions, the shipping industry constitutes a convenient conduit by which subversives from foreign countries can pour into this country. The dangers inherent in this situation cannot be overemphasized.
>
> * * * * * * *
>
> But it must be remembered that the merchant marine is peculiarly vulnerable to sabotage. One skilled man can paralyze a great ship. If we are not able to prevent the infiltration of our merchant marine by subversives, then the hazards become incalculable. If our merchant marine can be paralyzed by sabotage, then all the billions we are spending for defense still leave us woefully unprepared.

From the foregoing recital, it thus becomes apparent that a legislative base should be provided to correct the situation created by *Lester* and similar cases. A personal appearance procedure, specifically authorized by the Congress, that will provide certain reasonable limitations upon the privileges of confrontation and cross-examination, consistent with the interests of national security and individual rights, similar to that established under Executive Order 10865 or in the bill, H.R. 11363, relating to industrial security previously discussed, would seem to offer a solution. It is also necessary to provide by such legislation that any person who wilfully fails or refuses to appear before any agency, officer of the Coast Guard, or other person authorized to make such inquiries under the Magnuson Act, or who wilfully fails or refuses to answer any question under oath pertinent to the inquiry in application for clearance or in any proceeding established under the regulations, shall by that fact be denied security clearance without further proceedings.

H.R. 4469, introduced in the first session of the 87th Congress by Congressman Walter, was offered with the purpose in view of attempting to meet some of the difficulties posed under *Parker* v. *Lester*, and *Graham* v. *Richmond*. This bill was reported out by this committee on February 23, 1961, was passed by the House on March 21, 1961, and referred to the Senate. No final action was taken by the Senate. The committee recommends that a comprehensive program be adopted which would remedy the deficiencies disclosed above.

V. PASSPORTS

(1) The committee recommends the adoption of legislation specifically authorizing the Secretary of State to deny passports to persons whose purpose in traveling abroad is to engage in activities which will further the aims and 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, decided June 16, 1958, in 5–4 divided opinions. The Supreme Court then decided that the Secretary of State, although acting pursuant to his published regulations, was not authorized to deny passports to participants in the Communist movement whose travel abroad would be inimical to our national interests, without specific congressional authorization for the promulgation of such regulations.

Prior to the decision of these cases, the committee recognized the possible weakness in the regulations of the Secretary of State because of the absence of legislative support. In its *Annual Report for the Year 1956*, the committee pointed out that:

> Although recognizing the historic discretion of the Secretary of State to issue, withhold or limit passports under regulations adopted pursuant to Executive orders, the committee believes that the hand of the Secretary should be strengthened by the enactment of legislation expressing the will and intent of the legislative branch of the Government spelled out in direct and positive form.

Dayton's case is notable, and illustrates the problem. He was a native-born citizen and physicist who had been connected with various Federal projects of importance. He applied to the Department of State in March 1954 for a passport to enable him to travel to India for the purpose of accepting a position as research physicist at the Tata Institute of Fundamental Research. His application was denied, based on findings by the Secretary of State that *Dayton* was closely associated with events and persons involved in the nuclear espionage apparatus of Julius Rosenberg, and that his offer of employment in India was obtained through one Bernard Peters, who had held membership in the Communist Party, renounced his American citizenship, and had engaged extensively in Communist activities here and abroad.

The U.S. Supreme Court reversed the action of the Secretary of State in *Dayton's* case, and by its decision opened the floodgates to hundreds of persons whose travel abroad was for the principal pur-

pose of serving the world Communist movement. It was pointed out in the committee's *Annual Report for the Year 1958:*

> The serious consequences of these decisions are indicated by the fact that from the 16th day of June 1958, the date of the rendition of the decisions, to the 7th day of November 1958, the State Department granted passports to 596 persons who have records of activity in support of the international Communist movement. Persons granted passports include individuals trained in Moscow, individuals who have been involved in Communist espionage activity, individuals who have performed Communist functions in countries other than the United States, and, last but not least, Communist Party members, both concealed and open, who owe an undying allegiance to the international Communist conspiracy. When considering the salutary provisions of the Walter-McCarran Act, designed to prevent this country from being overridden by Communist agents from abroad, it is shocking to learn the names of the highly placed Communists in this country who are now permitted to travel indiscriminately in the countries of our Allies, as well as in those of our enemies.

Although the Internal Security Act of 1950, now effective by virtue of the Supreme Court decision of June 5, 1961, contains in section 6 a provision prohibiting members of the Communist Party from making application for a passport or to renew a passport, or to use or to attempt to use any such passport, this section of the Act does not completely solve the problems in this area. The operation of the provisions of section 6 are effective only on proof of the actual Communist Party membership of the individual concerned. Evidence taken before the committee has conclusively demonstrated that many persons, knowingly affiliated with the Communist Party and obedient to its directives, have not assumed provable membership. Indeed since the filing of the Mundt-Nixon bill in 1948, a precursor of the Internal Security Act, the Communist Party has operated largely underground, no longer issues membership cards, entertains and encourages spurious "resignations" from party membership, and maintains strict security practices with respect to its membership. Following the Supreme Court decision of June 5, 1961, in the *Communist Party* case, upholding the registration and disclosure provisions of the Internal Security Act of 1950, the party has indeed gone more deeply underground than before.

Proof of membership at the time of application for a passport, required by section 6 of the Internal Security Act, is seldom a practical venture on the part of the Government. The same difficulties will be faced as under section 159(h) of the Taft-Hartley Act (29 U.S.C. 159). Therefore, it is imperative that legislation be adopted to empower the Secretary of State, in cases where he has good cause to believe that persons are traveling abroad in support of the objectives of the Communist conspiracy, to deny a passport to such persons. It is intolerable that an applicant who seeks to travel for such purposes

should receive from a government he seeks to injure and destroy, a recommendation of character and protection which a passport implies.

Several bills on this subject have been offered in both the House and the Senate. Most recently, Congressman Walter introduced H.R. 6 (sec. 409), in the first session of the 87th Congress, seeking to remedy this serious deficiency in the legislative effort to provide a base for executive action.

(2) There are other deficiences in relation to passports which demand attention. The procedures adopted by the Department of State to implement section 6 of the Internal Security Act of 1950 seem to invite congressional clarification. The regulations issued January 12, 1962, do not require an applicant for a passport to submit a written application setting forth a statement with respect to his membership in the Communist Party. The failure to require such a statement preliminary to acting on an application, appears to be in contravention of the act of June 15, 1917 (22 U.S.C. 213), an act which specifically provides that, before a passport is issued to any person by or under the authority of the United States, such person shall subscribe to and submit a written application under oath or affirmation containing a recital of every matter of fact required by law to be stated as a prerequisite to the issuance of any such passport. Since section 6 of the Internal Security Act of 1950 forbids the application by, or issuance of any passport to, a member of the Communist Party, it is incomprehensible that the Department of State should not require a written application containing a statement with respect to membership in such Communist organizations as are specified in section 6 of the Internal Security Act.

The regulations adopted by the Department simply provide that an application be made, and if denied the applicant is entitled to a hearing, at which time the Government is required to go forward with the evidence and to show upon what basis the denial was made, informing the applicant of the source of all evidence upon which the Secretary relies, and imposing a duty to confront the applicant with, and to afford him the opportunity to cross-examine, all adverse witnesses. It is thus quite clear that an applicant, perhaps merely on a fishing expedition, not desirous in fact of traveling abroad but merely seeking to determine how much the Government knows about his membership, will be permitted freely to ascertain this fact, and unless the Secretary is willing to permit Communists and their attorneys to rifle the confidential files of the FBI, the CIA, and other investigative agencies, he must grant the passport application, without any prior statement of the applicant, made under the pains and penalties of perjury, setting forth those facts which would entitle him to receive a passport, namely, that he is not a member of the Communist Party.

It would thus seem that legislation is essential to activate compliance with the act of June 15, 1917, by specifically providing that the applicant shall make a declaration relating to his party membership. Secondly, for the protection of our intelligence activities, it is necessary to provide for a limited hearing procedure such as that established under Executive Order 10865, and in H.R. 11363, previously discussed under the Industrial Security Program, which will balance the interests between the rights of the individual and the

overriding requirements and demands of national security, which indeed is the security of all.

The weakness and defects in the Department of State passport regulations of January 12, 1962, were pointed up when witnesses from the State Department testified at a hearing conducted jointly by subcommittees of this committee and the Judiciary Committee on January 15, 1962. On January 18, 1962, following this hearing, Congressman Walter introduced H.R. 9754, which was designed to remedy the defects in the State Department's passport regulations.

The committee is continuing its study of the security aspects of the passport problem with the view of recommending further remedial legislation.

VI. SURVEILLANCE BY TECHNICAL DEVICES—WIRETAPPING

The committee has repeatedly recommended legislation authorizing the interception and divulging of communications by wire or radio, under appropriate circumstances and safeguards, in the conduct of investigations and for the prevention and prosecution of crime, particularly those relating to activities or offenses involving the national security. Because of the status of existing law, many offenses go undetected or unpunished that are of serious consequence to the national security. The urgency of legislation of this type is again emphasized.

Moreover, it is the view of the committee that State officials, as well as Federal, within reasonable limitations, should be authorized to acquire and intercept communications for such purposes. 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 either authorized pursuant to the statutes of such State for the purpose of enforcing certain serious and selected criminal laws of the State, or when done in cooperation with Federal officials in the enforcement of laws involving the national security. In view of the fact that enforcement of local law with respect to State offenses is constitutionally committed to the States, it would seem that each State should be free to exercise the constitutional privilege of determining its own public policy with respect to the prevention of crimes and enforcement of laws committed to its jurisdiction.

The committee advocates legislation designed to give law enforcement such means of accomplishing its purposes as are consistent with the scientific and technological progress of this modern age, and to relieve it of the handicap of being forced to operate with the tools of the horse-and-buggy era.

Wiretapping does not involve the introduction of any new or unusual principle of law enforcement. Is it, for example, to be distinguished from the policeman on the beat who makes personal observation of the conduct and activities of persons under suspicion, or the old-fashioned eavesdropping of the detective in public places? The telephone and radio are largely public utilities, which extend beyond the privacy of one's dwelling, and should present no particular privileges or haven for the conduct of activities inimical to the national welfare. It seems clear that the Communications Act of 1934 must be modified so that law enforcement is brought abreast of modern techniques utilized by

the criminal of today. We cannot assume that this privilege would be abused by public officials in any greater degree, if at all, than other privileges might be abused. And should an official abuse a privilege, the obvious remedies exist in this case as in others. Is it expected that law enforcement officers should be confined to the practice of clairvoyance and palmistry for the detection of crime? Legislation on this subject has long been overdue.

VII. NATIONAL SCIENCE FOUNDATION

It is recommended that the National Science Foundation Act of 1950 be further amended, so that in addition to matters provided in Public Law 87–835 of the 87th Congress (H.R. 8556), the following provisions be included:

With respect to the provision of Public Law 87–835 of the 87th Congress, making it unlawful for any person to make application for a scholarship or fellowship who is a member of any Communist organization registered or required to register by final order of the Subversive Activities Control Board, the provision should be extended to make it unlawful for any person to make an application for such scholarship or fellowship who has been a member of any such organization since the date on which it has registered or been ordered to register by final order, or who has been a member of such organization within a period of 5 years from the date of such application, whichever period is shorter.

In addition to the above amendment to Public Law 87–835, a further provision should be included relating to grants to institutions for projects contracted by the Foundation, making it unlawful for any person to receive such funds from the institution for the conduct of research unless the institution obtained from such person an oath or affirmation of allegiance and statement regarding any crimes committed or criminal charges pending, as is required of an applicant for a fellowship or scholarship, and making it unlawful for such person to receive or apply for funds from such institution if such individual is a member of a Communist organization registered or required to register as before mentioned, or has been a member of such organization within 5 years past or from the time that such organization was registered or required to register, whichever period is the shorter.

The National Science Foundation was created by act of Congress in 1950, which declared its purpose "to promote the progress of science, to advance the national health, prosperity and welfare, to secure the national defense, and for other purposes." Among other powers, the Foundation was given authority to award fellowships and scholarships to deserving science students, and also grants to institutions for scientific research projects.

Members of the 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, Yellin had been identified as a member of the Communist Party by a former FBI undercover operative who testified before this committee in its investigations of Communist infiltration of basic industry. The testimony described Yellin as one of a number of well-trained, educated young Communist colonizers sent into the steel industry in an effort by the Communist Party to infiltrate the labor movement.

In those hearings, Yellin refused to testify, invoking the protection of the first amendment to questions relating to his employment, his 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, he was convicted of contempt of Congress, fined $250, and sentenced to 1 year in prison. His conviction was upheld by the court of appeals on February 16, 1961, a month before the National Science Foundation announced the award of a scholarship to him.

Following this committee's disclosure, in early June 1961, of the 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, Chairman Brooks of that committee introduced H.R. 7806, a bill designed to prevent the award of fellowships and scholarships to persons such as Edward Yellin. This bill was superseded by a new bill, H.R. 8556, introduced by Chairman Brooks on August 8, 1961, which was favorably reported by the Committee on Science and Astronautics, passed by the House, favorably reported by the Senate Committee on Labor and Public Welfare, and enacted into law on October 16, 1962, as Public Law 87–835.

H.R. 8556 as enacted into law, 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 was made unlawful for any person to apply for a Foundation scholarship or fellowship if he is a member of a Communist organization ordered to register in accordance with the Internal Security Act of 1950, with knowledge of such order. The bill also included a provision authorizing the Foundation to refuse or revoke a scholarship or fellowship award if the Board is of the opinion that such award is not "in the best interests of the United States".

H.R. 8556, as enacted into Public Law 87–835, requiring a full statement of all crimes charged or pending against an applicant, would very likely have been effective in preventing an award to Yellin, for the Foundation officials had declared that they were totally unaware of Yellin's conviction for contempt of Congress or of the charges relating to his membership in the Communist Party. However, it is not believed that the act will be effective in accomplishing its purpose of preventing awards to Communist Party members by the simple requirement that it shall be unlawful for a member of a Communist organization to make application for a scholarship or fellowship award.

This committee has had abundant experience under similar provisions of the Taft-Hartley Law (Labor Management Relations Act of 1947, 29 U.S.C. 141, 159(h)), which denies the benefit of the law to a labor organization unless its officers have filed affidavits disclaiming membership in, or affiliation with, the Communist Party. This provision has been repeatedly circumvented by officers of labor organizations who were in fact members of the Communist Party, but executed technical resignations from membership the day or moment before the affidavit was executed. Similarly, in appear-

ances of Communists before this committee, the committee has frequently found that in response to questions relating to membership in the Communist Party, they have denied such membership, but when asked if they had resigned technical membership immediately prior to their appearance on the witness stand, they invoked the fifth amendment privilege. It is therefore essential, if any such provision is to be effective relating to membership, that a reasonable period of time be fixed prior to and including the date of the award. It has also been found that many persons who are under the discipline of the Communist Party, and who perform all of the activities of actual membership, are in a security or underground status in the party, having severed technical or formal membership. The time element relating to membership is important with respect to actual present membership. The committee recommendation set forth in this section will go a long way toward obviating these problems.

The present act is also defective because of its failure to deal with the situation relating to grants to institutions, which in turn engage individuals to conduct contracted work. The investigations of the committee pointedly reveal the circumstances. Columbia University, for example, received a grant of $4,500 from the National Science Foundation in 1956, and placed its project under the direction of Prof. Harry Grundfest. In 1958, Columbia University received another grant of more than $75,000 for a second project to be supervised by him. This was the same Harry Grundfest who continued to serve on the boards of directors of two organizations that 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 in 1953 when questioned about Communist Party membership by a Senate committee investigating subversion in the Army Signal Corps; who on October 2, 1961, pleaded the fifth amendment to similar questions in an executive session of the Committee on Un-American Activities, 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.

Dr. Alan T. Waterman, Director of the National Science Foundation, when questioned on October 25, 1961, about the grants made to Columbia in Grundfest's behalf, claimed that the Foundation had no knowledge of the professor's Communist affiliations.

In 1957, the Foundation awarded a 2-year grant of $9,800 to Philander-Smith College in Little Rock, Ark., 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 by at least three colleges before the Foundation approved the grant for his project at Philander-Smith.

Dr. Waterman claimed that the National Science Foundation had none of this information about Dr. Lee Lorch at the time the grant was awarded to Philander-Smith.

This situation relating to grants is not even partially covered in the National Science Foundation Act, as amended, as of this day. It is therefore essential to make provision in the law for such purpose. Such provision may well take the form suggested in the recommendation.

(For full discussion of the National Science Foundation investigation, see *Annual Report for the Year 1961*, House Committee on Un-American Activities, p. 93.)

VIII. SMITH ACT

The need for clarification of congressional intent with respect to the terms "advocate," and "teach" as used in the Smith Act of 1940, is indicated by the decision of the Supreme Court in the case of *Yates* v. *United States*, 354 U.S. 298, (1957).

The Smith Act, as amended, provides that:

> Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or
>
> Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or
>
> Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—
>
> Shall be fined not more than $20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department, or agency thereof, for the five years next following his conviction.
>
> If two or more persons conspire to commit any offense named in this section, each shall be fined not more than $20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. (18 U.S.C. 2385)

Prior to June 17, 1957, the date *Yates* v. *United States* was decided, and following the adoption of the Smith Act in 1940, the Department of Justice prosecuted 146 leading Communist Party functionaries for violation of the Smith Act. Of this number, a total of 109 party members were convicted at trial in the district courts of the Nation. Of the total of 109 persons convicted, only 38 convictions were sustained on appeal or certiorari. The bulk of the convictions were reversed as a consequence of the principles enunciated in *Yates* v.

United States, a decision which dealt a severe blow to the effectiveness of the Smith Act, hitherto the principal and most effective legislation aimed toward the containment of the Communist conspiracy within the United States. It is significant that not one single Smith Act prosecution has been instituted by the Department of Justice since the decision in that case of June 17, 1957. If the Smith Act is to again become one of the most effective weapons against the Communist conspiracy, it is vital that the Congress strengthen the act by the adoption of legislation which would renew its effectiveness.

The *Yates* case was a prosecution charging 14 leaders of the Communist Party with conspiring to advocate and teach the duty and necessity of overthrowing the Government of the United States by force and violence, and to organize as the Communist Party of the United States a society of persons who so advocate and teach with the intent of causing the overthrow of the Government by force and violence as speedily as circumstances would permit. The 14 defendants were convicted at trial and each of them was sentenced to 5 years imprisonment and a fine of $10,000. The court of appeals affirmed. Upon grant of certiorari by the Supreme Court the convictions were reversed. Although a new trial was awarded as to some of the defendants, the Department of Justice was unable to prosecute in view of the principles enunciated in *Yates*, and abandoned the prosecutions.

In the district court, at trial of the defendants in *Yates*, the trial court had clearly charged that the holding of a belief or opinion did not constitute advocacy or teaching; that the Smith Act did not prohibit persons who may believe that the violent overthrow of the Government is probable or inevitable from expressing that belief; and that any advocacy or teaching which did not include the urging of force or violence as the means of overthrowing the Government was not within the issue of the indictment. The trial court further told the jury that:

> The kind of advocacy and teaching which is charged and upon which your verdict must be reached is not merely a desirability but a necessity that the Government of the United States be overthrown and destroyed by force and violence and not merely a propriety but a duty to overthrow and destroy the Government of the United States by force and violence.

Yet the majority of the Supreme Court reversed a trial of 4 months' duration and held that this charge was inadequate; that the court should have added expressions that such advocacy and teaching must be "a call for action" and done—

> "with the intent that such teaching and advocacy be of a rule or principle of action and by language reasonably and ordinarily calculated to incite persons to such action * * *."

This is certainly a distinction without a difference. A flyspeck had been found on the bay window. Is not the imposition of a duty a call to action and a "principle" of action? It is stronger: it imposes an obligation to act. Is not the advocacy of that duty, as necessity, together with the *urging* of force and violence, an intentional incite-

ment? This was, in effect, long ago recognized by Justice Holmes, who wrote:

> It is said that this manifesto was more than a theory, that it was an incitement. It offers itself for belief and if believed it is acted on unless some other belief outweighs it or some failure of energy stifles the movement at its birth. The only difference between the expression of an opinion and an incitement in the narrower sense is the speaker's enthusiasm for the result. (*Gitlow* v. *New York*, 268 U.S. 652, at p. 673.)

But, it must be emphasized, the trial court went further and required the jury to find an advocacy of duty, the advocacy of necessity to overthrow by force and violence and an *urging* of force and violence, which in the common understanding of the English language is obviously more than an expression of opinion or of abstract doctrine.

In dissenting, Mr. Justice Clark pointed out that the majority decision in *Yates* was "an exercise in semantics and indulgence in distinctions too 'subtle and difficult to grasp'." Reminding the court that the conspiracy in *Yates* included the same group of defendants as in *Dennis* v. *United States*, 341 U.S. 494 (1951), and *United States* v. *Flynn*, 216 F. 2d 354 (1954), although the defendants in *Yates* occupied a lower echelon in the party hierarchy, and reminding the majority that the convictions in *Dennis* and *Flynn* were based upon evidence closely paralleling that in *Yates*, he found the decision in *Yates* incomprehensible. He said:

> I thought that *Dennis* merely held that a charge was sufficient where it requires a finding that "the Party advocates the theory that there is a duty and necessity to overthrow the Government by force and violence . . . not as a prophetic insight or as a bit of . . . speculation, but as a program for winning adherents and as a policy to be translated into action" as soon as the circumstances permit.

An example of the result of the *Yates* decision was a reversal in 1958 of the prior conviction of six second-rank Communist leaders for violation of the Smith Act, on appeal to the circuit court of appeals in the case of *United States* v. *James E. Jackson, et al.*, C.C.A. 2d, 1958, 257 Fed. 2d 830. This decision was based upon the so-called call-for-action test laid down by the Supreme Court of the United States in the *Yates* case. In commenting upon the holding in *Yates*, the court stated:

> In distinguishing this extremely narrow difference between the advocacy or teaching which constitutes a violation and that which does not, the Supreme Court said: "The essential distinction is that those to whom the advocacy is addressed must be urged to *do* something, now or in the future, rather than merely *believe* in something."

In the *Annual Report for the Year 1958*, this committee noted the holding in *United States* v. *James E. Jackson, et al.*, and we now repeat what we then said:

> The committee is of the opinion that the Supreme Court of the United States in the *Yates* case, in attempting to con-

> strue the terms "advocate" and "teach" as terms of art, wholly failed to ascertain the obvious intent of Congress as disclosed by the customary meaning of those terms when used in conjunction with the terms "duty" and "necessity" as used in the act. The question of whether advocacy and teaching of the *duty* and *necessity* of overthrowing the Government by use of force and violence constitutes mere advocacy and teaching of an abstract doctrine or whether it is advocacy or teaching directed at promoting of unlawful action, was neither considered nor decided by the Court in the *Yates* case. To construe the terms "advocate" and "teach" out of the context in which they were used could only result in doing violence to the plain intent of Congress in the use of those terms.

The committee considers it essential that the Smith Act be buttressed by the adoption of appropriate legislation toward that end. The chairman of the committee on August 5, 1958, offered an amendment to Title 18, U.S.C., Section 2385, which sought to clarify congressional intent by defining the terms "advocate," "teach," "duty," "necessity," "force," and "violence," as used in that section. An identical bill, H.R. 1991, was offered by the chairman on January 9, 1959, in the 86th Congress. Mr. Walter repeated this recommendation in section 305 of H.R. 6, in the 87th Congress.

IX. BAIL

The committee recommends that legislation be adopted to provide a stricter standard for the granting of bail to defendants in criminal cases (particularly cases involving violations of security legislation) after conviction and pending appeal or certiorari.

The recommendation is advanced with the hope that the numerous cases of bail jumping, such as that of Robert A. Soblen, of recent notoriety, and the several instances of convicted Smith Act defendants, can be mitigated.

The purpose of bail is to permit the enlargement of the defendant after his arrest and prior to final adjudication of his guilt, while assuring his appearance when called upon in the course of the prosecution. The present rule relating to post-conviction bail, adopted by the Supreme Court in 1956, authorizes the granting of bail on appeal or certiorari unless it appears that the appeal is frivolous or taken for delay. The burden of persuasion by the present rule is imposed upon the Government to show that the appeal is either frivolous or dilatory in nature. It is proposed that legislation be adopted that would restore the restrictive standard established under the Federal Rules of Criminal Procedure in 1946 and maintained until the change adopted in 1956. The 1946 rule imposed the burden of persuasion on the defendant to show that his appeal or application for certiorari was neither frivolous nor dilatory, and only upon such showing was he then entitled to bail after trial and conviction. On September 6, 1962, Chairman Walter introduced H.R. 13068 which embodies the committee's recommendations.

H.R. 13068 deals only with the regulation of the granting of bail to the defendant after conviction and pending review. It does not affect the Federal rules as they exist relating to preconviction bail. The common law, as applied both in England and the United States, has

likewise made the reasonable distinction between the situations which exist before and after conviction, and certain principles have evolved with respect to the two distinct situations noted. So that what the committee recommends and what the bill seeks to accomplish may be viewed in perspective, it would seem desirable briefly to consider the practice and law as it relates to the pre- and post-conviction granting of bail, at common law and under existing Federal rules.

First: the preconviction period. At common law, the granting or refusing of bail was, in all cases, a matter held to rest within the sound discretion of the court. However, the discretion exercised by the court in granting or refusing bail for the preconviction period was not an arbitrary but a "judicial discretion," governed by established rules and bounded by precedent and reason. These rules have sometimes blurred the line as to whether the particular action in granting or refusing bail was a "matter of right" or a "matter of discretion." In the absence of special reasons, the courts granted bail for all offenses charged, except for capital offenses or in cases of felony, in which cases bail was refused unless the weight of the evidence pointed to the defendant's probable innocence. In capital cases and felonies, the burden of persuasion was placed upon the accused to produce evidence pointing to his probable innocence in bail applications. All offenses were bailable before the finding of an *indictment.* But whereas prior to a finding of indictment the presumption was in favor of bail, after the finding of indictment the presumption appeared to be against it, particularly in serious cases punishable by imprisonment. Although these rules have not been uniformly applied, it should be noted that the exercise of the court's discretion, as the rules appear to regulate it, whether for or against the granting of bail, was determined by the status of the prosecution, the type of the offense, the strength of the evidence, and other relevant circumstances, including the character and means of the defendant.

In the Federal courts today, bail prior to conviction is regulated by the rules of Federal procedure which declare that bail is a matter of right for a person arrested for any offense not punishable by death, and in capital cases a matter resting in the sound discretion of the court. Apart from capital cases, the discretion of the court is exercised only to the extent of determining the amount of the bail, and the Federal rules do not, in cases of bail before conviction, except in capital cases, distinguish between types of offenses, whether felonies or misdemeanors, nor is the court concerned whether indictment has or has not been found at the time of application for bail.

Second: post-conviction bail. After conviction there was no "right" to bail at common law, although this may be largely explained by the fact that there was then no right to appeal after conviction. The remedy to obtain a review of the conviction was by writ-of-error, but the granting of this writ was a matter of grace and not a matter of right. However, there are instances at common law where, particularly in the case of petty misdemeanors, and upon special allowance of the Attorney General, the defendant was admitted to bail after conviction and pending disposition of such review as was allowed under writ-of-error.

Today in the Federal courts, the defendant may appeal his conviction as a matter of right and may make application for writ of certiorari to the Supreme Court. The Federal Rules of Criminal

Procedure consequently provided for the granting of bail after conviction and pending review. But the allowance of bail by the Federal procedure after conviction, unlike the allowance before conviction which is a matter of right, except in capital cases, becomes now a matter of discretion. The present Federal Rule 46(a)(2) provides that "Bail may be allowed pending appeal or certiorari unless it appears that the appeal is frivolous or taken for delay." This rule in effect mandates the courts to grant bail to the defendant pending appeal or certiorari, unless the Government meets the burden of showing that the appeal is frivolous or taken for delay. It is thus also clear that the allowance of post-conviction bail is a "discretionary" power.

While it seems right that the allowance of post-conviction bail should be a discretionary power, the serious and more difficult question is posed: "What shall be the limitations regulating its exercise?" It is here that an adjustment must be made between the conflicting social interests which, on the one hand, express a reluctance to compel a person to undergo confinement or punishment until he has exhausted all legal remedies, and on the other hand, those interests which for the good order of society require the prompt punishment of the guilty—and his availability for punishment when the review procedures are concluded. The record of bail jumping in serious cases, which has both concerned the public and in some instances embarrassed the Government, tending to bring the administration of justice into disrepute, compels the conclusion that an application of the presently existing Federal rule, or its administration, does not seem always to effect the ends of justice or policy.

The Federal Rules of Criminal Procedure, when first adopted in 1946, provided that "Bail may be allowed pending appeal or certiorari only if it appears that the case involves a substantial question which should be determined by an appellate court." It is this rule which the committee recommends be re-established by legislative action. The 1946 rule did not remove the granting of bail from the area of discretion, but it was clear that the appellant was not entitled to bail after conviction, as a matter of right or of discretion, unless he demonstrated that his appeal or certiorari involved a substantial question that would justify the appeal. The presumption thus appeared to be against the granting of bail after conviction, unless the defendant persuaded the court that his appeal or certiorari had legal merit.

However, in 1956, the Supreme Court, for reasons which do not appear, took action, in which the Department of Justice was apparently not invited to participate, amending the court's rule and established a liberalized allowance for the granting of bail after conviction. The 1956 rule, which prevails as Rule 46(a)(2), provides that "Bail may be allowed pending appeal or certiorari unless it appears that the appeal is frivolous or taken for delay." By this rule, the convicted defendant is relieved of the necessity of establishing eligibility for bail. The burden is now removed from him and placed upon the Government to demonstrate that the appeal or certiorari is frivolous or taken for delay. When no other compelling discretionary reasons exist for the denial of bail (such as evidence that the defendant is about to abscond), and the degree of legal merit to the appeal becomes the sole criterion for admission to bail,

legal merit is presumed. Bail is granted as a matter of course unless the Government has persuaded the court that the appeal or certiorari is taken for insubstantial reasons.

While one's sense of justice may abhor the thought that, prior to conviction, bail should be generally denied, except possibly in capital cases, the defendant's conviction after full and normally fair trial should alter the situation. The verdict of the jury has in most cases and in great part, if not entirely, dissipated the presumption of innocence attending the defendant before conviction. After conviction there is not only the social urgency in the prompt execution of sentence, with its deterrent effect, but the problem of assuring the appearance of the defendant pending review. The panic attendant upon conviction, particularly after sentence to prison for an extended period, or for life, creates additional problems, as in the case of Robert A. Soblen, who was sentenced to life imprisonment on charges of conspiracy to commit espionage as a member of a Soviet espionage ring. He was released on bail pending certiorari and escaped the country. The panic and frustration experienced by a defendant after conviction in the trial court is further fed by the sometimes seemingly interminable delay in the disposition of review proceedings.

Although it seems to be the universal practice of courts to increase bail after conviction and pending review, this is obviously not a solution to the problem where the crime is heinous and the sentence severe. Moreover, an increase of bail, or bail in a substantial amount, serves only to redound to the benefit of a very few selected individuals who are capable of raising it, and only highlights the inequities visited upon the destitute and the friendless, who cannot furnish such bail. This has been particularly the situation with respect to leaders of the Communist conspiracy who have access to resources not available to the overwhelming majority of convicted persons. Nor is it an answer to the problem to suggest a revision of the practices of criminal justice to eliminate delay in the disposition of prosecutions, and review proceedings, which to date we seem incapable of accomplishing. It is therefore clear that the only rational and fair solution to the question of bail after conviction, should rest basically and primarily upon an assessment of the legal merit of the appeal.

Prior to concluding, it may be well to present an analysis of the bill, H.R. 13068, as it relates to the committee recommendation. As has already been pointed out, the principal effect of the bill would be to restore the Federal rule relating to the granting of post-conviction bail pending review, which existed prior to 1956, and as established in 1946 upon the formulation of the Federal Rules of Criminal Procedure. However, the bill further alters the present procedure in two other respects.

First, pending appeal to the court of appeals an allowance of bail may be made only by a trial judge and by the court of appeals or any judge thereof. Practice hitherto has been to include the circuit justice (a Justice of the Supreme Court) among those who may admit to bail on appeal to the court of appeals. The bill would delete the circuit justices for the reason that it would appear that on appeal to the court of appeals the matter is for disposition by that court. To authorize a Supreme Court Justice to pass upon the issue whether a substantial question exists on appeal to the court of appeals, would constitute an unnecessary involvement by the Supreme Court, or a

Justice thereof, with a matter pending for disposition before a court of appeals which under the statutory appeal system is required to make an independent appraisal of the case.

The final point of the bill would effect an immediate termination or revocation of bail upon affirmance of conviction by the court of appeals, or upon denial of certiorari by the Supreme Court. The object of this is to prevent the continuance of bail after such affirmance or denial and pending petitions for rehearing, or other dilatory motions, and the issuance of mandates in appellate courts upon the judgment. This provision of the bill would make it possible for the defendant to be taken into custody immediately upon affirmance or denial of certiorari, and will preclude the escape of the defendant at that critical juncture following the affirmance of conviction or denial of certiorari.

CHAPTER VII

CONTEMPT PROCEEDINGS

During the year 1962, the committee made no recommendation to the House of Representatives for contempt citation of any witness who had appeared before it.

CASES PENDING

The following cases are presently awaiting trial in various U.S. district courts:

Norton Anthony Russell
John T. Gojack
Harvey O'Connor
Frank Grumman
Bernard Silber
Robert Lehrer
Victor Malis
Alfred James Samter

Norton Anthony Russell, *John T. Gojack*, *Frank Grumman*, and *Bernard Silber*, whose contempt convictions were reversed by the Supreme Court in May and June of 1962 (see Supreme Court Cases, below), were reindicted. Their cases have not yet been set for trial in the district court.

Harvey O'Connor was also reindicted for contempt of Congress in refusing to respond to a congressional subpena to appear before a subcommittee of the Committee on Un-American Activities. A trial date has not been set.

The cases of *Robert Lehrer*, *Victor Malis*, and *Alfred James Samter*, arising from the Gary, Ind., hearings, have not proceeded beyond indictment and no trial dates have been set.

SUPREME COURT CASES

The Supreme Court of the United States on May 21, 1962, reversed the convictions of *Norton Anthony Russell*, *Robert Shelton*, *Alden Whitman*, *Herman Liveright*, *William A. Price*, and *John T. Gojack*, contempt of Congress cases heard together. The *Russell* and *Gojack* cases arose from hearings before the Committee on Un-American Activities, and the remainder grew out of hearings before the Internal Security Subcommittee of the Senate Judiciary Committee.

Each of the indictments, following the practice consistently employed for many years, charged the elements of the offense in the language of the statute. A majority of the Court, with Justices Clark and Harlan dissenting, held that the indictments were defective because of the absence of an allegation stating the specific subject under inquiry.

Comments by the dissenting Justices are of value in assessing the effect of this unprecedented decision. Justice Clark, in criticizing the majority opinion, stated:

> The statute under which these cases were prosecuted, 2 U.S.C. § 192, was originally passed 105 years ago. Case after case has come here during that period. Still the Court is unable to point to one case—not one—in which there is the remotest suggestion that indictments thereunder must include any of the underlying facts necessary to evaluate the propriety of the unanswered questions. * * * In requiring these indictments to "identify the subject which was under inquiry at the time of the defendant's alleged default or refusal to answer," the Court has concocted a new and novel doctrine to upset congressional contempt convictions. A rule has been sown which, as pointed out by Brother HARLAN, has no seeds in general indictment law and which will reap no real benefits in congressional contempt cases. If knowing the subject matter under investigation is actually important to these recalcitrant witnesses, they can utilize the right recognized in *Watkins* v. *United States*, 354 U.S. 178 (1957), of demanding enlightenment from the questioning body or the time-honored practice of requesting a bill of particulars from the prosecutor. Let us hope that the reasoning of the Court today does not apply to indictments under other criminal statutes, for if it does, an uncountable number of indictments will be invalidated. If, however, the rule is only cast at congressional contempt cases, it is manifestly unjust.

Justice Harlan stated:

> The reasons given by the Court for its sudden holding, which unless confined to contempt of Congress cases bids fair to throw the federal courts back to an era of criminal pleading from which it was thought they had finally emerged, are novel and unconvincing.

The Justice further stated:

> * * * I am unable to rid myself of the view that the reversal of these convictions on such insubstantial grounds will serve to encourage recalcitrance to legitimate congressional inquiry, stemming from the belief that a refusal to answer may somehow be requited in this Court.

Subsequently, on June 18, 1962, the Supreme Court, by a per curiam opinion, reversed the conviction of *Frank Grumman*, a former radio operator for R.C.A. Communications, Inc., on the basis of the decision in the *Russell* case, Justices Clark and Harlan dissenting for the reasons stated in their dissenting opinions in the latter case.

On June 25, 1962, the Supreme Court, in a per curiam opinion, also reversed the conviction of *Bernard Silber* on the basis of the earlier *Russell* decision. Notwithstanding the fact that the so-called defect in the indictment was not called to the attention of the court of appeals and was neither briefed nor argued in the Supreme Court, the Supreme Court of its own motion took notice of the alleged omission in the indictment under revised rules of the Supreme Court of the

United States. As in the *Russell* case, Justices Clark and Harlan dissented. On June 25, 1962, the Supreme Court reversed the conviction of Louis Earl Hartman.

CIRCUIT COURT OF APPEALS CASES

The conviction of *Peter Seeger*, an entertainer, in the District Court for the Southern District of New York, was reversed by the Circuit Court of Appeals for the Second Circuit in a decision handed down on May 18, 1962. The majority of the court held "that the indictment was defective because it failed to properly allege the authority of the subcommittee to conduct the hearings in issue, and to set forth the basis of that authority accurately." In the minority opinion, the indictment was held to be sufficient, but the dissenting judge, concurring in the result, held proof was lacking in the trial that the committee had vested its authority by proper resolutions in a subcommittee. The court did not reach the constitutional questions raised by the defendant.

The conviction of *Martin Popper*, former secretary of the National Lawyers Guild and a practicing attorney in the city of New York, was reversed by the U.S. Court of Appeals for the District of Columbia, on July 5, 1962. The court, in a per curiam opinion, stated:

> Bound as we are by the recent decisions in the United States Supreme Court in *Russell* v. *United States* and related cases, 369 U.S. 749, 779, 781, 82 S. Ct. 1038, 8 L. Ed. 2d 240, we reverse the judgment of the District Court.

Other points raised by the appellant were not passed on.

The conviction of *Edward Yellin* for his refusal to answer pertinent questions in the Gary, Ind., hearings was sustained by the U.S. Court of Appeals for the Seventh Circuit. A petition for a writ of certiorari to that court was granted and the case was argued before the Supreme Court on December 13, 1962.

DISTRICT COURT CASES

A motion to dismiss, on jurisdictional grounds, the 12 cases arising from hearings conducted in Puerto Rico in 1959, was sustained by the U.S. District Court for the District of Puerto Rico and an order was entered on September 5, 1962, dismissing the indictments in those cases. Although the term, "United States," may be used in any one of several senses, the court was of the opinion that Congress used the term in a geographical sense when it authorized the committee to conduct hearings "within the United States." On the basis of this reasoning, the court held that the conduct of investigations by this committee is limited to the States of the Union by the express terms of the committee's enabling act. The court wholly rejected the Government's contention that House Resolution 137, January 26, 1959, authorizing payment of expenses incurred by the committee for employment of experts, special counsel, investigators, and clerical help outside the continental limits of the United States constituted an authorization for the committee to hold hearings outside the continental limits.

The court made it clear that his action had nothing to do with the sovereign power and right of Congress to conduct investigations in Puerto Rico under what it termed properly authorized conditions.

CHAPTER VIII

THE RETIREMENT OF REPRESENTATIVES GORDON H. SCHERER AND MORGAN M. MOULDER

The following resolution of commendation for the Honorable Gordon H. Scherer, of Ohio, and the Honorable Morgan M. Moulder, of Missouri, was adopted unanimously by their fellow members of the Committee on Un-American Activities at an executive meeting of the committee on September 26, 1962:

> Whereas, the Honorable Gordon H. Scherer has announced his intention to retire from the House of Representatives of the United States after serving the First Congressional District of Ohio with distinction for 10 years; and
>
> Whereas, he is the able and ranking minority member of the Committee on Un-American Activities, on which he has served faithfully and well during his entire tenure in the Congress; and
>
> Whereas, he has at all times revered, defended from all enemies and tirelessly promoted those characteristics of freedom which have given this Nation the most cherished and lasting independence the world has ever known; and
>
> Whereas, his indomitable spirit and wise counsel will be sorely missed by the 88th Congress; and
>
> Whereas, the Honorable Morgan M. Moulder declined to seek reelection to the House of Representatives after serving the Eleventh District of Missouri with distinction for 14 years; and
>
> Whereas, he brought to the committee valuable experience gained by years of work as a judge and also a keen insight into the aims of the Communist conspiracy; and
>
> Whereas, his loss to the committee will be keenly felt: Now, therefore, be it
>
> *Resolved*, That the members of the Committee on Un-American Activities extend their deep appreciation to Gordon H. Scherer and Morgan M. Moulder for their many years of truly outstanding service to this committee and wish them a most rewarding future in all endeavors they may pursue.

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