

**COERCION AND DISSENT:  
Case Studies in McCarthyism in the USA, 1953**

by

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## TABLE OF CONTENTS

<i>INTRODUCTION</i> .....	1
<i>Literature review</i>	
<i>McCarthy's tactics</i>	
<i>The basis for selection of witnesses</i>	
<i>CHAPTER 1</i>	
BIOGRAPHIES OF WITNESSES AND MEMBERS OF THE PERMANENT SUBCOMMITTEE.....	29
<i>CHAPTER 2</i>	
USING THE FIFTH AMENDMENT.....	52
<i>Background</i>	
<i>Witness options</i>	
<i>Witnesses' use of the Fifth Amendment</i>	
<i>Helen Lewis</i>	
<i>Clarence Hiskey</i>	
<i>Julius Reiss</i>	
<i>Conclusion</i>	
<i>CHAPTER 3</i>	
VICTIMS OF THE COMMITTEE.....	85
<i>Professor Naphtali Lewis</i>	
<i>Helen Lewis</i>	
<i>Stanley Berinsky</i>	
<i>Conclusion</i>	
<i>CHAPTER 4</i>	
OFFERING RESISTANCE.....	117
<i>Abraham Unger</i>	
<i>Margaret Webster</i>	
<i>Aaron Copland</i>	
<i>CONCLUSION</i> .....	158
<i>SOURCES</i> .....	166

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# ***INTRODUCTION***

So much has already been written on McCarthyism. Why then bother with yet more research into this era? It is an important question to ask, because for me, the study of history needs to have relevance to the present to give it meaning.

The McCarthyist era is profoundly relevant because in a way some its worst key components still prevail today. The overwhelming fear of a threat to national security is still causing individual rights, upon which the US Constitution was founded, to be trampled on or ignored with the tacit approval of those in power. Examples are: attacks on many law-abiding Muslims after the September 11 bombings; the US Government's clampdown on those Hollywood stars who dared to criticise the invasion of Iraq and the holding of suspected terrorists at Guantanamo Bay in legal limbo with no access to the rights of due process.

These, and other infringements, are only tolerated by the American public due to the general atmosphere of paranoia created by the so-called "War on Terror". As in the McCarthy era, the end has come to justify the means as long as it can successfully be sold as a national security issue. The idea that in times of perceived crisis, individual democratic human rights can legitimately be eroded or even discarded, is still something that finds easy acceptance in the public mind today.

In the immediate aftermath of the September 11 attacks, Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001. According to Susan Herman, writing in the *Harvard Civil Rights-Civil Liberties Law Review*, a number of the provisions of this legislation have proved highly controversial, due in part to the argument that at least four of

these provisions reduce the oversight role of the judiciary, leaving the executive with an intolerable amount of power to operate unchecked thereby affecting first and fourth amendment rights.<sup>1</sup> Herman isolates four provisions that minimise the role of the courts:

Firstly, Section 215 allows the government to obtain a court order to access tangible records on the basis of certification by executive branch officials, not judicial determination. Also the recipient of such an order may not tell anyone about the government's request.<sup>2</sup> Secondly, Section 505 gives the government the power to issue "National Security Letters" to obtain customer records from internet service providers and other custodians without a court order as required by Section 215. A similar gag order is also attached to this provision. Thirdly Section 218 expands the authority for electronic surveillance under the Foreign Intelligence Surveillance Act (FISA). "The government now only needs to persuade the FISA court that there is probable cause to believe that the target is an 'agent of a foreign power,' rather than persuading a regular court that there is probable cause to believe that the target is involved in criminal activity."<sup>3</sup> This serves to make it easier for the government to conduct electronic surveillance without providing the same level of justification as previously required. Fourthly, Section 213, which has become known as the "sneak and peak" authority, allows agents executing search warrants to delay telling their targets that their property has been searched or even seized.<sup>4</sup>

Herman sums up one of the fundamental problems with this legislation: "My concern is that the role of the courts in this area has been so minimized - both in antecedent review of the reasonableness of executive branch surveillance decisions and in review of the

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1S. Herman, "The USA Patriot Act and the Submajoritan Fourth Amendment," *Harvard Civil Rights -Civil Liberties Law Review*, vol. 41 no. 1, Winter 2006, pp. 67-132.

2Ibid., p. 70.

3Ibid., p. 77.

4Ibid., p. 71.

constitutionality of legislative decisions delegating discretion to the executive branch - that one-third of the Constitution's design of checks and balances is all but missing.”<sup>5</sup> While the above is clearly not an exact replica of McCarthyism, it does seem that the broad trends show enough similarities to raise serious concern. Then, as now, the government has responded to a crisis of national security by equipping itself with tools which enhance its ability to fight the enemy (today international terrorism and then international communism) and in so doing significantly erode constitutional rights.

It seems then that we have not learnt all the lessons of the McCarthy era. This despite the series of legal reforms introduced in its wake. Senate Committee and Congress rules have been introduced to prevent the kind of abuses that characterised the era, as well as a strong corrective set of jurisprudence, particularly from the US Supreme Court, upholding the constitutional rights of individuals. The existence of these events is disturbing but they give McCarthyism a pressing relevance more than half a century later. It is a point that has been made by a fairly recent author on the subject, Ted Morgan. He argues that a McCarthyite figure:

...has recently reappeared in the methods of Attorney General John Ashcroft who has applied counter-terrorism methods, which are similar to those used by the government in its anti-communist operations: deportation, detention without due process, the targeting of ethnic groups, and alarmist announcements about perils, real or imagined.<sup>6</sup>

Ellen Schrecker has also tied the era to modern-day trends:

Today as we confront the post 9/11 assault on individual rights, it is clear that what happened in the 1940s and 1950s was no aberration but the all too common reaction of a nation that seeks to protect itself by turning against its supposed enemies.

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<sup>5</sup>Ibid., p. 70.

<sup>6</sup>T. Morgan, *Reds: McCarthyism in the Twentieth Century America* (New York: Random House, 2003), p. xiv. See later in this chapter for a more detailed review of this contribution the historiography.

Obviously the current crack down is not a replay of the McCarthy era. Nonetheless, an examination, of that earlier moment should help us understand how political repression and the fear that makes it work can take hold...<sup>7</sup>

The second major reason for a fresh look at this era is the recent publication of new evidence in the form of transcripts of the executive (closed) hearings of the Permanent Subcommittee on Investigations. This now infamous committee, chaired by Senator Joseph McCarthy, besides the many public hearings, also held many closed/executive hearings which were only made public in January 2003 under the 50-year archival rule. It seems therefore that these transcripts (over 8000 pages in all<sup>8</sup>) deserve close examination to see what can be learnt – in particular when matched up to what is already known about the McCarthy hearings. This new evidence is additionally important when it is remembered that many witnesses who had never appeared in public session, appeared in the executive sessions. In the first year of McCarthy's chairmanship a total of 395 witnesses were heard in executive sessions as against 214 in public sessions.<sup>9</sup>

The third important reason for this study is that writing from a South African perspective possibly provides a unique angle in comparison to that of the majority of McCarthy era scholars in the US. Indeed South Africa had its own brand of anti-communism within the context of the Cold War. In 1949 the then Justice Minister C.R. Swart announced in the National Assembly that a departmental committee had found communism to be a “national danger”.<sup>10</sup> The following year the Suppression of Communism Act was passed. It was

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<sup>7</sup>E. Schrecker, “McCarthyism: Political Repression and the Fear of Communism,” *Social Research*, vol. 71 no. 4, 2004, p. 1042.

<sup>8</sup>In fact the subcommittee produced 8 969 pages in its first year with McCarthy as chairman. D.A. Ritchie (ed), *Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations*, U.S. Government Printing Office, 2003, Introduction, p.1.

Website:<http://a257.g.akamaitech.net/7/257/2422/06amay20030700/www.gpo.gov/congress/senate/mccarthy/83869.html>.

<sup>9</sup>Ibid.

<sup>10</sup>T.R.H. Davenport, *South Africa - A Modern History* (Fourth Edition) (London:

designed to deal with communism and other opposition. It contained an extremely wide definition of communism. This not only included Marxism-Leninism, but also “any related form of that doctrine” which aimed to produce “any political industrial, social or economic change within the Union [of South Africa] by the promotion of disturbances or disorder”. This definition also included the encouragement of hostility between Europeans and Non-Europeans.<sup>11</sup> The Act was used as a blunt weapon to silence any government critic. Any anti-government criticism qualified as “communism”.<sup>12</sup>

Anti-communist paranoia took a different form in South Africa - there were no committees specifically hunting communists and it was also only really propagated amongst the white community. Many security branch policemen were happy to indulge in brutal interrogation and torture,<sup>13</sup> excesses that were implicitly and explicitly justified by the existence of a dire situation that threatened national security. With the justification of protecting law and order, the government countered increasing anti-apartheid resistance with a series of legal weapons. Besides the Suppression of Communism Act, the General Laws Amendment Act of 1963 enabled the government to detain suspected individuals without trial for 90 days which was later amended to 180 days.<sup>14</sup>

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Macmillan, 1991), p. 333.

<sup>11</sup>Quoted in Davenport, *South Africa - A Modern History*, pp. 333-334.

<sup>12</sup>N.L. Clark and W. H. Worger, *South Africa: The Rise and Fall of Apartheid* (Harlow: Pearson/Longman, 2004), p. 54. See also p. 68 where Worger and Clark quote an ex-policeman Xhanti Sebe saying, “in my context a liberal is a communist...the struggle in South Africa is not between a black struggle and a white. It is a communistic orientated ideology professed by the African National Congress for the Communists to take over in South Africa...”

<sup>13</sup>See for example the detention and murder of Steve Biko with original official explanation quoted together with later testimony from Major Harold Snyman (officer in charge of the Biko interrogation), Clark and Worger, *South Africa, The Rise and Fall of Apartheid*, pp. 78-79. See also, J. Pauw, *Into the Heart of Darkness: Confessions of Apartheid's Assassins* (Johannesburg: Jonathan Ball Publisher, 1997), p. 320 - relating to Eugene De Kock and p. 144 where Pauw describes de Kock's justification for his many murders being that he was in a war against the ANC.

<sup>14</sup>Clark and Worger, *South Africa: The Rise and Fall of Apartheid*, p. 77.



There are however more direct connections between the USA and South Africa in relation to communism. Thomas Borstelmann has shown that the US government under Harry Truman supported the Apartheid government, despite its openly declared racism, in order to secure the South African government as an ally in its fight against the greater evil of worldwide communism. There was a real fear of the Soviet acquisition of South African uranium. US support ranged from quiet acquiescence in the face of blatantly racist legislation to the supply of arms and loans.<sup>15</sup> This is confirmed in an analysis by J.P. Brits of the issue of South Africa and Apartheid at the United Nations in 1952. Referring to the key role of the United States Secretary of State, Dean Acheson, Brits concludes,

Among his most reliable allies were countries with a colonial past and a record of racial discrimination amongst them South Africa...In the years to follow, he even became supportive of white minority governments in Africa believing that they formed an essential bulwark against Soviet expansion.<sup>16</sup>

### ***Literature review***

It is not possible to review anything like the entire collection of works this era has produced but it is useful to attain some sense of how the historiography has changed over time before making an attempt to add to it.<sup>17</sup> An early biography by Richard Rovere, *Senator Joe McCarthy*, portrayed him as a con man, "He simply persuaded a number of people that he was speaking the truth; he sent up vast and billowing clouds of smoke many...became

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15T. Borstelmann. *Apartheid's Reluctant Uncle- The United States and Southern Africa in the Early Cold War* (New York: Oxford University Press, 1993), p. 160.

16J.P. Brits, "Tiptoeing along the Apartheid Tightrope: The United States, South Africa and the United Nations in 1952," *The International History Review*, vol. XXVII no. 4, December 2005, p. 778.

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For a large part of this review I have depended on the relatively recent Masters dissertation of B.R. Bonham, "McCarthy Reconsidered: A Look at How the Historiography of Joseph McCarthy has Changed in the Light of New Information"(University of Ottawa: Canada, 2001)

convinced there must be fire underneath it all”.<sup>18</sup> Then in 1966 Earl Latham strangely suggested that McCarthy could have been acting for the communists by sabotaging the State Department.<sup>19</sup> The 1970s produced an acceleration of work on McCarthy and McCarthyism. In 1971 Fred Cook described McCarthy as, “the most effective demagogue ever to practise the art of mass persuasion,”<sup>20</sup> which had much in common with the earlier Rovere depiction.

Robert Griffith, writing a year earlier, put the blame for anti-communism on the right wing of the Republican Party. They not only hated the New Deal, but had been frustrated through a long drought of election defeats.<sup>21</sup> With this work Griffith moved away from focussing entirely on McCarthy as the central orchestrator of the era. He sought causes in political forces beyond one man’s particular talents.

David Cate, in *The Great Fear - The anti-communist purge under Truman and Eisenhower* (1978) perhaps took a cue from Griffith and produced an exceptionally broad, almost encyclopaedic, study of the era.<sup>22</sup> He argued that McCarthyism as a witch-hunt is a theme to be found repeatedly in international history. For Cate, McCarthyism gave ordinary people a chance to become good Americans.<sup>23</sup> For him McCarthyism was far bigger than one man. It was the result of the Truman administration conducting a wide-ranging campaign against the Left. This included the loyalty-security program, deportation arrests, the Attorney General’s

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18R.H. Rovere, *Senator Joe McCarthy*, (New York: Harcourt, Brace and Company, 1959), p. 21, quoted in Bonham, “McCarthy Reconsidered,” p. 14.

19E. Latham, *The Communist Controversy in Washington: From the New Deal to McCarthy* (Cambridge: Harvard University Press, 1966), p. 1. quoted in Bonham, “McCarthy reconsidered,” p. 2.

20F. Cook, *The Nightmare Decade: The Life and Times of Senator Joe McCarthy* (New York: Random House, 1971), p. 4, quoted in Bonham, “McCarthy reconsidered,” p. 15.

21R.Griffiths, *The Politics of Fear: Joseph.R. McCarthy and the Senate* (Kentucky: The University Press of Kentucky, 1970, p. ix, quoted in Bonham, “McCarthy reconsidered,” p. 3.

22D. Cate, *The Great Fear - The Anti-communist Purge Under Truman and Eisenhower* (London: Secker & Warburg, 1978)

23Cate, *The Great Fear*, p. 21.

list and the indictment of communist leaders under the Smith Act.<sup>24</sup> McCarthyism involved all three branches of the government, executive, legislative and judicial. Each is thoroughly investigated. Interestingly, Caute points out some positives to emerge from the McCarthyist era; “He [McCarthy] pumped up the festering sore of the loyalty-security program and the Attorney General’s List into a monstrosity inflamed boil that sooner or later, had to be lanced.” McCarthy and those working before and after also “demonstrated that guilt by association may ultimately incriminate any association”.<sup>25</sup>

Then in 1982 Thomas C. Reeves’ biography, *The Life and Times of Joe McCarthy*, argued that he was never a grave threat to the constitution as his ambition was limited. “He was above all a reckless adventurer, an improviser, a bluffer.”<sup>26</sup> In an introduction to a collection of essays on McCarthyism, Reeves wrote that, “McCarthy...generated as much fear and loathing in this country and overseas as any American ever has”.<sup>27</sup> Reeves summed up his biography with an assessment of McCarthy. Against him, according to Reeves, was his lying and slander and the fact that he did not find one communist. In addition he caused many innocent Americans to suffer, he disrupted government activity and lowered the international standing of the United States.<sup>28</sup> On the plus side Reeves saw him as no monster or threat to the constitution or would- be dictator. He was also responsible for his own destruction and McCarthyism cannot be blamed on him alone. “From any standpoint, it seems clear that McCarthy’s life was profoundly tragic. His native intelligence and formidable energy were largely squandered. He brought far more pain into the world than any man should.”<sup>29</sup>

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24Caute, *The Great Fear*, p. 32.

25Ibid., p. 50.

26T.C. Reeves, *The Life and Times of Joe McCarthy: A Biography* (New York: Stein and Day, 1982), p. 675.

27T.C. Reeves (ed), *McCarthyism* (Malabar: Robert. E. Kriegler Publishing Company, 1982), p. 2.

28Reeves, *The Life and Times*, p. 674.

29Ibid., p. 675.

Another biography by David Oshinsky, *A Conspiracy So Immense: The World of Joe McCarthy*, (1983) argues that McCarthy was popular because he provided a simple explanation for the decline of the United States in the world. It was an explanation which said that there was a "...massive internal conspiracy directed by communists and abetted by the government...He [McCarthy] provided names, documents and statistics, in short, the appearance of diligence".<sup>30</sup> For Oshinsky McCarthy was politically skilful but there was no danger of him becoming a dictator. He sees McCarthy as having genuinely believed in his anti-communist crusade not having simply taken it on for political gain.<sup>31</sup> Oshinsky does however admit that, "He terrorised witnesses who appeared before his committee".<sup>32</sup> He ends his book with the words of McCarthy's widow, Jean McCarthy, in a letter to John Foster Dulles, "God gave Joe the insight to grasp the central truth of our age. He equipped him with unflinching courage and with intellect...With unswerving, uncompromising purpose, Joe served his God, his country, and his civilization".<sup>33</sup> Oshinsky himself does not appear to entirely believe this but he does come close to the implication that McCarthy did.

Richard M. Fried's *Nightmare in Red: The McCarthy Era in Perspective*, published in 1990, is a very important contribution to the historiography of the era.<sup>34</sup> He agreed with Cate, amongst others, that McCarthyism was far bigger than one Senator. He followed Cate in his argument that anti-communist witch-hunting was an international historical trend. Fried took this further and is able to put the McCarthy era very clearly in the context of United States history which contributes to an understanding of its causes. He goes back to the Alien and

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30D. Oshinsky, *A Conspiracy So Immense: The World of Joe McCarthy* (New York: The Free Press, 1983), p. 507.

31Ibid.

32Ibid.

33Quoted in Oshinsky, *A Conspiracy So Immense*, p. 507.

34R.M. Fried, *Nightmare in Red: The McCarthy Era in Perspective* (New York: Oxford University Press, 1990)

Sedition Acts of the 1790s, thereby establishing anti-alienism as something very old.<sup>35</sup> He then moves to the Red Scare of 1919/20 with its Palmer raids. This pre-figured the anti-communist scare of the 1950s and its concurrent abuse of individual rights.<sup>36</sup> Fried also, like a number of historians before him, roots McCarthyism in Republican opposition to the New Deal.<sup>37</sup> Fried is also at pains to show how the tactics of McCarthy, which later became infamous, were far from original but were in fact a copy of methods pioneered by Martin Dies when he headed up the “Special House Committee on Un-American Activities”(HUAC)<sup>38</sup> - a point which had previously been expanded on by Caute.<sup>39</sup> Fried also makes the important point that one of the defining characteristics of this era was that attention moved from culpability for acts to culpability for thoughts. This is certainly borne out in my analysis of testimony in the main part of this thesis.

Perhaps the most important, sophisticated and persuasive contributor to the debate about McCarthyism at present is Ellen Schrecker. Her book, *Many are the Crimes - McCarthyism in America*<sup>40</sup> published in 1998, is directly related to this work since it is an in-depth study of a wide range of McCarthyism’s victims. Schrecker examines the effects of McCarthyism on the major sectors that took the biggest hits, namely organised labour, the civil rights

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35Ibid., pp. 37-38; see also Caute, *The Great Fear*, p. 18-20 for a historical survey which also puts the McCarthyist era in perspective. Examples are quoted which show the remarkable similarities between these scares, such as the 1799 speech of Jeddiah Morse when the fear of Jacobinism was widespread on both sides of the Atlantic, “I have now in my possession complete and indubitable proof...an official authenticated list of names...of the officers and members of a *Society of Illuminati*...instituted in Virginia by the *Grand Orient of FRANCE*.”

36Ibid., pp. 39-43.

37See Caute, *The Great Fear*, pp. 303-307 and Morgan, *Reds: McCarthyism*, p. xiii and Latham, “Republicans and the defeat of 1948” in Reeves (ed), *McCarthyism*, pp. 88-94. For opposite position McCarthyism as a bi-partisan doctrine see R. Rovere, “McCarthyism as a Bi-partisan Doctrine” in Reeves (ed), *McCarthyism*, pp. 95-98.

38Ibid., p. 47.

39Caute, *The Great Fear*, pp. 88-100.

40E. Schrecker, *Many are the Crimes - McCarthyism in America* (Boston: Little Brown and Company, 1998)

movement, the federal government and the cultural world.<sup>41</sup> Rather than speaking in broad generalities, she explores some fascinating individual cases which make her study so much more personal and real. Her findings are that the long term affects of McCarthyism led to the death of the Left. Also that it produced false reporting on East Asia with many afraid that honesty would get them fired as a result of the 'China hands' debacle, in which a group of US Foreign Service officers became victims of McCarthyism because they were accused of conspiracy to promote the advent of Communism in China under Mao Zedong.<sup>42</sup> This in turn led to huge policy errors relating to Vietnam including the war and its failure.<sup>43</sup> She also deals in depth with the impact of McCarthyism on the civil rights movement. Not only did anti-communism boost white supremacism<sup>44</sup> but the NAACP (National Association for the Advancement of Colored People) ceased to include Africa in its agenda in exchange for support from the Truman administration for its domestic agenda.<sup>45</sup>

Schrecker also produces an interesting definition of McCarthyism. "It was the most widespread and longest lasting wave of political repression in American History."<sup>46</sup> She also argues that there are a number of McCarthyisms. She outlines four - each with its own group of people who were pushing a different agenda. All four combined to produce an era of political repression.<sup>47</sup> She also emphasises the importance of asking why it was that so many ordinary people collaborated in this political repression, since answering this question might help us to understand not only why it could take place in a democracy, but could also lead to

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41Ibid., p. xvi.

42Fried, *Nightmare in Red*, p. 61and pp. 146-150.

43Schrecker, *Many are the Crimes*, p. 372.

44Ibid., p. 391.

45Ibid., p. 375.

46Ibid., p. x.

47Ibid., p. xii. This multiple type definition is an effective way of encompassing the hitherto contrasting definitions of McCarthyism each of which point to a different group and agenda. Schrecker argues for a confluence of these.

an explanation of modern examples of the same type of repression.<sup>48</sup>

Debates around McCarthyism have recently been influenced by the Venona files which were declassified in 1995 and 1996 by the CIA (Central Intelligence Agency) and other national security agencies. These were the decoded messages sent during the Cold War between the Soviet Union and its agents in the US. This has led some to a justification of the methods of McCarthyism. According to Haynes and Klehr, in *Venona: Decoding Soviet Espionage in America*, Venona proved that there was a bigger espionage threat than previously thought. It included 350 cases of US citizens, immigrants and permanent residents who had “a covert relationship with Soviet intelligence”.<sup>49</sup> The files also confirm that McCarthy might have been correct about the Institute of Pacific Relations, which according to Arthur Herman controversial account, *Joseph McCarthy: Reexamining the Life and Legacy of America's Most Hated Senator*, sheltered eight espionage agents.<sup>50</sup>

However, in an earlier work by Haynes, Klehr and Firsov<sup>51</sup> the position of these writers is shown to be not quite as crude as some have made out. They do not draw a simple straight line between discoveries of American/Soviet espionage and a justification of McCarthy's methods. They are careful to set up the context of the 1950s in which various events (such as the Soviet Union consolidating territory in Eastern Europe, its acquisition of nuclear power,

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48Ibid., p. xvi.

49H. Klehr and J.E. Haynes, *Venona: Decoding Soviet Espionage in America* (New Haven and London: Yale University Press, 1999), p. 339, quoted in Bonham, “McCarthy reconsidered,” p. 9.

50A. Herman, *Joseph McCarthy: Reexamining the Life and Legacy of America's Most Hated Senator* (New York: The Free Press, 2000), p. 126, quoted in Bonham, “McCarthy reconsidered,” p. 9.

51H. Klehr, J.E. Haynes and F.I. Firsov, *The Secret World of American Communism*, (London: Yale University Press, 1995). This study is based on documents obtained from Soviet Archives which until 1992 were closed to all Western researchers. In particular the Russian Center for the Preservation and Study. (RtsKhiDNI). 92 Documents relating to clandestine activity of mainly the Communist Party of the USA have been collected, pp. xviii-xiv.



communist forces conquering China and Korea and the conviction and execution of Julius and Ethel Rosenberg on charges of espionage which included passing on to the Russians information on the construction of the Atom Bomb), combined to produce an atmosphere “...in which demagogues, frauds and charlatans could use anti-communist sentiment for their own often unsavory purposes...In McCarthy’s hands, anti-communism was a partisan weapon used to implicate the New Deal liberals, and the democratic party, in treason”.<sup>52</sup> They also admit that many were ruined by “the irresponsible use of unverified charges and even faked evidence concocted for political gain”.<sup>53</sup> However they argue against the perception “that anyone who suggested that the Communist Party of the USA (CPUSA) was involved in covert activities and espionage was a McCarthyite”.<sup>54</sup> According to Klehr, Haynes and Firsov,

To recognise the excesses, mistakes, and injustices of McCarthy’s anticommunist crusade is not to accept the distorted view that anti-communism was an irrational and indefensible persecution of a group of American reformers or that it was impossible for the CPUSA to have been engaged in nefarious activities. Indeed the documents in this volume demonstrate that the widespread popular belief that many American communists collaborated with the Soviet Union ahead of loyalty to the United States was well founded.<sup>55</sup>

Importantly they add that, “None of this, however, offers any vindication for Senator McCarthy of McCarthyism”. Documents show that, “It is no longer possible to maintain that the Soviet Union did not fund the American Party, that the CPUSA did not maintain a covert apparatus, and that key leaders and cadres were innocent of connection with Soviet espionage operations”.<sup>56</sup> Given the above position it seems that James Barrett is rather unfair to misread these authors as simply using their espionage evidence to justify McCarthyism.<sup>57</sup> Barrett does identify the popular press as having often been guilty of drawing this conclusion. He is also

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<sup>52</sup>Klehr et al, *The Secret World*, p. 15.

<sup>53</sup>Ibid., p. 16.

<sup>54</sup>Ibid.

<sup>55</sup>Ibid.

<sup>56</sup>Ibid., p. 18.

<sup>57</sup>J. Barrett, “The History of American Communism and Our Understanding of Stalinism,” *American Communist History*, vol. 2 no. 2, 2003, pp. 175-182.



keen to demonstrate that the communists were doing many positive things particularly at local level. He refers to the “vital role of communists in local labor and community movements, the meaning of Communism in the broader context of working-class everyday life”.<sup>58</sup> He argues that the vast majority of communists at local level were not involved in espionage. For the most part, according to Barrett, communism in the USA was a legitimate radical movement.

Haynes, Klehr and Firsov are a little vague about when the above espionage slowed down or stopped. This is perhaps because the documentation does not give a clear enough picture in this regard. This does allow Ted Morgan to argue, in one of the latest books on McCarthyism, that while Venona does show a substantial Soviet espionage infiltration into the US, it was largely eliminated by the time McCarthy appeared.<sup>59</sup> Morgan quotes a KGB report about their Washington station, “Since the middle of 1949, it practically stopped work on finding recruiters and new agents”.<sup>60</sup> KGB agent Alexander Panyushkin complained in 1950 that he could not recruit any agents due to the “current fascist atmosphere in the US...we work here in an atmosphere...of almost 50 agents exposed long before us.”<sup>61</sup> KGB boss Sergei Savchenko said in a memo of the same year, “Bentley gave away more than 40 most valuable agents to American authorities [who] worked in key posts in leading state institutions, the State Department, the Treasury Department etc”.<sup>62</sup>

The Venona Transcripts exposed infiltration into, not only the Atom Bomb project but also the State and Treasury Departments. It seemed that the Communist Party was indeed a reservoir for the recruitment of Soviet Agents during the 1930s and 1940s. These people used the rationale that at the time Russia was an ally in World War II and therefore by becoming

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58Ibid., p. 178.

59Morgan, *Reds: McCarthyism*, p. xvi.

60Morgan, *Reds: McCarthyism*, p. 374-375.

61Ibid., p. 375.

62Ibid.

agents they were helping the defeat of Nazi Germany.<sup>63</sup> However this was during the war. According to Morgan the picture changed after the war as the Communist Party was “brought to its knees under Truman”.<sup>64</sup> He argues that Truman was ambivalent about the methods that were used. Nevertheless measures such as the following were effective: the loyalty programme, the Smith Act and an aggressive Federal Bureau of Investigation (FBI) under J.Edgar Hoover.<sup>65</sup> By 1950 communism and its threat was all but dead, an argument with which Schrecker agrees.<sup>66</sup> She quotes Allen Weinstein that at the height of the McCarthyist furor, the KGB’s Washington networks were out of business.<sup>67</sup> Schrecker also quotes other writers in the field, Benson and Warner, as having concluded that communist spies in Washington were not a problem by the late 1940s - an opinion held not only by Truman but also by J.Edgar Hoover.<sup>68</sup> However, without the information Venona has given us, the public at the time did not know this and their fear was used as a powerful political tool.

As Morgan puts it, McCarthy and his predecessors, “...flayed about like blindfolded men in a room full of bats. The bats were there but beyond reach”.<sup>69</sup> Morgan also includes a brief look at the executive transcripts that were published shortly before his book. He says that they “...offer a wealth of new insights into McCarthy’s tactics”.<sup>70</sup> He also makes the point that these hearings were used as a dress rehearsal for the public appearance of witnesses, which is borne out by my own analysis below. He also comments that the closed nature of the hearings

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63Ibid., p. 291.

64Ibid., p. 320.

65Ibid.

66Schrecker, “McCarthyism: Political Repression,” p. 1051.

67A. Weinstein and A. Vassilev, *Haunted Wood: Soviet Espionage in America - The Stalin Era* (New York: Random House, 1999), pp. 299-300, p. 334, quoted in Schrecker, “McCarthyism: Political Repression” p. 1051.

68R.L. Benson and M. Warner (eds) *VENONA: Soviet Espionage and the American Response* (Washington D.C.: National Security Agency, Central Intelligence Agency, 1996) quoted in Schrecker, “McCarthyism: Political Repression,” p. 1051.

69Morgan, *Reds: McCarthyism*, p. xviii.

70Morgan, *Reds: McCarthyism*, p. 430.

gave McCarthy freedom to “...rant at will berating witnesses and making wild charges”.<sup>71</sup>

Morgan looks at the following aspects of the closed hearings: firstly, the way in which McCarthy used the hearings to solve personal vendettas; secondly, the existence of a number of non-communist hearings and thirdly, the *Voice of America* Investigation. In addition he makes the point that there were indeed some soviet agents who did testify in these Closed sessions according to the Venona Transcripts. (For example Frank Coe)<sup>72</sup>

Morgan accepts, along with many previous historians, that McCarthyism was far bigger than one Senator. However, he devotes much of his book to a biography of Joe McCarthy. His Chapters XI to XIII are headed : “Judge Joe,” “Senator Joe” and “Red Hunter Joe.” In his overall assessment of McCarthyism and what it reveals about the institutions of the United States, Morgan, is in my view, far too positive,

American institutions were tested and were not found wanting. The Senate did censure one of its own. The Warren court did reverse the decisions of its predecessor. Truman and Eisenhower did combat both Communism and McCarthyism.<sup>73</sup>

However if “American institutions...were not found wanting” why was McCarthyism allowed to take place? To my mind the reality is that these institutions were indeed found wanting. It is of grave concern that McCarthyism, in the heart of a democracy like America, could happen. McCarthyism exposed these institutions as vulnerable and it appears from recent events that they remain so.

### ***McCarthy's tactics***

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<sup>71</sup>Ibid.

<sup>72</sup>Ibid., pp. 430-432.

<sup>73</sup>Ibid., p. 547.

As Robert Kennedy, who worked briefly for the McCarthy subcommittee, said,

...with two exceptions, no real research was ever done. Most investigations were instituted on the basis of some pre-conceived notion by the chief counsel or his staff members and not on the basis of any information that had been developed. [Roy]Cohn and [David] Schine claimed they knew at the outset what was wrong and they were not going to allow the facts to interfere...I thought Senator McCarthy made a mistake in allowing the committee to operate in such a fashion, told him so and resigned.<sup>74</sup>

McCarthy's tactics can be separated into two types: those used during committee hearings and those used in relation to the public. The latter involved press statements which deliberately sought to create headlines by sensationalising what had occurred in the closed hearings. Publicity was the currency McCarthy dealt in, truth and moral correctness were never to be allowed to get in the way. As long as he and numerous other communist-hunting institutions could keep public fear alive, support for his methods and treatment of witnesses would be forthcoming.<sup>75</sup>

His method is succinctly summarised by Morgan: "...make charges, grab headlines, increase his powerbase".<sup>76</sup> While the secret hearings were meant to protect the privacy of the witness, in reality "they gave the chairman an opportunity to give the press his version of what had transpired behind closed doors, with little chance of rebuttal".<sup>77</sup> These hearings were meant to have no audience but committee staff, however according to army counsel John.G. Adams this was far from the case: " 'Executive session' was a term loosely used by McCarthy. It didn't really mean a closed session, since McCarthy allowed in, various friends, hangers-on,

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<sup>74</sup>R.F. Kennedy, *The Enemy Within*, (New York: Harper,1960) quoted in Morgan, *Reds: McCarthyism*, pp. 429-430.

<sup>75</sup>Thomas Reeves reminds us of just how popular McCarthy was. In January 1954 a Gallup Poll showed that 50% of Americans had a favourable opinion of him. Later that year a petition with over 1 million signatures was presented to Capitol Hill in favour of him. Reeves (ed), *McCarthyism*, p. 1.

<sup>76</sup>Morgan, *Reds: McCarthyism*, p. 426.

<sup>77</sup>D.A. Ritchie, "Are you now or have you ever been? Opening the records of the McCarthy investigations," *Journal of Government Information*, vol. 30, 2004, pp. 463-469.

and favored newspaper reporters.”<sup>78</sup>

Morgan provides a revealing example of a witness, Carl Greenblum (an electronics engineer at Fort Monmouth), who was called a few days after his mother had died. He was overcome with emotion and cried while giving testimony. He was given a chance to recover during the lunch break. During the interval McCarthy spoke to the press. He claimed that the witness had broken down under “...some rather vigorous cross examination by Roy Cohn. I have just received word that the witness admits he was lying and now wants to tell the truth”.<sup>79</sup> Adams also makes the point that McCarthy was protected by the “senator’s privilege against libel”. This privilege applied to any statements made either on the Senate floor or in a committee hearing.<sup>80</sup>

In the committee room witnesses were already at a disadvantage having often been served subpoenas just before their appearances. According to Senate rules the committee was meant to vote each time a witness was to be brought in, but McCarthy ignored this rule, as Army counsel John G. Adams noted: “...He signed scores of blank subpoenas which his staff members carried in their pockets, and issued as regularly as traffic tickets”.<sup>81</sup> In addition there was meant to be a quorum (of at least one third of the committee) for evidence to be taken. However, due to the fact that the committee travelled and that members served simultaneously on other committees, this subcommittee often consisted of McCarthy alone.<sup>82</sup> In these and other ways McCarthy was comfortable re-writing or ignoring a whole series of

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<sup>78</sup>J.G. Adams, *Without Precedent: The Story of the Death of McCarthyism* (New York: W.W. Norton & Company, 1983), p. 53.

<sup>79</sup>Quoted in Morgan, *Reds: McCarthyism*, p. 426.

<sup>80</sup>Adams, *Without Precedent*, p. 67.

<sup>81</sup>Ibid.

<sup>82</sup>Ritchie (ed), Executive Sessions of the Senate permanent subcommittee on Investigations of U.S. Government Printing Office, Introduction, p. 8. See Also J.G. Adams, *Without Precedent*, p. 67

rules which were seen as obstacles.

Often terminology of the criminal court was used as if witnesses were being tried for a crime. Yet witnesses, unlike in court, were not able to use their lawyers to speak for them - no direct interventions by counsel were allowed. There was also a strong and consistent attempt to intimidate witnesses by McCarthy and chief counsel Roy Cohn. Donald Ritchie (editor of the executive transcripts) points out another tactic commonly used by McCarthy and company - the deliberate re-wording of a witness's answer to make it sound more sinister.<sup>83</sup> I will return to this when looking at specific testimony examples in the body of the thesis.

Cohn is revealingly honest in his autobiography. He refers to his own performance in the now infamous Army-McCarthy hearings, but I would suggest his analysis could equally apply to the rest of his work before the committee. "I was rambling, garrulous, repetitive. I was brash, smug and smart alecky. I was pompous and petulant." He was as frank about McCarthy, saying he was addicted "...to dramatic techniques in presenting information [and was] impatient, overly aggressive, overly dramatic. He acted on impulse. He tended to sensationalise the evidence he had".<sup>84</sup>

McCarthy was also not afraid to use threats to induce answers from witnesses. This included strong hints that their passports would be denied if they did not co-operate. Contempt was another weapon that was wielded as a threat to intimidate witnesses. It also appeared that testimony of other witnesses was used without testing its veracity, as a means of compelling later witnesses to co-operate. Finally McCarthy also used the hearings to settle personal vendettas. By calling witnesses with whom he had an axe to grind, he could exact revenge by

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<sup>83</sup>Ritchie, "Are you now?" p.467.

<sup>84</sup>R.Cohn, *McCarthy* (New York: New American Library, 1968), pp.181 and 208, quoted in Ritchie, *Journal of Government Information*, p.468.

making life very difficult with the aid of something dug up from his or her past.<sup>85</sup>

McCarthy was not original in the use of these tactics. For the most part he took his cue from those first used extensively by Martin Dies and the HUAC which was established in 1938 and like the McCarthy committee was always keen to attract as much publicity as possible as it also travelled around the country. It engaged in the intimidation of witnesses, using threats like the cancellation of citizenship. There were also attempts to intimidate the witnesses' counsel. As J. Parnell Thomas (HUAC Chairman) put it, "The rights you have are the rights given to you by this committee. We will determine what rights you have..."<sup>86</sup> As the following analysis will show, McCarthy strongly held the view that the committee was above the law with the right to write its own rules. In many ways the HUAC pioneered tactics which McCarthy would make infamous.

Another McCarthy precursor was the Senate Internal Security Subcommittee (SISS), set up in 1951. There was at that time intense rivalry between the various committees which overlapped in their quest each to be seen as the leading investigator of communism and radicalism. The subcommittee's second chairman William. E. Jenner (1952-1955), a Republican from Indiana, called for the dismissal of teachers whose communist connection was "not easily provable". He was followed by James Eastland, a Democrat from Mississippi, who was a white supremacist. He threw out lawyers and witnesses, sometimes violently. The Chief Counsel to the SISS was Robert Morris, who began the practice of getting the chairman to sign blank subpoenas to be issued at will.<sup>87</sup>

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<sup>85</sup>Morgan, *Reds: McCarthyism*, p. 430- 432.

<sup>86</sup>Caute, *The Great Fear*, p. 97.

<sup>87</sup>Ibid., pp. 104-105.

### ***The basis for selection of witnesses***

This does not pretend to be a scientific survey of the closed hearing testimony. The witnesses I have selected have not been chosen to create a sample that is in any way representative. Such a study would involve a far larger project than I am attempting here.

The following is an outline of the process by which I came to choose this particular group of testimonies. As a teacher myself I initially began to look for witnesses who were teachers or university lecturers. This led me to the “State Department Teacher-Student Exchange Program Investigation,” in Volume 2 of the transcripts. Fortunately this investigation was of a manageable size, making it possible to look at the testimony of most witnesses. I was looking for testimony that contained at least two things. Firstly interesting tactics of defence used by witnesses to enable their survival. This led to the discovery of a number of witnesses who used the Fifth Amendment as well as a variety of other successful and unsuccessful tactics. Secondly, I was looking for interesting ways in which the committee, mainly through McCarthy and Cohn, sought to pressurise and intimidate witnesses, often in an unfair and illegal way. Clashes between committee and witnesses certainly provided such interest. This included some quite shocking abuses, pathos, some surprising victories and even the occasional touch of wit and humour.

Witnesses whose testimonies produced no conflict because they were completely accepted by the committee which saw no need to apply any pressure, were eliminated. It is true that this selection is somewhat biased since the most interesting testimonies have also been those which show the committee in the worst light. There seemed little interest in a cordial, polite set of questions and answers. On this basis I was able to find a number of excellent candidates



for further analysis. Choosing a relatively small number (nine) enabled me to provide a detailed close analysis which would not have been possible if I had examined a far larger group. Having chosen witnesses, I was then able to group them according to the tactics that they chose to use, which has produced the rough shape of my chapters.

Since some of the witnesses I have chosen are academics of one sort or another, it seems appropriate to deal briefly with the large body of historiography that has built up on the topic of McCarthyism and higher education. The majority of work in this area has adopted the case study approach with investigations into McCarthyism's influence on particular campuses.<sup>88</sup> This appears to be the most sensible approach, given that it was such a widespread phenomenon. One of the few studies of the overall impact of McCarthyism on academic institutions and professionals was done some time ago by Ellen Schrecker.<sup>89</sup> She concludes that,

The Academy did not fight McCarthyism. It contributed to it. The dismissals, the blacklists, and above all the almost universal acceptance of the legitimacy of what congressional committees and other official investigators were doing, conferred respectability upon the most repressive elements of the anti-communist crusade. In its collaboration the academy behaved just like every other major institution of American life...When by the late fifties the hearings and dismissals tapered off, it was not because they encountered resistance but because they were no longer necessary.<sup>90</sup>

## ***Chapter Outline***

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<sup>88</sup>There are numerous of these studies - a few examples suffice here: M.E. Engberg, "McCarthyism and the Academic Profession: Power, Politics, and Faculty Purges at the University of Michigan," *American Educational History Journal*, vol. 29, 2002, pp. 53-62; K. Riley, "Hunting for Witches in the Hall of Academe: The Struggle for Academic Freedom at the University of South Florida, 1962-1963", *American Educational History Journal*, vol. 27, no. 1, 2000, pp. 55-63; S. Diamond, "Surveillance in the Academy: Harry B. Fisher and Yale University, 1927-1952," *American Quarterly*, vol. 36, no. 1, 1984, pp. 7-43.

<sup>89</sup>E. Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York: Oxford University Press, 1986); see also N.W. Hamilton, *Zealotry and Academic Freedom: A legal and Historical Perspective* (New Brunswick: Transaction Publishers, 1995)

<sup>90</sup>*Ibid.*, pp. 339-341.

## *Chapter 1*

In order to keep the focus on the above aspects I have decided not to structure this study around the victims' life stories. As a result my first chapter will outline in broad brush strokes the biography of each of the victims I have chosen. Some witnesses are well known in particular fields so biographical information was easily found. Others were simply ordinary people at the time and their appearance(s) have not since made them famous - as a result biographical information is fairly thin and sketchy. The purpose of this chapter is to provide some background to the testimony of these witnesses - so that their testimony makes more sense. In some cases (where information is available), I have tried to give a brief description of how and why a witness was called before the McCarthy subcommittee and also what happened to them after their appearance. Each of the chapters that follow chapter 1 examines a particular issue or angle in relation to the hearings.

In *Chapter 2*, I explore the use of the Fifth Amendment not only from the perspective of witnesses but as a trap set by the committee. Before beginning with the analysis of testimony I have included a brief background explanation of the history of the right against self-incrimination. There has been a fair amount of popular misunderstanding of this important right. By exploring its history it is possible to grasp just why it is such an important part of the judicial system without which other rights, such as the right to a fair trial, are threatened. This then enables one to see precisely how the right was deliberately and consistently abused by McCarthy and Cohn in particular and also by a number of other committees such as the HUAC and the SISS. In this chapter I focus on the specific testimony of Helen Lewis,

Clarence Hiskey and Julius Reiss.

*Chapter 3* then looks at three witnesses who seem to have suffered at the hands of the McCarthy subcommittee. Professor Naphtali Lewis, Helen Lewis and Stanley Berinsky produced testimonies that, while different, all illustrate the devastating effectiveness of the tactics of intimidation used by the committee.

Juxtaposed with this, *Chapter 4* deals with the opposite. It consists of an analysis of the testimony of three witnesses (Abraham Unger, Margaret Webster and Aaron Copland) who managed to survive their hearings and emerge relatively unscathed. While they certainly were harmed, particularly in relation to their careers, they came out far better off than many others (like those analysed in the previous chapter). How and why they did this is the primary concern of this chapter. I examine the skill, tactics and composure which enabled them to, at least partially, resist the attacks made on them by the committee.

I have included the full transcripts of the witnesses' testimony as part of my Sources. The page numbering is my own, since it has come directly off the internet with scrolling pages, which has made using the original page numbering difficult.

### *Overall aims*

It is the overall aim of this study to put the testimony of a select number of witnesses under the microscope, as it were. This in an attempt to reveal, by close textual analysis, the nature of

the methods by which they attempted to survive the onslaught of the subcommittee and conversely the methods used by the sub-committee to extract the maximum information which would “prove” culpability and/or clear the way toward finding other victims. It is an attempt not only to highlight some of the worst excesses of an era, but also to show how ordinary people were able to respond under extreme and unusual pressure. Some, as shall be seen, crumbled, but others were able to garner enough strength to fight back.

## CHAPTER 1

# ***BIOGRAPHIES OF WITNESSES AND MEMBERS OF THE PERMANENT SUBCOMMITTEE***

The following is a brief outline of the biographies of the witnesses whose testimonies I have chosen to analyse. Most of this information is based on the notes of Donald A Ritchie, of the Senate Historical Office, who edited the executive hearing transcripts for publication.<sup>1</sup> As will be seen, only a few of the witnesses I have chosen are famous. As a result the information available on the others is sketchy but it does serve to give some basic background.

I have also included some basic biographical information on the senators who made up the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations. Most is obviously known about McCarthy as chairman but I thought it sensible to include the other members. Finally I have also included a brief biographical sketch on Roy Cohn, chief counsel for the subcommittee.

### ***Naphtali and Helen Lewis***

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<sup>1</sup>D.A.Ritchie (ed), Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Printing Office, 2003, Website:<http://a257.g.akamaitech.net/7/257/2422/24feb20041233/wwwgpo.gov/congress/senate/mccarthy/90053.html>. Information on witnesses appears within the published transcripts before the start of each testimony. Page numbers in subsequent footnotes based on this witness information refer to the original published page numbering.(As mentioned before the references to testimony included in my Sources have been given my own page numbering).

Naphtali Lewis was perhaps the most unlikely of people to be called before the McCarthy committee. He did not seem to be in a position to threaten national security as a Professor of Classical Studies specialising in the deciphering of Greek manuscripts and papyri. He was a distinguished academic - while holding a professorship at the City University of New York, he also taught at the Universities of Columbia, Yale and Boston and was the president of the International Association of Papyrologists. What attracted the attention of McCarthy was the fact that he had received a Fulbright scholarship to study ancient manuscripts in Florence. (April 1953). Professor Lewis and his wife appeared both in executive and public sessions. Amongst other things their testimonies will be used to show how McCarthy's committee played one spouse against the other to produce the results wanted.<sup>2</sup>

### ***Margaret Webster (1905-1972)***

Margaret Webster was born in New York to two British actors Benjamin Webster III and Dame Mary Louise (May) Whitty.<sup>3</sup> The family moved back to London soon after her birth and she grew up based in England but often travelling with her parents to America on acting assignments. She made her amateur acting debut at the Albert Hall at the age of six.<sup>4</sup> From early childhood she was enthralled by the stage. After graduating she attended formal dramatic training and then made her professional debut aged 19. Her career blossomed as she began to perform all over the West End in increasingly important roles. Originally she had aspired to become a great actress; however in 1937 she was invited to New York to direct a series of Shakespearean plays.<sup>5</sup> Having moved to America her career changed direction and

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<sup>2</sup>Ibid., p. 1245.

<sup>3</sup>M.S. Barranger, *Margaret Webster: A Life in the Theater* (Michigan: University of Michigan Press, 2004), p. xiii.

<sup>4</sup>Ibid., p. 10.

<sup>5</sup>Ibid., p. 59.

she became a bold and innovative director. An example of this was her staging of Othello for the first time with a black lead, Paul Robeson in 1942.<sup>6</sup> Webster was also involved in film as a director.

As a professional actress Webster became a member of American Equity in 1938 and remained a member for her entire American theatrical career. She had already been one of the early members of the British Actors' Equity Association.<sup>7</sup> She became a board member of the Council for American Actors' Equity Association in 1941; she remained on the council for ten years.<sup>8</sup> She later founded the American Repertory Theatre (1946). From 1948-51 she directed the Margaret Webster Shakespeare Company.<sup>9</sup>

In 1950 her name appeared in *Red Channels: Report of Communist Influence in Radio and Television*. This was a publication put together by a group of ex-FBI (Federal Bureau of Investigation) agents. It contained about 50 pages of organisations and 150 pages of listed people, all of whom supposedly had communist connections. Importantly the data came from the press clippings of house committee reports. Webster in her autobiography quotes the *Times* saying that the publishers "subsequently acknowledged that they had made no effort to check the accuracy of the data or give the accused a chance to offer their version of events".<sup>10</sup>

Nevertheless her listing led to her being blacklisted for work in radio and television.<sup>11</sup> In May

<sup>6</sup>Ibid., p. 138.

<sup>7</sup>Ibid., p. 226.

<sup>8</sup>Ibid. p. 227.

<sup>9</sup>D.A. Ritchie (ed), Executive Sessions of the Senate permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Government Printing Office, 2003, vol. 2, p. 1245. Website: <http://a257.g.akamaitech.net/7/257/2422/06amay20030700/www.gpo.gov/congress/senate/mccarthy/83870.html>.

<sup>10</sup>*Times*, April 22 1951, quoted in M. Webster, *Don't put your Daughter on the Stage* (New York: Alfred.A. Knopf, 1972), p. 253 and Barranger, *Margaret Webster*, p. 229. Barranger also points out that these same publishers put out a similar publication called *Counterattack: The Newsletter of Facts to Combat Communism*.

<sup>11</sup>Barranger, *Margaret Webster*, p. xvi.

1951 Jose Ferrer appeared before the HUAC.<sup>12</sup> Under pressure during his second testimony to reveal names of communist sympathisers, he gave that of Margaret Webster and a few others.<sup>13</sup> In fact unbeknown to Webster, her name had come up as early as 1947 before the HUAC when she was named as a speaker at the American-Soviet Cultural Conference.<sup>14</sup>

Webster states in her autobiography that the major reason for her being called before the subcommittee at the end of May 1953 (with no later public appearance) was her membership of two organisations: The Arts section of the *National Society for Soviet-American Friendship* (which aimed to establish contact in theatre and music between these two countries during World War II) and the *Joint Anti-Fascist Refugee Committee*. This had originally been formed to help Spanish refugees interned under bad conditions in French refugee camps. Its president was Picasso and it had wide support in the USA.<sup>15</sup> Her association with American Equity was also cause for concern since it had been labelled a “Red” organisation by conservative newspapers after accusations of communist infiltration by actor-manager, Frank Fay, after it was connected with supporting the *Joint Anti-Fascist Refugee Committee*.<sup>16</sup>

Since both organisations had connections to the Soviet Union, it was reasonable for Webster to assume that her McCarthy committee call-up was connected to them. However her biographer, Milly Barranger, correctly points out that this was not the case. Webster had been associated with the State Department as an expert used to review applications for Fulbright

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<sup>12</sup>Its full name was in fact “The Special Committee to Investigate Un-American Activities and Propaganda in the United States”- started in 1938 (Morgan, *Reds: McCarthyism*, p. 189.)

<sup>13</sup>Webster, *Don't put your Daughter on the Stage*, p. 256.

<sup>14</sup>Barranger, *Margaret Webster*, pp. 228-229.

<sup>15</sup>Ibid., p. 246.

<sup>16</sup>Ibid., pp. 227-228.



acting scholarships.<sup>17</sup> As the analysis of Webster's testimony will show, she was called as part of McCarthy's ongoing battle against the State Department. It was an attempt to help build McCarthy's case against Fulbright and the powerful Senate Foreign Relations Committee. Webster ended up being unwittingly drawn into McCarthy's vendetta, something she never understood at the time.<sup>18</sup>

Webster's interrogation before the McCarthy subcommittee was not the end of the government's pursuit of her. About three months after her appearance the FBI interrupted her in rehearsal. She politely volunteered to come to their office a few days later. She was interviewed twice between the end of September and mid-December that year at the FBI's New York office. She explained that her associations were for good causes not knowingly communist and gave the agents a copy of her statement submitted to the McCarthy hearing. She also took the opportunity to lecture them. As she handed them a copy of the statement she said, "You are supposed to know everything and be the guardians of our liberties...Go and take a look and I'll be happy to fill in the missing bits; but don't let's play the same script over again".<sup>19</sup> After these interviews the FBI told Webster that her name would be removed from the Security Index but they refused her request for written confirmation of this.<sup>20</sup> Despite this promise she found that she was still blacklisted for Film and Television. Webster's own assessment of the impact of the McCarthy hearings is "Professionally, I have no doubt that my so called 'career' was undermined....All in all, my life did very profoundly change after those years".<sup>21</sup>

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17Barranger, *Margaret Webster*, p. 243.

18Ibid., p. 244.

19Ibid., p. 253, quoted from Webster, *Don't put your Daughter on the Stage*, p. 269 and FBI, memorandum Nov 3 1953 to Jan 15 1954, File number 100-370937.

20Barranger, *Margaret Webster*, p. 255 quoted from Webster, *Don't put your Daughter on the Stage*, p. 270.

21Barranger, *Margaret Webster*, p. 273.

However she did not allow McCarthyism to end her career by any means. First she embarked on a series of lecture/performances around the US - doing solo performances of Shakespeare, G.B. Shaw and the Bronte sisters. Some of these later became plays and television shows. With the blacklist still in operation, even after the censure of McCarthy in 1954, Webster decided to move her base from America back to her native Britain. Here she continued as a celebrated director on the West End. Later she travelled periodically to direct productions in New York.<sup>22</sup>

Shortly after the McCarthy appearance she had ended her long time relationship with Eva La Gallienne. Soon she met novelist Pamela Frankau with whom she would share 14 years of “total happiness”.<sup>23</sup> Webster’s achievements during this period up until she directed her last play in 1970 are too numerous to mention. They do include a trip to South Africa in 1961 as part of a US State Department American Specialists Program.<sup>24</sup> A few years later she was elected to the Board of Directors of the American National Theatre Company and the next year named Regents Professor at the University of California, Berkeley.<sup>25</sup> Webster had earlier written a book *Shakespeare without Tears*<sup>26</sup> on directing the bard’s plays. In 1969 she wrote a family memoir called *The Same only Different: Five Generations of a Great Theatre Family*.<sup>27</sup> In the last years before her death in 1972 she wrote her autobiography, *Don’t put your Daughter on the Stage*.

### ***Aaron Copland (1900-1990)***

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22Barranger, *Margaret Webster*, pp. 257-268.

23Ibid., p. 260.

24Ibid., pp. 277-278.

25Ibid., p. xviii.

26Cleveland: World Publishing, 1955.

27New York: Alfred. A Knopf, 1969.

Aaron Copland was born in Brooklyn New York. He was of Russian-Jewish extraction. Despite having no great musical distinction in his family, he rose to become one of the foremost American composers of the twentieth century. His first exposure to music was listening to his older siblings play in amateur performances. He enjoyed making up songs and attempted his first opera at age 11.<sup>28</sup> He started small - making his first public appearance on the piano in a Manhattan department store. Ultimately he would win a Pulitzer prize in 1944 for his *Appalachian Spring* which has become a classic amongst American folk music.<sup>29</sup> He went on to win an Academy Award in 1950 for an original film score. A year later he was awarded a Fulbright Scholarship to Italy.

Copland's appearance before the McCarthy committee was precipitated by the banning of a performance of his *Lincoln Portrait* which was scheduled to be performed at the inauguration of Eisenhower. Two days before the event it was withdrawn from the programme after a complaint by Republican congressman Fred Busbey,<sup>30</sup> who obtained from the HCUA a list of Copland's "questionable affiliations" and read this into the congressional record. Copland objected publicly but to no avail. In a letter to the Board of the League of Composers he said, "...We are becoming targets of a powerful pressure movement led by small minds..."<sup>31</sup> A few months later (May 22<sup>nd</sup>) he received a telegram requesting him to appear before the subcommittee three days later. He responded that he needed more time to secure counsel - the hearing was postponed one day. Copland managed to secure the services of Oscar Cox (of Cox, Langford, Stoddard and Cuttler). As Cox himself was unavailable for the hearing he was represented by his colleague Charles Glover.

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28J.W.Struble, *The History of American Classical Music- MacDowell through Minimalism* (New York: Facts on File, 1995), pp. 124-125.

29Ibid., p. 200.

30A.Copland and V.Perlis, *Copland Since 1945* (New York: St Martin's Press, 1989), pp. 185-189.

31Ibid., p. 185.

After his closed hearing appearance he was not asked to appear publicly. Although affected in terms of work opportunities by the hearings, it did not end his career and he continued to compose acclaimed work, turning to conducting in later life. In 1964 he was awarded the Presidential Medal of Freedom and in 1986 the Congressional Medal of Freedom.

### ***Clarence Hiskey (1912-1998)***

He was born Clarence Szczechowski. He was Professor of Chemistry at the University of Tennessee, Columbia University and Brooklyn Polytechnic Institute. Hiskey worked for the Tennessee Valley Authority and later on the Manhattan Project.

In 1944 US Counter Intelligence observed Hiskey meeting with a Soviet agent and he was removed from the Manhattan project and then given an army draft post in Alaska.

In 1948 the House Un-American Activities Committee (HUAC) heard testimony of his membership of the Communist party and his attempts to recruit other scientists to pass atomic information on to the Russians. In testimony before both the House Un-American Activities Committee and Senate Internal Security Subcommittee he repeatedly refused to answer questions on communist connections. In 1950 the House cited him for contempt of Congress. He then resigned from Brooklyn Polytechnic Institute and joined the International Biotechnical Corporation. He later became director for analytical research at Endo Laboratories. He was not called to appear in public.<sup>32</sup>

### ***Abraham Unger (1899-1975)***

<sup>32</sup>D.A.Ritchie (ed), Executive Sessions of the Senate Permanent Subcommittee on Investigations, vol. 2, p. 1305.

Abraham Unger, a founder of the National Lawyers Guild (NLG), had appeared as counsel for Communist Party leaders accused of violating the Smith Act. The NLG was founded in 1936 as Ellen Schrecker puts it, "...the Guild brought together a group of liberal and left-wing lawyers who were alienated by the business orientated, anti-Semitic, lily-white legal establishment".<sup>33</sup> All were supporters of labour and the New Deal. The NLG consisted of an eclectic mix of Catholics, Jews and blacks who had been rejected by the bigger law firms and were attracted by the Guild's aim to raise the economic status of the poorer members of the bar. It also attracted some of the top New Deal lawyers together with law school professors, judges and some civil libertarians.<sup>34</sup> The Guild did have communists amongst its membership and leadership but it was independent and not controlled by the Communist Party. It therefore managed to survive the McCarthy era.<sup>35</sup> Jerold S. Auerbach documents the attack on the NLG by the American Bar Association, the HUAC and the Attorney General.<sup>36</sup> It played an important role by representing many alleged communists before the various anti-communist committees and supporting the rights of lawyers in court.<sup>37</sup>

In his testimony, although Unger did not invoke the Fifth Amendment, he adopted a strategy that the chairman compared to 'filibustering'. During Unger's appearance at a public session on September 18, 1953 Senator McCarthy ordered him removed from the hearing room. On

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33E. Schrecker, *Many are the Crimes: McCarthyism in America* (Boston: Little Brown and Company, 1998), p. 40.

34Ibid., pp. 40-41.

35Ibid.

36J.S. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America*, (New York: Oxford University Press, 1976), pp. 232-237.

37For example the NLG supported Hymen Schlesinger in the disbarment action against him in 1956 see D. Cate, *The Great Fear* (London: Secker & Warburg, 1978), pp. 222-223 and Auerbach, *Unequal Justice*, p. 247. The NLG also tried to counter legislation that ran counter to the constitution eg: its *amicus curiae* brief against the Compulsory Testimony Act, see Cate, *The Great Fear*, p. 152; see also Schrecker, *Many are the Crimes*, pp. 223-234 for NLG's investigation of and harrassment by the FBI.

August 16, 1954, the Senate cited Unger for contempt for his failure to answer questions on the grounds that the subcommittee had “no authority to inquire into the political beliefs and opinions of any other person”. On July 27, 1955, Judge Edward Weinfeld dismissed the charges against Unger. The U.S. Court of Appeals unanimously upheld the dismissal, finding that the subcommittee lacked legislative authority to investigate subversive activities by individuals outside the government.<sup>38</sup>

### ***Julius Reiss (1907-1979)***

Julius Reiss was an American employed by the Polish Delegation to the United Nations. He had also been an instructor for the U.S. Army during the Second World War. In both executive session and in a public session on September 17, 1953, Reiss declined to answer questions relating to Communist Party membership and activities.<sup>39</sup>

### ***Harold Urey (1893- 1981)***

Harold Urey was born on April 29 1893 in Walkerton, Indiana. His early education was in the rural schools in the area and he graduated from high school in 1911. He taught for three years in county schools.<sup>40</sup> He went on to the University of Montana where he completed his undergraduate degree in just three years. Urey had to wait tables in the girls’ dormitory and

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38D.A.Ritchie (ed), Executive Sessions of the Senate Permanent Subcommittee on Investigations, vol. 3, p. 1833.

Website:<http://a257.g.akamaitech.net/7/257/2422/06amay20030700/www.gpo.gov/congress/senate/mccarthy/83871.html>.

39Ibid., p. 1807.

40From internet website: [www.Nobelprize.org/chemistry/laureates/1934/urey-bio.html](http://www.Nobelprize.org/chemistry/laureates/1934/urey-bio.html)

work one summer on a railroad nearby to cover his fees. Despite this he achieved straight As.<sup>41</sup> He majored in Biology and Chemistry and was then encouraged to contribute to the war effort by working at Barrett Chemical Company in Philadelphia between 1917 and 1919. After the war he returned to Montana as a Chemistry instructor. After two years of teaching he realised he would need a PhD to progress academically, and he attained this from the University of California, Berkeley in 1923.<sup>42</sup>

In 1931 he confirmed his discovery of the Hydrogen isotope of mass 2, named deuterium. For this he was awarded the Nobel Prize in 1934. He played a key role in the Manhattan project with his work on the isolation of the Uranium 235 isotope needed for the fission bomb.<sup>43</sup> In 1956-7 he was the George Eastman visiting Professor at Oxford University. The following year he accepted a post as Professor at Large at the University of California, San Diego.

In 1926 he married, producing three daughters and one son.<sup>44</sup> He wrote two books and was the editor of the *Journal of Chemical Physics* for seven years. He received numerous awards and no less than 14 honorary doctorates from Universities all over the United States and Europe.<sup>45</sup> He retired at age 65 but continued to work - writing his last two scientific papers at age 84.<sup>46</sup>

### ***Stanley Berinsky (1923-1985)***<sup>47</sup>

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41From internet website: "Harold Urey" by James R. Arnold, Jacob Bigeleisen and Clyde A. Hutchison Jr. *Biographical Memoirs - National Academy of Sciences*, [www.nap.edu/html/biomems/hurey.html](http://www.nap.edu/html/biomems/hurey.html)

42Ibid.

43Ibid.

44From internet website: [www.Nobelprize.org/chemistry/laureates/1934/urey-bio.html](http://www.Nobelprize.org/chemistry/laureates/1934/urey-bio.html)

45Ibid.

46From internet website: "Harold Urey" by James R. Arnold et al.

47D.A.Ritchie (ed), Executive Sessions of the Senate Permanent Subcommittee on

Stanley Berinsky was an electrical engineer at Fort Monmouth Signal Corps Laboratory.

Graduated from MIT in 1948 (four years interrupted by three and a half years service in the military) and went straight to Fort Monmouth after graduation.<sup>48</sup>

## Subcommittee Members

### *William Stuart Symington (Stuart) (1901-1988)*

William Stuart Symington was Democratic Senator from Missouri. He was born in Amherst, Hampshire County, Massachusetts on June 26, 1901. His family moved to Baltimore, Maryland and he attended public schools. He enlisted in the US Army as private (17 years old) and was discharged as second lieutenant. Symington graduated from Yale University in 1923. He worked as a reporter on a Baltimore newspaper and later as an iron moulder and lathe operator (1923-1926) during which time he began studying mechanical engineering part-time by correspondence. Between 1926 and 1937 he served on the executive of several radio and steel companies. He became president of Emerson Electrical Manufacturing. Symington was made Assistant for War for Air from 1946-1947. First Secretary of the Air Force 1947-1950. He was elected as a Democrat to the US Senate in 1952, re-elected in 1958, 1964 and 1970 and resigned in 1976. Symington was an unsuccessful candidate for the Democratic nomination in 1960. He died in 1988.<sup>49</sup> He served in the McCarthy Permanent Subcommittee but in July 1953, with two other democrats (John L. McClellan and Henry M. Jackson), resigned over a dispute with McCarthy over the Chairman's ability to hire staff

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Investigations, vol. 4, p. 3033.

Website: <http://a257.g.akamaitech.net/7/257/2422/06amay20030700/www.gpo.gov/congress/senate/mccarthy/83873.html>.

<sup>48</sup>Stanley Berinsky, closed hearing, pp. 260-264.

<sup>49</sup>Online version of "Biographical Directory of the United States Congress" - [www.bioguide.congress.gov/biodisplay.pl?index=S0001136](http://www.bioguide.congress.gov/biodisplay.pl?index=S0001136)



without consultation. The three democrats only returned to the committee in January 1954.<sup>50</sup>

### ***John Little McClellan (1896-1977)***

Mc Clellan was a Democratic representative and Senator from Arkansas. He was born in Sheridan, Grand County, Arkansas, February 25, 1896. He studied law and was admitted to the bar in 1913, at age 17. Began practice in Sheridan. McClellan served in the Army during the First World War as first lieutenant in the Aviation section of the Signal Corps (1917-1919). After the war he continued to practice law becoming the prosecuting attorney for a district of Arkansas. He was elected to Congress in 1935 and served to 1939. At the second attempt he was elected as a Democrat to the Senate in 1942 then re-elected five times serving until his death in 1977. He served on several committees including the Committee on Expenditures in Executive Departments (chairman), Committee on Appropriations and Committee on Government Operations (including its Permanent Subcommittee on Investigations - the McCarthy committee).<sup>51</sup>

### ***Henry Martin Jackson (Scoop) (1912-1983)***

Henry Martin Jackson was a Democratic representative and Senator from Washington. He was born in Everett, Snohomish County, Washington on May 31, 1912. Jackson attended public schools and Stanford University. He graduated from the law school of the University of Washington, Seattle in 1935, was admitted to the bar and commenced practice. He was

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50D.A. Ritchie (ed), Executive Sessions of the Senate permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Government Printing Office, 2003, Introduction, p.xv. Website:

<http://a257.g.akamaitech.net/7/257/2422/06amay20030700/www.gpo.gov/congress/senate/mccarthy/83869.html>

<sup>51</sup>[www.bioguide.congress.gov/biodisplay.pl?index=M000332](http://www.bioguide.congress.gov/biodisplay.pl?index=M000332)

elected president of the International Maritime Conference in 1946 and was elected to Congress serving from 1941 to 1953. Jackson was then elected Senator in 1952 and re-elected five times serving until his death in 1983. He served as chairman of the Committee on Interior and Insular Affairs and of the Democratic National Committee. He also made two unsuccessful attempts to win the Democratic presidential nomination in 1972 and 1976. He was posthumously awarded the Presidential Medal of Freedom in 1984.<sup>52</sup>

### ***Karl Earl Mundt (1900-1974)***

Republican representative and Senator from South Dakota, Karl Earl Mundt was born in Humboldt Minnehaha County, South Dakota on June 3, 1900. Mundt attended public schools and graduated from Carlton College, Northfield, Minnesota in 1923 and from Columbia University, New York in 1927. Between 1923 and 1937 he was a teacher of social science and speech in Bryant, South Dakota and General Beadle State Teachers College, Madison, South Dakota. During this time he was also involved in real estate and insurance as well as being a member of the State Game and Fish Commission. In 1938 he was elected to Congress and re-elected four times from 1939 to 1948 when he resigned and took up an appointment to the Senate to fill a vacancy left by the resignation of Vera Bushfeld. He was then elected as a Republican to the Senate in 1948, re-elected three times and served until 1973. He died in 1974.<sup>53</sup>

### ***Charles Edward Potter (1916-1979)***

A Republican representative and Senator from Michigan. Charles Edward Potter was born in

<sup>52</sup>[www.bioguide.congress.gov/biodisplay.pl?index=J000013](http://www.bioguide.congress.gov/biodisplay.pl?index=J000013)

<sup>53</sup>[www.bioguide.congress.gov/biodisplay.pl?index=M001078](http://www.bioguide.congress.gov/biodisplay.pl?index=M001078)

Lapeer Michigan on October 30, 1916. He attended public schools and graduated from Eastern Michigan University. He was administrator of the Bureau of Social Aid, Cheboygan County (1938-1942), enlisted in the US Army and fought in Europe. He was seriously wounded in France losing both his legs and was discharged as a major in 1946. Potter then engaged as vocational rehabilitation representative for the Retraining and Re-employment Administration with the United States Labor Department until his resignation in 1947. In that year he was elected to Congress as a Republican. He was re-elected twice and then elected to the Senate in 1952, initially to fill a post made vacant by a Senator's death and then elected again in 1952 for a term starting in January 1953. He served until 1959 being unsuccessful in his re-election attempt in 1958. Potter was then engaged as an industrial consultant and international securities executive. He was also a member of the American Battle Monuments Commission. He died in 1979 and was buried in Arlington National Cemetery.<sup>54</sup>

### ***Joseph Raymond McCarthy (1908-1957)***

Joseph McCarthy was born on November 15, 1908 in Grand Chute, Outagamie County Wisconsin. He was the fifth of seven children. He attended Underhill School, completing Grade 7 and 8 in one year. McCarthy dropped out of school in the eighth grade and started a chicken farm which was very successful until poultry disease destroyed his flock. He then got a job at Appleton Cash-Way store becoming manager. He successfully opened and ran a new store in Manawa.<sup>55</sup>

At the age of nineteen he decided to return to finish high school. At Little Wolf High School

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<sup>54</sup>[www.bioguide.congress.gov/biodisplay.pl?index=P000460](http://www.bioguide.congress.gov/biodisplay.pl?index=P000460)

<sup>55</sup>T.C. Reeves, *The Life and Times of Joe McCarthy: A Biography* (New York: Stein and Day, 1982), pp. 3-6.

he was able to complete four years of study in a single year. He went on to Marquette University with the intention of doing engineering. However after two years of engineering he switched to law. He financed his fees with a variety of jobs including managing two service stations, selling flypaper door-to-door and washing dishes.<sup>56</sup> McCarthy graduated from Marquette Law School in 1935. He immediately opened his own practice in Waupaca but was not successful, only handling four cases in nine months.<sup>57</sup> McCarthy was then offered a job by a successful Republican lawyer by the name of Mike Eberlein. He joined the Democratic Party and later ran unsuccessfully for election as district attorney on a Democratic ticket.<sup>58</sup> Then in 1939 he ran for election as circuit judge of the 10<sup>th</sup> judicial circuit of Wisconsin and won.<sup>59</sup> As judge he succeeded in significantly reducing a huge inherited backlog of cases by moving swiftly and keeping his court open for longer hours. He was also prepared to travel to hear cases. He soon became popular amongst lawyers of the district.<sup>60</sup>

In June 1942 he took a leave of absence from his judgeship and enlisted in the Marine Corps. Contrary to what he and some newspapers claimed, he received a direct commission as a first lieutenant.<sup>61</sup> After basic training he became an intelligence officer eventually joining a Marine Corps dive bomber squadron. During an initiation ceremony McCarthy broke a bone in his foot while climbing down a ladder with a bucket attached to his right foot. Later when his cast was removed the wrong chemical was used to soften it and he suffered a chemical burn.<sup>62</sup>

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<sup>56</sup>Ibid., pp. 7-9. See also D.M. Oshinsky, *A Conspiracy so Immense: The World of Joe McCarthy* (New York: The Free Press, 1983), pp. 9-10.

<sup>57</sup>Ibid., pp.14-21.

<sup>58</sup>Ibid., pp. 22-23.

<sup>59</sup>[www.bioguide.congress.gov/scripts/biodisplay.pl?index=M000315](http://www.bioguide.congress.gov/scripts/biodisplay.pl?index=M000315)

<sup>60</sup>Reeves, *The Life and Times of Joe McCarthy*, pp. 34-35; see also Oshinsky, *A Conspiracy So Immense*, pp. 24-29 for more detail on his controversial judgeship. Morgan *Reds: McCarthyism*, pp. 329-331 gives a very complementary description of McCarthy's time on the bench.

<sup>61</sup>Ibid., pp. 42-43, McCarthy later claimed he had been enlisted as a private and earned promotion to a second lieutenant's commission.

<sup>62</sup>Ibid., p. 47.

McCarthy later claimed both of these as war wounds and he even received a citation for them.<sup>63</sup>

McCarthy would also later claim that he had flown 32 combat missions as a tailgunner. This claim appears to be entirely false as it has been denied by both the pilots he would have flown with. It seems he flew just 11 missions. In addition much of his shooting was strafing areas during pull-outs after bombs were released. He did fire at a few specific Japanese targets but he was only taken on the least dangerous missions (called ‘milk runs’) as no pilot really wanted an intelligence officer behind them when there was real danger.<sup>64</sup>

In 1944 he failed to win the Republican nomination for the Senate. (He had shortly before become a Republican). In the same year he resigned from the army. He then successfully ran for the Senate in 1946. He had made red-baiting a significant part of his campaign.<sup>65</sup> On February 9 1950 he made a Lincoln Day speech at Wheeling, West Virginia to the Ohio Republican Women’s Club, in which he claimed to have a list of 205 names of members of the State Department who were communist. McCarthy later reduced this number to 57.<sup>66</sup> These claims were investigated by a Committee under Senator Millard Tydings who concluded that his charges were, “A fraud and a hoax perpetuated on the Senate of the United

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<sup>63</sup>Ibid.

<sup>64</sup>Ibid., p. 50-51. Despite his claims being false in 1952 McCarthy was nevertheless awarded *The Distinguished Flying Cross* based in his “32 missions.” Oshinsky, *A Conspiracy so Immense*, pp. 31-32 quotes McCarthy’s colleagues as having given him an award for destroying the most plant life with his shooting. Oshinsky also claims that it is likely that McCarthy wrote his own citation and forged his commanding officer’s signature and then sent it to Admiral Nimitz.

<sup>65</sup>Ibid., pp. 105-106; see also Morgan, *Reds: McCarthyism*, pp. 345-351.

<sup>66</sup>Ibid., p. 224; see also Morgan, *Reds: McCarthyism*, p374 who argues that when McCarthy launched his anti-communist crusade communism was already essentially defeated. “McCarthy arrived on the battlefield after the battle was over to finish off the wounded.” Ellen Schrecker agrees to this and also points out that the Wheeling speech had several paragraphs which had been lifted from a Richard Nixon speech delivered a few days before, Schrecker, *Many are the Crimes*, pp. 242-243

States and the American people”.<sup>67</sup>

In 1952 he was appointed chairman of the Committee of Government Operations which was a relatively minor ‘watchdog committee’ created by the Legislative Reorganization Act of 1946. He also announced that he would be the chairman of the committee’s Permanent Subcommittee on Investigations.<sup>68</sup> He used this subcommittee to launch several investigations designed to uncover evidence of communist infiltration in Government. Areas investigated by the ‘McCarthy committee’ included: the State Department, Voice of America, the International Information Agency, the United Nations and the Teacher Exchange programme.<sup>69</sup> He finally turned his attention to the Army with an investigation of the Fort Monmouth Signal Corps. This led to him attacking senior members of the army like General Zwicker and even President Eisenhower whom he called “stupid arrogant or witless...”<sup>70</sup>

This was followed by the infamous Army-McCarthy hearings which stemmed from McCarthy and Cohn’s attempt to get preferential treatment for G. David Schine (assistant counsel for the subcommittee) in the army. Amongst other things they had asked for a direct commission for Schine which was denied.<sup>71</sup> On December 2<sup>nd</sup> 1954 by a vote of 67 to 22 McCarthy was censured by the Senate for behaviour “contrary to senatorial traditions”.<sup>72</sup> Importantly he was not censured for his role as an anti-communist investigator. Instead he was censured for attacking the two senate committees that investigated him, in particular the Gillette-Hennings Committee and the Watkins Committee.<sup>73</sup> Although the censure carried no punishment,

<sup>67</sup>Quoted in Reeves, *The Life and Times of Joe McCarthy*, p. 304 see also Morgan, *Reds: McCarthyism*, pp. 403-404 for more quotes from the Tydings report.

<sup>68</sup>Ibid., p. 459.

<sup>69</sup>Caute, *The Great Fear*, p. 106.

<sup>70</sup>Quoted in Reeves, *The Life and Times of Joe McCarthy*, p. 558.

<sup>71</sup>Ibid., pp 569-570..

<sup>72</sup>[www.bioguide.congress.gov/scripts/biodisplay.pl?index=M000315](http://www.bioguide.congress.gov/scripts/biodisplay.pl?index=M000315)

<sup>73</sup>Reeves, *The Life and Times of Joe McCarthy*, pp. 662-665; see also Schrecker, *Many are the Crimes*, p. 265.

McCarthy had lost credibility and made a large number of important enemies in the Senate,<sup>74</sup> where he became obstructionist, even cutting ties with Eisenhower.<sup>75</sup> A life-time problem with alcoholism got far worse. At the time there was an attempt to disguise his death, on May 2<sup>nd</sup> 1957, as due to hepatitis but it was in fact due to liver failure which was the result of long-term alcohol abuse.<sup>76</sup>

### ***Roy M Cohn (1927-1986)***

At the time of his appointment as chief counsel Roy Cohn he was just 25 years old. The son of Judge Albert Cohn of the Appellate Division of the New York Supreme Court,<sup>77</sup> he was an undistinguished student at Columbia<sup>78</sup> but nevertheless graduated at the age of 19. Cohn then had to wait until he was 21 to pass the Bar Exam. His father's connections in the Democratic Party got him a job as a clerk typist in the office of the United States Attorney for the Southern District of New York. This was until he became a member of the bar. He was then sworn in as assistant United States Attorney General.

He therefore become involved in some big cases including the prosecution of individuals for violation of the Smith Act, the perjury trial of William Remington and the successful prosecution of Julius and Ethel Rosenberg on charges of espionage. He became Special

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74Morgan, *Reds: McCarthyism*, p. 512.

75Reeves *The Life and Times of Joe McCarthy*, p. 666

76Ibid., p. 671; see also Oshinsky, *A Conspiracy so Immense*, p. 505.

77Reeves, *The Life and Times of Joe McCarthy*, p. 463.

78Caute, *The Great Fear*, p. 107.

Assistant to Attorney General James McGranery and worked on the Owen Lattimore perjury case. He also presented the case of American Reds in the UN to a grand jury but returned no indictments. At the time of his appointment he had no legislative or Committee experience. According to Ted Morgan he ran the hearings like a prosecutor before a grand jury.<sup>79</sup> Morgan provides an interesting description of him, “The sleepy look that his eyes conveyed was a disguise - he was ferociously ambitious and all too conscious of his own merit, which made him at times abrasive. *He tended to push people around, until they pushed back*”.<sup>80</sup> (my emphasis) This is certainly borne out in the testimony I analyse in the chapters that follow.

After the McCarthy hearings had finished Cohn went into private practice and was often reprimanded for unethical conduct. He was tried and acquitted in 1964, 1969 and 1971 on charges of bribery, conspiracy and fraud then finally disbarred in 1986. His homosexuality was bitterly ironic given his often merciless abuse of gay witnesses. He died of AIDS in the same year.<sup>81</sup>

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<sup>79</sup>Reeves, *The Life and Times of Joe McCarthy*, pp. 463-464 and Morgan, *Reds: McCarthyism*, p. 429.

<sup>80</sup>Morgan, *Reds: McCarthyism*, p. 429.

<sup>81</sup>*Ibid.*, p. 512.



## CHAPTER 2

### ***USING THE FIFTH AMENDMENT***

My purpose in this chapter is to examine the use of the Fifth Amendment by three witnesses and the response by the committee to this defence.<sup>1</sup> I shall show that the committee distorted the essence of the witnesses' right against self-incrimination, so as to leave them effectively without this right at all. The Committee consistently placed these witnesses in a position where their silence was interpreted as guilt, which runs counter to the origin and purpose of this right. In order to accurately establish the original purpose and meaning of the Fifth Amendment and its correct application, I will first look briefly at its history. This demonstrates the extent to which it was misused by McCarthy. The bulk of the chapter consists of a close examination of the techniques of interrogation and witness responses in the testimonies of Helen Lewis, Clarence Hiskey and Julius Reiss.

#### ***Background***

The importance of the Fifth Amendment is eloquently expressed by legal historian, Leonard Levy. For him it reflects the judgement that,

...in a free society, based on respect for the individual, the determination of guilt or innocence by just procedure, in which the accused made no unwilling contribution to his conviction [is] more important than punishing the guilty.<sup>2</sup>

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1D. Cate, *The Great Fear - The anti-communist Purge Under Truman and Eisenhower* (London: Secker & Warburg, 1978), pp. 51-52 for background and overview of use of the Fifth Amendment before congressional hearings during McCarthyist era.

2L. Levy, *Origins of the Fifth Amendment: The right against self-incrimination* (New York: Oxford University Press, 1968), p. 432. For the following historical background to the Fifth Amendment I have depended largely on this his book and his article, Levy, "The Right Against Self-Incrimination: History and Judicial History," *Political Science Quarterly*, vol. 84 no. 1, March 1969, pp. 1-29.

The right against self-incrimination (which would later become the Fifth Amendment) has its roots in English legal history as far back as the 17<sup>th</sup> century and before.<sup>3</sup> According to Levy, in overview, the right against self-incrimination originated with its invention by those accused of religious crimes such as heresy and non-conformity and then later by those on trial for political crimes, like treason or sedition where often the only offense was criticism of the government. It was associated originally with crimes of conscience, of belief and of association. It therefore became not a means of protecting the guilty or the innocent but of freedom of expression and political liberty.<sup>4</sup>

In its origins the Fifth Amendment has direct relevance to the way it was used by witnesses in the McCarthy hearings. As shall be seen, it was often used to protect being attacked for holding certain opinions, which in a different context, would not constitute crime at all.

In the amendment itself, the right against self-incrimination appears as part of a list of rights applying to the accused in criminal cases. It provides that no person "...shall be compelled in any criminal case to be a witness against himself..."<sup>5</sup> It does appear to limit the right to criminal cases but Levy again argues persuasively that this cannot be said to apply literally. This would make it applicable only to those accused of crimes thereby excluding witnesses, civil proceedings and the whole pre-trial process. Not only would these limitations render the

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3As Robert Beale, clerk of the Privy Council said in 1590, "...by the Statute of Magna Carta...this othe for a man to accuse himself was and is utterlie inhibited."Quoted in Levy, "The Right Against Self-Incrimination," p. 5. John Lilburne was the man remembered as the father of the right. He was tried in England for importing banned anti-religious books. He refused to swear to the oath at his Star Chamber trial of 1637. Despite severe punishment he won huge public support for his promotion of the right against self-incrimination. See Levy, "The Right Against Self-Incrimination," pp. 12-13 and Levy, *Origins of the Fifth Amendment*, pp 276-277.

4Levy, *Origins of the Fifth Amendment*, p. 322.

5'The Constitution of the United States' as quoted in J.A. Garraty and R.A. McCaughey, *A Short History of the American Nation* (Fifth Edition) (New York: Harper & Row Publishers, 1989), pp. A-11.

right so weak as to be ineffective, but the way the right developed in England and America shows it was certainly not by this time bound by such a narrow application.<sup>6</sup> There is also strong historical evidence for the right extending to Congressional hearings, even though the Supreme Court only ruled in favour of this in 1955 in the case *Quinn v. United States*.<sup>7</sup> In this case Quinn appeared before the HUAC and refused to say whether or not he had been a member of the communist party on the basis of the Fifth and First amendments. In his subsequent trial for contempt the District court convicted him. Eventually however the Supreme Court heard the case and upheld Quinn's right to claim the Fifth Amendment before a congressional hearing, as an answer to the question on communism would tend to incriminate him.<sup>8</sup>

Finally it is often assumed that a person who remains quiet is guilty. However it is fundamental to the right against self-incrimination that the prosecutor, judge or jury may not assume that silence means guilt. "When an accused chooses to remain silent, the prosecutor is not allowed to suggest that the defendant's silence means a person is guilty."<sup>9</sup> This is directly relevant to the McCarthy hearings. The committee, as I shall demonstrate, definitely made the assumption that silence meant guilt, thereby entrapping the witness and leaving his or her Fifth Amendment right effectively useless. In fact, as we shall see, the guilt of a witness often depended only on their refusal to answer certain questions - little or no hard evidence was presented.

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<sup>6</sup>Levy, "The Right Against Self-Incrimination", pp. 17-18.

<sup>7</sup>See Levy, "The Right Against Self-Incrimination", p. 24 and O.H. Stephens (Jr) and J.M. Scheb II, *American Constitutional Law*, (Belmont: Wadsworth/Thompson Learning, 2003), p. 90 for 18<sup>th</sup> Century use of the Fifth Amendment before congressional hearings.

<sup>8</sup>*Quinn v. United States*, (April 4, 1955)

<sup>9</sup>T. Pendergast, S. Pendergast and J. Sousanis, *Constitutional Amendments From Freedom of Speech to Flag Burning* (Detroit: UXL, 2001), pp. 103-104.

Some 500 witnesses took the Fifth before committee and grand jury between 1950 and 1956. US Courts were therefore called upon to establish the key principles for the application of this right. In 1951 the Supreme Court in *Rogers v. United States* confirmed its disapproval of the use of the Fifth in relation to third parties. Here the witness had already admitted to being the Communist Party treasurer but attempted to take the Fifth when it came to naming her successor. The Court ruled that she had waived her privilege by admitting her own affiliation.<sup>10</sup> As has already been shown, the right of a witness to make use of the Fifth Amendment before a congressional hearing had already been established. However, some witnesses ended up taking the Fifth when they had been wrongly identified, for fear of being charged with perjury which was more severe than the charge of contempt that could result if the Fifth Amendment invocation was not accepted.<sup>11</sup>

Another example of the misuse of this right was a school of thought, held by the judiciary for some time, that because membership of the Communist Party was legal, admitting this did not tend to incriminate and therefore a witness could not invoke the Fifth on this basis. However from 1951 the Supreme Court ruled that leading communists could be charged with conspiracy and association under the Smith Act.<sup>12</sup> As a result of this and earlier Smith Act convictions the Supreme Court held in two separate cases, *Blau v. United States* (1950) and *Brunner v. United States* (1952),<sup>13</sup> that membership of the Communist Party tended to incriminate.

Then in 1954 Congress passed the Compulsory Testimony Act - perhaps one of the low points of a legislature that prides itself on its pursuit of liberty. It meant that a witness could be

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<sup>10</sup>Ibid., pp. 150-151.

<sup>11</sup>Ibid., p. 151.

<sup>12</sup>Full name: Alien Registration Act of 1940.

<sup>13</sup>Caute, *The Great Fear*, p. 152.

compelled to testify on pain of contempt . He could invoke the Fifth but this would only protect him from prosecution but not excuse him from having to answer questions asked.<sup>14</sup> This was later confirmed by the Supreme Court in *Ullman v. United States* (1956), proving David Caute's contention that at this point the US Constitution was indeed "concussed in the courts"<sup>15</sup>. Thankfully this would not last and the Supreme Court, under Chief Justice Earl Warren, was brought back to its senses. Under the leadership of Warren the Court put began to limit the power of the HUAC by ruling that it could not simply harass people but that an inquiry must be legislative in its aims and direction.<sup>16</sup> In 1956 in *Cole v. Young* the Court reversed the security firing of a drug inspector on the grounds that the Department of Health was not a "sensitive" agency.<sup>17</sup> Then in the same year in *Pennsylvania v. Nelson* the conviction of Communist Party leader Steve Nelson under Pennsylvania's sedition law was over-turned. Warren held that "by its own internal-security measures Congress had pre-empted the field from the states."<sup>18</sup> In addition the court helped re-establish the right against self-incrimination when it reversed a lower court decision to fire a Brooklyn College professor for using the Fifth Amendment before the Senate Internal Security Subcommittee. (SISS).<sup>19</sup>

### ***Witness options***

The Fifth Amendment was taken, not as a first resort, but because for many, all other options seemed closed. David Caute sets out the following options that lay before a witness who was

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14Ibid.

15Ibid., p. 139.

16Fried, R.M. *Nightmare in Red: The McCarthyist Era in Perspective* (New York: Oxford University Press, 1990) p. 184.

17Ibid., pp. 184-185.

18Ibid., p. 185.

19Ibid. See Fried *Nightmare in Red*, pp. 184-188. See also Caute, *The Great Fear*, p.146-147.

subpoenaed before a congressional committee during this period:

- (1) Taking the Fifth Amendment
- (2) Taking the First Amendment
- (3) Arguing that Congress had not authorised the committee to ask that specific question.
- (4) Arguing that the question was not pertinent to the matter under investigation.
- (5) Arguing that the inquiry was not in aid of a legislative purpose.<sup>20</sup>

The first defence used was to challenge the HCUA's (House Special Committee on Un-American Activities) right to exist. Communists such as Gerhart Eisler and Leon Josephson took this option and refused to take the oath. The result was a jail sentence for contempt of Congress. The second wave of witnesses included members of the Joint Anti-Fascist Committee and the Hollywood Ten. This group opted for the First Amendment as it was considered more dignified than the Fifth. However the Supreme Court headed by Chief Justice Fred Vinson turned them down, which made it clear that the First Amendment would not work at that time. As a result the Fifth Amendment began to be used on a huge scale. Counsel for witnesses advised against using (4) or (5) above, leaving little other option.<sup>21</sup>

### ***Witnesses' use of the Fifth Amendment***

The committee used what I have called the "Fifth Amendment Trap" which usually took the following line: A question was asked, the witness refused to answer on the basis of the Fifth Amendment. McCarthy then asked whether the witness was declining to answer because a truthful answer would tend to incriminate him/her. If the witness answered yes, the committee

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<sup>20</sup>Caute, *The Great Fear*, p. 147.

<sup>21</sup>Ibid., p. 148.

openly drew an inference of guilt (something specifically outlawed by the rules discussed above). If of course the witness answered no - that a truthful answer would not incriminate him or her - then McCarthy would order them to answer on pain of contempt.<sup>22</sup> The Committee's argument was that if the witness did not have anything to hide he/she would not remain silent.<sup>23</sup> Therefore silence was seen to imply something sinister or criminal in his or her past. However it is important to remember that silence in the context of the McCarthyist era meant something very different to the meaning attached to it in a more normal, democratic context. The politics of silence cannot be understood outside the highly charged atmosphere of the era.

Indeed, one of the injustices of the McCarthyist era was that actions which ordinarily were not crimes, became defined as such in the public mind. Attendance at a communist meeting, membership of the party or mere association with a communist, all had dire personal consequences such as the destruction of a carefully-built reputation and the loss of employment. Worse still, criminal behaviour went beyond actions. Holding certain opinions too became a crime. It was really because of these harsh punishments meted out for these non-criminal "crimes" that witnesses resorted to the Fifth Amendment. In a normal democratic society it would hardly have been necessary. Witnesses were often fired having only been subpoenaed by one of the anti-communist congressional committees.<sup>24</sup> It is also

<sup>22</sup>As argued earlier many of the tactics McCarthy used were pioneered by the HUAC. The use of this "Fifth Amendment trap" was no exception see Cate, *The Great Fear*, pp. 95-96. See also J.G. Adams, *Without Precedent: The Story of the Death of McCarthyism*, (New York: W.W. Norton & Company, 1983), pp. 66-69, Adams shows how the rule against the selective use of the Fifth was exploited by McCarthy.

<sup>23</sup>See comments by anti-communist observer Sidney Hook; Cate, *The Great Fear*, p. 151.

<sup>24</sup>For a very interesting discussion of the victims of McCarthyism see E. Schrecker, *Many are the crimes: McCarthyism in America* (Boston: Little Brown and Company, 1998), pp. 359-415. At least 10 to 12 000 people lost their jobs as a result of McCarthyism with some suffering far more severely. This discussion also includes the negative impact of McCarthyism on the Civil Rights movement as well as the boost it gave to the cause of White Supremacists.

important to point out nevertheless, that the Fifth Amendment became an essential, if porous, defence weapon for witnesses. It also became a key weapon for the interrogators as the following analysis shows. For McCarthy, silence could be interpreted to suit his own political ends. It was usually presented as further evidence of a communist conspiracy - something the public was all too eager to believe.

### *Helen Lewis*

An example of the setting of this so-called “trap” comes from the testimony of Helen Lewis. She was subpoenaed mainly because her husband (Professor Naphtali Lewis) was under investigation as he had leftist connections and had been awarded a Fulbright scholarship to study Ancient Greek manuscripts in Italy. She appeared in closed session on May 20, 1953 and in public on June 19 the same year. She chose to take the Fifth in relation to questions about her membership of the Communist Party. The committee took to asking about specific years of her life in an attempt to get an answer:

The Chairman: In 1949 were you a member of the Communist Party?

Mrs Lewis: No

The Chairman: 1948?

Mrs Lewis: No

The Chairman: 1947?

Mrs Lewis: I must decline to answer that question.

The Chairman: 1940?

Mrs Lewis: I must decline to answer that question.

The Chairman: In 1935?

Mrs Lewis: I must decline to answer.

The Chairman: 1930?

Mrs Lewis: In 1930 sir I was roughly seventeen years old.

The Chairman: The Young Communist League?

Mrs Lewis: No.

The Chairman: 1931.

Mrs Lewis: I must decline to answer.

The Chairman: You decline to answer on the ground that if you give a truthful answer, the answer might tend to incriminate you?

Mrs Lewis: No, sir. As I understand it no such inference can be drawn.

The Chairman: Then you are ordered to answer.



Mrs Lewis: I must decline to answer.  
The Chairman: You are ordered to answer or I shall ask that you be held in contempt.<sup>25</sup>

From the legal opinion presented above, it seems to me that Lewis is quite right, “no such inference can be drawn”. However despite having legal correctness on her side, this did not help much in this context. In McCarthy’s subcommittee, as in other anti-communist congressional committees, rules were re-written.<sup>26</sup> Their unconstitutionality was endorsed by a public which was sufficiently paranoid to be happy that the constitution should take a back seat. Indeed, even the Supreme Court backed the principle of the sacrifice of some individual constitutional rights in order to stave off a perceived threat to national security.<sup>27</sup> Ellen Schrecker has persuasively shown that the abuse of constitutional rights which often included many jobs being unfairly lost, required the acquiescence and active collaboration of countless people from employers to university administrations.<sup>28</sup> David Cauter agrees with this point, arguing that during the crucial years of McCarthyism, the most important opinion-forming intellectuals abandoned the critical function that they should always maintain toward government actions and agencies.<sup>29</sup>

Witnesses were more alone than in a court room, in the sense that their legal counsel was not allowed to object or even address the committee directly. Occasionally some counsel did manage to address the committee but only if particularly insistent.<sup>30</sup> As shall be seen in

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25Helen Lewis, closed hearing, pp.176-177. All page number references to transcripts of closed hearings relate to my own page numbering in the Appendixes which is, for convenience, not the same as those appearing in the original publication on the internet.

26See Cauter, *The Great Fear*, p. 97 for how this applied to the HUAC as well.

27See Cauter, *The Great Fear*, pp 139-152.

28E. Schrecker, “McCarthyism: Political Repression and the Fear of Communism, *Social Research*, vol. 71, no. 4, Winter 2004, pp. 1068-1072; see also E. Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York: Oxford University Press, 1986) p. 10 and her, *Many are the Crimes*, p. xiii.

29Cauter, *The Great Fear*, p. 53.

30Cauter, *The Great Fear*, p. 97 - deals with the HUAC and its intimidation of defence counsel. Cauter argues that much of the tactics used by the HUAC were copied by the McCarthy subcommittee.

analysis of other witnesses there was an intense hostility to lawyers who were seen as obstructing the work of the committee.<sup>31</sup> Lawyers who represented witnesses before the various anti-communist committees, faced not only a loss of clients who saw them as tainted, but in many cases also faced disbarment. Members of the National Lawyers' Guild (which consisted of left wing lawyers who unlike most were prepared to defend alleged communists) were particularly targeted.<sup>32</sup>

Senator John L. McClelland (a democrat from Arkansas) then somewhat patronisingly added, "Maybe we are moving too rapidly. I suggest you ask the question again." Almost as if the committee was dealing with a child who did not understand, McCarthy duly repeated the question:

The Chairman: The question is: in 1931 were you a member of the Communist Party?  
Mrs Lewis: No.<sup>33</sup>

Lewis repeated this answer until McCarthy got to 1934:

Mrs Lewis: Well, I must decline to answer that question.  
The Chairman: Are you declining on the ground that if you told the truth, gave a truthful answer that answer might tend to incriminate you?  
Mrs Lewis: I am declining under the protection of the Fifth Amendment which says that I may not be a witness against myself.<sup>34</sup>

McCarthy then repeated his question as to whether "a truthful answer would incriminate" but with Lewis still sticking to her refusal to answer McCarthy launched into a fuller explanation:

The Chairman: You are ordered to answer the question. Just so you understand, we

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31Ibid.

32Schrecker, *Many are the Crimes*, pp. 301-305.

33Helen Lewis, closed hearing, p. 177.

34Ibid.

must determine whether you are entitled to refuse to answer the question under the Fifth Amendment. You are only entitled to refuse to answer my question if you feel an honest answer might tend to incriminate you. If you refuse to answer that, I am not going to threaten you, but for your own information, if you do not I will ask the committee to cite you for contempt.<sup>35</sup>

In stating that it is the committee which determines whether Lewis is allowed to use the Fifth Amendment, he reveals a hint of the self-appointed, rule-writing role of this committee. As referred to in the introduction this was just one example of a number of congressional committee rules which McCarthy was happy to twist or ignore. Also as before McCarthy implies that using the Fifth Amendment is in fact dishonest, “You are only entitled to refuse to answer my question if you feel an honest answer might tend to incriminate you”. Earlier he suggested the same, “Are you declining on the ground that if you told the truth, gave a truthful answer that answer might tend to incriminate you?” In this case, with the threat of contempt hanging over her, and having taken legal advice, Lewis answers that “... if I answer the question it might tend to incriminate me”.<sup>36</sup> McCarthy still needs to make sure he has driven the imputation of dishonesty home:

The Chairman: And you feel if you gave a truthful answer it might tend to incriminate?

Mrs Lewis: Yes, Sir.<sup>37</sup>

I call this the “Fifth Amendment Trap” because here McCarthy has forced the witness into a corner. She has been forced effectively to admit what she was trying desperately not to, by using her Fifth Amendment right. Although she has been allowed to use it, this right has been rendered useless by the committee’s abuse of it. This pattern of questioning was used repeatedly when other witnesses chose to use the Fifth Amendment. This attitude to the Fifth Amendment is clearly expressed in a statement to Lewis made not by McCarthy but by

<sup>35</sup>Ibid.

<sup>36</sup>Ibid.

<sup>37</sup>Ibid., pp. 177-178.

Senator Stuart Symington (a Democrat from Missouri):

Senator Symington:...I am only telling you what is now a matter of record. It seems if you say you are a good American, and *in effect have admitted you were a member of the Communist Party*, it would be far better for you if you said you had been a member and felt it was wrong based on subsequent thinking, and inasmuch as you feel you are a good American—looking at you and listening to you and certainly you are out of it now—if I had anything to do with giving you a passport I would be glad to see you get one. On the other hand, if you come up here and say that you are a good American and take refuge through *a lot of legal ‘claptrap’ behind the Fifth Amendment*, do you think the people of this committee will approve of your getting a passport to go out of the United States while you might have reason for not admitting anything about it. I think you are making a mistake. I think you are doing yourself an injustice from listening to you.<sup>38</sup> (my emphasis)

Symington clearly admits to having assumed that Lewis’s silence means she is a member of the Communist Party. This is not legally correct as shown earlier. His contempt for the Fifth Amendment is clearly expressed with his reference “legal ‘claptrap’”. This was shared by McCarthy and the other committees hunting communists. The Fifth Amendment was a source of immense frustration. This frustration was added to because in most cases like this one, without the evidence sought from the witness, no other convincing, credible evidence was available. The crucial importance of the right against self-incrimination as outlined earlier is clearly not appreciated by the committee. Symington’s tone suggests a hint of a guilty conscience for what the committee is doing to someone whom he believes was essentially a good American. He also comes across as somewhat patronising as if to say ‘I know what’s best for you’ as one would for a child who doesn’t understand what is in her best interests.

It is appropriate here to have a brief look at the views of James A. Wechsler, another witness who appeared before the McCarthy committee in executive session and has written about his

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<sup>38</sup>Ibid., pp. 180.

experience. Wechsler was a journalist at the New York *Post*.<sup>39</sup> As a student he had been a member of the Young Communist League (YCL) until he resigned in 1937. Wechsler was called, not so much because of his past communist connections, but because he and the New York *Post* had been openly critical of McCarthy. He decided not to take the Fifth. “I had resolved much earlier that silence was suicidal in dealing with McCarthy. I know some thoughtful people differ with me, and that there are some who believe I should have refused to answer any questions dealing with the policies and personnel of the newspaper I edit. But I was persuaded then, and I have not changed my opinion, that McCarthy was hoping I would refuse to testify so that he could use my silence to charge that I had something to hide...To put it simply, I did not believe that my answers would tend to incriminate or degrade me but I was quite certain that silence would.”<sup>40</sup>

His reasons tend to back up my earlier argument about silence having a unique meaning in the McCarthyist context. He was also obviously sufficiently eloquent and articulate to be able to express himself clearly. In the hearing he was able to keep his composure, as his answer to the question of whether there were any communists working in his newspaper at the time shows, “I answer the question solely because I recognize your capacity for misinterpretation of a failure to answer...To my knowledge there are no communists on the staff of the New York *Post* at this time.”<sup>41</sup> The particular attributes and tactics required for a witness to emerge relatively well from these hearings is discussed in Chapter 4.

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39J.A. Wechsler, “To be Called Before the McCarthy Committee,” T.C. Reeves (ed), *McCarthyism* (Malabar: Robert. E. Kriegler Publishing Company, 1982), p. 40.

40Ibid., p. 42.

41Ibid.

## *Clarence Hiskey*

Clarence Hiskey, who appeared on June 19, 1953, is another example of a witness who took the Fifth Amendment:

The Chairman: Were you engaged in atomic energy espionage?

Mr Hiskey: I refuse to answer that question.

The Chairman: You refuse to answer?

Mr Hiskey: You can't run it in and make the assumption I was, because of the Fifth Amendment...<sup>42</sup>

Again like Helen Lewis, Hiskey was right on a point of law - the assumption of guilt by McCarthy was strictly unconstitutional. However McCarthy's reaction was to speak to Hiskey as a teacher would a disobedient child:

The Chairman: You do not interrupt me when I am talking. Do you understand that?

Mr Hiskey: I was talking, and you interrupted me.

The Chairman: I am asking you a question. The first question is, were you engaged in atomic energy espionage, and your answer is that you refuse to answer on the ground that it might incriminate you.

Mr Hiskey: And I went on to explain.

The Chairman: We will take the explanation later. You tell me now that you feel a truthful answer to that question might tend to incriminate you?

Mr Hiskey: Yes.

The Chairman: That is about as definite proof as we can get here that you were an espionage agent, because if you were not you would simply say no. That would not incriminate you. The only time it would incriminate you would be if you were an espionage agent. So when you refuse to answer on the ground it would incriminate you, that is telling us you were an agent.<sup>43</sup>

McCarthy's statement here is very revealing - even more so than the euphemistic language employed elsewhere. In stating "...as definite proof *as we can get here...*" (my emphasis) he was really revealing that there was a different standard of 'proof' which operated in front of the committee - certainly a far cry from 'beyond reasonable doubt'. As McCarthy had said, in relation to his investigation of the Institute of Pacific Relations, the Fifth Amendment was

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<sup>42</sup>Clarence Hiskey, closed hearing, p. 218.

<sup>43</sup>Ibid.

“the most positive proof obtainable that the witness is a communist.”<sup>44</sup>

In reply to this, Hiskey turned to an explanation of the purpose of the Fifth Amendment and an attack on the legitimacy of the committee:

Mr Hiskey: I don't think you understand the whole purpose of the Fifth Amendment, Senator. That amendment was put into the Constitution to protect the innocent man from just this kind of star chamber proceeding you are carrying on.

The Chairman: You object to being asked these questions?

Mr Hiskey: Yes, I do.

The Chairman: For your information, the provision of the Fifth Amendment came down from the old English Law. The purpose of that is to avoid making a man convict himself of a crime, the theory being that no man should convict himself. That is the purpose of the provision of the Fifth Amendment.<sup>45</sup>

In this last explanation McCarthy failed to answer the point about the assumption of guilt that was made. Stating the origin of the Fifth Amendment was not really relevant to what Hiskey had said. In fact the review of the origin of the Fifth Amendment by Leonard Levy referred to above, clearly shows that its history proves Hiskey correct.<sup>46</sup> In addition, Mc Carthy correctly stated that the Amendment was there to prevent a man from having to “convict himself,” yet that is precisely what he had just made Hiskey do.

Shortly after this, McCarthy asked if Hiskey was a member of the Communist Party. Hiskey responded by requesting the opportunity to make a comment, to which McCarthy replied:

The Chairman: No, I do not want any comment on the Fifth Amendment. We do not need any instructions from you on the Fifth Amendment. The question is, are you a member of the Communist party today?

Mr Hiskey: I refuse to answer that question on the ground it may tend to incriminate

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44Quoted in Schrecker, *Many are the Crimes*, p. 251.

45Clarence Hiskey, closed hearing, p. 218.

46See earlier in this Chapter pp. 52-57.

me.<sup>47</sup>

Perhaps the reason McCarthy would not take any further comment from Hiskey is because he did not want to risk being out-argued again. As I shall show later McCarthy did resort to the force of his authority when witnesses proved recalcitrant and/or had superior arguments.

### ***Julius Reiss***

When Julius Reiss appeared before the committee (14 September, 1953)<sup>48</sup> chief counsel, Roy Cohn, asked most of the questions, which led to a slightly more subtle approach. However, the end result was very similar. Reiss was questioned about his employment as a documentation clerk to the Polish delegation of the United Nations. He resorted to the Fifth Amendment when asked about his employment before 1950, when he had started in his current position:

Mr Cohn: What did you do immediately prior to going with the Polish Delegation?

Mr Reiss: Directly prior to that?

Mr Cohn: Yes

Mr Reiss: I was out of work.

Mr Cohn: For how long a period of time? Just approximately?

Mr Reiss: May I ask counsel a question?

Mr Cohn: Sure, you can ask your counsel anything you want.

Mr Reiss: I think it may have been about two months or so. Two or more, I am not sure.

Mr Cohn: Directly prior to that, what did you do?

Mr Reiss: I refuse to answer on the grounds of the Fifth Amendment.<sup>49</sup>

Then we have him giving the same sort of confirmation that we have seen previously:

Mr Cohn: On the grounds the answer may tend to incriminate you, on the Fifth amendment?

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47Clarence Hiskey, closed hearing, p. 218.

48Reiss also appeared in Public Session on September 17, 1953.

49Julius Reiss, closed hearing, p. 228.



Mr Reiss: On the grounds the answer may tend to incriminate me, on the Fifth amendment.<sup>50</sup>

This question was nothing more than a repeat for emphasis, since Reiss had already stated that he is refusing to answer on the basis of the Fifth. He was forced to re-confirm this to emphasise the presumption of guilt (as had been done with Lewis and Hiskey previously). However, this finding was not specific enough, so the following question by Cohn aimed to pin Reiss down to a specific time frame:

Mr Cohn: For how long a period of time will you claim a privilege as to your employment?... You can consult with counsel if you want... I don't want to go back month after month.

Mr Reiss: I think back to about 1935.

Mr Cohn: Back to 1935?

Mr Reiss: Yes, sir.<sup>51</sup>

Cohn had now established that between 1935 and 1950 Reiss's employment by its nature would tend to incriminate in front of the committee. In the context of the 1950s this would most likely have implied possible involvement with the Communist Party. Thus the same presumption of guilt was in operation as shown previously. Unlike Hiskey and Lewis however, no argument was put up as a defence against what could be seen as an abuse of the Fifth Amendment right.

Having now established this 'dodgy' time in Reiss's career, the next line of questioning related to Reiss's role as a teacher of Pedagogy (teaching methodology) during World War II from 1942 to 1945 - right in the middle of this 'dodgy' period. The fact that he was 'suspiciously' employed while teaching American soldiers, suggested, in the eyes of the committee, that he might well have been corrupting his pupils with the poison of communist philosophy. This related to a wide-spread paranoia at the time about the perceived grave

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<sup>50</sup>Ibid., pp. 228-229.

<sup>51</sup>Ibid., p. 229.

danger of allowing communistically inclined teachers to poison the minds of the nation's youth.<sup>52</sup> As Schrecker points out, the fact that so many teachers and others were fired when the shadow of communist suspicion fell on them, was not because the employers thought they were any real threat to national security but that these employers were really concerned about the danger of criticism from the right. Such criticism could destroy the hard-earned reputation of an academic institution or for businesses it could lead to financial ruin from the withdrawal of big clients. For example the Association of American Universities, which represented 37 leading North American Universities, warned faculty members that they had an "obligation to maintain [their universities] reputation".<sup>53</sup>

Reiss later also took the Fifth when asked about his membership of the Communist Party and to guard himself against a series of related questions about whether he contributed to the party in any way. But perhaps out of a sense of panic Reiss began to become overcautious - using the Fifth on numerous questions of easily verifiable fact. For example:

Mr Cohn: Do you have any brothers?

Mr Reiss: I refuse to answer on the same grounds.

The Chairman: Mr Counsel, I think that the chair will order the witness to answer.

There can be nothing incriminating about the fact he has got brothers.<sup>54</sup>

This was of course the correct ruling, after which Reiss did answer in the affirmative. Later he refused to give the names of his brothers again on the basis of the Fifth Amendment. It took a number of questions, before he did eventually reveal their names. Earlier Reiss similarly took the Fifth on whether he ever worked at Jefferson School.<sup>55</sup> It was perhaps not

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<sup>52</sup>Schrecker, *No Ivory Tower*, p. 10. Schrecker argues that the college teachers and administrators co-operated with McCarthyism by evicting suspected communists from their faculties. This despite their claims to the contrary. This book comprehensively documents the repression of academics during this period, see for example p. 218 for patterns of the academics' actions and typical punishments.

<sup>53</sup>Schrecker, "McCarthyism: Political Repression," pp. 1069-1070.

<sup>54</sup>Julius Reiss, closed hearing, p. 231.

<sup>55</sup>*Ibid.*, p. 230.

entirely unexpected, given the context, that he should have tended to overuse the Fifth Amendment. This is a small illustration of the intense pressures that were brought to bear on witnesses in a unique political context. It was under this sort of stress and in this tense atmosphere that they were judged.

Reiss was also questioned about how he obtained his current job at the United Nations. He once again took the Fifth Amendment, however this time McCarthy determined that he was not permitted to do so:

Mr Cohn: Let me ask you this question. Who obtained your job for you at the Polish Delegation to the United Nations?

Mr Reiss: I refuse to answer on the grounds previously stated.<sup>56</sup>

Cohn implies that Reiss was not capable of getting the job on his own.

Mr Cohn: Was that obtained through the intercession of the American Communist Party?

Mr Reiss: No, sir.

Mr Cohn: Was it obtained by you - for you through the intercession of any functionary of the American Communist Party.

Mr Reiss: I refuse to answer.<sup>57</sup>

It is a little curious why Reiss chose to answer the former but not the latter. This could perhaps be put down to the intense stress he was under. Regarding the second question he seemed to be concerned that whatever name he mentioned would be guilty by association with him and vice versa. In any case at this point McCarthy intervened:

The Chairman: Was there anything illegal in connection with your obtaining that job, as far as you know?

Mr Reiss: No, sir.

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<sup>56</sup>Ibid., p. 234.

<sup>57</sup>Ibid.

The Chairman: Was – to your knowledge, did you do anything in connection with your obtaining that job that was either directly or indirectly in violation of the laws of the United States?

Mr Reiss: No, sir.

The Chairman: You are then ordered to answer the question propounded by counsel. If there was nothing illegal in connection with your getting the job, if you are guilty of no illegal activities in connection with your getting the job, you are not entitled to the privilege under the Fifth Amendment, so you answer the question.<sup>58</sup>

It would appear on the surface that there is some logic in McCarthy's argument here.

However looking a little deeper, it highlights one of the central ironies of the predicament that many witnesses faced in the McCarthyist era. Witnesses were forced into using the Fifth Amendment for things that were not in any way crimes. Acts, such as being linked to or being a member of the Communist Party, were not illegal or criminal but carried such a powerful stigma that they could and did lead to many witnesses losing their jobs. As mentioned earlier, in many cases the mere receipt of a subpoena to appear before this committee or others like it could mean dismissal. That witnesses felt compelled to use the Fifth Amendment for non-criminal behaviour is a testament to the extremely paranoid atmosphere which prevailed at this time. Schrecker suggests that economic sanctions may have been more important as instruments of political repression than the more well-known congressional committee hearings like the McCarthy committee and the HUAC. These sanctions helped convince the American people that the communist threat was real, which contributed to the atmosphere of paranoia.<sup>59</sup>

### ***Afternoon session***

When he returned later Reiss tried to clarify the issue of his taking the Fifth regarding how he got his current job,

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<sup>58</sup>Ibid.

<sup>59</sup>Schrecker, "McCarthyism: Political Repression," p. 1056.

Mr Reiss: I would like that answer, that I did not know anything illegal about my appointment--I wish to make it clear that I know of nothing illegal about an American citizen obtaining a position with any delegation to the United Nations and in so stating, I did not state that discussions of any associations which may have led to my being recommended to the Polish Delegation might not tend to incriminate me, and that was the basis for my refusing to answer, as to who recommended me.<sup>60</sup>

McCarthy said he did not understand Reiss's explanation and eventually the matter was clarified by Royal France, Reiss's lawyer. The clarification is important because it addresses one of the complications that can result from the use of the Fifth, especially when the witness is acutely aware of the presumptions of 'guilt' that the committee was well known to be in the habit of making.

Mr France: May I make a statement? The position that the witness takes is, as I understand it, that in stating that he knew nothing illegal about his being appointed as an employee of the Polish Delegation, he did not state that there might not have been recommendations made which would involve associations which might tend to incriminate him and, therefore, when the question came about the recommendations, he felt that that was a different question.<sup>61</sup>

As if to clarify McCarthy asked the question again:

The Chairman: Let me ask you this question: Do you know of anything illegal on your part in connection with your getting this job--any illegal activities on your part, not on the part of someone else?

Mr Reiss: I refuse to answer on the ground of the Fifth Amendment.

The Chairman: Do you feel that if you told the truth, that answer might tend to incriminate you?

Mr Reiss: I think that in the light of the---

The Chairman. Will you try to speak louder? I can't---

Mr Reiss: Yes, in the light of the situation and the connotations thereof, I would have to refuse to answer on the ground that it might tend to incriminate me.

The Chairman: The question is, are you refusing because you think a truthful answer might tend to incriminate you?

Mr Reiss: No. I would like to repeat the answer that in the light of the present general political situation I feel that any answer that I might give might tend to incriminate or degrade me.<sup>62</sup>

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60Julius Reiss, closed hearing, p. 235.

61Ibid., p. 236.

62Ibid.

McCarthy was pressing home the “Fifth Amendment trap” here, by making the witness confirm that the truth would incriminate him. He was making the same presumption of guilt on the basis of the Fifth Amendment, that has been seen before. However what was new here was Reiss’s response. He said, “...in the light of the present general political situation I feel any answer that I might give might tend to incriminate or degrade me”. This eloquently expresses a point I made earlier about the politics of silence in the context of the McCarthyist era. Reiss was quite rightly recognising that only in this particular fear-ridden context, would he need to take the Fifth to that sort of question. Reiss was suggesting that in a more normal context, a truthful answer would not incriminate him at all. While he was unusually bold and honest enough to express this in front of the committee, I think that the same is true for a large number of witnesses who took the Fifth before this and other committees. This is why an unusually large number of witnesses took the Fifth Amendment, in fact some 500 witnesses (before all committees) saw the need to resort to this privilege between 1950 and 1956.<sup>63</sup> This was, as discussed earlier, not the first choice of defence for these witnesses but they were effectively backed into a corner by the response of the anti-communist committees and the heavy punishments like unemployment.<sup>64</sup>

McCarthy was of course not the only one who saw the Fifth Amendment as an obstacle to the uncovering of dangerous criminals. Attorney General Brownell said in late 1953 that examples of “every heinous crime on the law books” remained hidden due to the right against self-incrimination.<sup>65</sup> Initially McCarthy did not allow Reiss to take the Fifth with the proviso, “under present circumstances,” but Reiss insisted on this formulation and McCarthy was

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<sup>63</sup>Caute, *The Great Fear*, p. 150.

<sup>64</sup>See earlier discussion in this Chapter of Witness options as to other defences raised before the Fifth Amendment was resorted to.

<sup>65</sup>Quoted in Caute, *The Great Fear*, p. 152.

eventually forced to relent:

The Chairman. You will not be allowed the privilege under those circumstances. If you say any answer, that means you commit perjury. You know that. The question is: Do you think that a truthful answer to the question would tend to incriminate you?

Mr Reiss: I say that in the answer--that I included in the answer the idea of the truth of the answer.

The Chairman. I can't hear.

Mr Reiss: I say that I included the idea of the truthful answer.

The Chairman. I am asking the question: Do you feel that a truthful answer would tend to incriminate you? The answer is yes or no.

Mr Reiss: I think that as I said before, that the answer might tend to incriminate me under present circumstances.

The Chairman: A truthful answer.

Mr Reiss: That a truthful answer might tend to incriminate me under the present circumstances.

The Chairman: Then you are entitled to the privilege.<sup>66</sup>

This was essentially a victory for Reiss, with McCarthy backing down without any change in position from the witness. Without realising it, McCarthy had just acknowledged that it was the political context that had created near 'criminals' out of witnesses and not the witnesses themselves. This was not something he would ever have wanted to acknowledge in a public hearing or before the press.

Later we see Reiss once again taking the Fifth for things which would be easily verifiable public facts

Mr Cohn: Have you held any position in the United States government in any agency other than your army service at any time?

Mr Reiss: I refuse to answer under the grounds previously stated.

Mr Cohn: Whether or not you ever worked for any agency of the United States government? I don't understand that, you refuse to answer that.

Mr Reiss: Yes.

Mr Cohn: What agency?

Mr Reiss: I was on relief for WPA.[Works Progress Administration]<sup>67</sup>

Mr Cohn: You were on relief, drawing relief funds?

Mr Reiss: Of WPA.

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<sup>66</sup>Julius Reiss, closed hearing, p. 236.

<sup>67</sup>Works Progress Administration, founded in 1935 under Harry.L. Hopkins - part of Roosevelt's New Deal. Disbanded in 1943, Garraty and McCaughey, *A Short History of the American Nation*, pp. 432-433.

Mr Cohn.: Were you an employee?

Mr Reiss: Yes.

Mr Cohn: And what--during what years?

Mr Reiss: I refuse to answer under the grounds previously stated.

Mr Cohn: When you were with the WPA, were you a member of the Communist Party?

Mr Reiss: I refuse to answer under the grounds previously stated.

The Chairman: Do I understand the witness refuses to tell what years he worked for the WPA?

Mr Cohn: Apparently.

The Chairman. Are you refusing to tell us what years you worked for the WPA?

Mr Reiss: That was the answer.

The Chairman: You will be ordered to answer that question. I will be glad to hear, if your counsel thinks you are entitled to the privilege.

Mr France: I understand the position the witness has stated, that he feels that to answer about his employment from the years--what was it? From 1936 on--might tend to incriminate him.

Mr Reiss: 1934.

Mr France: And that any employment that he had during that period might lead to questions about other matters or associations which might tend to incriminate him even though the mere fact of being on relief with WPA itself would not tend to do. That is what I understand to be his position.

Mr Reiss: Yes.

The Chairman: I may say that while the Fifth Amendment, Mr. Counsel, is very broad and very liberally interpreted, it is the position of the chair that he is not entitled to refuse to tell us what dates he worked for the government. If we start questioning him about any activities which might be considered illegal, he could refuse to answer, but as far as the dates and the agency, I believe he would not be entitled to the Fifth Amendment privilege. It is all a matter of record. I am going to order him to answer the question. I may say for counsel's benefit it will lead to other questions as to what other agencies of the government he worked for.<sup>68</sup>

Once again Reiss felt the need to use the Fifth Amendment for a reason which, in another political context would not occur. Mr France explained that taking the Fifth here was to prevent other questions on “other matters or associations”. This related to the well known phenomenon of guilt by association which occurred during the McCarthyist era. This was not only applied in all of the anti-communist congressional committees but also during the wide loyal-security programme, “people got into trouble because the people they associated with had bad associations”.<sup>69</sup> Later in Chapter 3 I analyse the testimony of a particularly extreme

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<sup>68</sup>Julius Reiss, closed hearing, p. 239-240.

<sup>69</sup>Schrecker, *Many are the Crimes*, pp. 277-278.



example of this.

Also related is the fact that those associated with the New Deal were a consistent target during this period. It would seem that the main impetus behind McCarthyism (before and after the Wisconsin Senator) came from conservative elements in both parties, in particular Republicans who deplored the New Deal.<sup>70</sup> David Cate has called McCarthy's contribution a "whirlwind assault on the vital center, the liberal establishment".<sup>71</sup>

It seems rather strange that after spending time trying to force Reiss into stating the dates of his employment by the WPA, McCarthy then stated the obvious - that this fact was a matter of public record. This begs the question as to why this line of questioning was pursued. It seems to me that this shows that the agenda behind much of the committee's questioning was not simply the gathering of information. Rather, in cases such as this and elsewhere, some questioning was designed, not to extract information, but to apply pressure and intimidate.

Reiss continued to take the Fifth on questions relating to the Communist Party or to questions about an association with certain individuals suggested. The committee also presented newspaper articles from the *Daily Worker* from around 1946-7 and as early as 1941 written by Joel Remes which it was alleged was the communist name of Reiss. He therefore invoked the Fifth in relation to questions about these articles.<sup>72</sup> Reiss was also asked about his knowledge of the discussion of espionage within the Communist Party.

Mr Cohn. Have you in cooperation with any member or anyone connected with the Polish Delegation engaged in any activities?

Mr Reiss. To establish a communist----

Mr Cohn. That is right, toward establishing the communist government in the

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<sup>70</sup>R.M. Fried, *Nightmare in Red: The McCarthy Era in Perspective* (New York: Oxford University Press, 1990), p. 58.

<sup>71</sup>Cate, *The Great Fear*, p. 106.

<sup>72</sup>Julius Reiss, closed hearing, pp. 245-247.

United States?

Mr Reiss. No, sir.

Mr Cohn. You say you have not?

Mr Reiss. No, sir.

Mr Cohn. Would you read that last question and answer, please, Mr. Reporter?

[Record read.]

Mr Cohn. Have you----

The Chairman. What did the witness have to say about it? About what activities, espionage activities--

Mr Cohn. He says he has no knowledge of that.

The Chairman. In other words, do I understand you are not aware of any espionage activities on the part of anyone?

Mr Reiss. No, sir.

The Chairman. Have you ever discussed, Mr. Reiss, either past or potential espionage activities on the part of any members of the Communist Party with other members of the Communist Party, that is? If you don't understand----

Mr Reiss. Yes, I don't quite understand that.

The Chairman. Let me rephrase it. Have you ever discussed with any members of the Communist party or heard discussed at any Communist party meetings any espionage activities on the part of any individuals?

Mr Reiss. I refuse to answer under the grounds previously stated<sup>73</sup>.

First Reiss said a clear no to the question as to whether he had any knowledge “of any espionage activities on the part of anyone”. Then a few moments later he was asked about espionage within the Communist party and he took the Fifth. I would suggest again that the contradiction is due mainly to stress created by the context and the clear attempt by the committee, in this case Cohn and McCarthy, to intimidate him. I analyse this closely because it is this piece of testimony that is later used by McCarthy to trap Reiss during his public hearing.

Reiss was called before a public hearing three days later. Much of the questioning was a repeat of his closed hearing. McCarthy asked again:

The Chairman: Did you ever - were you ever present at any meeting of the Communist Party at which you heard discussed espionage activities on the part of any individual?

Mr Reiss: As I have stated, I have never been at any meeting where I have heard

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<sup>73</sup>Ibid., p. 244.

espionage advocated.

The Chairman: Not advocated.

Mr Reiss: Advocated or discussed on the part of any individual.<sup>74</sup>

This looks to be consistent with the first answer given above. In both cases the answer is plainly no to the question of involvement in, or awareness of, discussion of espionage.

Despite this McCarthy pounced on the fact that the above answer was different to Reiss's second answer in his closed hearing. His answer in the closed hearing was then read into the public record and McCarthy followed with this statement:

The Chairman:...The grounds previously stated were that a truthful answer might tend to incriminate you. You tell us today that you did not hear discussed, any espionage activities. Therefore when you appeared in executive session and told us that a truthful answer might tend to incriminate you, you were not properly invoking the Fifth Amendment, which of course makes you in contempt of the committee. This is a very important constitutional right which neither you nor any other communist can play around with, and you don't play around with it with this committee.

I will ask the committee to cite you for contempt or perjury because you were not telling the truth when you told us that a truthful answer would tend to incriminate you. Today you said you were not present when such activities were discussed.

I may say there will be some delay in getting the citation. Can't take it up until the Senate meets. But I am getting very sick of you men engaged in the communist conspiracy who come before this committee and abuse the privilege granted under the Fifth Amendment. It is a very important privilege. You are not going to use it to cover up your conspiracy, if I can help it. You will be entitled to use the privilege wherever you have the right.<sup>75</sup>

Considering the inconsistencies that I have highlighted above in relation to this particular question, it seems to me that the citation recommendation is anything but fair and appears even more contrived considering that it was based on just one question - clearly this was a pre-planned move on McCarthy's part. To put this practice in perspective, between 1857 and 1949, 113 witnesses in congressional hearings were cited for contempt while the period 1950 to 1952 produced 117 such citations.<sup>76</sup>

<sup>74</sup>Public Hearings before the Permanent Subcommittee on Investigations of the Committee on Government Operations United States Senate, 83<sup>rd</sup> Congress, (Washington: United States Government Printing Office, 1953), testimony of Julius Reiss on September 17, 1953, p. 21.

<sup>75</sup>Ibid.

<sup>76</sup>Caute, *The Great Fear*, p. 96.

McCarthy called Reiss to a public hearing mainly to be able to set him up for later prosecution, which was nothing more than a method of trying to exact as much punishment as could be mustered from a witness he was unable to nail down. The proposed citation served to slightly relieve his growing frustration at the use of the Fifth Amendment. In stating "...I am very sick of you men engaged in the communist conspiracy who come before this committee and abuse the privilege granted under the Fifth Amendment," McCarthy reveals two things. Firstly is his clear perception of Reiss's complicity in a conspiracy to violently overthrow the government of the United States (a view he also had of many other witnesses). This made good headlines but lacked substantial evidence. Secondly his hypocrisy shines through since it is he and his committee, as I have tried to argue, that have been responsible for the wholesale abuse of the Fifth Amendment. As Morgan put it, "To refuse to answer a question because it might incriminate you was a formidable defense. There was no way of getting around it, no matter what Joe tried".<sup>77</sup>

It is perhaps not surprising that following the above statement, McCarthy denied Reiss his right to make a statement:

Mr Reiss: May I make a statement, Mr Senator?

The Chairman: No. You will make no statement unless you tell whether you are a communist or not.

Mr Reiss: I refuse to answer on the basis----

The Chairman: We will adjourn the session until 10:30 tomorrow morning.<sup>78</sup>

In this way McCarthy ensured that there could be no argument presented from the witness against the validity of his judgement. It is also interesting that he attempted to hold Reiss to ransom by implicitly giving him the opportunity to avoid a contempt citation if he were to "tell whether you are Communist or not". McCarthy, having achieved his objective, ended the

<sup>77</sup>Morgan, *Reds: McCarthyism*, p. 447.

<sup>78</sup>Julius Reiss, *Public Hearings*, pp. 21-22.

hearing with a thank you to his “very brilliant staff” for the “...outstanding job which I think you have all done...”<sup>79</sup>

## ***Conclusion***

The case studies of this chapter have examined the way in which the Fifth Amendment was used by a selection of witnesses. They have also demonstrated in detail the distortion of the original intention of the Fifth Amendment and how this right was deliberately abused by the McCarthy subcommittee, in such a way as to render the rights of the witnesses effectively null and void. The last witness, while using the Fifth, based his defence on the solid legal principles that the committee was meant to be upholding. In terms of legal argument the witnesses above were clearly in the right. However in a context where fear overshadowed all, McCarthy and Cohn were able to get away with a degree of intimidation and bullying which would never have been possible in a calmer time. Even a constitutional right as old and entrenched as that against self-incrimination did not stand a chance against a rising tide of paranoia. I have tried to show that in this context silence had a unique meaning - it was wrongly interpreted as a sign of guilt. Yet the reason witnesses resorted to taking the Fifth was because they became acutely aware that they could be “found guilty” and punished, not only for their actions but for their thoughts and their associations. It is this sort of deliberate abuse of constitutional rights that defines the era that has come to be called McCarthyism.

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<sup>79</sup>Ibid., p. 22.

## CHAPTER 3

### ***VICTIMS OF THE COMMITTEE***

This Chapter consists of an analysis of three witnesses; Prof Naphtali Lewis, Helen Lewis and Stanley Berinsky - examples of those who suffered extensively as a result of the various intimidatory tactics used by the committee. By examining their testimonies the precise nature of the damage inflicted is shown. This is a close-up look at McCarthyism at its most ugly. These witnesses largely failed in their attempts to defend themselves. Naphtali Lewis found that simple honesty could easily backfire. His wife Helen (whose testimony has already been examined in respect of her taking the Fifth Amendment in the previous chapter), was to a certain extent used by the committee in an attempt to get at her husband and vice versa. Stanley Berinsky is a blatant example of a victim of guilt by association which has become a well known hallmark of McCarthyism. He was interrogated purely because his mother had once been a member of the Communist Party.

#### ***Professor Naphtali Lewis***

Professor Lewis was called on the 20 May, 1953 followed by his wife Helen five days later, after which he was immediately called again. They also both appeared in a public hearing.<sup>1</sup> As referred to in the introduction, academics were a primary McCarthyist target. At least 30 so called “difficult” academic witnesses were fired due to lack of full co-operation with one or more of the anti-communist committees.<sup>2</sup> During 1953 alone the main congressional

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<sup>1</sup>Professor Lewis appeared on June 10 and again with his wife on 19 June 1953.

<sup>2</sup>E. Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York:

investigators called up no fewer than 100 college teachers.<sup>3</sup> The following year there were many subpoenas served on academics after which the attack on educators abated somewhat. Nevertheless many were still being questioned as late as 1959.<sup>4</sup> Once an academic had appeared before one of the anti-communist committees (HUAC, SISS or the McCarthy Committee) they were invariably investigated by the academic community which usually resulted in their jobs being lost.<sup>5</sup> A number of university professors fought protracted legal battles but often received adequate aid or support from colleagues. For example Dirk. J. Struik of MIT incurred costs of up to \$18,000 which were paid by the Struik Defense Committee and the Emergency Defense Committee of Massachusetts.<sup>6</sup>

A few recovered and prospered after being dismissed and were able to successfully move into the private sector. Bernhard F. Reiss of Hunter College became a self-employed analytical psychotherapist and research director of a large mental health clinic earning extremely well.<sup>7</sup> Most were not so fortunate. Herbert J. Phillips was dismissed in his late fifties from the University of Washington for admitting membership of the Communist Party. He reported in 1964,

Two [years] were spent lecturing in defense of academic freedom, when I earned no more than travelling expenses. Mrs Phillips kept up the domestic establishment (two children still in school) by boarding babies, doing housework, dress making and using up our savings. Two more years were spent as a building laborer earning \$2,000 a year. The next 2½ years were spent doing odd jobs and unpaid political work...For the next three years I worked on the assembly line of a furniture factory...For the last six years I have been a recipient of social security as well as a \$30 teacher's annuity...<sup>8</sup>

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Oxford University Press, 1986), p. 217.

3Ibid., p. 218.

4Ibid.

5Ibid. I could not ascertain whether or not Professor Lewis in fact lost his job or in what way he suffered as a result of his appearances before the McCarthy Committee.

6Based on P. Tillet, "The Social Costs of the Loyalty Programme: A Preliminary Draft" quoted in Appendix B, D. Cauter, *The Great Fear - The Anti-communist Purge under Truman and Eisenhower* (London: Secker & Warburg, 1978), p. 551.

7Ibid., p. 552.

8Ibid., p. 554.

A more famous example is that of Johns Hopkins Professor Owen Lattimore. He was a brilliant linguist, a prolific writer and one of America's leading experts on East Asian affairs. He was blamed for the loss of China to communism largely due to the accusations of McCarthy and others. During the war he had served as the US Government Liaison with Chiang Kai-shek but was never a communist. He was first indicted for perjury and then for being "a follower of the Communist Line." Neither held up in court and in 1955 the case was finally dropped. Even though he had been vindicated, his career and reputation were destroyed. Even his students were blacklisted. He was eventually employed as Head of Chinese Studies at the University of Leeds.<sup>9</sup>

When Naphtali Lewis appeared for the first time he did so without counsel. The reaction of the subcommittee to this is interesting. Senator Jackson (Republican, South Dakota, who was acting chairman with McCarthy absent) was at pains to make it clear that Lewis was allowed to have counsel,

Senator Jackson: Before we proceed any further, you understand you have a right to counsel if you so desire.

Mr Lewis: Mr Cohn explained that to me.

Senator Jackson. I just wanted to make the record clear.

Mr Lewis: But since no one indicated, in summoning me here, that I was to be accused of anything, it never occurred to me.

Senator Jackson: Do you desire to have counsel?

Mr Lewis: I don't think I need one, no, sir. I have nothing but simple answers to simple questions, if that is all that is involved. Now, I am not a lawyer, and if we get into legalities----

Senator Jackson: You may want to reserve the right?<sup>10</sup>

It appears to me that the reason Jackson made a big issue of the lack of counsel was to imply that Lewis was in enough trouble to need one. I would suggest that this was a subtle form of intimidation, this view being strengthened by the fact that the issue was not left there. Later

<sup>9</sup>Ibid, pp. 317-321.

<sup>10</sup>Prof Naphtali Lewis, closed hearing, p. 167.



Roy Cohn, who did most of the questioning during this testimony, said:

Mr Cohn: Mr Chairman, I would suggest this. There are some other witnesses we want to hear on the subject of Mr Lewis, and we were anxious to talk with Mrs Lewis. I was going to suggest that we adjourn for the afternoon, and *maybe Mr Lewis would want to consult counsel. I would feel better about it if he did...*<sup>11</sup> (my emphasis)

Here Cohn casually slipped in the fact that other witnesses were lined up to testify ‘on the subject of Mr Lewis’ which no doubt was also intended to have an intimidatory effect. Then towards the end of this interview Jackson made it a firm recommendation,

Senator Jackson: I would suggest as a lawyer myself, that I would get competent counsel, to make sure that you are advised of all your rights...The fact that you have counsel does not create any inference that your case is any more serious than anybody else’s...<sup>12</sup>

It seems, however, that there was also an element of genuine concern on the part of Jackson for this witness. He had seen the victims of this subcommittee suffer, especially in the presence of McCarthy and he would have liked Lewis to get the little protection that counsel was allowed to give under the committee’s rather tight rules. As mentioned in the previous chapter, McCarthy and other anti-communist committees were hostile and resentful toward the witness’s counsel who were seen as an impediment to their work.

Lewis is asked fairly early about his wife:

Mr Cohn: You are married, Mr Lewis?

Mr Lewis: That is correct.

Mr Cohn: And what is your wife's first name?

Mr Lewis: Helen.

Mr Cohn: Has she ever been a communist?

Mr Lewis: Well, again, if you knew my wife, it is really-- My wife is a wife and a mother, and she certainly is no communist.

Mr Cohn: No, my question was: Has she ever been a communist?

Mr Lewis: Has she ever been a communist? Well, let me give you a very precise answer. Eleven years ago, when our first child was born, my wife ceased being a teacher, and since then she has devoted herself and concentrated on bringing up the family. She has been, since we have had a family, I would say, all that any man could

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<sup>11</sup>Ibid., p. 172.

<sup>12</sup>Ibid., p.174.

want in a devoted wife and a devoted mother of his children. Now, before we began our family, my wife was a teacher.

Mr Cohn: You do have my question in mind?

Mr Lewis: Yes, I am answering it in the fullest way I know. And in those years of her teaching activity, she was very active in teachers' organizations, teachers' committees, and so on. Now, at that time, unlike the present, where we are a very quiet family and have no outside activities, she had many outside activities in which I did not share. Many times she would go off to meetings, and I would go to the library to work. Now, I am well aware of the fact that in those days, many teachers' activities were participated in by communists and non-communists alike, but I would want it demonstrated certainly to me that my wife was engaged in any communist activity. Now, naturally, I don't know all of what she was engaged in those days, and frankly, I much less cared. That is the best answer I can give you.

Senator Jackson: To your knowledge, is she or has she ever been a member of the Communist Party?

Mr Lewis: To my knowledge, sir, the answer is "no" and the reason I say "to my knowledge" is that knowing that she was associated with all of these teachers' outfits, and so on, I certainly urged her never to join up, and I have no reason to believe she disregarded my advice.

Mr Cohn: Your sworn testimony is that to your knowledge your wife was never a communist?

Mr Lewis: I have no reason to believe that she was, yes, sir.<sup>13</sup>

Essentially Lewis was being as honest as he could. He said simply that to his knowledge his wife had attended regular teacher union meetings several years ago. At the time of these hearings teacher unions were accused of being communist, although he was not saying she was communist but was simply stating as much as he knew.

Lewis testified that the period in question was 1936 and 1942 in relation to the Teachers' Union of New York. The subcommittee also established repeatedly that Helen Lewis was never a member of the Communist Party as far as Professor Lewis knew.

Senator Jackson: Now, between '36 and '42, you say your wife attended meetings?

Mr Lewis: Yes. They were teachers' union meetings.

Senator Jackson: Was that the Teachers' Union?

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<sup>13</sup>Ibid., p. 169-170.

Mr Lewis: That is the Teachers' Union of New York.

Senator Jackson: And did the communists dominate those locals, or the local she belonged to?

Mr Lewis: As you know, that has frequently been charged and possibly sustained. But in those days, if you recall, there was a kind of united front, and in those days the Teachers' Union, that is, in the late thirties, was a very large and respected organization, to which many of the teachers of New York City belonged, including for a time myself.

Senator Jackson: Did you attend the meetings with her?

Mr Lewis: Teachers' Union meetings, yes, but not these committee meetings and all these other things.

Senator Jackson: What do you mean by "committee meetings"?

Mr Lewis: Well, she was on committees of the union. She was editor of their newspaper for a time, and so on.

Senator Jackson: Those were committee meetings set up by the union?

Mr Lewis: Yes.

Senator Jackson: It did not go beyond that?

Mr Lewis: Well, not to my knowledge, no; and I say, there are lots she went to that I never talked with her about.

Senator Jackson: Did she ever talk to you about meetings being controlled by the commies, or anything like that?

Mr Lewis: I don't think so. I remember that after a while, toward the forties, communism began to become an issue.

Senator Jackson: An issue where?

Mr Lewis: In the Teachers' Union. And then, of course as you undoubtedly know, the Teachers' Union split up. It splintered into pieces. And that is when she dropped out and I dropped out, and so on.<sup>14</sup>

The New York Teachers' Union had for some time been under Communist control (although not without internal opposition). This had already alarmed another of the anti-communist committees, the Senate Internal Security Subcommittee. From 1950 to early 1953, 24 teachers were fired and 34 resigned under investigation due to their communist connections.<sup>15</sup> It is estimated that over 300 New York teachers lost their jobs in the 1950s. In addition Section 903 of the city's charter meant that a teacher would face dismissal for refusal to testify about their affiliations.<sup>16</sup> Nevertheless it has been pointed out that this union, like many others, was not monolithic. During the mid-1930s, precisely the period of Helen Lewis' membership, there was such intense conflict inside the New York Teachers' Union that an outside tribunal,

<sup>14</sup>Ibid., p. 170-171.

<sup>15</sup>R.M. Fried, *Nightmare in Red: The McCarthy Era in Perspective* (New York: Oxford University Press, 1990), p. 153.

<sup>16</sup>Ibid.

under philosopher John Dewey, put the union's communists on trial.<sup>17</sup> In fact by the 1940s there was usually some kind of anti-communist faction within every union where the Communist Party had some power.<sup>18</sup> This is a very different picture to that of total communist domination that was assumed by the committee and by McCarthyism in general. As Peter Steinberg put it, "The American Communist Party may have been the smallest, least effectual minority ever to take on the proportions of a major enemy in the history of the United States".<sup>19</sup>

In terms of an attempt to get Naphtali to admit any wrongdoing on the part of his wife, the subcommittee failed here. The question which comes to mind, is why would the committee first ask him about the possible communist connections of his wife - surely it would have been more logical to ask Helen herself as their first source of information. The answer seems to me to be twofold. Firstly it appears to be a deliberate attempt to play off spouse against spouse. By asking him first, not only does it make the already nerve-wracking committee interrogation even more awkward, but it puts pressure on her to explain what he has just testified to. Any contradictions between the two could then be used to question the honesty of the rest of both their testimonies. Secondly it is evident that McCarthy was targeting the State Department. He called a series of witnesses who may have had some communist connections in their past, but who, more importantly, had a connection with the Fulbright scholarship programme. McCarthy was trying to get at the person(s) responsible for selecting scholars with "questionable" associations to represent the US abroad. I have already shown in Chapter 1 how this was true of Margaret Webster, and it applied to numerous others.

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17E. Schrecker, *Many are the crimes - McCarthyism in America* (Boston: Little Brown and Company, 1998), p. 71.

18Ibid.

19P.L. Steinberg, *The Great "Red Menace"- United States Prosecution of American Communists, 1947-1952* (Connecticut: Greenwood Press, 1984), p. 59.

McCarthy launched a number of investigations which were aimed at finding communists in the State Department. From mid-February to mid-March 1953 the *Voice of America* was investigated. It was then part of the State Department - this included its components of libraries, radio, magazines and newsreels which were collected together under a sub-agency of the Department called the International Information Administration.<sup>20</sup> The libraries abroad were investigated (including a tour by Cohn and Schine) for any pro-communist or subversive material.<sup>21</sup> This was followed toward the end of March with an investigation of the State Department Information Service - this lasted until mid-July. Then the State Department Teacher-Student Exchange Program was targeted.<sup>22</sup>

In addition, some years before, during his Wheeling Speech of 1950, McCarthy claimed to have a list of State Department communists.<sup>23</sup> He was also not original in attacking the State Department for having communists and spies in its midst. In January 1948 a subcommittee of the Appropriations Committee had been set up to investigate appropriations made by the State Department amongst others.<sup>24</sup> Then again in March, concern was great enough in Congress for a second investigation into the security practices of the State Department, this time by the House Committee on Expenditures in the Executive.<sup>25</sup> The irony of the McCarthy investigation into the State Department is that it would seem that by the time the senator from Wisconsin entered the fray, the real danger from Soviet sponsored espionage had all but

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20T. Morgan, *Reds: McCarthyism in the Twentieth Century America* (New York: Random House, 2003), p. 436.

21See Cate, *The Great Fear*, pp. 321-324; Schrecker, *Many are the Crimes*, p. 257.

22Executive (Closed) Hearings Table of Contents; see also Schrecker, *Many are the Crimes*, pp. 256-257.

23Morgan, *Reds: McCarthyism*, pp. 384-389; Schrecker, *Many are the Crimes*, p. 243; see also Chapter 1 pp. 40-41.

24Ibid., p. 379.

25Ibid., p. 381; Cate, *The Great Fear*, pp.303-305.

disappeared. The three major Soviet spies of the State Department had gone.<sup>26</sup>

What this meant is that the interview with Helen Lewis, which is analysed next, was to some extent an attempt to put maximum pressure on Professor Lewis, since in reality neither were the prime targets of the investigation. Both were an attempt to find communism and subversion in the State Department. In the following Chapter another example of this in the testimony of Margaret Webster and Aaron Copland can be seen.

### *Helen Lewis*

The subcommittee called Helen Lewis to testify next on May 25, 1953. I have already looked at some of her testimony in relation to her taking the Fifth Amendment. I have examined how, what I call the “Fifth Amendment trap” was employed to draw inferences that run counter to the purpose of the privilege against self-incrimination. Later on in her testimony the questioning moved beyond that concerning her membership of the Communist Party to her beliefs and opinions:

The Chairman: Today would you say that you feel sympathetic towards the communist philosophy?

Mrs Lewis: Senator, that is a question now that is asking about my opinions and beliefs, is that right?

The Chairman: I think you understood the question. The question is: Are you now sympathetic to communist philosophy?

Mrs Lewis: There are some things in the communist philosophy that I am not particularly sympathetic with.

The Chairman: Can you tell us those things in the communist philosophy you are not sympathetic with?

Mrs Lewis: Well, there have been certain world events which certainly make it appear

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<sup>26</sup>Ibid., p. 374, Lawrence Duggan had committed suicide (1948), Noel Field was behind the Iron Curtain and Alger Hiss had been convicted of purgery.

as if there is a possibility of conflict between the United States, for instance, and the Soviet Union. I am a loyal and patriotic American.

The Chairman: I wonder if you will get back to the question. What part of the communist philosophy are you not in sympathy with. You are entitled to refuse to answer.

Mrs Lewis: I don't see what particularly - what might be incriminating in my beliefs.<sup>27</sup>

Here Lewis appears to be right about this congressional hearing having no jurisdiction to enquire into her personal beliefs, since the committee's mandate limited it to investigations that related to some legislation. She was therefore correct in upholding her right to privacy. Lewis was also right about her last statement. It was not her beliefs that were, or should have been, in any way incriminating - however, as previously pointed out, in the fear-infected context of the 1950s her views were potentially damaging to herself. This highlights one of the central characteristics of McCarthyism as noted by Arthur.M. Schlesinger Jr (a leader of the new anti-communist left) - that there had been a shift of attention "from acts to thoughts".<sup>28</sup> This was the basis of the loyalty-security programme. Not only were employees required not to have done anything to be considered disloyal, but also not to have any potentially subversive attitudes or ideas. As Haynes Johnson correctly points out, this contradicts one of the fundamental tenets of Anglo-American Jurisprudence. One can only be punished for actions that are unlawful and not for one's thoughts.<sup>29</sup>

The Chairman: May I say, just for your information, if you were really an American citizen, we would not be concerned with your beliefs. You could believe anything. However, in view of the fact that there has been testimony concerning you and your husband before another committee - your husband has been selected at considerable expense to the taxpayers to a rather important position. For that reason we are curious to know whether you are still a believer in communism or not. You are going on this trip, you see. Otherwise we would not be checking whether you believe in the communist cause. I ask you again - what part of the communist philosophy do you disagree with?<sup>30</sup>

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27Helen Lewis, closed hearing, p. 178.

28Quoted in Fried, *Nightmare in Red*, p. 58.

29H. Johnson, *The Age of Anxiety: McCarthyism to Terrorism* (Orlando: Harcourt Inc, 2005), p. 124.

30Helen Lewis, closed hearing, p. 178.

This argument is as interesting as it is spurious. McCarthy did not argue her point about the incorrectness of the inquiry into her personal opinions, but instead attempted to justify it in two ways. Firstly, by questioning her American citizenship, and by implication her loyalty to her country because the committee had determined that she was a member of the Communist party. Secondly he claimed that the committee had a right to question her opinions, because her husband was going on a State-sponsored Fulbright scholarship. Were it not for this she would apparently have been allowed to “believe anything”, yet the irony is that this committee and others did not allow numerous other people to do just that. At this time personal beliefs were not only public property, but also evidence of what amounted to “crimes” in the court of public opinion.

McCarthy also brought in the much-used tactic of raising the image of numerous other witnesses, who were unnamed but who had apparently already testified adversely against Lewis and her husband. There may very well have been such witnesses, but given the character of the committee and its leader, I would suggest the possibility that there were not, and that this was a tactic used purely for its intimidatory value.

McCarthy’s second argument was just as shaky. The fact that Professor Naphtali Lewis was to go to Italy on a Fulbright scholarship to study ancient manuscripts was, according to the chairman, a “rather important position”. In a normal context this statement would be laughed at. But in this period a tenuous connection between such a highly specialised academic position in Italy, and the possible spread of communism, might just have sounded plausible. The apparent concern with taxpayers’ money being mis-spent on someone of “questionable loyalty”, seems ironic in the light of the amount of tax dollars being spent by McCarthy’s committee on inquiries such as this one which seemed to pose little threat to national



Security.

The situation in Italy at the time is also relevant to explain McCarthy's unusual concern that no one with any previous communist connections should be sent there. As in Britain and France there was a post-war communist resurgence in Italy.<sup>31</sup> The first post-war Italian government (formed in June 1945) contained prominent members of the unpredictable Northern resistance organisations, the Comitato di Liberazione Nazionale Alta Italia (CLNAI), including Prime Minister Ferruccio Parri. Communists and socialists held key ministerial positions.<sup>32</sup> Parri resigned after just six months, frustrated at not being able to implement radical reforms, in part due to liberal and Christian Democrat opposition in his cabinet. This was the beginning of the chronic political instability that would plague Italy for decades to come.<sup>33</sup> The new prime minister was Alcide de Gasperi of the Christian Democrats. He formed a coalition with his party dominating, but including socialists and communists. Then in June 1947 de Gasperi succeeded in ousting communist and socialist parties from his government. This was made easier by the splitting of the left wing opposition.<sup>34</sup> The parliamentary election of April 1948 became a cold war battle between the Peoples' Bloc of Communists and the Christian Democrats. The latter received huge support from the Vatican and the United States (through the CIA). The US Government also issued an official warning that no aid would be forthcoming if a communist government was elected.<sup>35</sup>

The Christian Democrats won the election with just over 48% of the vote.<sup>36</sup> It was an

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31J.R. Wegs, *Europe Since 1945: A Concise History* (Third Edition) (New York: St Martins Press, 1984), p. 59; see also F.Spotts and T. Weiser, *Italy: A Difficult Democracy - A Survey of Italian Politics* (Cambridge: Cambridge University Press, 1986), p. 60 for statistics showing Communist party growth.

32J.L. Harper, *America and the Reconstruction of Italy, 1945-1948* (Cambridge: Cambridge University Press, 1986), pp.36-37.

33Wegs, *Europe Since 1945*, p. 60, this is what Wegs calls "a policy of muddling through."

34Ibid., p. 61.

35Ibid., p. 62; see also Spotts and Weiser, *Italy: A Difficult Democracy*, pp. 23-24.

36Wegs, *Europe Since 1945*, p. 62.

important victory in the context of the Cold War and the Truman Doctrine but it was still a relatively unstable coalition. Communist opposition did become considerably weaker but it remained significant - especially in the fearful minds of many Americans during this period. In fact, in the 1953 parliamentary elections, the Christian Democrats lost 8% of the vote while still remaining the largest party.<sup>37</sup> They withdrew their support for De Gasperi, he resigned and was replaced by a new prime minister from his party, Amintore Fanfani.<sup>38</sup>

In this context McCarthy was tapping into a fairly well-established fear, that the spread of European communism was a real threat. Therefore in this general atmosphere of fear an academic post to Italy, while innocuous on the surface, was a sign of something ominous. In this crisis neither academics nor Italians could be trusted. The investigation into the State Department Teacher-Student Exchange Program (executive/closed hearings) was fairly small, consisting of eight witnesses during May and June 1953. Of these I have analysed the testimony of five (Naphtali Lewis and his wife, Margaret Webster, Clarence Hiskey and Harold Urey).<sup>39</sup> Lewis next questioned the relevance of her beliefs:

Mrs Lewis: If I follow your reasoning, it stems from my husband's selection for the student exchange. I fail to see where my beliefs are relevant to this selection.

The Chairman: I order you to answer the question unless you refuse to answer it on the grounds that your answer might tend to incriminate you. Will you answer that question, Mrs Lewis?<sup>40</sup>

As we have seen before, when McCarthy did not have a counter argument he resorted to force. He could not perhaps properly establish a credible connection between Mrs Lewis' opinions and her husband's selection as a Fulbrighter, so he ordered her to answer. When she replied to the above question by stating that her beliefs were "entirely irrelevant to my

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37Spotts and Weiser, *Italy A Difficult Democracy*, p. 24.

38Ibid., p. 24.

39Executive (Closed) Hearings of Permanent Subcommittee on Investigations - Table of Contents vol. 2.

40Helen Lewis, closed hearing, p.178.

husbands's selection for the Student Exchange program,"<sup>41</sup> he brought in the thinly veiled threat of Lewis not getting a passport.

The Chairman: Have you gotten a passport yet?

Mrs Lewis: No.

The Chairman: You haven't gotten a passport yet?

Mrs Lewis: No.<sup>42</sup>

Lewis was then asked a series of questions based on what parts of communism she did not agree with. These included aggressive action, anti-Semitism in Russia and a communist government in the USA. These were followed by a direct question relating to her husband:

The Chairman: Has your husband ever been a member of the Communist party?

Mrs Lewis: Now, Senator McCarthy, on advice of counsel, I am not going to answer any questions about my husband as I believe such questions would be an invasion of the sanctity and privacy of our marriage.

Mr Cohn: Sir, I believe that only includes confidential communications. In other words, confidential communications to her which were given in the capacity as his wife. There is no such thing as an absolute privilege between husband and wife. It only applies to confidential communications. She cannot assert a general statement that she is not going to answer any questions about her husband.<sup>43</sup>

There followed a short debate over whether or not the spousal privilege extended to this sort of communication. The result was a surprising and rare ruling from the chair in favour of the witness:

The Chairman: I think you are right, Mr Cohn—

Senator McClellan: I am inclined to think it would be rather difficult to separate confidential communications from others.

Senator Symington: I agree with that.

Mr Cohn: Mr Chairman, suppose they attended meetings.

The Chairman: I think you are strictly right on the rule, Roy, but I am inclined to agree with Senator McClellan that you can't tell whether they are confidential

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<sup>41</sup>Ibid.

<sup>42</sup>Ibid.

<sup>43</sup>Ibid., p. 179.

communications or not.<sup>44</sup>

It would seem McCarthy's ruling made sense since it would have been impossible to determine exactly which communications between husband and wife were private and which were not. It also seems likely that if he had been a member of the Communist Party the only probable way she could have found out would have been by him telling her - which would make it a confidential communication.<sup>45</sup> Cohn's attempt to circumvent this privilege did not hold water. However it also seems that were it not for the rather unusual intervention of Senator McClellan, he would have got away with it, since McCarthy appeared to have been in the process of ruling in favour of Cohn when he was interrupted by McClellan.

Shortly after this Senator McClellan asked whether Professor Naphtali Lewis had appeared before the committee. McCarthy's answer misrepresents an aspect of the questioning:

Senator McClellan: I would like to ask a question of the committee here. I am a little bit lacking in background on this thing. Has her husband been questioned by this committee?

The Chairman: Yes he was questioned by Senator Jackson. Before further questioning he decided he wanted counsel.

Senator Jackson: Mr Cohn and myself strongly advised him that he should consult counsel.<sup>46</sup>

McCarthy's statement is false since Naphtali Lewis never wanted counsel as he saw no need

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44Ibid.

45There was certainly a confidential communication spousal privilege in existence at this time. This is one of two spousal privileges, the other being the adverse testimony privilege. The latter is based on the principle that one spouse should not be pitted against the other - the privilege therefore means that neither should have to testify against the other. See: C.P. Leonard and V.J. Gold, *Evidence - A Structured Approach* (New York: Aspen Publishers, 2004), pp. 590-595. It would appear to me that given the context and the consequences of a person's membership of the party becoming known, the second privilege might also apply here, although this does not appear to occur to Lewis or any of the committee. In M.H. Graham, *Handbook of Federal Evidence* (Third edition) (St Paul: West Publishing Company, 1991), pp. 350-353 and in the above source (Leonard and Gold), there does not appear to be a distinction made between confidential communications and others. The privilege seems to apply to any communicated message in marriage between spouses.

46Helen Lewis, closed hearing, p. 179.

- he had done nothing wrong and had nothing to hide.<sup>47</sup> McCarthy tried to imply that Lewis had seen he was in trouble and out of a sense of guilt and desperation had then requested defence counsel. Jackson was aware of this and tried to correct McCarthy but the correct picture does not quite emerge.

McCarthy, as was his wont, thereupon gave Lewis what amounted to a threatening lecture:

The Chairman: As far as I am concerned, we have finished with you, Mrs Lewis. May I say, you are asking for a passport to go overseas. We have many fine people who have been in the Communist Party who have decided communism was evil and they have dropped out of that party and are very fond of America now. If you have been a member of the party and, if you think that was wrong—if you dropped out of the party and you would care to tell us about that and tell us why, I assume that is something that the State Department would be interested in before granting a passport. I doubt very much that a passport will be granted to someone, to go overseas and represent us as your husband will be teaching in the exchange program. I doubt very much if they will give you a passport unless you come in and tell us about your activity in the party—if and when you left the party.<sup>48</sup>

We again note the threat of not getting a passport. McCarthy also suggested that if she were to admit communist party membership she would be favourably treated. However, this was not borne out by the experience of those who had done just that, in front of this and other communist hunting committees at the time.

James. A. Wechsler appeared before McCarthy and readily admitted having joined the Young Communist League while a student at Columbia University. He resigned in 1937 at age 22. Nevertheless he was still given a harrowing time during his appearance.<sup>49</sup> During his testimony Wechsler presented written proof of his anti-communist stance - a statement issued by the National Committee of the Communist Party reviewing the 1952 election

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<sup>47</sup>See analysis of Professor Naphtali Lewis's testimony at the start of this Chapter.

<sup>48</sup>Helen Lewis, closed hearing, p. 180.

<sup>49</sup>J.A. Wechsler, "To be Called before the McCarthy Committee" in T.C. Reeves (ed), *McCarthyism* (Malabar: Robert. E. Kriegler, 1982), pp. 40-56.

failure, in which Wechsler is named as one of those responsible for this failure due to his anti-communist stance expressed through the *New York Post*.<sup>50</sup> McCarthy managed to twist this by accusing the witness of having had something to do with the passing of this Communist Party resolution. As Wechsler put it, “Here indeed was a daring new concept in which the existence of evidence of innocence becomes the damning proof of guilt. This is the way it must feel to be committed to a madhouse through some medical mistake.”<sup>51</sup>

### ***Stanley Berinsky***

The idea of looking at this witness came from Donald Ritchie’s introduction to the executive transcripts which quotes a piece of Berinsky testimony.<sup>52</sup> He perhaps typifies the guilt by association which has been referred to earlier and which was rife during the McCarthyist period. This was used not only in congressional hearings but was integral to the Truman Loyalty Program. David Caute provides numerous examples of people being judged and punished on the basis of their associations alone.<sup>53</sup> The quite typical allegation was, “You have sympathetically associated with members of an organization known to be subversive”.<sup>54</sup> Many victims were never allowed to know their accuser or even the precise nature of the accusation. Evidence was also very often sketchy, circumstantial or non-existent. In the case of a young civil servant from northern California who was charged with being unduly critical of the United States government and too praiseful of the communist

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50Ibid., p. 43.

51Ibid, p. 44.

52D.A. Ritchie (ed), Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Government Printing Office, Introduction, pp. 8-9.

Website:<http://a257.g.akamaitech.net/7/257/2422/06amay20030700/www.gpo.gov/congress/senate/mccarthy/83871.html>. The Berinsky testimony is also briefly cited as an example of guilt by association by Johnson, *The Age of Anxiety*, pp. 309-311.

53Caute, *The Great Fear*, pp. 279-286 .

54Ibid., p. 279.

government, even a written response proving that the accusations were false, only produced an admission that a mistake had been made but no compensation for the loss of his job.<sup>55</sup> Francis Carpenter was suspended from his job in the State Department in 1953 having been tainted by the communist connections of his two PhD dissertation supervisors.<sup>56</sup> Even more far-fetched was the case of a maritime worker who was screened by the Port Security Program because of the political associations of his wife's late husband. He had never known this man who had died before he met his wife.<sup>57</sup>

Berinsky's testimony forms part of the subcommittee's investigation into Fort Monmouth, New Jersey - the main research centre for the US Army Signal Corps. Its laboratories employed some of America's top scientists and engineers. Their work included the development of new power sources, guided missile controls and ground radar systems.<sup>58</sup> McCarthy was not the first to suspect espionage there. The Army and the FBI had been investigating reports of a major spy ring at the base since World War II.<sup>59</sup> Julius Rosenberg had worked there. Morton Sobell, who had been tried and convicted of conspiracy to commit espionage, had worked for a company that did classified work for the Signal Corps.<sup>60</sup> In 1951 the Army conducted an investigation which found "no evidence of subversive activities in the Signal Corps".<sup>61</sup>

A number of Jewish engineers, like Berinsky, had gathered at Fort Monmouth - they found

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55Ibid., pp. 279-280.

56Schrecker, *Many are the Crimes*, p. 277.

57Ibid., p. 277.

58D.M. Oshinsky, *A Conspiracy so Immense: The World of Joe McCarthy*, (New York: The Free Press, 1983), p. 330.

59Ibid., as Haynes Johnson puts it in, *The Age of Anxiety*, p. 330, "McCarthy transformed the old Monmouth story into an intensely publicized and showy trial of subversion..."

60Ibid.

61Ibid., p. 331.

that the anti-Semitism of the time made employment impossible in the private sector.<sup>62</sup> A number of this group had been repeatedly investigated and cleared. In 1953 the army began renewing their cases again under Eisenhower's new security programme, which was established under Executive Order 10450 (this called for the reinvestigation of federal workers who had "derogatory information" on file.)<sup>63</sup> Despite the fact that no real security risks were found, a number were suspended in keeping with the climate of paranoia at the time.<sup>64</sup> Among these was Berinsky who was suspended because it was found that his mother had been a member of the Communist Party some years previously.

Nor was Berinsky the only one to fall foul of this variant of guilt by association, which Caute calls "guilt by kinship".<sup>65</sup> As part of the Truman loyalty program there were many who were victimised due to the communist associations of their families. Coast Guard employee, N. Pierre Gaston was refused a commission because his mother allegedly formerly linked with subversive organisations.<sup>66</sup> Adele Warren, an employee at the Signal Corps, who handled classified documents lost her battle to keep her job due to her brother being connected to organisations on the Attorney General's list.<sup>67</sup> Bernice Levin was a clerk-typist at Fort Monmouth when she was suspended. According to the indictment she was charged due to the fact that her father was treasurer of the International Workers' Order (IWO) and her parents' signatures appeared on two petitions: one protesting the jailing of communist leaders and another issued by the Campaign for the World Peace Appeal.<sup>68</sup>

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62Schrecker, *Many are the Crimes*, p. 260; Oshinsky, *A Conspiracy So Immense*, p. 331.

63Oshinsky, *A Conspiracy So Immense*, p. 331.

64Ibid.

65Caute, *The Great Fear*, p. 285.

66Ibid., p. 285. He eventually got his commission after the press raised protests.

67Ibid.

68Ibid., pp. 285-286.



Most of the Berinsky interrogation, on November 5, 1953, was conducted by McCarthy himself, which suggests he believed that this witness could produce something of political or public relations value. It also means, as in so many of the interrogations I have analysed, that the tone of the questioning was hostile. McCarthy started off by clarifying what he already knew - that Berinsky had been suspended the year before due to his mother's previous membership of the Communist Party. Making him repeat it in front of the subcommittee was done mainly to heighten the levels of intimidation and set the stage for a confession:

The Chairman: When you left Fort Monmouth in 1952 were you suspended?

Mr Berinsky: No, I was not.

The Chairman: Did you resign?

Mr Berinsky: Yes.

The Chairman: Were you in effect forced to resign or did you resign of your own volition?

Mr Berinsky: I resigned of my own volition.

The Chairman: Were you accused of any improper conduct, communist connections prior to your resignation?

Mr Berinsky: Yes

The Chairman: Would you tell us about that?

Mr Berinsky: Prior to the time that I left, I was told that my security clearance had been lifted pending investigation, and I don't know, the period may be about year or more.

The Chairman: In other words, the investigation was pending for about a year?

Mr Berinsky; Yes.

The Chairman: What were you accused of?

Mr Berinsky: I don't think I was accused of anything in so many words. I gathered from the discussions I had with the FBI, the matter concerning the fact my mother had been a member of the Communist Party.

The Chairman: Did they serve a letter of charges on you?

Mr Berinsky: You mean formal charges?

The Chairman: Yes.

Mr Berinsky: I don't recall anything like that.<sup>69</sup>

McCarthy deliberately used the word "accused" when in fact it turns out Berinsky was never actually accused of anything personally. McCarthy also tried to suggest that the investigation into Berinsky went on for a year as he says, "In other words, the investigation was pending

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<sup>69</sup>Stanley Berinsky, closed hearing, p. 260.

for a year”. Both these are examples of what I referred to in the introduction - a tactic that has been highlighted by Donald Ritchie - the deliberate re-wording of testimony to twist the words of a witness - making them look more guilty.<sup>70</sup> Nathan Glazer put it well,

...Senator McCarthy’s peculiar contribution to the use of distortion in politics is the invention...of what Richard Rovere called the ‘multiple-untruth’- the mis-statement inserted as a parenthetical remark...the virtue of this technique is that it is possible to pack so much distortion into a given quantity of words as to make it certain that any effort to correct every point of error will only bore the reader.<sup>71</sup>

There was no formal charge because Berinsky was not guilty of any crime. He was only guilty by association and by no proven act on his part. Indeed, it is only in this highly charged and fear-filled context that he would have been targeted for suspension. Like so many others, Berinsky was the victim of political expediency, fuelled by the paranoia of the period. As counsel for the army John Adams recalled, “I wanted to reinstate all 35 of them [referring to those suspended from the signal Corps at Fort Monmouth] but I knew that was out of the question ...If the secretary reinstated the whole batch at once, some ‘patriot’ would squeal, and McCarthy would come crashing down demanding blood, probably mine.”<sup>72</sup>

Berinsky testified that he did not know that his mother was a member of the Communist Party. A little later he unfortunately contradicted himself with the admission that, “She told me she had resigned because of me mainly”.<sup>73</sup> McCarthy could not resist exploiting this, as well as throwing in some patronising “help”.

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70D.A. Ritchie, “Are you now or have you ever been? Opening the records of the McCarthy investigations,” *Journal of Government Information*, vol. 30, 2004, p.467.

71N.Glazer, “The Methods of Senator McCarthy” in Reeves, *McCarthyism*, pp. 24-25.

72J.G. Adams, *Without Precedent: The Story of the Death of McCarthyism* (New York: W.W. Norton and Company, 1983), p.73.

73Stanley Berinsky, closed hearing, p. 261.

The Chairman: Let's get this straight. I know it is unusual to appear before a committee. So many witnesses get nervous. You just got through telling us you did not know she was a communist, now you tell us she resigned from the Communist Party? As of when?<sup>74</sup>

Berinsky, probably aware of this contradiction, tried to extricate himself by explaining that the first time he knew of his mother's Communist Party membership was when he was investigated. He then visited her and she told him of her resignation around 1945/6. McCarthy was amazed at the fact that her communist membership had not been revealed before this time, "If somebody told me my mother was a Communist, I'd get on the phone and say 'Mother is this true?'"<sup>75</sup> Berinsky was then probed as to the reasons for his mother's resignation from the Communist Party:

The Chairman: Did she tell you why she resigned?

Mr Berinsky: It seems to me she probably did it because I held a government job and she didn't want to jeopardize my position.

The Chairman: In other words, it wasn't because she felt differently about the Communist Party, but because she didn't want to jeopardize your position?

Mr Berinsky: Probably.<sup>76</sup>

Here again is an example of the McCarthy re-wording tactic referred to above. McCarthy clearly meant to imply from this that Berinsky's mother was still likely to have held opinions that would be labelled as communist. The exact definition of communism is not made clear. In fact McCarthy has often previously engaged in a debate with witnesses about the definition of a communist. This committee and all the communist hunting committees of the time, deliberately kept this definition as vague as possible so that the maximum number of people could be labelled with the damaging accusation. Judge Luther W. Youngdahl put it well as he threw out the Justice Department's second indictment against Owen Lattimore, "The Government seeks to establish that at some time, in some way, in some places, in all his vast writings, over a fifteen-year period, Lattimore agreed with something it calls and

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<sup>74</sup>Ibid.

<sup>75</sup>Ibid., p. 261.

<sup>76</sup>Ibid., p. 262.

personally defines as following the communist line and promoting communist interests.”<sup>77</sup> It is also not clear just what Berinsky’s mother’s political persuasion had to do with him posing a possible security risk in his work as an engineer. The implication was that his mother might somehow have influenced him to participate in some espionage - something which was far-fetched to say the least.

McCarthy then began a line of questioning which firstly drew on hearsay, since he asked numerous questions about Berinsky’s mother via him, and secondly represented an enquiry into her opinions which should have been sacrosanct in a democratic system:

The Chairman: Was she still a communist at heart in 1952?

Mr Berinsky: Well, I don’t know how you define that.

The Chairman: Do you think she was a communist, using your own definition of communism?

Mr Berinsky: I guess my own definition is one who is a member of the party. No.

The Chairman: Let’s say one who was a member and dropped out and is still loyal to the party. Taking that as a definition, would you say she is still a communist?

Mr Berinsky: Do you mean in an active sense?

The Chairman: Loyal in her mind.

Mr Berinsky: That is hard to say.<sup>78</sup>

Here Berinsky was being asked to speak as to the opinions of his mother. He was pressured into an admission that his mother still had sympathies for the Communist Party although she was no longer a member. This was an admission he had been reluctant to make since in the context of McCarthyism it made him seem guilty by association. Francis P. Carr (executive director of the Permanent Subcommittee on Investigations) continued this line of questioning:

Mr Carr: There is no doubt in your mind that she was a Communist in the sense that she was a member of the Communist Party, active in it, and no doubt in your mind that she retains a sympathy towards the Communist Party?

Mr Berinsky: That is probably true.

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<sup>77</sup>Quoted in Schrecker, *Many are the Crimes*, p. 252.

<sup>78</sup>Stanley Berinsky, closed hearing, p. 262.

Mr Carr: She is still your mother and you are finding it difficult to say this, but she is still sympathetic towards the Communist Party. She dropped out merely to make it easier for you?

Mr Berinsky: Yes.<sup>79</sup>

This was a third-party enquiry into the views and affiliations of the mother of a witness via the witness's testimony. Throughout the hearing it was implied that Berinsky's mother's political opinions in some way implied guilt on his part. Carr then moved on to ask about Berinsky's father. It was quickly established that as a wholesale meat dealer he did not work for the government. Carr then turned to examine the work that Berinsky's mother had done in the past:

Mr Carr: Is your mother working?

Mr Berinsky: No.

Mr Carr: Has your mother done government work?

Mr Berinsky: No, not outside army service, being on active duty with the army. I think she was there about a year or a little more.

Mr Carr: What year was that?

Mr Berinsky: 1945.

Mr Carr: What kind of work was she doing in the army?

Mr Berinsky: To my knowledge she was at Fort Monmouth and part of the time with the Quartermaster Corps, secretarial work and base hospital receptionist.

The Chairman: She was with the Signal Corps at Fort Monmouth?

Mr Berinsky: For a while.

The Chairman: Then I missed the duties.

Mr Berinsky: I know she was working in the quartermaster department and also as a receptionist in the base hospital.<sup>80</sup>

McCarthy interceded only when he sensed something that could link Berinsky's mother directly to some kind of espionage role by virtue of her short employment in the Signal Corps. However when he found in the nature of her duties there was nothing he could pin on her, he resorted to a new line of questioning. He tried to establish whether or not Berinsky had himself ever attended a communist meeting with his mother. Against this at least, Berinsky stood firm - answering that he had not attended any communist meetings while

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<sup>79</sup>Ibid.

<sup>80</sup>Ibid., p. 263.

knowing that they were such. He did not, however, preclude the possibility of his mother having taken him to meetings which as a youngster he would not have been able to identify:

The Chairman: Did you ever attend a communist meeting?

Mr Berinsky: Not to my knowledge.

The Chairman: I will re-ask the question. Have you attended communist party meetings?

Mr Berinsky: If I did attend, I didn't know it was a communist party meeting. The only thing I can think of, perhaps when I was a youngster, my mother dragged me down to some organization or something in town and if that would be considered a communist meeting, I was there sometime before the age of seventeen.

...The Chairman: In retrospect, do you think any of those meetings were communist meetings?

Mr Berinsky: Some of those organizations may have been those organizations that would be communistic now.

The Chairman: Not communistic meetings of the Communist Party, communist cell meetings. Just to refresh your recollection, weren't there cell meetings in your home at which you were present?

Mr Berinsky: Not to my knowledge.

The Chairman: And you say at this time you can't think of a single communist meeting you attended.

Mr Berinsky: No.<sup>81</sup>

McCarthy then switched to Berinsky's own educational background - trying to find some sort of direct communist link to himself as opposed to his mother. This enquiry proved fruitless as Berinsky testified that he had never joined nor was ever asked to join the Communist Party or Young Communist League.<sup>82</sup> He was also cross-questioned about his access to classified material which was meant to imply that such access heightened the potential for espionage:

The Chairman: And you had access to classified material?

Mr Berinsky; Yes.

The Chairman: During the time you were working in the Signal Corps Laboratories, did you visit your mother regularly?<sup>83</sup>

This last question also implies that there was a potential for his mother to access classified

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<sup>81</sup>Ibid., pp. 263.

<sup>82</sup>Ibid., p. 264.

<sup>83</sup>Ibid.

documents and collaborate with him to commit espionage. One question shortly after this had a clear derogatory tone. McCarthy asked “And do you call yourself an engineer now, electrical engineer?”<sup>84</sup> He then went on what could be called a fishing expedition, trying to net some new incriminating evidence. He listed a series of names to see if Berinsky could be linked to any of them. These were people with alleged communist connections including: Aaron Coleman, Levitsky, Julius Rosenberg and Jack Okun<sup>85</sup>. The only one known to Berinsky was Coleman who was his section chief at Monmouth. McCarthy made the point that they had both had access to classified material. This again served to impute that they had had the opportunity of working together. Carr then ended the interrogation by asking for the address and telephone number of Berinsky’s mother. This is clearly meant to suggest that she might be called before the committee. However she never does appear in public or closed session. It had apparently been decided that nothing further could be extracted from this witness, in particular nothing that would allow further investigation into the Fort Monmouth Signal Corps. McCarthy dismissed Berinsky with the usual proviso that “You

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84Ibid.

85Ibid., pp. 264-265. Joseph Levitsky (1913-1978) testified in a public hearing on 24 November 1953 and in closed session on 13 and 17 October 1953, D.A. Ritchie (ed), “Editor’s Note”, Executive Sessions of the Senate Permanent Subcommittee on Investigations p. 2329.

Aaron H. Coleman, a radar specialist at Fort Monmouth, had been officially reprimanded in 1946 for taking home classified documents. He explained that he had been authorized to take restricted materials home to work overtime on important projects, but conceded possible violation of army regulations in not keeping them in a more secure location. Coleman testified publicly on December 8 and 9, 1953, at which time portions of his executive testimony were read into the record. At a press conference, Senator McCarthy linked Coleman to the Signal Corps documents that had surfaced in East Germany and announced that the subcommittee would refer Coleman's case to the Department of Justice to consider indictment for espionage and perjury. However, since no evidence of espionage was produced, the Justice Department took no action. In 1958 Aaron Coleman regained his federal employment rights. He returned to work at Fort Monmouth and retired from government service in 1978. D.A. Ritchie (ed), “Editor’s Note,” Executive Sessions of the Senate Permanent Subcommittee on Investigations, p. 2389. He also appeared in closed hearing twice on 14 and 22 October 1953. Jack Okun appeared on 14 October in closed session and not in public, D.A. Ritchie (ed), “Editor’s Note,” Executive Sessions of the Senate Permanent Subcommittee on Investigations, p. 2457.

will consider yourself under subpoena. We will want you back later.” He was not called again but it could be imagined that this last statement might have played on his mind for some time. It is yet another example of an intimidatory tactic; as if Berinsky had not suffered enough already. We will see this tactic used again causing considerable post-hearing anxiety for Aaron Copland whose testimony is analysed in the next chapter.

When McCarthy had finished interrogating the Fort Monmouth electrical engineers, 38 people had been suspended. This had a devastating effect on the morale at the base and many of the top professionals in the Signal Corps quit. The investigation and resulting controversy also severely handicapped the work of the Corps,<sup>86</sup> yet it did not uncover any communist espionage agents and all but two of those suspended were eventually reinstated.<sup>87</sup>

## ***Conclusion***

This chapter has highlighted the tactics used by the committee in order to place maximum pressure on witnesses without regard for their individual rights. Each of the witnesses has responded differently to this pressure.

Naphtali Lewis appears to have approached his committee hearing with the naive assumption that he would be facing reasonable and fair-minded people and that if he simply relied on honesty he would be fine. Such an approach may have worked under normal, calmer circumstances but not in this era of anti-communist paranoia. Lewis was also an

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<sup>86</sup>Schrecker, *Many are the Crimes*, p. 370.

<sup>87</sup>Fried, *Nightmare in Red*, p. 137.



unwitting pawn in a larger political game in which McCarthy's real target was the State Department that chose him for a Fulbright scholarship, and not him personally.

Helen Lewis, who had already taken the option to use the Fifth Amendment, was questioned about her personal beliefs and opinions. This was justified by a strange argument that it was legally legitimate because her husband had been selected to study ancient manuscripts in Italy. While Lewis was often technically and legally correct this did not stop McCarthy from using his authority as an effective, but blunt, instrument.

Stanley Berinsky is the only witness in this study to come from the Fort Monmouth Signal Corps inquiry, which was the beginning of the infamous end to the Senator from Wisconsin, although it did not put a stop to his tactics or to the era that was named after him. The fact that Berinsky is called because of the communist connections of his mother, is an indication of a very damaging aspect of McCarthyism. It tended to cast its net wider and wider in an increasingly desperate search, not only for communism but for evidence of espionage. The fact that Berinsky is not shown to be guilty of anything, does not stop the committee from inflicting psychological trauma, not to mention being responsible for the loss of his job. He adopted a similar approach to that of Professor Lewis but appears to have been unprepared for the type of interrogation he was subjected to.

None of the witnesses developed a response to the committee that could be said to have succeeded. This is certainly not something for which they can be blamed. As I shall suggest in the next chapter, only witnesses with exceptional abilities, which often came from skills developed in their professions, could emerge from the committee, if not unscathed, at least with their dignity intact.



## CHAPTER 4

### ***OFFERING RESISTANCE***

This chapter looks at the testimony of three witnesses who all managed to offer some successful resistance in the face of the onslaught of the committee. In different ways each was able to defy attempted intimidation and in so doing show how some were able to respond under pressure. Although they were all significantly affected by their interrogations, particularly in relation to their careers, they represent a minority of witnesses who were able to emerge far stronger than the most of McCarthyism's victims.

#### ***Abraham Unger***

Abraham Unger did not take the Fifth Amendment. However he did refuse to answer certain questions for other related reasons. His methods stand as an interesting contrast to the Fifth Amendment examples explored previously. He appeared in executive session on September 15 and 16, 1953 and the next day at a public session.<sup>1</sup>

Another part of the Fifth Amendment clause, quoted in chapter 2, is that concerning the right of a witness to 'due process' - "nor deprived of life, liberty, or property, without due process

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<sup>1</sup>D.A. Ritchie, (ed) Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, vol. 3. Introduction to testimony of Abraham Unger, p. 1889, Website: <http://a257.g.akamaitech.net/7/257/2422/24feb20041233/www.gpo.gov/congress/senate/mccarthy/90053.html>

of law”. According to US constitutional writers, Stephens and Scheb “...one is entitled to know the subject matter of the investigation. Moreover, questions must be pertinent to that subject.”<sup>2</sup> It appears that not many witnesses were aware of their rights in this regard but Unger, being a lawyer himself, was, and he used this to protect himself. At the start of the hearing Unger asked the purpose of the inquiry:

Mr Unger: ... I think you ought to indicate to me what the purpose of the examination is so that I might have some idea why it is that you are calling me as a witness. What is the object of this inquiry by this senatorial committee? ...

The Chairman: ...You are called in connection with an investigation of communist influence in the UN and in connection with alleged communists working there, one of whom, Mr Remes, or Mr Reiss. I think his name now is Mr Reiss - according to our information, worked either for you or in your office, and I think the information we want to get from you principally is with regard to this fellow Remes...<sup>3</sup>

This statement became important later, since Unger, through his lawyer, had requested an adjournment as he had been given only one day to prepare himself. Unger did however agree to proceed without an adjournment if the inquiry was limited to questions related to his association with Julius Reiss. The questioning started in relation to whether Reiss was ever employed by Unger. His testimony, repeated many times, was that he never employed Reiss but only that Reiss came to his office an unspecified number of times to consult.

However when asked whether Reiss was a communist he refused to answer for three reasons:

Mr Cohn: All right. Now, is Mr Reiss, to your knowledge, a member of the Communist Party?

Mr Unger: On that subject, I would say to you I object to the question on the grounds of principle. I think, for one, on the basis of what you have already represented here, that is not a relevant question to the inquiry; and secondly, I object on the ground it is not within the purview of a congressional committee, this one, to inquire into the political beliefs and opinions of persons. And thirdly, that it is improper on my part to identify any person - to describe, rather the political opinions or beliefs of any person.

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<sup>2</sup>O.H. Stephens (Jr) and J.M. Scheb II, *American Constitutional Law*, (Belmont: Wadsworth/Thompson Learning, 2003), p. 91.

<sup>3</sup>Abraham Unger, closed hearing, p. 249.

That is a matter between himself and yourself, if he decides to state it.<sup>4</sup>

Unger had presented a well articulated defence here. Firstly he correctly pointed out that the question did not fall within the specific purpose of the inquiry as outlined by McCarthy at the start; i.e. to find out whether there was a working relationship between Unger and Reiss. His second objection is interesting since he was essentially claiming a right to privacy based on the fact that the government could not ask about the opinions and beliefs of a person. As mentioned before this goes to an important characteristic of the McCarthyist era, since it was often for a person's beliefs, rather than actions, that he or she was persecuted. McCarthy did not counter these arguments but rather simply resorted to the forceful use of his authority (as shown previously), suggesting that he was unable to fault Unger's legal argument, "If the refusal is on that ground, you will be ordered to answer".<sup>5</sup> In fact when McCarthy and Cohn attempted to argue the point, they appeared to be easily outmanoeuvred by Unger:

Mr Unger: You have indicated very plainly that the purpose of your inquiry to me - you have represented to me was to find out whether or not this man was working for me. I have stated to you what I do know about him.

The Chairman: And what you know about him...

Mr Unger: You haven't asked me what I know about him. You asked me what I know about his political beliefs, and opinions. That is an entirely different subject.

The Chairman: He asked you whether he was a communist.

Mr Unger: That is a political belief or opinion.

The Chairman: That is whether or not he belongs to a conspiracy that is dedicated to overthrow this government. You will be ordered to answer the question.

Mr Unger: Senator, I want to say to you again that your statement as to what the Communist Party is is simply a volunteered personal comment which you make, and while there is no one to stop you from doing so, you can hardly consider that it is acceptable as either evidence or as a basis for a question within the purview of the examination. You have indicated what you were concerned with here is this man's connection with me or my office.<sup>6</sup>

The definition McCarthy gave of the Communist Party made it sound more like a terrorist

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<sup>4</sup>Ibid., p. 252.

<sup>5</sup>Ibid., p. 253.

<sup>6</sup>Ibid., p. 253.

organisation. As discussed in the previous chapter, this definition was intentionally vague and wide enough to encompass the largest number of victims. It is a demonstration of the sort of fear creation that lay at the heart of the McCarthyist era.

Once again McCarthy did not engage in debate but ordered the witness to answer. Unger then restated his case:

Mr Unger: ...I understand what your purpose is. I know that you are going after communists, and that is a fairly well-known activity on your part, and it is not my purpose here to debate that question with you. You have the power to do so at present, and you seem to be exercising it for your own purposes. But the point that I make to you is that as a legal question you have no right to inquire into the political beliefs and opinions of people, as in this instance as to ask anyone concerning the political beliefs and opinions of another, just as you wouldn't have the right to ask me concerning your own political beliefs and opinions or your own religious beliefs and opinions, and I have tried to state that to you as fully and as fairly as I can.<sup>7</sup>

Unger here not only restated the case made earlier, but implied that McCarthy would not always have this power, "You have the power to do so at present..." pointed somewhat prophetically to the corrective decisions made by the Supreme Court under Chief Justice Warren which, inter alia, limited the powers of congressional committees in order to prevent the abuse of power demonstrated here. This expression of hope echoed the words of Judge Hugo Black in a dissenting opinion as the Supreme Court upheld the Smith Act, "There is hope, however that in calmer times, when present pressures, passions and fears subside, this or some later court will restore the First Amendment liberties to the high preferred place where they belong in a free society."<sup>8</sup>

In reply to the above arguments McCarthy stated, "I understand your position, but you will be

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<sup>7</sup>Ibid.

<sup>8</sup>Justice Hugo Black, Dissenting Opinion in *Dennis et al v. United States*, June 4, 1951, quoted in E. Schrecker, *The Age of McCarthyism: A Brief History with Documents* (2<sup>nd</sup> Edition) (Boston: Bedford/St Martins, 2002), p. 212.

ordered to answer the question”. He clearly did not understand, since if he did, he would surely have had a well thought-out counter-argument which would have served as a reason for requiring an answer to the question regardless. Unger then requested a chance to consult with his lawyer in private and was temporarily excused. On his return, later that day, he read a prepared statement:

Mr Unger: During the recess I conferred with my partner, and he has reminded me that we were the attorneys of record in the original Smith Act trial, and that in the course of that time a number of people were employed for various tasks, among which was the job of research, and among whom was Mr Reiss, who was on a payroll which was handled by him, by my partner, whose name is David. M. Friedman, and I think that is the complete story. How long a period of time he worked there, whether it was months or weeks, I have no recollection.<sup>9</sup>

This did appear to have satisfied Cohn and McCarthy. However Cohn again asked whether Unger knew if Reiss was a communist. Unger repeated his earlier objection to the question but added that he did not know. The question was repeated four times before Cohn accepted this answer. Then Cohn moved to Unger himself:

Mr Cohn: Were you yourself at that time the head of the professional group of the Communist Party in this area?

Mr Unger: I object to the question...It has been represented to us that this was an inquiry into the employment or association of Mr Remes or Reiss, myself and my partner. There is no relevancy in the question...I object, for the reason that this is an intrusion upon the personal political rights and freedoms of an individual, and entirely outside the scope and power of a congressional committee, having no relevancy to the subject of an investigation, not being pertinent or material to the investigation, and intended solely for ulterior purposes which are improper and unlawful, and I therefore object to answering that question.

I further would indicate that that is a violation of the representation already made by the chairman of the committee and by counsel for the committee.<sup>10</sup>

Again Unger based his defence on the fact that questioning was moving beyond the original limits set by McCarthy himself. In addition, as before, he raised an objection on the basis of his right to privacy. Here however Unger went further by accusing the committee of having

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<sup>9</sup>Abraham Unger, closed hearing, p. 254.

<sup>10</sup>Ibid., p. 254-255.

“ulterior purposes which are improper and unlawful”. He has moved from a well-constructed defence to an attack on the committee. This is something very few witnesses had either the knowledge or confidence to do. Some of those who tried this are discussed later. Cohn, like McCarthy previously, did not or could not counter with argument. “That is just not accurate,”<sup>11</sup> is all he could muster in response. Later on Unger followed up this attack just as McCarthy had granted his lawyer’s request for an adjournment:

Mr Unger: I should like to state for the record that the witness has been misled by representations made by the senator and a member of the bar in this inquiry, that after carefully thinking the problem, no reasonably minded person can come to the conclusion that the questions presently propounded, or the line of inquiry that seems to be indicated, has any relevancy to, has any bearing upon what was represented to be the subject of the inquiry.<sup>12</sup>

As this session ended and an adjournment date was finally agreed upon - it was as if McCarthy and Cohn were on the retreat.

Unger returned two days later again in executive session.<sup>13</sup> He put up a continuous, resolute defence on sound legal principles (most of which had been previously raised) and met with an equally resolute refusal on McCarthy’s part to either listen to, accept or even engage with these arguments. This shows again how McCarthy, when unable to counter legal arguments, resorted to using the blunt instrument of his authority and ultimately the threat of a charge of contempt.

It was not long before Unger was again asked about whether or not he was a communist. His

<sup>11</sup>Ibid., p. 255.

<sup>12</sup>Ibid., p. 256.

<sup>13</sup>While this session was closed at the time, this testimony was made public by McCarthy at the time of Unger’s appearance in a public hearing. It was therefore not included in the transcripts published in 2003.



defence was similar to that offered in the previous hearing,

Mr Unger: ...I want to point out, Mr Senator, your inquiry was intended to be conducted into the payment of wages or the employment of Mr Reiss. You have asked the questions concerning that employment and have received full and complete answers on that subject. There is nothing more that there is to add to that question because the sole connection that I have with Mr Reiss,[sic] and I have given you all of the answers to the questions that have been put to me on that subject. Therefore, it seems to me that your investigation has been concluded on the subject...

That is a perfectly... reasonable analysis being made to you by an attorney who has made some effort to ascertain what are the purposes or the scope or the authority of a senatorial committee.

The Chairman: You can talk as long you like. I am going to stay here until I get the answers from you.<sup>14</sup>

Unger again argued that the question was beyond the scope of the inquiry as set by McCarthy himself in response to Unger's request made during his first appearance. McCarthy, as before, apparently could not find fault in the legal argument put forward here, hence his answer above. This sets the pattern for the whole of the testimony. Unger did add another argument to his defence:

Unger:...This committee or the single individual present here has not authority to inquire into the political opinions and beliefs of any person upon the ground that it is not within the scope - scope of powers of this committee as constituted by congress. Now you may differ with that but the fact remains if you will look up - if you will look up the basic resolution which gave...the authority to the Committee on Government Operations, you will find it has been given no authority to inquire into the political beliefs and opinions of any person and particularly of a member of the bar.<sup>15</sup>

In addition Unger argued that McCarthy, who was the only member of the subcommittee present, had no authority to make rulings:

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<sup>14</sup>Hearings before the Permanent Subcommittee on Investigations of the Committee on Government Operations (Washington: Government Printing Office, 1953), Testimony of Abraham Unger, September 17, 1953, p. 42.

<sup>15</sup>Ibid., p. 45

Mr Unger: But I merely say to you that you do not have the authority to pass upon this question being raised here and, therefore, that the matter should be submitted to a proper legislative body, which means a quorum of the committee. When so raised and passed upon we shall then be able to proceed in due course.<sup>16</sup>

The latter argument was important because the committee was often not complete when it heard evidence, not only making it illegal, as Unger pointed out, but allowing McCarthy and Cohn to dominate and control that particular stage. This was discussed briefly in the introduction. Unger's arguments are clearly supported by the army counsel, John G. Adams who explained in his book,

And there was the one-man subcommittee employed by McCarthy. Senate custom and the more strict rules of the House of Representatives did not permit committee or subcommittee meetings with a quorum of less than three persons present. Nor would either House permit a subcommittee to operate through an entire five-month congressional recess without proper authorization. Furthermore, in the Senate, investigation of subversive activities was under the exclusive jurisdiction of the Judiciary Committee's Subcommittee on Internal Security. Neither the Government Operations Committee or its Permanent Subcommittee on Investigations had any jurisdiction in this area, a fact that both McCarthy and the entire Senate ignored.<sup>17</sup>

Unger essentially went on repeating his three defences with McCarthy refusing to engage in the legal merits of his arguments, only insisting that Unger would be forced to answer once, what McCarthy called, Unger's "fillibuster" was over. Unger meanwhile again went on the attack as it were, repeatedly chastising McCarthy for ignoring him and for his otherwise inappropriate behaviour toward a witness:

Mr Unger: This is the third or fourth or fifth time, Mr Senator, that you have ignored every word that I have been saying. You paid no attention to the legal arguments being advanced to you in a serious manner.<sup>18</sup>

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<sup>16</sup>Ibid., p. 47

<sup>17</sup>J.G. Adams, *Without Precedent: The Story of the Death of McCarthyism* (New York: W.W. Norton & Company, 1983), p. 67.

<sup>18</sup>Testimony of Abraham Unger, September 17, 1953, p. 46.

And later,

The Chairman: I may say to you this is nothing new to me. I have sat through these things before. I have seen this tactic used time after time, stalling tactics used by communist witnesses, witnesses who won't say whether they are communists or not; witnesses who won't tell whether they are engaged in espionage. And I am a patient man. I can wait. I will wait until you get through. Then you are going to answer the question.<sup>19</sup>

Not for the first time McCarthy was deliberately conflating communist party membership with espionage. At other times it was also tied in with a conspiracy to overthrow the US government by "force and violence." Unger's response was forthright,

Mr Unger: Mr Senator, your patience is irrelevant. I don't think it matters very much whether you are a patient or impatient man. But what does matter is that you are not at this time----

The Chairman: Proceed.

Mr Unger: You are not at this time carrying out the functions...of a member of a legislative investigating committee. What you are now doing, again, is simply venting your spleen and expressing your personal prejudices against those whom you dislike or differ from. You have a right to dislike or differ from communists, and you have a right -

The Chairman: Thank you

Mr Unger: To say so.

The Chairman: Thank you

Mr Unger: But you have no right to turn a legislative investigating committee into a forum for your own political opinions. That is not only a discourtesy but a denial of due process to the person who appears before you as a witness...No power can make you courteous if you choose to be otherwise . But I am very much concerned with the fact that you are not giving me the legal - the consideration to which I am entitled...<sup>20</sup>

Unlike the witnesses I have examined so far, Unger also objected to the thinly veiled accusation that he may have been involved in espionage,

...I have said to you that I am not engaged in any conspiracy. I have, of course, not engaged in any kind of espionage, and... your injecting that is a scandalous thing, and

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<sup>19</sup>Ibid.

<sup>20</sup>Ibid., pp. 46-47

you have no right to do so. Again that is a matter of your own political prejudices.<sup>21</sup>

By the end of the hearing neither side had given in but McCarthy began to threaten his big weapon - a charge of contempt. Strangely McCarthy announced that the rest of the committee would be consulted to decide on the contempt issue and Unger was allowed to leave pending his appearance at a public hearing the following morning (September 18).

### *Unger's public hearing*

Unger's public hearing started with McCarthy determined to avoid the previous day's drawn-out battle of attrition. First he called a Mr John Lautner who admitted to being a communist and testified that Unger was a leader of the Communist Party amongst other things. This was clearly to put pressure on Unger.

The Chairman: Just a second, before we call Mr Unger as a witness... Yesterday Mr Unger was before the committee. He was asked several very simple questions: No. 1, whether he was a member of the Communist Party; No. 2, whether he was an organizer of the professional group in the Communist Party. He spoke for about 70 minutes, following the type of procedure we have seen in this courtroom before, before Judge Medina. He never did get around to answering the question. I am not going to call Mr Unger, Mr Jaffe. I am not going to waste any time with him this morning, unless he wants the right to come up and tell us whether or not the testimony Mr Lautner gave is true - in other words, whether meetings were held in his office which were attended by the top functionaries of the Communist Party...<sup>22</sup>

McCarthy then insisted on speaking only to Mr Jaffe, Unger's lawyer. When Unger himself tried to address the committee (which still only consisted of McCarthy), he was removed

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<sup>21</sup>Ibid., p. 47.

<sup>22</sup>Public Hearings before the Permanent Subcommittee on Investigations of the Committee on Government Operations United States Senate, 83<sup>rd</sup> Congress, (Washington: United States Government Printing Office, 1953), testimony of Abraham Unger on September 18, 1953, pp. 35-36.

from the room:

Mr Unger: You have examined me, and you have the record there, and I stand on that record, and if you wish to examine me further you call me as a witness....I want to put on the record the fact that I want----

The Chairman: Officer, will you remove that man?

Mr Unger: Let's make it very clear, Senator

The Chairman: Remove him from the room, remove him from the room.

Mr Unger: That you don't want me here.

The Chairman: Remove him from the room.

(Whereupon Mr Unger was removed from the room.)<sup>23</sup>

This apparent act of desperation on McCarthy's part seemed the only way he could silence Unger. He certainly, as I have suggested before, could not silence him by defeating his legal arguments, and ordering him out of the room was perhaps an extension of the earlier tendency to use his authority, rather than counter arguments, to force a witness to answer. This sort of ejection was also carried out by other anti-communist committees. James Eastland, chairman of the Senate Internal Security Subcommittee (SISS) ordered the forceful ejection of Myles Horton after he had made a polite statement.<sup>24</sup> Eastland also had the lawyer Philip Wittenburg removed from the room so violently that he needed hospitalisation.<sup>25</sup>

With Unger out of the room McCarthy then had a conversation with Jaffe who asked McCarthy if his client, "would be in a position to state here any legal objections to any questions which he had?"<sup>26</sup> McCarthy essentially answered no:

The Chairman: If he wants to come in and give testimony, he may do so; otherwise I have no interest in him. He can't come in and object to giving testimony if he comes in at his own request. If he wants to come in and tell us he is not a communist, he may

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<sup>23</sup>Ibid., p. 37.

<sup>24</sup>Caute, *The Great Fear*, p. 105.

<sup>25</sup>Ibid.

<sup>26</sup>Public hearing before the Permanent Subcommittee on Investigations of the Committee on Government Operations, Testimony of Abraham Unger, September 18, 1953, p. 37.

do that...I will not have him come in and then tell us what he will not answer. I am merely giving him his privilege of denying anything that he considers untrue or unfair to him.<sup>27</sup>

This was an attempt by McCarthy to define the testimony of a witness - to prescribe what he could and could not testify to. In addition, by denying a witness the opportunity to raise objections, mainly because those raised were too good, McCarthy was denying one of the basic rights to due process. It is therefore ironic that McCarthy talked of the granting of a witness's privilege while at the same time denying him other privileges.

Jaffe then interestingly confirmed that were Unger to testify he would not be under subpoena. McCarthy, having agreed to this, hastens to add '... once he has appeared before the committee he is in the same position as though he is under subpoena...' <sup>28</sup> Jaffe was then given five minutes to consult with his client. He returned to make a statement on Unger's behalf.

Mr Jaffe: Mr Unger has asked me to say that he would like the record of the prior proceedings-----

The Chairman: No; there will be nothing for Mr Unger, unless he first tells us whether he is a communist or not. If he doesn't do that I want no message from him, so I won't hear from you on that ...<sup>29</sup>

When Jaffe then suggested that Unger be allowed to make the statement that his lawyer was not allowed to, McCarthy made the following announcement:

The Chairman... You might be interested in the following announcement we are about to make, Mr Jaffe. The Chair has recommended that Mr Unger be held in contempt for his refusal to answer yesterday as to the communist activities of himself and Mr Reiss, alias Remes. I have asked Harold Rainville, Senator Dirksen's administrative assistant, to get in touch with Senator Dirksen, and Bob Jones, Senator Potter's assistant, to get in touch with him and see if they would go along with the Chair's

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27Ibid.

28Ibid.

29Ibid., p. 38.

recommendation.<sup>30</sup>

The two administrative assistants, then reported that their respective senators, Dirksen and Potter would support McCarthy's ruling that Unger should be found in contempt. Both senators were relying on a version of events related to them by their assistants - they had not been privy, it seems, to the statements made by Unger. They effectively made a judgement by hearsay without the witness having had the opportunity to address them directly. Roy Cohn then attempted to justify the whole procedure with a summary of his own - certainly designed for the public stage. He ended off by saying,

He has come this morning and apparently there is no change at all in his position and there *apparently doesn't seem to be any legal basis for it at all*, and the record of the executive session fully sets forth that entire proceeding yesterday.<sup>31</sup>  
(My emphasis)

His statement that there was no legal basis for Unger's objections was entirely false, as I have shown. Cohn was well aware that the public had not yet been privy to the exact contents of these objections, so at this point they simply had to take his word for it. He was doing just what we have seen McCarthy do before - re-wording the testimony of witnesses and presenting a distorted version for the press. Unger and his lawyer had effectively been muzzled on a public stage.

McCarthy then took the unusual step of making the executive hearings public so as to demonstrate that Unger, in his view, deserved the contempt citation.

The Chairman: I think, Mr Counsel, it might be well if we would incorporate the executive session records into the public record, so that it will appear very clearly the repeated number of times you gave this man an opportunity to answer.<sup>32</sup>

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30Ibid.

31Ibid., pp. 39-40.

32Ibid., p. 40. Mr Jaffe then requested a copy of the Executive Hearing testimony which was granted. It is not known whether Jaffe went through this record carefully since in the case of the record of the testimony of Aaron Copland there were numerous errors some of

Although this text was now public, it was likely that members of the public and press present would have listened to, and reported, the words of Cohn and McCarthy rather than have gone through the transcripts of the previous day's executive session.

In the end Unger's legal arguments were proved valid by the courts. He was officially cited for contempt by the Senate in August 1954 but in July of the following year Judge Edward Weinfeld dismissed all charges. This was later confirmed when the Court of Appeals unanimously upheld this decision, finding that "the subcommittee lacked legislative authority to investigate subversive activities by individuals outside the government."<sup>33</sup> It was a vindication for Unger but it certainly did not come fast and would have caused huge personal difficulties in the interim. At around the same time the cases of author Corliss Lamont and engineer Albert Shadowitz who had also risked the use of the First Amendment were thrown out by a District Court on the ground that McCarthy had no right to ask the questions he did.<sup>34</sup>

First Amendment claims before these had not been so successful. Under Justice Stone (1941-1946) the Supreme Court had already established that the First Amendment rights enjoyed a "preferred position" but were subject to "reasonable regulation".<sup>35</sup> In 1948 and 1949 two Court of Appeal decisions confirmed that Congress could investigate political beliefs and associations unhindered by the First Amendment.<sup>36</sup> Then in 1954 writer and civil libertarian Harvey O'Connor was given a suspended sentence of one year and a \$500 fine for using the which were clearly deliberate.

33D.A. Ritchie, (ed) Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, vol. 3. Introduction to testimony of Abraham Unger, p. 1889.

34Caute, *The Great Fear*, p. 149.

35Ibid., p. 148.

36Ibid.



First Amendment before McCarthy. By 1955 though, Unger was fortunate that the courts were beginning to limit the powers of congressional inquisitors.

### ***Margaret Webster***

In analysing the testimony of Margaret Webster I have made use of two valuable additional sources: her autobiography, *Don't put your Daughter on the Stage*<sup>37</sup> and a recently published biography by Milly. S. Barranger.<sup>38</sup> These sources make it possible to look at the background behind her appearance in order to provide a better understanding of context before the analysis of the transcript begins.<sup>39</sup>

It is useful here to take a brief look at how McCarthyism affected US theatre in general before examining Webster's testimony. Unlike film, television and radio, theatre and Broadway in particular were a relatively safe haven where those with leftist connections could earn a living. Vincent Hartnett complained that Broadway was "New York's Great Red Way".<sup>40</sup> In 1955 the HUAC directed its attention to this rebellious sector and it met with considerable defiance as many actors took the Fifth Amendment.<sup>41</sup> Actor's Equity

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37M. Webster, *Don't put your Daughter on the Stage* (New York: Alfred A. Knopf, 1972)

38M.S. Barranger, *Margaret Webster: A Life in the Theater*, (Michigan: University of Michigan Press, 2004)

39I have included in the introduction an explanation of how Webster came to be called before McCarthy's subcommittee.

40Caute, *The Great Fear*, p. 535.

41Ibid.

Association was considerably more liberal than any of the unions representing the employees of the electronic media. In 1952 Actors' Equity and the League of New York Theaters issued a joint statement against the blacklist. As David Caute points out this may have been the first employers' group to take such a stand.<sup>42</sup> As the analysis of Webster shows, actors and directors certainly did not escape the McCarthyist net completely. In 1953 Equity was pressured into voting to expel any member (out of 6 700) who was a communist or a member of an affiliated group.<sup>43</sup>

The famous dramatist Arthur Miller was called before the HUAC in 1956. He had written *The Crucible* ostensibly about the seventeenth century Salem witch-hunt but really a powerful attack on McCarthyism. He denied ever being a member of the Communist Party and was cited for contempt. This was reversed in 1958 on a technicality.<sup>44</sup> Provincial theatre was also attacked. For example the Seattle Repertory Playhouse was forced out of business due to adverse publicity from testimony before the Canwell Committee as early as 1948.<sup>45</sup> Another example quoted by Caute suggests that provincial theatre management was beginning to show defiance. The Playhouse in the Park went ahead with a production involving actress Gale Sondergaard, who had taken the Fifth Amendment before the HUAC in 1951. The HUAC issued her with a subpoena (she took the Fifth again) and the production was a huge success, bringing in \$14 000 in the first week.<sup>46</sup>

Webster's preparation is interesting in itself. Having received a subpoena to appear on May 25<sup>th</sup> 1953, she consulted a lawyer Sidney Davis. His first step was to show her examples of previous testimony - "Some were abject, some defiant, some canny; but they didn't solve my

42Ibid., pp. 535-536.

43Ibid., p. 536.

44Ibid., pp. 536-537.

45Ibid., p. 537.

46Ibid., pp. 537-538.

problem. For me as for them, it was insoluble, the alternatives were limited and all of them undesirable”.<sup>47</sup>The alternatives layed out before her, offer an interesting insight into the sort of dilemma facing witnesses. According to Webster the first option was to simply refuse to answer questions which could lead to a contempt citation and even a prison sentence. The second was to tell all and provide names. You would be congratulated as a co-operative witness and sent home ‘supposedly’ employable. “Neither of these alternatives was open to me since I had nothing to tell or refuse to tell”.<sup>48</sup> The third alternative was the Fifth Amendment which “was widely held to be an admission of guilt”.<sup>49</sup> Webster eloquently expresses the problem of taking the Fifth in the McCarthyist context. “It might get you off the legal hook but in every other way you were effectually self-condemned”.<sup>50</sup> The fourth alternative is what came to be called the “diminished Fifth” where the witness agreed to answer all questions relating to him/herself but nothing relating to others. “This was morally OK but legally dubious”.<sup>51</sup> Given that taking the Fifth was presumed to be an admission of guilt this still left the witness “self-condemned”.<sup>52</sup>

It was decided that Webster would not take the Fifth. She effectively rejected all of the above options. She was however warned not to say ‘no’ in response to any question but rather to use a qualified answer such as “To the best of my recollection, no,” the reason being that one or more witnesses might easily be produced to say the opposite, which could result in a charge of perjury. This advice says quite a bit about the nature of the McCarthyist context. Davis had learnt that this legal environment required him to give some rather unusual advice to his clients. Another indication of this context is Webster’s comment, “Under the reign of

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47Webster, *Don’t put your Daughter on the Stage*, p. 263.

48Ibid.

49Ibid.

50Ibid.

51Ibid.

52Ibid.

Roy Cohn as the counsel for the McCarthy Committee it was well known that ‘vulnerable’ people, especially government employees, were intimidated into accepting the role of informer, supplying fabricated information in return for immunity”.<sup>53</sup>

Just before going in to face the committee in a room of the Senate Office Building Webster noticed “...a small, rather shabby and very battered-looking couple emerged from the ‘office’ and we were ushered in”.<sup>54</sup> It turns out this couple was Professor Naphtali Lewis and his wife Helen, written about earlier.

As with Professor Lewis, McCarthy called Webster mainly to get at the State Department. He was very keen to build up a case against Senator Fulbright and the powerful Senate Foreign Relations Committee.<sup>55</sup> It was the fact that Webster had been used as an expert consultant to review applications for Fulbright acting scholarships that drew the attention of the McCarthy committee, but Webster herself never appreciated her role in McCarthy’s bigger picture as is revealed in her autobiography. She was under the impression that her call-up was the result of her one-time membership of the Joint Anti-fascist Committee and the Soviet American Friendship Society and the publication of her name in ‘Red Channels’. It appears the committee was happy to have her believe she was being called due to her ‘communist’ associations, since they made no effort to clarify the reason for her calling before or during her testimony.

Webster was first questioned about her role in the State Department exchange program. Her testimony was essentially that her role was to help to judge candidates for acting scholarships. Final selection was not up to her but she was required, as part of a panel of

<sup>53</sup>Ibid., p. 264.

<sup>54</sup>Ibid., p. 265.

<sup>55</sup>Barranger, *Margaret Webster*, pp. 243-244.

judges, to view candidates and submit a report.

Miss Webster:...All that we have ever been asked to do is rate the candidates according to our view of their ability and turn this material and our recommendations back to the institute. In fact, as I remember, I have not been officially informed of what their final decisions were...<sup>56</sup>

This line of questioning led to a dead end - Webster did not provide any link to the State Department. Cohn therefore changed tack and questioned Webster on her perceived 'communist' associations. First Webster clearly stated her position:

Miss Webster: I have never belonged to any organization which I knew to be influenced or dominated by Communists. I would be glad to answer any questions.<sup>57</sup>

Here Webster introduces the argument (also to be used by Aaron Copland, whom I will analyse next) that any apparent associations with so-called communist front organisations or individuals, were made for reasons related to her particular field of expertise (the theatre) without any knowledge of their communist associations. This sort of argument is shown in Webster's response to the next line of questioning. She was asked about her reported sponsorship of Communist Party candidate Benjamin. J. Davis during his 1945 re-election campaign to the New York City Council.<sup>58</sup> In her response Webster stated that her support for Davis was based purely on his promotion of a theatre in New York City:

Miss Webster: To the best of my recollection on that, sir, at that time Mr Davis was already a member of the city council, as far as my recollection goes, and he came forward with some scheme connected with the-----

Mr Cohn: What we want to ascertain is whether or not you were a sponsor of this committee?

Miss Webster: May I finish sir? My recollection is that Mr Davis came out for municipal support for a theatre in New York and that scheme was endorsed by a

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<sup>56</sup>Margaret Webster, closed hearing, p. 188.

<sup>57</sup>Ibid.

<sup>58</sup>Ibid., pp. 188-189.

number of people in the theatre field, including myself. I have no further recollection than that.<sup>59</sup>

On the advice of her lawyers Webster was not stating anything categorically, but emphasising that this was as far as she could remember, especially bearing in mind that this was about eight years previously. It is also significant, that unlike many witnesses, she had the strength of character and presence of mind to be quite firm with Cohn in insisting that she be allowed to complete her answer. In this regard the committee had only one piece of evidence and that was a report in the *Daily Worker* to the effect that Webster was a supporter of the Davis re-election campaign. Cohn insisted on this but had nothing else to back it up.

McCarthy left the hearing fairly early leaving Cohn to lead the questioning with assistance from Senators McClellan (Democrat, Arkansas) and Jackson (Democrat from Washington). Webster was then asked about her connection with the “Peoples Radio Foundation” and whether she had contributed financially to it as it was on the Attorney General’s List of subversive organisations. She answered as follows:

Miss Webster: I will tell you that to the best of my recollection on that. The year, again, I would take to be the end of 1944 or the beginning of 1945. I received a communication from the –was it the “Peoples Radio Foundation” – which described objectives of establishing a radio station for public service program outlets for trade unions, radio, etc., which would not be carried by big networks. They solicited support and foolishly very soon afterwards I agreed to take a share of stock. They then asked me if I would belong to the committee or board of directors, which I refused to do. I had no further connection with them whatsoever. I don’t think I ever received the share of stock. Very soon after that it became clear to me that it was in nature of a gyp. [a swindle]<sup>60</sup>

Here and throughout her testimony, Webster was clearly well prepared and able to explain her association with every organisation. Again she allowed for errors of memory using “to the best of my recollection”. It is also important that she never paid for or received the shares

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<sup>59</sup>Ibid. p. 189.

<sup>60</sup>Ibid.

she referred to. This meant she could hardly be said to have been a financial backer of this organisation. Finally the fact that this offer never materialised and in fact turned out to be a swindle means that her agreement had little effect. Cohn tried to push her on this by insisting that “the records show that you endorsed and were a stockholder of this foundation”.<sup>61</sup> This line of questioning was soon abandoned when Webster simply stuck to her above account.

Cohn then moved to the Joint Anti-Fascist Refugee Committee (JAFRC) asking Webster if she was ever a member - she responded:

Miss Webster: I was never a member. I did make several fund-raising appeals for them for objectives which were entirely humanitarian and charitable. I was never a member of the board or committee or any such thing.<sup>62</sup>

As mentioned earlier this was part of her overall argument; that her association subsequently deemed by the Attorney General to be subversive, was only in relation to her field of expertise. The Joint Anti-Fascist Refugee Committee was in fact founded in 1941 to help refugees from Spain who had fled to France after the end of the Spanish Civil War. It was an organisation that did come within the orbit of the Communist Party.<sup>63</sup>

Webster was then asked about her connection with the Spanish Refugee Committee because her name appeared on a letter listing her as National Sponsor. Again she had a well prepared answer, explaining that she was solicited and then some years later received a letter naming her as National Sponsor,

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61Ibid.

62Ibid., p. 190.

63Schrecker, *Many are the Crimes*, p. 40. With the outbreak of the Spanish Civil War in 1936 the Communist Party organised some 2 800 volunteer Americans who fought in the Abraham Lincoln Brigade, Schrecker, *Many are the Crimes*, pp. 14-15.

Miss Webster: I saw that my name was then listed as a sponsor, the contents of which letter appeared to be political in character, something pertaining to Franco. I wrote to them at the time and stated that I had not given them permission to use my name and I had no sympathy, no political objective of that nature and would appreciate their withdrawing my name.<sup>64</sup>

Here, as suggested before, Webster tried to establish herself primarily as an actor, producer and director who has had no interest in politics. The rest of the testimony continued in the same vein with Cohn raising alleged connections with a number of organisations which relied heavily on the reporting of the *Daily Worker*. These included the Spanish Refugee Appeal, the American Committee to Save Refugees, the National Conference of Civil Rights 1947 and the Theatre Committee of the National Council of American-Soviet Friendship (discussed later under the testimony of Aaron Copland). With regard to some, Webster denied being able to recollect any connection and to others she explained that her connection had been solely in relation to international theatre with no political motives whatsoever.<sup>65</sup>

At one point Cohn tried to inaccurately characterise her testimony thus far - as before she quickly and firmly corrected his insinuation:

Mr Cohn: You see the difficulty is that we have all these things listed here and you answer that you might have or it's doubtful—

Miss Webster: I don't think that it is quite so. I have given you a number of things to the best of my recollection and specific details in a number of instances.<sup>66</sup>

Given Webster's responses as examined in this chapter, it would seem she had a point here. She had often given plausible explanations for her apparent connections to communist front organisations. Perhaps with her stage experience, she was not overawed by the occasion and

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64Margaret Webster, closed hearing, p. 190.

65Ibid., pp. 191-192.

66Ibid., p. 191.



had the presence of mind to make these points, unlike a number of witnesses in previous chapters who had fallen victim to the re-wording tactic. In the absence of McCarthy she was more than a worthy match for Cohn. A little later she continued to show this clarity of thought in a statement about all the “communist” linked organisations she was accused of being connected with:

Miss Webster: ...I would like to say that in connection with all these organizations which you have asked me about, the only two with which I had any connection to signify in any way was the National Council of American-Soviet Friendship, which I said I was chairman of, the Theatre Committee, and the Joint Anti-Fascist Refugee Committee, for which I made appeals for funds for charitable purposes on several occasions – I would say during, 1943 to 1947. I am very willing to elaborate the reasons why I did that.

I would like to state now that I, myself, did none of those things through any influence on me of communists or communism and that to my knowledge, and as far as I was aware, those organizations were not at that time dominated or used for communist purposes and the reasons for which I was connected with them was not for communistic purposes.<sup>67</sup>

Webster then followed this up with another statement bringing in her unquestioned dedication and commitment to the theatre:

Miss Webster: I think that everybody who has ever known me and worked with me, my theatre record and my record in public life, would know that I would be the last person in the world to countenance communism. No person has ever admitted to me that they were a communist. I think if they were communists at the time I was working for them, such communistic tendencies were carefully and deliberately concealed.<sup>68</sup>

It was only quite late that Webster brought in her reputation. This is perhaps because she knew, given the treatment of other colleagues in show business, that her reputation alone would not stand as sufficient argument against accusations of communist associations. However by this point she had clearly established her defence which was based on the principle that any communist connections that she had made were unwitting and in pursuit of

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<sup>67</sup>Ibid., p. 192.

<sup>68</sup>Ibid., p. 193.

professional or charitable aims. She got through the hearing due to her thorough preparation, her eloquence and her rare presence of mind, which prevented her from being intimidated. As a result both Jackson and McClellan pass judgement in her favour:

Senator McClellan: While I have been here the witness has been very frank with no reservation that I could see.

Senator Jackson: I sort of have the feeling you may have been taken in by some of the groups. I want to say with Senator McClellan that I think you have been very forthright and very fair in trying to answer the questions.<sup>69</sup>

For Webster this was the important stamp of approval that she needed; one that many other witnesses thoroughly deserved but never got. Just before Webster was released Cohn tried desperately to get in a few body blows by asking her about the Civil Rights Congress and the Subversive Control Act. Both were dealt with quite easily and Cohn, realising that nothing further could be extracted from this witness, ended the hearing.

### ***The emotional impact of the hearing - Webster's perspective.***

Barranger makes the point that while Webster's account of her own testimony (written 19 years later) is not entirely accurate, it does still provide us with valuable insights into the emotional impact of her appearance. She describes the immediate aftermath as follows:

As Sid Davis and I left the building, he seemed to me almost unduly elated. God knows, I was thankful to be out of the place, but, I reminded myself as my knees gradually stopped shaking, I had always known the truth would prevail. Sid said, "I think you're really off the hook now. I don't see how they can get after you again." I asked what he meant. He said, "I didn't tell you before because I thought it would upset you. But I happened to run into Roy Cohn at a cocktail party on Saturday. I spoke of you. He said, 'Oh, yes. Of course she'll plead the Fifth Amendment.' I said of course you wouldn't. He said, 'Well, in that case I'll produce two witnesses and we'll indict her for perjury.'" At this point a taxi passed, he flagged it down, gave me his blessing and sent me off to the airport. I went back to New York alone and arrived alone at my apartment. And *then*, then I got frightened.

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<sup>69</sup>Ibid.

I kept wondering whether I had slipped in a “no” somewhere inadvertently, whether I had given that interview to the *Daily Worker*...I convinced myself that it would be only too easy to put together a perjury accusation if anyone wanted to take the trouble...<sup>70</sup>

The anecdote illustrates not only something of the arrogance of Roy Cohn but also the mental strain that did not stop with the conclusion of actual testimony. Webster was able to express the nature of her fear which remained very clear to her many years later:

To be afraid is a very humiliating experience. I do not mean the lightning second before the car crashes - I'd known that one - or the night before the operation. One copes with that. But to be afraid in spite of your mind, your reason, your convictions, despising what you fear, despising yourself for fearing it... that is a very evil thing. It takes a long time to forgive that - not to forgive the people who caused it, which isn't very difficult, but yourself for having yielded to it.<sup>71</sup>

### ***Aaron Copland***

Aaron Copland appeared before the Committee on May 26, 1953. Like Webster he managed to perform adequately enough to stave off a public recall. He too did not make use of the Fifth Amendment and his defence arguments are similar in some ways to those used by Webster. Both Ted Morgan and Haynes Johnson, authors who have examined the Executive

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<sup>70</sup>Webster, *Don't put your Daughter on the Stage*, p. 267.

<sup>71</sup>Ibid., pp. 268-269.

Hearings, refer to Copland's testimony. Morgan says: "Copland came across as the prototype absentminded professor..."<sup>72</sup> while Johnson also looks briefly at his testimony as an example of McCarthy's abuse of writers and artists.<sup>73</sup>

Copland was first questioned about his connection with the State Department Exchange Program. He answered that he had been connected on three occasions; first as a member of the Music Advisory Board of the State Department, second when sent by "Grant-in-Aid" to Latin America to give lectures and concerts on American Music and third, when sent as a Fulbright Professor to Italy.<sup>74</sup> Although Copland had been linked to a number of organisations which at that time appeared on the Attorney General's list, like Webster he was really called as part of McCarthy's attempt to pinpoint a high ranking State Department official, who could be accused of selecting Fulbright scholars with questionable associations.

This issue was returned to much later. McCarthy tried to trap Copland with a leading question:

The Chairman: Let's say you are on the faculty and are making a designation, would you feel communists should be allowed to teach?

Mr Copland: I couldn't give you a blanket decision on that without knowing the case.<sup>75</sup>

McCarthy's question was clearly meant to point to Copland - who with his alleged connections to communist front organisations was sent on a Fulbright Scholarship to Italy.

Copland spotted the pitfall and answered as obliquely as he could. McCarthy nevertheless

<sup>72</sup>T. Morgan, *Reds: McCarthyism in the Twentieth Century America* (New York: Random House, 2003), p. 446.

<sup>73</sup>H. Johnson, *The Age of Anxiety: McCarthyism to Terrorism* (Orlando: Harcourt Inc, 2005) pp. 298-304.

<sup>74</sup>Aaron Copland, closed hearing pp. 194-195. Much of the hearing is about a list of Copland's alleged communist associations which came from the House Un-American Activities Committee see full list, Copland, closed hearing, pp. 200-201.

<sup>75</sup>Ibid., p. 204-205.

pursued the issue:

The Chairman: Let's say the teacher is a communist, period. Would you feel that is sufficient to bar that teacher from a job as a teacher?

Mr Copland: I certainly think it would be sufficient if he were using his communist membership to angle his teaching to further the purposes of the Communist Party.<sup>76</sup>

Here Copland came up with a strong answer. He drew the distinction between what a person may think and their professional performance. For Copland, his alleged communist connections bore no relation to his profession as a composer or lecturer. McCarthy continued to attempt justification of this line of questioning:

The Chairman: You have been a lecturer representing the United States in other nations. One of the reasons why we appropriate the money to pay lecturers is to enlighten people as to the American way of life and do something towards combating communism.<sup>77</sup>

McCarthy was trying to suggest that by lecturing on music in Italy, Copland should have been spreading "the American way of life" and that because of his "communist associations" he might have helped to spread communism while pretending to lecture on music. This is hardly anything more than a spurious argument, but it is also ironic given that the McCarthy hearings ignored many of the individual democratic rights that are so central to the "American way of life".<sup>78</sup>

McCarthy expressed his almost obsessive pursuit of the State Department in a later statement:

The Chairman: ...There is nothing illegal about accepting employment in the information program, but we must find out why a man of this tremendous activity in communist fronts would be selected.<sup>79</sup>

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<sup>76</sup>Ibid., p. 205.

<sup>77</sup>Ibid.

<sup>78</sup>Ibid.

<sup>79</sup>Ibid., p. 206.

Copland's reply was that he was selected for reasons related only to music. He was asked throughout his testimony about his connections and alleged sponsorship of numerous organisations which were currently on the Attorney General's list of subversives, but he was only prepared to commit himself to having belonged to two of these organisations: The National Council of American-Soviet Friendship and The American-Soviet Music Society.<sup>80</sup> He generally used the argument that his connection with these organisations in no way represented action in them.

McCarthy stated, "...according to the records, you have what appears to be one of the longest communist-front records of anyone we have had here".<sup>81</sup> McCarthy says this in the course of asking Copland about his alleged support of the Communist Party via a letter to President Roosevelt. Copland denied any memory of this and then made the following statement in response to questions about his "activities" in communist front organisations:

Mr Copland: May I say that the list I got from the Congressional Record, almost all of these affiliations have to do with sponsoring of something, the signing of protests, or the signing of a statement in favor or against something, and that it is this connection, if I had them or didn't have them, I say in my mind they are very superficial things. They consisted of receiving in the mail in the morning a request of some kind or a list of names, which I judged solely on its merits quite aside from my being able to judge whether that was a communist front. I must say that when I first saw this list I was amazed that I was connected with this many things. I consider this list gives a false idea of my activities as a musician. It was a very small part of my existence. It consisted of my signing my name to a protest or statement, which I thought I had a right to do as an American citizen.<sup>82</sup>

This was a valid argument because it stands to reason that a signature or one-time example of support surely did not make him active in that organisation or indeed a threat to national

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<sup>80</sup>Ibid., pp. 205-214.

<sup>81</sup>Ibid., p. 199.

<sup>82</sup>Ibid.

security. As he said later “there is a great distinction in my mind in being a member and signing a paper”.<sup>83</sup> He later re-enforced this argument:

Mr Copland: ...The reason I am so vague about these various organizations is because my relationship, if any, was so vague. It was not a question of my going to meetings or being active in any way. I am active in many ways --music organizations...<sup>84</sup>

A similar case was that of Phillip Jessup. He was a professor of international law at Columbia and a long-time State Department adviser, yet in 1951 the Senate Foreign Relations Committee voted not to confirm Jessup as a delegate for the United Nations General Assembly. He had been cleared five times by the Senate but was targeted due to his chairmanship of the Institute for Pacific Relations (IPR).<sup>85</sup> McCarthy attended the confirmation hearing and made a number of largely unfounded accusations about Jessup and his support for communist fronts. Jessup’s only mistake had been, like Copland, to lend his name to the sponsorship of some fundraisers during the war.<sup>86</sup>

Another issue raised by Copland when referring to his connections with these organizations is the fact that at the time he showed support for them, they were not listed as subversive.

McCarthy asked Copland about lending his name to organizations on the Attorney General’s list:

The Chairman: Did you authorize the use of your name by any organization that has been listed by the Attorney General or the House Un-American Activities Committee?

Mr Copland: As far as I know, I lent my name to organizations which were subsequently listed. I don’t know now that I lent it in any cases after it was listed.

Mr Cohn: Of course, the date of listing does not signify the date it became subversive. A listing is made on the basis of past activities of the organization. If the Attorney General lists an organization on September 1948, it doesn’t mean that was when it was found subversive. It means that on that date a review of the activities of the organization was completed and found to be subversive.

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<sup>83</sup>Ibid., p. 202.

<sup>84</sup>Ibid., p. 206.

<sup>85</sup>Schrecker, *Many are the Crimes*, p. 254.

<sup>86</sup>Ibid.

Mr Copland: I didn't necessarily know about that.<sup>87</sup>

Cohn is right about the listing date not necessarily being the start of so-called subversive activity. However from the point of view of Copland or other witnesses, it seems to me fundamentally unfair to prosecute someone for doing something which at the time was entirely legal. The reality is that the reason numerous organizations, which had been non-subversive for years, suddenly became subversive in the eyes of the Attorney General, was the new climate of fear of a communist threat to national security. The Attorney General's list is a response to this climate change and it operated as a clear identification for the public of the various manifestations of the enemy.

Another defence which Copland made good use of, was the argument that because he was called on such short notice, he had not had sufficient time to study the allegations of "communist" affiliations and therefore could only say very little with absolute certainty.

Very early on McCarthy offered some rather patronising advice to Copland:

The Chairman:...May I give you some advice. You have a lawyer here. There are witnesses who come before this committee and often indulge in the assumption that they can avoid giving us the facts. Those who underestimate the work the staff has done in the past end up occasionally before a grand jury for perjury, so I suggest when counsel questions you about these matters that you tell the truth or take advantage of the Fifth Amendment.<sup>88</sup>

His response was a request for extra time,

Mr Copland: I would like to say now I received the telegraph to be here Friday. The telegram gave me no hint as to why I was coming. If I am to be questioned about my affiliations over a period of many years it is practically impossible without some kind of preparation to be able to answer definitely one way or the other when I was and what I was connected with.<sup>89</sup>

McCarthy did not grant this request but promised that he would if problems were found with

<sup>87</sup>Aaron Copland, closed hearing, p. 197.

<sup>88</sup>Ibid., pp. 195- 196.

<sup>89</sup>Ibid., p. 196.



any question posed. Later on Copland again used this argument. When asked whether he was connected to more than the two organisations he had said he belonged to, The National Council of American-Soviet Friendship and The American-Soviet Music Society, he said, “As far as I can remember, without further study, I am not prepared to say that I was affiliated with any but the ones mentioned”.<sup>90</sup> It is interesting to note, in the advice Copland was given, that the Fifth Amendment was seen as an alternative to telling the truth. This implied, according to McCarthy, that use of this right was fundamentally dishonest. This was in keeping with the committee’s attitude to the Fifth Amendment as explored in Chapter 2. It appears this statement was meant to intimidate. However it seemed not to have worked. As his testimony shows, Copland remained composed throughout.

### ***Views of Copland’s performance***

Copland’s biographer J.W.Struble gives a glowing analysis of Copland’s performance before the committee:

...Copland could be a master dissembler when he wanted to be. He used these skills to the utmost with McCarthy, as they revealed in the transcript of his interview, and played the pompous, paranoid senator from Wisconsin like a musical instrument.<sup>91</sup>

This assessment is more than a little overstated. More accurate is the assessment that appears in Copland’s autobiography (co-written by Vivian Perlis):

Even today the transcript of the two hour interrogation makes chilling reading. It shows Copland responding to hostile interrogation in a controlled, proud and occasionally even humorous way.<sup>92</sup>

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<sup>90</sup>Ibid., p. 202.

<sup>91</sup>J.W.Struble, *The History of American Classical Music- MacDowell through Minimalism* (New York: Facts on File, 1995), pp. 203-204.

<sup>92</sup>A.Copland and V.Perlis, *Copland Since 1945* (New York: St Martin’s Press, 1989), p. 191.

Nevertheless all in all Copland's strategy worked - he remained composed and the committee was unable to use him to get to the State Department - so he was released and not called to appear in public.

Copland's diary provides a fascinating account of his perspective of his appearance:

Appeared before the committee in executive session. When we entered the room only Senator McClelland was present, lounging about. Next arrives the general counsel, Roy Cohn (age twenty-six!)...Finally the "great" man himself, Senator McCarthy, entered. I was inwardly and outwardly calm enough...The list of so-called affiliations was long - nervous making. But my conscience was clear- in a free America I had the right to affiliate openly with whom I pleased; to sign protests, statements, appeals, open letters, petitions, sponsor events, etc., and no one had the right to question my affiliations....When he [McCarthy] touches on his magic theme, the "Commies" or "communism," his voice darkens like that of a minister. He is like a plebian Faustus who has been given a magic wand by an invisible Mephisto - as long as the menace is there, the wand will work. The question is at what point his power grab will collide with the power drive of others in his own party.<sup>93</sup>

Another very interesting aspect that emerges from the Copland/Perlis autobiography is that there appeared to have been several errors in the transcript that was sent to Copland's lawyers by the committee. The office of Oscar Cox found a total of 97 technical errors. Some were obviously typographical but some were clearly not. One example is revealing since it is the omission of an entire paragraph in which McCarthy makes an error relating to his confusion between Hanns Eisler(Communist Party leader) and Gerhart Eisler. Another paragraph that contained the mistaken accusation that Copland had written an article in fact written by Hanns Eisler was also omitted.

As Perlis and Copland put it "It seems extremely unlikely that a stenographer would have made the independent decision to remove these sections. One wonders how far McCarthy's

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<sup>93</sup>Ibid., pp. 195-196.

editing went with other transcripts.”<sup>94</sup> Neither of the two paragraphs referred to here appear in the final transcripts recently published in 2003. This despite the fact that Copland’s lawyers informed McCarthy by letter of all inaccuracies.

D.A. Ritchie, the editor of the transcripts explained that, “Professional stenographers who worked under contract to the Senate had produced the transcripts. The transcripts were as accurate as the stenographers could make them, but since neither senators nor witnesses usually reviewed their remarks - as they would have for published hearings - they did not have the opportunity to correct misspelled names or misheard words.”<sup>95</sup>

It seems that it was very unusual for Copland’s lawyers to have been able to check the accuracy of the transcript of his testimony. It is clear that because Ritchie’s editing team was relying on what had been left by the various stenographers working at the time, there was certainly room for some additional editing to have taken place at the time, as is suggested by this example. A fuller investigation into the accuracy of the recently published transcripts may still be possible - this might be able to establish to what extent the committee members or staff edited transcripts. This however does not fall within the scope of this dissertation.

## ***Conclusion***

In the larger context of McCarthyism, the performances of the witnesses in this chapter are certainly exceptional. They are a testament to peoples’ ingenuity and resilience in the face of

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<sup>94</sup>Ibid., pp. 195-197.

<sup>95</sup>D.A. Ritchie, “Are you now or have you ever been? Opening the records of the McCarthy investigations,” *Journal of Government Information*, vol. 30, 2004, p. 465.

an attack on their individual rights. These witnesses were all put through a tremendous amount of inconvenience, anxiety, discomfort and disruption to their careers - but this analysis does show what some managed to do under extreme and unusual pressure.

Abraham Unger was able to use his considerable experience as a lawyer to counter the attempted intimidation by McCarthy and the committee. His legal arguments were put forward with a confidence that stemmed from his knowledge that he was most certainly correct in legal terms. He would also have drawn certainty from the fact that he was fighting against other lawyers on relatively familiar ground.

Margaret Webster, was able to draw strength and self-assurance from being quite used to performing before an audience. This perhaps gave her the boldness and composure to stand up to the committee with an unusual directness. There are some similarities in the dissent shown by Webster and Copland. Both received expert legal opinion before the hearings. They prepared thoroughly and had plausible explanations ready for their apparent “communist connections”. Their approaches were very different and with hindsight, more realistic and even streetwise, in the context of McCarthyism, than that of the witnesses analysed in the previous chapter.

Both also used the overall arguments that apparent communist connections were in reality only made for strictly professional reasons. Like Unger both these performers remained composed - at least outwardly. Additional sources for the last two witnesses have enabled me to explore perspectives, including their own, which reveal some very interesting insights into the psychological impact of McCarthyism. There were a number of other witnesses to offer defiance against the McCarthy committee in particular. One was the Russian born William

Marx-Mandell. He had written four books on the Soviet Union. He took the Fifth Amendment but in the process did not hesitate to attack the committee. “This is book burning. You lack only the tinder to set fire to the books as Hitler did years ago.”<sup>96</sup> He was even prepared to get personal by referring to McCarthy’s tax problems, suggesting that the committee should “discover how Senator McCarthy saved 170,000 bucks on a \$15 000 salary”.<sup>97</sup>

Another witness from these executive hearings who stood up to McCarthy was National Archives specialist in military records, Sherrod East. He had served on an army loyalty board and was also accused of employing a communist doctor in Greenbelt during World War II. He explained that this doctor was hired, despite his politics, at a time when there was a dire shortage of doctors.<sup>98</sup>

Berenberg was hired as a doctor. He was a good one no matter what his political complexion was then, now or ever was, and his position as a doctor was certainly not a sensitive position, and I resent, if I may say so, the implication that I can't judge when a man's political complexion, if political is the right word, has a bearing on his duties.<sup>99</sup>

In response to the accusations that as member of an Army loyalty board he supported communist candidates by consistently voting against their suspension, he repeatedly defended himself as follows:

Mr East. I say now that I think I acted properly on any cases that came before me, and I thought so at the time the case was before me on the basis of evidence present, and I--I think that is sufficient on that. As I say, I have done the best job I know how to do.<sup>100</sup>

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<sup>96</sup>Quoted in Morgan, *Reds: McCarthyism in Twentieth Century America*, p. 441.

<sup>97</sup>Ibid., p. 442.

<sup>98</sup>D.A. Ritchie, “Are you now or have you ever been? Opening the records of the McCarthy investigations,” *Journal of Government Information*, vol. 30, 2004, p. 467.

<sup>99</sup>Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, D.A. Ritchie ed, p. 2851, Website:

<http://a257.g.akamaitech.net/7/257/2422/06amay20030700/www.gpo.gov/congress/senate/mcCarthy/83873.html>

<sup>100</sup>Ibid.

As Ritchie points out, East's ability to stand up to the committee (Cohn in this case) in the closed hearing meant that he avoided a call-up to appear in public.<sup>101</sup>

This analysis also gives a small insight into the lengths to which the committee was prepared to go to extract information and 'guilt' from witnesses. In some instances the extreme frustration of McCarthy surfaces as he realises that he cannot squeeze what he wants out of a particular witness. As I have argued earlier, this chapter demonstrates the way in which individual constitutional rights were deliberately ignored with public acquiescence. The committee was effectively allowed to ride roughshod over these rights. In a climate of extreme fear this methodology was seen as necessary to combat a perceived threat to national security.

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<sup>101</sup>Ritchie, "Are you now or have you ever been?" *Journal of Government Information*, p. 467.

## CONCLUSION

It has been a happy co-incidence that since beginning work on this project there has been a renewed interest in McCarthyism. One need only do an internet search to find numerous recently-written articles about what has become known as the ‘new McCarthyism’. Many draw a comparison between the current ‘War on Terror’ and its infringement of civil liberties and the abuse of rights that took place in the McCarthyist era. Though the connections are often made too simplistically, the similarities in broad terms appear to have some merit.

There have also been several new books on the subject such as Ted Morgan’s, *Reds: McCarthyism in the Twentieth Century America*<sup>1</sup> and the less scholarly Haynes Johnson work *The Age of Anxiety: McCarthyism to Terrorism*<sup>2</sup> (a work that draws the above connection very explicitly - indeed it becomes a criticism of the Bush era). In addition there is the recent George Clooney film about the journalist Edward Murrow and his attack on McCarthy. These works suggest a trend, particularly towards more populist works often written by journalists rather than historians, to reduce the study of McCarthyism to a study of McCarthy. The reason for this is probably that it makes these works more accessible to non-academic readers. The general public’s imagination seems to be more easily fired by a focus on one personality.

This renewed attention to McCarthyism has to some extent justified my reasons for beginning this work, as outlined in the introduction. The era has become increasingly relevant in the last

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1T. Morgan, *Reds: McCarthyism in the Twentieth Century America* (New York: Random House, 2003)

2H.Johnson, *The Age of Anxiety: McCarthyism to Terrorism* (Orlando, Florida: Harcourt Books, 2005)

few years, with many making the point that looking at the curtailment of constitutional rights - not only in the United States - it appears we have learnt nothing from McCarthyism.

Evidence appears to be growing by the day - so much so that it has been difficult to track. A recent *Sunday Independent* article by Rubert Cornwell<sup>3</sup> refers to the acknowledgement by the Bush administration of the existence of a network of secret CIA-run camps used for the interrogation of suspected Al Qaeda members. These recently-closed installations were called “black sites” and included locations such as Afghanistan, Qatar, Thailand, Poland and Romania. The article quotes a US Justice Department memo which approved:

...methods stopping just short of causing pain comparable to ‘organ failure, impairment of bodily function or even death.’ In practice these techniques included ‘waterboarding’, or simulated drowning, painful slapping and pummelling, extreme isolation, exposure to extreme cold, as well as sleep deprivation, and intense noise or light bombardment.<sup>4</sup>

As Cornwell states, the above would constitute torture to most reasonable minds. Yet the US government has repeatedly denied engaging in torture. It has relied on the ancient principle of *salus populi suprema lex* - loosely translated according to the article as, “anything goes when it comes to national security”.<sup>5</sup> While there was no torture in the McCarthyist era, the above principle that individual rights and liberties can be sacrificed if there is a big enough potential danger to the nation, was certainly applied.

Interest in this era has come not only from journalists but it has attracted more scholarly

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3R. Cornwell, “CIA could be back in prisons business soon,” *Sunday Independent*, September 10, 2006, p. 3.

4Ibid.

5Ibid.



attention as well, the best of which is the ongoing excellent work of Ellen Schrecker.<sup>6</sup> She too has drawn parallels between the McCarthyist era and the present one, as covered in the introduction.<sup>7</sup> The following sorts of titles are fairly common among recent academic journals. In the *Harvard Civil Rights-Civil Liberties Law Review* David Cole wrote an article in 2003 entitled, “The new McCarthyism: repeating history in the war on terrorism”.<sup>8</sup> In similar vein Alison Solomon wrote an article called, “The big chill: arrest for antiBush protesters, death threats for antiwar professors, suspension for students who don’t say the pledge: is this the new McCarthyism?”<sup>9</sup>

My methodology has been to take an unscientific sample of witnesses; as explained in the introduction the selection criteria have largely been based on my own interest as a teacher and my own sense of what would make for interesting analysis. My choices have also reflected my understanding of democratic values in order to show how they were abused. This is a manifestation of the broader process by which historians produce history and construct narratives. Despite attempts to be objective, most select certain evidence and ignore other sources on the basis of very subjective and personal criteria.

This study has put one aspect of McCarthyism under a microscope; it reveals the methods by which the committee sought to intimidate witnesses and how some were able to show

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<sup>6</sup>Schrecker’s most recent contributions besides her two older books referred to above are a journal article “McCarthyism: Political Repression and the Fear of Communism,” in *Social Research*, vol. 71, no. 4, 2004, pp. 1041-1086. Also a new edition of a useful collection of documents, *The Age of McCarthyism: A Brief History with Documents*, (Boston: Bedford/St Martins, 2002)

<sup>7</sup>See p. 4 introduction

<sup>8</sup>D. Cole, “The New McCarthyism: Repeating History in the War on Terrorism,” *Harvard Civil Rights-Civil Liberties Law Review* Vol 38: pp. 1-30 No 1 Winter 2003.

<sup>9</sup>A. Solomon, “The Big Chill: Arrest for AntiBush Protesters, Death threats for Antiwar Professors, Suspension for Students who don’t say the Pledge: Is this the New McCarthyism?” *The Nation*, Vol. 276, no 21, Je 2, 2003, pp. 17-22.

sufficient dissent to survive, while others bore the full brunt of the committee's treatment. This has been achieved by providing close textual analysis of a selection of the hearings. This analysis has not only described content but more importantly deconstructed and debunked the text. The latter has revealed the deeper and often hidden meanings, for example the underlying intention behind the words of McCarthy and Cohn. I have also sought to contextualise these hearings against the background of the time and against the findings of historians, social scientists and journalists. It is therefore an archival approach strongly integrated with context.

Chapter 2 clearly illustrates how the Fifth Amendment was abused by the committee to effectively completely strip witnesses of their constitutional right against self-incrimination. Taking the Fifth produced an assumption that the witness was lying. This chapter also shows how the fear-riddled context of the McCarthyist era prompted witnesses to take the Fifth Amendment in the knowledge that innocuous actions, like membership of a legal organisation, attendance at a meeting or privately held opinions, were bound to be taken as evidence of a crime against the state.

Chapter 3 collects together three witnesses who probably represent the majority of those that appeared before the various anti-communist committees. They were hard hit by the sophisticated, subtle and well-practised intimidatory tactics of McCarthy and Cohn. These people's suffering represents the essence of McCarthyism at the level of the committee - showing how ordinary, reasonable individuals fell easy prey to these tactics.

Chapter 4 demonstrates the resourcefulness of three witnesses who were able to show dissent in the face of the committees. Each used different counter tactics but each was able to avoid

being intimidated by the stage or the tactics of the committee. As I have suggested, the reasons for their survival seem to have been related to their professions which accustomed them to large audiences, as well as particular personality traits that meant they were less likely to crumble under pressure. It appears from this evidence that there was no single recipe for survival before the McCarthy committee. This is a chapter that pays tribute to the performance, tenacity and innovation of these individuals; it is somewhat dulled by the knowledge that they were certainly the exception rather than the rule.

This work has not really added anything new to our knowledge of the tactics of Joseph McCarthy and McCarthyism. Virtually all the committee methods that I have highlighted seem to be echoed in the existing literature of the period. In fact nothing startlingly new was done by the Senator from Wisconsin and his side-kick Roy Cohn. As I have shown in the introduction, many of the tactics which McCarthy made famous were in fact copied from the pioneering HUAC under Martin Dies. My analysis of the workings of the Permanent Subcommittee on Investigations has not unearthed any previously undocumented tactics.

I would therefore disagree with Ted Morgan's assessment that "The transcripts of these hearings...offer a wealth of new insights into McCarthy's tactics".<sup>10</sup> I would concur with Ellen's Schrecker's review of Morgan's book when she says, "At times...it seems as if the author got carried away by the novelty of the recently released transcripts of the senator's executive hearings - even if they add little to what we already know".<sup>11</sup> However this does not diminish the value of this study. It has served the purpose of finding numerous fresh and interesting examples of already-known tactics and strategies on the part of both committee

10T. Morgan, *Reds: McCarthyism in the Twentieth Century America* (New York: Random House, 2003), p. 430

11Schrecker, E.W. "Book Review of *Reds McCarthyism in Twentieth Century America* by Ted Morgan," *Journal of American History*, vol. 91, no 4, December 2004, p. 1081.

and witnesses. The precise nature of the type of suffering that witnesses endured before this subcommittee has been clearly shown. With equal clarity the exact destructive, deceitful and intimidatory nature of the work of the subcommittee has also been demonstrated. This thesis has therefore contributed by means of clarifying, confirming and deepening our understanding of this part of McCarthyism.

This has been made possible by the fact that many of the witnesses analysed did not appear in public and therefore their testimonies had not seen the light of day until recently. This has also confirmed the way in which the executive hearings were used as dress rehearsals to ensure that those called up to appear in public would provide a good “show” for public and press alike and has highlighted McCarthy’s well-known habit of telling the press what he knew would impress, even if it bore no relation to what had really transpired in an executive hearing.

This study has also allowed a detailed examination of the sort of dissent offered by Unger, Copland and Webster. Because these witnesses were able to avoid public hearings, they would not have made headlines, as McCarthy chose to emphasise witnesses who had provided him with more ammunition. These testimonies have therefore provided an interesting close- up look at not only how it was possible to survive against this committee, but just how difficult this was. The latter is of course made clear by the struggles of the other witnesses.

The words of Supreme Court Justice William O. Douglas, written in 1952, seem just as relevant today as they were then,

There is an ominous trend in this nation. We are developing tolerance only for the orthodox point of view on world affairs, intolerance for new or different

approaches...there probably has not been a period of greater intolerance than we witness today...Fear has driven more and more men and women in all walks of life either to silence or to the folds of the orthodox...The danger of this period is not inflation, nor the national debt nor atomic warfare. The great, the critical danger is that we will so limit or narrow the range of permissible discussion and permissible thought that we will become victims of the orthodox school...Our weakness grows when we become intolerant of opposing ideas, depart from our standards of civil liberties, and borrow the policeman's philosophy from the enemy we detest.<sup>12</sup>

This project has also put Joseph McCarthy and Roy Cohn under the microscope. So much has been written about them and this study has confirmed that their poor reputations are well-deserved; we see them use deliberately deceptive and intimidatory tactics.

This issue is clearly not going away. As the current context shows, the onset of a perceived national security threat will always lead to a tendency for the threat to be seen as so dire that civil liberties become a dispensable luxury. It is an issue which is also, as discussed earlier, directly relevant to South Africans who are experiencing the beginnings of a new democracy. McCarthyism, with its infringements of democratic freedoms, serves as a warning to us in South Africa, as it does to Americans and others facing the infringements that have stemmed from the "War on Terror."

There seems to be no easy answer to the dilemma created by the tension between individual rights and the need for security. The study of McCarthyism gives us a clearer understanding of how this process occurs and how it leads to the erosion of important constitutional rights; it might provide some assistance in trying to cope with real threats while still protecting the civil liberties that define Western democracies.

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<sup>12</sup>W.O. Douglas, "The Black Silence of Fear," *New York Times Magazine*, January 13, 1952, vol. 7, pp. 37-8, quoted in Schrecker, *The Age of McCarthyism*, pp. 271-274.

# SOURCES

## *Internet Sources*

The following is a full set of transcripts of all closed hearing witness testimony referred to in this dissertation. These transcripts were taken from the following website published by the United States Government Printing Office in 2003 and edited by Donald A Ritchie:  
[<http://www.access.gpo.gov/congress/senate/senate/12cp107.html>]

EXECUTIVE SESSIONS OF THE SENATE  
PERMANENT SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE  
ON GOVERNMENT OPERATIONS

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EIGHTY-THIRD CONGRESS

FIRST SESSION

1953

MADE PUBLIC JANUARY 2003

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WASHINGTON : 2003

WEDNESDAY MAY 20, 1953

U.S. Senate,  
Senate Permanent Subcommittee on Investigations  
of the Committee on Government Operations,  
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40,  
agreed to January 30, 1953, at 3:00 p.m. in the Office of the  
Secretary of the Senate, Senator Henry M. Jackson presiding.

Present: Senator Charles E. Potter, Republican, Michigan;  
Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy M. Cohn, chief counsel; Ruth Young Watt,  
chief clerk; Mason Drury, Senate liaison officer, State  
Department.

#### TESTIMONY OF NAPHTALI LEWIS

Senator Jackson. Will you rise and be sworn, please?

Raise your right hand.

Do you solemnly swear the testimony you are about to give  
shall be the truth, the whole truth, and nothing but the truth

so help you God?

Mr. Lewis. I do.

Mr. Cohn. Would you give us your full name?

Mr. Lewis. My full name is Naphtali Lewis.

Mr. Cohn. How do you spell that first name?

Mr. Lewis. N-a-p-h-t-a-l-i.

Mr. Cohn. Mr. Lewis, have you ever been a Communist?

Mr. Lewis. Well, you are barking up the wrong tree, mister.

The answer is "no."

Senator Jackson. Before we proceed any further, you understand you have a right to counsel if you so desire.

Mr. Lewis. Mr. Cohn explained that to me.

Senator Jackson. I just wanted to make the record clear.

Mr. Lewis. But since no one indicated, in summoning me here, that I was to be accused of anything, it never occurred to me.

Senator Jackson. Do you desire to have counsel?

Mr. Lewis. I don't think I need one, no, sir. I have nothing but simple answers to simple questions, if that is all that is involved. Now, I am not a lawyer, and if we get into legalities----

Senator Jackson. You may want to reserve the right?

Mr. Lewis. I hope you will inform me of what my rights are, and so on.

Senator Jackson. You understand that you have the right to refuse to answer any question if, in answering that question it may tend to incriminate you. That means that it may cause you to be a witness against yourself. Even though that tendency is slight, you have the right under the Fifth Amendment to refuse to answer if you conscientiously believe, if you believe in conscience, that to answer the question would tend to incriminate you, not in itself incriminate you, but tend to incriminate you. In that case, you have the right to refuse to answer.

Mr. Lewis. I understand.

Mr. Cohn. Your testimony is that you have never been a Communist?

Mr. Lewis. That is right.

Mr. Cohn. Have you ever attended a Communist meeting?

Mr. Lewis. Certainly not to my knowledge.



Mr. Cohn. Are you at Brooklyn College?

Mr. Lewis. That is correct.

Mr. Cohn. Do you know someone named David McKelvy White?

Mr. Lewis. No, sir, I do not.

Mr. Cohn. Do you know Alex Novikov?

Mr. Lewis. Now, that is a name that I do know. Alex Novikov was at Brooklyn College in the biology department. I knew him slightly, but he has for a long time now not been in New York.

Mr. Cohn. Have you ever attended a meeting with him?

Mr. Lewis. A meeting?

Mr. Corn. Yes, any kind of a meeting other than one connected with your official activities at Brooklyn College.

Mr. Lewis. My best recollection is "no." I mean it would surprise me if I had. I just don't recall.

Senator Jackson. You do not have any recollection as of now?

Mr. Lewis. I don't have any recollection of having attended a meeting.

Senator Jackson. Where he was present?

Mr. Lewis. Where he was present. Well, now, wait a moment. If you mean where he was present in a large gathering of five hundred people or so, I can't answer for that.

You mean where he was present to my knowledge?

Senator Jackson. Yes.

Mr. Lewis. Where he was present to my knowledge. Unless it was some kind of social meeting, the answer is "no."

Mr. Cohn. Do you know anyone named Albaum?

Mr. Lewis. Yes, he is a member of the biology department now.

Mr. Cohn. How well do you know him?

Mr. Lewis. I know him as a colleague.

Mr. Cohn. Have you ever attended any meeting with him?

Mr. Lewis. Not that I can recall, no.

Mr. Cohn. Do you know whether or not he is a Communist?

Mr. Lewis. No, I would not know.

Mr. Cohn. Do you know of any Communists at Brooklyn College?

Mr. Lewis. By the way, I could amend my answer on Albaum to say I have read in the paper about his testimony.

Mr. Cohn. What did you read concerning his testimony?

Mr. Lewis. Well, he testified some months ago that he had been a Communist.

Mr. Cohn. That was the first you knew of it?

Mr. Lewis. This was all I know about Mr. Albaum's communism or anybody's. I have no direct knowledge of Communist activity or membership, since I have not been one myself and have not associated with such people, to my knowledge.

Mr. Cohn. Do you know Irving Goldman?

Mr. Lewis. Who?

Mr. Cohn. Irving Goldman.

Mr. Lewis. I don't know him, though I know who he is.

Mr. Cohn. Do you know Charlotte Robinson?

Mr. Lewis. Yes. Her name is now Charlotte Jenkins.

Mr. Cohn. That is right.

Mr. Lewis. She works in the registrar's office.

Mr. Cohn. How well do you know her?

Mr. Lewis. Again, only as a person who works for the college.

Mr. Cohn. Did you ever attend any meeting with her?

Mr. Lewis. Well, again, I don't know what you mean by "meeting." If you mean a Communist meeting, the answer is "no." I have never been to a Communist meeting, to my knowledge.

But if you mean could she have been present at a faculty meeting where I was, the answer is that she could have been.

Mr. Cohn. As I first told you, we were excluding meetings held in the course of official business.

Mr. Lewis. Yes. I had forgotten.

Mr. Cohn. So that is out.

Now, outside of that, did you ever attend any meeting with Charlotte Robinson?

Mr. Lewis. To the best of my recollection, no.

Mr. Cohn. Do you know anyone named Pomerance, P-o-m-e-r-a-n-c-e?

Mr. Lewis. I know him slightly. He is in the philosophy department.

Mr. Cohn. Did you ever attend any meeting with him?

Mr. Lewis. Again, to the best of my recollection, no.

Mr. Cohn. Do you know Mrs. Pomerance?

Mr. Lewis. I don't believe so.

Mr. Cohn. You are married, Mr. Lewis?

Mr. Lewis. That is correct.

Mr. Cohn. And what is your wife's first name?

Mr. Lewis. Helen.

Mr. Cohn. Has she ever been a Communist?

Mr. Lewis. Well, again, if you knew my wife, it is really--  
My wife is a wife and a mother, and she certainly is no  
Communist.

Mr. Cohn. No, my question was: Has she ever been a  
Communist?

Mr. Lewis. Has she ever been a Communist? Well, let me give  
you a very precise answer. Eleven years ago, when our first  
child was born, my wife ceased being a teacher, and since then  
she has devoted herself and concentrated on bringing up the  
family. She has been, since we have had a family, I would say,  
all that any man could want in a devoted wife and a devoted  
mother of his children.

Now, before we began our family, my wife was a teacher.

Mr. Cohn. You do have my question in mind?

Mr. Lewis. Yes, I am answering it in the fullest way I  
know.

And in those years of her teaching activity, she was very  
active in teachers' organizations, teachers committees, and so  
on.

Now, at that time, unlike the present, where we are a very  
quiet family and have no outside activities, she had many  
outside activities in which I did not share. Many times she  
would go off to meetings, and I would go to the library to  
work.

Now, I am well aware of the fact that in those days, many  
teachers' activities were participated in by Communists and  
non-Communists alike, but I would want it demonstrated  
certainly to me that my wife was engaged in any Communist  
activity. Now, naturally, I don't know all of what she was  
engaged in those days, and frankly, I much less cared. That is  
the best answer I can give you.

Senator Jackson. To your knowledge, is she or has she ever  
been a member of the Communist party?

Mr. Lewis. To my knowledge, sir, the answer is "no" and  
the reason I say "to my knowledge" is that knowing that she

was associated with all of these teachers outfits, and so on, I certainly urged her never to join up, and I have no reason to believe she disregarded my advice.

Mr. Cohn. Your sworn testimony is that to your knowledge your wife was never a Communist?

Mr. Lewis. I have no reason to believe that she was, yes, sir.

Mr. Cohn. Do you know whether she attended Communist meetings?

Mr. Lewis. I cannot tell you, because----

Mr. Cohn. Have you ever discussed that with her?

Mr. Lewis. Well, I remember that back in those days when she was a teacher, she discussed sometimes the meetings she attended, and I am fully aware of the fact that there must have been Communists at them.

Senator Jackson. What meeting? Let us pinpoint this a moment. Let me first of all ask you when you were married. I am not asking this question to get into your personal affairs.

Mr. Lewis. 1936.

Senator Jackson. Now, the meetings you are talking about were subsequent to your marriage?

Mr. Lewis. That is right. They would be from about '37 or '39 to the time when my wife quit all that, when her first child was born, beginning in '42.

Senator Jackson. Now, between '36 and '42, you say your wife attended meetings?

Mr. Lewis. Yes. They were teachers union meetings.

Senator Jackson. Was that the Teachers' Union?

Mr. Lewis. That is the Teachers' Union of New York.

Senator Jackson. And did the Communists dominate those locals, or the local she belonged to?

Mr. Lewis. As you know, that has frequently been charged and possibly sustained. But in those days, if you recall, there was a kind of united front, and in those days the Teachers' Union, that is, in the late thirties, was a very large and respected organization, to which many of the teachers of New York City belonged, including for a time myself.

Senator Jackson. Did you attend the meetings with her?

Mr. Lewis. Teachers Union meetings, yes, but not these committee meetings and all these other things.

Senator Jackson. What do you mean by "committee meetings"?

Mr. Lewis. Well, she was on committees of the union. She was editor of their newspaper for a time, and so on.

Senator Jackson. Those were committee meetings set up by the union?

Mr. Lewis. Yes.

Senator Jackson. It did not go beyond that?

Mr. Lewis. Well, not to my knowledge, no; and I say, there are lots she went to that I never talked with her about.

Senator Jackson. Did she ever talk to you about meetings being controlled by the commies, or anything like that?

Mr. Lewis. I don't think so. I remember that after a while, toward the forties, communism began to become an issue.

Senator Jackson. An issue where?

Mr. Lewis. In the Teachers Union. And then, of course as you undoubtedly know, the Teachers Union split up. It splintered into pieces. And that is when she dropped out and I dropped out, and so on.

Senator Jackson. If she were a member of the Communist party and you were her husband, you certainly should know about it, should you not?

Mr. Lewis. I certainly should, unless she chose to keep it secret from me.

Senator Jackson. But she never discussed any membership?

Mr. Lewis. Oh, yes. She discussed it. She discussed it in the sense that inevitably we had to, when communism became an issue. And I constantly warned her to keep clear of that.

Senator Jackson. Now, explain that. You said you discussed the membership. You mean they asked her to join?

Mr. Lewis. I shouldn't be surprised. Not to my recollection, did I ever ask her that confidence. I don't think I ever did.

Senator Jackson. Are you sure?

Mr. Lewis. Well, I am just trying to recollect. You know this is fifteen years ago. That is my best recollection, sir.

Senator Jackson. That they never asked her to join?

Mr. Lewis. No, my best recollection is that we did not discuss that.

Senator Jackson. You did not discuss that.

Mr. Lewis. That is, in those specific terms. What I tried to convey before is that when the Teachers Union began to be attacked because of its Communist membership and alleged Communist domination, at that point I strongly advised her not to get involved in any of this.

Senator Jackson. What was your position and the position of your wife on the Soviet-Nazi Pact in '39?

Mr. Lewis. Well, I really can only speak for my position I suppose, sir. I certainly regarded that as a disillusionment.

Senator Jackson. At that time?

Mr. Lewis. Yes, and I still do.

Senator Jackson. You opposed it?

Mr. Lewis. Well, I frankly neither opposed nor approved. I have no real major concern with these things.

Senator Jackson. What was your wife's position on the subject?

Mr. Lewis. I think it was mostly like mine. But, again, you see, we have not been a particularly political family, and we had no really profound or great political discussions. Her position used to be at any rate, in those days, slightly left of mine, and perhaps she had fewer reservations.

Mr. Cohn. Where was she teaching then?

Mr. Lewis. She was teaching at Brooklyn College.

Mr. Cohn. What was she teaching?

Mr. Lewis. Psychology.

Mr. Cohn. She was teaching psychology at Brooklyn College. And you taught philosophy?

Mr. Lewis. No, I taught classical languages.

Senator Jackson. Have you published any books?

Mr. Lewis. Yes, in the last years I have published three books, twenty articles in learned journals, over thirty book reviews.

Mr. Cohn. For what have you written book reviews?

Mr. Lewis. The Classical Weekly, Classical Journal, American Journal of Philology, American Historical Review, Classical Philology.

Mr. Cohn. Have you had any connection with the exchange program of the State Department?

Mr. Lewis. If you mean connection with anything in the State Department, no. But I have applied.

Mr. Cohn. Have you applied?

Mr. Lewis. Yes, I have applied for an exchange fellowship.

Mr. Cohn. Has there been any action on your application?

Mr. Lewis. Yes.

Mr. Cohn. Was it accepted, or rejected?

Mr. Lewis. It was accepted.

Mr. Cohn. And when was that?

Mr. Lewis. I believe the letter informing me of acceptance was dated April 30th last.

Mr. Cohn. Just this past April 30th?

Mr. Lewis. That is right.

Mr. Cohn. Where were you supposed to go?

Mr. Lewis. Italy.

Mr. Cohn. And when?

Mr. Lewis. The next academic year.

Mr. Cohn. What were you supposed to? Teach over there?

Mr. Lewis. No, I was supposed to do research in the library.

Mr. Cohn. In what city?

Mr. Lewis. Florence.

Mr. Cohn. On classical subjects?

Mr. Lewis. That is right, and decipherment of the oldest Greek manuscripts known, which is my specialty.

Mr. Cohn. Was your wife going to accompany you over there?

Mr. Lewis. Yes.

Mr. Cohn. Mr. Chairman, I would suggest this. There are some other witnesses we want to hear on the subject of Mr. Lewis, and we were anxious to talk with Mrs. Lewis. I was going to suggest that we adjourn for the afternoon, and maybe Mr. Lewis would want to consult counsel. I would feel better about it if he did. And we would like Mr. and Mrs. Lewis to be down on Monday afternoon, if that is agreeable, at 2:30.

What room would that be, Ruth?

Mrs. Watt. If the Senate is in session, we could come over here. But we could get room 101.

Mr. Cohn. Let us make it room 101.

Mr. Lewis. Room 101 where?

Senator Jackson. Senate Office Building.

Mr. Lewis. At 2:30 p.m., next Monday.

Senator Jackson. On Monday the 25th, this coming Monday.

Just one last question. Do you have any recollection of belonging to any organization cited by the attorney general as subversive?

Mr. Lewis. No, I don't. As I said, I am not an organization man, myself.

Senator Jackson. You are not a joiner?

Mr. Lewis. I am not a joiner. I belong to only two or three professional associations, like the American Philological Association, Phi Beta Kappa, and the International Association of Papyrologists, which is my specialty, and I believe that is all.

Mr. Cohn. What was your wife's maiden name?

Mr. Lewis. Helen Block, B-l-o-c-k.

Mr. Cohn. Was she teaching under her married or maiden name?

Mr. Lewis. Both, I think. I think after she was married she used her married name.

Mr. Cohn. Could I get your street address?

Mr. Lewis. Yes. 245 West 101st Street.

Mr. Cohn. And your phone is Academy----

Mr. Lewis. 2-4424.

Senator Jackson. Do you know what organizations your wife might have belonged to?

Mr. Lewis. I certainly----

Senator Jackson. If you do not know, do not say so.

Mr. Lewis. No, I would have no way of knowing, sir.

Mr. Cohn. Mr. Lewis, would you produce that April 30th letter when you come down on Monday?

Mr. Lewis. Yes.

Mr. Cohn. And any other correspondence you had. I assume you had to make some kind of application.

Mr. Lewis. I can't produce the application, because they have it.

Mr. Cohn. You didn't retain a copy of it?

Mr. Lewis. No.

Mr. Cohn. I see. We can get that from them. And who did you give as references on that application?

Mr. Lewis. The dean of Brooklyn College.

Mr. Cohn. What is his name?

Mr. Lewis. His name is William Gaede, G-a-e-d-e, Professor



C. Bradford Welles, W-e-l-l-e-s, of Yale, and Professor James H. Oliver, of Johns Hopkins.

Mr. Cohn. All right, sir. And anything else, any correspondence you have had with them of which you have copies, in other words, your file. That was James C. Oliver?

Mr. Lewis. James H. Oliver.

Mr. Cohn. Johns Hopkins?

Mr. Lewis. Yes. Oh, yes. There were four. And Professor Meyer Reinhold, M-e-y-e-r of my own department. They asked for one reference from my own department.

Mr. Cohn. And then your whole file on that. And, as I say, and as Senator Jackson explained, you have a right to consult with counsel. He will not be allowed to participate in the proceedings, but may accompany you, and if at any time you or your wife desires to confer with him in privacy, you have that right, and I would suggest that you procure counsel.

Mr. Lewis. All right. You make it sound very serious.

Mr. Cohn. If it weren't serious, we wouldn't trouble you to come down here.

Mr. Lewis. Well, my record is an open book. There is nothing in it I am ashamed of or that any American would not be proud of.

Senator Jackson. Do you have anything you would like to say? You understand, the question was asked: if you are or ever have been a member of the Communist party. And you have been very frank about it. You say you have never belonged.

And obviously, the committee would like to ask the same question of your wife when she comes.

Mr. Lewis. Naturally.

Mr. Cohn. So you have an idea about what the questions will be about. I am not saying that it is limited to that, on Monday, but I am sure you understand that some question has been raised about whether your wife was a member of the Communist party or is now.

Mr. Lewis. I gather that, and I think I have answered that to the best of my ability. I understood also from Mr. Cohn that there was an accusation made that I was a Communist. I believe you said that.

Mr. Cohn. No, I didn't say that. But I say you have a right to assume it is a very serious matter, and if we weren't acting

on the basis of other testimony, we wouldn't trouble you to come down here.

Mr. Lewis. Didn't you say before that there were witnesses before me?

Mr. Cohn. Well, I said we were going to talk to other witnesses, that we had heard witnesses and we would be talking to some other witnesses. There is no doubt about that.

Mr. Lewis. All right.

In matters of this kind, do you assign or recommend counsel, or is that something I do on my own?

Senator Jackson. I would suggest, as a lawyer myself, that I would get competent counsel, to make sure that you are advised of all your rights. The committee does not recommend any particular counsel, but I think that from your own standpoint it is wise to have counsel. The fact that you have counsel does not create any inference that your case is any more serious than anybody else's, nor does it create any inference of guilt of anything. That is your American right, and the decision as to whether you obtain counsel is entirely up to you. But I would volunteer the statement that it is usually a pretty wise thing to do.

Mr. Lewis. Bring counsel with me to the next hearing?

Senator Jackson. Yes. But you understand, the committee is not requesting you to bring counsel.

Mr. Lewis. I understand. It is a recommendation, shall we say.

Mr. Cohn. It is just a step for your protection.

Senator Jackson. I am merely trying to be fair to you in saying that for your own protection it might be a wise thing. You will be released, then, from the subpoena until Monday.

Mr. Lewis. Well, I haven't received any subpoena.

Mr. Cohn. You were asked to come down. That is the same thing under the Senate rules.

Mr. Lewis. The girl who phoned me said very specifically I was not being subpoenaed.

Mr. Cohn. As long as you receive some formal notification, that is the equivalent of a subpoena.

Senator Jackson. You will be under subpoena until released by the committee, and the committee will then notify you. This constitutes a subpoena under the rules.

Mr. Lewis. Well, I am not interested so much in the legal technicalities. I understand you want me and my wife here on Monday afternoon.

Mr. Cohn. At 2:30.

Senator Jackson. Monday, the 25th of May.

Mr. Lewis. At the room that I jotted down.

Senator Jackson. Yes.

[Whereupon, at 3:25 p.m., the hearing was recessed until 2:30 p.m., Monday, May 25, 1953.]

MONDAY, MAY 25, 1953

U.S. Senate,

Senate Permanent Subcommittee on Investigations  
of the Committee on Government Operations,  
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, at 2:30 p.m. in the Office of the Secretary of the Senate, Senator Joseph R. McCarthy presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Roy M. Cohn, chief counsel; Donald A. Surine, assistant counsel; Ruth Young Watt, chief clerk; Mason Drury, Senate liaison officer, State Department.

TESTIMONY OF HELEN B. LEWIS (ACCOMPANIED BY HER COUNSEL, MURRAY WEINSTEIN)

The Chairman. Will you rise and be sworn, please? Raise your right hand.

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

Mrs. Lewis. I do.

The Chairman. Who is your counsel?

Mr. Weinstein. Murray Weinstein, 37 Wall Street, New York City.

The Chairman. You can confer with your lawyer at any time you care to at any time during the testimony. Under the rules of the committee, counsel is not allowed to take a part in the proceedings except to freely advise his client whenever he cares to.

Mr. Cohn. Mrs. Lewis, you are the wife of Naphtali Lewis, is that right?

Mrs. Lewis. That is right.

Mr. Cohn. And Mr. Lewis is a professor at Brooklyn College?

Mrs. Lewis. That is right.

Mr. Cohn. And he has been elected under the State Department Exchange Program to go abroad?

Mrs. Lewis. Yes, sir.

Mr. Cohn. Are you planning to accompany him?

Mrs. Lewis. Yes, sir.

Mr. Cohn. Have you been a teacher in the school system at New York?

Mrs. Lewis. I taught at Brooklyn College.

Mr. Cohn. Have you ever been a Communist?

Mrs. Lewis. I must decline to answer that question under the privileges afforded me by the Fifth Amendment.

Mr. Cohn. Were you a member of the Communist party while teaching at Brooklyn college?

Mrs. Lewis. I must decline to answer that question under the privileges afforded me by the Fifth Amendment.

Senator Jackson. Are you now a member of the Communist party?

Mrs. Lewis. No.

Mr. Cohn. Were you a member of the Communist party last year?

Mrs. Lewis. No.

Mr. Cohn. What date will you assert a privilege under the Fifth Amendment and what date will you deny membership?

Mrs. Lewis. Well, I must decline to answer that question.

The Chairman. Two years ago were you a member of the Communist party?

Mrs. Lewis. No.

The Chairman. Three years ago were you a member?

Mrs. Lewis. I was not a member of the Communist party two years ago. Three years ago I was not a member of the Communist party.

The Chairman. Were you a Communist three years ago?

Mrs. Lewis. Well, Senator, the use of the word Communist is very loose.

The Chairman. You seem to distinguish between membership and being a Communist.

Mrs. Lewis. Very frequently the word Communist is used as quoting anybody you disagree with.

Senator Jackson. Using the definition following Communist programs and policies, then would you answer the question?

Mrs. Lewis. I am not a member of the Communist party.

Senator Symington. Have you ever been a member of the Communist party?

Mrs. Lewis. I must decline to answer that question.

Senator Jackson. The chairman asked you if you were a Communist three years ago, and I defined a Communist as following the program and policies of the Communist party. Were you following the policies adhering to the party line of the Communist party?

Mrs. Lewis. Well, there might be some things such as housing or---

The Chairman. May I ask the witness a question? Will you define what in your mind is Communist?

Mrs. Lewis. In my mind a Communist is an enrolled member of the Communist party.

Senator Jackson. How about one who follows the program in every respect but doesn't pay the dues?

Mrs. Lewis. I think when you get into the question of definition of people's beliefs, opinions and sympathies, you get into questions which simply cannot be answered.

Senator Jackson. If you walk like a duck, sit like a duck,

quack like a duck, must you not be a duck?

Mrs. Lewis. No.

Senator Symington. Wouldn't it save the committee's time and save your being in open session by answering the question. I can see this has distressed you a little bit, but wouldn't it save the Committee's time and your time to give us the year you left the Communist party?

Senator Jackson. Let me rephrase the question. Would you give us a year when you would be willing to say you were not a member of the Communist party?

Mrs. Lewis. I must decline to answer that question. If you had asked me about a specific year.

Senator Symington. I suggest you ask her as she says, Mr. Chairman.

The Chairman. In 1950 were you a member of the Communist party?

Mrs. Lewis. No.

The Chairman. In 1949 were you a member of the Communist party?

Mrs. Lewis. No.

The Chairman. 1948?

Mrs. Lewis. No.

The Chairman. In 1947?

Mrs. Lewis. I must decline to answer that question.

The Chairman. 1940?

Mrs. Lewis. I must decline to answer that question.

The Chairman. In 1935?

Mrs. Lewis. I must decline to answer.

The Chairman. 1930?

Mrs. Lewis. In 1930, sir, I was roughly seventeen years old.

The Chairman. The Young Communist League?

Mrs. Lewis. No.

The Chairman. 1931?

Mrs. Lewis. I must decline to answer.

The Chairman. You decline to answer on the ground that if you give a truthful answer, the answer might tend to incriminate you?

Mrs. Lewis. No, sir. As I understand it no such inference can be drawn.

The Chairman. Then you are ordered to answer.

Mrs Lewis. I must decline to answer.

The Chairman. You are ordered to answer or I shall ask that you be held in contempt.

Senator McClellan. Maybe we are moving too rapidly. I suggest that you ask the question again.

The Chairman. The question is: in 1931 were you a member of the Communist party?

Mrs. Lewis. No.

The Chairman. 1932?

Mrs. Lewis. No.

The Chairman. 1933?

Mrs. Lewis. No.

The Chairman. 1934?

Mrs. Lewis. Well, I must decline to answer that question.

The Chairman. Are you declining on the ground that if you told the truth, gave a truthful answer that answer might tend to incriminate you?

Mrs. Lewis. I am declining under the protection of the Fifth Amendment which says that I may not be a witness against myself.

The Chairman. You are entitled to refuse to answer the question only if you feel a truthful answer might tend to incriminate you. I am asking you if that is the reason you decline to answer the question.

Mrs. Lewis. I must decline to answer your question.

The Chairman. You are ordered to answer the question. Just so you understand, we must determine whether you are entitled to refuse to answer the question under the Fifth Amendment. You are only entitled to refuse to answer my question if you feel an honest answer might tend to incriminate you. If you refuse to answer that, I am not going to threaten you, but for your own information, if you do not I will ask the committee to cite you for contempt. You may consult with counsel?

Mrs. Lewis. Well, then, I will answer your question that if I answer the question it might tend to incriminate me.

The Chairman. And you feel if you gave a truthful answer it might tend to incriminate?

Mrs. Lewis. Yes, sir.

The Chairman. Today would you say that you feel sympathetic

towards the Communist philosophy?

Mrs. Lewis. Senator, that is a question now that is asking about my opinions and beliefs, is that right?

The Chairman. I think you understood the question. The question is: Are you now sympathetic to Communist philosophy?

Mrs. Lewis. There are some things in the Communist philosophy that I am not particularly sympathetic with.

The Chairman. Can you tell us those things in the Communist philosophy you are not sympathetic with?

Mrs. Lewis. Well, there have been certain world events which certainly make it appear as if there is a possibility of conflict between the United States, for instance, and the Soviet Union. I am a loyal and patriotic American.

The Chairman. I wonder if you will get back to the question. What part of the Communist philosophy are you not in sympathy with. You are entitled to refuse to answer.

Mrs. Lewis. I don't see what particularly--what might be incriminating in my beliefs.

The Chairman. May I say, just for your information, if you were really an American citizen, we would not be concerned with your beliefs. You could believe anything. However, in view of the fact that there has been testimony concerning you and your husband before another committee--your husband has been selected at considerable expense to the taxpayers to a rather important position. For that reason we are curious to know whether you are still a believer in communism or not. You are going on this trip, you see. Otherwise we are not checking whether you believe in the Communist cause. I ask you again--what part of the Communist philosophy do you disagree with?

Mrs. Lewis. If I follow your reasoning, it stems from my husband's selection for the student exchange. I fail to see where my beliefs are relevant to his selection.

The Chairman. I order you to answer the question unless you refuse to answer it on the grounds that your answer might tend to incriminate you. Will you answer that question, Mrs. Lewis?

Mrs. Lewis. Well, as I have already begun to indicate--although let me say, as I said before, that I think my beliefs are entirely irrelevant to my husband's selection for the Student Exchange Program.

The Chairman. Have you gotten a passport yet?



Mrs. Lewis. No.

The Chairman. You haven't gotten your passport yet?

Mrs. Lewis. No.

The Chairman. What part of the Communist philosophy do you disagree with?

Mrs. Lewis. Let me begin with the beginning of my answer for the record. I wish the record to indicate that my beliefs-- that questions of my opinions are irrelevant to my husband's Fulbright scholarship. If you want to know about my opinions and direct me to answer you as to what part of the Communist-- what was it again?

The Chairman. You said you disagree with some part of the Communist philosophy.

Mrs. Lewis. I do not believe in philosophy that allows aggressive action against other states, for instance.

Senator Symington. What was that?

Mrs. Lewis. I do not believe in aggressive action. I believe that is wrong.

Senator Jackson. You believe aggressive action is wrong?

Mrs. Lewis. Yes.

Senator Jackson. In other words, you believe that Communists are wrong now in taking aggressive action against other states. You believe the Communists are wrong in Korea?

Mrs. Lewis. Yes, sir. I think it has been demonstrated that the first moves were made by the North Koreans, and in the light of that, I am opposed to aggressive action as a solution to international problems.

Senator Potter. Do you oppose the persecution of the Jewish people in the Soviet Union?

Mrs. Lewis. I certainly do. I have been against discrimination all my life.

The Chairman. Would you favor a Communistic form of government in the United States?

Mrs. Lewis. I am inalterably in favor of our democracy.

The Chairman. I will ask you again. Would you be opposed to a Communist form of government in the United States?

Mrs. Lewis. Yes, I would.

The Chairman. In 1947 were you opposed to a Communist form of government in the United States?

Mrs. Lewis. I must decline to answer your question.

The Chairman. Has your husband ever been a member of the Communist party?

Mrs. Lewis. Now, Senator McCarthy, on advice of counsel, I am not going to answer any questions about my husband as I believe such questions would be an invasion of the sanctity and privacy of our marriage.

Mr. Cohn. Sir, I believe that only includes confidential communications. In other words, confidential communications to her which were given in the capacity as his wife. There is no such thing as an absolute privilege between husband and wife. It only applies to confidential communications. She cannot assert a general statement that she is not going to answer any questions about her husband.

The Chairman. I think you are right, Mr. Cohn----

Senator McClellan. I am inclined to think it would be rather difficult to separate confidential communications from others.

Senator Symington. I agree with that.

Mr. Cohn. Mr. Chairman, suppose they attended meetings.

The Chairman. I think you are strictly right on the rule, Roy, but I am inclined to agree with Senator McClellan that you can't tell whether they are confidential communications or not.

Did you attend Communist meetings in 1948?

Mrs. Lewis. No.

The Chairman. 1947?

Mrs. Lewis. I must decline to answer your question.

Senator McClellan. I will ask you if you attended Communist meetings in 1946 or 1947 with your husband?

Mrs. Lewis. I must decline to answer that.

The Chairman. On the ground of self-incrimination?

Senator McClellan. I would like to ask a question of the committee here. I am a little bit lacking in background on this thing. Has her husband been questioned by this committee or any other committee?

The Chairman. Yes, he was questioned by Senator Jackson. Before further questioning he decided he wanted counsel.

Senator Jackson. Mr. Cohn and myself strongly advised him that he should consult counsel.

Senator McClellan. I feel this way about it. The husband is available and he is seeking benefit of this government and I

think we should ask him questions directly.

The Chairman. As far as I am concerned, we have finished with you, Mrs. Lewis. May I say, you are asking for a passport to go overseas. We have many fine people who have been in the Communist party who have decided communism was evil and they have dropped out of that party and are very fond of America now. If you have been a member of the party and, if you think that was wrong--if you dropped out of the party and you would care to tell us about that and tell us why, I assume that is something that the State Department would be interested in before granting a passport. I doubt very much that a passport will be granted to someone, to go overseas and represent us as your husband will be teaching in the exchange program. I doubt very much if they will give you a passport unless you come in and tell us about your activity in the party--if and when and why you left the party.

Senator Symington. Mr. Chairman, you have asked the question that I was going to talk about. The chairman has proved his belief in that position by having an ex-Communist on the staff of this committee. I am only telling you what is now a matter of record. It seems if you say you are a good American, and in effect have admitted you were a member of the Communist party, it would be far better for you if you said you had been a member and felt it was wrong based on subsequent thinking, and inasmuch as you feel you are a good American--looking at you and listening to you and certainly you are out of it now--if I had anything to do with giving you a passport, I would be glad to see you get one. On the other hand, if you come up here and say that you are a good American and take refuge through a lot of legal "claptrap" behind the Fifth Amendment, do you think the people of this committee will approve of your getting a passport to go out of the United States while you might have reason for not admitting anything about it. I think you are making a mistake. I think you are doing yourself an injustice from listening to you.

Mrs. Lewis. I thank you for your interest in my welfare, but I, myself, do not agree with all the interpretations that you put on my testimony and my exercise of the Fifth Amendment, as this is something that I have thought about and do intend to do.

Senator Symington. One more point. In regard to not answering questions concerning your husband, you might be interested to know that in my opinion you have already testified while I have been here at length against your husband--if you are interested in his future.

Senator Jackson. I would like to supplement Senator Symington's statement. The general tenor of the questions will come up in connection with your passport and would have come up, and I think that it is a matter that you ought to give fuller consideration to. Maybe you will want to come back and discuss it with the committee.

The Chairman. Have you ever engaged in espionage?

Mrs. Lewis. No.

The Chairman. Sabotage?

Mrs. Lewis. No.

Senator Jackson. You don't believe or advocate the overthrow of this government by force and violence?

Mrs. Lewis. I certainly do not. Never have. I certainly do not believe in force and violence. I believe in the democratic solution.

Senator Jackson. Have you ever believed in it--the utilization of force to change our government here in the United States?

Mrs. Lewis. I am a peaceful person, sir.

Senator Jackson. Then, if you have never believed in such force and violence to achieve that end, you can answer the question. It might be well to keep the record straight,

Mrs. Lewis. I must decline to answer on the grounds of the Fifth Amendment.

Senator Symington. You realize you will have to take a position in a public hearing----

Mrs. Lewis. I am going to if I have to.

The Chairman. Mrs. Lewis, you may be excused now. You are still under subpoena and you will be notified when you are to appear.

#### TESTIMONY OF NAPHTALI LEWIS

(MONDAY, MAY 25, 1953)

The Chairman. Professor Lewis, you have previously been

sworn by the acting chairman of the committee, Senator Jackson?

Mr. Lewis. Yes, sir.

The Chairman. You are reminded that you are still under oath.

Mr. Lewis. Yes.

The Chairman. You understand that you can freely discuss any matter with your counsel at any time you care to?

Mr. Lewis. Yes, sir.

The Chairman. I understand that the hearing adjourned the other day so that you could obtain counsel. Mr. Cohn, will you proceed.

Mr. Cohn. Mr. Lewis, you were in here Friday and you have counsel now.

Mr. Lewis. Wednesday.

Mr. Cohn. You have obtained counsel and had a chance to confer with counsel, is that right?

Mr. Lewis. That is correct.

Mr. Cohn. Have you ever been a Communist?

Mr. Lewis. I have never been a member of the Communist party.

Mr. Cohn. Have you ever been a Communist? I am not referring to party membership.

Mr. Lewis. The word Communist is bandied about today so much----

Senator Jackson. Let's let the witness define it. How would you define a Communist?

Mr. Lewis. Sir, I hardly know how. Perhaps you would be interested in something that happened in my presence in the last half year. I was riding on a bus and two men got into an argument as to whom pushed whom. One party got off the bus and the parting shot of the other one was--yelled, "Oh, you Communist." These days the word Communist is used to describe anybody they disagree with.

The Chairman. We are not interested in the different definitions of the users--not interested in something you heard on the bus.

Mr. Lewis. My definition of a Communist is a person who is a member of the Communist party.

Senator Jackson. How about a person who is not a formal member but believes in each and every principle of the

Communist party, but does not hold a formal party membership.

Is he a Communist?

Mr. Lewis. Well, I don't know if there are such people.

Senator Jackson. I am asking you the question assuming there are such people.

Mr. Lewis. Is that a hypothetical question?

Senator Jackson. If a person believes in all the principles of the Communist party that apply to formal membership, is he a Communist under your definition?

The question I put, Mr. Chairman, assuming that an individual believes in the principal objectives and aims of the Communist party but is not a formal member of the party, is he a Communist under your definition?

Mr. Lewis. Under my definition? You mean of a moment ago? My definition was a member of the Communist party. You have given me a hypothetical question. You wish me to respond not in terms of my definition but as I interpret your question--Well, I suppose such a person could be called a Communist with a small "c."

The Chairman. Would you answer that question?

Senator Jackson. Have you ever been one who has believed in accordance with my hypothetical question?

Mr. Lewis. No, I have not.

Senator Jackson. Have you ever attended Communist meetings, Professor?

Mr. Lewis. Not to my knowledge.

Senator Jackson. Have you ever believed in or espoused the Communist cause--Communist philosophy?

Mr. Lewis. Well, again perhaps if you specify what you mean by Communist philosophy.

Senator Jackson. Use your definition?

Mr. Lewis. No, sir, I have not.

Senator Jackson. What is your definition of the Communist philosophy?

Mr. Lewis. My definition of the Communist philosophy. Senator, I am no expert on the philosophy of the Communist party. I suppose----

Senator Jackson. You say you never believed in or espoused the philosophy of the Communist party?

Mr. Lewis. Certainly not. There might have been certain

doctrines held by the Communists that I approve of.

The Chairman. Was your wife a member of the Communist party?

Mr. Lewis. Senator, I am advised by counsel that for questions to be put to me concerning my wife is an invasion of the sanctity and privacy of our marriage and I must refuse to answer questions concerning my wife.

The Chairman. Did you ever attend a Communist party meeting with your wife?

Mr. Lewis. You have asked a question concerning my wife. I must refuse on advice of counsel to answer that question.

The Chairman. You will be ordered to answer that question. You are entitled to refuse to answer any questions concerning any private communications between yourself and your wife. That is interpreted very broadly. However, when asked whether or not you attended a Communist meeting with your wife--that is not a confidential communication. Have you ever attended Communist meetings with your wife at which people other than you and your wife were present?

Mr. Lewis. Well, may I consult with counsel, please?

Senator, I will state here and now, I have never knowingly attended any Communist party meeting whatever.

Senator Jackson. With or without your wife?

Mr. Lewis. I have not knowingly attended any Communist party meeting.

Senator Mundt. May I inquire why you inject knowingly?

Mr. Lewis. Had I known it was a meeting of the Communist party----

Senator Mundt. Have you attended meetings where when you left the meeting you had knowledge that it was a meeting of the Communist party?

Mr. Lewis. No. I have not attended a meeting that I knew was a meeting of the Communist party after I left.

The Chairman. Have you ever attended a meeting which you subsequently had reason to believe was a meeting of Communist party members or a meeting for the purpose of recruiting members of the party?

Mr. Lewis. Not to my knowledge.

The Chairman. Then your testimony is at this time that you are of the opinion that you have never attended a meeting

called by the Communist party?

Mr. Lewis. That is correct.

The Chairman. Have you ever been asked to join the Communist party?

Mr. Lewis. To the best of my recollection, "no."

The Chairman. To the best of your recollection "no."

Mr. Lewis. That is correct.

The Chairman. How long have you been married Mr. Lewis?

Mr. Lewis. Counsel informs me that he thinks the question is covered by the marital privilege.

The Chairman. You will be ordered to tell when you were married. It is not a confidential communication.

Senator McClellan. That is a matter of public record.

Mr. Lewis. I was married in 1946.

The Chairman. To your present wife?

Mr. Lewis. That is correct.

Senator Jackson. And you have been married all that time--ever since--to her?

Mr. Lewis. That is right.

The Chairman. Roy, have you any further questions?

Mr. Cohn. Mr. Lewis, you deny that you ever believed in communism for the United States?

Mr. Lewis. Well, of course, you have not defined what you mean by communism. I have been given a hypothetical question. I certainly do not hold the view that there is any better form of government for the United States than the liberal American democracy.

Mr. Cohn. And you never held an opinion contrary to that? Have you ever thought communism would be better? Have you ever advocated communism? Have you ever belonged to the Young Communist League?

Mr. Lewis. Certainly not.

Senator Jackson. I think I asked you previously at the last meeting of the committee whether you have ever belonged to any organization listed by the attorney general to be subversive?

Mr. Lewis. Yes, sir. I believe I told you at that time I had not. As far as I know, I believe that is a correct answer. I have not examined the attorney general's list, but the reason I would think my answer is correct is that I have never belonged to other than professional organizations.



The Chairman. Do you feel that a person can be a Communist and at the same time a good American?

Mr. Lewis. There again it depends on what you mean by a Communist.

The Chairman. A member of the Communist party.

Mr. Lewis. Well, you are way out of my line. I am a professor of Greek and Latin. I really don't know that I have any concrete opinion on that.

The Chairman. You don't have any opinion as to whether a member of the Communist party could also be a good American?

Mr. Lewis. It would seem to me that the American tradition of liberalism would permit a man to hold opinions ranging from the extreme right to the extreme left.

Senator Symington. Do you know that the Communist party advocates the overthrow of the United States by force and violence.

Mr. Lewis. I don't know it. If it is so dedicated, I would be, with my entire being, opposed to it.

Senator Symington. Would you like to correct your testimony then that if it is true that the Communist party is dedicated to the overthrow of the American system of government by force and violence you do not think a good American could be a member of the Communist party?

Mr. Lewis. Again, I don't see that the second follows entirely from the first.

The Chairman. Let me rephrase the question. If you don't know it, we can inform you that the Communist party is dedicated to the overthrow by force and violence----

Mr. Lewis. I am certainly opposed to that.

The Chairman. If that is true, any member of that organization cannot be a good American?

Mr. Lewis. That I don't know.

Senator Symington. If membership in the Communist party involves being a member of an organization that is dedicated to the overthrow of the American form of government by force and violence, can you have membership in the Communist party and be a good American?

Mr. Lewis. If membership means dedicated to the overthrow of our government----

Senator Symington. Not dedicated--being a member of the

Communist party which advocates the overthrow of our government by force and violence.

Mr. Lewis. Well, you see, Senator----

Senator Symington. It is beginning to look as if your reason for evading the question is that somebody close to you might be a member of the Communist party. As to whether it is you or not, I don't know.

Mr. Lewis. I resent the implication.

Senator Symington. Well, I resent your attitude too. I am getting a little tired of your ducking and dodging. We are trying to make the questions very straight and simple. The chairman asked you if you felt a member of the Communist party could be a loyal American. That is what I remember, and you felt it was all right for anybody to hold any political views. After that I asked you if you knew that the Communist party advocates the overthrow of the American system of government by force and violence and you get into a lot of languages instead of saying "yes" or "no."

Mr. Lewis. I cannot answer that question.

Senator Jackson. Mr. Lewis, you are an intelligent man and certainly, I assume you read the newspapers even though you are engaged in teaching classical studies at Brooklyn College.

Mr. Lewis. Yes.

Senator Jackson. Aren't you aware of the fact by now that a person who is a member of the Communist party not only believes in the advocacy of force and violence to achieve that end in the United States, but above that owes loyalty to the Soviet Union?

Mr. Lewis. You asked me if I was aware of it. I am certainly aware of what has appeared in newspapers and aware that this is the prevalent view.

Senator Jackson. Now, you are aware of the events that have taken place since the end of World War II, namely the first move of the Soviet Union into Greece, threatening violence in Turkey, and I assume you are also aware of Czechoslovakia and what happened to Communists in that country. Can there be any doubt that a member of the Communist party in this country is in the international conspiracy and is strongly disloyal to this country?

Mr. Lewis. I am certainly opposed to every one of the acts

of aggression.

Senator Jackson. Just answer the question.

Mr. Lewis. The reason I cannot answer your question--at the end you seem to me to presuppose that I know what a member of the Communist party in this country is supposed to do?

Senator Jackson. Aren't you pretty much convinced what they are supposed to do?

Mr. Lewis. I know nothing of Communist affairs. If you ask me about events of the day, I will be perfectly willing and happy to do that, but if you ask me to make a judgment that is based on knowledge which I do not have, I don't see how I can do that.

Senator Jackson. Listen, Mr. Lewis, you have been selected to go abroad and while you are, undoubtedly well-informed in the classics and very able to teach, responsibility of the Student Exchange Program entails broad responsibilities of citizenship above and beyond books.

What about American Communists? Are they loyal?

Mr. Lewis. I don't know. I haven't made a personal examination of American Communists, so, therefore, I can't say.

Senator Jackson. They may be all right?

Mr. Lewis. I don't think I said that.

Senator Jackson. That is the effect of your testimony. Isn't that the effect of your testimony? You are saying because you don't have personal knowledge of the Communist movement in the United States, you can't answer the question. As an intelligent citizen you know, or should know, if you don't, that there is a Communist conspiracy in the world. Three-fourths of your tax dollar is paying for defense. I don't see how you can qualify for a scholarship and go overseas to Italy, as you have been selected to go, without knowing something more than the classics.

The Chairman. I don't think we should refer to the exchange program as the Fulbright Scholarship. The people will connect it with Senator Fulbright. I think we should refer to it whenever it appears in the record as the Student Exchange Program.

Senator Mundt. Do you think a man who holds Communist beliefs is a suitable man to work for the federal government?

Mr. Lewis. Under present conditions of world affairs I

don't think so.

Mr. Cohn. Do you think, Professor, that a man who holds Communist beliefs is a suitable man to teach on a college or university faculty publicly supported?

Mr. Lewis. There, sir, you have touched on one of the moot questions of the day. There is much argument about the question.

Senator Jackson. You don't mean it is ``moot."'

Mr. Lewis. I don't know that I know what the word means?

Senator Jackson. Legally it means a judicial issue that doesn't exist--a hypothetical question.

Mr. Lewis. I think the word ``moot" has a non-legal sense, which I was applying to it, Senator, that this is an issue which is very much discussed these days.

The Chairman. Counsel asked you a very simple question. He asked you whether Communists should be allowed to teach in colleges.

Mr. Lewis. I have not made up my mind. Senator Taft says they should, and the Board of American Universities and Colleges say they should.

The Chairman. The American Association of Universities has taken the position on one side and the American Association of University Professors has taken a position on the other side.

Mr. Lewis. I am quoting the American Association of University Professors.

The Chairman. Do you think a man who holds Communist beliefs should be granted an American passport to travel abroad?

Mr. Lewis. What do you mean Communist beliefs?

The Chairman. Communist sympathies?

Mr. Lewis. If his purpose is innocent, a man who is an American citizen and has broken no laws is entitled to protection of an American passport----

The Chairman. Your answer to the question would be ``yes."

Mr. Lewis. Yes, provided conditions are met--he hasn't broken any laws.

Senator Potter. A man can be a member of the Communist party and not break any laws at present. He can be an active member of the Communist party and not break any laws. Is that your opinion regarding a passport whether he abided by the laws

of our country?

Mr. Lewis. I may be wrong, but my understanding of a passport is that it provides protection to American citizens who travel abroad.

The Chairman. Let me ask you two or three questions. If a person came before a committee and he refused to tell whether she was a member of the Communist party, whether she had broken with the party, refused to tell whether she believed in our form of government or it should be destroyed by force and violence, on the ground that if she answered the question, such answer might tend to incriminate her, refused to give names of fellow members-Let's say that person was the wife of a professor to go overseas and teach in the Student Exchange Program, would you say that person should be given a passport to go overseas and hold that position of a professor representing the United States.

Mr. Lewis. Senator, if your question refers to my wife in any respect----

The Chairman. Just answer the question. If you don't understand I will have it re-read to you.

Mr. Lewis. Is it a hypothetical question or a real question?

The Chairman. It is exactly as I asked it.

Mr. Lewis. I will ask to consult with counsel.

As I analyze your question, it does not seem to me that you have given any indication of breaking any of our laws and as long as people do not break our laws, I do not see why they are not entitled to an American passport.

The Chairman. In other words, you say a person that refused to tell whether they were a member of the Communist party, refused to identify fellow members, refused to tell whether they advocated the overthrow of the government by force or violence--you think such a person should be given a passport?

Mr. Lewis. Well, such a person invokes a privilege from which, as I understand it, no inferences are permissible.

The Chairman. Have you gotten your passport yet?

Mr. Lewis. No.

The Chairman. You are under subpoena and will be told when to return.

Mr. Lewis, would you turn over the correspondence we asked

you to produce concerning your selection as an exchange student?

Mr. Lewis. Yes. Will this be returned?

The Chairman. You have handed counsel letter dated April 20, 1953; carbon copy of letter dated April 27, 1953; original letter dated April 24, 1953; April 22, 1953; another memorandum dated February 26, 1953; letter dated February 17, 1953; one dated May 2, 1952; and one dated 28 April 1952. Is it your testimony that this is the only correspondence you have had with anyone regarding your selection in this exchange program?

Mr. Lewis. That is correct.

The Chairman. We have nothing further. We will notify your counsel when you are to return.

TESTIMONY OF MARGARET WEBSTER (ACCOMPANIED BY HER COUNSEL,  
SIDNEY DAVIS)

The Chairman. The witness will be sworn.

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

Miss Webster. I do.

The Chairman. And you have counsel?

Miss Webster. Yes, Mr. Sidney Davis.

The Chairman. Miss Webster, one of the rules of the committee is that you are allowed to discuss with your counsel any matter you care to during the hearing, and get advice when you care to. If at any time you want to have a private conference we will give you a private room.

Mr. Cohn. Miss Webster, do you have any connection with the exchange program of the State Department?

Miss Webster. Through the Fulbright Scholarship Division, International Institute of Education, I have done adjudication.

Mr. Cohn. Just how does that work?

Miss Webster. It is worked slightly differently in the four or five years in which I have been connected with them. I wouldn't absolutely swear whether it was four or five. I think when their representatives first came to me--I say I think four

years--they were only beginning to develop their program of drama students, their program of interchanging so far as concerned theatre drama students. They came to me--David Warlinger, who seemed to be the head of that division--asking my opinion and advice as to selection of an already selected number of students who had made application to go overseas in the drama field. I think only the acting field. He gave me a folder and information on a number of candidates. I don't remember the number, it may have been ten or twenty. None of them were actually already there in New York at that time. There happened to be one who I had adjudicated in a different connection and had recommendations about and I recommended her. I don't remember whether I recommended any others. The following two years thought--it could conceivably have been three--I only entered into the proceedings at the last stage as far as adjudication is concerned. I had nothing to do with the selection process of candidates. I was present when they selected candidates, a dozen or so--acting only, not designers or any others--when they appeared personally to audition for the judges. I was one of approximately four judges. This past season, around December, I sat in with a jury of four people, including myself, to go through and rate the various selected material on the students which was presented by the institute people.

I also attended the acting auditions. This year I attended both those selection sessions and also the acting auditions. The final selection, as I understand it, was made by--I don't know--the central committee over all actors, whatever it is.

All that we have ever been asked to do is rate the candidates according to our view of their ability and turn this material and our recommendations back to the institute. In fact, as I remember, I have not been officially informed of what their final decisions were. I have in instances grown to know that. I don't think official information has been returned to the jurors.

Mr. Cohn. Are you currently connected with the program?

Miss Webster. No, because there is nothing to do right now.

The selection of candidates was done in December and January.

What they asked me to do was done during those months.

Mr. Cohn. And it won't arise again until next year?

Miss Webster. Next December or January. Whether or not they will ask me----

Mr. Cohn. Were you denied a passport for security reasons?

Miss Webster. No, sir. It was questioned. I went to the passport office and answered all the questions they cared to ask me and I have a passport.

Mr. Cohn. When was it issued?

Miss Webster. May 12th, or some approximate date of that sort.

Senator Symington. Are you a naturalized American citizen?

Miss Webster. I was born in New York City.

Mr. Cohn. Miss Webster, have you belonged to a considerable number of Communist-front organizations?

Miss Webster. I have never belonged to any organization which I knew to be influenced or dominated by Communists. I would be very glad to answer any questions.

Mr. Cohn. Were you a sponsor of the Committee for the Re-election of Benjamin J. Davis, candidate for the Communist party in New York?

Miss Webster. I have no recollection of it.

Senator Mundt. Mr. Cohn, do you have a date?

Mr. Cohn. December 25, 1945, it was reported in the Daily Worker that Margaret Webster was a sponsor for the reelection of Benjamin J. Davis.

Miss Webster. To the best of my recollection on that, sir, at that time Mr. Davis was already a member of the city council, as far as my recollection goes, and he came forward with some scheme connected with the----

Mr. Cohn. What we want to ascertain is whether or not you were of sponsor of this committee?

Miss Webster. May I finish, sir? My recollection is that Mr. Davis came out for municipal support for a theatre in New York and that scheme was endorsed by a number of people in the theatre field, including myself. I have no further recollection than that.

Mr. Cohn. You have no recollection that it went beyond that? You are not telling us you didn't sign it? Was he running on the Communist party ticket?

Miss Webster. Of that, sir, I have no recollection whatsoever.



Had I known that, I would not have endorsed such a certificate.

Senator Jackson. He has subsequently been convicted of teaching and advocating the overthrow of the government of the United States. Was he running on the Communist party ticket?

Mr. Cohn. He was running on the Communist party ticket and the Communist party ticket alone.

Mr. Davis. I am not sure that Mr. Davis, who is no relative of mine by the way, was on the city council prior to that and had been elected on some other ticket.

Mr. Cohn. I will say this, Mr. Davis, he was the Communist party candidate, period, at the time it was reported by the Daily Worker that Miss Webster was a sponsor for his reelection.

Senator Symington. Have you ever been a Communist?

Miss Webster. No, sir, at no time nor am I now.

Mr. Cohn. Miss Webster, it is our information that you contributed financially to Peoples Radio Foundation, which is officially cited as a subversive organization by the attorney general.

Miss Webster. I will tell you that to the best of my recollection on that. The year, again, I would take to be the end of 1944 or the beginning of 1945. I received a communication from the--was it the "Peoples Radio Foundation"--which described objectives of establishing a radio station for public service program outlets for trade unions, radio, etc., which would not be carried by big networks. They solicited support and foolishly very soon afterwards I agreed to take a share of stock. They then asked me if I would belong to the committee or board of directors, which I refused to do. I had no further connection with them whatsoever. I don't think I ever received the share of stock. Very soon after that it became clear to me that it was in the nature of a gyp.

Mr. Cohn. The records show that you endorsed and were a stockholder of this foundation.

Miss Webster. That is the extent of my recollection. My recollection is very clear that they asked me to join the board of directors and I categorically refused to do so. I think I have had no further communications about it.

Mr. Cohn. The certificate indicates that you were a stockholder.

Miss Webster. That I have told you about, sir.

Mr. Cohn. Were you a member of the American Committee for the Protection of the Foreign Born?

Miss Webster. I was never a member of that committee, sir. No.

Mr. Cohn. Has it ever been called to your attention that the Daily Worker published on February 10, 1944, a greeting to the women of the Soviet Union, which was signed by you and sponsored by the American Council of American-Soviet Friendship?

Miss Webster. No, sir, I remember nothing like that.

Mr. Cohn. Were you ever a member of the Joint Anti-Fascist Refugee Committee?

Miss Webster. I was never a member. I did make several fund-raising appeals for them for objectives which were entirely humanitarian and charitable. I was never a member of the board or committee or any such thing.

Mr. Cohn. Were you ever connected with the Spanish Refugee Relief Committee? Specifically, we have a letter on which you are listed as a national sponsor, which was February 26, 1946. That is the date which the letter containing your name appears.

Miss Webster. If it was part of the Joint Anti-Fascist Refugee Committee. I have no recollection of that event or date. It is not inconceivable. What was I supposed to have done?

Mr. Cohn. National sponsor.

Miss Webster. It is conceivable that I was solicited. I know that appreciably later--I wouldn't be certain of the year--two or three years later--I received a letter from the Spanish Refugee Appeal on which I saw that my name was then listed as a sponsor, the contents of which letter appeared to be political in character, something pertaining to Franco. I wrote to them at that time and stated that I had not given them permission to use my name and I had no sympathy, no political objective of that nature and would appreciate their withdrawing my name.

Mr. Cohn. Were you connected with the American Committee to Save Refugees?

Miss Webster. The American Committee to Save Refugees? I don't recognize that title at all.

Mr. Cohn. Were you a sponsor of the National Conference of Civil Rights held in Chicago November 21 to November 23, 1947, as reported in the Daily Peoples World on November 28th?

Miss Webster. I have no recollection of that. If you want me to amplify any connections I may have had I think one time I made a donation to it, possibly more, for specific cases for which it didn't appear to me to have any connections with communism, nor did I know that it was Communist infiltrated or influenced. The answer that I made to that appeal were for specific cases, which appeared to me to be laudable and in no way blameworthy.

I think that I must also say that I was insufficiently familiar with the workings of the organization and for a long time I confused it completely with the American Civil Liberties Union.

Sometime in the beginning of 1948 they wrote to me and asked me to become a member of their board of directors, which I refused to do. At that time I think the Communistic tendencies were becoming apparent.

Mr. Cohn. Now, did you have any participation in an article concerning you, which was a biography published in the Daily Worker on March 26, 1944, magazine section?

Miss Webster. None whatsoever. I don't think I ever had a copy in my hand over once in my life. I never read it.

Mr. Cohn. Do you know Margaret Markham?

Miss Webster. Not that I remember.

Mr. Cohn. Is that the first you have heard concerning that article?

Miss Webster. Yes, sir. If I may add to that, there was one time a supposed article published under my name in the New Masses, which was brought to my attention and which I bitterly protested. It was solely about the theatre.

Mr. Cohn. Did you extend greetings to actors of Moscow, a telegram, November 1, 1948, as listed in the Daily Worker?

Miss Webster. I should think it extremely doubtful because at the time I had connection with the Theatre Committee of the National Council of American-Soviet Friendship was during the years 1945 and the beginning of 1946, from which I resigned in

the middle of 1946. I would think it very, very doubtful that as late as the end of 1948 I would have signed such a telegram.

Mr. Cohn. You see the difficulty is that we have all these things listed here and you answer that you might have or it is doubtful----

Miss Webster. I don't think that it is quite so. I have given you a number of things to the best of my recollection and specific details in a number of instances.

Mr. Cohn. Now, let's get back to the sponsorship of the Communist party candidate in 1945.

Miss Webster. I think I never could have given that sponsorship in that form. I have told you that Mr. Davis was sponsoring a theatre scheme for New York City. I think all of this passed through the Independent Citizens Committee. I cannot believe I ever endorsed his candidacy as the authorized Communist party candidate running on the Communist party ticket alone, which you tell me took place.

Mr. Cohn. There is no doubt about it.

Now, were you a sponsor of a dinner for the American Committee for the Protection of the Foreign Born on April 17, 1943, held in New York, at which the chairman or sponsor was Donald Ogden Stuart?

Miss Webster. I must answer you under oath, and I have no recollection of that.

Mr. Cohn. Do you know Donald Ogden Stuart?

Miss Webster. I don't.

Mr. Cohn. Do you know whether or not he is a Communist?

Miss Webster. I don't know whether or not he is a Communist.

Mr. Cohn. Were you ever a member of the National Council of American-Soviet Friendship?

Miss Webster. That is the council to which I referred. I have never been a member of the board. I was chairman of the Theatre Committee at the time when Dr. Serge Koussevitsky was chairman of its Music Committee.

Mr. Cohn. The Daily Worker of March 23, 1942, reported a speech by you before the American Committee to Save Refugees. Do you recall that?

Miss Webster. You asked that before. That is about a specific speech. I have no recollection of that organization,

sir.

Mr. Cohn. Did you speak at the United American Spanish Aid Committee at any time?

Miss Webster. Unless it was in some way part of the Joint Anti-Fascist Refugee Committee, for which I did make an appeal for funds, humanitarian actions.

Mr. Cohn. Did you know the organization was Communist dominated at that time?

Miss Webster. No, I would like to say that in connection with all these organizations which you have asked me about, the only two with which I had any connection to signify in any way was the National Council of American-Soviet Friendship, which I said I was chairman of the Theatre Committee, and the Joint Anti-Fascist Refugee Committee, for which I made appeals for funds for charitable purposes on several occasions--I would say during, 1943 to 1947. I am very willing to elaborate the reasons why I did that.

I would like to state now that I, myself, did none of those things through any influence on me of Communists or communism and that to my knowledge, and as far as I was aware, those organizations were not at that time dominated or used for Communist purposes and the reasons for which I was connected with them was not for Communistic purposes.

Senator McClellan. As I gathered from your testimony, it is not a part of your regular duties to pass on and approve applicants for this Exchange Student Service for the Fulbright Scholarship?

Miss Webster. No, sir. My understanding is that the relevant committee--the International Institute of Education--invites experts in the different fields to pass on the qualifications of applicants in the different fields. I could give you some of the names of the people who have been associated with me.

Senator McClellan. Primarily, you were only called in in the theatre field, is that right?

Miss Webster. That is correct.

Senator McClellan. You have not had responsibility for or an assignment to pass upon student applicants other than in that area?

Miss Webster. No, sir.

Senator McClellan. You would not be asked to pass on teachers?

Miss Webster. No, sir.

Senator McClellan. As I understand it, the judges or the jurors, as you called them, hear an audition from the applicant, then you report with your recommendations as to what the jury or the judges conclude with respect to their talent and possible suitability, etc.

Miss Webster. Yes, sir.

Senator McClellan. What number would you say Miss Webster, you have----

Miss Webster. As I told you, Senator, this past year, December 1952 and January 1953, the pattern was a little different because we sent through the, I think, already sifted applications, but I would say there may have been--we met for three sessions of approximately two to three hours each. I suppose at each session we went over the applications of about twenty to twenty-five candidates. Maybe that is putting it a little high. I would say not over twenty. Other years I have been only present at the acting auditions, which was only a further process of sifting and there were only perhaps a dozen.

Senator McClellan. Then in your position you haven't had the final decision to make as to whether applicants are accepted or rejected?

Miss Webster. No, sir.

Senator McClellan. That has not been your responsibility at any time--only to act in an observing capacity and submit recommendations?

Miss Webster. Yes, sir.

Senator Jackson. Did you ever join any of these groups knowing at the time that they were Communist fronts or dominated by the Communist party?

Miss Webster. At no time, sir.

Senator Jackson. Have you ever expressed at any time Communist sympathy or sympathy with the Communist movement?

Miss Webster. I have always been opposed to the Communist philosophy, its practices. It is a horror to me. In such a society I wouldn't last a week.

Senator Jackson. And you feel that you are loyal to this country in every respect?

Miss Webster. I must affirm again my complete American loyalty and I have done nothing I can look back upon with shame. I have done many things, as I started to tell Mr. Cohn, such as work for the Red Cross and Treasury Bond Drives, from which I hold awards. I have helped organizations and committees, the Iron Curtain Refugee thing.

Senator Jackson. What is that?

Miss Webster. That is the society to take care of the people who get out from behind the Iron Curtain. I have had no connection with the workings but I have made contributions. The American Veterans and Gold Star Wives.

Senator Jackson. Do you feel from the reading of the record that you might have been taken in by some of that group?

Miss Webster. I couldn't deny that possibility.

I think that everybody who has ever known me and worked with me, my theatre record and my record in public life, would know that I would be the last person in the world to countenance communism. No person has ever admitted to me that they were a Communist. I think if they were Communists at the time I was working for them, such Communistic tendencies were carefully and deliberately concealed.

Senator Jackson. And you have never knowingly associated with anyone you know to be a Communist?

Miss Webster. I never have, no, sir.

The Chairman. Mr. Cohn----

Senator McClellan. While I have been here the witness has been very frank with no reservations that I could see.

Senator Jackson. I sort of have the feeling you may have been taken in by some of the groups. I want to say with Senator McClellan that I think you have been very forthright and very fair in trying to answer the questions.

Miss Webster. Thank you, sir.

Mr. Cohn. Did I ask you about the Civil Rights Congress?

Miss Webster. I refused to join the board. I did make one or two contributions. When they asked me to join them, I refused to.

Mr. Cohn. Did you sign a letter prepared by the Civil Rights Congress attacking the Subversive Control Act of 1948, which letter was published with your signature in the Daily Worker?

Miss Webster. I would think that extremely doubtful.

Mr. Cohn. Did you object to the Subversive Control Act?

Miss Webster. Which was the Subversive Control Act? There were so many of them.

Mr. Cohn. That is all, Miss Webster. [Whereupon the hearing adjourned.]

TUESDAY, MAY 26, 1953

U.S. Senate,  
Senate Permanent Subcommittee on Investigations  
of the Committee on Government Operations,  
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, at 2:30 p.m. in the Office of the District Committee, the Capitol, Senator Joseph R. McCarthy presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator John L. McClellan, Democrat, Arkansas.

Present also: Roy M. Cohn, chief counsel; Donald A. Surine, assistant counsel; Ruth Young Watt, chief clerk; Mason Drury, Senate liaison officer, State Department.

TESTIMONY OF AARON COPLAND (ACCOMPANIED BY HIS COUNSEL, CHARLES GLOVER)

The Chairman. Will you stand and raise your right hand.

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

Mr. Copland. I do.

The Chairman. And your counsel's name?

Mr. Copland. Charles Glover. G-l-o-v-e-r.

The Chairman. Mr. Glover, I think this is the first time you have appeared as counsel before this committee, so I will tell you the rules of the committee. You can advise as freely as you care to with your client. You can discuss any matter he cares to during the testimony. If at any time you feel you want



a private conference, we will arrange a room. Counsel is not allowed to take any part in the proceedings other than to consult with his client.

Mr. Copland, you are residing at---

Mr. Copland. Shady Lane Farm, Ossining, New York.

The Chairman. And you are a musician, composer and lecturer?

Mr. Copland. Yes.

The Chairman. Have you ever had any connection with the exchange program?

Mr. Copland. Yes, I have.

The Chairman. Would you tell us what that connection has been?

Mr. Copland. I was connected with the program on three different occasions, I believe. The first occasion I was a member of the Music Advisory Board of the State Department, and on the second occasion I was sent by Grant-in-Aid to Latin America to give lectures and concerts about American music, and on the third occasion I was a Fulbright professor in Italy for the same purpose.

The Chairman. When were you a lecturer in Italy?

Mr. Copland. 1951.

The Chairman. Now, Mr. Copland, have you ever been a Communist?

Mr. Copland. No, I have not been a Communist in the past and I am not now a Communist.

The Chairman. Have you ever been a Communist sympathizer?

Mr. Copland. I am not sure that I would be able to say what you mean by the word "sympathizer." From my impression of it I have never thought of myself as a Communist sympathizer.

The Chairman. You did not.

Mr. Copland. I did not.

The Chairman. Did you ever attend any Communist meetings?

Mr. Copland. I never attended any specific Communist party function of any kind.

The Chairman. Did you ever attend a Communist meeting?

Mr. Copland. I am afraid I don't know how you define a Communist meeting.

The Chairman. A meeting you knew then or now had been called by the Communist party and sponsored by the Communist

party.

Mr. Copland. Not that I would know of. No.

The Chairman. Did you ever attend a meeting of which a major or sizable number of those in attendance were Communists?

Mr. Copland. Not to my knowledge.

The Chairman. Were you ever solicited to join the Communist party?

Mr. Copland. No.

The Chairman. Did anyone ever discuss with you the possibility of your joining the Communist party?

Mr. Copland. Not that I recall.

The Chairman. I know that every man has a different type of memory, so we can't ask you to evaluate your memory. Would it seem logical that were you asked to join the Communist party, you would remember?

Mr. Copland. If I had been asked to? Not unless it had some significance in my mind.

The Chairman. So your answer at this time is that you can't say definitely whether you have been asked to join the Communist party or not?

Mr. Copland. No.

The Chairman. Are any of your close friends Communists?

Mr. Copland. Not to my knowledge.

The Chairman. Do you know any members of the Communist party who are Communists?

Mr. Copland. I don't know any member of the Communist party, as far as I know.

The Chairman. I may say one of the reasons you are here today is because of the part you played in the exchange program lecturing, etc., and you have a public record of association with organizations officially listed by the attorney general. As the Communist party record is extremely long, I think counsel will want to ask you some questions on that.

May I give you some advice. You have a lawyer here. There are witnesses who come before this committee and often indulge in the assumption that they can avoid giving us the facts. Those who underestimate the work the staff has done in the past end up occasionally before a grand jury for perjury, so I suggest when counsel questions you about these matters that you tell the truth or take advantage of the Fifth Amendment.

Mr. Copland. Senator McCarthy, I would like to say now, I received a telegram to be here Friday. The telegram gave me no hint as to why I was coming. If I am to be questioned on affiliations over a period of many years it is practically impossible without some kind of preparation to be able to answer definitely one way or another when I was and what I was connected with. This comes as a complete surprise.

The Chairman. May I say that during the hearing if you feel you need more time for preparation, we will adjourn and give you that time. We have no desire whatsoever to have the witness commit perjury because of lack of preparation. If you feel you can't answer these questions concerning your Communist affiliations, Communist connections, if you need more time, we will give you more time.

Mr. Copland. May I say one more word. I came here with the intention of answering honestly all the questions put to me. If I am unable to do that, it is the fact that memory slips in different ways over a long period of time.

Mr. Cohn. The record states that you signed a letter to the president urging the United States declare war on Finland. This statement was sponsored by the Council of American-Soviet Relations.

Mr. Copland. Is that a fact. Do you know when that was?

Mr. Cohn. Do you know if you signed such a statement?

Mr. Copland. I have no memory of that. I can't say positively.

Mr. Cohn. This was during the trouble between the Soviet Union and Finland. That would be in the late thirties.

Mr. Copland. I am sorry but I couldn't say positively. It seems highly unlikely.

Mr. Cohn. What was your view on the trouble between the Soviet Union and Finland?

The Chairman. May I rephrase that, Roy. Did you feel at that time we should declare war on Finland?

Mr. Copland. Senator McCarthy, I am in no position--I spend my days writing symphonies, concertos, ballads, and I am not a political thinker. My relation has been extremely tangent.

The Chairman. We want to know whether you signed this letter to the president urging that we declare war on Finland--whether you are a musician or not. We now find that you are

lecturing with the stamp of approval of the United States government and we would like to check on these things. This is one small item. There is a long record of apparent Communist activities. Now you say you don't remember signing the letter.

Just to refresh your memory, may I ask, did you feel at the time the letter was signed by you that we should declare war on Finland?

Mr. Copland. I would say the thought would be extremely uncharacteristic of me. I have never thought that the declaration of war would solve, in my opinion, serious problems. I would say I was a man of hope for a peaceful solution.

The Chairman. Do you think someone forged your name?

Mr. Copland. I wouldn't know.

The Chairman. Have you heard before that you signed such a letter?

Mr. Copland. No.

The Chairman. This is the first time it has been brought to your attention?

Mr. Copland. As far as I know.

The Chairman. You have no recollection of such a letter to the president?

Mr. Copland. I have no recollection of it.

The Chairman. Did you ever attend any meetings at which this matter was the subject of conversation?

Mr. Copland. Not that I remember,

Mr. Cohn. What was your view of the Hitler-Stalin Pact-- 1939 to 1941?

Mr. Copland. I don't remember any specific view of it.

Mr. Cohn. You are listed as a sponsor of the Schappes Defense Committee. Morris Schappes, as you might recall, is a teacher at City College, New York, and has been a witness before this committee in the last couple of months. He denied Communist party membership, was convicted of perjury and sentenced to jail. The Schappes committee was organized to secure his release from jail. You are listed as a sponsor of that committee. Do you recall that?

Mr. Copland. No, I do not recall that. I know they use the names of well-known men to support their cause without authorization.

Mr. Cohn. Do you recall the Schappes case?

Mr. Copland. Vaguely.

Mr. Cohn. Have you ever met Professor Schappes?

Mr. Copland. Not to my knowledge.

Mr. Cohn. Do you think they used your name without your authorization?

Mr. Copland. I think it very possible.

The Chairman. Did you authorize the use of your name by any organization that has been listed by the attorney general or the House Un-American Activities Committee?

Mr. Copland. As far as I know, I lent my name to organizations which were subsequently listed. I don't know now that I lent it in any cases after it was listed.

Mr. Cohn. Of course, a listing of the date does not signify the date it became subversive. A listing is made on the basis of past activities of the organization. If the attorney general lists an organization in September 1948, it doesn't mean that was when it was found subversive. It means that on that date a review of the activities of the organization was completed and found to be subversive.

Mr. Copland. I didn't necessarily know about that.

Mr. Cohn. What organization did you sponsor, allow to use your name, contribute to or help in any way who were then or were subsequently listed by the attorney general as Communist fronts?

Mr. Copland. I would have to refer to my papers. May I say that I have never been shown by any official committee of any sort or questioned about this list. I heard about it through an inadvertent source. I haven't had the time or possibility of knowing whether it is complete. I did it rather hastily since Friday. I can't say positively.

The Chairman. Give us what you have and you can complete it later on.

I may say that I can understand a man who has got to depend upon the government for part of his income to have accepted a job with the government, perhaps knowing he had joined these front organizations, but it seems you have none of these qualifications and have been rather active in a number of these fronts.

Do you care to give us the list?

Mr. Copland. I think, Senator McCarthy, in fairness to me and my activity in relation to the Department of State, it was not primarily a financial relationship. I think that I was chosen because I had a unique position in American symphonic and serious music and I had a reputation as a lecturer on that subject. I, at any rate, was under the impression that I was chosen for that purpose. The payment was not the primary consideration. I was trying to help spread in other countries what we American composers were doing.

Senator McClellan. Were you employed by the federal government--by the State Department?

Mr. Copland. I believe it was in the program of interchange of persons. I don't know if that is an employee----

Senator McClellan. Were you paid by the government?

Mr. Copland. I was paid by the Department of State interchange of persons.

Senator McClellan. Over what period of time?

Mr. Copland. Are you referring now to the non-paid advisory capacity?

Senator McClellan. Give us both. I want to get both in the record.

Mr. Copland. I was a member of the Advisory Committee on Music, Department of State between July 1, 1950 and June 30, 1951.

Senator McClellan. Did you receive any pay for that?

Mr. Copland. No. Except the per diem expenses.

Senator McClellan. How much was the per diem?

Mr. Copland. My memory may not be right. I think it was about \$10.00 a day.

I was also a member of the same advisory committee from September 8, 1941 to June 30, 1942. I was also a music advisor to Nelson Rockefeller's committee when he was coordinator of Inter-American Affairs and that music advisory post was renewed to June 1943. As far as I know, that was the end of the music advisory capacity.

Senator McClellan. Did you receive a salary?

Mr. Copland. No. That was not a government job.

I was appointed visiting lecturer on music in Brazil, Argentina, etc., by the Grant-In-Aid at a salary of \$500.00 a month over a period of three months around August or September

of 1947.

Senator McClellan. Was that plus expenses?

Mr. Copland. I can't quite remember. It may have been per diem expenses when traveling.

Senator Mundt. You did secure traveling expenses for that?

Mr. Copland. Yes, sir.

Senator Mundt. And per diem also?

Mr. Copland. Yes.

Senator Mundt. What was the per diem?

Mr. Copland. It may have been eight or ten dollars a day.

My compensation was \$500.00 a month.

I was given a Fulbright professorship for six months to Italy from January to June of 1951 at a salary of \$3,000 for six months, plus transportation to and from.

Senator Mundt. Did you get \$3,000 from the State Department or the difference between what the Italian University paid you and what you received over here.

Mr. Copland. I was paid by the embassy in Rome. I wasn't attached to the university. I was attached to the American Academy in Rome and they housed me, but I was paid at the embassy itself.

Mr. Cohn. Did you have a security clearance before you undertook this?

Mr. Copland. One that I knew about, no.

Mr. Cohn. Did you have to fill out a form prior to receiving this appointment?

Mr. Copland. No.

Mr. Cohn. None at all.

Mr. Copland. I am not sure there were none at all.

Mr. Cohn. Did you go under Public Law 402, the Smith-Mundt Bill?

Mr. Copland. No. I knew of the bill, of course.

The Chairman. Could I ask you now about some of your activities. As I said, according to the records, you have what appears to be one of the longest Communist-front records of any one we have had here.

Is it correct that you signed some statement to President Roosevelt defending the Communist party?

Mr. Copland. I have no memory of that but I may have.

The Chairman. Was that your feeling at that time? Did you

feel the Communist party should be defended?

Mr. Copland. Well, it would certainly depend on what basis. For example, if someone wanted to have them outlawed to go underground, I might have. I don't think they should be outlawed to go underground, but left above board.

The Chairman. This is not outlawing the Communist party. This is a statement defending the Communist party.

Mr. Copland. I would certainly have to have further time to study the letter, the nature of the letter and what I remember about it.

May I say the list I got from the Congressional Record, almost all of these affiliations have to do with sponsoring of something, the signing of protests, or the signing of a statement in favor or against something, and that in this connection, if I had them or didn't have them, I say in my mind they are very superficial things. They consisted of my receiving in the mail in the morning a request of some kind or a list of names, which I judged solely on its merits quite aside from my being able to judge whether that was a Communist front. I must say that when I first saw this list I was amazed that I was connected with this many things. I consider this list gives a false idea of my activities as a musician. It was a very small part of my existence. It consisted of my signing my name to a protest or statement, which I thought I had a right to do as an American citizen.

The Chairman. You have a right to defend communism or the Communist party--Hanns Eisler or anything else. You have a perfect right to do it, but the question is why were you selected as a lecturer when you exercised that right so often.

Let me ask you this question. Before you were hired as a lecturer to tour South America, did anyone ask you to explain your membership in or sponsorship of these various Communist front movements?

Mr. Copland. No, and I think the reason was that they were too superficial. No one took them seriously, and I think they were justified in not taking them seriously. In view of my position in the musical world and a teacher in the musical world, most people would think they would know whether or not I was a Communist. The question never came up.

The Chairman. Would you give us that list?



Mr. Copland. May I first, Senator, amend a prior answer I gave in regard to a petition to declare war on Finland. It occurred to me that I did have knowledge of that. I read it in the Congressional Record. It had no date as to when it was signed or any particular information as to what went into the petition, therefore, I am afraid I just ignored that I had seen it.

The Chairman. Now, give us that list.

Mr. Copland. In order to help matters, could I have the list read from there so I could give you my list.

The Chairman. You give us your list first.

Mr. Copland. This is only a summary.

The Chairman. You won't be cut off. You can take all the time you want.

Mr. Copland. I can only definitely say that I was a member of the National Council of American-Soviet Friendship during the years that the Soviet Union was an ally in the war and for some years thereafter, I don't have the precise date. I joined the Music Committee of that Council of American-Soviet Friendship in order to help an understanding between the two countries through musical interchange. It was in no way, as far as I was concerned, a political move. At that time I had no knowledge that the National Council of American Soviet Friendship was a Communist front. I do know that subsequently it was solicited by the attorney general, and on the basis of that I formally resigned.

The Chairman. How did you resign?

Mr. Copland. By letter.

The Chairman. Do you have a copy?

Mr. Copland. I may have.

The Chairman. You don't have a copy with you?

Mr. Copland. No.

Senator Mundt. What date was that?

Mr. Copland. That was, I believe, June 1950.

The Chairman. It was cited long before that.

Mr. Copland. Was it? I don't know.

The Chairman. Do you know when it was cited? I gather you resigned because you found it was cited. Is that correct?

Mr. Copland. That is my recollection of events, yes.

The Chairman. Did you resign as soon as you heard it was

cited?

Mr. Copland. Well, there was some question in my mind as to whether or not I was still a member because the Music Committee resigned as a body--at any rate they left and set up their own organization--the American-Soviet Music Society.

The Chairman. When was this set up?

Mr. Copland. The exact date escapes me. It was probably 1945 or 1946.

The Chairman. Can you give us the next front?

Mr. Copland. May I emphasize again---

The Chairman. Will you read them and then you can explain your participation in each one, the source also and the date. Give us the names of the organizations and then you can give us any explanations you care to. If you care to have me read them, I will. Hand me the list of fronts. [reading:]

1. The American League of War and Fascism
2. Advisory Board of Frontier Films
3. Entertainer at the American Music Alliance of Friends of the Abraham Lincoln Brigade
4. Entertainer of New Masses Benefit
5. Sponsor New York Committee for Protection of the Foreign Born
6. Signer, Petition American Committee for Democracy and Intellectual Freedom
7. Signed Statement to FDR Defending the Communist party
8. Signer of appeal for Sam Darcy, National Federation for Constitutional Liberties
9. Sponsor, Citizens Committee for Harry Bridges
10. Sponsor, Artists Front to Win the War
11. Sponsor, letter for Harry Bridges by the National Federation of Constitutional Liberties
12. Dinner Sponsor of the Joint Anti-Fascist Refugee Committee
13. Sponsor, Called Conference of American-Soviet Friendship, National Council American Soviet Friendship
14. Signer, Reichstag Fire Trial Anniversary Committee
15. Signed petition for Hanns Eisler
16. Eisler Concert sponsor
17. Member, National Committee, National Defense of Political Prisoners

18. Member, Committee of Professional Group for Browder Fund

19. Member, National Committee of People's Rights

20. Vice-Chairman and Member of the Music Committee, Council of American-Soviet Friendship

21. Peoples Songs

22. Independent Citizens Committee of the Arts, Sciences, Professions

23. Win the Peace Conference

24. American-Soviet Music Society

25. New Masses contributor

26. National Council of the Arts, Sciences and Professions

27. Supporter, Communist Bookstore

Senator Mundt. Was that list prepared by you?

Mr. Copland. No, I did not prepare that list. I copied that list from Red Channels and the Congressional Record in an attempt to have some kind of preparation in coming to this committee so as to know what possible organizations my name had been connected with.

Senator Mundt. It is not your testimony that this list is your list of fronts which you belonged to----

Mr. Copland. Definitely not.

The Chairman. It is not?

Mr. Copland. No. Any secretary could have done it for me.

Mr. Cohn. I would like to state, Mr. Copland, we have checked the guide for subversive organizations and found that the National Council of American-Soviet Friendship was cited as subversive December 4, 1947.

Mr. Copland. May I say, December 4, 1947, to the best of my knowledge I was in Latin America on a lecture tour. It would be very unlikely that I would know.

Mr. Cohn. When did you return?

Mr. Copland. I returned in December 1947.

Mr. Cohn. You say it took you these three years to discover----

Mr. Copland. Well, Mr. Cohn, I don't keep track of all political points like that.

Mr. Cohn. If I label your testimony correctly, you were trying to give the committee the impression that when you found this was cited as a subversive organization you resigned.

Mr. Copland. No. I was about to explain that the American Music Society was an off-shoot, so to speak, of the National Council of American-Soviet Friendship, and I was not sure whether I was still a member.

The Chairman. Will you go through this list now and tell us which Communist front organizations you were a member of or in whose activities you took any part?

Mr. Copland. Senator McCarthy, to my knowledge I have never knowingly sponsored any Communist front organization.

The Chairman. You have a list before you, which list you say was copied from other sources. Will you go down that list and first give us the name of the organizations to which you had some affiliation and then you can come back and make any explanations you care to to your own knowledge.

Mr. Copland. To my own knowledge the only organization to which I, as a member, belonged was the National Council of American-Soviet Friendship and the American-Soviet Music Society.

The Chairman. You used the word "belonged."

Mr. Copland. As far as I know at this time, taking the briefness of time--I may have to amend that later.

The Chairman. You say organizations to which you belonged. Let's broaden that a bit and say organizations in which you were in any way affiliated, either a sponsor of their activities or in any other fashion.

Mr. Copland. There is a great distinction in my mind in being a member and signing a paper.

The Chairman. There might be a distinction. I want you to answer the question. I have asked you to list the organizations--those named as Communist fronts--with which you were in any way affiliated. Then you can explain your affiliations as much as you want to.

I just want to know the names now.

Mr. Copland. I could not under oath with any certainty say that I was a member.

The Chairman. That is not what I asked you.

Mr. Copland. Then I haven't understood the question.

The Chairman. I think it is very simple. I said any organizations in which you were in any way affiliated.

Mr. Copland. As far as I can remember, without further

study, I am not prepared to say that I was affiliated with any but the ones mentioned.

The Chairman. You said with certainty. Do you have any reason to believe that you were affiliated with any of the others?

Mr. Copland. I have reason to believe that I was a sponsor of a concert devoted to Hanns Eisler's music in 1948.

The Chairman. In 1948.

Mr. Copland. 1948.

The Chairman. Anything else?

Mr. Copland. Nothing else that I with certainty can---

The Chairman. Not certainty now--that you have any reason to believe you were affiliated with any of these other organizations?

Mr. Copland. No. In view of the shortness of time and the seriousness of this question I am afraid I would have to ask for further time to study and investigate and refresh my mind.

The Chairman. Then at this time you have no recollection of any affiliation with any of the other organizations listed upon the two sheets which I just read into the record.

Mr. Copland. No recollection other than the fact that some of these organizations are names that I have seen on occasion.

The Chairman. Did you sign a petition to the attorney general in behalf of Hanns Eisler?

Mr. Copland. I may have.

The Chairman. Do you recall whether you did or not?

Mr. Copland. Not positively, no.

The Chairman. Did you know Hanns Eisler had been named as a Communist agent at that time?

Mr. Copland. No, I didn't.

The Chairman. When did you first learn that Hanns Eisler had been named as a Communist agent?

Mr. Copland. I never heard that he had been named as a Communist agent. I never heard that he had been named. I knew that he had a reputation in Germany in the twenties of having been a Communist, but I understood that was in the past and since his arrival in America and the Rockefeller grant of \$20,000, it was my impression that the Communist element in him was in the past.

The Chairman. Did you feel that you knew enough about the

Hanns Eisler case to petition the attorney general in his behalf?

Mr. Copland. I would have to study what the petition was and think about the problem.

The Chairman. Were you well-acquainted with Hanns Eisler?

Mr. Copland. No.

The Chairman. Who asked you to sign the petition?

Mr. Copland. I have no memory if I did sign it.

The Chairman. This was not too long ago. It was reported in the Daily Worker, December 17, 1947. You say you can't remember whether you signed it or not or who asked you to sign it in 1947?

Mr. Copland. Well, that was six years ago. I might have been asked to sign it. I can't be certain.

The Chairman. In any event, your testimony is that you did not know enough about the case to advise the attorney general as to what he should do?

Mr. Copland. That is my impression at this time.

The Chairman. So that if you signed it you were either signing it out of sympathy for Eisler, the Communist, or you were duped into doing it?

Mr. Copland. I don't think that is a fair summary of my feeling. I have never sympathized with Communists as such. My interest in Eisler was purely as a musician. I think he is, in spite of his political ideas, a great musician and my signing of the concert sponsorship was in relation to that feeling.

The Chairman. Concert sponsorship? It is the petition I am talking about. Do you use the same term so many witnesses use? Do you refer to political beliefs--do you consider the Communist party as a political party in the American sense?

Mr. Copland. In the American sense? Not since the designation of the Supreme Court.

The Chairman. Was this a benefit for Eisler at which you appeared on February 28th, 1948?

Mr. Copland. I don't remember.

Pardon me. Will you repeat the question?

The Chairman. Did you appear at an Eisler program at Town Hall, New York, on February 28, 1948?

Mr. Copland. No, I did not. That was purely sponsorship.

The Chairman. Did you sponsor that?

Mr. Copland. I was one of the sponsors.

The Chairman. Did you know at that time he was in difficulty with the law enforcement agencies of this country for underground or espionage activities?

Mr. Copland. I may have known that, but my sponsorship was in terms of music only and him as a musician.

The Chairman. Would you feel today if you knew an outstanding musician who was also a member of the Communist espionage ring would you sponsor a benefit for him?

Mr. Copland. Certainly not.

The Chairman. Then do you think it was improper to do it in 1948?

Mr. Copland. 1948? I had no such knowledge in 1948.

The Chairman. Well, if you signed a petition to the attorney general in 1947----

Mr. Copland. Senator McCarthy, I didn't say I signed it.

Mr. Cohn. Do you think your signature was forged on all these things?

Mr. Copland. I don't know.

The Chairman. Do you feel a man using common sense, Mr. Copland, apparently signing the petition to the attorney general advising him what he should do in the Eisler case--who was accused of espionage then--do you think the following February--this was in December that the petition was signed and this was about two months later that you sponsored a benefit for this man--you certainly knew of his alleged espionage activities.

Mr. Copland. The concert was not a benefit as far as I know, and I took no part in the concert other than just sponsor it. I didn't deny or affirm signing the petition. I said that in relation to all these organizations I must have more time to give consideration to them. I have had three days since receiving the telegram and finding myself here. I am trying to do my best to remember things. I am under oath and want to be cautious.

The Chairman. We will give you a chance to refresh your recollection.

Do you know whether you were affiliated with the American Committee for Democracy and Intellectual Freedom?

Mr. Copland. No, I don't.

The Chairman. Did you ever take part in any organization activities concerning the defense of Communist teachers?

Mr. Copland. Not that I remember.

Mr. Cohn. Were you in sympathy with Communist teachers?

Mr. Copland. No, I was never in sympathy with Communist teachers.

Mr. Cohn. Do you feel Communists should be allowed to teach in our schools?

Mr. Copland. I haven't given the matter such thought as to come up with an answer.

Mr. Cohn. In other words, as of today you don't have any firm thought?

Mr. Copland. I would be inclined to allow the faculty of the university to decide that.

The Chairman. Let's say you are on the faculty and are making a designation, would you feel Communists should be allowed to teach?

Mr. Copland. I couldn't give you a blanket decision on that without knowing the case.

The Chairman. Let's say the teacher is a Communist, period. Would you feel that is sufficient to bar that teacher from a job as a teacher?

Mr. Copland. I certainly think it would be sufficient if he were using his Communist membership to angle his teaching to further the purposes of the Communist party.

The Chairman. You have been a lecturer representing the United States in other nations. One of the reasons why we appropriate the money to pay lecturers is to enlighten people as to the American way of life and do something towards combating communism. Is it your testimony that you know nothing about the Communist movement or are you fairly well acquainted with the Communist movement?

Mr. Copland. It was my understanding that my lectureship was purely a musical assignment.

The Chairman. Answer my question. Do you know anything about the Communist movement?

Mr. Copland. I know what I read in the newspapers.

The Chairman. Are you a sponsor of the National Conference of the American Committee for the Protection of the Foreign Born?



Mr. Copland. Not that I know of.

The Chairman. Did you have any connection with the Fifth National Conference of the American Committee for Protection of the Foreign Born, held in Atlantic City, New Jersey, in March 1941?

Mr. Copland. Not at this time, I don't recall that.

The Chairman. Do you recall any connection with that conference?

Mr. Copland. Not at this time I don't.

The Chairman. As far as you know you had no connection with it at all?

Mr. Copland. No.

The Chairman. Just for your information, the record shows that as far back as 1941 the program of the Fifth National Conference of the American Committee for Protection of Foreign Born named you as a sponsor. Later, a letterhead of the New York Committee for Protection of the Foreign Born on January 2, 1941 showed you as a sponsor, and later in 1943 you were again listed as a sponsor.

I might say that this organization has been cited by the Attorney General and by the House Un-American Activities Committee as one of the oldest auxiliaries of the Communist party in the United States. Does that refresh your recollection?

Mr. Copland. May I point out that there is a notation here that it was cited in 1948, which is, I believe, seven years after the dates you just quoted.

The Chairman. Mr. Copland, the date of citation is not important. It is no more important than the date a man was convicted of robbing a bank. The question that is important is whether or not you participated in robbing the bank, not whether another man participated in robbing the bank and was convicted. Any man with normal intelligence knows it is wrong to rob a bank. Even before the citations it is sometimes known that the organization is a Communist front--a front for the Communist party.

Mr. Copland. As far as I know---

The Chairman. I am not criticizing you for joining these organizations. You may have been so naive that you didn't know they were Communist controlled or you may have done it

purposely, but I can't believe that this very long list used your name time after time as a sponsor of all these outstanding fronts. I can't believe that they forged your name to these petitions, borrowed your name unlawfully time after time. However, I am only interested in knowing why they selected you as a lecturer when we have many other people available as lecturers.

May I say to you there is nothing illegal, as far as I know, about belonging to Communist fronts and there is nothing illegal about accepting employment no matter how sympathetic you were--I am not saying you were--There is nothing illegal about accepting employment in the information program, but we must find out why a man of this tremendous activity in Communist fronts would be selected.

Mr. Copland. May I reply on two points? I think I was selected because of the fact that my employment as a lecturer had nothing to do with anything but music.

The Chairman. If you were a member of the Communist party, let's assume you were, and you were selected to lecture you would be bound to try wherever you could to sell the Communist idea, wouldn't you?

Mr. Copland. No doubt.

Mr. Chairman. So that, I believe you and I would agree that in selecting a lecturer, even though they are an outstanding musician, before we put our stamp of approval on them we should find out whether they are a Communist or sympathetic to the Communist cause. Is that right?

Mr. Copland. Well, I would certainly hesitate to send abroad a man who is a Communist sympathizer or a Communist in order to lecture. My impression was that my political opinions, no matter how vague they may have been, were not in question as far as the Department of State was concerned. I assume if they had been in question I would have had some kind of going over. The reason I am so vague about these various organizations is because my relationship, if any, was so vague. It was not a question of my going to meetings or being active in any way. I am active in many ways--music organizations. They are things which my whole life has been devoted to and these organizations, such as they are, when I see the word sponsor, entertainer, supporter or protestor, to me that means that I

got a penny postcard and sent it in, and that is why my memory of it is so vague. That is why I think this list, even if I were what this list said I was connected with as a sponsor, it would give a false impression of the situation--of myself as a man and as a citizen, and that is why I think the State Department wasn't worried.

The Chairman. You were never asked about any of these Communist-front activities?

Mr. Copland. Not to my memory.

The Chairman. I may say, for your information, you did get security clearance.

Mr. Copland. Did I really? How does one get security clearance?

The Chairman. You knew the New Masses was a Communist paper, I suppose.

Mr. Copland. I knew Communists wrote for it.

The Chairman. And Communist controlled?

Mr. Copland. I didn't know it was Communist controlled.

The Chairman. Did you know there were a lot of Communists in it?

Mr. Copland. I knew there was a considerable number.

The Chairman. Do you know now that it is Communist controlled?

Mr. Copland. I would suspect it.

The Chairman. Did you judge contests for the New Masses?

Mr. Copland. Well, I don't know.

The Chairman. Do you recall judging any contest for the New Masses?

Mr. Copland. I may have.

The Chairman. You don't remember?

Mr. Copland. Not precisely. I have a vague recollection. I see here the date is 1937. That is sixteen years ago.

The Chairman. Did you ever belong to the American League for Peace and Democracy?

Mr. Copland. Not to my memory.

The Chairman. Were you a committee member or sponsor of the Citizens Committee for Harry Bridges?

Mr. Copland. I may have been.

The Chairman. Do you recall whether you were or not?

Mr. Copland. No.

The Chairman. You have no recollection whatsoever of such a committee?

Mr. Copland. I may have seen the name before, yes.

Mr. Cohn. You say you may have been. What do you base that on? You must have some recollection.

Were you on that committee? Do you know?

Mr. Copland. I don't know.

Mr. Cohn. Do you recall the Bridges case?

Mr. Copland. Yes, I recall it.

Mr. Cohn. Were you in sympathy with Bridges at the time?

Mr. Copland. I may have thought he was being pushed around. I would have to do some heavy thinking to go back to 1941 and remember what I think about Harry Bridges. He played no more part in my life than over the breakfast table----

The Chairman. Did you belong to a committee for Browder and Ford?

Mr. Copland. It is possible.

The Chairman. If you were a member of such a committee, you, of course, knew at the time that Browder was one of the leading Communists?

Mr. Copland. Yes, I knew that.

The Chairman. Did you say it was possible that you belonged to that committee?

Mr. Copland. I would say it is in the realm of possibility since it was 1936. I can't recall what the committee was about--what it was for--or what connection it had with Browder.

The Chairman. Did you have anything to do with the Coordinating Committee to Lift the Embargo in Spain?

Mr. Copland. Not that I remember.

The Chairman. You don't recall that?

Mr. Copland. No.

The Chairman. Did you take any part in any activities having to do with the Spanish Civil War?

Mr. Copland. Not that I recall now.

The Chairman. Do you belong to the American Music Alliance of the Friends of the Abraham Lincoln Brigade?

Mr. Copland. The fact that it is a musical committee puts it into the realm of possibility, but I have no definite memory of it.

The Chairman. Do you know whether you entertained the

American Music Alliance of the Friends of the Abraham Lincoln Brigade?

Mr. Copland. In what capacity?

The Chairman. You will have to tell me that.

Mr. Copland. I don't know exactly how I could entertain them, but I have no memory of entertaining them.

The Chairman. Were you a member of the advisory board of Frontier Films?

Mr. Copland. I can't remember it.

The Chairman. Do you recall any connection with Frontier Films?

Mr. Copland. I believe it is the organization that produced documentaries. What date was that?

The Chairman. You will have to tell me. I don't know.

Mr. Copland. I don't know either--unless it is in the Congressional Record.

The Chairman. If you were on the advisory board of a film company, wouldn't you remember it unless you read it in the Congressional Record?

Mr. Copland. I am on the advisory committee of many organizations where my name is simply listed and no use made of advice. As far as I know I never met with Frontier Films in order to advise them about anything.

The Chairman. It might be of some benefit if you supply us the anti-Communist organizations that you were affiliated with.

Mr. Copland. I can't off-hand give you the name of such things without further study, but I can tell you that since the National Council of American-Soviet Friendship, I have not been associated with any organization which has been cited in any way. I have deliberately taken the stand that in the present situation I do not wish to be associated in any way with an organization that would leave people to think that I had Communist sympathies, which I do not have.

The Chairman. Do you know Edward K. Barsky?

Mr. Copland. No, I did not to my knowledge.

The Chairman. You never met him?

Mr. Copland. Not that I remember.

The Chairman. I think you testified that you have never been a member of the Communist party.

Mr. Copland. That is right.

The Chairman. And you testified that you have never engaged in espionage or sabotage--let me ask you. Have you ever engaged in espionage?

Mr. Copland. No.

The Chairman. Sabotage?

Mr. Copland. No.

The Chairman. Were you a member of the National Committee for People's Rights?

Mr. Copland. I couldn't say. I have no recollection of that. May I say again, in relation to specific questions, I must have more time. It is extremely short time.

The Chairman. Unless I ask the questions you won't know what to think about. You will have an opportunity to go over the record and supply memory gaps if you find any.

Were you a member or sponsor of the National Committee for the Defense of Political Prisoners?

Mr. Copland. I have no memory of that.

The Chairman. You don't remember that at all?

Mr. Copland. No. May I say also in fairness to myself, my interest in connection with any organizations was in no way my interest in their political slant, except that I never knowingly signed my name to anything which I thought was controlled by Communists. I had no fear of sitting down at a table with a known Communist because I was so sure of my position as a loyal American.

The Chairman. With what known Communists have you sat down at a table?

Mr. Copland. That question is absolutely impossible to answer because as far as I know no one has told me that they are a Communist. I may have suspected it.

The Chairman. In other words, you don't recall sitting down at a table with any known Communists?

Mr. Copland. Yes, aside from Russian Communists. I assume they are Communists.

The Chairman. Have you ever sat down at a table with Earl Browder?

Mr. Copland. Not to my knowledge.

The Chairman. Did you sign an open letter to the mayor of Stalingrad?

Mr. Copland. I can't remember that.

The Chairman. Did you sign a statement in support of Henry Wallace, which statement was issued by the National Council of Arts, Sciences and Professions?

Mr. Copland. What would be the date?

The Chairman. 1948.

Mr. Copland. It is possible I did.

The Chairman. Were you active in the Progressive movement?

Mr. Copland. No.

The Chairman. Are you connected with the National Council of the Arts, Sciences and Professions?

Mr. Copland. I may have been on their music committee.

The Chairman. Do you have any recollection?

Mr. Copland. No precise recollection.

The Chairman. Does it mean anything to you? You say you may have been.

Mr. Copland. Well, I know that I probably received some of their literature and was aware of some of their musical activities.

The Chairman. Were you a sponsor and speaker at the Cultural and Scientific Conference for World Peace?

Mr. Copland. Yes, I was.

The Chairman. That was held at the Waldorf-Astoria?

Mr. Copland. Yes, sir.

The Chairman. Counsel should not coach the witness unless he asks for coaching.

What year was this?

Mr. Copland. March 1949.

Mr. Cohn. Now, Mr. Copland, that conference was widely publicized in advance as a completely Communist dominated thing, but nevertheless you sponsored and attended it.

Mr. Copland. I sponsored it and attended it because I was very anxious to give the impression that by sitting down with Russian composers one could encourage the thought that since cultural relations were possible that perhaps diplomatic relations were possible. I did not go there to advance the Communist line or in any way encourage their operations. I went there in order to take part in a cultural panel, which included---

The Chairman. You knew that it had been widely labeled as a completely Communist movement, didn't you?

Mr. Copland. No, I didn't know it was a complete Communist movement at that time. I became convinced of it subsequently. I am very glad I went to that conference because it gave me first-hand knowledge in what ways the Communists were able to use such movements for their own ends. After that I refused to sign the sponsorship of any further peace conference.

The Chairman. Did you meet any Communists at that meeting other than Russian Communists?

Mr. Copland. Not that I know of.

The Chairman. Has the FBI or any other government intelligence agency ever interviewed you as to who you met at that conference?

Mr. Copland. No.

The Chairman. Will you prepare a list of the people who attended the conference for us?

Mr. Copland. You mean present on the panel?

The Chairman. Those who you recognized. I am not speaking of the Russians. I am speaking of Americans.

Will you prepare a list of those Americans who were present at that conference?

Mr. Copland. That I remember having personally seen there?

The Chairman. Yes.

Mr. Copland. As far as I can, I will, sir.

The Chairman. We will appreciate that. It may not be of any benefit to the committee but I assume it might be of interest to the FBI.

Mr. Cohn. And you still did not resign from the Council of American-Soviet Friendship?

Mr. Copland. No, I didn't.

Mr. Cohn. In spite of the listing two years prior to that?

Mr. Copland. I am not certain I knew about the listing.

Mr. Cohn. You said after this conference in 1949 you signed no more petitions--had nothing to do with any Communist fronts after that?

Mr. Copland. To the best of my memory.

The Chairman. To refresh your recollection, in December of 1949 did you not sign a petition or an appeal sponsored by the National Federation for Constitutional Liberties, which appeal asked for the immediate dismissal of charges against Sam Adams Darcy, well-known Communist leader?



Mr. Copland. I have no memory of that at all.

The Chairman. If your name is on the petition, would you say it was forged?

Mr. Copland. You mean a hand-written signature on the petition?

The Chairman. Well, you couldn't sign it except by hand.

Mr. Copland. I would have to see it. I would certainly suspect it was forged.

The Chairman. You tell the committee today that you have no knowledge of signing a petition having to do with Sam Adams Darcy?

Mr. Copland. As far as I know.

The Chairman. You knew nothing about Sam Darcy?

Mr. Copland. Nothing that I know of now.

The Chairman. And you had no reason to sign a petition for Sam Darcy?

Mr. Copland. Not that I know of.

The Chairman. You don't remember anyone discussing the Darcy case with you?

Mr. Copland. Not that I know of.

The Chairman. I think I questioned you about this.

Did you sponsor an open letter to the president of the United States asking him to reconsider the order for the deportation of Harry Bridges?

Mr. Copland. When was that?

The Chairman. At any time.

Mr. Copland. I have no memory of it.

The Chairman. Were you interested in the Bridges case?

Mr. Copland. In the way that one is interested in any case he reads about in the papers.

The Chairman. Did you sign a letter to the president in which it stated: "it is equally essential that the attorney general's ill-advised, arbitrary, and unwarranted findings relative to the Communist party be rescinded."

Mr. Copland. I have no memory of such.

Mr. Cohn. I wonder if we could ask Mr. Copland to sign his name for comparative reasons as all these signatures look the same.

The Chairman. Mr. Copland, you referred to signing penny postcards. You don't think that all of these alleged Communist

connections or use of your name, forged or otherwise signed by you on petitions, was the result of signing penny postcards, do you?

Mr. Copland. It is my impression that that was the principal way in which sponsorship and such signing of petitions was furthered, and since I did not attend meetings of these organizations, it is my impression that this is the only way I might have sponsored them--through signature of some petition they sent me through the mail, either on a penny postcard saying, "Will you sign this petition" or a letter itself.

The Chairman. You don't recall having signed any of these petitions?

Mr. Copland. I wouldn't say that. I would say this at this time having been given three days notice, I would ask for an adjournment to refresh my memory.

Mr. Cohn. Have you ever given money to any of these organizations we have been talking about?

Mr. Copland. Certainly no money of any substantial amount.

Mr. Cohn. Have you ever given any?

Mr. Copland. I couldn't say.

Mr. Cohn. Did you ever give any money to the Communist party?

Mr. Copland. Not that I know of.

Mr. Cohn. That is an unusual answer. I imagine if you gave money to the Communist party you would know it.

Mr. Copland. I am trying to be extra careful, so to speak.

That is why I am making it so tentatively.

The Chairman. I recognize that and we don't blame you for being careful.

Mr. Copland. Thank you.

The Chairman. Were you an entertainer at a New Masses benefit?

Mr. Copland. I seem to have some memory of that. What date was that?

The Chairman. February 1, 1936 or 1939. I don't know which.

Mr. Copland. That, I believe, was an anti-Fascist drive of some sort. I may be wrong about that.

The Chairman. Do you know that Vito Marcantonio was a member of the Communist party?

Mr. Copland. No, I don't.

The Chairman. Did you belong to a committee supporting Marcantonio?

Mr. Copland. I have no memory of belonging to it.

The Chairman. Were you active in supporting Marcantonio?

Mr. Copland. No, I certainly wasn't.

The Chairman. Do you know him?

Mr. Copland. No, I don't.

The Chairman. You stated, I believe, that you don't recall having signed a letter in defense of Harry Bridges.

Mr. Copland. At this time I don't recall it.

The Chairman. Did you know Georgi Dimitrov?

Mr. Copland. No.

The Chairman. Did you ever hear about the Reichstag Fire Trial Anniversary Committee?

Mr. Copland. I can't at this time remember whether I have or not.

The Chairman. You don't recall?

Mr. Copland. No.

The Chairman. You don't recall ever having been affiliated with it?

Mr. Copland. No, not at this time I don't.

The Chairman. Were you a sponsor of the Schappes Defense Committee?

Mr. Copland. As far as I know I was not.

The Chairman. Did you ever hear of Schappes?

Mr. Copland. I may have vaguely heard of him.

Mr. Cohn. You said before you had?

Mr. Copland. You see, I am uncertain whether I do or vaguely do. Without further opportunity to refresh my memory--  
--

The Chairman. May I interrupt. I may say, going through all of these and where you feel that your memory is not sufficiently sharp so you can adequately answer, you will have opportunity to go over the record and supply the material which you were able to supply after your memory is refreshed.

Mr. Copland. Could I ask you to tell me again what you said about my having been connected with Sam Adams Darcy after the peace conference?

The Chairman. What date was that?

Mr. Copland. I believe the peace conference was March 1949 and you quoted the Darcy connection, if there was one, at a later date. I gather that your thought is that the Darcy petition may have been signed before that.

The Chairman. Here we are. We have it here. It appears from the report we have that you were a sponsor and speaker at the Cultural and Scientific Conference for World Peace which was held March 25-27, 1945 inclusive.

Mr. Copland. The other matter was considerably before that, the petition.

The Chairman. I beg your pardon.

May I amplify the record. I had previously indicated in the questioning that the Sam Darcy petition had been signed after the New York conference. I misread it. I thought it was December 1949. Actually it was December 1940. You are correct.

Mr. Copland. I was going to explain why I didn't resign until 1950. The music committee was organized to further relations on a musical plane with the Soviet Union. It was an off-shoot of a committee, I believe, that had to do with the State Department. At any rate, that committee itself left the National Council and set itself up as the National Soviet Music Society and since I went with the music committee, I was under the impression that I was no longer a member of the National Council. In order to be sure I had severed connections I wrote a letter in 1950.

Mr. Cohn. By the way, Mr. Copland, you are awfully well prepared. I am just wondering. Let me ask you this: Prior to the phone call Friday, you had never known of any reference to you in the Congressional Record concerning your Communist fronts?

Mr. Copland. That is not my testimony.

Mr. Cohn. Then, Mr. Copland, you stated this had not just come to your attention on Friday?

Mr. Copland. May I say that I heard through a letter that there had been a printing in the Congressional Record of remarks of the Honorable Fred E. Busby concerning myself.

Mr. Cohn. When was that?

Mr. Copland. When was the Congressional Record of Busby's statement? It is in here for Friday, January 16, 1953, and my memory of that is that happened sometime in March or April.

Subsequently a friend supplied me with a copy.

Mr. Cohn. When was that?

Mr. Copland. I would say sometime in April.

I will also add that I was absolutely amazed at the number of entries in connection with my name.

Mr. Cohn. So were we.

The Chairman. Do you feel now that your name was misused by various organizations or do you want further time to check into it?

Mr. Copland. I would like further time to check into it.

It is also well known that if they got your name in connection with one thing, they didn't hesitate to use it in connection with another. I would also like to say that my connection, insofar as it would show, was the direct outcome of the feelings of a musician. I was not moved by the Communist element, whatever it may have been. I was moved by specific causes to which I lent my name.

Musicians make music out of feelings aroused out of public events.

Senator Mundt. I can't follow this line of argument. I don't see how that line of reasoning makes sense with a hatchet man like Bridges.

Mr. Copland. A musician, when he writes his notes he makes his music out of emotions and you can't make your music unless you are moved by events. If I sponsored a committee in relation to Bridges, I may have been misled, not through Communist leanings. If I had them, there was something about his situation that moved me.

Senator Mundt. That would be true of anybody--any human beings, I think, not only musicians. Emotions are part of everyone's personality. That certainly stretches a point. We are all governed by the same rules of caution. When you get to Browder and Bridges, I think musicians have to go by the same code as governs other citizens.

Mr. Copland. We are assuming--I would like to see what it was I was supposed to have signed. I would have to know the circumstances to make any kind of sensible case.

The Chairman. Do you say now that your activities as a musician had to do with your connection with Bridges and Browder?

Mr. Copland. I would say that anything I signed was because of the human cause behind it that interested me----

The Chairman. Were you a good friend of Hanns Eisler?

Mr. Copland. No, I knew him slightly. I was not a good friend of his.

The Chairman. Did you meet him socially?

Mr. Copland. Yes.

The Chairman. Roughly, how many times?

Mr. Copland. Roughly, this is a guess, two or three times.

The Chairman. When did you last see him?

Mr. Copland. My impression is I last saw him in California.

The Chairman. Did you agree with the statement by Eisler that "Revolutionary music is now more powerful than ever. Its political and artistic importance is growing daily."

Mr. Copland. That is a vague statement. I don't know what he means by "revolutionary music."

The Chairman. Do you agree with him that there is a political importance in music?

Mr. Copland. I certainly would not. What the Soviet government has been trying to do in forcing their composers to write along lines favorable to themselves is absolutely wrong. It is one of the basic reasons why I could have no sympathy with such an attitude.

The Chairman. Would you say a good musician who is a Communist could be important in influencing people in favor of the Communist cause?

Mr. Copland. Perhaps in some indirect way.

The Chairman. One final question.

Quoting Hanns Eisler, is this a correct description of you by Eisler:

I am extremely pleased to report a considerable shift to the left among the American artistic intelligentsia. I don't think it would be an exaggeration to state that the best people in the musical world of America (with very few exceptions) share at present extremely progressive ideas.

Their names? They are Aaron Copland.

Would you say that is a correct description of you?

Mr. Copland. No, I would not. I would say he is using

knowledge of my liberal feelings in the arts and in general to typify me as a help to his own cause.

The Chairman. Just for the record, this quotation from Eisler appears in the House Un-American Activities Committee Hearing, September 24, 25, 26, 1947, pages 36, 38, 39.

I have no further questions. How about you Mr. Cohn?

Mr. Cohn. No, sir.

The Chairman. Senator Mundt?

Senator Mundt. No.

Mr. Cohn. You are reminded that you are still under subpoena and will be called again within the next week, I would assume.

[Whereupon the hearing adjourned.]

FRIDAY, JUNE 19, 1953

U.S. Senate,

Senate Permanent Subcommittee on Investigations  
of the Committee on Government Operations,  
New York, NY.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, at 11:30 a.m. in room 905, Federal Court Building, Foley Square, New York, Senator Joseph R. McCarthy, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; David Schine, committee investigator.

The Chairman. Doctor, will you raise your right hand. In the matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Hiskey. I do.

The Chairman. Will you identify counsel.

Mr. Colloms. Albert L. Colloms, 342 Madison Avenue.

The Chairman. Give your full name.

TESTIMONY OF CLARENCE FRANCIS HISKEY (ACCOMPANIED BY HIS  
COUNSEL, ALBERT L. COLLOMS)

Mr. Hiskey. Clarence Francis Hiskey.

Mr. Cohn. What do you do right now?

Mr. Hiskey. I am a chemist.

Mr. Cohn. Where are you employed?

Mr. Hiskey. I am employed with a small company, the  
International Biochemical Corporation.

Mr. Cohn. And what type of work do you do?

Mr. Hiskey. I am working on the isolation of a potent  
principal in a pregnant mammalian liver extract which relieves  
the clinical symptoms of diabetic neuropthis and osteo-  
arthritis.

Mr. Cohn. Have you ever worked on the atom bomb in any way,  
directly or indirectly, or have anything to do with it?

[Witness consulted counsel.]

Mr. Hiskey. I must refuse to answer that on the grounds of  
the Fifth Amendment.

Mr. Cohn. Do you know Mr. Harold C. Urey?

Mr. Hiskey. Yes, everybody does.

The Chairman. Did you ever work for the Atomic Energy  
Commission?

Mr. Hiskey. When was the Atomic Energy Commission  
established?

The Chairman. Do you know that you ever worked for it or  
not?

Mr. Hiskey. I never worked for them.

The Chairman. Did you work for any government agency?

Mr. Hiskey. Yes, I worked for the TVA.

The Chairman. And any other government agency?

[Witness consulted counsel.]

Mr. Hiskey. I was an officer in the U.S. Army.

The Chairman. Anything else?

[Witness consulted counsel.]

Mr. Hiskey. I worked for Columbia University and they might  
have had a contract.

The Chairman. Any other work for any other agency?

Mr. Hiskey. Not that I recall.

The Chairman. What kind of work did you do at Columbia?



Mr. Hiskey. I was a teacher there of chemistry.

Mr. Cohn. Were you working under Dr. Harold Urey at Columbia?

Mr. Hiskey. Yes, he was head of the department.

Mr. Cohn. Did he employ you?

Mr. Hiskey. Yes.

Mr. Cohn. At the time he employed you, were you a member of the Communist party?

Mr. Hiskey. I refuse to answer under the privilege of the Fifth Amendment.

Mr. Cohn. At the time he employed you, were you engaged in espionage in the United States?

Mr. Hiskey. I refuse to answer that question on the same grounds.

Mr. Cohn. Did Dr. Urey ever discuss with you the question of whether you were a Communist?

Mr. Hiskey. I refuse to answer that question.

Mr. Cohn. Was Dr. Urey to your knowledge a Communist?

Mr. Hiskey. I refuse to answer that question.

The Chairman. You refuse to answer that question?

Mr. Hiskey. To my knowledge, no. That I don't refuse. To my knowledge I don't know anything about his political views.

The Chairman. Just a minute. I am not asking about his political views. Is it your testimony that you never knew that Urey was a member of the Communist party?

Mr. Hiskey. I have never known that he was a member of the Communist party.

The Chairman. Did he ever discuss with you the question of whether or not he was a member?

Mr. Hiskey. No, I don't think so.

The Chairman. Did he ever attend any Communist meetings with you?

Mr. Hiskey. No, no, I refuse to answer that question.

The Chairman. You refuse to answer. I may say, Doctor, that you should weigh these answers carefully because you may be doing an injustice to a friend of yours. You are entitled to refuse to answer only if the answer would incriminate you.

Mr. Hiskey. You gave me a question---

The Chairman. The question is did Urey ever attend a Communist meeting with you.

Mr. Hiskey. I refuse to answer that question because you are asking if I attended a Communist meeting.

The Chairman. You refuse to answer that question?

Mr. Hiskey. Yes, I do.

The Chairman. You understand that if Urey did not attend a Communist meeting with you, you could simply say no, and that would not incriminate you. You understand that.

Mr. Hiskey. I don't quite get it. If you ask me if I attended a Communist meeting with Urey or if he attended a Communist meeting with me, you are asking me if I have attended a Communist meeting.

The Chairman. No. I am asking you if Urey ever attended one with you.

Mr. Hiskey. Why don't you ask the question this way: Do I know whether Urey ever attended a Communist meeting? That would give you the answer that you want.

The Chairman. Do you refuse to answer whether or not he ever went to a meeting with you?

Mr. Hiskey. Because you are asking whether I went to a meeting.

The Chairman. I will take your suggestion.

[Witness consulted his counsel.]

The Chairman. You are entitled to refuse to answer.

Mr. Colloms. Mr. Senator, may I suggest when he says he refuses to answer it is always on the ground of the Fifth Amendment?

The Chairman. Mr. Counsel, we have the rule of the committee that you can freely advise with your client and discuss any matter with him. We do not, however, take statements from counsel.

Mr. Colloms. I am not making a statement. I am merely asking that we take this line of answers as being the same all the way through.

The Chairman. You heard what I said. You will talk to the client. If you want to advise him, all right.

[Witness consulted his counsel.]

Mr. Hiskey. Let it be shown in the record that when I refuse to answer, I am invoking the Fifth Amendment.

The Chairman. There is no general invocation of the Fifth Amendment. Each time you want to invoke it, you will have to

state so on the record.

Mr. Hiskey. Then let us go back and ask all those questions over, and I will invoke it each time. Do you want me to do that?

The Chairman. Let me ask you the questions. What type of work were you doing at Columbia?

Mr. Hiskey. I was a teacher.

The Chairman. Did you work for any government agency other than those you have named?

Mr. Hiskey. I worked for Columbia University when I was at Columbia.

The Chairman. Other than Columbia, TVA, and army, you did not work for the government?

Mr. Hiskey. No.

The Chairman. Did you ever work in the atomic energy plant?

Mr. Hiskey. Well, that is a question that I refuse to answer on the ground that it might tend to incriminate me.

The Chairman. Did you ever work in an atomic energy plant while you were on the payroll of the government working for the government?

Mr. Hiskey. I refuse to answer that question.

The Chairman. You are ordered to answer that question.

Mr. Hiskey. Did I what?

The Chairman. Read the question.

[Question read by the reporter.]

Mr. Hiskey. You mean when I was working for the army or the TVA?

The Chairman. I think the question is clear.

Mr. Hiskey. When I was working for the TVA there was no atomic energy program, so that would take care of that. When I was in the army, I was stationed at places that had no relation to the atomic energy program.

Mr. Cohn. How about when you were at Columbia?

Mr. Hiskey. I refuse to answer that question on the grounds that it may tend to incriminate me.

The Chairman. You were asked the simple question whether you ever worked for the atomic energy program. We will exclude any work that you were doing as an espionage agent. You are entitled to refuse to answer if you were working in atomic energy for some foreign government, you understand.

[Witness consults his counsel.]

Mr. Hiskey. I am not quite sure what is involved here so I am going to hold up my answer until I understand. I want you to withdraw the inference that I was engaged in atomic espionage or any kind of espionage.

The Chairman. Were you engaged in atomic energy espionage?

Mr. Hiskey. I refuse to answer that question.

The Chairman. You refuse to answer?

Mr. Hiskey. You can't run it in and make the assumption I was, because the Fifth Amendment---

The Chairman. You do not interrupt me when I am talking. Do you understand that?

Mr. Hiskey. I was talking, Senator, and you interrupted me.

The Chairman. I am asking you a question. The first question is, were you engaged in atomic energy espionage, and your answer is that you refuse to answer on the ground that it might incriminate you.

Mr. Hiskey. And I went on to explain.

The Chairman. We will take the explanation later. You tell me how that you feel a truthful answer to that question might tend to incriminate you?

Mr. Hiskey. Yes.

The Chairman. That is about as definite proof as we can get here that you were an espionage agent, because if you were not, you would simply say no. That would not incriminate you. The only time it would incriminate you would be if you were an espionage agent. So when you refuse to answer on the ground it would incriminate you, that is telling us you were an agent.

Mr. Hiskey. I don't think you understand the whole purpose of the Fifth Amendment, Senator. That amendment was put into the Constitution to protect the innocent man from just this kind of star chamber proceeding you are carrying on.

The Chairman. You object to being asked these questions?

Mr. Hiskey. Yes, I do.

The Chairman. For your information, the provision of the Fifth Amendment came down from the old English law.

The purpose of that is to avoid making a man convict himself of a crime, the theory being that no man should convict himself. That is the purpose of the provision of the Fifth Amendment.

Mr. Hiskey. Yes.

The Chairman. Just a minute. When you say, "If I told the truth it would incriminate me," that means that you know that a truthful answer would incriminate you.

Now, the next question is, are you a member of the Communist party?

Mr. Hiskey. May I make a comment on that?

The Chairman. No, I do not want any comment on the Fifth Amendment. We do not need any instructions from you on the Fifth Amendment. The question is, are you a member of the Communist party today?

Mr. Hiskey. I refuse to answer that question on the ground it may tend to incriminate me.

The Chairman. Are you engaged in espionage work today?

Mr. Hiskey. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. Cohn. Does the company for which you work have any classified material?

Mr. Hiskey. No, sir.

Mr. Cohn. Does it do any government work?

Mr. Hiskey. No, sir.

Mr. Cohn. None of any kind?

Mr. Hiskey. No, sir.

Mr. Cohn. Has it ever?

Mr. Hiskey. No, sir.

The Chairman. I have not gotten an answer to my other question yet. Did you ever do any work for this government or for any agency that was working for the government on the atomic energy program?

[Witness consulted his counsel.]

Mr. Hiskey. I worked for the Manhattan Project, if that is what you want me to say. That was the project in which I worked for Columbia University, and they had contracts with the U.S. government.

Mr. Cohn. The Manhattan Project was the atomic energy project for the atom bomb.

Mr. Hiskey. At the time I worked on it, it was more of a collection of professors who went to the government with an idea, and asked to get some money to finance the experiment.

The Chairman. What years did you work on the Manhattan

Project?

[Witness consulted his counsel.]

Mr. Hiskey. Let me see. I came to Columbia in the fall of 1941. That is right. My work with the atomic energy work there began, I guess, about December or January of that academic year. That would be December of 1941 or January of 1942. But I still taught in the school while working and just helping out. Then later I worked full time until 1944 when I was inducted into the army, or not inducted, or when I was ordered up.

The Chairman. Was that the last work you did on atomic energy?

Mr. Hiskey. Yes.

The Chairman. 1944?

Mr. Hiskey. Until April 1944.

Mr. Cohn. Were you working under Dr. Harold Urey during any of that time?

Mr. Hiskey. Part time.

Mr. Cohn. Were you in direct contact with Dr. Urey?

Mr. Hiskey. Yes.

The Chairman. Did Dr. Urey ever discuss with you any espionage work?

Mr. Hiskey. I refuse to answer that question on the ground that it may tend to incriminate me.

The Chairman. You are instructed that you are under subpoena, subject to the call of the committee. We will contact your counsel if we need you, and tell you where and when.

Mr. Cohn. There is one other question. Can you tell us any names of any Communists working on the Manhattan project?

Mr. Hiskey. I refuse to answer that question.

The Chairman. On the grounds of self-incrimination.

Mr. Hiskey. On the grounds it may tend to incriminate me.

[Thereupon at 11:53 a.m., the subcommittee proceeded to consideration of other business.]

FRIDAY, JUNE 19, 1953

U.S. Senate,  
Senate Permanent Subcommittee on Investigations  
of the Committee on Government Operations,  
New York, NY.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, at 11:55 a.m. in room 905, Federal Court Building, Foley Square, New York, Senator Joseph R. McCarthy, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; David Schine, committee investigator.

The Chairman. Dr. Urey, would you raise your right hand. In this matter now in hearing, do you solemnly swear that the testimony you give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Urey. I do.

TESTIMONY OF HAROLD CLAYTON UREY

Mr. Cohn. Could we have your full name for the record?

Mr. Urey. Harold Clayton Urey.

Mr. Cohn. Where are you employed now?

Mr. Urey. University of Chicago.

Mr. Cohn. What is your position now?

Mr. Urey. Ryerson Distinguished Service Professor of Chemistry.

Mr. Cohn. How long a period of time have you been with the University of Chicago.

Mr. Urey. Since 1945.

Mr. Cohn. Dr. Urey, were you one of those persons selected as an American specialist under the exchange program of the State Department to go abroad?

Mr. Urey. Selected? I don't know. I was invited. Would you like to have me tell about it?

Mr. Cohn. Just briefly. We know what the facts are. It is a matter of record.

Mr. Urey. I was invited by the Heifetz Institute of Technology to come to Israel for a visit. They agreed to pay me \$2,000 for my expenses, and while I was going to Israel I knew of the public law in regard to this.

Mr. Cohn. You mean the law which establishes the information program?

Mr. Urey. That is right. So I applied for extra funds which would enable me to make a side trip to Egypt and some other places.

Mr. Cohn. From the State Department?

Mr. Urey. That is right.

Mr. Cohn. And your application was accepted?

Mr. Urey. The application was accepted.

Mr. Cohn. And you made the trip for the State Department?

Mr. Urey. I made the trip.

Mr. Cohn. You were what is known as an American specialist under the exchange program?

Mr. Urey. I wouldn't know. Maybe.

Mr. Cohn. You do not know the exact terminology?

Mr. Urey. No.

Mr. Cohn. You know you did apply and the application was accepted, and they gave you the funds and you made the trip?

Mr. Urey. That is right.

Mr. Cohn. Can you tell us approximately how much money was paid to you?

Mr. Urey. \$1,050. I could not remember whether it was exactly that amount or not, but it was right close to that. I have no record of the same.

Mr. Cohn. Dr. Urey, what did you do when you visited those countries? Did you deliver any lectures?

Mr. Urey. Yes. I gave lectures in Italy, in Egypt, in Greece, and then quite a number of lectures in connection with the Israel invitation.

Mr. Cohn. This was in 1951?

Mr. Urey. That is right.

Mr. Cohn. Dr. Urey, I want to read you a list of organizations, and ask you whether or not you have been a member of them, or connected with them in any way.

The Chairman. Let me first ask, what did you lecture on, Doctor?

Mr. Urey. Most of my lectures were on the origin of the earth, which I have been studying since the war, and temperatures that existed in the ancient seas. This is true of all the lectures in Egypt, Italy and Greece. In Israel I gave



similar lectures but I also gave popular lectures on the control of atomic energy, international control of atomic energy.

The Chairman. Did you talk on any of the general political situation?

Mr. Urey. No, you mean the United States?

The Chairman. No, when you were in Israel and Europe lecturing, did you discuss the world political situation?

Mr. Urey. Yes. That is, you can't talk about the control of atomic energy without considering the difficulty that we have apropos of it---

The Chairman. Did you collaborate in the so-called Acheson Report on the control of atomic energy?

Mr. Urey. I did not, no.

The Chairman. Proceed, Mr. Counsel.

Mr. Cohn. I want to read you this list of organizations and ask you whether or not you have ever been connected with any of them.

The American Committee for Democracy and Intellectual Freedom.

Mr. Urey. You know, my memory in regard to these things is awfully bad, and I can't answer that question with certainty. But in connection with the Broyles investigation \47\ some years ago, they dug up quite a number of organizations which they said I was a member of, and some of them I could remember and some I could not. What was that one?

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\47\ In 1949, Illinois state senator Paul Broyles introduced legislation prohibiting anyone ``directly or indirectly" associated with a Communist organization or Communist fronts from holding government employment in the state. When students from the University of Chicago protested at the state capital, Senator Broyles launched an investigation of the university faculty to determine whether they had indoctrinated students with Communist ideology.

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Mr. Cohn. American Committee for Democracy--do it this way. Suppose you list for us the organizations which have been named as Communist fronts which you recall you were a member of.

Mr. Urey. I cannot do that, Mr. Counsel. Last summer I had to apply for my Q clearance with the Atomic Energy Commission

again, and I went over the complete list on that blank. I think it was the 1950 blank, and I could not remember that I had been a member of a single one of them. During the period before the war, I thought that the loyalists in Spain were not as bad as Franco, and I worked with and connected with a number of people that had similar ideas. But I would not remember those organizations, and I have had no contact with them since that time.

Mr. Cohn. Do you know a man named Clarence Hiskey?

Mr. Urey. Yes.

Mr. Cohn. Did you ever have anything to do with his employment at Columbia University and his work on atomic energy?

Mr. Urey. I was responsible for the employment of Hiskey. I employed him on the basis of his technical competence, and I think no one has questioned that.

Mr. Cohn. His technical competence. Has anyone questioned the fact whether or not he was a Soviet espionage agent when he was working for you?

Mr. Urey. I have seen in magazines and the papers indications in regard to this accusation, but I have no direct knowledge of my own that he was anything of the sort. Matters in regard to security were handled by the military in charge of this, and they did not take me into their confidence in regard to Mr. Hiskey.

Mr. Cohn. Did you ever discuss with Mr. Hiskey these charges?

Mr. Urey. These occurred during his stay at Chicago after he had left Columbia where I was stationed during the war. I have seen Hiskey once or twice, and there has been nothing in the way of discussion of these, except a polite reference to them.

Mr. Cohn. What was the substance of that polite reference?

Mr. Urey. Well, "I see, Clarence, that you have been accused." But he volunteered no information and of course I had none.

Mr. Cohn. Weren't you interested in pursuing the thing?

This was a man you employed who was working on the atomic bomb, and people come along and say he was an espionage agent giving information to the Soviet Union. Was it not of sufficient

interest to you to ask whether or not it was true?

Mr. Urey. I never asked him whether it was true or not.

Mr. Cohn. Were you interested?

Mr. Urey. I have been very much interested as to whether it was true, but I have no way of investigating the man.

Mr. Cohn. You could ask him.

Mr. Urey. I suppose I could, but I didn't see there was any useful purpose to be served.

Mr. Cohn. Did you ever discuss this with the FBI?

Mr. Urey. No, I don't think I ever did.

Mr. Cohn. Didn't you think this was a matter of considerable concern to you?

Mr. Urey. I have no information of my own relative to his loyalty, none at all.

Mr. Cohn. Did you have any discussion with him about communism at any time?

Mr. Urey. So far as I can recall, never.

Mr. Cohn. What was your attitude on having Communists work on the Manhattan Project?

Mr. Urey. It was one thing that I believed would be completely wrong, and I definitely tried to avoid having such people on the project.

Mr. Cohn. But nevertheless, it develops that a man you did hire and who was working on it was charged with being an espionage agent, giving information to the Soviet Union, and when you met him on subsequent occasions, you never asked him if that is so?

Mr. Urey. What you state I think is a fact. I don't think I ever asked him point blank. If you ask me why, I would say because I felt terribly embarrassed, and wished to stay away from the question entirely.

Mr. Cohn. You felt it would be embarrassing?

Mr. Urey. Yes. He was no longer my employee any more.

Mr. Cohn. Is it your testimony that as far as you are concerned you do not recall any connection with any organization that has been listed as a Communist front organization?

Mr. Urey. So far as I know, that is the case. We drew up for the Broyles committee an affidavit which stated what I know about the matter--I have forgotten the page of this--which I

should like to state is correct to the best of my knowledge and belief.

Mr. Cohn. You are going to give us a copy of that affidavit, is that right?

Mr. Urey. I should be very glad to.

Mr. Cohn. While you are looking for that, Dr. Urey, I was going to ask you this. You say that the loyalty of people that worked for you was a matter for the security people. We have information and on record certain statements you made critical of the fact that there were security measures being taken.

Mr. Urey. What were they?

Mr. Cohn. Pardon me?

Mr. Urey. What were they?

Mr. Cohn. I am going to ask you. Did you ever criticize the fact that there were security safeguards in connection with the Manhattan Project in so far as communism is concerned?

Mr. Urey. If I criticized such things, it was a matter of detail, but never a matter of the principle of the thing, because I never questioned it for a moment.

Mr. Cohn. Did you ever say that you would fire every security officer in the project?

Mr. Urey. Yes. This is since the war.

Mr. Cohn. Since the war?

Mr. Urey. Yes. This is very recently since the war that I said that I thought that they could fire all their security guards. That is correct.

Mr. Cohn. Why did you think that?

Mr. Urey. I think that there is an elaborate structure of security guards that does not accomplish much, but at the same time I never for a moment proposed that access to the security should be granted without control of the essential kind. It would take a long time to explain what the difficulties are there.

Mr. Cohn. You have been active in the last months, have you not, in behalf of Julius and Ethel Rosenberg, the convicted atom spies?

Mr. Urey. I have been active in a way, yes.

The Chairman. In what way? What were your activities in their behalf?

Mr. Urey. I wrote a letter to Judge Kaufman and to the

president in December. The letter to Judge Kaufman was reproduced in the Daily Worker, curiously enough, both with the letterhead and my signature.

Mr. Cohn. How did the Daily Worker get that, do you know?

Mr. Urey. Not through me.

Mr. Cohn. I know it was not through Judge Kaufman.

Mr. Urey. It was not through me.

Mr. Cohn. How many copies of the letter did you make?

Mr. Urey. A copy for my files, a carbon copy which I sent to Emanuel Bloch.

Mr. Cohn. You sent a carbon copy to Emanuel Bloch?

Mr. Urey. A carbon copy without letterhead and signature.

Mr. Cohn. Do you know whether Emanuel Bloch is a member of the Communist party?

Mr. Urey. I don't know.

The Chairman. Do you have any reason to believe he is?

Mr. Urey. I have no reason to believe one thing or another.

I know Mr. Bloch very, very slightly.

The Chairman. What other action did you take in behalf of the Rosenbergs?

Mr. Urey. After this there was a transcript recording taken which was placed in Los Angeles immediately after the president had denied their first request for clemency. This was done over my protest, for having heard of this, I requested that it should not be played.

Mr. Cohn. You made the transcription?

Mr. Urey. Yes.

Mr. Cohn. And it was played at a Communist party meeting?

Mr. Urey. I don't know that it was a Communist party meeting. That I do not know.

The Chairman. The purpose of making the transcription was to have it replayed, was it?

Mr. Urey. That is right.

The Chairman. Then I do not follow your objection. If you made a transcription for the purpose of having it replayed, why would you object to it being used? Did you change your mind?

Mr. Urey. When the president denied clemency, then I preferred not to appear the next day at this meeting.

Mr. Cohn. The president denied clemency. Isn't it a fact that since his denial of clemency, you have continued your

activities on behalf of the Rosenbergs?

Mr. Urey. That is right. I was told by Mr. Cohn that you wanted to talk about the Israeli trip, the trip abroad. Is there something else that is involved here besides this?

The Chairman. Yes. May I explain what it is? We have been calling, Doctor, a sizeable number of people who have been part of the information program, selected either as teachers or students or to represent us as ambassadors of good will. The mere fact that you or anyone else is called does not mean that the committee has any preconceived ideas as to your activities. We are making a thorough examination of the information program. One of the things we are very much interested in is to find out how many people who were either Communists or sympathetic to the Communist cause or fellow travelers have been sent abroad to represent us. For that reason the questioning is not all restricted solely to what you did while you were a representative of us. Counsel is within his rights of going into your activities on behalf of the Rosenbergs, which were found to be atomic spies and sentenced to die. I think it is a perfectly legitimate inquiry.

Mr. Urey. My anti-Communist record is very well known by people, Senator. I have no use for the regime whatsoever. I have been a member of organizations that fought them. I have never been a member of the Communist party. I in no way subscribe to their point of view, and I believe that my position on that is very clear, indeed.

The Chairman. Just for the sake of the record--I imagine you want to clear it up yourself now that we started questioning you about the Rosenberg case--just what interest did you have in the case?

Mr. Urey. Just a belief, as I expressed to Judge Kaufman and the president, that the evidence against the Rosenbergs was to my mind doubtful because it depended upon the testimony of self-confessed criminals--Greenglasses and Max Elicher. My interest in the case is entirely one of integrity of American justice and nothing else.

The Chairman. Have you read the entire record?

Mr. Urey. I have read the record, yes.

The Chairman. Do you have a copy of the record?

Mr. Urey. Yes, I have a copy of the record.

The Chairman. You purchased that, I assume, from the court reporter?

Mr. Urey. No, it was given to me by the Rosenberg Committee to Secure Justice for the Rosenbergs.

Mr. Cohn. Did you ever say in connection with the granting of Atomic Energy Commission scholarships to students that no student should be questioned about communism or barred from the scholarship if he is a Communist?

Mr. Urey. That came up in connection with the Broyles Commission report again, and what was the man's name?

Mr. Cohn. I just asked you a question. How about Mr. Hans Freistad?

Mr. Urey. I can't remember exactly what I said, but I know what my attitude was at the time, namely, that Mr. Freistad was a very poor choice as a scholar on scholarly grounds, and second that it is very difficult for the committee granting scholarships to investigate a person with respect to his political beliefs, because they have no means for this purpose, and that it is better in the long run to be as careful as possible, and not worry too much about the matter. I think the number that you would get would be very small in any case. This was my point of view, at least.

Mr. Cohn. It is best to be as careful as possible and not worry too much about it?

Mr. Urey. That is right. One should not appoint Communists if you have any way by which you can find it out. But how does a committee find out whether a person is a Communist or not? They have no police power to force a person to answer the question.

Mr. Cohn. Weren't you disillusioned on the whole subject by your experience with Dr. Hiskey?

Mr. Urey. I beg your pardon. I don't understand the question.

Mr. Cohn. I will withdraw the question.

In addition to Dr. Hiskey, have you ever been instrumental in the employment of anyone in the Manhattan Project who has refused to answer whether or not he was a Communist party member?

Mr. Urey. Not that I know of.

The Chairman. Do you know of any Communist or espionage

agents, Doctor, who either now are or have been working on the atomic bomb or hydrogen bomb projects?

Mr. Urey. Dr. Fuchs, who visited us at Columbia during the war, and whom I met, but who I did not remember at all. I know from the records that he was there.

The Chairman. Anyone else?

Mr. Urey. I don't think I ever met Allen Nunn May. He was at Chicago.

The Chairman. Anyone else?

Mr. Urey. I don't think I know.

Mr. Cohn. How well did you know Dr. Fuchs?

Mr. Urey. Fuchs was a part of the British team that came to Columbia during the war, and I met him as the project leader there, but as I say, I do not remember him personally at all. He was one person that came through, and I do not remember him.

The Chairman. Were you ever requested to join the Communist party?

Mr. Urey. No.

The Chairman. Did you ever attend any Communist meetings?

Mr. Urey. No.

The Chairman. Anything further, Mr. Counsel?

Mr. Cohn. Let me ask you this specifically. When you applied for a passport to go abroad, did you in 1952 first receive a letter from the passport division of the State Department saying that a passport could not be granted to you?

Mr. Urey. That is right.

Mr. Cohn. And subsequently that letter was withdrawn?

Mr. Urey. That was withdrawn and I returned it.

The Chairman. What action did you take to have it withdrawn?

Mr. Urey. I called the scientific attache at the State Department and told him about it.

Mr. Cohn. What was his name?

Mr. Urey. I can't recall his name.

Mr. Cohn. Is it somebody that you had known?

Mr. Urey. I had never met him that I knew of.

Mr. Cohn. Who suggested that you call him, do you recall that?

Mr. Urey. One of the law professors at Chicago, I should judge.



Mr. Cohn. Can you recall his name for us?

Mr. Urey. I think it was Dean Levi.

Mr. Cohn. Was he the dean of the Law School?

Mr. Urey. Yes.

Mr. Cohn. Was he acquainted with the scientific attache in the State Department?

Mr. Urey. I think so.

Mr. Cohn. He suggested you call him. You called him and after that the letter was withdrawn?

Mr. Urey. That is right.

Mr. Cohn. Mr. Chairman, of course we have a list which was listed in the House committee appendix and various other places of a couple of dozen Communist front organizations which the documentation shows Mr. Urey was a member, sponsor, signer of petitions.

The Chairman. In view of the time element, and I assume the doctor would like to get away also, would it not be a good idea to submit the list to Dr. Urey and have him go through it, and check the ones that he recalls having been affiliated with, and the extent of the affiliation and have that considered as submitted under oath?

Mr. Cohn. I think so. I think further if Dr. Urey can supply us with a copy of the affidavit to which he referred, it might be helpful.

Mr. Urey. I wish I could find it in here.

Mr. Cohn. Is this an extra copy of that volume, Dr. Urey?

Mr. Urey. No, this is not an extra copy. Here is what my affidavit said.

The Chairman. Just one or two other quick questions. You are at the University of Chicago now?

Mr. Urey. Yes.

The Chairman. Do you know any Communists at the University of Chicago?

Mr. Urey. No.

Mr. Cohn. Do you think Communists should be allowed to teach?

Mr. Urey. No.

Mr. Cohn. You do not?

Mr. Urey. No.

The Chairman. I think there are no further questions,

Doctor. Thank you very much. Sorry we had to take up your time.

[Thereupon at 12:20 p.m., the executive session was ended.]

MONDAY, SEPTEMBER 14, 1953

U.S. Senate,  
Senate Permanent Subcommittee on Investigations  
of the Committee on Government Operations,  
New York, NY.

The subcommittee met at 10:40 a.m., in room 128 of the United States Court House, Foley Square, Senator Joseph R. McCarthy, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Francis P. Carr, executive director; Roy M. Cohn, chief counsel; G. David Schine, chief consultant; Baline Sloan, member, Legal Department, U.N.

The Chairman. Mr. Remes, will you stand and be sworn.

Mr. Reiss. My name is Reiss.

The Chairman. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, nothing but the truth, so help you God?

Mr. Reiss. I do.

TESTIMONY OF JULIUS REISS (ACCOMPANIED BY HIS COUNSEL, ROYAL W. FRANCE)

Mr. Cohn. Can we get the name of counsel for the record.

Mr. France. Royal W. France, 104 East 40th Street.

Mr. Reiss. Excuse me, sir. I didn't quite get the name you used when you asked me.

The Chairman. You give us your name, will you?

Mr. Reiss. Julius Reiss.

Mr. Cohn. What is your address, sir?

Mr. Reiss. 741 Westminister Road, Brooklyn, New York.

Mr. Cohn. Where are you employed?

Mr. Reiss. At the Polish Delegation to the United Nations.

Mr. Cohn. What is that address?

Mr. Reiss. 151 East 62 Street.

The Chairman. I wonder if you would try and speak louder, please.

Mr. Reiss. 161 East 62 Street. New York City.

Mr. Cohn. And what is the telephone up there?

Well, that is all right. Let me ask you this, sir. For how long a period of time have you been employed at the Polish Delegation to the United Nations?

Mr. Reiss. Approximately three years.

Mr. Cohn. Approximately three years?

Mr. Reiss. Yes.

Mr. Cohn. In other words, you went there in 1950, is that right?

Mr. Reiss. At the end of 1950 sometime.

Mr. Cohn. End of ?

Mr. Reiss. Sometime.

Mr. Cohn. Will you just tell us generally what you do there?

Mr. Reiss. I am a documentation clerk.

Mr. Cohn. What does that mean?

Mr. Reiss. I handle United Nations documents, file them. I make abstracts, digests of them. I handle press and periodicals and books and do research in the press, periodicals and books.

Mr. Cohn. Did you generally work along those lines?

Mr. Reiss. Yes, sir.

Mr. Cohn. Is your salary paid by the Polish Delegation?

Mr. Reiss. Yes, sir.

Mr. Cohn. What is your salary?

Mr. Reiss. It is about \$3900 a year. I think about \$325 a month.

Mr. Cohn. Is that net of taxes or----

Mr. Reiss. That is before taxes.

Mr. Cohn. What do you do, pay your own income tax?

Mr. Reiss. Yes.

Mr. Cohn. Is that reimbursed to you in any way by----

Mr. Reiss. No, sir.

Mr. Cohn. In other words, you are paid a straight salary?

Mr. Reiss. Yes.

Mr. Cohn. You are. Are you paid in United States currency?

Mr. Reiss. Yes, sir.

Mr. Cohn. What did you do immediately prior to going with the Polish Delegation?

Mr. Reiss. Directly prior to that?

Mr. Cohn. Yes.

Mr. Reiss. I was out of work.

Mr. Cohn. For how long a period of time? Just approximately?

Mr. Reiss. May I ask my counsel a question?

Mr. Cohn. Sure, you can ask your counsel anything you want.

Mr. Reiss. I think it may have been about two months or so. Two or more, I am not sure.

Mr. Cohn. Directly prior to that, what did you do?

Mr. Reiss. I refuse to answer on the grounds of the Fifth Amendment.

Mr. Cohn. On the grounds the answer may tend to incriminate you, on the Fifth Amendment?

Mr. Reiss. On the grounds the answer may tend to incriminate me, on the Fifth Amendment.

Mr. Cohn. For how long a period of time will you claim a privilege as to your employment? In other words, we are back to two months prior to the time you went with the Polish Delegation.

You can consult with counsel if you want. I don't want to go back month after month.

Mr. Reiss. I think back to about 1935.

Mr. Cohn. Back to 1935?

Mr. Reiss. Yes, sir.

Mr. Cohn. Have you ever worked for the United States government?

Mr. Reiss. I was in the army.

Mr. Cohn. As a soldier?

Mr. Reiss. Yes, sir.

Mr. Cohn. During what years?

Mr. Reiss. 1942 to 1945.

Mr. Cohn. Did you serve in this country and overseas?

Mr. Reiss. Just in this country.

Mr. Cohn. Just in this country. Where were you stationed?

Mr. Reiss. I was stationed in Aberdeen, Maryland.

Mr. Cohn. Aberdeen, Maryland?

Mr. Reiss. Yes, sir.

Mr. Cohn. Aberdeen Proving Ground?

Mr. Reiss. No, sir. It had nothing to do with it.

Mr. Cohn. What was the particular assignment in the army that you had?

Mr. Reiss. I was--I taught pedagogy.

Mr. Cohn. You taught pedagogy in the army?

Mr. Reiss. Yes, sir.

The Chairman. What the hell is that?

Mr. Cohn. Yes, sir. Would you expand on that just for a little bit?

Mr. Reiss. Yes. You have a lot of men who went through cadre school and who you had to teach how to repair machine guns and ammunition clerical work and so forth. They had to teach. Well, I taught these men the technique of teaching. Nothing to do with the material.

Mr. Cohn. I understand.

Mr. Reiss. Just the pure technique.

Mr. Cohn. All right, now, are you today a member of the Communist party?

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

Mr. Cohn. Have you--in 1950, were you secretary of the National Youth Commission of the Communist party of the United States?

Mr. Reiss. May I consult with my counsel?

I refuse to answer on the grounds previously stated.

Mr. Cohn. Have you ever been known by the name of Julius Remes?

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

Mr. Cohn. Have you ever been assistant editor of the Political Affairs Monthly, theoretical publication of the Communist party?

Mr. Reiss. I refuse to answer, on the grounds previously stated.

Mr Cohn. Have you been a paid functionary of the Communist party of the United States?

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

Mr. Cohn. Have you served on the enlarged National Committee of the Communist party of the United States?

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

Mr. Cohn. Do you contribute any of the salary that you receive now to the Communist party?

You can consult with counsel any time you want.

Mr. Reiss. No, sir.

Mr. Cohn. Pardon me?

Mr. Reiss. No, sir.

Mr. Cohn. You do not?

Mr. Reiss. No, sir.

Mr. Cohn. Do you contribute any money to the Communist party of the United States?

Mr. Reiss. No, sir.

Mr. Cohn. You do not. Did you ever?

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

Mr. Cohn. Did you last year?

Mr. Reiss. No, sir.

Mr. Cohn. Have you ever taught at the Jefferson School?

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

Mr. Cohn. Now, were you in 1937 and 1938 an organizer for the Communist party in Michigan and Louisiana?

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

Mr. Cohn. Is it a fact that when you went to--is it not a fact that when you joined the Polish Delegation to the United Nations, became associated with it, you were instructed by the Communist party not to continue in open association with the party but to go in the underground?

Do you want to read that back, if the witness has difficulty understanding the question?

[Question read.]

Mr. Cohn. Again, I say--I see you hesitate--you can consult with counsel any time you want.

Mr. Schine. Proceed.

Mr. Reiss. I am just thinking.

Mr. Cohn. What?

Mr. Reiss. Thinking.

Mr. Cohn. Are you prepared to answer?

Mr. Reiss. I am just thinking for a minute.

Mr. Cohn. You want to think for a minute?

Mr. Reiss. Just for a minute.

Mr. Cohn. Oh, sure. Take all the time you want.

Mr. Reiss. Could I smoke?

Mr. Cohn. Oh, certainly.

Mr. Reiss. No, sir.

Mr. Cohn. Pardon me?

Mr. Reiss. No, sir.

Mr. Cohn. That is not true. Do you know a man by the name of Andy Remes?

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

Mr. Cohn. He is your brother, is he not?

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

Mr. Cohn. Can you tell us whether or not he is in the Communist party underground?

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

Mr. Cohn. Can you state where he is today?

The Chairman. May I interrupt, Mr. Counsel? I do not believe he can refuse to answer as to personal relationship, whether he is his brother or not.

Mr. Cohn. All right.

Mr. Reiss. I can't refuse?

The Chairman. Uh-huh.

Mr. Cohn. Do you have any brothers?

Mr. Reiss. I refuse to answer on the same grounds.

The Chairman. Mr. Counsel, I think that the chair will order the witness to answer. There can be nothing incriminating about the fact he has or has not brothers.

Mr. Cohn. Have you ever worked for----

The Chairman. He was ordered to answer the question.

Mr. Cohn. I am sorry. You were directed to answer the question as to whether or not you have any brothers.

Mr. Reiss. Yes.

Mr. Cohn. You do have brothers. How many?

Mr. Reiss. Living?

Mr. Cohn. Yes.

Mr. Reiss. Two.

Mr. Cohn. And what are their first names?

Yes, sir?

Mr. Reiss. I was asked the question before and I refused to answer.

The Chairman. I understand the witness refuses to answer as to the names of his brothers.

Mr. Reiss. Sir---

The Chairman. I think in view of the fact---

Mr. Reiss. No, sir, I am just thinking.

Mr. Cohn. He is just hesitating.

The Chairman. Oh.

Mr. Cohn. Senator McCarthy, this is Mr. Sloan.

The Chairman. I am glad to know you, Mr. Sloan.

Mr. Sloan. How do you do, sir. I am just here as an observer.

The Chairman. I understand. You are not responsible for anything we do here.

Mr. Reiss. Well, I have one brother whom I haven't seen for many years.

Mr. Cohn. What is his first name?

Mr. Reiss. Many years. Solomon Reiss.

Mr. Cohn. What about the other brother? What is his name?

And Solomon, what is his last name?

Mr. Reiss. Reiss.

Mr. Cohn. Reiss, yes. And what is your other brother's first name, Mr. Reiss? Sir?

Mr. Reiss. I have a--yes.

Mr. Cohn. What is his first name?

Mr. Reiss. Andrew Remes.

Mr. Cohn. Andrew Remes?

Mr. Reiss. His legal name.

Mr. Cohn. His legal name?

Mr. Reiss. His legal name as far as I know.

Mr. Cohn. Where is your brother?

Mr. Reiss. May I just--Mr.---

Mr. Cohn. Sure.

Mr. Reiss. On purely--well, I hesitated speaking--may I say



this and then can I stop, and then I will repeat the same thing word for word to----

Mr. Cohn. You want to say something off the record?

Mr. Reiss. Yes.

Mr. Cohn. Go ahead.

[Discussion off the record.]

The Chairman. Have the record show the witness, on his own request, was allowed to give the committee some information off the record. He desires not to have it on the record. It will not be on the record in this case; but this will be the only case in which we will go off the record.

Mr. Reiss. Thank you very much.

Mr. Cohn. Where is your brother, Andrew Remes, now?

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

Mr. Cohn. When did you see him last?

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

Mr. Cohn. Is it not a fact he is a member of the Communist underground and out of circulation at the moment?

Mr. Reiss. I refuse to answer on the grounds stated.

Mr. Cohn. Now, you draw any pay from the Communist party at this time?

Mr. Reiss. No, sir.

Mr. Cohn. Do you have any identification entitling you to admission to the United Nations zone and grounds and building?

Mr. Reiss. Yes, sir. I have an identification card.

Mr. Cohn. Could we examine that, please?

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

Mr. Cohn. You haven't got it with you?

Mr. Reiss. No, sir.

Mr. Cohn. Do your duties ever take you over to the United Nations building?

Mr. Reiss. Yes, of course.

Mr. Cohn. About how frequently?

Mr. Reiss. There is no regularity involved. I may go down three times in one week. I think in the last three months I have been down there--I really don't know--maybe once or twice.

Mr. Cohn. It hasn't been in session a good deal of the time.

Mr. Reiss. But I don't go down there just during sessions.

Mr. Cohn. When you go down there, do you confer with various people?

Mr. Reiss. Yes, sir.

Mr. Cohn. You do. Now, do you know any member--do you know any persons employed by the secretariat of the United Nations?

Mr. Reiss. Yes, sir.

Mr. Cohn. Do you know any American citizens employed by the secretariat?

Mr. Reiss. I know some people there.

Mr. Cohn. Could you name the ones you know?

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

Mr. Cohn. Do you know any Americans employed by the United Nations secretariat who are members of the Communist party?

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

The Chairman. May I just ask a couple of questions?

Mr. Cohn. Yes.

The Chairman. Do you believe that the Communist party is dedicated to the overthrow of this government by force and violence?

Mr. Reiss. I do not.

The Chairman. You do?

Mr. Reiss. I do not.

The Chairman. You do not. Let me ask you the question again in a slightly different form. Do you believe it is dedicated--strike that.

Do you believe the Communist party is dedicated to the overthrow of this government by force and violence if a Communist government cannot be imposed on this nation by peaceful means?

Mr. Reiss. Will you repeat that, please?

Mr. Cohn. Would you read it?

[Question read.]

Mr. Reiss. Seems to me that the answer to that was embraced in the question that I just answered.

The Chairman. I am going to ask you to answer this question. It is in slightly different form.

Mr. Reiss. Uh-huh!

Mr. France. Do you understand the question?

Mr. Reiss. It is a question of some difficulty for me to grasp. I am not quite sure.

Mr. France. I wonder if the---

Mr. Cohn. I don't agree with that. You have taught at the Workers School, haven't you?

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

Mr. Cohn. You have taught courses in Marxism and Leninism. You can answer the question.

The Chairman. It is a very simple question. You can take all the time you want, but it is a question I am going to order you to answer.

Mr. France. Would you like the question repeated?

Mr. Reiss. No.

The Chairman. If you want the question read again, you may have it read to you.

Mr. Reiss. Would you read the question to me?

[Question read.]

Mr. Cohn. Is that so difficult?

The Chairman. I will be back in a minute. Let the witness think it over, and I will be back.

Mr. Cohn. Yes, sir.

[Whereupon, the chairman withdrew from the hearing room.]

Mr. Cohn. Do you want to answer?

Mr. Reiss. I will, yes.

Mr. Cohn. You are still meditating?

Mr. Reiss. Yes. Not as easy as it sounds. Do you mean---

[Whereupon, the chairman returned to the hearing room.]

Mr. Cohn. He is still thinking. Still thinking of the answer to that question. Huh.

Mr. Reiss. You see, I am trying to envision the possible circumstances involved in this question.

Mr. Cohn. Let me ask you this preliminary question.

The Chairman. I think he should answer now.

Mr. Cohn. I want to know how much they paid you at the Workers School to teach Marxism and Leninism.

Mr. Reiss. I refuse to answer on the grounds previously stated. I have been trying to envision the possible circumstances under which that question would arise and---

The Chairman. We will give you until 2:30 this afternoon and you think it over and---

Mr. Reiss. I can answer.

Mr. Cohn. We have other witnesses and can't sit here all day for you to think it out.

Mr. Reiss. I think my attorney won't be here, and I would like to answer the question now.

Mr. Cohn. We will have to have you back this afternoon anyway.

The Chairman. Okay. If he wants to answer now---

Mr. Reiss. If I have to be back this afternoon, I will wait until this afternoon.

Mr. Cohn. Let me ask you this question. Who obtained your job for you at the Polish Delegation to the United Nations?

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

Mr. Cohn. Was that obtained for you through the intercession of the American Communist party?

Mr. Reiss. No, sir.

Mr. Cohn. Was it obtained by you--for you through the intercession of any functionary of the American Communist party?

Mr. Reiss. I refuse to answer.

The Chairman. Was there anything illegal in connection with your obtaining that job, as far as you know?

Mr. Reiss. No, sir.

The Chairman. Was--to your knowledge, did you do anything in connection with your obtaining that job that was either directly or indirectly in violation of the laws of the United States?

Mr. Reiss. No, sir.

The Chairman. You are then ordered to answer the question propounded by counsel. If there was nothing illegal in connection with your getting the job, if you are guilty of no illegal activities in connection with your getting the job, you are not entitled to the privilege under the Fifth Amendment, so you answer the question.

You can discuss the matter with counsel at any time you care to, Mr.---

Mr. Cohn. Sir?

Mr. Reiss. I refuse to answer.

Mr. Cohn. Now.

The Chairman. Have the record show--I believe it is clear, and if I am incorrect in this, counsel, you correct me. I believe the record now shows the witness has stated that he is aware of nothing illegal in connection with his obtaining the job, that he feels he does not know of any law of the United States which he violated either directly or indirectly in obtaining the job. Have the record show that after that appeared I turned and ordered the witness to answer; that the witness consulted with counsel and has again refused to answer the question.

We will let you go until 2:30 this afternoon. We had hoped to finish up with your testimony this morning, but it has taken so much time to get answers to very, very simple questions from you that we will have to let you go now and take some of the other witnesses whom we promised to handle this morning.

Mr. Reiss. Yes, sir.

The Chairman. 2:30 this afternoon, and in case we are late in that, we have other matters which we have to take care of, you will be instructed to wait until we get to you.

Mr. Cohn. I would like to have you answer one last question. I don't know whether I asked it before or not. Did you work for Abraham Unger in 1950?

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

Mr. Cohn. Did you--were you engaged in any activities connected with the defense of the indicted Communist leaders?

Mr. Reiss. I refuse to answer.

Mr. Cohn. Were you paid money for those activities by the Communist party?

Mr. Reiss. I refuse to answer.

Mr. Cohn. Okay.

Mr. France. It appears that all these refusals are based on the same reason as before.

Mr. Cohn. The answers--the ground the answers might tend to incriminate him.

Mr. Reiss. Yes.

The Chairman. Yes. I think, just off the record---

[Discussion off the record.]

Mr. Reiss. I should like to state that all my refusals have been on the basis of my privilege under the Fifth Amendment to the Constitution.

[Witness excused.]

TESTIMONY OF JULIUS REISS (ACCOMPANIED BY HIS COUNSEL, ROYAL W. FRANCE) (RESUMED - AFTERNOON SESSION)

Mr. Reiss. Mr. Senator, I would like to make a statement.

The Chairman. Will you please try to speak louder?

Mr. Reiss. I would like to make a statement on one of the questions I answered this morning.

The Chairman. You may.

Mr. Reiss. I would like that answer, that I did not know anything illegal about my appointment--I wish to make it clear that I know of nothing illegal about an American citizen obtaining a position with any delegation to the United Nations and in so stating, I did not state that discussions of any associations which may have led to my being recommended to the Polish Delegation might not tend to incriminate me, and that was the basis for my refusing to answer, as to who recommended me.

The Chairman. I don't understand. I frankly don't understand what you said at all.

Mr. Reiss. I can just repeat it.

The Chairman. Read it a little louder.

Mr. Cohn. Let's see if I can explain it off the record.

The Chairman. Let's take it on the record. Everything should be on the record.

Mr. Cohn. All right.

Is this what you are trying to say, that you did state there was nothing illegal about your obtaining employment, the manner in which you obtained it, or about your continuing the employment, you said in your knowledge, you had no knowledge about anything illegal; but you went on and claimed a Fifth Amendment privilege on whether or not your job was obtained for you by a top functionary of the American Communist party. You

are now saying your claiming of the privilege as to which individual got the job for you and what discussion preceded getting the job was not meant in any way to indicate there was anything illegal about your obtaining the job. You decline to answer who got the job for you because of the possibility of Communist associations tending to incriminate you; is that substantially accurate?

You may confer with counsel.

Mr. France. May I make a statement?

The position that the witness takes is, as I understand it, that in stating that he knew nothing illegal about his being appointed as an employee of the Polish Delegation, he did not state that there might not have been recommendations made which would involve associations which might tend to incriminate him and, therefore, when the question came about the recommendations, he felt that that was a different question.

The Chairman. Let me ask you this question: Do you know of anything illegal on your part in connection with your getting this job--any illegal activities on your part, not on the part of someone else?

Mr. Reiss. I refuse to answer on the ground of the Fifth Amendment.

The Chairman. Do you feel that if you told the truth, that answer might tend to incriminate you?

Mr. Reiss. I think that in the light of the----

The Chairman. Will you try to speak louder? I can't----

Mr. Reiss. Yes, in the light of the situation and the connotations thereof, I would have to refuse to answer on the ground that it might tend to incriminate me.

The Chairman. The question is, are you refusing because you think a truthful answer might tend to incriminate you?

Mr. Reiss. No. I would like to repeat the answer that in the light of the present general political situation I feel that any answer that I might give might tend to incriminate or degrade me.

The Chairman. You will not be allowed the privilege under those circumstances. If you say any answer, that means you commit perjury. You know that. The question is: Do you think that a truthful answer to the question would tend to incriminate you?

Mr. Reiss. I say that in the answer--that I included in the answer the idea of the truth of the answer.

The Chairman. I can't hear.

Mr. Reiss. I say that I included the idea of the truthful answer.

The Chairman. I am asking the question: Do you feel that a truthful answer would tend to incriminate you? The answer is yes or no.

Mr. Reiss. I think that as I said before, that the answer might tend to incriminate me under present circumstances.

The Chairman. A truthful answer.

Mr. Reiss. That a truthful answer might tend to incriminate me under the present circumstances.

The Chairman. Then you are entitled to the privilege.

Mr. Cohn. Mr. Reiss, may I ask you this?

Mr. Reiss. Yes, sir.

Mr. Cohn. You are employed by the----

The Chairman. Can I ask one question?

Mr. Reiss. Yes.

The Chairman. What was your baptismal name?

Mr. Reiss. Julius Reiss.

The Chairman. Julius Reiss?

Mr. Reiss. Yes, sir.

The Chairman. I believe you refused to answer this question, I am not sure. Did you later change your name to Joel Remes?

Mr. Reiss. I refuse to answer.

The Chairman. Has Julius Reiss always been your legal name?

Mr. Reiss. Yes, sir.

The Chairman. Pardon me.

Mr. Cohn. Joel Remes was and is your Communist party name, is it not?

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

Mr. Cohn. Now, sir, you work for the Polish Delegation.

Mr. Reiss. Yes.

Mr. Cohn. The Polish government is of course under Communist domination today; is that correct? That is a historical fact, is it not?

Mr. Reiss. I would like to ask a question: what you mean by



Communist?

Mr. Cohn. What do you think?

Mr. Reiss. As far as I know, there is a legally elected government.

Mr. Cohn. I see.

Mr. Reiss. In which members of the Communist party represent, and I think also other parties. I can't remember the names exactly, but there are other parties.

Mr. Cohn. I see.

The Chairman. I just recall one of the reasons we gave this morning for the recess was to let him consider his answer to the question which had been propounded this morning. Have you arrived at an answer to that yet?

Mr. Reiss. Could you repeat that?

Mr. France. Wants to know whether you are ready to answer.

The Chairman. The question was--I will re-ask the question. Do you believe that the Communist party advocates the overthrow of this government by force and violence if a Communist form of government cannot be imposed upon this nation by peaceful means?

Mr. Reiss. I said I do not feel that that question can be answered yes or no. To discuss it would lead me into a long discussion of Communist theory, which might involve questions as to the basis of my knowledge or beliefs, and that might tend to incriminate me. I also feel that that question that you ask is outside the scope of the congressional committee, and in my refusal to answer that question and other refusals, I invoke the protection of the First and Fifth Amendments.

The Chairman. In other words, you refuse to answer on the grounds that a truthful answer might tend to incriminate you?

Mr. Reiss. Yes, sir.

The Chairman. You are entitled to the privilege.

Mr. Cohn. Yes.

Now, let me ask you this, Mr. Reiss: In your opinion, who was responsible--who was the aggressor in the Korean War?

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

Mr. Cohn. I see. If you were called upon--If you had been called upon during the Korean War to fight in opposition to the Communist forces, would you have done so?

You can consult with counsel.

Mr. Reiss. I am an American citizen. I did serve before and I think if called upon, I will naturally serve.

Mr. Cohn. Including bearing arms against the Communists?

Mr. Reiss. That would have been my--necessary under the Constitution of the United States.

The Chairman. If you could try to speak up.

Mr. Reiss. I am sorry, sir.

The Chairman. I can't hear you.

Mr. Reiss. Yes, sir. As I did previously in the other war, I would have done it here.

The Chairman. In other words--if I may, counsel--do I understand then that if today or tomorrow we get into a war with Communist Russia and you were called upon to bear arms against Communist Russia and fight for the United States, your testimony is that you would do that?

Mr. Reiss. I am sorry, sir. Could you repeat that question once more?

Mr. Cohn. Would you read the question?

[Question read.]

The Chairman. Note for the record that the witness consults with counsel.

Mr. Reiss. Senator, it seems to me that involves a great many hypothetical questions.

The Chairman. Uh-huh!

Mr. Reiss. But I think it is clear that since I am an American citizen subject to the laws of the United States, if I were called into the army of the United States and to serve in it, I would have to do so.

The Chairman. Would you be willing to do so if we were fighting Communist Russia?

Mr. Reiss. On the question, I am not sure I know what you mean by the word "willing."

The Chairman. Would you refuse to do so?

Mr. Reiss. I have already stated if I were called upon to enter the United States Army, I would do so.

The Chairman. Even if we were fighting Communist Russia?

Mr. Reiss. I believe that that, again I believe that involves so many hypothetical questions as to a possible war between the United States and Russia, a war which I certainly

do not hope will take place and which I personally feel peaceful desires both of the United--American people and the Russian people will prevent from coming into existence because It would be certainly a disaster for the entire world. But I think it is clear that if in the event of such a war as in the case of a war against Germany, when I was drafted into the army, I entered into the army and performed my duties. If I were drafted into the army, I would perform my duties there.

Mr. Cohn. Do you believe in our form of government or do you believe in communism?

Mr. Reiss. Seems to me that--is that one or two questions?

Mr. Cohn. Let's break it down. Do you believe in communism?

Mr. Reiss. I refuse to answer on the basis of the Fifth Amendment.

Mr. Cohn. Do you believe in our form of government? Do you believe in a capitalistic democracy?

Mr. Reiss. I refuse to answer on the basis of the First and Fifth Amendments.

Mr. Cohn. I see. Have you--when were you last in consultation with any functionaries of the Communist party of the United States?

Mr. Reiss. I refuse to answer on the grounds previously stated--on the ground of the Fifth Amendment.

Mr. Cohn. Were you in consultation within the last six weeks with any functionaries of the Communist party of the United States concerning the forthcoming meetings of the United Nations General Assembly?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Very specifically, within the last two weeks were you in consultation with any functionaries of the Communist party of the United States concerning the General Assembly of the United Nations which was to commence this month?

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

Mr. Cohn. Specifically, were you in consultation with any functionaries of the American Communist party concerning the formulation of policy concerning an issue which was to arise in the General Assembly of the United Nations?

Mr. Reiss. I refuse to answer under the grounds previously

stated.

Mr. Cohn. I will ask the same question specifying were you in consultation with functionaries of the American Communist party concerning formulation of policy on the handling of the Korean peace issue at the meeting of the General Assembly?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Now, have you ever been in Poland, by the way?

Mr. Reiss. No, sir.

Mr. Cohn. Have you ever been abroad?

Mr. Reiss. No, sir.

Mr. Cohn. You have not. Now, let me ask you this question:

Do you know----

Mr. Reiss. May I interrupt?

Mr. Cohn. Yes, sure.

Mr. Reiss. When you say abroad, do you mean Canada, for example?

Mr. Cohn. Any place outside the Continental United States.

Mr. Reiss. Yes, sir. I was. I was in about 1925 or 1926. I went to Canada.

Mr. Cohn. Have you ever had any connection with the United States Treasury Department in any way?

Mr. Reiss. United States Treasury Department? So far as I know, no.

Mr. Cohn. Do you know William Z. Foster, national chairman of the Communist party?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Have you held any position in the United States government in any agency other than your army service at any time?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Whether or not you ever worked for any agency of the United States government? I don't understand that, you refuse to answer that.

Mr. Reiss. Yes.

Mr. Cohn. What agency?

Mr. Reiss. I was on relief for WPA.

Mr. Cohn. You were on relief, drawing relief funds?

Mr. Reiss. Of WPA.

Mr. Cohn. Were you an employee?

Mr. Reiss. Yes.

Mr. Cohn. And what--during what years?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. When you were with the WPA, were you a member of the Communist party?

Mr. Reiss. I refuse to answer under the grounds previously stated.

The Chairman. Do I understand the witness refuses to tell what years he worked for the WPA?

Mr. Cohn. Apparently.

The Chairman. Are you refusing to tell us what years you worked for the WPA?

Mr. Reiss. That was the answer.

The Chairman. You will be ordered to answer that question. I will be glad to hear, if your counsel thinks you are entitled to the privilege.

Mr. France. I understand the position the witness has stated, that he feels that to answer about his employment from the years--what was it? From 1936 on--might tend to incriminate him.

Mr. Reiss. 1934.

Mr. France. And that any employment that he had during that period might lead to questions about other matters or associations which might tend to incriminate him even though the mere fact of being on relief with WPA itself would not tend to do. That is what I understand to be his position.

Mr. Reiss. Yes.

The Chairman. I may say that while the Fifth Amendment, Mr. Counsel, is very broad and very liberally interpreted, it is the position of the chair that he is not entitled to refuse to tell us what dates he worked for the government.

If we start questioning him about any activities which might be considered illegal, he could refuse to answer, but as far as the dates and the agency, I believe he would not be entitled to the Fifth Amendment privilege. It is all a matter of record. I am going to order him to answer the question.

I may say for counsel's benefit it will lead to other

questions as to what other agencies of the government he worked for.

Mr. Reiss. Well, sir, I can't remember the exact dates. It was sometime--sometime in 1935 and 1936, and as far as I can recollect, it was sometime in 1939 and 1940.

The Chairman. In other words, from 1935 or 1936 until 1939 or 1940.

Mr. Reiss. No, no. It was during 1935 and 1936 and during 1939 and 1940.

The Chairman. In other words, two periods of time?

Mr. Reiss. Yes.

The Chairman. Did you work for any other government agency?

Mr. Reiss. Outside of the army, let's see. No, sir. Except the army, of course.

The Chairman. You were drafted into the army. You spent how many years in the army?

Mr. Reiss. From May 1942 to June--to September of 1945.

The Chairman. And you were teaching the technique of teaching at that time?

Mr. Reiss. Yes, sir.

The Chairman. Did you ever attempt to indoctrinate your students with the philosophy of communism?

Mr. Reiss. No, sir. That was a purely technical subject, and I taught nothing except the subject itself.

The Chairman. Did you ever solicit any of your students to join the Communist party?

Mr. Reiss. No, sir.

The Chairman. We are not discussing your testimony.

Mr. Reiss. This isn't that funny.

Mr. Cohn. No. It certainly isn't.

I had asked you originally about William Z. Foster. You claimed the privilege.

The Chairman. Can I ask one more question?

Mr. Cohn. Sure.

The Chairman. At the time you were teaching the technique of teaching in the army, did you attend Communist party meetings?

Mr. Reiss. I refuse to answer under the grounds of the Fifth Amendment.

The Chairman. Did you during that period of time attend any

Communist party meetings which were attended by your students also?

Mr. Reiss. I think that since I have already invoked the privilege on the question of whether or not I attended any other--any Communist meetings, I would have to invoke it here, too.

The Chairman. In other words, you feel if you told us the truth as to whether you attended Communist party meetings which were attended by your students while you were teaching in the army, that truthful answer might tend to incriminate you?

Mr. Reiss. I think I would like to repeat just what I said a moment ago, that since I have already invoked the Fifth Amendment in regard to the question of whether or not I attended any Communist meetings during that period, I would have to invoke it also on this same question.

The Chairman. May I say you can only invoke it if you think a truthful answer would tend to incriminate you. This is an entirely different question. The other question is whether or not you attended Communist meetings. You refused to answer that. The question is now, did you attend Communist meetings in that period of time which were also attended by your students? If you did not attend such meetings, of course, the answer could not incriminate you.

If you did attend, such meetings, then it is possible that your answer might tend to incriminate you. So when you say you are invoking the privilege because you refused to answer a previous question, that is not sufficient ground. The only ground upon which you can invoke it is if you feel a truthful answer might tend to incriminate you. If you feel that a truthful answer might tend to incriminate you, you can refuse to answer.

So the pending question is: Do you feel that a truthful answer to that question might tend to incriminate you?

May I say for counsel's benefit that the chair takes the position that you are not entitled to the privilege if you feel that perjury might incriminate you; that you are only entitled to the privilege if you honestly feel that a truthful answer might tend to incriminate you. That is why I asked the question, so we can determine whether or not he is entitled to the privilege.

Mr. Reiss. On that basis, I would say that I have no knowledge of any student of mine having attended a Communist meeting.

The Chairman. Did you ever attempt to--strike ``to."

Did you ever discuss the Communist philosophy--strike that again, I am sorry, Mr. Reporter.

Did you ever try to in effect sell the Communist philosophy or sell communism or indoctrinate the young men who were your students outside of the classroom? You already said you did not try to indoctrinate them in the classroom. The question is, did you try to do it outside the classroom?

Mr. Reiss. I refuse to answer on the grounds of the Fifth Amendment.

Mr. Chairman. You are entitled to it.

Mr. Cohn. Now, you are--I asked you about Mr. Foster. Now, did you at any time serve as aide to William Z. Foster in the Communist party.

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Did you accompany him constantly during any period of time?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Do you know Eugene Dennis?

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

Mr. Cohn. Do you know Simon Gerson?

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

Mr. Cohn. Have you ever been arrested or convicted of a crime?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Were you in the year 1936 in the state of Michigan?

Mr. Reiss. 1936?

Mr. Cohn. Yes.

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Were you there in 1937?



Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Were you a Communist party organizer in the year 1937?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Were you a Communist party organizer in Louisiana during part of the year 1937?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Were you arrested on May 26, 1937 in New Orleans, Louisiana, for Communist activities?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Were you at that time, secretary of the Communist party in Louisiana?

Mr. Reiss. I refuse to answer.

Mr. Cohn. At 130 Chartres Street?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Did you give your New York address as the headquarters of the Communist party of the United States on 12th Street?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Were you convicted of a violation of Section 1436 of the Michigan Penal Code in 1937? Sir?

Mr. Reiss. Just trying to rack my brain.

Mr. Cohn. Or Act 1--rather Section 902 of Act 107, both?

Mr. Reiss. What was that? I don't know what those----

Mr. Cohn. Section 107--the charge was no visible means of support and vagrancy and specifically--well, let's say that is the charge.

Mr. Reiss. Where was this?

Mr Cohn. New Orleans, Louisiana.

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. I will show you a document, which I will deem marked Exhibit 1, and ask you to examine that and then tell us.

Mr. Reiss. I have read it.

Mr. Cohn. Does that refresh your recollection? I will ask you the question again: Is your answer the same?

Mr. Reiss. The answer is the same.

Mr. Cohn. I will now show you a picture which I will deem marked Exhibit 2 and ask you whether or not that is your picture.

Mr. Reiss. I refuse to answer under the grounds previously stated. On the same grounds. Pretty.

The Chairman. Is 35 East 12th Street, New York City, the headquarters of the Communist party?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr Cohn. Interpreting this question broadly, Mr. Reiss, have you ever engaged in any espionage activities against the United States?

Mr. Reiss. What do you mean, "broadly"?

Mr. Cohn. I will just ask the question: Have you ever engaged in any espionage activities against the United States in connection with the Polish Delegation to the United Nations or to the Polish Government?

Mr. Reiss. Never.

Mr. Cohn. Pardon me?

Mr. Reiss. Never.

Mr. Cohn. Have you ever engaged in sabotage?

Mr. Reiss. What do you mean by sabotage?

Mr. Cohn. You know what sabotage is.

The Chairman. May I?

Mr. Cohn. Yes.

The Chairman. Mr. Cohn, you asked whether or not he engaged in espionage or--was it for the Polish Government? I would like to reframe that and say: Have you ever engaged in any espionage activities in this country?

Mr. Reiss. No, sir.

The Chairman. Are you aware of any espionage activities on the part of anyone in this country?

Mr. Reiss. Shall I answer that now or wait for the senator?

Mr. Cohn. No. You can answer.

Mr. Reiss. I will say I am aware of the--from the press-- that people---

Mr. Cohn. No, no. Have you any personal knowledge?

Mr. Reiss. Personal knowledge of espionage activities?

Mr. Cohn. That is right.

Mr. Reiss. No, sir.

Mr. Cohn. Have you any personal knowledge of activities seeking to bring about the establishment of a Communist government in the United States?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Have you in cooperation with any member or anyone connected with the Polish Delegation engaged in any activities?

Mr. Reiss. To establish a Communist---

Mr. Cohn. That is right, toward establishing the Communist government in the United States?

Mr. Reiss. No, sir.

Mr. Cohn. You say you have not?

Mr. Reiss. No, sir.

Mr. Cohn. Would you read that last question and answer, please, Mr. Reporter?

[Record read.]

Mr. Cohn. Have you---

The Chairman. What did the witness have to say about it? About what activities, espionage activities--

Mr. Cohn. He says he has no knowledge of that.

The Chairman. In other words, do I understand you are not aware of any espionage activities on the part of anyone?

Mr. Reiss. No, sir.

The Chairman. Have you ever discussed, Mr. Reiss, either past or potential espionage activities on the part of any members of the Communist party with other members of the Communist party, that is? If you don't understand---

Mr. Reiss. Yes, I don't quite understand that.

The Chairman. Let me rephrase it. Have you ever discussed with any members of the Communist party or heard discussed at any Communist party meetings any espionage activities on the part of any individuals?

Mr. Reiss. I refuse to answer under the grounds previously stated.\1\

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\1\ In public testimony on September 17, Julius Reiss answered:  
``As I have stated, I have never been at any meeting where I have heard

espionage advocated." Senator McCarthy then read Reiss' refusal to answer the question in his executive session testimony, and said: "The grounds previously stated were that a truthful answer might tend to incriminate you. You tell us today that you did not here discussed any espionage activities. Therefore when you appeared in executive session and told us that a truthful answer might tend to incriminate you, you were not properly invoking the fifth amendment, which of course makes you in contempt of the committee. This is a very important constitutional right which you nor any other Communist can play around with, and you don't play around with it with this committee.

I will ask the committee to cite you for contempt or perjury because you were not telling the truth when you told us that a truthful answer would tend to incriminate you. Today you said you were not present when such activities were discussed.

I may say there will be some delay in getting the citation. Can't take it up until the Senate meets. But I am getting very sick of you men engaged in the Communist conspiracy who come before this committee and abuse the privilege granted under the fifth amendment. It is a very important privilege. You are not going to use it to cover up your conspiracy, if I can help it. You will be entitled to use the privilege wherever you have the right."

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Mr. Cohn. Have you ever transmitted any information from the American Communist party to any official of the Polish Delegation of the United Nations?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Have you ever transmitted any information from any member of the Polish Delegation to the United Nations to the American Communist party?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. Who is your immediate superior up at the Polish--

Mr. Reiss. My superior? The permanent representative of the delegation.

Mr. Cohn. Who is that?

Mr. Reiss. Mr. Henryk Birecki.

Mr. Cohn. Is he a member of the Communist party?

Mr. Reiss. I have no knowledge.

Mr. Cohn. You have no knowledge?

Mr. Reiss. No, sir.

Mr. Cohn. Have you ever discussed communism?

The Chairman. May I just off the record----

[Discussion off the record.]

Mr. Cohn. Were you born here or a naturalized citizen?

Mr. Reiss. I was born here.

Mr. Cohn. What is your date of birth?

Mr. Reiss. October 24, 1907.

Mr. Cohn. Where were you born?

Mr. Reiss. New York City.

Mr. Cohn. Are you married, by the way?

Mr. Reiss. Yes.

Mr. Cohn. Is your wife a member of the party?

Mr. Reiss. I refuse to answer under the grounds previously stated.

Mr. Cohn. What is your wife's maiden name?

Mr. Reiss. Gertrude Weixel.

Mr. Cohn. Gertrude what?

Mr. Reiss. W-e-i-x-e-l.

Mr. Cohn. By the way, what was your rank when you were discharged from the army?

Mr. Reiss. Technical sergeant.

The Chairman. Were you under--pardon me, counsel.

Mr. Cohn. Go right ahead.

The Chairman. Were you under orders from the Communist party at the time you were teaching in the army?

Mr. Reiss. I refuse to answer under the grounds previously stated.

The Chairman. I am going to show you a number of copies of the Daily Worker. The first one is dated April 12, 1947, page 5, and there is an ad here which reads:

Tonight. Tonight 8:15 p.m. Joel Remes, Secretary National Youth Committee, Communist Party, Assistant Editor Political Affairs, speaks on Marxism and Liberalism. Admission 25 cents. 201 Second Avenue. Henry Forbes

--is that the section? ``Henry Forbes section." I believe the other word is.

I am going to show this to you and see if--and then ask whether this Joel Remes described in that ad is you.

Mr. Reiss. I refuse to answer under the grounds of the Fifth Amendment.

The Chairman. I wonder if you would hand it back? I have some other questions I want to ask you.

I call your attention to the Daily Worker of May 3, 1946, page 13, an article entitled "New Pamphlet on Socialism, Weapons for Same," and the subhead, "Socialism: What's In It For You?" by A. B. Magill, New Century Publisher, 10 cents."

The next subhead, "Reviewed by Joel Remes."

I want to hand that to you and ask you if that Joel Remes is you.

Mr. Reiss. I refuse to answer under the grounds previously stated.

The Chairman. I have several other questions to ask you about articles in the Daily Worker, and I perhaps could dispense with asking them; you would repeat your answer. But to make the record complete, I will go through the motion of asking. I also----

Mr. Reiss. Do you want to ask them all and then give them back to me?

The Chairman. I think that is a good suggestion. One dated November 5, 1946, page 11:

Communist Party on Theory and Practice, reviewed by Joel Remes.

Another one is dated--another issue of the Daily Worker dated June 25, 1941, page 5.

I believe I will have to ask you about each one individually because the matter is different.

May I ask whether the Joel Remes referred to in the November 5, 1946 articles, "Communist Party on Theory and Practice reviewed by Joel Remes" is that Joel Remes is you?

I assume you refuse to answer that?

Mr Reiss. Yes. I wanted to look at it. I refuse to answer. Just let me take a look at the others.

The Chairman. The next one has no significance. The one after that.

Mr. Reiss. I refuse to answer under the grounds previously stated.

The Chairman. I may say, Mr. Counsel, just off the record--

[Discussion off the record]

The Chairman. Have the record show the witness indicates that he merely refuses, unless he states some other ground, the ground is the Fifth Amendment.

I have page five of the Daily Worker dated June 25, 1941, an article entitled, "Workers School offers course in world politics." This is in the nature of a news story, and it states that Joel Remes will conduct the class which will be one of twenty classes offered during that summer.

Number one: Did you conduct such a class and are you the Joel Remes referred to therein?

Mr. Reiss. I refuse to answer under the grounds previously stated.

The Chairman. I have the Daily Worker dated June 14, 1941, page--I believe it is page eight--an article entitled "Registration opened for special Marxist summer courses to begin July 7." Is this Joel Remes referred to in here?

Mr. Cohn. Yes.

The Chairman. This story also refers to Joel Remes of the Workers School faculty.

Question: Is this Joel Remes referred to herein you, and, No. two, did you conduct such classes?

Mr. Reiss. I refuse to answer under the grounds previously stated.

The Chairman. I wonder if you will stay here a second and save the trouble of passing it back and forth.

I also have the Daily Worker dated Tuesday, September 30, page three, an article entitled, "Keep on your toes at Workers School," subhead, "Special course for outstanding teachers and additions to curriculum," and Joel Remes is referred to again in this. Is that Joel Remes you?

Mr. Reiss. I refuse to answer under the grounds previously stated.

The Chairman. One final question on this Daily Worker of September 24, 1941, page three. "Workers School course to study Socialist State."

I don't see----

Will you strike the last one, Mr. Reporter. I think that is all.

Mr. Counsel, have you any further questions?

Mr. Cohn. No, Mr. Chairman.

I was saying to the senator we will definitely want Mr. Reiss back probably sometime in the course of tomorrow. There is no use making him sit around all day, so the best thing for him to do. We are hearing other witnesses concerning his case, and there will come a point where we will have to call him back to get additional information.

Mr. France. I wonder, Senator, if I might ask this favor. I am engaged with out of town people tomorrow morning. I wonder if this could be tomorrow afternoon?

Mr. Cohn. We will certainly try to accommodate you.

The Chairman. I think we will give you the definite promise he will not be called tomorrow morning.

Mr Cohn. You know at all times where you can get him. We will wait until we need him and then we will get in touch with you. We will skip tomorrow morning in deference to your request.

The Chairman. You understand, Mr. Reiss, instead of having you sit around in the outer room waiting until you are called, we will leave it that when we need you, we will call your counsel.

Mr. France. Thank you.

The Chairman. And let him know where you are at all times so he can get you in a half hour's notice.

Mr. Reiss. In terms of time, it will be in the daytime?

The Chairman. Yes.

Mr. Reiss. Between what hours?

The Chairman. Never be before ten; never be after at the very latest 4:30. In other words, you need not worry about it before ten o'clock and need not be worried after 4:30. In fact, I would say four o'clock. Let's make it four o'clock. After four o'clock we won't be calling you.

Mr. France. Excuse me. For your information, my telephone number is MU 6-0450.

Mr. Cohn. Mr. Reiss, I forgot to ask you this. Confirmatory of something. How many other American citizens work in the



Polish Delegation?

Mr. Reiss. How many others?

Mr. Cohn. Yes.

Mr. Reiss. I really can't answer that, I am sorry.

Mr. Cohn. Will you name the ones? Would you name the ones that you know of?

Mr. Reiss. You mean the ones I actually know on the permanent staff there?

Mr. Cohn. Yes.

Mr. Reiss. I don't know their names. Right now I think there is a chauffeur named Sal.

Mr. Cohn. How do you spell it?

Mr. Reiss. S-a-l. That is a chauffeur.

Mr. Cohn. Who else?

Mr. Reiss. Employed there now?

Mr. Cohn. Yes.

Mr. Reiss. There is a cleaning woman who comes in there and I don't know who she is employed by.

Mr. Cohn. Let's forget about the cleaning woman for the moment.

Mr. Reiss. Employed in the office of the permanent delegation?

Mr. Cohn. I don't know about permanent or temporary or anything like that; but any other American citizen working for the Polish Delegation.

Mr. Reiss. The only one I know of is this fellow Sal.

Mr. Cohn. You know of no others?

Mr. Reiss. No.

Mr. Cohn. Do you know of any Americans employed by any other foreign delegations?

Mr. Reiss. By my other office?

Mr. Cohn. Specifically, do you know of any American employed by the Czechoslovakian Delegation?

Mr. Reiss. No, sir, I don't know whether they employ them or not.

Mr. Cohn. Do you know of any other American employed by another foreign delegation to the United Nations?

Mr. Reiss. Any other American employed by foreign delegations?

Mr. Cohn. Yes.

Mr. Reiss. Frankly, I don't know. I might have bumped into somebody, any of the other delegations, and it is possible I might know, but at the moment it doesn't strike me.

Mr. Cohn. Okay. Thank you.

The Chairman. One final question. Did you ever make arrangements for or accompany any Polish delegate to the Communist headquarters where he spoke to a group?

You are not clear on that?

Mr. Reiss. Yes, I understand the question.

No, sir.

The Chairman. I have nothing further.

Mr. Cohn. Okay.

Mr. France. Good night.

[Witness excused.]

TUESDAY, SEPTEMBER 15, 1953

TESTIMONY OF ABRAHAM UNGER (ACCOMPANIED BY HIS COUNSEL, BERNARD JAFFE)

The Chairman. Will you stand and raise your right hand, please?

In this matter now on hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Unger. I do.

Mr. Jaffe. May I ask the senator something?

Mr. Unger. I was served with this subpoena yesterday. I haven't had a chance to talk to him until about noon or so today, and I was wondering whether or not we could possibly adjourn this hearing so that I could have an opportunity to look into the matter.

The Chairman. Well, how much time would you want?

Mr. Jaffe. Well, I would like a week, if possible.

Also, whom am I speaking to? I know you; you are Mr. Cohn. Who is this gentleman?

Mr. Cohn. I am Mr. Cohn, counsel for the committee. This is Senator McCarthy.

This is Frank Carr, executive director of the committee. This gentleman here is from the legal division of the United Nations.

Mr. Unger. I see. I make that same request. I think it is a reasonable request which should be granted, if at all possible. But in addition, I think you ought to indicate to me what the purpose of the examination is so that I might have some idea why it is that you are calling me as a witness. What is the object of this inquiry by this senatorial committee? Those are the two things we address to you.

The Chairman. I think your second request is certainly reasonable, that you be notified why you are called. Obviously, you are entitled to that. I believe until you know why you are called and what information the committee wants from you, it will be impossible for you to know from you whether you need a day, or a week, or how much adjournment you need. You are called in connection with an investigation of Communist influence in the UN and in connection with alleged Communists working there, one of whom, Mr. Remes, or Mr. Reiss. I think his name now is Mr. Reiss--according to our information, worked either for you or in your office, and I think the information we want to get from you principally is with regard to this fellow Remes. Now, I would suggest---

Mr. Unger. You are off on the wrong track, I want to tell you that right now.

The Chairman. May I say this, that after Roy starts questioning you, if you feel that you need a week's time to discuss the matter with your lawyer, that is something that can certainly be considered. I am inclined to think that the questions will be of such a very simple nature that you won't need any additional time on them.

Let me say this: I will let counsel proceed, and if after he asks certain questions you think that you need additional time, I am sure we can work that out.

Mr. Jaffe. Let me say this, Senator: I am a lawyer; I don't know anything about the questions you are going to ask or anything else. As far as I am concerned, whatever the problem is, I would need time, because I don't know what the entire

situation is. Now, it may be that Mr. Unger wants to go ahead without that. I mean, as far as I am concerned, you tell me this; the names that you refer to don't mean anything to me. Whether they mean anything to Mr. Unger, I don't know.

Mr. Cohn. You are not the witness.

Mr. Jaffe. I understand that. What I would like to do is to have an opportunity to consult with him before I can advise him about anything.

The Chairman. I think that is a reasonable request. You can use the private office to discuss the matter, and then we will take----

Mr. Cohn. There is only one name, Joel Remes, also known as Julius Reiss.

Mr. Unger. I certainly would defer to counsel in the suggestion that you make to confer together, and as we are told here, it can be done privately.

But I will say this, so that there will be no question about it. We are being given representation here that is the purpose of the inquiry in so far as this witness is concerned. On that representation, I see no reason why we can't ascertain what it is that they are inquiring about as indicated here, and then if any situation arises which requires conferring, we will confer.

The Chairman. I think that is a good suggestion. If something arises which makes you feel it is necessary to have a conference, or a postponement, we can work it out. I am sure. We will have no trouble about that.

Mr. Cohn. Could we have your full name, please?

Mr. Unger. I gave it to the stenographer--Abraham Unger.

Mr. Cohn. And you gave your address?

Mr. Unger. I did.

Mr. Cohn. Fine. What is your profession, Mr. Unger?

Mr. Unger. Lawyer.

Mr. Cohn. You practice in New York?

Mr. Unger. I do.

Mr. Cohn. You are admitted to the bar in New York?

Mr. Unger. I am admitted to the bar in New York.

Mr. Cohn. And to the federal court?

Mr. Unger. Yes.

Mr. Cohn. Have you practiced before any government

agencies?

Mr. Unger. Do I practice? Yes.

Mr. Cohn. Which one?

Mr. Unger. Immigration. I don't recall that I practiced before any other at this time--workmen's compensation, perhaps--one being federal, one being state.

Mr. Cohn. Mr. Unger, we have had testimony here that a man by the name of Joel Remes, also known as Julius Reiss, has worked under your supervision; is that true?

Mr. Unger. It is not.

Mr. Cohn. Do you know Joel Remes?

Mr. Unger. If it is the person referred to in the press, in the newspaper yesterday, I assume it is the same person who is identified as Mr. Reiss----

Mr. Cohn. That's right.

Mr. Unger. I know who he is, yes.

Mr. Cohn. Have you ever met him?

Mr. Unger. Yes.

Mr. Cohn. Under what circumstances?

Mr. Unger. He has come to our office, consulted with us. He has also done some research work in or about or out of the office of a perfectly innocent nature, such as of a kind that I would consider not even important enough to remember, the sort of thing that anyone--that you might do, that you might come to the office and ask to look at a file--rather at a record on appeal, or a case, and I would show it to you, and I wouldn't even remember whether you had been there or not.

Mr. Cohn. I don't quite understand that. Was he in your employ?

Mr. Unger. He was not. I have answered that question already.

Mr. Cohn. I don't quite understand the situation as you give it to me.

Mr. Unger. I said to you he came to my office to consult with us on occasion.

Mr. Cohn. About what?

Mr. Unger. As a client.

Mr. Cohn. As a client?

Mr. Unger. I have no recollection what matter it was. Again, it was of no significance, absolutely of no

significance.

Mr. Cohn. You say he came to your office to consult with you on an attorney-client basis concerning a legal matter; is that right?

Mr. Unger. That's right.

Mr. Cohn. Concerning how many legal matters did he consult with you?

Mr. Unger. I have no recollection.

Mr. Cohn. Pardon me?

Mr. Unger. I have no recollection.

Mr. Cohn. Did he ever work for you?

Mr. Unger. He did not.

Mr. Cohn. He did not work for you in any respect?

Mr. Unger. I answered that.

Mr. Cohn. I know you answered it, but how does that square with the fact he told us that he has reported income received from your law firm for the year of 1950?

Mr. Unger. I say he did not work for me. I have never--I never recall employing him. If he worked for our office he certainly wasn't working there with my knowledge.

Mr. Cohn. Well, would you have knowledge of someone working in your office? Do you know which people are employed by your office?

Mr. Unger. No. The fact might be--well, what might be the case is that in some matter that he was working on, not under my supervision, he may have been on the payroll in the office for the purpose of a case, possibly, I wouldn't know.

Mr. Cohn. Do you know that?

Mr. Unger. No, I wouldn't know.

Mr. Cohn. Will you check that for us?

Mr. Unger. I probably can.

Mr. Cohn. All right.

Mr. Unger. Probably can.

Mr. Cohn. That is as to the year 1950, particularly. As far as your testimony, as far as you know, he retained your office, he consulted your office as a client, in a legal matter, the nature of which you didn't recall at all?

Mr. Unger. That's right. It is of no significance. And beyond that, he has been to the office, I am sure that goes back a number of years, in the course of doing some research

work of a nature that didn't concern me.

Mr. Cohn. What do you mean by research work?

Mr. Unger. He might have looked at a file in the office-- that is to say, a case on appeal, a record.

Mr. Cohn. Did he----

Mr. Unger. I don't know. What specific one? I haven't the faintest idea.

Mr. Cohn. That is pure conjecture on your part, as to whether he did or not?

Mr. Unger. As to whether he did, it is not conjecture; it isn't actually knowledge in the sense that I actually saw him sit down and do it, but I know that he was a person who was doing research work.

Mr. Cohn. You have no idea as to the nature of the work?

Mr. Unger. No, it was of no importance to me. It was insignificant.

Mr. Cohn. Did it have anything to do with the preparation of the defense of any persons indicted under the Smith Act?

Mr. Unger. It may have.

Mr. Cohn. Do you know whether or not it did, Mr. Unger?

Mr. Unger. I don't.

Mr. Cohn. You have no knowledge?

Mr. Unger. No.

Mr. Cohn. Did you do any such work?

Mr. Unger. Did I do any such----

Mr. Cohn. Did you do any such work concerning the preparation of the defense of persons indicted under the Smith Act?

Mr. Unger. I think that is irrelevant to the subject of inquiry. That has to do with the question of attorney-client relationships, which obviously are not something which you should inquire into.

Mr. Cohn. In other words, your testimony is whether or not you did any work of that nature is a confidential communication from a client to you; is that right?

Mr. Unger. That's right.

Mr. Cohn. Is that your testimony?

Mr. Unger. Yes, of course. It is self-evident, Mr. Cohn.

Mr. Cohn. Well, let us not argue. Just try to answer the questions.

Mr. Unger. I have.

Mr. Cohn. Did you know him by the name of Remes or Reiss?

Mr. Unger. Actually, I don't think I ever heard the name Remes, only Reiss.

Mr. Cohn. Then it was the name Reiss?

Mr. Unger. Reiss.

Mr. Cohn. All right. Now, is Mr. Reiss, to your knowledge, a member of the Communist party?

Mr. Unger. On that subject, I would say to you I object to the question on the grounds of principle. I think, for one, on the basis of what you have already represented here, that is not a relative question to the inquiry; and secondly, I object on the ground it is not within the purview of a congressional committee, this one, to inquire into the political beliefs and opinions of persons. And thirdly, that it is proper on my part to identify any person--to describe, rather, the political opinions or beliefs of any person. That is a matter between himself and yourself, if he decides to state it.

The Chairman. If the refusal is on that ground, you will be ordered to answer.

Mr. Unger. I didn't hear you.

The Chairman. If, I say, if the refusal is on that ground, you will be ordered to answer.

Mr. Unger. I see.

Mr. Cohn. You are free, of course, to consult any time you want with counsel.

Mr. Unger. I understand. I want you to understand, I said to you I believe as a matter of principle you have no right to make such inquiry.

Mr. Cohn. I heard what you said, sir.

Mr. Unger. You have indicated very plainly that the purpose of your inquiry to me--you have represented to me was to find out whether or not this man was working for me. I have stated to you what I do know about him.

The Chairman. And what you know about him?

Mr. Unger. What?

The Chairman. And what you know about him.

Mr. Unger. You haven't asked me what I know about him. You asked me what I know about his political beliefs, and opinions. That is an entirely different subject.



The Chairman. Counselor didn't ask you about his political beliefs and opinions?

Mr. Unger. Yes, he did.

The Chairman. He asked you whether he was a Communist.

Mr. Unger. That is a political belief or opinion.

The Chairman. That is whether or not he belongs to a conspiracy that is dedicated to overthrow this government. You will be ordered to answer the question.

Mr. Unger. Senator, I want to say to you again that your statement as to what the Communist party is is simply a volunteered personal comment which you make, and while there is no one to stop you from doing so, you can hardly consider that it is acceptable as either evidence or as a basis for a question within the purview of the examination. You have indicated what you were concerned with here is this man's connection with me or my office.

Mr. Cohn. And with the Communist party.

The Chairman. You are here to give up any information which you have about this man. Counsel asked you a very simple question, whether or not he is a Communist. You will be ordered to answer the question.

Mr. Unger. I have stated to you----

The Chairman. I have heard what you stated.

Mr. Unger [continuing]. That I think you are not giving it sufficient consideration, Senator. I understand what your purpose is. I know that you are going after Communists, and that is a fairly well-known activity on your part, and it is not my purpose here to debate that question with you. You have the power to do so at present, and you seem to be exercising it for your own purposes. But the point that I make to you is that as a legal question you have no right to inquire into the political beliefs and opinions of people, as in this instance as to ask anyone concerning the political beliefs and opinions of another, just as you wouldn't have the right to ask me concerning your own political beliefs and opinions or your own religious beliefs and opinions, and I have tried to state that to you as fully and as fairly as I can.

The Chairman. I understand your position, but you will be ordered to answer the question.

Mr. Unger. All right, I shall confer.

The Chairman. What did you say?

Mr. Unger. I said I shall confer with counsel.

Mr. Jaffe. You have called Mr. Friedman as a witness----

Mr. Cohn. He is Mr. Unger's partner, is that right?

Mr. Jaffe. Yes, and I am here with him as well, under the same difficult conditions.

Mr. Cohn. Talk to him as well.

All right, it is the same facts, and everything else.

The Chairman. Incidentally, your client will be ordered not to leave the building. He is under subpoena.

[Whereupon, the witness was temporarily excused.]

TESTIMONY OF ABRAHAM UNGER (ACCOMPANIED BY COUNSEL, BERNARD JAFFE) (RESUMED)

Mr. Unger. During the recess I conferred with my partner, and he has reminded me that we were the attorneys of record in the original Smith Act trial, and that in the course of that time a number of people were employed for various tasks, among which was the job of research, and among whom was Mr. Reiss, who was on a payroll which was handled by him, by my partner, whose name is David M. Friedman, and I think that is the complete story. How long a period of time he worked there, whether it was months or weeks, I have no recollection.

Mr. Cohn. So the specific matter on which Mr. Reiss was working was research in connection with the defense of the Communist leaders, your firm having been attorneys of record for them?

Mr. Unger. That is the employment to which you refer.

Mr. Cohn. All right, sir, fine. That clears that up. Now, can we get back to the question as to whether or not you knew--

--

Mr. Unger. I restate my objection, and also add the further fact that I do not know.

Mr. Cohn. Pardon me?

Mr. Unger. I do not know.

Mr. Cohn. You don't know?

Mr. Unger. I don't.

Mr. Cohn. You have no knowledge as to whether he is or is not a Communist?

Mr. Unger. Precisely.

Mr. Cohn. Or whether he was or was not in the year 1950?

Mr. Unger. That's right.

Mr. Cohn. You have no knowledge of that?

Mr. Unger. Precisely.

Mr. Cohn. Were you yourself at that time the head of the professional group of the Communist party in this area?

Mr. Unger. I object to the question, and here we are back again to the original issue raised by the senator's representation and the representation made by the counsel for the committee. It has been represented to us that this was an inquiry into the employment or association of Mr. Remes or Reiss, myself and my partner. There is no relevancy in the question now propounded in so far as the nature of the examination being conducted here, and it is not within the province of this committee to make such inquiry as to the political beliefs and opinions of myself. I object, for the reason that this is an intrusion upon the personal political rights and freedoms of an individual, and entirely outside the scope and powers of a congressional committee, having no relevancy to the subject of an investigation, not being pertinent or material to the investigation, and intended solely for ulterior purposes which are improper and unlawful, and I therefore object to answering that question.

I further would indicate that that is a violation of the representation already made by the chairman of the committee and by counsel for the committee.

Mr. Cohn. That is just not accurate.

Mr. Unger. I insist that it is.

The Chairman. You have your position. Let us see. Number one, Mr. Cohn, you certainly are strictly within the jurisdiction of the committee when you inquire with regard to this UN employee, Mr. Reiss, when you inquire as to his Communist connections, whether he belongs to a conspiracy against this country. I think that you are within your right when you inquire as to whether or not he was the employer who worked in defense of men accused of teaching and advocating the overthrow of the government by force and violence. I believe to go into the background of Reiss and to get the full picture of him you must get the background of anyone associated with him.

Mr. Cohn. Of course, this witness says he doesn't know whether or not Reiss is a Communist. As you know, Mr. Chairman, we have some evidence to the contrary, and it appears that Mr. Reiss was a member of the party.

The Chairman. In other words, you have got information that shows this witness either knows or should know that Reiss was a Communist; is that right?

Mr. Cohn. That's right.

The Chairman. And one way to evaluate his testimony is to find out whether or not he is in a position to know whether or not he was a member of the Communist party. In addition to that, he works for government agencies--this witness himself does.

Mr. Unger. Who does?

The Chairman. Practices before government agencies. I think there is no question about that. Don't you think so?

Mr. Cohn. There is not.

The Chairman. The witness will be ordered to answer the question.

Mr. Jaffe. May I say this, Senator----

The Chairman. No. I may say that you may advise with your client fully, but the rules of the committee, that have been adopted by the several members of the committee, are that a lawyer can advise with his client as freely as he cares to at any time, but the lawyer is not allowed to take part in the proceedings. Therefore, you can advise with your client as much as you care to. If there are any questions in mind that you care to ask Mr. Cohn and myself, we will be glad to try and answer them for you

Mr. Jaffe. That is what I mean. Can I ask you a question?

The Chairman. Oh, certainly.

Mr. Jaffe. See, when we first started, and I suggested that an adjournment would be desirable, you indicated that the scope of the inquiry would be about this man Riess.

The Chairman. Yes.

Mr. Jaffe. And, well, as far as I am concerned, as a lawyer, if somebody wants to answer a few questions about a particular individual, he can go ahead.

But are you now indicating that this man's whole activities, just like Reiss' whole activities, were open for

your inquiry, now this man's whole life, and his opinions, and his activities, become open for inquiry?

The Chairman. I am not concerned with his opinions at all. One of the questions is whether or not Reiss was a high functionary of the Communist party. This witness says he doesn't know. It is very pertinent to find out whether he is in a position to know or not. He has been asked a very simple question, whether or not he himself is high in the party. If so, he would know whether Reiss is a member. He will be ordered to answer that, unless he wants to take advantage of the Fifth Amendment, of course.

Mr. Jaffe. Well, I wonder whether I might act upon your earlier suggestion, then, and request an adjournment of this so that I can discuss this with him fully, because this opens up an entirely new area of inquiry, if I am to participate in it.

The Chairman. I think that is a reasonable request.

Mr. Unger. I should like to state for the record that the witness has been misled by representations made by the senator and a member of the bar in this inquiry, that after carefully thinking over the problem, no reasonably minded person can come to the conclusion that the questions presently propounded, or the line of inquiry that seems to be indicated has any relevancy to, has any bearing upon what was represented to be the subject of the inquiry.

I have thought very carefully in the few minutes concerning that matter, and I say, therefore, that the inquiry is not now within the purview set down by the--within the purview of the subject matter of the investigation or represented by the senator and the counsel.

The Chairman. Do you want an adjournment? I won't hear any statement, if you want an adjournment. I am not going to spend any more time with you. Are you asking for an adjournment?

Mr. Unger. I concur with the request of counsel for an adjournment.

The Chairman. All right. You will be given a recess until tomorrow morning at 10:30. I may say, for your benefit, under the rules of the committee, this committee has absolute jurisdiction if we wanted to go into any subversive activities on your part, in view of the fact that you are admitted to practice before a United States agency. That is not the

principal purpose of this hearing. What we are interested in are the subversive activities of Mr. Reiss. We will give you adjournment until 10:30 tomorrow morning.

Mr. Unger. I will be in court at 10:30 tomorrow morning. I have a court engagement set before this.

Mr. Cohn. What is the engagement?

Mr. Unger. The case of People vs Vitale and two others.

Mr. Cohn. Where is that? What court?

Mr. Unger. In felony court, youth term.

Mr. Cohn. Here in Manhattan?

Mr. Unger. Yes.

Mr. Cohn. How long do you imagine that is going to take?

Mr. Unger. Maybe twelve, one o'clock.

Mr. Jaffe. May I request your indulgence, Senator, for my own purposes? As I say, I was called into this on very, very short notice. My own schedule today is disrupted and it is very crowded tomorrow. As a result, I wonder whether or not you could indulge me in some additional time beyond that, so that I can really have an opportunity to talk to him and know whether or not I can go ahead or should represent him.

The Chairman. Well, here is our only problem. I certainly would like to give you all the time that you think you need to examine this legal question. We have the entire staff up here; we have other work set for next week and the week after. Our schedule calls for disposing of this this week. I don't think we should disrupt your client's legal work that he is planning on doing tomorrow morning. If he is going to be in court until one o'clock, he shouldn't be asked to come here and testify. I frankly don't think it is unreasonable if we gave him instead of 'til 10:30 in the morning, in view of this court work, that we give him until some time tomorrow afternoon.

We can do this: We can try and suit your convenience as to the time we set for tomorrow afternoon. In other words, if it will be easier for you to come in at 2:30, or 3:30, or 1:30, we will try and accommodate you as to that.

Mr. Unger. You said at the outset that you will put it off until next week.

Mr. Cohn. No, Mr. Unger, please.

Mr. Unger. Was I mistaken?

The Chairman. No, you asked for a week's adjournment and I

said if the matter came up and we needed additional time, we would try and work it out.

Mr. Jaffe. This is an inquiry into Mr. Unger himself. Now, I don't know what is involved personally, again. I am a lawyer. I would like to inquire into it. I have heard Mr. Unger object to this statement. I would like to discuss that with him, and frankly, Senator, I realize that you are taking Mr. Unger's convenience into consideration, but I want you to take into consideration my own convenience.

Mr. Unger. I want to say, Senator--to aid you in forming a judgment--I want to say to you, you have been told everything there is to know concerning the relation of Mr. Unger or Mr. Friedman with Mr. Remes, or Mr. Reiss.

Mr. Cohn. You say that now, Mr. Unger.

Mr. Unger. What?

Mr. Cohn. I say, you say that now. A few minutes ago you were equally sure that Mr. Reiss had never been paid any money by your firm, or he had not been employed by your firm.

Mr. Unger. That means nothing inconsistent. When I say "equally sure," I meant just what I said, and as far as I was concerned, he was not employed by us, and as a matter of fact you might have asked about ten or fifteen other persons who were employed in the same manner, and my answer would undoubtedly have been the same, because in the course of my practice as an attorney with my partner, I normally would know the people that we employed. We employed a stenographer, we may have employed a clerk, and that would be the end of it. This happened to be a special and a very peculiar kind of relationship that lasted for a short period of time, and as you yourself are aware of, it was in connection with one case. That is an obvious explanation for my having made the statement. I didn't make the statement out of bravado, or out of a simple desire to answer your question, but out of a conviction that that was the fact. I find out that I am in error about it. I correct that statement. You now have everything, practically everything--I say practically, because I don't again want to be held to whether or not I saw him one day on the street. You now have everything that there is to know which might have any relevancy to an inquiry by a Congressional committee concerning the relation of Mr. Friedman or with Mr. Remes or Mr. Reiss,

period.

Mr. Cohn. You see, the senator has to pass judgment on the question of relevancy. You don't know what we have and what we want to do.

Mr. Unger. I said to you now, when I say, `` relevancy," all that I mean by that is that it excludes such a question as whether or not I had a drink with him one day. But insofar as it has anything to do with any business relations of any kind, you have got the whole story, because that is all there is to it. There is nothing more to it than that.

Mr. Cohn. The question we have now--I mean we have to ask the questions we have to ask--the matter of adjournment.

The Chairman. Number one, it is important to know what, if any, dealings he had with this man as a member of the Communist party.

Mr. Unger. You have been told what they were.

The Chairman. Please don't interrupt. It is important to know what dealings he had with this man Reiss, who has been identified as a top functionary of the Communist party, in order to pass upon the veracity of this witness, his credibility, and to know what position he was in, to know whether or not Reiss was a Communist. It is certainly relevant to know whether this man was a top member of the party. I think if counsel makes a point, however, that it is a very important matter to him. He was subpoenaed yesterday.

Mr. Cohn. Of course, the witness is a member of the bar himself.

The Chairman. He is a member of the bar and he has been dealing with this particular type of work, so it is not new to him at all, in defending these cases.

We will give you your choice, whether you want to come in at 9:30 Thursday morning--that is a bit early--or if you want to come in sometime Wednesday afternoon, and tell us what time you prefer. I might say, we are trying to accommodate you as to the time on Wednesday afternoon.

Mr. Jaffe. Couldn't you make it at least Thursday afternoon, Senator, after your public sessions are over?

The Chairman. We cannot, because the public sessions will last most likely Thursday and Friday.

Mr. Jaffe. At any time that they are over in the



afternoon--you see, it would be so much better for me, frankly.

One of my partners is away right now.

Mr. Unger. Why don't you put it over 'til next weekend?

Mr. Cohn. We can't do it.

Mr. Jaffe. If you put it over 'til Thursday or Friday, any time.

Mr. Cohn. We can't do it, Mr. Unger. We have to get this over with. We have a lot of other witnesses.

Mr. Unger. Why don't you take your other witnesses, if your object is, as you state, or represented to me--or as you state it in the newspapers--then I don't know why you persist in saying that you have to have it tomorrow, when you are now told that there is no more that you can get that has any bearing at all on this matter in the remotest way?

The Chairman. The information that has a bearing is whether or not you are a top member of the party.

Mr. Unger. I didn't hear you.

The Chairman. The information that has a very direct bearing is whether or not you yourself were a top member of the party.

Mr. Unger. I thought you were making an inquiry into Mr. Remes, or Reiss.

The Chairman. We are not going to argue with you.

Mr. Unger. The whole point is in reference to the adjournment.

Mr. Jaffe. If you can't put it over 'til next week, couldn't you make it the afternoon of Thursday or Friday? Any time you say; you can give me a call, or give Mr. Unger a call when you are finished.

Mr. Unger. That's an idea. Give me a call, and give me a couple of hours notice. Do you want to do it that way, on a couple of hours notice?

The Chairman. We will make it Thursday afternoon at two o'clock.

Mr. Jaffe. All right. Now, would the same thing apply to Mr. Friedman?

The Chairman. Yes.

Mr. Jaffe. Because the same information would be given by Mr. Friedman.

Mr. Cohn. They are probably in the same boat.

Mr. Jaffe. And you propose to ask Mr. Friedman about his--

--

The Chairman. Yes. Just so there will be no question about the scope of the examination, we will question both Mr. Friedman and Mr. Unger on the activities of Mr. Reiss or Mr. Remes, the capacity in which he worked in the office, the type of work he was doing, whether he was known to them as a Communist, anything else about him that would reflect upon that question, and we will ask both Mr. Unger and Mr. Friedman about their own activities, if any, within the party. That will be necessary so that we can determine whether or not they are in a position to know whether he was a Communist or not, and I may say, just for the benefit of counsel, we have a rule of the committee, passed unanimously by the committee, to the effect that the chair can institute preliminary investigations, call witnesses on any matter having to do with the business of the federal government, so that even if Mr. Reiss' United Nations matter were not up here, my interpretation of the authority of the committee would be that we could call Mr. Unger anyway, in view of his having been admitted to practice before a federal agency. I bring that up because Mr. Unger was questioning the jurisdiction of the committee.

I think we should subpoena, Roy, the records having to do with the payments made to Mr. Reiss.

Mr. Cohn. Bring down just whatever you have reflecting whatever payments were made to Reiss at any time by your firm or by yourself.

Mr. Unger. I can see no reason offhand for not having them, but I shall have to discuss that with my partner.

The Chairman. So the record will be clear, the witness is ordered to produce the records showing payments made to Mr. Reiss, or showing the type of work that Mr. Reiss did while in the employ of the witness Unger, or his partner, Mr. Friedman, or the firm. That will be two o'clock on Thursday. [Witness excused.]

TESTIMONY OF STANLEY BERINSKY

(TUESDAY, NOVEMBER 5, 1953)

The Chairman. Will you raise your right hand, please.

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

Mr. Berinsky. I do.

The Chairman. Your name is Stanley Berinsky?

Mr. Berinsky. Yes.

The Chairman. Are you also known as Simon? Is that part of your name?

Mr. Berinsky. Simon is on my birth certificate but it was changed two weeks after birth.

The Chairman. Are you presently employed at Fort Monmouth?

Mr. Berinsky. No, I am not.

The Chairman. When were you last employed at Fort Monmouth?

Mr. Berinsky. June of 1952.

The Chairman. What is your present occupation?

Mr. Berinsky. Steam engineer, Stavid, in Plainfield, New Jersey.

The Chairman. What is your home address?

Mr. Berinsky. 191 Rod Street, Metuchen, New Jersey.

The Chairman. When you left Fort Monmouth in 1952 were you suspended?

Mr. Berinsky. No, I was not.

The Chairman. Did you resign?

Mr. Berinsky. Yes.

The Chairman. Were you in effect forced to resign or did you resign of your own volition?

Mr. Berinsky. I resigned of my own volition.

The Chairman. Were you accused of any improper conduct, Communist connections prior to your resignation?

Mr. Berinsky. Yes.

The Chairman. Would you tell us about that?

Mr. Berinsky. Prior to the time that I left, I was told that my security clearance had been lifted pending investigation, and I don't know, the period may be about a year or more.

The Chairman. In other words, the investigation was pending

for about a year?

Mr. Berinsky. Yes.

The Chairman. What were you accused of?

Mr. Berinsky. I don't think I was accused of anything in so many words. I gathered from the discussions I had with the FBI, the matter concerning the fact my mother had been a member of the Communist party.

The Chairman. Did they serve a letter of charges on you?

Mr. Berinsky. You mean a formal notice of charges?

The Chairman. Yes.

Mr. Berinsky. I don't recall anything like that.

The Chairman. Your mother's name was Mary, was it?

Mr. Berinsky. Yes, that is correct.

The Chairman. And her last name is?

Mr. Berinsky. B-e-r-i-n-s-k-y.

Mr. Carr. Is she also known as Mona?

Mr. Berinsky. Yes.

The Chairman. Was she a member of the party?

Mr. Berinsky. I don't know.

The Chairman. How long since you lived with her?

Mr. Berinsky. I lived with her, since--oh, it would be 1940 when I went away to college.

The Chairman. In other words, you lived at your mother's home until you went to college?

Mr. Berinsky. Yes.

Mr. Carr. Your mother was a member of the Communist party for fifteen years and you don't know it?

Mr. Berinsky. I don't know.

Mr. Carr. Secretary of the community branch in your town and you didn't know?

Mr. Berinsky. I knew she belonged to various organizations. What they were----

Mr. Carr. How old were you when you left home?

Mr. Berinsky. Seventeen in 1940. I went away to college.

Mr. Carr. Even now you don't know that she is?

Mr. Berinsky. I know now she is not. She told me she had resigned because of me mainly.

Mr. Carr. She has resigned from the Communist party?

Mr. Berinsky. She told me she had resigned.

The Chairman. Let's get this straight. I know it is unusual

to appear before a committee. So many witnesses get nervous. You just got through telling us you did not know she was a Communist; now you tell us she resigned from the Communist party? As of when?

Mr. Berinsky. I didn't know this until the security suspension came up at Fort Monmouth.

The Chairman. When was that?

Mr. Berinsky. That was in 1952.

The Chairman. Then did your mother come over and tell you she had resigned?

Mr. Berinsky. I told her what happened. At that time she told me she had been out for several years.

The Chairman. You went to your mother's home after the security hearing?

Mr. Berinsky. Yes.

The Chairman. And up to that time you had no knowledge of any kind that she was a Communist?

Mr. Berinsky. No, sir.

The Chairman. You went to see her sometime in 1952?

Mr. Berinsky. Probably earlier because this thing started in 1951. Right after they first spoke to me. The reason I went, I directed the people who spoke to me to see her personally, so I told her about that coming up.

The Chairman. You told her they were coming? In other words, you knew the FBI had been to see your mother. You told them to go there. You told the FBI to go see your mother. Did you then ask your mother, "Are you a Communist?"

Mr. Berinsky. No.

The Chairman. Well, did you ever ask her if she was a Communist?

Mr. Berinsky. No, sir.

The Chairman. Did the FBI ask you if she was a Communist?

Mr. Berinsky. Yes, I believe they did.

The Chairman. What did you tell them?

Mr. Berinsky. I said I didn't know.

The Chairman. When you went to see her, weren't you curious? If somebody told me my mother was a Communist, I'd get on the phone and say, "Mother is this true?"

Mr. Berinsky. We discussed the thing and she brought up the fact that she had resigned.

The Chairman. When you discussed it, did you ask her if she had been a Communist?

Mr. Berinsky. Not directly in so many words.

The Chairman. Did she tell you how long she had been a member of the party?

Mr. Berinsky. No.

The Chairman. You didn't ask her?

Mr. Berinsky. No.

The Chairman. Did she tell you when she resigned?

Mr. Berinsky. Probably did. I am trying to recall. 1945 or 1946, something in that order.

The Chairman. Did she tell you why she resigned?

Mr. Berinsky. It seems to me she probably did it because I held a government job and she didn't want to jeopardize my position.

The Chairman. In other words, it wasn't because she felt differently about the Communist party, but because she didn't want to jeopardize your position?

Mr. Berinsky. Probably.

The Chairman. Was she still a Communist at heart in 1952?

Mr. Berinsky. Well, I don't know how you define that.

The Chairman. Do you think she was a Communist, using your own definition of communism?

Mr. Berinsky. I guess my own definition is one who is a member of the party. No.

The Chairman. Let's say one who was a member and dropped out and is still loyal to the party. Taking that as a definition, would you say she is still a Communist?

Mr. Berinsky. Do you mean in an active sense?

The Chairman. Loyal in her mind.

Mr. Berinsky. That is hard to say.

The Chairman. Is she still living?

Mr. Berinsky. Yes.

The Chairman. Have you ever asked her whether she still believes in communism?

Mr. Berinsky. No.

The Chairman. How often did you get home?

Mr. Berinsky. Well, once a week or every two weeks, something like that.

The Chairman. You have got no thought one way or the other

as to whether she is still loyal to the Communist party?

Mr. Berinsky. No, it is something we don't discuss. We never have discussed it.

Mr. Carr. There is no doubt in your mind that she was a Communist in the sense that she was a member of the Communist party, active in it, and no doubt in your mind that she retains a sympathy towards the Communist party?

Mr. Berinsky. That is probably true.

Mr. Carr. She is still your mother and you are finding it difficult to say this, but she is still sympathetic towards the Communist party. She dropped out merely to make it easier for you?

Mr. Berinsky. Yes.

Mr. Carr. How many brothers and sisters do you have?

Mr. Berinsky. None.

Mr. Carr. Is your dad living?

Mr. Berinsky. Yes.

Mr. Carr. Where is he working?

Mr. Berinsky. Trenton, New Jersey. He is a wholesale meat dealer.

Mr. Carr. He is not doing any government work?

Mr. Berinsky. No.

Mr. Carr. Has he ever done any government work?

Mr. Berinsky. No.

Mr. Carr. Is your mother working?

Mr. Berinsky. No.

Mr. Carr. Has she ever done government work?

Mr. Berinsky. No, not outside army service, being on active duty with the army. I think she was there about a year or a little more.

Mr. Carr. What year would that be?

Mr. Berinsky. 1945.

Mr. Carr. What kind of work was she doing in the army?

Mr. Berinsky. To my knowledge she was at Fort Monmouth and part of the time with the Quartermaster Corps, secretarial work and base hospital receptionist.

The Chairman. She was with the Signal Corps at Fort Monmouth?

Mr. Berinsky. For a while.

The Chairman. Then I missed the duties?

Mr. Berinsky. I know she was working in the quartermaster department and also as a receptionist in the base hospital. That is what she told me.

The Chairman. Did you ever discuss communism with your mother?

Mr. Berinsky. No.

The Chairman. Did she ever urge you to join the party?

Mr. Berinsky. No.

The Chairman. You had no knowledge, no suspicion she was a member of the Communist party until 1951 or 1952?

Mr. Berinsky. That is right. When she told me she had resigned.

The Chairman. Did you ever attend a Communist meeting?

Mr. Berinsky. Not to my knowledge.

The Chairman. I will re-ask the question. Have you attended Communist party meetings?

Mr. Berinsky. If I did attend, I didn't know it was a Communist party meeting. The only thing I can think of, perhaps when I was a youngster my mother dragged me down to some organization or something in town and if that would be considered a Communist meeting, I was there sometime before the age of seventeen.

The Chairman. Do you know whether your mother took you to Communist meetings?

Mr. Berinsky. [No answer.]

The Chairman. In retrospect, do you think any of those meetings were Communist meetings?

Mr. Berinsky. Some of those organizations may have been those organizations that would be Communistic now.

The Chairman. Not Communistic meetings of the Communist party, Communist cell meetings.

Just to refresh your recollection, weren't there cell meetings in your home at which you were present? Were you present?

Mr. Berinsky. Not to my knowledge.

The Chairman. And you say at this time you can't think of a single Communist meeting you attended?

Mr. Berinsky. No.

The Chairman. Where did you go to school?

Mr. Berinsky. MIT.



The Chairman. How many years?

Mr. Berinsky. Four years interrupted with three and a half years of service.

The Chairman. Did you ever join the Young Communist League?

Mr. Berinsky. No.

The Chairman. Were you ever solicited to join?

Mr. Berinsky. No.

The Chairman. You say you never joined the Communist party?

Mr. Berinsky. No.

The Chairman. Did you ever give any money to the Communist party?

Mr. Berinsky. No.

The Chairman. You were never solicited to join?

Mr. Berinsky. No.

The Chairman. When did you first work at the Signal Corps Laboratory?

Mr. Berinsky. I started in July of 1948, a month after I got out of college.

The Chairman. And you had access to classified material?

Mr. Berinsky. Yes.

The Chairman. During the time you were working in the Signal Corps Laboratories, did you visit your mother regularly?

Mr. Berinsky. Yes, or she visited us.

The Chairman. Are you married now?

Mr. Berinsky. Yes.

The Chairman. You say you started working for the Signal Corps in 1948?

Mr. Berinsky. Yes.

The Chairman. Where were you working in 1946?

Mr. Berinsky. In 1946 I was still in service until the end of the year, November. I re-entered MIT in January of 1947, the end of that term.

The Chairman. When did you graduate?

Mr. Berinsky. I graduated in June of 1948.

The Chairman. You went directly from MIT to the job at Fort Monmouth?

Mr. Berinsky. Yes.

The Chairman. What kind of work were you doing in the service?

Mr. Berinsky. In service I was radio officer in charge of

fixing station radio equipment, communication work.

The Chairman. You went in the army what year?

Mr. Berinsky. Active duty was 1943, I believe, March of 1943.

The Chairman. And do you call yourself an engineer now, electrical engineer?

Mr. Berinsky. Right.

The Chairman. You had access to classified material while at Fort Monmouth?

Mr. Berinsky. Yes.

The Chairman. Did you ever remove classified material from the post itself?

Mr. Berinsky. No.

The Chairman. Did you know Aaron Coleman?

Mr. Berinsky. Yes, he was my section chief when I came there.

The Chairman. Did you ever have any reason to believe he was a Communist or espionage agent?

Mr. Berinsky. No, I did not.

The Chairman. Did you know Levitsky?

Mr. Berinsky. No.

The Chairman. Did you know Mr. Rosenberg?

Mr. Berinsky. No.

The Chairman. You didn't know Julius Rosenberg?

Mr. Berinsky. No.

The Chairman. Did you know Carl Greenblum?

Mr. Berinsky. Yes, he was my boss at the time I left.

The Chairman. You never considered him a Communist?

Mr. Berinsky. No.

The Chairman. Did you know a man named Okun? Jack Okun?

Mr. Berinsky. No.

The Chairman. Did you ever give any classified material to Coleman?

Mr. Berinsky. Aaron Coleman?

The Chairman. Yes. Did you ever give classified material to him?

Mr. Berinsky. We both had access to it. It was just sitting in the files. Just in the course of our business.

The Chairman. In other words, he had access to the same material you could get, so there would be no occasion?

Mr. Berinsky. Yes.

The Chairman. Did you ever give any classified material to anyone not connected with the signal laboratory?

Mr. Berinsky. No.

The Chairman. Did you ever suspect that there might be Communists working in the Signal Corps?

Mr. Berinsky. No. I would have no reason to suspect it.

The Chairman. In other words, you thought all the people were good loyal Americans and there were no Communists there?

Mr. Berinsky. That is right, except I was aware lots of people were having their security clearances suspended for different reasons.

The Chairman. You felt they were good loyal people and not Communists?

Mr. Berinsky. I didn't know the reason they were suspended.

Mr. Carr. What is your mother's present address?

Mr. Berinsky. 1494 Stevenson Avenue in Trenton.

Mr. Carr. Does she have a telephone?

Mr. Berinsky. Yes.

Mr. Carr. What is that?

Mr. Berinsky. 26009.

The Chairman. That is all.

I might ask you this so it will be in the record. Did you know that in 1946 your mother's Communist party card was numbered 69604?

Mr. Berinsky. No, I didn't know that at all.

The Chairman. That is all. You will consider yourself under subpoena. We will want you back later.

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