

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

HEARINGS

BEFORE THE

**SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS**

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

EIGHTY-SECOND CONGRESS

SECOND SESSION

ON

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

SEPTEMBER 8, 9, 10, 23, 24, 25, AND OCTOBER 13, 1952

Printed for the use of the Committee on the Judiciary



**UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1952**

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SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

MONDAY, SEPTEMBER 8, 1952

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE
THE ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS
OF THE COMMITTEE ON THE JUDICIARY,
New York, N. Y.

The subcommittee met at 2:45 p. m., pursuant to call, in room 1305, United States District Court Building, Foley Square, Senator Homer Ferguson presiding.

Present: Senator Ferguson.

Also present: Robert Morris, subcommittee counsel, and Benjamin Mandel, director of research.

Senator FERGUSON. The committee will come to order.

The Internal Security Subcommittee of the Senate Committee on the Judiciary is now in session.

We are here today to take testimony relating to subversion in our educational process. The training of our youth today determines the security of the Nation tomorrow. The nature of this inquiry will be national in scope and will seek to determine whether or not organized subversion is undermining our educational system.

We shall endeavor to sketch a broad general picture, leaving the determination of individual cases to State and local authorities.

The subcommittee gives full recognition to the fact that education is primarily a State and local function. Hence, the subcommittee has limited itself to considerations affecting national security, which are directly within the purview and authority of the subcommittee.

The Internal Security Subcommittee of the Senate Judiciary Committee was empowered on December 31, 1950, under the terms of Senate Resolution 366 of the Eighty-first Congress, to make a complete and continuing study and investigation of, first, the administration, operation, and enforcement of the Internal Security Act of 1950; secondly, the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States; thirdly, the extent, nature, and effect of subversive activities in the United States, its Territories, and possessions, including but not limited to espionage, sabotage, and infiltration by persons who are or may be under the domination of foreign government organizations or organizations controlled by the world Communist movement, or any other movement seeking to overthrow the Government of the United States by force and violence.

This authority was subsequently extended under Resolution 7 of the Eighty-second Congress until December 31, 1952.

We will call as the first witness Dr. Bella V. Dodd.

**TESTIMONY OF BELLA V. DODD, NEW YORK, N. Y., ACCOMPANIED
BY HER ATTORNEY, GODFREY P. SCHMIDT**

Senator FERGUSON. Mrs. Dodd, will you rise and raise your right hand to be sworn?

You do solemnly swear, in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. DODD. I do.

Senator FERGUSON. You may be seated.

State your full name and address.

Mrs. DODD. Bella V. Dodd. 100 West Forty-second Street, New York City.

Mr. MORRIS. Dr. Dodd, how recently have you been associated with the Communist Party?

Mrs. DODD. June 1949.

Mr. MORRIS. Do you mean you severed your connection with the Communist Party at that time?

Mrs. DODD. They severed their connection with me. I had previously tried to find my way out of the Communist Party. In 1949 they formally issued a resolution of expulsion.

Mr. MORRIS. What are you doing now, Dr. Dodd?

Mrs. DODD. I practice law.

Mr. MORRIS. You practiced law at 100 West Forty-second Street?

Mrs. DODD. I do.

Mr. MORRIS. Is that your law office?

Mrs. DODD. That is.

Mr. MORRIS. Dr. Dodd, will you tell the committee what positions you held while you were in the Communist Party, starting at the highest position that you achieved within that organization?

Mrs. DODD. I was a member of the National Committee of the Communist Party from 1944 to 1948.

Mr. MORRIS. What other positions did you hold, Mrs. Dodd?

Mrs. DODD. I was a member of the New York State committee from 1944 to 1948. I was legislative representative of the New York State district of the Communist Party, and I was a member of various committees, such as legislative, labor, education, women's committees, youth committees.

Mr. MORRIS. Is it your testimony, Dr. Dodd, that your specialty within the Communist Party included legislation, labor, education, women's work, and youth organizations? Is that your testimony, Dr. Dodd?

Mrs. DODD. It is.

Mr. MORRIS. And, as such, you achieved a position as a member of the National Committee of the Communist Party, and prior to that you were a member of the State committee of the Communist Party; is that right?

Mrs. DODD. Right.

Mr. MORRIS. When did you become formally associated with the Communist Party?

When I use the term "Communist Party," Dr. Dodd, I mean the Communist organization, whether it was at the time known as the Communist Political Association or the Communist Party.

Mrs. DODD. I actually was given a Communist Party card in 1943, and was assigned to a branch, to work in a branch. I had formerly, for a long period of time, been associated with the Communist Party in its various activities and was known as a nonparty Bolshevik. That is a person who was not a member of the party, but who attended all of the meetings and who was given assignments.

Mr. MORRIS. While you held that relationship to the Communist Party, Dr. Dodd, did the Communist Party repose confidence in you?

Mrs. DODD. Yes. I attended a good many meetings and was in close connection with the party.

Mr. MORRIS. Did you render service to the Communist Party during that period?

Mrs. DODD. I rendered many services to the Communist Party.

Senator FERGUSON. Even though you did not have a card?

Mrs. DODD. Even though I did not have a card.

Senator FERGUSON. Does card carrying require you to pay dues?

Mrs. DODD. Yes.

Senator FERGUSON. Were you paying dues prior to the time you obtained the card?

Mrs. DODD. I did not obtain dues, although I begged contributions at various meetings and for various causes.

Senator FERGUSON. Could you give us the percentage of members that, to your knowledge, may have been members of the Communist Party without cards at that time?

Mrs. DODD. I don't have any knowledge of that, of the count; but it is extensive.

Senator FERGUSON. It is extensive?

Mrs. DODD. Yes.

Mr. MORRIS. Dr. Dodd, will you give us the circumstances leading up to your first association with the Communist Party?

Mrs. DODD. My first association with the Communist Party was back in 1932. I had returned from a trip to Europe. I had been in the University of Berlin and had seen the rise of fascism in Berlin, came back feeling that this must be destroyed, this must be fought.

Mr. MORRIS. That was in 1932.

Were you a teacher at that time, Dr. Dodd?

Mrs. DODD. I was a teacher at Hunter College, an instructor in political science and economics.

Mr. MORRIS. Did you graduate from Hunter College?

Mrs. DODD. In 1925.

Mr. MORRIS. Do you hold any doctor's degrees?

Mrs. DODD. I hold a doctor of jurisprudence.

Mr. MORRIS. What countries did you visit while you were in Europe in 1932?

Mrs. DODD. France, Italy, Czechoslovakia, Poland, Germany, Austria, Hungary.

Mr. MORRIS. Was fascism on the rise at that time, Dr. Dodd?

Mrs. DODD. It was.

Mr. MORRIS. And you experienced it first-hand from your travels in Europe at that time; is that right?

Mrs. DODD. I saw a great deal of violence in Berlin itself between the Fascists—the National Socialists, as they were called at that time—and the Communists.

Mr. MORRIS. And you saw first-hand the evils and horrors and excesses of Fascist rule in Germany and Italy; is that right?

Mrs. DODD. I did.

Mr. MORRIS. Did that influence your thinking at that time?

Mrs. DODD. It did. It made me determined to fight anything of that kind and to oppose extension to the United States.

Mr. MORRIS. You tell us that, then, is the background to your having an association with the Communist Party; is that right, Doctor?

Mrs. DODD. Yes.

Mr. MORRIS. Will you tell us what that actual association was?

Mrs. DODD. In 1932, I was approached by someone by the name of Harriet Silverman, who identified herself as a member of the Communist Party, who said that she and a number of others were setting up an anti-Fascist-literature committee, and she asked whether I would work on the committee for the purpose of raising money for the underground fight in Germany against the rise of fascism, and also for the writing of literature against fascism.

I said "Yes," and Harriet Silverman said to me, "Well, would you like proof that this money is going to be raised for the anti-Fascist work?"

I said I would like some kind of proof. So she asked whether I would like to meet Earl Browder. I answered in the affirmative. She took me to Thirteenth Street, or Twelfth Street, and she took me to Earl Browder with some other lady who was raising money for the anti-Fascist movement.

Mr. MORRIS. Did you meet Earl Browder at Thirteenth Street?

Mrs. DODD. Yes.

Mr. MORRIS. And that was the Communist Party headquarters at that time; was it?

Mrs. DODD. It was.

Mr. MORRIS. Will you please tell us what happened then?

Mrs. DODD. Harriet said, "Here are two people who are going to raise money for the anti-Fascist movement." He greeted us very cordially. I didn't say much and we talked about the evils of fascism and we left.

Thereafter I helped to raise money for the anti-Fascist movement. By that I mean that I ran certain parties, certain social functions, and devised ways and means of getting a financial contribution going.

From 1932 to 1935 I did practically nothing else but that as an extra-curricula work to my work in college.

Mr. MORRIS. Did something take place in 1935 that brought you closer to the Communist Party? Is that what you indicate when you give the terminus of that date?

Mrs. DODD. Yes. In 1935, the Teachers' Union was having a great deal of difficulty because of the so-called Communist and anti-Communist factions within the union.

In 1935, or the beginning of 1936, one part of the union left the Teachers' Union. This group of 700 teachers was led by Dr. Linville

and Dr. Lefkowitz. They left and formed what was called the Teachers Guild, and the remaining 1,500 teachers who remained within the Teachers' Union were the union.

Now, while they had 1,500 teachers, the seasoned leaders of the union had gone with the opposition, had gone out of the union.

I might say that the union at that time was affiliated with the A. F. of L.

Mr. MORRIS. Do you mean by "the seasoned leaders," Dr. Linville and Dr. Lefkowitz?

Mrs. DODD. Yes.

Mr. MORRIS. Are they the people who had formed the union and had developed it up to that time?

Mrs. DODD. That is right. They were casting about for new leaders, and I, in my own college, had been very active in organizing the instructors and the tutors and the lower category of teaching staff at the colleges.

Mr. MORRIS. Were you organizing them for the Teachers' Union?

Mrs. DODD. No, just organizing them for themselves so that they might improve their tenure conditions, their salary conditions, and so forth and so on.

Senator FEARSON. Were you a teacher at this time?

Mrs. DODD. Yes; I was a teacher at this time.

And in organizing, helping to organize the teachers in these city colleges for the improvement of their economic conditions, I had been successful in having introduced and passed a bill for tenure for the college teachers. They had never had tenure. It was quite accidental that I had that bill passed. I just happened to have some friend in Albany who agreed to introduce the bill, and the bill was passed.

And it gave tenure to the college teachers for the first time in the history of New York.

But because I had helped to pass that tenure bill, the Teachers' Union representatives now cast an inquiring eye toward me as to whether I might not be useful to them in the legislative field. And I was asked to serve as their legislative representative for a short period of time, until they could find other leaders.

But the short period of time grew into a long period of time, and I remained as the legislative representative until 1944.

Mr. MORRIS. Now, Dr. Dodd, during that period, did you deal with Communist Party officials, and were you connected with that work?

Mrs. DODD. I did.

Mr. MORRIS. Will you tell us what relationship you bore to the Communist Party organization while you were the legislative representative for the Teachers' Union?

Mrs. DODD. Well, I soon got to know the majority of the people in the top leadership of the Teachers' Union were Communists, or, at least, were influenced by the Communist organization in the city.

Mr. MORRIS. Will you tell us precisely how you knew that, Dr. Dodd?

Mrs. DODD. Well, at that time—

Mr. MORRIS. This is now from 1936 to 1944; is that right, Dr. Dodd?

Mrs. DODD. Yes.

Mr. MORRIS. And the Teachers' Union in 1936 was made up of how many members?

Mrs. DODD. It began with about 1,500 members.

Mr. MORRIS. What was your greatest strength?

Mrs. DODD. We increased to about 11,000.

Mr. MORRIS. What was the year of the greatest strength?

Mrs. DODD. 1938 and 1939.

Mr. MORRIS. In 1938 and 1939 the union was then at its strongest. During that period, how did the Communist Party function within the Teachers' Union?

Mrs. DODD. Within the Teachers' Union you had a caucus of the executive board, Communist members of the executive board. At that time the caucus seemed to be necessary, because they were fighting the Socialists, the Lovestoneites, and the other splinter groups who were struggling to gain power over the union. But the Communists were successful in taking control.

Mr. MORRIS. Dr. Dodd, how many members ordinarily would there be of the executive board? Is that what they called it in the Teachers' Union?

Mrs. DODD. Yes.

Mr. MORRIS. How many members were there during this period of time?

Mrs. DODD. The executive board was elected by proportionate representation, and it varied between twenty-three and thirty-odd members.

And, unfortunately, at most of the times two-thirds of those executive board members were members of the party.

Mr. MORRIS. How did you know that, Doctor? Did these people caucus, for instance?

Mrs. DODD. Yes; we had caucuses from time to time, and we also had a small steering committee.

Mr. MORRIS. When you say "we," do you mean the Communist Party at that time?

Mrs. DODD. That is right.

Mr. MORRIS. Did you know, as a matter of fact, that a Communist Party caucus would meet before executive board meetings?

Mrs. DODD. They always caucused before these meetings.

Mr. MORRIS. Did you attend these caucus meetings?

Mrs. DODD. Whenever I was in the city, when I wasn't in Albany or somewhere else.

Mr. MORRIS. And you attended and you knew it was a Communist caucus, and everyone else knew it was a Communist caucus; is that right, Dr. Dodd?

Mrs. DODD. Yes.

Mr. MORRIS. Who would be present at such meetings other than Communist teachers?

Mrs. DODD. Generally only they would be present. Once in a great while, where they had a controversy among themselves and couldn't settle the problem, they would invite someone from the county or district of the party to come in and straighten them out.

Mr. MORRIS. Of the Communist Party. So there was no doubt at any time that that was strictly a Communist Party operation operating within the executive board of the teachers' union?

Mrs. DODD. That is right.

Mr. MORRIS. What political activity was engaged in by the Communist Party through that instrumentality you just described to us?

Mrs. DODD. The Communist Party was interested in seeing to it that the union, which was an AFL union, would carry out the line of the Communist Party on political questions.

Now, you couldn't take all political questions into the union because you had to present those questions then to the membership, and the membership might revolt against having too many political questions.

But insofar as possible, they were going to bring as many political questions into the union as they possibly could.

Mr. MORRIS. Would you give an example of that?

Mrs. DODD. For instance, during the years of collective security, when the official policy of the Communist Party on foreign affairs was collective security, one of the things you did was to have the executive board of the Teachers' Union, that is, the caucus for the steering committee of the Teachers' Union, discuss how collective security might be promoted through the teachers' union or through other organizations which the teachers' union was affiliated with, for instance, with the Central Trades and Labor Council, the State Federation of Labor, and, later on, with the American Labor Party, and various other community organizations.

Mr. MORRIS. Was the Teachers' Union used by the party for recruiting purposes?

Mrs. DODD. It is the function of every Communist group to recruit other members into the Communist Party.

Mr. MORRIS. Did the atmosphere within the Teachers' Union make it conducive for the Communist Party to operate within that organization for recruiting purposes?

Mrs. DODD. I would say "Yes."

Senator FERGUSON. Was there a party line, as far as teachers were concerned?

Mrs. DODD. On educational questions, do you mean, Senator Ferguson?

Senator FERGUSON. Yes.

Mrs. DODD. Well, only if the questions were connected with the political questions that the Communist Party was interested in. For instance, there was a Teachers' Union policy on the question of war and fascism. I mean during the period in which the Communist Party was antiwar, the Teachers' Union policy was antiwar; during the period when the party came into the full support of the war, the Teachers' Union shifted its policy and became prowar.

Senator FERGUSON. In other words, the steering committee, as I take your testimony, was used for the purpose of steering the teachers along the line that communism desired?

Mrs. DODD. On political questions, yes.

Senator FERGUSON. On political questions?

Mrs. DODD. I would say also on certain educational questions.

You take, for instance, the whole question of the theory of education, whether it should be progressive education or whether it should be the more formal education. The Communist Party as a whole adopted a line of being for the progressive education. And that would be carried on through the steering committee and into the union.

Mr. MORRIS. Dr. Dodd, you mentioned that the greatest strength of the union was between 1938 and 1939. What happened at that time that caused your organization to lose some force?

Mrs. DODD. Well, two things happened. The Communist Party became very much enamoured of the idea of unity between the AFL and the CIO, and they tried to push as many of their unions in the Central Trades and Labor Council and in the State Federation of Labor to calling conferences on the question of unity. They weren't successful in getting any of these stable unions in it, these large unions, to call the conferences.

Finally they convinced the Teachers' Union to call a conference on unity between the AFL and CIO. We invited some hundred unions and we did, I think, have 85. We felt that resulted in our being expelled from the Central Trades and Labor Council.

Senator FERGUSON. When you say you had so many present, do you mean the Communists, or the union?

Mrs. DODD. The Communists convinced us that we should call a conference on unity between the AFL and CIO. Since the Communists controlled the union so closely—it was a matter of bad judgment—the Teachers' Union did call that conference, and that conference resulted in having the Teachers' Union ousted from the Central Trades and Labor Council, which was the AFL.

Then, of course, the Central Trades and Labor Council tried to get us out of the AFL generally. They made trouble with our parent organization, the American Federation of Teachers. We found ourselves in trouble with the American Federation of Teachers at this time, with a great many attacks upon us and a good deal of attacks upon us as Reds.

At the same time the New York State Legislature adopted a resolution calling for the investigation of the schools. That resolution was to investigate the finances of the schools, but, in addition, to investigate the subversive activities of the New York City school teachers.

That was popularly called the Rapp-Coudert Investigating Committee.

We couldn't withstand the two attacks—that is, the A. F. of T. and the A. F. of L. and the Rapp-Coudert committee, and the influence of the union declined considerably during that period.

In addition to that, the party at that time was apologizing for the Nazi-Soviet pact—I mean, just not knowing how to handle it—and that lost us a great many other people who had supported the union formerly.

Mr. MORRIS. This question is asked now in connection with legislation along these lines, Mr. Chairman.

Did you, as a matter of fact, find that the investigation carried on by the New York State Legislature at that time did weaken the Communist force in the teaching field?

Mrs. DODD. It most certainly did.

Senator FERGUSON. You have indicated here that any real publicity of Communist activity in a union or in any organization has a tendency, then, to weaken or destroy communism in that organization.

Mrs. DODD. I think any honest investigation which brings the issues to the fore and lets all decent and honest people, whether they are the teachers who are trapped in this organization, or not, really look at the issues, will help to eliminate that which is evil.

Senator FERGUSON. You think, then, that the facts were such that there were many innocent teachers not realizing what was being done

on the so-called backstage caucuses by the members of the Communist Party that belonged to the union, getting their instructions by calling in Communist members at the time to get instructions; that this was not known to the mass—rank and file, let me call them—of the teachers; is that correct?

Mrs. DODD. That is absolutely correct, Senator Ferguson.

One of the real problems is that not only the members of the union didn't know, but a large number of the teachers who became Communists didn't really know what it was all about.

I, myself, so long as I functioned on the trade-union level in the Teachers' Union, why, my heavens, I was one of the staunchest of the Communists and would have called your committee a committee to smash the schools. It wasn't until I entered the Communist Party as a functionary in the Communist Party that I saw that it was a full, true, cynical conspiracy and something which is so thoroughly evil that I would like to spend the rest of my days to tell the teachers who are entrapped in this thing how to get out.

Senator FERGUSON. In other words, until you obtained the knowledge as to what actually was taking place as far as the Communist Party was concerned, how they functioned to get control of labor unions, whether it be teachers or others, or any organization, you, as an advocate of labor, were so firm in your opinion as to the justification of the needs of labor that you did not see the Communist activity until you became directly connected with it; is that a fair statement?

Mrs. DODD. That is correct.

Mr. MORRIS. You thought prior to that time that you were taking part in honest trade-union activity; did you?

Mrs. DODD. I thought I was taking part in an organization which was committed to the defense and the promotion of the interests of the working class.

I didn't realize until I got in that this is just nothing but a masquerade, that these things are just used to capture many people and that actually they are not really interested in these various questions.

Senator FERGUSON. In other words, the question of the humanitarian cause becomes a front rather than a real desire upon the part of these Communists; is that a correct statement?

Mrs. DODD. That is a correct statement.

Mr. MORRIS. Dr. Dodd, could you tell us how you worked with some other organizations at the time to further Communist activity; that is, while you were legislative representative of the teachers' union and had such an intimate knowledge of Communist teachers?

Did the Communist Party use these teachers for other purposes, or did they restrict their activity to the schools alone?

Mrs. DODD. Teachers have always been a very important part of the Communist apparatus. As a Teachers' Union member, I was a delegate to the central trades and labor council and I was a delegate to the State federation of labor. I was a delegate to the central trades and labor council, and I was put in contact with Communist members of other unions who were to operate with me on the floor of the central trades and labor council. We would caucus. We would decide what should be stressed, what shouldn't be stressed; what we would approve of, what we wouldn't approve of; whom we would vote for, and whom we wouldn't vote for. So that we attempted to carry out the party line in the labor field.

We functioned on whatever levels the Communist Party uses teachers for, to get dues, to get finances. They are a stable group with an income and they are generous and conscientious.

Secondly, they use them for personnel. Teachers are well equipped, I mean they are trained thinkers and if you can convince them that they should go out and fight for the cause, you can get them to go out and become section organizers, district organizers.

Mr. MORRIS. Do you mean they give up their teaching jobs?

Mrs. DODD. Yes. In many cases they gave up their teaching jobs. Or you can get them to go out and teach during the summer, teach labor classes during the summer, teach Communist Party classes during the summer, or during the evening.

Mr. MORRIS. Dr. Dodd, can you name any particular teachers who did become functionaries of the Communist Party? You say that it was a ready avenue.

Mrs. DODD. Isidore Begun became a member of the national committee, the national advisory committee.

Mr. MORRIS. He was a school teacher, was he not, Mrs. Dodd?

Mrs. DODD. He was a school teacher.

Mr. MORRIS. Was he a member of the Communist fraction?

Mrs. DODD. Isidore Begun was a Teachers' Union member for a while. He was a leader of the unemployed teachers' movement. Then he became educational director for the New York district of the Communist Party.

Then he became farm expert, or legislative expert, both.

Then there was Maurice Shappes.

Mr. MORRIS. Had he become a Communist Party organizer?

Mrs. DODD. He was organizing the educational department of the Communist Party, almost simultaneously with the other.

There was a man by the name of Green, who went from City College to Texas as an organizer.

I can't think of all of them.

Mr. MORRIS. Did you make use of teachers to infiltrate any political organizations?

Mrs. DODD. Yes. Teachers were, of course, urged to partake of the political life around them. They joined the American Labor Party in great numbers when the teachers' union was affiliated with the American Labor Party.

Mr. MORRIS. Dr. Dodd, were you ever connected with the American Labor Party officially?

Mrs. DODD. Yes, I was.

Mr. MORRIS. To your knowledge, was that controlled by the Communists?

Mrs. DODD. It became controlled by the Communists completely after 1942. Up to 1942, there had been a struggle between the Social Democrats and the Communists for control of the American Labor Party.

Mr. MORRIS. In 1942 what happened?

Mrs. DODD. I think the Communists captured the last of the boroughs; that is, Brooklyn.

Mr. MORRIS. How do you know that what you tell us now, Doctor?

Mrs. DODD. I was chairman of the committee to help raise funds and supply personnel for that.

Mr. MORRIS. Dr. Dodd, will you get back to this State legislative committee? That committee was in 1940-41, was it not?

Mrs. DODD. The Rapp-Coudert committee?

Mr. MORRIS. Yes.

Mrs. DODD. The resolution was adopted in 1939, the investigation began in 1940.

Mr. MORRIS. Were you active in opposing that investigation?

Mrs. DODD. I opposed it with everything I had in me.

Mr. MORRIS. How long did that opposition last?

Mrs. DODD. The opposition continued throughout the 2 years, that is, throughout 1940-41, and it carried into 1942, when Senator Coudert ran for—

Mr. MORRIS. Was it State senator?

Mrs. DODD. No. The first time he ran for Congress, wasn't it?

Mr. MORRIS. He ran for State senator.

My recollection, Mr. Chairman, is that he was running for State senator in 1942.

And you say you participated in that campaign?

Mrs. DODD. Yes, I did.

Mr. MORRIS. What was the purpose of that?

Mrs. DODD. The purpose of that was to see to it that anyone who attempted to "smear" the schools, as I thought—putting this in quotation marks—because I thought the Rapp-Coudert committee was to destroy the public-school system, that anyone who attempted to "smear" the school system should not be allowed to go back into public office, and that everything should be done to defeat him.

Mr. MORRIS. Actually, what was the real reasoning behind that campaign?

Mrs. DODD. Well, after all, the sight of the Rapp-Coudert committee was to expose Communist teachers. The Communist Party just couldn't permit a person of that kind, who had taken such a toll, to remain in public life.

Mr. MORRIS. Do you know whether the Soviet Union actually intervened in this fight?

Mrs. DODD. I wouldn't know whether the Soviet Union intervened. I had one little incident happen which might be of interest to you.

Mrs. MORRIS. What was that, Dr. Dodd?

Mrs. DODD. One of the gentlemen in this city, who represented some of the Russian business interests, made a contribution to the campaign against Senator Coudert.

Mr. MORRIS. What was his name?

Mrs. DODD. Charles Recht.

Mr. MORRIS. Is he the attorney?

Mrs. DODD. He was the attorney for Amtorg. I don't know whether he is now.

Mr. MORRIS. Did he say anything to you at the time he made that contribution?

Mrs. DODD. He gave me some information about the Coudert law firm, Coudert & Coudert law firm. He said they represented many of the White Russians.

Mr. MORRIS. And he was giving you that information for what purpose?

Mrs. DODD. He knew that I was going to use it during the campaign.

Mr. MORRIS. Now, Dr. Dodd, were you in a position to determine the strength of the Communist organization within the teachers throughout the United States?

Mrs. DODD. Tentatively, yes.

Mr. MORRIS. Did you ever address a group of teachers, a large group of teachers?

Mrs. DODD. Many times.

Mr. MORRIS. Did you ever address a large group of Communist teachers?

Mrs. DODD. Yes. In the spring of 1944, after I had been made a member of the National Committee of the Communist Party, I was invited back to speak to the Communist teachers on a Sunday afternoon at the Jefferson School.

Mr. MORRIS. What Communist teachers were they?

Mrs. DODD. Those are the teachers in and around New York, the Greater New York teachers, that is, the members of the Communist Party, or people who were close to the Communist Party.

Mr. MORRIS. Were they all Communist teachers?

Mrs. DODD. I would say a large number of them were. I think the understanding was that meeting was to be a recruiting meeting and people could bring with them whom they wanted to recruit.

Mr. MORRIS. How many people were present at that meeting?

Mrs. DODD. Close to 500.

Senator FERGUSON. Where is the Jefferson School?

Mrs. DODD. Sixteenth Street and Sixth Avenue.

Mr. MORRIS. And they were all school teachers, were they?

Mrs. DODD. It was intended to be a school teachers' meeting.

Mr. MORRIS. At least you would address them as school teachers or potential school teachers?

Mrs. DODD. Yes.

Mr. MORRIS. Dr. Dodd, would you tell us what other experience you have had within the teachers' union and within the various teachers' groups within the United States?

Senator FERGUSON. Before we pass on to that, I would like to cover the Jefferson School.

I would like to know whether or not you have any knowledge as to what the Jefferson School was?

Mrs. DODD. The Jefferson School is a school based upon Marxist-Leninist philosophy. It was established as a result of the people who lost their jobs during the Rapp-Coudert fight. There are about 50 teachers and professors who lost their jobs as a result of the fight. And I, with the Teachers' Union, helped to establish what was called the School for Democracy, and these became the teachers in the School for Democracy.

Mr. MORRIS. Was that a Communist project?

Mrs. DODD. No. That was a teachers' union project.

But shortly thereafter, the Communist Party decided they wanted a broad Marxist Institute, and they also saw that the School for Democracy was financing itself and they decided that they might perhaps join the School for Democracy with the Workers School.

At that time they conducted a Communist Party workers' education, Workers School. As a result of that, Mr. Trachtenberg and Mr. David Goldway, and a few of the other people formed a committee for the purpose of amalgamating these two institutions.

As a result of that, they purchased a building on Sixteenth Street and established this Jefferson School, which is, as I say, a Marxist institute.

Senator FERGUSON. So that was a Communist school, was it?

Mrs. DODD. The idea was that it was to be a Marxist-Leninist institution, but that does not mean that the people who attended that were necessarily Communists. I mean it would mean that it would appeal to people who were Communists and who wanted to know more about communism, or to people who didn't know anything about communism, but would like to learn.

Senator FERGUSON. But they were teaching the philosophy of communism, were they not?

Mrs. DODD. They were.

Mr. MORRIS. Orthodox subjects, from the Communist point of view, have been allowed to be taught?

Mrs. DODD. I don't think so, although they had many things like a course on how to make a dress, for instance, or a course in dancing, which might be too difficult to relate to the Communist movement.

Mr. MORRIS. It would have no particular Communist overtone?

Senator FERGUSON. In other words, making a dress could be capitalistic.

Mrs. DODD. I daresay that even Russian women like to have nice-looking clothes.

Mr. MORRIS. Dr. Dodd, we would like to get from you, strictly based on your own experience within the Communist Party and within the Teachers' Union and other teachers' organizations that you have associated with, an estimate of the number of teachers who were Communist Party members throughout the United States.

First of all, what would you estimate as the Communist strength in the area of New York City?

Mrs. DODD. Of course, it fluctuated from year to year, and you will find that at the peak of the union you had about a thousand teachers in the Communist movement.

Mr. MORRIS. As party members?

Mrs. DODD. As party members.

However, when the WPA projects were closed, some of those dropped out. I would say that in the New York area there would be about 600, 700, 750. I think at the peak, on a Nation-wide basis, you never had more than, let's say, 1,500 teachers in the Communist movement.

Mr. MORRIS. Do you speak as of down to 1948, or are you holding this to 1944?

Mrs. DODD. I am speaking of 1944, because I have no knowledge after that.

Mr. MORRIS. After 1944 you became a higher functionary of the Communist Party, did you not?

Mrs. DODD. That is true, and although I did retain some relation with the New York City school apparatus, I had no connection with the national situation.

Mr. MORRIS. You could, however, give an estimate of whether or not the size of the Communist force in New York had waxed or waned, could you not?

Mrs. DODD. I would say it went down during the period of 1940-41, and then for a while, while the union remained completely independent, it was very low. But it began rising again as the union joined the CIO and began to be successful again.

However, I would say that these 750 to 1,000 is the peak that you would have even in the Greater New York area.

Mr. MORRIS. In that figure you included public schools as well as private schools; is that right?

Mrs. DODD. Yes. That would be Communist teachers on any level.

Mr. MORRIS. In other words, a teacher who would be in a private college in New York City would be eligible for membership (a) in the teachers' union and (b) in the Communist caucus that operated the union; is that right, Dr. Dodd?

Mrs. DODD. That is right.

Mr. MORRIS. Could you give us a rough estimate—that is, speaking from the Communist point of view, now—of what your strength on a college campus would have to be before you could operate a successful operation on the campus?

Mrs. DODD. Well, one thing I think people in America have to learn is that if you have one Communist on a campus, or one Communist in an organization, that person is dedicated to building a unit. And a unit consists of a minimum of three people.

Senator FERGUSON. Tell us just how they function so that maybe we can advise the American people as to how they function. Explain just how a Communist on a campus, both a student and/or a teacher, would function.

Mrs. DODD. There are two ways of functioning. One, a Communist who is an idealist tries to take the party line into his various organizations, whatever clubs he belongs to, whatever organizations he belongs to, and tries to find others who are sympathetic with him, or he finds where the sore spots are on the campus. If he finds that some people are being abused, discriminated against, some people are unhappy, he fastens himself on to them and pretty soon he's got them functioning with him. First they will function not as party people, but just as a committee, or as a group. Then later on, what you do is you say to people, "If we had a union we might get higher wages."

But then you point out that to really insure high wages, you can't get it until the Socialist system has been established, or until communism has been victorious.

In other words, you teach people that all they can get are little crumbs here and there, but that ultimately they will have to join the Communist movement in order to make the real change.

Senator FERGUSON. You said if there was one on a campus, that that may grow into more. How did they function in getting new members so that the new members might function as the one that was established?

Mrs. DODD. You choose an issue which you would bring up. Supposing you are a member of the faculty and you chose the issue, let's say, of increasing wages, you got up and made a definite proposal, to let the wages be increased by 10 percent. And then you found out who spoke up with you, who seemed to be interested in the program.

If you found two or three or four or five people, then you attached yourself to those two or three or four or five people, and you began to work on them day after day after day.

You socialized with them, you made it your business to socialize with them. You made it your business to take them to lunch.

And then you weeded out those who were not possible and those who were possible.

Senator FERGUSON. What about creation of cells in schools or colleges?

Mrs. DODD. As soon as you had three people who were committed with you, who felt that the Communist movement was a good movement, that that was the only way to change it, you established yourselves as a unit. That unit then became attached to the district or the section or the city which had a Communist movement, and the district organizer always was very sensitive to what was happening on the campuses.

Senator FERGUSON. Suppose that you obtained six?

Mrs. DODD. Your units might be a minimum of three, and they generally were from three to about seven or eight.

But I have seen units of as high as 25, in the days when the Communist Party became lax. And then in the period when the Communist Party abolished all cells and established what we called street units—

Senator FERGUSON. Will you explain those?

Mrs. DODD. Those were the days when they were emphasizing the importance of a democratic approach, and they established great, big political clubs, and they used to try to convince people that within a large political club you had nothing to fear, nobody was going to know you. You weren't known by any name; you were just known by a first name or nickname. You used a thing of that kind.

Only one person knew you, your organizer. It was to him that you paid your dues and reported on individual problems.

But that was only a very short period.

Mr. MORRIS. Dr. Dodd, I wonder if you would tell us how Communist Party directives would be translated into activity by these various teachers' fronts, teacher organizations?

Could you give us the precise medium by which this Communist Party directive would be transferred?

Mrs. DODD. One of the things you have to understand, is that the Communist Party tried to give to their members a certain degree of education along the Marxist-Leninist line and to provide for them a certain amount of initiative on their own part. So that the Communist Party said to you, "We must build the American League Against War and Fascism."

A little unit of three would take that directive into whatever mass organizations there were on the campus. If I were a member of the teachers in the English department, I would take it to the teachers in the English department.

If I were a member of the political sciences, I would take it there. Wherever there were meetings, you saw that those meetings were covered with someone who brought the directive in there.

You might see to it that one of the unit members would be a writer on one of the magazines or newspapers. You always tried to get someone on the newspapers or magazines of the college so that the

columns of the newspapers might be open to you for expressing your opinion.

Senator FERGUSON. What other projects were there for which you might anticipate they would use the teachers? Did they ever use them to pass resolutions and—

Mrs. DODD. The Teachers' Unions were used a great deal to formulate public opinion in America. The teachers were active in the parents' organizations; they were active with the students; they were active in their own professional cultural organizations, and in the American Federation of Teachers we had our conventions.

So that anything the Communist Party wanted to be popularized, they would see to it that it had a copy of a resolution, which you then modified to meet your own individual needs.

Some organizations could stand a strong resolution, a total support of the thing; some organizations could only go one step. At any rate, the individual group modified that resolution to suit its own needs.

But, at any rate, everyone was moving forward on that particular subject. But whether it was collective security, whether it was prowar, whether it was against war, whether it was against the Dies committee, whether it was against some congressional legislation, these resolutions would be introduced, and simultaneously you would have a large number of resolutions popularized in the newspapers, delegations going to the various men in public office, telephones, telegrams.

Senator FERGUSON. How did you function at these so-called conventions where the larger group would meet?

Mrs. DODD. Well, the American Federation of Teachers convention were held once a year. And what would happen is that the Communist delegates going there would know in advance, they would be told by their own section organizers, or their own district leaders of the Communist Party, that they would meet so-and-so at the convention.

The central district of the party here in New York always met with a steering committee of that convention in advance to there decide what was to be accomplished at that convention.

Then when we got to the conventions we would meet with someone from the Communist Party at some hotel room. There would be a representative of the various districts of the United States, California, Michigan, the South, West, East. We would have representatives.

And we would get a line setting. That is, there would be some discussion as to what the perspectives of this convention were; how to accomplish it; whom to win over; what caucuses to build and what caucuses not to build.

For instance, in addition to the Communist Party caucus, we would also have a "united front" caucus.

Senator FERGUSON. Will you explain the united front as far as these caucuses were concerned?

Mrs. DODD. The "united front" was always an alliance with someone who didn't go all the way with the group; those who didn't believe with you in everything you believed in, but who would go along. As I said once before, no one formed a "united front" with the Communists, without being weakened, because Communists form a united front when they are going to get strength anew and not when they are going to get weakened.

Senator FERGUSON. In what cities have you attended conventions and operated with Communists of those cities in the school system?

Mrs. Dobb. Philadelphia, New York, Buffalo, Madison (Wis.), Cleveland, Cedar Rapids, Boston.

Senator FERGUSON. Have you ever been in Michigan?

Mrs. Dobb. Yes, I was in Detroit twice. We had a convention in 1910 and 1911.

Senator FERGUSON. Did you find any Communists there?

Mrs. Dobb. There were some.

Senator FERGUSON. That cooperated in these caucuses?

Mrs. Dobb. Yes.

Mr. MORRIS. Dr. Dobb, I wonder, on the basis of all your experience within these teachers' organizations and the Communist Party and these various trips and conventions that you are describing, what would you estimate the membership of the Communist Party nationally to have been?

I think you gave us a figure before which related only to New York. Is not that right?

Mrs. Dobb. I would say that your teacher membership on a Nation-wide basis is not too large. It is about 1,500 members. I don't think you ever had it much larger than that.

Mr. MORRIS. That is, strategically disposed?

Mrs. Dobb. Distributed; yes.

Mr. MORRIS. Could you tell us some of the colleges that you, to your own knowledge, that you knew from your own knowledge, had units operating on the campus?

Mrs. Dobb. All of the city colleges here in New York, I mean the four city colleges; Columbia University, Long Island University, New York University, Vassar College, Wellesley, Smith, Harvard, MIT, University of Michigan, Chicago, Northwestern University, University of California, the University of Minnesota, Howard University.

That is about it.

Mr. MORRIS. In all of these cases, there would be at least one member of the faculty who would be a member of the Communist Party and he would have operating with him a certain number of students; is that correct?

Mrs. Dobb. It would be his duty to try to get his group of students working with him.

Mr. MORRIS. But, as a matter of fact when you name all these schools, each one of these schools had a unit on the campus; is that right?

Mrs. Dobb. We had delegates to the convention from those universities; yes.

Senator FERGUSON. They were Communists and operated with you through the Communists; is that what you have in mind?

Mrs. Dobb. That is right.

Mr. MORRIS. And this organization, on any issue that would come up, this whole organization would be brought to play and be used to effect some particular Communist Party purposes?

Mrs. Dobb. Of course.

Many of the things that the Communist Party proposed were things which the teachers wanted, or, I mean, thought they wanted; they were for.

They thought they were fighting for something that was good and progressive.

Senator FERGUSON. You mentioned that you think there were about 1,500 Communist teachers in the United States. Now, we have thousands of teachers. What influence could 1,500 teachers have among the many thousands?

Mrs. DODD. As a matter of fact, you have over a million teachers in America, and, by and large, your schools are not manned by Communists. The Communist influence is important only where it is strategically placed, and no Communist is ever satisfied with remaining in a position of inferiority. He seeks a strategic position.

If you had Communists in these schools of education, that is a very strategic position because not only are they affecting the philosophy of education but they are also teaching other teachers, who, in turn, are teaching the pupils.

If you have one Communist teacher in the school of education, and he teaches, let's say, 300 teachers, who then go out all over the United States, that is a strategic position.

Senator FERGUSON. You were talking, then, about 1,500 actual Communists, were you?

Mrs. DODD. That is right.

Senator FERGUSON. Can you tell us where you first were contacted, in your opinion, in our educational system about communism?

Mrs. DODD. Well, it is very difficult. I guess that the schools are subject to the same influences as all the other conditions in life. I was a freshman at college when my English teacher, for instance, gave me Anna Louise Strong's book, *I Changed Worlds*. I thought it was a very exciting, very interesting book.

In addition to that, we had a discussion in that class on the whole question of the new Soviet experiment, and while she didn't say that she was for it, she left all the implications, and thereafter a number of us became attached to her and discussed these problems with her.

I am sure that she wasn't a member of the Communist Party, but she was sympathetic.

Senator FERGUSON. When you were a teacher and really a Communist, what did you do to the students and the other teachers?

Mrs. DODD. God help me for what I did. I was not a member of the Communist Party, but there was no doubt in my mind—

Senator FERGUSON. But you had a philosophy and you served the cause.

Mrs. DODD. There is no doubt in my mind that I did a great deal of harm.

Senator FERGUSON. And how did you function among the students?

Mrs. DODD. I was their faculty adviser on many problems. I worked with individual students. I was particularly keen about my students. I was very sympathetic, and I was very popular among my students.

Senator FERGUSON. Do you think you may have convinced some of them to become Communists?

Mrs. DODD. I have no doubt that I did.

Senator FERGUSON. Was that one of your purposes in life as a teacher?

Mrs. DODD. No. That is not true. My purpose at that time—I thought my purpose was to create an open mind, to create a clear-thinking people—people who would throw aside all preconceived

prejudices, all preconceived thoughts. My thought was to teach people how to think.

Well, I've discovered since then that the mind which is so open is often the mind which gets filled with the first evil wind that comes by; that what you have to do is to see truth and the truth will help you to ward off these evil influences.

Senator FERGUSON. Then in those days you were an idealist as well as a Communist.

Mrs. DODD. I was an idealist who was permeated with the philosophy of communism.

Senator FERGUSON. How did you think that a person should have an open mind and receive the very biased and narrowest of lines in which to think? How did you reconcile that?

Mrs. DODD. Because I didn't know what communism was. I swallowed the hook, line, and sinker. I thought they were antifascists. I thought they were for the working class. I thought they were for the underdog, and I was for the underdog.

You don't see the entirety of communism until you have had to wrestle with it. Communism shows itself at different levels to you at different times.

Senator FERGUSON. Then you are of the opinion that the Communists use these ideals, these humanitarian causes, the evils that are among men, for their own purpose rather than just curing the particular evil; is that right?

Mrs. DODD. That is absolutely right. And I discovered it to be so when I became the legislative representative of the Communist Party.

When I went into the apparatus at Twelfth Street as a legislative representative, I thought that my job was to fight for good housing, milk, problems, the question of schools, and so on. I found that within the Communist Party there wasn't even a file on any of these social problems; that there wasn't any cumulative wisdom on the thing; that almost any program which you would pluck from the air which was popular at the moment was the thing you supported; that they weren't interested in carrying through on any of these problems; that these problems were important only as long as there was a group of dissatisfied people to whom this issue was important.

But as soon as that died down, then they were no longer interested in that issue.

Mr. MORRIS. That is literal testimony, is it, Dr. Dodd, that there wasn't literally a file on these sociological problems?

Mrs. DODD. The answer is "No." There wasn't a file, there were some old pamphlets thrown in one corner, and I then proceeded to try to create files on this question.

But then I discovered they were not interested in this particular thing. I tried for about 4 months to get the national committee to establish a committee on housing. I couldn't get it. I tried to get them to establish a committee on health for the study of the promotion of health legislation. I couldn't get it. They weren't too interested in that.

Mr. MORRIS. Dr. Dodd, I wonder if you could tell us how the Communist Party imparted instructions to the teachers with respect to how they should try to turn a child's mind in the desired direction? Can you give us any first-hand experiences along that line?

Mrs. DODD. I am afraid I don't have that.

Mr. MORRIS. You don't have that?

Mrs. DODD. No. I didn't function on the educational policies committee, which is an important committee of the union. But I don't have that.

Mr. MORRIS. There was a separate subdivision that would take care of a particular program like that, was there?

Now, Dr. DODD, in connection with your activity in the New York schools, did various high schools and elementary schools send representations to any of these caucus meetings?

Mrs. DODD. Well, in the early days, from 1936 to about 1938, about twice a year, both in the beginning of the school term and at the end, we would have a meeting of a fraction, what was called a fraction, a representative from each one of these units, and perhaps one or two thrown in from a district.

Mr. MORRIS. So you would have a representative from many units?

Mrs. DODD. That is right.

Mr. MORRIS. How many people would constitute a unit?

Mrs. DODD. Anywhere between 3 and 10.

Mr. MORRIS. So you had various representatives of these units—the units being dispersed throughout the city—meeting in the fraction?

Mrs. DODD. Yes.

Mr. MORRIS. How many people would attend such a fraction meeting?

Mrs. DODD. You would get anywhere between 60 and 100 people attending. These meetings used to be called Lowell Club—I was really quite startled first when I attended—the Lowell Club.

And what would happen was that at the beginning of the year you would have a program laid down for the party. They would discuss what the party hoped to accomplish in the schools that year. They would discuss the union. And that is one of the reasons why I was called in. But that was only one of the things they discussed. They discussed largely what the party was going to accomplish as far as the schools were concerned. The fractions were abolished in 1948. As far as I know, they never again were reestablished.

Mr. MORRIS. Why was that?

Mrs. DODD. I think because of the danger to the individuals, the question of getting to be known, and the question of people permeating it and exposing party members.

Mr. MORRIS. Dr. DODD, could you tell us something about an organization called the Committee for Democracy and Intellectual Freedom?

Mrs. DODD. That is a committee that functioned on the Columbia University campus.

Mr. MORRIS. Can you tell us what you know about it?

Mrs. DODD. Well, it functioned during the period of the Rapp-Coudert committee, because I know they wrote a very fine report from the point of view of attacking the Rapp-Coudert committee.

They were a committee which especially used the academic freedom as a nub around which to oppose many different activities or institutions, or people that were around. For instance, one of the committees that would attack a teacher or a professor who was supposedly a Fascist was the Committee for Intellectual Freedom and Academic Freedom.

Mr. MORRIS. In other words, they would take a case of Fascist activity, or alleged Fascist activity, and build it up: is that right?

Mrs. DODD. This is right.

Then they would also take any infringement, so-called, of academic freedom on the campuses. That would be their special regard; the question of textbooks, the question of material which was being used.

As far as I know, there was a young man by the name of Moses Finkelstein, who was a secretary of the committee. Prof. Franz Boaz, the noted anthropologist, was the acting chairman. Of course, in that committee, like all other committees which had some Communist influence upon it, the chairman was largely a person who was illustrious, famous, and who sometimes didn't know what was going on.

Mr. MORRIS. On this case, does Dr. Boaz answer that description?

Mrs. DODD. I think he does. He was a proliberal anthropologist and made a great contribution to American learning and wanted to do the right thing. I think he was approached to serve on this committee, but I don't think he knew what was going on half the time.

Mr. MORRIS. Was Finkelstein a Communist?

Mrs. DODD. I never saw his card. I think he was.

Senator FERGUSON. Did you ever deal with him as such?

Mrs. DODD. Yes; I did.

Mr. MORRIS. You dealt with him as a Communist?

Mrs. DODD. Yes.

Senator FERGUSON. Along this line of freedom of thought and so forth, "academic freedom," as you call it, there is not any doubt that everyone desires that; is that not so?

That is a wish of the people.

Mr. SCHMIDT. Senator, doesn't that very much depend on the definition given?

Senator FERGUSON. I am going to point out whether that idea—

Mrs. DODD. I think that the history of this country would say that we are all interested in freedom of thought. But what goes by the name of academic freedom very frequently is not freedom of thought.

Senator FERGUSON. Tell me what the Communist thinks is "academic freedom."

Mrs. DODD. The Communists will use academic freedom as a cloak or as a shield to protect themselves in the spread of any idea which they are determined to spread. I think that academic freedom has to be the right for the professor or the teacher to make a search for the truth; but, by heavens, he must then find the truth and label the truth, and let the student and other teachers know what the truth is.

You can't just ask for academic freedom in general and under that shield just promote anything that you want. That is not academic freedom.

Senator FERGUSON. Then you think that the idea of the Communists is to carry out the party line under the name of academic freedom; do you?

Mrs. DODD. Yes; to promote any idea which they think is important to them at the time.

Senator FERGUSON. And rather than the whole academic freedom?

Mrs. DODD. I have never known the Communists to go and fight for academic freedom for people whom they didn't agree with, and I think that is the test of it.

Mr. MORRIS. Mr. Chairman, then may I get back to a point that the witness just passed over here?

Senator FERGUSON. Yes.

Mr. MORRIS. You say that very often an organization is headed by a man who is technically not a member of the Communist Party but somebody who can be used as a front for that organization. Who was the president of the 'Teachers' Union while you were most active in connection with that organization?

Mrs. DODD. Mr. Charles Hendley.

Mr. MORRIS. To your knowledge, was Charles Hendley a member of the Communist Party while he was president of the 'Teachers' Union?

Mrs. DODD. He was not.

Mr. MORRIS. You know as a matter of fact that he was not?

Mrs. DODD. Yes.

Mr. MORRIS. At least during the period that you were closely identified with him?

Mrs. DODD. That is right.

Mr. MORRIS. How did the Communist Party exercise its control over Charles Hendley?

Mrs. DODD. Well, Mr. Hendley was a person with very definite views on the whole question of schools and Socialists. He was a known Socialist. And he was a teacher during this period in George Washington High School, and he didn't give too much of his time to it.

But we had placed in there, in his office, as a secretary, a young lady who made sure that he saw the right reports and didn't see the wrong reports.

In other words, when he came into the office at 3 o'clock in the afternoon, after teaching all day, he couldn't then be presented with a well-balanced diet of everything that had come in. The young lady, his secretary, would push certain letters under his nose and he would sign certain letters, and there were others she didn't want him to see. They would be hidden. She distorted it.

Senator FERGUSON. Did you see to it, or did somebody see to it, that secretaries or aides were Communists?

Mrs. DODD. That is one very prominent method whereby the Communist Party controls an organization; that is, to place a secretary at the disposal of a man who is not too alert on this question. And that person then either passes out copies of letters or information, reports, to the party, or helps to control the person whom she is supposed to be serving.

Mr. MORRIS. In the particular case of Hendley, did Hendley subsequently become a Communist?

Mrs. DODD. I heard that he became a Communist. I don't know. I know that he is connected with the Daily Worker.

Mr. MORRIS. Is he now connected with the Daily Worker?

Mrs. DODD. Yes.

Senator FERGUSON. Have you ever known anyone that was connected with the Daily Worker that was not a Communist?

Mrs. DODD. No; not as an owner of the Daily Worker. He would not be in a position to not be a Communist.

Mr. MORRIS. Dr. Dodd, we began to talk about a particular case, about Hendley and his particular secretary, and then I think we discussed the thing generally.

As a matter of fact, who was the secretary of Hendley at that time?

Mrs. DODD. A Miss Dorothy Wallace.

Mr. MORRIS. Do you know how the Communist Party exercised control over Dorothy Wallace?

Mrs. DODD. Well, I went into the union in 1935, and I didn't learn until perhaps in the forties, in the early forties, that Dorothy Wallace was the sister of the vice president of the union, who was the liaison between the Communist Party and the union.

Mr. MORRIS. How was that?

Mrs. DODD. She happened to have blonde hair and he happened to be dark. They just didn't look alike until you learned about it.

And I now know that three or four of the Communist teachers knew about it, the top echelon. But I didn't discover it until we had some problem.

Mr. MORRIS. You say she was the sister of the top liaison man between the Communist Party and the teachers?

Mrs. DODD. That is right.

Mr. MORRIS. And who is he?

Mrs. DODD. Dale Zysman.

Mr. MORRIS. So the Wallace girl, the secretary at the time, was Dale Zysman's sister?

Mrs. DODD. Sister.

Mr. MORRIS. And that fact was not known by you?

Mrs. DODD. It was not known to me, was not known by Hendley.

Mr. MORRIS. And at that time did you have an intimate position with the Teachers' Union and even with the Communist part of it?

Mrs. DODD. I did. When I discovered it and raised a good deal of Cain about it, they just said "Well"—they didn't want people to know about it.

Mr. MORRIS. This will be the final question of the afternoon, Mr. Chairman, I think.

I wonder if you could tell us, Dr. Dodd—and we don't want to get into any of the names of the individuals and the teachers in the schools at this point—but could you tell us the individuals in the Communist Party who would translate and who would direct Communist Party directives down into the teachers' group? Who were the leaders of the Communist Party who would carry the Communist Party directives and orders down to the teachers?

Mrs. DODD. Well, from the top level, within the union, you had a steering committee within the executive board. Then, in the different counties, the county leader, the county organizer of the party, also knew who the teachers were in his county, and he would have meetings with them and would have discussions with them.

Mr. MORRIS. Who were they? Will you name some of those people?

Mrs. DODD. The county leaders—

Senator FERGUSON. You are talking about all over the United States now; are you?

Mrs. DODD. All over the United States; yes.

Senator FERGUSON. So that, for instance, in Detroit the teachers would know who the Communist leader of that district was, would they?

Mrs. DODD. That is right.

Senator FERGUSON. And they would get party-line instructions from him?

Mrs. DODD. That is right.

Senator FERGUSON. And be able to take it to the union meetings, and so forth, and function on down into the school, or into any organization where a teacher happened to go; is that the method of operation?

Mrs. DODD. That is correct.

Mr. MORRIS. Dr. Dodd, who was the highest Communist Party official that participated in the party's control of teachers? Would anyone on the level of J. Peters have anything to do with teachers? Would he have anything to do with teachers?

Mrs. DODD. Yes. I never knew him as J. Peters. I knew him as Steve Miller.

At the time I didn't know he was an important person. He was attached to the New York county apparatus of the Communist Party, and he functioned with the teachers and with other people on a county level.

The highest person who ever functioned with us, of course, would be Earl Browder, or, at present, I guess, Bill Foster. But the highest person who ever attended a fraction meeting of the Communists was Roy Hudson, who went with us to the Madison, Wis., convention and met constantly with the delegates there.

Mr. MORRIS. In connection with this man Alfred Brooks, Alfred Brooks came out, as I recall, in the Rapp-Coudert hearings as having some connection with the Comintern, did he not, Dr. Dodd?

Mrs. DODD. I think so. I mean I didn't know it of my own knowledge; but when he admitted that he was Bosse, which was another name that was—

Mr. MORRIS. That is A. G. Bosse, is it?

Mrs. DODD. Yes.

Mr. MORRIS. And at that time A. G. Bosse was somebody that had written for the Imprecorr, was he not?

Mrs. DODD. That is right.

Mr. MORRIS. And at that time he was a teacher in the public schools, was he not?

Mrs. DODD. He was.

Mr. MORRIS. What happened after that was that he was exposed?

Mrs. DODD. The evidence that the Rapp-Coudert committee had against him was so overwhelming that, in order not to have him testify as to some of the more lurid tales at that time, he was advised to resign from the school system.

Mr. MORRIS. Did he resign?

Mrs. DODD. Yes.

Mr. MORRIS. What did he do subsequent to that, do you know?

Mrs. DODD. He went to Mexico. He was teaching, I think, in Mexico somewhere.

Senator FERGUSON. From what you relate today as to your activities with the Communist Party, it would indicate that you were quite a power in the Communist Party back in those days; is that correct?

Mrs. DODD. I served the party well.

Senator FERGUSON. You served them well?

Mrs. DODD. Yes—to my detriment.

Senator FERGUSON. Did they during those days recognize your service and give you more power and authority?

Mrs. DOBB. One of the things the Communist Party always does is to flatter people who have the will to activity, and they give him or her greater platforms and more opportunity for leadership.

Senator FERGUSON. When did they come to the conclusion that you couldn't serve them longer?

Mrs. DOBB. It was a growing realization. After I had joined the party apparatus officially, after I had become an employee of the Communist Party on the inside, almost from the very beginning I recognized that something was wrong, that this wasn't the thing which I had dreamed about, worked for, and which I believed in. That was in 1944.

Senator FERGUSON. How long were you on their payroll?

Mrs. DOBB. I was on their payroll from the time that I entered in 1944 until the spring of 1946. I at that time asked to be released from work, and the reason for it was that I, within myself, had the growing conviction that there was something wrong here.

This was the time after the Ducloux letter and the convention of 1945, and I began to recognize that this party was not serving the interests of the United States. So, I asked to be released, and they wouldn't release me.

As a matter of fact, Bill Norman, who was the secretary of the party, said to me: "There is money accumulated; why don't you take it?"

I was in desperate need of money, but I told him "No."

Senator FERGUSON. What was your highest salary with the Communist Party?

Mrs. DOBB. \$50 a week.

Senator FERGUSON. Then it would appear, from the service that you were rendering, that money is not the objective of the Communists?

Mrs. DOBB. It differs with different people. If it wasn't a Communist like myself—there are those who believed the Communist thing was the right thing and, therefore, money didn't matter. You worked 28 hours a day if there were 28 hours, because you thought you were doing the right thing.

It is this desire to do the right thing that has entangled more people in the Communist movement—this desire to serve mankind, this desire to help make a better world. Those are the slogans which they preach, and it is only after you are in it up to your neck that you discover that this isn't what it is.

I know that many of my former associates will not believe me, Senator Ferguson; but, if I could only tell them the things which I really saw on the inside, I think perhaps some of them might be disillusioned more rapidly than I was.

Senator FERGUSON. We will recess until 10 o'clock tomorrow morning.

Will the witness return at that time?

Mr. SCHMIDT. On behalf of my client, Senator, I want to compliment this committee for the intelligent and judicial manner of conducting this session.

(Thereupon, at 4 p. m., the hearing was recessed to reconvene at 10 a. m. Tuesday, September 9, 1952.)

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

TUESDAY, SEPTEMBER 9, 1952

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION
OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL
SECURITY LAWS OF THE COMMITTEE ON THE JUDICIARY,
New York, N. Y.

The subcommittee met at 10:30 a. m., pursuant to recess, in room 1305, United States District Court Building, Foley Square, the Honorable Homer Ferguson presiding.

Present: Senator Ferguson.

Also present: Robert Morris, subcommittee counsel, and Benjamin Mandel, director of research.

TESTIMONY OF BELLA V. DODD, ACCOMPANIED BY HER COUNSEL, GODFREY P. SCHMIDT—Resumed

Senator FERGUSON. The committee will come to order.

Dr. Dodd, you have been sworn, and we will continue the examination.

I wanted to ask some preliminary questions of you.

About how long would you say it took you to become a Communist?

Mrs. DODD. I would say that before I became completely committed it took me at least, 3, 4, 5 years.

Senator FERGUSON. Were you a Socialist prior to being a Communist?

Mrs. DODD. No; I was not. As a matter of fact, I went directly from a liberal, humanistic Christian to communism.

Senator FERGUSON. When you went to communism, did you give up your religion?

Mrs. DODD. I did.

Senator FERGUSON. Do you think that communism requires a person to surrender his religion and take, as a substitute, communism?

Mrs. DODD. There is no doubt that the Marxist-Leninist principles are completely materialistic and, therefore, against anything which has to do with God or religion.

At different times in the history of the Communist Party, they emphasized the fact that it was possible for you to be religious and, at the same time, Communist. But those were the periods in which they were trying to win over larger numbers of, let's say, Catholic trade-unionists, Catholic workers, and so forth and so on. Those

were the periods which were called the periods of extending the hand of communism to the people in the religious groups.

What you did was to say substantially this: "These men have a blind spot. They believe in God, but we Communists know that there is no God. But in order to get them to work with us, we will work with them on a minimum program."

As a matter of fact, even when you were in the Communist Party, the Communist Party from time to time established committees like the—there was a committee on Catholics for Human Rights, which consisted of Communists who had been Catholics, whose purpose it was to work with mass organizations which had a large number of Catholics.

Substantially, Marxism-Leninism denies that there is any soul; that there is any after life; that there is any God. That is part and parcel of the entire theory.

Senator FERGUSON. So, in this period when you said you did not carry a card, you were developing your belief in communism?

Mrs. Dobb. Yes; I was.

Senator FERGUSON. How long would you say that it took you to absolutely break, if you have absolutely broken, with the Communist ideology?

Mrs. Dobb. It is hard to put a limit on when you completely became a Communist and when you completely ended being a Communist.

All I can say it is a long period. You begin with certain doubts. They become intensified, and then you break. I would say my complete break didn't occur until 1952.

Senator FERGUSON. 1952—your complete break?

Mrs. Dobb. That is right. There are things which hang on.

Senator FERGUSON. I noticed in the press this morning there was a statement that you had gone back to your church.

Mrs. Dobb. Yes; I have.

Senator FERGUSON. Would you say, at the time you went back to your church, that you consider that the complete break?

Mrs. Dobb. I did not go back to my church until I had made the complete break, and that was on April 7 of this year. I was conditionally rebaptised.

Senator FERGUSON. One of the reasons why I ask you these questions is that, in hearings on communism in America, the Internal Security Subcommittee has discovered that testimony seems to be of what has happened in the past. It may be that the public does not understand why the committees are not quite up to date, why they are dealing in past rather than in actual present history.

Now, it takes a person such as you, who has been in communism and one who can give the facts, such a long time to come out of communism that it is almost impossible for us to be what is known as current.

Can you explain that on the record?

Mrs. Dobb. Let me try.

Communism is not just a belief in economics or in politics or in foreign affairs; it is not just the support of the Soviet Union. Communism is a whole philosophy of life. It permeates everything that you do. It permeates your family life, your relationship with your friends, your business relationships, the professional relationships. It has to do with your own thinking of what the importance of man is.

Therefore, if you once build up a philosophy of life and you are living by it and you live by it for a certain number of years and then you make the break, you have to take every phase of your life, every strand of your body practically, and every thought that you have, and you have to reexamine it and reformulate it into a pattern which is understandable.

Now, many people break with the Communist Party—because the Communist Party has a tremendous turn-over; people come in and go out—but do not find any new philosophy to substitute for it. Therefore, they live as vacuum, and many of them disintegrate. I mean just become morose people, or people who are just lost to a decent living.

But this whole question of honestly trying to reformulate your philosophy is a long process if you are an honest person.

Senator FERGUSON. I have one question here. You stated that one time, I am informed, after you had actually been expelled from the party—and, as I understand it, they do expel people who are known to deviate from their party lines—that the Communist Party was very similar to any political party; its only purpose was to get into power.

Now, after you have broken entirely with the Communist Party, is that a true, accurate statement of what the Communist Party is in America?

Mrs. DOB. No; it isn't. The Communist Party in America is a conspiracy. It is both a legal and an extra-legal and an illegal apparatus. It is a mechanism for bringing about the preconditions for a Marxist-Leninist victory in America.

Senator FERGUSON. Then it is revolutionary and believes in revolution to accomplish its purpose; that is, the overthrow of this Government; is that correct?

Mrs. DOB. There is no doubt about that. And when the Communist Party issues statements that all it does is to wait for the reactionaries in this country to create the preconditions and to establish violence, and that all they do then is to defend themselves against the violence, that, is a complete hoax and a farce.

Senator FERGUSON. In other words, they believe in the violence and advocate the violence in party circles to actually accomplish the overthrow of a capitalistic government, or a republic such as America?

Mrs. DOB. The whole Marxist-Leninist theory is based upon the fact that it is absolutely inevitable that you will have to sweep away the existing system by force and violence.

May I just add this thing, Senator?

Senator FERGUSON. Yes.

Mrs. DOB. In party circles, they don't make that statement publicly. What they say is, "The workers will want more and more rights; and, in order to keep them from getting these rights, the reactionaries will use repression. And at that time the workers will have to rise and take over the police force, the armies," and so forth and so on.

Senator FERGUSON. By force and violence?

Mrs. DOB. By force and violence.

Senator FERGUSON. You stated in the beginning that they sometimes compromise with religion. I think, for instance, the evidence in the Internal Security Subcommittee indicates that in the South

they permit the meetings of the colored people to open with prayer under the same guise. Now, do they ever temporize with one of their principles in order to gain their end?

Mrs. DODD. No. This whole question of using ministers or using men of religion to help in many of their causes is just in order to win over more people who are entrenched in the religious life.

Senator FERGUSON. At the present time they are unalterably opposed to the Smith Act, are they?

Mrs. DODD. Yes; they are.

Senator FERGUSON. That is one under which the Communists are being prosecuted?

Mrs. DODD. That is right.

Senator FERGUSON. Eleven in this city have been convicted and the Supreme Court has sustained the conviction. At any time have they ever temporized or stated that the Smith Act was of value?

Mrs. DODD. Well, I remember at one time, back in 1940-41, when a group of Socialists were attempting to introduce resolutions in the various trade-unions against the Smith Act because the Smith Act was being used to prosecute the Trotskyites out in the Middle West, at that time we were instructed—

Senator FERGUSON. You say "We." Does that mean the Communists?

Mrs. DODD. The Communist teachers or the Communist representatives in the various trade-unions were instructed not to give any aid or comfort to the passing of the resolutions against the Smith Act.

Senator FERGUSON. In other words, that would indicate that at that particular time, when Trotskyites were being prosecuted under the Smith Act, the Communists were not asking for the repeal or condemning of the Smith Act; is that correct?

Mrs. DODD. That is correct.

Senator FERGUSON. In other words, it would indicate that they felt that the Trotskyites were a greater menace to them than the Smith Act. Is that the principle upon which they operate?

Mrs. DODD. The principle that they operate on is that they don't go to the assistance of anyone they are deeply opposed to, even though there might be a question of civil rights involved.

Senator FERGUSON. Do you want to ask some questions, Mr. Morris?

Mr. MORRIS. I would just like to bring out one point the Senator covered, Dr. Dodd. What was the last date when you had access to Communist Party secrets? Of course, that is a relative term, I suppose, but when were you really, for the last time, in on Communist Party secrets?

Mrs. DODD. I think the last meeting that I attended was the State convention of the Communist Party in the summer of 1948. I attended because I was a member of the State committee, even though I was persona non grata and even though that convention was a very painful thing for me to attend.

Mr. MORRIS. Then you say it was 1952 before you really had broken away from the Communist Party completely, where you would be in a position where you would tell, for instance, a Senate committee such as this one what transpired behind the closed doors of the Communist conspiracy?

Mrs. DODD. That is true.

Mr. MORRIS. So, what happened between 1948 and 1952, particularly as far as your case is concerned, because of the phenomenon involved, of time required to change from one side to the other, is lost to this committee, at least from your own experience?

Mrs. DODD. Yes.

There is one thing I would like to add in that. During that period you are beset by all kinds of fears. You are beset by fears of unpleasant publicity; you are beset by physical fears; you are beset by emotional fears; you are beset by the fact that the old world that you lived in, the friends that you had, are cutting away from you, or have already cut away from you, and you are left alone.

And there is nothing more devastating than leaving a man or woman alone after having been surrounded or completely fenced in. During that period you have to sink or swim; you have to find some method of rationalizing this thing that has happened to you, or of finding some explanation for it.

Mr. MORRIS. The question is, Senator, we have to now encounter the problem of what to do about some of the teachers who may be presently in the public-school system here in New York or in the private colleges.

I think, Mr. Chairman, rather than to go into great detail with this witness here today about individual cases, we have subpoenaed the following teachers—they are the first cases that we encountered—to come before this committee, and they are going to be here tomorrow.

So, with your permission, may we defer examining this witness on any question of any individuals at this time, and simply state which teachers are going to be subpoenaed for tomorrow?

Senator FERGUSON. I just want to say on the record that, before any individual is named, I want to make sure that the witness appreciates this. And that is why I asked some of these questions as to whether or not she believes that she can testify to the truth, the whole truth, and nothing but the truth, with a clear conscience.

I ask you: Do you believe that you are now, when you have entirely broken with this line of thought, a free agent to testify before your country and your God?

Mrs. DODD. I am a completely free agent, Senator Ferguson. On this whole question of the teachers, it is a very painful subject for me.

As I said yesterday, I had a great deal of influence over some of these teachers.

Senator FERGUSON. And over students, as I understand it.

Mrs. DODD. And over students.

And I am responsible for some of them. I am the person who is guilty for some of the things that have happened.

And I said yesterday again that many of these teachers joined the Communist Party without knowing what they were joining. They joined because they thought it meant freedom of speech, because they thought it meant a fight against discrimination, or a fight for better teaching conditions, or a fight for better conditions for the children.

Most of the motives by which they joined were good motives.

I realize now, as I never did before, that what they got into was something which is contrary to any of the principles that they hold, that that is nothing but a cloak which is used for the purpose of really destroying some of these values.

Unfortunately, many of the teachers are not convinced of that. I, myself, might never have been convinced if I hadn't been on the inside of the Communist Party, if I hadn't worked with the apparatus.

I trust and hope that the boards of education, both in this city and elsewhere, will do everything they possibly can to enable these teachers to disentangle themselves, give them an opportunity to disentangle themselves, without either subjecting them to publicity which is unpleasant, or to reprisals within their chosen profession. I think they should be given a decent opportunity to disentangle themselves, and if they don't, then it seems to me that further action should be taken.

Senator FERGUSON. You are of the opinion, are you, that the evil of communism, particularly in the minds of teachers of our youth, is a direct challenge to the security of America?

Mrs. DODD. I do believe that.

Senator FERGUSON. And do you believe that many teachers, if they realized, as you do, from the actual operation of communism, that they would disentangle themselves and in every way possible rectify or change their lives and their teachings in order that we might help in the security of America?

Mrs. DODD. I believe that, Senator Ferguson, and I am grateful to your committee for giving me this opportunity to come forward and tell the story.

Neither the Communists nor any liberal progressive organization has given me the opportunity to present the information I had, because the moment I was expelled from the Communist Party, the Teachers' Union, which I helped to build, and which I was very proud of, dropped me as if I were dead. I never since that time received a copy of their publication.

Senator FERGUSON. Does not that indicate that it was controlled by the Communist Party?

Mrs. DODD. That I know.

But the thing which is more tragic than that is that their own thinking ceased at that particular point. They had known me as a person who had helped the teachers, but they never inquired "What made her change? What was the significant thing that made her change?"

And at this particular point, what will happen is that they will say, "Well, she just went over to the reactionaries"; which is a very simple way of dismissing a story which needs to be told.

Senator FERGUSON. Coming back to my question: If you do name people in this hearing, have you a free conscience, have you a clear understanding, that you can tell the truth, the whole truth, and nothing but the truth?

Mrs. DODD. I will do my best to do that, and I think I can.

Senator FERGUSON. You believe you can?

Mrs. DODD. Yes.

Senator FERGUSON. I would not want you to name anyone who, in your deep conscience, you could not name and believe, honestly believe, was as you described him. Do you understand that?

Mrs. DODD. Yes.

Mr. MORRIS. Mr. Chairman, may I request that I defer asking this particular witness individual names at this time?

Mr. George Timone, who is the chairman of the law committee of the board of education, has requested an opportunity to appear before

this committee on behalf of the board of education to tell what particular steps the board has taken to combat the evils that we have been bringing forth in the last few days.

Now, before we ask this particular witness any individual cases, may we defer that particular aspect of the testimony until after Mr. Timone has given testimony?

Senator FERGUSON. Yes.

I mean this same thing, of course, Dr. Dodd, on all of your testimony, whether it is the name of a person or a description of an act, or any of your testimony.

It must be on the basis that you are telling the truth with a free conscience and a recognition, as your oath requires, of your country and your God.

Mrs. DODD. Senator Ferguson, on everything that I testified, I am completely free to testify.

When it comes to the naming of teachers, I am, of course, reluctant, not because of anything else, but because I feel that the teachers are not aware of what they are doing, and the question is, When must we stop giving them the opportunity of being aware?

Senator FERGUSON. That is the big problem, and sometimes the over-all good requires testimony at a hearing that normally you would say, "We will pass it over."

But the over-all good that can be done is the paramount issue, the general welfare of this Nation.

I know that as you now speak you are going to keep that in mind when you testify.

Mrs. DODD. I am.

Senator FERGUSON. All right, you may proceed as you desire, then, on that line, Mr. Morris.

Mr. MORRIS. Mr. Chairman, Mr. Mandel, our director of research, has compiled, during the last few days, from his research work, a list of activities concerning which this particular witness is on record as participating in. We would like, just as background for the testimony that the witness has given up to date, and rather to present as a symbol and sort of as an example of what work she has been doing through the last 10 years for the Communist Party, we would like to review some of these points at this time, because, Mr. Chairman, I think it is relevant.

Senator FERGUSON. All right, you may proceed on that line.

Mr. MORRIS. Dr. Dodd, you have been listed as active and a member of the National Council of the American Peace Mobilization. According to Mr. Mandel's research, you were active in that organization in 1940. Will you tell us how your position as legislative representative of the Teachers' Union and the relationship that you had to the Communist Party at that time, how that relationship brought you into the American Peace Mobilization?

Mrs. DODD. Well, the American Peace Mobilization used a good many professional and literate people for speaking engagements and for writing material for the Peace Mobilization. I was asked to speak at hundreds of meetings of the American Peace Mobilization.

Genuinely, I believed in peace at that particular time. I believed at that time that the only way to keep America safe and strong was to keep her out of war.

Mr. MORRIS. Did other teachers participate in that?

Mrs. DODD. The teachers we used were, to a very large extent, in the entire peace mobilization movement. I mean practically every union teacher who could speak at all was mobilized and used in her own community.

And the professors, or the people from the colleges, were used on a city-wide, State-wide, and Nation-wide basis. We were used to testify in Washington; we were used to lead delegations against certain acts, or to lead delegations for certain activities.

Mr. MORRIS. Dr. Dodd, what happened to that organization, the American Peace Mobilization?

Mrs. DODD. Well, it had a number of transformations. And finally, when the Soviet Union was attacked in 1941, it was changed to an organization for the support of the war. I mean that was one of the most difficult jumps to make, because people who had come to fight for peace had become almost—they had almost believed in no war at all, under any circumstances.

They reached the point where the Quakers stood. But with the attack upon the Soviet Union, the course was shifted overnight, and the same chairman who had been chairman of the peace organization now became the chairman of the war mobilization committee.

I have forgotten the name that was given to it.

Senator FERGUSON. So that consideration was being given to the Russian Government or Communist Party?

Mrs. DODD. There is no doubt in my mind that the entire peace program of the Communist Party of America followed every one of the vagaries of the needs of the Soviet Union and that it shifted as the Soviet Union's need for peace or for war or for allies shifted.

Senator FERGUSON. And it was the interest of the Soviet Union rather than the welfare of America that was controlling the acts of the Communist Party and of this organization; is that right?

Mrs. DODD. It didn't seem so at first because the emphasis was upon saving our boys from going overseas, saving our boys from being killed.

But as the thing unfolded, it was the interest of the Soviet Union and the policy of the Soviet Union that set our political policy.

Senator FERGUSON. Go ahead, Mr. Morris.

Mr. MORRIS. We have here a committee of Sponsors for the Celebration of Fifteen Years of Birobidjan. You are listed there as a member in 1943. Will you tell us the nature of that activity, Dr. Dodd?

Mrs. DODD. As I say, I was listed on hundreds of organizations; and many times I didn't even know I was listed. As a person deeply involved in the Communist movement, someone at headquarters would be assigned to get up a committee for this, that, and the other thing, and they would take up people's names whose names meant something in the mass movements.

Senator FERGUSON. You do not claim that you then were a particular participant in all of these matters, do you?

Mrs. DODD. No, I wasn't.

Senator FERGUSON. And you would not then know of the activity or the person, would you?

Mrs. DODD. On this particular committee, I never attended a committee meeting. My name appears as one of the sponsors, or one of the committee members, but I never attended a meeting. I don't know anything about it.

All they did was put my name down as one of the sponsors.
 Senator FERGUSON. You might know some Communists, but not all?

Mrs. DODD. That is true.

Senator FERGUSON. You do not pretend to know all; do you?

Mrs. DODD. No; I wouldn't pretend to know all.

Mr. MORRIS. Dr. Dodd, you are listed as a speaker at the Greater New York Emergency Conference on Inalienable Rights in 1940. Do you have any particular recollection of that organization?

Mrs. DODD. Yes, I do. I attended that conference.

Mr. MORRIS. You are listed as a speaker.

Mrs. DODD. I spoke at that time, at that conference.

Mr. MORRIS. What was the nature of that conference?

Mrs. DODD. If I remember correctly, it was sort of a precursor of the Civil Rights Congress. Essentially, I think that particular year they emphasized the question of peace.

Mr. MORRIS. You are here listed as a signer of a statement on behalf of the Joint Committee for Trade Union Rights. What was that committee, Dr. Dodd?

Mrs. DODD. What year was that?

Mr. MORRIS. That was in 1940.

Mrs. DODD. I think that that was a committee which was established for the purpose of promoting the peace program. I am not sure; if I could have something to refresh my recollection—you know a lot of these committees all had similar names and similar objectives, and it is very difficult to remember.

Mr. MORRIS. Here, Dr. Dodd, you are listed as a sponsor of the Conference on Constitutional Liberties in America. Tell us about that particular activity.

Mrs. DODD. What year was that?

Mr. MORRIS. That was in 1939.

And in 1942, you were a member of the executive committee of the National Federation for Constitutional Liberties.

Mrs. DODD. I remember the National Federation for Constitutional Liberties. I was active in it, spoke for it, and spoke at some of their panels and discussions. That, too, was one of the organizations, a precursor of the Civil Rights Congress. There were a number of different groups: Congress for Inalienable Rights, the Federation for Constitutional Rights, the old I.L.D., and all of these were finally merged into the Civil Rights Congress in about 1945, 1946.

Mr. MORRIS. In 1944, you are listed here as active in the Schappes Defense Committee. Can you tell us what that was?

Mrs. DODD. I was chairman of that Schappes Defense Committee. Schappes was a school teacher who had been dropped from the school system because of the Rapp-Coudert committee, was indicted for perjury, and I was chairman of the committee to raise money for his defense and to arrange for his legal defense, and to help support his wife.

Mr. MORRIS. Dr. Dodd, did many teachers lose their positions at the time of the Rapp-Coudert investigation?

Mrs. DODD. Approximately 62.

Mr. MORRIS. Was a loss of job for them something that was hard on their families?

And this, Mr. Chairman, I think is a point that we should really develop as much as possible.

Senator FERGUSON. If it is what Communists do, I think it is very material.

Mr. MORRIS. That is right, sir.

Mrs. DODD. I guess every crisis in one's life is a painful thing for a family. A man loses his job, let's say, at City College or Brooklyn College, or any one of the colleges. It is a dislocation for his family and for his children. At the time of the Rapp-Coudert committee, however, we were well organized to help take care of all who lost their jobs, all who wanted to be taken care of.

Of course, we didn't go out seeking for it. Anybody who wanted to work with the union, work with the Communist group, could be taken care of. We raised money to support the families. We established the School for Democracy to give these men an opportunity to teach to a wider group of adults rather than to the children in the school system.

Senator FERGUSON. Was that by the union, or the Communists?

Mrs. DODD. It was by the union officially. It was the Communist nucleus within the union that was the sponsor of it.

Most of these 52 men or women who were dropped finally got better jobs than they had previously had. Most of them did better economically than they had in the school system, where the salaries were pretty limited.

Mr. MORRIS. So, as far as economic detriment is concerned, there was none at all in the individual cases of those who were dropped?

Mrs. DODD. It was an uneconomic thing, but in a long time they bettered by it.

Senator FERGUSON. Did you know of any people who were not directly connected with the Communist movement that were dropped because of that hearing?

Mrs. DODD. I have to go over those names, Senator Ferguson. I don't remember.

Senator FERGUSON. You do not recall any at the present time?

Mrs. DODD. No, I do not.

Mr. MORRIS. Dr. Dodd, yesterday you testified that you had no direct connection with the process of indoctrination of children in the classroom. Is there an implication thereby that the Communist Party did not provide for that particular thing, indoctrination of children?

Mrs. DODD. Well, the Communist Party always was very active in having youth committees, and the youth committees, in addition to politicalizing the youth and having them participate in political life, also brought up certain questions of what was going on in the schools. But the connection was always from the youth leader to someone in the party apparatus who was in charge of youth. I had nothing to do with that.

In the Teachers' Union as a union we had an educational policies committee, and since the union was dominated by Communists, that is, a promaterialist philosophy of education would be sponsored in the educational policies committee of the teachers' union.

Senator FERGUSON. And would it then be the policy that any Communist in the schools would carry out that program?

Mrs. DODD. Generally, yes; as far as he was able to understand it and put it into effect.

Senator FERGUSON. So then you would say that there was a definite plan or program or party line for the education of our youth, would you?

Mrs. DODD. There was party activity on that question. I can't put my finger on any specific line. It was a materialist line, and it differed at different periods.

Mr. MORRIS. Dr. Dodd, in your activities within the Communist Party and on behalf of the teachers' union, did you have any dealings with the Association of Internes and Medical Students?

Mrs. DODD. Yes.

Mr. MORRIS. Will you tell us what the nature of those experiences was?

Mrs. DODD. Well, at one time, I mean certain of the group that was organizing the organization came in to see me. I couldn't name their names at this particular moment. I don't feel that I would remember any of their names even after they came to see me. But they came to see me as a member of the Communist Party to help them, give them some ideas as to how to organize this organization.

Mr. MORRIS. Mr. Chairman, on these organizations, since they are not directly within the scope of our inquiry, we have not pressed the witness to give us the names of the individuals who are involved in that.

Senator FERGUSON. But I would like if the record would show and she can state the policy of that particular group of people, and so forth, the principles underlying it.

Mr. MORRIS. What was the policy, to your knowledge, Dr. Dodd?

Mrs. DODD. At that time there were two main problems they were interested in. One was the question of medical education, and they were having a problem with many of their young students who were going abroad, going to Scotland to study, having a hard time getting them back here and getting them accredited here.

There was a question of establishing a medical education here.

Then there was a question of salaries for these interns. They were increasing sort of on a trade-union basis, increasing the salaries and working conditions of the interns.

Mr. MORRIS. Again, to your knowledge, was the Communist Party exploiting those difficulties that existed?

Mrs. DODD. There is no doubt in my mind that any organization which the Communist Party helps to establish they may improve the conditions temporarily, but, in the long run, it is intended to attach a new group of people to its chariot to use in the long run for the "inevitable day when you are going to change this Government".

Mr. MORRIS. To your knowledge, was the past activity of the Communist Party in connection with the Association of Internes and Medical Students such activity?

Mrs. DODD. Yes.

Mr. MORRIS. What about the Physicians Forum? Do you know anything about the Physicians Forum?

Mrs. DODD. The Physicians Forum was also established primarily by the Communist Party.

Mr. MORRIS. For what purpose?

Mrs. DODD. Please get me straight. I mean I don't want to imply that everyone who was in the Physicians Forum, or even everyone who was on the organizing committee, was a Communist, but the

initiative for organizing the Physicians Forum came from the Communist Party, came from the ninth floor, where the national committee of the Communist Party existed.

Senator FERGUSON. You do not intend to say, do you, in these cases, that all the people connected with the movement were Communists?

Mrs. DODD. As a matter of fact, there were certain of these organizations where the Communists were in a very small minority, but they were in key positions and placed in such a way that they were able to utilize the organization.

Senator FERGUSON. With many organizations that Mr. Morris is reading this morning, there is, under the name, an indication of the nature of the movement. What can be better, for instance, than "protection of the inalienable rights of people"?

How are the people of America going to guard themselves in the future against the Communist penetrating, taking over, or starting and using for their benefit such organizations?

What is your answer, as a former high Communist official? You helped to take innocent people down the road to communism; you helped them into communism; you converted them to communism, and you say unconsciously they got in. Many of them today, you say you doubt that they actually know what communism is. How are you going to tell the people of America and the world, for that matter, how to avoid this entrapment, this unconscious placing themselves at first into the hands of Communists and later becoming a tool of an international conspiracy to establish a dictator or communism in America by force and violence?

I think that is one of the big problems. What are you going to say about that?

Mrs. DODD. I think, first of all, those who are the responsible leaders in America have to take away from the Communists the issues which the Communists utilize.

You take, for instance, what they have done with the Negro people and the whole question of discrimination. Well, if the responsible leaders of this country handled that problem themselves on a local basis, within their churches, within their social organizations, within politics, the Communists will not have that issue.

More people have to have a conscience and a passion for improving conditions, who are committed to the principles of a democratic people.

I think we need to train people also in how to recognize communism, and how they operate. I was very happy to see the National Education Association suggest that courses be given.

I think that if you had the experience of seeing how the Communists work, you can spot it almost immediately. You spot it during the period of the "united front," and during the period when they are against everything.

Essentially, no Congress and no Senate can do the job by itself. This is a job that has to be done by all the people and all the organizations.

Senator FERGUSON. Yesterday you indicated that in your teaching, in your activities, that you had actually enslaved the minds of certain Americans through the educational process, and the evidence seems to indicate that.

Now, how are the people going to recognize that their minds are being enslaved, their consciences, and their souls are being enslaved, by Communists in America? How are they going to recognize the enslaver?

Mrs. Dobb. Your committee is doing one of the jobs of explaining to the American public how this thing works. I have a great deal of respect for the work that the committee did in the Institute of Pacific Relations. I don't know how many people read the reports; I did. I learned things there that I didn't know as a Communist. I learned certain things which I had never known. That was a new phase of the Communist conspiracy of which I was not a party to, and I was not aware of.

I think it is important that that kind of information reach a maximum of the people and that the men in public office be dedicated to putting the facts before the public and letting them know.

Of course, I don't think anything can be done without the help of God.

Senator FERGUSON. Do you think it is also an educational process?

Mrs. Dobb. I think it is an educational process. I think the information has to be available.

I think that, in addition to everything else, I think we have to get on our knees and pray for help. I don't think we can do it just by our intellect alone.

I think also America needs to be united. The Communists are always talking about unity. By heavens, America needs to be united on this question. We are not going to give power into the hands of those who would use the anti-Communist movement to further aggravate the conditions in America, but we've got to unite for an improvement in the conditions and for the defeat of this evil.

Mr. MORRIS. Mr. Chairman, may I suggest that we defer any further questioning of this witness until we hear from Mr. Timone?

Senator FERGUSON. Is he here?

Mr. MORRIS. He is here today.

Mr. Chairman, the following are the teachers who are being asked to come in here tomorrow afternoon, at 2 o'clock. The names of those teachers are:

Mr. Louis Relin, Mr. Harold Collins, Mr. Louis Cohen, Mr. Leonard Koegel, Mr. Lou Spindell, Mr. Henry F. Mins, Helen Mins Robbins, Mary Daniman, Florence Waks, and Meyer Case.

They will be the witnesses who will be here tomorrow afternoon in open session.

Senator FERGUSON. Will you see that they are notified so that there will be no question of their getting notice?

Mr. MORRIS. That is right. Most of those teachers have testified in executive session.

Senator FERGUSON. I appreciate that. But notify them as to the time they are to appear in this courtroom and where it is, so that there will be no question, at 2 o'clock tomorrow.

Mr. MORRIS. Yes, sir; that shall be done.

Mr. SCHMIDT. Mr. Chairman, does that mean my client and I can leave for this morning, or do you want us to stay here?

Senator FERGUSON. I would rather you stay, if you could. I am not requiring you to stay.

Mr. MORRIS. Let the record show, Mr. Chairman, that even if Dr. Dodd is not called this morning, that she is to remain available for future testimony.

Senator FERGUSON. Yes.

I would have to, on the record, indicate that the subpoena is going to be continued because I do not want it to appear that we are closing your testimony. There are some loose ends that I feel personally we ought to get information on.

Mr. MORRIS. Mr. Chairman, the problem we have at this time is to what extent should this committee go into the naming of individual teachers who are Communists, and I think after Mr. Timone speaks, for instance, on behalf of the board of education and other interested parties, we can then determine whether or not we are going into individual names in open session.

So will you stand by, Dr. Dodd?

Mr. SCHMIDT. Thank you very much.

Senator FERGUSON. I indicated yesterday on this record, Mr. Morris, that it is not the desire of the committee to try and tell the boards of education who shall work for them or what they shall teach, or what they shall do in the operation of their schools, but we are glad if the board of education, through any representatives, wants to appear here and testify. We are glad to take their testimony.

TESTIMONY OF GEORGE A. TIMONE, CHAIRMAN, LAW COMMITTEE, BOARD OF EDUCATION, NEW YORK CITY

Senator FERGUSON. Will you raise your right hand, please?

You do solemnly swear, in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TIMONE. I do.

Senator FERGUSON. State your full name and address?

Mr. TIMONE. My name is George A. Timone. My address is 250 Riverside Drive, and I have been, since 1946, a member of the Board of Education of the City of New York.

I do not have a prepared statement on the advice of the corporation counsel, but at the request of our president and for myself, I would like to make a very brief statement on behalf of the board.

Senator FERGUSON. We would like to hear from you just as fully as you desire.

Mr. TIMONE. It is the view of our board that we are indebted to the committee and to you, Senator, and to Dr. Dodd, for what we count to be a great public service.

Now, as to the reason for this statement, Dr. Dodd has testified that there are probably 750 teachers in the metropolitan area who, at least as of 1944, were Communists. I suppose that a lesser number of that would be in the public-school system.

Mr. MORRIS. That is right. Dr. Dodd was very clear to testify that that number did not involve only people who are in the public-school system. She did stress that it was private schools and private colleges also.

Senator FERGUSON. In the educational system.

Mr. TIMONE. That is true.

Well, even if you should take 500 as a figure in our public-school system, let me say, in the first place, that is 500 too many.

At the same time, it should be said that there are 38,000 teachers in our public-school system. So that, percentagewise, we must not let the impression go out that any substantial percentage of our teachers ever belonged to the Communist Party or were ever in the Teachers Union, for that matter.

The Teachers Union, parenthetically, is one of 68 different organizations that we have, Senator, in our public-school system. We have over 700 schools.

I know you have a large organization in Michigan and Detroit, and I think this is much larger.

Now, here is what the board of education has done, Senator: In February 1941, we dismissed eight teachers. Those teachers were dismissed following a careful investigation by the corporation counsel, following hearings that the corporation counsel, John P. McGrath, himself conducted.

Senator FERGUSON. Does this case that I read about in the paper, of requiring city employees or government employees to testify before boards or commissions under a particular charter provision or ordinance, does that now apply to school teachers?

Mr. TIMONE. Our view is that it does apply to school teachers, and we always took that view.

And it is comforting to have the court of appeals now definitely say that it does. I think that was an aid to us.

Senator FERGUSON. In other words, if a witness refuses to testify before a board of education or a properly qualified board, he can be dismissed?

Mr. TIMONE. Yes, sir.

Senator FERGUSON. That is a cause for discharge?

Mr. TIMONE. Yes, sir.

Senator FERGUSON. Does this apply even though the witness says, "I refuse to testify on the grounds that it would tend to incriminate me?"

Mr. TIMONE. Our view is that it does.

Senator FERGUSON. In other words, the right of employment is not an absolute right?

Mr. TIMONE. That is right.

Senator FERGUSON. The right to have a public job is not an absolute right, but it is discretionary upon certain conditions, and one of the conditions is that you answer fully any questions that the boards or the various commissions desire to ask?

Mr. TIMONE. That is true, Senator.

I think that is the effect, too, of the decision of the United States Supreme Court in March of this year in sustaining the Feinberg order.

Senator FERGUSON. That is itself not an absolute right, but it is a qualified public right.

Mr. TIMONE. Public employment and especially public employment as a school teacher.

I can well understand that one might be reluctant in dismissing a person in the sanitation department under certain conditions where, if those same conditions obtained and the person were a school teacher,

we would take a different view, because the opportunity for mischief by a school teacher is much greater, in our view, than the opportunity for mischief by a sanitation-department employee.

Senator FERGUSON. All right, now you may proceed.

Mr. TIMONE. So that at those hearings that resulted ultimately in the dismissal of those eight teachers, we had engaged the services of Theodore Kiendl, who is probably one of the outstanding trial lawyers of this country, a partner in the John W. Davis firm. He submitted a report to us. We adopted that report and we dismissed those teachers.

Seven of those eight were dismissed because they refused to answer the question: "Are you now, or have you been, a member of the Communist Party". One was dismissed because we alleged and proved that he was a member of the Communist Party.

Let me assure you that as to those dismissed because they refused to answer the question, that we had some information—and pretty reliable information—that the people involved were members of the Communist Party.

But we desired one test case. We felt that we owed it to education and to the city to present at least one test case where we squarely charged and proved membership in the Communist Party.

Now, an appeal is pending from our decision. That appeal has been pending in the appellate division, second department, for a year and a half, but it has not been pressed.

Senator FERGUSON. When you say it has not been pressed, would you elaborate on that?

Mr. TIMONE. Yes. I mean that counsel for the Teachers' Union—and it is not accidental that they represent the eight individuals who were dismissed in February 1951—started a proceeding under article 78 for a review of our decision. That review comes before the appellate division in the second department, which is in Brooklyn. Their record has not been printed and their appeal has not been pressed.

In other words, they took an appeal, which has been pending for almost a year and a half, and they have not pressed it.

Senator FERGUSON. Does that stay your proceeding of the discharge of the employees?

Mr. TIMONE. That does not stay it, but something else stays it that I will come to in just a moment, Senator.

Senator FERGUSON. All right.

Mr. MORRIS. When you say it stays it, Mr. Timone, does that mean that there is no further prosecution of this problem in the meantime?

Mr. TIMONE. I mean that we have been stayed, but we have not been stayed by the appellate division, second department. We have been stayed in another forum and for another reason.

If you wish me to come to that now, or later—

Senator FERGUSON. No. Take it up later.

Mr. TIMONE. Very well. I will take it up chronologically and I will make it brief.

Senator FERGUSON. Yes.

Mr. TIMONE. We then went to the corporation counsel and we asked him to assign his top man to work full time for the board of education as our counsel in investigating and prosecuting similar cases. He did so assign an extraordinarily capable and experienced attorney, Saul

Moskoff, who is directing our investigation into this problem, devoting his time exclusively to that, and we have given him a staff.

And just parenthetically, Mr. Moskoff has been subjected, as the president of our board has been, as our superintendent of schools has been, and as I have been, to the full treatment of smears that Dr. Dodd has made allusion to. These smears consist generally in circulars and dodgers that are distributed on street corners charging us with being Fascists, charging us with conducting this investigation only to sidetrack the terrible conditions existing in our schools and so forth. We have become accustomed to that.

Senator FERGUSON. You must be able to endure that. This committee, I think, in this morning's press, in a statement from the union, was described as Fascist in a similar way.

Mr. TIMONE. We have been receiving that for quite some years, Senator.

Now, might I make reference to another point that Dr. Dodd has mentioned? She was concerned about people who had been duped into the Communist Party and sincerely have gotten out. But I say that that problem is not new with us. We have had a number of cases where a teacher has come in and has said, "Yes, I was a member of the Communist Party." And they give us the time and the teacher then says that he got out. And where his subsequent conduct and activity has not been inconsistent with that resignation, we have accepted it.

It is the policy of the superintendent and of the board not to bring charges against those teachers where we believe that they are sincere in their change. And there have been a number of cases precisely along that point.

Of course, however, if a teacher should receive from Mr. Moskoff a notice to come in and be questioned, let's say, in September 1952, and 3 days after the teacher receives the notice he then resigns from the Communist Party, we would be a little naive and gullible if we thought that that were a sincere repentance, a sincere change. We are not swallowing that kind of a resignation.

Now, we have had a number, a dozen or more, resignations from teachers who have been called in for questioning and who rather than submit to questioning have resigned.

Senator FERGUSON. We find that under the loyalty program in the various departments of Government, that rather than be subjected to telling the truth, they would rather resign.

Mr. TIMONE. Yes. We find that.

Mr. MORRIS. Therefore, Mr. Timone, it is the position of the board of education that if some teacher who you have evidence was associated with the Communist Party in the past comes forward and cooperates completely with you, even to the extent of making known details of that person's activity in the Communist Party, that there is no disciplinary action against such a person?

Mr. TIMONE. That is true.

Every case, of course, is judged individually. We must reach a conclusion as to the sincerity of the resignation.

There can be such a thing as a strategic or tactical resignation at certain times, and if it is that kind of a resignation, charges would be brought. If it is a sincere resignation, charges would not be brought.

So that any teacher who, for some period of time, has been in the

Communist Party and has gotten out and is sincere about it, I think need have no real fear of any action that the board of education would take.

Mr. MORRIS. And is the reason for that the fact that you are more interested in finding out what the present truth and present reality is than punishing for some past wrongdoing?

Mr. TIMONE. What we are interested in is this: We are interested in protecting school children, who are our first concern, against the damage that can be done and that we feel inevitably will be done by a Communist teacher. That is the point of focus rather than any effort to punish somebody for past deeds.

Senator FERGUSON. You realize the real question of the training of the youth, and if they are to be trained by actual Communists, you believe that that is such a detriment that that is the first evil that has to be cured?

Mr. TIMONE. Senator, not only do I believe that intensely, but let me assure you every member of our board does, and the superintendent of schools does. And that is the policy of the board and we are very conscious of that and very sensitive about our responsibilities on that score.

Senator FERGUSON. And you believe, as a board, that, on this question of the education, youth can be contaminated and the minds of the youth can be enslaved even on into the future through the Communist teacher; is that correct?

Mr. TIMONE. It is correct, sir.

Senator, might I say that the board—as I said, Mr. Moskoff and the staff have been devoting full time for well over a year now to this work—this board adopted, in the spring, a statement of policy. I would like to offer that in evidence, but in two words or sentences, here is what our statement of policy does:

It says, No. 1, it is our right and our duty to dismiss Communist teachers, and, No. 2, as a corollary to that, the superintendent has the right to ask a teacher, where he has good reason to ask the question, "Are you now, or have you been, a member of the Communist Party?"

That is all our statement of policy says. And we give the factual background and the court decisions to support those conclusions.

Following the adoption of that statement of policy, the superintendent brought charges against eight additional teachers, and it is just a coincidence that eight are involved here, too. They were all charged with refusing to answer the \$64 question, and they were suspended.

The Teachers' Union took an appeal to the State commissioner of education. That was argued in March of 1952.

You see, appeals may be taken from decisions of our boards of education even to the State commissioner of education, or to the courts.

Now, here in April 1952, upon the argument, we were stayed from proceeding further pending a decision.

Senator FERGUSON. Did the State commissioner stay you?

Mr. TIMONE. By the State education department; technically, at least, by the State commissioner of education.

And we have thus been stayed in three areas. We have been stayed No. 1, from conducting the hearings on the eight teachers already suspended, and Col. Arthur Leavitt a member of our board, together with

Rev. Dr. Coleman, are the two trial examiners appointed by our board to conduct those hearings.

Although they were appointed in March, they have not yet conducted any hearings because of the stay.

That is one area in which we have been stayed.

Secondly, we have been stayed in suspending any other teachers who have refused to answer whether they are or are not members of the Communist Party, and there are several such cases, a number of such cases, that the superintendent would suspend tomorrow except for the stay.

Then, Mr. Moskoff has been stayed, we have been stayed from asking any additional teachers "Are you now, or have you ever been a member of the Communist Party?"

So while I don't wish to be understood to criticize the State commissioner of education, who personally is a very capable and a very fine person, really the effect of this stay since last April has brought comparatively to a standstill our efforts in weeding out Communists and subversives from our school system.

We are hopeful, very hopeful, that even if we cannot get a decision on the subject matter of the appeal very shortly, that we can get very shortly a complete lifting of this stay so that we can proceed as we want to proceed.

Mr. MORRIS. Does that mean, Mr. Timone, that, for instance, in connection with the 10 teachers whom we have summoned here to testify here tomorrow, does that mean that you are not now in a position to call these teachers in to ask them whether or not they have been members of the Communist Party?

Mr. TIMONE. That is what that means. You can ask the question, but apparently we cannot without violating this formal stay.

Mr. MORRIS. And that is the situation as it exists today?

Mr. TIMONE. That is as it exists this moment.

I know how the State commissioner individually feels about Communist teachers. I am therefore hopeful that we will get relief very soon.

Senator FERGUSON. Has he written an opinion in granting the stay?

Mr. TIMONE. It is a so-called informal stay. We were told what the stay was, and we said that a formal stay would be issued if we did not abide or agree to abide by the informal stay, and we respectfully suggested to him that if he shall not see fit immediately to lift this informal stay, that he please make it a formal stay so that we could all know more definitely possibly what we may and what we may not do.

Senator FERGUSON. You indicated that there are moves made to criticize and even smear the board of education and those connected with this activity against communism in your schools.

Mr. TIMONE. Oh, yes, Senator.

Senator FERGUSON. Is there any cooperation and praise of your conduct?

Mr. TIMONE. I think the press generally, apart from the Communists and apart from the circulars being distributed along the streets, and apart from the Teacher News, which is the publication of the Teachers' Union, I think there has been a recognition by the press of what we have been doing and what we have been trying to do.

Senator FERGUSON. I thought I would ask that because the record may indicate that there is only one side, that everything was going one way.

Now, what about the average teacher in the union? Is it the union, as officials, or is it the union, as members, that are violently opposing your action?

Mr. TIMONE. Senator, that is a \$64 question, too.

Let me say this: Dr. Dodd has described how, in 1935, a large group came out of the union. Now, since 1935, this union has been, must I say, expelled, or may I say kicked out—it has been kicked out of the American Federation of Teachers, has been kicked out of the Central Trades and Labor Council, has been kicked out, as of 1951, out of the CIO, has been kicked out of the Joint Committee of Teacher Organizations because of its following the Communist Party line.

As recently as last year, the CIO found, after hearings when they expelled the parent organization, of which this is an integral part, they said that it was an instrument of the Communist Party.

Now, this public criticism has been going on now since 1935. The number of people in the Teachers' Union has been diminishing.

Senator FERGUSON. Do you have that number?

Mr. TIMONE. From time to time, they give the number.

Senator FERGUSON. Do you know what it is now?

Mr. TIMONE. No; I don't. I know that some time ago they claimed approximately 3,200, but, Senator, you cannot rely on information you get from that source, as we found out.

Senator FERGUSON. Was 3,200 your last figure?

Mr. TIMONE. Yes. A number of years ago approximately 3,200. But that includes not only teachers working for the board of education, that is to say, at the elementary, junior high school and high-school level, but it includes teachers in private schools and it includes college teachers, and we have no jurisdiction over colleges.

Mr. MORRIS. Who was the person, Mr. Timone, in that Teachers' Union, who would be responsible to this committee to give the precise membership of that union if this committee should want that?

Mr. TIMONE. Well, the president.

Mr. MORRIS. Who was the president?

Mr. TIMONE. Abraham Lederman. But he is one of the eight teachers we dismissed in February 1951 because he wouldn't answer the question.

But coming back to the original point: Undoubtedly there are some teachers still in the Teachers' Union who do not know, or do not appreciate its aims and purposes, who are in there just because of gullibility.

But, really, how many such can there be? How gullible can a person become?

Senator FERGUSON. And how long?

Mr. TIMONE. And for how long.

So that it is fair to say that a substantial percentage of teachers now in the union are in there knowing its purposes. I don't see how except a comparatively few could be in there all this time and with all of these exposures and not know its purposes. I think that is carrying charity to the point where it is completely unrealistic.

Senator FERGUSON. Do you believe, then, at the present time, that this teachers' union is dominated by the Communists?

Mr. TIMONE. Oh, completely.

Senator FERGUSON. Controlled, in other words, rather than dominated; is that right?

Mr. TIMONE. Yes, controlled.

You know, parenthetically, the eight teachers that we dismissed in February 1951, all eight were officers or members of the executive committee of the Teachers' Union. And of those now under suspension, whom we have not tried because of the stay, I believe that all eight are either members of the executive committee or active members of the Teachers' Union.

And all those who are now being called for questioning, but who do not appear because of the stay, all retain the counsel for the Teachers' Union to represent them.

Might I say, Senator, we talk about getting Communist teachers out of our system, and we have a duty in that regard. It mustn't be felt that the board of education thinks that it completely discharges its problem when we discharge Communist teachers. That is essentially a negative action—an important negative action, but still negative.

We have inaugurated a program and we have a regular monthly publication that we call Strengthening Democracy, which gives all our teachers source material in exposing totalitarianism, in giving them references, in giving them material so that affirmatively they can strengthen democracy and teach democracy to our children.

That is democracy as you and I here understand it, not democracy as it has been called so glibly by the Teachers' Union.

So that we have a definite, affirmative program to teach our children about communism. That is much, much different, obviously, from teaching our children communism or from permitting them to be taught about communism by Communist teachers. But we think they should learn about communism, and we have a definite program so to do.

But, in the final sentences, Senator, there are probably more things that we can do, but I didn't wish the impression to get about—and I am not disputing Dr. Dodd, I believe her statement implicitly—but you see so many Communist teachers in our system, and I did not wish anybody to feel that the board of education was not doing all that it could to cope with the problem.

Senator FERGUSON. But you have, at the present moment, a limitation, as you say, on what you believe you should be doing?

Mr. TIMONE. A very definite limitation.

Mr. MORRIS. And you, too, are aware of Dr. Dodd's testimony to the effect that if three teachers are on a faculty, that they constitute a very formidable unit with respect to spreading Communist purposes in the school?

Mr. TIMONE. I believe that implicitly.

Senator FERGUSON. Do you have any other questions, Mr. Morris?

Mr. MORRIS. Mr. Chairman, we have had several requests of individuals in organizations to give testimony here on this point. Consistent with the express policy of the committee, I think we should do that in executive session and let the next public testimony be when these teachers whom we have named testify tomorrow afternoon.

Senator FERGUSON. Yes, unless the committee comes to the conclusion that at the close of the executive testimony it should be open to the public and taken in public.

Mr. MORRIS. That is right.

Senator FERGUSON. Then we would feel at liberty to open the hearings.

Mr. MORRIS. That is right, Senator.

Senator FERGUSON. I want to thank you for coming in and telling us what the problem is, as you see it as a member of the board of education, Mr. Timone.

Mr. TIMONE. Thank you, Senator.

Senator FERGUSON. We did not feel, as I said, that we were coming here to interfere with your activities as a member of that board. We believe that education is a local problem except that it might affect our national security. Then it becomes a national problem. We want to allow everything that is possible at the local level. We appreciate your coming in.

Mr. TIMONE. Far from interfering, we think you help our efforts.

Thank you, sir.

Senator FERGUSON. We will recess the open hearings until 2 o'clock tomorrow, and if the committee desires to open any hearing at any particular time after hearing the executive, we will do so.

(Thereupon, at 11:45 a. m., a recess was taken, the hearing to reconvene at 2 p. m., Wednesday, September 10, 1952).

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

WEDNESDAY, SEPTEMBER 10, 1952

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE
THE ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS,
OF THE COMMITTEE ON THE JUDICIARY,
New York, N. Y.

The subcommittee met at 2:15 p. m., pursuant to call, in room 1305, United States District Court Building, Foley Square, Hon. Homer Ferguson presiding.

Present: Senator Ferguson.

Present also: Robert Morris, subcommittee counsel, and Benjamin Mandel, director of research.

Senator FERGUSON. The committee will come to order.

Mr. MORRIS. Mr. Chairman, Mr. George Timone, chairman of the New York City Board of Education, has requested an opportunity to appear here for a very short time at the beginning of this session.

Senator FERGUSON. He may take the stand and continue his examination.

Mr. TIMONE. Thank you, Senator. I think I can do this in about 2 minutes.

Senator FERGUSON. All right, sir.

FURTHER TESTIMONY OF GEORGE TIMONE, CHAIRMAN, LAW COMMITTEE, BOARD OF EDUCATION, NEW YORK CITY

Mr. TIMONE. Senator, I testified yesterday that we had been stayed from certain action by the State department of education for approximately 6 months from taking certain action.

May I supplement that testimony by now saying that I completed my testimony at approximately 11:45 a. m. yesterday. At 12:15 p. m. yesterday, that is, a half hour later, a letter signed by the State commissioner of education and addressed to Michael A. Castaldi, assistant corporation counsel, was read over the telephone to Mr. Castaldi. That letter was transcribed in the corporation counsel's office and delivered to Mr. Castaldi at 12:45 p. m.

The original letter, postmarked in Albany, September 8, actually reached the corporation counsel's office at 5 minutes after 2 p. m. yesterday.

Senator FERGUSON. Could I see the original?

Mr. TIMONE. Yes. Here is the original, sir.

The effect of the original is to vacate the stay. You might recall I had testified that I was hopeful that at an early date the State department of education would vacate and lift the stay that had been imposed upon us.

Senator FERGUSON. In other words, this letter appears to have been mailed in Albany, September 8, at 1:30 p. m.

Mr. TIMONE. Yes, sir. It reached the corporation counsel at 5 minutes after 2 yesterday.

Senator FERGUSON. Would you read it into the record?

Mr. TIMONE. I would be very glad to, sir:

Re: Appeals of Irving Adler, Dorothy Block, et al., from certain actions, etc., of Board of Education of the City of New York.

MY DEAR MR. CASTALDI: I have given further consideration to the matter which you presented to me in my office this afternoon.

When the above-entitled case was argued, it was understood that while no formal stay would be issued, I requested your office to advise the board of education not to pursue further the questioning of employees as to whether they are members of the Communist Party, pending a determination in said case. Since that time I have given consideration to that case and have concluded that substantial issues which may affect my decision in this case were presented in a proceeding which was commenced prior to the proceeding before me, to the appellate division for decision, and that my decision should await that determination.

I further understand that the appeal has not been argued and that it is not on the calendar of your appellate division for the September term. Under the circumstances I have concluded not to grant a formal stay in the proceeding and to release you from the understanding had at the time of the hearing in respect thereto. In so doing, however, I want it clearly understood that this does not represent in any way my determination on the issues of the above-entitled case. The question before me specifically in that case is whether your board of education may properly inquire of its teachers whether they are members of the Communist Party and, if they refuse to answer, to dismiss or suspend them. This letter is not to be construed in any way as a determination of that issue, nor does it affect our understanding as to the petitioners in the above-entitled appeals.

Yours very truly,

L. A. WILSON.

Copy to Witt and Cammer, and copy to Melton H. Friedman, Esq.

Mr. MORRIS. Mr. Chairman, will that be received into the record?

Senator FERGUSON. Yes, sir.

(The letter previously read by the witness was received as exhibit No. 1.)

Mr. MORRIS. Thank you, Mr. Timone.

Senator FERGUSON. I might ask, Mr. Timone, whether or not the board or you consider that this is a release of any stay and that you might proceed as you deem advisable?

Mr. TIMONE. I so interpret that letter, Senator, as a complete release from any stay, and we expect to proceed promptly, very promptly.

Mr. MORRIS. Mr. Timone, do you plan to attend this session today?

Mr. TIMONE. For a few moments, at most, unless you wish me to.

Mr. MORRIS. Would you have someone who would represent you or the board observe the questions that will be directed to the witnesses today?

Mr. TIMONE. Yes.

Mr. MORRIS. And then we would like to determine the extent to which you are empowered to go into questions such as will be asked here today.

Mr. TIMONE. Thank you.

Mr. MORRIS. Mr. Chairman, the first witness I would like to have called today will be Henry F. Mins, Jr.

**TESTIMONY OF HENRY F. MINS, NEW YORK, N. Y., ACCOMPANIED
BY HIS COUNSEL, HAROLD I. CAMMER**

Senator FERGUSON. Mr. Mins, will you raise your right hand, please?

You do solemnly swear, in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MINS. I do.

Senator FERGUSON. You may be seated.

State your full name and give your address and your occupation.

Mr. MINS. Henry F. Mins. I live at 315 East Fifty-seventh Street, New York 22, and I am a teacher.

Senator FERGUSON. In what school?

Mr. MINS. New Utrecht High School.

Mr. MORRIS. What do you teach, Mr. Mins?

Mr. MINS. English. Every now and then I am called to pinch-hit on other subjects, too.

Mr. MORRIS. How long have you been in the school system, Mr. Mins?

Mr. MINS. Something over 25 years.

Mr. MORRIS. Are you known as Henry Felix Mins, Jr.?

Mr. MINS. Well, I was while my father was alive.

Mr. MORRIS. When did your father die?

Mr. MINS. Well, with many other Jewish persons, he died in a Nazi camp. I think it was about 1943 or 1944, but it was hard to get any definite date. I heard of it later through a Jewish organization.

Mr. MORRIS. Was he an American citizen when he died?

Mr. MINS. No.

Mr. MORRIS. When did he last reside in the United States?

Mr. MINS. Well, so far as I know, the last time I saw him in the United States was when he had come back from Poland, after having left this country, and I believe that was in 1930 or 1931.

Mr. MORRIS. Mr. Mins, are you now a member of the Communist Party?

Mr. MINS. I decline to answer that question.

Mr. MORRIS. Why do you decline to answer that question?

Senator FERGUSON. Just a moment. Will you state your reasons?

Mr. MINS. I beg your pardon?

Senator FERGUSON. If you decline to answer it, will you state your reasons so that I may rule on the question?

Mr. MINS. Yes.

Well, I don't want to make a speech, but I would like to refer to the freedom of speech and the freedom of belief which are guaranteed by the first amendment. And I also refer to, under the present state of public opinion, including the inflammatory editorial of the New York Times, under the circumstances I would also like to invoke the fifth amendment.

Senator FERGUSON. What was the date of the editorial in the Times?

Mr. MINS. This morning. This morning's editorial of the Times seemed to me inflammatory.

Senator FERGUSON. Was the one you are referring to on the question of communism?

Mr. MINS. Yes; referring to Communist teachers particularly, or alleged Communist teachers.

Senator FERGUSON. I cannot recognize your privilege or your refusal to answer on an editorial or the fact of what you believe about an editorial.

Mr. MINS. Oh, no. I also decline to answer on the ground of the fifth amendment. A person cannot be required to testify against himself.

Senator FERGUSON. On that ground, Mr. Mins, I will recognize your right, under the Constitution or the fifth amendment, that a person does not have to testify in a criminal matter where it would tend to incriminate him.

If you, in good faith, claim that privilege, I will recognize it.

Mr. MINS. Which I do.

Senator FERGUSON. All right, on that ground alone I recognize your right not to answer that question.

Mr. MORRIS. Mr. Mins, have you ever in the past been a member of the Communist Party?

Mr. MINS. I decline to answer that question, on the same grounds.

Senator FERGUSON. On the same reasons, I will permit you to refuse to answer that question.

Mr. MORRIS. Mr. Mins, have you ever been a contributing editor of the publication, *Science and Society*?

Mr. MINS. I decline to answer that question, and on the same grounds.

Senator FERGUSON. Mr. Mins, have you ever been a member of the Fascist Party?

Mr. MINS. I decline to answer that question, on the same grounds.

Senator FERGUSON. That it might tend to incriminate you?

Mr. MINS. Yes.

Senator FERGUSON. All right. I will recognize your right.

Mr. MORRIS. Mr. Chairman, I wonder if you would receive into the record the fall 1938 issue of *Science and Society*, a Marxist quarterly. It is volume 2, No. 4. That is the publication mentioned in the last question I directed to the witness.

Senator FERGUSON. There appears in this book, Mr. Mins—and I want your answer to this—on page 556, an article by H. F. Mins, Jr.

Would you just glance at that and see whether or not that article was by you?

Mr. MINS. Yes; that was by me.

Senator FERGUSON. I will receive it in evidence.

Mr. MINS. I am sorry.

Mr. MORRIS. Mr. Mins, did you know Mr. Edwin Berry Bergum, who is listed here as the editor of *Science and Society*?

Mr. MINS. Yes, I know Mr. Bergum.

Mr. MORRIS. Do you know Mr. Vladimir Kazakevich, who is listed as an editor of *Science and Society*?

Mr. MINS. At one time I did know Mr. Kazakevich; yes.

Mr. MORRIS. Is he now alive?

Mr. MINS. So far as I know, he is. But I haven't seen him for years and years. I don't know just when.

Mr. MORRIS. Mr. Mins, is Helen Ann Mins Robbins your sister?

Mr. MIXS. Yes.

Mr. MORRIS. Did you testify in executive session that Helen Ann Mins Robbins lived at 8 West Thirteenth Street?

Mr. MIXS. Yes.

Mr. MORRIS. Mr. Chairman, I would like to know if Mrs. Robbins is in the courtroom today. She has been summoned to appear here today. She was summoned to appear in executive session at 11 a. m., this morning, and she did not appear.

I was wondering if you could determine whether Mrs. Robbins is in the courtroom now.

Senator FERGUSON. Do you see her, Mr. Mins?

Mr. MIXS. No. I am pretty sure my sister isn't here. She is large enough to see.

Mr. MORRIS. Do you know where your sister is now?

Mr. MIXS. Yes.

Mr. MORRIS. Where is she?

Mr. MIXS. She is up in the country taking care of my mother, who is sick, who had a fall. My mother is 78, and had a fall, and a bad fall. My sister is up there taking care of her. I shouldn't be surprised—

Senator FERGUSON. If she did not receive the telegram?

Mr. MIXS. Yes. I shouldn't be surprised if the summons is still waiting for her.

Senator FERGUSON. What do you mean by the "country." Where does your mother live?

Mr. MIXS. She is up at my other sister's place in Croton; at least she was a few days ago, the last thing I heard of.

Senator FERGUSON. Have you ever taken part in any organizations in the school?

Mr. MIXS. Within the school system?

Senator FERGUSON. Yes.

Mr. MIXS. Yes. I have been a member of the Teachers' Union.

Senator FERGUSON. Did you hold any office in the Teachers' Union?

Mr. MIXS. I think not. I may have once, sometime ago, a long time ago, have been a member of the delegate assembly, but I don't believe I have ever been an officer.

Senator FERGUSON. Were you ever a member of what they call the rank and file caucuses, or did you attend them?

Mr. MIXS. Yes; that was a long time ago. Yes, I did.

Senator FERGUSON. Were you a member of those?

Mr. MIXS. I attended them just occasionally.

Senator FERGUSON. Would you state as to whether or not, in your opinion, the Teachers' Union was ever controlled by the Communist Party?

Mr. MIXS. Well, I don't think much of my own political judgment, but I would like to say about the Teachers' Union what I said to you in executive session.

Am I allowed to say that, to recall that?

Senator FERGUSON. Yes.

Mr. MIXS. That I had been reading some American history recently. I just read a good book, a pretty good book, by a professor of American history at the University of London, that deals with the whole question of the constitutional question involved in the formation of the Constitution. That same question arose at the time of the secession.

It was a question of inalienable rights, so called unalienable rights, as the Declaration calls them; for example, property, on one hand, and majority rule, on the other. And at the time of secession, the southern leaders stood firmly for inalienable rights as against majority rule.

Well, I don't agree with that. I have always felt that in a government or in any other organization, majority rule or democracy is the only way to operate. And the Teachers' Union, to my knowledge, always has operated on the basis of majority rule on a democratic basis.

Senator FERGUSON. That did not answer my question, I do not believe. Was it controlled or dominated?

Mr. MINS. That I don't know. Not to my knowledge.

Senator FERGUSON. Do you know of any Communists in it?

Mr. MINS. Not to my knowledge.

Senator FERGUSON. Not to your knowledge?

Mr. MINS. No.

Mr. MORRIS. Mr. Mins, did you ever write for any publication under a pseudonym?

Mr. MINS. Yes.

Mr. MORRIS. Would you tell us about it?

Mr. MINS. I have written in Science and Society under a pseudonym, and the pseudonym is Giulio Muratore. And as I explained in executive session—

May I repeat myself again?

Senator FERGUSON. Yes.

Mr. MINS. I did that because I am, well, in a way, ashamed of knowing so many languages and being limited in so many diverse fields. It really is a little discreditable for anyone who has an interest in scholarship to scatter himself so much. And so, when I was reviewing a book on Latin America, on Italian matters, I took a Latin-sounding name.

Mr. MORRIS. What is that?

Mr. MINS. I said that before; Giulio Muratore.

Mr. MORRIS. Will you spell it, please?

Mr. MINS. G-i-u-l-i-o M-u-r-a-t-o-r-e.

Mr. MORRIS. You did, therefore, write in the magazine Science and Society under two different names; is that right?

Mr. MINS. Yes.

Mr. MORRIS. Did you write any particular type of article under your own name and a different type of article under the name, Muratore?

Mr. MINS. Except for the fact that when I became interested in Spanish-American matters after a first trip to Mexico, then I started to review books on Latin-American matters and Italian matters. Then I started to write under that name. Except with that exception, I wrote under my own name.

Senator FERGUSON. Mr. Mins, have you ever been called before the board of education or any member of it?

Mr. MINS. No.

Senator FERGUSON. And asked any questions in relation to your political activities?

Mr. MINS. No, sir.

Mr. MORRIS. Have you been called before any board of any kind?

Mr. MINS. No.

Mr. MORRIS. Are you a brother of Leonard Mins?

Mr. MINS. Yes, sir.

Mr. MORRIS. Do you, to your knowledge, know that Leonard Mins ever has been a member of the Communist Party?

Mr. MINS. Not to my knowledge.

Mr. MORRIS. Do you have knowledge that Leonard Mins was dismissed from the OSS during the war?

Mr. MINS. Yes.

Mr. MORRIS. Do you know why he was dismissed?

Mr. MINS. No. I know there was a lengthy hearing and all sorts of counsel involved, but I don't know the exact grounds.

Mr. MORRIS. Do you have evidence that your brother, Leonard Mins, testified before the House Un-American Activities Committee?

Mr. MINS. No; I don't have evidence, but I know that he was questioned at length and by various parties.

Mr. MORRIS. By various parties?

Mr. MINS. Yes; I don't know whether it was the House Un-American Activities Committee, or what other committee.

Senator FERGUSON. Was he discharged before or after his testimony before the committee?

Mr. MINS. I am sorry, I don't know that. That was during the war. It must have been well along in the war, in 1943 or 1944. But I don't know—no, I don't know the sequence of events.

Senator FERGUSON. Did you ever hold any position with the United States Government?

Mr. MINS. Well, yes; when I was going to school. I worked in the post office at night to support myself. But that was a long time ago, too, in 1920.

Senator FERGUSON. Nothing after that?

Mr. MINS. No.

Mr. MORRIS. Mr. Mins, do you have any knowledge that your sister, Helen Ann Mins Robbins, is or has been a member of the Communist Party?

Mr. MINS. Not to my knowledge.

Mr. MORRIS. Not to your knowledge?

Mr. MINS. No.

Mr. MORRIS. Have you ever discussed communism with her?

Mr. MINS. No.

Mr. MORRIS. Do you have any knowledge that your sister, Mrs. Finger, is or has been a member of the Communist Party?

Mr. MINS. Not to my knowledge.

Mr. MORRIS. What is her maiden name?

Mr. MINS. Sophie.

Mr. MORRIS. Is she a school teacher?

Mr. MINS. No.

Mr. MORRIS. Has she been a school teacher in the past?

Mr. MINS. Yes. But now she has three children.

Mr. MORRIS. And she ceased teaching?

Mr. MINS. Yes. She was out a long time.

Mr. MORRIS. Mr. Mins, did you ever reside at 240 West Twenty-seventh Street?

Mr. MINS. Oh, no. No.

Mr. MORRIS. Did your father ever have a place of business there?

Mr. MINS. Yes.

Mr. MORRIS. When did your father have a place of business at 240 West Twenty-seventh Street?

Mr. MINS. Well, I would hate to try to say it accurately, but I think it was from 1913 or 1914 on until perhaps—oh, I don't know, 1918 or so. I really couldn't be definite.

Mr. MORRIS. Have you ever been at the machine shop?

Mr. MINS. Yes; I would always be helping my father after school, and that sort of thing.

Mr. MORRIS. Do you know whether or not any Communist ever visited that machine shop?

Mr. MINS. No; I haven't the slightest idea.

Mr. MORRIS. Do you know whether Jacob Golos was ever there?

Mr. MINS. No. I don't that name.

Mr. MORRIS. Did you ever meet Mr. Jacob Golos?

Mr. MINS. No; not to my knowledge.

Mr. MORRIS. Did you ever reside at 410 west One hundred fifty-fourth Street?

Mr. MINS. In the twenties. But what years, I would hesitate to say unless I looked it up. Let me see. I imagine from 1922 or 1923 on.

Mr. MORRIS. On until when?

Mr. MINS. Well, until I got married. And we set up housekeeping in 1928, I believe.

Mr. MORRIS. Did Mr. Nicholas Dozenberg ever visit that place of residence?

Mr. MINS. Not to my knowledge.

Mr. MORRIS. Do you know a man named Robert Gordon Switz?

Mr. MINS. No.

Mr. MORRIS. You never heard of that name?

Mr. MINS. I seem to remember there was some sort of spy case in the papers, but outside of that, I don't know the name.

Mr. MORRIS. Is it your testimony that you do not know the name and you have never met the man I have just named?

Mr. MINS. That I do not know the name beyond possibly an echo of something in the papers.

Mr. MORRIS. Mr. Chairman, I have no more questions of this particular witness.

Mr. Chairman, would you ask this witness to stand by in the event we may want to call him at some other time?

Senator FERGUSON. Yes; or even today. I think he had better wait. Something may develop.

Just wait in the courtroom here.

Mr. MINS. Shall I wait in the courtroom, or in the jury room?

Senator FERGUSON. You can wait in the courtroom.

Mr. MINS. Yes, sir; surely.

Mr. MORRIS. Mr. Chairman, will you have Mr. Meyer Case called as the next witness?

TESTIMONY OF MEYER CASE, BROOKLYN, N. Y., ACCOMPANIED BY HIS COUNSEL, HAROLD I. GAMMER

Senator FERGUSON. Mr. Case, will you raise your right hand, please? You do solemnly swear, in this matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, to

tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CASE. I do.

Senator FERGUSON. State your full name and place of residence and occupation.

Mr. CASE. Meyer Case; 1307 Avenue R, Brooklyn.

Senator FERGUSON. In what school do you teach?

Mr. CASE. I teach at Brooklyn Technical High School.

Senator FERGUSON. How long have you taught there?

Mr. CASE. I have taught there about 15 years.

Senator FERGUSON. What particular course do you teach?

Mr. CASE. I teach social studies.

Senator FERGUSON. Have you taught those during that entire period?

Mr. CASE. Yes; I have taught various social studies.

Senator FERGUSON. Name some of them.

Mr. CASE. I have taught community civics, world history, ancient history, mediaeval history, modern history. I have taught American history from the colonial period to modern times. I have taught economics.

I think that is the complete social studies curriculum at the school. I have taught every course.

Senator FERGUSON. Have you ever held any position in any organizations in the school?

Mr. CASE. Just what do you mean by organizations?

Senator FERGUSON. As an officer; any organization connected with teachers.

Mr. CASE. In the school?

Senator FERGUSON. Yes.

Mr. CASE. Well, I have never had any appointed position within the administration of the school. I have been on the teachers' council that concerns itself with improvement of teaching conditions, with improvement of conditions within the school.

During the war, I was chairman of the War Activities Committee, and the committee collected hundreds of thousands of dollars in bond sales. I think we recruited donations of several thousand blood donors in the school. We collected much clothing during the war. We did a very good job, I think.

Well, that was during the war period.

Senator FERGUSON. Have you ever had any connection with teachers' organizations?

Mr. CASE. I belonged to teachers' organizations, naturally.

Senator FERGUSON. Which one?

Mr. CASE. Well, I belonged to the Teachers' Union, of course.

Senator FERGUSON. Are you a member of the Teachers' Union?

Mr. CASE. Yes. But there are some other organizations, the Social Studies Teachers' Organizations, at times the High School Teachers' Association. I don't know if I am a member right now; I think not. I may belong to some other teachers' organizations that I can't think of.

Senator FERGUSON. Does the Teachers' Union charge you dues on salary amount, or monthly dues?

Mr. CASE. The Teachers' Union has a straight dues schedule.

Senator FERGUSON. How much?

Mr. CASE. I think it is—I know it is \$1.50 a month.

Senator FERGUSON. A dollar and a half a month?

Mr. CASE. Yes.

Senator FERGUSON. Have you ever held any office in the Teachers' Union?

Mr. CASE. I have never been an officer of the Teachers' Union. I have been a member of the executive board of the union.

Senator FERGUSON. What period?

Mr. CASE. I would like the record to show, Senator, if I may—

Senator FERGUSON. Well, it will show whatever you say.

Mr. CASE. I would like the record to show that I was called here on very short notice, and therefore I didn't even have a chance to think about what I was going to say or brush up on relevant statistics, shall we say, as to years, and so on and so forth. So that anything I say is guided by my immediate memory.

I was on the executive board of the union from about 1934 to about 1944, possibly.

Senator FERGUSON. Did you ever know Bella Dodd when you were a member of the union?

Mr. CASE. I think, in view of the general situation, I would have to decline to answer this question, on the basis of amendments I and V.

Senator FERGUSON. I cannot recognize your claim under I, but do you claim it under V, that it might tend to incriminate you?

Mr. CASE. I claim it under both I and V.

Senator FERGUSON. My question now is: Do you claim it under V on the theory that it might tend to incriminate you?

Mr. CASE. I claim it under both. That is, I am willing to accept your statement as to which you recognize, but I would like the record to show—

Senator FERGUSON. The record will show that you are claiming both.

Mr. CASE. That I also feel that my rights are invaded under amendment I.

Senator FERGUSON. Have you ever attended any of the so-called rank-and-file meetings of the Teachers' Union?

Mr. CASE. That is a long time ago.

Senator FERGUSON. I am just asking you if you ever attended them.

Mr. CASE. Yes; I attended meetings of ordinary union members, who were, at the time, known as rank-and-filers.

Senator FERGUSON. Did you ever attend any of the caucus meetings of the Communist element of the union?

Mr. CASE. Again, Senator, under the present situation, I would feel that I cannot answer such a question, and I must decline to answer it, on the previous ground.

Senator FERGUSON. On the fifth amendment ground, I will recognize your right not to answer it.

Mr. CASE. Well, I would like to make my position clear here, if you will grant me the time. I don't think I have made my position clear.

I would like to say that I don't feel that I am really guilty of anything, that I have to be incriminating myself. But I feel that, legally, my counsel has advised me that, in the present situation, I have a right to safeguard myself by claiming the protection of the fifth amendment and the first amendment, and I am so doing.

But I think there is a broader issue involved. I think that right now, Senator, if you went into our school system today, if instead of being here you went with me to my school, you would find a very strange situation. You would find that the teachers of New York City are scared stiff. They are watching this committee today and they are watching the very questions that you are asking. And because of that, they don't go back to their classrooms and feel free to exercise their rights as teachers in the traditional American manner, which is to take up the problems facing this country, explore them from every point of view, try to teach their kids how to determine the facts in this situation.

And because of that, because of what is going on in committees such as this and in inquisitions by Mr. Timone and Mr. Jansen; because of that, teachers are simply so frightened that they are not doing their job as teachers.

Senator FERGUSON. Have you ever been called in to Mr. Timone's committee?

Mr. CASE. No; I have never been called in.

Senator FERGUSON. And Mr. Jansen's committee?

Mr. CASE. No.

As a matter of fact, the papers said that these people have been questioned. I didn't know anything about this hearing until I read it in the papers, after a friend had called me and said, "Your name is in the paper." I was never served for this thing, Senator.

Senator FERGUSON. Why do you answer the question that the teachers are fearful of this hearing, if you did not even know of it until you read it yesterday—I think you said?

Mr. CASE. Because I know what is going on in our schools.

Senator Ferguson, I know I differ with you on a great many things, but I know you are an honest man. I would like you to come into our school system and see what is going on in the classrooms today. If that doesn't disturb you, I will just stop talking.

You would see, Senator, if I may just say this: You will see that children are no longer encouraged to use their own minds. You will see kids who refuse to get up in the classroom and answer a question. You will see that children keep quiet when a dangerous question comes up. Nobody wants to talk about the Korean war. Nobody wants to talk about foreign policy. Teachers don't want to talk about the Soviets and the American attitude on the atomic bomb. Why, that's dangerous, you are a doper if you do it, you are sticking your neck out, and they look upon you as if you are crazy if you are trying to do the ordinary job of a teacher.

Mr. MORRIS. Mr. Case, when did this situation develop?

Mr. CASE. This situation that you have has developed over the last 3 or 4 years. Ever since—what was the name of the corporation counsel—deBucci, I think, issued a brief in which he made it clear that teachers who are active in organizations for the improvement of teaching conditions, teachers who are active in organizations that seek to get textbooks that tell the truth, that examine facts, teachers who oppose bigoted textbooks; that such teachers are called in and questioned. And since then teachers have decided, "By golly, I've got to make a living and shut up." And what is going on is not education, what is going on in the schools today is training for a state of obedience.

Senator, may I just ask this? I am not kidding, I am not fooling. If you could spare 1 day, go into our school system unaccompanied, go into the social studies classrooms, I know them best. Watch the lessons. Determine for yourself if teachers today are training real American citizens, or whether they are scared. Don't take the word of Mr. Timone, don't take my word.

Senator FERGUSON. Do you claim that you have been intimidated?

Mr. CASE. I claim that—well, I don't want to stand out as some sort of angel.

Senator FERGUSON. I am asking you.

Mr. CASE. The pressure has told on me, too, that is right.

It is worse than that, Senator. I cannot ask a question in the classroom, Senator, and get an answer. They are scared. They have been told at home not to talk.

Senator FERGUSON. Have you ever been a member of the Communist Party?

Mr. CASE. In view of this situation which I have been discussing, again, Senator, I must refuse to answer, on the ground which I have previously stated.

Senator FERGUSON. I will recognize your right under the fifth amendment.

Mr. CASE. And may the record show the first, also?

Senator FERGUSON. The record will show what you said.

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

Mr. CASE. Again I think it is the same question; isn't it?

Mr. MORRIS. I am asking you if you are now.

Mr. CASE. I must decline to answer, on the same grounds; amendments I and V.

Mr. MORRIS. Mr. Case, do you think a Communist should be a teacher in the New York school system?

Mr. CASE. Well, may I ask: Is the record of the closed hearing part of the record, or is this a separate record?

Senator FERGUSON. This is a separate record, this is a hearing in the open.

Mr. CASE. I ignore the closed hearing; I see.

Well, I am a great believer that the people's money is worth something. I know New York City spends millions of dollars on supervisors. I believe those supervisors do their job and should do their job, and I believe that a teacher should be judged on only one basis, on the basis of what he does in the classroom. I have taught 25 years. During that time I have compiled a record of which I am proud, in elementary school and in high school. I have a record that I think will match up against any social studies teacher's—not that I am a great teacher, but I have had my heart put in the work for democracy, up to the last few years, when I believed it became impossible. Therefore, I believe a man's or woman's work should be judged on the basis of what they do in the classroom and that if any teacher is misusing his or her position in the classroom to teach anything which is un-American, they should be brought up on charges; but that a teacher of such exemplary record as I have, on paper, should not be brought before this committee, sir.

Senator FERGUSON. Do you believe that Communist teachers would be un-American?

You say that if they teach anything un-American, they should be brought up on the carpet. Now my question is: Do you believe that Communist teaching would be un-American?

Mr. CASE. I am no expert on Communists. I am an expert on American democratic tradition, and I think that the teacher should be judged on whether he does a good job in training our boys to believe in the Bill of Rights and the Declaration of Independence, in the American Constitution, in the duty of citizens to influence their Government, in the duty of citizens to participate in the Government. That is what a teacher should be judged for.

Senator FERGUSON. Mr. Case, can you answer that question as to whether or not—

Mr. CASE. I am no expert on communism. I am an expert on what good Americanism is, and on that I am willing to stand.

Mr. MORRIS. Mr. Case, have you ever been a member of the Teachers Nonpartisan Committee for the Election of Isadore Bugin?

Mr. CASE. You see, that is why I should have been given a couple of days' notice.

Senator FERGUSON. Either "yes" or "no."

Mr. CASE. What year was that?

Senator FERGUSON. Or you do not know.

Mr. CASE. I believe your records must show that. In what year was that?

Mr. MORRIS. Mr. Mandel may have the date for us.

Senator FERGUSON. Include in the question "at any time."

Mr. MORRIS. Or at any time.

Mr. CASE. It must have been somewhere in 1930, the early 1930's. I believe I was now. I can't say categorically yes or no, but I believe I was.

Mr. MORRIS. Were you active in the American League for Peace and Democracy?

Mr. CASE. I was probably a member of that. I don't remember exactly.

I am not trying to be evasive; it is simply that I have not a super-human memory.

Mr. MORRIS. Mr. Case, do you have any knowledge that your wife worked in the office of Earl Browder?

Mr. CASE. I was hoping that we left that in the private hearing room to stay there.

Mr. MORRIS. I can understand why you can hope that, but, nevertheless, I wish you would answer the question.

Mr. CASE. Well, I will have to answer it since you ask it again.

It seems to me that I would prefer not to answer any questions about the intimacy and privacy of my home. I feel that the relationship at home is the closest relationship in our social order and that what goes on between a man and his wife should not be bruited in public. I feel that I cannot discuss my wife, what she does and what she thinks. I wouldn't want to think that my wife would be called here to talk about me. I would like to talk for myself.

My lawyer, if you remember the closed hearing, my lawyer advised me that there was some kind of a decision—

Mr. CAMMER. The Blau case.

Mr. CASE. The Blau case, that put the court on record, the United States Supreme Court, that the privacy of the home is to be respected. And I can think of no closer relationship.

As I indicated before, you would not question me about my conversations with my counsel, certainly not with my wife.

Senator FERGUSON. He did not inquire what your wife had told you at all.

Mr. CASE. He inquired about my wife. I don't want to discuss my wife.

Mr. MORRIS. The question, Mr. Chairman, was whether or not this man has knowledge that his wife worked in the office of Earl Browder.

Mr. CASE. I don't want to discuss my wife in this committee, sir.

Senator FERGUSON. Does that include before he was married, or after he was married?

Mr. MORRIS. At any time.

Mr. CASE. I cannot discuss my wife in this committee, sir. My lawyer advises me that I stand on solid ground there, and my moral and ethical sense advises me that I stand on solid ground, too. I just can't talk about my wife, I am sorry. Emotionally, I can't do it.

Senator FERGUSON. All right, I will not require you under these circumstances, with your explanation, to answer.

Mr. MORRIS. In the event of a conflict between the United States of America and the Soviet Union, where would your allegiance be?

Senator FERGUSON. I take it you mean an armed conflict?

Mr. MORRIS. An armed conflict, Senator.

Mr. CASE. You know, I have had a little time to think about it since I was in the closed committee room, and it appalls me that we should have reached a point where such questions are asked.

I believe such a conflict would mean the end of civilization. As a school teacher, that means the end of the children I have been teaching, and I don't want to talk about it.

It is a horrible thing to contemplate.

There is also an element in this question that doubts my loyalty to my country, which I don't like. You could understand that.

Mr. MORRIS. What do you mean by that?

Mr. CASE. As a loyal American, why should I be asked that? It is a hypothetical thing. I hope it does not come to that. I cannot conceive that war would take place between the Soviet Union and the United States, because, under present conditions, as even generals of the Armed Forces have pointed out, that may mean the destruction of the world. And that means 2 billion human beings.

It was pointed out by Mr. Nehru; it was pointed out by generals at the Staff College. I think without having studied the question, it is an impossible question, we mustn't conceive of it.

Mr. MORRIS. Mr. Case, do you know there is a conflict going on now between Communist China and the United States?

Mr. CASE. I understand that there is an unnecessary war going on in Korea. I understand that—I don't know how Senator Ferguson has spoken on this question. I would imagine that he also thinks it is unnecessary, and I know that a good many American and other boys are being killed in that war unnecessarily.

I am aware of it; I am not dead.

Senator FERGUSON. Mr. Case, we are preparing, as a Nation, today, and one of the causes of preparedness is the conflict between communism and the Republic of America.

I think the question is a fair question, as to where your allegiance would be in case of an armed conflict between the two countries, as to where you would stand.

Mr. CASE. As I take it, Senator, there are a couple of things I've got to make clear for everybody's sake here.

First of all, I do not think you mean to intimate that our preparation is for a war with the Soviet Union. I don't think you are intimating that we should have a war with the Soviet Union.

Senator FERGUSON. No. It is a preparedness between that anticipated, or, let us say, an idea that it could happen; that you have to be prepared. So, it is not out of the realm of—

Mr. CASE. It is out of the realm of my imagination.

Senator FERGUSON (continuing). Possibility.

Mr. CASE. It is out of the realm of my imagination, and I am glad to hear, Senator, that you do not anticipate such a war. That reassures me, coming from a Member of the Senate.

However, let's make one thing clear. I am a loyal American. If our country is attacked by anyone at all, I will defend our country.

Mr. MORRIS. That was not the question, Mr. Case. The question was: In the event of an armed conflict between the United States and the Soviet Union, would your allegiance be with the United States?

I think it calls for a simple answer and, Mr. Chairman, I ask that you direct the witness to answer.

Mr. CASE. I will try to give an answer.

Mr. MORRIS. That calls for an answer of "yes" or "no," Mr. Case.

Mr. CASE. Look, so far you have been very polite to me and very patient to me. I beg your pardon. I haven't had much time to prepare.

I should like to say that every citizen of this country has a right to judge his Government's policy. Now, it may very well be that some will say we were attacked; some will say we were not attacked.

Mr. MORRIS. That is just the point, Mr. Case.

Mr. CASE. Naturally, every citizen retains the right, never gives it up, of criticizing the actions of his country. I cannot go further than say I will defend my country if it is attacked.

If you drag me into a further hypothetical situation, I can't go any more, because I am lost in it. Maybe I am not so keen on it.

Mr. MORRIS. Mr. Chairman, I suggest the witness is not answering the question, and I ask he be directed to answer the question.

Mr. CASE. I will defend my country if it is attacked. I will be a loyal American and stand up for my country.

Mr. MORRIS. Mr. Chairman, the question was: In the event of an armed conflict between the United States and the Soviet Union, will you, Mr. Case, defend the United States? Will you give your allegiance to the United States?

(The witness confers with his counsel.)

Mr. CASE. My lawyer again tells me that you have a right to ask this question.

Senator FERGUSON. All right; now, what is your answer?

Mr. CASE. My answer is that my allegiance is with the United States.

Mr. MORRIS. In the event of armed conflict between the United States and the Soviet Union?

Mr. CASE. Yes; my allegiance is with this country.

But may I please indicate right here that I do not conceive of such a conflict taking place; that I was glad to hear a member, a chairman of this committee, indicate that he does not anticipate such a conflict. I think it is the worst thing that could happen to the world today.

You forced me to answer the question. I am glad to answer it.

Mr. MORRIS. Mr. Case, in your opinion, did the North Koreans attack the South Koreans?

Mr. CASE. I wasn't there.

Mr. MORRIS. I have no more questions, Mr. Chairman.

Senator FERGUSON. That is all.

Mr. CASE. Am I still on call?

Mr. MORRIS. Yes. In the event that we should want to call you again, Mr. Case, will you accept a call to your attorney as a summons to come back?

Mr. CASE. Yes. I did this time. I mean today.

Mr. MORRIS. Mr. Chairman, in justice to the witness here today, I would like the record to show that the committee made an effort to subpoena Mr. Case through the United States marshal's office, and the address that we had obtained for Mr. Case apparently was his last address, not his present address. When we heard that the marshal could not serve him, we sent a telegram to 196 Twenty-eighth Street in Brooklyn, which apparently was his last address.

Failing all that, we finally made an attempt to reach him through his school this morning; and, because of the cooperation of Mr. Cammer, Mr. Case is here today.

The next witness will be Mr. Louis Relin.

TESTIMONY OF LOUIS RELIN, LONG ISLAND CITY, N. Y., ACCOMPANIED BY HIS COUNSEL, HAROLD I. CAMMER

Senator FERGUSON. Raise your right hand, please.

You do solemnly swear, in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RELIN. I do.

Senator FERGUSON. Be seated.

May we have your full name, address, and occupation?

Mr. RELIN. Louis Relin, 4119 Forty-first Street, Long Island City; teacher of English.

Mr. MORRIS. At what school?

Mr. RELIN. Abraham Lincoln High School.

Mr. MORRIS. Were you formerly at Benjamin Franklin High School?

Mr. RELIN. Yes.

Mr. MORRIS. For how many years have you been teaching school?

Mr. RELIN. Since 1933.

Mr. MORRIS. Mr. Relin, are you now a member of the Communist Party?

Mr. RELIN. I refuse to answer that question, and I should like to give my reasons for that, if I may.

Senator FERGUSON. You may state your reasons.

Mr. RELIN. I don't know whether you are familiar with a German drinking song called Die Gedanken sind frei, which means "My

thoughts are free." It has always been my assumption, having been taught in American schools, and believing in Jeffersonian democracy, that I was free to associate with whom I wanted, to think as I pleased, and to do all the things that were required of an American citizen.

I understand, however, this is no longer sufficient grounds to defend me against this kind of investigation; which I think personally is improper.

If anything, this committee should be investigating conditions which make it difficult for one to be a teacher today—and I am speaking purely as a teacher. The McCarran committee, as such, I think, infringes as a citizen.

But, since you give me no other recourse, I suppose I have to, of necessity, invoke the fifth amendment of the Constitution.

Senator FERGUSON. The fifth amendment does provide that anyone can refuse to answer a question on the ground that it might tend to incriminate him, or that he stands as a witness against himself in a criminal case, and the Smith Act provides that membership, under certain circumstances, in the Communist Party could be a crime.

This has nothing to do with thought. A person can think as he pleases. This is a question of becoming a member of a conspiracy to overthrow the United States Government by force or violence. It is the combination of persons that makes it a crime, rather than what the people think.

And, for the reason that it has been made a crime under certain circumstances to be in that conspiracy, I will recognize your right not to answer.

Mr. MORRIS. Mr. Relin, have you ever been a member of the Nazi Party?

Mr. RELIN. I regard that, as a matter of fact, as, shall I say, an extreme insult. My whole life has been dedicated to fighting nazism, fascism, and everything representative of that, and that kind of ideology.

If you will want me to give you facts, I would be very happy to do so.

Mr. MORRIS. The answer calls for yes or no, Mr. Chairman.

Mr. RELIN. Some questions aren't easily answered yes or no. What I mean is what one feels.

I would like to elaborate. A yes or no doesn't answer any question.

Mr. MORRIS. Well, you have had a chance to elaborate. Now, will you answer yes or no?

Mr. RELIN. I haven't elaborated at all.

Senator FERGUSON. Well, answer yes or no.

Mr. RELIN. No; I am not.

Mr. MORRIS. Do you believe that this committee has a right to inquire of you, a school teacher in the American school system, whether or not you are a member of the Nazi Party?

Mr. RELIN. My personal feeling is that this committee should be investigating true menaces. When you bring me here, I assume—and since you have tied me up in the press and other ways as associated with "dangerous movements," in quotation marks—

Mr. MORRIS. Mr. Chairman, I would like to submit the record does not show anything of the kind.

Senator FERGUSON. Yes.

Answer the question.

Mr. RELIN. I don't believe that the committee should be investigating anything but what is, I think, a menace to the principles of—

Senator FERGUSON. Then I take it that you do not believe that communism is a menace to principles?

Mr. RELIN. I personally, as a teacher, am not aware of the fact it is a menace within my purview. I have not seen it anywhere in the schools, and I have been well associated with many educational institutions.

Senator FERGUSON. Do you think, then, that members of the Communist Party should be teachers in public schools or—

Mr. RELIN. I honestly believe that teachers should be judged by what they do. It is often very difficult to ascertain what people feel and think and, under certain circumstances, unfair even to probe.

But certainly in an atmosphere such as this, which prevails in our country today, it seems to me that one ought to be guided by the basic tenet that human beings, citizens of America, ought to be treated as loyal citizens first, the assumption being that if, by certain acts, they are proven dangerous elements to the society, then, by all means, prosecution should be taken.

Senator FERGUSON. Do you believe that Fascists should be permitted to teach in the public schools?

Mr. RELIN. Again, I reiterate, only by the actions—as a matter of fact, there are certain people who, by my definition, are Fascists, in the schools.

Senator FERGUSON. Members of the Fascist Party?

Mr. RELIN. I don't know of any Fascist Party. I am speaking of fascism, the ideology of fascism.

I suspect that if I were associated with fascism I would not be here at this moment. There are those who are associated with Fascist ideologies who are not being questioned here except as friendly witnesses.

Mr. MORRIS. Mr. Chairman, I submit the witness was asked about 5 minutes ago whether or not he thought we had the right to ask him, a New York school teacher, whether or not he was a member of the Nazi Party, and we haven't gotten an answer yet.

Senator FERGUSON. What is your answer?

Mr. MORRIS. Have we a right to inquire of you, a New York school teacher, whether or not you are a member of the Nazi Party today?

Mr. CAMMER. Are you asking his legal opinion on that?

Mr. MORRIS. That is right.

Mr. CAMMER. His legal opinion?

Mr. MORRIS. Any opinion.

Mr. CAMMER. I think his legal opinion is worthless to the committee. He is not called upon to advise this committee as to its legal powers.

Senator FERGUSON. He has passed on the question that he does not think we ought to be investigating this question of communism in the schools. He has already given his opinion on that.

Mr. CAMMER. Not as a legal matter.

Mr. MORRIS. When I asked him to express a fact, he was the one who elaborated about giving his opinion, and that gave rise to the question that was directed to him.

Mr. CAMMER. What question did you ask him?

Mr. MORRIS. Whether or not he was a member of the Communist Party; which was a fact.

Mr. CAMMER. And he refused to answer that, and the chairman agreed he had a right not to answer that.

Mr. MORRIS. And, since he introduced an element of opinion as to whether or not he was a Nazi, I followed it up with asking him whether or not, in his opinion, we had a right to ask him—

Mr. CAMMER. It seems to me, Mr. Morris, that the only ones who are to determine matters in here—and I have sat through executive sessions in the Senate—you have been asking opinions about everything under the sun; do they have an opinion under this, that, and the other thing.

Mr. MORRIS. I think, Mr. Cammer, the record will show how the question of opinion was first brought up. If the witness takes the position that he is in no position to answer that question, I submit we have our answer.

Senator FERGUSON. If that is his answer.

Mr. RELIN. I believe so.

Senator FERGUSON. Have you ever attended the rank and file meetings of the Teachers' Union?

Mr. RELIN. I don't know anything about rank and file. You mean the membership meetings of the Teachers' Union?

Senator FERGUSON. No. What was known as the rank and file caucus meetings.

Mr. RELIN. Frankly, I don't know what you are referring to.

Senator FERGUSON. All right, were you ever a member of the Teachers' Union?

Mr. RELIN. Yes.

Senator FERGUSON. Are you now?

Mr. RELIN. I certainly am.

Senator FERGUSON. Have you ever been asked by the school board or any member of it, or in connection with it, whether or not you were a member of the Communist Party or had been a member?

Mr. RELIN. Yes; I have been questioned?

Senator FERGUSON. And did you answer their questions?

Mr. RELIN. I answered the same way I have answered you.

Senator FERGUSON. You claimed your constitutional privilege?

Mr. RELIN. That is right.

Mr. MORRIS. Mr. Relin, have you ever been an instructor at the Jefferson School of Social Science?

Mr. RELIN. For about, well, I will say, since about 1937. Formerly, I had been engaged in serious studies and activities related to fighting prejudice. I have, as a matter of fact, a list of awards, acknowledgments, from the Federal Government, from boards of education, superintendents of schools, on my activities and work in human relations.

Senator FERGUSON. You have had some scholarships; have you not?

Mr. RELIN. I have had several fellowships.

Senator FERGUSON. From whom?

Mr. RELIN. The board of education and Rockefeller Institute.

Senator FERGUSON. Did the Rockefeller Institute, when they granted you a scholarship, ask you whether or not you were a member of the Communist Party?

Mr. RELIN. No; not at all. They obviously judged me on the work I had done in the classroom, pure and simple, and on the basis of my work.

Mr. MORRIS. How many fellowships did you have from the Rockefeller Foundation?

Mr. RELIN. Three. 1937, 1938, and 1939.

Mr. MORRIS. How much money was involved in those?

Mr. RELIN. Merely work for 6 weeks, board and room. There was no money involved. It was over a summer period.

Mr. MORRIS. The expenses were covered by the Rockefeller Foundation; were they not?

Mr. RELIN. I was given to understand that the Rockefeller Institute had paid for my stay.

Mr. MORRIS. How much did they pay? That is the question.

Mr. RELIN. I don't know.

Senator FERGUSON. Did they pay your tuition?

Mr. RELIN. It was a workshop in human-relations films in 1937, intercultural education and literature in 1938, in 1939, use of radio in the classrooms, in conjunction with RCA and various other radio organizations.

Mr. MORRIS. Did the Rockefeller Foundation know that you had been an instructor at the Jefferson School?

Mr. RELIN. I hadn't been at the time.

Mr. MORRIS. Do you know whether or not any persons who were Communists, to your knowledge, worked with you on that particular project?

Mr. RELIN. No.

Senator FERGUSON. Do you know whether the Jefferson School is a Communist institution?

Mr. RELIN. When I was invited to the Jefferson School—I believe the date was 1944, during the war—I was called in the same way I was called in by in-service courses of the board of education. I had, with modesty, been recognized as a kind of expert in human-relations films, intercultural education, and such.

I had been a lecturer at several universities and groups, civic and large organizational, including the NEA, and so I received a phone call one day asking me to give a course there—money good, projector, students; no problem but to bring myself and whatever knowledge I had in the field of intercultural education.

I was happy to accept it, which, incidentally, I would have accepted from anyone, even Fascist institutions, though I suspect they would not have asked me to come.

Senator FERGUSON. Did you know that it was controlled by Communists?

Mr. RELIN. I made no inquiries whatsoever.

Senator FERGUSON. Do you know whether or not it ever has been controlled by Communists?

Mr. RELIN. I do not know any such thing.

Senator FERGUSON. You have never looked into it?

Mr. RELIN. I certainly have not.

Mr. MORRIS. Mr. Chairman, may we have inserted into the record at this time official citations with respect to this particular institution?

Senator FERGUSON. Yes.

Mr. MORRIS. Mr. Mandel has some documents here.

Senator FERGUSON. It may be put into the record.

Mr. MANDEL, Attorney General Tom Clark, in his letter to the Loyalty Review Board, released December 4, 1947, refers to the Jefferson School of Social Science as "an adjunct of the Communist Party."

The special Committee on Un-American Activities, in its report dated March 29, 1944, page 150, refers to the Jefferson School as follows--and I quote:

At the beginning of the present year, the old Communist Party workers school and the school for democracy were merged into the Jefferson School of Social Science.

Mr. MORRIS. Mr. Relin, were you instrumental in persuading students of the school to attend meetings of the American Students' Union?

Mr. RELIN. No.

Mr. MORRIS. Were you ever a member of the American Students' Union?

Mr. RELIN. No.

If you ask me to answer honestly, I will say "No."

Mr. MORRIS. Of course we want you to answer honestly.

Mr. RELIN. The point I was weighing was whether or not I might not claim personal privilege because I dislike, I feel it is an infringement, discussing political matters.

However, I will just nod.

Mr. MORRIS. Have you at any time suggested to your students the reading of any of the following literature:

The New Masses?

Mr. RELIN. No.

Mr. MORRIS. Masses and Main Stream?

Mr. RELIN. No.

Mr. MORRIS. Science and Society?

Mr. RELIN. No.

Mr. MORRIS. Soviet Russia Today?

Mr. RELIN. No.

Mr. MORRIS. The Daily Worker?

Mr. RELIN. No.

Mr. MORRIS. Are you on any particular special boards in the school system, Mr. Relin?

Mr. RELIN. What do you mean by boards?

Mr. MORRIS. Do you specialize in films and showing of films?

Mr. RELIN. I have been a member of the--let's see. I was invited by Dr. Ernst to join the advisory committee on reviewing films and textbooks for the schools. I could give you the exact date, if you care.

Mr. MORRIS. Could you tell us the nature of that assignment?

Mr. RELIN. I was merely called in to sit in and look at films and help others--I wasn't the only one there--help others decide whether they thought these films--they were specially films that could be useful in classrooms, specifically English classrooms, because English is my subject.

Mr. MORRIS. Were any of these films political in content?

Mr. RELIN. No.

Senator FERGUSON. What was the nature of them?

Mr. RELIN. Of the films?

Senator FERGUSON. Yes.

Mr. RELIN. Well, if you call a film about Shakespeare based on Shakespeare's plays, political content, it would. But it is that essentially. They were literary films; Dickens' films, for example.

Mr. MORRIS. Did you teach a course on human relations in 1946 at the Jefferson School of Social Science?

Mr. RELIN. Yes.

It depends on the date. I am a little leery. Well, I believe it was in the vicinity of 1944 or 1945.

I would like to have it emphasized it was a course in human relations, in fighting prejudice, my specialty.

Mr. MORRIS. Mr. Relin, in the event of a conflict between the United States of America and the Soviet Union, where would your allegiance reside?

Mr. RELIN. I believe in the institutions of America strongly enough to attempt to defend it against anyone that would attempt to strike.

Mr. MORRIS. Mr. Chairman, the witness has not answered the question.

In the event of a conflict between the United States of America and the Soviet Union, where would your allegiance lie?

That calls for a "yes" or "no" answer, Mr. Relin.

Mr. RELIN. There, again, your answer; you ask me to answer a quantity.

Senator FERGUSON. Where would it lie? With America, or the Soviet Union?

Mr. RELIN. With America, of course.

Mr. MORRIS. That is all.

I have no more questions, Mr. Chairman.

Senator FERGUSON. That is all.

Mr. MORRIS. The next witness is Leonard Koegel.

TESTIMONY OF LEONARD KOEGEL, BAYSIDE, N. Y., ACCOMPANIED BY HIS COUNSEL, HAROLD I. CAMMER

Senator FERGUSON. Mr. Koegel, will you raise your right hand?

You do solemnly swear that in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KOEGEL. I do.

Senator FERGUSON. What is your full name and your address?

Mr. KOEGEL. It is Leonard Koegel, 218-11 Seventy-Third Avenue, Bayside.

Senator FERGUSON. What is your occupation?

Mr. KOEGEL. I am unemployed.

Mr. MORRIS. For how long have you been unemployed, Mr. Koegel?

Mr. KOEGEL. For about 3 days.

Mr. MORRIS. For about 3 days?

Mr. KOEGEL. Yes.

Mr. MORRIS. When did you testify in executive session before this committee?

Mr. KOEGEL. Monday.

Senator FERGUSON. Were you employed then?

Mr. KOEGEL. Yes, I was.

Senator FERGUSON. Did you quit your employment?

Mr. KOEGEL. That is right.

Senator FERGUSON. You quit?

Mr. KOEGEL. Yes.

Senator FERGUSON. Have you ever worked for the United States Government?

Mr. KOEGEL. No, I haven't.

Senator FERGUSON. What was your last employment?

Mr. KOEGEL. I worked for Republic Aviation.

Mr. MORRIS. You worked for Republic Aviation on Monday, did you not, Mr. Koegel?

Mr. KOEGEL. I didn't work on Monday. I left over the week end. I called in Monday.

Mr. MORRIS. Did you ever make an application there for a job?

Mr. KOEGEL. Yes. You have to make an application for a job.

Mr. MORRIS. And did you sign it?

Mr. KOEGEL. I believe so.

Mr. MORRIS. Do you know whether or not in that application a question was asked as to whether or not you ever belonged to the Communist Party?

Mr. KOEGEL. I am not sure of that, sir. I can't recall.

Mr. MORRIS. Mr. Koegel, are you a qualified school teacher?

Mr. KOEGEL. Yes. I taught in the school system.

Mr. MORRIS. Do you have a license to teach?

Mr. KOEGEL. I do.

Mr. MORRIS. Is your position now that of a reserve teacher, or a stand-by, substitute teacher?

Mr. KOEGEL. Well, I was a substitute teacher.

Mr. MORRIS. And that is your status today, is it not, Mr. Koegel?

Mr. KOEGEL. I had a regular license with an appointment due. In December I refused it.

Mr. MORRIS. Have you ever been called in by the board of education?

Mr. KOEGEL. Did I testify before the board of education?

Mr. MORRIS. Have you ever been called, is the question.

Mr. KOEGEL. I was sent a message. I never had to come to the board of education.

Senator FERGUSON. Why didn't you go?

Mr. KOEGEL. That matter was put off.

Senator FERGUSON. By you?

Mr. KOEGEL. I took it up with legal counsel and it was postponed.

Senator FERGUSON. On what ground?

Mr. KOEGEL. I really don't know the ground, sir. I think it was a temporary stay; I am not sure.

Senator FERGUSON. A temporary stay?

Mr. KOEGEL. That is right.

Senator FERGUSON. That is, they could not question?

Mr. KOEGEL. That is right.

Senator FERGUSON. You did not resign from the board of education so as not to be examined?

Mr. KOEGEL. I was a substitute on per diem basis, meaning that I worked from day to day. And I didn't have to resign.

Senator FERGUSON. But you took another job, did you?

Mr. KOEGEL. I took another job.

Senator FERGUSON. Was that because you had been asked to come in before the board?

Mr. KOEGL. No.

Senator FERGUSON. Have you ever been a member of the Communist Party?

Mr. KOEGL. I refuse to answer that question, sir.

Senator FERGUSON. On what grounds?

Mr. KOEGL. On the basis that it is, one, an infringement on my rights; secondly, on the fifth amendment.

Senator FERGUSON. I will recognize the fifth amendment that you claim you do not have to be a witness against yourself in a criminal matter.

But you went to seek counsel when you were asked to go before the board, did you?

Mr. KOEGL. Yes. I saw counsel.

Senator FERGUSON. And have you taught any since the request was made to bring you before the board?

Mr. KOEGL. Yes. I continued to teach until I left it.

Senator FERGUSON. How long did you teach after that?

Mr. KOEGL. I believe it is approximately a month.

Mr. MORRIS. What subjects did you teach, Mr. Koegel?

Mr. KOEGL. Health education and common branches.

Mr. MORRIS. Did you ever attend Camp Unity?

(Witness conferred with his counsel).

Mr. KOEGL. I refuse to answer that question.

Senator FERGUSON. On what grounds?

Mr. KOEGL. On the grounds previously stated.

Senator FERGUSON. I will recognize he is right on the ground it may tend to incriminate him.

Mr. MORRIS. Did you ever attend closed meetings of the Communist Party?

Mr. KOEGL. I refuse to answer that.

Senator FERGUSON. On what grounds?

You see, you have to claim your privilege and state the reasons.

Mr. KOEGL. On the previous grounds.

Senator FERGUSON. On the fifth amendment grounds I will recognize his right.

Mr. MORRIS. Did you ever visit Communist Party headquarters at 35 East Twelfth Street?

Mr. KOEGL. I refuse to answer that, on the grounds previously stated.

Mr. MORRIS. Are you a member of the Teachers' Union?

Mr. KOEGL. Yes.

Mr. MORRIS. Did you ever attend a Communist caucus of the Teachers' Union?

Mr. KOEGL. I refuse to answer that, on the previously stated grounds.

Senator FERGUSON. What is the next question?

Mr. MORRIS. I have no more questions, Mr. Chairman.

Senator FERGUSON. I notice that you have changed your answer as between the executive session and here on the question of whether or not you ever were employed by the United States Government.

Mr. KOEGL. Well, as I said before, sir, I didn't have an opportunity to really consult with counsel, and once I had that opportunity

sufficiently to consult with him I was better able to answer the questions.

Senator FERGUSON. So you want the present answer to stand, that you never were employed by the United States Government?

Mr. KOEGL. That is right, except on the basis that I spent 3 years in the armed services?

Senator FERGUSON. You had claimed before the privilege under the fifth amendment.

Mr. MORRIS. I have no more questions, Mr. Chairman.

Senator FERGUSON. That is all.

Mr. MORRIS. The next witness is Lou Spindell.

TESTIMONY OF LOU SPINDELL, MANHATTAN, ACCOMPANIED BY HIS COUNSEL, HAROLD I. CAMMER

Senator FERGUSON. Will you raise your right hand, please?

You do solemnly swear, in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SPINDELL. I do.

Senator FERGUSON. What is your full name, please?

Mr. SPINDELL. Mr. Lou Spindell.

Mr. FERGUSON. Mr. Spindell, where do you live?

Mr. SPINDELL. I live at 64 Bank Street, Manhattan.

Senator FERGUSON. What is your occupation?

Mr. SPINDELL. I am a teacher.

Senator FERGUSON. How long have you been a teacher, Mr. Spindell?

Mr. SPINDELL. Approximately 16 years; I was appointed in February of 1937.

Senator FERGUSON. What school do you teach in?

Mr. SPINDELL. I teach at Straubenmuller Textile High School.

Senator FERGUSON. What do you teach?

Mr. SPINDELL. A subject known as health education.

Senator FERGUSON. What does that include?

Mr. SPINDELL. Well, that includes several facets. The one commonly known at P. T., or physical education, in our school we conduct a phase of it known as individual health training. That is something that we call in our school health work, which consists of examination of students, of their height and weight, and guidance insofar as, oh, any matter related to health, really, but particularly in regard to medical examinations and dental examinations.

There is also generally assigned to our subject a building assignment, as it is sometimes called, taking care of the infirmary. If a boy is sick, or some accident or illness occurs in the classroom, we take care of that boy and make any contact with the home and see that he is properly cared for.

Senator FERGUSON. You are not a doctor, are you?

Mr. SPINDELL. No, sir. I am a health educator. I received my license in health education. Shall I go on with the rest of it?

Senator FERGUSON. Yes.

Mr. SPINDELL. Then, of course, we give instruction in hygiene, which is a fraction of the work. And in my particular case, I sup-

pose directly related to the fact that I am a teacher in health education, I was assigned to the coaching of some sport, my sport being especially basketball.

Senator FERGUSON. Were you a basketball player?

Mr. SPINDELL. Indeed, sir.

Senator FERGUSON. When?

Mr. SPINDELL. When?

Senator FERGUSON. Yes.

Mr. SPINDELL. Well, I came into some degree of prominence at City College of New York. I never played in high school before. I made my freshman team. I then made the varsity in my sophomore year. I played for 3 years at City College. I was captain of the basketball team at City College in 1930; and I might say that I was elected in an academic school where scholasticism or scholarly endeavor receives full recognition; nevertheless, when somebody put me forward to run for president of the student council, the other man, as I recall, withdrew, and, if I am not mistaken, I got a record vote for president of the student council; which job I filled for about 5 weeks, or maybe it was 2 months, or something; and then I withdrew from college to play with the original Celtics, then known as the Original Celtics, and then generally acknowledged at that time to be the greatest basketball team in the country.

Senator FERGUSON. In other words, I got on to a subject that you know pretty well.

Mr. SPINDELL. And like very well, sir. Yes; I played professional basketball for about 10 years.

In 1935 I received what I regard as my highest honor. I was awarded the Most Valuable Player's Award in the American Professional League—then the only league in America. That was the first year that that award was given, and I won it despite the fact that my style of game, I might say, was not generally the kind to receive accreditation, if that is the word, because I did not believe in scoring a lot of points, but I was essentially a man who loved the game and loved defense and loved to make assists to my fellow players. I think you will find many people will agree with that, that isn't the kind of game that generally receives a good deal of credit; in fact, it never has.

Mr. MORRIS. Mr. Spindell, all during this time, were you a member of the Communist Party?

Mr. SPINDELL. Well, I wish I could answer that question in full. I don't think I would have had time. But to give a serious answer to a serious question, I don't think that is a question that should be asked by anybody, because it really is in violation of everything that I recall at this moment which is close and warm and lively about America. So that in the executive session I made a little speech about the heart of America. I haven't memorized any speeches, but those of us who remember the outstanding dates in American history, 1776, even before that, when the Pilgrims came over, they were running away from that type of inquisition and that type of coercion. In 1861 there was a fight for freedom, too.

Senator FERGUSON. What is your answer to that particular question? Were you or were you not a member of the Communist Party?

Mr. SPINDELL. I am not going to cooperate with a question of that nature, because were I to so cooperate I would, to quote Thomas Jef-

erson, be granting a concession to a common right of an independent opinion in answering questions of state, and what was good enough for Tom J.—

Mr. MORRIS. That is Thomas Jefferson, I take it?

Mr. SPINDELL. I imagine so. That was the context—is good enough for me.

Senator FERGUSON. Is that your only reason for not answering?

Mr. SPINDELL. Well, sure.

Senator FERGUSON. All right, then. I cannot recognize that reason.

Mr. SPINDELL. Well, what was good enough for T. J. was good enough for me.

Senator FERGUSON. I cannot recognize that as a reason for not answering the question.

Mr. SPINDELL. Why can't you recognize it?

Senator FERGUSON. Because I cannot. It is not a legal reason.

Mr. SPINDELL. A legal reason. Well, if that isn't a legal reason, I suppose a legal reason might very well be, in cases where people do not have a real choice, and are forced to give a legal reason—

Senator FERGUSON. I am not forcing you to give a legal reason at all. I say that I cannot recognize the other reason; so I would have to compel you to answer the question.

Mr. SPINDELL. Well, I suppose, therefore, that the self-incrimination phrase of the fifth amendment is a constitutional right, which was granted me and—

Senator FERGUSON. Do you claim that?

Mr. SPINDELL. I claim that; yes, sir; as well as—

Senator FERGUSON. I recognize that.

Mr. SPINDELL. As well as the statement I made about the phrases which are incorporated, as I recall, in the first amendment.

Senator FERGUSON. I will recognize the fifth amendment as your reason, in not requiring you to answer.

Mr. MORRIS. Mr. Spindell, during the time that you were engaged in these athletic feats that you have delineated for us today—

Mr. SPINDELL. Thank you.

Mr. MORRIS. Were you at the same time conferring with members of the Communist Party?

Mr. SPINDELL. I am not going to answer any questions about my political faith, my—

Mr. MORRIS. This is about your associations with Communists at the time you were engaged in these athletic activities that you described so fully.

Mr. SPINDELL. What was that question again?

Mr. MORRIS. Were you, during the time that you were engaged in the athletic activities that you have described so fully, were you during that period of time conferring with members of the Communist Party? It has nothing to do with your opinion at the time; it has to do with "were you conferring with members of the Communist Party?"

Mr. SPINDELL. I think it is obvious, from what I said before, that unless I was a crackpot, a crackbrain, that I couldn't very well answer that question.

Mr. MORRIS. Mr. Chairman, I submit that he be directed to answer the question.

Senator FERGUSON. I do not think that is a reason for not answering the question. You may answer the question.

Mr. SPINDELL. I am not going to speak to anybody in America about my political thoughts, faith, ideas, things of that kind.

Senator FERGUSON. I cannot recognize that as a reason.

Mr. SPINDELL. All right. Then I do not wish to incriminate myself by answering that question.

Senator FERGUSON. Under the fifth amendment?

Mr. SPINDELL. Under the fifth amendment.

Senator FERGUSON. I recognize that. You do not have to answer.

Mr. SPINDELL. Well, thank God for the fifth amendment.

Mr. MORRIS. Mr. Spindell, have you ever accepted guidance from members of the Communist Party in connection with the athletic programs, in connection with the schools?

Mr. SPINDELL. No, sir.

Mr. MORRIS. You have never accepted guidance from members of the Communist Party?

Mr. SPINDELL. No, sir.

Mr. MORRIS. Mr. Spindell, have you ever been a member of the Fascist Party?

Mr. SPINDELL. I would like to answer that question. I served in the United States Army at a time when I believe that—What was that question again, if you don't mind?

Mr. MORRIS. Have you ever been a member of the Fascist Party?

Mr. SPINDELL. What is the Fascist Party?

Mr. MORRIS. Well, if you were not a member of any such party, I wish you could answer the question, then, Mr. Spindell.

Mr. SPINDELL. Well, the Fascist Party—I don't know of any such party.

Senator FERGUSON. Well, then, were you ever a member of that party?

Mr. SPINDELL. Which party? The Fascist Party?

Senator FERGUSON. Yes.

Mr. SPINDELL. I don't know of any such party.

Mr. MORRIS. You do not know of any such party, in the United States, or in Italy?

Mr. SPINDELL. I have never run across a party whose designation—unless my memory is failing me—whose title was the Fascist Party.

Mr. MORRIS. Were you ever a member of the German-American Bund?

Mr. SPINDELL. Well, it seems to me that were I to answer that question, I would be somewhat inconsistent, because the next witness might be a member of the German-American Bund and I might be placing him in a position where I thought it was all right for him to answer such a question, and to be perfectly consistent, I don't think that that political question should be addressed to anybody.

So, therefore, I refuse to answer that question, too.

Senator FERGUSON. On what ground?

Mr. SPINDELL. On the ground of the fifth amendment.

Senator FERGUSON. All right. You may ask him the next question.

By the way, have you ever been called in before the board of education?

Mr. SPINDELL. What do you mean by "called in," sir?

Senator FERGUSON. And asked questions in relation to whether or not you had ever been a Communist, or belonged to the Communist Party?

Mr. SPINDELL. No, sir; to the best of my recollection, not in that connection. I was called in in relation to another matter.

Senator FERGUSON. Had it anything to do with communism?

Mr. SPINDELL. Not so far as I can remember, not directly. I had distributed some leaflets for the Teachers' Union which criticized the board of education.

Senator FERGUSON. On what question? Criticized them on what problem?

Mr. SPINDELL. Well, mainly in connection with conducting what the union called and which I agreed with pretty fully was a witch hunt kind of investigation in the schools, covering over their own inadequacies in relation to several problems of overcrowding, and the firing of substitute teachers.

As I recall it, there was a salary question. There was an item on the narcotics problem, and the leaflet more or less wanted to know why the union was being under attack when these problems were in no way the result of any actions on the part of the union, and I thought that the people should discuss this matter, at the very least, should think about the matter in the very least, and so I distributed these leaflets.

Senator FERGUSON. When were you asked to come in?

Mr. SPINDELL. About a week after the distribution of the leaflets.

Senator FERGUSON. When was that?

Mr. SPINDELL. My memory on dates is pretty poor, sir. I think it was about 6 months.

Senator FERGUSON. Ago?

Mr. SPINDELL. I think it was about 6 months ago, yes.

Senator FERGUSON. But you were not called in and asked questions in relation to your activities with communism?

Mr. SPINDELL. No, sir; not to the best of my recollection. I mean, that was the only time I was called in, and I don't recall any questions directly bearing on that question.

Mr. MORRIS. Have you been active in the American Labor Party?

Mr. SPINDELL. I would like to answer that question, but I don't think I should, because I don't think you have any right to ask me about my political associations, or anything of that kind.

And before the Senator comes in with his question, I will say I plead the fifth amendment.

Senator FERGUSON. All right.

Mr. MORRIS. I have no more questions.

Mr. CAMMER. Senator Ferguson, I think the question about the American Labor Party certainly should be withdrawn. It is a political party. We have a secret ballot in this country, and how he votes in connection with a recognized, established political party is not the business of this committee.

Mr. MORRIS. I did not ask him how he voted.

Mr. CAMMER. He asked him about whether he was active in the American Labor Party.

Senator FERGUSON. Yes.

Mr. CAMMER. Now, we have a candidate for President of the United States at the present time, who kept his political affiliations a secret until very recently before his nomination.

Senator FERGUSON. But he had not been asked by a Senate committee.

Mr. CAMMER. I don't think a Senate committee can ask anyone in the face of a secret ballot.

Senator FERGUSON. He has already claimed his privilege.

Mr. CAMMER. I think the question should be withdrawn and his claim of privilege on that question should be withdrawn.

Mr. MORRIS. I have no more questions of this witness, Mr. Chairman.

Senator FERGUSON. That is all.

Mr. SPINDELL. Thank you, gentlemen.

Mr. MORRIS. The next witness is Mary Daniman.

TESTIMONY OF MARY I. DANIMAN, BRONX, NEW YORK CITY, ACCOMPANIED BY HAROLD I. CAMMER, HER COUNSEL

Senator FERGUSON. Will you raise your right hand, please?

You do solemnly swear, in the matter now pending before this committee, being a subcommittee of the Senate Judiciary Committee, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. DANIMAN. I do.

Senator FERGUSON. You may be seated. State your full name, address, and occupation.

Mrs. DANIMAN. Mary I. Daniman; 1820 Morris Avenue.

Senator FERGUSON. How do you spell your last name?

Mrs. DANIMAN. D-a-n-i-m-a-n.

Senator FERGUSON. What is your occupation, Mrs. Daniman?

Mrs. DANIMAN. Teacher.

Senator FERGUSON. Is it Miss or Mrs?

Mrs. DANIMAN. Mrs. Daniman.

Senator FERGUSON. You are a teacher in what school?

Mrs. DANIMAN. Public School 107, the Bronx.

Senator FERGUSON. What do you teach?

Mrs. DANIMAN. Science, arts, and crafts; physical training, English subjects, math.

Senator FERGUSON. What grades?

Mrs. DANIMAN. Seventh.

Senator FERGUSON. For how long have you been a teacher?

Mrs. DANIMAN. Since 1923.

Senator FERGUSON. Did you ever know Mrs. Dodd, Bella Dodd, when she was a teacher?

Mrs. DANIMAN. When she was a teacher, no.

Senator FERGUSON. You never knew her as a teacher?

Mrs. DANIMAN. As a teacher, no.

Senator FERGUSON. Did you ever know her?

Mrs. DANIMAN. Of her—I know of her.

Senator FERGUSON. You knew of her?

Mrs. DANIMAN. Yes.

Senator FERGUSON. Did you ever belong to any organizations to which she belonged?

Mrs. DANIMAN. I belonged to the Union.

Senator FERGUSON. The Teachers' Union?

Mrs. DANIMAN. The Teachers' Union.

Senator FERGUSON. Did you have an office in the Teachers' Union?

Mrs. DANIMAN. Never.

Senator FERGUSON. Were you on the board of directors or anything—the executive committee?

Mrs. DANIMAN. No.

Senator FERGUSON. Speak just a little louder so that everyone can hear you in this room.

Had you ever attended any of the rank and file meetings of the Teachers' Union?

Mrs. DANIMAN. Yes.

Senator FERGUSON. The caucus meetings?

Mrs. DANIMAN. No caucus meetings. I understand that by rank and file you mean a membership meeting?

Senator FERGUSON. I meant rank-and-file caucus meetings.

Mrs. DANIMAN. No.

Mr. MORRIS. Are you a sister of Ben Gold?

Mrs. DANIMAN. Yes.

Mr. MORRIS. Is he an official of the Communist Party?

Mrs. DANIMAN. Yes; it is a well-known fact that he is.

Senator FERGUSON. What office does he hold?

Mr. CAMMER. I think this is quite unfair.

Senator FERGUSON. Why?

Mr. CAMMER. It so happens I represent Mr. Gold's union. The witness has clearly answered without her knowledge when she said that he is a member.

Senator FERGUSON. How do you know what the witness knows? How do you know it? You say you represent the union. Now, how do you know what this witness knows?

Mr. CAMMER. Well, if she knows—

Senator FERGUSON. She has already answered it.

Mr. CAMMER. It seems to me that we have a witness here who is not quite at ease.

Senator FERGUSON. She is a very intelligent woman, and a school teacher, and she understood the question, I am sure, and she answered it. And counsel has not any right to claim that the witness does not know an answer.

Mr. CAMMER. I would ask the committee—

Senator FERGUSON. Particularly that kind of answer.

Mr. CAMMER. I would ask you to be good enough to repeat the question, because I doubt that this witness understood the question that was put to her.

Senator FERGUSON. Will you ask your next question?

Mr. MORRIS. Have you ever been at Camp Nitgedaigt?

Mrs. DANIMAN. No.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Mrs. DANIMAN. There is no answer to the question, on the basis of the fifth amendment.

Senator FERGUSON. You say there is no answer to the question on the basis of the fifth amendment?

Mrs. DANIMAN. That is right.

Senator FERGUSON. In other words, you claim the privilege that you refuse to answer that on the ground that it might tend to incriminate you?

Mrs. DANIMAN. No; I use the fifth amendment to protect myself. Senator FERGUSON. That is what I mean, the fifth amendment.

Mrs. DANIMAN. To protect my rights.

Senator FERGUSON. All right; ask the next question.

Mr. MORRIS. Have you ever been at Camp Beacon?

Mrs. DANIMAN. No.

Senator FERGUSON. Did you ever take a course of instruction at the Workers' School?

Mrs. DANIMAN. Which school?

Mr. MORRIS. The Workers' School.

Mrs. DANIMAN. No.

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

Mrs. DANIMAN. My answer is the same, using the fifth amendment to protect myself.

Mr. MORRIS. Did you ever march in a May Day parade?

Mrs. DANIMAN. I watched it.

Mr. MORRIS. Did you ever march in one?

Mrs. DANIMAN. I did.

Mr. MORRIS. On how many occasions?

Mrs. DANIMAN. I wouldn't remember.

Senator FERGUSON. What years?

Mrs. DANIMAN. Two years ago.

Senator FERGUSON. Were you in the unit of the Communist Party in that parade?

Mrs. DANIMAN. No.

Senator FERGUSON. Do you know whether the Communist Party had a unit in that parade?

Mrs. DANIMAN. I watched it. I saw many people marching.

Senator FERGUSON. No—the ones that you paraded in. You answered that you did parade, but you did not know what years.

Mrs. DANIMAN. I was standing watching, and when I saw friends passing, I fell into the march.

Senator FERGUSON. What do you mean that you fell into the march?

Mrs. DANIMAN. Yes; some friends passed me with the groups, and I fell into that group, but what the group was I don't know.

Senator FERGUSON. Do you know whether that was the Communist group?

Mrs. DANIMAN. Definitely not.

Mr. MORRIS. If it were, would you have marched with them, if you had known?

Mrs. DANIMAN. That is a hypothetical question. I was not marching with any Communist groups.

Mr. MORRIS. You say you marched on more than one occasion?

Mrs. DANIMAN. I did.

Mr. MORRIS. Would you estimate for the committee on how many occasions you marched in the May Day parade?

Mrs. DANIMAN. I wouldn't know exactly how many.

Mr. MORRIS. Would you give us your best estimate, Mrs. Daniman?

Mrs. DANIMAN. Well, I don't remember exactly.

Senator FERGUSON. Were you ever called before the board of education?

Mrs. DANIMAN. Never.

Senator FERGUSON. And asked the question as to whether or not you were a Communist?

Mrs. DANIMAN. I was never called before any board of education.

Senator FERGUSON. Have you ever been a member of the Fascist Party?

Mrs. DANIMAN. No.

Mr. MORRIS. I have no more questions at this time.

Senator FERGUSON. That is all.

(The witness conferred with counsel.)

Mrs. DANIMAN. The question was asked—

Senator FERGUSON. The question was asked whether or not Mr. Gold was a Communist?

Mrs. DANIMAN. Yes.

Senator FERGUSON. And you answered that he was a well-known Communist, did you not?

Mrs. DANIMAN. Not a Communist officer.

Senator FERGUSON. No; but a Communist.

Mr. MORRIS. Was it your point, Mrs. Daniman, that he was not an official of the Communist Party?

Mrs. DANIMAN. I don't know. I wouldn't know that.

Senator FERGUSON. But you know that he was a Communist?

Mr. CAMMER. The question was in the present tense, Senator. That is the whole controversy.

Mrs. DANIMAN. He is not now.

Senator FERGUSON. Was he a Communist?

Mrs. DANIMAN. He was.

Senator FERGUSON. Did he hold any office?

Mrs. DANIMAN. That I wouldn't know.

Mr. MORRIS. Mr. Chairman, apparently the witness is making a distinction that Mr. Gold may have been a Communist in the past, but she has no knowledge that he is presently, today, a member of the Communist Party. Is that your point?

Mrs. DANIMAN. I know definitely he is not now. I think that was a statement in the press, and that is where I read he is not.

Senator FERGUSON. When did he leave the party?

Mrs. DANIMAN. I wouldn't know exactly now.

Mr. MORRIS. How do you know he is not now a member of the Communist Party?

Mrs. DANIMAN. I remember reading it in the paper.

Senator FERGUSON. Is that your only reason for saying it, then?

Mrs. DANIMAN. Well, he made a statement that he isn't, and that is what I go by.

Mr. MORRIS. I have no more questions.

Senator FERGUSON. No more questions.

Mr. MORRIS. The other witness is Mr. Louis Cohen.

TESTIMONY OF LOUIS COHEN, NEW YORK CITY, ACCOMPANIED BY HIS COUNSEL, HAROLD I. CAMMER

Senator FERGUSON. Mr. Cohen, would you raise your right hand, please?

You do solemnly swear, in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COHEN. I do.

Senator FERGUSON. Will you speak loudly now, I notice your answer was very low.

Mr. COHEN. Yes, sir.

Senator FERGUSON. What is your full name, your address, and your occupation?

Mr. COHEN. Louis Cohen, 3835 Bailey Avenue, New York 63. I am a teacher.

Senator FERGUSON. In what school, and how long have you been a teacher?

Mr. COHEN. At the present, William Howard Taft High School, and I have taught since 1928.

Mr. MORRIS. What do you teach, Mr. Cohen?

Mr. COHEN. English.

Mr. MORRIS. Mr. Cohen, are you a member of the Communist Party?

Mr. COHEN. I must refuse to answer that question, on the grounds of my rights of conscience, under the first amendment, the fact that this is an interference by Federal authority in local education, on the grounds of the fifth amendment.

Senator FERGUSON. I can recognize your right under the fifth amendment, being the claim that a man does not have to testify against himself or give self-incriminating testimony, if it tends to incriminate him, if he in good faith claims that. I understand that you do in good faith claim that is true?

Mr. COHEN. It is possible, sir.

Senator FERGUSON. All right, you may proceed.

Mr. MORRIS. Have you ever been a member of the Communist Party in the past?

Mr. COHEN. The same objections stand, sir.

Senator FERGUSON. I will rule the same way.

Mr. MORRIS. Have you been active in connection with the American Students Union?

Mr. COHEN. I was until 1937.

Mr. MORRIS. Did you hold any office in the American Students Union?

Mr. COHEN. No, sir.

Mr. MORRIS. What was the extent of your activity in the American Students Union?

Mr. COHEN. There was a branch of the American Students Union at the New Utrecht High School, where I taught, and where it was allowed to meet in the school, with the permission of the principal, and I served as his faculty adviser, as he called it, his moderator.

Senator FERGUSON. Have you ever been called in before the board or asked by any member of the board or their officials whether or not you were a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. COHEN. No, sir.

Senator FERGUSON. So you never have been questioned on that question?

Mr. COHEN. No, sir.

Senator FERGUSON. Were you ever a member of the Fascist Party?

Mr. COHEN. I couldn't be, sir.

Senator FERGUSON. Then I take it your answer is "No"?

Mr. COHEN. No, sir.

Mr. MORRIS. Did you ever attend a Communist caucus meeting of the Teachers' Union?

Mr. COHEN. My objections stand as before, Mr. Morris.

Senator FERGUSON. On the fifth amendment, is that right?

Mr. COHEN. I would include all, but you ruled only that the fifth was valid.

Senator FERGUSON. All right, I will recognize the fifth amendment.

Mr. MORRIS. Mr. Chairman, I have several questions of similar vein, but I feel at this time there is no point in asking them of the witness.

Senator FERGUSON. Have you ever held any office in the Teachers' Union?

Mr. COHEN. No, sir.

Senator FERGUSON. On the executive board?

Mr. COHEN. No, sir.

Senator FERGUSON. Did you ever distribute any of their literature?

Mr. COHEN. I have, sir.

Senator FERGUSON. Were you ever called before the board for the distribution of that literature?

Mr. COHEN. No, sir.

Senator FERGUSON. Then you have taken an active part in that union, have you?

Mr. COHEN. Certain part; yes, sir.

Senator FERGUSON. We have no testimony before this committee that that union was dominated and controlled by the Communist Party. I will ask you whether or not it was controlled and dominated by the Communist Party?

Mr. COHEN. I have no such knowledge, sir.

Senator FERGUSON. You have no such knowledge?

Mr. COHEN. No, sir.

Senator FERGUSON. You know that the CIO expelled it on that ground, do you not?

Mr. COHEN. That was the ground stated; yes, sir. Not the teachers union, but its parent body.

Senator FERGUSON. Its parent body?

Senator FERGUSON. Which put the Teachers' Union out, did it not?

Mr. COHEN. Automatically.

Senator FERGUSON. Automatically?

Mr. COHEN. Yes.

Senator FERGUSON. Do you know whether or not the parent body was controlled by the Communist Party?

Mr. COHEN. I have no such knowledge, sir.

Senator FERGUSON. But you have remained, have you, a member since that expulsion?

Mr. COHEN. Yes, sir; and for what I felt was good reason.

Senator FERGUSON. Did you consider that fact, that it was claimed to be a Communist-controlled union?

Mr. COHEN. To the extent, sir, that I was able to think about such matters in the last number of years, I considered it, but I had to go by my own direct experience with the union, which was that it was an organization which predominantly took up matters that were of the most vital interest to the schools, to teachers, children, and attempted to rally popular forces to the good cause of education, and the further fact that any decisions taken were democratically arrived at.

Senator FERGUSON. Did you know Bella Dodd?

Mr. COHEN. I must resort to my refusal, as before stated, sir. Senator FERGUSON. And the fifth amendment?

Mr. COHEN. Well, if that is the only one left to me, yes.

Senator FERGUSON. I recognize his privilege under that.

Mr. MORRIS. Did you have a middle initial, Mr. Cohen?

Mr. COHEN. I don't use it, sir.

Mr. MORRIS. What is your middle initial?

Mr. COHEN. "F." As a matter of fact I suppose "L" is the middle initial, I dropped the "S" when I was a little boy.

Mr. MORRIS. I have no more questions.

Senator FERGUSON. That is all.

Mr. MORRIS. The next witness is Mr. Harold Collins. Is Mr. Collins in the room?

(There was no response.)

Senator FERGUSON. Will you state on the record how he was notified or attempted to be notified?

Mr. MORRIS. We ascertained the best available address for Mr. Harold Collins, Mr. Chairman, and the chairman of the committee sent him a telegram yesterday afternoon asking him to be in room 300, 40 Exchange Place, at 11 o'clock this morning. He did not appear.

Senator FERGUSON. To what address was the telegram sent?

Mr. MORRIS. I will have to finish the record at a later time on that, Mr. Chairman.

Senator FERGUSON. Where was that address obtained from, the school, or—

Mr. MORRIS. That address was obtained from the board of education.

Senator FERGUSON. Was any attempt made to telephone him?

Mr. MORRIS. No. There was no attempt made to reach him by telephone.

Senator FERGUSON. Was there no telephone number given?

Mr. MORRIS. That is right. There was no telephone number available.

Senator FERGUSON. Call the next witness.

Mr. MORRIS. The next witness is Miss Florence Waks.

Senator FERGUSON. Nobody answers by that name.

Mr. MORRIS. In that connection, Mr. Chairman, we endeavored to subpoena Florence Waks through the United States marshal, and also the chairman sent a telegram to Florence Waks at the last address that we had, which we had obtained from the board of education. And Miss Waks was directed to appear in the name of the committee, in room 300, 40 Exchange Place, this morning, at 11 o'clock, and she did not appear.

Senator FERGUSON. Are there any other witnesses?

Mr. MORRIS. Yes. The other witness is Helen Ann Mins Robbins.

Mr. Chairman, we heard from the first witness today, Henry F. Minz, her brother, why she was not here. Now, in connection with efforts to obtain the presence of Helen Ann Minz Robbins today, we attempted to serve her by subpoena through the United States marshal. We sent a telegram to her home in the name of the chairman of the committee. Counsel made at least four telephone calls to the telephone number listed in the phone book as her telephone number, and we made

an effort to reach her through her high school, which is the New Utrecht High School.

I spoke with the principal at that time, and the principal told me that he heard from her on Friday and that she notified him for the first time that she was not coming back to school but that she was going to apply for disability retirement, that he received her application last Friday. At that time the subpoena of the United States marshal had been issued, but the committee had no evidence whatever that she had any knowledge of it.

Senator FERGUSON. Are there any other witnesses?

Mr. MORRIS. These are the 10 witnesses that we had subpoena here today, Mr. Chairman.

Senator FERGUSON. The committee will recess, without setting a definite time for reconvening.

That does not mean that we have closed this matter, but there is evidence now that the board of education has taken certain steps, and I think, under the circumstances, that we can recess and await developments, and allow the committee to make its research into facts that might be pertinent to this inquiry.

So we will recess at this time.

(Whereupon, at 4 p. m. the committee recessed, subject to the call of the Chair.)

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

TUESDAY, SEPTEMBER 23, 1952

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION
OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL
SECURITY LAWS, OF THE COMMITTEE ON THE JUDICIARY,
New York, N. Y.

The subcommittee met at 9:30 a. m., pursuant to call, in room 1306, United States District Court Building, Foley Square, Hon. Homer Ferguson, presiding.

Present: Senator Ferguson.

Also present: Robert Morris, subcommittee counsel; and Benjamin Mandel, director of research.

Senator Ferguson. The committee will come to order.

Mrs. Russell, will you take the stand, please?

TESTIMONY OF MRS. ROSE V. RUSSELL, NEW YORK, N. Y., ACCOMPANIED BY HER ATTORNEYS, HAROLD I. CAMMER AND ROYAL W. FRANCE

Senator Ferguson. Mrs. Russell, will you rise and raise your right hand to be sworn?

You do solemnly swear in the matter now pending before this subcommittee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. Russell. I do so swear.

Mr. Morris. Will you give your full name and address to the reporter, Mrs. Russell?

Mrs. Russell. Rose V. Russell. My home address?

Mr. Morris. Your home address.

Mrs. Russell. 138 East Thirty-fourth Street, New York City.

Mr. Morris. What is your occupation, Mrs. Russell?

Mrs. Russell. I am the legislative representative of the Teachers' Union.

Mr. Morris. Are you on the payroll of the Teachers Union?

Mrs. Russell. Yes, sir; I am.

Mr. Morris. And how long have you held the position of legislative representative of the Teachers' Union?

Mrs. Russell. Since 1944, when I was elected to that position by the membership.

Mr. Morris. With what national body is the Teachers Union affiliated?

Mrs. Russell. The United Public Workers of America.

Mr. MORRIS. Will you tell us, Mrs. Russell, how many teachers' locals there are in the United Public Workers throughout the United States?

Mrs. RUSSELL. I couldn't give you an exact number at the present time, partly because conditions fluctuate and a local which may even have been in existence yesterday might not be today.

There are locals, so far as I know, during the most recent period, in Pennsylvania, Chicago, California—

Mr. MORRIS. Is that Philadelphia?

Mrs. RUSSELL. Philadelphia and in the western part of the State. There were some locals in the coal areas. I couldn't say exactly the names of the towns, or even whether they are still in existence.

In Birmingham, Ala., there was a local also, and again I cannot say. Atlanta, Ga., and in Detroit and in the iron range district in Minnesota; in upper parts of New York State, like Buffalo, Yonkers—Yonkers, I am pretty sure, is not in existence any longer, in part as a result of a "witch hunt."

Mr. MORRIS. Did you say you had a unit at Yonkers?

Mrs. RUSSELL. There was a unit at Yonkers, yes. The witch-hunting atmosphere of the last few years, frightened that out of existence.

Mr. MORRIS. Who was the head of that, Mrs. Russell?

Mrs. RUSSELL. I don't recall.

Mr. MORRIS. You do not recall. Now, could you tell us the membership of those locals that you have been describing?

Mrs. RUSSELL. I am sorry.

Mr. MORRIS. Could you give us your best estimate on it?

Mr. Chairman, I would like the record to show that we asked Mrs. Russell yesterday in executive session if she would devote a little time to preparing a good estimate on these questions.

Mrs. RUSSELL. I gave it some thought, sir, but you might realize, between yesterday and today I had a great deal to do and a great deal on my mind, and I had no way of doing more than what I am now giving you.

Mr. MORRIS. All we expect, Mrs. Russell, is your best estimate.

Mrs. RUSSELL. Oh, I would say perhaps 1,000. I can't say even whether they are in there now because today it is being made very difficult for teachers to belong to unions in many areas of the country as a result of the repressions, and as a result of the atmosphere of witch-hunting; and it is therefore extremely hard to say, for parts outside of New York City, where the repression is, I believe, harder to withstand.

So that I am doing the best I can here, and I cannot be more exact.

Senator FERGUSON. What is your answer to the question? How many are there? What is your best judgment?

Mrs. RUSSELL. Well, there were within the last few years, as I say, perhaps around 1,000, but I couldn't say now.

Senator FERGUSON. One thousand locals?

Mrs. RUSSELL. No, no. He asked about the number of people in the locals.

Senator FERGUSON. Well, you have more than that in this local.

Mrs. RUSSELL. But I thought that I was being asked outside.

Mr. MORRIS. That is right, the locals outside of New York City.

Mrs. RUSSELL. There were probably 4, 5, 6, 7 years ago more than that—many more.

Mr. MORRIS. Many more than 1,000?

Mrs. RUSSELL. Yes, in the days before we had inquisitorial investigations, and witch-hunting; but I can't say now.

Senator FERGUSON. When you became the legislative representative, did you say that that applied to the State of New York as well as the United States?

Mrs. RUSSELL. No; I am legislative representative only of the Teachers Union in New York City.

Senator FERGUSON. Does it apply to legislation in New York alone, or does it also apply to Washington?

Mrs. RUSSELL. Yes; I have been down in Washington. I have testified in behalf of Federal aid for education, before the House Committee on Labor and Education, and I think before the Senate committee, because I remember being questioned by Senator Donnell, of Missouri, for example.

I remember at that time one of the biggest objections to Federal aid was the danger of leading to Federal interference and Federal control of local systems, and that has been one of the biggest obstacles to Federal aid, and I can tell you when I testified there that was one of the questions asked, particularly by those opposed to giving any Federal aid to the schools.

Senator FERGUSON. How many people were you representing at the time you testified?

Mrs. RUSSELL. I was speaking for the New York local at that time.

Senator FERGUSON. How many were in it at that time?

Mrs. RUSSELL. I was there in—I would say our membership at that time was probably around 5,000; maybe up to 6,000.

Senator FERGUSON. What is it now?

Mrs. RUSSELL. During part of that period—now it is something over 4,000.

Senator FERGUSON. And you do not know the outside numbers?

Mrs. RUSSELL. I really do not know, and I don't think anybody could know, because a person could have been a member last week and read about this inquiry and dropped out, out of fear, not out of a change of opinion, as to the aims of the union.

Senator FERGUSON. You will not give the cause of them dropping out, but just what you know about the number. Whom did you succeed as legislative representative?

Mrs. RUSSELL. The previous legislative representative?

Senator FERGUSON. Yes.

Mrs. RUSSELL. Of the Teachers Union?

Senator FERGUSON. That is right.

Mrs. RUSSELL. Someone named Bella Dodd.

Mr. MORRIS. Did you know her?

Mrs. RUSSELL. I would prefer not to answer this question.

Senator FERGUSON. The question is, "Did you know her?" Not what you prefer.

Mrs. RUSSELL. For various reasons, including my estimate of what the object of this inquiry is.

Mr. MORRIS. That, you understand, is not a ground.

Senator FERGUSON. That is not a proper ground. I cannot allow you to refuse to answer on that ground.

Mrs. RUSSELL. I want to decline to answer that question because I believe that it is aimed to harm the Teachers Union and education generally.

Mr. MORRIS. Mrs. Russell, you are a legislative representative of a union, and therefore a responsible person, and you do know that that does not answer the question.

Mrs. RUSSELL. I would like to give you my reasons for invoking my rights under the Constitution of the United States, my right to freedom of speech and freedom of opinion, and my right not to be asked to testify in any way that will injure myself.

Mr. MORRIS. By that do you mean incriminating yourself?

Mrs. RUSSELL. I mean my rights under the fifth amendment, and for the very reason that I would like to state here, that has been said in better words than I can do, because this kind of question—

Mr. MORRIS. I submit that the witness is not being responsive.

Senator FERGUSON. What are your reasons; not what somebody else said. This is a special privilege to you, if you are going to use the Constitution, and it is to you alone.

Mrs. RUSSELL. Very well, then. I will use the reason that has been provided in the Constitution, to protect the innocent from being compelled to testify against themselves. The fifth amendment does exactly that. There is a safeguard for the innocent.

Senator FERGUSON. I will sustain your right under the fifth amendment, that you do not have to testify to things that you honestly believe might tend to incriminate you.

Mrs. RUSSELL. I am declining to answer this for all the reasons I stated.

Senator FERGUSON. That is the reason that the committee can rule on, not the other reasons.

Now, the next question is, Did you know that Bella Dodd recommended you as a successor?

Mrs. RUSSELL. I was nominated in the due course by the executive board, a nomination approved by the membership, or rather, I should say, elected by the membership.

Senator FERGUSON. That was not my question. Did you know that she recommended you as her successor?

Mrs. RUSSELL. We have a procedure in our union, Senator Ferguson, that provides for nominations by a nominating committee, and not by any individual recommendations from any source, for any office.

Senator FERGUSON. Coming back to my question, my question is a very simple one. Did you know that she recommended you as her successor?

Mrs. RUSSELL. But, Senator, in our procedures—

Senator FERGUSON. Now, can you answer that question, as to whether or not you knew it? I am not asking you about the procedures. I am trying to find out.

Mrs. RUSSELL. In a way you are asking me whether I know something that cannot take place in this particular realm. There is no such thing as individual recommendation.

Senator FERGUSON. The question was, Did you know that she did recommend you?

Mrs. RUSSELL. I couldn't know anything which is contrary to the procedures that are followed in our union for nominations.

Senator FERGUSON. Let us get back to the question. The question is not what she could do. Did you know that she did?

Mrs. RUSSELL. Well, it is a little bit like: Did I know that the witch flew the broomstick in 1693, or last Friday night?

If I know that witches can fly broomsticks, I can't know that a particular witch flew a particular broomstick.

Mr. MORRIS. That should aid you in your answer.

Mrs. RUSSELL. On the contrary, you are asking whether or not I know a phantom.

Senator FERGUSON. I am asking you a question: Did you know that she recommended you as her successor?

Mrs. RUSSELL. I knew this, that I was nominated in due course by the proper procedures in our union.

Senator FERGUSON. Now, my question is clear. Will you answer it?

Mrs. RUSSELL. I don't understand why I have to answer in a way that is—

Senator FERGUSON. I am not telling you how to answer it. You can answer that question, as to whether or not you knew it.

Mrs. RUSSELL. Let me put it this way: I knew that there was no opposition to me. There was no opposition candidate, or opposition on the ballot.

Senator FERGUSON. My question was not whether there was opposition. The question is, Did you know that she recommended you?

Mrs. RUSSELL. I knew that I was recommended by a great many people in the union.

Senator FERGUSON. Did you know she recommended you?

Mrs. RUSSELL. I can't answer it any other way, Senator. If my answers haven't covered the ground of just what you want to know with respect to this question, I don't see what more I could add to make it more precise. I was nominated; I was elected; I had no opposition, I was recommended by many people.

Senator FERGUSON. Let us get back to the question: Did Bella Dodd recommend you? You say you were recommended by many people. Did she recommend you or did you know that she recommended you?

Mrs. RUSSELL. Look, Senator Ferguson, you are asking a question as though it is possible for any one individual to recommend anyone, which didn't happen to be the case. No individual could recommend in that sense.

Mr. MORRIS. Mrs. Russell, you testified a few minutes ago that many people recommended you. Was Miss Dodd one of those people?

Mrs. RUSSELL. Possibly.

Senator FERGUSON. Not "possibly." Do you know that she was?

Mrs. RUSSELL. If you mean of my own—I am going to decline to answer that question.

Senator FERGUSON. On what grounds?

Mrs. RUSSELL. First of all, on the grounds that I have tried to answer it in every possible, logical, conceivable way that gives the straightforward facts about the situation; and, if you cannot accept these answers that are sincerely given, then I am going to give it on the grounds that I have previously stated.

Senator FERGUSON. That is, the fifth amendment?

Mrs. RUSSELL. My right to freedom of speech and to express myself in my own way. That is guaranteed under the fifth amendment.

Senator FERGUSON. Are you a school teacher now?

Mrs. RUSSELL. No; I was a school teacher.

Senator FERGUSON. But you are a legislative representative of the Teachers Union?

Mrs. RUSSELL. Yes, sir.

Senator FERGUSON. And, in a way, you represent many school teachers in the city?

Mrs. RUSSELL. Not "in a way." I represent them directly and indirectly. I represent many school teachers in this city; yes.

Senator FERGUSON. Do you not think, Mrs. Russell, that as a citizen of the United States you can afford to answer questions and not claim constitutional privilege; that in this great Nation of ours, where the rights of minorities are protected, you as a minority and me as a minority, each individual as a minority, that it would be well for you, as a representative of the teachers who are teaching the youth of America, to come before the congressional committee on a question as simple as whether or not you knew a person who was your predecessor in office, on the question of whether or not she recommended you; that for the teaching profession you can afford, and for the institutions of America you can afford, to answer that kind of question?

Mrs. RUSSELL. Senator, as a citizen of the United States who loves my country and who believes in the Constitution, and as a teacher who believes in helping all children to know the glorious history and traditions of our country and to know and to love their Constitution, I believe that children and teachers alike should know and respect their rights, their responsibilities, and their duties. I know this: That, in today's atmosphere, to be asked a question like "Do you know Mr. A or Mr. B?"—seemingly innocent and seemingly such a simple little question—all you have to say is "Yes" or "No"; you open the way to every other kind of evil question. You open the way to being asked to be an informer, to being asked to make up things about people, because the interrogator wants you to answer in a certain way.

People have been pilloried; people have landed in jail; people have lost their jobs; people have had their characters assassinated, all as a result of this one little question; and for that reason, today particularly, citizens of the United States all over the country are refusing to answer that question—not because they are guilty of anything, guilty of any evil deed or thought or action, but they refuse to answer it because they will not be drawn step by step into informing, into being asked to identify friends, relatives, neighbors, colleagues, into spying, into doing all the things that have destroyed the sense of security in American life, in the family, in the neighborhood, in the school. Teachers suspect each other, because nobody knows who is going to report on it, and pupils.

Senator FERGUSON. I take it that you do not believe that you should do this?

Mrs. RUSSELL. Indeed I don't; and pupils, too, have been encouraged to spy and inform.

Senator FERGUSON. You think, then, that a witness who comes before a committee and tries to give the truth is an informer, and you think that you are properly representing the teachers before the students of America?

Mrs. RUSSELL. No; I didn't say that, Senator. I didn't say that people who tried to give the truth are informing.

Senator FERGUSON. That is all we are trying to find out here.

Mrs. RUSSELL. In fact, it is informers who do not give the truth. Informers have to give what they are paid to deliver. From time immemorial people have not believed informers.

Mr. MORRIS. I submit that the witness has gone beyond the bounds of the question.

Senator FERGUSON. Right.

Mr. MORRIS. Mrs. Russell, do you believe that a Communist should be a school teacher?

Mrs. RUSSELL. I believe that every teacher must be judged on his professional qualifications, on his performance in a classroom, on his competence, on his ability to do the job he is employed to do.

Mr. MORRIS. Mrs. Russell, did you express an opinion on a television program?

Mrs. RUSSELL. Yes; I did, to the extent that a moderator and my opponents let me express anything. I expressed an opinion.

Mr. MORRIS. What was your opinion?

Mrs. RUSSELL. My opinion that every teacher, regardless of his political beliefs, opinions, and associations, regardless of his religion or racial beliefs or associations, must be judged on the basis of his competence.

Mr. MORRIS. In other words, you say that a Communist can be a school teacher. Is that your answer?

Mrs. RUSSELL. I say that any teacher, including Communists and Catholics, who were once barred from teaching, and are still barred in various parts of the country—

Mr. MORRIS. I take it, Mr. Chairman, that the witness has answered in the affirmative?

Senator FERGUSON. Yes.

Mr. MORRIS. Mrs. Russell, we have had testimony before this committee that the Teachers Union was controlled and directed by a Communist faction that met in caucus in advance of various meetings of the executive board. Did you ever attend a Communist caucus of the Teachers Union.

Mrs. RUSSELL. The Teachers' Union, if I may answer it that way, is controlled entirely by its membership.

Senator FERGUSON. Let us get answers to these questions. Go back to the question.

Mr. MORRIS. Did you ever meet in a Communist caucus?

Mrs. RUSSELL. The "caucus"; I don't know whether you intend the word "caucus" to carry a smear implication?

Mr. MORRIS. There is no smear implication.

Mrs. RUSSELL. As the word "Communist" does today.

We were all very familiar with caucuses in Chicago, for instance; they were caucusing all over the lot, in both political parties, as you probably recall.

Senator FERGUSON. Answer the question. You understand it, as a former teacher.

Mrs. RUSSELL. The Teachers Union conducts its affairs aboveboard in its delegate board, its membership and staff meetings, and that is where policy is decided.

Mr. MORRIS. The witness understands the meaning of the word "caucus." She has demonstrated it, and she is not answering the question.

Mrs. RUSSELL. All of my reasons that I have previously given—that is the full and complete and sufficient answer that I can give.

Mr. MORRIS. In other words, you will not answer to this question, as to whether or not you ever met in Communist caucus? Your answer would tend to incriminate you?

Senator FERGUSON. Is that one of the reasons?

Mrs. RUSSELL. That is one of them.

Senator FERGUSON. I will sustain the objection.

Mr. MORRIS. Mrs. Russell, have you ever been a member of the Communist Party?

Mrs. RUSSELL. This is the kind of loaded question today that has caused jobs to be jeopardized and families to be split apart, and which has poisoned the very life of the freedom of this country.

Mr. MORRIS. Do you mean that if you answered that question you might lose your job with the Teachers Union?

Mrs. RUSSELL. I mean that this question has cost teachers, and has cost workers in many factories, their jobs.

Mr. MORRIS. Do you mean that the Teachers Union would discharge you if you answered that question properly?

Mrs. RUSSELL. I am not worried about that.

Mr. MORRIS. What is the issue in this particular question, Mrs. Russell?

Mrs. RUSSELL. My job is one which happens to be a broad social-service job. I work in the interests of the children, in the interests of public education, and in the interests of the teachers, and I am not concerned about any job, but there are plenty of other jobs jeopardized by this kind of inquiry.

Senator FERGUSON. Do you know what the question is?

Mrs. RUSSELL. I know what the question is.

Senator FERGUSON. What is the question that you are being asked to answer?

Mrs. RUSSELL. The question being called all over the lot the \$64 question, and it is called that.

Senator FERGUSON. Will you answer my question? What is the question you are trying to answer?

Mrs. RUSSELL. I am trying to indicate that it is the kind of loaded question that has tended to harm people and has already had such a deleterious effect on education that teachers don't dare to think, and pupils.

Senator FERGUSON. Do you know what the question is?

Mrs. RUSSELL. I decline to answer that question for all the reasons I have given.

Mr. MORRIS. You decline to answer that, but you do not decline to answer the original question?

Mrs. RUSSELL. Are you treating me like a child, as when you say to a little boy: "Open the door," and then say "What did I ask you to do?" I don't want to be treated like a child.

Senator FERGUSON. Why do you not either answer or decline to answer?

Mrs. RUSSELL. I decline to answer, for the reasons I have given.

Senator FERGUSON. On the fifth amendment, and only on that ground, I will sustain the right not to answer.

It is apparent from this record that it will be rather idle to proceed with the further testimony of this witness.

Mr. MORRIS. At this time?

Senator FERGUSON. Yes, on the inquiry that is pertinent to the security of the United States in relation to communism, and its activities in America.

Mrs. RUSSELL. Senator, may I say a few words?

Senator FERGUSON. No; that is all.

Mrs. RUSSELL. You did allow Mr. Timone to say some words, last time?

Senator FERGUSON. That is all.

Call the next witness.

Mr. MORRIS. The next witness will be Mr. Lederman.

TESTIMONY OF ABRAHAM LEDERMAN, NEW YORK, N. Y., ACCOMPANIED BY HIS ATTORNEYS, HAROLD I. CAMMER AND ROYAL W. FRANCE

Senator FERGUSON. You do solemnly swear, in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEDERMAN. I do.

Senator FERGUSON. State your full name and your address and your occupation.

Mr. LEDERMAN. Abraham Lederman, 440 East Twentieth Street, New York; president of the Teachers Union, as occupation.

Senator FERGUSON. When did you become the president of the Teachers Union?

Mr. LEDERMAN. In 1948, sir.

Mr. MORRIS. Are you a teacher as well as president of the Teachers Union?

Mr. LEDERMAN. At the present time I am not in the classroom. The question as to whether I am a teacher is contained in the case before the appellate division of the New York State Supreme Court. I was a teacher up to 1951 when I was dismissed by the board of education. I had been a teacher from 1927 up to that time, including a 3-year period that I spent in the Armed Forces. I believe that is the summation you want.

Senator FERGUSON. I believe that answers it.

Do you draw a salary from the board of education or any public institution?

Mr. LEDERMAN. No, sir; I don't draw any salary.

Senator FERGUSON. You draw a salary from your duties as president of the union?

Mr. LEDERMAN. Yes, sir.

Senator FERGUSON. What is that salary?

Mr. LEDERMAN. \$5,400 a year, which is, incidentally, I might add, the salary I was receiving as a teacher.

Senator FERGUSON. In other words, your salary as a teacher was \$5,400, and when you became president it was the same, or were you president while you were a teacher?

Mr. LEDERMAN. That is right.

Senator FERGUSON. You did not get a salary then?

Mr. LEDERMAN. That is right. My work was entirely on a voluntary basis. That is, I worked in school up to 3 o'clock, as all our

members do, and then I would come to the office, practically every day. Our union has a long tradition of volunteer workers, and practically, for all the existence of the union, there has been but one paid worker.

Senator FERGUSON. As soon as you were dismissed, you received the salary from the union?

Mr. LEDERMAN. Not immediately.

Senator FERGUSON. How long after?

Mr. LEDERMAN. There was a period in which I received loans from the Teachers Union, as did the other teachers who had been suspended, and subsequently—I think perhaps a year later—I was put on as a regular employée in the position of president.

Senator FERGUSON. I see. Now, as a member of the executive committee, and I believe you are a member of that committee?

Mr. LEDERMAN. All the officers are.

Senator FERGUSON. As president, do you know whether or not at any time during your membership in the union there were instructions as to teaching, to teachers in the classroom, by the union?

Mr. LEDERMAN. Definitely not.

Senator FERGUSON. Never?

Mr. LEDERMAN. No instructions as to the teaching, except in the general sense that our union has always stood for teaching of democracy, for the teaching of, let's say, racial equality against any sort of bigotry. We have been very careful to make certain that the textbooks that are recommended do not contain any slurs on any particular minority.

We have printed pamphlets on that particular subject; and, as a matter of fact, have made constant representations to the board of education, pointing out very specifically, giving the title and page of the textbook that did cast a slur on a particular minority. Excepting in this sense, there has been no instructions by the Teachers Union as to what should be taught.

Senator FERGUSON. Now, during all that time, of the things that you brought to the attention of the board of education, and various other people, to the teachers, as to what you thought ought to be taught or not taught, did you ever call attention to the fact that they were teaching communistic principles or that you had any evidence that there was teaching of communism in our schools?

Mr. LEDERMAN. In the first place, no such evidence had ever been presented to us.

Senator FERGUSON. I see.

Mr. LEDERMAN. We were not aware of any. Furthermore, the board of education evidently had no such evidence because, in the course of the trials of eight teachers dismissed, including myself, some 2 years ago, when that was one of the specific subjects under consideration, with all the investigators that the board of education had and with, perhaps, 3,000 or 4,000 supervisors who had observed the work of all the teachers in New York City over a long period of time, they were not able to dig up, despite very careful desire to get such information or charges, not a single case was brought up in that trial.

As a matter of fact, the superintendent of schools himself had to say, despite the fact that he had suspended us, that he had no record whatsoever of our attempting to do that.

Senator FERGUSON. My question was not whether or not you were teaching it. I wondered whether you know whether or not it was being taught by anyone?

Mr. LEDERMAN. As I say, we know of no such a case. No one in New York City know of such a case; and, as a matter of fact, I have been informed by a State official interested in education matters and responsible for them that there has never been brought to the attention of the State department of education in Albany a single case, throughout the United States where someone had been charged with teaching communism in the classroom.

May I say one more word on this subject?

As far as what the Teachers Union advocates in the way of teaching, it has been our principle that the duty of a teacher is to teach children how to think, to teach them to develop an open mind, teach them how to think, rather than what to think.

In the sense that we have been proponents of that theory, you might say we have told teachers what to teach; only in that sense.

Senator FERGUSON. Have you ever known of or had any evidence of any teaching of fascism or nazism in the schools or colleges?

Mr. LEDERMAN. Most definitely; yes.

Senator FERGUSON. You have called those things to the attention of the board?

Mr. LEDERMAN. Yes. Not only have I called it to their attention, and my union, but numerous parents and other organizations in New York City have done so; and as one example, I will cite the case of a Miss May Quinn, who, during the war—I will start during the period before the war, I think, between 1939 and 1941—evidently urged the children not to encourage their parents to buy bonds. She claimed this money would be used to send American soldiers up to Alaska, where they would live horrible lives. In the war period she was an advocate in the classroom of Fascist theories to the extent, for instance, of her indicating that the Jewish people could not possibly be good Americans, and that certainly is a Fascist theory, close kin to the theory in Germany which led to the placing of 6,000,000 Jews in concentration camps. That case was brought to the attention of the board of education.

Take another Fascist theory in connection with May Quinn.

She asked another Jewish teacher, on school time in the school, where in the Talmud—she asked where she could find it—she wanted to know the page which said that a Jewish man could rape a gentile child, provided the child was above 3 years old.

Mr. MORRIS. Is this first-hand evidence that you are giving us, or is this information that you received from other sources?

Mr. LEDERMAN. During that particular period, Mr. Morris, I was in the Army—from 1942 to 1945.

Mr. MORRIS. You realize that we are a committee to collect such facts as you are talking about?

Senator FERGUSON. Do you have knowledge of this?

Mr. LEDERMAN. These facts have been published and charged openly and, as a matter of fact, Miss May Quinn brought a libel suit against 14 teachers, who subscribed to the charges, and the jury met and considered the question, and I believe threw out her petition within 10 minutes.

I think on the basis of that information I can say that these are established facts, and I wouldn't care if Miss May Quinn would sue me for libel. That is one instance, Senator.

Senator FERGUSON. I understand that. Can you account for the fact that the Communist Party, being a revolutionary party, has never attempted to penetrate the public schools or the institutions of higher learning of the United States; how it comes that this revolutionary party, whose effort is to infiltrate and enslave the minds of people, has neglected this one field of ever attempting to penetrate any of the educational institutions of America?

Mr. LEDERMAN. Well, I find it difficult to be put in a position of having to account for what the Communist Party is alleged to have done or not to have done, or neglected to do, sir.

Senator FERGUSON. You have evidence that the Nazi and Fascist parties have on many and numerous occasions done so, but as a teacher and head of the union with all of the knowledge that you have on this subject, you have never seen any evidence of the Communist Party attempting to do the same thing?

Mr. LEDERMAN. I thought I had already indicated my answer in the answer to an earlier question, namely, that to my knowledge, and evidently to the knowledge of Superintendent Jansen and State education authorities in New York, there has been no instance presented of a teacher having actually attempted to introduce Communist doctrine in the classrooms. Not of the Communist Party trying to get its philosophy into the schools, and so forth. As I say, there has been presented to me and to no one any such evidence.

Mr. MORRIS. Mr. Lederman, does the Teachers Union, of which you are president, publish the New York Teachers' News?

Mr. LEDERMAN. Yes, sir. Well, it is a separate corporation.

Mr. MORRIS. But the union does accept the responsibility for what is in the Teachers' News?

Mr. LEDERMAN. The corporation accepts responsibility, but it is the organ of the Teachers Union.

Mr. MORRIS. Now, do you recall a column being run in the New York Teachers' News, the heading of that column in each case reading: "A column of new material for classroom use"? Do you recall that, Mr. Lederman?

Mr. LEDERMAN. I have a recollection of, perhaps not the column, but that type of material being put into the Teachers' News.

Mr. MORRIS. Mr. Chairman, I call your attention to a copy of the New York Teachers' News, Saturday, November 10, 1945, page 2, a column entitled "The Road to Peace" with a parenthetical remark, "Column for new material for classroom use." This is but one of many that Mr. Mandel is going to introduce into the record.

I call your attention, Mr. Lederman, that this material is recommended by the New York Teachers' News as material for classroom use. Do you recall it?

Senator FERGUSON. Do you know of such a column?

Mr. LEDERMAN. I have indicated that there is such a column, but I have been asked whether I recall this particular item.

Senator FERGUSON. First, were you familiar with the fact that there was such a column in the paper?

Mr. LEDERMAN. I didn't recall such a column. I did recall that we did from time to time bring to the attention of the teachers material that we thought might be useful.

Senator FERGUSON. For classroom use?

Mr. LEDERMAN. For classroom use. Pedagogical material is rather ambiguous. If a teacher is given a book to be used as a reference work, to bone up, so to speak, on material for organizing the procedures in the classroom, I, as a teacher, would have said, "I can use such a book."

Senator FERGUSON. This column was not trying to confuse teachers, was it? That is pretty clear: "For classroom use."

Mr. MORRIS. On the basis of it, it is material to be used in the classroom.

Mr. LEDERMAN. I would have to look through this thing.

Senator FERGUSON. Look at the words.

Mr. LEDERMAN. I see the words.

Senator FERGUSON. Why do you want to find out what is in it to tell whether or not it was for classroom use?

Mr. LEDERMAN. The particular items might, in some cases, be meant for use by the children.

Senator FERGUSON. Who is the editor?

Mr. LEDERMAN. According to this masthead, Celia Lewis.

Senator FERGUSON. Who is she?

Mr. LEDERMAN. She was a teacher in the New York school system at the time.

Senator FERGUSON. Is she still a teacher?

Mr. LEDERMAN. She was one of those suspended simultaneously with me. She was one of the group of eight.

Mr. MORRIS. Mr. Chairman, we have Mr. Max Diamond subpoenaed here today. He was a successor, and he may still be, depending on his testimony, the editor.

Senator FERGUSON. We can receive them, then.

Mr. MORRIS. Mr. Mandel has prepared them.

Senator FERGUSON. I will admit them.

Mr. LEDERMAN. Since this matter has been introduced, I think it ought to be made clear that this type of material was well rounded, that we had material not only on the question of peace, but we recommended and brought to the attention of teachers material brought out by the American Manufacturers Association, by chambers of commerce, by religious groups, by business organizations, by other trade-unions; because it is our opinion that if a teacher is to do his work properly, in developing an open mind among pupils, the teachers should read all points of view, and so forth.

Senator FERGUSON. I will allow you to produce the columns which you want in the record.

Mr. MORRIS. Mr. Mandel is putting certain columns in the record. If you think it not representative, you can submit yours.

Mr. LEDERMAN. I would like to see Mr. Mandel's material, and I suspect right now that it is not going to be representative.

Senator FERGUSON. You will have the opportunity, if that is your opinion, to meet that by showing what you claim, to make it representative.

Mr. MORRIS. Mr. Lederman, how many teachers do you represent in the Teachers Union?

Mr. LEDERMAN. The Teachers Union—as was indicated before, we can't give the figure exactly. It is approximately somewhat, above 4,000; perhaps between 4,000 and 4,300 or 4,400 teachers.

Mr. MORRIS. You are affiliated with the United Public Workers?

Mr. LEDERMAN. That is right.

Mr. MORRIS. Do you know how many members of the United Public Workers are organized in teachers locals?

Mr. LEDERMAN. I think Mrs. Russell covered that subject.

Mr. MORRIS. I want your estimate too.

Mr. LEDERMAN. As a matter of fact, that information that Mrs. Russell had represented the conversation we both had since the Senator yesterday asked us to consult. That was the best information we were able to get together at this particular time.

Mr. MORRIS. Mr. Lederman, do you believe that a Communist should be a teacher in the school system?

Mr. LEDERMAN. I believe any teacher should be judged on the basis of his own individual performance.

Mr. MORRIS. Including Communists?

Mr. LEDERMAN. I believe that is the best type of Americanism and the only type of Americanism because we in America pride ourselves on the worth and dignity of the individual, and we transfer that belief to judgment of teachers, too. We believe that a teacher ought to be judged individually on the basis of his professional performance and competency, and his record, generally. If you want to say that a certain teacher has no right to be a teacher, you have to quote chapter and verse and show that that teacher has done something in the classroom that makes him unworthy.

Mr. MORRIS. Does that mean that your answer is in the affirmative?

Mr. LEDERMAN. That we believe in judging all teachers, including Communists, Catholics, Republicans, Masons.

Mr. MORRIS. Mr. Lederman, have you ever been a member of the Communist Party?

Mr. LEDERMAN. That question I believe I should and will decline to answer for a number of reasons.

First of all, I regard that question, particularly in today's atmosphere, as an invasion of my rights under the first amendment, which provides that there shall be freedom of speech and freedom of association.

Secondly, I decline to answer that question on the basis of my rights under the sixth amendment.

Mr. MORRIS. Under the sixth amendment? What is the sixth amendment?

Mr. LEDERMAN. It is not a slip of the tongue. The sixth amendment provides that a person is entitled to certain rights, such as the right to be confronted by witnesses, the right to know specifically what the charges are against him, and I believe those are being violated in this instance.

Mr. MORRIS. Mr. Lederman, you understand that this is a Senate committee, sitting to determine whether or not subversive influences exist in the national educational system.

You are the president of a large local, of an organization that is national in scope.

You have testified, and Mrs. Russell has testified that there are teachers union locals connected with the United Public Workers throughout the United States. Testimony has been taken before this committee that Communists did influence, dominate, and control the local of which you are president, and we are asking you for your testimony on this score.

We are not making any charges against you, so please don't refer to that again.

Mr. LEDERMAN. Do I understand, sir, that whatever transpires here may, under certain circumstances, be made the basis for criminal prosecution?

Senator FERGUSON. Do you refuse to answer because the testimony you might give in reply to this question might tend to incriminate you?

Mr. LEDERMAN. I want to claim the sixth amendment, sir. I will come to that in a moment, because I want to give all the reasons why I decline to answer.

Although I realize you might reject that, nevertheless I should like the record to show I have a number of reasons, and I would like to offer them.

The basis, despite what counsel for the committee has suggested, is that I think, from reading the newspapers, and from conversations, that the testimony offered at hearings of this sort has been made the occasion for possible criminal prosecution.

Senator FERGUSON. On that ground, I will sustain it, on the fifth amendment.

Mr. LEDERMAN. I haven't offered the fifth amendment.

Senator FERGUSON. You say that it might tend to incriminate you.

Mr. LEDERMAN. And the fifth amendment—I am anxious to have my answer on this point be a complete one.

Mr. MORRIS. The privilege against testifying in a way that would incriminate you adheres to the fifth amendment.

Mr. LEDERMAN. I understand that. I hadn't offered the fifth amendment.

Mr. MORRIS. You are talking about incrimination.

Mr. LEDERMAN. I am talking about the sixth amendment, providing for certain rights in cases where a person might be subject to criminal prosecution.

Mr. MORRIS. Have you consulted your attorney on this point?

Senator FERGUSON. Have you previously consulted your attorney?

Mr. LEDERMAN. On the sixth amendment?

Senator FERGUSON. On any of the reasons for not answering?

Mr. LEDERMAN. Yes; I have consulted him.

Senator FERGUSON. Did you consult him on the sixth amendment?

Mr. LEDERMAN. On the sixth amendment, I don't recall, frankly. Did I? It doesn't matter. I read pretty widely and I came across that. I read the Constitution and Bill of Rights—and observe it, too, for that matter. I came across the sixth amendment, as a matter of fact, only a few days ago, the specific language, and I thought it was relevant to this particular question, and so I have offered it, and I would like to have the record show, too, that outstanding authorities on this particular problem of civil liberties—Mr. Chaffee—

Mr. MORRIS. Mr. Chairman, I submit that this is all particularly irrelevant.

Mr. LEDERMAN. How can it be irrelevant, sir, for me to give the reasons why I don't want to?

Senator FERGUSON. You do not have to cite Mr. Chaffee. What is your own reason for not answering?

Mr. LEDERMAN. I have indicated that there is the first amendment.

Senator FERGUSON. Yes. I will overrule that.

Mr. LEDERMAN. This is the sixth amendment.

Senator FERGUSON. I will overrule the sixth amendment.

Mr. LEDERMAN. And I will still like the record to show that Mr. Chaffee subscribes to my views.

Senator FERGUSON. I am not concerned with what Mr. Chaffee is concerned with about your views. The question is, why do you refuse to answer, so that I can rule, as chairman of the committee?

Mr. LEDERMAN. The reason is the sixth amendment.

Senator FERGUSON. I will have to rule that that is not a just or reasonable or legal cause.

Mr. LEDERMAN. Then you have overruled the sixth, sir?

Senator FERGUSON. The first and sixth are overruled.

Mr. LEDERMAN. Then also there is the constitutional question of the authority of this committee to interfere with a local school matter. I believe that this committee does.

Mr. MORRIS. Mr. Lederman, you have given testimony today in connection with a national organization that you are affiliated with; have you not?

Mr. LEDERMAN. Yes.

Senator FERGUSON. You gave that testimony to the committee.

Mr. LEDERMAN. Yes, but here we are dealing with, sir, a question of interfering in the local school affairs, and the municipality, New York City.

Already, as a result of the fact that this committee has come to New York, a number of teachers have been threatened with loss of jobs. In other words, this committee is helping determine what people in New York City may be teachers.

We also know that as a result of this committee coming to New York City even the State department of education changed its mind very, very suddenly and rapidly about the rights of certain teachers, in connection with matters being taken up with the board of education.

I believe that a Federal agency—

Senator FERGUSON. Why are you refusing to answer? If you have a reason that is a legal reason, the committee will sustain it.

Mr. CAMMER. He is stating it.

Mr. LEDERMAN. I am stating it, and you, of course, will determine whether it is a legal reason; and the reason, in essence, is that I don't believe that this committee has authority to interfere with a local school matter with regard to personal administration and policies. I believe this committee is doing this. I think the question you are placing to me is designed to accomplish that end. I believe that the same reasons which apply to having so many people object to Federal aid to education on the grounds that it would lay the basis for Federal control of education apply here, excepting, unfortunately, here it seems as though we are getting the Federal interference without even getting the Federal aid. That is my third reason for refusing to answer, sir.

Senator FERGUSON. I will overrule your reason on that ground.

Mr. MORRIS. Mr. Lederman, we have had testimony before this committee that a Communist faction, a group of Communists meeting in caucus—

Mr. LEDERMAN. Excuse me. May I consult counsel in regard to the last question?

Mr. CAMMER. Senator, in overruling that objection, the problem is whether there has been a refusal here.

Senator FERGUSON. Yes. He has refused to answer.

Mr. CAMMER. Then he has additional reasons which he wishes to give.

Mr. LEDERMAN. I don't know whether the record showed I had invoked my rights under the fifth amendment.

Senator FERGUSON. I thought that you had at one point, and I ruled on it, but you then said you did not raise the fifth amendment.

Mr. LEDERMAN. At that point I hadn't. I will raise it now, sir.

Senator FERGUSON. I will sustain your objection.

Mr. LEDERMAN. And the fifth reason—

Senator FERGUSON. Go ahead. You do not have to answer.

Mr. MORRIS. Mr. Lederman, we have had testimony before this committee and want testimony from you on this point: The testimony has been that a group of Communists meeting in caucus would create the policy to be followed by the executive board of the Teachers' Union. Do you know that Communists ever met in caucus in advance of a meeting of the executive board of the Teachers' Union?

Mr. LEDERMAN. That is a loaded question, sir.

Mr. MORRIS. Do you know whether or not—

Mr. LEDERMAN. You preface the question with a good deal of statements, and if I say "yes" or "no" our union is damned.

Senator FERGUSON. There is no reason why you should say that it is a loaded question. The question was a question that you understood.

Mr. LEDERMAN. I don't want to subscribe to all parts of that particular question, with either an answer of "yes" or "no."

I think that as an answer to that question, I, as president of the union, have the right to state that our union is controlled completely by its membership, I daresay more than any other organization in the United States, because there is not a single step or policy of our union which does not go through various bodies and boards until it reaches the membership.

So the question that anybody other than the membership controls our union has to be rejected.

Senator FERGUSON. Do you know what the question was? What was the question?

Mr. LEDERMAN. I think I know it, sir.

Senator FERGUSON. Then, answer it.

Mr. LEDERMAN. The answer is as I have indicated, and secondly, that I decline to answer that question for all the reasons that I indicated before, and with the additional reason, sir, that I regard the intent of that question as a union-busting one, frankly, as one that is intended to damage the reputation and functioning of our union, and so on.

Senator FERGUSON. I will sustain the objection on the grounds that he claims the fifth amendment, and on that alone. If the answer to that question was that those things, that no such thing ever happened, it may place faith in the people of the union.

Mr. LEDERMAN. I think there are plenty of people of New York City who have displayed their faith in the Teachers Union, including thousands of teachers, many parents, trade-unions, and so on.

Senator FERGUSON. The reason I said that was that you claimed this was a union-busting question.

Mr. LEDERMAN. It has all sorts of implications about our union.

Senator FERGUSON. If you would cooperate with the committee information, maybe no such inference could be drawn.

Mr. CAMMER. It is a subject of the internal affairs of the union.

Senator FERGUSON. You are not testifying, Counsel. You have full rights to advise your client, and he may confer with you at any time.

Mr. MORRIS. Mr. Chairman, I had a series of questions, all bearing on the previous testimony, about Communist control and infiltration of the Teachers Union. Shall I proceed to ask those of this witness, or do you feel that he has demonstrated that he is not going to answer those questions?

Senator FERGUSON. I will ask him this question:

Will you answer any question in relation to what Mr. Morris has now said his line of inquiry will be?

Mr. LEDERMAN. I can say on the basis of those questions, and on the basis of what Mr. Morris has just said, that my general attitude would be along the lines.

Senator FERGUSON. You say that it would be along the lines of refusing to answer those questions on the grounds that it would tend to incriminate you?

Mr. LEDERMAN. And all the other reasons.

Senator FERGUSON. And that one?

Mr. LEDERMAN. Yes.

Senator FERGUSON. I will take that as an answer to those questions. Go ahead.

Mr. MORRIS. May I call a previous president of the Teachers Union, Mr. Charles Hendley?

TESTIMONY OF CHARLES J. HENDLEY, BRONX, NEW YORK, ACCOMPANIED BY HIS ATTORNEYS, HAROLD I. CAMMER AND ROYAL W. FRANCE

Senator FERGUSON. You do solemnly swear in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HENDLEY. Yes.

Senator FERGUSON. You may proceed.

Mr. MORRIS. Will you give your full name and address to the reporter?

Mr. HENDLEY. My name is Charles J. Hendley, 3210 Fairfield Avenue, Bronx, 63, New York.

Mr. MORRIS. Mr. Hendley, have you been president of the New York Teachers Union?

Mr. HENDLEY. Yes; I was in the past.

Mr. MORRIS. Could you tell us when you were president of the Teachers Union?

Mr. HENDLEY. From 1935 until 1945.

Mr. MORRIS. Could you tell us how many members were in the teachers union during that period of time? What was your maximum membership?

Mr. HENDLEY. I think we were pretty close to 10,000 at one time.

Mr. MORRIS. What was your minimum membership during that period?

Mr. HENDLEY. We started, I think, during my period—we started with about 2,500 members and grew rapidly to about 10,000.

Mr. MORRIS. Mr. Hendley, while you were president of the Teachers Union, was the Teachers Union expelled from the Central Trades and Labor Council?

Mr. HENDLEY. Now, the answer is simple, and I will give it to you, but it is not a simple story.

Mr. MORRIS. That may be, but we want the answer, Mr. Hendley.

Senator FERGUSON. What is the answer?

Mr. HENDLEY. We were put out of the Central Trades and Labor Council. So were many others.

For instance, the International Ladies Garment Workers were put out. I once told people in our national organization it was an honor to be kicked out of some places.

Mr. MORRIS. While you were president of the union, was your union dismissed from the American Federation of Labor?

Mr. HENDLEY. Yes; after a long procedure, but that is not a simple story either.

Mr. MORRIS. That is right. Now, you are presently associated with the Teachers Union, are you not?

Mr. HENDLEY. Yes.

Mr. MORRIS. What position do you hold?

Mr. HENDLEY. I have no position except I attend one of their committees regularly.

Mr. MORRIS. You testified yesterday that you do have a position in the teachers union.

Mr. HENDLEY. I didn't testify I had any office. I said I attended the educational policy committee pretty regularly.

Mr. MORRIS. You are a member of that, are you not?

Mr. HENDLEY. A member of that particular committee; yes.

Mr. MORRIS. Has the Teachers Union been expelled from the CIO?

Mr. HENDLEY. Not directly. We belong to the United Public Workers, and after a great campaign they expelled the United Public Workers from the CIO, and that included us. The attack was not on the Teachers Union.

Mr. MORRIS. What is your present position? What do you do now?

Mr. HENDLEY. I am a retired teacher.

Senator FERGUSON. Are you on pension in any way?

Mr. HENDLEY. Yes; I retired for service and have a pension.

Senator FERGUSON. What is your pension from the public schools?

Mr. HENDLEY. Well, a little over \$2,300 a year.

Senator FERGUSON. And have you received that from the time you left the employment?

Mr. HENDLEY. Oh, yes.

Senator FERGUSON. What year was that?

Mr. HENDLEY. 1946 or 1947; 1946, I believe I retired.

Senator FERGUSON. 1946?

Mr. HENDLEY. I think that was the year.

Mr. MORRIS. Are you associated with the Freedom of the Press Co.?

Mr. HENDLEY. I am a stockholder there.

Mr. MORRIS. How many shares of stock do you hold in the Freedom of the Press Co.?

Mr. HENDLEY. Well, I have forgotten. I invested about \$200 in it. I have forgotten how many shares that is. I have forgotten the par value.

Mr. MORRIS. How many shareholders are there in this corporation that we have been discussing?

Mr. HENDLEY. That is a matter of record. I wouldn't undertake to say. There are not many of us.

Mr. MORRIS. What does this corporation do?

Mr. HENDLEY. We just simply are the owners of the Daily Worker and we make contracts with the printer and with the Newspaper Guild, and things of that kind.

Senator FERGUSON. Does it actually operate and print the Daily Worker?

Mr. HENDLEY. Yes; it is our paper. That is, we own it, and in that sense the stockholders don't have to do with the actual operation.

Senator FERGUSON. Who does?

Mr. HENDLEY. Well, the general staff of the Daily Worker.

Senator FERGUSON. Are you on the board of directors?

Mr. HENDLEY. Yes.

Senator FERGUSON. And I assume that the board of directors controls the editorial policy of the Daily Worker?

Mr. HENDLEY. Yes. Well, in a general way.

Senator FERGUSON. Who does control it if they only do it in a general way?

Mr. HENDLEY. In a last resort, I suppose the directors are responsible.

Senator FERGUSON. Who outside of the directors?

Mr. HENDLEY. We have great confidence in the staff there, and the paper runs itself pretty well.

Senator FERGUSON. Who is the editorial manager?

Mr. HENDLEY. You can get that information. It is a matter of record.

Senator FERGUSON. As a member of the board, do you know?

Mr. HENDLEY. I know the acting editorial manager.

Senator FERGUSON. Who is it?

Mr. HENDLEY. Well, Allen Max.

Senator FERGUSON. Who was his predecessor?

Mr. HENDLEY. I don't know the history of it.

Senator FERGUSON. You have been on the board for how long?

Mr. HENDLEY. And I don't know the relations of the acting manager, and so on.

Senator FERGUSON. How long have you been on the board?

Mr. HENDLEY. A little over a year, I think it was.

Senator FERGUSON. How long have you owned stock in it?

Mr. HENDLEY. About the same length of time.

Senator FERGUSON. Who has been the editorial manager?

Mr. MORRIS. Mr. Hendley is not a member of the board of directors, but is secretary and treasurer.

Mr. HENDLEY. That is a member of the board of directors.

Mr. MORRIS. But you are secretary and treasurer, which is one of the principal officers, are you not?

Mr. HENDLEY. I signed the incorporation papers.

Mr. MORRIS. But you know, do you not, that you are the secretary and treasurer of the corporation?

Mr. HENDLEY. Yes. Sometimes I sign checks for them.

Senator FERGUSON. Who has been the editorial director while you have been connected with it?

Mr. HENDLEY. I can't go into the history. One of the best editors we have ever had was in jail. This is a technique of guilt by association.

Senator FERGUSON. Not at all.

Mr. HENDLEY. Yes, it is.

Senator FERGUSON. The question was who controlled the policy of this paper while you were on the board of directors or an officer, and you said—

Mr. HENDLEY. We operate just as corporations generally do—I trust the advice of the lawyers that are advising us all the time, and we own the paper and are responsible to that extent.

Senator FERGUSON. Does the Daily Worker follow the Communist Party line?

Mr. HENDLEY. Pretty much, I think.

Senator FERGUSON. How much?

Mr. HENDLEY. But I want to explain to you there is no official connection between the Communist Party and the Publishers New Press, Inc.

Senator FERGUSON. But you say it follows the party line.

Mr. HENDLEY. And I joined the Daily Worker for that express purpose, to protect the right of the men on the Daily Worker to set forth the Communist view on the daily news. Those men who know something about communism have more right to express themselves than ignoramuses that are carrying all of this Communist propaganda.

Senator FERGUSON. Then it is your express purpose that the Daily Worker should carry out the party line?

Mr. HENDLEY. That is why I joined the corporation.

Senator FERGUSON. Who lays down the party line?

Mr. HENDLEY. I don't know anything about that.

Senator FERGUSON. It follows it, and that is the purpose, and that is why you are on it. Who lays it down?

Mr. HENDLEY. I don't know who lays down the party line. I suppose it's the same as in any other party, it's a matter of the activity and history of the party over the years.

Senator FERGUSON. Where does it get the party line? You are connected with the institutions of learning.

Mr. HENDLEY. Incidentally, communism, socialism, has been studied by the whole world for 100 years. The party line comes from that 100 years of history of propaganda, of study and teaching throughout the whole world; it is an offshoot of that.

Senator FERGUSON. The present party line is laid down by whom?

Mr. HENDLEY. No one in particular.

Senator FERGUSON. Well, what group?

Mr. HENDLEY. I suppose the members of the Communist Party.

Senator FERGUSON. In America or in Russia?

Mr. HENDLEY. Well, I don't have any official knowledge of that. In America, I would say, so far as I know.

Senator FERGUSON. So far as you know, it is in America?

Mr. HENDLEY. The Communist Party in America is absolutely independent of the Communist Party of Russia, just as the Republican Party is not a part of the Tories of England.

Mr. MORRIS. What is the basis of that testimony you have just given us?

Mr. HENDLEY. General information. I have studied this subject for 40 years or more.

Mr. MORRIS. Are you a member of the Communist Party, Mr. Hendley?

Mr. HENDLEY. I am not afraid of that question, but I strenuously object to it for several reasons. It seems to be a favorite question ever since Dies and Bilbo and Rankin.

Mr. MORRIS. You have been talking about communism, and your experience with communism; and, by way of qualifying you as an expert, we are asking whether or not you are a member of the Communist Party?

Mr. HENDLEY. Under normal conditions, I would answer that simply and frankly. But here is quite a different matter. This is a favorite question with you, and you put it to some of the best patriots in the school system yesterday, and you now repeat that question today, and it is an unfair question. It is a means of establishing guilt by association. It is an insinuation that perhaps we are members of the party and are trying to put something across. I object to that.

Senator FERGUSON. What is your reason for not answering that? I cannot sustain that.

Mr. HENDLEY. You aren't authorized by the American people to go around on a fishing expedition to persecute people, and you know, teachers are vulnerable.

Senator FERGUSON. Do you refuse to answer, or are you going to answer?

Mr. HENDLEY. I don't have to answer that question.

Senator FERGUSON. On what grounds?

Mr. HENDLEY. Because your question amounts to a charge. You are accusing me. It is not a simple question. It is loaded. You are trying to embarrass not only me but to embarrass all of these teachers.

Senator FERGUSON. You have not yet assigned a reason for not answering.

Mr. HENDLEY. I am no lawyer, but I know enough about the law that there are many provisions in the United States Constitution to protect citizens from persecution like that? You are accusing me, really.

Senator FERGUSON. Will you please answer the question or explain your reason for not answering.

Mr. HENDLEY. I am not answering, and I am explaining why I am not answering. You are really making a charge against me. Now, the proper procedure is to present any evidence you have that I am subversive or disloyal to a grand jury, and let me be presented with my accusers and witnesses. That is your procedure, and I challenge you to do it. In asking me that question, you are really accusing me of conspiracy to overthrow the United States Government by force and violence, and I am not guilty, and I am not answering the charge.

Mr. MORRIS. Mr. Chairman, the record will show no such accusation. What is the charge?

Mr. HENDLEY. I know enough about law that I don't have to answer a question where I am charged with a crime. It is up to you to prove a crime.

Senator FERGUSON. Is it on the grounds that it might tend to incriminate you?

Mr. HENDLEY. I notice you like to use that word "incriminate." I am not incriminating myself by refusing to answer my question. I am taking advantage of numerous clauses in the Constitution and the sixth amendment.

Senator FERGUSON. Under the fifth amendment, I will sustain your objection.

Mr. HENDLEY. To protect me from answering that question.

Mr. MORRIS. Mr. Chairman, Mr. Mandel has an excerpt from the Daily Worker of October 7, 1951. Mr. Mandel, will you identify that?

Mr. MANDEL. This is a photostat of the Worker of October 7, 1951, pages 3 and 6. There is an article entitled "Our Paper Gets New Owners."

I offer that for the record.

Senator FERGUSON. It will be received.

(The photostat referred to was marked "Exhibit 1" and is as follows:)

EXHIBIT No. 1

[From The Worker, October 7, 1951]

OUR PAPER GETS NEW OWNERS

A broad group of trade unionists, professionals, Negro and civic leaders Monday takes over the publication of The Worker and the Daily Worker from the Freedom of the Press Company, which has been publishing these papers since August 1, 1940.

The new ownership, in a public statement, declared they "have taken this step in order to expand and reinforce the ownership of these papers in this period of persecution and reactionary oppression."

The statement noted that the four present stockholders of the Freedom of the Press Company gave active support to the formation of the new publishing company, incorporated as Publishers New Press, Inc. The new company has invited the present owners to become stockholders of it as soon as the change of ownership is completed.

Participants in the new corporation, which assumes control of the two papers as of October 8, are Joseph Dermer, a leading figure in the New York Furriers Joint Council; Charles J. Hendley, retired teacher, who is a former president of the New York Teachers Union; Howard East, writer; Richard O. Boyer, writer; Drs. Arnold Donawa and Ulysses Campbell, prominent Negro dentists of Manhattan and South Orange, N. J., respectively; Rev. Elliot White, Episcopal clergyman; Helen Alfred, retired social worker, prominent in community work, who formerly directed the National Public Housing Conference; Vincent Provinzano, secretary-treasurer of the Machinists' Local of the New York Furriers Joint Board; and Alex Kolkín, veteran figure in the rank-and-file movement of the International Ladies Garment Workers Union.

Dermer was elected by the stockholders as President of the corporation and Hendley was named Secretary-Treasurer. Third member of a three man Board of Directors is Alex Kolkín.

Present stockholders of the Freedom of the Press Corporation are Grace Hutchins, Ann Pennypacker, Susan Woodruff, and Ferdinanda Reed. In a separate statement issued through Miss Hutchins, the four declared:

"We are delighted to be joined by such fine and courageous Americans in the publication of The Worker and the Daily Worker. With the transfer of publishing rights from Freedom of the Press Company to the new ownership, we will continue, of course, the responsibilities for publication of these papers which we have undertaken with great pride in the past. We feel now we are sharing this great undertaking with others. We intend immediately to become stockholders of the new corporation."

In their statement the new owners declared they expect the readers of the two working-class papers, "who are in a true sense the real 'owners,'" to continue fighting for the papers and to guarantee their continued appearance.

"It is with a deep sense of pride and a consciousness of the great responsibility involved that we enter upon the job of publishing these papers," the statement

said. "We have undertaken to keep alive the great tradition of independent, progressive working-class journalism which started with the early beginnings of the labor movement in our country, which is associated with Gene Debs' powerful 'Appeal to Reason,' and which has been further developed by the Daily Worker and The Worker in the twenty-seven years of their existence."

Calling attention to government moves against the papers, including imprisonment of Benjamin Davis, who had headed the Freedom of the Press Corporation, and John Gates, the papers' editor, the statement expressed confidence that "the great mass of Americans" will support the fight of the papers to protect press freedom as guaranteed by the Bill of Rights.

The full statement follows:

We, the undersigned—unionists, professionals, writers—have formed a new corporation for the purpose of publishing the Daily Worker and The Worker, and have come to an agreement with the Freedom of the Press Corp. concerning the transfer of the papers' publishing rights.

We will take over publication tomorrow, October 8, 1951.

We have taken this step in order to expand and reinforce the ownership of these papers in this period of persecution and reactionary oppression.

Truman's bi-partisan Administration, with the fascist-like Smith Act as its instrument, has thrown into jail Benjamin J. Davis, president of the company now publishing the papers, and John Gates, editor and one of the five stockholders. The remaining four stockholders, some of them ill and living in other parts of the country, have therefore supported the suggestion that steps be taken to strengthen the ownership of the papers against any efforts of the government to suppress them.

We salute the four women who have borne the burden of publishing the papers in these turbulent and perilous times—Grace Hutchins, Anne Pennypacker, Susan Woodruff, Ferdinanda Reed—and have invited them to join us in the new corporation as soon as the transfer of publishing rights have been completed.

It is with a deep sense of pride and a consciousness of the great responsibility involved that we enter upon the job of publishing these papers. We have undertaken to keep alive the great tradition of independent, progressive, working class journalism which started with the early beginnings of the labor movement in our country, which is associated with Gene Debs' powerful "Appeal to Reason," and which has been further developed by the Daily Worker and The Worker in the 27 years of their existence.

For many years, each of us has followed with admiration and high regard the courageous course of these papers in battling against the forces of fascism, monopoly and oppression. We have supported their consistent championship of the struggles of American labor for a better life and for political recognition, their crusades for unemployment insurance, for industrial unionism and the organization of the unorganized, for independent political action.

We have backed them in their heroic and successful efforts to organize great masses of Americans against lynch terror and Jimcrow in its many forms and in their fight for complete and unequivocal equality for 15,000,000 Negro Americans.

We have joined them in resisting the continuous attacks upon our civil liberties by corrupt and reactionary politicians who are the zealous agents of Big Business. These attacks include the Smith Act, the McCarran Act, the Taft-Hartley Act, the President's Loyalty Oath, etc.

Today, these papers are fighting magnificently and almost alone among the newspapers of the land to keep our country from being plunged into a suicidal, disastrous war, and to rally the entire American people to the cause of peace and democracy.

While some of us may differ with the editorial staff on one issue or another, we do not intend to intervene in the editing of the paper. On the contrary, we expect that the staff will continue with vigor and clarity the present policies which have distinguished these papers.

Furthermore, unlike the owners of the Big Business press, we have not invested in these papers with the expectation of making huge profits. We know they will operate at a deficit since they do not expect to get the patronage of big advertisers and must face constant harassment and intimidation by the forces of reaction. We expect that the readers, who are in a true sense the real "owners" of these papers, will continue to help us make up the deficits and guarantee that the papers appear.

We intend to fight any effort on the part of the government or any other forces of reaction in this country to harass or suppress the Daily Worker or The Worker. We know that we can count not alone on the readers of these papers

but on the great mass of Americans to support us in this fight to protect the freedom of the press as guaranteed by the Bill of Rights.

Mr. MORRIS. Mr. Hendley, we have had testimony here that a person who was secretary to you while you were president of the Teachers Union, a Miss Wallace, was secretly a sister of Dale Zysman. Are you acquainted with that testimony?

Mr. HENDLEY. I read it in the press.

Mr. MORRIS. Was Miss Wallace your secretary while you were president of the Teachers Union?

Mr. HENDLEY. She was secretary.

Mr. MORRIS. Do you know that she was a sister of Zysman?

Mr. HENDLEY. I think that is a fiction of Bella Dodd's imagination.

Mr. MORRIS. Do you testify that to your knowledge?

Mr. HENDLEY. To my knowledge, she is not a sister of Dale Zysman. That is the best of my knowledge. I am not intimately acquainted with her family.

Senator FERGUSON. Do you know what her maiden name was? Or was she married, or did she go under an alias?

Mr. HENDLEY. No, she had been married, I know.

Senator FERGUSON. Did you know what her maiden name was?

Mr. HENDLEY. I am not certain what her maiden name was. By the way, she married again while she was a secretary.

Senator FERGUSON. Thinking over the question, do you know whether or not she was a sister?

Mr. HENDLEY. I would say "No." That is, to the best of my knowledge. I don't pretend to know intimately her family life.

Mr. MORRIS. Mr. Hendley, were you a member of the Communist Party while you were the president of the Teachers Union?

Mr. HENDLEY. I have already answered that. I am refusing to answer as to whether I have had any association with the Communist Party or not. I am not establishing my guilt by association.

Senator FERGUSON. Sustained, on the fifth amendment.

Mr. MORRIS. Mr. Chairman, will you call Mr. Jackson as the next witness?

TESTIMONY OF EUGENE JACKSON, NEW YORK CITY, N. Y.

Mr. MORRIS. Will you give your full name and address to the reporter, please?

Mr. JACKSON. Eugene, E-u-g-e-n-e, Jackson, J-a-c-k-s-o-n.

Senator FERGUSON. You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JACKSON. I do, sir.

Mr. MORRIS. Mr. Jackson, are you a teacher today?

Mr. JACKSON. I am not. I retired as of September 11, 1952.

May I interrupt here? In the hearing yesterday, I asked Senator Ferguson for permission to read my record into the record.

Senator FERGUSON. Yes.

Mr. JACKSON. And the Senator was so kind as to say he would allow that, and I think it would save time, because it would answer a number of questions in advance.

Senator FERGUSON. All right.

Mr. JACKSON. It won't take very long.

Senator FERGUSON. It went into the record yesterday.

Mr. MORRIS. May I submit for the sake of time here, that we accept Mr. Jackson's statement, and let it be incorporated into the record.

Senator FERGUSON. You want to put in the whole record of your previous teaching?

Mr. JACKSON. Yesterday you said I might put it in.

Senator FERGUSON. It lists previous teaching? Under the circumstances, go ahead and read it in.

Mr. JACKSON. Education, A. B. at Cornell University; specialized in foreign languages and philosophy. Had graduate work Cornell, Columbia, New York University, University of Munich.

Academic honors, Phi Beta Kappa.

Service in the New York City high schools: Teacher of German in the high schools, 1911 to 1930; chairman of foreign languages, 1930 to date of retirement, September 11, 1943.

Retired after 43 years of service from position of chairman of Spanish, German, and Hebrew, Samuel J. Tilden High School, Brooklyn.

Service in colleges: Extension courses; instructor in German, Brooklyn College, 5 years; instructor in methods of teaching German, and in phonetics, New York University, 3 years; service in the New York evening elementary schools; teacher of English to foreigners, 4 years; teacher for the correction of speech defects, 2 years.

Service on committees in the New York City school system: Chairman of the committee which drew up the syllabus for students of lower linguistic ability. Member of the following committees:

Committee which drew up the present syllabus for foreign language teaching and the one which preceded it;

Committee which drew up the present cultural syllabus for foreign languages;

Committee which drew up the report, *The Gifted Student in Modern Languages*.

Board of education committee for listing German textbooks.

Committee for revising regents' examinations; various committees assisting the board of examiners in testing candidates for position of foreign language teacher; and chairman in the junior and senior high schools; senior-junior high school committee in articulation in foreign languages;

Superintendent, Jacob Greenberg committee, which recently drew up the report, *The Place and Function of Modern Languages in the Curriculum of the Secondary Schools*.

Offices filled at various times in professional organizations: President, Association of Foreign Language Chairmen; president, foreign language Teachers Association; vice president, Foreign Language Teachers Association; chairman, Council of Foreign Language Teachers Associations; vice president for high schools, teachers union; candidate for assistant director of foreign languages, one of seven candidates nominated for the position by a committee of the board of superintendents.

Publications: *New Approach to German*, Jackson; *New Approach to French*, Jackson and Schwartz; *Manual for the Correction of Speech Defects*, Scripture and Jackson; articles in *Laryngoscope*, *German quarterly*.

High points: War service, August 1918 to April 1919, first lieutenant in military intelligence, cryptographer and interpreter.

World War II—

Senator FERGUSON. Just there, will you read that last one line again?

Mr. JACKSON. World War I, August 1918 to April 1919, first lieutenant in military intelligence, cryptographer and interpreter. We used to call it cryptographer. Nowadays they speak about cryptologists—the same thing.

Senator FERGUSON. Will you explain for the record what you did as a lieutenant?

Mr. JACKSON. Well, the business of the cryptographer was to decode messages, which were captured or picked up on the air or which were in code, and without the key. The business of the cryptographer was to decipher these messages.

Senator FERGUSON. Decoding messages was part of your position in the Intelligence Section?

Mr. JACKSON. That is right; without a key. That is a different job from that of a person who gets the key to decode. We had to decode them without the key. There is no particular trick in decoding a message if you have the key, or deciphering the message.

Senator FERGUSON. During the last war did you hold any similar position?

Mr. JACKSON. No. I am 65 years old now.

Senator FERGUSON. I meant, were you an adviser or did you hold any position?

Mr. JACKSON. No. As I said before, I am 65 years old, so that I was pretty well along toward 60 in the last war.

Senator FERGUSON. You were not in the Intelligence Section in the last war?

Mr. JACKSON. No, but in World War II, I took part in the school and block activities, and raising funds for various war services, and selling bonds.

I am giving a few references, and then I will be finished.

The following are some of our educational authorities who can witness as to my character and services in the schools.

Mr. MORRIS. Mr. Chairman, I submit that that is not relevant at this time.

Mr. JACKSON. It is part of the record.

Senator FERGUSON. Let me see it.

Mr. CAMMER. It is so short.

Mr. JACKSON. It is relevant, because it indicates the people who know intimately my work, and you might recognize some of the names.

Mr. MORRIS. How many names are there?

Senator FERGUSON. He may read them. They are connected directly with the board.

Mr. JACKSON. Yes. One is an associate superintendent, now deputy superintendent of schools, Frederic Ernst; associate superintendent, Jacob Greenberg; associate superintendent, Elias Lieberman; director of foreign languages, Theodore Huebner. The director of foreign languages would be most directly acquainted with my work. I would like to add, in conclusion, that I did a little arithmetic before coming here, and figured out in my years of teaching there are at the present time some 20,000 to 25,000 people ranging anywhere from the age of

30 to 60 who have been in my classes, so that it is quite possible that in this room here there are some people who actually were in my classes. So that there are plenty of witnesses as to the work—my work in the city high schools. It is an open book.

Senator FERGUSON. We are going to try to find out what you know about teaching in the schools. While you were there were you a subscriber to or did you get the New York Teachers News?

Mr. JACKSON. Certainly.

Mr. MORRIS. And were you familiar with a column of new material for classroom use?

Mr. JACKSON. Well, in general, although I am listed as one of the editors of Teachers' News, I haven't been active on it for years, and I don't have anything to do with it.

Senator FERGUSON. I want to ask you about this: It was for classroom use, and you have given us your previous teaching here. This reads in black type, "Religion today in the U. S. S. R." This was from the issue of Saturday, November 10, 1945.

A deep source of misinformation about the Soviet Union has long been the question of religion. The Reverend William Howard Melish refutes the idea that the Soviet Government dominates the church and that the church is hostile to the Soviet Government. Not only does the church have complete freedom, but the Soviet Government has taken measures to facilitate its material operation. Although Dr. Melish devotes a large portion of that pamphlet to the Greek Orthodox Church, he also discusses the status of religion generally in the Soviet Union.

Do you think that that would have been what the American children should be taught about Russia and the question of religion? Is that a fact?

Mr. JACKSON. I can't vouch for the facts. There are a thousand things which are stated as facts. I am not an expert on religion in the Soviet Union, and I do know that all kinds of stories have come out since 1917 about religion in the Soviet Union. Some things are undoubtedly true; other things are false. For example—

Mr. MORRIS. Mr. Jackson—

Mr. JACKSON. Nationalization of women was one of the things. I feel that is exploded today.

Senator FERGUSON. Do you know whether or not that was a fact?

Mr. JACKSON. What? Melish's statement?

Senator FERGUSON. Yes.

Mr. JACKSON. I certainly don't know whether what he said was a fact. As a matter of fact, what we read in books we have to take anything with judgment, with a grain of salt, or waiting for further proof, and so on; but I think that all sides of a question should be presented and Reverend Melish sounds to me like a minister of the church. Am I wrong?

Senator FERGUSON. Would you present a side that you knew was wrong if you had facts to prove that it was wrong?

Mr. JACKSON. I wouldn't present facts that I knew were wrong. As a teacher I certainly would not.

Senator FERGUSON. You would not present both sides if you knew one was wrong?

Mr. JACKSON. I certainly would not.

Senator FERGUSON. On September 22, 1945, under the heading "Road to peace," the following books are suggested for basic reading:

Battle Hymn of China, Agnes Smedley; Report from Red China, Harrison Forman; China's Crisis, Laurence K. Rossinger; The Challenge of Red China, Gunther Stein. Do you know anything about those books?

Mr. JACKSON. Would you repeat them? I think there is one.

Senator FERGUSON. Battle Hymn of China, Agnes Smedley.

Mr. JACKSON. I have heard of Agnes Smedley, but that particular book I can't say.

Senator FERGUSON. Harrison Forman, Report From Red China.

Mr. JACKSON. I have heard of that book.

Senator FERGUSON. China's Crisis, Laurence K. Rossinger.

Mr. JACKSON. That I never heard of even.

Senator FERGUSON. The Challenge of Red China, Gunther Stein.

Mr. JACKSON. No. Gunther Stein I never heard of.

Mr. MORRIS. Did you know that Agnes Smedley was or was not a Communist?

Mr. JACKSON. I know nothing about that.

Mr. MORRIS. Do you know whether or not Laurence K. Rossinger was or was not a Communist?

Mr. JACKSON. I don't even know that name. Listen, Senator, I am not an expert on who is or is not a Communist. If you want my opinion, I would simply say this: That if you were to take all the books that have been recommended, you would find out that they represent all forms of opinion and all sides of the question, and that is about all.

Senator FERGUSON. Where is the "both sides" in those books? Do you know? Will you explain it?

Mr. JACKSON. I haven't read those books, and there are many other books. If you went through, you would find other books there. If you looked, you would find other books.

Senator FERGUSON. Yes; In Guerrilla China, Report of the China Defense League, 1943.

Mr. JACKSON. If you want to ask me some questions, Senator, on the use of the subjunctive in French, Spanish, or German, I can give you an expert opinion, but I am not an expert on that.

Senator FERGUSON. There is testimony before this committee that the New York Teachers' News was part of an organization, it was the mouthpiece of an organization, and that that organization was Communist-dominated. That is the testimony in the record. Now, I am trying to find out whether or not, to your knowledge, these bear that out or do they bear it out? What is your opinion of it? You have been a teacher all this time.

Mr. JACKSON. I would say that I am not familiar with those books except perhaps one or two from, shall I say, hearsay. I venture to say that the selection here is—what shall I say?—a biased one made by somebody whose purpose is to give a wrong impression.

Senator FERGUSON. Well, have you any records of any Fascist books that were recommended?

Mr. JACKSON. I haven't any record at all, but I am sure that a record would show it.

Mr. MORRIS. Mr. Chairman, may I say at this point that Mr. Lederman is going to look at the list of issues that we are going to put in, and if it is not a fair list, he is going to insert some here.

Senator FERGUSON. Do you know of any Fascist teaching in the schools?

Mr. JACKSON. Oh, yes. We have been involved in that question more than once. Therefore it always seems rather peculiar that we come in to investigate activities which have never been found to exist and on the other hand pass over very rapidly activities which have been proved to exist, the May Quinn case.

Senator FERGUSON. Your contention is that communism has never existed, the move for communism in the schools has never been made, but the move for fascism and nazism has, and you think we ought to investigate that. Will you give us the evidence that the Nazis and Fascists were trying to penetrate the teachers and institutions of learning?

Mr. JACKSON. I don't know whether they were trying.

Senator FERGUSON. Or did they?

Mr. JACKSON. I simply knew we have had evidence, proof, and if you would look to the Teachers' News, you would find plenty of documentary evidence that certain people were Fascists and the people with Fascist or racist tendencies have actively propagated those tendencies in the classroom, and that they have not been punished, or where the thing was so terribly gross that it could not be overlooked they were given a slap on the wrist, while teachers with a record unblemished, where there is not a single charge of anything, where their record is an open book, have been suspended and dismissed from the system. And I venture to say here that with my record, which is an open book, known to everybody, known to 20,000 people in this city who have been in my classes, there is an effort being made here to in some way or other, shall I say, smear me. I don't say that personally I amount to very much, but through me to smear the Teachers' Union.

Senator FERGUSON. Could you tell us this, Mr. JACKSON, whether or not the teachers' union and the New York Teachers News, which was an adjunct of it, was anti-Nazi and anti-Fascist?

Mr. JACKSON. I certainly think that you will find articles there—I don't think anybody here in this country has to excuse himself for being anti-Nazi or anti-Fascist.

Senator FERGUSON. I am not asking you for an excuse. I am asking whether or not the union was so?

Mr. JACKSON. Everybody who was a decent American was anti-Fascist and anti-Nazi before the war.

Senator FERGUSON. And the union was?

Mr. JACKSON. Certainly the union was. The union is a patriotic organization and therefore it was along with everybody else.

Senator FERGUSON. Will you tell us whether or not the union was anti-Communist?

Mr. JACKSON. The union has not taken any particular stand that I could see.

Senator FERGUSON. On communism?

Mr. JACKSON. They haven't taken any stand that I know of. We don't carry on any campaign of propaganda one way or another.

Senator FERGUSON. Did you carry it on against the one form of totalitarianism?

Mr. JACKSON. We were carrying on a war against fascism.

Senator FERGUSON. Did you carry it on against the other form?

Mr. JACKSON. We were carrying on a war.

Senator FERGUSON. This was after the war was over.

Mr. JACKSON. After all, if you carry on a war to defeat and destroy something, we don't change one's attitude overnight although some people, pardon me, who were anti-Fascist and anti-Nazi, today are becoming quite the contrary.

Senator FERGUSON. Was there not a switch overnight in the Communist philosophy when the war was on and Russia's part in the war was one way and then the other? Was there not a switch overnight of the Communist philosophy?

Mr. JACKSON. I am not an expert on Communist philosophy. If you ask me whether our teaching methods in foreign languages have changed in the last 10 or 15 years, I could go into that very fully. I don't pretend to be an expert on China or the Soviet Union.

Mr. MORRIS. Mr. Jackson, are you an officer of the Teachers' Union?

Mr. JACKSON. I am vice president.

Mr. MORRIS. Are you vice president with any specialty?

Mr. JACKSON. In charge of high schools.

Mr. MORRIS. How many teachers are members of the teachers' union?

Mr. JACKSON. I thought that Mr. Løderman gave you that.

Mr. MORRIS. He gave us an over-all total, but we asked you yesterday to give us the number of high-school teachers associated with the union.

Mr. JACKSON. I will say that consulting with him we figured that there was somewhere in the neighborhood of 1,500.

Mr. MORRIS. That represents your best estimate of the number of high-school teachers who are members of the Teachers' Union?

Mr. JACKSON. That is my estimate or my guess more or less.

Mr. MORRIS. And you are vice president of the Teachers' Union in charge of high schools?

Mr. JACKSON. That is right.

Mr. MORRIS. Now, Mr. Jackson, you enumerated a list of activities there. All during that period when you were carrying on the activities which were put into the record, were you a member of the Communist Party?

Mr. JACKSON. That is again the same old loaded question, and I want to point out first of all the reason, as I see it, for asking the question. It is the usual one of guilt by association. First you build up something as the greatest terror and then you ask a person, "Well, are you part of that?" I want to say also—

Senator FERGUSON. What is your answer?

Mr. JACKSON. I am going to answer it. That is, I am going to tell you why I decline to answer it. I decline first of all on the basis of the first amendment as an infringement on freedom of speech, freedom of thought. Today it appears that the old adage of "By their fruits ye shall know them" does not apply to teachers. Teachers are judged by the hidden part which they are supposed to have and which is supposed to be drawn out by committees such as these. There is no personal reference here. I speak in general about committees. Secondly, as has been pointed out, I do think that this is an infringement upon the States, education being a State function; and third, I want to mention another amendment to the Constitution which I

think is very pertinent. In fact, I sort of felt I was something of a constitutional lawyer digging this thing out. I read the Constitution carefully. Many people should do that.

Senator FERGUSON. The Chair can agree with you on that wholeheartedly.

Mr. JACKSON. That is a great pleasure.

Senator FERGUSON. You should study it and read it.

Mr. JACKSON. On an occasion when the Chair agrees with the person being interrogated, it is always comforting. In the thirteenth amendment it speaks about the prohibition of involuntary servitude.

Mr. MORRIS. Are you invoking the thirteenth amendment?

Mr. JACKSON. I am.

Senator FERGUSON. What is the involuntary servitude here today?

Mr. JACKSON. Well, this compulsion that one is put under to answer questions which probe into one's personal life. Democracy, as I understand it, calls for freedom of the individual, freedom for him to express himself, freedom to think and freedom, I would say, from inquisition; and if one has to submit to that, one is becoming an involuntary slave.

Senator FERGUSON. What you are being asked is if you were during this period a member of the Communist Party. Now, we are not asking you what you thought then.

Mr. JACKSON. That certainly has to do—

Senator FERGUSON. We are trying to find out whether you were a member of an organization at that time.

Mr. JACKSON. This is prying into my political beliefs and my political thinking. I think you have no right to even ask me whether I am a member of the Republican or Democratic Party.

Senator FERGUSON. You answered the questions that you were not a member of the Fascist or Nazi Parties?

Mr. JACKSON. I felt insulted that you asked that question. I don't want anybody to think that.

Senator FERGUSON. What is your answer to this question?

Mr. JACKSON. I would like to finish up with the thirteenth amendment, I mean finish quoting it, because it might sometime become a matter for the courts to decide whether the thirteenth amendment doesn't apply; if one is asked to act like an involuntary slave whether that is not a violation of the thirteenth amendment. Well, that is the thirteenth amendment. It is your duty and privilege, of course, Senator, to decide whether you want to allow that. Now, with regard to the fifth amendment, this word self-incrimination has been used so often that the impression has been given that if someone uses the fifth amendment as a reason for not answering questions, somehow or other he is degrading or incriminating himself. I maintain that I think constitutional authorities will maintain that the first 10 amendments were put in for the protection of the innocent and the just, and one who feels innocent and one who feels just and—pardon me, I feel innocent and just—has the right to use the fifth amendment.

Senator FERGUSON. It is a question of whether a person in good faith uses the fifth amendment. Then he is entitled to use it.

Mr. JACKSON. I will add then innocent and just and in good faith. I add the fifth amendment to my reasons for refusing to answer the question.

Senator FERGUSON. I will sustain your refusal on the grounds of the fifth amendment, that you do not have to testify against yourself.

Mr. JACKSON. Sometime when you have a little time, Senator, perhaps you will give some thought to that thirteenth amendment.

Senator FERGUSON. I gave it some thought yesterday.

Mr. MORRIS. How long have you been a member of the executive committee of the Teachers Union?

Mr. JACKSON. Well, all the vice presidents are technically—not technically but actually members of the executive committee. They are also members of the staff. So that, since I have been vice president since 1935, I guess it was, I have been a member in that sense of the executive board. I might say in passing that I am a charter member of the Teachers Union.

Mr. MORRIS. Mr. Jackson, while you were a member of the executive board in the capacity you have just described, did you ever attend a Communist caucus meeting before a meeting of the executive committee of the Teachers Union?

Mr. JACKSON. Again that is asking the same question that you asked before and I don't want to go through it. I think I have made it clear what my reasons are for refusing or declining to answer that question, so I will simply say that all the reasons which I have given before I now adduce for refusing to answer this question.

Senator FERGUSON. I will sustain it on the one ground, the fifth amendment. I would like to ask you now, did you know a woman by the name of Bella Dodd?

Mr. JACKSON. That is another way of asking the same question.

Senator FERGUSON. She was a representative, was she not, of the Teachers Union, of your organization; a legislative representative, was she not?

Mr. JACKSON. Let me expatiate a little on this.

Senator FERGUSON. Can you not answer that one question? I will withdraw the first one about whether you knew her.

Mr. JACKSON. It is a very simple, innocent question and can lead to any number of other questions, and having answered that one, many others would naturally follow. That is the logic of the thing, and why start a series of such questions? So for the various reasons which I have alleged before, I decline to answer that question.

Senator FERGUSON. You decline to answer the last one, that is, whether or not you knew she was the legislative representative of the Teachers Union. Now, the next question which I asked previously and withdrew: Did you know Bella Dodd?

Mr. JACKSON. For the various reasons alleged—of course, the word "know" has various connotations.

Senator FERGUSON. Is this the way you taught your class? Is this the way you taught your class in language?

Mr. JACKSON. Well, Senator, when you talk about teaching a class that reminds me—

Senator FERGUSON. I was a school teacher and I wondered how long it would take to teach a class any fundamentals at all if you did it like your answers are being given this morning.

Mr. JACKSON. You don't know, Senator, the methods of teaching. You have to have preparation, organization, trial and summary, and that takes a long time, and that is why it seems so fantastic to me when they talk about indoctrination so subtle that no one can discover

it when we teachers know that you have to hammer and hammer and hammer to get an idea in the heads of the people.

Mr. MORRIS. And you do hammer?

Mr. JACKSON. We sure hammer. Of course, as I said before, the business of the subjunctive is fairly simple compared to the whole matter of economics.

Senator FERGUSON. Now, is that an answer to that last question?

Mr. MORRIS. Mr. Chairman, I suggest that we get the vice president in charge of junior high schools to supplement that.

Senator FERGUSON. Do you want that to stand now, as a former professor, as your answer to that last question?

Mr. JACKSON. Yes. I might say that it is a sad state of affairs today when we have to figure, "Well, somebody is asking me questions." Now, some professional informer comes along, and this is no attack or let us say unfortunate reference to any heads of committees, but informers are paid and they have got to produce, and sometimes they produce some truths and when their truth runs out they invent.

Senator FERGUSON. We are trying to get your opinion on these things.

Mr. JACKSON. That is my opinion.

Senator FERGUSON. What I was trying to find out was this: Here was a person who testified in an open hearing, a woman by the name of Bella Dodd, who testified about certain things. Now, I bring you in here today as a former teacher directly connected with the high schools and vice president of the Teachers Union, and I am trying to find out whether you even knew that person, and you refuse to answer on the grounds that it might tend to incriminate you.

Mr. JACKSON. Or degrade.

Senator FERGUSON. You also refused to answer whether or not she was the legislative representative. Now, Mr. Jackson, do you not think that you might help this committee, help the United States in this question of security, on the question of subversion in its institutions?

Mr. JACKSON. I certainly am ready to do that, Senator.

Senator FERGUSON. If you would answer some of these questions, like the question did you know whether she was a representative, it would help. I took for granted, and possibly drew a wrong conclusion, that you were talking about her as an informer. Could you tell me how a person would be classed as an informer because he knew the facts and gave them to the committee? You would not expect the committee to try to get the facts out of somebody who had no connection with the thing. You might call that kind of person an informer. To whom would you go if you wanted to get the facts? You would go to some member who knew about the facts, would you not? You will not even tell us here today whether or not she was the representative.

Mr. JACKSON. I was just going to speak on the matter of an informer.

Senator FERGUSON. To whom were you referring?

Mr. JACKSON. We linguists like to define our words, and the word "informer" could apply to all sorts of people. Benedict Arnold was an informer. I am an informer. I try to inform my pupils about the intricacies of the various languages with more or less success. So that the word "informer" has many connotations.

Senator FERGUSON. How are you using it here?

Mr. JACKSON. I use it in this sense: People who are paid to inform upon.

Mr. MORRIS. Do you have any evidence, Mr. Jackson, that any witness before this committee was paid?

Senator FERGUSON. Have you any evidence that Bella Dodd or any other witness for this committee on this matter has been paid? Have you any evidence? That is a serious matter.

Mr. JACKSON. I have given my answer with regard to Bella Dodd.

Mr. MORRIS. What is the answer?

Mr. JACKSON. Do you want me to make a generalized statement as to, do I have any evidence that informers have been paid?

Mr. MORRIS. That any witness has been paid. Do you have any evidence?

Mr. JACKSON. I didn't make any identification about anybody on this committee.

Mr. MORRIS. Mr. Chairman, I ask that you direct him to answer.

Senator FERGUSON. Answer the question. Do you have any evidence that any witness before this committee has been paid for his or her testimony?

Mr. JACKSON. I have no evidence where I can produce in a court that such-and-such person received such-and-such amount, but we do know.

Senator FERGUSON. We ask about what you know, not what "we know."

Mr. JACKSON. It is a generic we. People know that informers who are extant today have made a very good thing out of their revelations, so-called.

Senator FERGUSON. About whom are you talking?

Mr. JACKSON. People who have gotten excellent jobs as a result, people who have been actually paid day by day so-and-so much a day.

Senator FERGUSON. About whom are you talking in this hearing?

Mr. JACKSON. I am talking about what I have seen in general about informers.

Senator FERGUSON. I am not talking about general informers. I am talking about in this particular hearing.

Mr. JACKSON. I would say, Senator, definitely I am not making any insinuation or charge at the present time against any member of this committee or of anybody who had supposedly furnished information. I am not making any charge. I think that is clear.

Senator FERGUSON. That is all.

Mr. MORRIS. Mr. Chairman, we have now the vice president in charge of junior high schools, Mr. Morris Seltzer.

TESTIMONY OF MORRIS SELTZER, THE BRONX, NEW YORK, ACCOMPANIED BY HIS ATTORNEYS, HAROLD I. CAMMER AND ROYAL W. FRANCE

Mr. MORRIS. Will you give your name and address to the reporter?

Mr. SELTZER. Morris Seltzer, 1527 Metropolitan Avenue, the Bronx.

Senator FERGUSON. Raise your right hand, please. You do solemnly swear in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Sen-

ate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God!

Mr. SELTZER. I do.

Mr. MORRIS. Mr. Seltzer, you are a school teacher?

Mr. SELTZER. I am.

Mr. MORRIS. Where do you teach?

Mr. SELTZER. Junior High School 120 in Harlem.

Mr. MORRIS. How long have you been teaching?

Mr. SELTZER. I have been teaching for about 18 years.

Mr. MORRIS. Mr. Seltzer, are you the vice president in charge of junior high schools for the Teachers Union.

Mr. SELTZER. Yes, sir.

Mr. MORRIS. And as such, are you a member of the executive committee of the Teachers Union?

Mr. SELTZER. Yes, sir.

Mr. MORRIS. Mr. Seltzer, have you ever been a member of the Communist Party?

Mr. SELTZER. Well, I cannot bring myself to answer a question like that in a period like this. I feel that a question of that sort is designed to inflame the public mind against organizations like the Teachers Union and thereby undermine our free public-school system in that sense.

Senator FERGUSON. Mr. Seltzer, let us look at it this way: That the committee is trying to find out facts. You say that that question is asked just to inflame the public mind?

Mr. SELTZER. That is my impression.

Senator FERGUSON. Yes. Now, if the answer were "No," do you not think that that would have a tendency to give people faith in the institution, and if the answer were "Yes," then you might be able to say or anyone might be able to say that it would inflame the public mind; but when the question of the security of the institutions of America and the security of America is involved, it is very material whether or not the people know whether or not communism is or has been penetrating or attempting to penetrate the teachings of the youth of America and to penetrate our public institutions, in relation to what Congress should do on the question of public education. Now, you bring up the question that just asking the question inflames the people's mind. Will you answer the question? I am trying to get some help here this morning.

Mr. SELTZER. Since you made certain comments, may I comment on that, because historically in our country there have been other situations. There used to be a day when being called a Jacobean during the Revolutionary period of our country meant you couldn't hold a job. Jefferson was called a Jacobean and later elected President.

Senator FERGUSON. Do you believe that a member of the Communist Party should be hired in the public schools?

Mr. SELTZER. I think that as far as teachers in a public school are concerned, we have boards of education that test and qualify teachers and give them jobs and rate them, and so forth, that anyone that is doing a job in a classroom, be he Communist, Socialist, Republican, Democrat, Catholic, Jew, Protestant, Mason, Abolitionist, or what have you, as long as he is going his job in the classroom and not inculcating the minds, be allowed to do his job. A banker having certain leanings is not relieved of his bank. If convicted of a crime, he might be relieved of his bank and put in jail.

Senator FERGUSON. Do you understand that the law does make it a crime to be a member of a conspiracy to overthrow the Government?

Mr. SELTZER. That law is a matter of opinion at the moment. Some people have gone to jail because of it. Whether this is so, I don't know. I don't think I have the legal ability to decide.

Senator FERGUSON. Do you think that a Nazi or Fascist should be allowed to teach?

Mr. SELTZER. I think anybody should be allowed unless the person is inculcating people as mentioned earlier.

Mr. MORRIS. I believe that he has answered in the affirmative.

Senator FERGUSON. Yes. What is your answer?

Mr. SELTZER. Perhaps I ought to qualify that. What question?

Senator FERGUSON. To the question of Nazis that I asked. You did not include Nazis.

Mr. SELTZER. I would include that in a sense people who are guilty of inculcating children with certain ideologies, people like May Quinn and certain other people.

Senator FERGUSON. Have you ever known of anyone trying to penetrate the thought of communism in the schools?

Mr. SELTZER. Not to my knowledge.

Senator FERGUSON. But you do have direct knowledge of fascism?

Mr. SELTZER. I have only the knowledge I have from the newspapers about the attempt of some people to influence people along the lines of racialism and anti-Semitism. I am sensitive to it because I teach in a Harlem school. I have been out of school for 2 days now and I am also thinking of coming back tomorrow to a problem school that has a class that has not been under my supervision for 2 days.

Senator FERGUSON. You have knowledge along one line. Have you any knowledge that communism is beginning to penetrate?

Mr. SELTZER. I have no knowledge of that at all.

Senator FERGUSON. You have heard of the testimony of Bella Dodd?

Mr. SELTZER. I have heard what I read in the papers.

Senator FERGUSON. Have you heard the testimony of Bella Dodd?

Mr. SELTZER. Only what I read in the papers.

Senator FERGUSON. Do you believe her testimony?

Mr. SELTZER. I am not in a position to judge at the moment until I get more facts, until the full facts are in.

Mr. MORRIS. Mr. Chairman, the question has been put to the witness: Have you ever been a member of the Communist Party?

Mr. SELTZER. As I started to say earlier, I think that this being a period when questions like that have the tendency to destroy—

Mr. MORRIS. You said that, Mr. Seltzer.

Mr. SELTZER. I would also like to make a short quote.

Senator FERGUSON. Answer the question.

Mr. SELTZER. That is part of my reasons. I think there are people in this country who have certain opinions about investigations of this sort.

Senator FERGUSON. Will you just give your legal reason?

Mr. SELTZER. For instance, a person that is in your home State, a man like Gossett with the Ford vice president and general counsel, is certainly a person.

Senator FERGUSON. Answer the question. Gossett cannot claim your privilege for you. The question is: Do you or do you not, will you or will you not answer this question?

Mr. SELTZER. I still say that in order to develop the reasons—you are asking me will I or will I not, or are you asking me yes or no?

Senator FERGUSON. Answer it. I am asking you whether you will answer it.

Mr. SELTZER. You asked me a question and I am answering it to the best of my ability.

Senator FERGUSON. You are not answering as to whether or not you were or were not a member of the Communist Party. That is the question that is before you.

Mr. SELTZER. And I am trying to develop the reasons why I feel I cannot give an answer.

Mr. MORRIS. Mr. Chairman, I think that question readily admits of a yes or no answer.

Senator FERGUSON. Or you may give the reason why you refuse to answer. What is the legal reason? I cannot take Gossett's opinion.

Mr. SELTZER. I mentioned Gossett because he is an attorney.

Senator FERGUSON. What is your reason for it? It is a privilege to you.

Mr. SELTZER. I feel that since according to the first amendment Congress doesn't have the right to legislate as far as personal beliefs and associations are concerned, therefore, a committee of this sort should not have the right to ask questions about personal beliefs.

Senator FERGUSON. I will overrule that ground.

Mr. SELTZER. I will agree with the American Bar Association which indicated in 1945 that education should be the province of local and State governments, not the Federal Government.

Senator FERGUSON. This will help us to determine that if we can get the facts. What the American Bar Association thinks is not a reason for your refusal to answer.

Mr. SELTZER. Finally, this being a period of hysteria and a period of witch hunting, the only legal safeguard which seems apparent at the moment is to invoke the constitutional amendment, the fifth amendment, which I do, with the feeling that it is a shield for the innocent.

Senator FERGUSON. I will sustain it on the basis of the fifth amendment.

Mr. SELTZER. I will refuse to answer on all the reasons.

Senator FERGUSON. I will overrule the others.

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

Mr. SELTZER. The same reason.

Senator FERGUSON. The same ruling.

Mr. MORRIS. You are a vice president of the Teachers Union?

Mr. SELTZER. I am.

Mr. MORRIS. How many teachers are there in the Teachers Union?

Mr. SELTZER. I just took office this month and, to the best of my knowledge, it is somewhere around 300 or 400.

Mr. MORRIS. Are you a member of the executive committee by virtue of your position as vice president in charge of junior high schools?

Mr. SELTZER. As vice president in charge of junior high schools, I am a member of the staff and ex officio a member of the executive committee.

Mr. MORRIS. In connection with your duties as a member of the executive committee, have you ever attended a meeting of a Communist

caucus preliminary to or in connection with your duties as a member of the executive committee of the Teachers Union?

Mr. SELTZER. I have attended all kinds of unions. We have membership meetings and delegate meetings.

Senator FERGUSON. Try to keep on this question.

Mr. MORRIS. Have you ever attended a Communist meeting in connection with your work?

Mr. SELTZER. I will have to refuse to answer that on the same grounds.

Senator FERGUSON. I will sustain the objection on that.

We will recess to 2:30 o'clock. The committee will rise until 2:30 o'clock.

(Whereupon, at 11:35 a. m., the hearing was recessed to reconvene at 2:30 p. m. the same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 2:45 p. m., upon the expiration of the recess.)

Senator FERGUSON. The committee will come to order, please.

Mr. MORRIS. The first witness will be Mildred Garvin.

TESTIMONY OF MRS. MILDRED K. GARVIN, NEW YORK, N. Y., ACCOMPANIED BY HER ATTORNEYS, HAROLD I. CAMMER AND ROYAL W. FRANCE

Senator FERGUSON. Will you raise your right hand, please? You do solemnly swear in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. GARVIN. I do so swear.

Mr. MORRIS. Will you give your name and address to the reporters?

Mrs. GARVIN. Mildred K. Garvin, 225 West One Hundred and Sixth Street, Manhattan.

Mr. MORRIS. Are you a teacher?

Mrs. GARVIN. Yes, sir.

Mr. MORRIS. Where do you teach?

Mrs. GARVIN. P. S. 192, Manhattan.

Mr. MORRIS. Are you a member of the Teachers Union?

Mrs. GARVIN. Yes, sir.

Mr. MORRIS. Are you an officer?

Mrs. GARVIN. Yes, sir.

Mr. MORRIS. Are you vice president of the union?

Mrs. GARVIN. Yes, sir.

Mr. MORRIS. Are you vice president in charge of elementary schools?

Mrs. GARVIN. Yes, sir.

Mr. MORRIS. Could you tell us how many elementary teachers are members of the Teachers Union?

Mrs. GARVIN. I checked on that and as nearly as I can discover, because I have no way of finding out accurately and I have been wrong

in my original surmises, and I believe there is something like 800 or 900 in the elementary division.

Mr. MORRIS. And are they private schools or just in public schools?

Mrs. GARVIN. Oh, no, in public schools. I am not interested in private schools.

Mr. MORRIS. In other words, if it is elementary private schools it does not come within your jurisdiction.

Mrs. GARVIN. That is right.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Mrs. GARVIN. I teach Puerto Rican children and they are waiting for me.

Senator FERGUSON. Let us have an answer to the question.

Mrs. GARVIN. I resent being asked that question in the light of my background and my job in New York City. I don't think I should be called to answer that question. I think that a teacher is doing a job—

Senator FERGUSON. Madam, will you answer the question?

Mrs. GARVIN. You mean I must answer the question?

Senator FERGUSON. Yes.

Mrs. GARVIN. I can't stand on the first amendment?

Senator FERGUSON. Not on the first amendment. You cannot.

Mrs. GARVIN. All right. I will answer the question. I am not and I have never been a member of the Communist Party.

Mr. MORRIS. Thank you, Mrs. Garvin.

Mrs. GARVIN. You mean I am finished?

Senator FERGUSON. I want to ask some questions. As a member of the union, did you know Bella Dodd?

Mrs. GARVIN. Let me see. As a member of the union, would that mean did I deal with her as a member of the union?

Senator FERGUSON. Yes.

Mrs. GARVIN. You see I was a member of the executive board a long time ago and I wasn't reelected, and I don't know if Bella Dodd was a member at that time. I don't know her in a union capacity, if that is what you mean.

Senator FERGUSON. Did you know that she was legislative representative?

Mrs. GARVIN. Of course.

Senator FERGUSON. You knew that?

Mrs. GARVIN. Naturally.

Senator FERGUSON. And have you known her personally?

Mrs. GARVIN. I knew her personally in college at Hunter where I studied. It is a custom to have a junior big sister for every freshman, and when I entered college I was told that Bella Dodd was my big sister. In those days, I think it was an Italian name. Today I have forgotten. She had a different name. She wasn't married. She was a very warm-hearted person and took me under her wing.

Senator FERGUSON. You were rather close to her?

Mrs. GARVIN. I am pretty much older. I can't remember how close I was because I am pretty old now and it is a long time since I went to college, but the feeling that I had for Bella Dodd was she was a warm person who tried to make me feel at home at college. I don't think she did more than she had to because there were many juniors assigned

to freshmen, but she did make me feel at home. May I continue that, because I was not quite finished?

Senator FERGUSON. You may complete that.

Mrs. GARVIN. I think I said that at that time I was quite close; although I didn't know her too well. I was quite close to Bella and I considered her a very warm-hearted person who did a lot to find my way in college as a young freshman, but I would like to put on the record that my opinion changed.

Senator FERGUSON. Was she a teacher?

Mrs. GARVIN. No; she was a junior. I just don't want the record to stand as appearing in any way to show any admiration of Bella Dodd because I think I indicated that I have very little admiration for what Mrs. Dodd stands for today.

Senator FERGUSON. All right. Had you known that she was a Communist?

Mrs. GARVIN. In college?

Senator FERGUSON. Yes.

Mrs. GARVIN. Was she? I never knew. I still don't know that she was a Communist.

Senator FERGUSON. That is an answer. Did you know that she was a Communist while she was legislative representative?

Mrs. GARVIN. No, Senator Ferguson. Nobody knew that.

Senator FERGUSON. Wait. What do you know about what other people know?

Mrs. GARVIN. I am sorry. I don't know the legalities.

Senator FERGUSON. You say you did not know?

Mrs. GARVIN. It was a complete shock to me and probably to many other people.

Senator FERGUSON. What is it that she stands for that you now complain about?

Mrs. GARVIN. Senator Ferguson, I am a teacher who believes in the democratic way of teaching. I believe in the open mind. It has become almost a slogan: You are for or against the open mind. I am for the open mind and it seems to me that Mrs. Dodd by absolutely advocating that children should not have the open mind is abdicating everything I believe in.

Senator FERGUSON. Has she ever contended that children should not have the open mind?

Mrs. GARVIN. I can't quote chapter and verse. I am sure someone here can tell you. She went on record as saying in the days when she was a Communist she believed it was her duty to teach children to have an open mind, but since seeing the light and revelation she no longer thinks that is the case, that the open mind can lead to evil thoughts coming in.

Senator FERGUSON. Do you believe that a Communist should be able to teach school in the public schools of America?

Mrs. GARVIN. I think everybody who came here answered that question pretty well, Senator Ferguson, because that is the union's position.

Senator FERGUSON. The union's position is what?

Mrs. GARVIN. That anyone who teaches in the public schools should be judged on the basis of what he does in the classroom. I think, and I think the union thinks, that it would be a very dangerous thing here that persons in power should be able to apply their own standards to the teachers who are in the school system. It happens sometimes in

small communities. I don't know how much you know about it. I am sympathetic with teachers, being a teacher, and I know that often an able, honest, democratic American teacher loses her position.

Senator FERGUSON. I am talking about a Communist.

Mrs. GARVIN. I am too, and I get to the same point: That no teacher should be judged by any standard other than what that teacher does in the classroom.

Senator FERGUSON. You do not think that morality has anything to do with this?

Mrs. GARVIN. After all, tenure is based on accomplishment and what you can do in the classroom, and that is the only safeguard of the teacher.

Senator FERGUSON. Character and morality would have nothing to do with it?

Mrs. GARVIN. Providing any teacher shows in her classroom that she is a moral person, that there is no accusation of immorality against her in the classroom, she should be allowed to teach.

Senator FERGUSON. In other words, Mr. William Z. Foster who is the announced president of the Communist Party, should be able to teach, if he has the qualifications, in the public schools?

Mrs. GARVIN. I couldn't say whether he should be allowed to teach.

Senator FERGUSON. He is an avowed Communist.

Mrs. GARVIN. May I speak? I am here to tell you.

Senator FERGUSON. I am speaking of him as a Communist.

Mrs. GARVIN. Yes, but I am speaking in terms of what I know of the school situation and it is such an involved situation because no board of examiners would pass William Z. Foster, but if he should pass through and not be screened out of the classroom, a teacher should be judged by what he does. If William Z. Foster is teaching and is not injecting anything, he has his rights under tenure to stay in the classroom.

Senator FERGUSON. As I understand it, if you once get tenure, there is no way that a person can be relieved of teaching school?

Mrs. GARVIN. That is not true. Any teacher proved to be abusing the rights in the classroom should be relieved.

Senator FERGUSON. Does it have to take place in the classroom?

Mrs. GARVIN. Definitely, because I don't think the school board or any other board has any right to judge people as people. We are in the classroom and should be judged as teachers.

Senator FERGUSON. Have you knowledge of what the Communist Party is? Do you know what Communism is?

Mrs. GARVIN. Do you?

Senator FERGUSON. I am asking you the question.

Mrs. GARVIN. You asked me and I am asking you.

Senator FERGUSON. I ask you do you know what communism is?

Mrs. GARVIN. I only know the different points of view I hear of what communism is. I haven't any opinion of my own on what communism is. One minute—I think that the avenues of finding out about what communism is have been closed to me for a long time. I personally, myself, have not made a real study of it, maybe because I just didn't have the time, maybe because I want to keep my job. I don't want to know too much about something that is evidently not permitted to teachers to know about, because already the thought control is down over the schools. What some people call communism other

people don't. I have been called a Communist myself because I advocated grade labeling. The A. & P. does it. I was called a Communist in the days of CDVO for carrying out a Presidential directive for trying to get the racial groups in our country together. I gave out leaflets in a mixed neighborhood, and a policeman said, "Get out, you Communist." I asked him why he called me that. He said, "If you weren't one, you wouldn't be giving out these." I even heard of Senator Taft being a Communist; even Senator Nixon. I don't know, and I don't think you know, what communism is.

Senator FERGUSON. I will determine whether or not I know what it is.

Mrs. GARVIN. I am sorry.

Senator FERGUSON. Now, have you ever had any evidence in the union that there was an attempt to carry out the principles of the Communist Party?

Mrs. GARVIN. You know that is all bound up with the lies I have heard about the union ever since.

Senator FERGUSON. I am asking if you have any evidence. You can answer the question.

Mrs. GARVIN. You mean I have to say "yes" or "no"?

Senator FERGUSON. No.

Mrs. GARVIN. I want to answer in my own way. I have heard that some thing.

Senator FERGUSON. That is not an answer as to what you heard about this kind of a question. What is your answer to the question?

Mrs. GARVIN. My answer is—you mean whether I have ever seen any evidence of a party line, in other words?

Senator FERGUSON. Yes.

Mrs. GARVIN. Absolutely no, Senator Ferguson; and may I talk about my background?

Senator FERGUSON. Did you hear what I read this morning?

Mrs. GARVIN. About the books?

Senator FERGUSON. About the column for new material for classroom use.

Mrs. GARVIN. Yes; I heard it.

Senator FERGUSON. About religion today in the U. S. S. R. You heard what I read?

Mrs. GARVIN. Yes; I did.

Senator FERGUSON. Do you believe that to be true?

Mrs. GARVIN. Do I believe what to be true—that that book appeared in our column?

Senator FERGUSON. No; that this is true: "Not only does the church have complete freedom but the Soviet Government has taken measures to facilitate its material operation!"

Mrs. GARVIN. Well, now, look, I don't see any point in being called down to tell what I think about religion in the Soviet Union, Senator.

Senator FERGUSON. I am asking if you know.

Mrs. GARVIN. Just one minute. I don't know, but I am just as willing to give the evidence of—I think it is an Episcopalian clergyman, as I am of a Catholic prelate; and since I have to find out both sides of the question, it seems to me if I had known that book was advertised I should have read that book. I don't know anything about the Soviet Union, but I should have read that book.

Senator FERGUSON. Do you think that is the Communist line?

Mrs. GARVIN. No; I don't think it is the Communist line to present two sides of every question.

Senator FERGUSON. Do you think that this quotation that I read was the Communist line?

Mrs. GARVIN. I don't know. I imagine if it is true, and I don't know whether it is true or not, the Communists would say the same thing as Dr. Melish. It also is true that people are hungry and need bread, and if the Communists say it, therefore, is it the Communist line to say that people when they are hungry need bread? I don't think just because the Communists say these things and Dr. Melish says these things that that makes it the Communist line.

Senator FERGUSON. Do you think that the people who printed this in the column for teachers "Column of New Material for Classroom Use" printed it to get people to follow the Communist line?

Mrs. GARVIN. No; because this paper is directed at teachers like myself who are accustomed to reading everything and making up their minds. Nobody in Teachers News would think anything printed in any column was to make them believe anything. That is why we joined the union. I would like to make one comment if I may.

Senator FERGUSON. Just a moment. Do you have any questions, Mr. Morris?

Mr. MORRIS. No.

Mrs. GARVIN. I was hoping you would ask this question. I felt like Alice in Wonderland about this whole question of books. You gave a number of names of some of those books about China. You read the names of the books, and your inference was that every one of those books was in favor of what has become known as the Communist revolution.

Senator FERGUSON. Well, we will put into the record evidence as to what these books are.

Mrs. GARVIN. On the basis of someone reading and analyzing them?

Senator FERGUSON. They are the only ones mentioned in that column that I saw there at that place.

Mrs. GARVIN. What I meant was I sat there and listened.

Senator FERGUSON. Did you know the authors of these books? Did you know Agnes Smedley?

Mrs. GARVIN. No.

Senator FERGUSON. Why do you say that is not a Communist book?

Mrs. GARVIN. I didn't say it wasn't. It seems to me you are arguing in a circle. You say that these are Communist books because they appeared in the Teachers News.

Senator FERGUSON. Is Harrison Forman a Communist?

Mrs. GARVIN. I never heard he was a Communist.

Senator FERGUSON. Have you ever heard that Laurence K. Rossinger was?

Mrs. GARVIN. I never heard of him.

Senator FERGUSON. You do not know what the evidence in the Institute of Pacific Relations hearings before the Senate showed?

Mrs. GARVIN. I am sorry. I slipped up on that. I am busy these days.

Senator FERGUSON. Do you know Gunther Stein?

Mrs. GARVIN. I never heard that name.

Senator FERGUSON. Do you know what the evidence shows about Gunther Stein and his writings?

Mrs. GARVIN. No; I don't, but I did think the argument sounded specious because it seemed to be that these things appeared here and they must be ipso facto subversive.

Senator FERGUSON. Do I understand that you are defending communism?

Mrs. GARVIN. I don't know what gave you that impression.

Senator FERGUSON. What you are saying about what I said about these books.

Mrs. GARVIN. I objected that a man of your integrity and intellectual ability and knowledge of books would take it for granted without reading his books.

Senator FERGUSON. Why do you think I have taken anything for granted about these books?

Mrs. GARVIN. It seemed to me that you were not saying that these books were suspect. You were asking if they had appeared.

Senator FERGUSON. I am asking you if you know about these books and authors?

Mrs. GARVIN. I never heard of some of the authors.

Senator FERGUSON. That is all.

Mrs. GARVIN. Am I finished?

Senator FERGUSON. Yes.

Mr. MORRIS. The next witness is Clara Rieber Brahdy.

**TESTIMONY OF MRS. CLARA RIEBER BRAHDY, NEW YORK, N. Y.,
ACCOMPANIED BY HER ATTORNEYS, HAROLD I. CAMMER AND
ROYAL W. FRANCE**

Senator FERGUSON. You do solemnly swear that in the matter now pending before the subcommittee of the Judiciary Committee of the United States Senate, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. BRAHDY. Yes.

Senator FERGUSON. Be seated.

Mr. MORRIS. Mrs. Brahdy, are you also known as Mrs. Joseph Brahdy?

Mrs. BRAHDY. I haven't been known as Mrs. Joseph Brahdy since my husband died 14 years ago.

Mr. MORRIS. Are you a school teacher?

Mrs. BRAHDY. I retired 30 years ago after 30 years of excellent service. I can show you a stack of letters. I retired 1½ years ago. Obviously I couldn't have retired 30 years ago after 30 years of service.

Mr. MORRIS. Mrs. Brahdy, are you employed by the Teachers' Union?

Mrs. BRAHDY. I am.

Mr. MORRIS. What is your position in the Teachers' Union?

Mrs. BRAHDY. Bookkeeper and office manager.

Mr. MORRIS. How long have you held that position?

Mrs. BRAHDY. Since May 1951.

Mr. MORRIS. What are your duties in the union in connection with that position?

Mrs. BRAHDY. Well, I take care of the books, see that work gets out, assign various tasks to the office force, see that mail gets out, do a lot of odd chores around the office.

Mr. McRRIS. Who is the official treasurer of the union?

Mrs. BRAHDY. James Nack.

Mr. MORRIS. Does he actually keep the books or does he occupy the office of treasurer?

Mrs. BRAHDY. He occupies the office of treasurer.

Mr. MORRIS. Does he handle the books?

Mrs. BRAHDY. I handle the books.

Mr. MORRIS. And you also perform the other duties described here today?

Mrs. BRAHDY. Yes.

Mr. MORRIS. Mrs. Brahdy, have you ever been a member of the Communist party?

Mrs. BRAHDY. Mr. Morris and Senator Ferguson, that question has been asked of a number of people today and, as was pointed out before, it is a loaded question. It is a question loaded with innuendo, with insinuations. It is a question that is calculated—

Senator FERGUSON. Just a moment. I would like to have an answer to the question.

Mrs. BRAHDY. I will give my answer to the question.

Senator FERGUSON. Not what you think about the question.

Mrs. BRAHDY. I am giving my answer to the question.

Senator FERGUSON. That is not an answer to the question.

Mrs. BRAHDY. These are my prefatory remarks to the answer to the question.

Senator FERGUSON. I do not want any remarks preliminary to your answer. What is your answer?

Mrs. BRAHDY. My answer, Senator Ferguson, is that I decline to answer for the following reasons: That this inquisition, and I used the word yesterday. I feel that you objected to it, but I think that any right-minded person, any person who is concerned with the security of this country, with the security of the democracy in this country will call it a fishing expedition and an invasion of the rights of the people of this country to hold their opinions as they see fit, and on the basis of the facts as they know it, that this is an invasion of my right of free speech, of my right to think as I please, to hold whatever opinions I please. I think also that this is an invasion of a matter that is essentially a local matter, a State matter. If this committee had come into New York City to find out why there are 25,000 children that are not provided for in the schools, in order to find out whether they can make additional appropriations from Federal funds out of the billions of dollars that we are collecting in taxes, I could see that this committee would have a purpose. But that is not the purpose of this committee, to help the schools here. The purpose of this committee is to undermine the confidence of the teachers, to undermine the confidence of the children in their teachers, to undermine the confidence of the people of New York, and my third reason—

Senator FERGUSON. Will you answer the question?

Mr. BRAHDY. I have given two of my reasons. My first reason was that it was an invasion of free speech and my right to hold whatever opinions I wish to hold without any inquiry of this kind. My second reason is that this committee does not have the right to interfere in local matters, and my third reason is that I refuse to answer on the basis of the fifth amendment, that I do not wish to be a party to testifying against myself, and I would like to add—

Senator FERGUSON. I will recognize your reason under the fifth amendment, testifying against yourself.

Mrs. BRAHDY. I wish it to be known that I object on all three reasons.

Senator FERGUSON. I understand. That is on this record. I cannot recognize those, because they are not legal reasons or are not reasons that I can recognize.

Mrs. BRAHDY. I didn't know that the first amendment has been removed from the Constitution.

Senator FERGUSON. It has not. You are not being deprived of your right of freedom of speech.

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

Mrs. BRAHDY. I have already given my reason for not answering the question. All three reasons stand.

Senator FERGUSON. I will sustain the objection on the fifth amendment. Do you know Bella Dodd?

Mrs. BRAHDY. I have already given my reasons for answering that question, and I refuse to answer that question for all three reasons. I think this also is a loaded question. It is a different way of asking the same question, Senator Ferguson. She has appeared before you as a person who would say anything, anything at all, in order to sustain her philosophy.

Mr. MORRIS. Mrs. Brahdly, have you ever been a member of the executive committee of the Teachers Union?

Mrs. BRAHDY. Yes. I am now.

Mr. MORRIS. How long have you been a member?

Mrs. BRAHDY. I am at present a member. I was elected last May.

Mr. MORRIS. How long prior to last May?

Mrs. BRAHDY. I was vice president for 2 or 3 years and before that I was a member of the executive board continuously or intermittently, I have forgotten, from 1935 to about 1948, I guess, or 1949.

Mr. MORRIS. Mrs. Brahdly, we have had testimony before this committee that a Communist caucus met and the decisions of that Communist caucus proved to be the prevailing view adopted by the executive committee of the Teachers Union. Did you as a member of the executive board ever attend a Communist caucus?

Mrs. BRAHDY. Mr. Morris, I think you have had testimony here as to the thoroughly democratic way in which our organization is run, probably the most democratic teachers' organization in the country. These policies, decisions that are adopted by the membership, can be adopted only by the membership. They are recommended to the membership through committee meetings, through recommendation to the executive board from committee meetings, various committees, whether it is the legislative committee or the salary committee or the clerk's committee, or any number of committees that we have, each dealing with a particular part of the problems facing the teachers in the schools in the city. These recommendations are taken from the committees to the executive board. The delegate assembly then discusses it and it is taken to the membership. Again and again when a question has been thoroughly discussed by the membership the membership is not satisfied with a particular formulation of a campaign or the particular parts of a campaign and it is referred back to the committee for further study, and then it is brought back to the membership for final adoption. That is the democratic structure of our organization.

Mr. MORRIS. Mr. Chairman, I submit that the witness is not answering the question. The question is, Did you ever attend a Communist caucus?

Mrs. BRAHDY. For the reasons I gave before, Senator, I will not answer the question because it is the same kind of question asked before.

Senator FERGUSON. On the fifth amendment grounds I will sustain her right not to answer.

That is all.

Mrs. BRAHDY. May I say something, Senator?

Senator FERGUSON. No; that is all. There is no question pending.

Mr. MORRIS. James Nack.

TESTIMONY OF JAMES NACK, NEW YORK, N. Y., ACCOMPANIED BY HIS ATTORNEYS, HAROLD I. CAMMER AND ROYAL W. FRANCE

Senator FERGUSON. Raise your right hand, please.

You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NACK. I do, sir.

Mr. MORRIS. What is your name, James Nack?

Mr. NACK. James Nack; yes, sir.

Mr. MORRIS. Where do you reside?

Mr. NACK. 205 West Fifteenth Street, New York.

Mr. MORRIS. What is the address of the Teachers Union?

Mr. NACK. Right across the street, 206 West Fifteenth Street.

Mr. MORRIS. Are you a school teacher?

Mr. NACK. Yes, sir.

Mr. MORRIS. Where do you teach?

Mr. NACK. Stuyvesant High School.

Mr. MORRIS. How long have you taught at Stuyvesant High School?

Mr. NACK. Since about 1920. That must be about twenty-odd years.

Mr. MORRIS. How long have you been treasurer of the Teachers' Union?

Mr. NACK. I believe I completed two terms as treasurer. I am now treasurer for the third term, I believe; that is to the best of my recollection.

Senator FERGUSON. And a term is a year?

Mr. NACK. Yes. We start in September.

Mr. MORRIS. Do you handle the books of the Teachers Union?

Mr. NACK. No, sir.

Mr. MORRIS. Do you have free access to the books?

Mr. NACK. Yes, sir. All officers have.

Mr. MORRIS. Have you at all times exercised your rights to look at the books of the Teachers Union?

Mr. NACK. Yes; there is no question about my ability. The books are in the office.

Mr. MORRIS. I am asking you if you have exercised that right with regularity?

Mr. NACK. Whenever there is a need for it.

Mr. MORRIS. And you feel that you are in a position now to give testimony concerning the nature of the books of the Teachers Union?

Mr. NACK. In a fair way. We have an accountant on whom I rely and he does our books regularly and his reports—about six of such issues are in the office for inspection by the officer or anybody who asks.

Mr. MORRIS. Who is the accountant?

Mr. NACK. Mr. Karshner.

Mr. MORRIS. Spell that.

Mr. NACK. I can't vouch for it. C-a-r-s—Kipnis & Karshner.

Mr. MORRIS. You get the correct name and supply it for the record. Have you ever been a member of the Communist Party?

Mr. NACK. In answering that question, may I ask permission to make a brief statement?

Senator FERGUSON. No. Can you answer the question?

Mr. NACK. Yes, sir; I can answer the question.

Senator FERGUSON. Will you then answer it?

Mr. NACK. The reason I asked permission to make a brief statement is that my life has been disrupted for 4 or 5 days and I am asking permission to make a sincere statement about myself.

Senator FERGUSON. You want to make a personal answer. Answer the question.

Mr. NACK. I am not a member of the Communist Party and never have been.

Senator FERGUSON. What did you want to say about yourself?

Mr. NACK. I simply want to say, sir, that I am not only a classroom teacher but an administrator in the school, connected with the Student Honor Society, a member of the board of governors in the school, treasurer of the school, interested in the athletic program in the school. So I have come to know nearly all the boys beyond the first or second grades. I am wondering how I can face those youngsters tomorrow and dispel the confusion in their minds in relation to me.

Senator FERGUSON. You have answered the question that you are not now and have never been a Communist, and there is no evidence that you have been.

Mr. NACK. Sir, just being called creates a stigma which, if I were a woman, I would burst into tears to release the tension I have been under the last few days. Just being called these days is enough to destroy a person.

Mr. MORRIS. Mr. NACK, you are a treasurer of a union expelled by the American Federation of Labor, by the Central Trades and Labor Council, by the CIO, for various activities, all of which involved the issue of communism. You have taken on that responsibility by assuming the position of treasurer of the union. There is an investigation coming into New York to inquire whether or not there are subversive forces at work, and you must realize your responsibility as an officer and answer questions by a Senate committee.

Mr. NACK. May I respond to this?

Senator FERGUSON. Yes.

Mr. NACK. Namely, why I joined the union under these conditions. All I know is that when I was a young teacher and suffered because I couldn't make my salary, I wanted a raise. I worked in Public School 19 downtown as a young teacher and I was dismayed by the conditions in a building built during the Civil War. I found that the Teachers Union was doing this job, was even concerned with my pension as an individual. I couldn't do anything alone. I was

directed to this group. The fact that an outside group condemns my union for the work it does doesn't make me make a choice.

Mr. MORRIS. It did not condemn the union for the work, for the economic advantages it may have gained for people. It expelled the union because of suspected—

Mr. NACK. If I saw anything as an officer that was not above board I wouldn't desert the union. I would be there on the floor fighting these things.

Senator FERUSOX. But notwithstanding it, after these two unions of the United States with the right of collective bargaining given under the law did suspend this union and now, as counsel said, you remain as the treasurer, I do not see why you should hesitate a minute about coming before a committee and explaining all you know about it.

Mr. NACK. I am doing that, sir.

Mr. MORRIS. I have no more questions, Mr. Chairman. This man has testified that he is not a Communist. Did you ever attend a Communist meeting?

Mr. NACK. Not to my knowledge.

Senator FERUSOX. Did you know Bella Dodd?

Mr. NACK. Not to my knowledge.

Senator FERUSOX. Did you know Bella Dodd?

Mr. NACK. I didn't know her personally. I have read her name in the papers.

Senator FERUSOX. Did you know that she had been the legislative counsel or representative?

Mr. NACK. Yes, sir. When I was a young teacher I used to come to occasional meetings and I used to hear her report to the people on her trips to Albany.

Senator FERUSOX. Did you know she was a Communist?

Mr. NACK. Oh, no. This was way back. I have been active just the last few years.

Senator FERUSOX. When did you become active?

Mr. NACK. The building moved near my home and my friend, the previous treasurer, teaches with me and said, "Give me a hand," from time to time, and I pitched in with him. I liked the kind of work. I went around to the dances. It was social. Then it was natural that after he decided to devote himself to pensions he would nominate me to the job although I didn't ask him to.

Senator FERUSOX. Did you ever know that they ran this column of "New Material for Classroom Use" in their magazine?

Mr. NACK. I may have seen it.

Senator FERUSOX. In the New York Teacher News?

Mr. NACK. A column of new material?

Senator FERUSOX. Yes.

Mr. NACK. No, sir. It wouldn't have interested me because, being an old-time teacher, I probably wouldn't have been concerned with what might be offered there.

Senator FERUSOX. Do you know whether or not they brought this up: That a deep source of misinformation about the Soviet Union had long been the question of religion? Do you think that there has been a lot of misinformation in America about the attitude of the Soviet Union to religion?

Mr. NACK. Sir, this is the first time I hear this statement.

Senator FERGUSON. Did you know there was misinformation about that?

Mr. NACK. About what was going on?

Senator FERGUSON. Yes, in the Soviet Union about the question of religion.

Mr. NACK. I am not much of a social scientist. I have all I can do.

Senator FERGUSON. As a non-Communist, I will ask you to read that and tell us whether or not you teach that to your children in school?

Mr. NACK. If I were a social-science teacher?

Mr. MORRIS. That is the publication of your union.

Senator FERGUSON. That is what is recommended for classroom use. I will ask you as a non-Communist whether or not you would teach that?

Mr. NACK. This is a statement of Howard Melish's report.

Senator FERGUSON. It is not in quotes.

Mr. NACK. That is the impression I get, and that the union is reporting Howard Melish's reaction.

Senator MURPHY. Would you teach that as new material for classroom use as a non-Communist?

Mr. NACK. What Mr. Melish said?

Senator FERGUSON. That is what you read.

Mr. NACK. If I were a social-science teacher and this was pertinent to the lesson, I probably would consider it if it were pertinent to the course of study. If you want my private opinion, should such a thing be brought in the classroom, I would probably say it probably had no place there.

Senator FERGUSON. You do not believe that as a non-Communist?

Mr. NACK. That there has been misinformation?

Senator FERGUSON. Yes, and that, "not only does the church have complete freedom, but the Soviet Government has taken measures to facilitate its material operation"?

Mr. NACK. I don't think the whole story is told there.

Senator FERGUSON. The whole story is not told there?

Mr. NACK. I think you would have to qualify the church.

Senator FERGUSON. It says "although Dr. Melish devotes a large portion of the pamphlet to the Greek Orthodox Church, he also discusses the status of religion generally in the Soviet Union." Would you teach that, as a non-Communist?

Mr. NACK. As a teacher, I would have to teach facts.

Senator FERGUSON. Do you consider that facts?

Mr. NACK. That is hearsay.

Senator FERGUSON. So you would not teach that?

Mr. NACK. No, sir.

Mr. MORRIS. I have no further questions.

Senator FERGUSON. That is all.

Mr. MORRIS. Mr. Irving Glucksman, vice president in charge of vocational high schools, is the next witness.

TESTIMONY OF IRVING GLUCKSMAN, BROOKLYN, N. Y., ACCOMPANIED BY HIS ATTORNEYS, HAROLD I. GAMMER AND ROYAL W. FRANCE

Senator FERGUSON. You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GLUCKSMAN. I do.

Mr. MORRIS. Mr. Glucksman, will you please give your name and address to the reporter?

Mr. GLUCKSMAN. Irving Glucksman, G-l-u-c-k-s-m-a-n, 1082 East Fifty-second Street, Brooklyn.

Mr. MORRIS. Mr. Glucksman, are you a teacher?

Mr. GLUCKSMAN. Yes.

Mr. MORRIS. Where do you teach?

Mr. GLUCKSMAN. Grady Vocational High School.

Mr. MORRIS. Where is that?

Mr. GLUCKSMAN. Brooklyn.

Mr. MORRIS. How long have you been teaching there?

Mr. GLUCKSMAN. Well, it was formerly an annex of another school. I assume you mean in that particular location?

Mr. MORRIS. Yes.

Mr. GLUCKSMAN. Five years.

Mr. MORRIS. As vice president of the Teachers Union in charge of vocational high schools, could you tell us how many vocational high school teachers are members of the Teachers' Union.

Mr. GLUCKSMAN. Approximately 300.

Mr. MORRIS. Do you meet with these teachers regularly?

Mr. GLUCKSMAN. As a unit?

Mr. MORRIS. Tell us what you do.

Senator FERGUSON. Tell your duties as vice president.

Mr. GLUCKSMAN. Well, my particular duties as vice president are to consider the conditions in my particular division, meet with the teachers, discuss with them and organize and cooperate with teachers who want to change or improve, or anything of that nature.

Mr. MORRIS. Now, Mr. Glucksman, have you ever been a member of the Communist Party?

Mr. GLUCKSMAN. I refuse to answer that question.

Mr. MORRIS. On what grounds do you refuse to answer the question?

Mr. GLUCKSMAN. I don't know what legal terminology you give to it, but I don't want to be a victim of any lying stool pigeon or any religious fanatic who thinks he is serving God by impoverishing the minds of children.

Mr. MORRIS. Mr. Chairman, I submit that that is irrelevant.

Mr. GAMMER. I think he spelled out the fifth amendment. He said he did not want to be the victim of such a person.

Senator FERGUSON. I could not recognize that as being any claim under the fifth amendment, the reason as he stated it.

Mr. GLUCKSMAN. Well, I will rephrase it. The fifth amendment guarantees a person a right not to answer any questions which can be used against him.

Mr. MORRIS. That is correct.

Mr. GLUCKSMAN. Wait a minute. I am not satisfied with it myself yet. I want to be sure it is completely understood that whether that person is innocent or guilty the fifth amendment applies. O. K.†

Senator FERGUSON. I will recognize his claim under the fifth amendment that he does not have to answer this question.

Mr. MORRIS. As a member of the executive board of the Teachers Union, have you ever attended a Communist caucus?

Mr. GLUCKSMAN. I refuse to answer.

Senator FERGUSON. For what reason?

Mr. GLUCKSMAN. Both reasons I have given.

Senator FERGUSON. On the fifth-amendment reason I will recognize his right.

Mr. MORRIS. Mr. Chairman, I have no more questions from this witness.

Senator FERGUSON. That is all.

Mr. MORRIS. The next witness is Mr. Sam Wallach. He is a vice president.

Mr. CAMMER. Mr. Wallach hasn't been served. He hasn't been able to arrange for Mr. Wallach's appearance.

Senator FERGUSON. Has he been able to reach him?

Mr. MORRIS. Mr. Chairman, may I report on this? We had a subpoena out for Mr. Wallach and the marshal returned the subpoena with the statement that after due and diligent effort he was unable to make service on it. This was brought up yesterday in the committee, Mr. Chairman. The attorney who represented the teachers union here said that he would make an effort to have Mr. Wallach present here today, and I would like the record to show what efforts have been made to bring Mr. Wallach here.

Mr. CAMMER. I have this report from my associate, Senator Ferguson.

Senator FERGUSON. What does your associate tell you?

Mr. CAMMER. He did undertake to reach Mr. Wallach. Whether or not he reached him, I do not know, but in any case he told me when I came back to the city last night that he was unable to arrango for his appearance.

Senator FERGUSON. Do you know whether or not you could have him here tomorrow morning?

Mr. CAMMER. I can undertake to find out whether I can arrange for that. I do not represent them individually.

Senator FERGUSON. As counsel you will do the best you can?

Mr. CAMMER. I am not undertaking to produce him.

Senator FERGUSON. As counsel you will do the best you can?

Mr. CAMMER. Yes, sir. I will try.

Mr. MORRIS. The next witness is Mr. Irving Adler.

Mr. CAMMER. He is present.

Senator FERGUSON. He is a member of the executive committee and is being called as such.

**TESTIMONY OF IRVING ADLER, BAYSIDE, LONG ISLAND, N. Y.,
ACCOMPANIED BY HIS ATTORNEYS, HAROLD I. CAMMER AND
ROYAL W. FRANCE**

Senator FERGUSON. You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the

United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ADLER. I do.

Mr. MORRIS. What is your present address, Mr. Adler?

Mr. ADLER. 3612 Corporal Kennedy Street, Bayside, Long Island.

Mr. MORRIS. Are you a teacher, Mr. Adler?

Mr. ADLER. I am supervisor of the mathematics department at Straubennuller Textile High School, S-t-r-a-u-b-e-n-m-u-l-l-e-r. I understand that Mr. Straubennuller was a former board of education member in New York City.

Mr. MORRIS. Are you acquainted with Mr. Spaindell, a teacher at that school, who testified before this committee?

Mr. ADLER. I know Mr. Spaindell.

Mr. MORRIS. Are you a member of the executive committee of the Teachers Union?

Mr. ADLER. I am.

Mr. MORRIS. For how long have you been a member of the executive committee of the Teachers' Union?

Mr. ADLER. I have been serving continuously for approximately 3 years, I believe, and then I served for two terms, I think, back in the late 1930's.

Mr. MORRIS. I see. How was the executive committee formed by the Teachers Union? How were the selections for the make-up of the executive committee determined?

Mr. ADLER. Members of the executive committee are elected in the following way: There is a nominating committee which announces at a membership meeting that it will receive suggestions for nomination. These suggestions all go to the nominating committee. The nominations are then made at a meeting which is set aside for that purpose, and then the floor is open for additional nominations, which any member of the union is free to make.

Frequently committees nominate people, that is, propose people to the nominating committee, because it is in the committees that people generally display their activity in the union, their devotion to teachers' interests and to child welfare; so that we can see the experienced people and competent people in action.

When I was first nominated back in the 1930's, it was largely as a result of my activity in a committee, and the same is true of my recent nomination and election, which grew out of my activity in the salary and legislative committee. In fact, I am quite proud of the part I played and that the union played in the fight for a salary increase for teachers. I was the mover of the motion at the delegate assembly meeting which initiated the extracurricular stoppage, later joined by most of the teachers in this city, and that won for the teachers in New York a raise of approximately \$1,100.

It is interesting, I believe, the so-called teacher-leader who did everything possible to demoralize and break that stoppage was rewarded by appointment to a high-salaried job on the teachers' retirement board, while I, who played a leading part there with the stoppage, and my union which played an influential part, is now brought before this committee so you can attack it with the weapons of fear and smear in order to give a union-busting job. I think I have given a clear picture of how people get to positions on the executive board of the union, through service to teachers and the schools.

Only last Thursday I was at a meeting of the board of education, and I, representing the union, was the only person who spoke to the necessity for appointments over and above those already made, in order to eliminate the horrible overcrowding that has developed as a result of the board of estimate's slash of 1,040 positions in the budget.

The conditions were so terrible that the superintendent himself, a few days later, announced that the mayor had granted additional funds for 100 more appointments, but, as usual, not enough appointments; 100 additional appointments for 15,000 pupils, or one for 150. It is this kind of disgraceful condition that we are under.

Mr. MORRIS. The witness has answered and his answer is now become irrelevant.

Senator FERGUSON. What is the next question?

Mr. MORRIS. As a member of the executive committee of the Teachers Union, do you know the names of the members of the executive committee of the Teachers Union at this time?

Mr. ADLER. I think there are about 20 or more members of the executive committee. It is likely that I could not recall all the names.

Senator FERGUSON. Could you make a list for us?

Mr. ADLER. I don't see why you should ask me to give you names of additional people to be pilloried before this committee.

Senator FERGUSON. Just a minute.

Mr. ADLER. The names, if you want them, are available.

Senator FERGUSON. Just one moment. When you come before this committee and use such language, which is not a fact, this committee must stop you. The question was: Could you give us the list?

Mr. ADLER. I could not give you any list.

Mr. MORRIS. Who is the responsible officer of the union who will supply us with the list of names of the members of the executive committee of the Teachers Union?

Mr. ADLER. I don't know of any particular person who has custody of the names.

Mr. MORRIS. Do you have a chairman?

Mr. ADLER. My recollection is that the names were published. If you ever want them, get them from public records.

Senator FERGUSON. Issue a subpoena duces tecum to bring the books and records here.

Mr. CAMMER. I think I can get the names.

Senator FERGUSON. No witness has the right to come here and talk about pillorying.

Mr. MORRIS. Is there a chairman of the executive committee?

Mr. ADLER. The president of the union presides over most meetings. In his absence, one of the vice presidents presides.

Mr. MORRIS. Mr. Adler, have you ever been a member of the Communist Party?

Mr. ADLER. I am going to decline to answer that question, and give you a very clear statement of my reasons.

First, when the Constitution was adopted, Thomas Jefferson foresaw the danger that people in Federal office might usurp powers that they do not have or misuse powers that they had, in order to restrict civil rights, and he fought hard for the inclusion of what is now known as the Bill of Rights.

One of those measures known as the Bill of Rights, guarantees that Congress has no power to legislate concerning opinions, cannot legislate restricting freedom of speech or assembly, or the right to petition for redress of grievances.

Now, whether or not a person is a member of the Communist Party, it is my view that he should resist this kind of question, because it is an invasion of the right of people to hold opinions, without dictation by any Senator, without dictation by any Congressman, without dictation by any self-appointed censors of the thoughts of the American people.

We fought hard in our history in this country for the rights that we got. We did not have the right to elect candidates to office handed to us on a silver platter. Universal suffrage had to be fought for; direct elections had to be fought for; public education had to be fought for, and largely by the labor movement, and those hard-earned rights we should fight for and preserve, and even at the risk of losing my position—and that is one of the aims of this committee—I must say, is to put in jeopardy the positions of people.

Senator FERGUSON. Just a moment. That is no reason for not answering the questions.

Mr. ADLER. I have many reasons.

Another reason is that I happen to be an appellant before the commissioner of education, challenging the right of Dr. Jansen to use this kind of question as the basis for judging whether or not a teacher may continue to serve in the schools.

Now, I have a right under the fifth amendment, to due process.

Senator FERGUSON. All right.

Mr. ADLER. And by your hauling this question out into the open, while the commissioner is still weighing the issue, and he certainly has indicated that he considers that serious issues are involved, you are undertaking a brazen interference with my right to due process.

You are interfering with the right of a commissioner to adjudicate this matter.

Senator FERGUSON. I will recognize your right. You do not have to answer. The fifth amendment protects you.

Mr. ADLER. All right, sir.

Senator FERGUSON. We do not have to sit here and allow you or other witnesses to do what you are attempting now to do on this witness stand.

I tried to be patient. I tried to get the evidence in here. I have allowed the witness a great deal of leeway and I do not have to sit here, and the institutions of America do not require a Senator to sit here and have the institutions, the Senate of the United States, insulted.

The next witness will be asked to be here tomorrow.

Mr. CAMMER. I do want to state my understanding with Mr. Morris.

Mr. Diamond is retired. He is sick. He is not in town. He is not the editor of the paper. The editor of the paper is Mr. Isadore Rubin, and I will try to have him here tomorrow.

Mr. MORRIS. The importance of it is that we have been discussing during the course of today's testimony, morning and afternoon session, the Teachers Union News, and he is qualified to give us testimony, so it is urgent that we have him here tomorrow morning.

Senator FERGUSON. We will rise until 9 o'clock tomorrow morning.

(Whereupon, at 3:45 p. m., the committee recessed, to reconvene at 9 a. m., Wednesday, September 24, 1952.)

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

WEDNESDAY, SEPTEMBER 24, 1952

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION
OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL
SECURITY LAWS, OF THE COMMITTEE OF THE JUDICIARY.
New York, N. Y.

The subcommittee met at 9:15 a. m., pursuant to recess, in room 1606, United States District Court Building, Foley Square, Hon. Homer Ferguson, presiding.

Present. Senator Ferguson.

Also present. Robert Morris, subcommittee counsel and Benjamin Mandel, director of research.

Senator FERGUSON. The committee will come to order.

Mr. MORRIS. Mr. Chairman, our first witness this morning is Mr. Rubin, but Mr. Cramer has asked that we put on Miss Lucille Spence, first, to suit the convenience of Miss Spence's class.

Senator FERGUSON. We will take Miss Spence.

TESTIMONY OF LUCILLE SPENCE, NEW YORK, N. Y., ACCOMPANIED BY HER ATTORNEYS, HAROLD I. GAMMER AND ROYAL W. FRANCE

Senator FERGUSON. Raise your right hand, please.

You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss SPENCE. I do.

Senator FERGUSON. Have a chair, and state your full name and address and occupation.

Miss SPENCE. Lucille Spence.

Mr. MORRIS. Where do you live, Miss Spence?

Miss SPENCE. 435 Convent Avenue, New York City.

Mr. MORRIS. Are you the secretary of the teachers' union?

Miss SPENCE. I am.

Mr. MORRIS. For how long have you been the secretary of the Teachers' Union?

Miss SPENCE. A year.

Mr. MORRIS. Have you been prior to that a member of the executive committee?

Miss SPENCE. Yes. If you would allow me to read a statement I have, I think it would be the answer to all the questions.

Senator FERGUSON. We would rather have the questions.

Miss SPENCE. I have been a member of the executive committee for about 15 years.

Mr. McRRIS. Have you ever been a member of the Communist Party?

Miss SPENCE. I am going to answer your question.

Mr. MORRIS. Didn't you answer in executive session that you were not a member of the Communist Party?

Miss SPENCE. May I make a statement?

Senator FERGUSON. Just answer the question. The question was simple. Were you ever a member?

Miss SPENCE. Won't you allow me to make a statement? I have been here for 2 days, and it would be gracious to let me make a statement.

Senator FERGUSON. Will you answer the question?

Miss SPENCE. Yes.

Senator FERGUSON. What is the answer?

Miss SPENCE. The answer is "No," but may I not make a statement now?

Senator FERGUSON. No. We are asking some questions now. Was the answer emphatic, that you never were?

Miss SPENCE. I would like to protest.

Mr. MORRIS. Have you ever been affiliated with the American League for Peace and Democracy?

Miss SPENCE. May I protest my inability to make a statement about my answer? I would like for that to get into the record.

Senator FERGUSON. Madam, when you answer "No" that you have never been a member of the Communist Party, that is a definite answer.

Miss SPENCE. Yes; but I would like to make the answer with a statement, and you are not allowing me to.

Senator FERGUSON. We want to get along and we do not want speeches, unless a speech is part of the answer. Your answer was "No." There was no qualification. Was there any qualification to your answer?

Miss SPENCE. There was no qualification, but there was a statement I would have liked to make.

Mr. MORRIS. Miss Spence, have you ever been affiliated with the American League for Peace and Democracy?

Miss SPENCE. I would like to protest that question in terms of the fact that it seems as if the Bill of Rights seems to be gradually worn away by the erosion of the situation today. One is not able to appeal—

Senator FERGUSON. Do you refuse to answer?

Miss SPENCE. No; I would like to protest that question.

Senator FERGUSON. There is no method in law to protest it. The question is: Do you refuse to answer it and, if so, what are the grounds?

Mr. CAMMER. I think she is trying to state an objection to the question. I think she should be allowed to state an objection for your consideration.

Mr. MORRIS. Mr. Cammer, the American League for Peace and Democracy was a subversive organization that flourished here in New York and throughout the country for some years back, and this Senate committee has a right to ask this woman, a secretary of a union, whether or not she was affiliated with it.

Mr. CRAMMER. I am sure you would say she has an equal right to state an objection and state a ground.

Mr. MORRIS. If she is stating a ground for not answering; yes.

Mr. CRAMMER. I think she should be allowed to state her objection to a question.

Senator FERGUSON. Not to the question. If she has any legal reason not to answer the question, I will hear her.

Mr. CRAMMER. I think we ought to hear from her that she has such a reason. I don't know what she will do to the question.

Miss SPENCE. The statement I was going to make is that, it is along the fact that the Bill of Rights seemed to be gradually worn away:

(1) You can't give amendment 1. You are allowed only the part of self-incrimination.

As to the League Against War and Fascism, that was so long ago I don't know whether I was a member or not.

Mr. MORRIS. Did you ever sign a statement addressed to the President of the United States defending the Communist Party of the United States?

Miss SPENCE. I don't know.

Senator FERGUSON. I did not get your answer.

Miss SPENCE. My answer was that I didn't remember.

Senator FERGUSON. Do you think that you might remember such a statement to the President?

Mr. MORRIS. Have you ever visited the Soviet Union?

Miss SPENCE. Yes; I did.

Mr. MORRIS. When did you visit the Soviet Union?

Miss SPENCE. I went in the thirties, when it was considered a good thing to do for teachers to find out about this new experiment.

Senator FERGUSON. Did you find out?

Miss SPENCE. I had an interesting experience there.

Senator FERGUSON. When did you go to Russia?

Miss SPENCE. I went in 1936, in the summertime.

Senator FERGUSON. How long did you stay?

Miss SPENCE. A month.

Senator FERGUSON. And you were shown around?

Miss SPENCE. Yes. We went around and we had an interesting experience there. We found things that were not good and things that were good.

May I say that one of the things that I found that were good, that I wish my own country would make better for me as a Negro, was, there was an effort to get the people living together according to the law, with an effort to punish those who did not obey the law. That, as a Negro who, for the first time went across country in the United States this summer, because of fear of being treated incorrectly by my fellow Americans and not being sure they would be punished, that to me was a heartening experience.

Senator FERGUSON. Have you studied communism in America?

Miss SPENCE. No.

Senator FERGUSON. After you came back you did not continue to study the philosophy of the Communist Party?

Miss SPENCE. No; I have not studied it.

Mr. MORRIS. Have you ever been invited to join the Communist Party?

Miss SPENCE. No.

Mr. MORRIS. The answer is "No"!

Miss SPENCE. Yes.

Mr. MORRIS. An unqualified "No"!

Miss SPENCE. Yes.

Mr. MORRIS. Do you think that a Communist can be a school teacher?

Miss SPENCE. I think a school teacher should be judged by the teacher's performance in the classroom.

Mr. MORRIS. Therefore your answer is in the affirmative?

Miss SPENCE. The answer is that any teacher—

Mr. MORRIS. Including a Communist?

Miss SPENCE. Including a Communist, a Negro, or Jew.

Mr. MORRIS. A Nazi!

Miss SPENCE. A Nazi also—should be judged by his performance in the classroom.

Mr. MORRIS. Mr. Chairman, I would like the record to show that this witness was taken out of order to suit her convenience.

Mr. CAMMER. She has been away from her classes for 3 days.

Miss SPENCE. Also that I came voluntarily on Monday. I have been out of my classroom for 3 days.

Mr. MORRIS. The next witness is Mr. Rubin.

TESTIMONY OF ISADORE RUBIN, BROOKLYN, N. Y., ACCOMPANIED BY HIS ATTORNEYS, HAROLD I. CAMMER AND ROYAL W. FRANCE

Senator FERGUSON. Raise your right hand.

You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God!

Mr. RUBIN. I do.

Senator FERGUSON. Have a chair.

Mr. MORRIS. Will you give your full name and address to the reporter?

Mr. RUBIN. Isadore Rubin, 20 Rugby Road, Brooklyn.

Mr. MORRIS. Are you a school teacher?

Mr. RUBIN. I was trained as a school teacher. At the present time I am not teaching.

Mr. MORRIS. What are you doing at the present time?

Mr. RUBIN. At the present time I am employed by the teachers union.

Mr. MORRIS. What do you do for the teachers union?

Mr. RUBIN. I handle publications, the newspaper and some forms of publicity.

Mr. MORRIS. Now, when did you terminate your teaching career?

Mr. RUBIN. Well, I didn't terminate it. The board of education terminated it in February 1931, I believe.

Mr. MORRIS. On what grounds was it terminated by the board of education?

Mr. RUBIN. On the grounds that I had refused to permit them to inquire into my political beliefs and associations by declining to answer any questions about such affiliations. The exact ground, I believe, was insubordination and conduct unbecoming a teacher; solely on the basis of refusal to answer. The conduct was not based on anything else.

Mr. MORRIS. Are you a member of the executive committee of the Teachers Union?

Mr. RUBIN. I am.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Mr. RUBIN. I understand that I was summoned here to testify as the editor of Teachers' News. I am perfectly willing to answer questions concerning the newspaper, but I am not willing to answer such questions, because I believe that they are not proper, despite the fact that this is a Senate committee, or perhaps, because it is a Senate committee, and I have a very high regard for the Congress of the United States, and also for its Constitution.

It is my feeling especially that as an editor of a paper, I should not permit any kind of inquiry, because it would interfere with freedom of the press, and also with other freedoms which are associated with it.

Senator FERGUSON. We are not asking you with relation to what you are going to put in your paper. We are just asking you now a question.

Mr. RUBIN. It is my feeling, and I say, especially as an editor of a newspaper—it is not a very important one, let us say, in terms of its circulation, compared to the other dailies, but it happens to be the single weekly teachers' newspaper, not only in New York City, but in the country. I think it is important that an editor should defend the rights.

Senator FERGUSON. Do you refuse to answer and, if so, what is the reason?

Mr. RUBIN. My basic reason is that it violates my rights, under the first amendment.

Senator FERGUSON. I will have to overrule that.

Mr. RUBIN. This committee does not recognize the First Amendment?

Senator FERGUSON. Yes, but we do not recognize it as reason for not answering questions.

Mr. RUBIN. Not being a lawyer, it would seem to me that the express provisions of the first amendment would forbid such inquiry. But, since apparently the first amendment in some respects has been nullified, I will have to make use of the fifth amendment, which I understand was put there to prevent such inquiry and protect the innocent from such legislation and such inquiry.

Senator FERGUSON. I understand that you refuse to answer on the grounds that the fifth amendment gives you a right to refuse?

Mr. RUBIN. That is one of the reasons.

Senator FERGUSON. I will sustain your objection.

Mr. RUBIN. May I also say that I consider that if I did answer this I would be giving my efforts to an attempt which is being made to smash the Teachers Union, even though the attempt is being made under a smoke screen of communism, and also because I do not want to give any support to an invasion of the schools, and it is my considered opinion that this is a flagrant example of Federal interference, and I feel, too, that it has been engineered by George Timone of the board of education.

Mr. MORRIS. Mr. Chairman, I submit this man is no longer responsive.

Mr. Rubin, will you give us the circulation of the Teachers' News?

Mr. RUBIN. I would say we print about 9,000 copies. The circulation is perhaps 8,000 or 8,500.

Senator FERGUSON. Is it the organ of the teachers union?

Mr. RUBIN. It is the official publication of the teachers union.

Senator FERGUSON. Do they get it as membership gives it to them, or do they pay a subscription fee?

Mr. RUBIN. They get it as members. There also is a sort of an assessment, which is voluntary, of \$1 a year.

Senator FERGUSON. For the magazine?

Mr. RUBIN. For the newspaper. But I imagine if a person objected to paying it, he would get it anyhow, and it is also available to the public at \$1 a year.

Senator FERGUSON. What is your circulation outside of the membership of the union?

Mr. RUBIN. That I don't know.

Senator FERGUSON. You do not know that?

Mr. RUBIN. I didn't handle circulation.

Senator FERGUSON. How many paid people do you have on the paper?

Mr. RUBIN. I am the only one.

Mr. MORRIS. Who preceded you as editor of the New York Teachers' News?

Mr. RUBIN. Mr. Diamond.

Mr. MORRIS. Mr. Max Diamond?

Mr. RUBIN. Yes.

Mr. MORRIS. Mr. Chairman, you will recall that yesterday we had Mr. Max Diamond summoned here for today. Mr. Mandel, would you identify the masthead of this publication?

Mr. MANDEL. This is the December 22, 1951, issue of the New York Teachers' News, which carries on its masthead the name of Isadore Rubin as editor.

Mr. MORRIS. Mr. Rubin, I ask you to look at that masthead and tell us whether or not the staff listed on that particular issue is presently the staff of the publication?

Mr. RUBIN. Well, several of them are honorary. By the way, Mr. Max Diamond is no longer a member of it. Eugene Jackson has been kept as an honorary member, but he has not been writing. The others, I believe, are on the staff.

Mr. MORRIS. The others are Abraham Lederman, Rose Russell, Harold Schoe, Stella Eliashow, David Flacks, Edward Herbst, Esther Rothman, and Abraham Squire?

Mr. RUBIN. Yes.

Senator FERGUSON. Were you an editor or connected with the paper when you were teaching?

Mr. RUBIN. I wrote occasionally. I was not an editor at that time.

Senator FERGUSON. You were not an editor?

Mr. RUBIN. No; I was not.

Senator FERGUSON. When was it that you left the schools?

Mr. RUBIN. I believe it was in February 1951. I was out of the classroom in May 1950.

Senator FERGUSON. Did your salary stop then?

Mr. RUBIN. Yes.

Senator FERGUSON. And did it start, as far as the union was concerned, at that time?

Mr. RUBIN. No.

Senator FERGUSON. When did your salary start with the union?

Mr. RUBIN. I believe in October of last year.

Senator FERGUSON. October of last year. So then part of the time you were not on a salary, either of the board of education or of the union?

Mr. RUBIN. That is right.

Senator FERGUSON. How many people who were suspended by the school board are now working for the teachers union?

Mr. RUBIN. You mean who are now salaried?

Senator FERGUSON. Yes.

Mr. RUBIN. Myself and Mr. Lederman, I believe.

Mr. MORRIS. Mr. Cammer, is Celia Lewis in the courtroom today?

Mr. CAMMER. I haven't seen her.

Mr. MORRIS. Celia Lewis is also one of the predecessors in the New York Teachers' News.

Mr. Chairman, we would like to formally introduce into the record at this time some of the issues that came up during the interrogation yesterday. I think this would be an appropriate place to put them into the record.

Mr. MANDEL, do you have copies of the Teachers' News?

Mr. MANDEL. New York Teachers' News—I have copies here. May I introduce the copies here?

Mr. MORRIS. Will you identify those copies, Mr. Mandel?

Mr. MANDEL. They are copies of the New York Teachers' News, which is the official organ of the teachers union of New York.

First I read from the issue of the New York Teachers' News, dated November 10, 1945, page 2, which has a column entitled "The Road to Peace (a column of new material for classroom use)."

In this column, first of all, reference is made to the fact that Rev. William Howard Melish refutes the idea that the Soviet Government dominates the church and that the church is hostile to the Soviet Government.

Mr. MORRIS. Will you simply identify the column and the date, and we will put the whole thing into the record. In the event that there is some material that has to be supplemented in any one of those columns, will you do so, Mr. Mandel?

Mr. MANDEL. In this column, readers are urged to write to the National Council of American-Soviet Friendship, which is an organization which has been cited as subversive by the Attorney General.

Mr. CAMMER. It wasn't cited in 1945. I think you don't mean to imply that.

Mr. MANDEL. We don't mean to imply that.

Mr. CAMMER. It hadn't been cited in 1945.

Mr. MANDEL. Was it subversive at the time? Next I read from the issue of the New York Teachers' News of November 17, 1945, again "The Road to Peace" on page 2, headed "New material for classroom use."

Here we have mention made of the Committee for a Democratic Far Eastern Policy. The Committee for a Far Eastern Policy—or, as it is listed, "for a Democratic Policy" toward China is one of the organizations cited by the Attorney General.

Senator FERGUSON. What is the other column? It is an editorial, is it not, of November 17, 1945?

Mr. MANDEL. It is.

Senator FERGUSON. And it is headed "If We Value Freedom." I will receive that in the record.

(The documents referred to were marked "Exhibit Nos. 2 through 14" and appear as appendix I.)

Mr. MANDEL. May I read the first sentence of the editorial?

While the Wood Committee (successor to Dies) quizzes Communist leader William Z. Foster, its real purpose is to get all critical and liberal opinion off the air.

The next is an issue dated February 16, 1946, page 2, "Road to Peace, New Material for Classroom Use," which has, on page 4, the following item: "In-service course, 'The Soviet Union Today.'" These courses are given, according to this notice, by the American-Russian Institute at 58 Park Avenue.

Next is the issue of March 2, 1946, again on page 2, "New Material for Classroom Use."

Here we have a notice given to readers of the publication Freedom Road, by Howard Fast.

Howard Fast is a Communist of public record.

On page 3 is a notice under "Around the Town," mentioning the Jefferson School. The Jefferson School of Social Science has been cited as subversive by the Attorney General.

In the issue of March 23, 1946, page 2, is the following announcement, under "New Material for Classroom Use":

Of a Peace with all the dangerous anti-Soviet clamor is the attack of the House Committee on Un-American Activities upon the National Council of American-Soviet Friendship—

and readers are urged to write to the National Council of American-Soviet Friendship.

On page 1 is a notice, "Bring Clothing for Russian Relief."

In the issue of April 6, 1946, under "New Material for Classroom Use," on page 2, is a mention of the Council for Pan-American Democracy, that it publishes a monthly magazine called The Americas.

This organization has also been cited by the Attorney General as a subversive organization.

On page 3, under "Around the Town," is mention of the International Workers' Order, its conference on children's activities.

The International Workers' Order has been cited as subversive by the Attorney General.

Mr. MORRIS. Is that a commendatory reference to it, to the International Workers' Order, or is it reproving?

Mr. MANDEL. It is "Around the Town," a reminder to readers of this paper of this conference:

The International Workers' Order is running a conference on children's activities on Saturday. All teachers are welcome.

Senator FERGUSON. In other words, it is an invitation for them to go there and receive information?

Mr. MANDEL. Apparently.

In the April 13, 1946, issue of the New York Teacher News, under "New Material for Classroom Use," is an announcement of the American Committee for Protection of the Foreign-Born, its publication called The Lamp.

The March issue is called attention to the American Committee for Protection of Foreign-Born has been cited as subversive by the Attorney General.

In the April 20, 1946, issue, page 2, under the heading "New Material for Classroom Use," is again the mention of the Committee for a Democratic Far Eastern Policy, and readers are urged to write to that organization.

A second paragraph—I quote—is as follows:

Authentic information on postwar Poland can be obtained in Poland of Today, a monthly bulletin issued by the Library of the Polish Embassy.

Again, mention is made in the column of the Jefferson School of Social Science and the School for Jewish Studies. Both organizations have been cited as subversive by the Attorney General.

In an editorial, Stop Reaction Now, mention is made of an investigation of the National Federation for Constitutional Liberties, and the Joint Anti-Fascist Refugee Committee, and the mention is one of protest against the investigation.

Both of these organizations have been cited as subversive by the Attorney General.

Alongside is an article on the Win the Peace Conference, which also has been cited as subversive by the Attorney General, and in the article mention is made of Lee Pressman, who has publicly testified to his being a Communist.

Mr. MORRIS. Was he a Communist at that time?

Mr. MANDEL. He was, according to his own testimony. That was in 1946.

Again, we have the issue of May 18, 1946, the column entitled "New Material for Classroom Use."

Readers are again urged to write to the Library of the Polish Embassy, 151 East Sixty-seventh Street, for information.

Mention is also made of the Jewish Peoples Fraternal Order, which has been cited as subversive by the Attorney General.

The May 25, 1946, issue, page 2, under "New material for classroom use" there is mention in a laudatory fashion of the National Federation for Constitutional Liberties, which has been cited as subversive by the Attorney General. On page 3 a similar reference is made to a rally of the Council on African Affairs—which has also been cited as subversive by the Attorney General.

One of the speakers listed at that rally is Ben Davis, a Communist of public record.

In the issue of June 8, 1946, page 2, under "New material for classroom use" reference is made to the United Committee of South Slavic Americans, another organization mentioned as subversive by the Attorney General.

On page 3 there is a reference to the American Society for Russian Relief and on the same page a reference to the Congress of American Women which has also been cited as subversive by the Attorney General.

In the issue of June 15, 1946, page 2, under the same column, we have this reference under "New material for classroom use":

The Soviet Union has been looked upon as the disturbing element in an otherwise harmoniously functioning world. An outlook upon world affairs, which places the onus of keeping the peace upon one nation and overlooks the unyielding attitude of the two remaining nations, can have but one result—the destruction of Big Three unity and a third world war—

And reference is made in the column to a report on the Soviet Union by a delegation which visited that country. In the column is also another reference, to the Committee for a Far Eastern Democratic Policy.

In the issue of June 22, 1946, page 2, in the column called Win the Peace we have the following:

Teachers, as well as other professional and working classes, cannot afford to stroll tranquilly along the road to peace. Those who would destroy the peace are travelling with Seven-League-Boot Pace. Every day brings with it serious anti-Soviet hysteria.

Further on, it says:

But, in addition, the Win the Peace Committee will use the column for presentation of its program and activities.

Here is the chance for teachers to write in their scope of activity and learn how to participate in the fight.

Further down, we read:

Write to the You Win The Peace Committee for order blanks. The Teachers Union, which is affiliated with the city-wide Win the Peace Committee, is sending 10 delegates.

On page 3 is a reference to the People's Radio Foundation in a laudatory fashion. The People's Radio Foundation has been cited as subversive by the Attorney General.

Mr. MORRIS. Mr. Chairman, Mr. Lederman, while he was on the stand here yesterday—and he is the president of the union—asked that he be allowed to put into the record certain other editions of the New York Teacher News. He protested that selections that might be made today might not be fair ones to the union.

Mr. CAMMER, will Mr. Lederman submit those issues of the Teacher News that he would like to have in our public record?

Mr. RUBIN. Could I make some comment?

Mr. MORRIS. Mr. Lederman is going to submit them.

Mr. RUBIN. Could I make some comment on the issues which you have introduced, because it would seem to me that merely introducing them in this way would be prejudicial.

Senator FERGUSON. Were you connected with these articles at the time?

Mr. RUBIN. In the way of writing?

Senator FERGUSON. Yes. Were you a teacher at that time?

Mr. RUBIN. I was a teacher at that time. As a matter of fact, when the first one was written, I believe I had just returned to this country from the Armed Force in Italy, and I did follow Teacher News quite regularly from that time on.

Senator FERGUSON. You were familiar, then, with this column?

Mr. RUBIN. I was familiar with the entire contents. Taking into consideration the fact that it is some 6 years back.

Senator FERGUSON. But you were familiar with the column, were you?

Mr. RUBIN. Yes.

Senator FERGUSON. Have they such a column now?

Mr. RUBIN. No; we do not.

Senator FERGUSON. Do you have a column for outside information for in-class information, so that they can teach?

Mr. RUBIN. I don't think we have had such a column for a number of years.

Senator FERGUSON. Do you know why it was stopped?

Mr. RUBIN. No; I am not familiar with the reason. I don't imagine there is any particular significance, in that we are always changing our format and introducing new columns.

Senator FERGUSON. Could you tell us of any information now that is going into your Teacher News that is critical of the Communist Party or Communist activities?

Mr. RUBIN. Well, may I make a comment?

Senator FERGUSON. Then, I will let you make your comment.

Mr. RUBIN. First I would like to make clear the purpose of Teacher News.

Senator FERGUSON. I am asking you whether or not there is anything in it that has been critical of the Soviet Union or the Communist Party's activities in America?

Mr. RUBIN. Well, I would like to point out that we criticize; our function, since we are a limited newspaper, and since we are concerned with the interest of the teachers, is taking up primarily those problems which in some way either affect our members and affect the school system. We do not criticize any political party, except in connection with their particular relevancy to a question of education.

Senator FERGUSON. All right. Now, do you not think that the Communist Party in America is attempting to penetrate the educational system of America?

Mr. RUBIN. My answer to that is, that if they were—

Senator FERGUSON. Why do you say "if"?

Mr. RUBIN. Because I understand what the teaching profession is. You don't infiltrate. It took me a period of some 8 years to train as a teacher. It took me 2 years to take the examination. If I didn't pass I couldn't get in. I devoted myself to study. How can an organization, how can a profession, be infiltrated?

As a matter of fact our organization, by the way, is made up of many scholars. From yesterday on there were something like six members out of the very few people you called of the officers of the union, something like six members of Phi Beta Kappa, which I submit is a high quota.

Senator FERGUSON. Let us go back to communism in the schools, and the penetration.

Do you not think, as a former teacher, and now editor of the paper, that one of the places that the Soviet Union, through the Communist Party, would want to penetrate in America, is the school program, the youths' minds?

Mr. RUBIN. Well, Senator, you can't expect a person to give a "Yes" or "No" answer to a question which has three or four qualifying phrases.

Senator FERGUSON. Don't you think they would want to do that?

Mr. RUBIN. These are political matters, which cannot be answered with yes or no, which requires extended discussion, and you cannot say "if such and such were true, and if such and such were true, is it not true that such a conclusion follows?"

No scholar—and you have been a teacher—would accept that, and if any teacher took an examination, and if any examination asked a question like that, in a court of law, I don't think that would be accepted.

Senator FERGUSON. Don't you know what the Communists are trying to do in the world? Haven't you awakened to that?

Mr. RUBIN. I have my opinion about certain political questions, just as you have yours.

Senator FERGUSON. Can you tell me why, the minute this question is raised, you are irritated about it?

Mr. RUBIN. It is just that I have been trained as a scholar. I have been trained as a person to weigh things, not to give a "Yes" or "No" answer. I have been trained to look at both sides. I have been trained to value the open mind, and, by the way, I think when teachers read the statement in the New York Times today, summarizing the statement of Dr. Dodd to this committee, there is going to be a shocked feeling all over the country, when they hear that this committee gave credence to the idea that teachers should indoctrinate. Dr. Dodd said teachers should indoctrinate the truth, and it was her truth, by implication.

I submit that if you were to submit this to the NEA, which consists of supervisors, and ask them—

Senator FERGUSON. Let us get back to communism in the schools now, and I will ask you whether or not there is anything in your paper editorially, critical in the editorial pages, or other pages, of the teaching of communism?

Mr. RUBIN. Of the teaching of communism?

Senator FERGUSON. Yes; anything critical of teaching it in the schools?

Mr. RUBIN. Yes; we have mentioned it. I think we have had many editorial mentions of it.

Senator FERGUSON. Critical of it?

Mr. RUBIN. The emphasis has been that whatever teaching there is, whether it be of the Soviet Union or the United States, that it be objective, not based upon hatred or upon the concept of the inevitability of war. By the way, the board of education in 1948, passed a resolution which directed that schools should be an instrument of teaching the peace, and they should counteract the idea of the inevitability of world war.

That is a matter of public record, and that is really the position we have taken.

I might say it has been honored in the breach; although they have not repealed that particular resolution, they have changed their concept about it, but we haven't.

Senator FERGUSON. Coming back to this question: Do you believe that the Communist Party of America is attempting, or has attempted to penetrate the public school, private schools, and institutions of learning in America?

Mr. RUBIN. Well, I will not say what the objectives of the Communist Party are.

Mr. MORRIS. You mean you do not know what they are?

Mr. RUBIN. Well, I would rather put it my way. I will not say.

Mr. MORRIS. Do you know?

Mr. RUBIN. I may know some of the objectives.

Mr. MORRIS. We are not asking what may be the facts. What are the facts? Do you know?

Mr. RUBIN. That is a matter for discussion.

Senator FERGUSON. You can answer whether or not you know what some of them are. Do you know what their objectives are?

Mr. RUBIN. I know what some of the objectives are.

Senator FERGUSON. Are they trying to penetrate?

Mr. RUBIN. I know, for example, at board meetings, there have been representatives of the Communist Party who have come and asked for larger appropriations for classes. That is a matter of public record.

Senator FERGUSON. Is that all the Communists want in the American institutions of learning, large appropriations?

Mr. RUBIN. I have no doubt that, like any political party, they seek to influence the people in any profession.

Senator FERGUSON. Do you think it is only a political party?

Mr. RUBIN. I believe it is a political party.

Senator FERGUSON. Only a political party?

Mr. RUBIN. I am not a lawyer and qualified to pass on the nature.

Senator FERGUSON. You are a teacher and an editor.

Mr. RUBIN. It is my feeling that a party—

Senator FERGUSON. Is it only a political party?

Mr. RUBIN. It is my feeling that a party which runs on the ballot—

Senator FERGUSON. Is it only a political party?

Mr. RUBIN. I believe that it is only a political party.

Senator FERGUSON. That is your belief?

Mr. RUBIN. That is my belief.

Senator FERGUSON. And its only purpose that you have noticed is to get bigger appropriations for the public schools?

Mr. RUBIN. No; I wouldn't say that.

Senator FERGUSON. Well, what are its purposes?

Mr. MORRIS. Have you ever studied the theory and purposes of the Communist Party?

Senator FERGUSON. What is your answer? Have you ever studied them?

Mr. RUBIN. My answer is that I have read, as other people have read—and further than that I would not answer, on the grounds that I have specified before.

Mr. MORRIS. That your answer would incriminate?

Mr. RUBIN. Yes.

Senator FERGUSON. Under the fifth amendment I will sustain the refusal.

Mr. RUBIN. Since I have been editor—and I might say, from the time that the newspaper has been in existence—we have had no real occasion to discuss communism, pro or con. We have discussed the teaching of it from the objective point of view.

Senator FERGUSON. Do you think that Communists should teach it from the objective point of view?

Mr. RUBIN. I believe that any teacher, whether he be a Communist or anybody else, if he injects his own political doctrines, if he injects any political propaganda into the classroom, should be dismissed.

By the way, as I listened to this, it gives me the feeling that you are rendering an indictment against your board of education.

You are taking something that is a matter of public record, which went to every member of the board of education openly and publicly, and we tried to build our circulation, and you are saying that this is a hidden conspiracy.

Mr. MORRIS. We have not said that.

Senator FERGUSON. We have been asking you questions.

Mr. RUBIN. I would say the implication is that the board of education has been negligent.

Mr. MORRIS. We do not want your inferences, Mr. Rubin.

Mr. RUBIN. If this is indicative of any guilt—

Mr. MORRIS. Mr. Chairman, I submit this witness is being unresponsive.

Senator FERGUSON. If you will help us—

Mr. RUBIN. I am willing to help you.

Senator FERGUSON. Let me put it in. If you will help us in being as analytical of the Communist Party's penetration in America, as you are of this committee, I am sure that you can give the people of America some vital information.

Mr. RUBIN. Well, the reason why I am critical of this committee is—well, that I feel it is directed at breaking the Teachers Union. If the Communist Party did that, I would be equally critical.

Senator FERGUSON. The Communist Party is not, in your opinion, wanting to break all of the institutions of America. That is the queer thing that I find in this testimony.

Mr. MORRIS. Mr. Rubin, do you remember a paper prepared by a man named Jack C. Estrin, who is the chairman of social studies at Richmond High School, entitled "How To Detect Communist Propaganda"?

Mr. RUBIN. Do I?

Mr. MORRIS. Did your newspaper take a position in opposition to that outline?

Mr. RUBIN. Well, again—

Senator FERGUSON. Well, did they?

Mr. RUBIN. We took a position that this outline represented the degradation of scholarship, that it was departing from all the traditional criteria of teaching which is objectivity—which means that the teacher gives all sides of the facts, introducing varying opinions, and not directed toward a conclusion.

Senator FERGUSON. Would you have taken the same attitude if it had been how to analyze and detect totalitarianism through fascism?

Mr. RUBIN. I certainly would. As a matter of fact, we publicized the Clyde Miller study, the Institute of Propaganda analysis, which applies to everything, Fascist, Communist propaganda, or anything.

We were trying to establish the principle by which objective teaching and the open mind could be sustained.

Senator FERGUSON. Do you not think that from your attitude here this morning on the question of communism, you bring the favorable conclusion that communism has no evil or error?

Mr. RUBIN. I bring no such conclusion. I would like not to have any conclusions.

Senator FERGUSON. You do not want that drawn?

Mr. RUBIN. I am not drawing any conclusions. The conclusion I can draw is that within our own experience we have not seen the attacks of the Communists directed against public education in this country.

Senator FERGUSON. You have not seen the attacks of communism on it?

Mr. RUBIN. If you will make a study of the various educational organizations in this country, the NEA and others, and make a study of what they consider the real crisis in education, they have spelled out what they consider the enemies of public education.

Senator FERGUSON. What are they—not communism?

Mr. RUBIN. I don't remember.

Senator FERGUSON. Is communism one of them?

Mr. RUBIN. They have passed anti-Communist resolutions.

Senator FERGUSON. In your opinion, is communism one of the enemies of American public education?

Mr. RUBIN. I would prefer not to discuss that.

Senator FERGUSON. Is it because of your claim that you refuse to answer under the fifth amendment?

Mr. RUBIN. It is because that is the only claim you allow, that you will discuss.

Mr. MORRIS. Mr. Chairman, we do not want his discussion.

May I put into the record this outline already referred to, plus the two issues of the New York Teacher News, dated December 22, 1951, and September 29, 1951?

Mr. RUBIN. May I ask the relevance?

Mr. MORRIS. Each of those articles, Mr. Chairman, contains comments on the particular item which has been offered for reception into the record.

Senator FERGUSON. I will receive it.

(The documents referred to were marked "Exhibits Nos. 15, 16, and 17" and are as follows:)

EXHIBIT No. 15

RICHMOND HILL HIGH SCHOOL

Queens, N. Y.

Francis Griffith, Principal

HOW TO DETECT COMMUNIST PROPAGANDA

An outline prepared by the history and economics department of Richmond Hill High School

A. DEVICE I—NAME CALLING

1. The name selected is so general that it has no specific meaning.
2. The name is made to sound bad because it is associated with something people are supposed to hate or to be afraid of.

3. Now remember:

(a) Some of the people included within the "name group" are bad. That does not mean that all of that group are bad.

(b) Some of the people included within the "name group" don't belong there at all.

(c) Some of the names don't refer to people at all, but to places, things, policies, etc.

4. Let us take some examples:

(a) "Wall Street" (supposed to bring to mind evil men). Wall Street is a place where financial transactions take place. The things Wall Street does are mostly good, e. g., it starts new businesses, buys Government bonds, finances new inventions, etc. Communists don't bother to explain why Wall Street is bad. They might get into trouble if they did.

(b) "Imperialism"—Most people dislike the policy of imperialism. Imperialism results when a large, powerful country harms a smaller, weaker country. But a large, powerful country may HELP a smaller, weaker coun-

try. Communists call any connection between a large powerful country and a smaller, weaker country "imperialism". (Unless, of course, that country happens to be Russia.)

(c) "Capitalist or boss". This is supposed to be a nasty name. Actually, a capitalist or boss is a businessman. Most businessmen are doing a good job. The proof is the great wealth of the countries where they are free to operate. Communists don't mention this fact. They simply label all businessmen as "capitalists" or "bosses" and try to make them sound hateful.

(d) "Warmonger". This name is used for anyone who opposes Communist aggression. Since the Communists have been using force and violence to achieve their ends, the only way to stop them is by adequate military defense. Just because the democracies have guns does not mean they want war. The very opposite is true. They have guns, bombs, armies, planes, navies, etc., to stop Communist aggression and thus keep the peace. Communists call any country (except Russia) which is adequately armed a "warmongering country." In this way they try to us your hatred for war to stop the movement to build up an adequate defense to keep the peace.

Don't Be Fooled!

Now, these are just a few examples. Do you think you can show up the use of such names as "fascist", "exploiter", "reactionary", or "tool of reaction"?

B. DEVICE II—THE GLITTERING GENERALITIES

1. The trick here is to link your cause with something good.
2. The cause is made to sound good by appealing to your emotions of love, generosity, brotherhood, etc. These are ideals most people believe in and respond to.

3. Now remember:

(a) When a Communist says something that sounds good or true it is probably a half-truth. He gives you only one side of a picture—the side he thinks you will like.

(b) A glittering generality comes in the form of a promise. Don't be a sucker for a promise. A study of the history of communism will show you how many of them are broken.

4. Let us take some examples of Communist glittering generalities:

(a) They say "Negroes in America are oppressed and should be set free. Communism will set them free." What's wrong with this?

(1) Only part of the Negroes in the U.S. are oppressed. A great many Negroes have made strides toward winning equality in our country.

(2) Almost all Negroes do not want to be set free by the Communists. They prefer American democracy.

(3) Under communism, Negroes will be oppressed as human beings and will never have the opportunity, as they have here, to set themselves free. You see—what sounds good at first, turns out, under examination, to be phony.

(b) They say, "Under capitalism, workers suffer from depressions, and unemployment." Doesn't this make your heart bleed for the poor, starving Americans?

WHAT'S WRONG WITH THIS?

(1) Workers in America have enjoyed as many years of prosperity as they have of depression.

(2) In spite of depressions and unemployment, Americans have the highest standard of living in the world.

(3) No one has ever starved in America (as they have in Russia). Our Government and private charities have seen to that.

(4) Everybody in Russia works (they say) yet Russians have the lowest standard of living in Europe. Now do you think you can show up such glittering generalities as, "Under Communism, all people will share the wealth." "Workers in America are exploited by the bosses."

C. DEVICE III—TRANSFER

1. Many of us have a deep love for some institutions in our lives: Our churches, our fraternities, our communities, our societies.

2. Communists know that most Americans will have nothing to do with them. Therefore, they aim to conceal themselves.

3. They do this in two ways:

(a) They build up an organization in the community which is connected with a cause or ideal that appeals to us. These are called "Front" organizations. The Attorney-General of the United States has published a long list of such organizations. If you join this organization you are unconsciously absorbing the ideas of the Communists and doing their work. In other words, they transfer their bad ideas into your good organizations. So watch out. Or,

(b) They get into institutions already established and do the same thing. You can write to the Attorney-General for such a list as mentioned above. He will send it to you if you do.

D. DEVICE IV—TESTIMONIAL

1. The idea here is to get someone who is famous in some field and whom you admire to be on the side of the Communists.

2. If you admire him as a scientist or a writer or singer, you are likely to admire him as a Communist.

3. Therefore, remember:

(a) There is no connection between being an expert in science or art and a Communist.

(b) You may love a man for his achievements in one field and hate him for his actions in another. There is no contradiction here.

E. DEVICE V—PLAIN FOLKS

1. A favorite stunt of Russian propagandists is to show Stalin hobnobbing with workers, peasants, and children. Why?

2. The idea is to create the impression that Stalin is no dictator, but a common, ordinary man—just like you and me.

3. If you have this impression, you are likely to forget that he is a dictator and to say "He can't be so bad. Look at whom he hangs out with."

4. American Communists try the same stunt. They like to give the impression that they are "one of the boys"—baseball fans, movie-goers, jitterbugs, platterbugs, etc.—BUT

5. They are never interested in these things for their own sake—as you are. They are interested in them

(a) So that they can get close to you.

(b) So that they can shove their message over on to you. SO WATCH OUT!

F. DEVICE VI—CARD STACKING

1. A Communist will resort to any and every trick to win an argument. He will

(a) Lie (the South Koreans invaded North Korea)

(b) Censor information (as in announcing the "success" of the 5-year plan).

(c) Under-emphasize (the dictatorship, slave-labor camps)

(d) Over-emphasize (price reductions which still leave Russian shoes ten times as dear as American shoes)

(e) Use false testimony (confessions at trials)

(f) Use half truths (see Device II)

(g) Distort fact ("Communist biology, physics, music" 1)

(h) Conceal information (book burning, book banning).

This would make an excellent subject for a scrap-book of news clippings.

G. DEVICE VII—THE BAND WAGON

1. "Everybody" is doing it. Join the parade!"

2. The Communist tries to give you the impression that the whole world's going Communist too.

3. Now it is true that communism has made great gains since it began in 1917. It is also true that there are millions of Communists in countries which are still part of the free world. But,

4. Remember—whenever there are Communists—no matter how few—they make a big noise, a big splash.

5. And remember this too!

(a) The number of non-Communists is vastly greater than the number of Communists—even in so-called Communist countries.

(b) Since 1945—since, that is, the world has wised up to communism, the Communists have lost ground steadily—everywhere.
This sheet was produced to help you wise-up too!

EXHIBIT No. 16

[From New York Teacher News, December 22, 1951]

STEREOTYPED THINKING—NOT INTELLIGENT UNDERSTANDING

(This is the second article prepared by the Committee for Objective Teaching analyzing the series of lessons written by Jack Estrin and the members of the social studies department of Richmond Hill High School "Tools for Detecting Communist Propaganda," and reprinted in the October issue of Strengthening Democracy. Last week's article dealt with the role of these lessons in stifling minority opinion, as well as in minimizing the extent of anti-Negro discrimination.)

Under the heading of "name calling," the false impression is created that such terms as "reactionary," "warmonger," "Fascist," "exploiter," "imperialist," and so forth, are used exclusively by Communists. Thus, these names become suspect unless, of course, they are applied to the Soviet Union. On the other hand, "Iron Curtain," "Communist aggression," "reactionary Communist regimes" which are used in the article, are accepted at face value. Would not "scientific" precision require that these latter terms too be subjected to propaganda analysis? The undisputed fact that "Under capitalism workers suffer from depression and unemployment" becomes a Communist "glittering generality."

When Frederic Joliot-Curie heads the World Congress of the Partisans of Peace, we have an example, according to Estrin, of the Communist use of the "testimonial" device. The fact that Joliot-Curie, one of the world's leading nuclear physicists, was in charge, until recently, of France's atomic energy program obviously does not qualify him to speak authoritatively on the effects of the atomic bomb and the need for peace.

LOW LEVEL OF SCHOLARSHIP

Indication of the level of scholarship to be found throughout this pseudo-scientific hodgepodge is the statement that "• • • the Russians have the lowest standard of living in Europe." To prove this, Strengthening Democracy inserts a statistical table of the purchasing power of hourly earnings in terms of food. Most economists agree that comparing standards of living of various countries is not a simple matter. Standards of living are based on a great many other factors in addition to hourly wages and prices of food. For example, such items as taxes, rent levels, the availability of medical and social services, and so forth, must be considered.

Would there be any room in Estrin's lessons for the teacher to introduce for discussion purposes in class a statement like that—issued by Paul S. Cudbury (N. Y. Times, Oct. 13, 1951), one of seven Quaker businessmen, who after a trip to the Soviet Union found "The Russians, contrary to our own expectations, have a fairly high standard of living; about the equivalent of that in England. Everyone we met and nearly everyone we saw in our travels appeared contented and adequately clothed and fed." And isn't such presentation necessary for objective teaching?

JEFFERSON DANGEROUS TOO

A student subjected to these lessons would probably conclude that any mention of the traditions of Jefferson and Lincoln should be carefully scrutinized, because it is a favorite Communist use of the "transfer" technique. They might decide that perhaps it's safest not to mention Jefferson and Lincoln at all. Even anyone who creates the impression that he is a good family man, goes to baseball games, likes to dance, might be suspected, for these are examples of the devious use by Communists of the "plainfolks" trick. Does anyone lie, conceal information, use false testimony, make exaggerated claims, distort facts? That person must be a Communist stacking the cards in his favor.

A careful and thoughtful study of Estrin's article, despite its seeming superficiality, can lead to only one conclusion as to its effect: To smear and label all dissenting opinions and elements as being suspect and possibly Communist propa-

gania. Instead of guiding teachers and students to reach a method of intelligent understanding of the issues of the day and so help dispel world tensions and frictions, it gives them a kind of "political means test" by which they can keep on the safe side, regardless of truth and decency.

EXHIBIT No. 17

[From New York Teacher News, September 29, 1951]

THINKING IN A STRAIT-JACKET

On August of this year, the School Page of the World-Telegram and Sun enthusiastically reported that:

"Under the direction of Chairman Jack Estrin, members of the history and economics department [Richmond Hill High School] have prepared a four-page mimeographed outline, 'How to Detect Communist Propaganda.'"

A few days later, an editorial of the paper again called attention to this "excellent practical guide for teachers." This guide, said the editorial, "is a first rate example of what J. Edgar Hoover, F. B. I. Director, meant when, in a recent article for this newspaper, he wrote: 'Every patriotic American, at this critical period in our nation's history, must understand the Communist mental outlook.'"

Teachers and parents will welcome an analysis of this outline to determine whether it is a contribution to objective teaching of controversial issues or whether it is another attempt of the method which is now so popular—to breed suspicion of anything liberal or democratic under the guise of combatting "communism."

Teacher News will in future editions go into more detailed analysis of the material found in the outline, which we believe will be found replete with poor scholarship, false generalizations, and shoddy logic by any scholar who subjects it to impartial analysis.

One indication of the type of mental outlook that the outline encourages in the student can be gotten from the fact that it warns students to watch for those who say "Negroes in America are oppressed . . ." The outline asks, "What's wrong with this? and it answers: 'Only a part of the Negroes in the United States are oppressed. A great many Negroes have made strides towards winning equality in our country.'"

While this may be a good example of the type of outlook desired for our students by the World-Telegram and Sun, we cannot feel that it will be welcomed by those teachers and parents who still have the old-fashioned notions that the function of our schools is to teach children how to think and analyze all problems independently and scientifically, rather than to create a suspicious generation of youth who can think and act only along the lines dictated by a Feinberg Law, or a Senator McCarthy.

Perhaps the best person to refute Mr. Estrin's outline is Mr. Estrin. Taking part in a forum on teaching controversial issues held at the Union's membership meeting in June, 1948, Mr. Estrin spoke as follows, as reported by Teacher News:

"A vigorous condemnation of the 'totalitarians of the middle—a breed which espouses democracy in dripping terms but in the name of democracy follows the totalitarian pattern' came from Mr. Estrin. He said that the same attitude of research that is termed laudable by supervisors in the teaching of the French Revolution is utterly rejected in teaching about the Soviet Union. 'The essence of teaching controversial subjects is courage—personal moral courage,' he said, 'the courage of the Hollywood Ten and of Isadore Rubin.'" (June 26, 1948.)

Mr. CAMMER. Mr. Rubin was editor at the time those issues were put out.

Mr. RUBIN. Wait a minute. No; I wasn't.

Senator FERGUSON. December 22, 1951?

Mr. RUBIN. Yes.

Senator FERGUSON. You were editor?

Mr. RUBIN. I was editor.

Mr. MORRIS. Will you look at those two issues, and determine for us whether or not they were the issues?

Mr. RUBIN. That is correct, and I think that the conclusion—

Mr. MORRIS. They will speak for themselves, Mr. Rubin. It is your paper.

Mr. RUBIN. Incidentally, may I make one correction, because, as an editor, I wouldn't let a crude typographical error pass. This headline does not belong above the cartoon. This headline belongs here [indicating].

Senator FERGUSON. You mean below instead of above?

Mr. RUBIN. This is not the heading of the cartoon.

Senator FERGUSON. It is there as the heading.

Mr. RUBIN. It belongs here.

Senator FERGUSON. Read it.

Mr. RUBIN. "Effects of Estrin Lessons."

Senator FERGUSON. Then there is a cartoon under it?

Mr. RUBIN. That is right.

Senator FERGUSON. Now you say that good printing should have put the cartoon above it?

Mr. RUBIN. It doesn't make much difference, but, as an editor, I wouldn't like to have that stand as my responsibility. This happened to be an error. Otherwise the cartoon makes no sense.

Mr. MORRIS. Mr. Chairman, may they be received into the record?

Mr. FERGUSON. They will be received.

Mr. MORRIS. With respect to the other issues of the New York Teacher News, which Mr. Mandel made reference to, will they be received in entirety or just those excerpts mentioned by Mr. Mandel?

Senator FERGUSON. We will put the parts that he referred to in his statements as director of research, and we will attach the complete thing as part of the record, if people want to look at them.

Mr. MORRIS. Mr. Chairman, at this point, when Mr. Lederman brings in the issues he wishes to submit, may they be inserted at this point? How many days shall we give Mr. Lederman?

Senator FERGUSON. Five days.

Mr. RUBIN. I think I should do it.

Mr. MORRIS. If you want to do it for him, you may do that.

(The material referred to appears as appendix IV, p. 340.)

Mr. RUBIN. The record ought to be clear that in the time that these appeared there has been no evidence—and I am sure that the Board of Education, especially the law committee, headed by Mr. Timone, have been assiduous in trying to find indoctrination. I think that, despite the suspension of teachers, not a single bit of indoctrination in the classroom was charged.

Mr. MORRIS. Mr. Rubin, here you have a recommendation by your publication of Communist materials for classroom use.

Mr. RUBIN. I don't grant that these are Communist materials, and I say, if you did that same kind of job on any liberal newspaper, you would fashion a dragnet to get every organization in this country. I don't think the Supreme Court has granted the Attorney General the right to tell me or any individual what organizations we should belong to. That is still, I think, a matter for private opinion in this country.

Mr. MORRIS. Mr. Chairman, we have here eight items that I would like to have inserted into the record at this time.

Mr. Mandel, will you identify these items?

Mr. MANDEL. I have, first of all, the resolution of the executive council of the American Federation of Teachers, expelling the Teachers' Union.

The resolution was identified by George S. Counts, who was formerly president of the American Federation of Teachers, and it appeared in the American Teacher of April, 1951.

Senator FERGUSON. That may be received.

(The resolution referred to was marked "Exhibit No. 18" and appears as appendix II, p. 305.)

Mr. MANDEL. Secondly, I have the proceedings of the 10th Convention of the Communist Party of New York state, dated May 23, 1938, which contains a statement by J. Mason and is marked "Teachers," and this statement is in reference to the Teachers Union, Local 5.

Mr. MORRIS. Which was the predecessor of the present local union.

Mr. CAMMER. No; it wasn't.

Mr. RUMS. It is the same organization.

Senator FERGUSON. Well, you gentlemen cannot both be right.

Mr. RUMS. It was Local 6 and now it is Local 555. It is the same organization. In different groups we had these different numbers.

Mr. MORRIS. Mr. Chairman, will that be received into the record?

Senator FERGUSON. Yes, it will be received.

(The document referred to was marked Exhibit No. 19 and is as follows:)

EXHIBIT No. 19

PROCEEDINGS TENTH CONVENTION COMMUNIST PARTY NEW YORK STATE MAY 23-25, 1938

(Pp. 204-205)

STATEMENT BY J. MASON, TEACHERS

• • • We have been brought to this realization by watching the growth of our local, Teachers Union Local No. 5. It has grown from about 300 three years ago to 7,000 today. We also helped set up WPA and college teachers locals of 1,000 each; and in addition, seven locals up-State. During this time, our fraction of 33 grew to many hundreds.

We have in our local, as seems to be the case in every other local union, some Lovestonettes, Trotskyites, and Trotskyite-led Socialists. They tried to prevent our local from expressing an opinion on collective security at a meeting held a couple of weeks ago. They brought down their big artillery, Norman Thomas. Norman Thomas, you must know, is a member of our local. The trouble with Norman Thomas was that this big gun was loaded with blanks, and at the meeting at which there were about 2,500, when the vote came against collective security we could count just 43 hands. He was snowed under so completely that I think he will never recover from it.

There are several hundred party members in the union. This is a big fraction and more than is necessary in our industry, if you wish to call it that. I think about 100 or so would be sufficient to work within the union; and so we have sent our Party members into the apparatus of our Party everywhere, in the counties, in the sections, and in the district. You fall over teachers everywhere. In spite of that I think that our fraction will affect the composition of our party by steady recruiting from among the teachers in the Teachers Union.

Mr. MANDEL. I have here a resolution adopted by the executive board of the Congress of Industrial Organizations, if that is the correct wording for CIO, dealing with the United Public Workers, which is the parent body of the Teachers' Union, and the section also deals with the Teachers' Union. This resolution I offer for the record.

Senator FERGUSON. It will be received.

(The document referred to was marked "Exhibit No. 20" and appears as appendix III, p. 322.)

Mr. CAMMER. What was the date of that?

Mr. MORRIS. Is that dated March 1, 1950?

Mr. MANDEL. The proceedings began on November 5, 1949, and these are proceedings that began on November 5, 1949; then I have a resolution adopted by the New York City CIO Council, dated March 1, 1950, relative to the New York City Teachers Union, signed by Morris Iushewitz, secretary-treasurer, which I offer for the record.

Senator FERGUSON. It will be received.

(The document referred to was marked "Exhibit No. 21" and is as follows:)

EXHIBIT No. 21

NEW YORK CITY CIO COUNCIL,
New York 1, N. Y., March 1, 1950.

Hon. WILLIAM O'DWYER,
Mayor of the City of New York,
City Hall, New York, N. Y.

DEAR MR. MAYOR: I am taking this means of informing you that the United Public Workers of America has been expelled from the Congress of Industrial Organizations effective today. By an overwhelming vote, the Executive Board of the national Congress of Industrial Organizations concluded that "The policies and activities of the United Public Workers of America are consistently directed towards the achievement of the program and the purposes of the Communist Party rather than the objectives and policies set forth in the CIO constitution."

As a result of this expulsion, the United Public Workers of America is today outside the ranks of organized labor in our country and has been exposed as an instrument of the Communist Party.

On behalf of the New York City CIO Council, I respectfully request you to please inform the City Departments of the change in the status of the United Public Workers. I would further ask you instead to recognize the Government and Civic Employes Organizing Committee—CIO which has been set up by the CIO to represent CIO in this field. There are already functioning locals of civil service employes in a number of City Departments which have affiliated with the Government and Civic Employes Organizing Committee—CIO.

It is our sincere hope that you and the Administration which you head will extend cooperation to the duly recognized CIO group of civil service employes.

Sincerely yours,

MORRIS IUSHWITZ, Secretary-Treasurer.

Mr. MANDEL. Then I offer for the record the statement made by Charles J. Hendley, headed as follows: "Excerpts from a brief tendered on February 15 to the executive council of the AFT in response to the council's order to show why local 5's charter should not be revoked." This is taken from the March issue of the New York Teacher, on pages 10 and 11.

Mr. MORRIS. Was that at the time a publication of local 5?

Mr. MANDEL. It was.

Senator FERGUSON. Received.

(The material referred to was marked "Exhibit No. 22" and appears as appendix IV.)

Mr. MANDEL. I offer now for the record chapter from the record of the subcommittee of the Joint Legislative Committee to Investigate Procedures and Methods of Allocating State Moneys for Public School Purposes in Subversive Activities of the State of New York. Chapter 4 of this report deals with the New York Teachers Union.

Senator FERGUSON. It will be received.

(The material referred to was marked "Exhibit No. 23" and appears as appendix V, p. 342.)

Mr. MANDEL. I offer also a brief presented by the New York City Board of Education in reference to the application of teachers union,

local 555, for the use of public school buildings. This is dated October 17, 1951. I offer that brief for the record.

Senator FERGUSON. It will be received.

(The brief referred to was marked "Exhibit No. 21" and appears as appendix VI, p. 366.)

Mr. MANDEL. And finally, I offer an amended resolution of the board of education in reference to the Teachers' Union. This is dated June 1, 1950.

Senator FERGUSON. It will be received.

(The resolution referred to was marked "Exhibit No. 25" and is as follows:)

EXHIBIT No. 25

AMENDED RESOLUTION OF THE BOARD OF EDUCATION RE TEACHERS UNION

While the Board of Education of New York City is under no obligation to deal in any of its business with any organization, it has welcomed the opportunity to deal with those that are truly representative of the best interests of teachers or pupils and constructive in their approach to educational problems.

However, the actions and tactics of the teachers union over a substantial period of time have been and are calculated to cause discord and confusion, and to impair public confidence in our schools, and to reflect discredit on the high professional and ethical reputation of our teachers, and to interfere with the proper administration of the board of education.

Moreover, the teachers union, local 555, United Public Workers, has been expelled from the Congress of Industrial Organizations on the following ground:

"The policies and activities of the United Public Workers of America are consistently directed toward the achievement of the program and the purposes of the Communist Party rather than the objectives and policies set forth in the CIO constitution."

Matters having reached such a point that this board of education can no longer proceed on a equitable and ethical basis with the teachers union, be it

Resolved, That, effective immediately, the board of education and its supervisors and administrators shall not negotiate, confer, or deal with the teachers union, local 555, United Public Workers, or its agents or representatives, in relation to any teacher grievance, or any personnel or professional problems; *provided, however*, that this order shall not deprive any person of the opportunity to address a public meeting of this board in accordance with the rules and procedures of the board; nor shall it affect the right or privilege of any individual employee to present, through appropriate channels, any personal grievance or problem.

Senator FERGUSON. That is all.

Mr. RUBIN. Senator, may I ask one personal privilege, to put this into the record, since there may be some implication about my loyalty to my country. When a person has the possibility of being smeared in headlines—this is a copy of the New York Times editorial commenting on the fact that I had been awarded a \$500 award by Gen. Mark Clark in writing an essay which, in his opinion, represented the ideals for which our men were fighting the war. It represented the first place in an essay contest conducted by the Army in the Mediterranean, and was written while I was in combat. I think that any examination of my record will show this.

Senator FERGUSON. I will receive it.

(The article referred to was marked "Exhibit No. 26" and is as follows:)

EXHIBIT No. 20

[From The New York Times]

WHEN A SOLDIER THINKS OF HIS FUTURE -

FRONT-LINE PRIZE ESSAY

A soldier in the line finds it hard to think of victory "as meaning anything but an end to fear, to loneliness and death, and a chance to go back to pick up the strands of interrupted life." This is the testimony of Pvt. Isadore Rubin of Brooklyn, who has just won an essay prize contended for by men of the Fifth Army's front in Italy. But the soldier thinks of other things too. He thinks of the world he will have to live in when he comes home, and such enemies as "poverty, insecurity, prejudice, disunity" that will still have to be conquered. He believes, in Private Rubin's words, that "if we can sweep aside untold obstacles to smash the most ruthlessly efficient machines of destruction ever devised, surely we possess the vision and practical genius to organize for peace, security and a world designed for living."

For Private Rubin and his comrades these words can't be merely words. They are loaded with the significance of hard experience and tested against nights under enemy shelling, hostile sharpshooters waiting for the advancing platoon, grim fights for life in ruined villages. What Private Rubin says, during a brief pause in his muddy, uncomfortable, dangerous existence, is what he means. A soldier sees how powerful his country is for war. He must find it hard to believe it cannot be equally powerful for peace. He has a right to ask that it should be.

WHAT VICTORY MEANS TO ME

At the moment it is difficult to think of victory as meaning anything but an end to fear, to loneliness and death, and a chance to go back to pick up the strands of interrupted life.

Henceforth each simple pleasure, each right we always took so lightly will take on rich meaning. We know that it cost to keep them and we know, too, that we have already earned a share in them.

But victory means much more.

With victory we stand on the threshold of limitless inventions and comforts; we possess the resources to extend our horizons in every field of endeavor and every aspect of human relations.

However, ancient and stubborn enemies are still to be conquered, enemies which must be overcome not by armies but by minds and hearts and talents set wholly free. Such enemies are poverty, insecurity, prejudice, disunity.

These, too, shall be conquered, for we have begun to think more deeply and more dynamically, and if we can sweep aside untold obstacles to smash the most ruthlessly efficient machines of destruction ever devised, surely we possess the vision and practical genius to organize for peace, security and a world designed for living.

Till now many have ruled because of accident of birth and power or wealth but throughout the world the unfit, the weaklings and the traitors are falling by the wayside. New leaders are rising from the people--those who never sold their heritage of courage, faith and simple human dignity.

With victory we shall have destroyed those who would have enslaved the world. Our sacrifices have been great but we have won the opportunity to emerge from the animal kingdom and enter the kingdom of man.

I look forward to living in such a world.

Mr. MORRIS. Were you a member of the Communist Party when you wrote that?

Mr. RUBIN. My answer is the same as before.

Mr. MORRIS. That you refuse to answer, on the fifth amendment?

Mr. RUBIN. Yes.

Senator FERGUSON. I will sustain his objection, on the fifth amendment and I will receive this editorial in the record.

We will now go into executive session until 11 o'clock. We have witnesses scheduled here for 10:15 o'clock.

(Whereupon, at 10: 15 a. m. the committee proceeded into executive session, to reconvene at 11: 15 a. m. in open session.)

Senator FERRISON. The committee will come to order.

TESTIMONY OF ADELE LITHAUER, NEW YORK, N. Y., ACCOMPANIED BY HER ATTORNEYS, HAROLD I. CAMMER AND ROYAL W. FRANCE

Senator FERRISON. You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss LITHAUER. I do.

Mr. MORRIS. Will you give your full name and address to the reporter?

Miss LITHAUER. Adele Lithauer.

Mr. MORRIS. Will you spell that, please?

Miss LITHAUER. L-i-t-h-a-u-e-r.

Mr. MORRIS. What is your address?

Miss LITHAUER. 150 West Ninety-fifth Street, New York City.

Mr. MORRIS. Are you a teacher, Miss Lithauer?

Miss LITHAUER. I am.

Mr. MORRIS. Where do you teach?

Miss LITHAUER. At the Little Red Schoolhouse.

Mr. MORRIS. How long have you been teaching at the Little Red Schoolhouse?

Miss LITHAUER. Four years.

Mr. MORRIS. Are you a vice president of the Teachers' Union?

Miss LITHAUER. I am.

Mr. MORRIS. Are you vice president in charge of private schools?

Miss LITHAUER. Yes.

Mr. MORRIS. How many private school teachers are now in the Teachers' Union?

Miss LITHAUER. Oh, approximately 600.

Senator FERRISON. How many teachers are there altogether in the private schools?

Miss LITHAUER. I haven't any idea.

Mr. MORRIS. About how many?

Miss LITHAUER. Thousands—but I have no idea. I really have no idea.

Senator FERRISON. About 600 belong to your union?

Miss LITHAUER. Approximately.

Mr. MORRIS. In how many schools do you have members?

Miss LITHAUER. I have no idea; large numbers.

Mr. MORRIS. Does any of those schools have a grant from the Veterans' Administration?

Miss LITHAUER. To the best of my knowledge, there was one, which was the Stevenson School.

Mr. MORRIS. What kind of school was that?

Miss LITHAUER. That was a high school.

Mr. MORRIS. Yet it came within your jurisdiction, a private high school?

Miss LITHAUER. Yes.

Mr. MORRIS. What was their specialty?

Miss LITHAUER. They had a very full program, general courses or subjects.

Mr. MORRIS. Did the union have any teachers in the Robert E. Stevenson School?

Miss LITHAUER. Yes.

Mr. MORRIS. Have any of those teachers union members in the Robert E. Stevenson School been dismissed by the school?

Miss LITHAUER. Yes.

Mr. MORRIS. How many were dismissed?

Miss LITHAUER. About 26, 28.

Mr. MORRIS. When did that take place?

Miss LITHAUER. That took place last spring, in June.

Mr. MORRIS. Why were they dismissed from the Robert E. Stevenson School?

Miss LITHAUER. That was the time that the contract with the school expired and, well, to tell you the truth, I was out of town at the time, but the school was sold, and there was a very complicated situation there, and these teachers were not asked back for the summer session and were told that their services would not be wanted in the fall.

Mr. MORRIS. Did the Teachers' Union protest that dismissal?

Miss LITHAUER. The Teachers' Union did protest.

Mr. MORRIS. Miss Lithauer, have you ever been a member of the Communist Party?

Miss LITHAUER. I feel that that is an incorrect question for this committee to ask. I feel that it can only smear the teachers union and smear me, and I will invoke the first and fifth amendments in not answering that question.

Senator FERGUSON. Under the fifth amendment, and only under the fifth amendment, will I recognize your right to refuse to answer.

Mr. MORRIS. Have you ever been a member of the executive board of the Teachers' Union?

Miss LITHAUER. An officer.

Mr. MORRIS. In fact, you are a member now, is that right?

Miss LITHAUER. That is right.

Mr. MORRIS. Have you ever attended a Communist caucus?

Miss LITHAUER. I will invoke the fifth amendment for that answer.

Senator FERGUSON. I will sustain the refusal.

Now, is the Veterans' Administration giving a grant to any other school?

Miss LITHAUER. Not to my knowledge.

Senator FERGUSON. Are they giving any now to the Robert E. Stevenson School?

Miss LITHAUER. I do not know because we no longer have a contract with that school.

Senator FERGUSON. Was one of the causes of breaking the contract the discharge of these people?

Miss LITHAUER. The contract had expired.

Senator FERGUSON. Had communism anything to do with the discharge of these people?

Miss LITHAUER. I never heard of that.

Mr. MORRIS. You never heard of that?

Miss LITHAUER. I did not.

Mr. MORRIS. Miss Lithauer, are you presently a member of the Communist Party?

Miss LITHAUER. I gave you my answer.

Mr. MORRIS. I asked about the past.

Miss LITHAUER. I will give the same answer.

Senator FERGUSON. I will sustain the objection.

What do you teach at the Little Red Schoolhouse?

Miss LITHAUER. Seven-year-old children; all subjects.

Mr. MORRIS. How many students are there?

Miss LITHAUER. In the whole school, approximately 400 or 450.

Senator FERGUSON. And how many teachers are there?

Miss LITHAUER. Oh, I don't know; 33, 40. I don't know the exact figure.

Senator FERGUSON. So, as a representative of some 600 teachers now in private schools in this district, you refuse to answer the question as to whether or not you are and the other question as to whether or not you ever have been a member of the Communist Party?

Miss LITHAUER. For the reasons given.

Senator FERGUSON. Yes.

Mr. MORRIS. I have no further questions.

Senator FERGUSON. I have no further questions.

Mr. MORRIS. Thank you, Miss Lithauer.

The next witness is Miss Vera Shalkman.

TESTIMONY OF VERA SHALKMAN, BROOKLYN, N. Y., ACCOMPANIED BY HER ATTORNEYS, HAROLD I. GAMMER AND ROYAL W. FRANCE

Senator FERGUSON. Raise your right hand, please.

You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss SHALKMAN. I do.

Mr. MORRIS. Miss Shalkman, will you give your full name and address to the reporter?

Miss SHALKMAN. Vera Shalkman.

Mr. MORRIS. Will you spell that?

Miss SHALKMAN. S-h-a-l-k-m-a-n, 103 Hicks Street, Brooklyn.

Mr. MORRIS. Are you a teacher, Miss Shalkman?

Miss SHALKMAN. Yes.

Mr. MORRIS. Where do you teach?

Miss SHALKMAN. Queens College.

Mr. MORRIS. What do you teach at Queens College?

Miss SHALKMAN. I am a member of the department of economics.

Mr. MORRIS. For how long have you been a member of the department of economics at Queens College?

Miss SHALKMAN. Fourteen years.

Mr. MORRIS. Miss Shalkman, are you a vice president of the teachers union in charge of colleges?

Miss SHALKMAN. That is right.

Mr. MORRIS. Now, how many teachers are there, college teachers, who are members of the Teachers' Union?

Miss SHALKMAN. Approximately 150.

Mr. MORRIS. Were you a member of local 537?

Miss SHALKMAN. That is correct.

Mr. MORRIS. And when did local 537 merge with local 555?

Miss SHALKMAN. I believe it was in 1943, but I am not sure of the date.

Mr. MORRIS. Miss Shalkman, have you ever been a member of the Communist Party?

Miss SHALKMAN. Mr. Morris, I find it extraordinarily difficult to face my students with whom I have been concerned, particularly in recent weeks, in accordance with prescribed syllabus, to discuss the question of the role in the maintenance of self-government. It seems to me that a maintenance of the rule of free inquiry necessary to the preservation of self-government—I am getting involved in this sentence, but what I am getting at is, that the question is such as to destroy the rule of free inquiry, and therefore to challenge, to impair self-government.

On that ground, on the first amendment, that is, and on the fifth and sixth, I will decline to answer.

Senator FERGUSON. I will sustain it on the fifth amendment.

Do you believe, then, that the Communist Party is only a political party?

Miss SHALKMAN. Well, it is a party that has run candidates, attempted to attract votes in elections, and I would have no reason for assuming that it was other than a political party.

Senator FERGUSON. And only a political party?

Miss SHALKMAN. So I would assume.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Miss SHALKMAN. On the grounds previously stated, I would decline.

Senator FERGUSON. Sustained.

Mr. MORRIS. Are you a member of the executive board of the Teachers' Union?

Miss SHALKMAN. Yes.

Mr. MORRIS. As such, have you ever attended a Communist caucus meeting?

Miss SHALKMAN. On the grounds previously stated, I will refuse to answer.

Senator FERGUSON. Sustained, on the fifth amendment.

Mr. MORRIS. Do you believe that a member of the Communist Party can be a college teacher?

Miss SHALKMAN. I think that any teacher must be judged on the basis of his performance and scholarship, his performance in the classrooms; that if a teacher follows professional standards in the classroom, and is a scholar, he is entitled to teach as any citizen. That would include everything.

Senator FERGUSON. Do you think that a teacher can be, in the true sense of the word, a scholar and teach as such who is a Communist?

Miss SHALKMAN. I would assume that would depend on the person.

Senator FERGUSON. Don't you think that the Communist principles as such would close the mind excepting along the channel and the line of communism?

Miss SHALKMAN. Senator, as far as Communist principles are concerned, it seems to me that there is a looseness involved here.

If I am not mistaken, when the United States Post Office began to carry packages, this activity was viewed as a challenge to private enterprise, and this was a kind of socialistic or communistic activity; and I think that someone, very improperly, no doubt, characterized

Senator Taft's position on housing as a very questionable one in the same way.

Senator FERGUSON. Well, do you think you have answered my question?

Miss SHALKMAN. I think I have, Senator.

Senator FERGUSON. Do you think that the Communist members can really teach students?

Miss SHALKMAN. Well, again I would say that depends upon the performance.

Senator FERGUSON. Well, do you not think that the Communist principle binds the mind to a particular channel and will not allow it to leave or deviate from that channel?

Miss SHALKMAN. That is the very unfortunate accusation that has been made in the past, historically, against other than Communists, and quite improperly, likewise, as in the case of Catholics, who were held to have closed minds.

Senator FERGUSON. You say that as far as Communists are concerned you think that is an erroneous thinking?

Miss SHALKMAN. I would say that, as far as an individual is concerned, he must be judged on his performance in the classroom.

Senator FERGUSON. That does not answer my question. I am talking about a member of the Communist Party. Do you think that person can have a mind so as to be able to teach?

Miss SHALKMAN. If he is a person of integrity, a scholar, a competent teacher, and so on, so inclined, he would naturally do that. That is what I meant when I said it depends on the person.

Senator FERGUSON. Do you think that a person, as a member of the Communist Party, can have the integrity to teach?

Miss SHALKMAN. I would have to know the person.

Senator FERGUSON. I am talking about as a member of the Communist Party.

Miss SHALKMAN. It seems to me, Senator, that it also still depends on the individual. We don't condemn people now—at least I assume we don't—on the basis of guilt by association.

Senator FERGUSON. I am not talking about association at all. I am talking about a person who joins the Communist Party and becomes a member, and adopted the philosophy of communism; whether or not, in your opinion, that person can teach with academic freedom?

Miss SHALKMAN. Well, I have read in the papers of members of the Federal Bureau of Investigation—

Senator FERGUSON. Please answer my question. I am not talking about the Federal Bureau of Investigation.

Miss SHALKMAN. I was going to say that this person would perhaps not be able to, because of incompetence to teach in the classroom. I still feel that the question of competence in the classroom depends on the individual.

Senator FERGUSON. What I am trying to find out is whether or not, in your opinion, that person's mind is dominated so that he could not exercise scholastic freedom so as to be able to teach.

Miss SHALKMAN. Well, I have never heard of any case in which someone was charged to this effect, Senator.

Senator FERGUSON. Then you think that a man like William Z. Foster can exercise a freedom of thought, of opinion, so as to be able to teach, as you call it, the freedom of mind? He is an avowed Communist.

Now, do you think that the domination over him from the Communist Party would keep him from having that freedom?

Miss SHALKMAN. I would decline to answer that question.

Senator FERGUSON. On the grounds that it might tend to incriminate you? Under the fifth amendment?

Miss SHALKMAN. That is right.

Senator FERGUSON. I think that answers your question about Communists teaching in the schools.

Miss SHALKMAN. May I add a brief point?

Senator FERGUSON. Yes.

Miss SHALKMAN. The reason for my answer at that point was that since you seem to be approaching again a question of—the first of those questions put to me that—for the reasons that I have stated before I now state again.

Senator FERGUSON. That is all.

Mr. CAMMER. I think she may wish to withdraw her claim of privilege.

Mr. MORRIS. You are not suggesting that; are you?

Mr. CAMMER. I think it is being suggested to her now.

Mr. MORRIS. The next witness is Sam Wallach. Mr. Cammer, is he here today?

Mr. CAMMER. Mr. Senator, I made an effort to communicate with Mr. Wallach last night late in the evening, but I was unable to reach him and advise him of the fact that the committee wanted his attendance here.

Mr. MORRIS. He is vice president in charge of organization and, as such, a member of the executive committee?

Mr. CAMMER. That is right.

Mr. MORRIS. And as such has he been suspended from school?

Mr. CAMMER. Yes. He is not working, Senator.

Mr. MORRIS. He is one of the teachers suspended?

Senator FERGUSON. By virtue of the refusal to answer questions.

Mr. CAMMER. And that is before the State commissioner of education.

There is one other thing. I had promised to furnish the list of executive board members. Because I finished so late last night, I was unable to get it, and I told Mr. Morris I will mail it to his office before the end of the week.

Senator FERGUSON. They may be received.

(The list of members of the executive committee was marked "Exhibit 27" and is as follows:)

EXHIBIT No. 27

MEMBERS OF THE EXECUTIVE BOARD OF THE TEACHERS UNION, LOCAL 555, UPW

Leona Abrams	Miriam Haupt	Rose V. Russell
Irving Adler	Eugene Jackson	Helen Schmitt
Helen K. Berman	Abraham Lederman	Morris Seltzer
Charline Cherot	Mary Leeper	Vera Shlakman
Grace Cohen	Adele Lithauer	Morris Skovron
Astra Dalnoky	Norman London	Lester Spelzer
Stella Ellashow	James Nack	Lucille Spence
David Flacks	Isidore Powsner	Richard Stijler
Henrietta Friedman	Ella Ratner	Samuel Wallach
Mildred Garrin	Clara Rieber	Jeanette Wilson
Irving Gluckman	Maurice Riedman	Cella Zitron
Cyril Graze	Sarah Riedman	
Samuel Greenfeld	Isadore Rubin	

Mr. FRANCE. The witness would like to withdraw the request for privilege under the fifth amendment to the last question, and answer it.

Senator FERGUSON. All right; the question about Mr. Foster.

Miss SHALKMAN. My answer would be that I don't know Mr. Foster. If he is an objective-minded, fair, competent teacher, I would say if he meets all the other requirements that would be demanded for appointment to a teaching position and performed adequately in the classroom.

Senator FERGUSON. What I am trying to get is whether or not you believe, from your knowledge of communism, that a person can have an objective mind, as you are referring to in your answer?

Miss SHALKMAN. I would say that undoubtedly that would be perfectly possible.

Senator FERGUSON. Possible?

Miss SHALKMAN. Yes; to have an objective, fair approach.

Senator FERGUSON. Do you think it is probable that anyone could so teach?

Miss SHALKMAN. Again you are being abstract. Now, Senator, and my opinion, for what it is worth, is I know that teachers, as I have met them, universally attempt to teach in as fair-minded a way as possible, and this applies to all teachers, so that, so far as my experience is concerned, this is what teachers do; this is what they are taught to do.

Senator FERGUSON. What I am trying to find out is what knowledge you have of the control of communism over the mind of a person, and whether or not you think that a Communist has control of his mind; that he has this freedom to teach from an objective standpoint?

Miss SHALKMAN. I see the point of your question, Senator.

Senator FERGUSON. Let the record show that the witness is conferring with counsel on the matter.

Mr. MORRIS. Extensively.

Senator FERGUSON. What is your answer?

Miss SHALKMAN. My answer would be a reformulation of the answer that I was trying to give before: that if there is anyone, a Communist, a Republican, a Socialist, a Democrat—

Mr. MORRIS. A Nazi?

Miss SHALKMAN. A Nazi, who is so narrow in his approach, so unmindful of his duties to the student that he would not be objective and fair in the classroom, he should not be permitted to teach.

Senator FERGUSON. Then you do not find anything in the Communist principles that would dominate the mind to deprive a person of this academic freedom?

Miss SHALKMAN. For a scholarly person, I should not expect that to be the case, but I don't know what you would be referring to as "Communist principles," for the reason that I stated before.

Mr. MORRIS. Is there anything about a Communist, as far as you know, that would necessarily disqualify him from being a college teacher?

Miss SHALKMAN. No.

Senator FERGUSON. He could teach any subject?

Miss SHALKMAN. Teach any subject that he is competent to teach.

Senator FERGUSON. That is what I mean; any subject that he has knowledge on?

Mr. MORRIS. The next witness is Professor Ewen.

**TESTIMONY OF FREDERIC EWEN, NEW YORK, N. Y., ACCOMPANIED
BY HIS ATTORNEY, ROYAL W. FRANCE**

Senator FERGUSON. You do solemnly swear, in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EWEN. I do.

Mr. MORRIS. Please be seated, Professor Ewen. Will you give your full name and address to the reporter?

Mr. EWEN. Frederic Ewen, F-r-e-d-e-r-i-c E-w-e-n.

Mr. MORRIS. What is your present address?

Mr. EWEN. 410 Central Park West, New York.

Mr. MORRIS. What is your occupation?

Mr. EWEN. I have no occupation, sir.

Mr. MORRIS. Have you been an associate professor at Brooklyn College?

Mr. EWEN. No, sir; I have been an assistant professor.

Mr. MORRIS. When did you cease being an assistant professor?

Mr. EWEN. I ceased being an assistant professor on September 23, 1932.

Mr. MORRIS. Is that yesterday?

Mr. EWEN. That was yesterday, sir.

Mr. MORRIS. Now, Professor Ewen, have you ever been a member of the Communist Party?

Mr. EWEN. Mr. Morris and Senator Ferguson, I have been a teacher at Brooklyn College for over 30 years, sir. I have given my whole life to the school system in America.

Senator FERGUSON. Do you claim that this is part of the answer to this question?

Mr. EWEN. I claim that's the first part of the answer.

Senator FERGUSON. To this question?

Mr. EWEN. To this question, sir. I have made myself a scholar and a reputation for scholarship and teaching, which I think is city-wide.

I have had thousands of students come to me. I claim that, among the things which I tried to teach them in my courses in literature, one of the principles that was the most sacred was about art and literature and culture, was the right to express yourselves, to hold them, to defend them, to fight for them; that any invasion of that right was a violation which could never be condoned.

I have had thousands of students, and they have come back to me year after year, even after 25 and 30 years of absence, to report to me on the effect of my teaching of literature on them.

I wish you would send down your investigators—

Senator FERGUSON. Is this part of the answer?

Mr. EWEN. It is part of the answer.

Senator FERGUSON. As to whether or not you were ever a member of the Communist Party?

Mr. EWEN. It is part of the answer, sir.

Mr. MORRIS. Mr. Chairman, I submit this man is not being responsive.

Senator FERGUSON. I cannot see how it is part of the answer, as to whether or not you were ever a member.

Mr. EWEN. It is part of the answer insofar as you are asking me a question which I will have to answer in terms of my belief and moral code, sir; and, therefore, I am trying to tell you.

Senator FERGUSON. I want to know what your answer is to the particular question.

Mr. EWEN. I am trying to tell you something about the principle underlying my answer, if you want to hear it.

Senator FERGUSON. I want to know your answer.

Mr. EWEN. My answer is that as a teacher for 30 years, and as a man who has tried in his whole life to devote himself to the cause of free expression and free thought, I consider this question an invasion of that right, and invasion of the very principles I have taught.

I consider that question improper.

Mr. MORRIS. Will you answer the question?

Mr. EWEN. I must decline on the following grounds, Senator and Mr. Morris.

I decline to answer this question on the grounds that it is an invasion of the most sacred principle of American thinking and education.

I decline to answer it on the grounds that it is a violation of the constitutional guaranty of the fifth amendment.

Senator FERGUSON. I will sustain it on the fifth amendment.

Mr. EWEN. On the dignity of a human being and the right to think.

Mr. MORRIS. Are you a member of the Teachers' Union?

Mr. EWEN. I refuse to answer on all the grounds.

Senator FERGUSON. I will sustain it on the fifth amendment.

Mr. MORRIS. Are you a member of the Teachers' Union?

Mr. EWEN. I am a member of the Teachers' Union.

Mr. MORRIS. Are you a member of the Communist Party?

Mr. EWEN. I decline on all the grounds.

Senator FERGUSON. I will sustain, on the grounds of the fifth amendment.

Mr. MORRIS. Have you ever been a speaker before the International Workers Order?

Mr. EWEN. I decline on the grounds stated.

Senator FERGUSON. I will sustain it on the fifth amendment.

Mr. EWEN. On all the grounds.

Mr. MORRIS. Were you identified during the Rapp-Coudert hearings in 1940 and 1941 as a Communist?

Mr. EWEN. I will decline on all the grounds.

Senator FERGUSON. Sustained, on the fifth amendment.

Mr. MORRIS. Did you ever read in the newspapers in 1940 and 1941 that you had been identified by witnesses before a New York State committee as a Communist?

Mr. EWEN. I decline to answer that on the grounds stated.

Senator FERGUSON. I sustain the objection on the fifth amendment.

Mr. MORRIS. Were you ever a guest lecturer in the School of Jewish Studies?

Mr. EWEN. I decline on all the grounds.

Senator FERGUSON. Sustained on the fifth amendment.

Mr. MORRIS. Are you the editor of New Currents?

Mr. EWEN. I am not the editor.

Mr. MORRIS. Have you been an editor?

Mr. EWEN. I decline on all the grounds I have stated.

Senator FERGUSON. Sustained under the fifth amendment.

Mr. MORRIS. Were you an air-raid warden during the war?

Mr. EWEN. I decline to answer that.

Mr. MORRIS. You will not answer whether or not you were an air-raid warden during the war?

Mr. EWEN. I decline to answer.

Senator FERGUSON. How can that incriminate you?

Mr. EWEN. If I would tell you how anything incriminates me, I would be incriminating myself.

Senator FERGUSON. I can only sustain it if I believe the witness, in good faith, is claiming protection under a constitutional amendment. As to whether or not a person was an air-raid warden, I am having a little trouble.

Mr. EWEN. Yes; I was an air-raid warden. I withdraw the objection.

Senator FERGUSON. All right.

Mr. MORRIS. I have no more questions at this time.

Senator FERGUSON. That is all.

Mr. EWEN. Thank you, gentlemen.

Mr. MORRIS. Professor Riess.

TESTIMONY OF BERNARD F. RIESS, SCARSDALE, N. Y., ACCOMPANIED BY HIS ATTORNEY, ROYAL W. FRANCE

Senator FERGUSON. Raise your right hand, please.

You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RIESS. I so do.

Mr. MORRIS. Would you give your full name and address to the reporter?

Mr. RIESS. Bernard F. Riess, R-i-e-s-s.

Mr. MORRIS. What is your address?

Mr. RIESS. 135 Cushman Road, Scarsdale, N. Y.

Mr. MORRIS. What is your current occupation?

Mr. RIESS. I am a psychologist.

Mr. MORRIS. Are you a professor of psychology at Hunter College?

Mr. RIESS. I am.

Mr. MORRIS. For how long have you been associated with the faculty of Hunter College?

Mr. RIESS. For 24 years.

Mr. MORRIS. Now, are you a member of the Teachers' Union?

Mr. RIESS. I am.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Mr. RIESS. I would like to answer that by saying that, as a psychologist, I have an obligation to the profession which I represent. That profession is definitely on record as having objected to such questions, when they were asked about staff members at the University of California, when they were asked about visitors to this country from abroad, as psychologists, who were invited to an inter-

national gathering of psychologists; and I certainly would object to that question as being asked of myself.

Senator FERGUSON. I cannot recognize those reasons for refusal. They are not legal.

Mr. RIESS. They are principled objections.

Senator FERGUSON. They are not legal objections.

Mr. RIESS. If I am forced to invoke the legal reason—

Senator FERGUSON. You are not forced to do anything, you understand.

Mr. RIESS. I am proceeding to elaborate on other reasons. As a college teacher, I believe that the American Association of University Professors has objected to anything of this sort. I think I would be betraying college teachers in answering.

Senator FERGUSON. Do I understand that you believe that these teachers who come in here and say that they have never been members of the Communist Party are violating the code of ethics of the teaching profession?

Mr. RIESS. I believe that they are weakening it.

Senator FERGUSON. They are violating the principles and ethics of the college professors?

Mr. RIESS. I think so.

Senator FERGUSON. To admit that they are not members of the Communist Party?

Mr. RIESS. Under the present circumstances, and with the attitudes and hysteria of today, I think that is undoubtedly true.

Senator FERGUSON. So you think that the American youth ought to be taught that the college profession stands for the principle that anyone who admits that they are not members of the Communist Party and have never been, is violating the ethics of that high profession?

Mr. RIESS. I don't think that is the implication I would draw from what I have said.

Senator FERGUSON. Do you not think that is what the public will draw?

Mr. RIESS. I am afraid that that is the impression that is going to be created to the public.

Senator FERGUSON. Your answer, from your answer, isn't that what you told me, that you believed the ethics of the profession said a man should not answer the question?

Mr. RIESS. I said the ethics of the profession would be violated if a man under pressure had to testify about his political beliefs. I do not think this is a function of a college teacher.

Senator FERGUSON. Do you say that it is only a political party, the Communist Party?

Mr. RIESS. It is recognized as such by the laws of the United States.

Senator FERGUSON. That was not my question. My question was: Is it in your opinion only a political party?

Mr. RIESS. As far as I know its operations, as far as I have read and heard about it, it is to me a political party.

Senator FERGUSON. And only a political party?

Mr. RIESS. And only a political party.

Mr. MORRIS. I do not think that he has answered the question: Have you ever been a member of the Communist Party?

Mr. RIESS. I was going to ask whether I could add to those reasons?
Mr. MORRIS. All of which have been overruled.

Mr. RIESS. I understand, but they are still part of my reasons; the constitutional reasons under the first and fifth amendments.

Senator FERGUSON. Under the fifth amendment, I will sustain your objection.

Mr. MORRIS. Have you been a vice president of local 555 of the Teachers Union?

Mr. RIESS. I am really not sure about that. At the time of the shift from 537 to 555, there was a period when I was active. I am not sure whether, officially, I had a vice presidency or not.

Mr. MORRIS. Professor Riess, did you sign a statement that was published in the Daily Worker of March 30, 1943, upholding the action of the Soviet Union in eliminating Alter and Ehrlich, the Polish Socialist leaders in Poland?

Mr. RIESS. I don't recall whether I signed that statement as an individual or as president of the union at the time.

Mr. MORRIS. But you did sign it?

Mr. RIESS. I did sign it.

Senator FERGUSON. You were president of the union at that time?

Mr. RIESS. What was the date?

Mr. MORRIS. That was in 1943.

Mr. RIESS. I don't think I was, actually.

Mr. MORRIS. Anyway, it reflected your own sentiments, as well as official sentiments?

Mr. RIESS. Yes.

Mr. MORRIS. Did you sign an open letter to President Truman sponsored by the Joint Anti-Fascist Committee, in 1940?

Mr. RIESS. If that is a matter of record, I think I did.

Mr. MORRIS. Have you signed an appeal to dismiss the charges against Sam Darcy, the Communist leader, in 1940?

Mr. RIESS. I don't remember. It has been alleged that I have, but I have not checked. I don't recall having done so.

Mr. MORRIS. Were you a member of the Teachers' Non-Partisan Committee for the election of Isadore Begun?

Mr. RIESS. I was, and I would like to add that he was the only teacher candidate who ran for that position in the city. I felt that teachers ought to be represented, and I am glad that I had the opportunity to urge the election of a teacher.

Senator FERGUSON. Did you know at that time whether or not he was a Communist?

Mr. RIESS. I am not sure whether I did or not. That would have been completely irrelevant to the way I thought about his candidacy.

Senator FERGUSON. You thought that he would make a good representative for teachers?

Mr. RIESS. As a teacher.

Senator FERGUSON. Even though he was a Communist?

Mr. RIESS. Yes.

Senator FERGUSON. Is that right?

Mr. RIESS. Yes.

Mr. MORRIS. Do you know Isadore Begun personally?

Mr. RIESS. No.

Mr. MORRIS. You have never met the man?

Mr. RIESS. No.

Mr. MORRIS. Have you been a signer of a plea to the late President Roosevelt, sponsored by the Citizens Committee To Free Earl Browder?

Mr. RIESS. I did.

Mr. MORRIS. Have you been associated with the National Federation of Constitutional Liberties?

Mr. RIESS. I am not sure what you mean, "associated with."

Mr. MORRIS. There were two appeals sponsored by that organization and you signed both appeals. One was in connection with Sam Darcy in 1940 and there was another one, December 26, 1941. The subject of the petition I do not know.

Mr. RIESS. If you don't know the subject of the petition, I wouldn't know either. I would hate to answer on something we are not certain on.

Mr. MORRIS. Is it your testimony that you do not recall any activity by you on behalf of the National Federation of Constitutional Liberties?

Mr. RIESS. I don't recall such activity.

Mr. MORRIS. Have you been a member of the National Committee of International Labor Defense?

Mr. RIESS. I was elected by the executive board of local 537 to represent it on the committee.

Mr. MORRIS. Have you been a contributor to Science and Society, the Marxist publication?

Mr. RIESS. I have contributed book reviews and an article on instincts in the white rats.

Mr. MORRIS. Have you supported the National Council of the Arts, Sciences, and Professions?

Mr. RIESS. Supported them in what respect?

Senator FERGUSON. In any respect?

Mr. RIESS. Well, I don't want to—

Mr. MORRIS. Specifically, in 1949. Did you ever sign a petition of theirs?

Mr. RIESS. I don't remember. It could very well be.

Senator FERGUSON. What school are you teaching at now?

Mr. RIESS. Hunter College.

Senator FERGUSON. That is a municipal college?

Mr. RIESS. A municipal college.

Senator FERGUSON. Under the board of education?

Mr. RIESS. Board of higher education.

Senator FERGUSON. Are they calling in any of the teachers and asking them the question as to whether or not they are members of the Communist Party?

Mr. RIESS. Not that I know of. This matter came as a surprise to me.

Mr. MORRIS. Have you been a faculty adviser for American Youth for Democracy?

Mr. RIESS. Yes.

Mr. MORRIS. When did you act in that capacity?

Mr. RIESS. I don't recall; over a period of a few years.

Senator FERGUSON. Was that a Communist-front organization?

Mr. RIESS. I have heard it so called. It was a democratically run organization. Otherwise, I would not have become affiliated with it as faculty adviser.

Senator FERGUSON. While you were contributing to it or acting as you have indicated, did you know that it was claimed to be a Communist-front organization?

Mr. RISS. I think I probably did.

Senator FERGUSON. And notwithstanding that, as a professor of the school, you continued to act as you did, when its reputation was such that it was claimed to be a Communist organization?

Mr. RISS. May I answer that question?

Senator FERGUSON. Yes.

Mr. RISS. Senator Ferguson, we have a long-established principle of which we are very proud at Hunter College, that any organization may be chartered to exist among the students provided it does not advocate the violent overthrow of the Government or racial or religious intolerance. We also have a principle that no faculty adviser is in any way bound to accept the underlying philosophies or actions of the students he advises. Our job as faculty adviser is to see to it that the students conduct themselves in accordance with recognized codes of etiquette and that they satisfy the democratically expressed wishes of the membership.

Senator FERGUSON. Then if a Communist organization should spring up on the college campus, you would feel at Hunter College that it had a perfectly proper function there and could continue and you could be an adviser to it?

Mr. RISS. That is the history of Hunter College, of which I am quite proud.

Senator FERGUSON. So if it did not advocate specifically the overthrow by violence of the United States Government, or if it did not advocate bigotry in religion or race or color or creed, if it eliminated those propositions, then if it were Communist, it could flourish?

Mr. RISS. I believe these are the rules and regulations of the college.

Mr. MORRIS. Professor, is there anything necessarily inconsistent between a Communist-controlled organization and a democratically controlled organization?

Mr. RISS. I don't know what you would mean by a "Communist-controlled organization."

Mr. MORRIS. You used the expression a while ago.

Mr. RISS. I said if it were democratically controlled, which means that its actions are the result of the deliberations of its members.

Mr. MORRIS. If an organization is controlled by the Communist Party, such as you understand it, is there anything inconsistent with that position and the fact that it could be a democratically controlled organization?

Mr. RISS. I think a Communist-controlled organization can act democratically.

Mr. MORRIS. Do you think the Soviet Union is a democratically controlled country?

Mr. RISS. I am a psychologist. I know what I read.

Mr. MORRIS. What have you read?

Mr. RISS. I read the New York Tribune, New York Times.

Senator FERGUSON. What do you think from what you have read?

Mr. RISS. I don't think what I think is relevant, if I may say so, for the purposes for which I am here. I don't think that my opinion

about the Soviet Union has anything to do with communism in the schools.

Senator FERGUSON. You do not think so?

Mr. RIESS. No.

Mr. MORRIS. Have you ever used an alias, Professor?

Mr. RIESS. That again is one of those questions to which I would like to seek some protection in the first and fifth amendments.

Senator FERGUSON. Do you claim the fifth amendment on that?

Mr. RIESS. The first and fifth.

Senator FERGUSON. I will sustain it under the fifth amendment, that it may tend to incriminate you.

Mr. MORRIS. I have no further questions.

Senator FERGUSON. That is all.

Mr. MORRIS. The next witness will be Prof. Bernhard Stern.

TESTIMONY OF BERNHARD J. STERN, NEW YORK, N. Y.

Senator FERGUSON. You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STERN. Yes, sir.

Mr. MORRIS. Will you give your full name and address to the reporter?

Mr. STERN. Bernhard J. Stern.

Mr. MORRIS. What is your address?

Mr. STERN. 423 West One Hundred and Twentieth Street.

Mr. MORRIS. What is your present occupation?

Mr. STERN. Sociologist at Columbia University.

Mr. MORRIS. Are you a full professor?

Mr. STERN. Lecturer in the school of general studies.

Mr. MORRIS. Are you a member of the Teachers' Union?

Mr. STERN. I am a member of the Teachers' Union.

Mr. MORRIS. Professor Stern, have you ever in the past been a member of the Communist Party?

Mr. STERN. I refuse to answer that on the grounds of self-incrimination.

Senator FERGUSON. I will sustain the objection.

Mr. MORRIS. Have you ever used an alias?

Mr. STERN. I again must invoke the privilege of the fifth amendment.

Senator FERGUSON. I will sustain the objection, on the fifth amendment.

Mr. MORRIS. Have you ever used the name of Bennett Stevens, S-t-e-v-e-n-s?

Mr. STERN. I invoke the fifth amendment on that.

Senator FERGUSON. I sustain the objection.

Mr. MORRIS. Have you ever been a teacher at the Workers School under that name?

Mr. STERN. I invoke the fifth amendment.

Senator FERGUSON. I sustain the objection.

Mr. MORRIS. Mr. Stern, are you now a member of the Communist Party?

Mr. STERN. No.

Mr. MORRIS. Were you a member of the Communist Party a year ago?

Mr. STERN. No.

Mr. MORRIS. Were you a member of the Communist Party 5 years ago?

Mr. STERN. No.

Mr. MORRIS. Were you a member of the Communist Party 6 years ago?

Mr. STERN. I refuse to answer that on the grounds of incrimination. Senator FERGUSON. I will sustain his objection.

Mr. MORRIS. Did you in the summer of 1950 contribute to the publication *Science and Society*?

Mr. STERN. Would you be more specific? I write a great deal, and I am not certain.

Mr. MORRIS. Mr. Chairman, I have here a listing. Mr. Mandel, would you describe that particular item?

Mr. MANDEL. Mr. Bernhard J. Stern is listed as a contributor to a magazine called *Science and Society*.

Mr. MORRIS. Did you make up that list, Mr. Mandel?

Mr. MANDEL. I did.

Mr. STERN. It may well be.

Mr. MORRIS. Professor, I do not mean to argue with you.

Mr. STERN. I would have to see it.

Mr. MORRIS. I have here listed that you wrote for *Science and Society* in the summer of 1950, in the winter of 1951, in the spring of 1950 and in the spring of 1946. Does that square with your recollection of what you may have done?

Mr. STERN. I have contributed to *Science and Society*.

Mr. MORRIS. Since 1946?

Mr. STERN. Since 1946, yes.

Mr. MORRIS. As far as you know. You are not going to dispute Mr. Mandel's findings on that score?

Mr. STERN. Probably not, but I would like to see what I wrote.

Mr. MORRIS. Were you chairman of the editorial board in the summer of 1947?

Mr. STERN. Probably; I am not certain of the date.

Mr. MORRIS. You have been chairman of the editorial board?

Mr. STERN. I have been, yes.

Mr. MORRIS. To your knowledge, is *Science and Society* a Communist publication?

Mr. STERN. It is not.

Mr. MORRIS. It is not a Communist publication?

Mr. STERN. That is right.

Mr. MORRIS. To your knowledge do you know any persons associated with *Science and Society* who have been Communists?

Mr. STERN. To my knowledge, I don't know.

Mr. MORRIS. You do not know?

Mr. STERN. To my knowledge, no.

Mr. MORRIS. Do you know anybody presently associated with *Science and Society* who has been in the past a member of the Communist Party?

Mr. STERN. Not to my knowledge.

Senator FERGUSON. Do you believe that it is a violation of the code of ethics of the college teachers, the professional teaching, to answer the question that a person is not a Communist, as you have answered it?

Mr. STERN. I have not answered anything of that sort.

Senator FERGUSON. Yes; you said that you were not now a Communist.

Mr. STERN. But I didn't answer anything about the ethics.

Senator FERGUSON. No. But I am asking you whether or not it is a violation, in your opinion, of the code of ethics of the teachers profession to admit that you are not a Communist? I say, do you find in the code of ethics of the teaching profession, the college teachers, anything that would make it a violation of that code of ethics for a teacher to admit that he is not a Communist?

Mr. STERN. In answer to that question, I would say that these questions have had a very baneful influence on American academic life. They have destroyed the essence of academic freedom. They have created a sense of atrophy among those who fear that whatever creative ideas they may have might be labeled "Communist," and therefore the entire profession is aroused by the drive toward loyalty oaths, by the holding of these hearings.

Senator FERGUSON. This is not a question of loyalty oaths. This is a question of whether or not it is a violation, in your opinion, of the teachers' ethics, to admit that he is not a member of the Communist Party, or to say that you are not. You have answered it that way, that you are not now a member.

Mr. STERN. Well, it is clear then by the fact that I have answered it, that I do not regard it as a violation of my ethics; but on the other hand, I do want to say that the asking of that question by this committee of a member of the faculty of a private institution is clearly a very distressing development in American academic life.

Here we have the Government invading private institutions, and trying to determine what their faculty should think.

Senator FERGUSON. Where do you teach?

Mr. STERN. Columbia.

Senator FERGUSON. Is that a private institution?

Mr. STERN. I always have known it as such.

Senator FERGUSON. It gets no public funds?

Mr. STERN. I have no control of the funds of the university. I would assume it does, but, nevertheless, all of the private institutions have been particularly worried about accepting governmental funds on the grounds that the Federal and State Governments would interfere with their academic freedom.

Senator FERGUSON. Will you tell me this—whether or not you believe that a person who is a Communist and a member of the Communist Party would have what is known as academic freedom so that he could teach in public schools in the United States of America?

Mr. STERN. Well, I would answer somewhat along these lines, Senator. The motivations which cause people to enter the Communist Party are very varied. They may be humanitarian, they may be in terms of an attack on the discrimination against the Negro, or discrimination against the Jew, and they may feel, I would assume—I have heard many cases of this type, where people with very high moralistic motivations join the party with the feeling that they can serve best through this organization, and therefore it may be possible, and I think it is entirely possible for such individuals to belong to the Communist Party and at the same time be the very best of teachers. There are doctrinaire people in all organizations. There are also

people of flexible and creative minds, and it seems possible in all likelihood to me that such a situation occurs within the Communist Party.

Senator FERGUSON. Now, you have mentioned something that always comes up—that a person might enter because of bigotry, intolerance, and the other things that are to be abhorred, but isn't it true that under communistic principles in Russia, itself, that if you do not comply with the Communist Party line that as a rule you are liquidated or you are sent to a prison?

Now, how do these people that are against intolerance, how do they reconcile that with Communist principles?

Mr. STERN. I speak as an American, not in terms of the Soviet Union.

Senator FERGUSON. I want to know how they reconcile that?

Mr. STERN. You would have to ask the individuals.

Senator FERGUSON. Could you reconcile it?

Mr. STERN. You would have to ask the individuals.

Senator FERGUSON. Do you not agree that as far as real communism is concerned, you have to obey the Communist line or get out?

Mr. STERN. I don't understand what you mean by "real."

Senator FERGUSON. You know what I am talking about.

Mr. STERN. I wish you would elaborate.

Senator FERGUSON. Do you know what a Communist is? Do you know what they stand for?

Mr. STERN. I have heard a great variety of people attacked as Communists.

Senator FERGUSON. I am talking about those who are Communists.

Mr. STERN. Who is?

Senator FERGUSON. Well, say a person that admits that he is. He is adhering to the Communist principle. He is a member of the Communist Party.

Mr. STERN. What is your question, then?

Senator FERGUSON. Isn't it true that under their rules they must comply with those principles? They have no deviation right at all?

Mr. STERN. I am not acquainted fully with those rules, but I would say in the light of what I have seen, that there are very varied responses to rules. There are some people who, if such rules did exist—of which I am not too certain—there are people who do not follow such rules.

Senator FERGUSON. Now, you realize that today, under the Soviets, they do not have freedom of speech. Isn't that true?

Mr. STERN. I don't testify in relation to the Soviet Union.

Senator FERGUSON. But don't you know, as a matter of fact, as a teacher, of what you know about communism, that there is no such thing as freedom of speech in Russia today?

Mr. STERN. There is no freedom of speech as identified in our society, of that type, yes.

Senator FERGUSON. And there is no freedom of religion as identified in our society?

Mr. STERN. That is a much more controversial question, Senator. If I have read the documents in this material adequately—and I think I have—I think that there is considerable freedom of religion in the Soviet Union, in spite of all our propaganda to the contrary.

Senator FERGUSON. Do you say that they have a freedom such as we understand it in America?

Mr. STERN. No. That does not make it wrong, necessarily, of course, because there are many diversified attitudes in different parts of the world toward religion, and I don't accept the idea that because something is different it is necessarily in error.

Senator FERGUSON. Do you think that there is academic freedom among teachers in the Soviet Union, or the satellite nations?

Mr. STERN. That is a very grand question. The satellite question involves some diversified area.

Senator FERGUSON. Include the Soviet Union and Poland. In the institutions, in the schools, is there, in your opinion, academic freedom for the teacher?

Mr. STERN. Again this seems to me quite an irrelevant question.

Senator FERGUSON. I am trying to find out.

Mr. STERN. I don't see the purpose of the question.

Senator FERGUSON. If I did not believe that communism was a threat to the security of America, the penetration of Communists into the various forms of life of America, the institutions of learning and so forth, I would not be here.

I am trying to find out what the facts are about it, whether or not that is true.

Mr. STERN. My interest lies not in the academic freedom in the Soviet Union, but here, and I feel it is being periled.

Senator FERGUSON. There is certainly reason to believe that communism is a danger to American society. I want to know whether that is borne out by the facts?

Mr. STERN. The whole structure of the university system is different in the Soviet Union from here, the whole question of the relation of the scientists to his peers is different, as I understand it, so, using the term "academic freedom" using it in a broad way, seeking to apply our principles there, that is not a scientific analysis.

Senator FERGUSON. You do not think you can answer as to whether or not the teacher or scientist has academic freedom in Russia?

Mr. STERN. My answer is that as far as I know, the evidence, there is fully as much academic freedom in the Soviet Union as there is here at the present time, in the light of the loyalty oaths, in the light of the investigations of the various committees, in the light of the things that I have seen in the last few years in my teaching experience, the blanketing of the thought of the younger men because of the sentiment which has been aroused by the recent investigations.

Senator FERGUSON. Then you are of the opinion that they have a greater academic freedom at the present time in teaching in Russia than they have in America?

Mr. STERN. You have pressed me to this point: I say that this question is an extremely complicated one, involving the whole structure of the university system, the whole structure of the Academy of Sciences; that the question is oversimplified in a formula, and that was one that recognizes the process of educational relationship of men to their peers, and you have not done so in your question. And, your question, being oversimplified, has oversimplified the answer.

I would prefer to answer at great length, but we can't do that in terms of your question.

Mr. MORRIS. Have you ever been active in connection with the American Committee for Protection of Foreign Born in the last few years?

Mr. STERN. I have; yes.

Mr. MORRIS. Do you know that that organization has been listed by the Attorney General as a subversive organization?

Mr. STERN. The Attorney General's list is a private list prepared by the Attorney General.

Senator FERGUSON. It has been made public.

Mr. MORRIS. Do you know that, as a matter of fact, he has listed it?

Mr. STERN. It would be irrelevant.

Mr. MORRIS. It may be irrelevant. We are asking if you know it.

Mr. STERN. I have read it in the press, but, again, it is very difficult to know, because of the type of announcement, when an organization is listed and when it is not listed—the devices of publicizing such. I know that this organization has been under attack.

I would say, however, that the Attorney General's list is not recognized by the Supreme Court as having any validity at all.

Mr. MORRIS. Mr. Mandel, will you read that citation?

Mr. STERN. One more point is that I also know that the committee has done very noble work in relation to citizenship. It has brought hundreds and hundreds of people, giving them naturalization processes, and has performed a very noble service, it seems to me, to American life.

Mr. MORRIS. Do you have a citation regarding the committee?

Mr. MANDEL. The American Committee for Protection of Foreign Born was cited as subversive and Communist by Attorney General Tom Clark in a letter to the Loyalty Review Board, in his letter of June 1, 1948, and September 21, 1948.

Senator FERGUSON. Has it ever been stricken from the list?

Mr. MANDEL. No; it has not.

Mr. MORRIS. Mr. Chairman, I have a problem here. We are worried about time, and Mr. Mandel has compiled a list of an estimated 40 or 50 activities on the part of Professor Stern.

I would like to submit this list to him and at his leisure in the next week or so, could he let us know whether or not the activities represented on this list are true and accurate and then after he has given his comments one way or the other, may that be inserted in the report at this point?

Senator FERGUSON. Couldn't he look at it until we come back at 3 o'clock?

Mr. STERN. Under those conditions, would I be able to invoke the rights of the fifth amendment?

Senator FERGUSON. Oh, yes.

Mr. MORRIS. You can consult your attorney.

Mr. STERN. I have no attorney.

Senator FERGUSON. I am going to take care of your rights under the fifth amendment.

Mr. MORRIS. You are listed here as a sponsor of the Mother Bloor Association. I do not know whether you are or not.

Mr. STERN. I keep no records. Is this common practice?

Mr. MORRIS. We are doing this in all fairness to you. We do not want this in the record without your saying whether or not this is a fair list.

Senator FERGUSON. Or whether or not you claim the fifth amendment.

Mr. STERN. This really requires a lawyer's guidance.

Senator FERGUSON. I do not think so.

Mr. MORRIS. In the event we may want to call you on this, may we call you on this problem again?

Mr. STERN. Do you want me to submit this for the record?

Mr. MORRIS. Why don't you confer with counsel while we take one more witness?

We will call Mr. Heimlich.

TESTIMONY OF SIMON W. HEIMLICH, BLOOMFIELD, N. J., ACCOMPANIED BY HIS ATTORNEY, LEONARD B. BOUDIN

Senator FERGUSON. Raise your right hand, please.

You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HEIMLICH. I will.

Mr. MORRIS. Will you give your full name and address to the reporter?

Mr. HEIMLICH. Simon W. Heimlich, 130 Floyd Avenue, Bloomfield, N. J.

Mr. MORRIS. How do you spell your last name?

Mr. HEIMLICH. H-e-i-m-l-i-c-h.

Mr. MORRIS. What do you do, Mr. Heimlich?

Mr. HEIMLICH. I am a teacher.

Mr. MORRIS. Where do you teach?

Mr. HEIMLICH. At the College of Pharmacy at Rutgers University, New Jersey.

Mr. MORRIS. Where is that situated?

Mr. HEIMLICH. Newark.

Mr. MORRIS. The Rutgers University headquarters is in New Brunswick?

Mr. HEIMLICH. Yes; but this is one of the Newark colleges of the university.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Mr. HEIMLICH. I must decline to answer this question on the grounds of the privilege in the fifth amendment.

Senator FERGUSON. I will sustain the objection.

Mr. MORRIS. Have you ever been a recruiter and done recruiting work for American Youth for Democracy?

Mr. HEIMLICH. I must decline an answer for the reasons just given.

Senator FERGUSON. I will sustain the objection.

Mr. MORRIS. Are you active in the American Association of University Professors?

Mr. HEIMLICH. Yes, sir.

Mr. MORRIS. What are your activities in that organization?

Mr. HEIMLICH. I am president of the Rutgers Chapter of the Newark Colleges; in other words, the Newark Colleges Chapter of the AAUT, as it is commonly known.

Mr. MORRIS. Have you ever used an alias?

Mr. HEIMLICH. I must decline answering that question because of the privilege in the fifth amendment.

Senator FEROUSON. I will sustain the objection.

Mr. MORRIS. Are you presently a member of the Communist Party?

Mr. HEIMLICH. I must decline answering that for the same reasons.

Senator FEROUSON. I will sustain the objection.

Mr. MORRIS. I have no further questions.

Senator FEROUSON. That is all.

FURTHER TESTIMONY OF BERNHARD J. STERN

(The witness returned to the committee table with a list which had been provided him at his earlier appearance to determine his affiliations with various organizations.)

Mr. MORRIS. Professor Stern.

Mr. STERN. After consulting counsel, I decline to answer this on the grounds of the fifth amendment.

Senator FEROUSON. Sustained.

Mr. MORRIS. May the list be put into the record?

Senator FEROUSON. Yes.

(The list referred to was marked "Exhibit No. 28" and is as follows:)

EXHIBIT No. 28

NEW YORK 27, N. Y., October 1, 1952.

Senator HOMER FEROUSON,

*Subcommittee on Internal Security of the
Senate Committee on the Judiciary,
Senate Office Building, Washington, D. C.*

DEAR SENATOR FEROUSON. At the conclusion of my testimony before your subcommittee on September 24, 1952, I was given a typewritten list of organizations and events and was asked to report to you in writing whether I had been or was associated with them. I found upon examination that there were actually two separate lists, one single-spaced captioned "Bernard J. Stern" and the other double-spaced captioned "Stern, Bernhard J. (Dr.*)" and that they were in some respects repetitious. I am combining them in the following statement without regard to the opening and concluding notations on the double-spaced list, to the references to sources, and to inadequacies or other faults in particular items.

My testimony is as follows:

As you know and as the record of the hearing will reflect in my appearance before the subcommittee on September 24, 1952, I answered questions as to my affiliations, activities, knowledge, opinions, and similar matters during the last 5-year period but claimed the privilege under the fifth amendment as to all such questions relating to all times prior to that period. Therefore as to these lists:

1. I rest upon my privilege under the fifth amendment for any organization and event prior to the 5-year period, and I claim the same right for all undated items.

2. During the past 5-year period, my answer is in the affirmative as to the following items on the lists:

Opposed loyalty oath at the University of California

Educators for Wallace

Writers for Wallace

African Aid Committee

Open letter to President Truman urging recognition of the People's Republic of China released by Chicago Faculty-Graduate Committee for Peace.

Committee for a Democratic Far Eastern Policy

Physicians Forum

National Council of the Arts, Sciences, and Professions (all items)

Open letter opposing Hobbs bill

Open letter to Senators and Congressmen denouncing McCarran Act

Of the item, "Defense of Communist schools" I have no knowledge. However, on the date given, April 7, 1948, or thereabouts I signed a "Statement of American Educators" which expressed belief in the constitutional right of independent educational institutions to teach Marxism.

I have no present recollection of: Voice of Freedom Committee, World Congress for Peace, and the Bill of Rights Conference.

3. As to Science and Society, American Committee for the Protection of the Foreign Born, and Soviet Russia Today, the items cover both the 5-year period and the period prior thereto. As to the items in the former group, my answer is in the affirmative. As to items in the latter group I claim the privilege under the fifth amendment.

I am returning the list herewith.

Very truly yours,

BERNHARD J. STERN.

Mother Bloor Celebration Committee; Sponsor; Booklet, back cover, 1937.
 Science & Society; Contributor; Summer 1950, page 285; Winter 1951, page 74; Spring 1950, page 122; Spring 1946, page 172; Winter 1948-49; Spring 1933; Spring 1944, editor; Fall 1943, page 289; Spring 1943, page 67; Fall 1949, page 461; Winter 1937, page 3; Spring 1949, page 130; Winter 1948, page 42; Summer 1947, page 281; Chairman, Editorial Board, Summer 1947 inside cover; Summer 1948, page 202; Spring 1948 inside cover.
 Soviet Russia Today; Contributor; September 1948; May 1933, page 24; June 1947, page 22; March 1948, page 22.
 Understanding the Russians (book); Coeditor.
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 Writer of Report for National Resources Commission; Daily Worker, August 9, 1937, page 7.
 National Wartime Conference of the Professions, the Sciences, the Arts, the White-Collar Fields; Sponsor; Program, May 8, 1943.
 American-Soviet Science Society; Member, executive committee; Letterhead, April 15, 1946.
 Anti-Nazi Federation of New York; Supporter; Letterhead undated.
 Arts, Sciences, and Professions Council; Sponsor, Pepper Dinner; Program, October 12, 1947.
 Book Union, Inc.; Member, advisory council; Letterhead undated.
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- Citizens Committee to Free Earl Browder; Signer of appeal; Daily Worker, March 13, 1942, page 1.
- Committee for Citizenship Rights; Endorser; Letterhead, January 10, 1942.
- Conference on Pan American Democracy; Delegate; Letterhead, November 10, 1938.
- Committee for a Democratic Far Eastern Policy; Sponsor; Program, January 23, 1948.
- Congress of American Revolutionary Writers; Signer of call; Daily Worker, January 18, 1933, page 5.
- Conference on Pan American Democracy; Signer of Open Letter for Luis Carlos Prestes, Brazilian Communist; New Masses, December 3, 1940, page 28.
- Defense of Communist schools; Signer of petition; April 7, 1948.
- Educators for Wallace; Member, Pamphlet, October 1948.
- Federation of Architects, Chemists, and Technicians; Contributing editor; Technical America, appendix IX, page 707.
- Fight (American League Against War and Fascism); Contributor; Issue of April 1934, page 12.
- International Labor Defense; Member, Prisoners Relief Fund; Leaflet.
- League of American Writers; Signer of Call to 1941 Congress.
- African Aid Committee; Sponsor; Letterhead, January 20, 1950.
- American Committee for Struggle Against War; Member; Letterhead, June 3, 1933; Struggle Against War, October 1933.
- American League for Peace and Democracy; Delegate to Amsterdam Congress; Official pamphlet; Sponsor; Daily Worker, January 11, 1938, page 2.
- National Council of the Arts, Sciences, and Professions; Endorser; Program November 10, 1951; Sponsor; Official list, March 25, 1949; Signer of statement; Daily Worker, June 20, 1951, page 8.
- May Day Greetings (Worker Apr. 27, 1947, p. 18).
- Sponsor, World Congress for Peace, Paris, 1949.
- Picture appeared in Daily Worker of February 10, 1941, page 4, with Silas Stone, Walters Union Local 1; George Brown, vice president of the Hotel and Restaurant Employees; and Mark Lauter of the N.I.H., at Conference on Legislation for Democracy, Hotel Edison, New York. The Conference was arranged by the New York Conference for Inalienable Rights.
- Contributor to Book League of America.
- Prisoners Relief Fund, 1931.
- Instructor, New School for Social Research 1931-37.
- Signer, Anti-Imperialistic League Against United States Aid to Japan Against China, 1932.
- National Committee to Aid Striking Miners Fighting Starvation, 1932.
- American Committee for Struggle Against War, 1933.
- National Committee, Defense of Political Prisoners, 1933.
- Supporter, National Committee to Aid Victims of German Fascism, 1934.
- Contributed article "Nazi Race Theories" to FIGHT, April 1934, page 13.
- Advisory Council, Book Union, 1935.
- The League For Southern Labor (1935-36).
- Advisory Board, American Committee for Protection of Foreign Born, 1936.
- Contributor, New Masses, 1936.
- Writer of Communist Pamphlet Published by International Publishers, Dies Hearings, page 4929.
- Signer, letter supporting Soviet Union, 1937.
- Sponsor, Mother Bloor Celebration, 1937.
- Signer, A Statement by American Progressives on the Moscow Trials (Daily Worker April 23, 1938).
- Defender of Moscow Purge Trials, 1938.
- Signer, Open Letter Calling for close cooperation with Soviet Union, 1939.
- Writer under name of Bennett Stevens for International Publishers, Poster of Communists in CIO.
- Statement on Anti-Semitism, We Hold These Truths.
- League of American Writers, 1939.
- Statement against Franco and Fascism.
- Chairman, Publicity Committee, Washington Board, American League for Peace and Democracy, 1939.
- Signer appeal urging dismissal of charges against Sam Darcy (Daily Worker, December 19, 1940, p. 7).
- Signer Open Letter to the President of Brazil, released by Council for Pan-American Democracy, appealing for freedom of Luis Carlos Prestes, 1940.

- Sponsoring Committee, Franz Boas Testimonial Dinner, 1941.
- Sponsor, Fifth National Conference, American Committee for Protection of Foreign Born, 1941.
- Signer, statement issued by Committee for Citizenship Rights in Defense of William Schneiderman, 1941.
- Signer, statement urging President and Congress to defend rights of Communist Party (Daily Worker, March 5, 1941).
- Speaker, New York State Conference on Legislation for Democracy sponsored by Conference on Inalienable Rights (Daily Worker, February 5, 1941). Lecturer, School for Democracy, 1942.
- Appealed to President Roosevelt for release of Earl Browder (Daily Worker, March 13, 1942, p. 1).
- Sponsor, American Committee for Protection of Foreign Born, 1942.
- Sponsor, Tenth Anniversary National Conference, American Committee for Protection of Foreign Born, 1943.
- Signer, statement issued by Citizens' Committee of the Upper West Side Opposing Anti-Soviet Propaganda (Daily Worker, July 4, 1943, p. 7).
- Speaker, League for Fair Play, 1945-46.
- Sponsor, Statue of Liberty Anniversary Dinner, Auspices American Committee for Protection of Foreign Born, 1948.
- Sponsor, Committee for a Democratic Far Eastern Policy, 1947.
- Editor, Science and Society (Daily Worker, January 23, 1947, p. 8).
- Report on California Committee, 1947.
- Sponsor, American Committee for Protection of Foreign Born, 1948.
- Signer, letter to President Roosevelt protesting attacks upon Veterans of Abraham Lincoln Brigade (Daily Worker, February 21, 1940, p. 4).
- Sponsor, American Committee for Protection of Foreign Born, 1948.
- Demanded abolition of Dies Committee (Daily Worker, February 9, 1943, p. 6).
- Signer, statement denouncing trial and sentencing of French Communist Deputies (Daily Worker, April 17, 1940, p. 4).
- Writer, for Wallace, 1948.
- Requested that Un-American Activities Committee be abolished (Statement released by National Council of Arts, Sciences, and Professions (Daily Worker, December 20, 1948, p. 2).
- Sponsor, African Aid Committee, 1949.
- Sponsor, Bill of Rights Conference, New York, 1949.
- Opposed loyalty oath at the University of California (Daily Worker, October 10, 1949, p. 2).
- Signer, letter released by American Committee for Protection of Foreign Born protesting announcement of Department of Justice that it will void citizenship of 1,000 naturalized Americans (Daily Worker, August 10, 1950, p. 5).
- Signer, appeal for close cooperation with Soviet Union in behalf of world peace (Daily Worker, August 14, 1939, p. 2).
- Signer, open letter opposing Hobbs Bill (providing for detention of aliens whose deportation cannot be effected) (Daily Worker, July 25, 1950, p. 4).
- Signer, open letter to Senators and Congressmen denouncing McCarran Act, 1951.
- Signer, open letter to President Truman urging recognition of People's Republic of China released by Chicago Faculty-Graduate Committee for Peace (Daily Worker, March 5, 1951, p. 4).

Mr. STERN. Some of these questions I would be very glad to answer. I would have to study, but I wouldn't want to take it.

Senator FEROUXON. Take it and come back at 3 o'clock, and we will ask you the questions.

Mr. STERN. All right.

Mr. MORRIS. If you would want a longer time than that to prepare, you may have it.

Senator FEROUXON. We will recess, then, until 3 o'clock. We have some matters for executive session at 3 o'clock, so the open session will be held at 3:30 o'clock.

Whereupon, at 12:25 p. m., the hearing was recessed, to reconvene at 3:30 p. m. of the same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 4 p. m., at the expiration of the executive session.)

Senator FERGUSON. The committee is in session. You may call the first witness.

Mr. MORRIS. I think we had Professor Stern on the stand, Senator, when we adjourned.

Senator FERGUSON. He was going to look at a memorandum, and decide what he would claim privilege on.

TESTIMONY OF BERNHARD J. STERN—Resumed

Senator FERGUSON. Professor Stern, you have looked over that memorandum of those particular activities?

Mr. STERN. Yes; I have studied it during recess, and I find it too complicated to handle in this brief space and want to take advantage of your previous offer to study it further.

Senator FERGUSON. Are you at liberty now to answer some of them?

Mr. STERN. No; I mean some are correct, some are incorrect; some are partially correct, and it is very difficult. There are some repetitions, and it would be very difficult to handle it at this point.

Senator FERGUSON. When would you have those ready for us?

Mr. STERN. What time would you wish? You said 10, 15 days before.

Senator FERGUSON. Ten days would be all right, under the situation.

Mr. MORRIS. Will you leave your home telephone number?

Mr. STERN. Monument 2-9408.

Senator FERGUSON. It will be considered as part of the record. Your answers in writing under oath will be considered as part of the record. This oath still applies, so that when it becomes part of the official record, we will understand that.

Mr. STERN. Yes, involving all the privileges.

Senator FERGUSON. That is right, when you claim the fifth amendment.

Mr. STERN. Monument 2-9408.

Mr. MORRIS. Mr. Mandel, will you identify those documents?

Mr. MANDEL. This is a letter to Mr. Robert Morris, dated September 23, 1952, from Mr. James C. Quinn, secretary of the Trades Council of Greater New York City, enclosing a recommendation of its executive board from the minutes of March 14, 1938, which suspended the teachers union, local No. 5. I offer that for the record.

Senator FERGUSON. It will be received as part of the record.

(The resolution referred to was marked "Exhibit No. 29" and is as follows:)

EXHIBIT No. 20

CENTRAL TRADES AND LABOR COUNCIL
OF GREATER NEW YORK AND VICINITY,
New York, N. Y., September 23, 1952.

Mr. ROBERT MORRIS,
Special Counsel, Senate Internal Security Subcommittee,
40 Exchange Place, New York 6, N. Y.

DEAR SIR: In reply to your communication of the 18th instant, we are enclosing copy of excerpt from the minutes of our executive board meeting of March 14, 1938, relative to the suspension of Teachers Union No. 5.

Very truly yours,

JAMES C. QUINN, Secretary.

RECOMMENDATION OF EXECUTIVE BOARD

In view of the actions of Teachers Union No. 5, in attempting to interfere with the functions of the Central Trades and Labor Council of Greater New York and Vicinity, the duly chartered branch of the American Federation of Labor, that their delegates to the central body be suspended until such time as Teachers Union No. 5 will conform to the policies of the American Federation of Labor as provided for in the law governing central bodies.

Mr. MANDEL. The second is the resolution expelling the United Public Workers, a resolution of the CIO executive board, dated February 15, 1950.

Senator FERGUSON. That will be received as part of the record.

(The resolution referred to was marked "Exhibit No. 30" and appears as a part of appendix III, p. 322).

Mr. MORRIS. There is one other thing, Senator. A question has come up from time to time as to how a Communist comports himself in the classroom and to what extent a Communist has an obligation to his party to infiltrate and influence the minds of children.

The New York State Legislative Committee, referred to here as the Rapp-Coudert, has devoted a chapter in large print, 30 pages, to that. Will you take that as part of the record?

Senator FERGUSON. I will take it with the understanding that it is only a finding by a committee. Are you offering any substantiating data?

Mr. MORRIS. It is made up from excerpts from official Communist Party pamphlets.

Senator FERGUSON. It will be received for what it is, and to the extent that it is made up from a Communist Party record it will indicate what it is.

Mr. MANDEL. Chapter III, pages 144 to 176.

(The chapter referred to was marked "Exhibit No. 31" and appears as appendix VII, p. 373).

Mr. MORRIS. Randolph Smith is the next witness.

**TESTIMONY OF RANDOLPH BELMONT SMITH, NEW YORK 11, N. Y.,
ACCOMPANIED BY HIS ATTORNEY, HARRINGTON HARLOW**

Senator FERGUSON. You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMITH. I do.

Mr. MORRIS. Would you give your full name to the reporter, Dr. Smith?

Mr. SMITH. Randolph Belmont Smith.

Mr. MORRIS. What is your present address?

Mr. SMITH. 20 Washington Square West, New York 11.

Mr. MORRIS. What is your occupation, Dr. Smith?

Mr. SMITH. I am director of the Little Red Schoolhouse.

Mr. MORRIS. What is the official name of the Little Red Schoolhouse?

Mr. SMITH. Little Red Schoolhouse, Inc.

Mr. MORRIS. Is there a high school attached to that?

Mr. SMITH. Yes.

Mr. MORRIS. What is the high school?

Mr. SMITH. Elisabeth, E-l-i-s-a-b-e-t-h, Irwin, I-r-w-i-n.

Senator FERGUSON. It is a private school and not part of the public schools?

Mr. SMITH. Since 1932 it has been a private school. From 1921 to 1932 it was an experimental program in the New York City public schools.

Mr. MORRIS. Is Adele Lithauer a teacher on your staff?

Mr. SMITH. Yes.

Mr. MORRIS. And you knew that Adele Lithauer testified here this morning?

Mr. SMITH. Yes.

Mr. MORRIS. Have you jurisdiction over the high school as well as the elementary school?

Mr. SMITH. Yes.

Mr. MORRIS. You are the director of both divisions?

Mr. SMITH. Yes.

Mr. MORRIS. Dr. Smith, have you ever been a member of the Communist Party?

Mr. SMITH. Through the accident of my birth I happened to be born in a town halfway between Concord and Lexington. In fact, there used to be a tavern with a sign, "Here is where Paul Revere would have stopped if he had come this way."

Senator FERGUSON. I am afraid that I cannot accept that as the reason. The sign on the tavern could not be a reason.

Mr. SMITH. I have only begun to answer, if I may.

Senator FERGUSON. What is your legal reason for not answering the question, if you have one?

Mr. SMITH. My legal reason is that I have a profound respect—I think partly because of that nurture and because of the inspiration of the founding fathers of our country, that says essentially that the Constitution of the United States is something that is inviolate. The Constitution of the United States and the Bill of Rights guarantees certain protections to American citizens. Those protections, the founding fathers, with great wisdom and unusual foresight, established as the foundations of our legal system, guaranteeing rights of conscience, freedom of thought, freedom of assembly, other essential guaranties of that kind. They mean a great deal to me.

For that reason I feel that an inquiry of this kind into the beliefs and opinions and thoughts of American citizens, particularly with the implication of guilt, is in violation of the Constitution of the United States.

Senator FERGUSON. You will answer the question.

Mr. SMITH. Then I would invoke my rights under the amendments of the Constitution, declining to answer the question. I think it would be in violation of the Constitution. I would invoke both the first and fifth amendments.

Senator FERGUSON. Under the fifth amendment, you need not answer.

Mr. MORRIS. That is on the ground that your answer will incriminate?

Mr. SMITH. Just a minute, Senator. Does that mean that a responsible committee of the Senate declares that the American people have no legal protection under the first amendment of the Constitution?

Senator FERGUSON. I did not say that at all.

Mr. SMITH. It seems the founding fathers—

Senator FERGUSON. I merely said that I could not allow you not to answer this question on any grounds mentioned in the first amendment. I do recognize the fifth amendment, which says that you do not have to testify against yourself, as being a shield, and therefore you can raise it, and I have given you the privilege of not answering the question, because I have taken it that you sincerely have raised that question. Your conscience dictated that and I gave you the benefit of that, but this has nothing to do with the freedom of thought, the freedom of speech, assembly, freedom of religion.

I want to ask you a question.

Do you think that a member of the Communist Party is permitted freedom of thought from the Communists?

Mr. SMITH. I think again that is an inquiry into my attitudes, beliefs, convictions, which has in it the imputation of guilt.

Here is a Senate committee, as I understand it—

Senator FERGUSON. I am trying to find out now if you know something about communism. You are connected with a school. Is that not right?

Mr. SMITH. Yes.

Senator FERGUSON. You have teachers under you?

Mr. SMITH. Yes.

Senator FERGUSON. We are concerned with the internal security, the real security, of the United States of America. If there are people spawning plots, outside of the United States, to destroy us from without, or if there are people within our borders, spawning plots to destroy us from within, by force and violence, the United States Congress, the whole Government of the United States is interested in that, and I would not be carrying out my sworn duties as a Senator from the State of Michigan and as a member of this Judiciary Committee, to not go into the question of the security of the United States of America in this month of September 1952.

Mr. SMITH. Well, I think we are all very much concerned.

Senator FERGUSON. I feel sincerely about that, and I think that the youth, what is being taught to our youth concerns us as to our security in the future and you are a director in a school. You have children under you, and teachers. As a former principal of schools, and as a teacher in schools, I think I know something about the influence that people have as such a principal or director or teacher, and I wish that we could get help on this internal security problem, and I do not know of anybody who could give it any better than you, as a man interested in private schools, as well as in public schools.

Mr. SMITH. Well, believe me sincerely, Senator, I am myself very vitally concerned with the problem of internal security and I feel that in my 30 years as a teacher, in all of my relationships with students and staff members and parents, that I have been concerned with that problem and also in my life as a citizen.

I think one of the great moral responsibilities that a teacher has is to keep alive and sustain and enrich in every way possible the natural curiosity of children. I think that the privilege that all children in America ought to have is the opportunity to work with teachers, adults, parents, whom they can rely upon for the sincerity of their efforts to answer with as much frankness and honesty as possible, all of their sincere questions.

If we violate that, then we have violated and really prostituted the basic essentials of the educative process.

Senator FERGUSON. Now, in your occupation, wouldn't you like to know whether or not people are members of the German-American Bund or the Communist Party?

Mr. SMITH. I think we would be very much concerned as we always have been in our schools, with the quality of human beings who are working with our children in terms of their skill as teachers, in terms of their devotion to children, in terms of their integrity as people, in terms of their devotion to principles of democracy, and the best welfare of the American people.

I think we would have questions of anyone of whatever stamp, if we could not rely on those basic essentials.

On the other hand, I think we do feel that there is a tremendous job for teachers to do in helping to inculcate in the young the great heritage of America and of carrying those obligations into the community to really strengthen the fabric of democracy at every point.

Senator FERGUSON. Are you not interested, then, in whether or not they are Communists?

Mr. SMITH. We have never inquired into the political beliefs of teachers, because we feel that that is in violation, as I tried to indicate earlier, of the basic cornerstones of our American democracy.

Senator FERGUSON. I see.

So you believe, then, with your knowledge of communism, that a Communist could have academic freedom to properly teach in our schools?

Mr. SMITH. No; I haven't said that, and I didn't mean to make any implication.

Senator FERGUSON. Then if you are not concerned with whether or not they are Communists—I thought you said you never went into that problem.

Mr. SMITH. We are concerned with their work with children in the classrooms. We feel that teachers are entitled to the same rights and privileges that any citizen is. They cannot violate any privileges that any citizen cannot violate.

Senator FERGUSON. Are you familiar with the Communist line and Communist philosophy?

Mr. SMITH. I have no hesitation in answering: I don't consider myself an expert on the subject at all. On the other hand, I am reluctant to answer, because I think this is an exploration of my political beliefs, which I regard as a direct violation of the guaranties of our Bill of Rights.

Senator FERGUSON. I am trying to find out, Doctor, whether or not, since you are not concerned that people are Communists, you would recognize Communist teachings if you saw them. That was the purpose of the last question. You say it all depends on what they teach in a school. As a teacher, as a man who has charge of a school, what do you say about whether you would recognize Communist teachings of a class? Do you think you would?

Mr. SMITH. I think very likely I would, if there were any direct inculcation of Communist doctrine, but I think that is very different from saying that there can't be any discussion of such problems. In fact, my basic thesis would be, whether we like communism or whether we don't like communism, that the moral responsibility that we have

is to explore honestly and frankly any problem which concerns the minds of children and the minds of men.

Senator FERGUSON. I do not think that there is any objection to teaching about communism. It is about like teaching criminal law to a law class. The only thing is that the custom is not to use the criminals to teach it. So, in teaching about communism, I do not think in America, that we ought to use the Communists to teach it. There ought to be somebody who sees both sides, in viewing these things, to teach it.

Don't you think a Communist is so controlled that he would slant his teaching?

Mr. SMITH. I have to say that I am not sufficiently expert on that problem. I know there has been that implication.

Senator FERGUSON. At least you are not looking for it at the Little Red Schoolhouse, for that slant? You have not been looking for it?

Mr. SMITH. We have not been looking for it and we haven't been looking against it.

Mr. MORRIS. Have you ever attended a Communist Party meeting, Dr. Smith?

Mr. SMITH. I would have to decline on my political beliefs, to answer.

Mr. MORRIS. Have you ever had training in Communist Party ideology?

Mr. SMITH. I think it is obvious I would have to decline on the principles which I have mentioned.

Senator FERGUSON. I will sustain it on the fifth amendment.

Mr. MORRIS. Have you ever used an alias at any time?

Mr. SMITH. Again I must answer in the same terms.

Mr. MORRIS. Dr. Smith, how many members of your faculty are there?

Mr. SMITH. About 40. I would have to add them all up, including the part and full-time teaching faculty and the administrative staff.

Mr. MORRIS. Of those, how many are members of the Teachers' Union?

Mr. SMITH. I wouldn't know, offhand. I would say it's a majority of the staff, but, oh, perhaps a small majority.

Senator FERGUSON. Do many of the teachers send their sons and daughters to the Little Red School?

Mr. SMITH. You mean public-school teachers?

Mr. FERGUSON. Yes.

Mr. SMITH. We have quite a large number of public-school teachers who do, which I think, if I may interject this, is a rather extraordinary commentary. We are a private school, but essentially we don't believe in private education. We believe in a democracy the main scheme of education has to be public education.

Senator FERGUSON. What do you charge for tuition?

Mr. SMITH. In the elementary school our tuition—that includes from 4-year-old group to the sixth grade—we charge annual tuition of \$425 for the year.

In the high school it is \$575; in the 6 years of the high school.

Mr. MORRIS. Dr. Smith, when you say that you try to run a private school along the lines of a public school, is that what you testified before?

Mr. SMITH. To the extent that we can. You see, our heritage was in the public schools. We tried to make a contribution to the improvement of the public schools, and would, no doubt, have continued there except for the depression.

The school, during those years, had been supported by the Public Education Association, which perhaps, as you know, is the citizens group here in New York, and during the depression the Public Education Association could not continue its financing. The Board of Education was in no position to incorporate this school, so it was quietly fading out of the picture, except for the fact that parents who had their children in the Little Red Schoolhouse, as this part of Public School 41 was called, couldn't see that happen.

So we are a private school, by accident rather than intent.

Mr. MORRIS. Do you get any money from the Government to support your school?

Mr. SMITH. No.

Senator FERGUSON. You never have had any Federal money?

Mr. SMITH. No.

Mr. MORRIS. Dr. Smith, I wonder if you would give to the committee a syllabus, showing the courses and the teachers who give the courses?

Mr. SMITH. We don't operate that way, so we wouldn't have a syllabus.

Mr. MORRIS. Will you make one for the committee?

Mr. SMITH. Our educational procedures don't operate that way, so that would be difficult to do. I could give you our descriptive booklets on our activities.

Senator FERGUSON. Isn't one of the things that you pride yourself on, the number of teachers in the public schools who send children to your school?

Mr. SMITH. I don't think we look on that as a matter of pride. It is a rather strange fact that here in the greatest city in a great public school system, that teachers who work in the public school, that many of them should be ready to pay \$400 or \$500 to a private school. I don't think we are happy. Quite the opposite. We would prefer to have a public school system where every citizen would take pride.

Senator FERGUSON. Do you know how many teachers have children who are attending?

Mr. SMITH. I am not quite sure I understand that question.

Senator FERGUSON. Children of school teachers.

Mr. SMITH. It would be the wildest guess. We have some 375 families. Perhaps 50 to 75 might be. I would like you to understand that that is a guess.

Mr. MORRIS. Most of those are members of the Teachers' Union?

Mr. SMITH. I would have no knowledge of that.

Mr. MORRIS. You know that some of them are members of the Teachers' Union?

Mr. SMITH. Some would be, I am sure.

Mr. MORRIS. Dr. Smith, has a Communist meeting ever been held in your school?

Mr. SMITH. Not as far as I know.

Mr. MORRIS. There has been no meeting of a Communist group in your school?

Mr. SMITH. Not as far as I am aware.

Mr. MORRIS. I think that is all.

Senator FERGUSON. That is all.

Mr. MORRIS. You will give us the information, to the best of your ability?

Mr. SMITH. I will be glad to send it. We have descriptive booklets.

Mr. MORRIS. That will show the teachers, and what they teach?

Mr. SMITH. I can add that, as a supplement.

Mr. MORRIS. Please do.

Mr. HARLOW. Would you want that mailed?

Mr. MORRIS. You can mail it to the Senator or to me.

The next witness will be Professor Slochower.

TESTIMONY OF HARRY SLOCHOWER, BROOKLYN 26, N. Y., ACCOMPANIED BY HIS ATTORNEY, ROYAL W. FRANCE

Senator FERGUSON. Raise your right hand, Doctor.

You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SLOCHOWER. I do, sir.

Mr. MORRIS. Will you give your full name and address to the reporter, please?

Mr. SLOCHOWER. My name is Harry Slochower, S-l-o-c-h-o-w-e-r, and I live at 221 East Eighteenth Street, Brooklyn 26, N. Y.

Mr. MORRIS. What do you do, Mr. Slochower?

Mr. SLOCHOWER. You mean: What is my occupation?

Mr. MORRIS. What is your occupation?

Mr. SLOCHOWER. I teach and write and lecture.

Mr. MORRIS. What do you teach?

Mr. SLOCHOWER. I am officially in the department of German, but it so happens that various developments within the college, that most of my courses are in comparative literature, and world literature.

Mr. MORRIS. Are you a full professor?

Mr. SLOCHOWER. I was hoping to become one next year, but what this will do to that chance, I don't know. As a matter of fact, yesterday morning I was asked to hand in some data on my contributions to publications. That was yesterday morning. They didn't know about the subpoena and I didn't tell them, because I was hoping that they wouldn't know. The very fact of the hearings, the very mention of the name in this type of thing—you are aware of it, Senator—is enough to indict one. You have only to be accused, then you are guilty. First comes the verdict and then comes the trial.

Senator FERGUSON. That has been a very fine speech on your part. In other words, you are criticizing this committee for trying to look into the question of the internal security of the United States of America?

Mr. SLOCHOWER. No, sir.

Senator FERGUSON. Let us proceed along the line of getting the facts.

Mr. SLOCHOWER. No, sir; I am not. May I say something about your allegation?

Senator FERGUSON. I, of course, heard what you had to say, and now you may start the examination.

Mr. MORRIS. Were you mentioned in the 1940-41 hearings, or identified in the hearings of the New York legislative committee, as a Communist?

Mr. SLOCHOWER. I wasn't present there when the testimony was given, but I was told that one of my colleagues by the name of Bernard Grebanier had mentioned the fact that I was, had been, or was a member of the Communist Party.

Mr. MORRIS. Were you called in as a witness in that inquiry?

Mr. SLOCHOWER. You mean before the Rapp-Coudert? Oh, yes—twice. Once it was a meeting with—well, yes; there was an investigation. It was a private hearing, though. It never became public.

Mr. MORRIS. Were you at that time a member of the Communist Party?

Mr. SLOCHOWER. Well now, Mr. MORRIS, if you allow me to answer this question fully, I will have to begin with a literary allusion.

Mr. MORRIS. Well, it calls for a "yes" or "no" answer, unless you want to invoke some kind of privilege.

Mr. SLOCHOWER. This is a very serious matter and I think you ought to allow me a little leeway. I beg your indulgence.

Senator FERGUSON. I might ask this: Are you going to answer the question?

Mr. SLOCHOWER. I am going to answer, in my way.

Senator FERGUSON. That is what I mean. You are going to answer the question?

Mr. SLOCHOWER. I am going to answer in my way; yes. I am going to communicate to you with respect to the question which you put.

Senator FERGUSON. As to whether or not you ever were a Communist?

Mr. MORRIS. The question is whether or not you were at that time when you were investigated in another investigation, and I would like to know whether or not you were at that time a member of the Communist Party.

Mr. SLOCHOWER. I understand the question, and I would like to answer in my own way.

Chances are that Senator Ferguson and the others are acquainted with a famous novel called *The Trial*.

Senator FERGUSON. Has that anything to do with your answer?

Mr. SLOCHOWER. It has a lot.

In that novel there is a character who is accused by somebody of something he did not know what it was, and for the rest of his life is investigated and reinvestigated until the end, when they starved him to death. I was asked in 1940 or 1941—I have forgotten the date—this question which you are asking me again.

Since 1940, 12 years, this question has been asked again and again—by the Rapp-Coudert, by the board and faculty and so on, and I have had 12 years of the utmost difficulty of living, in trying to live down the accusation that was made.

Senator FERGUSON. Have you ever answered that question?

Mr. SLOCHOWER. Yes; I did answer it.

Senator FERGUSON. Go ahead and answer it now.

Mr. SLOCHOWER. I want you to understand the difficulty of facing the prospect of answering this question for the rest of your life. Is it original sin? Once somebody has accused you, you are guilty for the rest of your life?

Mr. MORRIS. What is your answer?

Mr. SLOCHOWER. I am not a member of the Communist Party.

Mr. MORRIS. That is not the question: Were you at the time you are referring to, when you state some charge was made against you, were you at that time a member of the Community Party?

Mr. SLOCHOWER. I hope that the time is coming when the higher courts are going to declare that a question of this sort is in violation of those traditions of America which I have learned to cherish.

I came here as an immigrant and I came from a country which knew oppression. I have the hope and expectation that the higher courts will declare that this question is not proper. I should like to protest on that basis of the first amendment.

Senator FERGUSON. I cannot recognize the first amendment, as a lawyer and a member of the United States Senate. I cannot allow you to invoke that as a reason.

Mr. SLOCHOWER. There is a possibility that the high courts might reverse you.

Senator FERGUSON. I do not believe they will or I would rule otherwise.

Mr. SLOCHOWER. The other thing is that I am hoping also that the time may come when it will be declared that this Federal body has no jurisdiction in a matter which concerns a city or State educational system. This is another ground on which I should like to protest against the question.

Senator FERGUSON. I will deny that ground.

Mr. SLOCHOWER. O. K., sir. In that case I am left with only one answer, and that is I have to invoke the fifth amendment with regard to the question of whether I had been a member of the Communist Party in the years 1940 or 1941. I believe those were the years you mentioned.

Mr. MORRIS. At the time you were identified before that committee.

Mr. SLOCHOWER. However, I want to add I am not implying I am guilty. I understand that the fifth amendment has been put into the Constitution for the purpose of protecting the innocent. I am availing myself of that privilege.

Senator FERGUSON. Under the fifth amendment I will allow you to refuse to answer.

Mr. MORRIS. In 1950, Professor Slochower, did you sign a letter addressed to President Truman, urging freedom for the leaders of the Joint Anti-Fascist Refugee Committee?

Mr. SLOCHOWER. Yes, sir; I did.

Mr. MORRIS. That was reported in the Daily Worker of August 22, 1950, page 2.

Mr. SLOCHOWER. You would know that, but I didn't, because I don't read the Daily Worker.

Mr. MORRIS. You do recall it?

Mr. SLOCHOWER. Yes; I wrote the letter. I can tell you what I wrote in it.

Mr. MORRIS. Could you tell us?

Mr. SLOCHOWER. I was concerned with one member of the committee, Professor Bradley.

Mr. MORRIS. Prof. Lyman R. Bradley?

Mr. SLOCHOWER. Yes; whom I knew personally, and who was a professor of German. My field was originally German, and we had many, many conversations about culture, and I found him to be a completely decent human being. I don't know anybody more so than Professor Bradley. It was out of a personal feeling that this man was put in jail and lost his job. Another person can go in another city and change his name or something, but this is an investment in which you lose it and you lose everything.

I felt so strongly about this friend of mine that I took this step, unprecedented in my case—I am not a political person. This was a personal appeal on behalf of Dick Bradley.

Senator FERGUSON. Did you know at that time whether or not he was a Communist?

Mr. SLOCHOWER. How could I?

Senator FERGUSON. I am asking you.

Mr. SLOCHOWER. You are implying that I have a basis of information.

Senator FERGUSON. I asked you whether you did.

Mr. SLOCHOWER. No.

Mr. MORRIS. Do you know of any individual now living who was in the past a member of the Communist Party?

Mr. SLOCHOWER. Living or dead?

Mr. MORRIS. Any man now living. Do you know now any individual now living who was in the past a member of the Communist Party?

Mr. SLOCHOWER. I am sure Joe Stalin is a member.

Mr. MORRIS. Do you know any professor or any teacher on the Brooklyn faculty who was at some time a member of the Communist Party?

Mr. SLOCHOWER. Mr. Morris, as I told you in executive hearing, I am willing to answer all questions pertaining to this nature which cover roughly the past 10 to 12 years. Beyond that—well, I would say I would always answer your questions about my birth and confirmation and things like that, but beyond the 12 years, questions of this type, I am forced to refuse.

Senator FERGUSON. In other words, there is a certain period that you refuse to answer about, under the fifth amendment?

Mr. SLOCHOWER. Yes, sir.

Senator FERGUSON. And outside of that period you are perfectly willing to answer the questions?

Mr. SLOCHOWER. Anything you want, sir.

Senator FERGUSON. I understand that.

Mr. MORRIS. Professor Slochower, have you done anything in the last 10 or 12 years which would indicate, in your opinion, opposition to the Communist organization?

Mr. SLOCHOWER. You see, Mr. Morris—I should address myself to you.

Senator FERGUSON. That is perfectly all right.

Mr. SLOCHOWER. My field is not politics. My field is philosophy, literature, art, and now it is the myth. Now, within that field, by implication one might say I am for or against, but the difficulty of

the question is this: So far as I know, there is no Communist doctrine which is dogmatic, as far as I know.

Mr. MORRIS. You know the question refers to the Communist organization, not the Communist theory.

Mr. SLOCHOWER. The Communist Party—that I have done anything against?

Mr. MORRIS. Yes.

Mr. SLOCHOWER. What chance would I have?

Mr. MORRIS. I am asking if you have.

Mr. SLOCHOWER. I would have to join a political party of some kind. I don't know how that is possible.

I could tell you this: that within my field I have expressed myself in many ways which directly and by implication accounted to some doctrines held by many Communists.

Senator FERGUSON. I did not quite get that.

Mr. SLOCHOWER. I say, that in my field I could point to a number of things I differ, if not, am opposed, to positions held on these questions; let us say literature and philosophy, opposed to positions held by many Communists. I say "many" because there is no dogma as far as I know on philosophy.

Senator FERGUSON. Do you think there is freedom of thought in philosophy?

Mr. SLOCHOWER. You mean in the Soviet Union? You mean in our sense?

Senator FERGUSON. Yes.

Mr. SLOCHOWER. I will tell you.

Senator FERGUSON. I wish you would.

Mr. SLOCHOWER. The thing has to be viewed historically. Russia and the whole East has never known economic, social, political, and intellectual freedom. They never had an American Revolution and never a French Revolution. Absence of a middle class prevented all of those wonderful things.

Senator FERGUSON. They lacked the idea of freedom of religion and freedom of thought and assembly?

Mr. SLOCHOWER. It is conceivable to me why most of the Russian people might accept certain lines, because they don't miss them. So freedom of thought in our sense certainly cannot be present anywhere in the East, and I don't even mean Russia. China or Greece or Turkey or Africa, any of those countries which never had a French Revolution or an American Revolution, with all the ideals of *laissez faire*. We have had them and we had to fight for them to keep them and not fall into the very trap that we think we are being led by them.

Mr. MORRIS. Professor Slochower, have you ever advocated that violence is justified?

Mr. SLOCHOWER. I am a man of peace. I am praying for peace. I have a little daughter.

Mr. MORRIS. Do you remember writing a book review, *Prospects of American Democracy*, by George Counts, and this book review appeared in the *New York Teacher* in 1939?

Mr. SLOCHOWER. I recall that the review was published. I hardly recognized the review, but I remember having written one.

Senator FERGUSON. You claim it is not a proper quote?

Mr. SLOCHOWER. I don't know what the quote is.

Mr. MORRIS. You say:

It must be admitted that the problem of means and ends in its theoretical formulation presents something like an irresolvable antinomy.

Democracy is used at times in the sense of its ultimate form, i. e., a classless order; at other times, it stands for relative democracy as it exists under class rule. But, in his advocacy of means, Counts neglects to differentiate between the two kinds of democracies.

The point seems to be that in class society, where democracy is relative, methods too must be relative.

If means are viewed in context, as means-end, fascism, in which violence is an end, cannot be lumped with communism, where it is intended, at worst, as a transitory weapon.

Mr. SLOCHOWER. I recognize that somewhat—not the formulation, you see.

Mr. MORRIS. There you say with respect to communism, "Violence is intended, at worst, as a transitory weapon."

Senator FERGUSON. What did you mean by that?

Mr. SLOCHOWER. I had reference to the famous theoretical position of one of the Marxist writers, what they call the dictation of the proletariat is a transitory phase.

Senator FERGUSON. In other words, you must have the dictatorship as a means of going over into communism?

Mr. SLOCHOWER. That isn't precisely the point that they make. I think the point they make is that it may be necessary to have what they called dictatorship of the proletariat.

Senator FERGUSON. That is what Russia claims she has now—the dictatorship, prior to transferring over to pure communism?

Mr. SLOCHOWER. I think so, although some of them make more ambitious claims that they have gone already into the stage of socialism and not already advanced into the stage of communism. I am not sure of this. I was here formulating the philosophy and not the practice.

By the way, this "means to an end"—did I use quotations? That isn't my phrase. It is John Dewey's, and I here make public acknowledgment to John Dewey that this is his phrase and not mine.

Mr. MORRIS. That hyphenated word, you mean, not the whole paragraph?

Mr. SLOCHOWER. In one part of his development he held that position, and I was a student of his.

Mr. MORRIS. Have you ever written for the New Masses?

Mr. SLOCHOWER. Yes.

Mr. MORRIS. When did you write for New Masses?

Mr. SLOCHOWER. It is long ago, but I think it was primarily during the time of Hitler, during the thirties, when, to my mind, New Masses was identical with anti-Hitler. So was Science and Society.

Mr. MORRIS. Are you now a member of the Teachers' Union?

Mr. SLOCHOWER. Yes; I am.

Mr. MORRIS. Have you any reason to believe that any Communists exist now and have existed in the past in the Teachers' Union?

Mr. SLOCHOWER. I may be praised for this or damned, but my contacts in the Teachers' Union have been so tenuous that the only thing I know is I send my dues in and then I get the newsletter, and I see the kind of things which they do, which I think are worth while—and that is why I belong.

Senator FERGUSON. Do you ever see anything that they do in that newsletter that is not worth while?

Mr. SLOCHOWER. I don't recall, offhand. What I am concerned with about the Teachers' Union first is it is an organization in which the officers, and so on, are elected by ballot, and I always get the ballot.

Senator FERGUSON. Well, did you know Bella Dodd?

Mr. SLOCHOWER. Very slightly.

Senator FERGUSON. Did you know that she told how they did it by ballot, but the Communists rigged it?

Mr. SLOCHOWER. Bella Dodd, I understand, is now in a personal state of mind where maybe she is seeing visions.

Mr. MORRIS. Who told you that?

Mr. SLOCHOWER. That is a literary term.

Senator FERGUSON. Suppose she is telling the truth?

Mr. SLOCHOWER. Suppose she is.

Senator FERGUSON. Do you think she might be?

Mr. SLOCHOWER. I have no way of knowing.

Senator FERGUSON. Have you any evidence to show that she was wrong when she told, in effect that she rigged the elections and rigged the passing of resolutions?

Mr. SLOCHOWER. Senator Ferguson, as a lawyer and former judge, you know it is impossible, logically, ever to prove the negative, somebody said.

Senator FERGUSON. You indicated that she was seeing visions.

Mr. SLOCHOWER. Well, it is possible. She has had a very, very difficult time.

Senator FERGUSON. I wondered whether you wanted it to stand as your answer.

Mr. SLOCHOWER. With regard to this, no. My point is you can never prove a negative.

Senator FERGUSON. And you do not know whether or not they did rig the elections?

Mr. SLOCHOWER. Certainly not, but to prove what they didn't do—"When did you stop beating your wife?" You cannot prove a negative, legally, and I think it is recognized as such.

Mr. MORRIS. Professor, the question is: While you were in the Teachers' Union, did you ever encounter any evidence of present-day or past Communist activity?

Mr. SLOCHOWER. As I said, my contacts have been so limited, because of my interest in writing and so on, and so forth, that I do not recall anything which suggests that, Mr. Morris.

Mr. MORRIS. Even when you were in local 537?

Mr. SLOCHOWER. What was that?

Mr. MORRIS. The Teachers' Union local when it was a separate local.

Mr. SLOCHOWER. When was that?

Mr. MORRIS. Certainly it existed in that form in 1940 and 1941.

Mr. SLOCHOWER. You see, as soon as you bring up the dates, I have to—

Senator FERGUSON. He has to invoke the fifth amendment back of that time, he indicates to the committee.

Mr. MORRIS. Mr. Chairman, may I raise one point, as a legal matter?

If we go back 10 and 12 years, I wonder what statute of limitations runs that long and what kind of crime would be outlawed by it?

Senator FERGUSON. The difficulty is that there are some crimes that are not barred by the statute of limitations, such as absence from the country extending the period; also the fact that something there could connect a person with a crime now. And in all rulings here I want to use the Constitution in its broadest sense, and I just feel that and think that this man is conscientiously claiming this on the ground that it might tend to incriminate him.

Mr. SLOCHOWER. I have very good reasons for doing it, but I cannot tell the reasons. The reasons are very good, and it has to do not with implying anything about guilt, Senator—nothing at all.

Senator FERGUSON. So, I just merely give him the benefit of the doubt, and do not require him to answer.

Mr. MORRIS. Have you ever used an alias, a name other than your own?

Mr. SLOCHOWER. That sounds like an embarrassing question. You mean—well, when I went somewhere with somebody or what?

Mr. MORRIS. I don't mean that, Professor. I mean, have you ever been known over a long period of time by a name other than your own name?

Mr. SLOCHOWER. In the old country, my mother used to call me Hirschel. First it was anglicized in this country to Hirsch, and then Harry, and when people want to compliment me they call me Henry.

Mr. MORRIS. You know the ordinary implications of the question: Have you ever been known by an alias?

Mr. SLOCHOWER. You are referring to political things?

Senator FERGUSON. Did you write under another name?

Mr. SLOCHOWER. Again, if it is a question with regard to the past 10 to 12 years—

Senator FERGUSON. You refuse to answer on the grounds of the fifth amendment.

Mr. SLOCHOWER. That is, whether I was known under any other name? Again for very good reasons, which do not imply guilt.

Mr. MORRIS. Mr. Chairman, may this whole book review be introduced into the record?

Senator FERGUSON. Yes.

(The book review referred to was marked "Exhibit No. 32" and is as follows:)

EXHIBIT No. 32

[From The New York Teacher, January 1939]

DEMOCRACY THROUGH EDUCATION

THE PROSPECTS OF AMERICAN DEMOCRACY

(By George S. Counts)

The attempt to stem the Fascist juggernaut is prompting many of our contemporaries to plumb the past for support of the persuasion that the democratic idea is rooted in man's history. As here conceived, democracy appears as an eternal category.

Professor Counts' The Prospect of American Democracy argues that the American past offers such heritage on which fascism is likely to founder. The uniqueness of America consists in that its people early threw off the shackles of feudal mores and mentality, not permitting the conglomerates of "classification, caste, and legitimacy" from which the Old World suffers. Today, however, American democracy is in a dilemma. Economic individualism has given way

to a collectivism in favor of the few. And the problem we face is how to rescue democracy from "America's 40 Families."

Professor Counts offers a nine-point program. It consists of two main planks: Education and organization of the many "as producers, consumers, and citizens." But this program--and this is Counts' leading emphasis--requires faith in the democratic temper and process, willingness to grant civil liberties "to all elements of the population, * * * exercise of moderation and tolerance." The democratic attitude is, for Counts, fundamental in our struggle against fascism.

The study contains a fundamental ambiguity in its employment of the term "democracy." Democracy is used at times in the sense of its ultimate form--i. e., a classless order--at other times, it stands for relative democracy, as it exists under class rule. But, in his advocacy of means, Counts neglects to differentiate between the two kinds of democracies. He insists that democratic procedure must at all times be uniformly practiced. Otherwise, there will result loss of faith in the democratic method, which will open the way to dictatorships. And dictatorships, regardless of their program are, for Counts, inimical to the democratic idea. He would stake everything on education and organization; that is, on reason and group-affiliation.

Now, the essence of Counts' nine-point program prevailed in Germany before Hitler. Yet, it did not stop nazism. Counts advances a curious claim to account for this, saying that it was violent acts of the Left that gave the dictators "no inconsiderate measure of support." The fact is that Hitler's sole weapons were emotionalism and the truncheon, whereas the Social Democracy relied almost exclusively on reason and education. And one may well say that, by following a literal democratic process, by allowing liberty to the enemy who used this privilege to abolish liberty, that fascism was able to flourish.

It must be admitted that the problem of means and ends, in its theoretical formulation, presents something like an irresolvable antinomy. In practice, there is danger and hope in both democratic and undemocratic procedure. The point seems to me that, in class societies--that is, where democracy is relative--methods too must be relative. If means are viewed in context (as means-ends) fascism, in which violence is an end, cannot be lumped with communism, where it is intended, at worst, as a transitory weapon.

HARRY SLOCHOWER.

Mr. MORRIS. That is all. The next witness will be Prof. Gene Weltfish.

Senator FERGUSON. Mr. Morris, it is about 5 minutes to 5. I do not know that we can finish this witness. I think we ought to go over to 9 in the morning.

Mr. MORRIS. Mr. Chairman, may we have the open session at 10, and continue the practice of having our executive session at 9?

Senator FERGUSON. The executive session will be at 9, and the open session at 10 in the morning. You will all come back at 10 o'clock.

The committee will rise until 9 o'clock tomorrow morning.

Mr. MORRIS. Will the witnesses in open session who have not been heard be here at 9 o'clock tomorrow morning?

(Whereupon, at 4:50 p. m., the committee recessed to reconvene at 10 a. m. Thursday, September 25, 1952.)

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

THURSDAY, SEPTEMBER 25, 1952

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS,
New York, N. Y.

The subcommittee met at 10:45 a. m., pursuant to call, in room 1506, United States District Court Building, Foley Square, Hon. Homer Ferguson presiding.

Present: Senator Ferguson.

Also present: Robert Morris, subcommittee counsel; and Benjamin Mandel, director of research.

Senator FERGUSON. Yesterday, counsel was to have 5 days to produce certain articles from the Union magazine, and counsel has asked that he be given 10 days. I will grant the 10 days.

The committee will come to order.

Mr. MORRIS. Mr. Chairman, we had Miss Gene Weltfish as our first witness for today, but will you take as the first witness Professor Albaum?

Senator FERGUSON. Professor Albaum, will you take the witness stand?

TESTIMONY OF HARRY G. ALBAUM, BROOKLYN, N. Y.

Senator FERGUSON. Will you raise your right hand, please?

Do you solemnly swear in the matter now pending before this, a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALBAUM. I so swear.

Senator FERGUSON. Will you state your full name and your address?

Mr. ALBAUM. Harry G. Albaum, A-1-b-a-u-m, 1587 Schenectady Avenue, Brooklyn.

Senator FERGUSON. And what is your profession or occupation?

Mr. ALBAUM. I am associate professor of biology in Brooklyn College.

Senator FERGUSON. How long have you been a teacher of biology?

Mr. ALBAUM. Since February 1932.

Senator FERGUSON. You are a graduate of what schools?

Mr. ALBAUM. I am a graduate of Brooklyn College, of New York University, and of Columbia University.

Senator FERGUSON. When did you first start to teach at Brooklyn College, in 1932?

Mr. ALBAUM. 1932.

Senator FERGUSON. Have you been a teacher there all the time, from then to now?

Mr. ALBAUM. Senator, except for an interval when I was on a fellowship at the University of Wisconsin, and when I was in war work. Senator FERGUSON. How many years was that you were out?

Mr. ALBAUM. Roughly, as close as I can remember, about 1942 to the end of the war. I returned to the college at the end of the war.

Senator FERGUSON. And did you ever join the Teachers' Union?

Mr. ALBAUM. Yes.

Senator FERGUSON. When did you join the Teachers' Union?

Mr. ALBAUM. As close as I can remember, sometime in 1937.

Senator FERGUSON. In 1937?

Mr. ALBAUM. Yes.

Senator FERGUSON. Did you ever become a member of the Communist Party?

Mr. ALBAUM. Yes.

Senator FERGUSON. I wish that you would give to the committee now a detailed statement under the oath that you have had, the truth, the whole truth, and nothing but the truth, of your joining of the Communist Party, your connection with that party, its connection with the Teachers' Union, and your connection with the whole procedure. I wish that you would relate that on this record. Tell how you were approached and how you joined.

Mr. ALBAUM. May I do this in the terms in which I did it in the committee, in terms of its background?

Mr. MORRIS. A full and open statement of what happened.

Senator FERGUSON. A full and open statement of what happened. You have had an executive session and you did give the background, and we want the background. I think the background is relevant in this whole picture. The chairman of the committee thinks the background is very relevant, because it explains many parts of your testimony; so, if you will just explain how you joined, and all about it, in full and complete detail.

Mr. ALBAUM. Well, first, with respect to my background, because I think this is important, I am an immigrant. I was born in Russia. I came here when I was 2 years old. I became a naturalized citizen when I became old enough to become one. I went to the public schools of the city of New York. I started going to high school when a personal tragedy at home necessitated my leaving school and getting a job. I graduated from high school in the evenings, and started to go to college in the evenings and work in the daytime. At that time I was employed in a bank.

After about 2½ years of evening school, I decided that I had been doing very well in college work and in my high-school work, and I decided that I wanted to get into some kind of academic work. So, I succeeded in getting a job working nights, and completed my college in the daytime.

Senator FERGUSON. You came from what country?

Mr. ALBAUM. I came from Russia. I was born in Odessa, Russia.

Senator FERGUSON. You were born in Odessa, Russia?

Mr. ALBAUM. That is right.

Mr. MORRIS. How old are you now?

Mr. ALBAUM. I am now 42.

Senator FERGUSON. Go ahead.

Mr. ALBAUM. I want to emphasize here that this entire interval of going to high school and to college was a very difficult time for me financially. I had my mother and sister to think about, both of whom I helped to support. When this personal tragedy occurred, my sister was still in school. We gave her an opportunity to finish with school.

In February 1932, I was offered a fellowship in the department of biology at Brooklyn College, which I accepted, in spite of the fact that the money was small, actually less than I was making working.

Senator FERGUSON. How much was it?

Mr. ALBAUM. \$600 a year for half-time work. When I graduated, that stipend was increased to \$1,000 a year. I had been making more than that as a bank clerk, so that this imposed a hardship on me. I went to New York University, got a master's degree.

Senator FERGUSON. In what field?

Mr. ALBAUM. In biology, and then went to work at Columbia University to get a Ph. D.

Senator FERGUSON. You got the Ph. D. at Columbia?

Mr. ALBAUM. Yes; at Columbia University in 1938.

Senator FERGUSON. 1938?

Mr. ALBAUM. Yes. Now, those days were trying days in the colleges. They were in the world everywhere. This was the depression. I wasn't making much money; I wasn't very secure in the job. Individuals around the college told me, "Well, this is just a temporary kind of thing. We don't believe in inbreeding. You are a Brooklyn College graduate. You ought to plan to get out to some other school."

Senator FERGUSON. Were you teaching at that time?

Mr. ALBAUM. Yes. Because of my financial responsibilities to my mother, I couldn't see my way clear of getting out. I got small increases, incidentally, annually. I myself, felt, from the job situation which was developing at that particular time, that I would have practically no chance of getting anything outside of New York. I was Jewish, which I felt at that time represented an obstacle. I also felt that—well, that it was going to be hard, and I couldn't leave because of my mother. So, I worked 10 times as hard. I finally managed to finish all the work for the degree.

Well, about this time, members of the union began to approach me, and they said to me—

Senator FERGUSON. That is the Teachers' Union?

Mr. ALBAUM. That is the Teachers' Union.

Senator FERGUSON. And you were a teacher; so, you were eligible to membership?

Mr. ALBAUM. That is right. They said, "Boy, your problem isn't unique. You are not making much money. A lot of the other people aren't making much money. You join the union and we will fight for your tenure," which I didn't have at the time, "for the security and everything else." The program of the union at that time was that; there is no question about it. This was what their literature stressed. I therefore joined, in spite of the fact that many of the people higher in the administration at the college felt that it was incorrect for teachers to belong to a trade-union.

Senator FERGUSON. Was that union at that time a member of the American Federation of Labor or the CIO?

Mr. ALBAUM. At that time I believe the union was affiliated with one of the larger unions. I believe at that time there were two separate chapters, a college chapter—

Senator FERGUSON. And a public-school or high-school chapter?

Mr. ALBAUM. Yes. Now, there was a large membership in the union. I think most of the people that were in the union at that particular time were in the union for precisely the same reason that I was, we were underpaid. We didn't have much in the way of security. We just felt, well, if there is any way of doing something about it, let's do it; and the union at that time made a number of proposals to the board of higher education, some of which were eventually adopted.

So I think that the union at that time did a very important and constructive job.

Mr. MORRIS. Economicswise?

Mr. ALBAUM. Economicswise, that is right. There were no political implications in the union, nor were there, as I recall it, any political discussions of any kind in the union. This was a teachers' organization.

Mr. MORRIS. This is what year now, Professor Albaum?

Mr. ALBAUM. This, I believe was in '37.

Mr. MORRIS. Will you continue?

Mr. ALBAUM. I remember the temper of the times. This was the time of Hitler. This was the time of Mussolini. This was the time of Franco. Many people were sympathetic with Spain, but there was what we call, as I recall it, nonintervention. I was approached, and I was told, "You may have security now, you may have tenure, but this is going to be nothing if the kind of things which are happening in the world are going to continue to happen."

Senator FERGUSON. Now do I understand that the union people who were asking you to join and assigning the economic reason to you were the same people that were assigning the world conditions to you?

Mr. ALBAUM. Some of them may have been or may not have been. I am not trying to be evasive. We can go into that particular point at another time. The point is that I was asked whether it was the same individuals or not, and that is of no consequence at this particular time. Let's see. Where was I?

Senator FERGUSON. You were just at the time when they were approaching you to become a member of the union. I do not want to interrupt you any more than I have to, but I think that the record ought to show some things, as we go along.

Mr. ALBAUM. I was approached by certain individuals, who told me this:

"Your problem is no different from the problems of the world. You ought to be involved in something which has everyone's consideration at heart. It is not only a question of your job. Your job is insignificant. Your job will mean nothing unless we combat Hitler, unless we combat Mussolini, unless we combat racial prejudice in this country, unless we improve everybody's lot."

I said, "What do you want me to do?" They said, "You ought to join the party."

Mr. MORRIS. That is, the Communist Party?

Senator FERGUSON. What did they say the party was, or did you ask?

Mr. ALBAUM. I was hesitant. I said, "What about it?" I want to point out one other thing in the context of the whole picture, without trying to make any excuses for myself. Politically, I was very naive. I had from the time I was 14 until I got my degree when I was about 26—the only thing I did was vote. I voted Democrat. I never voted anything else. But the point is I had no real notion of politics. I was naive.

Senator FERGUSON. Did they explain what the party was when they asked you to join the party?

Mr. ALBAUM. What they said was "You are not joining anything which is illegal. You are joining an organization which has everyone's welfare at heart."

I thought this was an extension of the kind of thing I was getting into, when I got into the union. I was still hesitant. I said, "Well, suppose somebody gets wind about this. They are mad enough about the union around the college. What would they do if they found out I was in this group?"

They said "Nobody is going to find out." I said, "What do you mean?"

"Well, you don't even carry a card. You are given a name——"

Mr. MORRIS. You are given a name other than your own?

Mr. ALBAUM. Other than your own. "No one knows it. Your dues are paid in a name other than yours. Besides, some of the people you respect most are in this."

I said "Who?" And they said, "We don't talk about this."

I was still reluctant. I was not happy about that thing, sincerely. I just didn't know what to do. But there were pressures continually. A fellow would come to see you and talk and talk to you. There was no evidence in other words, that this was international. When I said "Isn't this tied up with the Soviet Union?" they said, "No; this is the Communist Party of the United States. We are interested right now in bettering the lot of the men in this country. We are also interested in combating fascism and Hitlerism abroad, but our main interest is what is happening in this particular country."

Senator FERGUSON. Did they say anything about the fact that it was being patterned after the Russians?

Mr. ALBAUM. No; nothing like that was said.

In the summer of 1938, I went to the country, I took a bungalow up somewhere in New York near Lake Mahopac. Someone wanted to share a bungalow with me because he was really interested in me—he was my friend.

When we got to the country, it was quite apparent that this was part of this whole scheme to, what I conceive of now, is sucking me in or inveigling me into this deal.

Senator FERGUSON. Did they attempt there to indoctrinate you into the Communist Party?

Mr. ALBAUM. Well, the Worker arrived by mail. There were pamphlets, the typical pamphlets which you are probably well aware of about injustices, about fascists in this country, about Gerald I. K. Smith. Finally, at the end of the summer, I capitulated. I mean that is what it really was. It was capitulation.

Senator FERGUSON. And you became a member?

Mr. ALBAUM. And became a member of the group.

Senator FERGUSON. Now, did they have a unit at any school?

Mr. ALBAUM. There was a unit at Brooklyn College.

Senator FERGUSON. And is that the unit that you capitulated to?

Mr. ALBAUM. That was the unit that I capitulated to.

Mr. MORRIS. When you say "a unit," that is a unit made up completely of faculty members?

Mr. ALBAUM. A unit made up of faculty members. There were no students in it. Let me make one statement. I couldn't say this man or that man.

Senator FERGUSON. How many were in it?

Mr. ALBAUM. Let me make a statement. I couldn't say that this man or that man was a Communist.

Senator FERGUSON. I am not asking you that.

Mr. ALBAUM. In other words, this was a question that you do not ask.

Senator FERGUSON. Are you talking to me now?

Mr. ALBAUM. I am talking to you.

Senator FERGUSON. Are you saying that I did not ask that question?

Mr. ALBAUM. No. You can ask the question.

Senator FERGUSON. You are saying that you would not ask that question at that time?

Mr. ALBAUM. Exactly.

Senator FERGUSON. I want the record to be clear on that. It may have appeared that you were telling me not to ask that. The record may not be clear on that.

Mr. ALBAUM. In other words, one didn't ask that question. In other words, you called people who were at these meetings by their anonymous names.

Senator FERGUSON. They had these aliases even in the meetings?

Mr. ALBAUM. Even in the meetings they were aliases. Sometimes you used them, if you remembered them. If you didn't remember them, you called them by their own names.

Senator FERGUSON. Would the expression "Comrade" be used at all?

Mr. ALBAUM. No; I never heard it used. To the best of my recollection, it was never used.

Senator FERGUSON. How many were in there?

Mr. ALBAUM. I have seen maybe 20 people at meetings.

Senator FERGUSON. They would all be teachers?

Mr. MORRIS. And on other occasions they would be at another meeting, and there would be a different combination of people? Isn't that so?

Mr. ALBAUM. Mostly they were the same people. I mean, I haven't even thought about this. My first realization that this thing was not quite what it should be was when the constitution of the Communist Party was distributed. I began to read through that and, well, I was unhappy about it. Remember, I was unhappy about it at the beginning. I also want to point out that what motivated me was what I have told you, and the techniques used in getting me were probably used in getting a lot of innocent people into this thing, people in the same economic position I was in, who needed security, who had dependents; and I don't think they ought to be judged harshly, no more harshly than I. I don't know how you are going to judge me, but I am willing to tell you everything I know here.

Senator FERGUSON. Go ahead and tell us what happened.

Mr. ALBAUM. In these meetings we would discuss the Teachers' Union. There was a part of the agenda set aside for the Teachers' Union. We were to discuss things that were coming up in the union. We would discuss candidates for office in the union. I began to realize now that many of the people in the group were also active in the union, but that, of course, does not imply that all of the people in the union were in the group, or were in other groups.

Mr. MORRIS. But many of them were?

Mr. ALBAUM. Many of them were. Everybody in the group was talking about—and I am talking now about this unit which met at the Communist Party headquarters in Brooklyn—

Mr. MORRIS. In other words, the group would meet at the Communist Party headquarters in Brooklyn?

Mr. ALBAUM. Yes.

Mr. MORRIS. Where was that?

Mr. ALBAUM. I believe it was around Duffield Street in Brooklyn.

Senator FERGUSON. Was it labeled?

Mr. ALBAUM. Yes. As a matter of fact, that was one of the discomforts I had. I was afraid someone would see me. I was afraid. I was unhappy about it. I would look behind me to see whether anybody was watching me. Now, as I say, we talked about democracy and so forth in this particular group.

Well, actually what would happen would be that the chairman would present a decision of the executive committee. We would discuss it. We inevitably came to the same conclusion.

Whether this original decision was dictated from Fourteenth Street or whatever it is, I have no way of knowing. The only inkling I have that this kind of thing might have happened was at the time the Nazi-Soviet pact broke. This was a great shock. This was a source of worry to a number of people.

They couldn't understand it. Here we are talking about fighting Hitler and suddenly there is a Nazi-Soviet pact. And I guess the people at Fourteenth Street thought this was going to be difficult, so they sent one of the functionaries—I believe Amter—to come and explain this to us.

There were still people unhappy about it, and some of them actually left at that particular time.

Senator FERGUSON. It was quite a shock to some academic people to have that somersault?

Mr. ALBAUM. That is right. They couldn't reconcile it with anything that had gone before. Of course, this added to my discomfort, my wanting to get out of this thing. I would come to meetings reluctantly. I would come to meetings infrequently. I would plead that I didn't have any money for the dues, that I had other commitments that were more important.

I was hoping that they would get rid of me.

Senator FERGUSON. Did you ever ask to resign?

Mr. ALBAUM. I said I wanted to get out of this thing, "I want to resign."

Senator FERGUSON. What was said?

Mr. ALBAUM. I was told, "Brother, you don't get out of this thing, you don't resign. All that can happen is you are expelled."

Senator FERGUSON. What did that mean to you?

Mr. ALBAUM. To me it meant that I was irrevocably committed to something which I could no longer get out of unless I did something, so antisomething in their eyes, that they expelled me.

Senator FERGUSON. Did that mean in effect that you were being threatened, that you had to stay in?

Mr. ALBUM. In effect, this was a threat. This was a kind of blackmail. What this implied I can only conjecture.

Senator FERGUSON. How about your thinking at that time?

Mr. ALBUM. It meant that I might be exposed anonymously. The stigma that was attached to this thing in the light of the Nazi-Soviet pact became greater. In other words, made people who were sympathetic to Russia before begin to have doubts of it, because of the pact.

Senator FERGUSON. Then you were told flatly that you could not resign?

Mr. ALBAUM. That one does not resign.

Senator FERGUSON. One does not resign?

Mr. ALBAUM. One can only be expelled.

Senator FERGUSON. One can only be expelled. Now, the consequences of expulsion were what?

Mr. ALBAUM. I never really knew.

Senator FERGUSON. Did they ever really explain that or was that left wide open?

Mr. ALBAUM. That was left wide open.

Senator FERGUSON. The consequences, then, were left unexplained?

Mr. ALBAUM. That is right.

Senator FERGUSON. Did you at that particular time say, "But I am going to resign," or did you accept the fact that you do not resign?

Mr. ALBAUM. I was afraid. I didn't have the courage that I have now.

Senator FERGUSON. And right at that time, referring to when you were in, and before we get to the question of why you were getting out, and so forth, the question comes up here many times as to whether or not the Communists, and the teachers, as Communists, in this cell or unit, explained anything about the teaching of the party line or the policy?

Mr. ALBAUM. Well, there was an emphasis in these meetings, frequently, that one ought to at every opportunity try to present the principles of Marxism.

Senator FERGUSON. The teachers, you mean?

Mr. ALBAUM. That is right.

In some cases, of course, this kind of thing was difficult.

Senator FERGUSON. Were you teaching a subject that made it difficult?

Mr. ALBAUM. I was in a subject where this, at the particular time, couldn't be done. At a later time, as I explained to you, this might have been done. At that time, or shortly thereafter I was in the teaching of genetics. At that time the theories of Muller, the classical geneticist, who was at that time in the Soviet Union, were accepted. The fact that he was there and head of an institute looked good.

Senator FERGUSON. It looked good and you felt that you could follow his philosophies?

Mr. ALBAUM. But this was also the accepted philosophy. Muller was a representative of an American group. Subsequently, however,

as many of you are aware, the Lyzenko business developed, and Muller, of course, was forced to leave the Soviet Union.

Senator FERGUSON. How did that affect teaching?

Mr. ALBAUM. By that time I was no longer in the teaching of genetics, but if I were, this would have been a perfect opportunity to talk down classical genetics and play up the advantages and—what shall I say?—the virtues of Lysenkoism. In other words, in my particular area this is the way that it could have been introduced.

Senator FERGUSON. All right. Now, did any of the teachers at times, in these meetings say how they were slanting teaching?

Mr. ALBAUM. Well, there were some people. I remember one particular man who took great pride in showing how he could introduce the principles of Marxism into his particular area.

Senator FERGUSON. Give us an example of that.

Mr. ALBAUM. This particular area happened to be philosophy. The details of how he did it and what he did I don't remember.

Senator FERGUSON. But he did tell you how he was able to slant, and I use the word advisedly, along the communistic line?

Mr. ALBAUM. That is right. I want to emphasize again in this connection that I think, by and large, many of these people made no attempt of this kind. I don't know for sure. I know that some people took pride in it, and my assumption is that the people who didn't talk about it are people who were either not successful or didn't want to.

Senator FERGUSON. But some people did explain to the other teachers, did take pride in how they slanted their teaching?

Mr. ALBAUM. We were told, "This is how it was done."

Senator FERGUSON. So there was a party line in teaching?

Mr. ALBAUM. If it was possible to introduce it, by all means do so.

Senator FERGUSON. And you felt that in your particular science it was difficult to introduce it?

Mr. ALBAUM. And because of my mental reservations from the beginning, I felt that I couldn't do this in addition. Of course, the pressures were on me continually to do something.

Senator FERGUSON. For the party, you mean?

Mr. ALBAUM. Yes.

Mr. MORRIS. What were the pressures?

Mr. ALBAUM. Pressures were pressures of this kind: They probably felt that a fellow like me, who is a little bit reluctant, didn't have the feel of the party, which is essentially a working-class party. They felt that the way to get this feel is to go out and sell Sunday Workers. Some of the teachers did this. I could never see my way clear.

Senator FERGUSON. Did they explain that you had to get the feel of the party?

Mr. ALBAUM. Yes.

Mr. MORRIS. And the way to do it would be to do something openly for the party?

Mr. ALBAUM. That is correct. I said "Suppose somebody recognizes you when you do this?"

"Well, there is no danger of that. We are sending you into areas where there is little likelihood of your running into students or other people who might recognize you."

Or you were encouraged at the time of the lectures, to go out and have Communist petitions signed to get them on the ballot. This is something too that I have never done.

Senator FERGUSON. Did you openly decline to do these things?

Mr. ALBAUM. I openly declined to do them.

Senator FERGUSON. What happened?

Mr. ALBAUM. They said "You have to do something." I said, "The things you suggest are things I cannot do."

"Well, how about writing? Why don't you try writing something, perhaps, for Science and Society?"

I said, "This is not the kind of writing that I can really do."

Mr. MORRIS. These were Communists who asked you to write for Science and Society?

Mr. ALBAUM. That is right.

Senator FERGUSON. This is part of the work of the unit of these Brooklyn teachers, is that not right?

Mr. ALBAUM. That is right.

Senator FERGUSON. Go ahead.

Mr. ALBAUM. I don't think this implies necessarily that everyone writing for Science and Society was a Communist.

Mr. MORRIS. Tell us what you know.

Mr. ALBAUM. I can only tell you what I know. I finally capitulated in this sense—I wrote several articles for the Sunday Worker. These articles were educational articles on science. One, as I recall, was on vision, and another one was on growth hormones and plants. I am telling you about this because you wouldn't know that these things were my articles, because my name wouldn't appear on them.

Senator FERGUSON. Your name would not appear?

Mr. ALBAUM. But if you look at these articles, you can see that these articles are not propaganda articles. They are the kind of article I would write for the Herald Tribune, if I were asked to do so.

Senator FERGUSON. Then I will ask this: Why were you writing it for the Daily Worker?

Mr. ALBAUM. Because of the pressures that were on me.

Senator FERGUSON. Why would the party be asking you that? As a member, you wouldn't sell a Daily Worker; you wouldn't go out and get a petition signed to put names on the ballot, but they wanted you to write. Why did they want you to write, in your opinion?

Mr. ALBAUM. I don't know.

Senator FERGUSON. But they insisted upon your doing something?

Mr. ALBAUM. In other words, to me, at that particular time, they wanted some index of my sincerity, at least trying, because the pressure was on you, the threats all the time—they wanted you to do something, whether the object of this was to get some kind of hold on you, to say in the future, "We have evidence that you have written for the Daily Worker"—maybe that was it. I don't know.

Senator FERGUSON. At least, you felt that way about it?

Mr. ALBAUM. I don't know how I felt. At that time I thought it might be one thing or another thing, or it might be anything.

Senator FERGUSON. Now, have you reasons to believe that it was that kind of thing?

Mr. ALBAUM. Now I feel it might be that kind of procedure.

Senator FERGUSON. Do you know whether or not your party name, Sand, was signed to these articles?

Mr. ALBAUM. I don't think so.

Senator FERGUSON. You think that another name was used, not your party name?

Mr. ALBAUM. That is right.

Senator FERGUSON. You wrote several articles?

Mr. ALBAUM. That is right.

Senator FERGUSON. Did you ever write for the other magazine?

Mr. ALBAUM. Never.

Senator FERGUSON. Do you believe that that other magazine was a party-line magazine?

Mr. ALBAUM. You mean Science and Society?

Senator FERGUSON. Science and Society.

Mr. ALBAUM. I always have and still believe that it was a Marxist magazine. I think that many of the articles are written by Communists.

Senator FERGUSON. Along party lines?

Mr. ALBAUM. That is right; but I am not familiar enough with the magazine, you see, to really pass judgment on it.

Senator FERGUSON. But you would not write for that?

Mr. ALBAUM. No; I did not.

Senator FERGUSON. Did you only write two articles?

Mr. ALBAUM. This magazine carried the whole Lysenko-Vavilov controversy in genetics. It is interesting in that regard, just as an aside, to point this out: After Muller left the Soviet Union, there was still left in the Soviet Union an exponent of this classical theory of genetics. This was a man by the name of Vavilov, and apparently this controversy, this Lysenko-Vavilov controversy, was one of long standing, and at one time the official position was that Vavilov is correct; in other words, that Vavilov, along with Muller and others, represent the correct point of view. And I believe Science and Society ran a series of this kind, which I recall. Subsequently, of course, the Lysenko point of view took over, and I don't know what ever happened to Vavilov, but I never saw his name in print again.

Senator FERGUSON. Now, do you think that an indoctrinated Communist has academic freedom?

Mr. ALBAUM. I would answer that question this way: I would say that I was in the group. I admit I was. I certainly made no attempt in the classroom to preach communism.

I feel, however, that someone who really believes this kind of thing real strongly, will, whenever the opportunity arises, attempt to put this kind of thing into his teaching. This is a personal opinion.

Mr. MORRIS. Professor, have you heard other people in that unit say that they did that?

Mr. ALBAUM. I have covered that, I believe.

Senator FERGUSON. Now, here you are telling us today that you could not resign, you did not have the freedom to resign.

Mr. ALBAUM. No; I did not have the freedom to resign.

Senator FERGUSON. There are other things on which you thought you did not have freedom. One of them was not to write the articles; is that right?

Mr. ALBAUM. In other words, the impression was made that you have got to do something.

Senator FERGUSON. Yes.

Mr. ALBAUM. In my particular case the something turned out to be these articles in the Worker.

Senator FERGUSON. Now, do you believe that the decisions of that group were made willingly, without mental reservation, by the group.

or were the decisions of the group controlled decisions, from another source?

Mr. ALBAUM. I believe now that the decisions of that particular group were never their own decisions.

Senator FERGUSON. Then how can it be said that teachers have academic freedom when they are not their decisions?

Mr. ALBAUM. Well, the point is that a decision may have been handed down. You may have decided on it, but you yourself have reservations, and feelings about it, and you don't do it; in which case, what you are doing is you are not following the decisions. Let's put it that way. And there were probably many people involved who were precisely in that position.

Senator FERGUSON. In other words, the decision was brought to you and you followed along in making the decision; and so, whether or not you followed it later—

Mr. ALBAUM. This was a product of your own conscience there.

Senator FERGUSON. You had mental reservations?

Mr. ALBAUM. That is correct.

Senator FERGUSON. Do you think there were many in this group who did not have their mental reservations?

Mr. ALBAUM. I think there were some people in this group who tried at every opportunity to present this point of view.

Senator FERGUSON. What point of view?

Mr. ALBAUM. The point of view of the directives which had been decided on or handed down.

Mr. MORRIS. Can you tell us some of the decisions that were made that you feel now were the directives of the higher-ups of the Communist Party? Was the thinking on the switch on the Russian pact a dictated thing?

Mr. ALBAUM. That was a dictated thing. There is no question in my mind about that.

Senator FERGUSON. Was there any real free discussion about that in your Communist meetings?

Mr. ALBAUM. We could talk about it as much as we wanted to. Time was no object. There was free discussion, from that particular point of view, provided that you came to that conclusion.

Senator FERGUSON. At the end?

Mr. ALBAUM. That is right. For instance, I look back now. This seems to be my feeling about any other decisions. In other words, there was only one decision that you could come to. The objective was to try to bring you to that decision.

Senator FERGUSON. And would you say on all occasions that they did bring you to their desired decision? And I refer to the group?

Mr. ALBAUM. Well, the group as a whole would respond, you see, except where people decided that they couldn't, like in the case of the pact, where there were several people that I know of who just couldn't stomach this thing.

Senator FERGUSON. What happened to those who could not stomach it?

Mr. ALBAUM. They disappeared from the group. When I say "disappeared," I don't carry any evil connotation; in other words, I didn't see them any more at the meetings. I saw them at school. I saw them at union meetings, but I didn't see them at the unit.

Senator FERGUSON. How many would you say dropped out because of that decision?

Mr. ALBAUM. Well, I have no real way of knowing but I know for sure of one, and perhaps one other.

Senator FERGUSON. And you felt at that time that it was because they could not stomach the decision?

Mr. ALBAUM. That is correct.

Senator FERGUSON. Well, you apparently had difficulty doing it.

Mr. ALBAUM. Well, I was afraid. Honestly, that is the only way I can put it. I was afraid of possible recriminations against me.

These other people, I think, had more courage than I did at that particular time.

Senator FERGUSON. You feel now that you have the courage here to tell the truth?

Mr. ALBAUM. That is right.

Senator FERGUSON. Do you think that it is quite a problem for a person who has been in the party to bolster up his courage to tell the truth before a committee or before a court?

Mr. ALBAUM. I think that this is the most difficult decision that I have ever had to make in my life.

Senator FERGUSON. It was not an easy decision, even after you had forsaken the philosophy of communism, is that correct?

Mr. ALBAUM. That is correct.

Senator FERGUSON. You think that it is the hardest decision you have ever made?

Mr. ALBAUM. The reason I have made the decision is because this pall has been hanging over me for 12 or more years, and I cannot live with it any more.

Senator FERGUSON. This is a matter of conscience now?

Mr. ALBAUM. It is more than a matter of conscience. It is a slow realization, at least in my own mind, that this thing is an evil thing, that the Communist doctrine is an evil doctrine.

Senator FERGUSON. When would you say that you arrived ultimately at the decision that this Communist doctrine is an evil doctrine?

Mr. ALBAUM. I would say that the thing was completely crystalized in my mind some time after the war.

Mr. MORRIS. After World War II?

Mr. ALBAUM. That is right.

Senator FERGUSON. When did you finally make up your mind that if you were asked to tell this you would tell it with a clear conscience?

Mr. ALBAUM. I have been dreaming about it for a long time. I have had nightmares about it. I finally decided when the subpoena came.

Senator FERGUSON. When did the subpoena reach you?

Mr. ALBAUM. The subpoena reached me on Tuesday at noon.

Senator FERGUSON. So on Tuesday, when this subpoena came, you decided that you would actually tell this committee the truth? And this is Thursday?

Mr. ALBAUM. That is right.

Senator FERGUSON. And you came in to the executive session this morning and decided to do it?

Mr. ALBAUM. That is correct.

Senator FERGUSON. Now, tell us more about how you got out, and what happened.

Mr. MORRIS. Mr. Chairman, may I ask a question?

Senator FERGUSON. You may.

Mr. MORRIS. When you came into the executive session this morning, did you bring an attorney with you?

Mr. ALBAUM. No, sir.

Senator FERGUSON. Did an attorney call you in?

Mr. ALBAUM. I was called in by a man whom I assumed to be a court attendant.

Senator FERGUSON. And the committee assumed that he was your lawyer.

Mr. ALBAUM. He was not my lawyer. I never saw the man before yesterday when I saw him in court.

Mr. FRANCE. Senator Ferguson, may I make a word of explanation?

Mr. MORRIS. Would you come forward?

STATEMENT OF ROYAL W. FRANCE, NEW YORK, N. Y.

Mr. FRANCE. I represented a number of people who were members of the Teachers' Union.

Senator FERGUSON. Might I ask, Mr. France, whether or not you are employed by the Teachers' Union or by the individuals?

Mr. FRANCE. I was employed by the firm of White & Cammer, who asked me to step into the case because Mr. Cammer was called to Washington. I have not yet been paid by anybody, and I do not know the exact answer to your question.

Senator FERGUSON. I do not think that it is a question of personal employment, all I want to know is is it a union employment?

Mr. FRANCE. I would say that I was employed by the union.

Senator FERGUSON. We have given you every courtesy, and we intend to tender to you as a lawyer, every courtesy of the committee, even in executive sessions.

When a man says that he is the attorney for a particular witness, he is admitted freely and openly to our executive sessions.

Mr. FRANCE. That has been true.

Senator FERGUSON. Because we believe that every man has a right to be represented by counsel.

Mr. FRANCE. I asked Mr. Morris in the executive committee whom he wanted called next. He mentioned the name of Albaum. It was not clear in my mind that he was not one of those that I had been asked to represent.

Senator FERGUSON. But on the record you did not indicate that he was not one of your clients, until I raised the question. I think I said to this man: "Now, in the presence of your lawyer, you want to tell the whole story" and he said something about "I do not have a lawyer," or indicated that.

Mr. FRANCE. Excuse me for correcting you, Senator. Before you had said that I asked him whether he wanted me to represent him, because when he said he wanted to tell the whole story, the question arose whether he was asking me to represent him, and I asked him the question myself and he said he didn't have a lawyer. And I then excused myself from the session. That is my recollection of it. In

any event, it was a misconception on my part, as to whether this man wished me to represent him.

Mr. MORRIS. I thought, however, Mr. France, that you were representing this man.

Mr. FRANCE. I thought I was representing the man until he started to tell his story, and then I asked to be excused from the executive session.

Senator FERGUSON. In other words, if he was going to tell the whole truth, you did not want to represent him?

Mr. FRANCE. No; I asked him whether he wished me to represent him and he said "No."

Senator FERGUSON. You mean, because he was telling the truth you had doubt that he wanted you as his lawyer?

Mr. FRANCE. That isn't the case, Senator.

Senator FERGUSON. Would you explain on the record? I am probably misunderstanding you.

Mr. FRANCE. When he started to make his statement, I was not sure that he wished me to represent him as his lawyer.

Senator FERGUSON. Why? Because he was not claiming the fifth amendment?

Mr. FRANCE. That wasn't the reason.

Senator FERGUSON. Why?

Mr. FRANCE. I realized then he was not a person with whom I had previously discussed the problems involved. There are a lot of these professors who are unknown to me.

Senator FERGUSON. All right. Did you go to a meeting of professors and discuss this matter?

Mr. FRANCE. Yes; I attended a meeting of a number of teachers and professors.

Senator FERGUSON. Will you give us the names of the teachers and professors with whom you went to a meeting? Were you representing them individually or were you representing the union? What were you representing?

Mr. FRANCE. They were each told that they could be represented by me or by the other counsel if they cared to do so; that it was their personal decision.

Senator FERGUSON. Where was this meeting that you attended?

Mr. FRANCE. At the Teachers' Union Building.

Senator FERGUSON. At the Teachers' Union Building. And when was it?

Mr. FRANCE. The first meeting that I attended was Friday of last week.

Senator FERGUSON. Friday of last week.

Mr. MORRIS. What time was that meeting held?

Mr. FRANCE. In the afternoon.

Mr. MORRIS. From what hour to what hour?

Mr. FRANCE. From 5 o'clock.

Senator FERGUSON. Was the present witness at that meeting?

Mr. FRANCE. No; that was my error. When I saw the man come in, I realized he was not a man I met before and I then asked him in executive session.

Senator FERGUSON. Wait. You did not ask him at first. He had talked for quite a while under oath before you asked him.

Mr. FRANCE. I think he had talked a brief moment before I asked.

Mr. MORRIS. You were there for at least 5 minutes.

Mr. FRANCE. I wouldn't think so.

Senator FERGUSON. You know he was not claiming the fifth amendment.

Mr. FRANCE. I know he was not claiming the fifth amendment.

Senator FERGUSON. And you knew he was willing to discuss the whole matter?

Mr. FRANCE. Yes.

Senator FERGUSON. And you came to the conclusion that he was not one of your clients?

Mr. FRANCE. I came to the conclusion when he began to talk that he was not one of those who had previously consulted with me.

Mr. MORRIS. But after he commenced talking and after he said you were not his lawyer, you continued to sit in in executive session.

Mr. FRANCE. I think not, Mr. MORRIS. I think I withdrew immediately, and that is my clear recollection on the subject.

Mr. MORRIS. If it is worth anything, I would like to say that it conflicts with my recollection.

Senator FERGUSON. And it does with my recollection.

Mr. FRANCE. Doesn't the chairman recall that I asked the man if he wanted me to represent him as a lawyer and immediately withdrew?

Mr. MORRIS. Mr. Chairman, this man is under oath as a witness.

TESTIMONY OF HARRY G. ALBAUM—Resumed

Mr. MORRIS. How long did this man stay in the room?

Mr. ALBAUM. Several minutes.

Senator FERGUSON. Do you recall who first raised the question of the lawyer?

Mr. ALBAUM. To the best of my recollection, you said, "Do you want to have your lawyer here?"

Mr. MORRIS. When you say, "you," whom do you mean?

Mr. ALBAUM. I don't know whether the chairman of the committee or Mr. MORRIS said, "Do you want to have your lawyer here when you discuss this?" And I said, "I have no lawyer." I said, "I have a cousin of mine who is a graduate of West Point outside, who happens to be a lawyer, with whom I have discussed this, and I would like him in the room, not because he is a lawyer."

In other words, you gave me the liberty to have anybody in the room. Whereupon, this gentleman said "Do you want me to leave?" and that was the first indication that I had that this man was a lawyer.

Mr. MORRIS. Prior to that you thought he was associated with the United States marshal's office or the courthouse?

Mr. ALBAUM. That is right. I thought he was some representative of your committee.

Mr. FRANCE. The point I am making, Senator, is that it was a misapprehension on my part, that this man did not wish me to be his lawyer, and as soon as I learned that fact, I withdrew. I had no desire whatever to intrude on the executive sessions of your committee.

Senator FERGUSON. We are not complaining about your intruding in the committee at all. That is not raised here at all.

Mr. FRANCE. I merely wish to state again that it was a misapprehension on my part, and that I had no desire to intrude into your

session in any way. You have been very courteous to me, and I wish to return the courtesy.

Senator FERGUSON. You have explained this as fully as you desire?

Mr. FRANCE. Yes.

Senator FERGUSON. Now we will go ahead with the witness.

Mr. ALBAUM. Where were we?

Senator FERGUSON. I think we were at the point where we were talking about decisions of the teachers and decisions of the unit of the Communist Party. Were the matters of the union, the decisions of the union discussed in the Communist meeting?

Mr. ALBAUM. Yes.

Mr. MORRIS. Would you say that it was a coordinate body or how would you explain the matters of the union going along with the Communist Party?

Mr. ALBAUM. The only thing that I can say in that connection is that a number of the issues which subsequently were brought up in the union were discussed at these group meetings.

Senator FERGUSON. In other words, they would be discussed first at the group meetings, the Communist meetings, and then they would be brought up at the union meetings?

Mr. ALBAUM. Sometimes. Sometimes they would come up the other way. Sometimes a question would come up and would be discussed at the union meeting.

Senator FERGUSON. It would be taken up first at the Communist meeting and then brought up at the union meeting later; or it might be taken up at the union meeting and then brought up at the Communist meeting later?

Mr. ALBAUM. In other words, union matters were discussed in the unit; that is correct.

Senator FERGUSON. Do you know whether or not they were acting on and deciding on matters so that when it went to the union it was jelled, so as to have a decision there?

Mr. ALBAUM. That I don't know. The only thing I can say in that connection is that if a particular course of action was decided upon, every effort was made in the union to try to get that point of view through. Sometimes it succeeded; sometimes it didn't, because there were many people whom I assume were not involved in this thing and who exercised their free will.

Senator FERGUSON. Now, I think it is material to this issue because of the matter that we have had about a lawyer representing the union or the individuals, to bring this out:

Will you tell us whether or not in the past any lawyer representing the union represented you?

Mr. ALBAUM. Well, there was no representation in this particular sense.

Senator FERGUSON. Advised you?

Mr. ALBAUM. There was advice; that is correct.

Senator FERGUSON. Now, on what other occasion did you have the advice of a representative of the union?

Mr. ALBAUM. There were two occasions, which were crucial occasions in a sense: At the hearings of the board of education and at hearings before the Rapp-Condert committee when we were advised as to what to say by the then representative of the Teachers' Union, the legal representative, Bella Dodd.

Senator FERGUSON. Now, she was at that time a legislative representative of the Teachers' Union?

Mr. ALBAUM. That is correct, to the best of my recollection.

Senator FERGUSON. To the best of your knowledge, and therefore she, as the representative of the union, advised you in relation to your action before the board of higher education?

Mr. ALBAUM. That is correct.

Senator FERGUSON. That was a joint State hearing, is that right?

Mr. ALBAUM. That is correct.

Senator FERGUSON. On that occasion would you tell us what the advice was?

Mr. ALBAUM. Well, the advice was, if you are asked the \$64 question you say that you are not.

Senator FERGUSON. In other words, if you were asked whether you were a member of the Communist Party, you were advised to say that you were not?

Mr. ALBAUM. By the attorney—to say that you were not.

Senator FERGUSON. Even though you were?

Mr. ALBAUM. That is right.

Senator FERGUSON. Now, will you explain whether or not you were before that committee or before the board?

Mr. ALBAUM. Yes; I was called to the board and I also appeared before the Rapp-Coudert committee, except that in neither case did my name make the newspapers.

Senator FERGUSON. Now, did you know whether or not you were free or not free to follow that advice of that representative, the legislative representative of the union?

Mr. ALBAUM. Well, the impresison I got at the time was, from the legislative representative, that you have got nothing to really worry about unless two people involve you. Since the only one that had involved me, presumably—and that probably was the reason I was called—was Professor Grebanier, at Brooklyn College, that I really had nothing to fear and wasn't taking much of a risk and, therefore, you plead that you are not.

Senator FERGUSON. In other words, you were advised that if the committee did not have two witnesses, and you were not telling the truth, that you could get away with it?

Mr. ALBAUM. Yes.

Senator FERGUSON. Were you a free agent then?

Mr. ALBAUM. Well, I was trying to protect my own skin. I didn't want to lose my job. In other words, I wasn't a free agent—how shall I put it? This was the advice that I got and this is what I said. I felt very uncomfortable and guilty about it, but again this was a time when jobs were scarce and I knew that any other statement that I would make, I would lose my job.

Senator FERGUSON. Were you under also the party discipline at that time?

Mr. ALBAUM. At that time I was still associated with the group.

Senator FERGUSON. And were you under party discipline?

Mr. ALBAUM. Well, to the same extent that I was before.

Senator FERGUSON. You have said that you were told that you could not resign, and you felt that if you did resign there might be dire consequences. Is that not correct?

Mr. ALBAUM. That is correct.

Senator FERGUSON. You say that you had written, and you feel they required you to write, so that they would have some open evidence.

Mr. ALBAUM. That was a possibility.

Senator FERGUSON. Would you say then that you were a free agent?

Mr. ALBAUM. In that sense, no.

Senator FERGUSON. Then you were under party discipline; is that true?

Mr. ALBAUM. In that sense, yes.

Senator FERGUSON. Do you think there is to a member of the Communist Party such a thing as party discipline?

Mr. ALBAUM. I think to someone who is completely indoctrinated there is no freedom.

Senator FERGUSON. There is no freedom?

Mr. ALBAUM. No.

Senator FERGUSON. You are then absolutely under party discipline; is that right?

Mr. ALBAUM. That is correct. This, again, is a personal opinion. This is a conclusion I have come to, myself.

Senator FERGUSON. And from other members, dealing with them?

Mr. ALBAUM. Let us say it is my own conclusion from what I have seen.

Senator FERGUSON. From what you have seen and heard in dealing with the Communists?

Mr. ALBAUM. That is correct.

Senator FERGUSON. Will you relate how you got out? I think you are up to that point; are you not?

By the way, did you ever attend any conventions of the union?

Mr. ALBAUM. Union conventions? No; I never did.

Senator FERGUSON. You were never a director or on the Executive Committee, or you were never a vice president?

Mr. ALBAUM. No.

Senator FERGUSON. You were merely a member?

Mr. ALBAUM. I was merely a member.

Senator FERGUSON. All right.

Mr. ALBAUM. As time went on, getting back to the other story, I realized that I had to make a break with this at some time. I just couldn't stand it. It was preying on my conscience; it was interfering with my work. I was always afraid someone else was going to ask the question. I decided to make every effort to make the break. I realized that if I hung around New York I couldn't make a break so I deliberately applied for a research fellowship out of New York and was awarded it. I don't recall the exact date, but it was either in 1941 or 1942. I got the fellowship at the University of Wisconsin and left New York and didn't return until after the war; and that was my complete break with the whole thing, not only the party but the union.

Senator FERGUSON. In other words, you came back in 1945?

Mr. ALBAUM. 1945.

Senator FERGUSON. And you broke with the Communist Party? Do you know whether or not you were ever expelled?

Mr. ALBAUM. I have no way of knowing.

Senator FERGUSON. But, as far as you know, you quit paying dues?

Mr. ALBAUM. That is correct.

Senator FERGUSON. And you quit the union at the same time?

Mr. ALBAUM. That is correct.

Senator FERGUSON. To you it was rather one thing, was it or not?

Mr. ALBAUM. It wasn't one thing but I felt that if I stayed in the union I would encounter the people whom I encountered in the other place, and I just didn't want to do it.

Senator FERGUSON. Well, were they closely associated?

Mr. ALBAUM. Some of them were.

Senator FERGUSON. As far as membership was concerned?

Mr. ALBAUM. That is correct.

Senator FERGUSON. So you felt that a break with one meant a break with the other?

Mr. ALBAUM. I felt that I wanted to get out of the whole thing.

Mr. MORRIS. What year was that?

Mr. ALBAUM. When I made the break?

When I left New York I didn't come back again until 1945, and in 1945 there were no more activities for me along those lines. I proceeded to concentrate upon my professional career. I worked very hard. I realized that some of the people whom I thought were really unfriendly to me before, like my chairman, when he realized that I was conscientious and serious about this, helped me in my career and helped me get ahead.

I undertook research projects for a variety of agencies, American Cancer Society; Damon Runyon Fund; American Philosophical Society; and for the last 2 years I have been doing research for the United States Air Force.

Senator FERGUSON. You now feel that you are a free man?

Mr. ALBAUM. After having told you what I have told you, I feel I am a free man.

Senator FERGUSON. At this time you feel that you are a free man?

Mr. ALBAUM. At this particular time.

Mr. MORRIS. Mr. Chairman, I suggest that in view of the fact that we have several other witnesses who must be heard today, that we defer any further examination of this witness at this time.

Senator FERGUSON. I will do that, but I want to say that you are to be complimented by the Chair this morning in coming in here and explaining what has happened to you in the past, how communism had dominated you, your soul and your spirit, for a considerable time; and it is very refreshing to realize that there has finally been a place that you could come to where you could unload the burden for the good of what I believe is the good of not only America, but, if it is understood by other peoples, of the world.

That man who can come in and testify and free his soul and become a free man should be told this, and I think that it is only just that I should say that I appreciate what you have done for the people of the United States this morning by coming in here and becoming a free man again.

I will defer at this time, because we have many other witnesses here.

Mr. MORRIS. Thank you, Professor.

Senator FERGUSON. I want you to feel that we will talk to you later. There are many things about which we want to ask you.

Mr. ALBAUM. I thank you.

Senator FERGUSON. We will take a 5-minute recess.

(Whereupon at this point a short recess was taken, after which the hearing was resumed.)

TESTIMONY OF KONSTANTINE RADZIE, NEW YORK, N. Y.

Senator FERGUSON. Will you raise your right hand, please?
 You do solemnly swear in the matter now pending before this committee, being a subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RADZIE. I will do.

Senator FERGUSON. What is your full name?

Mr. RADZIE. Konstantine Radzie.

Senator FERGUSON. Where do you live, Mr. Radzie?

Mr. RADZIE. 124 West Eighty-fifth Street.

Senator FERGUSON. Is that R-o-d-z-i-e?

Mr. RADZIE. That is right.

Senator FERGUSON. What is your address, again?

Mr. RADZIE. 124 West Eighty-fifth Street.

Mr. MORRIS. Is that R-a or R-o?

Mr. RADZIE. R-a.

Senator FERGUSON. Mr. Radzie, what is your occupation?

Mr. RADZIE. Paperhanger.

Senator FERGUSON. When did you work last as a paperhanger?

Mr. RADZIE. That was last week sometime. I didn't remember exactly the date.

Senator FERGUSON. Have you worked since the 15th?

Mr. RADZIE. No. Since the 15th I do not remember exactly today when I was working in the Empire State Building, you see, so I don't know whether it was 15 or 16.

Mr. MORRIS. Did you testify in executive session for us today that you worked 2 days ago?

Mr. RADZIE. I said "a few days ago."

Senator FERGUSON. "A few" you say now. But you have not worked since the 15th?

Mr. RADZIE. I repeat again; I don't remember whether it was 15 or 18.

Senator FERGUSON. 15 or 18?

Mr. RADZIE. Yes; but it was last week, I think, sometime, a small job in Empire State Building.

Senator FERGUSON. A small job?

Mr. RADZIE. That is right.

Senator FERGUSON. How many of these hearings have you attended?

Mr. RADZIE. This is the second time.

Senator FERGUSON. You have been in the committee room. Did you get a call this morning that a man was testifying about communism in this committee?

Mr. RADZIE. No.

Senator FERGUSON. You did not?

Mr. RADZIE. I did not.

Mr. MORRIS. Who was testifying the other time you were here?

Mr. RADZIE. I don't remember the name. It was about six or seven gentlemen from the Teachers' Union.

Senator FERGUSON. Are you in any way connected with the Teachers' Union?

Mr. RADZIE. No.

Senator FERGUSON. Have you ever been a teacher?

Mr. RADZIE. Never.

Senator FERGUSON. Have you ever been a member of the control commission of the Communist Party?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. On what grounds?

Mr. RADZIE. On the grounds of the fifth amendment.

Senator FERGUSON. On the grounds of the fifth amendment I will recognize that, and not require you then to answer that question:

Is one of the duties, or one of the things that the control commission of the Communist Party does to discipline members?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. You refuse to answer that on what grounds?

Mr. RADZIE. On the same grounds.

Senator FERGUSON. On the grounds that it would tend to incriminate you?

Mr. RADZIE. I said.

Senator FERGUSON. When were you last in Russia?

Mr. RADZIE. I refuse to answer that question.

Senator FERGUSON. On what grounds?

Mr. RADZIE. On the same grounds.

Senator FERGUSON. Do you know William Z. Foster?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. Do you know Earl Browder?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. A number of years ago were you a member of the control commission of the Communist Party?

Mr. RADZIE. I refuse to answer that.

Senator FERGUSON. On what grounds?

Mr. RADZIE. On the grounds that it might incriminate me.

Senator FERGUSON. That it might tend to incriminate you. All right. You need not answer that.

Did you come to this room this morning as a former member or as a member of this Communist control commission?

Mr. RADZIE. This is a public hearing. I come here.

Senator FERGUSON. Well, as a member of the commission, did you come here?

Mr. RADZIE. I answer: This is a public hearing. I am here as a citizen.

Mr. MORRIS. Are you a citizen?

Mr. RADZIE. I am.

Mr. MORRIS. A United States citizen?

Mr. RADZIE. Yes.

Senator FERGUSON. When did you become a citizen?

Mr. RADZIE. 1937, I think.

Senator FERGUSON. 1937. Were you ever a member of the executive committee of the Friends of the Soviet Union, U. S. A. Section?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. Would you say that, if you are listed as such a member, that that is not a correct statement?

Mr. RADZIE. I refuse to answer that.

Senator FERGUSON. On the grounds that it may tend to incriminate you; is that right?

Mr. RADZIE. That is right.

Senator FERGUSON. Will you say that you did not come to this hearing today after receiving word that someone was testifying about the Communist Party?

Mr. RADZIE. This is a public hearing. I am here as a private citizen.

Senator FERGUSON. Well, did you come for the purpose of intimidating a witness on the witness stand?

Mr. RADZIE. I am here. This is a public hearing, and I am here in the same capacity of hundreds of them here.

Senator FERGUSON. That is your capacity?

Mr. RADZIE. I mean, the same rights as any citizen to come here to a public hearing.

Senator FERGUSON. When did you learn there was going to be a hearing here today?

Mr. RADZIE. That was in the press.

Mr. MORRIS. Did anybody tell you to come here?

Mr. RADZIE. Nobody.

Mr. MORRIS. Nobody told you to come here?

Mr. RADZIE. Nobody.

Mr. MORRIS. Mr. Chairman, I would like the record to show that there is evidence before the executive session that this man has been a member of the Control Commission of the Communist Party, in charge of discipline work for the Communist Party.

Senator FERGUSON. The record will show that there is testimony before the committee that this man is a member of the Control Commission, in charge of discipline, of the Communist Party.

Mr. MORRIS. Are you a member of the Soviet Military Intelligence?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. On what grounds?

Mr. RADZIE. On the grounds of the fifth amendment.

Senator FERGUSON. I will sustain the objection.

Mr. MORRIS. When did you become a naturalized citizen?

Mr. RADZIE. I think it was 1937.

Mr. MORRIS. Now, have you been to the Soviet Union since 1937?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. Have you ever had an American passport?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. On the grounds of the fifth amendment?

Mr. RADZIE. Right.

Senator FERGUSON. I will sustain your objection.

Mr. MORRIS. I wish you would have our research director, Mr. Mandel, make a search of the records of the State Department to ascertain if this man ever did have a passport, so that the record will show whether or not he had passports.¹

Mr. MORRIS. That will be done.

Senator FERGUSON. And so that the record will show how many he has had and how many visas from Russia he has had.

Have you ever been out of this country since you obtained your citizenship?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. On the grounds that it would tend to incriminate you; is that right?

Mr. RADZIE. That is right.

Mr. MORRIS. Are you associated with the publication *Novy Mir*, a Russian weekly?

Mr. RADZIE. I refuse to answer.

Senator FERGUSON. On the same grounds?

Mr. RADZIE. On the same ground.

¹Official records show that a reentry permit was issued to Konstantine Radzic on December 30, 1926, reflecting that he departed from the United States in January 1927 on an alleged pleasure trip to England and Latvia and reentered the United States on April 26, 1927.

Senator FERGUSON. I will sustain the objection.

Mr. MORRIS. I have no further questions.

Senator FERGUSON. That is all.

Mr. MORRIS. The next witness is Gene Weltfish.

TESTIMONY OF MISS GENE WELTFISH, NEW YORK, N. Y., ACCOMPANIED BY HER ATTORNEY, ROYAL W. FRANCE

Senator FERGUSON. Raise your right hand, please.

You do solemnly swear in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss WELTFISH. I do.

Mr. MORRIS. Will you give your full name and address to the reporter, please?

Miss WELTFISH. Gene Weltfish.

Mr. MORRIS. Where do you reside?

Miss WELTFISH. 525 East One Hundred and Seventeenth Street.

Mr. MORRIS. What do you do professionally?

Miss WELTFISH. I am a teacher.

Mr. MORRIS. Where do you teach?

Miss WELTFISH. Columbia University.

Mr. MORRIS. What do you teach there?

Miss WELTFISH. Anthropology.

Mr. MORRIS. For how long have you been teaching anthropology?

Miss WELTFISH. Since 1936.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Miss WELTFISH. I refuse to answer on the grounds of the fifth amendment.

Senator FERGUSON. I show you a photostatic copy of the Daily Worker, Tuesday, June 10, 1952, headed "Woman scientist offers to prove germ-war charge" and ask you whether or not you wrote that article?

Miss WELTFISH. I did not write that article.

Mr. MORRIS. Did you write any article in relation to germ-warfare charges?

Miss WELTFISH. I did not write an article.

Mr. MORRIS. Did you make a statement?

Miss WELTFISH. I gave a press release to the press.

Senator FERGUSON. You gave a press release. Have you a copy of that press release?

Miss WELTFISH. I do not.

Senator FERGUSON. And did you make a statement to the press?

Miss WELTFISH. I gave them my press release and I had a press conference.

Senator FERGUSON. What newspaper people?

Miss WELTFISH. The World-Telegram.

Senator FERGUSON. Anybody else?

Miss WELTFISH. The Times—Mr. Lash, of the Post.

Senator FERGUSON. Anybody else?

Miss WELTFISH. Mr. Rodney, Mr. Albert Kahn.

Senator FERGUSON. Mr. Albert Kahn is a writer about Russia?

Miss WELTFISH. He is from the National Guardian.

Senator FERGUSON. Has he ever written any books?

Miss WELTFISH. I am sure he has.

Senator FERGUSON. He has?

Miss WELTFISH. Yes. I don't rightly know the names.

Senator FERGUSON. On Russia?

Miss WELTFISH. I don't know.

Mr. MORRIS. Are you Dr. Gene Weltfish?

Miss WELTFISH. That is right.

Senator FERGUSON. Did you make a statement at the Pythian Temple?

Miss WELTFISH. I spoke at Pythian Temple.

Senator FERGUSON. Did you say then that germ warfare has been applied against the Koreans and the Chinese?

Mr. MORRIS. By the United States?

Miss WELTFISH. I did not.

Senator FERGUSON. Will you read what it says here?

Miss WELTFISH. I was quoted—

Senator FERGUSON. Wrong?

Miss WELTFISH. In the World-Telegram, by someone else.

Senator FERGUSON. You claim to have been misquoted?

Miss WELTFISH. Yes.

Mr. MORRIS. What did you say about the germ warfare?

Miss WELTFISH. I have no way of telling the exact words that I stated.

Senator FERGUSON. What is the substance of what you said?

Miss WELTFISH. In the Pythian Temple, all I can say is that I was speaking about the plight of children during war, about the problem of the death of parents and the difficulty of children in such circumstances. I cannot say what I said in that public meeting in any exact words. My point was that the danger to children was something that we must all pay attention to, no matter what the weapons are used.

Senator FERGUSON. Well, did you give out the idea to the people there that the Allied Nations had used germ warfare against the North Koreans and the Chinese?

Miss WELTFISH. I did not give out any such idea by intention. I am not a biologist and I would not be able to make such a judgment as a scientist.

Senator FERGUSON. Well, do you have any evidence that the United States Government has ever used in the Korean war any germ warfare?

Miss WELTFISH. I would have no way to have such evidence.

Senator FERGUSON. You do not have, then?

Miss WELTFISH. Of course not. I would have no way to have such evidence.

Mr. MORRIS. Well, Dr. Weltfish, did you on June 5, 1952, present as an exhibit an affidavit by Dr. James Endicott, a former Christian missionary in China? Did you present such an affidavit at that time?

Miss WELTFISH. I presented it to the press.

Mr. MORRIS. Did that affidavit say that the Americans had used a large leaflet bomb for the dissemination of insects and a small porcelain-type bomb for the spreading of germs?

Miss WELTFISH. As I do not have that before me, what the affidavit said, I do not know. It seems to me it was not so much material what was in the affidavit. What was material to me was, as I pointed out in

my first release, that Dr. James Endicott was a man of conscience, a Christian missionary, and what he felt he had seen was of some importance to pay attention to. The important thing was the fact of the integrity of the man that interested me.

SENATOR FERGUSON. Where did you get this statement?

MISS WELTFISH. From Dr. Endicott himself, who sent it to me.

SENATOR FERGUSON. Where did he send it from?

MISS WELTFISH. From Canada.

SENATOR FERGUSON. And did you believe it?

MISS WELTFISH. I had no way of telling whether to believe it or not.

SENATOR FERGUSON. Then why would you release such a statement if you had no way to know whether or not it was true?

MISS WELTFISH. Because I believed in the integrity of the man.

MR. MORRIS. Do you know that Dr. Endicott was chairman of the Canadian Peace Congress?

MISS WELTFISH. I know it now.

SENATOR FERGUSON. Did you know it then?

MISS WELTFISH. No.

MR. MORRIS. Do you know that that is a Communist organization?

MISS WELTFISH. I would not know what manner of organization it is.

SENATOR FERGUSON. When did you meet the doctor who drew up this statement?

MISS WELTFISH. I did not meet him.

SENATOR FERGUSON. You mean that you have never met him?

MISS WELTFISH. No. I have never met him. I knew of him.

SENATOR FERGUSON. How did he come to mail this to you?

MISS WELTFISH. He mailed it to me by virtue of the fact that Mr. Albert Kahn had met him and knew of him and recommended his integrity to me.

MR. MORRIS. Is Mr. Kahn a Communist?

MISS WELTFISH. I wouldn't know. I never asked him about his political beliefs.

SENATOR FERGUSON. If you do not know, why would you take his word as a recommendation on a matter so important as this germ warfare?

MISS WELTFISH. I think the important thing is to consider what people say, not whether one takes one's word or not. I trust the American public to make its own judgments at all times, men and women.

SENATOR FERGUSON. In other words, as a school teacher, as a college professor—

MISS WELTFISH. Yes.

SENATOR FERGUSON (continuing). You would present evidence to the United States public, even though you thought it came from Communists?

MISS WELTFISH. I would present evidence to the United States public or my students, or anyone, that I thought was honest evidence, no matter from whom it came, if I felt it was honest evidence.

SENATOR FERGUSON. Then you do think that this was an honest, truthful statement?

MISS WELTFISH. I thought this is what Dr. Endicott felt, and I thought Dr. Endicott was an honest man.

Senator FERGUSON. Now, when did Albert Kahn first talk to you about Endicott?

Miss WELTFISH. He talked to me about Endicott when this material appeared in the World-Telegram, after the material had appeared in the World-Telegram.

Senator FERGUSON. After the material had appeared in the World-Telegram?

Miss WELTFISH. Quite right.

Senator FERGUSON. Then Albert Kahn came to you?

Miss WELTFISH. Yes.

Senator FERGUSON. And how long had you known Albert Kahn?

Miss WELTFISH. I have met him on and off in a formal capacity.

Senator FERGUSON. Did you ever meet him in any meeting?

Miss WELTFISH. I met him on the lecture platforms.

Senator FERGUSON. Lecture platforms where?

Miss WELTFISH. This I couldn't possibly reconstruct.

Senator FERGUSON. How long have you known him?

Miss WELTFISH. I wouldn't be able to say.

Senator FERGUSON. Did you know him when he lived in Detroit?

Miss WELTFISH. No; I did not know he lived in Detroit.

Senator FERGUSON. You never knew that he lived in Detroit? Have you ever read any of his books?

Miss WELTFISH. I have not.

Senator FERGUSON. And you do not know whether he is a Communist or not? And you did not inquire?

Miss WELTFISH. I did not discuss his political views.

Senator FERGUSON. You do not think that that would be important for you as a teacher and a doctor of philosophy and a scientist, whether or not you would ascertain that before you would present to the public of America, you sponsoring it, that the Allies, including the United States of America had perpetrated upon the North Koreans and the North Chinese germ warfare?

Miss WELTFISH. I want to repeat that what I had put forth was the honesty of Dr. Endicott, and I put forth in my press release the reasons why I could see no motive. I could see no motive in Dr. Endicott's conduct that could make him slant his material to anybody's wish because Dr. Endicott had retired from his post and come away from China, because he had no reason to make any particular gestures toward the Chinese or toward any of the people in Asia.

Senator FERGUSON. When did he come out of China?

Miss WELTFISH. He came out relatively recently.

Senator FERGUSON. Well, do you know that people have had difficulty in getting out, and have had to file bonds?

Miss WELTFISH. Excuse me, I didn't quite finish.

Senator FERGUSON. Go ahead and finish.

Miss WELTFISH. He is a man, I was told, with several children, and he was a man who had come to settle in Canada. I realized that his views were very unpopular, and that nevertheless, in spite of all the circumstances, he made these statements.

Now, it seemed to me that therefore this man had no motive, no self-motive for making such statements.

Senator FERGUSON. Well, did you inquire as to whether or not he could be a Communist?

Miss WELTFISH. As I say, I do not inquire about people's political beliefs.

Senator FERGUSON. And therefore it would not make any difference to you whether a man who was presenting that view of America using germ warfare was or was not a Communist?

Miss WELTFISH. It would make no difference to me what anybody's political belief was when I look at evidence.

Senator FERGUSON. What evidence did you look at to see that it was true?

Miss WELTFISH. I did not look at any evidence and see that it was true. As I said, I am not a biologist. I am a social scientist, and the only evidence that I brought to bear in this case was the fact that Dr. Endicott, could only be a man of integrity, because, under the circumstances, he was a man who was taking an exceedingly unpopular view where he could have no particular personal motive in taking this view.

Mr. MORRIS. Is he a scientist?

Miss WELTFISH. He is a minister of the Gospel.

Mr. MORRIS. Did he tell you in your telephone conversation with him that he knew first-hand that these were facts?

Miss WELTFISH. He did not say he was a scientist, of course, which he is not.

Mr. MORRIS. Did he tell you the things he put in his affidavit were facts from his personal knowledge?

Miss WELTFISH. He said he had observed these things in his affidavit.

Mr. MORRIS. At this time I have quite a few clippings on this point.

Senator FERGUSON. I would like to receive them.

Mr. MORRIS. The first of these is an article from the New York World-Telegram, which reads: "Germ Warfare Charge Laid to Columbia Prof."

At the end of the first paragraph, the second paragraph commences "Children in Hall":

The hall was jammed, and many women and children were present. A number of the spectators said they were shocked at some of the anthropologist's statements.

The reference is to Dr. Weltfish's statements on the case we have been discussing. It lists a group of people who were present at that meeting:

After the meeting they sent wires to Dr. Kirk and Frederic Cuykendahl, acting president of Columbia, telling them that Dr. Weltfish has said she had seen documentary evidence that the United States is waging bacteriological warfare in Korea. They said she accused the United States of "committing the crime of dropping bubonic plague bombs on innocent children in Korea."

Senator FERGUSON. Do you make that statement?

Miss WELTFISH. I did not make that statement.

Senator FERGUSON. Did you give the substance of that statement?

Miss WELTFISH. I did not give the substance of that statement.

Senator FERGUSON. Do you now deny that statement?

Miss WELTFISH. I deny that statement because I would have no way to make such a decision.

Senator FERGUSON. So you have no evidence whatever, other than this one statement that you claim that you received from this man in Canada?

Miss WELTFISH. Quite right.

Senator FERGUSON. Did Albert Kahn tell you anything?

Miss WELTFISH. No; he did not tell me anything. There was nothing to be told.

Senator FERGUSON. How do you account for Albert Kahn coming to you and getting you to call a man in Canada?

Miss WELTFISH. Yes?

Senator FERGUSON. How do you account for that?

Miss WELTFISH. Because he was convinced that this man, having been in China and having been someone that he knew was a man of integrity.

Senator FERGUSON. Who paid for the telephone call that you made?

Miss WELTFISH. I did.

Senator FERGUSON. Where did you make it from?

Miss WELTFISH. From the Hotel Roosevelt.

Senator FERGUSON. Were you there with Albert Kahn?

Miss WELTFISH. I was there with the press.

Senator FERGUSON. Was Albert Kahn present when you made this call?

Miss WELTFISH. He, along with other press men, were there.

Senator FERGUSON. Is he the only press person who told you these facts about the doctor up in Canada?

Miss WELTFISH. He is the only person who talked to me.

Senator FERGUSON. Well, now, did he ask you to call?

Miss WELTFISH. He said that he had spoken to Dr. Endicott, and Dr. Endicott would be willing to speak to me.

Senator FERGUSON. And he and Dr. Endicott must have had in mind using you because he told you that he would be willing to talk to you about it?

Miss WELTFISH. No one could say that anybody uses me.

Senator FERGUSON. Do you think now that you were used in this case?

Miss WELTFISH. I never think I am used. Certainly not. I always make my own decisions.

Senator FERGUSON. Now, has your decision been as it is indicated in these press releases?

Miss WELTFISH. My own press releases, yes; but not what might have appeared in the newspapers.

Senator FERGUSON. Not what you said at the Pythian Temple?

Miss WELTFISH. As I say, I have no record of what I said at the Pythian Temple.

Senator FERGUSON. Was what you said at the Pythian Temple before you made the phone call to Dr. Endicott?

Miss WELTFISH. I spoke at Pythian Temple, certainly, before I spoke to Dr. Endicott.

Senator FERGUSON. Had you spoken to anyone who claimed to have any knowledge about germ warfare before you spoke at the Pythian Temple?

Miss WELTFISH. I had simply read remarks in the press.

Senator FERGUSON. Did you repeat them at this meeting?

Miss WELTFISH. I did not repeat remarks, except quotations, as I remember, from General Arnold. I do not have the quotation here.

Senator FERGUSON. Did you make any statements to your classes on this same question?

Miss WELTFISH. Certainly not.

Senator FERGUSON. Not on this question?

Miss WELTFISH. Certainly not.

Senator FERGUSON. To any of the college professors?

Miss WELTFISH. Certainly not. Wait a minute. Excuse me. I must amend that last. I was, of course, asked by the chairman of my department to speak to him.

Senator FERGUSON. And did you speak to him?

Miss WELTFISH. Indeed.

Senator FERGUSON. Did you repeat the charges?

Miss WELTFISH. Certainly not.

Mr. MORRIS. Have you ever publicly repudiated these newspaper accounts?

Miss WELTFISH. It seems to me impossible to follow every newspaper account and have a discussion on these questions.

Senator FERGUSON. Well, did you ever repudiate any of them?

Miss WELTFISH. I gave the press release in order to make it perfectly clear what my position was.

Mr. MORRIS. Mr. Chairman, in connection with the second newspaper clipping, this is from the New York Post of Friday, June 13, 1952, page 48.

There is a story here describing the meeting when Dr. Weltfish had carried on this conversation with Dr. Endicott, and in the course of the story it read:

Dr. Weltfish said she was making no accusations. Her concern, she alleged, was with children, and in that connection she had, after her June 5 speech, come upon material which she considered of considerable importance.

The story goes on to say that her first exhibit was an affidavit by Dr. James Endicott, a former Christian missionary in China. This purports to be a quote from the affidavit. The reporter in this story put the whole quote right in. He reported this as having been extracted from the affidavit. It reads:

"In the part of China where I investigated," read the affidavit, "the Americans had used a large leaflet propaganda bomb for the dissemination of insects, and a small porcelain-type bomb used for spreading germs."

Another bomb "still had not been properly investigated" wrote Dr. Endicott, "and I discovered in the head, covered by a steel plate, two large handfuls of dirty cotton soaked in a glycerin-like substance. The Chinese doctors who were with me were horrified when they saw me handling this stuff, and immediately sterilized my hand."

Dr. Weltfish found this impressive, she said, because, while not a biologist, she was a social scientist specializing in human relations, and having asked "What manner of man was Dr. Endicott?" had learned that he had been a missionary in China for 22 years before returning to his native Canada. "What would he have to gain from currying favor with China?" she had asked herself.

I would like that to be introduced into the record together with the World-Telegram article of June 6, the article of the Daily Worker of June 10, 1952, page 5, and I suggest, Senator, that we defer pursuing this particular line of questioning with this witness until we get some of the evidence that has been referred to in this into the record.

Senator FERGUSON. I want to ask whether or not you ever took it up with anyone in our Government as to whether or not we had used germ warfare?

Miss WELTFISH. It didn't seem to me necessary to take it up with anyone, as it had been declared, I think by Truman, that we had not.

Senator FERGUSON. So you had the statement of the President of the

United States that we had not, and you had the statement of Albert Kahn and Dr. Endicott, in effect, that we had?

Miss WELTFISH. Albert Kahn did not say so.

Senator FERGUSON. What did he say?

Miss WELTFISH. He said that he trusted Dr. Endicott and he had just been there, would I listen to him.

Senator FERGUSON. He was approving the Endicott statement which was evidence to you that it was all right?

Miss WELTFISH. I have no reason to assume what was in Mr. Kahn's mind. All I can say is that I would assume that Mr. Kahn had a similar reaction to Endicott that I did. Otherwise he would not have pointed out that this was a man of honesty. That this was a man of honesty. That is all I know.

Senator FERGUSON. At the time you gave the Endicott statement, did you say that the President had denied this statement?

Miss WELTFISH. I don't remember whether I did.

Senator FERGUSON. Have you ever made a statement to the effect that you believed that we had not used germ warfare?

Miss WELTFISH. I have never made a further statement about the germ warfare, after that incident, because I felt that I had been involved in something on which I could give no further scientific evidence.

Mr. MORRIS. Do you know a woman named Nina Popova?

Miss WELTFISH. I refuse to answer, on the grounds of the fifth amendment.

Senator FERGUSON. I will sustain the objection.

Mr. MORRIS. Did you ever meet a blonde secretary of Nina Popova?

Miss WELTFISH. I think this is the same question.

Senator FERGUSON. Do you claim the constitutional provision?

Miss WELTFISH. Yes.

Senator FERGUSON. All right. I will sustain the objection.

Mr. MORRIS. Do you know that Nina Popova is a Soviet representative at the United Nations?

Miss WELTFISH. Excuse me—of course.

Mr. MORRIS. You know that she is?

Miss WELTFISH. No, Nina Popova is not.

Mr. MORRIS. What is Nina Popova's position?

Miss WELTFISH. As I said, I would not discuss Nina Popova.

Senator FERGUSON. You refuse to answer that on the grounds that it would tend to incriminate you?

Miss WELTFISH. Yes.

Senator FERGUSON. I sustain the objection.

Mr. MORRIS. Could you tell us: Is she a Soviet citizen?

Miss WELTFISH. I don't think we can pursue further this question.

Senator FERGUSON. Do you refuse to answer that?

Miss WELTFISH. I refuse to pursue this line of questioning.

Senator FERGUSON. On what grounds?

Miss WELTFISH. On the grounds of the fifth amendment.

Senator FERGUSON. Did you know the last witness on the witness stand?

Miss WELTFISH. Which one?

Senator FERGUSON. The last man?

Miss WELTFISH. I had no idea. I did not know him.

Senator FERGUSON. You did not know him? Have you ever seen him before?

Miss WELTFISH. Never.

Senator FERGUSON. You are now a professor at Columbia University?

Miss WELTFISH. I am a lecturer.

Senator FERGUSON. What is your salary?

Miss WELTFISH. \$4,000 a year, less taxes.

Senator FERGUSON. Have you any other occupation?

Miss WELTFISH. I have no other occupation. I have recently written a book.

Senator FERGUSON. On what subject?

Miss WELTFISH. On the origins of art.

Senator FERGUSON. You have no other occupation, though? You are not a teacher anywhere else?

Miss WELTFISH. No.

Mr. MORRIS. Now, Dr. Weltfish, do you know that Nina Popova is the Soviet delegate to the Women's International Democratic Federation?

Miss WELTFISH. I object on the same grounds.

Mr. MORRIS. All right. Are you associated with the Women's International Democratic Federation?

Miss WELTFISH. I am.

Mr. MORRIS. What position do you hold?

Miss WELTFISH. I am its American vice president.

Mr. MORRIS. Now, did you ever pass or receive from the secretary of Nina Popova any material of any kind?

Miss WELTFISH. I would like to make the same reservation about all connection with Nina Popova.

Mr. MORRIS. In other words, you refuse to answer this question on the grounds that your answer might incriminate you?

Miss WELTFISH. Yes.

Senator FERGUSON. I sustain it.

Mr. MORRIS. Have you ever bought any microfilm material?

Miss WELTFISH. Never. Wait a minute. What kind of micro-film material? You mean from the Public Affairs Committee?

Mr. MORRIS. Have you ever in the last 2 years bought or received from anyone a microfilm?

Miss WELTFISH. No.

Mr. MORRIS. You have not? You did not receive any microfilm from South Caledonia?

Miss WELTFISH. South Caledonia?

Mr. MORRIS. Yes.

Miss WELTFISH. Certainly not.

Mr. MORRIS. Did you ever receive anything from South Carolina?

Miss WELTFISH. Microfilm, no.

Mr. MORRIS. Are you sure of that answer now, Miss Weltfish?

Miss WELTFISH. As I say, in connection with educational material, if I ever received those microfilms, no.

Senator FERGUSON. Do you know what microfilm is?

Miss WELTFISH. I never received any microfilm in my life.

Mr. MORRIS. Are you interested in any kind of projects going on in South Carolina?

Miss WELTFISH. I know of none.

Mr. MORRIS. Have you evidenced any interest in any project in South Carolina?

Miss WELTFISH. I know of none.

Senator FERGUSON. I think at this time we will recess without a date. There are matters that must be gone into, and I think that you, Mr. Morris, and Mr. Mandel, must have time to prepare them for open hearings, in executive session.

That being true, I do not know exactly when I could return, and I have not asked the committee as to what time they might send someone else, so I would have to recess without a date.

Mr. MORRIS. Mr. Chairman, there are other witnesses whom we had hoped to hear today. I wonder if you would direct them to stand by?

Senator FERGUSON. Their subpoenas will be continued and they will be given notice by telephone or letter as to when we will resume our hearings. I hope the witnesses will return.

Do you want this witness back at that time?

Mr. MORRIS. Yes.

Senator FERGUSON. You will get a notice when to return, after we look over some information.

Very well, we will rise, without a specific date.

(Whereupon, at 12:45 p. m., the subcommittee recessed, subject to call.)

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

MONDAY, OCTOBER 13, 1952

UNITED STATES SENATE,
COMMITTEE OF THE JUDICIARY, SUBCOMMITTEE
TO INVESTIGATE THE ADMINISTRATION,
OF THE INTERNAL SECURITY ACT AND
OTHER INTERNAL SECURITY LAWS,
New York, N. Y.

The subcommittee met at 9:45 a. m., pursuant to call, in room 619, United States Courthouse, Foley Square, the Honorable Willis Smith presiding.

Present: Senators Smith and Ferguson.

Present also: Robert Morris, subcommittee counsel, and Benjamin Mandel, director of research.

Senator SMITH. The hearing will come to order.

Mr. Morris will proceed with the investigation and examination of those who are to be examined here today.

Mr. MORRIS. Mr. Chairman, at the last session of this subcommittee, which is sitting in on the educational hearings, a gentleman named Konstantine Radzie put in an appearance at this courtroom. He was called to the stand and asked if he represented the control commission of the Communist Party to discipline teachers. He refused to answer the question on the ground his answer might incriminate him. We have here today a witness, Mr. John Lautner, who has been called to give testimony concerning the nature of the duties performed by Mr. Radzie within the Communist organization. We have, therefore, Mr. John Lautner.

Senator FERGUSON. The testimony also indicated, or the record indicated, that the committee had testimony that Radzie, who had appeared here, was a Communist and also had connections with the control of the Communist Party in America.

Mr. MORRIS. Right, Senator.

Senator FERGUSON. I think it is material to the issue, if the Chair please, that we receive the testimony of this witness.

Senator SMITH. Has this gentleman been sworn?

Will you stand and hold up your right hand? Do you solemnly swear the testimony you shall give in this hearing before a subcommittee of the Judiciary Committee of the United States Senate shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAUTNER. I do.

TESTIMONY OF JOHN LAUTNER, NEW YORK CITY, N. Y.

Mr. MORRIS. Will you give your full name and address to the reporter?

Mr. LAUTNER. John Lautner, New York City, N. Y.

Mr. MORRIS. Mr. Lautner, have you ever been a member of the Communist Party?

Mr. LAUTNER. Yes.

Mr. MORRIS. When did you join the Communist Party?

Mr. LAUTNER. I joined the Communist Party in 1929, about October or November.

Mr. MORRIS. And for how long did you remain a member of the Communist Party?

Mr. LAUTNER. Up to the 17th of January 1950.

Mr. MORRIS. And what happened at that time to cause your termination of membership?

Mr. LAUTNER. I read in the Daily Worker that I was expelled for protecting enemy agents in the ranks of the Communist Party, and being myself an enemy agent of long standing in the ranks of the Communist Party.

Mr. MORRIS. Do you mean the Communists said that you were an enemy?

Mr. LAUTNER. An enemy agent of the party; that is correct.

Senator FERGUSON. In other words, they thought you were a traitor to their cause in their ranks?

Mr. LAUTNER. In fact, the heading of the article was "Traitor," and I was accused of being a Government agent in the ranks of the party.

Senator FERGUSON. I understand, then, that the Communist Party has a loyalty program.

Mr. LAUTNER. Oh, yes.

Senator FERGUSON. And they see to it that all of their members are loyal to the Communist Party?

Mr. LAUTNER. To the Communist Party and the program of the Communist Party.

Senator FERGUSON. Now, do they grant you a hearing on your loyalty?

Mr. LAUTNER. I had a "hearing," in quotation marks, in a cellar in Cleveland, Ohio, with guns, butcher knives and rubber hoses and hot and cold running water, and the like, and a lie detector and a tape recorder and plug-uglies—that was the hearing I got.

Senator FERGUSON. Was that before it was printed in the paper that you were expelled?

Mr. LAUTNER. This was printed on the 17th of January, on a Tuesday morning, and my hearing was the previous Saturday, in Cleveland, Ohio.

Senator FERGUSON. Was your life threatened at Cleveland, Ohio, at your hearing?

Mr. MORRIS. My life was threatened. That is the reason I didn't give my full address over here today.

Senator SMITH. What building were you in?

Mr. LAUTNER. I was in a section in Cleveland, Ohio, known as Kingsbury Run, down in that industrial hole where at least 13 or 14 unsolved murders were committed in the last 15 years.

Senator FERGUSON. You were in the military service at one time here in America?

Mr. LAUTNER. Yes; I was in the Army. I was inducted in November 1942, and I served up to June 1945. I was a graduate of Military Intelligence, and I was assigned to psychological warfare in propaganda work.

Senator FERGUSON. And you were a Communist?

Mr. LAUTNER. I was a member of the Communist Party at the time of my induction.

Senator FERGUSON. Now, who was your superior officer in the Military Intelligence, psychological warfare?

Mr. LAUTNER. In psychological warfare, my superior officer was Peter Rhodes, who was in charge of the Mediterranean theater of operations monitoring system at that time.

Senator FERGUSON. Was he a Communist?

Mr. LAUTNER. At that time I didn't know. Later on I found out he was.

Senator FERGUSON. He was?

Mr. LAUTNER. Yes.

Senator FERGUSON. At the time that he was in charge of our intelligence in the Mediterranean theater he was a Communist?

Mr. LAUTNER. I assume so. I didn't know at that time.

Senator FERGUSON. You have learned it since?

Mr. LAUTNER. After I came back from the Army and I checked with the party I knew he was a party member.

Mr. MORRIS. How do you spell his name?

Mr. LAUTNER. R-h-o-d-e-s.

Senator FERGUSON. What was your job in the Communist Party?

Mr. LAUTNER. I had various functions, from the time I joined. The last function that I had was as a member of the national review commission or control commission or discipline commission and head of the New York State review commission.

Senator FERGUSON. What did you do as an officer in that review commission?

Mr. LAUTNER. As an officer in that review commission—well, I was in charge of the commission in New York State. I prepared cases for disciplinary hearings.

Senator FERGUSON. Similar to what you had over in Cleveland?

Mr. LAUTNER. No. Oddly enough, I never saw anything like that I experienced in Cleveland, Ohio.

Senator FERGUSON. What were they trying to do in Cleveland; get you to confess that you were a traitor to their cause?

Mr. LAUTNER. Yes; and to do away with me. I am firmly convinced that was the intent, because prior to that they tried to get me on the other side, behind the iron curtain, and a fortunate coincidence prevented me from getting a passport at that time and go to Hungary. This was in December 1949.

Senator FERGUSON. Were you a traitor to their cause?

Mr. LAUTNER. No. Up to the point of my expulsion I had at no time had any connection whatsoever with any government agency.

Senator FERGUSON. But they did think that you had?

Mr. LAUTNER. They did. They had a number of circumstantial reasons, circumstantial evidence: the fact that I was in Military Intelligence, the fact that one of the persons who was with me in Beirut,

under me, testified in 1948 in the Rajk trial in Hungary, and stated there that he was introduced to Titoists by an American soldier. Evidently he meant me. I think that was the reason for my expulsion. My expulsion did not emanate from this party. It came on orders from the other side.

Senator FERGUSON. From Moscow?

Mr. LAUTNER. Well, from behind the iron curtain.

Senator FERGUSON. Were you, when you had your trial over in Cleveland that you have described, loyal to the Communists?

Mr. LAUTNER. Yes.

Senator FERGUSON. Up to that time?

Mr. LAUTNER. In fact, I was told to be in a certain place the next morning, 11 o'clock, to continue this so-called hearing; and, like a darn fool, I did go, and they never showed up.

Senator FERGUSON. Did you know Radzie?

Mr. LAUTNER. Radzie? Yes; he was on the national review commission with me. He was on that commission that appointed a subcommittee to investigate me.

Senator FERGUSON. He was on the commission that appointed the subcommittee to investigate you?

Mr. LAUTNER. That is right.

Senator FERGUSON. But, prior to that, had he been on the committee with you known as review committee?

Mr. LAUTNER. That is right.

Senator FERGUSON. Was one of your jobs to discipline people?

Mr. LAUTNER. Oh, yes.

Senator FERGUSON. So that, if a person who was a Communist happened to come before a Senate committee and testify to the truth that they were Communists and give facts, his job, and your job, would have been to try that person?

Mr. LAUTNER. That is right, to prevent any damage to be done to the Communist Party.

Senator FERGUSON. And how would you prevent it?

Mr. LAUTNER. Well, by various methods—intimidation and pressure, through friendship—there are many methods.

Senator FERGUSON. Would it be one of the provinces of you or Radzie to appear so that the people who were testifying would know that the Communists were here to hear what they said?

Mr. LAUTNER. If that is a form of intimidation; yes.

Senator FERGUSON. Anything to intimidate; is that true?

Mr. LAUTNER. That is correct.

Senator FERGUSON. Do you know whether he is here now in the courtroom? You better stand up so you can see. You don't see him?

Mr. LAUTNER. No.

Senator FERGUSON. When did you first learn that he was a Communist?

Mr. LAUTNER. In 1930.

Senator FERGUSON. As early as 1930?

Mr. LAUTNER. That is correct.

Senator FERGUSON. And did that continue up until January of 1950?

Mr. LAUTNER. That is correct.

Senator FERGUSON. How long was he on this review board with you?

Mr. LAUTNER. In 1930, I was in the city of Detroit as a party organizer, and I was made the secretary of the control commission there.

Senator FERGUSON. How many Communists had we in Detroit?

Mr. LAUTNER. At that time?

Senator FERGUSON. Yes.

Mr. LAUTNER. 1930, I would say—I can give you an approximate number: about 1,600.

Senator FERGUSON. About 1,600?

Mr. LAUTNER. At that time.

Senator FERGUSON. Was he there with you?

Mr. LAUTNER. No; I was secretary of the control commission in the city of Detroit, and he was a member of the central control commission at that time.

Senator FERGUSON. That was over and above you?

Mr. LAUTNER. That is right. That was in New York, and the secretary of the control commission at that time was Charlie Dirba.

Senator FERGUSON. Would you say that he was an espionage agent?

Mr. LAUTNER. Well, I don't know. I have no—

Senator FERGUSON. Well, I mean did that involve your being an agent?

Mr. LAUTNER. Not—it involved your being a Communist leader who was in charge of safeguarding and vigilantizing, safeguarding the Marxist-Leninist purity of the party, and the party line, to safeguard the party against any deviation, to seek out deviationists in the party, to discipline these people—this was in the main the job of the control commission. What individual members did on the side, I don't know.

Mr. MORRIS. Excuse me, Mr. Lautner. You have used the words "review commission" and the words "control commission."

Mr. LAUTNER. That is the same thing.

Mr. MORRIS. Tell us if that is the same thing.

Mr. LAUTNER. That is the same thing. It is the committee with the same function throughout the years.

Mr. MORRIS. And the function principally is?

Mr. LAUTNER. It is to safeguard party discipline, to vigilantly seek out and ferret out any antiparty elements in the ranks of the party, to carry out investigations and to propose for expulsion or any form of discipline party members who don't toe the line.

Senator FERGUSON. We had a man here who said that, when he asked about resigning from the Communist Party—a witness in the last hearing—he said he was told "You don't resign from the party." Is that correct?

Mr. LAUTNER. Any party member who is worth his salt in the Communist Party cannot resign from the Communist Party. You are expelled.

Senator FERGUSON. And you were expelled?

Mr. LAUTNER. Oh, yes. The Daily Worker said so.

Senator FERGUSON. Had you a Communist name?

Mr. LAUTNER. In the Communist Party, U. S. A. I never had another name. I used my whole name all the way through.

Senator FERGUSON. Was it common practice to use other names?

Mr. LAUTNER. Yes.

Senator FERGUSON. Was that for concealment purposes?

Mr. LAUTNER. For a number of reasons. Yes, in the main, for concealing the real identity of the person. In some instances, if a person was known as a member of the Communist Party, his effectiveness as a Communist, wherever he works, would be practically nil. Therefore, he conceals his party membership and operates in that fashion.

Senator FERGUSON. In other words, his job is to work under cover, telling the people in effect that he is not a Communist, so that he can carry out party lines more effectively as a non-Communist?

Mr. LAUTNER. As a non-Communist more effectively.

Senator FERGUSON. Did you ever carry a card?

Mr. LAUTNER. Party card?

Senator FERGUSON. Yes.

Mr. LAUTNER. Yes.

Senator FERGUSON. Do you know whether Radzie ever carried a card?

Mr. LAUTNER. Well, yes; he was on the control commission. Yes; he was in the building trades in 1945 and 1946, when I was section organizer in 1946 in the building-trades section in New York County. He was a member of the Manhattan painters' branch and a member of the branch executive, and he carried a party card.

Senator FERGUSON. You pronounced his name Rodsi?

Mr. LAUTNER. Rodsi, R-a-d-s-i.

Mr. MORRIS. When you were expelled from the Communist Party, Mr. Lautner, to your knowledge was Mr. Radzie a member of the control commission at that time?

Mr. LAUTNER. Yes, definitely.

Mr. MORRIS. That was in early 1950?

Mr. LAUTNER. That is right.

Mr. MORRIS. Mr. Mandel, will you identify this clipping?

Mr. MANDEL. I have a letter, a photostat of an article appearing in the Daily Worker of March 11, 1929, page 1.

Senator FERGUSON. Before you go into that, I have something I wanted to ask that may relate to this.

Did you ever know whether he was naturalized?

Mr. LAUTNER. No; I didn't. I had no personal knowledge of that.

Senator FERGUSON. The records do show that he was naturalized in 1939. Would you say, from your own knowledge, that he was a Communist at that time?

Mr. LAUTNER. That is correct. He was a Communist prior to 1939 and he was a Communist after 1939.

Senator FERGUSON. And in 1939 he was a Communist, to your knowledge?

Mr. LAUTNER. That is right.

Senator FERGUSON. Your personal knowledge?

Mr. LAUTNER. Yes.

Senator FERGUSON. Mr. Morris, I do not suppose this is the appropriate time; but certainly this matter, Mr. Chairman—and I would ask the Chair—should be referred to the Department of Justice if this man on this testimony was a Communist in 1939 when he received his naturalization. Certainly the matter should be taken up now by the Attorney General and the Department of Justice.

Senator SMITH. I think so. The committee will refer it to the Department for its action.

Mr. MORRIS. That is, at the time, presumably at the time, of his naturalization, he must have denied membership in the Communist Party.

Senator FERGUSON. He was a Communist according to this testimony, and he has refused to answer on the ground that it would tend to incriminate him. So, this is competent testimony on this issue.

Mr. MORRIS. This clipping that Mr. Mandel is reading is pertinent, too.

Mr. MANDEL. I read this from this article [reading]:

At the last session of the sixth national convention, Saturday night, a new central executive committee of the Communist Party, U. S. A. was elected. A central control commission of 11 members was also elected.

And further it says:

The members of the new central control commission are as follows:

and I read the names of K. Radzie and Charles Dirba.

Mr. MORRIS. What is the date of that?

Mr. MANDEL. March 11, 1929.

Mr. MORRIS. May that go into the record as part of the evidence?
Senator SMITH. Yes.

(The clipping referred to is as follows:)

**NEW CENTRAL EXECUTIVE COMMITTEE OF PARTY ELECTED—HALF OF MEMBERS
WORK IN MINES, FACTORIES**

At the last session of the sixth national convention Saturday night, the new central executive committee of the Communist Party of the U. S. A. was elected. Of the 44 members on the Central Executive Committee, 22 are now working in the factories, mills, and mines. Candidates of the Central Executive Committee number 21. A central control commission of 11 members was also elected. The names of the membership of the new Central Executive Committee follow:

L. Amter, John J. Ballam, Max Bedacht, Chester W. Bitley, — Bradley, Cyril Briggs, Earl Browder, J. Morris, Lena Chernenko, Anna David, Ellen Dawson, J. Louis Engdahl, William Z. Foster, Tony Gerlach, Otto Hall, John Henry, Leo Hofbauer, O. E. Hulswoud, Niels Kjar, E. Koppel, Krutka, William F. Krulise, Benjamin Lifshitz, Jay Lovestone, — Lupin, William Miller, N. Ninutella, Robert Minor, M. J. Olgin, H. Puro, John Schmieles, Frank Sepich, Dan H. Slinger.

Jack Stachel, Norman Tallentire, — Patrick, Frank Vratarle, Albert Weisbord, W. J. White, William W. Weinstein, Bert Wolfe, Charles S. Zimmerman.

The candidates of the Central Executive Committee are as follow:

Alexander Trachtenberg, H. M. Wicks, K. E. Heikkinen, Pat Devine, A. Jakira, Juliet Stuart Poyntz, Bert Miller, Alex Ball, Anthony Binba, Herbert Benjamin, Alfred Knutson, Ella Reeve Bloor, Charles Novak, Ed Welsh, Herbert Zam, J. Sorenson, F. G. Beldenkapp, I. Wolfsey, Oscar Corgan, Dora Lifshitz, J. Johnstone.

The members of the new central control commission are as follow:

J. Mandel, K. Radzie, Charles Dirba, A. Severino, J. O. Bentall, J. Lowrie, O. Held, A. Finkelberg, M. Ziebel, M. Nemser, S. Herman.

Senator FERGUSON. Will you look into the court room now and tell us whether or not you see any members of either the central or any other branch of the control committee of the Communist Party?

Senator SMITH. That is, that you are sure of.

Senator FERGUSON. And who were members when you were on.

Mr. LAUTNER. No; I don't.

Senator FERGUSON. You do not see any?

Mr. LAUTNER. No.

Senator FERGUSON. Did you see any as you came into the building this morning?

Mr. LAUTNER. No. I came in early.

Mr. MORRIS. Mr. Lautner, are you acquainted with the organization of school teachers in the Communist Party?

Mr. LAUTNER. Yes.

Mr. MORRIS. Will you tell us on what basis you became acquainted with the organization of school teachers in the Communist Party?

Mr. LAUTNER. In the school year of 1948-49, there was an effort, a beginning, made to reorganize the party structure in the school system. The initial work was done by a person on the educational commission of the party, Sam Coleman. Sam Coleman was later on transferred out, and he became an industrial-section organizer in the mill trades.

Mr. MORRIS. Is that C-o-l-e-m-a-n?

Mr. LAUTNER. Yes, C-o-l-e-m-a-n. And William Norman or William Maroon, the executive secretary of the New York State organization, assigned myself and May Miller to reorganize the party organization among the school teachers along the same lines, as the whole party was being prepared to go underground.

Mr. MORRIS. This organization plan, did it have an American origin or was it something imported from abroad?

Mr. LAUTNER. No; that was the condensed experience. The organizational form was based on the condensed experience of the Communist Parties of Europe in the period prior to the Second World War when these parties had to go through reorganizations in order to carry on their activities there. Foster was in Europe in 1947; and when he came back, at one of the national committee meetings, he gave a report on these experiences that the party experienced on the other side. And, just about the time the first indictments came down, the indictment of the party leadership, Bob Thompson, the State chairman of the Communist Party, called a meeting with Bill Norman, Hal Simon, and myself, and gave this report that we will have to reorganize and prepare for the party to go underground. That was the so-called three system.

Senator FERGUSON. What was driving you underground at that time?

Mr. LAUTNER. To carry on party activities under any and all conditions, to safeguard the organizational unity of the party. That was the main consideration.

Senator FERGUSON. Would you say that the party can really work more effectively in America underground than it can upon the surface?

Mr. LAUTNER. There are certain definite limitations when you work underground. You can work much more effectively if you are above ground.

Senator FERGUSON. You can?

Mr. LAUTNER. That is correct?

Senator FERGUSON. But were they driven underground by any particular cause?

Mr. LAUTNER. Were they driven underground by any particular cause?

Senator FERGUSON. Yes.

Mr. LAUTNER. Well, the situation is that they are underground and they operate in the open.

Senator FERGUSON. They operate both ways in America?

Mr. LAUTNER. That is correct.

Senator FERGUSON. But this particular school teachers' group were to work how?

Mr. LAUTNER. That was to be reorganized on an underground basis and the three system.

We had this assistance by the State secretariat, and we had a number of meetings with the person who was assigned to us as a liaison, from teachers, a person by the name of Tima.

Mr. MORRIS. Where does Tima live?

Mr. LAUTNER. Chelsea Hotel.

Mr. MORRIS. How do you spell her name?

Mr. LAUTNER. T-i-m-a.

Senator FERGUSON. Do you think that was a real name or an alias?

Mr. LAUTNER. I wouldn't know.

Senator FERGUSON. Did you happen to know about Bella Dodd?

Mr. LAUTNER. Yes.

Senator FERGUSON. Was she connected with the organization?

Mr. LAUTNER. Bella Dodd at this time had no connection with the organization. She was put in a Deepfreeze in the party from 1947 on.

Mr. MORRIS. You are speaking figuratively?

Mr. LAUTNER. Yes, figuratively. She was persona non grata in higher circles.

Mr. MORRIS. Did you participate in the expulsion of Bella Dodd?

Mr. LAUTNER. Yes.

Mr. MORRIS. In what capacity were you at that time?

Mr. LAUTNER. I was secretary of the State review commission.

Mr. MORRIS. That is the control commission?

Mr. LAUTNER. That is right. And the meeting was called in the party law offices at 100 Fifth Avenue, in the offices of Abe Unger, Fleischer, and Freedman.

Senator FERGUSON. They were attorneys for the party?

Mr. LAUTNER. Attorneys for the party. The following people were at the meeting: Bill Norman, the executive secretary of the party; Hal Simon, a member of the secretariat; May Miller, the assistant secretary; and myself as the head of the State review commission. We had the top coordinating committee of the teachers' party organization: Rose Russell, Lederman, and Wallach. We had the following Communist leaders of Italian origin: Al Lannon, Mike Salerno, Anthony Lombardo, and the regional director where Bella Dodd was a member, Alter Isman, and also Tima was there, the liaison between the coordinating committee and the party secretariat.

Senator FERGUSON. Would you spell the name of Tima?

Mr. LAUTNER. Teresman, T-e-r-e-s-m-a-n.

Senator FERGUSON. Was Radzie there?

Mr. LAUTNER. No.

Senator FERGUSON. Was he then on any committee?

Mr. LAUTNER. No; this was a State disciplinary case, and Radzie was on the national review commission. I was there in my capacity as head of the State review commission. And there is where Bill Norman informed the coordinating committee and Italian leading Communists that it was decided that Bella Dodd will be expelled.

Senator FERGUSON. Then she was expelled?

Mr. LAUTNER. That is correct. Then we went through the constitutional procedure—take it up in a branch—and the regional director went down there, and she had a "hearing," in quotation marks, and that is the form it took.

Mr. MORRIS. You were explaining to us the reorganization of the teachers' organization within the party, Mr. Lautner. Will you resume that, please?

Mr. LAUTNER. Yes. So, we met with this liaison between the top coordinating committee and ourselves, May Miller and myself, and we proceeded to build this structure on the three basis, to integrate somewhere around three-hundred-some-odd teachers out of a possible 500 dues-paying teachers in the New York party organization.

Mr. MORRIS. Does that mean there were 500 teachers at that time?

Mr. LAUTNER. Approximately 500 dues-paying teachers.

Mr. MORRIS. Dues paying to the Communist Party?

Mr. LAUTNER. That is correct.

Mr. MORRIS. And this is 1949?

Mr. LAUTNER. That is right. They were up to that point in industrial branches, teachers' branches, allocated and spread out throughout the city to counties and sections, sections that had no reason whatsoever to have them there, but to give them that much security. They were organized in that form. We tried to improve this three—

Senator FERGOUSON. Is that word "tree"?

Mr. LAUTNER. One, two, three. That is a form or organization which is very interesting.

Mr. MORRIS. Will you demonstrate that organization for us? There is a blackboard. Mr. Lautner, will you give us a general sketch of how that operates?

Mr. LAUTNER (at blackboard). The party leadership appointed the top coordinating committee. The top coordinating committee consisted of three people.

Mr. MORRIS. Who were those three people? Can you tell us from your own experience?

Mr. LAUTNER. Rose Russell, Wallach, and Lederman.

Mr. MORRIS. What was Wallach's first name?

Mr. LAUTNER. I don't know.

Senator FERGOUSON. What was Lederman's first name?

Mr. LAUTNER. I don't know. These were the three people. One was head of the three. He was the political person in the group. This was on top people. The other was the organizational person, and the third one was the third union mass-organization person.

Now, these three people were assigned, each one of them, to appoint three other persons below him on the next level. The main consideration in appointing these people was, one, absolute loyalty and devotion and steadfastness to the party. That was the main consideration in appointing. And then leadership ability and organizational ability. All other problems were secondary. But the main consideration was, first of all absolute devotion to the party and steadfastness, to stand up under any and all conditions under which the party must operate.

Now, three such people were appointed—

Senator FERGOUSON. In other words, they didn't want any deviation from the loyalty to the party.

Mr. LAUTNER. Any deviation from the properly established party line.

Senator FERGOUSON. All right. Now, then, tell me why they are so violently opposed to the United States Government wanting loyalty in their employees.

Mr. LAUTNER. Well, when you have destroyed loyalty—

Senator FERGUSON. Is that a violation of their party line; is that the reason?

Mr. LAUTNER. The main loyalty, as I knew it for 20 years and I understood it, was to any and all time defense of the Soviet Union. The Soviet Union is the Socialist fatherland, it is the leading nation in the camp of democracy and progress and socialism. Therefore, once your loyalty is in that direction, any other type of loyalty is a fraction of loyalty or no loyalty at all.

Senator FERGUSON. In other words, to be loyal to the United States and its Government, if you are a Communist, is being a traitor to the Communist cause?

Mr. LAUTNER. Well, if you want to put it that way, it is all right with me. It is not put in the party in that form. In the party the loyalty is the defense of the Soviet Union at all times. In 1930 such pledges were made by recruits who were recruited in the party; and, as I know in the party for 20 years, the Soviet Union is the apple of the eye of every Communist. Whatever happens in the Soviet Union is O. K.

Senator FERGUSON. It must be right?

Mr. LAUTNER. That is right.

Senator FERGUSON. They can do no wrong?

Mr. LAUTNER. That is right. Even if they make one, they say it is a mistake. But absolute devotion and loyalty to the Soviet Union is an essential qualification to be a member of the Communist Party.

Senator FERGUSON. Then you would say, with the conflict at the present time between the United States of America and Russia, it would mean that if a person was loyal to Russia they could not be loyal to the United States?

Mr. LAUTNER. That is correct. That is why the party carries on a "peace" campaign—peace in quotation marks—sponsored by the Soviet Union via Stockholm. Shall I go back to this?

Mr. MORRIS. Please do.

Mr. LAUTNER. So, he appoints his one, two, three P's on the same thing. O does the same thing.

Mr. MORRIS. O stands for organizer, and P for person in political work, and T for person in trade-unions?

Mr. LAUTNER. Trade-union and mass-organization work. P does not know O or T on the lower levels. He only knows the three persons that he appointed. O does not know the P's and T's on the lower levels. He only knows his O's. So, here you have a situation where one party leader knows his two associates in his triangle, and the three that he appointed below. All in all, a party member wouldn't know more than six party members in the party, up and down.

Mr. MORRIS. To your knowledge, how many levels were organized, at least how many levels, to your own personal knowledge?

Mr. LAUTNER. To my own personal knowledge there was the top coordinating committee; that was 3, the next level was 9, and the third level, 27; the fourth level, 81, and the fifth level, 243; 81, 27, 9, and 3. This much was integrated in the new structure in the teachers' set-up at the time I left the Communist Party.

Mr. MORRIS. That indicated to you that there were at least 363.

Mr. LAUTNER. At least 300 of the possible 500 integrated in this new structure.

Senator FERGUSON. What would be the job of a teacher as a Communist?

Mr. LAUTNER. Well, first of all the party had quite an influence in Local No. 555 of the Teachers' Union. And the party aim was, through this union, to exert a dominant influence in the teaching profession in the city of New York.

Senator FERGUSON. Would it have anything to do with what was taught in the classroom?

Mr. LAUTNER. You see, a local union functions in every direction. It also influences what should be; it tries to exert influence on what should be done and how it should be done in the school system.

Senator FERGUSON. Would that require at least obedience to the party line?

Mr. LAUTNER. The party membership in local No. 555 would have to see to it that a program acceptable and in favor of the Communist Party would be carried out and local No. 555 in turn could influence and could have an effect over the teaching profession in New York City, political and organizational and trade-union heads. This structure only worked in a descending manner. A lower level could not get in touch with anybody on a higher level. The initiative at all times came from the level above. If there was no initiative there, then the thing below was dormant. Therefore, that was also an added protection so that, in case somewhere along the line there is a break in the structure, party members on a higher level and in leadership would not be personally affected immediately.

Senator FERGUSON. They would not be exposed?

Mr. LAUTNER. That is correct.

Mr. MORRIS. And you knew this from your own experience, because it was your assignment in the party to conduct such reorganization?

Mr. LAUTNER. That is right, and myself, through time and through the top coordinating committee. I may add this was not only done in the teachers' set-up but also in other specialized groups, and in the main, also, with the party. We took about seven levels—a little over 3,000 party members—into an underground structure in 1948 and 1949.

Mr. MORRIS. Has that been described adequately, Mr. Chairman?

Senator SMITH. I think so.

Mr. MORRIS. Will you resume your chair [addressing Mr. Lautner]?

Senator SMITH. When you referred to that 555, you meant down five levels; is that it?

Mr. LAUTNER. No, local 555.

Mr. MORRIS. Were you ever an organizer in West Virginia?

Mr. LAUTNER. Yes, sir.

Mr. MORRIS. Was a New York school teacher ever assigned to you in your organizational work in West Virginia?

Mr. LAUTNER. Yes.

Mr. MORRIS. Who was that teacher?

Mr. LAUTNER. Cyril Graze.

Mr. MORRIS. Cyril Graze?

Mr. LAUTNER. Yes.

Mr. MORRIS. He was assigned by the New York Communist Party to you as an organizer in the West Virginia party?

Mr. LAUTNER. He was assigned by the school commission of the party during the summer of 1939 to come down and conduct classes with party members on Marxism-Leninism.

Mr. MORRIS. Mr. Lautner, what work did the school teachers do?

Mr. LAUTNER. Well, besides being active in their local—do you mean school teachers in general or party school teachers?

Mr. MORRIS. Party school teachers, of course.

Mr. LAUTNER. Well, besides being active in their local union, No. 555, they staffed from time to time the election-campaign structures or apparatuses of wherever the party deemed it necessary to build such election crews, like the Eighteenth Congressional District, Marcantonio's election district, or up in the Bronx when—what is his name—Leo Isaacs was elected up there. There was a big group up there. Also, to work in the parent-teacher association. Also at various functions, as long as they are not exposed as Communists.

Senator SMITH. The better they could conceal their identity as Communists, the more effective could be their work?

Mr. LAUTNER. That is correct.

Senator SMITH. Among the unsuspecting.

Mr. LAUTNER. It is obvious.

Mr. MORRIS. Mr. Chairman, I have no more questions of this particular witness at this time.

Senator SMITH. Maybe Senator Ferguson has some other questions. He has gone out, but perhaps you can stand by.

Mr. MORRIS. Will you stand by?

Mr. LAUTNER. Yes.

Mr. MORRIS. Mr. Chairman, we have subpoenaed the three people mentioned by Mr. Lautner at the top triangle, Mr. Lederman, Miss Rose Russell, and Mr. Samuel Wallach. The United States marshal was never able to serve Mr. Wallach. We have here present in the room Mr. Cyril Graze, who has been mentioned in the previous testimony, and I suggest, Mr. Chairman, that we call him as the next witness.

Senator SMITH. Mr. Graze, come forward, please.

Mr. CAMMER. Harold Cammer and Ralph Shapiro, appearing with Mr. Graze, 9 East Fortieth, is the address of the counsel.

Senator SMITH. Will you hold up your right hand. Do you solemnly swear that the testimony you shall give at this hearing before a subcommittee of the Judiciary Committee of the United States shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRAZE. I do.

TESTIMONY OF CYRIL GRAZE, ACCOMPANIED BY COUNSEL, CAMMER & SHAPIRO, NEW YORK, N. Y.

Mr. MORRIS. Do you spell your name G-r-a-z-e?

Mr. GRAZE. That is correct.

Mr. MORRIS. Did you hear the testimony of Mr. Lautner here this morning?

Mr. GRAZE. I did.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Mr. GRAZE. I decline to answer that question, Mr. Morris, for the following reasons: First, the Constitution of the United States guarantees to every individual the right to hold whatever views he chooses, and it makes no exception. I think I have that right as has any other American citizen. And for that reason, I think this committee has no right to question me about such views.

Senator SMITH. He did not ask you a question about your views. He asked you a question as to whether or not you had ever been or were a member of the Communist Party.

Mr. GRAZE. It is equivalent to it. If I were to ask you whether you were a member of the Republican Party, I would be asking you about your politics and your political views.

Senator SMITH. I would not be ashamed to say it, Democrat or Republican. So we ask you again to answer the question.

Mr. GRAZE. I think I have answered the question.

Senator SMITH. Do you refuse to answer the question?

Senator FERGUSON. I do not think that under the Constitution he has given any reason for refusing to answer this question.

Mr. GRAZE. Well, if that answer is not acceptable, Senator, I want to raise another question, and that is the fact that I have a trial that is proceeding at present to determine my fitness to teach. One of the questions that was raised in that trial was precisely this, and I regard this intervention by the committee at summoning me down here as an interference in the internal affairs of the school system of New York and interference with my right of due process. I was served a subpoena right during the trial itself.

Senator FERGUSON. Mr. Chairman, I move that he be required to answer. That is not a reason for failing to answer a question of this committee.

Senator SMITH. The Chair would like to ask one question before we do that. In this proceeding that you have just referred to, are you charged with a crime?

Mr. GRAZE. The charge was that I was insubordinate because I refused to answer questions about membership in the Communist Party.

Senator SMITH. Then you were not accused of violation of law.

Mr. GRAZE. I have given you what the charge was, Senator.

Senator SMITH. Would you say that you were charged with a crime.

Mr. GRAZE. I was charged with being insubordinate for refusing to answer questions. No board of education can charge anybody with committing a crime.

Senator SMITH. Then you are not charged with a crime.

Mr. GRAZE. I was charged with insubordination for refusing to answer questions, Senator.

Senator SMITH. You know whether or not that was a crime, do you not, under the penal laws of the United States?

Mr. GRAZE. If I committed any crime there are ways in which any person who commits a crime would be handled. Our board of education, unfortunately, while it may be acting like—well, our school officials may be acting like policemen and detectives, it still has no authority to question in that fashion.

Senator SMITH. The Chair asked this question, whether or not you understand you are charged with a crime in this proceeding.

Mr. GRAZE. I wasn't on the stand there.

Senator SMITH. Were you charged with a crime?

Mr. GRAZE. I was charged, sir, with insubordination for refusing to answer questions.

Senator SMITH. Do you contend that was a crime?

Mr. GRAZE. Certainly not.

Senator SMITH. That is a simple question. I just wanted to find out whether or not you refused to answer.

Mr. GRAZE. Not only was it not a crime, but I was defending the right of teachers to freedom of speech, to freedom of expression, their rights to hold their heads high, sir, and to live in dignity. That is what I was defending.

Senator SMITH. You do not think anybody in this group is in opposition to that idea?

Mr. GRAZE. Yes, sir. I think this committee is out to destroy every vestige of democratic rights for every American, not only for teachers.

Senator SMITH. Do you think that you have a right, then, to decline to answer whether you are a Communist because that helps democracy?

Mr. GRAZE. I do. I think that, as in Hitler Germany, the attacks on the rights of Communists, sir, were a prelude to the attacks on the rights of every person in that country.

Senator SMITH. Your thinking is that an inquiry into whether a person is a Communist, whether he is loyal to his government or not, that that is tantamount to saying that communism and democracy is the same; is that what you mean?

Mr. GRAZE. I say that a person has a right to be treated as an American citizen no matter what his political beliefs. If Senator McCarran can believe that General Franco is a Democrat, then I think anybody has a right to hold what views he chooses.

Senator SMITH. We do not question a view. We question whether or not you are a member of the Communist Party.

Mr. GRAZE. It is a question of political views.

Senator FERGUSON. Have you ever been a Fascist?

Mr. GRAZE. Will you tell me what you mean by Fascist?

Senator FERGUSON. You did not ask us what we meant by being Communist.

Mr. GRAZE. I think that is pretty clear. But there are many people who would say—

Senator FERGUSON. You know what a Fascist is.

Mr. GRAZE. I say that the head of this committee could fall in that category—referring to Senator McCarran.

Senator SMITH. Have you ever been a member of any Fascist organization?

Mr. GRAZE. If you mean by that an organization devoted to racism, to spreading race hatred and bigotry, a group or individual who promotes racism by immigration laws or acts like the McCarran Act, violating our privileges, I will fight that all of my life, and I always will, sir.

Senator SMITH. I ask that that be stricken out. You can answer this question yes or no.

Mr. GRAZE. I think it is appropriate. There is no organization, the points which go, as I know, under the name of fascism, in this country, but individuals who act in that fashion.

Senator SMITH. You say you have never been a member of any Fascist organization?

Mr. GRAZE. I have never espoused the principles of what one would call fascism.

Senator SMITH. Have you ever espoused any that could be classed as Communist?

Mr. GRAZE. I have declined to answer that for the reasons I have given.

Senator SMITH. You decline to answer one but not the other?

Mr. GRAZE. I do. I don't believe the two are identical.

Senator SMITH. Unless there might be some misapprehension, you understand that the chairman of this committee wants you to have every opportunity and full opportunity to say anything and everything you want to say here today. You understand that, I hope. So feel free to say whatever you wish to say in answer to any questions.

Mr. MORRIS. Mr. Graze, did you hear the testimony of Mr. Lautner in connection with the underground organization of the Communist Party?

Mr. GRAZE. I did.

Mr. MORRIS. To your knowledge, do you have any knowledge of such underground organization?

Mr. GRAZE. I decline to answer for the reasons given.

Mr. MORRIS. That pertains itself to the organization of the Communist Party and not with the views.

Mr. GRAZE. I decline to answer.

Senator FERGUSON. Have you cited the fifth amendment to the Constitution, on the ground that it would tend to incriminate you?

Mr. GRAZE. I don't recall. If I haven't cited it, I would cite it, my rights under the fifth amendment.

Senator FERGUSON. You claim under the fifth amendment that this might tend to incriminate you?

Mr. GRAZE. I declined on those grounds; yes, sir.

Senator FERGUSON. I do not think he then should be required to answer it, if he—I do not think he should be compelled to answer the question if he claims it might tend to incriminate him.

Senator SMITH. That is a matter for his judgment to say if it does tend to incriminate him. Then we would, of course, not attempt to force him to answer.

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

Mr. GRAZE. I decline to answer for the same reasons.

Mr. MORRIS. That is on the grounds that your answer would incriminate you?

Mr. GRAZE. All of the reasons, sir, not only that. Primarily my rights to freedom of speech, belief, and expression.

Mr. MORRIS. I think the Chair has accepted the one claim, namely that your answer will tend to incriminate you, and rejected all others.

Mr. GRAZE. That is up to the Chair. I have given my reasons.

Senator SMITH. Now you mean to say that the answers that you have given are based upon your rights on the fifth amendment not to be required to testify where it might tend to incriminate you?

Mr. GRAZE. In part, in addition to the other reasons I have given.

Senator SMITH. Which would you say is your main reason?

Mr. GRAZE. Is it necessary?

Senator SMITH. I am asking you whether you wish to state what is your main reason.

Mr. GRAZE. Well, I would say that all of the reasons are valid as far as I am concerned. I think the question of the principle of free speech that is involved would stand out more than anything else. I think that it is a question here of defending the rights of America's citizens.

Senator SMITH. We want to give you freedom of speech, freedom to tell the whole thing, if you will.

Mr. GRAZE. I don't think the committee is interested in freedom of speech. I think it is interested in destroying it, Senator.

Senator SMITH. That is your opinion.

Senator FERGUSON. I must put on the record that I think you are entirely wrong.

Mr. GRAZE. Will you justify the McCarran Act which has been condemned by everybody who has any love for democracy?

Senator SMITH. We do not agree to that.

Mr. GRAZE. It has been. The entire labor movement and countless organizations.

Senator FERGUSON. It depends on what you call the thinking people of America.

Mr. MORRIS. I think he used the word "democratic."

Mr. GRAZE. I said the entire labor movement, the National Association for Advancement of the Colored People, countless Members of Congress, and who today in the election campaign are condemning Senator McCarran for that law.

Senator SMITH. And that is the outgrowth of his efforts to get the information we are trying to get from you now.

Mr. GRAZE. Senator McCarran's efforts, a man who says that Franco has democratic feelings. How can such a man protect the United States, sir?

Senator SMITH. I am asking you if your tirade against Senator McCarran is not a tirade that comes from people who decline to answer just as you decline to answer here.

Mr. GRAZE. No, sir; it comes from the great body of America. Senator McCarran was praised by Father Coughlin on two occasions back in 1938 and 1939.

Mr. MORRIS. Did you participate and aid a picket line against the Internal Security Subcommittee?

Mr. GRAZE. I participated in such a picket line. I was proud to do so. That picket line had signs which condemned this committee. They had signs which said, "Our schoolhouses are not red, they are rotting." I was proud to participate because those signs pointed up the real problem.

Senator FERGUSON. Were you subpoenaed at that time?

Mr. GRAZE. I haven't finished answering the question.

Senator FERGUSON. The Senator has directed you to answer some other questions.

Mr. GRAZE. You asked a question that I haven't answered yet.

Senator FERGUSON. Were you subpoenaed at the time?

Mr. GRAZE. No, sir; I was not.

Senator FERGUSON. As a voluntary citizen before you were subpoenaed or knew you were coming, you organized a picket line of this committee?

Mr. GRAZE. I said I participated in the picket line.

Senator FERGUSON. Did you help to organize it?

Mr. GRAZE. I helped to organize it; yes, sir.

Senator FERGUSON. Will you give us the names of the other organizers of that picket line?

Mr. GRAZE. I decline to answer on the grounds I have already given. And I want to say why I participated in that picket line.

Mr. MORRIS. We did not ask you the reason why you picketed. We asked you if you had participated.

Mr. GRAZE. The Senator said I would have a right to have my say, and I want it. The fact is that this committee which is supposedly designed to investigate the internal security of the United States is doing nothing about the school system which is the foundation of the democracy.

Senator SMITH. I said you would have a right to say anything you want, in defense of yourself.

Mr. GRAZE. That is in defense of myself.

Senator SMITH. The committee has not tried to do anything against you so far as I know. So we need not listen to any more of your tirade of abuse against this committee or Senator McCarran.

Mr. GRAZE. It is the truth, not abuse.

Senator SMITH. If that is your understanding of the truth, I can understand how you went wrong.

Mr. MORRIS. Did you hear the testimony of Mr. Lautner to the effect that you were assigned by the New York group of the Communist Party to West Virginia?

Mr. GRAZE. I heard that. I decline to answer because I say any American has the right to any political views which he chooses.

Senator FERGUSON. That is not a question of your views. The question is, Did you go there to organize?

Mr. GRAZE. It is a question of the person's political views.

Senator SMITH. You decline to answer on the grounds that it might tend to incriminate you as to whether or not you went to West Virginia to join--you decline to answer upon your constitutional grounds that it might tend to incriminate you as to whether or not you went, as Mr. Lautner said, to assist in this work in West Virginia?

Mr. GRAZE. I decline to answer for all of the reasons I have given, Senator; yes, sir.

Mr. MORRIS. I have no more questions, Mr. Chairman, and I don't think we can get much information from this witness.

Senator SMITH. I thought he believed in free speech.

Senator FERGUSON. You are not teaching now?

Mr. GRAZE. No, sir; I am not.

Senator FERGUSON. What is your occupation?

Mr. GRAZE. I am unemployed.

Senator FERGUSON. You have been unemployed how long?

Mr. GRAZE. About 6 or 7 months.

Senator FERGUSON. Are you getting any aid from any organization?

Mr. GRAZE. I get some loans from the freedom fund of the Teachers Union.

Senator FERGUSON. Freedom fund of the Teachers Union?

Mr. GRAZE. Yes, sir.

Senator FERGUSON. Are you doing any work for the Teachers Union?

Mr. GRAZE. Not as an employee of the Teachers Union. I am working still in defense of myself and other teachers suspended on behalf of academic freedom and civil liberties.

Senator FERGUSON. Are you getting any money from the Communist Party?

Mr. GRAZE. I decline to answer that question, sir, for the same reasons as I have given before.

Senator FERGUSON. How much do you get from the Teachers Union?

Mr. GRAZE. Well, I don't get money from the Teachers Union. I have a loan from the freedom fund which the Teachers Union—well, I don't know frankly who is responsible there. The sums I have had vary. The last check I had was for \$150.

Senator FERGUSON. You borrow the money?

Mr. GRAZE. That is right.

Senator FERGUSON. It becomes an indebtedness?

Mr. GRAZE. That is right. I have tried to pay back and I have already, in fact, paid back some.

Mr. MORRIS. What college are you a graduate of?

Mr. GRAZE. City College of New York.

Mr. MORRIS. When did you graduate from college?

Mr. GRAZE. 1931.

Mr. MORRIS. Had you lived in New York all of your life prior to that time?

Mr. GRAZE. No.

Mr. MORRIS. Where were you born?

Mr. GRAZE. London, England.

Mr. MORRIS. Were your parents American citizens at that time?

Mr. GRAZE. Yes; they were.

Mr. MORRIS. So you were an American citizen.

Mr. GRAZE. That is right. I am proud of it.

Senator FERGUSON. Did you know the last witness?

Mr. GRAZE. I have already answered the question in the sense that I have declined to answer the question on the grounds that I have stated.

Senator FERGUSON. That you knew that man?

Mr. GRAZE. I decline to answer that question.

Senator FERGUSON. John Lautner.

Mr. GRAZE. That is correct.

Senator FERGUSON. Did you know Bella Dodd?

Mr. GRAZE. I knew her. She was a member of the legislative director of the Teachers Union.

Senator FERGUSON. Did you know she was a Communist?

Mr. GRAZE. I decline to answer that question for all of the reasons already given.

Mr. MORRIS. I have no more questions, Mr. Chairman.

Senator SMITH. Stand aside.

Mr. MORRIS. The next witness will be Miss Gene Weltfish.

The witness has already been sworn. This is the continuation of an adjourned session with Miss Weltfish.

**TESTIMONY OF GENE WELTFISH, ACCOMPANIED BY COUNSEL,
GLORIA AGIN, NEW YORK, N. Y.—Resumed**

Mr. MORRIS. You are a teacher at Columbia University, are you?

Miss WELTFISH. Yes.

Mr. MORRIS. At the time you were teaching at Columbia University, were you ever a member of the Communist Party?

Miss WELTFISH. I decline to answer on the grounds I have already stated.

Mr. MORRIS. That is that your answer will incriminate you?

Miss WELTFISH. On several grounds I have already stated.

Mr. MORRIS. But on that one at least, on that and other grounds; is that right?

Miss WELTFISH. On that and other grounds.

Mr. MORRIS. And did the chairman overrule your claim to privilege on all grounds other than the grounds that your answer would incriminate you?

Miss WELTFISH. I do not remember.

Mr. MORRIS. I think, Mr. Chairman, the record will bear that out. We were asking about some negatives, at the end of the last session, that you purchased. Do you purchase negatives from anybody?

Miss WELTFISH. I have never purchased negatives. If you mean microfilm—

Mr. MORRIS. I mentioned both. It is microfilm and negatives.

Miss WELTFISH. I don't quite understand your question.

Mr. MORRIS. Have you at any time in the last 2 or 3 years purchased negatives from any individuals?

Miss WELTFISH. Negatives of what kind?

Mr. MORRIS. Film negatives.

Miss WELTFISH. If you mean did I go to a photographer's shop and get photographs developed—is that what you mean?

Mr. MORRIS. That could be what I mean; yes.

Miss WELTFISH. I just don't understand.

Mr. MORRIS. Have you ever purchased any negatives of film that you not necessarily have taken, but that you have seen some other person demonstrate to you?

Miss WELTFISH. I have never done that. I have taken photographs of various people of my acquaintance and have gone to the drug store and had them developed, the way everyone else does. On what occasions and why I don't remember except that they were in the ordinary recreational setting. This was all.

Mr. MORRIS. Did you ever at any time look at negatives that some person was demonstrating to you, at that time express your satisfaction with the negatives, and offer to buy them and get more from the same source?

Miss WELTFISH. I have never done such a thing.

Mr. MORRIS. You have never done that. And your answer is unqualified?

Miss WELTFISH. Yes; my answer is unqualified.

Mr. MORRIS. Now have you bought microfilms under the same circumstances?

Miss WELTFISH. I have never bought microfilms.

Mr. MORRIS. Have you been an official of the Women's International Democratic Federation?

Miss WELTFISH. I have been and am its international—its American vice president.

Mr. MORRIS. When was that organization founded?

Miss WELTFISH. In November 1915.

Mr. MORRIS. Where was the founding meeting held?

Miss WELTFISH. In Paris.

Mr. MORRIS. Who were present at that meeting?

What is your name?

Miss AGIN. Gloria Agin, 401 Broadway, counsel to Miss Weltfish.

Mr. MORRIS. Will you tell us about the founding meeting of the Women's International Democratic Federation?

Miss WELTFISH. That was founded for the purpose of promoting the well-being of women. It was founded because the problems of women are world-wide, and because during two world wars houses were broken, children were deprived of their parents, women could not protect their children as women must normally do. The women have discrimination in livelihood, and the women have major difficulties in carrying out the fundamental responsibilities.

Mr. MORRIS. Was that organization related to the Congress of the American Women? Was the work of the Women's International Federation related to that of the Congress of American Women?

Miss WELTFISH. The concept related is something that I find difficult to work with.

Mr. MORRIS. Is it organizationally tied in with it?

Miss WELTFISH. The congress was completely independent.

Mr. MORRIS. Are you associated with the Congress of American Women?

Miss WELTFISH. The Congress of American Women was dissolved.

Mr. MORRIS. Were you associated with it?

Miss WELTFISH. I was associated with it.

Mr. MORRIS. In what capacity?

Miss WELTFISH. First as its vice president and then as its president, and then as its honorary president.

Mr. MORRIS. Now, as the chairman has pointed out, you were asked a question a while ago, Miss Weltfish, as to who were present at the founding meeting of the Women's International Democratic Federation. Who were the individuals present at that meeting?

Miss WELTFISH. I decline to answer on the grounds of the fifth amendment.

Mr. MORRIS. On the grounds that your answer will incriminate you?

Miss WELTFISH. Not because there is anything in the world wrong about my activities in such an organization, because, as I have stated, the problems of women are close to my aspirations as well as of other women.

Senator SMITH. If there is nothing wrong with it, why do you refuse to give the names of those who participate in what you would inferentially say was a good movement? Why would you not give us the information of who was present, if it was a good movement?

Miss WELTFISH. Because I think the attempt here is to make it appear not a good movement.

Senator SMITH. Well, if you say it is a good movement, you don't want to hide that fact, do you, to keep it from the public if it is a good movement?

Miss WELTFISH. It is indeed a good movement. It is a very important movement.

Mr. MORRIS. Who was Dolores Ibarruri?

Miss WELTFISH. I should like to decline again to discuss that.

Senator SMITH. You decline to answer upon the grounds that it would tend to incriminate you if you did give the answer?

Miss WELTFISH. Under the reasons I stated.

Senator SMITH. Well, I say at least that reason.

Miss WELTFISH. And other reasons I have stated.

Senator SMITH. At least that reason. Is that the reason?

Miss WELTFISH. That along with other reasons I have stated.

Mr. MORRIS. Was Dolores Ibarruri the secretary-general of the Communist Party of Spain at that time?

Miss WELTFISH. I don't know anything about what you are attempting to infer.

Mr. MORRIS. Was Anna Pauker present at that meeting?

Miss WELTFISH. I again assert my privilege.

Mr. MORRIS. Was Anna Pauker secretary of the central committee of the Workers Party of Rumania at that time?

Miss WELTFISH. Again I do not know the matter you are discussing.

Mr. MORRIS. You know the woman, don't you, Anna Pauker?

Miss WELTFISH. Again I decline to answer again on this.

Senator SMITH. Decline to answer on what basis? What grounds?

Miss WELTFISH. On the grounds of the fifth amendment.

Senator SMITH. And that such testimony would tend to incriminate you?

Mr. MORRIS. But you did know that she was a Communist, did you not?

Miss WELTFISH. I already said that I refuse to answer about her.

Mr. MORRIS. I asked you if she was the secretary of the central committee of the Workers Party of Rumania and you said you didn't know anything about that. In other words, you were making an effort to answer that question.

Miss WELTFISH. On the same grounds, I decline to discuss this person.

Mr. MORRIS. So you are going to change your answer with respect to Anna Pauker, with your knowledge of what position she had. You testified previously you did not know what she did, now you are saying you refuse to testify on the grounds that your answer will tend to incriminate you. Have I stated the situation correctly, Miss Weltfish?

Miss WELTFISH. I think that is it.

Mr. MORRIS. Now, Miss Weltfish, at the last session of this committee you made a denial that you ever advocated or ever charged that the United States was engaged in bacteriological warfare in Korea. Do you want your answer to stand on that?

Miss WELTFISH. I do.

Mr. MORRIS. You contend that you never charged the United States with being engaged in bacteriological warfare in the Far East?

Miss WELTFISH. I would not be equipped to do such a thing. I am not technically equipped to work on such a problem. I am a social scientist, and therefore all I can judge in such a matter is the behavior of human beings. As far as the technical and scientific material and such matter I am not equipped to do so.

Senator FERGUSON. It isn't a question of whether or not you have knowledge and are able to do it. The question is did you do it.

Miss WELTFISH. I did not.

Senator FERGUSON. Did you make a speech here in New York—

Mr. MORRIS. At the Pythian Hall?

Miss WELTFISH. I did make a speech in Pythian Hall, about the—

Senator FERGUSON. In that speech, did you state anything about the germ warfare in Korea?

Miss WELTFISH. I discussed the question of children, their faith as a result of war and the problems that they have as a result of being orphaned and attacked by many weapons.

Senator FERGUSON. Were you misquoted by the press?

Miss WELTFISH. I was misquoted by the press.

Senator FERGUSON. You know that? For one I know, the New York Daily News, had a story to the effect that you did make such a charge.

Miss WELTFISH. I do not know what the Daily News said.

Senator FERGUSON. Did you ever admit to a man named Kenneth Clinton on the telephone that you did make such a charge?

Miss WELTFISH. I do not know who Kenneth Clinton is.

Senator FERGUSON. Did you make it to anyone on the telephone?

Miss WELTFISH. I did not.

Mr. MORRIS. Is your answer unqualified to that? Is it your unqualified answer that you did not admit to Kenneth Clinton or to anybody over the telephone that you did make such a charge that the United States was engaged in bacteriological warfare? I would like an unqualified answer to that question.

Miss WELTFISH. I decline to answer this on the ground of the fifth amendment.

Mr. MORRIS. So you refuse to answer that question on the grounds of the fifth amendment, on the grounds that your answer may incriminate you?

Miss WELTFISH. Yes.

Senator FERGUSON. Did you contact Albert Kahn, or did he contact you?

Miss WELTFISH. I have already testified in the previous session about this question.

Senator FERGUSON. But did you contact or did he contact you—Albert Kahn?

Miss WELTFISH. Mr. Kahn contacted me, as I say.

Senator FERGUSON. Did you talk with him about germ warfare in Korea?

Miss WELTFISH. He talked to me about Dr. James Endicott, of Canada. He said he had been to China for 22 years. He had been in China and he had been recently to China.

Senator FERGUSON. And did you discuss the question that you would sponsor what Endicott was going to say about it?

Miss WELTFISH. I agreed to call a press conference, which I was going to call anyway, because the newspapers called up to such an extent that I felt I had better have the whole group together than try to deal individually with the newspaper people who kept contacting me.

Senator FERGUSON. And after that you called a press conference?

Miss WELTFISH. I had intended to call a press conference in the first place.

Senator FERGUSON. But after that you did call one?

Miss WELTFISH. I had intended to call a press conference in the first place because so many of the press called me on the telephone.

Senator FERGUSON. But afterward did you call the press conference?

Senator SMITH. Is that not a simple question?

Miss WELTFISH. Yes; I called a press conference.

Senator FERGUSON. And did you give to them the Endicott statement?

Miss WELTFISH. I did give to them the Endicott statement.

Senator FERGUSON. And the Endicott statement claimed that we did us, the American Government, or the Army used, germ warfare in Korea?

Miss WELTFISH. Mr. Endicott claimed that he believed this.

Senator FERGUSON. Yes. So then you were saying that here is evidence to the American people that we, the American people, through their Army, their Government, were using germ warfare in Korea, but you were doing it in an offhand way by using Endicott's statement, isn't that true?

Miss WELTFISH. I was not doing it in an offhand way. I felt that Mr. Endicott was an honest man, and if he had been in this country, and he had something to say, that the people of the United States could judge of his honesty and what he had to say in their own fashion.

Senator FERGUSON. Why did you not have Albert Kahn, who got in touch with you, to contact Endicott, to get this statement? Why did you not have Albert Kahn vouch for the statement? Why did you, as a teacher, vouch for it?

Miss WELTFISH. Because I was going to call a press conference.

Senator FERGUSON. Is that the only reason you give now why you were to do it rather than Kahn?

Miss WELTFISH. Because I thought Mr. Endicott was an honest man.

Senator SMITH. How long have you known Endicott?

Miss WELTFISH. I have not known him.

Senator SMITH. How did you think he was an honest man, then?

Miss WELTFISH. I read his speech and I considered the circumstances.

Senator SMITH. Did you know anything about him one way or the other before reading his speech?

Miss WELTFISH. I did not.

Senator FERGUSON. Did you believe his speech?

Miss WELTFISH. I believed that he was honest because he stated what he had done in China and for what reason he was making his statement.

Mr. MORRIS. Then he presented what purported to be direct evidence that the United States was engaged in germ warfare, did he not?

Miss WELTFISH. He presented what he judged to be honest material of what he observed.

Mr. MORRIS. And then you believed what he had in his affidavit?

Miss WELTFISH. I did not make any statement—

Mr. MORRIS. You just stated, Miss Weltfish, that you believed him.

Miss WELTFISH. I didn't state one way or the other whether I believed it or not. I am not qualified to believe it or not believe it.

Senator FERGUSON. Did you tell the press that when you gave it to them?

Miss WELTFISH. I did.

Senator FERGUSON. That you were not qualified and you did not know anything about it?

Miss WELTFISH. I said I was a social scientist and I was only able to talk about the honesty of the man. That is what I told the press.

Senator FERGUSON. But you had never known him; you only talked to him once on the telephone?

Miss WELTFISH. That is right, and I considered him to be an honest man.

Senator FERGUSON. Did you know that he was a member of the Communist Party?

Miss WELTFISH. I knew nothing about his political beliefs.

Senator FERGUSON. Did you know whether Albert Kahn, the one who had you call him up, was or was not a member of the Communist Party?

Miss WELTFISH. I did not ask people their political beliefs.

Senator FERGUSON. It is a simple question. Did you or did you not know that he was a member of the Communist Party?

Miss WELTFISH. As I say, I did not ask people their political beliefs.

Senator SMITH. That is not the question now. I hope you will answer the question.

Senator FERGUSON. Do you not think that if a person was a member of the Communist Party and they came to you to present to the public of America a statement like the one about the germ warfare in Korea, that you would want to know that, or would you just recklessly take their word for it?

Miss WELTFISH. I can only judge what people do. I do not try to figure out their beliefs, political, religious, or otherwise.

Senator FERGUSON. How long have you known Kahn?

Miss WELTFISH. Not personally or intimately but perhaps on and off for several years.

Senator FERGUSON. Do you not think the question of whether a person is a Communist or not a Communist would affect their credibility in America?

Miss WELTFISH. I didn't try to figure out Mr. Kahn's credibility or incredibility.

Senator SMITH. That is not the question that is asked of you.

Senator FERGUSON. Do you think that being a Communist in America would affect a person's credibility?

Miss WELTFISH. I don't think their political or religious opinions affect their credibility in any wise.

Senator FERGUSON. And you think that being a Communist is purely being a political—having a political opinion and doesn't affect their credibility?

Miss WELTFISH. For different people, membership in different organizations means different things.

Senator FERGUSON. That does not answer my question.

Miss WELTFISH. I think I have answered that. I must judge people on the basis of a given issue at a given time and a given principle.

Senator FERGUSON. Do you know any Communists in New York? Do you?

Miss WELTFISH. I call upon my privilege of the fifth amendment.
Senator SMITH. That is to say that your answer to that question might tend to incriminate you?

Miss WELTFISH. And for the reasons that I do not inquire into people's political beliefs.

Senator SMITH. I am not asking you that. I am asking you about your refusal to answer that question. I understood you to put it upon the protection of the fifth amendment, that you didn't have to testify if your testimony would tend to incriminate you. I want to make the record clear. Is that right?

Miss WELTFISH. I want to add that I believe in freedom of conscience and political belief, and on this along with all of the provisions of the fifth amendment I feel are relevant.

Senator SMITH. I think we all believe in that. I do not suppose there is argument in that.

Mr. MORRIS. Have you had anything to do with the United Nations Organization?

Miss WELTFISH. Not as an official member.

Mr. MORRIS. I understand. But what has been your association with the United Nations?

Miss WELTFISH. I sat in the sessions at the United Nations, but I don't remember at what capacity.

Mr. MORRIS. Mr. Chairman, I suggest that this committee take cognizance of the fact that there will be another subcommittee of the Internal Security Subcommittee sitting on the American Citizens in the United Nations this afternoon, and may this part of the testimony be referred over to the work of that committee.

Senator SMITH. All right.

Mr. MORRIS. Miss Weltfish, have you been active in a committee for the defense of the Rosenbergs? Do you know who the Rosenbergs are?

Miss WELTFISH. I read in the newspaper.

Mr. MORRIS. They have been sentenced to death, have they not, by a United States tribunal?

Miss WELTFISH. I have read in the newspaper.

Mr. MORRIS. Have you been connected with the committee defending them?

Miss WELTFISH. I decline to answer.

Mr. MORRIS. On the ground that your answer may incriminate you?

Senator SMITH. Do you know the Rosenbergs?

Miss WELTFISH. I do not.

Senator SMITH. Have you ever seen them?

Miss WELTFISH. No.

Mr. MORRIS. Have you been connected with an organization called the National Committee of Arts, Sciences, and Professions?

Miss WELTFISH. I decline to answer on the grounds of the fifth amendment.

Mr. MORRIS. Do you know an organization called the Committee for International Student Cooperation?

Miss WELTFISH. I don't.

Mr. MORRIS. You do not?

Miss WELTFISH. I don't.

Mr. MORRIS. When did you last take a trip abroad, Miss Weltfish?
Miss WELTFISH. 1946.

Mr. MORRIS. Where did you go at that time?

Miss WELTFISH. Paris and Moscow.

Mr. MORRIS. Paris and Moscow. You haven't made a trip abroad since that time?

Miss WELTFISH. I have not.

Mr. MORRIS. Mr. Chairman, I ask that this witness be directed to reappear at some subsequent session of this committee and subcommittee that is taking testimony on the American citizens in the United Nations.

Senator SMITH. Do you mean on telephone notice?

Mr. MORRIS. Telephone notice.

Senator SMITH. That will save the trouble of having a marshal serve you, if that is agreeable.

Miss AGIN. May I suggest they notify our office.

Senator SMITH. Have we your telephone number?

Miss AGIN. Rector 2-3491.

Mr. MORRIS. Would the witness answer as to whether or not she ever worked for the United Nations?

Miss WELTFISH. As an employee?

Mr. MORRIS. Yes.

Miss WELTFISH. I did not.

Mr. MORRIS. Any other way?

Miss WELTFISH. For the United Nations Organization as such, no.

Mr. MORRIS. Did you ever work for the Federal Government of the United States?

Miss WELTFISH. I did not.

Senator SMITH. Well, did you ever work for any nation that is a member of the United Nations?

Miss WELTFISH. I did not.

Mr. MORRIS. Will you stand ready to reappear again, Miss Weltfish?

Can we take a 2-minute recess, Mr. Chairman?

Senator SMITH. Yes.

(Brief recess.)

Senator SMITH. Come to order.

Mr. MORRIS. Is Kenneth Clinton in the courtroom?

Senator SMITH. You do solemnly swear the testimony you shall give this subcommittee of the Judiciary Committee of the United States Senate shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CLINTON. I do.

TESTIMONY OF KENNETH CLINTON, NEW YORK CITY, N. Y.

Senator FERGUSON. What is your business?

Mr. CLINTON. I am an architect.

Senator FERGUSON. And do you know the last witness that was on the witness stand here?

Mr. CLINTON. I have never seen her before.

Senator FERGUSON. Have you ever talked to her on the telephone?

Mr. CLINTON. I have.

Senator FERGUSON. Did you call her?

Mr. CLINTON. I called her.

Senator FERGUSON. Will you tell us the conversation you had with her?

Mr. CLINTON. Well, I had heard—

Senator FERGUSON. And the circumstances.

Mr. CLINTON. I had heard she was going to have a press conference, and I thought it was an extraordinary thing. I was interested in it as a citizen. I called her up and I said, "I understand you are having a press conference in which you are going to bring proof, or you allege that you are going to bring proof, that the American Army is using germ warfare in Korea."

She said, "That is true. I am having such a press conference."

I said, "Well, can I go to the press conference?"

She said, "Not if you don't belong to the press." And she asked me my name. I told her my name was Clinton. She said, "Who are you?"

I said, "I am just an American citizen, but I am interested in this thing because it seems to be a very serious charge in view of the fact that this thing has been denied by the United States Government and we are in the middle of a war."

She said, "I am not at all interested in politics. I am simply interested in the welfare of little children in Korea who are dying from this cause."

Senator FERGUSON. "From this cause," meaning germ warfare?

Mr. CLINTON. Yes. I think she said that. She said, "I am interested in the welfare of little children who are dying."

And that was the end of the conversation.

Senator FERGUSON. Well, did she at any time state that she had evidence that it was true—that we were using it?

Mr. CLINTON. She said she was going to submit this evidence at the press conference.

Senator FERGUSON. How did you learn about the fact that she was going to have a press conference?

Mr. CLINTON. Well, I had heard from somebody—I can't remember just who it was now—at a meeting I went to at the Tenth Assembly District Republican Club on Ninety-third Street. I had heard she had a lecture at which she made this accusation and then later on had a press conference.

Senator FERGUSON. Did you talk to her about the speech she had made?

Mr. CLINTON. I didn't make any reference about that, as I remember.

Senator FERGUSON. You asked her what she was going to do at the press conference?

Mr. CLINTON. Yes.

Senator FERGUSON. That is all. Thank you very much.

Mr. MORRIS. The next witness will be Mr. Burgum.

TESTIMONY OF EDWARD BURGUM, ACCOMPANIED BY COUNSEL, CAMMER & SHAPIRO, NEW YORK, N. Y.

Senator SMITH. You do solemnly swear the testimony you shall give in the hearing conducted by the Subcommittee of the Judiciary Committee of the United States Senate shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BURGUM. I do so swear.

Mr. MORRIS. Will you give your full name and address to the reporter.

Mr. BURGUM. Edward Burgum, 110 West Ninety-fourth Street, New York 25.

Mr. MORRIS. Are you now teaching at New York University?

Mr. BURGUM. I am.

Mr. MORRIS. In what capacity?

Mr. BURGUM. As an associate professor.

Mr. MORRIS. Associate professor of what?

Mr. BURGUM. English.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Mr. BURGUM. I have two reasons for declining to answer the question. As a part of the training, I think, of every teacher and almost every intellectual interested in ideas of political freedom, years ago I read Milton's *Areopagitica* and I have taught that book and quoted from it since repeatedly. By general opinion, that is the great document in the Anglo-Saxon tradition outside of legal documents, establishing the principle that the truth will win in the end. And you can trust the truth to defend itself against error; that in the long run error will be exposed. It seems to me that this reasoning lay behind our first amendment to the Constitution.

Another book much more recent but in the same—

Senator FERGUSON. Do you believe that a lie is justified if it is to bring about what a person feels is a proper thing or a good thing?

Mr. BURGUM. No, I don't.

Senator FERGUSON. Do you know whether or not the Communist Party advocates that a lie is justified to bring about error?

Mr. BURGUM. I have no basis for sound opinion in that matter.

Senator FERGUSON. You have no basis?

Mr. BURGUM. For sound opinion. My second reason is another book in that same tradition but much later, written by John Stewart Mill in the nineteenth century, in England, on liberty. In that book he tries to define, distinguish, the public responsibility of an individual and his private responsibilities. He lays down the principle that anything a man does, says, or thinks that is not material harm to somebody else should be regarded by the state as his own affair.

This book, of course, was written long after our Constitution but it seems to me similar in reasoning, philosophically similar, to the motives that led to the fifth amendment.

Senator FERGUSON. Then do I understand that if you have knowledge of certain facts, you think that a person's freedom to think and know and speak allows that witness, in America, to refuse to answer in a court; is that correct?

Mr. BURGUM. Yes.

Senator FERGUSON. So then, as far as you are concerned, you believe that the courts should not function because they are asking people for something that they know, and because of freedom of speech and thought they shouldn't answer any questions in court.

Mr. BURGUM. Well, I don't know that I follow your reasoning, really, Senator.

Senator FERGUSON. I am just asking you. You gave us a philosophy here that seemed to indicate that, and you said that was true.

Mr. BURGUM. I think there are many occasions where what one says will be taken as prejudicial to his interests, and even in some instances may be said to incriminate him. It is for this reason, and the first reason that I gave, that I should like to invoke the fifth amendment.

Senator FERGUSON. So then it is on the ground that it may tend to incriminate you. In other words, if a witness is in a position to have knowledge and that knowledge would tend to incriminate them, they can refuse to answer. That is your reason?

Mr. BURGUM. It is one of my reasons, yes, along with others that I have given.

Senator SMITH. Do you think it would incriminate you, then, to answer the question?

Mr. BURGUM. If you wish me to be perfectly frank—

Senator SMITH. I do not want you to be unfrank now, if that is the way to put it to your intellectual mind.

Mr. BURGUM. There are a great many organizations on the Attorney General's list, and there are a great many other lists of organizations, all of which have been composed in an atmosphere of prejudice, as it seems to me.

Senator SMITH. Do you have any prejudices against communism?

Mr. BURGUM. What?

Senator SMITH. Do you have any prejudices against communism?

Mr. BURGUM. I think we all have our prejudices.

Senator SMITH. Do you have any? I am talking about you personally.

Mr. BURGUM. I don't think I have prejudices either for or against it. I was not talking about it.

Senator SMITH. Do you think communism is a threat against the United States Government and the liberties it stands for?

Mr. BURGUM. My personal feeling is that a party which reputedly at its largest contained only 50,000 members isn't very much of a threat.

Senator FERGUSON. Is that your answer to the chairman's question?

Mr. BURGUM. What?

Senator FERGUSON. Is that your answer, the fact that it only has 50,000 members, that it is not a threat?

Mr. BURGUM. Well, I don't think if the Communists worked in the open as a legal party, such as they are at the present time, that they can do any particular damage as a political party. They are in that free arena of ideas, of which I spoke before.

Senator SMITH. Do you think they work only in the open; is that your idea?

Mr. BURGUM. I presume, like all political parties, they have confidential meetings.

Senator SMITH. Well, do you not know whether or not they work entirely in the open?

Mr. BURGUM. No, I don't think they work entirely in the open. I don't think any party does.

Senator SMITH. You do not think when John Milton wrote *Areopagitica*, he was attempting to defend underground operations of the Communist Party or above-ground either, do you?

Mr. BURGUM. No, but I think he was attempting to defend freedom of speech. And if the Communist Party, like any other party, or if a Thomist, or a follower of John Dewey, wishes to express his ideas,

that it ought to be allowed. I think that this competition of ideas will eventually enlighten people and lead to the proper ideas prevailing.

Senator SMITH. Do you know anybody that is trying to suppress this free competition of expression of ideas?

Mr. BURGUM. I regret to say, Mr. Chairman, that so long as this committee uses these different lists of so-called subversive organizations, none of which have been declared subversive by courts, it makes for a very difficult situation.

Senator SMITH. In other words, you do not think they should use those lists, then?

Mr. BURGUM. That is my personal opinion, until they have been authenticated one way or the other by the courts.

Senator SMITH. Who do you think will authenticate them for the courts if we do not have witnesses who will tell about it, just like we are asking you right now, and you are refusing to tell whether or not you have been a member of the Communist Party or are a Communist?

Mr. BURGUM. There is a line, as my reference to Mill's book on liberty shows, where one has to take his private interests into account.

Senator SMITH. How would you suggest that we ferret out who are Communists if you, yourself, refuse to answer whether you are a Communist or not?

Mr. BURGUM. I don't think I am in any position to give the committee advice as to methods.

Senator SMITH. You do not want to give us any advice as to how we can, fairly and justly and properly, ferret out the Communists?

Mr. BURGUM. I don't feel that I am in a position to advise the committee as to its methods, no.

Senator SMITH. You believe in relying upon your constitutional rights?

Mr. BURGUM. Yes.

Senator SMITH. But you are unwilling to assist a governmental agency in trying to find out and protect and ferret out those who would break down those constitutional rights?

Mr. BURGUM. I am sorry, Mr. Chairman, but so long as these lists of so-called subversive organizations, none of which have any overt connection with the Communist Party, are—

Senator SMITH. Are you well enough informed to say that that is true?

Mr. BURGUM. No, I am not.

Senator SMITH. Why do you testify to that unless you know it?

Mr. BURGUM. I only make that statement because many of these organizations in their public functioning have been advocating what seemed to me very worthy causes.

Mr. MORRIS. Mr. Chairman, may I point out that the witness has made a distinction when he says they had no overt connection with the Communist Party.

Senator SMITH. I noticed that statement.

In other words, it is your purpose here to say that you resent the efforts made to ferret out the Communists in these organizations?

Mr. BURGUM. Mr. Chairman, I didn't say that I resented those efforts. I said simply that I was very dubious of using these lists at the present time.

Senator SMITH. Well, if you are not a Communist and have not been a Communist, why would you refuse to give us the facts here so that we might go about this job in the most orderly process possible?

Mr. BURGUM. My references to these lists would be the only reason that I could give.

Senator FERGUSON. Do you know of any Communists, do you know any Communists in New York?

Mr. BURGUM. I would rest on the fifth amendment.

Senator FERGUSON. You rest?

Mr. BURGUM. Yes.

Senator SMITH. That is upon the theory that to answer that question might tend to incriminate you and therefore you rely upon your rights under the fifth amendment; is that correct?

Mr. BURGUM. And other reasons that I gave; yes.

Senator FERGUSON. Did you ever write for the Daily Worker?

Mr. BURGUM. No.

Senator FERGUSON. Did any of your articles ever appear in the Daily Worker?

Mr. BURGUM. Not to my knowledge. I can't say that they may not have been quoted there.

Senator FERGUSON. Well, did your picture appear in the Daily Worker on December 20, 1942, on page 12 as a contractor of an article, Art in Wartime?

Mr. BURGUM. As a contractor of an article to the Daily Worker?

Senator FERGUSON. Yes. Did you ever write an article, Art in Wartime?

Mr. BURGUM. Yes, but it was published elsewhere. It was not published in the Daily Worker.

Senator FERGUSON. Was any part of it published there?

Mr. BURGUM. I wouldn't know.

Senator FERGUSON. Was anything said about it?

Mr. BURGUM. It may have been quoted or reviewed. I have no idea.

Senator FERGUSON. Did you write for the Science and Society?

Mr. BURGUM. I should like to invoke the fifth amendment.

Senator FERGUSON. You invoke the fifth amendment as to whether or not you wrote for that magazine? That would indicate that is a Communist magazine; would it not?

Mr. BURGUM. Not in my opinion, sir.

Senator FERGUSON. Not in your opinion.

Mr. BURGUM. No.

Senator FERGUSON. Why, then, if it would indicate it was not Communist, would you refuse to say whether or not you had written for it?

Mr. BURGUM. I would like to claim the fifth amendment on that, too, if you please.

Senator SMITH. You want to maintain secrecy, then, about that as to whether or not you did write an article for that magazine.

Mr. BURGUM. I claim the fifth amendment.

Senator FERGUSON. Did you ever appeal in any way for the release of Earl Browder?

Mr. BURGUM. I claim the fifth amendment.

Senator FERGUSON. The fifth amendment on that?

Senator SMITH. That is the fact that it might tend to incriminate you?

Senator FERGUSON. Did you know that Earl Browder was a Communist?

Mr. BURGUM. It is a matter of public record.

Senator FERGUSON. It was a public record. Did you know Bella Dodd?

Mr. BURGUM. I would invoke the fifth amendment.

Senator FERGUSON. You invoke the fifth amendment.

Mr. MORRIS. Did you ever use an alias at any time, Professor Burgum?

Mr. BURGUM. I have not. I have always written under my own name.

Senator SMITH. Other than writing?

Mr. BURGUM. No.

Mr. MORRIS. Professor, you were an editor of Science and Society, were you not?

Mr. BURGUM. I would like to consistently invoke the fifth amendment for that as I have before.

Senator SMITH. What do you mean by consistently?

Mr. BURGUM. I answered that question before.

Senator SMITH. Do you mean consistent with good American points, or consistent with your consistency to belong to these organizations?

Mr. BURGUM. No; simply that I answered the question before.

Senator FERGUSON. Did you appeal for the release in any way of the Rosenbergs?

Mr. BURGUM. I invoke the fifth amendment.

Senator SMITH. That is to say that to answer the question you feel would tend to incriminate you?

Mr. BURGUM. In the political atmosphere of the present day.

Senator FERGUSON. Did you make a contribution to the defense of Alger Hiss?

Mr. BURGUM. No.

Mr. MORRIS. Professor Burgum, did you contribute 11 articles between July 1934 and March 1940 to the New Masses?

Mr. BURGUM. I would invoke the fifth amendment.

Mr. MORRIS. Did you contribute nine articles to Science and Society between 1937 and 1951?

Mr. BURGUM. I would invoke the fifth amendment.

Senator FERGUSON. Did you know Alger Hiss?

Mr. BURGUM. I never knew him; no.

Senator SMITH. No.

Mr. BURGUM. No.

Mr. MORRIS. Were you chairman for a meeting of the League of American Writers?

Mr. BURGUM. I invoke the fifth amendment.

Mr. MORRIS. Were you a member of the board of directors of the National Council of the Arts, Sciences, and Professions?

Mr. BURGUM. I should like to invoke the fifth amendment.

Mr. MORRIS. Were you a member of the advisory board of the American League for Peace and Democracy?

Mr. BURGUM. I invoke the fifth amendment.

Senator FERGUSON. You are a teacher in a New York university?

Mr. BURGUM. Yes.

Senator FERGUSON. And you are teaching English?

Mr. BURGUM. Yes.

Senator FERGUSON. You do not think that answering that question would in any way tend to incriminate you?

Mr. BURGUM. No.

Senator FERGUSON. But writing these articles, as to whether or not you did write them, you claim that it might tend to incriminate you?

Mr. BURGUM. In the present political atmosphere.

Senator FERGUSON. The same atmosphere applies to you teaching, does it not?

Mr. BURGUM. I don't think so.

Senator FERGUSON. You do not know?

Mr. BURGUM. New York University has always had a very sensible and liberal policy. I should say that it has one of the most liberal charters, practically based upon Milton's *Aeropagitica*. It has always been an example, to my mind, of the free flow of ideas, that are almost traditional and, I may say completely, on a solidly traditional attitude of the university system, that university is a place where ideas are investigated by serious people with methods of research that they can depend upon and explain. It seems to me that has been the situation at New York University.

Senator FERGUSON. That is the reason I asked the question. Is the same thing true or the similar thing true in relation to these other organizations that you have been asked about, the writings that you did?

Mr. BURGUM. Mr. Chairman, I am sorry, but I will have to refer in a general way to what I said about the unfortunate use of these lists. These organizations are all organizations which—not all, some of them, certainly—are organizations of which I personally think very highly.

Senator SMITH. How is that?

Mr. BURGUM. I personally think very highly of many of them.

Senator SMITH. Which ones, do you know?

Mr. BURGUM. But it seems to me that in the atmosphere that has been established by the fact that the Attorney General issued the list as a list of subversive organizations, but the courts have never passed upon his opinion, in that atmosphere it seems to me that there is no parallel to this freedom of investigation that I spoke of as having been the tradition of American and even German universities, universities in the modern world generally to which I have alluded to already.

Senator SMITH. Do you think the powers of the state, then, ought to suspend until the courts have passed upon all of those organizations and make no effort to ferret out the Communists that may be trying to undermine our Government: that is your idea, is it?

Mr. BURGUM. My idea is that these lists should be committed to court trial.

Senator FERGUSON. Is it not true that you would also refuse to answer in a court of justice?

Mr. BURGUM. Well, Mr. Senator, I know very little about courts, and I don't know what I would do if I were in a court.

Senator SMITH. Would you tell us whether or not, if you were subpoenaed to go before a court, you would testify or would you still fall back on what you claim is your constitutional right under the fifth amendment?

Mr. BURGUM. I should assume that I would exercise my constitutional rights at all times.

Senator SMITH. Then even if you have a chance to testify under oath in a court where you say this matter ought to be thrashed out, you would still refuse to testify?

Mr. BURGUM. I don't think I can answer that question without consulting a lawyer who knows more about the procedures than I do. I am only familiar with the procedures of this committee.

Senator SMITH. You would wish to consult your lawyer before you told the truth in a court, even?

Mr. BURGUM. Well, I would never consult my lawyer before telling the truth. I wouldn't feel I needed to. And I don't feel that involving the fifth amendment implies that I am concealing the truth or desirous of spreading a lie.

Senator SMITH. You do not think so?

Mr. BURGUM. That is not my private opinion, yes.

Senator SMITH. If you were not a member of the Communist Party, you can see no harm that would come to you or the public by saying that you were not a member of the Communist Party, could you?

Mr. BURGUM. I think I should have to invoke the fifth amendment for that question.

Mr. MORRIS. That is all.

The next witness is Henrietta Friedman.

Senator SMITH. Do you solemnly swear that the testimony you are about to give in this hearing of the subcommittee of the Judiciary Committee of the United States Senate shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. FRIEDMAN. I do.

**TESTIMONY OF MRS. HENRIETTA FRIEDMAN, NEW YORK, N. Y.,
ACCOMPANIED BY COUNSEL, CAMMER AND SHAPIRO, NEW YORK,
N. Y.**

Mr. MORRIS. Give you full name and address.

Mrs. FRIEDMAN. Henrietta Friedman, 340 West Sixty-sixth Street, and I am "Mrs." Friedman.

Mr. MORRIS. Where do you teach?

Mrs. FRIEDMAN. Hunter College.

Mr. MORRIS. What do you teach?

Mrs. FRIEDMAN. Greek and Latin.

Mr. MORRIS. How long have you been teaching at Hunter College?

Mrs. FRIEDMAN. Twenty-five and a half years.

Mr. MORRIS. Mrs. Friedman, have you ever been a member of the United Nations Club of the Communist Party?

Mrs. FRIEDMAN. Mr. Chairman, I must refuse to answer that question for several reasons. As I told you a minute ago, I have been teaching for 27 years altogether, 25 and a half at Hunter College. I have been a very proud teacher and I have been proud because of the traditions and standards of my profession. One of those traditions

is that as long as a teacher does his job in a classroom, as long as he doesn't try to indoctrinate his students, his private opinions are his private opinions and no one has a right to ask about those opinions. It would be my feeling that if I answered this question I would betray the entire teaching profession.

Senator FERGUSON. Then you think that any teacher who comes into a court or into a hearing before the Judiciary Committee and answered that question, that they are violating the code of ethics of the teaching profession?

Mrs. FRIEDMAN. Every man must live according to his own conscience, but that would be my belief.

Senator FERGUSON. Your belief is that they would be violating the code of ethics?

Mrs. FRIEDMAN. Yes.

Senator FERGUSON. In other words, the code of ethics protects a teacher from saying whether or not they belong to a Communist cell of the United Nations?

Mrs. FRIEDMAN. It protects any citizen, it seems to me, from stating his political beliefs.

Senator FERGUSON. Well, that is not your political belief. You might belong to it and not believe in it. The question is, did you belong to it.

Mrs. FRIEDMAN. I must refuse to answer that question for the reasons I have already given, because of the fact that the first amendment to the Constitution guarantees a man freedom of speech and says that Congress shall make no laws in that area and therefore no congressional committee can be interested in that area.

Senator FERGUSON. The same thing would apply as to whether or not you are a member of the faculty of Hunter College, and you have already answered that question. Now will you explain the difference between being a member of the faculty of Hunter College, where you teach Latin and French, or being a member of a Communist cell of the United Nations?

Mr. MORRIS. Mr. Chairman, may I point out at this time that apparently the United Nations Club of the Communist Party is not relating in any way to the United Nations.

Senator FERGUSON. Will you explain the difference in your philosophy and the code of ethics that allows you to answer the one question and not the other?

Mrs. FRIEDMAN. Mr. Chairman, a man's job is not a part of his conscience. I work for a living. Everybody knows where I work, that is no secret. But my political beliefs are my beliefs. They don't belong to the public unless I choose to stand up on a street corner and tell them.

Senator FERGUSON. You claim the code of ethics of the teaching profession tells you not to answer as to whether or not you belong to this Communist club or cell.

Mrs. FRIEDMAN. Mr. Chairman, I said a minute ago that every man must act according to his conscience. I wouldn't lay down rules for all teachers, but this would be my belief.

Senator FERGUSON. That is in this code of ethics?

Mrs. FRIEDMAN. I think so.

Mr. MORRIS. Mrs. Friedman, have you ever been a member of the Communist Party?

Mrs. FRIEDMAN. Mr. Chairman, I must decline to answer this for the reasons that I have already given.

Mr. MORRIS. Is one of the reasons the fact that your answer will incriminate you?

Mr. CAMMER. Mr. Morris, not by way of objection but only by way of clarification, at the opening of this hearing—

Senator FERGUSON. I think, Mr. Chairman, that counsel should confer with his client.

Senator SMITH. He is fixing to ask us a question about procedure.

Mr. CAMMER. I have discussed this with Mr. Morris.

Senator FERGUSON. Is this something about procedure of the hearing.

Mr. CAMMER. Yes, sir, it is. It is not related to her answer and I am not attempting to lay any foundation for an objection or complaint about the question. I am not approaching it in that sense at all, Senator. I am simply asking for clarification of an issue which has arisen and concerning which there has been some confusion.

When you opened this hearing you did say that the purpose of this investigation was a Federal purpose. I am not objecting to that, with the view of carrying out the legislative intent of, perhaps, framing some legislation. I simply wanted to ask Mr. Morris whether this inquiry is concerned with the property, government, or affairs of the city of New York, or the nomination, election, appointment or official conduct of any employees of the city of New York.

Mr. MORRIS. I think you should direct that question to the Chair.

Senator SMITH. I would say that any information or evidence that comes out in this hearing should be available to the good officers of any group in American government, wherever it may be used. We are not trying to circumscribe or narrow the use that may be made of this evidence. So I do not think we can be expected to do that, and I do not see any need for us to attempt to delimit the terms under which this evidence may be used.

Mr. CAMMER. I am not attempting to limit it, Senator. I do know, and I understood from Senator Ferguson, that this was a Federal committee not concerned with local affairs or local problems. Again, I emphasize this is not by way of an objection. I thought Senator Ferguson had made it pretty plain that you were not concerned with the property, affairs, or government of the city, or with the nomination, election, appointment or official conduct of city employees.

Senator FERGUSON. Our questions aren't aimed at that.

Senator SMITH. We are just trying to get the facts, the truth about these matters. We are inquiring about them.

Senator FERGUSON. But as to whether or not she belonged to this organization, if she was a member and answered the question, then she might tell us all about it and we could tell, then, how it applied to the Federal questions involved.

Mr. CAMMER. Precisely that is what I thought you had in mind, and I felt in my own mind that you were not concerned with this from the point of view of a local problem, and particularly from the point of view of the property, government, or the affairs of the city, or the nomination, election, or appointment or official conduct of the city employees. I understood you to say that right at the opening of the hearing.

Senator FERGUSON. I think that is a fair statement, that we are not trying to dictate to the school board who they shall have as teachers, what they shall teach. But we do think that the security of this Nation is determined by what teachers do teach, whether or not they follow the Communist line in teaching, whether or not they are members of the Communist Party, because the evidence seems to indicate clearly, up to date at least, and it has not been disputed by those who have been Communists, that the Communists owe allegiance to the Soviet Union and the Communist Party, and that when it conflicts in any way with the United States Government or the people, that communism and Russia controls their thinking. I think that is very material as to our security.

Mr. CAMMER. Yes. And whether the youth's mind is going to be enslaved.

Senator SMITH. I am not going to limit the questions I ask to any Federal level. I think that anybody is entitled to use this information who wants to use it. This is an open hearing and I think in the American tradition of open hearings, with counsel present, I have no desire other than to see that every person, no matter what I may think about their actions, has a chance to defend themselves according to their constitutional rights. I don't know what your purpose is in referring to Federal level continually, but I have a suspicion in my mind why you want us to delimit it to the Federal level. It is coming out, as I understand, for use, as every good citizen in America ought to want it to be used, for whatever purpose they want it for.

Mr. MORRIS. The question was, Were you ever a member of the Communist Party?

Mrs. FRIEDMAN. I said I must decline to answer that for reasons I have already given.

Mr. MORRIS. Is one of the reasons that your answer may incriminate you?

Mrs. FRIEDMAN. I gave you several other reasons.

Mr. MORRIS. Is that one of your reasons?

Mrs. FRIEDMAN. Yes; that is one of my reasons.

Mr. MORRIS. Are you presently a member of the Communist Party?

Mrs. FRIEDMAN. I must decline to answer that.

Senator SMITH. For the same reason?

Mrs. FRIEDMAN. For all of the reasons I have given you.

Mr. MORRIS. Have you been a leader in a forum in the Communist Party Club?

Mrs. FRIEDMAN. Mr. Chairman, I must decline to answer that for all of the reasons that I have given you.

Mr. MORRIS. I have no more questions.

Senator SMITH. Mrs. Friedman, do you not think that if it was published to the world and to your students, your pupils, their parents, that you were not a Communist and were not sympathetic with the Communist movement, that that would be refreshing and inspiring to them as citizens?

Mrs. FRIEDMAN. I think it would be much more inspiring to them to know that I am defending freedom of speech.

Senator SMITH. You think, then, to answer those questions you are promoting freedom of speech rather than speaking freely?

Mrs. FRIEDMAN. I am afraid I don't understand the question.

Senator SMITH. I think I understand you, whether you understand me or not. That will be all.

Mr. MORRIS. The next witness is Sara Riedman.

Senator SMITH. Will you solemnly swear the testimony you are about to give in this hearing before a subcommittee of the Judiciary Committee of the United States Senate shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. RIEDMAN. I do.

TESTIMONY OF SARA RIEDMAN, BROOKLYN, N. Y., ACCOMPANIED BY COUNSEL, CAMMER & SHAPIRO, NEW YORK, N. Y.

Mr. MORRIS. Give your full name and address.

Mrs. RIEDMAN. Sara Riedman, 1066 Park Place, Brooklyn 13.

Mr. MORRIS. Do you teach in Brooklyn College?

Mrs. RIEDMAN. Yes, sir.

Mr. MORRIS. What do you teach?

Mrs. RIEDMAN. Biology.

Mr. MORRIS. How long have you been teaching in Brooklyn College?

Mrs. RIEDMAN. Since 1930.

Mr. MORRIS. Mrs. Riedman, have you been the head of a Communist unit at Brooklyn College?

Mrs. RIEDMAN. I must decline to answer that question because I feel that it is improper for this committee to inquire into my beliefs—

Mr. MORRIS. It is whether you are the head of a unit of Communist school teachers operating in Brooklyn College.

Mrs. RIEDMAN. My beliefs or my opinions or my associations. I believe that according to the first amendment of our Constitution these matters are a matter of privacy. And, that this committee, or any other group, has no right to ask this question.

Senator FERGUSON. The same thing would apply, would it not, Doctor, to whether or not you were a member of the faculty of that school? That would be your association, but you answer the one and not the other. Why?

Mrs. RIEDMAN. My being a member of the faculty at Brooklyn College is a matter of employment. It is a matter of public record.

Senator FERGUSON. Could not the membership in this Communist cell be a question of employment also?

Mrs. RIEDMAN. I don't see how that applies at all.

Senator FERGUSON. You do not?

Mrs. RIEDMAN. No.

Senator FERGUSON. You do not think the people work, then, for the Communist Party?

Mr. RIEDMAN. I don't see that this has anything to do with my beliefs.

Senator FERGUSON. I am asking you the question, Do you know whether or not people do work for the Communist Party?

Mrs. RIEDMAN. When you asked me the question of whether I belonged to the Communist Party, you are asking me what my beliefs are.

Senator FERGUSON. That was not the question.

Mr. MORRIS. Were you the head of a unit, a Communist unit, composed of Communist school teachers operating in Brooklyn College? It is an organizational matter.

Mrs. RIEDMAN. It is the same as asking are you a member of the Democratic or Republican Party. This doesn't indicate employment by the parties. It is simply the question of asking about my political beliefs.

Senator FERGUSON. Mr. Chairman, that is not a reason for not answering the question.

Senator SMITH. The chairman is going to direct you to answer the questions, and then we will go on from there.

Will you state the question again, and we will direct her to answer.

Mr. MORRIS. Have you been in the past the head of a unit made up of Communist school teachers operating in Brooklyn College?

Mrs. RIEDMAN. I have already indicated that I consider that an improper question and an invasion of my rights as an American citizen.

Mr. MORRIS. The chairman has directed that you answer the question.

Mrs. RIEDMAN. Under the circumstances, in view of the present hysteria and of malicious accusations, the real possibility, and in form being an honored profession, I must take recourse to my rights under the fifth amendment in not answering that question.

Senator SMITH. That is to say an answer to such question might tend to incriminate you.

Mrs. RIEDMAN. I am not saying it will tend to incriminate me.

Senator SMITH. If you have not, we direct you to answer the question if you say it will not tend to incriminate you. The chairman doesn't want you to say or do a thing that is contrary to your constitutional rights but I want the record right. If you say it will tend to incriminate you, the Chair will rule that you don't have to answer the question.

Mrs. RIEDMAN. What I would like to see in the record is that this does not imply guilt. It might tend, but it does not—

Senator SMITH. That would depend on different persons. Some might think it did and some might think it didn't. The Chair realizes that. But I do want to get into this record your reason for refusing to testify.

Mrs. RIEDMAN. This and the others that I have indicated.

Senator SMITH. I know you understand the difference in your refusing. If it will do that, then I will say that you have the right to not answer the question.

Mrs. RIEDMAN. Yes; I do.

Senator FERGUSON. On that basis?

Mrs. RIEDMAN. On that basis, and in addition the other reasons I have given.

Senator SMITH. Anything else that you have said, that is something I have no objection to.

Mr. MORRIS. Have you been a member of the Communist Party?

Mrs. RIEDMAN. I decline to answer for the same reasons.

Mr. MORRIS. Are you presently a member of the Communist Party?

Mrs. RIEDMAN. I similarly decline to answer for the reasons given.

Mr. MORRIS. As previously described?

Mrs. RIEDMAN. Yes.

Mr. MORRIS. Have you ever had a book which was published by the Young World Books International Publishers?

Mrs. RIEDMAN. Yes, sir.

Mr. MORRIS. Is International Publishers a Communist publication house?

Mrs. RIEDMAN. I decline to answer.

Senator FERGUSON. On what grounds?

Mrs. RIEDMAN. On the same grounds.

Mr. MORRIS. That your answer will incriminate you?

Mr. CAMMER. Not "will," but "will tend to."

Mr. MORRIS. Have you been associated with an organization called the Artists Front To Win the War?

Mrs. RIEDMAN. I don't recall such organization, but I would like to point out that this is the type of accusation and statement that I feel I have to protect myself against.

Senator SMITH. Has anybody accused you? Nobody on this committee has accused you.

Mrs. RIEDMAN. Not on this committee, but may I make the statement?

Senator SMITH. Yes.

Mrs. RIEDMAN. The first time that I saw that name indicated was in a letter sent to me by Rabbi Schultz, in which he said, "You were on such and such a date a member of this organization." I don't happen to remember but anyone in the present period of hysteria can make such a statement on the basis of that and make further accusations. This is an instance of why I am answering the way I do.

Senator SMITH. You mean you are not attempting to accuse Rabbi Schultz, are you, of anything improper in whatever he said?

Mrs. RIEDMAN. I am giving this as an illustration. I don't happen to remember about that particular organization which he says I was a member of.

Mr. MORRIS. I have no more questions.

Senator SMITH. All right.

Mr. MORRIS. Melba Phillips.

Senator SMITH. Do you solemnly swear the testimony you are about to give in this hearing being conducted by a subcommittee of the Judiciary Committee of the United States Senate shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss PHILLIPS. I do.

TESTIMONY OF MISS MELBA PHILLIPS, NEW YORK, N. Y., ACCOMPANIED BY COUNSEL, CAMMER & SHAPIRO, NEW YORK, N. Y.

Mr. MORRIS. Will you give your full name and address to the reporter?

Miss PHILLIPS. Melba Phillips, 198 West Eleventh, New York.

Mr. MORRIS. Is that M-e-l-b-a P-h-i-l-l-i-p-s?

Miss PHILLIPS. Many of my friends have called me Elba because I look like the opera singer, but it is a nickname.

Mr. MORRIS. What is your proper name?

Miss PHILLIPS. Melba.

Mr. MORRIS. Where do you teach, Mrs. Phillips—is it "Miss" or "Mrs."?

Miss PHILLIPS. Miss.

Mr. MORRIS. Where do you teach?

Miss PHILLIPS. Brooklyn College.

Mr. MORRIS. What do you teach there?

Miss PHILLIPS. Mechanics and physical science.

Mr. MORRIS. Have you ever been a member—

Senator SMITH. Did you say "mechanics"?

Miss PHILLIPS. And physical science.

Mr. MORRIS. Have you ever been a member of the Communist Party?

Miss PHILLIPS. My response to that question is dictated by my view of professional and personal ethics, first to do my professional job as well as it is humanly possible, and second, to defend and maintain my individual and personal right which I thought was my right so long as I was a law-abiding citizen. I know you conduct these hearings by certain rules which make it necessary for me, in order to stand on my principles, to invoke the Bill of Rights. My ancestors fought for that Bill of Rights and I am very glad to make use of the first, fifth, and sixth amendments.

Senator FERGUSON. Do you refuse, then, to answer on the grounds that it might tend to incriminate you?

Miss PHILLIPS. I use the fifth amendment.

Senator FERGUSON. If you will just name it by name. You see, as I understand the law, you claim the privilege on the ground that it would be testifying against yourself.

Miss PHILLIPS. If I remember my history correctly, Senator Ferguson, the origin of the fifth amendment is in ecclesiastical and not civil law. I am not a historian. The word happens to be "incriminate," but it certainly includes what I mean.

Senator SMITH. That would be a matter for the courts to decide, eventually, in your case if you want it there.

Miss PHILLIPS. That is right.

Senator SMITH. We just want to get your reason for declining to answer, and I think that Senator Ferguson propounds a perfectly fair question.

Miss PHILLIPS. The first and fifth and sixth amendments.

Senator SMITH. If you say you are refusing to testify under your rights in the fifth amendment, and those rights are because you feel that your testimony would tend to incriminate you, then certainly the Chair has no desire to do other than give you full benefit of all of your constitutional rights.

Miss PHILLIPS. Thank you.

Senator SMITH. But if you are just trying to hide behind a phrase of this or that amendment, that is something else.

Miss PHILLIPS. No.

Senator FERGUSON. Then do you claim that it might tend to incriminate you, and for that reason you do not answer?

Miss PHILLIPS. I thought the chairman had made my position quite clear on that.

Senator SMITH. I am asking your position. Do you refuse to answer on the ground that your testimony would tend to incriminate you?

Miss PHILLIPS. I certainly do.

Senator SMITH. All right. That is it.

Mr. MORRIS. Are you presently the member of the Communist Party?

Miss PHILLIPS. The same answer applies.

Senator SMITH. For the same reason? May I ask you one question: You said that you understood as long as you were a law-abiding citizen. Do you regard the Communist Party as any threat to America and its liberties and freedom?

Miss PHILLIPS. This is not a part of my professional duty to answer that question, and therefore, I shall, if you permit me, decline to answer.

Senator SMITH. Do you regard the Communist Party as a law-abiding organization?

Miss PHILLIPS. Do I have privilege on this, too?

Senator FERGUSON. Do you claim it?

Miss PHILLIPS. I do claim it.

Senator FERGUSON. On the same grounds?

Miss PHILLIPS. Yes.

Senator SMITH. You claim, then, that the Communist Party is a law-abiding organization?

Miss PHILLIPS. No; I am declining to answer the question.

Senator FERGUSON. On the grounds you stated before?

Miss PHILLIPS. Yes.

Senator SMITH. Now, do you claim that American citizens who are members of the Communist Party are law-abiding citizens within the meaning of the way you used the phrase a few moments ago?

Miss PHILLIPS. Mr. Chairman, I said that I do my job the best that it can be humanly done.

Senator SMITH. I understood that.

Miss PHILLIPS. I am defending and maintaining my rights beyond that. I am therefore trying to be consistent on the basis of this, and I invoke the fifth amendment.

Senator SMITH. You use the term "law-abiding citizen." I want to know whether or not you regard the members of the Communist Party, as you understand it, law-abiding citizens in America.

Miss RIEDMAN. That question I am declining to answer. May I tell you why I used the words "law abiding?" Because I don't think I would have the right to go out and murder somebody, you see. I used the words "law abiding."

Senator SMITH. You know the Communists have not hesitated to murder people, do you not?

Miss RIEDMAN. I am afraid I don't know any such.

Mr. MORRIS. Have you been associated with the National Conference of the Professions, Sciences, and Arts?

Miss RIEDMAN. I shall decline to answer that question for the reasons given.

Mr. MORRIS. Have you been associated with the Association of Scientific Workers?

Miss RIEDMAN. I decline to answer the question for the reasons given.

Mr. MORRIS. Are you associated with the Greenwich Council on Peaceful Alternatives?

Miss RIEDMAN. I decline to answer the question on the grounds given.

Senator FERGUSON. Have you ever been a member of the Teachers Union?

Miss RIEDMAN. Yes.

Senator FERGUSON. You answer that question freely.

Miss RIEDMAN. I am making use—

Senator FERGUSON. Did you ever know that the Teachers Union was Communist-dominated?

Miss RIEDMAN. I don't know that that question applies as much about the Teachers Union as it implies about me, and therefore I shall refuse to answer the question on the grounds that it would incriminate me.

Mr. MORRIS. Were you a member of the Joint Anti-Fascist Refugee Committee?

Miss RIEDMAN. I shall be consistent about this. I shall refuse to answer on the grounds that it might tend to incriminate me.

Senator SMITH. Are you being consistent because you want to be consistent or just because you do not want to answer that question of whether or not you were a member?

Senator FERGUSON. Consistency would not be a reason.

Miss RIEDMAN. I told you first, at the beginning, that my attitude is based on my view of professional and personal integrity.

Senator SMITH. That was not the question we asked you. We asked you why you used the words "for the reason of consistency." You remember, I believe it was Emerson who said that a foolish consistency is a hobgoblin in a little mind. I do not want to put you in that place now. Are you refusing to answer that just because you don't want to admit that you were associated or just because you want to be consistent?

Miss RIEDMAN. That is not my reason.

Senator SMITH. What is your reason for declining to answer?

Miss RIEDMAN. My own reason for declining to answer is that it is not a part of my official duty whether I was or not. However, according to your rules, you enable me to maintain my own principles so long as I invoke the fifth amendment. Therefore, I do.

Senator SMITH. Do you understand that you have the right to invoke the fifth amendment even though the answer to the question would not tend to incriminate you? Is that your idea of the fifth amendment?

Miss RIEDMAN. No, I think that one must admit that incrimination nowadays involves trial by newspaper publicity and so forth, too. That is, I am sincere in this.

Senator FERGUSON. Mr. Chairman, I move that you do not recognize the right of this witness to claim self-incrimination when she is specifying about trial by newspapers. That is what she is saying. Certainly that is not a reason for not answering a question. Criminal law means trial by courts, trial by judicial proceedings, government procedure, and not what she is claiming.

Miss RIEDMAN. Do I have the privilege of claiming the fifth amendment on the question?

Senator FERGUSON. If you really claim it on the grounds that it would tend to incriminate you, but not that the newspapers might say something about you.

Miss RIEDMAN. I sincerely claim it, Senator.

Senator FERGUSON. On the grounds it would tend to incriminate you?

Miss RIEDMAN. That it might tend to incriminate me, yes.

Mr. MORRIS. Were you associated with the American Association of Scientific Workers in their statement calling for an international agreement to ban the use of atomic weapons?

Miss RIEDMAN. I decline to answer that question.

Mr. MORRIS. For the same reason?

Miss RIEDMAN. Yes, sir.

Mr. MORRIS. Now, were you connected with the national reception committee of the Joint Anti-Fascist Refugee Committee given for Mme. Aileen Joliet-Curie?

Miss RIEDMAN. I am sorry, I simply don't remember.

Mr. MORRIS. Did you ever meet the atomic scientist, Joseph Weinberg?

Miss RIEDMAN. I met him once.

Mr. MORRIS. What was the occasion of your meeting him?

Miss RIEDMAN. He gave a paper, scientific paper, at a scientific meeting.

Mr. MORRIS. That is all.

The next witness is Clarence Hiskey.

Senator SMITH. Do you solemnly swear the testimony you will give in this hearing being conducted by a subcommittee of the Judiciary Committee of the United States Senate shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HISKEY. I do.

TESTIMONY OF CLARENCE HISKEY, BROOKLYN, N. Y., ACCOMPANIED BY COUNSEL, ALBERT COLLOMS, NEW YORK, N. Y.

Mr. COLLOMS. I would like to have my appearance noted. Albert L. Colloms, 342 Madison Avenue.

Mr. MORRIS. Are you a teacher, Mr. Hiskey?

Mr. HISKEY. I am.

Mr. MORRIS. Where do you reside?

Mr. HISKEY. At 2 Grace Court, Brooklyn.

Mr. MORRIS. Where do you teach?

Mr. HISKEY. The Polytechnic Institute, in Brooklyn.

Mr. MORRIS. For how long have you been teaching there?

Mr. HISKEY. Approximately 6½ years.

Mr. MORRIS. Mr. Hiskey, have you ever been a member of the Communist Party?

Mr. HISKEY. I refuse to answer that question on the grounds that have been developed here this morning.

Mr. MORRIS. Is one of the reasons that your answer would incriminate you?

Mr. HISKEY. I suppose so.

Senator SMITH. Wait, we are going to get that straight right now.

Mr. HISKEY. It is so.

Senator SMITH. You refuse to answer upon the grounds that your testimony in answer to that question might tend to incriminate you?

Mr. HISKEY. I do.

Senator SMITH. All right.

Mr. MORRIS. Are you presently a member of the Communist Party?

Mr. HISKEY. I refuse to answer that question on the same grounds.

Mr. MORRIS. What do you teach at Brooklyn Polytechnic Institute?

Mr. HISKEY. I teach courses in analytical chemistry.

Mr. MORRIS. Are you interested in the development of the atomic bomb?

Mr. HISKEY. Well, I read papers about it that are published, and I suppose in that sense I am interested in it.

Mr. MORRIS. Have you ever taken part in a statement calling for the international outlawry of the atomic bomb?

Mr. HISKEY. Would you tell me just a little bit more about what you are asking?

Mr. MORRIS. To the last witness here we asked a question had she signed a particular statement in connection with the outlawry of the atomic bomb, international outlawry of the atomic bomb. Have you ever signed such a statement?

Mr. HISKEY. I refuse to answer that question on the grounds—

Senator SMITH. That to answer it might tend to incriminate you?

Mr. HISKEY. Yes, sir.

Senator SMITH. You are on the faculty of what institution?

Mr. HISKEY. The Polytechnic Institute of Brooklyn.

Senator SMITH. Brooklyn?

Mr. HISKEY. Yes, sir.

Senator SMITH. Is that a full college, a fully accredited college, or is it just an institute dealing with scientific matters? In other words, tell me a little about it. I want to know the background.

Mr. HISKEY. Well, it is a school of principally engineering and of the basic sciences, covering physics, chemistry, in addition to all of the engineering curricula.

Senator SMITH. How is it maintained?

Mr. HISKEY. Well, it is maintained by private support, that is, by students paying fees at our school and it exists on those fees almost completely.

Senator SMITH. It has not public support, in other words?

Mr. HISKEY. No.

Senator SMITH. I mean public from the standpoint of tax funds.

Mr. HISKEY. When it comes down to it, it has practically no endowment, either.

Senator SMITH. How long has it been in existence?

Mr. HISKEY. I don't remember exactly, but it is well over a century.

Senator SMITH. How long have you been a member of the faculty?

Mr. HISKEY. About 6½ years.

Senator SMITH. Prior to that what were you engaged in; what were your activities?

Mr. HISKEY. Before I came to the Polytechnic Institute, I was in the United States Army.

Senator SMITH. And how long were you in the Army?

Mr. HISKEY. About 18 months.

Senator SMITH. In what department?

Mr. HISKEY. I was in Chemical Warfare Service as a captain.

Senator SMITH. I did not hear what you said. How long were you in the Army?

Mr. HISKEY. I was in the Army about 18 months.

Senator SMITH. Where did you serve?

Mr. HISKEY. I served for a short while in Kanoa, which is in the Northwest Territory. I served for a while in Oahu, which is one of the Hawaiian Islands, and finally I served for a short time at Edge-wood Arsenal.

Senator SMITH. Did you at any time have any charges preferred against you in any way while you were in the Army?

Mr. HISKEY. No, sir.

Senator SMITH. That takes you back to when you were in college. When did you go to school?

Mr. HISKEY. I went to the University of Wisconsin. That was the last one that I was graduated from.

Senator SMITH. You are a native of Wisconsin?

Mr. HISKEY. Yes, sir.

Senator SMITH. You have answered all of those questions perfectly frankly, apparently, and I assume truthfully. Have you not? Why is it that you are willing to answer those questions about yourself and your career that appear to be truthful and you refuse to answer these other questions?

Mr. HISKEY. I refuse to answer that question on the grounds—

Senator SMITH. You are afraid that that will tend to incriminate you?

Mr. HISKEY. That is correct.

Mr. MORRIS. Mr. Chairman, may this witness be directed to come back at a later date to complete this interrogation? We cannot go on any longer with this hearing this morning.

Senator SMITH. If you would leave your telephone number so that we might telephone you, I suppose that would be better.

Mr. COLLOMS. If you can give us 48 hours' notice we would appreciate it.

Senator SMITH. We would want to give you plenty of notice.

Mr. MORRIS. It will not be this week, we will tell you that now, unless he comes up in the other hearing.

Mr. COLLOMS. This committee is very important, but there are certain things, as court engagements—

Senator SMITH. I certainly appreciate that. I have been trying cases a long time myself, now. We will try to make that very convenient. You gave your telephone number?

Mr. COLLOMS. Murray Hill 2-5923.

Mr. MORRIS. Will you direct all of these people who are here in this proceeding under subpoena to report back to this room and we will try to give them a time when they can be called.

Senator SMITH. If you will do that, we will make it as convenient as possible for all concerned.

Mr. MORRIS. There will be a hearing on another matter by this same committee, Internal Security Subcommittee, at 1:30 p. m. today.

(Whereupon, at 12:15 p. m., the hearing on subversive influence in the educational process was recessed, to reconvene at the call of the Chair.)

APPENDIX I

EXHIBIT No. 2

[From New York Teacher News, November 10, 1945]

THE ROAD TO PEACE

(A Column of New Material for Classroom Use)

Now that the compelling necessity of military crisis is passed, there is prevalent once more a distortion of facts pertaining to the Soviet Union. Two pamphlets which can help dispel false notions are cited below.

RELIGION TODAY IN THE U. S. S. R.

A deep source of misinformation about the Soviet Union has long been the question of religion. The Reverend William Howard Melish retutes the idea that the Soviet government dominates the Church and that the Church is hostile to the Soviet government. Not only does the Church have complete freedom, but the Soviet government has taken measures to facilitate its material operation. Although Dr. Melish devotes a large portion of the pamphlet to the Greek Orthodox Church, he also discusses the status of religion generally in the Soviet Union.

ORGANIZED LABOR IN THE SOVIET UNION

Written in question and answer form, this pamphlet readily lends itself to classroom use. Many confusions about the Soviet trade unions are effectively cleared up. Some of the topics dealt with are: functions of trade unions, such as the carrying out of social insurance; collective bargaining procedures; absence of strikes; trade unions and child care.

REPORTER

The October 15th issue of the newsletter is devoted to an analysis of the serious strains which have developed in relations between the Soviet Union and the United States and to a discussion of the reasons for the failure of the conference of foreign ministers in London.

Write to: National Council of American-Soviet Friendship, 114 E. 32 St., New York 16, N. Y. "Religion Today"—15 cents per copy; "Organized Labor"—10 cents per copy; "Reporter"—5 cents a single issue, \$1.00 per year.

THE PROPAGANDA BATTLEFRONT

This semi-monthly newsletter gives important information about individuals and organizations circulating fascist propaganda. With the war over, these groups are disseminating their material quite freely. The October 15 issue presents a report on Christian Front activities perpetrated in various parts of the country.

Write to: Friends of Democracy, Inc., 137 E. 57th St., New York, 22, N. Y.

THE ANSWER IS FULL EMPLOYMENT

The title explains the thesis of this colorfully illustrated CIO Political Action Committee pamphlet. Full employment is the answer to the problems of maintaining world peace of improving economic and working conditions for labor and the entire country, and of eliminating race hatred. Obtaining a maximum of employment requires careful planning and support of many measures along with hard work for the Murray-Patman Full Employment Bill. The CIO carefully notes the relation between better education for all Americans and full employment.

Write to: American Labor Party, 570 7th Ave., New York 18, N. Y. Free.

EXHIBIT No. 3

[From New York Teacher News, November 17, 1945]

THE ROAD TO PEACE

(New Material for Classroom Use)

PRESENT SITUATION IN CHINA

The "Committee for a Democratic Policy Toward China" has published in mimeographed form several well documented papers on the role of General Wedemeyer and Ambassador Patrick Hurley in China. These papers give an illuminating commentary on events in China in the form of quotations from statements made by the General and the Ambassador, and from various newspaper accounts of what has happened in China since the recall of General Stilwell. From this wealth of quotation one may come to a very definite conclusion about where responsibility for the present serious situation lies. Also included in these papers are the opinions of Chinese, both Communist and non-Communist, on the United States intervention in China.

Write to: Committee for a Democratic Policy toward China, 59 Park Ave., New York 16, N. Y.

"LABOR'S ENEMY": ANTI-SEMITISM

Labor can and should take the lead in the fight against anti-Semitism which has by no means ended with the war. Realizing that reaction especially attempts to use anti-Semitism as a weapon for destroying the democratic trade union movement, Charles Sherman, director of Labor Relations of the Anti-Defamation League of the B'nai B'rith, speaks directly to organized labor. Mr. Sherman presents evidence refuting many of the slanders circulated against Jews and outlines a program of action.

Write to: Pamphlet Press, 4 West 40th St., New York 18, N. Y.

RACE RELATIONS

The August-September 1945 issue of "A Monthly Summary of Events and Trends in Race Relations" contains several articles which teachers might find of value.

NEGRO VETERANS RETURN

Approximately one million Negro veterans will have been returned to civilian life by the end of the demobilization period. Postwar opportunities available to them and the difficulties which they will encounter are discussed in this article. The picture of Southern opportunities is not a pleasant one.

SURVEY OF THE JEWISH SCENE

Nazi race propaganda has struck deeper than many of us supposed. In some sections of Europe, the Jew, rather than the defeated Fascist regime, is being blamed for economic difficulties. There have been anti-Semitic outbreaks in Poland, Hungary, Slovakia, and even in France there was a recent anti-Semitic street demonstration.

THE AMERICAN INDIAN AND HIS CITIZENSHIP

Not much is known about the Indians, an important minority group in the United States. That Indians do not have the right to vote for or participate in the making of laws which govern them is a revealing fact presented in this survey on the American Indian.

Write to: Social Science Institute at Flak University, Nashville, Tenn.—published bimonthly.

(Editorial, p. 2)

IF WE VALUE FREEDOM

While the Wood Committee (successor to Dies) quizzes Communist leader, Wm. Z. Foster, its real purpose is to get all critical and liberal opinion off the air. In the words of the committee's own counsel, Ernie Adameon, the com-

mittee's purpose in demanding radioscripts was to lay the basis for "recommending legislation to control what might be said over the airways by discriminating between what is news and what is opinion."

This avowedly un-American intention is being countered by a resolution H. R. 876 to reconsider the advisability of letting this committee carry on its shameful efforts. The resolution, bottled up in committee, requires 218 signatures.

If we value freedom of expression in any form, we must write to our Congressman urging his support to get the resolution discharged. We must write to the Wood Committee to tell them that the American people will not countenance their goings-on.

EXHIBIT No. 4

[From New York Teacher News, March 16, 1946]

ROAD TO PEACE

(New material for classroom use)

The political barometer of which teachers must take cognizance registers two issues of vital and immediate importance. The status of Jews in Europe and the incidents in relation to Spain are two focal points in the fight against fascism.

OFFICE OF JEWISH INFORMATION

The office of Jewish Information conducted by the American Jewish Congress publishes a weekly bulletin and also a series of pamphlets on the affairs of Jews today. OJ Items is a weekly bulletin giving information about Jewish activities and incidents pertaining to Jews throughout the world. The March 8, 1946, issue, for example, discusses among other items the attitude of the German people toward Jews, the activities in Palestine, the May Qulun case.

BALANCE SHEET OF EXTERMINATION

This is the first of a series of pamphlets. Too often the destruction of the Jews in Europe is discussed as a statistical matter. Mr. Lestchinsky, the author of the pamphlet, points out that not only were two-thirds of the Jewish population of Europe destroyed, but also their possibilities of regeneration as a people have been destroyed. The family and the community, the essential units which preserve a people, have been completely eliminated. Furthermore, the Nazis systematically destroyed Jewish children so that in Europe today there are practically no children under 10.

Write to: Office of Jewish Information, American Jewish Congress, 1834 Broadway, New York.

FRANCO SPAIN

Franco Spain can be a "launching point for rocket bombs carrying atomic explosive warheads" warns Congressman Coffee on the cover of a pamphlet, "The Case Against Franco," by Frank Gervasi. Mr. Gervasi presents documentary evidence to prove Franco's aid to Hitler.

Write to: American Committee for Spanish Freedom, 55 W. 42 St., New York.

THE CASE FOR THE RECOGNITION OF THE SPANISH REPUBLIC

A memorandum submitted to the President of the United States by the Nation Associates.

Write to: The Nation Associates, 20 Vesey St., New York.

THANK YOU!

"Thank you Teachers Union for the advice of Sam Greenfield about disability retirement which saved me \$50. I am enclosing \$25."

—Helen L. Seligson.

Thank you Helen for the \$25. The money will be contributed to the Legislative Fund.

And thank you Ada Jaffe of Plum Point for your contribution of \$25 for the Legislative Fund.

And thanks, teachers and parents of all schools who are collecting and contributing money for the Legislative Fund.

Keep up the good work. We need \$3,000 more. \$3,000 has come in. Has your school met its quota of \$2 per Union member? Meet it.

—SCG.

EXHIBIT No. 4A

AD IN NEW YORK TEACHER NEWS, FEBRUARY 10, 1940, P. 4

In-Service Course
THE SOVIET UNION TODAY

Starts Wednesday, February 20, at 4 p. m.

Fee for entire course \$3.00

Register TODAY

Call LE 2-5472 or write

The American Russian Institute
52 Park Avenue

EXHIBIT No. 5

[From New York Teacher News, March 2, 1940]

ROAD TO PEACE

(New material for classroom use)

Scripts of the "New World A-Comin'" radio series are available to teachers who write to WMCA, 1057 Broadway, New York 19, N. Y. They make splendid material for assembly and classroom dramatization and discussion. The series demonstrates how democracy can be strengthened by racial understanding. We are analyzing some of the scripts received to help teachers in their selection.

THE CADET, BY JOSEPH GOTTIER

Dramatic presentation of struggle for right of Negro Cadet to remain in U. S. Merchant Marine Academy despite ostracism of upper-classesmen. Presented in vivid human terms which make emotionally real to students the courage and solidarity necessary to overcome existing prejudices. The stock objections to educational equality for Negroes are presented and dramatically answered. The heroes, Frank Williams and Paul Rollins, decide that people "don't become anything unless they decide to become bigger than the prejudices they have to fight." Strongly recommended.

THE RIVER . . . VALLEY . . . AND PEOPLE (THE STORY OF TVA), BY MICHAEL SKLAR

What TVA has meant in terms of raising living standards, bettering human relations by granting work at equal pay to Negro and white in erecting TVA, and breaking down traditional prejudices, born of economic backwardness, insecurity, and isolation. Especially recommended because it presents with effective drama, yet incidentally, the good-will values of social projects where racial discrimination is barred. Leaves audience with vision of future TVA's spanning economic and racial barriers of America.

VERMONT EXPERIMENT, BY MICHAEL SKLAR, 27 MINUTES

A minister interested in the Negro problem decides to do something about the disease of racial intolerance. Fifty Vermont farmers and townspeople agree to act as hosts to 50 Negro children for a 2 weeks summer vacation. The successful experiment proves that brotherhood can work. The plan spreads to other cities.

FREEDOM ROAD, HOWARD FAST'S NOVEL DRAMATIZED BY MICHAEL SKLAR

Part I, 27 minutes. Shows Gideon Jackson immediately after Civil War, preparing to assume leadership of Southern Negroes, when 4 million blacks were beginning to taste first sweet fruits of freedom and democracy.

Part II, 27 minutes. The tragic period of 1877 when cotton planters organize to destroy the beginning of democracy in the South by destroying the independent farmers movement and killing Negroes and white farmers who dared to cooperate. Especially valuable because it removes misconceptions about an important episode in American history, propagated by generations of prejudiced historians.

PREJUDICE, BY CHARLES GUSSMAN

Humorously presents and refutes racial stereotypes which destroy national unity. Analyzes danger of racial generalization.

EXHIBIT No. 5A

[From New York Teacher News, March 2, 1946]

AROUND TOWN

The Teachers Veterans Committee of the Teachers Union is having that awaited for get-together at the Lounge on March 16 at 8:30 p. m. Admission is one dollar: entertainment and refreshments are included. The tickets read "For Vets and Their Guest Only." Seems all-inclusive.

The Congress of American Women affiliated with the Women's International Democratic Federation presents "A Report from Women of the World," based on the International Women's Conference held in Paris, November-December 1946. The Report will be given on Friday, March 8, at 8 p. m., at City Center Casino, 133 W. 55 St. Tickets at \$1.20 on sale at Hotel Capitol, Room 638, and at Bookfair, 133 W. 44 St. Call Circle 6-3700 for details.

Captain Herbert Aptheker, authority on Negro history, recently discharged from the Army, will speak on "Is There an American Dilemma?" at the George Washington Carver School, March 1, at 7:30 p. m. Free. The address is 58 W. 125 St.

The American Negro Theatre, 15 W. 126 St., is offering "On Strivers' Row," a satire on Harlem society by Abram Hill, as the second production of its winter season in its new playhouse, opening Feb. 28. Call Sacramento 2-7783 for particulars.

A testimonial dinner at Leo Krzycki and Zlatko Balokovic is being "tendered" by the American Slav Congress on Sunday, March 10, at the Hotel Astor. Reservations are \$6 and should be made through Samuel L. M. Barlow of the Congress, at 206 E. 42 St., New York 17. Nina Tarasova and Kenneth Spencer will sing; Senators Wagner and Myers (Penn.), and the Ambassador of the Slavic countries will speak.

The East and West Association, 40 E. 49 St., New York 17, offers "The Rising Peoples," ten weekly film-lecture-discussions at Town Hall, Wednesdays, 5:30 to 7:15 p. m., beginning March 6. In-Service credit is granted: the fee is \$5 for the course.

The Jewish War Veterans, 143 W. 49 St., is sponsoring a 50th Anniversary Historical Pageant at Madison Square Garden, Monday, March 4, 1946.

The Jefferson School, 575 Avenue of the Americas, is appealing for books—children's books for its own library, books on labor for the Honolulu Labor Canteen, and children's books for Yugoslavia. Donations may be left at the Jefferson School Library.

M. R.

EXHIBIT No. 6

[From New York Teacher News, March 23, 1946]

ROAD TO PEACE

(New material for classroom use)

Not since pre-war days has world peace been so threatened as in recent weeks. The material of this week's column should stimulate constructive thinking about world peace.

NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP

Hitler Germany, with its Goebbels propaganda outfit, could boast of no more effective and no more vicious anti-Soviet hysteria than that which has been unleashed in our country in the past few days. Of a piece with all the dangerous anti-Soviet clamor is the attack of the House Committee on Un-American Activities upon the National Council of American-Soviet Friendship.

In a very incisive statement to the House Committee the National Council proves that it cannot possibly be considered un-American, and that the attack is an attempt to strike at the roots of world peace, cordial American-Soviet friendship.

Write to: Nat'l Council of Amer.-Soviet Friendship; see below.

A FAMILY OF NATIONS

Much valuable information which can be used to combat the anti-Soviet propaganda of the present period is contained in the revised edition of "A Family of Nations." The pamphlet gives a brief history of the Soviet policy on nationalities and describes some applications of that policy.

Write to: National Council of American-Soviet Friendship, 114 E. Thirty-second Street, New York—18 price 10 cents per copy.

LET'S FIND OUT

Despite the wealth of scientific material published, there has been practically nothing for very young children. Let's Find Out, a picture science book for children from 6 to 9, fills a need which has long been felt. Mr. Schneider, a Union member and a science advisor to several progressive schools, has used the questions and experiences of hundreds of young children as a basis for his book. The subjects are heat, weather, and air, and the method used in presenting the material provides training in scientific thinking for the young child.

Write to: Wm. R. Scott, Inc., 72 5th Ave., New York; \$1.25.

ALL BRAVE SAILORS

Practically every page of this book, the story of the *S. S. Booker T. Washington* breathes the spirit of democratic America. There were Negro and white men from all over the world working and fighting together on this ship and bringing the message of one world unity to every port at which they docked. The book is more than just the story of a ship. It is the recounting of lives and deeds of determined anti-fascist fighters, both Negro and white. For its story of the great courage of Negroes, the book deserves wide reading.

Sold at Local 65 Bookstore, 13 Astor Place; \$2.50 (special discount for teachers.)

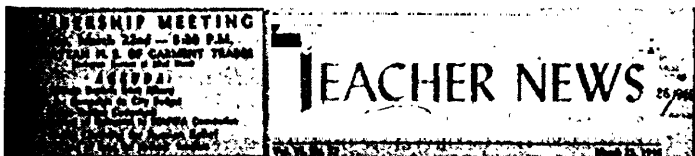


EXHIBIT No. 7

[From New York Teacher News, April 6, 1946]

ROAD TO PEACE

(New material for classroom use)

While the Iranian crisis is practically blown to war proportions before the present Security Council meeting, from all over the world come reports of new threats to world peace. The material in this week's column gives information about some real danger spots.

THE AMERICAS

The Council for Pan-American Democracy publishes monthly *The Americas*, a magazine giving information about political and economic events in Latin America. In the February issue, there are articles on Chile and Argentina. Feudal reaction, responding to the pressure of the Argentine dictatorship and of reactionary American and British forces, is attempting to destroy the labor movement and the democratic alliance of Chile.

The article on Argentina refers to the blue book recently published by our State Department. Although the blue book substantiates the charges of fascism which have been leveled against Argentina, the State Department nevertheless continues to coddle the Fascists, not only of Argentina, but also of Brazil and other Latin-American countries. Another significant fact mentioned in the article is that the blue book has been submitted only to the American Republics and not to the United Nations. Students and teachers may easily work out some inferences here.

Write to: Council for Pan-American Democracy, 23 W. Twenty-sixth Street, New York, 10 cents; single copy, 25 cents.

TRENDS AND TIDES

A bimonthly publication under the editorship of Louis Adamic, this news letter presents facts and opinion on American domestic and foreign policy issues. The January-February issue presents some very important information on our AMG policy in southeastern Europe. The leading generals and officers possess one dominating characteristic, hatred of Russia, and this is an area which is contiguous to the Soviet Union.

Write to: T & T, Louis Adamic, editor-publisher, Milford, N. J.; 15 cents per copy.

AMG IN KOREA

In the news letter released weekly by the Committee for a Democratic Far Eastern Policy, very valuable information about an important corner of the world is presented.

The March 21 issue is devoted to a discussion of AMG in Korea. Before the Americans assumed supervision of the southern area of Korea and while Soviet troops were still occupying the country, the Koreans set up a people's committee. AMG officials, when they arrived, refused to cooperate with the elected committees of the liberation movement. Instead they set up a military government and appointed to prominent positions antidemocratic men and open Japanese collaborators. With this kind of AMG policy, it was not long before Korean quibblings in the American zone took to circulating stories about atrocities perpetrated in the Russian zone.

Write to: Committee for Democratic Far Eastern Policy, 58 Park Avenue, New York 10.

EXHIBIT No. 7A

[From *New York Teacher News*, April 6, 1946]

AROUND TOWN

Last reminder—"Dream Girl" at the Coronet Theatre this Friday night, April 6, curtain time 8:35 p. m.

A new organization, People's Songs, Inc., 130 W. 42 St., N. Y. 18, has been formed to promote and distribute folk songs of the American people and labor songs. They publish a monthly bulletin at \$5 a year.

The International Workers Order is running a Conference on Children's Activities on Saturday, April 20 from 1:30 p. m. to 6 p. m. in the Lounge, 5th floor, 18 Astor Place. All teachers are welcome.

The Cooperative School for Teachers, 60 Bank Street, is sponsoring a reunion of its graduates who will meet on April 6 to exchange experiences. Administrative and supervising problems of all-day care of children will be discussed at the morning session at 10 a. m. Other educational work will be reported on beginning at 2 p. m.

Tickets are on sale at the Union office for "Dark Is the Night," the current attraction at the Stanley. Box-office price is \$1.10; the tickets at the Union sell for 85 cents, good every day.

The New-Age Gallery, 138 W. 15 St. has asked us to print a correction. We once wrote that matted works of sponsoring artists were on sale at \$5. New-Age does sell works at \$5 but those listed were not by artists who are sponsoring the gallery's present platform. Works by the latter are priced by the artists themselves and range from \$5 serigraphs of small linoleum prints to \$35 Weber lithographs or \$50 colored wood-blocks by Abramowitz, etc. The current exhibition runs to Wed., April 4.

The Hon. Charles Belous, assistant corporation counsel of N. Y. City, will speak at a meeting sponsored by the Queens Chapter of the Teachers Union at the William Cullen Bryant High Schools, 48 St. and Broadway, Queens, on Friday, April 5 at 3:30. The topic is "What's in Store for the Teachers?" The school is one block from Northern Blvd. and is reached by the GG line of the Independent Subway, 46 St. Station.—M. D.

It's coming. Keep the evening of May 29, Decoration Day eve, open for the 30th anniversary spring dance and entertainment of the Teachers Union at Manhattan Centre.

EXHIBIT No. 8

[From New York Teacher News, April 13, 1946]

ROAD TO PEACE

(New material for classroom use)

The test of American democracy lies in its attitude toward immigrants, Negroes, Jews, veterans, and other minority groups. Recent occurrences reveal that America must view the problems facing some of these groups with greater alertness.

THE LAMP

English and social studies teachers conducting projects on immigration may wish to include in their units of work discussions on a bill recently introduced into Congress. The bill calls for a reduction of immigration quotas established by the Immigration Act of 1924 to one-half of the original number. Such restriction of immigration the Committee for Protection of Foreign Born considers a serious threat to American democracy. The Committee's March issue of *The Lamp* is devoted to a discussion of the bill and its implications.

Write to: American Committee for Protection of Foreign Born, 23 West Twenty-sixth Street, New York 10. Subscription \$1 a year.

THE TRUTH ABOUT COLUMBIA, TENNESSEE, CASES

What happened in Columbia, Tennessee, a short time ago should alarm every American citizen. A controversy between a Negro woman and a white shopkeeper over the faulty repair of a radio led to physical assault of the Negro woman. Her young veteran son, observing the white shopkeeper's attack upon his mother, attempted to defend her. This incident resulted in a mass attack, organized by the city police and state guard, against the Negro community. Hundreds of Negroes were arrested and brutally beaten; two of the prisoners were murdered in jail; homes were ratted; Negro shops were left a shambles. The pamphlet presenting these facts also includes suggestions for protest.

Write to: Southern Conference for Human Welfare, 212½ Union St., Nashville 3, Tennessee; 1¢ per copy, \$1 per hundred.

OPPORTUNITY LIMITED

This is the second pamphlet in the "Jewish Affairs Series." Various techniques utilized by employers and employment agencies for excluding Negroes and Jews from jobs are analyzed in the first portion of the pamphlet. The second section presents facts and figures concerning discrimination against Jews in the field of education. Although the practice of establishing quotas for Jewish students is one followed by many different types of schools and colleges, the medical schools are the most blatant discriminators.

Write to: Office of Jewish Information, Amer. Jewish Congress, 1834 Broadway, New York 23; 10¢ per copy; quantity rates.

THERE'S NO PLACE LIKE HOME IF YOU CAN GET ONE

Perhaps the problem most disturbing to veterans is the lack of housing. In a very attractive brochure the CIO Political Action Committee presents an analysis of the housing crisis. The provisions of the Wagner Housing Bill and a call for its support form an essential portion of the pamphlet.

Write to: CIO Political Action Comm., 205 E. 42 St., New York 17; \$1.00 for year's subscription, single copies available.

EXHIBIT No. 9

[From New York Teacher News, April 20, 1946]

ROAD TO PEACE

(New material for classroom use)

In recent weeks newspaper reports on vital world and national issues have been anything but impartial—hence the value of some of the material listed below.

FAR EASTERN AFFAIRS

An interesting project for English and social studies teachers would be a comparison of newspaper reports on far eastern events with the newsletters issued by the Committee for a Democratic Far Eastern Policy. Last week's New York Times reported that the results of the Japanese elections were in accord with British and American reconstruction policy in the Far East. The Committee's April 10th bulletin furnishes some illuminating background information on Japanese political life: Gangsterism rather than police suppression is the technique used for attacking progressives in present-day Japan. Also, some on the purge list were permitted to direct the election campaign of one of the leading political parties.

Other issues dealing with U. S. policy in the Philippines and happenings in North China are equally as valuable.

Write to: Committee for a Democratic Far Eastern Policy, 58 Park Ave., New York 16.

POLAND OF TODAY

Poland's progressive position at the UN Security Council meeting is incurring attacks from those who would use the UN as a weapon of intrigue against the Soviet Union. Authentic information on postwar Poland can be obtained in "Poland of Today," a monthly bulletin issued by the Library of the Polish Embassy. The March issue contains an article by Dr. Oscar Lange, Polish ambassador to the United States, on Poland's foreign policy, other items on Poland's present economic and cultural status, and a report on Jewish communities in Poland.

Write to: Library of Polish Embassy, 151 E. 67 St., New York 21.

POLITICAL GUIDE

The March issue of "Political Guide," published periodically by the National Citizens Political Action Committee is devoted to a discussion of the need for continuing OPA. Facts and figures on the necessity for price control, refutation of specious arguments used in attacks against OPA, and a program action are presented in outline form.

Write to: National Citizens PAO, 205 E. 42 St., New York 17.

SCHOOL REMINDERS

For high school students

The Jefferson School of Social Science (575 Avenue of the Americas, N. Y.), is again conducting two courses whose purpose is the improvement of human relations. A film and discussion course on "Fighting Prejudice: Human Relations for Young People," will be given by Mr. Louis Reilin. "The Races of Mankind," given by Mr. Morris Lipchitz will utilize museum and field trips as teaching techniques. Classes begin on May 4.

For Parents

The School for Jewish Studies (13 Astor Place), is presenting an eight-week lecture discussion course, beginning April 18, on "Jewish Children and Their Problems."

EXHIBIT No. 9A**STOP REACTION NOW**

(Editorial)

On Monday, April 8, a picket line led by Councilman Eugene P. Connolly, protested the star-chamber proceedings then being conducted by the notorious Wood-Rankin Committee against the activities of the National Federation for Constitutional Liberties, The Joint Anti-Fascist Refugee Committee, and the Veterans Against Discrimination. The next day our City Council, without one dissenting vote, adopted a resolution vigorously condemning the divisive and anti-democratic practices of the witch-hunters. This marks the rising storm of popular disgust with the pro-Fascist antics of the Wood-Rankin Committee.

In recent months, this outfit has made it plain for all to see that it is out to suppress every progressive organization engaged in the fight for peace, security, and the preservation of our democratic liberties. Its favorite technique is to demand, under threat of a citation for contempt, the books and records of these organizations and to use them to blacklist and hound its officers and membership.

Now is the time for a concerted drive to put an end to the un-American provocations of this Committee. Wire or write to your Congressman to sign Discharge Petition 12 to abolish this nest of American Fascism. Do it now.

EXHIBIT No. 9B**DELEGATE'S REPORT ON WIN-THE-PEACE CONFERENCE**

"We are met to win the Peace," states the Declaration of Principles acclaimed unanimously by the 712 delegates from 27 states and the District of Columbia at the Win-the-Peace Conference sponsored by a score of Congressmen and hundreds of prominent citizens.

The conference, held in our nation's capital on April 6th, 7th and 8th, was addressed by such outstanding Congressional leaders as Senator Claude Pepper and Representative Adolph J. Sabath, who characterized himself as a "progressive and an aggressive democrat." Senator Pepper's address underscored the need of America today "to restore the belief of Russia that we are their uncompromising friends now as in the war, and that we have not become an appendage to British imperialist foreign policy." Other distinguished men and women present were John M. Coffee, Hugh DeLacy, Charles R. Savage and Ellis Patterson. Senator Glen Taylor was among the many legislators who refused to be rebuffed into withdrawing his name from the list of sponsors. Others who contributed significantly to the thinking of the Conference were R. J. Thomas, Dr. J. Raymond Walsh, Dr. Max Yergan, Mrs. Florence Eldridge March, Dr. William Higginbotham, Lee Pressman, Millard Lampell and Len De Caux.

It was Ira Gollobin, speaking for the veterans, who provided the keynote to the Conference when he quoted the slogan of the soldiers during their demonstration in Manila, "The soldiers' President is dead, but the principles of peace for which he fought live on."

Out of the American peoples' best thinking evolved the first steps to mobilize themselves to win the peace. From the length and breadth of the land people came representing thousands of others back home. And all these Americans cheered the setting up of a permanent organization to be known as the National Committee to Win the Peace. They enthusiastically chose as their co-chairmen two of the best loved men in the country, Col. Evans Carlson, leader of the Marines' famed Carlson's Raiders, and that great American Negro, Paul Robeson, whose message to the Conference bespoke our nation's great need to "prevent a madman's war and to win a people's peace."

A series of resolutions were passed on foreign issues covering such subjects as China, Japan, Korea, the United Nations, Food to Europe and Herbert Hoover, Spain, Imperialism, the Philippines, Puerto Rico, India, Africa, Indonesia,

Latin America, Palestine, Denazification of Germany, and on domestic issues covering everything from conscription and OPA to Federal Aid to Education. The resolutions were manifold in subject yet one in principle—the firm policy of cooperation abroad and democracy at home.

It was a fitting ending to this conference that the delegates followed Sen. Taylor's observation that "The object of all knowledge is action" and betook themselves on Monday to the Senate and House of Representatives where the Declaration of Principles were brought directly to the legislators for endorsement.—

CECELLA POLLACK.

EXHIBIT No. 10

[From New York Teacher News, May 18, 1946]

ROAD TO PEACE

(New material for classroom use)

For those prone to accept World War III propaganda, recalling Nazi brutality in Europe might be an effective cure. What happened in Poland is an example. of the Nazi ferocity and of the horror of the war which the Nazis brought to the world.

"NEVER TO FORGET"

One year after V-E Day finds America tending to forget the wanton Nazi killing of thousands of Europe's people and particularly the campaign for the extermination of the Jews. A powerful reminder of Nazi brutality is Howard Fast's poem, "Never To Forget," the story of the Warsaw Ghetto Jews who, with all the odds against them, fought the Nazis for 42 days. Howard Fast's poem emphasizes something which is not always remembered. Not only in Warsaw, but throughout their long history, the Jewish people's fight for freedom has been one of benefit to all humanity.

Impressive in its emotional sway and written in a kind of Biblical chant, the poem would make for good choral reading or for a stimulating assembly program. Class study of the poem should lead to vital discussion of such problems as anti-Semitism, fascism and democracy. William Gropper's black and white lithographs lend additional meaning to the poem's message.

Write to: Jewish People's Fraternal Order, IWO, 80 Fifth Ave., New York. Can also be purchased at Local 65 Bookstore, 13 Astor Place, New York. 25¢ per copy.

"WARSAW ACCUSES"

For anyone who doubts the extent of Nazi destruction in Poland, "Warsaw Accuses" provides sufficient answer. Distributed by the library of the Polish Embassy, the brochure presents photographs of scenes in Warsaw before the war and after. One of the horrible realizations is that the Nazis set about the desolation of Warsaw in systematic and planned fashion. Nothing was spared, not even schools, buildings of historical interest, cathedrals, monuments, libraries, museums. Warsaw, once one of Europe's most beautiful cities, is now a mass of rubble.

Write to: Library of Polish Embassy, 151 E. 67 St., New York 21.

REPORT ON WORLD UNITY

With constant talk of a new world war surrounding us, it is refreshing to read this report of the CIO delegation to the World Trade Union Conference of 1945. Predicating its program upon the need of the speedy eradication of fascism, the WFTU presents a comprehensive program for the preservation of democracy and peace throughout the world. Important points in the program are: freedom of working people to organize into trade unions, protection of economic and social rights for all, recognition of the needs of servicemen.

An interesting item in the report is mention of the fact that the Iranian and Greek governments prevented delegates of labor organizations from attending the Paris conference. There has, however, since been a change of government in Iran.

Write to: CIO, 718 Jackson Pl, NW., Wash. 6, D. C.; 10c.

EXHIBIT No. 11

[From New York Teacher News, p. 2, May 25, 1946]

ROAD TO PEACE

(New material for classroom use)

Here is material which will give our students facts and make them more aware of the fight against racial discrimination.

"EVERYBODY'S BUSINESS"

It is "everybody's business" and certainly the business of teachers to help students learn of ways to fight discrimination. "Everybody's Business," a manual published by the National Federation for Constitutional Liberties, has just that kind of information. Every law on the statute books of New York State which has as its purpose the curbing and elimination of discrimination because of race, color, or creed is listed in this pamphlet.

A major section is the one giving the provisions of the new State FEPC. It is unlawful in New York State to practice discrimination in employment, education, housing, public places such as hotels, restaurants, theaters, etc. After the description of each law, there are instructions and suggestions for individuals and groups who wish prosecution of violators of the law. In the matter of securing law enforcement the NFCL stresses working with unions and community organizations.

An interesting study would be a comparison of existing discriminatory situations with those practices banned by the State laws. The Columbia University quota system and the State prohibition of discrimination in educational institutions is merely one such incident.

Write to: National Federation for Constitutional Liberties, 205 E. 42 St., New York 17; 25 cents per copy, quantity rates.

EXHIBIT No. 11A

[From New York Teacher News, p. 2, May 25, 1946]

PAUL ROBESON ASKS

No Union member needs to be reminded of the willingness with which Paul Robeson has responded to requests to aid our Union. Now Paul Robeson is asking us to do something for us. He is vitally interested in the rally by the Council on African Affairs on Thursday evening, June 6, at Madison Square Garden.

The Union has a batch of 500 tickets at 60 cents to \$1.50, which can be purchased at the Union office.

Union members will not only show their appreciation of Paul Robeson but will also get the best in entertainment and speaking: Look at a partial list:

Speakers Paul Robeson, R. J. Thomas, Norman Corwin, Hugh DeLacey, Mary M. Bethune, Ben Davis.

Entertainers: Paul Robeson, Katharine Dunham, Golden Gate Quartet, Alan Loumax, Pete Seeger, Howard Da Silva, Betty Garrett, Kenneth Spencer, Pearl Primus, Mary Lou Williams, Judy Holliday, Canada Lee, Dean Dixon.

EXHIBIT No. 12

[From New York Teacher News, June 8, 1946]

CELIA LEWIS, Editor

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The Official Organ of the Teachers Union of New York

Local 555, State, County, and Municipal Workers, CIO

ROAD TO PEACE

(New material for classroom use)

After nightmarish years of oppression and fascism, many European countries are evolving a new kind of democracy, a democracy which is a direct outgrowth of the people's fight for liberation. Yugoslavia is an excellent example of this emerging democracy.

YUGOSLAVIA'S NEW CONSTITUTION

There is no better way to refute the charge that the new European democracies are merely puppets of the Soviet Union than to study the developing forms of government. Clearly not an imposition, but a reflection of democratic progress, hardly won is the Yugoslavian constitution. Predicated upon the principle that the land belongs to those who work it, the constitution outlaws large landed estates. Some of the other provisions call for the granting of equal citizenship rights to women and the separation of church and state.

REPORT ON NEW YUGOSLAVIA

Eleven members of the British Parliament visited the country in November 1945, and observed the national elections. Their report, emphasizing the democratic nature of the elections, demonstrates that the present Yugoslavian Government is representative of the will of the people.

TRIESTE

Yugoslavians urge an incorporation of Trieste into the Federal People's Republic of Yugoslavia, with an internationalization of harbor facilities.

THE CASE OF DRARHA MIKHAILOVICH

This brochure should be recommended reading for our State Department as well as for our students. Carefully documented, the report blows to smithereens any doubt that Mikhailovich was a collaborator and traitor.

Write to United Committee of South-Slavic Americans, 463 Lexington Avenue, New York 17—all of the material free.

EXHIBIT No. 12-A

(From New York Teacher News, p. 3, June 8, 1946)

AROUND TOWN

A symposium on "Teachers in the Struggle Against Anti-Semitism," will be held on June 15, at 2 p. m., in the Union Lounge, under the joint auspices of the Union and the School for Jewish Studies. Morris Schappes and Rabbi Herman Pollock will speak. Admission: 85 cents.

Tickets are on sale at the Teachers Union for the meeting in Madison Square Garden on Tuesday, June 11, at 8, when leaders of the Ghetto uprisings and Jewish partisans in Poland will speak. Dr. Oscar Lange and Dr. Stephen S. Wise will also speak. The meeting is sponsored by the American Jewish Congress, 1834 Broadway, New York 23: tickets are 70 cents, \$1.20, and \$1.80.

The Group Collective, 1792 First Avenue, New York 28, was organized in 1939 as an experiment in group activity in the arts. It is showing paintings by nine of its members at the Norlyst Gallery, 59 W. Fifty-sixth Street, from June 16 through June 30, open 11 to 5 daily. Forum discussions on art will be held on June 19 and June 26, at 8 p. m., at the Gallery, admission free.

The tenth and last group-show of the season will be held by the New-Age Gallery, 138 W. Fifteenth Street, June 8-June 22, open 11-5 daily except Sunday.

The American Society for Russian Relief has issued a one-record album of children's songs translated from the Russian and sung by an American group. Priced at \$1.25, the record is obtainable in leading music shops and the profits go for relief. M. R.

BOOKS IN BRIEF

Dr. Henry E. Sigerist, director of the Institute of the History of Medicine at Johns Hopkins University, has long been known for his progressive views. He is the author of "The University at the Crossroads," an appraisal of the problems facing institutions of higher learning, which will be published on June 10 by Henry Schuman, Inc., 20 E. Seventieth Street.

Herman Schneider, one of our members, is the author of *Let's Find Out*, which was granted a *Herald Tribune* award for an outstanding book for the 8- to 12-year group. The book is published by William E. Scott at \$1.25. It's a simple, well-illustrated book on everyday science which fascinates the youngsters (and adults). I know for I watched a 6-year-old working through it.

Wind in the Olive Trees, by Abel Plenn, published by Bonl & Gaer, 15 E. Fortieth Street, New York 16 (\$3), tells what is happening in Spain today. Plenn tells his story first-hand for he was attached to the United States Embassy in Madrid since 1944. Too bad the U. N. committee didn't take warning from Plenn's story.

Wasteland, by Jo Sinclair, is the June selection of the Book Find Club, 401 Broadway, New York 13. M. R.

EXHIBIT No. 13

[From New York Teacher News, June 16, 1946]

ROAD TO PEACE

(New material for classroom use)

Within the past few weeks, the cause of peace has been seriously bombarded. The Soviet Union has been looked upon as the disturbing element in an otherwise harmoniously functioning world. An outlook upon world affairs which places the onus of keeping the peace upon one nation and overlooks the unyielding attitudes of the two remaining powerful nations can have but one result—destruction of Big Three Unity and a third world war.

REPORT ON THE SOVIET UNION

In the summer of July, 1945, a trade-union delegation from the Soviet Union visited America. The CIO reciprocated and sent a delegation of leading CIO union officials to the Soviet Union. The report of the CIO delegation is an excellent refutation of the many distortions—some out of ignorance, many out of malice—which have been circulated about the trade unions of the U. S. S. R. Not only is there a detailed description of the operation of trade unions, but there is insight into the Soviet way of life.

The over-all budget for all industries is drawn up in consultation with the highest trade-union body of the U. S. S. R. The separate industries then allocate wage funds for various plants. Within each plant, a union-shop committee works out with its management, rates for workers in that particular plant. All along the scale, workers thus have a powerful voice in determining wage rates. In addition, trade unions supervise the social-insurance system which is so complete that even free medical service is included.

Delegates were deeply moved by their visit.

Write to: CIO, 718 Jackson Place NW., Wash. 6, D. C.; 15 cents per copy.

INFORMATION BULLETIN

The Committee for a Democratic Far Eastern Policy publishes this monthly bulletin. The May, 1946, issue discusses Chiang's desire for a United States-Soviet rift and the war criminal record of United States supported president-elect of the Philippines, Manuel A. Roxas.

Write to: Committee for a Democratic Far Eastern Policy, 58 Park Avenue, N. Y. 16; \$1 per year.

EXHIBIT 14

[From New York Teacher News, June 22, 1946]

WIN THE PEACE

Teachers, as well as other professional and working-class groups, cannot afford to stroll tranquilly along the road to peace. Those who would destroy the peace are traveling with seven-league-boot pace. Every day brings with it furious anti-Soviet hysteria, drastic anti-labor moves, precipitous rush toward war. To overtake the peace wreckers and win the fight for peace, teachers, in conjunction with all progressive groups, must at least triple their speed.

In order to help change the pace from a jog to a snappy, intensive drive, the "Road to Peace" column will in the future be entitled "Win the Peace" and will have a somewhat different nature. Supplementary classroom material for furthering harmonious intercultural relations and for maintaining Big Three unity will continue to be recommended. But in addition, the Teachers Union Win-the-Peace Committee will use the column for presentation of its program and activities. Here is the chance for teachers to widen their scope of activity and to learn how to participate in the fight.

THE GREAT CONSPIRACY

Since 1917, world-wide reaction has labored to bring about the overthrow of the Soviet Government through the fomenting of war from without and conspiracy from within. Sayer and Kahn's *The Great Conspiracy*, appearing shortly in a \$1 edition, gives a detailed documented history of these maneuvers and intrigues. The book clarifies some of the principal causes of World War II, for the great conspiracy had a great deal to do with making the war inevitable. A reading of the book also helps one understand the present drive to end Allied Big Three unity, to isolate the U. S. S. R., and to prepare favorable political and military conditions for an anti-Soviet antidemocratic war.

Senator Pepper, who considers this book high-priority reading in the battle to win the peace, supplies an introduction to the new edition. The TU Win-the-Peace Committee will engage in a summer campaign to sell the book to teachers in towns and at resorts. Every TU member is urged to purchase a copy and to persuade friends to do likewise.

Write to: TU Win-the-Peace Committee for order blanks.

CITY-WIDE WIN-THE-PEACE CONFERENCE

A city-wide Win-the-Peace conference will take place at the end of the month. On the evening of Friday, June 28, a mass meeting will be held at Town Hall. On Saturday, June 29, there will be an all-day conference of delegates of affiliated organizations at Manhattan Center. The Teachers Union, which is affiliated with the city-wide Win-the-Peace Committee, is sending ten delegates. The peace fight will be given a big boost in the schools if teachers union groups send their own delegates to the conference. Each group is entitled to two delegates.

SCHOOL GROUPS IN THE FIGHT FOR PEACE

TU school groups who wish speakers for end-term meetings and parties will find the Win-the-Peace Committee very anxious to satisfy such needs. For very active participation in school communities, TU school groups and individual teachers should affiliate with neighborhood Win-the-Peace Conferences as they become organized.

EXHIBIT NO. 14A

[From New York Teacher News, June 22, 1946]

PEOPLE'S RADIO

Trade unions can speak up against the vicious slanderous campaign against labor if they follow the plan proposed by the People's Radio Foundation, Inc.

The People's Radio Foundation announces that licenses will be awarded by the Federal Communications Commission to FM broadcasters sometime in July. The PRF has applied for such license and suggests the following action:

1. Write a letter to the FCC and mail it to the Foundation, 100 Fifth Avenue, N. Y. 11, requesting the granting of a license.

2. Subscribe to at least one share of preferred stock at \$100.
The People's Radio Foundation is composed of trade unions, fraternal and cultural societies including Local 65, UE District 4, AOA Local 2.

APPENDIX II

EXHIBIT No. 18

EXHIBIT A

THE EXECUTIVE COUNCIL'S PROPOSAL TO SAVE THE AFT

INTRODUCTION

There are more than a million public-school teachers in the United States. Should a considerable portion of these unite with organized labor, the future of education and democracy would be assured. As it is, the American Federation of Teachers, enrolling but a small fraction of the public-school teachers, exerts great influence because of its affiliation with organized labor.

Our basic strength lies in the confidence with which we are regarded by organized labor, the profession, and the general public. The executive council is convinced that our continued growth and influence is strongly conditioned by the reputation of the American Federation of Teachers and its locals. We cannot hope to organize any considerable portion of American teachers nor can we hope to have the confidence and support of organized labor or the general public so long as important locals are in general disrepute.

The council is in no way critical of any member for his personal beliefs. The entire case of the council against these locals rests upon the character of their conduct, their strategy and tactics.

The council is appreciative of the energy and activities of these locals. It is convinced, however, that whatever merit they have had has been largely offset because the methods employed have tended to discredit both the organizations and their activities. We are not unmindful of the growth of the New York unions under the present leadership, but it should be remembered that only about one-half of the membership of local 5 consists of regularly appointed teachers; thus, less than 10 percent of the regularly appointed teachers of New York City are organized. Nor should we overlook the fact that outside of New York City and Philadelphia the growth of teachers' unions in these regions has been negligible, in spite of thousands of dollars spent on organization. The phenomenal growth of the American Federation of Teachers during recent years has been in those areas—Illinois, Indiana, and Ohio—where there has been a minimum of political manipulation.

If the American Federation of Teachers is to conduct a vigorous campaign to protect teachers, schools, and democracy, it must not be handicapped with the eternal necessity to deny, to equivocate, or to apologize for Communist influence. Now is the time to free ourselves of this necessity. Now is the time when the liberal democratic forces of America must be united and forthright. So long as the Communist Party is a significant force in the American Federation of Teachers we can be united only under their program. It is, therefore, necessary to eliminate this influence in order to fortify ourselves against reaction. By ridding ourselves of this influence we are wresting from reaction the strongest weapon it has against us. If the teachers' union is to have the confidence of the profession, organized labor, and the public, and if it is to take its rightful place among the democratic forces of America, we must be invulnerable at this point. For this it cannot hope so long as we carry the moral burden of the Communist Party, its tactics and strategy.

Since we do not condemn beliefs in themselves, but rather practices which are basically undemocratic and anti-trade-union, we hereby specify the grounds upon which we make our recommendations that the charters be revoked.

THE CASE AGAINST LOCAL 5

The report of the executive council's committee appointed in August to deal with the problems of organizing the teachers of New York City and to secure the readmission of local 5 into the Central Trades and Labor Council was presented to the executive council at its regular December meeting. The commit-

tee's report, taken together with the intervening actions of local 5, brought the council to the inescapable conclusion that nothing less than a thorough investigation of the local itself could meet the situation. By unanimous vote of all members of the council an investigation was authorized. The record of this investigation is contained in a verbatim stenotypist's report of 129 pages, copies of which are available for examination in the national office.

The nature of the material contained in this record was such as to cause the council to order a hearing for local 5 on February 15 and 18 to answer the major points which grew out of the investigation and to show cause why its charter should not be revoked. The hearing was held, and local 5 replied at length. The verbatim stenotypist's report of this hearing contains 244 pages of oral testimony plus a 43-page printed brief submitted by local 5. This record is also available for examination in the national office.

Upon the basis of the records of the investigation and the hearing, the council came to the considered conclusion that the best interests of the American Federation of Teachers would be served by the revocation of the charter of local 5.

Below we present the five charges against local 5, with substantiating material based on the record:

CHARGE I

"(1) That the internal affairs of the said local 5 have been so conducted as to bring disharmony to the membership and that factionalism within the local has resulted in loss of membership through nonpayment of dues and by resignations which have stopped the growth of local 5 and make it unlikely that said local can effect a satisfactory organization of the teachers of New York City."

We must see this charge against a historic background. The story of the penetration and control of local 5 by the Communist Party is a long one. It is a story of disruption, trouble, and crisis, one of uninterrupted embarrassment to the American Federation of Teachers and the American Federation of Labor dating as far back as 1922.

By 1932 political factionalism in local 5 centering in the Communist Party had reached such serious proportions that a special investigating committee, headed by John Dewey, was elected by the membership of local 5 to study the problem thoroughly and to make recommendations. The committee held 24 meetings of from 2 to 3 hours each and heard 109 witnesses. The report of the committee, a frank, exhaustive analysis of the situation in the local at the time, fully corroborated the charge that factionalism, stemming not from differences on teacher issues within the union but from the fortunes of the Russian Revolution, seriously threatened the existence of the local. Mr. Henley, the present president of local 5, was a member of the committee and signed the report. Anyone desiring a full picture of the situation in local 5 should study this report in its entirety. Locals or members wishing copies of it may write to the national office.

Being convinced that the crisis in the federation today is intimately related to the crisis investigated by the Dewey committee in 1932, the executive council believes that the following passages from the report of that committee are as relevant now as when they were written:

"The committee was much impressed with the fact that leaders of the minority groups, especially of the rank and file (forerunner of the present administration of local 5), openly expressed the conviction that all sincere believers in any particular political movement would necessarily attempt to use the union as an instrumentality for promoting their special views.

"Leaders and witnesses for the defendants made light of the suggestion coming from members of the committee that reckless charges of betrayal, arbitrary conduct, reactionism, dishonesty, if continually repeated, might injure the persons attacked and injure the union, in spite of the fact that the charges may be false.

"Nothing was more instructive to the members of the committee than the assertion of the leaders of both opposition groups that although they expect finally to come into control of the union, they do not desire to do so excepting on the basis of the ideologies which they respectively hold.

"Concealment of the ultimate desire to convert the union into an organization for carrying on the class war and the attempt to lead the membership to think that the sole difference is on matters of isolated items of immediate policy, conjoined to the tactics of unscrupulous attacks, can lead only to the bitterness, friction, crimination, and recrimination that now exists.

"While, therefore, it might be personally agreeable to the committee to avoid any reference to communism, it is not possible to do so, for the special aims and tactics on particular issues of the opposition groups cannot be understood

or put in their proper context without frank discussion of this topic. * * * Before the committee, as well as at other times and places, the defendants used any reference to the topic of communism to support a claim that they were subjected to "Red-baiting."

Claims of Communist Party

From the record of the unique success of the Communist Party in recruiting white-collar workers from 1930 to 1939 it may be inferred that its bloc in local 5 grew to substantial size. That in fact it did grow to a size more than sufficient to control the local and dictate its policies is a claim made by the party itself. The official record of the proceedings of the Tenth Convention of the Communist Party of New York State, May 20-23, 1938, contains a report by one J. Mason (presumably a party name and a member of local 5) introduced as spokesman for the teachers. We quote from his report:

"We have been brought to this realization by watching the growth of our local, Teachers Union, local No. 5. It has grown from about 300¹ 3 years ago to 7,000 today. We also helped set up WPA and College Teachers locals of 1,000 each; and in addition, seven locals up State. During this time, our fraction of 35 grew to many hundreds. * * * There are several hundred party members in the union. This is a big fraction and more than is necessary in our industry, if you wish to call it that. I think about 100 or so would be sufficient to work within the union; and so we have sent our party members into the apparatus of our party everywhere, in the counties, in the sections, and in the district. You fall over teachers everywhere. In spite of that I think that our fraction will affect the composition of our party by steady recruiting from among the teachers in the Teachers Union."

If this claim stood alone, no one would take it very seriously. But it does not stand alone. In an affidavit dated March 13, 1941, Manning Johnson, for many years a member of the Communist Party of the United States and from 1936 to 1938 a member of the national central committee of the party, makes the following statement:

"At a number of meetings of the central committee and of the political bureau which I attended, reports were given on the work among teachers, specifically the work of the Communist Party fraction in locals 5, 537, and 453. Particular emphasis was placed upon the fact that the editorial staff of the *New York Teacher*, also the executive boards of locals 5 and 537, were, in the main, controlled by the Communist Party fraction. Moreover, numerous issues among the teachers were used in order to form the basis for the successful establishment of the 'united front,' that is, issues were utilized to get persons who were not in the Communist Party to work with the Communists to front for them in the Teachers Union.

"The Communist Party policy was to avoid mechanical control through the utilization of nonparty persons whom they could influence for leading positions in the unions. Fraction meetings were held on numerous occasions. The work of the Communist Party fraction in the teachers unions was discussed with the leaders of the Communist Party. This work of the fraction consisted in recruiting teachers into the party, in spreading Communist propaganda among teachers and students, and formulating methods of how to carry the party campaigns into the educational system of the State."

Moreover, these two statements do not stand alone. The public record of local 5 since 1935 bears so unmistakably the imprint of the Communist Party line that the substantial accuracy of these statements cannot be doubted. The subservience of the present administration of the local to the dictates of party policy has been unbroken since its appearance at the head of the rank and file group a decade ago down to the present time.

Public record of local 5

At the time of the Dewey investigation in 1932, this group openly advocated and practiced the dual-union policy which at that time was a distinguishing feature of the party line. It continued to pursue this policy until early in 1935, when the party, in a sudden about-face, discarded its dual-union policy and advocated working within the American Federation of Labor, which it had previously characterized as a "company union."

Between 1932 and 1935, the Rank and File group, whose frankly destructive tactics included attacking local 5 in the press and at public meetings, organized

¹ Obviously a printer's error; the size of the local at the time was about 1,800.

the Teachers Committee to Protect Salaries, later reconstituted as the Classroom Teachers Groups, and the Unemployed Teachers Association. Within the union it persistently defended these antiunion organizations and urged collaboration with them.

Early in 1935, immediately after the Communist Party dissolved its unions, the Rank and File group dissolved the Classroom Teachers Groups and the Unemployed Teachers Association and urged the members of these organizations to join local 5.

A few months after the Communist Party's switch in trade-union policy, when the Litvile-Lefkowitz administration and 800 supporters withdrew from the local, the Rank and File group came into control of local 5. The new leadership proceeded to manifest an attitude of pious loyalty to the American Federation of Labor in startling contrast with the plainly destructive, dual-union policy it had advocated only a few months before.

The very essence of the relationship between the respective policies of local 5 and the Communist Party since 1935 is this: Despite the "thousands of actions" of local 5, the record offers not one instance in which the programs of the two have clashed. In the long period of time in which the local manifested an extraordinary interest in a host of problems not directly pertaining to teacher interests and an extraordinary readiness to attack the policies and actions of governments, parties, diplomats and politicians, it never once found fault with any of the thousands of actions of the Communist Party, never once found fault with any aspect of the internal life or foreign policies of the Soviet Union. It is also a plain, unchallengeable fact that since the present administration took over in 1935, the official organs of the Communist Party, the Daily Worker and the New Masses, have given unqualified blanket approval to the thousands of actions of local 5 and the actions of its majority delegates at national conventions of the American Federation of Teachers. The attitude of these publications toward the administration of the local is one of uninterrupted and vigorous agreement.

The New York Teacher, official monthly magazine of local 5, is required by executive board ruling to reflect only "adopted union policy." There can, therefore, be no question of its being an official record of the local's program.

A careful analysis of its columns since 1935 fully substantiates the above statement. The parallel between the New York Teacher and the official line of the party and its many shifts is complete. During the time that the Communist Party supported Roosevelt, and only during that time, the New York Teacher supported him. When the Communist Party line changed so did the New York Teacher. During the time that the Communist Party supported LaGuardia, and only during that time, the New York Teacher supported him. When the Communist Party supported him, so did the New York Teacher. Yet strangely enough his support of public education by no means came when the New York Teacher supported him, while his lukewarmness to the schools occurred while he was receiving the support of the New York Teacher. In short, its support or opposition to LaGuardia seemed to bear little relation to his support or lack of support of the public schools.

The position of the New York Teacher regarding war, collective security, and neutrality has shifted with the shift of the line of the Communist Party. Its attitude toward the American Federation of Labor, the American Student Union, and the American League for Peace and Democracy follow the shifting position of the Communist Party. Its positions on world and domestic personalities, issues, and events but echo the official positions of the Communist Party.

Opposition to nazism disappears

What distinguished local 5, from 1936 to 1939, was something more than the astonishing breadth of its political activity; it was the impetuously with which it took a certain side on each of the major controversial questions of the day, the peculiar pattern of bias that colored its program. It was so ardently collective-security, stop-the-aggressor-nations, boycott-Nazi-goods, pro-Roosevelt and pro-New Deal as to compel the casual observer to infer, at the very least, deep-rooted conviction and sincerity.

Yet it is possible to record that this entire channel of activity, together with every last vestige of the convictions which seemed to motivate it, disappeared overnight, completely, without trace, immediately after the signing of the Hitler-Stalin pact. The burning desire to halt Fascist aggression, to build the democratic peace front, to boycott Nazi goods, to advance Roosevelt's New Deal program vanished into thin air. A philosophy which, in the course of 3 years, seemed to penetrate to the very mainsprings of the local's behavior, had dropped

out of existence at some point between the signing of the Stalin-Hitler pact in August 1939 and the first fall-term meeting of local 5 in October 1939.

In the printed statement submitted to the executive council at its February 15 meeting in answer to the evidence cited here, local 5 stated:

"Of the thousands of actions of the Communist Party and the thousands of actions of the Teachers Union, they (the executive council) pick three or four which are similar—support of President Roosevelt in 1939, support of New Deal legislation, support of collective security in an attempt to stave off this world war. They fail to mention that the vast majority of Americans supported these policies at the same time."

The statement of local 5 that "the vast majority of Americans supported these policies at the same time" is cynical in the extreme. The local advocated these policies only in the strictly delimited period during which they were advocated by the Communist Party, that is, from 1933 to 1939. It did not advocate them before that time. And when the Stalin-Hitler pact was signed and the war that local 5 had sought to "stave off" broke out, the local was faced with the choice either of continuing to oppose Fascist aggression, along with the vast majority of Americans, or of following the example of the Communist Party and discrediting its collective security, pro-Roosevelt, pro-New Deal program. It unhesitatingly chose the latter.

It should be clearly understood that the executive council questions the right of no local to take any stand on any issue in accordance with good trade unionism. It does question whether any local which is clearly an instrument of an outside political party should be permitted to cast discredit upon the whole cause of teacher unions.

The inevitable result of such a situation is bound to be disharmony and disension among the membership. While the administration of local 5 constantly calls for unity, it must be clear that the only unity they can tolerate is unity within the Communist Party line. As a result they drive from the organization those whom they cannot bend to their purpose.

Hundreds of members leave local 5

Witness the exodus of 800 members, including the administration, from local 5 in 1935, many of whom were instrumental in founding local 5 and the American Federation of Teachers. Although these members who left local 5 were then the majority and in control of the union they found it impossible to work in the same local with a minority following the Communist Party line and employing its strategy and tactics.

It is well to point out here that during the period beginning about 1930 up to the signing of the Stalin-Hitler pact (the so-called Popular Front period) the Communist Party had so watered-down its open program that it could have been accepted in many respects by persons of good will and liberal, humanitarian outlook. This protective coloring well camouflaged the Communist Party and made it difficult for many to see clearly its basic contempt for democratic ideals. However, the Stalin-Hitler pact changed the whole situation and opened the eyes of many to the insincerity of the party's position.

In the fall of 1940 approximately 200 members of local 5, cosigning a letter protesting the political control of local 5, resigned from the union. At the same time it was disclosed that additional mass resignations had taken place during the preceding months. When, in April 1940 a resolution opposing President Roosevelt's proposals for national defense was hastily adopted at a membership meeting, approximately 250 resignations followed. In October 1940 shortly before the resignation of the bloc of 200, local 5 announced that 241 resignations had taken place during the summer months. It was further announced that 1,000 members were in arrears in dues payments. Of these 650 were more than 12 months in arrears.

According to the August 1940 membership report of local 5 to the national office, a report not unlike the reports of preceding months running back to the establishment of the local under the present leadership in 1935, the number of members placed in the lowest category, the category of "less than \$1,000," was 2,400. The total membership reported was 8,348. The number placed in the next category of "\$1,000 to \$1,400" was 900. This means that well over one-half of the membership were receiving salaries below the compensation of the lowest paid regular teacher in the New York City system. The salary of a kindergarten or 1A to 8B teacher in the first year of employment is \$1,008. Even clerical assistants are started at \$1,200. Only part-time substitute and evening school teachers receive less than \$1,000.

An analysis of the membership on a base of 6,000 shows 800 to 1,000 not employed by the Board of Education of New York City, 400 to 500 wholly inactive substitutes, 400 to 500 substitutes teaching from 1 day to somewhat less than a full year, 600 to 700 substitutes teaching approximately a full year, and 3,600 to 3,700 regular teachers. These figures suggest quite clearly that local 5 has been far less successful in organizing the public-school teachers of New York City than is ordinarily believed.

The council is convinced, moreover, that the record is markedly less impressive than the above figures indicate. On January 29, 1941, the secretary-treasurer sent to each of the 6,304 members of local 5 on the list in the national office—and this list is kept strictly up to date in terms of the reports sent in from month to month from the local—a double post card. On the return card which was not to be signed, these two questions were printed: "Are you now a member in good financial standing in local 5" and "If not, when did you last pay your dues?" A total of 2,020 usable replies were received. Of these 608 were negative. This means that approximately 21 percent of those replying, all on the records of the national as full-fledged members of local 5, state categorically that they are not members. Of these 14 passed out of good financial standing in 1941, 259 in 1940, 135 in 1939, 67 in 1938, 34 in 1937, and 21 in 1936 or before. Seventy-eight failed to indicate the year.

The council wonders about the status of the 3,384 persons not replying. If the same ratio holds, 700 of them are no longer in the union, making 1,308 altogether. But the council is strongly of the opinion that the number of non-members in this group is considerably higher than in the other. On February 8, Mr. Hendley addressed a letter to each member of the local as follows:

"Our advice is to answer 'Yes' if you are in good standing. Then on the card or in an accompanying letter register your protest against such procedure which tends to spread doubt as to the reliability of our reports to the national office and to intimidate members."

Examples of abuse of opponents

Mr. Hendley's advice to protest was followed by many, and in language which all critics of local 5 have frequently encountered in the mails and elsewhere. The following samples will reveal the mentality of the loyal party member: "I resent these Gestapo tactics of the executive board." "I resent this type of questionnaire. Who is backing you in this—Hitler?" "Yes; so what?" "You are giving aid to every enemy of the school system by your methods." "Yes, and what's it to you." "This is the height of insolence." "In whose interest are you doing this? I have heard of stool pigeons and spies breaking up unions for bosses." "Why not investigate my grandfather, too, stinkers?" "And when may we expect constructive work from our so-called leaders of the APT?" "Dear Louse: and if you weren't such a knife-stabbing-in-the-back organization, you would tend to your business." "I certainly am, you snakes."

The meaning of this is clear. The leadership undoubtedly aroused in their followers a sense of urgency to return the post card. Clearly there was no such sense of urgency aroused among those who had dropped out of the union. The inference seems justified therefore, that, if replies had been received from all 6,304 persons on the list, there would have been more than 1,308 noes." In all probability the number would have been nearer 2,000. A further inference seems to be justified, namely, that once a member of local 5, always a member. It seems probable also that the membership of the local has been built up through the years by every possible means. Whether this was to impress the New York community or to increase representation at the national convention is not clear. Obviously, local 5 is a very peculiar teachers' union. In spite of its perpetual boasting it certainly enrolls among its members only a small fraction, perhaps 7 or 8 percent of the regularly appointed teachers of New York City.

When we look at the influence of local 5 in the organization of teachers in up-State New York the picture is not flattering. Of locals chartered since 1935, only one public school local of 10 members remained in good standing at the close of the year 1940. Of college locals chartered during the same period only 3 outside New York City with a total membership of 63 remained in good standing at the close of the year 1940. In the State of New York, the total paid-up membership outside New York City at the close of the year was only 333. Of these members, 258 belonged to locals established many years ago. Thus the expenditure of more than \$3,000 for organization purposes in the State of New York in the last 3 years has produced but 75 members outside New York City. It is the opinion of the executive council that the activities of local 5 had brought the American

Federation of Teachers into such disrepute among teachers that it was impossible to organize them. Moreover, since locals 5 and 537 have issued leaflets and pronouncements in the name of the New York State Federation of Teachers without even the knowledge of the president of that body, it seems evident that the said locals have used the State organizations as a front for their activities.

Thus we see "that the internal affairs of the said local 5 have been so conducted as to bring disharmony to the membership and that factionalism within the local has resulted in loss of membership through nonpayment of dues and by resignations which have stopped the growth of local 5 and make it unlikely that said local can effect a satisfactory organization of the teachers of New York City."

CHARGE II

"(2) That said local 5 has disrupted the work of the national organization and of the several locals thereof in the period following the 1940 convention of the American Federation of Teachers up to the present meeting of the executive council (December 1940) by sending out a large number of general communications to the officers of the several locals and to the executive council, which communications have attacked the executive council and a subcommittee thereof on the basis of rumors and suspicions not grounded in fact and which have tended to create an atmosphere of hysteria throughout the membership of the American Federation of Teachers."

Because of the conditions in local 5 above cited, which had led to expulsions of locals 5, 453, and 537 from the central labor council, and because of the known presence of a large number of union-minded teachers in New York City who could not be organized by the existing locals with their reputed political character, the executive council at its August meeting set up a committee to study the problem and propose some solution.

This committee began operations on the principle that the problems might be solved quietly and without public clamor. It realized that this would require the bringing of many new members into the local and the restoration of the local to good standing in the central trades and labor council.

Work of committee hampered by hostility

In its efforts to deal with the situation the committee was hampered from the outset by the actions of the leadership of local 5. It now appears to be clear that the majority in local 5 and their faction throughout the federation developed a plan before leaving Buffalo to discredit the new council and regain control of the federation at all costs. Letters from defeated vice presidents to the locals under their jurisdiction in 1939-40 and ill-concealed efforts to sabotage the work of new vice presidents reveal the resolve on the part of this faction to refuse to abide by the results of the election. The formation of the so-called Committee To Save the American Federation of Teachers, an organization formed largely by the defeated vice presidents and dual in purpose to the properly constituted authorities of the federation, demonstrates the desperate and unprincipled character of this faction. (See the case against local 192.)

From early September the New York committee of the council found itself in an intensely hostile atmosphere. Under date of September 5, 9 days before the initial convening of the council's committee, Mr. Hendley issued a letter to the membership of local 5 announcing the first meeting of the local on September 13 and giving a strongly biased and somewhat hysterical account of the convention. In this letter, Mr. Hendley virtually declared war on the leadership of the American Federation of Labor and the national executive council of the American Federation of Teachers. Although the meeting of local 5 on September 13 was closed to all nonmembers it was reported in some detail in one and only one New York newspaper—the Daily Worker. Incidentally, it should be stated that this Communist paper behaved throughout this period precisely as if it were the organ of local 5. As a consequence of these and subsequent acts by the leadership of the local whatever chances there may have been for improving relationships with the central trades were utterly destroyed.

Developments within local 5 further hampered the work of the committee. The minority delegates from local 5 to the convention who had supported the present council and had taken a stand against Communist domination of the local found themselves practically ostracized in the local. At the first meeting they and the people whom they had supported at Buffalo were labeled "reactionaries," "Red-baiters," "Fascists," and "anti-Semites." The situation finally became so intolerable that they resigned from the local in a body.

Bad faith was imputed to the council's committee from the beginning. Every effort on the part of its members to deal independently with the several factors in the situation was misrepresented and malignd. The object of the tactics employed by the leadership of local 5 throughout the autumn seems to have been the creation of a condition of mob psychology among the members. This it did through an uninterrupted campaign of exaggeration, misrepresentation, vilification, and falsification—a pattern which the Communist Party has followed wherever it has appeared in the labor movement.

The locals of the federation themselves are aware of the amount, character, and tone of these communications. The executive council, on the other hand, sensitive to its responsibility for the effective functioning of the whole international and its locals, refrained from entering into controversy until it became clear that local 5 seemed committed like a spoiled child to having its own way irrespective of consequences. The manner of the officers of local 5 at the meetings in Chicago convinced the council that they were trying to provoke the council to take drastic measures which might discredit it, and thereby restore control to them.

CHARGE III

"(3) That publicity coming from the political and other activities of said local 5 has resulted in loss of members throughout the national organization and tends to bring the American Federation of Teachers into disrepute."

The affairs of local 5 are the constant subject of headlines and front-page news in the New York daily press. The clippings in the national office on the New York locals are too voluminous to specify, much less quote. This constant barrage of publicity regarding local 5 has seriously prejudiced the profession and the public against teacher unions. Locals throughout the country are faced with the problem of holding and organizing the profession into their ranks against this serious handicap. Not only does this publicity make it difficult to organize teachers; it seriously impairs the confidence of the public in teacher unionism. The respective locals of the American Federation of Teachers cannot hope to accomplish their tasks so long as this condition exists.

CHARGE IV

"(4) That delegates of said local 5 have been suspended from the Central Trades and Labor Council of Greater New York and Vicinity, said suspension having occurred in March of 1938; and that efforts of said local 5 and of officers and committees of the executive council of the American Federation of Teachers to secure reinstatement in said body have been unavailing; and further that the president of the American Federation of Labor has stated that in his opinion the action taken by the Central Trades and Labor Council of Greater New York and Vicinity in suspending the delegates of local 5 was fully justified because of the conduct of this local, and that it is his opinion that local 5 cannot as now constituted become affiliated with the said central trades and labor council."

In March 1938 local 5 was suspended from the Central Trades and Labor Council of Greater New York and Vicinity on the charge of "attempting to interfere with the functions of the central trades and labor council." Without the support or at least the good will of this body which represents close to 1,000,000 members of organized labor, the American Federation of Teachers cannot prosper in New York City. The special committee appointed by the executive council of the American Federation of Teachers in August 1940 to assist local 5 in securing reinstatement in the central trades reported that "according to statements made to members of the committee by officers of the central body, the suspension was the result of a long series of acts by the delegates from local 5 in the meetings of the council and of acts by recognized representatives of the union before the public in the city and State."

On March 6, 1941, on the recommendation of the educational committee, the following resolution was passed unanimously by the New York Central Trades and Labor Council:

"Whereas the executive council of the American Federation of Teachers has recommended to the membership of the federation that the charters of local 5 and local 537 be revoked by referendum; and

"Whereas this action confirms and supports the action taken in 1938 and 1939 by the central trades and labor council in suspending the said locals; and

"Whereas the said locals through their political activities over a long period of time have been an embarrassment to the central trades and labor council and to the entire American Federation of Labor; and

"Whereas the said locals through their activities in the course of the years have alienated the sympathy and support of progressive forces and friends of public education in New York City and State; and

"Whereas the said locals have therefore thoroughly discredited themselves as defenders of public education in New York City and State; and

"Whereas the said locals have proved themselves incapable of effectively organizing the teachers of New York City and vicinity; and

"Whereas the central trades and labor council is deeply concerned over the future of public education and is desirous of having in New York City and vicinity a powerful organization of teachers as a part of the labor movement: Therefore be it

Resolved, That the central trades and labor council express its complete approval of the action taken by the executive council of the American Federation of Teachers; and be it further

Resolved, That upon the revocation of the charters of said locals the central trades and labor council extend its full support to the American Federation of Teachers in its effort to establish new locals in harmony with the principles of democracy and the American Federation of Labor; and be it further

Resolved, That copies of this resolution be sent to President George Counts of the American Federation of Teachers, to President Thomas Lyons of the New York State Federation of Labor, and to President William Green of the American Federation of Labor; and be it further

Resolved, That President Counts be used to send copies of this resolution to all locals of the American Federation of Teachers in order that the entire membership may know how the central trades and labor council views the New York situation and the action of the executive council of the American Federation of Teachers."

CHARGE V

"(5) That the leadership of said local 5 has engaged in certain organized tactics and practices inimical to democracy."

The executive council has charged the administration of local 5 with practices inimical to democracy in education. To this charge the local has cited its democratic procedures and contended that it is the most democratic union in the federation. To this defense the answer today is the same as it was at the time when the Dewey committee held its hearings. The pattern of behavior developed by the Communist Party in democratic organizations is the antithesis of true democracy.

There is first of all the secret party caucus—a relatively small and highly disciplined group definitely organized and directed to "put over" the party line. The success of the caucus in the local has been truly astonishing. According to J. Mason, quoted above at the New York Communist Party convention in 1938, 100 party members is enough to dominate and control a union of 7,000 teachers. Perhaps this is an exaggeration, but anyone familiar with the operation of the party in voluntary organizations knows that the statement contains a large measure of truth.

The ingenuity of the party caucus in simulating and exploiting democratic practice is one of its distinguishing characteristics. It is particularly adept in maintaining the forms while violating the spirit of democracy. Thus the leadership of local 5 succeeded again and again in suddenly shifting the program of the local in accordance with the shifts in the Communist Party line with little visible impairment of the technique of democratic procedure.

Disrespect for democratic spirit

By no means invisible, however, was the essential disrespect of the democratic spirit as revealed in the methods employed by the leadership of the local in debate on crucial issues. Highly emotional appeals for "unity" in the face of the great dangers confronting democracy, the public school, and the union were invariably coupled with the charge that all opponents were directly or indirectly associated with, aiding or abetting, or playing into the hands of the worst enemies of democracy, of the public school and of the union. Outspoken critics of the local's activities, no matter how high and spotless their reputation for progressive labor-mindedness, were indiscriminately consigned to the category of "our enemies." Singularly adept at enveloping key issues in an atmosphere

of hysteria, intolerance and intimidation the leaders of local 5 contrived to throw every possible obstacle in the way of sober, objective consideration of vital questions. Some of the particular violations of the democratic process and spirit in which this political faction in local 5 and in the federation has engaged for years may be set down as follows:

- (1) The vilification of the character of critics and opponents.
- (2) The systematic and deliberate misrepresentation of the activities and policies of critics and opponents.
- (3) The blackmailing of potential critics and opponents through the threat of vilification.
- (4) The pursuit of purposes external to the interests of the union and the deliberate concealment of these purposes.
- (5) The subordination of the interests of the union to ends incompatible with the interests of the union.
- (6) The building and breaking of individual reputations in terms of the interests and purposes of a political party.
- (7) The creation of an organized clique (witness the organized applause at recent conventions) for purposes of interfering with deliberation, prejudicing judgment, intimidating opponents, and swaying decisions.
- (8) The making of an external political ideology the base line of judgment of individuals, groups, policies and practices under the guise of evaluations in terms of specific consequences.
- (9) The labeling of any expression of criticism or difference as "baiting" and of thus demanding under threat of personal vilification immunity from necessary and wholesome public criticism and analysis.
- (10) The systematic cultivation of suspicion and hostility through imputation of insincerity and ulterior motives to critics and opponents.
- (11) The irresponsible and insincere espousal of popular causes in order to gain political favor and power.
- (12) The exploitation of humanitarian and progressive causes for the promotion of ulterior political purposes.
- (13) The transformation of relatively superficial and temporary differences into irreconcilable and lasting cleavages and antagonisms.
- (14) The defense of civ. liberties only in terms of their own purposes and for those who accept those purposes. (Witness the opposition to a resolution in 1937 condemning the persecution of Fred Beal. He was then in disfavor with the Communist Party although it had formerly espoused his cause.)
- (15) The acceptance of the basic ethic that the end justifies the means.

Since making the original finding of opinions on the basis of the December investigation the executive council has been faced with another of the typical tactics referred to in charge No. V which caused the council to include in its resolution adopted following the hearing on February 15 and 16 the following:

"Whereas it appears that the Teachers Union of the City of New York, local 5, has aided, abetted, maintained, and assisted in the maintenance of an organization known as the Committee to Save the American Federation of Teachers, the purposes of which organization are dual to the functions of the American Federation of Teachers and its executive council; and by so doing has impeded and in the future will seriously impede the constitutional functions of the American Federation of Teachers and its executive council, and in so doing has shown complete disregard for the democratic procedure set up in the constitution of the American Federation of Teachers."

Since this aspect of the case is dealt with fully in the council's statement regarding local 192, we refer you to that statement.

FINAL WORD ON LOCAL 5

Whenever faced with criticism the leadership of local 5 boasts of the great activity of the local. That it has been extremely active is beyond question. In fact, it is engaged continuously in an almost abnormal, a feverish activity. The council is of the opinion, however, that a great part of this activity is spurious, that much of it is actually harmful. Thus through its activities it has gradually taken itself out of the American Federation of Labor in New York City, and alienated powerful liberal and progressive forces in the community. Today it stands almost completely isolated except for the support of the Communist Party, Communist-led unions, and fellow-traveler personages and organizations.

Upon the basis of the foregoing the executive council therefore recommends that the membership vote for the revocation of the charter of local 5.

THE CASE AGAINST LOCAL 537

The case against local 537 can be stated briefly. The great part of that case has already been made. As the college section of local 5 until it achieved independent status in 1938, it is scarcely to be distinguished in outlook, policy, or affiliation from the parent local. J. Mason quite properly speaks of it as the creature of "our Teachers Union, local 5." Also Manning Johnson in his affidavit invariably links local 537 with local 5. The council is convinced that the Communist Party has dominated the one as completely as it has the other. If either charter is revoked, both should be revoked. The health and development of the federation in the New York situation requires this action.

PART I

(1) In February 1939 local 537 was suspended from the Central Trades and Labor Council. The fundamental reason for this action was the political activities of the local. Again, as in the case of local 5, there is no chance whatsoever for reinstatement under the present leadership or as now constituted.

(2) Local 537 has lost whatever support it ever had among the liberal college teachers of the city. This is revealed in a number of recent events. The December forum of youth, higher education, and war is illustrative.

Kenneth D. Benne, a liberal member of the program committee, obtained apparent agreement in the committee to invite as speakers persons of diverse points of view on the problems of war and peace. Those who actually appeared on the date of the forum were overwhelmingly supporters and advocates of the Communist Party line.

A well-informed observer states that 25 of the 28 speakers followed the Communist Party line in regard to war and peace. Mr. Benne, after the conference, criticized the selection and asked for an explanation. Was the selection due to a desire for a one-sided treatment of the subject? Or was it due to the fact that few people representing other points of view would accept invitations from local 537? In either case the inference is devastating.

Outstanding educators resign from union

Corroborative evidence is found in resignations from the local. Among those leaving the union may be listed such outstanding educators as John Dewey, John L. Childs, Reinhold Niebuhr, Sidney Hook, George W. Hartmann, Louis Hacker, and Wesley Clair Mitchell. Many others have left because of dissatisfaction with Communist control. The following letter of resignation by Philip Smith, chairman of the chapter of Townsend Harris High School, a subsidiary of City College, states the case clearly and vigorously:

"The political orientation of the majority group now running the union should be an irrelevant matter. It is not. I cannot, with self-respect, voluntarily belong to a labor union run by people whose primary loyalties arouse in me only contempt or, at best, a profound distrust. To work with an organization, I have to trust it. Here the surest fact of all is that most of the membership and most of the executive board are more concerned with fitting their actions to the requirements of the Communist Party line than with any other matter. This obvious relationship to one of the major antidemocratic forces of our modern world I cannot ignore or assume to be irrelevant. Liberals can no longer afford to be naive.

"There is one chief regret attached to this decision to resign. Some enemies of democracy in education and of the labor movement may gain a small satisfaction at the thought of one more loss to the union. However, they were always enemies and they always will be—and this I do know. But I cannot fight them successfully with one hand tied behind my back."

Additional evidence indicating the isolation of local 537 is the fact that large numbers of union-minded teachers will not enter the local because of its reputation for Communist domination. On one local campus recently a petition was circulated for a few hours among the faculty calling for the establishment of a liberal college teachers union in the New York area. Twenty names were secured. This was a greater number than the entire chapter of local 537 on the campus. In Hunter College, union proposals are so suspect that they are indiscriminately opposed. This opposition occurs even though the opponents could in many instances be counted upon to support similar measures under different auspices.

The local is out of touch with liberal organizations. The record shows a complete lack of expressions of sympathy or collaboration with such liberal groups as the Committee for Cultural Freedom, the National Association for the Advancement of Colored People, and the League for Industrial Democracy. At the same

time evidence of continuous and sympathetic collaboration with well-known Communist innocent organizations is abundant.

Outstanding is the fact, also, that in this period of serious reaction local 537 does not stand out as the leader and coordinator of liberal forces in the colleges. The local does not crystallize these forces and direct them into effective channels. It is suspect everywhere. It is even widely regarded in liberal circles as a danger to public higher education in New York City.

(3) Local 537 has lost the confidence of liberal students. There is no evidence of association with student groups other than those which are widely reputed to be Communist dominated. Partiality in this respect severs union connections with strong groups on the campuses of the New York City colleges. As a consequence the local is not able to exercise liberal student guidance of a general character. If this were the only difficulty, the situation would not be so bad. At one city college, at any rate, there is some evidence that members of the local incited student groups to demonstrate in a way which eventually lost them the respect of the faculty and the general student body. Telegrams, telephone calls, interruptions of classes, and excessive picketing aroused anger rather than liberal support. Union members could serve to foster liberal student opinion and direct it into constructive channels. Union leadership becomes suspect when it is known to enforce a single point of view.

(4) The membership of local 537 like that of local 5 seems to be largely composed of persons who are not regularly assigned full-time teachers. It is interesting to note that for a number of years local 537 has paid for approximately 40 percent of its membership at the 10-cent rate in spite of the fact that no regularly assigned full-time teacher in any of the New York colleges receives less than \$1,000 per year. For the month of January 1941, local 537 paid for 44.6 percent of its membership at the 10-cent rate and 53 percent at the 10- and 15-cent rates. Only 22 percent of the members are reported at more than \$2,500 in a city which has the highest college salary schedule in the Nation. Obviously local 537 is a very peculiar college teachers' union.

PART II

The basic cause of the failures of local 537, as already stated is the reputed domination by the Communist Party. The rush of evidence in recent months is supporting this view.

There has long been a consensus of opinion among informed and liberal people that the local is under Communist control. The prestige of those who firmly hold this belief is too great to be dismissed lightly. Since the resignation of John Dewey in 1935, many eminent teachers and scholars of highest integrity have followed him out of the union. In February 1941, 25 prominent New York City educators, including John Dewey and many others of like standing in their professions, issued to the New York Times a statement expressing their belief that the local is under Communist control.

One may cite also the fact that when Prof. John I. Childs had difficulty with the Teachers Union he was urged to consult Earl Browder and clear up the "misunderstanding." Other members of the union having grievances have been given similar advice. Most persons close to the situation are convinced that local 537 is even more rigidly controlled by the Communist Party than local 5.

The method of Communist control of the local has been revealed from time to time by former party members. First, every party member on the college staff becomes a member of the union as a party obligation or assignment. The Party members of the local meet regularly and often in their units. At these meetings, usually under the guidance of the party line or leaders of the party, they discuss among other things, the affairs of the union and all important questions to come before the union. Coming to a union meeting prepared beforehand and working as a united block, they scatter themselves through the hall. The responsibility for presenting the party position is delegated to certain leaders. If some unanticipated issue is brought before the union, the party members present take their cues from the party leaders and vote accordingly. So effective has this technique proved that, according to the statements of former party members, the party has always had its way in local 537 on issues which it has deemed important.

Some of the more specific results of this control should be briefly touched upon. Among these are undemocratic practices which involve excessive centralization of union matters in the hands of the executive board; practical control of membership meetings by the party caucus; insistence upon biased presentation of controversial issues; and the many practices already outlined in the analysis of local 5.

PART III

A statement written by the executive board of the local or its president concerning the achievements of the union recalls advertisements of real estate developments in Florida in the palmiest days. There is scarcely anything that the union has not succeeded in doing.

One of the major "achievements" is democratic organization and functioning. It is true that local 537 has a democratic constitution, including proportional representation. But it is decidedly untrue that local 537 functions democratically within its constitutional structure. Soviet Russia claims the "most democratic constitution in the world." Among the types of undemocratic functioning are the caucus controls, the biased union paper, the one-sided official reports, the opposition to minority action, and the use of pressure tactics to silence all legitimate opposition. No man's reputation is safe if he attacks the majority or the party. Some of the finest educators in the country have been literally pilloried in membership meetings.

The local lays claim to the tenure law and the democratic organization bylaws under which the city colleges now operate. These claims are made in spite of the fact that many committees and groups as influential as the Teachers Union both contributed suggestions from which the tenure and organization bylaws developed and exercised important influence in securing their adoption. In fact, opposition to union suggestions was so great that the tenure law was almost defeated in Albany by the bitterness of the Queens College faculty against Communist Teachers Union control. The union claims also to have performed successful work in defending salaries, to have held successful forums, and to have secured the respect of liberals. Examination of statement signed by so-called liberals supporting local 537 reveals that the same persons invariably sign these statements. And they are the same people who sign statements issued by other Communist-front organizations. They do not represent any considerable support on the part of genuine liberal opinion in the metropolitan area.

Work of local 537 hampered by reputation

Local 537 has failed in the performance of legitimate union functions; and it has failed because of apparent Communist domination. The constructive achievements of the local have not been great; unjustified claims have been laid to achievements accomplished in large measure by other organizations. The local is losing the respect of the board of higher education in New York City. It is rapidly losing its prestige in all quarters except those which are sympathetic to Communist causes. It is supported today only by sentimentalists and confused liberals who feel that the underdog is always right.

Recently in New York a committee of distinguished liberals discussed for many hours the various possible solutions of the union situation created by locals 5 and 537. Unanimously they came to the conclusion that the only reasonable solution was revocation of the charters. The sentiments of the group were expressed in the following statement:

"Public education in our country now confronts a difficult situation. On the one hand, it is hard pressed to get the funds required to provide essential educational services for all the children of the Nation. On the other hand, it is attacked by powerful groups which for one reason or another seek to restrict freedom of teaching in this period of social conflict and transition. We believe that the right kind of Teachers Union could do much to strengthen American public education in this two-fold struggle for freedom and for adequate financial support. Unfortunately, the two New York locals, although including in their membership many honest supporters of democracy and education, have been brought under the domination of Communist forces which have worked under cover to fashion these organizations into tools for their party purposes. As a result of this Communist monopolization and control, these locals have not only lost the confidence of organized labor and of large numbers of teachers in the schools and colleges of New York City but also of the general public, without whose support the union cannot accomplish anything substantial. Hence, the net effect of their work in the last few years has been to endanger, not to strengthen, public education.

"If, as a result of this referendum, these charters are revoked, the American Federation of Teachers will have opened the way for bona fide teachers' unions in New York City. We hope, therefore, that friends of democracy and education will not be misled by attempts that are being made to confuse thought and to conceal the real issues involved in this situation."

This statement well expresses the conviction and the hope of the executive council.

THE CASE AGAINST LOCAL 192

The decision of the executive council to submit to the membership the proposal to revoke the charter of local 192, Philadelphia, by referendum was made after hearing a report of an investigating committee and after consideration of the material presented by the committee upon which the report was based.

The record of local 192 during the past few years shows in addition to many accomplishments the local has engaged in and is engaging in practices which are detrimental to the development of democracy in education and to the further organization of teachers. Evidence of this includes the minutes of the local's membership meetings and those of its executive board, the local's publications, written opinion of prominent members and past officers of the local, communications from members of the American Federation of Teachers from elsewhere in Pennsylvania, and material concerning the local and its officers in the public press.

During this time the confidence and support of teachers within the local itself have been gradually destroyed as evidenced by loss in membership and the formation of significant groups within the local which appear to be rightfully dissatisfied with certain of its policies and mode of its operation. The actions taken by local 192 in recent years have gradually undermined the confidence of teachers, labor, and the public, in local 192. The details are almost identical with those found in locals 5 and 537.

In order to appraise the situation in Philadelphia with regard to the possible future growth of the local, Harry R. Hazel, long a member of the American Federation of Teachers, Local 270, Cleveland, Ohio, was sent into Philadelphia as organizer by the executive council's committee on organization.

Local 192 loses confidence of teachers

In Philadelphia he found that it was not only extremely difficult to get teachers to join the union, but that many members were resigning from local 192. Further the leaders of organized labor in Philadelphia expressed the general opinion that the activities of local 192 had alienated the sympathies of the teachers of the city, the labor movement, and the public, and that the basic cause of this alienation of sympathies was the general conviction that the local was under the domination of the Communist Party.

The Pennsylvania Federation of Teachers has been dominated by local 192 through control of strategic offices and disregard of the constitution. This domination has resulted in a similar loss of confidence by teachers in the many locals throughout the State. This is evidenced by the fact that out of a total of 33 locals chartered in Pennsylvania during the past 5 years only 0 remained in good standing at the end of the year 1940. The total membership of all locals outside of Philadelphia and Erie (which were established many years ago) at the end of the year 1940 was only 103. It is evident, therefore, that the growth in membership in Pennsylvania has been negligible in spite of the expenditure of several thousand dollars for organization purposes and the employment of a full-time organizer for approximately 1 year. This is true notwithstanding the fact that the right of teachers to organize is protected in Pennsylvania by one of the strongest tenure laws in the Nation and that the organized-labor movement is a powerful force in the State.

One cause for this loss in membership came from certain of the programs and activities of local 192 and of its prominent members. These led teachers to believe that the local was being influenced and manipulated in the interest of the Communist Party. An objective study of the Communist Party program and practices would convince most persons that Communist Party influences would certainly be detrimental to the development of democracy in education and to democracy generally.

Communist Party influence in local 192

Evidence of Communist Party domination of local 192 has come to the attention of members of the local and to the labor movement. The Central Labor Union of Philadelphia in January instituted an investigation into the question of Communist influence in the local. When the executive council of the AFT requested that the investigation and report be held in abeyance pending the result of the referendum, the president of the Central Labor Union stated: "The evidence which has been submitted to the investigating committee is of such a nature as to make it necessary and mandatory to continue the investigation."

In the issue of January 22, the Philadelphia Record reports as follows:

"A study of back copies of the Philadelphia Teacher on file at the public library by a reporter of the Record showed that charges that the magazine changed its editorial policy with the changing of 'the party line' are apparently justified.

"SURVEY OF PUBLICATION

"The study showed:

"(1) That the magazine printed its first article attacking fascism immediately after the Communist Party announced its 'united front' policy following the Communist International meeting in 1935.

"(2) That while the Philadelphia Teacher kept up almost a steady barrage against fascism and nazism after 1935, it suddenly stopped the attack after the signing of the Hitler-Stalin pact, and not one article against the two 'isms' has been printed since that time.

"(3) That the magazine endorsed collective security before the Communist-Nazi pact but has adopted an isolated policy since, a tactic followed by the Daily Worker and other Communist Party organs.

"(4) That the Philadelphia Teacher first printed laudatory articles about New Deal social legislation, endorsed New Deal candidates in elections but has been silent on the New Deal within the past 18 months. In issues just prior to the last Presidential election—hottest election in the Nation's history—the magazine failed to print one line mentioning it.

"(5) That the magazine gave much space reporting the activities and urging support of Communist-dominated organizations like the American League for Peace and Democracy and the National Negro Congress.

"(6) Although the most important resolution passed at August's AFT national convention was one denouncing nazism, fascism, and communism, there was no mention of this in the magazine's report of the convention.

"Every article or editorial printed in the Philadelphia Teacher must be approved by the executive council."

A study of the Philadelphia Teacher and of the activities of local 192 under the direction of the executive council fully corroborates the statement in the Philadelphia Record. Also its findings are in practically complete agreement with the finding of the study of the New York Teacher and the activities of local 5 in relation to the Communist Party. Thus, on no question of war and peace, of domestic and foreign policy has local 192 deviated from the line of the party. Also in no single instance has the local subjected to criticism any act or policy of the Communist Party or the Soviet Government. All of this, in spite of the fact that during these years the local was extremely active politically and took positions on a multitude of public questions. To give this correspondence with the party line on collective security and isolation, or democracy and fascism, on Roosevelt and the New Deal on support of Communist-front organizations would be to repeat the problem already presented in the case against local 5. Likewise the undemocratic tactics and practices reported there obtain in the case of local 192.

Knowledge of these facts on the part of the membership of the local, the teaching profession, organized labor, and the general public has led to the discrediting and isolation of the union and to a catastrophic loss of members. Of 2,200 teachers who had joined the local only 800 were paid up to within half a year last November. Since the institution of the investigation by the Central Labor Union great numbers have either sent in resignations or refused to pay dues.

Since 1935, when the present administration came into power in local 5, locals 192 and 5 have engaged in so many similar activities paralleling the line of the Communist Party that they have been linked together in the minds of teachers, labor, and the general public. This has accentuated the detrimental effects in both localities, which are geographically close.

Local 192 launches dual movement

Perhaps the most serious action of local 192 of recent date has been the initiation of a dual movement within the American Federation of Teachers. The president of local 192, under the authorization of its executive board, called a meeting of locals on the eastern seaboard, held in New York City on January 18. This conference set up an organization called the Committee to Save the American Federation of Teachers. This organization seeks to usurp the functions of the duly elected executive council and the functions of the American Federation of Teachers. As evidence of this we set forth the following facts which are taken from the records of the minutes of the local and from documents issued by the dual organization.

The minutes of the executive board of local 192 for its meeting held January 15, 1941, contain the following: "By a vote of 21 to 1, the board authorized Mrs. Grossman to send a call to locals on the eastern seaboard to a conference to be held in New York on January 18 to discuss the condition of the American Federation of Teachers."

Upon the executive board of local 192 rests the direct responsibility for the initiating of the conference from which the dual committee developed. Local 192 as a whole shares this responsibility by having given tacit approval to the action through the failure of its membership to censure its president for having called the meeting, or to criticize its executive board for having authorized the call, although the members were informed of the action through the minutes of the executive board and through announcements in the press.

Members disagreeing with the formation of the committee and opposed to the actions of the executive board and the president attempted to bring the matter before the membership at the meeting of February 7 by asking that the issue be placed upon the agenda of the meeting and by raising it from the floor, but were unsuccessful in both instances. Local 192 was apparently well satisfied with the actions taken.

About the beginning of February, a leaflet was in circulation entitled "Education and Democracy in Crisis" issued by the Committee to Save the American Federation of Teachers and clearly illustrating and indicating its dual character. An analysis of the document mentioned above substantiates this point.

First. The Committee to Save the American Federation of Teachers makes a brief analysis of Education and Democracy in Crisis and the threat to the Free School System

Second. It proposes a 14 point Program for American Education.

Third. It charges that the executive council has put forth "no program for the defense and preservation of education"

(NOTE.—See March issue of the American Teacher for the extensive program of the executive council in preparation since last September.)

Fourth. It charges that the executive council "have abdicated their leadership."

Fifth. It says that "a group of representatives of American Federation of Teacher locals met in New York City on Saturday, January 16, 1941, to discuss the situation and to devise a program for the correction of the council's deficiencies." [Our emphasis.]

Sixth. It sets forth three objectives of the committee, among which are:

(1) "The development of national and local programs to protect and expand democratic education and free teaching. To provide real leadership in every area in the country for teachers and parents in legislative and community programs for education." [Our emphasis.]

(NOTE.—This is direct usurpation of the functions of the AFT and its locals.)

(2) "To defend locals from attacks—whether from within or without the American Federation of Teachers" [Our emphasis.]

(NOTE.—We do not deny their right to defend locals from attacks "from within" the AFT but to defend from attacks "from without" on a national scale is a function of the AFT itself.)

Seventh. It proposes among other things that the Committee to Save the American Federation of Teachers do the following:

(1) Publish a "pamphlet on education in America today."

(2) Retain a "legal staff."

(3) Employ an "executive secretary."

(NOTE.—These are distinct duplications of functions of the AFT and are in conformity with the intentions enumerated above to promote a dual movement with an independent educational and legislative program throughout the country.)

Eighth. It has established a national committee of 11 persons.

(NOTE.—Seven of these were defeated candidates for the executive council at the 1940 convention. This national committee is presumably to have general charge of the work of the Committee to Save the American Federation of Teachers and is clearly a duplication of the national executive council.)

To anyone familiar with the functions and operations of a trade union, it is apparent that an organization has been set up within the American Federation of Teachers which seeks to usurp the functions of the executive council and the entire organization. Local 192 has played a central role in the setting up of this dual movement and in giving it support.

Ample provisions exist within the American Federation of Teachers for locals or groups of locals to initiate and attempt to further such propositions as they may care to make through the annual conventions of the national organization and through referenda of the membership. Local 192 has always had adequate representation at national conventions and has participated in and assisted in initiating several referenda. It cannot therefore plead ignorance of the constitutional privileges and provisions available to it.

No trade union worthy of the name can tolerate such disruptive and divisive tactics as would be operative within the American Federation of Teachers if the Committee to Save the American Federation of Teachers were allowed to continue.

The executive council believes that local 192 through the actions presented here, instituted, aided, abetted, and assisted in the maintenance of the organization known as the Committee to Save the American Federation of Teachers whose existence is detrimental to the future development and growth of the American Federation of Teachers as a democratically controlled trade union, and that local 192 did further so conduct itself in a manner not in harmony with the principles of the American Federation of Teachers, that it has tended to bring the American Federation of Teachers into disrepute.

By reason of the above, the executive council recommends to the membership of the American Federation of Teachers that the charter of local 192 be revoked and that members vote for the revocation of the charter of local 192 in the referendum now before them.

CONCLUSION

The teaching profession is more immediately dependent upon the confidence, respect, and good will of its public than is any other profession.

The strength of the American Federation of Teachers is based upon the confidence, respect, good will, and cooperation of organized labor. The American Federation of Teachers can organize the profession only as the profession has confidence in its undivided devotion to the cause of democracy and of education. The influence and power of locals in their respective communities are dependent upon the confidence of the community and of organized labor in the local itself and in the American Federation of Teachers. The American Federation of Teachers can reasonably hope to become one of the larger and more influential unions in the American Federation of Labor, once it secures the full confidence of organized labor, the profession and the public.

Successful organization of the teaching profession would be of the greatest value to the future of democracy and of education in America.

The tactics, strategy, and psychology of the Communist Party are carefully shaped to the end of power for the Communist Party. Dedicated as it is to the workers' revolution and to the "dictatorship of the proletariat" (by which it means the dictatorship of the Communist Party) it employs whatever means may serve this end. It is, therefore, an acknowledged part of its program to seize and exploit any organization it can control, or to wreck any it cannot, to build up personalities who serve its ends and to destroy all who oppose it. Masters of the arts of rhetoric, sophistry, and parliamentary tactics, a strong minority of party members and their followers may gain control of a democratically organized local if the membership is not alert to the problem and aware of their designs. Having gained control of the organization they proceed to administer it with all the appearance of democracy, at the same time effectively destroying the spirit, and use it to their partisan ends.

Tactics and strategy based upon the psychology of irreconcilable conflict are so opposed and contrary to the method and spirit of democracy that they result in constant internal dissension and thereby bring the organization and the activities with which they are associated into general disrepute. Under such circumstances it is futile to hope for continued growth or influence in any American community.

TEACHERS UNION

Although it is exceedingly difficult to unmask Communist Party members because of their resort to anonymity, their practice of conspiracy and their predilection to falsification, we are convinced of the domination of locals 5, 537, and 192 by the Communist Party. There was space in this statement for but very few of the many evidences we have of this domination. Those cited, however, are so compelling as to leave little actual question on this issue.

Definite influence of the Communist Party in substantial locals of the American Federation of Teachers at any time seriously obstructs its continued growth and

effectiveness, save among Party members and sympathizers. It destroys the confidence of the profession, of organized labor and of the public in us. Today particularly to be equivocal on this issue would be fatal. The fanatical devotion of the Party to the policy of the Soviet Government, by creating dissension within and loss of confidence without, threaten the destruction of the Federation as a part of the trade union movement. The philosophy, psychology, tactics, strategy, and purpose of the Communist Party are in their very nature opposed and contrary to democracy and to the independence of the American Federation of Teachers.

The Executive Council does not desire to shirk its responsibility in dealing with this matter but this issue is so fraught with consequence for the members of the American Federation of Teachers, of organized labor, and the future of democracy and of education in America, that the executive council believes the entire membership should be aware of the problem and assume ultimate responsibility for its solution. Consequently we urgently recommend the revocation of the charters of Locals 5, 537, and 192.

Failure to follow this recommendation, we believe, will place the stamp of the Communist Party indelibly and irrevocably upon the entire American Federation of Teachers. This can only mean the death of the federation.

EXECUTIVE COUNCIL, AMERICAN FEDERATION OF TEACHERS,
 GEORGE S. COUNTS,
 STANTON E. SMITH,
 GEORGE E. AXTELL,

Editing Committee.

APPENDIX III

EXHIBIT No. 20

REPORT OF EXECUTIVE BOARD COMMITTEE APPOINTED BY PRESIDENT MURRAY TO CONDUCT HEARINGS ON UNITED PUBLIC WORKERS OF AMERICA

INTRODUCTION

On November 5, 1949, William Steinberg, president of the American Radio Association and a member of the CIO executive board, charged that the policies and activities of the United Public Workers are consistently directed toward the achievement of the program or the purposes of the Communist Party rather than the objectives set forth in the constitution of the CIO. The charges were received by the executive board and it authorized the appointment by President Murray of a committee to conduct hearings and to report back to the board. President Murray designated the undersigned, Emil Rieve, Harry Sayre, and Joseph Belrne, all of whom are members of the CIO executive board, as a committee to conduct hearings, and this designation was approved by the executive board. Notice was duly given to the UPW of the existence of the charges and of the appointment of the committee.

On November 23, 1949, the chairman of the committee gave notice to the UPW that a hearing would be held on December 12, 1949. The UPW, however, filed suit in a Federal district court in Philadelphia in an attempt to enjoin this committee from holding a hearing. Although no restraining order was issued by the court in this suit, the general counsel of the CIO agreed to a postponement of the hearing on the UPW in order to permit the Philadelphia court to dispose of the litigation. Accordingly, the hearing was postponed and was not held until January 9, 1950, after the suit was dismissed.

The hearing began at 10 a. m. on January 9, and concluded at 10:45 p. m. on Wednesday, January 11. The case against the UPW presented to the committee consisted of four parts:

1. An introductory statement by Mr. Steinberg;
2. A description of the program of the Communist Party, and a comparison of the policies and activities of the UPW with that program, presented by Meyer Bernstein, assistant research director of the United Steelworkers of America, by way of photostats of publications and convention proceedings of the UPW and its predecessor organizations;

3. Testimony as to the policies and activities of the UPW and its predecessor organizations by Joseph Adamson, a former member of the executive board of the UPW and the State, County, and Municipal Workers (SCMWA);

4. Testimony by Charles Rindone, a former member of SCMWA and of the Communist Party, that there were Communist Party meetings, attended by leaders of SCMWA, at which union policy and tactics were determined, in advance of union meetings, by the Communist "fraction" within the union.

The UPW's presentation consisted of (1) a statement from Alfred Bernstein concerning the UPW's fight against President Truman's loyalty investigation program; (2) a statement from Thomas Richardson denouncing discrimination against Negroes and describing the UPW's antidiscrimination program. These two items were the major portion of the UPW's oral presentation. In addition, (3) Ewart Guinier presented a short statement denouncing Red-baiting and discrimination and dealing cursorily with the testimony against the UPW.

The committee agreed to receive any additional evidence which either party desired to offer in writing subsequent to the close of the hearing. Mr. Steinberg submitted several additional documents to the committee. The United Public Workers submitted a defense consisting of (1) a series of letters protesting the hearings, (2) a series of photostats of the CIO News, (3) a comparison of CIO policy with SCMWA policy during the 1938-45 period to show that the CIO, as well as SCMWA, had followed the Communist Party line.

The committee has considered carefully both the testimony given at the hearing and the documentary material offered by the parties after the conclusion of the hearing. On the basis of this consideration, the committee finds as follows:

I

Since the charge against the UPW was that it pursues the program and the purposes of the Communist Party, the committee was necessarily required to give consideration to the program of the Communist Party. The evidence submitted to the committee on this question was undisputed and was identical with that submitted in the hearings concerning the United Office and Professional Workers of America. The committee therefore adopts, and repeats here, its findings as to the program and the purposes of the Communist Party contained in the report of the committee on the Office and Professional Workers.

The policies of the Communist Party, the committee believes, can be understood only in the light of the basic characteristics of the Communist movement. The Communist movement, from its inception, purported to be a movement of working people. Its basic thesis was that a new order of society must be created by revolution of the working classes and that the "dictatorship" of the "proletariat" must be established. Because of this basic thesis, Communist philosophy has always been predicated upon the use of trade-unions as an instrument of Communist policy and as a weapon by which the party could organize the working classes and bring nearer the revolution from which the dictatorship of the party would emerge. As Lenin said:

"It is necessary to agree to any and every sacrifice . . . to resort to all sorts of devices, maneuvers, and illegal methods, to evasion and subterfuge, in order to penetrate the trade-unions, to remain in them, and to carry on Communist work in them at all costs."

The Communist movement has thus always sought to operate through trade-unions, to speak in the language of labor and as a spokesman and leader of labor, and thus, by trickery and stratagem, to direct labor toward the goals of communism.

COMMUNIST DOMINATION OF CERTAIN UNIONS

It is not the purpose of this committee to pass on the theoretical political goals of the Communist Party. But, from the evidence presented to the committee, one simple conclusion can be drawn. Whatever may be the theoretical goals of the party, its program is based upon one fundamental objective: the support of the Soviet Union, the country in which the Communist Party first achieved its goal of dictatorship. This objective is never expressly stated to be the sole controlling factor in determining the party's program. To the contrary, because of its desire to speak as an American rather than a Soviet agency and to maintain its position within the trade-union movement, the party presents its program as a program for American, not for Russian, labor. The policies which the party

¹ Left-Wing Communism, An Infantile Disorder, International Publishers (1934), p. 38.

adopts are stated to be policies for the achievement of the goals of American labor—not for the advancement of the cause of the Soviet Union. But, over a period of years it is clear that the goals of American labor, as stated by the party, are always found to be those policies which will aid the Soviet Union. As the tactical position of the Soviet Union in the world has changed, the program of the American Communist Party "for American labor" has accommodated itself. And, when it seemed in the interest of the Soviet Union for American labor to forsake its heritage and to adopt policies contradictory to the whole fabric of the labor movement, the Communist Party adopted such policies.

II

The program of the Communist Party in the United States, from the time of the formation of the CIO to the present, can be divided into six periods, each of them corresponding to a change in the relationship of the Soviet Union with the world.

The first period

The first period was the period of "collective security." During this period, the Soviet Union felt itself menaced by Fascist Germany. It needed the help of the Western powers and, because it needed that help, it urged a system of collective security against aggression. Accordingly, the Communist Party of the United States firmly supported a policy of collective security and urged that the United States enter into such a system with the Soviet Union. The interest of American labor, the Communist Party said, was in the elimination of fascism wherever it was found. American labor had a stake in the maintenance of free institutions throughout the world and labor should, the party declared, go all out for aid to the victims of Fascist aggression and for the creation of a genuine system of security against such aggression.

In pursuit of this policy the Communist Party supported vigorously, and urged labor to support, President Roosevelt's anti-Fascist policy and the amendments to the United States Neutrality Act, which would permit the United States Government to support victims of aggression.

The second period

In September 1939, however, the foreign policy of the Soviet Union changed. Instead of allying itself with the powers opposed to Hitler, the Soviet Union signed a nonaggression pact with him. The Russians chose the course of allying themselves with the power which previously had seemed to it a great threat. The war between Germany and the Western Powers began immediately thereafter. This shift in Soviet tactics was immediately echoed by a shift in the program of the Communist Party of the United States. The evils of fascism were no longer important to the American Communist Party. The threat to American labor, the party said, was the "imperialist war." As the United States slowly developed toward a program giving aid to the enemies of Hitlerism, the party became more and more certain that this developing program was an imperialist program and was opposed to the interests of America. Roosevelt, whose policy of quarantining the aggressors had been praised so loudly in 1937 and 1938, was now a Fascist warmonger, while Senator Wheeler truly expressed the interests of American labor. The defense program of the United States was a program fostered by Wall Street. The draft was an instrument by which Wall Street intended to impose a dictatorship upon America. The lend-lease bill was a "war powers bill." The party tried, through the mechanism of such movements as the American Peace Mobilization and such slogans as "The Yanks are not coming," to capitalize upon the isolationist-pacifist sentiment in the United States and to defeat every measure intended to aid the powers that were opposing Hitler.

The third period

When Hitler, on June 22, 1941, attacked the Soviet Union, then, of course, the second period ended abruptly. The Soviet Union needed help. And so a third period for the American Communist Party was ushered in. Roosevelt's "war program" now became "the people's program of struggle for the defeat of Hitlerism." All aid to the peoples of Great Britain and the Soviet Union was called for. Extension of the draft act, which had been so vigorously opposed when originally enacted in September of 1940, was demanded by the Communist Party in September 1941. Senator Wheeler, whose isolationism had been praised by the party in 1940, was now a Munichman and a traitor. Labor, again said the Communist Party, had a stake in the defeat of fascism throughout the world and should direct its energies to the support of all-out production to defeat Hitler.

The fourth period.

When the United States entered the war in December 1941, no change in Communist Party policy was called for. The Communist Party's Pearl Harbor had already occurred on June 22, 1941, and the party had favored United States entrance into the war since that time. But the party continued to grind its ax. The United States and Russia did not see eye to eye on military strategy. The Russians wanted the immediate opening of a second front. And so the Communist Party decided that American labor had an interest in this question of military strategy and that it was to labor's interest to prove to the military that an immediate second front was the best military policy for the opening of a second front in 1942.

"It is imperative," said Eugene Dennis, "that the labor movement unitedly should make its voice heard and its influence felt on * * * such life-and-death questions as insuring American participation in the opening of a second front in Europe this spring."²

The fifth period

The second-front issue was a symptom of the lack of confidence which the Communist Party felt, during the fourth period, in the genuineness of the American-Russian collaboration. These doubts, however, vanished when President Roosevelt had his first meeting with Premier Stalin at Tehran and when an agreement was reached on the basic problems confronting the two countries. This agreement seemed to the Communist Party to herald a complete change in the relationship of America to the Soviet Union and, therefore (in the Communist Party's distorted view of America), in the relationship between labor and the rest of the American community. The fact that the United States and the Soviet Union had reached an agreement seemed to mean to the Communist Party that all problems between labor and capital in the United States were on their way to being settled. The Communist Party, accordingly, dissolved itself in January 1944. Tehran became the watchword, the magic touchstone, which not only solved foreign problems but laid at rest all of labor's problems. Earl Browder, the leader of the party, announced that if J. P. Morgan would join in support of the American-Soviet coalition Browder would clasp his hand and join with him. The party's program of "socialism" was abandoned and everything was to be devoted toward the achievement of the new "progressive" coalition between labor and capital. During this period the Communist Party supported national-service legislation, a policy directly contrary to every tradition of the American labor movement. It supported most vigorously the no-strike pledge and urged that it be continued in the postwar period. In short, the Communist Party, then called the Communist Political Association, was—as it later described itself—an opportunist tail to the capitalist class.

The sixth period

With the close of the European war, differences and tensions began to develop between the Soviet Union and the United States. Accordingly, the Communist Party again reversed its field. Taking its lead from an article by the French Communist leader Duclos, it reconstituted itself, in June 1945, as the Communist Party and once again asserted its so-called aggressive role in domestic affairs. It no longer supported national-service legislation, and the talk about continuation of the no-strike pledge after the end of the war was abandoned.

The development of communism in the postwar era did not exhibit any rapid and sudden shift, since the position of the Soviet Union did not exhibit any such shifts. It was, rather, a slowly developing policy of opposition to the aims of the Truman administration which became clearer as the diplomatic conflict between the United States and the Soviet Union developed. The postwar Communist program included the following specific items:

1. A demand that United States troops be withdrawn from China and Greece;
2. A claim that the United States had failed to live up to the Yalta and Potsdam agreements, and a demand that United States foreign policy be based on friendship with the Soviet Union based on those agreements;
3. Opposition to the Truman doctrine;
4. Opposition to the American plan for control of atomic energy and denunciation of American atomic-bomb production;
5. Opposition to the Marshall plan;

² *The Communist*, April 1942, p. 212.

6. Support of Henry Wallace and the Progressive Party in 1948;
7. Opposition to the Atlantic Pact;
8. Support of the Communist-dominated World Federation of Trade-Unions and opposition to the CIO- and AFI-sponsored World Confederation of Free Trade-Unions;
9. Support of the Marcantonio bill (which had no chance of passage), rather than the Thomas-Lesinski bill (which could have been passed), in the fight against the Taft-Hartley Act;
10. Denunciation of the CIO as a tool of reaction and imperialism. In particular, the party charged that the CIO had "sold out" the fight against the Taft-Hartley Act;
11. Support for the UE in its fight with the CIO.

Throughout this curious history, the Communist Party never ceased to claim that it made its decisions on the basis of a genuine appraisal of the interests of the American people and of American labor. Those claims were, of course, false. The record shows that the purpose of the Communist Party is the support of the Soviet Union and that the program of the party is designed with only the interests of the Soviet Union in view.

This purpose was never avowed, and the program was always phrased in terms of the interests of America and of American labor. Throughout this decade in which the party favored first one objective and then another, it continually purported to be the champion of organization and of unionism. But it always found that the interests of organization and unionism favored whatever policy would aid the Soviet Union. This was not limited to foreign-policy matters. A peculiar and consistent characteristic of the Communist Party program is that it always finds a tie-in between domestic and foreign policy. Thus, in the first period when the Communists supported the Roosevelt foreign policy, they also supported his domestic policy as progressive and pro-labor. In the second period, however, Roosevelt was seen by the party as a reactionary and a Fascist, and his domestic program was roundly attacked as being anti-labor. The most blatant example of the controlling influence of matters of foreign policy was, of course, the Tehran period when the fact that Stalin and Roosevelt had met and agreed was regarded as proof that an era of peace between capital and labor within the United States was possible. But almost equally blatant was the Communist position with regard to President Truman's domestic policy in the postwar period. The President was charged with a sell-out of labor and a betrayal of the fight for civil liberties. The Fair Deal was denounced as a sham. The administration was, in short, a tool of the reactionary capitalists, and its domestic program and its foreign program were both a part of the "bipartisan reactionary coalition." Similarly, attacks on the administration's foreign policy were tied in, however illogically, with attacks on Republican domestic policy. Thus, the Marshall plan (which had been opposed by Senator Taft and the most reactionary Republicans) was, in the Communist view, simply the application of the Taft-Hartley Act to foreign affairs.

On the basis of this evidence the committee finds that the purpose of the Communist Party is to promote the interests of the Soviet Union. It finds that, although the Communist Party has claimed to champion unionism and organization, it has always done so in order to carry on Communist work within trade-unions and in order to pervert their policies to the advantage of the Soviet Union. The Communist Party, the committee finds, does not believe in trade-unions. It believes in using trade-unions. And it believes in using them for the purposes of the Soviet Union.

It should not be necessary for this committee to repeat here in detail the basic objectives set forth in the constitution of the CIO. The preamble of the constitution of the CIO states that the CIO is proud of the American quest for liberty and the struggle for equality, that it is dedicated to the responsibility of furthering the goals of our American heritage. It states the opposition of the CIO to all those who would use power to exploit the people in the interests of alien loyalties. It dedicates the CIO to the achievement of a world of free men and women.

The objectives set forth in article II of the constitution spell out the goals of an American trade-union movement dedicated to the general principles set forth in the preamble of the constitution. The objectives of the CIO are to bring about the organization of the working men and women of America, to extend benefits of collective bargaining to them, and to secure legislation protecting the economic security of America, and protecting and extending our democratic institutions and civil rights and liberties, all to the end that the cherished traditions of our democracy be perpetuated.

These are the objectives and policies set forth in the constitution of the CIO. They contrast most violently with the purposes of the Communist Party which are, as the committee has found, devoted completely to the interests of alien loyalties and to the exploitation of the trade-union movement in the interests of the Soviet Union, although always professing to be interested in trade-unionism and in American labor.

III

Before making findings on the policies and activities of the UPW, certain preliminary questions had to be decided by the committee. The UPW contended at the outset that the committee had no power to consider evidence of the activities of the union prior to the date of the constitutional amendment under which the charges were brought. This contention is rejected by the committee. The charge against the UPW is that it now follows the program of the Communist Party. But the history of the past activities and policies of the UPW leadership is relevant to a determination of whether the present policies and activities of that leadership are directed toward the achievement of the purposes of the Communist Party or are based on an honest judgment as to the best policies to achieve the objectives set forth in the CIO constitution.

The UPW further contended that because the UPW was not formed until 1946 evidence concerning policies and activities prior to 1946 should be excluded. This contention also must be rejected. The UPW was not a new union in 1946. It was simply an amalgamation and a continuation of the State, County, and Municipal Workers (SCMWA) and the United Federal Workers (UFWA). Its leadership was not new. The greater proportion of that leadership was drawn from SCMWA, with a lesser representation for the UFWA. In order to determine the character of the present leadership of UPW, and the direction which this leadership gives to the affairs of the UPW, therefore, the committee feels that it is not only proper but necessary to consider the history of the policies and activities adopted by the leadership of the predecessor unions.

In examining this earlier history, it is SCMWA which is significant. The present UPW is, in reality, merely a continuation of the State, County, and Municipal Workers of America, with the addition of a minor insignificant segment of membership derived from the old United Federal Workers.

The Public Workers have refused to answer questions directed at the disclosure of the present balance of its membership between the former SCMWA and UFWA locals. At the time of the amalgamation in 1946, however, SCMWA had a membership almost three times that of the Federal Workers. And it is clear that the history of the organization since then has been largely a history of the disintegration of that portion of the union which formerly comprised the United Federal Workers.

The officers' report to the 1948 convention of the UPW states that "the Federal section of the union was hit very hard" by the postwar cuts in Federal employment. Although the report gives no figures as to membership, it does contain elaborate percentage classifications of the membership of the UPW by various categories and these classifications disclose that the Federal workers section of the United Public Workers is a very small proportion of its membership. Thus the report lists, at page 33, the distribution of UPW members by civil service status. This distribution shows that 11 percent of the total union membership had Federal civil service status, 64 percent of the membership had State, county, and municipal civil service status, and the remaining 25 percent of the membership, mostly comprising members working for private employers, according to the report, had no civil service status. We can assume, therefore, that, as of 1948, Federal membership in the United Public Workers was in the neighborhood of 11 percent. The UPW's membership has continued to drop since 1948 and the percentage of Federal workers in its membership, excluding the entirely new Panama Canal Zone membership, may now well be less than 11 percent.

Reflecting this relative balance in membership, two of the three founding international officers of the UPW were former officers of SCMWA. Its president, Abram Flaxer, was the former president of SCMWA. And, as of the present time, three of the four international officers of the Public Workers are former officers of SCMWA.

For these reasons the committee concludes that SCMWA and the present United Public Workers are, in substance, the same organization. And, in attempting to examine the character of the leadership of the UPW, the committee has examined not only the activities after 1946 but also its policies and activities under the union's former name, SCMWA.

IV

The evidence introduced by Meyer Bernstein at the hearing clearly showed that SCMWA followed the basic outline of Communist policy. In the first period, it supported the Roosevelt anti-Fascist policy and found in the fight against fascism a counterpart of the New Deal's domestic struggle for social welfare, but the second period the union, and its officers, with equal strength, opposed any and all aid to the countries engaged in a war with fascism. The union's paper featured the slogan "The Yanks Are Not Coming." The Roosevelt program was described as "the road to war" and it was urged that all loans, either public or private, to the Allies be banned. President Flaxer was a sponsor of the American Peace Mobilization and a frequent speaker at its meetings.

There was one war in which SCMWA took sides, however. That was the war between China and Japan. The Communist Party differentiated between the European war, in which the Soviet Union was allied with Hitler, and the Asiatic war, where Russia's interests were opposed to the Japanese. And so SCMWA urged strict neutrality concerning the European war, but at the same time opposed Japanese imperialism. And in an article on trade-unions under wartime conditions the union's paper drew a sharp contrast between conditions in China, where it found that trade-unions were given more freedom than they had enjoyed before, with the conditions of trade-unions in Germany, Britain, and France.

When Hitler attacked the Soviet Union, the union's position violently changed. It immediately called for war. The best comment on this change was made by a delegate to the union's 1941 convention. The resolution under discussion at the time declared that "the swift and crushing military defeat of fascism is America's No. 1 job." The delegate said:

"To begin with you will recall that approximately 3 years ago the position of our union as expressed through our national organization, as expressed in the convention of the New York State district of our union, was for the support of the democracies against fascism. That is, support of the democratic powers against Hitler and Nazi aggression. Suddenly with the advent of the war against Russia, the position of our union, the position of our convention 2 years ago was reversed. At that time we took the position that the war was imperialist and we said furtherance of the extension of the war in this country would be in direct contradiction to the interest of our workers as Government employees. I believe the secretary-treasurer at that time pointed out that the national-defense program would siphon off social legislation, and that democracy must be fought for here in America, and that our real fight was here in this country, and that we would have no part in this foreign imperialist war.

"This position was reiterated just recently at a meeting of the American Peace Mobilization. Our national president, Brother Flaxer, was one of the sponsors of the American Peace Mobilization. I attended that meeting as a delegate of my local, and I know many of you people were there also representing your various organizations. At that time we again took a clear-cut position in opposition to the war as an imperialist war, an imperialist war on the part of Britain, and we recognized Churchill as being decided and determined not in the interest of the British workers, of the masses, but in the interest of the imperialists of Britain who dominated their colonies in an unquittable, ruthless fashion, similar to the fashion in which Germany dominates today.

"In addition, we also pointed out that if the United States took part in this struggle it would be for the benefit of Wall Street, and so on. At that time we pointed out that it was a fallacy to speak of fighting for democracy in Europe when a third of our population still can't vote, when we have segregation and discrimination throughout the Armed Forces, and there is still a battle in Dearborn to bring that city back into the United States.

• • • • •

"Now we find the same people that took an ardent anti-imperialist war position tell us now it is all different. Now we have a war for democracy against fascism. Now our main job is to defeat nazism, Hitlerism."

No voice was raised at the convention to dispute this devastating chronology. An amendment to the resolution which proposed to state that the union was not simply supporting the position of the Soviet Union was ruled out of order and no amendment or resolution of that nature was brought before the convention by the union leadership.

The committee could not examine in detail SCMWA's wartime policies since the union published no newspaper between 1940 and 1943, and the report of the proceedings of the union's 1943 convention were not made available to the com-

mittee. From other material, however, it is clear that the union adopted the superpatriotic line which the Communist Party at that time adopted. The officer's report to the 1943 convention, for example, seems to have been formulated on the theory that the union's only reason for being was to further the war effort. Thus, the table of contents reads:

- "1. The war.
- "2. Problems facing the public service during wartime.
- "3. The union as a war weapon.
- "4. Sharpening the war weapon.
- "5. The four freedoms in the back yard of the public service."

This position was maintained through the spring of 1945. In March 1945, for example, the union placed implicit trust in President Truman and it cited with particular favor his foreign policy, noting that he had "fought for and voted for lend-lease" (which SCMWA had opposed) and that he had "fought for and voted to revise the Neutrality Act" (which SCMWA had opposed).

The Communist Party shift in the latter part of 1945 was followed by a SCMWA shift. In December 1945, President Flaxer described Truman's foreign policy as "a foreign policy that is dictated by the profit-greed of the imperialistic finance barons." In common with other left-wing unions, SCMWA distorted the CIO's support of the desire of the American people to "Bring the Boys Back" into a campaign to cease anti-Russian intervention in China.

In 1946, this antiadministration, pro-Soviet position was made clear. President Truman's foreign policy was described in the officers' report to the 1946 convention as a policy of "warmongers and politicians." Profit-hungry big business was found behind any actions in opposition to the Soviet Union. The expenditure of money for atomic bomb production was attacked. SCMWA, in short, adopted again—as did the Communist Party—the isolationist position which it had plugged so hard in the September 1933–June 1941 period.

This attitude was not limited to foreign affairs. Like the Communist Party, SCMWA attempted to give a domestic twist to its opposition to the Truman foreign program. Thus, President Flaxer, in December 1945, stated clearly his view that the administration's "imperialist" foreign policy would necessarily have its reflection in a "reactionary domestic policy" and that, therefore, labor must oppose the "Truman-Byrnes" administration no matter what its stated aims were. When the union newspaper in 1946 ran an editorial on the housing shortage, it laid the blame for that shortage on an entirely new door—the production of atom bombs.

SCMWA's position with relation to the Communist Party is not only shown by the conformity of its policies to the Communist pattern, but also by its position on communism itself. The union frequently denounced false cries of communism, as did the CIO. It never, however, denounced communism. Its position is best illustrated by a story in the August-September 1939 issue of *Government Guide*, the union's then official newspaper. At that time the CIO supported the fight of Harry Bridges against deportation. The CIO, however, did not support communism. The August-September issue of *Government Guide*, however, in reporting on the Bridges trial, laid the greatest emphasis on the defense testimony at that trial as to the nature of Communist Party policy. The paper's clear predilections were disclosed in the manner in which it reported this testimony. The story was headed "Bridges Trial Educates America," and it said:

"What [Communists] do teach, according to these witnesses, is this: As the people of a nation, victimized more and more by unemployment and a lower standard of living (attendant on the inevitable decay of capitalism), utilized their democratic form of government to improve their conditions by passing more and more legislation of a social and socialistic character, the minority who own the means of production will engineer a violent antidemocratic revolution. In such an event the people will defend themselves, and their government and, as a defense measure, take over the means of production. The Communist Party, the witnesses said, teaches that the people should be prepared to meet such a situation so that they would be victorious in the struggle."

This is the testimony which, according to SCMWA, educated America. Not a word was said about any contrary testimony concerning communism. The clear—and false—implication was that the crucial issue in the Bridges case was the nature of communism and that the CIO, in supporting Bridges' denial that he had been a member of the Communist Party, was supporting communism.

V

In April 1946, SCMWA absorbed UFWA and emerged as the present UPW. The history of UFWA policy prior to the merger does not exhibit the shifts and contortions that SCMWA policy does. The union, however, went through several changes of leadership. Until 1940, Jacob Baker was president; and from 1940 until 1944 the union was under the administration of the CIO's director of organization, Allan Haywood. The union's record during this period is straightforward. In the postwar period, however, it clearly took positions identical with those taken at that time by SCMWA. Thus it, as well as SCMWA, distorted the CIO campaign to bring surplus soldiers home into an anti-Chinese intervention campaign and it opposed, although somewhat less violently than SCMWA, the administration's anti-Russian stand as a program for war.

VI

The new union, UPW, lost no time in declaring its stand. Resolution No. 1 of the convention in which the SCMWA-UFWA merger was consummated reads as follows:

"Whereas the unity of Great Britain, the Soviet Union, and the United States was the foundation for military defeat of fascism, and their continuing unity is absolutely essential if the United Nations is to provide a sound and lasting peace; and

"Whereas the friendship and cooperation between the United States and the Soviet Union is the essential basis for an enduring peace; and

"Whereas powerful influences are attempting to drive a wedge between the peoples of the United Nations for the purpose of furthering their imperialist ambitions, as evidenced by ex-Prime Minister Churchill's speech; the forming of Anglo-American bloc within the U. N. and the policy of assisting by armed force in some cases the most reactionary groups in friendly countries such as China, the Philippines, France, Belgium, and others; and

"Whereas to further these policies the demobilization of American troops now stationed throughout the world is being deliberately delayed; and

"Whereas the failure to establish international cooperation in the development and control of atomic energy and the continued secrecy and manufacture of atomic bombs have created world fear and distrust which weaken the peace; therefore be it

Resolved, That the UPWA, meeting in convention April 24-26, 1946, calls upon President Truman, Secretary of State Byrnes, and Members of Congress to take the following immediate steps:

"1. To halt the present policy of attempting to isolate the Soviet Union in the U. N. and world affairs and call for an immediate meeting of the minds of the Big Three.

"2. To take positive steps to reestablish friendly United States-Soviet relations by word and deed.

"3. To withdraw American troops and call for the withdrawal of British troops from all friendly countries, including China, the Philippines, France, Greece, India, Indonesia, Belgium, and Iceland.

"4. To support the policy of U. N. regulation and control of all phases of atomic energy, including the immediate possession of all atomic bombs and the passage by Congress of legislation vesting full control of atomic energy in a civilian commission."

According to a story by Jerry Klutts in the Washington Post, this resolution was adopted out of order, on a day when no resolutions were scheduled to be considered, at the suggestion of George Morris, a correspondent of the Daily Worker, so that the Daily Worker would have a story to offset the criticism directed at Russian foreign policy at the Textile Workers' convention on that day. According to Mr. Klutts, opponents of the resolution were called reactionaries and Red baiters and a suggestion by a delegate that a line be added to the resolution recommending the withdrawal of Russian troops from Poland, Czechoslovakia, Estonia, and other countries was shouted down.

Other newspapers also reported that the foreign-policy resolution was the only resolution adopted on that day of the convention. Moreover, the UPW representatives; although they made several adverse references to Mr. Klutts, did not deny the accuracy of the story. The committee, therefore, accepts it as true. The resolution speaks for itself. That it was taken out of order at the behest of an agent of the Daily Worker seems to the committee to be entirely

consistent with the pro-Communist text of the resolution and with the history of the union leadership that sponsored it.

In the period following the 1946 convention and continuing up to the present moment, the UPW has never repudiated the basic pro-Soviet position exhibited at its first convention under its new name. Within the councils of the CIO it has continued to support the program sponsored by the Communist Party. The union, however, did tone down the blatancy of its public position in order to protect its position as a union of Government workers. But it continued, by indirection and subtle phrasology, to serve the Communist Party's purposes even in its official public pronouncements.

Thus, the UPW's 1948 resolution on foreign affairs was more modestly phrased than the 1946 resolution, but its content was the same. It decried the "cold war" as an attempt by "big bankers and industrialists to force us into another war." It called for Big Three unity, and it stated its support for peace discussions based on the open letters exchanged between Henry Wallace and Joseph Stalin.

The UPW executive-board resolution on the Wallace campaign was similarly adroitly worded. The union did not officially support the Progressive Party. Instead, it urged full discussion of the issues presented by the third party, noting that there had been no disposition on the part of the Democratic and Republican Parties to give heed to the problems of the labor movement. The hidden meaning of this resolution was clear. Indeed, evidence presented to the committee by Joseph Adamson, a former member of the UPW executive board, confirms that the intention of the resolution was to support the third party and that its ambiguous language was deliberately adopted so as to protect the union's Federal members while at the same time making it clear that the union supported Wallace.

The Marshall-plan issue was handled in the same way. According to Adamson's testimony, the executive board of the UPW scornfully rejected a resolution supporting the Marshall plan in August 1947. Later, when President Murray of the CIO released a statement in which he set out 10 principles which he urged should be incorporated in the legislative implementation of the Marshall plan, the UPW remained silent. In the spring of 1948, such legislation was introduced, and the CIO, finding that legislation satisfactory, urged its passage. The UPW remained silent. The legislation passed. Finally, in May of 1948, the UPW spoke. It did not approve of the enactment of the Marshall plan. Somewhat despairingly, it recited that Congress had passed the statute and then urged that the agency administering the statute use its administrative latitude to comply with the 10 points specified by Mr. Murray prior to the introduction of the legislation.

Whatever may have been the deliberate ambiguities of the union's formal resolutions, the position of its leaders at CIO conventions and within the executive board of the CIO has been clear. At the 1948 convention, it opposed the resolutions endorsing the Marshall plan, supported the clearly Communist-controlled World Federation of Trade-Unions and opposed CIO resignation from it, attacked the CIO position on wages, and, in general, supported the position of the unions within the CIO which have either already been expelled as Communist-dominated or are now under investigation on that charge. At the meetings of the CIO executive board it has uniformly, and without fail, supported Communist-line policies and opposed any action which in any way ran counter to the interests of the Soviet Union.

VII

In addition to the convention proceedings, officers' reports and official national newspapers of UPW and its predecessors, Mr. Meyer Bernstein introduced a number of exhibits from the publications of subsidiary groups within the union. Since these publications were apparently not distributed nationally and were not officially sanctioned as presenting national union policy, the committee has not placed primary reliance on them in finding that the policies of this union have followed the outlines of the Communist Party program. The committee does regard these publications, however, as confirming its findings.

Excerpts from two different publications were submitted to the committee. The first publication was the Civil Service Standard, organ of the New York district, district No. 1, of SCMWA. Excerpts from this publication for the year 1941—in which no national newspaper was published by the union—show in startling relief the isolationist, anti-Roosevelt position prior to June 22, 1941, and the interventionist, pro-Roosevelt position subsequent to that date. Since that contrast has already been found in the statements of the

national union's officers and in its convention proceedings, the evidence from the Civil Service Standard is merely cumulative.

The second was the New York Teacher News, official organ of the Teachers Union of New York, local 555 of SCMWA and, later, of UPW. Excerpts from this publication were submitted covering the 1915-48 period. They need not be reviewed by the committee in detail. They exhibit a uniform and almost open pro-Communist position, not only in the policies adopted by the local but also in the activities publicized by the newspaper, such as the opening of courses at the Jefferson School, meetings of the national Council of Soviet-American Relationship, meetings sponsored by the editors of Masses and Mainstream, etc.

As already stated, the committee regards the evidence from these publications as confirmatory of its findings based on other evidence. The committee wishes to point out, however, certain facts which would support the relevance of this material. First, district No. 4 was clearly the most important district of SCMWA. New York was the national headquarters of the union. The officers' report to the union's 1939 convention declared that New York was the "center of activity of its membership" and that "New York holds the position in relation to the Government service akin to the position that Pittsburgh has to the steel industry." It further stated that "the most experienced and self-reliant branch of our national union is located in New York." Clearly, the policies and activities of that branch cannot be divorced from the policies and activities of the national union.

Second, the UPW representatives at the committee's hearings were repeatedly challenged to produce evidence that these locals had departed from SCMWA and UPW policy, or that any other locals had published papers taking contrary, anti-Communist positions. This challenge was not met and the committee therefore feels that it is proper to conclude that no such evidence exists and that the policies and activities of the New York district and the teachers union are representative of the policies and activities of SCMWA and UPW locals generally.

VIII

In addition to the documentary material already referred to, Mr. Steinberg presented two additional witnesses--Charles Rindone and Joseph Adamson.

Rindone testified that he had been a member of the Communist Party and of local 1 of SCMWA, that as a member of the party he attended "fraction" meetings of the Communist Party members at which SCMWA policies were determined, and that various officials of SCMWA had attended these meetings. In the particular he named Abram Flaxer, now president of UPW, as a leader at these Communist Party meetings.

The UPW representatives at first pretended that they did not recognize Mr. Rindone and had never heard of him before. But they then subjected him to grueling examination in which it developed that they were well acquainted with the witness and his record both inside and outside the union. In the course of this examination they attacked Mr. Rindone violently and succeeded in showing that his memory of exact dates as to matters occurring more than 10 years before was not precise. The crucial parts of Mr. Rindone's testimony, however, were never denied or rebutted.

President Flaxer did not deny that he had been a member of the Communist Party during the period referred to or that he had attended Communist "fraction" meetings. Although the committee at the close of the hearings invited the UPW to submit statements from President Flaxer, or from any other union officers named by Mr. Rindone, refuting his testimony, no such statements were submitted. In the documents submitted by the UPW the only denial of Mr. Rindone's testimony is the statement that President Flaxer denied that he is a member of the Communist Party in a newspaper interview published on January 9 and 10, 1950. This denial was made in a press conference held in Washington during the period when the committee's hearings were in progress. It was not made to the committee. Furthermore, the committee has ascertained that President Flaxer, in that interview, refused to answer as to whether he ever had been a member of the party. In view of the recently announced resignations from the Communist Party of such persons as Donald Henderson of the FTA, Maurice Travis of Mine, Mill, and Max Perlow of the Furniture Workers, President Flaxer's announcement of his present nonmembership at a press conference is meaningless. As shown by exhibits introduced at the hearing, President Flaxer had previously refused to answer questions as to his past or present Commu-

nist affiliation on the ground that such questions were improper. By stating to the press, although not to the committee, his present nonmembership in the party, President Flaver seems to have indicated that the question was a proper one at that time. In that light, his refusal to discuss the question as to past membership and his failure to make any statement on the subject at the hearing, where he would be subject to cross examination, tends to confirm Mr. Hindone's testimony.

Mr. Joseph Adamson, the third witness introduced by Mr. Steinberg, was an organizer and a member of the executive board of both SCMWA and UPW. He testified to the following:

1. That the Communist reputation of the union severely hampered its organizational efforts.

2. That he had been approached by a Communist organizer as a fellow traveler, on the evident assumption that all UPW officials were friends of the party.

3. That when he offered to the UPW executive board in August 1947 a resolution, adopted by his local, supporting the Marshall plan, he was severely criticized both for offering the resolution and for permitting his local to pass it.

4. That the UPW executive board resolution on political action in 1948 was intended to serve as an oblique endorsement of the third party. Mr. Adamson testified that the board members all agreed that the union should support Wallace, but that outright endorsement was not specifically made in order to protect the Federal membership of the union. He testified that the resolution was adopted only after the board majority was persuaded that its implicit support of the Wallace candidacy would be clear to the membership.

Mr. Adamson's testimony as to the Marshall plan resolution was derided by the UPW on the ground that the CIO had not yet taken a position on the Marshall plan and that the Marshall plan was in fact, not yet in existence. Absence of CIO policy, however, had never been a deterrent to SCMWA UPW policy. It claimed and still claims the right to autonomy on policy matters. Furthermore, the Marshall plan, although not yet reduced to legislative form in August 1947, was sufficiently definite so that the Daily Worker, on July 21, 1947, could take a firm position in opposition to it. Mr. Adamson's testimony that he was severely criticized for presenting the resolution and even for allowing his local to pass it was never adequately answered, in the committee's opinion. Nor was adequate answer ever made to his testimony concerning the 1948 executive board resolution.

IX

The UPW's defense

The UPW was given an adequate opportunity to present its defense against the charges. Cross-examination by the UPW of the witnesses introduced by Mr. Steinberg, and the presentation of its own defense by the UPW's representatives, took up the major portion of the time devoted by the committee to the hearing of oral testimony. The UPW was given the further right to respond in writing to any of the evidence presented against it and it availed itself of that opportunity.

Although the UPW, unlike the COPWA, thus availed itself of the opportunity offered by the committee to respond to the charges, the committee finds that the defense offered was of no value whatsoever because it was in no way directed to the truth or falsity of the charge or the evidence introduced in support thereof. Indeed, the nature of the defense offered by the UPW was extremely persuasive evidence that the UPW had no defense to offer.

1. At the hearings, the UPW tactic was clearly one to fluster and delay. At the beginning of the hearing, on Monday, January 9, the parties were informed that the hearing would terminate by Wednesday night because of the committee members' other duties. The committee offered to hold night sessions every night so that there could be no question as to sufficiency of time. The UPW, however, refused to appear at evening sessions on either Monday or Tuesday.

When the evidence in support of the charges was introduced the UPW's representatives immediately began a series of delaying and time-wasting maneuvers. Technical, legalistic objections were made on one occasion after another, each time repeated again and again even after a ruling had been made. In cross-examining the witnesses in support of the charges, time was deliberately wasted by asking irrelevant and even foolish questions. Thus, after Mr. William Steinberg presented an introductory statement, he was rigorously cross-examined on such subjects as the length of time he had worked in the radio industry and the

number of executive board meetings he had attended. Mr. Steinberg's statement takes up 17 pages of the transcript of the committee's proceedings. The entirely irrelevant examination of him by the UPW's representatives takes up 40 pages.

The same dilatory tactics were followed with other witnesses. Mr. Adamson was questioned at great length about such questions as his age, his marital status, and his employment as a youth. Mr. Rindone was rigorously examined as to where he had purchased a leather case in which his special officer's badge was enclosed. Mr. Meyer Bernstein, who presented the evidence from the union's newspapers, was questioned concerning the nature of his work for the Steelworkers Union and his general knowledge of the UPW prior to his assignment as a research specialist.

Due to these dilatory tactics, the presentation of the evidence in support of the charge was not concluded until Tuesday, the second day of the hearing. The UPW began, on Tuesday afternoon, to present its own witnesses. At this point the strategy of delay became transparent. The first witness was Alfred Bernstein, director of negotiations for the UPW. He read to the committee an extremely lengthy treatise on the Federal Government's loyalty program and the UPW's fight against it. He insisted, over the committee's protest, on reading page after page of quotations from letters and documents concerning the loyalty probe.

The UPW's next witness was Thomas Richardson, the chairman of the UPW's antidiscrimination committee. He delivered to the committee a lengthy dissertation and irrelevant matter and the committee had yielded to his protests. The committee protested against this irrelevant and lengthy testimony the UPW representatives charged that the protest showed that the committee was biased and insisted on continuation of testimony along the same lines.

The UPW's final witness was its secretary-treasurer, Mr. Guinier. He began his testimony in the committee's last session, on Wednesday night. Although informed that his time was limited, he insisted on reading to the committee lengthy quotations from speeches by Phillip Murray and from CIO convention proceedings. Although he alone of the UPW's witnesses made some comment on the evidence introduced in support of the charges, he introduced no evidence whatsoever to show that the UPW had in any way ever departed from the program of the Communist Party.

The hearing concluded at 10:45 p. m. on Wednesday night. The purpose of the delaying tactics adopted by the UPW throughout the hearing was then made clear. President Flaxer protested that he had been denied the right to testify. He had been informed from the beginning that the hearing would terminate by Wednesday. He had refused the committee's invitation to hold night sessions on Monday and Tuesday. He had engaged in frivolous and irrelevant examination of Mr. Steinberg's witnesses. He had insisted on the right of the UPW witnesses to read lengthy documents unrelated to the question of Communist Party policy. He had protested every effort by the committee to eliminate repetitions and irrelevant matter and the committee had yielded to his protests. And yet, when the hearings were finally closed, he insisted that the committee had denied him the right to testify.

The committee finds, on the basis of this record, that the UPW's defense against the charge was not in good faith, that the president of the UPW deliberately refused to testify before the committee by delaying the hearing until there was no time in which to testify, and that the evident purpose of this refusal was to avoid giving testimony and also to provide a basis upon which to attack the committee.

This conclusion is supported by the actions of the UPW subsequent to the close of the hearings. President Flaxer was invited by the committee to submit any statement that he desired to make in writing and he was given 2 weeks in which to do so. No statement by President Flaxer was submitted.

The self-created inability to testify was, however, made the basis of completely false and vicious attacks on the committee. Thus, in the Labor Herald (organ of the left-wing California unions) for January 17, 1950, the following appears in a report of an interview with Guinier:

"In a voice crowded with disbelief [Guinier] reported that the union's president, Abram Flaxer, was denied an opportunity to testify and was forced to limit his participation in the trial to cross-examination of some of the witnesses.

"Imagine it," Guinier said, "the president of a union charged with all sorts of things not allowed to testify in defense of his union."

• • • When Flaxer was to take the stand • • • Rieve suddenly announced that the time set aside for the hearing had already elapsed, and that, therefore, he was calling an end to the trial."

This cannot be described as a misquotation by the interviewer. Precisely the same kind of falsification was made in the January issue of the union's official organ, *The Public Record*, where it was said that "The CIO committee * * * cut short the hearing because it was 'tired of the union's story'."

Further evidence of the complete lack of honesty or good faith of the UPW's representatives is shown by several of President Flaxer's statements to the committee. He asserted to the committee that the observers who sought to attend the hearing came voluntarily, not at the union's instigation. Yet an official memorandum of President Flaxer's has been submitted to the committee in which all UPW local presidents, staff representatives, and business agents were instructed to "encourage" rank and file members to come to Washington and to inform them that the International would provide a meeting hall for such "volunteers" in Washington.

Still again, President Flaxer informed the committee on Monday afternoon that he had an important meeting scheduled for 4:30 that afternoon. When the chairman of the committee asked whether it was a press conference President Flaxer denied emphatically that he had scheduled any such conference. Yet the committee has ascertained that he had, in fact, scheduled a press conference for 4:30 and did, in fact, hold one immediately after the hearing adjourned. This planned, scheduled press conference was reported in the UPW's newspaper as a spontaneous meeting. Flaxer, according to the newspaper, was "besieged by the press" when he arrived at a meeting of union members.

2. As already stated, the UPW, although it consumed much time at the hearing, offered no testimony relevant to the charge. The UPW proved only that it opposed discrimination against Negroes and that it had waged a fight against the Federal Government's program of loyalty investigations. Neither item, of course, was relevant to the charge. The CIO opposes discrimination. It has also objected to some of the unfair procedures utilized in the loyalty program. But the fact that the UPW, on these two items, has supported CIO policy does not prove that it has not devoted itself to the program of the Communist Party. For the Communist Party has always exploited the Negro issue as an instrument of "class warfare" and, for obvious reasons, has opposed not only the unfair elements in the loyalty program but the program itself.

The testimony of the UPW's two major witnesses was, therefore, entirely irrelevant to the charge. Mr. Guinler, the third witness, did address himself to the charges but again failed to present any evidence that the UPW had ever in any way departed from the Communist Party program. He did attack most vehemently the credibility of Mr. Rindone, one of Steinberg's witnesses. He did not, however, submit affirmative evidence contradicting Mr. Rindone's testimony. He also sought to discredit Adamson's testimony. He did not refer, however, to Adamson's testimony concerning the UPW executive board discussion on the Wallace question.

The major portion of Mr. Guinler's testimony was taken up by the lengthy reading of speeches by Phillip Murray and by a moving denunciation of the evils of promiscuous Red-baiting and a description of the magnitude of the fight against racism and reaction. The committee agrees—and it agreed at the hearing—that there is much to be done in the fight for freedom and equality. The committee agrees—and it agreed at the hearing—that the promiscuous labeling of all progressive American trade unionism as Communist is wrong and should everlastingly be opposed. But neither of these things has relevance to the charge. The fact that the cry of communism has in the past been falsely used against genuine American trade-unions does not make the charge against the UPW false. The boy who cried "wolf" was wrong in doing so when there was no wolf. But that did not make the real wolf any less a wolf when it appeared. The committee's function was to discover whether this union consistently pursues the program of the Communist Party. It was not aided in this function by the repeated assertion that the charge of communism had been falsely made in the past.

3. The UPW was invited by the committee to submit written testimony, in addition to its oral testimony, to refute the charge made against it. The UPW did submit such material. Again, however, it failed to come to grips with most of the evidence submitted against it. Mr. Rindone's statements were not denied. Mr. Adamson's testimony was not referred to. The only document submitted which had relevance to the testimony against the UPW was a 67-page analysis of the exhibits introduced by Mr. Bernstein.

This "analysis," it is apparent, contains the sum and substance of the UPW's defense. That defense is that UPW and its predecessor organizations were fol-

lowing CIO policy during the period in which, according to the evidence, their policies followed the Communist Party line. The defense, in short, is that the CIO itself has consistently pursued the program of the Communist Party.

The committee has examined the material submitted by the UPW to "prove" the preposterous assertion that the CIO followed the Communist Party line from 1938 to 1945. It finds that this charge is wholly false and completely unsupported by the evidence.

The UPW has charged, in substance:

1. That CIO opposed Hitler in 1938.
2. That CIO opposed war in the 1939-41 period.
3. That CIO urged the defeat of fascism in the fall of 1941.
4. That CIO sponsored a Bring the Boys Home campaign in 1945.
5. That CIO repeatedly in the past has deplored Red-baiting.

The committee has examined the record of the CIO and compared it with the SCMWA-UPW record and finds as follows:

1. The CIO opposed Hitler in 1938, as did SCMWA, President Roosevelt, and the entire liberal movement in the United States.

2. After the German-Russian pact was signed and war in Europe began, the CIO opposed direct involvement in the war, as did President Roosevelt. It continued to support his program of aid short of war to those fighting Hitler and it supported the defense program. The CIO in fact proposed several plans (the Murray and Reuther plans) to increase production for aid to the allies and for national defense, and its representatives participated in the National Defense Advisory Commission and the National Defense Mediation Board. SCMWA, on the other hand, opposed aid to the allies, opposed the national-defense program, attacked Roosevelt as a warmonger, and attacked the labor-management boards in which the CIO participated.

3. The CIO, consistently with its prior position, urged the defeat of fascism in the fall of 1941. SCMWA, inconsistently with its prior position and consistently only with the position of the Communist Party, supported that position after Hitler invaded the Soviet Union.

4. The CIO, in 1945, urged that all surplus troops be brought home. It did not urge the withdrawal of troops from China or from any other place where the administration thought they were needed. Its program was solely one directed toward the use of every conceivable effort for the immediate return of troops who were not needed. SCMWA, on the contrary, utilized this campaign to urge a withdrawal of American troops from China and the cessation of necessary shipments to Britain—a Communist, not a CIO policy.

5. The CIO has frequently in the past and still today does denounce those who would use the cry of "Communist" to destroy honest American trade-unions. But, at the same time, it has also frequently announced its rejection of communism and "any movement or activity of subversive character, Trojan horses or fifth columns" (CIO executive board resolution of June 4, 1940). Its members "resent and reject efforts of the Communist Party . . . to interfere in the affairs of the CIO" (resolution adopted by CIO convention, November 18, 1946). SCMWA and UPW, on the other hand, have opposed red-baiting but not on the ground that false charges of communism are dangerous and should be opposed but rather on the apparent theory that all charges of communism, true or false, should be rejected. SCMWA and UPW thus have used the CIO's opposition to false charges of communism as a weapon to protect the Communist Party.

X

The charge which this committee was appointed to investigate is that the policies and activities of the UPW are consistently directed toward the achievement of the program and purposes of the Communist Party rather than the objectives and policies set forth in the constitution of the CIO. On the basis of the findings above set forth the committee finds and concludes that this charge is true and that the policies and activities of the UPW have been in the past, and are today, directed toward the achievement of the purposes of the Communist Party rather than the objectives set forth in the constitution of the CIO.

In view of some of the charges which were made by the representatives of the UPW, the committee feels that it is necessary to state here most emphatically that the committee's conclusion is not based upon any theory that the international unions composing the CIO must conform to CIO policy or be labeled disloyal. The charge against the UPW is not that it differs from CIO policy. Under the CIO constitution, unions have a right to differ on policy matters if they

honestly believe that the policies they advocate are the proper ones to achieve the objective set forth in the CIO constitution. The charge against the UPW is much more fundamental. The charge is that the leadership of this union does not adopt its policies on the basis of any honest objectives of American industrial unionism set forth in the CIO constitution, but rather, adopts policies and takes actions with regard only to the achievement of the antithetical purposes of the Communist Party. The charge, in short, is disloyalty to American trade-unionism.

The truth of this charge has not been established merely by showing that the policies of this union coincided at one point of time with those of the Communist Party. Unlike those who label all progressive labor union activity as "Red," this committee does not believe that the fact that a union adopts a policy which happens to coincide with the policy of the Communist Party proves, by itself, that the union is serving the interest of the Communist Party. The Communist Party, for example, purports to believe in the elimination of discrimination among Negroes. The CIO does believe in the elimination of such discrimination. This no more proves that the CIO follows the Communist Party line than did the fact that the Communist Party hailed the House of Morgan in the Tehran period prove that Morgan was a Communist.

Nor, on the other hand, does the fact that this union has opposed discrimination against Negroes prove that its policies and activities are directed toward the achievement of the objectives set forth in the CIO constitution. The basic question posed by the charge against the UPW is whether its leadership is an honest trade-union leadership genuinely devoted to the advancement of the cause of American labor and American democracy, or a leadership whose policies and activities are determined by the philosophy and the program of the Communist Party. We have found that the purposes of the Communist Party are antithetical to the basic objectives of American industrial unionism and that the adherents of that party, although they talk in the language of labor, are devoted primarily to the advancement of the interests of the Soviet Union. And the question as regards the UPW is whether the leadership of that union is devoted primarily to the CIO on the one hand or to the Communist Party on the other.

On the basis of the evidence which has been submitted to the committee, only one conclusion is possible. The present leadership of the UPW is the same leadership which led SCUMWA in the tortuous paths of the Communist Party for years. Over the years it has been isolationist, interventionist, and then isolationist again. It has been pro-Roosevelt, then anti-Roosevelt, then pro-Roosevelt again. It has been both pro-Truman and anti-Truman. And it has taken these positions in sequence in exact time with the beat called by the Communist Party. These contradictory positions cannot possibly have resulted from any honest estimation of the best interests either of its membership or of American labor. They can only have resulted from a subservience to the interest of the Communist Party, and through that party, to the Soviet Union.

The committee is conscious of the fact that the union, in its public pronouncements, tends to tone down its support of the Communist Party program. But, the committee is convinced that there has been no change in that leadership's subservience to the purposes of the Communist Party. Within the CIO certainly it has continued to support, both at the executive board meeting and the convention, the program of the party. And it never publicly adopted any policy which in any way ran counter to the policies of the Communist Party or the interests of the Soviet Union.

It is in connection with this most recent reticence of the UPW leadership that Adamson's testimony is so significant. It is not so much that it shows that the union leadership intended to support Wallace. The UPW had a right to support Wallace. Much more significant is that it shows a calculated policy of ambiguous expression, balancing the leadership's desire to further the Communist line with the necessity of concealing that desire because of the growing anxiety about Communist activity within the Government. Such stratagems are, of course, consistent with Communist theory. In the words of Lenin, before quoted, it is necessary to resort to all sorts of devices and evasions in order to remain in the trade-unions and to carry on Communist work in them at all costs.

Most significant, in the committee's view, was the utter bad faith demonstrated by the UPW representatives at the committee's hearings. No honest trade-union leadership could have resorted to the vilification and the slander employed by the UPW representatives. No union which truly believed in its innocence, would have employed the maneuvers, the insincerity, the outright falsehoods, which the UPW leadership presented to the committee. UPW's

representatives made it apparent to the committee that the UPW was not sincerely attempting to disprove the charges. It was attempting only to entrap the committee and to make a false record which it could use to attack the committee and the CIO. In so doing, it served not the interests of American labor or even its own membership, but the program of the Communist Party, as prescribed by its labor secretary in the Daily Worker.

And so the committee necessarily concludes that the UPW's leadership has not changed. It still today pursues the course prescribed by the Communist Party as it did in the past. It has no higher regard for the objectives of American unionism today than it had in the years when it frankly and openly switched its course day by day as the Communist Party called the signals.

The members of the UPW are, in the main, Government employees. Although the persistent Communist Party line tactics of its leadership have driven out of the UPW the major portion of its American membership, the committee has no doubt that there still remain within the union members who are fooled by the pseudo-unionism and the false militancy of the UPW leadership. And there are undoubtedly others who have opposed that leadership but have remained within the union. But the committee wishes to make it crystal clear that its condemnation of that leadership, and of the union, does not necessarily reflect a condemnation of each individual member. But the committee is forced to conclude that the leadership of the union has directed and does direct the policies and activities of the union consistently toward the achievement of the program and purposes of the Communist Party.

For the reason stated, therefore, and on the basis of all the evidence presented to it, the committee unanimously concludes that the policies and activities of the UPW are consistently directed toward the achievement of the program and the purposes of the Communist Party rather than the objectives and policies set forth in the CIO constitution. The committee recommends that the executive board exercise the powers granted to it by article VI, section 10, of the CIO constitution and, by virtue of those powers, revoke the certificate of affiliation heretofore granted to the UPW and expel it from the CIO.

Respectfully submitted.

EMIL RIEVE, *Chairman.*
JOSEPH E. BEIRNE.
HARRY SAYRE.

EXHIBIT No. 30

RESOLUTION EXPELLING THE UNITED PUBLIC WORKERS OF AMERICA

Whereas, Section 10 of Article VI of the Constitution of the Congress of Industrial Organizations reads as follows:

"Sec. 10. The Executive Board shall have the further power, upon a two-thirds vote, to revoke the Certificate of Affiliation of or to expel or to take any other appropriate action against any national or international union or organizing committee the policies and activities of which are consistently directed toward the achievement of the program or the purposes of the Communist Party, any Fascist organization, or other totalitarian movement, rather than the objectives and policies set forth in the constitution of the CIO. Any action of the Executive Board under this section may be appealed to the Convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending the appeal."

and

Whereas, the Eleventh Constitutional Convention of the Congress of Industrial Organizations, held at Cleveland, Ohio, between October 31 and November 4, 1949, adopted a resolution by the overwhelming vote of the delegates in attendance at the convention, which resolution reads as follows:

"Whereas: This Convention has amended the Constitution to empower the Executive Board to take appropriate action to maintain the integrity of the CIO and to protect it against those who seek to pervert it from its constitutional objectives and purposes: Now, therefore, be it

Resolved, That "This Convention hereby instructs the Executive Board immediately to exercise its powers under Article VI, Section 10 of the Constitution and to take appropriate action to protect the CIO and to prevent

the use of the good name of the CIO by those who have consistently directed their policies and activities toward the achievement of the program or the purposes of the Communist Party, and fascist organization or other totalitarian movement."

and

Whereas, at the meeting of the Executive Board of the Congress of Industrial Organizations, held on November 5, 1949, William Steinberg, President of the American Radio Association and a member of the CIO Executive Board, filed charges with said Board that the policies and activities of the United Public Workers of America are consistently directed toward the achievement of the program and the purposes of the Communist Party rather than the objectives set forth in the Constitution of the CIO; and

Whereas, the CIO Executive Board thereupon by resolution duly adopted authorized the giving of notice of the charges and the appointment by the President of the CIO of a committee to conduct hearings on the charges and to make a report and recommendations to the Executive Board; and

Whereas, pursuant to and in accordance with this resolution, Philip Murray, President of the CIO, designated Emil Rieve, President of the Textile Workers Union of America, Joseph A. Belrne, President of the Communication Workers of America, and Harry Sayre, President of the United Paperworkers of America, all of whom are members of the national CIO Executive Board, as a committee to conduct hearings on said charges and to make a report of reports to the Executive Board recommending appropriate action; and

Whereas, appointment of said Committee by President Murray was announced to and approved by the Executive Board and due notice of the appointment of said Committee and of said charges was given to the United Public Workers of America; and

Whereas, upon notice duly given, hearings were held by the Committee at which the Committee heard testimony and received exhibits both in support of and in opposition to the charges; and

Whereas, the United Public Workers of America were given full, complete, and adequate opportunity to present testimony and to submit material to the Committee in opposition to the charges; and

Whereas, the Committee has presented to and filed with the Executive Board of the CIO at a meeting of said Board duly convened and held in Washington, D. C., commencing February 14, 1950, the report, findings, and recommendations of the Committee, copies of which were furnished to the United Public Workers of America and to all of the members of the Executive Board present at said meeting; and

Whereas, the Executive Board has considered the report of the Committee and has given an opportunity to and has heard the United Public Workers of America in opposition to the findings and recommendations of the Committee, and has heard other testimony both in support of and in opposition to those findings; now, therefore, be it

Resolved by the Executive Board of the Congress of Industrial Organizations at a meeting of the Board duly held at Washington, D. C., at CIO headquarters on Wednesday, Feb. 15, 1950, as follows:

1. That the report, findings and recommendations of the Executive Board Committee appointed by President Philip Murray to conduct the hearing in the Matter of the United Public Workers of America, be and said report, findings and recommendations of that Committee are in all respects approved, confirmed and accepted as the report, findings and decision of the Executive Board of the CIO.

2. That upon the basis of the report of the Committee to investigate the charges against the United Public Workers of America and upon the hearing and argument conducted before this Board, the Executive Board finds and concludes that the policies and activities of the United Public Workers of America are consistently directed toward the achievement of the program and purposes of the Communist Party rather than the objectives and policies set forth in the CIO Constitution.

3. That, in pursuance of the powers granted to the Executive Board by Section 10 of Article VI of the Constitution of the Congress of Industrial Organizations and pursuant to the findings of this Board that the policies and activities of the United Public Workers of America are consistently directed toward the achievement of the program and the purposes of the Communist Party rather than the objectives and policies set forth in the Constitution of the CIO,

the Certificate of Affiliation with the CIO heretofore granted to the United Public Workers of America is, effective March 1, 1950, revoked, and the United Public Workers of America is, as of that date, expelled from the CIO.

APPENDIX IV

EXHIBIT No. 22

FOR THE RECORD

(By Charles J. Hendley)

(Excerpts from a brief delivered on February 15 to the Executive Council of the A. F. of T. in response to the Council's order to show cause why Local 5's charter should not be revoked)

We have come to appeal to you to reconsider the drastic recommendations concerning Local 5 which you adopted at your December (1940) meeting of the Council. We appeal to you on the principles of tolerance and democracy as they are set forth in the constitution of the American Federation of Teachers. To carry out any one of the recommendations made to you would violate the letter and spirit of that document.

You were elected by a decisive vote in our last convention but you were not given a mandate to eliminate one of the oldest locals, the second largest in the Federation. If you are not to be moved by our plea we appeal forthwith to the general membership of the national organization.

We speak with confidence to the membership of the American Federation of Teachers; and have no apologies to make for our program or for our actions. You cannot put us on the defensive. We speak for a positive program and for unity and democracy in the American Federation of Teachers.

And we appeal with the utmost confidence that history will vindicate us. It is you who must explain your course of action; and much difficulty you will have in defending yourselves to the satisfaction of our general membership and to posterity. The historical record is now being made that at this time when the American Federation of Teachers is most in need of the strength that comes from the unity of purpose, you are pursuing a course to divide and confuse our fellow members and to render our organization ineffectual in the face of the attacks that are being made upon education throughout the country. You are pursuing a divisive, a retrogressive, a defeatist course. You are playing right into the hands of the arch-enemies of organized labor and of the free public schools.

In vain do we read your pronouncements or review your actions for any evidence that you are seriously perturbed by the advance of fascism right in your own field of education. You are off chasing the red herring while the Coughlinites, the Christian Fronters, the patrioters, the war profiteers, and the appeasers of every kind are organizing and training their followers all around you to destroy every ideal so eloquently expressed in the constitution of the American Federation of Teachers.

One of your charges against us is that we have disrupted the American Federation of Teachers. You say that the letters and the pamphlets and leaflets that we have sent throughout the country have disrupted our organization. The obvious question arises: Have our appeals to the locals, or your move to oust us disrupted the A. F. of T.? Well, what did you think when you started on this course? Did you think we would be so overawed by you or have such profound respect for you that we would be speechless and helpless in the face of any move you would make to eliminate us from the scene? Or did you think that the current forces of reaction in society about us would be so powerful that we would be paralyzed and would be a push-over for you? Well, you have miscalculated the social forces at play—just as you have misjudged our temper and the temper of the rank and file of the membership of the American Federation of Teachers.

Six years ago some members of Local 5 outsmarted themselves in trying to execute a coup d'état and eradicate militant democracy from the local; but even with the help of your present legislative representative and some members of the present Council and that august body known as the Executive Council of the

American Federation of Labor, they failed. They misjudged the current trend of history of that time. Instead of splitting and wrecking Local 5, they only eliminated the deadwood in it and gave it a chance for a new birth.

Now, in the year 1941 you apparently hope for better success. Of course, the temper of the times is different. But my guess is you, too, are misjudging the current trend of history. Our strength lies in that we take seriously the old-fashioned principles of American freedom and democracy. We are not of the school that utters the despairing cry that democracy cannot defend itself. We have cast our lot on the side of democracy—and we expect to win. Your weakness is that you don't know what a living democracy in action is like. You can win only with the help of the forces of reaction and authoritarianism, which are now in ascendancy. The only way in which you can get a two-thirds vote in the American Federation of Teachers convention to expel us is for you illegally to unseat the progressive locals in the organization. Apparently you have already taken steps to that end.

Last August you declared war on us in the convention at Buffalo. You have put the American Federation of Teachers in a state of war. Do you expect to be handled politely with kid gloves? If so, you do not reckon with militant democracy in a state of war. It has more vitality than you suspect. The very fact that you have embarked on such a negative, divisive course reveals that you do not understand the democracy you talk about so eloquently.

You demand that we eliminate Communists. You are willing to violate every principle of democracy to eliminate members of one particular political party. Where do you think your purge will end? It has already grown to considerable proportions. You undertook to purge Local 5. Now, you must purge the college local and even the WPA local in New York, and perhaps all the locals in Pennsylvania. The prospect is that to achieve any purge at all you will have to purge any and all locals that dare oppose you in your reckless course. And after you have completed your house cleaning, how much democracy and liberalism do you expect to have left?

As a matter of fact the term Communist is not broad enough to include all that you will have to eliminate in order to have a static and peaceful condition in the Federation. You will have to purge fellow-travelers and any honest liberals who will refuse to join in the hue and cry against Communists.

And you charge that we have isolated ourselves from labor and have jeopardized the American Federation of Teachers' relations with labor. You say our labor support is that of a few CIO unions "generally thought to be Communist controlled." If any union, A. F. of L. or CIO, is militant and progressive, it lays itself open to the charge of being Communist controlled; and if it supports Local 5 in anything it thereby gives conclusive proof that it is Communist controlled. That line of reasoning is unanswerable. By that token, Local Big Six of the Typographical Union, the big Local 3 of the Electrical Workers, A. F. of L., and numerous other A. F. of L. unions are Communist. In 1938 eighty-six A. F. of L. unions in New York responded to our call for a conference to promote the reunion of the A. F. of L. and the CIO. Perhaps any union that would have demanded such a reunion at that time was communistic.

President William Green is constantly charging that the whole CIO is Communist. There is no denying the fact that the CIO unions did get out of hand and did challenge the A. F. of L. hierarchy. If only the Communists dare do such things, the CIO movement must be a Communist movement. But it is a reckless flight of reasoning to presume that only the Communists have a passion for unity, freedom and democracy within the unions and within the whole labor movement.

A realistic approach to our relations with the rest of labor requires that we recognize that there is the ultraconservative and even reactionary phase of the labor movement as well as in society generally and that on the other hand there is its progressive phase. Local 5 and the whole American Federation of Teachers belong in the progressive ranks of labor. We have always been in the front ranks and, for that very reason, have been regarded with more or less suspicion by the conservative labor leaders. Linville and Lefkowitz were always aligned to the left of Gompers and Green.

Local 5 has endeavored to meet its obligations to the Central Trades and Labor Council and to the New York State Federation of Labor and has been loyal to both bodies. Moreover, as we point out in our brief, the majority delegates of Local 5 opposed the efforts made in our convention in Philadelphia in 1936 to align the American Federation of Teachers with the Committee for Industrial Organization. And Local 5 cooperated with the rest of the American Federation

of Teachers in 1937 in avoiding a split in the organization by any move to affiliate with the CIO.

As loyal members of the American Federation of Labor, school teachers have as much right of autonomy as the bricklayers, the metal trades, the teamsters or any other trade union. And we have the right to express our opinions within the councils of labor as freely as any other organization within it. Moreover, we have the right of self-defense when we are criticized or attacked in any manner within the confines of labor. In the whole course of our dealings with organized labor we of Local 5 have never been so harshly critical of any authority within the ranks of labor as various labor leaders have been of us. We insist, however, that we have the democratic right of self-defense, and that principles on which the American Federation of Labor is founded do not require that we submit meekly and without complaining to unjust attacks and criticisms, from whatever source they may come. In union democracy there is no offense of *lesse majeste*. We owe it to the rest of the labor movement to defend our rights valiantly. If teachers can be arbitrarily disciplined as the Central Trades and Labor Council in New York has disciplined us, so can any other union of our size that dares to take democratic procedure seriously.

We have not jeopardized the relations of our national organization with the American Federation of Labor. On the contrary, we have been the victims of internal political maneuvers within the American Federation of Teachers and within the American Federation of Labor. The red scare has been exploited by labor politicians at our expense. It is all too evident that the present administration of the American Federation of Teachers is exploiting the most anti-democratic trends within the A. F. of L.

APPENDIX V

EXHIBIT No. 23

CHAPTER IV—THE HISTORY OF THE COMMUNIST MOVEMENT IN THE NEW YORK CITY SCHOOLS

The history of the Communist movement in the New York City school system is primarily the history of the so-called Teachers Union of the City of New York, formerly Local No. 5 of the American Federation of Teachers, a national trade union affiliated with the American Federation of Labor, and of its subsidiary, the College Teachers Union, formerly Local 537 of the A. F. of T., which was founded by Local 5 in 1933. In the following pages, we trace the machinations of the Communists in Locals 5 and 537, showing how they began in Local 5 in a small way in the 1920's, grew, precipitated internal strife within the organization and finally brought affairs to such a pass that the founders and leaders of the union could tolerate the situation no longer and withdrew in 1935, leaving the Communists in complete control. Thereafter, the Union was used solely as a vehicle for party-line propaganda and revolutionary agitation, until, as a result of the labors of persons in the teaching profession following the revelations of this Committee, the members of the A. F. of T. revoked the charters of Locals 5 and 537 in 1941 by referendum, on the ground that these locals were under the control of the Communist Party and had consistently engaged in practices inimical to democracy.

That we are able to present this history, despite the tactics of perjury and concealment practiced by the leadership and members of these unions is due in no small degree to the unselfish and devoted service of three individuals. The first of these was the late Dr. Henry Linville, founder of the Teachers Union, who rendered notable aid and invaluable counsel to our Committee, and who lived to see his life work crowned with success in the revocation of the Union charter and the granting of a new charter to the Teachers Guild, which he helped to found in 1935 after the Communists had taken control of the Union. The others are William Martin Canning, an instructor of English in the College of the City of New York, and Annette Sherman, a clerk in the same institution, who dared to incur opprobrium and vilification for the sake of truth, and thereby exposed the Communist Party and its machinations in the schools in testimony before the Committee. There were numerous others who also rendered valuable and disinterested service; these three, however, were outstanding.

BEGINNINGS OF COMMUNISM IN THE SCHOOLS

The Communist Party had its beginnings in this country prior to the year 1920, as the result of the successes of the Bolshevik Party of Russia, repercussions of which caused a split in the American Socialist Party. The establishment of the Communist Party created much apprehension throughout the country, and repressive measures were undertaken, as a result of which the Party went underground and remained in that condition until 1923, when it emerged under the name of "Workers (Communist) Party of the U. S. A.," which name it retained until 1928 or 1929. A full account of the Party in the period up to 1929 is to be found in a book entitled "I Confess,"¹ by Ben Gitlow.

At some point during this period, Communism had its modest beginnings in the public schools. As early as 1924 or 1925, a group of would-be revolutionaries assembled under the leadership of Scott Nearing and wrote a book entitled "The Law of Social Revolution," published by the Social Science Publishers in 1926. This book was a thinly disguised attempt to propound Communist theory as a more or less spontaneous deduction from the facts of history. It is not definitely known whether Nearing was a Party member at the time; he was, however, publicly expelled from the Party in January 1930 for daring to publish another book without previous Party permission, and it was testified by Benjamin Mandel, who was a leading Party member from 1920 to 1929, that Nearing and his group joined the Party *en masse*.

This "Research Study Group," so-called, in addition to Nearing, included several city school teachers, two of whom are still in the system and another of whom was Dale Zysman, recent Vice President of the Teachers Union (*infra*, p. 301). The Union at the time also included Bertram D. Wolfe, who was then a leader of the Lovestone-Gitlow-Wolfe faction of the Party and was the Party's leading American writer and theoretician. Between 1927 and 1929, Wolfe acted as director of the Workers School in New York, that being the American Party School,² and had as his assistant Ben Davidson, a New York City school teacher on leave from his position, and later an active member of the Teachers Union. Davidson used the name "D. Benjamin" in his Workers School and other activity.

At the same time, a small, but active Communist teachers' faction was organized in the union under the leadership of Benjamin Mandel ("Bert Miller"), who held such posts as member of the Central Committee of the Party, industrial organizer, organization secretary and manager of the "Daily Worker." An active member at the time, Mandel testified, was a teacher named Alfred J. Brooks, whose Party name was Bosse, and who served at one time with the International in Moscow. Mr. Mandel was able to recall by name ten teachers who were active in the Party faction during his time.

In 1929, the American Communist Party was torn asunder on orders from Moscow and, while there, were read out of the Party and deposed by Mr. Stalin, the vote in the Party elections of that year, its leaders were summoned to Moscow and, while there, were read out of the Party and deposed by Mr. Stalin, in favor of the Browder-Foster-Minor faction, which had been overwhelmingly defeated in the elections.

The deposed leadership, calling itself the "Communist Party of America (Majority Group)," attempted to win the Party following away from the officially-blessed group. Rallying their forces around a heretical doctrine called "Exceptionalism," which was branded a "deviation" by the orthodox Party theologians, they started an opposition paper, "The Revolutionary Age," and a new "party" school, called the "Marx-Lenin School," but only succeeded in breaking away a small splinter of the Party membership. The group later called itself the "Communist Party Opposition"; still later, "The Independent Labor League of America." After years of precarious existence, it finally dissolved in 1941.

Wolfe and Davidson, after the 1929 split, joined the new group. Consequently, the split was reflected in the Teachers Union, which, by 1931, contained two well-defined minority groups, one styling itself the "Rank and File Group" and the other, the "Progressive Group." The Rank and File was under the leadership of two teachers, Isidore Begun and Willana J. Burroughs. The Progressives were headed by Davidson and another teacher, Miss Florence Gitlin. These two groups commenced an endless battle against the Union leadership and against each other.

¹ This work, published in 1940 by E. P. Dutton & Co., New York, is an exhaustive and valuable history of the Communist movement in its early period.

² "Inprecorr," September 2, 1926, #60, p. 1030.

As we show in the following pages, this battle resulted in ultimate victory for the so-called Rank and File Group. The manner in which it operated to seize control of the Union and its character as the representative of the official Communist viewpoint in the Union were made plain by the evidence before our Committee. Its success in overcoming the Progressives reflected the success of the official Communists in crowding the Lovestone Party out of existence in the larger political arena.

POLITICAL HISTORY OF THE TEACHERS UNION

Evidence concerning the organization and history of the Union was obtained through the testimony of Mr. Charles J. Hendley. He has been a teacher in the George Washington High School in this City since 1921, and a member of the Teachers Union ever since that time. He became president of the Union in 1935 and prior thereto held the office of treasurer. At the time the investigation commenced, the Teachers Union, Local 5, claimed a membership of 6,000, all but 250 or 275 of whom were teachers in the public school system. The public school teachers were limited to the elementary and high schools.

The Union had three vice presidents: one representing the public elementary schools, another the public high schools and a third representing private schools. It also had a treasurer, a secretary and a legislative representative.

In addition, the Union had an Executive Board, which met twice a month, and a Delegate Assembly made up of representatives elected in the various schools throughout the City.

The executive direction of the Union was vested in the officers, subject to the policy of the Union as determined in the first instance by the Executive Board which, in turn, was accountable to the Delegate Assembly. All actions of the foregoing officers and bodies were subject to the ultimate control of the membership, expressed through the machinery of referendum.

Prior to 1941, the Union had contested elections for office every year for at least ten years. Thus, in the year 1940, there were complete slates of candidates for the Union offices and for seats on the Executive Board. One slate, headed by Mr. Hendley, ran on the so-called "Administration" or "Majority Group" ticket, which was opposed by a so-called "Liberal Group", composed of former Lovestonettes and other anti-Stalinists of all varieties. This group of candidates was elected over the minority candidates, the margin being illustrated by Mr. Hendley's comfortable majority of 3,288 to 842. Out of the 26 members of the Executive Board, the administration group succeeded in electing 22 under a system of proportional voting.

THE ISSUE OF COMMUNISM IN LOCAL 5

Mr. Hendley was also elected in 1940 as a delegate to the National Convention of the American Federation of Teachers, held in Buffalo in August of that year. At the A. F. of T. convention, there was a contest over the presidency of the national organization. One group supported Professor George S. Counts, of Teachers College, who claimed that Communism was an issue in the American Federation of Teachers. The Counts group contended that the organization should be cleared of any suggestion of contamination of Communism. The Local 5 majority group, on the other hand, supported an opposition candidate, claiming that Communism was not an issue in the A. F. of T. The anti-Communist minority delegates from Local 5 attempted to show that Local 5 had been following the Communist Party line, and it was openly charged at the National Convention that Local 5 was under the control of Communists, not only by the opposition group, but also by President Green, of the American Federation of Labor, who addressed the convention, advising it to "clean house." The professed attitude of the majority group in Local 5 was that this was no business of President Green's, and that he was unjustifiably interfering in the internal affairs of the organization. The majority group of Local 5 claimed that any attempt by the A. F. of T. to raise the issue of Communism in the A. F. of T. was a violation of the principle of Union autonomy.

On the issue as to whether or not there were Communists in Local 5, Mr. Hendley was evasive. When originally questioned about Communist influence in Local 5, he said:

"I suppose there would be some influence there. If there are any Communists in the school system we have some of them in the Union undoubtedly; but that does not make one bit of difference so far as the fundamental policy of the Union is concerned."

On a previous occasion, writing as a spokesman of Local 5 in the "Social Frontier" for May 1939, Mr. Hendley had been somewhat more direct:

"The truth of the matter is there are Communists in the Teachers Union. Whatever Communists there are in the schools are probably in the Union."

Undoubtedly Mr. Hendley was being less than frank with the Committee when he attempted to quibble on this point, since the Communist Party requires all of its members to belong to trade-unions, and it was later shown through other witnesses that membership in the Teachers Union was a prime requisite for all Party members who were teachers.

It being obviously impossible to obtain a truthful account of the Communist situation in the Teachers Union from any person having complete personal knowledge, the Committee turned to the records of the Union as the best source of information.

THE INNER-UNION TRIAL OF 1932-1933

According to records furnished to the Committee by Dr. Linville, who was the president of the Union up to 1935, it appeared that a Special Committee of the Teachers Union made a report to the executive board on September 30, 1932, reviewing the history of left-wing activities in the Union. Mr. Charles J. Hendley, who figures prominently in this report, was a member of the special committee.

The report stated that "left wing" activities became noticeable in the Union around 1922. In 1925, twenty-eight members of the Union addressed a letter to the membership, complaining of the activities of "a few members of the Executive Board who are sympathizers of the Workers Party (Communist)." The letter recited that these persons had demanded that the Union affiliate with the "Workers Party," and also with the Teachers International, a department of the Communist International.

The special committee report reviewed a long series of objectionable acts, and concluded with a recommendation that the offending "left-wingers" be expelled from the Union.

Subsequently, a report was made at a special meeting by Dr. Linville, containing specific charges against six Union members: Isidore Begun, Bertram D. Wolfe, Alice Citron, Abraham Zitron, Clara Rieber, and Joseph Lebolt.

Begun was charged with being the accredited leader of the Rank and File group, with complicity in the publication of the "Education Worker," an anonymous Communist sheet, and with employing disruptive tactics in the Union. Citron and Zitron were charged with being active members of the Rank and File. Rieber was accused of being the chief distributor of Rank and File literature at the meetings of the Union. The charge against Wolfe was that he had been the "intellectual leader" of the left wing up to the split between the Rank and File and the Progressives, and that thereafter, he had acted as floor leader of the latter group.

Accordingly, there was set up a Trial Committee to hear the evidence and report. The Committee was under the chairmanship of no less a person than Dr. John Dewey. The other members were—

Mr. Charles J. Hendley,
Mrs. Esther S. Gross,
Mr. Max J. Kline and
Mr. Raphael Phillipson.

The trial committee held 24 meetings, commencing in November 1932 and continuing intermittently until April of 1933. Both the prosecution and the accused were represented by counsel, and a stenographic record of more than 700 pages of closely typewritten testimony was taken. At the conclusion, a lengthy printed report was prepared by Dr. Dewey, with some assistance by Mr. Hendley, and this was submitted to the membership at a special meeting held April 29, 1933.

We consider it a matter of the greatest good fortune that our Committee came into the possession, not only of Dr. Dewey's report, but of the entire verbatim transcript of the trial. Both documents are of the greatest importance. However, the minutes of the trial are perhaps the more valuable, since here we have a verbatim record of the interplay between the judges and the accused in a case where the point at issue was the seizure of control of the union according to the tactics employed by the Communist Party, and a measure of frankness amounting at times to passionate advocacy on the part of the accused, rather than reticence, was the rule. The uniqueness of such a record will be immediately apparent.

Since we are here reviewing the facts, and not trying them, it will be well for the sake of clarity to review the report first and discuss the pertinent portions of the evidence afterwards.

THE DEWEY REPORT

Some preliminary comment is, perhaps, in order. First, it is noteworthy that at least some of the respondents regarded the trial as itself an episode in the "class struggle," as a major opportunity to utilize the trial as a forum of attack, rather than one of defense, and thus to further their aim to capture the leadership of the Union. Second, they accomplished this purpose so effectively as to put the trial committee very much on the defensive, with the result that at the conclusion it was the trial committee which actually lost the case. Third, with the knowledge that came after the event, it is today obvious that the dissident groups were Communist "fractious," the Rank and File belonging to the orthodox Party and the Progressives being under control of the Lovestonelite or Communist Opposition Party. So effectively, however, did the accused hurl the customary charge of "red-baiting" that the trial committee found itself tactically powerless to approach the subject of Communism directly, and was therefore forced to fall back on conclusions which, although entirely sound, proved too subtle for the general membership. The cry of "red-baiting" has almost invariably produced the same result, and is one of the most effective weapons of defense in the Communist arsenal.

It should also be made clear that the "Administration" referred to in the report comprised the founders, the elected officers and the elected governing board of the Union, led by Dr. Linville, Dr. Abraham Lefkowitz and others who, at that time, represented an overwhelming majority of the Union membership. This group did not operate as a separate political entity within the Union, but comprised persons who, as even Mr. Hendley admitted, had enjoyed the confidence of the membership at large from the very beginning of the organization.

The existing situation in the Union was described by the Dewey committee in the following paragraphs of its report:

"Factional Alignment in the Union. The Committee finds that the immediate source of trouble in the Union is the activities of two organized groups that regard the Administration and the Executive Board as merely another faction like their own, except that, as will appear below, the Administration Group is regarded by the others as simply a 'clique' interested in keeping power by any means. Nothing was more convincing to the Committee about the attitude of the leaders of the opposition groups, than their uniform disregard of the fact that no administration could gain and hold power except with the support of the Union as a whole.

THE MINORITY GROUPS

"Originally there was but one organized opposition group. Part of the members of this group seceded and formed a new group, calling themselves the Rank and File, while the original group is known as the Progressives. The causes of the split were not made entirely clear in the testimony. It was stated, however, that those who took the lead in forming the new group did not regard the leaders of the old Progressive Group as sufficiently radical in their policies, nor sufficiently militant in their tactics. The charges that are brought by the two groups against each other agree with this statement. The Rank and File charges the Progressives with being only a pseudo-opposition and in reality an ally of the Administration. The Progressive Group charges the Rank and File with the purpose of ultimately 'splitting' the Union.

"Each group, according to the testimony of their leaders, has both a loose organization that holds open meetings and a directing body called either the Executive Board or else made up of those who are entitled to attend executive sessions. Each faction has a secretary and possibly other officers, holds frequent meetings of the open and closed types, and is at considerable expense for rent of halls, printing, mimeographing, postage, etc. The immediate situation then is that the Union is confronted with two organized factions that are hostile both to each other and to the Administration, each one of the two uniformly treating the elected officers of the Board as constituting another faction but lacking their own high principles and purposes.

"Danger in Factional Strife. The Committee sees no reason why opposition should not arise from time to time to the views of administrative officers and no reason why such opposition should not be helpful. When, however, minorities are permanently organized with their own leaders and officials and become perma-

nent opposition factions, there is, to say the least, a danger that standing and ever-growing antagonisms will be fostered and that these will seriously hamper the effectiveness of the Union. The Committee finds that this danger point has been reached and exceeded in the condition which now confronts the Union. At a critical time when unity is imperatively needed, a condition exists which threatens not only the usefulness of the Union, but its very existence.

"The situation is more serious because the great body of the membership is not organized in any group, whether the Administration, so-called, the Progressive, or the Rank and File. Testimony amply shows that members are confused and bewildered, while they tend to be made doubtful as to the efficacy of the Union, and so resentful of conditions that they find prevailing in the meetings of the Union that they are unwilling to attend. Evidence was presented which showed that the existing division and antagonism operate to prevent many teachers from joining the Union.

"The larger unorganized body of teachers in the Union finds itself the passive victim of angry disputes, and has little influence on policies. If matters continue as they have been going the tendency will be for these members themselves to organize new groups in order to have a voice in the conduct of the Union. Thus, the fractionation tendency will go still further. * * *

"The Committee regards it, therefore, as its first duty to report to the Union that the situation which exists is most serious. It wishes particularly to impress upon the membership that while personal antagonisms have been aroused and while some members of the Executive Board have been provoked by false and injurious charges into responding by the use of provocative language, the seriousness of the situation far transcends all personal differences and animosities. It grows out of differences of policies, and these differences are declared by leaders of the minority groups to be fundamental. Moreover, they are enthusiastically certain that their own policies constitute the 'correct line,' while elected officers of the Union are said to have either wrong policies or else no policy at all excepting opportunistic drift."

COMMUNIST TACTICS

The behavior attributed to the dissenting groups will be familiar to persons acquainted with the tactics of the Communist Party.

"The minority factions, especially the leaders of the Rank and File, accuse the Administration officers of being undemocratic, arbitrary, dictatorial, oppressive; with going to the limit in using measures of coercion so as to keep themselves in power; with being bureaucratic, mechanical, and apathetic; with either failing to lead the membership or with misleading them; with fawning on 69th Street [the School Authorities] in order to get favors, so much so that a struggle against the Administration is the same thing as a struggle against 69th Street. The Administration is charged with winning whatever successes the Union has gained not by adhering to definite policies, but by catering to their superiors in office; with maintaining the interests of the higher paid 'aristocracy of labor,' instead of the interests of the mass of teachers; with using the referendum (which is admitted to be in principle a democratic measure) simply to induce the membership to support their own reactionary policies, thus making the Union, in the words of Mr. Begun, 'a mail order Union.' The Administration was charged with gratuitously employing rebaiting tactics in order to prejudice the membership of the Union against the leaders of the opposition groups, this being said to be part of their tactics for keeping themselves in power. Every one of the phrases used in the previous statements is a literal transcript from the testimony of the defendants and their witnesses. The charges were repeatedly summed up in the statement that the officers of the Union, Dr. Linnville and Dr. Lefkowitz in particular, were engaged in 'betraying the Union.'

"It is obvious that even if such charges were purely personal in nature, they are so serious that they have a tendency to disrupt the union, or at least to reduce greatly its efficiency. But the testimony, especially as coming from the defendants themselves, showed that these charges are not merely personal, but are integral parts of a deliberately adopted procedure of so discrediting the Administration as to bring about a thorough change in the basic policies, aims, and methods of the Union. While personal feelings have been aroused on both sides and crimination and recrimination were freely aired before the Committee, the Committee wishes to record its firm and unanimous conviction that the basic cause of the crisis goes far beyond any personal difference."

The extent to which these tactics succeeded in putting the trial committee on the defensive is evident from the following section of the report:

"Differences of opinion and frank discussion are helpful in any large organization, but a campaign that aims to destroy the confidence of the members of an organization in the officers it has chosen, that subjects to constant ridicule and misrepresentation the measures and aims which the Union has itself established and followed for many years, creates the necessity for a full and candid consideration of aims, tactics, and probable consequences. The necessity for this full consideration cannot be avoided by the desire of those conducting the campaign to shelter their movements from examination behind the cry of 'red-baiting.' We repeat that specific charges and counter charges cannot be understood of themselves, but only when placed in the light of that conflict of policies which the leading defendants have themselves declared to be fundamental. For this reason the Committee decided that the chief service it could render to the Union was to put before the membership the conclusions it has reached regarding the nature of this conflict."

THE "CLASS STRUGGLE"

After reviewing certain minor causes of the inner-Union conflict, the trial committee proceeded with these penetrating observations:

"In any case these differences are not the real cause of present troubles. They would hardly produce more than a passing friction if they had not become bound up, in the minds of many persons, with the main cause. This main cause is the existence of a conception as to the proper functions and objectives of the Union that goes contrary to policies established and approved in the past. The leaders of the minority groups conceive that the proper purpose of the Union is to join the class war in order to promote the cause of workers against employers.² Employers of teachers as well as of all other workers use their power, in the minds of these minority leaders, to oppress the workers. In the case of teachers, the Board of Education and other high authorities in the school system represent the employing and oppressive class. Accordingly, the Union must not only join in the class war in order to 'fight with the working class for their economic and political demands,' but must also fight the people above them, from the Board of Education through the Superintendents down to principals and supervisors. Any let-up in this struggle, to say nothing of cooperation with supervisors even for educational purposes, is 'betrayal' of the workers' cause.

"While immediate demands relating to wages, conditions of work, etc., must be made, and while individual teachers must be vigorously protected when their rights are threatened, these operations are not ends in themselves, but are means of carrying on the class struggle. As long as the mass of the membership and the majority of the Administration fail to take this view, that the sole fundamental aim of the Union is to promote 'the political and economic demands of the workers in the class struggle,' conflict in the Union is inevitable and irrepressible. Moreover, the conflict is made more acute because some of the leaders of the minority factions feel it necessary to conceal their ultimate aims while carrying on the tactics which in their view will conduce ultimately to their realization. The Committee is of the opinion that the ultimate ends have been so concealed from the sight of many individuals, that even many members of the minority groups are not themselves aware of them, but take the view that the conflict is merely on special points where differences of judgment are wholly legitimate."

Our Committee, after months of investigation and patient study, finds that the foregoing paragraphs are a succinct and compelling statement of the basic reasons why Communism is incompatible with democracy. These words were true when written. They are still true. We believe that an appreciation of these facts is essential to an understanding of the Communist movement.

THE ISSUE OF COMMUNISM

On the issue of Communism itself, the trial committee had the following to say:

"Nothing was more instructive to the members of the Committee than the assertion of the leaders of both opposition groups that although they expect finally to come into control of the Union, they do not desire to do so excepting

² The orthodox dialectical approach is evident here. *c.f.*, pp. 31-32, 145-6, *supra*.

on the basis of the ideologies which they respectively hold. The present officers, and inferentially the members who elected them, were criticized on the ground that the officers were not chosen on the basis of definite political economic ideology. We do not question the sincerity of the defendants' belief in their own ideologies. We do point out, however, and as emphatically as possible, that the more sincerely their belief as to the proper function of the Union is held, the more dangerous it is when it is pressed immoderately as the only criterion by which to judge present policies and the officers who are chosen to carry them out. If the membership of the Union is to be brought over to a change in the conception of the proper activity of the Union, it can be done consistently with the effectiveness of the Union only by a process of education, and frank and open discussion. Concealment of the ultimate desire to convert the Union into an organization for carrying on the class war, and the attempt to lead the membership to think that the sole difference is on matters of isolated items of immediate policy, combined with the tactics of unscrupulous attack, can lead only to the bitterness, friction, criminalization, and recrimination that now exist.

"The Issue of Communism.—While, therefore, it might be personally agreeable to the Committee to avoid any reference to Communism, it is not possible to do so, for the special aims and tactics on particular issues of the opposition groups cannot be understood or put in their proper context without frank discussion of this topic. Preliminary to the discussion, however, the Committee wishes to state definitely that no evidence was presented that a majority of the members of either group belong to any of the various factions of the Communist faith. Moreover, the testimony is far from showing that it is the conscious intention of the bulk of those affiliated with these opposition groups to use the Union as a tool of any particular economic political creed. It is quite likely that a large number of the members of both minority groups regard questions under dispute as isolated special points. To the leaders, however, these matters are interconnected details of tactics in the general strategy of bringing about a radical change in the purpose and function of the Union. So frank were some of the leaders of the groups in stating this fact that the Committee does not think that they will publicly deny it, nor can the bitterness of their attacks be explained in any other way. The Committee finds that these leaders are systematically striving to subordinate the Union to their own special ends.

"Before the Committee, as well as at other times and places, the defendants used any reference to the topic of Communism to support a claim that they were being subjected to 'red-baiting' merely in order to weaken their influence with the membership. The Committee therefore is bound to state as positively as possible, that it has no concern with the political and economic faith as such, of any member of the Union; that it made no attempt to ascertain the political affiliations of any of the defendants; and that it does not believe that the Union should or does question the right of any teacher, whether in or out of the Union, to hold such economic or political views as seem to him to be justified. But if there were evidence that a Republican, Democratic or Socialist group, or any faction representing a religious body or sect, were striving to use the Union as an instrumentality to carry out the policies of that outside organization, every intelligent person would recognize the disruptive evidence of such a policy. The Committee would be unmindful of the weight of evidence submitted to it (largely by the defendants themselves) if it did not record its conviction that this is the sort of thing that is now going on within the Union. The Committee suggested a number of times to the defendants that there is a real distinction between economic and political beliefs on one hand, and the use on the other hand of such organized tactics as they employ in order to control trade-union policy in behalf of these beliefs. The defendants declined to accept the distinction. Their failure is perhaps accounted for by the statement of one of the defendants that it is impossible to separate faith in Communist principles from the use of the tactics that are endorsed by that party. In general, he expressed the conviction that any sincere adherent of any political economic view must naturally use the Union to promote the interests of his own cause."

MR. ISIDORE BEGUN LAYS PLANS TO CAPTURE THE UNION

In the course of the trial before the Dewey committee, the aims and tactics of the Rank and File group were laid bare by Mr. Isidore Begun, one of the defendants, who has since become a leading functionary of the New York State organization of the Communist Party.

A complete picture of the situation within the Union at the time of the trial may be derived from the following extracts from Begun's testimony before the Trial Committee, as set forth in the verbatim record:

"I am considered the leader of the Unemployed Teachers Association and I am leader of the Rank and File (p. 442).

"Everyone knows that Communists are active in the Union (p. 355). The fact is that the more radical members are attracted to the Rank and File, not the conservative ones (p. 351.) We are in the class struggle * * * I want the Union to participate on the right side (p. 368).

"Dr. DEWEY. You think this 'class-conscious' and 'class-struggle' business enters into making a division in the Union itself—not that it ought to, but as a matter of fact it does. In other words, there is a proletariat and bourgeois group in the Union?

"Mr. BEGUN. I certainly do. But the militant elements come from the lower groups (p. 368).

"True, I believe in Communism, but my idea of Communism differs from yours. I differ intellectually with you, Dr. Dewey, as to Communists having the right to be in the Teachers Union. They are willing to give their life and blood all over the world for a belief. Just to say I am a Communist and don't belong in the Union is not enough. I want specific charges (p. 68).

"I deny, of course, that we are liars, slanderers, disrupters. Anyone who has any knowledge of Communism knows that is not Communist tactics (p. 103).

"Mrs. GROSS. I can't understand your attitude toward Dr. O'Shea [the Superintendent of Schools]. He is not our boss. I am a City employee and I have tenure. He can make me uncomfortable, but he cannot fire me.

"Mr. BEGUN. The point you are making, I feel, has a certain dread and is the condemnation of the Union. Tradition in America is not one of class struggle, but our Union is definitely based on the idea that there is a boss and worker system.

"Mrs. GROSS. It is one thing to keep our salaries and get tenure, but as a teacher I think we have other interests in the Union.

"Mr. BEGUN. May I also say that perhaps I am also an idealist; perhaps ultimately I have ideals of being a teacher more than I can possibly be in a classroom—in this rotten system—a classroom of forty kids whom I would like to throw out (p. 365).

"I have a certain theoretical background which is that at the present period we are living through an attack by the banker interests upon the working class. It can only be stopped to the degree that the workers fight back (p. 315).

"Dr. Dewey once told me when I was in his class that he had not read Lenin. If Dr. Dewey had read Lenin, we'd both be sitting here (p. 349).

"Mrs. GROSS. May I ask, what do they [the Rank and File] do at mass meetings?

"Mr. BEGUN. We organize.

"Mrs. GROSS. The membership?

"Mr. BEGUN. Usually. You build up sentiment, you build up consciousness (p. 315).

BEGUN'S ATTACK ON UNION LEADERSHIP

"I certainly don't promote both left-wing groups in the Union. I certainly don't believe in the policies of the Progressive group—I do everything I can to get the interested members of the Progressive group into the Rank and File (p. 349).

"Those who follow leaders in the group must share responsibility. We do not make distinction between leaders and the rest. We are very careful. I will speak to a great many conservative teachers and be careful of every sensitivity. But the leaders—Your opinion is that we want to break up the Union? Not at all. We want to get the leadership out. I will walk with any member, miles, to put over an idea, but I would not say two words to Dr. Lefkowitz (p. 307).

"I would say this; we, of the Rank and File, shall make every effort to incite every member against the administration, with the Progressive Group if we can. And we will make it much worse for the administration—that is, if we can agree (p. 360).

"In any political fight I think there are factions, as such. If you ask my opinion, it is the inevitable fate of memberships. I would not want to win control unless it is ideologically placed. However, I think the administration is willing to control the Union by absentee membership. I would not want to do that. If I could not control it ideologically, actually get the following, I would not want that leadership (p. 301).

"Mr. BEGUN. I would say first, that sometimes it is necessary for an organization and real leaders to go against the stream so that the membership can learn.

For instance, I am going against the stream at the present time, but by pointing out these things life will teach the membership a lesson and they will learn.

"Dr. DEWEY. Don't you think it is possible to do that in such a way as to weaken the Union?"

"Mr. BEGUN. I don't think so. Pointing out the correct way and the correct policy is not weakening the teachers. At present the teachers are not against our policies. A lot of our motions would have passed the Union if there had not been substitute motions and 'no quorums'. Teachers are not afraid of the Scottsboro case. These things have mass appeal (p. 317).

"IMMEDIATE DEMANDS"

"Mr. BEGUN. I think any teacher is willing to fight for his immediate end.

"Mrs. GROSS. It is not 'immediate' when you consider fundamental changes in society.

"Mr. BEGUN. The Union should not deal with fundamental changes in society. The Union should go slower, and take up the immediate demands of teachers" (p. 316).

"On 'united front' activity, which the Union is afraid of—afraid of introducing policies which the membership will not be willing to follow, and that will isolate us from the membership—I do not think we should as yet go so far ahead as to detach ourselves from the mass of teachers" (p. 355).

"I suggested in the Teachers Union that the Union take a definite stand in the Scottsboro lynching, and I still stand for it today. Yes, I fought that the Teachers Union must come out definitely against any other Imperialistic blood bath. I still stand for it today. If this will get us into trouble with Matthew Woll and Bill Green, so be it" (p. 592).

"Well, then, if there is a general sympathy existing in the Union for a radical program I certainly would not chase people away. The fact is that the more radical members are attracted to the Rank and File, not the conservative ones. And one of the reasons, as I understand it, that the administration is really afraid for the teachers of the Union is that they are too radical, and will chase people away. We deny that. We think teachers are ripe to accept resolutions in the Scottsboro case. I think people are ripe for antiwar demonstrations. But I ask, if there is a general sympathy for radical programs in the Union, why not go ahead with such programs? Denouncing me as a Communist will do no good if there is a radical sympathy. I say there is. To what degree we have it in the Union, I do not know. If it was possible to get a clean-cut vote in the Union it would be interesting to know how far our Union has gone. Which, if the last meeting of the Union shows that this is correct, it spells the doom of the administration group" (p. 351).

"Mr. HENDLEY. You don't think that the fundamental purpose of the Rank and File is to show up the administration?"

"Mr. BEGUN. No. We want to take control of the Union.

"Mr. HENDLEY. You don't want to show up the administration?"

"Mr. BEGUN. That's part of it. We want to convince members that their line is incorrect and that our line is correct" (p. 301).

COMMUNIST TACTICS

"Mr. BEGUN. If you say a Communist tactic is the tactic of mass activity—that's so; however, I think if the Union adopted the correct policies, whether they like it or not, those policies will be very similar to the policies advocated by Communism" (p. 355).

"Mr. HENDLEY. Take, for the sake of argument, the fact that the tactics of your Rank and File Group and the other [admittedly Communist] Rank and File Groups—supposing we say there is some similarity—you don't mean to say it is a coincidence?"

"Mr. BEGUN. No; it is a great point of interest (p. 434).

"I will come right out with it. Do we intend to fight for a dictatorship of the proletariat? No; we should fight for immediate issues. It may develop into a fight for power, on issues upon which we teachers can combine without mentioning dictatorship or proletariat. May it be that in ten years from today the Teachers Union will be of the darkest opposition? I do not know. At the present time we must fight for immediate needs: for sick pay, against contributions, against wage cuts, against cowardizing that exists in the system. One of my teachers was transferred to Mr. Westphal's school. What does that mean? Dismissal in six months. I can't even come to the Union with it.

"Mr. HENDLEY. I thought the implication was that it would be a little too strong to get up before the Teachers Union and bank on a dictatorship of the proletariat. Although you think there is that possibility, the teachers would not understand the implication.

"Mr. BEGUN. I don't think it is the function of the Teachers Union to do that, and even the Communist Party has not yet had time at the present moment to raise this cry for a dictatorship.

"Mr. HENDLEY. No; we have wide differences of opinion. Unless there is some sameness or some trace of one another—some confidence—how are we going to proceed?

"Mr. BEGUN. I think we are opponents. Right here we probably disagree very greatly on lots of issues. And I think we could be real fighters, on opposite sides of the fence, and whack one another, without certain charges being brought up—actually agreeing that the administration has overstepped its bounds, and has suffered on account of that. I believe it is not inherent. It is the course of the struggle. The leading group is shaken.

"Mr. HENDLEY. You admit that you distrust the administration very much and you are spreading that distrust throughout the membership of the union, so far as you can?

"Mr. BEGUN. Surely. You give us our chance to spread our point of view in the Union. What point of view would we spread? Ours. Is that distrust? In some cases even worse" (p. 366).

RANK AND FILE CONTROL PREDICTED

"Mr. BEGUN. In spite of the handicaps, we have grown by leaps and bounds. Suppose you expel the six of us, that will not do any good. As it is, you have a much stronger Rank and File than you had a year ago.

"Mr. KLINE. That is not my point.

"Mr. BEGUN. Yes, but we have grown. Let me indicate: I was elected and Anna Burroughs and two progressives, so that we are winning over the membership. That is precisely why these expulsion proceedings are going on. I believe there is a great danger to the administration that the membership will go over to us.

"Mrs. Gross. Do you think proportional representation will help?

"Mr. BEGUN. Yes, but it will take a little longer. You cannot—The Czar could not do it and the Union will not be able to do it" (p. 319).

We may sum up the foregoing passages as follows: that Begun, who was beyond question a Communist, acknowledged that Communists were active in the Union; that the Rank and File group, a group which attracted the more radical elements in the Union, was out to discredit the leadership of the Union on the basis of a "line" which was "similar" to the Communist Party line; that they thereby hoped to take over the control of the Union, but only on an ideological basis; that while the ultimate objective consisted of changes in the social order and a proletarian dictatorship, Begun did not advocate that the Union openly adopt such objectives, lest it get "too far ahead of the membership"; on the other hand, he advocated that the Union engage in "class struggle" on immediate issues, and proposed to wage his fight for control on such issues.

It will be immediately apparent that here the standard technique of Communism was being put to work. It was recognized by Mr. Begun, as it is by the Party, that the "workers" could not be expected knowingly to accept either Communism or Communist leadership. The Union, however, could become a perfect transmission belt for Communist influence, if only its leadership could be fraudulently captured. This, Mr. Begun asserted, could and would be accomplished, by proposing to the members those "immediate, partial demands" which, as Begun put it, would "have appeal." To inflame "struggles" over wage cuts, imperialism, war, the Scottsboro boys and similar issues; to provoke disputes with the administration; to link the administration with "59th Street," "Wall Street" and other unpopular ideas—it was all too simple. In vain Dr. Dewey pointed out to the members that these things were not, to the Rank and File, ends in themselves, but means to "another and ulterior end." The membership would or could not understand, and the debacle was not far distant.

FINDINGS OF DEWEY COMMITTEE

After hearing the evidence and submitting its formal report previously referred to, the findings of the Trial Committee as to the individual defendants were presented verbally by Dr. Dewey at a membership meeting held April 29, 1933. Of Mr. Begun, Dr. Dewey said the following, in part:

"The Committee finds that Mr. Begun is the acknowledged leader of the Rank and File group, and as such—and in his personal activity—most active in advancing its destructive program. • • •

"The Committee had no facilities for getting direct evidence of any relationship between the Rank and File group and the Education Workers League [a secret Communist dual union of teachers]. However the similarity of Mr. Begun's tactics to those advocated by such dual organizations as the Trade Union Unity League and its affiliate the Education Workers League, and his consistent efforts to ally the Union with activities of the International Labor Defense indicate that his disruptive and dissident actions are not incidental but integrated and cumulative. But more compelling than the Committee's deductions are Mr. Begun's own statements that one's political beliefs and affiliations necessarily color and direct one's activities in the Teachers Union, and that he would be unwilling to capture control of the Union unless that control was supported by his ideology. In the light of this knowledge the repeated challenges by Isidore Begun and his counsel that 'You cannot prove it' express not a feeling of outraged innocence but a confident belief that detection is impossible because no clues have been left and all tracks have been covered. • • •

"Mr. Begun was quite frank in expressing his hope and ambition of becoming a leading official in the Union. This is a legitimate ambition on his part. But his method of reckless imputation of evil purposes and dishonest tactics to present officers because they do not act in behalf of his own ideological principles is not only damaging the present usefulness of the Union but is in our judgment harmful in the long run to the cause he has at heart. His repeated statement that the use of misrepresentation was sure to react upon those who employed it, given apparently as a ground for not exercising great care in making sure his accusations are correct, appears to us like mere rationalization of reckless and unscrupulous tactics. Apparently he thinks the unethical tactics themselves are justified on the ground of the importance of the labor cause. • • •

"The fourteenth charge was that Mr. Begun attempted to embarrass the Union in its relations with organizations with which it is affiliated by attempts to secure approval of controversial proposals. Instances were cited in which he sought to have the Union allied with groups engaged in controversy in the matter of Tom Mooney and the Scottsboro Negroes. Mr. Begun justified himself on the ground that he had the right to present any proposition to the Union that he wished, and asserted that he was content to abide by the majority vote on any of his proposals. We do not question his right to bring forth propositions and to plead for their adoption; but we feel that the testimony presented and Mr. Begun's defense during the hours devoted to his case gave ample proof that his manner of fighting for his causes and attacking those who do not agree with him is disruptive and merits discipline.

"We recommend that Mr. Isidore Begun be suspended from the Union until December 31, 1933."

BEGUN BEATS THE CHARGES

The Trial Committee was unanimous, except as to Mr. Kline, who did not dissent but refrained from voting on personal grounds.

Begun, in a flaming oration, answered the report of the Committee by charging it with bias. The finding of Communist tactics was "red-baiting." This was followed by a speech on wage cuts and a dire prediction of more to come. Then, more about the Scottsboro boys and a denunciation of "imperialist wars." Defense of the view that the teachers' interests are adverse to the "bosses." A charge that Drs. Inville and Lefkowitz had become conservative with age.

The chair ruled that a two-thirds vote was required to sustain the report of the Committee. This ruling was sustained by the slim margin of 395 to 388. The vote on the Begun charges was 451 to 316—a substantial majority, but 69 votes short of the required two-thirds.

THE RANK AND FILE PASSES THE FIGHT

This was the crisis and from this point forward, the record is one of a losing fight against the onward march of the Communist fraction in the Union.

At the time of the trial, Begun and Mrs. Burroughs were serving as Rank and File representatives on the Executive Board of the Union. Exactly one month after the Union voted down the findings of the Dewey committee, Begun and Burroughs had to be ejected from a public hearing of the Board of Education for disorderly conduct. In June of the same year they were removed as teachers and expelled from the school system.

Significantly, "The Schools and the Crisis," which was published the same year, ardently championed the cause of Begun and Burroughs.

"So sharp and true has been their fighting, so 'dangerous' their leadership, that the forces of reaction took immediate steps to halt it. Isidore Blumberg, a New York teacher, was summarily discharged after a deliberate frame-up by the educational authorities to prove him incompetent. For the same reasons Isidore Begun and Mrs. Williana Burroughs, a Negro teacher, both leaders of the same fighting sort, were discharged. The New York Board of Education eagerly seized the chance to expel them when these two teachers led a militant group of fellow-teachers to defend Mr. Blumberg before a meeting of the Board. They were charged with bringing the Board into disrepute, and with conduct unbecoming a teacher!" (David, *op. cit.*, p. 36.)

In the fall of 1933, Begun and Burroughs, having lost their positions in the public school system, enrolled for the first time as Communists in the municipal registration. Subsequently, both ran for public office on the Communist Party ticket.

These things, however, had no effect on their activities in the Teachers Union. Both continued to serve as active members of the Union, as members of its Executive Board, and as leaders of the Rank and File group. Begun remained on the Executive Board continuously until 1939, although after 1933 his only connection with education was as a Communist functionary.

On January 15, 1934, the Teachers Union, in order to satisfy the clamor of the left-wing groups, organized a demonstration at the City Hall. Mr. Begun took advantage of the occasion to make a stump speech from the steps of City Hall, urging the members of the Union to become members of the Rank and File. Accordingly, the delegate assembly of the Union suspended him from all Union privileges for a period of one year, by a vote of 82 to 27.

On February 6, 1934, at a public gathering held at the Scholla Club, Mr. Begun made a speech, which was reported in the "Union Teacher," the official organ of the Teachers Union at the time. In that speech, Begun finally tore off the mask and came out publicly for one big union under Communist domination and control.

THE RANK AND FILE EXPOSES ITS CHARACTER

With all these facts on the record, namely: (a) that Begun had been expelled from the school system for disorderly conduct; (b) that he had been suspended from the privileges of union membership for denouncing the union leadership and making a stump speech for the Rank and File at a public gathering; (c) that he had publicly become a Communist; and (d) that he had come out publicly on behalf of Communist domination of the Union, the Rank and File group ran Mr. Begun for president of the Union at the elections of 1934. At the same time, the Rank and File group ran Mrs. Burroughs as its candidate for vice-president in the elementary school group. Consequently, the character of the Rank and File as a group under open Communist leadership is established, if this was not already established by Begun's testimony at his trial.

And at the same time, the Rank and File group received the official blessing of the authors of "The Schools and the Crisis."

"In New York, militant union members have formed a rank and file opposition against the misleaders and have carried out a persistent fight on the floor at membership meetings. In the face of resistance by the union officials, they have been able to rally the membership to support their program. Their resolutions for direct action on many issues have often been passed against the will of the officials. In the defense of the victimized teachers mentioned later, the opposition exposed the attempts within the union to sabotage the fight." (David, *op. cit.*, p. 35.)

The authors also joined in the hue and cry against the administration group.

"The American Federation of Teachers, affiliated with the American Federation of Labor, is a union which once fought vigorously in the interests of teachers and pupils. Since the war a marked change has taken place. Today the actions of its leaders are aimed to confuse its members and to prevent genuine defense of the schools.

"They organize sham fights against employers' attacks just as the officials of other American Federation of Labor Unions do. Their chief tactic is to refuse to prepare any real defense and to wait until the employers offer the teachers one of two evils. Then they accept the lesser one and call it a victory. This is what happened in December, 1932, in New York City when the bankers threatened to revoke mandatory protection of salaries, feeling certain that teachers would rather accept a wage-cut. Instead of leading the teachers in an uncompromising

fight against both evils, instead of calling on teachers to mass before the legislature, with prepared demands that money be obtained from large incomes, they discouraged those militant members who wanted to go to Albany; and they promptly joined with the other organizations in accepting the cut. It is significant that Associate Superintendent Mandel of the Board of Education later congratulated Dr. A. Lefkowitz, the legislative representative of the union, on his fine spirit of cooperation in drawing up a 'graded' salary cut which favors the highly paid supervisors at the expense of the classroom teachers." (David, *op. cit.*, pp. 33-34.)

"In the New York City local of the American Federation of Teachers, Dr. Abraham Lefkowitz, by refusing to use mass tactics, helped the bankers make a 6% to 8% cut in teachers' salaries in 1933. He attempted to expel those militant leaders of the rank and file who opposed his policies. Earlier he brought a fellow member of the executive board, Isidore Begun, before Superintendent O'Shea on charges. Mr. Begun has been the leader of the militants in the local. Dr. Henry Linville, President of the American Federation of Teachers and President of the New York local, testified against Mr. Begun before Superintendent O'Shea. "Throughout the attack on the Chicago teachers, Linville has blocked all effective union aid for them." (David, *op. cit.*, pp. 34-35.)

Although Begun and Burroughs were defeated, the Progressives and the Rank and File had rolled up a voting strength between them sufficient to poll a total of 307 votes out of a total of 1,107 cast for the office of president, and of those 307, Begun received 190. The increase in voting strength of the two groups enabled them to elect two each to the Executive Board out of a total of 13.

THE SITUATION BECOMES ACUTE

By the time of the union elections of 1935, the Rank and File group had increased its strength to the point where it was able to elect three members to the Executive Board out of a total of 13. In that year, its candidate for president was Mr. Meyer Case, who had championed Mr. Begun's candidacy for the Delegate Assembly while Begun was under suspension from Union membership. Its candidate for vice-president in charge of the elementary school section was Mrs. Burroughs. As its candidate for vice-president in the college teachers' section, the Rank and File group put forward Prof. Margaret Schlauch, of New York University, who was identified as a Communist in the testimony taken before our Committee. Apparently, the Rank and File did not care to waste Mr. Begun on a fruitless race for President. Accordingly, it ran and elected Begun as first choice candidate for the Executive Board.

The election pamphlet of the Rank and File group was a typical Communist broadside; it charged the administration with destroying democratic procedure in the union, arbitrarily interpreting election rules in that it had refused to permit Begun to run for Delegate Assembly while under suspension from union privileges; it excoriated the opposition for opposing affiliation with the American League Against War and Fascism, a Communist Front organization, for not putting up "a real fight" on the question of salaries, and for engaging in the heinous crime of red-baiting. It attacked the Delegate Assembly, because that body had refused to criticize a demand made by William Green for the expulsion of Communists from Local 5.

THE BEGUN GROUP TAKES OVER

Although Drs. Linville and Lefkowitz were reelected by a somewhat reduced majority, they felt after the election of 1935 that the union was passing into Communist hands and that the only way to save the situation was to put an end to the factional strife and backbiting by which they had been victimized for nearly five years by effecting a thoroughgoing reorganization of the union. They therefore appealed to the annual convention of the American Federation of Teachers to revoke the charter of Local 5, and to issue a new charter under which reorganization might be effected. The fight was carried on to the floor of the A. F. of T. convention. Linville and Lefkowitz were unable to secure sufficient votes. Accordingly, they thereupon resigned from the Teachers Union, together with 800 of their followers, constituting approximately one-half of the then union membership, and leaving the control of the union to be fought for by the Rank and File and the Progressives.

Two years later, at the elections of 1937, we find the former Rank and File group calling itself the "Majority Group," and in full control of the situation.

Isidore Begun, who by that time had become the Educational Director of the Communist Party for the State of New York, was too publicly known as a Communist to be run for a Union office, and accordingly was elected a member of the Executive Board, along with 22 members out of an expanded Executive Board of 26.

The winning of the Teachers Union by the Rank and File was a source of great satisfaction to the Communist Party. It was hailed gleefully in the "Daily Worker." Dr. Langford's book "Education and the Social Conflict," envisioned the victory as a step in the direction of "Communist democracy."

"The reactionary leadership which has hampered the educational workers has not been confined to the local school systems and the state and national education association. The teachers' unions, like the labor unions generally, have been subject to the same type of bureaucratic leadership.

"Recent developments in the National Education Association and in the American Teachers Federation indicate a growing awareness of the necessity for effective social action by militant groups of classroom teachers. Yet the election of the committee on academic freedom at the recent conference of the National Education Association and the refusal of the American Teachers Federation to revoke the charter of the New York local—resulting in a victory for the rank and file—are merely preliminary skirmishes in the campaign for genuine democracy in the professional bodies. Even should the classroom teachers succeed in effecting a general rout of the present leadership in their professional organizations the battle will have only begun. The schools will still remain under capitalist control, a fundamental barrier to real progress for the workers—a barrier which will be removed only with the abolition of capitalism." (Langford, *op. cit.*, pp. 177-78.)

The significance which Dr. Langford's approval attached to the victory of the Rank and File is clear when we recall that one of his specifications for an effective organization of teachers was that "It must be responsive to the will of a militant and growing rank-and-file membership." (Langford, *op. cit.*, p. 178, *supra*, p. 171.)

THE ROLE OF MR. HENDLEY

In the case of Mr. Hendley, it is noteworthy that when the Rank and File took over the Union, he accepted the presidency from them, in spite of the fact that he had sat as a member of the Trial Committee at the time of the charges against Begun, and had not only heard the evidence above referred to, but had signed the report condemning the Rank and File for its dishonest and disruptive tactics. Mr. Hendley had outwardly been a member of the earlier majority group led by Drs. Linville and Lefkowitz. He nevertheless remained in the union at the time they withdrew and accepted the presidency of the union at the hands of the Communist-led group he had previously condemned. Whatever Mr. Hendley's politics may have been prior to 1935, from that time on he consistently acted as a front for the Communist leadership of the Teachers Union and as the enthusiastic spokesman for their views and program.

The history of the Teachers Union since 1935 is a consistent record of following the Communist Party line through all its twistings and turnings, encouraging Communist groups not only within, but outside of the school system, and waging constant "struggles around the schools in a truly Bolshevik manner." Prior to 1935, the "legal apparatus" of the Communist teachers was the Rank and File group in the Teachers Union; after 1935, it was the Teachers Union itself.

THE UNION OFFICIALLY ADOPTS THE COMMUNIST THEORY OF EDUCATION

Prior to 1935, the union published a magazine called "The Union Teacher." When the new group took control, that magazine was discontinued, and a new and very elaborate publication was started, known as "The New York Teacher," which has been published monthly during the school season ever since the fall of 1935. It is a matter of record that The New York Teacher prints the official viewpoint of the Teachers Union, and not the individual or collective viewpoint of its contributors or its editorial board. This was announced in the issue of November 1937, at page 3, where it was expressly stated that The New York Teacher was not a "Journal of opinion," but was a vehicle of official union policy, as adopted by the Executive Board. Therefore, it is a matter of no small moment that in April 1936 The New York Teacher carried an article by one Julius Metz, a member of the Executive Board, in which Mr. Metz asks, "What is our goal in education?" and answers the question by quoting the language of Dr. Langford's book, which was just off the press:

"1. The problem of transmitting the expanding stock of information about the world we live in,

"2. The problem of securing the rounded development of the supposedly self-directing individual, and

"3. The problem of enlisting the impoverished and exploited workers of the world in organized struggle for control of the means of satisfying their material and cultural needs." (Langford, *op. cit.*, p. 2; "New York Teacher," Apr. 1936, p. 111.)

The same issue of "The New York Teacher" also contains an enthusiastic review of the Langford book. The "New York Teacher" calls it "for educators perhaps the most significant book of certainly these last twenty years."

The book is extravagantly praised because it states "that workers, to whom the schools belong, will have to fight for a change in schools exactly as they must fight for change in their shops and exactly as they must fight for a change of the social scheme of things that allows for the exploitation of the large working class and their natural allies, the middle class, by that small and growing smaller class of highly organized capitalists." ("New York Teacher," Apr. 1936, pp. 115-6.)

It is impossible within the confines of this report to illustrate fully the extent to which the pages of "The New York Teacher," after 1935, gave exclusive voice to viewpoints shared by the Communist Party. Its pages are replete with attacks on capitalism and on the bankers, as representatives of the capitalist class, upon "imperialist war," and upon the administrative authorities of the school system. No opportunity is spared to persuade the reader, through innuendo or by direct statement, that everything possible is wrong with the social and political order, and that the only way out is the revolutionary way, in alliance with the exploited and underprivileged workers of the world. During this period when the Communist Party attacked the administration in Washington, The New York Teacher did likewise. Full-page cartoons similar to those published in The Daily Worker and The New Masses, set forth the viewpoint that war-mongering interests were in control of the government and of the schools; that the bankers were attempting to starve the schools; that there was a concerted effort on the part of reactionary interests to stifle freedom of speech and academic freedom; that teachers were constantly victimized through extra-curricular duties, through the tyranny of the supervisors, overcrowded classes, and salary cuts, by patrioters seeking to cram the doctrines of Americanism into the minds of the school children, by William Randolph Hearst, and by all the forces of Fascism. Cartoons depict the Mayor and Father Knickerbocker stealing the pennies of the teachers. The City administration is depicted as serving a sumptuous banquet to a fat and bedizened individual representing the bankers, while the schools receive a carrot.

Particular significance was attached to the columns of literary and dramatic criticism. In general, the only books reviewed were works dealing with changes in the social and political order or other Communist-sponsored causes. Those which advocated radical views were praised, while those which did not were condemned or summarily dismissed. The same treatment was accorded to dramatic works by the drama critic of The New York Teacher, James H. Healey, Jr., who was named as a Communist at the City College hearings of the Committee.

The New York Teacher proclaimed in an editorial that May Day is "as American a day as July 4th and even more so, to the world at large." ("New York Teacher," May 1936, p. 35.)

THE UNION REFLECTS SOVIET POLICY

In 1936, when the Communist Party changed its line on war and peace and brought forth a program of collective security against aggressor nations, the Teachers Union did likewise, dropping its previous pacifist attitude. In conformity with the shift in the party line, the Teachers Union adopted an anti-Nazi and pro-Democratic policy of support for President Roosevelt and the City administration.

Although it frequently criticized the national, state and local governments of the United States, and was unsparing in its condemnation of all foreign governments which did not accept the leadership of the Soviet Union in international policy, at no time during the history of Local 5 after 1935 was there ever any criticism of the Soviet Union, which was uniformly hailed as the leader in the only true "peace policy." Attempts by dissident members of the union to force the adoption of resolutions condemning totalitarianism or dictatorial forms of government in general, met with uniform defeat. When the Hitler-

Stalin pact was signed in 1939, all anti-Nazi opinion suddenly disappeared from the union publications.

On October 8, 1939, after the signing of the Hitler-Stalin pact, the Teachers Union severed its affiliation with that choice instrument of Stalinist anti-Nazi propaganda, the American League for Peace and Democracy, which it had theretofore consistently and enthusiastically supported. In so doing, the union, conformable to the shift in the Communist Party line, abandoned its adherence to the program of collective security, which it had consistently supported ever since the adoption of that program by the Communist Party. This act preceded the Party's extinguishment of the League for Peace and Democracy by only a few weeks.

The unpopularity of the Communist Party with left-wing and liberal groups after the signing of the Hitler-Stalin pact resulted in pressure on the controlling powers in the Teachers Union which they were unable entirely to resist. Accordingly, on December 1, 1939, the members of the delegate assembly of the union adopted a carefully worded statement on union policy, in which the union declared that it "reiterated" its principles. The resolution included a statement that the union "supports the democratic form of government" and "rejects all other forms of government, whether they are Nazi, Communist, Socialist or Fascist."

There had been no previous statement of any such principles as these. The so-called "reiteration" was a flimsy face-saver for the record.

Significantly, however, the union refused to condemn the forms of government which it thus "rejected." Several amendments which would have involved express or implied disapproval of the Soviet government were proposed; one, to reject "all forms of dictatorial government which deny civil liberty to 'their peoples,'" another, "that the policy of the Teachers Union is to oppose Totalitarianism of all kinds," another, that the union "rejects any dictatorial form of government, whether it appear as Nazi, Communist, Socialist, or Fascist." These amendments were all lost.

When the Soviet Union invaded Finland, the American Student Union voted down a resolution condemning the invasion. Local 5, which had always cooperated with the American Student Union, was asked by a member of the Editorial Board of The New York Teacher whether the policy of cooperation was to be continued, in view of the A. S. U.'s action. The Executive Board sidestepped the question on the ground that it had not been presented in due and official form, and permitted the inquiring member to resign from the Editorial Board, rather than go on record one way or the other.

Between the signing of the Hitler-Stalin pact and the German invasion of Russia, leading members of the Teachers Union were active in such Communist-controlled pseudo-pacifist groups as the American Peace Mobilization, which maintained a picket line around the White House in Washington up to June 22, 1941, and then mysteriously discontinued it without explanation. In October 1938, The New York Teacher carried an announcement in its editorial columns that the American-Russian Institute, of No. 56 West 45th Street, New York City, had announced a series of displays on life in the U. S. S. R. which were "especially suited to classroom use." On March 19, 1938, Mr. Hendley issued a call for "a program calling for more emphasis on teacher issues with more cooperation with other organizations, but not at the expense of what might be called our fundamental left-wing principles."

In The New York Teacher for February 1937, Mr. Hendley praised a book which he described as "a unified history of modern society from feudalism to Russia's planned socialist construction, which has all the excitement of a novel together with the architectonic simplicity of a syllogism" (pp. 25-26). In January 1940, The New York Teacher carried a book review by Mr. Morris U. Schappes, who has since been exposed as a Communist, in which Mr. Schappes arrived at the conclusion that " . . . the falsehoods of the big business press cannot but lead to an impatience with the very existence of big business; and such impatience may lead to more drastic but more real solutions to the problem of the freedom of the press" (p. 27).

THE COMMUNIST FRACTION IN CONTROL

It is quite clear that the foregoing, and many other similar matters too numerous to cite, are not the result of mere chance, or a general radical viewpoint disconnected from Communism. We have in our possession a verbatim report of the proceedings of the tenth convention of the Communist Party of New York

State, held in the City of New York on May 20-30, 1938. This volume contains the report of a speech by Comrade "J. Mason" of the Teachers' Fraction, in the course of which the following statements were made:

"We have been brought to this realization by watching the growth of our Local, Teachers Union Local No. 5. It has grown from about 300 three years ago to 7,000 today. We also helped set up W. P. A. and College Teachers locals of 1,000 each; and in addition, seven locals upstate. During this time, our fraction of 35 grew to many hundreds.

"We have in our local, as seems to be the case in every other local union, some Lovestonettes, Trotskyites, and Trotskyite-led Socialists. They tried to prevent our local from expressing an opinion on collective security at a meeting held a couple of weeks ago. They brought down their big artillery, Norman Thomas, Norman Thomas, you must know, is a member of our local. The trouble with Norman Thomas was that this big gun was loaded with blanks, and at the meeting at which there were about 2,500, when the vote came against collective security we could count just 43 hands. He was snowed under so completely that I think he will never recover from it.

"There are several hundred Party members in the Union. This is a big fraction and more than is necessary in our industry, if you wish to call it that. I think about 100 or so would be sufficient to work within the union; and so we have sent our Party members into the apparatus of our Party everywhere, in the Counties, in the Sections, and in the District. You fall over teachers everywhere. In spite of that I think that our fraction will affect the composition of our Party by steady recruiting from among the teachers in the Teachers Union" (p. 205).

A leading article published in *The New York Teacher* for March, 1938, condemns labor organizations which attempt to purge their own ranks of Communists, maintaining that any organization which does not observe these rules "creates weapons for his enemies" (p. 18). The article ferreently attacks all the newspapers in New York as red-baiting agencies and links them with reactionary capitalism.

An article in the same vein by Mr. Hendley was published in *The New York Teacher* for November, 1939. Paralleling the Communist Party line on the war, Mr. Hendley observes that the existence of war conditions is bound to bring an attack upon so-called "liberal" elements. Mr. Hendley says:

"To divert attention from our positive program, insistent demands will be made upon us to join in the hue and cry against the Communists; but we will refuse. For we know that the persecution of the Communists is only a step towards the persecution of progressives. Already there is the brazen demand that those who have been tolerant toward Communists be persecuted in the same way as Communists are. Attempts will be made to bludgeon us into repudiation and expulsion of our members because they are not acceptable to witch-hunters and to autocrats in the labor movement. Again we will refuse to comply" (p. 22).

Although the Teachers Union was at all times until its expulsion an A. F. of L. union, it did not hesitate to put into effect the policy, advocated by the Communist Party, of attempting to advance the interests of the C. I. O. at the expense of the A. F. of L. Thus, at a delegate assembly meeting, held January 28, 1938, it was resolved to institute a campaign for "unity" between the A. F. of L. and the C. I. O. "on the basis of the C. I. O. program." To that end, the union resolved to further the cause of "unity" by adopting the following steps:

"(a) Print in the *New York Teacher* an article showing that unity between the A. F. of L. and the C. I. O. did not take place because the A. F. of L. was fundamentally opposed to industrial unionism.

"(b) Publish at least one article in every issue of *The New York Teacher* which is written from a pro-C. I. O. viewpoint.

"(d) Local 5 use its influence to build up pro-C. I. O. sentiment throughout the American Federation of Teachers for the purpose of carrying on a campaign for unity in the labor movement, on the basis of the C. I. O. program."

THE UNION RESISTS THE A. F. OF L.

The Teachers Union has always violently resisted every attempt which has been made to bring the question of Communism into the open. In 1938, less than a year after the Linville-Lefkowitz group had been forced out, the union was

faced with an investigation by the American Federation of Labor. The delegate assembly approved a proposed agenda including the following points:

- That Local 5 secure support of other unions;
- That A. F. of T. educators organize a protest;
- That A. F. of T. ask for delay of investigation;
- That Local 5 object to Dr. Linville and Dr. Lefkowitz being heard on the ground that "they are no longer in the labor movement";
- That "Local 5 and the Red issue be kept in the background as long as possible, but prepare to fight all issues aggressively."

The usual defense mechanism of Communist-controlled groups is plainly visible in a further resolution "that the delegate assembly fight the investigation on the ground it is an aid to Red-baiting and reaction throughout the country; that it tends to cripple union work and prevent organization; that it jeopardizes unity of labor movement; that it is an attack upon democracy and autonomy of all unions; that it is a blow against the progressive bloc in the labor movement."

THE UNION RESISTS LAWFUL AUTHORITY

Similar but more dangerous tactics appeared in October of 1930, when the union considered itself threatened by the creation of a Legislative Committee, under the chairmanship of former Senator McNaboe, to investigate subversive activities.

The following appears in the minutes of a meeting of the Executive Board of the Teachers Union, held October 10, 1930:

"McNaboe Inquisition Defense Committee Recommendations:

"1. to cooperate with American Student Union, League Against War and Fascism and student Federation in holding a conference on methods of defense.

"2. to enter political campaign to defeat McNaboe.

"3. to study thoroughly methods of defense for teachers called before McNaboe Committee.

"It was voted:

"1. to refer to Legislative Committee Report the motion—that Local 5 communicate with Socialist and Communist Parties to confer on the prospect of having one candidate in the 16th Senatorial District—Manhattan.

"2. that President Hendley summon a conference of leading Union members to discuss with our attorney, methods of defense before the McNaboe Committee.

"3. to refer to Academic Freedom committee with power to act material for pamphlet 'Hearst against Hearst.'

"Legislative Committee Report:

"McNaboe Inquisition

"1. Committee is preparing a list of questions and answers for 'prospective victims.'

"2. Consideration of possible injunction proceedings to halt the investigation.

"3. Campaign politically to defeat McNaboe by—

"a. political rally in 16th District

"b. pledge cards not to vote for McNaboe

"c. circulation of Republican Socialist Communist opponents' views of McNaboe

"d. Street speaking campaign

"e. publicity in Teachers News and Daily press

"f. Cooperation with American Student Union

It was voted to approve the plan to campaign in Mr. McNaboe's District, 18-8."

It is apparent from the foregoing that the union was contemplating an extensive campaign, not only to bring about a defeat of the Investigating Committee, and to that end to suborn perjury on the part of such teachers as might be called as witnesses, but to use the investigation as a means for carrying on a typical "Bolshevik struggle" against the public authorities.

At a meeting of the Delegate Assembly on February 3, 1939, under the heading of "The Legislative Committee," the delegates of the union were instructed "to vehemently oppose" the passage of the Devany Bill (Laws of 1939, Chapter 547), which forbids the holding of public office by persons advocating the overthrow of the government by force and violence. Subsequently, when the bill became law, this was characterized as a "retreat of the liberals at Albany."

THE UNION'S GREATEST "BOLSHEVIK STRUGGLE"

The advent of the present Legislative Committee, however, provided the Teachers Union with an opportunity for its greatest "struggle." In retrospect, it is clear that the union decided to invite a battle long before the Committee had organized its staff or undertaken the work of investigation.

It would be a great mistake to be misled into a belief that the "struggles" of the Teachers Union against the Rapp-Coudert Committee were purely defensive. We are persuaded that the reverse is the case. The leadership of the Teachers Union saw in the creation of this Committee an opportunity to conduct a "struggle" on the highest possible plane, *i. e.*, against an agency of Government, and to link that struggle with the economic self-interest of the teachers. Such a "struggle" would obviously be one in the best Bolsheviki tradition.

From the standpoint of the Union leadership, the tactical key to the situation lay in the fact that the Legislature, in creating this Committee, entrusted to it two subjects which were not logically connected except insofar as they both related to the school system. One of these was the investigation of subversive activities, and the other was an inquiry into the problems of administration and school costs.

The party line was thus plainly indicated: to propagandize the view that the Legislature had been lured by the wicked bankers, industrialists, and real-estate interests to make a back-door attack on teachers' salaries by the device of impairing public confidence in the schools through the medium of a "Red hunt."

Although this Committee was authorized by a concurrent resolution, adopted March 29, 1940, it did not organize its work until the summer, and the work of investigation commenced after September 1, 1940. However, long before there had been any indication or decision as to the line of inquiry which the Committee would adopt, the union greeted the advent of the Committee in the following terms (Teacher News, May 24, 1940, p. 2):

"Thwarted this year in their efforts to cut teachers' salaries and to reduce state aid to education, the chronic budget-cutters are starting an early offensive to cut school appropriations for the coming year. This seems to be the motive underlying the work of the Rapp-Coudert Investigating Committee. . . .

"The technique to be employed already has taken on the air of a witch-hunt. The Hearst press, never a friend of the schools, supports the Committee vigorously, and attacks the teachers as subversive and disloyal. Charges of 'godless, materialistic theories' are flung about by advocates of the resolution. Thus, the approach to economy will be made by attempting to confuse the large mass of citizens who have stood by the teachers so splendidly in the state aid fight, and to alienate their support by discrediting the teachers as disloyal and un-American. . . .

"The Rapp Committee is thus a threat because it may very easily become a convenient tool in the hands of the budget-cutters. May it not try to intimidate teacher leaders who defend teacher rights? May it not try to destroy public confidence in the principle of free public education? It is extremely significant that the Rapp supporters represent the fusing of two forces—advocates of retrenchment in education, and enemies of academic freedom.

"Teachers must be prepared to withstand in a united body an indiscriminate, witch-hunting attack upon them. We can win to our support parent, civic, and labor organizations only by conducting a vigorous campaign exposing the serious dangers of the Rapp investigation and revealing the true needs of the schools."

THE UNION LINE AND THE PARTY LINE

At the same time, the Communist Party, in an open letter, coincidentally signed by Mr. Isidore Begun in his capacity as Educational Director and member of the Executive Committee of the Communist Party, addressed the members of the staffs of the city colleges in no uncertain terms. Linking the proposed investigation of subversive activities with fabled attempts to bring about indiscriminate slashes in the budget, Mr. Begun said:

"The road is clear for the committee to smear anybody and anything from the 'subversive' democracy bylaws of the colleges to the teaching of the theory of evolution. Everyone, including the chairman of the Board of Higher Education, may expect to be 'investigated, reviewed and studied.' . . .

"The investigation is aimed at reducing expenditures, limiting educational opportunities, and destroying free discussion. The investigators will be interested in Communism only as an epithet to be hurled at any defender of the pub-

lic interest, no matter how innocuously liberal or consistently conservative he may be."

Mr. Begun cautions the teachers not to obey the mandate of the Legislature by "foolishly" cooperating with the Committee:

"There may be some well-intentioned persons in the schools and colleges who think they can deflect the wrath of reaction by cooperation with the investigation. It is their erroneous contention that the public can be won more readily to the defense of the schools if teachers announce that they have nothing to fear from any investigation, that the schools must benefit from any fair consideration of their needs. To expect 'fairness' from the Rapps is to expect fairness from Dies, or to have expected fairness from A. Mitchell Palmer or the Lusk Committee two decades ago!"

The consequences of any foolishness are set forth in dreadful terms:

"Apparently, tossing an individual teacher to the agents of big business only increases their determination to demolish the whole educational structure. For who are these individuals whom some would urge you to toss sacrificially to the lions of reaction? Are they not the men and women who have courageously distinguished themselves in your eyes because they fought for *your* tenure, for *your* democracy bylaw, for *your* full state aid, for *your* campaign against retrenchment, for *your* security and *your* peace? And what do you think will happen to your college, tenure, democracy, appropriations, security, and peace if you allow them to face the enemy alone? If they hang first, you will hang soon after—or else you will hang your head, afraid to assert your ideals, to protect the integrity of your profession, your job, your very life for fear of being called 'subversive.' Only in unity of the staffs is there either personal salvation or educational advance."

PROPAGANDA FOR TEACHERS

On July 9th, 1940, an up-state paper printed a sensational headline without factual basis, announcing that the Legislative Committee had as its goal a budget slash of \$12,000,000 in the annual educational budget of the state. This was seized upon by the Teachers Union as an excuse for flooding the schools immediately upon their reopening for the fall term with a pamphlet entitled:

"It's No Secret . . .

"The Rapp-Coudert Inquiry Aims to Slash State Aid

"The Rapp-Coudert Inquiry Plans to Cut Teachers' Salaries."

Simultaneously, the Teachers Union appealed for a sum of \$25,000, to be raised by the teachers, in order to finance the committee it set up to resist the investigation. With typical Communist semantics, its committee was styled "Committee for the Defense of Public Education."

Up to this time, not one teacher had been subpoenaed and the Committee had not yet determined what fields it would attempt to cover in the investigation.

However, the Teachers Union was determined to provoke a fight and to drag the fight into the public press by whatever means might be employed. Plans were apparently in readiness to seize the first available chance to engage the Committee in a public contest. This opportunity appeared when the Committee sought on October 9, 1940, to obtain a list of the Union's members, which quickly became necessary to the inquiry. A subpoena was served on Mr. Hendley, requiring the production of the membership list. Scarcely 24 hours had elapsed when the Union, with a fanfare of publicity, brought proceedings in the Supreme Court to quash the subpoena, charging in its moving papers that the Rapp-Coudert Committee was the fruit of a wicked conspiracy to destroy the schools and to break down the independence and security of the teachers by crushing their only defender—the Teachers Union.

With this, the carefully laid propaganda campaign of the union was unleashed. Protest meetings were held in dozens of schools. Mass meetings and rallies followed one another in quick succession. Protest telegrams from left-wing groups and left-wing unions all over the country poured in by the hundreds. Delegations waited on the Committee at its offices. Protests and petitions on mimeographed and printed forms started arriving at the Committee headquarters. And the Communist Party and sympathetic press commenced to devote a large amount of their attention to the "heroic struggle" being waged by the "liberal and progressive teachers of New York."

SUBORNATION OF PERJURY

But this was only the beginning. The institution of litigation was not merely a propaganda device; it was a trick by which the Teachers Union gained time sufficient to organize the most widespread campaign of perjury and subornation which has ever confronted a public investigating body. Orders went out to union members all over the city that no member was to obey a subpoena issued by the Legislative Committee until after consulting the so-called "Committee to Defend Free Public Education." Challenging the Committee's right to hold private hearings on purely technical grounds, the union instructed all of its members to refuse to give any testimony at the private hearings. As a result, during the first three months of its existence, the Committee was powerless to proceed with the work of the investigation, except in the case of a few individuals who were unwilling to enter into the union's conspiracy of silence. That the union was wholly disingenuous in its battle over the membership list became apparent from two facts: first, a disclosure in the minutes of the Teachers Union of the fact that the Union had previously given its membership list to outside agencies, including the Anglo-American Institute of the First Moscow University, a propaganda agency conducted under the auspices of the government of the U. S. S. R. and, second, that at the same time it was withholding its membership list, the union delivered to the Committee, without legal objection, its books of account and dues records, from which a membership list might with difficulty have been compiled.

In November 1940, the Committee succeeded in obtaining at its private hearings testimony concerning the membership of several members of the faculty of Brooklyn College in a Communist Party unit at that college. Twenty teachers, including the individuals referred to, were duly subpoenaed to testify at the private hearings. These twenty teachers, using a carefully prepared legalistic formula, in which they had been rehearsed by the Teachers Union, refused to make any answers to the questions which were put at the hearings.

On December 4th, at a public hearing, the Committee authorized counsel to institute proceedings to punish these recalcitrant teachers for contempt. A few days later, the Board of Higher Education, having jurisdiction over these teachers, was advised by the Corporation Counsel of the City of New York that it was empowered to direct its employees to testify. Such directions were immediately issued by the Board.

The opportunity to embroil the school and city authorities in the dispute was not to be overlooked. Acting in the name of one of the Brooklyn College teachers who had refused to testify, the Teachers Union instituted an action in the Supreme Court against the Committee, the Board of Higher Education, the Corporation Counsel and the Mayor, seeking judgment that the Board was without power to discipline its employees for non-compliance with the order requiring them to testify. Pending the determination of this litigation, the Board's hands were, of course, tied, with the result that the conspiracy of silence continued, as before.

Meanwhile, a public hearing had been held at which the Committee adduced certain testimony referred to elsewhere in this report. These and subsequent public hearings were intentionally marred by the deliberate creation of disorder and turmoil at the hearings by the Teachers Union and in its behalf. Order and decorum at the hearings could only be preserved by the physical ejection of counsel to the Teachers Union, who persistently interrupted the proceedings and ignored the directions of the Chair.

The conspiracy of silence was broken on January 23, 1941, when the Court of Appeals, in *Matter of Legislative Committee (Teachers Union)* and the companion case of *Matter of Hendley*, 285 N. Y. 1, rejected the contentions of the Teachers Union and sustained the right of the Committee to proceed with its inquiry through the medium of private hearings.

The conspiracy of silence was broken, however, only to be followed by a conspiracy of perjury.

One of the few teachers who refused to be suborned testified as follows:

"Q. Was there any attempt to have conversation with you with regard to your testimony before you came down to testify?—A. Yes, may I explain that a bit? We had discussed the work of the Rapp-Coudert Committee when it was occurring in Brooklyn College, and I had been asked by one of those people what I intended to do, and at that time I said, if I was subpoenaed, I would say I had been a member of the party at one time, to which they, of course, became very apprehensive and sent some one down to speak to me about it, and point out that

I would be endangering myself if I admitted I was a member, and they asked me to get in touch with the chairman of the Defense Committee, Mr. Goldway, if I were subpoenaed. And when I received the subpoena I did get in touch with Mr. Goldway and asked him if he wanted to speak to me about it, and he arranged to speak with me before I came down to the Committee rooms. And Mr. Goldway urged me not to admit that I had been a member, and impressed me that it would be very dangerous to myself and to them as well, and that was about the gist of the conversation."

The individual referred to, Mr. David Goldway, whose Party name was "Webster," was a teacher in the Townsend Harris High School and a member of the Party Unit at the City College. When called to the stand, he declined to waive immunity, and was excused without testifying.

Another witness testified as follows:

"Q. Now, you remember being subpoenaed to appear before the Committee at private hearings, do you not?—A. Yes.

"Q. And at or about the time that you were testifying before the Committee at private hearings, do you recall receiving a visit at your home from one or two former comrades in the unit?—A. Yes.

"Q. Will you state to the Committee the circumstances in connection with that visit? I take it, by the way that it was an unexpected visit?—A. Yes, it was. One evening at about 10, the bell rang and Mr. Goldway came up to my home, and a few minutes later, the bell rang again, and I found out later on that a Mr. Schappes had rung the bell, and it was suggested since it was rather late that it would be convenient for us to have a cup of coffee downstairs and talk over a few points. The gist of the conversation after we were seated in the restaurant revolved about the desirability of admitting membership in the party, past or present. I made the point that the issues involved in the investigation would be made clear cut, if those who were presently members of the party, had made that admission, and it was brought out in the conversation that that sort of admission would be undesirable. That was the gist of the conversation."

After the decisions of January 23, 1941, teachers who had previously refused to give testimony volunteered to purge themselves of their contempt by testifying. The testimony, however, followed a uniform pattern of evasion and deceit. Teachers were instructed by the Committee to Defend Public Education to take notes while the hearings were in progress and to return to headquarters immediately upon the conclusion of the hearing with full reports as to the questions put and the answers made. Many teachers made no secret of the fact that they knew the line of the questioning before they appeared to testify. When appearing for questioning, they were usually shepherded by the ubiquitous legislative agent of the Teachers Union. The testimony itself followed a standard stereotyped pattern. The teachers all admitted membership in the union and participation in various types of Communist activity, such as May Day parades, which would tend to create an impression of frankness, yet not actually prove membership in the Party. Many of them admitted having attended Communist meetings of the open variety. Not one, however, admitted that he had ever been a member of the Communist Party or had ever known a member of the Party, with the sole exception of Isidore Begun. Mr. Begun's status as a Communist teacher was testified to with monotonous regularity. Not one teacher under the influence of the Teachers Union ever identified another individual in the school system as a Communist.

Throughout this period, the propaganda mill of the Teachers Union was in frenetic operation. All issues of "The New York Teacher," "The Teacher News," and of "The College News Letter," which was the publication of the College Teachers Union, devoted their attentions exclusively to the subject of the Committee. Every issue was replete with attacks on the procedure of the Committee and its motives. The theme was injected that the Committee was in league with "fascist elements." Those relatively few witnesses who exposed Communists and Communism in their testimony were branded as rats, flaks, scabs, stool pigeons, professional witnesses, and otherwise vilified. It was alleged that the Committee intended to abolish the city colleges outright.

The same themes were repeated in a score of publications and pamphlets issued by local chapters of the Teachers Union in the various schools and colleges. Elaborate books were printed and circulated. One was entitled, "The Conspiracy Against the Schools"; another, "Senator Coudert's Star Chamber." Another, profusely illustrated by well-known artists and entitled "Winter Soldiers," presented a pathetic appeal on behalf of the "victims" of the "fascist

elements" in control of the Committee. During the progress of public hearings, so-called "Education Defense Bulletins" were issued daily to the press and distributed in the schools and colleges.

Meanwhile every effort was made to agitate the student bodies in the city colleges over the issue of the "attack on the schools." Student rallies, mass meetings and picket lines were organized in rapid succession by Communist students under the auspices of the American Student Union. The headquarters of the Committee and the Supreme Court House, where the open hearings were held, were picketed on several occasions with placards appealing to the public to block the wicked effort to close the schools and to put an end to public education.

Throughout all this, the Communist Party line was clearly in evidence. Up to June 22, 1941, when anti-war agitation was abruptly halted by the Communist Party, the attacking groups consistently linked the Committee with the "imperialist warmongers" in all their propaganda.

A random item is of interest. In a leaflet issued by the Committee for Defense of Public Education, it was charged that the Committee stood for "cuts in the school budget," for "overcrowded classes," for "keeping your children in unsafe, unsanitary schools," for "depriving them of a decent education," for the "open shop," and for the "crippling of labor unions."

We cite the foregoing matters in this report, first, because it is valuable, in our judgment, to place upon the permanent record a sample of the techniques employed by Communists and Communist-controlled organizations when they are called to account by the public authorities and, second, because they illustrate a fundamental weakness in the law of Legislative Investigating Committees which can and should be corrected by legislation.

The campaign of obstruction and delay to which our Committee was initially subjected was a direct result of the fact that the law provides no civil penalty for contempt of a Legislative Committee. Persons who commit contempts before the courts and many of the other agencies of government, are subject to civil fine or imprisonment for a stated term. Legislative Committees, however, have no practical recourse available to them other than the procedure outlined in Sec. 406 of the Civil Practice Act.

Sec. 403 of the Civil Practice Act, the one available procedure, provides merely that a witness who refuses to testify may be committed by the Supreme Court only until he changes his mind. Under this provision, the witness has the key to the jail in his own pocket. He may defy the Committee, drag it through months of time-consuming and dilatory litigation, and then avoid any penalty for his conduct by consenting to answer the questions which were put to him many months before.

The existing criminal remedy is of no value, since it is impossible in cases of this kind to establish criminal intent beyond a reasonable doubt. The remedy provided in Sec. 4 of the Legislative Law of haling recalcitrant witnesses before the bar of the Legislature is of no practical value because it is cumbersome and because the Legislature is frequently out of session when questions arise.

In the present investigation, there were so many cases of individual defiance that only a few would be contested without bringing the work of inquiry to a standstill. Every investigator knows that witnesses must be interrogated promptly if truthful testimony is to be obtained from hostile witnesses. We are satisfied that much valuable evidence was lost to us because the witnesses felt secure in trifling with our process, and were suborned before their testimony could be taken.

In our judgment, this is a condition which calls for a remedy. It should not be possible, under the law of this state, for a subversive organization to cause its members to engage in an organized campaign of mass obstruction and delay without any penalty upon those who offend. Power should be conferred upon the Supreme Court by appropriate legislation to do more than merely enforce the giving of testimony. The Supreme Court should be authorized and empowered to fix penalties in such cases analogous to those which it is empowered to apply in cases involving civil disobedience of its own process.

The Committee is firmly of the belief that the Legislature will have occasion to investigate subversive activities again in the future. To fail to enact the legislation above recommended would be to invite further difficulty of the type herein described and to waste the valuable experience obtained by this Committee.

APPENDIX VI

EXHIBIT No. 24

BEFORE THE COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK

In the Matter of the Appeal of Teachers Union, Local 555 (U. P. W.), from the action of the Board of Education of the City of New York, in denying the use of public school buildings for the conduct of meetings to the appellant

The Board of Education of the City of New York for its answer to the appeal herein, by Denis M. Hurley, Corporation Counsel, its attorney, alleges:

I. Denies knowledge sufficient to form a belief as to the allegations of paragraph "1" of this appeal.

II. Denies each and every allegation of paragraph "2," which alleges that the resolution adopted by the Board of Education on July 19, 1951, and as applied to the Teachers Union should be declared illegal and void.

III. Admits each and every allegation of paragraphs "3," "4," and "5," and alleges that:

(a) At the July 12, 1951, public meeting of the Board, many representatives of veteran organizations and civic groups spoke in support of the proposed resolution. These same persons specifically objected to the use of the school buildings and grounds by the Teachers Union, which organization was not included within the terms of the proposed resolution. Mrs. Rose V. Russell, who is the legislative representative of the Teachers Union spoke against the proposed resolution as did representatives of the American Labor Party, the Communist Party, and representatives of some other organizations.

(b) The proposed resolution was broadened to reserve to the Board and the Superintendent of Schools the power to bar the use of the school buildings and grounds to any group or organization which either the Board or the Superintendent has reason to believe to be totalitarian, fascist, communist or subversive. This resolution was adopted by the Board at its meeting of July 19, 1951. All the members of the Board, with the exception of Mr. Marshall, who was absent, voted in favor of subdivisions 1 and 2 of the resolution. As to parts 3 and 4, all the members present, except Mr. Bensley, voted to adopt the resolution.

IV. Deny each and every allegation of paragraph "6" except to admit that no further public hearing or public notice was given before the Board adopted the resolution of July 19, 1951. As to this admission, the Board asserts it had no obligation under the New York State Education Law or the By-laws of the Board of Education to hold such a hearing.

V. Admits each and every allegation of paragraph "7".

VI. Deny knowledge sufficient to form a belief as to the allegation of paragraph "8" that the bulk of the membership of the Teachers Union has been composed of public school teachers but admit that the Teachers Union had been permitted the use of public school buildings as a meeting place.

VII. Deny knowledge sufficient to form a belief as to each and every allegation of paragraphs "9" and "10".

VIII. Admit each and every allegation contained in paragraphs "11" and "12".

IX. As to paragraphs "13," "14," "15," and "16," no pleading shall be made as to the right of the Teachers Union to have used the school building for the meeting of September 24, 1951, since this phase of the appeal has been disposed of by the Commissioner of Education with the exception that:

(a) The Board denies, however, that allegation in paragraph "13" which alleges that the Teachers Union duly applied on or about June 15, 1951, for permission to use the schools described in paragraph "9" of the appeal, Washington Irving High School, Central Commercial High School or Strauber Muller Textile High School. The only application which has been found in the files of the Division of Community Education on behalf of the Teachers Union is an application by one, Rose Katine, for the use of P. S. # 113.

(b) When Superintendent Jansen gave his assurance to the representative of the Teachers Union that he thought the Teachers Union would be allowed to use Washington Irving High School, he assumed a proper application had been made for the use of the school building.

X. In answer to paragraph "17" the Board admits that neither the Board nor the Superintendent has filed any charges against the Teachers Union that it is totalitarian, fascist, communist or subversive but the Board denies that it has the duty to prefer such charges or that any forum exists before which any such

charges could be filed. The Board alleges further that in its resolution of June 1, 1950, in which it resolved "that . . . the Board of Education and its supervisors and administrators shall not negotiate, confer or deal with the Teachers Union, Local 555, United Public Workers, or its agents or representatives, in relation to any teacher grievances or any personnel or professional problems; . . ." it stated as one of its reasons for adopting the resolution that the Teachers Union, Local 555, United Public Workers, had been expelled from the C. I. O. because "The policies and activities of the United Public Workers of America are consistently directed towards the achievement of the program and the purposes of the Communist Party rather than the objectives and policies set forth in the C. I. O. Constitution."

XI. In answer to paragraph "18" the Board alleges that this appeal is the first proceedings in which the Board has been called upon to show that it has not been arbitrary in the use of its discretion in barring the Teachers Union from the use of school buildings and grounds.

XII. In answer to paragraphs "19" and "20" the Board denies that it was under an obligation to afford the Teachers Union an opportunity to cross-examine witnesses against it or to present witnesses or evidence in its behalf to controvert any allegation that it is totalitarian, fascist, communist or subversive. The Board, in the exercise of its discretion, has denied the use of the school buildings and grounds to the Teachers Union not only because it has reason to believe the Teachers Union is communistic but also because the Board had received many protests from representative organizations. The Board on this appeal must demonstrate that this was not an arbitrary determination. The Board has demonstrated that it is neither arbitrary or discriminatory in the affidavit of Dr. William Jansen, who is the Superintendent of Schools and a member, without vote, of the Board of Education. This affidavit is annexed hereto and made a part of this answer as Exhibit "A."

The Board further alleges in answer to paragraphs "19" and "20" that in this appeal to the Commissioner of Education the Teachers Union is having a review comparable to a judicial review in which the Board must establish the basis for its action. The appellant is having the due process which is afforded any applicant who has applied for a license or any type of permission which the Board is empowered to grant. It is also significant to note that the Teachers Union could have under Article 78 of the Civil Practice Act pursued in the Courts a judicial review of the acts of the Board.

XIII. Denies knowledge sufficient to form a belief to each and every allegation of paragraphs "21" and "22."

XV. In answer to paragraph "38" the Board denies that the Teachers Union is being deprived of property and liberty without due process for the reasons set forth in paragraph XII of this answer. The Board further alleges:

(a) The Teachers Union has by virtue of its insistence of a ruling on its application for the use of the school building invited the Board to make a determination whether the Teachers Union was in the opinion of the Board a communistic organization.

(b) Education Law § 414 does not create any property rights in the Teachers Union to use school buildings. This section vests the Board of Education with power to permit, if the Board deems it advisable, the use of the school buildings by organizations with certain limits.

XVI. Denies each and every allegation in paragraphs "29," "30," "31," "32," "33" and "34."

WHEREFORE, the Board of Education of the City of New York respectfully prays that the appeal herein be dismissed.

DENIS M. HURLEY,
Corporation Counsel,

Attorney for Board of Education of the City of New York.

Office and P. O. Address: Municipal Building, Borough of Manhattan 7, City of New York.

STATE OF NEW YORK,
County of Kings, ss:

Morris Warschauer, being duly sworn, says that he has been duly designated as Secretary of the Board of Education of the City of New York, one of the respondents herein, and as such that he is an officer of the same. That the foregoing answer is true of his own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters he

believes it to be true. Deponent further states that the reason why this verification is not made by the respondent, Board of Education, is that it is a corporation; that the grounds of his belief as to all matters not therein stated upon his knowledge are as follows: Information obtained from the books and records of the said Board of Education and from statements made to him by certain officers or agents of the said Board.

MORRIS WARSCHAUER.

Sworn to before me this 17th day of October 1951.

BEFORE THE COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK

In the Matter of the Appeal of Teachers Union, Local 555 (U. P. W.), from the action of the Board of Education of the City of New York, in denying the use of public school buildings for the conduct of meetings to the appellant

STATE OF NEW YORK,
County of New York, ss:

William Jansen, being duly sworn, deposes and says:

1. He is the Superintendent of Schools and as such is a member, without vote, of the Board of Education of the City of New York.

2. On August 30, 1951, he met with the members of the Board to discuss *inter alia* whether the Teachers Union, Local 555, United Public Workers, should be permitted to use the school buildings for meetings and other purposes.

3. The Board determined that the Teachers Union should be barred from the use of the school buildings for two reasons:

(a) The Board had received many protests from veteran organizations, mothers' clubs and civic associations against the use of the school buildings by the Teachers Union. These protests were made orally at several of the public meetings of the Board including the meeting of July 12, 1951. In addition, a formal petition of protest had been filed by a large number of organizations with the Board in March of 1950. A copy of this petition is attached hereto as Exhibit "1".

(b) The Board had reason to believe that the Teachers Union was communistic and accordingly found that this organization fell within subdivision 3 of the resolution adopted by the Board on July 19, 1951, which reads as follows:

Resolved, That the use of school buildings and grounds be denied to—

"1. The Communist Party;

"2. The International Workers Order;

"3. Any other group or organization found by the Department of Justice or by the Regents of the State of New York to be, or which the Board of Education or the Superintendent of Schools has reason to believe to be, totalitarian, fascist, communist or subversive;

"4. Any subsidiary, committee or affiliate of any of the foregoing groups or organizations;

and be it further

Resolved, That any and all permits heretofore issued to any of the foregoing organizations be, and they hereby are, terminated."

4. The Board was aware that:

(a) The Teachers Union had been one of the subjects of investigation by the Subcommittee of the New York State Joint Legislative Committee to Investigate Procedures and Methods of Allocating State Moneys for Public School Purposes and Subversive Activities. This subcommittee is better known as the Rapp-Coudert Committee. The results of this investigation are contained in Legislative Document (1942) No. 49 which is entitled Report of the Subcommittee Relative to the Public Educational System of the City of New York. This report established conclusively the communist character of the Teachers Union at that time.

(b) The Teachers Union was one of the subjects of investigation of a special subcommittee of the Committee on Education and Labor of the House of Representatives, Eightieth Congress, conducted during part of September and part of October 1948. The "Interim Report" of this committee sets forth the fact that the Teachers Union has followed the Communist Party line and that its key personnel refused to tell the subcommittee whether or not they were members of the Communist Party or to what extent there was communist influence in the Teachers Union.

(c) The Teachers Union has been expelled for following the Communist Party line from the American Federation of Teachers in 1941 and as part of the United Public Workers of America from the Congress of Industrial Organization in 1950.

(d) Throughout the history of the Teachers Union from 1937 to the present day, the presidents and legislative representatives of the Teachers Union have either been communists or have refused, when asked by a duly authorized person, to answer whether or not they are members of the Communist Party. The Teachers Union through its official publication the "New York Teacher News" has followed a policy of supporting the Communist Party line and people identified with the Communist Party.

RAPP-ROUDERT FINDINGS

5. The report of this committee was extremely valuable to the Board because as a result of its public and private hearings this committee traced the manner in which the communist minority under the name of the "Rank and File" group was able to infiltrate into the Teachers Union, drive out all non-radical opposition by 1935 and capture the Teachers Union in 1937. Prior to 1935 this organization had been a true labor union dedicated to the ideal of bettering the working conditions of the teachers.

6. This report relates that at a union trial of 1932-1933 presided over by Professor John Dewey of Columbia University, Isadore Begun, a self-admitted Communist, testified that he was the leader of the Rank and File faction of the Teachers Union (p. 118). Mr. Begun further stated at this union trial that "I would not want to gain control unless it is ideologically placed" (p. 200). In 1937 when the "Rank and File" group secured complete control under the new name "Majority Party," Isadore Begun, who by that time had become the Educational Director of the Communist Party of the State of New York, was elected to the Executive Board of the Teachers Union and held this post until 1939 (pp. 209, 214).

7. According to the report the first president chosen by the communist group was Charles J. Hendley (who held the post of President of the Teachers Union from 1937 to 1945). As to this teacher the report stated that no one has ever identified Mr. Hendley as a party member but he has followed the party line religiously, and at the very least has permitted himself to be used as a screen by the communists (pp. 224, 353-355). Any suspicions which may have existed that Mr. Hendley was a member of the Communist Party received support in the October 7, 1951, issue of the New York Times which contained a news item announcing that Charles J. Hendley, former president of the New York Teachers Union, was one of the new owners of the Daily Worker and The Worker, communist weekday and Sunday publications. Attached hereto and made a part of this affidavit as Exhibit 2 is a copy of this news report.

8. The degree of control exercised by the Communist Party over the Teachers Union during this period from 1938-1942 is best reflected by that part of the report which quotes a statement made at the 10th Convention of the Communist Party of New York State held in New York City on May 20-23, 1938, by a member of the "Teachers Faction".

"We have been brought to this realization by watching the growth of our Local, Teachers Union Local No. 5. It has grown from about 300 three years ago to 7,000 today. We also helped set up W. P. A. and College Teachers locals of 1,000 each; and in addition, seven locals upstate. During this time, our fraction of 35 grew to many hundreds.

"We have in our local, as seems to be the case in every other local union, some Lovestonettes, Trotskyites, and Trotskyite-led Socialists. They tried to prevent our local from expressing an opinion on collective security at a meeting held a couple of weeks ago. They brought down their big artillery, Norman Thomas, Norman Thomas, you must know, is a member of our local. The trouble with Norman Thomas was that this big gun was loaded with blanks, and at the meeting at which there were about 2,500, when the vote came against collective security we could count just 42 hands. He was snowed under so completely that I think he will never recover from it.

"There are several hundred Party members in the Union. This is a big fraction and more than is necessary in our industry, if you wish to call it that. I think about 100 or so would be sufficient to work within the union; and so we have sent our Party members into the apparatus of our Party everywhere, in the Counties, in the Sections, and in the District. You fall over teachers everywhere. In spite of that I think that our fraction will affect the composi-

tion of our Party by steady recruiting from among the teachers in the Teachers Union." (p. 205).

D. The report of this legislative subcommittee sets forth in detail the slavish manner in which the Teachers Union followed the Communist Party line, both locally and internationally, through the Hitler-Stalin pact, the invasion of Finland by the Soviet Union, and the "American Peace Mobilization" movement until the invasion of Russia by Germany (pp. 216-222). The Committee in summing up its findings stated:

" * * * In the New York City Teachers Union, we have revealed a record which shows precisely how the Communists built up an illegal apparatus within a legal apparatus, ultimately capturing it and subverting it to their will; * * * " (p. 350).

" * * * The Teachers Union now stands convicted by its ejection from the American Federation of Teachers and by the evidence before our Committee as a Communist dominated organization, which has consistently followed the party line through all its twisting and turning, and has, with equal consistency, engaged in 'practices inimical to democracy.' * * * " (p. 353).

INTERIM REPORT OF THE SPECIAL SUBCOMMITTEE OF THE CONGRESSIONAL COMMITTEE ON EDUCATION AND LABOR

10. This subcommittee conducted public hearings during which it heard testimony on the activities and policies of the Teachers Union, Local 555, U. P. W. A. C. I. O. At these hearings the testimony established that Bella Dodd served as legislative representative of the Teachers Union from 1933 to 1944 and as a member of its powerful executive board until 1948 (p. 15). In the record of the Hearings of this special subcommittee of the Committee on Education and Labor, House of Representatives, 80th Congress, at p. 360, Mrs. Bella Dodd acknowledged that in 1944 she became a member of the National Committee of the Communist Political Association; that in 1946 her name was put forth for nomination to run for the post of Attorney General of the State of New York on the Communist Party ticket; that in 1945 she was the State legislative director of the Communist Party in Albany, New York.

11. At these hearings Mrs. Rose Russell, legislative representative of the Teachers Union, Mr. Abraham Lederman, the current president of the Teachers Union, and Samuel Wallach, the Unions president from 1945 to 1948, all refused to answer the question "Are you now or have you ever been a member of the Communist Party" (p. 18—Interim report). Mrs. Russell and Mr. Lederman refused to answer the question of the Committee whether they knew of any leaders in the Teachers Union who are communists. They also asserted they would do nothing to expel a known communist from the Teachers Union (pp. 378, 421-422, 426-428 Hearings before a Special Subcommittee of the Committee on Education and Labor, House of Representatives, Eightieth Congress).

12. The subcommittee also took cognizance of the fact that the New York Teachers News, the official organ of the Teachers Union, had not only followed the Communist Party line but also had announced the open defiance of the Teachers Union to the investigation of the Union of the Congressional Committee (pp. 15-18—Interim Report).

13. Among the conclusions and Recommendations of the subcommittee are the following (p. 21—Interim Report).

"1. We are convinced that the overwhelming majority of the public and private school teachers of New York City are able, earnest, loyal and patriotic citizens of the United States.

"2. There are indications of Communist activity in Teachers Union, Local 555.

"3. From the evidence presented to your subcommittee, Teachers Union, Local 555, follows the Communist Party line."

Copies of the Interim Report of the Subcommittee which were referred to in this affidavit are annexed hereto and made a part of this affidavit as Exhibit 3.

EXPULSION OF THE TEACHERS UNION, LOCAL 555, U. P. W., FROM THE AMERICAN FEDERATION OF TEACHERS IN 1941 AND AS PART OF THE UNITED PUBLIC WORKERS OF AMERICA FROM THE CONGRESS OF INDUSTRIAL ORGANIZATIONS IN 1950

14. In 1941, the American Federation of Teachers expelled the Teachers Union from its organization because of the undeviating adherence of the Teachers Union to the Communist Party line. This expulsion has already been referred to in paragraph "9" of this affidavit.

15. In 1949, the C. I. O. at its 11th Constitutional Convention adopted a resolution which directed its Executive Board "to prevent the use of the good name of the C. I. O. by those who have consistently directed their policies and activities toward the achievement of the program and the purposes of the Communist Party, any Fascist organization or other totalitarian movement."

16. At a meeting of the C. I. O. Executive Committee held on November 5, 1949, charges were filed with the Executive Board that the policies and activities of the United Public Workers of America "were consistently directed toward the achievement of the program and the purposes of the Communist Party rather than the objectives set forth in the Constitution of the C. I. O."

17. A committee was appointed to conduct a hearing of these charges. The committee heard the evidence in support of the charges and gave the U. P. W. adequate opportunity to present testimony and material in opposition to the charges.

18. The report and findings of the committee were presented to the Executive Board. After considering the report and hearing the U. P. W. in opposition to the report and findings of the committee, the Executive Board on February 15, 1950 determined "that in pursuance of the powers granted to the Executive Board by Section 10 or Article 4 of the Constitution of the Congress of Industrial Organizations and pursuant to the findings of this Board that the policies and activities of the United Public Workers of America are consistently directed toward the achievement of the program and the purposes of the Communist Party rather than the objectives and policies set forth in the Constitution of the C. I. O., the certificate of affiliation with the C. I. O. heretofore granted to the United Public Workers of America is, effective March 1, 1950, revoked, and the United Public Workers of America is, as of that date, expelled from the C. I. O." A copy of the resolution is annexed hereto and made a part of this affidavit as Exhibit 4.

19. To date, the Teachers Union has not attempted to disassociate itself from the U. P. W. but rather has remained a Local of this organization which has been labeled as dedicated to the achievement of the program and purposes of the Communist Party.

THE LEADERS OF THE TEACHERS UNION AND THE POLICY OF THE TEACHERS NEWS REFLECT THE COMMUNIST INFLUENCE IN THE TEACHERS UNION

20. The first president of the "Rank and File" group was Charles J. Hendley, who held this office from 1937 to 1945. Today, this man appears as one of the new owners of the Daily Worker and the Worker. In addition to holding this post he appears as the Secretary of the corporation which currently owns the Teachers News. The fact that Mr. Hendley is now openly connected with the Communist Party, coupled with his actions over the years, can leave no doubt as to the Communist sympathies of this former president and still active member of the Teachers Union.

21. Mr. Hendley was succeeded by Mr. Samuel Wallach, who served from 1945 to 1948, as president of the Teachers Union. In paragraph "11" of this affidavit this man's defiance of the Congressional Committee and his refusal to answer whether or not he was or had been a member of the Communist Party are fully disclosed.

22. Mr. Abraham Lederman is the current president of the Teachers Union having followed by Mr. Samuel Wallach as president. Mr. Lederman's defiance of the Congressional Committee on the question of communism in the Teachers Union and on the question of whether or not he himself was a member of the Communist Party are set forth in paragraph "11" of this affidavit. In April of 1950 Abraham Lederman was summoned before the Superintendent of Schools, and as a teacher in the New York City public school system was asked whether he was then or had been a member of the Communist Party. Mr. Lederman persisted in his defiance and refused to answer this inquiry which had a vital bearing on his loyalty and fitness as a teacher in a public school system dedicated to the education of American youth in the principles of democracy and Americanism.

23. Mr. Lederman was subsequently tried in a disciplinary proceeding and having been found guilty of insubordination was dismissed by the Board of Education from the New York City public schools.

24. At approximately the same time that Mr. Lederman was questioned by the Superintendent of Schools as to whether or not he was or had been a member of the Communist Party, seven other teachers were asked the same

question. They also defied this inquiry as to their character, loyalty and fitness, and after a disciplinary hearing they too were dismissed by the Board of Education as being unfit to continue as teachers in the New York City public school system.

25. It developed later that of these seven teachers one of them, Cella Zitron, is the secretary of the Teachers Union. Five of the remaining six were chairmen of various committees of the Teachers Union.

26. The record of Mrs. Bella Dodd, the legislative representative of the Teachers Union from 1937 to 1944 as an important communist functionary, is adequately set forth in paragraph "10" of this affidavit. It should be pointed out that even after she became openly identified with the Communist Party she continued to serve as a member of the Executive Board of the Teachers Union until June of 1948.

27. Mrs. Rose V. Russell, the successor to Mrs. Bella Dodd and the current legislative representative of the Teachers Union, also defied the Congressional Committee by refusing to answer whether or not she was a member of the Communist Party and whether or not there were any Communists among the leaders of the Teachers Union. These facts are set forth more fully in paragraph "11" of this affidavit.

28. The New York Teachers News has consistently battled any attempt by legislatures, boards of education, or boards of regents to investigate Communist in the various educational systems throughout the Nation or to bar Communist from teaching positions. The Commissioner's attention is directed to clippings from issues of the New York Teachers News which are attached hereto and made a part of this affidavit as Exhibit 5.

29. The New York Teachers News has consistently defended any teacher who has been accused of slanting lessons in favor of the Soviet Union or Communist Russia. This was particularly true in the case of Louis Jaffe and Morris Needleman. The same situation prevailed in the case of Alexander Koral, an employee of the Board of Education, who had been dismissed from the school system because he had refused to answer questions of a Congressional Committee as to his participation in a Communist espionage ring, on the ground that such testimony might tend to incriminate him. The Teachers Union filed a brief in support of Koral when he appealed his dismissal to the Courts. Photostatic excerpts from the Teachers News to illustrate the above statements are annexed to this affidavit and made a part thereof as Exhibit 6.

30. This publication of the Teachers Union has consistently supported various communist sponsored causes such as the spurious Communist Peace Offensive which took the form of the "Cultural and Scientific Conference for World Peace." Photostatic excerpts from the Teachers News are annexed to this affidavit and made a part thereof as Exhibit 7.

31. The Teachers News hailed the brave eleven Hollywood writers who had been tried and found guilty of defying a Congressional Committee's inquiry into the communist affiliations of those eleven writers. In an editorial, which is attached hereto and made a part of this affidavit as Exhibit "8", the Teachers News stated: "theirs is not the crime, but ours, as a nation. These are men and women to be lauded, to be honored. Those who have persecuted them and have sent them to the common jail must go down in history as the enemy of all that is honorable in the struggle of the American people for liberty * * *."

32. In 1943, when Morris Schappes was released from prison after having serving a sentence for perjury himself in the Rapp-Coudert Committee hearings by denying that he was a member of the Communist Party, the Teachers News welcomed him in a glowing editorial which is attached hereto and made a part of this affidavit as Exhibit 9.

33. This publication of the Teachers Union has been consistently hostile to any program designed to show the advantage of living in a democracy, and continually bewails the fact that the teachers cannot teach as they would desire to about Soviet Russia. See Exhibit 10 which is attached hereto and made a part of this affidavit.

34. The Teachers News is replete with instance after instance of news items and editorials in support of the Communist Party line, as has been indicated above. However, no exhaustive effort was made in this affidavit to list each and every instance. The issues of the Teachers News which are referred to in this affidavit are not the only issues in which the Communist Party line is manifested, but are given only by way of example.

35. The Board of Education did not undertake to afford the Teachers Union a hearing before barring it from the use of school buildings because there are

thousands of applications made each year for the use of school buildings. If the Board were to afford each applicant who was refused the use of a school building a hearing there would be little else in the way of school administration that could be accomplished by the Board.

33. The true test of whether permission should or should not have been granted is whether the Board was arbitrary or totally lacking in reason for denying the use of the school buildings to the Teachers Union. That manifestly is not true in the instant case. The Board acted after it had received innumerable protests from representative organizations over the use of the school buildings by the Teachers Union and after the Board had determined that a reasonable basis existed to conclude that the Teachers Union was communistic.

Sworn to before me this 17th day of October 1951.

{Face of copy of answer and affidavit}

Index No.----

Year----

BEFORE THE COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK

In the Matter of the Appeal of Teachers Union, Local 555 (U. P. W.), from the action of the Board of Education of the City of New York, etc.

ANSWER AND AFFIDAVIT

DENNIS M. HURLEY,
*Corporation Counsel,
Attorney for Board of Education.*

Municipal Building, New York 7, N. Y.

Due and timely service of a copy of the within is hereby admitted.

NEW YORK, -----, 19-----

Attorney for the Plaintiff.

To

-----, Esq.,
Attorney for the Plaintiff.

APPENDIX VII

EXHIBIT No. 31

CHAPTER III—COMMUNISM AND EDUCATION

The Communist movement exhibits an intense preoccupation with the education system. Since education is that part of our national activity which concerns itself with the world of tomorrow, and since the Communist Party is exclusively occupied with its attempts to alter that world, this is not surprising.

Although the literature is voluminous, we find the Communist viewpoint sufficiently expressed in three works to confine our attention to them. They are:

1. Education and the Social Conflict, by Howard David Langford, Ph. D., Macmillan's, New York, 1936. The author was formerly connected with the Juilliard Institute, New York City, and belonged to the Teachers Union, Local 5. The book was published under the auspices of Kappa Delta Phi, being one of a series on educational subjects under the general editorship of Prof. Alfred L. Hall-Quest. The book purports to be an exposition of the Communist attitude toward education.

2. The Schools and the Crisis, by "Rex David," International Pamphlets, New York, 1934. This work was prepared under the direction of Labor Research Association. The Committee was unable to trace the author. Mr. Robert W. Dunn, director of Labor Research Association, claimed that the manuscript was submitted by an unknown teacher giving his name as "Rex David," and claimed

to have no means of identifying him. Internal evidence indicates that it was prepared, at least in part, by a person or persons belonging to the "Rank and File" group of the Teachers Union (see pp. 181 et seq., post).

3. The Schools and the People's Front, by "Richard Frank," published in "The Communist," Vol. XVI, No. 5, May 1937, pp. 432-445. The Committee was unable to identify the author, although it examined several persons who were undoubtedly in a position to know his identity.

THE DIALECTICAL APPROACH TO EDUCATION

Communist philosophy is, as we have seen, an integrated whole. The world is dialectically analyzed and fits into neat compartments of good and evil. The schools are not exempted from this sweeping dichotomy, which the editor of the Langford book restates thus:

"If the author's basic assumption is granted many of his arguments will of necessity be approved. This assumption emphasizes the existence of a distinct class conflict in the United States, a conflict in which identifiable class-groups engage. One of them (Labor) is opposed by the other (Capital), the latter exploiting the former. The author charges that producers are antagonistic toward consumers (workers) but he includes among the workers all who are not capitalists, i. e., all professional and all manual workers, everybody who exchanges labor for wage or salary. The capitalist is distinguished from the worker by the fact (as the author interprets it) that he receives neither wage nor salary but profits. The chief factors determining the two economic classes are, therefore, on the one hand, wages and salaries, and on the other, profits. Those who live by wages and salaries are the workers (goats), and those who live by profits are the capitalists (sheep—all black). Class conflict apparently is inevitable when these two economic camps prevail." (Langford, *op. cit.*, editor's foreword, p. viii.)

The class conflict is, to Communists, no mere political theory; it is an inexorable law of nature, a law as inescapable as the laws of physics or chemistry:

"To millions of Americans the *reality* of the class conflict is as obvious as an unpaid rent bill, as insistent as hunger. Marx and the Communists cannot be blamed for that conflict any more than Newton—and Galileo before him—can be blamed for gravitation, or Pasteur for disease germs.

"In time the arguments now being advanced to 'disprove' the existence of the class conflict will seem as illusory and irrelevant as the objections formerly leveled at the heliocentric theory. But that is a matter of education through struggle—in factory and field, theater and classroom, at the desk and on the picket line." (Langford, *op. cit.*, pp. 5-6.)

THE SCHOOL, AN INSTRUMENT OF COERCION

Since all social institutions exist in a milieu of class conflict, they are necessarily weapons in that conflict, in the hands of those who control them. Communists do not control the schools of America. Ergo, the capitalists control the schools. Ergo, schools are capitalist tools to enslave the masses. Upon this point, unanimity is complete:

"That which is most immediately apparent to anyone who studies public education must be the fact that *the public-school system is a part of the state machinery.*

"The function of the state machinery being to subjugate the proletariat and the toiling masses in general to the rule of the bourgeoisie, the role of the public-school system cannot be isolated from this general function of the capitalist state.

"The function of the bourgeois school system can be expressed very simply as being the *training of efficient and docile wage slaves.* In other words, the task of the public schools is the ideological preparation for the perpetuation of capitalism." (Frank, *op. cit.*, pp. 432-433.)

"Under these circumstances the administrative hierarchy, so admirable from the standpoint of business efficiency, becomes no less effective as a device for furthering the purposes of business through the schools. *The school system—not merely in its teachings, but by virtue of its very structure—becomes a part of the capitalist apparatus of social control.*" (Langford, *op. cit.*, p. 173.)

"Rex David," employing the picturesque verbiage of the pre-"Democratic front" era, puts it thus:

"The bankers and businessmen who decide how the school budgets are to be cut also direct and control what shall be taught. No public school in the United

States dares to teach the truth about the struggle between workers and employers. The teaching of 'civics' is required but no teacher dares to tell his children how crooked business and politics work in the town where he teaches. All teachers of history and civics whether they are intelligent enough to know the truth or not, are forced to teach lies to the children. If they will not, they are fired. * * *

"The teaching of lies is not limited to religion. Textbook writers are forced to write lies, to leave out the truth, to glorify war, to picture wealthy men as heroes, and even to prepare special editions of their books for certain sections of the country." (David, *op. cit.*, p. 16.)

The school is not isolated in its function as a tool of the "overlords": It merely expresses the general function of the American system of government. Thus, Langford says:

"The American state was from the beginning not simply a voluntary association of all concerned but an institution for the coercion of elements hostile to the interests of its founders, namely, the rising class of businessmen and landlords. * * *

"Working class demands for participation met by coercion at all points.—Capitalism, in creating this machinery, has created the modern working class, which with each development in the capitalist system becomes more and more insistent upon participation in social control through its own characteristic media—workers' councils, trade unions, and other mass organizations.

"The capitalist class regard such demands as an infringement on their right to appropriate the surplus of production for themselves. Their answer to this threat to their supremacy is coercion—imposition from above. This is not confined to legislation or administrative regulation emanating from Washington or the state capital. It impinges upon the workers wherever the conflicting interests of the two classes are in evidence, as in the factory, or in the slum tenement, or in the school or college." Langford, *op. cit.*, pp. 97-99.)

The present status of the schools in America, it is said, being non-Communist, does not differ from the situation in Tsarist Russia.

"Before the transfer of power which made the Moscow plan possible the Russian school officials and the Russian ruling class generally did not consciously foster fundamental social change but strove to prevent it. The same opposition to change is as evident in the school and planning programs in New York and Chicago as under the openly reactionary Czarist regime. Those who stand to benefit by change are under the same necessity for devising effective means of overcoming that opposition both outside and inside the schools." (Langford, *op. cit.*, pp. 34-45.)

Of course, the situation is far different in Russia under the Soviet regime.

"In our own schools, such democracy as Professor Dewey has found, of such happy, eager children as Dr. Wilson has seen, are only possible if the parents and teachers direct the policies of the schools as they do in the Soviet Union. But here the ruling capitalist class now openly declares that school work must be curtailed so that bankers may receive their interest on city loans. They insist only on the essential work of molding obedient young wage earners, and future soldiers. They are not concerned with what the youngsters feel and think, or what they learn.

"Students who protest against school conditions are constantly attacked by police, beaten, and often jailed, as happened in 1933 * * *." (David, *op. cit.*, p. 17.)

These horrible misdeeds, the writer avers, are symptomatic of a wicked capitalist conspiracy to destroy the schools and thus continue the enslavement of the toilers.

"The destruction of our educational system is being planned, organized and carried out by the very men into whose hands the advancement of education was entrusted. Boards of education, organizations of leading citizens, Chambers of Commerce and professional patriotic societies as well as educators and local, state and Federal governments are unwilling to destroy the educational opportunities of the masses." (David, *op. cit.*, pp. 24-25.)

Such views as these are well-nigh unintelligible to the average rational person, who finds it impossible to believe that they can be seriously entertained by presumably intelligent beings. The fact is, however, that these conclusions follow logically from an acceptance of the dialectical hypothesis, which is, for Communists, an act of faith. Thus, Dr. Hall-Quest comments:

"The dialectical attitude, therefore, is dis-ruptive. It interprets history as the record of struggle among dissimilar parts, each warring upon the other, and

nowhere evincing unity of purpose. The dialectical eye sees only conflict and violence, dislocations and disharmony. It sees disintegration where profound integration may be at work. * * *

"The dialectical method, whether Hegelian or Hegelian-Marxian, seeks for evidences of disorder or disharmony. Labor and capital are viewed as two disintegrated expressions of a possibly original Golden Age. The problem of intelligent man is to establish the social order in which parts or classes or disintegrated factors no longer appear; unity has been consummated. In the meantime the emphasis must be placed on disorder and conflict; the dialectical method so demands. To be dialectical is to be antithetical. Labor and capital appear to the dialectical eye as two absolute opposites, their very natures necessitating conflict with each other. By encouraging the conflict they may destroy each other and lo, the new social order with peace and plenty for all." (Langford, *op. cit.*, editor's foreword, pp. xiv, xv-xvi.)

Under dialectics, everything is black or white. Schools, not being white, are black.

Hence, they are (or at least, were) war-mongering lackeys of the dominant class. Thus, says "David":

"American schools do everything possible to glorify war and teach unthinking obedience. Troops of Boy Scouts are organized by teachers and Scout meetings held in the schools. All this is made very exciting and interesting for the children, while the real purposes of the leaders are hidden from them. *Citizens' Organizations and the Civic Training of Youth* by Bessie Pierce explains the process in detail.

"Later, in high school or college, ROTC units are organized by the government to help in this work of militarizing the youth. Tuition and uniforms are provided free and hands bare. In some schools units of girls are recruited, with lieutenants, captains and colonels appointed to drill their classmates and advertise the army by dress parades. Merchants offer prizes for the boys who have succeeded best in learning how to murder in war. When these lures fail many high schools and colleges force the boys to take military training as the price of attendance. If they refuse, they are expelled.

"Children in American schools are taught to obey orders without question and have little voice in the management of the schools." (David, *op. cit.*, pp. 16-17.)

SCHOOL "BOSSSES" AND SCHOOL "WORKERS"

Those who thus administer the schools are not to be spared the lash. Mr. "Frank" wields it thus:

"Since the schools are part of the state machinery, their administration is in the hands of bureaucrats. Educational authorities are not elected by the people or answerable to the people, but are appointed from above. Students, teachers, and parents are subjected to the discipline of the educational system, but have no voice in its administration. The bureaucrats who control the schools are carefully trained in an antidemocratic spirit of subservency to the bourgeoisie. The administrative educational system is in fact a perfect hierarchy with semi-military discipline. The teacher is supposed to be in absolute subjection to the principal. In the same way, principals are subjected to the rule of superintendents; superintendents to state departments, and the latter in turn by hundreds and thousands of ties to the bourgeoisie." (Frank, *op. cit.*, pp. 433-434.)

Dr. Langford's view is equally charitable:

"No such change of control is contemplated by the majority of administrative officials, despite their present role as leaders in the defense of the schools. Ostensibly all concerned in the educational enterprise are animated by a single thought, namely, to promote the growth of the younger generation and thereby to insure the future of the American people. But the school has not been merely modeled after the pattern of business as advocated by Cubberley and Briggs. The school has become a very big business in itself—a business which is very much a part of the capitalist system. Like all enterprises conducted under capitalist auspices it illustrates the fundamental cleavage of interest between the classes. * * *

"The superintendent of schools, in addition to being an educational worker, is the general manager of the school system as a business enterprise. As the manager he is responsible to the board of education—his directors—for results which they desire. The members of the board, like members of all legislative bodies under capitalism, are not merely the spokesmen of the 'public' at large. They represent the dominant class, whose interests prevail in the schools just

as they do in the state and federal legislative bodies and in the courts. Their decisive contacts, however legal and ethical according to the capitalist code, are with those vitally interested in the schools as a source of private profit, namely, with bankers, real-estate promoters, building contractors, manufacturers and distributors of equipment and supplies, and publishers of textbooks." (Langford, *op. cit.*, pp. 143, 145.)

Reformism, we have seen, is the deadliest enemy of progress. It is therefore not surprising that the liberal or progressive school is likewise a tool of reaction.

"Theory which is intended to be progressive but which fails to recognize the essential antagonism between the classes or seeks to reconcile their opposing interests lends itself to the obstructive purposes of the present ruling class." (Langford, *op. cit.*, p. 59.)

The school is held to be an instrument of repression. Hence the teachers, who are really workers, are front-line victims.

"Teachers have no more to do with the actual administration of the schools than have students, but are, like privates in the army, subjected to a semi-military type of discipline imposed by a whole hierarchy of school officials. They are not supposed to think, to stimulate thought, to bring any new ideas to their students, or to be genuinely considerate of the welfare of the latter. More than any other section of the working class, care is taken to prevent them from exercising freedom of thought or speech. They are instruments for indoctrinating the minds of the future working class with bourgeois ideology, and the slightest sympathy on their part for the labor movement is ruthlessly suppressed." (Frank, *op. cit.*, p. 439.)

THE "STRUGGLE" FOR CHANGE

From these premises, the need for change follows as the night the day.

"The official school program adapted to the purposes of capitalism.—Apart from economic interests vested directly in the schools, and apart from the possible service of these institutions in providing workers for industry, there is a third reason why the capitalist class has given considerable support to the public schools. They were originally designed, and have since been maintained, as means for the mass production of supporters of middle-class democracy. 'Public education for all' in the words of Claude G. Bowers, 'is not designed so much to serve the individual as to preserve our political system.'

"Hence the need (from the point of view of militant workers) not only for quantitative change—but more school facilities, more pupils in school, more teachers, drawing higher salaries and teaching smaller classes—but also for qualitative change in the content and methods of instruction and in school organization." (Langford, *op. cit.*, pp. 146-147.)

This "qualitative" change in the school cannot be achieved, however, except as a part of a larger process, *i. e.*, an overturn of the social basis.

Thus, Dr. Langford says:

"The educational program demanded by our present social and economic situation cannot be limited to isolated phases in the life of the individual or of the community of individuals. It must embrace every phase. It cannot mean mere agitation within the present political and legal framework. It must mean a complete transformation of the entire social system, and especially of the economic arrangements upon which that system is based. It cannot be limited to a few local communities. It must be a nationwide program, developing as an integral part of a world-wide program of precisely the same character. It cannot be limited to academic discussion in the schools and colleges. It must be a program of direct action by the masses on their own behalf. It cannot be an outcome of a theoretical harmonizing of differences between the masses and their present rulers while the latter still retain power to force an actual decision favorable to themselves. It presupposes a decisive transfer of power to the masses." (Langford, *op. cit.*, pp. 183-189.)

Consequently, it is the duty of class-conscious workers in the schools to fight the "wicked overlords":

"The attack on the schools is unceasing as long as there is no opposition. The attackers are well organized—in the legislatures, in the boards of education, and among the teachers themselves. We must fight them there with every weapon we possess." (David, *op. cit.*, p. 46.)

The task of the workers generally is sharply indicated:

"It remains for the workers to strengthen and extend their own organizational

¹ Cf. p. 32. *supra*.

machinery as a medium of resistance to the parasitical program of capitalism, to the point where it becomes possible to seize control from the capitalist class." (Langford, *op. cit.*, p. 103.)

Such seizure is, of course, inevitable:

"In fighting to extend education, this aspect of the schools must be opposed. Such opposition will inevitably lead sooner or later to the realization that the educational system will be administered truly for the benefit of the majority of the children only when it has been wrested completely from the hands of the bourgeoisie, and, of course, this can take place only at the time when the toilers take power into their hands completely." (Frank, *op. cit.*, p. 433.)

THE TASK OF THE TEACHER-COMMUNISTS

Since the problems of education can only be solved through revolution, the immediate task of education is to bring the masses to the side of the revolutionaries. "Their education must not merely reveal the issues of the conflict which now shakes the foundations of the state; it must help this overwhelming majority—as yet only half conscious of their collective strength, subject to powerful mis-educative influences—to resolve the issues of that conflict in their own favor.

"This, the supreme task of forward looking educators, offers them today the greatest opportunity in history." (Langford, *op. cit.*, author's preface, p. xxi.)

Educators are therefore confronted with three problems:

"These three discoveries have their counterpart in three problems of education: (1) the problem of transmitting the expanding stock of information about the world we live in, (2) the problem of securing the rounded development of the supposedly self-directing individual (the ideal of the 'progressive' educator), and (3) the problem of enlisting the impoverished and exploited workers of the world in organized struggle for control of the means of satisfying their material and cultural needs." (Langford, *op. cit.*, p. 2.)

The first two problems are subordinated to the third:

"Under present conditions instruction too often becomes mere propaganda in favor of the *status quo*, or an instrument of private gain. Growth is measured by the success of the individual in competing with the less able. It becomes a gamble, dependent upon the vagaries of the stock market.

"The first and second problems of education have become functions of the third. Knowledge in all its branches, and individual growth, must find their goal and their procedure in building a new society." (Langford, *op. cit.*, pp. 15-16.)

Confronted with these problems, the educators cannot remain neutral:

"The indicated procedure—actual conditions being what they are—is to strengthen and unify the forces of the masses to the point where they become strong enough to turn the balance in their own favor. It will then be possible to establish a system of production relations devised to meet the material and cultural needs of the vast majority rather than to accumulate profits for the few.

"*The educator obliged to take sides.*—If this procedure is followed educators and others interested in promoting the growth of individuals must be prepared to 'promote some forms of associations and community life and work against others.' They must be prepared to support groups working for equitable distribution of material and cultural advantages in opposition to the highly organized, highly sensitive interests of business. This means a *further sharpening of the present social conflict.*" (Langford, *op. cit.*, p. 62.)

THE ROLE OF THE COMMUNIST PARTY

In choosing sides, the militant teacher is confronted with no problem of selection. The answer is readily at hand:

"Teachers who take an active part in the attack on any one of these problems soon realize that the problems are inseparable from each other and from the revolutionary program as a whole. The same process shows them the urgent need for a united front of all workers and their allies against the concerted forces of obscurantism and reaction. It shows them the need for combining their efforts with those of all groups which are fighting this battle.

"Among these groups must be included the Communist Party. The proposals of the Party are consistent with the dialectical approach to the problems confronting the teachers. The Party will eventually be recognized as the indispensable vanguard of the workers and their supporters in their struggle for

emancipation from the rule of capitalism and for the building of socialism." (Langford, *op. cit.*, pp. 190-191.)

The inevitable recognition of the Party's leadership is sounded with the authority of scientific law.

"The characteristic leadership of the proletarian movement does not depend upon the personal ability or arbitrary power of any individual. It is a *collective leadership*, composed of the most class-conscious, most militant, and best informed section of the working class, organized into a compact body under strict discipline. Those who fail to recognize this function of the Communist Party, to which its character is due, as a function essential to the success of the proletarian movement, tend to regard the Party simply as a ruthless minority, imposing a harsh regime on the majority for its own benefit. To hold this view is to remain under an impossible handicap in trying to understand the Soviet regime. Without the support of the masses the Communist Party would be helpless."

Authority for this theory is found by Dr. Langford in the writings of Joseph Stalin:

"Achievement and maintenance of the dictatorship of the proletariat are impossible without a Party strong in cohesion and iron discipline. But iron discipline in the party is impossible without unity of will and without absolute and complete unity of action on the part of all members of the Party. This does not mean, of course, that there will never be any conflict of opinion within the Party. On the contrary, iron discipline does not preclude, but presupposes, criticism and conflicts of opinion within the Party. Least of all does it mean that this discipline must be "blind" discipline. On the contrary, iron discipline does not preclude but presupposes conscious and voluntary submission, for only conscious discipline can be truly iron discipline. But after a discussion has been closed, after criticism has run its course and a decision has been made, unity of will and unity of action become indispensable conditions without which Party unity and iron discipline in the Party are inconceivable." Stalin, Joseph, *Foundations of Leninism*, pp. 116-117." (Langford, *op. cit.*, pp. 135-136.)

Since the Party is the leader, then obviously Marxism-Leninism is the gospel.

"In the later nineteenth century and the twentieth Marx's description of the development of human societies as the history of class struggles has been fought more and more bitterly by capitalism, and for the best of reasons. It has been recognized as the theoretical weapon of the rising proletarian class, which is destined to supersede the present rulers of society just as they themselves superseded the feudal barons." (Langford, *op. cit.*, p. 2.)

The propagation of Marxism-Leninism is, therefore, a primary need.

"Party and YCL fractions set up within classes and departments must supplement and combat by means of discussions, brochures, etc., bourgeois omissions or distortions in the regular curriculum. Marxist-Leninist analysis must be injected into every class. In addition to this, serious education on immediate social problems and in Marxism-Leninism must be undertaken independently.

"Efforts must be made to swing the college community out of its academic isolation and self-satisfaction into alliance with the working class and all progressive movements.

"The ultimate demand in this realm must be to take higher education off its commodity basis, to make it an extension of the public school system, free to all, and considerate of the genuine welfare of the students, presenting its material in such a way as to synthesize knowledge, to impart a scientific outlook upon the world as a whole, Marxism-Leninism being the only such outlook, and to impart with this scientific outlook that which is inseparable from it, viz, a sense of responsibility to society and practical collective action in the interest of the proletariat." (Frank, *op. cit.*, p. 445.)

CLASSROOM INDOCTRINATION WITHOUT EXPOSURE AND "STRUGGLES AROUND THE SCHOOLS IN A DOLSHENIK MANNER"

Of course, the gospel cannot be preached openly, for to do so would lead to an exposure of the Party. This imposes a heavy burden.

"Communist teachers cannot afford to ignore this fact—that they come in contact with the children of the masses, that they are responsible for training these children. They must realize that the primary function of the school is to educate these children, and this will be true to a much greater extent in a socialist society than now. Communist teachers are, therefore, faced with a tremendous social responsibility. They must consider not merely their own

teacher problems, but the problems of the children. They must fight for the latter. They must mobilize the other teachers in this fight. They must take advantage of their positions, without exposing themselves, to give their students to the best of their ability working class education.

"To enable the teachers in the Party to do the latter, the Party must take careful steps to see that all teacher comrades are given thorough education in the teachings of Marxism-Leninism. Only when teachers have really mastered Marxism-Leninism, will they be able skillfully to inject it into their teaching at the least risk of exposure and at the same time to conduct struggles around the schools in a truly Bolshevik manner. Such teachers can also be used to advantage to conduct classes in Marxism-Leninism for workers generally, and many such teachers should be assigned not to school units but to factory or industrial units, where they can be of great aid in Party education, in helping with leaflets, shop papers, etc. Others can play an important role in the educational activities of the YCL." (Frank, *op cit.*, p. 440.)

THE TECHNIQUE OF DISGUISED INDOCTRINATION

How is this difficult task to be performed? How can Marxism-Leninism be "injected" into the classroom without danger of exposure? How can the faith be spread without exposing the faithful? These questions have been put to us more than any others. Dr. Langford furnishes the answer.

In literature and language study, the line is this:

"This passage indicates the possible role of the teacher of literature, and the collective role of groups of such teachers, in interpreting the literary products of the past and of the present in terms of the workers' needs. Their field of study is by no means limited to works deliberately and completely favorable to the workers: it is potentially as wide as the literature of the whole world. But the particular poem or novel or drama is no longer thought of as an expression of universal human thought and emotion. It is studied against the background of the historical period and of the class which produced it, and its meaning for the contemporary student is clarified accordingly."

The author gives us an example:

"The writer was impressed with the possibilities of this kind of study through observation of a book-review contest arranged for the children of the cooperative apartment referred to in earlier pages. The books chosen by those who took part in the contest might have been found in most children's libraries. But the review of which one child was awarded a prize went far more deeply and critically into the contents and bearing of the book than is usual in most classes in oral English. Such reviews are usually criticized by the teacher mainly from the literary and grammatical points of view. In this contest the reviews were sharply analyzed from the literary and language angles, to be sure, but especially as vehicles for clarifying the issues between the workers and the ruling class as reflected in the books reviewed."

In History, the method is relatively simple:

"History, when studied in the same dialectical manner, ceases to be merely a medium for the glorification of national heroes or of a national tradition—democratic or otherwise—or a catalog of disconnected events and characters to be assimilated for examination purposes. It becomes in a new sense a science of human societies, and especially of the forms assumed by the class conflict in successful historical epochs, including our own. History so taught enables the workers, both children and grownups, to be not merely interested spectators of the course of events but decisive participators in shaping events."

Geography, Dr. Langford avers, offers excellent opportunities:

"Geography, inseparably connected with history, reminds the writer of a series of illustrated wall maps, showing the rich and varied products of the world—animal, vegetable, and mineral—and the means devised by men for increasing and disseminating this natural wealth. Its producers are sometimes sketched in, picturesquely attired in their native costumes. Such maps rarely show the worn faces, the bodies prematurely old, the grinding poverty of these millions of men, women, and children—peasants laboriously planting their rice in China or harvesting their rye in Poland, Cubans living on next to nothing amid endless fields of sugarcane for American tables and American pockets, Alabama sharecroppers, Pennsylvania miners, New Jersey fruit and vegetable pickers, makers of cheap garments in New York sweatshops. These, the real makers of human geography, supply the informed teacher with an inexhaustible source of data for the reinterpretation of present course-of-study and textbook material."

A very fruitful method is to organize student projects:

"Such data can be used to transform many a project, even in the elementary school. The study of physical or mechanical processes—as in the mining of coal, the production or distribution of milk, the building and navigation of ships—becomes primarily the study of labor-consumer relations.

"For class-conscious pupils projects of this type become a basis for militant action in support of workers demanding union recognition or consumers protesting excessive charges for living necessities or services."

The natural sciences and mathematics offer certain technical difficulties. These, however, are not inseparable, especially in the case of the former:

"Science teaching on all levels, from the point of view of teacher and student, is too largely descriptive—concerned with merely describing the world—and only incidentally effective—concerned with transforming it. Technological change is apparently held to be the prerogative of the business or industrial executive. The workers need to know not simply the classifications of plants and animals but their social significance, their role in human life, past and present, and in the building of socialism. The need to know not simply the design and operation of the dynamo, the telephone, the airplane, and the radio tube as separate pieces of mechanism, but the role of electrification in transforming factory production and the economy of the home, and the role of the instruments of communication and transportation in uniting the workers within each country and throughout the world. They need to know mathematics not simply as a subject of study in school but as an ever-present and essential part of production in all its technical processes and in social planning.

"In our economy of capitalism in decay, social statistics become more significant data for the teacher of mathematics than personal budgets. In the socialized economy the whole country becomes one vast mathematical laboratory, just as it becomes a scientific laboratory and a cultural laboratory."

Dr. Langford sums up in methodology on a hopeful note:

"Few militant teachers can hope to set up special experimental schools for the promulgation of the proletarian program. But they can make every subject they teach and all their contacts with the children and the parents contribute in no small measure to its emergence, wherever they do their teaching. Such activities of militant teachers within the schools and among working-class parents and sympathizers cannot insure the development of the workers' movement, much less its successful outcome. But such activities, if supported by effective organization, will help to stimulate the movement and may materially assist it; and they provide an important and necessary basis for the reorientation of the teachers themselves." (Langford, *op. cit.*, pp. 151-156.)

HOW TO WIN CHILDREN AND INFLUENCE PUPILS

The task of the Communist teacher is rendered easier by the fact that many children dislike school. Mr. "Frank" dwells on this subject at some length:

"The future wage slaves trained in the public schools are for the most part children of the working class or lower middle class. As such, they do not possess the economic well being necessary for taking full advantage of educational opportunity. * * *

"The children who attend school are subjected to a *rigorous discipline*, which, instead of stimulating and encouraging curiosity or the natural desire to learn, crushes every sign of intellectual initiative and tends to produce crushed and timid material for further exploitation. This discipline is necessary for the purpose of forcing a hostile culture upon the minds of the children.

"Thus to the majority of children school seems dull and boring. * * *

"Because of the economic hardships of their home life, which unfits them for study; because of the severity of school discipline; and because of the ideas which are thrust upon them from above (ideas which answer none of the problems which immediately concern them, but which proceed from the hostile culture of an enemy class), the majority of children develop a feeling of hatred for the bourgeois public school system. This hatred develops that spirit of rebelliousness which is to be found in every public schoolroom.

"Do not school children in their daily talk universally speak of school as a 'jail'? This universal characterization by school children of the place where they spend the greater part of their days is deserving of the deepest consideration, for in very truth the bourgeois school is, to a considerable extent, just that—a prison. The keen judgments of children have found the correct word. Within the school many of them suffer actual torture. Many of them during

their first years in school leave their homes for this prison with tears. It haunts them at night. Recesses, weekends, and summer vacations are brief moments of freedom, at the close of which the grim shadow of that prison house, the school, again rises up to haunt them. Here, day after day, they find themselves deprived of liberty, without rights, without freedom to protest or express themselves, subjected to the complete despotism of an autocratic discipline. * * *

"The rebelliousness of school children, directed against a part of the state machinery itself, is something that Communists cannot afford to ignore. This, together with their desire for knowledge and social life, must form the *starting point* for our work among students in the schools." (Frank, *op. cit.*, pp. 435-437.)

It is a relatively simple matter to take advantage of this condition, especially in connection with extra-curricular activities. Student papers are an ideal medium.

"With skillful work by an alert sponsor and interested members of the student body it can become a medium of social education. The school newspaper or magazine can provide journalistic experience for the members of its own staff, or be a purveyor of purely school news, or it can be an instrument of student opinion and student action on questions of the most vital interest to students both on and off the campus. The opportunity offered here is especially challenging in view of the attitude of many advisers (often reflecting reactionary administrative policies) and of the present leadership of student press conferences.

"The program of extra-curricular activities developed along these broader lines extends beyond the school. On the senior high-school and college levels it may include the National Student League and the Student League for Industrial Democracy (the two are now combined in the American Student Union) and the American League against War and Fascism, as well as certain organizations of working-class children and youths, covering all age levels, which in the socialized economy become powerful agencies along with the school in the education of the young workers and the building of socialism.

"Such organizations supply vital contacts with the world beyond the school—contacts for which our present school program does not provide, and which the official educational leadership usually seeks to curtail and to discredit. In addition to these contacts there are the highly important connections with the trade unions and professional organizations, which provide the essential basis for a placement program under the control of the workers.

"The workers and their children can be put on their guard against the ideology of the warmakers, and shown why wars come about, and why they are inevitable under capitalism. They can be stimulated and prepared to resist preparations for war, through mass action, as part of the proletarian movement to wrest from the capitalists their control of the schools and of the agencies of communication as well as of the means of production.

"Teachers prepared to take part in the fight against war along with students and workers outside the schools can carry this fight much farther and can make it much more effective than school officials, however pacifically inclined, could possibly do in the absence of organized pressure by the teachers. They can do much to hinder compliant or reactionary officials from making the school an agency for the propagandists of superpatriotism and imperialism." (Langford, *op. cit.*, pp. 161-164.)

Nor should the function of the Young Communist League be overlooked.

"The YCL must endeavor to raise the spirit of rebellion found among school children to a level of higher consciousness by educating the students, on the basis of their own experience, to a realization of the class basis for the oppressive nature of the schools and to a realization of how the school system under a workers' and farmers' government would deal with the immediate problems of the majority of students, imparting to them with the utmost solicitude for their own interests that warm and friendly culture of their own class. The task of the Communist student groups must be to coordinate and stimulate to activity all existing student groups. To the best of their ability, they must supplement the curriculum with Marxist-Leninist education." (Frank, *op. cit.*, pp. 438-439.)

HOW THE TEACHERS SHOULD ORGANIZE

In order to accomplish the foregoing tasks, the teachers themselves must organize effectively. The strategy is explained by Dr. Langford:

"Teachers who align themselves with the workers must be militant not only outside the school, and in their professional organizations, but in the classroom and on the campus. They must interpret academic freedom to mean the right

to teach the best they know, whatever the subject taught, and whatever the age level of their students.

"In this era of declining capitalism their emphasis must be upon the contradictions of the present order, on the sharpening of class lines inside the school and out, on the building of *militant organizations*, of teachers, students, and parents in every school and in every community, and on stimulating the growth of proletarian struggle and of proletarian culture within and about the very institutions designed for the cultivation of middle-class democracy." (Langford, *op. cit.*, pp. 148-149.)

The blueprint for this scheme will evoke a responsive note in the following section of this Report.

"Educational workers have their own special task in this connection, a task the successful accomplishment of which will depend upon their ability to develop a suitable type of professional organization. An organization which is to be an effective instrument for the performance of this task must meet the following requirements: (1) It must represent the broad masses of educational workers, both employed and unemployed, in all fields and subject departments and on all levels of educational activity. (2) It must be responsive to the will of a militant and growing rank and file membership. (3) It must be articulated with the trade unions, and with militant organizations of students and of parents. (4) It must be built up in every educational institution and in every teachers' organization. (5) Its growth must be stimulated and guided by a militant, especially class-conscious, and politically developed nucleus willing to accept responsibility for organizing the great body of teachers.

"Small groups of informed classroom teachers (as few as two or three) should take it upon themselves to organize their colleagues in the school or district into a teachers' council, building up its program around issues such as teachers' salaries, working conditions, and social insurance, freedom of teaching and of social action, and the fight against war and Fascism.

"The teachers' councils in each city or extended rural area (the township or county) should be organized into a teachers' union, so as to promote common understanding and effective mass action on all issues affecting the welfare and social usefulness of the teachers throughout the area. Where a teachers' union already exist it should be built up and brought under rank-and-file control. All such unions should become locals of the American Federation of Teachers, to which the educational workers should give special attention as a strategic nationwide instrument for furthering their purposes." (Langford, *op. cit.*, pp. 178-179.)

The Teachers Union is also recognized by Dr. "Frank" as a potential stronghold in the class struggle.

"The task of the Communist Party must be first and foremost to arouse the teachers to class-consciousness and to organize them into the American Federation of Teachers, which is in the main current of the American Labor movement." (Frank, *op. cit.*, p. 439.)

But other organizations were not to be overlooked.

"In the effort to organize the teachers, every care must be taken to bring together in united front actions all existing teacher organizations. Especial attention must be paid to secure such action with the American Association of University Professors, the National Educational Association and the Guild. Our Party members in these organizations must work actively toward this end." (Frank, *op. cit.*, p. 440.)

THE COLLEGE AS AN IDEOLOGICAL LABORATORY

Particular emphasis was laid, as we shall see in a later portion of this report, on higher education. The philosophical basis, however tortured, is not obscure to Dr. Langford:

"The social conflict has its theoretical front.—Universities have been called strategic factories of ideologies. They provide the theoretical weapons of the class war. Like the purveyors of guns and ammunition they sell their wares to both sides according to demand.

"The opposing sides of the class conflict call for two types of educational theory which are as divergent in their bearing on practice as the clashing interests of the two classes themselves. The purpose of the one type of theory is to reveal the issues of the class conflict with unmistakable clarity and to point the way to a solution favorable to the workers. The purpose of the other type of theory is to minimize the importance of the class conflict, to confuse and

blunt its issues, to encourage false hopes for a better social order by advocating measures which help to perpetuate the present one." (Langford, *op. cit.*, p. 56.)

A major difficulty is expressed in these terms:

"Higher education is not always linked up directly with the state machinery, and even where it is, except in the case of a few municipal colleges, it is not free. *Higher education is essentially a commodity.* As a commodity it is sold for profit." (Frank, *op. cit.*, p. 444.)

These problems can be overcome, however, by the orthodox device of mobilization in support of "immediate, partial demands." In the case of the colleges, "Frank" says:

"The nature of bourgeois higher education tends to divorce students from contact with the masses, and especially the working class, by inculcating in them the feeling that they form a special aristocracy within society. Although the serious student may obtain an insight into society to the point of disillusionment with the status quo, the general nature of bourgeois higher education is such as to turn him into a cynic or an ineffectual reformist rather than a revolutionary.

"The same student and teacher organizations mentioned above must orientate themselves toward the different conditions prevailing in colleges and universities. Demands must be put forward for the economic needs of students and teachers, for academic freedom and against racial discrimination." (Frank, *op. cit.*, p. 445.)

And in the lower schools, he says:

"The problem in organizing public school students is *not* to set up separate aims, to lead a separate struggle apart from this already existing rebelliousness of students. Such actions would result merely in the creation of small *sects* of students isolated from the lives of students as a whole. The problem is rather to *guide and direct that spirit of rebelliousness which already exists.* This means to root ourselves in the lives of the majority of the students. It means to make the interests of the students our own, to set up for ourselves no aims separate and apart from the interests and needs of the main body of students, but to crystallize and make clear those interests, to arouse in the students a consciousness of what arouses their resentment, accordingly to give their elemental spirit of rebelliousness definite and effective direction and thus to place ourselves at the head of the students in a conscious movement to improve their conditions." (Frank, *op. cit.*, p. 437.)

Basic to all these tactics is the fundamental concept expressed by Dr. Langford as follows:

"The workers are interested in changing their present world so as to make it serve their own needs. They require an educational theory and program which will help them to do this intelligently *from the workers' standpoint*, by providing them with the clearest and (to them) most reasonable explanation of what they are doing." (Langford, *op. cit.*, p. 131.)

"The conditions of our present period demand a new emphasis in educational research. The great problem in the field of reading, for example, is not that of selecting suitable material for children to read or of refining the technique of teaching them how to read. It is that of helping the masses—partly through frankly propagandist literature—to free themselves from the mere struggle for existence." (Langford, *op. cit.*, p. 188.)

"If, then, the socialized character of the productive system is to be given free scope, the purposes of the workers, not those of the capitalists, must prevail. Control over the system of production—and with it control of political power, as of culture generally—must pass to the workers. And it is fantastic to suppose that the class now in possession of political power will relinquish it without a struggle." (Langford, *op. cit.*, p. 90.)

BASIC OBJECTIONS TO COMMUNISM IN EDUCATION

Dr. Hall-Quest sums up the Communist viewpoint on education with revealing clarity:

"It is the author's conviction that educators and teachers must participate in social reconstruction by defying those in control of the present *status quo*. Educational theory must be dynamic and propel itself into action (violent, if necessary) against all individuals and groups who exploit the 'workers.' And among the workers the author includes all professional men and women and, therefore, educators and teachers. Not until the schools become centers of propaganda for the Marxian Golden Age, it would seem, will the emergence of society into economic justice and peace be accelerated. First of all there must be a mental revolution, an orientation to a wholly new conception of society, classless and

void of all profit motives; following this mental revolution will come militant action, if necessary, against capitalism and its system of exploitation. The hope of the race lies in the proletariat, *i. e.*, the workers. The method of release from economic slavery, we are told, is the employment of class conflict, this to continue until the whole world is ruled by the worker, at which time no other class will be conceivable and the existence of only one class will mean no class at all. The author states that the one basic similarity between Russia and the United States is the struggle between the classes!" (Langford, *op. cit.*, editor's foreword, pp. xi-xii.)

A reason why the Communist viewpoint is fundamentally at odds with every admissible standard of academic integrity is stated by Dr. Hall-Quest in a few words:

"To study philosophical systems is one thing; to accept one of them as infallible and to rebuild from the foundations up our whole social order according to the blue-prints of this accepted philosophy is one more evidence that man's thinking is readily dissolved into emotional, and, frequently, hysterical, devotion to a defeatist and wishful ideology." (Langford, *op. cit.*, editor's forward, p. xviii).

The Committee entirely subscribes to the view so expressed. It sets forth a basic reason why Communists cannot render acceptable service in public institutions of learning. We cannot question the position which holds that it is the duty of the schools to inquire fully into the contending philosophies which beset the world. Students of sufficient maturity are entitled to know the facts about Communism and Nazism. While a college is properly a place where all political philosophies may and should be explored and explained, this does not mean that it may be used as a laboratory for political action. A teacher may hold any political views or philosophies that seem to him proper. However, he cannot consistently with his professional obligations use either the institution or his position therein for the promotion of political objectives inconsistent with the tradition of free search for truth. He cannot consistently with academic integrity accept the discipline of ready-made ideas. He cannot honestly serve that which he seeks to destroy.

Acceptance by a public school teacher of Communist Party membership offends against these simple and basic canons of decency, even if we do not consider the facts relative to the fraud, conniving, perjury and conspiracy, whose blueprint appears in the preceding sections of this report and whose realization in practice appears in that which follows.

APPENDIX VIII

RUBIN EXHIBIT A

STATEMENT ON NEW YORK TEACHER NEWS, WEEKLY PUBLICATION OF THE TEACHERS UNION, LOCAL 555, UPW

The material which is submitted for the printed record of the hearings of your committee in order to correct the distorted picture of the publication, New York Teacher News, which was built up by the citation of a small number of highly selected items, and by the disregard of everything else in the paper.

The weekly publication, Teacher News, is devoted to the interests of the children and the teachers in the public schools. The vast bulk of the material in it deals with the conditions of the schools such as overcrowding, the need for school construction, the teacher shortage, etc.; the economic needs of teachers such as salaries, pensions, and working conditions; academic freedom for teachers and the right of free inquiry for students; discrimination in textbooks and in the classroom. As a professional publication it also discusses pedagogical questions, and from time to time lists materials which may prove of interest to teachers or of value in their classroom work. Editorially it assumes the right to comment on matters of importance to all citizens, although comment on the schools far outweighs comment on other matters.

From the wealth of material in Teacher News your committee has picked some dozen items in an effort to prove the allegation of Communist domination of the Teachers Union, and—what no one has ever charged or substantiated—Communist indoctrination in the classroom. The selections are based on several as-

assumptions which cannot be accepted by anyone who believes in intellectual freedom.

One of these assumptions is that any material on the Soviet Union which is not hostile is somehow subversive. The lengths to which your committee carries this assumption is indicated by one of the items which you cited, a course, the Soviet Union Today, given by the American Russian Institute in 1946. Your committee failed to mention that the Board of Education of New York City officially approved of this course, listing it as a course which would be accepted as meeting the study requirements set for teachers.

Moreover, we should like to have inserted in the record other courses recommended in Teacher News in the period from September 1945 to September 1946: The Core Curriculum—given by the Teachers Union Institute, study credit granted by the board of education.

New Education in the Elementary School—Teachers Union Institute.

The Child Today—Teachers Union Institute.

Union Journalism—Teachers Union Institute.

Study Group for Applicants for the Junior High School Examinations—Teachers Union Institute.

Speech Course in Preparation for Teacher Examinations—Teachers Union Institute.

Principles and Techniques of Harpsichord Music.

Course on Human Relations—Sponsored by Assistant Superintendent Florence S. Beaumont.

Evening Courses for Kindergarten and Elementary School Teachers—Cooperative School.

How Education Can Deal With Interracial Tension—Downtown Community School.

Intercultural Education—New School for Social Research.

The Use of Folk Songs—at the Teachers Union.

The Teacher's Role in the Labor Movement—at the Teachers Union.

Course on the New Board of Education Bulletin—Curriculum Development in the Elementary Schools—Teacher Union Institute.

Child Guidance in the Schools—Teachers Union Institute.

The Core Curriculum.

The New Program in the Elementary Schools.

Folk Songs as a Means of Enrichment of the Elementary School Curriculum.

History of the American Labor Movement.

Speech Preparation for Oral Examinations.

Your committee overlooks the fact that in 1945 and 1946, the years in which the material you cited appeared in Teacher News, the vast majority of the American people was eager to see the development of a world of peace and international cooperation, and that for the construction of such a world, an understanding of other nations and especially of the Soviet Union was essential. Leading statesmen subscribed to this view, including Franklin D. Roosevelt and Wendell Willkie. Teacher News of March 9, 1946, printed greeting sent to the annual educational conference of the Teachers Union, which was dedicated to education for peace and democracy. From numerous greetings sent to this conference in praise of its objectives, we quote the two following:

General Dwight D. Eisenhower: "Today the world faces a terrifying prospect, unless we follow the ways of peace. Soldiers who have seen the horror and futile waste of war, are ready to travel any honorable road to lasting peace. Whether the world can find and stay on that road depends in a large degree on the teachers of the world. It is up to the school to provide future generations in all countries with education leading to a respect and understanding for the people and problems of every nation. For your own part, you should teach your children to abstain from judgement of other nations and races, and to strive for as full a knowledge as possible of America and the rest of the world, without hatred and without prejudice."

Congressman John M. Coffee: "We must encourage . . . understanding of our international neighbors to counteract the carefully engendered hostility to the Soviet Union now being planted in the minds of all not wary enough to guard against it."

Another assumption evident in your choice of items from Teacher News is that it was reprehensible in 1945 and 1946 to list material emanating from organizations put on a so-called subversive list in 1948—regardless of the content or the factual accuracy of the material. We do not feel that a subversive list

drawn up at the arbitrary whim of one person has any validity; and such was the ruling of the United States Supreme Court in the case of those organizations which had the opportunity to take the issue to the Court. Teachers should be free to examine material put out by any organization and to decide for themselves whether it is factual and objective. In any case, it seems farfetched to have expected that organizations which enjoyed great esteem at that time and were supported and sponsored by leading scholars and statesmen—like the American-Soviet Friendship Council and the Institute for Pacific Relations—should have been boycotted in 1945 and 1946 on the ground that they would in the future be arbitrarily placed on a subversive list. It is also a gross distortion to single out these organizations and omit the hundreds of others cited, including official agencies, religious and professional associations or institutions, labor organizations, conservative business groups, and national publications. It is worthy of note, too, that in 1945, the School for Jewish Studies, an institution now on the Attorney General's list, and mention of which in Teacher News is cited as evidence of the union's subversive character, received congratulatory messages from Associate Superintendents of Schools Elias Lieberman and Jacob Greenberg, two of the highest officials of the board of education.

We must also take exception to the citing of two editorials attacking the House Un-American Activities Committee. We want to point out that this committee—whether under the chairmanship of Congressmen Dies, Wood, Rankin, or Thomas—has been similarly criticized by leading figures in all walks of life, and in editorial comment in newspapers of various political views, including the New York Times, for its methods and techniques and for its undermining of the democratic process.

Most of all we must take exception to the unfairness of seeking to establish the character of a newspaper by the selection of a small number of items with a corresponding disregard of hundreds of other items which would give a rounded picture. We wish, therefore, to submit examples of the type of material which your committee ignored. Since most of the items submitted by your committee were taken from one column in the paper, *The Road to Peace*, during the school year extending from September 1945 to September 1946, we are submitting other material from the same column for the same year.

It should be noted, in connection with this column that the committee misinterpreted the expression "for classroom use." The use of this phrase does not by any means indicate that all the items in the column were intended for use by the students. It meant—and teachers would understand it to mean—that the material mentioned would be of interest to teachers who wished further information and diverse points of view on a variety of subjects. Thus, for example; the column of December 22, 1945, notes in regard to one of the items listed, "Every teacher owes it to herself to read this volume. Bright high-school pupils may also read it with great profit." The column of February 2, 1946, notes that certain items are suitable for high-school and junior-high-school pupils. The column of February 9 indicates that the items can be read by high-school pupils, and some by junior-high-school pupils. This, as well as the level of the material, should make it evident that the expression "for classroom use" does not necessarily mean use by the students.

From the column, *Road to Peace*—some of the items omitted by the committee:
September 22, 1945:

In Guerrilla China—China Defense League
One Fifth of the World's Children—United China Relief
Medical Aid to China's Guerrillas—China Aid Council

September 29, 1945:

Army Talk—Orientation Fact Sheet No. 70
Labor and Religion—CIO Publication
Straight Talk for Disabled Veterans—Public Affairs Pamphlet

October 6, 1945:

Journal of the National Education Association
Revolution Down South—Collier's magazine
Voting Restrictions in 13 Southern States—Committee of Editors and Writers of the South

October 13, 1945:

Guaranteed Wages the Year Round—CIO Publication
Full Employment and the Negro—National CIO Committee to Abolish Discrimination
One World of Labor—Courtney Ward

October 20, 1945:

Behold the Jew—American Jewish Committee
 UE Fights for Job Security—Publication of the United Electrical Workers,
 CIO

October 27, 1945:

Race Problems in the Classroom—American Unity, magazine published by
 the National Conference of Christians and Jews
 Sualie's Dream—Council Against Intolerance in America
 The Springfield Plan—Alexander Alland and James Waterman Wise

November 3, 1945:

Race Riots Aren't Necessary—Public Affairs Pamphlet
 Let Us Have Freedom of the Air—Emanuel Celler in Reader's Scope
 Substandard Wages—CIO publication

November 10, 1945:

The Propaganda Battlefield—Friends of Democracy
 The Answer is Full Employment—American Labor Party

November 17, 1945:

Labor's Enemy, Anti-Semitism—Pamphlet Press
 Race Relations—August-September issue of A Monthly Summary of Events
 and Trends in Race Relations, published by Social Science Institute, Fisk
 University; Articles on Negro Veterans Return, Survey of the Jewish
 Scene, The American Indian and His Citizenship.

December 1, 1945:

One Nation Indivisible—Reprinted with permission of the New York Herald-
 Tribune

Not Charity, But Gratitude (UNRRA)—Pamphlet Press

Army Orientation Fact Sheet, No. 64

Article on Franco Spain from the New York Post of October 18, 1945

Five Years of War Profits—United Steelworkers, CIO

This Way to Unity—Oxford Book Co.

Two Is a Team—Harcourt, Brace

Will Negroes Get Jobs Now?—Public Affairs pamphlet

People Make Music—Radio series by American Museum of Natural History

December 15, 1945:

A Report on the Daily News—Friends of Democracy

They Shall Be Heard—Radio program of Writers' Board

Latin-American Bulletin—Committee on Latin-American Affairs of the CIO

Stuyvesant High School World Peace Exhibit

December 22, 1945:

Race and Democratic Society—Frans Boas

The CIO Case for Substantial Wage Increases—Philip Murray

Purchasing Power for Prosperity—UAW-CIO

January 12, 1946:

Manual on Fair Employment Practices—UAW-CIO Fair Practices Committee

Festival of Lights—Conference of Christians and Jews

Human Relations Programs—Council Against Intolerance in America

The Negro as an Artist—AOA Gallery

Intercultural Relations—Hunter College Diamond Jubilee Essay Contest

January 19, 1946: Articles on the Reader's Digest from the New Yorker magazine
 and the Journal of Liberal Religion

January 26, 1946:

We Can Have Better Schools—Public Affairs Committee

Freedom's Peoples—United States Office of Education

Cross Section CIO—CIO radio program

February 2, 1946 (for Negro History Week):

Books listed in board of education textbook and library catalog

Plays from the Council Against Intolerance in America

Films from the Harmon Foundation, the Office of War Information, the

New York University Film Library, the Museum of Natural History

Bibliography from the State Department of Education, Nashville, Tenn.

February 9, 1946:

Current books dealing with the Negro:

Black Metropolis—Drake and Cayton

Call Me Charley—Jesse Jackson

Primer for White Folks—Bucklin Moon

We Have Tomorrow—Arna Bontemps

- February 16, 1946 (for Brotherhood Week):
 Races of Man—American Missionary Association
 Scripts for Elementary, Junior High, and High Schools—Conference of
 Christians and Jews
- March 2, 1946:
 Script of New World A-Comin' (dealing with the Negro)—Station WMCA
 The Cadet—Joseph Sklar
 Vermont Experiment—Joseph Sklar
- March 16, 1946: Balance Sheet of Extermination—Office of Jewish Information
 of the American Jewish Committee
- March 23, 1946:
 Let's Find Out—A picture science book for children—William R. Scott, Inc.
 All Brave Sailors—The story of Booker T. Washington
- March 30, 1946:
 Script on Religious Freedom—Writers' Board
 The Challenger (comic book on prejudice)—The Protestant Digest
 Teaching Goodwill Indirectly—Council Against Intolerance
 Racial Stereotypes—New York City Board of Education
- April 6, 1946:
 The Americas—Council for Pan-American Democracy
 Trends and Tides—Louis Adamic
- April 13, 1946:
 Jewish Affairs Series—American Jewish Congress
 Material by Southern Conference for Human Welfare
- April 20, 1946: The Housing Problem—National Citizens' Political Action
 Committee
- May 4, 1946:
 For a Stronger Congress—Public Affairs Committee
 Monthly Summary of Events and Trends in Race Relations—Fisk University
- May 11, 1946:
 The Pale Horseman—Office of War Information, Overseas Film Unit
 Radio Scripts Against Bigotry—National Conference of Christians and Jews
- May 25, 1946:
 Everybody's Business (against discrimination)—National Federation for
 Constitutional Liberties
 CIO in the South—CIO Education Department
 Bibliographies from the National Conference of Christians and Jews and from
 the Bureau for Inter-Cultural Education
 Films from the American Museum of Natural History
- June 1, 1946:
 The Southern Patriot
 FEPC—Reader's Scope
 Article on "Democracy at P. S. 169, New York—CIO News
- June 8, 1946: Material on Yugoslavia—Committee on South-Slav Americans
- June 15, 1946: Report on the Soviet Union—CIO

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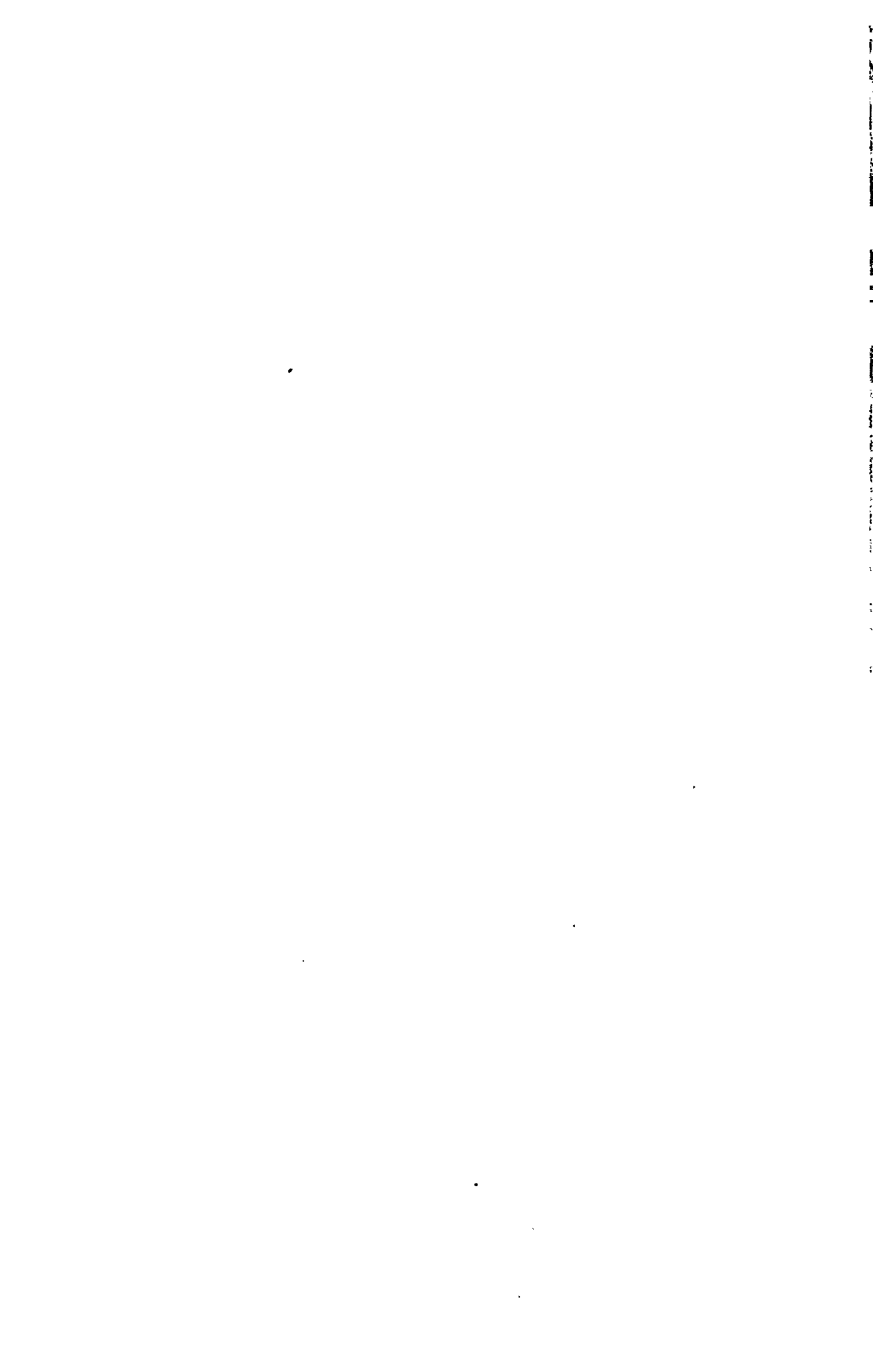
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82d Congress }
2d Session }

COMMITTEE PRINT

**SUBVERSIVE INFLUENCE IN THE
EDUCATIONAL PROCESS**

REPORT

OF THE

**SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS**

TO THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-SECOND CONGRESS**

SECOND SESSION

ON

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS



JANUARY 2, 1953

Printed for the use of the Committee on the Judiciary

**UNITED STATES
GOVERNMENT PRINTING OFFICE**

WASHINGTON : 1953

8-250

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SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

The Internal Security Subcommittee received throughout the session considerable evidence of Communist influences at work in the educational process of the United States. The evidence originated in all parts of the country and bore directly on Communist penetration of the Nation's colleges, high schools, and elementary schools. It was not until September 8, 1952, however, that a subcommittee made up of Mr. McCarran, Mr. Smith, and Mr. Ferguson held its first open session in New York City.

At the outset of the hearings, the subcommittee expressed its recognition of the fact that education is primarily a State and local function and declared that only forces affecting national security would be the object of the attention of the subcommittee. Senator Ferguson, speaking for the subcommittee, in his opening statement said:

The training of our youth today determines the security of the Nation tomorrow. The nature of this inquiry will be national in scope and will seek to determine whether or not organized subversion is undermining our educational system.

The subcommittee met on 7 days between September 8 and October 13, heard 41 witnesses and received 31 exhibits. It became apparent to the subcommittee that the scope of the work to be done was so vast that this subcommittee could only survey in a broad fashion the extent of Communist infiltration in the Nation's school and submit an interim report for consideration during the forthcoming session of the Senate.

EXTENT OF COMMUNIST INFILTRATION, 1940-50

The subcommittee received testimony that early in the 1940's there were approximately 1,500 Communist school teachers in the United States, with a very heavy concentration in the greater New York area. The testimony reflected that early in 1950 there were in New York approximately 500 teachers who were members of the Communist Party. Prior to that time and during the war when propaganda encouraged the expansion of the Communist organization, the number was estimated to reach 750 in Greater New York City. It is to be pointed out, however, that these figures do not reflect the full strength of the Communist organization. These are only the informed estimates of actual Communist Party members and do not include any of those who, while not actually party members, were Communist Party sympathizers, or teachers who performed under the influence of other Communists.

One former Communist Party organizer testified that in 1949 he was assigned to the task of organizing New York Communist school teachers into a secret underground network, modeled after an important Communist plan, brought to the United States from abroad by the then chairman of the Communist Party of the United States,

William Z. Foster. The witness testified that the organization had expanded through five layers of triangular units, organized on a geometrical progression. The top triangle unit consisted of three members: First, the political director; second, the organization leader; and third, the mass-organization specialist. Next lower in echelon were organized three units of subordinates who would take their orders from the top triangle members, each member of the three resulting triangles taking his orders from his counterpart in the higher triangle. In this fashion an organized Communist teacher would operate very effectively and yet know only six other Communists—his counterpart in the higher triangle, the other two members of his own triangle, and his three subordinate counterparts in the lower triangle. The witness testified that to his knowledge a penetration five deep indicated that the levels were made up of, respectively, 3, 9, 27, 81, and 243; thus comprising a total of 363 highly organized and highly disciplined Communist teachers.

This organization was undertaken by the party to protect its teacher members from exposure. The growing awareness of Government agencies to the danger of Communist expansion had commenced to express itself at this time.

Testimony before the subcommittee indicated specifically that Communist activity took place among teachers in Philadelphia, Boston, Cleveland, Detroit, Buffalo, and Madison, Wis.; as well as reflecting the certainty of substantial Communist activity among teachers in other areas. Several universities also were cited in testimony as containing Communist units.

Communist influence in schools radiated far more extensively than the number of actual Communist Party members. Dr. Della V. Dodd, who rose to membership of the national committee of the Communist Party and who was legislative representative of the New York Teachers' Union, testified that that union, while under complete Communist domination, had a roster of 11,000 members, all of whom operated while in the union in an atmosphere created and controlled by the Communist Party.

At the same time, she estimated, there were 750, at the maximum, Communist members in the geographical area encompassed by the union.

Mrs. Rose Russell, the present legislative representative of the New York Teachers' Union, estimated that at the time of her testimony there were only "over 4,000" members in the New York local. She attributed the reduction in number to "inquisitorial investigation" and "witch hunting." When asked to give a careful estimate on the number of members in the locals in such places as Pennsylvania, Chicago, and California, Mrs. Russell was most evasive. All of the locals in question were locals of the United Public Workers which, the hearings disclosed, was expelled by the CIO as Communist-dominated. The Central Trades and Labor Council of New York City, as well as the American Federation of Labor, also expelled this union.

COMMUNIST METHODS OF OPERATION

Evidence was adduced that the Communists made an effort to use the classroom to carry on a program of indoctrination. Thus Dr. Bella V. Dodd testified. She had no doubt whatsoever that she had

used her position as a teacher to influence her students. The following testimony reflects her outlook:

Senator FERGUSON. When you were a teacher and really a Communist, what did you do to the students and the other teachers?

Mrs. DODD. God help me for what I did. I was not a member of the Communist Party, but there was no doubt in my mind—

Senator FERGUSON. But you had a philosophy and you served the cause.

Mrs. DODD. There is no doubt in my mind that I did a great deal of harm.

Senator FERGUSON. And how did you function among the students?

Mrs. DODD. I was their faculty adviser on many problems. I worked with individual students. I was particularly keen about my students. I was very sympathetic, and I was very popular among my students.

Senator FERGUSON. Do you think you may have convinced some of them to become Communists?

Mrs. DODD. I have no doubt that I did (p. 18).

Prof. Harry Albaum, of Brooklyn College, a professor who had been 10 years ago a Communist, testified very candidly before the subcommittee and was commended therefor by the chairman. A pertinent excerpt from his testimony follows:

Senator FERGUSON. All right. Now, did any of the teachers at times, in these meetings, say how they were slanting teaching?

Mr. ALBAUM. Well, there were some people. I remember one particular man who took great pride in showing how he could introduce the principles of Marxism into his particular area.

Senator FERGUSON. Give us an example of that.

Mr. ALBAUM. This particular area happened to be philosophy. The details of how he did it and what he did I don't remember.

Senator FERGUSON. But he did tell you how he was able to slant, and I use the word advisedly, along the communistic line?

Mr. ALBAUM. That is right. I want to emphasize again in this connection that I think, by and large, many of these people made no attempt of this kind. I don't know for sure. I know that some people took pride in it, and my assumption is that the people who didn't talk about it are people who were either not successful or didn't want to.

Senator FERGUSON. But some people did explain to the other teachers, did take pride in, how they slanted their teachings?

Mr. ALBAUM. We were told, "This is how it was done."

Senator FERGUSON. So there was a party line in teaching?

Mr. ALBAUM. If it was possible to introduce it, by all means do so.

Senator FERGUSON. And you felt that in your particular science it was difficult to introduce it?

Mr. ALBAUM. And because of my mental reservations from the beginning, I felt that I couldn't do this in addition. Of course, the pressures were on me continually to do something.

Senator FERGUSON. For the party, you mean?

Mr. ALBAUM. Yes.

Mr. MORRIS. What were the pressures?

Mr. ALBAUM. Pressures were pressures of this kind: They probably felt that a fellow like me, who is a little bit reluctant, didn't have the feel of the party, which is essentially a working-class party. They felt that the way to get this feel is to go out and sell Sunday Workers. Some of the teachers did this. I could never see my way clear (p. 217).

The subcommittee received in evidence a number of extracts from the Teacher News, which was the publication of the completely Communist-controlled teachers' union which ran a column entitled "Road to Peace—New Material for Classroom Use." It contained abundant Communist propaganda and was obviously circulated by the Communists with the view toward encouraging Communist teachers, and teachers within the Communist orbit, to use it in the classroom. Some samples were:

EXHIBIT No. 6

[From New York Teacher News, March 23, 1946]

ROAD TO PEACE

(New material for classroom use)

Not since prewar days has world peace been so threatened as in recent weeks. The material of this week's column should stimulate constructive thinking about world peace.

NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP

Hitler Germany, with its Goebbels propaganda outfit, could boast of no more vicious anti-Soviet hysteria than that which has been unleashed in our country in the past few days. Of a piece with all the dangerous anti-Soviet clamor is the attack of the House Committee on Un-American Activities upon the National Council of American-Soviet Friendship.

In a very incisive statement to the House committee the National Council proves that it cannot possibly be considered un-American, and that the attack is an attempt to strike at the roots of world peace, cordial American-Soviet friendship.

Write to: National Council of American-Soviet Friendship.

EXHIBIT No. 7

[From New York Teacher News, April 6, 1946]

ROAD TO PEACE

(New material for classroom use)

While the Iranian crisis is practically blown to war proportions before the present Security Council meeting, from all over the world come reports of new threats to world peace. The material in this week's column gives information about some real danger spots.

* * * * *

AMG IN KOREA

In the news letter released weekly by the Committee for a Democratic Far Eastern Policy, very valuable information about an important corner of the world is presented.

The March 21 issue is devoted to a discussion of AMG in Korea. Before the Americans assume supervision of the southern area of Korea and while Soviet troops were still occupying the country, the Koreans set up a people's committee. AMG officials, when they arrived, refused to cooperate with the elected committees of the liberation movement. Instead they set up a military government and appointed to prominent positions antidemocratic men and open Japanese collaborators. With this kind of AMG policy, it was not long before Korean quislings in the American zone took to circulating stories about atrocities perpetrated in the Russian zone.

Write to: Committee for Democratic Far Eastern Policy, 58 Park Avenue, New York 16.

EXHIBIT No. 9

[From New York Teacher News, April 20, 1946]

ROAD TO PEACE

(New material for classroom use)

In recent weeks newspaper reports on vital world and national issues have been anything but impartial—hence the value of some of the material listed below.

FAR EASTERN AFFAIRS

An interesting project for English and social-studies teachers would be a comparison of newspaper reports on far eastern events with the newsletters issued by the Committee for a Democratic Far Eastern Policy. Last week's New York

Times reported that the results of the Japanese elections were in accord with British and American reconstruction policy in the Far East. The committee's April 10 bulletin furnishes some illuminating background information on Japanese political life. Gangsterism rather than police suppression is the technique used for attacking progressives in present-day Japan. Also, some on the purge list were permitted to direct the election campaign of one of the leading political parties.

Other issues dealing with United States policy in the Philippines and happenings in North China are equally as valuable.

Write to: Committee for a Democratic Far Eastern Policy, 58 Park Avenue, New York 16.

POLAND OF TODAY

Poland's progressive position at the U. N. Security Council meeting is incurring attacks from those who would use the U. N. as a weapon of intrigue against the Soviet Union. Authentic information on postwar Poland can be obtained in *Poland of Today*, a monthly bulletin issued by the library of the Polish Embassy. The March issue contains an article by Dr. Oscar Lange, Polish Ambassador to the United States, on Poland's foreign policy, other items on Poland's present economic and cultural status, and a report on Jewish communities in Poland.

Write to: Library of Polish Embassy, 151 East Sixty-seventh Street, New York 21.

The subcommittee feels that official records now contain enough probative evidence about the nature of a Communist to establish beyond question that a loyal Communist will use every opportunity to further the expansion of Communist influence and that if he is a teacher, he will use the classroom and his personal contacts with students for that purpose.

The evidence further supported the conclusion that Communist teachers were used to support other Communist Party projects such as the American Labor Party, Communist fronts, organization work for the Communist Party, Communist-indoctrinated schools, and trade-union activity. Dr. Dodd testified on this score as follows:

Mr. MORRIS. Dr. Dodd, could you tell us how you worked with some other organizations at the time to further Communist activity; that is, while you were legislative representative of the teachers' union and had such an intimate knowledge of Communist teachers?

Did the Communist Party use these teachers for other purposes, or did they restrict their activity to the schools alone?

Mrs. DODD. Teachers have always been a very important part of the Communist apparatus. As a teachers' union member, I was a delegate to the Central Trades and Labor Council and I was a delegate to the State Federation of Labor. I was a delegate to the Central Trades and Labor Council, and I was put in contact with Communist members of other unions who were to operate with me on the floor of the Central Trades and Labor Council. We would caucus. We would decide what should be stressed, what shouldn't be stressed; what we would approve of, what we wouldn't approve of; whom we would vote for, and whom we wouldn't vote for. So that we attempted to carry out the party line in the labor field.

We functioned on whatever levels the Communist Party uses teachers for, to get dues, to get finances. They are a stable group with an income and they are generous and conscientious.

Secondly, they use them for personnel. Teachers are well-equipped, I mean they are trained thinkers and if you can convince them that they would go out and fight for the cause, you can get them to go out and become section organizers, district organizers.

The subcommittee received evidence to the effect that the teachers' union was completely controlled by the Communist Party. The New York State Legislative Committee (Rapp-Coudert committee) and other bodies looking into the school system had previously held this union to be Communist-dominated, even without the first-hand testimony of any such leader of the Communist fraction as Dr. Dodd. She was able to give the subcommittee an explanation of the inner

workings of the Communist Party as that organization manipulated members of the teaching profession. The disclosures added, to the accumulation already compiled by the Internal Security Subcommittee further evidence of cynical misdirection of man's yearning to correct social abuses, and ruthless suppression of man's free spirit. The subcommittee noted the following instance of Dr Dodd's disenchantment:

Mrs. DODD. Because I didn't know what communism was. I swallowed the hook, line, and sinker. I thought they were anti-Fascists. I thought they were for the working class. I thought they were for the underdog, and I was for the underdog.

You don't see the entirety of communism until you have had to wrestle with it. Communism shows itself at different levels to you at different times.

Senator FERGUSON. Then you are of the opinion that the Communists use these ideals, these humanitarian causes, the evils that are among men, for their own purposes rather than just curing the particular evil; is that right?

Mrs. DODD. That is absolutely right. And I discovered it to be so when I became the legislative representative of the Communist Party.

When I went into the apparatus at Twelfth Street as a legislative representative I thought that my job was to fight for good housing, milk, problems, the question of schools, and so on. I found that within the Communist Party there wasn't even a file on any of these social problems; that there wasn't any cumulative wisdom on the thing, that almost any program which you would pluck from the air which was popular at the moment was the thing you supported; that they weren't interested in carrying through on any of these problems; that these problems were important only as long as there was a group of dissatisfied people to whom this issue was important.

But as soon as that died down, then they were no longer interested in that issue.

Mr. MORRIS. That is literal testimony, is it, Dr. Dodd, that there wasn't literally a file on these sociological problems?

Mrs. DODD. The answer is "No." There wasn't a file. There were some old pamphlets thrown in one corner, and I then proceeded to try to create files on this question.

But then I discovered they were not interested in this particular thing. I tried for about 4 months to get the national committee to establish a committee on health for the study of the promotion of health legislation. I couldn't get it. They weren't too interested in that (p. 19).

After disillusionment had set in, the Communist who sought to break away from the organization was placed under severe pressure.

Dr. Albaum testified:

Senator FERGUSON. It was quite a shock to some academic people to have that somersault?

Mr. ALBAUM. That is right. They couldn't reconcile it with anything that had gone before. Of course, this added to my discomfort, my wanting to get out of this thing. I would come to meetings reluctantly. I would come to meetings infrequently. I would plead that I didn't have any money for the dues, that I had other commitments that were more important.

I was hoping that they would get rid of me.

Senator FERGUSON. Did you ever ask to resign?

Mr. ALBAUM. I said I wanted to get out of this thing, "I want to resign."

Senator FERGUSON. What was said?

Mr. ALBAUM. I was told, "Brother, you don't get out of this thing, you don't resign. All that can happen is you are expelled."

Senator FERGUSON. What did that mean to you?

Mr. ALBAUM. To me it meant that I was irrevocably committed to something which I could no longer get out of unless I did something so anti something in their eyes, that they expelled me.

Senator FERGUSON. Did that mean in effect that you were being threatened, that you had to stay in?

Mr. ALBAUM. In effect, this was a threat. This was a kind of blackmail. What this implied I can only conjecture.

Senator FERGUSON. How about your thinking at that time?

Mr. ALBAUM. It meant that I might be exposed anonymously. The stigma that was attached to this thing in the light of the Nazi-Soviet pact became greater. In other words, made people who were sympathetic to Russia before begin to have doubts of it, because of the pact.

Senator FERGUSON. Then you were told flatly that you could not resign?

Mr. ALBAUM. That one does not resign.

Senator FERGUSON. One does not resign?

Mr. ALBAUM. One can only be expelled (pp. 215-216).

As for John Lautner, who had been as late as January 1950 an organizer of the Communist Party (including Communist teachers), the departure from the organization was more brutal. Mr. Lautner testified:

Mr. MORRIS. And for how long did you remain a member of the Communist Party?

Mr. LAUTNER. Up to the 17th of January 1950.

Mr. MORRIS. And what happened at that time to cause your termination of membership?

Mr. LAUTNER. I read in the Daily Worker that I was expelled for protecting enemy agents in the ranks of the Communist Party, and being myself an enemy agent of long standing in the ranks of the Communist Party.

Mr. MORRIS. Do you mean the Communists said that you were an enemy?

Mr. LAUTNER. An enemy agent of the party; that is correct.

Senator FERGUSON. In other words, they thought you were a traitor to their cause in their ranks?

Mr. LAUTNER. In fact, the heading of the article was "Traitor," and I was accused of being a Government agent in the ranks of the party.

Senator FERGUSON. I understand, then, that the Communist Party has a loyalty program.

Mr. LAUTNER. Oh, yes.

Senator FERGUSON. And they see to it that all of their members are loyal to the Communist Party?

Mr. LAUTNER. To the Communist Party and the program of the Communist Party.

Senator FERGUSON. Now, do they grant you a hearing on your loyalty?

Mr. LAUTNER. I had a "hearing," in quotation marks, in a cellar in Cleveland, Ohio, with guns, butcher knives, and rubber hoses and hot and cold running water, and the like, and a lie detector and a tape recorder and plug-uglies—that was the hearing I got.

Senator FERGUSON. Was that before it was printed in the paper that you were expelled?

Mr. LAUTNER. This was printed on the 17th of January, on a Tuesday morning, and my hearing was the previous Saturday, in Cleveland, Ohio.

Senator FERGUSON. Was your life threatened at Cleveland, Ohio, at your hearing?

Mr. LAUTNER. My life was threatened. That is the reason I didn't give my full address over here today.

Senator SMITH. What building were you in?

Mr. LAUTNER. I was in a section in Cleveland, Ohio, known as Kingsbury Run, down in that industrial hole where at least 13 or 14 unsolved murders were committed in the last 15 years (p. 244).

SOURCES OF EVIDENCE

This short series of hearings once again demonstrated to the Internal Security Subcommittee the value of the sincere ex-Communist. Proceeding on the understanding that the committee's duty is to uncover present danger from subversion and not to expose to punishment for past wrongdoing, it heard among its 41 public witnesses three former Communists who clearly demonstrated their break from the party. It heard these and others in executive session, and still others in staff interviews. From these sources the committee was able to obtain first-hand evidence and was well

prepared to examine the various teachers as they appeared before the committee. All of the teachers and professors concerning whom there was varying evidence of Communist membership and association, when called, invoked their constitutional privilege against self-incrimination.

(Two of the teachers called, when asked, denied Communist membership. On one of these witnesses there was executive committee information that the person was not a Communist (that is, that the Communists decided she should not be a Communist) and on the other there was information that he was believed not to be a Communist. The committee heard these two witnesses because they were officials of the union and the committee wanted to present to the public record all officers of the union and not just the officials concerning whom there was evidence of Communist membership.)

The sincerely disassociated and contrite ex-Communist is a more informed person generally on the issue of communism and generally has acquired antibodies against further infection. They are of inestimable value as a source of evidence, and everything possible should be done to encourage their divorce from the Communist periphery and their escape from lonesome isolation. Accepting such persons wholeheartedly into the community of freemen is reconcilable with and even dictated by every precept of the Judaic and the Christian religions. If all the secrets now possessed by ex-Communists were made available to the Federal Bureau of Investigation and this committee, long strides would have been taken to expose fully the Communist conspiracy in the United States.

The New York Board of Education has recognized this. George Timone, chairman of the Law Committee of New York City testified:

* * * We have had a number of cases where a teacher has come in and has said, "Yes, I was a member of the Communist Party." And they give us the time and the teacher then says that he got out. And where his subsequent conduct and activity has not been inconsistent with that resignation, we have accepted it.

It is the policy of the superintendent and of the board not to bring charges against those teachers where we believe that they are sincere in their change. And there have been a number of cases precisely along that point.

Of course, however, if a teacher should receive from Mr. Moskoff a notice to come in and be questioned, let's say, in September 1952, and 3 days after the teacher receives the notice he then resigns from the Communist Party, we would be a little naive and gullible if we thought that that were a sincere repentance, a sincere change. We are not swallowing that kind of a resignation.

Now, we have had a number, a dozen or more, resignations from teachers who have been called in for questioning and who, rather than submit to questioning, have resigned (p. 43).

TACTICS OF WITNESSES

When the various teachers and professors were called to the stand, they invoked constitutional amendments in order to avoid answering questions about their Communist membership. Even though the chairman had made clear that he would allow only the invocation of the fifth amendment which provides that a person shall not be required to be a witness against himself, some witnesses even went so far as to claim the privilege under the first, sixth, and even the thirteenth amendments. The teachers invoking their privilege, together with the two who denied membership, all were abusive of the committee, evasive to the border of contempt in their responses, and profuse in

their invective against all forces who were opposing Communist expansion. In all, 30 teachers invoked in open session the fifth amendment when asked about Communist Party membership. Other teachers had invoked their privilege in executive session, but the committee was not able to hear them publicly.

The subcommittee submits that a professor's or a teacher's refusal to answer before a proper tribunal and under oath whether he is or was a member of the Communist Party, and therefore an active participant in the Soviet conspiracy against the free world, is violative of the trust and fiduciary relationship imposed upon him by virtue of his office and should be grounds for dismissal.

VALUE OF LEGISLATIVE INQUIRY

The hearings brought out that the New York State legislative inquiry into subversion in the schools in 1940-42 (Rapp-Coudert committee) was very effective in temporarily halting Communist expansion in New York schools and in causing significant disruption in the Communist ranks. The testimony showed that 52 teachers were removed from the New York schools as a result of that inquiry. As a wry corollary, it was brought out that all of those obtained more lucrative employment elsewhere through the Communist Party, and none experienced any economic detriment.

Dr. Dodd was asked about this:

Mr. MORRIS. This question is asked now in connection with legislation along these lines, Mr. Chairman.

Did you, as a matter of fact, find that the investigation carried on by the New York State Legislature at that time did weaken the Communist force in the teaching field?

Mrs. DODD. It most certainly did.

Senator FERGUSON. You have indicated here that any real publicity of Communist activity in a union or in any organization has a tendency, then, to weaken or destroy communism in that organization.

Mrs. DODD. I think any honest investigation which brings the issues to the fore and lets all decent and honest people, whether they are the teachers who are trapped in this organization, or not, really look at the issues, will help to eliminate that which is evil.

Senator FERGUSON. You think, then, that the facts were such that there were many innocent teachers not realizing what was being done on the so-called back-stage caucuses by the members of the Communist Party that belonged to the union, getting their instructions; by calling in Communist members at the time to get instructions; that this was not known to the mass—rank and file, let me call them—of the teachers; is that correct?

Mrs. DODD. That is absolutely correct, Senator Ferguson.

One of the real problems is that not only the members of the union didn't know, but a large number of the teachers who became Communists didn't really know what it was all about. I myself, so long as I functioned on the trade-union level in the teachers' union, why, my heavens, I was one of the staunchest of the Communists and would have called your committee a committee to smash the schools. It wasn't until I entered the Communist Party as a functionary in the Communist Party that I saw that it was a full, true, cynical conspiracy and something which is so thoroughly evil that I would like to spend the rest of my days to tell the teachers who are entrapped in this thing how to get out.

Senator FERGUSON. In other words, until you obtained the knowledge as to what actually was taking place as far as the Communist Party was concerned, how they functioned to get control of labor unions, whether it be teachers or others, or any organizations, you, as an advocate of labor, were so firm in your opinion as to the justification of the needs of labor, that you did not see the Communist activity until you became directly connected with it; is that a fair statement?

Mrs. DODD. That is correct (pp. 8-9).

Also Dr. Dodd said:

At the same time the New York State Legislature adopted a resolution calling for the investigation of the schools. That resolution was to investigate the finances of the schools, but, in addition, to investigate the subversive activities of the New York City school teachers.

That was popularly called the Rapp-Coudert investigating committee.

We couldn't withstand the two attacks—that is, of the A. F. of T. and the A. F. of L. and the Rapp-Coudert committee, and the influence of the union declined considerably during that period.¹

Another aspect of evidence on the subject of the Rapp-Coudert committee was the fact that the Communists, in retaliation against the exposures of the Communists by the committee, put on a large-scale propaganda drive against State Senator Frederic R. Coudert, Jr., who was chairman of the committee responsible for the activity. As Dr. Dodd put it:

Mr. MORRIS. Dr. Dodd, will you get back to this State legislative committee? That committee was in 1940-41, was it not?

Mrs. DODD. The Rapp-Coudert committee?

Mr. MORRIS. Yes.

Mrs. DODD. The resolution was adopted in 1939, the investigation began in 1940.

Mr. MORRIS. Were you active in opposing that investigation?

Mrs. DODD. I opposed it with everything I had in me.

Mr. MORRIS. How long did that opposition last?

Mrs. DODD. The opposition continued throughout the 2 years, that is, throughout 1940-41, and it carried into 1942, when Senator Coudert ran for—

Mr. MORRIS. Was it State senator?

Mrs. DODD. No. The first time he ran for Congress, wasn't it?

Mr. MORRIS. He ran for State senator. My recollection, Mr. Chairman, is that he was running for State senator in 1942. And you say you participated in that campaign?

Mrs. DODD. Yes, I did.

Mr. MORRIS. What was the purpose of that?

Mrs. DODD. The purpose of that was to see to it that anyone who attempted to "smear" the schools, as I thought—putting this in quotation marks—because I thought the Rapp-Coudert committee was to destroy the public-school system, that anyone who attempted to "smear" the school system should not be allowed to go back into public office, and that everything should be done to defeat him.

Mr. MORRIS. Actually, what was the real reasoning behind that campaign?

Mrs. DODD. Well, after all, the fight of the Rapp-Coudert committee was to expose Communist teachers. The Communist Party just couldn't permit a person of that kind, who had taken such a toll, to remain in public life.

Mr. MORRIS. Do you know whether the Soviet Union actually intervened in this fight?

Mrs. DODD. I wouldn't know whether the Soviet Union intervened. I had a little incident happen which might be of interest to you.

Mr. MORRIS. What was that, Dr. Dodd?

Mrs. DODD. One of the gentlemen in this city, who represented some of the Russian business interests, made a contribution to the campaign against Senator Coudert.

Mr. MORRIS. What was his name?

Mrs. DODD. Charles Recht.

Mr. MORRIS. Is he the attorney?

Mrs. DODD. He was the attorney for Amtorg. I don't know whether he is now.

Mr. MORRIS. Did he say anything to you at the time he made that contribution?

Mrs. DODD. He gave me some information about the Coudert law firm, Coudert & Coudert law firm. He said they represented many of the White Russians.

Mr. MORRIS. And he was giving you that information for what purpose?

Mrs. DODD. He knew that I was going to use it during the campaign (p. 11).

RESULTS OF THE INQUIRY

Even though only a few hearings were held, the results were significant. The New York City charter provides—

that if any employee of the city of New York shall refuse to testify or to answer any question regarding the property, government, or affairs of the city * * * or regarding the official conduct of any officer or employee of the city * * * on the ground that his answer would tend to incriminate him * * * his employment shall terminate * * *

The Feinberg law provides:

No person shall be appointed to any office or position in the service of the State or of any civil division or city thereof, nor shall any person presently employed in any such office or position be continued in such employment, nor shall any person be employed in the public service as superintendents, principals, or teachers in a public school or academy or in a State normal school or college, or any other State educational institution who:

(a) By word of mouth or writing willfully and deliberately advocates, advises, or teaches the doctrine that the Government of the United States or of any State or of any political subdivision thereof should be overthrown or overturned by force, violence, or any unlawful means; or

(b) Prints, publishes, edits, issues, or sells any book, paper, document, or written or printed matter in any form containing or advocating, advising, or teaching the doctrine that the Government of the United States or of any State or of any political subdivision thereof should be overthrown by force, violence, or any unlawful means, and who advocates, advises, teaches, or embraces the duty, necessity, or propriety of adopting the doctrine contained therein;

(c) Organizes or helps to organize or becomes a member of any society or group of persons which teaches or advocates that the Government of the United States or of any State or of any political subdivision thereof shall be overthrown by force or violence, or by any unlawful means;

(d) A person dismissed or declared ineligible may within 4 months of such dismissal or declaration of ineligibility be entitled to petition for an order to show cause signed by a justice of the supreme court, why a hearing on such charges should not be had. Until the final judgment on said hearing is entered, the order to show cause shall stay the effect of any order of dismissal or ineligibility based on the provisions of this section. The hearing shall consist of the taking of testimony in open court with opportunity for cross-examination. The burden of sustaining the validity of the order of dismissal or ineligibility by a fair preponderance of the credible evidence shall be upon the person making such dismissal or order of ineligibility.

3022. *Elimination of subversive persons from the public school system.*—1. The board of regents shall adopt, promulgate, and enforce rules and regulations for the disqualification or removal of superintendents of schools, teachers, or employees in the public schools in any city or school district of the State who violate the provisions of section 3021 of this article or who are ineligible for appointment to or retention in any office or position in such public schools on any of the grounds set forth in section 12 (a) of the civil-service law and shall provide therein appropriate methods and procedure for the enforcement of such sections of this article and the civil-service law.

The New York City Board of Education had adopted a rule that it had, under the Feinberg law, the authority to dismiss a Communist school teacher, and the concomitant right to ask a teacher whether he or she had been, or was, a member of the Communist Party. The board acted on that and has suspended eight teachers. The teachers' union appealed to the New York State commissioner of education and a stay was imposed on the city board from April and was in effect on September 9 when George Timone, chairman of the law committee, took the stand to testify about it. After his testimony Mr. Timone received a letter postmarked 1:30 p. m., September 8, lifting the stay.

Thereafter the New York City Board of Education proceeded to take a long series of steps which were designed to remove Communist teachers. Seven of the teachers who were removed were among those who refused to answer questions when before the subcommittee.

The subcommittee is not cognizant of any similar action on the part of the New York City Board of Higher Education. However, six professors and teachers in the city colleges were dismissed by that board as a result of their invoking their privilege against self-incrimination before this subcommittee. Brooklyn Polytechnic Institute, Rutgers University, and New York University dismissed professors of their colleges for refusing to answer questions on Communist affiliation on the grounds that their answers might incriminate them.

During the course of the hearings Konstantin Radzie, of the control or disciplinary commission of the Communist Party, was recognized among the audience in the New York courtroom. He was called to the stand to account for his presence at hearings of school teachers and college professors. Radzie invoked his privilege against self-incrimination, but subsequent testimony by John Laitner brought out that Radzie had been a member of the Communist organization for more than 20 years and had been assigned to disciplinary duties in the party. Because he was thus shown to have been a Communist at the time of his naturalization in 1938, Immigration and Naturalization has commenced denaturalization proceedings (on December 15 of this year).

CONCLUSIONS

On the basis of the evidence so far adduced, the committee has concluded that:

1. Despite the unquestioned loyalty and self-sacrificing devotion to duty of the preponderant bulk of America's teachers, there are yet many hundreds of teachers who are Communists.
2. Communist teachers radiate an influence much greater than their proportionate number.
3. Their influence has reached out into the community, among youth and parent-teacher organization and Communist-front groups.
4. The New York Teachers Union is an organization that is an instrument of the Communist Party and has been used to implement the Communist conspiracy.
5. Legislative committees either of the State or of Congress have aided local school authorities by sketching a pattern of Communist activities and by exposing Communist teachers.
6. A Communist is not a fit person to be placed or retained in a position to influence the minds of the youth of America.

RECOMMENDATIONS

The subcommittee makes the following recommendations:

That the Internal Security Subcommittee of the Senate continue in the Eighty-third Congress its investigation in this field.

That State legislatures give consideration to undertaking investigations such as that made by the New York State Legislative Committee of 1939-42 (Rapp-Coudert committee).

That school authorities, colleges, and local boards of education institute positive programs, not under the direction of Communists

or Communist sympathizers, to teach both teachers and school pupils the nature of the Communist conspiracy that is attacking the whole structure of our society.

That boards of education give study to the program being undertaken by the New York City Board of Education to rid the schools under its jurisdiction of Communist teachers.

PAT McCARRAN.
JAMES O. EASTLAND.
HERBERT R. O'CONNOR.
WILLIS SMITH.
HOMER FERGUSON.
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