

**EXECUTIVE SESSIONS OF THE SENATE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE
ON GOVERNMENT OPERATIONS**

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FIRST SESSION
1953



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CONTENTS

	Page
Volume 1	
Preface	xi
Introduction	xiii
Russell W. Duke, January 15	1
Testimony of Russell W. Duke.	
Russell W. Duke, January 16	33
Testimony of Edward P. Morgan.	
Stockpiling in General Services Administration, January 26	97
Testimony of George Willi; and Maxwell H. Elliott.	
Stockpiling of Strategic Materials, January 29	121
Testimony of Downs E. Hewitt.	
File Destruction in Department of State, January 26	143
Testimony of John E. Matson.	
File Destruction in Department of State, January 27	177
Testimony of Helen B. Balog.	
File Destruction in Department of State, January 28	207
Testimony of Malvina M. Kerr; and Vladimir I. Toumanoff.	
File Destruction in Department of State, January 29	283
Testimony of Robert J. Ryan; and Mansfield Hunt.	
Payment for Influence—Gas Pipeline Matter, January 26	321
Testimony of Eugene H. Cole.	
Payment for Influence—Gas Pipeline Matter, January 27	337
Testimony of Eugene H. Cole.	
Payment for Influence—Gas Pipeline Matter, February 7	349
Testimony of Clyde Austin; O.V. Wells; and John W. Carlisle.	
Payment for Influence—Gas Pipeline Matter, March 3	379
Testimony of Vernon Booth Lowrey.	
Payment for Influence—Gas Pipeline Matter, March 24	393
Testimony of James M. Bryant.	
Violation of Export Control Statutes, February 2	411
Testimony of E.L. Kohler.	
Voice of America, February 13	457
Testimony of Lewis J. McKesson; Virgil H. Fulling; Edwin Kretzmann; and Howard Fast.	
Voice of America, February 14	499
Testimony of Lewis J. McKesson; James M. Moran; George Q. Herrick; Newbern Smith; Stuart Ayers; Larry Bruzzese; and Nancy Lenkeith.	
Voice of America—Transmission Facilities, February 16	577
Testimony of Wilson R. Compton; and General Frank E. Stoner.	
Voice of America, February 17	599
Testimony of Harold C. Vedeler.	
Voice of America, February 23	615
Testimony of Nathaniel Weyl; Donald Henderson; Alfred Puhon; James F. Thompson; and Reed Harris.	
Voice of America, February 24	715
Testimony of W. Bradley Connors.	
Voice of America, February 28	719
Testimony of Fernand Auberjonois; Norman Stanley Jacobs; Raymond Gram Swing; and Troup Mathews.	
Voice of America, March 3	765
Testimony of Jack B. Tate.	

	Page
Voice of America, March 7	769
Testimony of Mrs. William Grogan; and Dorothy Fried.	
Voice of America, March 10	795
Testimony of David Cushman Coyle; John Francis McJennett, Jr.; and Robert L. Thompson.	
Voice of America, March 16	881
Testimony of Charles P. Arnot.	
Loyalty Board Procedures, March 18	903
Testimony of John H. Amen.	

Volume 2

State Department Information Service—Information Centers, March 23	913
Testimony of Mary M. Kaufman; Sol Auerbach (James S. Allen); and William Marx Mandel.	
State Department Information Service—Information Centers, March 24	945
Testimony of Samuel Dashiell Hammett; Helen Goldfrank; Jerre G. Mangione; and James Langston Hughes.	
State Department Information Service—Information Centers, March 25	999
Testimony of Mary Van Kleeck; and Edwin Seaver.	
State Department Information Service—Information Centers, March 31	1015
Testimony of Edward W. Barrett.	
State Department Information Service—Information Centers, April 1	1045
Testimony of Dan Mabry Lacy.	
State Department Information Service—Information Centers, April 24	1071
Testimony of James A. Wechsler—published in 1953.	
State Department Information Service—Information Centers, April 28	1073
Testimony of Theodore Kaghan.	
State Department Information Service—Information Centers, May 5 ...	1115
Testimony of James A. Wechsler—published in 1953.	
State Department Information Service—Information Centers, May 5 ...	1117
Testimony of Millen Brand.	
State Department Information Service—Information Centers, May 6 ...	1123
Testimony of John L. Donovan.	
State Department Information Service—Information Centers, May 13 .	1135
Testimony of James Aronson; and Cedric Belfrage.	
State Department Information Service—Information Centers, May 19 .	1161
Testimony of Julien Bryan.	
State Department Information Service—Information Centers, July 1 ..	1193
Testimony of Richard O. Boyer; Rockwell Kent; Edwin B. Burgum; Joseph Freeman; George Seldes; and Doxey Wilkerson.	
State Department Information Service—Information Centers, July 2 ..	1217
Testimony of Allan Chase.	
State Department Information Service—Information Centers, July 7 ..	1223
Testimony of Eslanda Goode Robeson; Arnaud d'Usseau; and Leo Huberman.	
State Department Information Service—Information Centers, July 14	1231
Testimony of Harvey O'Connor.	
State Department Teacher-Student Exchange Program, May 20	1235
Testimony of Naphtali Lewis.	
State Department Teacher-Student Exchange Program, May 25	1245
Testimony of Helen B. Lewis; Naphtali Lewis; and Margaret Webster.	
State Department Teacher-Student Exchange Program, May 26	1267
Testimony of Aaron Copland.	
State Department Teacher-Student Exchange Program, June 8	1291
Testimony of Rachel Davis DuBois; and Dr. Dorothy Ferebee.	
State Department Teacher-Student Exchange Program, June 19	1305
Testimony of Clarence F. Hiskey.	
State Department Teacher-Student Exchange Program, June 19	1311
Testimony of Harold C. Urey.	

VII

	Page
Trade with Soviet-Bloc Countries, May 20	1321
Trade with Soviet-Bloc Countries, May 25	1329
Testimony of Charles S. Thomas; Louis W. Goodkind; Thruston B. Mor-	
ton; Kenneth R. Hansen; and Vice Admiral Walter S. Delaney.	
Austrian Incident, June 3	1349
Testimony of V. Frank Coe.	
Austrian Incident, June 5	1367
Testimony of V. Frank Coe.	
Communist Party Activities, Western Pennsylvania, June 17	1373
Testimony of Louis Bortz; and Herbert S. Hawkins.	
Communist Party Activities, Western Pennsylvania, June 18	1395
Testimony of Louis Bortz.	
Special Meeting, July 10	1399
Alleged Bribery of State Department Official, July 13	1415
Testimony of Juan Jose Martinez-Locayo.	
Internal Revenue, July 31	1431
Testimony of T. Coleman Andrews.	
Security—Government Printing Office, August 10	1439
Testimony of Mary S. Markward; Edward M. Rothschild; Esther Roth-	
schild; and James B. Phillips.	
Security—Government Printing Office, August 11	1473
Testimony of Frederick Sillers; Gertrude Evans; and Charles Gift.	
Security—Government Printing Office, August 11	1497
Testimony of Raymond Blattenberger; and Phillip L. Cole.	
Security—Government Printing Office, August 12	1515
Testimony of Ernest C. Mellor; and S. Preston Hipsley.	
Security—Government Printing Office, August 13	1527
Testimony of Irving Studenberg.	
Security—Government Printing Office, August 13	1533
Testimony of Gertrude Evans; and Charles Gift.	
Security—Government Printing Office, August 14	1547
Testimony of Howard Merold; Jack Zucker; Howard Koss; and Isadore	
Kornfield.	
Security—Government Printing Office, August 15	1563
Testimony of Cleta Guess; James E. Duggan; and Adolphus Nichols	
Spence.	
Security—Government Printing Office, August 18	1573
Testimony of Roy Hudson Wells, Jr.; and Phillip Fisher.	
Security—Government Printing Office, August 19	1577
Testimony of Joseph E. Francis; Samuel Bernstein; and Roscoe Conkling	
Everhardt.	
Security—Government Printing Office, August 21	1595
Testimony of Florence Fowler Lyons.	
Security—Government Printing Office, August 29	1603
Testimony of Alfred L. Fleming; Carl J. Lundmark; Earl Cragg; and	
Harry Falk.	
Stockpiling and Metal Program, August 21	1615
Statement of Robert C. Miller.	
Communist Infiltration Among Army Civilian Workers, August 31	1625
Testimony of Doris Walters Powell; Francesco Palmiero; and Albert E.	
Feldman.	
Communist Infiltration Among Army Civilian Workers, September 1 ..	1651
Testimony of Cpt. Donald Joseph Kotch; Stanley Garber; Jacob W. Allen;	
Deton J. Brooks, Jr.; Col. Ralph M. Bauknight; Doris Walters Powell;	
Francesco Palmiero; Marvel Cooke; and Paul Cavanna.	
Communist Infiltration Among Army Civilian Workers, September 2 ..	1695
Testimony of Mary Columbo Palmiero; Col. Wallace W. Lindsay; Col.	
Wendell G. Johnson; Maj. Harold N. Krau; Louis Francis Budenz;	
Augustin Arrigo; and Muriel Silverberg.	
Communist Infiltration Among Army Civilian Workers, September 3 ..	1729
Testimony of John Stewart Service; Donald Joseph Kotch; Michael J.	
Lynch; and Jacob W. Allen.	
Communist Infiltration Among Army Civilian Workers, September 8 ..	1745
Testimony of H. Donald Murray.	
Communist Infiltration Among Army Civilian Workers, September 9 ..	1777
Testimony of Alexander Naimon; John Lautner; Esther Leenov Ferguson.	

VIII

Volume 3

	Page
Security—United Nations, September 14	1807
Testimony of Julius Reiss; and Florence Englander.	
Security—United Nations, September 15	1833
Testimony of Paul Crouch; Dimitri Varley; Abraham Unger; and Alice Ehrenfeld.	
Security—United Nations, September 16	1877
Testimony of Frank Cernrey; and Helen Matousek.	
Security—United Nations, September 17	1889
Testimony of Abraham Unger; Vachel Lofek; and David M. Freedman.	
Communist Infiltration in the Army, September 21	1899
Testimony of Igor Bogolepov; Vladimir Petrov; Gen. Richard C. Partridge; and Samuel McKee.	
Communist Infiltration in the Army, September 23	1913
Testimony of Louis Budenz; Harriett Moore Gelfan; and Corliss Lamont.	
Korean War Atrocities, October 6	1923
Testimony of Edward J. Lyons, Jr.; Lt. Col. Lee H. Kostora; Maj. James Kelleher; Lt. Col. J. W. Whitehorne, III; Gen. Fenn; and John Adams.	
Korean War Atrocities, October 31	1943
Korean War Atrocities, November 30	1965
Testimony of 1st Lt. Henry J. McNichols, Jr.; Sgt. Barry F. Rhoden; Capt. Linton J. Buttrey; Sgt. Carey H. Weinel; Col. James M. Hanley; Pfc. John E. Martin; Capt. Alexander G. Makarounis.	
Korean War Atrocities, December 1	2043
Testimony of Lt. Col. John W. Gorn; Lt. Col. James T. Rogers; Cpl. Lloyd D. Kreider; Sgt. Robert L. Sharps; William L. Milano; Sgt. Wendell Treffery; Sgt. George J. Matta; Cpl. Willie L. Daniels; Sgt. John L. Watters, Jr.; Sgt. Orville R. Mullins; and Donald R. Brown.	
Army Signal Corps—Subversion and Espionage, October 8	2119
Statements of Paul Siegel; Jerome Corwin; Allen J. Lovenstein; Edward J. Fister; William P. Goldberg; and Jerome Rothstein.	
Army Signal Corps—Subversion and Espionage, October 9	2201
Statements of Alan Sterling Gross; Dr. Fred B. Daniels; Bernard Lipel; James Evers; Sol Bremmer; Murray Miller; Sherwood Leeds; Paul M. Leeds.	
Army Signal Corps—Subversion and Espionage, October 12	2275
Statements of Louis Volp; William Patrick Lonnie; Henry F. Burkhard; Marcel Ullmann; and Herbert F. Hecker.	
Army Signal Corps—Subversion and Espionage, October 12	2303
Testimony of Marcel Ullmann; Morris Keiser; Seymour Rabinowitz; Rudolph C. Riehs; and Carl Greenblum.	
Army Signal Corps—Subversion and Espionage, October 13	2329
Testimony of Joseph Levitsky; William Ludwig Ullman; Bernard Martin; Louis Kaplan; Harry Donohue; Jack Frolow; Bernard Lewis; and Craig Crenshaw.	
Army Signal Corps—Subversion and Espionage, October 14	2389
Testimony of Harold Ducore; Aaron H. Coleman; Samuel Pomerentz; and Haym G. Yamins.	
Army Signal Corps—Subversion and Espionage, October 14	2457
Testimony of Harold Ducore; Jack Okun; and Maj. Gen. Kirke B. Lawton.	
Army Signal Corps—Subversion and Espionage, October 15	2487
Testimony of Vivian Glassman Pataki; Eleanor Glassman Hutner; Samuel I. Greenman; Ira J. Katchen; Max Elitcher; Eugene E. Hutner; Col. John V. Mills; Maj. James J. Gallagher; Marcel Ullmann; Benjamin Zuckerman; and Benjamin Bookbinder.	
Army Signal Corps—Subversion and Espionage, October 16	2563
Testimony of Maj. Gen. Kirke Lawton; Maj. Gen. George I. Back; Maj. Jenista; Col. Ferry; John Pernice; Karl Gerhard; Carl Greenblum; Markus Epstein; and Leo M. Miller.	
Army Signal Corps—Subversion and Espionage, October 17	2625
Testimony of Alfred C. Walker; Joseph Levitsky; and Louis Antell.	

	Page
Army Signal Corps—Subversion and Espionage, October 22	2649
Testimony of Fred Joseph Kitty; Jack Okun; Aaron Coleman; and Barry S. Bernstein.	
Army Signal Corps—Subversion and Espionage, October 22	2697
Testimony of Benjamin Wolman; Harvey Sachs; Leonard E. Mins; and Sylvia Berke.	
Volume 4	
Army Signal Corps—Subversion and Espionage, October 23	2729
Testimony of Sidney Glassman; David Ayman; Lawrence Freidman; Elba Chase Nelson; Herbert S. Bennett; Joseph H. Percoff; Lawrence Aguimbau; and Perry Seay.	
Army Signal Corps—Subversion and Espionage, October 26	2777
Statements of Benjamin Zuckerman; Hans Inslerman; Thomas K. Cookson; Doris Seifert; Lafayette Pope; Ralph Iannarone; Saul Finkelstein; Abraham Lepato; Irving Rosenheim; and Richard Jones, Jr.	
Army Signal Corps—Subversion and Espionage, October 27	2815
Statements of Edward Brody; Max Katz; Henry Jasik; Capt. Benjamin Sheehan; Russell Gaylord Ranney; Susan Moon; Peter Rosmovsky; and Sarah Omanson.	
Army Signal Corps—Subversion and Espionage, October 30	2851
Statements of Harold Ducore; Stanley R. Rich; Nathan Sussman; Louis Leo Kaplan; Carl Greenblum; Sherrod East; Jacob Kaplan; James P. Scott; Bernard Lee; and Melvin M. Morris.	
Army Signal Corps—Subversion and Espionage, November 2	2893
Statements of William Johnston Jones; Murray Nareell; Samuel Sack; Joseph Bert; Raymond Delcamp; Leo Fary; and Irving Stokes.	
Army Signal Corps—Subversion and Espionage, November 3	2919
Testimony of Abraham Chasanow; Joseph H. Percoff; Solomon Greenberg; Isadore Solomon; William Saltzman; and Samuel Sack.	
Army Signal Corps—Subversion and Espionage, November 4	2953
Testimony of Victor Rabinowitz; Wendell Furry; Diana Wolman; Abraham Brothman; Norman Gaboriault; Harvey Sachs; Sylvia Berke; and Benjamin Wolman.	
Army Signal Corps—Subversion and Espionage, November 5	3033
Testimony of Harry Hyman; Vivian Glassman Pataki; Gunnar Boye; Alexander Hindin; Samuel Paul Gisser; Stanley Berinsky; Ralph Schutz; and Henry Shoiket.	
Army Signal Corps—Subversion and Espionage, November 16	3083
Testimony of Rear Admiral Edward Culligan Forsyth; Samuel Snyder; Ernest Pataki; Albert Socol; Joseph K. Crevisky; Ignatius Giardina; and Leon Schnee.	
Army Signal Corps—Subversion and Espionage, November 17	3125
Testimony of James Weinstein; Harry Grundfest; Harry Pastorinsky; Emery Pataki; and Charles Jassik.	
Army Signal Corps—Subversion and Espionage, November 25	3151
Testimony of Morris Savitt; Albert Fischler; James J. Matles; Bertha Singer; and Terry Rosenbaum.	
Army Signal Corps—Subversion and Espionage, December 10	3171
Testimony of Michael Sidorovich; and Ann Sidorovich.	
Army Signal Corps—Subversion and Espionage, December 10	3175
Statement of Samuel Levine.	
Army Signal Corps—Subversion and Espionage, December 14	3199
Testimony of Albert Shadowitz; Pvt. David Linfield; Shirley Shapiro; and Sidney Stolbert.	
Army Signal Corps—Subversion and Espionage, December 15	3221
Testimony of Ezekiel Heyman; Lester Ackerman; Sigmond Berger; Ruth Levine; Bennett Davies; John D. Saunders; Norman Spiro; Carter Lemuel Burkes; John R. Simkovich; Linda Gottfried; Joseph Paul Komar; John Anthony DeLuca; and Sam Morris.	
Army Signal Corps—Subversion and Espionage, December 16	3273
Testimony of Wilbur LePage; Martin Levine; John Schickler; David Lichter; Albert Burrows; Seymour Butensky; and Kenneth John Way.	

	Page
Army Signal Corps—Subversion and Espionage, December 17	3309
Statements of Irving Israel Gale; Harry Lipson; Seymour Janowsky; Harry M. Nachmais; Curtis Quinten Murphy; Martin Schmidt; and David Holtzman.	
Army Signal Corps—Subversion and Espionage, December 18	3349
Statements of Joseph John Oliveri; Philip Joseph Shapiro; Samuel Martin Segner; Joseph Linton Layne; and Harry William Levitties.	
Transfer of Occupation Currency Plates—Espionage Phase, October 19	3403
Testimony of William H. Taylor; and Alvin W. Hall.	
Transfer of Occupation Currency Plates—Espionage Phase, October 21	3425
Testimony of Elizabeth Bentley.	
Transfer of Occupation Currency Plates—Espionage Phase, November 10	3431
Statement of Walter F. Frese.	
Subversion and Espionage in Defense Establishments and Industry, November 12	3445
Testimony of Jean A. Arsenault; Sidney Friedlander; Theresa Mary Chiario; Albert J. Bottisti; Anna Jegabbi; Emma Elizabeth Drake; Henry Daniel Hughes; Abden Francisco; Joseph Arthur Gebhardt; Emanuel Fernandez; Robert Pierson Northrup; Lawrence Leo Gebo; William J. Mastriani; Gordon Belgrave; Arthur Lee Owens; John Sardella; and Rudolph Rissland.	
Subversion and Espionage in Defense Establishments and Industry, November 13	3545
Testimony of Lillian Krummel; Dewey Franklin Brashear; Arthur George; Higeno Hermida; Paul K. Hacko; Alex Henry Klein; Harold S. Rollins; and John Starling Brooks.	
Subversion and Espionage in Defense Establishments and Industry, November 18	3585
Testimony of Karl T. Mabbskka; James John Walsh; Nathaniel Mills; Robert Goodwin; Henry Canning Archdeacon; Donald Herbert Morrill; Francis F. Peacock; William Richmond Wilder; Donald R. Finlayson; Theodore Pappas; George Homes; Alexander Gregory; Witoutos S. Bolys; Benjamin Alfred; and Witulad Piekarski.	
Transfer of the Ship "Greater Buffalo", December 8	3607
Testimony of Paul D. Page, Jr.; and George J. Kolowich.	
Personnel Practices in Government—Case of Telford Taylor, December 8	3637
Testimony of Philip Young.	

PREFACE

The power to investigate ranks among the U.S. Senate's highest responsibilities. As James Madison reasoned in *The Federalist Papers*: "If men were angels, no government would be necessary. If angels governed men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself." It is precisely for the purposes of government controlling itself that Congress investigates.

A century after Madison, another thoughtful authority on Congress, Woodrow Wilson, judged the "vigilant oversight of administration" to be as important as legislation. Wilson argued that because self-governing people needed to be fully informed in order to cast their votes wisely, the information resulting from a Congressional investigation might be "even more important than legislation." Congress, he said, was the "eyes and the voice" of the nation.

In 1948, the Senate established the Permanent Subcommittee on Investigations to continue the work of a special committee, first chaired by Missouri Senator Harry Truman, to investigate the national defense program during World War II. Over the next half century, the Subcommittee under our predecessor Chairmen, Senators John McClellan, Henry Jackson, Sam Nunn, William Roth, and John Glenn, conducted a broad array of hard-hitting investigations into allegations of corruption and malfeasance, leading repeatedly to the exposure of wrongdoing and to the reform of government programs.

The phase of the Subcommittee's history from 1953 to 1954, when it was chaired by Joseph McCarthy, however, is remembered differently. Senator McCarthy's zeal to uncover subversion and espionage led to disturbing excesses. His browbeating tactics destroyed careers of people who were not involved in the infiltration of our government. His freewheeling style caused both the Senate and the Subcommittee to revise the rules governing future investigations, and prompted the courts to act to protect the Constitutional rights of witnesses at Congressional hearings. Senator McCarthy's excesses culminated in the televised Army-McCarthy hearings of 1954, following which the Senate voted overwhelmingly for his censure.

Under Senate provisions regulating investigative records, the records of the Permanent Subcommittee on Investigations are deposited in the National Archives and sealed for fifty years, in part to protect the privacy of the many witnesses who testified in closed executive sessions. With the half century mark here relative to the

executive session materials of the McCarthy subcommittee, we requested that the Senate Historical Office prepare the transcripts for publication, to make them equally accessible to students and the general public across the nation. They were edited by Dr. Donald A. Ritchie, with the assistance of Beth Bolling and Diane Boyle, and with the cooperation of the staff of the Center for Legislative Archives at the National Archives and Records Administration.

These hearings are a part of our national past that we can neither afford to forget nor permit to reoccur.

CARL LEVIN,
Chairman.

SUSAN M. COLLINS,
Ranking Member.

Permanent Subcommittee on Investigations.

INTRODUCTION

The executive sessions of the Permanent Subcommittee on Investigations for the Eighty-third Congress, from 1953 to 1954, make sobering reading. Senator Joseph R. McCarthy assumed the chairmanship of the Government Operations Committee in January 1953 and exercised prerogative, under then existing rules, to chair the subcommittee as well. For the three previous years, Senator McCarthy had dominated the national news with his charges of subversion and espionage at the highest levels of the federal government, and the chairmanship provided him with a vehicle for attempting to prove and perhaps expand those allegations.

Elected as a Wisconsin Republican in 1946, Senator McCarthy had burst into national headlines in February 1950, when he delivered a Lincoln Day address in Wheeling, West Virginia, that blamed failures in American foreign policy on Communist infiltration of the United States government. He held in his hand, the senator asserted, a list of known Communists still working in the Department of State. When a special subcommittee of the Foreign Relations Committee investigated these charges and rejected them as "a fraud and a hoax," the issue might have died, but the outbreak of the Korean War, along with the conviction of Alger Hiss and arrest of Julius Rosenberg in 1950, lent new credibility to McCarthy's charges. He continued to make accusations that such prominent officials as General George C. Marshall had been part of an immense Communist conspiracy. In 1952, Dwight D. Eisenhower's election as president carried Republican majorities in both houses of Congress, and seniority elevated McCarthy to chairman of the Permanent Subcommittee on Investigations.

Jurisdictional lines of the Senate assigned loyalty issues to the Internal Security Subcommittee of the Judiciary Committee, but Senator McCarthy interpreted his subcommittee's mandate broadly enough to cover any government-related activity, including subversion and espionage. Under his chairmanship, the subcommittee shifted from searching out waste and corruption in the executive branch to focusing almost exclusively on Communist infiltration. The subcommittee vastly accelerated the pace of its hearings. By comparison to the six executive sessions held by his predecessor in 1952, McCarthy held 117 in 1953. The subcommittee also conducted numerous public hearings, which were often televised, but it did the largest share of its work behind closed doors. During McCarthy's first year as chairman, the subcommittee took testimony from 395 witnesses in executive sessions and staff interrogatories (by comparison to 214 witnesses in the public sessions), and compiled 8,969 pages of executive session testimony (compared to 5,671 pages of public hearings). Transcripts of public hearings were

published within months, while those of executive sessions were sealed and deposited in the National Archives and Records Administration. Under the provisions of S. Res. 474, records involving Senate investigations may be sealed for fifty years. With the approach of the hearings' fiftieth anniversary, the Permanent Subcommittee on Investigations authorized the Senate Historical Office to prepare the executive session transcripts for publication.

Professional stenographers worked independently under contract to the Senate to produce the original transcripts of the closed hearings. The transcripts are as accurate as the stenographers were able to make them, but since neither senators nor witnesses reviewed their remarks, as they would have for published hearings, they could correct neither misspelled names nor misheard words. Several different stenographers operating in Washington, New York, and Massachusetts prepared the transcripts, accounting for occasional variations in style. The current editing has sought to reproduce the transcripts as closely to their original form as possible, deleting no content but correcting apparent errors—such as the stenographer's turning the town of Bethpage, New York, into a person's name, Beth Page. Transcribers also employed inconsistent capitalization and punctuation, which have been corrected in this printed version.

The executive sessions have been given the same titles as the related public hearings, and all hearings on the same subject matter have been grouped together chronologically. If witnesses in executive session later testified in public, the spelling of their names that appeared in the printed hearing has been adopted. If the subcommittee ordered that the executive session testimony be published, those portions have not been reprinted, but editorial notes indicate where the testimony occurred and provide a citation. No transcripts were made of "off the record" discussions, which are noted within the hearings. Senator McCarthy is identified consistently as "The Chairman." Senators who occasionally chaired hearings in his absence, or chaired special subcommittees, are identified by name. Brief editorial notes appear at the top of each hearing to place the subject matter into historical context and to indicate whether the witnesses later testified in public session. Wherever possible, the witnesses' birth and death dates are noted. A few explanatory footnotes have been added, although editorial intrusion has been kept to a minimum. The subcommittee deposited all of the original transcripts at the Center for Legislative Archives at the National Archives and Records Administration, where they are now open for research.

THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Following the Legislative Reorganization Act of 1946, the Special Committee to Investigate the National Defense Program (popularly known as the Truman committee, for its chairman, Harry S. Truman) merged with the Committee on Expenditures in the Executive Departments to become the Permanent Subcommittee on Investigations. In 1953 the Committee on Executive Expenditures was renamed the Committee on Government Operations, and Senator Joseph R. McCarthy (1908–1957), who had joined the committee in 1947, became chairman of both the committee and its

permanent subcommittee. Republicans won a narrow majority during the Eighty-third Congress, and held only a one-seat advantage over Democrats in the committee ratios. The influx of new senators since World War II also meant that except for the subcommittee's chairman and ranking member, all other members were serving in their first terms. Senator McCarthy had just been elected to his second term in 1952, while the ranking Democrat, Arkansas Senator John L. McClellan (1896–1977), had first been elected in 1942, and had chaired the Government Operations Committee during the Eighty-first and Eighty-second Congresses. The other members of the subcommittee included Republicans Karl Mundt (1900–1974), Everett McKinley Dirksen (1896–1969), and Charles E. Potter (1916–1979), and Democrats Henry M. Jackson (1912–1983) and Stuart Symington (1901–1988)¹

With senators serving multiple committee assignments, only on rare occasions would the entire membership of any committee or subcommittee attend a hearing. Normally, Senate committees operated with a few senators present, with members coming and going through a hearing depending on their conflicting commitments. Unique circumstances developed in 1953 to allow Senator McCarthy to be the sole senator present at many of the subcommittee's hearings, particularly those held away from Washington. In July 1953, a dispute over the chairman's ability to hire staff without consultation caused the three Democrats on the subcommittee to resign. They did not return until January 1954. McCarthy and his staff also called hearings on short notice, and often outside of Washington, which prevented the other Republican senators from attending. Senators Everett Dirksen and Charles Potter occasionally sent staff members to represent them (and at times to interrogate witnesses). By operating so often as a "one-man committee," Senator McCarthy gave witnesses the impression, as Harvard law school dean Erwin Griswold observed, that they were facing a "judge, jury, prosecutor, castigator, and press agent, all in one."²

The Legislative Reorganization Act of 1946 had created a non-partisan professional staff for each Senate committee. Originally, staff worked for the committee as a whole and were not divided by majority and minority. Chairman McCarthy inherited a small staff from his predecessor, Clyde Hoey, a Democrat from North Carolina, but a significant boost in appropriations enabled him to add many of his own appointees. For chief counsel, McCarthy considered candidates that included Robert Morris, counsel of the Internal Security Subcommittee, Robert F. Kennedy, and John J. Sirica, but he offered the job to Roy M. Cohn (1927–1986). The son of a New York State appellate division judge, Cohn had been too young to take the bar exam when he graduated from Columbia University Law School. A year later he became assistant United States attorney on the day he was admitted to the bar. In the U.S. attorney's office he took part in the prosecution of William Remington, a former Commerce Department employee convicted of perjury relating to his Communist party membership. Cohn also participated in the

¹See Committee on Government Operations, *50th Anniversary History, 1921–1971*, 92nd Cong., 1st sess., S. Doc. 31 (Washington, D.C.: Government Printing Office, 1971).

²Erwin N. Griswold, *The 5th Amendment Today* (Cambridge: Harvard University Press, 1955), 67.

prosecution of Julius and Ethel Rosenberg, and in the trial of the top Communist party leaders in the United States. He earned a reputation as a relentless questioner with a sharp mind and retentive memory. In 1952, Cohn briefly served as special assistant to Truman's attorney general, James McGranery, and prepared an indictment for perjury against Owen Lattimore, the Johns Hopkins University professor whom Senator McCarthy had accused of being a top Soviet agent. Cohn's appointment also helped counteract the charges of prejudice leveled against the anti-Communist investigations. (Indeed, when he was informed that the B'nai B'rith was providing lawyers to assist the predominantly Jewish engineers suspended from Fort Monmouth, on the assumption of anti-Semitism, Cohn responded: "Well, that is an outrageous assumption. I am a member and an officer of B'nai B'rith.") In December 1952, McCarthy invited Cohn to become subcommittee counsel. "You know, I'm going to be the chairman of the investigating committee in the Senate. They're all trying to push me off the Communist issue . . .," Cohn recalled the senator telling him. "The sensible thing for me to do, they say, is start investigating the agriculture program or find out how many books they've got bound upside down at the Library of Congress. They want me to play it safe. I fought this Red issue. I won the primary on it. I won the election on it, and don't see anyone else around who intends to take it on. You can be sure that as chairman of this committee this is going to be my work. And I want you to help me."³

At twenty-six, Roy Cohn lacked any previous legislative experience and tended to run hearings more like a prosecutor before a grand jury, collecting evidence to make his case in open session rather than to offer witnesses a full and fair hearing. Republican Senator Karl Mundt, a veteran investigator who had previously served on the House Un-American Activities Committee, urged Cohn to call administrative officials who could explain the policies and rationale of the government agencies under investigation, and to keep the hearings balanced, but Cohn felt disinclined to conduct an open forum. Arrogant and brash, he alienated others on the staff, until even Senator McCarthy admitted that putting "a young man in charge of other young men doesn't work out too well." Cohn's youth further distanced him from most of the witnesses he interrogated. Having reached maturity during the Cold War rather than the Depression, he could not fathom a legitimate reason for anyone having attended a meeting, signed a petition, or contributed to an organization with any Communist affiliation. In his memoirs, Cohn later recounted how a retired university professor once told him "that had I been born twelve or fifteen years earlier my world-view and therefore my character would have been very different."⁴

An indifferent administrator, Senator McCarthy gave his counsel free rein to conduct investigations. In fact, he appointed Cohn without having first removed the subcommittee's previous chief counsel, Francis "Frip" Flanagan. To remedy this discrepancy, McCarthy

³ *Washington Star*, July 20, 1954; Roy Cohn, *McCarthy* (New York: New American Library, 1968), 46.

⁴ *Ibid.*, 22; David F. Krugler, *The Voice of America and the Domestic Propaganda Battles, 1945-1953* (Columbia: University of Missouri Press, 2000), 191.

changed Flanagan's title to general counsel, although he never delineated any differences in authority. When a reporter asked what these titles meant, McCarthy confessed that he did not know. The subcommittee's chief clerk, Ruth Young Watt, found that whenever a decision needed to be made, Cohn would say, "Ask Frip," and Flanagan would reply, "Ask Roy." "In other words," she explained, "I'd just end up doing what I thought was right."⁵

The subcommittee held most of its hearings in room 357 of the Senate Office Building (now named the Russell Senate Office Building). Whenever it anticipated larger crowds for public hearings, it would shift to room 318, the spacious Caucus Room (now room 325), which better accommodated radio and television coverage. In 1953 the subcommittee also held extensive hearings in New York City, working out of the federal courthouse at Foley Square and the Waldorf-Astoria Hotel, while other executive sessions took place at Fort Monmouth, New Jersey, and in Boston. Roy Cohn had recruited his close friend, G. David Schine (1927–1996), as the subcommittee's unpaid "chief consultant." The two men declined to work out of the subcommittee's crowded office—Cohn did not even have a desk there. ("I don't have an office as such," Cohn later testified. "We have room 101 with 1 desk and 1 chair. That is used jointly by Mr. Carr and myself. The person who gets there first occupies the chair."⁶) Instead, Cohn and Schine rented more spacious quarters for themselves in a nearby private office building. When the subcommittee met in New York, Schine made his family's limousine and suite at the Waldorf-Astoria available for its use. As the subcommittee's only unpaid staff member, he was not reimbursed for travel and other expenses, including his much-publicized April 1953 tour with Cohn of U.S. information libraries in Europe. In executive sessions, Schine occasionally questioned witnesses and even presided in Senator McCarthy's absence, with the chief counsel addressing him as "Mr. Chairman." Others on the staff, including James Juliana and Daniel G. Buckley, similarly conducted hearing-like interrogatories of witnesses. Schine continued his associations with the subcommittee even after his induction into the army that November—an event that triggered the chairman's epic confrontation with the army the following year.⁷

The hectic pace and controversial nature of the subcommittee hearings during the Eighty-third Congress placed great burdens on the staff and contributed to frequent departures. Of the twelve staff members that McCarthy inherited, only four remained by the end of the year—an investigator and three clerks. Of the twenty-one new staff added during 1953, six did not last the year. Research director Howard Rushmore (1914–1958) resigned after four months, and assistant counsel Robert Kennedy (1925–1968), after literally coming to blows with Roy Cohn, resigned in August, telling the chairman that the subcommittee was "headed for disaster." (The following year, Kennedy returned as minority counsel.) When Francis Flanagan left in June 1953, Senator McCarthy named J.

⁵ Ruth Young Watt oral history, 109, Senate Historical Office.

⁶ Special Subcommittee on Investigations, *Special Senate Investigation on Charges and Countercharges Involving: Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr*, 83rd Cong., 2nd sess., part 47 (Washington, D.C.: Government Printing Office, 1954), 1803.

⁷ Ruth Young Watt oral history, 107–108; 130; *Washington Star*, January 1, 1953.

B. Matthews (1894–1966) as executive director, hoping that the seasoned investigator would impose some order on the staff. Matthews boasted of having joined more Communist-front organizations than any other American, although he had never joined the Communist party. When he fell out of favor with radical groups in the mid-1930s, he converted into an outspoken anti-Communist and served as chief investigator for the House Un-American Activities Committee from 1939 to 1945. An ordained Methodist minister, he was referred to as “Doctor Matthews,” although he held no doctoral degree. Just as McCarthy announced his appointment to head the subcommittee staff in June 1953, Matthews’s article on “Reds in Our Churches” appeared in the *American Mercury* magazine. His portrayal of Communist sympathy among the nation’s Protestant clergy caused a public uproar, and Republican Senator Charles Potter joined the three Democrats on the subcommittee in calling for Matthews’s dismissal. Although Matthews resigned voluntarily, it was Senator McCarthy’s insistence on maintaining the sole power to hire and fire staff that caused the three Democratic senators to resign from the subcommittee, while retaining their membership in the full Government Operations Committee. Senator McCarthy then appointed Francis P. Carr, Jr. (1925–1994) as executive director, with Roy Cohn continuing as chief counsel to direct the investigation.⁸

THE RIGHTS OF WITNESSES

In their hunt for subversion and espionage, Senator McCarthy and chief counsel Cohn conducted hearings on the State Department, the Voice of America, the U.S. overseas libraries, the Government Printing Office, and the Army Signal Corps. Believing any method justifiable in combating an international conspiracy, they grilled witnesses intensely. Senator McCarthy showed little patience for due process and defined witnesses’ constitutional rights narrowly. His hectoring style inspired the term “McCarthyism,” which came to mean “any investigation that flouts the rights of individuals,” usually involving character assassination, smears, mudslinging, sensationalism, and guilt by association. “McCarthyism”—coined by the *Washington Post* cartoonist Herblock, in 1950—grew so universally accepted that even Senator McCarthy employed it, redefining it as “the fight for America.” Subsequently, the term has been applied collectively to all congressional investigations of suspected Communists, including those by the House Un-American Activities Committee and Senate Internal Security Subcommittee, which bore no direct relation to the permanent subcommittee.⁹

In these closed executive sessions, Senator McCarthy’s treatment of witnesses ranged from abrasive to solicitous. The term “executive sessions” derives from the Senate’s division of its business between legislative (bills and resolutions) and executive (treaties and

⁸G. F. Goodwin, “Joseph Brown Matthews,” *Dictionary of American Biography*, Supplement 8 (New York: Charles Scribner’s Sons, 1988), 424–27; Lawrence B. Glickman, “The Strike in the Temple of Consumption: Consumer Activism and Twentieth-Century American Political Culture,” *Journal of American History*, 88 (June 2001), 99–128; Robert F. Kennedy, *The Enemy Within* (New York: Harper & Brothers, 1960), 176.

⁹William Safire, *Safire’s New Political Dictionary: The Definitive Guide to the New Language of Politics* (New York: Random House, 1993), 441; Senator Joe McCarthy, *McCarthyism: The Fight for America* (New York: Devin-Adair, 1952).

nominations). Until 1929 the Senate debated all executive business in closed session, clearing the public and press galleries, and locking the doors. "Executive" thereby became synonymous with "closed." Committees held closed sessions to conduct preliminary inquiries, to mark up bills before reporting them to the floor, and to handle routine committee housekeeping. By hearing witnesses privately, the permanent subcommittee could avoid incidents of misidentification and could determine how forthcoming witnesses were likely to be in public. In the case of McCarthy, however, "executive session" took a different meaning. John G. Adams, who attended many of these hearings as the army's counsel from 1953 to 1954, observed that the chairman used the term "executive session" rather loosely. "It didn't really mean a closed session, since McCarthy allowed in various friends, hangers-on, and favored newspaper reporters," wrote Adams. "Nor did it mean secret, because afterwards McCarthy would tell the reporters waiting outside whatever he pleased. Basically, 'executive' meant that Joe could do anything he wanted." Adams recalled that the subcommittee's Fort Monmouth hearings were held in a "windowless storage room in the bowels of the courthouse, unventilated and oppressively hot," into which crowded the senator, his staff, witnesses, and observers who at various times included trusted newspaper reporters, the governor of Wisconsin, the chairman's wife, mother-in-law and friends. "The 'secret' hearings were, after all, quite a show," Adams commented, adding that the transcripts were rarely released to the public. This ostensibly protected the privacy of those interrogated, but also gave the chairman an opportunity to give to the press his version of what had transpired behind closed doors, with little chance of rebuttal.¹⁰

Roy Cohn insisted that the subcommittee gave "suspects" rights that they would not get in a court of law. Unlike a witness before a grand jury, or testifying on the stand, those facing the subcommittee could have their attorney sit beside them for consultation. The executive sessions further protected the witnesses, Cohn pointed out, by excluding the press and the public. But Gen. Telford Taylor, an American prosecutor at Nuremberg, charged McCarthy with conducting "a new and indefensible kind of hearing, which is neither a public hearing nor an executive session." In Taylor's view, the closed sessions were a device that enabled the chairman to tell newspapers whatever he saw fit about what happened, without giving witnesses a chance to defend themselves or reporters a chance to check the accuracy of the accusations. Characteristically, Senator McCarthy responded to this criticism with an executive session inquiry into Gen. Taylor's loyalty. The chairman used other hearings to settle personal scores with men such as Edward Barrett, State Department press spokesman under Dean Acheson, and Edward Morgan, staff director of the Tydings subcommittee that had investigated his Wheeling speech.¹¹

Inclusion as a witness in these volumes in no way suggests a measure of guilt. Some of the witnesses who came before the per-

¹⁰ John G. Adams, *Without Precedent: The Story of the Death of McCarthyism* (New York: W. W. Norton, 1983), 53, 60, 66.

¹¹ Cohn, *McCarthy*, 51; C. Dickerman Williams, "The Duty to Investigate," *The Freeman*, 3 (September 21, 1953), 919; *New York Times*, November 28, 1953.

manent subcommittee in 1953 had been Communists; others had not. Some witnesses cooperated by providing names and other information; others did not. Some testified on subjects entirely unrelated to communism, subversion or espionage. The names of many of these witnesses appeared in contemporary newspaper accounts, even when they did not testify in public. About a third of the witnesses called in executive session did not appear at any public hearing, and Senator McCarthy often defined such witnesses as having been "cleared." Some were called as witnesses out of mistaken identity. Others defended themselves so resolutely or had so little evidence against them that the chairman and counsel chose not to pursue them. For those witnesses who did appear in public, the closed hearings served as dress rehearsals. The subcommittee also heard many witnesses in public session who had not previously appeared at a closed hearing, usually committee staff or government officials for whom a preliminary hearing was not deemed necessary. Given the rapid pace of the hearings, the subcommittee staff had little time for preparation. "No real research was ever done," Robert Kennedy complained. "Most of the investigations were instituted on the basis of some preconceived notion by the chief counsel or his staff members and not on the basis of any information that had been developed."¹²

After July 1953, when the Democratic senators resigned from the subcommittee, other Republican senators also stopped attending the subcommittee's closed hearings, in part because so many of the hearings were held away from the District of Columbia and called on short notice. Witnesses also received subpoenas on such short notice that they found it hard to prepare themselves or consult with counsel. Theoretically the committee, rather than the chairman, issued subpoenas, Army Counsel John G. Adams noted. "But McCarthy ignored the Senate rule that required a vote of the other members every time he wanted to haul someone in. He signed scores of blank subpoenas which his staff members carried in their inside pockets, and issued as regularly as traffic tickets." Witnesses repeatedly complained that subpoenas to appear were served on them just before the hearings, either the night before or the morning of, making it hard for them to obtain legal representation. Even if they obtained a lawyer, the senator would not permit attorneys to raise objections or to talk for the witness. Normally, a quorum of at least one-third of the committee or subcommittee members was needed to take sworn testimony, although a single senator could hold hearings if authorized by the committee. The rules did not bar "one-man hearings," because senators often came and went during a committee hearing and committee business could come to a halt if a minimum number of senators were required to hold a hearing.¹³

When the chairman acted as a one-man committee, the tone of the hearings more closely resembled an inquisition. Witnesses who swore that they had never joined the Communist party or engaged in espionage or sabotage were held accountable for long-forgotten petitions they had signed a decade earlier or for having joined orga-

¹² Kennedy, *The Enemy Within*, 307.

¹³ Adams, *Without Precedent*, 67, 69.

nizations that the attorney general later cited as Communist fronts. Seeking any sign of political unorthodoxy, the chairman and the subcommittee staff scrutinized the witnesses' lives and grilled them about the political beliefs of colleagues, neighbors and family members. In the case of Stanley Berinsky, he was suspended from the Army Signal Corps at Fort Monmouth after security officers discovered that his mother had once been a member of the Communist party:

The CHAIRMAN. Let's get this straight. I know it is unusual to appear before a committee. So many witnesses get nervous. You just got through telling us you did not know she was a Communist; now you tell us she resigned from the Communist party? As of when?

Mr. BERINSKY. I didn't know this until the security suspension came up at Fort Monmouth.

The CHAIRMAN. When was that?

Mr. BERINSKY. That was in 1952.

The CHAIRMAN. Then did your mother come over and tell you she had resigned?

Mr. BERINSKY. I told her what happened. At that time she told me she had been out for several years.

The CHAIRMAN. . . . Well, did you ever ask her if she was a Communist?

Mr. BERINSKY. No, sir. . . .

The CHAIRMAN. When you went to see her, weren't you curious? If somebody told me my mother was a Communist, I'd get on the phone and say, "Mother is this true"?

Did she tell you why she resigned?

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

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

Mr. BERINSKY. Probably.

The CHAIRMAN. Was she still a Communist at heart in 1952?

Mr. BERINSKY. Well, I don't know how you define that.

The CHAIRMAN. Do you think she was a Communist, using your own definition of communism?

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

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

Mr. BERINSKY. Do you mean in an active sense?

The CHAIRMAN. Loyal in her mind.

Mr. BERINSKY. That is hard to say.

The CHAIRMAN. Is she still living?

Mr. BERINSKY. Yes.¹⁴

Perhaps the most recurring phrase in these executive session hearings was not the familiar "Are you now or have you ever been a member of the Communist party?" That was the mantra of the public hearings. Instead, in the closed hearings it was "In other words," which prefaced the chairman's relentless rephrasing of witnesses' testimony into something with more sinister implications than they intended. Given Senator McCarthy's tendency toward hyperbole, witnesses objected to his use of inappropriate or inflammatory words to characterize their testimony. He took their objections as a sign they were covering up something:

The CHAIRMAN. Did you live with him when the apartment was raided by army security?

Mr. OKUN. Senator, the apartment was not raided. He had been called and asked whether he would let them search it. . . .

¹⁴ Executive session transcript, November 5, 1953.

The CHAIRMAN. You seem to shy off at the word “raided.” When the army security men go over and make a complete search of the apartment and find forty-three classified documents, to me that means “raided.” You seem, both today and the other day to be going out of your way trying to cover up for this man Coleman.

Mr. OKUN. No, sir. I do not want to cover up anything.¹⁵

A few of those who appeared before the subcommittee later commented that the chairman was less intimidating in private than his public behavior had led them to expect. “Many of us have formed an impression of McCarthy from the now familiar Herblock caricatures. He is by no means grotesque,” recalled Martin Merson, who clashed with the senator over the Voice of America. “McCarthy, the relaxed dinner guest, is a charming man with the friendliest of smiles.” McCarthy’s sometimes benign treatment of witnesses in executive session may have been a tactic intended to lull them into false complacency before his more relentless questioning in front of the television cameras, which certainly seemed to bring out the worst in him. Ruth Young Watt (1910–1996), the subcommittee’s chief clerk from 1948 until her retirement in 1979, regarded the chairman as “a very kind man, very thoughtful of people working with him,” but a person who would “get off on a tirade sometimes” in public hearings.¹⁶

Senator McCarthy regularly informed witnesses of their right to decline to answer if they felt an answer might incriminate them, but he interpreted their refusal to answer a question as an admission of guilt. He also encouraged government agencies and private corporations to fire anyone who took the Fifth Amendment before a congressional committee. When witnesses also attempted to cite their First Amendment rights, the chairman warned that they would be cited for contempt of Congress. Although the chairman pointed out that membership in the Communist party was not a crime, many witnesses declined to admit their past connections to the party to avoid having to name others with whom they were associated. Some witnesses wanted to argue that the subcommittee had no right to question their political beliefs, but their attorneys advised them that it would be more prudent to decline to answer. During 1953, some seventy witnesses before the subcommittee invoked the Fifth Amendment and declined to answer questions concerning Communist activities. Five refused to answer on the basis of the First Amendment, two claimed marital privileges, and Harvard Professor Wendell Furry invoked no constitutional grounds for his failure to answer questions.¹⁷

Some witnesses invoked the Fifth Amendment to avoid implicating those they knew to be Communists. Other invoked the Fifth Amendment as a blanket response to any questions about the Communist party, after being warned by their attorneys that if they answered questions about themselves they could be compelled to name their associates. In the case of *Rogers v. U.S.* (1951) the Supreme Court had ruled that a witness could not refuse to answer questions simply out of a “desire to protect others from punish-

¹⁵ Executive session transcript, October 23, 1953.

¹⁶ Martin Merson, *The Private Diary of a Public Servant* (New York: Macmillan, 1955), 83; Ruth Watt oral history, 140.

¹⁷ *Annual Report of the Committee on Government Operations Made by its Senate Permanent Subcommittee on Investigations*, 83rd Cong., 2nd sess., S. Rept. 881 (Washington, D.C.: Government Printing Office, 1954), 10–14; see also Griswold, *The 5th Amendment Today*, and Victor S. Navasky, *Naming Names* (New York: Viking Press, 1980).

ment, much less to protect another from interrogation by a grand jury." The Justice Department applied the same reasoning to witnesses who refused to identify others to a congressional committee. Since the questions were relevant to the operation of the government, the department assured Senator McCarthy that it was his right as a congressional investigator to order witnesses to answer questions about whether they know any Communists who might be working in the government or in defense plants.¹⁸

Senator McCarthy explained to witnesses that they could take the Fifth Amendment only if they were concerned that telling the truth would incriminate them, a reasoning that redefined the right against self-incrimination as incriminating in itself. Calling them "Fifth-Amendment Communists," he insisted that "an innocent man does not need the Fifth Amendment." At a public hearing, the chairman pressed one witness: "Are you declining, among other reasons, for the reason that you are relying upon that section of the Fifth Amendment which provides that no person may be a witness against himself if he feels that his testimony might tend to incriminate him? If you are relying upon that, you can tell me. If not, of course, you are ordered to answer. A Communist and espionage agent has the right to refuse on that ground, but not on any of the other grounds you cited."¹⁹

Federal court rulings had given congressional investigators considerable leeway to operate. In the aftermath of the Teapot Dome investigation, the Supreme Court ruled in *McGrain v. Daugherty* (1927) that a committee could subpoena anyone to testify, including private citizens who were neither government officials nor employees. In *Sinclair v. U.S.* (1929), the Supreme Court recognized the right of Congress to investigate anything remotely related to its legislative and oversight functions. The court also upheld the Smith Act of 1940, which made it illegal to advocate overthrowing the U.S. government by force or violence. In 1948 the Justice Department prosecuted twelve Communist leaders for having conspired to organize "as a society, group and assembly of persons who teach and advocate the overthrow and destruction of the Government of the United States by force and violence." Upholding their convictions, in *Dennis v. U.S.* (1951), the Supreme Court denied that their prosecution had violated the First Amendment, on the grounds that the government's power to prevent an armed rebellion subordinated free speech. During the next six years 126 individuals were indicted solely for being members of the Communist party. The Mundt-Nixon Act of 1950 further barred Communist party members from employment in defense installations, denied them passports, and required them to register with the Subversive Activities Control Board. In *Rogers v. U.S.* (1951) the Supreme Court declared that a witness who had testified that she was treasurer of a local Communist party and had possession of its records could not claim the Fifth Amendment when asked to whom she gave those records. Her initial admission had waived her right to invoke her privilege and she was guilty of contempt for failing to answer.

¹⁸ Assistant Attorney General Warren Olney, III to Senator Joseph R. McCarthy, July 7, 1954, full text in the executive session transcript for July 15, 1954.

¹⁹ Permanent Subcommittee on Investigations, *Army Signal Corps—Subversion and Espionage*, 83rd Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1954), 153, 299–300.

Not until after Senator McCarthy's investigations had ceased did the Supreme Court change direction on the rights of congressional witnesses, in three sweeping decisions handed down on June 17, 1957. In *Yates v. U.S.* the court overturned the convictions of fourteen Communist party members under the Smith Act, finding that organizing a Communist party was not synonymous with advocating the overthrow of the government by force and violence. As a result, the Justice Department stopped seeking further indictments under the Smith Act. In *Watkins v. U.S.*, the court specified that an investigating committee must demonstrate a legislative purpose to justify probing into private affairs, and ruled that public education was an insufficient reason to force witnesses to answer questions under the penalty of being held in contempt. These rulings confirmed that the Bill of Rights applied to anyone subpoenaed by a congressional committee.²⁰

If witnesses refused to cooperate, the chairman threatened them with indictment and incarceration. At the end of his first year as chairman, he advised one witness: "During the course of these hearings, I think up to this time we have some—this is just a rough guess—twenty cases we submitted to the grand jury, either for perjury or for contempt before this committee. Do not just assume that your name was pulled out of a hat. Before you were brought here, we make a fairly thorough and complete investigation. So I would like to strongly advise you to either tell the truth or, if you think the truth will incriminate you, then you are entitled to refuse to answer. I cannot urge that upon you too strongly. I have given that advice to other people here before the committee. They thought they were smarter than our investigators. They will end up in jail. This is not a threat; this is just friendly advice I am giving you. Do you understand that?" In the end, however, no witness who appeared before the subcommittee during his chairmanship was imprisoned for perjury, contempt, espionage, or subversion. Several witnesses were tried for contempt, and some were convicted, but each case was overturned on appeal.²¹

AREA OF INVESTIGATION

Following the tradition of the Permanent Subcommittee on Investigations, the first executive session hearings in 1953 dealt with influence peddling, an outgrowth of an investigation begun in the previous Congress. Senator McCarthy absented himself from most of the influence-peddling hearings and left Senator Karl Mundt or Senator John McClellan, the ranking Republican and Democrat on the Government Operations Committee, to preside in his place. But the chairman made subversion and espionage his sole mission. On the day that the subcommittee launched a new set of hearings on influence peddling, it began hearings on the State Department's filing system, whose byzantine complexity Senator McCarthy attributed to either Communist infiltration or gross incompetence.

With the State Department investigation, Senator McCarthy returned to familiar territory. His Wheeling speech in 1950 had accused the department of harboring known Communists. The sen-

²⁰ Arthur J. Sabin, *In Calmer Times: The Supreme Court and Red Monday* (Philadelphia: University of Pennsylvania Press, 1999), 11, 39, 55–57, 154–55, 167–68.

²¹ Executive session transcript, December 15, 1953.

ator demanded that the State Department open its “loyalty files,” and then complained that it provided only “skinny-ribbed bones of the files,” “skeleton files,” “purged files,” and “phony files.” The chairman’s interest was naturally piqued in 1953 when State Department security officer John E. Matson reported irregularities in the department’s filing system, and charged that personnel files had been “looted” of derogatory information in order to protect disloyal individuals. Although State Department testimony suggested that its system had been designed to protect the rights of employees in matters of career evaluation and promotion, Senator McCarthy contended that there had been a conspiracy to manipulate the files.²²

A brief investigation of homosexuals as security risks also grew out of previous inquiries. In 1950, Senator McCarthy denounced “those Communists and queers who have sold 400 million Asiatic people into atheistic slavery and have American people in a hypnotic trance, headed blindly toward the same precipice.” He often laced his speeches with references to “powder puff diplomacy,” and accused his opponents of “softness” toward communism. “Why is it that wherever it is in the world that our State Department touches the red-hot aggression of Soviet communism there is heard a sharp cry of pain—a whimper of confusion and fear? . . . Why must we be forced to cringe in the face of communism?” By contrast, he portrayed himself in masculine terms: in rooting out communism he “had to do a bare-knuckle job or suffer the same defeat that a vast number of well-meaning men have suffered over past years. It has been a bare-knuckle job. As long as I remain in the Senate it will continue as a bare-knuckle job.” The subcommittee had earlier responded to Senator McCarthy’s complaint that the State Department had reinstated homosexuals suspended for moral turpitude with an investigation in 1950 that produced a report on the *Employment of Homosexuals and Other Sex Perverts in Government*. The report had concluded that homosexuals’ vulnerability to blackmail made them security risks and therefore “not suitable for Government positions.”²³

The closed hearings shifted to two subsidiaries of the State Department, the Voice of America and the U.S. information libraries, which had come under the department’s jurisdiction following World War II. Dubious about mixing foreign policy and propaganda, Secretary of State John Foster Dulles viewed the Voice of America as an unwanted appendage and was not unsympathetic to some housecleaning. It was not long, however, before the Eisenhower administration began to worry that McCarthy’s effort to clean out the “left-wing debris” was disrupting its own efforts to reorganize the government. Senator McCarthy also looked into allegations of Communist literature on the shelves of the U.S. Information Agency libraries abroad. Rather than call the officials who administered the libraries, the subcommittee subpoenaed the authors

²²Robert Griffith, *The Politics of Fear: Joseph R. McCarthy and the Senate* (Lexington: University Press of Kentucky, 1970), 90–93; “The Raided Files,” *Newsweek* (February 16, 1953), 28–29.

²³*New York Times*, April 21, 1950; *Congressional Record*, 81st Cong., 2nd sess., A7249, A3426–28; Committee on Expenditures in the Executive Departments, Subcommittee on Investigations, *Employment of Homosexuals and Other Sex Perverts in Government*, 81st Cong., 2nd sess (Washington, D.C.: Government Printing Office, 1950), 4–5, 19.

of the books in question, along with scholars and artists who traveled abroad on Fulbright scholarships. These witnesses became innocent bystanders in the cross-fire between the subcommittee and the administration as the senator expanded his inquiry from examinations of files and books to issues of espionage and sabotage, warning audiences: "This is the era of the Armageddon—that final all-out battle between light and darkness foretold in the Bible." Zealousness in the search for subversives made the senator unwilling to accept bureaucratic explanations on such matters as personnel files and loyalty board procedures in the State Department, the Government Printing Office, and the U.S. Army.²⁴

Many of McCarthy's investigations began with a flurry of publicity and then faded away. Richard Rovere, who covered the subcommittee's hearings for the *New Yorker*, observed that investigation of the Voice of America was never completed. "It just stopped—its largest possibilities for tumult had been exhausted, and it trailed off into nothingness."²⁵ Before completing one investigation, the subcommittee would have launched another. The hectic pace of hearings and the large number of witnesses it called strained the subcommittee's staff resources. Counsels coped by essentially asking the same questions of all witnesses. "For the most part you wouldn't have time to do all your homework on that, we didn't have a big staff," commented chief clerk Ruth Watt. As a result, the subcommittee occasionally subpoenaed the wrong individuals, and used the closed hearings to winnow out cases of mistaken identity. Some of those who were subpoenaed failed to appear. As Roy Cohn complained of the authors whose books had appeared in overseas libraries, "we subpoena maybe fifty and five show up."²⁶

When Senator McCarthy was preoccupied or uninterested in the subject matter, other senators would occasionally chair the hearings. Senator Charles Potter, for example, chaired a series of hearings on Korean War atrocities whose style, demeanor, and treatment of witnesses contrasted sharply with those that Senator McCarthy conducted; they are included in these volumes as a point of reference. Other hearings that stood apart in tone and substance concerned the illegal trade with the People's Republic of China, an investigation staffed by assistant counsel Robert F. Kennedy.²⁷

The subcommittee's investigations exposed examples of lax security in government agencies and defense contractors, but they failed to substantiate the chairman's accusations of subversion and espionage. Critics accused Senator McCarthy of gross exaggerations, of conducting "show trials" rather than fact-finding inquiries, of being careless and indifferent about evidence, of treating witnesses cavalierly and of employing irresponsible tactics. Indeed, the chairman showed no qualms about using raw investigative files as evidence. His willingness to break the established rules encouraged some security officers and federal investigators to leak investigative files to the subcommittee that they were constrained by agency

²⁴ "Battle Unjoined," *Newsweek* (March 23, 1953), 28; *Newsweek* (April 27, 1953), 34; Address to the Sons of the American Revolution, May 15, 1950, *Congressional Record*, 81st Cong., 2nd sess., A3787.

²⁵ Richard Rovere, *Senator Joe McCarthy*, (New York: Harcourt, Brace, 1959), 159.

²⁶ Ruth Young Watt oral history, 128.

²⁷ Gerald J. Bryan, "Joseph McCarthy, Robert Kennedy, and the Greek Shipping Crisis: A Study of Foreign Policy Rhetoric," *Presidential Studies Quarterly*, 24 (Winter 1994), 93–104.

policy from revealing. Rather than lead to the high-level officials he had expected to find, the leaked security files shifted his attention to lower-level civil servants. Since these civil servants lacked the freedom to fight back in the political arena, they became “easier targets to bully.”²⁸ Even Roy Cohn conceded that McCarthy invited much of the criticism “with his penchant for the dramatic,” and “by making statements that could be construed as promising too much.”²⁹

Having predicted to the press that his inquiry into conditions at Fort Monmouth would uncover espionage, Senator McCarthy willingly accepted circumstantial evidence as grounds for the dismissal of an employee from government-related service. The subcommittee’s dragnet included a number of perplexed witnesses who had signed a nominating petition years earlier, belonged to a union whose leadership included alleged Communists, bought an insurance policy through an organization later designated a Communist front organization, belonged to a Great Books club that read Karl Marx among other authors, had once dated a Communist, had relatives who were Communists, or simply had the same name as a Communist. Those witnesses against whom strong evidence of Communist activities existed tended to be involved in labor organizing—hardly news since the Congress of Industrial Organizations (CIO) had already expelled such unions as the Federation of Architects, Engineers, Chemists and Technicians and the United Electrical Workers, whom McCarthy investigated. Those witnesses who named names of Communists with whom they had associated invariably described union activities, and none corroborated any claims of subversion and espionage.

Critics questioned Senator McCarthy’s sincerity as a Communist hunter, citing his penchant for privately embracing those whom he publicly attacked; others considered him a classic conspiracy theorist. Once he became convinced of the existence of a conspiracy, nothing could dissuade him. He exhibited impatience with those who saw things differently, interpreted mistakes as deliberate actions, and suspected his opponents of being part of the larger conspiracy. He would not entertain alternative explanations and stood contemptuous of doubters. A lack of evidence rarely deterred him or undermined his convictions. If witnesses disagreed on the facts, someone had to be lying. The Fort Monmouth investigation, for instance, had been spurred by reports of information from the Army Signal Corps laboratories turning up in Eastern Europe. Since Julius Rosenberg had worked at Fort Monmouth, McCarthy and Cohn were convinced that other Communist sympathizers were still supplying secrets to the enemy. But the Soviet Union had been an ally during the Second World War, and during that time had openly designated representatives at the laboratories, making espionage there superfluous. Nevertheless, McCarthy’s pursuit of a spy ring caused officials at Fort Monmouth to suspend forty-two civilian em-

²⁸ Earl Latham, *The Communist Controversy in Washington, From the New Deal to McCarthy* (Cambridge: Harvard University Press, 1966), 323, 349–54; John Earl Haynes, *Red Scare or Red Menace? American Communism and Anticommunism in the Cold War Era* (Chicago: Ivan R. Dee, 1996), 147, 154.

²⁹ Cohn, *McCarthy*, 94–95.

ployees. After the investigations, all but two were reinstated in their former jobs.

Not until January 1954, did the remaining subcommittee members adopt rules changes that Democrats had demanded, and Senators McClellan, Jackson and Symington resumed their membership on the subcommittee. These rules changes removed the chairman's exclusive authority over staffing, and gave the minority members the right to hire their own counsel. Whenever the minority was unanimously opposed to holding a public hearing, the issue would go to the full committee to determine by majority vote. Also in 1954, the Republican Policy Committee proposed rules changes that would require a quorum to be present to hold hearings, and would prohibit holding hearings outside of the District of Columbia or taking confidential testimony unless authorized by a majority of committee members. In 1955 the Permanent Subcommittee adopted rules similar to those the Policy Committee recommended.³⁰

Following the Army-McCarthy hearings of 1954, the Senate censured Senator McCarthy in December 1954 for conduct unbecoming of a senator. Court rulings in subsequent years had a significant impact on later congressional investigations by strengthening the rights of witnesses. Later in the 1950s, members and staff of the Permanent Subcommittee on Investigations joined with the Senate Labor and Public Welfare Committee to form a special committee to investigate labor racketeering, with Robert F. Kennedy as chief counsel. Conducted in a more bipartisan manner and respectful of the rights of witnesses, their successes helped to reverse the negative image of congressional investigations fostered by Senator McCarthy's freewheeling investigatory style.

DONALD A. RITCHIE,
Senate Historical Office.

³⁰*New York Times*, July 11, 19, 1953, January 24, 26, 27, 1954; *Congressional Record*, 83rd Cong., 2nd sess., 2970.

SUBCOMMITTEE STAFF IN JANUARY 1953

Francis D. Flanagan, chief counsel (July 1, 1945 to June 30, 1953)
Gladys E. Montier, assistant clerk (July 1, 1945 to November 15, 1953)
Ruth Young Watt, chief clerk (February 10, 1947 to May 31, 1979)
Jerome S. Adlerman, assistant counsel (July 1, 1947 to August 3, 1953)
James E. Sheridan, investigator (July 1, 1947 to December 3, 1953)
Robert J. McElroy, investigator (April 1, 1948 to April 24, 1955)
James H. Thomas, assistant counsel (January 19, 1949 to February 15, 1953)
Howell J. Hatcher, chief assistant counsel (March 15, 1949 to April 15, 1953)
Edith H. Anderson, assistant clerk (January 26, 1951 to February 9, 1957)
William A. Leece, assistant counsel (March 14, 1951 to March 16, 1953)
Martha Rose Myers, assistant clerk (April 5, 1951 to July 31, 1953)
Nina W. Sutton, assistant clerk (April 1, 1952 to January 31, 1955)

SUBCOMMITTEE STAFF APPOINTED IN 1953-1954

Roy M. Cohn, chief counsel (January 15, 1953 to August 13, 1954)
Robert F. Kennedy, assistant counsel (January 15, 1953 to August 31, 1953), chief counsel to the minority (February 23, 1954 to January 3, 1955)
Donald A. Surine, assistant counsel (January 22, 1953 to July 19, 1954)
Marbeth A. Miller, research clerk (February 1, 1953 to July 31, 1954)
Herbert Hawkins, investigator (February 1, 1953 to November 15, 1954)
Daniel G. Buckley, assistant counsel (February 1, 1953 to February 28, 1955)
Aileen Lawrence, assistant clerk (February 1, 1953 to September 15, 1953)
Thomas W. LaVenia, assistant counsel, (February 16, 1953 to February 28, 1955)
Donald F. O'Donnell, assistant counsel (March 16, 1953 to September 30, 1954)
Pauline S. Lattimore, assistant clerk (March 16, 1953 to September 30, 1954)
Christian E. Rogers, Jr., assistant counsel (March 16, 1953 to August 21, 1953)
Howard Rushmore, research director (April 1, 1953 to July 12, 1953)
Christine Winslow, assistant clerk (April 2, 1953 to May 15, 1953)
Rosemary Engle, assistant clerk (May 25, 1953 to March 15, 1955)

Joseph B. Matthews, executive director (June 22, 1953 to July 18, 1953)
 Mary E. Morrill, assistant clerk (June 24, 1953 to November 15, 1954)
 Ann M. Grickis, assistant chief clerk (July 1, 1953 to January 31, 1954)
 Francis P. Carr, Jr., executive director (July 16, 1953 to October 31, 1954)
 Karl H. Baarslag, research director (July 16, 1953 to September 30, 1953), (November 2, 1954 to November 17, 1954)
 Frances P. Mims, assistant clerk (July 16, 1953 to December 31, 1954)
 James M. Juliana, investigator (September 8, 1953 to October 12, 1958)
 C. George Anastos, assistant counsel (September 21, 1953 to February 28, 1955)
 Maxine B. Buffalohide, assistant clerk (November 19, 1953 to October 15, 1954)
 Thomas J. Hurley, Jr., investigator (November 19, 1953 to December 15, 1953)
 Margaret W. Duckett, assistant clerk (November 23, 1953 to October 15, 1954)
 Charles A. Tracy, investigator (March 1, 1954 to February 28, 1955)
 LaVern J. Duffy, investigator (March 19, 1954 to February 28, 1955)
 Ray H. Jenkins, special counsel (April 14, 1954 to July 31, 1954)
 Solis Horwitz, assistant counsel (April 14, 1954 to June 30, 1954)
 Thomas R. Prewitt, assistant counsel (April 14, 1954 to June 30, 1954)
 Charles A. Maner, secretary (April 14, 1954 to July 31, 1954)
 Robert A. Collier, investigator (April 14, 1954 to May 31, 1954)
 Regina R. Roman, research assistant (July 15, 1954 to February 28, 1955)

ACCOUNTS BY PARTICIPANTS

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**WITNESSES WHO TESTIFIED IN EXECUTIVE SESSION,
1953**

Ackerman, Lester	Butensky, Seymour
Adams, John	Buttrey, Capt. Linton J.
Aguimbau, Lawrence	Carlisle, John W.
Alfred, Benjamin	Cavanna, Paul
Allen, Jacob W.	Cernrey, Frank
Amen, John H.	Chasanow, Abraham
Andrews, T. Coleman	Chase, Allan
Antell, Louis	Chiaro, Teresa Mary
Archdeacon, Henry Canning	Coe, V. Frank
Arnot, Charles P.	Cole, Eugene H.
Aronson, James	Cole, Phillip L.
Arrigo, Augustin	Coleman, Aaron H.
Arsenault, Jean A.	Compton, Wilson R.
Auberjonois, Fernand	Connors, W. Bradley
Auerbach, Sol (James S. Allen)	Cooke, Marvel
Austin, Clyde	Cookson, Thomas K.
Ayers, Stuart	Copland, Aaron
Ayman, David	Corwin, Jerome
Back, Maj. Gen. George I.	Coyle, David Cushman
Balog, Helen B.	Cragg, Earl
Barrett, Edward W.	Crenshaw, Craig
Bauknight, Ralph M.	Crevisky, Joseph K.
Belfrage, Cedric	Crouch, Paul
Belgrave, Gordon	Daniels, Dr. Fred B.
Bennett, Herbert S.	Daniels, Cpl. Willie L.
Bentley, Elizabeth	Davies, Bennett
Berger, Sigmond	Delaney, Walter S.
Berinsky, Stanley	Delcamp, Raymond
Berke, Sylvia	DeLuca, John Anthony
Bernstein, Barry S.	Donohue, Harry
Berstein, Samuel	Donovan, John L.
Bert, Joseph	Drake, Emma Elizabeth
Blattenberger, Raymond	DuBois, Rachel Davis
Bogolepov, Igor	Ducore, Harold
Bookbinder, Benjamin	Duggan, James E.
Bortz, Louis	Duke, Russell W.
Bottisti, Albert J.	d'Usseau, Arnaud
Boye, Gunnar	Ehrendfeld, Alice
Boyer, Richard O.	Elitcher, Max
Bolys, Witoutos S.	Elliott, Maxwell
Brand, Millen	Englander, Florence
Brashear, Dewey Franklin	Epstein, Markus
Bremmer, Sol	Evans, Gertrude
Brody, Edward	Everhardt, Roscoe Conkling
Brooks, Deton J., Jr.	Evers, James
Brooks, John Starling	Falk, Harry
Brothman, Abraham	Fary, Leo
Brown, Donald R.	Fast, Howard
Bruzzese, Larry	Feldman, Albert E.
Bryan, Julien	Fenn, Gen. C.C.
Bryant, James M.	Ferebee, Dorothy
Budenz, Louis Francis	Ferguson, Esther Leemov
Burgum, Edwin B.	Fernandez, Emanuel
Burkes, Carter Lemuel	Finkelstein, Saul
Burkhard, Henry F.	Finlayson, Donald R.
Burrows, Albert	Fisher, Phillip

Fischler, Albert	Inslerman, Hans
Fister, Edward J.	Jacobs, Norman Stanley
Fleming, Alfred	Janowsky, Seymour
Forsyth, Rear Admiral Edward Culligan	Jasik, Henry
Francis, Joseph E.	Jassik, Charles
Francisco, Abden	Jegabbi, Anna
Freedman, David M.	Johnson, Wendell G.
Freeman, Joseph	Jones, Richard, Jr.
Frese, Walter F.	Jones, William Johnstone
Fried, Dorothy	Kaghan, Theodore
Freidlander, Sidney	Kaplan, Jacob
Friedman, Lawrence	Kaplan, Louis
Frolow, Jack	Kaplan, Louis Leo
Fulling, Virgil H.	Katchen, Ira J.
Furry, Wendell	Katz, Max
Gaboriault, Norman	Kaufman, Mary M.
Galex, Irving Israel	Keiser, Morris
Gallagher, Maj. James J.	Kelleher, Maj. James
Gebhardt, Joseph Arthur	Kent, Rockwell
Gebo, Lawrence Leo	Kerr, Mavlina M.
Gelfan, Harriett Moore	Kitty, Fred Joseph
George, Arthur	Klein, Alex Henry
Gerber, Stanley	Kohler, E.L.
Gerhard, Karl	Kolowich, George J.
Giardina, Ignatius	Komar, Joseph Paul
Gift, Charles	Kornfield, Isadore
Gisser, Samuel Paul	Koss, Howard
Glassman, Sidney	Kostora, Lt. Col. Lee H.
Goldberg, William P.	Kotch, Donald Joseph
Goldfrank, Helen	Krau, Maj. Harold N.
Goodkind, Louis W.	Kreider, Cpl. Lloyd D.
Goodwin, Robert	Kretzmann, Edwin
Grottfried, Linda	Krummel, Lillian
Greenberg, Solomon	Lamont, Corliss
Greenblum, Carl	Lautner, John
Greenman, Samuel I.	Lawton, Maj. Gen. Kirke B.
Gregory, Alexander	Layne, Joseph Linton
Grogan, Mrs. William	Lee, Bernard
Gross, Alan Sterling	Leeds, Paul M.
Grundfest, Harry	Leeds, Sherwood
Guess, Cleta	Lenkeith, Nancy
Hacko, Paul F.	LePage, Wilbur
Hall, Alvin W.	Lepato, Abraham
Hammett, Dashiell	Levine, Martin
Hanley, Col. James M.	Levine, Ruth
Hansen, Kenneth R.	Levine, Samuel
Harris, Reed	Levitsky, Joseph
Hawkins, Herbert S.	Levitties, Harry William
Hecker, Herbert F.	Lewis, Bernard
Henderson, Donald	Lewis, Helen B.
Hermida, Higeno	Lewis, Naphttali
Herrick, George Q.	Lichter, David
Hewitt, Downs E.	Lindsay, Col Wallace W.
Heyman, Ezekiel	Linfield, David
Hindin, Alexander	Lipel, Bernard
Hipsley, S. Preston	Lipson, Harry
Hiskey, Clarence F.	Lofek, Vachlav
Holtzman, David	Lonnie, William Patrick
Homes, George	Lowrey, Vernon Booth
Huberman, Leo	Lundmark, Carl J.
Hughes, Henry Daniel	Lyons, Edward J.
Hughes, Langston	Lyons, Florence Fowler
Hunt, Mansfield	Lynch, Michael J.
Hutner, Eleanor Glassman	Mabbskka, Karl T.
Hutner, Eugene E.	Makarounis, Capt. Alexander G.
Hyman, Harry	Mandel, William Marx
Iannarone, Ralph	Mangione, Jerre G.

Markward, Mary S.
 Martin, Bernard
 Martin, Pfc. John E.
 Matles, James J.
 Mastrianni, William J.
 Mathews, Troup
 Martinez-Locayo, Juan Jose
 Matousek, Helen
 Matson, John E.
 Matta, Sgt. George J.
 McJennett, John Francis, Jr.
 McKee, Samuel
 McKesson, Lewis J.
 McNichols, 1st Lt. Henry J., Jr.
 Mellor, Ernest C.
 Merold, Harold
 Miller, Leo M.
 Miller, Murray
 Miller, Robert C.
 Mills, Col. John V.
 Mills, Nathaniel
 Mins, Leonard E.
 Moon, Susan
 Moran, James M.
 Morgan, Edward P.
 Morrill, Donald Herbert
 Morris, Melvin M.
 Morris, Sam
 Morton, Thruston B.
 Mullins, Sgt. Orville R.
 Murphy, Curtis Quinten
 Murray, H. Donald
 Nachmais, Harry M.
 Naimon, Alexander
 Narell, Murray
 Nelson, Elba Chase
 Northrup, Robert Pierson
 O'Connor, Harvey
 Okun, Jack
 Oliveri, Joseph John
 Omanson, Sarah
 Owens, Arthur Lee
 Page, Paul D., Jr.
 Palmiero, Francesco
 Palmiero, Mary Columbo
 Pappas, Theodore
 Partridge, Gen. Richard C.
 Pastorinsky, Harry
 Pataki, Emery
 Pataki, Ernest
 Pataki, Vivian Glassman
 Peacock, Francis F.
 Percoff, Joseph H.
 Pernice, John
 Petrov, Vladimir
 Phillips, James B.
 Piekarski, Witulad
 Pomerentz, Samuel
 Pope, Lafayette
 Powell, Doris Walters
 Puhan, Alfred
 Rabinowitz, Seymour
 Rabinowitz, Victor
 Ranney, Russell Gaylord
 Reiss, Julius
 Rhoden, Sgt. Barry F.
 Rich, Stanley R.
 Riehs, Rudolph C.
 Rissland, Rudolph
 Robeson, Eslanda Goode
 Rogers, Lt. Col. James T.
 Rollins, Harold S.
 Rosenbaum, Terry
 Rosenheim, Irving
 Rosmovsky, Peter
 Rothschild, Edward M.
 Rothschild, Esther B.
 Rothstein, Jerome
 Ryan, Robert J.
 Sachs, Harvey
 Sack, Samuel
 Saltzman, William
 Sardella, John
 Saunders, John D.
 Savitt, Morris
 Schickler, John
 Schnee, Leon
 Schutz, Ralph
 Schmidt, Martin
 Scott, James P.
 Seaver, Edwin
 Seay, Perry
 Segner, Samuel Martin
 Seifert, Doris
 Seldes, George
 Service, John Stewart
 Shadowitz, Albert
 Shapiro, Philip Joseph
 Shapiro, Shirley
 Sharps, Sgt. Robert L.
 Sheehan, Capt. Benjamin
 Shoiket, Henry
 Sidorovich, Ann
 Sidorovich, Michael
 Siegel, Paul
 Sillers, Frederick
 Silverberg, Muriel
 Simkovich, John R.
 Singer, Bertha
 Smith, Newbern
 Snyder, Samuel
 Socol, Albert
 Solomon, Isadore
 Spence, Adolphus Nichols
 Spiro, Norman
 Stokes, Irving
 Stolberg, Sidney
 Stoner, Frank E.
 Studenberg, Irving
 Sussman, Nathan
 Swing, Raymond Gram
 Tate, Jack B.
 Taylor, William H.
 Thomas, Charles S.
 Thompson, James F.
 Thompson, Robert L.
 Toumanoff, Vladimir
 Treffery, Sgt. Wendell
 Ullmann, Marcel
 Ullman, William Ludwig
 Unger, Abraham
 Urey, Harold C.
 Van Kleeck, Mary
 Varley, Dimitri

Vedeler, Harold C.
Volp, Louis
Walker, Alfred C.
Walsh, James John
Watters, Sgt. John L., Jr.
Way, Kenneth John
Webster, Margaret
Wechsler, James A.
Weinel, Sgt. Carey H.
Weinstein, James
Wells, O.V.
Wells, Roy Hudson, Jr.

Weyl, Nathaniel
Whitehorne, Lt. Col. J.W. III
Wilder, William Richmond
Wilkerson, Doxey
Willi, George
Wolman, Benjamin
Wolman, Diana
Yamins, Haym G.
Young, Philip
Zucker, Jack
Zuckerman, Benjamin

**PUBLIC HEARINGS OF SENATE PERMANENT SUBCOM-
MITTEE ON INVESTIGATIONS, PUBLISHED IN 1953**

Eligibility Audits—Federal Security Agency, February 3
State Department—File Survey, Part 1, February 4, 5, 6
State Department—File Survey, Part 2, February 16, 20
State Department Information Program—Voice of America, Part 1,
February 16, 17
State Department Information Program—Voice of America, Part 2,
February 18, 19
State Department Information Program—Voice of America, Part 3,
February 20, 28
State Department Information Program—Voice of America, Part 4,
March 2
State Department Information Program—Voice of America, Part 5,
March 3
State Department Information Program—Voice of America, Part 6,
March 4
State Department Information Program—Voice of America, Part 7,
March 5, 6
State Department Information Program—Voice of America, Part 8,
March 12
State Department Information Program—Voice of America, Part 9,
March 13, 16, 19
State Department Information Program—Voice of America, Part
10, April 1, Composite Index
Stockpiling—Palm Oil, February 25
State Department Information Program—Information Centers,
Part 1, March 24, 25, 26
State Department Information Program—Information Centers,
Part 2, March 27, April 1, 2
State Department Information Program—Information Centers,
Part 3, April 29, May 5
State Department Information Program—Information Centers,
Part 4, April 24
State Department Information Program—Information Centers,
Part 5, May 5
State Department Information Program—Information Centers,
Part 6, May 6, 14
State Department Information Program—Information Centers,
Part 7, July 1, 2, 7
State Department Information Program—Information Centers,
Part 8, July 14
State Department Information Program—Information Centers,
Part 9, August 5, Composite Index
Control of Trade with the Soviet Bloc, Part 1, March 30
Control of Trade with the Soviet Bloc, Part 2, May 4, 20
Austrian Incident, May 29, June 5, 8

- State Department—Student-Teacher Exchange program, June 10,
19
- Communist Party Activities, Western Pennsylvania, June 18
- U.S. v. Fallbrook Public Utility District, et al.*, July 2
- Security—Government Printing Office, Part 1, August 17, 18
- Security—Government Printing Office, Part 2, August 19, 20, 22,
29
- Communist Infiltration Among Army Civilian Workers, September
8, 11
- Security—United Nations, Part 1, September 17, 18
- Security—United Nations, Part 2, September 15
- Communist Infiltration in the Army, Part 1, September 28
- Communist Infiltration in the Army, Part 2, September 21
- Transfer of Occupation Currency Plates—Espionage Phase, October
20, 21
- Army Signal Corps—Subversion and Espionage, Part 1, October 22,
November 24, 15, December 8
- Army Signal Corps—Subversion and Espionage, Part 2, December
9
- Army Signal Corps—Subversion and Espionage, Part 3, December
10, 11
- Army Signal Corps—Subversion and Espionage, Part 4, December
14
- Army Signal Corps—Subversion and Espionage, Part 5, December
15
- Army Signal Corps—Subversion and Espionage, Part 6, December
16
- Army Signal Corps—Subversion and Espionage, Part 7, December
17
- Korean War Atrocities, Part 1, December 2
- Korean War Atrocities, Part 2, December 3
- Korean War Atrocities, Part 3, December 4

WITNESSES WHO TESTIFIED IN PUBLIC SESSION, 1953

Abbott, Lt. Col. Robert
Ackerman, Lester
Adlerman, Jerome S.
Allen, Maj. Gen. Frank A., Jr.
Allen, James S.
Aptheker, Herbert
Archdeacon, Henry Canning
Aronson, James
Auberjonois, Fernand
Ayers, Stuart
Baarslag, Karl
Balog, Helen B.
Barmine, Alexander
Bauer, Robert
Beardwood, Jack
Belfrage, Cedric H.
Bell, Daniel W.
Bentley, Elizabeth
Berke, Sylvia
Bernstein, Barry S.
Blattenberger, Raymond C.
Bogolepov, Igor
Booth, William N.
Bortz, Louis
Boyer, Richard O.
Boykin, Samuel D.
Bracken, Thomas E.
Brand, Millen
Browder, Earl
Budenz, Louis F.
Burgum, Edward B.
Buttrey, Capt. Linton J.
Caldwell, John C.
Carrigan, Charles B.
Cocutz, John
Coe, V. Frank
Cole, Philip L.
Coleman, Aaron Hyman
Compton, Wilson R.
Cooke, Marvel J.
Connors, W. Bradley
Creed, Donald R.
Crouch, Paul
Cupps, Halbert
Daniels, Cpl. Willie L.
DeLuca, John Anthony
Dooher, Gerald F.P.
Duggan, James E.
d'Usseau, Arnaud
Epstein, Julius
Evans, Gertrude
Fast, Howard
Finn, Maj. Frank M.
Foner, Philip
Forbes, Russell
Ford, John W.
Francis, Robert J.
Freedman, David M.
Freeman, Frederick
Fulling, Virgil H.
Gelfan, Harriet Moore
Ghosh, Stanley S.
Gift, Charles
Gillett, Glenn D.
Glasser, Harold
Glassman, Sidney
Glazer, Sidney
Goldfrank, Helen
Goldman, Robert B.
Gorn, Lt. Col. John W.
Gropper, William
Grundfest, Harry
Hammett, Dashiell
Halaby, N.E.
Hall, Alvin W.
Hanley, Col. James M.
Hansen, Kenneth R.
Harris, Reed
Henderson, Donald
Herrimann, Frederick
Heyman, Ezekiel
Hipsley, S. Preston
Hlavaty, Julius H.
Hoey, Jane M.
Horneffer, Michael D.
Huberman, Leo
Hughes, Langston
Hunter, Eleanor Glassman
Hyman, Harry
Jaramillo, Arturo J.
Johnstone, William C., Jr.
Kaghan, Theodore
Kaplan, Louis
Kennedy, Robert F.
Kent, Rockwell
Kereles, Gabriel
Kimball, Arthur A.
Kinard, Charles Edward
King, Clyde Nelson
Kitty, Fred Joseph
Kreider, Cpl. Lloyd D.
Kretzmann, Edwin M.J.
Lamont, Corliss
Lautner, John
Leddy, John M.
Lenkeith, Nancy
Levine, Ruth
Levitsky, Joseph
Lewis, Helen
Lewis, Naphtali
Linfield, David
Locke, Maj. William D.
Lotz, Walter Edward, Jr.
Lumpkin, Grace

Lundmark, Carl J.
 Lyons, Roger
 McKee, Samuel
 McKesson, Lewis J.
 McNichols, Lt. Henry J., Jr.
 Maier, Howard
 Makarounis, Capt. Alexander G.
 Mandel, William Marx
 Manring, Roy Paul, Jr.
 Markward, Mary S.
 Martin, Pfc. John E.
 Mason, Arthur S.
 Matson, John E.
 Matta, Sgt. George
 Matusow, Harvey
 Mazzei, Joseph D.
 Meade, Everard K., Jr.
 Mellor, Ernest C.
 Merold, Harry D.
 Milano, William L.
 Mins, Leonard E.
 Moran, James B.
 Morris, Sam
 Mullins, Sgt. Orville R.
 Nash, Frank C.
 O'Connor, Harvey
 Pataki, Ernest
 Patridge, Gen. Richard C.
 Percoff, Joseph H.
 Petrov, Vladimir
 Phillips, James B.
 Piekarski, Witulad
 Pratt, Haraden
 Puhan, Alfred
 Reber, Maj. Gen. Miles
 Reid, Andrew J.
 Reiss, Julius
 Rhoden, Sgt. Barry F.
 Richmond, Alfred C.
 Ridgeway, Gen. Matthew B.
 Robeson, Eslanda Goode
 Rogers, Lt. Col. James T.
 Rogge, O. John
 Rosinger, Lawrence K.
 Ross, Julius
 Rothschild, Edward M.
 Rothschild, Esther B.
 Rushmore, Howard
 Sachs, Howard R.
 Salisbury, Joseph E.
 Sarant, Louise
 Saunders, John
 Savitt, Morris
 Schappes, Morris U.
 Seaver, Edwin
 Shadowitz, Albert
 Sharpe, Sgt. Charles Robert
 Shephard, Patricia
 Shoiket, Henry N.
 Shulz, Edward K.
 Sillers, Frederick
 Silvermaster, Nathan Gregory
 Sims, Albert G.
 Smith, Lt. James
 Smith, Newbern
 Synder, Samuel Joseph
 Socol, Albert
 Spence, Adolphus Nichols
 Spence, Clifford H.
 Stassen, Harold E.
 Stern, Dr. Bernhard J.
 Stolberg, Sidney
 Strong, Allen
 Sussman, Nathan
 Syran, Arthur G.
 Taylor, Donald K.
 Taylor, William C.
 Teto, William H.
 Thompson, James F.
 Tippet, Frank D.
 Todd, Lt. Col. Jack R.
 Toumanoff, Vladimir I.
 Treffery, Sgt. Wendell
 Ullmann, Marcel
 Ullman, William Ludwig
 Unger, Abraham
 Utley, Freda
 Veldus, A.C.
 Vernier, Paul
 Walsh, A.J.
 Watters, Sgt. John L., Jr.
 Wechsler, James A.
 Weinel, Sgt. Carey H.
 Wetfish, Gene
 Wilkerson, Doxey A.
 Wolfe, Col. Claudius O.
 Wolman, Benjamin
 Wolman, Diana Moldover
 Wu, Kwant Tsing
 Zucker, Jack

RUSSELL W. DUKE

[EDITOR'S NOTE.—The inquiry into the alleged influence-peddling of Russell W. Duke (1907–1978) in U.S. tax cases and his cooperation with Washington lawyer Edward P. Morgan (1913–1986), was a continuation of similar investigations that the subcommittee had conducted during the previous Congress, but the subcommittee's new chairman, Senator McCarthy, had a personal interest in both these men. Russell Duke, who lived in Oregon, maintained close ties to Senator Wayne Morse, one of McCarthy's outspoken critics, while Edward Morgan had served as counsel to the Foreign Relations Committee subcommittee, chaired by Senator Millard Tydings, that examined McCarthy's Wheeling, West Virginia, charges about Communists in the State Department. The Tydings subcommittee rejected McCarthy's claims as a "fraud and a hoax." In 1952, Morgan had campaigned against McCarthy's reelection.

The subcommittee seized all of Duke's records in a garage in San Francisco, and subpoenaed all of Morgan's records relating to Duke. At the same time, a subcommittee of the House Judiciary Committee also investigated the case, and two members of that committee audited the Senate subcommittee's executive session.

Duke was served with a subpoena on January 11, 1953. After testifying in executive session, he was informed that he would need to reappear to testify in public on February 2. But the public hearing was postponed "until some other date to be designated." Duke was later instructed to appear on April 13, but had already gone to Canada. Informed that the subpoena was "a continuing one," he was ordered to return. When he failed to appear, the subcommittee unanimously voted him in contempt. In November, Duke was arrested in Cleveland, Ohio, and brought to Washington to stand trial. On January 26, 1954, Judge Burnita S. Matthews of the U.S. District Court for the District of Columbia found him not guilty of contempt for failing to honor a subpoena in April that had originally been issued for January 15. Senator McCarthy vowed to issue another subpoena. "If Duke refuses to obey this one, we'll have him cited again," he told reporters, "and this time I hope his case is heard by a judge who knows the law." However, the subcommittee did not pursue the matter any further.

Russell W. Duke did not testify in public session.]

THURSDAY, JANUARY 15, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Representative Kenneth A. Keating, Republican, New York; Representative Patrick J. Hillings, Republican, California.

Present also: Francis D. Flanagan, general counsel; Robert Collier, chief counsel, House Subcommittee to Investigate the Department of Justice, Committee on the Judiciary; William A. Leece, as-

sistant counsel; Robert F. Kennedy, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. We will have the record show that present are Senator Potter, Senator McClellan, Senator Jackson, Senator Symington, and Senator McCarthy, and Congressman Keating of the House Judiciary Subcommittee, and Congressman Patrick Hillings.

Senator McCLELLAN. Mr. Chairman, I should report to you that pursuant to the resolution or motion adopted at the meeting of the full committee on yesterday, I have appointed as members of the minority of this subcommittee the following Senator Symington, Senator Jackson, and myself.

The CHAIRMAN. Let the record show that yesterday in the full committee meeting with a quorum present, the motion was made, seconded and passed that the four Republican members, Senator Potter, Senator McCarthy, Senator Dirksen, and Senator Mundt, were confirmed as members of the subcommittee, and also confirmed were the members to be subsequently nominated or appointed by Senator McClellan, which has now been done.

Mr. Duke, in this matter before the subcommittee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUKE. I do.

The CHAIRMAN. Mr. Duke, before we start, I would like to make a suggestion, due to the fact that you are here without counsel. Time after time, witnesses have come and they have not been guilty of any criminal activity of any kind until they testify, and they make the mistake of thinking they can outsmart the committee and make the mistake of lying, in other words, committing perjury. So I would like to suggest to you for your own protection that you do one of two things: that you either tell the truth, or that you refuse to answer. You have a right to refuse to answer any question the answer to which you think might incriminate you. So I would suggest to you that for your own protection you either tell us the truth and nothing but the truth, or else avail yourself of the privilege of refusal to answer.

TESTIMONY OF RUSSELL W. DUKE

Mr. FLANAGAN. What is your full name and your permanent address?

Mr. DUKE. Russell W. Duke. Unfortunately, I don't have any permanent address.

Mr. FLANAGAN. Is Russell W. Duke your legal name now?

Mr. DUKE. It has been for years, yes, it is my legal name.

Mr. FLANAGAN. Did you previously have another name?

Mr. DUKE. Yes.

Mr. FLANAGAN. What was that?

Mr. DUKE. D-u-t-k-o.

Mr. FLANAGAN. Where were you born?

Mr. DUKE. St. Clair, Pennsylvania.

Mr. FLANAGAN. What was your birth date?

Mr. DUKE. February 11, 1907.

Mr. FLANAGAN. When did you first begin to engage in the public relations business?

Mr. DUKE. I have—about 1934 or 1935.

Mr. FLANAGAN. You have been engaged in that business continuously?

Mr. DUKE. Not continuously, no.

Mr. FLANAGAN. When did you engage in any other business since 1934 or 1935, other than public relations?

Mr. DUKE. I have continuously been engaged in various businesses. I have been in the manufacturing business, in the sales business, the procurement business, the real estate business.

Mr. FLANAGAN. When did you first begin to act as public relations counsel or representative in cases involving the federal government, such as tax cases, claims, and the like?

Mr. DUKE. In about 1946, '47, '48.

Mr. FLANAGAN. Can you recite the number of cases, that is, federal tax cases, in which you were employed as a public relations counsel?

Mr. DUKE. Not until I look in my books to be able to tell you that.

Mr. FLANAGAN. But you were employed in a number of federal tax cases as public relations counsel?

Mr. DUKE. I was.

Mr. FLANAGAN. What were your duties and responsibilities, as you saw them, as a public relations counsel in a tax case?

Mr. DUKE. Well, I learned that in a lot of cases, upon investigating the case after the Internal Revenue Department got through with it, there were a lot of errors created by the agent that put a burden upon the taxpayer, over-assessed him various and sundry amounts that should not have been assessed, and I would engage certified public accountants to recheck the books, definitely determine if these over-assessments were justified or not, and then either call it to the attention of the Internal Revenue Department, the various heads of the Internal Revenue Department, and if they did not do anything about it, then advise the client to secure competent tax counsel.

Mr. FLANAGAN. Are you an accountant?

Mr. DUKE. No, but I can do book work.

Mr. FLANAGAN. Have you ever had any accounting training of any kind?

Mr. DUKE. Practical, yes. I was with Sears, Roebuck Company for seven-and-a-half years.

Mr. FLANAGAN. As an accountant?

Mr. DUKE. No, in their legal department.

Mr. FLANAGAN. What did you do in the legal department?

Mr. DUKE. I was assigned to various stores, and I had forty-six stores in eight states, and my position was to go to the various stores and go over their accounts and check them to see if there was any discrepancy in them, and find out if all of the accounts are live.

Mr. FLANAGAN. You were an auditor, in other words?

Mr. DUKE. Not as an auditor; more of an investigator.

Mr. FLANAGAN. Are you a lawyer?

Mr. DUKE. No.

Mr. FLANAGAN. Can you tell us the names of the various counsel that you recommended in some of these tax cases that you were public relations counsel for?

Mr. DUKE. Oh, yes. I recommended probably in the past, prior to 1946 or 1947—

Mr. FLANAGAN. I am not talking about prior; I am talking of since then.

Mr. DUKE. Bob Murphy from Keenan & Murphy; Morgan, of Welch, Mott & Morgan—again, I would have to look at my files to refresh my memory, because I have recommended various legal firms.

Mr. FLANAGAN. Did you ever recommend Conrad Hubner, of San Francisco?

Mr. DUKE. On the coast I have, yes.

Mr. FLANAGAN. Who else on the coast have you recommended as an attorney?

Mr. DUKE. Stephen Chadwick, quite a prominent attorney in Seattle, and I don't recall. Again, I would have to go into my files to check.

Mr. FLANAGAN. Do you recall the specific cases in which you had an interest and in which Edward P. Morgan also had an interest as a lawyer?

Mr. DUKE. Some of them I can recall, but not all of them.

Mr. FLANAGAN. Can you recite those that you can recall?

Mr. DUKE. There was Dr. Ting Lee, Wilcox—

Mr. FLANAGAN. Where was Ting Lee?

Mr. DUKE. Portland, Oregon.

Mr. FLANAGAN. And the next case?

Mr. DUKE. And the Noble Wilcoxon case in Sacramento.

Mr. FLANAGAN. Any others?

Mr. DUKE. Again, I would have to check the file.

Mr. FLANAGAN. How about the Jack Glass case?

Mr. DUKE. I referred that to Morgan.

Mr. FLANAGAN. How about the Guy Schafer case in Oakland?

Mr. DUKE. I referred that to Morgan.

Mr. FLANAGAN. How about the Harry Blumenthal case in San Francisco?

Mr. DUKE. Well, that was a case wherein Hubner wanted me to get him counsel in Washington, and through me he associated with Morgan on that case.

Mr. FLANAGAN. Did you ever attempt to get Morgan in as an attorney in the Inez Burns case in San Francisco?

Mr. DUKE. No. I was requested in San Francisco some time ago to get information on the Inez Burns case back here, to find out why it was laying dormant in San Francisco.

Mr. FLANAGAN. Who requested you to do that?

Mr. DUKE. I don't recall whether it was the Burns attorney or whom, right at the moment, who it was, and I came back here and inquired of the Internal Revenue Department and told them that the case was laying dormant back there and it had been dormant for about two years, and they wanted to find out why it wasn't coming to a head. I couldn't find out anything, and so I requested Mr. Wilson, the administrative aide of Senator Knowland's office, if he would make inquiry of the Internal Revenue Department to

find out why the Internal Revenue Department wasn't bringing the case to a head.¹

He did find out, or learn why, and sent me a copy of the letter; and at the same date I was here, I inquired of Mr Morgan if he could aid me in finding out why the case was laying dormant, and that was about the gist of the Inez Burns case.

Mr. FLANAGAN. Did Mr. Morgan find out anything for you?

Mr. DUKE. The letter is there, and will probably answer it best, and I don't recall what was in the body of that letter.

Mr. FLANAGAN. Did he get a fee out of that case?

Mr. DUKE. Did he?

Mr. FLANAGAN. Yes.

Mr. DUKE. I don't think so. I doubt it very much. I don't know.

Mr. FLANAGAN. Now, how would you locate these tax cases, and how would you be brought into them?

Mr. DUKE. Well, there were various means, and some accounting firms would call me, and I knew quite a number of accounting firms on the coast, and I knew a lot of people that had friends that were involved in these tax cases who asked if I could help them out in any way.

Mr. FLANAGAN. In other words, they would come to you?

Mr. DUKE. Some cases, in some instances, yes.

Mr. FLANAGAN. In some instances did you go to them and suggest that they retain you?

Mr. DUKE. I sure did.

Mr. FLANAGAN. Can you tell us a case in which you went to either the taxpayer's lawyer or someone connected with it, and told them that they ought to retain your services?

Mr. DUKE. The Wilcoxon case is fresh in my memory.

Mr. FLANAGAN. That is the Noble Wilcoxon case at Sacramento?

Mr. DUKE. That is right.

Mr. FLANAGAN. To whom did you go?

Mr. DUKE. I went to Mr. Wilcoxon.

Mr. FLANAGAN. What did you tell him?

Mr. DUKE. I don't recall right now, I really don't. If you want me to tell you verbatim what I told him, I wouldn't recall. I could probably give you an idea.

Mr. FLANAGAN. Give us in substance what you told him.

Mr. DUKE. I probably told him, knowing he was in tax difficulties, and asked him if he had competent counsel, and how far they had gone with it, and checked his records and books, and found probably a discrepancy in his records or books, where the Internal Revenue Department made errors, and then advised him that he should get Washington counsel, someone that had good legal training in tax matters.

Mr. FLANAGAN. How did you find out that he was in tax trouble?

Mr. DUKE. I don't recall right now.

Mr. FLANAGAN. You have no idea how you found out?

Mr. DUKE. I wouldn't say I have no idea. At the moment I haven't. If I could sit down and go through my files, probably there is something there that would refresh my memory.

¹George F. Wilson, administrative assistant to Senator William F. Knowland (Republican-California).

Mr. FLANAGAN. What is your best present recollection as to how that case came to your attention?

Mr. DUKE. If I gave you an answer to that, it would be just guesswork, and I really couldn't answer that until, as I say, I had checked through the entire file in the Wilcoxon case.

Mr. FLANAGAN. I have here a letter, Mr. Duke, or a copy of a letter, dated September 10, 1949, which was taken from your files. This letter is addressed to Edward P. Morgan in Washington and, being a copy, it has your typed signature on it. We will put this in the record, but for the present I will just read certain paragraphs from it and ask you some questions about it.

[The letter referred to was marked as committee's Exhibit, No. 11 January 15, 1953, R. W. Duke, and is as follows:]

PORTLAND 13, OREGON,
September 10, 1949.

Mr. ED MORGAN,
*Welsh, Mott & Morgan, 7100 Erickson Building,
Fourteen Northwest, Washington, DC.*

DEAR ED: Since my conversation with you over the phone regarding Senator Morse, yourself, and myself discussed in your office, I can only repeat as I stated in my previous letter—Senator Morse, his integrity, honesty, and sincerity is something to be highly admired and respected. At no time have I ever known him to make an idle promise. I shall see that you will be given assurance in person immediately after the 12th of this month complying with the request you had made of me.

Talent, Ed, is what I want. I am going to make my tour of the South (incidentally, Nevada and Idaho are good territory) and make one complete thrust to bring all the talent I possibly can to Washington.

I understand there are 23 applications in Oregon for television. Can you confirm that?

Well, Ed, oil lands in Oregon are going to surprise the nation. In delving through old records in the capitol recently, I ran across a survey and drilling tests that were made in a certain county by the Texas Oil Company, and their findings are so important that they will illicit from anyone who would go over them a thrilling surprise. At the time of the Teapot Dome scandal, Texas Oil Company, in conjunction with Sinclair Company, was contemplating stealing the leases for this particular area; sank seven wells; and each well was capped off as soon as Fall, Dohney, and Daugherty were indicted, and it has been a dead duck ever since. People filed homesteads on this particular land and have since cut out the forests for lumber purposes and have abandoned these lands. They are available from the country for the price of delinquent taxes, which among to \$200 per 160 acre sections. If you can get a company to drill on this established oil land, would you be interested in my writing you in as a full partner in owning these various sections. As I stated above, your cost would be negligible. Let me know at the earliest possible date, and I will exercise the auctions.

How are the horses running? I refer to Sir Laurel Guy, the Oakland owned horse, and the Sacramento owned horse.

With best personal regards, I remain.

Sincerely yours,

R.W. DUKE.

Mr. FLANAGAN. In the second paragraph of this letter you say:

Talent, Ed, is what I want. I am going to make my tour of the South (incidentally, Nevada and Idaho are good territory) and make one complete thrust to bring all the talent I possibly can to Washington.

What did you mean there?

Mr. DUKE. Could I read the entire letter, and that would give me a better knowledge than just one paragraph.

Mr. FLANAGAN. Yes.

Mr. DUKE. To answer that, it could mean quite a lot of things. It could mean cases on television. At that time there were a lot of

applications from Oregon for television stations, and in fact, I understand this letter states there were twenty-three. It could mean most anything, it actually could, because we were at that time contemplating going into leasing oil lands through Oregon and Wyoming. So what it means now, I have no recollection of.

Mr. FLANAGAN. Does it mean that you would search up cases, either tax cases or television application cases, or other cases involving the federal government, and refer those cases to Edward P. Morgan?

Mr. DUKE. It is possible that is what it meant.

Mr. FLANAGAN. Well, does it mean that or doesn't it mean that?

Mr. DUKE. For me to say yes now, I can't bring my mind back—

Mr. FLANAGAN. Do you think it means that?

Mr. DUKE. It is possible that it does.

Mr. FLANAGAN. Did you have any arrangement with Morgan that you would, as you say, bird-dog cases for him out in the West?

Mr. DUKE. Only in this respect: I had told him when I met him and found out that he was specialized in television, and he was specialized in tax cases, and he had taught taxes at one time, I told him that I had a lot of people out on the coast that approached me on cases, and would he be interested if I would send these cases to him; and he told me that he would have to talk to the attorneys, or to the clients of these people, and go into the matter of the case, and then he would determine after discussing it with the client and with the attorney whether he would take the case.

Mr. FLANAGAN. What would you get out of such an arrangement?

Mr. DUKE. Well, if I ran across a case like that, I would try to sell my services as a public relations to him.

Mr. FLANAGAN. Did you have any arrangement, directly or indirectly, with Morgan whereby you would get a forwarding fee?

Mr. DUKE. No, none whatsoever.

Mr. FLANAGAN. Did you ever have a discussion with Mr. Morgan in which he was going to set up a West Coast law office to handle some of these cases?

Mr. DUKE. I didn't have the discussion. Mr. Morgan stated at one time that there was a tremendous possibility for another legal office on the West Coast, because there were various attorneys here that had opened branches on the coast, and he was contemplating doing the same thing on the coast.

Mr. FLANAGAN. Did you ever obtain any money from Morgan?

Mr. DUKE. I borrowed some money from him, yes.

Mr. FLANAGAN. On how many occasions did you borrow money?

Mr. DUKE. I only borrowed money from him one time.

Mr. FLANAGAN. When was that?

Mr. DUKE. I don't recall.

Mr. FLANAGAN. How much?

Mr. DUKE. It was \$500.

Mr. FLANAGAN. Did he pay you by check or by cash?

Mr. DUKE. He gave me a check.

Mr. FLANAGAN. Did you sign any note or other evidence of the debt?

Mr. DUKE. I think I did, I am not sure.

Mr. FLANAGAN. Did you pay it?

Mr. DUKE. I haven't had a chance.

Mr. FLANAGAN. Is that the only occasion on which you got money from Morgan or his firm?

Mr. DUKE. That is right.

Mr. FLANAGAN. Either directly or indirectly?

Mr. DUKE. That is right.

Mr. FLANAGAN. Did you ever pay any money to Morgan or his firm, either directly or indirectly?

Mr. DUKE. Indirectly, these clients that came there would be indirectly.

Mr. FLANAGAN. I mean you, yourself.

Mr. DUKE. Not to my knowledge.

Mr. FLANAGAN. Did you ever split any fees with Morgan?

Mr. DUKE. No, I never split any fees with Ed Morgan.

Mr. FLANAGAN. You never had a referral fee from him?

Mr. DUKE. No.

Mr. FLANAGAN. Did you ever send him a referral fee?

Mr. DUKE. No, not to my knowledge, I never sent him any money.

Mr. FLANAGAN. You have read this letter of September 10?

Mr. DUKE. I have.

Mr. FLANAGAN. I notice in the second to last paragraph it reads as follows:

How are the horses running? I refer to Sir Laurel Guy, the Oakland owned horse, and the Sacramento owned horse.

What are you talking about there?

Mr. DUKE. That again, I am not sure of. Right now I couldn't answer it. It might have been Sir Laurel Guy is a horse owned now by Senator Morse and it was shown here, and there is a Barbara Hunt in Sacramento that has a horse shown here, and I could have been referring to that.

Mr. FLANAGAN. You say that Senator Morse at that time owned a horse named Sir Laurel Guy, a show horse?

Mr. DUKE. A show horse, and he just got through purchasing it.

Mr. FLANAGAN. Was it from Oakland?

Mr. DUKE. I am not sure whether it was or not. Now I am not. At that time I possibly could have been.

Mr. FLANAGAN. Is this reference to Sir Laurel Guy in fact a reference to the Guy Schafer tax case in Oakland?

Mr. DUKE. Not to my knowledge.

Mr. FLANAGAN. Is it possible that it is a reference to that?

Mr. DUKE. It could be possible.

Mr. FLANAGAN. Is it possible that your reference to a Sacramento horse is in fact a reference to the Noble Wilcoxon tax case?

Mr. DUKE. It could be possible.

Mr. FLANAGAN. Do you mean to tell us that you can't recall whether you are talking about a horse or a tax case?

Mr. DUKE. I can't at this time, no.

Mr. FLANAGAN. Did you ever have any discussion with Morgan that you would refer to tax cases by the name of a horse?

Mr. DUKE. No.

Mr. FLANAGAN. You never had any such discussion?

Mr. DUKE. That is why I don't recall what that is in reference to at this time.

The CHAIRMAN. Did I understand you to say you do not know whether you are talking about a horse or a tax case?

Mr. DUKE. I don't recall right now.

The CHAIRMAN. You do not know?

Mr. DUKE. I don't. If I might enlarge, Senator, this might sound asinine, but it is factual, and the doctors will verify it. I was in quite an explosion some time ago, and I have a malignancy in the upper antrum; and in feeding me Acth at the time of the explosion, the second and third degree burns, that has affected me, it really has affected my thinking, and there are a lot of things that I can go through there, and it takes me probably quite a few hours to refresh my memory on it.

Senator JACKSON. Why would you be talking about horses when you are writing a letter to an attorney who has nothing to do with horses?

Mr. DUKE. Well, we were rather friends, and we discussed horses, and we discussed a lot of things together.

Senator JACKSON. What else?

Mr. DUKE. I don't recall. It could have been horses or taxes or oil or it could have been hay or anything.

Senator JACKSON. How long have you been a friend of Morgan's?

Mr. DUKE. I don't recall what year I had met him, but I had met him—

Senator JACKSON. About when?

Mr. DUKE. Again, I wouldn't be able to tell you until I would—

Senator JACKSON. Well, ten years ago, or what?

Mr. DUKE. I think probably five or six years ago, and I don't recall.

Senator JACKSON. You were quite intimate with him?

Mr. DUKE. We got very intimate.

Senator JACKSON. You have been to his house?

Mr. DUKE. Yes.

Senator JACKSON. Made a lot of trips here to Washington?

Mr. DUKE. I sure did.

Mr. FLANAGAN. Did you ever go to the horse races?

Mr. DUKE. No. I never have been to a horse race—yes, one time in my life.

Mr. FLANAGAN. Do you know anything about horses?

Mr. DUKE. Yes, I know a lot. I was in the 15th Field Artillery. I ought to know about horses.

Mr. FLANAGAN. I notice in the letter you ask, "How are the horses running?" And you testified a few minutes ago that Sir Laurel Guy was a show horse.

Mr. DUKE. He is a show horse.

Mr. FLANAGAN. What would a show horse be doing running?

Mr. DUKE. He has to run. They run him in a saddle, and then they run him behind a cart, or the show carts, and the entire prize is predicated on how the horse conducts himself wherever he is running.

The CHAIRMAN. Who owned the show horses?

Mr. DUKE. Senator Morse owned Sir Laurel Guy at that time.

The CHAIRMAN. At that time?

Mr. DUKE. Yes, at that time. And I think he just about purchased him about that time.

The CHAIRMAN. Are you sure of that?

Mr. DUKE. I am not sure of that, but if my memory serves me right, it was about that time that he probably purchased the horse.

Mr. FLANAGAN. You must have had some discussion with Morgan about Senator Morse's show horses.

Mr. DUKE. I probably did.

Mr. FLANAGAN. Was Ed Morgan a friend of Senator Morse?

Mr. DUKE. Yes, he became a friend of Senator Morse.

Mr. FLANAGAN. Did you introduce him to Senator Morse?

Mr. DUKE. I did.

Mr. FLANAGAN. When?

Mr. DUKE. Again, I don't recall. A couple of years ago.

Mr. FLANAGAN. Sometime in 1948, '49, possibly?

Mr. DUKE. I don't recall what specific year, or time.

Mr. FLANAGAN. Under what circumstances did you introduce him to Senator Morse?

Mr. DUKE. Well, I might be mistaken in this, and I have got to be sure. I think that Senator Morse spoke before the FBI graduating class, and I think Mr. Morgan wanted to meet him at that time.

Mr. FLANAGAN. At that time, was Morgan a bureau agent or a lawyer?

Mr. DUKE. No, he was a lawyer, but he still was very intimate about a lot of the members of the Federal Bureau of Investigation.

The CHAIRMAN. I am curious about the "talent" you mention in the letter. You say you were going to round up "talent" and bring it to Washington.

Mr. DUKE. Again, I have to answer, I don't recall, at this time what I was referring to.

The CHAIRMAN. Do you have any idea what it was?

Mr. DUKE. It could have been oil leases. There were a lot of them available in that area; and it could have been cases, and it could have been most anything, and I really don't recall what I was referring to.

The CHAIRMAN. At least you were not referring to talent in the accepted sense of the word?

Mr. DUKE. No.

The CHAIRMAN. You were using that as a code word?

Mr. DUKE. I mean my expression, and I expressed myself probably a lot of ways.

The CHAIRMAN. Could you tell us why, in a letter of that kind, instead of saying "talent" if you mean oil leases, you would not say "oil leases," and if you mean television cases you would not say "television cases?"

Mr. DUKE. I notice in that letter that I refer to television cases.

Mr. FLANAGAN. And you also refer to oil matters.

Mr. DUKE. That is right.

Mr. FLANAGAN. And you called it oil lands, and you didn't call it talent.

Mr. DUKE. As far as the Noble Wilcoxon case and the Schafer case are concerned, I am sure that those cases he already had, and I don't think I would have any reason to be referring in any code to him regarding those cases.

The CHAIRMAN. Could I ask you this question: When you went out and solicited tax cases, where would you get your information about the case to begin with?

Mr. DUKE. Again, as I say, to the best of my knowledge, from various accounting firms, from attorneys on the West Coast, and I knew quite a number of attorneys.

The CHAIRMAN. Sometimes attorneys would contact you and tell you about a tax case?

Mr. DUKE. That they probably had, and they wanted to associate with some counsel in Washington, and they knew that I was here quite often, and they wanted to know if I knew of any competent firms.

The CHAIRMAN. Let us stick, now, to the cases that you solicited personally, cases where there was no lawyer in the case. Did any lawyer ever tell you about a case before you solicited the case?

Mr. DUKE. I don't recall right now if they ever have or not.

The CHAIRMAN. Did Morgan ever refer any cases to you?

Mr. DUKE. Again, I would have to go through my files to search pretty thoroughly, and I don't recall whether he did or not.

The CHAIRMAN. You do not remember whether he did or not?

Mr. DUKE. No, I don't. You see, Senator, it might sound asinine to you gentlemen here, but I was in a very diversified line of business, and I met quite a number of people, and I actually have. To recall things now, I might be able to in some instances.

The CHAIRMAN. Have you seen Mr. Morgan since you have been in Washington on this trip?

Mr. DUKE. No.

Mr. FLANAGAN. Have you called him?

Mr. DUKE. No.

Mr. FLANAGAN. When was the last time you saw Ed Morgan?

Mr. DUKE. Again, I don't remember. It was a couple of years ago, I guess, maybe a year ago or maybe a couple of years ago.

The CHAIRMAN. Do you recall any case now where Morgan or any other Washington attorney got the information on a tax case, and referred it to you?

Mr. DUKE. I don't recall, I really don't; and it is possible, but I couldn't say. He might have, and there is a possibility that he gave me some; and I could say, I did say this before, before the jury, I am not sure. They asked me, and I think that I told them yes, that some of these cases I did get, but I honestly—and you are asking me to be candid with you—I honestly don't remember, and I don't want to injure or impugn anybody's character about this by letting my imagination run away with me and say yes, they did, when I am not sure.

The CHAIRMAN. You did tell the grand jury?

Mr. DUKE. It is possible I did, and I am not sure whether I did or not.

The CHAIRMAN. You do not remember now that you told the grand jury that cases had been referred to you by Washington attorneys?

Mr. DUKE. I might have told the jury that, and I might have told the King committee that, but at that time—I want you gentlemen to understand it is no alibi—I was a pretty sick person when I ap-

peared before both bodies, and I lost sixty pounds in about fourteen days.

Mr. FLANAGAN. I have here a letter, a copy of a letter dated September 5, 1949, addressed to Welch, Mott & Morgan, opening, "Dear Ed," and signed by typewriter, "Russell W. Duke." I notice on page two of this letter, at the top of the page, you state:

Ed, I have a lot of cases in California that I have to do a lot of bird-dogging on, and I hate like sin to go down there and bird-dog without clicking on a few. I wish that you would be able to secure some talent as I could use some hay.

What are you talking about there?

Mr. DUKE. Again, I don't recall; it might be cases and it might not be.

[The letter referred to was marked as committee's Exhibit No. 2, R. W. Duke, January 15, 1953, and is as follows:]

PORTLAND, 13 OREGON,
September 5, 1949.

WELSH, MOTT & MORGAN,
710 Erickson Building, Fourteenth Northwest,
Washington, DC.

DEAR ED: I was up to see Mr. Braman, as I told you over the phone today, and I received the information which I am passing on to you. The patent was originally issued on October 6, 1936, Patent No. 2056165, and then it was re-issued December 14, 1948, Reissue No. 23058, issued to Louis J. Bronaugh, of Portland, and Thomas I. Potter, of New York. The attorney in the case is Richard S. Temko. Louis J. Bronaugh is a Portland attorney. I shall try to get in touch with him and learn all I possibly can regarding the reissue. However, it is my understanding that Potter had put the patents on the refrigerator and a patent for a pump as his collateral to the Refrigeration Patent Corporation, and he had no authority to have the patent reissued exclusively to himself. However, he has accomplished having the patents reissued, as I have stated above. Mr. Braman has written Mr. Potter a letter and is awaiting the reply; and as soon as he receives Mr. Potter's reply, he is then going to retain your firm by paying the \$2000 down and the percentage of the property. I tried to get myself retained as a public relations agent; however, I had a logical argument against it by saying if he retains a public relations agent on investigation and retains attorneys, the cost would probably cause the other stockholders to back down from going ahead in the suit, so will have to hold to the original agreement. I will participate in the monies that you get; however, I don't worry about that because we can always work something out satisfactory to all concerned.

Ed, I have a lot of cases in California that I have to do a lot of bird-dogging on, and I hate like sin to go down there and bird-dog without clicking on a few. I wish that you would be able to secure some talent as I could use some hay. I am letting things quiet down on the coast by lying dormant and putting more effort in lining up the coming campaign. I assure you that the request you made of me on the phone that Senator Morse will go along 100 percent, because the longer you get to know him, the more you will learn that he is a man of his word; but he has had so much to do, and, as I understand, he has been given assurance that you are number one on the list. In all the time I have known Senator Morse, I have never known him to deviate or to say something that is not so. He either tells you in the beginning nothing doing, or he will go along. I am willing to gamble with you in any shape, form, or manner that you will be in as soon as the other chap resigns. I sincerely hope that the cases that are back there clear up so that we can start on something else. Again I repeat, "I can use the hay."

Howard has received an appointment as a commissioner on the city Boxing Commission. The job is gratis; however, it takes up a tremendous amount of his time. He also was appointed on a commission of 22 attorneys to study revising the city charter. That, also, is gratis. Plus his fishing, his handball, and his Oregon Medical Association's work, the good Lord only knows how he does it all. However, he gets by. He is in the best of health; and I am sure that if I told him I was writing you, he would tell me to say "hello."

I conveyed to Mr. Braman that urgency in this particular case was all important. Mr. Braman said that within three weeks time he would call me and be ready to retain your firm. As I told you over the phone, Mr. Mott talked to him on the phone the day before he was there; and Braman is very much impressed by Mott and your

firm. Senator Morse gave you a big send-off when Braman had asked him as to what type of firm and people you are. If you ever read the letter that Braman received from Senator Morse, you will have to look into the mirror to see if you're the same individual because, Ed, he really boosted you very, very high.

As you know, the talent is plentiful, and it is a psychological effect when one comes in cold and tells a person what he knows about him, so I hope sincerely that you will be able to secure some talent for me.

With best wishes to you, Welsh and Mott, I remain,
Sincerely,

RUSSELL W. DUKE.

Mr. FLANAGAN. It is quite likely that you were talking about cases?

Mr. DUKE. It is possible.

Mr. FLANAGAN. When you are referring to "talent"?

Mr. DUKE. It is possible.

Mr. FLANAGAN. When you were talking about "hay," is that money?

Mr. DUKE. Yes, sir.

Mr. FLANAGAN. You weren't talking about hay for these horses?

Mr. DUKE. No.

Senator POTTER. What else could "talent" mean in that sentence?

Mr. DUKE. I don't recall at this time. Could I read the letter, and I could probably tell you.

Mr. FLANAGAN. It is a rather long letter. Go ahead and read it if you wish.

Mr. DUKE. Again, I will have to tell you that I really don't recall what that referred to, and it could have been cases and it could have been most anything.

Mr. FLANAGAN. I refer to the last page of this letter, page three, the second paragraph:

As you know, the talent is plentiful, and it is a psychological effect when one comes in cold and tells a person what he knows about him, so I hope sincerely that you will be able to secure some talent for me.

Mr. DUKE. What year was that again?

Mr. FLANAGAN. It is September 5, 1949. Do you know what you meant by that statement?

Mr. DUKE. No, I don't.

Mr. FLANAGAN. When you say that "it is a psychological effect when one comes in cold and tells a person what he knows about him," you are in fact referring to the fact if you come in with information on a man's tax case and start telling him about it, you are in a much better position to get yourself hired as public relations counsel?

Mr. DUKE. It is possible, but I wouldn't say yes or I wouldn't say no.

Mr. FLANAGAN. Then it is possible, you say, that what you are referring to here is that it is very helpful to you if you can go in to a taxpayer or his lawyer and tell him some of the facts of the case, is that correct?

Mr. DUKE. I wouldn't say that that refers to that, no.

Mr. FLANAGAN. You say it is possible?

Mr. DUKE. It is possible. Anything could be possible.

Mr. FLANAGAN. Where would you get information on a tax case?

Mr. DUKE. Usually from the client or from the attorney.

Mr. FLANAGAN. No, you are talking about "going in cold."

Mr. DUKE. Well, I might not be referring to that.

Mr. FLANAGAN. And telling a person.

Mr. DUKE. I might not be referring to a tax case.

Mr. FLANAGAN. Are you in fact indicating here that you can get information from some government source, either Justice or the Internal Revenue Bureau, and go in and tell the client about it?

Mr. DUKE. I never got any information from the Internal Revenue Bureau or the Department of Justice.

Mr. FLANAGAN. Did you get any indirectly from Justice or the Internal Revenue Bureau, here or in the field?

Mr. DUKE. Indirectly, yes, from the client or from the client's attorney.

Mr. FLANAGAN. Did you ever ask Ed Morgan to go to the Justice Department, the Internal Revenue Bureau, or any other government agency, and get information in connection with a tax case?

Mr. DUKE. Other than I did in that Burns case. I didn't tell him where to go, and I asked him if he could get any information regarding the case.

Mr. FLANAGAN. Did Morgan ever tell you—and I want you to consider this question carefully—did Morgan ever tell you that he had contacts in the Justice Department or Internal Revenue Bureau where he could get confidential information concerning tax cases?

Mr. DUKE. I don't know. You are wording it in such a way—

Mr. FLANAGAN. I will reword it. Did Morgan, Edward P. Morgan, ever tell you that he had contacts in the Department of Justice where he could get confidential information about tax cases?

Mr. DUKE. Well, I will answer it this way: He probably told me that he was in the Justice Department for eight and a half or nine years, and he knew his way and knew the handling and the federal procedure of handling cases in the Justice Department.

Mr. FLANAGAN. I did not ask that question, Mr. Duke, and I will ask it again. Did Morgan ever tell you that he had ways and means to get confidential information from the Justice Department concerning tax cases?

Mr. DUKE. Not that I remember.

Mr. FLANAGAN. Is it possible that he told you that?

Mr. DUKE. I doubt it, and I don't think a person with his mentality would make a statement like that.

Mr. FLANAGAN. Did Morgan ever tell you that he had ways and means to get confidential information from the Internal Revenue Bureau concerning tax cases?

Mr. DUKE. I don't recall him ever making a statement like that to me.

Mr. FLANAGAN. Did Morgan ever get information for you other than his efforts in the Inez Burns case, from either Justice or Internal Revenue?

Mr. DUKE. I don't know where he would get the information, but if I ever wrote him a letter, I would ask him to get whatever information he could pertaining to the particular case, for the attorney out there.

Mr. FLANAGAN. Would he do that, or did he ever do that before he was actually retained as counsel?

Mr. DUKE. Not to my knowledge.

Mr. FLANAGAN. He would only do that after he would be retained?

Mr. DUKE. Now, wait a minute. In the Inez Burns case, he was never retained, but he made an effort to get some information; but whether he went to Justice or where he went, I am inclined to believe that any information he would get, he would legally try to secure it from the proper source.

Mr. FLANAGAN. Did you ever ask him to get information in tax cases before he was actually retained as counsel, other than the Burns case?

Mr. DUKE. Not that I recall. It is possible in other cases like the Burns case, too. I don't recall.

Mr. FLANAGAN. I will refer to the letter of September 5 on page two. Mr. Duke:

I assure you that the request you made of me on the phone that Senator Morse will go along 100 per cent, because the longer you get to know him, the more you will learn that he is a man of his word, but he has had so much to do, and, as I understand, he has been given assurance that you are number one on the list.

What are you talking about?

Mr. DUKE. I don't know for sure, but I think—does that go on? I think that I read that letter, didn't I?

Mr. FLANAGAN. Yes.

Mr. DUKE. Does that go on to say that someone was going to resign from a position?

Mr. FLANAGAN. Yes. I will read it for you:

In all the time I have known Senator Morse, I have never known him to deviate or to say something that is not so. He either, tells you in the beginning nothing doing, or he will go along. I am willing to gamble with you in any shape, form, or manner that you will be in as soon as the other chap resigns.

Mr. DUKE. I think that that wasn't only Senator Morse. I think there were quite a few senators. This Mr. McCoy was going to resign from the FCC, and Mr. Morgan, having his experience and knowledge of FCC and television work, I think made application for that position.

Mr. FLANAGAN. Did you talk to Senator Morse on behalf of Morgan's candidacy as an FCC commissioner?

Mr. DUKE. I did.

Mr. FLANAGAN. Did you ever assist or attempt to assist Morgan in getting any other federal jobs?

Mr. DUKE. I did.

Mr. FLANAGAN. Which jobs?

Mr. DUKE. I assisted, and I don't know, the Tydings committee—

Mr. FLANAGAN. What did you do on his behalf so he got to be counsel to the Tydings committee?

Mr. DUKE. I talked to several senators that I knew, including Senator Morse, to see if it was possible to get him on that committee; and also on this OPS.

Mr. FLANAGAN. When he was made national director of enforcement for OPS?

Mr. DUKE. He was made chief counsel, wasn't it?

Mr. FLANAGAN. Inspector of enforcement.

Mr. DUKE. Yes, sir.

Mr. FLANAGAN. What did you do on his behalf for that job?

Mr. DUKE. I talked to various senators and congressman to see if I couldn't get him on that.

Mr. FLANAGAN. Who are the senators you talked to?

Mr. DUKE. I don't recall. I think probably Senator Kilgore, Senator Morse—again, I don't recall who all I talked to; whoever had anything to do with the committee or those positions.

Mr. FLANAGAN. Did you ever know Eric Ellis from Portland, Oregon?

Mr. DUKE. I didn't know him; I met him.

Mr. FLANAGAN. Did you ever meet his attorney, Mr. George Bronaugh?

Mr. DUKE. Yes, I met them both.

Mr. FLANAGAN. Mr. Ellis owned the restaurant known as Mr. Jones' Restaurants, didn't he, in Portland?

Mr. DUKE. That is right,

Mr. FLANAGAN. To your knowledge, did Mr. Eric Ellis have tax problems back in 1950?

Mr. DUKE. Well, now, I will have to answer that for you and it won't take much time but it will have to be answered properly.

I had an accountant, and his name was Lester Talbott, who used to be in the Internal Revenue Department.

Mr. FLANAGAN. Where is he from?

Mr. DUKE. Portland, Oregon. And it seems that this Eric Ellis was employed by a rancher or manufacturer in Tacoma or Spokane, Washington, and the Internal Revenue Department, in investigating this employer of Eric Ellis, found a discrepancy in his accounts. And Ellis was the bookkeeper or the accountant. Then he made an open deal with the Internal Revenue Department that if he would testify against his employer—

Mr. FLANAGAN. Who was the employer in this case?

Mr. DUKE [continuing]. I don't recall. There are records of it; Talbott has them.

That if he would testify against his employer, he wouldn't have to file any income tax returns for the next few years. And Eric Ellis didn't file any returns for the next few years.

So one day Ellis called me at my home and told my wife that as soon as I came in to come down to see him. And so I called Talbott and asked Talbott if he knew Ellis, and he said yes. He told me the story about Ellis. So I went down to see Mr. Ellis in his restaurant, and he asked me if I could do him any good or give him any help on his case. And I already had all of the knowledge and information, and I wanted him to tell me, and so he told me about it. I said, "The best thing you can do is to go to the Internal Revenue Department and tell them how much you owe, and tell them you haven't filed returns for the past four or five years, and get out of it the best you can."

So the next day he called me again and asked me to meet with him and his attorney in another restaurant that he owned and so we went there. They proceeded to get a fifth of whiskey and start plying me with whisky and kept asking me who in the Internal Revenue Department in Portland was aiding in these tax cases. I told them it was asinine in questioning me on that, and you

couldn't get me drunk on it, and that as far as their problem was concerned the best thing he could do was go ahead and settle with Internal Revenue Department themselves. I left them with that, and I haven't seen them since, and I understand the case was settled for about \$4,000.

Mr. FLANAGAN. This second meeting that you had, with Mr. Ellis, you say his attorney, George Bronaugh, was present?

Mr. DUKE. Yes, sir.

Mr. FLANAGAN. Who else was in the room besides yourself and George Bronaugh and this man?

Mr. DUKE. That is all.

Mr. FLANAGAN. At Mr. Jones' Restaurant?

Mr. DUKE. They were all called that.

Mr. FLANAGAN. This was the one on International Avenue?

Mr. DUKE. Not on International Avenue.

Mr. FLANAGAN. The one on Sandy Avenue?

Mr. DUKE. No. It was on Interstate Avenue.

Mr. FLANAGAN. Interstate Avenue?

Mr. DUKE. Yes, sir.

Mr. FLANAGAN. At that time, did you try to prevail upon either Mr. Ellis or his attorney to hire you as public relations counsel?

Mr. DUKE. No, indeed.

Mr. FLANAGAN. Did you have any discussions about the fact that you might be their public relations counsel?

Mr. DUKE. No, indeed. They were trying to retain me, and I refused, because I already knew the entire story on Ellis, and I didn't want to have anything to do with Ellis.

Mr. FLANAGAN. At that conversation in Mr. Jones' Restaurant, the only one you say you ever had with Ellis and Bronaugh concerning their tax matters—

Mr. DUKE. That is right.

Mr. FLANAGAN [continuing]. Did you tell them, either directly or indirectly, that you could secure confidential information?

Mr. DUKE. No, sir. They were questioning me on that to see if I could, and I told them not.

Incidentally, the same day I called up the Internal Revenue Department and gave them that very information, that these two men were questioning me on that.

Mr. FLANAGAN. Did you at that time tell them that you could get information out of the Justice Department or the Bureau of Internal Revenue?

Mr. DUKE. Absolutely, I did not. I would never make a statement that I could get information from Justice or the Internal Revenue, because it is impossible to do so.

Mr. FLANAGAN. Did you at that meeting in that restaurant with Ellis and Bronaugh, tell them, either directly or indirectly, that you could offer your services as a public relations agent on a monthly fee basis?

Mr. DUKE. No, I told them how I operated.

Mr. FLANAGAN. But did you offer your services to Mr. Ellis or to his attorney?

Mr. DUKE. Not to my knowledge did I ever offer my services to either one of those gentlemen.

Mr. FLANAGAN. Are you quite sure that you didn't offer your services to those gentlemen?

Mr. DUKE. Well, I will answer it this way: By the time we hit that first fifth and the second fifth, no one knew what they were talking about, and—

Mr. FLANAGAN. Just a moment. A few moments ago you said that, as I recall your testimony, after you left this meeting you went to the Bureau of Internal Revenue and told them.

Mr. DUKE. I did.

Mr. FLANAGAN. Were you still drunk?

Mr. DUKE. No. I am telling you they tried to get me drunk, but they were plenty drunk.

Mr. FLANAGAN. But you weren't?

Mr. DUKE. I was feeling "high," but I wasn't drunk.

Mr. FLANAGAN. You knew what you were doing and what you were saying?

Mr. DUKE. I certainly did.

Mr. FLANAGAN. Did you tell these men, either directly or indirectly, that you could follow through with various offices where their case might be, their tax case?

Mr. DUKE. Their case?

Mr. FLANAGAN. Yes.

Mr. DUKE. That would be impossible, and again I will have to answer it this way: The case was already set, and it was already set for them to adjust the case, and the deal was already made with the Internal Revenue Department by themselves, to adjust the case in Seattle, and they didn't require anybody's help.

Mr. FLANAGAN. Did you ever tell these gentlemen at that time at that meeting that you could follow other cases through the various departments?

Mr. DUKE. I wouldn't discuss any other cases with them.

The CHAIRMAN. I do not believe you have answered that question.

Mr. FLANAGAN. Did you in fact tell them that you had followed other cases or could follow them through the various departments of government?

Mr. DUKE. I possibly did, yes.

Mr. FLANAGAN. Did you or didn't you?

Mr. DUKE. I don't recall.

Mr. FLANAGAN. Did you tell them that tax cases could be killed in the Department of Justice by you or people that you knew?

Mr. DUKE. No. That I would emphatically deny.

Mr. FLANAGAN. Did you tell them, either directly or indirectly, that through certain contacts that you might have, that you could stop cases in the Department of Justice?

Mr. DUKE. I wouldn't make no such statement, no.

Mr. FLANAGAN. Did you ever state, either directly or indirectly, that you could stop or fix tax cases at any place in the government?

Mr. DUKE. Nowhere would I make a statement like that, that I could fix tax cases.

Mr. FLANAGAN. Did you make any such statement to these gentlemen at that time?

Mr. DUKE. No, I did not.

The CHAIRMAN. Can you go back three questions and read that?

[The record was read by the reporter.]

The CHAIRMAN. Does that mean you did not make such a statement?

Mr. DUKE. Not to my knowledge did I ever make such a statement, no.

Mr. FLANAGAN. Did you state, either directly or indirectly, to those gentlemen, that is, Ellis and Bronaugh, or did you intimate to them, that if their tax case went to the Justice Department that they would have to hire any certain Washington attorney?

Mr. DUKE. Mr. Flanagan, if I might state—and this committee should know this—there was an attempt made to entrap me by those two gentlemen, and I had information, and I have Mr. Talbott to testify to that. I was told that Ellis was going to try to entrap me. You are asking me a lot of questions pertaining to these two gentlemen, and I told you that I knew their efforts were to try to trap me, and when I went to talk to these gentlemen I spent the first evening, I spent about ten minutes with Mr. Ellis in his restaurant, and left him, and told him I couldn't do anything for him, and absolutely left him, and the next day they called again and asked me to meet him, and I met him there, and I asked him what he wanted, and he said he wanted to talk to me about something else beside the tax case. And I met him there, and I met the other gentleman, and he never introduced me to the other gentleman as being an attorney, and he brought out a fifth of whisky, and said "Have a drink." And I said, "Sure, I will." And I let them drink theirs first, and we kept on visiting and talking and nothing else. And then they started asking me a lot of questions, and I started telling them, and I said, "Look, I am not answering anything like that." I knew what they were wanting, and I knew they were trying to frame me, because he was already involved in one frame of his employer, and, now, if these men have given a statement and they would swear that I made such statements, and I sit here and say no, and, these men swear that I did make such statements, here I am being framed by a man that framed or helped frame another man.

Senator POTTER. Is that what you mean by being framed?

Mr. DUKE. They tried to entrap me into statements or into a deal in order to involve me in tax matters, because Ellis was sore at Talbott, and Talbott used to be his accountant, and after Talbott found out what he had done, and what he had done in Spokane with his former employer, he and Talbott got very bitter.

Senator POTTER. Why would they go out of their way to frame you?

Mr. DUKE. After all, I can say this, without being egotistical, because I learned a long time ago that ego is an anesthesia provided by nature to deaden the pain of a damned fool, and I don't want to be placed in that category, but politically I was pretty big in Oregon, and there were many efforts made to discredit me in Oregon.

Senator JACKSON. You were pretty big politically?

Mr. DUKE. Yes.

Senator JACKSON. What is that?

Mr. DUKE. I have been in labor and I have for quite a long time controlled—headed one of the largest locals in the United States.

Senator JACKSON. Controlled it?

Mr. DUKE. No, I headed it. I didn't control it.

Senator JACKSON. What local was that?

Mr. DUKE. Local 72 of the Boilermakers, AFL.

Senator JACKSON. You were president of it?

Mr. DUKE. No.

Senator JACKSON. Where did you control it from?

Mr. DUKE. I withdrew that word "control" and I said——

Senator JACKSON. Where did you head it from, in what capacity?

Mr. DUKE. On the committee, the executive committee.

Senator JACKSON. You controlled the committee?

Mr. DUKE. I didn't say "control." I withdrew that.

Senator JACKSON. What did you head?

Mr. DUKE. I headed the Boilermakers Local.

Senator JACKSON. President of it?

Mr. DUKE. No, I wasn't president of it, and we had no president. And we had a lawsuit and we had rather a bitter fight about two or three years and we finally got rid of the president and the business agent, and we operated the local from a committee.

Senator POTTER. Then if you were active politically, these people must have assumed that you could use political influence for tax adjustments.

Mr. DUKE. No, sir, those people were maneuvering for someone else.

Mr. FLANAGAN. Mr. Duke, I would still like to pursue this question further and get a categorical answer from you if I could. I will rephrase my question.

At this meeting with Ellis and his attorney, Bronaugh, in that restaurant on that day, did you state, directly or indirectly, if the Ellis case went to the Justice Department they should hire a lawyer in Washington by the name of Morgan, or any other lawyer?

Mr. DUKE. It is possible I might have told them that, yes.

Mr. FLANAGAN. Did you recommend Morgan to them as a lawyer?

Mr. DUKE. It is possible that I might have. What year was that?

Mr. FLANAGAN. 1950.

Mr. DUKE. The whole thing is wrong. I didn't meet him until 1949, and in 1950 he was broke and he was out of the restaurant business.

Mr. FLANAGAN. You now state that when you had this meeting, whether it be in 1949 or 1950, the only meeting you say you ever had with Ellis and his attorney, you now state that you did not indicate that if their case went to Justice and they would have to hire a Washington lawyer?

Mr. DUKE. Repeat that again.

Mr. FLANAGAN. Did you state at that meeting that these gentlemen would have to hire a Washington lawyer?

Mr. DUKE. I told you I don't recall anything that was stated at that meeting.

Mr. FLANAGAN. Did you indicate to them that if their case got to the Justice Department, they would have to get Ed Morgan or else they would lose that case?

Mr. DUKE. I don't recall making any such statement.

Mr. FLANAGAN. Did you state to them or indicate to them that they would have to hire Morgan if their case went to Justice so that they could be sure to win their case?

Mr. DUKE. Again, I could not answer directly or indirectly because I don't recall.

Mr. FLANAGAN. You have no recollection of what you said?

Mr. DUKE. No, I don't. Three years ago, was that, and I talked to quite a number of people.

Mr. FLANAGAN. Did you report to the Internal Revenue Department that day that you went to them?

Mr. DUKE. I certainly did.

Mr. FLANAGAN. What did you tell them?

Mr. DUKE. I just told them of the meeting, and what took place at the meeting, and who was there.

Mr. FLANAGAN. Did you tell them anything about the fact that Morgan may have to be hired in these cases?

Mr. DUKE. I don't recall.

Mr. FLANAGAN. Did you think, in fact, that it was necessary to hire Morgan in Justice Department cases?

Mr. DUKE. I don't know why. There are other competent attorneys here that are probably just as capable.

Mr. FLANAGAN. Did you recommend Morgan as an attorney to Ellis or Bronaugh?

Mr. DUKE. It is possible, and I don't recall.

Mr. FLANAGAN. Now, your testimony here is very confusing. First of all, you say that you recommended nothing to them; and now I ask you, did you or did you not recommend Morgan?

Mr. DUKE. I didn't say that I didn't recommend anything to them. It is possible that I recommended Morgan, and I don't recall.

Mr. FLANAGAN. Did Morgan contact you at that restaurant when you were there?

Mr. DUKE. No.

Mr. FLANAGAN. Did he call you on the telephone?

Mr. DUKE. He wouldn't know to call me. How would he know to call me at a restaurant? He would call me at my home.

Mr. FLANAGAN. Who did you contact in the Bureau of Internal Revenue to give these facts to?

Mr. DUKE. I don't recall. It might have been, someone in the intelligence unit.

Mr. FLANAGAN. In Portland?

Mr. DUKE. Yes.

Mr. FLANAGAN. Did you ever handle any cases involving claims against the government?

Mr. DUKE. I did.

Mr. FLANAGAN. Claims bills pending in Congress?

Mr. DUKE. I don't get that.

Mr. FLANAGAN. Bills for claims against the government that were in the Congress?

Mr. DUKE. Yes.

Mr. FLANAGAN. Did you ever receive any money from any persons or any firm to assist them in putting their claims bills through the Congress?

Mr. DUKE. In this way: Every time I had to come back here, they paid my fare and expenses.

Mr. FLANAGAN. Did you come back here to promote their claims through the Congress?

Mr. DUKE. No, not at first.

Mr. FLANAGAN. Well, at the last, did you; at any time did you?

Mr. DUKE. After the bill was introduced in the Congress I had to come back here and appear before the various committees to try to get the bills through.

Mr. FLANAGAN. Did you discuss this bill with any members of the House or the Senate?

Mr. DUKE. I did.

Mr. FLANAGAN. Who were your clients in that case?

Mr. DUKE. Herman Lawson, and Nelson Company.

Mr. FLANAGAN. Was American Terrazzo Company one of your clients?

Mr. DUKE. No.

Mr. FLANAGAN. Did you go to American Terrazzo and attempt to get them to hire you?

Mr. DUKE. No.

Mr. FLANAGAN. Did you discuss this case with anyone connected with American Terrazzo?

Mr. DUKE. I did.

Mr. FLANAGAN. With whom?

Mr. DUKE. I do not recall at the moment. Mr. Nelson and Mr. Brace of both companies were putting up the money, and had already spent quite a lot of money on this before I ever entered into this, and I know Brace and Nelson, we have been very close friends for a number of years, and I knew about this case.

They were getting tired of spending their money for it, and I asked them what they were doing on it, and they told me, and I said, "The best thing you can do with this case is to go right directly to the federal works or Public Works Administration and get to the chief counsel and discuss the case with him, and find out how far you can go with it."

Well, they told me to go ahead and try it. They paid my expenses, and we came out here, and I met with the chief counsel of the federal works, or whatever bureau or department that bill or the claim was against, and discussed the case with them, and they told me what to do. And in fact, they prepared the bill, and said that the claim was justifiable and it should be paid.

I was just representing Mr. Nelson at the time, and he paid \$500, I think, for my fare, round-trip fare to come out here.

Then Mr. Frick, who was the chief counsel, stated that the bill would have to be put into the Congress.

Mr. FLANAGAN. Did you ever discuss this case on behalf of your clients with any member of Congress?

Mr. DUKE. Yes, I have.

Mr. FLANAGAN. With whom?

Mr. DUKE. I don't recall. Various congressmen.

Mr. FLANAGAN. Did you discuss it with Senator Morse?

Mr. DUKE. I did.

Mr. FLANAGAN. Did he introduce a bill after your discussion?

Mr. DUKE. He introduced two of them.

Mr. FLANAGAN. On your behalf?

Mr. DUKE. We don't want to get Senator Morse involved in that. I brought Mr. Nelson and Mr. Brace back here, and they discussed the bill with Senator Morse.

Mr. FLANAGAN. Did you ever discuss the bill with Senator Morse?

Mr. DUKE. Yes, later on, after he introduced it.

Mr. FLANAGAN. And you were discussing it on behalf of your clients?

Mr. DUKE. Yes, sir.

Mr. FLANAGAN. This was the San Francisco case?

Mr. DUKE. That is right.

Mr. FLANAGAN. Were you at that time registered as a lobbyist?

Mr. DUKE. No. I inquired about that, and the Justice Department, or whoever it was in the Justice Department, told me that as long as it was not—a person couldn't register as a lobbyist unless he was lobbying to change legislation and laws of our land. But on a private claim bill, if you visit the various senators and congressmen to put it through, it was not classified as lobbying, and it wasn't necessary for me to register.

Senator POTTER. Who gave you your advice in the Department of Justice?

Mr. DUKE. I don't recall now, and also it was the counsel for the committee headed up, I think, if I am not mistaken, and I might be in the name, by Congressman Buchanan, was it? Wasn't he the chairman of the Lobby committee?

Senator POTTER. Yes.

Mr. DUKE. Their chief counsel told me the same thing, so long as it was not lobbying to change laws of this legislature.

Senator POTTER. Do you recall who your contact was in the Department of Justice who gave you that information?

Mr. DUKE. I called the Department of Justice and I asked them—they asked who I wanted to talk to, and I explained, and then they referred me to whoever it was, and I do not recall.

Senator JACKSON. Did you go down and see them?

Mr. DUKE. I talked to them on the telephone.

Mr. FLANAGAN. In connection with this claims case, Mr. Duke, did you ever, directly or indirectly, indicate to anyone connected with American Terrazzo that if they didn't hire you as public relations counsel, you would see that their name would be taken out of the bills that were then pending?

Mr. DUKE. I did not make that kind of statement. If I can tell you what happened in that, you will understand it.

Mr. Nelson and Mr. Brace decided that they were not going to foot the bills for all of the other people, all of the other claimants, and so we had a meeting in my room, Mr. Nelson and Mr. Brace and everybody involved, and they called them to come in. And I happened to be in San Francisco with Mr. Bobber. They discussed this case and they told the other claimants that they would have to proportionately prorate the cost of this bill, and put up their share of it.

Senator POTTER. What cost of it?

Mr. DUKE. Mr. Brace and Mr. Nelson had already spent several thousands of dollars retaining attorneys and trying to get the bill through. They advanced my expenses coming out here, and they felt justifiable that all of these people, that they should get together and prorate their share.

Now, I had no fee. If Nelson and Lawson would get their claim, then they were to pay me.

Senator POTTER. How much?

Mr. DUKE. We would have settled that later.

Senator POTTER. You took on a job without any amount being set as to what you would receive?

Mr. DUKE. That is right, Senator, in this particular case. We are very close friends, both Mr. Nelson and Mr. Brace and myself, and we have known each other for a number of years.

Senator POTTER. Who made the first contact with Senator Morse? Did you make it or did Mr. Nelson and Mr. Brace?

Mr. DUKE. We all three came out here together, and I took them in to Senator Morse's office, and they explained to Senator Morse the predicament they were in, and then Mr. Frick contacted Senator Morse and wanted to know, and Frick prepared the bill.

Senator POTTER. What was your \$500 round-trip expense money, where did that come from?

Mr. DUKE. In the beginning, they paid my fare coming out here.

Senator POTTER. You mean when you came out together?

Mr. DUKE. That is right.

Mr. FLANAGAN. Did you tell Senator Morse that you were getting a fee or expenses out of this claims case?

Mr. DUKE. I don't think so.

Mr. FLANAGAN. Did you ever tell him that you were getting fees or expenses or acting as public relations counsel in any tax cases?

Mr. DUKE. I don't think so, no.

Mr. FLANAGAN. Did you ever ask for his assistance in a tax case, not involving a constituent of his in the State of Oregon?

Mr. DUKE. Not assistance. I would ask him, there was one particular case that comes to my mind, the L. diMartini case, where the Internal Revenue Department agent ruled that because a man conducted his business at the age of ninety, even though he was active in it, he was not entitled to the salary he was getting.

Mr. FLANAGAN. Was that a California case?

Mr. DUKE. That is right.

Mr. FLANAGAN. Did you ask Senator Morse to appear in that or any other case down at the Internal Revenue on behalf of any of your clients?

Mr. DUKE. I don't think that I have. I think that Mr. Kaiser, if I am not mistaken, asked him to.

Mr. FLANAGAN. Who is Mr. Kaiser?

Mr. DUKE. He is the comptroller and head of the L. diMartini Company.

Mr. FLANAGAN. That is a California company?

Mr. DUKE. That is right.

Mr. FLANAGAN. Did Senator Morse ever know you were acting as public relations counsel for these taxpayers?

Mr. DUKE. I don't know.

Mr. FLANAGAN. That he might be contacting Internal Revenue on behalf of?

Mr. DUKE. I wouldn't know if he did.

Mr. FLANAGAN. Did you ever tell him you were getting fees for representing these taxpayers as public relations counsel?

Mr. DUKE. Not to my knowledge.

Mr. FLANAGAN. So, then, you say that he had no knowledge of the fact?

Mr. DUKE. I wouldn't say that, whether he had knowledge or not, but I don't think that I ever discussed it.

Mr. FLANAGAN. You never brought that to his attention?

Mr. DUKE. I don't think so.

Mr. FLANAGAN. Did he ever tell you or bring it to your attention that you were acting as public relations counsel for these people?

Mr. DUKE. I don't recall.

Senator McCLELLAN. May I ask two or three questions, and I have to go.

I would like to ask you, Mr. Duke, how you became known as a tax public relations man, or government public relations man, to contact different agencies of government?

Mr. DUKE. Well, Senator, I have been coming back here for quite a number of years.

Senator McCLELLAN. For what?

Mr. DUKE. For various—my own businesses, and I manufacture trailers, and I had to come back here to get cleared through the various bureaus of the government, and I manufactured various and sundry items that had to be cleared through Washington, both in the Internal Revenue Department and in the old OPA, and the War Production Board, and the army and the navy; and coming back here at that time, I got acquainted here with Washington quite well.

Senator McCLELLAN. Did that help to qualify you in any way as a tax public relations expert?

Mr. DUKE. Well, I don't know whether it qualified me, but you take a person that comes out here to Washington and hasn't been here before, he finds it very difficult, as I did, and I spent three months here before I found out that I was to go to the Miscellaneous Tax Division. For three months I was looking for the Excise Tax Division of the Internal Revenue.

Senator McCLELLAN. You got experience in knowing where to go to in the Internal Revenue Bureau or the Department of Justice, so that you could guide others and counsel them and charge a fee for it? I am trying to get your background, and how you got into this, and how people knew that you had some services to sell.

Mr. DUKE. From practical experience and coming back here on my own work.

Senator McCLELLAN. In tax matters?

Mr. DUKE. Oh, yes, I was involved. You see, in everything, trailers and various and sundry items, there are excise tax and trailer tax, and there are various numbers of them, and in one trailer there are eight or nine taxes that you have to pay.

Senator McCLELLAN. I understand. And did you have problems with the revenue bureau here in Washington?

Mr. DUKE. Oh, yes, I did, for several years.

Senator McCLELLAN. So you had some practical experience in contacting them?

Mr. DUKE. That is right.

Senator McCLELLAN. Now, did you maintain an office while you were carrying on these public relations activities?

Mr. DUKE. I did.

Senator McCLELLAN. Where?

Mr. DUKE. Portland, Oregon.

Senator MCCLELLAN. Do you have an office there now?

Mr. DUKE. No, I haven't had an office there since the explosion, in 1950.

Senator MCCLELLAN. In 1950?

Mr. DUKE. That is right.

Senator MCCLELLAN. Did you advertise it as a public relations service?

Mr. DUKE. I did.

Senator MCCLELLAN. Which you had to offer?

Mr. DUKE. I did.

Senator MCCLELLAN. Did you keep records or files pertaining to your business?

Mr. DUKE. I have.

Senator MCCLELLAN. Did you keep all of your files?

Mr. DUKE. Every scrap of paper from the time I started business.

Senator MCCLELLAN. Every scrap of paper?

Mr. DUKE. Yes.

Senator MCCLELLAN. Have these files been subpoenaed by this committee?

Mr. DUKE. They have.

Senator MCCLELLAN. Are they now in the possession of the committee?

Mr. DUKE. I wouldn't know.

Senator MCCLELLAN. Do you know whether they have obtained and have in possession now all of your files, or only a part of them?

Mr. DUKE. I wouldn't know. You would have to ask the chief counsel.

Senator MCCLELLAN. May I ask you, then, have you disclosed to the committee or to the chief counsel of the committee, Mr. Flanagan, the whereabouts of your files so that they may be made available to the committee?

Mr. DUKE. To the best of my knowledge and ability, yes.

Senator MCCLELLAN. All of your files?

Mr. DUKE. Yes, sir.

Senator MCCLELLAN. You know where they all are or where they were?

Mr. DUKE. I didn't know where they all were, and I had an idea, and I so disclosed to the committee counsel.

Senator MCCLELLAN. You have disclosed that?

Mr. DUKE. That is right.

Senator MCCLELLAN. I have not seen these letters, but there seems to be one word that is causing some inquiry; in the two letters that have been referred to here in this preliminary questioning, the word "talent" appears and seems to have some particular significance as a code word or as related to something other than "talent," the meaning of which was known to you and to Mr. Morgan.

Mr. DUKE. That is right.

Senator MCCLELLAN. I do not know whether there are other letters that have the use of this word to convey some particular meaning or impression. Possibly there are. So I will ask you, do you know if that is a word that you use frequently in your correspondence with Mr. Morgan?

Mr. DUKE. I think that if you go through all of my files and correspondence, I think that you will find that that expression and word is used to various other people, and not necessarily lawyers.

Senator McCLELLAN. I understand it may have been used in others, but I want to talk about this correspondence here with Mr. Morgan, and did you use it frequently in your correspondence with him?

Mr. DUKE. It is possible. I would have to look through my files to see how often I used it.

Senator McCLELLAN. If you used it frequently, did it have one particular meaning, and one particular significance?

Mr. DUKE. Right at this moment, I couldn't tell you what it meant.

Senator McCLELLAN. At any time, whether the first time you used it or the last, or in between?

Mr. DUKE. I wouldn't know; right now I wouldn't recall.

Senator McCLELLAN. Did it have reference—and you know enough about these two letters to know whether it had reference to the common and accepted meaning of the word “talent?”

Mr. DUKE. No, not to its common and accepted meaning.

Senator McCLELLAN. It did not?

Mr. DUKE. No.

Senator McCLELLAN. Then what did it have reference to?

Mr. DUKE. I couldn't tell you, because I don't recall right at this time.

Senator McCLELLAN. Would you say that wherever and whenever you used it, in your correspondence with him, since it did not refer to talent in the common accepted meaning of the word, that it did have reference to something specific and in using it you used it for that specific expression or to convey that specific meaning each time you used it?

Mr. DUKE. It is possible.

Senator McCLELLAN. Well, this is what I am trying to determine. You would not use the word “talent” one time to mean a race horse, and another time to mean hay or money, or another time to mean clients, and it had a continuous meaning as between you and Morgan when you used the word?

Mr. DUKE. It is an expression, probably, of mine, and I think, as I told you, if you go through other correspondence to various people, it might not be professional people, I might be referring to talent, and I—

Senator McCLELLAN. How would he know, if you used it to mean different things, how did Ed Morgan know what you meant when you used the word, which one you meant?

Mr. DUKE. I might have talked to him on the telephone and I might have talked to him in person before I left Washington.

Senator McCLELLAN. And told him that when you used the word “talent,” it meant so-and-so?

Mr. DUKE. Not necessarily. I mean discussing various things.

Senator McCLELLAN. I am trying to determine how he understood what you meant by the word “talent” if you did not know yourself.

Mr. DUKE. If I could remember right now what I was referring to, I could tell you right now what it meant.

Senator McCLELLAN. The point is, you did not use it in the sense of the correct meaning of the word, you admit that.

Mr. DUKE. The common accepted meaning.

Senator McCLELLAN. That is right. You did not use it to convey that meaning?

Mr. DUKE. It is possible, and I don't recall now what I used it for.

Senator McCLELLAN. Well, evidently it had quite a significance between the two of you; you acknowledge that?

Mr. DUKE. It might have had, yes.

Senator McCLELLAN. It might have had? Do you not know that it had?

Mr. DUKE. No, I don't.

Senator McCLELLAN. Do you not now know that it had?

Mr. DUKE. Yes.

Senator McCLELLAN. And you used it to convey that particular meaning rather than to use the normal term that would convey the meaning to someone else?

Mr. DUKE. I really do not recall what I meant by that expression in that letter.

Senator McCLELLAN. Do you think that you will be able to recall what you meant by the use of the word "talent" in your correspondence?

Mr. DUKE. It is possible.

Senator McCLELLAN. You think, given a little time, you will be able to recall?

Mr. DUKE. It depends, and I will tell you why it depends on that. As I told you, I was in this explosion, and I might leave here and land in a hospital and be in a hospital for the next six months, and I told you I have a malignancy that is spreading, and I have X-rays in my files to prove it, and this malignancy spreads and sometimes I will blank out for a couple of weeks at a time, and so you are asking me if it is possible to remember——

Senator McCLELLAN. That is the reason you are saying it may not be possible for you to remember?

Mr. DUKE. I didn't say that. It is possible that it might be that I might blank out, and I might be blank for maybe a month or two weeks.

Senator McCLELLAN. You might not live to remember, if we want to indulge in extreme speculations, but I am not trying to go into your physical condition in detail. You are saying normally you think you would be able to remember; if that is right, Okay.

Mr. DUKE. It is possible. I don't know, Senator. As I told you, I am trying to keep myself calm; and excitement, I hemorrhage.

Senator McCLELLAN. I do not want you to get excited.

Mr. DUKE. I am under a pressure right now, and that pressure can blank me out.

Senator McCLELLAN. Let me ask you another question. What did you mean by bird-dogging?

Mr. DUKE. Bird-dogging cases, television cases.

Senator McCLELLAN. Soliciting cases?

Mr. DUKE. Yes, soliciting any kind of cases.

Senator McCLELLAN. Then what service did you actually have to sell to prospective clients and to those who employed you? What service did you actually sell to them?

Mr. DUKE. Can I give you an example?

Senator McCLELLAN. I would like for you to answer the best way you can.

Mr. DUKE. A couple of friends of mine had——

Senator McCLELLAN. I understand—first may I qualify that. It is my understanding that you are not a lawyer.

Mr. DUKE. No.

Senator McCLELLAN. You are not an accountant?

Mr. DUKE. No.

Senator McCLELLAN. And yet you engage in public relations dealing with those two professions, primarily?

Mr. DUKE. Well, public relations, anyone can go into that, and it doesn't——

Senator McCLELLAN. I understand you can go into it, but you are selling something related to the profession of a lawyer or public accountant primarily, or to government.

Mr. DUKE. That is right.

Senator McCLELLAN. One of the three, just what you had to sell to your clients.

Mr. DUKE. I will give you an example. There were a couple of friends, four friends of mine, that started with about \$1500, and in six years' time they ran this business, a wood business, to about, I guess, maybe a \$2 or \$3 million business. All of the time they retained the same services of a small bookkeeper, that is all he was. So we met, they came after me to see what I could do to help and they wanted to retain me as a public relations expert. I met with them and with their accountant, and I went over the books and realized he was absolutely wrong; that under the present book-keeping system or the accounting system that he had set up for the firm, it would cost the firm a fortune, and they were making money but paying it all out in taxes and holding nothing back in reserve, and they were ready to go bankrupt, and they retained me at the sum of \$250 a month.

They could have done this themselves. They had six years previous to do it in.

I went down, and retained the services of a certified public accountant, brought them up to the firm, set up their books, set them up a new payroll system, and they set up their machinery and their equipment and their buildings on a lesser number of years to depreciate, and I saved them thousands of dollars.

Senator McCLELLAN. I am not primarily interested at the moment in specific cases. I am trying to determine, as a public relations man and in your relations here with Mr. Morgan, a Washington attorney, and with others in handling claims against the government, or in selling some service to clients in matters relating to the federal government, what you actually sold them. You did not sell them professional ability as a lawyer.

Mr. DUKE. No.

Senator McCLELLAN. You did not sell them professional ability as an accountant.

Mr. DUKE. Not a professional accountant, no.

Senator McCLELLAN. All you sold them was placing them in contact here with somebody whom you thought could help them?

Mr. DUKE. No, not necessarily.

Senator McCLELLAN. What else besides that?

Mr. DUKE. I would go over their entire case, over all of their books, and I would probably spend maybe two or three weeks going over them to determine, to see if they had a justifiable cause to oppose the Internal Revenue Department on their case; and if I so found, I would so advise the client.

Senator McCLELLAN. Then what further service did you perform?

Mr. DUKE. Then, I would advise them to retain competent counsel.

Senator McCLELLAN. And you would recommend that counsel that you thought was competent?

Mr. DUKE. That is right.

Senator McCLELLAN. Now, that is the service that you undertook to perform to earn the fees you charged or which they would be willing to pay?

Mr. DUKE. That is right.

Senator McCLELLAN. I just wanted to get that clear.

Senator JACKSON. Just one question.

Senator McCLELLAN. I am sorry. I have to go, and I wanted to get in the record just what his business was in the thing.

Senator JACKSON. I have one question along that line.

The CHAIRMAN. I would like to say they have got to put him on a plane at six o'clock.

Senator JACKSON. What is the reason for using these code words, "talent," and so on?

Mr. DUKE. Again, I will have to go back, and I don't recall.

Senator JACKSON. What were you trying to cover up?

Mr. DUKE. Well, let us put it this way. My vocabulary is limited, and I probably used it for a varied expression.

Senator JACKSON. You have admitted that it is not used in or it was not used in its usual sense or its usual meaning and context.

Mr. DUKE. No.

Senator JACKSON. What were you trying to cover up?

Mr. DUKE. I didn't admit specifically it was not used in that as its common acceptance, and I say it is possible that I used it for not its common acceptance.

Senator JACKSON. Why, then, would you use it not in its accepted sense, and what were you trying to cover up?

Mr. DUKE. Nothing to cover up, and I do not recall why I used it.

Senator JACKSON. You are not using it in its usual sense?

Mr. DUKE. That is true but I still don't recall why I used it.

Senator JACKSON. You were trying to cover something up.

Mr. DUKE. I never tried to cover anything up, and if I had tried to cover anything up I would have destroyed all of my files, and there is nothing in my files that I am trying to cover up, and they are all available.

Senator JACKSON. You are using code words here.

Mr. DUKE. Not necessarily.

Senator JACKSON. Who would know what you meant by "talent" and the horse race business here, except you who were sending it and Mr. Morgan on the other end?

Mr. DUKE. Nobody here would, but suppose you and I were friends, intimately, and we went around together and we used various expressions, and perhaps I might have been using one, and you and I would get to know each other very well and have various expressions, and there it would be a lot better than a lot of people—

Senator JACKSON. Now, maybe you have given an answer.

Senator POTTER. Could I ask one question? You sold your services as a public relations man?

Mr. DUKE. Not necessarily as a public relations man, just agent.

Senator POTTER. In your testimony, you said that your office—you had an office?

Mr. DUKE. My office was a diversified office.

The CHAIRMAN. Senator Potter, I had hoped we could let everybody question the witness fully, and I had hoped the congressmen would have a chance, but the traffic is extremely bad and it is getting late.

You are still under subpoena, Mr. Duke, and you are now ordered to return here on February 2, at ten o'clock in the morning, unless notified of some other time. And you will call the committee collect, on the Friday before February 2, you understand.

Mr. DUKE. How long is that from now?

Mr. FLANAGAN. Two weeks from Friday.

Mr. DUKE. That is all right.

The CHAIRMAN. I may say to the congressmen and senators here, I think it would be well, if we are contacted by the press, if we would refuse to comment on this matter, in view of the fact we are in such a preliminary stage.

[Whereupon, at 5:15 p.m., a recess was taken until 10:00 a.m., Monday, February 2, 1953.]

RUSSELL W. DUKE

[EDITOR'S NOTE.—Edward P. Morgan (1913–1986) served as an FBI agent from 1940 to 1947, rising to the rank of chief inspector. He was also a staff member of the joint committee that investigated the Japanese attack on Pearl Harbor. In 1947 he joined the Washington law firm of Welch, Mott and Morgan, specializing in corporate, tax, and international law. In 1950 he became chief counsel to the special subcommittee of the Senate Foreign Relations Committee, chaired by Senator Millard Tydings, that investigated Senator McCarthy's charges of Communists in the State Department. During the Korean War, in 1951, Morgan became chief of the enforcement division of the Office of Price Stabilization. He resigned that position in 1952 and went to Wisconsin to campaign against Senator McCarthy's reelection.

After Russell Duke refused to return to testify in public, Morgan was not called back to give public testimony. In its annual report, the subcommittee noted: "There is no indication that Duke performed any legitimate service for any taxpayer. He possessed no legal, accounting, or other technical ability. Not a lawyer himself, he utilized the services of attorneys and primarily the services of Edward P. Morgan, of Washington, D.C. In the cases investigated by this subcommittee, Russell W. Duke received a total of \$32,850 in fees, and approximately \$2,500 in expenses; and Attorney Edward P. Morgan received \$13,700 in fees, and \$450 in expenses. Completion of this investigation is awaiting the resolution of Duke's criminal trial. In the meantime, the evidence concerning Morgan's conduct is being submitted to the Washington, D.C., Bar Association." However, Duke was acquitted and Morgan remained a member in good standing in the District Bar. In 1980 and 1985 he served as a member of the Presidential Commission on Executive, Legislative and Judicial Salaries, and in 1985 was named to the President's Commission on the Bicentennial of the United States Constitution.

Edward P. Morgan did not testify in public session.]

FRIDAY, JANUARY 16, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 10:30 a.m., in room 357 of the Senate Office Building, Senator Karl E. Mundt presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett M. Dirksen, Republican, Illinois; Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington.

Present also: Representative Kenneth A. Keating, Republican, New York; Representative Patrick J. Hillings, Republican, California.

Present also: Roy Cohn, chief counsel; Robert Collier, chief counsel, House Subcommittee to Investigate the Department of Justice, Committee on the Judiciary; William A. Leece, assistant counsel; Jerome S. Adlerman, assistant counsel; Robert F. Kennedy, assistant counsel; Ruth Young Watt, chief clerk.

Senator MUNDT. The committee will come to order.

Mr. Cohn, who is our first witness?

Mr. COHN. Our first witness, Mr. Chairman is Mr. Edward P. Morgan.

Senator MUNDT. Will you be sworn?

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

Mr. MORGAN. I do.

TESTIMONY OF EDWARD P. MORGAN

Senator MUNDT. For the purpose of the record, will you give the committee your name and address, present position and occupation?

Mr. MORGAN. Edward P. Morgan, residence 3000 39th Street, Northwest, Washington, D.C.; business, law office, 710 14th Street, Northwest.

Senator MUNDT. Now, Mr. Cohn will proceed with the questioning.

Mr. COHN. Mr. Morgan, for how long a period of time have you been engaged in the active practice of law in Washington?

Mr. MORGAN. Since March 15, 1947.

Mr. COHN. What did you do directly prior to that time?

Mr. MORGAN. I was associated with the Federal Bureau of Investigation.

Mr. COHN. For how long a period of time?

Mr. MORGAN. March 2, I believe, 1940.

Mr. COHN. Do you know a man by the name of Russell Duke?

Mr. MORGAN. I do.

Mr. COHN. When did you first meet Mr. Duke?

Mr. MORGAN. If I may refer to some notes, please, counsel, because I tried to refresh my memory on first knowledge of this man, I would like to say at the outset, of course, that since the inquiries that have come to me from certain members of the press, I have endeavored to refresh my memory from every source I possibly could, and on the basis thereof, I am going to try this morning to certainly present to this committee, completely and fully, all the information that I have. I must say, however, that inasmuch as this goes back four and a half, almost five years, I naturally cannot remember all of the details; but I certainly will do the best I can.

Mr. COHN. I think the question was: When did you first meet Mr. Duke?

Mr. MORGAN. In September; September 16, 1946, to be exact.

Mr. COHN. And under what circumstances?

Mr. MORGAN. A very good friend of mine, of long standing, brought Mr. Duke to my office.

Mr. COHN. What was your friend's name?

Mr. MORGAN. Mr. Howard I. Bobbitt, an attorney of Portland, Oregon, whom I had known for years in the FBI, and who, in fact, had been agent in charge of the FBI in Portland, Oregon.

Mr. COHN. And for what purpose did Mr. Bobbitt bring Mr. Duke to your office on that occasion?

Mr. MORGAN. There was no ostensible purpose in bringing Mr. Duke to my office. Mr. Bobbitt came into see me, as he does every time he came to Washington.

Mr. Duke was accompanying him at that time.

Mr. COHN. Had you ever heard of Mr. Duke before this meeting?

Mr. MORGAN. Never, to my best knowledge and belief.

Mr. COHN. Mr. Bobbitt had never mentioned him to you in any way?

Mr. MORGAN. To my best knowledge and belief, he had not.

Mr. COHN. And Mr. Bobbitt walked in and brought this man Duke in with him, and that is the first you ever heard of Russell Duke?

Mr. MORGAN. That is correct.

Mr. COHN. Can you give us the substance of the conversation at that first meeting?

Mr. MORGAN. Well, apart from the matter of mere social conversation, Mr. Bobbitt mentioned to me that at that time they had been in Washington along with an attorney from San Francisco in connection with a particular case, one involving a man named Thomas Guy Shafer, of Oakland, California.

He stated that they had been having conferences at the Bureau of Internal Revenue with respect to the case. He advised me that Mr. Knox was the counsel for Mr. Shafer and that, in all probability, the case was going to require a great deal of additional work and that they would probably need Washington counsel in connection with it.

He asked me if I would consider handling the case. I talked with them in some detail concerning their knowledge of the matter and asked them if they were in a position to retain me at that time. They said that certainly, subject to approval by Mr. Knox.

Mr. Knox, to the best of my knowledge at that time, was in Washington, or at least was on his way to New York.

But, in any event, Mr. Knox came by my office a short time thereafter and explained to me who Mr. Shafer was. He was a druggist in Oakland. There was a tax deficiency of a very sizable amount, approaching, on, as I remember, 400, maybe \$500,000, with the penalties that were involved.

And thereafter I agreed to represent Mr. Shafer and I did represent him.

Mr. COHN. What was Mr. Bobbitt's connection with the tax man, Mr. Shafer?

Mr. MORGAN. Mr. Bobbitt was associated as company counsel with Mr. Knox.

Mr. COHN. What was Mr. Duke's connection?

Mr. MORGAN. Mr. Duke's connection, there I must say it is quite vague in my mind, because I had little occasion to inquire at that particular point.

As a matter of fact, I am not at all certain, this far removed, that I have any specific knowledge concerning the nature of Mr. Duke's association at that time.

Now, in light of what I now know—and it is sometimes difficult to distinguish between what you then know and what you know now—Mr. Duke, it appears, was associated as a public relations counsel or an investigator or what not for Mr. Shafer, and it is my understanding, since that time I did not know it then—to the best of my knowledge, Mr. Knox had engaged Mr. Duke for that purpose.

Mr. COHN. And Mr. Duke is not a member of the bar?

Mr. MORGAN. Not to my knowledge.

Mr. COHN. Did you ever have any communication with Mr. Duke about the Shafer case after that first meeting?

Mr. MORGAN. When you say communication, do you mean written communication, or oral?

Mr. COHN. I mean written or oral, direct.

Mr. MORGAN. I am sure he came by my office many times. He probably inquired about it.

Mr. COHN. What was he doing in connection with this case?

Mr. MORGAN. Insofar as I was concerned, after I took over the active handling of the case, there was no service he was performing as far as I was concerned.

Mr. COHN. For what purpose was he in communication with you when you became counsel?

Mr. MORGAN. Merely an inquiry in connection with the case, as to its status and so on.

Mr. COHN. Was he representing Mr. Shafer?

Mr. MORGAN. He was representing Mr. Shafer.

Mr. COHN. I say did he come in and inquire in behalf of Mr. Shafer?

Mr. MORGAN. Not as such. It was merely an inquiry, since he had been in my office in the initial conversation concerning the case, as to how the Shafer case was coming along.

Mr. COHN. And you felt at liberty to discuss that?

Mr. MORGAN. I didn't see any reason why I shouldn't.

Mr. COHN. Were you authorized by Mr. Shafer or his counsel to discuss the case with Mr. Duke or to consult him in any way?

Mr. MORGAN. As a matter of authorization; certainly not. Mr. Knox knew Mr. Duke and had been in discussion with him, certainly about the matter. You can ask Mr. Knox.

Mr. COHN. What finally happened with the Shafer matter?

Mr. MORGAN. Mr. Shafer was indicted.

Mr. COHN. Did you receive a fee in connection with your services?

Mr. MORGAN. I did not.

Mr. COHN. You received no remuneration whatsoever?

Mr. MORGAN. None whatsoever.

Mr. COHN. Did Mr. Duke receive any?

Mr. MORGAN. I do not know and at that time I had no idea that Mr. Duke was in any way engaged, as I indicated earlier, formally in the case.

I know now that Mr. Duke received funds in connection with the case, I certainly do.

Mr. COHN. You know that now?

Mr. MORGAN. Yes.

Mr. COHN. When did you find that out?

Mr. MORGAN. I found that out from newspaper reports at the time the King committee was out in California.

Senator MUNDT. May I inquire: why would you be discussing the case with Mr. Duke when you knew he was connected with it?

Mr. MORGAN. Senator, insofar as Mr. Duke was concerned, it was not a matter of discussing the case, and, as I say, I have no definite record on the matter. I am sure that somewhere along the line, after having been in the office with Mr. Bobbitt, he may have in-

quired of me, "How is the Shafer case coming along," something like that.

I would indicate to him there was nothing to report, nothing new and no developments in the matter. I saw nothing improper in that, certainly, still don't.

Mr. COHN. Did you ever have any relations with Mr. Duke concerning any other case?

Mr. MORGAN. Yes, I did.

Mr. COHN. How many others.

Mr. MORGAN. I would like to indicate specifically each one, if you would like.

Mr. COHN. Could you give us first the total and then discuss them?

Mr. MORGAN. Insofar as the reference of matters that I could say Mr. Duke referred a case to me, there would be two cases specifically. One was the case of Dr. Ting David Lee, a Chinese doctor in Portland, Oregon, and the other is a case involving a man named Noble Wilcoxon, of Sacramento, California.

Now, after having made that observation—and if you would like any other explanation of that I will be glad to give it to you—I should say this: On November 10, 1948, Mr. Duke came to my office. He was accompanied at that time by a Mr. Conrad Hubner, introduced to me as a lawyer of San Francisco. We had a conversation generally by way of discussion of mutual acquaintances.

I learned that Mr. Hubner had associated with him a man that I had known in the FBI, and at this particular meeting, Mr. Hubner discussed with me the possibility of handling the Washington end of two cases in which he was counsel.

He stated that these cases were at that particular time still under consideration in San Francisco. He said he was three thousand miles away from Washington and necessarily had to have someone here because he couldn't be coming back and forth to handle the Washington end and the Washington incidents of the cases, there were two.

One of those cases involved a man named Harry Blumenthal. The other involved a man named Wolcher. I have forgotten his first name.

Mr. Hubner advised me that he did not know when those cases would be referred to Washington for consideration.

I noted here that that visit was on November 10, and that he forwarded to me power of attorney in each of those cases on March 24, 1949.

Now, I mentioned those two cases because there was an instance where Mr. Duke had referred to me an attorney—I assume he recommended me. I was very grateful for his having done so, and I assume responsibility in those cases.

Mr. COHN. Following this initial recommendation when Mr. Duke came in with Mr. Hubner, did you have any communication with Mr. Duke concerning those cases, following the initial meeting?

Mr. MORGAN. The Wolcher and Blumenthal Case?

Mr. COHN. Yes, the Wolcher and Blumenthal.

Mr. MORGAN. I may have. I recall none certainly. But I would not say I did not, because I have no recollection. If you have anything

that might refresh my recollection on the matter, I would be glad to see it.

Senator MUNDT. Have you examined your files in your office?

Mr. MORGAN. Yes, I have. I have examined them, Senator; I received a subpoena sometime in the afternoon, I guess it was last Monday, at eight, I believe.

It was a "forthwith" subpoena, requesting that I produce all records and so on—I don't know, maybe counsel would like to read the subpoena into the record—with respect to any correspondence of any kind with Russell Duke and any financial dealings with Russell Duke and so on.

As I say, it was the "forthwith" subpoena. I wanted to comply with it in every way possible.

We had no file on Russell Duke. That meant that to obtain any correspondence, conceivably we would have to run through virtually every file in the office, including general correspondence and that sort of thing.

But I took girls off other work and made them run a check of all of our files, and at 5:30 I called the counsel of the committee, and said that insofar as I was able to I would be glad to come up and produce these records. They said that wouldn't be necessary, I could be up in the morning, and I did at 10:30 in the morning.

As I said then and I certainly repeat now, I would not vouch that that is every piece of correspondence with respect to Russell Duke, I don't know. That is all we could find at the time. There may be more.

Mr. COHN. Since the time you produced those papers, have you continued to search the files to determine whether or not you did in fact fully comply with the subpoena?

Mr. MORGAN. Yes. We haven't made a consistent project out of it. We have been very busy in the office in the last few days. As a matter of fact, when I received the subpoena, I had a man who traveled eighteen hundred miles to confer with me on the case. I dropped it and went out on this.

The best we can, we did, yes. I find no other correspondence insofar as he is concerned.

Mr. COHN. You have no other correspondence?

Mr. MORGAN. No other correspondence.

Mr. COHN. So following the searches you made, you now feel you have complied with the subpoena?

Mr. MORGAN. Insofar as I was able to, yes.

Mr. COHN. And that you produced every paper called for by the subpoena, in your possession?

Mr. MORGAN. Yes, sir.

Mr. COHN. What was the final determination of the Wolcher and Blumenthal cases?

Mr. MORGAN. Those were two separate cases.

Mr. COHN. What was the final determination of each one of them?

Mr. MORGAN. In the Blumenthal case—I remember that rather vividly—

I assume, Senator, that we regard this as proper to be discussing incidents of a case. I am somewhat reluctant to do it because of the

relationship with the client, but I will go ahead and do it, if you like.

In that particular case I conferred with the Justice Department attorney after the case had been referred to the Justice Department.

Mr. COHN. Could you give us his name, please?

Mr. MORGAN. I think it was Mr. John Lockley.

Mr. COHN. Was he in the tax division?

Mr. MORGAN. Yes.

Mr. Lockley told me very frankly that they intended to prosecute Blumenthal unless he saw fit to come clean.

By that he meant Blumenthal's position was that he had not received himself, on his own behalf, certain monies in certain transactions growing out of deals during the war. And Lockley stated that the Justice Department was simply not going to accept that position, that they were going to insist that he indicate who got the money, or they were going to prosecute him.

I communicated that information to Mr. Hubner in San Francisco. Mr. Hubner thereafter advised me Mr. Blumenthal had stated that he had gone to jail once in connection with the incidence of that case, and that he did not intend to go again. Thereupon he made a full disclosure in the matter. That information was made available to Mr. Lockley.

I don't know whether Mr. Blumenthal became a witness for the government thereafter against those individuals who received the money, or not. To the best of my recollection, the case was taken on from there.

I don't know, frankly, the ultimate disposition.

Mr. COHN. Did you ever receive a fee?

Mr. MORGAN. Yes, I received a fee of \$1,000.

Mr. COHN. Did Mr. Duke receive a fee?

Mr. MORGAN. I do not know. I have no knowledge in the matter.

Senator MUNDT. At what point in the case did you cease to be connected with him?

Mr. MORGAN. At such time as I had understood from conversations with Mr. Hubner that they were going to proceed locally with a further investigation of the matter, based on the additional information that Blumenthal had voluntarily supplied the Department of Justice.

On the Wolcher case, I had one conference, as I remember it, perhaps two—I can't be sure of that—with Mr. Lockley. I remember the first one very vividly, because while I was talking to Mr. Lockley I received a very fateful telephone call in my life. The call was for me to consider taking the position as counsel to a certain committee of the Senate.

Mr. COHN. Which committee was that?

Mr. MORGAN. That was a subcommittee of the Senate Foreign Relations Committee.

Mr. COHN. Did Mr. Duke make any efforts to obtain that counselship for you?

Mr. MORGAN. Certainly not. I say certainly not. I don't know what Mr. Duke may have done at any particular time, but insofar as I know, he certainly did not.

Mr. COHN. Did you ever discuss that counselship with him?

Mr. MORGAN. Prior to assuming the counselship?

Mr. COHN. Yes.

Mr. MORGAN. Certainly not. I am quite positive of that.

Senator MUNDT. Did you afterward?

Mr. MORGAN. What do you mean discuss it, Senator? I don't understand what you mean. I have discussed the incidents of my association with that committee but——

Senator MUNDT. Tell us what you mean by the kind of discussion that you had.

Mr. MORGAN. With Mr. Duke?

Senator MUNDT. Correct.

Mr. MORGAN. I don't remember any discussion, with Mr. Duke, but I certainly wouldn't say, Senator that I didn't talk with him and with hundreds of other people about my association with the committee.

Senator MUNDT. I wondered when you qualified the question "prior to," which indicated that you had discussed it afterwards.

Mr. MORGAN. I made that observation because counsel's inquiry related to whether Mr. Duke had anything to do with my securing the position, and I stated that certainly not to my knowledge, in any way.

And I remember excusing myself from Mr. Lockley's office at that time. I talked with those who were interested in having me take that position, and I agreed to do so.

Thereafter, having become counsel to the committee, I withdrew from active consideration of cases and later on Mr. Hubner came back to Washington for a conference on the Wolcher case. He went to the Justice Department with one of my law partners. They conferred on it. Mr. Wolcher thereafter was indicted, so I understand.

Mr. COHN. Did you receive any fee?

Mr. MORGAN. I received a thousand dollars in connection with each of those cases, and that \$1,000 was a retainer paid me at the time Mr. Hubner originally engaged me for the purpose of handling the cases at such time as they might be referred to Washington for attention.

Mr. COHN. The \$1,000 was for the purpose of a retainer in case the cases got down to Washington?

Mr. MORGAN. Exactly.

Mr. COHN. What if the cases didn't go down to Washington?

Mr. MORGAN. The retainer necessarily would be returned to Mr. Hubner.

Mr. COHN. Did you ever return any retainer that you took on that basis in any tax case?

Mr. MORGAN. In any tax case?

Mr. COHN. Yes.

Mr. MORGAN. Yes, I have returned retainers.

Mr. COHN. In tax cases. You took the retainer predicated on the possibility of the case going to Washington?

Mr. MORGAN. Well, now, I think of one case in which a fee in escrow was returned.

Mr. COHN. What was the name of that case?

Mr. MORGAN. That was the Shafer case.

Mr. COHN. That is the one in connection with which you originally met Mr. Duke?

Mr. MORGAN. That was the one at the time Mr. Bobbitt brought Mr. Duke to my office.

Mr. COHN. I asked whether or not you had received any fee and you said no.

Mr. MORGAN. I didn't receive any fee.

Mr. COHN. How much was put up in escrow?

Mr. MORGAN. \$20,000.

Mr. COHN. What was the escrow arrangement?

Mr. MORGAN. The escrow arrangement was simply this: I talked to Mr. Knox at the outset in the handling of the case. The matter of fee came up. Mr. Knox explained it to me this way: that Mr. Shafer had spent a great deal of money in connection with legal representation and for other purposes in an effort to get this case disposed of locally; and that he did not feel in the position to want to spend any additional money by way of a fee as such.

That, of course, meant that he wanted the case to be handled on a contingency basis.

I discussed with Mr. Knox fully the incidents of the matter. I looked at the size of the case insofar as dollars and cents were concerned, I looked at the ramifications of it, I looked at the financial position of the client. I set a contingency fee, explaining to Mr. Knox at that point that manifestly, in a case that was going to involve as much work as certainly I anticipated would be involved in this case, that the contingency would be appreciably higher than would be an out-and-out fee at the outset.

In setting the fee additionally, I realized that I would have to send a reference fee to Mr. Bobbitt.

I also contemplated that I would probably have to go to California to make inquiry and further investigation and probably engage an accountant, which I assumed that I would have to pay for in the situation.

This fee was placed in escrow in the event prosecution was denied in the case.

Mr. COHN. Who was the escrow agent?

Mr. MORGAN. The escrow agent—there was no formal escrow agent.

It was maintained in a reserve account in Riggs National Bank.

I understood Mr. Knox and I had formal correspondence with respect to the arrangement.

Mr. COHN. Exactly what was the contingency involved?

Mr. MORGAN. Mr. Shafer did not want to be prosecuted. The contingency in the case was whether or not we could present the case to the Department of Justice that would adequately convince the department that this was a case that should not be prosecuted criminally.

Mr. COHN. The indictment was stopped or did not go forward?

Mr. MORGAN. Well, you can characterize it any way you like.

Mr. COHN. Did you return the \$20,000 immediately after the filing of the indictment?

Mr. MORGAN. We did. I did not return it because I was not with the firm at that time, but my office did.

Mr. COHN. I think you were telling us about two other tax cases which you handled as a result of introductions by Mr. Duke, is that correct?

Mr. MORGAN. There are two other cases in which Mr. Duke seems to have been in the picture; and I want to relate both of them.

Mr. COHN. Will you please do so?

Mr. MORGAN. Yes.

One case is a case involving a man named Jack Glass, of Los Angeles, California. That case came to me by reference to me from an attorney named Maurice Hendon.

I might say Mr. Hendon was then and is still a very prominent lawyer.

Mr. Hendon called me concerning the handling of the case. He made arrangements whereby he would come back to Washington for a conference. There Mr. Hendon paid me a fee in connection with the case, and I gave him a one-third reference fee for referring the case to me.

At some stage of the picture—I don't know just exactly where, when and how, I ascertained that Mr. Duke had approached Mr. Glass in connection with this case.

I am frank to say that I think my knowledge insofar as any particularity is concerned, it stems from a conference I had with Mr. deWind of the King committee, who indicated to me, I think that in this particular matter Duke had obtained some money.

Mr. COHN. Exactly when was this?

When did you get into the Glass case?

Mr. MORGAN. Mr. Hendon, called my office on July 12, 1949, and I held a conference with Hendon here in Washington, as I remember, on July 27, 1949.

Mr. COHN. It is your testimony that in the course of the telephone conversation, in the course of the first meeting, Mr. Duke's name was not mentioned in any way?

Mr. MORGAN. To the best of my knowledge and belief, it was not.

Now, in trying to recall something that happened that long ago—I was in Los Angeles the other day in connection with other business matters. I had a conference with Mr. Hendon in connection with something wholly unrelated to any of this sort of thing. He brought up at that time the fact that when the King committee had been on the West Coast, that he had submitted to the committee an affidavit concerning the matter.

I asked him at that point: I said, "How and when and under what circumstances, as best you can remember, did Mr. Duke enter into this picture?"

He stated to me that his reference of this case to me was by reason of some friend of mine who was a lawyer that he knew. I don't know whether it was someone that I had known in the bureau, or not.

He said that Duke had approached Glass and made an arrangement with Glass over his objection.

That is the best that I can do to help you on that. That is Mr. Hendon's recollection of the matter; insofar as I can recall, it is my recollection.

Mr. COHN. When did you first discover Mr. Duke's connection with this particular case?

Mr. MORGAN. I just couldn't recall. It is just a blank. I remember Mr. deWind speaking out. I remember talking to Mr. Hendon about

it. But I don't remember any conversations with Mr. Duke about it, but that certainly wouldn't mean that there weren't any.

Here is what I am trying to remember in this situation. Frankly, I draw a blank on it.

When Mr. Hendon was back here in July 1949, July 27, 1949, I am, sure that if Duke were in the picture, that he must have mentioned it, we must have discussed it. But I just have no recollection on the point.

Mr. COHN. Did you keep any diary entries?

Mr. MORGAN. No, I maintain no diary.

Mr. COHN. From what were you able to reconstruct some of these exact dates you have given us here?

Mr. MORGAN. From the files on each of the cases.

Mr. COHN. You mean correspondence?

Mr. MORGAN. Yes. I mean correspondence or memoranda in the files.

Mr. COHN. Would your memoranda in the files in the Glass case reflect whether or not Mr. Duke had been present at any of these meetings?

Mr. MORGAN. You mean insofar as with Mr. Hendon?

Mr. COHN. With Mr. Hendon or with anybody else in connection with the case?

Mr. MORGAN. I am certain, insofar as I can reconstruct the situation, counsel, that Mr. Duke was never at any conference with me and Mr. Hendon.

In other words, I just have no recollection of it, and I am sure if it occurred I would have remembered it.

Mr. COHN. What was the final disposition of the Glass case?

Mr. MORGAN. Mr. Glass was declared non compos mentis by the court in Los Angeles.

Mr. COHN. Was that following an indictment?

Mr. MORGAN. No; it was prior to indictment. Mr. Glass was supposed to have a very serious heart condition, and Mr. Glass did have a heart condition, and I was advised by Mr. Hendon that his physician said that the strain in connection with the whole matter was responsible for it.

I say that because that was one of the things we presented to the department as a basis for arguing that the case should not be prosecuted.

Mr. COHN. With whom in the Department of Justice did you deal in connection with the case?

Mr. MORGAN. As I remember, it was Colonel Victor Swearingen.

Mr. COHN. Did you receive any fee in connection with the services you rendered in the Glass case?

Mr. MORGAN. Yes.

Mr. COHN. How much?

Mr. MORGAN. I received a fee of \$4,000, of which \$1,500 I forwarded to Mr. Hendon as a reference fee.

Mr. COHN. Did Mr. Duke receive any compensation in connection with that case?

Mr. MORGAN. I have indicated to you, according to Mr. deWind that he did.

Mr. COHN. How much was it?

Mr. MORGAN. I don't know.

Mr. COHN. Mr. deWind mentioned no amount?

Mr. MORGAN. He may have. I just don't remember.

Mr. COHN. What is the next case you handled with which Mr. Duke had a connection?

Mr. MORGAN. This particular case, when you say Mr. Duke had a connection, I remember quite well. I have tried to remember, as best I can, the initial meeting in my office with Mr. Bobbitt. At that time Mr. Duke was discussing various cases in which he had been concerned. In other words, he was giving his background to me, more or less. He had explained that during the war he had represented various companies and organizations and that many of those were involved in difficulties. I have tried to remember some of those that he mentioned because a newspaper man the other day asked me if I remember one case, and there came back a flicker of memory on it.

It relates, I think to that discussion. It is a case involving di Martini, that is. But who they were I don't know.

Now, di Martini, I didn't handle the case, don't remember it. But there was one matter I do remember his mentioning when he was in my office, and that is a rather bizarre case, on the basis of what I now know about the incidence of it, involving an Inez Burns of San Francisco.

Senator MUNDT. Just a minute, before we get away from this.

All this discussion, this string of cases, was taking place in your office, the first time you met him; is that right?

Mr. MORGAN. No, Senator. These cases, I will be glad to give you date by date as to when any of these cases came my way. But I want to remember this case.

Senator MUNDT. It is my understanding of your testimony a few minutes ago that you said Mr. Bobbitt came to your office and Mr. Duke was telling you about all these various cases.

Mr. MORGAN. I was trying to resurrect my knowledge of Mr. Duke and his activities, and this is the case I am about to mention.

That is when I first heard of it.

Mr. COHN. It is my understanding from your testimony just a couple of minutes ago, that you were referring to this first meeting in which Mr. Bobbitt brought Mr. Duke to your office.

You testified previously that the Shafer case was discussed, is that right?

Mr. MORGAN. That is the case that Mr. Bobbitt referred to me, yes.

Mr. COHN. And Duke came along to that meeting at which there was a reference to the case?

Mr. MORGAN. It was the first time I ever met the gentlemen.

Mr. COHN. Haven't you just testified that at the same meeting Mr. Duke also mentioned to you this Inez Burns case?

Mr. MORGAN. I am trying to give you the background in connection with the Burns matter because this is not a case in which I feel that I was in any way associated with Mr. Duke as a lawyer or anything like that.

Mr. COHN. What I am trying to get at is this: Did Mr. Duke mention this Inez Burns case to you at the first meeting between Mr. Bobbitt, Mr. Duke and yourself?

Mr. MORGAN. I am disposed to think he probably did, yes.

Mr. COHN. Did he mention a case involving someone named di Martini?

Mr. MORGAN. Yes, I think so.

Mr. COHN. Were there any other cases mentioned by Mr. Duke?

Mr. MORGAN. I don't remember any others.

Mr. COHN. Why did Mr. Duke, who is a public relations man, not a lawyer, bring up three tax cases in his discussion with you on that first occasion?

Mr. MORGAN. As I remember, there were two: the Burns matter and the di Martini case.

Mr. COHN. How about Shafer?

Mr. MORGAN. Mr. Bobbitt brought that case to me.

Mr. COHN. You mean Mr. Duke didn't mention it?

Mr. MORGAN. Mr. Duke was certainly there. But I mean in source as far as I was concerned, that is a reference from—I wouldn't say a lifelong friend but a friend of many years' standing, who is a very reputable lawyer on the West Coast.

Mr. COHN. He brought Mr. Duke with him, and Mr. Duke participated in the discussion?

Mr. MORGAN. There is no question about that.

Mr. COHN. Did Mr. Duke participate in the discussion, about the Shafer case?

Mr. MORGAN. Mr. Bobbitt led the discussion in all.

Mr. COHN. Did Mr. Duke participate?

Mr. MORGAN. He may have.

Mr. COHN. Don't you remember where he did, or whether he did or didn't?

Mr. MORGAN. Frankly, I don't.

Mr. COHN. You do remember discussing that case with Mr. Duke on subsequent occasions?

Mr. MORGAN. Discussing as I said before. I have no positive recollection on it, but if he inquired about the status of the case we talked about it in my office with Mr. Bobbitt, I would certainly have indicated to him what the status was.

Mr. COHN. You said you had no positive recollection of it. I thought you had previously testified quite definitely that you had a clear recollection of Mr. Duke having made inquiries as to the status of the case and having called you about the Shafer case after the first meeting.

Mr. MORGAN. The record will reflect that, Mr. Counsel.

Mr. COHN. What is your testimony now?

Mr. MORGAN. My testimony is now that I have no definite recollection of discussions with Mr. Duke concerning the Shafer case after the initial meeting, other than the fact that if he had inquired about it I would have certainly told him the status of the case.

Mr. COHN. Except for that conjecture, it is your testimony now that, according to your present recollection, you have no recollection whatsoever of having discussed the case with Mr. Duke after that first meeting?

Mr. MORGAN. My testimony is that I have no positive recollection one way or the other.

Mr. COHN. Were any other tax cases discussed at that first meeting.

Mr. MORGAN. I tried to give you the last one, and if you will let me proceed with it now, I will.

Mr. COHN. Will you give me the name of the last one, please?

Senator MUNDT. That still doesn't answer the question.

The question was: were any other cases discussed at the first meeting?

Mr. MORGAN. Nothing other than the ones we have mentioned.

Mr. COHN. Burns, di Martini and Shafer?

Mr. MORGAN. Yes.

Senator MUNDT. You are sure of that?

Mr. MORGAN. Yes.

Mr. COHN. Now, we were talking about the Burns case.

Could you tell us what was said about the Burns case by Mr. Duke to you at that first meeting?

Mr. MORGAN. My only recollection of that matter this far removed is the presentation to me of a rather gory story about the woman who had a large sum of money that she had secreted in the basement of her home and that the rats had eaten up the money and that it had become gummy and so forth. On the basis of that, I recall that particular phase of it.

I remember that Duke indicated at that time that he had some connection with this particular individual. And, as I remember, he also had some connection with the attorney, as he so indicated.

He said that he did not know what would ultimately happen with the case or what the disposition of the case might be ultimately, but that that was one of those situations in which he hoped that he might refer to me as attorney.

On that occasion, that was in September 1948.

I did, in December of 1950—that is two years later—by reference with Mr. Frank Ford, attorney of San Francisco, associate myself with him in this particular case.

Mr. COHN. Now, in between the original discussion with Mr. Bobbitt, Mr. Duke and yourself about the Burns case at the time you were retained in 1950, did you have any further discussions with Mr. Duke about the Burns case?

Mr. MORGAN. I may have.

Mr. COHN. Oral or written?

Mr. MORGAN. I may very well have.

Mr. COHN. Did you or didn't you?

Mr. MORGAN. I don't remember.

Mr. COHN. You have no recollection whatsoever?

Mr. MORGAN. No.

Senator MUNDT. Did you have any correspondence with him?

Mr. MORGAN. I recall no correspondence in the file.

Mr. COHN. Did you do anything in connection with the Burns case between this initial conversation in September 1948, and the time you were retained in 1950?

Mr. MORGAN. I may very well have. Probably to what you are referring.

I received a copy of a so-called expose in the Duke matter with respect to a newspaper in San Francisco.

Mr. COHN. My question, Mr. Morgan, was—

Mr. MORGAN. I am going to answer your question.

Mr. COHN. I would appreciate it if you would.

Mr. MORGAN. That particular newspaper account relates to a postscript attributed to a letter from me to Duke. In that particular postscript, as I remember—and I don't remember the specific wording of it—but there is some indication that a check on the Burns case does not locate it back to Washington, and a request for an indication as to who the counsel was in the case; in other words, requesting information from Duke.

So, if such a piece of correspondence exists, then to that extent certainly I did.

I don't have the slightest recollection of it.

Mr. COHN. Mr. Chairman, in response to the subpoena served on this witness, he produced a copy of a letter dated March 31, 1949, as addressed to Mr. Russell Duke, signed by the penned signature and added typed signature, Edward P. Morgan, on the stationery of Welch, Mott and Morgan.

I would ask that that letter be received in evidence.

Senator MUNDT. Is that the letter with the postscript?

Mr. COHN. Yes, that is the letter with the postscript, to which this witness affixed his signature.

[The letter referred to was marked as committee's Exhibit No. 3, January 16, 1953, Edward P. Morgan.]

MARCH 31, 1949.

Mr. RUSSELL DUKE,
4523 Northeast Alameda,
Portland 13, Oregon.

DEAR RUSS: Pursuant to our conversation yesterday, I am enclosing herewith two photostatic copies of an editorial which may be somewhat helpful to you relative to the matter which we discussed, along with a clipping from the local Washington Times Herald.

Best personal regards.
Sincerely,

EDWARD P. MORGAN.

Enclosures.

P.S. I don't seem to be able to get a line on Inez B. at either place back here. Who is the attorney of record in her case? Can you check at S.F. to find when they referred it to D.C.?

EPM.

Mr. MORGAN. Should I have produced the letter pursuant to the subpoena?

Mr. COHN. Yes.

Mr. MORGAN. That would be it, then.

Mr. COHN. May I read it?

Senator McCLELLAN. Do you want to see the letter?

Mr. MORGAN. Well, I would like to see it.

Mr. COHN. After examining it, Mr. Morgan, would you read the postscript, please?

Mr. MORGAN. This is a letter dated March 31, 1949.

Senator MUNDT. Let me ask you first: is that your signature?

Mr. MORGAN. I don't think there is any question about it, Senator.

The letter is dated March 31, 1949, on the letterhead of my office. It is addressed to Mr. Russell Duke, 45233 Northeast Alameda, Portland 31, Oregon.

Mr. COHN. Would you read the postscript, please.

Mr. MORGAN. "Dear Russ"—may I read the entire letter?

Senator MUNDT. Surely.

Mr. MORGAN.

Pursuant to our conversation yesterday I am enclosing herewith two photostatic copies of an editorial which may be somewhat helpful to you relative to the matter which we discussed, along with a clipping from the local Washington Times Herald.

Best personal regards. Sincerely, Edward P. Morgan.

It is signed "Ed." Now, there is a postscript:

I don't seem to be able to get a line on Inez B.—

Which would be Inez Burns, presumably.

at either place back here. Who is the attorney of record in her case? Can you check at S. F. to find when they referred to D.C.

It is initialed EPM.

Mr. COHN. What did you mean by either place you were unable to get a line?

Mr. MORGAN. That would be whether or not it would be in the Bureau of Internal Revenue or the Department of Justice.

Mr. COHN. Had you made inquiries at the Bureau of Internal Revenue and Department of Justice with reference to this case prior to being retained?

Mr. MORGAN. If this inquiry here was made, most assuredly it was made before I was formally retained in December of 1950.

Mr. COHN. Do you have any doubts that such an inquiry was made?

Mr. MORGAN. I would say that it must have been made. And having been made and looking at this now, to the best of my recollection, I think I could give you the situation, if you would like to have it.

Mr. COHN. First may I ask you this, Mr. Morgan: Whom did you contact in the Justice Department and with whom were you in contact in the Bureau of Internal Revenue?

Mr. MORGAN. The contacts with the Justice Department is with the clerk handling the cases over there. No power of attorney is required or as required in the Department of Justice.

Mr. COHN. I was just trying to get the name.

Mr. MORGAN. Somebody who handles the records. It would be some girl.

Mr. COHN. How about the Bureau of Internal Revenue?

Mr. MORGAN. The Bureau of Internal Revenue—and the reason I think I might remember this is the fact that I believe it is the first time that I realized, as a practical matter, that you had to have a power of attorney in order to ascertain whether a case was pending in the Bureau of Internal Revenue.

I had known, of course, that you had to have a power of attorney in order to represent a client before the Bureau of Internal Revenue.

But in this particular instance, I am sure, by reason of an inquiry as to the attorney of record, that we were advised that they could supply no information concerning the matter.

Now, I have no background recollection on that other than just what I have said.

Senator MUNDT. Do you recall the purpose of the editorial?

Mr. MORGAN. Senator, I don't have the slightest idea. The note here "Please return the news clipping," it is the only one I had. I

don't know what it related to. I have no idea. That was March 1949.

Senator MUNDT. It is a matter of some importance, because the letter indicated the day before you had called Mr. Duke by long distance and talked with him about it.

Mr. MORGAN. Whether I called Mr. Duke or Mr. Duke called me, I don't know.

I would say this: Mr. Duke was very prolific in his telephone calls. I think if you were to check his records, you would find that he made calls all over the country, and he called many, many times, Senator, there is no question about that, about many different things.

Senator MUNDT. You mean he called you?

Mr. MORGAN. Yes. When I wasn't there he called one of my partners. He called me at home at night, all hours of the night.

So there is no question about that, sure, he called me many times. I would imagine he called me. But I couldn't be sure of that, I don't know.

Mr. COHN. What was the next step in the Burns case? Did you hear back from Mr. Duke as to the name of the attorney of record and when it was referred from San Francisco to the District of Columbia?

Mr. MORGAN. To the best of my knowledge, I didn't.

To the best of my knowledge, that is the last I can recall of it, and I don't think the file enlightens me any.

Mr. COHN. Until the time you were retained in 1950?

Mr. MORGAN. By Mr. Ford.

Mr. COHN. You have no recollection having done anything in connection with the Burns case between March 31, 1949, the date of this letter, and the date on which you were formally retained by Mr. Ford?

Mr. MORGAN. I have no recollection of having done anything, and my opinion is that I did nothing.

Mr. COHN. Did you discuss it with Mr. Duke between those dates?

Mr. MORGAN. I have no recollection of it.

Mr. COHN. Did you discuss it with Mr. Duke between the period of time that you were formally retained?

Mr. MORGAN. To the best of my knowledge, I did not, but I cannot be sure of that.

Mr. COHN. What was the ultimate disposition of the Burns case?

Mr. MORGAN. She was indicted.

Mr. COHN. Did you receive any fee in connection with the Burns case?

Mr. MORGAN. Yes, I did.

Mr. COHN. How much?

Mr. MORGAN. I think I received a fee in the neighborhood—and this was paid me by Mr. Ford, the attorney—in the neighborhood of something over \$2,000, as I remember.

Mr. COHN. Did Mr. Duke receive any compensation in connection with that case?

Mr. MORGAN. Not to my knowledge.

On that I feel reasonably certain, although on that I can't be sure, because at the time I talked with Mr. DeWind he discussed

many situations in which Mr. Duke might have been involved, some of which I had never heard of. He may have advised me, but I just have no recollection.

Senator MUNDT. How did he make out? With all these long discussions by long distance calls—never seemed to get a fee.

Mr. MORGAN. Senator, you will have to talk to Mr. Duke about that, I can't help it.

Mr. COHN. Are there any other tax cases concerning which you had any dealings with Mr. Duke?

Mr. MORGAN. To the best of my knowledge and belief, there are no others.

Mr. COHN. Did you mention a case involving a Dr. Lee?

Mr. MORGAN. Yes.

Mr. COHN. Tell us about that.

What connection did Mr. Duke have with that case?

Mr. MORGAN. The records of that office indicated that in March of 1949, Mr. Duke called the office to indicate that a Chinese Doctor named Ting David Lee had had a jeopardy assessment levied in his case and that the situation involved moneys received by Dr. Lee by way of inheritance from the Lee family in China.

He asked me if I would undertake to try to help him. He said he had been trying to help Dr. Lee out there as best he could in connection with the matter, and the man was strapped, he had buildings downtown, it was perfect security for the obligation owed the government, and that he felt that the jeopardy assessment was unjust.

I told him that I would be glad to help him and in a way that I properly could.

Then thereafter I wrote him, as I remember, indicating that—
Senator MUNDT. By "him," do you mean Lee or Duke?

Mr. MORGAN. To Duke, after he had called me—indicating that I felt they should supply more information to me in order that I could make an appraisal of the situation and to see in what manner and to what extent we might be of assistance.

The next thing I knew, Mr. Duke appeared in Washington with Dr. Lee, came to my office. I met Dr. Lee.

He impressed me as a very sincere type individual, and Mr. Duke was obviously his agent, there is no question about that.

As a matter of fact, in view of Dr. Lee's complete lack of acquaintance with any phase of tax matters, he certainly needed some help.

And they told me what the story was. He had the jeopardy assessment, he even had to borrow money to get back to Washington he said, in connection with the case. He wanted to know if I could do anything in connection with it.

I said "Well, I don't know what we could do."

We went over to the Bureau of Internal Revenue, and I would like to say at this point that, to my knowledge, I didn't know one single person over there, that is, to the best of my recollection.

We went first to the—

Senator MUNDT. What do you mean by "we" now, the three of you?

Mr. MORGAN. The three.

I had no doubts about Mr. Duke, I thought he was perfectly legitimate. I took him right along.

We first went to the technical staff. We talked there—well, I don't remember with whom we talked, but it must have been some official there—about the case.

He explained to me that they felt that they could not grant a conference prior to the filing of a petition in the tax court; that was the normal procedure and they felt that they didn't want to depart from it in this case.

We next went down on the collector's office to find out if there was any possibility of lifting the jeopardy assessment upon a showing of tangible assets in this country that would adequately protect the government. Dr. Lee explained everything he had.

Senator MUNDT. To whom did you talk there?

Mr. MORGAN. I don't remember his name, Senator. It was some subordinate we talked to, anyway. I had made no appointment with anybody. We just walked in cold. As a result of that, nothing was accomplished. They felt we could do nothing. They felt the matter of protecting the revenues was the responsibility of the local collector.

So we went back to the office and Mr. Lee asked me what had to be done in the situation. I explained to him there was one thing that could be done. That was to file a petition in the tax court and then request an early hearing before the technical staff, in the hopes that you could have the matter resolved and get the jeopardy assessment lifted.

He asked me if I would undertake to represent him in connection with the matter, and I agreed to do so.

Mr. COHN. Did you thereafter represent him?

Mr. MORGAN. I did.

Mr. COHN. What was the final determination in that case?

Mr. MORGAN. The final determination of the case was a set limit through the technical staff.

Mr. COHN. In other words, you went ahead and filed the petition, is that right?

Mr. MORGAN. That is right, a petition was filed in Washington, with the tax court.

I requested the head of the technical staff on the West Coast for a conference. He set a conference date.

Mr. COHN. Could you give us his name?

Mr. MORGAN. I think it is Mr. Harlacker, as I remember. He set a date for it. I flew to Portland, a period before the technical staff, presented such evidence as Dr. Lee was in a position to present, demonstrating that he had received these moneys from China as a part of the Lee estate, that it was not income subject to income tax. Thereafter I outlined for him additional information which should be presented to support his case based on inquiries made at the conference.

I returned to Washington thereafter. From time to time I understand Dr. Lee was able to find record evidence of the receipt of moneys from China, which he presented to the technical staff. On the basis thereafter, the case was ultimately compromised.

Mr. COHN. Did the compromise take place out west?

Mr. MORGAN. The first knowledge that I had of the compromise was, as I had the power of attorney, and of course it was my responsibility to agree to the compromise, and the proposed compromise was referred to me for acceptance. I sent it to Dr. Lee. I outlined the considerations in his case. I recommended that he accept it.

Mr. COHN. How much was the original jeopardy assessment?

Mr. MORGAN. The jeopardy assessment, as I remember it involved something like \$100,000.

Mr. COHN. For how much was it settled.

Mr. MORGAN. It was settled for something over \$6,000, with interest. I think there was an interest item that may be brought it up over seven. I can't give you exact figures, without checking on it.

Mr. COHN. Did you do anything in Washington in the Internal Revenue Bureau to obtain an approval of the settlement down there?

Mr. MORGAN. To the best of my knowledge and belief on this case, I did not.

Mr. COHN. In other words, your own contact with the Bureau of Internal Revenue was your original visit when you were accompanied by Duke and the tax man.

Mr. MORGAN. And the appearance of the technical staff.

Mr. COHN. That was out west, wasn't it?

Mr. MORGAN. Yes.

Mr. COHN. I was talking about Washington.

Mr. MORGAN. In Washington, to the best of my knowledge and belief, that is all.

Mr. COHN. And you had no communication, direct or indirect, with anyone in the Bureau of Internal Revenue in Washington in this case, following the original meeting; is that right?

Mr. MORGAN. Right.

Mr. COHN. How many times were you out west conferring with the technical staff in connection with the matter?

Mr. MORGAN. One time.

Mr. COHN. Did you receive a fee in this case?

Mr. MORGAN. Yes, I did.

Mr. COHN. How much.

Mr. MORGAN. It was a contingent fee. Dr. Lee explained to me that he didn't have any money, that all his funds were tied up.

He asked me if I would undertake to represent him on a contingency basis, the contingency being whether or not he ever got any money so he could pay me.

I agreed to do so. He set a contingency fee of \$4,000 in the case. I flew out to Portland, flew back. I had certain expenses while I was there.

As I remember, I was there about three days. I made about three speeches in the state while I was there. I don't remember whether they were scheduled before, or after I knew I was going.

When I got back, I communicated with Dr. Lee, explaining to him—I think maybe I communicated with Russell Duke—explaining to him that I did not feel that our contingency arrangement would relate to the actual out-of-pocket expenses incurred on the trip.

Thereafter—I have forgotten the exact date—he sent me a check covering the out-of-pocket expenses which would total something around \$400, as I remember.

Thereafter the case was settled, the jeopardy assessment was lifted. Dr. Lee paid our office the balance, and he deducted, as I remember the expenses from the original fee and got something around \$3,450, something like that.

Mr. COHN. Can you tell us the total amount of money you received by you from Dr. Lee?

Mr. MORGAN. Yes. I received \$3,450 and expenses of \$450.

I might say, Mr. Counsel, knowing what I know now about the practice of law, I never would take a case of this kind for a fee that low if it were on a contingent basis.

Mr. COHN. Did Mr. Duke receive any compensation?

Mr. MORGAN. I now know that Mr. Duke received very substantial compensation in connection with the matter. I understand that Mr. Duke received in the neighborhood of maybe as much as eight or nine thousand dollars.

If I might just add, gentlemen, I can assure you that I would not be handling the case for \$4,000 contingent fee if I had known Mr. Duke was getting \$8,000 or \$9,000.

Mr. COHN. And the amount the taxpayer paid out to you and Mr. Duke was about twice as much the amount the government got, as a result of the settlement, is that right?

Mr. MORGAN. I think those facts are self evident.

Mr. COHN. Is there any other tax case—

Senator MUNDT. Let me ask you first: Did you get your payment from Mr. Duke, or Mr. Lee?

Mr. MORGAN. From Dr. Lee.

Senator MUNDT. Yes, Dr. Lee. The check was made payable to the law office, Senator.

I was out of town, Senator, as I remember, at the time. In other words, I was not available, and Dr. Lee communicated with the office saying that Mr. Duke wanted the money paid to him, and one of my partners wired out there that money was due to Welch, Mott and Morgan and the check should be made payable to Welch, Mott, and Morgan. So it was payable to the firm.

Senator MUNDT. The money the firm received came from Dr. Lee in a check signed by him?

Mr. MORGAN. Right.

Senator MUNDT. You received no money from Mr. Duke?

Mr. MORGAN. As a matter of fact, I didn't see the check, but I am sure it must have been from Dr. Lee, because the correspondence indicates that he had forwarded the check.

I am sure it was not Mr. Duke. Of that I am confident.

Senator MUNDT. You are sure you received no money from Mr. Duke?

Mr. MORGAN. No, sir.

Mr. COHN. Is there any other tax case in which you had dealings with Mr. Duke?

Mr. MORGAN. To the best of my knowledge and belief, no.

Mr. COHN. Getting back to this Lee case for one minute, in what capacity was Mr. Duke acting for Dr. Lee?

Mr. MORGAN. He was acting as agent of Dr. Lee, as I understood it.

Mr. COHN. Mr. Duke was not a lawyer or certified public accountant, was he?

Mr. MORGAN. No, he was not.

Mr. COHN. He was a public relations man?

Mr. MORGAN. I understood from Mr. Duke's discussion that he handled public relations matters for clients, that he conducted investigations for them and that sort of thing.

It was in that capacity that he was engaged by Dr. Lee.

I might say for your record that he was engaged by Dr. Lee and not by me, and that I never had any discussions concerning it with the view to having Dr. Lee engage me, if that is what you want to know; none whatsoever.

Mr. COHN. Have you ever had any financial transactions direct or indirect, with anybody connected with the tax division of the Department of Justice?

Mr. MORGAN. Now, what kind of question is that? What do you mean; financial transactions direct or indirect with anybody in the Department of Justice?

Mr. COHN. Is there something that isn't clear about the question?

Mr. MORGAN. No, I don't understand it. What do you mean financial transaction? Do you mean did I ever in any way lend anybody money or anything like that?

Mr. COHN. Yes.

Mr. MORGAN. Or pay them anything?

Mr. COHN. That is right.

Mr. MORGAN. The answer is, no, not of any kind.

Senator MUNDT. Did you cash any checks?

Mr. MORGAN. No.

For anyone in the Department of Justice?

Senator MUNDT. Yes.

Mr. MORGAN. Certainly not. On that score I can be almost positive. I have no recollection of it.

Senator MUNDT. What kind of financial transactions are you trying to rule out?

Mr. MORGAN. I was merely saying, for heaven's sake, if somebody over there along the line wanted to borrow ten bucks from me or something like that—no one did, Senator, but I lend people money right and left.

Senator MUNDT. You can say categorically you have had no transactions, of any kind?

Mr. MORGAN. I am confident of that.

Mr. COHN. And would you make the same answer with the Bureau of Internal Revenue?

Mr. MORGAN. Yes.

Mr. COHN. And how about Mr. Russell Duke?

Mr. MORGAN. I have had no transactions with Mr. Russell Duke apart from one matter, which I brought to the attention of Mr. Flanagan and Mr. Collier when I brought the papers up here.

Mr. COHN. Will you bring that to the attention of the committee.

Mr. MORGAN. I certainly will.

On June 22, 1949, Mr. Duke came to my office, he appeared to be as near down and out as I have ever seen him. He also put out a very bold front.

Mr. COHN. What was the date again?

Mr. MORGAN. July 22, 1949, as I remember it.

He said that his boy was seriously ill, that his wife had to go to a hospital, that he had a hotel in Washington, that he was flat broke and that he had no way to get back to Portland, Oregon.

As a matter of fact, he broke down and cried in the office.

I said, "Russell, what can I do for you?"

He said, "I want to borrow some money."

I said, "How much do you feel that would be necessary for you to take care of your problem?"

He said "I would like to have five hundred dollars."

Well, I didn't have \$500 myself certainly to lend him.

I discussed it with my partners as to whether or not we felt that we should, in the circumstances, lend the money to him.

He said he would pay it back when he got back to Portland.

We decided to do it. We wrote a check payable to him, drawn on our firm account. He said he would like to have the cash. I had him endorse it, one of the secretaries went over to the bank and got the cash and gave it to him.

That was entered as a loan to Russell Duke on our original check stub on July 22, 1949. That is the only financial relationship of any kind that I have ever had with Russell Duke.

Mr. COHN. Did he ever repay that \$500?

Mr. MORGAN. He did not, and I asked him about it on a couple of occasions thereafter.

Mr. COHN. When did you last ask him about it?

Mr. MORGAN. I think the last time I asked him about it, if I can remember—well, I couldn't recall the specific date because he was flitting in and out of Washington so much I don't remember exactly.

Mr. COHN. Can you approximate the date for us?

Mr. MORGAN. I couldn't give you any definite date.

It might have been late 1950, something like that. I know he got a very serious injury in a mine explosion and he called me from the hospital bed to tell me he was in bad shape and had to have plastic surgery and that kind of thing.

I didn't have the heart to ask him them, so I remember that was 1951.

So it must have been sometime in late 1950.

Senator MUNDT. When was the last you saw Mr. Duke?

Mr. MORGAN. I would say, Senator—and this is hard to remember—but I would say the last time I probably saw him was in maybe May of 1951.

Senator MUNDT. When did you last talk to him on the telephone?

Mr. MORGAN. I think the last time I talked with him on the telephone, as I remember, was when he called me from the hospital after the explosion had wrecked him pretty much.

He indicated he was in rough shape, and wanted me to know how he was getting along. I was also nice to him, kind to him.

As a matter of fact, let us put it straight on the record. I was a young lawyer and I was grateful to Mr. Duke. I am still grateful

to him. I have nothing mean to say about that man. He was kind to me and I appreciated this. And every one of these cases was handled legitimately on the merits of any cases that ever were.

Senator MUNDT. That last telephone call in 1951 was a hospital bed call, was it?

Mr. MORGAN. Senator, I just can't remember, I am sure if I checked my record of telephone calls——

Senator MUNDT. Was it earlier, or later.

Mr. MORGAN. I can't remember. It might have been later.

I just don't remember when the mine explosion was.

Senator MUNDT. It was 1952.

Have you any correspondence with him since 1952?

Mr. MORGAN. That I can't remember.

Senator MUNDT. How carefully did you examine the background or record of Mr. Duke before you became associated with him in whatever capacity you were associated with him?

You were an old FBI agent so you did a pretty careful job?

Mr. MORGAN. That is right. That is one of the very embarrassing aspects of the whole thing, there is no question about that.

I hope none of you gentlemen are ever comparably victims, but unfortunately, my foresight is not as good as some people's hindsight.

My law office is open, my door is open, anybody can come in at any time. Here came a man to my office with one of the most highly respected men I know even today. I took him for face value, for what he was. I went out to Portland Oregon, to handle the hearing in his Lee matter. I met his wife and I met this man's children, and I was in his home.

He lived in a respectable part of Portland.

I made three speeches in Oregon, two at the Montriomah Hotel. The best people in the city were there. He seemed to know them all well by their first names. He belonged to nice clubs, he took me to the club for dinner.

I had every reason in the world to believe he was a legitimate individual.

Insofar as inquiring into the man's background, I wish now I could conduct a complete FBI investigation on everybody that walks in my office, but I imagine if I had to do that I wouldn't practice too much law.

Senator MUNDT. Why do you wish you had done it now?

What did you discover subsequently?

Mr. MORGAN. Senator, I am sure you are not so naive as not to realize what this sort of thing does to a professional man. I mean you can appreciate it by realizing, if you have a good and fine clientele, what this sort of thing does.

Senator MUNDT. Have you subsequently discovered things in Mr. Duke's record that you wish you had known about earlier?

Mr. MORGAN. I understand Mr. Duke has a criminal record, I understand that he sought to take his own life. I understand that he had a terrific fight in which he threw his wife down the stairs and she divorced him. I understand he was indicted for perjury and running up and down the West Coast trying to sell some fantastic story for \$30,000 or \$500,000, or what anybody would give him,

drunk as the lord. I know all that, and that is what I am talking about. Certainly I wished I had known that.

Senator MUNDT. When did you learn about that?

Mr. MORGAN. Insofar as the later matters that are discussed, I didn't learn about that until relatively recently. I knew that he was indicted by reason of a newspaper account that appeared in the local paper about a year ago, I guess it was. And I know that he sought to take his own life because the same account treated of that.

I think the matter of his domestic difficulties was also related in a clipping that I have, as I remember.

Senator MUNDT. Is it a recent clipping, or how long ago?

Mr. MORGAN. It was a year ago, in connection with the time of his indictment. There was a story in connection with it then.

Insofar as having the record is concerned, I think that that goes back to late 1950, as I remember, or late 1949 perhaps. I remember asking him about it. He was in the office and I said "Russell, have you ever been arrested?"

He was evasive for a moment and then he said "Yes, Yes, I was." He said "I would like to tell you the story." And he related the entire story.

He said that when he was a young man, just out of the navy, he was hitchhiking across the country. He was picked up, he said, as he told me, by a driver of a car, and the police stopped them. He said that he was a confused young man and that they arrested both of them for some kind of robbery. As I remember it, and he said he was a young, confused "punk," as he put it, didn't understand what the situation was, didn't know how to defend himself, and he went to the penitentiary in the state of Iowa. He told me of course, all the details about it, which I don't remember.

He said when Governor Gillette, now Senator Gillette—at the time he was governor—ultimately obtained the facts, pardoned him. That was the story.

He presented that phase of it to me.

Senator MUNDT. Did you ever ask Mr. Bobbitt, who was an old-time friend and colleague of yours how come he didn't give you the background of this man he brought to your office at that time?

Mr. MORGAN. Well, I don't recall instances in which I have had an opportunity to chat with Mr. Bobbitt about it since the time that I knew these things, certainly.

I am sure that Mr. Bobbitt didn't know it.

Senator MUNDT. I thought you FBI agents have a habit of looking pretty carefully into records of people.

Mr. MORGAN. Perhaps we are given too much credit, Senator.

Mr. COHN. Tell me about this \$500 loan which has never been repaid. Have you ever treated that in any way on your income tax return?

Mr. MORGAN. No, I haven't. I think he will pay me if he gets it.

Mr. COHN. You have not charged him for it?

Mr. MORGAN. No. And I wouldn't push anybody. He has had his troubles. I am not going to condemn him. You people pass judgment on him, me or anybody else.

Mr. COHN. My only question was how you treated it on the income tax return.

Mr. MORGAN. Yes, I know.

Mr. COHN. Now, you mentioned the names of two people in the Department of Justice, Mr. Lockley, is that correct?

Mr. MORGAN. That is correct.

Mr. COHN. John Lockley? Is he the man with whom you had conferences with two of these cases?

Mr. MORGAN. Yes.

Mr. COHN. Had you known Mr. Lockley before you went to him in connection with these cases?

Mr. MORGAN. Mr. Lockley was a classmate of mine at Georgetown.

Mr. COHN. Had you known him following your graduation from Georgetown?

Mr. MORGAN. I could almost say this positively, but you can never be sure, I don't think I saw Mr. Lockley from the day I graduated from Georgetown in 1949, to the day I held a conference with him on the Blumenthal case. I have no recollection of seeing him in the meantime.

Mr. COHN. There was another name you mentioned; Colonel Swearingen.

Mr. MORGAN. Yes, Colonel Swearingen.

Mr. COHN. Had you known him prior to this conference on the tax case?

Mr. MORGAN. No.

Mr. COHN. You had never met him before?

Mr. MORGAN. No.

Mr. COHN. Have you seen him since?

Mr. MORGAN. Yes, I have seen him since.

Mr. COHN. You have seen him since?

Mr. MORGAN. Yes. I spoke at his church.

He invited me to come out and speak to his class. He is a Sunday school teacher and I went out and talked to his class.

Mr. COHN. Was that as a result of the meeting?

Mr. MORGAN. I got acquainted with the gentleman and over a period of time I met him from time to time.

Mr. COHN. How soon after your conference in connection with this tax case did this acquaintance come forward?

Mr. MORGAN. The conference was in April of 1949, I guess, the first one, and I guess I spoke at his church a year after, two years later. I don't remember exactly.

Mr. COHN. Did you see him between the April 1949 conference and the time you went to his church to talk?

Mr. MORGAN. I must have seen him, sure.

Mr. COHN. On how many occasions?

Mr. MORGAN. I don't know. Colonel Swearingen is very much interested, or was very much interested—he was with the Nuremberg trial, as I remember, and he was very much interested in a problem that I still regard as a great problem.

I have a lot to say on that myself—unfortunately usually on the unpopular side, the subject of communism.

On the basis of that we chatted quite a bit because he was interested in the subject, and we both knew a little about it, I think.

Mr. COHN. What do you mean he was on the unpopular side?

Mr. MORGAN. I said I was on the unpopular side.

Mr. COHN. You were on the unpopular side?

Mr. MORGAN. Yes.

Mr. COHN. When after this conference in connection with the tax case, did you next see Colonel Swearingen?

Mr. MORGAN. I couldn't answer your question.

Mr. COHN. Could you estimate for us, a week, two weeks, two months?

Mr. MORGAN. I would call him on the status of the matter periodically.

Mr. COHN. When did you first see him in connection with things other than this particular tax matter?

Mr. MORGAN. I would say that in so far as the personal contact with him is concerned, I recall none other than the time I met him at his church out at Connecticut Avenue and spoke to his Sunday School class.

Mr. COHN. That covers the time from when you first met him, up to the present day?

Mr. MORGAN. That is right, as far as I can remember.

Counsel, I have had a pretty rough existence. I have been counsel to a pretty rough session on the Hill. I set up an organization of three thousand men in OPS. I have spoken all over the United States, I have met thousands of people. I can't remember specifically when I saw this individual or some other individual. To the best of my knowledge, that is the only time I have seen him.

Mr. COHN. The only time to, to the best of your knowledge, the only time you have seen him was at the church you went out to speak, that covers from the time you first met him?

Mr. MORGAN. That is a qualified answer. I might have bumped into him in the house or in front of the Justice Department.

Mr. COHN. Have you ever been to his home?

Mr. MORGAN. No.

Mr. COHN. He hasn't been to yours?

Mr. MORGAN. No.

Mr. COHN. Have you ever spoken any place else under arrangements made with him?

Mr. MORGAN. No; not to the best of my knowledge. I might have, though, I just don't remember.

Mr. COHN. You have no recollection?

Mr. MORGAN. No.

Mr. COHN. We have talked about this subpoena which as served upon you calling for the production of all records relating to any transactions between Mr. Duke and yourself, and you have told us that you have searched the files of your office and made compliance with the subpoena.

Let me ask you: what is the usual routine in your law office when letters come in relating to pending matters?

Mr. MORGAN. I know what it is now. What it was in 1949 I certainly can't be sure of, or 1950, or any other time during the period we are talking about. I can tell you what our routine is at the present time.

Mr. COHN. Let us talk about 1949 and 1950.

Mr. MORGAN. I have no recollection.

Mr. COHN. Would you want to tell us whether or not you think correspondence and papers in connection with cases were retained?

Mr. MORGAN. I would certainly say that any correspondence relating to any official matter in the office was retained, certainly.

Mr. COHN. Would you customarily retain correspondence that you received at your office?

Mr. MORGAN. Normally, certainly; unless it was strictly a personal letter that had no business in the files of the office.

Mr. COHN. What would you do with those letters?

Mr. MORGAN. I might tear them up, take them home with me. I might do any number of things with them. I got a letter just this morning from a personal friend that has nothing to do with the office.

Mr. COHN. In complying with the subpoena, did you go through your personal correspondence?

Mr. MORGAN. I think I asked them to check my personal file, yes.

Mr. COHN. So, in other words, every source—

Mr. MORGAN. We did the best we could. One girl worked all night long on this thing to comply with the "forthwith" feature of it.

Mr. COHN. Are there any letters that you received from Mr. Duke that you did not produce in response to the subpoena?

Mr. MORGAN. None that I know of, certainly.

Mr. COHN. Mr. Chairman, may I have shown to the witness a letter dated September 5, 1949, addressed to Mr. Morgan, signed by Russell W. Duke.

I will identify it for the record as a letter dated September 25, 1949, addressed to Welch, Mott and Morgan, 710 Erickson Building, 14th Street, Northwest, Washington, D.C., beginning: "Dear Ed"—and with a typewritten signature "Russell W. Duke."

It is a three-page letter.

Mr. MORGAN. Do you want me to read this?

Mr. COHN. I would like you to just glance at it first and tell us whether or not you recognize that as a letter you received from Mr. Duke.

Then having told us that, I would like you to read the letter from beginning to end.

Mr. MORGAN. Do you have a question?

Mr. COHN. Have you read that letter?

Mr. MORGAN. Yes.

Mr. COHN. Do you recognize that as a letter you received?

Mr. MORGAN. To the best of my knowledge, I never saw that before.

Mr. COHN. Can you tell us whether or not you received the original of that letter?

Mr. MORGAN. I certainly can say that, to the best of my knowledge and belief, I never saw that before.

Mr. COHN. You never saw that before?

Mr. MORGAN. Correct. To the best of my knowledge and belief, I never saw that before.

I recall some of matter mentions in there, I mean this Bremen matter that he mentions, I remember that situation, but this letter right here and the facts relating in it do not click with me at all, and it is my considered opinion that I never saw it before.

Mr. COHN. It is your considered opinion that you never did see that letter before, is that right?

Mr. MORGAN. That is right.

Mr. COHN. Let me ask you: if you had received such a letter, would that have been in the files of your office?

Mr. MORGAN. Certainly.

Senator DIRKSEN. The hearing will recess until two o'clock. [Whereupon at 11:50 a.m. a recess was taken until 2:00 p.m. the same day.]

AFTERNOON SESSION

[2:00 p.m.] Senator DIRKSEN. The hearing will resume, Mr. Cohn, you may proceed.

Mr. COHN. Thank you, Mr. Chairman.

Mr. Morgan, is it still your testimony that you never received this letter which was shown to you just before the recess, referring to the one dated September 5, 1949.

TESTIMONY OF EDWARD P. MORGAN (RESUMED)

Mr. MORGAN. My testimony is that to the best of my knowledge and belief I have never seen that letter before you showed it to me.

Mr. COHN. You read it.

Mr. MORGAN. Yes.

Mr. COHN. I believe you said that the matters in it are familiar to you?

Mr. MORGAN. One of the matters is, particularly.

Mr. COHN. Are there any matters mentioned in here with which you have no familiarity?

Mr. MORGAN. May I see the letter again?

Mr. COHN. Of course.

Mr. MORGAN. Now, I certainly am familiar with this matter that he refers to as the Bremen matter.

Mr. COHN. What is the next one?

Mr. MORGAN. When I say I am familiar with it, I am not familiar with it in contemplation of what he says.

Mr. COHN. How about the top of the second page?

Mr. MORGAN. That to me is Greek.

Mr. COHN. Would you read it?

Mr. MORGAN [reading]:

I have a lot of cases in California that I have to do a lot of bird-dogging on, and I hate like sin to go down there and bird-dog without clicking on a few. I wish that you would be able to secure some talent, as I could use some hay. I am letting things quiet down on the coast by lying dormant and putting more effort in lining up the coming campaign. I assure you that the request you made of me on the phone that Senator Morse will go along 100 per cent because the longer you get to know him, the more you will learn that he is a man of his word; but he has had so much to do, and, as I understand, he has been given assurance that you are No. 1 on the list. In all the time I have known Senator Morse, I have never known him to deviate or to say something that is not so. He either tells you in the beginning nothing doing, or he will go along. I am willing to gamble with you in any shape, form or manner that you will be in as soon as the other chap resigns. I sincerely hope that the cases that are back there clear up so that we can start on something else. Again I repeat, "I can use the hay."

Mr. COHN. Regarding that paragraph, which contains a reference to a request you made to Mr. Duke over the telephone, what is that about?

Mr. MORGAN. I don't know.

Mr. COHN. Did you ever ask Senator Morse through Mr. Duke or anyone else to intercede in your behalf?

Mr. MORGAN. Through Mr. Duke? I have never asked of Senator Morse anything. If you want to know through my own personal acquaintance with Senator Morse, that is another question. If you would like me to answer that, I would be glad to.

Mr. COHN. Have you ever been together with Mr. Duke and Senator Morse?

Mr. MORGAN. It is possible. I recall no particular situation, but it is certainly possible, because I was up on the Hill and it could have happened, certainly. But I don't recall any specific incident.

Mr. COHN. Was Senator Morse ever in your office?

Mr. MORGAN. If he had been, I think I would remember it. I just don't remember it.

Mr. COHN. I assume that in view of this answer, your answer would be that you don't recall any occasion when you, Senator Morse and Mr. Duke, the three of you, were together in your office?

Mr. MORGAN. I have no recollection. It could have occurred, certainly, because I have a great admiration for Senator Morse. I have visited in his home. He certainly could have been in my office. I just don't remember the situation to which you refer, if it occurred.

Mr. COHN. What do you think this business of "100 per cent behind you" refers to?

Mr. MORGAN. As I say, counsel, I have no recollection of ever having seen this. If I had seen such a letter as this, I would have come to one of two conclusions. Either the man who wrote it was drunk and on goofballs, or he was demented. One or the other. I have no recollection of having seen this. It is just so much Greek to me.

Mr. COHN. Did Senator Morse ever attempt to obtain any kind of a position for you?

Mr. MORGAN. Senator Morse has to my deep appreciation endorsed me for positions, yes.

Mr. COHN. Did you ever discuss his endorsement of you with any position with Mr. Duke, or did Mr. Duke ever discuss it with you?

Mr. MORGAN. It is conceivable, yes.

Mr. COHN. Do you have any recollection?

Mr. MORGAN. I have no specific recollection.

Mr. COHN. You can't tell us whether any such discussion took place or didn't?

Mr. MORGAN. No. If you have any specific occasion, maybe it will refresh my recollection. I recall none. I took this man at face value. I talked freely with him. I talked with him before the atmosphere of suspicion of your neighbor occurred. I talked to him openly. I wrote to him frequently. I looked at the correspondence that is four or five years old, and I hope everybody's correspondence of four or five years ago will stand up as well.

Mr. COHN. Do you know whether or not Mr. Duke knew Senator Morse at that time?

Mr. MORGAN. I think perhaps he did.

Mr. COHN. You say you think perhaps he did. Do you know whether or not he did? Can't we get a categorical answer?

Mr. MORGAN. I am sure he knew Senator Morse.

Mr. COHN. Then your answer is yes?

Mr. MORGAN. Yes. But you ask me to make categorical assertions about what somebody else knew. I say I take for granted he knew him. I am sure.

Mr. COHN. That was my original question.

Mr. MORGAN. I don't think there was any question about that.

Mr. COHN. That is all we want to know.

Do you recall any occasion when you, Senator Morse and Duke were together?

Mr. MORGAN. I remember no specific occasion, but we might have been. If you have in mind any situation you may ask me.

Mr. COHN. I will ask you any questions that occur to me, thank you. The word "talent" is used in this letter. Do you know what Mr. Duke was referring to by that word?

Mr. MORGAN. I certainly don't. I would say it is a screwball expression. I can say this certainly, that I recall one type of situation in which Mr. Duke was interested in my offering him some help and assistance. During this particular period I was in association with a very, very wealthy Texas oil man, and we were drilling some wells in north Louisiana, and Duke was always wanting to have some oil proposition that he might present to some of his friends out there. Now, if he had used such an expression to me, which I don't remember, that would certainly be the only thing to which I might attach such an expression.

Mr. COHN. You mean this oil deal?

Mr. MORGAN. No, he was wanting some oil situation that he might present to clients of his, and friends.

Mr. COHN. How do you tie the word "talent" up with an oil deal?

Mr. MORGAN. I say I can't explain it other than if such an expression ever were used in contemplation of his wanting something of me, that is the only time I ever remember that he asked me for anything, that is, in connection with the idea of some oil deal.

Mr. COHN. He asked you for your assistance or work as counsel in connection with various tax cases.

Mr. MORGAN. I have explained that completely. I am trying to talk to you now in terms of this expression here, which is meaningless to me.

Mr. COHN. Couldn't that refer to obtaining tax cases?

Mr. MORGAN. I suppose it could refer to anything. I never saw the letter to the best of my knowledge and belief.

Mr. COHN. What is there that makes you think it might refer to any oil deal?

Mr. MORGAN. Nothing at all.

Mr. COHN. That is just pure conjecture on your part?

Mr. MORGAN. Sure.

Mr. COHN. You brought up the oil deal. What was your connection? Do I understand you had an interest in oil wells?

Mr. MORGAN. Yes.

Mr. COHN. That was not a lawyer-client matter.

Mr. MORGAN. No, this was an investment matter.

Mr. COHN. Could you tell us who the partners were?

Mr. MORGAN. In the drilling venture?

Mr. COHN. Yes.

Mr. MORGAN. I would like to ask the chairman if that has any pertinence in this proceeding, that is, who my partners might have

been in a business venture in the southwestern part of the United States in contemplation of this proceeding. The only reason I am reluctant to do it is that I am disinclined to throw the name out of somebody who has nothing to do with this.

Senator DIRKSEN. Unless it were foundation for something that counsel might want to ask later that is pertinent to the objectives sought here, I doubt very much—

Mr. MORGAN. I would be glad to tell you, if you would like to know, who it is, and then you can put it on the record if you wish. I am not trying to withhold anything, certainly.

Senator DIRKSEN. It may not be relevant to the inquiry at this point.

Mr. COHN. May I ask this, Mr. Chairman. Would you tell us this: When did Mr. Duke first talk to you about participation in this oil deal or in any oil venture?

Mr. MORGAN. Every time he was in the office after I was in any way engaged in the business, he would bring it up. We have in our office a picture of a gusher coming in. It is well known. My friends here in the bureau know about it. Everybody knows I have been interested in oil. It is no secret.

Mr. COHN. Did he ever talk with any of your partners in any of these oil ventures or in this particular oil venture?

Mr. MORGAN. I would say no.

Mr. COHN. You are quite sure of that?

Mr. MORGAN. I know of none.

Mr. COHN. No communication, direct or indirect, with anyone associated in any of these oil ventures?

Mr. MORGAN. That is correct. I remember Mr. Duke had some information, so he thought, about possible oil production in the state of Oregon, and he indicated an area out there where he felt that some kind of work had been done to indicate the presence of oil. He communicated with me about it, either personally or by letter, and I wrote him a letter back concerning it. I think I have supplied you with a copy of the letter—I don't know—with respect to that matter. But insofar as communicating with any of my associates, I don't think any of them know him. I am sure they don't.

Mr. COHN. Did he know their names?

Mr. MORGAN. Possibly, very possibly.

Mr. COHN. You are familiar with those terms, about the psychological effect, on the last page of that letter, referring to the talent situation. Would you re-read that sentence, please?

Mr. MORGAN. On the last page?

Mr. COHN. The last page, I believe.

Mr. MORGAN. "As you know,"

I am reading from page three of this letter:

the talent is plentiful and it is a psychological effect when one comes in cold and tells a person what he knows about him. So I hope sincerely that you will be able to secure some talent for me.

Mr. COHN. Does that still sound like reference to participating in an oil deal?

Mr. MORGAN. Now, counsel, let us be fair about this proceeding. You asked me, as we went down this sentence here, this paragraph, what this meant. I told you that it was meaningless to me. In the context of your examination the idea was indicated as to

what Mr. Duke might have at any time requested of me, and I tried to tell you honestly the only thing I can ever remember is that he requested an oil deal.

Mr. COHN. Your testimony was that it was conjecture that the word "talent" might refer to this oil deal. My question to you now is, having read this last paragraph, do you think the word "talent" had reference to an oil deal?

Mr. MORGAN. I don't think it does here. I don't assume it does back here. It is just meaningless to me.

Mr. COHN. Your testimony is that the last paragraph is meaningless to you?

Mr. MORGAN. Exactly.

Mr. COHN. Do you ever recall having used the word "talent" in any conversations with Mr. Duke?

Mr. MORGAN. It is an expression that I would not use. I just would have no recollection of it. I might have used the word "talent" certainly in a conversation, but in no significance as we might think of it here.

Mr. COHN. It was never given any secondary meaning by you or by Mr. Duke?

Mr. MORGAN. Correct, by me. I don't know what meanings Mr. Duke might put on anything.

Mr. COHN. Did you ever have any conversation with Mr. Duke in the course of which there was any arrangement concerning use of code words or secondary meanings or phrases to imply certain things that you did not say directly?

Mr. MORGAN. I never had any relationship involving the use of code words with Mr. Duke.

Mr. COHN. How about the rest of the question?

Mr. MORGAN. Repeat it.

Mr. COHN. Could we have the last question read, please?

[Question read by the reporter.]

Mr. MORGAN. No, I would say there was no such arrangement.

Mr. COHN. Let me ask you this, Mr. Morgan. Did you ever have any interest in any way in any horses owned by Senator Morse?

Mr. MORGAN. No.

Mr. COHN. You did not?

Mr. MORGAN. No.

Mr. COHN. Did you know that Senator Morse owned any horses?

Mr. MORGAN. I knew that Senator Morse got kicked by a horse and broke his jaw, and I knew he was in an accident on the West Coast when he was riding in some rodeo or something. I never had any interest in any of Senator Morse's horses.

Mr. COHN. Now, Mr. Chairman, may I display to the witness a letter which I will identify for the record as a letter dated September 10, 1949, addressed to Mr. Ed Morgan, Welsh, Mott & Morgan, beginning, "Dear Ed," a two page letter with the typed signature, "R. W. Duke."

Senator DIRKSEN. The letter, as identified, which was submitted for the record as Exhibit No. 1 yesterday, will be displayed to the witness.

Mr. COHN. Would you read it and tell us whether or not you can identify that as a letter you received?

Mr. MORGAN. I have no recollection of the letter.

Mr. COHN. You have no recollection of it?

Mr. MORGAN. No.

Mr. COHN. You can't tell us whether you received it or not?

Mr. MORGAN. No, I cannot tell you whether I did or did not.

Mr. COHN. If you had received that, would that have been in your files?

Mr. MORGAN. Normally it would appear in the files, yes.

Mr. COHN. And a search of your file has not disclosed the letter?

Mr. MORGAN. Unless it was among the letters that I presented to you; unless it is among the letters I presented pursuant to the subpoena.

Mr. COHN. It was in neither the prior letters nor these that you presented?

Mr. MORGAN. No.

Mr. COHN. You have read that letter and are familiar with the contents?

Mr. MORGAN. Yes, I have no recollection of that letter. I just don't recall it, that is all.

Mr. COHN. May I read the letter for the record?

Senator DIRKSEN. The letter may be read.

Mr. COHN [reading]:

Dear Ed: Since my conversation with you over the phone regarding what Senator Morse, yourself, and myself discussed in your office, I can only repeat as I stated in my previous letter, Senator Morse, his integrity, honesty, and sincerity is something to be highly admired and respected. At no time have I ever known him to make an idle promise. I shall see that you will be given assurance in person immediately after the 12th of this month complying with the request you made of me.

Talent, Ed, is what I want. I am going to make my tour of the South (incidentally, Nevada and Idaho are good territory) and make one complete thrust to bring all the talent I possibly can to Washington.

I understand there are 23 applications in Oregon for television. Can you confirm that?

Well, Ed, oil lands in Oregon are going to surprise the nation. In delving through old records in the capitol recently, I ran across a survey and drilling tests that were made in a certain county by the Texas Oil Company, and their findings are so important that they will elicit from anyone who would go over them a thrilling surprise. At the time of the Teapot Dome scandal, Texas Oil Company, in conjunction with Sinclair Company, was contemplating stealing the leases for this particular area; sank seven wells, each of which were producing; wells; and each well was capped off as soon as Fall, Dohney and Daugherty were indicted, and it has been a dead duck ever since. People filed homesteads on this particular land and have since cut out the forests for lumber purposes and have abandoned these lands. They are available from the county for the price of delinquent taxes, which amount to about \$200 per 160 acre sections. If you can get a company to drill on this established oil land, would you be interested in my writing you in as a full partner in owning these various sections. As I stated above, your cost would be negligible. Let me know at the earliest possible date, and I will exercise the auctions.

How are the horses running? I refer to Sir Laurel Guy, the Oakland owned horse, and the Sacramento owned horse.

With best personal regards, I remain, Sincerely yours, R. W. Duke.

Referring to this paragraph, "How are the horses running? I refer to Sir Laurel Guy, the Oakland owned horse, and the Sacramento owned horse," what does that paragraph mean to you?

Mr. MORGAN. As you read it to me now, I certainly do know what that meant. It would mean the Guy Schafer case and the Wilcoxon case. Wilcoxon was from Sacramento.

Mr. COHN. Was the Schafer case in Oakland?

Mr. MORGAN. Yes, he was from Oakland.

Mr. COHN. So, in other words, your explanation of this paragraph is that the reference is to these two cases.

Mr. MORGAN. Right. That is certainly what I would interpret that to mean, yes.

Mr. COHN. Was it a usual practice not to refer to these cases by their regular names, but to employ a device such as this?

Mr. MORGAN. Certainly in any correspondence I ever had I would utilize the name of the individual.

Mr. COHN. You have no recollection of another name or a code name or any such?

Mr. MORGAN. No. You asked me earlier if there were any code relationships, and I said no.

Mr. COHN. You feel if you would have received this letter you would have known what it would refer to?

Mr. MORGAN. I recognize it immediately, sure. Sure.

Mr. COHN. This would indicate, too, would it not, that you had received in inquiry, or that you had received this letter from Mr. Duke concerning the Schaeffer case?

Mr. MORGAN. Yes, certainly. I think I stated this morning that he inquired of me several times about the status of the matter.

Mr. COHN. I don't think so. I think your testimony was you had no recollection as to whether he had or not.

Mr. MORGAN. I had no specific recollection. This well might be one instance where he certainly did.

Mr. COHN. Do you have any recollection of any inquiry whatsoever by Mr. Duke to yourself concerning the Schafer case after the original meeting between Mr. Duke, Mr. Bobbitt and yourself?

Mr. MORGAN. I have no specific recollection concerning the matter.

Mr. COHN. I don't mean that you recall a specific date. I mean, do you recall any communication, oral or written, to you by Mr. Duke making any inquiry about that case following the first meeting?

Mr. MORGAN. I don't recall it, no, but this letter which you have in your hand, when you read that paragraph to me, had I received it, that is the construction that I would have given it.

Mr. COHN. Now, going back to the very beginning of the letter, "Since my conversation with you over the phone regarding what Senator Morse, yourself and myself discussed in your office," does that refresh your recollection as to whether or not there was a meeting between Senator Morse, Mr. Duke and yourself in your office?

Mr. MORGAN. I don't recall it. I don't recall the meeting. It might well have occurred.

Mr. COHN. You can't say whether or not a meeting occurred?

Mr. MORGAN. I have no specific recollection. That does not refresh my memory.

Mr. COHN. I think you told us before if Senator Morse had been in your office, you would probably remember.

Mr. MORGAN. I think so, yes.

Mr. COHN. And you have no recollection?

Mr. MORGAN. No specific recollection. I would be willing to concede that Senator Morse had been in my office forty times, and I had talked with him and Mr. Duke in my office forty times if it

were regarded as pertinent to this committee. I just have no recollection on the matter.

Mr. COHN. Now, do you know what request that you had made concerning which Senator Morse was asked to intercede is being referred to in this letter from Mr. Duke to yourself?

Mr. MORGAN. No. It does not strike a chord in my mind. What is the date of the letter again?

Mr. COHN. Dated September 10, 1949. Is there any position you were seeking at that time?

Mr. MORGAN. September 10, 1949?

Mr. COHN. Yes, sir.

Mr. MORGAN. I recall none at the moment. I might well have been. The only thing I am trying to think of in my mind there was one position in which I was very much interested, and I can't think of it in terms of that particular date, and that is the Federal Communications Commission. I was interested in the commission.

Mr. COHN. In an appointment to the Federal Communications Commission?

Mr. MORGAN. Yes.

Mr. COHN. Did you ever discuss your proposed appointment with Mr. Duke?

Mr. MORGAN. I might very well have.

Mr. COHN. Do you have any recollection of ever having discussed it with him?

Mr. MORGAN. No, I have no specific recollection.

Mr. COHN. Did you ever discuss it with Senator Morse?

Mr. MORGAN. I think he wrote a letter of endorsement for me, as I remember.

Mr. COHN. Did Mr. Duke have anything to do with that?

Mr. MORGAN. I would say in all probability I had communicated directly with Senator Morse on the matter.

Mr. COHN. You have no recollection of having discussed it together with Senator Morse and Mr. Duke, is that correct?

Mr. MORGAN. It could have happened. I just have no recollection on the matter.

Mr. COHN. Now, this morning you were telling us a tax case involving Dr. Lee, is that correct?

Mr. MORGAN. Yes.

Mr. COHN. I believe your testimony was that Mr. Duke was sort of acting as Dr. Lee's agent, and that he brought Dr. Lee into your office in Washington, is that right?

Mr. MORGAN. That is correct.

Mr. COHN. Did you know that they were coming down?

Mr. MORGAN. Yes. He called and asked me if I would try to help Dr. Lee in connection with his problem. I wrote back and suggested that they send me additional information in order that I might determine what might be done in the situation. I don't think I was ever supplied that information. He and Dr. Lee came on to Washington. There is no question that I know of Dr. Lee's case, yes.

Mr. COHN. Then your testimony was that you took Mr. Duke and Dr. Lee over to the Bureau of Internal Revenue and first went to the technical section.

Mr. MORGAN. As I remember, we went to the technical staff.

Mr. COHN. And then to the comptroller's office?

Mr. MORGAN. No, the collector's office.

Mr. COHN. And your testimony was that was your last communication with the Washington office of the Bureau of Internal Revenue?

Mr. MORGAN. With the Washington office?

Mr. COHN. Yes, with reference to Dr. Lee's case.

Mr. MORGAN. Certainly not the last communication—official communication—concerning the case.

Mr. COHN. With the Washington office?

Mr. MORGAN. Oh, no. I would want to check my file to find out what correspondence I had officially relating to the case. There well might have been correspondence. I think particularly one instance in which I think the man I talked to over at the Bureau of Internal Revenue was Mr. Krag Reddish, in connection with the matter. As to correspondence with the bureau, no, I never made any statement that I had not corresponded with them on the case, certainly not, because I did correspond with the bureau. I proceeded to file a formal tax court petition in the case. I tried to get an early conference arrangement. The man had a jeopardy assessment that he wanted to get lifted if he possibly could.

Mr. COHN. That is the case in which you said you had this original conference in Washington, you were advised to file the petition, and the petition was filed out west, and the case was compromised out there is that correct?

Mr. MORGAN. No. The case was forwarded here to me for approval of the compromise.

Mr. COHN. But it was compromised out west, and the compromise was then forwarded to you, is that right?

Mr. MORGAN. I would want to check my file to be absolutely correct on it. I assume it would have been as a matter of procedure. I don't think those compromises have to be passed on back here in Washington. But I can't be sure of that and my file would show the facts.

Mr. COHN. Did you make any visit to the Bureau of Internal Revenue in connection with the Dr. Lee tax case other than your original visit with Mr. Duke and Dr. Lee?

Mr. MORGAN. I don't recall one, but it would have been proper to do so.

Mr. COHN. When did you see Mr. Reddish first?

Mr. MORGAN. The first time Dr. Lee was here. We talked to the bureau.

Mr. COHN. Didn't you say this morning you couldn't recall with whom you conferred?

Mr. MORGAN. You mean by name?

Mr. COHN. Yes.

Mr. MORGAN. I don't recall I said I could not recall with whom I conferred. If I did say it, I do recall.

Mr. COHN. I was quite sure that the record will show that I asked you specifically with whom you conferred in each division, first in technical and then the collector's office, and your answer was you could not recall. As a matter of fact, I think you were asked by one of the members of the committee who the collector was then, and you didn't recall.

Mr. MORGAN. On the collector, I certainly don't recall.

Mr. COHN. Let me finish the question, please.

And then you commented in any event, you didn't talk to the collector, it was probably one of the deputies you talked with, and you could not recall the name. I am quite sure the record will indicate that you specifically stated you did not recall the names of the persons with whom you conferred in the technical section or the collector's office.

Mr. MORGAN. If that is the testimony, it is certainly subject to correction.

Mr. COHN. Do you wish to correct that testimony?

Mr. MORGAN. I certainly do. In the case of Mr. Reddish, if that is pertinent or material, as to who it might have been, I might check my file and recall who the other individual was. As I indicated to you, as I remember in this situation, we walked over there cold on the situation to talk to them. There were two logical places to discuss the case. One was the technical staff for an early conference, and the other was the collector's office.

Mr. COHN. Do you recall with whom you conferred at the technical staff? Do you recall that this afternoon?

Mr. MORGAN. Yes.

Mr. COHN. With whom?

Mr. MORGAN. Mr. Reddish.

Mr. COHN. He was in the technical staff?

Mr. MORGAN. That is right.

Mr. COHN. Had you known him before the conference on that date?

Mr. MORGAN. I might have.

Mr. COHN. You don't recall whether you did or did not?

Mr. MORGAN. I might tell you why I might have known him, because we were both members of the Missouri Society.

Mr. COHN. You have no specific recollection?

Mr. MORGAN. No.

Mr. COHN. Have you ever seen him since that date?

Mr. MORGAN. Personally I believe not. I don't think I have ever seen him since that time.

Mr. COHN. With whom did you confer in the collector's office?

Mr. MORGAN. Now I don't know.

Mr. COHN. You are quite sure you don't recall?

Mr. MORGAN. That is what I think your question related to this morning. If it related to both of them, then I would have to certainly amend my testimony to say Krag Reddish, because that name I do know.

Mr. COHN. Your testimony now is that except for this one personal conference to which you were accompanied by Mr. Duke and the taxpayer, you never again went to the Bureau of Internal Revenue in Washington in connection with the Dr. Lee case?

Mr. MORGAN. I have no recollection of it, but had I done so, it would be perfectly normal and natural to do so. But I have no recollection of ever having done so.

Mr. COHN. The petition was filed out west. Was any further action by the Bureau of Internal Revenue in Washington necessary?

Mr. MORGAN. In connection with the case?

Mr. COHN. Yes.

Mr. MORGAN. As I say, I don't know whether a settlement of that kind would have to be passed on by the bureau back in Washington.

Mr. COHN. Do you know whether it was passed on by the bureau in Washington in that particular case?

Mr. MORGAN. Not without referring to my file.

Mr. COHN. This is the case where the government claimed the jeopardy assessment was for \$100,000, and the settlement was \$6,000?

Mr. MORGAN. It was over \$100,000.

Mr. COHN. Can you give us the figure?

Mr. MORGAN. I don't remember the exact amount. There were a lot of penalties, including fraud penalty of 50 percent.

Mr. COHN. Would you say \$140,000 might be accurate?

Mr. MORGAN. It could have been.

Mr. COHN. Now, following your meeting with the Bureau of Internal Revenue in Washington before the case was finally compromised, do you know whether or not Senator Morse contacted the Bureau of Internal Revenue with reference to this case?

Mr. MORGAN. He may have. I have no recollection of his having done so. He may very well have done so.

Mr. COHN. You have no recollection?

Mr. MORGAN. No.

Mr. COHN. Did you ever discuss with Mr. Duke or he with you the fact that Senator Morse was being asked to communicate with the Bureau of Internal Revenue?

Mr. MORGAN. I have no recollection on the point. Perhaps so. I do remember in the Lee case that after the case had been compromised, he was extremely anxious to get the assessment lifted. As you know, the settlement would be in the technical staff, and the lifting of the assessment would be, I believe, with the collector. After it was compromised, there was still the problem of getting the jeopardy assessment lifted. I think he was interested in that. I had no part in that, as I remember.

Mr. COHN. Mr. Chairman, may I at this point identify and place in the record a telegram that has been produced here pursuant to subpoena. It is a telegram dated September 8, 1950. It is addressed to Russell Duke, 4523 Northeast Alameda. It is signed Wayne Morse, USS. If I may, I would read the first sentence.

Senator DIRKSEN. Has this been submitted for the record before?

Mr. COHN. This has not.

Senator DIRKSEN. The telegram will be identified for the record, and in its entirety will be inserted in the record, and counsel is privileged to read from it.

[The telegram referred to was marked as committee's Exhibit No. 4, Edward P. Morgan, January 16, 1953, and is as follows:]

PRA232 Govt PD-SN Washington DC 8 425P 1950 September 8
Russell Duke, 4523 Northeast Alameda PTLD

Have been in touch with Internal Revenue with reference to Dr. Lee's tax case and just today the case was sent in from the local office. I hope to have a definite report for you on Monday concerning it. S 3357 passed the House August 28 and is now on the Senate table awaiting action on House amendments. S 3358 is on the Senate calendar.

Regards, Wayne Morse, USS

Senator DIRKSEN. Has the witness seen this telegram?

Mr. COHN. No, I don't think so.

Senator DIRKSEN. I think he should, first of all, for refreshment.

Mr. MORGAN. I have seen it.

Mr. COHN. I might ask you first of all, does that telegram refresh your recollection as to whether or not Senator Morse did communicate with the Bureau of Internal Revenue in connection with the Lee tax case?

Mr. MORGAN. That telegram would not refresh my recollection, certainly. Senator Morse may well have communicated with the Bureau of Internal Revenue concerning the lifting of the jeopardy assessment. If he did so, I certainly did not ask him to do so.

Mr. COHN. Mr. Chairman, the sentence I wish to read into the record—

Senator DIRKSEN. I think it is well to read the entire exhibit, including all the code items.

Mr. COHN [reading]:

PRA232 Govt Pd—SN Washington, D.C. 8 425P Russell Duke, 4523 Northeast Alameda PTLD. Have been in touch with Internal Revenue with reference to Dr. Lee's tax case and just today the case was sent in from the local office. I hope to have a definite report for you on Monday concerning it. S 3357 passed the House August 28 and is now on the Senate table awaiting action on House amendments. S 3358 is on the Senate Calendar. Regards. Wayne Morse USS.

And your testimony is, Mr. Morgan, that on hearing that, it does not in any way refresh your recollection as to whether or not Senator Morse was in touch with the BIR?

Mr. MORGAN. That telegram does not refresh my memory, no. He may well have been. I just have no recollection on it. I do recall the general situation, that Dr. Lee was anxious to have the assessment lifted after this compromise.

Mr. COHN. Mr. Chairman, may I identify for the record a document produced here pursuant to subpoena, dated August 29, 1950, on the stationery of R. W. Duke, Portland 13, Oregon, addressed to "Dear Ed," and may I display it to the witness?

Senator DIRKSEN. It will be identified for the record at this point.

[The letter referred to was marked as committee's Exhibit No. 5, Edward P. Morgan, January 16, 1953, and is as follows]:

AUGUST 29, 1950.

DEAR ED: As per our telephone conversation I am sending you this letter explaining the entire arrangement made between Dr. Lee, and myself.

I did give Dr. Lee, a letter agreeing that he was to pay you a certain sum and that I would then pay you the difference out of my own pocket, however after writing the agreement I pointed out to Dr. Lee, that it was unfair as I did not profit from the deal under the arrangements because my cost on his case amounted to better than the amount he was paying me. The final agreement was that Dr. Lee, would pay you the full four thousand dollars. I feel confident that Dr. Lee, does and will keep his word. The only reason that you are not paid is one, he has desperately tried to raise the money from various sources, and due to the jeopardy assessment against him it is difficult for people to conceive that he could pay them back. As you know Senator Morse's office has taken the matter up and I in turn called Mr. Earle, collector of Portland, and told him exactly what has taken place up until now and he in turn promised that he would see about the release and let me know Monday. I do know that Dr. Lee, will upon being released will immediately send you the money. Ed, I do have faith in the Dr. for various reasons which I will explain to you via phone. I still have a report that the doctor wants me to furnish him and until I render the report the case is not completed. So please bear with him and I will try to force the release thru the local collector.

As soon as the boy is better I will be in Washington, D.C. as there is a lot of which I have to do as soon as I get there. I am getting inquiries regarding representation for various type of representation for firms here in the Northwest.

With best personal regards, I remain,
Sincerely.

Mr. MORGAN. Yes, I recognize this letter.

Mr. COHN. You do recognize it?

Mr. MORGAN. This is one of the letters, I believe, that I produced pursuant to your subpoena. Is that correct?

Mr. COHN. We will check that.

Mr. MORGAN. I would like the record to indicate that certainly.

Mr. COHN. I said we will check that.

Mr. MORGAN. Fine.

Mr. COHN. You recognize that letter as a letter you received from Mr. Duke, is that right?

Mr. MORGAN. I remember the letter, yes.

Mr. COHN. May I read the letter into the record?

Senator DIRKSEN. Yes, in its entirety.

Mr. COHN. May the record indicate that this letter was produced by Mr. Morgan?

Mr. MORGAN. I don't wish to be over-technical, but I wish you would indicate it is a carbon copy of the letter.

Senator DIRKSEN. To make sure that the record is correct, this letter was procured under subpoena, and is identified as carbon copy, unsigned, but on stationery allegedly of R. W. Duke, Portland 13, Oregon, and the letterhead, instead of appearing at the top of the letter, appears on the left-hand side.

Mr. COHN. May I read the letter?

Senator DIRKSEN. The letter may be read.

Mr. COHN [reading]:

August 29th, 1950. Dear Ed: As per our telephone conversation I am sending you this letter explaining the entire arrangement made between Dr. Lee, and myself:

I did give Dr. Lee a letter agreeing that he was to pay you a certain sum and that I would then pay you the difference out of my own pocket, however after writing the agreement I pointed out to Dr. Lee that it was unfair as I did not profit from the deal under the arrangements because my cost on his case amounted to better than the amount he was paying me. The final agreement was that Dr. Lee would pay you the full four thousand dollars. I feel confident that Dr. Lee does and will keep his word. The only reason that you are not paid is one, he has desperately tried to raise the money from various sources, and due to the jeopardy assessment against him it is difficult for people to conceive that he could pay them back. As you know Senator Morse's office has taken the matter up and I in turn called Mr. Earle, collector of Portland, and told him exactly what has taken place up until now and he in turn promised that he would see about the release and let me know Monday. I do know that Dr. Lee will upon being released will immediately send you the money. Ed, I do have faith in the doctor for various reasons which I will explain to you via phone. I still have a report that the doctor wants me to furnish him and until I render the report the case is not completed. So please bear with him and I will try to force the release through the local collector.

As soon as the boy is better I will be in Washington, D.C., as there is a lot of work which I have to do as soon as I get there. I am getting inquiries regarding representation for various types of representation for firms here in the Northwest.

With best personal regards, I remain, Sincerely.

This copy is unsigned.

Now, does this letter refresh your recollection as to whether or not Senator Morse was in touch with the BIR?

Mr. MORGAN. It does not refresh my recollection. I had no knowledge—personal knowledge—that Senator Morse had been in touch

with the BIR. The letter here that Duke has, a copy of which I produced for this committee, indicates that that is the case.

Mr. COHN. And that you were so advised?

Mr. MORGAN. Beg pardon?

Mr. COHN. And that you were so advised.

Mr. MORGAN. It says, "As you know," meaning as I would know.

Mr. COHN. Meaning as you, Mr. Morgan, would know, that Senator Morse has been in touch, and so on.

Mr. MORGAN. I have no recollection of Senator Morse having done so. He may have done so. I assume it would be perfectly proper for him to do so, but I have no independent recollection on the matter.

Mr. COHN. Did you know that Mr. Duke was to be compensated in connection with the Lee tax case?

Mr. MORGAN. The sequence of events on that, if I may be permitted to explain it, were these. Dr. Lee and Mr. Duke came to my office. I had no real thought, necessarily, at that juncture of formally representing Mr. Lee. I was merely trying to help in connection with these two little visits over at the BIR and no suggestion was made of a possible fee at that point. When we got back to my office, and Dr. Lee realized that there was no possibility of getting a jeopardy assessment lifted, and it was explained to him what was involved insofar as legal steps were concerned, he asked me if I would undertake to represent him in connection with the case, and I told him that I would. The fee decided upon was \$4,000 in a contingent fee arrangement. The contingency, as earlier indicated, was lifting the assessment so he could pay the fee. After the case was finally disposed of, I communicated with Dr. Lee, as I remember, for my fee, and at that particular point to the matter Dr. Lee pointed out that I would have to look to Mr. Duke for my money. At that point I think I probably called Duke and I think I was probably incensed at the time. I think this letter that you have read is his reply to that.

Now, Dr. Lee wrote me a letter, which I have, after he appeared before the King committee in San Francisco. I appreciated it. The letter said, "Since you were my attorney in this case, I felt I should tell you my testimony before the King committee." In his letter he indicates his recollection that I knew at the time of the original visit about his arrangement with Russell Duke. The doctor is honestly mistaken concerning the matter. But, gentlemen, for your purposes, if a man came to my office, being legitimate, as I thought he was, and being the agent of Dr. Lee, as I thought he was, I would be willing to concede the point. But I think the correspondence will indicate my knowledge on the matter was after the original meeting. I just feel that it would be ridiculous for me to undertake to go to the West Coast and handle a case for \$4,000 on a contingent basis had I known that this fellow had received eight or nine thousand dollars in the matter. It just does not make any sense to me. I think that the whole sequence of events bear that out. But I would concede the point. So what? I thought he was a bona fide agent of the doctor. It was one of the first matters he ever came to the office with.

Mr. COHN. Now, I think you told us you had no financial transactions with Mr. Duke, except for the \$500 loan you made to him, is that right?

Mr. MORGAN. The \$500 loan was made out of our firm account, yes, with the approval of my partners.

Mr. COHN. That appears on the books of your firm?

Mr. MORGAN. I think I gave you the original entry at the time I produced the papers pursuant to your subpoena.

Mr. COHN. And with that exception you have had no financial transactions with Mr. Duke, is that right?

Mr. MORGAN. To the best of my knowledge and belief, I have not.

Mr. COHN. Did you ever split any fee with Mr. Duke?

Mr. MORGAN. That I can state categorically no.

Mr. COHN. Did you ever have any discussion with Mr. Duke concerning the possibility of splitting a fee with him?

Mr. MORGAN. No. On that score I desire to be very positive because I naturally assumed that you are building up to something of this kind in your interrogation. In the entire relationship that I might have had with Russell Duke certain things were definitely and clearly understood. Number one, that my relationship was always directly with the client or with the client's lawyer. Additionally, that as a lawyer the ethics of my profession precluded the splitting of fees, and I am now stating to you categorically that I never split any fee at any time with Russell W. Duke.

Mr. COHN. And that you never had any discussion about the possibility of splitting one?

Mr. MORGAN. Russell Duke at one time may or may not have indicated an interest in having something from some of these cases, but I am telling you that in any relationship that point was, certainly made very clear. I have never—I don't need to make a self-serving statement like that—in my profession split a fee. Certainly not.

Mr. COHN. You say he might have suggested it one time. Do you specifically recall it?

Mr. MORGAN. No, I don't. I do recall having made certain things clear to him, and I assume that the only reason I would have done that is by reason of his inferring or implying that, I don't know.

Mr. COHN. Did you have any connection with Mr. Duke concerning any claims case?

Mr. MORGAN. It is possible. There are in my mind one, two or three situations. This fellow was calling me all the time. Check your telephone logs, gentlemen. He would call me morning, noon and night. I was not so sophisticated in the practice or so busy that I did not listen to him. I did. He was one of those individuals who had a thousand things on the fire. If there are any particular ones you want to ask me about, I will try to remember.

Mr. COHN. You are saying you don't offhand recall any?

Mr. MORGAN. Offhand, I don't.

Mr. COHN. How about the claims cases involving Herman Lawson and Company and James A. Nelson?

Mr. MORGAN. The Herman Lawson situation, if I remember it correctly, that is something that Duke discussed with me about a bill, I think. This is subject to correction. I think the relief bill in the case had been introduced in the House and Senate before I met

the fellow. That is subject to correction. I just don't remember. I do know that he had said that he represented these people. I think they were California people, as I remember, who built a post office or something down there, and by reason of some difficulties in connection with the contract, they were entitled to some type of relief in the opinion of those that were making the claim. They apparently had engaged Mr. Duke to prosecute their claim on their behalf and to represent them in that connection, and I think a bill had been introduced for such relief. I recall his discussing that with me, yes.

Mr. COHN. By whom had it been introduced?

Mr. MORGAN. As I remember, I think Senator Morse introduced the bill. I think that antedated or predated my acquaintance with Duke. I can't be sure. I know I had nothing to do with any conversations prior to the introduction of the bill.

Mr. COHN. Now, how about the James A. Nelson claim case?

Mr. MORGAN. That does not strike a bell in my mind. It may be a part and parcel of the Lawson case, I don't know. It just doesn't strike any bell at all.

Mr. MORGAN. With reference to the Lawson case, was there ever any discussion between Mr. Duke and yourself concerning a fee to compensate for both of them?

Mr. MORGAN. No, I know exactly the story on that particular case, because I had really little or nothing to do with it until late in September of 1950, as I remember, and that is subject to correction. Duke called one time from the West Coast and said he was flat broke and could not come back here to confer on it. He said he had been talking, I think, to Senator Morse's administrative assistant about the matter, and he was hoping at that time to get the matter revived, because he felt that there was merit in the case. I think he wrote a letter, possibly in connection with it. I can't be specific about that. He asked me to run a check on it. I made one check in connection with the case, and I think I wrote him a letter, and that is as far as I remember any specifics on the matter.

Mr. COHN. Did you produce that letter here for us that you wrote?

Mr. MORGAN. I don't know. I don't have the copies of the correspondence that I made available to you.

Mr. COHN. Mr. Chairman, may I identify for the record a letter dated September 8, 1950, on the same stationery of R. W. Duke, Portland 13, Oregon, with the name and address printed in the margin, addressed to Mr. Edward P. Morgan, Welch, Mott & Morgan, Erickson Building, Washington, D.C., and signed with the signature that purports to be Russell W. Duke.

Having identified that, may I display it to the witness?

Senator DIRKSEN. It may be so done. May I say that this letter at this point will appear in its entirety in the record.

[The letter referred to was marked as committee's Exhibit No. 6, Edward P. Morgan, January 16, 1953, and is as follows:]

SEPTEMBER 8, 1950.

Mr. EDWARD P. MORGAN,
Welch, Mott & Morgan, Erickson Building,
710 Fourteenth Northwest, Washington, DC.

DEAR ED: Attached is a letter which I received from Herman Lawson and Company. It is self-explanatory. Unquestionably, other claimants have sent me letters addressed to the Continental hotel giving me like authorization.

As you know I have worked on this case for over 3 years and up to date I have received approximately \$4,000 from Herman Lawson & Company and \$500 or \$1000 from James A. Nelson. The total of the claim due me would be \$18,000. The majority of moneys which I have received, in fact all the moneys which I have received, has been used in travel and expense pushing this bill through.

If you care to file this case under the Tucker Act, attached you will find that portion of the Tucker Act under which this case can be won.

I am due to arrive in Washington some time next week at which time I sincerely hope you will be in Washington so that we can get together on this and other matters. Regarding the balance of the fee due on this particular claims case, I am sure that whatever you decide on the fee will be satisfactory to me. I have been given assurance that under this Tucker Act we can definitely win the case.

Did Doctor Lee send you the total of \$4,000? If not, please let me know immediately as I will see that you get every dime of it. As I had stated in my previous letter to you this case is not finished until Dr. Lee gets a report.

With best respects, I remain,
 Sincerely,

R.W. DUKE.

P.S., Have you heard from the Johnson Committee? If you haven't, I am sure you will.

Mr. MORGAN. May I make an inquiry as to whether this is one of the letters I produced pursuant to your subpoena?

Mr. COHN. Yes.

Senator DIRKSEN. Let the record show that this letter was produced under subpoena.

Mr. COHN. I might state for the record, Mr. Chairman, if I may, that this is a photostat of the original.

Mr. MORGAN. Yes, sir, I have read it.

Mr. COHN. Would you read that letter for the record?

Mr. MORGAN. Yes. It is dated September 8, 1950, addressed to Mr. Edward P. Morgan, Welch, Mott & Morgan, Erickson Building, 710 Fourteenth N.W., Washington, D.C. [reading]:

Dear Ed: Attached is a letter which I received from Herman Lawson and Company. It is self-explanatory.

Unquestionably other claimants have sent me letters addressed to the Continental hotel giving me like authorization.

As you know I have worked on this case for over 3 years and up to date I have received approximately \$4,000 from Herman Lawson & Company and \$500 or \$1000 from James A. Nelson. The total of the claim due me would be \$18,000. The majority of moneys which I have received, in fact all the moneys which I have received, has been used in travel and expense pushing this bill through.

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I am due to arrive in Washington some time next week at which time I sincerely hope you will be in Washington so that we can get together on this and other matters. Regarding the balance of the fee due on this particular claims case, I am sure that whatever you decide on the fee will be satisfactory to me. I have been given assurance that under this Tucker Act we can definitely win the case.

Did Doctor Lee send you the total of \$4,000? If not, please let me know immediately as I will see that you get every dime of it. As I had stated in my previous letter to you this case is not finished until Dr. Lee gets a report.

With best respects, I remain, Sincerely, R.W. Duke.

It has a P.S., "Have you heard from the Johnson Committee? If you haven't, I am sure you will."

Mr. COHN. With reference to the sentence, "Regarding the balance of the fee due on this particular claims case, I am sure that whatever you decide on the fee will be satisfactory to me," what was Mr. Duke's interest in the fee?

Mr. MORGAN. In this particular case?

Mr. COHN. Yes.

Mr. MORGAN. This is just about the substance of the case insofar as I know, and the correspondence which was attached to it, which I would assume was returned to him.

Mr. COHN. Pardon me?

Mr. MORGAN. I would assume any correspondence attached here was returned to him.

Mr. COHN. What interest did Mr. Duke have in a possible fee in this case? It says, "I am sure whatever you decide on the fee will be satisfactory to me."

Mr. MORGAN. He is presenting a situation here in which he had an arrangement with the Herman Lawson Company going back three years, and he is presenting it to me at this late date for consideration. In other words, he is saying to me at that point whatever fee you care to set for your services would be satisfactory.

Mr. COHN. To Duke?

Mr. MORGAN. Yes.

Mr. COHN. What concern was it of Duke's?

Mr. MORGAN. Insofar as his representation of these people might be concerned, if he was formally the agent of these people, and formally represented them and there were a fee forthcoming—the point is I never claimed any fee in this latter.

Mr. COHN. Doesn't this envision the possibility that there will be a fee which must be satisfactory to both you and Mr. Duke, and I would assume from that a fee in which both you and Mr. Duke would participate?

Mr. MORGAN. I am sure if I undertook to represent the Herman Lawson Company in any extended matter apart from a simple inquiry which I make every day for friends all over the country, with no thought of remuneration, if I do so, I would want a fee arrangement. I am in the law practice and I am not in it for my health. This is Duke's letter. This is not my letter concerning the matter. You are asking me what I might construe from what Mr. Duke might say. I am telling you that upon the formal undertaking of representation of Herman Lawson Company in a matter of this kind, I would want a fee arrangement with the Herman Lawson Company certainly.

Mr. COHN. Doesn't this one sentence, "I am sure whatever you decide on the fee will be satisfactory to me" refresh your recollection to the point that there was at least one instance in which Mr. Duke was interested in splitting a fee?

Mr. MORGAN. Mr. Duke may have been interested, counsel, in splitting the fee.

Mr. COHN. That is my question.

Mr. MORGAN. It doesn't mean that to me necessarily.

Mr. COHN. It does not mean that?

Mr. MORGAN. That is right. If I were to take some of the things that Mr. Duke might have in his letters and presume to have to pass judgment on everything he might say about what he intended

in contemplation of what I might consider in the matter, that would be rather ridiculous and I couldn't do it. What this letter means to me is simply this, that he has a case that he got back in 1948 before I ever knew the gentleman, and he is at this late date trying to see if something can be done about it, and he is asking my opinion about it, and he is saying in effect whatever fee in the situation would appeal to you would be satisfactory to me. But that has nothing to do with me, gentlemen.

Senator McCLELLAN. Mr. Chairman, may I ask one question that I am not quite clear about? Is that the case in which he had received approximately \$4,000 up to date, which he claimed had been consumed in expenditures?

Mr. MORGAN. Yes.

Senator McCLELLAN. And that he had anticipated an arrangement for a fee of about \$18,000?

Mr. MORGAN. Yes, that is right.

Senator McCLELLAN. Hearing it read, it carries with it the implication possibly that you were to charge him a fee out of his \$18,000. Was there any consideration in that regard, that you were to get your fee from him, since he was their agent, and already had a contract with them?

Mr. MORGAN. I would certainly agree with you.

Senator McCLELLAN. I am just asking. I do not know.

Mr. MORGAN. On that point. I mean from his letter you might make such a connotation and such a construction. The significant point is this, that I never represented the Herman Lawson Company in contemplation of formal legal representation. He had called me, as I remember, prior to this letter and said that he was broke, couldn't get back here, and that he had phoned, I think, Senator Morse's administrative assistant, as I remember, because my memory was refreshed in connection with that. I looked it over, I decided in my own mind it was a dead duck and to make a long story short, I never represented the Herman Lawson Company. So insofar as any fee arrangement might be concerned insofar as I might be concerned, there was no fee arrangement.

Senator McCLELLAN. It seems here he had a contract with them as their representative.

Mr. MORGAN. Yes, sir.

Senator McCLELLAN. Whereby he expected to earn a total of \$18,000.

Mr. MORGAN. Yes.

Senator McCLELLAN. If the agreement was carried out between him and those clients that he was representing. Now, there might be some other explanation of this, but on the face of it, it indicates to me if you had had no contact with the clients direct prior to that time, that he may have been paying to you out of this \$18,000, whatever fee you fix would be agreeable to him. I do not know that that is true. I am asking you, since you were one of the parties to it.

Mr. MORGAN. I wish I could shed more light on it. But let us put it this way. Duke had a contract with the Herman Lawson Company before I ever knew him. In other words, I had not participated in the negotiation of any such contract. Let us assume that he is a legitimate agent of the Lawson Company, and I suppose we

must certainly concede that. If as an agent of the Lawson Company he should pay me a fee in connection with legal work that I might do, I would say that was certainly ethically proper.

Senator McCLELLAN. I would, too. The further point is he is saying here, I have a contingent fee of \$18,000. I assume that is what he means, if the claim is prosecuted successfully.

Mr. MORGAN. That is what he is saying.

Senator McCLELLAN. And anything you want to charge me out of that for your services would be agreeable to me. I do not know that those are the facts, but it appears that way on the surface to me.

Mr. MORGAN. I would say that is a fair construction from Mr. Duke's letter.

Senator McCLELLAN. Let me ask one further thing there in that connection to clarify it further. Did you ever represent this client—what is his name—Herman Lawson? After receipt of this letter, or had you prior to that been in direct touch with the Lawson Company?

Mr. MORGAN. To the best of my knowledge and belief I have not.

Senator McCLELLAN. Did you ever afterwards contact them or did they contact you with reference to this matter directly?

Mr. MORGAN. To the best of my knowledge and belief I did not.

Senator McCLELLAN. Then you never accepted employment either from Duke or from Lawson?

Mr. MORGAN. To the best of my knowledge and belief I did not.

Senator McCLELLAN. You did not accept employment?

Mr. MORGAN. Correct. I did not accept employment certainly to the best of my knowledge and belief. I made an inquiry concerning the case as a favor to Duke, that was all.

Senator McCLELLAN. Then you rejected the employment in the case after that inquiry?

Mr. MORGAN. I think I advised them that the case had no merit as I remember. At any rate, I did not pursue it.

Senator McCLELLAN. You did not pursue it.

Mr. MORGAN. That is right.

Senator McCLELLAN. You never earned anything out of it?

Mr. MORGAN. Not a penny.

Senator McCLELLAN. You never had any direct contact with the client?

Mr. MORGAN. That is correct.

Senator McCLELLAN. In any way whatsoever?

Mr. MORGAN. To the best of my knowledge and belief I am quite sure I did not earn anything in connection with it.

Senator McCLELLAN. Thank you very much, Mr. Chairman.

Mr. COHN. Now, I would like to direct your attention to the case involving Jack Glass.

Mr. MORGAN. Yes.

Mr. COHN. I believe you told us about that this morning. Exactly how did that case come to your attention?

Mr. MORGAN. That case to the best of my knowledge and belief was referred to me directly by Maurice Hendon.

Mr. COHN. He is the Los Angeles lawyer?

Mr. MORGAN. That was my impression. It has been my impression all along, and within the past two months, I was in Los Ange-

les, California, talking to Mr. Hendon, and this question came up and he said, "By the way, did you have any connection with this fellow Duke" or did I, in connection with this Glass case. "Just how did you happen to get in touch with me in connection with the case?" He related the circumstances and he told me about the King committee having been in touch with him concerning the matter, and that he had referred the case to me on the basis of some friend of mine who had suggested that he get in touch with me. My memory is as vague on it as can be, just as vague as can be. If Russell Duke himself directly referred the case to me, I would admit it. I have no reluctance about doing that. As I say, I thought this man was legitimate. I was grateful to him. I handled everything that he referred to me strictly on the merits. I think if you will look at the files you will find that I worked my cases, every one of them. So in answering your question here, as I have, saying it is vague, I don't do so to circumvent any admissions with respect to that. If Russell Duke had put Mr. Glass in touch with me, I would have represented him if I thought it was a legitimate situation.

Mr. COHN. What happened in the Glass case? Did you actually come into it?

Mr. MORGAN. Yes. Mr. Hendon came back and he and I conferred at the Department of Justice. I submitted a rather extensive brief, which the file will reflect, as far as the facts would permit in connection with the case.

Mr. COHN. With whom did you confer at the Department of Justice?

Mr. MORGAN. I think it was Col. Swearingen, as I stated this morning.

Mr. COHN. Then Mr. Glass is the gentleman who later passed on, due to a heart condition, is that correct?

Mr. MORGAN. Yes, he died not long after the case was finally disposed of. I might say that in this case the Department of Justice did not decline prosecution. The Department of Justice referred the case to the United States attorney and asked on the basis of the man's physical and mental condition whether the United States attorney wanted to prosecute. Mr. Hendon handled that end of it. I had nothing to do with that.

Mr. COHN. What was the fee you received in that case?

Mr. MORGAN. I would have to refresh my memory on it. I think it was \$4,000, a third of which I sent Mr. Hendon as a reference fee. Yes, that is correct. I sent Mr. Hendon a little more than a third. It was \$1500 I sent him as a reference fee.

Mr. COHN. In the course of your negotiations with the Department of Justice in connection with this case, did you receive any inside non-public information?

Mr. MORGAN. Not to the best of my knowledge and belief.

Mr. COHN. Did you ever receive any such information from the Department of Justice in connection with any tax case?

Mr. MORGAN. Not to the best of my knowledge and belief.

When you say inside information, I certainly don't know what you mean. If I confer with an attorney down there, and he advises me about some incident of the case, I don't know whether you would construe that as inside information or not. I don't know what you mean.

Mr. COHN. I am referring to a communication to you of anything that is a matter of confidential information within the Department of Justice.

Mr. MORGAN. I wouldn't know what was confidential information within the Department of Justice in contemplation of the rules of the tax division. You would have to define it for me. I don't know.

Mr. COHN. Let us put it this way. Did you ever receive any information which you at the time regarded as confidential information not generally known or what we might call inside information?

Mr. MORGAN. No. To the best of my knowledge and belief I didn't. I conferred with attorneys in the Justice Department on these cases and naturally you go over the case and the ramifications of it, and the possible disposition of the case, and if they didn't say something you certainly would not have much of a conference. So certainly that information would be known to me, anything they might advise me.

Senator McCLELLAN. May I ask a question, Mr. Chairman?

Senator DIRKSEN. Yes, indeed.

Senator McCLELLAN. My own interpretation of inside information would be, did you receive any information from the department that was not legitimate information for a representative of a client to have upon inquiry?

Mr. MORGAN. Not to my knowledge, sir.

Senator McCLELLAN. In other words, it might be inside information that the public generally is not entitled to have, but information that a lawyer duly representing a client might be entitled to receive upon inquiry. There are limits within which that information should be made available, of course. But the real test is, were you being given information beyond that to which any proper representative of a client was entitled to have from the department?

Mr. MORGAN. I would say that I was given no information that I as an attorney for the client being represented was entitled to receive in connection with the matter.

Senator JACKSON. Or any information that might be helpful to the client and adverse to the government.

Mr. MORGAN. Again on that I wouldn't know what you might mean.

Senator JACKSON. I mean, suppose you found out that a certain thing was going to come up in connection with the case that would be ethically certainly improper, it would be help to you in preparation, but would be part of the government's case, which the government could use against your client in obtaining a judgment in a civil action or a conviction in a criminal action.

Mr. MORGAN. What is your question?

Senator JACKSON. That is what I said. I made the statement of what I meant.

Mr. MORGAN. I appreciate the statement that you have made. Is there a question in connection with it?

Senator JACKSON. I said did you receive any such information?

Mr. MORGAN. To the best of my knowledge and belief I received no information of the character to which you refer. I mean short of specific instances. As a general proposition in answering your question, the answer is no. I would know of no such information.

Mr. COHN. Do you recall what happened at your first conference with Col. Swearingen at the Department of Justice in connection with this case?

Mr. MORGAN. That was a preliminary conference which I usually try to arrange in these cases. As a result of the conference you determine generally the theory of the government's case. At least you can ascertain that. If it is a net worth case, that is significant, certainly, to the attorney.

Mr. COHN. I was referring to this particular case.

Mr. MORGAN. Not without refreshing my recollection from the file in the matter. Offhand I don't know. I do think that we had a preliminary conference. I think I asked him if we would be given time to prepare a brief in connection with the case, and so on and so forth.

Mr. COHN. Did you obtain such time?

Mr. MORGAN. I don't think any inordinate extension. I just determined that the case would not be acted on before we had a chance to do it.

Mr. COHN. And your best recollection at this time is that you were contacted directly by Mr. Hendon and it was not until the last two months that you discovered that Mr. Duke had any connection with this case, is that right?

Mr. MORGAN. That is my recollection, with the qualification that it is with the vagueness of a four-year memory.

Mr. COHN. Mr. Chairman, may I identify for the record and then display to the witness a carbon copy of a letter on the stationery of Welch, Mott & Morgan? The letter is dated July 11, 1949. It is addressed to Maurice Hendon, Esq., Room 507, 111 West Seventh Street, Los Angeles, California. There is a typed signature, "Edward P. Morgan."

Senator DIRKSEN. It is identified for the record and may appear in the record. It is a copy, I take it?

Mr. COHN. A carbon copy.

Senator DIRKSEN. The record should so show. Was this obtained under subpoena?

Mr. COHN. This was obtained under subpoena not from this witness.

Senator DIRKSEN. Very well. Let the record show that also, and it can be displayed to the witness.

[The letter referred to was marked as committee's Exhibit No. 7, Edward P. Morgan, January 16, 1953, and is as follows]:

JULY 11, 1949.

MAURICE HENDON, Esq.,
Room 507, 111 West Seventh Street,
Los Angeles, California.

DEAR MR. HENDON: Immediately after receiving the call today from Mr. Duke, the Department of Justice was contacted, it being learned that the case involving Mr. Glass is still pending. In determining to whom the case was assigned with a view to forestalling any action prior to a conference, it was learned that the attorney handling the case has already prepared a memorandum opinion concerning the facts.

It was possible, however, to obtain from him a commitment that he would hold up action pending a conference to be held within the next two weeks. While this, of course, is not known, the general impression from the conference was that his recommendation is probably unfavorable, that is, that he will recommend prosecution. A good strong case presented at the conference, however, might turn the tide in favor of the client. At any rate, it is definitely worth trying, in my opinion.

Accordingly, would you let me know just as soon as possible when you can plan to be in Washington for a conference as indicated, we have this matter held up for a period of two weeks.

Sincerely yours,

EDWARD P. MORGAN.

Mr. MORGAN. I have read the letter.

Mr. COHN. May I read this letter into the record?

Senator DIRKSEN. Yes.

Mr. COHN. In identifying it, I have stated it is on the stationery of Welch, Mott and Morgan, Attorneys at Law, Erickson Building, 710 Fourteenth Street, N.W., Washington, D.C. [reading]:

Maurice Hendon, Esq., Room 507, 111 West Seventh Street, Los Angeles, California.

Dear Mr. Hendon. Immediately after receiving the call today from Mr. Duke, the Department of Justice was contacted, it being learned that the case involving Mr. Glass is still pending. In determining to whom the case was assigned with a view to forestalling any action prior to a conference, it was learned that the attorney handling the case has already prepared a memorandum opinion concerning the facts.

It was possible, however, to obtain from him a commitment that he would hold up action pending a conference to be held within the next two weeks. While this, of course, is not known, the general impression from the conference was that his recommendation is probably unfavorable, that is, that he will recommend prosecution. A good strong case presented at the conference, however, might turn the tide in favor of the client. At any rate, it is definitely worth trying, in my opinion.

Accordingly, would you let me know just as soon as possible when you can plan to be in Washington for a conference as indicated, we have this matter held up for a period of two weeks.

Sincerely yours, Edward P. Morgan.

Did you write such a letter, Mr. Morgan?

Mr. MORGAN. I may well have. I would stand on that letter certainly.

Mr. COHN. Do you recognize that this is your office stationery?

Mr. MORGAN. It does look like my office stationery.

Mr. COHN. When you send out letters such as this in connection with a matter you are handling as an attorney, do you customarily make a carbon copy and keep it in your files?

Mr. MORGAN. Yes.

Mr. COHN. Can you explain to us why you have failed to produce a carbon copy of this particular letter sent to Mr. Hendon?

Mr. MORGAN. I certainly can't explain why I haven't. The correspondence I was to produce here related to correspondence I might have had with Mr. Duke. This is a letter to Mr. Hendon.

Mr. COHN. Can you explain to us how Mr. Duke happened to receive a carbon copy of this letter to Mr. Hendon with reference to the Glass tax case?

Mr. MORGAN. The only explanation that I can possibly offer is that his name is mentioned in the letter there, and presumptively he was just directed a copy of it. Does the letter indicate that a "cc" was for Mr. Duke?

Mr. COHN. No, it doesn't, but Mr. Duke has produced this copy here.

Mr. MORGAN. Our file would normally indicate a "cc." I know in the Dr. Lee case I designated copies of just about every letter I sent to Dr. Lee for Mr. Duke. As a matter of fact, I produced those even though I felt it was improper to do so.

Mr. COHN. May I at this point, Mr. Chairman, read into the record the duces tecum portion of the subpoena served upon this witness?

Senator DIRKSEN. Very well.

Mr. COHN [reading]:

Produce all correspondence, memoranda, agreements, contracts or other records, of transactions or negotiations by and between Russell W. Duke and/or R. W. Duke Enterprises and the Law firm of Welch, Mott & Morgan or any member or employee of that firm concerning directly or indirectly any case, claim or other matter involving any agency or department of the United States Government and all account books, ledgers, financial statements, canceled checks, check stubs or other records of financial transaction of any kind by and between Russell W. Duke and/or R. W. Duke Enterprises and the law firm of Welch, Mott & Morgan or any employee or member of that firm, and any correspondence, memoranda, or other records by and between the law firm of Welch, Mott & Morgan or any member or employee of that firm and any official or employee of the United States Government involving any matter in which Russell W. Duke and/or R. W. Duke Enterprises had any direct or indirect interest, and such above requested records should pertain to the period from January 1, 1947 to date.

Now, Mr. Morgan, let me ask you this right now. Does this letter here refresh your recollection, and do you now care to state that you were incorrect in your belief that Mr. Hendon had contacted you directly with reference to the Glass tax matter, and that you had not known of Mr. Duke's connection or interest in it until two months ago?

Mr. MORGAN. No, that would not necessarily follow.

Mr. COHN. That would not necessarily follow?

Mr. MORGAN. No, although it might be indicated from the letter. If Duke stuck his bill in this particular case, as he appears to have done, and communicated with me, I assume maybe he was in touch with Hendon after he had been retained by Glass. I emphasize the fact that Mr. Glass is the man who retained Mr. Duke in the matter certainly.

Mr. COHN. I think my question to you very clearly was when you first learned of any connection—

Mr. MORGAN. That is right.

Mr. COHN. Let me finish my question—in the Glass tax matter, and your statement was that it was not until the last two months when you talked to Mr. Hendon in California.

Mr. MORGAN. I told you my memory on the thing was very vague and it still is vague. This letter would indicate that Mr. Duke, who entered into the matter, had communicated with me by telephone. I don't remember the letter independently, but if that is on my stationery, and it is a carbon copy of a letter I might have written, certainly that is mine.

Mr. COHN. And the original contact with the Department of Justice was made on the basis of a telephone call from Mr. Duke.

Mr. MORGAN. I gather as much from that letter.

Mr. COHN. By the way, what day did you state that this matter was referred to you by Mr. Hendon?

Mr. MORGAN. I told you this morning the date that I have insofar as my recollection of the matter is concerned.

Mr. COHN. July 12, 1949, is that right?

Mr. MORGAN. When Hendon called the office.

Mr. COHN. And this letter is dated July 11, 1949, and you state in the first sentence, "Immediately after receiving the call today

from Mr. Duke, the Department of Justice was contacted." So apparently it was a day prior to July 12 that you received the phone call from Mr. Duke, and on the basis of that you went over to the Department of Justice for the first time on this case.

Mr. MORGAN. That would seem to be correct.

Mr. COHN. Have you had any dealings with Col. Swearingen over in the Department of Justice on any other tax case besides the Glass case?

Mr. MORGAN. He was the assigned attorney in the Wilcoxon case.

Mr. COHN. Tell us about the Wilcoxon case. I don't think you told us about that this morning.

Mr. MORGAN. The sequence of events and the date on it as I remember—and the Lee case and this Wilcoxon case are the two cases that were referred directly to me by this man Duke—

Mr. COHN. Tell us about the Wilcoxon case.

Mr. MORGAN. My recollection on the case is that I received a call from Sacramento in April of 1949 and Mr. Duke was calling. He said that he had a life long friend in Sacramento that had a problem, a tax problem, and asked me if I would consider the matter. It had been referred to Washington for criminal prosecution. He was calling, as I remember, from the law office of Sumner Marion, who was the attorney for Mr. Wilcoxon. I think I talked to Mr. Wilcoxon at the time of the original conversation and asked him about the case and a few of the facts. He had little information to supply. I told him if I were going to handle the case, and present it to the department, I would have to have the full story on it, and the full facts, because in every case I handled I submitted a detailed memorandum with respect to the facts. I told him that I would handle the case. He and Mr. Duke came to Washington.

Mr. COHN. And you did in fact handle the case, is that right?

Mr. MORGAN. Yes, certainly I handled the case.

Mr. COHN. And Col. Swearingen was the man in the Department of Justice?

Mr. MORGAN. He was the lawyer to whom the case was assigned.

Mr. COHN. What was the disposition of that case?

Mr. MORGAN. I think the last I remember on the case insofar as disposition is concerned was in about February of 1952.

Mr. COHN. What happened?

Mr. MORGAN. I have forgotten the boy's name, but he was in Sumner Marion's office, and he called me and said, "Mr. Morgan, Mr. Wilcoxon has received a call from, as I remember, a Department of Justice attorney, and has been requested to come to San Francisco for the purpose of a further and additional physical examination." From then on I don't know what happened insofar as disposition is concerned, because the case had a statute of limitations that was running, he told me, and that was one of the reasons they wanted him to get down to San Francisco in a hurry.

Mr. COHN. As far as you know, there has been no indictment?

Mr. MORGAN. He is dead. His wife sent me a letter advising of his death in the last two months.

Mr. COHN. He was not indicted prior to his death?

Mr. MORGAN. Not to my knowledge. I don't know.

Mr. COHN. Did you receive any fee in connection with that case?

Mr. MORGAN. Certainly I received a fee.

Mr. COHN. How much?

Mr. MORGAN. I received a fee of \$2750.

Mr. COHN. Did Mr. Duke receive any compensation in connection with that case?

Mr. MORGAN. After Mr. Duke came to the office, some time later, the client asked Mr. Duke for a receipt for what he was paid in the matter, and Mr. Duke called me and said that Mr. Wilcoxon would like a receipt and I sent it to him. At that particular juncture for the first time I determined what Mr. Duke had received in this case.

Mr. COHN. What had he received?

Mr. MORGAN. He had received exactly the same amount that I had.

Mr. COHN. You each received \$2750.

Mr. MORGAN. That is correct.

Mr. COHN. How many conferences did you have with Col. Swearingen with reference to this case?

Mr. MORGAN. Without seeing the file to be specific it would be awfully hard for me to say. I talked to him preliminarily. I talked to him at the time Mr. Wilcoxon was in town because I took Mr. Wilcoxon over to see him. Then I prepared a brief with related information substantiating my case, as I saw it, and then thereafter periodically I would call him on the phone and ask for the progress and developments in the case.

Mr. COHN. Do you know what Col. Swearingen's recommendation was in connection with that case?

Mr. MORGAN. I don't believe I do. The reason I don't know of my own knowledge is that I was on leave from my office for considerable periods of time during which time another lawyer would follow the case closely. I don't know what his recommendation was in connection with the case.

Mr. COHN. In any event, there was no indictment?

Mr. MORGAN. I don't know. I say my last knowledge of the case was the call from this young attorney out there. Incidentally, this can be verified for you, and this was in early 1952, I said to this man, "By the way, under what circumstances did Mr. Wilcoxon come in contact with Russell Duke?" He had been represented to me as a long time friend. When they came to my office, it was Russell this and Noble that. That was Wilcoxon's first name. He said, "This man breezed into town. He said, 'You are in tax trouble; you better get back to Washington.'" Then I realized what had happened to me in the picture. But that is my knowledge and that is the story insofar as I know it.

Mr. COHN. As far as you know, he was not indicted?

Mr. MORGAN. I don't know.

Mr. COHN. He certainly was not indicted up until 1952, is that correct? I think you mentioned before that there was some discussion about the possibility of the statute of limitations running. He was ordered for another examination, is that right?

Mr. MORGAN. The local attorney who called me indicated that is why the Department of Justice lawyer wanted him down there for another physical examination.

Mr. COHN. But if there was still a statute of limitations problem, it is quite clear there was not an indictment.

Mr. MORGAN. That is correct.

Mr. COHN. Did you meet Col. Swearingen the first time in connection with this tax case, the Wilcoxon case, or in connection with the Glass case?

Mr. MORGAN. Whichever one was first. The Glass case was July 1949, and the Wilcoxon case was April 1949, so it was the Wilcoxon case.

Mr. COHN. Until you had gone to see him in connection with the Wilcoxon case, you had never met him?

Mr. MORGAN. To the best of my knowledge and belief, no.

Mr. COHN. When we talked about the Glass case, this morning, about when you went to see Col. Swearingen, you had never met him before.

Mr. MORGAN. The Wilcoxon case came to my office in April 1949. That was handled by Col. Swearingen. The Glass case came in July 1949. That was handled by him. Manifestly my first contact would have been on the earlier case, the Wilcoxon case.

Mr. COHN. Your testimony is that your first contact, as you recall, was on the Wilcoxon case?

Mr. MORGAN. Certainly, and I don't think it is contrary to anything else I have said.

Mr. COHN. And beside the Wilcoxon case, and the Glass case were there any other tax cases of yours with which Col. Swearingen had any connection, directly or indirectly?

Mr. MORGAN. No.

Mr. COHN. Only those two?

Mr. MORGAN. Yes.

Mr. COHN. I think you told us that according to the best of your recollection the only time you saw Col. Swearingen after the meetings in these two cases was when he invited you to address his church a year or two later.

Mr. MORGAN. That is right, except I may have met him in the halls of the Department of Justice.

Mr. COHN. Now, in response to this subpoena, you told us this morning you complied with the subpoena, and went through the files and produced all correspondence relating to matters referred to in the subpoena, specifically all correspondence relating to tax cases which you handled with which Mr. Duke had any connection, is that correct?

Mr. MORGAN. Yes.

Mr. COHN. And the staff has gone through the correspondence you produced and finds that you have produced no letters or correspondence whatsoever relating to the Glass case, to the Schafer case or to the Burns case, to start out. Will you explain that?

Mr. MORGAN. I can't explain it, unless the original letters do not indicate the "cc," because that would be the only way our files would indicate that he got a "cc" of it. Our file in our office would have a "cc" on the yellow as to who received a copy of the letter.

Mr. COHN. I don't interpret the subpoena as narrowly as you do. It says produce all correspondence, memoranda, agreements or contracts or other records of transactions of negotiations by and between Duke and the law firm, and so on and so forth. We have here some letters of which there were no copies.

Mr. MORGAN. If you will show me what you are talking about, I will try to explain it, if I can.

Mr. COHN. With reference to the Glass case, we have no letters, with reference to the Schafer case we have no letters, with reference to the Burns case, we have no letters.

Mr. MORGAN. What am I supposed to do?

Mr. COHN. Your testimony is that your files contain no such letters, is that right?

Mr. MORGAN. No, that is not my testimony, certainly not. My testimony is this, that I produced all records available in our office that related to correspondence between my office and Russell Duke. I additionally supplied you with even copies of letters that I had sent to clients where I thought he had a proper interest in the matter. Now, if there are other letters that Mr. Duke might have that were not produced pursuant to the subpoena, then I would like to know what they are.

Mr. COHN. One of them is a copy of this letter to Mr. Hendon.

Mr. MORGAN. There is no "cc" indicated on it.

Mr. COHN. No, but it is a letter which refers to Mr. Duke. Don't you think that would be covered by the subpoena?

Mr. MORGAN. No, I don't think so. No, sir, I do not. That is a matter of construction certainly.

Mr. COHN. Mr. Chairman, may I ask that the witness be directed to produce the next time he is here any correspondence in the files of his office mentioning Mr. Duke by name?

Senator DIRKSEN. Yes. Let us be specific on the information that is desired. Do you want to be a little more precise in the things that you would like to have?

Mr. COHN. Mr. Chairman, I would say in view of the scope of the inquiry, we would be interested, referring particularly to this letter, in any correspondence retained by Mr. Morgan in his files between his law firm and any client in which the name of Mr. Russell W. Duke or Russell W. Duke Enterprises is mentioned in any way.

Senator DIRKSEN. I think that narrows the inquiry somewhat. Would that be too difficult?

Mr. MORGAN. Senator, I have this one observation, and I would certainly comply with any instruction that you might give me on the matter. I am most reluctant to spread out our correspondence that I might have had directly with a client in a case, particularly where the case might have some degree of pendency about it. I think that is a privileged communication between a lawyer and his client. I don't know whether there are any such letters in which his name is mentioned in the letter. If you instruct me to do it, I will do it, If you instruct me to do it, I will bring you every one of these files in their entirety and be glad to do it. If you would like to have every one of them, I will bring them all to you.

Mr. COHN. I might suggest, Mr. Chairman, if I may respectfully do so, that the question of privilege is something that might be raised with respect to a particular document, but not something which can be raised addressed to the entire request.

Mr. MORGAN. On this scope, Senator, I would like to raise this point. I am a practicing lawyer, apparently whose ethics are on trial by reason of the fact that unfortunately he has had communication with this man, and I don't want to hide behind any privi-

lege which I might claim as a lawyer. I don't intend to do it simply because people other than lawyers would not understand that claim of privilege. That being true, as I say, I will produce anything that you tell me to do, including, up and including these files in their entirety as they appear in our law office.

Senator DIRKSEN. First let me ask counsel, if this is an appropriate question, whether or not your question relates to some specific files or specific cases?

Mr. COHN. Mr. Chairman, it certainly relates to every tax case mentioned here today, with which Mr. Duke had a connection, such as the Glass case, where we did not get this letter. It just so happens we got a copy from Mr. Duke. We got no copy from Mr. Morgan in view of his interpretation of the subpoena. It would certainly relate to any case here today. I would submit that in view of the scope of the inquiry and Mr. Duke's activities that it should relate to any communication with Mr. Morgan's firm in which Mr. Duke's name was mentioned. I don't think that would be too broad, particularly in view of the witness' testimony today.

Mr. MORGAN. I will produce anything the senator wants me to produce. May I make this observation, Senator? At the time we received the subpoena, we started to work trying to comply with it. As I advised, this was a forthwith subpoena, to produce in this dragnet fashion all of this information. We have no file on Russell W. Duke as such. We had to pull out all of this out of files in which he might have been mentioned anywhere. We assigned a girl to run down and try to find everything that we possibly could to comply. Finally we said, let us just give them all of the files in their entirety. We started to do it, and finally we came to the conclusion, we do have some letters here certainly where we are advising the client as lawyer-client what he should do in a particular situation in contemplation of certain facts. We decided that was not proper and that it was not the sort of thing we should let go out of our office. If you want the whole file, all right. It is there.

Senator JACKSON. Mr. Chairman, it would seem to me, what little I know about the law, not to be technical about it, that in this particular instance, this letter I think he has complied with that subpoena. I mean a subpoena duces tecum goes to the printed record. It does not require him to produce things out of his mind. It is things related to the printed record. I looked on the copy and it does not have a copy to Russell Duke. So therefore if you are asking for printed records or written records as the subpoena duces tecum implies, he certainly did not violate the subpoena in connection with this exhibit. I want to be fair all the way around.

Senator DIRKSEN. Knowing the general nature and the sometimes seemingly vague language in a subpoena duces tecum I certainly would not quarrel with the witness' compliance with the matter. I think the witness does have in mind, however, the point that counsel is trying to establish, and what he would be interested in would certainly be correspondence that has a bearing upon tax and claim cases where there is naturally a government interest and the identity of Russell Duke directly or indirectly with any of those.

Mr. MORGAN. What I shall do then, Senator, is to produce for you every piece of correspondence wherein this man's name is mentioned. Is that it?

Senator DIRKSEN. That would be satisfactory.

Mr. MORGAN. And I say if you want them, you may have the files.

Senator DIRKSEN. As a matter of fact, I think the thing can be narrowed somewhat. There may be some correspondence where the name is mentioned that would not be pertinent to this inquiry. Of course, we want to be sensible of the confidential relationship that relates between counsel and client, and there would be some in your judgment that would be in violation of that confidence. This committee would not insist upon it unless it had some real relevance to the objectives pursued here. I think the witness has in mind what counsel has in mind, namely, where there is a Russell Duke interest, directly or indirectly relating to a tax or claims case, or any other case where a federal agency is involved. If that is clear, then may I respectfully suggest—

Mr. MORGAN. I shall observe your instruction.

Senator JACKSON. That would include television or any telephone notations.

Senator DIRKSEN. That is right. I said any agencies, so that would be FPC, FCC or anything else, including the Department of Justice.

Now, is this of a forthwith nature? Do you want these at an early date?

Mr. COHN. I think he ought to be given a reasonable time because that is a big job.

Senator DIRKSEN. The point will not be pressed.

Mr. MORGAN. When would you like to have it?

Senator DIRKSEN. I will leave that to counsel.

Mr. COHN. I would say a week would be plenty of time.

Mr. MORGAN. As I say, you can have the files, Senator, I don't want this record to reflect that I am claiming any privilege of any kind, because I just don't want anybody to say that I am hiding behind it, even though I should as a lawyer do it. I just don't intend to do it. That is why I say if you want the files, they are yours. As I understand it, you want every bit of correspondence in our office where this man's name might be mentioned, and that is what I will have for you, and if you will tell me when you want it, I will try to get it for you.

Senator DIRKSEN. I would suggest, because of the intervention of the Inaugural week, that we set it over to the following week, which will be a week from next Tuesday.

The witness should not limit this, of course, to correspondence where merely the name of Duke or Russell Duke is mentioned or on stationery of Mr. Duke, because it may be the assertion of an interest of claim of Mr. Duke where his name is not actually recited. So it is his identity with claims and his relationship with your firm.

Mr. MORGAN. I will try to produce everything I can find.

Mr. COHN. Mr. Morgan, do you know whether or not it is a fact that Col. Swearingen was the only attorney connected with the Department of Justice working on the Wilcoxon case who failed to recommend an indictment at the time you interceded?

Mr. MORGAN. I have no knowledge of any other attorney. I don't know of the recommendation in the matter, to tell you frankly, be-

cause as I say I was on leave from my firm for a period of over a year. Then I was on leave again during the time I was up here on the Hill for about six months.

Mr. COHN. Do you know whether or not Senator Morse had communicated with the Department of Justice in connection with this Wilcoxon case?

Mr. MORGAN. I have no knowledge of that to the best of my knowledge and belief.

Mr. COHN. Let me ask you this, if I may, Mr. Morgan. Was any question ever raised about anybody with an official government position concerning an association between yourself and Russell Duke in connection with the handling of income tax cases?

Mr. MORGAN. Repeat the question, will you, please?

Mr. COHN. Read it, please.

[Question read by the reporter.]

Mr. MORGAN. I would say it was not by anyone in the Department of Justice.

Mr. COHN. I said anyone in government.

Mr. MORGAN. Or in government. I have a recollection, again very, very vague, of a friend of mine who told me of a report that had come to him that Russell Duke was of a questionable kind of character and was using my name in vain as he put it, as I remember, and I think the next time I saw Russell Duke, I went over that with him, and to the best of my knowledge, that was the time that I asked him if he had a criminal record.

Mr. COHN. When would that have been?

Mr. MORGAN. That must have been late in 1949, sometime in 1949. I could not peg the date for you.

Mr. COHN. Did this report emanate from anyone in government, the report that your friend brought you?

Mr. MORGAN. It might well have emanated from someone.

Mr. COHN. Do you recall whether it did or not?

Mr. MORGAN. I don't recall specifically.

Mr. COHN. Do you know Walter M. Campbell, Jr.?

Mr. MORGAN. Do I know him?

Mr. COHN. Yes.

Mr. MORGAN. To my knowledge and belief I have never met him.

Mr. COHN. Do you know who he is?

Mr. MORGAN. Yes, I know who he is.

Mr. COHN. Who is he?

Mr. MORGAN. He is over in the BIR but I never met him.

Mr. COHN. In what capacity?

Mr. MORGAN. That I frankly don't know and what his capacity was in 1949, I am sure I don't know.

Mr. COHN. Do you recall having written to Mr. Campbell telling Mr. Campbell—

Mr. MORGAN. Oh, wait a minute. Now this comes back to mind certainly, and there again it is something I had completely forgotten. I remember this. Walter Campbell is an attorney with the Bureau of Internal Revenue or Department of Justice, and that letter I will be glad to produce certainly, because that I had completely forgotten. This man Campbell is supposed to have made some statements adverse to me that got back to me, and this is the context now. I remember. I thereupon wrote a letter to Mr. Campbell

in which I stated that I felt it was highly improper for him to be attributing to me any improper activities as a result of my association with anyone. I would have to get the letter to be sure of it.

Mr. COHN. I have it right here.

Mr. MORGAN. Fine. Why don't we read it into the record.

Mr. COHN. May it be identified for the record, Mr. Chairman?

Senator DIRKSEN. It may.

Mr. COHN. I might state for the record, Mr. Chairman, this letter was furnished to us by the BIR. The letter is on the stationery of Mr. Morgan's law firm and dated September 26, 1949, addressed to Mr. Walter M. Campbell, Jr., and signed by Mr. Edward P. Morgan. May that be displayed to the witness?

Senator DIRKSEN. Yes, and let the record show that it is a photostat provided by the BIR.

[The letter referred to was marked as committee's Exhibit No. 8, Edward P. Morgan, January 16, 1953, and is as follows:]

SEPTEMBER 26, 1949.

PERSONAL

Mr. WALTER M. CAMPBELL, Jr.,
100 McAllister Street Building,
San Francisco 2, California.

DEAR MR. CAMPBELL: I have been advised by an unimpeachable source of a remark attributed to you to the effect that I am "teamed up" with Russell Duke and Howard Bobbitt of Portland, Oregon, incident to handling of income tax cases. Such a suggestion, particularly from a man in your position, amazes me, wholly apart from its complete falsity.

For your information, I have "teamed up" with no one incident to the handling of anything, and I have never in my life accepted or handled a case, save upon my being retained by the client directly or by his local counsel.

Having spent eight years in the Federal Bureau of Investigation, rising from a Special Agent to its Chief Inspector and having acted as counsel to several committees of the Congress, I deeply resent any imputation of shady professional conduct. If you or your organization have anything concerning me or my practice that disturbs you or you would like to have implied upon, I would very much like to be afforded the courtesy of an interview before the imputation of questionable practices by you or anyone else.

I have purposely made this a personal communication to you with no idea of making an official issue of the statement attributed to you. You can appreciate, however, I am sure, my feeling of concern and resentment.

Sincerely yours,

EDWARD P. MORGAN.

Mr. COHN. Would you tell us after glancing at it if this is the letter to which you have just made reference?

Mr. MORGAN. Yes, and I would like very much to read it into the record, if I may.

Senator DIRKSEN. The witness is privileged to read it into the record.

Mr. MORGAN. This letter is dated September 26, 1949. It is marked "Personal" [reading]:

Mr. Walter M. Campbell, Jr., 100 McAllister Street Building, San Francisco 2, California.

Dear Mr. Campbell: I have been advised by an unimpeachable source of a remark attributed to you to the effect that I am "teamed up" with Russell Duke and Howard Bobbitt of Portland, Oregon, incident to handling of income tax cases. Such a suggestion, particularly from a man in your position, amazes me, wholly apart from its complete falsity.

For your information, I have "teamed up" with no one incident to the handling of anything, and I have never in my life accepted or handled a case, save upon my being retained by the client directly or by his local counsel.

Having spent eight years in the Federal Bureau of Investigation, rising from a Special Agent to its Chief Inspector and having acted as counsel to several committees of the Congress, I deeply resent any imputation of shady professional conduct. If you or your organization have anything concerning me or my practice that disturbs you or you would like to have implied upon, I would very much like to be afforded the courtesy of an interview before the imputation of questionable practices by you or anyone else.

I have purposely made this a personal communication to you with no idea of making an official issue of the statement attributed to you. You can appreciate, however, I am sure, my feeling of concern and resentment.

Sincerely yours, Edward P. Morgan.

I might say, as a post script to this letter, that at no time did Mr. Campbell or any representative of the Bureau of Internal Revenue ever communicate with me concerning Russell Duke.

Mr. COHN. You mean he never answered that letter?

Mr. MORGAN. Correct.

Mr. COHN. I think you testified just a moment ago that following that letter you made inquiry of Mr. Duke and in the course of that inquiry you discovered that he had a criminal record, is that right?

Mr. MORGAN. I don't remember. To the best of my knowledge it was about that time. I had completely forgotten this thing.

Mr. COHN. After you found out Mr. Duke had a criminal record, and was a person of the type you described to us here this morning in some detail, did you discontinue relations with Mr. Duke?

Mr. MORGAN. Mr. Duke explained to me as best he could his record. As I told you this morning, I asked him, come to think of it, in detail what the significance of this particular statement attributed to Campbell might be, and he of course sought to explain it, and said it was enemies of his making false accusations against him and that sort of thing. At that particular juncture my first big question mark about Russell Duke was raised. I might say that after that time, which was September of 1949, I recall no particular case in which I handled by reference from Duke other than the simple inquiry that I made in September of 1950 in the Herman Lawson matter. I know of no others or can think of no others. In other words, from then on I didn't throw the man out of my office, I listened to his story, he explained his record to me, he explained what might have been responsible for Campbell making such a remark if he made it, and so on and so forth.

I immediately realized that I would have to deal with him with greater circumspection in the sense that I had completely above board. I had sent him copies of correspondence that you have. I thought him to be a completely legitimate individual.

Mr. COHN. From that point on with the exception of this Lawson case, you discontinued your relations with Mr. Duke, is that correct?

Mr. MORGAN. Insofar as any relationship of the type we have been talking about. The Inez Burns case came to me from Frank Ford, and as I remember, I indicated initially that I did not want to consider or handle the case. Mr. Ford explained to me on the phone certain incidents of the case that he felt merited attention and consideration. I told him if he cared to come to my office and discuss the case with me I would consider handling it. He did come

to my office. I did decide to take the case. He and I went to the Department of Justice in connection with the case. These various matters that we have been talking about in the tax field predate certainly this information here.

Now, I did not immediately cut the fellow off, as I have said.

Mr. COHN. My last two questions are these, Mr. Morgan: Who told you about Mr. Campbell's statement that you were teamed up with Duke and Bobbitt on income tax cases?

Mr. MORGAN. That is as vague in my mind as this letter. I would like to reflect upon it. Offhand, I can't remember. I have an impression as to who it is, but I don't want to state until I am sure of it.

Mr. COHN. You will try to let us know the next time you appear before the committee?

Mr. MORGAN. I certainly will.

Mr. COHN. The last question is, did you ever offer a position to any Internal Revenue agent?

Mr. MORGAN. Did I ever offer a position?

Mr. COHN. Yes, did you ever offer a position or did you ever offer to obtain a position for an Internal Revenue agent?

Mr. MORGAN. I know exactly what you are talking about. Mr. deWind brought this matter up. At the time he brought it up, I told him that I certainly would not deny a conversation which he referred to, and I want to give you my recollection on it.

He asked me the question as to whether I had ever at any time offered a position in my law firm to a representative of the Bureau of Internal Revenue. It meant nothing to me at the moment. He amplified on it a little and it came back. Since that time I have tried to think as best I can back on the situation, and I think I know to what you are referring.

When I went to Portland to confer on this Lee case, I appeared before the technical staff. Mr. Lee went with me. Mr. Duke went with me. Mr. Duke was known by the first name to everyone present at the conference. He sat in on the conference. I remember the conferee turning to Mr. Lee and saying, "As the client, do you have any objection to Mr. Duke being present." Mr. Lee said he did not. He asked me if I had any objection. I said, I did not. The conferee was there as a member of the technical staff. Also present was a representative of the intelligence unit, since it was a jeopardy assessment in a fraud case. Also present was the counsel for the Bureau of Internal Revenue and perhaps a couple of investigators. That is the picture as I remember it. One of these men present there, and I don't know whether he was with the Intelligence Unit—it is my impression he was—or whether it was the counsel, I have forgotten, I remember talking to, and I told Mr. deWind that at that particular time it is true, in our practice, which is in radio and television, we were seriously considering opening an office in California, because we had had several hearings out there, and I might well have talked with him. Since that time I have thought about it, and thought about it, and now I know and recall the details, I think.

On the day that I was to leave Portland, Oregon, Russell Duke called me, and he said, "I want to take you out to the airport." I said, "You don't need to do that." He said, "I want to." He appeared

at the hotel where I was staying, and with him was this particular representative of the Bureau of Internal Revenue, and we rode to the airport together, the three of us, and the best I can remember, certainly in the course of the discussion—I am almost positive of it, I don't know who brought it up—I did mention the fact in a general discussion that we were considering that. This fellow said that he was from California, I think his father down there was the head of the Bureau, if I remember. We just talked most generally about it. I asked him his impressions about it, and the advisability of it. He indicated, as I remember, that he had a sick child and himself was anxious to get back down there. As I look back on it, the whole thing which has been so vague in my mind is utterly meaningless. But I will say this to you, and this I state categorically, that if from your question there is to be an inference that I sought to influence this case by offering that man a position in my law firm, that is a lie.

Mr. COHN. Is there anything more you care to say, Mr. Morgan?

Mr. MORGAN. No, I have nothing more.

Mr. COHN. I have no further questions.

Senator DIRKSEN. The hearing is recessed subject to the call of the chair.

[Whereupon at 3:55 p.m., the hearing was recessed subject to call of the chair.]

STOCKPILING IN GENERAL SERVICES ADMINISTRATION

[EDITOR'S NOTE.—In its annual report for 1953, the subcommittee explained that it had begun but had not completed an investigation of stockpiling of strategic materials: "Several staff members were assigned to this investigation and examined voluminous files of the various agencies of the government involved in this program. A mass of exhibits, statements, and other pertinent data was obtained, and several preliminary staff reports covering the various materials were prepared. The investigation consumed the time of several staff members, exclusively assigned to this project, for the first 7 months of 1953." However, on July 28, 1953, the Senate Committee on Interior and Insular Affairs created a Subcommittee on Minerals, Materials, and Fuels, chaired by Senator George W. Malone, and authorized it to conduct a full investigation into stockpiling of strategic materials. After consulting with Senator Malone, Senator McCarthy agreed to transfer all files, documents, data, statements, and exhibits relating to stockpiling to the Interior Subcommittee, and also to lend assistant counsel Jerome S. Adelman, who had directed the initial investigation. The subcommittee called neither George Willi nor Maxwell Elliott to testify in public session.]

MONDAY, JANUARY 26, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 10:00 a.m., in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: George Willi, Department of Justice; Maxwell Dickey, Office of Enforcement, OPS; Oliver Eastland, Defense Materials Procurement Agency; Will Ellis, General Accounting Office; Smith Blair, General Accounting Office; Richard Sinclair, General Accounting Office; Robert Cartwright, General Accounting Office.

Present also: Francis D. Flanagan, general counsel; Roy Cohn, chief counsel; Donald Surine, assistant counsel; Jerome S. Adelman, assistant counsel. G. David Schine, chief consultant; Ruth Young Watt, chief clerk.

The CHAIRMAN. This has to do with the procurement practices in stockpiling. Today we are talking almost exclusively, I understand, about the feather buying project.

At first blush, it does not seem that feathers are a strategic product, but I understand you just cannot fight a war without them. You need them for the sleeping bags, the flying jackets; so it is a very strategic material.

I haven't talked to any one in the military to find out from them whether they thought this should be in executive session, but I felt that as long as they have this information classified, either rightly or wrongly, we should honor their classification, at least for the time being, on the ground that it might give the enemy considerable information if we, for example, discuss the speed-up in the procurement, or the original orders and the length of time for which the procurement should be had.

The testimony of this young man who was with the OPS, and is now in the Justice Department, will cover some of the practices.

Is Mr. Hewitt here?

Mr. FLANAGAN. No, but the general counsel of his organization is here.

The CHAIRMAN. And I think this should be conducted in a rather informal manner.

If anyone from the GSA [General Services Administration] has something to add to it, or the General Accounting Office, they may speak up.

Senator SYMINGTON. Mr. Chairman, may I suggest that each person here identify himself, so that Senator McClellan and I will know who they are?

The CHAIRMAN. Yes, will you gentlemen do that?

Mr. WILLI. George Willi, Department of Justice.

Mr. DICKEY. I am Maxwell Dickey, from the Office of Enforcement, OPS.

Mr. EASTLAND. Oliver Eastland of the Defense Materials Procurement Agency, Office of the General Counsel.

Mr. ELLIOTT. I am Maxwell Elliott, general counsel for General Services.

Mr. ELLIS. I am Will Ellis, chief of investigations of the General Accounting Office.

Mr. CARTWRIGHT. Robert Cartwright, associate chief of investigations, General Accounting Office, Office of Investigations.

Mr. BLAIR. Smith Blair. Blair is the last name. General Accounting Office.

Mr. SINCLAIR. Richard Sinclair, General Accounting Office.

The CHAIRMAN. I may say, for the benefit of the senators, that the General Accounting Office has been working on this for some time, I understand, and have a lot of information on this also.

This, incidentally, was brought to both our attention and, I understand, the attention of the GAO by Senator Williams, who originally started to check into the matter and became interested in it. And before holding any hearings on this, I talked to Senator Williams to make sure that his committee had no desire to go into this particular project, and he was apparently very well satisfied with his results of his observations.

Mr. Willi, would you stand and be sworn? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. WILLI. I do.

The CHAIRMAN. Go ahead, Mr. Cohn.

Mr. COHN. Mr. Willi, where are you employed now?

TESTIMONY OF GEORGE WILLI

Mr. WILLI. The tax division of the Department of Justice.

Mr. COHN. How long a period of time have you been there?

Mr. WILLI. Since September 29, 1952.

Mr. COHN. And prior to that time where were you employed?

Mr. WILLI. I was an attorney with the Office of Price Stabilization, dating from approximately March 5th, 1951 up until the time I accepted the position in the Justice Department.

Mr. COHN. Keep your voice up just a bit.

Now, Mr. Willi, while you were with OPS, did you have some concern with a particular product known as waterfowl feathers?

Mr. WILLI. I did.

Mr. COHN. And did that concern continue, and has it continued, for a period of some eighteen months?

Mr. WILLI. Approximately so, yes.

Mr. COHN. And in the course of your concern with this particular product, have certain facts come to your direct attention indicating a possible loss of a substantial amount of money to the taxpayers of this country?

Mr. WILLI. That is substantially true.

Mr. COHN. Now, would you tell us very briefly what these waterfowl feathers are, and whether or not they are a strategic material, and if so, what their use is for strategic purposes?

Mr. WILLI. Well, in that connection, I suppose the most basic thing is these feathers themselves. In these various little packets here are, on the one hand, feathers, which you will notice are of quite a coarse texture, and on the other hand this down, which is of a much more resilient, fine texture. It is the down principally out of which arises the strategic importance of the commodity, in that it has an insulating and filling property that has been impossible of duplication synthetically.

It was my understanding that during the last world war, there was rather an acute shortage of these things. They are used in the manufacture of military sleeping bags, hospital pillows, and certain air force high altitude flying equipment that requires such insulation.

Mr. COHN. All right. Now, let me ask you this, Mr. WILLI. Where do these waterfowl feathers come from? Is that a domestic product, or an imported product?

Mr. WILLI. Approximately 60 to 85 percent of the world's supply, and moreover, approximately 0 to 5 percent of our domestic requirements here, are serviced by importation from, principally, Iron Curtain sources, of which sources Red China itself is the main point of origin, accounting for the great preponderance of the imported material; the remainder coming from such European sources as Poland, Hungary, Czechoslovakia, and other so-called satellite countries in Europe. So that in the main, the supply situation is one in which no more than 15 percent of our requirements here can be serviced by domestic production.

Mr. COHN. Now, what are the domestic sources?

Mr. WILLI. The principal domestic source is Long Island, the production of which is approximately a million pounds a year, as I understand it. Long Island has a very great concentration of duck production for meat purposes, and these feathers are a by-product,

a rather high income producing by-product, but none the less, in Long Island, they are a commodity incident to the production of this duck meat there.

The other sources are in the Great Lakes area, southern Wisconsin, northern Illinois, and then there is just a general spread of a kind of a barnyard variety over the Midwest in general.

The CHAIRMAN. Would you say the ducks out in Arkansas are pretty much the barnyard variety?

Mr. WILLI. I would think so. I would not swear to that.

Senator McCLELLAN. How long have you been in this business?

Mr. WILLI. I am happy to say, Senator, I have never been in this business.

Senator McCLELLAN. You probably have a lot to learn.

Senator SYMINGTON. I respectfully will say, Mr. Chairman that I have tried to get a lot of ducks down in Arkansas without much success.

Senator McCLELLAN. We kill more than a million down in one county in Arkansas.

Mr. WILLI. I stand corrected.

Mr. COHN. I assume, Senator, you do not want us to interrogate further concerning the Wisconsin ducks?

Senator POTTER. Are all feathers usable for this purpose? I was thinking of game birds.

Mr. WILLI. No, sir; they are not.

As I indicated previously, the really valuable thing that is taken from these waterfowl, including both ducks and geese, is this down, this very fine substance that you find in there. However, both for the Quartermaster Corps and in connection with the General Services stockpile procurement, feathers up to, I believe, three and a half inches in length are also used and intermixed with this down. For example, the composition of your military sleeping bag is a mixture of 40 percent by weight down and 60 percent by weight of these small feathers. However, there are quills and other longer feathers that are unsuitable for military use.

The CHAIRMAN. What is the domestic production, roughly, in the entire United States, both ducks and geese?

Mr. WILLI. I would say approximately two million pounds. I could be mistaken on that.

The CHAIRMAN. How about if you included Canada and South America?

Mr. WILLI. To my knowledge there have been no importations from South America, at least in connection with the program during the time I was in contact with it. There were some importations from Canada, but I just do not know what they supply us.

The CHAIRMAN. I understand you are not an authority on feather production.

Mr. WILLI. No, sir. Let the record show that.

The CHAIRMAN. But you would not know, off-hand, whether there are feathers available from South America, would you?

Mr. WILLI. No, sir. I did understand from some of the members of the trade here that during World War II, there were importations from South America. However, what the real source was down there, I couldn't say.

As to your question, Senator Potter, the game birds, the teal and geese and that type of thing—to my knowledge those feathers aren't in the picture. I don't believe they ever got to it. The marketing source that makes available what domestic production we have is usually a commercial poultry type, where there is volume.

Mr. COHN. Could you tell us now just what happens to the raw product, the waterfowl feathers, when they arrive in this country? Just what is done with them?

Mr. WILLI. They arrive in this country in bales.

Mr. COHN. Around the New York area?

Mr. WILLI. Principally through the Port of New York. There is some limited entry of them on the West Coast, but not withstanding the fact that so great a percentage originate from the Orient, even so, the entry is primarily through New York rather than the nearer West Coast. They arrive in New York, I would think, generally similar in appearance to cotton, except that they are in a great bag. Their condition at that time generally is that in which they were taken from the animal. Included in there is everything even these unusable items, such as the oversized feather, dirt, general contamination, and, of course, I guess inevitably, some much less valuable chicken feathers are put in there; which, of course, are of greatly less value.

Senator POTTER. But add to the weight.

Mr. WILLI. Yes, that is one of the problems of the importers.

But, at any rate, they are in the rough state. They have not been processed at all, in the main, again, with the exception of being taken from the animal, and dried, of course, if they were soaked up, and bagged in that state.

Mr. COHN. Now, Mr. Willi, would you tell us when and under what circumstances, the situation concerning these waterfowl feathers first came to your official attention in the OPS?

Mr. WILLI. As I say, I was an attorney with OPS.

I was specifically assigned to the poultry branch of the food division in OPS.

In late April 1951, I was advised that this commodity had been assigned to us, inasmuch as it was connected with poultry, and very shortly thereafter, on two or three occasions, delegations of the trades people, the private sellers and dealers in this commodity—

The CHAIRMAN. May I interrupt?

I am afraid we won't be able to get your entire story today, and I would like to give the senators just a general picture, without going into a lot of the details, which we will have to go into later. So, if I may ask you some questions at this point: You found that the Munitions Board had put feathers on the so called critical list, or whatever you call it, and ordered the procurement of feathers?

Mr. WILLI. Yes, sir. I believe that was the authority for it.

The CHAIRMAN. And am I correct in this? If not, I wish anyone here would correct me on it.

Am I correct that they had a target date for the procurement of roughly twelve million pounds over a period of five years, within a five-year period?

Mr. WILLI. Senator, I never saw the specific directive, but it was described to me as substantially to that effect.

The CHAIRMAN. In other words, you cannot tell us definitely the target date that the Munitions Board had?

Mr. WILLI. No, sir. I do know, though, that there were specific directives that were generally described to me. But I did not see them.

The CHAIRMAN. The time came when you put a ceiling on feathers. Right?

Mr. WILLI. Yes, sir.

The CHAIRMAN. And, as I understand it, the Quartermaster Corps was buying feathers, and GSA was buying feathers?

Mr. WILLI. Yes, sir. More accurately, the Quartermaster Corps was buying these end products, such as the sleeping bag, hospital pillow, and jackets, and that type of thing.

The CHAIRMAN. Now, in view of the fact that the GSA was buying the bulk product and the Quartermaster Corps was buying the product after it was sewed into sleeping bags and such like, was it possible for your office to compute the approximate cost that the QM Corps was actually paying for the finished feather and the GSA was paying for the finished feather?

Mr. WILLI. At the time that we first made contact with the subject, it was not possible to do that, Senator, because—

The CHAIRMAN. At any point was it possible for you to compare the cost to the Quartermaster Corps of finished feathers with the cost to the GSA? In other words, could you tell whether they were paying approximately the same price?

Mr. WILLI. I believe I could best answer that in this way, Senator. During a period when the GSA paying prices were holding steady and constant, the Quartermaster Corps paying prices on the end items were in a general and sustained decline.

The CHAIRMAN. You have spent, roughly, how much time investigating this particular subject?

Mr. WILLI. I was concerned with it directly approximately eighteen months.

The CHAIRMAN. Were you convinced that the QM was paying more or less than GSA was paying for feathers?

If you would rather not answer that, okay.

Mr. WILLI. The best I can say is that, acting on the advice of trade sources and other people who we felt knew more than we did about it, they indicated that, broken down, the General Services Administration was paying relatively more for the feathers, as such, that they were purchasing than the Quartermaster Corps was paying for the feathers that were incorporated in the end items that they were buying.

The CHAIRMAN. Now, the GSA, as I understand it, under the law, has a right to either take bids, or, if they feel they can more efficiently procure, they can procure on a negotiated basis. Is that correct?

Mr. WILLI. I did not, myself, review the statutory authority.

Mr. FLANAGAN. Yes, Senator, we have had that statutory authority reviewed, and GSA can buy by negotiation in those cases where they deem it is more advisable.

The CHAIRMAN. Flip, for the benefit of the senators, I wonder if you would care to just review in the record the functions of the Munitions Board and of the defense procurement people?

Mr. FLANAGAN. Very briefly, our stockpiling program was set up by statute in 1946, which was implemented from time to time by revisions and so on. It boils down to this: the Munitions Board is responsible to determine, from time to time, what materials are needed for the stockpile, both the quality and the quantity, and also the general rate of procurement.

The Emergency Procurement Service of the GSA, in turn, is the purchasing agency. They are to go out and do the purchasing. Starting about eighteen months ago, there was set up a committee called the Defense Materials Operating Committee, which is a committee, DMOC, made up of the various agencies, Munitions Board, army, navy, GSA. That committee was to determine the rate of the buying. In other words, the Munitions Board would say, "We want twelve million pounds of feathers for our stockpile," and then the DMOC would say, after examining the market and the possible effect of purchasing on price and on our own economy, "Purchase these feathers in a given period, say, one year, three years, or five years." Then GSA actually should only be a purchasing agency following the directives of either the Munitions Board or the DMOC.

That, in a nutshell, is the program under which these feathers and these strategic materials are purchased for the stockpile.

The CHAIRMAN. I may say, for the benefit of the senators, in case some of you are not able to stay for all of the testimony, we have gone over this rather carefully with the GAO and with this witness and with other witnesses.

It appears that the cost of feathers was just upped tremendously during the buying program, and whether it was speeded up unnecessarily, whether it was speeded up by the DMOC or speeded up by the GSA, at this time we do not know. We do not know just who decided who had to have them all of a sudden.

It would appear at this point that the Munitions Board had set a much longer period of time, but that may be in error. I do not know.

Mr. FLANAGAN. Senator, before you go on to another question, there is one thing I would like to add; that from a review of the legislative intent of the entire strategic stockpile program, there is one thing that stands out, and that is this: that the Congress has said, on more than one occasion, that the buying, while it is exempted from bids, and so on, should be done in an orderly fashion, at reasonable prices.

Senator SYMINGTON. Could I ask a couple of questions, there, Mr. Chairman, for the record, at this point?

The CHAIRMAN. Yes.

Senator SYMINGTON. I would like to ask if we could get into the record when feathers were put on the stockpile list, and how much in weight and money, especially money, it was decided to get, who placed feathers on the stockpile list, specifically what agency, and who signed it for that agency, what percent of the total of the stockpile requirement has been filled, and what remains to be filled. I am just trying to follow your thinking.

The CHAIRMAN. It is very good to have you do that on the record.

Senator SYMINGTON. And why there were two agencies buying. Presumably it was because one was using it for current consumption and the other was stockpiling. But what was the agreement

between those two agencies with respect to holding it down, for the benefit of the taxpayers?

The CHAIRMAN. Could you make a note of that?

Mr. FLANAGAN. We will have it on the record, Senator.

The CHAIRMAN. At this time I would like to ask about one particular contract. There is an organization known as the Northern Feather Works. Am I correct that that firm has one branch in Europe, one in China, and a branch in New York?

Mr. WILLI. Yes, sir. The main office is in Denmark.

The CHAIRMAN. Denmark. And they have a branch in China?

Mr. WILLI. As I understand, Hong Kong and New York.

There may be others, but those are the ones of which I have knowledge.

The CHAIRMAN. Now, in your capacity as an attorney for the OPS, I understand you have examined the details of that particular contract. Is that right?

Mr. WILLI. Yes, sir. That was the only contract, to my knowledge, that was held by the main office. The New York subsidiary, in its own right, had some other small contracts, but this one was the only one held by the main office. Moreover, it seemed to me unique in the respect that it was the only contract that I ever found over there that was a cost plus fixed fee contract, rather than a contract providing an absolute price for the finished goods purchased.

The CHAIRMAN. How many pounds did that call for, originally?

Mr. WILLI. Originally, the contract, as entered into in the summer of 1951, provided for the purchase by Northern of 500,000 pounds of waterfowl feathers, which were to be processed through, and whatever the 500,000 yielded—that was in the raw state, however.

The CHAIRMAN. You, I understand, checked through the books on this particular project?

Mr. WILLI. Yes, sir, we checked through the records.

The CHAIRMAN. Try to keep your answers as brief as you can until we get the complete picture here, but make them adequate.

You did check through the books?

Mr. WILLI. Yes, the GSA records.

The CHAIRMAN. And did you discuss with Mr. Hewitt this particular contract?

Mr. WILLI. I do not recall that I did. I discussed it with Mr. Wilder, who was the assistant to Walsh, the commissioner of the Emergency Procurement Service.

The CHAIRMAN. You mentioned Mr. Hewitt's name. He was the man in charge of procurement of feathers?

Mr. WILLI. That is right.

The CHAIRMAN. Mr. Downs Hewitt; is that right?

Mr. WILLI. Yes, sir.

Senator POTTER. An appropriate name.

The CHAIRMAN. And Mr. Wilder's job: what connection did that have with Hewitt?

Mr. WILLI. As best I can understand, he was above Hewitt. He was the first assistant to Mr. Walsh, the commissioner of the service.

The CHAIRMAN. At any rate, did you try to find out from GSA officials what the feathers were costing under this cost plus contract?

Mr. WILLI. Yes, sir, I made my first inquiry to Mr. Wilder, who in turn referred me to a gentleman by the name of Fuller, with whom I had had no previous contact.

I consulted with Mr. Fuller. I consulted with everybody who was available to try and find out at the time, which was in June of 1952, what actually the end product had cost GSA under this contract.

The CHAIRMAN. Did anybody ever tell you what the end product was costing them?

Mr. WILLI. No, sir.

The CHAIRMAN. And did they subsequently increase the amount of feathers you obtained under that cost plus contract?

Mr. WILLI. Yes, sir, they increased it, but in terms of time it was done before I got notice of the existence of the contract, so that when I found the contract over there and commenced making these inquiries, the amendment had been executed.

The CHAIRMAN. So the contract, as far as you know, was for half a million pounds to begin with?

Mr. WILLI. Yes, sir.

The CHAIRMAN. And then when they did not perform it in the time limit set, GSA extended the time?

Mr. WILLI. No, sir, they increased the quantity to three-quarters of a million pounds, and increased the time for delivery.

The CHAIRMAN. So that both the quantity and time were increased?

Mr. WILLI. Yes, sir.

The CHAIRMAN. And this was at a time when they did not know what the product was costing?

Mr. WILLI. That is what they indicated to me, yes, sir.

The CHAIRMAN. The Denmark branch of Northern Feather Works, the Denmark branch of the corporation, had to purchase the raw product? Where did they get the raw products?

Mr. WILLI. Under the original contract—

The CHAIRMAN. Where were they getting the raw product, if you know?

Mr. WILLI. They were in two different places, sir.

Under the original contract, they were to buy approximately half European goods and half Chinese. To the extent that they purchased Chinese goods under the original contract it appeared that they purchased them through their Hong Kong branch, almost, you might say, from their Hong Kong branch. Their contract provided that their Hong Kong branch should get a buying commission and in turn transship them to Copenhagen for process.

The CHAIRMAN. The European corporation purchased them through their Hong Kong branch and then shipped them to New York?

Mr. WILLI. To Copenhagen, and then finally, after they were finished, they got to New York.

The CHAIRMAN. Did you compare the price that they were paying their China branch with the actual market price on feathers at the time they were doing the buying?

Mr. WILLI. In that connection, we found that in early April, I believe it was, in several instances, raw China duck feathers, f.o.b. Copenhagen, which they had bought from their Hong Kong branch, were being billed into GSA at approximately \$1.90 a pound when, concurrently, at the Port of New York, the market quoted for the same type feathers was approximately ninety-five cents to a dollar a pound. That was on raw material.

The CHAIRMAN. Did you ever talk to Hewitt about his knowledge of the raw material market, that is, on feathers?

Mr. WILLI. Yes, sir. Moreover, I had occasion to be present when other people in GSA queried him as to what the level was on these raw feathers, and in addition to that, I have had statements forthcoming to me, again from people in GSA, saying, "We asked Mr. Hewitt what the market was, but he said he didn't know. Do you know?" That happened quite a bit after I left GSA.

Senator SYMINGTON. Who was Mr. Wilder?

Mr. WILLI. He appeared to be the first assistant to Mr. Walsh, the commissioner of the service.

Senator SYMINGTON. What was the distinction between the Emergency Procurement Service and the GSA?

Mr. WILLI. That was a unit, I understood, that had been set up.

Senator SYMINGTON. And who was the boss of that?

Mr. WILLI. Mr. Walsh.

Senator SYMINGTON. And where did Hewitt relate to Mr. Walsh?

Mr. WILLI. Mr. Hewitt was one of several buyers, purchasing officers.

Senator SYMINGTON. Operating for Mr. Walsh in emergency procurement?

Mr. WILLI. Yes, sir.

Senator SYMINGTON. Thank you.

Mr. FLANAGAN. As a matter of fact, Mr. Downs Hewitt—his first name is Downs, is it not?—was in direct charge of the feather purchasing program?

Mr. WILLI. That is true.

The CHAIRMAN. Then am I correct in this—that this man, Downs Hewitt, who was directly in charge of negotiating the contract for the finished product, feathers—you heard him queried a number of times by GSA officials; he was queried by you as to the market on raw feathers, and he indicated he did not know anything about that market, even though he was negotiating the contract?

Mr. WILLI. Yes, sir, that was something that could not be determined, and that he had no knowledge of it.

The CHAIRMAN. Just one other particular case, and I will turn this questioning back to counsel.

As I recall, there was some case that Mr. Hewitt contacted you on, a case you related to the staff the other day, in which money was advanced and the feathers not delivered.

I wonder if you could tell the senators the details of that particular transaction, if you recall which one I am talking about?

Mr. WILLI. One of the devices that was peculiarly employed by the General Services Administration—I say peculiarly, because the person doing business with the Quartermaster Corps was not afforded a similar benefit—was a system of advance payments, in which the contractor, the person who had gone to GSA and taken

a contract to supply a certain quantity of feathers, was entitled, under a clause of that contract, upon acquisition of raw feathers with which to fill the contract, to present to GSA commercial documents evidencing his ownership, an ocean bill of lading, any of a number of other commercial documents, and upon presentation of such evidence, he was to receive, depending upon the clause in the respective contracts, from 75 to 90 percent, as the case may have been, of the finished goods' value that the contract provided for. In other words, if a contract provided for a particular type of feathers at \$3 a pound, upon his acquisition of the raw feathers overseas and presentation of these documents, he would get 375 percent of \$3 at that time, entirely independently of any deliveries of finished goods.

The particular case, I believe, Senator—

The CHAIRMAN. Let me interrupt you right there. Then we will say that the raw product was being purchased at \$1.50, a pound. He would be advanced on the basis not of the dollar and a half that he had invested but on the basis of the finished products, and he would be actually getting more money from GSA than the raw product cost him?

Mr. WILLI. That is the way it worked out. I don't believe it was intended so, but in many instances that was the effect of it. He was not only reimbursed to the extent that he had laid out money for his raw feathers, but he, in addition, in most instances, had an operating bulge there, over and above his out of pocket cost for the raw feathers.

The CHAIRMAN. Did you find that some of those feather merchants had no financial position whatsoever?

Mr. WILLI. We were so advised, yes, sir.

We further learned that contracts were in some instance given to people who had no plants, no processing plants.

As I recall, and in the best of my understanding, no obligation was required to be fulfilled with respect to financial responsibility.

The CHAIRMAN. There was no bond given, as far as you know?

Mr. WILLI. To my knowledge, no, sir.

Senator SYMINGTON. Could I ask a couple of questions there, Mr. Chairman?

You talk about the finished product and the raw product. Presumably this went to a processing plant?

Mr. WILLI. Yes, sir.

Senator SYMINGTON. Was the buyer a jobber, or an operator, or did he have any relationship with the processing plant?

Mr. WILLI. Well, in the main, they were the processors. It was just that in some instances contracts were, in fact, given to people who did not even have plant facilities, who would turn around, bring their feathers in, and release them to an independent contractor for processing.

Senator SYMINGTON. If he was a processor, he would probably have some financial stability, wouldn't he?

Mr. WILLI. Well, as to that, Senator, the only thing I can say is that in one instance, I think a feather concern by the name of Sanitary Feather and Down, that probably received more financial assistance from GSA than any other that we came across—a Dun and Bradstreet report on that firm was submitted to me voluntarily,

and that indicated that prior to their regaining this government business with the General Services Administration, they were not insolvent but in quite serious straits.

One of the people advised me that the New York feather people—I didn't investigate this independently—had been recently in bankruptcy.

Senator SYMINGTON. Let me ask you another question. Inasmuch as you were, in effect, purchasing a production article, why do you have a cost plus fixed fee contract?

Mr. WILLI. That I couldn't answer you, Senator.

When I inquired about the unique nature of the contract, it was described to me that it was something that had been top secret in a sense that there had been some negotiation that was out of the ordinary generally.

The CHAIRMAN. Would you proceed to give us the picture of this?

Senator JACKSON. May I interrupt to ask a question somewhat along the lines of Senator Symington's?

Pursuing this point about the advancement of the funds with the presentation of the bill of lading and other documents of title, what is the custom in handling this type of purchase, in normal business and trade channels, do you know?

Mr. WILLI. Well, I would assume, with the exception of pledging a warehouse receipt in a bank or something like that, that ordinarily the processor, the purchaser here, would bear the cost of his inventory just himself.

Senator JACKSON. What I was trying to get at was whether this was an unusual thing or whether it was customary, in the trade.

Mr. WILLI. As to that, sir, I would guess that it was unusual, but what I meant to indicate in this context, by the term "unusual," was that no similar benefit was provided for a man, for example, who was selling to the Quartermaster Corps any of these finished products. There was no provision for him.

Senator JACKSON. You mean the other procurement agencies of the government did not make that same arrangement?

Mr. WILLI. That is right.

Senator SYMINGTON. As I understand the point he is trying to make is that if the feather cost was a dollar and a half for the raw product and the final product was \$3, if the law says 75 percent to 90 percent, if he gets 90 percent of \$2, he gets \$2.70. So he has a dollar and twenty cents to play within his working capital in addition to the amount he has to put up for the purchase. So he is being financed for his working capital by the government.

The CHAIRMAN. I do not think there is any law on that. I think that is a GSA rule.

Senator JACKSON. A regulation.

Mr. WILLI. Senator, the spread isn't that wide. You see, in the billing the person holding the GSA contract will estimate how much finished goods he will get out of this \$1.50 lot of raw goods he bought. He will make a guess. And he bills them. The bill that comes to GSA would appear to be a bill for the delivery of finished merchandise. And the finished merchandise figure that is stated on that bill, of which 75 percent is paid is in effect an estimate by the contractor as to how much finished material this particular lot that he is getting payment on is. So there is a yield adjustment in there,

but not withstanding, a review of the records indicated that even with the yield adjustment, there still was, not a tremendous gap, but there still was an advance in excess of the actual out of pocket cost.

In other words, the thing was not stated so that you shall receive in any event no more than your out of pocket cost for the raw feathers.

Senator JACKSON. In other words, it was apparently a violation of the regulation here, of the GSA regulation?

Mr. WILLI. No, sir, not to my knowledge. The case I think that the senator was referring to developed later on in this way. This particular contractor had a contract for some China material. The firm was Barclay Home Products. The contract was General Services Administration's contract 1573. A part of this contract was a provision for advance payment.

Senator JACKSON. But that advance payment was to take care of his out of pocket expense, that is the point, not to take care of the entire finished product.

Mr. WILLI. Well, I don't know what the intention of the payment was, sir.

Senator McCLELLAN. The practical result was this: on the basis of the contract, where they were to purchase and deliver so much finished product—now, as they purchased the raw product, they gave an estimate to GSA of how much that would produce in finished product?

Mr. WILLI. That is right, sir.

Senator McCLELLAN. And then collected from GSA 75 to 90 percent of what the estimated value would be under the contract of the finished product?

Mr. WILLI. That is right, sir.

Senator McCLELLAN. The result being, as you found, as I understand it was estimated, that when they did advance 75 to 90 percent of the estimated value under the contract of the finished product, that advance was greater than the present investment?

Mr. WILLI. Yes, sir.

Senator McCLELLAN. That the procuring firm had expended in acquiring the raw product?

Mr. WILLI. That is true, sir. I wouldn't say that that was uniformly true, but there was evidence of that.

But that was not the feature of it that was disturbing.

Senator McCLELLAN. What is the disturbing feature?

The CHAIRMAN. I think if he relates this case he has in mind, that will bring that out.

Mr. WILLI. Again, on this Barclay contract here, the contract provided for the sale of China material. The contract was in the process of performance during the time that a specific ceiling was applicable to the commodity concerned.

The delivery date had passed on the contract. Each of these contracts provided for delivery by a certain time, and subsequent to the passage of the delivery deadline, an amendment was put out to this regulation removing a previously existing saving clause affecting these GSA contracts.

At any rate, the nub of it was that by virtue of these OPS regulations, this contract could not, having lapsed, be legally continued at the prices for which it provided.

Mr. Hewitt, in late April or early May of 1952, came to the OPS office, in the company of the attorney of the seller, to say that an exception shall be made so that this contract could be performed. He gave as the reason for this exception the fact that this firm at that time had received advances considerably in excess of the value of the finished material that GSA had received under the contract. And, accordingly, that we should at least permit performance in a sufficient amount to let GSA get enough finished goods to offset their raw material advances.

The CHAIRMAN. Let me interrupt if I may, George.

The reason that OPS at that time objected to the completion of that contract, as I understand it, was because the contract called for a price considerably above the price ceiling?

Mr. WILLI. That is right, sir.

The CHAIRMAN. And he said, "Let us complete this contract because we have already advanced more money than covers the amount of finished product that we have received?"

Mr. WILLI. That is right. I think the gap approximated a hundred thousand dollars. It may not have been quite that great—between what had been put out and the value of the goods received.

Senator SYMINGTON. Could I ask a question there?

Was there any effort made to adjust the fulfillment of the contract by delivery of goods against the money advanced on the basis of the ceiling price, or did Mr. Hewitt arrange it so that the price for the feathers was on the basis of the price above the ceiling price?

Mr. WILLI. Oh, he was talking in terms of performance at the contract price, which was higher than ceiling.

Mr. FLANAGAN. One point, if I may interrupt again. Would that indicate that the fact that they did not furnish the finished product in accordance with the contract, would that indicate that some of the feathers had possibly been diverted?

Mr. WILLI. Well, going to that point, as a consequence of Mr. Hewitt's request and all, I became quite concerned about the contract, because I didn't feel that they were entitled to special treatment, in that we had at that time discovered that this contractor had falsified documents presented to OPS over there, and generally it did not seem should be accorded any special treatment.

Our solution was, and our recommendation: You give them back these feathers that you have taken as a basis for your provisional payment and tell them to give you your money back and everything will be squared away.

Well, I brought the matter to the attention of the chief counsel's office in the Emergency Procurement Service, a Mr. Kurzius. Mr. Kurzius, I think it is fair to say, was of the same opinion that I was as to what the disposition of that thing should be that would be most favorable to GSA.

In any event, however, Mr. Kurzius subsequently advised me that upon examining into this situation it was found that they were unable to locate the feathers upon which Barclay had predicated its request for the provisional payment.

I can't say where, or what happened to them, or anything on that, because at that stage of the game the Barclay plant is up above New York, and I did not have physical contact with it. But, moreover, Mr. Kurzius advised me that upon calling in the president of Barclay and his attorney, the president admitted to them that he had been unable to secure goods of the type called for by the contract, and accordingly had falsified the description of what feathers he had used in order to get from GSA this advance payment.

Senator JACKSON. And is that the reason why GSA advanced to Barclay more than the price of the finished product?

Mr. WILLI. No, I wouldn't say that, in itself, sir, was unusual.

Senator JACKSON. How did GSA get in that position, then?

The CHAIRMAN. Mr. Jackson, may I clarify the point and see if this is correct?

GSA had advanced the money on the entire contract, and Barclay had delivered only part of the contract at the time Mr. Hewitt contacted Mr. Willi.

Senator JACKSON. Mr. Chairman, was that for the finished product?

The CHAIRMAN. Yes, they advanced money on the full contract, the 75 to 90 percent, Barclay had not performed the entire contract. Therefore, he was overpaid.

Senator JACKSON. Why did they make the exception here in advancing the whole business in this contract?

Mr. WILLI. I don't know, sir, that they had advanced the whole business, but that was not an unusual condition. You see, they always advanced money before they received any finished goods. As a matter of fact, in one instance where a contract provided for a 75 percent advance on the finished goods price, GSA Contract No. 1261 will show an initial memorandum that I discussed with Mr. Hewitt in January, I believe it was, of 1952, showing where one contractor, in the absence of having delivered a pound of anything in finished state under the contract, had received some \$30,000 more than 75 percent of the total contract quantity.

Now, that, to my knowledge, is still in the files over there.

Mr. FLANAGAN. What company is that?

Mr. WILLI. That was the Purified Feather and Down Products Company, Contract 1261. That was discussed with Mr. Wilder and Mr. Hewitt, and the last time I saw the contract docket, my type-written notation with Mr. Hewitt's initials is in that contract docket.

Mr. FLANAGAN. Now, is it not true that when the government would take these partial advances, they in theory at least took title to the feathers, to the raw feathers?

Mr. WILLI. That is what the contract provided.

Mr. FLANAGAN. And so, when you ended up with cases where feathers were not delivered or substandard feathers were delivered, it was really the government's feathers that were being wasted?

Mr. WILLI. According to the terms of the contract the government took title to them.

Senator JACKSON. What about insurance and other warranties?

Mr. WILLI. The contract provided, Senator, that notwithstanding that title should pass to the government, the risk of loss should remain with the seller.

Senator JACKSON. Remain with the seller?

Mr. WILLI. Yes, sir.

As an attorney, I would say that even though the contract provided that title passed, I don't believe that it could have. You see, they were executory contracts. The goods weren't in being or anything else. The contract did say title should pass.

Senator JACKSON. But the substance of it would indicate that title had not passed. I mean even though they said it had passed, by reason of all these other conditions in the contract, and being an executory contract, and in some cases with the contract not in being, it would be questionable, would it not?

Mr. WILLI. Yes, sir.

Senator JACKSON. But were there any arrangements for insurance? What about the case of loss after title is supposed to have passed?

Mr. WILLI. I would have to suggest an examination of the contracts.

Senator JACKSON. And no provision regarding the warranty of the product? I mean, an insurance provision, that in case the product did not meet the specifications as stipulated in the contract, the government would have some means of compensation?

Mr. WILLI. Senator, that leads into another point, and that one which I would discuss, namely, that the facts showed that when finished goods were tendered to GSA in performance of a contract and were found to be substandard, the contract was amended to provide for the acceptance of substandard material, at prices in excess of the ceiling price and standard grade material.

Senator JACKSON. In other words, they just modified it as they went along, to take care of the seller, in some of these cases anyway.

Mr. WILLI. It would appear so.

Senator JACKSON. Would you say that there might have been some negligence on the part of someone in preparing these contracts and in representing the interests of the government, the best interests of the government?

Mr. WILLI. I would rather say, Senator, that in any event, the situations that took place on this commodity after 20 January 1952, at the very latest, could not, as a fair matter have been the result of ignorance or mistake.

Senator JACKSON. A little more than maybe gross negligence?

Mr. WILLI. I am not making any conclusions, Senator.

Senator JACKSON. You are an attorney, I take it?

Mr. WILLI. Yes, sir.

Senator JACKSON. Well, do you think the people who were preparing these documents for the government were protecting the best interests of the government in the same manner and to the same extent that an attorney should look after his own private clients' interests?

Mr. WILLI. Senator, on that point I would like to say this. A great deal of the information which became available to me in GSA was directly attributable to the cooperation with me of this Mr.

Kurzius, who was in the legal department there. I found him in every respect a man who was trying his best to protect the interests of the government. I got the impression, however, that in many instances he was not consulted.

Senator JACKSON. Did he draft these contracts?

Mr. WILLI. Well, Senator, in the main, a standard contract was used, a printed form contract. On that score, illustrative of what I mean by saying he was not consulted, we found evidence of one contract with L. Buchman, B-u-c-h-m-a-n, contract 3196, where an amendment to the contract had been made, again to provide for the acceptance of inferior material, without a legal reduction in price. We found that that amendment had been tendered by Mr. Hewitt to the legal office there for clearance, had been cleared by the legal people, had been returned to Mr. Hewitt, and had been altered prior to sending it out to the contractor for his execution.

Senator JACKSON. Well, a private purchaser would not tolerate what the government went through in these various transactions, would you say?

Mr. WILLI. Well, I wouldn't think he could afford it.

Senator MCCLELLAN. Let me ask you one question.

Is this unusual that this practice prevailed in the procurement of this commodity or product, where the government advances beyond a percentage of the value of the raw product acquired?

Mr. WILLI. Well, it struck me as such, Senator, but I had no background of experience. I called it to their attention, and they indicated that it wasn't unusual.

Senator MCCLELLAN. My limited experience and observations on warehouse receipts is that the government only advances a percentage of the original cost of the raw material to the firm that is contracting to sell.

Take the RFC [Reconstruction Finance Corporation]. In my state, we have a number of sawmills, a lumber industry that borrows operating capital from the RFC maybe, or maybe from a bank, and the RFC or the bank advances a percentage of the cost of the raw material that is warehoused. I have never known in those instances where they advanced in advance a percentage of the cost of processing that raw material. That is the thing about this that seems out of line and unusual. Now, again, we are dealing here with a critical material. I do not know whether that makes an exception or justifies an exception to general practice or not. What would you say about that?

Mr. WILLI. Well, definitely, Senator, the amount of the advance was not determined by reference to the cost of the raw material.

Senator MCCLELLAN. Well, I understand that. It was determined by the estimated amount of finished product the raw material would produce.

Mr. WILLI. That is right, based on the finished product price.

Senator MCCLELLAN. Based on the finished product price to the government. It was advanced on that basis.

Mr. WILLI. Yes, sir.

Senator MCCLELLAN. And that seems to me, as I am pointing out, the thing that is most unusual. Certainly it is most unusual as to the noncritical products and commodities, I would say.

Mr. WILLI. On your question, Senator, I just wouldn't be competent to say whether it is done anywhere else or not. I can say I never have known of its being done, of course.

Senator JACKSON. We ought to be able to get that information as to whether it is customary in the trade.

Senator McCLELLAN. I was just sort of summarizing my thoughts as we went along here.

That is, unless it could be justified as a practice that is sometimes followed in the acquiring of critical materials.

The CHAIRMAN. Just one question, and then the GSA, I think, may be able to answer Senator McClellan's question.

Mr. Willi, in the case of Barclay Products, see if I have a correct review of the facts in mind.

Number one, he tendered apparently a bill of lading or something showing that he was in possession of feathers of a certain grade. He was then advanced money based upon the cost of the finished product. He then proceeded to deliver some feathers of a different grade, and at the time you were discussing the matter with Mr. Hewitt, GSA still had due from him a sizable number of pounds of feathers under the original contract. Right?

Mr. WILLI. Yes, sir. Approximately 75 percent.

The CHAIRMAN. Pardon me. Then see if I am correct. You then conducted an investigation to see if you could determine where the feathers went to. Then you did some checking I understand, to find out whether the feathers covered by the original bill of lading were still in existence and available or not. Did you do that?

Mr. WILLI. No, sir. That checking was done by the General Accounting Office, as I understood it, and by Mr. Kurzius, apparently, himself.

The CHAIRMAN. All right. At least, to your knowledge, somebody attempted to find out where the other feathers disappeared to if they had disappeared. Am I clear that on the basis of what you found out and what you learned from others who made some semblance of an investigation, this had been converted to some use other than the government's use?

Mr. WILLI. The last advice I had was that they couldn't find the feathers.

The CHAIRMAN. Now, as far as you know, has Barclay been called upon to furnish the type of feathers called for in the original contract?

Mr. WILLI. That would have been an impossibility, Senator. The feathers described in the original contract were China, and the Treasury Department refused to permit the importation of any more Chinese feathers after January 16 or February of 1952.

The CHAIRMAN. Let me ask you this. Do you know whether the GSA has ever attempted to recover from Barclay?

Mr. WILLI. I had several inquiries from GSA people who were assigned the contract for disposition, asking me what I would do, and I told him I would give him whatever feathers there were, and get the advance money back. But, to my knowledge, nothing has ever been done.

The CHAIRMAN. Let me ask you this. In view of the fact that this man apparently had an agreement with GSA that title would pass to GSA when he got the money, although he would remain in phys-

ical possession, and considering the fact that he has apparently converted the feathers to some other use, in your opinion as an attorney, would or would not that make him criminally liable?

Mr. WILLI. Unquestionably, if that were the fact.

The CHAIRMAN. May I ask the general counsel for GSA to give us a report on that particular case, giving it to Mr. Flanagan or Mr. Cohn at your earliest convenience?

Mr. ELLIOTT. Yes, Senator.

There is one point I would like to clarify. As far as I know, there is never a case where one of the Marshall payments are made on feathers not existing. The payments are made on delivery on shipboard, on common carrier, so that there are feathers in existence when a partial payment is made. There may be cases where feathers don't come up to specifications, but there are specifications of certain feathers being delivered on shipboard out of the contractor bands. They will then get back into the contractor's hands when they get to the processing point in the United States.

Mr. WILLI. What I mean by the goods not being in being is that the goods described in the contract were not in existence.

The CHAIRMAN. I think we all understand that when the raw feathers are delivered aboard a ship, the man who owned them having presented the bill of lading to the GSA and received certain advances, the agreement was that title to those feathers aboard the ship passed to GSA as a finished product. The owner had the duty of finishing the product, had the duty of assuming the risk. In this particular Barclay case, as I understand it, at some time feathers were aboard a ship. He presented the bill of lading, either real or fictitious, and at some later time, it apparently was discovered that the feathers were no longer in either his possession or the possession of the government. They had been either converted and had disappeared, or were not aboard the ship in the first place. That is, roughly, the picture, is it not?

Mr. WILLI. That was my advice, yes, sir.

Senator POTTER. In this case, did Barclay operate the production, or the finished product?

He was not just the importer?

Mr. WILLI. No, sir, he was the processor.

Senator POTTER. He also processed the feathers for the finished product?

Mr. WILLI. Yes, sir.

Senator SYMINGTON. May I ask the general counsel of GSA: Is it standard practice, following Senator McClellan's point, to make advances to the point where the seller receives more money than the cost of the finished article?

The CHAIRMAN. I think we have a rule that every witness who testifies must be first sworn. So we will swear you, Mr. Elliott.

In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF MAXWELL H. ELLIOTT

Mr. ELLIOTT. I do.

I would say this, Senator Symington. In general, I think our purchasing people try to make a rough estimate on the amount or per-

centage of the partial payment they will allow in terms that they think the raw product bears to the finished product. Now, sometimes they will miss their guess and go over. It isn't precisely to the actual cost of the finished product.

And in answer to Senator McClellan's question, of course the value may not necessarily be the same as the cost.

Senator MCCLELLAN. Of course, the safer procedure and practice would be to pay only a percentage of what the seller has expended in obtaining the raw product. That is the safe procedure, no doubt.

Mr. ELLIOTT. It is, Senator, if it is possible to find that out. In some cases it is not, especially when you are dealing with materials that are coming from behind the Iron Curtain. We don't know and don't have a means of knowing, in many cases, just how much they actually pay for those feathers. There are a lot of under-the-table deals, a lot of smuggling, and so on.

Senator SYMINGTON. But you know what you are paying for them. And if you know what your cost is, why do you advance anything beyond your cost? Otherwise, you are just giving them a financial loan that has nothing to do with the product.

Mr. ELLIOTT. Well, Senator, we know what we are paying them for finished goods. We don't know what they pay for the actual raw feathers. What our people try to do is to take a percentage of the finished goods and apply what they think is the value of the raw feathers to the finished product.

Senator SYMINGTON. Then what you are really doing is backing their effort to get you something.

Mr. ELLIOTT. If we go too high we are backing it, that is correct.

Senator SYMINGTON. I see.

Mr. ELLIOTT. But as you know, in some of your own dealings, sir, in connection with the RFC, when you have to get materials from behind the Iron Curtain, and you are sitting on these various committees, we don't know what these brokers, let's say, over in Denmark, have to pay to, maybe, the Polish or Hungarian government officials.

Senator SYMINGTON. I do not remember having anything purchased in the RFC or any money lent in the RFC to anybody behind the Iron Curtain. I may be wrong on that, but I do not remember the RFC buying anything behind the Iron Curtain.

Mr. ELLIOTT. I thought possibly you had been able to get some tin out. I wasn't sure.²

Senator SYMINGTON. Not that I know of.

Mr. WILLI. If I may. I would like to clarify this point about not knowing what the raw material cost. I will concede that any side payments or under-the-table deals were not a matter of record. However, from the month of March 1951 on, until licensing by the

² On January 28, 1953, Harry A. McDonald, administrator of the Reconstruction Finance Corporation wrote to Senator Symington:

You expressed interest in receiving a statement from us regarding the sources of tin-in-concentrates which the RFC has purchased since May 1951.

First of all, we have made no purchases from behind the "Iron Curtain." I am advised that China is the only significant supplier within the Soviet orbit and the RFC has made no purchases from that source since the Communists have been in control there.

Since May 1951, and as a matter of fact for some time previous to that, the RFC has purchased tin and/or tin-in-concentrates from Bolivia, Belgian Congo, Indonesia, Siam, Portugal, Mexico, Great Britain and Alaska.

I trust this is the information desired but, if not, please let me know.

Treasury Department was suspended entirely, in January or February 1952, it was required of every person wishing to transfer United States money in payment for goods of Chinese origin, which covered these China duck feathers, to first go to the Treasury Department, the Foreign Assets Control, and secure from them a license. Naturally, that license, the amount of it, was determined by the number of units and the price per unit of what was being bought. So that as to every importation of China goods, the importer had to declare, as a matter of record, to the Treasury Department, what he was paying for them.

Secondly, based upon my review of the records of the General Services Administration in New York, in every instance where waterfowl feathers were cleared through customs through the Port of New York, the records in the GSA office there will show the overseas supplier the type, the quantity, and the price paid for the feathers imported.

As I say, as to side payments, or something, I don't know, but there were commercial documents or Treasury license materials indicating the out of pocket cost, the apparent out of pocket cost, of the raw feathers.

The CHAIRMAN. May I for ten minutes impose upon the patience of the committee? I would like to adjourn at 11:30 if we could. And I would like to let counsel bring out some items that I do not have in mind and I do not think any of us have, if we can do it without interrupting for about ten minutes. And if you will try to move as rapidly as you can, Mr. Willi, without too much detail, we can fill it in later.

Mr. COHN. Mr. Willi, when did GSA first start purchasing waterfowl feathers?

Mr. WILLI. The first contract was December 6, 1950 with the Empire Feather and Down Company.

Mr. COHN. Now, between December 6, 1950 and the time when this first came to your attention in the spring of 1951, in those three or four months, what happened to the price of the waterfowl feathers?

Mr. WILLI. The raw feather prices, as best we could determine them, rose approximately 50 percent on all types.

Mr. COHN. When GSA started buying, the price went up in that amount in those three or four months?

Mr. WILLI. That is right.

Mr. COHN. By the way, you have told us China was one of the sources. Were there any Iron Curtain countries which were sources other than China?

Mr. WILLI. Yes, Poland, Hungary, Czechoslovakia. Those were the principal Europeans.

Mr. COHN. And in the case of Poland, Hungary, and Czechoslovakia, am I correct in stating that the money in this country went directly to those countries, to official trading agencies in those countries, rather than private individuals?

Mr. WILLI. Yes, they were state trading corporations that sold the feathers to the processors here.

Mr. COHN. And, of course, those agencies benefitted from the increase in prices?

Mr. WILLI. I would assume so.

Mr. COHN. In April of 1951, was it suggested to you that a ceiling price be fixed on waterfowl feathers?

Mr. WILLI. Yes, the industry suggested it. The Defense Department strongly urged it, on the ground that the costs of their sleeping bags were rising, out of control. And accordingly they requested ceilings.

Mr. COHN. And, of course, at this point there was a freeze order and the only purchase were from official government agencies?

Mr. WILLI. That is right, GSA and Quartermaster.

Mr. COHN. Was GSA consulted on whether a ceiling price should be fixed?

Mr. WILLI. Yes, extensively.

Mr. COHN. And who represented the GSA in those negotiations?

Mr. WILLI. Mr. Downs Hewitt, primarily.

Mr. COHN. And what was Mr. Hewitt's position on whether or not a ceiling price should be fixed?

Mr. WILLI. Generally his position was that it was alright to set ceilings, but there should be no ceilings on GSA purchases. He reasoned it was an insignificant item in the cost of living, that type of thing, that any ceiling would very probably impair and binder his procurement of this strategic material.

Mr. COHN. He did not want a ceiling for GSA orders?

Mr. WILLI. That is right.

Mr. COHN. And did he and his agency persist in that position?

Mr. WILLI. Yes, Mr. Larson sent a letter to Mr. DiSalle, dated August 20, 1951, generally outlining the difficulties he envisioned if his contracts became subject to ceilings, and moreover, recommending decontrol.

Mr. COHN. Recommending decontrol. And very briefly, why was he opposed to a ceiling price?

Mr. WILLI. Well, as he states in his letter, he says as to other commodities the imposition of a ceiling price has wrecked his procurement and necessitated his coming forth and demanding decontrol so that he could continue his operations.

Mr. COHN. Was the Defense Department heard from on this?

Mr. WILLI. Yes, Mr. McBrien, then a Munitions Board member, strongly recommended the establishment of the ceiling.

Mr. COHN. And after that, that was put into effect?

Mr. WILLI. That is right.

Mr. COHN. CPR-87?

Mr. WILLI. CPR-87.

Mr. COHN. Effective what date?

Mr. WILLI. October 19, 1951.

Mr. COHN. Did this order contain what was known as a savings clause?

Mr. WILLI. Yes, in order to accommodate these outstanding contracts which Mr. Larson indicated the contractors had bound themselves for the raw material with which to complete; and since he told us of the level of prices in those contracts, and it was apparent that our ceilings were going to roll those prices back approximately 12 to 15 percent across the board, we provided this exception for existing GSA contracts.

Mr. COHN. In other words, on any raw material, that these people with whom GSA had contracted, on any raw material which the

contracts had either purchased or contracted to purchase prior to October 19th, they were exempted from this ceiling price?

Mr. WILLI. That is right, to the extent that they delivered such material, they could receive a contract price for it even though that contract price were higher than the otherwise applicable ceiling.

Mr. COHN. And you have told us, as a matter of fact, it was some 12 to 15 percent higher?

Mr. WILLI. Lower.

Mr. COHN. I am sorry. The ceiling price was 12 to 15 percent lower than the contract price?

Mr. WILLI. That is right.

Mr. COHN. Now, in the month of December 1951, a couple of months after the ceiling price went into effect, did you make an investigation to determine in what manner the ceiling price had affected the GSA contracts?

Mr. WILLI. Yes, we did. The first thing we were interested in was seeing whether in fact these ceilings had hampered GSA procurement in terms of volume. We reviewed every contract available to us entered into after the 19th of October 1951, and up to approximately the first of the year 1952. We found that in no instances did those contracts provide for prices in excess of our ceilings, and the aggregate volume of goods represented by such contracts was over three million pounds, which appeared to us to be a rate of procurement at least equal to if not greater than that of any prior comparable period when these higher prices had been paid.

Mr. COHN. So in other words, to sum up on that point, GSA had told you that they didn't think the ceiling price should be put into effect, because if it were they might have difficulty in procuring these goods at the lower price?

Mr. WILLI. That is right.

Mr. COHN. Your investigation after the ceiling price went into effect showed that GSA had, in fact, been able to purchase this product at ceiling prices, and in fact the quantity they had been able to purchase was equal to or greater than in the prior period under the higher contract prices?

Mr. WILLI. That is true.

Mr. COHN. Now, as a matter of fact, had GSA, through Mr. Hewitt, the opportunity to buy, to renegotiate, any of these contracts, and buy at the price ceiling or lower?

Mr. WILLI. Well, obviously, after the 19th of October, any new contract could be at prices no higher than these ceilings, so that to the extent that any of these pre-existing contracts were terminated and a new contract let, why, there would be a savings to the government of 12 to 15 percent.

The CHAIRMAN. I think what counsel had in mind, Mr. Willi, was this: Was there any indication that Mr. Hewitt resisted buying below the ceiling when he had an opportunity to?

Mr. WILLI. Well, that, Senator, occurred later, in the spring of '52, primarily; although there were some purchases made below these dollar and cents ceilings even then.

Mr. COHN. I want to ask you about the raw material for a minute. Of course, the exemption, this saving clause, the exemption of these people from the ceiling price, was merely for the raw mate-

rial, these raw waterfowl feathers which they had actually bought or contracted to buy prior to October 19th; is that right?

Mr. WILLI. That is right.

Mr. COHN. Now, you have told us, Mr. Willi, that around December of 1950, you had access to these Treasury Department licenses which contractors had to get before they could buy from Iron Curtain countries, from China, in particular, and that these applications for permission to import would show the date on which this raw material was purchased, and the price at which it was purchased. Is that right?

Mr. WILLI. Always the price; in many instances the date.

Mr. COHN. Now, did you study some two thousand of those licenses?

Mr. WILLI. Approximately all that were available to us at the Treasury Department.

Mr. COHN. As a result of your examination of those licenses, did you reach any conclusion as to whether or not the contractors involved had been billing the government for this raw material on the basis of a contention on their part that they had actually purchased or contracted to purchase prior to October 19, when in fact the raw material had been purchased after October 19th, when they should have received merely the ceiling price?

Mr. WILLI. Yes, those documents showed that in some instances.

Mr. COHN. And the government, of course, sustained a loss based on those misrepresentations; is that right?

Mr. WILLI. Yes. Better records, however, of that same situation than that were in GSA's own files in New York. In every instance, practically, there was indicated when the raw material contractor had bought the raw material.

The CHAIRMAN. May I interrupt? It is 11:30 now. We will adjourn this hearing without a date, and the committee will be in recess until two p.m.

[Whereupon, at 11:30 a.m., the hearing was recessed to the call of the chair.]

STOCKPILING OF STRATEGIC MATERIALS

[EDITOR'S NOTE.—Downs E. Hewitt (1894–1968) did not testify in public session.]

THURSDAY, JANUARY 29, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 10:30 p.m., in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator John L. McClellan, Democrat, Arkansas.

Present also: Francis D. Flanagan, general counsel; Roy Cohn, chief counsel; Ruth Young Watt, chief clerk; Richard Sinclair, General Accounting Office; Robert Cartwright, General Accounting Office; Smith Blair, General Accounting Office; George Willi, Department of Justice.

The CHAIRMAN. The hearing will be in order.

Mr. Hewitt, do you solemnly swear that the information you will give this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. HEWITT. I do.

TESTIMONY OF DOWNS E. HEWITT, BUREAU CHIEF, EMERGENCY PROCUREMENT SERVICE, GENERAL SERVICES ADMINISTRATION

Mr. COHN. Mr. Hewitt, will you give us your full name, please?

Mr. HEWITT. Downs E. Hewitt.

Mr. COHN. Where are you employed, Mr. Hewitt?

Mr. HEWITT. I work for the Emergency Procurement Service, which is part of GSA, General Services Administration.

Mr. COHN. I did not get the name.

Mr. HEWITT. With the Emergency Procurement Service, part of the General Services Administration.

Mr. COHN. For how long a period of time have you been employed there?

Mr. HEWITT. I have been with them, speaking from memory, approximately five years.

Mr. COHN. And what salary are you earning at the present time?

Mr. HEWITT. I am, what do you call it, GS-13.

Mr. COHN. What is your salary?

Mr. HEWITT. Frankly, I do not remember.

Mr. COHN. You do not remember what your salary is?

Mr. HEWITT. No, sir. I get \$266 and some 60 cents, as I remember, every payday.

Mr. COHN. Is that every two weeks?

Mr. HEWITT. Yes, sir.

Mr. COHN. You do not have any idea what your gross salary is?

Mr. HEWITT. It is around \$8,000, between \$7,000 and \$8,000. I don't get it, so why carry it in my mind.

Mr. COHN. You have to pay income tax on it.

Mr. HEWITT. Yes, sir, but I also—wait a minute, I can put it in the record, I think. This is for last year, the earnings and not the salary, but the checks received were \$9,096.84.

Mr. COHN. That is probably your gross salary, is that right?

Mr. HEWITT. No, it is twenty-seven pays instead of twenty-six; that was the earnings.

Mr. COHN. That was for the year 1952?

Mr. HEWITT. Just concluded, yes.

Mr. COHN. Prior to the time you went to your present position, where did you work?

Mr. HEWITT. I transferred to them from War Assets Administration.

Mr. COHN. How long were you with war assets?

Mr. HEWITT. I have all of these records back home in my records.

Mr. COHN. Just give us an approximation.

Mr. HEWITT. Some two or three years.

Mr. COHN. And before war assets, where were you?

Mr. HEWITT. Before war assets, Foreign Economic Administration; and before that, National Youth Administration.

Mr. COHN. All right.

What are your duties at the present time?

Mr. HEWITT. I am in charge of a purchase branch, the agricultural commodities purchase branch.

Mr. COHN. The agricultural commodities purchase branch, is that right?

Mr. HEWITT. Yes.

Mr. COHN. How much of government funds do you have committed at the present time in all of your programs?

Mr. HEWITT. I don't have that information here. If you want it, I can get it.

Mr. COHN. Do you have an approximation of some kind?

Mr. HEWITT. Do you mean how much is committed at the moment, or the average?

Mr. COHN. Let us do it this way: How much did you spend last year in government funds?

Mr. HEWITT. It is a hell of a lot of money.

Mr. COHN. How much is "a hell of a lot of money"?

Mr. HEWITT. All of the commodities—I am not prepared to answer that except as a wild guess. It could be \$100 million.

The CHAIRMAN. You were responsible for the purchase of roughly \$100 million yourself, is that correct?

Mr. HEWITT. My branch has handled that much, yes, sir.

The CHAIRMAN. And you are the head of your branch?

Mr. HEWITT. Yes.

Mr. COHN. What is the largest program you are supervising at the moment, the largest purchasing program you are engaged in at the moment?

Mr. HEWITT. The largest active program in purchases at the moment is probably castor oil.

Mr. COHN. How much money does that involve?

Mr. HEWITT. The castor oil in the course of a year runs \$20 million to \$30 million.

Mr. COHN. And you are in charge of that?

Mr. HEWITT. Yes, sir.

Mr. COHN. What is the next largest? Give us two or three of the main ones, if you will.

Mr. HEWITT. Well, this feather thing is a big thing.

Mr. COHN. Is that still a big thing?

Mr. HEWITT. Yes, it is, but I can't tell you how much we are going to spend this year.

Mr. COHN. How much did you spend last year?

Mr. HEWITT. Last year—and once again, a rough figure.

Mr. COHN. I understand.

Mr. HEWITT [continuing]. Some \$30 million, more or less.

Mr. COHN. How much have you spent on this feather program since its inception?

Mr. HEWITT. Probably \$40 million to \$50 million.

Mr. COHN. Now, what else—

Mr. HEWITT. These figures, understand, are approximations, and incidentally, may I pause at the moment. I take it everybody is cleared for secret.

Mr. COHN. Everybody here is what?

Mr. HEWITT. Cleared for secret information.

Mr. COHN. Oh, yes. What else besides castor oil and feathers, what is the next largest? How about narcotics?

Mr. HEWITT. Narcotics is one of the things assigned to my branch, but I do not have anything to do with it. Mr. Walsh, under an agreement with Mr. Anslinger, handles that almost exclusively.

Mr. COHN. Tell us this: Before you went to your present position, did you have any experience in purchasing on the competitive market?

Mr. HEWITT. Oh, yes.

Mr. COHN. Would you tell us in what respect?

Mr. HEWITT. I was a procurement officer with the National Youth Administration in Pennsylvania. Because of their opinion of me up there, they brought me down here in Washington to be chief of the procurement section in the national office.

After that, I—

Mr. COHN. You bought on the competitive market there, is that right?

Mr. HEWITT. Yes, sir.

Mr. COHN. How about in FEA?

Mr. HEWITT. In FEA, we also purchased there.

Mr. COHN. On the competitive market?

Mr. HEWITT. By "competitive market," you mean other than just buying on some contract that was in existence? We had to go out and determine where was the best place to buy it, yes.

Mr. COHN. What interested me was that on one of your Form 57s, you had said that your experience in purchasing had been without regard to monetary limitations. I assume you meant that it was pretty much a case of having to go out and get the goods, regardless of the cost.

Mr. HEWITT. Is that back in the FEA days you are talking about?

Mr. COHN. You made that statement in 1944.

Mr. HEWITT. I don't remember how I used it at that time, but in FEA we were buying materials that sometimes, had to be had, and there was only one source of supply.

Mr. COHN. The preclusion type, you mean?

Mr. HEWITT. Yes.

Mr. COHN. Now, let us come to this feather program, if I may. What was the first feather contract that you entered into on behalf of your agency?

Mr. HEWITT. In December of 1950, I think it was December 5.

Mr. COHN. And with whom?

Mr. HEWITT. Empire Feather and Down.

Mr. COHN. With the Empire Feather and Down Company?

Mr. HEWITT. Yes, sir.

Mr. COHN. Would that be contract number 290?

Mr. HEWITT. It sounds about right.

Mr. COHN. Tell us the circumstances of entering into that contract. Did you talk to a number of people, and did you have any competitive bidding? Let me ask you that question.

Mr. HEWITT. You are going back into ancient history now. Back in there, when we started—may I answer this way: When we started our feather program, the first time we began to get interested in feathers was in October of 1950 when the Munitions Board approved purchase specifications. Before that, we wouldn't have known what the Munitions Board had in mind to buy, whether it was chicken feathers or waterfowl feathers or what.

My first directive was in November of 1950, which told us to buy and have in the stockpile two million pounds of feathers by June 30, 1951. That we got about November 9, I think.

We contacted all known suppliers of feathers, and tried to get offers. We sent out letters to processors and importers.

Mr. COHN. Do you have a copy of the directive?

Mr. HEWITT. Not with me.

Mr. COHN. Could you get that for us?

Mr. HEWITT. Yes.

The CHAIRMAN. Let me ask you a question. Then it is the Munitions Board that sets the target date by which you must have the articles on hand, is that right?

Mr. HEWITT. The Munitions Board. That directive came from the Munitions Board; and there is another directive that comes to us. More recently the directives have come over the signature of the administrator of Defense Production Administration, DPA. He is writing to us telling us what was decided at a high level, like the vital materials coordinating committee, or the defense materials operating committee, or something like that.

Let me make a note of these things.

The CHAIRMAN. Just so we have the record straight, I understand it is the Munitions Board that, number one, determines the amount

of strategic material they want; and, number two, the date at which it must be procured, by which it must be procured—or is that correct?

Mr. HEWITT. That is not currently correct, Senator. Currently correct, it is this higher level that decides, on the basis of supply and demand, when it can be, and they can overrule the Munitions Board.

The CHAIRMAN. At the higher level. Who is the higher level?

Mr. HEWITT. Well, it comes to me through a letter that is addressed to Mr. Larson from DPA. As I remember the last organization, the title to it was Defense Materials Operating Committee, DMOC.

The CHAIRMAN. So that there is no doubt the Munitions Board decides what is a necessary strategic material, number one.

Mr. HEWITT. That is right, sir.

The CHAIRMAN. And number two, I assume that they determine how much must be obtained; and the question as to who sets the target date, you are not sure whether that is the DMOC or whether it is the DPA or some other unit, is that right?

Mr. HEWITT. It is a higher level than me. I get it handed down to me.

The CHAIRMAN. Do you get your orders in written form?

Mr. HEWITT. Yes, there are letters.

The CHAIRMAN. Would you produce the orders that you have gotten since the feather-buying project started, up to date?

Mr. HEWITT. Up to date.

The CHAIRMAN. We will want those.

Mr. HEWITT. To whom shall I send it?

The CHAIRMAN. To Mr. Flanagan, down here in room 101 of the Senate Office Building. In view of the fact that that is classified material, I assume that you will have someone deliver it personally.

Mr. HEWITT. Yes, sir.

Mr. COHN. Getting back to the first contract, was that let as a result of competitive bidding, or not?

Mr. HEWITT. It was not in competitive bidding in the sense that we went out and said "We want offers on such-and-such a date for a certain quantity."

Mr. COHN. Why?

Mr. HEWITT. Why?

Mr. COHN. Yes, sir.

Mr. HEWITT. Experience in our whole agency, away back before my time, has been that that is not the way to buy stuff for the stockpile. We have authority to negotiate contracts, and we have been negotiating.

Mr. COHN. Isn't one object to buy at the lowest price and save the taxpayers as much money as possible?

Mr. HEWITT. That is one object, to get the most material for the least dollars, yes, sir.

Mr. COHN. Can't that best be accomplished by competitive bidding?

Mr. HEWITT. That was decided before my time, that it was not.

Mr. COHN. It was not?

Mr. HEWITT. No.

Mr. COHN. And you saw no advantage to that? Who made the decision that there was not to be competitive bidding?

Mr. HEWITT. Before I ever came with the agency, that policy was established.

Mr. COHN. How was that communicated to you?

Mr. HEWITT. Verbally.

Mr. COHN. By whom?

Mr. HEWITT. Captain Moore and his assistant, Ray Eberley.

Mr. COHN. By Captain Moore?

Mr. HEWITT. Captain H. C. Moore.

Mr. COHN. And operating under those instructions you did not let the contract by competitive bidding, is that correct?

Mr. HEWITT. That is right.

Mr. COHN. And you say you negotiated with various persons, is that right? Now, with whom did you negotiate as to this particular contract, in addition to Empire?

Mr. HEWITT. We were trying to get bids, and did have offers from other people at the same time, which indicated that this was a reasonable price.

To help you in your thinking, I might even say this: that the offer that we finally accepted from them, which was then the lowest we could obtain, included this statement by the offerer, that it was purely a pilot offer.

Mr. COHN. A pilot offer?

Mr. HEWITT. That he did not know how much it would cost to produce this material in the shape we wanted it, and that subsequent bids might be higher or lower.

Mr. COHN. But this was the lowest; this was the lowest offer you received from any manufacturer with whom you spoke?

Mr. HEWITT. Yes, sir.

Mr. COHN. Empire. And therefore, you let the contract to Empire?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. How many offers did you have at the time? How many other offers did you have at the time? You say this was the lowest. Were there just two, or were there more?

Mr. HEWITT. Frankly, there were not too many. We had very hard trouble buying feathers at the start of the program.

Senator McCLELLAN. Do you remember how many you had to choose between?

Mr. HEWITT. There was some three or four that we had in mind at the time, yes.

Senator McCLELLAN. Were those concrete offers from the three or four, or just indefinite suggestions that they could probably furnish the material?

Mr. HEWITT. I don't have that information in my hand.

Senator McCLELLAN. I think it would be well, if you will, to supply that and let us see how this thing started under your administration.

Mr. HEWITT. Yes, sir.

Mr. COHN. Before you let this contract to Empire, did you conduct any investigation as to the financial responsibility of Empire?

Mr. HEWITT. We usually get a statement from them as to the form that we send out to prospective bidders, which gives us a statement of their net worth.

Mr. COHN. Did you obtain such a statement from Empire?

Mr. HEWITT. I don't remember now whether we did or not. I will have to look at the file.

Mr. COHN. Is it the invariable practice of your agency to send out a form and obtain such a financial statement from a party to whom you are going to let a contract?

Mr. HEWITT. We only deal with established firms, and Empire has been in the feather business for a long time and was known as an established firm.

Mr. COHN. My question to you was: Did you send to Empire a form, or did you in any way procure from Empire a financial statement, a statement of financial responsibility?

Mr. HEWITT. I am not prepared to answer that question today.

Mr. COHN. Would you consider that, and furnish or supply us with the information, and if there was such a statement furnished to you, would you produce a copy of that information for us?

The CHAIRMAN. When do you want the material produced, Mr. Cohn?

Mr. COHN. Could you produce it by Tuesday?

Mr. HEWITT. You might remember this, too, that with Empire, that contract was for payment after all material had been delivered.

The CHAIRMAN. The contract was what? I did not get that.

Mr. HEWITT. The contract was for payment after all material had been delivered, and in other words, if there was no delivery, there is no obligation on the part of the government.

Mr. COHN. Did you send anybody up to look over Empire's plant or facilities?

Mr. HEWITT. No, sir.

Mr. COHN. Was there any advance payment at all made to Empire?

Mr. HEWITT. No, sir.

Mr. COHN. In other words, your testimony is that not one cent was paid to Empire until there was complete delivery under the contract?

Mr. HEWITT. Until the feathers had been delivered and found satisfactory, and payment was made for those feathers.

The CHAIRMAN. Are you certain of that? You know there was not an advance of money?

Mr. HEWITT. There was no advance of money.

The CHAIRMAN. You know that of your own knowledge?

Mr. HEWITT. Yes.

Mr. COHN. Did you make any inquiry into the financial status of the Sanitary Feather and Down Company?

Mr. HEWITT. I didn't personally, and how much Mr. Norcross did, I don't know.

Mr. COHN. How about the New York Feather and Down Company?

Mr. HEWITT. I am not sure how many statements were received or not received.

Mr. COHN. Mr. Norcross. Is that someone who works for you in your division?

Mr. HEWITT. Mr. Norcross was the man who was handling at that time all of the feather business, from the start until the finish, and he was handling the details of it.

Mr. COHN. Under your supervision?

Mr. HEWITT. Yes. And if he was satisfied that he was dealing with a reliable firm, I am not sure that he got a written statement from them as to their finances.

Mr. COHN. Is Mr. Norcross still with you?

Mr. HEWITT. Oh, no. He died in December of 1951.

Mr. COHN. Your statement was that there was no fixed policy as to the procuring of financial statements; that was done or not done in your discretion or that of Mr. Norcross. Is that correct?

Mr. HEWITT. We are supposed to be satisfied in our own minds that they are a reliable company, and we were satisfied.

Mr. COHN. There were no dealings unless you were satisfied.

Now, in connection with this first contract that was let—

The CHAIRMAN. May I ask a question. One of the things that you did before you entered into a contract, you satisfied yourself that it was a reliable firm, financially responsible?

Mr. HEWITT. That is right, sir.

The CHAIRMAN. And you cannot tell us just in what way you did that?

Mr. HEWITT. By inquiry, and getting an evaluation of the company from all of the sources we could, at the time.

The CHAIRMAN. Dun and Bradstreet, I assume.

Mr. HEWITT. We had some Dun and Bradstreet reports.

The CHAIRMAN. What if you got a Dun and Bradstreet report showing the company was completely irresponsible financially, would you refuse to deal with them then?

Mr. HEWITT. Oh, yes, sir.

Mr. COHN. In connection with the first contract, did you examine the books, in this pilot contract, of any of the contracting companies?

Mr. HEWITT. No, sir.

Mr. COHN. You did not?

Mr. HEWITT. No, sir.

Mr. COHN. Was there ever an offer to show the books to you, on the part of the contractors?

Mr. HEWITT. No, sir.

Mr. COHN. Now, you say there was no such offer at any time. Do you know Mr. Licht?

Mr. HEWITT. Yes, sir.

Mr. COHN. Did he ever offer to show you his books?

Mr. HEWITT. No, sir.

Mr. COHN. He did not?

Mr. HEWITT. By that, since you bring his name up, Manny Licht never showed me his books.

Mr. COHN. Did he ever offer to show you his books?

Mr. HEWITT. He never offered to show me his books. He did show me a graph of cost-plusses, and so on, that was used in the War Production Board, and we have that.

Mr. COHN. Now, in each case, before you let a contract, did you satisfy yourself that the contractor had the proper processing facilities?

Mr. HEWITT. We were satisfied that he would be able to deliver. There were certain contractors that had their work custom done, importers who had it done.

Mr. COHN. How about the firm of Padawer Brothers?

Mr. HEWITT. Padawer Brothers are established in the feather business, they are established importers, and they have delivered according to their contracts.

Mr. COHN. Before you let the contract to them, did you satisfy yourself that they had the proper processing facilities?

Mr. HEWITT. We were satisfied that they would be able to deliver the material, yes, sir.

Mr. COHN. Do you know a man by the name of Mr. A. B. Balfour?

Mr. HEWITT. Yes, sir.

Mr. COHN. Is he connected with Empire?

Mr. HEWITT. President or vice president.

Mr. COHN. Did he ever offer to show you the books of Empire, in connection with pilot contract 290?

Mr. HEWITT. I never remember such an offer.

Mr. COHN. If he had made an offer, would you have taken advantage of it?

Mr. HEWITT. I think so.

Mr. COHN. At various times there were amendments of contracts, were there not?

Mr. HEWITT. There have been, yes, sir.

Mr. COHN. Are you familiar with Contract 1398 with W. L. Buchman?

Mr. HEWITT. I am, yes, sir.

Mr. COHN. Was there any amendment of that contract?

Mr. HEWITT. Yes, sir.

Mr. COHN. To what effect?

Mr. HEWITT. To change the terms and conditions, that is, it was set up for a certain quantity at a certain price. In writing the contract originally, there was a mistake in our office.

Mr. COHN. There was a mistake in your office in the writing of the contract?

Mr. HEWITT. Yes, sir.

Mr. COHN. To what effect?

Mr. HEWITT. To the effect that he offered a mixture of feathers including some duck, goose feathers or down, or goose material with duck, and I don't have this contract with me, so I am quoting from memory.

Mr. COHN. That is all right.

Mr. HEWITT. When we wrote the contract, we did not make provision for the excess duck material in the goose, which would have made it of a different quality. When our inspectors inspected it and found it did not have the material in there, of course they did not accept it, and that is why it was brought to our attention.

Mr. COHN. Then there was an amendment?

Mr. HEWITT. So after that, it was amended to permit them to deliver what they had actually sold us, and at the same time to take care of the delivery at that time.

Mr. COHN. Isn't it a fact that as a result of the amendments of that contract, you accepted larger quantities at higher prices, and in fact, prices well above the ceiling price, and that you accepted substandard merchandise?

Mr. HEWITT. I don't think so, sir. The contract was written for approximately so many pounds. For example, and quoting from memory, it was fifty thousand pounds of an item, approximately fifty thousand, and it is universally understood in the trade practice, and our inspectors are willing to take it so, that "approximately fifty thousand," if it is within 10 percent, is still approximate. The quantities that were finally accepted were in that approximation.

Mr. COHN. Did the government receive any consideration—

Mr. HEWITT. And you also asked about ceiling prices. OPS had written to us and told us that the contractor was authorized under their regulations to deliver the full amount that was written in that contract.

Mr. COHN. You are familiar with National Stockpile Specification P-82, promulgated by the Munitions Board?

Mr. HEWITT. Yes, sir.

Mr. COHN. And, of course, you would be bound by that, wouldn't you, in your purchasing?

Mr. HEWITT. Oh, yes.

Mr. COHN. Is it your testimony that in connection with this Buchman contract, you did not accept any material that was below the specifications provided for by P-82?

Mr. HEWITT. Yes, sir. Now, when you say "you are bound by that," we also have a directive from the Munitions Board that, in cases of shortages, we can buy material which can be brought up to those specifications, can be beneficiated. When you say "stick to these," and maybe you are thinking of this same contract which has a mixture of duck and goose, our specifications are for duck and our specifications are for goose, and if we had a mixture of duck and goose we have stuff which complies fully and exceeds the quality for the duck.

Mr. COHN. Your testimony is that under the Buchman contract, then, the goods received were above the minimum requirements of the Regulation F-62?

Mr. HEWITT. They met the requirements for our stockpile specifications.

The CHAIRMAN. Let me ask you a question there. Was the contract for duck or goose feathers?

Mr. HEWITT. The contract read goose; when it was offered, it was offered "goose containing 15 percent of duck," and when it was amended it permitted the delivery of goose feathers with 15 percent duck in there.

The CHAIRMAN. Just a minute. You just got through telling us if there were goose and duck mixed together, that would be above the specification for duck. Now, the clear implication was that you were paying for duck feathers. If you have goose feathers and there are

duck feathers mixed in it, that is below the specification in the contract for goose is that right?

Mr. HEWITT. We were paying for a mixture of goose with duck feathers in it.

The CHAIRMAN. It you have a contract for goose feathers, and when they are delivered there is a percentage of duck mixed in, then that drops below the specifications for goose, is that right? Is that correct?

Mr. HEWITT. That would not comply 100 percent with specifications for goose.

The CHAIRMAN. So when you just told us that when there were goose and duck mixed together that would be above the specifications for duck, that statement would only be significant if you had a contract for duck feathers, is that right?

Mr. HEWITT. Well, yes.

The CHAIRMAN. When you have a heavy mixture of duck in the goose feathers and you have a contract for goose feathers, that makes it below the specifications for goose, does it not?

Mr. HEWITT. Well, yes, but our requirement for the stockpile is not broken down into so many duck feathers and so many goose feathers. We are supposed to get feathers. Now, whether we call that mixture goose and duck, or duck and goose, it is still a mixture.

The CHAIRMAN. It makes a big difference whether you are paying for goose or paying for duck, is that right, or whether you have got a contract for a mixture of goose and duck?

Mr. HEWITT. The price was adjusted to be below the OPS price for the duck that is in there and the goose that is in there.

The CHAIRMAN. Just a second. This particular contract we are speaking of was a contract for the delivery of approximately fifty thousand pounds of goose feathers, is that right?

Mr. HEWITT. That is right.

The CHAIRMAN. And when they were delivered, they contained a heavy percentage of duck, is that right?

Mr. HEWITT. Some 15 percent.

The CHAIRMAN. Did you adjust the price downward because of the duck feathers in the contract?

Mr. HEWITT. Yes, sir.

The CHAIRMAN. How much did you adjust it downward from the contract price?

Mr. HEWITT. Our contract or our specifications permit us to have in goose feathers 5 percent feathers other than goose, and when we had 15 percent duck, we had 10 percent excess, so if you take and use these figures where you have \$2.20 for the price for goose—

The CHAIRMAN. Was that the price in the contract?

Mr. HEWITT. \$2.15, and these are OPS ceiling prices.

The CHAIRMAN. What was the price in the contract? I want to know how much you cut down his figure in that contract when he mixed in the extra duck feathers.

Mr. HEWITT. I don't have the contract here, Senator, and I don't remember the original price, or even the adjustments, except one figure was \$2.40 or \$4.50.

The CHAIRMAN. Do you know that you did reduce the contract price when you found that the duck feathers were being delivered, having a mixture of duck feathers?

Mr. HEWITT. Yes, sir, to more than compensate for the value of the duck feathers in there.

The CHAIRMAN. But offhand from memory you could not tell us how much?

Mr. HEWITT. Yes, sir.

The CHAIRMAN. Will you produce that information for the staff this afternoon? Let me say this, if we say produce something this afternoon, and that sounds unreasonable to you, just tell us and we will give you all of the time you want.

Mr. HEWITT. I don't know when this afternoon starts. I haven't got out of here yet. I would rather do it tomorrow, if I could.

The CHAIRMAN. How about Monday or Tuesday at ten o'clock? Can you deliver everything we ask you to produce on Tuesday? We want to know what the contract price was, and bring the contract along, and we want to know how much you adjusted the price downward because of the mixture of duck feathers.

Mr. HEWITT. Yes, sir, and we will have that evidence for you.

Mr. COHN. Now, Mr. Hewitt, did the amendment to the contract conform precisely with the original offer? In other words, was the amendment to bring the contract in line with the original offer?

Mr. HEWITT. Well, no, the original offer was at a price, and the amendment was less than the price, and we even amended at a lower price than the original offer.

Mr. COHN. How about the goods delivered; you took different goods?

Mr. HEWITT. We took the goods that were originally offered.

Mr. COHN. What was the original offer, exactly?

Mr. HEWITT. Containing, as I remember, 15 percent duck.

Mr. COHN. And the contract provided for what, 5 percent duck?

Mr. HEWITT. Strictly according to the specifications, it would be a maximum of 5.

Mr. COHN. At the time—

Mr. HEWITT. I will bring that in later.

Mr. COHN. At the time of the amendment of the contract, could you have bought standard goose for less than the amendment price provided for goose adulterated with duck?

Mr. HEWITT. I don't think so, sir.

Mr. COHN. Your testimony is you don't think that you could have?

Mr. HEWITT. No, sir.

The CHAIRMAN. Do you know? I assume when you were getting substandard material, you would check and see what you could buy it for, and it would be a completely new contract at that time. Do you follow my question?

Mr. HEWITT. Let me say this. Not so long ago we did go out on bids for fifteen thousand pounds of goose down. I think it was fifteen thousand pounds of material. And we got offers, these figures are not exact, but we got offers from twenty people, ten of whom quoted at the ceiling, and ten of whom quoted at varying prices, the ceiling being \$7.20, and the low bid being \$6.60. We bought that whole fifteen thousand pounds from that low bidder. However,

other bidders, some of those who were less than ceiling, said they could give us five thousand at so much and five thousand at so much and five thousand at so much.

Now, the mere fact that I could buy fifteen thousand pounds then for delivery in four months hence does not prove to me that I could have bought, say, one hundred thousand pounds then for immediate delivery at \$6.60.

The CHAIRMAN. You still haven't answered my question. Speaking of this contract for fifty thousand pounds, there came a time when the contractor could not deliver what he had contracted to deliver. At that time of course you could have considered the contract broken, is that right? In other words, when he could not perform?

Mr. HEWITT. Unfortunately, the man had already performed, and he had delivered the material.

The CHAIRMAN. He had delivered substandard material, is that right?

Mr. HEWITT. Yes.

The CHAIRMAN. So that he had not performed, had he?

Mr. HEWITT. If you go by the language of the contract, I presume not, and if we go by the intent, he had.

The CHAIRMAN. You mean the intent of the contract was he could give you something different?

Mr. HEWITT. In this case there was a mistake in writing the contract.

The CHAIRMAN. I do not understand you. You say if you go by the language of the contract, he had not performed.

Mr. HEWITT. Well, the contract said he should deliver goose according to the specifications.

The CHAIRMAN. So that when that was delivered, you find that it was not up to the specifications, and the question is, could you have bought goose feathers for less than what you paid him for the material he delivered, which was substandard, and could you at that time?

Mr. HEWITT. Not below the price we adjusted it to, no, sir.

The CHAIRMAN. You could not have?

Mr. HEWITT. No, sir.

The CHAIRMAN. You are sure of that?

Mr. HEWITT. I feel sure of it.

The CHAIRMAN. Could you have bought the type of material that he delivered, 15 percent duck and 85 percent goose, for less than the adjusted price?

Mr. HEWITT. Well, Senator, that amendment was several months ago, and I would like to check on that. I feel it was a good adjustment, personally.

The CHAIRMAN. I do not care what you feel. The question is, did you at that time, before you paid out this money to him, determine what you could have gotten like material for from some other feather merchants? It would be the logical thing to do, and you did not?

Mr. HEWITT. Yes, sir.

The CHAIRMAN. You did?

Mr. HEWITT. Yes, sir, but not for delivery at that moment, and we could not buy material for delivery at that moment.

Mr. FLANAGAN. Was it necessary that you get material at that moment?

Mr. HEWITT. We were behind our objective, decidedly behind.

The CHAIRMAN. Am I correct in this, that the OPS price for goose feathers was lower than the adjusted price you paid this man for the substandard material?

Mr. HEWITT. You are correct that the price tabulated in the regulations is less, but OPS in this case had given him an exception to deliver it at a higher price, under this contract.

The CHAIRMAN. Had given him an exception?

Mr. HEWITT. Yes, sir.

The CHAIRMAN. Are you sure of that?

Mr. HEWITT. Yes.

The CHAIRMAN. They gave it to him individually?

Mr. HEWITT. Had written a letter, or at least they wrote to us and said that he could.

Mr. FLANAGAN. Have you got that letter?

Mr. HEWITT. It can be had, a letter of February 27.

The CHAIRMAN. Will you produce that letter, also?

Mr. FLANAGAN. A letter of February 27 what year, 1952?

Mr. HEWITT. Yes, I guess so, last year, 1952.

The CHAIRMAN. You said the OPS in this case allowed you to pay more for substandard material than their ceiling price on the standard material. Do you know why? It seems unusual.

Mr. HEWITT. They allowed him to deliver the several items on that contract, and they had examined his purchases and approved it, and they knew the material he had.

The CHAIRMAN. Who in OPS was responsible for that?

Mr. HEWITT. That I don't know.

The CHAIRMAN. I am sorry, gentlemen; you go ahead.

Senator McCLELLAN. It strikes me somewhat in the indefiniteness of your testimony that it should indicate whether prior to making this adjustment you had received and accepted the material. Had you?

Mr. HEWITT. I think it had been received at the warehouse.

Senator McCLELLAN. Did you accept the material before having examined it to know that it was substandard?

Mr. HEWITT. This with the duck in had not been approved by our inspectors because of the presence of the duck.

Senator McCLELLAN. Well, the material had been delivered, but not accepted, is that right?

Mr. HEWITT. It was, I think, in his plants still ready for shipment.

Senator McCLELLAN. In other words, it was ready for delivery when you discovered the inferior quality?

Mr. HEWITT. That is right, sir.

Senator McCLELLAN. And then you proceeded with this adjustment?

Mr. HEWITT. That is right.

Senator McCLELLAN. All right.

Mr. COHN. I want to get back to this contract for a moment, if I may. You say there was a mistake made. Didn't the seller read the contract before he signed it?

Mr. HEWITT. I am not the seller.

Mr. COHN. But you did something that apparently——

Mr. HEWITT. I can't swear that he read it. He probably did.

Mr. COHN. Pardon me?

Mr. HEWITT. I don't know whether he did or not. I am not the seller.

Mr. COHN. What was the point in amending the contract this way, and wasn't there——

Mr. HEWITT. He wrote in after the signature and was bringing it to our attention.

Mr. COHN. Well, now, do you usually do that when there is a negotiation and a contract is signed by two responsible parties, and afterwards, is this a usual procedure?

Mr. HEWITT. I hope I am telling the truth when I say we usually don't make mistakes.

Mr. COHN. Was it your mistake or was it the mistake on the part of the seller?

Mr. HEWITT. It was our mistake.

Mr. COHN. Isn't the seller responsible for what is in the contract, too? He signed it, did he not?

Mr. HEWITT. Yes, sir.

Mr. COHN. Which was a written contract, and you have told us that the seller was rather a substantial outfit in the industry.

Mr. HEWITT. Yes, sir.

Mr. COHN. I assume they had advice of counsel and everything else?

Mr. HEWITT. Yes, sir.

Mr. FLANAGAN. What was your mistake?

Mr. HEWITT. That we accepted the feathers that he offered, but when we typed up the contract, we did not write it in the terms of our acceptance.

Mr. FLANAGAN. What do you mean, you took the feathers before you entered into a contract?

Mr. HEWITT. No, we accepted his offer, and we told him we accepted his offer by telegram, but when we wrote the formal document, to document the purchase that we had made, it was not in the right language.

Mr. FLANAGAN. Do you imply, then, that in his offer he offered to give goose down with 15 percent duck?

Mr. HEWITT. Yes, sir.

Mr. FLANAGAN. That was in his offer?

Mr. HEWITT. Yes, sir.

Mr. FLANAGAN. Have you got a copy of that offer?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. To clear it up, is that an offer in writing?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. That you accepted, and then later undertook to draw a contract to conform to the offer, and the verbal acceptance?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. And you made the mistake in drawing the contract?

Mr. HEWITT. That is right.

Senator McCLELLAN. How soon after the contract was executed was the mistake discovered and called to your attention, and by whom?

Mr. HEWITT. Reasonably soon, Senator. It was called to our attention in the fall, October or November, and it was not ultimately amended until in the spring.

Senator McCLELLAN. By whom was it called to your attention?

Mr. HEWITT. By the contractor.

Senator McCLELLAN. By the seller?

Mr. HEWITT. By the contractor, and confirmed by the inspectors.

Senator McCLELLAN. Now, do you have in your files the original offer?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. That conforms to the contract as amended, and in other words, the contract as amended conforms to the original written offer from the seller that you have in your files?

Mr. HEWITT. No, sir.

Senator McCLELLAN. Is that what you are telling us?

Mr. HEWITT. The amendment, you mean?

Senator McCLELLAN. Let me see if I can make it very clear to you now, and this is no catch question, I am trying to establish what the facts really are. As I understand it, in the course of negotiations the seller submitted you a written offer of what he could deliver certain quantities of feathers of a certain quality for?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. That is in writing?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. That written offer stipulated that 15 per cent was to be duck feathers, or feathers other than goose feathers.

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. You accepted that offer?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. At the terms or upon the price that he stipulated?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. Later you undertook to draw a contract, a written contract of acceptance of the offer, the written offer that had been submitted?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. Now, that offer, that written offer is still in your files?

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. When you drew the contract, and it was executed, it did not conform to the written proposal which you had previously verbally accepted, in that it did not allow for the 15 per cent?

Mr. HEWITT. We had accepted it by telegram.

Senator McCLELLAN. Well, by telegram.

Mr. HEWITT. Yes, sir.

Senator McCLELLAN. It did not conform, the contract as prepared in your office and as was later executed did not conform to the original written offer which it was your intention to accept?

Mr. HEWITT. That is right, sir.

Senator McCLELLAN. It was later discovered, and now how much later, that this error had been made?

Mr. HEWITT. I don't remember exactly.

Senator McCLELLAN. How was it called to your attention, and by whom was it first called to your attention that the mistake had been made?

Mr. HEWITT. I think it was called to my attention by Mr. Norcross.

Senator McCLELLAN. How was it called to his attention if your records show?

Mr. HEWITT. The contractor had called him.

Senator McCLELLAN. Had called him or written him?

Mr. HEWITT. I think called; I am not sure.

Senator McCLELLAN. Well, let me ask you, if this occurred, this discovery of the mistake, if it was called to your attention, if that occurred before the seller was ready to deliver on the contract, or if after he had made his purchases and was ready to perform? What I am trying to determine is whether this was all an afterthought after the fellow was ready to deliver it, or if it was something that developed in the interim before he procured his goods to deliver, and you made the amendment at that time, and before he acquired the merchandise, or if it was after he acquired it, and was ready for delivery that this was discovered, and then adjusted.

Here is what I mean. You and I enter into a contract and I propose to sell, and you have accepted, and we have signed a contract. I have got to go out and procure, I assume that that is correct, I have got to go out and procure the merchandise to deliver to you. I start, and I find that there has been a mistake made in the contract, and I call it to your attention. Before I procure the goods, we make the amendment to the contract, or did it occur after I had procured the goods and was ready to deliver, and their inferiority was discovered, and the mistake was discovered in the contract, then we amend the contract and make the adjustment?

Mr. HEWITT. I don't know, sir, the date that he procured the goods, but I am sure that he had procured the goods early or OPS would not have okayed his business. I should see the file before I answer that.

Senator McCLELLAN. I suggest, Mr. Chairman, that you bring everything here now in your file pertaining to this transaction, so that we can determine these things accurately.

Mr. HEWITT. Yes, sir.

Mr. COHN. I wanted to ask you this question, Mr. Hewitt. At the time you went into the amendment of this contract, did you talk to the legal division of GSA?

Mr. HEWITT. Yes, sir.

Mr. COHN. The next question is, now, isn't it a fact that the legal division of the GSA was unalterably opposed to the amendment of the contract?

Mr. HEWITT. No, I wouldn't say that. When you say unalterably opposed.

Mr. COHN. Should I withdraw the word "unalterably"?

Mr. HEWITT. No. Let me say this. We drafted an amendment at one time which the legal division did not approve. This will all be

in the files, and subsequently to that we drafted another amendment, which the legal division did approve.

Mr. COHN. You say they disapproved the amendment originally and later on you re-did it, and it was approved?

Mr. HEWITT. There was another amendment written.

Mr. COHN. Why did they oppose the amendment originally?

Mr. HEWITT. Well, you will have to ask counsel that, because they don't tell us why. They just say that this isn't right, and it can't be.

Mr. COHN. Did you make any change in the second amendment, the final amendment, after it had been cleared by the legal division of GSA?

Mr. HEWITT. Yes, sir. That change was made on the basis of the change from OPS telling us that he could deliver the material on this contract, and originally they told us that they had not said he could, and therefore we wrote it on the basis of OPS ceiling.

The CHAIRMAN. Let me ask you this question. When you asked OPS to approve a higher price above ceiling price, did you at that time tell them that one of the reasons why you wanted that permission was because you had already advanced money to this man, and that unless you could accept the goods, you would be out all of that money?

Mr. HEWITT. We don't ask OPS for approval. The contractor clears with the approval. The contractors ask OPS and submit evidence that justifies his claim.

Mr. COHN. Now, there are some things that we don't have very much time to cover, but I want to cover them for the record. I wonder if you could tell us this: You have told us what your salary is, some \$9,000 a year. Do you have any income in addition to your salary?

Mr. HEWITT. No, I get a few hundred dollars or \$100 a year from miscellaneous sources, but no radical income.

Mr. COHN. What are the miscellaneous sources?

Mr. HEWITT. Well, sometimes we rent out rooms or something like that, and things like that.

Mr. COHN. Are you married, Mr. Hewitt?

Mr. HEWITT. Yes, sir.

Mr. COHN. Does your wife have any independent income?

Mr. HEWITT. No, sir.

Mr. COHN. Does she work?

Mr. HEWITT. She does not work, no, sir. She is a trained nurse, and she did work a week or so this winter, but normally not. That also is part of her independent income.

Mr. COHN. Do you have any children?

Mr. HEWITT. I have three.

Mr. COHN. How old are they?

Mr. HEWITT. The youngest is in the navy. He is twenty-one. And the oldest is a teacher in Hagerstown, and the daughter is in between, and she lives home. She has two children.

Mr. COHN. Do you maintain a bank account?

Mr. HEWITT. I have a bank account in Carlisle.

Mr. COHN. Where is it?

Mr. HEWITT. Carlisle, Pennsylvania.

Mr. COHN. Carlisle, Pennsylvania?

Mr. HEWITT. Yes, sir.
Mr. COHN. At what bank?
Mr. HEWITT. The Farmers Trust Company.
Mr. COHN. Is that the only bank account you or your wife have?
Mr. HEWITT. It is the only bank we have. She has one in her own name, and we have a joint account. There are two accounts.
Mr. COHN. Both at the same bank?
Mr. HEWITT. Yes, sir.
Mr. COHN. Neither you nor your wife has any other account?
Mr. HEWITT. No, sir.
Mr. COHN. Do you have a safe deposit box?
Mr. HEWITT. In that bank, yes, sir.
Mr. COHN. In that bank?
Mr. HEWITT. Yes, sir.
Mr. COHN. That is the only safe deposit box you have, is that right?
Mr. HEWITT. Yes, sir.
Mr. COHN. Do you have any cash?
Mr. HEWITT. Cash?
Mr. COHN. Yes, sir.
Mr. HEWITT. A few dollars, yes.
Mr. COHN. About how much?
Mr. HEWITT. I might have ten or fifteen dollars, or five dollars, I don't know, I can look and see.
Mr. COHN. I don't mean that. That is all right, Mr. Hewitt. I mean outside of what you have with you, do you have any cash anyplace else?
Mr. HEWITT. No, sir.
Mr. COHN. You don't keep any cash at all?
Mr. HEWITT. No, sir.
Mr. COHN. How about any other type of securities?
Mr. HEWITT. Outside of two little Liberty Bonds, and about \$75 each, \$100 face value, none.
Mr. COHN. How about real estate?
Mr. HEWITT. We own our home here, with a first and second mortgage on it.
Mr. COHN. What is the address of that house?
Mr. HEWITT. 5330 41st Street.
Mr. COHN. When did you purchase the home?
Mr. HEWITT. Two years ago, and if I remember the date, it was February 28 when the settlement was, but it is two years ago.
Mr. COHN. What did you pay for it?
Mr. HEWITT. You will think I am awfully careless with these things, but I remember it is \$15,500, I think.
Mr. COHN. Let me ask you this: Have you ever received any gratuity, payment or benefit, direct or indirect, from any party with whom you have done business while employed by GSA ?
Mr. HEWITT. No, sir.
Mr. COHN. Not direct or indirect in any way, manner, shape or form?
Mr. HEWITT. I would say no.
Mr. COHN. You say "I would say no;" are you positive?
Mr. HEWITT. I am positive that I have not.

The CHAIRMAN. Just to have that correct, I understand, then, Mr. Hewitt, that the only bank accounts you or your wife have, number one, a joint bank account in a bank in Carlisle, between you and your wife, and your wife's bank account in the same bank?

Mr. HEWITT. Yes, sir.

The CHAIRMAN. Can you tell us about how much is in those two bank accounts?

Mr. HEWITT. A couple of hundred dollars at the moment, little enough to have me worried.

The CHAIRMAN. Is that in both accounts combined?

Mr. HEWITT. Yes, sir.

The CHAIRMAN. Neither you nor your wife have any other bank account any place?

Mr. HEWITT. Oh, no.

The CHAIRMAN. And the only property you have is fifteen or twenty dollars you have on you in cash, and no other cash in your safe deposit box or any other place, and no securities except securities totaling about \$200?

Mr. HEWITT. That is right,

The CHAIRMAN. And no other securities or cash in that safe deposit box?

Mr. HEWITT. Oh, no.

The CHAIRMAN. The only real estate you have is your home which you have described, for which you paid something in the neighborhood of \$15,500, and you have two mortgages on it?

Mr. HEWITT. And our house in Carlisle. We own a small house in Carlisle.

Mr. COHN. What is the address of that?

Mr. HEWITT. 135 Southwest Street.

Mr. COHN. When did you acquire that?

Mr. HEWITT. Before I came down here, for the price of some \$3,000, and it is clear.

The CHAIRMAN. How much is the mortgage on your home?

Mr. HEWITT. I took out two mortgages, one for \$9500 and one for \$3,000, and the second mortgage is down in the neighborhood of \$1,000 now, and the other is around \$8500.

There is one other item on the home. We did some repairs since we were there, and we have a lien against that, or a note, which is probably about \$500 now.

The CHAIRMAN. What was the value of the repairs, roughly?

Mr. HEWITT. Between six and seven hundred dollars. It started out at six and ended up around seven hundred dollars.

The CHAIRMAN. Other than what you have described, you have no other property of any kind, nature or form?

Mr. HEWITT. Just the two.

The CHAIRMAN. And you say the only income you have had we will say over the past five years has been a few hundred dollars a year renting out a room or something on that order?

Mr. HEWITT. We have friend's living in our house in Carlisle, who maintain it and they keep it painted up, and things like that, and take care of the taxes, and so on, and there is no income there.

The CHAIRMAN. Then is this correct, that in no one year over the past five years did you make more than, we will say, \$500 outside of your regular salary from the government?

Mr. HEWITT. Did you say five years?

The CHAIRMAN. Yes, or if you want to narrow that down to four or three, I want to get the complete picture.

Mr. HEWITT. If you change it to approximately five, I think that you are right.

The CHAIRMAN. Was there some time at that five year period, it seems to disturb you a bit, was there some time six years ago or seven years ago when you had a substantial income over \$500, we will say, outside of your governmental salary?

Mr. HEWITT. No. I am only sort of being cautious on that statement, because in the period it is possible my wife might have worked somewhere, and it ran into close to \$500.

Mr. FLANAGAN. Do you have any insurance policies, Mr. Hewitt, you or your wife?

Mr. HEWITT. Unfortunately none on myself, and my wife does not have any except I think she, and when I say none, I have a little one of \$100 or things like that, I have the privilege of keeping some insurance on my daughter, and I am paying for that.

Mr. FLANAGAN. How much is that policy?

Mr. HEWITT. That costs around \$24 a year. It is just a small policy.

Mr. FLANAGAN. Those are the only insurance policies you have?

Mr. HEWITT. Unfortunately, I don't have any.

The CHAIRMAN. Mr. Cohn, was there any other thing?

Mr. COHN. It depends upon how much time we have.

The CHAIRMAN. I should leave very shortly, unless you have some other question. Otherwise, I would like to order the witness to bring all of his files having to do with the feather procurement program down on Tuesday morning at ten o'clock.

Mr. Hewitt, will you return on Tuesday morning, unless Mr. Flanagan or Mr. Cohn calls you and gives you some other date?

Mr. HEWITT. All right.

[Whereupon at 11:40 a.m., hearing in the above matter was recessed, to reconvene at 10:00 a.m. Tuesday, February 3, 1953.]

FILE DESTRUCTION IN DEPARTMENT OF STATE

[EDITOR'S NOTE.—Acting on information from John E. Matson, a special agent in the State Department's Division of Security, the subcommittee held four executive sessions and five public hearings dealing with the State Department's filing procedures. At the public hearings held between February 4 and 20, 1953, Matson and six other witnesses from the State Department testified: Helen B. Balog, supervisor of the Foreign Service file room; Vladimir I. Toumanoff, of the Performance Measurement Branch; Samuel D. Boykin, acting director of the Bureau of Security and Consular Affairs; John W. Ford, director of the Office of Security and Investigations; and Everard K. Meade, Jr., special agent to the deputy under secretary of state.

Matson's executive session testimony raised questions about the background of State Department employee Vladimir Toumanoff, identified as having been born in the Russian embassy in Constantinople in 1923, and having taken a suspicious reduction in pay when he switched work from the Library of Congress to the State Department. In his public testimony, Toumanoff explained that his parents were Czarists who had taken refuge in the old embassy in Constantinople, while it was controlled by the White Russians. The Soviet embassy was located in Ankara. Toumanoff also attributed his pay cut to a last-minute promotion in grade that he received before leaving the Library of Congress.

In a written statement to the subcommittee, John W. Ford explained that agent Matson had worked under his supervision in Mexico City in 1949. "I had been told by Washington that he was on probation; that he had gotten into difficulties in his previous post of assignment. I have since confirmed that the reason he was on probation was because of difficulties in Colombia. These difficulties resulted generally from a lack of judgment, a tendency to accept criticism of his ideas as criticisms of security, a persecution complex, and a tendency to slant his reports according to preconceived opinion and ideas not based on fact. He had a cloak and dagger concept of security work. . . . I desire to point out and reemphasize that I do not believe Mr. Matson willfully testified to a falsehood, but I do say that he has in some very serious situations not testified accurately because he was not in possession of the full facts—a little knowledge is sometimes dangerous." Matson filed a lengthy rebuttal.

The subcommittee's annual report noted that it had submitted findings "designed to enhance the security within the State Department and other sensitive agencies which might have been required to rely upon the personnel files of that Department," and quoted a letter from the administrator of the Bureau of Security and Consular Affairs to the chairman: "The information developed in the hearings before your subcommittee has been very helpful in indicating areas requiring immediate attention and corrective measures. Such matters have been receiving due attention, corrective steps are being taken, and further studies with a view to continued improvement have been launched."]

MONDAY, JANUARY 26, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 2:00 p.m., in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.
Present: Senator Joseph R. McCarthy, Republican, Wisconsin;
Senator Karl E. Mundt, Republican, South Dakota; Senator

Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Francis D. Flanagan, general counsel; Roy Cohn, chief counsel; Donald Surine, assistant counsel; G. David Schine, chief consultant; Ruth Young Watt, chief clerk; Julius N. Cahn, counsel, Subcommittee Studying Foreign Information Programs of the Senate Committee on Foreign Relations.

The CHAIRMAN. In the matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MATSON. I do.

The CHAIRMAN. Your name is?

TESTIMONY OF JOHN E. MATSON

Mr. MATSON. John E. Matson.

The CHAIRMAN. Your position at the present time, Mr. Matson?

Mr. MATSON. I am a special agent with the Department of State.

The CHAIRMAN. And you have been in the State Department now for how long?

Mr. MATSON. I have been in the State Department since March 3rd, 1947.

Mr. COHN. Mr. Matson, during your tenure in the State Department, have you had some familiarity with the file room and the manner in which that is run?

Mr. MATSON. Yes, sir, I have.

Mr. COHN. Can you tell the chairman and the committee who is in charge of the file room at the present time?

Mr. MATSON. At the present time, immediately in charge of the files themselves in foreign personnel, there is a lady by the name of Mrs. Helen Balog, B-a-l-o-g.

Mr. COHN. Now, have you had occasion to observe Mrs. Balog and her work?

Mr. MATSON. I have.

Mr. COHN. And have you had occasion to discuss with her her work and the handling and management of the files?

Mr. MATSON. Yes, I have.

Mr. COHN. As a result of that, did there come to your attention a situation involving the removal from State Department files of certain information, primarily security information?

Mr. MATSON. Yes, there have come to my attention several instances of such a business.

The CHAIRMAN. May I say that what I have been trying to do is to have the particular investigator who is familiar with the subject matter do the questioning whenever possible. In this case, Mr. Surine has been discussing this with Mr. Matson and knows all of that.

Senator POTTER. What was your position in the State Department?

Mr. MATSON. My position now is special agent, under the Department of Security. Previous to that, I was a regional security officer in the field, in the Foreign Service, since 1947. I have been a special agent just for the last year.

Senator POTTER. Here in Washington?

Mr. MATSON. In Washington, D.C.

Senator JACKSON. Prior to that, you were away from Washington, traveling?

Mr. MATSON. Yes, I was with the regional service, as a security officer.

Mr. SURINE. Mr. Matson, you mentioned to me that in July of 1952, you submitted an official memorandum in the course of your duties to your superior officers in the State Department regarding the files and the condition of them. Could you relate to the committee here the details and what was in that memorandum?

Mr. MATSON. Yes. I now have an assignment known as reinvestigations, which means that theoretically the State Department is reinvestigating some who were employed many years ago. Actually, most of those people have never been investigated before. There are some fifteen hundred files we have pulled out recently which I was working on. I would go to the file room and pull the files and go through them to get the needed data to make the report and send out the leads. And during this period I became well acquainted with Mrs. Balog, who is in charge of that file room, and we have come to be on very, I would say, friendly terms. And she has rather secretly told me quite a few things which have disturbed her for a number of years, which no one had taken action on. Most of the time, she was even afraid to speak of it, for fear of being intimidated and no action being taken.

She informed me first that in 1947, John Stewart Service had been appointed or rather assigned to foreign personnel division, and at that time he had apparently at his own recommendation decided to change the file set up of career Foreign Service officers. I think at that time they had files which contained everything. Everything was thrown in one file. He decided to make a special confidential file and a special supplemental file, which included a lot of carry-all things that came along and didn't apply to the administrative file or to the confidential file.

Mr. SURINE. In other words, they were going to have a loyalty file and a personnel file?

Mr. MATSON. Actually, these files are entirely different from my files in my own division, the security files. They have, in the Foreign Service, the regular Foreign Service files, which are distinguished from our security files very much so. You will find, theoretically speaking, you would not find anything in those files which belongs to the security file. It is things that have to do with their efficiency, their competency in their post, and so on.

She told me Mr. Service worked on those files for, I understood her to say, the greater part of one year, and during that time, when she left in the evenings she would turn the keys over to him, and he would stay there working on the files.

Mr. SURINE. Now, as a result of your findings, you submitted a memorandum, in July of '52; is that right?

Mr. MATSON. I did.

Mr. SURINE. And to whom was that addressed?

Mr. MATSON. That was addressed to Mr. John W. Ford, who at that time was the chief of the Division of Security and Investigations.

Mr. SURINE. And in that memorandum, just summarizing it, what was the nature of it? What did you put in the memorandum?

Mr. MATSON. I thought at that time that I should put on record that this was being done. When I say "this was being done"—prior to the time of writing the memorandum several instances were called to my attention by Mrs. Balog. Another instance was that all derogatory and commendatory material which came into the file room came to her desk first. She had instructions before filing it or making any memorandum on it to send it down to the Performance Measurement Group.

The CHAIRMAN. The performance—

Mr. MATSON. The Performance Measurement Group. That particular group has to do with evaluating a man's performance and preparing it for the panel which decides whether or not the man is to be promoted. And so she told me that this material was sent down to them before any record was made of it in the file room, and that many times the material was not returned. And most of it was derogatory material.

So I wrote a memorandum, in July '52, including these two items at that time.

Senator SYMINGTON. What two items?

Mr. MATSON. First, that John Stewart Service had access to the file and had made that change, and second, that this derogatory material was sent down to the Performance Measurement Group and was not returned, even though it should have been returned, for filing.

Mr. SURINE. Now, in connection with the Performance Measurement Group, you have mentioned that group. Who are the officers on it that you can name, the officials handling it?

Mr. MATSON. I understand that a Mr. Woodyear, I think Robert Woodyear, but I am not positive of that, is the chief of that particular section at this time. Under him there are two other people, I know, the first being a man by the name of Vladimir Toumanoff. The last name is T-o-u-m-a-n-o-f-f.

The CHAIRMAN. Mr. Surine, in view of the fact that we may not be able to stay here too long there will be a vote over on the floor, I understand, pretty soon—I would suggest that you start at a later time. We can go back to 1946, '47, and '48. I understand there have been some activities recently, if you want to bring them to the attention of the committee.

Senator SYMINGTON. Could we have that second name?

Mr. MATSON. There was another man by the name of Hunt. His last name was Hunt, H-u-n-t. I can't think of his first name at the moment.

Senator SYMINGTON. There is Woodyear, Toumanoff, and Hunt. Those are the three?

Mr. MATSON. T-o-u-m-a-n-o-f-f, yes, and Hunt.

Senator JACKSON. Was that Goodyear, or Woodier?

Mr. MATSON. Woodyear.

Mr. SURINE. Mr. Matson, in connection with the Performance Measurement Group, could you relate their activities right up to the present time, or within the last two or three months?

Mr. MATSON. Recently I was told by Mrs. Balog that they had received—well, before I get to that point, they had been coming up

and taking the confidential files and going through them and removing derogatory material. They also stated at the time they were removing commendatory material also, because they were establishing special files in their division to exclusively handle that sort of thing. And they felt that it was within the purview of their duties to handle that business, and so forth.

However, they did at no time leave an indication in the file that something had been removed, so that investigators who had authority to see the files would come and look and would not find that which they would have found had they left it in.

Mr. SURINE. Now, bring that up to the activities of the last several months.

Mr. MATSON. Well, I was told again later that they had called two Foreign Service career officers of very high rank, class 1 and 2, in to assist them with this appraisal or review of all this derogatory and commendatory material. They also had made the side-statement that they were going to determine whether or not that should remain in the files. And recently, even more recently, Mrs. Balog told me—this was after the elections, by the way—that she had received some predated memorandum that went back about six months, showing Mr. Humelsine had told the Performance Measurement Group to extract this material, and so forth.

Mr. COHN. Now, the only concern this Performance Measurement Group would have was in connection with promotions or something like that?

Mr. MATSON. That is right.

Mr. COHN. In other words, suppose somebody were out of the State Department or any of its affiliated agencies. Then the Performance Measurement Group would have no business, actually, looking at the files. Is that right?

Mr. MATSON. They only had to do with those officers who were in the field, whose records are submitted annually by efficiency report, and their files built up, and they examine the entire thing over-all to determine if a man is suitable, if he is competent, and third, if he has got good marks.

Mr. COHN. Are you acquainted with a man by the name of V. Frank Coe?

Mr. MATSON. I am very familiar with the name and the case.

Mr. COHN. Now, Frank Coe, am I correct in stating, was, until the last couple of months, the secretary of the International Monetary Fund, a specialized agency of the United Nations? Frank Coe has been named in sworn and uncontradicted testimony as a member of a Soviet spy ring; further, it has been testified that he was called before the Senate Internal Security Committee up in New York a couple of months ago and there refused to answer whether he was at this time engaged in espionage activities against the United States, and after his resignation, the secretary—

The CHAIRMAN. Mr. Cohn, it is not my intention at this time to get into the Communist activities of any of these employees. I think that the Internal Security Committee plans on making their investigation of this. I am interested in this from the standpoint of destruction of files, removal of material from files, who has had access to the files, as to whether Frank Coe is a Communist or not. It interests me very much. I know a lot about Frank Coe, but I do

not think we need to go into that phase at this time unless some of the members of the committee want to.

May I say that I want to avoid, if possible, and I hope the committee will go along with me, any conflict of jurisdiction between this committee and any other committee. For example, if the Armed Services Committee is investigating a certain activity, if they are doing the kind of a job I know they will do, I think we should desist. If we find that internal security is planning to make an all-out investigation of Communist influence, I think we should give them all the cooperation we can, but I do not like to have parallel investigations running at the same time.

Now, I understand this witness has a lot of information about the destruction of files, removal of things from files, and I think we can get that; and if we want to get information on Coe, good, but I do not think it is necessary to recite Coe's history; not that I am coy about Coe's history, either.

Mr. COHN. I understand that, Mr. Chairman. Maybe this is a roundabout way of getting at it. I had understood from you before the hearing and at all times that we are not going into this question of communism and subversion at all.

The CHAIRMAN. I would not say "at all." I just do not want to start a duplication of activities.

Mr. COHN. What we are trying to get at, at this time, is a situation which the witness will testify about. We have this man Coe. I think he has been sufficiently identified. The point is that he is no longer connected with the State Department or any agency affiliated with it or having anything to do with the State Department; is that correct?

Mr. MATSON. Yes, sir.

Mr. COHN. And therefore his file is of no legitimate concern to this section of the State Department which has the job of evaluating and making promotions. He just isn't working there anymore. He has been fired. Is that correct?

Mr. MATSON. That is right.

The CHAIRMAN. What is the name of that group, again?

Mr. MATSON. The Performance Measurement Group, foreign personnel section, of the Department of State.

Mr. COHN. In spite of the fact that Coe is no longer there, has there been any activity in connection with Coe's file in recent months?

Mr. MATSON. Yes.

The CHAIRMAN. First let me ask a question. Does that concern itself only with Foreign Service personnel?

Mr. MATSON. I think that is correct. I am not positive but as I recall, that is correct.

Mr. COHN. You say there has been activity with Coe's file since the time he was no longer connected in any way with the State Department and could not possibly be a subject for consideration by this board, this performance management board you have described to us?

Mr. MATSON. That is correct.

Mr. COHN. Would you tell the committee just what activity there has been in connection with that file?

Mr. MATSON. About ten days ago, I was in the file room and I heard Mrs. Balog talking on the phone to a man by the name of Hunt, who was looking for the file of V. Frank Coe. She stated it was up there and she would find it.

Meanwhile, Mr. Toumanoff came in, and she stood up and told him she had found a file, and she gave it to him. At that time, Mr. Hunt came in, and they both took the file together and walked out with it. Those are the two men who are in performance measurement, and, as you state, the man is no longer employed by the State Department.

Senator SYMINGTON. Why is he no longer employed by the State Department?

Mr. MATSON. He was fired recently from a United Nations job, and he has since left his connection. I guess the United Nations job would technically mean he was a Department of State employee. He previously worked, I believe, for the Treasury Department.

The CHAIRMAN. His job with the UN was secretary of the International Monetary Fund?

Mr. MATSON. That is correct.

The CHAIRMAN. And he was discharged after he refused to answer whether or not he was at present an espionage agent?

Mr. MATSON. That is correct.

Senator JACKSON. When did he work for the State Department?

Mr. MATSON. I am not sure that as such he ever did. I know he worked for the Treasury Department previously.

Senator JACKSON. Why would the State Department have the file?

Mr. MATSON. They have a division called "U," which is United Nations. All those people connected with the United Nations, apparently, at least for regular purposes and pay purposes, are assigned to a file in the State Department.

Senator JACKSON. Now, I wanted to ask you. You say these two gentlemen took the files, or Mr. Hunt got the file on Mr. Coe, and the two of them had it, Mr. Hunt and Mr. Toumanoff. Is it customary for them to keep the files overnight, or are they to return them each day? What is the security arrangement there?

Mr. MATSON. Well, when a man is coming up for promotion and the promotion panel is to meet in the future, they will recall files in order to evaluate the man's competency and appropriateness for the promotion, but in this particular case, the man was fired.

Senator JACKSON. Is there any indication that the files have disappeared from the department? Have they been transferred over into somebody else's office?

Mr. MATSON. Well, in many cases, files have been lost and they have been unable to check it. Their security up there is terrible.

Senator JACKSON. Have you been unable to locate these files?

Mr. MATSON. I have never attempted to.

Senator JACKSON. Maybe counsel will pursue that point, I was just wondering.

Mr. SURINE. Mr. Matson, would you go into detail briefly on the section that you call the evaluation section? I think that is the section possibly Mr. Cohn was aiming at.

What its aims are, and the history of that section?

Mr. MATSON. The evaluation section is a section of the Division of Security and Investigations.

That office, incidentally, is under the previously known Office of Consular Affairs, which recently was changed to the Office of Security and Consular Affairs by the McCarran Immigration Act, but was previously known as the Office of Consular Affairs, under which was the Division of Security Investigations. And under that was the evaluations section and the Division of Investigations, in that line, in that order.

Up until recently, it was headed by a man by the name of Herbert F. Linneman, L-i-n-n-e-m-a-n. Its job was to evaluate files after the field offices and the Foreign Service establishments had gathered all material locally, where the people they needed to see to complete the investigation were covered in that area; but when all the leads were covered and sent back in, a man would consolidate all the reports and write a brief summary of all of them and include that in the file and send it to evaluations. Evaluations would read the file and determine, on the basis of the facts contained therein, whether or not the man was a security risk.

The CHAIRMAN. Mr. Surine, did not Mr. Coe work for the State Department?

Mr. SURINE. Yes.

The CHAIRMAN. He was on the State Department payroll?

Mr. SURINE. The Foreign Economic Administration, which was taken over by the State Department and handled by them.

The CHAIRMAN. So that is why they would have the file on Coe.

Mr. SURINE. It is in connection with many of these individual cases, the files of which he has examined, where that exact point is involved. The pattern of information which he gets from each file indicates that recently they have been removing from the files—

The CHAIRMAN. Go into the evidence, then, by all means.

Senator SYMINGTON. Could I make an observation there, Mr. Chairman? First, files could be destroyed; but then, who takes the files if they are destroyed? Or if Mr. Toumanoff has a questionable record, that in itself is of interest, is it not?

The CHAIRMAN. Yes. Perhaps I have been leaning over backwards.

Senator JACKSON. I think that would be helpful. Yes, Mr. Chairman. Because what I would like to find out here is just what the steps are in the destruction process. In other words, some of this has disappeared. Could it be that it is in some other department? In other words, let us not be calling people up to have them say, "Well, we have it over in another filing set-up down there."

I think if counsel could pursue the process of destruction, if any, of any of these files, it would be helpful. That, I think, is what the chairman wants to confine the discussion to.

The CHAIRMAN. I think that is a very good suggestion.

Mr. SURINE. Yes, sir.

The CHAIRMAN. That answers the senator's question.

Mr. SURINE. I would like to say here that Mr. Matson has furnished, for instance, in connection with this man, Toumanoff, what he could find in the State Department files which shows a very unusual history in connection with Toumanoff, possibly from a security point of view. He has also furnished what he knows in the

form of documents and other things, here, in the way of numerous cases where the derogatory material has been missing, or the individual himself looks to be a security risk, and yet has been promoted, over a period of years. He has some eighteen or twenty cases all documented here, on which he could go into detail.

The CHAIRMAN. Let me say, Mr. Surine, that I am interested in any destruction of the files. If the committee wants to go into anything else, it is perfectly all right with me. At this time, I am concerned only with the destruction of the files. I am not interested, insofar as this hearing is concerned, with promotion of security risks and Communists. That is something that should be gone into, of course, thoroughly, but if the Jenner committee is going to do that, I am not going to be duplicating their efforts. I am interested in the removal of files, the destruction of files, the unauthorized personnel examining files. I am interested in that in detail.

Mr. SURINE. Mr. Matson, you have related here what Mrs. Balog advised you in connection with the activities of John Service? In the course of your work, you came across this information. Could you identify it and relate what it is?

Mr. MATSON. Yes. This is a letter to John Service from an old friend in the Foreign Service, George R. Merrell, who is now well known, who is requesting John Service to remove a letter from the file of one, Don Bigelow. I don't know how far this goes, but there are many other indications similar to this.

Senator SYMINGTON. I am sorry. Mr. Merrell is not well known to me. Who is he?

Mr. MATSON. I don't know his rank at the present time, but it is either on the level of ambassador, or he is an ambassador.

Senator JACKSON. Was the letter from Mr. Merrell to Mr. Service?

Mr. MATSON. That is correct.

Senator JACKSON. Requesting the removal of derogatory information?

Mr. MATSON. Well, he didn't say derogatory information.

Senator JACKSON. The removal of what?

Mr. MATSON. I will read it, if I may.

Senator JACKSON. All right.

Mr. MATSON. It says:

"You may remember when we were colleagues last spring I mentioned to you the case of Don Bigelow."

Senator JACKSON. Bigelow?

Mr. MATSON. Bigelow, B-i-g-e-l-o-w. That is the end of the quote. But he then requests Service to go ahead and remove a letter from the file, this man Bigelow's file, concerning the department's request that Bigelow resign or accept a demotion.

Senator JACKSON. Is Bigelow a questionable character?

The CHAIRMAN. Would you develop whatever you know about Bigelow?

Mr. SURINE. At the present time, we don't know the full background of Bigelow. This is merely a squib that he ran across in the files tying Service in with going to a file and removing from Bigelow's file the letter requesting him to resign.

Senator JACKSON. The letter, in itself, is not derogatory information. It is just the letter requesting that he resign. Who is that letter from?

Mr. MATSON. From the department, apparently. The department sent the letter requesting that Bigelow either resign or accept a demotion.

Senator POTTER. That, apparently, was a letter that Merrell wrote to the department concerning Bigelow. Is that not true?

Mr. MATSON. That is correct.

Senator POTTER. And he asked Service to remove that letter from the file.

Senator JACKSON. Unless Merrell changed his mind, or something.

Senator POTTER. Well, he wants that out of the file.

The CHAIRMAN. Let me see if I get this story straight if I may. Bigelow was asked to resign or accept a demotion. Is that right?

Mr. MATSON. That is correct, sir.

The CHAIRMAN. At this time you do not have any knowledge as to why he was asked to resign?

Mr. MATSON. No, sir, I do not.

The CHAIRMAN. But there was apparently something wrong either with his efficiency, or because he was a security risk, or for some other reason he was asked to resign. At that time, Merrell wrote John Service and said, "Mr. Service, would you remove a certain letter from Bigelow's file"?

Mr. MATSON. That is correct, sir.

The CHAIRMAN. That letter, I assume, has been removed, so you do not know what is in the letter?

Mr. MATSON. Yes, sir. That is correct.

The CHAIRMAN. In other words, all you have is the date of the letter, I assume.

Mr. MATSON. No, sir. There happens to be a copy of this letter in there.

The CHAIRMAN. The copy of the letter that Service was to remove?

Mr. MATSON. No, sir, there was not a copy of the letter he was to remove, but there was, amazingly, the letter asking him to remove it.

The CHAIRMAN. Then can we conclude from the state of the file that Service complied with Merrell's request and removed the letter?

Mr. MATSON. That was right at the time I looked at it, sir. Yes, sir.

The CHAIRMAN. Let me ask one other question. From your knowledge, did Merrell have any jurisdiction over the files? Did he have any authority to order material removed?

Mr. MATSON. No, sir, he did not at all. No one has the authority to remove anything from the files, by law. They are all a permanent part of the government files.

The CHAIRMAN. What was Merrell's position at that time?

Mr. MATSON. I don't know, sir.

The CHAIRMAN. All right, if you do not know. What was Service's position? How did he have access to the files?

Mr MATSON. Service at that time had an assignment to foreign personnel. He apparently was in the process of setting up the files in this different system that I mentioned.

The CHAIRMAN. Pardon me, Mr. Jackson.

Senator JACKSON. I was going to pursue much the same point.

Would it make any difference, the fact that Merrell was asking that his own letter be removed from the files, under department regulations and the law? Would you know about that?

Mr. MATSON. Well, in some cases it is accepted by the department for a person who has written a letter of derogatory nature to request that it be removed. In other words, he regrets that he has written it, and he will write and ask that it be withdrawn. I have seen that in the files, and it has been accepted as legal. But in the case where you ask for a letter that someone else wrote—

Senator JACKSON. Oh, I understood Merrell wrote this letter.

Mr. MATSON. Merrell wrote this letter in question asking that another letter be removed from this man's file that was damaging to his future.

Senator JACKSON. I understand. But who wrote that letter?

Mr. MATSON. The department wrote it.

Senator JACKSON. Do you know who in the department?

Me, MATSON. No. I don't believe it was even signed.

Mr. COHN. It wasn't Merrell, though, was it?

Mr. MATSON. No, it wasn't.

Senator JACKSON. How do you know that?

Mr. WATSON. Because he was in the field, and this letter came from the department.

Senator JACKSON. Yes, but he wrote a letter asking that the letter be removed. At that time Merrell was in the field. But could he have been in the department at the time the derogatory letter was written? I am just asking this for the sake of accuracy, so that we know what the record is, here. I am a little confused.

Mr. MATSON. Let me say this. Even if he had been, he had no right to remove it. It was an official letter of the State Department and not a personal letter.

Senator JACKSON. Is there something in the file where you know it was an official letter from the department?

Mr. MATSON. Well, I only extracted this portion, because of the limited time, and so forth, but I recall that it was referred to the Department of State and referred to a serial number, and so on and so forth.

Senator JACKSON. Will the code number give you any clue?

Mr. MATSON. I don't have it here, but it did mention the date, and the title, and we have a lettering on there, which indicates the subject matter, the date, and so forth and so on, on it, which would indicate it was an official communication from the department to the man.

Senator POTTER. He identified, in his letter to Service, this letter, by the serial number and date?

Mr. MATSON. Yes, sir.

Senator POTTER. I see.

Mr. MATSON. In other words, apparently they may have issued this particular letter to more than one person, and they had sent it out according to a list, I imagine.

The CHAIRMAN. Mr. Matson, let me ask you this question. Did you examine Bigelow's file to see why he was discharged?

Mr. MATSON. Well, sir, he was not discharged.

The CHAIRMAN. He was allowed to resign?

Mr. MATSON. No, sir, I think he remained in service, right on.

The CHAIRMAN. I see. At this time, he was asked to resign or take a demotion. Did he?

Mr. MATSON. Yes, sir.

The CHAIRMAN. Did he take the demotion?

Mr. MATSON. Well, apparently this letter was removed from his file and no action was taken.

The CHAIRMAN. Oh, I understand. So that, looking at the file about this letter, you cannot tell why he was asked to resign or take a demotion?

Mr. MATSON. No, sir.

Senator SYMINGTON. Do you know anything detrimental to this individual?

Mr. MATSON. No, sir. I would say it must be efficiency rather than security, because it is almost unheard of to fire people for security reasons, or has been up until recently. It still is, sometimes.

The CHAIRMAN. Mr. Surine, I think on the suggestion of Mr. Symington, this is a reasonable suggestion. If Toumanoff was removing files, it would be of value for the committee to know something about his background. I stopped you when you were going into that, but I think I was wrong.

Mr. MATSON. One other incident of document removal or disappearance, here, is an instance that I cited. This was in connection with a survey I made at Quito, Ecuador. At the time I made it, there was a man who was second in charge of the embassy. His name was Morris Birnbaum. I found that after I stayed there some six weeks to make this complete survey. And during this time, in addition to things I was reading through, I found there was an alien telephone repairman who had tapped all the telephones, the ambassador's residence, the long distance line, the switchboard, and so forth. I took pictures of it, had it disconnected, and I recommended that the man be fired. I made this recommendation to the administrative officer, who was acting post security officer.

He went to see Mr. Birnbaum, and Mr. Birnbaum practically threw him out of the office and told him he was not going to fire the man. So I went to see him myself. And Mr. Birnbaum told me that the bad effect it would have in Quito, Ecuador, of firing a man who had been employed by the embassy for some ten years far overrode the dangers of having him work there.

But in addition to this particular business, Mr. Birnbaum had left his safe open almost every week on Friday nights. His safe contained therein all of the safe combinations to each and every safe of the embassy, including those containing code material. These safe combinations had been written on a long sheet of paper, all of them, sealed in an envelope, initial written on it, and Scotch tape placed over the corners of it, and placed in his safe for safe-keeping. And when I was told this envelope was in there, during the course of my inspection, I asked to see the envelope.

When he looked in the safe, he found it was no longer in the envelope, but it was open, as a sheet of paper lying in the top portion

of the safe; and his safe had been found, as I said, open every week on Friday nights.

The CHAIRMAN. Your job was security inspector at that time?

Mr. MATSON. Yes, sir, I had to make general surveys and technical surveys, and so forth. And there were about ten other points of violation which this man committed, such as intimidating the informants of the Central Intelligence man there. He had a portable radio telephone set which he had spent well over a thousand dollars on, with which he talked to his friends all over the country.

The CHAIRMAN. You are talking about Birnbaum now?

Mr. MATSON. Birnbaum, yes, sir.

The CHAIRMAN. What is the name of the telephone lineman?

Mr. MATSON. I can't remember. It was a Spanish name. It is difficult to remember.

The CHAIRMAN. You do not remember whether the lineman was doing this for himself, or for somebody else, this tapping of the telephones?

Mr. MATSON. Well, prior to going to Quito, I had a report that the Communist party had agents outside the embassy watching the embassy twenty-four hours a day to determine who entered and left the embassy. When I arrived, this man had an office where he could see across the entrance, could also see into the ambassador's office, and no longer were these Communist students out there.

This man, later, when he was investigated, was found to have communistic and socialistic connections.

The CHAIRMAN. You are speaking now of whom?

Mr. MATSON. Of the telephone lineman, who had a job of about a thousand dollars a year, which was pretty high pay for a man who lived in that part of the world.

But the point is that I wrote a report to Washington citing about twenty highly serious security violations by Mr. Birnbaum, and asked them to make an investigation, go back into his high school and college days and see if they couldn't find something, because the violation was so serious I was quite certain that there must be something more than met the eye. And a year and a half later, when I came back to Washington, I was asked, all of a sudden, to answer an airgram from the new regional security officer in Rio, who was then handling that territory, wanting to know what result had been gotten on my request to make an investigation on this man. And they asked me to answer my communication of a year and a half previously.

I looked in the files, when I first arrived back, some three months before, and I saw this communication, and it had not been answered. When I went to look for this communication again, it had been removed from the files.

The CHAIRMAN. Let me interrupt again. In other words, you had sent a report in as a security officer down in Rio. Then, when a new man took over there, in charge of security, he wrote to the State Department and said, "Give me an answer to the report that Matson sent in"? Is that right?

Mr. MATSON. More or less so, yes, sir. Except that I was stationed at that time in Bogota, and it was an area setup, and they changed that to a region, and the new region included my prior territory. You see, the new man took my files over.

The CHAIRMAN. I see. So the reason he knew that your letter was in Washington was that he had a copy of the correspondence in your file?

Mr. MATSON. That is correct.

The CHAIRMAN. And he wrote to Washington and said, "Give me an answer to what has been done"?

Mr. MATSON. That is right. It should have been answered a year and a half ago, and yet in this case I was told to answer my own communication.

The CHAIRMAN. You said you had seen this in the files a month and a half before?

Mr. MATSON. Yes, sir.

The CHAIRMAN. And then you went, a month and a half later, and it had disappeared?

Mr. MATSON. Yes, sir.

The CHAIRMAN. Roughly, what was the date of this?

Mr. MATSON. I wrote it originally the first of March.

The CHAIRMAN. Now, you are going to connect this up with this man, Toumanoff, I assume?

Mr. MATSON. So this was merely another incident of documents being removed from the files deliberately.

Senator POTTER. What files? Were security files kept within the security division, or do you have a general filing system?

Mr. MATSON. No, sir, the security system has its own files, on the fifth floor, 515 22nd Street, Northwest, an annex to the State Department.

Senator POTTER. When there are some materials taken out of the file, do you have a procedure whereby you put a slip in saying, "So-and-so drew out such and such a document from the file?" Is that the procedure?

Mr. MATSON. Well, sir, there is a procedure such as that on the books which should be employed but was not employed and is not employed in connection with any of those particular files.

The CHAIRMAN. Did you ever see that letter since then?

Mr. MATSON. No, sir. As a matter of fact, the man who asked me—I went back to him and informed him I could not find that file, and that I had seen it previously in the files, because I had checked when I returned to find out why it was I had received no answers to all this.

Senator SYMINGTON. Whom were you talking to then?

Mr. MATSON. I was talking to a man who was the chief of the Foreign Service security section.

Senator SYMINGTON. What was his name?

Mr. MATSON. His name was Alec Pringle. He is now the regional security officer in Paris.

Senator JACKSON. Well, would he have been the one that was responsible for your communication that was later removed?

Mr. MATSON. He might have been. He was in Washington in that office, at that time.

Senator JACKSON. Who was immediately responsible, to your best knowledge?

Mr. MATSON. When I sent it back, in 1949, I am not sure that Mr. Pringle was the chief of the foreign section, but he was in the foreign section working with them.

Senator JACKSON. I think it is important to have that narrowed down.

Senator POTTER. Yes. Who is responsible for the files?

In other words, it is not a practice for anybody to walk into the files and take out material of that kind. I would assume that was classified material.

Mr. MATSON. Yes, sir, highly classified. It was secret.

Senator POTTER. Well, then, somebody in that division must be responsible for those files.

Mr. MATSON. Yes, sir.

Senator POTTER. Who is responsible for those files?

Mr. MATSON. We have a chief who is chief of both foreign and domestic. He, theoretically speaking, is in charge of all the files.

Senator POTTER. What is his name?

Mr. MATSON. The chief at that time was a man by the name of Nicholson.

Senator POTTER. Did you talk with Mr. Nicholson to try to find out what had been done with it?

Mr. MATSON. No, sir. I didn't talk to him, because I was under someone else, and you don't go up and talk to someone else unless they send you up there.

Senator POTTER. Did you try to find out what happened to your letter?

Mr. MATSON. Yes, sir. I went in to the man who I felt had such audacity as to ask me to answer my own communication, and told him I could not find the file. And he indicated surprise, but he took no action.

Senator POTTER. Was it dropped, then, right there?

Mr. MATSON. Yes, it was dropped.

Mr. SURINE. Senator, you asked about this Toumanoff. He is the man that is in this measurement section that has access to all of the information on the officials in the Foreign Service, and Mr. Matson took the effort to obtain what was in the files in connection with him as far as he could get it.

The CHAIRMAN. In other words, he made a resume of Toumanoff's own file?

Mr. SURINE. Yes.

Senator JACKSON. Does Toumanoff have jurisdiction over his own file?

Mr. SURINE. Oh, yes. He is in this measurement section that apparently all the derogatory information goes to and then never comes back to the file, never comes back to the file according to Mrs. Balog.

One point that Mr. Matson might cover——

The CHAIRMAN. Let him give us a resume.

Mr. MATSON. I wouldn't say it never comes back. I would say that much of it never comes back.

Senator SYMINGTON. If you would like to file that for the record, whatever the details of his life are, what I would like to know is about this particular matter.

The CHAIRMAN. The question is why he did not clean out his own file.

Senator McCLELLAN. Do I understand that you have extracted this derogatory information?

Mr. MATSON. It isn't derogatory, but not particularly good from a security standpoint.

Senator McCLELLAN. You mean that this has been taken out of the file and destroyed?

Mr. MATSON. No, sir, it is merely a copy of what the file contains at the moment, at this time.

Senator McCLELLAN. Is there something missing from that file?

Mr. MATSON. I do not know, sir.

Senator POTTER. This is on a man that has been taking documents from the files.

Senator SYMINGTON. And not returning them.

Senator McCLELLAN. I see. I came in late. I wanted to get my bearings.

Senator JACKSON. He is the man who has the authority to go over these files, personnel security files, to determine whether foreign officers are qualified for promotion or demotion or something.

The CHAIRMAN. Let me ask you a question. Do they not have any kind of a filing system so that you can tell what is missing? Is there not a numbering system?

Mr. MATSON. No, sir, there is not.

Senator SYMINGTON. Nobody signs for taking a paper out of the file?

Mr. MATSON. No, sir.

Senator JACKSON. There is not an index?

Mr. MATSON. No.

Senator SYMINGTON. Nobody puts a slip in on what they have taken, or signs for what has been taken?

Mr. MATSON. No, sir.

Senator POTTER. I have at least that much in my own office.

Mr. MATSON. It is fantastic.

Mr. SURINE. You have to go to six different files, and even then you won't get all the information on the same individual. They don't have any one central file on any one individual.

The CHAIRMAN. Mr. Surine, let Mr. Matson give the testimony.

Mr. MATSON. Of course, we do have the security files, which are in my own division, which are reserved for a specific number of people to see in specific details.

The CHAIRMAN. Before you leave that, I wish you would give a resume of what is in Toumanoff's file.

Mr. MATSON. This is taken from the open file, not from his security file. I have never seen his security file. It states he was born in Constantinople in 1923 in the Russian Legation. He claims that he is royalty, that his mother was a countess, yet he was born in the Russian Legation in 1923, which is some years after the revolution.

They lived in Massachusetts most of the time, and he attended Harvard, and so forth, but he was not naturalized until 1946. And prior to coming to the State Department, he worked in the Library of Congress as a Russian area expert, and he came to the State Department at a lower salary and is doing personnel work. And that, in general, is his background.

The CHAIRMAN. Was he asked to resign from the Library of Congress? How did he come to leave the Library of Congress?

Mr. MATSON. No, because the file contains his record in the Library of Congress and says his record was satisfactory.

The CHAIRMAN. What was the difference in salary when he left there?

Mr. MATSON. As I recall, it was about two or three hundred dollars; very little, but it was still there. He changed work from this highly specialized activity, knowing the Russian language, to general personnel work. In the State Department work, he could have commanded a much greater salary had he gone into the same type of work.

His mother taught quite a while at this institute on Florida Avenue. I think it is the International Institute of Foreign Relations, if I recall. It is in here some place. But she taught during the time when it was infiltrated quite a good deal by leftists.

The CHAIRMAN. Has that been named by the attorney general?

Mr. MATSON. I don't think so. Because the foundation for the institute was started by some senator, who, I think, is still alive, and who sponsors it.

His whole background and education is that of a person who was training for Communist activities. In his college courses he majored in psychology, and he belonged to a union at one time.

Senator SYMINGTON. I would like to know the union, if you would not mind.

Mr. MATSON. All right, sir. The International Chemical Workers Union.

Senator JACKSON. Were they not thrown out of the CIO?

The CHAIRMAN. I think they were. I am not sure of that.

Mr. MATSON. Another thing I forgot to mention is that a man by the name of Cecil B. Lyon, who was a man with almost minister rank in the Foreign Service, as it was told to me when I was security officer at the Pan American Conference, was on the suspect list as being a subversive. The name is Cecil B. Lyon. The file indicates that he interviewed Mr. Toumanoff and assisted him in filling out his application, wrote a letter recommending him, and there is a letter answering it in the file, which I have cited here. This indicates that Mr. Lyon apparently was his sponsor.

The CHAIRMAN. Is there anything in Toumanoff's background to indicate that he was qualified to take over a personnel job of that kind? Or would you know that from his file?

Mr. MATSON. I would say he was, by virtue of his education. But it was rather a misguided job, inasmuch as he had learned the Russian language and could command a much higher salary and a more responsible job by going to a different division.

Senator POTTER. The information you have is just information from the open file?

Mr. MATSON. That is right.

Senator JACKSON. Where is the secret file?

Mr. MATSON. His file is at the security headquarters.

Senator JACKSON. Does he have access to that?

Mr. MATSON. No, sir, he does not. But a lot of these people gain access to the files as chiefs or assistant chiefs by asking someone else. For instance, if I wanted my file, I would ask Mr. Surine to get the file for me.

The CHAIRMAN. Does that give us a substantial review of Toumanoff's background?

Mr. MATSON. I think so, sir. Everything here is circumstantial, except for the association.

The CHAIRMAN. I would like to glance through that, if I may.

Mr. MATSON. Yes, sir.

Mr. SURINE. Mr. Matson, could you answer this question: Could you relate what this information is, pertaining to Toumanoff, what you have found?

This still deals with Mr. Toumanoff, Senator, whom we have been discussing, who is in position to evaluate for promotions of Foreign Service personnel.

Mr. MATSON. Well, this was extracted from a file of a man by the name of Waring, Frank A. Waring, a doctor, who is State Department personnel.

Senator JACKSON. A doctor? What do you mean? A Ph.D. or an M.D.?

Mr. MATSON. He has the title "Dr." before his name. I don't know. I assume it is Ph.D. But on the file there appeared the statement that no FBI check—this file, going back to Mr. Toumanoff, shows that the file revealed that no FBI check was necessary, and it was crossed out. And there appears the notation there, "Entirely satisfactory." Mr. Toumanoff signed his name under it, indicating that he, as a personnel man, has the right to approve a situation with or without an FBI check. And in that file there also you will see where a man by the name of [Harry] Wolfe, who previously was appointed as assistant administrative officer in Germany had been rated as "unsatisfactory" by three supervisors and was to be sent back fired, when he was asked for by Mr. Toumanoff's section, and later Mr. Toumanoff recommended a raise for him. And later, amazingly, Mr. Wolfe was in a position to recommend a raise for Mr. Toumanoff, so it worked out very nicely.

The CHAIRMAN. Mr. Wolfe was recommended for discharge by three supervisors in Germany. He came back. Toumanoff recommended a raise for him, which he got. And then later he recommended the raise for Toumanoff which Toumanoff got?

Mr. MATSON. That is right. As a matter of fact, in the efficiency reports it is stated that Mr. Wolfe is incompetent and unsuitable. Mr. Toumanoff directly underneath wrote, "I don't agree," and signed his name. Then he offered him this job which he took in the State Department.

Mr. SURINE. What job does he have now, Mr. Matson?

Mr. MATSON. It is in the personnel section.

Mr. SURINE. Does he have any connection with the measurement group, that group you mentioned there?

Mr. MATSON. I can't recall, but it is in that whole personnel setup. They are all co-related in some way.

The CHAIRMAN. If that could be checked, I would like to know about that.

Mr. MATSON. This file, and many others I have here like it, indicated that Mr. Ludden was connected with a lot of people who have been in the news lately, like Mr. Vincent, Mr. Davies, and John K. Emerson, and quite a few others, who were mixed up with the very liberal or pro-Soviet group that we have been seeing in the papers.

The CHAIRMAN. In other words, he was another one of the group exposed by the McCarran committee?

Mr. MATSON. Correct. He was in China with the other boys and he also worked with John Stewart Service and with Davies and all the other group. He arranged to receive special assignments, one as a language officer with the Navy.

The CHAIRMAN. Let me interrupt. How does this tie up with the destruction of files or the removal of files?

Mr. SURINE. Mr. Matson, could you tell the senator what Mr. Ludden is doing now?

Mr. MATSON. Mr. Ludden, L-u-d-d-e-n—the last notice on his file indicates he is a Foreign Service officer, class 1, special adviser on MDAP and NATO councils.

Senator McCLELLAN. May I ask a question to clear this up? I came in later. This summary of files that you have made up and that you are now presenting and testifying from. Do I understand that these were taken from files that have been left after they have been stripped? Or are these some of the things that were removed from files?

Mr. MATSON. No, sir. None of the things that I have here are things that have been removed.

Senator McCLELLAN. You are testifying to what the files in their present state reveal, or did reveal at the time you made these summaries? When were they made?

Mr. MATSON. They were made some time in the past eight months.

Senator McCLELLAN. Some time in the past eight months. That clears up for me what I had in mind.

Senator MUNDT. And have you any reason to believe, pro or con, whether this evidence is still in the files?

Mr. MATSON. I am sure that most of it is. They have extracted quite a good deal here and there in specific instances that I have heard of, but this is a rather nebulous thing and hard to prove; except that in certain cases I had seen letters from the files and possibly made a resume of what it said. And possibly three or four weeks later I decided I had better go back and make a full copy, and in one case the letter was no longer there. I heard the same experience from other agents and the lady in charge of the file room. It seems to be somewhat widespread. It is just a matter of putting your finger on it, where it occurs.

The CHAIRMAN. I do not think you had finished. What did you say Ludden's job is now?

Mr. MATSON. Mr. Ludden is a Foreign Service officer, class 1, who is a special adviser on MDAP and NATO.

The CHAIRMAN. What is MDAP?

Mr. MATSON. That is the Military Defense Assistance Program. And the NATO Council.

The CHAIRMAN. And his job on that is what, again, did you say?

Mr. MATSON. Special adviser.

The CHAIRMAN. In what way does that tie up with the destruction of files, or removal of material from files?

Mr. MATSON. Well, it merely places a man of his background in a position to remove or intercept any important thing from the files.

The CHAIRMAN. And the resume from his files: is that being made a part of the record?

Mr. MATSON. We can make it part of the record if you so desire. Senator JACKSON. Can you give a thumbnail resume of it?

The CHAIRMAN. You see, if you do not, it means nothing to us. You merely said there is a file here.

Mr. SURINE. This shows the record of Raymond Ludden from an administrative point of view; who recommended his transfer, promotions, and so forth, in the department. And these are summary excerpts, in some instances, quoted directly from the administrative file on Raymond Paul Ludden.

The CHAIRMAN. Give us anything you consider significant. Give us now anything that you consider significant, if you have it at your fingertips.

Mr. SURINE. Here is where he was assigned to Vincent and Davies, in the China-Burma area, in 1944. Here is an individual recommending him very highly, Nathaniel P. Davis, on whom there is derogatory information.

The CHAIRMAN. Is this the same Nathaniel Davis who cleared Clubb after he had been found unfit by the loyalty review board?

Mr. SURINE. I believe so. It is the same initial and name.

Here is an exact copy of a letter to Ludden from some individual by the name of Selby, which contains very detailed references to his associations with Davies, Jack Service, and various military men, of whom there has been mention made previously in other committees.

The CHAIRMAN. When you say "mention made previously to other committees," that means nothing to this record, unless you indicate whether it showed Communist activities.

Mr. SURINE. In which derogatory or procommunist information has previously been developed on these people.

The CHAIRMAN. If you find anything that is of significance later, you can insert it in the record.

Senator MCCLELLAN. What file is that you are now handing?

Mr. SURINE. I hand you, Mr. Matson, papers and files in reference to John K. Emerson, and I wish you would describe the nature of the papers and also how this relates to the question of missing documents.

The CHAIRMAN. Mr. Surine, I am fully aware of the John K. Emerson incident. It is possible, however, that some of the members of the committee will not be familiar with where he has been named as a spy and when.

Mr. SURINE. John K. Emerson was in that group over in China whom Pat Hurley, General Hurley, recommended be removed from China because of their procommunist activities and their associations there. He has, from time to time, been mentioned before the McCarran committee in connection with his associations with persons believed to be suspected Soviet agents or Communists. He has had a considerably long career with the State Department, and General Hurley named him in a group of six or seven as being pro-Communist in their activities.

Mr. MATSON. Mr. Emerson, by the way, was consul at Karachi, India. He was recommended in this file by a man named Maxwell

Hamilton for promotion, and he is a man who is known as a member of the Communist party.

Senator JACKSON. He was recommended by Mr. Hamilton?

Mr. MATSON. Yes.

Senator JACKSON. What was Mr. Hamilton doing at that time?

Mr. MATSON. Mr. Hamilton at that time as I recall, was in the Far East division.

Senator JACKSON. He has since resigned or been removed?

Mr. MATSON. He is retired.

Senator JACKSON. When did he retire?

Mr. MATSON. Recently. I brought here to the building today a Foreign Service Journal, a copy thereof, which shows a list of those retired, and his name is on that list.

Senator JACKSON. In the last year or so?

Mr. MATSON. In the last year or two, I would say.

Senator JACKSON. Was he a known member of the Communist party?

Mr. MATSON. According to a couple of books I read lately, one being *Spies, Dupes, and Diplomats*, he was listed as a member of the Communist party.³ I assume that is authentic.

The CHAIRMAN. That is by Ralph de Toledano.

Mr. MATSON. Yes.

Senator JACKSON. You do not have anything on his personnel files?

Mr. MATSON. On Maxwell Hamilton? No, not thoroughly. I have some notes on him. But as to some of those files, someone else got there first.

There is in here, which I wish to bring out, an efficiency report written by General Bedell Smith while he was ambassador to Moscow.

Senator POTTER. Are we talking about Emerson now?

Mr. MATSON. Mr. Emerson at that time was first secretary to the embassy in Moscow. Just one second, and I will locate that.

This applies to missing documents. By the way, before I start this, I will state that someone in my own division, the security division, has informed me that in 1950, apparently our government felt that there was an impending possibility of war with Russia. They asked for a special intelligence report from the embassy in Moscow.

Senator McCLELLAN. That was under Smith?

Mr. MATSON. Under Bedell Smith, when he was there. They had a joint commission which they formed, an intelligence commission there, and it just so happened that Mr. Emerson became the chairman of that group. That commission, as I understand, was formed of the naval-air-army attaches, central intelligence, and the general political setup of the State Department, and so forth.

On the basis of all the information they had available, they formed a joint report, which was to give all the information of value which would reflect the situation there that our government was afraid of or anticipated.

Senator JACKSON. What about this letter that you have from Bedell Smith?

³Ralph de Toledano, *Spies, Dupes and Diplomats* (New York: Duell, Sloan and Pearce, 1952).

Mr. MATSON. Yes, sir. I am trying to go into the background so that you will fully understand what he says here, because he doesn't bring everything out.

John K. Emerson, by the way, was also on the editorial staff of the Foreign Service Journal, of which I have several copies here, and he apparently is one of the authors of some of these apologist writings for Davies and all the other people in the State Department which they have been putting out in their journal.

But there is one feature of this. On December 6th, 1948, the date of this efficiency report written by Mr. Smith, he actually received "excellent." But he states down here—

Mr. SURINE. Excuse me, Mr. Matson. Were you talking about an intelligence report first?

Mr. MATSON. The intelligence report, as I understand it, disappeared. It was not located and it was never sent back to the United States.

Senator JACKSON. This was in 1950, now, the report about the possibility of war?

Mr. MATSON. I said 1950. I am not positive of that date. I am trying to remember what this man told me several months ago, and it may not have been 1950. He may not have been there in '50. I will have to look that up. It must have been in '48.

Mr. SURINE. Was this intelligence report last known to be in Emerson's possession?

Mr. MATSON. That is what I understand, from the man who told me he had read the report of the investigation concerning it: that the document which disappeared was in John K. Emerson's possession.

Senator JACKSON. This is for the purpose of the record here. For the purpose of the record, would it not be helpful to say you are reading from an official report?

Mr. MATSON. I am reading from an official report which was prepared by General Bedell Smith at the embassy in Moscow, dated December 6, 1946, with reference to John K. Emerson. He stated here:

On one occasion when an important secret document disappeared from his desk, his recollection was so vague that no really effective investigation was possible.

That is a sentence which goes along with his attitude.

Senator POTTER. Then he rates him "excellent"?

Mr. MATSON. Well, he rated him on his work. But this entire efficiency report has to be read to get down to it. You have to know the system first. Two, you have to read the efficiency report. And he very suddenly condemns the man, even though he gave him "excellent." Now, I can't explain that.

Senator POTTER. But does he explain away that sentence later on?

Mr. MATSON. He does not at all. It is like saying a man is fine and then turning around and damning him and then saying he is fine again.

Senator POTTER. Could you read the full paragraph?

Senator McCLELLAN. That is what I was going to suggest.

Mr. MATSON. It is pretty long.

Mr. Emerson's performance in the executive and supervisory functions leaves much to be desired. While he never shirks responsibilities or refuses any task as-

signed, his primary preoccupation is with political and historic analysis and the study and academic investigation connected therewith. His years in the Foreign Service have disciplined him to some extent, but he is still likely on occasion to be vague and indecisive toward day-to-day operations and especially toward matters which may seem routine to him. On one occasion when an important secret document disappeared from his desk, his recollection was so vague that no really effective investigation was possible. His action in volunteering for service in Moscow, despite the hard living conditions for himself and family, evidences his determination and devotion to the service as well as his political judgment. . . .

And he goes on and on.

Senator JACKSON. The letter is rather unusual, though in saying he wanted to go to Moscow even though living conditions were adverse.

Mr. MATSON. It is right on the point of building up to Communist activity, but that is not the point now being discussed, as I understand it.

The CHAIRMAN. Mr. Surine, our time is limited, and I know you have a lot of material there, material that interests you a great deal and would interest me, too, but I wish we could dispose, if possible, of the things having directly to do with removal of material from the files, erasures from the files, who ordered them, when it was ordered, the extent of the operation, and then it is entirely possible you will have to go into the background of some of the personnel involved. But first I wish we could get the dates, times, places, what was destroyed, when, where, and how.

Senator JACKSON. And, Mr. Chairman, in that same connection, I think it might be helpful if this could all be condensed and we could get case after case showing exactly what has happened, as you say, with times, dates, and place and the known whereabouts, where the file might be now, so that we do not run into a blind alley and find out maybe the file is in someone else's office down there when we check further.

The CHAIRMAN. I had in mind calling the lady who is in charge of the file room, the keys to it, and I assume she will know about that.

Have we made arrangements to call her this afternoon?

Mr. COHN. We will do that, Mr. Chairman.

Mr. SURINE. Mr. Matson, would you relate in general terms the practices and the orders, the conversations you have had with responsible people in the file room during the past year since you have worked in and out of the file room in the State Department?

The CHAIRMAN. Let us make it specific.

Have you any information to the effect that a security officer in the State Department, Mr. Humelsine, ordered any erasures from the files, any removals from the files, or anything of that kind, either of your own knowledge or from any responsible people in the file room?

Mr. MATSON. Yes, sir, I recall two occasions. About two weeks ago, Mrs. Balog informed me she had been delivered a copy of a memorandum signed by Carlisle Humelsine requesting that certain documents along the lines I mentioned before that were derogatory or commendatory were to be removed from the files, made the subject of a special file in the Performance Measurement Group. She told me this memorandum she received had been predated, mean-

ing that it was given to her on one day and was dated several months previously.

The CHAIRMAN. In other words, it was given to her after elections and dated before elections?

Mr. MATSON. Yes, sir.

Another case was a man named Victor Purse from Humelsine's office, who had sent over to the foreign personnel file room and asked for the file of a previous Foreign Service inspector who had been fired after admittedly being a pervert, and had removed information which indicated the reason for which he was fired.

The CHAIRMAN. We will not make the names of any of the perverts public, unless I am outvoted by the committee, but I would like to have that name. I may say, one of the reasons for it is that one of the men from the American Legion Americanism Committee returned from Europe and indicated that apparently a sizable number of the perverts who had lost their jobs in the State Department had shown up in Paris in jobs that paid better, with living conditions better than they are here. So, at some time, it will be necessary for us to get the names of all the four hundred-some homosexuals who were removed from the State Department and find out if they are in other government positions where they may be giving this government a bad name and bad security risks abroad. I think the Jenner committee may do that, but if you do not mind, you can give us his name, if you know his name.

Mr. MATSON. You say you would like to have the name?

The CHAIRMAN. Yes, I think so.

Mr. MATSON. This particular man is Thomas Hicock. Unfortunately, this man a week later committed suicide, so he is out of the picture. He had been in the Foreign Service for over eighteen years.

Senator JACKSON. When did he commit suicide?

Mr. MATSON. Approximately one week after he resigned, under charges of being a homosexual.

Senator JACKSON. What year was this?

Mr. MATSON. This was last year, 1952.

The CHAIRMAN. If at some future time we decide to make this record public, we can have that name removed.

Mr. SURINE. Mr. Matson, will you continue now by giving any of the other specific information or orders or practices?

The CHAIRMAN. Is that order available?

Mr. MATSON. Mrs. Balog has that in her file, I believe.

The only other thing I wanted to say is that Mrs. Balog, who, as I have observed, is a patriotic American and trying to do a job in spite of the obstructions placed in her way, and pressure, and so forth and so on—her supervisor, a man by the name of Colontonio, with whom she has been at odds for sometime because of the various practices attempted to be instituted, plus the juggling of employees and the fact that they put four or five homosexuals in there in a period of four or five months, and their personnel was constantly changing, so there was hardly anyone there to be able to carry on the work and what say what happened the months before, and so forth.

After I had written the memorandums reporting Mrs. Balog's conversation in July of last year, they finally took action on it here recently, after this long delay, the security division did, and Mr.

Colontonio came in and demanded that she prove her statement that people had removed information from the files, by giving their names. And very foolishly, she did. I say "foolishly." It turned out that way, at least.

Mr. Colontonio insisted that she give him some names, in order to verify her contention that people had removed things from the files in an unauthorized manner, and in many cases had kept things up out of the file for long periods of time and not returned them, and so forth. And she gave him, I think, six or seven names.

She told me a couple of days later that he had gone to all of them and viewed that as more or less of an instigator of bad feelings, nothing more; that each person had become very angry and had tried to take some sort of action against her, meaning going and talking about her with various other personnel over them to find out whether or not she had a right to say this, and what was going to be done, and so forth.

Senator JACKSON. Did those people return anything then?

Mr. MATSON. She never mentioned that they did. But she showed me a copy of her efficiency report. It was written by her boss. It wasn't too bad as far as the rating goes, but the descriptive material wasn't too good, and he recommended that she be transferred.

The CHAIRMAN. I did not get the name of this individual.

Mr. MATSON. Colontonio.

The CHAIRMAN. What is his function?

Mr. MATSON. He is Mrs. Balog's supervisor. In think he is the chief of the Record Service Center, or something of that sort. I can look that up in the telephone book and give it to you.

The CHAIRMAN. And he recommended that she be transferred?

Mr. MATSON. Be transferred. And he has made several efforts to get someone else to ask for her so that he could get rid of her.

The CHAIRMAN. As far as Humelsine is concerned, the only thing that you personally know about the part he played in the removal of files is the fact that he issued an order that was predated, in which he ordered that any derogatory or complimentary information in regard to any employee be taken out of the files and removed to the performance section?

Mr. MATSON. That is correct. Now, Mrs. Balog informed me that it was predated. That is the source of my knowledge. She claimed someone told her it had been out for a long time.

The CHAIRMAN. Now, you have given us information to the effect, as I recall, that three men constituted the performance measurement section. Their task was to decide who should be promoted, demoted, etcetera, in the Foreign Service. You have given us a history of Toumanoff, who was a Russian born in the Communist embassy, five years after the revolution and got his citizenship in 1946. The other two men, Woodyear and Hunt, however, in regard to them, the record is rather blank. Do you know anything about Woodyear or Hunt?

Mr. MATSON. No, sir. I know Mr. Woodyear has been in the department and the Foreign Service for many years. He is considered a responsible officer. That is all I know. But one thing I would like to clear up is that the Performance Measurement Group does not in itself decide who is to be promoted. They prepare all of the files for the panel which reviews them and determines that. They can

extract documents, put in documents, and make an over-all written analysis for the benefit of the panel that takes the file, reviews it, and decides, whether or not the man is to be promoted.

The CHAIRMAN. In other words, they normally take the files, and make a written analysis of the files, and the promotion board then examines their written analysis?

Mr. MATSON. Is guided by that, yes, sir.

The CHAIRMAN. Now, then, do you have any information in regard to Hunt's background?

Mr. MATSON. No, sir, I do not, not at all.

The CHAIRMAN. Do you have any positive information that any of the material which was sent to the performance measurement section did disappear?

Mr. MATSON. Only according to Mrs. Balog's statement that it did disappear.

The CHAIRMAN. Now, after it left her files and went to the performance measurement section, how would she know whether it had disappeared or not?

Mr. MATSON. Well, they were to have it for information purposes only, to take a look at it, make any notes they wished, and return it to her to be filed as a permanent part of the record.

The CHAIRMAN. I see.

Mr. MATSON. It should be returned almost immediately, which would be a day or two at the very latest.

The CHAIRMAN. And then her statement is that some of the derogatory material disappeared and never returned to her files?

Mr. MATSON. That is correct.

The CHAIRMAN. Now, this order of Humelsine's to take out all derogatory material and complimentary material and transfer it to the performance measurement section: do you understand that order to mean it was to be transferred there merely for informational purposes and returned, or that they were setting up a new filing system?

Mr. MATSON. I didn't read the order, but according to the statement made by the Performance Measurement Group to Mrs. Balog, they had decided that they should have the exclusive right to determine whether the derogatory or commendatory material should remain in the file or not.

The CHAIRMAN. In other words, they took the position that they could remove derogatory material from the file if they wanted to?

Mr. MATSON. That is correct. At one time, Mr. Toumanoff had come in and was looking for a document which apparently someone had already taken out, and Mrs. Balog took him to task because his particular section apparently had taken this document out, and they had no right to extract any document. She informed him that the removal of any document from the file is a security violation, which it is in fact. And he called her up later and told her that it was not a security violation, it was a matter of policy. He said that in no uncertain language.

Senator MUNDT. What is the process by which this material gets in those files in the first place?

Mr. MATSON. It comes in in the mail, through the mail room, and is directed, naturally, to the various divisions and sections of the State Department. This type of material, efficiency and so forth,

the people are trained to know about and send to the foreign file room. She separates it, and when she gets derogatory material, efficiency material, and so forth, she is to send that down to performance management for their information.

Senator MINDT. I mean the material that is in these files, that is not such as they sometimes say is in an FBI file, unsubstantiated rumor. This is material prepared by a superior to the individual concerned in the Foreign Service?

Mr. MATSON. That is partly correct. But if I, as a citizen, had seen this individual on a ship or any other place and was told to write a letter saying that he had been disgraced or anything of that kind, she would eventually get that letter and would send it down to performance measurement for their recommendation.

Senator JACKSON. These are not just security files?

Mr. MATSON. These are not security files at all. These are strictly personnel files.

Senator JACKSON. The security files are over in another department, I think you testified. That would have all information relating to security investigations?

Mr. MATSON. Security investigations.

Senator JACKSON. Of all personnel of the State Department?

Mr. MATSON. Of all personnel of the State Department who have been investigated.

Senator JACKSON. What is the longest period of time that has elapsed in connection with the missing of any of these documents so far, by the performance measurement section? How far does it go back?

Mr. MATSON. I am not sure, but to start with, it started with '47, when Mr. Service took the files and started to get the files up in the manner in which he had recommended.

Senator JACKSON. Yes, but since 1947, in other words, the performance measurement section people would get these files from Mrs. Balog and take into their office, and then they have not returned the files from time to time?

Mr. MATSON. No, sir. The files have always been returned. They must be returned. The file is charged out. But the contents, of course, were not listed, so that you could remove one or two documents and no one would be the wiser, because there is no inventory of those documents.

Senator JACKSON. Then let me ask you this. As I understand it, they take the files, and then the file would be returned, but certain pages or documents within the file might be missing?

Mr. MATSON. That might be true, sir. I don't know about that.

Senator JACKSON. Are there any cases where the entire file has been missing over a period of time?

Mr. MATSON. There are a few cases, which I don't know of definitely, but I have heard Mrs. Balog speak of it.

Senator JACKSON. Where the entire file was missing?

Mr. MATSON. Normally, that would not be done by anyone, because it would be a dead giveaway.

Senator JACKSON. I understand that, but I wanted to find out whether the entire file is missing, in any cases.

Mr. MATSON. I don't recall any specific instances, no, sir.

Senator JACKSON. And do they sign for the file?

Mr. MATSON. They usually send a girl up, a secretary.

Senator JACKSON. Somebody usually signs for the file?

Mr. MATSON. Somebody usually signs it, or she charges it out to them.

Senator JACKSON. How can Mrs. Balog tell whether certain papers are missing from the file?

Mr. MATSON. Mrs. Balog has been in there a long time, and she knows a lot of the people in the file, and when a letter comes in saying John Stewart Service had been accused of being a Communist, and she looks in the file a month later, she doesn't see the document in there, which should be the top document.

Senator JACKSON. How many files are in her custody?

Mr. MATSON. I don't know exactly the numerical number, but I would say-it is hard to give a guess. I can give you the approximate number of file cabinets.

Senator JACKSON. No, but roughly.

Mr. MATSON. Oh, she has over a thousand.

Senator JACKSON. Over a thousand?

Mr. MATSON. Over a thousand. Maybe she has six thousand.

Senator JACKSON. Well, how could she remember what would be in the files when they left the department, and what might be missing when they returned?

Mr. MATSON. Well, of course, in many cases she can't, and she doesn't. But the cases I mentioned are ones she happened to remember.

Senator JACKSON. Let me pin this down. I am trying to be helpful here in getting information so that we will have some degree of accuracy. Did she, from time to time, make a spot check, in other words? Someone would call up for the file from the performance measurement section, and then, before she turned the file over, would she check and see what was in the file? And then when the file came back, she would check it against her memoranda?

The CHAIRMAN. She will be here at four o'clock.

Mr. MATSON. If I may make one statement here, it may clarify this whole situation a little bit. The performance section is only one section in that building which has access to these files. The Foreign Service officers, their assistants, stenographers, all of them, have access to the files by virtue of being sent up there to draw out files.

Senator JACKSON. They are not classified?

Mr. MATSON. They are all confidential files.

Senator JACKSON. What does she have jurisdiction over?

Mr. MATSON. She has entire jurisdiction over all the files there. But the confidential files are in her own room where she sits, so that she has her eye on those files.

Senator JACKSON. Are they locked?

Mr. MATSON. No.

Senator POTTER. They are not locked, you say?

Mr. MATSON. No.

Senator POTTER. Even the confidential files?

Mr. MATSON. At night time, when they go out, the doors are locked, but the keys are turned over to the char force, of course, and also to two people who are considered duty officers over the weekends, holidays, and so forth, who are picked out to be duty of-

ficers. The security of the files is not non-existent, but it is pretty close to that.

Senator POTTER. What evidence do we have where files are actually missing, or documents from a file? Now, you mentioned this letter from Bedell Smith, which probably never even came to Washington.

Mr. MATSON. The report that we mentioned by Bedell Smith didn't ever come to Washington.

Senator POTTER. What instances do you know of, or do you recall from your conversation with the people, where documents have been removed and never returned?

Mr. MATSON. The only specific instance that I know of for sure is a file that I looked at several months ago where there was a letter to this man from Lawrence Duggan. At that time he wrote to him and asked him to contact some book shop and buy several copies of a book for him or rather the securing of a letter. I made a little brief excerpt from it and later I decided I would make a whole copy and I looked up the file and three weeks later the letter had been extracted. I noticed that the man himself, whom I happened to know personally, was in the department on consultation, and I assumed his file was going out of the place to the area operations officer, and that he saw the letter there and he probably took it out.

That was the only specific instance where I can personally testify to my knowledge that it was removed.

Senator POTTER. Actually the only way we would know what letters or documents would be taken out of the files would be to rely upon the memory of the woman in charge of the files because there was no catalog of the material that might be in individual files. Is that not true?

Mr. MATSON. The whole sad part of it is the system itself is utterly fantastic if you are making any common sense effort to preserve the files or the integrity of them. There isn't any system of protecting them.

Senator POTTER. Now, you mentioned or it has been mentioned about erasures being made. Do you have any knowledge of that?

Mr. MATSON. I did not make that statement. Mrs. Balog may have made that statement, but I don't recall. All I know is that the documents were not coming back and there were documents being removed. They would be looked for for other purposes and they were to be sent back immediately and then filed, and they were never filed because they were never sent back to her, so she said.

Mr. SURINE. Mr. Matson, who is Robert Ryan, and is he in charge of the files? Could you relate what you know specifically about the files and his connection with them, and what you have observed in the files?

Mr. MATSON. Mr. Robert J. Ryan is the assistant director of Foreign Service personnel. He has on occasion, in some cases, in the open files placed a slip, just a white blank paper which stated before any action is taken on this file to see Robert J. Ryan, and it is like that. You go all through the file and you think there is something missing, and you go down there and see Mr. Ryan. I have only been to see him one time, but some of the others have been several times. I found one case where there was a copy of a

letter which had been drafted to be sent to Civil Service guaranteeing that the person who had resigned on moral reasons would not be hired through some other agency, and this letter would make this guarantee. A copy of that letter would not be in the file. He couldn't get the information whether the letter had actually been sent out, but the area operations officer who apparently had drafted the letter had a copy and that is the only way we could locate it.

I went to see Mr. Ryan, and he looked through his file cabinet like he had something, and then when he found nothing he said that he had nothing, and I said, "Why do you put these in here?" He said, "Well," and he kind of stammered around, and he said, "Well, sometimes because I know that the security branch has got the right to the information, and nobody should take action on it until they see me, and then I call the security branch and we take action on it."

In several cases it appeared that he had possibly removed documents for one reason or another, and that what happened to them I don't know. It gave him an opportunity to remove documents and if the persons knew they were in there, they could then put them back, and they would never be asked for if they didn't know about them."

Senator POTTER. What is the name of the man in charge of the files? Is he over there?

Mr. MATSON. He is director of foreign personnel.

Senator POTTER. Is there another type of files?

Mr. MATSON. They are all in the same agency, but the director of personnel has no supervision over files because that is a different section of the State Department.

Senator POTTER. And Ryan is in personnel?

Mr. MATSON. He is assistant director of foreign personnel, and you have the two of them, the department personnel and the foreign personnel.

Mr. SURINE. Mr. Matson, I hand you a file that you have prepared on John Anthony Leers, which I believe you gave to me as an example. I am handing Mr. Matson a file which he prepared of material on one John Anthony Leers, which contains certain information which Mr. Matson found in the files. It deals with the question directly of the process from the file room to the measurement group, and the materials in the files themselves. Also, I suspect that it will also tie in with Mr. Ryan's situation where he himself has apparently removed material from the file.

The CHAIRMAN. May I make a suggestion? Mr. Matson has a tremendous lot of material there, apparently prepared over a long period of time, and I am afraid that the committee could not sit through the presentation of all that because of the time limitation. I would suggest that you prepare that with Mr. Matson and pick out the excerpts from the files, and state what file it is from, and where and how it is gotten, and we will insert that in the record. Otherwise, this material, while much of it does not concern the subject of taking material out of the files concerning the incompetence or inefficiency or other activities of an individual, I think we might be derelict if we had this material here and did not make a record of it. It is for the benefit of the committee, and we would

have the letters here which Mr. Duggan, a Communist who committed suicide, wrote, in which he recommended certain individuals for jobs, and they are still holding important jobs; and cases in which Alger Hiss recommended certain people for jobs—whether they are holding the jobs or not, I do not know and in some cases in which he uses very, very strong language saying, “I can’t recommend this man too highly.”

I think, as I say, while I frankly did not know you were going into the Communist element so much, that that material should be prepared, and I think it should be passed on to the Jenner committee and see if they want to go into it. If not, then we can decide whether or not we want to pursue that further.

Today I was principally concerned with the destruction of the files; and I think then, after the letter is prepared if any member of the committee wants to ask further question to clarify it, we will ask Mr. Matson to come back.

Senator JACKSON. May I supplement it with one further suggestion along that line, that in preparing this bill of particulars of what has happened in the files, if you could end up with some kind of a conclusion as to where you think the files might be, in other words, could they be in some other department filed away, so we can get as much evidence as possible, circumstantial and otherwise, that would indicate destruction of the files, so that we do not get someone else up here and say, “Well, we put them over in another department where we are working on personnel.”

The CHAIRMAN. We may have to call Toumanoff, or Woodyear, and I would like to have Toumanoff brought up and put under oath. Would you not think so?

Senator JACKSON. Yes.

Senator POTTER. I think it is desirable to find the bodies first.

Senator JACKSON. We do not want to give away our case here.

Senator POTTER. And then ask what happened to this letter, and we can have half a dozen or so specific cases, and in hope possibly we can get this from the woman in charge of the files, and find the bodies, and then try to trace the bodies.

Mr. MATSON. In the first place, I don’t think that there is any authority whatsoever for the Performance Measurement Group extracting confidential files or any part thereof, particularly derogatory information, which is held out to all of the government agencies as being contained already in Mrs. Balog’s files, and they aren’t actually contained there when they are removed. They don’t leave any slip showing they are removed, which is also not proper. But recently the security section, after some eight months delay on my memorandum, sent a man around to Mrs. Balog’s section who questioned everyone except Mrs. Balog about her reports that people had been removing information from the files, and so forth. Following that, the following day, they called Mrs. Balog over there, and she told me that they had tried to get her to change her testimony from the statement that people had removed this information, to the statement that maybe she was mistaken and they had not removed it.

The CHAIRMAN. Who got her to try to change it?

Mr. MATSON. A man by the name of Ambrose is the assistant chief of domestic security, and he was apparently sent over there by the chief of the division of security investigations.

The CHAIRMAN. And the chief would be who?

Senator POTTER. Did she in the memorandum state—

The CHAIRMAN. Let me get an answer to that.

Mr. MATSON. The chief is a man by the name of John W. Ford. His special assistant told me on the street the other day that he wanted to talk to me about the memorandum I had written some time before, and it was two days later when Mr. Ambrose showed up to make this so-called investigation, after about eight months delay.

They are all very excited and running around in big circles, and so forth and so on, and this is apparently part of a big rush to cover up. Your statement that probably these people would state, "We have these in these other files," I don't doubt that they could determine what documents are missing, and they would duplicate them and put them someplace, and they are frankly that excited.

I have worked with these people, and I have known of them over six years, and I can say that some of them are very fine people and they do the best they can, and I say a lot of them are just the reverse of that. Unfortunately, those people are in the higher brackets.

Senator POTTER. Did this woman make a statement in writing to her superiors that people were taking the material out of the files?

Mr. MATSON. She was asked to make a statement, and I don't know whether it was in writing or verbally, to her supervisor, Mr. Calantonio, who then, according to her story, went and spoke with those people. She intimated that he had used it, not to chastise them for what they had done, but merely to inform them that she had made that statement. As I say, she can answer those questions.

Mr. SURINE. One thing I haven't asked you, Mr. Matson, and you haven't explained. Could you very briefly, for the record purposes, describe the file system, how many sets of files you know of exist in the State Department, and do Mrs. Balog's files cover all twenty-six thousand employees, or whatever the number is there; and also, the mechanics of obtaining all of the pertinent files that we might be interested in, in connection with various individual cases?

Mr. MATSON. Well, in the department itself, they have their own department files, which are more or less unclassified. Those are the personnel files of all descriptions. Those are called the department files. They are in the same building as those Mrs. Balog is in charge of. She has her files, which are called foreign personnel files, and there are a lot of people in the Foreign Service who worked in the department.

They have two files. One will be in the department and one in the Foreign Service. We have a lot of files which are under the Fulbright Grant and under the Office of Exchange, and those are over in the Longfellow building. We have other offices along the same lines which are professional grants under the same program, which would be found in the old Hurley-Wright building. And then we have the security files, and the security files are the general back-

ground from an investigative standpoint, and derogatory information affecting security.

Security, too, has archives in the basement, where they store files which for some reason or other they decide to put there. They also have international files on people connected with various international organizations, which State has had or still has affiliations with, like grants, funds supplied, and so forth, which is in a different section.

So in order to determine the background of a person, sometimes you have to search six or seven places.

The CHAIRMAN. You mean that if I am working in the State Department in order to get my complete file you would have to go to six or seven different places to select six or seven different files to get the complete file?

Mr. MATSON. Not in all cases, but in many cases, and it depends on what job and what service they are in. Central Intelligence also has a combined file between them and State, which is sort of a stripped-down file, to give them cover in the field.

The CHAIRMAN. Let me ask you this. I think you have testified to this, but how long have you been in the security branch of the State Department?

Mr. MATSON. I have been there since March 3, 1947.

The CHAIRMAN. From your experience over there, there is no doubt in your mind, I gather, that the files have been deliberately stripped of derogatory material about certain individuals?

Mr. MATSON. I would definitely say regarding certain individuals, that they have been stripped, or they have been concealed, or otherwise not made available to people who were looking for them.

Senator JACKSON. What did you do prior to 1947?

Mr. MATSON. Prior to 1947, I was an insurance adjuster for Travelers Insurance.

Senator JACKSON. This is your first work with the government?

Mr. MATSON. Yes, sir. Prior to that, I was in the navy for three and a half years.

The CHAIRMAN. Which file would show who recommended me for a job in the State Department if I were working over there? Would that be your personnel file?

Mr. MATSON. More than one file. Normally, your personnel file would show. It starts off with an application for employment, and then the various papers you sign to be sworn in, if you are accepted, and then you have letters of recommendation, and then you have letters of commendation during your service; if people thought you were a fine fellow, they would write that in, and it goes on from there until the file builds up full of papers. It all starts with the application for employment, and then your affidavits of government oath, and so on and so forth.

Mr. SURINE. Mr. Matson, you haven't covered the situation which involves St. Louis. Isn't there another angle of sending files to St. Louis?

Mr. MATSON. Yes. That is something that, as I understand, came about by the Communications Act of 1950, and which someone suggested that this girl, Rommel, had something to do with recommending the system and pushing it through so that they decided that files inactive for one year—

Mr. COHN. Who was that?

Mr. MATSON. A woman by the name of Rowena Rommel.

Mr. COHN. Is she now with UNESCO?

Mr. MATSON. I think she is.

Mr. COHN. In Paris?

Mr. MATSON. Yes, sir.

Mr. COHN. Is that the same one?

Mr. MATSON. Yes, the same one.

The CHAIRMAN. She was recommended, or are you aware of the fact she was recommended for discharge by the State Department on the grounds of being either a bad loyalty or security risk?

Mr. MATSON. Yes, sir, I am aware of that.

The CHAIRMAN. There is much more material that we would like to get from you, Mr. Matson, and I suggest that you brief up all of the papers you have there with Mr. Surine, and we will make them part of the record and each senator will get a copy; and if they have any further questions to ask, we will call you back for that.

The mere fact we did not have you put all of them in today does not mean we are not interested in this information.

Now, we have Mrs. Balog due here at four o'clock.

Mr. SURINE. In closing, I would like to mention that Mr. Matson has come over here to testify at what could be at some personal risk to himself, as it is presently set up over there, so I thought I would point that out for the record, that Mr. Matson feels that there might be some repercussions against him.

[Whereupon, at 3:55 p.m., the hearing was recessed.]

FILE DESTRUCTION IN DEPARTMENT OF STATE

[EDITOR'S NOTE.—Helen B. Balog (1904–1974), supervisor of the Foreign Service file room, returned to testify in public session on February 4, 1953.]

TUESDAY, JANUARY 27, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 11:00 a.m., in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator Stuart Symington, Democrat, Missouri; Senator Alexander Wiley, Wisconsin, Chairman, Senate Foreign Relations Committee.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; Ruth Young Watt, chief clerk; Julius N. Cahn, counsel, Subcommittee Studying Foreign Information Programs of the Senate Committee on Foreign Relations.

The CHAIRMAN. Will you stand up and raise your right hand? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. BALOG. I do.

Mr. SURINE. Mrs. Balog, would you for record purposes, give your full name, your current address, and the position which you now hold?

TESTIMONY OF HELEN B. BALOG

Mrs. BALOG. My name is Mrs. Helen B. Balog, and I am supervisor of the Foreign Service files.

Mr. SURINE. I see. And where are you now residing?

Mrs. BALOG. 724 Tewkesbury Place, Northwest.

Mr. SURINE. And are you here pursuant to being served by a subpoena from this committee?

Mrs. BALOG. That is correct.

Mr. SURINE. Could you very briefly summarize your government employment experience up to the present time?

Mrs. BALOG. I entered on government service in January of 1938 with the Social Security Board in Baltimore, and I transferred to the stenographic pool in Washington a year later and remained there until 1940, when I transferred to the War Department,

Chemical Warfare Service as a supervisor of files. In '42, I went with the technical division of the Chemical Warfare Service to conduct their files at Edgewood Arsenal, as a separate unit, to be moved back to Washington at the end of hostilities. And in 1945, I transferred to the State Department.

Mr. SURINE. I see. And from 1945 until 1947, what was the nature of your work in the State Department?

Mrs. BALOG. When I first went with the State Department, I was in Mr. Wills' office in personnel relations, processing new appointments, helping people get started into the Foreign Service, telling them their way around Washington, telling them what they had to do, their various duties, and so forth. Then I was in the transactions unit for just a few months, and from there I went to the file room, in 1947, in December.

Mr. SURINE. And in what position were you placed at that time?

Mrs. BALOG. As supervisor.

Mr. SURINE. As supervisor of the file room. Now, what did this file room contain, as far as scope is concerned? What did the files cover?

Mrs. BALOG. You mean in '47?

Mr. SURINE. Yes, when you started, and bring it up to the present time. If it has grown any, covered any larger amount of files, bring that up to date.

Mrs. BALOG. When I took over the Foreign Service file room, all I had were the active Foreign Service files, consisting of staff files, which included all papers on a person, reserve files, which include the same, and the administrative Foreign Service officers' files, which do not include any of their performance material, including efficiency reports. And then I was supervisor of also the storage file room, and the alien files, which we no longer maintain.

Mr. SURINE. I see. And at the present time, what do your files contain, or what are they supposed to contain, as far as scope is concerned?

Mrs. BALOG. Well, in 1948, the files on Foreign Service officers, all career officers in fact, including ambassadors and ministers, were moved from the chief's office where they had been kept for years, and placed under my supervision in the file room.

Mr. SURINE. And does that also include, under your supervision, what is called the storage files, or permanent files?

Mrs. BALOG. Yes, sir.

Mr. SURINE. I see.

Now, in 1948, the latter part of 1948, did you have any occasion to become acquainted with Jack Service?

Mrs. BALOG. Yes, sir.

Mr. SURINE. Or John Service?

For the record, John Service has recently, within the last year, been held to be a security risk, and was asked to resign from the State Department. Previously, he had been arrested by the FBI in 1945 in connection with his activities in the notorious Amerasia case.

Is that the same Jack Service, Mrs. Balog?

Mrs. BALOG. Yes, sir.

Mr. SURINE. Now, in what manner did you become acquainted with Jack Service? And could you describe what he was doing at that time, and his position?

Mrs. BALOG. Mr. Service—at this point I am not quite clear on, as I told you—Mr. Service, either in 1947, or probably in 1947 and 1948—was head of the promotion panel for Foreign Service officers. And during this period, he set up or was one of the men that set up this performance measurement branch.

Mr. SURINE. I see. Before we go to the performance measurement branch, could you tell us what his authority was as chairman of this promotions branch? What was his authority?

Mrs. BALOG. Well, he is delegated the authority to see that sufficient personnel are provided to get the files in order for the panel.

The CHAIRMAN. I do not think you heard his question. The question was: What authority did he have as chairman of the promotions branch? You mean what authority to promote and recommend?

Mr. SURINE. Yes, authority to promote personnel or bring in personnel. Did he have authority to do that, as head of this promotions branch?

Mrs. BALOG. Well, as an individual, I would say no, because the panel as a whole has to decide who is going to be promoted.

Mr. SURINE. But he was chairman of that panel which promoted Foreign Service personnel and brought in new Foreign Service personnel; is that right?

Mrs. BALOG. I don't think the panel brings in new personnel. That is recruitment.

The CHAIRMAN. You would not have the names of the other members, would you?

Mrs. BALOG. No, sir, but they certainly would be available, by asking the department.

Senator SYMINGTON. How many were there, roughly?

Mrs. BALOG. There are only six, seven, or eight, and they are not all State Department employees.

Mr. SURINE. If they are not State Department employees, are they from some other government agency?

Mrs. BALOG. I think the panels, at least as they operate now, consist of one or two representatives from private industry, and then representatives from other government agencies.

Mr. SURINE. I see. Now, getting back to Jack Service, could you describe very briefly your relationship with him, your dealings with him, during the year of 1948?

Mrs. BALOG. During 1948 is when he recommended a complete revision of the Foreign Service files, that is, the career files.

Mr. SURINE. I see. And did he have anything to do with setting up what is called the Performance Measurement Group?

Mrs. BALOG. I am quite sure he did.

Mr. SURINE. I see. And what is the nature of the duties of that group in regard to the files, as far as you know?

Mrs. BALOG. They evaluate all of the performance material that passes through their section, and all performance material entering the file room has to be referred to them before it is returned to be filed.

Mr. SURINE. What is the nature of their responsibility in regard to the Foreign Service? Do they then send the files on various individuals to the promotion group? Is that the procedure?

Mrs. BALOG. That is correct. They withdraw the files by class to go to the panel.

The CHAIRMAN. May I ask a question there, Mr. Surine?

Mrs. Balog, am I correct in this: that they do not keep a filing system of their own, but when they want to examine the performance, we will say, of John Jones, they would come to you and get the files, take them before their three-man board, and then when they got through with them bring them back to you? That would be the procedure?

Mrs. BALOG. Senator McCarthy, they keep some kind of an evaluating record of their own.

The CHAIRMAN. I see.

Mrs. BALOG. They don't maintain the files separately in there, but they do keep an evaluating record. They do keep records in there on personnel.

The CHAIRMAN. When you have a file on John Jones, and the performance measurement board wants to submit a report to the promotion board, then do they normally come to you and get your file, and after they are through with that are they supposed to return the file in its entirety to you?

Mrs. BALOG. That is correct.

Mr. SURINE. Now, going on a little further, in connection with the duties and work of the Performance Measurement Group, which apparently Jack Service set up, in 1947 or '48, could you describe what the Performance Measurement Group does with that file, what you found out they do, plus covering the evaluating clerks' or analysts' situation?

Mrs. BALOG. They review all the performance material. They place in the file what material they want the panel to see. They tell me that there is certain material that they have withheld from the panel.

Mr. SURINE. You mean they are taking material from the file on the individual and not passing that on to the promotions branch? Is that it?

Mrs. BALOG. That was my understanding of a verbal conversation in '51.

Senator SYMINGTON. Who did you have the conversation with?

Mrs. BALOG. Three or four analyst-clerks in the performance measurement in 1951, while the panels were in session. And I want to say here that I don't know whether this conversation occurred—or I do not remember whether it occurred while the FSO files were being reviewed or whether it was staff and reserve. It could have been when staff and reserve were being reviewed. But the same thing would probably apply to the FSO files, too.

Senator SYMINGTON. What they told you was that they took material on performance ability and lack of ability of people in your files, which they were supposed to give to the performance group, but they did not give it to the performance group? Is that it?

Mrs. BALOG. I don't know what performance measurement things the panel should have. I do not know what they have drawn up in there as to what material is to be given to the panel. But I was

always under the impression that the entire file went to the panel, until 1951, when I discovered that certain material, allegations against people, had been withdrawn, or as to physical fitness had been withdrawn, because they didn't think it had been established, and it might affect the panel's minds in promoting the individual.

Mr. SURINE. I see. Now, you have mentioned that they also prepared what you described as blind summaries, which they attached to the file. Could you very briefly cover that?

Mrs. BALOG. This evaluating team in there, for years, long before performance measurement—someone in FP, and I can't tell you who, because I don't know who. It was somebody in the chief's office, some employees in foreign personnel prepared these summaries that go with a face sheet on the officer. They have read all his efficiency reports, read all the material, commendatory or otherwise, about the man, and then they prepare a brief summary, which is placed on top of position two of this four-ply folder. And that is sort of a spot check for anybody reviewing his record. But they have never been signed or initialed by anybody. You have no way of knowing who prepared them.

Mr. SURINE. Now, to further cover the situation, your files now are to contain, or were to contain, all derogatory or commendatory material, on an individual compiled in the course of his foreign service. Is that right?

Mrs. BALOG. Correct to this extent: except what security thinks is of such a security nature that it shouldn't be common knowledge, and it is retained in the security division.

Mr. SURINE. Now, you have related that in the years of 1947, '48, '49, and possibly part of '50, facts regarding, for instance, homosexuality, subversion, or other situations that would apply on the fitness of the individual, were kept in envelopes in your files. Is that right?

Mrs. BALOG. That is right.

Mr. SURINE. And the practice, as you related, was that only authorized persons were to look in these envelopes.

Mrs. BALOG. Only authorized personnel.

Mr. SURINE. But you found during the period of those years there was absolutely no supervision as to who was going into those envelopes either to remove material or to look at it?

Mrs. BALOG. That is right, after the file left the files.

Mr. SURINE. And then in 1950, or possibly '51, that system of placing material in the files was changed, and that material was channeled to security; is that right?

Mrs. BALOG. That is correct.

The CHAIRMAN. Let me ask this question, Mrs. Balog. At the time this material was kept in envelopes, allegedly away from the general employee in the department, who was responsible for it? In other words, who was responsible to make sure that Tom, Dick, and Harry could not come in and look over those envelopes?

Mrs. BALOG. Senator McCarthy, I think anyone could have opened those envelopes. Because they didn't have any particular seal on them, and they could have been placed in a similar envelope and resealed. There really was no control on it. They trusted the employees not to open them.

The CHAIRMAN. As I understand, there was no numbering of the individual papers in the file, no cross indexing. So that, let's say I worked in the State Department. I could come in and pull whatever papers I wanted out of the file, and if you looked at it later, you would not know that I had taken papers out of the file?

Mrs. BALOG. That is correct.

Senator SYMINGTON. Who do you mean by "they" trusted them? Who is "they?"

Mrs. BALOG. The area officers. The area officers seldom ever come up and withdraw themselves; they send their secretaries and clerks on duty in the department.

Senator SYMINGTON. Is there any officer who was in charge of this particular part of the files?

Mrs. BALOG. No, sir.

Senator SYMINGTON. In other words, there was nobody in authority over the files at all. That is, in effect, what you are saying?

Mrs. BALOG. After they leave the file room, the file is in the custody of the area, and they are responsible for its contents and what is in there until it is returned.

Senator SYMINGTON. Well, who were the area officers in question?

Mrs. BALOG. They change. Every division area is headed by a Foreign Service officer, who may be here for a year or two years and then he is out to post again. There is a constant change of personnel in FP.

Senator SYMINGTON. So that they really leave it up to the people who run the file as to who supervises the file?

Mrs. BALOG. They couldn't leave that up to me, because I charge a file in good faith, and there is no tabulation of what is in those files, and I would have no way of knowing, when they come back, if they removed something. I have seven thousand active files.

Senator SYMINGTON. So what you are really saying is that there is no supervision over the files.

Mrs. BALOG. Not after it leaves the file room.

The CHAIRMAN. You referred to area supervisors, in answer to Senator SYMINGTON's question. Roughly, how many area supervisors are there at one time who would have access or whose secretaries would have access to the file?

Mrs. BALOG. Any personnel officer in the area can withdraw the staff and reserve files, and the FSO administrative files, any time; any of them. And some two hundred people were in the division. There aren't that many now.

Senator POTTER. Would it be like if I were in charge of the China desk and wanted a certain file, I would ask for a file? I would be an area supervisor?

Mrs. BALOG. You would be an area officer. You might send your stenographer up to the file.

The CHAIRMAN. So that as far as you were concerned, you understood that if anyone in personnel sent his or her secretary up to you and said, "I want John Jones' file," you had no choice but to give them the file?

Mrs. BALOG. That is correct. But don't get mistaken. Our files do not leave our division. We don't send them all over the State Department. There are other channels for that information going out.

Only the people working in foreign personnel and departmental personnel can withdraw these files direct.

Senator POTTER. Can I ask just one more question, Mr. Chairman?

That envelope that is sealed, in the file, goes with the file when it leaves your file room?

Mrs. BALOG. Yes, sir, it does.

Mr. SURINE. Now, Mrs. Balog, getting back to Jack Service, you mentioned you had dealings with him fairly constantly during the year of 1948 and 1949. Could you relate in detail the instances where he demanded from you the keys to the file, that situation?

Mrs. BALOG. Well, there aren't any specific details, for this reason, that Jack Service was in my file room every day. Because he was converting these files from the old envelopes that they used to be kept in—and they were a mess; frankly, they were a mess—and performance measurement was setting them up in chronological date order in four positions in a new four-ply folder. And it was a tremendous job, because they were going through every active file. He often would ask for the keys at closing time, and say, "I am going to work tonight."

Mr. SURINE. I see. And that happened on numerous occasions during 1948?

Mrs. BALOG. On numerous occasions.

Mr. SURINE. And since that time you have received no information as to what his activities were at night in the files or who else may have been in there?

Mrs. BALOG. No, sir.

Mr. SURINE. In fact, you have testified that since you have been in the file room, in '47, and even now, you would have no way of knowing whether any material or group of material had been removed from the file?

Mrs. BALOG. That is right.

The CHAIRMAN. Do you know who assigned John Service to that job?

Mrs. BALOG. No, sir, I don't.

Senator SYMINGTON. What was his position at that time, aside from being Chairman of this committee on promotions or whatever it was?

Mrs. BALOG. He was a Foreign Service officer, class 2, I think, at that time, and I think he was very closely connected with the chief's office.

Senator SYMINGTON. The chief being—?

Mrs. BALOG. The chief of foreign personnel.

Senator MUNDT. Do you remember who was chief at that time?

Mrs. BALOG. I am a little vague about that, because we had Ackerson and Cecil Gray right around that time, and frankly, I am not sure, but I believe I am right in saying it was Garret Ackerson.

Senator MUNDT. One of those two, anyway?

Mrs. BALOG. Yes, sir.

Mr. SURINE. Now, Mrs. Balog, Jack Service had access then to the files, apparently, at will, day and night, up until what time, when you mentioned something happened, when the loyalty board came into the picture?

Mrs. BALOG. Whenever the State Department loyalty board started their first investigation of him, he was sent over to CS work, central services. He had an office over there somewhere in CS.

The CHAIRMAN. Do you recall the approximate date of that?

Mrs. BALOG. No, I don't.

The CHAIRMAN. Was it in 1950, do you think?

Mrs. BALOG. I don't recall him being around there that late. I believe he was over in new state on some job prior to 1950. I just remember him being around, definitely, to quote dates, in '48, as far as I am concerned, and perhaps the early part of '49.

Senator SYMINGTON. Very briefly, what is central services?

Mrs. BALOG. Well, I am not sure I know what all it includes. It includes more records of the department. It includes all the stock.

Senator SYMINGTON. Did it eliminate him from having access to your files?

Mrs. BALOG. It eliminated him from having direct access to my files, yes.

The CHAIRMAN. But I understand he then had access to other records over in CS.

Mrs. BALOG. He could have had, because CS is a very big division.

The CHAIRMAN. But you would not know definitely on that?

Mrs. BALOG. No, I don't know definitely what they handle over there.

Senator MUNDT. Why did you qualify your answer when the senator said, "Did that eliminate him from having access to the files?" You said it eliminated him from having direct access.

Mrs. BALOG. Well, he never withdrew any more files.

Senator MUNDT. You have no reason to believe he had indirect access?

Mrs. BALOG. Well, he used to be around the division. Once in a while you would see him up in the chief's office or around there. Whatever his activities were in the new state building after that, once in a while he would come back and forth. What his business was, I really don't know.

The CHAIRMAN. So that when you said he had no direct access, see if I am correct in this. He was still a Foreign Service officer, and if he asked someone in the division to get a file, somebody's secretary, they would undoubtedly get the file for him?

Mrs. BALOG. I presume if they wanted to, they would. I do believe the chief had ordered him not to have access to those files. But I have nothing in writing, and that is only scuttlebutt, more or less. I am not sure of that, you see.

The CHAIRMAN. Subsequently, did he ever after that get access again to your files?

Mrs. BALOG. To my knowledge, no, not after that.

Mr. SURINE. We are going on now to a question about the Performance Measurement Group.

In connection with the Performance Measurement Group, you have stated that you found out, in 1951, that they were taking material from the files that is, holding it back, taking it actually out of the files and holding it in their offices, the Performance Measurement Group? You found that out in 1951. Is that correct?

Mrs. BALOG. That is correct.

The CHAIRMAN. How did Toumanoff get on the performance measurement section?

Mrs. BALOG. Before he became an assistant in the performance measurement section, he was a recruiting officer for foreign personnel in the recruitment section.

Senator WILEY. But who appointed him recruiting officer?

Mrs. BALOG. That I don't know. He is on Foreign Service rolls.

Senator POTTER. I think yesterday it was developed that he came from the Library of Congress.

Mr. SURINE. Going on, Mrs. Balog, with the Performance Measurement Group, you found out that they were stripping material from the files at this point and withholding it from the promotion panel, and that was in 1951. Is that right?

Mrs. BALOG. That is correct.

Senator WILEY. You say "they." Who do you mean?

Mr. SURINE. The Performance Measurement Group, which this man, Toumanoff, another man by the name of Mansfield Hunt, and another man by the name of Woodyear, are currently heading it. They head that group.

Now, in 1951, you ascertained that they were withholding this material, but at that time, isn't it true that you felt that that material was going back into your files?

Mrs. BALOG. That is correct.

Mr. SURINE. You believed that they were putting material back in your files, where it should have gone.

Mrs. BALOG. And they were returned.

Senator WILEY. She made some statement before that she seemed to feel there was some justification for it.

Was there any justification for it?

Mrs. BALOG. This group of employees in performance explained to me that they took out material which they thought would affect the promotion panel's opinion as to the eligibility for the man to be promoted. This material consisted of allegations against personnel that hadn't been established.

Senator SYMINGTON. Whom did you mean when you said "they" took it out?

Mrs. BALOG. These clerks in performance measurement. This discussion was with one or two of the analysts.

Senator SYMINGTON. What were their names?

Mrs. BALOG. Mrs. Kerr, Lavina [Malvina] Kerr, who is still there—she evaluates staff now for Mr. Calloway and Miss Elizabeth Johnson, who had a master's degree in mathematics and was hired by the State Department as an analyst, who has now resigned to be married, and has returned to New England.

The CHAIRMAN. Let me just get this straight.

They told you that they took material out of the files, which, in their opinion, was not fully proved, for fear that it might influence the promotion board, if the promotion board saw the material.

Mrs. BALOG. That is right.

Senator MUNDT. Did they tell you on whose order they took the material out?

Mrs. BALOG. The only thing they said was—yes, they worked on the assumption that it must have been their superiors, because it is performance measurement. You see, performance measurement

tells me how to file any performance material. They can change my way of handling any performance material at any time. In fact, indirectly, they are my supervisors over performance material, and they tell me exactly what is to be done and not to be done with these FSO files as regards material that is placed in them.

The CHAIRMAN. Incidentally, were you advised not to testify today?

Mrs. BALOG. Only by an assistant, my assistant—and I would discard her statement. My superiors said I must come down here, and they would be interested in knowing what you gentlemen ask me, and I went back this morning and told them I was under oath not to divulge anything I have said, which I want to be, because I want you people to protect me. I do not want to have to divulge anything I have said here.

The CHAIRMAN. That will be the instruction to you. This is an executive session. The senators are all bound not to discuss what goes on here, and the witnesses are always warned, under pain of punishment, for contempt of the committee, not to divulge anything.

Senator SYMINGTON. Can I ask a question here? I want to be clear on one point.

These analysts in this performance group took these files out, these parts of these files, these envelopes and so forth, out of your files, in order to submit them to the performance committee. Is that right?

Mrs. BALOG. No, they didn't submit the material they withdrew. They withdrew certain material.

Senator SYMINGTON. So, just to be sure the point is clear, they explained to you that they were instructed by those people not to pass the files in question on to the promotion board?

Mrs. BALOG. That is correct. These girls, as far as they were concerned, were doing what was the policy of their branch.

Senator WILEY. Well, did you examine that material? Do you know the character of it?

Mrs. BALOG. The only thing I can remember is that they had removed these little notes that Mr. Ryan put in, saying, "See me before you put in another personnel action"—which he is going to get into later. And one of them, as I remember, was a medical report on a man that was a psycho case. But I don't remember who it was.

Mr. SURINE. I am going to cover that situation very thoroughly, Senator.

Mrs. Balog, there was mentioned the conditions under which you left the department to come over here to testify.

Did Mr. Ryan, the head of that division, hand you a document when you left to come over here yesterday?

Mrs. BALOG. Yes, he did.

Mr. SURINE. And what was that document?

Mrs. BALOG. It was President Truman's order that I can't divulge any information to a congressional committee, or words to that effect, which was again called to our attention a few months ago.

The CHAIRMAN. I assume you recognized that Truman was not any longer the president.

Mrs. BALOG. Well, we are still guided by those administrative orders. They haven't been revoked.

Mr. SURINE. Even though he did not tell you not to testify or tell you what you might know, he at least handed you President Truman's order to that effect. Is that right?

Mrs. BALOG. That is correct. And I might say here that if I divulged any information in my files, I am violating your Act of Congress of 1946, Section 612, which says right in it that only congressional committees can have access to those confidential files for budget purposes. And then it goes on and elucidates who may have those files. And it does not include Congress.

Senator POTTER. Is that written into law?

Mrs. BALOG. That is Section 612 of the Foreign Service Act of 1946.

Senator SYMINGTON. Then you are breaking the law now?

Mrs. BALOG. I am afraid I am, if I quoted you any of my files, which I have not done. You and I have just been discussing administrative procedures, which aren't classified and I can't see why I can't tell you how I feel.

Senator SYMINGTON. You see, Mrs. Balog, as the only Democrat here, I am getting a little lonely.

Mr. SURINE. Along that line, for record purposes, what was the conversation which this assistant in your office had with you when you left? What did she tell you when you left the office yesterday?

Mrs. BALOG. You mean Amelia Roley?

Mr. SURINE. Yes.

Mrs. BALOG. Well, she was very nervous and upset. In fact, when I was called down here, it threw my file clerks sort of into a dither. They wanted to know what it was all about, because a lot of people think, Senator McCarthy, that you are worse than a big, bad wolf, that you are a dragon of some kind, that if anyone gets in your clutches that is the end.

Senator WILEY. You are not afraid of him, are you?

Mrs. BALOG. I never met a man I was afraid of.

But she was very perturbed, and she says, "If you go down there and tell them anything at all, it will cost you your job."

Senator SYMINGTON. What is the position of Mr. Ryan, who handed you this executive order yesterday?

Mrs. BALOG. He is the assistant chief.

Mr. SURINE. Would you fully identify him?

Mrs. BALOG. Robert Ryan. He is the assistant chief of foreign personnel.

Senator MUNDT. Did he just hand you that document, or did he say something to you at the time he handed it to you?

Mrs. BALOG. My immediate supervisor was not in the office yesterday. When I got this telephone call, frankly, I couldn't understand Mr. Cohn. He was talking—I don't know whether he was in this room or where—he was literally whispering.

So I went down to Mr. [Howard] Mace and said, "I have been called down to the Senate committee." I am pretty sure he must have said to me that it was the Senate committee investigating Foreign Service, because that is what I got over the phone. I didn't get the name of your actual committee.

So we called the Hill to find out who was meeting in this room. That is how we found out the official title of the committee. And

so that he would have no part of it, he takes me down to Mr. Ryan's office.

Mr. SURINE. This situation in the Performance Measurement Group dated from the time that Jack Service allegedly started handling the files, and setting up this new system? Is that right?

Mrs. BALOG. Say that again, Mr. Surine. I was asleep.

Mr. SURINE. You have described a situation whereby the Performance Measurement Group was set up, and they do certain things with your files. That began after Jack Service had set up that system. Is that right?

Mr. BALOG. No, performance measurement, the nucleus of performance measurement, as I showed you that memo in 1947, was apparently in the making because you remember Service had no part of it. And an acting chief of performance measurement was appointed, one Sidney Browne, who is an FSO; and Alfred Whitney and Sidney Garland. And Jack Service entered into that picture after that sometime.

Mr. SURINE. Now, going on with this Performance Measurement Group, let's bring it up to date.

In '51, you find out they are stripping material from the files which they felt would hurt the individual's promotion. And then you felt, at that time, that the material was ultimately being returned to your files, in November of 1952. Could you relate who you had a conversation with from that group in November of 1952, relative to the material which was taken from your files?

Mrs. BALOG. Well, Mansfield Hunt, who is the evaluator for Foreign Service officers one of the evaluators for Foreign Service officers, came into my file room and said, "After this panel gets through reading, we do not have time now, but we are going to revise your files." And I said, "Oh, no, not again." And he said, "Yes, there is no point in having two envelope files, and I want to go over with you what is put in this envelope file."

And I said, "What envelope file exists besides the one I have?"

And he said, "We are going to set one up, and have some material already, in performance measurement." Present in the room at that time were three security officers.

Senator SYMINGTON. I would like to ask one more question. I have to go now, and I am very interested in your testimony.

Were you ever suspicious of this so called Jack Service?

Mrs. BALOG. Frankly, I wasn't except what I read in the papers. Because he was very efficient, and on the surface, he always appeared to be doing everything according to regulations. And he was a very helpful person. But my assistant, who did the filing in that file room, was always suspicious of him.

Senator SYMINGTON. Did she tell that to you?

Mrs. BALOG. Yes, but for no reason at all would she ever tell me why she didn't like him.

Senator SYMINGTON. Did you ever tell that to anybody else above you? Did you report it in other words?

Mrs. BALOG. About Miss [Alice] Bailey? No, because it seemed to be a personal opinion with her.

Mr. SURINE. Going on, you find from Mansfield Hunt, then, in November of 1952, that his office contains material which they have taken from your files, and he indicates that they are planning

on setting up some sort of an additional folder of their own, of that material?

Mrs. BALOG. That is right.

Senator WILEY. May I ask a question there? Because I have got to leave, too.

Now, I understand in this setup, there was this evaluation group of three that you mentioned. What was their function? Wasn't it to evaluate the evidence?

Mrs. BALOG. It is to evaluate a man's performance. I really don't know exactly how analytical they get in there. They evaluate you as an individual from every standpoint. They take into consideration your efficiency reports, any letters of commendation, any derogatory letters, your political reporting, all of your subreports that come in—like if you are political officer, in addition to a standard annual efficiency report we have what we call supplemental efficiency reports. You send back political reports, we will say, for instance, from Madrid, and it goes over to the political desk. And they evaluate how good you are as a political reporter. And they write an efficiency report, at the end of the year or at the end of a six-months' period.

Senator WILEY. I understand. But was there any function of theirs to take out material? Was that part of their functioning? Or was that, in your opinion, almost illegal?

Mrs. BALOG. Well, Senator Wiley, I have never been instructed, if that was part of their function. But when this situation came up several weeks ago, they pointed out a recent operations memorandum from Mr. Humelsine's office, that gives them that authority.

Senator WILEY. What is the date of that?

Mrs. BALOG. I have a copy of it.

Senator WILEY. That gives then the authority at that time—

Mrs. BALOG. If you want to interpret it that way. Other people haven't interpreted this directive that way. This is supposed to be talking only about disloyal people.

Senator WILEY. Well, now, just one other question.

This material that was removed—you said before that you got the impression it was removed because it might have been detrimental to their chances for promotion. Was it removed because it was hearsay testimony?

Mrs. BALOG. That could be possible, yes. That was one of the reasons they gave.

Senator WILEY. Have you seen the material? Was there any substantial proof, in your judgment, that it should have been sent on to the higher group?

Mrs. BALOG. No. I just know they made the statement that any material, allegations that have been made, that haven't been proven they didn't think it was fair to the man to let the panel see that material, because it might plant the idea in the panel's mind that he shouldn't be promoted until this was cleared up.

Senator WILEY. I understand. You have made the statement now that this material was set up before Service came into the picture. Is that right?

Mrs. BALOG. No. No, that was another question he asked me.

You were talking about the formation of performance measurement.

The unit itself was set up, I think, at least before Service worked right down there in it, but he might have been the brain behind the whole thing that set it up. The man that can tell you how performance was set up and how it originated is Cass Kenzie. He was the first chief of performance measurement. These other people were just acting, and in there temporarily, but Cass Kenzie was one of the men that actually worked with John Service in revising the files and putting performance measurement into operation.

Mr. SURINE. For Senator Wiley's benefit, and I think it is important, Senator.

Could you relate in great detail a specific instance in connection with the Frank Schuler file, a letter from Owen Lattimore? You might relate all you know about that—which will give an example of the type of material that was missing,

In this instance she just knows from memory what was missing.

Could you relate in detail for Senator Wiley and the record what you know about that, especially your talks with the FBI and all the other people involved?

Mrs. BALOG. Well, at the time that Owen Lattimore was being tried—I told Mr. Surine I can't remember, but I think it was the McCarran committee. These dates—time goes so fast in there that a year rolls by, and when you have had two investigations of a man and you try to delve it back in your memory as to whether it was, '49 or '50, you are just not sure. But they brought all the area officers up there and were going through my files looking for any letter signed by Owen Lattimore. And they didn't find any. That is what would call this letter to my mind. Because I do not file in those files. I don't even read the material that comes into that file room. This assistant of mine does all the evaluating and deciding where it is to be rerouted. She gets some fifteen thousand pieces a month over her desk. And they were looking for four letters in the active FS file, signed by Owen Lattimore. The explanation made to me was that they wanted to see who in the Foreign Service he had recommended.

Well, one day I discovered that I had——

The CHAIRMAN. I missed part of your testimony. Who was looking for the letters?

Mrs. BALOG. The area officers of FP. They went through all the files, the active files. They did not get into the storage files. And, bear in mind, this Frank Schuler was a storage file. And I discovered, several weeks or months later, that Frank Schuler was an active employee of the High Commissioner for Germany at the present time. And I got out his file and began looking at his application. I had something to put in his file. Something called my attention to his file. And I saw he had an old OWI [Office of War Information] file in there.

Then I saw something in the file that made me realize that, at one time in the past he had been a Foreign Service officer, which I didn't know, so I got out the biographical sketch, and I saw that in the files, getting ready to go to St. Louis, which already had been transferred, I had a confidential FS file on Frank Schuler. So I called up the records center and said. "Don't let that file go out.

Send it back to me. I should keep it here, because that man is still active. He is now staff corps," and this was the letter. It was unclassified. It was a letter that any John Doe would write to some chief of a division, and say, "I like John Jones. I want him to go to the Far East as my assistant in OWI"

Mr. SURINE. Excuse me, Mrs. Balog. This letter was an original letter?

Mrs. BALOG. Yes, signed by Owen Lattimore.

Mr. SURINE. Signed by Owen Lattimore. And to whom was it addressed?

Mrs. BALOG. That, I don't remember.

Mr. SURINE. In respect to that letter, can you summarize what was in the letter from Owen Lattimore?

Mrs. BALOG. Just Owen Lattimore's request that Frank Schuler be made his representative for OWI in the Far East. And at that time, Frank Schuler was a young FSO.

Mr. SURINE. At a later time, did the FBI come in to ask you about Frank Schuler and his file, at any later time? Did an FBI agent come in to ask you for Frank Schuler's file?

Mrs. BALOG. Yes, they did.

Mr. SURINE. They did? Did they ask you what, personally, you might know about Frank Schuler?

Mrs. BALOG. This FBI agent, as I recall, said there had been an investigation made of his file about a year before by the bureau. But, that, I am not sure of.

He did ask me if that was the complete file.

Mr. SURINE. I see. If that was the complete file. That will bring up another point later.

Now, in connection with this situation, the agent asked you what, in connection with that file? Did he ask you whether it was complete and had all the information?

Mrs. BALOG. This file had been out of the file room once, to my knowledge. And when it came back in, it was this old system of filing where everything is thrown loose in the thing. And inadvertently I spilled stuff out. And in picking it up and putting it back together, it occurred to me to wonder whether Owen Lattimore's letter was there. All this suspicion revolved about the witch hunt made for Owen Lattimore's letter, and the letter was not there.

Mr. SURINE. You found out that the letter was not there. And you told the FBI agent there?

Mrs. BALOG. Yes. I said, except for one letter. It isn't there anymore, and the agent sat down with me, and we went clear through the file again to make sure the letter was not there.

Senator WILEY. Who had the letter?

Mrs. BALOG. It had gone out to the chief's office, and the chief at that time, I think, was Mr. Durbrow.

Mr. SURINE. Now, following up that item, did you later have occasion to have a conversation concerning that letter with Mr. Colantonio? Is that his name?

Mrs. BALOG. Yes, I did.

Mr. SURINE. And what was that conversation?

Mrs. BALOG. Well, several weeks ago, security got very security-minded about my files. I made thirteen moves in seven years, and I have been cleared every time security-wise. And they had sent a

Mr. Ambrose there to make a physical survey of my file room as to its being secure enough. And he then called Mr. Colantonio, who is my immediate supervisor over to security. And he assured Mr. Ambrose that to his knowledge nothing had ever been removed from our files.

And he also said, "Mrs. Balog will back me on this." And he came back into the file room in front of Mrs. Roley, and myself, and he said, "I told him we were in the clear. Nothing has ever been removed from those files." And he said, "You will back me up on that?"

And I said, "I am sorry, Mr. Colantonio, but I can't do it."

Mr. SURINE. And did he show you what purported to be a copy of this Owen Lattimore letter, when you discussed that?

Mrs. BALOG. That was one of the things I pointed out to him that was missing, and he gets out this administrative file, which has the old OWI file in it, and he showed me this carbon copy, this flimsy copy, back in the old OWI file, and this Owen Lattimore letter. And it is not the letter I read.

Mr. SURINE. It is not the same letter?

Mrs. BALOG. No, because the letter I read was the original, with his signature, and it isn't even a copy of the original.

Mr. SURINE. Not even the same information in it?

Mrs. BALOG. That is right.

Mr. SURINE. Now, on that point, getting back to the Performance Measurement Group, where they have stripped information out and held it in their office, part of the files, and not returned it to your files, what to the effect of that? Does it mislead investigative agencies like the FBI? Could you cover that situation?

Mrs. BALOG. I covered it that day with Mr. Hunt. I said, "Well, Mr. Hunt, you are putting me on the spot, because you are telling me that performance measurement is withholding performance material. And in good faith, I have been telling the agents that come in here to review these files that this is it, this is all of it except what security might have," I said, "And have you placed any cross references in these files?"

And he said, "No, we haven't. We haven't gotten around to that yet."

Mr. SURINE. So that, actually, the effect of it would be that FBI agents, Civil Service agents, and other agencies that come in to you, are misled, because they consider that those files under your custody are complete.

Is that right?

Mrs. BALOG. Correct.

The CHAIRMAN. I think, Don, the young lady here has been testifying for over an hour now, and I believe she is entitled to a rest.

We will recess, then, until 1:15.

[Whereupon, at 12:15 p.m., a recess was taken until 1:15 p.m., this same day.]

AFTER RECESS

[The hearing resumed at 1:15 p.m.]

The CHAIRMAN. We will proceed.

Mr. SURINE. Were there any questions you would like to ask about the Performance Measurement Group before we proceed?

The CHAIRMAN. I think I have a fairly good picture of it.

There is just one thing. Do you know anything about the three men who were on that group, Mrs. Balog?

Mrs. BALOG. Mr. William Woodyear was formerly chief of field operations, which is right under Mr. Ryan, and then you have this Mr. Calloway, whose name hasn't been mentioned. He is a psychologist that we transferred from the Veterans Administration, and he hasn't been with that section too long. And then you have Mr. Toumanoff.

The CHAIRMAN. And then there is Mr. Hunt?

Mrs. BALOG. Mr. Hunt, I don't know just where he stands in the echelon in that group. However, he does evaluate the FSO's, but I believe he is a little lower level than the other three I mentioned. He is more on a clerical status in there.

The CHAIRMAN. I was under the impression that Woodyear, Toumanoff and Hunt were the three board members.

Mrs. BALOG. That I am not sure of, and I would say Mr. Calloway is definitely on that board.

Mr. SURINE. Mrs. Balog, earlier this morning you mentioned that the performance group was removing Mr. Ryan's stop notices. Would you first describe what those stop notices are?

Mrs. BALOG. Well, they are a little mimeographed form that says "before any personnel action is written, please see Bob Ryan," and they are placed on top of these personnel actions, stopping an area officer when he withdraws the file, if he is considering transferring or promoting the man.

Mr. SURINE. From those notices, Mrs. Balog, there is no way of determining what Mr. Ryan has removed from the files?

Mrs. BALOG. Or exactly what he means, no way of knowing what he may have removed or what he has on the man or why he has placed it in the file.

Mr. SURINE. Now, in connection with that operation, do you recall having a conversation with Mr. Ryan's secretary, Mrs. Kathleen Martin? Would you first describe who she is, her previous employment, and where she is located now, and that whole operation in connection with Mr. Ryan's office, which you observed in July of 1951?

Mrs. BALOG. Well, Mrs. Martin resigned July 13, I think, 1951. As I understand, I have been told she is married to a newspaper reporter. She was formerly secretary to [Secretary of Defense James V.] Forrestal, and also Secretary [Frank] Knox of the navy.

Mr. SURINE. Do you know what newspaper reporter she married?

Mrs. BALOG. No, sir, but I know he travels a lot, so it could be Associated Press, but I am guessing. So far as I know, she is the Kathleen Martin listed in the telephone book who is now living in Riverdale. She was not Mr. Ryan's secretary except, as I recall, about six months.

Before she left there, he had already begun to withdraw material, apparently, from the files, and kept it down in his office and put this memo that I just quoted in there. I just inadvertently, two days before she resigned, walked into his office to get a file, and she had stacks of this material on her desk, and she was making up individual folders, and I said, "Kathleen, what are you doing?" And she said, "This is all stuff out of your files." And I said, "What

are you going to do with it?" And she said, "Well, he is having me set up another file." And I said, "Where is he going to keep it?" And she said, "For the present, in his office."

I said, "What are you taking out?" And she said, "Anything he thinks shouldn't be in the file." And I said, "Well, Kathleen, what am I going to do when someone wants that file?" And she said, "Well, send all of the agents and everybody down to see him. I am trying to recommend, I have recommended to him that he should send this material, if he doesn't want it in the file he should send it over to the security division, rather than set up another file room down here."

Mr. SURINE. And that ties in, Mrs. Balog, with the previous statement that the performance group was also removing these notices that Mr. Ryan was putting into the files?

Mrs. BALOG. That is correct.

Mr. SURINE. And the Mr. Ryan we are talking about is the one who handed you a copy of President Truman's directive when you proceeded up to the building yesterday?

Mrs. BALOG. That is correct.

Mr. SURINE. Did you ever question Mr. Ryan about that procedure, about the procedure of removing material from your files and putting stop notices in them?

Mrs. BALOG. No. I haven't, because Mr. Ryan is the assistant chief, and you just don't question what their policy is.

Mr. SURINE. Did you question that procedure, either in writing or orally, with any of your superiors?

Mrs. BALOG. Yes, sir, I did. I called it to Mr. Colontonio's attention, that it was very poor filing, and that it caused great confusion in the file room because a great deal of that material or material from the files—and incidentally, he holds quite a number of files in his office, my files, with charge-outs to him, and we have a permanent suspense file in each file to save making up a dummy file when the file is out. A lot of this material on individuals accumulates in that suspense file because my clerks haven't time every time they see a suspense file to stop and pull the charge-out and see if Mr. Ryan has it.

Mr. SURINE. Now, that covers briefly Mr. Ryan's operation in connection with your files. Approximately what date did you advise Mr. Colontonio about Mr. Ryan's practice, or register a protest?

Mrs. BALOG. Well, I think in 1951, although it was all verbal, and he seemed to have completely forgotten it when he talked to Mr. Ambrose in security, or else he doesn't consider that that is material removed from the files, because he hadn't even mentioned it.

Mr. SURINE. Would you say it was shortly after you had had your conversation with Mrs. Kathleen Martin?

Mrs. BALOG. Yes, I think it probably was around that time.

Mr. SURINE. I would like to ask you about Mr. Toumanoff. You have previously testified he worked in the recruitment section. Could you relate your dealings with Mr. Toumanoff in connection with his actions in regard to your files at that time, and generally describe the effect of his actions?

Mrs. BALOG. Well, in 1950 I had had a very unhealthy situation, in that I had applicant files mixed in with permanent storage files,

and he came over there and said my file room had no business having applicant files, and it was moved down into recruitment; and Mr. Toumanoff was one of the worst offenders, and he would take a permanent storage file of a former employee and charge it out to himself, and then when we would find the file—somebody else would want it and we would start a search for it, he would say, “I don’t have it now. I sent it back.” You would find that file in the applicant file room completely stripped out of my jacket, nothing on it to say Foreign Service permanent storage, and put into a recruitment jacket which made it an applicant file.

Mr. SURINE. Would you first describe what you mean—you have mentioned the storage file was of a previous employee—would you describe the relationship between Foreign Service employees and department employees in regard to their files and their activities being separate?

Mrs. BALOG. Yes. They are two separate and distinct file rooms, and at that time we had two applicant rooms, but now we only have one for both services; but it is a very dangerous thing when a permanent storage file of a former employee is stripped from its jacket and merged with an applicant file, because you have got a regulation now where you can destroy applicant files, if you are not interested in the person, after they are a year old, and you got people in there that aren’t familiar with the permanent material and the whole file is liable to be destroyed.

Mr. SURINE. In other words, the effect of that, Mrs. Balog, is, for example, if a Foreign Service employee was asked to resign because of subversive activities or homosexuality or some other undesirable activity, that would be in his permanent file, and the record would show that he resigned. Then, if that permanent file is placed in the recruitment section, he could then reapply in the State Department side of the picture, and there would be no record of the prior activity in the Foreign Service, is that right?

Mrs. BALOG. No. I think that if he reapplied in the departmental rolls, they would get that applicant file out, if there was one, and they would find that material.

The CHAIRMAN. I think I understand the situation.

Mr. SURINE. You protested to Mr. Toumanoff at that time as to his activity in regard to your files along that line?

Mrs. BALOG. Well, when he was in recruiting, he was very insolent and overbearing at times, and he had the dislike of everybody in my file room; but since he has come into performance measurement, he has viewed me in a different light, and I don’t have any trouble with him anymore. I guess he found out that I knew what I was doing.

Mr. SURINE. You also mentioned earlier that there is no way of determining from the files what has been taken from them.

Mrs. BALOG. No; no way.

Mr. SURINE. Earlier you mentioned specifically an original letter from Owen Lattimore, in connection with one Frank Shuller, that you knew of your own knowledge had disappeared from the files.

Mrs. BALOG. That is right.

Mr. SURINE. Do you have any other instances that you can recall where specific material was taken from the files, particularly in regard to your files?

Mrs. BALOG. Well, the only incident that I can recall is one day this Mrs. Rollie was reviewing her correspondence, and the official file copy of an outgoing letter, and I think it was to Guatemala, came across her desk with the incoming letter from Guatemala, and its attachments, where they had objected, commercial companies had objected to a certain vice consul and the way they were handled. And it was marked "Burn" across it in big red letters. And she said, "Who do you suppose did this?" And I said, "We will just take that down and show it to the dictator." And I walked in to the dictator's desk, and he reached over and he said, "Where did you get that?" And I said, "Well, it came up to the file room." And he said, "Well, I don't want that in the file. We have decided to destroy it. And you weren't supposed—the DCR was supposed to send it back to us."

Well, the DCR doesn't operate that way. They send the file copies back to the file rooms, and it is our responsibility what becomes of it.

Mr. SURINE. Can you recall the name of the officer against whom these complaints apparently were registered?

Mrs. BALOG. Melville Osborne.

Mr. SURINE. Is he still in the department?

Mrs. BALOG. He is a Foreign Service officer out of post now, and I am not quite sure of his present post, and I think it is in Europe.

Mr. SURINE. Approximately when did this occur, this situation?

Mrs. BALOG. I think this was sometime in 1952.

The CHAIRMAN. What were the charges against him, do you recall offhand?

Mrs. BALOG. Two commercial firms had complained that he showed insolence toward them, their representatives that were down there, and didn't try to assist them.

Mr. SURINE. One other situation that I would like to ask you about is this. You mentioned earlier the fact that FBI reports or reports of a similar nature are not now placed in your file, but they go to security.

Mrs. BALOG. That is right, the State Department's SY reports and FBI reports.

Mr. SURINE. You have mentioned that recently there have been received in your unit what purports to be abstracts of FBI reports on new Foreign Service personnel, is that right?

Mrs. BALOG. On new Foreign Service officers?

Mr. SURINE. New Foreign Service officers?

Mrs. BALOG. Yes, sir.

Mr. SURINE. Who were hired by whom?

Mrs. BALOG. By the board of examiners.

Mr. SURINE. And who heads the board of examiners?

Mrs. BALOG. Mr. Richards, I think is the present chief.

Mr. SURINE. Now the abstracts which have come into your possession, have you had occasion to look over some of these abstracts?

Mrs. BALOG. That is right.

Mr. SURINE. And what do you recall seeing in these abstracts?

Mrs. BALOG. Well, these abstracts—among them are abstracts from the security investigation made by State, and also the FBI investigation. And as I understand—I don't know how many copies are made, but they are presented to the panel as they are consid-

ering the man as a class 6 officer, and in some of those abstracts some of the witnesses are references, and they have said a man was a potential homosexual; and there is one who says he was reputed, when he was in college, to belong to the Communist party. And this assistant of mine, when this applicant file came up, contacted this security control desk and said, "Why is this coming through, and why aren't these sent back to SY?" And he said, "I think they should be part of the confidential file."

We pulled them out and we didn't put them in the file when we set it up, because I left them stacked up because I wanted to find out what I should do with them, and I went to Mr. Colantonio, and he said, "See BEX." And it is not my place, I am a much lower level, to go to Mr. Richard, and it is not my place to go to Mr. Richard, and so I took it up with the security officer. And if I recall, he had me contact Mr. Ambrose. But Mr. Ambrose never did come over and look at that stuff and never did return my second call on it, and I still have got a half a drawer full of it because it has not been put in the new FSO, files, because some of the material in those abstracts would just damn the man before he ever goes on duty.

Mr. SURINE. And your concern over it is that you received previous instructions that such material should be kept in the security file?

Mrs. BALOG. Yes. Instructions on these security reports are that they are to be loaned to area officers, recruiting officers, only long enough to see if they want them, and then they are to be returned. But apparently the board of examiners has got a committee, not one person but a committee sets in on hiring new FSO's, and they make these abstracts and pass them around to the committee. But they should, in my opinion, either be returned to SY or burned when the committee gets through, and they shouldn't be in the files.

Mr. SURINE. What is "SY"?

Mrs. BALOG. That is the security division.

Mr. SURINE. Under the act, and I don't know the name of it, it was apparently in 1950, which has been mentioned, the act which set up the system of sending old files to St. Louis, could you very briefly relate what activity you have in that regard?

Mrs. BALOG. We hold our files two years, and now we have got 1949 and 1950 resignations, and they are going out to St. Louis very shortly, and the FSO confidential moves forward with the administrative file, but there has been a restriction placed on general services, that they can't charge those files out to anyone except through the State Department, and through certain people. In other words, if someone wants one of those files anywhere in the State Department or another agency wants it, they send their request to me and I, in turn, have to request the file, and it has been instructed that the chief of FP files will get those requests for FP, and the chief of DP files will get those requests for DP files.

Mr. SURINE. In regard to those files, are the files that are sent out to St. Louis merely those who have resigned, or are they on people who are still in the department?

Mrs. BALOG. They are all supposed to be on inactive personnel, and in the Foreign Service inactive personnel it has been out more than two years,

Mr. SURINE. How do you mean inactive personnel? Do you mean they are no longer working in Foreign Service, or that merely their file has been inactive?

Mrs. BALOG. Under this present transfer of federal records, when a Foreign Service employee transfers to the departmental rolls, his permanent papers are transferred to the DP, but the Foreign Service Act again, that Section 612, prohibits us from forwarding efficiency reports, so they all stay in that stripped file, and they would go forward to St. Louis.

Mr. SURINE. And the files for what years have already been sent out to St. Louis?

Mrs. BALOG. We sent 1924 through 1948.

Mr. SURINE. Out to St. Louis?

Mrs. BALOG. That is right, last year.

Mr. SURINE. And now, as it stands, any file during that period or subsequently sent, you would have to send out to St. Louis to get it, is that right?

Mrs. BALOG. That is right.

Mr. SURINE. I now hand you a document—

The CHAIRMAN. May I see the order that Mrs. Balog showed us this morning from Humelsine?

[The document was handed to the chairman.]

Mr. SURINE. Now, Mrs. Balog, as a result of your operating this set of files or being in charge of it from 1947, are you in a position to form a conclusion as to whether or not material has been carelessly handled from a security point of view, whether or not in your opinion, considerable amounts of material from the files since 1947 have disappeared?

Mrs. BALOG. Well, I have no way in the world of knowing how much material or what volume might have disappeared. But I have recommended on numerous occasions, and so has records management when they have sent officers over there to revise our files, that we have some kind of a more adequate control system on charge-outs. Our control system is very poor.

Mr. SURINE. As it stands now, in the way you are operating, there is absolutely no control over your individual files, no way of knowing whether or not the files are complete; is that right?

Mrs. BALOG. That is correct.

Mr. SURINE. I hand you a document here, and I would like to have you identify it and describe it and, with the permission of the chairman, we may want to put it into the record here.

Mrs. BALOG. This is Administrative Circular No. 14, but it isn't dated, but it came across our desk very recently, so apparently someone in DCR has decided that this was worth circulating again. It is a notice to all employees in U.S. concerning safeguarding official records. And it states down there,

"The penalties for the willful and unlawful destruction, damage, or alienation of any federal records, are contained in the U.S. Criminal Code. Section 2071 of Title 13 of the United States Code, Supplement V, which bears upon this point, reads as follows"—and then it goes on to give that, "Concealment, removal or mutilation

generally." And then there are two paragraphs explaining what they mean by that.

Mr. SURINE. With the permission of the chairman, we may want to consider putting this into the record at this point.

The CHAIRMAN. I have not read it, and if you think it is important to present it to complete the picture, it may be presented.

Mr. SURINE. That completes my questioning of Mrs. Balog at this point.

The CHAIRMAN. What is the special disciplinary panel?

Mrs. BALOG. Well, that is something new that I understand they state specifically there who that is going to be, to relieve the chief of PP, as I understand that memo; it will relieve him from being the sole judge whether a man should be punished by disciplinary action, such as the recent Kohler case, and it sets up more than one man, it sets up a board that will decide that action.

You see, they don't mention any names there. They mention the head of Foreign Service, and first they mention the director of personnel, and then they mention the chief of Foreign Service.

The CHAIRMAN. You just mentioned FE. What is FE?

Mrs. BALOG. That is the chief of FP, foreign personnel.

The CHAIRMAN. I notice this memo dated November 26, and it says, "A' has authorized."

Mrs. BALOG. That means the assistant secretary for administration, Mr. Humelsine's office.

The CHAIRMAN. I notice he has authorized this disciplinary panel No. 5 to remove special memoranda or reprimands from personnel records available to selection boards or promotion review panels. Do you understand that to mean that this disciplinary panel can remove derogatory material so that the selection board and promotion review boards will not have it available? Would that be your understanding of this?

Mrs. BALOG. Yes, sir.

The CHAIRMAN. And in accordance with that order of Humelsine's dated November 26, do you know whether they have been removing such material from the files?

Mrs. BALOG. It was this administrative order that Mr. Hunt said they had based their authority on to remove material recently.

The CHAIRMAN. I notice this order only came into existence on November 26.

Mrs. BALOG. That is right, and material was removed by performance long before that.

The CHAIRMAN. Long before that?

Mrs. BALOG. Yes.

The CHAIRMAN. I think maybe we have the general picture here fairly complete.

Senator McClellan, or Senator Mundt, do you have any questions?

Senator MCCLELLAN. I did not get to hear the lady's testimony. As I understand, you have had very little control over the files, other than just to be the custodian; so far as authority to compel a return of any documents removed, you have had no such authority?

Mrs. BALOG. That is right.

Senator McCLELLAN. And your superiors have engaged in the practice of getting the files from you and returning them with some documents and other material removed from them?

Mrs. BALOG. That is right.

Senator McCLELLAN. You are unable to account for that; I mean, you do not know why that practice has been indulged in, do you?

Mrs. BALOG. No. There has been no explanation made, except that in the case of Mr. Ryan, the files he set up, he claimed that he has removed that material because he doesn't think it should be common knowledge.

Senator McCLELLAN. Do you have any knowledge or information as to what is done with the material that is taken out of the files before they are returned to you?

Mrs. BALOG. I don't know whether he holds it down in his office or not.

Senator McCLELLAN. Who should know?

Mrs. BALOG. He should know.

Senator McCLELLAN. Who is that?

Mrs. BALOG. Mr. Ryan.

Senator McCLELLAN. Mr. Ryan should know?

Mrs. BALOG. He should know.

Senator McCLELLAN. He should be able to tell this committee?

Mrs. BALOG. That is right.

Senator McCLELLAN. Why that practice has been tolerated and what becomes of this material that he thinks should not remain in the files?

Mrs. BALOG. When Mr. Colontonio asked me if I knew what had been removed, I told him no, I didn't, but I knew Ms. Martin had a great deal of material; and Mr. Colontonio went down to Mr. Ryan and said, "Mrs. Balog says I can't make a clearance here with security because she says you have removed material from the files." And this was after Mr. Ambrose in security was investigating us, recently.

Mr. Ryan says, "Oh, if that is what is worrying Mrs. Balog, tell her all I have removed are security reports."

This material was removed in 1951. In 1950, my files were screened by Mr. Garland and two Foreign Service staff, and the position of the material was changed around, and at that time Mr. Garland was supposed and did remove all security reports in my files and sent them back to security.

After Mr. Colontonio came back and told me that, I again called Mr. Garland, and I said, "Will you refresh my memory? What year was it that you removed security reports and revised my files, and wasn't it in 1950?" And he said, "Yes, and I started in March and I ended in October."

The CHAIRMAN. Just one other thing. The effect of Mr. Toumanoff's obtaining the files, and you say taking the jacket off and putting them in a different jacket and sticking them in the applicant files, would be that after a year's time those files will be destroyed, together with the other applicant files?

Mrs. BALOG. There would be a great risk that they could be destroyed, if you had new clerks just reviewing applicant files that weren't familiar with our forms, and so on, which we very often have to operate there with Foreign Service clerks.

The CHAIRMAN. Let me ask you this. Do you have the so-called dead applicants file, and the dead files on applicants?

Mrs. BALOG. That is right.

The CHAIRMAN. And after that file lies dormant for a year, and the man is not hired, then those files are normally destroyed?

Mrs. BALOG. That is correct.

The CHAIRMAN. Then, if Toumanoff took the files from your office and, as you say, stripped the jacket off, put it in a different jacket, and put it in the so-called dead files on personnel, the normal procedure would be that that file would be destroyed with the other dead files?

Mrs. BALOG. And another great risk of recruitment stripping our files, and making applicant files out of a former employee who wishes to reapply, is that they loan applicant files out all over the department, and also to TCA and USA, and it could possibly never be traced.

Senator MUNDT. Let me ask you what your reaction has been down in your place of business since you have been protesting to your associates and superiors about this stripping process, and calling attention to the fact that you could not subscribe to the earlier statement that nothing had been removed? Has there been a tendency to correct the difficulties, or has there been a tendency rather to be critical of you for calling attention to it?

Mrs. BALOG. The tendency is that they think, performance thinks they are perfectly in the right in doing this, and so, apparently, does the assistant chief. It goes right on. It isn't a complete file that I have, but they seem to think that they are justified, whatever their reasons are, for continuing to do it.

Senator MUNDT. I am surprised there is no system down there of cataloging on the jacket of a file, or someplace, all of the data placed in a particular file, so that you could make a check or anybody else could make a check at any time to see if the file is actually complete, because the way you describe these files, the only way you can tell if it is complete is where occasionally some unusual name or something or some case in the paper calls to your attention the fact that you might have seen something in the file, and you rely on memory. There is no system at all for cataloging all of the material that goes in a file?

Mrs. BALOG. No, there isn't, and I have never had an adequate staff in that file room, and I at times have operated with one or two inferior Civil Service appointments and a few Foreign Service clerks who were there for three or four days or a week, and I have been forced to operate that way in order to keep the material current, because approximately fifteen thousand pieces of material pass through that file room a month, and only three file clerks file it, and in addition to that they are expected to process resignations and merged files.

I am in better shape now than I have been since I have had the file room. In the last year and a half I have been fortunate in that I have what they consider my full complement, and I do have all Civil Service clerks.

The CHAIRMAN. Let me ask you this. You have filed a file on John Jones, and a new report comes in, and that is not numbered or anything, and it is just slipped in the file.

Mrs. BALOG. Most of the pages in those files are not numbered, and it is the same as they have always said they didn't have the personnel.

The CHAIRMAN. That seems very unusual, and I have before me one of the files of our staff, and they start out numbering 1, 2, 3, 4, and 5, and so if someone picks something out of one of the staff files, it would be obvious that certain pages are missing.

I am just curious who set up the filing system down there, and who would be responsible for having a filing system which would enable you to know whether your files have been stripped or not?

Mrs. BALOG. Well, these files were kept under Mr. Walter Anderson in DCR until they were turned over to FP.

The CHAIRMAN. You throw those letters around so freely. What is "DCR"?

Mrs. BALOG. Division of Correspondence Review.

The CHAIRMAN. And it went over to foreign personnel?

Mrs. BALOG. That is right.

The CHAIRMAN. And then I understand at the time they were sent over, they had not been numbered or anything like that?

Mrs. BALOG. I think that the Division of Correspondence Review did have some way of logging that material before it was turned over to FP, but FP, hasn't done it since it has been turned over to them.

The CHAIRMAN. Who has been in charge of FP since it was turned over?

Mrs. BALOG. We have had a constant stream of different people. Our present is different. We always have a joint executive there, and we have an assistant chief who is really over administration, who is usually a Civil Service employee, and we have a Foreign Service officer who is a chief of that FP, who moves in and out about every two years.

The CHAIRMAN. Do you not think starting now that there should be some system of filing so you could tell whether Pete Mite or John Jones had stripped his file, or someone else's file, and would that not be an excellent idea?

Mrs. BALOG. You see, performance measurement, all of this performance material has to be referred to them, and they don't want to go through fifteen thousand pieces of material, and so this assistant of mine reads every piece that comes in, and anything about a man's performance, she passes on to performance measurement. They couldn't very well number the pages in there. It would have to come back into the file room to be numbered.

The CHAIRMAN. Let me see. I am not trying to set up a filing system for you, but I just wonder if something comes to my office, and it is something that concerns Senator McClellan, we will say, I put it in my file. Why can I not log that in and send it over to Senator McClellan, have him sign for it and send it back; let us say it is page number 97 of a file. Why should I not have some system of checking to see whether Senator McClellan's staff had forgotten to send back part of the file? Otherwise, it would seem that you never have any idea when your file is complete or incomplete. It would seem like a great waste of time and money to conduct all of these investigations if the material can just disappear like water through a sieve.

Mrs. BALOG. When I was in charge of War Department files, we had log books for every form of classification; unclassified and restricted were on one log book; and confidential was on another; and secret was on another.

The CHAIRMAN. You mentioned earlier this morning that two of the staff of the evaluation board, the one that reports to the promotion board, two of the staff members, one of them was Miss Johnson, and some other woman on the staff told you that they had been removing any derogatory material which in their opinion should not go to the promotion board. Did they indicate that they were doing that—did they indicate that that was their own judgment they were relying upon, or did they take the materials to the performance measurement board? Would they take it to the membership of that board and say, “Here is derogatory material. Should I remove that from the file?”

Mrs. BALOG. I think those analysts in there operate from instructions from their chiefs, from their board.

The CHAIRMAN. I know they operate from instructions, and the board instructs them to remove the derogatory material, but would you have any way of knowing whether they are relying on their own sole discretion or not?

Mrs. BALOG. They could be. I don't know how much authority Mr. Woodyear and Mr. Toumanoff delegate to them.

The CHAIRMAN. Just one further question. Did this fellow Toumanoff recently ask you for the Frank Coe file, if you remember?

Mrs. BALOG. The Frank Coe—is he a Foreign Service officer?

The CHAIRMAN. Frank Coe was in FEA I believe, and then blanketed into the State Department, and recently was discharged from the UN.

The reason I ask you the question, the testimony was to the effect that somebody, I believe the performance board, had asked for Frank Coe's file, and it has not been returned. I wondered about that.

Mrs. BALOG. My confidential FSO files, we have set up permanent charge-offs. If he was an FSO, I would know if Mr. Toumanoff has ever had the file, but I wouldn't know unless I looked at the charge-out.

A similar system would be good for the other file room, but they say they can't hire a GS-3 to conduct the job.

The CHAIRMAN. Could you check that for us and see if Frank Coe's file has been checked out?

Mrs. BALOG. Yes, sir.

The CHAIRMAN. Incidentally, you are instructed that this is an executive session, and the members of the committee are bound not to disclose what occurs in this room, and the reporter is likewise bound, and the copies of what you have testified to are kept under lock down in Mr. Flanagan's room. So you, as a witness, are instructed not to tell anyone, either what you were asked or what you said, under the possible penalty of being found in contempt of the committee.

Were there any further questions? Were you through, Mr. Surine?

Mr. SURINE. Yes.

The CHAIRMAN. We want to thank you very much. And may I say that if any witness who is called here and testifies is subject to any retribution or any unpleasant transfers or demotions because of that, this committee will definitely want to know it.

Mrs. BALOG. Thank you.

The CHAIRMAN. I think we can protect our witnesses, at least I hope so.

Do you not think it might be an excellent idea if the National Archives service were called upon to come in and make a survey and recommend a good filing system in there?

Mrs. BALOG. Well, Senator McCarthy, that is what we had done when Mrs. Spaulding was sent over, they are archives people and they are the State Department's representative, and Mrs. Spaulding and Howard Sheeler from operating facilities came over there and spent months in our division, but my particular boss just wouldn't go along with the woman on anything, Mr. Colontonio, and the higher ups didn't okay it either. She wanted a better control system all of the way down the line.

The CHAIRMAN. This man Colontonio, as I understand, after you have written memos pointing out the lax system of filing and the removal of material from the files, Mr. Colontonio came to you and asked you to give the names of people who could verify that, am I correct in that?

Mrs. BALOG. He came to me and said that he had reported to Mr. Ambrose in security that we knew of no occasions where anything had been removed, and he said, "And I quoted you as agreeing with me on that." And I said, "I can't go along with you on that, because that is not true."

The CHAIRMAN. Thank you very much.

I understand it suddenly occurred to you that you forgot to tell us about a file that was held out.

Mrs. BALOG. You see, Mr. Ryan has had a lot of these files for a year or more; and Philip Jessup's file in 1951, December, I think, it was away over a year ago, went up to the legal adviser and the confidential file moved out to the secretariat's office, charged to Mr. Burns. And as I said, there isn't any adequate personnel, and they have bucked me all of the way on having a thirty-day control system, and those charge outs haven't been checked for a year and a half.

So Mrs. Betten, who is over the special assignments office of FP, who takes care of the people working in the department for the Foreign Service—it is on detail here, Army War College, and so on—she wanted this file, and they called her office for this file. Mr. O'Donnell had called all over the department, and finally in desperation he comes down to me, and he is one of her assistants, and he says, "I can't find it."

The first thing I said to him, "Have you contacted Bob Ryan?" And he said, "It wouldn't be down there. There is no reason why it would be down there."

Well, I got up and I went over to the confidential file to see if it was charged out, because there I have got a permanent charge-out, and it wasn't there, but I saw where it had been; that it had been to the secretariat's office, and after that had been in Ryan's office, and back to me. And so I just picked up the phone and I

called down there, and his secretary says, "Well, yes, we have the file." And yet they had spent three hours looking for that file all over the department. But that file wasn't even charged out to him, and he had never notified me that he had it, and that file had been charged out since 1951 to the legal adviser.

The CHAIRMAN. Did he give any reason why he was holding the Jessup file?

Mrs. BALOG. The reason that you got is that we didn't ask.

And if we had asked, we would have been told that they sent it back over, and Mr. Ryan thought that he should keep it, but they don't send me transfer slips.

The CHAIRMAN. Thank you very much.

[Whereupon, at 2:15 p.m., the hearing was adjourned.]

FILE DESTRUCTION IN DEPARTMENT OF STATE

[EDITOR'S NOTE.—Vladimir Toumanoff testified in public session on February 4, 1953. Malvina M. Kerr (1909–1975) did not testify in public.]

WEDNESDAY, JANUARY 28, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 10:15 a.m., in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Everett M. Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Stuart Symington, Democrat, Missouri.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; Ruth Young Watt, chief clerk; Julius N. Cahn, counsel, Subcommittee Studying Foreign Information Programs of The Senate Committee on Foreign Relations.

The CHAIRMAN. Will you stand and be sworn? In this matter now in bearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KERR. Yes, sir.

The CHAIRMAN. Incidentally, before we start, let me say that the committee members and the staff all have been admonished that in executive session everything must be kept executive, in other words, secret, so not alone in your case but it is customary that we always admonish the witnesses that when we are in executive session they are bound by the same rules of secrecy that the members of the committee are, that they can not go out and discuss what has been testified about, under possible penalty of contempt of the committee.

Okay, Mr. Counselor.

Mr. SURINE. Could you furnish your name and position at the present time?

TESTIMONY OF MALVINA M. KERR, PERSONNEL ASSISTANT, PERFORMANCE MEASUREMENT BRANCH

Mrs. KERR. Malvina M. Kerr, personnel assistant, Performance Measurement Branch.

The CHAIRMAN. For the protection of the witness, I think you should show that she was subpoenaed, so that none of her bosses think she is here on her own.

Mr. SURINE. And how long have you been in that branch, Mrs. Kerr?

Mrs. KERR. Since July 1951, two years this coming July.

Mr. SURINE. And without going into too much detail, you have been in various positions of government service since 1942?

Mrs. KERR. That is right.

Mr. SURINE. Which would include the War Department, as a clerk-typist, the war production board, as a stenographer, and then in the housing expediter's office. When did you start your service with the State Department?

Mrs. KERR. In September of 47.

Mr. SURINE. Now, we are very much interested, Mrs. Kerr, in asking what you know of the procedures in connection with the Performance Measurement Group. Does that office in which you work have confidential files of its own?

Mrs. KERR. Yes, sir.

Mr. SURINE. And the source of the material going into those files is material which has been taken from the files which you get from Mrs. Balog. Is that correct?

Mrs. KERR. Sometimes.

Mr. SURINE. And the purpose of your office in connection with the files is what?

Mrs. KERR. Performance.

Mr. SURINE. Performance?

Mrs. KERR. Yes.

Mr. SURINE. To furnish the file to the promotion panel. Is that correct?

Mrs. KERR. Yes.

Mr. SURINE. And when you receive the file from Mrs. Balog's office, what is done with that file, Mrs. Kerr?

Mrs. KERR. Various things. If an employee wants a summary of his performance, we give him a summary of his performance. We might want to use a file so that we can answer a letter. Or, as I say, I have been using the files to review for this lateral entry as Foreign Service officers. We examine them for the board of Foreign Service.

The CHAIRMAN. Let me ask you this. Let us take a typical case. Say you have Foreign Service officer, John Brown, there is a question of whether he should be promoted or not, or demoted, or moved to a different area. Then I understand that your performance measurement section gets the file and makes a resume?

Mrs. KERR. We don't transfer them from one area to the other, in other words, from different countries. The operations branch do that.

The CHAIRMAN. It is a question of promotion, then. Your section would get the file, and then the staff, I assume, would examine that file and make a resume of the material in it?

Mrs. KERR. No, sir, we don't do that. Mr. Surine seemed to have that idea. We don't do it.

The CHAIRMAN. Let us say you go up and get the file from Mrs. Balog on John Brown. He is a Foreign Service officer. Then what do you do with that file?

Mrs. KERR. Give it to the selection boards in the case of an officer, or in the case of staff people, give it to the panels.

The CHAIRMAN. Let us say it is an officer, and the promotion board is interested in it. What do you do with the file? Do you give it to the promotion board?

Mrs. KERR. The selection boards review files on all officers and FSO and reserve officers. They don't ask for the files. They review the files of every Foreign Service officer and every reserve officer, every single one of them, without exception.

The CHAIRMAN. Let us get back to this man, John Brown, then. He is a Foreign Service officer. You do not call it the promotion board. You call it the selection board.

Mrs. KERR. The selection boards.

The CHAIRMAN. The selection boards. How many boards are there?

Mrs. KERR. There are generally, I think there are about four, generally,

The CHAIRMAN. I see. Now, you get the file on John Brown. The selection board is interested in his case.

What do you do with the file from then on? Just trace that file, will you, until it gets back to Mrs. Balog?

Mrs. KERR. We give it to the selection boards.

The CHAIRMAN. You give, it to the selection boards.

Mrs. KERR. Whatever class they are reviewing. Like, each selection board reviews a certain number of classes. Like there are six classes.

The CHAIRMAN. You must have some function other than merely as a messenger to get the file from Balog and give it to the selection board.

Mrs. KERR. Well, Senator, I don't have anything anyhow to do with the selection boards.

The CHAIRMAN. I see. All right. Now, let us trace that file. What does the performance measurement board do? Do they merely pass the file onto the selection board?

Mrs. KERR. That is right.

The CHAIRMAN. Nothing else?

Mrs. KERR. To my knowledge.

The CHAIRMAN. You mean the performance measurement board does nothing except just get a file and hand it over to the selection board?

Mrs. KERR. Well, of course, we make sure that—well, as their efficiency reports come in, we might look the file over—well, we don't look the file over any longer, because we check in the efficiency reports, and on those reports that are not in or are delinquent, we write to the post to let us have a recent efficiency report on the officer, so that his file can be reviewed on a fair basis with his other colleagues or whoever he is in competition with.

The CHAIRMAN. You mean that is the only function you have? You do not evaluate? You make no notes on it?

Mrs. KERR. No, sir.

The CHAIRMAN. You are sure of that?

Mrs. KERR. To my knowledge, no.

The CHAIRMAN. What are your duties? What are your duties in that section? What do you do?

Mrs. KERR. I work on staff people.

The CHAIRMAN. You work on staff people. How do you work on them? What do you do?

Mrs. KERR. Well, as I told Mr. Surine, our section takes care of getting ready for the panels. We check in all the efficiency reports, and we have been writing in to the posts. I know that you are not interested in this, but I mean I am telling you what we do. We write in to post when the efficiency reports do not conform to policy, and also get all the material ready for the panels, and in this case they are going to meet in March.

The CHAIRMAN. By getting ready, what do you mean?

Mrs. KERR. Well, we have to—they don't consider limited employees, so we just get IBM runs and make sure that they are accurate.

The CHAIRMAN. I do not understand that. You say, "We get IBM runs and make sure that they are accurate."

Mrs. KERR. In other words, IBM lists of employees in certain categories are not always accurate. I mean, it is not foolproof, so we just check and double-check to make sure.

The CHAIRMAN. All right. These efficiency reports are gotten from Mrs. Balog's section?

Mrs. KERR. Yes. Well, no, the message centers send them up directly to us.

The CHAIRMAN. You mean they do not come through Balog's section, then?

Mrs. KERR. They do when they have all been recorded in by us and by IBM.

The CHAIRMAN. Now, when you get a file from Mrs. Balog, and when you remove material from it and keep it in your section, do you make a note of that or a resume of it so that Mrs. Balog will know what you have kept?

Mrs. KERR. I don't know whether they advise Mrs. Balog.

The CHAIRMAN. Is there anything put in Mrs. Balog's file to indicate that you have removed material from it for your section?

Mrs. KERR. No. I don't believe so. I know that recently certain material—I don't know what it was; I had nothing to do with it—was removed. But it was listed.

The CHAIRMAN. How do you mean, "listed"?

Mrs. KERR. A memorandum, I think, was put in the file listing the material which had been removed. I believe that is what happened.

The CHAIRMAN. Do you have any numbering of your file?

Mrs. KERR. No.

The CHAIRMAN. So that as far as you are concerned, if I were working in that section, I could take material out. You would not know unless you remembered what was in the file?

Mrs. KERR. That is right.

The CHAIRMAN. Can you tell me the purpose of keeping a separate file in Mrs. Balog's department and one in your department? Why the two files with the same material?

Mrs. KERR. Well, as I told Mr. Surine, sometimes they might be just minor allegations which haven't been substantiated.

The CHAIRMAN. Yes.

Mrs. KERR. Or in cases where probably, sometimes, when a man was in the low 10 percent in his class, and if the selection boards saw that, they might be sort of influenced by the fact that last year, the previous selection boards graded him in that manner.

The CHAIRMAN. In other words, you take out material which you think might unfairly influence the selection board?

Mrs. KERR. Yes, but I mean nothing that would do any good, you know, as far as his promotion is concerned.

Senator MUNDT. Why would it not be a pertinent fact to have in a man's file that he was in the low ten percent of his class? It seems to me if I were on a panel board I would like to know that.

Mrs. KERR. If you were looking at a man's file and you saw last year he was in the low 10 percent, you might possibly think, "Well, I don't think he's ready for promotion yet." In other words, it isn't fair to the man to let you see how the previous selection boards—well, how they thought. You may have a different idea.

The CHAIRMAN. Who makes the decision on what should be removed from the file?

Mrs. KERR. Well, I guess various people.

The CHAIRMAN. Do people like yourself on the staff have the right to take material out of the file that you think would unfairly influence—

Mrs. KERR. No, sir.

The CHAIRMAN. Well, when you find something you think might unfairly influence the selection board, what procedure do you follow in removing it from the file?

Mrs. KERR. I don't remove anything from the file. If I get material going over my desk that I wonder whether I should include it immediately in the file or not, then I might ask Mr. Woodyear what to do with it.

The CHAIRMAN. You "might." I would like to know what you do.

Mrs. KERR. I would ask Mr. Woodyear.

The CHAIRMAN. Well, have you?

Mrs. KERR. Yes.

The CHAIRMAN. You have asked Mr. Woodyear. Who else have you asked?

Mrs. KERR. Well, he is my direct supervisor. I mean, he is head of the branch. I would ask him if he went to someone higher—

The CHAIRMAN. The question is what you do.

If you find a letter in a file showing the man was in the lower 10 percent of his class last year, if you feel that should be removed from the file, then what do you do?

Mrs. KERR. I have nothing to do. Our staff people do not get into the low 10 percent. So, as I say, I have nothing to do with the officers.

The CHAIRMAN. All right. Let us get back to it, now. You just said if you found something you thought might unfairly influence the selection board, it would be removed from the file. You say you would talk to Mr. Woodyear.

Mrs. KERR. As I said previously, I never have had to question Mr. Woodyear regarding anything that should be removed from the file, because I have never removed anything. The only material I

questioned him about is material that has just come in to my desk, and I wonder if it should be put in the files.

The CHAIRMAN. All right. You say that sometimes material has come in in regard to a man, and you do not put it in his file, so that never comes to the attention of the selection board. Now, the question is, when you find material, whether it is in the file or on your desk, concerning a certain individual, whose file you have, do I understand you discuss it with Mr. Woodyear and decide whether or not that is something which should be available to the selection board?

Mrs. KERR. I think that you people are dwelling an awful lot on selection boards and panels.

The CHAIRMAN. Will you concentrate on my question, and answer it? I want to know the procedure here. Maybe we are concentrating too much on selection boards, but it is up to us to determine that. Do you get the question? The question is, when you have material that you think should not be drawn to the attention of the selection board, do I understand that you discuss the matter with Mr. Woodyear, and he makes the decision? Or do you make the decision that that should not be put in the file?

Mrs. KERR. I ask Mr. Woodyear about it. Now, if he goes higher, I don't know.

The CHAIRMAN. And Mr. Woodyear then tells you whether or not that material should be put in the file?

Mrs. KERR. Yes.

The CHAIRMAN. And you say now positively that you have never removed any material from a file that came down from Mrs. Balog?

Mrs. KERR. That is right.

The CHAIRMAN. Your answer is "Yes"?

Mrs. KERR. That is right.

The CHAIRMAN. Just one other thing. You said that several people had the same power that you have, that is, to determine, either on their own or upon the advice of someone else, that certain material should not be available to the selection board. Will you name those several people?

Mrs. KERR. Well, we have a Foreign Service officer working for us now, Ed Trost. He reviews the office material. And I review the staff material. Any other material that comes in-well, there is other material. I don't see all the material that comes into the branch.

The CHAIRMAN. Do I understand you are in charge of reviewing the staff material, immediately under Mr. Woodyear?

Mrs. KERR. Immediately under Mr. Calloway.

The CHAIRMAN. Then Mr. Calloway is your superior?

Mrs. KERR. That is right.

The CHAIRMAN. Do you ever discuss with Mr. Calloway whether certain material should not be left in the file?

Mrs. KERR. Yes. That is right.

The CHAIRMAN. And roughly how many times have you discussed this matter with Mr. Calloway?

Mrs. KERR. Oh, what kind of a figure do you want on that?

The CHAIRMAN. Just the correct figure.

Mrs. KERR. Well, I can't tell. Probably two or three times a week something might come up.

The CHAIRMAN. And with Mr. Woodyear, roughly, the same number of times?

Mrs. KERR. No. I think, now that I am—I used to work directly under Mr. Woodyear, but now that I am under Calloway I will ask him about it and he probably would go to Woodyear if there was any question in his mind.

The CHAIRMAN. Was there a time you used to discuss it directly with Mr. Woodyear?

Mrs. KERR. Yes.

The CHAIRMAN. About how long ago was that?

Mrs. KERR. Well, I really—if Mr. Calloway isn't there, I might ask Mr. Woodyear about it.

The CHAIRMAN. Well, you "might." Have you asked him?

Mrs. KERR. Yes.

The CHAIRMAN. Roughly how many times have you asked Mr. Woodyear per week, or per month?

Mrs. KERR. Not very often now, sir. Probably about two or three times a month, something might come up, and Mr. Calloway isn't available.

The CHAIRMAN. And some of those occasions you are advised not to leave certain material in the files or not to put certain material in the files?

Mrs. KERR. They don't always advise me. They say, "Leave it here," or "Go ahead and put it in the file."

The CHAIRMAN. But as a result of your conversations with Mr. Woodyear and Mr. Calloway, there have been a number of times that material which you have has not been put in the files, or has been removed from the files, one or the other?

Mrs. KERR. Has not been put in the files.

The CHAIRMAN. I see. What happens to it? Is it destroyed?

Mrs. KERR. I don't know. As I say, I don't know the disposition of it. If they tell me to put it in, I go ahead and put it in the files. If they say leave it on the desk, I leave it on the desk.

The CHAIRMAN. On their own desk? You never leave it on your own desk?

Mrs. KERR. No.

The CHAIRMAN. You never see it after it has been put on your desk?

Mrs. KERR. I have material now on my desk that I am waiting until I get a chance to go and look in the file and see if there is any similar material today with this same incident.

The CHAIRMAN. I think you started to go into some of this before. Will you give us the typical material, if there is such a thing as typical material, which you have either refused to put in the file or remove from the file? Just give us an idea of the type. You said one example would be a case of a man being in the low 10 percent of his class the previous year. Now, give us some more examples.

Mrs. KERR. Well, an example might be allegations as to—say it might be a dispersing officer. He might have some shortage of funds, where it has not been substantiated that he is to blame for the shortage. And it might have been the man who previously was assigned to the post in that job. Or something along that line.

The CHAIRMAN. Yesterday we had testimony to the effect that material dealing with homosexuality had been kept out of the files. Is that correct?

Mrs. KERR. I don't know for sure, sir. I know that Mr. Ryan does have such material in his office.

The CHAIRMAN. And that material has not come to the attention of the selection board?

Mrs. KERR. I don't know.

The CHAIRMAN. You do not know? Has your section ever failed, to your knowledge ever failed, to insert in the files, or has it removed from the files, material dealing with homosexuality?

Mrs. KERR. No. No, sir, never.

The CHAIRMAN. You are sure of that?

Mrs. KERR. I say to my knowledge. I am sure as far as I am concerned.

The CHAIRMAN. Well, you have given us two examples, one, you say, a case where there was a shortage of funds.

Mrs. KERR. Well, a similar type of thing.

The CHAIRMAN. The two examples were a case where there was a shortage of funds, and you felt it was not sufficiently proven that the officer in question was guilty of that, or another type of case where he would be in the lower part of his class last year. Those are two examples.

Now, could you think of some more?

Mrs. KERR. No, I can't. I am not too familiar with those confidential files in our office.

The CHAIRMAN. Do you not examine all of those files, yourself?

Mrs. KERR. No.

The CHAIRMAN. You do not. Who gets the file from Mrs. Balog?

Mrs. KERR. Oh, her files—if I need a file, I go in there and get it from Mrs. Balog.

The CHAIRMAN. Then do you not examine that file yourself?

Mrs. KERR. Yes.

The CHAIRMAN. You do?

Mrs. KERR. Yes.

The CHAIRMAN. All right. Now, will you try and answer that question, again?

Mrs. KERR. Well, are you asking me about the files we keep in Performance Measurement Branch?

The CHAIRMAN. You see, what I am interested in, Mrs. Kerr, is just what you send on up to the selection board. I want to know what is either removed from the files or what material you decide not to put in the files, and then I want to find out why. I want to find out whose task that is. I understand from you that you are the first moving party, but you do not make the final decision, that the final decision is made by Mr. Calloway, and that as far as you know he may go higher, you do not know, but he passes the word on to you.

Now, I am trying to find out the type of material that you decide should not be brought to the attention of the selection board, and why.

Mrs. KERR. You keep on using the term "selection board." I have nothing to do with the selection board. We handle the promotion review panels.

The CHAIRMAN. Well, I was calling it the promotion panel and you said the selection board.

We will go back to the promotion review panel.

Mrs. KERR. Well, those are the people that consider. I said the selection boards consider promotion of all FSO's and FSR's. The panels, promotion review panels, consider promotions of all Foreign Service staff employees one through twelve.

The CHAIRMAN. Just consider that in the question we refer to promotion review panels also, or selection boards.

Do you understand the question now?

I want to know what material, some more typical material that is removed or not put in the file. You have given me two examples.

Mrs. KERR. Well, as I told Mr. Surine, Mansfield Hunt, I am sure, could answer that better than I can. He was the person who sat in the service office for the panels last year, and for the selection boards this year. I haven't serviced them in that regard.

The CHAIRMAN. You mean that Mansfield Hunt reviews the file before it goes to—

Mrs. KERR. I don't know whether he does or not. I don't know whether he looks in all the files before they go into panels or what.

The CHAIRMAN. Now, your performance measurement board—

Mrs. KERR. Branch.

The CHAIRMAN [continuing]. Branch, does examine all the files that you call for or that you have there, I assume, do they not?

Mrs. KERR. They are available to us for review.

The CHAIRMAN. And is not that your function? Is not that the function of your board? Now, let me tell you something, Mrs. Kerr. There is certain information we want. It may take a long time to get it. I hope we get it from you finally. We will keep on asking you questions until we do.

So we will re-ask that question. The function of your performance measurement section is to examine the files, is it not? Is that not the principal function?

Mrs. KERR. If we have a reason. We don't examine every single file. I mean we wouldn't have that much time. We would be doing it all year long. There are too many files.

The CHAIRMAN. You mean you pass some files onto the promotion review board or the selection board without examining them in any fashion at all?

Mrs. KERR. Yes, sir.

The CHAIRMAN. You do?

Mrs. KERR. Yes, sir.

The CHAIRMAN. You do not look at some of the files at all?

Mrs. KERR. That is right.

Senator MUNDT. How do you decide which ones you are getting to examine and which ones you are getting to pass on?

Mrs. KERR. They examine all the people, classes one through twelve, excepting, as I said previously, there are some exceptions, like high-cog people's files are not examined—the limited employees.

The CHAIRMAN. All right. We will stick to those from one to twelve. Those are all examined. Right?

Mrs. KERR. Yes.

The CHAIRMAN. And that is the function of your section, to examine them? Right?

Mrs. KERR. No, we have panels that come in for that.

The CHAIRMAN. You have panels for that?

Mrs. KERR. That is right.

The CHAIRMAN. Do I understand, then, the performance measurement section does not examine all the files from one to twelve?

Mrs. KERR. That is right.

The CHAIRMAN. Then, as Senator Mundt asked you, how do you determine which ones you will examine in your section?

Mrs. KERR. Well, we might examine them only because we might get an efficiency report in on a person. We record the efficiency reports in. And say it just covers a period of six months; we might go to the file and look and see if the previous—in other words, it must cover a year. We look and see if the previous six months were covered by another efficiency report. That is the purpose of reviewing the files at all, getting them ready for the panel so that they will be complete.

The CHAIRMAN. You mean you make no evaluation of the material in the file?

Mrs. KERR. No, sir.

The CHAIRMAN. Your section does not?

Mrs. KERR. No, sir. The only evaluations I have ever made is for the board of examiners, and that has nothing to do with the panels. It is evaluating the performance of Foreign Service staff employees who have applied to take the Foreign Service officers' examination. And I evaluate their performance for the board of examiners over the signature of Mr. Woodward and certify them as to their performance.

The CHAIRMAN. You, personally, evaluate cases for the board of examiners, do you?

Mrs. KERR. That is right.

The CHAIRMAN. And in those cases, do you send the file on up to the board of examiners?

Mrs. KERR. No, they finally pick it up. All we do is evaluate their performance. And if there is derogatory information of any kind in their file, that is none of our business. The board of examiners review their file for anything. The only thing we do is certify as to their over-all performance.

The CHAIRMAN. Well, now, you say if there is derogatory information that is none of your business.

Mrs. KERR. I mean as far as the board of examiners are concerned, they review the file for personality.

The CHAIRMAN. I do not understand your answers, Mrs. Kerr. First you tell me that you make an evaluation.

Mrs. KERR. On performance only.

The CHAIRMAN. And evaluation of what is in the file for the board of examiners.

Now you tell me that if there is derogatory information that is none of your business. You mean you do not include that in the evaluation?

Mrs. KERR. The only evaluation—it is a simple little memo that I write to the board of examiners, which says: "The following For-

eign Service staff employees have an overall rating of 'Very Good' or 'Excellent.'"

The CHAIRMAN. An over-all rating of "very good," or "excellent." And you make that rating yourself?

Mrs. KERR. And "we hereby certify them."

The CHAIRMAN. In other words, in examining the file you determine what that rating is?

Mrs. KERR. Yes, sir.

The CHAIRMAN. And you make the rating yourself?

Mrs. KERR. I look at all their efficiency reports for a certain period, and if I figure that they can meet the qualifications to take the examination as far as performance is concerned, I so advise the board of examiners.

The CHAIRMAN. Now, when you rate someone "excellent," you say it is no concern of yours if there is derogatory information in the file. That seems unusual.

Mrs. KERR. I don't mean it is no concern of mine. What I mean is all we are asked to do is certify as to their performance to the board of examiners.

The CHAIRMAN. Now, if there is derogatory information, that would reflect upon their performance, would it not?

Mrs. KERR. The board of examiners have advised us—I mean, we specifically ask them what they want us to give them. Did they want us to review the complete file, or just their efficiency reports? And I just mean efficiency reports. And that is all we review for the board of examiners.

The CHAIRMAN. And who in the board of examiners has ordered you to do that? Does it come in written form, or verbally?

Mrs. KERR. I guess Mr. Riches.

The CHAIRMAN. Mr. Riches has told you to only take into consideration the efficiency reports; not to take into consideration any derogatory information outside of the efficiency reports?

Mrs. KERR. Or their personality.

The CHAIRMAN. When you make this rating of "good" or "excellent"?

Mrs. KERR. That is right; that all we must determine is whether their performance over a period of so many years has been an overall "very good" or "excellent."

The CHAIRMAN. What is Riches' first name?

Mrs. KERR. Cromwell Riches; C-r-o-m-w-e-l-l R-i-c-h-e-s.

The CHAIRMAN. When you evaluate those files—

Mrs. KERR. I don't think Mr. Riches really made the determination. There is a certain sort of—I don't know whether it is administrative circular or what it is, that came out, giving the policy to be used on certifying or, you know, how a man must qualify.

The CHAIRMAN. Well, now, you just told us Mr. Riches gave you those instructions verbally.

Mrs. KERR. Well, Mr. Riches to Mr. Woodyear to me. But there is an instruction out on it.

The CHAIRMAN. I want to get this straight.

Did Mr. Riches, or did he not, tell you not to take the derogatory material into consideration?

Mrs. KERR. No, he did not.

The CHAIRMAN. Who did, then? Who told you?

Mrs. KERR. Well, we asked Mr. Riches. I asked Mr. Woodyear if he would determine with Mr. Riches just what we should look for. Should we just confine the review to the efficiency reports, or should we look at any other characteristics of the person? And we were told that all they wanted from us was a certification as to his performance.

The CHAIRMAN. Who told you that personally?

Mrs. KERR. Mr. Woodyear talked directly to Mr. Riches.

The CHAIRMAN. Who told you?

Mrs. KERR. And it was determined.

The CHAIRMAN. Who told you?

Mrs. KERR. Mr. Woodyear.

The CHAIRMAN. Mr. Woodyear told you not to take into consideration anything outside of the efficiency reports?

Mrs. KERR. That is right, yes.

The CHAIRMAN. And for that reason, because of what Mr. Woodyear personally told you, you ignore any derogatory material in the file regarding a man when you make this rating of "excellent" or "good" or "very good." Is that correct?

Mrs. KERR. That is all I do, is certify to his performance, that his work has been excellent or very good.

The CHAIRMAN. Will you repeat the question to the witness?

[Question read by reporter.]

Mrs. KERR. Yes, sir.

Senator McCLELLAN. May I ask a question, Mr. Chairman? Are we to understand from that that notwithstanding you may have material relating to an employee that does reflect upon his character and other general fitness to serve in the position that he occupies—notwithstanding that, you are instructed to disregard that?

Mrs. KERR. I am not instructed specifically to disregard that. I am instructed to evaluate the man on his efficiency reports only.

Senator McCLELLAN. Well, then, the result is, the end result is that you do not, in rating him on his performance record, take into account anything that may be derogatory to his character or reputation?

Mrs. KERR. That is right. Yes, sir. The board of examiners do that, I understand.

Senator McCLELLAN. Well, do they have the same material that you do not take into consideration?

Mrs. KERR. Yes, sir.

Senator McCLELLAN. In other words, your responsibility is simply to review only the aspect of his performance record and you certify as to that?

Mrs. KERR. Well, I certify under Mr. Woodward, the chief——

Senator McCLELLAN. Well, I mean through him.

Mrs. KERR. Yes, sir.

Senator McCLELLAN. And the other matters relating to his suitability for government employment or anything that might detract from his——

Mrs. KERR. Do not enter into it.

Senator McCLELLAN. That is passed on by someone else?

Mrs. KERR. That is right, sir.

Senator McCLELLAN. By whom?

Mrs. KERR. By the board of examiners. I don't know specifically who down there review the files before a man is notified.

Senator McCLELLAN. By the board of examiners or whoever reviews the file for them?

Mrs. KERR. Yes, sir.

Senator McCLELLAN. Maybe this has been covered. I got in a little late.

Do you know whether that material that you do not pass upon or review is retained and made available to that board of examiners?

Mrs. KERR. As far as I know, sir, it is.

Senator McCLELLAN. Can you say positively that it is, from your own knowledge?

Mrs. KERR. There are some files, you see—

Senator McCLELLAN. You would not know?

Mrs. KERR. And I would not have my finger on them all the time. That is right.

Senator McCLELLAN. You mean you definitely, personally, do not know?

Mrs. KERR. Yes, sir.

Senator McCLELLAN. "Yes." You do know or do not know?

Mrs. KERR. Yes, I do not know.

Senator McCLELLAN. Thank you.

Pardon me, Mr. Chairman. I was trying to clear it up in my own mind.

Mr. SURINE. Mrs. Kerr, let's go back a bit.

You work in the Performance Measurement Group, and they have confidential files. I talked to you a few minutes ago, and you stated that the material which goes in those files is material which has been taken from the various files that you got from Mrs. Balog.

Mrs. KERR. Not taken from.

Mr. SURINE. Which material was decided upon by either Mr. Toumanoff or one of the officials above you, was derogatory, but had not been substantiated. Is that correct?

Mrs. KERR. Not—

Mr. SURINE. In other words, the first point to determine you have confidential files in the Performance Measurement Group. A few minutes ago you advised me—well, I would like to have you answer this question specifically.

Is it not true that the material which is held up in the Performance Measurement Group, where it has been decided that that material, even though derogatory, has not been substantiated—isn't it true that that is a source of some of this material in the confidential file?

Mrs. KERR. Yes.

Mr. SURINE. That is correct, then.

Mrs. KERR. Nothing security-wise, now; understand that.

Mr. SURINE. I am not talking about security. You gave an example a few minutes ago, as an example, that if two people say, made an allegation against an employee, for instance, involving embezzlement, and that allegation is only half-way substantiated, and Mr. Toumanoff or Mr. Woodyear feels that that situation has not been substantiated, then on their decision, not yours, that material

would be held back from the files or file, because it had not been substantiated isn't that right?

Mrs. KERR. Yes, sir.

Mr. SURINE. And that material is then filed in your confidential files and is not returned to Mrs. Balog's file; is that correct?

Mrs. KERR. For the time being. That doesn't necessarily mean it is going to stay there forever.

Mr. SURINE. You mentioned earlier that in some instance if an employee wants to go over his file, the practice is that one of you people, whether it is yourself or Mr. Toumanoff, has the practice of sitting down with the employee and going over the file in detail. Is that correct?

Mrs. KERR. Their performance.

Mr. SURINE. Their performance. The files that you get from Mrs. Balog.

Mrs. KERR. Yes, sir.

Mr. SURINE. Now, we are now talking about Mr. Ryan's stop notices.

Now, earlier you told me that in many instances you have come across files where you have a stop notice, so called, from Mr. Ryan's office, indicating that there is material in his office on that individual. Is that correct?

Mrs. KERR. That is right.

Mr. SURINE. And when you have come across these stop notices, you have then called Mr. Ryan's office and talked to either Mr. Ryan or his secretary. Is that correct?

Mrs. KERR. That is right.

Mr. SURINE. And over the phone you tell them, of course, that you have this particular file, you have come across this stop notice, and you then ask over the phone whether or not the material which he has should be sent to the promotion board. Is that correct?

Mrs. KERR. Oh, no, sir.

Mr. SURINE. Or should he put in the file—back in the file?

Mrs. KERR. No, sir. That is not right. When I call Mr. Ryan, it has only to do with these people, these people whose files are reviewed for the board of examiners, and their performance is an over all at least "very good" or "excellent." I then call Mr. Ryan's office, and see a note in the file, and ask him if he wants me to mention that fact to BEX when I send them a memo, that they might speak to him before they finally notify this person.

Mr. SURINE. In other words, it is substantially what I asked you. You come across Mr. Ryan's stop notice in the file. That stop notice, in effect, says "See Mr. Ryan" before any personnel actions are taken, and then you find out over the phone whether to leave that stop notice in?

Mrs. KERR. Not whether to leave it in. Whether I should mention it in my memo to BEX where I certify these people.

The CHAIRMAN. Let me interrupt. Does that stop notice indicate to you that Mr. Ryan has some material on this individual?

Mrs. KERR. Yes, sir.

The CHAIRMAN. I see. And you do not get that material?

Mrs. KERR. Or it also might mean not necessarily that he might know something, but that this individual is being investigated.

The CHAIRMAN. Or that he has material from the file himself?

Mrs. KERR. He does have some, yes, sir.

Mr. SURINE. At any event, from Mr. Ryan's office, they advise you whether or not, when you send that material on, the people that consider the material should be advised that the stop notice is in there.

Mrs. KERR. Oh, no, no. The notice is sent in there, sir. The only thing he might say—if there is a notice in the file, I do not remove it. But he might say: "It is perfectly all right. This case has been cleared up." And he doesn't ask me to take material out.

The CHAIRMAN. Let me interrupt you, again. We have had testimony here that shows stop notices are being removed, have been removed.

Mrs. KERR. I believe they have, sir. I believe they have when the panels have met.

The CHAIRMAN. I see. In other words, the stop notices have been removed. Let us take a case where a stop notice has been removed, and you do not make any mention in your memo. How would the board of examiners or the promotion board or any of those boards that examine the files—how would they know that Ryan had material on this individual?

Mrs. KERR. Those notices are left in there, as far as I know, and the board of examiners have as much right to review that material or get the files as I have, and they see the notice there.

The CHAIRMAN. Why must you make a decision in each case as to whether or not you will mention in your memo that Ryan has a stop card in the file? In other words, you get a file, and there is a stop notice on it from Ryan. You are making a review. Why must you call each time and say: "Should I tell the board of examiners?"

Mrs. KERR. Not "should I tell them," but "should I point out."

The CHAIRMAN. Why would it not be S.O.P. that you point it out in every case? If Mr. Ryan thought it was important enough to put a stop notice on it, why would you adjust in your memo—

Mrs. KERR. Because finally maybe in some instances this person has been cleared security-wise.

The CHAIRMAN. Go ahead, Mr. Surine.

Mr. SURINE. Isn't this true, that you may not have direct knowledge yourself of the removal of Mr. Ryan's stop notices, but isn't it true that you told me earlier that you learned from Mr. Mansfield Hunt or some others that certain stop notices of Mr. Ryan's have been removed from the files?

Mrs. KERR. I didn't say I learned from Mansfield Hunt. I said that Mansfield Hunt has been, as I explained to Senator McCarthy—he has been the man who has the files right before they go into the panel members, and he might look through them and remove those notices.

The CHAIRMAN. Do you have any knowledge of his ever having removed a single notice?

Mrs. KERR. I believe that some of those notices were removed before they went to the panels.

The CHAIRMAN. So that the panel, then, where Hunt removed the notices, where they went to the panel. The panel would have no knowledge of that fact that Mr. Ryan had material in his office?

Mrs. KERR. That is right.

The CHAIRMAN. And Mr. Ryan had not suggested to you that the notices be removed?

Mrs. KERR. No, sir.

The CHAIRMAN. And Mr. Hunt just did that upon his own?

Mrs. KERR. He might have—no, not I believe particularly on his own. I don't know who might have told him.

The CHAIRMAN. Can you think of any reason why Mr. Hunt would remove Mr. Ryan's stop notice from the file?

Mrs. KERR. Because it would do no earthly good as far as the promotion review panels were concerned to see that. It wouldn't do any harm—well, it would probably do some harm as far as their promotions are concerned.

The CHAIRMAN. Well, we have testimony here that Mr. Ryan here had a vast amount of material in his office from these files, that when he took material out which he considered of derogatory nature, he would put a stop notice on the file.

Mrs. KERR. Yes. That is right.

The CHAIRMAN. If you, in your evaluation, could not take into consideration any of that material you say the board would have that available.

If Mr. Hunt removed the stop orders, then your board would be acting more or less in the dark, would they not?

Mrs. KERR. As far as, I believe, that material that Mr. Ryan has is concerned, yes.

The CHAIRMAN. In so far as material which you considered unsubstantiated, as you say, is concerned, they would be acting in the dark as far as that material was concerned, too, because you had previously removed that.

Mrs. KERR. As I say, I have never removed anything.

The CHAIRMAN. Then let us not be too technical. We will talk about material which you did not put in the file, then. You have testified you did not put material in the file.

Mrs. KERR. That is right.

The CHAIRMAN. Of a derogatory nature, when you thought it might unfairly influence the board. Now, the board would be acting completely in the dark as far as that material is concerned?

Mrs. KERR. No, not where the boards are concerned, sir. Certain material, as I say, certain allegations, which in no way have to do with loyalty or security or anything, just some allegation on a man's character—

The CHAIRMAN. We are concerned with a man's fitness to serve, you understand, his efficiency. One of the examples you gave was where there was evidence of embezzlement from his section. You say that you felt that would unfairly influence the board so you removed that.

Mrs. KERR. Until, you see, they finally reach some decision as to whether the man is guilty or not. They have special boards that meet. They get the man back in the department, and they have special boards that meet to question the man and determine his guilt or innocence.

The CHAIRMAN. You have also stated that you removed material which showed a man was in the lower 10 percent of his class, for fear that might unfairly influence the board or the panel, call it

what you may. They would be acting in the dark, of course, in so far as that kind of material was concerned?

Mrs. KERR. In so far as what the evaluation was that was made by the previous selection boards.

Senator McCLELLAN. May I ask a question at that point? That rather intrigues me. Here is an employee who was rated in the lower 10 percent of his fellow employees, with respect to his performance, rated that say last year, by, I assume, the competent and duly authorized examiner or whoever had the responsibility of making that decision.

Mrs. KERR. Well, an individual doesn't make that decision.

Senator McCLELLAN. Well, a board of whoever does it. Then the matter comes up again for reviewing that man's record this year. You take that out of the files so the board would not have the benefit of that information.

Mrs. KERR. So that it won't influence the board.

Senator McCLELLAN. So that it would not influence the board, of course. So that it will not influence them.

Well, if the man gets a rating this year of above 50 percent, or the upper 50 percent, would it not be of interest to the board to know, and should not the board be influenced by reason of the fact that the man has made such tremendous progress during the last year towards greater efficiency?

Mrs. KERR. I really don't have anything to do with that, sir. I do not know.

Senator McCLELLAN. No, but just as a practical thing.

Now, here is a fellow who starts off, as an employee, and this year, maybe because of illness, maybe because of something else, or maybe because of his lack of interest or his lack of capacity to do the job, he is rated in the lower, 10 percent of the entire group. Now we come up to review him again this year. He has been retained. We come up to review him again this year. And it is concluded not by you but by your superiors, under whom you work, that if that information should not be available——

Mrs. KERR. Wouldn't you on your own be able to evaluate this man's performance without——

Senator McCLELLAN. I think that is the general way of evaluating a man, to a very great extent, what his record has been in the past.

Mrs. KERR. You have the same material available to you this year as they had last year, plus a new efficiency report, a more recent one.

Senator McCLELLAN. Well, that could be true, but I can not see that that procedure serves any purpose in the world except to try to conceal the fact that those who were in a position to know last year evaluated the man's services or the employee's services as very low as compared to his fellow employees, and they want to withhold that for fear that it might militate against the employee again this year. That is all I can see that it would serve.

Now, I am not charging you. You work under orders. But if you have any explanation from your own experience and observations as to why it should not go in there, I would like to have you state it.

Mrs. KERR. As I stated previously, I work on staff employees only, and these low 10 percent, the only ones that are ever sent a letter or anything, stating that they are in the low 10 percent are officers. I don't work on those at all.

The CHAIRMAN. If they are rated in the upper 75 or 80 percent, or let us say the upper 10 percent, the high 10 percent, do you ever take that out for fear it might influence the board?

Mrs. KERR. No, sir, they are promoted probably in most—

The CHAIRMAN. In other words, if the previous board's rating is high, you never take that from the file, but if it is extremely low, they are taken from the file?

Mrs. KERR. Well, they are promoted. It is evident that they must have been—

The CHAIRMAN. I just want you to answer my question.

You said that you would remove it from the file if the previous board had rated the man in the lower 10 percent. If they gave him a good rating, would you remove it from the file?

Mrs. KERR. Well, the rating isn't put in the file in the first place.

The CHAIRMAN. You just got through telling me if he was rated in the low 10 percent—

Mrs. KERR. Just the low 10 percent, because there is some sort of policy which is written up which says that a man, an officer, being in the low 10 percent for three years in a row is terminated.

The CHAIRMAN. Do we not get down to this situation, Mrs. Kerr. I am just trying to get information. This is not intended as criticism of this point of view or anything else, but is not this the situation that you, with the advice of some of your superior officers like Mr. Calloway or Mr. Woodyear, exercise your discretion and decide what should be removed from the file, because it might unfairly influence the board? Is that not correct?

Mrs. KERR. No, as I say, we don't just go around promiscuously removing stuff from the file.

The CHAIRMAN. You use your own discretion. When you think something should be removed, you remove it?

Mrs. KERR. No, as I have said before, I never remove anything from the files.

The CHAIRMAN. If you decide something should not be put in the file, you do not put it in the file?

Mrs. KERR. I ask the advice of my superiors.

The CHAIRMAN. All right. So that this material is withheld from the board upon the discretion of you and your superior?

Mrs. KERR. Not from the board. The board probably is not going to meet for another year. It is not just the board.

The CHAIRMAN. Well, it is withheld from the file upon the discretion of you and your superior officer.

Mrs. KERR. My superior officer.

The CHAIRMAN. In other words, if you find something which you, in your judgment, think should not be in the file, then you advise your superior officer that you think it should be withheld from the file. If he says "yes," it is withheld. There is no other check upon your activities, in withholding from the files?

Mrs. KERR. In other words, I don't know what they finally might do with this material?

The CHAIRMAN. I think my question is very simple. You come upon material which you think should not be in the file. You say you fear it will unfairly influence the promotion board or some other board. You decide it should be withheld. My question is this. Is there any check upon your withholding this from the file other than the advice of your superior officer?

Mrs. KERR. No, sir.

The CHAIRMAN. So the two of you, using your judgment, decide what should and should not be brought to the attention—

Mrs. KERR. No. If I question it at all, I will go to my superior.

The CHAIRMAN. In other words, if you think it should not be in the file, you go to your superior?

Mrs. KERR. Yes, sir.

The CHAIRMAN. If he says, "You are right, Mrs. Kerr. Keep it out of the file"—

Mrs. KERR. We might put that in the confidential file.

The CHAIRMAN. But you do keep it out of the file. Is that right?

Mrs. KERR. Yes, sir.

THE CHAIRMAN. And you say you do not know what happens to it. You leave it on his desk. And you get some of that material on your desk. Is that right?

Mrs. KERR. I don't know always what disposition he might make of it, no.

The CHAIRMAN. In other words, you do not know whether he destroys it, whether he puts it in another file—

Mrs. KERR. Whether he discusses it with Mr. Ryan or whether he discusses it with Mr. Woodyear; just what, I do not know.

Mr. SURINE. The picture then seems to be this: as you related it to me earlier, and you can tell me whether this is so, you have an individual file. There are half-way substantiated allegations against that man, in some form, whether it be his personal life or maybe some complaint on his attitude.

The CHAIRMAN. I think we had better suspend at this point. Can you take that up later, Mr. Surine?

Mr. SURINE. Yes, sir.

[Whereupon, at 11:15 a.m., a recess was taken until 1:00 p.m., this same day.]

AFTERNOON SESSION

[1:25 p.m.]

The CHAIRMAN. May I first just inform the witness that she is still under oath?

Go ahead.

TESTIMONY OF MALVINA M. KERR, PERSONNEL ASSISTANT, PERFORMANCE MEASUREMENT BRANCH (RESUMED)

Mr. SURINE. Mrs. Kerr, the first point under discussion that I would like to bring out more clearly is that you have testified that in certain instances where there is a pending derogatory situation which has not been settled one way or the other, the custom has been that your superiors have ordered that held back from the files or not put in the files, and put in the performance group confidential file. Is that correct?

Mrs. KERR. In some instances, where there were certain allegations.

Mr. SURINE. And that the file itself would not show that that was being done; is that correct?

Mrs. KERR. In all instances, I don't believe the file did show that that was done.

Mr. SURINE. And therefore a promotion panel, or anyone else looking at the file, would have no way of knowing material—that those derogatory material or pending derogatory material was being held in the performance branch file; is that correct?

Mrs. KERR. Yes.

Mr. SURINE. Second, during the time that you have worked around, or in and around, the files there, not necessarily in the performance branch, you do know that at no time could anyone actually look at a file and tell what may have been taken out or missing; is that correct?

Mrs. KERR. That is correct.

Mr. SURINE. And in some instances, you have felt upset over that, or at least remarked on it, that the situation along that line was pretty bad, not to be able to determine—

Mrs. KERR. No, I haven't remarked. Mrs. Balog has made a lot of remarks regarding that.

Mr. SURINE. Now, the last point is in connection with Mr. Ryan's stop notices. You have related that where you have run across a stop notice, you have, by custom, called Mr. Ryan's office and in most instances talked to his secretary, at which time she advises you whether or not you should make mention of that stop notice. Is that correct?

Mrs. KERR. In connection with the people who have made application to enter the Foreign Service on that lateral entry.

Mr. SURINE. And under those circumstances, you would not know the basis for that decision on the part of Mr. Ryan, nor what the material was about. Is that correct?

Mrs. KERR. Yes, sir.

Mr. SURINE. Then in the final analysis, too, you have told us that even though you personally don't know about it, you were advised by either Mr. Hunt or someone else that some of these stop notices have been removed from the file. Is that correct?

Mrs. KERR. Not particularly by Mr. Hunt. I don't know who did mention the fact that they should be removed.

Mr. SURINE. That they should be removed? These stop notices?

Mrs. KERR. Yes, before the panels or selection boards review them.

Mr. SURINE. In other words, someone has mentioned to you that these stop notices should be removed before the board or panel considering the case gets the case; is that right?

Mrs. KERR. That is right, yes.

Mr. SURINE. Is that on the basis that the stop notices would operate in a detrimental manner to the employee?

Mrs. KERR. Yes, it might not allow a fair evaluation of his performance.

Mr. SURINE. That is all.

The CHAIRMAN. Mrs. Kerr, I still do not have too clear a picture, I am afraid, of the various organizations over there that get the re-

ports and the evaluations and the files. Number one, there is your section, which is known as the——

Mrs. KERR. Performance Measurement Branch.

The CHAIRMAN. The Performance Measurement Branch. And how many people are working in that section, roughly?

Mrs. KERR. Oh, there are probably about eight to ten. Sometimes, when Foreign Service people come in and we are getting ready for panels, or selection boards, we need their assistance. We can't handle the regular work and that special work, too.

The CHAIRMAN. That is eight or ten on the staff, and then there are three members of the board, is it, or the panel, or whatever you call it?

Mrs. KERR. Well, the panels—generally, we have twenty members on the panels. There are generally four panels, A, B, C, and D.

The CHAIRMAN. Would you go into that a bit? A, B, C, and D, does not mean a thing to me.

Mrs. KERR. Well, we call them that. Panel A is the panel that considers—well, last year they considered the grades 1, 2, 3, and 11; and panel B considered 4's, 5's or 6's. I mean they were split up in that way, so that finally panel D had the lowest rank personnel, which would be the 12's.

The CHAIRMAN. And which panel do you work under, A, B, C, D, or all of them?

Mrs. KERR. As I say, we service the panels.

The CHAIRMAN. You service all of the panels?

Mrs. KERR. Yes, that is right. I don't work with or in with the panels.

The CHAIRMAN. So that the members of the panels have no power to give you orders or tell you what to do or anything like that?

Mrs. KERR. Well, we are there. We are there to service them. They ask for things. They don't give you orders.

The CHAIRMAN. But you are not subject to orders from the panels? I am looking for the chain of command.

Mrs. KERR. Yes. Anything that the panels generally want, if Mr. Hunt, in the case of last year's panel, can take care of it, he does. If they want even additional information in the files in order to make an evaluation, if Mr. Hunt can't take care of it, he might refer the matter to either Mr. Toumanoff or Mr. Woodyear. In the case of a panel, he might refer the matter to Mr. Calloway, who hasn't been with us too awfully long, about a year.

The CHAIRMAN. Now, the three men you mentioned, Hunt, Toumanoff, and Woodyear: what panel are they on, or board?

Mrs. KERR. They are not on any of the panels, sir.

The CHAIRMAN. What is their status?

Mrs. KERR. Well, in other words, what are their titles now?

The CHAIRMAN. Yes, what is their job? What board do they belong to?

Mrs. KERR. They don't belong to a board. They are members of the Performance Measurement Branch, who run the panels, who make arrangements. We select the members to be used on panels.

The CHAIRMAN. Oh, I see. And you select the members from present employees of the State Department?

Mrs. KERR. Yes.

The CHAIRMAN. I see. In other words, there is no one from outside of the State Department on those panels?

Mrs. KERR. Oh yes, well, on selection boards there are people from outside the State Department. Selection boards have public members.

The CHAIRMAN. But the panels you are referring to now are promotion panels? Is that right?

Mrs. KERR. Yes, those are the panels that take care of staff employees.

The CHAIRMAN. And those panels are all State employees?

Mrs. KERR. All employees of—not necessarily the State Department. We have one representative, generally, from Agriculture, one from Commerce, and one from Labor.

The CHAIRMAN. I see. And that panel changes from year to year, I assume?

Mrs. KERR. Oh, yes. We aim to never have the same person serve on a panel.

The CHAIRMAN. More than one year; right?

Mrs. KERR. More than one year, yes.

The CHAIRMAN. Let us see, now, who would be the proper person over there to give us the names of those that served on that panel this year, last year, the year before?

Mrs. KERR. We have that. We have that information in our files.

The CHAIRMAN. Good. Would you supply that information to us?

Mrs. KERR. Well, I don't think there will be any objection, Senator. I will ask if I may do that.

The CHAIRMAN. Well, consider that you are ordered to supply it, and if you have any difficulty let us know. Consider this as an order that you supply it. Then if you run into any difficulty—

Mrs. KERR. Well, I don't think there would be any objection. I am sure there wouldn't.

Were you interested in the panel members? Or selection board members?

The CHAIRMAN. Both. Now, the panel members, I understand, are selected each year?

Mrs. KERR. Selected each year, and they cannot serve any more than one year on a panel.

The CHAIRMAN. How about the selection board members?

Mrs. KERR. The same applies there. And the selection boards, who are the men—or the people, because there might be some women—who consider the Foreign Service officers and reserve officers for promotion. They have some public members on that, in other words, high grade business men, and Foreign Service officers, as well as representatives from the other agencies that I mentioned. They also have observers on selection boards.

The CHAIRMAN. I see.

Now, this Performance Measurement Branch you say consists of about ten staff members?

Mrs. KERR. I would say at present there are anywhere from eight to ten, just roughly.

The CHAIRMAN. Does that include Hunt and Toumanoff? That is part of the team, right?

Mrs. KERR. Yes.

The CHAIRMAN. And the boss in that section is—

Mrs. KERR. Mr. Woodyear.

The CHAIRMAN. And what is Mr. Calloway's job?

Mrs. KERR. He is—at present they are putting through papers to make him the assistant chief. He has not been approved as yet. Otherwise, his capacity has been one of the section chiefs under the chief of the branch, Mr. Woodyear. And he is the section chief of staff people.

Mr. Toumanoff has been the section chief of officers, FSO's and FSR's.

The CHAIRMAN. What is an FSR?

Mrs. KERR. FSR's. Reserve officers.

The CHAIRMAN. And the other fellow, Hunt? What is his—

Mrs. KERR. The same as mine, supposedly, only under the FSO section.

The CHAIRMAN. And what is your background of experience? How long have you been in the State Department?

Mrs. KERR. I have been in the State Department since 1947.

The CHAIRMAN. Since 1947. And were you in government before that?

Mrs. KERR. Yes, sir. When I first came to Washington, in 1942, I worked for the War Department, and from the War Department I went over to the war production board.

The CHAIRMAN. What was your job with the War Department?

Mrs. KERR. I was hired—I can't remember whether I was hired as a clerk-typist or a stenographer.

The CHAIRMAN. Do you recall who your immediate superior was over there?

Mrs. KERR. That is one I don't recall.

The CHAIRMAN. Then you went to the WPB, and what was your job over there?

Mrs. KERR. I worked for the deputy chief. I was his secretary—of the containers division.

The CHAIRMAN. And who was your immediate superior there?

Mrs. KERR. Robert Morris. He had previously been in the advertising business, and he did go back to Chicago, where he is, to the best of my knowledge.

The CHAIRMAN. And then from WPB, where did you go?

Mrs. KERR. Well, I went from Mr. Morris' office over to—I worked in Mr. Krug's office when he was the chairman of the war production board. Not directly for Mr. Krug. I worked for one of his special assistants.

From there, I went to work for the office of the housing expeditor, a Mr. Nelson. I can't remember his first name. Then, oh, from Krug's office I started to work for Bernice Trazier, who was handling the telephone order, and then I went to work for Mr. Nelson. And, let's see, I finished my work there, got a reduction in force, in January of 1947, applied for a job in the State Department, and went into organization and budget, to work for Mr. Parelman, P-a-r-e-l-m-a-n. He is now in State; he is not in the same office, I don't believe. And I also worked for Charles Mace, in that office, which had sort of reorganized. And from there I came into FP.

The CHAIRMAN. You do not recall who recommended you for performance measurement?

Mrs. KERR. Recommended me for performance measurement? I can tell you. Mr. Woodyear used to be the chief of the field operations branch in the division of Foreign Service personnel, the same division, and when Mr. Kendzie went out in the field as an inspector, Mr. Woodyear was transferred to the Performance Measurement Branch as its chief and asked me if I would like to work there with him.

The CHAIRMAN. The reason I wanted to go into your background: You have had quite a bit of experience in different government departments, and I know it is sometimes a bit difficult to be critical of your own particular department, but we have been listening to testimony on the filing here for several days. I can not speak for the other senators, but I get the impression that perhaps the feeling is rather general that the filing system over there needs re-vamping very, very badly.

For example, I get the impression from the testimony of yourself and the other witnesses that while we spend a great deal of money preparing files, actually there is no way of knowing from day to day or from week to week whether a file is complete or incomplete.

We get the story, oh, of Mr. Ryan's office taking material out of file because they think it should not be in the files, putting a stop order on. Then the files are sent down to your department, and any number of people in your department can handle the file. There is no way of knowing what they take out of the files or if they take anything out. The file goes up to the promotion panel, with some material missing. Maybe it should be missing. We are not at this time going into the question of whether it should be missing or should not be missing. It would seem that if we are justified in spending a vast amount of money on both the preparation of files and the maintenance of those files, we perhaps should have some filing system over there which would indicate to you or anyone else interested at least whether something is missing from the file. Would you not think so?

Mrs. KERR. I think so. I can agree.

The CHAIRMAN. I understand the archives section would be available, or at least I assume they would be available, to come in and make a study and make recommendations for a more efficient filing system. I just wonder if that would not be a good idea. I am not, you understand, when we discuss this with witnesses, suggesting that they personally are responsible for the bad filing system. I know filing is not your job.

Mrs. KERR. Well, I don't know what his plan was, but a Mr. Shallet was supposedly going to reorganize the files, and he never did get very far in doing it. He took a different job, I believe, in State before he finished.

There have been instances where they have listed any material that was taken.

The CHAIRMAN. I think that is all.

Have you any further questions?

Mr. SURINE. Just one or two more.

You mentioned Mr. Kendzie. That is Cass Kendzie?

Mrs. KERR. Yes.

Mr. SURINE. Back sometime in the past, you have mentioned that Mr. Cass Kendzie was chief of the performance branch unit.

Mrs. KERR. That is right.

Mr. SURINE. You have also mentioned that as late as approximately '49 and '50, you observed Cass Kendzie working with Jack Service, or John Service?

Mrs. KERR. I didn't observe Cass Kendzie working with Service. I did see Service in the building, and Betty McCormick, who was then the secretary to the chief of the branch, mentioned the fact that John Service had worked in the branch. But I didn't, at the time I saw him, know where he was located.

Mr. SURINE. Now, whose was the final responsibility in the performance branch, or who personally picks the panels? Is that Mr. Woodyear who picks these panels, the people who serve on them?

Mrs. KERR. Well, as to the panels, they are picked primarily by—Mr. Calloway and I have been selecting the panels. Of course, they need final approval. When we say, "We would like these people to be panel members this year," we must get the area approval on them, each area, and we must also get approval from the deputy under secretary of state for administration.

Mr. SURINE. Who is that?

Mrs. KERR. I believe that was then Mr. Humelsine.

Mr. SURINE. I see. Now, to get it straight, you and Mr. Calloway have been picking the panels.

Mrs. KERR. We are now, for this year.

Mr. SURINE. And ultimately that has to be approved by Mr. Humelsine?

Mrs. KERR. It has to be approved by the board of the Foreign Service.

Mr. SURINE. And ultimately, Mr. Humelsine?

Mrs. KERR. Yes.

Mr. SURINE. In other words, ultimately Mr. Humelsine approves the identity of the members of the panel.

Now, how do you pick those members?

Mrs. KERR. We pick them for, again, performance. If they have had a very clean record and have done a good job as far as performance is concerned—I mean, in other words, they must be spotless, and the very highest ranking people as far as intelligence is concerned.

Mr. SURINE. What about the public representatives and the representatives from Agriculture?

Mrs. KERR. That is the selection board.

Mr. SURINE. Who picks them?

Mrs. KERR. Mr. Woodyear and Mr. Toumanoff.

Mr. SURINE. I see. Mr. Woodyear and Mr. Toumanoff pick the outside members, that come in from Agriculture, and so on.

Mrs. KERR. They also pick all members for the selection boards.

The CHAIRMAN. Mr. Woodyear and Mr. Toumanoff?

Mrs. KERR. Yes. Of course, they have to get final approval from the chief of the division, and then it goes over to Humelsine. I mean, it goes through quite a few channels.

The CHAIRMAN. Do you know of any occasion upon which a chief of the division or Mr. Humelsine turned down their nominations?

Mrs. KERR. Yes. I am trying to think. As far as the selection boards are concerned, I don't know, but in some instances, probably

because the man was needed more at the post than he would be needed by us.

The CHAIRMAN. Can you think of a single case, and if so, give us the name of an individual, who turned down the recommendations of Toumanoff and Woodyear?

Mrs. KERR. You see, again, Toumanoff and Woodyear handle selection boards. I don't know even an instance where anybody has been turned down, or whether anybody ever has been turned down, any of their selections.

The CHAIRMAN. I understood you to say a minute ago that there were occasions on which the chief of the section—

Mrs. KERR. These panels and selection boards are confusing. That is the panels. As I say, I don't know too much about the officers.

The CHAIRMAN. Well, we are talking about the nomination made by Woodyear and Toumanoff. I understood you to say that some of those nominations made by them were rejected.

Mrs. KERR. No. I wouldn't know that.

The CHAIRMAN. You would not know whether they were or not?

Mrs. KERR. No.

The CHAIRMAN. I understood you to say a minute ago that they were rejected perhaps because they were needed in their section or needed in their present work.

Mrs. KERR. Well, that could have happened. I know of specific cases where panel members were rejected for that one reason. Probably we wouldn't even get as far as Humelsine. We would probably only get as far as the area people.

The CHAIRMAN. Just so that we get this straight, then, you are not aware of any case in which members of the selection board were rejected. You are aware of cases where panel board or proposed panel board members were rejected.

Mrs. KERR. Just for the reasons I stated, yes, sir.

The CHAIRMAN. Will you tell us again who selects the panel members?

Mrs. KERR. Mr. Calloway and I have been doing it this year.

The CHAIRMAN. And they have rejected some of your suggestions?

Mrs. KERR. Just because they wouldn't be available, and that type of thing.

The CHAIRMAN. Could you give us the names of some of those who were rejected?

Mrs. KERR. I am trying to think of one that just happened yesterday. A Mr. Meader, who was one of the members that we picked—we were asked if we couldn't use this other staff employee in Mr. Meader's place, because he probably wouldn't be available. He probably would be needed more at his post.

The CHAIRMAN. Who was the other staff employee?

Mrs. KERR. The other one that they gave us as a replacement?

The CHAIRMAN. Yes.

Mrs. KERR. I can't think of his name.

The CHAIRMAN. Can you think of anyone else who was rejected, for any reason, either because he was busy someplace else, or because they thought he was not up to the job, or for any reason at all?

Mrs. KERR. No, I really can't think of any.

The CHAIRMAN. What rating do you have, yourself?

Mrs. KERR. I am a GS-7.

The CHAIRMAN. What does that mean in salary?

Mrs. KERR. Salary? I think it is \$4200-something.

The CHAIRMAN. I assume when working with the files, you are fully aware of the attorney general's designation of certain organizations as subversive. That would be information the panel would have to have, I assume?

Mrs. KERR. What do you mean? When we are working with the files we are aware that—

The CHAIRMAN. Now I say in your work it is necessary for you to have a list of the organizations which the attorney general has declared subversive?

Mrs. KERR. I don't know all subversive agencies, or organizations, I should say. I don't have such a list.

The CHAIRMAN. Do you have access to the security file, as well as the personnel file?

Mrs. KERR. No, sir.

The CHAIRMAN. In other words, the only files that you have access to—?

Mrs. KERR. Are the ones that are in the division itself. The security files are over in another building, and it is a different department entirely.

The CHAIRMAN. Now, this panel that decides on promotions: do they have access to the security file?

Mrs. KERR. I don't know, sir. If they asked for one, I doubt very much if they would be allowed to have it. In fact, we encourage panel board members and selection board members, if they know anything about an individual who in being considered for promotion, that they should so advise the other panel members.

The CHAIRMAN. But the thing I would like to know—

Mrs. KERR. If they know anything personal.

The CHAIRMAN. But this promotion panel in your department was selected by you and Mr. Calloway, so I suppose you are very well aware of the type of work they have to do. I am curious whether, in considering a man for promotion, they are first informed of what is in his security file.

Mrs. KERR. No, sir, I know they are not.

The CHAIRMAN. In view of the fact that this is your specialty, do you not think it would be a good idea if they did know what was in the security file? Would you not think that would be a good thing?

Mrs. KERR. It might depend on the individual case. I don't think I am in a position to voice my opinion, really, on that.

The CHAIRMAN. I understand, then, that neither you nor Mr. Calloway ever make any recommendations to the panel in so far as promotions are concerned?

Mrs. KERR. That is right. We have nothing whatsoever to say about it.

The CHAIRMAN. There has been some confusion as to what the memorandum which you attached to the file contains.

Mrs. KERR. That, again, has nothing to do with the panels. That is another portion of my job, to review files for the board of exam-

iners for Mr. Woodward's signature, certifying that these people are or are not qualified from the standpoint of performance.

The CHAIRMAN. Would not that information go to your promotion panel?

Mrs. KERR. Oh, no.

The CHAIRMAN. That would not?

Mrs. KERR. No.

The CHAIRMAN. Who would get that information?

Mrs. KERR. The memorandum is addressed to Mr. Riches, in BEX, board of examiners, from Mr. Woodward.

The CHAIRMAN. I think Mr. Cohn had something in mind. But first let me ask you this. It has been suggested that certain questions be asked each witness who appears here, those who work in government. May I say that I know nothing whatsoever about you, so this question is no reflection on you at all. It is just a usual custom. I did not even know your name before yesterday, and all I know about you is just from examining you today, so therefore do not misunderstand these questions as reflecting upon you.

Question Number one is: Are you now or have you ever been a member of the Communist party?

Mrs. KERR. No, sir.

The CHAIRMAN. Number two, have you ever belonged to any organization that has been named by the attorney general as subversive?

Mrs. KERR. No, sir.

Mr. COHN. I just wanted to, for a couple of minutes, Mrs. Kerr, clarify the situation concerning the files. You are with the Performance Measurement Branch. Now, when you want to consider a case, you go down to Mrs. Balog's section, which is the files section; is that correct?

Mrs. KERR. Yes, sir.

Mr. COHN. And you will either ask her for a file, or you can just go and take it yourself. Is that correct?

Mrs. KERR. Yes, sir.

Mr. COHN. Now, each file is divided into four parts; is that right?

Mrs. KERR. Yes.

Mr. COHN. Four sections. The section we are concerned with is section 2; is that right?

Mrs. KERR. Yes.

Mr. COHN. That concerns efficiency information, and as well as efficiency information, it will contain commendatory or derogatory information. Is that right?

Mrs. KERR. That is right.

Mr. COHN. That is all in section 2.

Mrs. KERR. Yes.

Mr. CHAIRMAN. Now, you take the file of John Jones, say, upstairs with you, and that file will have efficiency information and commendatory or derogatory information in the sections of the file. Now, do I understand further that in addition to these files Mrs. Balog will send up to your branch various loose material of a commendatory or derogatory nature concerning these individuals?

Mrs. KERR. Which has just been received in the mail.

Mr. COHN. Which has just been received in the mail. Is that right?

Mrs. KERR. Yes.

Mr. COHN. That loose material before it is entered in the file, in that section 2 of the file—you are called upon to make some determination as to whether that goes in the regular file or as to whether that should go in the file of confidential material?

Mrs. KERR. The main reason, primarily the main reason, that I get the material at all, is in order to mark it for the position in file to which I think it should be attached.

Mr. COHN. Now, let's make an assumption here that you don't have the file of John Jones. That is still downstairs under Mrs. Balog's supervision. Does she, nevertheless, when some new material comes in, send that up to your branch for a designation as to where in the file it goes?

Mrs. KERR. Oh, yes. And we mark it for the file, and in the file room they include it in each individual file.

Mr. COHN. All right. Let's talk about that material. So this would apply whether you happened to have physical custody of the file at that moment or whether the file is still in Mrs. Balog's custody?

Mrs. KERR. That is right.

Mr. COHN. You get the loose material and mark it for designation where in the file it goes?

Mrs. KERR. I do not put the material in the file, understand. I do send the material to the file. Even if I have the file myself, I still send the material to Balog for inclusion.

Mr. COHN. I understand that perfectly. She merely sends the loose material up to you for a designation, and you send it back to her, and she puts it in the file, or not. By the way, where did this material come from, as a general matter, this loose material?

Mrs. KERR. Oh, I think a lot of it is probably the area people having probably got a complaint about the man and the post writing in and saying, "He is insubordinate," or he is this, or he is that, so the area people write a letter back to the post instructing them what to do next with the man what they think should be the final determination, as to whether he should stay in the Foreign Service or be terminated.

Mr. COHN. Now, that material comes in to Mrs. Balog, she sends it up to you, and you mark it for designation as to where it goes in the file, and you ship it down to Mrs. Balog?

Mrs. KERR. That is right.

Mr. COHN. It was in reference to this material, was it not, that you told the chairman of the committee this morning that in some cases if there was a question of whether it was a type that should go in the file or not, you would hold it out and ask Mr. Calloway what should be done about it. Is that right?

Mrs. KERR. Yes.

Mr. COHN. In certain instances, Mr. Calloway would tell you, either on his own—

Mrs. KERR. Or let me take it up with Mr. Woodyear.

Mr. COHN. And say, "No, this should not go to the file but should go into our confidential material." Correct?

Mrs. KERR. Some of it, yes.

Mr. COHN. Now, this business that goes in with the confidential material, then, is kept up in the PM branch; right?

Mrs. KERR. Yes

Mr. COHN. And does not go back to Mrs. Balog to be filed?

Mrs. KERR. Temporarily, I believe it is filed in our branch.

Mr. COHN. It is filed in your branch temporarily?

Mrs. KERR. Yes.

Mr. COHN. You say "temporarily." What do you do with it when you are through with it, or when you make some other disposition and ship it out of your branch? Where does it go?

Mrs. KERR. Well, it should go to the file. I have never removed anything from our confidential files to be included in the file.

Mr. COHN. In other words, there is an intention some time or other to go through it and send it down, but actually the fact is that it is still up there?

Mrs. KERR. Maybe other people have removed the confidential material and have finally seen that it got to its destination.

Mr. COHN. But you have not?

Mrs. KERR. I have not.

Mr. COHN. And as far as you know, nobody else has?

Mrs. KERR. I don't say that. I say—

Mr. COHN. Now, what is your knowledge? Do you know of anybody else taking any of this confidential material and sending it down to Mrs. Balog?

Mrs. KERR. No.

Mr. COHN. Then that material stays there. Now, when you have the file of John Jones up in your branch, and you are faced with the task of certifying John Jones to the board of examiners—right?

Mrs. KERR. Yes.

Mr. COHN. You will go through the file or the pertinent parts of the file; is that correct?

Mrs. KERR. Yes, sir.

Mr. COHN. And determine whether or not on the basis of efficiency, and so on and so forth, he should be certified?

Mrs. KERR. That is right.

Mr. COHN. You will, after making examination of the file, prepare a memorandum listing the names of those who passed muster, who have—

Mrs. KERR. Who have and who have not.

Mr. COHN. Those who have, and those who have not. Surely.

How do you get the names of people like John Jones? In other words, how do these names go to the board of examiners? Are you supplied with the names?

Mrs. KERR. The board of examiners get these applications for lateral entry into the Foreign Service. They, in turn, write a memorandum on all Foreign Service people. They write to us and ask us to certify them. In the case of departmental people, they also get those applications. They ask the department.

Mr. COHN. How about in the case of promotions?

Mrs. KERR. What about, "How about in the case of promotions"?

Mr. COHN. Where do the names come from? How do you get the names?

Mrs. KERR. The panel recommendations. And all panel members sign that recommendation that so-and-so be promoted.

Mr. COHN. How do the names get to the panel? I mean—in other words, who submits a name for consideration as to promotion?

Mrs. KERR. They review all but limited employees.

Mr. COHN. Periodically?

Mrs. KERR. Once a year, for promotion. All service employees—their files are reviewed once a year. That is everybody, except that it is probably limited to that type of employee.

Mr. COHN. You then go over the files, be it for the one purpose or the other, and prepare a memorandum. Take in the case of the board of examiners, you send up a list of names to them, saying these people are qualified to be considered.

Mrs. KERR. We certify these people as to having an over-all performance rating.

Mr. COHN. And your certification is after an examination of the file by you. Is that right?

Mrs. KERR. Generally—

Mr. COHN. Or by someone in your branch?

Mrs. KERR. Generally, that has been my job.

Mr. COHN. Then you send the file back down to Mrs. Balog?

Mrs. KERR. Yes, sir.

Mr. COHN. And the memorandum goes ahead to the board of examiners?

Mrs. KERR. Exactly.

Mr. COHN. What is the implication of the word “certification”? You certify John Jones to the board of examiners.

Mrs. KERR. I certify as to his over-all performance.

Mr. COHN. Does that include a consideration of any type of derogatory material whatsoever?

Mrs. KERR. No, sir. The file is later examined by BEX.

Mr. COHN. Now, you have sent ahead a certification, and you simultaneously send the file back to Mrs. Balog in the file room. Am I correct in assuming that the board of examiners will then send for the file after they get your memorandum?

Mrs. KERR. And they review it thoroughly, yes.

Mr. COHN. They review the file thoroughly?

Mrs. KERR. Yes.

Mr. COHN. What is the distinction between the board of examiners and the promotion board? What does each one do, very briefly?

Mrs. KERR. They are distinctly different. I can tell you that.

Mr. COHN. All right. What does the board of examiners do?

Mrs. KERR. They examine all. Even not just people on the special program we have, which we call lateral entry. But they also examine brand new FSO-6 officers.

Mr. COHN. Foreign Service officers?

Mrs. KERR. Yes, sir, and determine whether they are fully qualified in every manner, as to their loyalty, and everything.

Mr. COHN. Is that prior to their appointment?

Mrs. KERR. Yes, sir.

Mr. COHN. That is prior to their appointment? It is really an applicant board. It decides whether or not they should be appointed?

Mrs. KERR. That is right. They must pass a very stiff examination, character-wise, and all.

Senator POTTER. Are they in charge of giving the examination? This board of examiners?

Mrs. KERR. I believe they have special panels of the type that examine these people.

Mr. COHN. Now, let's see if we can clarify this.

The board of examiners passes on applications, really, for appointment to the Foreign Service; is that right?

Mrs. KERR. Yes, sir.

Mr. COHN. And decides whether or not an appointment should be made. Is that correct?

Mrs. KERR. Well, they don't do it that fast. They have to go through all of the—

Mr. COHN. I know, but that is their function.

Mrs. KERR. A man has made application. He is a United States citizen. He has a right to make application to become a Foreign Service officer. Well, then they send and ask that his performance be looked over, and all the other necessary things. I don't know the channels.

Mr. COHN. And the board of examiners makes that determination?

Mrs. KERR. I believe they do.

Mr. COHN. That is what it is concerned with. It is concerned with original appointments; isn't that right?

Mrs. KERR. Exactly.

Mr. COHN. And the promotion panel is concerned with promotions and not original appointments?

Mrs. KERR. That is right.

Mr. COHN. In other words, the question of an original appointment is not the business of the promotion panel. That goes to the board of examiners?

Mrs. KERR. That is right.

Mr. COHN. But after a person has been appointed, at least once a year he will be considered for promotion. And the consideration for promotion will be made by the promotion panel?

Mrs. KERR. That is right.

Mr. COHN. Is that right?

Mrs. KERR. Yes.

Mr. COHN. And the promotion panel, I think you have told us, does not consider the security information at that stage?

Mrs. KERR. Yes, certainly. They secure any security information that might be in his file. I think they must. I don't know how they determine whether this fellow or this fellow should be promoted. In other words, we never delve into how they make their determinations.

The CHAIRMAN. I thought that you and Mr. Calloway, in effect, were their boss. You select the panel?

Mrs. KERR. The panel members.

The CHAIRMAN. You select the panel members. Well, when you select the panel members, you must know something about what their duties are and how they function.

Mrs. KERR. Well, they get—and I am sure there is nothing secret about this—the precept they get tells them some idea. Yes, I guess they are advised as to things they might take into consideration when they are reviewing these files. I mean, it is more of a help to them, giving them some idea of how to go about it.

The CHAIRMAN. Is that a written precept?

Mrs. KERR. Yes, sir.

The CHAIRMAN. Would you get that precept for us?

Mrs. KERR. Again, I will ask if I may.

The CHAIRMAN. If you run into any difficulty, let us know.

Mrs. KERR. Do you want last year's precept, or the one of the year before?

The CHAIRMAN. Let us say the last two or three precepts available.

Mrs. KERR. They also have precepts for the panels, and the selection boards.

The CHAIRMAN. Would you send us those over, too?

The thing that I am having some difficulty understanding: From Mr. Cohn's questioning, I understand now that the board of examiners have no occasion to take a look at a man's record after they decide that he should be employed in the Foreign Service. From that time onward, it is the promotion panel that considers his record. You have told us that the promotion panel does not have access to the security file.

Mrs. KERR. Not to the security files, no, if you are talking about the files which are kept over in our security division.

The CHAIRMAN. Again, in view of the fact that you are working in that department picking the panel members, do you not think that they could do a more efficient job of deciding whether a man should be promoted or not, if they did have available any derogatory information in regard to his being a bad security risk?

Mrs. KERR. I think if there was any bad information or derogatory information on the man, they should either get rid of him or clear it up. So I don't think that any case that the panel are considering for promotion should really have any outstanding or any present derogatory information which has not been cleared up.

The CHAIRMAN. Well, you have told us that you are the service organization for the panel, that you select the panel. Therefore, you, of course, know what information they get. You have also told us that Mr. Hunt removes some of these stop tabs that Mr. Ryan puts on—

Mrs. KERR. I said I believed he has.

The CHAIRMAN [continuing]. Let me finish—that Mr. Ryan puts on when he removes material from the file. Such being the case, how would that panel get the information of a derogatory nature as far as security is concerned? How would they get it?

Mrs. KERR. I really don't know.

The CHAIRMAN. Well, if they had any way of getting it, you would know, would you not? Because you are one of the two people responsible for giving them the information which they have before them.

Mrs. KERR. Probably in lots of instances we would not even know that there was derogatory information on individuals. But before we do promote an individual, even where he has been recommended by the panel, we get security clearance. And they should know whether there is anything derogatory on the man.

The CHAIRMAN. Each time, before a Foreign Service officer is promoted, you get security clearance?

Mrs. KERR. We must get security clearance. And in past years they haven't given us clearances on everybody. I mean, that isn't 100 percent.

The CHAIRMAN. And who gives you the security clearance?

Mrs. KERR. SY of the State Department.

The CHAIRMAN. And Mr. Humelsine is head of that?

Mrs. KERR. Oh, no. Mr. Humelsine—wasn't he the deputy, or the under secretary for administration?

The CHAIRMAN. Who is head of SY, then?

Mrs. KERR. I really don't know. Mr. Nichols, I believe. N-i-c-h-o-l-s.

Senator POTTER. What is SY?

Mrs. KERR. Security. I don't know just why the "Y" is there, but it is security.

The CHAIRMAN. Then let us follow this through. When the panel recommends John Jones for promotion, that name comes back, then, to you and to Mr. Calloway?

Mrs. KERR. Yes.

The CHAIRMAN. Then what do you do?

Mrs. KERR. Then, of course, we submit the names to SY. Meanwhile we submit the information to Mr. Woodward, who in turn submits it to Mr. Humelsine, who in turn, I believe, submits it to the board of the Foreign Service, for approval.

Mr. COHN. To whom do you submit the name in SY? Whom do you deal with on a day to day basis?

Mrs. KERR. Well, I don't generally submit them myself. I might give them to Mr. Woodyear.

Mr. COHN. To whom does he submit them? Do you know the names of anybody in SY?

Mrs. KERR. The latest man working on anything for us over in SY is Mr. Burns.

Mr. COHN. Mr. Burns. What is his first name?

Mrs. KERR. I don't know. I can get that for you.

Mr. COHN. Do you know how his last name is spelled?

Mrs. KERR. Oh, it is Paul Burns.

Mr. COHN. B-u-r-n-s?

Mrs. KERR. Yes. I have been getting security clearances from him on the panel members we have selected.

Mr. COHN. You get word from him, and then you notify the panel members?

Mrs. KERR. Then we tell the areas to which the panel members belong to notify the members.

Mr. COHN. This much is clear, is it not, Mrs. Kerr. This confidential pile of material that is kept in your branch, consisting of material which is not put in the file, because you are told by Mr. Calloway or Mr. Woodyear that it should not go in the file—number one, there is no record in the file that there is such confidential material, which has not been placed in the file; is that right?

Mrs. KERR. On most of it, I don't believe there is.

Mr. COHN. And number two, it is clear that at least that particular pile of confidential material is not available to the board of examiners, the promotion panel, or anyplace else, considering a man for original appointment or promotion?

Mrs. KERR. I don't believe that it is not available, if someone asked for it. But they can get the same information probably, from the security division.

Mr. COHN. Well, how would he know it is there? How would someone know enough to ask for it? There is no notation in the file that there is any such material.

Mrs. KERR. That is right.

The CHAIRMAN. Take, for example, one of the cases discussed yesterday, the case of a Foreign Service officer about whom there was information of homosexuality sent to your department, not inserted in the files, either because you or Mr. Calloway felt that this wasn't sufficiently proven?

Mrs. KERR. Oh, Senator, I don't make those decisions. I don't even get those cases at all. I was saying earlier that a lot of that material, when Mr. Woodyear used to be chief of the operations branch, would come over from SY, as to their interviewing a man who has been accused of homosexual activities, and it would come over in a sealed envelope, submitted to Mr. Woodyear, who was then the chief of field operations. I do not know who is handling that now. Mr. Howard Mace is now the chief of field operations. Or whether Mr. Ryan has it directly come over to him in a sealed envelope—

The CHAIRMAN. Then we will assume that you do not see it. I am not intimating that you have wrongfully taken anything from the files. I am just trying to get the information. We had evidence yesterday of information coming in, I believe, from one of the posts in regard to the homosexual activities of a Foreign Service officer. If that came in from a post, that would come to your department, maybe not to you, but to Mr. Woodyear, to Mr. Calloway, or someone in your department. Right?

Mrs. KERR. I don't think it would come to us. I don't know why it would. I mean, we don't handle that type of thing. That would be the operations areas that would handle that.

The CHAIRMAN. When you say you do not handle that type of thing, how about a question of embezzlement?

Mrs. KERR. Well, as I say, the way we get any letters like that, it would be that the areas are already handling it, you see.

The CHAIRMAN. Is there any reason why you would get information on embezzlement and not on homosexuality?

Mrs. KERR. Well, I have gotten probably some material that didn't quite state what the man was accused of. And such things as that, I have questioned. I mean, because there wasn't anything in the file that would indicate, even to me—well, probably not even anything in the file that would indicate to me what the charge was.

The CHAIRMAN. I am trying to follow the chain of movement of this information. You have told us you would get information from the post or some place in regard to embezzlement. Now, in view of the fact that you get that kind of information, would there be any reason why they would not send you information—

Mrs. KERR. We wouldn't get it from the posts, sir. We would get it from the area, probably.

The CHAIRMAN. All right. From the area, then. If you get that from the area, is there any reason why you would not get information on homosexuality from the area? Is there any reason why they would withhold that from you?

Mrs. KERR. Oh, I guess we would get it.

The CHAIRMAN. We had evidence yesterday of a case of homosexuality where the material was sent to your department either from an area or a post or something along that line. The evidence was that that was withheld from the panel.

Mrs. KERR. We don't have anything like that in our confidential files.

The CHAIRMAN. Do you know? I thought you said that information would not come to you, but would come to Mr. Woodyear or Mr. Calloway.

Mrs. KERR. I said if we did get it, we wouldn't hold anything in our confidential files. Anything in our confidential files wouldn't be that serious. It wouldn't be anything to do with loyalty or security or anything else like that.

The CHAIRMAN. You would hold stuff about embezzlement in your files, though?

Mrs. KERR. Yes, probably, until the matter was cleared up.

The CHAIRMAN. Let us stick to the embezzlement thing. If you get something from an area in regard to a man having embezzled money, let us assume you are not convinced that there is any merit to the charges, and you do not put it in his files for that reason. You feel that it is an unfounded charge against the man. You feel he was not in the post long enough, we will say, in his position long enough, to have been the one responsible for it. So that you are honestly convinced that while there is a charge of embezzlement against him, the evidence is too flimsy, there is no merit to it. You keep that out of the file, keep it in your desk; as I say, assuming for the time being, that there is no merit to the charge. That is kept in your desk?

Mrs. KERR. I don't keep it in my desk.

The CHAIRMAN. Well, you said you had a lot of material in your desk.

Mrs. KERR. No, I have a folder in which I keep the material I receive until I have a chance to mark it for file.

The CHAIRMAN. Let us assume it is left on Mr. Calloway's desk, or Mr. Woodyear's. Neither the promotion panel nor SY—

Mrs. KERR. Oh, SY I am sure must know about it. Because the area has probably told them. SY, I am sure, are aware of all these things.

The CHAIRMAN. When you get an original letter from an area, or from the post—

Mrs. KERR. We don't get an original of a letter. We get a carbon copy which the area is sending to the post advising the post what to do in the case of this man, or something like that.

The CHAIRMAN. Do you ever get any original material from the post?

Mrs. KERR. We don't, not in our branch.

The CHAIRMAN. In other words, you only get carbon copies. See if I am correct in this. Someone else always gets a copy of all the information you get. Is that what you want to tell us?

Mrs. KERR. Yes, I am sure that someone else must.

The CHAIRMAN. Are you sure? Do you know it? Do you know that you get a carbon copy and someone else gets the original? That is not as we understand the situation from other witnesses, and I

would like to get your testimony, because you are there and you should know.

Mrs. KERR. Well, in a case where there is any question on a person, I am sure that the area asks security to investigate the minute they get anything derogatory on anybody. So immediately security are notified faster than we are.

The CHAIRMAN. You have not answered my question. You made the statement a minute ago that you got carbon copies, and I know the pressure of testifying a couple of hours, and we are not trying to tie you down to something you said if, after second thought, you discover that is not entirely the correct situation. We are not trying to trap you into saying anything, you understand. We are just trying to get the facts. Is it your story now that you only get carbon copies of reports and letters, that you do not get any of the original letters?

Mrs. KERR. No, I don't believe we get any original letters. Mr. Pinkerton, who is not really in our branch but has been doing some of the work—we have generally had an ex-ambassador assigned up right next door to our branch, and he handles these summaries I was telling you about for the officers. I mean, in other words, if a Foreign Service officer comes in, and he wants his performance summarized, Mr. Pinkerton generally does that. A lot of that material in the confidential file is material that Mr. Pinkerton has had to do with. So I really haven't paid too much attention to the material that Mr. Pinkerton has put in that confidential file, whether it is the original letter or whether it is a carbon copy. I am just talking about material that I am asked about.

The CHAIRMAN. Mrs. Kerr, Mrs. Balog's section differs from the material filed in security. You do not know of any duplicate file, any duplicate of Mrs. Balog's file, where the information can also be gotten, do you?

Mrs. KERR. I don't understand the question.

The CHAIRMAN. Mrs. Balog has a file in her section?

Mrs. KERR. Yes.

The CHAIRMAN. The question is: is there any duplicate of that file, to your knowledge, any place else?

Mrs. KERR. Not to my knowledge, no.

The CHAIRMAN. So then if Mrs. Balog sends a file down to you, and subsequently she sends down to you sheets of paper—wait; let me finish—and subsequently Mrs. Balog sends down to you individual reports, sheets of paper, to go in that file, as far as you know she does not send duplicates to any other section except yours?

Mrs. KERR. I don't believe she does.

The CHAIRMAN. So the only place that you would find that material, then, would be down with you?

Mrs. KERR. Yes. But the material has gone through other hands before it gets to Mrs. Balog. It has already gone to the areas, who in turn send it to the file room, to Mrs. Balog, who in turn takes up on material that she thinks the Performance Measurement Branch might have an interest in and also which the Performance Measurement Branch mark for filing. Who set up that system, I don't know.

The CHAIRMAN. Let us not worry about the system for the time being. I want to get this straight. Mrs. Balog sends first the file to you on John Jones. Then she gets additional reports for filing. She sends those down to you, because she thinks those might be of interest to you?

Mrs. KERR. She doesn't send the file to us.

The CHAIRMAN. Well, let us say you have the files now. Let us assume you have the file on John Jones. Let us assume it comes from Mrs. Balog's office. You have that situation every once in a while, do you not, that you have the file on a certain individual?

Mrs. KERR. Yes.

The CHAIRMAN. All right. Let us say you have the file. After you have the file, she sends you additional material.

Mrs. KERR. Material that pertains to that file.

The CHAIRMAN. To that file.

Mrs. KERR. We never include the material in the file. Mrs. Balog has made that a ruling, that she wants to, in her place, put the material in the file. We are only to mark it. Even if we have the file right here, and the material is here. We may, I guess, put it in if we want, but we don't. We just mark it and send it on to her.

The CHAIRMAN. All right. Will you wait and listen for my question?

Mrs. KERR. Yes, sir.

The CHAIRMAN. Then if you decide that that material should not be brought to the attention of the promotion panel, and it is left on Mr. Woodyear's or Mr. Calloway's desk—

Mrs. KERR. I am not thinking of the panels when I do that, you understand.

The CHAIRMAN. I do not care about your thinking—that would mean that the promotion panel and SY and everyone else concerned about this man's promotion would not have the benefit of that material; is that right?

Mrs. KERR. That is what it means. But, as I say, when questions come up as to whether anything should be included in the file of a man, it does not—we are not thinking of the panels all the time, you see. We are thinking that maybe that information should not be available to every little clerk in the division of Foreign Service personnel, until there is some final decision made as to whether the man is guilty or whether he isn't.

Senator POTTER. Then what do you do with that information? Let us say you have a document where some charge has been made. There is no evidence or proof, but just a charge that has been made.

Mrs. KERR. You see, we don't get the original, or we don't get any—

The CHAIRMAN. Mr. Potter, if I may interrupt, will you take over as chairman at this point? I must go to another meeting. I will be back this afternoon.

Senator POTTER [presiding]. Mrs. Kerr, my concern has been that as I understand it, certain material that comes to you, you take out of the file and keep in a file of your own?

Mrs. KERR. No, sir, it comes to me before it has been filed.

Senator POTTER. But you do not put it in the regular file. You keep it within your own branch. Am I correct?

Mrs. KERR. Some material, yes, sir.

Senator POTTER. You keep it there on a permanent basis?

Mrs. KERR. No, it is a temporary basis.

Senator POTTER. And when do you send it back to the original files?

Mrs. KERR. When certain allegations are either proved or dissolved in some manner.

Senator POTTER. Now, say that a charge has been made, and other evidence comes in which would tend to prove the charge that was made.

Mrs. KERR. The material is then put into the file.

Senator POTTER. That goes into the file. Now, what relationship do you have with the security division? Do you send a copy of it, or does the security division have a copy of all this?

Mrs. KERR. No. I know that the areas, which are not a part of our branch—it is the field operations branch which have these various areas under them—it is the areas that will notify security on anybody. And they would probably in most instances, call the man, if the charge is serious enough—probably call him back into the department and send him over to the security people, for interviews and that type of thing. And in some cases they have special bodies made to question a man, especially on shortage of funds, or that kind of thing, trying to get down to the bottom of it, as to who is responsible for it.

Senator POTTER. Now, your examining board, that you mentioned a while ago, that meets to examine the qualifications of a new applicant, for example. Is that a continuing board?

Mrs. KERR. Yes, sir.

Senator POTTER. Do they continue to examine?

Mrs. KERR. Yes.

Senator POTTER. Say that I applied for a position. The examining board would weigh my qualifications?

Mrs. KERR. And your character references. And, of course, they give you an examination, your intelligence, everything.

Senator POTTER. Then assume that I am hired, that I am employed. Would the examining board at any time have occasion to go back over and review my case? Or would that go before, say, the promotion board, or some other type of board?

Mrs. KERR. No. Once you had been approved and notified that you were appointed in the Foreign Service, you are appointed.

Senator POTTER. That is a one-shot deal?

Mrs. KERR. That is it. And anything that comes up later is handled by someone else. I mean, all they do is review your qualifications, and if you qualify on every angle, why, then you are notified; I mean, if they can use you, you are notified of your appointment.

Senator POTTER. I regret, again, that I may be repeating some questions that you have answered before, because I was not here during your entire testimony.

To your knowledge, has any information, have any of the files or material within the files, been removed and not returned?

Mrs. KERR. I know that material has been. We have been authorized to or told to remove material, but I know that the material that I know of that has ever been removed has been listed and a list put in the file, as to what the material is.

Senator POTTER. Why would they authorize you to take things from the files?

Mrs. KERR. Well, they don't authorize me personally. You mean the branch?

Senator POTTER. I am not speaking of you personally.

Mrs. KERR. You mean the branch. I really haven't been too close to that. I really don't know why. And I am not of such a high grade that they discuss it with me.

Senator POTTER. Well, I have no further questions.

Do you have any, Mr. Surine?

Mr. SURINE. The only point I thought I might reiterate Senator, which has been mentioned before, is this.

Since '47, since you have worked in and around these files, your understanding is that with the exception of security information kept over in the security division, Mrs. Balog's files are the only other place having complete information on various individuals in the Foreign Service?

Mrs. KERR. Yes, sir.

Mr. SURINE. Two, that as long as you have been there, there has been no way of determining from any individual files what is missing from them?

Mrs. KERR. That is right.

Senator POTTER. There is no cataloguing?

Mrs. KERR. That is right.

Mr. SURINE. And once every year, or periodically, Mrs. Balog sends these files to St. Louis for storage?

Mrs. KERR. Yes, sir.

Senator POTTER. After the files are a year old, they are sent there?

Mrs. KERR. Not a year old, no. I believe they are pulling files now of people that were probably terminated, or resigned, or were retired, back in 1949.

Mr. SURINE. And in conclusion, one other point: Anyone in the area, there, stenographers or employees or the persons themselves, can go into Mrs. Balog's files and personally pull the files?

Mrs. KERR. They can not go in personally and pull the files.

Mr. SURINE. But you are authorized to go in and take a file, aren't you?

Mrs. KERR. That is right.

Mr. SURINE. You do not go to Mrs. Balog and ask. You go in and get a complete file and take it to your section?

Mrs. KERR. And charge it to myself. I charge it.

Mr. SURINE. And are there numerous other people that are authorized to do that?

Mrs. KERR. Not numerous. There are other people so authorized.

Mr. SURINE. Roughly speaking, who are they, and what offices do they work in?

Mrs. KERR. I don't know. Just at various spots in FP there are other people.

Mr. SURINE. Have you ever had occasion to be working at night, or overtime, where there is no one in Mrs. Balog's files?

Mrs. KERR. No, sir.

Mr. SURINE. Do you know of any situation where any person has worked at night, overtime, and has had access to Mrs. Balog's files?

Mrs. KERR. Well, I take that back. When our panels were meeting, and we had to pull files for them, and Mrs. Balog, of course, goes home at 5:30—we had to pull the files at night so that they would be ready for the next day. We have pulled files then, yes.

Mr. SURINE. Are the files open at all times?

Mrs. KERR. No. They are locked up. She would give someone the key, like myself.

Mr. SURINE. I see. In those situations, you or someone else in your division or section or office would go to Mrs. Balog and tell her that you were going to have to work overtime, or that you would have to “work late tonight,” and that you would have to pull files, and that you needed the keys?

Mrs. KERR. That is right.

Mr. SURINE. I see. Now, the individual files that she has are not locked, are they? It is just the file room?

Mrs. KERR. Just the room, yes.

Mr. SURINE. That is all.

Senator POTTER. Mrs. Kerr, before you leave, so that there is no misunderstanding, I assume that the chairman has explained it to you when you first came before the committee. This is not a harassment committee, as many people would like to assume that it is. But it is charged with the responsibility and has broad authority to investigate into our government in an effort to recommend legislation, if necessary, in an effort to recommend administrative action if necessary, to bring about a more efficient, a more productive government. And I can assure you that this committee is not out after anyone. I know that possibly when you received your subpoena—you were subpoenaed, were you not?

Mrs. KERR. No, sir. I came up here of my own free will. Of course, I was very flabbergasted when I was called, so I couldn't even think fast enough what to do, whether I should say “Yes,” “No,” “Subpoena me,” or what. So I just said, “All right.” And I later did get in touch with my superiors. In other words, I don't want to be the middle man.

Senator POTTER. No. But you will find, as I say, that this committee is not out after anyone. I want to be frank with you, and from what information I have received from testimony yesterday and today, I think some changes in the filing system there would be most in order. But we are just seeking information. It is a closed session. There are no statements to be made to the press or to anyone else. And we would appreciate it if you would, as a matter of fact respect that confidence as well.

Mrs. KERR. I certainly shall. I want to work for a little while longer.

Senator POTTER. So if there is nothing else, I wish to thank you for coming up here, and you are excused.

[Whereupon, at 2:15 p.m., a recess was taken until 3:00 p.m.]

AFTER RECESS

The CHAIRMAN. Would you stand up, please? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TOUMANOFF. I do.

The CHAIRMAN. Mr. Toumanoff—

Mr. TOUMANOFF. Excuse me, Senator. May I close the window? I can't hear you.

The CHAIRMAN. Yes, surely. And why not just come up here closer.

Mr. Toumanoff, the subject we have been checking into is the filing system, which we have been following over there. Up to this point, it looks like far from the ideal situation, and you might be able to help us some on it.

Mr. Cohn?

Mr. COHN. Just a few questions about yourself. Is it Toumanoff?

TESTIMONY OF VLADIMIR I. TOUMANOFF

Mr. TOUMANOFF. Yes.

Mr. COHN. T-o-u-m-a-n-o-f-f?

Mr. TOUMANOFF. Right.

Mr. COHN. Now, what is your exact position with the State Department?

Mr. TOUMANOFF. Under the office of the deputy under secretary for administration, the office of personnel, coming down the line to the division of Foreign Service personnel, within the division of Foreign Service personnel, there is the Performance Measurement Branch. I am an employee of that branch. It is technically divided into two sections, a Foreign Service officer—Foreign Service reserve officer section, and I am acting in the capacity of chief of that section.

Mr. COHN. And you are acting chief?

Mr. TOUMANOFF. Yes.

Mr. COHN. Mr. Toumanoff, will you tell us where you were born?

Mr. TOUMANOFF. I was born in Constantinople, Turkey.

Mr. COHN. I see. At what address? Do you know?

Mr. TOUMANOFF. I have no idea.

Mr. COHN. Where were your parents residing?

Mr. TOUMANOFF. In Constantinople.

Mr. COHN. Did they have any connection with the Russian embassy at that time?

Mr. TOUMANOFF. No, they didn't. I am not even sure whether the embassy at that time—this is April 11 of 1923 when I was born—whether the embassy at that time was in either Soviet or old Czarist control.

Mr. COHN. You say your parents had no connection whatsoever with the embassy?

Mr. TOUMANOFF. No official connection, no.

Mr. COHN. Did they have any unofficial connection?

Mr. TOUMANOFF. Well, they tell me that I was born on embassy grounds.

Mr. COHN. You were born on embassy grounds?

Mr. TOUMANOFF. Yes. Now, whether that was because they knew somebody in the embassy, and the embassy had some medical services, or not, I don't know. But they weren't sent over officially, in any capacity. They were actually escaping from Soviet Russia.⁴

⁴On February 6, 1953, Vladimir Toumanoff testified at a public hearing of the subcommittee: "Few people have as much cause to hate communism as my family. Briefly, my father and mother were titled members of the Czarist regime. My father was an officer in the Czar's per-

Mr. COHN. I see. Now, I might ask you this, in connection with your present position. Do you have any connection at all with the filing system in the State Department?

Mr. TOUMANOFF. Yes. That is, I am served by it, and I have access to—that is, I can enter, I am authorized to enter—the file room.

Mr. COHN. Can you just walk in and look at any file you might wish to?

Mr. TOUMANOFF. I can.

Mr. COHN. All right. Now, in what connection do you look at State Department files? How is that related to your work?

Mr. TOUMANOFF. The Performance Measurement Branch is charged with the responsibility for administering the efficiency reporting, end user reporting, administering that program which provides the Department of State here in Washington with data on the performance of its field personnel.

Mr. COHN. And for that purpose you have to look at the file?

Mr. TOUMANOFF. For that purpose I look at the file to review efficiency reports in other reports that are sent in.

Mr. COHN. Does that review include a review of any derogatory information that might be in the files?

Mr. TOUMANOFF. Yes.

Mr. COHN. It would?

Mr. TOUMANOFF. That is, derogatory in the sense of performance, not security.

Mr. COHN. In the sense of performance and not security?

Mr. TOUMANOFF. Yes.

Mr. COHN. What happens to the derogatory security information?

sonal Imperial Guard. He fought in the White Russian Army against the Communists. He was captured by them and sentenced to death, and escaped.

When the White Russian Army was defeated by the Communists, he and my mother escaped from Russia to Turkey.

They were political refugees from the Communists. It is an understatement to say that my family was in no way acceptable to the Soviet—

My parents were in fact mortal enemies of the Soviet Government.

My parents told me that I was born on the grounds of the Russian Embassy in Constantinople on April 11, 1923.

I am informed that in May of 1923, the Soviet Embassy was functioning in Ankara and not in Constantinople.

The CHAIRMAN. May I interrupt you? When did you discover this?

Mr. TOUMANOFF. Yesterday, sir.

The CHAIRMAN. In other words, it was since you appeared in executive session?

Mr. TOUMANOFF. Yes, sir.

. . . The CHAIRMAN. Then am I correct in this: that when you appeared before us in executive session it was pointed out to you that you were born in the Russian Embassy after the Russian Revolution—

Mr. TOUMANOFF. I was—

The CHAIRMAN. May I finish?

Mr. TOUMANOFF. I am sorry.

The CHAIRMAN. It was pointed out to you then that this would indicate that your parents must have been in sympathy with the Communist regime, and at that time, several days ago, you said you did not know whether it was under Soviet control or not; and that since then, you have made an investigation, and you are now convinced that at the time you were born in the Embassy it was not under Communist control. Is that correct?

Mr. TOUMANOFF. There is one tiny correction in your statement, Senator, that is that I don't recall in executive session your having asked me my opinion or having made any statement concerning the acceptability of my family to the Soviets, because if you had, I am sure I would have explained this background to you.

The CHAIRMAN. We will give you a copy of the executive session testimony, and if you care to refer to it at any time you may do so."

Subcommittee on Investigations of the Committee on Government Operations, *State Department—File Survey*, 53rd Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1953), 52-53.

Mr. TOUMANOFF. It goes to the security division.

Mr. COHN. And you don't see that at all?

Mr. TOUMANOFF. No.

Mr. COHN. Is that considered at all in connection with the evaluating performance?

Mr. TOUMANOFF. It is to this extent. And here I guess I will have to explain a little bit about the promotion system. The promotion system, as it deals with Foreign Service officers and Foreign Service reserve officers, involves the selection boards. Now, tell me how much detail I should go into.

Mr. COHN. Well, as briefly as possible, giving us a clear picture.

Mr. TOUMANOFF. Well, the selection boards are a group of senior officers of the Foreign Service and public members, who review the performance files of Foreign Service officers, and Foreign Service reserve officers, and it is on the basis of their recommendations that officers are recommended for promotion.

Mr. COHN. Let me stop you right there.

Mr. TOUMANOFF. Okay.

Mr. COHN. Before making recommendations for promotion, do they have security information before them?

Mr. TOUMANOFF. No, they do not.

Mr. COHN. Now, what other type boards are there?

Mr. TOUMANOFF. In connection with promotion?

Mr. COHN. How about the board of examiners?

Mr. TOUMANOFF. Yes. They would have, as far as I know and I am speaking out of turn, because I have never operated in that unit and I don't know a tremendous amount about it. But as the board of examiners is charged with the appointment of Foreign Service officers, they would, I am sure, review any FBI or security division reports.

Mr. COHN. But, as you say, you have not had connection with that section?

Mr. TOUMANOFF. Yes.

Mr. COHN. But as far as the promotion boards are concerned, you have, and since it is not an initial appointment they don't have security information before them?

Mr. TOUMANOFF. Well, let me preface that and say that on occasion a certain amount of security information is submitted on efficiency reports, in which case we refer that information to the security division.

Mr. COHN. We have had some testimony about promotion panels. Is that the same thing as a selection board?

Mr. TOUMANOFF. The Foreign Service selection boards are these boards which review the records of Foreign Service officers and reserve officers. Foreign Service performance review panels are the boards which review the folders of staff corps.

Mr. COHN. So they do exactly the same thing, but one deals with staff corps, and another deals with Foreign Service officers?

Mr. TOUMANOFF. Well, with a few minor changes, a few minor differences in their mechanics and the way they go about it, that is right.

Mr. COHN. And generally speaking, they don't have security information before them in considering promotions?

Mr. TOUMANOFF. That is right.

Mr. COHN. Now, how about information concerning homosexuality? Will that be before these selection boards?

Mr. TOUMANOFF. No.

Mr. COHN. That will not be before them?

Mr. TOUMANOFF. I didn't really finish answering a question which you asked me earlier.

Mr. COHN. I am sorry.

Mr. TOUMANOFF. And that was: Was there any information given to security—and I assume at this point we can extend it to homosexuality—in the recommendation or consideration for promotion? And what I should add to that is that after the selection boards make their recommendation of officers for promotion, those officers who are recommended are checked by the security division against their records and against any investigations they may be doing, and it is at that point that the security and homosexuality, as it is an aspect of security, gets considered.

Mr. COHN. Who submits it to security?

Mr. TOUMANOFF. We do.

Mr. COHN. And to whom does security report back?

Mr. TOUMANOFF. To us.

Mr. COHN. To you. What do they do? Just give you a conclusion, "yes" or "no"?

Mr. TOUMANOFF. No. What they do is that they give us—those officers on whom there is no derogatory material, they simply give us a blank clearance on.

Senator SYMINGTON. Could I ask a question there, Mr. Chairman, just to be sure that I am clear?

I thought you did not see the things that had to do with security and homosexuality. If you give it to them and they give them back to you, do you not have to see them?

Mr. TOUMANOFF. I don't see the actual documents. What happens is that on those officers where there is some material of derogatory nature, they notify us with a very brief idea of what the derogatory nature is, or what it is all about, at which point they refer to the chief of the division of Foreign Service personnel, the director of the office of personnel, and the director general of the Foreign Service, and it is up to them to make their recommendation to the deputy under secretary for administration, as to whether this man should be recommended to the president for promotion or not.

Does that answer your question?

Senator SYMINGTON. I do not quite understand, but I would rather have the counsel go ahead.

Mr. COHN. Now, you do see the information that comes to you from the security section? In other words, they will send you a paragraph or some kind of a resume, so you do see that?

Mr. TOUMANOFF. Yes.

Mr. COHN. Is any of that entered into the file, or not? In what form does it come to you?

Mr. TOUMANOFF. It comes to us in a written memorandum, a copy of which is kept in our branch, and the original of which is sent on further up the line.

Mr. COHN. Now, where in your branch is that memorandum kept?

Mr. TOUMANOFF. It is kept in confidential files in our branch, with the other material relating to the operation of each group of selection boards. In other words, we keep a record of the selection board recommendations, and to the extent that any name might be taken off of that as a result of security, we keep a copy of the security division memorandum, to show why that name—what the background of the deletion of that name from the promotion list was.

Mr. COHN. Well, suppose there is security information and the name is not deleted. Would the copy of the memorandum nevertheless go into your confidential files?

Mr. TOUMANOFF. Yes.

Mr. COHN. So in other words, in the case of all memoranda received from the security division, a copy of that memorandum in each case will go into the confidential files of your section. Is that right?

Mr. TOUMANOFF. I could not answer a blanket “yes” to that, because we get a variety of communications from the Security Division.

Mr. COHN. Well, I am talking about memoranda.

Mr. TOUMANOFF. This particular kind that we have been referring to? Yes, we would keep a copy of that.

Mr. COHN. That goes into your confidential files?

Mr. TOUMANOFF. Yes.

Mr. COHN. What else is located in your confidential files? What other type of information?

Mr. TOUMANOFF. All materials which relate to the operation of the selection boards. That is, the selection boards are, for instance, charged also with the duty of reporting to the chief of the division of Foreign Service personnel, which actually goes through us; reporting through us the names of any officers whose performance has been below the standard, or, which is necessary for in-class promotion, for instance. That kind of a memorandum, with that recommendation on it, is kept in our confidential files. Actually, any recommendation, a copy of any recommendation made by the selection boards, is kept there.

Mr. COHN. You say that for the purpose of submitting this material to these various boards, you will have occasion to go down to the file room and get the files of the individuals concerned; is that right?

Mr. TOUMANOFF. Yes.

Mr. COHN. And you will make a review of those files; is that right?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. Could I interrupt?

When were you naturalized?

Mr. TOUMANOFF. In 1945.

The CHAIRMAN. And how long had your application been pending?

Mr. TOUMANOFF. I can't tell you exactly, but I can tell you how this worked out. I applied as soon as I became twenty-one, which is the requirement.

The CHAIRMAN. How old are you now?

Mr. TOUMANOFF. I am twenty-nine. My parents did not receive their naturalization, their final citizenship papers, before I was eighteen. And under the law at that time I had to wait until I was twenty-one. And as I recall, it was a matter of routine processing as soon as I submitted my application, if I had not left the country in the meantime, and I had not. So that as soon as I became twenty-one, I submitted my application, and the processing of getting—

The CHAIRMAN. That took the usual waiting period?

Mr. TOUMANOFF. The usual waiting period, and I think it was in the next March.

The CHAIRMAN. When did you first start to work in government?

Mr. TOUMANOFF. I went to work for the Library of Congress in—let me see—'49, in June of '49, I think it was.

The CHAIRMAN. Let me ask you this. Did you serve in the armed forces?

Mr. TOUMANOFF. No, I didn't. I was 4-F.

The CHAIRMAN. In other words, you did not claim deferment because you were an alien?

Mr. TOUMANOFF. No.

Mr. CHAIRMAN. You went to work in the Library of Congress in 1949?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. And what section did you work in over there?

Mr. TOUMANOFF. I worked in the air studies division.

The CHAIRMAN. The air studies division. What would that be?

Mr. TOUMANOFF. It is classified. Can I mention it? I don't know.

The CHAIRMAN. Well, do not tell us anything about your work, except just give us the general nature of it. In other words, we do not want any classified information.

Mr. TOUMANOFF. It was research work.

The CHAIRMAN. May I ask the other members of the committee: This is an executive session, and everyone here has had clearance, I believe. Do you want to know something about the nature of his work over there?

Senator SYMINGTON. If he were to say something like "targets," just as a guess, that might cover it.

Mr. TOUMANOFF. Let's say the senator is pretty close to right.

The CHAIRMAN. It is highly classified work, then?

Mr. TOUMANOFF. No, not really. There was nothing classified higher than "restricted" that crossed my desk.

Senator SYMINGTON. On the basis of that, Mr. Chairman, I would say you could ask him anything.

The CHAIRMAN. Yes, if it is only restricted.

Mr. TOUMANOFF. Basically, what we did was to review Soviet periodicals, books, newspapers, magazines, in the original Russian, and report on a variety of industrial locations, areas, plants.

The CHAIRMAN. I think that is sufficient.

Mr. TOUMANOFF. That is the general thing.

The CHAIRMAN. And what salary were you getting over there?

Mr. TOUMANOFF. I started as a P-1 and was promoted to a P-2.

The CHAIRMAN. And what salary were you finally getting? P-1 and P-2 does not mean too much to me.

Mr. TOUMANOFF. Well, I don't remember the exact salary, Senator. I think it was about—I finally ended with, if I am not mistaken, \$3200 a year.

The CHAIRMAN. And who hired you to your job over in the Library of Congress?

Mr. TOUMANOFF. I was hired—let's see. Well, I was hired through the personnel division, actually. But I was interviewed for the position by a fellow who left shortly thereafter. And I am afraid I have forgotten his name.

The CHAIRMAN. Do you remember who you gave as references?

Mr. TOUMANOFF. As references there I gave—I can't, again, be sure of this, because I have given different references for different positions that I have applied for, depending upon what the nature of the work was. I think I gave the reference of one of the instructors at the Naval Intelligence School, one of my professors at college—

The CHAIRMAN. Do you remember the professor's name?

Mr. TOUMANOFF. Yes. If I am not mistaken, the professor I put down for that particular application was Dr. Carl Rogers, at the University of Chicago.

The CHAIRMAN. When you started in the State Department, what salary did you start at?

Mr. TOUMANOFF. I think about \$40 more than I had worked at previously. That is again a guess.

The CHAIRMAN. What was your first job in the State Department?

Mr. TOUMANOFF. I was in the recruitment division.

The CHAIRMAN. Recruiting Foreign—

Mr. TOUMANOFF. Recruiting Foreign Service staff and reserve officers.

The CHAIRMAN. You started out doing that?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. Pardon me. Go ahead, Mr. Cohn.

Mr. COHN. Now, Mr. Toumanoff, getting back to these files, when you took these files upstairs—

The CHAIRMAN. I am sorry. Just one other question.

Would you be in a position to give us the names of all the individuals you succeeded in recruiting, or would you have any such record?

Mr. TOUMANOFF. No, I wouldn't.

The CHAIRMAN. All right. Pardon me, Mr. Cohn.

Mr. COHN. When you took these files upstairs and went through them, did you ever remove anything from them?

Mr. TOUMANOFF. There was one instance in which—and I don't recall whether—well, let me tell you the background on this thing, and then it will be a little clearer.

An efficiency report was submitted on an officer from the Far East, which cleared our branch and was destined for the files. The officer came in himself and informed me that that efficiency report had been prepared not by his supervising officer and not by anyone who could have been aware or particularly acquainted with his work for the period that was covered by the efficiency report. Thereupon, I got that efficiency report. Now, whether it had actu-

ally reached the files, or whether it was intercepted en route to the files, I don't know.

Mr. COHN. What was the name of the officer involved?

Well, go ahead, and tell us when you recall.

The CHAIRMAN. Well, you must recall that, do you not?

Mr. TOUMANOFF. Yes, I will think of it in just a minute.

Senator SYMINGTON. Is it not relatively easier to bring it to mind, now that you seem to have recalled so well the incident?

Mr. TOUMANOFF. Well, I thought this question would be asked, so that is why.

—Yes. It is Dobruncbek. D-o-b-r-u-n-c-b-e-k, I guess.

Mr. COHN. What made you think the question would be asked?

Mr. TOUMANOFF. Well, I had an idea that the committee was interested in the methods used in our filing system and in the files that we kept.

Well, anyway, to go on with this incident, I found out from this officer who his supervising officer was for the period that should have been covered by the report, sent out an official communication to that supervising officer requesting that he prepare an efficiency report covering this period, took the efficiency report that had been submitted, and sent it back to the post that had submitted it with a covering communication, indicating why it was being returned and had a copy of both of those communications placed in the man's files so that there would be a record of what action had been taken.

Mr. COHN. I see. Is that the only instance in which you ever removed anything from a file?

Mr. TOUMANOFF. That is right.

The CHAIRMAN. Let me ask this. On occasion, did you obtain files from Mrs. Balog's section and either forget to return them or fail to return them?

Mr. TOUMANOFF. No.

The CHAIRMAN. To refresh your recollection, there is an applicant's file. Am I right? A file which is where the files of all applicants for jobs in the Foreign Service are filed?

Mr. TOUMANOFF. They aren't with Mrs. Balog, are they?

The CHAIRMAN. I know they are not with Mrs. Balog. But there is such a file, is there not?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. And after that applicant's file is over a year old, it is sort of known as a dead file, and it is subject to destruction then. Right?

Mr. TOUMANOFF. I don't think so. There have been some changes in the regulations on that recently.

The CHAIRMAN. Well, in any event, you know that the dead files on applicants who are never hired are not retained indefinitely. They are destroyed ultimately?

Mr. TOUMANOFF. I am not sure they are destroyed. They may be sent off to someplace out in the Middle West where they keep all records.

The CHAIRMAN. Let me ask you this question. On occasion, did Mrs. Balog contact you about files which you had received and did not return, and you said you did not know where they were, and then were they later found with the jackets stripped off and in-

served in the dead file in applicants? Are you aware of that situation?

Mr. TOUMANOFF. I am not aware of that situation with any file I had.

The CHAIRMAN. Did Mrs. Balog ever complain to you that you did not return the files to her when you got them?

Mr. TOUMANOFF. Yes, Mrs. Balog complained to me on several occasions that I would take files and wouldn't return them immediately, and on every one of those occasions as far as I can recall, I had reason to hold the file because I was working on something connected with the man's case.

The CHAIRMAN. Well, did she ever complain to you that you had lost the file, that the file had disappeared?

Mr. TOUMANOFF. I think there has probably been a couple of instances—

The CHAIRMAN. Let me tell you this for your own protection. I forgot to when we started.

We try to tell each witness the same thing, roughly. To begin with, you are not a defendant, or anything of the kind, here. That is number one. Number two, I do not know of any improper conduct on your part at this time. Time after time we have witnesses come before us, however, who are guilty of no illegal conduct, and they are a bit embarrassed about some of their conduct, however, and they make the mistake of not telling the truth. Once that occurs, you are under oath, you see, There is a quorum here, and you would be guilty of perjury. So I would suggest that if there is anything that you do not want to answer—and do not make the mistake that witnesses often make of just covering up and giving us the wrong answer—just refuse to answer. You have that right, you see.

Mr. TOUMANOFF. Senator, just to be absolutely positive on this thing, there was one question just a little while back, to which I said "absolutely not," or words to that effect, and I think it ran along the lines: Have I ever—

The CHAIRMAN. Removed?

Mr. TOUMANOFF. No, not have I ever removed. That one I answered. Let's see. Have I ever removed material from the file?

The CHAIRMAN. I think you were asked the question: Have you ever removed material from the file? And you cited one example.

Mr. TOUMANOFF. I cited one example. And other than that, as I recall right now, I have not ever taken any material from any other file. No, there was another question, about: Have I ever lost a file? Could you go back?

The CHAIRMAN. Well, why do you not just make a note of that and we may cover it later. If not, you can think about it this evening and call us in the morning and correct it, rather than to take the time to go back over it.

It is correct, is it not, that Mrs. Balog complained to you that you had lost files?

Mr. TOUMANOFF. Yes, I think that is an accurate statement.

The CHAIRMAN. And complained that she would give you files and you would not return them at all?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. And would call attention to the fact that you had signed out for a file, and the file never was signed back in again?

Mr. TOUMANOFF. Well, "never" isn't quite the right word. She would come in and complain that I had had a file for some time and that it hadn't been returned, and, where was it, and what had I done with it?

Senator SYMINGTON. What would you mean by "some time"? How long would you keep a file?

Mr. TOUMANOFF. I have on occasion kept a confidential file for, oh, I guess as much as two or three months, waiting for additional material to come in which would clarify something, taking a group of files for review for some purpose or other, and having the group stay in my office until I had completed a review of the entire group.

There is one occurrence—not one occurrence in terms of one instance of such, but there is one kind of an action, which I have done, and that is that I have not in every case when I took a file from Mrs. Balog's office and then it was called for, by, say, the chief of FP or by one of my superiors—I have not gone back to Mrs. Balog to charge it out from myself and out again to the superior officer. So that on occasion and in most cases I think, explains Mrs. Balog's complaints.

The CHAIRMAN. I never want to trap any witness into saying anything that is untrue, because of a faulty memory. For that reason, I would like to refresh your recollection and give you the general picture.

We have had testimony here that the files on applicants after a period of time of one year are considered dead files, that then they may be destroyed.

We also have testimony to the effect that on a number of occasions you called for files, they were not returned, and Mrs. Balog contacted you, and you said you could not find the file, did not recall where it was; and that subsequently the files were discovered with the jackets stripped off, new jackets put on, without the name of the individual concerned, and the file inserted in the so called dead files in applications.

Bear in mind that if that were done, that would be a very easy way of destroying a file.

Mr. TOUMANOFF. Yes.

The CHAIRMAN. And for that reason I am very interested in knowing at this time, number one, whether you recall that Mrs. Balog or any investigator ever complained to you that you had done that; not whether you did it, but whether it was ever complained to you that you had done that?

Mr. TOUMANOFF. No one has ever complained to me that I had done anything like the kind of action that you have just outlined. And I have never done an action of that kind.

The CHAIRMAN. I am not asking you now whether you did. I was asking you whether it was ever complained that you took these files from Mrs. Balog's room or got them from there, and put them in an applicant file jacket, and put them—

Mr. TOUMANOFF. I have never done that.

The CHAIRMAN. No, I am not asking you that. Was it ever complained by any investigator or Mrs. Balog that you had done that?

Mr. TOUMANOFF. Mrs. Balog has complained to me that it had been done. As far as I know, she did not intend or mean that I had done it. But I was aware that she had that complaint.

The CHAIRMAN. Let me ask you this. Are you aware of the fact that files that had been assigned out to you were subsequently found with the original jackets stripped off and inserted in applicant file jackets and put in the applicant files?

Mr. TOUMANOFF. No, I was not aware of that, Senator.

The CHAIRMAN. Well, did Mrs. Balog or anyone inform you that files that had been signed out to you had been so found? Again, I am not asking whether you did that, but did they or anyone else inform you that the files were signed out to you and had been subsequently found—

Mr. TOUMANOFF. I honestly can't say, Senator, because I recall that Mrs. Balog has complained of such an action; and whether in the course of such complaint she mentioned that it was a file that had been charged to me, or not, I just can't say at this point. I don't know.

The CHAIRMAN. I guess I will not try to judge your memory by mine or anyone else's, but it would seem that normally you would remember if a file were assigned out to you and it were missing, and it turned up with the jackets stripped off and in a place where it would normally be destroyed. Ordinarily, you would be very concerned about that and would be wondering who had been trying to plant that kind of evidence against you. I say normally it would be remembered, I would imagine.

Mr. TOUMANOFF. Senator, let me say this, that on almost any occasion in which I have occasion to talk to Mrs. Balog—and I have occasion to talk to her pretty frequently—I am frequently met with a rather long series of complaints. And to the extent that on some of these occasions I am working very hard on a particular problem at hand which has a deadline, I don't probably pay enough attention to Mrs. Balog's complaint, largely because I feel she is complaining to the wrong guy. I can't do anything much about it anyway.

The CHAIRMAN. Just one more question along this line, and I will turn it back to counsel. I believe you said you were aware of the fact that files had been removed from Mrs. Balog's room, had been found with the jackets taken off and put in new applicants jackets and in the applicants' files.

Mr. TOUMANOFF. No, I am not aware of that fact.

I am aware that Mrs. Balog has so complained, yes.

The CHAIRMAN. Can you think of any reason, any legitimate reason, why anyone in your department would be guilty of such an act, of taking one of the files from Mrs. Balog's room, tearing off the cover, putting an applicant cover on it, putting it in a place where it would normally be destroyed or lost? Can you think of any legitimate reason?

Mr. TOUMANOFF. I can't think of a legitimate reason.

Senator SYMINGTON. May I ask one question, there?

You say that you said to her, "You are coming to the wrong guy." We are trying to establish the question of authority or responsibility. If she had asked you to whom she should make the complaint, whom would you have said?

Mr. TOUMANOFF. I would have sent her to her supervisor.

Senator SYMINGTON. Who was her supervisor?

Mr. TOUMANOFF. Mr. Colontonio.

Senator SYMINGTON. And whom did he work for?

Mr. TOUMANOFF. Mr. Howard Mace.

Senator SYMINGTON. And what was Mr. Colontonio's title? Or what was Mr. Mace's title?

Mr. TOUMANOFF. Mr. Mace's title is chief of the field operations branch of the division of Foreign Service personnel.

Mr. COHN. Now, we have had some testimony here that Mrs. Balog would send certain material, loose material in the file, up to the PM branch for the purpose of a determination as to whether or not it should go in the file, or where in the file it should go. Are you familiar with that?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. I note that in my notes here I have the information October '47 to June '49, Library of Congress, research analyst, salary \$3,825 per year. Would you say that is correct?

Mr. TOUMANOFF. I think that is right. It is awfully easy to check. It is the starting salary of a P-2, or probably the first step in the classification.

The CHAIRMAN. Are you getting more, or less, than that now?

Mr. TOUMANOFF. I am getting more.

The CHAIRMAN. Did you start in, in the State Department, with more or less?

Mr. TOUMANOFF. I must have started in at just a little more than whatever my last salary was.⁵

Mr. COHN. Now, you say you are familiar with this process, that when loose material comes in—and I am referring now particularly to material of a derogatory nature—it was sent up by Mrs. Balog up to your branch, and your branch determines whether or not it goes in the files and if it does, where in the file it goes. Right?

Mr. TOUMANOFF. Yes.

Mr. COHN. What happens to the material that does not go in the file?

Mr. TOUMANOFF. There is almost none of it, really. Any material which deals with performance, be it derogatory or not, but does not

⁵In the public hearing held on February 6, the chairman asked: "And when you moved from the Library of Congress to the State Department did you take a cut in your salary, or an increase?"

Mr. TOUMANOFF. As I recall, it was a very small cut in salary.

The CHAIRMAN. The other day you started out with that same statement. We refreshed your recollection. You then told us that you were wrong, that you had taken an increase. What is the situation?

I beg your pardon. I believe your first testimony in executive session was that you had gotten an increase, and then you later testified you had gotten a cut.

Mr. TOUMANOFF. As I recall, that is right, sir. And the reason I first thought I had received an increase was because I forgot that just before I left the Library of Congress I had an in-step increase, of which the Department of State was not aware; that the Department of State policy or practice is to give the benefit of any difference between the civil-service salary schedule and the Foreign Service salary schedule, so long as it does not exceed the amount of a one step increase.

. . . Senator SYMINGTON. Roughly, what was the amount of the cut?

Mr. TOUMANOFF. It was very small, Senator; I think in the neighborhood of \$40 or \$50 or \$60 a year."

Subcommittee on Investigations of the Committee on Government Operations, *State Department—File Survey*, 53rd Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1953), 57.

deal with the specific condition of being in the low 10 percent of class, is sent to the file.

Mr. COHN. Now, you say information dealing with being in the low 10 percent of the class is not sent to the file; is that right?

Mr. TOUMANOFF. That is right.

Mr. COHN. Why?

Mr. TOUMANOFF. If an officer is rated by the selection boards, by three consecutive selection boards, in the low 10 percent of his class and in the low 10 percent of the eligible officers in his class, he gets selected out of the Foreign Service. That is, he is separated.

Mr. COHN. All right.

Mr. TOUMANOFF. Now, the reason that we don't put any reference to low 10 percent in a man's file is so that we can have three independent judgments by selection boards, so that one selection board won't be influenced by the judgment of another. Do you follow me?

Mr. COHN. Now, why do you do that? Who has issued that instruction, that the evaluation by a previous board should not be brought to the attention of this board?

Mr. TOUMANOFF. As far as I know, that is either a decision of one of the former chiefs of the division of Foreign Service personnel, or else it is the decision of the board of Foreign Service. I am not entirely sure.

Senator SYMINGTON. If you do not keep a record of the file, and you destroy a file, that is, if you do not keep a record of one low 10 percent, and then you destroy it, in a year—

Mr. TOUMANOFF. Oh, we keep a record of it in our branch.

Senator SYMINGTON. In your branch. I see.

Mr. TOUMANOFF. But we don't put it in the file.

Mr. COHN. Actually, what it amounts to is that you deliberately—I don't say that with any implication—deliberately withholding that information from the board that is going to pass the judgment; is that correct?

Mr. TOUMANOFF. That is right.

The CHAIRMAN. Pardon me for reverting back to this one subject so often, but I am very serious to know whether you actually got a promotion in salary when you went to the State Department, or not. I find here a note to the effect that you were, at the time that you left the Library of Congress, on 12-3-50, getting a salary of \$3950, that your original salary in the State Department was less.

Mr. TOUMANOFF. That is right. That is right. Just before I went to work for the Department of State, I received an in-class increase from the Library of Congress, which I guess must have been to this \$3910 figure, is it, that you mentioned?

The CHAIRMAN. Do you know how much less you took when you went over to the State Department?

Mr. TOUMANOFF. Don't hold me to this, Senator, but I think it was \$3840 that was my salary.

The CHAIRMAN. I wonder if you could shed a little light on this. The thing that promptly occurs to me is: Why did they not give you a job in the department in the type of work in which you were specializing in the Library of Congress? You were specializing in the Russian language, and so forth. You surely could have commanded

a much higher salary by obtaining a position with the State Department of a kind that was similar in nature, could you not?

Mr. TOUMANOFF. Actually, I have much more background in personnel than I have in this Russian area stuff. All of my academic training, including graduate work, was related directly to personnel work; that is, my major in college and my graduate school studies. I worked for the University of Chicago for, I guess, two years, doing vocational guidance and placement, and did a certain amount of psychological counseling on the side, had a tremendous amount of experience in interviewing, in what you would call personnel interviewing, and additional experience which I had accumulated.

The CHAIRMAN. Let me ask you one question, and we will turn it back to counsel.

You did quite a bit of shipboard traveling in the late '40s, I gather.

Mr. TOUMANOFF. I took one trip to Latin America, working as, oh, a waiter and sort of a general factotum on a Swedish freighter which carried a few passengers. It was mostly for vacation purposes. I worked my way down and worked my way back.

The CHAIRMAN. Do you remember what ports you stopped at?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. I am sorry I am getting away from the file thing, but I just wanted to get your background here.

Mr. TOUMANOFF. We went from New York, I think, direct to Buenos Aires. From there we went to Santos in Brazil. From there we stopped over, I guess it was in Trinidad, for fueling, but we didn't go ashore. And then we came back to the States, and I don't remember the order, exactly. It was either Philadelphia or Baltimore, Boston, and New York, or something like that order.

The CHAIRMAN. Okay. Thank you.

Mr. COHN. We have had testimony, Mr. Toumanoff, that in addition to this low 10 percent category there were other categories of derogatory information that were not placed in the files, in other words, when there was some doubt as to the conclusive nature of the evidence, or something along those lines. Is that a fact?

Mr. TOUMANOFF. That is a fact.

Mr. COHN. And would that material also go in the confidential file kept in your branch?

Mr. TOUMANOFF. In most cases, yes.

Mr. COHN. Well, where else would it go?

Mr. TOUMANOFF. I can't think of any examples of it, but it might land in the files of the chief of the division of Foreign Service personnel.

Mr. COHN. I see. Now, who would make a determination as to whether this derogatory information would or would not go in the file, in the regular file?

Mr. TOUMANOFF. Well, ultimately, the responsibility for—no, I guess I can't even say that. It would be made in most cases either by the chief of my branch—

Mr. COHN. Who is that?

Mr. TOUMANOFF. Mr. Woodyear.

Mr. COHN. By Mr. Woodyear, and who else?

Mr. TOUMANOFF. Oh, it might be made by myself; it might be made by—

Mr. COHN. Mr. Calloway?

Mr. TOUMANOFF. It might be made by Mr. Calloway. It might be made by Mr. Hunt.

Mr. COHN. In the event that one of those persons decided that this information should not go in the file, this derogatory information, would any notation be placed in the file, in the regular file, indicating that there was derogatory information or some other type information being retained in the confidential files of the PM branch?

Mr. TOUMANOFF. Let's see. When you refer to it as derogatory information, it is a little hard to answer.

Mr. COHN. Well, if that word bothers you, use any term you want.

Mr. TOUMANOFF. Let's just say that when information is placed in the Performance Measurement Branch files, in most instances there is no cross reference in the file itself, in the officer's file, to the fact that the material is available in our files.

Mr. COHN. Very good. Now, the next question is this. You know Mr. Ryan, Mr. Robert Ryan?

Mr. TOUMANOFF. Yes.

Mr. COHN. He deals particularly with material having to do with homosexuality; is that right?

Mr. TOUMANOFF. I wasn't aware of it. That is, I can't say that is right, but I assume that is probably the level at which it is handled.

Mr. COHN. Is this the first you hear about that?

Mr. TOUMANOFF. No, there has been—well, for instance there are in some personnel files a statement, "Before any action is taken on this case, check with Robert Ryan." And I assume that that relates to some form of security—loyalty, or something of the sort.

Mr. COHN. How does that slip get in the file, "Check with Mr. Ryan"? At what level is that placed in the file?

Mr. TOUMANOFF. I assume it is placed in the file either by Mr. Ryan or at his direction.

Mr. COHN. I see. Up in your branch, or when the file is down with Mrs. Balog?

Mr. TOUMANOFF. I am almost positive it has never been done in our branch. I guess it is when it is filed with Mrs. Balog.

Mr. COHN. Do you know of any cases to which that stop sign put in there to "check with Mr. Ryan" has been deleted from the files?

Mr. TOUMANOFF. That is a tough question to answer. As far as I know, our policy is to try to prevent having that stop sign appear, that is, be given to the selection boards.

Can I amend this, or add to it?

The CHAIRMAN. Surely. Let me say this, Mr. Toumanoff. Any time you make an answer and it occurs to you later that you want to add to it or explain it more fully, please feel absolutely free to do it. We do not want to have you on record as to anything you do not feel is the absolute fact.

Mr. TOUMANOFF. The statement I just made in answer to that question is a little irrelevant, because now that I think of it that stop sign is placed in the administrative file of Foreign Service officers, and the administrative file doesn't go to the selection boards anyway. Do you follow me?

Mr. COHN. What do you mean by "the administrative file"? Is that a section of the regular file?

Mr. TOUMANOFF. No, on Foreign Service officers, there are actually two files, both kept by Mrs. Balog.

Mr. COHN. How about staff officers?

Mr. TOUMANOFF. One file kept by Mrs. Balog.

Mr. COHN. Are any stop signs placed in the files of staff officers?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. I do not think the witness can understand what he is saying. You say Mr. Ryan puts this on the file saying, "See me before any action taken," meaning, "See me before this man is promoted." He certainly wouldn't put that on a file, which would never go to the promotion panel or the selection board, would he? Do you follow me, Mr. Toumanoff?

Mr. TOUMANOFF. Not entirely, Senator.

The CHAIRMAN. Let me ask this. Mr. Ryan, I understand had deleted certain material from the files. But then, so that the selection board or the promotion panel would be put on their guard, he puts a note on it saying, "See me before any action taken," or something to that effect.

Now, we have had testimony here that those stop tabs have been taken off. You now tell us that they never have been put on the file that would go to the selection board or the promotion panel. If that is true, there must be some great confusion on Mr. Ryan's part. Do you follow me? Why would he put a tab on a file which never would go to the promotion panel or the selection board, and say, "Don't promote until you talk to me"?

Mr. TOUMANOFF. Let me preface my answer to that by a statement that I can't be absolutely positive that what I am going to say is the actual way this operates, because I don't operate it. But as far as I know, that "See me before any action is taken" is placed on the administrative file of the Foreign Service officers, and the purpose of that is to make sure that officers responsible for assignment transfer, and other such functions, check with him before any assignment, transfer, or any other of that kind of action is put through.

Now, the reason that it is not put, as far as I know, in the confidential file, is that the security division is going to be aware of derogatory information on any one of these officers; consequently, if any one of them is recommended for promotion, the security division will catch it.

The CHAIRMAN. Mr. Toumanoff, you have been over there working in that section. You were section chief for a while, were you not?

Mr. TOUMANOFF. I have been acting chief over there, yes.

The CHAIRMAN. You were acting chief. All right. And you service the promotion panel, do you not?

Mr. TOUMANOFF. That is right.

The CHAIRMAN. You prepare the files for them. Do you not get the files?

Mr. TOUMANOFF. There isn't an awful lot of preparation done, actually.

The CHAIRMAN. In any event, you are the man in charge of getting the files to them, are you not?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. Now, you certainly know which files have these stop orders on, do you not?

Mr. TOUMANOFF. Well, there are so few of them that I have in the course of my work probably seen maybe two or three, and I have not seen one, it seems to me, for probably as much as a year. And at this point, Senator, I am sorry to say I can't remember whether that was in an administrative or a confidential file.

The CHAIRMAN. Do you know whether any of them was ever removed from a file that was going up to either the selection board of the promotion panel or the board of examiners?

Mr. TOUMANOFF. If one of these signs had been put on a confidential dossier, and it were caught before it got into the selection boards, it would have been removed.

The CHAIRMAN. That is not the question. The question is: Do you know of a single case in which the tab was removed? I am calling it a tab whether it is a notation, irregardless of what it was.

Mr. TOUMANOFF. Well, Senator, let me explain why I can't answer that positively. That is that I don't actually get the files in preparation for the selection boards. And as it would be a standing order that such a tab should not go to the selection boards—

The CHAIRMAN. Who made that order? Did you?

Mr. TOUMANOFF. No.

The CHAIRMAN. Who did?

Mr. TOUMANOFF. Again, I suppose either one of the chiefs of the division of foreign personnel, or—

The CHAIRMAN. Do you know if there was such an order? Mr. Toumanoff, you are telling us an incredible thing here. That is that Mr. Ryan went through the files and took out derogatory material, material on homosexuality, and you say he put a tab on to flag the promotion board, apparently. That has been the testimony.

Mr. TOUMANOFF. Not the promotion board particularly, sir.

The CHAIRMAN. Call it what you may. Call it the panel, or what you may. He put it on there for some purpose, not just for fun. Now, you tell me that there was a standing order that this should be kept from the promotion panel or the selection board. Can you give us any reason why the board that was determining whether a man should be promoted or not should be denied access to the information which Ryan for his own good reason took out and put in a separate file?

Mr. TOUMANOFF. I think I can, sir.

The CHAIRMAN. Good. What was the reason?

Mr. TOUMANOFF. The job of the selection boards is to determine whether an officer's performance is high enough, good enough, to merit their recommending him for promotion. Their job is not to assess and evaluate loyalty or security data. Consequently, the material that they are supplied to work with is performance material rather than security material.

The CHAIRMAN. All right. For whose benefit, then, did Ryan put this tab on?

Mr. TOUMANOFF. For the benefit of placement officers, and for the benefit of any personnel officer having any—well, any personnel action to perform on this officer.

The CHAIRMAN. Then if he put it on there for the benefit of placement officers who were to determine which section of the world these men were to be placed in, can you tell us why those tabs were removed?

Mr. TOUMANOFF. As far as I know, they never were removed from any administrative file.

The CHAIRMAN. You do not know of any having been removed?

Mr. TOUMANOFF. From an administrative file, I don't.

The CHAIRMAN. From any file?

Mr. TOUMANOFF. I don't know of a single example where such a tab has been removed from a file.

The CHAIRMAN. Did Mrs. Kerr or Miss Johnson ever discuss with you whether or not those tabs should be removed from files?

Mr. TOUMANOFF. I don't know that it was Mrs. Kerr or Miss Johnson, but I know that such discussion has been conducted in my presence, and I have been in on such discussion, yes, sir.

The CHAIRMAN. And what did you say? To remove the tabs? Or not to remove them?

Mr. TOUMANOFF. I assume I would have said to remove them.

The CHAIRMAN. You assume you would have said to remove them. Now can you tell us why you would want those removed, after Ryan put them on there for a purpose? Why would you want them removed?

Mr. TOUMANOFF. You see, what we are dealing with, again: This is the confidential dossier which went through the selection boards.

The CHAIRMAN. I thought you said they were only on administrative files.

Mr. TOUMANOFF. Well, Senator, I think I mentioned earlier that I couldn't be absolutely positive.

The CHAIRMAN. Well, I do not want you to testify to anything that you can't remember.

Mr. TOUMANOFF. Let me clarify this, if I can, Senator. If such a flag had been or was ever put on a confidential dossier of a Foreign Service officer, and if the question had arisen whether that should be taken off the confidential dossier before the dossier was submitted to the selection boards, or whether it shouldn't and if I had been asked that question, I assume—and I am pretty sure—that I would have said, "Take it off the confidential dossier, because that is security information and shouldn't go to the selection boards."

The CHAIRMAN. Unless I do not hear rightly, within the last minute you told me that you recall having discussed whether tabs should be taken off, whether those tabs should be taken off certain files.

Now I will give you a chance to tell us whether that is true or not. Do you recall discussing whether the tab—I refer to a "tab"; maybe it is a note, a note by Ryan. Do you now recall having discussed with someone whether those tabs should be taken off of any files or not?

Mr. TOUMANOFF. It seems to me I have.

The CHAIRMAN. It seems to you you have. Do you recall whether you discussed it with your superior officer? Or was it one of the staff who worked under you?

Mr. TOUMANOFF. As I recall, it was in the presence—yes, it would have been with a superior officer, and also with subordinates.

Well, let's see. You are right, Senator. As I recall, it was in the presence of and with both a superior officer and a subordinate.

The CHAIRMAN. Okay. What superior officer?

Mr. TOUMANOFF. Mr. Woodyear.

The CHAIRMAN. Mr. Woodyear. And what subordinate?

Mr. TOUMANOFF. As I recall, it was Mr. Hunt. But I am not positive on that point.

The CHAIRMAN. And how long ago was this?

Mr. TOUMANOFF. I would guess some time last summer.

The CHAIRMAN. And was a decision made at that time?

Mr. TOUMANOFF. My recollection is that the decision had been made earlier, and this took the form of clarifying instructions both to myself and to Mr. Hunt.

The CHAIRMAN. All right. And what was the decision?

Mr. TOUMANOFF. Well, we were told that such tabs, if we refer to them as such, should not be in the confidential dossiers and should be taken out before they went to the selection boards.

The CHAIRMAN. You were told that by Mr. Calloway?

Mr. TOUMANOFF. No. This would have been Mr. Woodyear.

The CHAIRMAN. Mr. Woodyear told you that. And did you inform Mr. Robert Ryan that you were removing the tabs that he had put on the files?

Mr. TOUMANOFF. No, I didn't, sir, because I am pretty sure that Mr. Robert Ryan and Mr. Woodyear had contacted each other on the point, and I felt that it would have been Mr. Woodyear's responsibility to have made sure that Mr. Ryan knew about this.

The CHAIRMAN. Do you know whether Mr. Hunt, over the past months, the past few months, had been engaged in removing those stop tabs, or call them what you may, from the files?

Mr. TOUMANOFF. If anybody would have, it would have been Mr. Hunt, yes.

The CHAIRMAN. Do you know that he has removed some in the past sixty days?

Mr. TOUMANOFF. In the past sixty days?

The CHAIRMAN. Yes.

Mr. TOUMANOFF. No, sir, I don't.

The CHAIRMAN. Do you know that he has ever removed any?

Mr. TOUMANOFF. Well, having thought about it some more, it seems to me that this question probably never would have come up in discussion with Mr. Woodyear and myself and Mr. Hunt unless he had run into some such tabs, and therefore I suppose that the best answer I can give you is that I guess he has.

The CHAIRMAN. The question is: Do you know of your own knowledge that Mr. Hunt ever removed any of those tabs?

Mr. TOUMANOFF. Senator, as you told me—

The CHAIRMAN. If you do not know, I am not trying to press you for something you do not know.

Mr. TOUMANOFF. I just want to be sure that I give you as honest an answer to that question as I can. I can't right now remember a specific instance of his having done so, but it seems to me that

he must have at some point, or the discussion never would have come up.

The CHAIRMAN. You are sure it was not general knowledge around your unit that he has been very recently engaged in doing just that, removing those tabs?

Mr. TOUMANOFF. Am I sure that—

The CHAIRMAN. That it is not general knowledge in your department that Hunt has been removing those tabs?

Mr. TOUMANOFF. Well, if he has, I have not been aware of it. And if my ignorance would constitute its not being general knowledge, I guess that is the answer.

The CHAIRMAN. Did Hunt ever tell you that he had removed any of those tabs, or notations? When I say "tabs," I mean this notation.

Mr. TOUMANOFF. Yes, this reference to Mr. Ryan. I wouldn't be surprised but what he had. But not very recently.

The CHAIRMAN. Well, do you remember whether he has or not?

Mr. TOUMANOFF. Told me?

The CHAIRMAN. Yes. The question is: Do you remember, or do you not remember?

Mr. TOUMANOFF. At the moment, I don't remember.

The CHAIRMAN. Now, as I understand, files would come from Mrs. Balog's section down to you, and then subsequently she would send down additional information. Are you aware of that situation?

Mr. TOUMANOFF. Hit me with that again.

Mr. COHN. It was just covered again, this loose material.

Mr. TOUMANOFF. Oh, you mean when we had a file?

Mr. COHN. I might say, Senator, that the witness testified that loose material would be sent up by Mrs. Balog to the PM branch and that they would make a determination there as to whether the material should go into the file or not go into the file. If it didn't go into the file, it would go into this confidential material that they retained at the PM branch. Otherwise, it would be sent down to Mrs. Balog to be retained in the file.

[Discussion off the record.]

The CHAIRMAN. Is that accurate?

Mr. TOUMANOFF. It wouldn't be my section, as such. It would be made in the branch, or if it were a particularly confidential issue, it might be carried further up. And as I said, I can't be absolutely positive that all of that material would land in our confidential files. Some of it might go to the chief of FP.

Mr. COHN. And I think you have testified before that there would be no notation or cross referencing indicating that there was material that was being kept out of the file.

Mr. TOUMANOFF. Not as a matter of course.

Mr. COHN. In other words, someone who picked it up and went through it would have no way of knowing whether there had been some material that was deleted from the file and kept in some other drawer or some other office?

Mr. TOUMANOFF. Except that I think it is common knowledge in the division of Foreign Service personnel that such material is available in the Performance Measurement Branch.

Mr. COHN. Number one, we can agree this material, which includes the lowest 10 percent business, proof that this particular

person was rated in the lowest 10 percent, and number two, other material which, for one reason or another, it is determined will not be placed in the file—we can agree that that goes in what we have been calling the confidential material or confidential file of the PM branch. Now, the chairman would like to know just how that material is kept. Is that kept in files by names, or what?

Mr. TOUMANOFF. Well, as a matter of giving testimony, would you clear me up on a point? Where you have just repeated an agreement of testimony, if I am not sure that I agree with your rephrasing of it—

Mr. COHN. Any inaccuracy you note in any characterization of your answers or anything else, we want you to correct for the record, absolutely.

Now, let me go over it again.

Mr. TOUMANOFF. Yes. Would you?

[Discussion off the record.]

Mr. COHN. Information concerning the lowest 10 percent was not given to the panels. Correct?

Mr. TOUMANOFF. That is right.

Mr. COHN. It was put someplace else. You did not burn it up?

Mr. TOUMANOFF. That is right.

Mr. COHN. All right. Where was it put?

Mr. TOUMANOFF. It was put in a file cabinet in the Performance Measurement Branch, that is, in most instances.

Let me put it this way. In every case that I know of, it was put in this confidential cabinet.

Mr. COHN. All right. That is what the chairman wants to know about. What is this confidential cabinet? How is it placed in a confidential cabinet? By names?

Mr. TOUMANOFF. There are dividers in the file drawer, alphabetical dividers, and it is placed by name within those dividers.

Mr. COHN. So we have another set of files, really, or set of folders, or whatever you want to call it.

Taking the case of John Jones—

Mr. TOUMANOFF. There are three places that you have information on him.

Mr. COHN. There are three places concerning which you would have information on him. Is that right?

Mr. TOUMANOFF. Yes

Mr. COHN. Now, talking about this third place, the files kept in the PM branch, who sends for those files? Where do they go? Who considers information in those files which you have taken from the other files? Suppose the panel wanted them? Suppose the promotion panel wanted them?

Mr. TOUMANOFF. Well, let me put it this way. The promotion panel wouldn't ever have occasion to want this material, because it is either reference to low 10 percent, and the promotion panels know that reference to low 10 percent ratings aren't available to them, so that they wouldn't ask for it, or it is material, as far as I know, which is in the category of unsubstantiated allegations and charges which it is impossible to prove or disprove.

Mr. COHN. I see. And that material is kept—

Mr. TOUMANOFF. So that if a promotion review panel, for instance, wanted to see such unsubstantiated—

Mr. COHN. It is not supposed to look at it, anyway.

Mr. TOUMANOFF. Well, now, they could.

We would be perfectly willing to show them these unsubstantiated allegations if they asked for that.

The CHAIRMAN. Would that include unsubstantiated allegations in regard to the competency of the individual?

Mr. TOUMANOFF. What do you mean? You mean something along the lines that someone writes in a letter, "This guy is no good at all. Get him out of here?"

The CHAIRMAN. I understood you to say that the promotion was based on his competence in his job.

Mr. TOUMANOFF. The manner of his performance, yes.

The CHAIRMAN. Now, if the unsubstantiated allegations——

Mr. TOUMANOFF. Refer to that?

The CHAIRMAN [continuing]. Refer to that, would they be put in this confidential file?

Mr. TOUMANOFF. They would unless we could prove or disprove them.

The CHAIRMAN. And who made the decision as to whether the proof was sufficient or insufficient?

Mr. TOUMANOFF. It is ordinarily done in our branch. If there is some possibility that—well, let me explain how this works. Suppose a piece of material comes in that is written by, oh, some person at an embassy, which says that five years ago, when I was serving in the same embassy or post with Joe Doakes, he treated me like dirt. He was mean, evil-tempered, and so forth. If, in the meantime, we find that there is no way of checking on that——

The CHAIRMAN. Just a minute. That is not the question I asked you. I am not asking for a case in which you decide it should not be used. I am asking you this question: Who is the high court? Who made the final decision as to whether material was sufficiently proven so that it could be safely brought to the attention of the promotion board or panel? Who is the high court there? Who made the decision? Did one of the girls on the staff make it? Did you make it?

Mr. TOUMANOFF. No, it would be made by the chief of the branch.

The CHAIRMAN. Who did make that decision? You are acting chief, are you not?

Mr. TOUMANOFF. That asks a specific question. I would have to remember a specific case where this was done.

The CHAIRMAN. Let me ask you this question. Number one, you are the acting chief, are you not?

Mr. TOUMANOFF. Of this section, yes, sir.

The CHAIRMAN. While you are acting chief, who makes the decision as to whether material is sufficiently proved to be put in the files so that promotion panel or the selection boards can see it? Who makes the decision?

Mr. TOUMANOFF. Either the chief of the branch or the chief of the division of Foreign Service personnel, or in even more difficult cases, it may go higher.

The CHAIRMAN. Do you make the final decision in some cases?

Mr. TOUMANOFF. No, I don't, Senator, and I can explain why.

The CHAIRMAN. I am not asking you why. Have you ever made the final decisions?

Mr. TOUMANOFF. No, I haven't.

The CHAIRMAN. Have you ever decided whether a man should be investigated by the FBI or whether he should be given clearance without being investigated?

Mr. TOUMANOFF. No, sir.

The CHAIRMAN. You never made that decision?

Mr. TOUMANOFF. That is for the security division to decide.

The CHAIRMAN. I see. Do you recall a man by the name of Frank A. Waring?

Mr. TOUMANOFF. I recall the name. I don't recall much about him.

The CHAIRMAN. You do not recall the case?

Mr. TOUMANOFF. Frank Waring? Could you give me a little detail on him? I will try to remember him, sir.

The CHAIRMAN. Without any detail you do not remember him?

Mr. TOUMANOFF. I don't remember anything more about him. The name is familiar, sir.

The CHAIRMAN. You do not recall having reviewed his case?

Mr. TOUMANOFF. Let me tell you what I think is the background on Mr. Waring. I think Mr. Waring is one of the people who was an applicant for employment at the time that I was in the recruitment branch. And I was not referring to the time I was in the recruitment branch when I said I never made a decision as to whether a man should be investigated or not. I meant when I was in my present job.

The CHAIRMAN. When I asked you the question, I said, "Did you ever make a decision whether a man should be investigated by the FBI?" And you said, "No."

Then later you say, "I was referring to a certain period of my life."

Let me give you some advice. You listen to these questions, and you answer the questions, or you will be making the same mistake that witnesses have so often made. You see, this committee is interested in getting at the truth. I asked you a simple question. I said, "Did you ever make the decision about whether a man should be investigated by the FBI?"

Mr. TOUMANOFF. I am sorry, Senator. I thought this was in connection with these decisions that have to be made in the performance measurement section.

The CHAIRMAN. Now we will give you the right to change your answer.

Mr. TOUMANOFF. The question, again, is: Have I ever made the decision whether a man should be investigated by the FBI?

The CHAIRMAN. Right.

Mr. TOUMANOFF. I guess the answer to that is "yes." And I had better explain it.

The CHAIRMAN. Well, we will let you explain it. But just first let me ask you a few other questions.

That was when you were recruiting people for Foreign Service, was it?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. And when you recruit a man, you were given the right to determine whether the FBI should investigate him, or whether he was satisfactory without an FBI investigation?

Mr. TOUMANOFF. No. The way it worked was this: that there were certain programs which by law, had to be—applicants for which had to be investigated by the FBI, and certain other programs to which we appointed officers, or for which we recruited officers, where an investigation by the security division of the Department of State was sufficient. And in execution of that basic policy, it was up to me, if a man came in and applied for a specific type of position, to indicate whether an FBI was indicated, was required by law, or to request actually an FBI, if the law required that an FBI be run, and to request a loyalty if the law required a security division investigation.

The CHAIRMAN. I understand your answer to be that you merely determined whether legally he had to be investigated by the FBI.

Mr. TOUMANOFF. I actually didn't even do that, Senator. All I did was indicate on a request to the security division which kind of an investigation should be run on the man. Because in some cases the security division didn't know what kind of a position, under which program the man was applying for.

The CHAIRMAN. Do you recall that you ever signed on a man's application "Entirely satisfactory . . . No investigation needed?"—and signed your name to it? You are V. I. T-o-u-m-a-n-o-f-f, are you not?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. Do you recall that you ever signed anyone's application, "Entirely satisfactory"?

Mr. TOUMANOFF. "No investigation necessary"?

The CHAIRMAN. Do you recall that without any investigation whatsoever you would sign "Entirely satisfactory" and sign your name to it, before there was any investigation run, with no investigation?

Mr. TOUMANOFF. I can recall signing "Entirely satisfactory." I cannot recall adding to that "No investigation necessary."

The CHAIRMAN. Did you sign that "Entirely satisfactory" before there was an investigation conducted?

Mr. TOUMANOFF. I don't think so, sir. As far as I recall, the only circumstances under which I made a statement like that would be when a security investigation, complete with reports, would come to me for a review not from the point of view of security or loyalty, which I had no authority for or training for, but for a review from the point of view of: could the guy do the job that we wanted him to do?

The CHAIRMAN. Then you mean now that while you were recruitment officer, complete reports, security reports, would come to you on any of these individuals you were recruiting?

Mr. TOUMANOFF. That is right, sir.

The CHAIRMAN. In other words, they would make a security check and send the report to you?

Mr. TOUMANOFF. Well, it would come to me after it had gone through the security division, for a review from security, from the loyalty point of view.

The CHAIRMAN. Come to you for what action?

Mr. TOUMANOFF. It would come to me only as a source of information concerning the man, his experience, his background. For instance, if I found that on his application a man had indicated a cer-

tain salary, and upon investigation, from the security reports, he was earning a different salary, it was up to me to check that and clarify it if I thought it was significant.

That is the kind of review that I was asked to make on these cases.

The CHAIRMAN. Go ahead, Mr. Cohn.

Mr. TOUMANOFF. Oh, may I add to that? And as far as I know, the significance of this "entirely satisfactory" would be that in terms of from a personnel point of view rather than from a security-loyalty point of view, in terms of this guy's apparent competence to do the job, he was entirely satisfactory.

Mr. COHN. Now, we have had testimony here that Mr. Ryan replaced these tabs on the files, and that in fact so much importance was attached to the fact that he had placed the tab on a particular file, that before such a file was forwarded to the board of examiners, say, in some instances, a special notation would be sent up to the board of examiners to the effect that there was a tab from Mr. Ryan in that particular file. Do you know anything about that?

Mr. TOUMANOFF. I don't know anything about it first-hand.

Mr. COHN. Well, do you know anything about it, any hand? Have you ever heard that?

Mr. TOUMANOFF. Yes, I have heard that was done.

Mr. COHN. Well, what I cannot understand: What is the purpose of all that, if these tabs are removed? Why are they put in there in the first place?

Mr. TOUMANOFF. They are not removed ever, from an administrative file.

Mr. COHN. Is it the administrative file that goes up to the board of examiners? Or is it the confidential file?

Mr. TOUMANOFF. Well, it would have to be—well, let's see. We can clear that up. It would be all one. Because the board of examiners—and I assume we are talking about candidates for appointment to the Foreign Service officer corps—

Mr. COHN. Exactly.

Mr. TOUMANOFF. Then those could not be Foreign Service officers, obviously, because they are already Foreign Service officers. All other personnel of the Foreign Service have only this one combination file, which contains both their performance information and their administrative information.

Mr. COHN. Well, let's talk about the board of examiners now. A tab is put on by Mr. Ryan.

Mr. TOUMANOFF. Yes.

Mr. COHN. That is regarded as so important that before the file goes up to the board of examiners, before there is a certification to the board of examiners, rather, the person making the certification is required to check with Mr. Ryan and ask. "Should I call special attention to the fact that a tab is in here from you?" And in some cases he is told, "Yes," and in some cases he is told "No, you do not have to call special attention." Now, what is the purpose of going through all that, if there is an instruction in some cases that the tab be deleted?

Mr. TOUMANOFF. There is no instruction that the tab be deleted in such cases as would go to the board of examiners.

Mr. COHN. In other words, the only instance where the tab might be deleted is on a question of promotion, not a question of original appointment?

Mr. TOUMANOFF. The only case under which such a tab would be deleted would be in the preparation of a Foreign Service officer's folder, confidential folder, for review by the selection boards.

Mr. COHN. Now, why should it be deleted in that case?

Mr. TOUMANOFF. Because, as I said earlier, the job of the selection boards is to review the man's performance of his job, rather than his security or loyalty or any such like

Mr. CHAIRMAN. Mr. Toumanoff, I do not understand you.

Mr. Ryan, I understand from what has been said here before, would remove material having to do with homosexuality. He would put a flag on there saying, "See me before any action taken on this case."

Is it your position that the promotion board should not know that this man is a queer, that they should be allowed to go ahead and promote him, even though he is a homo, hoping that you might catch his homosexuality in some later check by some other department? Is that your testimony?

Mr. TOUMANOFF. No, sir. No, that isn't it.

The CHAIRMAN. Why did you, in your department, think that you should keep the homosexuality of an individual from the promotion board? On what possible theory would you want to hide the fact that this man was a homo?

Mr. TOUMANOFF. I don't know as it is a matter of hiding the fact, and I don't know as I am qualified to answer that because this decision wasn't made by me. But I can answer the idea, Senator.

The CHAIRMAN. Well, let me ask you this. See if I am correct. It is correct, is it not, that if there was a flag on the file, and that flag indicated that Ryan had information on the homosexuality of the man up for promotion, your department decided that you would remove that flag, so that the promotion board—when I refer to a promotion board, I also have in mind the selection board and the promotion panel, call it what you may—would not know that this man was a queer? Why should they not know it?

Mr. TOUMANOFF. Senator, I think I have got to go back quite a bit and explain this thing.

The CHAIRMAN. All right. First, let me ask you this question. Was it the intention of your unit—

Mr. TOUMANOFF. You mean my section?

The CHAIRMAN. Your section—to deny the promotion panel, the selection board, the information that a man up for promotion was a homosexual? Was that your intention?

Mr. TOUMANOFF. It wasn't even our intention.

The CHAIRMAN. Was that the end result of your action over there, then?

Mr. TOUMANOFF. I can't even be sure of that, because I don't know that when Mr. Ryan removed such material it dealt with homosexuality.

The CHAIRMAN. Well, were you not ever curious to know what kind of material he removed, when you were saying, "We will take the flag off"?

Mr. TOUMANOFF. I was told that when Mr. Ryan did remove such material, it was loyalty-security material, either loyalty or security material.

The CHAIRMAN. Have you ever been told that he removed material having to do with homosexuality?

Mr. TOUMANOFF. Well, as that is a security problem, I assume that that would have been included.

The CHAIRMAN. Have you ever been informed that Ryan removed material on homosexuality?

Mr. TOUMANOFF. I don't recall that anyone specifically informed me that it was homosexuality material that was removed.

The CHAIRMAN. Is it your opinion now, or have you been under the impression, that that is some of the material he removed, material on homosexuality?

Mr. TOUMANOFF. From what I have heard today, I think so.

The CHAIRMAN. Is this the first inkling you have had that Ryan was removing material concerning the homosexuality of these individuals?

Mr. TOUMANOFF. No, sir, it is not the first inkling. I assumed that when Ryan removed either loyalty or security materials from such files, it would obviously include homosexuality.

The CHAIRMAN. All right. Then we get back to where we were. In view of that, then when you and the others in your section decided to remove the tabs, you in effect decided to deny the board the knowledge of the homosexuality of the men they were promoting?

Mr. TOUMANOFF. Sir, it wasn't our decision.

The CHAIRMAN. All right. Let me ask you this. At this time, no matter whose decision it was, do you think it was a wise decision?

Mr. TOUMANOFF. To remove——

The CHAIRMAN. To deny the promotion board——

Mr. TOUMANOFF. The knowledge that a man is a homosexual?

The CHAIRMAN. Yes.

Mr. TOUMANOFF. I think it is probably a pretty good idea, yes.

The CHAIRMAN. Okay.

Mr. TOUMANOFF. Now, may I make a statement at this stage of the game?

The CHAIRMAN. Certainly. Any statement you wish.

Mr. TOUMANOFF. The implication, or the foregoing testimony might be interpreted to mean that the system of promotions set up by the State Department is such that if a man were homosexual it would in no way jeopardize his chances of promotion. That is not a proper understanding of the system of promotions in the Department of State, set up for the Foreign Service officers, or for that matter for any others; because the security aspect, into which is included the problem of homosexuality, is dealt with at another level, at a different level, in the promotion process, that is different from the selection boards——

The CHAIRMAN. Let me interrupt you, Mr. Toumanoff. If Mr. Ryan removed material showing that one of the men up for promotion was a homosexual, you have no way of knowing whether security had a copy of that information, have you?

Mr. TOUMANOFF. Myself?

The CHAIRMAN. Yes.

Mr. TOUMANOFF. When you say "knowing"—I know that the system is set up in the Department of State in such a way that such material would be available in the security division, yes. I can't say that there hasn't been an error made in some specific instance, but the system is such that the security division would have available and would be aware of any homosexual information that was available on any Foreign Service employee, or State Department employee.

The CHAIRMAN. I think you had something you wanted to develop, Mr. Surine?

Mr. TOUMANOFF. May I finish the statement?

Mr. SURINE. Go right ahead.

Mr. TOUMANOFF. Let me finish it while I have got it.

Mr. SURINE. Yes, go ahead.

Mr. TOUMANOFF. Because the homosexual and other security and loyalty considerations in a man's promotion are handled at a different level and are taken into account at a different level in the promotion system, the selection board's function is limited to the evaluation of merit of performance.

Mr. SURINE. All right. Does that conclude it?

Mr. TOUMANOFF. Yes.

Mr. SURINE. Now, you are acting chief of this performance group at the present time?

Mr. TOUMANOFF. I should even qualify that and say I am detailed to that position.

Mr. SURINE. Well, you have some position of authority there. Is that right?

Mr. TOUMANOFF. Yes, sir.

Mr. SURINE. Now, first in that connection, do you have authority to choose the panel on your Foreign Service officers?

Mr. TOUMANOFF. No.

Mr. SURINE. How is the panel prepared, as to the identity of the panel members?

Mr. TOUMANOFF. Our section doesn't actually determine the identity of the members of the panel. We recommend them.

Mr. SURINE. All right. You recommend them. Do you handle that yourself, personally, in connection with your work?

Mr. TOUMANOFF. I don't handle it exclusively, but I do handle part.

Mr. SURINE. You do handle part?

Mr. TOUMANOFF. Yes, sir.

Mr. SURINE. What part do you play in it?

Mr. TOUMANOFF. If I explained to you the process, and then pointed out that I may handle any part of it, will that be an adequate answer?

Mr. SURINE. I would like to have you give a simple answer, to this extent: Do you or do you not have authority to influence the selection of the panel, or recommend, we will say, the selection of the panel?

Mr. TOUMANOFF. I have authority to recommend members, officers, for the selection boards, yes, sir.

Mr. SURINE. Now I would like to go back a little further, in connection with your personal background.

When did you arrive in The United States?

Mr. TOUMANOFF. I was, I guess, four months old; in September, I think it was, of 1923.

Mr. SURINE. Are your parents living?

Mr. TOUMANOFF. No, sir, both my parents are dead.

Mr. SURINE. Both are dead. And you stated that the reason you didn't see service was because you were 4-F?

Mr. TOUMANOFF. That is right.

Mr. SURINE. What was the reason for the 4-F classification?

Mr. TOUMANOFF. An asthmatic.

Mr. SURINE. While you were in recruitment, you had access to what? Summaries of FBI files, security files, on these individuals?

Mr. TOUMANOFF. On applicants?

Mr. SURINE. Anybody.

Mr. TOUMANOFF. Yes. Well, I had sent to me security and FBI reports on applicants.

Mr. SURINE. Is that the original report?

Mr. TOUMANOFF. I think so, yes.

Mr. SURINE. You would get those FBI reports. They were a thorough investigation, I would assume, of that individual, what they found by investigation or what is in their files. When you were in recruitment and received your FBI files or your FBI report on the thing, on those matters, did you have available to you what organizations had been cited? Or how did you reach a decision?

It was your decision, then, whether to hire the man? Is that it? In recruitment?

Mr. TOUMANOFF. It was my decision whether I should recommend him for hiring.

Mr. SURINE. Whom would you recommend him for hiring to?

Mr. TOUMANOFF. My immediate superiors in the recruitment branch. Their recommendation would then have to be approved.

Mr. SURINE. In other words, when you were working in recruitment, you received the complete original FBI investigation, the report on the individual. And you studied that report?

Mr. TOUMANOFF. That is right.

Mr. SURINE. And then you made the decision to recommend him to some superior to be hired. Is that right?

Mr. TOUMANOFF. That is right, sir.

The CHAIRMAN. Incidentally, Mr. Toumanoff, I know sitting here answering questions for hours is a tiring thing, so in case you get tired and want to take a rest until tomorrow morning, just shout.

Mr. TOUMANOFF. No. I am sure I can stick it out.

Mr. SURINE. You have testified, Mr. Toumanoff, that in your unit you hold back certain information from the files and put it into a confidential file in your unit itself. Is that right?

Mr. TOUMANOFF. That I hold back information?

Mr. SURINE. Let us rephrase the question.

There is some information that you, on your own decision, in your unit, do not put in the file but put in your own confidential files, in your performance unit?

Mr. TOUMANOFF. No, sir, I do not. Not on my own decision.

Mr. SURINE. Well, we will put it this way. Someone in your unit, then, places certain documents or files in your confidential file. You say you don't have any part of that.

Mr. TOUMANOFF. Well, I have part of it. I can recommend it to my boss.

Mr. SURINE. All right. You recommend to your boss. Do you have in your possession, inasmuch as you are acting chief, any written authority to do that? And if so, from whom?

Mr. TOUMANOFF. As I recall, in the form of a memorandum from the chief of the division of Foreign Service personnel.

The CHAIRMAN. Will you bring that memorandum down tomorrow morning?

Mr. TOUMANOFF. Senator, it may be related to a specific case, and I am not authorized to bring such data down.

The CHAIRMAN. You will be ordered to bring down any written authority you have for removing material from the file before it goes to the selection board or promotion panel and I assume before you comply with that order, you will want to consult with your superiors, but I may say, and I am speaking now only for myself, and I could be voted down by the committee, you understand, that I will not recognize as an excuse for failure to supply information, any order from a superior officer. There is certain information that the Congress is entitled to. If there is an order providing that you withhold information from a file, withhold information from the promotion board, the promotion panel, I think the Congress is entitled to know who signed that order, when it was signed, the reason for its being signed. Therefore, you will be ordered to produce it.

Understand, we will give you plenty of time to discuss it with your superiors, but the order stands as of now, and if that is not complied with, as I say, I will recommend to the committee that we not take as an excuse the fact that someone above you has told you not to produce it.

Mr. TOUMANOFF. Senator, if I am mistaken, and no such document exists, then what happens?

The CHAIRMAN. Then just tell us you were mistaken.

Mr. SURINE. You are acting chief of the unit, Mr. Toumanoff. You are in the process of carrying out your duties. Is it your story that you merely believe there is written authority?

Mr. TOUMANOFF. I am not sure what kind of authority, actually—

The CHAIRMAN. Why do you not have him make a search tonight?

Mr. TOUMANOFF. Would you again repeat the definition?

The CHAIRMAN. What counsel wants to know is by what authority you removed material from the file and put it in the confidential file—in other words, keeping it from the panel?

Mr. TOUMANOFF. Oh, sir, then I have no such authority—well, let me put it this way. The removal of material from files is governed by this special—I forget what it is called, but it is a special panel composed of the chief of the division of Foreign Service personnel, the director general of the Foreign Service, and the director of officer personnel.

The CHAIRMAN. Who is the chief now?

Mr. TOUMANOFF. Mr. Robert Woodward.

The CHAIRMAN. Woodyear, is it not?

Mr. TOUMANOFF. Woodward. W-o-o-d-w-a-r-d. Woodyear is the chief of the branch I work in.

The CHAIRMAN. Pardon me. Go ahead. The next one?

Mr. TOUMANOFF. Mr. Montague.

The CHAIRMAN. Montague. What is his title?

Mr. TOUMANOFF. Director, office of personnel.

The CHAIRMAN. And the third one?

Mr. TOUMANOFF. Mr. Drew.

The CHAIRMAN. And you say that those three men have given your section the right to remove material?

Mr. TOUMANOFF. No, sir. We don't have the authority to remove material from files once it is there.

The CHAIRMAN. Unless I misunderstand you, I thought you said that you had removed material and put it in a confidential file and did not let the promotion panel see it.

Mr. TOUMANOFF. I haven't ever. It has been done in the branch, at the direction, if I recall correctly, of this panel. Now, it may be that Mr. Woodward or one of the panel members, this panel that I have just outlined to you, either did it himself or caused it to be done in his office, and then sent it to our branch for storage.

The CHAIRMAN. In other words, your story is now that whenever any material was removed from the files and placed in this confidential file you are talking about, that was done upon express instructions of the panel composed of Mr. Woodward, Mr. Montague, and Mr. Drew?

Mr. TOUMANOFF. I have got to get this right, too.

That is right, to my knowledge.

The CHAIRMAN. I want you to go back tonight and refresh your recollection.

Mr. TOUMANOFF. I was going to say, with one possible exception. That is that if that efficiency report, which I sent back to the field, had actually gotten into the file, then there is an exception, and the reason for that exception is that the branch is charged with efficiency reports.

The CHAIRMAN. Don, did you have some other high points you wanted to cover?

Mr. SURINE. No.

The CHAIRMAN. There is just one specific case I wanted to ask you about, having to do with promotions.

There was a man over in Germany, I believe. What was his name again, Don?

Mr. SURINE. Wolfe.

Mr. TOUMANOFF. Senator, may I correct one of my former statements?

The CHAIRMAN. Certainly.

Mr. TOUMANOFF. In saying, "To my knowledge," in response to your last question, what I should say is "to my recollection."

The CHAIRMAN. You mean "to the best of my recollection?"

Mr. TOUMANOFF. Yes.

The CHAIRMAN. As I understand, Cecil Lyon recommended you for your job as recruitment officer. Is that right?

Mr. TOUMANOFF. I guess he did, yes.

Mr. SURINE. How well do you know him?

Mr. TOUMANOFF. I know him quite well at this point.

The CHAIRMAN. Did you know him quite well when he recommended you?

Mr. TOUMANOFF. I think that is a fair statement, yes, sir.

The CHAIRMAN. And he helped you make out your application, did he not?

Mr. TOUMANOFF. No, I don't think so. I don't recall it.

The CHAIRMAN. Well, you would remember that if he had, would you not?

Mr. TOUMANOFF. Yes, I think.

The CHAIRMAN. Just before we leave the Lyon case, you say you know him rather well, now. When did you first get to know him?

Mr. TOUMANOFF. It was when I was quite young, I guess about, oh, ten or twelve, I imagine.

The CHAIRMAN. So you have known him for a long time?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. Was it David Snyder who helped you make out your application? Or did you have anyone help you make it out?

Mr. TOUMANOFF. Well, I probably asked a couple or several people on the best way to make out an application, on what I should put into it, what I should emphasize. And for all I know, I may have discussed it with Mr. Lyon, but I do not recall it. I met David Schneider before I worked for the department, on one occasion, and I may have discussed the fact that I had an application in with him at that time.

The CHAIRMAN. But you do not recall Lyon's ever having helped you make out the application?

Mr. TOUMANOFF. No, sir.

The CHAIRMAN. Do you recall whether he wrote any letters in your behalf that would help you get the employment?

Mr. TOUMANOFF. I wouldn't be surprised. I think I may have listed him as a reference, in which case I guess they probably would have contacted him.

The CHAIRMAN. Does the name, "Wolfe," ring a bell? W-o-l-f-e?

Mr. TOUMANOFF. Yes, there are a couple of Wolfes, one I know, a couple of others that I know about. Which Wolfe is this, sir?

The CHAIRMAN. Do you know a number of them in the State Department?

Mr. TOUMANOFF. No, I only know personally one, and I think he spells his name W-o-l-f-e.

The CHAIRMAN. So you really only know one Wolfe?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. And how well do you know him?

Mr. TOUMANOFF. He is the administrative officer in the division of Foreign Service personnel.

The CHAIRMAN. Did you have anything to do with his getting his job?

Mr. TOUMANOFF. No.

The CHAIRMAN. Anything to do with his retaining his job?

Mr. TOUMANOFF. No.

The CHAIRMAN. Are you sure of that?

Mr. TOUMANOFF. Well, only to the extent that I have occasion to deal with him and have not ever submitted a complaint particularly. This is Barry Wolfe?

The CHAIRMAN. Well, you only know one Wolfe in the State Department? Right?

Mr. TOUMANOFF. Well, I know about a fellow by the name of Glenn Wolfe. As far as I recall, he is administrative officer in Germany.

The CHAIRMAN. I frankly do not know the first name of this Wolfe that I am talking about. Let us go to Glenn Wolfe, then, first. Now, you say he was administrative officer in Germany, was he?

Mr. TOUMANOFF. I think he still is.

The CHAIRMAN. Do you know if he was ever recommended for dismissal?

Mr. TOUMANOFF. No, I don't.

The CHAIRMAN. You are sure of that?

Mr. TOUMANOFF. Yes.

The CHAIRMAN. Did you ever see his efficiency report?

Mr. TOUMANOFF. I can't be positive, Senator, because I reviewed hundreds of them.

The CHAIRMAN. Now, when you would review an efficiency report, was it your function to evaluate it, that is, to agree or disagree with what was in the report?

Mr. TOUMANOFF. No, sir. My function was to make sure that the regulations, the instructions, on how to fill out an efficiency report, had been completed and complied with, and that there was no, or that I could quickly catch, contradictory material which required further clarification.

The CHAIRMAN. Do you recall that you ever reviewed his efficiency report, and that the efficiency report was to the effect that he was incompetent and an undesirable employee?

Mr. TOUMANOFF. This is Glenn Wolfe?

The CHAIRMAN. Yes.

Mr. TOUMANOFF. I don't recall ever having done such, Senator.

The CHAIRMAN. Do you recall ever having seen the efficiency report of any man by the name of Wolfe in the State Department, an efficiency report to the effect that he was incompetent and an undesirable employee?

Mr. TOUMANOFF. I don't recall having seen one, sir.

The CHAIRMAN. Would you say that you ever saw reports such as that on Wolfe and wrote across the face of it, "I don't agree?"

Mr. TOUMANOFF. On an efficiency report?

The CHAIRMAN. Yes.

Mr. TOUMANOFF. No, sir. I don't recall ever having done that.

The CHAIRMAN. On any kind of a report, showing that a man was incompetent and undesirable?

Mr. TOUMANOFF. Do I recall ever having written across the face of an efficiency report—?

The CHAIRMAN. Across the face or the back or any place.

Mr. TOUMANOFF. Or written on an efficiency report, "I don't agree?" No, sir, I don't recall ever having done so.

The CHAIRMAN. Well, do you recall anything about Wolfe having been recommended for dismissal, and that you disagreed with that recommendation, and that he was then kept on by Mr. Ryan?

Mr. TOUMANOFF. No, I don't recall any such instance, any such circumstance.

The CHAIRMAN. In other words, can you say at this time positively that you did not take part in the retention of Mr. Wolfe after he had been recommended for dismissal?

Mr. TOUMANOFF. No, sir, I can't.

The CHAIRMAN. You could not say positively?

Mr. TOUMANOFF. No. I review, as I say, hundreds of efficiency reports, and those that I review are initialed, and I may have reviewed his.

The CHAIRMAN. Do you recall that Wolfe ever recommended you for an increase in salary, or a promotion? Any man by the name of Wolfe?

Mr. TOUMANOFF. Yes. Now we are talking about Harry Wolfe, administrative officer in FP.

The CHAIRMAN. I see.

Mr. TOUMANOFF. And let me explain this. My supervisor, Mr. Woodyear, recommended me for promotion, recommended me for transfer, I guess, to the Civil Service, and that recommendation, as I understand the processing, would have had to go through the administrative officer, Mr. Wolfe.

The CHAIRMAN. In other words, in the normal chain of command it would go through Mr. Wolfe?

Mr. TOUMANOFF. Yes, Mr. Wolfe would have to second that recommendation.

The CHAIRMAN. He would either have to second it or——

Mr. TOUMANOFF. Or object to it, I guess.

The CHAIRMAN. Or object to it. And yours is just the usual story of chain of command. It went through Mr. Wolfe, and he reviewed it. Did this Mr. Wolfe, this Mr. Harry Wolfe, ever work in Germany, as far as you know?

Mr. TOUMANOFF. I think he did.

The CHAIRMAN. Do you know whether he was the administrative officer in Germany at one time?

Mr. TOUMANOFF. I am not positive, but I think he worked in the administrative field in Germany.

The CHAIRMAN. Now, at this time, you say you do not recall ever having seen any derogatory efficiency reports on him? You do not recall ever having taken any part in retaining him after he was recommended for dismissal?

Mr. TOUMANOFF. No, I don't recall ever having done so, Senator.

The CHAIRMAN. You do not recall any action on your part of any kind to assist Wolfe in keeping his job?

Mr. TOUMANOFF. Do you have any date or anything else? I assume that you must have some indication that I did such, or you wouldn't be asking me, and frankly I don't recall it. Could you help me remember it?

The CHAIRMAN. Well, I will tell you what.

I would suggest that you go back to your home or wherever you are going tonight and just think this over, and I am inclined to think that before morning, you will remember all of the facts about the case, because if you had nothing to do with it, you will certainly remember that, and if you did take a part in getting Wolfe retained when he was recommended for dismissal, I assume you will remember that.

Mr. TOUMANOFF. Yes.

The CHAIRMAN. Incidentally, do you know Jack Service?

Mr. TOUMANOFF. No, sir, I don't.

The CHAIRMAN. Mr. Toumanoff, there is one other question that it has been suggested that I ask all the witnesses who appear in government. And you understand this is no reflection upon you. The mere fact that we ask this question is no reflection on you. I do not know you, never met you before today so that I know very little about you. For that reason, I emphasize that the mere asking of this question does not indicate that we feel the answer should be "yes" or anything of the kind. But the question is: Are you now or have you ever been a member of the Communist party?

Mr. TOUMANOFF. No, sir.

The CHAIRMAN. Question number two. Are you now a member or have you ever belonged to any organization which the attorney general has put on the subversive list?

Mr. TOUMANOFF. I haven't seen the very latest list, sir, but to my knowledge I have not.

The CHAIRMAN. Could you give us the names of the organizations to which you have belonged? First, the ones to which you belong at this time. That you should have no trouble in remembering.

Mr. TOUMANOFF. I don't belong to any at this time, as far as I know. And the organizations that I have belonged to were—there was a psychology club at Harvard University. There was an honorary psychology club called, I think, Psi Chi, at the University of Chicago.

The CHAIRMAN. I understand you graduated cum laude.

Mr. TOUMANOFF. From Harvard.

The CHAIRMAN. Congratulations.

Mr. TOUMANOFF. And as far as I can recall, that is all.

The CHAIRMAN. So that, to the best of your knowledge, you have never belonged to any organization that has been declared subversive by the attorney general?

Mr. TOUMANOFF. That is right, sir.

The CHAIRMAN. But your answer is that you have not examined the latest list, so that you are not in a position to swear positively one way or the other; but to the best of your knowledge you never did belong to such an organization?

Mr. TOUMANOFF. I think I can say I have never belonged to such an organization.

[Whereupon, at 6:00 p.m., the hearing was recessed to the call of the chair.]

FILE DESTRUCTION IN DEPARTMENT OF STATE

[EDITOR'S NOTE.—Neither Robert J. Ryan nor Mansfield Hunt (1917–1993) testified in public session.]

THURSDAY, JANUARY 29, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 2:00 p.m., in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator John L. McClellan, Democrat, Arkansas; Senator Stuart Symington, Democrat, Missouri.

Present also: Francis Flanagan, general counsel; Roy Cohn, chief counsel; Donald Surine, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The hearing will be in order.

Mr. Ryan, do you solemnly swear that the information you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RYAN. I do.

TESTIMONY OF ROBERT J. RYAN, ASSISTANT CHIEF, DIVISION OF FOREIGN SERVICE PERSONNEL, DEPARTMENT OF STATE

Mr. SURINE. Mr. Ryan, for the record, would you give your full name and position in the State Department?

Mr. RYAN. Robert J. Ryan, assistant chief, Division of Foreign Service Personnel.

Mr. SURINE. And very briefly, could you review your career in the State Department, the positions you have held, and the connection that those positions had with various files?

Mr. RYAN. I came into the department in 1937. I had taken a Civil Service examination as a clerk, and I worked in the division of communications and records, and the passport division, and then in the division of departmental personnel, and the division of Foreign Service personnel.

Mr. SURINE. Now, first, the other day Mrs. Helen Balog was asked to come up here and in connection with that matter what conversation did you have with Mr. Humelsine, and what instructions did he give you?

Mr. RYAN. Mrs. Balog came to my office to state that she had received a call from some committee in the Senate, an individual she didn't know asking her to appear within the next half or three quarters of an hour. She had no information at all, and I said before you proceed, let me check with Mr. Humelsine's office to see if he knows anything about it.

I called Mr. Humelsine's office, and he said that he knew nothing about it, but to wait a few minutes until he made a few checks and he would call me back.

Mr. SURINE. That was Mr. Humelsine you were talking to?

Mr. RYAN. That is right.

Mr. SURINE. Go ahead.

Mr. RYAN. Mr. Humelsine called me back I guess within a half or three quarters of an hour and said Mrs. Balog should proceed to the Hill, that he had verified that it was the [Government] Operations Committee of the Senate that wanted to talk to her, and that she should be instructed to answer any of the committee's questions. In appearing before the committee she should bear in mind President Truman's letter of April 1952 to the Secretary of State, as I recall it, in connection with loyalty and security files and information

Mr. SURINE. And isn't it true that he instructed you to hand her a copy of that directive?

Mr. RYAN. I would not want to say that he instructed me to hand her a copy of the directive. He may well have, but as a result of my conversation with Mr. Humelsine, I did hand her a copy of the directive, but I would not want to say Mr. Humelsine told me to hand it to her. He may have told me to be sure she was familiar with the provisions of that letter, and since the time was short, she was on her way up to the Hill, I handed her a copy of the letter.

Mr. SURINE. In other words, that action was not on your own volition, but apparently emanated from conversations which you had with Mr. Humelsine?

Mr. RYAN. That is right.

Mr. SURINE. Now, there have been over the period of the last recent years certain statements made about the intactness of—

The CHAIRMAN. Just ask the questions and do not recite the history.

Mr. SURINE. During the course of the time that you have been in the State Department, have any official inquiries come down to you or to your attention checking with you as to whether or not the files are intact?

Mr. RYAN. Not to my knowledge.

Mr. SURINE. And that would include the tenure of time of Mr. Peurifoy and Mr. Humelsine?

Mr. RYAN. Yes.

Mr. SURINE. To your knowledge such inquiries coming down would normally have come to your attention directly or indirectly, would they not?

Mr. RYAN. I would think that perhaps they should have.

Mr. SURINE. And to your knowledge there have not been?

Mr. RYAN. No.

The CHAIRMAN. I do not have the complete picture of what Mr. Ryan's job is. What is your job over there, Mr. Ryan?

Mr. RYAN. Senator, I am assistant chief of the division of Foreign Service personnel. That division has responsibility for the placement, transfer, assignment, and promotion of personnel in the Foreign Service classification of jobs and so forth.

The CHAIRMAN. Only Foreign Service personnel?

Mr. RYAN. That is right.

The CHAIRMAN. That is both the Foreign Service officers and the staff members?

Mr. RYAN. That is correct.

The CHAIRMAN. And then you would have technically charge of all of the files of the Foreign Service personnel?

Mr. RYAN. The Foreign Service personnel files are maintained in the Foreign Service personnel division and they are not under my immediate supervision and maintenance.

The CHAIRMAN. I understand that. You cannot be physically in charge.

Mr. RYAN. I can't be putting the papers in the file, Senator.

The CHAIRMAN. Roughly how many people are in your division? In other words, how many men do you have?

Mr. RYAN. One hundred thirty-four.

The CHAIRMAN. Now, do I understand that the security files, however, on Foreign Service personnel are not under your jurisdiction?

Mr. RYAN. That is right.

The CHAIRMAN. Pardon me. I just wanted to get that straight.

One other question. Do you review the promotions or demotions that are made?

Mr. RYAN. No, that is done by a panel system, except in the instance of possibly temporary promotions.

The CHAIRMAN. Let us say the panel recommends John Jones for promotion; do you have the power to veto that promotion?

Mr. RYAN. I do not.

The CHAIRMAN. You do not?

Mr. RYAN. No.

The CHAIRMAN. Who, if anyone, could veto that promotion?

Mr. RYAN. I would think it would be the deputy under secretary for administration, or the secretary.

The CHAIRMAN. The under secretary for administration is Mr. Humelsine?

Mr. RYAN. Yes.

The CHAIRMAN. And after a man—

Mr. RYAN. I should add also I assume the board of Foreign Service, which after all takes the recommendations of the promotion boards and gives final effect to them by approving it at a board meeting, so that I think it is correct to say that it is probably the board of Foreign Service.

The CHAIRMAN. Pardon me for going into all of the detail, because some of the witnesses have not had the picture too clearly in mind as to the administrative setup. There is the board of examiners, is that right?

Mr. RYAN. That is correct, sir.

The CHAIRMAN. And that group is only concerned with the question of whether a certain applicant gets a job or not?

Mr. RYAN. That is correct.

The CHAIRMAN. And after an applicant is hired, then it is the selection board, in the case of officers, or the promotion panel in the case of staff, that handles the promotion?

Mr. RYAN. That is right, with the exception of temporary promotions.

The CHAIRMAN. Now, then, there is also a board that determines placement, I assume, where John Jones or Pete Smith are placed, whether they are in the China theater or the European theater?

Mr. RYAN. That is right.

The CHAIRMAN. That is all under your technical jurisdiction?

Mr. RYAN. That is a part of the division of Foreign Service personnel.

The CHAIRMAN. What do you call those?

Mr. RYAN. Those we call panel A and panel B.

The CHAIRMAN. Both of those are placement panels?

Mr. RYAN. That is right.

The CHAIRMAN. Is one for officers and one for the staff, or what is the difference between panel A and panel B?

Mr. RYAN. Panel A handles the more senior officers and panel B handles the junior officers.

The CHAIRMAN. And then you have panel C and D, too, do you not?

Mr. RYAN. I don't know about that, Senator. We have two panels operating, A, and B. Panel A works on the placement recommendations for officers, FSO 5, Foreign Service officer class 5, or Foreign Service class 5, and the placement panel B handles officers FSS-6 to FSS-10 or 11. Does that clear it up? I don't understand where the four panel operation came in.

The CHAIRMAN. One of the witnesses recited that there is an overall panel of about twenty people and that that is broken up into panel A, panel B, panel C and panel D.

Mr. RYAN. I don't know about the C and D, Senator. I just outlined the A and B, that is correct. That panel I might add is made up of the various area personnel officers that are concerned with placements across the Foreign Service.

The CHAIRMAN. Now, as I understand it, your immediate office for some time was doing the job of taking certain material from the files under Balog's jurisdiction and making either a confidential or semi-confidential file of a certain material.

Mr. RYAN. Well, what my office has done is that in certain instances we have called for the files that are in Mrs. Balog's office, and have had them pulled and placed in my office.

The CHAIRMAN. Am I correct in this, that where there is material which you think should not be open to the scrutiny of all of the people who have access to those files, such as for homosexuality, and such-like, did you remove that from the file and put a tab on the file indicating something had been removed, saying "See me," or something like that, before action is taken in this case?

Mr. RYAN. If the information was information from the security files, or that belonged in the security files, it was sent to the division of security for filing. In those instances where there are investigations under way, allegations had been made, that is the purpose of the file in my office, and it is in those instances where I

have the files that the flags are placed in the file. It is to check with me.

The CHAIRMAN. The picture we got from some of the other witnesses was that your office called for certain files from Mrs. Balog's files, and then they would be removed from the file, material which you felt should not be in that general file open to scrutiny by anyone in the Foreign Service division, but then in order to make sure that it was known that you had some material that you would put a tab on the file or a notation on it saying "See me in this case before action is taken," which was an indication to anyone up or down the line that there was other material which you would call to their attention if they wanted to see it.

Mr. RYAN. Well, the files I would have are the files that I get from Mrs. Balog's office. The information that I might get that is not in the file, I would get from the division of security.

The CHAIRMAN. Well, did you ever take material out of the files from Mrs. Balog's office, and set that up in a file in your office and return the balance of the file to Mrs. Balog's office, with a tab or a notation on it?

Mr. RYAN. Not to my knowledge, Senator.

The CHAIRMAN. Do you not know anything about these tabs, allegedly that were put on?

Mr. RYAN. Perhaps, "Before taking any personnel action, please check with the assistant chief of the division of Foreign Service personnel."

The CHAIRMAN. Who would that be?

Mr. RYAN. That is me.

The CHAIRMAN. That was on there. It was put on there for what purpose?

Mr. RYAN. For the purpose of assuring that before any personnel action is taken, we check with the division of security to ascertain whether or not they have information which would indicate that a certain action should or should not be taken.

The CHAIRMAN. In other words, when you put that notation on a file, that meant that you had some information in regard to the individual which was not in that particular file?

Mr. RYAN. That is right, that there had been certain allegations, or information had reached us concerning an individual that warranted some special consideration.

The CHAIRMAN. Let me just jump back to a subject which I had not completed for the time being. On the question of these boards, so we once and for all have them straight, the board of examiners does not concern itself with personnel after they have once been hired?

Mr. RYAN. That is correct.

The CHAIRMAN. The promotion panel and the selection board do not concern themselves with placement; that is the job of the placement panel or panel A and B?

Mr. RYAN. That is right.

The CHAIRMAN. Now, let us say that John Jones is recommended for promotion by the selection board of the promotion panel. What would happen to his case? Would it come to you?

Mr. RYAN. No. They would submit their recommendations to the board of Foreign Service, through the chief of the division of Foreign Service personnel.

The CHAIRMAN. And they would either order the promotion or reject it, I assume?

Mr. RYAN. The board of Foreign Service, yes, sir.

The CHAIRMAN. Then I assume it would go to the secretary of state for his signature?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Now let me ask you this: During this system of promotions on up the line, let us take John Jones; he is promoted on up the line and he has a security check, of course, when he comes in, I assume, before the board of examiners. Let us put it this way: There is nothing to cause an additional security check each time he gets the promotion?

Mr. RYAN. No, sir.

The CHAIRMAN. So that security would not take any particular interest in a man being promoted unless for some reason or other they received information which would indicate he was a bad security risk, and then their action would be the same regardless of whether he was being promoted or demoted, so that as far as the promotion end of it is concerned, security was not concerned with that.

Mr. RYAN. That is right.

The CHAIRMAN. As far as you know, while security would be concerned at the time the board of examiners were going over a man's case, security would not be reviewing the promotions that are made by the selection board of the promotion panel.

Mr. RYAN. That is right.

The CHAIRMAN. Now, going back to the subject we were discussing before, this flagging, which sounds like a very good idea, this may be repetitions, but your purpose of flagging a file was so that before the man is promoted or before he is transferred to a different area, they would come over and check with you so that you could say, "There is information over in my office or information over in security" or something to that effect.

Mr. RYAN. There would be information in the security division.

The CHAIRMAN. Now, if someone either mistakenly or otherwise removed your flag from the file, that would be denying the promotion board information which they should otherwise have?

Mr. RYAN. Well, the information on these cases, Senator, of course is in the form of allegations, that the security division is in the process of investigating. The promotion boards should not take into account allegations which have not been proved. They should not have available to them this information because it might prejudice the man. An individual might write in and you might have an anonymous letter or someone might write in and make some serious allegations against an individual, and the department does not know whether they are true or not, until they investigate them. The practice has been not to make that information available to the promotion boards but to assure that before any final action is taken on promotions, in those cases, where there might be some allegations, that the matter is appropriately reviewed by the chief of the

division of Foreign Service personnel and the under secretary or the board of Foreign Service.

The CHAIRMAN. And I assume some of that material would have to do with homosexuality?

Mr. RYAN. Conceivably it could, yes.

The CHAIRMAN. So that the purpose of the flag was to say to the promotion board, in effect, "Gentlemen, contact Mr. Ryan and he will let you know whether this flag should have been removed or the stuff has been disproved, or whether it has been in the meantime proven that a man is a homosexual or a bad security risk?"

Mr. RYAN. The purpose of the flag is to tell our people in the division of Foreign Service personnel that, "Before you take personnel action on Joe Doaks, where there is this flag in the file, check with Ryan."

The CHAIRMAN. If that flag were removed without authorization, your department would be working somewhat in the dark, would they not?

Mr. RYAN. What do you mean?

The CHAIRMAN. Well, let us say John Jones' file comes to you, and you find he is accused of being a bad security risk, homosexual, embezzled money, or something along that line. You feel it has not been sufficiently proven, so you flag the file. You say, "See Ryan before any action is taken." Then, we will say, I am in your department, and I just tear off that flag, and he comes up for promotion. They do not know that you have material on him, and they proceed to act upon his promotion without contacting you to get the information which you have. Assume in the meantime that your proof has been developed so that you know the man is a bad security risk, or you know he is a homo or inefficient or a psycho, or you know he has embezzled money, or something like that. If the flag has been torn off by myself who was over in your department, it means that I have denied the promotion board the knowledge which you intended they should have, is that correct?

Mr. RYAN. No, Senator, I don't think it is quite correct. Before any final action is taken on a promotion of an individual, there is a double check made with the division of security, sort of a last-minute check.

The CHAIRMAN. You just got through telling me that security was not concerned with promotions, and you said they were concerned when the board of examiners was working but not the promotion panel.

Mr. RYAN. They are not concerned in terms, Senator, of being in a position where they do anything about the promotion, other than to call to the attention of the chief of the division or the deputy under secretary that in a given case there is certain information in their files which should be reviewed.

The CHAIRMAN. Why the flag, then, if they are going to check that anyway?

Mr. RYAN. The flag is to save time in our own division and to make sure that the information that is concerning individuals under investigation comes through one central spot.

The CHAIRMAN. Would you be surprised to learn that in your division, while you were putting the flags on, that someone else had been tearing the flags off?

Mr. RYAN. They may have taken the flags out temporarily, if the case was going to the promotion boards. If the supplemental file that the boards review in determining who should or should not get promoted was going to the boards, and a case was under investigation and hadn't reached a point where the department could take any action one way or the other, that flag would temporarily be removed while the file was with the promotion boards.

The CHAIRMAN. Why should not the board be able to contact you and find out about the information? Do you think they are incompetent to judge it as well as you? Why do you set yourself or someone else up as a supreme court to determine what information the promotion board can get?

Mr. RYAN. Well, the promotion boards base their recommendations on the information which is in the personnel file, regarding the man's efficiency and so forth in the Foreign Service, and the department does not make available to the promotion boards allegations which have not been proved.

The CHAIRMAN. Well, who determines whether they have been proved or not?

Mr. RYAN. Well, basically it is the division of investigations; when they complete their investigations they would submit an appropriate report on it, and then a decision would be made on a given case.

The CHAIRMAN. Well, now, the testimony has been that your office has been removing materials from Mrs. Balog's files. Is that true or false?

Mr. RYAN. I have been taking the files that are in Mrs. Balog's office and putting them in my office.

The CHAIRMAN. And have you ever removed anything from those files and returned the balance of the file to her?

Mr. RYAN. I have taken material from the files and sent it to the division of security, where they are security files and they belong in the security division.

The CHAIRMAN. You have removed material from her files and sent it over to security?

Mr. RYAN. It is material that belonged in the division of security.

The CHAIRMAN. And in other cases, you took the entire file and kept it in your office?

Mr. RYAN. That is what I do.

The CHAIRMAN. What is the purpose of that?

Mr. RYAN. The purpose of it, as I explained, Senator, is to assure that before any of our people take any personnel action on a case, that they check with me.

The CHAIRMAN. You take the file, the entire file of John Jones, from Mrs. Balog, and you store it in your office; and you say that is so before action is taken they will check with you?

Mr. RYAN. Yes, because the file in Mrs. Balog's office is charged to me, so that if they want to move John Doe from London to Jidda, for example, they will check with me.

The CHAIRMAN. Why do you want them to check with you?

Mr. RYAN. To assure that we, in turn, check with the division of security and take into account any information that they may have developed since they sent us the so-called flag.

The CHAIRMAN. You do that only in cases where you have derogatory information?

Mr. RYAN. Where there have been allegations made against an employee of the Foreign Service.

The CHAIRMAN. When you remove material from Mrs. Balog's file, do you leave a note in the file showing that you removed the material?

Mr. RYAN. Well, there is a charge slip placed in Mrs. Balog's files indicating the file is charged to me.

The CHAIRMAN. That is when the whole file goes, but when you take a file and you decide something in that file should be over in security, and you take out one, two, three, five, ten sheets of paper, do you leave anything in the file indicating that you have removed this material?

Mr. RYAN. Those files are usually transmitted to the division of security, with a covering memorandum.

The CHAIRMAN. Do you leave anything in Mrs. Balog's file indicating that you have removed material from her file and transferred it to security?

Mr. RYAN. Well, if a covering memorandum was prepared, that would go into the file that would be in Mrs. Balog's office.

The CHAIRMAN. If a covering memorandum—and by “covering memorandum,” you mean a memo sent on to security?

Mr. RYAN. Yes, saying “There is herewith forwarded to you your files, or these files.”

The CHAIRMAN. You would put a copy of that in Mrs. Balog's file?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Did you do that in all cases?

Mr. RYAN. I don't believe that I did, sir.

The CHAIRMAN. In other words, your office would remove papers from Mrs. Balog's files, without her knowledge, and she would have no way of knowing that was removed unless she remembered what was in the file, is that right?

Mr. RYAN. I have taken material that belongs in the security division, which was in the personnel files, and have sent it to the division of security.

The CHAIRMAN. You have taken material which, in your opinion, belonged with the security division?

Mr. RYAN. It was security files.

The CHAIRMAN. Material which you thought should be in the security file and not in Mrs. Balog's file—

Mr. RYAN. That is right.

The CHAIRMAN [continuing]. You would remove from Mrs. Balog's file and send it over to the security division?

Mr. RYAN. Yes, sir.

The CHAIRMAN. And you took material on homosexuals out of Mrs. Balog's file and sent it over to the security division, is that right?

Mr. RYAN. If we had information of a homosexual activity in personnel files, it would go to the security division.

The CHAIRMAN. Do you remember whether you have or not? Have you taken out material on homosexuals from Mrs. Balog's files?

Mr. RYAN. If it belonged in the security division, it has gone to the security division.

The CHAIRMAN. Have you taken material on homosexuals from Mrs. Balog's files and sent it to the security division or did something else with them?

Mr. RYAN. I would say that I probably have.

The CHAIRMAN. Well, you "probably have." Do you remember that you have? You should remember that. It is rather an important thing. If you find a homosexual working in the State Department, I do not mean it is an unusual thing, but you should remember whether you have removed that material.

Mr. RYAN. I know, Senator.

The CHAIRMAN. Now, the question was: Do you recall that your department has removed from Mrs. Balog's files material indicating that certain Foreign Service personnel were homosexuals?

Mr. RYAN. And sending it to the division of security.

The CHAIRMAN. Well, first I said: Did you remove it from her files? Then we will explore what you did with it.

Mr. RYAN. Well, I repeat, I have taken material from the personnel files that belonged in the security division and sent it to the security division, and there were probably cases involving homosexuals that fell in that category.

The CHAIRMAN. You still have not answered my question. That is: Did you take material indicating a certain person was a homosexual, from Mrs. Balog's files?

Mr. RYAN. Only if it were an investigation, Senator.

The CHAIRMAN. I am going to keep asking until you answer it. Either you did or you did not take material from her files indicating that certain personnel were homosexuals.

Mr. RYAN. I have answered the question, Senator, to the best of my ability.

The CHAIRMAN. The question is: Did you ever take material from Mrs. Balog's files indicating that a man was a homosexual?

Mr. RYAN. I have taken information from Mrs. Balog's files, it could very well be concerning homosexuals, and sent them to the division of Foreign Service personnel. If you were to ask me to name a case, I just couldn't do it.

The CHAIRMAN. I am not asking you at this point to name a case. You say you may very well have, and the question is: Do you remember ever having taken material involving a homosexual from Mrs. Balog's files? Keep in mind you are under oath.

Mr. RYAN. I am aware of that, Senator, and that is why I am trying to give you the answers to the best of my ability.

The CHAIRMAN. All right, this is a very simple question, and the question is: Do you remember having taken material reflecting upon the homosexuality of an individual, from the files in Mrs. Balog's office?

Mr. RYAN. I believe that I have, and I have sent it to the division of security.

The CHAIRMAN. When you did that, you would put a flag on the file?

Mr. RYAN. Yes.

The CHAIRMAN. To indicate that there was something missing?

Mr. RYAN. That is right.

Mr. COHN. I want to ask you a few questions. I think you told the Senator that in the case of the board of examiners, when you placed a flag in the file indicating that "there was some security information that should be checked with me," that was a matter of concern to the board of examiners, isn't that right?

Mr. RYAN. No, because cases that go to the board of examiners are cases involving applicants, and I would not have those files until after the individual came on the rolls of the department. I don't have the applicant files.

Mr. COHN. We had sworn testimony in this room yesterday to the effect that in the case of applicant files, there were these flags placed in there saying, "Check with Mr. Ryan," and not in one but in many of them; that a standard procedure was instituted, to the effect that before a certification was sent forward—

Mr. RYAN. I think you are confusing the board of examiners and the promotion board.

Mr. COHN. Let us take the promotion board, then. You say here that this information was of no concern to the promotion board, is that right?

Mr. RYAN. That is right, at the time.

Mr. COHN. Whether there is a flag in there or not, whether there is a flag to check with you or not, that is something that is none of the business of the promotion board? They make an efficiency determination, and whether the person is a good security risk or not is determined by an independent check with security having no relation to the determination of the promotion board?

Mr. RYAN. That is right.

Mr. COHN. Is that accurate?

Mr. RYAN. Yes, sir.

Mr. COHN. Now, we had testimony in here yesterday to the effect that in a file where you had placed a flag, before a certification could be made to the promotion panel concerning the fact that the candidate was eligible for promotion, that the person making the certification must first check with your office and determine whether or not the flag should not be called to the particular attention of the promotion panel. What do you have to say about that?

Mr. RYAN. Well, it is a normal practice, these cases with the flags that go to the promotion boards, the flags are not in the file when they go to the promotion board. Now, what undoubtedly happened is that Mr. Woodyear's office, which does the secretariat service for the board, was preparing the files preparatory to the board's deliberations. They went to Mrs. Balog's office to pull the flag and to do their job, and they found that it was charged to me, and it had a flag in it to please check with me before they take any personnel action. So in connection with that, they would have talked with me with regard to whether or not there was any reason why this particular file should not go to the promotion board.

Mr. COHN. No, that was not the testimony. The testimony here yesterday was definitely and emphatically to the effect that in preparing a list, a list of certifications—you are familiar with those—before somebody goes up to the promotion panel there must be a certification that, after a review of the files, such-and-such person is eligible for consideration for promotion.

Mr. RYAN. I wonder, Mr. Cohn, are you thinking—and I don't know, of course, what testimony—

Mr. COHN. I thought it related to the board of examiners.

Mr. RYAN. I think what you may be referring to is this: That under the Foreign Service Act, Section 517 permits the examination by the board of examiners of individuals who have been in the Foreign Service for three years or more, or in the State Department for three years or more. As a part of our Section 517 program, at the present time there are a number of individuals who are being examined by a board of examiners. Now, there may have been some cases of individuals who have applied for examination under Section 517 whose files I had, and before certifying to the board of examiners with regard to the efficiency of the individual, they may have checked with me.

The CHAIRMAN. Mr. Ryan, there was testimony yesterday that over in Woodyear's office, before they would put a memorandum or attach it to the file and send it to the selection board or the promotion panel, they would call your office and talk to you or your secretary. They would say, "Should I call the board's attention to Mr. Ryan's flag?" And that your office instructed them whether or not they should call the board's attention to the flag in the file. Is that correct, or was that false testimony?

Mr. RYAN. I think that that is probably correct, Senator.

The CHAIRMAN. So that in some cases, you felt that the board's attention should be called to the flag, and in some cases you felt the board's attention should not be called to the flag. And by the "board," I refer to the panel or the board.

Mr. RYAN. I don't know of any case where this flag was called to the attention of the board.

The CHAIRMAN. Why would they call your office and ask you each time to make a decision?

Mr. RYAN. I think principally because of the procedure, Senator.

The CHAIRMAN. I thought you told us that the board under no circumstances was to have this material that you removed, it did not concern them; and if that is true, why would you have a consultation each time each case came up where there was a flag in it, to decide whether the board should see it or not?

Mr. RYAN. Generally speaking, on the cases going to the promotion boards, it is relatively a routine matter that the files would go on to the board, and unless the case had reached the point where the allegations of record had been proved, then the file would go on to the board and they would make their judgments.

The CHAIRMAN. Did you understand that the flags were being removed before the file went to the board?

Mr. RYAN. Yes.

The CHAIRMAN. You did?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Who told you that?

Mr. RYAN. I understood from Mr. Woodyear, and in—

The CHAIRMAN. You and he discussed that?

Mr. RYAN. Yes, sir.

The CHAIRMAN. And decided you would remove the flag before it went to the panel?

Mr. RYAN. That is right.

The CHAIRMAN. Such being the case, what occasion would there be for Woodyear's office to call you and say, "Mr. Ryan, shall we call the board's attention to the flag in this file?"—if you knew there was no flag there, it being removed?

Mr. RYAN. My understanding of the thing, Senator, was that these cases that are in my office that have this flag in there, that went to the board, that the flags were removed so that the individual would not be prejudiced in the board's consideration of the case.

The CHAIRMAN. I am trying to get these two contra things reconciled. You tell me in one breath that all flags were removed before they went to the board.

Mr. RYAN. They should be.

The CHAIRMAN. In the next breath you admit in each of these cases your office was called and asked whether attention to the flag should be called in a memorandum. How could you call attention to a flag which had been removed?

Mr. RYAN. Well, I am not aware of this procedure we have where attention to a flag is called in a memorandum to the promotion boards.

The CHAIRMAN. No one ever contacted you in regard to that?

Mr. RYAN. Not to my knowledge. I know that Mr. Woodyear and his people have checked with me, if I had the files, just as the other people in the personnel division checked with me.

The CHAIRMAN. Just one other question. You say that you removed information about homosexuality from a file. Do you not think that a promotion board should know whether a man is a "queer" or not, before they promote him?

Mr. RYAN. If it was proved he was a "queer," he would have been fired, Senator.

The CHAIRMAN. Do you not think they should have information about his homosexuality?

Mr. RYAN. In our procedure, the promotion boards don't have that information.

The CHAIRMAN. Do you not think that they should?

Mr. RYAN. No, not unless proved.

The CHAIRMAN. Who should decide whether it was proved?

Mr. RYAN. The man in the department of investigation tells the chief of the division of security that an investigation has been completed, and these are the allegations, and this is the evidence.

The CHAIRMAN. And who is the chief?

Mr. RYAN. John Ford.

The CHAIRMAN. And you say unless Ford decides that it is proven that he is a homosexual, any evidence on homosexuality arrests should not be brought to the attention of the promotion board?

Mr. RYAN. Unless the case has reached the point where it is proved, it does not go to the board, that is right.

The CHAIRMAN. You think that they should not have the information?

Mr. RYAN. It has not been done.

The CHAIRMAN. The question is: Do you think that the board should have that information, or not? You are in charge of that department.

Mr. RYAN. I am not in charge of it, I am the assistant, sir. I do not think that the board should have before it any information in the form of allegations.

Senator MCCLELLAN. Let me ask you this, let us draw a little more concrete case: A man is indicted for a crime, and he has not yet been proven guilty, but a charge has been lodged that is of a serious nature. In the employing or the promotion of someone in your employ, would you not want to have that information as you proceeded to promote a man or to employ him?

Mr. RYAN. Well, that sort of information, Senator, would be considered by the assistant secretary for administration and by the board of Foreign Service before they finally passed on the promotion.

Senator MCCLELLAN. But this board, though, comes out with a recommendation on the record before it?

Mr. RYAN. That is right.

Senator MCCLELLAN. As to whether the man should be promoted or not promoted.

Mr. RYAN. That is right, based on his efficiency record and service.

Senator MCCLELLAN. Based on his efficiency record and service?

Mr. RYAN. Yes, sir.

Senator MCCLELLAN. As I understand, the distinction down there, from what I have heard in the testimony here in this hearing, is that this board is so set up and it so operates that it has nothing to do and it passes judgment on nothing except how a man has performed in his job.

Mr. RYAN. That is right.

Senator MCCLELLAN. And you have another board, the security board, if that is the right name for it, which passes on these charges and allegations. And unless they think the evidence is sufficient to convince them of guilt or to sustain the charges, then those charges are never considered by anyone who actually does the promoting?

Mr. RYAN. That is right.

Senator MCCLELLAN. Now, that is the system you have, and that is the system you are following?

Mr. RYAN. That is right.

Senator MCCLELLAN. The question then arises whether of course, if you are going to divide responsibility that way, that may be one system, but I should think if I wanted to recommend or pass upon a recommendation or the possibility of a recommendation for a man already in the service for promotion, I would want before me all information, not only with reference to performance in the particular job, but also any information that related to or cast any credit or reflection, as the case may be, upon the man's character and integrity and his morals, and so forth.

You do not have, as I understand from you and the other witnesses, that kind of a system.

Mr. RYAN. No.

Senator MCCLELLAN. It seems to me, Mr. Chairman, that is the big defect in it, and I do not know, I am just trying to make the record reflect the facts.

The CHAIRMAN. I would say, Senator McClellan, that, and the fact that someone in Mr. Ryan's department, he or, as appeared the other day, some clerk, can go through a file and determine whether or not an allegation has been proved and set themselves up as a court on it and pull the material from the file. We have had testimony yesterday—and I think you were absent for a few minutes when this came out that two different people in Mr. Ryan's department, not in his particular office, had piles of stuff on their desks and in their desks that they had removed from the files, because they thought it would prejudice the promotion board. They thought it had not been sufficiently proven.

Let me ask you this: When the board determines or the promotion board is acting on a case, are you aware of the fact that they do not have before them information that the previous board had placed a certain employee in the lower 10 percent of his class?

Mr. RYAN. Yes, sir.

The CHAIRMAN. You are aware of that?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Do you approve of that?

Mr. RYAN. Yes, sir.

The CHAIRMAN. You also approve keeping from the board the information on the homosexuality of an individual?

Mr. RYAN. Where it is in the form of allegation, yes.

The CHAIRMAN. Where it is not in the form of allegation?

Mr. RYAN. If it is proved, then there wouldn't be any job for the promotion boards on that particular individual, because he would be out of the department and the Foreign Service.

The CHAIRMAN. You say he would be?

Mr. RYAN. Yes, sir.

The CHAIRMAN. You do not mean to say that all of the homos are out now, do you?

Mr. RYAN. That is a pretty broad statement, and I don't think the homos are out of any department or any private organization in the United States, but we are certainly doing the very best we can to get them out of the State Department.

The CHAIRMAN. I might say that it is not doing the very best you can when you remove evidence of homosexuality from a file and deny that to the promotion board, the placement board. That is information which they should have. There is no question about it at all. Otherwise, they can not do a job.

Go ahead.

Senator McCLELLAN. May I ask a question at this point?

If you can tell us, and I do not know, who established or who is responsible for the present system of processing these matters as you have outlined?

Mr. RYAN. The promotion activity, you mean?

Senator McCLELLAN. The withdrawing of the derogatory statements and placing them in the security files or confidential file, and the withholding of them from the promotion panel, and so forth. Who is responsible for authorizing and establishing that form of procedure?

Mr. RYAN. Well, it would be the board of Foreign Service and/or the under secretary for administration and the chief of the division of Foreign Service personnel.

Senator McCLELLAN. I am sure that that was not a policy determined at your level, but I was trying to get that. In other words, your testimony is that in the handling of these matters, you have carried out the policy and procedures laid down for you by your superiors?

Mr. RYAN. Which had been approved by my superiors.

Senator McCLELLAN. Which have been approved by your superiors?

Mr. RYAN. Yes.

Mr. SURINE. The first apparent thing that has come up, and I would like your opinion on it, is that the witnesses have stated, Mr. Ryan, that from the files themselves there is no way of telling what is missing from them. Is that correct?

Mr. RYAN. I think that that is correct.

Mr. SURINE. Do you think that that is a good or a bad situation?

Mr. RYAN. I think the system has worked out pretty well, Mr. Surine.

Mr. SURINE. You think that the fact that you cannot tell from a file whether anything is missing from it, that that is a good thing?

Mr. RYAN. Well, I certainly can't say that it is a good thing, if we don't know that we have all of the papers.

Mr. SURINE. Do you agree with that system of not serializing the files, the individual documents in the files, so that you can tell whether anything is missing?

Mr. RYAN. Well, it is the system that has been in operation for many years.

Mr. SURINE. I am sorry, Mr. Ryan, you didn't answer my question. Do you think that is a good or a bad thing, the situation where you cannot tell whether anything is missing from a file?

Mr. RYAN. I don't think it is a good thing.

Mr. SURINE. All right, sir.

The CHAIRMAN. I understand the answer is that you agree it is a bad filing system you have over there?

Mr. RYAN. Yes. I don't agree it is necessarily a bad filing system that we have there.

The CHAIRMAN. You do not?

Mr. RYAN. No.

The CHAIRMAN. Am I correct in this: that under your present filing system, the material can be removed from a file and neither you nor anyone else will know about that unless you can remember what was in a particular file?

Mr. RYAN. Well, I suppose you can say that individuals in the Foreign Service personnel division are working on the files, and if they were to remove something from the files I wouldn't know about it.

The CHAIRMAN. You would not know about it?

Mr. RYAN. No.

The CHAIRMAN. Do you not think you should have the type of filing system which would indicate if material was missing?

Mr. RYAN. It may be that the filing system can be improved, Senator.

The CHAIRMAN. Answer my question.

Mr. RYAN. What is the question again, sir?

The CHAIRMAN. Read the question.

[Whereupon, the question was read by the reporter.]

Mr. RYAN. I think we should.

The CHAIRMAN. Did not someone from archives come over and review your filing system and recommend a radical change, and recommend the system, an orderly system, so that you could tell when material was missing from the files and know who was responsible for it?

Mr. RYAN. We had some people from our division of communications and records who came over and made a survey, several months ago, and off the cuff right now, I don't recall any specific recommendation that they have made with regard to serializing the files.

The CHAIRMAN. Will you furnish us with the recommendations they had?

Mr. RYAN. I will have to consult my superiors in doing that.

The CHAIRMAN. You will be ordered to furnish that material by Tuesday morning at ten o'clock. And may I say that as far as I am concerned, and I do not know if the other committee members will go along with me or not, I will not recognize as an excuse the fact that your superiors tell you you can not give us information. The Congress happens to be the superior officer of everyone in the department, and we are entitled to certain information, and if there are recommendations for the improvement of your filing system which you have ignored, we want to know what those recommendations were. As representatives of the people, we vote the money to pay for that, and you will be ordered to produce the material. You will, of course, be given adequate time to consult with your superiors as to what action you want to take, but you will be held responsible for producing the material.

I am not going to subpoena your superior and his superior and on up through the line. I feel that a witness has a duty to give the Congress any information which we are legitimately entitled to. If that is refused, I will recommend to the committee that they proceed by way of contempt proceedings to enforce their order. As I say, that is my thought, and there are six other senators and they may not agree with me.

Senator McCLELLAN. May I suggest one thing, or ask a question first. Were those recommendations written?

Mr. RYAN. Senator, I honestly don't recall. It is my recollection, Senator, that they were written, but I am not positive, because I did not—

Senator McCLELLAN. If I understand the chairman, that is what he wants a copy of, those written recommendations.

The CHAIRMAN. I made the order on the assumption there were written recommendations, and if there were not written recommendations, I want you to so state under oath.

Senator McCLELLAN. I would assume they would file some sort of a report.

Mr. RYAN. I assume so.

Mr. SURINE. When Mr. Huselsine indicated to you that you should give to Mrs. Balog President Truman's order, the effect of it, about testifying before congressional committees, what did you gather that to mean to Mrs. Balog when you handed her that directive?

Mr. RYAN. All I gathered from it was that the department was still bound by the orders from the president of April 1952, and that anybody appearing before a committee of Congress should be aware of the provisions of that letter.

Mr. SURINE. I see.

Now the next thing: Do you recall a project in which there was a search made of Mrs. Balog's files for all Owen Lattimore letters recommending certain individuals? You remember that by hearsay, do you?

Mr. RYAN. I have heard that such a project took place.

Mr. SURINE. That occurred within the last two years?

Mr. RYAN. I would think it was 1949 or 1950.

Mr. SURINE. In 1950?

Mr. RYAN. Yes, sir.

Mr. SURINE. You can't place it any closer than that?

Mr. RYAN. I have heard that or I know that such a project did take place.

Mr. SURINE. And do you know what they did with those letters that they took from Mrs. Balog's files?

Mr. RYAN. I don't know that they took any letters from Mrs. Balog's files. As I understand the project, it was to review certain files to determine whether or not we had individuals who had been recommended or sponsored in any way by Owen Lattimore. I understand that Mr. Woodyear in our division was given the responsibility by the then chief of the division of Foreign Service personnel, to make this survey.

The CHAIRMAN. Who was the then chief?

Mr. RYAN. Mr. Donald Smith. And that he made his check and I assume made a report to whoever he was supposed to make a report to.

Mr. SURINE. In view of the fact that it would have been under your division generally, or in your division generally, have you seen any written report on that project?

Mr. RYAN. The only report that I have seen on it is a memorandum which Mr. Woodyear submitted to the investigator in the security division that has been investigating this December allegation that I mentioned to you, and Mr. Woodyear in that memorandum indicated that the files that he had reviewed did not reveal any letters or anything from Owen Lattimore.

The CHAIRMAN. You are referring to a memorandum submitted to you by Woodyear?

Mr. RYAN. It was not submitted to me. He prepared the memorandum, as I recall it, Senator, to the division of investigations.

The CHAIRMAN. Did you see the memorandum?

Mr. RYAN. I saw it in draft form, Senator, and it said in substance what I just said here, that his check of these files indicated that there were no individuals that had in their files letters of recommendation from Lattimore.

The CHAIRMAN. Before the search was made to find the letters of Owen Lattimore in these files, were you informed of that?

Mr. RYAN. Sir?

The CHAIRMAN. Were you informed before they made the search?

Mr. RYAN. This was before I was in the division of Foreign Service personnel.

The CHAIRMAN. Where were you then?

Mr. RYAN. I was in the division of departmental personnel.

The CHAIRMAN. And what was the occasion, then, for your seeing this memorandum?

Mr. RYAN. The memorandum that I am referring to was one that was prepared by Mr. Woodyear just within the past two or three weeks.

The CHAIRMAN. He prepared one in the last two or three weeks?

Mr. RYAN. Yes, sir.

The CHAIRMAN. And the search was made how long ago?

Mr. RYAN. I guess it was made a couple of years ago.

The CHAIRMAN. A couple of years ago?

Mr. RYAN. Yes, sir.

The CHAIRMAN. And within the last couple of weeks, Mr. Woodyear said there were no Lattimore letters?

Mr. RYAN. In the files he reviewed, the files of the Foreign Service officers he reviewed as a part of that project.

The CHAIRMAN. He made the memo now, stating that he did not find any letters two years ago?

Mr. RYAN. I believe there may have been a memorandum prepared at that time, and I don't know that.

The CHAIRMAN. What was the occasion of the memo being prepared now under your supervision?

Mr. RYAN. Well, the department received a few weeks ago information through the division of security that certain papers had been removed from one or two of the Foreign Service personnel files. There was specific mention of a Lattimore letter that had been removed from some file. In the course of the investigation, the security division investigators who were handling the case talked with Mr. Woodyear, whom they had found out had done this work for the division of Foreign Service personnel; and they asked, since they could not readily find a copy of the memorandum, apparently, if he recalled the survey, and he said he did recall it, and he recalled making the statement that the files did not have any information from Mr. Lattimore.

The CHAIRMAN. You personally do not know how many Lattimore letters were removed two years ago?

Mr. RYAN. I don't know whether any Lattimore letters were removed, and I have no knowledge that there were any letters removed from the files at all.

The CHAIRMAN. You know there was a project—

Mr. RYAN. There was a project.

The CHAIRMAN [continuing]. To go down and get the Lattimore letters out of the files?

Mr. RYAN. Not to get them out of the files, but—

The CHAIRMAN. Are you sure of that?

Mr. RYAN. This is hearsay, and my understanding, Senator, is that the purpose of the project was to determine whether there were files that had recommendations in them from Lattimore.

The CHAIRMAN. That was two years ago?

Mr. RYAN. Yes, sir.

The CHAIRMAN. That was while the State Department was defending Lattimore as an innocent, abused individual, and why

would they be concerned with letters of recommendation at that time?

Mr. RYAN. Senator, I can not answer that question.

The CHAIRMAN. You do not know?

Mr. RYAN. No.

Senator McCLELLAN. The record may show this, but is Mr. Woodyear your superior?

Mr. RYAN. No, he is not.

Senator McCLELLAN. Does he work under you?

Mr. RYAN. He works under me.

Mr. SURINE. Mr. Ryan, along that line, in the number of years in which you have been in some way connected with various files of the State Department, do you know of any instance in which there was a real investigation made to determine whether the files were intact?

Mr. RYAN. Well, the only thing of that order was in 1946 or 1947, in the departmental personnel division, when there was a question as to whether or not the departmental personnel files had had material removed.

Mr. SURINE. And when was that investigation conducted?

Mr. RYAN. I believe it was 1946 or 1947.

Mr. SURINE. Was it conducted about that time?

Mr. RYAN. I believe so.

Mr. SURINE. When was the next instance that you know that there was inquiry made by someone to determine whether the files were intact?

Mr. RYAN. Just within the past week or so.

Mr. SURINE. Based on some memorandum?

Mr. RYAN. Yes, sir.

Mr. SURINE. Now, do you know of any other projects in connection with Foreign Service personnel files, in which they searched the files to determine whether or not certain individuals had recommended other individuals?

Mr. RYAN. Yes, sir.

Mr. SURINE. Similar to the Lattimore case?

Mr. RYAN. Yes, sir.

Mr. SURINE. What instance was that?

Mr. RYAN. There was a project similar to the Lattimore project, to determine whether or not Mr. Alger Hiss had recommended individuals or had information in individual files to the effect that he was recommending persons.

Mr. SURINE. And approximately when, or can you estimate when that was done?

Mr. RYAN. It is my recollection that it was done about the time of Mr. Hiss' conviction, but it may have been done beforehand.

Mr. SURINE. Somewhere in that neighborhood?

Mr. RYAN. I would have to check records or talk to some people, because I honestly can't say. It is my recollection it was about the time Mr. Hiss was convicted.

Mr. SURINE. Are those the only two instances, in the six or eight or ten years that you have been in the State Department, that you know of? Are those the only two instances that you know about?

Mr. RYAN. Yes, sir.

Mr. SURINE. And in connection with the project in regard to Owen Lattimore, that would naturally imply that they found no recommendations from Owen Lattimore in regard to any of the Foreign Service personnel, is that correct?

Mr. RYAN. Any Foreign Service officers.

The CHAIRMAN. How about the staff?

Mr. RYAN. I don't know that that study covered the staff people, Senator.

The CHAIRMAN. Let me ask you this: Did John Stewart Service have free access to the file room?

Mr. RYAN. I don't know that, Senator. Again, it is hearsay, and I understand that he was in the division of Foreign Service personnel before I got there, and that as an officer of the division of Foreign Service personnel he must have had access to the files.

The CHAIRMAN. Any Foreign Service personnel had access to the files?

Mr. RYAN. If they were working in the division of Foreign Service personnel.

The CHAIRMAN. How many people would that be?

Mr. RYAN. We have in the division at the present time 134 people, including clerks.

The CHAIRMAN. How about someone from some other area?

Mr. RYAN. No.

The CHAIRMAN. They have no access?

Mr. RYAN. No.

The CHAIRMAN. Are you sure of that?

Mr. RYAN. Let me correct that. The assistant secretaries in the various bureaus in the department can see the personnel files, as can their executive directors.

The CHAIRMAN. The practice has been that they send their stenographers and clerks over to pick up certain files?

Mr. RYAN. No, sir. If an assistant secretary wanted a file, someone from the Foreign Service personnel division would take the file to him; and if the executive director wanted to see the file, he would come to the division of Foreign Service personnel and review the file there.

The CHAIRMAN. Are you sure of that?

Mr. RYAN. Yes, sir.

The CHAIRMAN. I may say there is testimony directly contra to that, so unless you are sure, don't testify to that.

Mr. RYAN. There is one other instance, and that is where cases are before the department's loyalty and security board. As a part of their consideration, they may review the personnel files, and, of course, the deputy under secretary and his deputies have access to the files.

The CHAIRMAN. How about their staffs?

Mr. RYAN. Certain of their staffs would see them, too, sure.

The CHAIRMAN. And actually, stenographers and clerks come over and pick up the files and take them back to their chief?

Mr. RYAN. I don't know that that is the way it works, Senator.

The CHAIRMAN. You just said a minute ago it did not work that way. So your testimony is you do not know?

Mr. RYAN. I don't know that the stenographers and clerks come over from these other offices and pick up the files and send them

over. I know that I have received calls from Mr. Humelsine's office, and so forth, and have had the files pulled and have had them delivered to Mr. Humelsine's office.

The CHAIRMAN. How about John Carter Vincent; has he had access to those files?

Mr. RYAN. Not to my knowledge.

The CHAIRMAN. I thought you said all Foreign Service personnel.

Mr. RYAN. No.

The CHAIRMAN. He has not access to them?

Mr. RYAN. No. He is outside the United States.

The CHAIRMAN. If he were in the United States, would he have access to them?

Mr. RYAN. When he was in charge of the Far Eastern office——

The CHAIRMAN. Actually, he would have complete access, would he not?

Mr. RYAN. I don't know that, sir, because I was not in the Foreign Service personnel division at that time.

The CHAIRMAN. Do you know of any special rule which prevented his having access?

Mr. RYAN. Not if the rules back there at that time were the same as they are today.

The CHAIRMAN. As of today, if he were in Washington, would he have access?

Mr. RYAN. If he were at the assistant secretary level.

The CHAIRMAN. If he came into your office today and said, "I want to go into the file room and see the files."

Mr. RYAN. No, sir.

The CHAIRMAN. You would say he could not?

Mr. RYAN. That is right.

The CHAIRMAN. I think that is all.

Mr. SURINE. The files you have in your office that you temporarily have there, which you have described, do you have any written authority to set up those files in your office?

Mr. RYAN. No. The authority to set them up was an oral authority that was agreed to by Mr. Durbrow, who was chief of the division.

Mr. SURINE. And was Mr. Humelsine included in that?

Mr. RYAN. I don't know about that, and I don't know whether Mr. Durbrow ever discussed it with Mr. Humelsine or not.

Mr. SURINE. All you have is a general oral authority to set up your files in your office, is that right?

Mr. RYAN. Yes.

Mr. SURINE. As far as you know, no written authority?

Mr. RYAN. No.

The CHAIRMAN. Do I understand there is no written authority to remove the files from Mrs. Balog's jurisdiction and take them to your office and keep them there?

Mr. RYAN. I have no written memorandum that authorizes it.

The CHAIRMAN. Mr. Durbrow told you you could do it?

Mr. RYAN. That is right.

Mr. SURINE. One other point, to summarize the situation: These stop notices you have told me about earlier, represent a pending derogatory situation?

Mr. RYAN. Yes sir.

Mr. SURINE. Against the individual?

Mr. RYAN. Yes, sir.

Mr. SURINE. Now, when the clerks or the members of the performance group have called you up or talked to your secretary and she talks with you about these stop notices, then you tell them whether or not the stop notices should be called to the attention of the performance group, isn't that right, or whether the situation has resolved itself? Is that right?

Mr. RYAN. Well, whether it is the performance group or the personnel office, yes that is right.

Mr. SURINE. And what happens there? You have a stop notice in the file, and they check with you, and you receive certain facts and information from the security branch or some other source that is interested in that person; and on the basis of the facts they tell you, you form the opinion or judgment as to whether or not that stop notice should be called to the attention of the promotion board? Is that the way it works, practically?

Mr. RYAN. If the notice was going to be called to the attention of the promotion board, in all probability I would consult my superiors.

Mr. SURINE. You use your judgment, that is what I am getting at; you use your judgment as to whether or not that pending situation has resolved itself, or whether it should be called to the attention of the promotion board?

Mr. RYAN. In consultation with the division of investigations, yes, sir.

Mr. SURINE. That is, in effect. And the performance branch and these other groups follow what you tell them?

Mr. RYAN. That is right.

Mr. SURINE. I think that that is about all.

The CHAIRMAN. Thank you very much, Mr. Ryan.

Incidentally, this is an executive session. The senators and the staff are all bound to secrecy, and so the witnesses are admonished not to discuss their testimony under pain of possible contempt action.

Mr. RYAN. Is there any opportunity to review the transcript?

The CHAIRMAN. What has been the rule on that, Senator?

Senator McCLELLAN. I think a witness should be permitted to check typographical errors or anything of that sort.

The CHAIRMAN. We would not want you to take it out of the office. You can come down and review it in Mr. Cohn's or Mr. Flanagan's office.

Mr. RYAN. That is all right.

The CHAIRMAN. I might suggest, if you want to review the transcript, contact Mr. Flanagan or Mr. Surine or Mr. Cohn, and they will arrange it for you.

Without asking for the names of any individuals, I understand that you did discover a homosexual in the recruitment division, and allowed him to resign or fired him, which was it?

Mr. RYAN. He was allowed to resign.

The CHAIRMAN. When he was allowed to resign, was there something put in his record to show why he was allowed to resign?

Mr. RYAN. Yes, sir.

The CHAIRMAN. This was in September of 1952?

Mr. RYAN. Yes, sir.

Mr. SURINE. There were two other suspects involved, Mr. Ryan?

Mr. RYAN. In the recruitment division, I believe there was one other clerical employee, but I don't think it was tied in at that time with this same case.

Mr. SURINE. In view of the fact we are going into the mechanics of your division under your general supervision, what was done with your other suspect, and how was that handled? Was it handled personally by you, or someone else?

Mr. RYAN. No, the others were not handled personally by me.

The CHAIRMAN. What happened to the other two? Did they resign or are they still working there?

Mr. RYAN. They resigned, and I don't know that there were two of them. There was one clerk there that I know of.

The CHAIRMAN. Let me ask you this: Let us take "A," who is proven to your satisfaction to be a homosexual, either by way of conviction or something, and "B," who is a suspect. You allow both of them to resign. Number one, what appears in "A's" file to show he was a homo?

Mr. RYAN. A letter to the Civil Service Commission informing them that he resigned or a statement on the personnel journal to the effect that he resigned in lieu of preferment of charges.

The CHAIRMAN. Would you say what the charges were? Does the letter to the Civil Service Commission, or the statement that you mentioned, show that the charges were charges of homosexuality?

Mr. RYAN. The letter would indicate that he resigned during investigation or following allegations with regard to his moral character, and so forth, and that there is in the files of the department information reflecting on his suitability for government employment.

The CHAIRMAN. I am curious to know whether or not the file definitely shows that a man is a homosexual or it merely says he was allowed to resign while charges were preferred against him.

Take the case of "A" now, and take the man in your recruitment section who was allowed to resign. What would his file show, and which file?

Mr. RYAN. His personnel file would have a letter to the Civil Service Commission indicating that he resigned, and we have pretty much a standard letter that we have been sending to the Civil Service Commission, indicating that he resigned either following allegations regarding his suitability for continued employment in the government, or words to that effect; and that the files of the department, personnel and security division, has information that the commission will probably want to check.

The CHAIRMAN. Then if any other department wanted to hire him, they would be put on their notice and they can check with security?

Mr. RYAN. They can check with security and check with the personnel division.

The CHAIRMAN. How about the two suspects that were allowed to resign?

Mr. RYAN. If there is a suspect who resigns before we have enough evidence to warrant our saying to him that he resigns or we prefer charges against him, then the Civil Service Commission

would be informed in that instance merely by the nature of a letter saying "We have in our files information on Joe Doaks that you ought to check if he is considered for employment elsewhere in the government."

The CHAIRMAN. What is the total number of people employed in the recruitment section?

Mr. RYAN. I believe, sir, about twenty.

The CHAIRMAN. Out of twenty, one was found to be a homo and two suspected of being homos. That would seem to be a bad situation; with one certain and two possible homos out of twenty, that is a heavy percentage, recruiting people for Foreign Service was the position of the one who was fired, incidentally?

Mr. RYAN. One of them was a recruitment officer, and the other was a clerk.

The CHAIRMAN. The duties of a recruitment officer are to go out and find other people?

Mr. RYAN. Interview applicants for jobs, and so forth.

The CHAIRMAN. Incidentally, Senator McClellan, I may say this, and I am not asking for this information at this time: Mr. Baarslag, who is the head of the Americanism Committee of the American Legion, returned from Europe, and he tells me that the situation in Paris is extremely bad; that apparently many of the homosexuals who are allowed to resign from the State Department have been welcomed with open arms over in Paris in psychological warfare and information programs, and with apparently better jobs than they had here. So I think at some time either this committee or the Foreign Relations Committee should ask for a list of all of those who have been allowed to resign, so we can find out where they are today. It is something that should not be conducted publicly, of course, but I think we should know just what happens to all of these individuals who resign.

Incidentally, did you check to see who put this homosexual into the recruitment division, Mr. Ryan?

Mr. RYAN. Yes, we did.

The CHAIRMAN. And did you find him to be a homo, or a suspect, himself?

Mr. RYAN. No, sir.

The CHAIRMAN. Incidentally, you have had the Philip Jessup file for a long time?

Mr. RYAN. It may well have been charged to me, or placed in my file.

The CHAIRMAN. Do you know whether you have had the Philip Jessup file?

Mr. RYAN. I am sure that I have had it.

The CHAIRMAN. How long have you had that?

Mr. RYAN. Well, if I still have it, then I have had it for the past fifteen or eighteen months.

The CHAIRMAN. You have?

Mr. RYAN. Yes, sir.

The CHAIRMAN. And you picked it up at the time you were picking up—I think you have described the reason why you took files into your office. You do not know whether you still have it or not?

Mr. RYAN. No, sir, I don't.

Mr. SURINE. Was it by anybody's direction that you picked it up?

Mr. RYAN. No, I believe it was just——

Mr. SURINE. How could he be promoted? He is ambassador-at-large, and would he be considered for promotion, or what?

Mr. RYAN. No.

Mr. SURINE. What was the reason, then, for your holding the file, if your purpose is to protect the promotion board?

Mr. RYAN. Well, the purpose isn't primarily to protect the promotion board. It is to make certain that any personnel action that is taken on an individual is cleared through a central source, and——

Mr. SURINE. That is at variance with your previous statement.

Mr. RYAN. In the case of Mr. Jessup, I assume that his file came to my office as a result of notification from the security division that there was some, either investigation or loyalty proceeding that was under way with regard to Mr. Jessup.

Mr. SURINE. And you have had that for the last eighteen months and yet you haven't advised me why you have the file.

Mr. RYAN. I don't know that I have Mr. Jessup's file at the moment——

Mr. SURINE. Why you did have it that length of time.

Mr. RYAN [continuing]. As I am sure he has been cleared by the loyalty security board and the review board and the Civil Service Commission, then I wouldn't have the file.

Mr. SURINE. In other words, all loyalty cases, automatically the file is pulled from Mrs. Balog and put in your office?

Mr. RYAN. Yes, sir.

Mr. SURINE. Do you have written authority to do that?

Mr. RYAN. That is part of this procedure.

Mr. SURINE. That is the oral agreement?

Mr. RYAN. Yes.

Senator MCCLELLAN. I would like to ask you one other question: You intimate in your answer that in writing the letter to the Civil Service Commission when someone is discharged or, rather, permitted to resign with charges pending on homosexuality or who is under suspicion, that you state in general terms that they are permitted to resign rather than to face charges of unfitness to serve. Is there anything in that letter that would differentiate between, and convey that information to the Civil Service Commission, between homosexuality and just, say, drunkenness or habitual drunkenness? Can they tell from that letter that the man is a homosexual, or must they search out the files and go to the other source to get the information before they pass on his reemployment?

Mr. RYAN. I believe they have to check the files.

Senator MCCLELLAN. You do not say just what it is?

Mr. RYAN. No.

Senator MCCLELLAN. You just leave them to pursue further exploration and find out?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Would it be possible now to get a list of all of the homosexuals who were allowed to resign from the State Department?

Mr. RYAN. I would assume that a list could be obtained, yes.

The CHAIRMAN. That is all.

Mr. Hunt do you solemnly swear that the information you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HUNT. I do.

**TESTIMONY OF MANSFIELD HUNT, PERSONNEL TECHNICIAN,
PERFORMANCE MEASUREMENT BRANCH, DIVISION OF FOR-
EIGN SERVICE PERSONNEL, DEPARTMENT OF STATE**

The CHAIRMAN. Your name is Mansfield Hunt?

Mr. HUNT. Yes, sir.

The CHAIRMAN. Your present position is what?

Mr. HUNT. I am personnel technician.

The CHAIRMAN. Personnel technician?

Mr. HUNT. Yes, sir.

The CHAIRMAN. In what particular division?

Mr. HUNT. In the Performance Measurement Branch of the Division of Foreign Service Personnel.

The CHAIRMAN. Do you deal principally with the officers or the staff?

Mr. HUNT. I deal principally with the officer.

The CHAIRMAN. With the officer?

Mr. HUNT. Yes, sir.

The CHAIRMAN. There is a lady, Miss Kerr, in the department. What is her position in regard to yours?

Mr. HUNT. She would be my opposite number on the staff side of the branch.

The CHAIRMAN. And Mr. Woodyear would be your superior officer, would he?

Mr. HUNT. He is the chief of the branch.

The CHAIRMAN. And Mr. Calloway, what is his job?

Mr. HUNT. He is the head of the staff section.

The CHAIRMAN. In other words, he would be Miss Kerr's boss?

Mr. HUNT. That is right.

The CHAIRMAN. And is Woodyear both your boss and Miss Kerr's boss?

Mr. HUNT. Yes. There is one intervening figure, Mr. Toumanoff, who is acting head of the FSO section.

The CHAIRMAN. Mr. Toumanoff is your immediate boss?

Mr. HUNT. Yes, sir.

The CHAIRMAN. And Mr. Ryan, what is his position in the picture?

Mr. HUNT. He is chief assistant to the chief of the division.

The CHAIRMAN. So that he would be actually superior to all of those we have been talking about?

Mr. HUNT. That is right.

The CHAIRMAN. We have had considerable evidence here in regard to Mr. Ryan's tabbing of files, referring to them as "stop tabs," and we refer to a tab or a stop tab, and we refer to either his notation written on there in longhand saying "Hold this," or an actual tab put in the file.

Would you describe to us as best you can that tabbing system, and the reason for it and the purpose of it, and if and when the tabs are removed, the occasion for the removal? Just give us the whole picture, if you will.

Mr. HUNT. As a matter of knowledge which is probably hearsay, I believe that those tabs are inserted into a file when there is a question involving loyalty or morals, that that shall be a warning sign to operations officers who have to use the files that the action should be brought to the attention of Mr. Ryan before final clearance.

The CHAIRMAN. We have had testimony that one of your tasks was to remove those tabs. What was the occasion for the removal of the tabs?

Mr. HUNT. I never have had actually the task of physical removal of those tabs from any file.

The CHAIRMAN. You did not?

Mr. HUNT. No.

The CHAIRMAN. Did you ever remove any of the tabs?

Mr. HUNT. No, I never have, to my knowledge.

The CHAIRMAN. In other words, you do not recall ever removing a single tab?

Mr. HUNT. I don't recall.

The CHAIRMAN. Who, in your department, has ever removed a tab?

Mr. HUNT. I don't know of anyone in the branch, to my knowledge, who has ever actually removed a tab from the file.

The CHAIRMAN. Then as far as you know, the tabs remained on the files when the files were sent to the promotion panel or the selection board?

Mr. HUNT. No, the tabs are removed from the files before they go into the promotion panels and the selection board.

The CHAIRMAN. If they are removed, I assume someone must remove them, and I am curious to know who removes them.

Mr. HUNT. The secretary in Mr. Ryan's office removes the tabs.

The CHAIRMAN. Let us see. The file is sent over to you with a tab on it, is that right?

Mr. HUNT. No, it does not come to me with a tab on it.

The CHAIRMAN. Then, Mr. Hunt, in other words the files never come to your department with tabs on them?

Mr. HUNT. No, not to me with the tabs on them, not into my possession.

The CHAIRMAN. They have never come into your possession—

Mr. HUNT. I don't recall ever having received a file with a tab in it.

The CHAIRMAN. Then the tabs are removed before they come to the promotion measurement section?

Mr. HUNT. That is right.

The CHAIRMAN. And they are put on in Mr. Ryan's office, and they are removed in Mr. Ryan's office?

Mr. HUNT. That is my recollection, that they are entirely. I know of no occasion when I have received the file that has had the tab in it, outside of Mr. Ryan's office; and in the office before I actually took possession of the file, the tab was removed.

The CHAIRMAN. I see. In other words, when you went over to Mr. Ryan's office to get the file, you would find them tabbed over there?

Mr. HUNT. Yes, sir.

The CHAIRMAN. And then someone in his office would remove the tab?

Mr. HUNT. That is right.

The CHAIRMAN. And in all cases, the tabs are removed before they are brought over to you?

Mr. HUNT. As far as I recollect, in all cases.

The CHAIRMAN. How about the physical set-up? Where is Mr. Ryan's office in relation to yours?

Mr. HUNT. I am on the sixth floor of the building, and Mr. Ryan's office is on the fourth floor.

The CHAIRMAN. And your task is to process the file, if we can use that term, and prepare it and get it ready to hand it to the promotion panel or the selection board?

Mr. HUNT. Actually, there is no processing, except that we of course have to know where the files are at all times, who has them, so that we set up control systems in the office that services the panels of the boards, and we check the file in, and that is the processing of it; and the file physically is then transmitted to the proper board room, and it is housed in the cabinets.

The CHAIRMAN. You deal with the selection board rather than the promotion panel, is that right?

Mr. HUNT. That is right.

The CHAIRMAN. And Miss Kerr deals with the promotion panel?

Mr. HUNT. Yes.

The CHAIRMAN. Both the promotion and the selection panel have the same functions, except the selection board deals with officers?

Mr. HUNT. That is right.

The CHAIRMAN. The selection board asks you for certain files?

Mr. HUNT. They don't ask for them. When the selection board considers a certain class, those files are pulled, under my supervision, from the file room, and they are charged out to the selection boards; and we check in all files that we have received so that a proper control is kept, and transfer them physically to the cabinets in the selection board rooms.

The CHAIRMAN. Then after the selection board has finished its work, you take the files back?

Mr. HUNT. That is right.

The CHAIRMAN. And do you take them to Mr. Ryan's office, or to Mrs. Balog?

Mr. HUNT. I have to take them to Mrs. Balog's office.

The CHAIRMAN. Some of the files are kept in Ryan's office and some in Mrs. Balog's office, is that right?

Mr. HUNT. Yes, sir.

The CHAIRMAN. And physically, where is Mrs. Balog's office in relation to Mr. Ryan's office?

Mr. HUNT. Mrs. Balog's file room is on the sixth floor, and Mr. Ryan's office, as I said, was on the fourth.

The CHAIRMAN. And your office is on the sixth floor?

Mr. HUNT. Yes, sir.

The CHAIRMAN. How near to Mrs. Balog's file room is your office?

Mr. HUNT. Well, the building is about a "T," and we are out in the "L" and Mrs. Balog's is over in the far wing.

The CHAIRMAN. When you would get the files for the selection board, roughly what percentage of the files would you find in Mr. Ryan's room and what percentage in Mrs. Balog's?

Mr. HUNT. I never figured the percentage.

The CHAIRMAN. Would it be half and half?

Mr. HUNT. Oh, no, no. I would say, I don't know as it would run to one percent.

The CHAIRMAN. In other words, a relatively small percentage is in Mr. Ryan's office?

Mr. HUNT. Fractional, yes.

The CHAIRMAN. Would you ever have occasion to get part of the file from Mrs. Balog, and the so-called confidential material or a part from Mr. Ryan's office?

Mr. HUNT. No.

The CHAIRMAN. You would not?

Mr. HUNT. No. The files that the selection board review are the confidential files, so-called, and there is never, to my knowledge—never have we ever provided the selection boards with the administrative file.

The CHAIRMAN. Did you ever get part of a file from Mrs. Balog's office and part of the file from Mr. Ryan?

Mr. HUNT. No.

The CHAIRMAN. You did not?

Mr. HUNT. No.

The CHAIRMAN. Did Mrs. Balog ever complain to you that material was removed from the files?

Mr. HUNT. I have heard Mrs. Balog make that statement.

The CHAIRMAN. Did your department ever remove material from her files?

Mr. HUNT. Yes, I think that we could say that we had made physical removal from the file.

The CHAIRMAN. What would you do with the material you would remove?

Mr. HUNT. My recollection is not completely accurate, but I think that I did in one instance, under what I think was proper authority, remove material from a file, and housed it in a file in the measurements branch.

The CHAIRMAN. What branch?

Mr. HUNT. In the Performance Measurement Branch.

The CHAIRMAN. You took it in your own office?

Mr. HUNT. Yes, sir.

The CHAIRMAN. What type of material?

Mr. HUNT. Performance material.

The CHAIRMAN. What did it deal with? Just what did it deal with, roughly?

Mr. HUNT. Well, it dealt with an incident that a person had been involved in, and the attendant data relating to it.

The CHAIRMAN. I am not going to ask you for the name of the individual, but I am going to ask you for the type of incident he was involved in. Was it a case of homosexuality or a case of incompetence or a case of embezzlement, or what?

Mr. HUNT. No. I find it difficult to label it by type. I see no objection to saying what the incident was. A Foreign Service officer went out with a woman, I believe she was a native of the country where he was serving, an unmarried woman, and he was unmarried, and they were delayed in their return to the location of the embassy or the city. And on arrival at the place, they were met by an irate army officer who threatened to shoot the FSO involved,

and the FSO took action to defend himself and procured the gun and tossed it into the bushes. There was an investigation, and that data was brought out.

The matter, as far as I recollect, in relation to the department, was that the FSO involved was actually innocent of any wrongdoing of any kind, as far as I could see.

The CHAIRMAN. Was the army officer or the FSO arrested in that case?

Mr. HUNT. No arrests were made that I know of. The army officer, as I recall, was transferred out of the vicinity.

The CHAIRMAN. And is that the only instance you recall where you removed material from a file?

Mr. HUNT. Actually making physical removal, that is the only one, and I am not even sure in that instance that I made the removal.

The CHAIRMAN. Do you know of anyone else having removed material from files?

Mr. HUNT. I know that material that has been in files has been handed to me for filing.

The CHAIRMAN. To be kept in your branch?

Mr. HUNT. Yes, sir.

The CHAIRMAN. Who handed that material to you?

Mr. HUNT. Mr. Woodyear, the chief of the branch.

The CHAIRMAN. And that would be material which reflected adversely upon someone who was coming up before the selection board?

Mr. HUNT. Yes, I suppose so.

The CHAIRMAN. Without passing upon the merits, we will say, of this typical case you recite, where a man gets into a brawl with an army officer and they have a fight over a native girl, assuming for the time being that there was nothing wrong with his actions, I am wondering if you approve of this system of someone in your department deciding what the selection board should see and what they should not see? Do you think that that is a wise procedure? Do you think it might be better to let the promotion panel decide whether a case like that was completely innocent and shouldn't reflect upon his being promoted?

Mr. HUNT. It is a matter of opinion. No, I think that I have questioned in my own mind the policies of the department in relation to work that I have performed.

The CHAIRMAN. Some of the material that was removed, I understand, related to the morals of the individuals; is that correct?

Mr. HUNT. Not to my knowledge do I know of, that is, if you mean by "morals," the homosexual charges. I don't recall ever having seen in the file anything in the nature of allegations of homosexuality. I believe that that is all kept in the security file.

The CHAIRMAN. Did Mr. Ryan's office ever inform you when you inquired about these stop tabs, that they were on there because of allegations of immorality, either homosexuality or otherwise?

Mr. HUNT. I never have been informed of the specific charges against any man.

The CHAIRMAN. In other words, when there is a tab on the file, they would not tell you what the charges were against him; Ryan's office would not?

Mr. HUNT. No.

The CHAIRMAN. They would merely tell you whether the tab should be taken off or not, or rather, you say they took the tab off in all cases?

Mr. HUNT. Because I received the file as it was; whether it was complete or not, I didn't know.

The CHAIRMAN. Your position is that in no cases, as far as you are concerned, was one of those tabs removed in your branch?

Mr. HUNT. No, I don't think so.

The CHAIRMAN. I am curious to know this, if you could tell me: You say only about one percent of the files were in Ryan's office; and the mere fact they were there indicated that there was some question of security or loyalty?

Mr. HUNT. To me, it would indicate that.

The CHAIRMAN. Why would he put a tab on something that he was holding in his office, do you know?

Mr. HUNT. Well, there are two different kinds of files, and my recollection is that the only ones that have tabs in them are the administrative files, which is the file used by area operational officers in actually putting out orders, travel orders, and that sort of thing, and it is taking actions that affect the status of the man in the service. I suppose that it is a precautionary measure on his part, that if a file went out to an area operations officer who was not familiar with it, that some question was involved on, that this was the signal to warn him to stop action.

The CHAIRMAN. How long have you worked in the State Department?

Mr. HUNT. I have been with the State Department since a year last September.

The CHAIRMAN. Who recommended you for employment, if you know?

Mr. HUNT. I took an examination.

The CHAIRMAN. Are you in Foreign Service yourself?

Mr. HUNT. No, I am not.

The CHAIRMAN. Do you recall who you gave as a reference?

Mr. HUNT. Yes, I think that I gave President Sills, of Bowdoin College, Brunswick, Maine, now retired; and Dean Kendrick, probably, and I am not exact about this, because I honestly don't remember; and Philip Wilder, I think.

The CHAIRMAN. What did you work at before you came into State?

Mr. HUNT. My last job before coming into the State Department was as registrar of a branch of Northeastern University, which at that time existed in Springfield, Massachusetts.

The CHAIRMAN. You were born in this country, were you not?

Mr. HUNT. Yes, sir.

The CHAIRMAN. Let me ask you this: We are not here to embarrass anyone in your department, you understand. We are now searching for the answer to what could be done to have a more efficient filing system. The picture as I get it is of looseleaf files with materials thrown into the file, and very, very sizable numbers of people having access to those files, no way of knowing whether any one of those people ever removed material; and the picture I get is that anyone there could remove almost unlimited material from

the files and destroy it and that no one would know unless they, from their own memory, recalled what was in the file.

Would that not seem to you to be an extremely bad system of filing?

Mr. HUNT. In my opinion, I think that the department is open to considerable criticism on that score.

The CHAIRMAN. On that filing?

Mr. HUNT. Yes, sir.

The CHAIRMAN. At least, I wonder if you would agree with me on this: that you should have some way of serializing or numbering your material in the files so that if, for example, you have a file on a man up for promotion, you can look at it and promptly know whether there is matter gone from the files, and otherwise you can not properly evaluate a man's performance?

Mr. HUNT. Yes, I agree that there should be such a system, or I think that it would be quite proper that such a system be put into effect.

The CHAIRMAN. Just one question, and we ask this of all witnesses who have appeared before us, and I hope you understand the mere asking of the question does not indicate that we have any opinion on the matter at all; it does not indicate that we know anything of any adverse nature about you or otherwise. I want to ask you now, are you now or have you ever been a member of the Communist party?

Mr. HUNT. I never have been a member of the Communist party, and I am not now a member.

The CHAIRMAN. And, number two: Do you now or have you ever belonged to any organization that is listed by the attorney general as subversive?

Mr. HUNT. To my knowledge, I have never been.

Mr. SURINE. I have just one question. You have been in the performance branch approximately a year?

Mr. HUNT. Yes, approximately so, and I think that I came in in November or December of last year.

Mr. SURINE. You have confidential files of your own in that branch?

Mr. HUNT. That is right.

Mr. SURINE. Do you have any knowledge of any written authority or instructions permitting such files to be created?

Mr. HUNT. Yes, I would say that such existed, and I don't know that I have ever seen it in writing.

Mr. SURINE. Have you been told that something in writing is in existence in the files?

Mr. HUNT. I don't recall I was ever told that directly, but I certainly have been led to believe that.

The CHAIRMAN. There is one question I forgot to ask. I understand the practice in your Performance Measurement Branch is to examine the files you get from Mrs. Balog, and if you think there is material in the file which should not be brought to the attention of the selection board, you remove that and put that in a file in your office.

Mr. HUNT. No. At least, certainly not on my level, nor am I aware that it is our responsibility to screen the files before going in to the board. Files taken from the file room, in the very few in-

stances in which I know that material has been removed from the file, the initiation of the action to do so has originated at least somewhere other than myself. I don't know where.

The CHAIRMAN. I am not asking about you personally, but am I correct in this: that your department does remove material from Mrs. Balog's files and put it in files in your own office, and never brings that material to the attention of the promotion board?

Mr. HUNT. Yes.

The CHAIRMAN. You do not know who is the so-called high court down there who determines what material should not be available to the board?

Mr. HUNT. I have seen duplicate copy of a recommendation which I believe, I have no reason to disbelieve, was not approved, as a matter of department policy, establishing a special panel which might review files and make recommendation to remove material from the file for selection board purposes.

The CHAIRMAN. That was in writing, was it?

Mr. HUNT. Yes, sir.

The CHAIRMAN. You will be ordered, then, to produce that document Tuesday morning at ten o'clock, the document which you described. Do you know the date of that document?

Mr. HUNT. No, I don't.

The CHAIRMAN. The question still is: Who, in your department, performed that job, and who, in your department, decided that certain material would unfairly reflect, we will say, upon the character of a man and would unfairly influence the promotion by the selection board?

Mr. HUNT. Those men would be the chief of the division of Foreign Service personnel.

The CHAIRMAN. What is his name?

Mr. HUNT. He is presently Mr. F. W. Woodward.

The CHAIRMAN. Does he work in the performance measurement division?

Mr. HUNT. No, sir, he is the chief of the division of Foreign Service personnel.

The CHAIRMAN. Now, then, let me ask you this question: First, you were going to name some other people.

Mr. HUNT. The chief of the office of personnel, Mr. Edwin N. Montague, and the director-general of Foreign Service, presently Mr. Gerald Drew.

The CHAIRMAN. None of those men work in the performance measurement section?

Mr. HUNT. No.

The CHAIRMAN. Then let me ask you this question: Has the performance measurement section ever removed material from the files that come from Mrs. Balog's office or Mr. Ryan's office, without first getting permission or an order from the three men you have named?

Mr. HUNT. I can recall only one instance in which the action was taken in the branch.

The CHAIRMAN. Is that the instance you related before?

Mr. HUNT. No, sir.

The CHAIRMAN. What was this instance, then?

Mr. HUNT. During the selection board's examining a file, a board member called my attention to a pencilled notation on the bottom of one of the papers in the file referring to a document which the board then asked that we produce. I took the file and consulted with my superiors. No, I didn't, either. I called the inspection corps for a copy of the document, assuming there had been a copy in the file, and I called for a copy; and not getting anyone over there who could produce one, or was willing to, I waited until the next day when I got a call from Mr. Woodward, who said that the matter—that the inspection report, which was what I was inquiring for, was not a matter that should be made available to the board. And at that point, I then questioned as to why the notation should be there; whether it was proper or not. And the determination was made that it should be clipped from the file.

The CHAIRMAN. Who made the determination?

Mr. HUNT. Mr. Woodyear. And that that clipping should be retained, with proper notations as to the circumstances, in the branch file.

The CHAIRMAN. What was the notation?

Mr. HUNT. My best recollection is that it was, "See inspector's report, such-and-such a date," or some similar notation.

The CHAIRMAN. I assume Mr. Woodward and Mr. Montague and Mr. Drew did not come down and examine the files themselves, as soon as someone in your department initiated the action in removing material from the file. Just describe how that is done. In other words, let us say you see some material in the file that should not be there, and what do you do?

Mr. HUNT. I never have had occasion to initiate such an action, and I never have since I have been in the branch.

The CHAIRMAN. Roughly how many files are kept in your office?

Mr. HUNT. You mean in performance measurement?

The CHAIRMAN. Yes. I do not mean the files that are there temporarily, moving through to the board. I mean those files that you prepare.

Mr. HUNT. I assume you mean the files that we keep in the branch.

The CHAIRMAN. Yes.

Mr. HUNT. They are looseleaf files in folders from A to Z, and now, since most of the records that we keep are simply one paper on each man, and we certainly don't have one paper on each man in the Foreign Service, it is very difficult to estimate.

The CHAIRMAN. How many men would you say you have material on, one hundred, or two hundred, or one thousand, or two thousand?

Mr. HUNT. Well, it would be a sheer guess, but I would say perhaps two hundred or three hundred.

The CHAIRMAN. So that in two hundred or three hundred cases, you removed derogatory material from Balog's files?

Mr. HUNT. No. In two hundred or three hundred cases we have material on individuals which are in our files, and not that that material has been removed from the files. In the instances of material removed from the file, actual instances, I would say that we had in the file, in our files, only four or five.

The CHAIRMAN. Over how many years, would you say, you removed material from only four or five of Balog's files?

Mr. HUNT. I have only been there a year, and as the files were in existence when I came, the number of instances that I speak of, I only recollect three or four instances in which it has been done.

The CHAIRMAN. Since you were there?

Mr. HUNT. Since I have been there.

The CHAIRMAN. Now, the balance of the files, where they are kept in your office, why is that not sent up to Mrs. Balog's office?

Mr. HUNT. The other papers in the files in our office are largely related to correspondence received from a man in the field making inquiry, as to what his performance has been, and our reply to him; or a letter which goes to those in the low 10 percent of eligibles as a result of findings of the selection board.

The CHAIRMAN. I understand that you occasionally got material which you decided to withhold from the files, is that correct, derogatory material?

Mr. HUNT. I occasionally and very rarely have received material which I questioned that the action had been completed, and that it should be returned to some action officer for completion of the action before it was admitted to the file.

The CHAIRMAN. But the question is: At times you did receive material which, for reasons of your own or your superiors, you decided not to put in the file, and the question is, what was done with that material?

Mr. HUNT. Then I returned it to whatever action officer I thought was appropriate, and asked him to handle it.

The CHAIRMAN. You have none of that material still in your office?

Mr. HUNT. No.

The CHAIRMAN. You are sure of that?

Mr. HUNT. None that I know of.

The CHAIRMAN. The testimony has been here yesterday that very sizable amounts of that material is piled up on two different desks over there. Would you not know about that?

Mr. HUNT. Well, if there has, I certainly can't think that one of them is mine, and I don't know of any others that has piled them up on them.

The CHAIRMAN. You say that in your opinion, material was removed no more than from four or five files since you have been in the performance measurement section?

Mr. HUNT. That is right.

The CHAIRMAN. And you say that that was always done with the approval of Mr. Montague or Mr. Woodward or Mr. Drew?

Mr. HUNT. Except in the one other instance that I quoted, Mr. Woodyear.

The CHAIRMAN. And this case of the FSO and the army officer being involved in a brawl, was that removed from the file on the approval of Mr. Montague, Mr. Drew, or Mr. Woodward?

Mr. HUNT. It was.

The CHAIRMAN. Who initiated it?

Mr. HUNT. I don't know.

The CHAIRMAN. You did not?

Mr. HUNT. No, I didn't.

Mr. SURINE. I don't think I have any questions.

The CHAIRMAN. Thank you very much. And may I remind you that this is an executive session, and the staff and the senators are bound to secrecy, and that applies to the witness. So you are admonished not to discuss your testimony here, under pain of possible contempt proceedings.

Now, the previous witness said he would like to examine the transcript of his testimony, and I think there is no objection to that. We cannot let you take it along with you, but if you care to come down to the office of the staff, they will be glad to let you read over whatever you said, and if you find any errors in the transcription, you can correct them.

Mr. HUNT. May I make a note of the document that I was instructed to bring over? It was the one relating to the clipping from the bottom of the card?

Mr. SURINE. The authority under which they set up their files in the performance branch unit, and the basis for it.

The CHAIRMAN. The authority under which you were allowed to remove matter from the files and keep it in your office.

I understand that you had removed from the file the information showing that a man was in the lower 10 percent of his class.

Mr. HUNT. I don't recall any such incident, and it may well have happened.

The CHAIRMAN. Thank you very much.

[Whereupon, at four o'clock p.m., the hearing was adjourned.]

PAYMENT FOR INFLUENCE—GAS PIPELINE MATTER

[EDITOR'S NOTE.—An influential member of President Harry Truman's staff, Matthew Connelly (1907–1976) had once served as chief investigator of the Truman committee, predecessor to the Permanent Subcommittee on Investigations. At the Truman White House, Connelly was appointments secretary and also handled congressional relations. In 1955 Connelly was indicted on charges of conspiracy to defraud the government in an unrelated case, in which he was accused of shielding a wholesale shoe broker in St. Louis from prosecution for income tax evasion, in return for gifts of clothing and an oil royalty interest in Oklahoma. He was sentenced to two years in a federal penitentiary and served six months of the term before being paroled in 1960. President John F. Kennedy pardoned him in 1962. In an oral history for the Truman Library in 1968, Connelly attributed his prosecution to the Eisenhower administration's efforts to "defame the Truman administration." Echoing Truman's sentiments, he asserted that "the whole thing was political. I was the fall guy, and I have no regrets, because I believe I was right in the beginning. My devotion was to Truman, and I never consciously did anything to embarrass him, and never would. Period." No public hearings were held on the Gas Pipeline investigation, and consequently neither Eugene H. Cole nor any of the other witnesses testified in public.]

MONDAY, JANUARY 26, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 4:15 p.m., in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington.

Present also: Francis D. Flanagan general counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. All right, we will proceed.

Mr. FLANAGAN. I think before we call in the witness it might be well if I give a brief resume of this matter and read from the memo that I have here.

This information comes from an attorney who called from McAllen, Texas, on Friday, November 1, a man named John W. Carlisle, whose offices are at Caroline and Texas Streets, Houston, Texas. His office number is Blackstone 0559. And he referred to the matter as a fraudulent stock transaction involving the White House. His client was a businessman named Clyde Austin, who according to the story Carlisle told me on the telephone, actually handed the seven thousand shares of stock to Connelly. Without the help offered by Connelly, in return for the stock certificates, the

company would have stood to lose between four and five million dollars.

The Texas-Ohio Gas Company had petitioned the FPC, the Federal Power Commission, for a certificate of convenience and necessity to sell gas from McAllen, Texas, to Ohio cities.

According to Carlisle, his client, Austin, participated in the bribe of Connelly in a suite in the Carlton Hotel, Washington, D.C., in May or April 1951. Austin is a former secretary of the Texas-Ohio Gas Company. He was ousted by Frank Champion, the famed Texan who has some kind of relationship with Glen McCarthy. The seven thousand shares of stock were actually stock certificates negotiable and not registered. Austin was given ninety-five thousand shares of stock in the company and in return for this forced resignation. Part of the time before he was removed, according to Carlisle, he was operating with an unlimited expense account.

An unidentified individual named E. H. Cole, of McAllen, Texas—and Mr. Cole is the man that is going to be here today—an oil man, confirmed the details of the matter in a subsequent conversation with me from the Frontier Hotel at McAllen, Texas, on telephone 66571. My recollection is that he lives at the Frontier Hotel.

Cole, who apparently is an engineer oil well driller, is aware of the situation involving O'Dwyer, Truman, Pauley and others.

The CHAIRMAN. I missed a little of that. Does it appear that Cole allegedly paid over the bribe?

Mr. FLANAGAN. No, I think not. I will continue with the memo here:

He also gave me the name of O. V. Wells as the individual who helped secure certain Mexican gas leases before he, too, was forced out of the company. Cole, as I recall the conversation and from the study of my notes, was the one who knew the details of the Mexican-U.S. Development Company, either being a part of it himself or being familiar with the entire operation. He is the one who expressed the opinion that if the story ever came out, it would destroy already touchy relations between the United States and Mexico.

Austin was the individual seeking immunity from criminal prosecution for his part in the bribe, acting through his attorney, Carlisle. Cole said it would hurt a lot of innocent people and would force Mexico to cancel oil leases with the major oil companies.

I might interpose here before I finish this, that actually this memorandum is talking about two cases. Number one is about an alleged bribe involving seven thousand shares of stock to Matt Connelly in connection with the Ohio-Texas Pipeline Company, and the other is the one he talked about this deal with O'Dwyer, Pauley and the others, and that is a government corporation in Mexico, and it is an entirely different situation which Cole is also familiar with. That is about the set-up of a gas gathering company down there, which has been recently formed, and O'Dwyer is supposedly together with the other former or present government officials to have stock in that company, which they say will be a very lucrative venture. They are actually talking about two cases in this memorandum.

To continue on with the memo:

This as Cole described it is an exclusive development contract with Pemex—and now he is talking about the oil gathering company, and Pemex is the Mexican controlled government oil company.

—contract with Pemex, handled by an individual named Leonard O. Coronado, of Tampico, Mexico. Coronado, according to Cole, is willing to talk. The Mexican Government's Director of Pemex would have to cancel American oil company contracts worth approximately \$200 millions.

Cole, speaking familiarly as one involved in the bribe business, said frankly that at least one, and perhaps two members of the FPC are in the Connelly bribe deal, which has nothing directly to do with the Truman, Pauley, O'Dwyer Company.

Cole quoted Austin and Wells, as saying that Connelly himself solicited the bribe by promising to deliver the Federal Power Commission certificates after the 1952 elections. My notes are fairly complete and clear on this one, but the confusion is inevitable in view of the two conflicting situations. The point is not clear either in my mind or in my notes whether Cole was more of an interloper, although it is my first recollection that he said he holds stock in the Truman Company in Mexico. I find on further checking, too, that the story of the Truman Company was given to Arthur Bliss Lane via Mexican contact from a member of—

Senator JACKSON. What is that, the Truman Company? Is that true?

Mr. FLANAGAN. They are talking about the Truman Company, the company that Truman is allegedly in, the Pemex company.

Senator JACKSON. I did not get that from the earlier part of the memorandum, and I am sorry.

The CHAIRMAN. They are talking about two cases.

Senator JACKSON. The other was O'Dwyer, and there are three?

Mr. FLANAGAN. There are two cases, the one alleged bribe to Matt Connelly, to get the certificate of public convenience and necessity up to Ohio for the gas line.

Senator JACKSON. And then the other operation in Mexico. You didn't mention Truman earlier, I am sorry.

Mr. FLANAGAN. This man's testimony I think will help to clarify this whole thing, and I will explain it a little before he comes in, but I did want to get this in the record to show what the basic allegations were.

Nothing was done by Lane or his officers here to follow through on the investigation. No record was made of the contact for fear of embarrassing the Mexican cabinet member. The call to me was via Karl Mundt's office who received it from Everett Dirksen's office. For some reason Carlisle made his original approach without telling the details of the story through Dirksen.

The call first reached me about six p.m., on Thursday night, October 31, at Friday, November 1st at National 6800, and it came from Carlisle, calling from the Frontier Hotel at McAllen, Texas.

I discussed the matter with him and promised to call back, and he was leaving for his home in Houston by car and needed to know if I desired to contact him in person there. I took the matter up with Bud who agreed that I should go to Texas or turn the matter over to Jack Porter, an attorney, Republican National Committeeman from Texas.

When we discussed the matter with the Chairman by telephone, in New York, we did so in the presence of Mr. Robert Humphrey, and Humphrey took over the phone and informed the Chairman in New York that he had known about the matter for several weeks, and ordered that nothing be done about it. "After all," he remarked, "That guy is trying to get out from under his own crookedness." The Chairman accepted Humphrey's dictum in the matter.

I called back and got Cole and informed him we were still trying to get the authority for an investigation. I talked to Carlisle and advised him I would not go to Houston the following day, but would try and follow through in the matter.

Seeking further information, I re-emphasized that nobody in our organization had any authority or inclination to consider a question of granting immunity. I told him that as an attorney, he should know that such a promise on the part of anybody is itself a violation of law, and even a discussion of such an idea was improper and out of order, and he asked for suggestions.

I informed him that I was not an attorney, but as one familiar with the public relations aspects of such matters, if I were advising him, I would tell him story to the proper authorities as quickly and in as much detail as possible. Carlisle agreed that this was apparently the only way for his client to approach the matter, and

the client would be advised. Carlisle was the attorney petitioning for the immunity to keep his client or clients out of jail for their part.

The CHAIRMAN. Who is the client?

Mr. FLANAGAN. The client is Clyde Austin, the man who allegedly gave the bribe to Connelly.

Carlisle is urging me to come down to Texas for a conference promised in the event some manner of immunity could be developed, he would produce sworn statements and affidavits as well as signed sworn confessions regarding the bribe of the president' secretary.

He placed the current value of the negotiable stock certificate at five dollars each, making the bribe worth \$35,000. When the Texas oil certificate is granted, he said the certificates will be worth approximately \$25 to \$30 each. Not being registered in Connelly's name as a stockholder in the company, there is no way that they can be traced to him. There is no way the thing can be traced to him unless a participant in the deal was willing to talk as his client was apparently at that time.

I know nothing of the reliability of any of the individuals with whom I have had contact. They came to me by telephone. I was not given authority to investigate further. The above information is as complete as is available at this time. It is handed to you for whatever you deem advisable.

Senator McCLELLAN. Whose memo is that?

Mr. FLANAGAN. That is the memo turned over to Senator McCarthy by a clerk in one of the House committees?

Senator MCCARTHY. I think from reading this, they talk about the chairman refusing to start an investigation, and they are talking about Humphreys, and he is, I think, the Humphreys who is on the House committee.

Mr. FLANAGAN. Now, in our efforts to check into these allegations, particularly with regard to his alleged bribe, at this point, I contacted by telephone Mr. John Carlisle in Texas. He advised me that he was the attorney for John Austin, this Clyde Austin, who gave the bribe. He said that he didn't want to explain the whole story over the telephone, that he didn't know whether it was true or not and he never had discussed it with anybody in Washington or elsewhere. He didn't think the story was true. In the next mouthful, he began to ask me if we could grant immunity to his client. I said, "No," that we couldn't grant immunity, we could discuss the matter but we couldn't promise or grant immunity in any way.

He told me that all of the information he had did not come from the client Austin, but rather from an acquaintance of his named O. V. Wells, also a man from Houston. I called Wells on the phone. I had a conversation with Wells. He said that he had picked the story up piecemeal, it is general knowledge down around Houston, and I asked him if he had talked with Austin. He said "Yes," but that Austin denies everything, and he wouldn't tell me anything.

Now I find out in the last day or two that the FBI has been making investigations, in this matter, and somebody reported it as a bribery, and they have interviewed everybody in the case. Everybody with the possible exception of Cole, this man, denies knowing anything about the case practically. They just say it couldn't happen. Austin, particularly, the man who was supposed to give the bribe, says, "Well, this is fantastic and nothing happened."

In my discussions with the bureau officials, I talked to, they pointed out they were at a great disadvantage. They can't swear

them in, and all they can do is go around and ask questions. I am not convinced but I am suspicious because of the fact that this lawyer in Texas whom I am going to contact today or tomorrow, he says his client knows nothing about it and in the next breath he is asking what kind of immunity can you people grant up in Washington.

Senator JACKSON. What did this fellow Cole say to the FBI?

Mr. FLANAGAN. This fellow says he told the FBI generally the same story as he will tell here today, which does not jibe entirely with this story. We will put the fellow under oath.

The CHAIRMAN. Will you call in Mr. Cole?

The CHAIRMAN. Mr. Cole, would you stand up and be sworn?

In this matter now in hearing before the committee do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. COLE. I do, sir.

TESTIMONY OF EUGENE H. COLE

Mr. FLANAGAN. Will you give your full name and home address for the record?

Mr. COLE. Eugene H. Cole, Post Office Box no. 700, Hidalgo, Texas.

Mr. FLANAGAN. Mr. Cole, did you from various persons, and you can tell the story as you go along, hear a story concerning alleged bribery of a high public official?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. From whom did you hear that story?

Mr. COLE. From O. V. Wells of Houston, Texas, and John Carlisle, two people.

Mr. FLANAGAN. Who is John Carlisle?

Mr. COLE. He is an attorney, in Houston, Texas.

Mr. FLANAGAN. When did this whole matter come to your attention?

Mr. COLE. On about the 22nd day of October, 1952.

The CHAIRMAN. I wonder if we could get some of the background of Mr. Cole, what type of business he is in and so on. That sort of thing.

Mr. FLANAGAN. To divert here for a moment, what business are you in, Mr. Cole?

Mr. COLE. I am in the steel business and in the transportation business, my brother and myself, a truck line that runs from McAllen, Texas to Hidalgo and across the International Bridge and into the Republic of Mexico.

Mr. FLANAGAN. And you say you are in the steel business, in the importing and exporting of steel?

Mr. COLE. That is right, sir.

Mr. FLANAGAN. Are you also in the oil business?

Mr. COLE. I have an interest, I don't have but I did have an interest in two drilling rigs in Mexico that I sold, and we are drilling for petroleum in Mexico.

Mr. FLANAGAN. Any other types of business?

Mr. COLE. No, sir.

Senator JACKSON. In the pipeline business?

Mr. COLE. No, sir.

Senator MUNDT. This report that you got from these two gentlemen in Houston, was that report that you got from both of them simultaneously? Did they tell you these stories on two separate occasions?

Mr. COLE. I could tell you just what happened, if you want me to, Senator.

Senator MUNDT. All right, in your own words.

Mr. COLE. About the 22nd of October, around three o'clock in the afternoon I went into the office of John Carlisle, the secretary says "Wait just a few minutes, Mr. Cole, there is a gentleman in there." And when he came out and I walked in, Mr. Carlisle said, "Gene, this man just walked out of my office there, he has got a story that he would elect Eisenhower as president of the United States." And I said, "If he has got one, he ought to get it up to Washington because we sure need it, and anything we can do to help they need it up there, so get it to them."

He told me, he said, "Well, Mr. Wells here was an official with the Texas-Ohio Gas Pipeline Company."

Mr. FLANAGAN. Mr. O. V. Wells?

Mr. COLE. Yes.

Senator MUNDT. The man who just walked out of the office?

Mr. COLE. Yes, sir, and I said, "What happened?" He said, "Gene, this Texas-Ohio bunch, they went to Washington and they had a suite of rooms," and now he said either in the Carlton or the Statler Hotel, "and gave a party up there and there were some officials of the Federal Power Commission present, Mr. Matt Connelly was present and Miss Margaret Truman was at the party. And they gave this party, and that there was approximately seven thousand shares of stock given by one of the parties there to Mr. Connelly."

Senator JACKSON. In the presence of all of these other people?

Mr. COLE. I don't know, that is what he told me word for word.

The CHAIRMAN. Mr. Carlisle, the attorney, was telling you this story?

Mr. COLE. Yes, sir.

The CHAIRMAN. That is the first day when Mr. Wells walked out of his office?

Mr. COLE. That is correct.

Senator POTTER. And he got it from Wells? Wells told Carlisle?

Mr. COLE. He told me that he had got this from his clients.

The CHAIRMAN. How well do you know Mr. Carlisle?

Mr. COLE. Pretty well.

The CHAIRMAN. Is he your attorney?

Mr. COLE. He has represented me in several matters, but he is not my regular attorney, he has just represented me on several small matters.

The CHAIRMAN. When you say pretty well, what does that mean?

Mr. COLE. I have known him about five years.

The CHAIRMAN. You live in the same town?

Mr. COLE. He lives in Houston and I spend about half of my time in Houston and about half of the time in McAllen, Hidalgo and Neuville.

Mr. FLANAGAN. Was that the last conversation that you had with Mr. Carlisle or anyone else concerning this alleged bribery?

Mr. COLE. No, sir. I said, "Well, if something like that took place, just after they had had the Nixon story, this would sure offset the Nixon story 100 percent," and I said, "If they get it to Washington I believe you could prove that it would elect Mr. Eisenhower president."

Mr. FLANAGAN. What did you do next?

Mr. COLE. I said, "Why don't you get in touch with Wells and see what you can do." He said, "Well, let us see if we can get him." And he got him, and Wells said, "I will meet you at your house tonight at nine o'clock."

Mr. FLANAGAN. This was the same night of the day that you saw John Carlisle in his office and talked with him?

Mr. COLE. This all happened within an hour.

Mr. FLANAGAN. And now you testify that on this Friday afternoon, then, John Carlisle, the lawyer, called Mr. O. V. Wells and arranged to meet him at this house that evening?

Mr. COLE. At nine o'clock.

Mr. FLANAGAN. At Carlisle's house?

Mr. COLE. That is correct.

Mr. FLANAGAN. Did you then go to Carlisle's house?

Mr. COLE. I went out and had supper with Mr. Carlisle and his wife and we went home, and Mr. Wells showed up between nine and nine-fifteen.

Mr. FLANAGAN. This was at Carlisle's home?

Mr. COLE. Mr. Carlisle's home, in Houston, Texas.

Mr. FLANAGAN. And who else was there?

Mr. COLE. There was Mr. John Carlisle, Mr. O. V. Wells, Mrs. Carlisle and myself, and Mrs. Carlisle was not present at all times, and she was in and out.

Mr. FLANAGAN. How long did you three men confer concerning this matter.

Mr. COLE. I stayed there until around one o'clock.

Mr. FLANAGAN. And during this three- or four-hour conversation did Wells elaborate on the facts of this matter that you had been discussing in the afternoon?

Mr. COLE. I told him that if there was some way that he could get that story out and get it to the Republican National Committee in Washington, there was no doubt but what it would have a tremendous amount of influence in helping to elect President Eisenhower.

Mr. FLANAGAN. Did he elaborate any further on the facts and tell you any more of the details of what happened up here in Washington?

Mr. COLE. Yes, he told me that they had this party and these public officials were present and that Mr. Clyde Austin was present and Mr. Frank Champion was there.

Mr. FLANAGAN. Who is Mr. Frank Champion?

Mr. COLE. President of the Texas-Ohio.

Mr. FLANAGAN. He was present here in Washington at this party?

Mr. COLE. Yes.

Mr. FLANAGAN. Were there any other public officials present?

Mr. COLE. There was one member of the Federal Power Commission present.

Mr. FLANAGAN. Who was that?

Mr. COLE. I believe his name was Buchanan.

Mr. FLANAGAN. That is Thomas Buchanan, the chairman of the Federal Power Commission?

Mr. COLE. I couldn't answer that, sir, I don't know.

Mr. FLANAGAN. Who else was present other than Austin, Champion, Connelly, Miss Truman and Buchanan? Who else?

Senator POTTER. Was Wells present himself at that party?

Mr. COLE. That I couldn't answer, sir.

The CHAIRMAN. Did he know who gave the party?

Mr. COLE. As I understand it now, and I couldn't say, but I am under the impression that Mr. Clyde Austin was giving the party but it was on Texas-Ohio money, and it was a company party.

The CHAIRMAN. I think I interrupted you before you answered Mr. Flanagan's question, and his question was what people other than those he named were there, if you know.

Mr. COLE. I believe that is all that I can recall.

Mr. FLANAGAN. Did he discuss any details of the turning over of the stock or what form the stock was when it was turned over?

Mr. COLE. I asked him that, and I said was the stock registered, and he said no, this stock is all trustee certificates, and it is not registered, and it is only numbered, and it is negotiable over the counter.

Mr. FLANAGAN. And these true certificates were for how many shares, when, as and if the company would issue shares?

Mr. COLE. I don't know that, and I think that they are share for share.

Mr. FLANAGAN. Did he say how many shares of stock the certificates were for?

Mr. COLE. Approximately seven thousand shares.

Mr. FLANAGAN. And do you know in what bank or what financial institution these certificates are drawn?

Mr. COLE. They are drawn on the First State Bank, or the Pasadena State Bank of Pasadena, which is a suburb of Houston.

Mr. FLANAGAN. One or the other of those two banks?

Mr. COLE. There is only one bank, and I forget just exactly what the name of it is.

Mr. FLANAGAN. Did he give you any further details concerning what transpired at this hotel in Washington that night?

Mr. COLE. He just said that they had given the seven thousand shares of stock to Matt Connelly.

Mr. FLANAGAN. You testified that Mr. Wells was not there, and did Mr. Wells explain where he found out all of this information?

Mr. COLE. No, but he seemed, I didn't testify he wasn't there, and I said I didn't know whether he was there.

Mr. FLANAGAN. Did Mr. Wells tell you or tell Mr. Carlisle in your presence who turned the stock over to Connelly?

Mr. COLE. He intimated that it was one of two people.

Mr. FLANAGAN. Who were those two people?

Mr. COLE. Frank Champion and Clyde Austin.

Mr. FLANAGAN. But he didn't say definitely?

Mr. COLE. He didn't say definitely.

Senator McCLELLAN. How did he intimate that?

Mr. COLE. Well, the two people were there together, and these two men were in the room when the transaction was completed.

Senator JACKSON. Who is Frank Champion?

Mr. FLANAGAN. President of the Texas-Ohio Company.

Senator McCLELLAN. As I understand it now, the transaction was not in the presence of all of the people who were at the party.

Mr. COLE. No, sir.

Senator McCLELLAN. But the transaction, the actual physical delivery of the stock took place in another room, or in a room where only three people were present, Matt Connelly, and the other two, Champion and whom?

Mr. COLE. And Clyde Austin.

Senator McCLELLAN. Is that correct?

Mr. COLE. That is a way that I would surmise it to be, yes, sir.

Senator McCLELLAN. Let us not surmise. How did he tell you it was?

Mr. COLE. Well, as I understand it, I would say that is the way I understand it.

Senator McCLELLAN. That is the way you understood him at the time?

Mr. COLE. Yes, sir, and now as you understand, this is being told to me, Senator, and I can't testify to any of this, other than what these people told me.

Senator McCLELLAN. But you made deductions from what was said, and I want to know what was said.

Mr. COLE. I arrived at the deduction there were three people present.

Senator McCLELLAN. I might not arrive at the same deduction that you did, and so therefore I would like for you to state specifically what he told you about it and now you do not know that anything happened, and you are only relating to us a story that was told to you by another man.

Mr. COLE. That is correct, sir. I want that thoroughly understood.

The CHAIRMAN. You were at the home of Carlisle and you and Carlisle and Wells were there, is that right?

Mr. COLE. That is right.

The CHAIRMAN. Now, Austin, Champion and—how did Carlisle and Wells know who were in that particular room? Who told it?

Mr. COLE. Mr. Carlisle is the attorney for Mr. Wells, and Mr. Clyde Austin, and Mr. Carlisle and myself were trying to persuade Mr. O. V. Wells to get on a plane with us the next morning and get Clyde Austin and to come to Washington.

The CHAIRMAN. You did not answer my question. The question was, "Which of those three people in that room told either Carlisle or Wells that information so that they could pass it on to you? Do you follow me? There are three men, Champion, Austin and the third man were in that room, and according to your testimony.

Mr. COLE. There could only be one of them, because Mr. Champion doesn't speak to Mr. Carlisle, and so it would leave only one person and that would be Clyde Austin.

The CHAIRMAN. Austin told who?

Mr. COLE. Told Wells or Carlisle, one of the two, and I am inclined to think it was Carlisle, his attorney. Anyway, Wells knows all about it.

Mr. CHAIRMAN. All right.

Mr. FLANAGAN. I think that the point that the chairman is trying to bring out here will be developed as we go along here. As you were saying, the purpose of your meeting at Carlisle's home that night with Carlisle and Wells, you were trying to get both of them to come up to Washington and give their story so it could be used in the political campaign, is the correct?

Mr. COLE. That is correct.

Mr. FLANAGAN. Now who interposed any objections to coming up and telling the story, did Wells or Carlisle or both of them?

Mr. COLE. Carlisle and myself were both attempting to get Wells to get Clyde Austin, both of them to come with us to Washington.

Mr. FLANAGAN. What did Wells say to that?

Mr. COLE. Wells said that he would have to talk to his friend.

Mr. FLANAGAN. His friend who?

Mr. COLE. Well, in this case his friend, as I would take it to be, would be Clyde Austin, but all he said was "I will have to talk to my friend," and that I want to make clear.

Senator JACKSON. What was the date of your appearance in Mr. Carlisle's office?

Mr. COLE. Friday.

Mr. FLANAGAN. The only Friday at that time was Friday the 24th of October.

Senator JACKSON. When was the stock turned over at this party, what was the date of the party?

Mr. COLE. I don't know that, sir. It was about a year prior to this.

Senator JACKSON. The party was in 1951?

Mr. COLE. Yes, sir.

Senator JACKSON. All right.

Mr. FLANAGAN. Now, at this meeting in Mr. Carlisle's house that evening, was any discussion had in your presence concerning possible immunity for any of the people involved in this alleged bribery?

Mr. COLE. Yes, sir, Mr. Wells kept saying, "Well, if we could get the Republicans to grant us immunity for my friend, I believe I could get him to go to Washington and testify, and give them the entire story."

Mr. FLANAGAN. What did Carlisle say to that?

Mr. COLE. He urged Mr. Wells to try to get his friend to come to Washington the next morning and relate the entire story to the Republican National Committee.

Mr. FLANAGAN. Was there any further discussion at that meeting that night concerning the facts of this alleged bribery matter, other than what you have testified to here?

Mr. COLE. No, we just went over it three or four times, the same thing, and I tried to persuade him all evening to come up here.

Mr. FLANAGAN. All of these discussions about this alleged bribery attempt took place in the presence of yourself, Wells, and John Carlisle, the attorney.

Mr. COLE. That is correct, sir.

Mr. FLANAGAN. What happened next in the case?

Mr. COLE. Mr. Wells took me to town around one o'clock to my hotel, and I talked to him all of the way to town trying to get him to get his friend and come to Washington the next day to tell the entire story to the Republican Committee, and he said I will meet you in Mr. Carlisle's office between nine and ten o'clock in the morning.

Mr. FLANAGAN. That would be Saturday, following the Friday of your meeting?

Mr. COLE. That is correct.

Mr. FLANAGAN. And did you thereafter have this meeting in Mr. Carlisle's law office?

Mr. COLE. Yes, sir, we did.

Mr. FLANAGAN. And who was present at that meeting?

Mr. COLE. John Carlisle, myself, and Wells.

Mr. FLANAGAN. What conversation or what did you have that transpired at that meeting?

Mr. COLE. He said that he thought that he could get his friend to come to Washington.

Mr. FLANAGAN. I am sorry to interrupt, but who thought?

Mr. COLE. John Carlisle stated that he thought, I beg your pardon, correct there. Mr. O. V. Wells said that he thought he could get his friend to come to Washington and testify before the Republican National Committee and give them the whole story if they could get immunity from criminal prosecution, for his friend. I turned around and I said, "Well, there is only one thing to do, and I know a man who works for Fulton Lewis, and I will call him up and see if we can't get something started up there and find out what can be done, and I picked up the telephone, and I called Mr. Russell Turner, who works on the staff with Fulton Lewis, Jr. I told him briefly just what occurred, and he said that Fulton Lewis, Jr. at that time was in Chicago, at the Ambassador Hotel covering the breakfast for Senator McCarthy. And that he would immediately contact Fulton Lewis, Jr., and call me back within an hour. In about an hour he called me back and he said he had talked to Fulton and that he said that it was dynamite, and that the only way that he would put it on the air would be that he had it completely briefed and signed to and sworn to before a notary public. He said if he couldn't prove the facts or if you didn't have that to put it on the air, he said they would sue him and collect everything he had.

Mr. FLANAGAN. Did you pass that information on to Carlisle, the attorney, and to Mr. Wells?

Mr. COLE. Mr. Carlisle was sitting there at the time, and the calls were made from Mr. Carlisle's office in Houston, and the call came back to Mr. Carlisle's office.

Mr. FLANAGAN. Was Mr. Wells still there when it came back?

Mr. COLE. No.

Mr. FLANAGAN. He had left by that time?

Mr. COLE. He had left.

Mr. FLANAGAN. And you passed this information on to Mr. Carlisle?

Mr. COLE. I passed it to Carlisle, and he called Mr. Wells, and Mr. Wells said, "Well, if you cannot get some kind of assurance

from somebody with the authority to do so, or big enough to do so, in the Republicans, to grant the immunity from criminal prosecution, then we are not interested in going to Washington and sticking our neck out. So Mr. Carlisle and myself left town around three o'clock and drove to McAllen and stayed at the Frontier Hotel.

Mr. FLANAGAN. That is McAllen, Texas?

Mr. COLE. That is correct.

Mr. FLANAGAN. What did you next do about this matter?

Mr. COLE. We talked about it all the way down there, and I said it is too bad we can't get this story up there, to Washington, so it can be used at a time like this, because I think it would be of the utmost importance.

Mr. FLANAGAN. At any point up to this point, in your transactions, did Mr. Carlisle the attorney, indicate to you whether any of his clients were involved in this case?

Mr. COLE. He indicated to me that one of his clients was involved and that he knew more than he could tell me, but that it was the relationship between a client and an attorney was confidential and that he could not relate it to me.

Mr. FLANAGAN. When he indicated to you, did he actually tell you one of his clients was involved in this case?

Mr. COLE. I will just say that it was a very strong indication, I was under the impression and assumed that anyway from his conversation.

Mr. FLANAGAN. What did he say that gave you that impression?

Mr. COLE. He just said that Wells knew more to this story than he was telling, and he wished that he could get him to tell it all.

Mr. FLANAGAN. Did he say that Mr. Austin, who was also one of his clients, had anything to do with this case?

Mr. COLE. He said that Austin knew considerable about it also.

Mr. FLANAGAN. He actually said that Austin knew considerable about this case?

Mr. COLE. That is correct.

Mr. FLANAGAN. Did he state that Austin was in fact involved in this case, in any way?

Mr. COLE. Not outright, not where I could say that he said such and such.

Mr. FLANAGAN. For whom was he seeking immunity, for Wells, or Austin or Champion?

Mr. COLE. As I told you, he kept telling me, Mr. Wells did, his friend, and all evening he did not relate any names.

Mr. FLANAGAN. Then it wasn't Wells that was seeking the immunity for himself?

Mr. COLE. No, sir, it was not.

Mr. FLANAGAN. Did Carlisle indicate that he, Carlisle, was seeking immunity for Wells?

Mr. COLE. No, sir.

Mr. FLANAGAN. Did he state or indicate that he was seeking immunity for Austin?

Mr. COLE. Not outright stated, he did not state that, no, sir.

Mr. FLANAGAN. Then as a matter of fact you don't know actually which one the attorney was seeking immunity for?

Mr. COLE. No, sir; I could not say just which one.

Senator McCLELLAN. Was it the attorney, Carlisle, seeking immunity, or was it Wells that kept talking about the immunity for his friend?

Mr. COLE. Both of them kept talking about it, yes, sir, both of them were talking about the immunity for their friend. Now, I will state this, Mr. Carlisle was talking about immunity and he did mention his client.

Mr. FLANAGAN. Which client?

Mr. COLE. He didn't say, he just said his client, and now he did state that, though.

Mr. FLANAGAN. He happens to be the attorney for both Wells and Austin?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. Is he the attorney for Champion?

Mr. COLE. Not to my knowledge.

Mr. FLANAGAN. You were testifying a few moments ago that you and Mr. Carlisle then went from Houston, Texas, on Saturday, which would be the 25th of October, and drove down to McAllen, Texas.

Mr. COLE. Yes, sir.

Mr. FLANAGAN. And then what happened after you got to McAllen?

Mr. COLE. Well, the next day we discussed some business of mine, and around five o'clock in the afternoon I was listening to the radio in the hotel room and the political debates were going on and somebody was talking about Senator Ferguson of Illinois, and I said, "There is a fellow that will dig into this thing, if he had it," and I said, "He lives at the Washington Hotel, I have seen him in the lobby, and I will call him."

Mr. FLANAGAN. What did Carlisle say to your suggestion?

Mr. COLE. He said "Go ahead, and see what you can do." And so I picked up the telephone.

Mr. FLANAGAN. You picked up the telephone.

Mr. COLE. And I called Senator Ferguson at the Washington Hotel.

Mr. FLANAGAN. And what did you say to Senator Ferguson?

Mr. COLE. I gave him a brief resume of this story.

Mr. FLANAGAN. Of the facts that you have testified to here concerning the bribery that took place at the Carleton or Statler Hotel in Washington?

Mr. COLE. That is correct.

Mr. FLANAGAN. What did he say to you?

Mr. COLE. He said that he was going to be in West Virginia the next day, on a speaking tour, but that he would have Senator Mundt of South Dakota contact me some time during the next day.

Mr. FLANAGAN. Was that all he said?

Mr. COLE. He said, "Thank you very much for this, I hope we can use it, but it is awful late."

Mr. FLANAGAN. What happened next?

Mr. COLE. The next afternoon I believe the man's name was Rainville, called us at McAllen, Texas.

Mr. FLANAGAN. I think that record should show that Mr. Rainville is an assistant, is he not, to Senator Dirksen?

Senator MUNDT. That is correct.

Mr. FLANAGAN. Go ahead.

Mr. COLE. And he called us, and he told us that it was awful late, but they would try to get it as high as they could, and that they would try to use the story, and in every way that they possibly could.

Mr. FLANAGAN. You said he told us, who was "us?"

Mr. COLE. Carlisle and myself.

Mr. FLANAGAN. You were both together?

Mr. COLE. That is correct.

Mr. FLANAGAN. And did you repeat the story to Rainville?

Mr. COLE. Mr. Carlisle did.

Mr. FLANAGAN. Mr. Carlisle repeated the story to Mr. Rainville over the telephone?

Mr. COLE. That is correct.

Senator MUNDT. Would you put in the record at this point that I was not in Washington on that date, and I do not know whether Dirksen tried to contact me or not, but he probably contacted Rainville.

Mr. FLANAGAN. What happened next, after your discussion with Mr. Rainville?

Mr. COLE. I left town and went to Monterey, Mexico, and I came back on the 29th of October, three o'clock in the afternoon, and around seven o'clock that night a man called us from Washington whose name I have forgotten, but he stated that he was the chief intelligence officer for the Republican National Committee.

Mr. FLANAGAN. What did he say?

Mr. COLE. He asked us all about it, and he asked us if we would meet him, if he could leave Washington that night, in Houston.

Mr. FLANAGAN. You say us again. Who was he talking to?

Mr. COLE. Mr. Carlisle and myself.

Mr. FLANAGAN. At the Frontier Hotel in McAllen, Texas?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. What did he tell him?

Mr. COLE. We told him if he wanted to meet us in Houston, we would be glad to meet him the next morning.

Mr. FLANAGAN. Did you in fact meet him or meet anyone else?

Mr. COLE. They never did show up.

Mr. FLANAGAN. Did you have any further discussions concerning this case with anybody else?

Mr. COLE. The next thing I knew about two weeks after the election, I would say around the 20th of November, the FBI walked in on me.

Mr. FLANAGAN. An FBI agent contacted you?

Mr. COLE. Two FBI agents contacted me.

Mr. FLANAGAN. Where?

Mr. COLE. In Houston, Texas.

Mr. FLANAGAN. Where?

Mr. COLE. In the office of John Carlisle.

Mr. FLANAGAN. Did they interview you concerning this case?

Mr. COLE. Yes, sir, they talked to me concerning this case.

Mr. FLANAGAN. And what did you tell them in substance?

Mr. COLE. Just about what I have told you.

Mr. FLANAGAN. Did the story vary in any way from what you have testified here today?

Mr. COLE. Not that I know of, I am relating it just as I remember it, word for word, sir.

Mr. FLANAGAN. When these two FBI agents interviewed you at Mr. Carlisle's office in Houston, was anyone else present during the interview?

Mr. COLE. Mr. Carlisle was.

Mr. FLANAGAN. Present and listened and sat there during the interview?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. Now at that time did they also interview Mr. Carlisle, in your presence?

Mr. COLE. No, sir, they did not, because after they interviewed me I left.

The CHAIRMAN. I will point out for the chair that Mr. Cole is under subpoena and you have requested him to be back here at two o'clock.

We will recess until two o'clock tomorrow afternoon.

[Whereupon, at 5:10 p.m. the hearing was recessed, to reconvene at 2:00 p.m., Tuesday, January 27, 1953.]

**PAYMENT FOR INFLUENCE—GAS PIPELINE
MATTER**

TUESDAY, JANUARY 27, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 2:20 p.m., in Room 357 of the Senate Office Building, Senator Joseph R. McCarthy, Chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator John L. McClellan, Democrat, Arkansas.

Present also: Francis D. Flanagan, general counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

Mr. FLANAGAN. Mr. Cole, as you know, you were sworn under oath yesterday afternoon, and you are still under the same oath.

Mr. COLE. Yes, sir.

TESTIMONY OF EUGENE COLE (RESUMED)

Mr. FLANAGAN. Yesterday afternoon when it was necessary for us to adjourn this meeting, I was asking you whether or not you had been interviewed by FBI agents in this case, and you said, "Yes," and that you told them substantially what you have told us here under oath.

Mr. COLE. Yes, sir.

Mr. FLANAGAN. At the conclusion of the meeting, I then asked you whether or not these FBI agents in Texas had interviewed your friend, John Carlisle, an attorney, and you said they had. Did you discuss this matter with Mr. Carlisle after the bureau agents had finished their interviewing him?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. Did Mr. Carlisle tell you what he had told or what he did not tell the bureau agents?

Mr. COLE. All he told me was that he could not testify and give them a statement as it was a relationship between he and his client which was confidential matter.

Mr. FLANAGAN. In other words, he told you that he did not give them any information because he felt that it was material or information concerning the confidential relationship between himself and his client?

Mr. COLE. That is correct.

Mr. FLANAGAN. What client was he talking about?

Mr. COLE. He didn't tell me that.

Mr. FLANAGAN. Have you talked to Clyde Austin about this case since you discussed it with him at that time concerning his FBI experience?

Mr. COLE. I was in Clyde Austin's office on the 11th day of December. Clyde told me that two FBI men had been in to see him in regard to this matter.

Mr. FLANAGAN. At that time, did Mr. Austin tell you or indicate to you what he had told these agents?

Mr. COLE. He told them that he didn't know anything about it and that they were crazy.

Mr. FLANAGAN. He told you that that is what he told them?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. Did he tell you anything different, any different set of facts?

Mr. COLE. No, sir, that is all he told me.

Mr. FLANAGAN. To repeat the question a different way, did Mr. Austin indicate to you that he was not telling the truth to the bureau agents?

Mr. COLE. All he told me was that these agents had been in there, and somebody had told this story to the government, and that they were barking up the wrong tree and that they were crazy and there wasn't anything to it at all.

The CHAIRMAN. He told you that he told the agents that; and from your conversation with him at various times, and your conversation at that time also did you understand that he knew substantially the same story that you told us here?

Mr. COLE. Yes, sir, I understand that he knows the story substantially as I have told it to you.

Senator MCCLELLAN. May I ask one question there as you proceed? Did he at the time you talked to him, when he was relating to you about the visits of the FBI men, know that you were the one who had given the information as to what he claimed had transpired up here at that meeting?

Mr. COLE. Not that day, but about a week after that, John Carlisle told me that Clyde Austin had called him and told him that he knew that I had called Fulton Lewis.

Senator MCCLELLAN. What I wanted to get at, has he ever questioned you about it since, that is, taken it up with you, wondering why you had told it and complaining about your having reported the matter?

Mr. COLE. No, sir, he has not.

Senator MCCLELLAN. That is all.

The CHAIRMAN. Maybe my memory does not serve me well, but I thought you said yesterday that at the time you called Washington, Fulton Lewis or someone else, Carlisle was with you—or was it Wells that was with you?

Mr. COLE. Wells and Carlisle and myself were there when I called Russell Turner in Fulton Lewis' office.

The CHAIRMAN. So Austin would not have to call Carlisle, Carlisle knew all about your contacts with Washington?

Mr. COLE. Any time that I talked to anyone in Washington, Mr. Carlisle was with me.

Mr. FLANAGAN. Did you have any further conversations with Mr. Carlisle or Mr. Wells or Mr. Austin concerning this case since that time?

Mr. COLE. No, sir, I have not.

Mr. FLANAGAN. Were you——

Mr. COLE. Wait a minute. Up to the time that you called down to McAllen last week.

Mr. FLANAGAN. I might state for the record that on January 19, I placed a long distance call for Mr. John Carlisle and located him at the Frontier Hotel at McAllen, Texas, and I interviewed him concerning this case.

Were you present in the hotel room at that time when I was talking to John Carlisle?

Mr. COLE. I walked in the Frontier Hotel, and the assistant manager says, "Where is John Carlisle?" And I said, "He is over at my brother Henry's house." And he said, "He has got three telephone calls from various places, one from Houston, one from Washington." and I forgot where the other one was from. And I said, "Give them to me. I will take them to him." My brother lives about ten blocks from the hotel, and so I went over there. And when he returned your call, it was from my brother's house in McAllen.

Mr. FLANAGAN. Prior to the time he actually returned my call and he got me on the phone, did you and Mr. Carlisle have any conversation about the case?

Mr. COLE. No, sir. He just said, "I wonder who is calling me from Washington" or something like that.

Mr. FLANAGAN. Were you present in the room while he was talking on the phone with me?

Mr. COLE. He was in one room and I was in the next room, approximately twenty feet from him.

Mr. FLANAGAN. Could you hear what he was saying?

Mr. COLE. Part of it, yes, sir.

Mr. FLANAGAN. Did you hear him tell me on the phone, in substance, that he had nothing to do with this case except having heard some rumors about it?

Mr. COLE. Yes, sir, in substance that is what he said, and he said, "The election is over."

Mr. FLANAGAN. Now, after he concluded that phone call with me, did you and Mr. Carlisle have a conversation about what had transpired on the telephone?

Mr. COLE. Yes, sir, and I said, "What do you think of it?" And he said, "I don't know what to think." And I said "Well, it is out now." And I said, "You might as well go face it." And he said, "What do you think we ought to do?" And I said, "Call him back and ask him to send us some airplane tickets and let us go get it over with."

Mr. FLANAGAN. Did Mr. Carlisle make any mention to you of the fact that he had indicated to me that he had not had any activity in this case except to hear certain rumors?

Mr. COLE. Would you repeat that, sir?

Mr. FLANAGAN. Did Mr. Carlisle, after he finished talking with me, tell you or indicate to you that he had not told me the whole story he actually knew?

Mr. COLE. Well, he didn't have to tell me that, as he knew that I knew of all of the contacts, and I could just draw my own conclusions on that, because he was present at every time that I talked with anyone in Washington concerning this matter.

Mr. FLANAGAN. Did he tell you why he withheld information from me?

Mr. COLE. When I said to him, I said, "John, just call him back and tell them to send us some airplane tickets," and he says, "I can't do anything until after I have talked to Clyde Austin."

Mr. FLANAGAN. His client, Clyde Austin?

Mr. COLE. Yes, sir. That is what he said.

Senator McCLELLAN. He used Clyde Austin's name then?

Mr. COLE. That is the only time he ever used Clyde Austin's name, and I said, "What are you going to do?" and he said, "I don't know. I told Mr. Flanagan to call O. V. Wells in Houston."

Mr. FLANAGAN. Did Mr. Carlisle at that time discuss with you the possibility of seeking immunity for his client, Mr. Austin?

Mr. COLE. At that time?

Mr. FLANAGAN. Yes, on the 19th of January, at the time of my call.

Mr. COLE. I said to him, I said, "Well, John, what did they say to you?" And he said, "Well, they indicated to me that if Clyde would come forward and tell them the whole story, that maybe something could be done in Clyde's behalf."

Mr. FLANAGAN. What other comment did he have about that conversation, as he repeated it?

Mr. COLE. That is all, and I just said, "Well, you might as well go up there, because if you don't they will be after you."

Mr. FLANAGAN. Following that conversation with Mr. Carlisle, have you had any further conversations with Carlisle, Wells, or Austin, in this matter?

Mr. COLE. No, sir, I have not.

The CHAIRMAN. You have not seen Austin at all since Mr. Flanagan's call to Carlisle?

Mr. COLE. Have I seen Austin?

The CHAIRMAN. Yes.

Mr. COLE. No, sir, I have not.

The CHAIRMAN. When is the last time you saw Austin?

Mr. COLE. On the 11th day of December.

The CHAIRMAN. At that time, did you discuss this alleged bribe?

Mr. COLE. No. That was the day he told me that—the only thing he said was the FBI had been to see him, and that was on the last time.

The CHAIRMAN. And did he tell you what he told the FBI?

Mr. COLE. Just that they were barking up the wrong tree.

The CHAIRMAN. This is Austin, now, and not Carlisle?

Mr. COLE. That was Austin. They were barking up the wrong tree, and that somebody was crazy.

The CHAIRMAN. That is the language I thought you used in relation to Carlisle.

Mr. FLANAGAN. No, that was Austin.

Mr. COLE. That is right.

Mr. FLANAGAN. Is there any other information concerning this alleged bribery case that you feel you ought to give us at this time, that we haven't asked you about?

Mr. COLE. Only there is one man that knows an awful lot about it, the man we talked to, and Mr. Carlisle talked to him for over an hour at the Frontier Hotel.

Mr. FLANAGAN. Who is that?

Mr. COLE. That is this man here in Washington that called me back around one o'clock in the morning and talked to me for an hour and a half on the Thursday before the election.

Mr. FLANAGAN. That was the man who said he was an intelligence agent for the Republican National Committee?

Mr. COLE. Yes, sir, and I believe he knows a good deal.

Senator MUNDT. What was his name, do you remember?

Mr. COLE. I cannot recall it now, Senator, but even the FBI asked me to please just say "a party," and they didn't even want his name in that report when they interviewed me.

Mr. FLANAGAN. Do you have any recollection of what his name was?

Mr. COLE. I think it was Bill Shields, and I don't remember.

Senator MUNDT. It wouldn't be a man by the name of Milton Hill?

Mr. COLE. No, sir.

The CHAIRMAN. Milton Hill, would that be it?

Mr. COLE. No. The FBI has his name.

Mr. FLANAGAN. Now, Mr. Cole—

The CHAIRMAN. I may have missed this yesterday, but do you know who arranged for this bribe, how the parties got together, or anything like that?

Mr. COLE. Would you repeat that?

The CHAIRMAN. Do you know who arranged for the stock to be paid over, and how the parties got together, and what preliminary talks they had, or anything like that?

Mr. COLE. No, sir, I have no knowledge of that Senator, whatsoever.

The CHAIRMAN. And the man who got the stock, when you speak of Connelly, we are not speaking of Senator Connally; we are speaking of Matt Connelly?

Mr. COLE. The party concerned is Mr. Matt Connelly, who was administrative assistant to the president.

The CHAIRMAN. Do you know anyone else besides the man you have named, Austin, who was involved in the giving end of the deal?

Mr. COLE. Frank Champion was there. In the Federal Power Commission's hearings, Senator, the attorney for Texas-Ohio got up in front of the commission during his argument for this certificate to be issued, and they tell me he pointed his finger at the commissioners, and he said, "This commission can be bought."

The CHAIRMAN. Who was that attorney?

Mr. COLE. Mr. Lowrey, the attorney for Texas-Ohio.

The CHAIRMAN. How long ago was that?

Mr. COLE. That was over a year ago.

Mr. FLANAGAN. Do you have any information as to what he was talking about when he made that statement?

Mr. COLE. No, sir, and I know what I would do if I was on the Commission if someone told me that.

Senator MCCLELLAN. I do not understand. As I understand you, that is only hearsay on your part, and you do not—

Mr. COLE. That is in the public Federal Power Commission records.

Senator MCCLELLAN. And you have seen it in the record?

Mr. COLE. They have been read to me out of their records. Might I state this: If I was trying to get this out, and this is just my idea, if I was trying to get it out, Mr. Clyde Austin is under court order, and so is Frank Champion and all of the rest of the officers of Texas-Ohio, from disposing of any of their stock in the company pending the outcome of about \$50 million worth of suits that are in the federal courthouse now. If I was trying to get this out, I would subpoena those boys and their stock, because some of it has been traded since then, but it is not so many shares that they can not be tracked down as to who still has their stock; and if they sell any of it, they are in contempt of court.

The CHAIRMAN. You feel there could not be any trading because of the court order, and it would be fairly easy to trace the seven thousand shares?

Mr. COLE. It would be awfully easy to trace these certificates down, because if Mr. Austin doesn't show up with the number of shares he was originally issued, or Mr. Champion doesn't show up, or Mr. Cannon, or Mr. Lowrey, it can be awfully easy to see who is short seven thousand shares of stock.

The CHAIRMAN. I do not know much about that particular transaction, but would there be anything to prevent—assume, as you relate, that Connelly did get seven thousand shares. Is there anything to prevent his going back to Austin and giving back the seven thousand shares?

Mr. COLE. They are just over-the-counter.

Mr. FLANAGAN. Mr. Cole, in the memorandum which I have read into the record, which is information furnished the committee based on information which you and others furnished to certain people in Washington just prior to the election, there are references in there to the Pemex oil deal.

I might state for the record that "Pemex" is the abbreviated name for Petrolius Mexicana, which is the government-controlled oil company of Mexico.

Now, Mr. Cole, will you relate to us the story that you know or heard concerning a company, a subsidiary which was set up under Pemex recently in northern Mexico?

Mr. COLE. There is a company set up which Mr. Ed Pauley of California heads in Mexico. That is for the purpose of the construction of a natural gas gathering system from various gas wells in and around the city of Reynosa in the state of Tamaulipas.

Mr. FLANAGAN. Will you spell those names?

Mr. COLE. R-e-y-n-o-s-a T-a-m-a-u-l-i-p-a-s.

Mr. FLANAGAN. What is the name of that company?

Mr. COLE. I don't know. Mr. Pauley is the head of it and it is Pauley's oil company in Mexico.

Mr. FLANAGAN. Go on with your story.

The CHAIRMAN. If you can think of the name, it would help us considerably.

Mr. FLANAGAN. Can you get the name?

Mr. COLE. I can get the name. I have the name in my files down in Texas.

Mr. FLANAGAN. Will you get that name and either call me or wire me the name so that we can insert it in the record here?

Mr. COLE. Yes, I can get you the name.

This company is established for the purpose of gathering natural gas through a natural gas gathering system from the various wells, and running it through a recycling plant, and there is a proposal up to construct a 16-inch natural gas line from Mexico into the United States and hook this 16-inch natural gas pipeline onto one of the large 31-inch transmission lines in and around McAllen, Texas.

Mr. FLANAGAN. Who is supposed to be financially interested in this company other than Mr. Ed Pauley?

Mr. COLE. Mr. Pauley, Mr. Connelly—

Mr. FLANAGAN. That is Mr. Matt Connelly, formerly of the White House staff?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. Go ahead.

Mr. COLE. Don Antonio Bremudez, who is the director general of Petrolius Mexicana. Niguel Aleman—

Mr. FLANAGAN. That is the former president of Mexico?

Mr. COLE. Yes.

Mr. FLANAGAN. Who else?

Mr. COLE. It is reported that there are several independent oil and gas men from South Texas in it, but I don't know who they are.

Mr. FLANAGAN. Are there any other public or former public officials of the United States in it?

Mr. COLE. They have said Mr. Truman was in it.

Mr. FLANAGAN. Didn't you tell me yesterday Mr. Bill O'Dwyer was also in it?

Mr. COLE. Yes, and Mr. Bill O'Dwyer, yes, also.

Mr. FLANAGAN. When you heard about this, what was indicated was wrong with the whole transaction, if anything?

Mr. COLE. Well, in order to do this in Mexico, the laws of the country there in setting up Petrolius Mexicana in 1938, when they expropriated the holdings of American oil companies, was that any foreign-owned company doing business in petroleum in Mexico would have to set up \$500,000 in cash for working capital in a bank in Mexico.

Mr. FLANAGAN. Did this group allegedly set up that \$500,000?

Mr. COLE. It is alleged to be on deposit in the National City Bank and Trust Company of New York, Mexico City Branch.

Mr. FLANAGAN. Are there any other facts you know about this alleged company?

Mr. COLE. Just that there was a Mexican senator who talked to me and told me these facts, and he is a senator of the Republic, at the Tubos Acero office in Monterey, and he was headed for Washington in the early part of October at that time.

Senator MUNDT. Was that last year?

Mr. COLE. Last year. And I told him while he was here that he should go by the Republican national headquarters in the Washington Hotel and tell them the story.

Mr. FLANAGAN. Why was he interested in telling it to the Republican National Committee or anyone else up here?

Mr. COLE. He just didn't think that the thing was correct, altogether.

Mr. FLANAGAN. You say you met this Mexican senator, whose name you cannot recall, in the offices of Tubos Acero—that is the name of a company is it not?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. Who owns that company?

Mr. COLE. The company is owned——

Mr. FLANAGAN. Who is the president?

Mr. COLE. Joe Kane.

Mr. FLANAGAN. Was he present when you had this discussion with the Mexican senator?

Mr. COLE. Yes, sir, he was there in the office when I had it.

Mr. FLANAGAN. And he overheard this conversation?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. And this conversation took place sometime in October of 1952?

Mr. COLE. Correct, sir.

Mr. FLANAGAN. Can you get the name of the senator?

Mr. COLE. Yes, sir, I can.

Mr. FLANAGAN. Will you also forward us that information?

Mr. COLE. Yes, sir.

Mr. FLANAGAN. Did that senator indicate that he was going to the Republican National Committee after you suggested it to him?

Mr. COLE. He did, and he came up here and talked to the same party that called me back that night, this same man, from the Republican National Committee, because he told me that this senator from Mexico had been in and talked to him about this, but he did not have sufficient time to run it down before the election.

Senator MUNDT. So the FBI would know the name?

Mr. COLE. The FBI has the names of these people, and some of these Spanish names are like that [indicating].

Senator MUNDT. I am not sure just what was illegal or improper or wrong about this gathering system. I can see how a man's curiosity might be stimulated by the strange gathering of important people who apparently invested their money, but was there any corruption involved, or was there any "fast" financing involved, or what was the situation?

Mr. COLE. I can't say.

Senator MUNDT. What did the Mexican senator seem to think was wrong about it, or he did not think it was right?

Mr. COLE. He didn't like it at all, and he was just like I am. And, now, Senator, if I was to get a natural gas gathering system or buy half a dozen trucks, there would be nothing wrong with it, no one would draw any attention. But for a bunch of people that never had natural gas gathering systems, such as the names that are related there, it doesn't sound correct, anyway.

Senator MUNDT. Pauley is a natural gas man.

Mr. COLE. One man in the oil business, and the rest of them apparently, to the best of my knowledge, that I could hear, have nothing to do with it.

Senator MUNDT. Do you know whether this company is still functioning, this Pemex?

Mr. COLE. Pemex is functioning every day, sir. You see, all oil and petroleum in Mexico is nationalized, and Petrolus Mexicana is the nationalized oil company of Mexico.

Mr. FLANAGAN. I believe the Senator is talking about this gas gathering company. Is that still operating?

Mr. COLE. Yes, sir. There is a proposal in April or May of this year to construct the 16-inch line into the states, and hook onto one of the large transcontinental transmission lines.

The CHAIRMAN. So the Pauley company is going ahead?

Mr. COLE. The three rigs are running now.

Senator MUNDT. Did they need any special influence to get an international agreement for crossing the international boundary line with an operation of that kind, or is that just standard operating procedure?

Mr. COLE. Senator, to obtain the necessary federal power permits and the necessary authority from both governments on something of this nature, would take a set of good lawyers a year to get it through, and you would have to have awful good lawyers to get it through in a year.

Mr. FLANAGAN. Based on your knowledge of the oil business, Mr. Cole, would this be a lucrative business venture if they were able to gather this gas in that oil field just south of our border and pipe it across our border and attach it onto our transmission lines?

Mr. COLE. Just look at any one of your transcontinental pipeline stocks and see what happens. They are worth \$1 before they are issued and then they are worth \$10 immediately, and one of them has split their stock eight times and it is worth \$31 a share, since 1940.

Senator MCCLELLAN. I have one question.

Has that pipeline been built yet, or a permit issued for it by the Federal Power Commission to construct the line to convey the gas across the border?

Mr. COLE. That I don't know, Senator, whether they have ever been issued their certificate of convenience and necessity or not.

Senator MCCLELLAN. Do you know whether it is pending, has been issued, or what?

Mr. COLE. I don't know the status of it.

Senator MCCLELLAN. Has the line been constructed yet, and is it in operation?

Mr. COLE. They are working on the gathering system lines, in the Brazil and the Rancon and the Reynosa fields, at this time.

Senator MCCLELLAN. But the main line has not been constructed, the transmission line to come across the border has not been constructed?

Mr. COLE. Not yet, sir. There is a proposal for it to be constructed this year.

Senator MCCLELLAN. That is the proposal. As to the certificate of convenience and necessity, you do not know the present status of that?

Mr. COLE. That is right.

Senator McCLELLAN. Do you know that an application has been filed for that certificate?

Mr. COLE. No, sir, I do not know any of the status of it.

Senator McCLELLAN. Of course, the records of the commission would show.

Mr. COLE. The records of the Federal Power Commission would show it.

Senator McCLELLAN. To ascertain, at this stage of the inquiry, I was trying to find your knowledge of the facts as to what progress has been made and how far it has progressed.

Mr. COLE. I don't know what they have done in the Federal Power, whether anything has been filed or not, and I just know what they have done south of the border, and I know Pauley has moved three rigs in there in the last six months.

Mr. FLANAGAN. What do you mean, oil well drilling rigs?

Mr. COLE. Yes, complete drilling derricks and towers and machinery necessary for the drilling of an oil or gas well.

Mr. FLANAGAN. Would he need rigs if he was just going to pipe the gas from the other wells that are already in existence?

Mr. COLE. Well, getting into that, now, to do this, Mr. Flanagan, to build a recycling plant, they first must estimate the quantity of reserves underground there, to see whether it is economically feasible. Then they will build a plant somewhere close to the vicinity of the center of the field, and then they will try to get as many wells as they can hooked onto that; and usually when they hit a field or a dome of this sort, they will drill one or two test wells, and it proves that the reserves are there and the sands are deep enough for the expenditure of a recycling plant and gathering system; and they will move in additional equipment immediately to drill that block up, so they could have sufficient reserves to justify the enormous expenditures that are necessary to put these systems in.

The CHAIRMAN. Other than that, you do not know of anything that is improper in so far as this deal is concerned?

Mr. COLE. No, sir. It might have been all a stock deal.

The CHAIRMAN. So that, assuming for the time being that all of the men you named have an interest in this corporation, they may have paid full value for the stock?

Mr. COLE. That is correct, and the only thing is, this senator from Mexico indicated that it wasn't right, and I was busy that day, and I said, "Go by and tell the Republican National Committee in Washington. They are awfully interested in things of that sort."

The CHAIRMAN. Well, unless Senator Mundt or Senator McClellan have some questions, I think that that is all.

I want to thank you very much, Mr. Cole; and I might say that this is an executive session, Mr. Cole, and the senators are bound not to discuss what goes on here. So you are instructed, under possible penalty of contempt of the committee, not to discuss your testimony here. And may I say further that we have been discussing men who have been high in public life or still are, and if it develops, for example, that this Mexican deal is completely legitimate, and if in the meantime their names are bandied about publicly, it could do them just irreparable damage. And likewise Mr. Connelly

and this alleged bribe deal, if it develops that is just a story you were told, and if there is nothing to it he would be damaged to the extent you could never repair it, if this were made public.

So, separate and apart from the usual admonition to be given a witness in executive session not to talk, under pain of contempt of the committee, I urge you on general principles, don't discuss this testimony you have given at all.

Mr. COLE. I will not.

The CHAIRMAN. We do not intend to issue any press release or any statement on it at this time.

Mr. COLE. I don't want any either, sir.

[Whereupon, at 2:50 p.m., the hearing was adjourned.]

PAYMENT FOR INFLUENCE GAS PIPELINE MATTER

[EDITOR'S NOTE.—Clyde Austin (1901–1975), O. V. Wells, and John W. Carlisle did not testify at a public hearing.]

SATURDAY, FEBRUARY 7, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Houston, Texas.

The subcommittee met, pursuant to Senate Resolution 40 agreed to January 30, 1953 at 10:30 a.m., at the office of John W. Carlisle, 600 Caroline Street, Houston, Texas, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator John L. McClellan, Democrat, Arkansas.

Present also: Francis D. Flanagan, general counsel; and John W. Carlisle, Esq.

TESTIMONY OF CLYDE AUSTIN (ACCOMPANIED BY HIS COUNSEL, JOHN W. CARLISLE)

[Clyde Austin was called as a witness and having been first duly sworn testified as follows:]

Mr. FLANAGAN. Let the record show that Mr. John Carlisle is present at this hearing as counsel representing Mr. Austin and Mr. Wells.

The CHAIRMAN. Mr. Austin, may I give you some advice, that you either refuse to answer or tell the truth. Don't make the mistake of thinking you are dealing with a couple of farm boys here as investigators. We have quite competent investigators. We have at times witnesses coming before us and making the mistake of thinking they can fool the committee. We are not intimating that you are going to do that, but let me urge upon you that you do either tell the whole truth or refuse to answer.

You have a right to refuse to answer. You have also a right to consult with your lawyer any time you see fit.

Thank you.

Mr. FLANAGAN. Mr. Austin, when did you first become an official of the Texas-Ohio Gas Company?

Mr. AUSTIN. I think it was around April of 1952. I am not sure about the date.

Mr. FLANAGAN. What office did you hold?

Mr. AUSTIN. Assistant secretary-treasurer.

Mr. FLANAGAN. How long did you remain an officer?

Mr. AUSTIN. Until about July or August of 1952.

Mr. FLANAGAN. At any time have you ever met Mr. Matthew Connelly, secretary to the former president?

Mr. AUSTIN. Yes, I have.

Mr. FLANAGAN. Have you seen Mr. Connelly since 1945?

Mr. AUSTIN. I have.

Mr. FLANAGAN. On how many occasions, approximately?

Mr. AUSTIN. You mean when I talked to him or saw him?

Mr. FLANAGAN. Either talked to him or saw him.

Mr. AUSTIN. I think I talked to him one time. Let's see you say 1945. Since this Texas-Ohio, I talked to him one time.

Mr. FLANAGAN. When was that?

Mr. AUSTIN. It was in January 1952.

Mr. FLANAGAN. Was that a telephone conversation?

Mr. AUSTIN. No, it was a personal conversation.

Mr. FLANAGAN. Where did you see him?

Mr. AUSTIN. In the Statler Hotel in Washington, D.C.

Mr. FLANAGAN. In January 1952?

Mr. AUSTIN. That is correct.

Mr. FLANAGAN. Where in the Statler Hotel, do you know?

Mr. AUSTIN. I don't remember the room.

Mr. FLANAGAN. Whose room was it?

Mr. AUSTIN. James M. Bryant's.

Mr. FLANAGAN. Who is James M. Bryant?

Mr. AUSTIN. So far as I know, he is supposed to be in the oil business in Dallas, Texas.

Mr. FLANAGAN. Who else was present in the room besides Mr. Connelly and yourself?

Mr. AUSTIN. His wife, Mrs. Bryant and Mr. Bryant.

Mr. FLANAGAN. And yourself?

Mr. AUSTIN. Yes, sir.

Mr. FLANAGAN. Five people?

Mr. AUSTIN. Yes, sir.

Mr. FLANAGAN. At that time did you have any discussion with him concerning the problems of the Texas-Ohio Gas Company?

Mr. AUSTIN. No, I didn't. I just merely identified myself as being with the Texas-Ohio Gas Company.

Mr. FLANAGAN. And you had no discussion concerning the difficulties or problems of that company?

Mr. AUSTIN. No, that is right.

Mr. FLANAGAN. How long were you in that room with him?

Mr. AUSTIN. I imagine from thirty minutes to an hour.

Mr. FLANAGAN. What was the general tenor of your conversation?

Mr. AUSTIN. I met him. I was up there visiting Mr. Bryant and Mr. Connelly was there. I didn't know he was there when I went in there.

Mr. FLANAGAN. What was the general tenor of your conversation?

Mr. AUSTIN. Well, talking about everything from the war to the Kentucky Derby. Something like that.

Mr. FLANAGAN. In other words, it was a social rather than a business conversation?

Mr. AUSTIN. That is correct. I had no idea Mr. Connelly was there when I went there.

Mr. FLANAGAN. Was Mr. Bryant to your knowledge carrying on any business conversations with Mr. Connelly?

Mr. AUSTIN. Not in my presence, he didn't.

Mr. FLANAGAN. When was the next time you saw or talked or communicated with Mr. Connelly after that?

Mr. AUSTIN. Well, I think I passed him going into the Terrace Room. I am not sure. I think I might have waved a hand or something like that. That was at the Statler, one other time. I am not sure that was before that meeting in the room or afterward, but I believe it was afterward.

Mr. FLANAGAN. Did you see him again after that, or communicate with him?

Mr. AUSTIN. No, not until I sent him a copy of that letter I sent you.

Mr. FLANAGAN. You are speaking of your letter to Connelly dated January 16, 1953?

Mr. AUSTIN. That is right.

Mr. FLANAGAN. In which you transmitted to him copy of statement you had made the FBI in connection with these allegations of bribery?

Mr. AUSTIN. That is right.

Mr. FLANAGAN. Did you ever offer Mr. Connelly or any other public official anything of value?

Mr. AUSTIN. No, I never have. I never talked to a public official and offered him anything in my life.

Mr. FLANAGAN. Have you ever made any gift or gratuity of any kind to Mr. Connelly?

Mr. AUSTIN. No, I have not.

Mr. FLANAGAN. Have you ever had any financial transactions of any kind with Mr. Connelly?

Mr. AUSTIN. No, I have not.

Mr. FLANAGAN. Has it ever come to your attention, directly or indirectly, that Mr. Connelly allegedly received stock or other interest in the Texas-Ohio Gas Company?

Mr. AUSTIN. Well I heard these rumors around here in town that probably started this investigation. In fact, two or three asked me about it. Asked me, did you do anything up there in Washington? That is all I know about it.

Mr. FLANAGAN. Briefly and in substance, what did these rumors boil down to? What was alleged?

Mr. AUSTIN. All I know, two or three asked me did I give anything to Truman, I think they said.

I said, "Don't be ridiculous."

And they said, "How about Matt Connelly?"

And I said, "I don't know anything about it."

There were a lot of rumors going around here in Houston that I heard at different places.

Mr. FLANAGAN. What was supposed to be given, and what was it supposed to be given for?

Mr. AUSTIN. I don't know. I didn't know anything about it, so I had no idea about it. There have been a lot of attacks made on this deal since we started it by various groups, and I laid it down to some of our enemies trying to do something to disrupt it or to discourage it.

Mr. FLANAGAN. What was your company seeking from the government?

Mr. AUSTIN. We were seeking a Certificate of Convenience and Necessity from the Federal Power Commission.

Mr. FLANAGAN. And when did you start negotiating for that certificate?

Mr. AUSTIN. I would have to——

Mr. FLANAGAN. To the best of your present knowledge?

Mr. AUSTIN. I think it was in April of 1952 we filed an application, formal application.

Mr. FLANAGAN. Before the Federal Power Commission?

Mr. AUSTIN. That is right.

Mr. FLANAGAN. At that time who was president of your company?

Mr. AUSTIN. Frank Champion.

Mr. FLANAGAN. Is he still president?

Mr. AUSTIN. He is. He is holding office under authority of the federal court injunction here.

Mr. FLANAGAN. Did you ever have any conversations with Frank Champion or anybody else concerning the possible use of political influence to assist your company in getting this certificate?

Mr. AUSTIN. Yes, sir, we sure did.

Mr. FLANAGAN. You say "we."

Mr. AUSTIN. You asked me if I did talk with Frank Champion, and the answer is, yes, I did.

Mr. FLANAGAN. When did you have this conversation with Frank Champion concerning the use of political influence to assist you in getting your certificate?

Mr. AUSTIN. May I explain it?

Mr. FLANAGAN. Go ahead.

Mr. AUSTIN. We filed this application, and we of course knew of the political implications here in Texas and up there in Washington of certain people, because we had run into a case where an employee of the Federal Power Commission, Buchanan's right-hand man, was reporting to our competitors, and we saw we had a problem on hand. So we made a report on that, and then went over to the FBI and named the man. Everything we were doing this man was reporting back to Texas Eastern and Brown and Root. Everything we were doing became known. So we had a strategy meeting about how to overcome that kind of situation.

So we got nowhere trying to talk to them. They didn't want to talk about it. And the attorney up there, Bob Freer, tried to talk to Buchanan, and he rejected a conference.

Anyway, we had that problem. So we decided we would do political lobbying, the same as the rest of them were doing. We all discussed it, threw it out on the table and said, what have we got facing us here?

So the bankers came up with an idea, Kidder Peabody——

Mr. FLANAGAN. What was their idea?

Mr. AUSTIN. They were going to handle the Republican side and we would handle the Democratic side. So we said, we have got to lay this picture in front of them. All of the time we knew we were being double-crossed, you see. So it was decided to try to find out who knows who here, and it was asked, who knows Matt Connelly?

Mr. FLANAGAN. Go ahead.

Mr. AUSTIN. So we had an attorney—I say an attorney, but we found out later he was not even licensed to practice law—named Vernon Lowrey.

Mr. FLANAGAN. Vernon Lowrey?

Mr. AUSTIN. Yes.

Mr. FLANAGAN. Where is he?

Mr. AUSTIN. From Mississippi originally. He was hanging around Washington up there. I think he is here now. Anyway, we discussed the deal, and said, how are we going to get the picture over?

So we went down and talked to Senator Connally.

Mr. FLANAGAN. Senator Tom Connally of Texas?

Mr. AUSTIN. That is right. And we told him we were being disrupted by our competitors, and that every statement we made was being reported to our competitors, and that we were being pushed around by the gas monopoly and this gas-oil business in Texas is a monopoly, and it is a closed monopoly too. I am not going to make a political speech, but our competitors knew everything that we were doing and they were doing everything they possibly could to keep us from getting anywhere.

So we were posed with that problem. So we wanted to know who we could see in Washington. We talked to Arthur Perry, in Connally's office—

Mr. FLANAGAN. Who?

Mr. AUSTIN. Perry, administrative assistant to Senator Connally. We talked to him about how to get our story over. We didn't go to Lyndon Johnson because we were told he was merely an office boy for the other side, which I think he is. But anyway this thing got around to who knows who.

So while this meeting I had with Matt Connelly was accidental, I had wanted to meet him, and had asked certain people we knew to see if we could get somebody—the main thing was we were going to try to get Buchanan kicked out of office, out of the Federal Power Commission. And this fellow Kallina told people we didn't have certain things. And it was disrupting our organization. That was the main reason I wanted to meet Matt Connelly, to get the story over. I wanted the president to know about it. But I didn't talk to him about it because there were people there. I would have brought it up if there hadn't been other people there.

In the meantime Lowrey came in, and he called his wife up, and I didn't have any opportunity to talk to Matt Connelly.

When they came in I left, and I didn't get a chance to get my story over. I thought I had a very good chance, but I didn't. But anyway I talked to other people and asked them to talk to him and tell the story.

Mr. FLANAGAN. What people did you tell to talk to Connelly?

Mr. AUSTIN. I told Bryant to talk to him, and I told another party by the name of Frank Burke.

Mr. FLANAGAN. Who is Frank Burke?

Mr. AUSTIN. He is a friend of Bryant, and is in politics in Michigan.

Mr. FLANAGAN. Where in Michigan?

Mr. AUSTIN. Benton Harbor.

Mr. FLANAGAN. Who else did you tell to talk to Connelly other than Bryant and Burke?

Mr. AUSTIN. That is all.

Mr. FLANAGAN. What did you tell them to tell Connelly?

Mr. AUSTIN. To get the story over, what was happening with Buchanan.

Mr. FLANAGAN. Did you intimate to Burke or to Lowrey that Connelly would be taken care of if he would give assistance to you?

Mr. AUSTIN. No. We were not talking about that situation at all. Nothing like that.

Mr. FLANAGAN. Go ahead.

Mr. AUSTIN. I never thought of that at all. We were merely trying to get over our story of what was happening to us down here by our competitors.

But here is what did happen. Lowrey came along, and in January they had a party up there in Washington, in the Jefferson Hotel. Mrs. Lowrey had a party and invited over some people. I don't know who they invited, but included in there was a cousin or nephew of the president, Lew Truman, and his wife, and her name happens to be Margaret. Somebody got that mixed up and started a story on it. Anyway, they were there.

Mr. FLANAGAN. Was Connelly at that meeting?

Mr. AUSTIN. No. He was invited, but he didn't come. To the best of my recollection he was not there. Mrs. Lowrey gave the party for Hank Fort, who was an entertainer then appearing at the Statler Hotel. There were a lot of people there. I don't know but very few of the names. However, after the party was on I said, let's invite Connelly over, and maybe we can get a chance to talk to him.

Mr. FLANAGAN. This was in January 1952?

Mr. AUSTIN. That is right.

Mr. FLANAGAN. Go ahead.

Mr. AUSTIN. But he didn't come. So there was nothing done on that. Now after that we kept getting interference from people, the monopoly group, who didn't want us to get the thing over. And finally Lowrey said to me: "You stay out of Washington. You can't do business in Washington. I have been up here, and know the ropes, and you stay out of Washington, and I will get the job done. You are not getting anywhere."

Well, he and Champion of course were buddies. I said: "I am not going to do any such thing. We have made a mistake in electing a drunkard as president of the company, and if we can't keep him sober enough to transact business I don't think he should be in what you are doing."

So anyway we had quite an argument about it.

And the next thing, Lowrey came to me and he said: "Mr. Buchanan is against us, and doing all these things, and I want to blast Buchanan out of Washington."

And I said I didn't know anything about that.

And he said he wanted to blast Buchanan on this and that.

So what did happen, Lowrey went ahead and testified in the hearing—I don't know whether you are familiar with it or not—but in there, he said that Burke came to Frank Champion with a deal, in return for contracts of some kind, that he could make a deal in Washington. Lowrey gets up in open hearing and tells the chairman he would get his vote, or something to that effect I happen to know, while I don't like Buchanan, and I don't have any use for

him, because he is on the wrong side of the fence from me, but nevertheless Lowrey I think made that story up in order to kill the project. The reason I say that is because of his future affiliations and what he did later on. He was dealing with our names.

Mr. FLANAGAN. In other words, Lowrey said to the chairman—

Mr. AUSTIN. He said: "Your vote has been offered to me," or something to that effect.

Senator MCCARTHY. Lowrey was asking for certain consideration for his company. What was the occasion for his insulting the chairman?

Mr. AUSTIN. I can give you my opinion of it. It would be an effort to destroy our name, and that he was working with the monopoly group.

Mr. FLANAGAN. Go ahead.

Mr. AUSTIN. Anyway, this man Lowrey changed completely.

And the next thing, he came to me right after this meeting, and he said: "Now, listen, some big people are interested in that thing, and let's sell this thing out."

And I said: "You haven't got any interest in it. So we are not selling it out. We have got a good case and we can put it over on the merits of it."

And he said: "Well, I don't think we can buck Wall Street and the opposition of the other companies alone and get it over. And if you want to sell out I can arrange it."

I said: "Well, who is it?"

Then he said: "Well, Brown and Root, of Houston, Texas, who own a controlling interest in Texas Eastern."

I said: "Well, I don't know. That is a matter we will put up to the board of directors and the stockholders."

Anyway, the whole thing was very antagonistic. Lowrey started in antagonizing the commission and all that. And it finally ended up that they had a meeting in Washington, D.C., I don't know the exact date. But Herman Brown was up there, in the Mayflower Hotel, and their man got hold of Congressman Morrison from Louisiana, Jimmy Morrison, and asked him if he couldn't get us to work out a deal.

In the meantime they had approached us through some banking interests in Houston to buy into this. And Morrison told me that they had said to him that if we didn't sell out, because we had violated the law, they were going to use their political influence to prosecute. He said to me: "They said if you don't, because you have violated the law, they are going to use their political influence to prosecute you. And you had better sell out, take your money and get out."

I said: "You are not telling me to do that?"

And he said: "No, I am not telling you to do that. They told me to tell you that."

Senator MCCARTHY. What law did they claim you had violated?

Mr. AUSTIN. They didn't say. I knew we didn't violate any. I didn't think we did. But anyway we didn't sell out, and nothing happened of it.

But Lowrey then became very critical of everything, and he said to me in this meeting right after this party: "God damn, you can

take two bits and buy this outfit. If you would get out of Washington and leave us alone we could arrange this thing.”

Mr. FLANAGAN. He was talking about the commission?

Mr. AUSTIN. I don't know.

Mr. FLANAGAN. Did he refer to the commission or to Matt Connelly?

Mr. AUSTIN. No, not at that time. When Matt Connelly was over in the Statler Terrace he was supposed to have been with some guy named Joe Feeny.

Mr. FLANAGAN. Joe Feeny, who was on the White House staff?

Mr. AUSTIN. I don't know. I was told that was who it was.

So Frank Champion said to me: “I am going over there and have a session with those two-bits guys.”

I said: “Frank, you are not going to call on anybody. In the first place you are drunk, and we don't do business that way.”

So finally he said he wouldn't go over there. But later on I was told by Bryant that he came in there and slapped someone on the back, either Connelly or Feeny. And they told him they didn't have any business with him, and didn't want to talk with him, and pushed him on off. I didn't see that. That is hearsay. Bryant told me that.

Anyway, we had other meetings. And I don't know whether anything ever happened to it or not. The records don't show any stock was issued to anybody for any such purpose, and Lowrey did say—bear in mind I called a meeting to oust Champion and Lowrey both.

Mr. FLANAGAN. Who was that?

Mr. AUSTIN. Champion and Lowrey both. So I called a meeting of the stockholders to oust them. I called a meeting for the 4th of July and said they were ruining the business.

So in the meantime Kidder and Peabody, the bankers, got in touch with my attorney and said: “Let's don't do anything about this. Let's make an agreement. Let's get together on the management.”

So we agreed to put the hearing off for one day to work out an agreement, and we put the stockholders meeting over for one day.

In the meantime the bankers walked out of that meeting with our attorney, who was Judge Harry Peterson, of Minneapolis and William J. Gerron, of Brady, Texas. They walked out of the meeting and went over to Douglas McGregor, who was former assistant attorney general, and district attorney here, and asked him to bring an injunction against us from this meeting. Incidentally, McGregor wasn't their attorney, but they told me if I didn't do certain things they were going to go and hire him because of his political influence. I happen to know Douglas McGregor is a reputable lawyer and he don't go for that kind of stuff. But anyway they hired him and they got a temporary injunction from Judge Kennerly. And under the temporary injunction in my opinion they are wrecking this company. There is nothing they wouldn't do to wreck it. I can't prove it, but I think you could if you would go into it, that they got paid off to wreck it.

Mr. FLANAGAN. Who got paid off?

Mr. AUSTIN. Frank Champion and Vernon Lowrey.

Mr. FLANAGAN. Who paid them off?

Mr. AUSTIN. In my opinion they were paid off by one of our competitors, Brown and Root, of Houston, Texas.

Mr. FLANAGAN. Do you have any information that Champion or Lowrey, or anyone else connected with your company, directly or indirectly, attempted to or actually did transfer any stock or anything else of value to any public official?

Mr. AUSTIN. No, I don't know about any public official, but I will tell you what I do know, and the records show this. Kidder and Peabody came and said they wanted to take more stock; that they wanted to do certain things. They bragged about it at that time.

Mr. FLANAGAN. Who bragged?

Mr. AUSTIN. Kidder and Peabody, banking group.

Mr. FLANAGAN. Who in Kidder and Peabody?

Mr. AUSTIN. Harry Witt and Joseph Hibben.

Senator MCCARTHY. Do I understand you do not know anyone at any time who gave either Connelly or any member of the Federal Power Commission, or anyone connected with Connelly's office, or any other public official in Washington anything of value in connection with this?

Mr. AUSTIN. No, I don't, of my own knowledge. I have no knowledge of anyone getting any stock for any such purpose as that. But Harry Witt said if we would let them have more stock they could do the thing. They said to give them the management and they could still do things. And when they got control of the company they immediately canceled trustee certificate I had for 330,000 shares of stock, broke it up, and gave Kidder and Peabody some more stock than when the thing started out.

Mr. FLANAGAN. Getting back to the Kidder and Peabody situation, you said you talked to Mr. Hibben, or Hibben talked to you?

Mr. AUSTIN. Yes, several times.

Mr. FLANAGAN. About getting more stock so he could take care of people?

Mr. AUSTIN. He didn't say. He said: "If we had more stock we could do things."

Mr. FLANAGAN. What did he mean?

Mr. AUSTIN. I don't know. That is his exact words, "If we had more stock we could do things." Later on he did say that certain people, if allowed to participate in this company and buy stock at a nominal price, could bolster our situation. Whether he meant bankers or what at that time—at that time I thought he meant bankers and later on when I began to see certain monkey works was going on I thought he meant something else.

Mr. FLANAGAN. What did you think?

Mr. AUSTIN. I thought he meant to bring in certain people into the organization, and to tell you the truth, he had mentioned one of the commissioners.

Mr. FLANAGAN. Which one?

Mr. AUSTIN. Nelson Lee Smith.

Mr. FLANAGAN. Nelson Lee Smith, Federal Power Commission?

Mr. AUSTIN. Yes. In fact, he went so far as to tell me Mr. Nelson Lee Smith was coming in, that he had made a deal.

Mr. FLANAGAN. Did he indicate that if he could turn some stock over to Mr. Nelson Lee Smith it would be helpful to your cause?

Mr. AUSTIN. No. He said if he had this stock—I don't remember just how he said it, but if he had this stock and could place it at par value it could bolster the situation. And then later on he brought in Nelson Lee Smith and said that Nelson Lee Smith was going to resign and come with them. So you can put two and two together. I don't know whether it means anything or not.

The CHAIRMAN. In other words, he had made a deal with Nelson Lee Smith to give him a job in the company?

Mr. AUSTIN. No. The way I understood, Nelson Lee Smith had been on the commission for years and was supposed to be an expert in power financing, and with Nelson Lee Smith going with the banking firm naturally that would—

Mr. FLANAGAN. Where is Hibben located?

Mr. AUSTIN. Chicago, Illinois.

Mr. FLANAGAN. Now, as you know, it has been alleged that you or someone else in this Texas-Ohio Gas Company gave Matt Connelly 7500 shares of stock in return for his influence in assisting you before the Federal Power Commission. Is that or not a fact?

Mr. AUSTIN. It is not a fact, so far as I am concerned, because I never did it.

Mr. FLANAGAN. Did you ever tell that story to anybody else?

Mr. AUSTIN. No. Several people have come to me and said: "There are rumors around here. What did you give Truman?"

Mr. FLANAGAN. Did you tell your lawyer, Mr. Carlisle, or Mr. Wells, or did you intimate to them, or give them any reason to believe you had paid or had attempted to pay Matt Connelly for political assistance?

Mr. AUSTIN. No, not that I had.

Mr. FLANAGAN. Or anybody?

Mr. AUSTIN. I never gave any indication I had. I did discuss this monkey work going on, and what Lowrey and Champion had done, since they were so anxious to get me out of there. I discussed that. We discussed what Kidder and Peabody did with the stock. Kidder and Peabody broke the stock up in small denominations.

Mr. FLANAGAN. Did they get that trustee stock?

Mr. AUSTIN. They got stock. They first said they had a lot of names they wanted to put in. And somebody said, you can't do that. And then they broke it down into small amounts. I have got a letter here, copy of letter, transmitting that broken down list, right here with me, if you are interested in it.

Mr. CARLISLE. Would you mind if I ask one question? I wanted to ask Mr. Austin if Mr. Lowrey or Mr. Champion implied or expressed themselves that they might or could go to Matt Connelly or any of the White House staff for the purpose of working out some more desirable transaction in bringing about more favorable consideration?

Mr. AUSTIN. Not only did he intimate it, but he didn't say Matt Connelly.

The CHAIRMAN. Was that Lowrey or Champion?

Mr. AUSTIN. Lowrey first brought it up. He called me in there one day in the Jefferson Hotel. There were a lot of people in the room. Frank Champion was there, and Marshall McNeil, of the Scripps Howard papers, was there. And he got me back in the lavatory, and he said: "Listen, you go home, and let us handle Wash-

ington, and we can get things done. Go on and play with the bankers. You can't buck them. Let Kidder Peabody have that stock."

And they said we would work this thing out.

I said: "I am not going to do any such thing." I said: "You fellows haven't got a nickel in the company."

And they put all kinds of pressure on me to let them have the 330,000 shares of trustee stock.

So they put through a resolution taking the stock, appropriated it, without any authority of law or anything else.

The CHAIRMAN. Did you say Marshall McNeil?

Mr. AUSTIN. Yes, of the Scripps Howard papers.

Mr. FLANAGAN. What did you talk to Marshall McNeil about?

Mr. AUSTIN. I wasn't talking to him at all. He was talking to Frank Champion and was in there when I came into the room.

Mr. FLANAGAN. What was McNeill's interest?

Mr. AUSTIN. Frank Champion had some wild story that he had been threatened over the phone, and they were interviewing him about it.

Mr. FLANAGAN. He didn't know by whom?

Mr. AUSTIN. He didn't say. Somebody called him down in the lobby.

Senator MCCARTHY. Was McNeill taking part in advising you to get out of Washington and let the bankers handle it?

Mr. AUSTIN. No.

The CHAIRMAN. McNeill wasn't?

Mr. AUSTIN. No.

Mr. FLANAGAN. McNeill was just seeking a news story concerning the threat to Champion?

Mr. AUSTIN. That is correct.

Mr. FLANAGAN. Getting back again to the question suggested by your lawyer, did Lowrey, Champion or anyone else indicate or intimate that they would take care of Connelly or anyone else?

Mr. AUSTIN. He didn't say Connelly. But he definitely said if I would split up this stock and let them have it they would get the thing through.

Mr. CARLISLE. Did he say anything about the White House?

Mr. AUSTIN. The only mention I heard made of the White House, he mentioned that he was going to get an appointment with Donald Dawson, and that is the only man whose name was ever mentioned. He never mentioned Connelly.

Mr. FLANAGAN. Did Lowrey indicate he had known Dawson?

Mr. AUSTIN. He said he did. He says he knows everybody. But he specifically said he was going to have an appointment with Donald Dawson. He didn't say about a bribe.

The CHAIRMAN. In any event, you do not know of any individual they bribed or attempted to bribe?

Mr. AUSTIN. No, I don't, of my own knowledge.

The CHAIRMAN. Have you ever known of a specific case where John Jones or Pete Smith was going to bribe someone else?

Mr. AUSTIN. No. I will tell you, we were trying to get a key personnel, and I had written a letter which went into the record of the Federal Power Commission, that if we would get a certain man—I don't mind naming the individual, and this was not political at all, we would allow him to buy so much stock.

Mr. FLANAGAN. Who was this man?

Mr. AUSTIN. Arthur Kimball, with the State Department. His father used to be a doctor for President Wilson. He was a high type man. This was nothing to do with bribery. You see the State Department has nothing to do with this whatever. I had written a letter saying that if he wanted to resign that we would get together and he would be allowed to buy around fifteen thousand shares of stock at par and come with the company as vice president. Lowrey tried to use this on me when they were putting pressure on me to get out of control—they wanted to use certain things against me if I didn't do certain things. He threatened to use that letter on me, and said he had a friend in the FBI, and he said he had a friend there.

Mr. FLANAGAN. Did he mention him?

Mr. AUSTIN. He said the name Manus, or some similar name. And he said: "Furthermore, that letter you wrote offering the 115,000 shares of stock will sure start an investigation, and it is going to be used if you don't get out of our way."

The letter was written innocently, for a specific purpose of getting a good man to come with the company. There was no political connection at all.

Mr. FLANAGAN. Have you got a copy of the correspondence between yourself and Kimball?

Mr. AUSTIN. I never had any with Kimball at all. I wrote the letter to Bryant.

Mr. FLANAGAN. Have you got copies of your letters to Bryant?

Mr. AUSTIN. I may have here.

Mr. FLANAGAN. We will look those up.

The CHAIRMAN. Why did you want Kimball with the company?

Mr. AUSTIN. I will tell you why. The main reason, I heard him talking at a dinner one time with Bryant, about how he had been in Germany in charge of the German affairs section of the State Department, and we were having trouble getting steel and things, and he seemed to know—and he mentioned a fellow that Lowrey and I knew, the consul general at Berlin—

The CHAIRMAN. Did you ever talk to this fellow Kimball about the possibility of his coming with the company?

Mr. AUSTIN. No, sir, but I told Bryant to.

The CHAIRMAN. Do you know if he did?

Mr. AUSTIN. I believe he did.

The CHAIRMAN. What did he report back?

Mr. AUSTIN. He wouldn't come at the time.

The CHAIRMAN. Was there any final conclusion of this?

Mr. AUSTIN. No. I wrote Bryant.

The CHAIRMAN. I have an appointment, and they are coming by for me. I think we have about covered the matter anyway, and I will ask Senator McClellan to go ahead with the hearing.

Senator MCCLELLAN. May I ask a question or two. You refer to a Mr. Witt and a Mr. Hibben, with Kidder Peabody, who approached you and undertook to have a considerable block of stock placed at their disposal?

Mr. AUSTIN. That is right, without compensation.

Senator MCCLELLAN. Without compensation?

Mr. AUSTIN. Yes, sir.

Senator McCLELLAN. Who was the owner of the stock they sought to acquire?

Mr. AUSTIN. I had it as trustee stock. It was owned by the company in a trustee certificate.

Senator McCLELLAN. Lowrey also approached you?

Mr. AUSTIN. Yes.

Senator McCLELLAN. With reference to making available a considerable amount of that trustee stock?

Mr. AUSTIN. That is right. Not only that, but he threatened me later on.

Senator McCLELLAN. There were certain implications in that proposal at the time, and later confirmed, is that correct, through actions and further conversations, as I understand?

Mr. AUSTIN. That is correct.

Senator McCLELLAN. What were those implications to you? What was your inference of those implications, then and now?

Mr. AUSTIN. My idea of it was that they were going to take that stock and do something—they had told me that they had a deal made with Nelson Lee Smith to come with them.

I will be glad to write a history of this in chronological order and swear to it.

Mr. FLANAGAN. Write up a chronological history of this matter in affidavit form, and insert it as a part of the testimony in this record, under oath.

Mr. AUSTIN. I will be glad to.

Senator McCLELLAN. The question was, I believe, if we can revert back to it, that Lowrey, Witt and Hibben had undertaken to get from you the trustee stock.

Mr. AUSTIN. And Champion.

Senator McCLELLAN. A large block of stock, to be made available to them for their disposal.

Mr. AUSTIN. That is right.

Senator McCLELLAN. And it carried with it implications that you sensed at the time, and that subsequently were confirmed by other developments, that that stock was to be used in some way as influence either in financial circles or in political circles for the advantage of the company.

Mr. AUSTIN. That is the very reason I thought, and the reason I called this stockholders meeting to oust them.

Senator McCLELLAN. What was your interpretation and inference from those implications?

Mr. AUSTIN. My idea is that anyone like bankers, Lowrey and Champion—they put pressure on this 330,000 shares of trustee stock. They demanded that certificate, and when I refused they got this injunction. Right after they got the injunction they reissued the certificate, broke the stock up into small amounts, and started doing as they wanted to do.

Senator McCLELLAN. The point is, were they using it for financial activities, to strengthen the company financially, or was that stock to be disposed of to acquire political influence?

Mr. AUSTIN. Both of them. However, no longer than three days ago Kidder Peabody wrote a letter dealing with influence with the new administration.

Mr. FLANAGAN. Have you got copies?

Mr. AUSTIN. No, but I can tell you where you can get them.

Mr. FLANAGAN. Who is that?

Mr. AUSTIN. William Flocks.

Mr. FLANAGAN. William R. Flocks?

Mr. AUSTIN. Yes. He was the same one.

Senator MCCLELLAN. I am trying to differentiate between cases that were purely financial transactions and cases where the stock was to be used to acquire political influence, either by selling it at a low value or price, or as a gift, or to be used in any way as inducement for political influence. As far as you can tell—

Mr. AUSTIN. My impression is that it was both, and I will tell you why. They went ahead and told me, let's take in some banking group. They said, you can handle certain things with the Democratic side, and we can handle them with the Republicans. And they went ahead and told me they already had a deal with the Republican commissioner, Nelson Lee Smith. They even pointed out to me, asked me, and went so far as Harry Witt went with me to the Jackson Day dinner; asked me to buy some tickets for the Jackson Day dinner, and he said, "Don't tell them I am a Republican." Anyway, they specifically made that request about the banking group.

Senator MCCLELLAN. Can you follow it up and tell us definitely any use of that stock?

Mr. AUSTIN. No. I didn't let them have any stock until they were operating under this injunction from this judge. They reissued the stock at the time, divided it up the way they wanted to dispose of it.

Senator MCCLELLAN. You don't know how the stock has been disposed of?

Mr. AUSTIN. No.

Senator MCCLELLAN. And how much has not been disposed of—

Mr. AUSTIN. No. But I do know they canceled the 330,00 share certificate issued to me, without any authority, and gave the bankers the very stock they tried to make me give them before. I do know Lowrey threatened me with a letter that had no political implications. I figured there was a big shortage of steel and that this man would be able to get us foreign steel, because naturally he knows most everybody in Europe.

Mr. FLANAGAN. From your knowledge of all the circumstances as you have related them, are you of the opinion now that some of this stock has been used to purchase or procure political influence?

Mr. AUSTIN. I certainly am. And I know that Lowrey and Kidder and Peabody had that in mind, and Champion too.

Mr. FLANAGAN. On this occasion when you met Matt Connelly in the room with Mr. Bryant in the Statler Hotel had Bryant talked to you prior to that about Matt Connelly being present?

Mr. AUSTIN. Yes, sir, we talked about getting somebody to listen to us.

Senator MCCLELLAN. Had you talked about Matt Connelly specifically?

Mr. AUSTIN. I think so. I said: "Who do you know over there? Let's get this story over."

Senator McCLELLAN. What you actually wanted to do was to get the story over to the White House so that you might be able to get Buchanan off the commission?

Mr. AUSTIN. No, to get justice. I refused to join Lowrey to get him off.

Senator McCLELLAN. You were trying to get the picture, the story, over to the White House?

Mr. AUSTIN. That is correct.

Senator McCLELLAN. So that the White House would take some action?

Mr. AUSTIN. That is right.

Senator McCLELLAN. But when you went over to Bryant's room did you know before you went that Matt Connelly was to be there at that time?

Mr. AUSTIN. No, I didn't know it at the time, no.

Senator McCLELLAN. You had an idea he would probably be there?

Mr. AUSTIN. No. I really didn't.

Senator McCLELLAN. Was it a surprise to you?

Mr. AUSTIN. No, it wasn't. I just happened to drop in there, although I had requested Bryant to get me an appointment with somebody way before that.

Senator McCLELLAN. You said you did not discuss the matter with Connelly?

Mr. AUSTIN. No, because his wife was there and, as I said, we talked about the Kentucky Derby and all.

Senator McCLELLAN. Did you seek to make any appointment with Connelly later to discuss it with him?

Mr. AUSTIN. No, I didn't.

Senator McCLELLAN. Let me ask you how you can account for the story that you know we have, that the bribe was actually offered at that time, or given at that time?

Mr. AUSTIN. No, I cannot.

Senator McCLELLAN. One further question: How can you account for the rumor, if it is a rumor, that has given the story to this committee that you know has reached it, and I am sure you know some of the details of it, with respect to the bribe, or the attempted bribe, or the transfer of stock, or the giving of the stock, to Matt Connelly, for him to give you the benefit of his influence or something in connection with this Certificate of Convenience and Necessity?

Mr. AUSTIN. I will tell you my opinion of it, is all.

Senator McCLELLAN. Well, give me that.

Mr. AUSTIN. Two things could account for it. One, that Lowrey had threatened me with this letter offering Arthur Kimball a position with the company, and said it would result in an investigation. Further, I have been in Houston, and two or three people would come up to me and say is there anything to this story that you have made a deal with the Truman administration? And they would finally get down to specific names, and named Matt Connelly.

Senator McCLELLAN. Do you think the rumor and the report that has come to this committee, that an attempt was made, or that it

actually occurred, that stock was transferred to Matt Connelly, is fantastic and without any basis in fact?

Mr. AUSTIN. I sure do.

Senator McCLELLAN. Is that your conclusion?

Mr. AUSTIN. I sure do think that, because I think it is done for the purpose of diverting talk.

Senator McCLELLAN. You say you do not think there is a basis of fact for the charge or accusation that any attempt was made to transfer stock to Matt Connelly as a bribe?

Mr. AUSTIN. By me there is not any.

Senator McCLELLAN. By you?

Mr. AUSTIN. Absolutely not.

Senator McCLELLAN. What I am trying to determine is whether we are out there on a limb and investigating a wild rumor without any basis to support it, or are we on the right track?

Mr. AUSTIN. I think you are on the right track of the biggest scandal in the United States with a bunch of bankers and a monopoly in the gas business. If you will follow it through you will find it is rotten from the bottom to the top. I think I can give you leads that will help you solve it. If you follow it up you will run on to something that will be sensational.

Senator McCLELLAN. Do you think there are grounds for strong suspicion that some of this stock that we have been discussing has been used in an effort to obtain political influence?

Mr. AUSTIN. I think that is correct.

Senator McCLELLAN. And you will in that statement you are going to prepare give us leads we can follow?

Mr. AUSTIN. I certainly will.

Mr. FLANAGAN. How long will it take you to prepare this chronological story?

Mr. AUSTIN. That is quite a job. It will take me several days. I can get it before the week is up, this coming week.

Mr. FLANAGAN. That will be inserted in this record as a part of your sworn testimony, and it should be supported by documentary evidence you may have.

Mr. AUSTIN. I think I can give you that pretty soon.

I don't think Matt Connelly got stock, but it is higher.

Senator McCLELLAN. It is not just an effort to pin something on Matt Connelly.

Mr. FLANAGAN. Just one other thing. Mr. Carlisle is your attorney.

Mr. AUSTIN. Yes, sir.

Mr. FLANAGAN. First, let me ask you, can he be released from the attorney-client relationship so we can ask him questions?

Mr. AUSTIN. Now I will tell you about that. Judge Peterson of Minneapolis and Mr. Garron are also our attorneys. We have got a conspiracy suit coming up against Kidder Peabody, and that might damage us irreparably. Why don't we let Mr. Carlisle give it after we take certain legal actions we are going to take here? The other attorneys cautioned me about that very thing.

Senator McCLELLAN. If it develops that you are telling us the truth there is no occasion to have Mr. Carlisle repeat the very things you have told us today. But if you have told him something entirely different to this—

Mr. AUSTIN. I didn't tell him anything different. But the thing is we have discussed procedure and things, and that is why I wanted to get this suit filed before this thing breaks.

Senator McCLELLAN. Just for the record, you will say that at present you decline to release your attorney, Mr. Carlisle, from the privileged communication rule?

Mr. AUSTIN. Very reluctantly. I would like the record to show that.

Senator McCLELLAN. For the present?

Mr. AUSTIN. Just for the present, that is right.

Mr. CARLISLE. In order that the record may be complete, I would like to state that Senator McClellan has developed the information I wanted to bring out.

Senator McCLELLAN. Let's let the record show you will supply this statement say within the next two weeks? Will that be sufficient?

Mr. AUSTIN. That will be fine.

**TESTIMONY OF O. V. WELLS (ACCOMPANIED BY HIS COUNSEL,
JOHN W. CARLISLE)**

[O. V. Wells was called as a witness and, having been first duly sworn, testified as follows:]

Senator McCLELLAN. I am acting chairman in the absence of Senator McCarthy at this moment. I will make the same statement to you that he is accustomed to making to other witnesses who appear before the committee, and that is that you have a right, if you think any question asked might tend to incriminate you, you have a right to refuse to answer. If that right is not reserved, and you do answer, you are expected of course to tell the truth, and failure to do so might lead to unpleasant consequences later.

I do not make that statement on the assumption that any witness is going to testify falsely but of course it has occurred, and that is the view of the chairman, I am sure, that every witness should be advised that he does have a right to decline to answer any questions if he thinks it would be calculated as giving testimony against himself.

Mr. WELLS. I appreciate that and I am aware of my constitutional rights.

Senator McCLELLAN. All right.

Mr. FLANAGAN. Let the record also show that Mr. Wells' attorney, Mr. John Carlisle, is present at this executive meeting.

Senator McCLELLAN. By the way, you have a right at any time to confer with your attorney regarding any question that may come up.

Mr. FLANAGAN. Mr. Wells, did you ever tell anybody a story in substance to the effect that some 7500 shares of stock in the Texas-Ohio Gas Company were turned over to Mr. Matt Connelly, former White House secretary, for the purpose of using his influence in assisting that company in its efforts to get a Certificate of Convenience and Necessity from the Federal Power Commission?

Mr. WELLS. No, sir, I did not. I never heard, even through rumor, of any particular amount of stock. I have mentioned no particular amount of stock.

Mr. FLANAGAN. Did you tell anybody a story that any amount of stock was turned over to Mr. Connelly, and I say stock or anything else of value, was turned over to Mr. Connelly in order to induce him to use his influence in connection with this Texas-Ohio Gas matter pending before the power commission?

Mr. WELLS. I have never told anybody there was. I have repeated rumors that I had heard to the effect.

Mr. FLANAGAN. Where did you hear these rumors?

Mr. WELLS. Well it has been general knowledge and talked around town here quite a bit for some time.

Mr. FLANAGAN. Can you tell us shortly and in substance what these rumors were?

Mr. WELLS. To the effect that he was supposed to have been paid off to use his influence.

Mr. FLANAGAN. Paid off by whom?

Mr. WELLS. That part nobody seems to know.

Mr. FLANAGAN. Did you meet at the home of Mr. Carlisle with Mr. Cole sometime just prior to the election and repeat that rumor to those two gentlemen?

Mr. WELLS. I told them I had heard it, yes.

Mr. FLANAGAN. You told them the story as you heard it?

Mr. WELLS. Yes, sir.

Mr. FLANAGAN. Was the purpose of revealing this information at that time to Mr. Cole and to Mr. Carlisle in order that it could be used in the presidential campaign that was then pending?

Mr. WELLS. That was not my idea.

Mr. FLANAGAN. But it was their idea?

Mr. WELLS. I think that was the general idea perhaps, although I went without knowing who I was to meet or the purpose of the visit. I was not apprized of that until I got out there. They merely asked me to repeat what I had heard. Now Mr. Cole apparently thought I had some knowledge about it, some facts, and he tried to persuade me to tell him. And I told him all I knew about it was rumors, and that I had no facts, nothing that I could stand on and say of my own knowledge that I knew about.

Mr. FLANAGAN. Are you or have you been an official of the Texas-Ohio Gas Company?

Mr. WELLS. No, sir.

Mr. FLANAGAN. Are you connected with the company in any way as a stockholder or otherwise?

Mr. WELLS. I own some stock in it. I have a claim to some additional.

Mr. FLANAGAN. Are you associated with Mr. Austin in these difficulties he is having with some of the other stockholders?

Mr. WELLS. With the Frank Champion crowd, yes. I have two lawsuits against the Texas-Ohio, and they have one against me.

Mr. FLANAGAN. You are associated with Austin in his efforts to straighten out his difficulties with Champion and the other group?

Mr. WELLS. Through my lawsuits only. Not officially.

Mr. FLANAGAN. On the occasion of your meeting at Mr. Carlisle's home with Mr. Cole and Mr. Carlisle when you repeated these rumors that you had heard, did you at that time indicate or intimate that you wanted to talk with Mr. Austin in order to discuss certain points of immunity?

Mr. WELLS. No. I never said I wanted to talk with him. The question of immunity was brought up.

Mr. FLANAGAN. Who brought the question up?

Mr. WELLS. Mr. Cole brought it up, and it was concurred in.

Mr. FLANAGAN. Immunity for whom, and for what?

Mr. WELLS. Well I don't know. I presume he was talking about Mr. Austin, although he never called Mr. Austin's name, or anybody else's, except he did say he had heard it in connection with Matt Connelly.

Mr. FLANAGAN. Who were you talking about immunity for?

Mr. WELLS. I wasn't talking about any immunity for anybody.

Mr. FLANAGAN. It was Cole talking. Who was Cole talking about immunity for?

Mr. WELLS. I presume Mr. Austin. I don't know.

Mr. FLANAGAN. What conversation took place that would lead Cole or anyone of the rest of you in that conversation then to discuss the question of immunity?

Mr. WELLS. Well, he brought it up on his own hook. I didn't agree or disagree.

Mr. FLANAGAN. Was anything said by you or anyone else that Mr. Austin might have offered this bribe?

Mr. WELLS. Not by me.

Mr. FLANAGAN. Did you indicate that a friend of yours might have offered that bribe?

Mr. WELLS. No, sir.

Mr. FLANAGAN. You now testify you did not tell Mr. Cole a friend of yours was involved in this case?

Mr. WELLS. How do you mean involved?

Mr. FLANAGAN. I mean involved by the fact that he may have turned stock over to Connelly in return for his influence?

Mr. WELLS. I didn't use any names whatever except Matt Connelly's.

Mr. FLANAGAN. What did you say?

Mr. WELLS. I said I heard a rumor that the stock, or whatever it was, would be given him.

Mr. FLANAGAN. At the time of this meeting shortly prior to the election did you have any reason to believe or suspect that Mr. Austin might have attempted to or did give that stock to Matt Connelly?

Mr. WELLS. I had no reason to believe he did.

Mr. FLANAGAN. Did you have any reason to suspect it?

Mr. WELLS. No, sir.

Mr. FLANAGAN. Did you have any reason to believe anybody at that time might have turned stock over to Connelly?

Mr. WELLS. Not except general rumors.

Mr. FLANAGAN. And according to the rumors who allegedly paid off Connelly?

Mr. WELLS. I never did hear whether Texas-Ohio, Frank Champion, Vernon Lowrey or Clyde Austin.

Mr. FLANAGAN. Following this meeting at the home of Mr. Carlisle did you then discuss those matters with Mr. Austin?

Mr. WELLS. No, sir.

Mr. FLANAGAN. Have you ever discussed them with him since then?

Mr. WELLS. Yes, I have talked to him a number of times. He has an office right there next door to me in the same building. I see him every day.

Mr. FLANAGAN. Did he ever indicate to you that he, Austin, had taken any part in this bribery, or attempted bribery?

Mr. WELLS. He told me frankly he did not.

Mr. FLANAGAN. Did you discuss that matter with Mr. Carlisle, your attorney?

Mr. WELLS. Yes, sir.

Mr. FLANAGAN. What did you tell Mr. Carlisle?

Mr. WELLS. I never told him anything, no further than was reported out there that night.

Mr. FLANAGAN. Those were just rumors that somebody paid off Matt Connelly?

Mr. WELLS. That is right, that he was paid off. I never even expressed an opinion as to who did it. That all happened up there. I was in Houston. I have no way of knowing.

Mr. FLANAGAN. There is no doubt in your mind that that night in Carlisle's house you and Carlisle and Cole sat down together, and you repeated to them these rumors you had heard about Connelly being paid off?

Mr. WELLS. Yes, that is what I did.

Mr. FLANAGAN. Were you interviewed by the FBI some few weeks or months ago in connection with this matter?

Mr. WELLS. Yes, the early part of December.

Mr. FLANAGAN. At that time did you furnish a statement to them, the FBI agents?

Mr. WELLS. Yes, sir.

Mr. FLANAGAN. Is it not true that in that statement you said you had not discussed this matter with anybody?

Mr. WELLS. I don't think so.

Mr. FLANAGAN. What did you say in that statement, in substance?

Mr. WELLS. I have got it right here. We can read it.

Mr. FLANAGAN. May I look at that?

Mr. WELLS. Yes, sir.

Senator McCLELLAN. While you are reading the statement I will ask the witness a question. Do you recall an occasion on Friday, October 24, last year, that you were in the office here talking to Mr. Carlisle regarding what you now say is a rumor with reference to this alleged transfer of stock to Matt Connelly?

Mr. WELLS. October 24? I don't know. I have talked to him more than once. I don't know whether it was October 24.

Senator McCLELLAN. To be more specific, on the afternoon before you met with Mr. Cole at Mr. Carlisle's home that evening?

Mr. WELLS. I talked with him prior to that, yes. I repeated the rumors to him. I presume that is the reason I was called out there.

Senator McCLELLAN. Did you talk with Mr. Carlisle that same afternoon before you went to his home that night and met with Mr. Cole?

Mr. WELLS. No, I don't remember for sure. I don't think so. I think it was before that time.

Senator McCLELLAN. How long before?

Mr. WELLS. I don't remember. I think though it was several days prior to that, to the best of my memory.

Senator McCLELLAN. You know Mr. Cole?

Mr. WELLS. I never met him until that night.

Senator McCLELLAN. Do you recall whether he was in Mr. Carlisle's office waiting outside?

Mr. WELLS. No, sir.

Senator McCLELLAN. In the reception room, that same afternoon?

Mr. WELLS. No, sir.

Senator McCLELLAN. On the occasion when you were in Mr. Carlisle's office.

Mr. WELLS. If he was there I don't know anything about it. I didn't know him at the time. He might have been.

Senator McCLELLAN. You cannot be positive whether you were here that same afternoon before you were out at Mr. Carlisle's home that evening?

Mr. WELLS. Not absolutely positive. I think it was several days prior to that.

Senator McCLELLAN. You are not absolutely positive?

Mr. WELLS. Not positive.

Senator McCLELLAN. Then it could be possible, but you think improbable, that you were?

Mr. WELLS. It is very improbable. To the best of my memory the last time I talked to John about that was several days prior to that.

Senator McCLELLAN. Do you know why the meeting was arranged for you to come out there that night?

Mr. WELLS. No, sir, I don't.

Senator McCLELLAN. You have never been advised about that?

Mr. WELLS. No, sir. Mr. Carlisle called me up and asked me to come out; that he had somebody there that he wanted me to meet. I didn't have the slightest idea what it was. I didn't know Mr. Cole at the time. I didn't know that he was going to be there, nor what I was going to be asked about.

Senator McCLELLAN. Go ahead.

Mr. FLANAGAN. Can we have a copy of this statement?

Mr. WELLS. That is all right with me.

Mr. FLANAGAN. Can we have that?

Mr. WELLS. I want that copy.

Mr. FLANAGAN. Will you make up a copy and send it to Washington for insertion in this record?

Senator McCLELLAN. You don't mind letting the reporter have it and making a copy of it?

Mr. WELLS. That is all right.

Mr. FLANAGAN. At this point the reporter will insert copy of the statement dated December 12, 1952, and return this copy to Mr. Wells.

DECEMBER 12, 1952,
Houston, Texas.

I, O. V. Wells, make the following voluntary statement to Elvers B. Rindy and William H. Storey who have been identified to me as Special Agents of the Federal Bureau of Investigation. No threats or promises have been made to me to secure this statement and I know that it may be used in a court of law. Having been duly sworn I depose and say:

Since the Spring of 1950 I have been associated with Valley Gas Co. and its successor, Texas-Ohio Gas Co. and I have been familiar with the fact that negotiations have been under way for about a year to obtain from the Federal Power Commission a Certificate of Public Convenience and Necessity for the Texas-Ohio Gas Co.

Over a period of about ten or eleven months I have heard a rumor to the effect that Texas-Ohio or Clyde Austin, individually, had promised to Matt Connolly, Secretary to the President, stock in the Texas-Ohio Company in return for his aid in influencing the Federal Power Commission to grant the Texas-Ohio a Certificate. I have never heard the amount of seven thousand shares mentioned before I was questioned by Special Agents of the Federal Bureau of Investigation. I have never heard that any stock has been delivered to Connolly and I have never stated that such delivery was made in the Carlton Hotel in Washington, D.C. or at any other place.

This rumor was repeated to me in general terms only by various persons associated with the gas and pipe line business. Upon reflection I can identify as possible sources of this rumor only Charles Boswell and R. G. Schneider.

Three or four weeks before the 1952 national elections I was talking confidentially to my attorney, John W. Carlisle and repeated to him the rumor that I have described above. I told him then that I had no proof of any of it and that I did not even recall my sources. I cautioned him against repeating the allegations to anyone. Shortly thereafter Carlisle invited me to his home at night, and there introduced me to one Gene Cole. They asked me to tell them the story about Texas-Ohio paying off Matt Connolly for his influence, and I did. They urged me to go to Washington to relate the story to the Republican Party representatives, but I refused on the grounds that I had no proof, and that I didn't want to get Clyde Austin prosecuted if the rumor was true. At this time Carlisle said that immunity for Austin could be arranged, but I still refused on the grounds that I knew too little.

On a second occasion I met Cole in Carlisle's office and we again discussed the political importance of the Connolly rumor if it were true. On this occasion I recall Cole put in a telephone call to the office of Fulton Lewis, Jr. in Washington and talked to someone there. It is my recollection that Cole recited as part of the story statements that I had not made to him, and I protested at that time. It is possible that I did recite to Carlisle and Cole a story Clyde Austin told me about his having been at a party in Washington which was attended by Margaret Truman. I know that I did not identify the location of the party because it was never made known to me. I know that I did not say that Matt Connolly was present at the party because that was not what Austin told me. I did not say that stock was delivered to Connolly at this party, because the way I heard the story the stock was only promised to Connolly for future delivery.

I have never said that I had or could get sworn statements or other proof of the alleged agreement to pay Connolly for his influence; I do not know of the existence of such proof.

I know that Gene Cole added to the story that I told him and repeated it as fact after I had repeatedly told him it was only hearsay and gossip.

I wish to point out that Cole attempted to arrange for me to tell this story to Richard Nixon at Corpus Christi, Texas, but I refused to do so on the grounds that I had no knowledge of the reliability of the allegations.

I wish to further state that Clyde Austin has never told me that he or anyone else has made a deal to give Matt Connolly stock in the Texas-Ohio Gas Company in return for his aid in influencing the Federal Power Commission to grant the Texas-Ohio a Certificate of Public Convenience and Necessity. I have read the above statement and it is true and correct to the best of my knowledge and belief.

Signed: O. V. WELLS.

Mr. FLANAGAN. I notice in this statement you say they urged you to go to Washington to relate the story to Republican party representatives, but you refused on the ground that you had no proof and that you didn't want to get Clyde Austin prosecuted if the rumor was true. "At this time Carlisle said that immunity for Austin could be arranged, but I still refused on the grounds that I knew too little."

Mr. WELLS. Cole, I think, was the first one who broached that subject.

Mr. FLANAGAN. And did Carlisle also indicate that immunity might be arranged?

Mr. WELLS. No. He just said it might be arranged. I knew that was just them talking.

Senator McCLELLAN. Let me ask a question there. Since the question of immunity was brought up it must have been in the minds of those who were there, that somebody had attempted a bribe, and therefore immunity would be desirable for them.

Mr. WELLS. It is possible that was in Mr. Cole's mind. I don't know about that. I just made no response one way or the other. I didn't agree to it nor disagree. That was Mr. Cole talking.

Senator McCLELLAN. Did you tell him before you gave him the name of the party from whom you had got this information that you would have to confer with your friend about it?

Mr. WELLS. No. I think maybe that was suggested, but not by me.

Senator McCLELLAN. Who would have suggested it, if you didn't?

Mr. WELLS. I think Mr. Cole made that suggestion perhaps, the best I remember.

Senator McCLELLAN. Was it understood between all of you at the time that the source of your information was one of the parties present at the time of the alleged transfer of the stock?

Mr. WELLS. I don't believe I understand your question.

Senator McCLELLAN. Was it understood between those three of you who were present, you and Mr. Cole and Mr. Carlisle, that night that the source of your information was from one of the parties who was present in the Statler Hotel at the time the alleged stock transfer took place.

Mr. WELLS. No, sir.

Senator McCLELLAN. Did you make any statement that night to the effect or that implied that the source of your information was from a party who was present and knew the transaction took place?

Mr. WELLS. No, sir.

Senator McCLELLAN. Do you have that source of information now?

Mr. WELLS. No, sir, I don't.

Senator McCLELLAN. You have never had it?

Mr. WELLS. No, sir.

Senator McCLELLAN. And you never made a statement in the presence of Mr. Cole that indicated or implied that the source of your information was from someone who was present and knew that it actually occurred?

Mr. WELLS. No, sir, I didn't.

Senator McCLELLAN. Go ahead.

Mr. FLANAGAN. Do you have any knowledge, or did it ever come to your attention, that anybody connected with the Texas-Ohio planned to or did in fact pay off public officials in connection with the efforts of that company to get a Certificate of Convenience and Necessity?

Mr. WELLS. The only thing I heard was just rumors to that effect, and nobody connected with it told me.

Mr. FLANAGAN. What did you hear?

Mr. WELLS. I heard it so much from so many different people. Just general rumors.

Mr. FLANAGAN. In substance, what were these rumors?

Mr. WELLS. That Matt Connelly either was or was going to be given something of value for his influence in helping Texas-Ohio get a certificate.

Mr. FLANAGAN. Do you have any specific information that would indicate that such an offer was made to Connelly?

Mr. WELLS. No, sir, I don't.

Mr. FLANAGAN. Other than these general rumors?

Mr. WELLS. That is right.

Mr. FLANAGAN. You also, I understand, are a client of Mr. John Carlisle?

Mr. WELLS. Yes, sir.

Mr. FLANAGAN. If we would desire to question Mr. Carlisle concerning conversations between himself and yourself, as attorney and client, would you relieve him from the attorney-client relation?

Mr. WELLS. He doesn't know anything.

Mr. FLANAGAN. That is not the question. Would you release him from the attorney-client relationship and allow him to tell us anything that you told him in connection with this matter?

Mr. WELLS. Inasmuch as he can't tell you any more than Cole I don't see any reason for it.

Senator McCLELLAN. You don't know whether he can tell us any more than Cole or not.

Mr. WELLS. I do.

Senator McCLELLAN. You may, but we don't. The point is whether you will release him or will not. You can say yes or no.

Mr. WELLS. I haven't got anything to hide. Nobody has ever accused me of anything.

Senator McCLELLAN. We are not accusing you now.

Mr. WELLS. Nobody has ever accused me, even through rumors. As far as I am concerned, I am absolutely in the clear. I am not worried about that. I see no reason for John to testify.

Mr. FLANAGAN. Whether you see any reason or not will you?

Mr. WELLS. At the present time I will say no. I will talk with John if it be advisable.

Senator McCLELLAN. You have a perfect right to do that. We are just pursuing a course that we conceive to be our duty.

Mr. CARLISLE. If I might add, I think Mr. Wells is interested in a conspiracy suit to be filed against Kidder Peabody and others; and I think Mr. Austin's reluctance to letting me testify was on account of information that might be developed.

Senator McCLELLAN. For the present, you don't want to release him?

Mr. WELLS. That is right.

Senator McCLELLAN. And later, if circumstances warrant you in doing so, you can so advise.

Mr. WELLS. That is my statement about it.

Senator McCLELLAN. That is all.

Mr. FLANAGAN. Now, Mr. Wells, have you ever discussed with anybody the possibility or the advisability of perhaps offering stock or anything else of value to a public official in order to obtain his influence in connection with your Texas-Ohio Gas Company problems?

Mr. WELLS. I don't remember ever discussing it with anybody, but if I had I certainly would have advised them not to do it.

Mr. FLANAGAN. Have you ever contacted any public official, either directly or indirectly, with a proposal that anything of value be turned over to him in return for his political influence in assisting your company?

Mr. WELLS. No, sir, I have not.

Mr. FLANAGAN. Have you ever made any direct or indirect effort to obtain the political influence of any public official in connection with your gas company problems?

Mr. WELLS. No, sir. That is not a part of my job.

Senator MCCLELLAN. You have spoken of many rumors which apparently have been quite prevalent, and were quite prevalent regarding this matter, and particularly, I assume, prior to the time you had this meeting in Mr. Carlisle's home. As a stockholder of course I think you would be interested. And I will ask you if there was anything associated with these rumors, from the information that you obtained, that indicated to you that there was actually some basis of fact upon which to predicate them.

Mr. WELLS. Of course I was as puzzled as anybody else as to whether it was actually true. I had no knowledge of the truth of it.

Senator MCCLELLAN. What I am trying to ascertain is this: We know it is common knowledge that a great volume of rumors are associated with political campaigns, both on a national level and on a local level. What this committee is primarily interested in at the moment, I will say presently at least, is to determine whether this thing is nothing more than one of these general political rumors that are associated with campaigns, and if it was emanated from a source that was undertaking to have some political influence, or if you think there was actually some basis in, fact for it, disassociated from a political campaign.

Mr. WELLS. I don't think that rumors were started for political purposes. I don't know who started them. I have heard Vernon Lowrey started them, but that is something else I heard. I have no proof. But they started long enough before the election that I don't think they were started for political purposes. I think they were started to hurt somebody in Texas-Ohio Gas, and probably Clyde Austin, in which case they would have been started by Vernon Lowrey or Frank Champion.

Senator MCCLELLAN. Information along that line is what prompted me to ask you the question, because I understood it did evolve into a political aspect, and that after you had this conversation some action was taken, by long distance telephone call, either that night or shortly thereafter, to get information to the Republican National Committee. Is that true?

Mr. WELLS. I understand it is, although I could not say it for a fact, for I was not present, except the call to Fulton Lewis in Washington the following morning. I told Mr. Cole that night when that subject was brought up, and he mentioned it might be worth \$20,000 or \$30,000 to me if I would tell what I knew, I told him I didn't know any facts; that all I had was rumors, and that it would take a full-scale investigation to bring out any facts, if there had been any bribery; and it was almost election time, and I didn't think it could possibly be done soon enough to have any effect one way or the other on the election; but it would require an investiga-

tion, for I didn't know. I told them a dozen times it was just rumors so far as I was concerned; that I had nothing I could go into court and testify on that.

Senator McCLELLAN. I certainly wouldn't indulge any assumption that Matt Connelly was bribed, or could be bribed. I am speaking personally, and therefore in view of this having come to light in the heat of the national campaign, and some effort was made, or some discussion was had, an effort made to bring it out as a campaign propaganda or fact to influence votes, makes me interested in trying to determine whether it has a basis in fact on political considerations, or if there is some justification for the further effort of this committee, with the use of taxpayer's money, to pursue it with the idea that there is a probability that the offense was actually committed, or attempted. Would you care to express an opinion on that, whether it should be pursued? I believe you had said that the whole thing developed long prior to the campaign?

Mr. WELLS. I had heard it talked sometime prior to the campaign, before I had any idea it would be used for political purposes.

Senator McCLELLAN. For that reason you do not believe that the campaign was the moving cause that the rumor started?

Mr. WELLS. No, I don't think so. He intimated I could possibly get \$20,000 or \$30,000 if I would spill what I knew. I told him I had nothing to sell. I told him: "I have got nothing to sell. I am for Eisenhower. I am a Democrat but I am for Eisenhower, and would do anything I could to help get him elected. But I have got nothing to sell. I don't have any knowledge." I told him if he wanted to he could go down to Corpus Christi and meet Richard Nixon and tell him everything, but I wouldn't go because I didn't have any facts. And for the same reason I declined to go to Washington the next day to report to the Republican National Committee.

Senator McCLELLAN. Has any person ever talked to you about this, either in the sense of giving you a rumor of it or purporting to relate to you facts that they knew, who claimed that they were present in the Statler Hotel at the time it was supposed to have occurred?

Mr. WELLS. No, sir.

Senator McCLELLAN. Either Mr. Austin, Mr. Champion or any one of them?

Mr. WELLS. None of them.

Senator McCLELLAN. So the source of your information, you state under oath, did not come from anyone who claimed to be present and who claimed to know it themselves?

Mr. WELLS. That is right. In fact, this is the first time I heard anything about it happening in the Statler. The FBI asked me about the Carlton Hotel. That was news to me. I had never heard either the Statler or the Carlton Hotel mentioned.

Senator McCLELLAN. All right.

Mr. FLANAGAN. I have no further questions. That will be all.

TESTIMONY OF JOHN W. CARLISLE

[John W. Carlisle was called as a witness, and, having been first duly sworn, testified as follows:]

Senator McCLELLAN. Mr. Carlisle, you are a regular licensed and practicing attorney here in the city of Houston, Texas?

Mr. CARLISLE. That is correct.

Senator McCLELLAN. At the present time are Mr. O. V. Wells and Mr. Clyde Austin clients of yours?

Mr. CARLISLE. Yes, they are.

Senator McCLELLAN. Were they clients of yours during the year 1952?

Mr. CARLISLE. Yes, they were.

Senator McCLELLAN. How long a time have you represented them, for how long a time?

Mr. CARLISLE. I have represented them since, I believe, around 1952. I have represented Mr. Austin on ICC matters prior to that time.

Senator McCLELLAN. You have been present during the examination this morning of the witnesses who are your clients, and you have heard both of them state that for the present they would not want to release you from the privileged status of client and attorney with reference to matters that they have testified about and that are pertinent to this inquiry.

Mr. CARLISLE. I have.

Senator McCLELLAN. Do you concur in their position in the matter?

Mr. CARLISLE. I do at this time.

Senator McCLELLAN. Reasons have been stated for your position in the course of the hearing, and for those reasons you do concur in it?

Mr. CARLISLE. Yes, sir.

Senator McCLELLAN. Now, Mr. Carlisle, some few things have occurred that are not in the nature of communications as between your clients and you, and I should like to ask you just a few questions to help us get the true picture. Do you recall the night and the date of the meeting that have been testified about, the conference held between Mr. Wells, yourself and Mr. Cole at your home? Do you recall the date of that?

Mr. CARLISLE. The only way I can recall that date is that I was representing Mr. Cole's brother in the federal court in Brownsville before Judge Allred, and I was there December 1, and as I recall the meeting was approximately four or five days prior to that time.

Senator McCLELLAN. You said December 1?

Mr. CARLISLE. December 1.

Senator McCLELLAN. This was prior to the election. The election was in November.

Mr. CARLISLE. Maybe it was in November. Let me see if I can remember that.

Senator McCLELLAN. In any event, this meeting took place prior to the presidential election.

Mr. CARLISLE. Yes, that is correct. I was in Brownsville—no, that was another suit.

Senator McCLELLAN. In any event, it was prior to the national election?

Mr. CARLISLE. Yes, sir.

Senator McCLELLAN. And subsequent to that did you make any effort to get this information before the national committee.

Mr. CARLISLE. I did.

Senator McCLELLAN. What effort did you make?

Mr. CARLISLE. I attempted, as testified to, to have Mr. Wells reveal the entire story of the information that he had, or had come into possession of.

Senator McCLELLAN. Let me ask you this: Do you recall the occasion when Mr. Cole came into your office in the afternoon sometime in October, or just sometime prior to the occasion when Mr. Cole and Mr. Wells came to your home and had the conference that has been testified about, in which you made some statement to Mr. Cole immediately after Mr. Wells had left your office to the effect that you had a statement or a story that would blow the lid off of politics, or something, if it were revealed?

Mr. CARLISLE. I recall making that—

Senator McCLELLAN. That is, in substance?

Mr. CARLISLE. In substance, I think I said this: Wells was leaving my office at the time Cole was entering, and we discussed political issues, and I said: "Well, from what I could gather, and if it could be proven, the man who just walked out of here has a story or information that would lead to an investigation that would put Eisenhower in the White House." I said something in substance to that effect.

Senator McCLELLAN. You did have some comment along those lines after Mr. Wells left your office?

Mr. CARLISLE. That is correct.

Senator McCLELLAN. Do you recall if the meeting at your home was that same evening, the evening of the same afternoon that you made this statement to Mr. Cole?

Mr. CARLISLE. If I recall correctly it was.

Mr. FLANAGAN. We have available to us, Mr. Carlisle, in detail information that was furnished to the Republican people in Washington by you. In substance, the story that you allegedly gave them was that Connelly had received 7,500 shares of the Texas-Ohio Gas Company, or 7,000 shares—I'm sorry—7,000 shares, in the Washington Hotel suite from Clyde Austin, in return for his influence in assisting that company in getting a certificate of convenience of necessity from the Federal Power Commission. Did you in fact tell that story to any representative, directly or indirectly, of the Republican National Committee or not?

Mr. CARLISLE. I think I made a statement along these lines, that one of my clients had information that might corroborate that.

Senator McCLELLAN. You used those specific facts?

Mr. CARLISLE. I don't recall whether I used 7,000 or 7,500 shares, and I don't recall that—I can't recall the discussion that took place, but I recall that some mention was made of a specific number of shares during all the conversations. I cannot at this time, nor do I feel at liberty—I think that might fall within the privilege if I did divulge additional information.

Mr. FLANAGAN. Did you state to the party at that time, or the committee representative, that your client, Austin, participated in the bribing of Connelly?

Mr. CARLISLE. No. I didn't make any direct statement.

Mr. FLANAGAN. Did you say anything that would lead them to reach the conclusion that your client, Austin, participated in bribing Connelly?

Mr. CARLISLE. I may have said something along these lines: That Austin, if involved, which we have not ascertained with exactness at this time, if he were involved, and we could get him to talk, would immunity be granted?

Mr. FLANAGAN. In other words, you did discuss immunity with officials of the Republican National Committee?

Mr. CARLISLE. Yes, I did.

Mr. FLANAGAN. I feel, Mr. Chairman, and I would like your views on it, that to question Mr. Carlisle any further would be to go into his client-attorney relationship.

Senator McCLELLAN. That is probably true, and since we are crowded for time I merely wanted to see if we could corroborate this time element, particularly with respect to this matter.

We are crowded for time now, and I think we had better stop. So the hearing is concluded.

[Whereupon the subcommittee adjourned at 1:00 p.m.]

PAYMENT FOR INFLUENCE—GAS PIPELINE MATTER

[EDITOR'S NOTE.—Vernon Lowrey (1899–1976) did not testify in public session.]

TUESDAY, MARCH 3, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 251, agreed to January 24, 1952, at 4:15 p.m., in room 101 of the Senate Office Building, at 2:30 p.m., Senator John L. McClellan presiding.

Present: Senator John L. McClellan, Democrat, Arkansas.

Present also: Francis D. Flanagan, general counsel; Thomas W. La Venia, associate counsel.

Senator McCLELLAN. Do you solemnly swear the evidence you shall give before this committee in the subject matter under inquiry shall be the truth, the whole truth and nothing but the truth so help you God?

Mr. LOWREY. I do, sir.

Senator McCLELLAN. Will you proceed, Mr. Counsel, with the interrogation?

TESTIMONY OF VERNON BOOTH LOWREY

Mr. FLANAGAN. Will you give your full name and address for the record?

Mr. LOWREY. Vernon Booth Lowrey, 6225 Fairdale Lane, Houston, Texas. My Washington, D.C. address is Apartment 7, 1512 Sixteenth Street, Northwest.

Mr. FLANAGAN. You are an attorney at law, Mr. Lowrey?

Mr. LOWREY. I am a member of the Bar of the District of Columbia.

Mr. FLANAGAN. What is your present association with the Texas-Ohio Gas Company?

Mr. LOWREY. I have been counsel for the Texas-Ohio Gas Company since the 18th day of December 1951.

Mr. FLANAGAN. And you still are counsel for that company?

Mr. LOWREY. I am at this time, sir.

Mr. FLANAGAN. At any time during your relationship with this company, has it ever come to your attention that any persons connected with the company, directly or indirectly planned to or did negotiate with any federal officials to enlist their aid and assistance in connection with the problems of that company before the Federal Power Commission?

Mr. LOWREY. It came to my attention that persons did plan to conduct such negotiations. I have no knowledge of actual negotiation, except what I heard on one side of it.

Mr. FLANAGAN. What did you hear?

Mr. LOWREY. Why, Mr. Clyde Austin, who was assistant secretary and treasurer of the company, one of the active men in the company, came to Washington in the middle of January 1952, and registered at the Jefferson Hotel, 16th and M Streets, where I already was a week or two earlier.

I learned that Mr. James M. Bryant, who to my knowledge at that time had no connection with the company, was registered at the Statler Hotel. Mr. Austin told me that Mr. Bryant was a friend of Mr. Matt Connelly, of the secretarial staff of the White House, and that through Mr. Connelly they were making arrangements that would facilitate the business of the Texas-Ohio Gas Company at the Federal Power Commission.

Mr. FLANAGAN. At that time, in January of 1952, did Mr. Austin say what kind or type of arrangements they were making or attempting to make with Mr. Connelly?

Mr. LOWREY. Within that period of time he said that Mr. Connelly was to be vice president of the company at some future date and was to receive stock in the company.

Mr. FLANAGAN. Did Mr. Austin tell you this on the occasion of one of your first meetings when he came back to Washington in 1952?

Mr. LOWREY. That was a matter of discussion between Mr. Austin and myself on several occasions over that period of time.

Mr. FLANAGAN. Did Mr. Austin tell you that this stock was to be turned over to Mr. Connelly at that time or at some later date?

Mr. LOWREY. I cannot answer that with certainty, sir. I think I can give the innuendo of the discussion, if you want it.

Mr. FLANAGAN. What was that?

Mr. LOWREY. Mr. Austin had in his control, as I knew, a considerable quantity of what we called the bearer certificates that had been issued and later convertible stock in connection with the transaction between Texas-Ohio Gas Company and Valley Gas Pipeline Company. I understood that he was to give Mr. Connelly some of those certificates.

Mr. FLANAGAN. Did he ever indicate when he was to give them to Mr. Connelly?

Mr. LOWREY. No, sir, he did not.

Mr. FLANAGAN. Did he ever indicate when Mr. Connelly was to be made an officer of Texas-Ohio?

Mr. LOWREY. Why, I think I am correct in saying that that was to be after the present administration went out, because I believe Mr. Connelly looked forward to leaving the White House, whoever might win the election.

Mr. FLANAGAN. What did Austin say Connelly was to do in return for this stock and for this offer?

Mr. LOWREY. Mr. Connelly was to influence the Federal Power Commission through the chairman, Mr. Buchanan.

Mr. FLANAGAN. Did Austin ever say that Connelly had influence with Buchanan?

Mr. LOWREY. Austin never said that affirmatively, as I now recall. He was always about to do it.

Mr. FLANAGAN. Did he ever intimate or indicate in any way that Connelly had influence over Buchanan, who was chairman of the Federal Power Commission?

Mr. LOWREY. He intimated that, and he said that.

Mr. FLANAGAN. Did you gather from what you heard Austin say that this stock offer and this offer of a position was in the form of a bribe or a fix?

Mr. LOWREY. Well, I so considered it.

Mr. FLANAGAN. Did Austin ever talk of it as a bribe or a fix?

Mr. LOWREY. He never used that term to my recollection. I did not see how anybody could fail to recognize it as such.

Mr. FLANAGAN. Did he ever characterize the transaction?

Mr. LOWREY. No, I would not say that he characterized it. It was simply a deal he was making, he and Bryant.

Mr. FLANAGAN. Did Mr. Austin say that Bryant was in on this deal also?

Mr. LOWREY. Yes.

Mr. FLANAGAN. What did he say about Bryant's participation in the deal?

Mr. LOWREY. He regarded Bryant as the key to it.

Mr. FLANAGAN. Why?

Mr. LOWREY. Because of Bryant's personal friendship for Mr. Connelly.

Mr. FLANAGAN. Did either Mr. Bryant or Mr. Austin state that Bryant was on very close personal terms with Connelly?

Mr. LOWREY. They did, sir.

Mr. FLANAGAN. On how many occasions?

Mr. LOWREY. That was the current understanding, and Bryant demonstrated that to me, as I understood it to be a demonstration, by inviting me to his suite at the Statler Hotel to meet Mr. Connelly.

Mr. FLANAGAN. When did Bryant invite you to his suite to meet Mr. Connelly?

Mr. LOWREY. I could locate that date by hotel records within a very few days, but to the best of my recollection it was about the middle of January.

Mr. FLANAGAN. Of 1952?

Mr. LOWREY. Yes, sir.

Mr. FLANAGAN. And at that time who was in the suite? Who was present at the meeting?

Mr. LOWREY. Mr. Bryant and Mrs. Bryant, Mr. Frank Burke, Jr., whom I met for the first time that night, and Mrs. Burke, and Mr. Connelly and Mrs. Connelly, myself and my wife, and there were two other men that came in who appeared to be friends of Burke, whom I had not seen before and I know nothing of since, and I do not recall their names.

Mr. FLANAGAN. Was this meeting of this group, was it a meeting or just a social gathering?

Mr. LOWREY. A social gathering.

Mr. FLANAGAN. Did you have any discussions with Mr. Connelly?

Mr. LOWREY. None whatsoever about business.

Mr. FLANAGAN. You now testify that your only discussions with Connelly at that meeting were purely social?

Mr. LOWREY. Purely social, and the only discussions I heard at that meeting were social.

Mr. FLANAGAN. To your knowledge, did Connelly have any discussions with persons at that meeting other than purely social?

Mr. LOWREY. I have no knowledge of any discussion at any time at that meeting or at any other time that Mr. Connelly had with anybody on a business basis, except such as reported to me by Bryant and Austin.

Mr. FLANAGAN. How long did this meeting last?

Mr. LOWREY. We were there for the evening. It was a typical hotel occasion. We had hors d'oeuvres and sandwiches and drinks. We met first in Mr. Bryant's apartment suite. He had a two-room suite on a lower floor; and thereafter we went to the penthouse, the south penthouse, which I understood was occupied by one of these men whom I do not know.

Mr. FLANAGAN. One of the two men present that you did not know?

Mr. LOWREY. That was my understanding.

Mr. FLANAGAN. How long did you stay at the hotel all together that evening?

Mr. LOWREY. Mr. Flanagan, that is pretty much a matter of guesswork. We spent the evening, and we may have been there until eleven o'clock, and we may have been there until twelve o'clock, or we may have been there until 10:30. We were there for the evening.

Mr. FLANAGAN. In any event, you spent the entire evening?

Mr. LOWREY. Yes, we spent the evening at the hotel.

Mr. FLANAGAN. Following this meeting, did Mr. Bryant or anybody else again take up the problem of paying off Matt Connelly?

Mr. LOWREY. Mr. Bryant talked about it on several occasions in my presence.

Mr. FLANAGAN. What did Mr. Bryant say would have to be done with Connelly if his assistance was to be sought in connection with the problem before the Federal Power Commission?

Mr. LOWREY. He would have to receive stock in the company, and it was the same idea that Austin had, to be an officer of the company in due course and receive stock in the company.

Mr. FLANAGAN. Did either Austin or Bryant indicate who initiated that proposal, or was it Austin and Bryant, or was it Connelly?

Mr. LOWREY. My understanding—I can say they said that Bryant was handling the matter, and it was his deal, and he was promoting it and intended to accomplish it, and Austin was working in full sympathy with him.

Mr. FLANAGAN. Do I gather now from your testimony that on several occasions, in January and early February of 1952, that both Bryant and Austin told you that they were going to have to turn over stock to Connelly and also offer him a future job for his assistance in helping you out at the commission?

Mr. LOWREY. That went on for a full month, sir, until it became a feud between us.

Mr. FLANAGAN. What caused it to become a feud?

Mr. LOWREY. Because I vigorously disapproved it, and I did everything I could to check it.

Mr. FLANAGAN. Did you advise Bryant and/or Austin that you did not approve of this type of thing?

Mr. LOWREY. I very definitely advised them both and wrote them a memorandum which I am going to try to find for you.

Mr. FLANAGAN. You say that you wrote who a memorandum?

Mr. LOWREY. I addressed that memorandum to Austin and Champion, as heads of the company.

Mr. FLANAGAN. At that time Champion was president of the company?

Mr. LOWREY. Yes, sir.

Mr. FLANAGAN. About when did you write this memorandum?

Mr. LOWREY. My guess is that I wrote that close to the last of January, and I wrote it within that period.

Mr. FLANAGAN. And you addressed it to both Austin and Champion?

Mr. LOWREY. Customarily I addressed those memorandums to Clyde and Clarke; they were informal memorandums.

Mr. FLANAGAN. Was it a typed memorandum?

Mr. LOWREY. Yes, sir.

Mr. FLANAGAN. To whom did you dictate it?

Mr. LOWREY. To my wife.

Mr. FLANAGAN. Where do you dictate, where did you dictate it?

Mr. LOWREY. I started to tell you the suite number, and I am not sure, in the suite at the Jefferson Hotel.

Mr. FLANAGAN. You and your wife were there?

Mr. LOWREY. We stayed there six weeks.

Mr. FLANAGAN. Can you tell us what that memorandum said in substance?

Mr. LOWREY. Yes. I was undertaking to cut Bryant off, and Burke, completely. I said that they had made—I do not recall that I used “irresponsible representations,” but certainly it was the substance of what I said—that I saw no evidence whatever that they could or would carry out those representations, that the thing they proposed to do was unlawful and dangerous, and it was bound to get us into trouble, and that it was ridiculous to suppose that any person could control the Federal Power Commission even through the chairman, and that the members of the Federal Power Commission were five strong-minded citizens, each of whom was an individualist in his own right, and that it was public knowledge that there were sharp differences of opinion within the commission between members of the commission, and that it just did not make sense; that it was not done that way; that I had been in Washington for a good many years and that was not the way to handle federal business, and it was dangerous and would get us into trouble.

I further said that there was no reason that I could see to believe that Mr. Connelly would really attempt to do anything, and that by nature, and by the nature of his job, he would say to any good friend, “Yes, I will help you if I can,” but the chances were that he neither could nor would do anything that would mean much in an attempt to help us, and that I thought he would be particularly

cautious in that I knew, or there had already been some question about his activity in Washington.

I affirmatively recommended that all law relationship with Bryant and Burke be discontinued immediately.

Mr. FLANAGAN. In that memorandum did you state in substance what deal was to be made with Connelly?

Mr. LOWREY. I did not, sir.

Mr. FLANAGAN. You did not refer to the stock or to the officership?

Mr. LOWREY. No, sir.

Mr. FLANAGAN. You just referred to it?

Mr. LOWREY. I referred to the situation.

Mr. FLANAGAN. With Connelly?

Mr. LOWREY. Yes, sir.

Mr. FLANAGAN. Did you mention Connelly by name?

Mr. LOWREY. I mentioned him by initials, and I am not sure whether I mentioned him simply as "M" or whether I mentioned him as "M. C."

Mr. FLANAGAN. And you sent a copy of that to Austin?

Mr. LOWREY. I handed a copy to Austin, to the best of my recollection, and I mailed a copy to Champion, and I believe I am accurate in both of those statements.

Mr. FLANAGAN. Why did you send a copy to Austin, inasmuch as I gather from your testimony—

Mr. LOWREY. I wanted to be on record.

Mr. FLANAGAN. Let me finish the question. Inasmuch as I gather from your testimony that Austin was one of those that was in on the deal to try to fix Connelly?

Mr. LOWREY. But he was also one of the active managers of the company, and I wanted that thing stopped, and I wanted it to be put in writing how I felt about it.

Mr. FLANAGAN. And you wanted it to be a matter of record?

Mr. LOWREY. I certainly did, sir, as between me and them. I did not know I was making it of record for this purpose, but I was making it of record for the company.

Mr. FLANAGAN. Now, you also mentioned Mr. Burke. Was Burke also in on this deal, to try to bribe Connelly?

Mr. LOWREY. At that time, I had had no real conversation with Burke about the matter, nor had I heard him engage in any discussion of it with anybody. Austin particularly told me that Burke was a very influential Democrat, heavy contributor to the national committee, and a man of some consequence in the state of Michigan, and that he was working with Bryant in this attempt to fix this thing through political influence.

Mr. FLANAGAN. Did Burke himself ever tell you that he was working on this matter in an attempt to fix Connelly?

Mr. LOWREY. Burke never told me that, and the only time I ever heard Burke say anything that definitely meant that, coming out of his own mouth. It was the conversation that I heard at Mr. Champion's house on the third day of June, in 1952.

Mr. FLANAGAN. What was that conversation that you overheard on the third day of June?

Mr. LOWREY. A conversation in which Burke and Bryant brought to Mr. Champion a letter typed out, two or three pages of it, which

I put in the record of the private hearing of the Federal Power Commission on the sixth of June, if I recall it, which provided that they should be the purchasing agents for the company and should get a two or two-and-a-half percent commission on everything that the company bought throughout the course of its construction.

They presented that letter, and Mr. Champion said, "It is ridiculous, and I won't consider any such thing." Mr. Burke did most of the talking on that occasion. He said they had to have it because they had to take care of the chairman and some other people.

Mr. FLANAGAN. The chairman of the Federal Power Commission?

Mr. LOWREY. Yes.

Mr. FLANAGAN. Did they indicate they were also going to bribe him as well as Connelly?

Mr. LOWREY. His talk was of the chairman on that occasion.

Mr. FLANAGAN. He did not mention Connelly at all on that occasion?

Mr. LOWREY. I am not certain, Mr. Flanagan, whether Connelly's name was called on that occasion or not. I am unwilling to testify that I heard his name called. I identified it as the same set-up in my own mind. And another thing which is of record, I believe, in that hearing, I did not hear all of that conversation, but I heard that much of it very definitely.

Mr. FLANAGAN. In addition to that one time you met Mr. Connelly at the Statler, did you ever meet him again?

Mr. LOWREY. Yes, I met Mr. Connelly in Mr. Champion's room at the Mayflower Hotel; and Mr. Frear says it was the 30th night of January, and he refreshes my memory and it must have been just about that time.

Mr. FLANAGAN. Who was present at that meeting at the Mayflower?

Mr. LOWREY. My recollection on yesterday was that Mr. Champion and his wife, myself and my wife, and Mr. Connelly came in, and it is my recollection that Mr. Bryant brought him in, and Mr. Frear, I know, came in. He does not recall seeing Bryant.

Mr. FLANAGAN. How long did Connelly stay?

Mr. LOWREY. I would say that Connelly stayed upward to an hour, and there is another point where Mr. Frear and I do not quite agree on, in the time element, and you will have to talk to him. He stayed there for some little time.

Mr. FLANAGAN. Was any business discussed in your presence with Mr. Connelly?

Mr. LOWREY. None, sir.

Mr. FLANAGAN. By anybody?

Mr. LOWREY. None.

Mr. FLANAGAN. Was this also just a social meeting?

Mr. LOWREY. A social meeting.

Mr. FLANAGAN. Was Champion also acquainted with Connelly?

Mr. LOWREY. I did not know that Champion had met Connelly before, and to my knowledge he had not met him; insofar as I know, he had not met him personally before. Now, again, Mr. Frear thinks he had.

Mr. FLANAGAN. Was there any other occasion or occasions that, to your knowledge, Champion or yourself met with Connelly?

Mr. LOWREY. I never saw Connelly on any other occasion, and I do not believe Mr. Champion ever saw him at any other time, and Champion appeared to take the line that Mr. Frear and I took in the matter at the time, and I believe he did faithfully follow that line throughout.

Mr. Austin and Mr. Bryant continued to talk about Connelly until we really broke off relations and quit talking to each other, which was about the middle of April.

Mr. FLANAGAN. Now, did Bryant or Austin ever indicate how much stock they were going to give Connelly?

Mr. LOWREY. No. The FBI has given me figures on that, but I never got that from Austin.

Mr. FLANAGAN. You never got that from Austin?

Mr. LOWREY. No.

Mr. FLANAGAN. Now, subsequently, in June of 1952, while you were before the commission, you did quote to the commission this conversation which you have discussed here that Bryant and Burke had with Champion down in Texas?

Mr. LOWREY. I testified to that in detail in private hearings on June 30.

Mr. FLANAGAN. On what date?

Mr. LOWREY. I believe on June 8. The conference was on June 3. Is that right? That is a matter of record.

Mr. FLANAGAN. I am just reviewing this testimony very briefly. At that time you indicated before the commission that Burke and Bryant had indicated to Champion that the chairman of the commission could be reached or purchased?

Mr. LOWREY. They said that, and that is the substance of what they said.

Mr. FLANAGAN. At that time you are talking about the Connelly deal, or what deal were you talking about?

Mr. LOWREY. Well, actually, I associated it in my mind because they told me all of the way back to February that they were going to reach him through Connelly, as I have testified, and, as I believe I testified then, there was not any great mention of Connelly at that meeting, on that occasion, to the best of my recollection. Did I say something that indicated differently?

Mr. FLANAGAN. Now, subsequently, on the 25th of June, 1952, you again appeared before the Federal Power Commission in private hearing, at which time they were ostensibly checking into this story that you had passed on. Do you recall that?

Mr. LOWREY. I did not appear in private hearing.

Mr. FLANAGAN. Is that a public hearing?

Mr. LOWREY. I do not recall.

Mr. FLANAGAN. The 25th of June?

Mr. LOWREY. I did not appear in private hearing but only one occasion, and Mr. Champion appeared later in private hearing, but I did not.

Mr. FLANAGAN. This is a private conference at the Federal Power Commission on June 25, 1952.

Mr. LOWREY. Now, maybe I am mistaken about these dates. I did not attend but one private conference.

Mr. LAVENIA. There was a public hearing on June 6, 1952.

Mr. LOWREY. That is the time I threw it on the tabletop, but I went into no detail.

Mr. LAVENIA. The conversation in Houston, Texas, was June 3, 1952, and you revealed that conversation at a public hearing before the Federal Power Commission dealing with the certificate of convenience and necessity.

As a result of the public statement made by you, a private conference was held on June 25, 1952, where the commission examined into the details.

Mr. LOWREY. That is correct, sir. My dates were confused about it.

Mr. FLANAGAN. In any event, following your statement you made or repeated before the commission in public hearing in early June, you were then called before the commission in a private hearing on June 25, 1952, when they questioned you about these allegations of the fact that the chairman could be fixed?

Mr. LOWREY. They did at length.

Mr. FLANAGAN. At that time, did you indicate to them that Matt Connelly was the conduit by which Buchanan allegedly could be fixed?

Mr. LOWREY. I may have so indicated. I think that you will find at that time, and I have not read this evidence in months, I think that you will find at that time that I indicated to them that he had not been the principal person mentioned by Burke or by Bryant on that occasion.

Mr. FLANAGAN. You are talking about the occasion in Houston, in Champion's house?

Mr. LOWREY. I certainly had in my own mind as a result of the whole performance that Connelly was the man through whom they expected to meet him, and I probably said as much to the commission. I do not recall the language that I may have used.

Mr. FLANAGAN. Why did you not on that occasion on June 25, when you were at a private hearing before the commission, advise them the full facts as you are now advising us?

Mr. LOWREY. Well, frankly, I do not know just what I am leaving out that is of material significance that I did not tell them. You must remember this, though, that I tried to follow your line of questioning, and I was trying to follow theirs.

Mr. FLANAGAN. We have reviewed these private hearings at the time you appeared, and the only significant thing you said about Connelly at those hearings, they were questioning you about this entire matter, and without reading all of the testimony, they asked you who else was involved at the commission or anywhere else; and you were referring to what Bryant had said.

You said he talked particularly about Mr. Connelly, Matt Connelly in the White House, and particularly about a Mr. Kimball in the State Department.

Mr. LOWREY. I refused to call any name until the chairman ordered me to.

Mr. FLANAGAN. You refused to call any name until the chairman ordered you to, and then you said he talked of Connelly and he talked of Kimball.

Mr. LOWREY. Kimball was a man in the State Department whom I never met, but Bryant seemed to attach importance to.

Senator McCLELLAN. I wondered if Kimball was a government employee.

Mr. LOWREY. Yes, sir.

Mr. FLANAGAN. There is nothing in this evidence to indicate that you told the commission at that time that Austin and Bryant and possibly Burke were negotiating with Connelly to get him to fix the commission in return for some stock in the company and an officership in the company?

Mr. LOWREY. No, I did not go into details on that.

Mr. FLANAGAN. Well, my question is: Do you not think that that was material at that time and you should have told it to the commission at that time?

Mr. LOWREY. No, I did not so consider it at that time, and I am not sure that I so consider it now. I had no evidence that I considered substantive at all that Connelly had entered into any such agreement. I knew the talk that these fellows had been guilty of.

Mr. FLANAGAN. As a matter of fact, that is all you knew about Buchanan, was the talk?

Mr. LOWREY. That is right.

Mr. FLANAGAN. Why did you mention Buchanan and why did you mention the chief counsel of the commission and leave out Connelly, at least the details about the Connelly matter?

Mr. LOWREY. Well now, I mentioned the chairman and chief counsel when?

Mr. FLANAGAN. During your testimony at this private hearing.

Mr. LOWREY. Because they asked me questions that brought Mr. Ross directly into the discussion, and because Mr. Frear and I had gone to Mr. Ross's office the last of January and had told him that Bryant and Burke were not authorized to act for the company, and that we objected to the hearing before the Federal Power Commission on that connection, because Mr. Frear and Mr. Champion had said the same thing to the chairman, and the whole hearing there in June, what is the date, the 25th, the private hearing in June seemed to turn on what they regarded as my attack on the chairman.

I had never intended it as an attack on the chairman. I think that I made myself as clear as I know how to put it in language on both occasions that I never believed that the chairman had been guilty of any such thing or would be guilty of any such thing.

Mr. FLANAGAN. To your knowledge, has the FBI been investigating these charges that Mr. Connelly or any other public official might have been bribed or an attempted bribe made?

Mr. LOWREY. They have discussed the matter with me on several occasions.

Mr. FLANAGAN. And that has been done within the last two months?

Mr. LOWREY. They have done it from last summer down to last week.

Mr. FLANAGAN. Have you ever advised representatives of the Federal Bureau of Investigation of these conversations you had with Austin and Bryant concerning the alleged bribery of Connelly?

Mr. LOWREY. I think I have given them substantially that. Now, here is the fact with reference to Connelly, that the questions they have been asking me, I believe the record would show that

Connelly was not mentioned. I saw no reason to drag Connelly into it unless there was something that I did not know that justified dragging him into it.

Mr. FLANAGAN. My question is this, Mr. Lowrey: Did you either in response to a question or voluntarily tell representatives of the FBI who were investigating this whole matter of the conversations which Austin and Bryant have had with you concerning the alleged bribery of Connelly?

Mr. LOWREY. Not in the same detail that I have told you.

Mr. FLANAGAN. Have you advised representatives of the FBI of the fact that as far back as January of 1952 you set this matter forth in a memorandum and submitted it to both Champion and Austin?

Mr. LOWREY. I do not believe I told them that. The first time, Mr. Flanagan, that the FBI ever mentioned Connelly to me was when Mr. Story came to my office some weeks ago.

Mr. FLANAGAN. Just a minute. We do not want to go into details of what the FBI told you and you told the FBI other than as it concerns these allegations of bribery or attempted bribery.

Senator McCLELLAN. You want to know whether he revealed this information to the FBI?

Mr. LOWREY. I did not. If I may add this, Mr. Story asked me the direct question, if I knew whether or not certain stock had been given to Mr. Connelly on a certain occasion. He almost opened the conference that way. That is just about the first thing he said. I had known him for a long time. I told him that I had no knowledge of any such and he asked me if I knew where anything of that sort had ever at any time been delivered to Mr. Connelly, and I told him that I knew of no activity on Mr. Connelly's part that would lead me to believe that Mr. Connelly accepted a bribe.

I mean in substance that is what I told him.

Now, last week, Mr. Ende of the FBI who has taken Mr. Story's place in the Houston office, went through about that same thing, and as I recall it, they are the two occasions on which the FBI has raised a direct question about Connelly with me.

Mr. FLANAGAN. Now, do you have any information or reason to believe that Connelly in fact did receive stock or anything else of value in connection with your matter pending before the Federal Power Commission?

Mr. LOWREY. None whatever except what I got from these two men who obviously have proven faulty.

Mr. FLANAGAN. Do you have any facts or information that you have not testified to here already concerning this bribe or attempted bribe of Mr. Connelly?

Mr. LOWREY. Mr. Flanagan, at the risk of not answering yes or no, as you would like me to do, I would like to say this: I have found on several occasions that you and the FBI and other people inquiring about this case attach significance to things that I perhaps had not attached the same significance to. I have lived with this thing for eighteen months and there has not been a day that there has not been something going on.

If you give me a chance to talk, I may talk at length, and a great deal of which is not relevant. I cannot assure you that something will not develop that you would attach significance to. I do not at

this time, and of course I have given careful consideration to this, recall anything that is relevant to the line of questions that you have put to me that I have not told you.

Mr. FLANAGAN. At any time in the spring or early summer of 1952, did you propose to Mr. Austin or any other official or representative of the Texas-Ohio Gas Company that Mr. Buchanan was the chairman of the commission and was being unfair to your company?

Mr. LOWREY. I have thought that from the beginning.

Mr. FLANAGAN. I did not ask you if you thought it. Did you propose that to Austin or other representatives?

Mr. LOWREY. Not to Austin because I have had no discussions of any significance whatever with Austin since about the third week of April.

Mr. FLANAGAN. Prior to the third week of April, did you have any discussions with Austin?

Mr. LOWREY. It was not a general discussion. Yes. I said that—

Mr. FLANAGAN. Did you ever propose to Austin or anybody else that some method be worked out to attack Buchanan?

Mr. LOWREY. I gave consideration to that, as I would give consideration to a question, of a court that I thought was prejudiced against me. I took the position there was no ground on which to attack him.

When he asked me the direct question if I wanted to file an affidavit of prejudice against him, I answered him that I did not, and I did not.

Mr. FLANAGAN. I am not talking about an affidavit of prejudice. Did you make any proposals to Austin or any other officials or representatives of that company as to ways and means by which you could indirectly attack Buchanan, either politically or otherwise?

Mr. LOWREY. I frankly do not register on what you may be getting at, no. I discussed the fact that I thought he was prejudiced against us. I thought he was.

Mr. FLANAGAN. You now testify you did not make any proposal about any indirect ways in which you could get Buchanan removed from the commission?

Mr. LOWREY. I testify that I have no recollection of any such thing, and to the best of my knowledge and belief, I did not.

Mr. FLANAGAN. Did you ever discuss with anybody the possibility of going to Matt Connelly or anybody else in high political office for the purpose of enlisting their support in removing Buchanan from the Federal Power Commission?

Mr. LOWREY. No, I did not. I discussed with people the question of his confirmation when he came up, the confirmation in the summer, and I did not discuss that with anybody in political position, and I discussed that with Mr. Frear and I discussed it with Mr. Reissig, and I probably discussed it with other persons in our organization. But I did not discuss it with anybody in a political position.

Mr. FLANAGAN. I have no further questions at this time, Senator.

Senator McCLELLAN. I have only one or two questions.

This thing all goes back, it seems to me, to a question of whether there was a bribe actually consummated or an attempt to bribe Matt Connelly to use his influence with the Federal Power Com-

mission in this case. As I understand you, you have no knowledge that such an attempt was actually made, but you do have knowledge of conversations that were had, regarding plans being made by two parties that you have named, Austin and Bryant, to undertake to bribe Matt Connelly or purchase his political influence in this case?

Mr. LOWREY. That is a correct statement, sir. I believe I would go one degree further than that. I have knowledge of the fact that he claimed that Matt Connelly was cooperating with them.

Senator McCLELLAN. What is that?

Mr. LOWREY. That he was working with them.

Senator McCLELLAN. You have information or you have knowledge?

Mr. LOWREY. I have knowledge of the fact that they claimed, Austin and Bryant claimed.

Senator McCLELLAN. They claimed it?

Mr. LOWREY. Yes, sir. You stated, sir, that I had knowledge of the fact that they were planning to attempt to influence.

Senator McCLELLAN. In discussing the possibilities of getting Matt Connelly—

Mr. LOWREY. They claimed that or they stated that he was cooperating with them, but that is entirely from them.

Senator McCLELLAN. All of the information you have, then, is the information or the conversations that you had or heard between Bryant and Austin?

Mr. LOWREY. That is correct, sir.

Senator McCLELLAN. Have you ever seen anything or was anything developed subsequently to indicate to you or give you any reason to believe that they were successful in enlisting Connelly's influence?

Mr. LOWREY. I have never seen anything that I regarded as evidence that they were successful.

Senator McCLELLAN. Did they ever claim to be successful afterwards?

Mr. LOWREY. Yes, sir.

Senator McCLELLAN. They claimed they were successful?

Mr. LOWREY. Oh, yes.

You remind me of something here that Mr. Flanagan may think I ought to have thought of before. When these hearings came on about the middle of April, we were under pressure to get some of our data ready, to present to the commission. We were discussing, in the suite we were using at the hotel, the Jefferson Hotel, the question of the time element. Bryant was there and heard the discussion, and he said, "Why didn't you tell me you wanted more time?"

I said, "Why should we tell you we wanted more time?"

And he said "I could have fixed that easily. Matt would have fixed it." And he said, "You got the time you got because Matt fixed it."

I thought I knew better than that, and I think that that is a total misrepresentation on the part of Bryant, because I went through that fight to get the time, myself, and I don't believe that any such outside influence had anything to do with it. But Bryant claimed at that time that he had fixed it with seventy-five days we did get,

and said definitely if we had told him we wanted ninety days, he would have got it for us through Matt Connelly.

Senator McCLELLAN. This much is pretty clear now: that if they did attempt to use Matt Connelly, or Matt Connelly attempted to influence the decision of the commission, it failed.

Mr. LOWREY. It certainly failed, and it failed at that time.

Senator McCLELLAN. It failed at that time?

Mr. LOWREY. It failed all of the way through, and I never saw any evidence that anybody influenced that commission in our favor, or otherwise, of outside influence. I thought that the commission and the members of the staff and I made it of record, and I think now—that there were some things done that certainly were not proper administrative procedure, and things that I am preparing to attack in court, and things that were highly prejudicial to us; but I have no evidence that there was any influence used to bring that about.

Senator McCLELLAN. This thing just resolves itself down, as I see it, so far as this record is concerned, as to whether these folks attempted to bribe Matt Connelly, or to purchase political influence from him; and if so, then did they succeed?

Now, if you can throw any light on that further than the testimony you have given—

Mr. LOWREY. I don't think I can give you a thing, sir, beyond what I have given. If somebody refreshes my memory, I will certainly give it to you.

[Whereupon, at 3:30 p.m., the hearing was recessed.]

PAYMENT FOR INFLUENCE—GAS PIPELINE MATTER

[EDITOR'S NOTE.—James M. Bryant did not testify in public session.]

TUESDAY, MARCH 24, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, at 3:00 p.m. in Room 101 of the Senate Office Building, at 3:30 p.m., Senator John L. McClellan, presiding.

Present: Senator John L. McClellan, Democrat, Arkansas.

Present also: Francis D. Flanagan, general counsel; Thomas W. La Venia, assistant counsel.

Senator McCLELLAN. You do solemnly swear that the evidence you shall give in this investigation, in this inquest shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRYANT. I do, sir.

Mr. FLANAGAN. Will you give your full name and home address?

TESTIMONY OF JAMES M. BRYANT

Mr. BRYANT. James M. Bryant, B-r-y-a-n-t. 4100 Saint John's Drive, Dallas, Texas.

Mr. FLANAGAN. Is it true, Mr. Bryant, that you became associated with the Texas-Ohio Gas Company in the late fall of 1951?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. For the purpose of obtaining steel that they could use in the construction of a proposed pipe line?

Mr. BRYANT. Steel and gas, sir.

Mr. FLANAGAN. Gas as well as steel?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Who was associated with you in this endeavor to obtain gas and steel?

Mr. BRYANT. Mr. Frank Champion.

Mr. FLANAGAN. I am talking about on your side of the picture.

Mr. BRYANT. Oh, Mr. Burke was just for the steel, but for the gas I was working with Mr. Champion, mostly with Mr. Champion.

Mr. FLANAGAN. And who is Mr. Burke?

Mr. BRYANT. Frank Burke is from Niles, Michigan. He owns the Wolverine Manufacturing Company. He is a steel man.

Mr. FLANAGAN. In connection with your efforts to work out the problems of Texas-Ohio Gas company, early in 1952, did you from time to time have occasion to contact in a business way Mr. Lowrey?

Mr. BRYANT. No, sir. I don't think that I have talked to Mr. Lowrey more than, oh, half a dozen times. I usually talked direct to Mr. Champion.

Mr. FLANAGAN. That is Mr. Frank Champion, president of Texas-Ohio?

Mr. BRYANT. Yes, sir. Or Mr. Austin.

Mr. FLANAGAN. Mr. Clyde Austin?

Mr. BRYANT. Mr. Clyde Austin, yes, sir.

Mr. FLANAGAN. In the discussions which you had with Mr. Lowrey, did you ever indicate to him, either directly or indirectly, that through your contacts with Matt Connelly of the White House staff, you would attempt to influence the possible judgment of the Federal Power Commission in this case?

Mr. BRYANT. No, sir, never.

Mr. FLANAGAN. How long have you known Matt Connelly?

Mr. BRYANT. I met Mr. Connelly either in '47 or '48, at the Kentucky Derby.

Mr. FLANAGAN. In the intervening four years or five years, did you become intimately acquainted with Matt, with Mr. Connelly?

Mr. BRYANT. Well, I considered we were friends, yes, sir.

Mr. FLANAGAN. Did anyone connected with Texas-Ohio ask you to use your influence with Mr. Connelly?

Mr. BRYANT. Yes, Mr. Frank Champion did, two or three different times.

Mr. FLANAGAN. Can you recollect the first time that he talked about contacting Connelly in this case?

Mr. BRYANT. Yes, sir. When the Federal Power Commission was deliberating whether to consider the application, and when Mr. Lowrey had the argument with Mr. Kallina, and Mr. Frank Champion called me on the phone from Houston, Texas, he was quite upset and thought that they were going to kick the application out. He said on the phone then, "Well, will you see Matt Connelly? Just go and talk to him. Try and get him to do something." That was the time I told you I did ask Mr. Connelly. And Mr. Connelly said, "I don't ever want anything to do with that. Don't ever mention it to me again."

Mr. FLANAGAN. Approximately when was this that Champion first called you? What time?

Mr. BRYANT. I would say January.

Mr. FLANAGAN. Of 1952?

Mr. BRYANT. That would be 1952, yes, sir.

Mr. FLANAGAN. At that time did Mr. Champion indicate that you should make any offer to Connelly for the assistance he would render you?

Mr. BRYANT. No, he didn't say anything about that at that time. He just said, "Do anything."

Mr. FLANAGAN. What did he mean by "do anything?"

Mr. BRYANT. I don't know, sir. I didn't ask him on the phone. So I did ask Mr. Connelly, and he said, "No, sir."

Mr. FLANAGAN. How long after this conversation with Champion did you go and ask Connelly?

Mr. BRYANT. Well, whenever that was. I don't know just when it was. It was some time in January. I know that.

Mr. FLANAGAN. I see. How long after the conversation did you go to Connelly?

Mr. BRYANT. I don't know. It might have been three, four, or five days after that. Because, you know, sometimes you would just wait until he was not busy.

Mr. FLANAGAN. Where did you contact Connelly?

Mr. BRYANT. I called him at the White House, and I talked to him. He came over, I think two days later.

Mr. FLANAGAN. Came over here?

Mr. BRYANT. Over to the Statler Hotel.

Mr. FLANAGAN. And met you there?

Mr. BRYANT. That is right.

Mr. FLANAGAN. And at that time did you have a conversation with him about your problems?

Mr. BRYANT. No, I just asked him if there was any way he could help with the Federal Power Commission. He said, "No." He said, "Don't ever ask me about the Federal Power Commission." I just stopped right there.

Mr. FLANAGAN. Did you tell him what your problem before the Federal Power Commission was?

Mr. BRYANT. No, I just said we were having some trouble with Mr. Kallina. I said, "Was there any way?" And he said "No, don't ever speak of that name or the Federal Power Commission to me." That was how fast it was said and how fast it was dropped.

Mr. FLANAGAN. Was there anyone present when you had this conversation with Connelly?

Mr. BRYANT. No, sir.

Mr. FLANAGAN. Just you and Connelly?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Did you have any further conversation with Connelly about the problems of Texas-Ohio?

Mr. BRYANT. No. I never mentioned it ever again, sir.

Senator McCLELLAN. Where did you have this conversation?

Mr. BRYANT. At the Statler Hotel.

Mr. FLANAGAN. At the time of this single conversation you had with Connelly on this matter, did you indicate to him that you might be able to get him a job with that company if he was helpful?

Mr. BRYANT. No, the moment he said that that was the end. Because he is a funny man. If you wanted to hold his friendship—the moment he said "Don't mention it," I knew better than to even think of mentioning it to him.

Mr. FLANAGAN. Did you indicate to Connelly, either directly or indirectly, that he might be able to get a stock interest in this company if he were helpful?

Mr. BRYANT. No, never.

Mr. FLANAGAN. Did you ever have any further conversations with Champion about getting Connelly's help in this case?

Mr. BRYANT. I believe Champion would say that to everybody or anybody. He was always saying that.

Mr. FLANAGAN. Saying what?

Mr. BRYANT. "Why don't you talk to Connelly?" "Do this or that." "Introduce me to Matt Connelly." And I never would. I never did introduce him to Connelly.

Mr. FLANAGAN. Did Champion ever indicate that Connelly would be rewarded if he did help?

Mr. BRYANT. No. As a matter of fact, I just always evaded Mr. Champion's direct statements about doing such things as that. I just thought, "It is better not to even talk to him about it." So I just didn't.

Mr. FLANAGAN. Did he ever talk to you about it?

Mr. BRYANT. Oh, he mentioned that millions of times.

Mr. FLANAGAN. Did he ever indicate—

Mr. BRYANT. Any particular thing? No, sir.

Mr. FLANAGAN [continuing]. Any special thing?

Mr. BRYANT. No, sir.

Mr. FLANAGAN. Did he ever indicate that Connelly could have a job with him?

Mr. BRYANT. Yes, he said he could have any kind of a job he wanted with Texas-Ohio. He did mention that, yes, sir. He could have any kind of job he wanted with Texas-Ohio.

Mr. FLANAGAN. Did he mention that on more than one occasion?

Mr. BRYANT. Oh, half a dozen times.

Mr. FLANAGAN. Did he indicate what the office would pay, what the office would be, what the duties would be?

Mr. BRYANT. No, he didn't.

Senator MCCLELLAN. Did you relay that conversation to Connelly?

Mr. BRYANT. Oh, no. After what he said that first time, I never mentioned it to him, no, sir.

Senator MCCLELLAN. You knew him so well, why did you approach him about it in the first place?

Mr. BRYANT. That was about Kallina. I didn't approach him on any subject of Federal Power. This was just the staff and Kallina. That is when he said, "Do not ever mention the Federal Power Commission."

Senator MCCLELLAN. What did you have in mind when you approached him? What did you expect him to perform?

Mr. BRYANT. The only thing in the world would be if we could have a fair and impartial hearing. Because they had spent a lot of time and a lot of effort and a lot of money, and we felt that it should have a very fair, impartial hearing. And that was our primary purpose, of trying to get that through. We didn't want anything. There wasn't any question of trying, as far as I was ever concerned, with the company trying to bribe anybody, or do anything of that sort. The main thing we wanted was to have a fair hearing on it.

Senator MCCLELLAN. You did not consider that if Champion offered him a job for his influence, that would be bribery?

Mr. BRYANT. But I never told Mr. Connelly that. I didn't mention it.

Senator MCCLELLAN. But you knew that was the purpose, did you not?

Mr. BRYANT. No, sir. I didn't, for this reason, sir.

First of all, Mr. Champion is a man that says things—that is his way of life, of doing things, I guess. And after knowing Mr. Champion, I would always more or less dismiss those things. They were

just outbursts of things he had to get out of his system. So I just never paid much attention to it.

Mr. FLANAGAN. Was anybody ever present with you when Champion told you to do this?

Mr. BRYANT. Well, he did that over the phone, and I don't recall anybody being present.

Mr. FLANAGAN. Did you ever recall that he told you that personally rather than over the phone?

Mr. BRYANT. I couldn't say for sure, no, sir. But he said it over the phone many times.

Mr. FLANAGAN. Did any other representatives of Texas-Ohio ever indicate to you that you should use your influence with Connelly to get his help in your problem?

Mr. BRYANT. No, just one time. Mr. Austin said, "Well, you know Matt Connelly." I said, "Well, yes, sir." He said, "In a hearing, is there any possibility——"

I said, "No, sir."

Mr. FLANAGAN. Any possibility of what?

Mr. BRYANT. Of Mr. Connelly talking to Kallina or anybody over there. I said, "No, sir." I wouldn't even mention it to him. I wouldn't even mention it. So that was that. And he never asked me again.

Mr. FLANAGAN. Did any representative of Texas-Ohio, to your knowledge, ever contact Mr. Frank Burke in an effort to get Mr. Connelly's influence in this case?

Mr. BRYANT. I don't know that, sir. I couldn't answer that question. He did see Mr. Champion, Mr. Austin, many times alone, without my being present. I couldn't tell you that. I don't know.

Mr. FLANAGAN. Did you, either directly or indirectly, ever indicate to Mr. Lowery or to any other representatives of Texas-Ohio that you were a friend of Matt Connelly's, that you had influence with Connelly, and that you could get him to use his influence with the Federal Power Commission?

Mr. BRYANT. No, sir. I never did. No, sir.

Mr. FLANAGAN. On that point, we have taken sworn testimony from Mr. Lowery, and it goes into considerable length, but it was summed up in this fashion by Senator McClellan. I will read you this summary and Lowery's sworn answer to it, and then I will ask you about it.

Senator McClellan, on page 5402 of our executive hearing, said:

This thing all goes back, it seems to me, to a question of whether there was a bribe actually consummated, or an attempt to bribe Matt Connelly to use his influence with the Federal Power Commission in this case. As I understand you, you have no knowledge that such an attempt was actually made, but you do have knowledge of conversations that were had regarding plans being made by two parties that you have named, Austin and Bryant, to undertake to bribe Matt Connelly or purchase his political influence in this case.

And Lowery said, under oath:

That is a correct statement, sir. I believe I could go one degree further than that. I have no knowledge of the fact that he—meaning you, Bryant—claimed that Matt Connelly was cooperating with them.

Now, I ask you: Did you ever indicate, or state, either directly or indirectly, to Lowery or anybody else, that Matt Connelly was

cooperating with you in your efforts to influence the Federal Power Commission in this case?

Mr. BRYANT. No, sir. Absolutely not. No, sir.

Mr. FLANAGAN. Then you categorically deny—

Mr. BRYANT. Absolutely.

Mr. FLANAGAN [continuing]. The allegation made here by Mr. Lowery?

Mr. BRYANT. I certainly do. Absolutely. I told you I asked Mr. Connelly one time, and he said, "No sir. Don't ever mention that to me." And that was the only thing that was ever talked about it, as far as the Federal Power Commission was concerned, with Mr. Matt Connelly.

Mr. FLANAGAN. Did you ever discuss with Lowery your relationship with Connelly?

Mr. BRYANT. Never in the world.

Mr. FLANAGAN. Then why do you think that Lowery would make such a statement under oath to this committee?

Mr. BRYANT. Well, because Lowery has lied many, many times.

Mr. FLANAGAN. Where would he get the idea you had influence with Connelly, if you did not tell him?

Mr. BRYANT. Well, first of all, he couldn't possibly get the idea. The only thing, he came in one night, came up for a while when Mr. Connelly was present, and Mrs. Connelly, in my apartment.

Mr. FLANAGAN. Your apartment where?

Mr. BRYANT. At the Statler Hotel. And Colonel Truman and his wife Martha, and Mr. Burke, and I forget the other gentleman's name. And he called his wife up right away at the Jefferson Hotel, and she came over. And all they did was just sit there and buzz each other. I mean talk-talk-talk, about his terrific power in the south, and how he out-bested Bilbo,⁶ and all that sort of thing, and what terrific political power he had here in Washington at one time. And Mr. Connelly just laughed at him. And he left.

That is the only time. He just got up, had a few drinks, and he boasted about what he was and what a powerful man he was here in Washington, and how he out-bested Bilbo, and all that, in Mississippi, and how he knew this person and that person. That is all he did. That was the only time. And if he could have gotten an impression—I just don't know, because I never led the man to believe it. And I never invited his wife over, but he did that himself.

Mr. FLANAGAN. Did you ever indicate to anybody else in the Texas-Ohio organization that you had, through your personal influence with Connelly, through your personal friendship with Connelly, any way to get him to use his influence with the Federal Power Commission?

Mr. BRYANT. No, sir. I mean people misconstrue a lot of things. If you are friends with somebody, right away they go and jump at conclusions and say, "Well, they are such good friends, we can do anything." I mean, people will say and do those things. Why they do it, I don't know. But like I said before, if they arrived at that conclusion, that was their own way of thinking, not mine.

Mr. FLANAGAN. Did Burke, to your knowledge, ever indicate to Lowery or anybody else in the Texas-Ohio organization that he had

⁶Senator Theodore G. Bilbo (D-Mississippi)

political influence with Connelly or anybody else that could be used to help Texas-Ohio in their problems with the Federal Power Commission?

Mr. BRYANT. I couldn't answer that, sir. Because I wasn't ever with him when he made that statement direct to anybody, not to my knowledge.

Mr. FLANAGAN. Did it ever come to your attention that he had indicated to members of the organization that he had political influence that could be used in this case?

Mr. BRYANT. Well, of course, like Champion, he has reiterated many times that Mr. Burke has said that. But, like I say, Champion—I couldn't believe one thing that man would say.

Mr. FLANAGAN. What did Champion say about Burke's influence?

Mr. BRYANT. Well, he just said that he was a big man, that he was the one who introduced him to Matt Connelly.

Mr. FLANAGAN. Did Champion ever indicate to you that Burke would use his influence with Connelly or anybody else in political life in this case?

Mr. BRYANT. No.

Mr. FLANAGAN. I have here, which is also part of the record in this case, a memorandum dated July 29, 1952, which was written by Mr. Lowery, to Champion and Austin, and I will read this one paragraph and ask you to comment on it. Lowery said:

I take it that it is my duty to report from time to time the different phases of the Washington situation. Such reports should certainly be as objective and detached as I could make them. I would prefer not to make this report on certain phases of the work of Jimmy Bryant and Frank Burke, here. I am personally fond of both of them and have not had the slightest unpleasant business with them. For a month I have had a wide open mind on what they are doing, being reassured by their own confidence that they would be able to do certain things through certain contacts. First, Jimmy was sure that through his contact with MC—

and I will state here that Mr. Lowery said that was Matt Connelly.

—he (meaning you, Bryant) could control the situation at the commission.

Now, this is a memorandum allegedly written by Lowery on January 29, 1952. I ask you again: Did you ever indicate or did Burke ever indicate, to your knowledge, to Lowery, that you did have influence with Connelly?

Mr. BRYANT. Never in the world, sir. And not to my knowledge, I don't think, Mr. Burke ever did to Mr. Lowery.

Mr. FLANAGAN. Then what is your comment on this statement by Lowery?

Mr. BRYANT. I say it is a lie, and a vicious lie.

Senator McCLELLAN. May I inquire of counsel, for the record: If I recall, that was a memo sent through the mails.

Mr. FLANAGAN. That is right.

Senator McCLELLAN. In his reporting to Champion.

Mr. FLANAGAN. Yes. That is what we discussed in this record we took on March 3rd.

Senator McCLELLAN. That is right. I was trying to recall it.

Mr. FLANAGAN. Then you state here under oath, Mr. Bryant, that these statements allegedly written by Lowery in January 1952, are false?

Mr. BRYANT. They certainly are, sir.

Mr. FLANAGAN. As they report the activities of yourself and Mr. Burke.

Mr. BRYANT. Yes, sir. I certainly do, sir.

Mr. FLANAGAN. Do you recall that some time early in June 1952, you and Mr. Burke had a meeting with Mr. Champion in Champion's home in Houston?

Mr. BRYANT. Yes, sir, I do.

Mr. FLANAGAN. At that time do you recall that one of the topics of conversation was the fee that you and Burke were to get if you obtained steel for their pipe line?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Do you recall that that fee was to be somewhere between two and a half and three million dollars?

Mr. BRYANT. It was a proposal, sir, that Mr. Burke's attorney had prepared for Mr. Champion. Mr. Burke had talked to Mr. Austin in New York about it, and he told him to go and talk to Mr. Champion. Mr. Champion was supposed to be in New York at that time, but was called to Mexico on this Mexican gas. And that was the reason Mr. Burke came on down to Austin to confer with Mr. Champion about this particular proposal. Mr. Champion read the proposal, and he said he thought it was high. And not only that, but he said that Ferguson and Company had already had the contracts, and therefore that would have to be postponed until he came to Washington and talked to Ferguson and Company about it.

Mr. FLANAGAN. As a matter of fact, did not Mr. Champion at that conversation, point out that your fee was about a million dollars higher than the ordinary fee for such a transaction?

Mr. BRYANT. No, Mr. Champion didn't point out any fee. Mr. Burke had said that he had checked on that particular fee, and that they were getting from two and a half to five percent on steel contracts.

Mr. FLANAGAN. And what were you fellows going to get?

Mr. BRYANT. Two and a half. That would be just half.

Mr. FLANAGAN. So you contend that your fee was no higher than anybody else's?

Mr. BRYANT. No, sir. That is what Mr. Burke said, and he is a steel man, a steel authority.

Mr. FLANAGAN. Was there any conversation at that time in Champion's home, early in June of 1952, by anyone present there, that almost a million dollars in these fees might be needed to take care of certain persons who would be helpful?

Mr. BRYANT. Oh, no, sir, not to my knowledge. As a matter of fact, I don't think I even said three words. I did go to the bathroom a few times, because I was quite ill. I had a very severe hangover. I hate to put that in the record, but it is true, and that is exactly what you want. I never heard Mr. Burke make any statement of that kind.

Mr. FLANAGAN. Who was present at that conversation other than yourself and Burke—

Mr. BRYANT. Mr. Champion.

Mr. FLANAGAN [continuing]. And Champion?

Mr. BRYANT. And Mr. Champion did say, he did make this statement—he was in his bathroom, and he had had a couple of drinks,

and we had also had a drink or two with him, and he was walking up and down the floor screaming and hollering about Buchanan, the chairman. And he called him everything. "He is against the Texas and Ohio company, and he is this, and he is that." And Mr. Burke reassured him. He said, "Well, Mr. Champion, I don't think that is true. I don't think Mr. Buchanan is against you any more than he is anybody else."

He said, "When Mr. Bryant and myself went over to talk to Mr. Buchanan, he seemed to be very fair and impartial."

But Champion kept roaring on, and finally, when it was finished, he had had another drink or two, and then he started talking about Mexico and what a rotten government the Mexican government was and what dirty so and so's.

And finally, we were about ready to depart when Mr. Burke nudged me and said, "Mr. Lowery has just entered." Mr. Champion came to the door. And he said to Mr. Champion that Mr. Lowery was in the library waiting. And about two or three minutes thereafter we took our departure.

Mr. FLANAGAN. Did you or Mr. Burke, to your knowledge, ever indicate that through any method you could influence Mr. Buchanan, the chairman of the Federal Power Commission?

Mr. BRYANT. Absolutely not, sir. First, we went to see Mr. Ross. I showed him my letter of authorization from Texas-Ohio. And we talked to him about Mr. Kallina. And he then called on the telephone for Mr. Kallina. Mr. Kallina was out some place, and he called a Mr. Goldberg, and Mr. Goldberg came up to the office, and he said, "Well, where is the attorney for the Texas and Ohio Company?"

He said, "Well, Mr. Lowery is the attorney, and Mr. Lowery had breakfast with us at the Statler Hotel this morning." And we tried to get Mr. Lowery to go with us to see Mr. Ross. And Mr. Lowery said, "Well," he said, "it just won't do any good for me to go, because I have had this argument with Mr. Kallina, and they are very definitely against me." He said, "Well, you people go, and I will be here at the phone, and I will be waiting."

So when Mr. Goldberg said, "Well, where is the attorney?" I said, "Well, should I call him on the phone?"

He said, "Yes."

So I called Mr. Lowery on the telephone, and Mr. Goldberg got on the phone with him. So what was said, I don't know, but I know he told him that he should have come over there.

Mr. FLANAGAN. That is in response to my question?

Mr. BRYANT. I was coming into it about the commission and Mr. Buchanan. The next day, you see, we talked to Mr. Foster, to the staff, Foster and Goldberg and Friedlander, and after that the next day we went to see Mr. Buchanan. Or Mr. Wimberly first. And we talked to Mr. Wimberly about ten or fifteen minutes. And then after that we went to see Mr. Buchanan, I believe, or Mr. Smith. It was Mr. Buchanan I believe. We talked to him for about ten or fifteen minutes. And then we went to see Mr. Smith, and we talked to him about ten or fifteen minutes. And all three of the commissioners, believe me, were all very noncommittal on anything. They wanted to know what interests we had. We told them we had the steel interest, and we had spent a great deal of time and effort and

money, and we thought, you know, they should have a hearing on it, and a very impartial hearing, that they were getting up their letters of intent and we should have a very fair hearing.

Mr. FLANAGAN. At that time, did you confer with Bradford Ross, the counsel of the commission?

Mr. BRYANT. That was our first man we went to, yes.

Mr. FLANAGAN. Who made your appointment with Ross?

Mr. BRYANT. I believe Mr. Burke made that appointment, with a man named—what in the world is his name? Black, or something like that. Isn't that funny? I have it at the end of my tongue, but I can't think of it.

Mr. FLANAGAN. Is he a government official, or what?

Mr. BRYANT. I think he was at one time. I don't recall him being in the government now.

Mr. FLANAGAN. He was just some private citizen?

Mr. BRYANT. Well, he could have been. I don't know. I didn't know him that well. Mr. Burke had made the appointment through this gentleman anyway. I can't think of his name, but it sounds like Black or something like that.

Mr. FLANAGAN. At the time of your first meeting with Bradford Ross—

Mr. BRYANT. Is there a Mannie Black, a name like that? Well, a close name to that.

Mr. FLANAGAN. At the time of your first meeting with Ross, who was general counsel of the commission? Did you tell him that you had just left Matt Connelly, and he, Connelly, knew that you were on your way there to the commission?

Mr. BRYANT. I never told him that. I probably said we just had lunch with Matt. That could have been mentioned.

Mr. FLANAGAN. Why did you tell him that?

Mr. BRYANT. Well, you see, at the Democratic party, we met Mr. Bradford Ross at the party, and that was the first time I ever met him. And everybody was present that night, and that was probably just a topic, something to say.

Mr. FLANAGAN. Did you ever tell Ross you were a friend of Matt Connelly's?

Mr. BRYANT. That is possible. That could have been possible. Of course, all the fellows that were in the Democratic party were friends, you know, as far as friends were concerned.

Mr. FLANAGAN. Do you recall receiving a letter of January 30, 1952, from Clyde Austin?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. I will place this letter in the record in toto. It is a page letter or a little more.

Mr. FLANAGAN. I will read one third of this letter and ask you to comment on it. And this is the letter that Austin directed to you. Austin says, and I quote:

I also discussed with you the possibility of allowing a participation in the stock interest if we were able to secure certain "key" personnel—and he puts "key" in quotes—particularly a friend of yours.

What is Austin talking about there?

Mr. BRYANT. He is talking about a friend of mine, Frank Burke.

Mr. FLANAGAN. He goes on to say:

You seem to think that if and when we are able to secure his services, he should be allowed to purchase at least 10,000 shares. This, of course, will be arranged if we are able to secure the service of the party that we are both interested in.

Mr. BRYANT. Yes, sir. That was Frank Burke. And later we had the meeting in Houston with Mr. Champion and Mr. Austin and they cut it down to 15,000 shares of stock, 7,500 for me and 7,500 for Frank Burke.

Mr. FLANAGAN. What do you mean, they cut it down? They raised it up. You were talking here about 10,000 shares.

Mr. BRYANT. Well, but I mean my stock, you know, was never fully brought out, what I was going to buy, or have the privilege to buy.

Mr. FLANAGAN. Now, at this time, at the end of January in 1952, you now state that Austin's reference to this key person who was a friend of yours is, in fact, Frank Burke?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Isn't it a fact that at that time Burke was already a partner of yours, as far as the steel transaction was concerned?

Mr. BRYANT. Well, as far as this steel; but not the spark plug steel and the other business we were interested in.

Mr. FLANAGAN. What was Burke going to do in the company? Why were they wanting to bring Burke in?

Mr. BRYANT. Well, they thought Burke was a key executive and I think that Mr. Burke is. I mean, he has companies that he organized, and I think he is a very successful business executive.

Mr. FLANAGAN. You are sure they are not talking about Mr. Kimball, who is a State Department employee?

Mr. BRYANT. No. I mentioned Kimball, and he mentioned Kimball, and Mr. Kimball asked me, that he would like to go with the Texas and Ohio Company, and I talked with Mr. Champion about Mr. Kimball, and I also talked to Mr. Austin about Mr. Kimball, and introduced Mr. Kimball to both of them. He was thinking at the time about making a change.

Mr. FLANAGAN. You say Kimball asked you to come with the company?

Mr. BRYANT. Yes, he thought he was going to make a change. He said he had worked with the government for so many years and was just barely getting enough to live on, and that he was an attorney, and he knew the steel business, and that sort of thing, and they thought that he would be in a position, a very good position, for the company, And I brought that out. And Mr. Austin met him.

But nothing ever happened. I think Mr. Kimball in the end finally decided that he didn't want the job.

Mr. FLANAGAN. Mr. Kimball, at that time, was with the State Department, was he not?

Mr. BRYANT. I think he was with the State Department. Yes, sir.

Mr. FLANAGAN. Was he with Hi-Cog in Germany?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Did he have anything to do with steel problems?

Mr. BRYANT. Well, I guess he had about everything to do with anything that pertained to Germany.

Mr. FLANAGAN. You intended, did you not, to get part of the steel out of Germany?

Mr. BRYANT. Yes, we did, sir.

Mr. FLANAGAN. And if you did, you would have to deal through Mr. Kimball, would you not?

Mr. BRYANT. Well, you would have to deal directly with the German government themselves, I believe, as far as the State Department.

Mr. FLANAGAN. But you would have to get Kimball's okay on the deal, would you not, to get steel out?

Mr. BRYANT. No, I don't think so. You don't have to do that, sir.

Mr. FLANAGAN. Let me ask you this. Did Kimball render any assistance to you in your negotiations with the German government?

Mr. BRYANT. Well, I am sure he would have been a big asset, yes, sir. I am sure he would have been.

Mr. FLANAGAN. Did you ever indicate to Kimball that you would get him a job with Texas-Ohio?

Mr. BRYANT. No. Mr. Kimball asked me about it.

Mr. FLANAGAN. It is the other way around. He asked you?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. At that time you were negotiating for steel other than for Texas-Ohio?

Mr. BRYANT. Yes. We were negotiating for other companies.

Mr. FLANAGAN. For example, Champion Spark Plug you mentioned.

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Who was in with you on that transaction?

Mr. BRYANT. Just Mr. Burke.

Mr. FLANAGAN. Just Mr. Burke and yourself?

Mr. BRYANT. He hired some agent in France.

Mr. FLANAGAN. Who was your French agent?

Mr. BRYANT. A fellow by the name of Dide, or something, and then another Frenchman that lives in Paris. I forget his name. It is a peculiar French name.

Mr. FLANAGAN. Did you in fact get any steel for Champion Spark Plug?

Mr. BRYANT. Yes, but we didn't get any in Germany at all.

Mr. FLANAGAN. Where did you get it?

Mr. BRYANT. We got it from Belgium.

Mr. FLANAGAN. Were there any other Americans that got part of that?

Mr. BRYANT. Nobody at all but Mr. Burke and myself and the agent, who is a Frenchman.

Mr. FLANAGAN. Who was your lawyer?

Mr. BRYANT. Walsh and Levine, New York.

Mr. FLANAGAN. Was Colonel Rosenbaum in anyway interested in that case?

Mr. BRYANT. No. Gosh, no.

Mr. FLANAGAN. Did you ever have any financial transactions of any kind with Mr. Kimball?

Mr. BRYANT. Any financial transactions? No. Not any outside of just maybe passing, you know, \$30 or a couple of hundred dollars back and forth, passing a check or something like that.

Mr. FLANAGAN. How many of those types of transactions did you have with Kimball?

Mr. BRYANT. Oh, I don't think it could have been more than six or seven hundred dollars. He would always pay it back.

Mr. FLANAGAN. That he would borrow from you?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. When did Kimball borrow this money from you?

Mr. BRYANT. Oh, he borrowed, I think—there was a \$200 check. The date—

Mr. FLANAGAN. Was it 1952?

Mr. BRYANT. Yes, sir. '51 or '52.

Mr. FLANAGAN. Was it in late '51 or early '52?

Mr. BRYANT. I think in late '51.

Mr. FLANAGAN. You say checks. Was he just cashing a check with you?

Mr. BRYANT. No, he would just give me his check to hold, you know.

Mr. FLANAGAN. He gave you the check as evidence of the debt?

Mr. BRYANT. Oh, yes. He always paid it. There was no question about it.

Mr. FLANAGAN. And you say he borrowed about \$700 in that fashion from you?

Mr. BRYANT. Yes, something like that.

Mr. FLANAGAN. Then when he would pay the money, you would give him the check back?

Mr. BRYANT. Or cash the check, yes, sir.

Mr. FLANAGAN. Did you ever make any gift or gratuity of any kind to Kimball?

Mr. BRYANT. No. I think I bought a watch in Switzerland, if I am not mistaken. I bought my son a watch, and I think I gave him a watch.

Mr. FLANAGAN. When did you give Kimball a watch?

Mr. BRYANT. In '51. That was before I was with Texas and Ohio.

Mr. FLANAGAN. How much did you pay for the watch?

Mr. BRYANT. Oh, about \$150.

Mr. FLANAGAN. What kind of a watch was it?

Mr. BRYANT. One of those Swiss watches, that you can put in water and they will keep on running.

Mr. FLANAGAN. Do you know the name of it?

Mr. BRYANT. No, I couldn't tell you.

Mr. FLANAGAN. A wrist watch?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Did you give him anything else?

Mr. BRYANT. It had a leather strap.

Mr. FLANAGAN. Did you give him anything else?

Mr. BRYANT. Yes, I gave him a leather case, cigarette case. I stopped smoking about twenty years ago. I stopped smoking and didn't have any use for it in any way.

Mr. FLANAGAN. What kind of a cigarette case was it?

Mr. BRYANT. It was a gold cigarette case.

Mr. FLANAGAN. How much was it worth?

Mr. BRYANT. Oh, gosh, I would say probably, oh, maybe \$300 or \$350 or something like that.

Mr. FLANAGAN. When did you give him the cigarette case?

Mr. BRYANT. Oh, that was in, I believe, the latter part of '51. I thought it was going to be a Christmas present.

Mr. FLANAGAN. When did you give him the watch?

Mr. BRYANT. I gave him that when I was in Switzerland.

Mr. FLANAGAN. You just sent it to him as a gift?

Mr. BRYANT. No, I gave it to him personally. I just bought the watch for my son and just gave it to him personally.

Mr. FLANAGAN. At that time when you gave him the watch and the cigarette case, were you negotiating with him in business in any way?

Mr. BRYANT. Well, no, although I—I was not negotiating any business with him in Texas and Ohio, no, sir.

Mr. FLANAGAN. Well, for steel?

Mr. BRYANT. Well, now, when I had trouble with the German government there, naturally, I asked anyone's help I could get.

Mr. FLANAGAN. Did you ask Kimball's help?

Mr. BRYANT. I did. He offered his help. But they couldn't do anything. Mr. Solvine, of German Export License, wouldn't issue it. So it didn't do any good.

Mr. FLANAGAN. Did Burke, to your knowledge, ever have any financial transactions with Kimball?

Mr. BRYANT. I don't believe so.

Mr. FLANAGAN. Well, do you know so?

Mr. BRYANT. I don't know. I couldn't swear to it.

Mr. FLANAGAN. Well, do you think he did?

Mr. BRYANT. Well, I don't know. I couldn't answer that truthfully, because I just wouldn't know offhand.

Mr. FLANAGAN. Well, did you ever hear that he had financial transactions with Kimball?

Mr. BRYANT. The only thing that I heard once was a check that—Frank had a check that I believe was for \$100, the same way as he did me.

Mr. FLANAGAN. And he held it until Kimball could get the cash accumulated?

Mr. BRYANT. Yes.

Mr. FLANAGAN. To your knowledge, did Burke ever make any gifts of any kind to Kimball?

Mr. BRYANT. I don't think so, sir, no, sir. I have never heard of any.

Mr. FLANAGAN. Have you ever had any financial transactions of any kind with Matt Connelly or with any member of his family?

Mr. BRYANT. No, sir, never.

Mr. FLANAGAN. Did you ever make any gifts or gratuities to Mr. Connelly or any member of his family?

Mr. BRYANT. I would send him ties off and on. I sent him ties from Nieman-Marcus in Dallas, or Wilson Brothers. I forget which one. I think that was two or three different times.

Mr. FLANAGAN. Did you ever give him anything more than, say, \$25?

Mr. BRYANT. Not me, no, sir.

Mr. FLANAGAN. Did Mr. Burke, to your knowledge?

Mr. BRYANT. I don't know, sir. That I don't know.

Mr. FLANAGAN. Did you ever hear that Connelly was to receive seven or eight thousand shares of stock in Texas-Ohio for using his influence in connection with your problems?

Mr. BRYANT. No, sir. I never have heard that. That is a lie, I am sure. I never heard of such a thing.

Mr. FLANAGAN. Did you ever discuss with anybody turning stock over to Connelly in return for his assistance that he might be to the company?

Mr. BRYANT. No, sir. No, sir, absolutely not.

Mr. FLANAGAN. I have no further questions at this time, unless you have some, Senator.

Senator McCLELLAN. I have none.

Mr. FLANAGAN. That will be all.

Mr. BRYANT. Thank you very much, gentlemen.

Mr. FLANAGAN. Oh, yes. One other question.

Where do you maintain your bank accounts? Either your wife or yourself.

Mr. BRYANT. Well, the Highland Park State Bank in Dallas, Texas, and the First National Bank in Dallas, Texas, and in New York I have an account at the Bank of the Manhattan Company.

Mr. FLANAGAN. What branch?

Mr. BRYANT. That is at 269 Madison Avenue.

Mr. FLANAGAN. Are those the only three bank accounts you have?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Are those the only three bank accounts you had in 1952?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Are those in your own name?

Mr. BRYANT. My own name, yes, sir.

Mr. FLANAGAN. Or joint accounts with your wife?

Mr. BRYANT. No, sir. She has her own account.

Mr. FLANAGAN. Do you have any safe deposit boxes?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Where are they?

Mr. BRYANT. I would like to stand on my constitutional rights on that, sir. Or if it is not going to be used anywhere, I don't mind, but otherwise I want to stand on my constitutional rights.

Mr. FLANAGAN. You mean, when you say you want to stand on your constitutional rights, that you don't want to testify where your safe deposit boxes are on the grounds that it might incriminate you?

Mr. BRYANT. Oh, no. It wouldn't incriminate me. I would tell you.

Mr. FLANAGAN. Well, this is a private hearing.

Mr. BRYANT. Well, if it is private, I don't mind.

Senator McCLELLAN. This is an executive hearing. Your testimony is taken in executive session. If it became pertinent and was needed later, in the course of a public inquiry, it would be your sworn testimony and would be available for such use as the committee felt it should make of it. I do not think you are privileged to decline to state, under the Fifth Amendment to the Constitution, unless you want to try to contend—

Mr. BRYANT. No, I am not hiding anything in the world.

Senator McCLELLAN [continuing]. That your statement as to where it is would incriminate you.

Mr. BRYANT. No, I haven't anything to hide on that part of it, but I just, you know—

Senator McCLELLAN. Well, I understand your statement is that you are willing to give it to the committee, to the counsel for the committee, if they feel it is required or needed.

Mr. BRYANT. If it is needed in any way, I wouldn't hesitate at all.

Mr. FLANAGAN. At this point, Senator, as you explained I might say this is an executive hearing. What later disposition may be made of this sworn testimony I cannot now tell.

Mr. BRYANT. All right. If you ever want it, I will give it to you.

Mr. FLANAGAN. However, it is quite possible that in connection with this inquiry we may want to know where your safe deposit boxes are, and you are here now and under oath, and I would like to get a sworn statement from you at this time as to where your safe deposit boxes are now, and any safe deposit box that you or your wife have had since January 1, 1952.

And as the Senator explained, the only right that I know of that you have to refuse to give that information to the committee is your right under the Fifth Amendment, that it may tend to incriminate you.

Mr. BRYANT. Well, it can't incriminate me. I admit that. It is just, you know, that I just feel that a safe deposit box—if it is going to be kept quiet, I wouldn't hesitate a minute in the world.

Senator McCLELLAN. I will say to you that in so far as this particular hearing now is concerned, it will be kept quiet until such time as the committee may feel, if it does, in the course of this investigation, that it should want to make it public, and then you would be given an opportunity to come and testify in public again, as you have testified today, only in an open session, at which time you might again be asked these questions. And, of course, you would be required to answer. I can not tell you whether there will be any actual need for it in the further progress of these hearings.

Mr. BRYANT. If there isn't any real need for it, I will tell you why—I certainly don't want to hide anything, you know. But we have had a lawsuit for a long time and we have had it up in front of this court of civil appeals, and under this judgment from a man that we have been having this law suit with in Texas, I felt, you know, if it was possible, I just wouldn't want to divulge that, but if it is just for your committee, you know—

Senator McCLELLAN. It will not be divulged unless it becomes necessary, I should say, for a public hearing, at which time it would be asked.

Mr. BRYANT. I have nothing to hide.

Mr. FLANAGAN. I might also state this: that as long as this remains executive, the information in this record will not be made available to anybody, whether you are having a law suit with them or not.

Mr. BRYANT. Oh, that is fine.

Mr. FLANAGAN. I will say anybody outside of the federal government. It won't be made available to anybody outside of the federal government.

Mr. BRYANT. That is okay, then.

Senator McCLELLAN. There is nothing here to try to trap you to get information for your adversaries in a law suit. We can assure

you of that. It may be pertinent to the further progress of this investigation. I do not know.

Mr. BRYANT. That is perfectly all right, then. I have one safety deposit vault at the Bank of the Manhattan Company at 269 Madison Avenue, New York.

Mr. FLANAGAN. Do you have any other safety deposit box?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Where?

Mr. BRYANT. At the bank of Detroit. I believe it is the Manufacturers. I have a box there. And then I had a box at the First National Bank, but I gave that up.

Mr. FLANAGAN. The First National Bank of what?

Mr. BRYANT. Dallas.

Mr. FLANAGAN. When did you give that up?

Mr. BRYANT. Well, all I had was papers in that. Oh, I have given that up, I guess, a year and a half, or something like that, or two years.

Mr. FLANAGAN. Do you have any other safe deposit boxes, or have you had any since January 1952?

Mr. BRYANT. No, that is the only one, sir.

Mr. FLANAGAN. Those are the only three?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. Are those all in your own name?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. James Bryant?

Mr. BRYANT. James Bryant, and one, Arthur Bryant.

Mr. FLANAGAN. Which one is in the name of Arthur Bryant?

Mr. BRYANT. The one in Detroit.

Mr. FLANAGAN. That is in the name of Arthur Bryant?

Mr. BRYANT. Yes, sir.

Mr. FLANAGAN. I have no further questions.

[Whereupon, at 4:00 p.m., the hearing was to the call of the chair.]

VIOLATION OF EXPORT CONTROL STATUTES

[EDITOR'S NOTE.—In 1950, the subcommittee had held hearings on "Perversion in Government," acting on the premise that homosexuals were vulnerable to blackmail that might coerce them into espionage. Early in 1953, it collected information on alleged homosexuals who had served in the government, but held only this executive session on the subject and no subsequent public hearings.

Eric L. Kohler (1892–1976), a CPA, had served as controller of the Tennessee Valley Authority, 1938 to 1941, on the staff of the Office of Emergency Management and War Production Board, 1941 to 1942, as executive officer of the Petroleum Administration for War, 1942 to 1944, financial advisor to the secretary of agriculture in 1946, and as controller of the Economic Corporation Association, 1948 to 1949. One of the nation's most prominent accountants, he was president of the American Accounting Association, edited the *Accounting Review*, taught as a visiting professor at several universities and published *Kohler's Dictionary for Accountants*. He did not testify in public.]

MONDAY, FEBRUARY 2, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1952, in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Everett M. Dirksen, Republican, Illinois; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; Eli Nobleman, counsel, Committee on Government Operations; Henry Hawkins, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. Will you stand, please?

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KOHLER. I do.

The CHAIRMAN. Mr. Kohler, we are checking on the shipment of material from ECA into Austria, into the America Occupied Zones, and the shipment from Austria into Russia.

I understand that you were controller at the time of much of the activity that concerns us now, and I think counsel have questions to ask you along that line.

I may say, incidentally, that we are interested in the shipment of a sizable amount of material into Austria, and at that time Russia's taking out from Austria a like amount of material.

Mr. Kohler, while I understand the staff has material reflecting on your morals, I am not interested in your morals at all, except in so far as it might result in a security risk. I want you to know

that regardless of whether you cooperate or fail to cooperate, as far as I am concerned, there is to be no publicity here in anything having to do with your morals or anybody else's.

Mr. KOHLER. Thank you.

The CHAIRMAN. We are, of course, interested in that phase of morals that enters into the question of security, the question of being able to blackmail a man because of something he has done in the past. We know that is a definite threat.

With that, we will proceed.

Mr. COHN. Mr. Kohler, where do you reside now?

TESTIMONY OF E. L. KOHLER

Mr. KOHLER. In Chicago.

Mr. COHN. At what address?

Mr. KOHLER. My office address is 8 South Michigan, Chicago 3; my home, 1421 East 58th.

Mr. COHN. What is your occupation now?

Mr. KOHLER. Consulting accountant.

Mr. COHN. Where?

Mr. KOHLER. For myself.

Mr. COHN. I see. You take independent work?

Mr. KOHLER. Mostly for private corporations, yes. I also do a considerable amount of writing. I am engaged in producing several books at the present time. I have one here that has just been published.

Mr. COHN. Books. Now, do you do any work for any corporation owned by or controlled by the United States government?

Mr. KOHLER. At the present time, I am doing a slight amount of consulting work for the Panama Canal Company.

Mr. COHN. Is the Panama Canal Company a corporation controlled by the United States and supported by the United States government?

Mr. KOHLER. It is owned by the United States. It was formed under act of Congress two years ago, and one share of stock was turned over by the president last year to the secretary of the army, and the secretary of the army, therefore is the sole stockholder. He appoints a board of directors of five persons, some army men, some navy men, and a couple of people from the outside. And they run the corporation.

Mr. COHN. What is the nature of the work you do for this government-owned corporation?

Mr. KOHLER. They are putting through at the present time a reorganization of the accounting procedures, and I am reviewing those procedures. The work has been practically completed. I am only engaged now in making a final review which will take several days, possibly sometime next week.

Mr. COHN. Have you been compensated for this work?

Mr. KOHLER. Yes, I have.

Mr. COHN. How much?

Mr. KOHLER. At the rate of a hundred dollars a day.

Mr. COHN. I see. And what has that amounted to up to this time?

Mr. KOHLER. A thousand dollars.

Mr. COHN. Within what period is that?

Mr. KOHLER. That covers—I would say all that has occurred during the past few months.

Mr. COHN. How did you obtain this employment?

Mr. KOHLER. By request of the corporation.

Mr. COHN. Which person in the corporation made the request?

Mr. KOHLER. Well, originally, I believe, it was Mr. Bendetson.

Mr. COHN [continuing]. d-e-t-s-o-n?

Mr. KOHLER. Yes. He was the assistant secretary, or the under secretary of the army until this recent election.

Mr. COHN. I see. Was he a personal friend of yours?

Mr. KOHLER. No.

Mr. COHN. How did he happen to know about you?

Mr. KOHLER. Simply because I was recommended to him by the General Accounting Office.

Mr. COHN. Who in the General Accounting Office recommended you?

Mr. KOHLER. The comptroller general.

Mr. COHN. What is his name?

Mr. KOHLER. Lindsay Warren.

Mr. COHN. Is he a personal friend of yours?

Mr. KOHLER. He has been for many years, yes.

Mr. COHN. And you know he is the one who recommended you to Mr. Bendetson?

Mr. KOHLER. I imagine he is. I never inquired, but I am pretty sure that is the connection.

Mr. COHN. How long a period of time have you been a consulting accountant?

Mr. KOHLER. Off and on for quite a few years.

Mr. COHN. Have you ever done any work for the United States government other than that which you have just mentioned?

Mr. KOHLER. Oh, yes,

Mr. COHN. Would you trace very briefly for us your career in the United States government service?

Mr. KOHLER. From 1938 to 1941 I was controller of Tennessee Valley Authority.

Mr. COHN. I see. Who obtained that position for you?

Mr. KOHLER. I don't know. I was recommended to them by quite a number of people, I think, at the time, but who took the leading part, I never did find out, and I don't know as I ever knew.

Mr. COHN. I see. Who were some of the people who recommended you?

Mr. KOHLER. I would be unable to say at this time. It has been so long ago.

Mr. COHN. That was 1938 to 1941. What did you do in 1941?

Mr. KOHLER. I went with the War Production Board. I came to Washington and worked for the old Office of Emergency Management for a short time and organized a methodology that they were following in connection with the issuing of certificates of necessity.

Mr. COHN. Who obtained this position at the War Production Board for you?

Mr. KOHLER. I don't know. It was due, I think, to knowing several people that were on the board at that time.

Mr. COHN. Would you name them, please?

Mr. KOHLER. One was the president of Stewart-Warner Corporation. Let's see. I don't remember his name at present. Also Donald Nelson, and I believe some people over in the Bureau of the Budget, who were also interested in my getting into that.

Mr. COHN. Who were they?

Mr. KOHLER. I don't know now. I don't remember.

Mr. COHN. You don't remember that either?

Mr. KOHLER. No.

Mr. COHN. Now, where did you go from the War Production Board?

Mr. KOHLER. I went with the Petroleum Administration, as the executive officer.

Mr. COHN. I see. When was that?

Mr. KOHLER. 'Forty-three.

Mr. COHN. And for how long a period of time did you remain there?

Mr. KOHLER. Two years.

Mr. COHN. Who obtained your position at the Petroleum Administration for you?

Mr. KOHLER. I think that was done through the administrative personnel of the War Production Board, who were interested in staffing, getting the same sort of organization started in the Petroleum Administration as the War Production Board had. You may remember that the Petroleum Administration was the only separately organized industrial division of the war effort. In other words, all industry came under the War Production Board except the petroleum industry, and it was my job to try to do some of the things we had been doing over in the War Production Board.

Mr. COHN. All right.

Now, from the Petroleum Administration where did you go?

Mr. KOHLER. I went back to Chicago, but I subsequently served for several months as a financial adviser to the then Secretary Anderson of the Department of Agriculture.

Mr. COHN. Who obtained that position for you?

Mr. KOHLER. I think the instrumentation for that was started by the controller of the Department of Agriculture.

Mr. COHN. What was his name?

Mr. KOHLER. I have forgotten. He is now dead. He died about five years ago—or three or four years ago.

Mr. COHN. You do not recall his name?

Mr. KOHLER. No, I don't.

Senator DIRKSEN. He was the budget officer?

Mr. KOHLER. That is right.

Senator DIRKSEN. Mr. Jump?

Mr. KOHLER. Yes, that is right.

Mr. COHN. What did you do between the time you left the Petroleum Administration and the time you went with the secretary of agriculture?

Mr. KOHLER. Oh, I did a number of things. I reestablished some of my old connections.

Mr. COHN. Did you have any employment?

Mr. KOHLER. Oh, yes, certainly. All the time.

Mr. COHN. What?

Mr. KOHLER. Doing consulting work with various organizations, private corporations, and also public accountants. I did some reorganization work in public accounting offices.

Mr. COHN. Now, where did you go from the Agriculture Department?

Mr. KOHLER. I went back to Chicago.

Mr. COHN. What did you do there?

Mr. KOHLER. Oh, I think that was in '46 or '47. And then for a short time I became a member of the Excess Profits Tax Council.

Mr. COHN. Who obtained that position for you?

Mr. KOHLER. I was called in by the then commissioner of Internal Revenue.

Mr. COHN. What was his name?

Mr. KOHLER. He is the one that has been talked about recently.

Senator DIRKSEN. Schoeneman?

Mr. KOHLER. No, not Schoeneman.

Senator DIRKSEN. Dunlap?

Mr. KOHLER. Yes, it was Schoeneman. That is right. And my name for that position had been recommended by the American Institute of Accountants.

Mr. COHN. I see. Now, how long were you with the Treasury Department?

Mr. KOHLER. Well, off and on for about six months. I was acting more in a consulting capacity there, during the period that their policy was being established. I helped draft it.

Mr. COHN. And where did you go from there?

Mr. KOHLER. I went back to Chicago.

Mr. COHN. What did you do in Chicago?

Mr. KOHLER. The same work that I had been doing.

Mr. COHN. Did you go back into the government after that?

Mr. KOHLER. Yes, I went with the ECA.

Mr. COHN. In what capacity?

Mr. KOHLER. As controller.

Mr. COHN. When?

Mr. KOHLER. In 1948.

Mr. COHN. And who obtained the position of controller of ECA for you?

Mr. KOHLER. Well, I think that was Mr. Hoffman, or it might have been the individual who is chairman of the board of Time, Inc.

Mr. COHN. What is his name?

Senator DIRKSEN. Roy Larsen?

Mr. KOHLER. No, Moore, Tex Moore.

Mr. COHN. Were Mr. Moore and Mr. Hoffman both personal friends of yours?

Mr. KOHLER. Well, I had come into contact with both of them previously, in meetings and odd places; that is, I mean by that in meetings of societies, or dinners, or conventions, and that sort of thing.

Mr. COHN. What was your salary as controller of ECA?

Mr. KOHLER. \$15,000.

Mr. COHN. \$15,000 a year?

Mr. KOHLER. Yes.

Mr. COHN. And how long did you hold that position?

Mr. KOHLER. I held that until the end of 1949.

Mr. COHN. And what did you do when you left ECA?

Mr. KOHLER. I went back to my consulting work, and writing, and I have been doing that ever since.

Mr. COHN. Exactly when in 1949 did you leave ECA? Was that December 20th?

Mr. KOHLER. Let's see. I think it is more likely to be November 1949. I recall that after my pay had formally stopped, I went back to straighten out a number of things, and I think that was in November.

Mr. COHN. What were the circumstances of your leaving ECA?

Mr. KOHLER. Well, I originally went down to Washington with the idea of staying three months. It took twenty months to do the job, because things were in the process of change all during that period.

Mr. COHN. Was your departure entirely voluntary?

Mr. KOHLER. Oh, yes, certainly.

Mr. COHN. Now, when you went back to Chicago, since then have you done any teaching of any kind?

Mr. KOHLER. No.

Mr. COHN. Have you had any affiliation with any institution of higher learning?

Mr. KOHLER. No affiliation, except that I have been a trustee of Roosevelt College, which is a small college located inside Chicago.

Mr. COHN. Have you had any connection with the University of Chicago?

Mr. KOHLER. No, except that I have given lectures out there occasionally to their business study group.

Mr. COHN. To which study group?

Mr. KOHLER. It is called an Executive Training Program and they have a seminar called a business study group, that I have given lectures to from time to time.

Mr. COHN. When was the last such lecture delivered by you?

Mr. KOHLER. Oh, about six months ago, I guess. I am not compensated for that. They called in various people from outside to lead the discussions. It is a seminar.

The CHAIRMAN. This Roosevelt College: How would you describe that, Senator Dirksen? You are from Chicago, Illinois.

Senator DIRKSEN. It is privately endowed, and it is a private college located on South Michigan Avenue. It gives a whole variety of courses in, oh, many fields. I have been invited to come and lecture on occasion. I have never embraced the opportunity.

The CHAIRMAN. Just for my background information, is that the college that created all the disturbance down at Springfield at the time that the anti-Communist legislation was being considered?

Senator DIRKSEN. I think a well-founded report was that the preponderance of the students who came down at the time of the hearings by the Brawlings committee investigation, into subversion at the University of Chicago and elsewhere, were made up largely of students from Roosevelt College. At the time they invaded Springfield there was a good deal of indecorous conduct, like taking over possession of a drug store, trying to order people around to get some food, and so on. It was rather widely publicized at the time, so it is pretty well founded.

Senator MUNDT. Who is the president of Roosevelt College?

Senator DIRKSEN. E. J. Sparling, S-p-a-r-l-i-n-g.

Mr. COHN. At whose invitation did you start giving lectures at this seminar at the University of Chicago?

Mr. KOHLER. The instructors there, that I had known for many years. The head of that particular study group was a man by the name of Willard Graham, who was the acting head of that executive program. He is now at the University of North Carolina.

Senator MUNDT. Any relation to the former senator, who was with the University of North Carolina?⁷

Mr. KOHLER. I don't believe so. I couldn't say. I really don't know.

Mr. COHN. Let me ask you this, Mr. Kohler. While you were controller of ECA, did there come to your attention in the form of official reports or otherwise the fact that a large amount of equipment, with origin in the United States, had ended up in the Soviet Zone of Austria and then in the Soviet Union, itself?

Mr. KOHLER. Yes. We had received reports to that effect, and we got our mission head in Austria—

Mr. COHN. Was that Mr. Meyer?

Mr. KOHLER. No. My memory seems to be bad today. He was a former vice president of International Harvester. King, Mr. King.

Mr. COHN. Now, I interrupted you. You said you got Mr. King to do what?

Mr. KOHLER. To start an investigation. And we also employed Haskins & Sells, a public accounting firm, to make an investigation. That was started about the time I left ECA.

Mr. COHN. Now, could you tell us very briefly what the conclusions of the investigation were?

Mr. KOHLER. Well, the investigation had just started when I left. Let me say this: I heard, or I am informed, that the report of Haskins & Sells did not go far enough and did not cover the originally anticipated ground; and subsequently Arthur Anderson and Company, their Paris office, were employed to make a rather detailed study, and they came out with a report only a few months ago. It took that long, I think, to complete it.

Mr. COHN. Was that a public report?

Mr. KOHLER. I think most of it was made public.

Mr. COHN. Now, did the information reaching you indicate clearly that there had been instances where large amounts of equipment originating in the United States did end up in Soviet hands?

Mr. KOHLER. If it wasn't equipment that originated in the United States, it was material or equipment equivalent to that originating in the United States, which went to Austria. That was our information which we had at that time. But I couldn't say that as a fact. Otherwise, we wouldn't have required that investigation. Otherwise, we had only stories and rumors to go by.

Mr. COHN. You had official stories and reports, didn't you?

Mr. KOHLER. We had unofficial reports, yes, that the thing ought to be investigated.

⁷Frank P. Graham, Democrat-North Carolina, 1949-1950; president of the University of North Carolina, 1939-1949.

Mr. COHN. And your testimony was that at the time you left ECA, this investigation was in progress?

Mr. KOHLER. That is right.

Senator DIRKSEN. May I ask one question? Mr. Kohler, when you were with ECA, did you have an opportunity to go abroad and make some studies?

Mr. KOHLER. Oh, yes, several times.

Senator DIRKSEN. It runs in my mind you went with ECA about June or July of 1948.

Mr. KOHLER. No, I went there in May of 1948.

Senator DIRKSEN. I think I saw you when they were first organizing, when I announced I was quitting, and then Paul Hoffman wanted me to help him a little bit down there. I think I saw you at some of those first Board meetings.

Mr. KOHLER. That is right. You did.

Senator DIRKSEN. So you did have an opportunity to go abroad?

Mr. KOHLER. Yes, several times, I think four times all together.

Senator DIRKSEN. Did you go to Austria?

Mr. KOHLER. No, I didn't go to Austria. Because our stories regarding Austria didn't get to the point where they seemed to demand attention until the latter part of 1949.

I might explain it this way: There was a good deal of sentiment, which varied from time to time, as to the method of so called follow-up. We used the term "follow-up."

Now by "follow-up," we mean, and they still mean, a determination by somebody, the ECA or the country involved, as to what becomes of the material that we financed, the material or the products. You may recall that shortly after the ECA started, along about June or July, I think, while the senator was still in on it, there were a number of bilateral agreements drawn up. Now, a bilateral agreement simply means an agreement between the United States and a foreign country with regard to follow up.

Furthermore, OEEC, which was an organization which was required to be established under our act, and which was established within two weeks after the act was passed, in April of 1948—the OEEC, which is entirely a European institution—part of its charter and part of the understanding and agreement that they had with ECA was that they would initiate a follow-up process of their own, in other words, an audit of the follow-up that was to be made by the countries themselves, under these bilateral agreements.

Then the controller of ECA was charged by the ECA administrator with the idea of the auditing of the follow-ups and doing whatever he thought necessary to make original investigations of his own.

So in each country we put in the best men we could find to do that audit work. We called them "controllers." Each of the missions, therefore, in Europe, had a controller who reported directly to the mission head. And one of the prime duties of the controller was to follow up a certain methodology that we had established with respect to this business of follow up.

The process was quite involved. If you would like me to go into it further, I would be glad to do it.

Senator DIRKSEN. By the way, what do these initials stand for, OEEC?

Mr. KOHLER. That is the Office of European Economic Cooperation.

Senator DIRKSEN. Now, do we supply the information directly?

Mr. KOHLER. For what?

Senator DIRKSEN. To the OEEC?

Mr. KOHLER. No, they are run by the countries, and they have a sort of a super-governmental structure. In other words, the chief officers of OEEC have diplomatic status, and I believe have ambassadorial rank, so that they are free to travel throughout Europe and represent this combined group.

The CHAIRMAN. Then if I get the picture, did we give materials or machinery or money or anything directly to OEEC, or do they merely supervise the situation after we have passed the material into the country?

Mr. KOHLER. That is part of their job. Their main function, to start with, was the reviewing of the programming and trying to perform a very difficult task of determining ratios as between the different countries, according to their needs at that time. I know Mr. Hoffman felt, and we all felt, and that was also enacted into legislation itself, that program initiation should commence in the countries, from the economists and others within each country, who were in a position to know what their most urgent needs were.

The CHAIRMAN. Then you would have a branch at OEEC and each of the countries getting aid from ECA?

Mr. KOHLER. Well, it worked this way. They sent delegations to OEEC, and OEEC took over a building in Paris, and that became their headquarters, and they appointed a young economist to act as the executive director of the organization, and they had people that were practically permanent representatives from each country, in some cases two, in some cases six, and so on, depending on the size of the program.

When they got the estimates of quarterly and annual programs from each of the countries, they spent several months reviewing the programs with the countries' representatives. And the way they operated that was this: They audited the program by having two other countries review the program.

I recall that the British request for aid was audited by France and Italy. And it created some consternation at the time, but it was ironed out, very satisfactorily, I thought. It wasn't a case of back-scratching, as the term goes, because the three countries involved in a review were not again involved mutually in reviewing any of the other two programs, if you see what I mean. So that I think they did a very fair job of review.

Anyway, after that review was completed, then the top people in OEEC presented our Paris office, the OSR, with the finished program. And then our OSR people reviewed it once more before it came over here, and usually made a number of cuts and a number of switches as between countries, according to what they estimated the needs were at that time.

Now, I want to explain that as being first of all the primary function of OEEC.

Now, as a sort of a secondary function, one that we tried to develop as quickly as possible, though we had to have the other thing come first, was this follow-up program.

Mr. COHN. Now, Mr. Kohler, during your service in the United States Government, did you ever have access to any secret material?

Mr. KOHLER. Oh, I think so, from time to time, yes.

Mr. COHN. Specifically while you were controller of ECA, you did, did you not?

Mr. KOHLER. I don't recall now just what level of secrecy it was. I think I did, though. I must have. Because everyone there did.

The CHAIRMAN. You had free access to all of the material concerning ECA, regardless of how it was classified, did you?

Mr. KOHLER. Yes. But I might say there is very little of the material we had that was classified to any great extent. We had lower classifications on it. Because practically everything we did was out in the open.

The CHAIRMAN. How about the files of the personnel in ECA?

Mr. KOHLER. That wasn't classified. I think that was kept within the personnel division.

The CHAIRMAN. Did you have, for example, access to Theodore Geiger's file?

Mr. KOHLER. Well, I did. Because I was appointed chairman of a committee to review his case, after some questions had been raised regarding his loyalty.

The CHAIRMAN. And you passed on him favorably?

Mr. KOHLER. Well, yes. We had a committee of three, one lawyer, myself, and then another.

The CHAIRMAN. Who were the other two men?

Mr. KOHLER. The lawyer is now, I believe, the chief counsel of ECA, Jim somebody.

The CHAIRMAN. Do you not remember his name?

Mr. KOHLER. I wish I could. If I had a Blue Book here, I could identify his name.

The CHAIRMAN. And the other man? Do you know his name?

Mr. KOHLER. No. I don't recall now.

The CHAIRMAN. You do not recall who the third man was?

Mr. KOHLER. No. The lawyer wrote the report, and we all signed it.

The CHAIRMAN. And at the time you passed on Geiger's case, you knew there was testimony that he had belonged to a Communist cell, that there were three witnesses who had testified on it?

Mr. KOHLER. No, we didn't have, as I recall, any information to that effect. The only information we had was his attendance at a Communist meeting, in Brooklyn, I believe, while he was a student at the university. I believe that was the only thing we had. It is the only thing I recall, at least. It was an FBI report, I might say.

Mr. COHN. Now, Mr. Kohler, have you, yourself, ever expressed any admiration for the Soviet form of government?

Mr. KOHLER. I don't think I have, no. I hope I haven't.

Mr. COHN. Have you ever expressed any admiration for the Russian idea?

Mr. KOHLER. Well, attention was called by assistant counsel to a statement I made several years ago, the original cause of which I don't recall, but I think it was something to the effect that I agreed with the Russian idea. And the idea that I agreed to, as I recall it—and it was all "ideological" it wasn't anything formal—

Mr. COHN. You say it was all ideological?

Mr. KOHLER. I say it was "ideological" and not ideological. It was simply a statement that I made, tossed off, having to do with catering to the consumer. Some statement had been made somewhere now, as I recall—it is very dim in my mind—that the Russians were playing up the consumer. Well, I am not sure just why that statement was made or why I happened to say that our ideas here seemed to correspond to that idea to some extent, but of course they do. Now, I don't think that actually there is any such correspondence. I think there is a wide variation there. But I do think it has been recognized in large corporations, not so much in smaller corporations, that the consumer is one of the elements toward which, for which, the corporation itself is operating.

Mr. COHN. That is what you were talking about when you said, "I am glad you like the Russian idea—so do I?"

Mr. KOHLER. I think that is the only thing I was referring to. I certainly was not subscribing to any Russian ideology. I never have and never will.

[At this point the reporter queries as to the distinction in spelling between "ideological" and "ideological."]

Mr. KOHLER. The difference is this, as I understand it. Maybe I am not properly using the word, but the "o" is what counsel was using, and I used an "a," the thought being it was just toying with the idea. "Ideological" refers, of course, to the whole Russian notion of economics and organization. And that I certainly do not subscribe to.

Mr. COHN. At any rate, this is your explanation of what you meant by saying you liked the Russian idea?

Mr. KOHLER. Yes, sir.

Mr. COHN. Let me ask you this, Mr. Kohler. You are a homosexual, are you not?

Mr. KOHLER. Well, that has been stated. I think that is the conclusion of counsel, yes.

Mr. COHN. Well, sir, I put it in the form of a question. Are you a homosexual?

Mr. KOHLER. Well, compared with the people that they describe to me, I am not. But I am perfectly willing to admit that I am, for the purposes of your private record here.

Mr. Chairman, may I make a statement to you? I am entirely in sympathy with your attitude on this thing, which I of course have read about in the newspapers, entirely in sympathy with it, and I don't want to seem to be in a position of compromising my own case or subtracting from anything that counsel believes is true in my particular case. Because one who is accused of such a thing as that never gets anywhere denying it, or trying to indicate that his is a special case, something different from someone else's. So in confidence, I would like to tell you that, on the other hand, if you would like to discuss this thing with me personally, at some time, I would be very happy to do it, with you personally. Because you may have some interest in it.

The CHAIRMAN. Let me say this: I never set myself up as a judge of whatever any other man does. I never know. One man may break a leg, may have a limp for the rest of his life. The other man may have some physical or emotional disturbance, that gives him

some other difficulties. So I do not try to set myself up at all as a judge of any other man. The only reason we are concerned with this, or the principal reason, is because it appears to make a man a bad security risk. One of the best examples, I think, is in the case of a former intelligence officer, the head of Austrian intelligence during World War I. Apparently he did a very efficient job until the Russians discovered that he was a homosexual. I might say apparently he had not been suspected by any of his friends. And looking at you, I don't think anybody would suspect you. And when the Russians discovered it, they blackmailed him with that information, the end result being that he altered reports received from Russian intelligence, he gave them information from his own files, and finally, when it was discovered by his own government, he committed suicide. It is an extremely touchy subject; and also I am no psychiatrist or psychologist but I understand that there is considerable interdependence among people who have that particular affliction, if we can call it that, and that they do recruit, often, people of the same difficulty to work with them. So it is of interest to know who you have got in the government, whether you have got anyone else with the same difficulty in the government, whether they are still there, and for that reason I was giving counsel some latitude in his questioning.

As far as you, yourself, are concerned, while you were not in government, the last thing either I or any member of the committee would want to do would be to make any of this material connected with your personal morals public. I don't think the press knows you are here at all.

Mr. KOHLER. Let me say this, also, Senator: In making this inquiry as to that condition, I think it is very easy to do a man irreparable harm, because agents can go to his friends and try to find out from them if they have any information on the subject. Now, as a matter of fact, something like that has been done in my case. It is very sad.

The CHAIRMAN. I think not by this committee.

Mr. KOHLER. Well, I think it has been. I wouldn't say. I don't know anything about it. But there has been something that has happened during the last six or eight months to a few of my friends in Chicago. Now, that may be my own imagination.

The CHAIRMAN. Let me say for your benefit that I am reasonably certain nothing like that was done under Senator [Clyde] Hoey, and I am sure nothing has been done by my staff.

Mr. KOHLER. Well, I am glad to hear that. Because if it has occurred, then it has come in from some other source.

It isn't too important. It is just something that I have sort of felt, maybe without there being any actual cause.

The CHAIRMAN. I am sure nothing has been done by this committee.

Mr. KOHLER. I want to thank you for your attitude. I think it is a very proper attitude to take, and I am certainly very glad to hear that is your way of conducting business.

Mr. COHN. Now, Mr. Kohler, would you tell us whether or not you have brought about the employment of any homosexuals in the United States government?

Mr. KOHLER. So far as I know, I have not, and I have never mingled with them in my official capacity.

Mr. COHN. I see. Do you know of any homosexuals who have been or are now employed in the United States government?

Mr. KOHLER. I know of none.

It may be that I know people who are, but I don't know that they are and have no suspicions of them.

Mr. COHN. My question is: Are or have been in the past?

Mr. KOHLER. No, I don't know of any that are or have been. If you have any information on that subject, I should be very glad to have hints on it, because it may be that I have known them, but I have forgotten it. But I don't think that I have known that they have been at the time that I was dealing with them.

Mr. COHN. Now, Mr. Chairman, may I display a letter to the witness, a handwritten letter of two pages, with writing on both sides of each page, entitled "Bill" with underlining?

The CHAIRMAN. You may.

Mr. COHN. May that be shown to the witness?

Would you please examine this two-page handwritten letter, Mr. Kohler, and tell us whether or not this is a letter you wrote?

Do you recognize your writing, by the way?

Mr. KOHLER. Yes. This is my writing.

Yes, that is mine. I don't know what the occasion was of my writing it.

Mr. COHN. You will acknowledge, first, that you did write this letter?

Mr. KOHLER. Yes, I will.

Mr. COHN. Mr. Chairman, I would ask that this letter be marked in evidence as an exhibit before the committee, the letter the witness acknowledges he wrote. And in keeping with your admonition, I assume that proper security measures will be taken to see that it remains with the one copy of the record and is not available to anyone?

The CHAIRMAN. Yes, I would like to have only one copy made of the record, and I will hold you responsible for keeping that under lock and key.

Mr. COHN. I would like to direct your attention to the front of the second page of this handwritten letter, about the middle of the page. You first describe a man by the name of Bill, with whom you had sexual relations. You then proceed to say, and I am reading what appears to be the first full paragraph, about two thirds of the way down:

Bill left Knoxville to complete work for a doctor's degree at Columbia, and then, with the war on and a punctured eardrum, he became the head of one of the units of the U.S. Bureau of the Budget.

Mr. KOHLER. Yes.

Mr. COHN. Is that correct?

Mr. KOHLER. That is right.

Mr. COHN. Do you wish to amend your answer?

Mr. KOHLER. No, I don't. Because he was not a homosexual in any sense of the word.

Mr. COHN. Well, I think you say above in your letter that you had had sexual relations with him.

Mr. KOHLER. Yes, I did. But I don't think that proves that he was a homosexual.

The CHAIRMAN. Let us amend it, then. There may be a different idea of what a homosexual is, so we will say someone who is not normal sexually.

Mr. KOHLER. I think he was. That is one reason for making that statement. I think he was perfectly normal in every way.

Mr. COHN. I was going to say this, Mr. Chairman.

Mr. Kohler, I wish for the purpose of this hearing, so that we might not be at cross purposes in so far as a definition of homosexuality is concerned would you please in response to these questions, construe the term "homosexual" to mean one who, to your knowledge, has had sexual relations with another member of the same sex, without drawing any distinction as to degree or frequency or anything along those lines? And with that in mind, would you tell us whether or not you know of any persons who have engaged in homosexual practices, who have been or now are employed in the United States government?

Mr. KOHLER. No.

Mr. COHN. Certainly this Bill is one?

Mr. KOHLER. Well, he has been, yes.

Mr. COHN. Well, my question was, "has been or now is," and let us take the first, has been?

Mr. KOHLER. Has been, yes.

Mr. COHN. What is Bill's name?

Mr. KOHLER. Must I say that, Mr. Chairman? I would like to protect him. He is a very fine citizen, and he has done a lot of good for his country.

Senator MUNDT. Is he employed in the government now?

Mr. KOHLER. No, he is not in the government now.

Senator MUNDT. Not in the army or in the State Department?

Mr. KOHLER. No.

Mr. COHN. What is he doing now?

Mr. KOHLER. He is teaching at the present time.

Mr. COHN. Where is he teaching?

Mr. KOHLER. Mr. Chairman, should I state? It is getting closer and closer—

The CHAIRMAN. I am inclined to think, Mr. Kohler, that in view of the fact that all of our intelligence agencies agree that men who are homosexual or who are not what is commonly considered normal sexually, are security risks, and in view of the fact this man has held a very important job and may hold one again tomorrow or the next day, I think we will have to require you to answer. Keep in mind we do not have any intention of publicizing the name of any man of that kind. If we find any are in government, we will contact their superior, and if they are handling classified material we will insist that they be discharged.

I think you may not have heard that as long as we have been attempting to get subversives and bad security risks out of the government, up to this time neither I nor this committee nor the McCarran committee has ever named publicly a single man with this particular physical or mental aberration. I am afraid I will have to insist on that.

Mr. KOHLER. The reason I made the statement I did or asked the question is because I have an extremely high regard for this man, and he is an up and coming economist, and he is developing a new theory that has won considerable acclaim in his field, and he has considerable free time which has been given to him by the school to develop this idea, and he is writing a book at the present time. He and I wrote a memorandum at the end of the war period which is mentioned in here, and which won a prize, and has to do with the contribution accounting made to the war program.

I am willing to state his name, but I hope that he is not disturbed in this process. I would hate very much to have anything happen to him, for the reason that he has got a great contribution to make, and he is making it.

Now, his life at the present time, so far as I know, is completely normal.

The CHAIRMAN. You see, Mr. Kohler, what you have just said there indicates the danger of having anyone with this, what I refer to as an affliction or mental aberration, handling secret work, and it shows how much they will be disturbed by having this known, and it shows—

Mr. KOHLER. That is my estimate.

The CHAIRMAN. And it shows how easily they could be blackmailed into giving out secret information.

Take, for example, now, this man. Whatever project he is on, let us assume he is handling secret material. I believe we can safely assume if I were a Communist agent or some other agent working against America, I could go to this man and take this letter to him and say, "Here, Bill" whatever his name is, "unless you give me access to some of this information, this is going to be made public." And certainly there would be a tempting on his part to do it. For that reason, I think you will have to answer all of these questions, and if I find counsel is going beyond bounds, I will stop him.

Your question was: What college is he teaching in?

Mr. COHN. My first question was: What would be his name?

Mr. KOHLER. William Cooper.

Mr. COHN. What position did he occupy in the United States government?

Mr. KOHLER. He was with the Bureau of the Budget during the war, and he was the contact man they had for OPA and the War Department, I believe, on the various reporting devices that they were employing. He also had intimate contact with the Federal Trade Commission; and together, he and I developed a reporting process from private industry to the Federal Trade Commission that is still being employed.

Mr. COHN. When did he leave the service of the United States government?

Mr. KOHLER. I think at the end of the war.

Mr. COHN. At the end of the war?

Mr. KOHLER. Yes, sir.

Mr. COHN. And where does he teach now?

Mr. KOHLER. At Carnegie Institute of Technology.

Mr. COHN. Carnegie Institute of Technology?

Mr. KOHLER. Yes, sir.

Mr. COHN. Do you know if he is working on any government projects there?

Mr. KOHLER. No, I don't. I don't know whether he works on any government projects there or not.

Mr. COHN. How long have you known Mr. Cooper?

Mr. KOHLER. Oh, for fifteen years, I suppose.

Mr. COHN. Some fifteen years?

Mr. KOHLER. Yes, sir.

Mr. COHN. Is there anybody else who has been or now is employed in the United States government who to your knowledge has engaged in homosexual practices?

Mr. KOHLER. I know of none, according to your definition.

Mr. COHN. Have you ever had access to FBI reports?

Mr. KOHLER. To what?

Mr. COHN. To FBI reports.

Mr. KOHLER. Only the one that I mentioned.

Mr. COHN. Is that the only one?

Mr. KOHLER. Yes, sir.

Mr. COHN. Have you ever had access to any FBI reports on yourself?

Mr. KOHLER. No.

Mr. COHN. You have not?

Mr. KOHLER. No.

The CHAIRMAN. What is this project that Cooper is engaging in now? You said he was developing some new technique, I believe.

Mr. KOHLER. Yes, it is a linear programming technique, a statistical approach to management controls over physical operations and plants, for example.

The CHAIRMAN. How well did you know Paul Hoffman?

Mr. KOHLER. Very well.

The CHAIRMAN. You had known him for a long time?

Mr. KOHLER. Oh, yes.

The CHAIRMAN. Did he know of this affliction of yours?

Mr. KOHLER. I don't think so.

The CHAIRMAN. Well, do you know whether he knew or not?

Mr. KOHLER. I don't know, no, but I don't think he knew anything about it, and I don't think anyone knows about it.

The CHAIRMAN. How well did you know Bill Benton?

Mr. KOHLER. Just in passing. I met him in several meetings, and that sort of thing, just casually.

The CHAIRMAN. How about Theodore Geiger, how well did you know him?

Mr. KOHLER. Simply as a member of the ECA staff.

The CHAIRMAN. As far as you know, Geiger did not have the same difficulty you have, at all?

Mr. KOHLER. I don't think so. I haven't any knowledge of it.

Senator MUNDT. Let me ask you a question about this young man at Carnegie. Did you know him before he came in the government?

Mr. KOHLER. Oh, yes, I knew him while he was a student at the University of Chicago.

Senator MUNDT. Back over a long period of years?

Mr. KOHLER. Yes.

The CHAIRMAN. Did you bring him into the government?

Mr. KOHLER. I don't know—yes, I brought him into the TVA, as a matter of fact, and he was a research assistant for me when I first went down there, for a year. That was during the period between the time that he had graduated and he was leaving for graduate school.

Mr. COHN. Hadn't you said a little before, when I asked you, that you had not brought into government anybody with the same affliction that you have?

Mr. KOHLER. Well, if you want that modified now according to your present definition, then I would say this: I would say this man only.

Mr. COHN. Your testimony is he is the only person who to your knowledge has engaged in homosexual activities, you have brought into the United States government?

Mr. KOHLER. You are putting words into my mouth, because I said he had not been engaged in sex—

Mr. COHN. Did you have sexual relations with him?

Mr. KOHLER. Many years ago, yes.

Mr. COHN. And you don't call that engaging in homosexual activity?

Mr. KOHLER. You said "at present engaged in homosexual relations."

Mr. COHN. I don't think I did. I said "to your knowledge has ever engaged in homosexual activities."

Mr. KOHLER. That is quite right, you would have to include him.

Senator MUNDT. You have engaged in those relations before you brought him into the government?

Mr. KOHLER. Oh, yes. There was none of that going on while in the government.

Mr. SURINE. Mr. Kohler, these are pieces of letters which I have shown you merely for the record to authenticate them. They have been previously mentioned. You did write those, didn't you?

Mr. KOHLER. Yes.

Mr. SURINE. I would like to read a sentence or two of these letters, for record purposes, and also to have your comment on them.

In this letter, so that you will understand that this is not taken out of context, the previous paragraph states there are thousands of such boys in Chicago, and so forth, and it won't be necessary for me to go into that, and maybe I had better stand up near you and point out what I am reading so that you can respond.

The CHAIRMAN. What is that again?

Mr. SURINE. The previous paragraph reads:

There are thousands of such boys in Chicago and many thousands more in New York, begging for your friendship and human kindness.

Now we start off on a new paragraph, and you say:

I am glad you liked the Russian idea. So do I.

Mr. KOHLER. I have just explained that, and I would be glad to go over that again.

Mr. SURINE. The full quotation was not read, Mr. Kohler.

—Nor do I think we differ when we get down into details, for I don't believe either of us would want to live there, or impose the Russian idea on our country without some modification. Good ideas can be engulfed by greed and other human failings, and the Russian oligarchy has not been free from possibly more of these failings

than has our Congress or Administration. We should spend a day on this alone when we get together.

That is the end of that paragraph. Then you go on, and apparently you say, "I am just as jealous of you as you are of me."

The point I am trying to make there, Mr. Kohler, is that that paragraph I read is not read out of context, is it?

Mr. KOHLER. Well, do you want me to try to explain that some more?

Mr. SURINE. Let me ask you a question first, and then I will give you that chance.

At the time when you wrote this letter, apparently it was sometime in 1948 or 1949; that is when you were writing to Alex Harper, is that correct?

Mr. KOHLER. I imagine it might have been, yes.

Mr. SURINE. 1948 or 1949, and you had a position as controller of the ECA at that time?

Mr. KOHLER. Yes.

Mr. SURINE. Do you still agree with the ideas as you express yourself in that paragraph?

Mr. KOHLER. Well, I am not sure just exactly what I was referring to at that time.

Mr. SURINE. Particularly in reference to this sentence: "The Russian oligarchy has not been free from possibly more of these failings than has our Congress or Administration."

Did you mean to imply in that sentence that possibly the Russians might be as bad off in their failings as our own government, Congress and administration?

Mr. KOHLER. What I think I was referring to, if I remember the context, is that one thing that I have already mentioned, namely, the linking up by the Russians of service to the consumer or directing their attention to the needs of the consumer. I think that is the only thing that was being referred to at that time.

Now, what I said with regard to our own Congress, I think that that frequently—and I think anyone would agree with this—has troubled our own lawmakers, that is, whether or not in the passing of legislation that has to do with business, as to what extent consideration should be shown for the different interests in which businesses are involved.

Now, I think that that is a conflict that arises in all countries, and I don't think it has been settled by any means.

Mr. SURINE. The question I would like to ask now is that you do not believe, as that sentence there directly implies, that the Russian government is to be held up as a model or comparison to this government?

Mr. KOHLER. By no means, no.

Mr. SURINE. Or the Russian idea?

Mr. KOHLER. No.

Senator MUNDT. Is this man to whom you were writing the letter, employed in the government?

Mr. KOHLER. Oh, no. He is an individual.

I might expand that idea just one step further. I have been engaged in writing a book which I brought along with me, because you had mentioned that previously, the assistant counsel mentioned that to me previously, in which I expound my ideas regard-

ing our economy as best I can, and that book has been in preparation for fifteen years, and it has just been published, and I would be very happy to leave a copy with the committee. It is primarily a book on accounting, and on the other hand, accountants today have a great deal to do with economics, or practical economic theory.⁸

The CHAIRMAN. Who is publishing the book?

Mr. KOHLER. Prentice-Hall, and I would be very happy to leave a copy here, and have any of those passages gone into.

Senator MUNDT. In your experience as an accountant and a college professor, have you ever joined any of these organizations that the attorney general has listed as subversive?

Mr. KOHLER. Not a one. I have never joined anything. I have always stood independent, and I know what they are, because I have gone over them. I have gone over that list, and in fact, there are two lists, and I have gone over both of those, and I never joined any of those organizations.

Mr. COHN. I want to get back for just a moment to your statement—

The CHAIRMAN. There is a reference to a diary in this correspondence. The subpoena called for the production of that diary?

Mr. SURINE. Yes, diaries and correspondence.

The CHAIRMAN. Do you have such a diary?

Mr. KOHLER. I don't have any diary, and I never had one, except the one that was kept by my office secretary in the ECA.

The CHAIRMAN. You never kept a personal diary of your own?

Mr. KOHLER. No, I never have done that.

The CHAIRMAN. Did you have any friend of yours—the diary you refer to is merely the day-to-day diary of your official activities in ECA?

Mr. KOHLER. That is right, and for anyone to read who had occasion to refer to our program, even newspaper reporters.

Mr. COHN. Did you have a friend named Jack?

Mr. KOHLER. Yes.

Mr. COHN. Did he keep a diary?

Mr. KOHLER. He kept one, yes, and that is what I think is what you are referring to.

Mr. COHN. Was this man Jack ever employed by the United States government?

Mr. KOHLER. No. He was killed; a boy.

Mr. COHN. What is he doing now?

Mr. KOHLER. He is dead. He was killed in an automobile accident.

Mr. COHN. When?

Mr. KOHLER. About two or three years ago.

Mr. COHN. And where?

Mr. KOHLER. Out in Oak Park.

Mr. COHN. Oak Park where?

Mr. KOHLER. A suburb of Chicago.

Mr. COHN. Can you fix the date of the accident?

Mr. KOHLER. No, I can't. It was in the latter date of the year.

⁸*Auditing: An Introduction to the Work of the Public Accountant* (New York: Prentice-Hall, 1954).

Mr. COHN. What was Jack's full name, please?

Mr. KOHLER. Richards; Jack Richards. He was simply a neighborhood boy.

Mr. COHN. Is there a John Richards?

Mr. KOHLER. No, I think his proper name was Jack.

Senator MUNDT. How old was he when he was killed?

Mr. KOHLER. He was sixteen when he was killed, and I had never had any relations with him. He was simply a neighborhood boy; and I described him, he was mentioned in some of these letters.

Mr. COHN. Your testimony is you never had any relations with him?

Mr. KOHLER. No.

Mr. COHN. Are you quite sure of that?

Mr. KOHLER. Oh, yes.

Mr. COHN. We are getting some documents, and I want to ask you this. Getting back to the people located in the United States government, did you ever know anybody who lived in Richmond?

Mr. KOHLER. Yes.

Mr. COHN. Did you ever know anybody who lived in Richmond who was employed by the United States government?

Mr. KOHLER. Oh, yes.

Mr. COHN. What was the name of that man?

Mr. KOHLER. Coleman Andrews.

Mr. COHN. And was Mr. Andrews ever associated with the United States government?

Mr. KOHLER. Yes, he has been associated in several respects, and he has just been appointed a commissioner of Internal Revenue.

Mr. COHN. He has just been appointed commissioner of Internal Revenue?

Mr. KOHLER. By Mr. Eisenhower.

Senator MUNDT. Is he the man who has been described as a friend of Senator [Harry] Byrd?

Mr. KOHLER. Yes. He worked with Senator Byrd in the early '30's, in connection with the fiscal reorganization of the state of Virginia, and he is a very good man, and he has been president of our national association.

Mr. COHN. Had he ever served in the General Accounting Office?

Mr. KOHLER. Yes, he was head of the corporate audits division.

The CHAIRMAN. Who is that?

Mr. COHN. May I display a letter to the witness, Mr. Chairman?

The CHAIRMAN. I missed some testimony here.

Mr. COHN. Would you just examine this letter being displayed to you?

Mr. KOHLER. Yes. I know what I said here.

Mr. COHN. Was Mr. Andrews a homosexual?

Mr. KOHLER. Oh, no, not in the slightest.

Mr. COHN. Did he ever engage in any homosexual activity?

Mr. KOHLER. Absolutely none.

Mr. COHN. That is an unqualified answer?

Mr. KOHLER. That is right.

Mr. COHN. Under any definition?

Mr. KOHLER. I am absolutely positive on that.

Mr. COHN. What were you referring to in the course of this letter when you discussed his attempts to become very friendly with you, and so on and so forth?

Mr. KOHLER. I can say this: that I think this should be confidential, because this is the type of thing I don't like to have come out. It represents, to some extent, a change of opinion on my part. I have had different feelings regarding this man for a number of years.

Senator MUNDT. We are talking about Mr. Andrews now?

Mr. KOHLER. Yes, and if you want me to tell the whole story, I will be glad to, because there are some personal feelings in the thing that I think might help to explain it.

The CHAIRMAN. In view of the fact he has just gotten a job under the new administration, we should hear the whole story.

Mr. KOHLER. All right.

Back in the days when I was controller of the TVA, I had known him off and on up to that time, I had met him in professional meetings, in our annual professional meetings, and he had taken a position inimical to the TVA idea.

Well, of course, I told him that so far as I was concerned, I was not so much interested in the political idea behind the TVA as I was the way in which it was organized and the way in which it was operating. And that I felt that I had done something there in the TVA that he ought to review. In fact, I think that is my contribution to the governmental process. It has been instituted in other governmental organizations besides the TVA.

So after some discussion of the subject, he came down and looked the thing over, and he became wildly enthusiastic about what he found, and he thought that was the precise type of thing that ought to be done in all governmental institutions.

I might, for the sake of reference, call it activity accounting, because that is what I have called it on various occasions. Now, it is a method of combining accounting and organizational controls, and it is a methodology for distributing responsibility down the line to the subordinate within an organization, so that they not only have management authority diverted down to the lower levels of management, but also budgetary and accounting controls are down there, too.

Mr. COHN. I think we have the gist of that, just for the purpose of this interrogation.

Mr. KOHLER. The idea, he has been promoting the idea, I might say, ever since, and he has been very strong for it. The same idea has been instituted in this Panama Canal Corporation.

Mr. COHN. He has been instrumental in the Panama Canal?

Mr. KOHLER. He is a member of the board.

Mr. COHN. Did he have anything to do with your employment as a consulting accountant?

Mr. KOHLER. No.

Mr. COHN. When did you last see him?

Mr. KOHLER. I saw him at a meeting of the board here in Washington about a month ago, I believe.

Mr. COHN. Does he know that you have engaged in any homosexual activity?

Mr. KOHLER. I am sure he doesn't.

Senator MUNDT. What is the particular sentence you are talking about?

Mr. KOHLER. I haven't explained my story yet. You wanted me to go into detail, and I have.

Senator MUNDT. We do not know what sentence in the letter you are talking about.

Mr. KOHLER. In this letter, I took the position that he had done a very bad job as head of the corporate audits division, and I was very critical of him, and he had been very weak in that position, and he had engaged in altercations, and in fact, he created considerable animosity.

Now, if you should talk to the comptroller general today, you would still get that same picture of him. The comptroller general of the United States, who was his immediate superior, became very much disturbed over what had happened in that organization, and I think he was rather glad when Coleman got out.

This was written at the time when he was just, I believe, concluding his work there. I had listened to the comptroller general's side of the story, and also his immediate assistant's. I had seen some of the work that had been done. I found that they were reporting on the TVA in a way that I didn't like at all. But I found later, you see, that Coleman Andrews had nothing to do with it, and so I have completely changed my idea regarding that.

I would say that that letter is completely meaningless so far as my present idea of Coleman Andrews is concerned, and I have a very high regard for him, and I had really a high regard for him then except that he had done what I thought then was, I think I described it there as a miserable job, because he had not brought peace into that organization.

Let me say this, however, for him, that as a result of the methods which he instituted in the comptroller general's office, that had a material effect toward reducing the personnel of that office down from fourteen thousand to five thousand which it is today. So you can see that he did make some contribution.

Mr. COHN. Of course, you say in here: "He has gone out of his way to praise me to the skies," and so on and so forth.

Mr. KOHLER. Yes, he did.

Mr. COHN. "I have wondered just what he expects in return. Probably nothing, but it is a funny, half-baked friendship."

And you say a little before that, "This man wants my friendship, but without it he'd be just as well off."

And you say those phrases have no significance?

Mr. KOHLER. Yes. That meant this: that he is a complete extrovert in character, and he always has been; and in other words, he is more of a salesman type, I might say, than an academic type.

Mr. COHN. Of course, Mr. Kohler, in this letter you are writing to someone who is a homosexual, is that right?

Mr. KOHLER. Oh, yes.

Mr. COHN. And most of the subject matter in this exchange of letters we have here does concern other homosexuals?

Mr. KOHLER. It has nothing to do with that here.

Mr. COHN. You say in this case, you are very clear in saying that you know of no homosexual activity on the part of Mr. Andrews?

Mr. KOHLER. I could almost guarantee it, because I know the man intimately, and I know him personally, and I know his family connections, and I know his two sons and all of that, and so I know that there has never been any period of his life in which he has had the slightest tendency in that direction.

Mr. COHN. And he was not aware of any such tendency—

Mr. KOHLER. I am sure he wasn't. As a matter of fact, ten years ago he wanted me to go into partnership with him, because he had a number of entrees in state, county and city jobs around the country which he wanted to engage in, and he knew that I had had considerable activity—

The CHAIRMAN. I do not want to cut off your questioning here, but I would like to get into some detail on the shipment of material to Austria, the transshipment of like material into Russia, and who approved that, and why it was done, and the entire picture.

Mr. KOHLER. May I say, Mr. Chairman, that what I will have to say on that subject isn't going to be worth much to you, for the reason that that study had just started when I left ECA.

The CHAIRMAN. I think it might be worth some bit. We have indications here that a tremendous amount of material was shipped into Austria, entire plants, and at the same time like plants were being taken out by Russia, and it will be of great interest to us to find if that is true, and we are just getting bits of information here and there. If that is true, it will be of tremendous interest to us to find out who approved that and why it was approved; and in other words, you follow me, let us say there is a steel plant at "X" spot in Austria, and if you, as ECA controller, authorized the shipment of all of the material to build a new steel plant to that place, and at the same time Russia was removing a steel plant, we will want to go into that in detail.

I do not know how much information Mr. Kohler can give you, but I am inclined to think, as controller, he will be able to give you a lot.

Mr. KOHLER. I can give you the background of the control idea we put in there.

The CHAIRMAN. I will get a report from my staff, and I will come back up here.

Mr. KOHLER. I have a plane reservation, but I don't have to make it.

Mr. COHN. Could you very briefly, Mr. Kohler, give us the background of this Austrian situation, the situation of ECA equipment and material ending up in Soviet hands?

Mr. KOHLER. Well, let me explain again—I have already explained it, but I will go over it again—the method of control that we set up in the ECA. Now, because, after all, as controller I didn't originate any program, and I didn't participate in making allotments in any way, and I merely acted as a reporter on what had happened—that was my function, and that is the function of any controller, so far as that is concerned, anywhere. The system which gave rise to this situation originates in the OEEC. First it originates—

Senator MUNDT. Which is comprised entirely of foreign representatives?

Mr. KOHLER. Entirely of Europeans, and there are no Americans on it whatever.

Senator MUNDT. Is that system still prevailing?

Mr. KOHLER. Yes, it does, and it works very well for the most part, and I will say that there are a lot of hitches in it and things that nobody liked, but it was one way of getting a job done.

Senator MUNDT. As controller, you had no veto power?

Mr. KOHLER. No, none at all.

Senator MUNDT. Did Mr. Hoffman have veto power?

Mr. KOHLER. Mr. Hoffman had veto power, and in fact he was the one that approved the allotments, once they were made; and once they were made by these subsidiary organizations and they came up to the top level, they were reviewed by Paris and by Washington and by our economists, and then put together in one package, and he approved the package.

Senator MUNDT. All you did was keep a record of what happened?

Mr. KOHLER. Yes. What we did was this: After the program had been approved, we set up the machinery for accounting for the program. Now, there are several steps in the accounting, and I don't know whether you want to listen to that or not, but it has to do with setting the program up.

Senator MUNDT. What I am trying to find out, in short, is who was responsible for making the suggestions that these plants be put in a certain place, and who okayed or vetoed it, and what part you played.

Mr. KOHLER. I would say that until it was proved otherwise, I would say that Mr. King was responsible, because under our system—

Senator MUNDT. Who is that?

Mr. KOHLER. Mr. King.

Senator MUNDT. What was his position?

Mr. KOHLER. He was head of the Austrian Mission, and I don't remember his first name. He was the former vice president of International Harvester that I mentioned to you. He had a great deal of sympathy for Austria, and I think everybody did, that is, the part of Austria that came under our jurisdiction, and I think he was doing his utmost to help them.

He approved that program in its initial stage, while it was still in the amorphous period. Then when it went to the OEEC, it was reviewed by them and finally by OSRP and finally by people in Washington, and finally by Mr. Hoffman, and it was put into effect.

My connection with it is this: Once that program was put into effect, we instituted a scheme whereby the moment any shipments were made under the program, for paying the bills we instituted a system of notifying our controller in Austria of the shipment, indicating it was on its way over, and how it was being shipped. We sent then a bill of lading on it. Then our controller in Austria was there to check the thing in, or he checked it in shortly after its arrival, either one or the other. He also was responsible for the follow-up to see to it that the machinery went where it was supposed to go, and it was due to him that this inquiry was started, because we had a difficult problem of deciding how many steps should we follow in our follow-up process. Let us say we were shipping wheat

to Belgium; machinery is a little different, but the principle is the same. Should we check in the wheat when it got there to make sure that it arrived in the hands of the recipient that it was destined for? We did that. Should we then check it to the mill to which the wheat was sold, the mill that was going to reduce it to flour and other products? We did that. Should we follow it into the making of bread within the country to make sure that that flour wasn't shipped out to some other country? In some instances we did that. In many cases we stopped at the first point, in many cases we stopped at the second point, and in many cases we stopped at the third point. We had to come to individual conclusions in each country.

It was due to the fact that the secondary check was being made when this irregularity was discovered by our controller in Austria. He raised the question. It went back to Paris, went back to Mr. Harriman, Averell Harriman, who was then in charge or special representative in Paris; he brought it up with me and with Mr. Hoffman, and we decided to initiate this investigation, and in fact, Mr. Harriman was very much worked up over the thing. We therefore employed Haskins & Sells to initiate this investigation, and that is what had happened, that had happened when I left ECA, and I knew it was going on and eventually something would come out of it, but the Austrian situation was a very difficult one because of the nature of the personalities that were then in power in the government.

I might say that after our investigation reached a certain stage where a portion of it became public knowledge, the cabinet resigned, and a completely new cabinet had to be established under their form, their French form of government they have there. It was due to the fact that apparently some of the cabinet officers knew of these goings-on and were responsible for beclouding the issue some way or other.

I have never seen this final report of Arthur Andersen Company, and this is the final report on this deal.

When I was in Paris last summer, that was, of course, a long time after I ceased to be controller of ECA, and I visited with the Arthur Andersen man there, and he told me a little about it, and he didn't show me the report, and he just conversed with me and said it was a bad situation, and they had to work a long time on it, uncovering the facts.

So that I had never seen it, and I don't know what action really has been taken on it since, and I think some action is yet to be taken.

Mr. COHN. I want to ask you one question here. You have testified, am I correct in understanding you have testified that in talking about this Jack you refer to in your letters, whom we have identified as Jack Richards, that he never manifested any homosexual activity?

Mr. KOHLER. He manifested them, but there was no homosexual relations with him.

Mr. COHN. He manifested the tendencies, but there were no actual relations?

Mr. KOHLER. That is right. That was a rather peculiar relationship, but I hate to get into it. Well, I might say he was more of a son to me than anything else.

Senator JACKSON. What kind of a sexual relationship?

Mr. KOHLER. No sexual relationship, none whatever. There is no evidence here that there was anything to it.

Mr. SURINE. I will show you a few letters on that point.

Mr. KOHLER. Must we go into this again?

Mr. SURINE. The point at issue is the witness' credibility. The point at issue is your credibility, and therefore I feel that we should go into it.

Did you write this letter?

Mr. KOHLER. Yes, I did.

Mr. SURINE. You recognize it?

Mr. KOHLER. Yes, sir.

Mr. SURINE. We have several others. And this is your letter to Alex?

Mr. KOHLER. Yes.

Mr. COHN. We will have those two letters, which the witness has just identified, marked in evidence, subject to the same condition as the previous exhibits.

Senator MUNDT. They will be admitted.

The first letter is a letter on yellow paper, written in handwriting, writing on both sides, with the weekday "Thursday" on it; and the second one we can identify as addressed to "Dear Alex," and signed "Eric"; and the next one is a three-page letter written in pencil, with the weekday "Monday" appearing at the top of the first page, addressed to "My dear Alex," and signed "Eric."

Mr. KOHLER. Is your purpose in introducing this to question my credibility?

Mr. COHN. I don't think we have to give you a full explanation of the purpose, and I think we propound the question, and if the chair rules the question is relevant, we are entitled to an answer to the question.

Mr. KOHLER. In the two letters that I just looked at, there is no evidence of that.

Senator JACKSON. Specific questions will be asked of you.

Mr. SURINE. We are going to put in a series of letters here, and these are merely the first two; and I think the letters speak for themselves on the surface of it.

I won't take the time to read the material in the letters in their entirety, because they are, in my opinion, unnecessary as long as we are putting them into the record.

I am now quoting from Exhibit 3, which has been identified by the witness. It is addressed, "Dear Alex," and has been previously described. I will read the first two sentences and let you comment on it:

Jack came over tonight while I was in the middle of a shower. The bathroom was like a steam room (it was chilly outside) and so he insisted on taking his clothes off and joining me under the shower, pretending he was chilled through and needed to be warmed up. It turned out he'd just taken a bath at home before coming over and, furthermore, his hands and feet were warm; but he wasn't bothered by excuses. He never is. His final reason was, and that one I couldn't shake because it was somewhere near the truth, that he couldn't stand it being outside with me inside,

and besides he couldn't trust me in there by myself. I needed protection, apparently, from myself. This isn't the first time he's fathered me.

And, you go on with considerable detail, and we are putting this into the record.

Now, after the details set out—and I will read one other sentence:

And then an alcohol rubdown for both of us (I had to give him two), a reluctant dressing and a close set-to in the living room with a pair of arms around me * * * .

Mr. KOHLER. I wonder if all of this detail has to be read. I think it is terrible.

Mr. SURINE. I do, too, but in view of the fact that you have stated definitely there were no sex relations between you and Jack.

Mr. KOHLER. There haven't been any.

Senator JACKSON. Is that not contradictory of your statement?

Mr. KOHLER. No, it is not.

Senator JACKSON. This final paragraph is important.

Mr. SURINE.

Yes, I'll be at the New Yorker from Monday through Thursday. I'm flying. Don't you dare forget me! And now I'll go to bed, with you with me in imagination. Will you be as virtuous as Jack and let me go to sleep or will I have to satisfy you first?

What is your comment generally on that letter?

Mr. KOHLER. I think that so far as Jack is concerned, that that ends with the statement that he was virtuous, which is true.

Senator MUNDT. How old was Jack?

Mr. KOHLER. He was only sixteen and he was a boy.

Mr. COHN. At this time or when he was killed?

Mr. KOHLER. It was the same year.

Mr. COHN. It was all the same year?

Mr. KOHLER. Yes.

Senator JACKSON. Well, did he have homosexual tendencies?

Mr. KOHLER. I don't think it could be called that, he was too young for that, he was in his opinion acting natural, which of course could have gone to that length had he been I think a little older.

Senator JACKSON. Do you think his tendencies were normal or abnormal from what you have read in that letter?

Mr. KOHLER. I would say that they could probably be turned either way. If he had been encouraged they certainly would have turned the other way.

Senator JACKSON. Well based on the statement in your letter to your friend Alex, in which you pointed out that he had joined you in the shower although he had just had a shower what is your version as to whether that was natural or unnatural or what?

Mr. KOHLER. Well, I would say this, you never can tell what kids will do.

Senator JACKSON. What was your reason for writing and describing what went on the way you did? Why did you write that way?

Mr. KOHLER. I don't know, I think that was a sort of a literary exercise.

Senator JACKSON. In writing to your homosexual friends, do you usually write just in terms of description or do you write in terms of description that portrays abnormality in sex relations?

Mr. KOHLER. This is the only set of letters of this kind I have wrote.

Senator JACKSON. Will you read the question, Mr. Reporter?

[The question was read by the reporter.]

Mr. KOHLER. I don't think that there is any abnormality in sex relations here, as I understand sexual relations.

Senator JACKSON. What was the point of writing that you laid great emphasis on the fact that he wanted to join you in the shower although you discovered that he had just taken a bath, and he was not cold and pretended he was cold when he was outside, and then you write in great detail that he nevertheless joined you in the shower although he had just had a shower and he was not cold?

Mr. KOHLER. I don't know why I wrote it, and I have no idea.

Senator JACKSON. Is it not true of the matter that you were describing an abnormal sex behavior of yourself or this young boy?

Mr. KOHLER. If you want to call his behavior unnatural, I think you are entitled to do it, but I certainly—

Senator JACKSON. I am taking your own words.

Mr. KOHLER. I certainly did not act in an abnormal way, in dealing with him, I never did.

Senator JACKSON. Was not this whole description of what transpired between you and this boy one of abnormality so far as human normal relationships are concerned?

Mr. KOHLER. I expect you could call it that.

Senator JACKSON. Now you are an educated man, and just give your honest opinion.

Mr. KOHLER. No, I don't think it was.

Senator JACKSON. You do not think what you had written there was abnormal?

Mr. KOHLER. No, so far as I looked at it at the time, as simply kid stuff on his part, the same type of thing that would happen between two kids or between two males anywhere around that age.

Senator JACKSON. Were you thinking in terms of a likely prospect here?

Mr. KOHLER. I never would have done that.

Senator JACKSON. Why would you go into the detail to write the way you did?

Mr. KOHLER. That was just a literary exercise and that of course never should have been written.

Senator MUNDT. How did you happen to engage in the correspondence?

Mr. KOHLER. Because he answered a letter. I had advertised in the *Saturday Review of Literature* for a lexicographer when I was writing my book and he answered the ad. But it plainly had nothing to do with lexicography, and he knew nothing about it.

Senator JACKSON. So you started it.

Mr. KOHLER. He came right out in his letter and I think it developed from that.

Senator JACKSON. His first letter, his reply to your advertisement in the *Saturday Review of Literature*?

Mr. KOHLER. Yes.

Senator JACKSON. He made a proposal to you?

Mr. KOHLER. No, I don't recall now what he said, but it started that way.

Senator JACKSON. But he started it, and then you carried on from there, and how long did that exchange of letters continue?

Mr. KOHLER. As I remember it, it was about a year, and I am not sure.

Mr. SURINE. Senator, along this line, that may be one of the first, you may care to read it, it is rather filthy, but you can read it.

Now, Mr. Kohler, I show you another letter, and can you identify that as one which you had written to Alex? It is your handwriting, is it, Mr. Kohler?

Mr. KOHLER. Yes, sir.

Mr. SURINE. You did write the letter, the part that you are reading now?

Mr. KOHLER. Yes.

Mr. SURINE. I point to other parts in it—

Mr. COHN. Should we have that in evidence as an exhibit?

Mr. SURINE. With the permission of the chairman, I will suggest that it be put in as Exhibit 5.

Senator MUNDT. That will be done.

Mr. SURINE. I will point to five general subject matters that are mentioned in this letter. One, he describes the use of a code between himself, that is the writer, Mr. Kohler, and this young man Jack. He goes into the greatest details of how he goes to the parks and other places in New York City, seeking the company of persons whom he describes as fairies and queers. He goes into the greatest detail in this letter, Mr. Kohler does, in connection with an affair he has with a Chinese, and he states in this letter that he has no church, no party, or club affiliations.

Now, in connection with "Jack," I desire to call your attention to certain sections of this letter, Mr. Kohler. You and I can read it together:

I feel it necessary to spend not less than ten hours a week relaxing with Jack. Next Sunday morning we have a four-hour date to continue reading and discussing the Iliad, Pope's translation.

Is that a code?

Mr. KOHLER. No.

Mr. SURINE. That is not a code and it doesn't convey to Mr. Harper anything else but the fact that you read a book with him?

Mr. KOHLER. That is right.

Mr. SURINE. And continuing on, now, with the quote:

And already he is demanding in his letter that because of my neglect of him by being a few days in New York we make it all day Sunday. However, on Sunday afternoon I have got to wind up a paper deadline which is November 1.

I am reading that correctly, am I?

Now, I will read further on in this letter and you can follow me as I go along, Mr. Kohler.

Jack can beat me at tennis but I can beat him at chess. He keeps a diary, a very sober one, in which he does a lot of philosophizing,

And this is the important sentence:

There are entries each day and sometimes a little block "x," the meaning of which I assume I do not need to explain to you.

What did you mean by that?

Mr. KOHLER. That was his own aberration, you see.

Mr. SURINE. What did you mean by telling Alex Harper, "the meaning of which I assume I don't need to explain to you"?

Mr. KOHLER. Well, because he had, I believe, mentioned something that he had kept, I am not sure.

Mr. SURINE. That is the explanation of it?

Mr. KOHLER. Yes.

Mr. SURINE.

Once a week, (usually Sunday mornings) he requires me to read his week's record, and he duly records my reactions to his doings and sayings. . . . (I quote from memory). Bub—

Who is that? Is that you, you previously have—

Bub scowled when he saw two x's, and I know now he thinks I'm awfully de-
praved. But I love him, not it.

Well, what explanation do you have for that sentence?

Mr. KOHLER. Well, that is simply his own aberrations, I might say his own self-indulgence.

Mr. SURINE. I suggest these letters go into the record and they speak for themselves on the point which he previously testified to.

Mr. KOHLER. They have nothing to do about what I was testifying to.

Senator JACKSON. I think the letters are relevant to the purpose of the examination here, and the letters will be admitted with proper identification. I think counsel should identify them to make them correspond with the questions asked.

Mr. KOHLER. I want to make it very clear—

Senator JACKSON. Have you had a chance to read these letters?

Mr. KOHLER. Yes, sir.

Senator JACKSON. You are familiar with them, with the contents of the letters that have been referred to here today in connection with the interrogations?

Mr. KOHLER. Yes, and I want to make it very clear that the x's referred to had nothing to do with my relations with him.

Senator JACKSON. What do you mean by that?

Mr. KOHLER. I am talking about Jack.

Senator JACKSON. Just so we keep the record straight.

Mr. SURINE. I would like to ask you this, in connection with the Theodore Geiger case, which you reviewed. Who asked you to review that?

Mr. KOHLER. Mr. Hoffman.

Mr. SURINE. Mr. Paul Hoffman?

Mr. KOHLER. Yes, sir.

Mr. SURINE. You have previously testified that you have known him for about fifteen years.

Mr. KOHLER. Yes, sir, off and on.

Mr. SURINE. And you have told me that you have known him intimately for the last six years?

Mr. KOHLER. That is right.

Mr. SURINE. You also have told me that in many respects his ideas coincide with yours on many subjects.

Mr. KOHLER. That is right.

Mr. SURINE. Is that correct?

Mr. KOHLER. That is correct.

Mr. SURINE. Did you ever have a discussion with him about your ideas about your agreement with the Russian idea which you mentioned in the previous letters I have asked you about?

Mr. KOHLER. No.

Mr. SURINE. You don't know whether he agrees with that?

Mr. KOHLER. Well, I think he does to the extent I was referring to that idea, and I tried to make that clear and you keep referring back to something in reading something into it.

Mr. SURINE. The reason I refer back to it is that it was not taken out of context, it is a complete paragraph set in between two other entirely different subject matters.

Mr. KOHLER. In a sense it is taken out of context because the reference to which it makes you do not have, and I don't, either, for that matter. It was in response to something else.

Mr. SURINE. You also state there, Mr. Kohler, that the Russian oligarchy "has not been free from possibly more of these failings than has our Congress or administration."

Now, that was at a time when you were controller of the ECA?

Mr. KOHLER. Yes, you have already raised that point and I will answer it again in the same way that I did before, namely that what I was referring to there is that the attitude of both governments and in fact all governments, all business for that matter, to the consumer, has changed considerably during the last fifteen or twenty years, and there is much more attention now that is being paid to the consumers' interests than you could find for example before the depression started in.

Mr. SURINE. Now, getting back to another point of your previous testimony, Mr. Kohler, as I understand you recommended William Cooper for a position in government.

Mr. KOHLER. Yes, in the TVA he was there for one year, I believe.

Mr. SURINE. Now, could you relate your dealings with Lindley Nobel, how long you have known him and what position he has had under you, and the various occasions when you have recommended him for a job and what his present job is?

Mr. KOHLER. I have already stated that but I will go over it again.

I first met him in the TVA, and he was already employed by the TVA and when the war came on in 1941 he left and went with the Friends Distribution Service over in Europe and he was taken prisoner by the Germans and he was in a German prison camp for two years. When he came out he came back to Washington and he joined up with the OPA and became in the end its chief accountant. Following that he became controller of the Atomic Energy Commission.

Senator JACKSON. Who was this on the Atomic Energy Commission?

Mr. KOHLER. Lindley Nobel, and he was controller of the Atomic Energy Commission.

Mr. SURINE. Now, Mr. Kohler, could you go into details of approximately when Lindley Nobel started with the Atomic Energy Commission and when he left?

Mr. KOHLER. No, I couldn't give the starting date, it was of course after the war and I knew when he left, which was in the early part of 1952, at the time he took the other job.

Mr. SURINE. Was he with the old Manhattan Project, and then went on, or stayed on with the commission?

Mr. KOHLER. I don't think so.

Senator JACKSON. Where did he work prior to his employment with the Atomic Energy Commission?

Mr. KOHLER. I just said he worked with the OPA during the post-war period.

Senator JACKSON. Then he went from there to the Atomic Energy Commission, and how long was he with the Atomic Energy Commission, approximately?

Mr. KOHLER. Several years.

Senator JACKSON. And what was his job?

Mr. KOHLER. Controller.

Mr. SURINE. Now, to bring it up to date, his employment up to date is what, and will you point out those instances where you have recommended him for employment?

Mr. KOHLER. The only time I recommended him for employment was with the Atomic Energy Commission—I mean with the Panama Canal Company, while he was still with the Atomic Energy Commission, and he had come to me indicating the conflict in his religious convictions that existed because of the fact that the Atomic Energy Commission was getting into the production of warheads of one kind, or another.

Senator JACKSON. How long ago was this?

Mr. KOHLER. It was in the early part of 1952, and he felt that he had done all he could there in the way of constructive jobs, and he was ready to do something else, and he asked me to try to help him find something else.

Senator JACKSON. Was he troubled with what the Atomic Energy Commission was engaged in?

Mr. KOHLER. The ultimate product, yes, the fact they were making war materials and of course the Quaker idea, the Friends idea is opposed to participating in any form of war activity or anything approving it.

Senator JACKSON. When did he get that idea; last year, was it?

Mr. KOHLER. I think about the time they started making these things.

Senator JACKSON. When did he tell you about it?

Mr. KOHLER. Last year.

Senator JACKSON. In the early part of 1952 he told you that he was troubled about the fact they were making, the commission, was making warheads?

Mr. KOHLER. That is right. He didn't use the word warhead, that was my term. They were getting into production of atomic bombs.

Senator JACKSON. They were getting into the production of atomic bombs.

Mr. KOHLER. Yes, sir.

Senator JACKSON. This is 1952 he is talking about?

Mr. KOHLER. I think they had been engaged in that before that, but his conscience finally began to trouble him, I guess, very seriously, in 1952 when he was ready to make a change.

Senator JACKSON. Did he tell you about the nature of his work?

Mr. KOHLER. In the Atomic Energy Commission?

Senator JACKSON. Yes.

Mr. KOHLER. I knew something about it already, that is I knew in general what he had done there from the General Accounting Office, and I had heard stories on it.

Senator JACKSON. What was the nature of his work, as he told it to you?

Mr. KOHLER. Well, it was largely a matter of expenditure control, most of this work of course is done under contract and it had nothing to do with their secret processes or anything like that, but merely the method of management, administrative controls that had been set up.

Senator JACKSON. Was he the top controller for the commission?

Mr. KOHLER. Yes. And they published all of this, there is nothing that he told me but wasn't in annual reports and in fact that is how I got my knowledge of his job, and in fact that was the only information that I had.

Senator JACKSON. Did he resign from the commission?

Mr. KOHLER. Yes, sir.

Senator JACKSON. And you lined him up with this job with Panama Canal Company?

Mr. KOHLER. Yes, because they had offered that to me and I didn't want it.

Senator JACKSON. What was his salary at the Atomic Energy Commission?

Mr. KOHLER. I don't know, I think it was probably twelve or fourteen thousand.

Senator JACKSON. What was he offered at the Panama Canal?

Mr. KOHLER. He was offered fourteen thousand there, and he had the choice of going back into the government or going with private business and he thought he had an opportunity to do some creating there in the Panama Canal Company which I think he had, and so he finally took that job.

Mr. SURINE. When he came to you mentally upset because he had told you that they were making certain war apparatus which conflicted with his religious beliefs, when he told you that did he go into details as to how long he had been in that state of mind?

Mr. KOHLER. No, I don't think he did.

Mr. SURINE. Did you consider that he had access to confidential information?

Mr. KOHLER. I don't believe he did, and I think only a few people in the commission did, and that wasn't his function, to get into processes.

Mr. SURINE. Did you consider that his mental upset was so great that it would have made him a security risk?

Mr. KOHLER. No.

Mr. SURINE. In connection with what he knew, in connection with his work?

Mr. KOHLER. Oh, no.

Mr. SURINE. Now, he is now controller with the Panama Canal Company?

Mr. KOHLER. That is right.

Mr. SURINE. And you have known him apparently very closely for the past fourteen years then?

Mr. KOHLER. Yes, sir.

Mr. SURINE. And that is where he is employed at the present time?

Mr. KOHLER. That is right.

Mr. SURINE. Are you cognizant of the fact that the Panama Canal is apparently, according to all reports, one of the prime targets for the infiltration of the Communists?

Mr. KOHLER. No.

Mr. SURINE. Now, in connection with him, has he ever exhibited to you any homosexual tendencies?

Mr. KOHLER. None whatever.

Mr. SURINE. Under any definition, that we have given here?

Mr. KOHLER. I am sure he has no tendencies in that direction.

Senator JACKSON. Have you ever tested him out?

Mr. KOHLER. Oh, no.

Mr. SURINE. Now, in regard to his position as controller of the Panama Canal Company, does he have access to classified information there?

Mr. KOHLER. I don't know as there is any down there, and I never heard of any, and if he has I wouldn't even know that.

Mr. SURINE. Now, we have here a letter which I am going to ask you about.

Mr. COHN. When did you see Mr. Cooper last, by the way?

Mr. KOHLER. Months ago, and I don't remember where and when.

Mr. SURINE. I have conferred with the chairman and it is decided that these pieces of a letter, which Mr. Kohler has identified as being one which he wrote, be placed into the record at this point.

Senator JACKSON. Will you identify it?

Mr. SURINE. It is in four pieces, and it has no date, but it says "Wednesday" on the letter, written in ink, on plain white paper, and addressed "Dear Alex."

Senator JACKSON. It is a letter that contains the statement about the Russian idea, is that correct?

Mr. SURINE. Yes.

Senator JACKSON. Along with other references in his letter to Alex. The letter will be properly identified and admitted as Exhibit 6 in the record.

Mr. SURINE. You currently are a trustee on the Roosevelt College?

Mr. KOHLER. That is right.

Mr. SURINE. And how long have you been a trustee, sir, on that?

Mr. KOHLER. Several years.

Mr. SURINE. What do you mean by several years?

Mr. KOHLER. Well, perhaps five years, in 1947 I first went on.

Mr. SURINE. Now, in connection with Roosevelt College, first I want to show you a letter and ask you if you wrote it and if it is in your handwriting,

Mr. KOHLER. Yes.

Mr. SURINE. It is your letter?

Mr. KOHLER. Yes.

Mr. SURINE. I would like to call your attention to one statement there—Mr. Chairman, I would like to submit this for the record.

Senator JACKSON. Counsel desires the admittance of a letter again referred to as Wednesday, and to “Dear Alex,” and marked Exhibit 7. That will be included in the record at this point.

Mr. SURINE. I would like to read one paragraph, Mr. Kohler, and ask for your comment on it.

Senator JACKSON. This is the letter with reference to the Roosevelt College.

Mr. SURINE. Yes, sir.

Tonight I had dinner with Edwin Embree, head of the Julius Rosenwald Foundation, and chairman of the Board of Trustees of Roosevelt College, a local institution of higher learning. With us was the president of the college and its vice president and public-relations director. The purpose was to announce that I had been made a member of the 21-man Board which directs the affairs of the college. This of course is just another part-time job; but it's a good gang and I will have a lot of fun with it.

What did you mean by that last sentence, Mr. Kohler, in respect to the Board of Trustees?

Mr. KOHLER. Simply that I would enjoy the contact and enjoy the work that I would do there, and I have.

Mr. SURINE. When you say a good gang and that you will have a lot of fun with it, what criteria are you applying, the one of your personal life or just one from an official point of view?

Mr. KOHLER. I think from an official point of view, there is no question about that. I have been a member of the board since that time and I still am.

Mr. SURINE. Do you have any facts or do you know whether any of the members of that board have homosexual tendencies?

Mr. KOHLER. None whatever.

Mr. SURINE. Now, I have discussed with you the other day, in Chicago, if you would submit to us a list of people, Mr. Kohler, who you have recommended for employment in the federal government. Have you been able to prepare that list?

Mr. KOHLER. No, because you had the names in front of you, and those are the only ones that I have ever recommended.

Mr. SURINE. The only persons that you have recommended for federal employment, then, are Lindley Nobel, and Coleman Andrews?

Mr. KOHLER. Yes.

Mr. SURINE. Just those two, and no others?

Mr. KOHLER. No, except in my official position, for example, when I started out in ECA we called for lists from the Civil Service and I borrowed the personnel director of the firm of Stoooven, Snifley and Smart to come with us, and recruit people for that work, and on the basis of their findings we hired him and I don't know whether you want to include that, to my mind that wasn't recommending individuals, that I had known before, but rather taking the tops of a list and that kind of thing. I don't think that is the same thing that you are referring to.

Mr. SURINE. Then the only two people you have recommended and placed in federal employment or government employment are the two, Lindley Nobel and Coleman Andrews?

Mr. KOHLER. I think so, yes.

Mr. SURINE. Now, in connection with those individuals who have given you as reference, would you be able to compile a list of those cases?

Mr. KOHLER. I don't think so.

Mr. SURINE. A reference for federal employment, and you wouldn't be able to do that?

Mr. KOHLER. No.

Mr. SURINE. Would you be able to give us a partial list based on your memory of those?

Mr. KOHLER. I don't have any recollection at all.

Mr. SURINE. You see, usually, Mr. Kohler, people give a person as a reference and you have a letter or some one advises them about it ahead of time.

Mr. KOHLER. No, I don't recall, I know I have done that but I don't know who they are.

Mr. SURINE. Those are all of the questions I have.

The CHAIRMAN. You will be excused subject to call. If you care to, you may see your testimony and go over it and we cannot send it to you because it is an executive session, and you would not want it kicking around anyway. If you do want to see the testimony, you can contact Mr. Flanagan, Mr. Surine, or Mr. Cohn and you can come into the office downstairs and read it over. Otherwise, it will be put under lock and key. We have no intention of informing the press that you testified about anything at all today, and so unless you tell the newspapers you are here they will not know it.

Mr. KOHLER. I certainly won't tell them.

The CHAIRMAN. Then you are excused subject to call.

Mr. KOHLER. Thank you. If I can amplify this at any point, I would be glad to do that, but I think that I have told as full a story as I can.

The CHAIRMAN. After we call some of the other witnesses on this Austrian setup, we may want further testimony from you.

Mr. KOHLER. I will tell you what I will be glad to do, and this is off the record, I would say, because it would have to be extremely—

The CHAIRMAN. Off the record.

[Off the record.]

Senator JACKSON. Mr. Kohler, I just have a couple of questions I would like to ask you and I do not ask them to pry into your conduct outside the government but it is relevant to this matter. I believe you have testified that you have had these relationships over a period of twenty years.

Mr. KOHLER. That is what I have said, yes, sporadic relationships.

Senator JACKSON. How many people have been involved in those relationships over that period of time?

Mr. KOHLER. I would say about a half a dozen.

Senator JACKSON. Half dozen?

Mr. KOHLER. Yes, sir.

Senator JACKSON. At the time you were working for the government, were you inclined that way?

Mr. KOHLER. Very little, there is some relationship I believe I had but that never was in Washington.

Senator JACKSON. That was never in Washington, always away from Washington?

Mr. KOHLER. Never in Washington.

Senator JACKSON. You are absolutely certain that you have never had any relationships, referring to relationships now in the abnormal and homosexual sense, with any government employee?

Mr. KOHLER. Absolutely.

Senator JACKSON. Is that right?

Mr. KOHLER. That is right.

Senator JACKSON. Even though your behavior was along these lines when you worked for the government, including at the time you were with TVA?

Mr. KOHLER. That is right.

Senator JACKSON. You are absolutely certain about that?

Mr. KOHLER. There is no one employed by the government that I have ever had any relations with during that period of employment.

Senator JACKSON. How long were you with the government and the TVA?

Mr. KOHLER. Three years.

Senator JACKSON. Are you sure you have not had relationships with more than—what was your testimony—was it six?

Mr. KOHLER. I wouldn't apply a specific number to it, that is about all I can recall now.

Senator JACKSON. You recall some of these letters that you have written were in one to your friend "Alex," your pen pal, that you always were delighted to go to New York and stay at the Astor and to seek out these people on 42nd Street.

Mr. KOHLER. That doesn't mean that I had any relations with them, though.

Senator JACKSON. Why do you write that way?

Mr. KOHLER. Well, I don't know why these letters were written, to tell you the truth.

Senator JACKSON. You are an intelligent man, and you know you were not writing for your imagination.

Mr. KOHLER. I think there is a good deal of imagination in there, yes, sir.

Senator JACKSON. What about your testimony today, is your testimony here imagination?

Mr. KOHLER. No, sir, I have answered as truthfully as I can.

Senator JACKSON. You will recall this letter. It was identified as an exhibit.

Mr. KOHLER. That doesn't necessarily mean relationships, seeking them out and having relationships, it seems to me, is quite different.

Senator JACKSON. Do you recall this letter which will be identified as Exhibit 8, addressed to "Dear Alex," and I believe that is dated "Wednesday"?

Mr. KOHLER. Yes, sir.

Senator JACKSON. That is your handwriting and your letter?

Mr. KOHLER. Yes, sir.

Senator JACKSON. Do you recall about your trip to Paris and people you had met over there?

Mr. KOHLER. Yes, sir.

Senator JACKSON. Who is this lieutenant that you referred to?

Mr. KOHLER. I don't know who he is, I never met him, of course. I am just telling a story as related by someone else, and these don't represent any relationships, any actual relations of the kind we were discussing.

Senator JACKSON. Did you seek these people out on 42nd Street?

Mr. KOHLER. No.

Senator JACKSON. Have you ever in any other place?

Mr. KOHLER. I have been approached, as everyone is, that walks down there, and I have never done any solicitation on my part at all, anywhere.

Senator JACKSON. Have you accepted any approaches?

Mr. KOHLER. On these rare occasions, yes, I would say that that is why I keep using this word sporadic, it seems to me that that best describes it, as casual and certainly infrequent as a thing on my part.

Senator JACKSON. But you have accepted these proposals when you have been solicited?

Mr. KOHLER. Well, I think on these few rare occasions.

Senator JACKSON. On how many occasions, can you say?

Mr. KOHLER. I have already said it is around half a dozen.

Senator JACKSON. That is where you have accepted proposals made to you, and now how many proposals have you made to others?

Mr. KOHLER. None, I have never done it in my life.

Senator JACKSON. You have never done that?

Mr. KOHLER. I never have.

Senator JACKSON. Have you ever had any such proposals here in Washington?

Mr. KOHLER. Not that I know of.

Senator JACKSON. You never have been stopped? Can you refresh your recollection on that again?

Mr. KOHLER. I don't recall anything now, certainly.

Senator JACKSON. Are you sure about that?

Mr. KOHLER. Well, I wouldn't want to swear, because I think—

Senator JACKSON. Suppose you refresh your recollection a little.

Mr. KOHLER. I think maybe I have been approached here in Washington once or twice.

Senator JACKSON. And you accepted?

Mr. KOHLER. No.

Senator JACKSON. You did not accept?

Mr. KOHLER. No.

Senator JACKSON. And your testimony is then that you never have had any relationships at any time, and when I use relationships in this testimony I am referring to abnormal sex relations, and you understand that, and I don't want to be repetitious about that.

Mr. KOHLER. I think you have a slightly different meaning there as compared with some of the others here, if I understand what you were referring to.

Senator JACKSON. Well, your relationship as described in the letter to Alex in which you talked about Jack coming in the shower room, you wouldn't call that a normal, human relationship, would you?

Mr. KOHLER. Well, that is the point. Of course I say that nothing happened in the way of sexual relations, and you have used the term.

Senator JACKSON. You are an educated man, Mr. Kohler, and if you read that letter what would be your deduction as to what went on between you and this lad named Jack?

Mr. KOHLER. Nothing, because nothing is said, and in fact it is quite plain in bringing out that nothing did happen.

Senator JACKSON. You really believe that?

Mr. KOHLER. I think that that is clear, from the letter, at least the part that I read.

Senator JACKSON. That is all.

Mr. SURINE. That is all, Mr. Kohler.

Mr. KOHLER. I would like to make one general statement here, if I may.

First of all, you have dwelt a great deal on these letters which I think is perfectly all right from your point of view, but on the other hand I think that it might be well if at this point I try to sum up and give you a more coherent explanation of their meaning than I have. Of course, written documents are supposed to speak for themselves and I have gone on record here, I suspect, writing a number of seemingly compromising letters. Let me say this, that the letters have been written from my point of view as a literary exercise. Now, that may mean nothing to you, but I have written all of my life, I have authored several books and I am writing some more now, under contract. I have written for others, and I have written many articles and I was editor of a magazine for fifteen years on a part-time basis, and I have had a lot of experience putting words together in various ways. I have also taught in the university and I have been a full professor and at Northwestern University, by the way, not Chicago, as something in the record seemed to indicate. That was a long time ago. So that I have had a lot of experience with words and I would say that about half of the language that appears in these letters and remnants that you have here of letters fanciful, and I would say about half of it is fanciful. By that I mean that is only partially true and some of it is deliberately untrue, and it is simply an exercise in writing.

Now, of course one can't understand that, and you probably don't understand that, and I understand it, of course, because I did it. But I have never been in a place where I have had to explain this before, and so I may not be as clear as I should be. I may not put my ideas across. I suppose that only a psychologist could properly explain it, but I wrote these letters under considerable degree of stress which I had to relax in some way and I had to get off the beaten track and I had to step down from my position and do something at the other end of the line, so to speak. I had to be extreme in other directions. That is why these letters were written, and this individual happened to be a person that I could relax to, let me put it this way, this man Alex whom I never saw. This was simply a basis of where I could unbend completely without reservations.

Senator JACKSON. What other letters have you written along this line?

Mr. KOHLER. None, I never wrote to anyone.

Senator JACKSON. How do you account for your writing these letters?

Mr. KOHLER. I am trying to explain to you.

Senator JACKSON. Have you ever been under stress before?

Mr. KOHLER. Yes.

Senator JACKSON. As I understand your explanation now, I do not want to put words in your mouth, but as I understand it you explain your writing these letters because you were under stress.

Mr. KOHLER. Very much so.

Senator JACKSON. At the time you were under stress.

Mr. KOHLER. Yes, sir.

Senator JACKSON. That is the primary reason for it?

Mr. KOHLER. That is right, I had no other excuse.

Senator JACKSON. Have you ever been under stress before?

Mr. KOHLER. Yes, but it has been taken out in other ways, like playing tennis, which I can't do any more.

Senator JACKSON. You just write these letters and it seems to relieve you of something?

Mr. KOHLER. Yes, it had a wonderful effect, and relieved me completely, and I—

Senator JACKSON. Have you been to a psychiatrist?

Mr. KOHLER. No.

Senator JACKSON. Despite all of your problems?

Mr. KOHLER. I don't have problems, sir.

Senator JACKSON. You do not have any problems?

Mr. KOHLER. No, sir, I don't have any problems. I am kept completely busy in my professional work and I have more than I can do now and when I was here in Washington I worked seven days a week, sometimes fourteen hours a day and that is grilling work, and we were creating and we were doing something of a creating character and it demanded an outlet of some kind.

Senator JACKSON. How did you relieve yourself from stress in the past?

Mr. KOHLER. By doing other things that I just got through telling you, there are other ways, and if I had any chance for tennis, or physical relaxation here that would have taken the place.

Senator JACKSON. Well, you are an educated man. Do you think that it makes much sense to write letters that incriminate other people?

Mr. KOHLER. No, I don't.

Senator JACKSON. How do you account for that, then?

Mr. KOHLER. Well, I can't account for it now, except in those terms.

Senator JACKSON. You mean, you are trying to explain, and you say it is very simple.

You are just trying to relieve yourself of great stress.

Mr. KOHLER. That is right.

Senator JACKSON. And that is the only reason why you wrote those letters?

Mr. KOHLER. That is right. They had no other cause.

Senator JACKSON. Yet you were writing letters that could do harm to other people; is that right?

Mr. KOHLER. That is right, yes. Of course, I never realized this chap would ever turn these letters over to anyone. I just thought that was dead material.

Mr. SURINE. I have two questions.

Mr. KOHLER. I haven't finished my statement. I would as soon be interrupted, but I would like to have a chance to finish.

Mr. SURINE. Go right ahead.

Senator JACKSON. Go right ahead and finish. I did not mean to interrupt you. So proceed.

Mr. KOHLER. Other questions have been raised here, regarding my political beliefs. And I would like to go on record as saying that the best expression of the inferred belief that appeared in that letter that was quoted that I can think of at the present time may be found in the *Saturday Review of Literature* of January 24th. It is the leading article in that issue. It was written by C. C. Courtney, C-o-u-r-t-n-e-y.

Senator JACKSON. The January 24th—

Mr. KOHLER [continuing]. Issue of the *Saturday Review of Literature*.

Senator JACKSON. For this year?

Mr. KOHLER. Yes. It just came out. I read it last week.

Senator JACKSON. When did you write these letters?

Mr. KOHLER. Now, wait a minute. You don't see what I am talking about. I will go back and go over it again.

Senator JACKSON. That is all right. Go ahead.

Mr. KOHLER. No, I said this: that a question had been raised regarding my political beliefs. And I thought that I could agree very well with an article that had been written by a man by the name of Courtney, who is the chief economist of Esso Products Company, which is a subsidiary of Standard Oil of New Jersey.

Now, he wrote that letter to indicate some of the responsibilities of modern business, how they have changed during the last fifteen or twenty years. Whether you regard the changes as being due to the Roosevelt administration or to something else, such as natural evolution, is another matter.

But I am interested, because I consult with private business all the time. I am interested in observing that growth. And I have observed, during the time that I have been in business and consulting with business enterprises, a very specific growth toward a greater recognition of factor in business that previously never existed.

Now, among those factors are responsibility to consumers; a second factor, responsibility to employees; a third factor, responsibility to the public at large, whether or not the public at large consists of stockholders. There is more and more recognition of that. And this article that I speak of goes into considerable detail on that, and in fact it is the most perfect expression, or the fullest expression, that I have ever seen on that particular point.

Now, it is along some of those lines that I was attempting to make a point in this letter that I wrote: that everybody has made blunders in the past, that we stagger along, sometimes we go in this direction, sometimes in this, in that, sometimes forward, sometimes back, but over the whole thing, by and large, we have evolved into a business civilization, so to speak, that we have never had before. It is something different. The responsibilities of execu-

tives are different. We have the separation of ownership and management. We have a completely new type of top executives. As this man, Courtney, points out, there are a great number of large corporations in recent years who have employed university professors, who have hired them as presidents, in order that they may make sure—the directors have hired them on the idea that they may make sure that they have the proper ideas of relationships with the public.

Senator JACKSON. Social responsibilities?

Mr. KOHLER. Social responsibilities.

Senator JACKSON. And so on. But how does that tie in with your statement here about this Russian idea?

Mr. KOHLER. It ties right in with it. Because allegedly——

Senator JACKSON. Well, all the factors you mentioned do not exist in Russia.

Mr. KOHLER. No. Of course not. There is only one thing, you see, that I think I was referring to there.

Senator JACKSON. So I do not get your analogy.

Mr. KOHLER. There is only one thing I think I was referring to there, and that is the responsibility of corporate enterprise toward consumers.

Senator JACKSON. Well, what is the analogy with the Russian idea, then?

Mr. KOHLER. Namely, that that is purportedly one of the Russian ideals, that business exists only for consumers. We take the position, of course, that that is one of the purposes.

Senator JACKSON. You are an economist and a good student of economics. Why would you go to Russia to look for that idea? Why would you not go, for example, to the Scandinavian countries, where you have consumer co-ops?

Mr. KOHLER. That is right. You could do that.

Senator JACKSON. Well, they don't have such things in Russia. Where do you get your Russian analogy? I would like for you to explain that.

Mr. KOHLER. Well, I am not talking about the actual condition existing in Russia but rather the theory on which they first started to operate. That as far as I know still is their——

Senator JACKSON. But at the time you talked about it you were talking about the Russian idea. You did not say the Russian idea.

Mr. KOHLER. That was mentioned in a previous letter, which, of course, I can't produce.

Senator JACKSON. You cannot produce that?

Mr. KOHLER. No, because that was a letter written to me.

Mr. SURINE. As long as we bring up that point: You say even the Russian oligarchy, whatever it is, has failings as bad on that point as the administration and Congress. Holding up the Russians as the perfect ideal or holding up the Russians——

Mr. KOHLER. That was not the intention.

Mr. SURINE. That is the way it sounds.

Mr. KOHLER. The thing I was trying to say there was this: that the Russians have gone up and down, in various directions. They have landed certainly in the wrong spot. We have gone up and down in different directions. We think we are hitting the right spots. In other words, we think that what we have done is much

better from the standpoint of developing a sense of social responsibility than anything else that has previously been tried. Now, to the extent—

Senator JACKSON. Let us stick to this. You said in your earlier testimony that all this tied into your idea of the responsibility of business toward the consumer and the community.

Mr. KOHLER. Right.

Senator JACKSON. Now, where does a Russian idea fit into that?

Mr. KOHLER. I just got through saying that originally, and apparently in this letter that was written to me, reference was made to that as being a Russian idea.

Senator JACKSON. Well, your letter does not—

Mr. KOHLER. Well, I call it the Russian idea, because it is referred to in the previous letter as a Russian idea.

Now, I thought that that question would be raised again, so I brought along a copy of this book, and I would like to enter this book in the record, as expressing, as best I can express, my political and economic beliefs.

Senator JACKSON. The book will be left here with the files in connection with this matter, but we cannot include it as extended in the record, you understand.

Mr. KOHLER. The book, on the other hand, only in fairness to me, if you want to make something out of this other statement that I made—this book has occupied my time off and on for a period of fifteen years. It therefore includes this period, and includes a lot of other periods in my existence which I—

Mr. SURINE. We won't have that set out in the record, but we can take it as an exhibit in connection with your testimony.

Mr. KOHLER. And I hope you will look at it.

Mr. SURINE. Now, are you through, Mr. Kohler?

Mr. KOHLER. No, I am not sure. I want to make one more statement. That is, my whole regard for the employment I have had with the federal government, I have regarded my employment with the federal government as consisting of a professional responsibility. I have taken that point of view consistently, starting out with the TVA and winding up with the ECA. By that I mean that I have had only the highest ideals in mind so far as doing a job is concerned. I have worked long hours. I have put in a lot of time. I have been under considerable strain.

For example, the first few months that I was on the job here in Washington, I would sit at my desk for maybe six or eight hours at a time without moving. And one day I sat thirteen hours without getting away from the desk. That seems impossible, but I did it. And the result was that I developed a kidney stone. That was due to the fact, you see, that I was not performing the functions of life as often as I should.

I don't know whether this ought to go in the record or not. But it required an operation to remove the stone.

Now, the doctor at the time told me that that was due to the stress under which I was operating, and if I wanted to go on living, since that would have other effects besides that, I had better take it a little easier. However, I have done this consistently. I will always continue to do it.

In whatever I am engaged in, I get fired up with enthusiasm: I want to do a good job. I have nothing but that in mind. When I have hired the people or taken the tops of lists that have been presented to me, that is what I have done for the most part, or called in a personnel man and had him sift through a bunch of candidates, I have taken the man that I considered was best for the job and who would fit into the job better than anyone else. And I think you will find a good kernel of an organization of that type left in the ECA at the present time.

I think those men are competent. I think they are doing an excellent job. And I think if there is anything in the organization that you don't like, that must be left to the door of the top executives of ECA, who have to do with fashioning and implementing its policies.

That, I think, is something else, over which I of course, naturally, had no control.

Now, as the result of the work that I have done with the federal government at different times, I think I have been praised as highly as anyone that ever undertook comparable tasks. I don't want to praise myself in any way. I haven't any intention of doing it. The only purpose in saying it is to indicate that others have felt that I have done a conscientious job, as well as myself, I have tried to do it, you see, and I have left to others any statement on that subject that they might want to make voluntarily. I have never solicited these opinions.

If you want any opinion of the professional worth of the work that I have done on any of the jobs that I have had with the federal government, I think all you need to do is consult with the comptroller general and his assistants, also with the people in the Bureau of the Budget. The comptroller general has sung my praises for a long time, and he was the one that urged my coming into the ECA at the time when Mr. Hoffman made the proposition to me to come down here.

That is a remarkable situation, in view of the fact that in 1941, I had a run-in with the comptroller general, at which time he was testifying regarding the TVA. Those were my last few weeks with the TVA. He was testifying before a Senate agriculture committee. He made some statements about the TVA that he had to come to the committee the following day and apologize for. Because he had only been in office for a few months at that time. He had made some incorrect statements. He had to go back into the record after he had been accused of repeating some old canards that had been uttered regarding the TVA for many years prior to that time. And I witnessed that act on his part.

Now, it took him several years after I had left the TVA to find out what we had done in the TVA, what I had done there, and he now will tell you that the TVA has the best accounting structure of any federal organization, bar none. And that is what he is hoping that I can do for the Panama Canal Company; that is, that I can see to it that nothing on that order is left uncovered.

Mr. SURINE. Are you a consultant now?

Mr. KOHLER. That is right. I am a consultant. And he has put his best men down there to help me in that job. Two of them just came off the job last week. The job is about three-quarters done.

They are going down with me next week to put on the finishing touches. That will be my end to that particular engagement.

And during that time I will be working entirely with the representatives of the General Accounting Office. I don't think the Bureau of the Budget is going to have any representation down there.

But the sole purpose is to put through and complete a system that is very much like the TVA's, and which they all recognize as being what they call the TVA system.

Mr. SURINE. Mr. Kohler, you mentioned that you wrote these letters as more or less to relieve tension.

Mr. KOHLER. That is right.

Mr. SURINE. And that in previous years when you were, of course, younger and in better health, you could have relieved your tension by going out and playing tennis or something like that?

Mr. KOHLER. Or going hunting. Yes.

Mr. SURINE. You mentioned tennis.

Mr. KOHLER. Yes.

Mr. SURINE. In one of the letters we put into the record today, you made a statement—and those letters were made a part of the record—"that Jack can beat me in tennis and I can beat him in checkers," indicating that you still played tennis in '48 or '49, so that at the time you were writing these letters you were still making attempts to play tennis.

Mr. KOHLER. Very infrequently.

Mr. SURINE. That is the last question I have.

Mr. KOHLER. Very infrequently. I gave away my tennis racquet and equipment last year, if that means anything to you, because I had been only playing a few times a year, and I wasn't supposed to play at all.

Do you have any other questions?

Senator JACKSON. No, I have no other questions, Mr. Kohler.

We will stand subject to the call of the chair.

The witness understands that he is to return subject to the call of the chair.

Is there anything else you need for the record?

Mr. SURINE. No, sir.

Mr. KOHLER. When will I get a chance to read the record?

Mr. SURINE. It may be read in the confines of the room down there.

The record probably won't be ready for twenty-four hours, but at your convenience, any time you are in Washington, you may drop by, and I will be glad to let you read it, sir. There will be just one copy, you see. Ordinarily, we have three.

Mr. KOHLER. How long before the committee will use it? Because I don't want to come back this week again.

Mr. SURINE. Actually, Mr. Kohler, that is up to the chairman as to when he, himself, will use it. But as I recall, he stated to you earlier that he is having one copy made, which will be sealed in the safe, at which time we will look it over.

We are interested, of course, in this other situation, the question of the practice of materials, and so forth, going behind the Iron Curtain.

[Whereupon, at 5:45 p.m., the hearing was recessed, subject to the call of the chair.]

VOICE OF AMERICA

[EDITOR'S NOTE.—Created during World War II as part of the Office of War Information (OWI), the Voice of America (VOA) relied heavily on refugees who could speak the languages of the countries to whom it broadcast. Many had intensely anti-Fascist or anti-Communist leanings that colored their radio commentary and caused internal dissension within the agency. Dissident employees with the VOA formed an "Anti-Communist Underground," collecting files on suspected Communist sympathizers and leaking information to congressional critics, who accused both the OWI and VOA of being Communist infiltrated. Divisions within the VOA persisted during the Cold War era between those who wanted to use its broadcasts primarily to attack international communism and those who wanted to broadcast objective news to give the VOA more credibility than the propaganda-laden broadcasts out of Moscow.

On February 13, 1953, a headline in the *Chicago Tribune* read: "Uncover Plot in 'Voice' to Sabotage U.S." Under a New York dateline, reporter Willard Edwards wrote: "A senate investigation of Communist influences in the Voice of America headquarters here has uncovered amazing evidence of a conspiracy to subvert American policy in this nation's radio propaganda broadcasts abroad.

"Scores of witnesses, questioned day and night in the last week, have involved high officials in a detailed account, supported by documentary proof, which indicates deliberate sabotage of American objectives in foreign propaganda. . . . The senate investigations subcommittee, headed by Sen. McCarthy [R., Wis.] had planned open hearings here after an earlier preliminary investigation had indicated communist leanings among employees who direct the policy of foreign broadcasts intended to fight Russia's propaganda.

"But the closed door questioning has developed a picture of such appalling proportions that executive sessions, beginning tomorrow in the United States courthouse, have been ordered. The strictest secrecy concerning testimony was ordered by Roy M. Cohn, chief counsel. . . . Meanwhile, consternation prevailed in the Voice of America headquarters at 57th St. and Broadway, where 1,500 employees provide daily broadcasts in 46 languages and dialects for nations thruout the world. Committee subpoenas were fluttering on desks like pigeons in Union Square and more than 100 witnesses have been lined up for questioning.

"Despite the rigid secrecy ordered by the McCarthy staff, a reporter's inquiries in these offices elicited much information concerning the evidence being gathered. Many of those subpoenaed, it developed, had long waited for the day when they could testify concerning conditions in the agency when they were under congressional protection.

"This near fantastic situation emerged: Some two years ago, a large number of Voice of America workers banded together in an American underground' to oppose the operations of the pro-communist groups. They quietly gathered records and office memoranda which showed Red influence and stored them for the day of investigation which they hoped would come.

"These papers are being turned over to the McCarthy committee, together with oral testimony concerning the activities of policy directing officials."

On the same day that the article appeared, the subcommittee launched a series of executive and public hearings on the Voice of America. The lead witness, former Voice of America engineer Lewis J. McKesson (1903-1985), focused the subcommittee's attention on two disputed radio transmittal sites, Baker West at Port Angeles, Washington, and Baker East at Wilmington, North Carolina. The two powerful short-wave stations were in early stages of construction, but McKesson warned that both had been poorly located. The subcommittee's annual report agreed, asserting that the magnitude of waste and mismanagement connected with the stations suggested "deliberate sabotage as a possible alternative to hopeless incompetence." On February 17, the day after the subcommittee began televised public hearings, the government suspended construction of the two stations. The chief engineer, George Herrick, was removed from his post, and Secretary of State John Foster Dulles also accepted the resignation of Dr. Wilson Compton as director of the International In-

formation Administration (IIA), which ran the Voice of America. A month later, the Baker West and Baker East contracts were canceled entirely.

President Eisenhower then appointed Robert Johnson to head the IIA. Johnson's executive assistant, Martin Merson, in his book, *The Private Diary of a Public Man* (Macmillan, 1955), acknowledged that the IIA suspended the projects "as a direct result" of charges made before the subcommittee. He added that the Bureau of the Budget had imposed mandatory cuts on the agency, and that the White House had recommended substantially reducing the Voice broadcasts. "The contracts were costing money while in suspension and, in the absence of any clear expression giving us a mandate to proceed, we decided the alternative was to cancel." According to Merson, the new leaders of the IIA "concluded that there was no basis whatsoever for the wild and extravagant charges of subversion, incompetence or mismanagement in selection of the sites for the two stations." Both sites had been recommended by the Massachusetts Institute Technology's Research Laboratory of Electronics, RCA's Central Radio Propagation Laboratory, the Bureau of Standards, and the Army Signal Corps. None of the engineers or scientists who made those recommendations were called to testify.

In a related phase of its investigation into the IIA, the subcommittee questioned the availability of books by suspected Communists in U.S. information libraries overseas. Howard Fast was the first of many authors to be subpoenaed.

All of the witnesses who testified in executive session on February 13, 1953, later testified in public hearings. Lewis J. McKesson gave public testimony on February 16, 17, and March 13; Virgil Fulling on February 20; Edwin M.J. Kretzmann on March 2; and Howard Fast on February 18, 1953. See Permanent Subcommittee on Investigations, *State Department Information Program—Voice of America*, 83rd Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1953), 10 parts.]

FRIDAY, FEBRUARY 13, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
New York, NY.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953 at 10:30 a.m., in room 2804, U.S. Court House Building, Foley Square, New York City, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; David Schine, chief consultant; Henry Hawkins; Julius W. Cahn, counsel, Subcommittee Studying Foreign Information Program of the Senate Committee on Foreign Relations.

The CHAIRMAN. At this time I would like to introduce and have reproduced in the record a letter dated February 2nd, 1953, from the chairman of the Foreign Relations Committee, Senator Wiley, which letter speaks for itself.

The CHAIRMAN. Subsequent to the receipt of this letter, we contacted Senator Jenner, chairman of the Internal Security Committee, to determine whether we would be duplicating any work being done by Senator Jenner, and we were assured that this would not be a duplication, that he had no objection to our proceeding. We then invited the chairman of the Foreign Relations Committee and the chairman of the Internal Security Committee to attend the sessions if they so desired, and have informed them that if they did not attend, they would have transcript of the executive sessions available to them. We also invited the chief counsel of the Foreign Relations Committee, Julius Cahn, to attend the ses-

sions and take part in the questioning if he so desired. He has accepted that invitation and is here today.

We also invited the chief counsel of the Internal Security Committee, known as the Jenner committee, Mr. Robert Morris, to be present and also take part in the questioning of witness if he so desired, and I understand that Mr. Morris has come from Washington for that purpose and will be here later on in the morning.

We also contacted the subcommittee of the Committee on Foreign Relations on the Voice of America, headed by Senator Hickenlooper, phoned his office and asked Senator Hickenlooper if he wanted to be present during the executive sessions, and also informed him that there will be available to him a copy of the executive session testimony if he cares for it. I think it should be clear at this time that we are not merely going into the Voice of America. We intend to go into all of the government-operated information programs, to detect duplications, waste, incompetence, subversion, in other words laying the entire picture on the table.

The staff of Senator Hickenlooper's committee is, of course, very limited, and we have a staff that has been studying this problem for some time. We have a chief consultant who has been specializing in a study of the foreign information programs for a period of years, and we felt that we were in a position to render considerable service to the Foreign Relations Committee and to the Hickenlooper subcommittee.

Will you raise your right hand? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MORAN. [James M. Moran]. I do.

Mr. MCKESSON. [Lewis J. McKesson]. I do.

Mr. SCHINE. Your name?

TESTIMONY OF LEWIS J. MCKESSON

Mr. MCKESSON. Lewis J. McKesson, L-e-w-i-s M-c-K-e-s-s-o-n.

Mr. SCHINE. When did you work for the Voice of America?

Mr. MCKESSON. From December 1949 till November 1952.

Mr. SCHINE. What was your job there?

Mr. MCKESSON. I was an engineer. When I left I was a project engineer.

Mr. SCHINE. What were your duties?

Mr. MCKESSON. I was responsible for the engineering phases of the expansion program, parts of the expansion program.

Mr. SCHINE. Are you familiar with the transmitter projects of the Voice of America?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. Have you encountered waste?

Mr. MCKESSON. Yes.

Mr. SCHINE. What do you estimate the total waste that you have encountered to be, in dollars and cents?

Mr. MCKESSON. Approximately thirty-one million dollars.

Mr. SCHINE. We will go at these project by project and cite the specific dollars and cents waste in each case.

Mr. MCKESSON. May I refer to some notes I have?

Mr. SCHINE. Certainly. The total waste at Baker East?

Mr. MCKESSON. I estimate the total waste at Baker East, if completed as planned, will be \$9.5 million.

Mr. SCHINE. What is Baker East?

Mr. MCKESSON. Baker East is a super-power transmitter located on the East Coast, specifically in North Carolina.

Mr. SCHINE. Will you repeat the total waste in Baker East?

Mr. MCKESSON. My estimate is, if the project is completed as now planned, it will be \$9.5 million.

Mr. SCHINE. Are you familiar with the project Baker West?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. What do you estimate, if the project is completed, as planned, the total waste there will be in dollars and cents?

Mr. MCKESSON. Approximately \$9 million.

Senator JACKSON. Where is Baker West?

Mr. MCKESSON. Baker West is near Dungeness, D-u-n-g-e-n-e-s-s, Washington.

Mr. SCHINE. Are you familiar with Project John?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. What do you estimate the total waste to be there if the project is carried out?

Mr. MCKESSON. Well, that project is nearing completion, so most of that money has already been wasted.

I estimate that, due to excessive cost of buildings and sites, and so forth, that will be \$850,000; the antennas, \$270,000.

Mr. SCHINE. Are you familiar with the Project Jade?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. What do you estimate the total waste to be there?

Mr. MCKESSON. That is an identical station to John, and the values are the same; in site, and so forth; \$950,000; antennas, \$250,000.

Mr. SCHINE. What are John and Jade?

Mr. MCKESSON. They are new relay stations. John is located on the Island of Okinawa, and Jade is located in the Philippines near San Fernando.

Mr. SCHINE. Are you familiar with the Curtain Antenna project?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. What is the Curtain Antenna project?

Mr. MCKESSON. The Curtain Antenna project is a project started about three years ago, which was intended to improve the facilities, stateside facilities, of the Voice of America transmitter.

Mr. SCHINE. What is the total waste of the Curtain Antenna project?

Mr. MCKESSON. I estimate that is approximately \$3 million.

Mr. SCHINE. Are you familiar with the Rhombic Antenna project?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. What is the Rhombic Antenna project?

Mr. MCKESSON. That is a similar project to the Curtain, except that the type is a Rhombic type of antenna, R-h-o-m-b-i-c.

Mr. SCHINE. What do you estimate the dollars and cents waste to be with the Rhombic Antenna project?

Mr. MCKESSON. \$400,000.

Mr. SCHINE. Are you familiar with the Courier project?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. What is the Courier?

Mr. MCKESSON. The Courier is a floating relay base constructed on a small freighter. It has aboard a 450 kilowatt medium wave transmitter plus 235 kilowatt short wave transmitters, plus receiving equipment, studio equipment, and so forth.

Mr. SCHINE. What do you estimate the total waste to be in connection with the Courier project?

Mr. MCKESSON. \$700,000.

Mr. SCHINE. Are you familiar with Dog?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. What is Dog?

Mr. MCKESSON. Dog is a station that is to be similar to John and Jade, located in the eastern Mediterranean.

Mr. SCHINE. What is the total waste in dollars and cents of the project Dog?

Mr. MCKESSON. My estimate on that would be, if it is completed in the same manner as John and Jade are being done, that it will be approximately \$2 million,

Mr. SCHINE. And what about Tangier? What is Tangier?

Mr. MCKESSON. Tangier is a completed relay base transmitting short wave signals only, mainly to Europe and the Near East.

Mr. SCHINE. What is the total waste in conjunction with the Tangier transmitter?

Mr. MCKESSON. My estimate is \$800,000 on that.

Mr. SCHINE. Are you familiar with the Munich?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. What is the total waste there?

Mr. MCKESSON. Approximately \$100,000.

Mr. SCHINE. Are you familiar with East?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. Are you familiar with any waste in conjunction with the project East?

Mr. MCKESSON. Well, to my knowledge, when I left the Voice, East was understood to have been canceled.

Mr. SCHINE. I see. What is East?

Mr. MCKESSON. East is another one of the five ring plants. The location has not yet been decided.

Mr. SCHINE. Do you have any idea why East was canceled?

Mr. MCKESSON. Because the other projects ran out of money, and they had to get money from some place.

Mr. SCHINE. What is the practical significance of the cancellation of East?

Mr. MCKESSON. It means we have four ring stations, instead of five. Or we will have four instead of five.

Mr. SCHINE. And this means that because there was a waste of money, and they had to cancel this particular transmitter project, we are going to end up with less power in our program of information, and we will be able to transmit to fewer target areas.

You are prepared later on to explain in more detail some of this waste and the reasons for it?

Mr. MCKESSON. Yes, I am.

Mr. SCHINE. You are also, as I understand, prepared to present slides to the senators so that they can have a pictorial view of this?

Mr. MCKESSON. Yes.

Mr. SCHINE. All right. Thank you very much, Mr. McKesson.

Mr. COHN. What were the circumstances under which you left the Voice of America? You left voluntarily? Is that correct?

Mr. MCKESSON. Yes. I left, resigned, because I had done everything I thought was possible to correct this sad situation, and thought that I had reached the end of my rope, so I got out.

May I say the official record will say: "To accept private industry employment."

Senator JACKSON. Did I understand you correctly in saying that the estimated waste at Baker West was \$9 million?

Mr. MCKESSON. Yes.

Senator JACKSON. What was the total estimated cost of the project originally?

Mr. MCKESSON. I don't have those figures. Since I left I know there has been some shuffling of funds. But as I remember, the original amount appropriated was in the order of \$8,400,000. I am not sure.

Senator JACKSON. \$8,400,000?

Mr. MCKESSON. Yes. And since that time there have been additions and changes and delays.

Senator JACKSON. What is the estimated cost at the present time?

Mr. MCKESSON. My estimate is in the neighborhood of ten to twelve million dollars.

Senator JACKSON. Ten to twelve million dollars?

Mr. MCKESSON. Yes.

Senator JACKSON. Now, you said there is \$9 million waste. How do you reach that figure?

Mr. COHN. Could you do that in summary form for Senator Jackson?

Senator JACKSON. The original cost was \$8,400,000. You say it now will cost between \$10 and \$12 million, resulting in a \$9 million waste.

Mr. COHN. Let me see if I can develop that for you.

Mr. McKesson, on Baker West, the fact is, is it not, that the scientific results now indicate that more southerly location would be far superior; is that right?

Mr. MCKESSON. That is right.

Mr. COHN. And if it were located in a place in a more southerly location, to achieve this same result, it would merely be necessary to build up other transmitters?

Mr. MCKESSON. That is right.

Mr. COHN. It would merely be necessary to build up other transmitters now in existence, and the cost of that would amount to some half a million dollars; is that right?

Mr. MCKESSON. Approximately, yes, and it would deliver the same signal to the relay bases and the target areas.

The CHAIRMAN. I still do not follow. As Senator Jackson pointed out, the original estimated cost was \$8 million. It is going to cost, I think you said, ten or twelve million dollars. The estimate now is \$9 million. Those figures do not quite fall into the right grooves, it seems.

Mr. SCHINE. This divides itself into two phases, is it not true, Mr. McKesson? There is the over-all point that scientific research has

proved that the area of Washington is a mislocation, due to propagation studies?

Mr. MCKESSON. Right.

Mr. SCHINE. You are prepared to tell the senators exactly what these propagation studies are, with slides?

Mr. MCKESSON. Yes.

Mr. SCHINE. And is it not true that you have presented these propagation studies to other authorities, engineering authorities, such as the Radio Corporation of America engineer, such as the Massachusetts Institute of Technology people, and other people concerned with the project, and none of them have contested your theories?

Mr. MCKESSON. That is right.

The CHAIRMAN. Just for the record, what is a propagation study?

Mr. MCKESSON. Well, briefly, I might explain it this way, Senator. Radio waves, in going from the transmitting station to the receiving station, are absorbed by the ionosphere. Certain parts of the ionosphere absorb that signal much more than other parts. You might parallel it with a fog and light. Light goes through a fog very, very hard, but it goes through clear atmosphere good. Well, it is the same proposition with radio waves, or a parallel situation. And the location at Baker West: The path from Baker West to the target areas goes through much higher absorption areas than the path from the more southerly locations to the same target area.

The CHAIRMAN. Will you tell us how you arrive at the figure of \$9 million? Do I understand your testimony to be that your propagation studies have indicated that to locate the station in Washington state would be actually a waste of money; that you could get the same penetration to the target areas at a cost of \$8 million less if it were in some other location?

Mr. MCKESSON. Yes, that is right.

Senator JACKSON. If you took \$8 million from \$9 million you would have \$1 million.

Mr. MCKESSON. No that figure is arrived at this way. I used an estimated cost, if and when the station is complete of \$10 million.

Senator JACKSON. That is what it would cost if it were located in Washington?

Mr. MCKESSON. In Washington.

Senator JACKSON. What would it cost if it were located in California?

Mr. MCKESSON. By moving to California—

Senator JACKSON. Wait a minute. Just answer this one question. What would it cost to set up the station initially in California?

Mr. MCKESSON. Approximately \$1 million dollars.

Senator JACKSON. Only a million?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. To buy the equipment and everything, and the land?

Mr. MCKESSON. Yes.

Mr. SCHINE. May I clarify this? The station would have been much less expensive to build, because they wouldn't have had to pour in the money for the transmitter power.

What size station could achieve the same results on the southwest coast?

Mr. MCKESSON. That will vary with the conditions. However, my estimate is that a hundred kilowatt station will deliver as good or better signals than the one megawatt station in Baker West.

Senator JACKSON. You mean one million kilowatts would be required at Baker West at the present time, that is, one megawatt?

Mr. MCKESSON. Yes.

The CHAIRMAN. You made these studies and submitted them to MIT and other places?

Mr. MCKESSON. Yes, sir.

The CHAIRMAN. And they have agreed with you on this?

Mr. MCKESSON. Yes, sir.

The CHAIRMAN. How about the other engineers on the Voice? What position did they take?

Mr. MCKESSON. I would say in general all the lower echelon engineers have agreed with me.

Mr. COHN. Do you know anybody who at this time does not agree with you?

Mr. MCKESSON. No, sir.

Senator JACKSON. Are you an electronics engineer?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. Who were you with before you came to the Voice of America?

Mr. MCKESSON. I worked for RCA for over two years. During the war I was in the navy doing the same work. I was on the staff of Admiral Nimitz, Admiral Halsey, and General MacArthur, locating and studying radio conditions.

Senator JACKSON. How much would just the technical equipment and the structures cost in California, the physical structures to house the transmitting equipment, together with the technical equipment itself?

Mr. MCKESSON. To deliver the same signal that we expect to get from Baker West? Approximately \$1 million or less.

Senator JACKSON. Approximately \$1 million or less? That is just for the equipment and the buildings. Now, how much would it cost to acquire the land?

Mr. MCKESSON. Well, since to my knowledge no surveys have been made on that, I couldn't answer that. But I see no reason why it should necessarily be more expensive than Baker West.

Senator JACKSON. That requires quite a bit of land, depending on the size of the transmitter, I take it?

Mr. MCKESSON. Well, a smaller transmitter will require much less land.

The CHAIRMAN. Roughly, how many acres are required in these various projects?

Mr. MCKESSON. Approximately a thousand to fifteen hundred.

Senator JACKSON. So that the waste, in your opinion, in connection with Baker West is in the location of the project?

Mr. MCKESSON. Yes.

Senator JACKSON. Not so much in what they are doing?

Mr. SCHINE. May I clarify that, Senator? There is waste within the project itself, too.

The CHAIRMAN. I think Senator Jackson wants the witness to answer that.

Mr. SCHINE. Is there other waste in conjunction with the project?

Mr. MCKESSON. In my opinion, yes.

Mr. SCHINE. Will you elaborate?

Mr. MCKESSON. In my opinion, the luxurious station being erected there is not called for if our problem, our job, is to get maximum signal to the target area.

Mr. SCHINE. Is this what you mean by that, Mr. McKesson: that the construction, the building around the transmitter, is more elaborate than it should be?

Mr. MCKESSON. Yes.

Mr. SCHINE. How much should a building around the transmitter cost? What would be necessary, to achieve the purpose?

Mr. MCKESSON. I have estimated the cost of a suitable building to be in the neighborhood of \$250,000.

Mr. SCHINE. And what do the plans call for?

Mr. MCKESSON. I believe they are approximately \$800,000.

Mr. SCHINE. Is there other waste in conjunction with the actual execution of the Baker West project?

Mr. MCKESSON. Yes.

Mr. SCHINE. Is there waste in conjunction with the equipment that was ordered?

Mr. MCKESSON. I would not say that of the transmitters or the associated equipment. I would say it with regard to the antennas which are now planned for.

Mr. SCHINE. Would you clarify that, please?

Mr. MCKESSON. The present design of the antenna is far in excess of the requirements to provide suitable signals.

Mr. SCHINE. What is the waste specifically on the antenna project?

Mr. MCKESSON. I would estimate in the neighborhood of \$2 million.

Mr. SCHINE. Are you familiar with the contractor Watts?

Mr. MCKESSON. Partially.

Mr. SCHINE. In regard to the equipment Watts ordered, was there any waste there?

Mr. MCKESSON. I heard that there is, yes.

Mr. SCHINE. To whom were you responsible when you worked for the Voice of America?

Mr. MCKESSON. To Mr. [Julius] Ross, who was responsible to Mr. Herrick.

Mr. SCHINE. What was Mr. Herrick's job?

Mr. MCKESSON. He was chief engineer.

Mr. SCHINE. Was he responsible for the visualizing, the planning, and the execution of the transmitter projects?

Mr. MCKESSON. Yes.

Mr. SCHINE. To whom was Mr. Herrick responsible?

Mr. MCKESSON. He was responsible to Mr. Kohler and later to Mr. Morton.

Mr. SCHINE. Who was Mr. Kohler?

Mr. MCKESSON. Mr. Kohler was the number one man in New York.

Mr. SCHINE. In the Voice of America?

Mr. MCKESSON. Yes.

Mr. SCHINE. In other words, Mr. Herrick is responsible to the director of the Voice of America for the planning and the execution of the transmitter projects?

Mr. MCKESSON. Yes.

Mr. SCHINE. And you work closely with Mr. Herrick and who else?

Mr. MCKESSON. Ross was my immediate superior, Julius Ross.

The CHAIRMAN. What is Julius Ross's title?

Mr. MCKESSON. He is acting assistant chief of the engineering section.

The CHAIRMAN. I understand you are the chief project engineer.

Mr. MCKESSON. No, sir, I was a project engineer on John and Jade at the time I left, plus the communications project.

The CHAIRMAN. What occasion did you have, then, to study these other projects that you mentioned?

Mr. MCKESSON. Well, I was right in the set-up, and antennas and transmitters have been my specialty, and all the engineers conversed with me regarding this project.

The CHAIRMAN. The question that arises in my mind: You were on John and Jade. You gave us the figures on waste in the Baker West project, a building of seven or eight hundred thousand dollars which you said should cost two hundred thousand dollars. When did you have occasion to go into that? Did you make a study of that? How did it happen?

Mr. MCKESSON. Specifically, sir, my orders to come up with the estimate originated with General [Frank] Stoner in Washington.

The CHAIRMAN. Who is General Stoner?

Mr. MCKESSON. General Stoner is technical counsel, I believe his title is, to Dr. [Wilson] Compton.

The CHAIRMAN. Then General Stoner gave you the orders to make this type of survey, to estimate the waste in the various projects?

Mr. MCKESSON. Yes, sir.

The CHAIRMAN. I see. And how long did that survey take you, roughly?

Mr. MCKESSON. That particular one? I was down in Washington on a Thursday, and he wanted it available the following Tuesday. So it was work over the weekend, during which time I contacted various steel companies, and so forth.

The CHAIRMAN. Did you contact the project engineers in the various jobs?

Mr. MCKESSON. I gave him all the figures, yes.

The CHAIRMAN. How about the project engineer, for example, on Baker West? Does he agree with you that the smaller station down on the southwest coast at a cost of approximately a million dollars would furnish the same penetration of the desired areas as the more expensive station on the northwest coast?

Mr. MCKESSON. I believe he will so testify.

The CHAIRMAN. How much money has been expended on Baker West?

Mr. MCKESSON. Since I have not been there for approximately four months, I don't know.

Senator JACKSON. Could you give us a breakdown on that nine million dollars? What were the transmitter facilities? What do they cost, roughly?

Mr. MCKESSON. The megawatt transmitters were slightly less than a million dollars. There were two of those.

Senator JACKSON. It would be two megawatt-type transmitters?

Mr. MCKESSON. Two transmitters of megawatt type.

Senator JACKSON. So that is about two million, a million each? Now, what is the rest of the cost?

Mr. MCKESSON. Land.

Senator JACKSON. What do you estimate on the land?

Mr. MCKESSON. I believe that figure was approximately \$350,000.

Senator JACKSON. \$350,000 for land. The rest?

Mr. MCKESSON. Buildings, approximately \$800,000, I believe.

Senator JACKSON. \$800,000 for buildings.

Mr. MCKESSON. Antennas approximately \$3 million. These are all just figures I am pulling out of my head.

Senator JACKSON. I understand. \$3 million for the antennas.

Mr. MCKESSON. That is right.

Senator JACKSON. That is roughly the breakdown for the project.

Mr. MCKESSON. Yes, I believe so. Does that total to that?

Senator JACKSON. Well, I have not added it up. I have \$6,150,000. \$2 million for the two transmitters, one megawatt each, \$250,000 for land, \$800,000 for buildings, \$3 million for antennas. What was the other item?

Mr. MCKESSON. That is almost a million dollars for the other two transmitters.

Senator JACKSON. What is the size of those transmitters?

Mr. MCKESSON. One hundred kilowatts.

Senator JACKSON. And that will be about a million dollars?

Mr. MCKESSON. Yes. Then there is the studio equipment, the audio equipment, and so forth. That will run pretty close to a million.

The CHAIRMAN. May I ask one question here?

Number one, who was responsible for selecting the site?

Mr. MCKESSON. I believe Mr. Herrick, sir.

The CHAIRMAN. And number two, do you know whether he had available at that time the type of studies which have since been made?

Mr. MCKESSON. Yes, sir, he had them prior to that time.

The CHAIRMAN. And at that time he had before him the recommendations from the engineers that he could get the same penetration with much less costly equipment if it were located in a different part of the United States?

Mr. MCKESSON. May I answer that in this way, sir: At the time the decision was made, there was not complete unanimity among the engineers. Within a short time after the site was selected, I believe there was complete unanimity between RCA, MIT, the Bureau of Standards, and all the engineers up at the plant.

Senator JACKSON. As a matter of fact, the difference of opinion as to location, if any, was really between the Grace Harbor area on the coast, farther south in the state of Washington, and the Dungeness area?

Mr. MCKESSON. From the propagation standpoint, they were so close together it made very little difference.

Senator JACKSON. Whether it was located in Aberdeen or Dungeness?

Mr. MCKESSON. That is right.

Senator JACKSON. But had they given any consideration at all to California at the time this decision was made, as to Dungeness?

Mr. MCKESSON. I do not know. The first I knew that a decision had been made for the site near Aberdeen was when I read it in the paper.

Senator JACKSON. They decided on Aberdeen and later put it over in my congressional district.

Mr. MCKESSON. That is right.

Senator JACKSON. But my understanding was this. I remember a little bit about this, because there was a fight between the two congressional districts as to where it was to be located. Am I right in understanding that some people from the Voice, two engineers I believe, are supposed to have surveyed the Pacific Coast starting at California and going as far north as the Canadian line or the state of Washington? Is that correct?

Mr. MCKESSON. At that time I do not believe anybody had surveyed California or points south of Washington.

Senator JACKSON. You do not know? I mean, you would not have that information?

Mr. MCKESSON. No, I don't have it.

Senator JACKSON. I mean, it could be that a survey had been made by engineers from the Voice starting in California and going up the coast through Oregon and Washington?

Mr. MCKESSON. Yes, that is true.

Senator JACKSON. That is all.

The CHAIRMAN. Would you raise your right hand, Mr. Fulling? In this matter now in hearing before the committee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FULLING. I do.

Mr. COHN. Mr. Fulling, give us your full name, please.

TESTIMONY OF VIRGIL H. FULLING

Mr. FULLING. Virgil H. Fulling.

Mr. COHN. And where are you now employed?

Mr. FULLING. I am employed at the Voice of America in the news section.

Mr. COHN. And for how long a period of time have you been employed at the Voice of America?

Mr. FULLING. For the past five years. I was formerly with the OWI and transferred.

Mr. COHN. Then you transferred to the Voice?

Mr. FULLING. I transferred to the Voice.

Mr. COHN. How long have you been assigned to the news service of the Voice?

Mr. FULLING. Since I have been with the Voice, about five years.

Mr. COHN. You have been there for the entire five years? What are your duties, very briefly?

Mr. FULLING. My duties at present: I am the chief of the Latin American news service, and my duties are to process news. I have two or three writers under me. To process news, have it written, and send it on the wire to the Latin American language desk, across the street from us, and they translate it into Spanish and into Portuguese, and transmit it to Latin America.

Mr. COHN. It is transmitted over the Voice of America facilities to Latin America?

Mr. FULLING. Yes.

Mr. COHN. Has it been your impression that the function of the Voice of America is to counter propaganda and furnish true information about this country and the free democratic world?

Mr. FULLING. It has.

Mr. COHN. And to that end, have you tried to follow out these objectives?

Mr. FULLING. I have.

Mr. COHN. Have you ever noticed any attempts to interfere with you in your endeavors to carry out those objectives?

Mr. FULLING. I have.

Mr. COHN. For how long a period of time?

Mr. FULLING. For a period of time of approximately a year and a half or possibly two years.

Mr. COHN. Has that attempt been on the part of your superiors in the news service?

Mr. FULLING. I considered it such, yes.

Mr. COHN. Would you tell us very briefly, in general terms, just what this has involved?

Mr. FULLING. I have written, or had written, for transmission to Latin America, various news stories of interest to that area. These news stories at times, where I had placed emphasis on certain things which I felt in keeping with our policy of advancing the best interests of the United States of America—I have found that on the central news desk, which has the final judgment on my copy before it goes on the wire, changes have been made which materially affected the emphasis of that copy, the news material.

Mr. COHN. Has this happened on more than one occasion?

Mr. FULLING. This has happened, yes, on more than one occasion.

Mr. COHN. Now, I want to call your attention specifically to the date, January 21, 1953 of this year. Do you recall that day?

Mr. FULLING. Yes, I do.

Mr. COHN. Was that the day after President Eisenhower's inauguration?

Mr. FULLING. Yes.

Mr. COHN. And did one of these incidents to which you have referred occur on that day?

Mr. FULLING. Yes, it did.

Mr. COHN. Would you tell the chairman and Senator Jackson about that?

Mr. FULLING. The day after General Eisenhower's inauguration, we had various items from different countries in which they showed exultation or gratification that General Eisenhower had been inducted into office.

The CHAIRMAN. In other words, you got the wire services from the various countries showing what their reaction was to Eisenhower's inauguration?

Mr. FULLING. That is correct, Senator.

The CHAIRMAN. And that is the wire service that was supplied to all the newspapers in this country, and I assume you got the same wire service?

Mr. FULLING. That is true. We don't have as full a wire service as we would like.

The CHAIRMAN. What I meant to say was that you have no special wire service of your own. You use INS, AP, UP, and the regular wire services?

Mr. FULLING. That is correct.

The CHAIRMAN. So that the story you get on the wire would be the same as the story of one of the major New York papers?

Mr. FULLING. That is right. We get the regular INS service, which goes to the New York papers and also all throughout the country.

On this particular occasion, we had reports from various countries in Latin America, which is my field, which I handle, in which, as I said, they expressed gratification that Mr. Eisenhower had been inaugurated into office. I wanted to use these stories to our Latin American audiences to show their gratification.

In this connection, I wrote a page—I believe it was a page, but possibly two pages—of items from various countries, showing what they were doing and how they had received the news of his inauguration. This news item was designed for Latin American audiences through what we call the central news desk, after it had been written by my news section. They had to go through the central news desk, which reads copy on it. It is like a copy rating system on a newspaper. And they also, there, determine certain policy at the central desk. Previous to this, at a meeting about three o'clock that same day, I had discussed this with the chief of the Latin American services in Spanish and Portuguese to these various countries.

Mr. COHN. What is his name?

Mr. FULLING. Mr. Stephen Baldanza. We had one particular item in this round-up which concerned Guatemala. At this meeting we had the news services reporting on a demonstration in Guatemala, by anti-Communist organizations.

They were demonstrating in favor of General Eisenhower's inauguration as president. They were demonstrating in front of our embassy there to show that they were solidly with President Eisenhower in the inauguration.

After this discussion, we had agreed that these were anti-Communists, and we should use it that way to show that we had friends even in Guatemala, there, that the anti-Communists were on our side.

Mr. COHN. Did the INS dispatch specifically use the term "anti-Communist"?

Mr. FULLING. The INS dispatch did specifically use the term "anti-Communist."

After that I wrote the item, and I specifically used the wording from the INS dispatches: "Anti-Communist organizations." This

item went to the central news desk. It was changed on the central news desk. The term "anti-Communist" was stricken out, and other terms were inserted. One of these, as I recall—I think they said "the citizens of Guatemala" and in another, "democratic organizations," as I recall.

Mr. COHN. I have just handed the witness a document, Mr. Chairman.

Will you examine that for just a moment, Mr. Fulling? Do you recognize that?

Mr. FULLING. I recognize this.

Mr. COHN. Would you just turn over the page and look at it? Would you look at the back part, too?

The CHAIRMAN. The document consists of two full pages and two short pages. Right?

Mr. FULLING. That is correct.

Mr. COHN. Do you recognize all four pages?

Mr. FULLING. I recognize all four pages.

Mr. COHN. Now, what are the two short pages that the chairman was describing?

Mr. FULLING. The two short pages: One is an International News Service news dispatch. That is the INS dispatch.

The CHAIRMAN. From where?

Mr. FULLING. Dated January the 21st, from Guatemala City.

Mr. COHN. Does that dispatch use the term "anti-Communist"?

Mr. FULLING. This leads off by saying, "Anti-Communist Guatemalans."

Mr. COHN. Is this the news dispatch to which you have referred in your testimony?

Mr. FULLING. This is the news dispatch to which I have referred in my testimony.

Mr. COHN. This is the very one?

Mr. FULLING. This is the one, yes.

Mr. COHN. I see. Now, what is the second page, the second full page?

Mr. FULLING. The second full page?

Mr. COHN. Yes.

Mr. FULLING. The second full page is a copy of the news story which I had written, but which had been changed.

Mr. COHN. Now, does this show the way you had written it, first of all?

Mr. FULLING. It does. It has been marked out, but it can still be deciphered.

Mr. COHN. And in looking at that, do you find that you used the term "anti-Communist" as it had been used in the news dispatches on two occasions in your dispatch?

Mr. FULLING. Yes. It can still be deciphered there in the pencil marks.

Mr. COHN. What happened to the term "anti-Communist" in each instance in which you used it?

Mr. FULLING. In each instance the term "anti-Communist" was crossed out, was marked out in pencil, obliterated from the copy.

Mr. COHN. And in the first instance, was anything substituted for it?

Mr. FULLING. In the first instance the name "citizens" was substituted for "anti-Communist."

Senator JACKSON. Did they leave anything in the story with reference to this being an anti-Communist demonstration?

Mr. FULLING. They did not.

Mr. COHN. As to the insertion of this word, "democratic" what was the meaning of the word "democratic" to the Latin American audiences which you service?

Mr. FULLING. The word "democratic" to Latin American audiences is meaningless. Because the Communists in Latin America have taken over the usage of the word "democratic" and they have political parties which are known as "Accion Democratica" or Democratic Action parties. And the Communists in Latin America, we know, customarily parade under the name of "democratic organizations."

Mr. COHN. In other words, the adjective "democratic" doesn't mean the same down in South America, in the minds of the South Americans, as it does in the minds of the Americans?

Mr. FULLING. It does not.

The CHAIRMAN. In other words, here we distinguish between the Democratic party and democratic movements; is that correct?

Mr. FULLING. That is correct.

Mr. COHN. Did you object to these deletions from the script?

Mr. FULLING. I objected as soon as I found out about them.

Mr. COHN. You said as soon as you found out. Is it a fact that they did not tell you, as is the rule in the Voice of America, when they had made those changes?

Mr. FULLING. They did not tell me, and I found out about it after it had been put on the wire for transmission. Then I was informed that this had been made, and I immediately protested vigorously, and I protested first to the immediate superior of the man who made the changes, who was Mr. Donald Taylor.

The CHAIRMAN. Who was the man who made the change?

Mr. FULLING. A Mr. Robert Goldmann. I think his initials are signed there. But the man in charge of the central desk was Mr. Taylor.

The CHAIRMAN. Did they give you any reason why they struck out the words "anti-Communist organizations"?

Mr. FULLING. The reason they gave is that they thought it would broaden the meaning by crossing out the words "anti-Communist."

The CHAIRMAN. Have you had objections from the wire service before over the mutilation of their stories as they come in, changing them and slanting them?

Mr. FULLING. Yes, I have.

The CHAIRMAN. Have you had those objections often? Or very seldom?

Mr. FULLING. Well, I would say quite fairly often.

The CHAIRMAN. I assume one of the reasons why you wanted to use this as it came in over INS was because it would indicate to the Latin Americans that the anti-Communists favored Eisenhower, and therefore Eisenhower could not be friendly to the Communist cause.

In other words, you wanted to notify these Communists down in Latin America that the president of the United States met with the approval of the anti-Communists?

Mr. FULLING. I did.

The CHAIRMAN. And as mutilated, you feel that the script did not do that?

Mr. FULLING. No. And to further that a little more, Senator, the next day after this went on the wire, after it had been changed, the very next day, I got a call from Washington, and Washington wanted to know: "Who do you mean by 'democratic organizations'?" Because they had no knowledge of "democratic organizations." They didn't know what we were referring to, what we meant.

The CHAIRMAN. Who in Washington called you about that?

Mr. FULLING. A Mr. Allen Murray.

Mr. COHN. I just wanted to ask this one question. Who finally overruled your objection to the deletion of the term "anti-Communist"? Was that a Mr. Burman?

Mr. FULLING. Mr. Burman. Mr. Taylor overruled it after I had objected to it first. Then I insisted on taking it higher, and Mr. Burman, who is the assistant chief of the entire news section, was called, and Mr. Burman upheld Mr. Taylor's ruling.

Mr. Burman, at this time, said that he considered the writing as originally made was fuzzy and inconclusive.

Mr. CAHN. Mr. Chairman, may I just ask a question?

The chairman asked you as to whether there had been previous and additional mutilations of wire service copy, and you answered "yes."

Would you say that those mutilations of copy took on a consistent pattern? And if so, what was the pattern of the mutilation? Was it in a particular direction, or slant?

Mr. FULLING. It seemed to me that it was.

Mr. CAHN. And what was that directional slant?

Mr. FULLING. It seemed to me that the directional slant was leftist, if I may use the word.

Mr. CAHN. And by "leftist" what would you mean? Would you mean in the direction of—

The CHAIRMAN. In the direction of communism?

Mr. FULLING. Yes, sir. I mean to say: There seemed to be a shying away from the use of a direct term like "anti-Communist." There seemed to be apparent attempts to soften the term.

Senator JACKSON. Do you have any examples? I mean, what do you base it on?

Mr. FULLING. Unfortunately, I didn't keep a diary on this, so I can only recall from my memory of previous things. About six weeks ago, we had an abortive revolt in Bolivia. I wrote a story, in which I said that this abortive revolt had been quelled, quashed, and went on to say, in explanation of this, which I got from the news services also, that this revolt was by the members of the Bolivian government, who were middle-of-the-roaders, or rightists, we will say, in an effort to get rid of Communists or leftists in the same government. The Bolivian government is made up of both right-wing and left-wing and outright Communists. We know that. We gave that information. I tried to show that the intention of this abortive revolt, as stated by the news dispatches, was the attempt

of the right wing elements to get rid of the leftists and the Communists in the government. I wrote it along that line. When it went across the desk, they objected to that and wanted to say that instead of the revolt being directed against the Communists in the government it was directed against the government itself, which it was, but there was an apparent reluctance to have me go into an explanation, that while the revolt was against the government, the intention of it was to try to throw out the Communists.

Senator JACKSON. Let me ask you this question. I am not familiar with the Voice of America policy, but is it or would it be the policy for our news dispatches to give any indication as to how we stood with reference to an existing government?

Mr. FULLING. To give any indication of how we stood—

Senator JACKSON. Yes. I mean, these dispatches come from the Voice of America, which is a government-owned transmitting station, owned by the federal government. Do you have any policy, in other words, that you follow, in which you would be taking sides for or against an existing government?

Mr. FULLING. No, we do not.

Senator JACKSON. Is not that a bit of the problem here? That is what I am wondering about.

Mr. COHN. May we have received in evidence the papers identified by the witness here, the wire service dispatch and the dispatch he wrote?

The CHAIRMAN. Do you have in mind putting it in the record?

Mr. COHN. I have in mind receiving it as an exhibit. I would assume that the record contains sufficient quotations.

Mr. COHN. I have nothing more of Mr. Fulling.

The CHAIRMAN. I do not think I have at this time.

I understand you have a lot of witnesses.

Thank you, Mr. Fulling.

Incidentally, this is an executive session, and we would prefer that the witnesses not discuss their testimony in detail with the press. Otherwise, the purpose of an executive session is frequently lost.

Thank you, Senator.

The CHAIRMAN. Will you raise your hand, Mr. Kretzman. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KRETZMANN. I do.

The CHAIRMAN. How do you spell your name?

Mr. KRETZMANN. K-r-e-t-z-m-a-n-n, Edwin.

Mr. COHN. Mr. Kretzman, what is your occupation?

TESTIMONY OF EDWIN M. J. KRETZMANN

Mr. KRETZMANN. I am a Foreign Service officer, class 2.

Mr. COHN. In the State Department?

Mr. KRETZMANN. Yes, sir.

Mr. COHN. What is your present assignment?

Mr. KRETZMANN. Policy adviser to the Voice of America.

Mr. COHN. Are you the top policy adviser to the Voice of America in New York?

Mr. KRETZMANN. Yes.

Mr. COHN. And for how long a period of time have you held that position?

Mr. KRETZMANN. The date of assignment, I think, was June 5th, 1950.

Mr. COHN. Would you describe for us very briefly your duties?

Mr. KRETZMANN. Briefly? I will try. They are rather complicated. I am the chief point of contact between the New York office and Washington and am in constant contact with them for information on U.S. foreign policy, for information on information policies, and then we try to translate these into operational procedures for what stories we should pick up, what commentaries we should write. A great deal of what I do is completely within the framework of my directives from Washington, but then a great deal of what we do in the shop is judgment that we exercise in picking up certain things that we think implements the lines that are sent to us by Washington.

The CHAIRMAN. By Washington, you mean the State Department?

Mr. KRETZMANN. My direct channel is the so-called IPO. That is, the policy staff in the IIA. They are my direct and immediate bosses.

The CHAIRMAN. Will you tell us what the IPO and the IIA are?

Mr. KRETZMANN. The IIA is the International Information Administration, and I think he is an assistant minister for policy and plans.

Mr. COHN. What is his name?

Mr. KRETZMANN. W. Bradley Connors.

The CHAIRMAN. And then that other organization you mentioned?

Mr. KRETZMANN. Those are the initials for that staff.

Mr. COHN. And IIA?

Mr. KRETZMANN. International Information Administration.

The CHAIRMAN. And who is the head of that?

Mr. KRETZMANN. Dr. Wilson Compton, sir.

The CHAIRMAN. Dr. Compton?

Mr. KRETZMANN. That is right, sir.

The CHAIRMAN. And IPO stands for what?

Mr. KRETZMANN. That is the policy staff of the International.

The CHAIRMAN. What does it stand for?

Mr. KRETZMANN. International policy.

Senator JACKSON. International Policy Office?

Mr. KRETZMANN. Yes.

The CHAIRMAN. Mr. Connors is the head of that?

Mr. KRETZMANN. He is the assistant minister for policy and plans.

Mr. COHN. So, in other words, you are the contact between Washington and New York, and when you get directives from Washington you pass those on. I assume you accept them as they come, and you pass them on. Then, on those occasions when you do not have time to get down there, or when for one reason or another you cannot get word from them, you and your people have to exercise independent judgment?

Mr. KRETZMANN. Well, we can always get word from them. We can always get in touch with them, day or night, because they frequently call.

Mr. COHN. But there are occasions when you don't bother getting in touch with them. Is that right?

I don't want to waste time. The point is that sometimes on basic matters, I assume, on things where you feel you should have guidance from Washington you get guidance and follow it, and on other occasions when you think you don't need that guidance you go ahead and do it up here?

Mr. KRETZMANN. If the line seems sufficiently clear, we go right ahead.

Mr. COHN. Now, my next question is this: Do you recall some broadcasts that went out from the Voice of America on the Otis case, prepared by a Howard Maier, M-a-i-e-r?

Mr. KRETZMANN. Yes, very well.

Mr. COHN. And would you, for the benefit of the Chairman and Senator Jackson, very briefly, just describe those broadcasts on the Otis case? What were they, and what were they to accomplish?

Mr. KRETZMANN. Well, I have not reviewed them. That was over a year and a half or two years ago.

Mr. COHN. Give us your best recollection.

Mr. KRETZMANN. My recollection was that we took a very strong line in regard to the arrest of Otis, in which we felt that this was a very reprehensible act on the part of the Czech government, and we took a quite strong line in condemning this action and standing up for one of our main themes, the freedom of the press, at the time.

Mr. COHN. Now, having taken that line, did you have any communication from anyone in the policy division of the State Department concerning those broadcasts?

Mr. KRETZMANN. Well, you are using the term "policy division."

Mr. COHN. Did you have any communication from anyone in the State Department concerning those broadcasts?

Mr. KRETZMANN. Yes.

Mr. COHN. From whom?

Mr. KRETZMANN. One that I recall was from Mr. Vedler.

Mr. COHN. Is that V-e-d-l-e-r?

Mr. KRETZMANN. That is right.

Mr. COHN. Who was Mr. Vedler?

Mr. KRETZMANN. Mr. Harold C. Vedler. I don't know his exact title, but he is a political officer in the Eastern European bureau or section of the department.

Mr. COHN. Does that cover Czechoslovakia?

Mr. KRETZMANN. That covers Czechoslovakia among other things.

Mr. COHN. Do you recall receiving a written memorandum from Mr. Vedler in connection with the Otis broadcast?

Mr. KRETZMANN. Yes, I do.

Mr. COHN. Mr. Chairman, may I display to the witness a memorandum and an article attached to it?

The CHAIRMAN. Certainly.

Mr. COHN. Do you recognize this as the memorandum you received from Mr. Vedler, with an enclosure?

Mr. KRETZMANN. Yes, I do.

Mr. COHN. Mr. Chairman, may that be received in evidence as an exhibit?

The CHAIRMAN. These are Mr. Vedler's initials, attached to this? Is that correct?

Mr. KRETZMANN. To the best of my knowledge, yes, sir.

The CHAIRMAN. And to the best of your knowledge, this is his handwriting also?

Mr. KRETZMANN. Yes, sir.

The CHAIRMAN. May I read this?

This is the article to which I referred in our telephone conversation. A lot of us share this feeling about this particular broadcast.

Then the initials of Mr. Vedler. Right?

Mr. COHN. I believe, Mr. Chairman, it is a memorandum on State Department stationery.

The CHAIRMAN. And this was directed to you?

Mr. KRETZMANN. Yes, sir.

Mr. COHN. Now, I might first note for the record, Mr. Chairman, that the second part of the exhibit which has been received, the enclosure referred to by Mr. Vedler, is an article from the *Daily Compass* in New York, under date August 7, 1951, an article by Jennings Perry, which is entitled, "Voice's Script on Otis Case Not Worth Price of Admission."

Now, the memorandum states:

This is the article to which I referred in our telephone conversation.

Do you recall a telephone conversation with Mr. Vedler?

Mr. KRETZMANN. Yes.

Mr. COHN. And what was the nature of that telephone conversation?

Mr. KRETZMANN. Well; this is far back. I am quoting roughly from memory.

Mr. COHN. Give us your best, recollection.

Mr. KRETZMANN. Yes, certainly. They argued that this type of an approach, which was intended to be forceful, was likely to do the negotiations that might be going on for the release of Otis more harm than good. In other words, they thought—to be quite frank, I think Mr. Vedler even used that term—we should not be screaming about the Otis case, but we should be trying to keep it on a tone where they could be carrying on negotiations to try to get him out. That, as I recall, was his objection, to the tone of our script at the time.

Mr. COHN. Now, was that the only time when anyone in the State Department cited to you as an authority an article from the *Daily Compass*?

Mr. KRETZMANN. To the best of my recollection, yes. But I wouldn't say he cited it as an authority. He cited it merely as another expression of opinion along the same lines, he thought, that this was not the right way to free Otis.

The CHAIRMAN. In other words, he agreed with Perry. That is what he says. He says, "A lot of us feel the same way."

Mr. KRETZMANN. May I say, sir: I think he agreed with it because he didn't think this was the type of thing that would further the job we were trying to do, which was to try to get Otis free.

The CHAIRMAN. Mr. Kretzmann, you understood from this note that Mr. Vedler and, as he says, a lot of others in the State Depart-

ment agreed with the *Daily Compass* article of August 7, 1951, in regard to the Otis case, is that correct?

Mr. KRETZMANN. My impression of my conversation with Mr. Vedler was that he agreed with what the *Compass* said about the worthlessness of that broadcast.

Mr. COHN. Did you agree?

Mr. KRETZMANN. No, I did not.

The CHAIRMAN. The *Daily Compass* is no longer in existence, right?

Mr. KRETZMANN. That is right.

The CHAIRMAN. And how would you describe it? As a Communist-controlled publication?

Mr. KRETZMANN. We certainly never used it as anything but that. We read it because we wanted to get the Commie line.

The CHAIRMAN. In other words, you understood this to be a Communist-controlled publication, following the Communist party line?

Mr. KRETZMANN. Completely.

Mr. COHN. And you say, of course, you were in personal disagreement with the position taken by Mr. Vedler, and you had okayed the broadcast; is that right?

Mr. KRETZMANN. I okayed the broadcast, because I thought it would be awful for us to take a strong, positive line on this case.

Mr. COHN. Now, Mr. Kretzmann, I asked you to produce here this morning a memorandum which we understand was received by the Voice of America, under the signature of W. Bradley Connors, assistant minister for policy and plans in the State Department, on February 3, 1953. Have you produced a copy of that?

Mr. KRETZMANN. I have the memorandum. The cover sheet was circulating. I couldn't run it down in that short time. But that is the memorandum, I am sure, that you were referring to. The cover sheet, which bore the date of February 3rd, is somewhere in the shop, but I couldn't trace it down this morning. It is in circulation.

Mr. COHN. Mr. Chairman, may there be received in evidence a copy of this memorandum which has just been produced by the witness? I notice that Mr. Connors' signature is missing from this particular copy here.

Mr. KRETZMANN. This is our reproduction of it in the shop for discussion.

Mr. COHN. I see. And you merely omitted the signature at the bottom, which says, "For the Minister, W. Bradley Connors."

Mr. KRETZMANN. Yes, that is the way it came up.

Mr. COHN. You will testify now under oath that it came up from Washington under the signature of Mr. Connors. Is that right?

Mr. KRETZMANN. May I just compare the text?

I am sure it is the same text, because we had it reproduced. This was revised twice. And I want to make sure that we have the right copy.

The CHAIRMAN. May I suggest, if Mr. Kretzmann recognizes the original as the one received, that that be received in evidence rather than the mimeographed copy.

Mr. KRETZMANN. This is exactly the same memorandum, sir.

Mr. COHN. May we have this typewritten copy received, then?

The CHAIRMAN. Yes. Showing the signature of Mr. Connors.

[This memorandum was published in Permanent Subcommittee on Investigations, *State Department Information Program—Voice of America*, 83rd Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1953), Part 2: 144–45.]

Mr. COHN. I would suggest we also have the reproduction received as an exhibit, but not incorporated in the record.

The CHAIRMAN. It will be received.

Mr. COHN. Mr. Chairman, I would like particularly to call the committee's attention to this. The memorandum is called "Information Policy for Use of Materials Produced by Controversial Authors."

Mr. KRETZMANN. Isn't it "persons"?

Mr. COHN. I am sorry; "Persons." You are quite right.

Now I want to refer to the fourth full paragraph, the third full sentence, in which it says:

Similarly, if—like Howard Fast—he is known as a Soviet-endorsed author, materials favorable to the U. S. in some of his works may thereby be given a special credibility among selected key audiences.

You have read that sentence, have you not?

Mr. KRETZMANN. I have.

Mr. COHN. Do you interpret that to mean that books by Howard Fast may be used in connection with the information program?

Mr. KRETZMANN. I don't feel competent to answer that question, because I don't determine the policy. We would not do it, on the Voice.

Mr. COHN. Now, let me ask you this: You received this memorandum from the Department of State under Mr. Connors' signature, entitled: "Information Policy for Use of Materials Produced by Controversial Persons." That is a long memorandum. I don't want to read it, but the upshot of it is that the reputation abroad of an author affects the utility of the material, and even though he might be a controversial person in the states his material should nevertheless be used, even if he is controversial, on the theory that special credibility may be given among selected key audience to his works.

Mr. KRETZMANN. That is correct. But I might say that this has been discussed—the reason for its being reproduced is that we do not feel that this particular directive covers our problem in the radio field, and I have received permission from Mr. Connors to draft in our own office an appendix or annex to this as applicable to the radio operation.

Mr. COHN. All right. Let me get to this, then. You have received this, and you don't want to use this in your own field, and you now receive permission not to. But on reading this over, you are the policy director, and does that or does it not mean to you that it would be permissible under this memorandum to use works of Howard Fast?

The CHAIRMAN. There can be no other interpretation, can there?

Mr. KRETZMANN. I think that is quite right; that it is permissible. We wouldn't do it. I would be very glad to explain our system, how we operate this.

The CHAIRMAN. See if I am right. The only way you can interpret this, if it needs interpretation, is that Connors is saying, "If you find a man like Fast, who has a reputation of being a Communist,

you can use him if you find something in his writings which you think should be used.”

That is, in effect, what he says?

Mr. KRETZMANN. That is what he says. I will agree with you on that interpretation.

The CHAIRMAN. But when you received this, you made a copy and distributed it to all the personnel in the Voice?

Mr. KRETZMANN. The director of the Voice appointed a committee, consisting of four people, myself being on it, to review this thing and to come up with an annex as to how this policy was to be applied in the field of radio broadcasting.

The CHAIRMAN. All right. What was your distribution of the mimeographed copy?

Mr. KRETZMANN. Well, I would have to check that, sir, to be absolutely accurate, but it went to members of the committee and the chief of the program branch and the chief of the evaluation unit, the public information officer, and myself. I think it was reproduced, sir, so that all of the desk chiefs could make their comments on it, and I think that has been the circulation, to the forty-six language desks.

The CHAIRMAN. There is nothing here that indicates that you are asking for comments on what is entitled “Information Policy for Use of Materials Produced by Controversial Persons.” Would it not be proper for me to assume, if I were head of one of the desks over in the Voice, and I received this that I could consider this as the policy?

Mr. KRETZMANN. No, sir. I am sorry. This is my fault. I tore the cover sheet off this morning, because what Mr. Cohn had asked me for was a copy of this memorandum. He didn’t ask me for our internal office memo on it, but I would be glad to bring you the cover sheet to the various people on the committee.

The CHAIRMAN. Let me ask you this. Do you believe it would be wise to do what he says, use the writing of Communist authors?

Mr. KRETZMANN. I do not, sir, and I am on record as having opposed that information.

The CHAIRMAN. It would seem, offhand, this would be very unwise and that it would give them stature as being recognized by the Voice as authorities and would give their works wider publication.

In any event, did you contact Connors on this?

Mr. KRETZMANN. I contacted his staff and told him that we did not believe this was applicable to us and we were drafting our own directive as to how we would handle this in radio broadcasts, subject to his review.

The CHAIRMAN. Have you drafted that?

Mr. KRETZMANN. No, sir, not as yet.

Senator JACKSON. Did they indicate where you were to use the Fast articles?

Mr. KRETZMANN. Well, my feel is that this was written largely to help libraries on which they should or should not have certain books included in their collections.

Senator JACKSON. Libraries where?

Mr. KRETZMANN. Overseas. Information libraries.

Senator JACKSON. So your interpretation was that Mr. Connors was recommending that Fast's articles be included in the libraries overseas?

Mr. KRETZMANN. Well, within the framework of the conditions that he places on it, if the judgment is that in that audience, in that area—

Senator JACKSON. What possible areas could such articles be used in? That is what I am trying to get at.

Mr. KRETZMANN. I think the argument turns—and, as I say, I am on record as having a different view; I disagree very strongly with this approach.

Senator JACKSON. Was there any discussion between you and the staff, Mr. Connors' staff? You mentioned something earlier about a discussion with Mr. Connors' staff.

Mr. KRETZMANN. Well, I just called them when we received this, for our concurrence, and said that we did not consider this would solve our problem.

Senator JACKSON. Did you ask them this question, for instance: "How could you," meaning you folks, the Voice up here, "possibly use Mr. Fast's articles in connection with your program, inasmuch as Mr. Fast apparently is a follower of the Communist party line?"

Mr. KRETZMANN. I flatly told them that we would never use Mr. Fast in our operation.

Senator JACKSON. Did they indicate why they would include his articles, in this memo?

Mr. KRETZMANN. Well, I can only answer this by saying this was not written for us. It was written for other operations of the information program.

Senator JACKSON. But did you have any discussion on this point with Mr. Connors' staff?

Mr. KRETZMANN. I told Mr. Connors' staff that we would not use anything of Mr. Fast, because we cannot use it in our operation. You can't broadcast from the United States and quote Mr. Fast.

Senator JACKSON. I understand that. That is why I wondered if you asked them why they would send you such a thing. What answer did they give?

The CHAIRMAN. That is a good question.

Mr. KRETZMANN. It is a very good question, and I don't know that I am answering it very well, but—

Senator JACKSON. Let me ask you this: Did you ask any questions along the line I have indicated here, the question I have raised? Did you, in other words, in similar words ask that question of Mr. Connors' staff or of Mr. Connors?

Mr. KRETZMANN. Not quite in your words, sir.

Senator JACKSON. Substantially the same?

Mr. KRETZMANN. Well, yes. I said: "We can't follow this directive and use any part of Mr. Fast in our program."

Senator JACKSON. Well, now, that is a statement on your part. But did you ask any questions?

Mr. KRETZMANN. I said, "Well, the matter of whether you use them in libraries is not within my competence, but I don't agree with it. It isn't within my competence."

Senator JACKSON. Can you say whether you asked them why? Were you not curious to know why they would include Mr. Fast's articles in this memorandum? That is what I am trying to get at.

Mr. KRETZMANN. Well, I told them that I did not agree with that.

The CHAIRMAN. No, the question is: What did he say? In other words, when you talked to Connors, you said: "I don't believe we should use Communist writers." Did he explain to you why he sent this memorandum to your department saying that the policy of your department shall be to use Communist writers like Howard Fast? In other words, what did he say? Not what did you say.

Mr. KRETZMANN. Well, first of all, I didn't talk to Mr. Connors himself. It was one of his staff.

Mr. COHN. Whom did you talk to on his staff?

Mr. KRETZMANN. This is some three or four weeks ago. It was probably either Mr. Montgomery or Mr. Pollock.

Mr. COHN. This is dated February 3rd.

Mr. KRETZMANN. Our copy is dated earlier, January 15th.

The CHAIRMAN. You talked to somebody over in Connors' office?

Mr. KRETZMANN. Yes, sir.

The CHAIRMAN. Did you ask them why they felt you should use Communist-produced works? Did you ask for the reason? This must have come, I assume, as rather a shock to you, when you got a memorandum saying, "Use the works of Howard Fast," and you knew he was a Communist writer, and you knew he had been endorsed by the Soviets. Did you say, "Why? Why do you want us to use a Communist writer's works?"

Mr. KRETZMANN. I said we wouldn't do it.

The CHAIRMAN. Did you ask him "Why?"

Mr. KRETZMANN. I placed us on record as being opposed to this also, and they said they would pass this on.

The CHAIRMAN. Did you ask them at that time why they felt that you should use the works of Communist writers?

Mr. KRETZMANN. No, sir, I didn't ask them for their reasons.

Senator JACKSON. The reason I ask the question: I don't know whether there is some plan to use this in Czechoslovakia, if we still have an information center there, to show Mr. Fast might be following a line different from the Communists. I am trying to, in my own mind, conceive of what possible reason they would have for using the Fast articles. Did you not have some curiosity about it in your own mind?

Mr. KRETZMANN. This has quite a long history. There have been several other drafts of this before, which we have not accepted.

The CHAIRMAN. Will you produce all those drafts, then?

Mr. KRETZMANN. There are quite a few of them.

Mr. COHN. Can we have those this afternoon?

Mr. KRETZMANN. I will try to dig them out for you.

This revolves about *Citizen Tom Paine*, which is felt, not by me but by others, to have some useful views. None of the literature books.

Senator JACKSON. What areas did they have in mind?

Mr. KRETZMANN. I don't know, sir.

Senator JACKSON. I mean what areas did they discuss?

Mr. KRETZMANN. Well, this wasn't discussed with me, because I have only the responsibility for the radio broadcasts.

Mr. CAHN. Mr. Chairman, may I just ask: Do you know any other instances in which authors identified with the Communist cause have been utilized in the radio, library, or other operations of the IIA?

Mr. KRETZMANN. I hope you will ask me to answer only for the radio, because I can't answer for the others.

Mr. CAHN. All right. In so far as radio is concerned.

Mr. KRETZMANN. Well, I can only answer to say that we have been on our guard to see that it doesn't happen. When you are covering special events all over the world in a great many items, it is quite possible that in the last three years while I have been there somebody has been introduced who has association records, but we are on our constant guard against it, and I would like to place on record, if I may, sir, the way we handle this problem, just very briefly.

Whenever anybody is approached for special events or special material, review of a play or a piece of music, the request is channeled to our special events people, who then make a check with me, and I have facilities for making a name check on those people, and if they are in any way on any of the attorney general's list or associations, I know immediately, and I then make the decision. And quite frankly, I have been making them very negative, just "absolutely no."

The CHAIRMAN. And you have the advantage of the FBI material on those names?

Mr. KRETZMANN. Yes; that is the way we handle it, and this is what we are going to spell out in our annex to it.

Mr. COHN. I wonder if we could dispense with this witness' testimony now?

The CHAIRMAN. As you know, this is an executive session. The purpose of an executive session, or one of the purposes, is to avoid making public charges about any individual in the department until we are convinced that there is at least some merit to the charges. We try to get both sides of the picture. So if the witnesses go out and discuss their testimony, the effect of the executive session is lost.

We would prefer that you not discuss your testimony with the press.

Mr. KRETZMANN. Very well, sir. I will be at your disposition whenever you call.

The CHAIRMAN. Mr. Fast, will you stand up and raise your right hand? In this matter before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FAST. I do.

The CHAIRMAN. You are his counsel, I understand. Will you identify yourself?

Mr. WOLF. Benedict Wolf, 160 Broadway.

The CHAIRMAN. W-o-l-f-e?

Mr. WOLF. W-o-l-f.

The CHAIRMAN. And your middle initial?

Mr. WOLF. No middle initial.

The CHAIRMAN. Incidentally, under the rules adopted by the committee, Mr. Fast will be allowed to consult with his counsel when-

ever he cares to. Counsel will not be allowed to interrupt the proceedings, however, and take any part in the proceedings other than to consult with Mr. Fast whenever Mr. Fast so desires. If you at any time wish to carry on any confidential consultation during the course of the hearing, we will let you retire to some place where you may have those consultations.

Proceed.

Mr. COHN. Your full name, please?

**TESTIMONY OF HOWARD FAST (ACCOMPANIED BY HIS
COUNSEL, BENEDICT WOLF)**

Mr. FAST. Howard M. Fast.

Mr. COHN. And your address?

Mr. FAST. 43 West 94th, New York.

Mr. COHN. And what is your occupation?

Mr. FAST. A writer.

Mr. COHN. You are a writer. Are you the author of *Citizen Tom Paine* among other works?

Mr. FAST. I am.

Mr. COHN. Mr. Fast, are you now or have you ever been a member of the Communist party?

Mr. FAST. I must refuse to answer that question, claiming my rights and protection under the First and Fifth Amendments to the Constitution of the United States.⁹

Mr. COHN. Are you now a member of the Communist party?

Mr. FAST. I refuse to answer that question for the same reasons I stated before.

Mr. COHN. When did you write *Citizen Tom Paine*, Mr. Fast?

Mr. FAST. When did I write it? Or when was it published?

Mr. COHN. I am sorry. When was it published? That is the date I want.

Mr. FAST. It was published, I believe, in April of 1943.

Mr. COHN. And at the time it was published, were you a member of the Communist party?

Mr. FAST. I must refuse to answer that question also on the basis of the rights guaranteed to me by the First and Fifth Amendments to the Constitution.

Mr. COHN. During the period of time you were writing the book, while you were preparing the material and writing the book, were you a member of the Communist party?

Mr. FAST. I refuse to answer that question, for the same reasons I stated before.

The CHAIRMAN. Just so the record will be clear and that all the members and the staff understand, it should appear that the section of the Constitution to which the witness refers is the section which gives him the right to refuse to answer if he feels his answer may incriminate him.

Mr. COHN. Now, are you the author of any other books?

Mr. FAST. Yes.

Mr. COHN. How many, Mr. Fast?

Mr. FAST. I don't know offhand.

⁹In his memoirs, *The Naked God: the Writer and the Communist Party* (New York: Praeger, 1957), and *Being Red* (Boston: Houghton Mifflin, 1990), Fast wrote that he had joined the Communist party in 1943 or 1944 and resigned from the party in 1956.

Mr. COHN. Would you give us an approximation, please?

Mr. FAST. I will name those of the books I can remember.

Mr. COHN. Would you do that?

Mr. FAST. *Place in the City, Conceived in Liberty, The Last Frontier, The Unvanquished, Citizen Tom Paine, Freedom Road, The American, Patrick Henry* and *The Frigate's Keel*.

Do you want me to try to go through all of them?

Mr. COHN. Just continue on.

The CHAIRMAN. As many as you can remember.

Mr. FAST. Clarkton, The Children.

The CHAIRMAN. Well, those are the ones you recall?

Mr. FAST. *My Glorious Brothers, The Proud and the Free, Spartacus*. And that isn't the end of it.

Mr. COHN. Mr. Fast. I would like to ask you the same question addressed to each one of these books which you have mentioned.

At the time you wrote each one of these books, were you a member of the Communist party?

Mr. FAST. I would refuse to answer that question on the same grounds that I stated before.

Mr. COHN. Would you refuse to answer that as to each and every one of those books enumerated, as well as to any other book you have written?

Mr. FAST. Let me make my position plain. I will claim this privilege guaranteed to me under the Fifth and the First Amendments to the Constitution of the United States. In terms of any question which makes reference to the Communist party or organizations or periodicals cited in, let us say, the House Committee on Un-American Activities' list of so-called subversive organizations.

Mr. COHN. Do you know a man by the name of Bradley Connors, C-o-n-n-o-r-s?

Mr. FAST. I don't recollect the name.

Mr. COHN. I see. Do you know anybody currently employed in the State Department having any connection with policy?

Mr. FAST. Do you mean have I met anyone? You see, this is such a broad question, and I don't want to risk any chance of answering it incorrectly.

Offhand, I can't think of anyone I know who is employed in the State Department, policy-wise or otherwise.

Mr. COHN. Very well. Now, my next question is: Have you ever been convicted of a crime?

[Witness consults with counsel.]

Mr. FAST. Do you include a misdemeanor as a crime?

Mr. COHN. I would include a misdemeanor as a crime.

Mr. FAST. I have, yes.

Mr. COHN. And what was it, and when?

Mr. FAST. I was convicted of contempt of Congress in the federal court in Washington—when? My lawyer probably remembers the date better than I do.

Mr. COHN. And about when was that?

Mr. FAST. I believe it was 1947.

Mr. WOLF. I think so. I am not sure.

Mr. FAST. Possibly about May of 1947.

Mr. COHN. What sentence did you receive?

Mr. FAST. Three months and a fine.

Mr. COHN. Did you serve that term in jail?

Mr. FAST. Yes.

Mr. COHN. Have you ever been arrested for any crime?

The CHAIRMAN. Any other besides the one you mentioned.

Mr. FAST. Well, arrest. Arrest in that sense? I don't think so.

Mr. COHN. In any sense, have you ever been arrested?

The CHAIRMAN. Either arrested or convicted.

Mr. FAST. I have been brought in on one occasion by an officer, for crossing a white line in Briarcliff.

The CHAIRMAN. You could not know of any other crime of which you were convicted?

Mr. FAST. I was never on trial at any other occasion that I can remember.

The CHAIRMAN. Have you ever been consulted by anyone in the Voice of America?

Mr. FAST. Now, I want to clarify this: You see, I know from the papers that this is a hearing on the Voice of America. I read that. When you say, "The Voice of America," what do you mean?

The CHAIRMAN. Well, we mean just that, the Voice of America. Let us make it broader. Have you ever been consulted by anyone in regard to any of our government information programs, regardless of whether it is the Voice of America or any other government information program?

Mr. FAST. Consulted by someone?

The CHAIRMAN. Yes.

Mr. FAST. Yes, I have.

The CHAIRMAN. Who have you consulted with?

Mr. FAST. When you use the term "consulted," I presume you mean discussed this question with me?

The CHAIRMAN. Yes, using it in its broadest sense, any discussion you have had with any of the people over in any of the information programs.

Mr. FAST. Various people who were a part of the Office of War Information, overseas radio division.

The CHAIRMAN. Will you name some of them? Name all those you can remember.

[Mr. Fast confers with his counsel.]

Mr. FAST. Before I do that, I want to just clarify my position there. I worked in the Office of War Information.

The CHAIRMAN. How long did you work in the OWI?

Mr. FAST. I worked there, I believe, from November of 1942, from about November of '42, to about November of '43. That is a long time ago. My memory isn't too certain on that. But I believe about then.

The CHAIRMAN. In other words, about a year?

Mr. FAST. About a year.

The CHAIRMAN. And I assume your answer would be the same as it was previously, but I will ask you the question anyway.

At the time you were working in the OWI, were you a member of the Communist party?

Mr. FAST. I would have to refuse to answer that question for the reasons previously given.

The CHAIRMAN. Who hired you in the OWI? Who recruited you?

Mr. FAST. What do you mean "recruited"?

The CHAIRMAN. Well, would you just give us a description of how you happened to get the job in OWI?

Mr. FAST. I want to again preface my remarks by saying this is ten years ago, and I am not too clear. It is over ten years ago, and my memory would play false with me. But as I remember it, I was at that time living in Sleepy Hollow, New York, with my wife, the same one I am married to now, and I received my draft notification, and this gave my wife and myself reason to believe I would be drafted within the next couple of months. So we closed up our house in the country and moved into town. And I knew some people then who were working at the Office of War Information, and I dropped up to see them, and I said—

Senator JACKSON. Whom did you know?

Mr. FAST. Let me finish this, and I will go to that—to fill in this interim period, I would like to do some work with the Office of War Information, and, “How do I go about applying?” And I think I was told how I go about applying, and I simply applied. This, I think—I am very unclear about it because it was so long ago.

The CHAIRMAN. Mr. Jackson asked the question: Whom did you know there and whom did you consult?

Mr. FAST. Excuse me.

[Mr. Fast confers with his counsel.]

Mr. FAST. You want to know who I knew before—

The CHAIRMAN. Yes. You told us a minute ago that after your draft notice came through, you knew some people in the OWI, and you went to see them and discussed with them the possibility of getting in the OWI. The question Mr. Jackson asked was: Who were those people?

Mr. FAST. Again, I must preface this by saying my memory is unclear, due to the length of time.

I believe I knew, or else I knew by reputation, and he knew me by reputation, Jerome Weidman, the writer. Most likely by reputation. I don't know whether I had ever met him before, as I remember it.

The CHAIRMAN. Jerome Weidman was holding what position in the OWI?

Mr. FAST. I don't know, because this area of the Office of War Information into which I was brought to work, I remained in only a very short time, possibly only three weeks, and then I was transferred to the overseas radio division.

The CHAIRMAN. You said he knew you by reputation. At that time, did you have a reputation as a Communist writer?

Mr. FAST. I must refuse to answer that, too, on the same grounds stated before.

But another point: Aren't you asking me what another person thought?

The CHAIRMAN. You said he knew you by your reputation. I want to know what that reputation was. Was that your reputation as a Communist writer? And I am going to direct you to answer that question.

You understand, Mr. Fast, that we are not asking you to pass upon whether that reputation was an earned reputation or not. Many people have a reputation which they do not deserve.

The question is: What was the reputation?

Mr. FAST. You are asking me an exceedingly ambiguous question. You are asking me what my reputation was and I could not poll a reputation. In so far as I was aware of it at the time, my reputation—

[Mr. Fast confers with his counsel.]

Mr. FAST [continuing]. My reputation was such as to cause me now, when I refer to it, not to mean certainly my reputation as a Communist writer. In other words, when I refer to my reputation, that Weidman knew me by, I was not referring to a reputation as a Communist writer.

The CHAIRMAN. I am not asking you at this time whether you were a member of the Communist party, but were you generally considered, in the writing field, in other words, did you have the reputation at that time, of being a Communist writer?

Mr. FAST. I think you would be more suited to answer that question than I would, don't you?

The CHAIRMAN. Except that I am not under oath and not on the witness stand.

Mr. WOLF. That is an advantage sometimes.

Mr. FAST. I really can't say. I just don't know. I couldn't say under oath, with any sense of clarity, what my reputation was eleven years ago. It was a reputation—I will say this—it was a reputation which was spelled out by *Time* magazine when they reviewed my book, *The Unvanquished*, and said that *The Unvanquished* was one of the finest American sagas to come out at the beginning of the war. *Conceived in Liberty* was reviewed everywhere throughout the country.

The CHAIRMAN. Let us stick to this—

Mr. FAST. I am talking about reputation. Just a word or two more, and I will try and establish a little reputation.

The CHAIRMAN. You may have a perfect right to answer every question in the way you think you should answer, but as we hit a certain point I may want to question you about it. Now, who reviewed the book for *Time* magazine?

Mr. FAST. I have no idea. I don't remember. But you can find in the files of *Time* magazine the review I referred to.

No, not *Time* magazine. *News Week* magazine; I am sorry. Make that correction.

The CHAIRMAN. I understand your answer to be that you do not know whether your reputation at that time was as a Communist writer. Either you do or you do not know that you had such a reputation.

[Mr. Fast confers with his counsel.]

Mr. FAST. As far as I know, that was not my reputation.

The CHAIRMAN. Did you know that Jerome Weidman was a member of the Communist party at that time?

Mr. FAST. I would have to refuse to answer that question, for the reasons stated before.

The CHAIRMAN. Who were these other people that you said you knew in OWI at that time?

Mr. FAST. You see, it is very hard for me to separate those I knew then from those I came to know in the later period. I was not acquainted with any considerable number. There must have been one or two others besides Weidman.

The CHAIRMAN. I am not trying to pin you down to anything you cannot remember, Mr. Fast. I know that, as you say, it is difficult to say at this time who you knew ten years ago and who you might have gotten to know eight years ago. But in answer to a previous question, you said you knew some people at OWI at that time that you went to them and consulted with them.

Mr. FAST. I went up to OWI itself. I went up to this office.

The CHAIRMAN. Outside of this man Weidman, who else did you consult with?

Mr. FAST. You see, I couldn't swear to that. At that time, when I went up to their office, I couldn't swear whether I spoke to a man called Ted Patrick, who I believe was the head of this particular publications department. But as I say, it is vague, because I remained a very short time in this department, and my knowledge of the department is far vaguer than my knowledge of the department I——

The CHAIRMAN. Did you know Owen Lattimore?

Mr. FAST. To my recollection, as far as I can recollect, I don't think I ever met him; although it may be that I have, because I met many people at that time, and it did not leave a very lasting recollection.

The CHAIRMAN. In other words, as well as you can recollect, you have never met Owen Lattimore?

Mr. FAST. As well as I can recollect. It may be I was casually introduced to him as I passed through that office, but it doesn't stand out very strongly in my recollection.

The CHAIRMAN. Did you review any of his books and/or did he ever review any of your books?

Mr. FAST. I don't think I ever reviewed any books of his. I say, "I don't think," because in a long career, I have reviewed a great many books. And I also don't think he ever reviewed a book of mine.

The CHAIRMAN. Is it correct that in the writing field it is the accepted practice for one Communist to review the writings of another, and he in turn will review the writings of the men who review his book? Do you follow my question?

In other words, let us say that you and I are both Communists, and we are writers. Is it the accepted practice that I would be reviewing your books and you in turn would be reviewing mine?

Mr. FAST. I think I would attempt to invoke the privilege of the Fifth Amendment and refuse to answer that question.

The CHAIRMAN. Do you know which of your books were purchased by any branch of the government?

Mr. FAST. This is also a complicated question to try to answer. Why don't you make your question specific? It is a very general question, as it now stands.

The CHAIRMAN. Well, do you know of any of your books that were purchased by any branch of the government? That is what I want to know.

Mr. FAST. Well, you see, the reason I am slow to answer that is this: that according to my knowledge of my books——

The CHAIRMAN. If you have difficulty with that question, you can tell me why, and I will try to simplify it.

Mr. FAST. What is that?

The CHAIRMAN. I say if you have difficulty with that question, tell me why and I will try to simplify it.

Mr. FAST. Well, there was the Armed Service Books Project. You may remember the books they had overseas with the two columns of type in them. I could not say now whether these books were published by the government or a private agency. It may have been a semi-official agency of the government. They were distributed through the army. Of those books, the armed service editions, the following of my books I believe became a part of the series: *The Unvanquished* my novel about George Washington, Patrick Henry and the *Frigate's Keel*, and *Freedom Road*. I believe those three books, although, again, it has been so many years since I have looked at this.

Now, there was another project—

The CHAIRMAN. You think those were the only three purchased by the armed services?

Mr. FAST. Printed in their editions. I think so.

Now, there was another project which the State Department engaged in more directly.

Mr. WOLF. If I may clarify one thing, Senator, with regard to the previous question there may have been a misunderstanding. You mentioned something about "purchased by the armed services." I think Mr. Fast made it clear that none of them were put out by the armed services.

The CHAIRMAN. It was an armed services project. I understand your answer, Mr. Fast, to be that you do not know who purchased the books, who put them out. You do know this was an armed services project?

Mr. FAST. This was a big reprint operation, which you probably know more about than I do. At the time I knew little about it, and now it is vague. They put out millions of books, as I remember.

The CHAIRMAN. Then, going on to the State Department project?

Mr. FAST. Yes, on this State Department project—now, I recollect clearly the size and appearance of the books, but I don't know too much about them at this date. The State Department took certain books of mine, possibly only *Citizen Tom Paine*, and reprinted them in many languages. I am not certain of the purpose; perhaps to stock libraries with.

The CHAIRMAN. Do you remember, roughly, the date of this?

Mr. FAST. I couldn't guess. I would say maybe '44 or '45, but that is just the roughest kind of a guess.

The CHAIRMAN. When did you write *Citizen Tom Paine*?

Mr. FAST. *Citizen Tom Paine* was published, as I said before, in April of 1943.

The CHAIRMAN. Was it 1944 or 1945 that the State Department reprinted a very sizable number of copies of that book and sent them throughout the world?

Mr. FAST. Whether there was a sizable number, I don't know. I have no recollection about any of the details of the reprinting of that book.

The CHAIRMAN. You do know they translated it into many different languages?

Mr. FAST. Yes, I know that, because I have in my files at home I believe Italian and French editions.

The CHAIRMAN. And what income did you get from that operation?

Mr. FAST. I have no recollection of that.

The CHAIRMAN. How much money would you say you received either directly or indirectly, from the government, any government agency or any semi-official government agency, over the past ten years?

Mr. FAST. That would be very difficult for me to say.

The CHAIRMAN. Give us a rough guess, if you can.

Mr. FAST. Well, if I worked a year at the Office of War Information—I believe my pay there was somewhere around eight thousand dollars a year, although I couldn't swear to it.

[Mr. Fast confers with his counsel.]

Mr. FAST. I would guess that the total money received over the period you remarked about would be somewhere in the neighborhood of nine or ten thousand dollars.

The CHAIRMAN. In other words, a thousand or two thousand dollars besides your salary?

Mr. FAST. Now, wait a minute. I must amend that. I don't know. I have no recollection of how much money I was paid from these books. Whether that money came from the State Department, I don't know. This might change it somewhat. I also don't know how much I was paid for the armed services editions, and whether that could be included as a part of the answer to such question, whether it was a private agency or a government agency.

The CHAIRMAN. In other words, if you exclude the books that the State Department put out, and exclude the books put out under this armed services project, you had an income of about a thousand dollars or two thousand dollars from other government sources, other than your salary?

Mr. FAST. I think so.

The CHAIRMAN. Will you give us the source of that thousand or two thousand?

Mr. FAST. You know, I am estimating very roughly when it comes to figures, because I could not check these. I worked during the war on a special project for the Signal Corps.

The CHAIRMAN. Classified, was it?

Mr. FAST. What do you mean by "classified"?

The CHAIRMAN. Listed as either secret, confidential, or restricted.

Mr. FAST. I don't think so. It consisted of preparing for them a script of a film which would portray certain scenes from the landing of the Pilgrims to modern America, in terms of a historical survey of the United States.

The CHAIRMAN. Did you do any work for the Voice of America?

Mr. FAST. You mean the OWI?

The CHAIRMAN. No, the Voice of America, the VOA?

Mr. FAST. I can't seem to remember any. I can't seem to remember any project after resigning from the Office of War Information that I did for the Voice of America.

The CHAIRMAN. Did the Voice of America discuss with you the possibility of using your book, *Citizen Tom Paine*?

Mr. FAST. They might have. You see, my books were used in so many ways at that time. I don't really remember all of it. For instance, *The Unvanquished* was put on records, read by Eleanor

Roosevelt, for the blind. My books or forms of my books or dramatizations of my books were made in Europe, records were made of them, all sorts of things, because they suited a need at the time. So I just couldn't keep track of them and wouldn't know.

The CHAIRMAN. Were you a social acquaintance of Eleanor Roosevelt?

Mr. FAST. I wouldn't say that, no. That would be unfair. I met her only once, I believe.

The CHAIRMAN. You met her only once?

Mr. FAST. I believe so.

The CHAIRMAN. Roughly when was that?

Mr. FAST. I believe I met her in 1940.

The CHAIRMAN. Was that at the time she was considering putting out her book?

Mr. FAST. What book?

The CHAIRMAN. The one you just mentioned.

Mr. FAST. I don't know.

The CHAIRMAN. You see, I do not happen to be a reader of your books, so when you name them, I have difficulty.

Mr. WOLF. You missed something good.

Mr. FAST. If you are interested in the history of the United States, it might be important to read them.

The CHAIRMAN. The question was: Did you see her at the time she was considering this?

Mr. FAST. No, this project on *The Unvanquished* was done by one of these Institutes for Blind people, and I think she was simply gracious enough to offer her services free of charge to read the book aloud.

The CHAIRMAN. What was the occasion of your meeting with Mrs. Roosevelt?

[Mr. Fast confers with his counsel.]

Mr. FAST. I was along with a number of other people invited to the White House for lunch in late 1944.

The CHAIRMAN. Who were the other people?

Mr. FAST. Oh, I don't remember. There were a great many people there.

The CHAIRMAN. Do you remember any of them?

Mr. FAST. I don't know if I can certainly say I do remember any who were there. There were a number of people, but it is so long ago that I can't say so-and-so was there. My wife was with me.

The CHAIRMAN. Do you remember whether any of the others were members of the Communist party?

Mr. FAST. I would have to refuse to answer that question too, for the reasons given before.

The CHAIRMAN. Was Joe Lash at that party?

Mr. FAST. I don't know.

The CHAIRMAN. Do you know anyone in the State Department today who is a member of the Communist party?

Mr. FAST. I would have to refuse to answer that question for the reasons given before.

The CHAIRMAN. Do you know anyone in the Voice of America who is, as of today, a member of the Communist party?

Mr. FAST. I would have to refuse to answer that question also for the reasons stated before.

The CHAIRMAN. You started telling me of the projects in which you received money from the government other than your service in the OWI. I believe I interrupted you with some other questions. Will you proceed with your answer to that?

Mr. FAST. I think I mentioned the Signal Corps project.

Now, you raise the question of the use of *Citizen Tom Paine*, and it strikes a vaguely familiar note, but I just couldn't say "yes" or "no." I might have received payment from the government for various use made of various material in my books. I cannot at this date specify or recall exactly.

The CHAIRMAN. Would your books show that money you received from the government?

Mr. FAST. My own books?

The CHAIRMAN. Yes.

Mr. FAST. Oh, yes. Yes.

The CHAIRMAN. You will be ordered to produce those books, and we will give you sufficient time to do it.

Mr. FAST. Over what years?

The CHAIRMAN. What years would you suggest, Mr. Counsel?

Mr. COHN. Well, when did you go with OWI?

The CHAIRMAN. Let us make it since 1940.

Mr. FAST. Now, as far as OWI is concerned, I don't know whether that money—

The CHAIRMAN. You will be ordered to produce the books.

Mr. COHN. I think 1940 would be a good date.

The CHAIRMAN. From and including 1940 down to date.

Mr. WOLF. I will note a protest to this proceeding. I want that on record.

The CHAIRMAN. I would be glad to hear you on this.

Mr. FAST. I must state here I do not know how far back my books go.

Mr. WOLF. Unless there is some indication of the relevance of the books to the inquiry, the purpose of which is not yet stated on the record, as far as this particular hearing is concerned—first, with regard to the relevance, I have no way of telling whether this inquiry for what is, in effect, a blanket subpoena is within the realm of proper inquiry of the committee. I notice that the committee is not asking for those books of Mr. Fast which deal with income received from the government, but is asking for all his books and records for a period of some twelve years.

The CHAIRMAN. May I say to counsel that I think you are correct that there is no right for the committee to get these books other than the books which show income from the government or from some semi-official agency or from some working in the government, and those will be the only part of your books we will order produced.

Now, who hired you in OWI? Do you remember?

Mr. FAST. No, I couldn't say who hired me originally.

The CHAIRMAN. Do you know who recommended you? Was it this fellow, Weidman?

Mr. FAST. No. I couldn't even say that with any certainty at this time. I know I filled out an application, and I received a letter subsequently saying they were happy to have me come and work for them.

The CHAIRMAN. Do you know who you gave as reference at that time?

Mr. FAST. No, I don't recollect.

The CHAIRMAN. Do you have a copy of your application?

Mr. FAST. I would doubt it. I would doubt that I made a copy at the time.

Mr. COHN. Do you know Raymond Gram Swing?

Mr. FAST. I don't think I do. I am not sure, but I don't think so.

Mr. COHN. Do you know Harold Burman?

Mr. FAST. I don't recall knowing him.

Mr. COHN. Arthur Kaufman?

Mr. FAST. I don't recall knowing him.

Mr. COHN. Robert Bauer, B-a-u-e-r?

Mr. FAST. I don't recall knowing him. I may have met one or all of these people casually at one point or another, but their names don't ring a bell.

Mr. COHN. Norman Jacobs?

Mr. FAST. No, I don't recall knowing him.

Mr. COHN. A man named Baxt, B-a-x-t?

Mr. FAST. No, I don't recall knowing him.

Mr. COHN. Jennings Perry?

Mr. FAST. No, I don't recall knowing him.

Mr. COHN. I have nothing more at the moment, Mr. Chairman.

The CHAIRMAN. May I say to counsel that if your client cares to examine the transcript for typographical errors and correct those errors, he may do so. However, this is executive session, so we can't send you the testimony. If you want to go over the record, you will have to come down to Washington.

Mr. WOLF. Yes. If we are informed when they will be ready for examination.

I think there is one other thing that should be stated for the record.

The CHAIRMAN. First, let me say the transcript will be available Monday and thereafter. I would say that if you want to come down and check the record for errors, it should be done fairly soon, because the record may go to the printer. I don't know. And after it once goes to the printer, you would be unable to make any corrections.

Mr. Fast, I understand that you desire to make a statement.

If you make a statement, I would suggest that you make it full and tell why you make it.

Mr. FAST. I wish to make a statement of some of the facts surrounding service of the subpoena, and protesting the type of service as undignified in terms of this committee, unworthy of the government which this committee represents.

At about ten o'clock my bell rang. I opened the door. There was a young man there. He said he had for Howard Fast a highly secret communication from "Al."

I said, "Al who?"

He said, "Just from Al. Al said you would know."

I said, "Al who? I don't know any Al."

He said, "Al. Are you Mr. Fast?"

At that point, having no notion that there was a subpoena involved, having not been told that he was in any way an official, I said, "No."

He said, "Well, I will wait for Mr. Fast."

I said, "Wait outside." And I closed the door.

At about one o'clock in the morning following that, my bell rang. I went to the door. A voice said: "I am the assistant counsel for the House Committee on" or "for the Senate Committee on Operations, and I want to talk with you, Howard."

I said, "My name is 'Mr. Fast.'"

He said, "Okay, Howard. I just want to have a talk with you. Let me in."

I said, "I have no need to let you in. You cannot demand that I let you in. I don't know you from Adam. Beat it."

He said, "No, I want to talk with you, Howard."

I said, "Beat it, or I will call the police."

At that point, he left. I called my lawyer. My lawyer advised me that legally I am within my rights in refusing to open the door at that hour of the morning to someone unless this person has a search warrant; whereupon, I went to bed. At about 1:30 there was a pounding on the door and a ranging of the bell, which woke my children and terrified them in the time honored Gestapo methods, and I came down there, and here was this offensive character again, and this time for the first time he stated that he had a subpoena with him.

The CHAIRMAN. Would you say they were the GPU type tactics or NKVD type tactics also?

Mr. FAST. I have read of these tactics in connection with the Gestapo. This is my choice of description, and this action I find offensive and unworthy of any arm of the government of the United States. I would have accepted service very simply and directly the following morning. There was no need to go through that procedure.

The CHAIRMAN. We would like to get the complete picture of the attempt to service and the entire picture in the record.

Mr. COHN. We will do that.

You said you called your lawyer that night and he gave you advice as to your rights; is that right?

Mr. FAST. Right.

Mr. COHN. You called me up yesterday, asking for an adjournment of your appearance today?

Mr. FAST. Yes.

Mr. COHN. Didn't you tell me you had not been able to reach your lawyer, that you needed more time, because it was Lincoln's birthday and you couldn't reach him, and you needed an adjournment?

Mr. FAST. My lawyer was out of town, down in New Jersey at his country home.

Mr. COHN. Do you deny telling me you couldn't reach your lawyer?

Mr. FAST. I don't recollect whether I told you I couldn't reach my lawyer, or my lawyer was out of town, or it was Lincoln's birthday and lawyers were not available.

Mr. COHN. The fact was that you had talked to your lawyer the night before?

Mr. FAST. No, I talked to his partner, Martin Popper, at his home.

Mr. COHN. He is your lawyer, is he not?

Mr. FAST. He is not my lawyer. Mr. Wolf is my lawyer.

Mr. COHN. You have now told us you did consult with a lawyer the night before. Isn't that a fact?

Mr. FAST. I didn't consult with a lawyer about a subpoena. I didn't even know there was a subpoena involved.

Mr. COHN. Do you deny—

Mr. FAST. In fact, when I spoke to Mr. Popper, I said: "What do you think it is?" And he said, "I think it is a nuisance and nothing else, and if it continues, call the police." I was not told there was a subpoena involved.

Mr. COHN. Now, when the gentleman returned to serve you with the subpoena, was he accompanied by anyone?

Mr. FAST. A policeman. That is why I opened the door and accepted the subpoena.

Mr. COHN. Mr. Chairman, I think other witnesses can bring out the rest of the facts connected with the service.

What time do you say this was, Mr. Fast?

Mr. FAST. The first call was probably shortly before one o'clock in the morning, a few minutes before one, and the second time he came back it was about half past one in the morning.

Mr. COHN. You are quite sure of that, about half past one in the morning?

Mr. FAST. I would think so.

The CHAIRMAN. The first contact you had was about ten o'clock at night. Is that right?

Mr. FAST. Yes, but I did not know he had any connection with the committee. I told you exactly what he said, in the hearing of my wife.

The CHAIRMAN. And you talked through the door?

Mr. FAST. No, no. I opened the door. People know where I am, and I open the door. I just don't like to open it at one-thirty in the morning, to someone who is pounding on it.

The CHAIRMAN. I am talking about the ten o'clock meeting. Did you open the door then?

Mr. FAST. Yes.

The CHAIRMAN. And you said you were not Howard Fast?

Mr. FAST. Yes. Because I was highly suspicious and a little nervous and a little frightened. He said he was from Al.

The CHAIRMAN. When he returned and said he was the assistant counsel for this committee, did you open the door again?

Mr. FAST. No.

The CHAIRMAN. Did you talk through the door?

Mr. FAST. Right.

The CHAIRMAN. And I am just rather curious to know why you refused to open the door when the assistant counsel for this committee said he wanted to talk to you.

Mr. FAST. Because, as I said to him, I said, "If you have anything to say to me, say it during the day. Don't come at one o'clock in

the morning and tell me you want to have a conversation with me. That is outrageous.”

The CHAIRMAN. Well, he first started to serve the subpoena—
Mr. FAST. He did not state he had a subpoena to serve me with.

The CHAIRMAN. Let me ask the chief counsel: Do I understand one of your investigators started to serve the subpoena at ten at night, and finally by taking a policeman to the home of Mr. Fast, he accomplished the service about one thirty in the morning?

Mr. COHN. The times are somewhat wrong, Mr. Chairman.

There is a long history of attempts to locate Mr. Fast. I think we can put that in through other sworn testimony.

The CHAIRMAN. Mr. Fast, you are notified that you are still under subpoena, subject to recall.

Mr. FAST. That states nine o'clock in the morning. It states the subpoena was served on me at nine o'clock in the morning. I can't understand why the man did that.

The CHAIRMAN. You are now informed that you are under subpoena subject to recall.

We will notify your attorney when we want you to return. When do you want the records produced? I assume it will take Mr. Fast some time to get those records. Let me ask you: How much time would you consider a reasonable amount of time?

Mr. WOLF. They are pretty old, you know.

Mr. COHN. We need them as soon as we can get them, as the Chairman indicated.

Mr. FAST. What happens if I don't have complete records?

Mr. COHN. That is an issue we can discuss then.

Mr. WOLF. Would a week or ten days be enough?

Mr. FAST. I think so. Do I have to appear with the records?

The CHAIRMAN. We can notify your lawyer. I assume so. You will have to appear, I assume.

You told us a few minutes ago that you had very complete records, and you indicate now—

Mr. FAST. I must make one correction.

The CHAIRMAN. Let me finish, please—that you kept very complete records. That is what you said. You indicate now you may not have saved some of those records. For that reason we want you under oath when you produce the records. We want to question you about them.

We will try in your case, as in the case of every witness, to set a date that will not create an undue hardship upon you or upon your attorney.

I would suggest that you be prepared within a week to produce the records. We will not set a specific date now, but Mr. Cohn will contact your attorney.

Mr. COHN. I know his partner, Mr. Popper, from past occasions.

Mr. CAHN. Mr. Chairman, may I just ask one question, which was not quite clarified.

I believe that counsel or the chairman had previously asked you, Mr. Fast, as to any acquaintanceship which you might have with individuals who are now or have been participants in the Voice of America radio operation or in other phases of the government's information program, and I would like to resume that questioning now and ask: Have you within the past year or two years had any

discussion of any nature with any individual whom you knew personally to be an official of the United States government or an employee of the government engaged in any phase of the information program, radio, press, or films?

Mr. FAST. That is a very vague question, and I can't possibly answer it certainly. It does not seem to my recollection that I have had, but I might have met, on this occasion or that occasion, such a person.

Mr. CAHN. You do not know any individual today to be an employee engaged in radio, press, or film work for the United States government?

Mr. FAST. Offhand, I can not think of any.

The CHAIRMAN. Anything further?

Thank you very much.

Counsel will be in touch with your attorney.

Mr. COHN. The witness remains under subpoena.

[Whereupon, at 1:15 p.m., the hearing was adjourned.]

VOICE OF AMERICA

[EDITOR'S NOTE.—The subcommittee later filed a report that “the whole pattern occasioned an examination into the Voice personnel on the engineering side, to see if light could be shed on the reason for the colossal blunders” at Baker West and Baker East. Its suspicion fell heavily on George Q. Herrick, chief engineer of the Voice of America, whom it determined lacked formal education in engineering. The subcommittee noted that following his appearance before it, Herrick was relieved of his post.

Martin Merson, executive assistant to the director of the International Information Administration (IIA), reported in his book, *The Private Diary of a Public Servant* (Macmillan, 1955) that subcommittee counsel Roy Cohn privately recommended the selection of Lewis McKesson as Herrick's successor as chief engineer, but that the IIA chose not to appoint him.

Of the witnesses who testified in executive session on February 14, neither George Herrick nor Larry Bruzzese testified in public. Lewis J. McKesson (1903–1985) testified again before the subcommittee in public hearings on February 16, 17, and March 13; James M. Moran and Newbern Smith (1909–1987) on February 17; Stuart Ayers on February 18; and Nancy Lenkeith on February 20, 1953.]

SATURDAY, FEBRUARY 14, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
New York, NY.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953 at 10:30 a.m., in Room 2804, U.S. Court House Building, Foley Square, New York City, Senator Joseph R. McCarthy, Chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; David Schine, chief consultant; Henry Hawkins, investigator; Julius W. Cahn, counsel, Subcommittee Studying Foreign Information Program of the Senate Committee on Foreign Relations.

The CHAIRMAN. Will the reporter make a note of the fact that after the hearing yesterday, at which it was developed that on February 3rd, an order had been issued authorizing the use of the works of Howard Fast and other Soviet-endorsed authors in selected areas, we were notified that Secretary Dulles had rescinded the order. Whether the rescission was after yesterday's testimony or before it, at this time we do not know, but we do know it was subsequent to the time that the investigators uncovered this order and made it known to the people in the Voice that we were going to use it and make it public.

After the session, the staff heard rumors to the effect that Secretary Dulles had rescinded the order, and Mr. Cohn checked with the policy director, Mr. Kretzmann, who said that he had received the order about four o'clock yesterday afternoon.

We will let the record show that Mr. McKesson is reminded that he is still under oath; that the oath he took yesterday applies today.

FURTHER TESTIMONY OF LEWIS J. McKESSON

Mr. MCKESSON. I hope you gentlemen realize that this is a scientific subject, and to condense years of work by thousands and thousands of investigators into ten minutes is a little bit difficult. However, I am going to try to show you by some brief slides and a few statements what has been done and the reasons for thinking the way we do on this propagation study.

Let's have the first slide.

In this first slide, I have taken a picture of a globe, which you see setting over there, in which I put the auroral zone in red. The sites we are talking about are this site here, which is Baker West in the northwest part of the United States, and Baker East, which is in North Carolina, here. These white lines represent great circle paths. That is the path the radio wave takes in going from this point in the United States to Manila, and over here to Munich, Germany.

The CHAIRMAN. In other words, Baker West is beamed to Manila?

Mr. MCKESSON. Well, I have shown it as such. However, our target essentially takes from Manila in this direction north, so that, as you can see, there is an arc there which the target area covers.

The CHAIRMAN. You are going to explain what the auroral zone is, I take it?

Mr. MCKESSON. Yes, sir. This auroral zone is a phenomenon of nature which varies in location and varies in width and varies in intensity. As I mentioned in my testimony yesterday, it acts as a fog and absorbs radio waves. In other words, waves traveling through this zone are weakened a lot compared to waves that are outside of this zone.

Now, this is somewhat of an oversimplification of it, because the zone continues to decrease, clear down to the geomagnetic equator, this black line, which is halfway between the geomagnetic north pole and south pole. You notice this is not centered on either the North Pole or the magnetic pole. It is centered on the geomagnetic pole. And we have information on its location, how it varies with magnetic conditions, and so forth. This is my representation of what we define as a moderate storm, which occurs about thirteen days of every month. They are a little more heavy in the spring and fall, and lighter in the winter, but over a fourteen year cycle this represents the accepted position of the center of the zone.

The CHAIRMAN. That is the center of the storm?

Mr. MCKESSON. Yes. There are varying magnetic conditions which originate from sunspots on the sun. That is, there is a direct correlation between sun spots on the sun and the position and intensity of this zone.

Now, also, there are some discontinuities. Sometimes we seem to get storms farther south, which upset the symmetry of the thing but don't upset the average values we get over long periods of time.

The CHAIRMAN. By "storm," you do not refer to a storm in the accepted sense. You refer to a magnetic storm?

Mr. MCKESSON. A magnetic storm. It has no connection with the weather.

Let us have the next slide, please.

This is what I consider a normal condition, which is exactly the same as the last one, except that the zone of heavy absorption is reduced in width and the diameter is reduced to a ratio of 25 degrees from the magnetic pole.

Now, in order to plot signal levels, we have to have something to plot against, so that I have used the value in degrees on the earth surface from this geomagnetic pole to the point in the path where most of the absorption takes place.

The CHAIRMAN. Incidentally, that would indicate that instead of having Baker East in North Carolina, it would be much more economical to have it down on the extreme tip of Florida. Right?

Mr. MCKESSON. Yes, sir. The differential, in other words, the audience lost on the Baker East proposition, is much greater, because it is there [indicating], instead of there, rather than over here, where it is here [indicating], instead of here.

Senator SYMINGTON. Have you any decibel reporting of the difference in audio results at the receiving end?

Mr. MCKESSON. Yes, sir. In fact, I will show you some of those. I have them in my briefcase.

The CHAIRMAN. Before you get to that, do I understand you correctly that you think actually the mistake is greater in the east than in the west, or as great?

Mr. MCKESSON. It is much greater in the east than in the west. The next slide, please.

This is what I would define as a serious storm, which occurs on an average of three days out of every month, or one day out of every ten, approximately.

Mr. COHN. About how many days a month is a normal condition?

Mr. MCKESSON. Sixteen days.

Senator JACKSON. What was the thirteen days you mentioned?

Mr. MCKESSON. That was a moderate storm. This thing is varying all the time, going up and down. We break it into three categories and show it normal, moderate, and severe.

Senator SYMINGTON. The way you point it, just to be sure I understand it; you go from the State of Washington to the State of North Carolina, to certain points. Now, there are other points where you reach a much broader expansion of the potential enemy by taking a pole-around. Is there any concept of using these broadcasting setups in order to go across the pole? Because certainly you will miss a very large part of, for example, the Soviet by taking this side line on any basis.

Mr. MCKESSON. I believe I can answer it in this way, that if you go up in the area here [indicating]—and Point Barrow is practically the only area which becomes a practical matter in U.S. territory, of course—you still have to go through here at right angles to get the populated areas.

Senator SYMINGTON. I see that, but if you were beaming, you would miss a tremendous amount of Russia the way you have your lines drawn, in both cases.

Mr. MCKESSON. I might explain that these lines are drawn here because the last directive for Baker East and Baker West said they

shall be used only for transmission to our relay system, which in this part of the world is Okinawa and the Philippines, and in this part of the world is Munich, BBS, and Tangier.

Senator SYMINGTON. So what you are talking about is attenuation to the relay base and not to the source of hearing?

Mr. MCKESSON. That is right, sir. But, however, the situation is far worse if we talk about transmission to Russian areas, either from this coast, or this one.

The CHAIRMAN. On your east coast situation, you would be much better off if you moved on down to Cuba, or some place?

Mr. MCKESSON. Yes sir. I have figures which I can show you as to what the values are if we go, for instance, to Panama, San Juan, and it is not calculated for Cuba, but that is pretty close to here.

Senator JACKSON. Mr. McKesson, should you not point out that one of the factors in connection with the location of one of these stations ties in directly with your telephone communications? In other words, if you should put one at Point Barrow, you would have to string a telephone line from your headquarters to Point Barrow, or likewise whatever obstruction you might have in the Caribbean. Is that a fair question?

Mr. MCKESSON. Yes, sir, that is very true. I might also point out that Honolulu is far better than any point in the United States; but the fact that we have to get the program from the United States to Honolulu, with attendant distortion and effects of jamming, and so forth, eventually nullifies the advantage Honolulu would have.

Senator SYMINGTON. Is not any radio station going to have attenuation in it?

Mr. MCKESSON. I am talking about a double relay.

Senator SYMINGTON. You mean put Honolulu in as an extra relay in addition to the regular relay station?

Mr. MCKESSON. There is a relay station at Honolulu now.

Mr. SCHINE Will you clarify for the senators as to whether Baker East and West were originally conceived to be to target areas or relay stations?

Mr. MCKESSON. The understanding I have on that is this. The original Baker East and West stations were conceived to be last-ditch-stations, so that if and when we lost all our overseas bases, Munich, Tangier, Okinawa, and so forth, we would still have something suitable to transmit to target areas within the continental United States.

The CHAIRMAN. Let me ask you this. As to this theory which you are explaining to us now, is there something new about that? Is this information all available through engineers, and was it available at the time the original sites were selected?

Mr. MCKESSON. This has been available, I would say, to propagation engineers ever since we first started working on it. What has happened is that the accuracy of the data has improved, considerably so. Now we know much more exactly how much more power we will need here, than here.

The CHAIRMAN. Maybe the staff can answer this better than you can.

Am I correct in this: that the Bureau of Standards and MIT and RCA apparently will back up this witness and the correctness of his conclusions?

Mr. SCHINE. Yes, sir.

Mr. CAHN. Mr. Chairman, may I ask just one question?

The CHAIRMAN. First, may I ask: What will the testimony be, if you know, in regard to whether this study could have been made, whether it was made, before the sites were selected, why it was not acceptable at that time on face value, and whether there is a difference of opinion among engineers? Will you go into that, in the picture? If this is accepted as scientifically true, I cannot understand why they would have Baker East and Baker West up where they are.

Mr. SCHINE. We will find, Mr. Chairman and senators, that there came a time when the engineering people and the authorities in charge of the Voice of America had received this information not only from Mr. McKesson, backed up by other engineers in the Voice, but also from the Bureau of Standards, from RCA engineering experts, and the indications were that MIT did not contest these theories; and we have a memorandum from the chief adviser to the Voice on these matters, explaining why, when they knew that a mistake had been made in locating Baker East and West where they were, they still wanted to go ahead with the projects as planned, and I am prepared to quote from that memorandum at any time.

The CHAIRMAN. I think we would like to hear you quote from it right now. I am curious about that.

Senator SYMINGTON. Was there any consultation, agreement or understanding of any kind with respect to the location of these bases, that had anything to do, in any way, with radio warning and the question of national defense?

Mr. MCKESSON. Not that I am aware of. They have no connection with radar, radio warning, or anything of that nature.

Senator SYMINGTON. You are sure about that?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. That is the answer to my question. Thank you.

Mr. CAHN. What is the role of the Joint Chiefs of Staff in connection with the location of these transmitters? You indicated that there was a relationship, the other day.

Mr. MCKESSON. Well, I understand that the Joint Chiefs of Staff went along with this recommendation that Baker West should be in the northwest part of the United States.

Senator SYMINGTON. Now, wait a minute. You just told me there was no relationship of any kind with the Department of Defense.

Mr. MCKESSON. Well, I am quoting what I understand, sir.

Senator SYMINGTON. Yes, but how could there be no relationship with the Department of Defense, if there was some kind of an understanding with the Joint Chiefs of Staff?

Mr. MCKESSON. There is no relationship between early warning radar, or equipment of that nature

Senator SYMINGTON. I did not ask that. Knowing something about the radar screen we tried to get over a period of years for the United States, what I am asking is if there was any relationship or understanding with anybody in the military with respect to where these bases should go.

Mr. MCKESSON. Not that I am aware of.

Senator SYMINGTON. Then what has the Joint Chiefs of Staff got to do with it?

Mr. CAHN. Haven't you indicated that there was a decision of the JCS?

Mr. MCKESSON. That is what I understand unofficially.

Senator SYMINGTON. That seems to be what you do understand and do not understand.

The CHAIRMAN. I do not quite get it, either. Working as an engineer, you understand this has nothing to do with any radar screen or any warning system, but you tell us the joint chiefs took some part in making this decision. I cannot understand why the joint chiefs would have anything to do with this. Now, you may not know either.

Mr. MCKESSON. No, I don't know in detail.

The CHAIRMAN. I think the staff should check and find out.

Mr. COHN. What is the basis of your understanding that Joint Chiefs of Staff had anything to do with it?

Mr. MCKESSON. May I interject that I am a navy man and I had considerable work in the war to do with planning overseas stations. And I happen to know some of the gentlemen, in particular Captain Fred Tuthill, who I understand is on the Joint Chiefs of Staff at the present time, and he indicated he had not heard anything of this Baker West.

Mr. COHN. In your testimony, you say they did not have anything to do with it then.

Mr. MCKESSON. At that time, approximately three months or so ago, they had not heard of it.

Mr. COHN. This representative of the Joint Chiefs of Staff told you the Joint Chiefs of Staff had not heard of this?

Mr. MCKESSON. That is right.

The CHAIRMAN. Then I misunderstood you.

Mr. MCKESSON. May I say this is what I heard from the Voice of America: that it was going to Baker West because of military reasons. I could not find out the reasons for it. I made no attempt to, either.

Mr. COHN. You say somebody in the Voice of America. It was Mr. Herrick, was it not?

Mr. MCKESSON. Yes, sir.

Mr. COHN. Mr. Herrick, the chief engineer of the Voice of America, told you, when this thing was questioned by the scientists, that the Joint Chiefs of Staff wanted it there, and then this gentleman whose name you mentioned who was connected with the Joint Chiefs of Staff told you that as of three months ago, as far as he knew the Joint Chiefs of Staff had not had the matter presented to them and didn't know anything about it, and he would have been in a position to know had they known anything about it.

I might say, Mr. Chairman, too, that all through these memoranda and the files on this entire thing, there is no indication whatsoever that there was any consultation or submission to the Joint Chiefs of Staff.

The CHAIRMAN. Will you explain now for the record what the memorandum is?

Mr. SCHINE. Yes. There came a time, in July, after a meeting of the people in the Voice of America as well as the outside engineer-

ing experts, such as the Radio Corporation of America people, the Bureau of Standards, and MIT, that the Voice of America people knew that a mistake had been made, and General [Frank] Stoner wrote a letter, on July 14, 1952, and I will quote from it.

Senator JACKSON. General Stoner is former head of the Army Signal Corps and is now a technical consultant to Dr. Compton, who is the head of the Voice of America program.

Mr. SCHINE. Conclusions.

1. That a more southerly location would greatly improve the propagation of the transmitters, as it removes the path of the electro-magnetic waves from the absorption action of the north auroral zone;

2. That by remaining at the present site we are taking more than a calculated risk . . .

It would be necessary to make certain that we have a satisfactory site in Southern California before decision is made to close out Baker West at Dungeness.

If the decision is to move to California, we must be prepared to explain fully to the Congress and to the press our reasons for doing so. Such exposure may result in Congressional investigation and would not be conducive to our obtaining additional construction funds in the near future.

If we remain at Seattle and install our megawatt at that point, we also must be prepared to be continuously under surveillance concerning our output efficiency.

I recommend that there be no change in the present site of Baker West transmitter. . . .

Senator JACKSON. Signed by?

Mr. SCHINE. General Stoner.

Mr. COHN. I might say this. The fact was that MIT originally was off base on this thing, and I don't think there is a sound basis for attack on the original selection of the sites. The key point was that there did come a time, in July of '52, when everybody concerned, including the people in the Voice and all these outside people, agreed a bad mistake had been made. There were two meetings in Washington, and this thing was put up to General Stoner and this memorandum resulted. The only question left, as he put it, was: Well, we have made a mistake. Now, do we move, or don't we move?

The CHAIRMAN. Will you mark that as an exhibit and make that part of the record?

Mr. SCHINE. Yes, sir.

Senator JACKSON. Might I ask this question. Would it make any difference if the transmitters, Baker West or Baker East, were established on the assumption that in the event the overseas bases should be destroyed, these would be more effective than the southerly locations, Mr. McKesson?

Mr. MCKESSON. No, sir, they would be far less effective.

Senator SYMINGTON. In following the idea, I am getting much clearer. Suppose you lost the overseas bases that you had a relay on? How are you going to get to a very great deal of the Soviet unless you go through that magnetic storm?

Mr. MCKESSON. The best point, the best possible point, is to go to southern California.

Senator SYMINGTON. And then you go from where to where?

Mr. MCKESSON. Directly to the target areas.

Senator SYMINGTON. But you have to go through that auroral zone anyway, do you not, if you go over the polar cap?

Mr. MCKESSON. You are looking, sir, at the serious condition.

Senator SYMINGTON. Well, put the other back.

Mr. SCHINE. While he is doing that, may I point out, gentlemen, that at the time this Stoner memorandum was written, so far as we can ascertain, only three or four hundred thousand dollars had been put into the project, and some of it was on land which they might have been able to use for other purposes, and today we understand it is still not too late to capture a great deal of the amount that was appropriated for this project.

Mr. MCKESSON. Now, we see, under normal conditions, which occur about sixteen days on an average in the summer time and in winter time more than sixteen, these points deliver quite satisfactory signals to this area of the world.

I have some other slides that will demonstrate that better.

Senator SYMINGTON. But my point is that a great deal of the Soviet is directly across the pole, and relatively little to the left and the right. What I do not quite gather yet is this. If you eliminate any chance of relay, how are you going to beam to the Soviet, unless you go through the magnetic storm, if you lose your relay point as a result of enemy action?

Mr. MCKESSON. I would say you are not going to transmit to the central part of Russia under those conditions.

Senator SYMINGTON. Yes. In other words, what I am trying to get at, and what I know a little about, is that the premise of this being a mistake is that you are going to have places from which you can relay. And I am not saying that is not right. But, on the other hand, a very large portion of the population of the Soviet, no matter what you do, unless you relay, has to be reached through that magnetic storm, if at all. Is that correct?

Mr. MCKESSON. Yes, sir. And you have got to go through a lot more of it from northerly locations than from southerly locations.

Senator JACKSON. What would that be, Mr. McKesson?

Mr. MCKESSON. It is just the geometry of the globe.

Senator JACKSON. Well, supposing you are going to hit the heart of the Soviet, the populated areas. Now, would you not go straight on over?

Mr. MCKESSON. Studies have been made by the military and are being made for that particular purpose, for transmitters up in this area [indicating], to cover this part of Russia [indicating].

Senator JACKSON. By "this area," you mean up around Barrow?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. But then you have a major transmission problem of building either relay into Barrow or building a transmission line into Barrow. Why would not the distance be less from the northwesterly part of the United States than from California?

Mr. MCKESSON. Well, the facts are, sir, that the distance attenuation in percentage is far less in this signal area. I have a large amount of curves on that, but I did not think that was pertinent to this part of the statement.

Senator JACKSON. But the reason I asked the question was to determine whether the northern locations had been originally predicated on the assumption that we have to build stations that could no longer act as relay stations but would have to act as a direct conduit to the areas that we desired to reach. That is my question. Now, what is your comment on that?

Mr. MCKESSON. Well, my comment on that is that as far as I know, we do not—

Senator JACKSON. Let me ask, first of all. Could that have been a reason in the first place why they were located in the northern areas of the United States?

Mr. MCKESSON. I would say I do not believe it could be a legitimate reason. Scientific investigation would not say it was.

The CHAIRMAN. I do not think the question has been answered yet. The question is: If the relay station were knocked out for Baker West, if that were in enemy hands, would the southern or the northern station give you better coverage of the target area?

Mr. MCKESSON. The southern, sir.

The CHAIRMAN. The southern?

Mr. MCKESSON. Yes, sir.

The CHAIRMAN. In other words, forgetting about the relay station, your southern area would give you better coverage of the target area?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. Then what possible basis could they have had in locating in the northern areas Baker West and Baker East?

Mr. MCKESSON. That is a question I have been asking for three years.

Senator JACKSON. As you present this matter this morning, the difference that exists between the two areas is so clear-cut that certainly there must have been some discussion within your organization, with this information available, as to why they still persisted in locating Baker West and Baker East in the two northern locations.

Mr. MCKESSON. Well, at my level there was no discussion. The first I knew of any decision to locate at this point was when I read it in the *New York Times*.

The CHAIRMAN. Let me ask you this. We are involved not only in a question of waste of money but also in a question of subversion. Has the point been raised that this may have been deliberately done, in order to sabotage the coverage of the Voice?

Mr. MCKESSON. That has been discussed, yes, sir.

The CHAIRMAN. The question I asked the witness was whether or not the question had been raised that this may have been deliberate sabotage by certain elements to try and sabotage the Voice, to try to be deliberately ineffective and cost a lot of money. The witness says that question has been discussed. I ask that question because it seems impossible, by any rules of logic, no matter how incompetent or inefficient you were, that you would place the transmitters up in an area where they appear to be—

Senator JACKSON. It is the difference between day and night, the way it is presented here.

One other question in this same connection. The navy, Mr. McKesson, I believe are now operating a transmission station.

Mr. MCKESSON. At Jim Creek.

Senator JACKSON. At Jim Creek in my home county, which, if my recollection serves me correctly, is about the world's largest transmitting station.

Mr. MCKESSON. Yes, sir. I am fairly familiar with it, sir.

Senator JACKSON. They spent a lot of time locating it. They were working on it, I understand, for three or four years. They have a huge investment there. Now, I wonder why they located a station in that area; or if it is a different type of transmitting station.

Mr. MCKESSON. Yes. I can explain that fully. The Jim Creek station of the navy is a high powered low frequency transmitter. The low frequency is in the order of fifteen to twenty kilocycles, only slightly above the range of audio sounds. Those waves from those frequencies never reach the highly ionized auroral zone. They are reflected practically completely by the E layer, which is only a hundred miles or so above the earth. These waves which we are talking about in connection with the Voice of America travel farther up in the ionosphere to the F layers, where this ionization occurs.

Also I would like to interject, sir, that the same argument or same thought applies to radar. Radar is very much higher in frequencies and has no connection with this auroral zone up here. That is entirely line-of-site.

The CHAIRMAN. Mr. Schine, here, raised a point that I think should be in the record, in fairness to those who did the planning. I understand originally the thought was that in view of the fact that the present position of Baker West is roughly eight hundred miles nearer to the target zone than the southern position, it was felt that that was an element which should be taken into consideration, and that may have influenced the location of Baker West. Are you aware of that?

Mr. MCKESSON. Yes, sir. That is part of the equation that gives us the signal trend, but it is only a small part.

The CHAIRMAN. When the original site was picked, am I correct that at that time, while your position was the same as it is now, nevertheless MIT and some other engineers at that time differed with you?

Mr. MCKESSON. Well, I will say this, sir. I never felt that the MIT engineers disagreed with me, because every time I talked with them they agreed with me. They have lots of my recordings still up there, which they have analyzed.

Senator SYMINGTON. Name three engineers at MIT.

Mr. MCKESSON. Dr. Wiesner, J. B. Wiesner, I believe it is, Dr. de Bettencourt, Mrs. Phillips, and Dr. Radford.

The CHAIRMAN. Is it correct, now, Mr. McKesson, that there came a time, whether it was before these sites were selected or later, at least early in 1952, that there apparently was complete unanimity on the part of everyone concerned that the station should have been located farther south?

Mr. MCKESSON. On the part of all the engineers and scientific personnel, yes, sir.

The CHAIRMAN. And there was complete agreement on that as far as you know?

Mr. MCKESSON. Yes, sir.

Now, I have a few more slides. I think we have pretty well covered the start of this. Let us go through those in a hurry.

This is only a recording that I had at my home, and there were a number of those, in which a lot of this data was obtained by continuous records shown on this as a signal trend.

The CHAIRMAN. I missed what you said about that last slide. I am sorry.

Mr. MCKESSON. I say the last one was a picture of a receiving station which I had alongside of my bed at home. I had trouble keeping that running and keeping my wife from throwing it out the window at the same time.

Senator SYMINGTON. I hope you made the right decision.

Mr. MCKESSON. This is a slide of the actual value in decibels for the various paths to determine by navigational methods the path of the radio wave. Then you look on this slide and assume, for instance, we were using six megacycles and a fifty-day clearance. We would have a twenty DB loss due to auroral absorption. Other losses are solar effects, distance, polarization. They are the main ones.

Taking this data, we can plot on the surface of the globe lines of equal signal strengths, or, conversely, lines along which, if a transmitter is placed, it will deliver the same signal to a particular target.

This particular one is to Warsaw, Poland. Under normal magnetic conditions, for fifteen megacycles. As you can see here, there is quite a difference between Florida and North Carolina. North Carolina is slightly better than New York.

The CHAIRMAN. I do not follow you, I am afraid. I do not understand the chart.

Mr. MCKESSON. For instance, we can calculate—what I have done here I might possibly explain this way. If we put a transmitter in Warsaw, Poland, that transmitter would deliver the signals as indicated by these values, which are in micro-volts per meter per kilowatt radiated. And if we could visualize ourselves going along this line, we are apparently getting close to the transmitter all the time, but the signal level will stay constant. The actual great circle path would be farther north, like this, but the constant signal level path is slipped up at this angle. If it were not for auroral absorption, these lines would be circles around the transmitting station—auroral absorption and other factors.

Senator SYMINGTON. Could you express it in typography?

The CHAIRMAN. Do you understand this?

Senator SYMINGTON. I thought I did, but I am getting nervous now.

Senator JACKSON. I do not know the exact reasons, but I can see what he has got on the chart.

Mr. MCKESSON. Possibly you can see it here [handing chart]. This is the same thing.

Senator SYMINGTON. Put your pointer on where the signal starts.

Mr. MCKESSON. The signal starts over here in Warsaw, Poland, in Central Europe.

The CHAIRMAN. Now, using this chart, where are your target areas? Where would your radio station be?

Mr. MCKESSON. First we refer to the principle of reciprocity. If you put the transmitter over there, you will get the same signal along this line. Now, if you put the transmitting along this line, you will get the same signal in Warsaw, Poland, any place along this line.

Senator JACKSON. What are your numbers down here, first of all?

Mr. MCKESSON. These are signal levels in decibels above one microvolt per meter per kilowatt radiated.

In other words, on this line you will get eighteen DB's above one microvolt.

Senator JACKSON. Which, expressed another way, is better reception?

Mr. MCKESSON. The larger the value the better reception.

Senator JACKSON. That is what I mean. I am trying to simplify it. So then, logically, according to this diagram that you have before us, the location down in South America would be better?

Mr. MCKESSON. Yes, sir, over here would be thirty.

Senator JACKSON. Yes, that would be much better.

Mr. MCKESSON. Using the factor of thirty as compared with a factor of eighteen.

Senator SYMINGTON. Let us put it another way. Which shows the better reception, the curved line or the straight line?

Mr. MCKESSON. Neither. These are lines of equal barometric pressure, if you understand a weather map. It is the same proposition.

The CHAIRMAN. I understand it now. Let us just pick a spot out in the world over here, just any place. Do I understand, then, that you get the same reception down here as you would get up here?

Mr. MCKESSON. Well, if these lines covered that spot.

The CHAIRMAN. You would have to get on this line?

Mr. MCKESSON. Get on that line, yes. Then you would get about the same reception in this part of Greenland as you get down here.

Senator SYMINGTON. Can I ask a few quick questions?

Mr. MCKESSON. How long have you been in this work?

Mr. MCKESSON. Well, I would say I had a ham set when I was in grade school.

Senator SYMINGTON. I see. Are you a graduate engineer?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. Whereabouts?

Mr. MCKESSON. Minnesota.

Senator SYMINGTON. What were your degrees?

Mr. MCKESSON. Electrical engineer, BA.

Senator SYMINGTON. And you went from there to where?

Mr. MCKESSON. RCA.

Senator SYMINGTON. And you worked doing what in RCA?

Mr. MCKESSON. I was an engineer for RCA. I was at their transmitting station, research department. I was transferred to the Philippines. I spent six years in the Philippines.

Senator SYMINGTON. When was that?

Mr. MCKESSON. That was in 1929.

Senator SYMINGTON. And you stayed there six years?

Mr. MCKESSON. Five and a half years. I came back with RCA then, research, planning work, antenna work principally.

Senator SYMINGTON. Mostly in transmitting, in transmission?

Mr. MCKESSON. Yes, sir.

Mr. COHN. How long were you with RCA?

Mr. MCKESSON. A little over twenty years.

Senator SYMINGTON. And what was your position when you left there?

Mr. MCKESSON. Engineer.

Senator SYMINGTON. I mean, did you have a title besides that?
Mr. MCKESSON. No. I was one of the engineering department at 66 Broad Street. This is RCA Communications, a subsidiary.

Senator SYMINGTON. Which is primarily in transmission, right?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. And you went to the Voice from there?

Mr. MCKESSON. No, sir. I spent five years in the navy doing the same work or similar work.

Senator SYMINGTON. Did you go to the navy from RCA?

Mr. MCKESSON. Yes, sir. I was ordered to active duty as a reserve officer.

Senator SYMINGTON. And when you left the navy, you did not go back to RCA?

Mr. MCKESSON. Yes, sir, I did.

Senator SYMINGTON. And then you went from RCA to the Voice?

Mr. MCKESSON. I went from RCA and I installed the relay base at Tangier for RCA. From there I went to Collins Radio, to classified research work, and then I went to Associated for a while, and then I went to the Voice.

Senator SYMINGTON. I do not know what Associated means.

Mr. MCKESSON. Air Associates, rather.

Senator SYMINGTON. And then you went to the Voice from there?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. And when was that?

Mr. MCKESSON. That was in December 1949.

Senator SYMINGTON. December 1949. Now just another little group of questions. You say that the head of the Voice is Dr. Compton?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. And that all the people around MIT disagreed with the decision to keep this in Washington State? The engineers?

Mr. MCKESSON. They did after this meeting.

Senator SYMINGTON. Is not Dr. Compton's brother the head of MIT?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. So there was a disagreement between brothers, then?

Mr. MCKESSON. To what extent either of them knew about this, I don't know.

Senator SYMINGTON. But you said that General Stoner was the assistant to one, Dr. Compton?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. So he must have known about it?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. And you said that all the engineers at MIT, and you mentioned them, disagreed; so certainly they would have taken it to the other Dr. Compton, especially as it might involve his brother?

Mr. MCKESSON. I would expect so, yes.

Senator SYMINGTON. So the chances are they probably did know about it?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. Thank you.

The CHAIRMAN. Mr. McKesson, a short time ago we introduced in evidence a memorandum from General Stoner dated July 14, 1952. Had you discussed this with General Stoner before it was released?

Mr. MCKESSON. Yes, sir.

The CHAIRMAN. You did. Thank you.

Senator SYMINGTON. Mr. Chairman, if it would be of any help, I would suggest that the memorandum in question be made a part of the record.

The CHAIRMAN. Instead of merely making it an exhibit, then, put it right in the record in its entirety. That will be done, Mr. Reporter.

Senator JACKSON. Mr. McKesson, you testified, I believe yesterday, that the estimated approximate cost of the project at Baker West is up, now, from an original nine to a figure between ten and eleven million?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. The cost of installing and constructing the project in southern California, the area that you recommended, would be about a million dollars?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. As compared with the present figure of between ten and eleven. I wonder if you could give the committee the difference in operating cost of the project in southern California as compared with the operation of the project in the northwestern part of the United States, where it is presently under construction?

Mr. MCKESSON. You mean operating cost?

Senator JACKSON. The operating cost. Because that will be a continuing cost. It is my understanding that Baker West at the present time is a two megawatt station, or, to state it another way, a two million kilowatt station, as compared with a hundred kilowatt station. Could you tell the committee the difference in power requirement between the two stations, which is a continuing cost in connection with the operation of the station?

Mr. MCKESSON. The power cost of the California station, based on a hundred kilowatts radiated power—

Senator JACKSON. How many kilowatts would it take?

Mr. MCKESSON. It would take approximately one-tenth of the power in the State of Washington; or for the transmitter alone it would require about two hundred fifty kilowatts.

Senator JACKSON. Pardon me?

Mr. MCKESSON. Two hundred fifty kilowatts.

Senator JACKSON. The California site?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. Now, your statement, Mr. McKesson, regarding the power requirements at California, was based on one one-hundred kilowatt operation?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. I take it, then, that you would need an additional hundred kilowatt station, so there would be two there?

Mr. MCKESSON. Yes, sir.

Senator JACKSON. So the power requirement, then, would be double what you just mentioned with reference to the requirements in California. Now, at the Washington state site, it is your testimony

that that would be a megawatt operation. How much power would be required for a two-megawatt station?

Mr. MCKESSON. The power would be in the neighborhood of five to six megawatts of electrical power from the central station power plant.

Senator JACKSON. That is what, in kilowatt power?

Mr. MCKESSON. That is five thousand to six thousand kilowatts.

Senator JACKSON. Kilowatts. As compared with—

Mr. MCKESSON. Five hundred kilowatts at the southern location.

Senator JACKSON. You can supply for the record the difference in the operating cost?

The CHAIRMAN. I understand you have a chart on that.

Mr. MCKESSON. Not on operating costs, sir, only on original cost.

But the operating cost personnel would not be reduced by a factor above ten by any means, but it would be reduced by a factor of sixty percent.

Incidental expense, lands, roads, and so forth, would also be reduced, but not by a factor of ten.

Senator SYMINGTON. Mr. McKesson, are you still with the Voice of America?

Mr. MCKESSON. No, sir.

Senator SYMINGTON. Why did you leave?

Mr. MCKESSON. I think the testimony will bring out some of the reasons.

Senator SYMINGTON. Previous testimony?

Mr. MCKESSON. Yes, sir.

Mr. COHN. Why don't you just tell Senator Symington?

Mr. MCKESSON. I have tried very diligently and hard to correct some of these things, which I believe are very bad mistakes, not in the interest of the United States government.

Senator SYMINGTON. When you were with the Voice, to whom did you report?

Mr. MCKESSON. To Mr. Herrick, through Mr. Ross.

Senator SYMINGTON. Through Mr. Ross?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. You have analyzed your engineering background. Do you know anything about Mr. Herrick's background, engineering background?

Mr. MCKESSON. I understand he does not have an electrical engineer's degree.

Senator SYMINGTON. Does he have any degree, any engineering degree?

Mr. MCKESSON. I do not believe he has.

Senator SYMINGTON. Is he a college graduate?

Mr. MCKESSON. I do not know.

Senator SYMINGTON. You traced your history. Where did he work before he came with the Voice, as chief engineer. Was his title chief engineer?

Mr. MCKESSON. It has been recently, yes. I understand he left WINS in New York City and went with OWI.

Senator SYMINGTON. WINS?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. What did he do at WINS?

Mr. MCKESSON. Audio engineer, I believe.

Senator SYMINGTON. He was an audio engineer?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. Before that where did he work?

Mr. MCKESSON. I do not know.

Senator JACKSON. Mr. McKesson, I wonder if you could supply for the record first of all supporting evidence that bears on your point of view that there would be a better reception from the locations in California and Florida. Number two, would you supply for the record the difference in relative installation costs of the two areas. Three, would you supply for the record the difference in operating costs of the two stations?

Senator SYMINGTON. And if I may add also to that. Be sure that all records of reception that you have, at source, are made a part of the record.

Mr. MCKESSON. Well, sir, those will be very voluminous and MIT still has a large number.

Senator SYMINGTON. Well, just to summarize to your satisfaction, so that you have practical proof of your theoretical analysis that this was wrong, because you would not get the reception in those places.

I would suggest that you put on the record, in as summarized form as possible, practical proof of your theoretical position that this is the wrong place. And the way to do that, I suggest, is what the relative decibel reception was where you were beaming instead of figuring it strictly from a transmission standpoint over here.

Mr. MCKESSON. Yes, sir. I will do that.

Senator SYMINGTON. Do you not agree with me that you should have that, to make your position clear?

Mr. MCKESSON. Yes, sir. I have the data from the FCC tests on the West Coast.

Senator SYMINGTON. Well, then, whatever you can do, as the chairman suggests, in as short and summarized a fashion as possible, we should have on the record.

The CHAIRMAN. Also I should think the memoranda written to Herrick or anyone else pointing out the error of what they were doing.

Mr. MCKESSON. Yes, sir.

The CHAIRMAN. Thank you very much.

Senator SYMINGTON. Mr. McKesson, have you ever discussed this with any people in the navy?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. And they agree with you?

Mr. MCKESSON. In general, yes.

Senator SYMINGTON. Would you care to name one or two?

Mr. MCKESSON. I will name Captain Beltz, Mr. Katzen.

Senator SYMINGTON. What are their positions?

Mr. MCKESSON. At the time, Captain Beltz was head of the Bureau of Ships, electronic division, I believe it is, and Mr. Katzen was senior engineer of what is called Radio Two, I believe, at the Naval Research Laboratory.

Senator SYMINGTON. Did you discuss it with anybody in the army, the Army Signal Corps, in authority?

Mr. MCKESSON. No, sir, not in the Signal Corps; in the air force.

Senator SYMINGTON. Did you discuss it with General Stoner?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. Was it your impression that he was giving you the position of the Signal Corps, or was he operating entirely on his own?

Mr. MCKESSON. I believe he was operating entirely on his own in the interests of the Voice of America. He was employed by the Voice of America at the time.

Senator SYMINGTON. Did you discuss it with anybody in air force?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. Who was that?

Mr. MCKESSON. General Ankenbrandt.

Senator SYMINGTON. He is the head of this part of air force activity, is he not?

Mr. MCKESSON. Yes, sir.

Senator SYMINGTON. Did he agree with you as to your position in this?

Mr. MCKESSON. In general, yes.

[Whereupon, at 12:05 p.m., a recess was taken until 2:00 p.m., this same day.]

AFTERNOON SESSION

The CHAIRMAN. Will you raise your right hand?

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MORAN. I do.

The CHAIRMAN. Your name is?

TESTIMONY OF JAMES M. MORAN

Mr. MORAN. James M. Moran.

The CHAIRMAN. James M. Moran. And you were with the Voice of America for some time. Right?

Mr. MORAN. For about three years and a half.

The CHAIRMAN. And you are no longer with the Voice?

Mr. MORAN. That is right.

The CHAIRMAN. What was your position while you were with the Voice?

Mr. MORAN. Well, I was director of the Honolulu base for about two years and a half; then I was chief radio engineer in the American embassy in Ceylon, working directly under the ambassador.

The CHAIRMAN. Are you a graduate engineer?

Mr. MORAN. No, I am not. I had two years at the Case School of Applied Science in Cleveland.

The CHAIRMAN. What was the occasion of your leaving the Voice?

Mr. MORAN. Well, I became discouraged, with the management, and went into private industry.

The CHAIRMAN. And what are you doing now?

Mr. MORAN. I am a sales engineer with an electrician organization here.

The CHAIRMAN. Will you just tell us as briefly as you can the situation in so far as the Ceylon construction program is concerned; that is, having to do with the Voice?

Mr. MORAN. Well, I originally was to go there as part of the Point Four technical assistance program, but when I got there I

found—this was in January of '52—that the Ceylonese had started shipping rubber to Red China, in October of 1951. I was not informed of this until I got there. I, being the top man in the Voice there, should have been, by the New York office or Washington, as to what the facts were.

As I say, I was not informed until I got there. So I found the Ceylonese shipping rubber to Red China, and that they were therefore blocked from receiving technical assistance under the Kem Amendment to the Battle Act.

Under that amendment, any country shipping strategic materials to a Communist nation is automatically barred from assistance, technical assistance.

Senator JACKSON. Provided that the president of the United States does not certify that such an action is inimical to the security of the country.

Mr. MORAN. That is right. He has the decision.

So, the assistance that I was supposed to give to Radio Ceylon, that the Voice of America had the agreement with, of course, could not be rendered, and we were told by the ambassador that if we rendered any assistance it could only be on an informational basis.

In the meantime, this legal snarl was being worked on in Washington and New York to clear it up.

The CHAIRMAN. Just to keep the record clear, you were with the Voice of America at that time?

Mr. MORAN. Yes, sir.

The CHAIRMAN. Now, in what way was the Voice tied up with the Point Four program? In what way would the Voice be giving technical assistance to Ceylon?

Mr. MORAN. Well, you see, it was to be under the TCA, the Technical Cooperation Administration. That was the original plan.

Senator JACKSON. How did you get into this shipment of rubber to Red China? How did that come in?

Mr. MORAN. Well, as I say, when I got there, the fact that the Ceylonese were shipping rubber to Red China, of course, upset the technical assistance plan under which I was to operate in Ceylon.

Senator JACKSON. Oh, were you over there originally under Point Four?

Mr. MORAN. That was the original plan.

Senator JACKSON. But you were on the Voice of America payroll?

Mr. MORAN. Yes. As I say, it got into rather a legal snarl, and until this was worked out, we were put on the staff of the American embassy there.

The CHAIRMAN. Were you on the payroll under Point Four?

Mr. MORAN. As far as I know, I was on the payroll of the Voice of America.

Senator SYMINGTON. Mr. Chairman, could I ask a couple of questions?

The CHAIRMAN. Yes.

Senator SYMINGTON. When did you go to Ceylon?

Mr. MORAN. I arrived there in January of '52.

Senator SYMINGTON. And who were you working for then?

Mr. MORAN. I was working for the American embassy, directly under the ambassador.

Senator SYMINGTON. What embassy?

Mr. MORAN. The American embassy.

Senator SYMINGTON. Where?

Mr. MORAN. In Colombo, Ceylon.

Senator SYMINGTON. And who sent you?

Mr. MORAN. The officials in New York, Mr. Herrick.

Senator SYMINGTON. Officials of what?

Mr. MORAN. The Voice of America.

Senator SYMINGTON. How old are you, Mr. Moran?

Mr. MORAN. Forty-nine.

Senator SYMINGTON. Are you a college graduate?

Mr. MORAN. No. I have had two years at Case School of Applied Science.

Senator SYMINGTON. Are you an engineer?

Mr. MORAN. I am not a design engineer or any authority on propagation or things of that sort. My experience has been mostly administrative.

Mr. SCHINE. You went to Ceylon under the technical assistance program of Point Four to lend official aid to Radio Ceylon; is that not true?

Mr. MORAN. That is right.

Mr. SCHINE. And when you arrived there, after a conversation with the ambassador, it was decided that the only aid that you could render would be unofficial, due to the Kem Amendment of the Battle Act, which made it impossible for you to render aid under the technical assistance program to a country that was dealing with Iron Curtain countries, and rubber was being shipped to Red China by the Ceylonese?

Mr. MORAN. That is right.

Mr. SCHINE. So you gave unofficial aid to Radio Ceylon while you were there?

Mr. MORAN. I did.

Senator JACKSON. Radio Ceylon being a transmitting station owned by the government of Ceylon, and not owned by the United States?

Mr. MORAN. That is right.

Mr. SCHINE. There was a project in process by the Voice of America to construct two transmitters there?

Mr. MORAN. Three, all together, only two had been delivered.

Mr. SCHINE. And did you encounter waste with regard to that program?

Mr. MORAN. I did. The waste I found was that in the original inception of this thing, apparently there was little or no thought given to receiving facilities for the transmitters once they were constructed. We, it seems, were to use the facilities of the Post and Telecommunications Ministry in Ceylon, which were very inadequate. One of the antennas was not connected to be used at all, due to some road construction. The other two, which we were to use, were not properly accepted for good diversity operation. And instead of being beamed on Tangier, which was to be our feeder base, they were beamed on London.

Mr. SCHINE. In other words, Mr. Moran, is it not true that they were in the process of constructing two transmitters without giving any consideration to the fact that after the transmitters had been built the receiving signal would still be so weak that the transmit-

ters would be relatively useless until the signal was improved by building receiving stations.

Mr. MORAN. The efficiency would be very poor, I would say.

The CHAIRMAN. In other words, as I understand, you were getting set to broadcast without the facilities to receive the material which you were to broadcast?

Mr. MORAN. Except with very poor reception efficiency.

The CHAIRMAN. I still do not understand at this point whether you were an employee of the technical assistance program or of the Voice of America.

Mr. MORAN. Was attached to Radio Ceylon on temporary or additional duty, you might say, from the Voice of America in New York.

The CHAIRMAN. And you had been working for the Voice before you went to Ceylon?

Mr. MORAN. That is right, ever since—

The CHAIRMAN. But when you went to Ceylon, as far as you know now, you were loaned or temporarily attached to the Point Four program, the technical assistance program.

Mr. MORAN. Well, that was something that was still in confusion, as I say, until the legal snarl was worked out on this Point Four. As a subterfuge or as an expedient, I was attached to the embassy in charge of construction while the people in Washington and New York worked on this legal angle.

The CHAIRMAN. Who did you consider your superiors? The people in the Voice?

Mr. MORAN. Ambassador Satterthwaite. I was directly under him.

The CHAIRMAN. Who?

Mr. MORAN. Ambassador Satterthwaite.

The CHAIRMAN. No. I know that. But you were representing someone in Ceylon. Did you consider that you were working with and for the Voice of America at Ceylon?

Mr. MORAN. Yes, sir, under its construction program.

The CHAIRMAN. I see.

Mr. SCHINE. In other words, the Voice of America people called you when you were in Honolulu, and they saw that you were sent over?

Mr. MORAN. They asked me to take the assignment in Ceylon.

Mr. SCHINE. And when you got there, you found that you could not do anything officially because of the political conditions in Ceylon?

Mr. MORAN. That is right; due to legal entanglements in connection with the shipments of rubber.

The CHAIRMAN. I still do not understand that. If you were working supervising the construction of broadcasting facilities for the Voice of America, what would the restrictions under Point Four have to do with that?

Mr. SCHINE. May I clarify that?

The CHAIRMAN. Yes, I wish you would.

Mr. SCHINE. I understand, Mr. Moran, you were sent over to lend aid to Radio Ceylon?

Mr. MORAN. That is right.

Mr. SCHINE. And during the period that our country was in the process of planning these transmitter projects we were more or less

cooperating with them, because we were buying time on Radio Ceylon and putting our Voice of America broadcasts on Radio Ceylon at that time?

Mr. MORAN. That is right.

Senator JACKSON. Now, to go back a moment, when did we start construction of transmittal facilities in Ceylon? When did that start?

Mr. MORAN. That was started in September, about September of 1951.

Senator JACKSON. And you arrived in January of 1952?

Mr. MORAN. I arrived in January.

Senator JACKSON. A year ago last month, January of 1952?

Mr. MORAN. That is right.

Senator JACKSON. And who was in charge of that program, the American construction program?

Mr. MORAN. We had a Voice of America resident engineer, who preceded me and was in charge of the construction until I got there.

Senator JACKSON. Then you took charge?

Mr. MORAN. That is right.

Senator JACKSON. Did you complete the project?

Mr. MORAN. No, transmitters are still under construction.

Senator JACKSON. Why did you leave?

Mr. MORAN. Well, I was transferred back to New York.

Senator JACKSON. For what reason?

Who was the man in charge of the project initially, the American transmittal program?

Mr. MORAN. Well, it was a Mr. Alley.

Senator JACKSON. And he arrived in September?

Mr. MORAN. Yes, he arrived in September.

Senator JACKSON. And you took over in January, or arrived in January?

Mr. MORAN. In January of '52.

Senator JACKSON. And when did you start directly on the project, assuming your duties as resident engineer?

Mr. MORAN. No, I didn't assume duties as resident engineer.

Senator JACKSON. I thought you took his place, and he was resident engineer.

Mr. MORAN. No, he remained as resident engineer. I became chief radio engineer, under the ambassador in Ceylon.

Senator JACKSON. Under the ambassador?

Mr. MORAN. Yes.

Senator JACKSON. But did you work on the construction project?

Mr. MORAN. I did.

Senator JACKSON. But you were responsible to the ambassador?

Mr. MORAN. That is right. And, of course, to the New York office here.

Senator JACKSON. And what jurisdiction did Mr. Alley have over you, if any?

Mr. MORAN. Well, I had jurisdiction over him.

Senator JACKSON. Well, then, you succeeded him?

Mr. MORAN. Well, that is right.

Senator JACKSON. He was under you after you arrived?

Mr. MORAN. Well, as it stands, the resident engineer will be kept there as long as we have negotiations with Radio Ceylon. I and the rest of the construction people of course would be assumed to leave after the construction is over the resident engineer will stay.

Senator JACKSON. Well, as an operating engineer, and so on. But you were the construction engineer in charge of all construction.

Mr. MORAN. That is the way it was set up.

Senator JACKSON. Did you stay until the construction had been completed?

Mr. MORAN. No, I didn't.

Senator JACKSON. Why did you leave?

Mr. MORAN. Well, I left on account of allergic conditions. I got a fungus infection.

Senator JACKSON. Physical disability of some kind that you encountered?

Mr. MORAN. That is right.

Senator JACKSON. And when did you leave?

Mr. MORAN. March of '52.

Senator JACKSON. You were only there, then, January, February, and March?

Mr. MORAN. Approximately three months.

Senator JACKSON. Were you sent out there to be the construction engineer, or was Mr. Alley assuming both responsibilities when he arrived, in September of '51?

Mr. MORAN. He was assuming both responsibilities.

Senator JACKSON. And was there some difficulty with his work, and that is why you were sent out?

Mr. MORAN. No. No, there was no difficulty. This was expedient, as I mentioned before. Originally, I was to go over as chief engineer of Radio Ceylon under Point Four. That was the information which I went over there with. But when I got there, as I say, due to the shipments of rubber, that was all up in the air until the legal entanglements were straightened out.

Senator SYMINGTON. Let me ask a question there before I forget it. I used to be in this rubber business in the RFC.

Under what flag did the rubber go from Ceylon to the Soviet?

Mr. MORAN. I understand it was going under the Polish flag.

Senator SYMINGTON. How much of it, roughly, was going, do you happen to know?

Mr. MORAN. Oh, I do not remember. I have it in newspaper clippings I took from the papers there and the papers here.

Senator SYMINGTON. Was there any change in the shipment of it? Was it still going when you left?

Mr. MORAN. Oh, yes, still, going, every week. It was in the papers how much was being shipped, where it was going, what ships were carrying it.

Senator SYMINGTON. So far as you know, there were no other countries besides Poland that were carrying it?

Mr. MORAN. Well, there were some indications that there were Russian ships in there. I didn't see them. But this was one thing that I heard. There were Russian ships in there that were supposed to be fishing vessels. I was informed that they were Russian minesweepers, some thirty vessels, and they all went out with rubber on them.

Senator SYMINGTON. Where did they land the rubber?

Mr. MORAN. I am not sure. I think it was going in through Hong Kong, probably.

Senator SYMINGTON. Into Hong Kong, a British possession?

Mr. MORAN. I think so. I couldn't say definitely, as to that, but that was the rumor, that that was the way it was going in.

Mr. SURINE. Isn't it true that the Ceylonese government is a coalition government including Communists?

Mr. MORAN. That is right.

Mr. SURINE. Isn't it true that over the period of time you were there, and from the information you gathered, you would consider that government at least leftist in its views?

Mr. MORAN. I would.

Mr. SURINE. And isn't it true that the radio facilities first contracted for by the Voice of America, under that agreement, was an unusual contract, as far as the pattern of other contracts was concerned?

Mr. MORAN. It was.

Mr. SURINE. And what made it unusual? The one year clause is what I am asking about, the notice clause.

Mr. MORAN. Well, the one year clause, which was in the agreement, gave the State Department the right to require one year notice for the Voice of America to pull their facilities out of Ceylon in the event that the programs and the operation which the Voice wanted to put into effect couldn't be done to the satisfaction of the Voice of America.

Mr. SURINE. Did you understand that they had another clause in there that the Ceylonese government could file notice with our authorities here, one year notice, for them to take out the facilities?

Mr. MORAN. No, they could not give us one year's notice.

Mr. SURINE. They couldn't. Wasn't the agreement that the facilities would be manned by and controlled by the Ceylonese government?

Mr. MORAN. That is right.

Mr. SURINE. Employing Ceylonese?

Mr. MORAN. That is right, the operation, administration, and maintenance would be transferred completely to the Ceylonese government.

The CHAIRMAN. After one year?

Mr. MORAN. No, after the completion of installation. This would last for ten years. The facilities were to be transferred to the Ceylonese government for the payment of one rupee.

Mr. SURINE. In other words, then, with all of these considerations taken into effect, is it your opinion, on what you observed there, that there is a definite risk of American taxpayers' capital going into Ceylon?

Mr. MORAN. I would say there is a very definite risk, because the Ceylonese had the power of revision and censorship over Voice of America programs once those transmitters were built, and if they disagreed with this broadcast or that broadcast, they could hamstring the operation to where we could not accomplish our mission at all.

Mr. SCHINE. You gave to me a record of parliamentary debate from the House of Representatives in Ceylon, reflecting the atti-

tude of the Ceylonese government toward the Voice of America projects there; is that not true?

Mr. MORAN. I did.

Mr. SCHINE. Is this it?

Mr. MORAN. That is the record.

Mr. SCHINE. Is not the upshot of this record that they felt that they should let us pour in all of the money and equipment that we would, and that they had complete censorship over any programs we put on, and that any time they wanted to they could force us to withdraw?

Mr. MORAN. That is right.

Mr. SCHINE. May I just read one short sentence?

This sentence is uttered by Mr. Sittampalam, one of the representatives representing the views of the Ceylonese government on the floor.

Mr. MORAN. He was supposed to be on our side, incidentally.

Mr. SCHINE [reading].

If they found that our disagreements with them—

“They” is the United States.

—were making it difficult for them to continue, then they would resort to this clause giving us one year’s notice because all the time they are bound by our wishes . . . If their broadcasts are going to be prejudicial to the interests of Ceylon, we have to communicate that to them. For instance, if their broadcasts affected our commercial broadcasts adversely, certainly we will object and say, “You can not have this sort of broadcast.”

Then it goes on to say, why have any conflict, because:

we have full control over them, and we can force them out at any time.

The CHAIRMAN. We will mark that as an exhibit. It will not be reproduced in the record, however.

Senator JACKSON. I think it would be helpful if, in connection with the exhibit, we could have a transcript of debates in the Ceylon Parliament. Suppose we have included, if it is available, the agreement that we have with Ceylon, not as part of the record, but as an exhibit.

The CHAIRMAN. That is an excellent idea, and we will ask the staff to produce that.

The CHAIRMAN. Anything further?

Mr. SCHINE. I believe that is all we have to ask of Mr. Moran at this time.

The CHAIRMAN. I have a couple of questions.

Mr. Moran, what was the approximate cost of this construction project?

Mr. MORAN. Approximately \$1 million as it stands now.

Mr. SCHINE. Is there anything that has come to your knowledge on the part of the Voice of America people that there are perhaps questionable political elements which might warrant a reexamination of the situation, or, to phrase it differently, have further projects been planned in Ceylon?

Mr. MORAN. They have. Further projects are being planned, including installation of more and higher powered transmitters; also a programming center.

The CHAIRMAN. The approximate cost of this project you were talking about is about a million dollars?

Mr. MORAN. About a million. It is small compared to some of the others.

The CHAIRMAN. Now, you mentioned that title to the broadcasting station would go to the Ceylon government, when?

Mr. MORAN. At the completion of the installation.

The CHAIRMAN. And what is the estimated date of the completion?

Mr. MORAN. Well, I, of course, have not been in contact with that for a couple of months, but it is supposed to be in December, in December of this year.

The CHAIRMAN. In other words, in December of this year, the Ceylonese will own the entire project?

Mr. MORAN. Well, as I understand it, sir, the transmitters have been delayed in completion, and I don't think they are on the air yet.

The CHAIRMAN. But in any event, when the broadcasting station has been completed, title passes to the Ceylonese government for one rupee?

Mr. MORAN. That is right.

The CHAIRMAN. And then what right do we have to broadcast over that station?

Mr. MORAN. We have priority on the two transmitters; they have priority on one.

The CHAIRMAN. After they own them?

Mr. MORAN. After they own the facilities.

The CHAIRMAN. You say, "we have priority." Do we have a lease agreement with them?

Mr. MORAN. Well, I would imagine you would call it a lease agreement. That is the way it states it in the agreement there.

The CHAIRMAN. For what period of time?

Mr. MORAN. For the ten-year period.

The CHAIRMAN. For a ten-year period. But they have the right of censorship over the material?

Mr. MORAN. That is right.

The CHAIRMAN. If they do not like what we are broadcasting, they say, "You do not broadcast this"?

Mr. MORAN. "You do not broadcast this." They can say, "You must cut this out," or, "You must cut that out."

The CHAIRMAN. And if they do not like the entire program, they can say, "Cut out the entire program"?

Mr. MORAN. "Cut it out."

The CHAIRMAN. Then that ten-year priority would be rather meaningless, would it not?

Mr. MORAN. That is right. They have said in this record that they can make it so hard for us to broadcast that we will have to ask for a year's notice, so that the State Department can be released from the agreement.

Senator SYMINGTON. How much money is in there now, American money, roughly?

Mr. MORAN. I would say \$750,000.

Senator SYMINGTON. Where were the transmitters built?

Mr. MORAN. The transmitters were built at Collins Radio Company.

Senator SYMINGTON. In Iowa?

Mr. MORAN. Yes.

Senator SYMINGTON. And shipped out there?

Mr. MORAN. And shipped out there.

Senator SYMINGTON. Suppose that we decided to give them the one year notice. What can we take out? Can we take the transmitters out?

Mr. MORAN. Well, according to the agreement, technically we can remove the transmitters. But the cost and expense of shipping them would probably be so great that it would not be worthwhile. They would probably be sold to Radio Ceylon, for little or maybe nothing.

Senator SYMINGTON. When you came back here, what did you do, after you left there? Did you come back to work?

Mr. MORAN. I came back to the offices in New York, and I was put on various assignments in the office there.

Senator SYMINGTON. Did you give your opinion on these things to anybody here?

Mr. MORAN. Well, I was not asked by the responsible people. I wrote a report on this. The main thing I said was that I would recommend that no further commitments be made beyond the present agreement, which I supposed we had to go ahead with. But I found that there were, as I say, greater and more responsive plans, and, as I say, I made the recommendation that no more commitments be made. I was not asked on that. In fact, I was reprimanded for making that recommendation.

Senator SYMINGTON. Who reprimanded you?

Mr. MORAN. I don't know. I got it when I was still in Ceylon that I was an engineer, and I was not to be involved.

Senator SYMINGTON. Who signed that?

Mr. MORAN. I couldn't say. I was just told.

Senator SYMINGTON. You came back here, and you say you made a report?

Mr. MORAN. I made a report before I got back here. I made it in Ceylon.

Senator SYMINGTON. Did you make it to anybody else when you got back, any of these thoughts that you have got now?

Mr. MORAN. Well, some of the lower echelon people asked me about the technical situation there, about the receiving station inadequacy.

Senator SYMINGTON. To whom did you report in New York when you came back?

Mr. MORAN. To Mr. Herrick.

Senator SYMINGTON. Did you ever talk to him about it?

Mr. MORAN. I was never asked about it.

Senator SYMINGTON. You never brought it up?

Mr. MORAN. No, I never brought it up. I figured that was his prerogative, to bring it up, if he wanted to. But I was not asked.

Senator SYMINGTON. Well, now, in summary, as I understand what you have testified, it is that we put up practically all the money and built, in a country that was sympathetic to shipping to communist countries, materials of war, and that at any time the debate shows that they could stop our broadcasting, anything which we wanted to broadcast; that also the transmitters themselves were designed, or constructed, or both, to a point where they

were ineffective in the job they were put in there to do. Is that correct?

Mr. MORAN. That is right.

Mr. SCHINE. Mr. Moran, would it be feasible to dismantle all of this equipment and take it out?

Mr. MORAN. It could be taken out, but the cost of dismantling it and moving it would probably make it not feasible.

Mr. SCHINE. Mr. Moran, is it true that the Philippine Islands would serve our purposes for a transmitter base just as adequately as Ceylon if we spent no more than a few thousand dollars to increase their antennas?

Mr. MORAN. In my opinion, it would. And we would not be in that vulnerable position.

Senator SYMINGTON. Who picked Ceylon as a place to locate the transmitter?

Mr. MORAN. That was picked by Washington and New York. I don't know how it originated.

Mr. SCHINE. Why wouldn't a broadcasting station in the Philippines hit the same target area, without the same difficulty? Or would you know?

Mr. MORAN. Well, it could be beamed there. They might have to put up another antenna.

Mr. SCHINE. Just one final question. You were over in Ceylon. You had contact with the government. Would you consider that a Communist-dominated government?

Mr. MORAN. It is not a Communist-dominated government. At the present time, the United Party is the main party in power. They have sixty-six seats in the House of Representatives out of 105, and the rest are the opposition party, usually referred to as Communists, Socialists, fringe groups.

Mr. SCHINE. In other words, sixty-six seats are the so-called right wing, and the balance are the left wing, which is not all Communist, some are Socialists?

Mr. MORAN. And various shades of fringe and splinter groups.

Mr. SCHINE. That is all I have, Mr. Chairman. Thank you, Mr. Moran, very much.

The CHAIRMAN. Mr. Herrick, in this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HERRICK. So help me God.

Mr. SCHINE. Your name?

TESTIMONY OF GEORGE Q. HERRICK

Mr. HERRICK. George Q. Herrick.

Mr. SCHINE. Your position at the Voice of America?

Mr. HERRICK. Up until last Friday, chief engineer.

Mr. SCHINE. And what were your duties as chief engineer?

Mr. HERRICK. To direct the operation of the engineering division and the construction division in carrying out the construction program and improvement program.

Mr. SCHINE. What happened last Friday?

Mr. HERRICK. Last Friday I advised Mr. Morton that I wanted a leave of absence of sixty days, and it was agreed at that time, that the organizational structure would be changed.

Mr. SCHINE. What was the reason for this?

Mr. HERRICK. I assume that the reason for it was because of my requesting leave of absence.

Mr. SCHINE. I mean, what was the reason for your requesting leave of absence?

Mr. HERRICK. I had become very tired with the operation, fatigued, and desired to leave the organization and go into private industry.

Mr. SCHINE. Are you familiar with the projects Baker East and Baker West?

Mr. HERRICK. Yes, I am familiar with the projects Baker East and Baker West.

Mr. SCHINE. Did you get your leave of absence?

Mr. HERRICK. It was granted to me, and then Sunday I called Dr. Morton, after thinking it over, and with the hearings coming up, not realizing about these, but with the appropriations hearings coming up, I volunteered to stay around until those hearings were completed.

Mr. SCHINE. Getting back to Baker East and Baker West, did there ever come a time, say around August 1952, when you and the other Voice of America officials concerned with the projects of transmitter construction and their location, and the authorities, such as Radio Corporation of America, MIT, met together, at which time it was communicated to the Voice of America officials that, due to propagation studies made, a more southerly location might be advisable, of these two projects?

Mr. HERRICK. I have recollection of a meeting that was held, if my memory serves me right, in the latter part of June, in reference to that, not August. There might have been subsequent meetings in August, yes.

Mr. SCHINE. But that did take place in June?

Mr. HERRICK. Yes.

Mr. SCHINE. And what were the recommendations made by the Voice of America people in the light of these new propagation studies?

Mr. HERRICK. That is rather difficult for me to answer, since your question is so broad. The recommendations that were made, or rather the decisions that were taken, in New York at that time, were that the evidence that had been predicated showed that the southern location, engineering-wise, would be more suitable.

Subsequent to that, a meeting was held in Washington on the same subject, where a summary of the findings as they were understood at that time was presented; and a subsequent meeting was then held, in Dr. Compton's office in reference to the same subject, where the presentations of facts as they were known then were also made, and subsequent to that a memorandum was issued from Washington.

The CHAIRMAN. Who was at that meeting?

Mr. HERRICK. The first meeting, Senator?

The CHAIRMAN. The one you were just talking about.

Mr. HERRICK. There were two meetings on the same day, Senator. The first meeting, if my memory serves me correctly—there was Mr. Kimball—¹⁰

The CHAIRMAN. Who is Mr. Kimball?

Mr. HERRICK. Mr. Kimball is the assistant administrator for management.

Mr. COHN. Arthur Kimball; is that right?

Mr. HERRICK. Arthur Kimball, yes. Mr., I believe, Carolyn.

The CHAIRMAN. Carolyn?

Mr. HERRICK. Thomas Carolyn. He is the assistant to Mr. Kimball. And myself, and General Stoner. There may have been some other, but at the moment I cannot recall them.

The CHAIRMAN. That was the first meeting. Now, the second meeting?

Mr. HERRICK. The second meeting was held several hours after that, in Dr. Compton's office.

The CHAIRMAN. The question is: the people who were there.

Mr. HERRICK. There at that time was Mr. Kimball, General Stoner, myself, Mr. Micocci.

The CHAIRMAN. Who is Micocci?

Mr. HERRICK. He is assistant to Dr. Compton.

The CHAIRMAN. Could you spell that for the reporter?

Mr. HERRICK. I will try, Senator. I have had difficulty before. I believe it is M-i-c-o-c-i. And I am not quite certain whether Mr. Carolyn attended that meeting.

Mr. SCHINE. What was the decision that followed concerning these projects, after this meeting?

Mr. HERRICK. The decision that followed, as of the issuance of the memorandum of July 14th, which I received several days later through channels, was that we were to continue.

Mr. SCHINE. This memorandum came from—?

Mr. HERRICK. This memorandum was a staff study prepared by General Stoner and submitted to Dr. Compton.

Mr. SCHINE. What was your personal recommendation?

Mr. HERRICK. In the meeting that was held with Dr. Compton, I stated the facts as I saw them and advised the doctor that in my opinion it was a serious calculated risk not to move south. As far as my memory will permit me, I would say that the decisions as included in the memorandum of the meeting were in essence my position.

The CHAIRMAN. I do not quite follow you. You say it would be a calculated risk. When you talk about a calculated risk, you are risking something to gain some other objective.

Now, what was the objective to be gained by remaining in the north?

Mr. HERRICK. Well, Senator, what I meant was that the evidence that had appeared at that time indicated that the southern location was superior. However, the evidence as yet was not conclusive. Measurements were being taken, and there was still a great deal of discussion as to the validity of those measurements and positions; so that in my opinion, therefore, it was the conservative engineering viewpoint to move south.

¹⁰ Arthur Kimball testified in public session on March 3, 1953.

The CHAIRMAN. Why did you not decide to hold up spending further money until your studies were completed? There was no great rush on this, was there?

Mr. HERRICK. Well, Senator, the recommendations were not made to hold it up. The recommendations, Senator, were to move it south.

The CHAIRMAN. You said the recommendations were to move it south?

Mr. HERRICK. Yes, as I have just stated; that the engineering opinion for propagation would be that it should be moved south.

The CHAIRMAN. And that was the unanimous engineering opinion, was it?

Mr. HERRICK. Well, it is hard to say, Senator, whether it was unanimous or not. The position of RCA was that, if I recall, if they had to make the study again they would have recommended Seattle—pardon me, California. MIT's position was that under the present circumstances it would be safer to move to California. Our position was the same.

Senator SYMINGTON. What do you mean by "safer"?

Mr. HERRICK. Actually, as I started to say, sir, the evidence yet is not conclusive. Therefore, it was a question of being conservative and doing what is proper.

The CHAIRMAN. Well, let us see. You say conservative. RCA said to move it to California. MIT said to move it to California. The other engineers said to move it to California. Who said, "No, it is better to keep it in Washington?" What engineer?

Mr. HERRICK. No engineer, sir.

The CHAIRMAN. In other words, every engineer concerned said that the better place for the station would be in California. Right?

Mr. HERRICK. That is correct, sir.

The CHAIRMAN. It has been testified to here that the broadcasting facilities which would hit the same target area built in southern California would cost approximately a million dollars, roughly, and in Seattle, Washington, it would run nine, ten, and eleven. Would you have any quarrel with those figures?

Mr. HERRICK. Well, sir, those figures at the moment do not appear reasonable to me, no, sir.

The CHAIRMAN. They do not appear reasonable to you?

Mr. HERRICK. So I must take exception to them, yes, sir.

The CHAIRMAN. What figure would you give? Have you made a study of it yourself?

Mr. HERRICK. No, I have not made a study of it myself, sir. All I can say is that the installation of a comparable plant, such as was planned for Seattle, in California—that the cost would not be much less, because in all probability the land charges would be much higher.

The CHAIRMAN. You say a comparable plant. Is it your opinion that you would have to build a broadcasting station in southern California with the same power as the one in Washington?

Mr. HERRICK. It is my opinion, sir, that it is most desirable, since our objective is to develop the highest possible signal-to-noise or jamming ratios.

The CHAIRMAN. The engineers, I assume, would determine how well you hit the target area, or the re-broadcasting stations. The

question is: Would you have to build a station just as powerful in southern California to get the same result as you would get from the station in Seattle?

Mr. HERRICK. Directly answering that, sir, the way it was phrased, to get exactly the same result you would not have to build as powerful a station in Southern California as you would in Seattle, according to present figures.

The CHAIRMAN. Now, what would the cost of the facilities in southern California be if your objective was to get the same results that you will get from the presently planned project in Washington?

Mr. HERRICK. That, sir, I cannot answer.

The CHAIRMAN. You do not have any idea?

Mr. HERRICK. No, sir, because one of the greatest problems, or factors, rather, in reference to this problem, is the degree of difference between Seattle and California. That has not as yet been fully determined, and until that is determined, at least with some degree of fact, a ratio cannot really be established.

The CHAIRMAN. Where did you go to school?

Mr. HERRICK. I am not a graduate engineer, sir.

The CHAIRMAN. Did you go to engineering school at all?

Mr. HERRICK. Yes; I went to New York University.

The CHAIRMAN. What courses did you take there?

Mr. HERRICK. I started in electrical engineering, and I went there in '34 and '35 for one year.

The CHAIRMAN. You went to New York University for two years?

Mr. HERRICK. One year, sir, 1934-35.

The CHAIRMAN. And that was, of course, pre-engineering work you took?

Mr. HERRICK. That is right, sir.

The CHAIRMAN. In other words, in your first year of engineering, you really do not get what is considered engineering work?

Mr. HERRICK. No, that is correct, sir.

The CHAIRMAN. In the ordinary engineering college, you have at least two years, or some of them three years, in the so-called pre-engineering work, in which they give you liberal arts work and mathematics?

Mr. HERRICK. That is right, sir.

The CHAIRMAN. So that you never took a strictly engineering course in a university or college?

Mr. HERRICK. No, sir, I did not.

The CHAIRMAN. I am not criticizing you for that. I am just asking.

Mr. HERRICK. I understand that.

The CHAIRMAN. Now, would you tell us where you had your first experience doing engineering work?

Mr. HERRICK. My first experience was in WINS, which is a Hearst radio station located here in New York. I joined them in 1935.

The CHAIRMAN. And how long were you with that radio station?

Mr. HERRICK. I was with that radio station from 1935 to 1942, May of 1942.

The CHAIRMAN. I assume when you started out, not being an engineer, you were not doing engineering work. When did you get into any radio engineering work?

Mr. HERRICK. Well, during my stay at WINS, we designed transmitters, and—well, nothing on a large scale, but what we had to do.

The CHAIRMAN. You say “we designed.” You and who else?

Mr. HERRICK. During those days, sir, the staff was more diversified, and everybody pitched in and did what they could.

The CHAIRMAN. But you had an engineer in charge, did you?

Mr. HERRICK. I was assistant chief engineer at that time.

The CHAIRMAN. When did you become assistant chief engineer?

Mr. HERRICK. Oh, rather shortly after I joined the organization.

The CHAIRMAN. And from that radio station you went into OWI?

Mr. HERRICK. I went into OWI, sir.

The CHAIRMAN. And what kind of work did you do in OWI?

Mr. HERRICK. I have done just about the entire gauntlet, sir. I entered the organization as a studio engineer at that time and handled operations for a while.

The CHAIRMAN. What would a studio engineer do?

Mr. HERRICK. We handled the various broadcasts directly originating from the studio and the master control of switching, and so forth.

The CHAIRMAN. You handled the switches?

Mr. HERRICK. Yes.

The CHAIRMAN. You did not repair equipment, or anything like that?

Mr. HERRICK. Oh, yes, sir. We had to repair equipment.

The CHAIRMAN. You said “we.” You? Did you have to repair equipment?

Mr. HERRICK. Yes, I did that, sir.

The CHAIRMAN. And how long were you doing that type of work with OWI?

Mr. HERRICK. Well, I progressed up through the ranks, sir, doing that sort of work, until the OWI was disbanded and taken over by the State Department.

The CHAIRMAN. And during all the time you were with OWI, were you doing engineering work?

Mr. HERRICK. Yes, sir, that sort of work. I designed the master control installations, the studio installations, here in New York. When I say “I designed”—I headed the team, yes, and did that installation work, put that entirely into operation. That, I think, carried it right on through 1945.

The CHAIRMAN. When you say you headed the team: Did you have any graduate engineers on the team?

Mr. HERRICK. I believe, sir, that there was one.

The CHAIRMAN. And did he do the designing, or did you do the designing?

Mr. HERRICK. I did the basic design; in other words, what you would call the system block.

The CHAIRMAN. And when did you get the job of chief engineer over at the Voice?

Mr. HERRICK. Well, at that time, sir, I was known, then, as chief engineer, but it was one of the subdivisions. That was 1945–1946.

I was known as the chief engineer of the New York Office, the Bureau of Communication facilities.

The CHAIRMAN. In other words, when the OWI was blanketed into the State Department, you went from OWI right in?

Mr. HERRICK. That is right, sir.

The CHAIRMAN. And in OWI, you were doing information work, and you stayed with the same work when it was moved over with the Voice; is that right?

Mr. HERRICK. That is correct.

Mr. SCHINE. In July, how much money had been spent on Baker West and Baker East?

The CHAIRMAN. Let me ask, first: At the time you had this meeting with Compton and the other men you named, you, as chief engineer, of course, were called upon to make a recommendation. Did you recommend at that time that Baker East and Baker West, or either one, be moved south?

Mr. HERRICK. My recommendations, sir, were in this form: that this problem applied to both Baker East and Baker West, and that from the information that we had at the present time the project on particularly Baker West should be moved south.

Senator SYMINGTON. Mr. Chairman, may I ask a couple of questions?

The CHAIRMAN. Surely.

Senator SYMINGTON. You studied two years at college?

Mr. HERRICK. I was there one year.

Senator SYMINGTON. You were there two years?

Mr. HERRICK. I was there two calendar years.

Senator SYMINGTON. What kind of course were you taking?

Mr. HERRICK. I was taking the general electrical engineering course.

Senator SYMINGTON. Name a couple of the courses.

Mr. HERRICK. Well, at that time I took algebra, analytical algebra, not getting into calculus as yet, chemistry—

Senator SYMINGTON. In other words, you were taking, as the Chairman pointed out, courses that would help you in electrical engineering, but you were not taking electrical engineering courses?

Mr. HERRICK. No, sir. Oh, no, sir.

Senator SYMINGTON. Thank you.

Mr. SCHINE. You were responsible, in your position at the Voice, for the visualizing, the planning, and the execution of the transmitter projects, amounting to millions and millions of dollars?

Mr. HERRICK. Yes, sir, I was.

Mr. SCHINE. How much money had been spent, by July 7th, on the projects Baker East and Baker West?

Mr. HERRICK. I believe, approximately, as far as the contract was concerned, on Baker West, around \$200,000. On Baker East, I could not answer that question.

Mr. SCHINE. How much has been spent on Baker West at this time?

Mr. HERRICK. At this time: as of the last report, for the contractor, \$435,988.

Mr. SCHINE. Up until this point?

Mr. HERRICK. That is correct.

Mr. SCHINE. Did the military ever express any interest in the locations of Baker East or Baker West? Was there any official relationship with the military?

Mr. HERRICK. No, sir, not that I am aware of. There have been discussions about the fact that they have, but I personally am not aware of it.

The CHAIRMAN. I am sorry. I missed the last part of your answer.

Mr. HERRICK. I said I personally am not aware of it. There have been discussions. I have been advised that the military has been interested, but I am not personally aware of it.

The CHAIRMAN. Well, as chief engineer and the man who picks the site, would it not seem logical, if they were concerned about the site, that they would contact you?

Mr. HERRICK. Not necessarily so, no.

The CHAIRMAN. Whom would they contact, if you are picking the site?

Mr. HERRICK. They would contact, in all probability, sir, through the Washington office.

The CHAIRMAN. Do you not make the final decision?

Mr. HERRICK. No, I do not always make final decisions.

The CHAIRMAN. Well, in Baker West did you make the final decision?

Mr. HERRICK. Well, sir, I must ask that the question be a little bit clarified. What final decision, sir?

The CHAIRMAN. Did you make the decision as to where Baker West would be located?

Mr. HERRICK. Initially, I made the decision, yes, as to where Baker West would be located, in the fact, or rather to the fact, that that general area was to be acceptable to us.

The CHAIRMAN. I am just trying to apply a little common sense here. If the military was interested, would you not, if you know that, contact the Joint Chiefs and say, "Gentlemen, I am planning on locating this in a certain area in Washington state. Is that acceptable to you?" You were only the distance from your telephone away.

Mr. HERRICK. Well, sir, as far as the Joint Chiefs are concerned, the projects in general have been discussed with them before, but the question that was asked me is whether the military, if I understand it correctly, was interested in the site, or in our location at the site. And I stated that I personally was not aware of their interest. I have heard statements that they were interested.

The CHAIRMAN. Did you ever discuss the location with the Joint Chiefs?

Mr. HERRICK. Not location, sir, as to exact location, no.

The CHAIRMAN. What did you discuss with the Joint Chiefs?

Mr. HERRICK. We have briefed in the past the Joint Chiefs, or rather a subdivision of the Joint Chiefs, as to the plan, which was the Ring Plan, and the location of certain high power transmitters in this country on the East and the West Coast.

The CHAIRMAN. You said you briefed them. Whom did you brief?

Mr. HERRICK. It was a group that was called by the joint subsidiary plans division of the Joint Chiefs of Staff. At that particular time, that group was headed by Admiral Stevens. The participants, sir, I don't remember.

The CHAIRMAN. And you had this meeting, and you told them what you were going to do?

Mr. HERRICK. The general plan, sir, yes.

The CHAIRMAN. And did anyone ever object? Did anyone ever suggest that you pick this location, anyone from the military, anyone from the Joint Chiefs of Staff?

Mr. HERRICK. Not at that time, no, sir.

The CHAIRMAN. You say not at that time. At any time did anyone from the Joint Chiefs, any one from the military, in any way try to influence your decision as to where you would locate either Baker East or Baker West?

Mr. HERRICK. No, sir.

The CHAIRMAN. They did not. Okay.

Senator SYMINGTON. Was there ever any interest expressed by the military in the use of this equipment from the standpoint of possible coordination by them or use by them, or were they disinterested in this type of transmission completely?

Mr. HERRICK. No, sir, they were interested, during our discussions with the Joint Chiefs of Staff that I mentioned before, interested in the equipment, because of its adaptability and usability on other services, if that is answering your question.

Senator SYMINGTON. You say use in other services. Were they interested in its possible use in this locality?

Mr. HERRICK. No, sir.

Senator SYMINGTON. They would be interested, then, in using it by transferring it somewhere else? Was that it?

Mr. HERRICK. No, not necessarily, sir.

Senator SYMINGTON. If they do not use it somewhere else and do not use it there, where could they be interested in using it?

Mr. HERRICK. The interest at that time in these discussions was that such equipment, such installations, would exist, which could be usable for other purposes in the event of hostilities.

Senator SYMINGTON. What other purposes?

Mr. HERRICK. Well, communication purposes, as an example.

Senator SYMINGTON. And they felt that they could use them where they were placed?

Mr. HERRICK. At that time, sir, when these meetings were held with the Joint Chiefs of Staff group, this was before the site was selected, so it was just the East Coast and the West Coast.

Senator SYMINGTON. I see.

Senator JACKSON. Had RCA recommended the northern sites originally?

Mr. HERRICK. Yes. RCA, in their recommendations, as I recall them, sir, did recommend the Seattle area.

Senator JACKSON. And then later they changed their opinion?

Mr. HERRICK. Much later.

Senator JACKSON. After the project was under way?

Mr. HERRICK. After the project was under way, sir.

Senator JACKSON. But they were aware of the fact that Baker West was under way, and that Baker East was under way?

Mr. HERRICK. Yes, as far as I know, sir.

Senator JACKSON. And you had undertaken that construction on the basis of their original recommendation, among other things?

Mr. HERRICK. That is correct, sir.

Senator JACKSON. Now, in that same connection, what had MIT recommended, originally?

Mr. HERRICK. If I recall, sir, they recommended the Seattle area as well.

Senator JACKSON. The northern areas, both east and west?

Mr. HERRICK. That is right.

Senator JACKSON. And in order that the record is clear so that we get the continuity of this, when did the work get under way on land acquisition, and so forth, on Baker West?

Mr. HERRICK. The land acquisition actually started, or the steps for land acquisition actually started, in July of 1951, sir.

Senator JACKSON. July of—

Mr. HERRICK. 1951. That is when the survey teams started out to try to acquire land.

Senator JACKSON. In July of 1951?

Mr. HERRICK. That is right.

Senator JACKSON. And when did the construction get under way?

Mr. HERRICK. The site was turned over to the contractor for his access April 22nd, I believe, of 1952.

Senator JACKSON. And then how about Baker East? When did you start there?

Mr. HERRICK. In Baker East, we started about the same time.

Senator JACKSON. First on land acquisition?

Mr. HERRICK. On land acquisition, as I recall, the land acquisition was about the same time.

Senator JACKSON. And the construction, a contract, about the same time?

Mr. HERRICK. That is right, about the same time, sir.

Senator JACKSON. So that you commenced to acquire the land a year prior to this subsequent change of mind by RCA engineers?

Mr. HERRICK. That is correct, sir.

Senator JACKSON. What about MIT? I did not get that.

Mr. HERRICK. MIT's initial recommendations, as I recall them, were Seattle as well, in other words the northern areas.

Senator JACKSON. And they likewise changed their mind a year later?

Mr. HERRICK. That is correct, sir.

Mr. CAHN. Mr. Chairman, may I ask just one question? What other aspects of Baker West, or, for that matter, Baker East, are considered classified, if any, from a national security standpoint?

Mr. HERRICK. Well, I will try to answer that question.

Mr. CAHN. You can take anything off the record, if necessary.

Senator JACKSON. I think it might be helpful to have it on the record, so that someone could edit this point, and then we will have a record as to what should be done in the way of editing of the document before it is released.

Mr. HERRICK. I believe as far as the Baker plants are concerned—and this is necessarily subject to correction later—the projects have been declassified to restricted, with perhaps the exception of some of the propagation data that is under process of development.

Mr. CAHN. In the compendium that you have there, is any of the material secret? I see a reference to the last page being secret.

Mr. HERRICK. The last page is secret, yes, sir.

Mr. CAHN. And what is the general subject of that last page?

Mr. HERRICK. That is a projection of dates, acquisition dates—or not acquisition dates, sorry, but completion dates.

Mr. CAHN. And by whose designation is that secret?

Mr. HERRICK. This particular document is only secret, sir, because it was attached to some others.

The CHAIRMAN. What did you say?

Mr. HERRICK. This particular document at this time is only secret because it was attached to another report.

The CHAIRMAN. That is secret by association?

Mr. HERRICK. If I may be permitted to explain, this note on top is purely a reminder to my secretary that this one page is secret because it was removed from another document that was classified secret. That is all; just a reminder to me.

The CHAIRMAN. Then the material that you told Mr. Cahn was secret actually is not secret, except that you have a page of secret material stuck in with it?

Mr. HERRICK. Well, sir, I don't recall I told Mr. Cahn that anything was secret as far as Baker West or Baker East was concerned. He was asking me, I believe, in reference to what I had here in my hand.

Mr. CAHN. Why did you bring along that particular page?

Mr. HERRICK. This is purely to refresh my memory.

The CHAIRMAN. The original question of Mr. Cahn was: what aspects of Baker West are classified as secret? Is that right? And your answer was: no aspects whatsoever?

Mr. HERRICK. My answer, I believe, sir, was that the Baker projects are classified restricted, with certain elements of propagation, subject to correction later, being classified higher.

Senator JACKSON. How about the voltage, or the output?

Mr. HERRICK. The output? No, I don't recall that that is any longer classified. We have found it necessary to declassify as much as possible because of the difficulties of construction, and so on.

The CHAIRMAN. You have told us that up to this date, I believe, some \$400,000 have been spent on Baker West.

Mr. HERRICK. That is for contracting, sir.

The CHAIRMAN. Do not do that to us. We asked you what money has been spent. We want to know how much money has been spent. You understand that. And we get awfully sick of trying to run a man all over the lot trying to get the figures. So give us the figures.

Mr. HERRICK. The cumulative obligations for the contractor are \$439,588, and for government furnished equipment, \$3,167,000.

Senator JACKSON. That is transmitters?

Mr. HERRICK. That is transmitters, necessary equipment to go with it.

Senator JACKSON. Is that \$439,000 contract authority, or is that actually spent by the contractor?

Mr. HERRICK. No, that is the funds that have actually been spent.

Senator JACKSON. The indebtedness that he has incurred?

Mr. HERRICK. That is right.

The CHAIRMAN. And how about the balance? Has that been spent?

Mr. HERRICK. No, the balance has not been spent.

Senator SYMINGTON. What is the balance that has not been spent?

Mr. HERRICK. I do not have the figures on the balance, sir.

Senator SYMINGTON. What is the total, then?

Mr. HERRICK. The total for the project on Baker West is \$7,373,290.

The CHAIRMAN. What is the total that has not been spent, if you know? If you do not know, tell us.

Mr. HERRICK. No, I don't know, sir.

The CHAIRMAN. You mentioned a figure of \$3 million. Has that \$3 million been spent?

Mr. HERRICK. No, sir, that has been obligated.

The CHAIRMAN. It has been obligated.

Senator SYMINGTON. But it is ordered, and therefore it is a commitment of the government?

Mr. HERRICK. That is right.

Senator SYMINGTON. You say the contractor has actually expended \$400,000.

Mr. HERRICK. That is right; \$3,719,990.

Senator SYMINGTON. And how much of this has been obligated?

Mr. HERRICK. \$499,000

Senator SYMINGTON. No, you said that is what has been spent. What has been obligated?

Mr. HERRICK. I am actually correct, sir. That is a cumulative obligation. The cumulative obligation is \$439,588.

Senator SYMINGTON. And that is all that has been obligated?

Mr. HERRICK. By the contractor himself.

Senator SYMINGTON. Is the construction contractor the same contractor who buys the transmitters?

Mr. HERRICK. No, sir.

Senator SYMINGTON. Well, how does that work?

Mr. HERRICK. Actually, all the electronic equipment, the major electronic equipment, is bought by the government, is government-furnished equipment, and is supplied to the contractor, as a separate contract.

Senator SYMINGTON. Who is the contractor in this case? Do you know?

Mr. HERRICK. For what, sir? For the government-furnished equipment?

Senator SYMINGTON. For the construction.

Mr. HERRICK. J. G. Watts Construction Company, Portland, Oregon.

Senator SYMINGTON. And what is the amount of the fee?

Mr. HERRICK. The amount of the fee, sir, I do not have with me at the moment.

Senator SYMINGTON. Is it based on an estimated percentage of the cost?

Mr. HERRICK. No, sir, it is a negotiated fee.

Senator JACKSON. A fixed fee?

Mr. HERRICK. A fixed fee.

Senator SYMINGTON. A fixed fee on what basis? What is the basis of the negotiation?

Mr. HERRICK. I cannot answer that, sir, because that is handled in a different area of the department.

Senator SYMINGTON. In a different area of what department?

Mr. HERRICK. Of the State Department. It is handled within the administrative office.

Senator SYMINGTON. And not handled by the Voice of America at all?

Mr. HERRICK. It is handled by the New York office of the National Administrative Office, which was, sir, a part of the under secretary for administration. And as of recent months—I cannot tell you the date—its functions have been transferred to the IIA.

Senator SYMINGTON. Well, I do not want to labor the point, but I think it might be interesting: How is the money appropriated by the Congress to the Voice of America? Is it appropriated to the State Department and dealt out by the State Department to the Voice of America? Or is it appropriated by the Voice of America and then given by the Voice of America to the State Department? How does that work?

Mr. HERRICK. It is appropriated, sir, to my knowledge, by the Congress to the Voice of America. But the administrative functions are handled by, or were handled by, the administrative area under the assistant secretary for administration.

Senator SYMINGTON. I see.

Senator JACKSON. Mr. Herrick, how much is the land acquisition involved? I do not think that was included, was it?

Mr. HERRICK. The land acquisition was \$390,750 for Baker West.

Senator JACKSON. And that is in addition to the amount—

Mr. HERRICK. No, sir, that would be included under the government-furnished equipment figure.

Senator JACKSON. Is that a part of the \$400,000-odd you mentioned?

Mr. HERRICK. That is part of the \$3,167,000 that I mentioned.

Senator JACKSON. That is a part of the \$3,167,000 figure?

Mr. HERRICK. That is correct.

Senator JACKSON. Now, that relates to the acquisition of land and the transmittal equipment?

Mr. HERRICK. That is right. It is government-furnished equipment and services.

Senator JACKSON. But the transmittal equipment you could use in some other station; but, of course, you cannot use the land elsewhere. So what you are in at the moment is \$400,000 to the contractor and then \$300,000-odd for the land, roughly speaking?

Mr. HERRICK. That is correct, sir.

Senator JACKSON. Is that correct? I just wanted to get that. Now what is the situation with reference to Baker East?

The CHAIRMAN. Before you go to Baker East, I would like to ask this question:

You said that figure of \$3,167,000 had been obligated to pay out?

Mr. HERRICK. That is obligated on the books, sir.

The CHAIRMAN. Now, the land, \$400,000-some, has not been obligated for. It has been paid for, has it not?

Mr. HERRICK. These are the obligated figures. There are liquidations against it which we have not yet received.

The CHAIRMAN. When the equipment is laid down at Seattle, is it paid for then?

Mr. HERRICK. Yes. It rather, sir, is paid for on delivery.

The CHAIRMAN. And how much of the stuff has been delivered?

Mr. HERRICK. Just actually the two 100-kilowatt transmitters in reference to the project have been delivered, which represent \$428,876; some towers have been delivered, which represent \$132,000.

The CHAIRMAN. Is that all?

Mr. HERRICK. That is all, sir, that have been delivered.

The CHAIRMAN. So that when you say \$3,167,000 is obligated, actually much of it has already been liquidated, paid for, the money spent.

Mr. HERRICK. That is correct.

The CHAIRMAN. How about the equipment and the towers? Could they be used some place else?

Mr. HERRICK. Yes, sir.

The CHAIRMAN. The only loss there would be the cost of transshipping, then?

Mr. HERRICK. Yes, sir.

The CHAIRMAN. And the land, I assume, if it was bought at a fair price, could be liquidated also, and be sold?

Mr. HERRICK. I believe so, sir.

Senator JACKSON. Part of that has been graded, though, I believe?

Mr. HERRICK. Yes, sir.

The CHAIRMAN. I am trying to figure out how much it cost if you moved the project. So that actually, while some \$3 million has been obligated and part of it liquidated, the equipment which was obligated for could be used in southern California or some place else, and the land could be disposed of at a loss, though you do not know, and as of now, the loss no part of which could be recouped is the \$400,000-some-odd for work done by the contractor?

Mr. HERRICK. That is correct, sir, to my knowledge at this moment.

The CHAIRMAN. Now, let me ask you this. At this time, do you not, as the former chief engineer of the Voice, think, in view of the unanimity of opinion on the part of the engineers, it would be best to close up the project in Washington State and move it down to southern California?

Mr. HERRICK. I feel from the engineering viewpoint it would be better to move it.

The CHAIRMAN. Was there any other viewpoint from which you feel it would not be better?

Mr. HERRICK. There are other viewpoints, such as cost of land acquisition in the southern California area and things of that nature.

The CHAIRMAN. You mean you have not explored that?

Mr. HERRICK. We have checked it, but we have not gotten cost figures.

The CHAIRMAN. Do you not have any idea how much it would cost? The land down there? You sent people there, and they came back and gave you an estimate?

Mr. HERRICK. They gave me some estimates, sir, but at the moment I do not remember them.

The CHAIRMAN. Well, were the estimates such that you decided when you got them you should move down to southern California, or was the cost of land so exorbitant—

Mr. HERRICK. As I recall, the estimates for the most desirable locations were rather exorbitant, but I cannot quote you figures.

The CHAIRMAN. You do not have any idea of the figures?

Mr. HERRICK. No.

The CHAIRMAN. Then the only thing that might alter your decision would be if you could not get land down in southern California at a reasonable figure. That is the only thing that stands in the way?

Mr. HERRICK. That is correct.

The CHAIRMAN. How about Baker East? Does the same situation, roughly, apply there?

Mr. HERRICK. The factors on Baker East are not quite the same, sir, in the fact that if we do go down farther south the path does get longer, and consequently the differential between the northern and the southern location becomes smaller.

Mr. SCHINE. Dr. Beveridge is director of the research laboratory of RCA?

Mr. HERRICK. Yes, sir.

Mr. SCHINE. You are familiar with a letter he wrote you as of May 19, 1952, in which he says, in his conclusion:

If it is not practical to make these comparative measurements, then I would suggest that, in view of the fact that we are agreed that Los Angeles is a suitable site, and that Mr. Kesson's work at least throws some doubt upon the suitability of Seattle, we would recommend that Los Angeles or San Francisco be given serious consideration as the most suitable site for the Voice of America transmissions to central China.

Mr. HERRICK. I am familiar with that letter, yes.

Mr. SCHINE. Is it not true that there are some transmitters in San Francisco that could be used by the Voice of America?

Mr. HERRICK. Yes, there are transmitters in San Francisco at the Associated Broadcasting plant.

Mr. SCHINE. Was there ever any consideration given to using the transmitters that private industry owned, rather than going to millions of dollars of new construction?

Mr. HERRICK. Yes. The use of privately owned and existing government-owned plants was taken into consideration when this expansion program was developed.

Mr. SCHINE. Where are those transmitters at San Francisco that could be used by the Voice of America? Is there one at Delano?

Mr. HERRICK. There is a plant at Delano, a plant at Dixon, and a plant at Belmont.

Mr. SCHINE. And you say they could do the work?

Mr. HERRICK. No, sir, I did not say they could do the work. I said they were taken into consideration when the plan was developed.

Mr. SCHINE. Is there any reason why they did not decide to utilize the facilities of these already existent transmitters?

Mr. HERRICK. Yes. The facilities of these existing transmitters were going to be used, but the problem was, as I mentioned earlier, to try to develop the highest possible signal-to-noise ratio in the target area, or signal-to-jamming ratio in the target area, and con-

sequently superpower was desired in order to develop that particular ratio.

Mr. SCHINE. Is it not true that these four transmitters in the San Francisco area could take a half hour program, or something of that sort, and achieve the same result, in the light of these propagation studies?

Mr. HERRICK. In the transmitter area, the San Francisco area, the transmitters located there—the Associated, are you referring to?

Mr. SCHINE. The four to six transmitters, the transmitters that are in San Francisco.

Mr. HERRICK. Those plants could take program and develop signals in the target area, yes. But whether those signals would be of satisfactory magnitude under jamming conditions is rather difficult to predict.

The CHAIRMAN. I do not follow that. You say that they could transmit to the target area, but whether or not they could transmit suitably under jamming conditions you could not predict.

Mr. HERRICK. No, sir, I cannot.

The CHAIRMAN. Well, could you predict, could you make any better prediction, in regard to the station you are building up at Seattle?

Mr. HERRICK. Only to the extent that the power that would be developed up there would be much higher in order, and the results could be anticipated to be much better.

Senator JACKSON. Under jamming conditions?

Mr. HERRICK. Under jamming conditions. The problem, sir, is that jamming is not under our control, and it is the intent of the opponent to develop as high as possible jamming signal in your target area. You are not able to predict the maximum that he can develop, so it is your problem to develop the most powerful, shall we say, or the best signal in the area, in order to try to circumvent him.

Mr. SCHINE. Is there any activity, this week, at the Voice of America concerning reconsideration of the locations of Baker East and Baker West?

Mr. HERRICK. Yes, during this week there has been a review of the Ring Plan under way to try to establish what modifications and so forth might be required as of now, and further, the MIT analyses have been submitted for study by the group to ascertain their findings.

The CHAIRMAN. When was that started? This week?

Mr. HERRICK. It was started to obtain the MIT final report this week. The study will not take place this week, no sir.

The CHAIRMAN. But it was initiated this week?

Mr. HERRICK. Yes, sir.

The CHAIRMAN. Who initiated it?

Mr. HERRICK. General Stoner, I believe, sir.

The CHAIRMAN. Who is your successor?

Mr. HERRICK. My successor is Frank Seymour.

The CHAIRMAN. Frank Seymour?

Mr. HERRICK. Yes, sir.

The CHAIRMAN. Is he a graduate engineer?

Mr. HERRICK. I believe so, sir.

The CHAIRMAN. Let me ask you this: Sometimes it is difficult to ask these questions, because the witness thinks you are trying to reflect on his ability. Just forgetting for the time being that you happen to have been the chief engineer, would it not seem to you that it would have been much better to have had as a chief engineer in a project in which you have control over millions and millions of dollars—would it not be better to have as a chief engineer a man with an engineering background, a man who had graduated from an engineering school, a man who had long experience in radio engineering, rather than yourself, undoubtedly one of the finest men perhaps over there, but it would seem that you do not have any engineering background to qualify you for this job.

Mr. HERRICK. I have no formal background, no, sir.

The CHAIRMAN. Do you not think it would have been better to have gotten a good, competent engineer to do that work?

Mr. HERRICK. Well, sir, that is rather, as you yourself have stated—rather difficult for me to answer.

The CHAIRMAN. To evaluate. I know that.

Mr. HERRICK. Actually, in my own opinion, perhaps it would. However, my objective was to depend upon the best engineering brains I could get to assist in any of the detail or theoretical studies. My job was the complete knowledge of the international broadcasting situation, both of the United States, and of the other countries, and trying to develop a visionary plan. I admit it was visionary; but a plan designed to put the United States in the best possible position in reference to international broadcasting to carry out any mission the United States so desired.

The CHAIRMAN. Well, in the light of what has developed, in light of the fact that the engineers now all apparently with complete unanimity agree that Baker East and Baker West should have been located much farther south, would it not seem that a very serious mistake had been made by someone, either yourself as chief engineer, or Mr. Stoner, or someone?

Mr. HERRICK. No, sir. I did everything proper, I believe, in trying to establish the best possible locations for these transmitter sites.

The CHAIRMAN. Well, let me ask you this: If you were doing it today, you would not locate the plants—

Mr. HERRICK. If I were doing it today, if you wish a direct answer to that question, I think I would depend more on our own judgment and not so much on the judgment of research associates in the field.

The CHAIRMAN. The question was: If you were doing it today, would you locate Baker East and Baker West where they are now located?

Mr. HERRICK. As I expressed earlier, sir, I would locate Baker West farther south. As far as Baker East is concerned the picture is not quite that clear.

The CHAIRMAN. In other words, by locating it farther south, you are now convinced you could get the same results for less money, or spend the same amount of money and get much better results?

Mr. HERRICK. No, sir, that is not quite correct. I will try to express myself. During periods of normal propagation conditions, I believe the signals from farther north would be superior to those

signals from farther south. During the disturbed periods, the situation would be reversed.

The CHAIRMAN. Do you know of any engineers who agree with you on that?

Mr. HERRICK. Yes, I believe that the original findings of MIT, RCA, and others were based on that particular point.

Senator SYMINGTON. Why would you say that?

Mr. HERRICK. Because of the difference in distances. In other words, actually the path length is shortened.

Senator SYMINGTON. Well, according to the testimony we have had earlier, sixteen days there are normal magnetic storms; thirteen days, there are abnormal magnetic storms. That is twenty-nine days out of thirty or thirty-one days.

Now, certainly the distance attenuation due to the air being denser would be nothing compared to going through that magnetic storm, would it, if you are going to have it twenty-nine out of thirty or thirty-one days a month? I am only trying to understand you.

Mr. HERRICK. That is correct, Senator. But the point I was making was that there were certain times when the service from farther north would have been better than service from farther south.

Senator SYMINGTON. What percentage per month, would you say?

Mr. HERRICK. That is actually, sir, what we are trying to determine.

Senator SYMINGTON. Well, do you base that on any technical knowledge? Because a directly opposite testimony was given us this morning, that apparently was based on technical knowledge.

Mr. HERRICK. Yes, sir, that is based on technical knowledge in the fact of the absorption curves. As a matter of fact, in reference to even the East Coast, under certain conditions, conditions as far north as Newfoundland would be superior to locations south.

Senator SYMINGTON. If that were true, I do not see how you would feel now you would rather put the base in the south.

Mr. HERRICK. It is, as I stated earlier, a conservative engineering opinion, based on the fact that the unknowns with reference to the north, as to the degree, in other words, the number of times the outages occur, the extent they occur, dictate now you should put it to the south.

Senator JACKSON. Right at that point: Was the original technical advice pretty unanimous in placing both projects in the north?

Mr. HERRICK. As I recall them, Senator, yes.

Senator JACKSON. And the basic decision you had to face, then, was: What do we do after we have already started something and have purchased land and started construction?

Mr. HERRICK. That is correct, sir.

Senator SYMINGTON. Could I ask you: Did you apply for the position with the Voice of America as chief engineer, or did they solicit you for it?

Mr. HERRICK. Well, sir, as I mentioned earlier, I came up through the ranks to the position of chief engineer.

Senator SYMINGTON. But you were with the OWI?

Mr. HERRICK. That is right.

Senator SYMINGTON. And you transferred at one point from OWI to the Voice of America?

Mr. HERRICK. Yes. It was an automatic transfer, sir.

Senator SYMINGTON. It was an automatic transfer. By that, exactly what do you mean?

Mr. HERRICK. Well, sir, I imagine it was an administrative function.

Senator SYMINGTON. What was your title when you left the OWI?

Mr. HERRICK. Chief engineer of the New York Office, sir.

Senator SYMINGTON. Of the New York office of the OWI?

Mr. HERRICK. Yes, sir.

Senator SYMINGTON. And what was your title when you went with the Voice of America?

Mr. HERRICK. Still the same, sir, as I recall.

Senator SYMINGTON. Still the same? Same amount of money you were paid?

Mr. HERRICK. Yes, as I recall.

Senator SYMINGTON. Whom did you report to in the OWI?

Mr. HERRICK. A whole series of supervisors.

Senator SYMINGTON. Who was the last one?

Mr. HERRICK. John Sheehan, John R. Sheehan.

Senator SYMINGTON. And whom did you report to in the Voice of America?

Mr. HERRICK. Well, there was an interim agency, sir, during this transition period. I think John Ogilvie, during that period.

Senator SYMINGTON. So what you had was an intra-department transfer, right?

Mr. HERRICK. Yes, sir.

The CHAIRMAN. Did you work under Lattimore in OWI?

Mr. HERRICK. No, sir.

The CHAIRMAN. Did you have any contact with him at all?

Mr. HERRICK. No, sir. I assume, sir, he was on the program side.

Mr. SCHINE. Mr. Chairman, that is all we have to ask this witness at this time.

The CHAIRMAN. Thank you.

You are considered under subpoena. We may want you in Washington.

Mr. Herrick, this is an executive session, and that means that the evidence is kept in secret until we decide to make it public, if we do decide to make it public. Until a public hearing is called, we would prefer that you not discuss with the press your testimony. You may want to discuss that with some of your superiors, and it would be useless for me to instruct you not to.

Mr. HERRICK. Thank you, Senator.

The CHAIRMAN. Just one question. Did you ever have occasion to discuss with the Mexican authorities the question of what channels you would use to avoid interference between Mexico and our Voice of America programs?

Mr. HERRICK. No, sir, not with the Mexican authorities, unless you mean by any chance the International High Frequency Broadcasting Conferences, where that discussion might have been held with them or with others, other countries.

Senator SYMINGTON. May I ask one question?

Did you pick Ceylon?

Mr. HERRICK. As far as picking it, Senator, I can't answer the question that way. The intent in Ceylon was to move in quickly

with the release of the British from Ceylon and to exploit it as much as possible in order to get a desirable transmitting point.

Senator SYMINGTON. Thank you.

The CHAIRMAN. The man in charge of the particular section having to do with frequency assignment and working out agreements, international agreements, I believe is William T. Stone. Is that correct?

Mr. HERRICK. No, sir, that is not quite correct.

The CHAIRMAN. What was his job?

Mr. HERRICK. William T. Stone, during the periods of the Mexico City High Frequency Conference in 1948 and '49 did have or appeared to have some form of policy position in reference to establishment of our position in international broadcasting.

The CHAIRMAN. I don't know in what way what you have said differs from what I asked you. I asked you whether or not Stone was in charge of that phase of the operations of the Voice having to do with agreements with other countries insofar as interference or assignment of wave lengths was concerned.

Mr. HERRICK. No, sir, he was not in charge. That is what I have tried to state, sir.

The CHAIRMAN. Who was in charge?

Mr. HERRICK. Actually, the group in charge of international agreements with reference to high frequency broadcasting was the telecommunications division of the State Department.

The CHAIRMAN. And who is in charge of that division?

Mr. HERRICK. I believe a man by the name of Mr. Barringer.

The CHAIRMAN. Well, let me ask you this: Insofar as the Voice was concerned with that problem, was Stone in charge?

Mr. HERRICK. No, sir. He was an adviser, a policy adviser, in reference to the problem.

The CHAIRMAN. Who was in charge, insofar as the Voice was concerned?

Mr. HERRICK. There were two areas of responsibility, sir, one lying in Washington, one in New York.

The CHAIRMAN. How about the New York area?

Mr. HERRICK. In the New York area, speaking for the operation itself, the engineering operation, I would say I was in charge, as the top man on the totem pole; let's put it that way, sir.

The CHAIRMAN. Was Mr. Stone your adviser in that? If you were the man in charge, was Mr. Stone the one who advised you?

Mr. HERRICK. Mr. Stone was one of the advisers in this particular case.

The CHAIRMAN. Who besides Mr. Stone was your adviser?

Mr. HERRICK. My chief at that time, Mr. Thayer.

The CHAIRMAN. Which Mr. Thayer?

Mr. HERRICK. Charles Thayer.

The CHAIRMAN. And who else besides Thayer? Thayer and Stone were your advisers?

Mr. HERRICK. Stone, sir, was in the Washington office.

The CHAIRMAN. You have named two of your advisers, Stone and Thayer. Who else?

Mr. HERRICK. Yes, they were all part of, shall I say, the working group, with reference to our position, that took part in discussions. Mr. Delgado.

The CHAIRMAN. Who?

Mr. HERRICK. Muccio Delgado.

The CHAIRMAN. Anyone else?

Mr. HERRICK. Then, as I recall, the engineering groups and representatives from the program branch.

The CHAIRMAN. Do you recall the question you were asked now? You named three advisers. They were advisers on what?

Mr. HERRICK. They were advisers on policy and our position that we should take in reference to this international conference, as far as the Voice operation itself was concerned.

The CHAIRMAN. There were three men only, Thayer, Muccio Delgado, and William T. Stone?

Mr. HERRICK. Then, in addition to that, sir, there were also representatives, as I said, of the program branches and engineering branches.

The CHAIRMAN. That is all.

Thank you.

The CHAIRMAN. Dr. Smith, in this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Dr. SMITH. I do.

The CHAIRMAN. I understand Dr. Smith has been working with the committee acting as adviser, conducting some studies.

Mr. SCHINE. Yes, sir, very cooperatively. He has been waiting for days.

Your name, sir?

**TESTIMONY OF DR. NEWBERN SMITH, CHIEF,
CENTRAL RADIO PROPAGATION LABORATORY,
NATIONAL BUREAU OF STANDARDS**

Dr. SMITH. Newbern Smith.

Mr. SCHINE. You are chief of the Central Radio Propagation Laboratory of the National Bureau of Standards?

Dr. SMITH. That is right.

Mr. SCHINE. You have been with the Bureau of Standards since 1935?

Dr. SMITH. Yes.

Mr. SCHINE. And the Central Radio Propagation Laboratory has been set up at the National Bureau of Standards to furnish consulting services and radio propagation information to all the users of radio, including the other government agencies?

Dr. SMITH. That is correct.

Mr. SCHINE. Did the Voice of America ever call upon the National Bureau of Standards for any facts and figures regarding Baker West?

Dr. SMITH. No, we were never called upon officially with respect to Baker West. One or two of our fellows at times had conversations with people, but it was fairly informal.

Mr. SCHINE. Your agency could have made at any time available to the Voice of America authorities a research study on the propagation problem involved?

Dr. SMITH. Yes, that is what we are in the business for.

Mr. SCHINE. And this study would have meant the reassimilation and interpretation of facts already in the files of The Bureau of Standards?

Dr. SMITH. That is essentially correct.

Mr. SCHINE. And expense-wise this would have cost only the hours of the staff, who would have had to put the material together?

Dr. SMITH. Yes, that is correct.

Mr. SCHINE. And did you ever wonder, over at the Bureau of Standards, why you had never been called by the Voice of America?

Dr. SMITH. Yes, we were inclined to wonder why we were not called in. We knew that they did have some propagation studies being conducted at other places.

The CHAIRMAN. Let me ask counsel: Is it correct that the Voice paid roughly \$600,000 to have a study conducted by MIT?

Mr. SCHINE. Yes, sir.

You were aware of this MIT study?

Dr. SMITH. We were aware of the fact that there was a study being conducted there.

Mr. SCHINE. Did you wonder why they should not have called on you instead of the MIT?

Dr. SMITH. Yes, we wondered that.

Senator SYMINGTON. Could I ask a question, please?

Your agency is sort of a clearing house for that kind of thing in government, is it not?

Dr. SMITH. That is correct.

Senator SYMINGTON. And you are interested in saving the taxpayers' money, I am sure?

Dr. SMITH. Yes.

Senator SYMINGTON. Then why did you not ask these people if you could help them?

Dr. SMITH. Largely, I imagine, because we had more work than we could handle. If somebody came to us and asked us for a propagation study, we would be very glad to do it and we would reshuffle our projects accordingly.

Senator SYMINGTON. Then you could not have handled it even if they asked you?

Dr. SMITH. If they had asked us, we would have reshuffled our projects and reassigned priorities so that we could get it in.

Senator SYMINGTON. There was no chance of them knowing you were so overburdened that you could not do the work?

Dr. SMITH. I don't know. I know that they must have been aware of the program we were carrying on, because there is a State Department representative on our executive council.

Senator JACKSON. Did they inquire of you as to whether you could make the study in the time that they had indicated as being their target date?

Dr. SMITH. No, we were never approached.

The CHAIRMAN. Let me ask you this: You have done these propagation studies before?

Dr. SMITH. Yes, sir.

The CHAIRMAN. And when MIT was hired to conduct the study, they in turn had to come back to you to get information? Is that correct?

Dr. SMITH. I believe so, sir. The Bureau of Standards has the main source of propagation data in the United States, and all the studies which are conducted utilize those data. Now, they may require other data in addition, which could be obtained by monitoring circuits or something like that, which we would not have had.

Mr. SCHINE. On the basis of the preliminary study of the situation, which our committee has asked you to make, is it true that the indications are, from the propagation standpoint, that Washington State was a mistake?

Dr. SMITH. From the preliminary survey, I would say the indications are that it was probably an unwise location.

Mr. SCHINE. Does your study show that, for example, San Francisco would be a superior site from the propagation standpoint?

Dr. SMITH. That is what our preliminary study would show.

The CHAIRMAN. Another question along the line that Senator Symington asked: I understand that the Bureau of Standards does not go out to other departments and solicit work. You assumed that anyone who is the head of another bureau is well enough acquainted with the setup at Washington that he would know that the Bureau of Standards is a clearing house, and that if your services are required they can come to you, and for that reason you do not go out soliciting work for the Bureau of Standards?

Dr. SMITH. That is correct, sir.

The CHAIRMAN. And if you had been contacted to make this study, you would have made that study, then, as you are in effect making it now for this committee?

Dr. SMITH. That is correct, sir.

The CHAIRMAN. And that would have cost the Voice nothing at all, except that it would have cost someone something, I assume, as your load would have been heavier, and it would have cost you something to make the study?

Dr. SMITH. Yes, it would cost the taxpayers the time of our people to do the job.

Senator JACKSON. Do you have people in the Bureau of Standards that are as competent as the MIT and RCA personnel?

Dr. SMITH. Yes, I believe so.

Mr. SCHINE. I didn't ask this question of the witness before, but it is my understanding that MIT never did this type of work before, this particular type of technical work, until the Voice of America called upon them. Are you familiar with that, Dr. Smith?

Dr. SMITH. No. I wouldn't unhesitatingly say they had never done this work before, because some of the people there I know have had experience with propagation.

Mr. SCHINE. I understand this was a newly formed committee to specifically study this type of data and evaluate it. You are not familiar with that?

Dr. SMITH. I am not familiar with that.

Senator JACKSON. Doctor, would this question be proper: Had this type of study ever been done before, of this magnitude? Had it ever been undertaken before? I mean of this size of transmittal.

Dr. SMITH. Oh, I would say yes, sir. We have undertaken studies involving the army or air force installations.

Senator JACKSON. No, my question, is this: Has any organization, government or private, undertaken a study involving the trans-

mittal and dissemination of information from the distances projected in this program?

Dr. SMITH. That is a little hard for me to answer, sir.

Senator JACKSON. Well, has one ever been built? Are any studies made of this size?

Dr. SMITH. You are referring to the size of the transmitter and the power of the transmitter?

Senator JACKSON. That is the problem; and the technical problems involved in the location.

Dr. SMITH. I would say, sir, that comparable studies have been made by our organization in fact.

Senator JACKSON. For whom?

Dr. SMITH. For other agencies.

Senator JACKSON. Of the same number of kilocycles?

Dr. SMITH. Of the same order of frequency, yes.

Senator JACKSON. Do you know what agencies?

Dr. SMITH. No, I can't recall specifically. I believe we made a study of the transmission from the northeastern United States to Iceland at one time for one of the military services. I am speaking from memory.

Senator JACKSON. The reason I ask the question: It had been my understanding that this was the largest undertaking in the frequency involved ever attempted by a government or private organization. That is why I asked you the question. That is why it occurred to me that this was sort of a new field.

Dr. SMITH. No, I wouldn't consider this anything newer or more complicated than other propagation studies.

Senator JACKSON. Your organization, the Bureau of Standards, has undertaken comparable projects, then?

Dr. SMITH. Yes.

Mr. SCHINE. Our committee has asked the propagation section of the Bureau of Standards to make a full study of this?

Dr. SMITH. That is correct.

Mr. SCHINE. And when will that report be ready?

Dr. SMITH. I expect that will be ready some time this coming week.

Mr. SCHINE. I see. Who wrote this preliminary report?

Dr. SMITH. That was the chief of my upper atmosphere research section, a Dr. A. G. McNish.

Mr. SCHINE. And this report shows that San Francisco, as a site, would have only half the transmission interruptions due to disturbances that the site of Baker West would have?

Dr. SMITH. That was his preliminary conclusion.

Mr. SCHINE. Mr. Chairman, I have a few lines of this preliminary report that I would like to insert into the record.

In informal discussions between State Department officials and people from the Bureau of Standards, is it not true that your people indicated to the State Department officials that you felt that the location of San Francisco would have been better than that of the Washington area?

Dr. SMITH. I believe that is correct. There were several conversations, as I recall, one approximately a year ago and one in last July.

Mr. SCHINE. And they knew they could have asked you for a study of the situation at any time?

Dr. SMITH. Yes, I am sure they did.

The CHAIRMAN. Let me interrupt. You indicated that you were going to insert something in the record.

Mr. SCHINE. Yes, sir.

The CHAIRMAN. At what point? The point you indicated?

Mr. SCHINE. Yes, sir.

The CHAIRMAN. This entire page, or just the part you marked?

Mr. SCHINE. The entire section.

The CHAIRMAN. I have been listening to testimony here this morning in regard to the wisdom of locating the station down at southern California, and we have been discussing San Francisco now. Unless my knowledge of the geography of the West Coast is badly distorted, is not San Francisco four or five hundred miles from the southern part of California?

Mr. SCHINE. Yes, sir, more than that.

The CHAIRMAN. Well, I am speaking of the Los Angeles Laguna Beach area. Why do we concern ourselves with a site up so close to the Seattle area?

Mr. SCHINE. I think I can answer that, Mr. Chairman. The preliminary report they made compared San Francisco to Seattle. However, in the complete report they are going to use the southernmost part of the West Coast. Is that not true?

Dr. SMITH. That is correct.

The CHAIRMAN. At this time, you do not know how much more desirable the southernmost part of the West Coast would be in comparison to San Francisco?

Dr. SMITH. No, sir. All I could make would be an educated guess, and that guess would be that there would be not too much difference between San Francisco and San Diego, sir.

Mr. SCHINE. That is all I have.

Senator JACKSON. How close can you locate the transmittal station to a city where they are broadcasting or where they have television transmitters?

Dr. SMITH. I don't know the answer to that question, sir. It depends on the type of transmitter. It depends on the power, and on how well the engineering is done, whether they experience radiations which might interfere with television.

Senator JACKSON. It is a fact that if you locate it right within the general metropolitan area, you probably would jam up, so to speak, television transmittal, is it not?

Dr. SMITH. Yes, I am afraid you would.

Senator JACKSON. So that when you speak of the location of the transmittal station, like you refer to Seattle, actually, it is quite away from Seattle, and I assume that you have in mind not the location of a transmittal station within the metropolitan or even the immediate area of San Francisco, Los Angeles, or San Diego, or any city where you have located television transmittal stations?

Dr. SMITH. No, sir; that is correct.

Senator JACKSON. I ask the question so that the record can be clarified, because I think there might be some misunderstanding.

Dr. SMITH. When I mention Seattle, I mean the general area within fifty miles radius or something like that.

Senator SYMINGTON. Just to clear me up, based on some testimony we had this morning, which seemed most intelligent: So long as you keep away from that magnetic storm area, then everything else being equal, the closer you are to your reception, the better?

Dr. SMITH. Yes.

Senator SYMINGTON. Is that correct?

Dr. SMITH. That is correct.

Senator SYMINGTON. And as I remember, San Francisco is considerably closer to the east than the lower part of California.

Dr. SMITH. Yes, there would be some difference there.

The CHAIRMAN. Let me ask you this: Would your department be in a position to make a survey to determine whether or not existing facilities in either San Francisco or Los Angeles or San Diego or somewhere down along the southern part of the coast would be available to do the broadcasting, or is that more or less outside, of your field?

Dr. SMITH. That is outside of our field.

The CHAIRMAN. That is what I thought. That would be outside of your field.

Dr. SMITH. Our field is particularly to recommend what the best general location area and frequencies would be.

The CHAIRMAN. The scientific study.

Senator JACKSON. What about Oregon?

Dr. SMITH. Oregon would be probably somewhat better than the Seattle area. It would be intermediate between San Francisco and Seattle.

Senator JACKSON. But San Francisco would be better than southern Oregon?

Dr. SMITH. I should think so. Again, this depends on the results of our survey which are not yet available.

The CHAIRMAN. I assume you will find this so called magnetic storm area does not have any breaking off point; that the point of greatest disturbance is reached and then it fades out, so that the farther you can get from the center of that magnetic storm area without getting too far from your target area would be the ideal spot.

Dr. SMITH. Yes, sir, that is correct the area of magnetic disturbance, which we call the auroral zone, is an ill-defined sort of a thing. We know that the closer we get to the point of maximum auroral frequency, the more disturbances there are and the more frequent they are. The path from Seattle to Peiping passes between two or three degrees of this zone of maximum auroral frequency, whereas from San Francisco to Peiping it passes approximately twelve degrees away.

The CHAIRMAN. Let me ask you this final question. If the Voice had asked you to make this survey before they selected the Seattle location, you would have been in a position to give them the same information which you are giving the committee today, I assume?

Dr. SMITH. That is correct.

The CHAIRMAN. So that it was unnecessary for them to have made this mistake of locating in Seattle, assuming it is found to be a mistake?

Dr. SMITH. I think that is correct.

The CHAIRMAN. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. AYERS. I do.

Mr. COHN. Give us your full name, please.

TESTIMONY OF STUART AYERS, ASSISTANT CHIEF, LATIN AMERICAN DIVISION, VOICE OF AMERICA

Mr. AYERS. Stuart Ayers.

Mr. COHN. And are you employed at the Voice of America?

Mr. AYERS. I am.

Mr. COHN. What capacity, Mr. Ayers?

Mr. AYERS. Assistant chief, Latin American division.

Mr. COHN. And how long have you been at the Voice?

Mr. AYERS. Since November 1950.

Mr. COHN. In the course of your service as assistant chief of the Latin American division with the Voice, have you come across attempts which you would describe as efforts to obstruct the purpose of your work to counter Communist propaganda and bring the true facts concerning our way of life to the area which you service?

Mr. AYERS. I have, unfortunately, yes.

Mr. COHN. Your answer is that you have, unfortunately, is that correct?

Mr. AYERS. Yes.

Mr. COHN. Now, I want to refer particularly to the budget for the Latin American division in so far as platters are concerned. Am I correct in stating that you have an annual budget to cover all platters sent out to the Latin American territory?

Mr. AYERS. We understand that an annual budget is made, but that it is apportioned to the language area by the overseas services branch according to the way they feel it should be done.

Mr. COHN. Now, the overseas services branch is a section of the Voice of America; is that correct?

Mr. AYERS. Yes, it is now a part of what we call the field services division.

Mr. COHN. And that is located right up here in New York, too?

Mr. AYERS. That is right.

Mr. COHN. And they make up this budget?

Mr. AYERS. They make up the budget.

Mr. COHN. Do they tell you what the budget is?

Mr. AYERS. They are supposed to, and they are supposed to ask our help in apportioning it to certain programs, and up until last year they had told us.

Mr. COHN. Did they tell you last year what the budget was?

Mr. AYERS. At the beginning of the fiscal year, no. We asked for information about it but it took quite a number of months before we were able to get any information as to what our budget was for this.

Mr. COHN. Now, before they would tell you what your budget was, or give you any information concerning it, did they suggest to you that your service run for Latin America a program entitled The Eye of the Eagle?

Mr. AYERS. Yes.

Mr. COHN. Was that an adventure series of some kind?

Mr. AYERS. It was a juvenile adventure series, yes.

Mr. COHN. Now, did you object to this?

Mr. AYERS. I personally objected to it.

Mr. COHN. On what ground?

Mr. AYERS. On the grounds that it seemed to me to be rather flimsy and not a good vehicle for carrying an attack on communism.

Later, the chiefs of each of our language services objected to it, too, because it was a flimsy, juvenile show, and our audience were the thought leaders, or certainly an adult audience.

Mr. COHN. Now, when you made these objections on the ground this would not serve the cause of countering Communist propaganda, were you told to go ahead with this program anyway?

Mr. AYERS. It is a little bit complicated.

Mr. COHN. I am trying to make it as short as we can, but accurate.

Mr. AYERS. I can explain it quickly; perhaps I can shorten it. Our transcription director approved of the series for us on the grounds that this series would be a small part of the total expenditure for the fiscal year. We had asked for other programs in platter form that would directly attack communism. We agreed to this, eventually, on the grounds that it would be only a small part of our entire production. But we also agreed to it subject to approval of the first script.

Mr. COHN. All right. Now, you agreed to it on condition that it would only be a small part of the program, and the rest you could use on genuine anti-Communist information; is that right?

Mr. AYERS. Yes, scripts that we had asked for.

Mr. COHN. Now, on those conditions did you go ahead with the programs?

Mr. AYERS. On those conditions we did, yes.

Mr. COHN. At the end of the year, were you given the greater part of your budgetary allotment and allowed to use that for anti-Communist programs?

Mr. AYERS. No, we weren't.

Mr. COHN. What did you find out?

Mr. AYERS. In October, we found—

Senator SYMINGTON. October of what year?

Mr. AYERS. Of 1952—we found that while the budget had been cut for platters, the entire amount allotted to us had been spent in the first and second quarters, and for this one program, with the exception of approximately \$2,000, which we used for anniversary shows, such as a Christmas program and a Thanksgiving program.

The CHAIRMAN. In other words, your entire budget was spent for the first half of the year for this juvenile program?

Mr. AYERS. Yes, sir.

The CHAIRMAN. And the listeners to the Voice of America you assume, are the normally mature, intelligent people who tune in on the Voice?

Mr. AYERS. Yes.

Senator JACKSON. You had a four-quarter budget, for the fiscal year 1953, and they expended the entire fiscal 1953 budget in two quarters, on this juvenile program?

Mr. AYERS. Of course, the over-all budget was cut, was reduced, and at that time we discovered that all of our money had gone into one program. Now, this is a program for records that are sent to the field. This is not the short-wave budget. We continued with our own shows, which attack communism, by short wave.

Senator JACKSON. You distribute these platters free to various radio stations, mail them out?

Mr. AYERS. Well, we send them to our public affairs officers in the embassy, and then they go to the radio station and place them there.

Mr. COHN. You said that was the first condition, that you would have the additional part of the budget available for anti-Communist work, and you have told us when it came to the end of the year, you were told it had all been used up. As a matter of fact, had they not estimated that this would only take up a maximum of one-third of the budget and you would have two-thirds left, and you found out you had nothing left?

Mr. AYERS. We had nothing left.

Mr. COHN. What was the total cost? Do you know?

Mr. AYERS. The total cost of this series, I do not know, except that in the second quarter it was approximately \$30,000, about \$28,000. We never could find out what was our budget or what expenditures were made during the first quarter, though we asked repeatedly, so that we could form our program suggestions. We still have not found that out.

Mr. COHN. And you have made repeated requests?

Mr. AYERS. Yes.

Mr. COHN. Whom did you ask? Could you name the man? Who was the head of the division?

Mr. AYERS. Robert Bauer¹¹ is the chief of the division; and the chief of our division, Stephen Baldanza, made those requests himself, and also through the transcription director, Joseph Ries.

Mr. CHAIRMAN. I hate to interrupt. I know we have a lot of witnesses. I would like to let you go on uninterrupted, but we have what appears to be a very intelligent witness, and I would like to impose on him just a little more.

Let me ask you this. This may be a question that may be difficult to answer.

In the program that you objected to, the heads of your various language divisions objected to, on the grounds that it was juvenile and would make America look silly, I assume: Do you feel that was forced upon you because of merely an honest difference of opinion, because of incompetence on the part of those who went ahead and produced it and used up all of your budget, or do you feel, or do any of your associates feel, that that was a deliberate attempt to sabotage the Voice?

Mr. AYERS. It is very difficult to make a short statement on that, but I can say that when the chief of the Spanish section objected to it, he was told that he would have to take it anyway, because they had already bought it for the Brazilian section. When the Brazilian chief objected, he was told he would have to take it anyway because they had already bought it for the Spanish section. I don't

¹¹Robert Bauer testified in public session on March 6, 1953.

know why they insisted on this program. We had, we felt, very hard-hitting programs that we wanted to put on. One of them was, for example, *The Yennan Way*, by Ramirez, an Ecuadorian who was Moscow-trained and went to Chile to start Communist cells. Then discovering what the Communist party was doing, he denounced communism and wrote this book to expose Communist activities in Latin America. We felt that we could have a very hard hitting and strong message by a man who had renounced communism and exposed the cells in the very area we were reaching. That was one of our requests.

The CHAIRMAN. It would be by a local man, also.

Mr. AYERS. We would have Ecuadorian voices which we would engage here to speak. Well, of course, there was no money for that.

The CHAIRMAN. I do not want to shove this point, but it seems to me you can attribute many things to incompetence, of course, and sometimes an honest difference of opinion, which you may think is incompetence today may appear by hindsight four or five years from now to be sound; but we have been running into so many ridiculous things that have been done that I just begin to, in my own mind, question whether they were done as a result of incompetence or deliberately to make us look silly in the eyes of foreigners. I am just wondering if you would care to express yourself on that, or what you have heard by the good Americans around the Voice, how they feel about it. Do they think this is being deliberately done to sabotage the Voice, or not?

Mr. AYERS. Of course, one easy way to sabotage it would be to use money for ineffective products, and I believe that was done in this case.

Senator JACKSON. Who do you think was responsible for doing it?

Mr. AYERS. I suppose the chief is always responsible for it. It goes on in his department or his office.

Mr. COHN. You mean Mr. Bauer?

Mr. AYERS. Mr. Bauer would be.

Senator JACKSON. In your own mind, if you do not think Mr. Bauer was directly responsible, who do you think, shall we say, sold him a bill of goods on this juvenile program, as you call it?

Mr. AYERS. I am afraid I can't find one person over there I would call a good American.

Senator JACKSON. You cannot find one?

Mr. AYERS. Not one person in that entire division.

Senator JACKSON. Which division are you talking about?

Mr. AYERS. What is now called the field services division and was then called the overseas services branch.

Senator SYMINGTON. How would you define a good American?

Mr. AYERS. One who loves his country before anything else.

Senator SYMINGTON. You mean you would say they loved another country before they loved America?

Mr. AYERS. I don't think their definition of love for America would be mine.

Senator SYMINGTON. What would be the difference?

Mr. AYERS. It is so easy to feel, and hard to explain.

Senator JACKSON. What is your definition?

Mr. AYERS. I love my country. I am part of it, and I feel it is part of me. I don't think you can be in propagandist work unless you do feel that.

Senator SYMINGTON. You think that they felt that the Soviet was more appealing than the American system? Is that what you are saying, to be frank?

Mr. AYERS. Perhaps that is what I am thinking, but I can't say it, because they have never expressed views of that sort to me.

Senator SYMINGTON. But you did feel it with respect to them; is that it?

Mr. AYERS. I have.

Senator JACKSON. How many people would be in that category?

Mr. AYERS. There might be a handful of four or so, the ones we usually deal with. The others are more of the clerical people, that we don't come much in contact with.

Senator JACKSON. Well, who are the four?

Mr. AYERS. If I mention their names, it is perhaps accusing them of something that I have no right, since I can't say that they are Communists. There is that smell.

The CHAIRMAN. In other words, your feeling toward them is that they are not intensely loyal to America, and that if you want to do a job in propagandist—I should not say "propagandist"—if you want to do a job advertising the wares of this nation, you have to be intensely loyal to this nation. You feel they do not have that loyalty. You would not want to, I gather, go so far as to say that you feel they have a greater loyalty to some other country. You would not want to go so far as to say they have a greater loyalty to communism. But you feel, from your contact with them, that they just do not have that degree of loyalty to America which makes them competent to hold the jobs that they have got. Would that be it, roughly?

Mr. AYERS. I think that they are completely incompetent.

Senator JACKSON. What do you base it on? I mean, do you have a hunch, or is there anything that has happened that would indicate the difference between incompetence—now, incompetence is one thing—and, on the other side, if I may use the word, premeditated design or intent to deliver incompetent programs to sabotage our efforts in this field?

Mr. AYERS. You have in government something that is known as empire-building, that is not necessarily productive of good output. This division has become a division by empire building. It started as a shipping office to get out to the missions the off-the-air recordings of our short wave shows. I understand that it was set up as a branch to produce its own shows by an order that created it as a branch and gave it its money.

Senator SYMINGTON. Mr. Chairman, I do not know this witness, but I am impressed with his sincerity. I would like to respectfully suggest, inasmuch as the testimony that he has given is very serious testimony, that it would seem to me—I am no lawyer—that he should be allowed to review the testimony and correct it in any way that he saw fit.

The CHAIRMAN. I think that is a good idea.

Senator SYMINGTON. And I do not imply that he will want to correct it, but inasmuch as we have asked him for certain definitions with respect to individuals, is that a proper thing to ask?

The CHAIRMAN. I think that is a good idea.

So you will be allowed to go over your testimony and make any corrections to any errors, which you see fit.

Senator JACKSON. You may have a hunch in your own mind, but I am sure you would not want to convey an impression—

The CHAIRMAN. I may say that I think he has been very, very conservative. The information we have indicates that he is being very conservative in his estimate of this division. If I were describing it, I would use much stronger language.

The reason I gave the resume which I did: I got the impression that he did not want to be too critical of his coworkers. Rather than do that, we may want to bring out the evidence first, and after that is in, I am sure your evaluation would be as strong.

Senator JACKSON. I am just wondering if he had any information, without naming individuals for the record.

Mr. COHN. Mr. Ayers, going into this, very quickly, the first point was this budgetary point. You said there was a second condition which you attached. The second condition was that you would be able to go over the script and see that they represented the true point of view and did carry facts which would counter Communist propaganda. Is that right?

Mr. AYERS. Yes, sir. Not only that, but we would go over the first script before we would agree that the series be produced.

Mr. COHN. Did you ever see the first script?

Mr. AYERS. No, sir.

Mr. COHN. Was the first time you saw it after the scripts had actually been not only written but produced?

Mr. AYERS. Yes, sir.

Mr. COHN. Did you read those first four programs?

Mr. AYERS. Our transcription officer read them. I didn't read the first four personally. I did read the fifth script.

Mr. COHN. The fifth script and the report you had on the first four: did they contain any substantial anti-Communist facts?

Mr. AYERS. No, sir. The fifth script the transcription officer brought to me, because he was enraged by it. It had no anti-Communist propaganda whatsoever. It talked about democracy, and in general terms, the same terms that the Communists use when they are attacking us.

Mr. COHN. Did you make an objection to that?

Mr. AYERS. Yes. We wrote in corrections together, so that the script would carry our point of view and would name the enemy.

Mr. COHN. Now, did you go ahead and make those corrections and name the enemy, or did you and Mr. Ries, under your supervision, go ahead and make those corrections and name the enemy in each script from one through twenty-five in the series?

Mr. AYERS. Yes, sir.

Mr. COHN. Did you find it necessary to make changes?

Mr. AYERS. In every single script. No script in its original form carried what we considered anti-Communist propaganda. The terms were all general, as the enemy uses against us, and Mr.

Ries, or sometimes Mr. Ries and I together, would write in the corrections that would name the enemy.

Mr. COHN. All right. Did there come a time when you saw script No. 26?

Mr. AYERS. Yes, sir.

Mr. COHN. Was that similarly devoid of sound anti-Communist facts?

Mr. AYERS. Yes, sir. It had two mentions in it of the word "Cominform," which I felt could not be understood over the air, especially in translation, as naming the Communist enemy.

Mr. COHN. Was that the only mention in the whole program?

Mr. AYERS. Yes, sir, two mentions; that is all.

Mr. COHN. Now, did you raise a strong objection to this program?

Mr. AYERS. I did. I wrote the corrections, naming the enemy, and I sent a memo to Ries and to the overseas services branch.

Mr. COHN. Was your memorandum to the overseas services branch dated October 14, 1952?

Mr. AYERS. Yes, sir.

Mr. COHN. In that memorandum, did you say, "As written, the scripts were absolutely worthless from a propaganda point of view?"

Mr. AYERS. Yes, sir.

Mr. COHN. And did you say, "We don't want to waste our money on pap when we can use it for bullets?"

Mr. AYERS. Yes, sir.

Mr. COHN. Can we have this memorandum inserted in the record, Mr. Chairman, in its entirety?

The CHAIRMAN. Very well.

Mr. COHN. Now, after that was done, after this memo was sent, you made corrections, you and Mr. Ries strengthened the script and named the enemy, and so on and so forth, and you sent this memorandum through?

Mr. AYERS. Yes, the corrections are in that memorandum, too.

Mr. COHN. Do you know whether or not Mr. Ries was requested to withdraw this memorandum from the files?

Mr. AYERS. No; I was requested to withdraw it.

Mr. COHN. Did you agree to withdraw that memorandum, on condition that they would accept the corrections you had made in the script and put in it some sound anti-Communist facts?

Mr. AYERS. Yes, sir. I was promised that the corrections would be in the script when it was translated, that it would be very strongly anti-Communist.

Mr. COHN. Now, was the next time that you saw that script some months later, namely, last month, January 6, 1953?

Mr. AYERS. It was the end of December, the 31st of December, or toward the last date of December, that I finally saw the translated script.

Mr. COHN. Now, when they sent back the translated script, had they embodied these corrections you asked to be made?

Mr. AYERS. No, sir, not one.

Mr. COHN. And when you saw that, did you write another memorandum which concluded: "What is the answer to Overseas Service Branch obstructions? How can we get adequate propaganda material on platters to the field? This question must be answered now"?

Mr. AYERS. Yes, sir, I did.

Mr. COHN. May this memorandum be inserted in the record, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. COHN. Has any answer been found to that problem, yet?

Mr. AYERS. That was the end of our budget, sir. We had no more platters to be made. The only answer we could find was to produce the anti-Communist material in dramatic form ourselves by short wave, and we did that. We created a show that named the enemy in Latin America as Communist.

Mr. COHN. And how much did your show cost?

Mr. AYERS. It varied between \$180 to, at the outside, \$250 a show.

Mr. COHN. And how much did *The Eye of The Eagle* cost per show?

Mr. AYERS. Approximately \$1100.

Mr. COHN. I have no further questions of this witness.

The CHAIRMAN. Let me ask you this: Do you think those men who were responsible for forcing *The Eye of The Eagle* upon you, who were responsible for refusing to follow your suggestions to make it an anti-Communist program, are interested in fighting communism?

Mr. AYERS. They say that they are, sir, but I would like to see it in their output.

The CHAIRMAN. In other words, they have done nothing that would convince you that they are interested in fighting communism. Is that a safe statement?

Mr. AYERS. Yes, sir.

Senator SYMINGTON. You report to whom in the State Department, in the Voice of America?

Mr. AYERS. To the chief of the Latin American division, Stephen Baldanza.

Senator SYMINGTON. And he is the one to whom you protested about this?

Mr. AYERS. As his deputy, I protested to overseas services directly.

Senator SYMINGTON. And what is the relationship of overseas services with the Latin American division?

Mr. AYERS. It is a service branch, or a service division. Under executive order, that is to say, under the order that set the division up, they were to produce platters of recordings for use in the field, on our approval, on the approval of the language desk, or of the language branch or division.

Senator SYMINGTON. So that they really were working for you as a service agency?

Mr. AYERS. As a service agency.

Senator SYMINGTON. But nevertheless, they were in effect insubordinate in not accepting your changes?

Mr. AYERS. We felt that way.

Senator SYMINGTON. Who does Mr. Baldanza report to?

Mr. AYERS. He reports to the program director, Alfred Puhon.¹²

¹² Alfred Puhon testified in public session on March 4, 1953.

The CHAIRMAN. And did he object, about this matter, to his superior?

Mr. AYERS. Not about *The Eye of the Eagle*, but about other matters in the past.

Senator SYMINGTON. How about the changes to make the program more effective in its attack upon communism?

Mr. AYERS. We achieved those changes ourselves by working directly with overseas services.

Senator SYMINGTON. What I am trying to say is, and I am trying to be clear: Did you, after you found that you were being thwarted by the overseas service people, make any effort, you or your chief, to go to a higher authority to have the matter corrected, or did you just accept it that you were licked?

Mr. AYERS. No, sir. We did go to Mr. Puhan, and he advised that we have a meeting and iron out all of our difficulties, and told us both, that is, overseas and ourselves, that overseas' work should be approved by us before it was sent out. We had that meeting. We felt that at the end of it they realized that our approval was necessary.

Senator SYMINGTON. But then there was no more money?

Mr. AYERS. There was no more money by that time.

Senator SYMINGTON. Now, one more point. Whom did you ask what the budget was?

Mr. AYERS. Robert Bauer.

Senator SYMINGTON. What was his position?

Mr. AYERS. He was chief of overseas services branch.

Senator SYMINGTON. Well is it not extraordinary that the people who, in effect, were the service agency for you, nevertheless in effect, dictated the amount of money that you could use? Organizationally, that is hard to understand.

Mr. AYERS. That is very hard to understand. We felt it should be worked out in cooperation and through suggestions on both parts for the kind of programs wanted and an analysis of cost.

Senator SYMINGTON. Who gave control of the budget, control of the purse to the overseas organization, the overseas agency?

Mr. AYERS. I don't know.

Senator SYMINGTON. How did they get control of the money? Do you know that?

Mr. AYERS. No, I don't.

Senator SYMINGTON. To whom does overseas services report?

Mr. AYERS. They also report to Mr. Puhan.

Senator SYMINGTON. Then Mr. Puhan must have been responsible for giving them the money instead of you?

Mr. AYERS. I would assume so, but it seems to me that in the budget for the Voice, it was specified that an overseas department be set up, or not a department, but an overseas branch be set up, with funds to make platters for the field. And I don't really know who set that up.

Senator SYMINGTON. I have heard of a lot of extraordinary things in government, but this is the first time I ever heard of a department operating without permission to know what its budget was.

Mr. AYERS. Yes, we were supposed to know what our budget was.

Senator SYMINGTON. But they did not tell you?

Mr. AYERS. They wouldn't tell us. Yet they went ahead and produced shows. So they must have known they had money on hand.

Senator SYMINGTON. Would not the logical deduction be that it was so that they could spend the money as they saw fit.

Mr. AYERS. Yes, that is why I mentioned empire building because they were in a process of doing that.

Mr. CAHN. Mr. Ayers, what was the justification given for *The Eye of the Eagle*?

Mr. AYERS. The justification was a request by the Public Affairs Offices of the embassies for a program similar to one of the past year called *The Sea Hound*.

Mr. CAHN. And do I gather that the PAO's in the respective embassies felt that a program of that nature was the most conducive to further the national interests of this country?

Mr. AYERS. No. It seemed that they felt a program of fairly much entertainment value, without propaganda, would make it easier to go to the radio stations and sell other records with heavy propaganda. Our point of view was that it was not necessary to have that type of a bribe to get your other material on; that if a radio station would only take the light material they would never take your propaganda material, but that your work was worth more in convincing ten people of your point of view than in entertaining ten thousand without convincing them.

Mr. CAHN. Did you ever have any reactions from PAO's in the field which would either substantiate or refute your feeling about the nature of material which should be sent to them?

Mr. AYERS. I don't remember any specific one, but I myself, in the field, have gone around to radio stations and sold heavy propaganda material. I have also found that stations prefer, naturally, pure entertainment. But if you are doing a job in the field, you sell your product. Because a field representative is a salesman. He is selling the United States, and he is selling our point of view on recordings or on locally produced programs.

Now, I doubt if any PAO will produce a locally made radio program that did not have the national interest at heart or that was based on a propaganda effort.

Mr. CAHN. What do you regard as your principal client in terms of countries, Mr. Ayers?

Mr. AYERS. We have the entire Latin American hemisphere.

Mr. CAHN. But what is your priority among them, if there is any? That is, what countries' needs, in terms of our national interest, do you consider among the most important, if you do have such a priority schedule?

Mr. AYERS. We count Brazil as a first priority country, and we have a Brazilian service especially for Brazil. In the Spanish-speaking countries, we count Argentina, Chile, Venezuela, Panama, and Guatemala among the first priority countries. And then the others, according to advice from the embassy.

Mr. CAHN. I was just going to ask with respect to Guatemala, would you regard an effective anti-Communist program as particularly important in that country, in view of the situation there?

Mr. AYERS. Indeed I would, sir. And I hope some day we will be able to have one.

Mr. CAHN. What earthly good would an entertainment program do for our national interest in a country controlled by a government of its particular nature today?

Mr. AYERS. I can't see that it would do us any good at all. It would be, to my mind, a complete waste of funds.

Mr. CAHN. You would regard the situation in Guatemala from our standpoint, as so critical in nature that we must use every available dollar to us for effective anti-Communist purposes?

Mr. AYERS. I feel that if we are going to do propaganda work, it should be propaganda, and not pure entertainment; but not only in Guatemala but in any country, wherever we go, we have our national interest at stake and a story to tell. I feel that should be told.

Mr. CAHN. What was your experience that you referred to before?

Mr. AYERS. I was a radio officer in Peru and Bolivia.

Mr. SCHINE. Mr. Ayers, do you feel that this inefficient operation that you have told us about, and this stifling of anti-Communist propaganda, has been deliberate?

Mr. AYERS. I personally feel it has been deliberate.

Mr. SCHINE. Can you recall any actual conversations with individuals over you in which they have indicated to you that they are not anti-Communist?

Mr. AYERS. No, I can't.

Mr. SCHINE. Thank you.

The CHAIRMAN. I think maybe that is all, then. And you will be entitled to see your testimony. Now, normally, in executive sessions, we do not like to send out the testimony to the witness. Normally we ask them to come down to Washington to see it. But if that is too difficult, in your case I think there is no danger in sending you the testimony, so we will send it to you. You will not show that, of course, to anyone, but just look at it yourself.

Mr. AYERS. But in care of whom would you send it?

Mr. COHN. I will have it delivered.

The CHAIRMAN. It will be delivered to you personally.

And I want to thank you very much. It is a good feeling to find so many good people in this country, sir.

Mr. AYERS. Thank you very much, sir.

If I can be of any further help, I will be very happy to be.

The CHAIRMAN. Would you stand and be sworn?

In this matter now in hearing, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRUZZESE. I do.

Mr. COHN. Give us your full name, please.

**TESTIMONY OF LARRY BRUZZESE, PRODUCING DIRECTOR
AND FEATURE EDITOR, VOICE OF AMERICA**

Mr. BRUZZESE. Larry Bruzzese, B-r-u-z-z-e-s-e.

Mr. COHN. And where are you employed?

Mr. BRUZZESE. At the Voice of America.

Mr. COHN. In what capacity?

Mr. BRUZZESE. Right now, producing director and feature editor.

Mr. COHN. Now, are you acquainted with the other persons in the Italian service?

Mr. BRUZZESE. That is right.

Mr. COHN. Have you heard, on the part of some of those persons, in the course of a discussion of items for broadcast and transmission to the facilities of the Voice of America, statements and directions and remarks which you regard as inconsistent with the policies of the Voice of America for telling the truth about our way of life and for countering Communist propaganda?

Mr. BRUZZESE. Yes, I have consistently heard remarks, sneering and derogatory statements, about America in general. The attitude on the part of four or five of the fellows employed in the Italian service has been entirely un-American.

Mr. COHN. Do you recall any specific instances of comments and statements and directions given on the part of these persons to whom you refer?

Mr. BRUZZESE. Yes. Even in their humor, they are anti-American, or I would say what I would consider anti-American.

Mr. COHN. Now let us be specific.

Mr. BRUZZESE. On the day, for example, that General Eisenhower was inaugurated at the convention in Chicago, Sinigallia was writing the news covering the results of the inauguration. I think it was July 12th, 1952.

The CHAIRMAN. You mean the nomination?

Mr. BRUZZESE. That is right, the nomination. We had just gotten the results over the wire of General Eisenhower's getting nominated. And Winter was acting editor for that area, and Sinigallia was supposed to be writing the news.

In discussing the points that they would cover in the lead story for that day, Winter said to Sinigallia, "I think we better mention Nixon's name, because Eisenhower will die, we hope, pretty soon."

This, of course, was a statement made in Italian, which I translated as best as possible in English.

Mr. COHN. And you were present when that statement was made?

Mr. BRUZZESE. I was present, and there was also a young lady, Lea Di Geromino.

Mr. COHN. Were you ever present when there was any discussion concerning a news commentary on the question of control of atomic energy on the part of the United States, the position of the United States on control of atomic energy?

Mr. BRUZZESE. Yes. Some time around the first part of October 1951, Mr. Rocca, who was the editor for the day, had just come back from the policy meeting, and he was giving Sinigallia instructions as to what the policy directors wanted to have treated that day for the commentary. And in the conversation, Sinigallia wanted to circumvent the policy lines established by the policy adviser, or whoever was at the meeting. At that time, I had nothing to do with policy meetings, which I do now, of course. And Sinigallia reacted very violently, and he said, in a very loud voice that could be heard by anybody practically on the entire floor, that, "Ours is a very infamous cause," and he did not feel like writing any commentary concerning the control of atomic energy as wanted by the United States.

Mr. COHN. Now, do you know a man by the name of Patavano?

Mr. BRUZZESE. Patavano is our political editor. I would like to describe him briefly. He is a very quiet fellow, never talks. Once in a while, he gives himself away.

The first instance that gave me an inkling of the kind of a fellow he was, was in August 1951. I had been employed there for about four or five months. And he assigned me to write the news for that day, a five minute roundup. The lead story, as I put it, was supposed to be the news from Korea. As you know, the war in Korea had been turned actually into a battle of words when they established the meetings. I noticed in the teletype report we got in English that besides the brief references to the discussion of the morning meeting at Kaesong, Admiral Joy had pointed out to the Communist delegation that there were armed Red soldiers at Kaesong, in violation of the agreement for the truce conference. I did write three lines on that, because it was not an official protest, actually.

Mr. Patavano crossed those three lines out, although he left in that roundup for the day a lot of material which was not only of no interest but of no consequence to the Italian audience.

I asked him why he crossed out those three lines about Admiral Joy, because I had considered it very important, on account of the fact that General Ridgeway had broken the truce talks just a few days before on the same ground, and also because our main line of propaganda is supposed to be, for example, that the Communists do not respect agreements, and that was a specific example of a breach of agreement. He told me, and as he told me this, he took me aside into the hallway—he said, “What I think, Larry, is that we should get back to the 38th parallel and give back to the Communists the territory that belongs to them.”

Mr. COHN. He said that to you directly?

Mr. BRUZZESE. Yes.

Mr. SCHINE. Now, do you recall the incident when four American flyers were found in Hungary and were captured and received a \$30,000 fine? Do you recall that incident?

Mr. BRUZZESE. Yes. It was on a Sunday, about forty days after the four flyers had been held as captives in Hungary. We got the news, sudden news, that they had been tried in the morning and they had been sentenced to \$30,000 fine each.

Mr. COHN. That was after they had been held for forty days, right?

Mr. BRUZZESE. That is right. And discussing with Patavano, he said, “Well, the Communists wanted to be very lenient about these four flyers.”

I asked him why he thought they were very lenient. He said, “Well, because, after all, the only thing they didn’t have was evidence about their mission.”

“Well,” I said, “if they intended to drop any spies in Hungary, naturally those spies would be in Hungary. They would be caught.”

We discussed the whole case, the details, and so on and he says to me, finally, “I think that this country would have been much harsher and would have done much worse to any flyers caught flying on American territory, even though by accident.”

So I asked him, “What did we do with Gubyshev? We had proofs against him.”

Well, he said he didn't wish to discuss Gubyshev, and as a matter of fact, for the whole afternoon, he was quite jumpy, because he felt he shouldn't have talked to me at all about anything.

The CHAIRMAN. Do you have the feeling that he is a bit friendly toward Communists?

Mr. BRUZZESE. Yes. I have other instances that I remember. For example, I wrote once a news item on Tito's government discovering some cartels or monopolistic cartels, let's say, established in Yugoslavia, as remnants of the Soviet system of communism that Tito had established in his country; and that Tito had been trying to eliminate those cartels. And I wrote three lines saying that even though Tito tried everything, his communist system was unable to cope with the situation, and those cartels still exist.

Well, he crossed out any reference to Communist inability to cope with any such thing as monopolistic cartels.

Mr. COHN. Now, let me ask you this. Do you recall discussing with the same man, Mr. Patavano, the Slansky trial?

Mr. BRUZZESE. Yes. It wasn't actually a discussion of the Slansky trial. What I remember—and I would like to state it here as a digression: This situation existed mostly before the new chief, Mr. Primaterra, took over control of the Section. We still have our worries with them. We have to check and audition every broadcast. But our line has been changing. Mr. Primaterra holds morning meetings, gives instructions on what line to take, what to stress, and so on.

The CHAIRMAN. How long since he has taken over?

Mr. BRUZZESE. Since last September.

Mr. COHN. Is Mr. Patavano still there?

Mr. BRUZZESE. He is still there, yes.

Mr. COHN. Will you tell us what occurred in connection with the Slansky trial?

Mr. BRUZZESE. In the Slansky trial, in the morning, Mr. Primaterra gave instructions to Patavano and to the writer of the commentary for the day to write a commentary that would be based on the line that the Communists in Prague were starting the persecution of the Jews on a racial, a purely racial basis. When we saw the commentary and we heard the commentary on the air, there were references in the commentary to the fact that a lot of Jews are still in power in Communist countries, giving, for example, Jero and Rakosi in Hungary. Mr. Primaterra pointed out to Patavano that any stressing of such things in any commentary was defeating the purpose of the commentary itself, which was the proof that the Communists were following the Nazi line of persecuting Jewish people on a racial basis.

Patavano answered that the Italian people should know, after all, that the situation is not exactly that way.

So Primaterra answered and said, "George, you know, it is okay if a Communist paper wants to point out those things, but it isn't our job to tell them whether Jewish people are still in power in Communist countries or not. We are trying to show that the Communist countries are getting to be anti-Semitic the same as Hitler did in Germany."

Well, that is the end of that particular case. The reason I state this is because, as I said, we still have our difficulties with the edi-

tor and writers. It takes a lot of time away from us that we could use for other things.

I have about five or six jobs there to perform every day, and among those things I have to listen to every broadcast and read every feature and every news item that they put in, to check and see what they put in. Because, for example, Primaterra says in the morning, "Today you have a lot of items from behind the Iron Curtain, short stories with punch lines and so on, against communism." Well, if we don't keep our eyes open and our ears open for that day, there is no item from behind The Iron Curtain. And we don't know why.

Mr. CAHN. Is that your official function, to monitor, in effect, these daily programs going out?

Mr. BRUZZESE. I don't know if you call it official. I have the instruction from Mr. Primaterra, and Mr. Primaterra does it himself every day. We do listen, because, knowing the mentality, the background, and the line of thinking of these fellows who are working with us, we cannot rely on what they put on the air.

Mr. CAHN. Well, now, is this characteristic, to your knowledge, if you have such knowledge, of other language desks, that individuals have to, in effect, monitor the content of programs going out, from the standpoint of reliability in terms of furthering our national interests?

Mr. BRUZZESE. Of any other language desks?

Mr. CAHN. That is right. Do not answer that if you are not personally familiar with other desks. I was just wondering whether this is an unusual circumstance, or whether this is characteristic, to your knowledge?

Mr. BRUZZESE. All I could say is hearsay, about other languages, but I do not know it for a fact myself. I am not familiar with any other language desks or with their operation, let us say.

Mr. CAHN. But you feel that if the individuals were completely reliable, in the judgment of the director of the desk, it would not be necessary to review the content from the standpoint of the reliability?

Mr. BRUZZESE. It should not be necessary. I don't see why the chief and the feature editor should have to listen every day to what the political editor has allowed to go on the air in our broadcasts.

Mr. CAHN. And you are listening primarily not from the standpoint of differences in judgment as to content, but from the standpoint of differences in political content, as such, differences in political emphasis; is that right?

Mr. BRUZZESE. Not necessarily. Sometimes the instructions are that there is a big item of an anti-Communist nature. Mr. Primattera gives the instruction to try to really give it a good story on the air, and we don't see it at all. We don't hear it.

I remember another instance, for example. The day that the news of the revelations of Duclos's diary, the French Communist leader in France, broke out, on that day we received on the wire two VOA items. One was about an explosion that had taken place in front of the palace or the residence of Judge Deguay, who had released Duclos. And another item was on the revelations of Duclos's diary, which disclosed all the subversion plans that the Communist party had in France, to subvert the army, the French

army, sabotage every economic effort, and so on. Well, Mr. Patavano received both items by Mr. Chareta who was the news writer of the day. Chareta, as a matter of fact, brought it to him with a lot of enthusiasm, because he wanted to put it in, and Patavano discarded it with such contempt, and if you will allow me to quote Mr. Patavano, he said, "That is-----," and he wouldn't put it on the air.

The CHAIRMAN. There are a vast multitude of questions I would like to go into. I think you have done an excellent job here, but it is five o'clock now, and we have another witness.

So I guess we will have to let you go for the time being.

I want to thank you very much for coming over.

Mr. BRUZZESE. Okay, Senator. Whenever you want any scripts on these things, we are ready to produce them, if they are still available.

The '51 scripts I don't know whether we can still obtain or not, but they should be in the reference library.

The CHAIRMAN. I will tell you what I wish you would do. You see, for us to take a year's script and try to go through it, would be impossible, because of the small staff we have. If you know of any scripts which you consider especially significant, I would appreciate getting them very much; or scripts that were prepared by some of you and turned down for any particular reason that you consider significant.

In other words, any script that you think would be of interest to the committee, I would like very much to get.

The CHAIRMAN. Would you stand up and hold up your right hand? In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss LENKEITH. I do.

Mr. COHN. Give us your full name, please.

TESTIMONY OF NANCY LENKEITH

Miss LENKEITH. Nancy Lenkeith, L-e-n-k-e-i-t-h.

Mr. COHN. Are you now doing work for certain publishing houses in New York?

Miss LENKEITH. Yes, I am.

Mr. COHN. And were you employed at one time by the Voice of America?

Miss LENKEITH. Yes, I was.

Mr. COHN. When was that?

Miss LENKEITH. I was employed from December 13, 1951 to June 11, 1952.

Mr. COHN. Now, were you assigned to the French service?

Miss LENKEITH. I was.

Mr. COHN. Will you give us the name of the head of the French service?

Miss LENKEITH. You mean at the time I was assigned?

Mr. COHN. At that time.

Miss LENKEITH. Mr. Auberjonois,¹³ absent in Paris; Mr. Troup Matthews, acting.

¹³Fernand Auberjonois testified in public session on March 2, 1953.

Mr. COHN. And Mr. Troup Matthews was the acting chief at the time you went in?

Miss LENKEITH. That is right.

Mr. COHN. The day you were hired, did you have any discussion with Mr. Matthews in which any matter came up concerning religious beliefs?

Miss LENKEITH. Yes.

Mr. COHN. Will you tell us briefly what Mr. Matthews said to you?

Miss LENKEITH. He told us briefly that he was contemplating some day leaving the Voice of America and devoting himself to forming in Rockland County in an old Dutch house a group dedicated to collective living, which would embody the good aspects of Marxism, which anticommunism and communism had neglected, collective living, and he asked me whether I would join the group. He said the children would be brought up together. I, being interviewed by my employer in my first appearance at the office, said I had no children. He said that could be arranged. So I said I had no husband. He said that didn't matter. That could be worked out. And later he added—well, I was curious why he wanted me, having just met me. Anyway I asked him what kind of people he wanted to bring there. I was a little bit sort of stunned. And he told me, he said, "Well, people who have no dogmatic religious beliefs."

I happen to believe in God, and some other things. I am Catholic. And I thought immediately. I said, "Why"—you know, thinking, immediately, "Goodness."

And he said, well, because people with dogmatic religious beliefs were complete failures in human relations and couldn't work with him. And I differed. I didn't tell him at that time I was Catholic. And he said, for instance, a certain Paul d'Doustlurnouss was a member of the French section. He was the author, active in French diplomacy, in American relations, and as a writer. And he said because he was a Catholic he was completely unable to deal with human beings.

Paul d'Doustlurnouss, when I arrived at the office, took me out for cocktails, for a drink downstairs, and told me he wasn't sure I really wanted to stay there, and that he was resigning.

Mr. COHN. After you went with the French service and began working on scripts there, did you form an opinion that a number of the scripts being used showed disapproval and disrespect for American institutions and the American way of life?

Miss LENKEITH. Yes, I did.

Mr. COHN. And did you make objection to the use of those scripts?

Miss LENKEITH. First, as it came up, one by one. You see, when Mr. Paul d'Doustlurnouss left, I was appointed editor for one day, and therefore I had to okay certain scripts. So as a new person, I couldn't criticize the general output, but I was responsible. So one by one I started saying I didn't feel I could possibly take the responsibility, as editor, for that particular script. And so I refused. And the person went to Mr. Matthews, who okayed it.

Mr. COHN. Did you ever make any objection?

Miss LENKEITH. Yes, when it got to quite a few, I went to Mr. Kohler, straight to Mr. Kohler, and told him that I wanted to be

transferred to another section, that in view of the output, which was contrary to the interest of the section, I didn't want to stay. He sent me to Mr. Puhan, who told me that he was heartily glad I had come to him. He told me that my experiences with un-Americanism were only beginning, and that if I knew what he knew—he referred to one list of several members. I spoke of one person in particular, Marcelle Henry.¹⁴

Mr. COHN. Mr. Puhan is currently the director of operations at this moment?

Miss LENKEITH. Yes.

Mr. COHN. And you mentioned Marcelle Henry?

Miss LENKEITH. Yes. He said, "I knew her in Luxemburg. I know friends of hers. You take my word. She is subversive."

Mr. COHN. That is what Puhan told you?

Miss LENKEITH. He told me that in his office.

Mr. COHN. Let me ask you this. Were you ever in on any discussion concerning a Lincoln's Day broadcast to be made by the Voice of America?

Miss LENKEITH. Yes, Lincoln's Day was on Tuesday, which was my day, and for a month before or six weeks, I saw it coming, and tried to plan an effective Lincoln's Day program, historical retrospect dramatically presented. I met with general inertia, and then finally Troup Matthews said, "I am going to assign that to Marcelle Henry."

Being responsible for that day, in the setup, where I had something to say as to the assigning, I said, "Mr. Matthews, I don't think she is the person to do that."

And he said, "I think she is precisely the one to do that, and I have lent her the *Prairie Years*, the Sandburg volume, and I think it is most important for her to do it, because I think it is important to put her in contact with American tradition. And particularly I have assigned her to do a script on *Lincoln's Years of Doubt*, because she may then come out of her own doubt and have a change of heart."

On another occasion, he told me he thought she was hopeless, that nobody could change her un-American attitude.

Mr. COHN. Is she still there, by the way?

Miss LENKEITH. Yes. I am not working there, you know.

Mr. COHN. She is still there as far as you know?

Miss LENKEITH. As far as I know. I listen to the broadcasts from time to time.

Mr. COHN. Did you have any discussion with a man named Bill Maltin, a producer, concerning the Lincoln's Day show.

Miss LENKEITH. Yes, when the show finally got written and I did it, I was down in the studio where it was being broadcast, and I came to him with some small kind of rectification, and he said, "That Goddamned Lincoln again! He bores us all."

You see, I was never French. He said, "You don't know how the French are bored with Lincoln."

Mr. COHN. Let me ask you this: Did there ever come a time when there was a discussion at the Voice of America concerning what use

¹⁴ Marcelle Henry was fired as a writer at the VOA's French desk in May 1953; see *New York Post*, June 11, 1953.

should be made of Whittaker Chambers' book, *The Witness* and the magazine articles and television commentary which preceded its appearance?

Miss LENKEITH. Yes. When Mr. Auberjonois returned from Paris there was a general meeting in which he presented his views as to new ideas and new policy directives resulting from his trip there. A member of the section asked him what use could be made of the Chambers' book, *Witness*, which was appearing in installments then in the *Saturday Evening Post*. His answer then was immediate. He said, "Chambers is a psychopath, and," he said, "don't touch him with a ten-foot pole. That is all."

Mr. COHN. Now, did there come a time thereafter when the series in the *Saturday Evening Post* ended and the book actually appeared?

Miss LENKEITH. Yes, in June, or in late May.

Mr. COHN. Now, did you make a suggestion to the Voice of America then that the Chambers book be reviewed on the book review hour going to France?

Miss LENKEITH. Yes. I would like also to add here that, to my knowledge, apart from my own treatment of the Whittaker Chambers book *Witness*, no use was made of it in any section of the Voice of America.

Mr. COHN. Now, why did you feel, very briefly, the Chambers book should be used?

Miss LENKEITH. For two reasons. First of all, because I think it is a great book, and my task was to select great books which would be part of our literature.

Secondly, we select great books which have a propaganda use. And I think when you are addressing yourself to men who have Communist tendencies—otherwise we wouldn't be broadcasting to Europe and whom we want to change, convert, to anti-Communist tendencies, the best thing is to offer them the example of one who has been a Communist and, you know, given it up and turned against it. And above all, his explanation of why he abandoned the Communist party and abandoned communism.

Mr. COHN. In that setting, you said you wanted to review the Chambers book on the book review show going to France; is that right?

Miss LENKEITH. Yes.

Mr. COHN. And to whom did you make that suggestion?

Miss LENKEITH. To Mr. Duclox.

Mr. COHN. D-u-c-l-o-x?

Miss LENKEITH. Yes.

Mr. COHN. And what was he when you made that suggestion?

Miss LENKEITH. He had just taken over from Mr. Auberjonois.

Mr. COHN. Now, when you made that suggestion to Mr. Duclox, what was his response?

Miss LENKEITH. "Wait. I don't know at all about that. It is very dangerous. It is very ticklish. We must think about it."

Because, first of all, he said, "I don't think so." And I said, "We have got to."

I gave him the sales talk. He said, "Wait. We can't do that. It is very, very ticklish." Those are the words I remember.

Mr. COHN. After you talked to him the first time, did you have occasion to have a discussion with a leading literary agent here from France, who advised you the Chambers book would be of the utmost interest to the French people and it would certainly serve our purpose to review it in a broadcast going from America to France?

Miss LENKEITH. I did.

Mr. COHN. And did you communicate those views to Mr. Duclox?

Miss LENKEITH. I did, and I added, "You can't stop me doing it now."

Mr. COHN. You said, "You can't stop me doing it now." Did you thereafter insist on writing a script on the Chambers book?

Miss LENKEITH. I did, and it was written on Monday, June 9th.

Mr. COHN. It was written on Monday, June 9th. Now, in that review, did you make use of the reviews of Vice President Nixon in the *Saturday Review of Literature* and of Sidney Hook in the *New York Times*?

Miss LENKEITH. I did.

Mr. COHN. Was any objection made to your use of the Hook review?

Miss LENKEITH. Yes. As a matter of fact, before I wrote it, Mr. Duclox had come and told me above all to stay away from the Hook review, that it was the worst review and it was nonsense.

So when I wrote it, I concluded on the Hook review. I did make use of it.

Mr. COHN. In spite of that instruction, you did make use of it.

The CHAIRMAN. May I suggest that the staff procure the Hook review? And I think it is important enough to make it part of the record.

Mr. COHN. Now, in spite of all this, you say you insisted on doing this script on the Chambers book and that you wrote it on June 9th; is that right?

Miss LENKEITH. Yes.

Mr. COHN. When did you broadcast it?

Miss LENKEITH. May I add another thing about that?

In the morning I was aware of the fact that there would be one difficulty in the description of Alger Hiss, because I realized that the State Department was involved.

Mr. COHN. Did you consult anyone about that?

Miss LENKEITH. So I called up Mr. Kretzmann, Kretzmann, who is policy director for the Voice of America, and I told him, "I am writing now a book talk on Witness." I said, "I just want to know from you how I am to refer to Alger Hiss. Do I have to say, 'high government official,' or should I say, 'a former member of the State Department?'"

And Mr. Kretzmann's answer to me—he said: "What? For heaven's sake!" He said, "Why on earth are you going to talk about that book?" And I gave him my little talk, you know, "convert the Communists!"

And he said, "Have you obtained clearance?" And for a minute I was a little bit rattled, and I said, "No." And he said, "well, then, you have got to obtain clearance. You have got to do that."

I said, "I have never obtained clearance about any other book or review. Why should I obtain clearance on that? It seems to me a

completely obvious choice. You know, Chambers isn't a Communist any more. Why should I obtain clearance?"

He said, "Well, I don't know."

I said, "The only thing I want from you is not whether I can review it or not, but how am I to describe Alger Hiss?"

So he gave me the phrase "a former high government official." And I scrupulously referred to Alger Hiss as a "former high government official."

Mr. COHN. No mention of the State Department?

Miss LENKEITH. No mention of the State Department.

Mr. COHN. Let me ask you this: You say this was written on June the 9th; is that right?

Miss LENKEITH. Yes.

Mr. COHN. When did you broadcast it?

Miss LENKEITH. I broadcast it on June 10th.

Mr. COHN. What happened to you on June 11th?

Miss LENKEITH. On June 11th, at 5:30, my telephone rang, and Mr. Dwight Herrick asked if I would come to the office of Mr. Tagliferro. That is not George Herrick but Dwight Herrick, H-e-r-r-i-c-k. He asked whether I would come to the office of Mr. Tagliferro, which is spelled T-a-g-l-i-f-e-r-r-o. And there, in the presence of Herrick, Tagliferro, Macy, Duclox, I was summoned. It was 5:30. That was June 11th. And Mr. Herrick told me, "Nancy, I have sad news for you. We are going to have to part company."

I said, "Why?"

He said, "Well, you are being dismissed as of six o'clock this evening. Your services will no longer be required."

So I said, "Why?"

And there was some talk of incompetence, to which I said that since Mr. Duclox can hardly speak French, has never lived in France, knows very little about it, you know I sort of said I was willing to submit to an examination by any member of the section in French, written, spoken, in American history, and so on. And I made the point that incompetence had never been mentioned, not once, to me, during my service. And so Mr. Herrick said, "Well, let's cut it short. I must tell you, Nancy, that no matter how competent you were, we couldn't keep you, because of your attitude."

So at that point I told Mr. Herrick that. I have to quote a conversation I had had with Mr. Puhan, the one in which he had told me, besides what I have already given you—

Do you want me to add this?

The CHAIRMAN. Surely.

Miss LENKEITH. Do you have a few more minutes?

Mr. Puhan had told me after this conversation when he told me Marcelle Henry was subversive, "I am leaving for Munich tomorrow. I give you my promise that six people, Auberjonois, Ogle, Troup Mathews, Marcelle Henry, Rene Erville, and Raymond Hauger will be fired by September 1st. I am leaving a note, a message, with Mr. Kern"—who I still have never met. That is K-e-r-n—"so that if ever you have any trouble in the section, we will operate your transfer to the English section." But, he said, "I am going to ask you, and I know I have no right to do so, to stay in there, so that we will have people to go on with once these people are fired."

He told me that Mr. Mathews' appointment as acting chief was the most preposterous thing Mr. Auberjonois had done. "Because," he said, "Mr. Mathews—you can't blame him for anything, because he is not responsible." He said, "You can't get mad at him. The guy has just got no brains and no guts."

And when the case of Mr. Ogle came up, he said, "Don't talk about him. I have plans where he is going to be fired. And Marcelle Henry—I know she is subversive, and the same for Rene Erville and Raymond Hauger, H-a-u-g-e-r."

When I said to Mr. Herrick that I knew that he had been told of this, because in the private investigation Mr. Herrick conducted he told me Mr. Puhan had told him of this, and reminded him of the fact that I had been promised a transfer if, because of my reporting these scripts, I could no longer be kept there, Mr. Herrick said, "All I can tell you is that Mr. Puhan has agreed to your being fired."

So I said, "Is there any recourse, any appeal I can have, within the government organization?"

And they said, "No." So I got up and asked to be excused.

The CHAIRMAN. This is extremely interesting testimony. You may want to see your testimony, to go over it, some of the spellings and that sort of thing, so if you care to have a copy of it you can arrange to get it through Mr. Cohn or Dave or anyone else. If you get the testimony, it being executive testimony, we would not want you to show it to anyone else unless and until it is made public.

Incidentally, what are you working at now?

Miss LENKEITH. I am trying to build up a freelance business. I have a retainer from a publishing house as an editorial adviser. It is one of the big publishing houses in New York.

The CHAIRMAN. Have you had a background of experience in writing? I assume so.

Miss LENKEITH. Yes. And I am writing for the *New York Times* Book Review section. I have some screen plays under option now at a television station. You know, it is a package of twenty-six, and I will know next week whether it is going through, for next fall.

Mr. CAHN. How long, in total, were you there at the French desk?

Miss LENKEITH. Six months minus two days.

Mr. CAHN. And during that period, did you note any vigorously anti-Communist material being used, being taught France, other than your own?

Miss LENKEITH. Vigorously anti-Communist?

Mr. CAHN. Vigorously anti-Communist.

Miss LENKEITH. No. That was prohibited.

Mr. CAHN. It was prohibited. That was the understanding.

Miss LENKEITH. You were not even supposed to feel that way, much less show it. Just the opposite of what we think, you know.

Mr. CAHN. But conversely, did you note any material that was procommunist during that period?

Miss LENKEITH. Definitely. I have to monitor the services. I have a short wave set. But when I went to see Mr. Puhan, I believed you could break the whole program down to substantiating the four or five popular myths the Communists are trying to build up about the United States or France.

Mr. CAHN. And just briefly, what would illustrate the procommunist themes?

Miss LENKEITH. A remark such as this, which is the shortest thing that comes to mind. I wasn't working there. I listened to their comment on the Democratic National Convention, the comment ad lib. It interested me. In it, one of the speakers, again Marcelle Henry, was saying: "The Negro problem is serious. It is alarming." The French word is "languissant," which means "languishing," which means: something almost hopeless. The Negroes—materialism—America as a country where one gets rich and has no culture—morality in America. You know, the Communists have the idea that Americans get four and five divorces and they are like Hollywood actresses.

There was a script I objected to on divorce; materialism, again. "The Americans are incapable of serious thought. They are children who struck oil and are happy, but, you know, light-headed, cheerful, and they only like light entertainment, are incapable of any serious intellectual or cultural effort, have no imagination."

The CHAIRMAN. In other words, the type of material being beamed out as the Voice of America would sound more like the voice of Moscow, I gather.

Miss LENKEITH. Exactly. They do not say, except in specific instances—the whole thing is that if you know the French and if you know what can make the French dislike the Americans, and then you listen to those programs, you will have that. You see?

Mr. CAHN. There were not specific policy directives to have just the opposite type of material in the writing?

Miss LENKEITH. That is another point. No policy directives whatsoever. Apart from the Whittaker Chambers book, I did a book report on George Orwell's *Homage to Caledonia*. George Orwell went to Spain as a Communist and after six months left and turned anti-Communist. The Paris Monitor Radio officer, a man called Kocopans, who, by the way is in Paris because his wife is French and she won't come and live in the United States, so he stays there indefinitely for the State Department, our radio officer—he wrote back to respond to my Orwell broadcast saying, you know, nice things about it technically, and then saying, and I am not positive of my quote, but this is in the files:

"I question the advisability of Miss Lenkeith's airing her personal views against communism."

Mr. CAHN. Did you ever receive any suggestions from a monitor in Paris to accentuate the opposition to communism?

Miss LENKEITH. No. The suggestions, which are on the records, from the monitor in Paris, were to make it light and entertaining, as much jazz music as possible, and as little substance as possible, because, "The French are very tired people that just want to be amused."

Mr. CAHN. This was the only justification for recommending that particular content of our French programs?

Miss LENKEITH. Yes. You see, the great difference which was evident to anyone after just a week of contact with these people, is that they, the whole bunch of them, do not feel that we, as Americans, have anything to teach the French. Now, this does not make them Communists. I mean, there are other things that might. But

that is the cleavage. They think that France is a better country than America.

They think that France is perfect, you see, that there is nothing that America can teach the French. So, "Just be entertaining."

Mr. CAHN. Let me ask one last question, Mr. Chairman.

Would you say there is a major cleavage within the Voice judging from your own experience, as between those who would want to present effective anti-Communist programs and those who do not believe that the Voice of America should be used, in effect, for anti-Communist material, because they think that we should use entertaining material and light material, which they think is the only sort of material that foreign listeners want to beam in toward?

Miss LENKEITH. I am very happy you asked that question, because I was fooled for some time by Mr. Auberjonois, who makes great capital about the fact that every time he puts on an anti-Communist program, he meets the objections of people who say that the Voice of America should be entertaining, and they try and present it as "the serious versus the light."

Now, in my opinion, that has nothing to do with it. That is just window dressing. The problem is people who are proud of their country. It is not even anticommunism. It is just selecting the good aspects about America to talk about.

There is a rather consistent policy which tries to avoid giving the French an inferiority complex by showing them that we are really not so good. I mean, this can be documented with scripts.

The CHAIRMAN. Let me ask you this: We have found, here, developing, a picture, in some of the desks, that there appeared to be a studied attempt to beam out the type of material that would make us look ridiculous, not procommunist material.

Miss LENKEITH. Exactly.

The CHAIRMAN. But material that would make us look ridiculous in the eyes of the people.

Miss LENKEITH. Exactly. And when you call it to their attention, they say, "That is what Americans are. You wouldn't know, because you are an American." I say, "You are supposed to be an American while you are here."

Mr. COHN. Are some of these people aliens?

Miss LENKEITH. No, they are naturalized American citizens, but they tell you very frankly that if they didn't make more money—they hate living in the United States, but they are here because they get paid well by the Voice.

Mr. CAHN. Do we ever carry any program of religious or spiritual content on programs with which you are familiar?

Miss LENKEITH. Well, I can tell you that in the section after a long time you discovered there were only three people who admitted to any religious belief. Atheism was taken for granted. I was also informed—happen to have been brought up in France by a father who was an American businessman. My father was a representative of Grace, W. R. Grace, in France. And I went to a French school. I mean, I probably lived in France as long as most of them. And I was informed that I was completely out of touch, that I "alienated the French," that the French since the revolution were atheistic. And I think I must have said, "Well, France is a Christian country, you know."

They said that any religious program alienated the French.

Well, Mr. Distonel put across the idea of putting on a religious program for Christmas. And this is a funny story. I can't exactly pin it to anyone, but I do remember somebody telling the secretary to call up because they were trying to get a rabbi to do the Christmas program.

They said that you couldn't have a religious program unless you gave all the sects a chance, because that is the way it was defined by the Constitution, that all should have an equal voice.

Well, this started, I think, December 17th. And from December 17th to New Year's Day, the French got a religious program every day. They must have thought we were crazy.

The CHAIRMAN. In other words, they presented Catholic, Protestant, Jewish?

Miss LENKEITH. They had Presbyterians, Quakers, Congregationalists, Methodists, Baptists, Episcopalians, Roman Catholics, Russian Orthodox, and then they tried to get the Jewish rabbi. Well, the Jewish rabbi, I think, told them—you know. He was mad as hell.

I said, "He is going to be insulted. That isn't tactful. It isn't good public relations."

But, you see, it is the cynicism. And if you had heard some of it! For instance, the Congregationalists program. They got one of the Russian producers or speakers to dub, to act the part, and they were interviewing this reverend. I don't know the name; imagine a New England name, Griswold or something like that. And he had the thickest accent. He had the most terrific accent. And he was saying, "My church has just a few members, and, you know, their great, great grandfathers"—this is the kind of effect in French—"their great-great-grandfathers, they came over on the Mayflower."

Now, I have known Congregationalists. The old gag about the Mayflower Pilgrim grandfather is a vaudeville stunt, don't you think?

Mr. CAHN. In line with what Senator McCarthy asked, Miss Lenkeith, wouldn't you say from your knowledge of the French people and the fact that they are primarily a Catholic people that broadcasting programs of this nature during the Christmas period would certainly have offended the sensibilities and religious convictions of most of the representative listeners who would have heard those programs, and that the net effect is exactly opposite from that which we would ordinarily want to produce as regards our country?

Miss LENKEITH. I would go a little further. I would say that the problem is even more serious. It is that the Catholic group is the anti-Communist group in France. They cannot be alienated. Secondly, we have something to teach this Catholic group in terms of interfaith. I was in Paris two years ago, and this Catholic group has grown very anti-Semitic through the German occupation. America has something to teach them in terms of interfaith, in terms of the Conference of Christians and Jews. And I should think getting George Schuster or Fulton Sheen and Rabbi Finkelstein—you see what I mean? But what they do is that they make a big joke. I think when you go to school in a Catholic country as I did, the first thing all the little girls will say, and what they used to

say to me, was that it was something they can't understand, this multiplicity of protestant sects. You explain that you have one grandmother who was a Presbyterian, and one grandmother who was something else, and they just can't understand that. It is something that should be explained, but not something that should be burlesqued. Now the trouble is that your people at the Voice have exactly that French ignorance, because they have never found anything out about America. And they have something more—which is hatred of any kind of religion.

There have been two other instances, largely through Arthur Koestler, who asked me to do it. I was able to get Father Brookberger, the author of *One Sky To Share*, a book that was quite widely quoted. And it had very favorable reviews in *Time* and the *Journal American*. What I mean is that his book received national recognition, and he is a major literary figure in France. He wrote five scripts, which he broadcast, and none of them were ever sent in. This was the week before I was fired. And I really had to battle to get them over. Everybody thought they were boring, and that, anyway, one shouldn't have a script. Now, they were descriptions of America, explaining to the French, who knew him—he has just been here for two years—what a tough life American young people have in achieving that prosperity which they are known for. They have that prosperity, but the years of sacrifice, you know, are there which I think is such an important point.

The CHAIRMAN. Let me ask you this: If you were to take a vote over on the French desk as between communism and Americanism, which do you think would win the vote over there?

Miss LENKEITH. Americanism. Because I think they know that they are better paid under this system. That is what they tell you.

[Whereupon, at 5:40 p.m., the hearing was recessed, subject to the call of the chair.]

VOICE OF AMERICA—TRANSMISSION FACILITIES

[EDITOR'S NOTE.—Immediately following their executive session testimony, Dr. Wilson Compton and General Frank E. Stoner testified in an open public hearing of the subcommittee.]

MONDAY, FEBRUARY 16, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE on INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in room 318 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Everett M. Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Francis D. Flanagan, general counsel; Roy Cohn, chief counsel; Donald Surine, assistant counsel; David Schine, chief consultant; Ruth Young Watt, chief clerk.

Present also: Thruston Morton, assistant secretary of state for congressional affairs; Robert Morris, counsel, Subcommittee on Internal Security of the Senate Committee on the Judiciary.

THE CHAIRMAN. Will you gentlemen both stand up and raise your right hand?

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

General STONER. I do.

Mr. COMPTON. I do.

The CHAIRMAN. Who is doing the questioning? Mr. Schine?

Mr. SCHINE. Your name, please?

TESTIMONY OF WILSON R. COMPTON, ADMINISTRATOR, AND FRANK E. STONER, CONSULTANT, UNITED STATES INTERNATIONAL INFORMATION ADMINISTRATION

General STONER. Frank E. Stoner.

Mr. SCHINE. And your connection with the Voice of America?

General STONER. I am a consultant with the International Information Administration.

Mr. SCHINE. General, in your visit with us, with Mr. Cohn and myself, which started at nine o'clock this morning, you indicated to us that an order had been sent out to suspend any further expenditures on the Baker West project; is that not right?

General STONER. Of any major consequence, yes; any purchase of any major consequence, until we had an opportunity to again review it.

Mr. SCHINE. General, would you please tell the committee what you have decided to do about Baker East?

General STONER. We have not decided anything definite on Baker East. There is up for consideration the question of suspending both projects. They have not been definitely suspended. It is merely up for discussion. And as a precautionary measure, we told the man on the job at Baker West not to make any heavy financial commitments at this time.

The CHAIRMAN. That is on Baker East?

General STONER. On Baker West, sir.

The CHAIRMAN. How about Baker East?

General STONER. Nothing has been done there. We are awaiting this discussion, sir.

The CHAIRMAN. Number one, I am not an engineer, so you may have to be patient with me. But the picture I have gotten from the engineers that have testified and the Bureau of Standards is that Baker East is in roughly the same position as Baker West in so far as the magnetic storms are concerned, in so far as difficulty of transmission is concerned, but that Baker East has an additional hazard, in that you are building it in a swamp that has to be drained. You have to build roads in; and the picture I have gotten is that if you must move Baker West south, then Baker East must be moved south. And I wonder why the special treatment for Baker West?

General STONER. The reason for the special treatment on Baker West was that most of the controversy that has come to our attention, Senator, during the past month, has been on Baker West. There has been no controversy, to our knowledge, brought to our attention on Baker East.

THE CHAIRMAN. Even though there has been no controversy brought to your knowledge, am I correct in this: that the engineers now agree that both Baker West and Baker East are located within the so called magnetic storm area; and that it would be extremely difficult, and it would take a great deal of power to transmit a radio signal through that storm area from either Baker East or Baker West in the present location.

General STONER. I think that can be said, Senator, of all the transmitters we have forming the domestic plant of the Voice of America. We are in a very bad geographic location for reaching our target areas, and the sites selected are not the ideal but are the ones that we felt would do the job, taking into consideration that the facilities we now have.

The CHAIRMAN. In that connection, one of the things that has puzzled me and I think the other senators who attended the hearings in New York also is the fact that apparently the Voice did not ask the Bureau of Standards for any type of survey, any advice. I know you did ask MIT for advice. I understand the evidence that has been before us that while MIT is well equipped to give technical advice on many subjects, as far as propagation studies are concerned, they are fairly new to that.

The question that occurs to me is: Why has not the Voice asked for advice from the Bureau of Standards on Baker East, Baker West, and any other facilities they were constructing?

General STONER. It should have asked the Bureau of Standards for this information, Senator. When we came into the picture, the MIT had made their study and had recommended Seattle, and it was checked, and we were told, or I was told, that they had consulted with the Radio Corporation of America, the Signal Corps, and had obtained all of the information that they felt they needed.

The CHAIRMAN. I understand you were not in this project at the time the site was originally selected. Or were you?

General STONER. That is correct, sir.

THE CHAIRMAN. In other words, you came in considerably later?

General STONER. That is right, sir.

The CHAIRMAN. What was the date that you came into the Voice?

General STONER. I came in on April the 11th, 1952, sir.

The CHAIRMAN. April 11, 1952?

General STONER. Yes, sir. When I came into the picture, from my experience I had had with the Alaskan system in handling transmissions through the auroral absorption belt, I prepared a memorandum to Dr. Compton questioning this location, because I couldn't find anything in the record where they had taken cognizance of the auroral absorption. And at our instigation, then, a joint instigation between the New York office and Dr. Compton's office, we called upon the FCC and the Signal Corps to conduct certain tests between San Francisco and the target areas, between Seattle and the target areas, and with listening posts at Los Angeles, California, and Portland, Oregon. These tests lasted for one month.

At the conclusion of these tests, we had a meeting in New York and had the MIT group give an evaluation of these recordings. This was about as near to the realistic approach as we could get in this problem, knowing that we had to do this thing as quickly as possible. It was number one priority that we get this job done.

Senator JACKSON. What was the date of that? I mean, in what month?

General STONER. That was in June.

Senator JACKSON. June of 1952?

General STONER. June of '52, yes, sir. That is my best recollection.

The CHAIRMAN. Now, we have had a number of witnesses testify. We had an engineer by the name of McKesson, who appeared to be an excellent engineer. We had the man from the Bureau of Standards testify. And while I can not speak for the impression the other senators got, the impression I got was that at the time the stations were originally located, there may have been some serious questions as to where they should have been located; that the mistake at that time may have been in not getting your report from the Bureau of Standards, not having thorough enough a study; but that later on, some time in 1952, the picture became rather clear that some time in 1952 all the reputable engineers who had anything to do with this, including RCA, the Bureau of Standards, MIT, and Mr. McKesson, all agreed that the station at Baker West, located up in the northern part of the United States, was an improper location for it; and the same thing on Baker East; that both

should be moved to the southern part of the United States beyond the auroral absorption belt or the magnetic storm area.

Do you recall that you had a conference with them at that time?

General STONER. Yes, sir. This conference was held to evaluate for Dr. Compton the recordings that were made during this monthly test, in which we had one storm period and one good clear period of transmissions across the North Pacific. During the storm period, it showed that the transmission in San Francisco was much better than the transmission in Seattle.

Senator JACKSON. What was that again?

General STONER. The transmissions out of San Francisco were better between Tokyo and Manila, than the transmissions out of Seattle. But in the evaluation of it, Senator, we could not, or at least I couldn't get the MIT group to state that this is conclusive. They always stated that we need a longer period of time to determine this.

The CHAIRMAN. Let me ask you this: Why was not the Bureau of Standards consulted? Now, you spent about \$600,000, I understand, though my figures may be off somewhat, for a study by MIT. The Bureau of Standards, I understand, was equipped to give you that study at no cost to the Voice at all. I am wondering why the Bureau was not consulted.

General STONER. I can't answer on the original selection.

The CHAIRMAN. That is right. You were not there.

After you were brought into the picture, you did consult the Bureau of Standards?

General STONER. No, sir, I didn't consult them. I had the MIT group take all of the people that had worked with the original study on this and bring them into the picture, such as Mr. Beveridge of RCA, and the Signal Corps.

The CHAIRMAN. Now, am I correct in this: that the conditions in the Seattle area are disturbed roughly 50 percent of the time?

General STONER. That is about right, sir.

The CHAIRMAN. So that if you locate the transmitter where it is now located, you will have considerable difficulty in transmitting about 50 percent of the time?

General STONER. Well, yes, that is true, approximately 50 percent of the time. You would also have difficulty in San Francisco, Senator. And the point there is, in the final standing pat on this site: Are you looking at just one station, or should you look at the whole plan?

It was my best judgment and experience that we should view the whole plan. And the whole Ring Plan, Senator, called for transmissions in other directions than to the Pacific, and it called for the employment of a new type that offered quite favorable possibilities.

The CHAIRMAN. We have had testimony here, and if my recollection is not correct I wish one of the senators or the staff who were present at the time will correct me, that you could build a station down in the southern part of California, beyond the center of the auroral absorption belt, which would give you the same results as the proposed station up in the Seattle area, at a cost of about a million dollars where the station up in the Seattle area is going to cost, I understand, some \$10 or \$11 million; that in addition to

that, the amount of power required in the southern California area would be only a fraction of what it would be up north.

So that by moving into the southern part of California you would cut down the original cost by eight or nine or ten million dollars, and you also cut down the operation cost by a very sizable figure. I do not recall the figure.

Senator JACKSON. Because of the power.

The CHAIRMAN. Yes, because of the power involved.

Is that the picture that has caused you to finally order operations stopped up in Seattle?

General STONER. No, sir.

The CHAIRMAN. What has caused you to do that?

General STONER. Well, there has been so much controversy, Senator, I felt that it was appropriate for me to recommend to Dr. Compton that we take another look-see at this, and instead of having tests for a month, I think we ought to make tests for a year, to make them really conclusive, and to get people to come in that are disinterested, and to determine this thing fairly and squarely. I think we have a very fine distribution of transmitters on the Pacific Coast in the California area. I really think it is to our national interest to have something up in the northwest.

The CHAIRMAN. Now, you mention controversy. I do not quite know what you mean. You mean controversy among your technical experts, or political controversy?

General STONER. The best way to answer that, Senator, is that the MIT has never given us a recommendation since that first recommendation to put it in Seattle. At least, I have not seen it. They may have submitted one, but I certainly have not seen it.

The CHAIRMAN. I find this in a memorandum dated January 26, 1952. This is apparently to Mr. William Diggs Wright, from Foy D. Kohler, on "Status of Baker Sites."

With respect to Baker East it was decided that no announcement would be made as to the fact that East Arcadia is to be the site, because there is no political pressure to hurry.

I am just wondering to what extent political pressures have influenced your rush in this matter.

General STONER. None whatsoever, sir. The only pressure we had was the desire of the Congress to get this job done. It was bogged down when I reached the—

The CHAIRMAN. I have before me, General, a document that disturbs me considerably, and I think disturbed the other senators involved. And I am not going to read you the parts that appear to be disturbing; I am going to hand you the entire document and ask you to glance through it.

Then I will want to ask you some questions on it, if I may.

General STONER. All right, sir.

The CHAIRMAN. Now, first let me ask you: Do you recognize that as a memorandum from yourself to Dr. Compton?

General STONER. Yes, sir. I do, sir.

The CHAIRMAN. That is dated—

General STONER. Dated July 14th, sir.

The CHAIRMAN. Yes. 1952?

General STONER. Yes, sir. I identify it fully, Senator.

The CHAIRMAN. Now, I want to call your attention to page 3, the last paragraph. Let me quote from it.

If the decision is to move to California, we must be prepared to explain fully to the Congress and to the press and prepare for doing so. Such exposure may result in congressional investigation and would not be conducive to our obtaining additional construction funds in the near future. If we remain and install our megawatts at that point, we must also be prepared to be continuously under surveillance concerning our output efficiency.

Then the conclusion is that a more southerly location:

Would greatly improve the propagation of the transmitters, as it removes the path of electromagnetic waves from the absorption action of the north auroral zone; that by remaining at the present site we are taking more than a calculated risk. However, in view of the wide distribution of high powered transmitters in the West Coast, all of which will have high gain broad band antennas directed on the various target areas, this flexibility brings the risk within reasonable bounds. . . .

Then you end up by saying:

I recommend that there be no change in the present site of the Baker West transmitter; that we reduce to an essential minimum all building and construction costs at the Seattle site.

My interpretation of that would be that you, in effect, say: "I agree that southern California will be a better site, because of the difficulties in transmission, but if we move we will have some difficulty with the press, we will have difficulty with congressional committees, they might cut off our funds, and you say it is more than a calculated risk to stay up north but because of this political situation you should stay there and continue to build."

Is that a reasonable or unreasonable interpretation of this order, would you say?

General STONER. It certainly was not my intention to have it convey such, sir. My only thought there was to outline the reason for haste. My instructions were to get this job done.

My whole feeling there, Senator, was that all of these statements made about the improvement of the southern location over the northern location—I believe you can state definitely that it will be better, but how much better is not known, and it is inconclusive, sir.

The CHAIRMAN. Let me ask you this. Am I correct in this at all: that all of the engineering advice which you got as early as the middle of 1952 was to the effect that it would be a mistake to locate Baker East and Baker West where they are now located?

In other words, was there any engineering advice to the contrary?

General STONER. The only engineering advice to the contrary was the question that I put to the group that surveyed this situation, after the tests in June and July of 1952. And I asked Dr. Wiesner if he had to do it over again, if he would locate Baker West in southern California. And he said he would.

I asked Mr. Beveridge of the RCA, and he said, knowing what they had already installed at the present location, he would hate to have to move it at this time, because so much had been committed to the site.

Senator JACKSON. I was just going to ask this question, Mr. Chairman:

The people you referred to: Dr. Wiesner is from MIT?

General STONER. That is correct.

Senator JACKSON. And the other gentleman is from RCA?

General STONER. Yes.

Senator JACKSON. And they are the ones who a year earlier had approved the present sites of Baker West and Baker East?

General STONER. That is correct, sir.

Senator JACKSON. Could you just touch on that point, so that the record is clear on this point as to how they were placed there originally?

General STONER. The original selection was unanimous, and they believed in the Seattle area because it was closer.

Senator JACKSON. Who was that from?

General STONER. That was from MIT, the MIT group, which consisted of the RCA, and they also claimed they had the Signal Corps in on that.

Senator JACKSON. And a year later?

General STONER. They changed their opinion, and they didn't offer any conclusive proof to me.

Senator JACKSON. Then work started on these projects, Baker West and Baker East?

General STONER. Yes, it was well under way.

Senator JACKSON. In the summer or fall of 1951, I believe.

General STONER. In the fall of '51, yes, sir.

Senator JACKSON. Anyway, before this meeting that you are referring to?

General STONER. That is right, sir. The work was well under way. There were many people employed.

Senator JACKSON. Excuse me, Mr. Chairman. That is all I had.

The CHAIRMAN. At the time you got the unanimous advice from the engineers that southern California would be a more desirable site from the standpoint of hitting the target area, I understand that only about \$200,000 had been expended upon the Seattle area; is that correct?

General STONER. That is approximately correct, sir.

The CHAIRMAN. And since then, from the testimony we had the other day, I understand there has been another roughly \$260,000 expended for the contractor, about somewhat over \$3 million for equipment, but that the equipment is still available, and that would not be a waste of money normally. It would just be a cost of shipping it in and reshipping it. I understand from the testimony the other day that the contractor in that area was allowed a fee of eight and one half percent per month as the cost of the equipment he was to use. That equipment has all been obtained by him more than twelve months ago. At the end of twelve months he had been paid a hundred percent of the cost of the equipment, and he then owned it, so that whatever the cost of that equipment is, that would be lost at this time. Is that right?

General STONER. That is in the process of renegotiation now, sir.

The CHAIRMAN. Am I correct in this: that your legal officer advised you some time ago that that contract with Watts should be terminated because Watts had no experience in this type of work; that the eight and one half percent was far out of line with what it normally should be.

General STONER. That letter was not addressed to me, sir, but it was taken under advisement by Dr. Compton's New York office.

The CHAIRMAN. But you are aware of that?

General STONER. Yes, sir.

Senator DIRKSEN. Mr. Chairman, could I ask a question?

General Stoner, do you think the average prudent person could read this memorandum of yours to Dr. Compton without coming to the conclusion that you were faced with the alternative of going ahead with Baker West, at a cost of roughly \$10 million, or of backing off and probably having the matter made public and having to confess that a mistake in judgment was made; and that as between those two alternatives you chose to go ahead with Baker West no matter what it cost and in the realization that your station would be only 50 percent effective, because of the atmospheric disturbances? Would a reasonable person be justified in that conclusion, reading that language?

General STONER. It is unfortunate, Senator, that it is construed that way.

Senator DIRKSEN. Well, do you not think he would?

General STONER. Well, that is possible, yes, sir. But it certainly was not intended that way. I think the whole memorandum points out that there are many other factors, sir, besides the auroral absorption.

The CHAIRMAN. Let me just ask one question. I am not sure if this has been covered by you or not, General. Did military considerations in any way influence the selection of the site? Or would you know that?

General STONER. I don't think it did. No, it did not, Senator. I had that in the back of my mind, that in the event of an emergency, it would be to our national interest to have something up there. Because we had so many transmitters in California. And I think when we talk about moving to California, if we move to California, to take full advantage of getting away from the auroral absorption zone, then we must go out around Point Conception, south of Santa Barbara, where land values are very high. And if we put it in our Delano plant, of course, it is much more reasonable. We can get acreage around Bakersfield at a very reasonable cost. It would not be the full improvement or full advantage of moving to California.

The other thing that greatly influenced me was that Colonel Andrews has operated a circuit from Seattle to Tokyo and from Seattle to Manila for the past five years, as part of the Alaska Communications System, and we discussed this whole problem of the location of Baker West with him and his staff and turned over all of the records they had on propagation paralleling the auroral absorption fringe from inside the auroral absorption to outside, and he told me that the circuit to Tokyo was one of the best circuits he had on the entire system.

The CHAIRMAN. Who selected Mr. Herrick as the chief engineer?

General STONER. I can't answer that, sir. He has been there for such a long time.

The CHAIRMAN. Dr. Compton, how long have you been with the Voice yourself?

Mr. COMPTON. Since the 20th of January of last year.

The CHAIRMAN. Of last year. So you had nothing to do with the selection of Mr. Herrick?

Mr. COMPTON. No, I did not.

The CHAIRMAN. The record shows at this point that Mr. Herrick is the man who selected or at least nominated, if we can use that term, the sites which were finally picked.

Mr. Herrick testified in New York that he had one year of pre-engineering work. We took the trouble of checking his record in the engineering school. I think it might be well to insert his record in the engineering school. I think it might be well to insert his record in our record at this point.

Will you read it, so that the other senators will know what his record was?

Mr. SCHINE. Mr. Herrick, as reported by the Registrar's Office, College of Engineering, New York University, this morning, attended the College of Engineering for the year 1933 to '34 and did not return after his freshman year. These are his grades:

General chemistry, first term, failure; second term, D.

Chemistry, qualitative analysis, first term, D; second term, D.

Mathematics, first term, analytical geometry, failure; second term, advanced algebra and calculus, failure.

Mechanical drawing, first term, C; second term, descriptive geometry, D.

Military science, first term, B; second term, B.

English, first term, D; second term, D.

Public speaking, first term, C; second term, A.

Senator DIRKSEN. Well, Mr. Chairman, he passed in public speaking. That is pretty good.

The CHAIRMAN. Did you determine from those marks that he would not have been acceptable for the second term?

I believe it is quite general knowledge that with those grades—In other words, you would receive no credit points for a D and for a failure, so he would not have enough credit points to return the second year. So that the chief engineer, the man who selected the sites, failed his pre-engineering work.

I am curious to know if you would know this. And I know that neither you nor Mr. Compton selected him. He was there before you. But do you know why that man was selected; and, number two, why he was kept on that job?

May I say we had Mr. Herrick before us. He seemed to be a very nice gentleman, but completely over his head in that job.

General STONER. It has been my observation, Senator, if you want me to comment on that, that they have had a great deal of independence up in New York, sir.

Senator DIRKSEN. Will you raise your voice a little, General?

General STONER. They have had a great deal of independence up in New York, and I have been here almost ten months now, and it took me three months to get inside of the office up there and to even attempt to make suggestions.

Senator DIRKSEN. You mean they would not admit you to the office?

General STONER. They would admit me, yes, sir, but they paid no attention to suggestions or recommendations.

The CHAIRMAN. Are you not their boss, in effect?

General STONER. No, sir; I am a consultant, sir.

The CHAIRMAN. I see. Well, Dr. Compton is the boss, then.

General STONER. Yes, sir. We had great difficulty. And it is quite a long story. Every time we would attempt to do something constructive, why, of course, we had much opposition. And the first thing that we did, sir, was to get the former director replaced by a man that had commercial broadcasting experience, Dr. Morton. And since then we have been able to go in and to do the things that are necessary.

The CHAIRMAN. Now, Herrick was removed last Friday, after we had called him as a witness. How about the man who has replaced him? Is he an engineer? Is he a graduate from an engineering college?

General STONER. I don't know what his qualifications are, sir.

The CHAIRMAN. Dr. Compton, would you know?

Mr. COMPTON. I am told that he is. That is Mr. Seymour.

The CHAIRMAN. I do not know much about your administrative setup, but are you not the man who finally passes upon it?

Mr. COMPTON. No, Mr. Morton.

General STONER. Dr. Morton has gone into it very carefully. I am satisfied he is a very competent man and he is doing some things now that needed to be done a long time ago.

The CHAIRMAN. I understand from what the staff tells me that he is not a radio engineer but a civil engineer.

General STONER. No, he is not, but he has men under him who are.

The CHAIRMAN. Would it not seem wise to have a man who is a competent radio and electrical engineer in the post?

General STONER. I have looked for one for about eight months, Senator, and you can't get them for \$8,000 a year. I have searched for officers that were retired, and it is almost impossible to get them.

The CHAIRMAN. Well, that is one of the things that interest us. If you can't get good help for what we allow, we ought to go into that.

General STONER. I think we can give you a lot of good information on that.

The CHAIRMAN. Some government agencies hire consultants. They are allowed to pay how much, then?

General STONER. Fifty dollars a day and more.

The CHAIRMAN. You are a consultant, yourself?

General STONER. Yes, sir.

The CHAIRMAN. And how much do you get?

General STONER. I get \$75 a day, but for every day I am employed by the State Department I turn my retired pay back to the Treasury of the United States, and it nets me \$50 to \$60 a day, sir.

The CHAIRMAN. So if you wanted to, you could get a competent engineer for \$50 or \$75 a day?

General STONER. I doubt it, sir. And you can't use your consultants, Senator, to put in charge. They have to issue orders, so they must be on the permanent roll.

The CHAIRMAN. I see. So you would think that one of the difficulties here is the salary, which prevents us from getting really top engineers for that job?

GENERAL STONER. I do, sir.

Senator DIRKSEN. Well, General Stoner, certainly you are not leaving that kind of an impression, that because the money is not there, it justifies taking a man like Mr. Herrick, whose incompetency is confessed on the record, and let him run this show, are you?

General STONER. I had not intended to give that impression, sir.

Senator DIRKSEN. And certainly you are not leaving the impression with this committee that as a consultant at \$75 a day you did not speak with some authority through the regular channels of the Voice. Frankly, sir, I would be astonished if you left that impression here. Because you have been in the service of your country, and this is taxpayers' money that we are spending now. And if you could not make an impression, what have you said to somebody in authority so that this weakness could be cured? I think you have a responsibility here.

General STONER. Yes, sir, I have, and I have tried to discharge my responsibility, and I have done it to the best of my ability, sir.

Senator JACKSON. General, as a practical matter, has Mr. Herrick been making decisions in connection with this problem? I mean, you refer to this meeting back in June or July, when you had the MIT people in. Was he in on that?

General STONER. Yes, sir, he was in on that, sir.

Senator JACKSON. But was he running the show?

General STONER. Mr. Kohler was running the show at that time, sir.

Senator JACKSON. Kohler? Who is he?

General STONER. Mr. Kohler was a former director, sir, of the Voice.

Senator JACKSON. Was he an engineer?

General STONER. No, sir, he was a State Department Foreign Service officer.

Senator JACKSON. What I am getting at is: The technical knowledge needed for an intelligent decision in connection with this matter has not been left finally to Mr. Herrick?

General STONER. No, sir.

Senator JACKSON. You have been advising, since you went to work for the department, or Dr. Compton, on the final decision?

General STONER. That is right.

Senator JACKSON. Did you know about Herrick's background?

General STONER. I only knew of his professional record in the industry, and it seemed to be very good.

Senator JACKSON. You did not know about his academic background?

General STONER. I did not have any knowledge of his academic standing, and this is just one instance, this site at Baker West. We have stopped some actual construction at other sites, and made them change them. But there has been so much change that we just have been going day and night to get this job reorganized along sound, good management engineering lines.

Senator JACKSON. And to get good competent engineers in?

General STONER. That is right, sir. And not only that, but we have had management surveys made by reliable management firms, and the work involved in straightening some of these defi-

ciencies out has been quite tremendous, and it is just more than one person can do.

Senator JACKSON. Well, the final decision with reference to the location of Baker West and Baker East: was that made here, or in New York, in the chain of command?

Of course, Dr. Compton was not in the office at the time.

General STONER. It was made here, sir.

Senator JACKSON. Made here.

General STONER. Yes, sir.

Senator JACKSON. And do I understand it that that decision was based on the then recommendation of MIT and RCA?

General STONER. Yes. They had previously recommended the Baker West site. But then, after this one month test, they changed their recommendation.

Mr. SCHINE. General Stoner, on February 2nd, 1952, a note was drafted from E. J. Carrigan, to A. A. Micocci, both working in the information program. I imagine they are connected with the transmitter projects in some way, are they not?

General STONER. Mr. Carrigan was one of the persons that selected the sites originally, and Mr. Micocci was the administrator, at that time was the liaison officer, for Mr. Kohler.

Mr. SCHINE. In this memorandum, right at the very beginning, I should like to read what it says.

The following principal factors guide the Department in its selection of a site: (1) radio propagation; (2) cost; (3) speed.

In other words, radio propagation is your prime consideration.

The CHAIRMAN. What was the answer to that? "Yes"?

General STONER. The answer is "yes."

Mr. SCHINE. On September 12, 1951, Mr. McKesson, who was at that time working as an engineer for the Voice of America, wrote a memorandum to Mr. George Herrick, the chief engineer, and in substance it says that he read in the newspaper that a superpowered short wave transmitter was being installed in Aberdeen, Washington. He gives six reasons why it would be a great mistake to install the transmitter in Washington rather than locating it in a more southerly place. He then says, "Possibly the newspaper account is in error," and then he makes this point.

As a matter of interest, RCA Report GM 4319 contains this statement on page 4. California was selected as being a feasible region for a transmitting central, and San Francisco was assumed for the purpose of calculation. More northerly States would serve, but auroral zone clearly would be somewhat less.

This point was made, I repeat, on September 12, 1951. And you were on notice at that time, were you not?

General STONER. I was not a part of the organization at that time.

Mr. SCHINE. Whoever was responsible would be on notice as far back as September 12, 1951?

General STONER. Yes.

The CHAIRMAN. Just one question, and then Senator McClellan has some questions to ask.

Now, this morning I understand you decided that construction on Baker West should be discontinued for the present time. Am I correct that you had the same information in July of 1952 which you had this morning, in regard to the lack of wisdom of continuing

with Baker West in its present site? If so, I just wonder why you waited until our committee got into this matter before you discontinued construction?

General STONER. The reason now, Senator, is to get more information on the propagation qualities from Seattle as compared to California.

The CHAIRMAN. But this is about \$3 million later than it was a year ago. At that time, if I am correct, MIT and RCA gave you the same information which they give you today.

General STONER. They didn't give me the information, sir. They would not state that that was conclusive, that that would be the condition that would govern at all times.

The CHAIRMAN. I have a letter dated May 19, 1952 from Dr. Beveridge, director, Radio Research Laboratory, Radio Corporation of America, and I will read the last paragraph, and I will give you the entire letter so that if I pick it out of context, you will be able to remind us of that. He says.

If it is not practicable to make these comparative measurements, then I would suggest, in view of the fact that we are agreed that Los Angeles is a suitable site and that Mr. McKesson's work at least throws some doubt upon the suitability of Seattle, we would recommend that Los Angeles or San Francisco be given serious consideration as the most suitable site for the Voice of America transmission to Central China.

So that RCA, as early as May 19, 1952, advised you that you should give serious consideration to California. So you were at least, to some extent, put on your guard then.

General STONER. Was that letter addressed to me, Senator?

The CHAIRMAN. It was addressed to Mr. George Herrick; a copy to Dr. Wiesner; a copy to Mr. McKesson. I beg your pardon. This was not sent to you.

General STONER. This is the first I have heard of that. And also, in the previous fall, Mr. Beveridge recommended Seattle as the location for that.

The CHAIRMAN. Just one further question.

Who is Brad Connors?

Mr. COMPTON. He is the assistant administrator for policies and planning.

The CHAIRMAN. Is he in the Voice?

Mr. COMPTON. Yes. Well, he is in the International Information Administration. He is not in the Voice.

Senator DIRKSEN. Mr. Compton, were you aware of these things at that time? Did this information come to your attention?

Mr. COMPTON. Very little of it.

Senator DIRKSEN. Did any of it come to your attention?

Mr. COMPTON. Yes. I knew of the differences of opinion last year.

Senator DIRKSEN. Well, now, you appeared before the House Appropriations Committee and the Senate Appropriations Committee in connection with a justification of the estimates for the Voice, did you not?

Did you appear at that time?

Mr. COMPTON. Yes, last spring.

Senator DIRKSEN. That is right. Did you volunteer any information on this subject to either House or Senate committees?

Mr. COMPTON. I don't recall that I participated in any discussion on the facilities matters.

Senator DIRKSEN. In other words, if the question was not asked directly, no information was volunteered that this was a rather dubious operation from the standpoint of its efficiency?

Mr. COMPTON. I had no reason to assume that it was, at that time, a dubious matter. All the information given to me, Senator, from the beginning, was that the project, the so-called Ring Plan, was sound in conception; that that had been authenticated by as good an assembly of scientists as the MIT group could assemble; that that had been affirmed.

Now, I am talking about the conception of the Ring Plan, including these Baker plants. I am not talking about the determination of a particular site. And there was no information available to me that this was an unsound plan, nor is there now.

Now, you ask me whether I participated, whether I testified, before either the Senate or the House committee.

Of course, those are of record, and I am merely talking out of my own recollection. I do not recall that in the Senate there was any hearing conducted on the facilities matter. They recommended no appropriation. There was discussion in the House. I do not recall that at any point I participated in that. The ink was hardly dry on my coming into the International Information Administration at the time of the House hearings, and I think it is very unlikely that I would have interjected any opinion of my own at that stage.

Senator DIRKSEN. Now, let me ask. Would the suspension order that was issued this morning—it was this morning, was it not? Or when was it? With respect to Baker West?

Mr. COMPTON. They have not been issued as yet.

Senator DIRKSEN. Well, has it been announced?

Mr. COMPTON. No. I have here a copy of a letter addressed to my superior officer in the Department of State, which, if he approves, will result in the suspension.

Senator DIRKSEN. When is that dated?

Mr. COMPTON. That is today.

Senator DIRKSEN. As of today?

Mr. COMPTON. Yes, sir.

Senator DIRKSEN. So that letter would notify the superior in the State Department that if they are willing there would be a suspension of this operation of Baker West.

Is that correct?

Mr. COMPTON. Baker East, too. Both.

Senator DIRKSEN. Would that letter have been issued, Mr. Compton, and that action taken, had it not been for the sudden and rather emphatic interest on the part of this committee?

Mr. COMPTON. Yes, sir, it would. It has been under consideration for some time.

Senator DIRKSEN. Well, why did it wait until precisely this time?

Mr. COMPTON. Well, you gentlemen are in command of your own calendar, not I.

It so happens that under Mr. Dodge's order—I mean the director of the Bureau of the Budget—the determination and its impact, of its application, to the International Information Administration,

was referred to me with respect to both construction and any other reductions that can be made.

The CHAIRMAN. May I interrupt there? You say that the projects have become so controversial, that you are suspending. What is the controversy you are referring to?

I wish you would be completely frank with us now. Senator Dirksen has asked you whether or not if this committee had not taken an interest you would have initiated this letter dated February 16. One of the reasons you give for it in signing it is that the project has become so controversial. What do you mean by "controversial"?

Mr. COMPTON. I think there is evidence of so much uncertainty, of a kind and of a degree, that has developed within the last two weeks, to my knowledge, that it is undesirable to carry on what, so far as the information available to my office goes, indicates a desirable project.

Until that uncertainty is cleared up, and as long as it is uncertain—

The CHAIRMAN. When did this tremendous uncertainty impress itself upon you?

Mr. COMPTON. Well, I went to, for example, at his invitation, the chairman of the House Committee on Appropriations, about a week ago. And his first question to me—

General Stoner, you were with me, were you not?

General STONER. Yes, sir.

The CHAIRMAN. Was that after we phoned the House committee and told them we were going into this, told them there was great waste, that Taber asked you to come down?

Mr. COMPTON. Well, I don't know when that call occurred. I think that it was week before last. It was some time week before last.

I can give you the exact date if you wish.

So far as I know, it had no connection whatsoever with this committee. The first question Mr. Taber asked me was. "Why do you want to have these Baker plants, both East and West?"

The CHAIRMAN. Dr. Compton, in any event, almost a year ago, you were advised by General Stoner that the present sites were unsuitable, that they should be moved, but that if you moved them you would have to explain to congressional committees. You were advised to continue operations where they were. And you have spent since that time three or four million dollars.

Now, when this committee starts to work, you suddenly suspend them. I think the senator has asked you a very fair question. Is it because we have been giving it attention? If not, what has caused you to change your mind?

Mr. COMPTON. Let me read the recommendation, in this document you gave General Stoner.

I recommend that there be no change in the present site of the Baker West transmitter and that we reduce to an essential minimum all building and construction costs at the Seattle site.

The CHAIRMAN. Have you read the other parts of it, where he said that it is worse than a calculated risk to continue; that if you change, however, you will be confronted with congressional investigations; that your funds might be cut off; that if you continue

building in the Seattle area you will be under surveillance—and I cannot quote the words verbatim—because of the inefficiency of it?

Mr. COMPTON. I am sure if I got the memorandum from General Stoner I read it throughout.

The CHAIRMAN. Read it right now, will you, Doctor?

And I wish you would answer Senator Dirksen's question.

Mr. COMPTON. Well, Senator Dirksen asked me whether this action would have been taken. And I said "yes."

The CHAIRMAN. Then tell us why you waited for a full year, what new information you have gotten since that memorandum was addressed to you that caused you to take this action as suddenly as this morning.

Mr. COMPTON. I have a letter from Alfred Morton, dated February 13, which I received this morning.

The CHAIRMAN. I did not hear your answer. I am sorry, Doctor.

Mr. COMPTON. I have a letter from Alfred Morton, the deputy administrator in New York, the director of the Voice of America. It is one page. Do you care to have me read the whole thing? It directly bears upon this, Senator.

The CHAIRMAN. What is the date of it?

Mr. COMPTON. Today—or yesterday, February 13th.

Senator DIRKSEN. That would be Friday.

Mr. COMPTON. Friday, I received it.

The CHAIRMAN. Have you heard my question? The question is this: What has occurred since you were advised by Dr. Stoner that engineering opinion was that it was a mistake to continue construction on Baker West in its present location? What has occurred since then to cause you to change your decision and discontinue construction?

Mr. COMPTON. This has occurred, which reached me today, which is a report of an all-day session held on Wednesday, February 11th, which was attended by General Stoner, and included Messrs. Andrew Ring, Lester Carr, Morris Pierce, and General Stoner, as consultants. And the group reached a unanimous concurrence on points enumerated in the attached statement, which I have here.

The CHAIRMAN. When was that group appointed by you to conduct this study?

Mr. COMPTON. About a month ago.

The CHAIRMAN. They met for the first time last week?

Mr. COMPTON. They met on last Wednesday, on the 11th.

The CHAIRMAN. Now, you say about a month ago. Let us get this date accurately.

Mr. COMPTON. General Stoner, you will have to.

The CHAIRMAN. They were appointed after we commenced this investigation, were they not?

Mr. COMPTON. Oh, no. No. No, I knew nothing about the investigation of this committee until a week ago.

The CHAIRMAN. And do you know of any action upon the part of this committee before we met, before we started to subpoena your witnesses?

Mr. COMPTON. None whatever.

The CHAIRMAN. Are you sure you understood the question?

My question was. Did you know of any activity on the part of this group before this committee started to work upon this subject?

Mr. COMPTON. Oh, of this committee [indicating paper]?

The CHAIRMAN. Yes.

Mr. COMPTON. Yes. These are the consultants that General Stoner and Mr. Morton have been convening to go into this question as a further roundup. I think you had better ask the question of General Stoner, though.

The CHAIRMAN. In other words, you do not know. Let us ask General Stoner.

Did these four men on this project for which they were appointed do any work before this committee started to look into it?

General STONER. Oh, yes, sir.

The CHAIRMAN. When did they start?

General STONER. They started upon one phase of it, critical analysis of all of the personnel up there, I guess about three weeks ago, sir.

The CHAIRMAN. What is the critical analysis?

General STONER. The critical analysis was to determine the minimum number that would be necessary in each one of the branches up there to carry on their job.

The CHAIRMAN. Now, General Stoner, we are talking about Baker East and West. We are talking about the location of them. The question is: Did this group start to study the wisdom of discontinuing the building program before this committee started its investigation?

General STONER. It did, sir.

The CHAIRMAN. When did it do that?

General STONER. It started on the critical analysis of the construction right after receipt—the scrutiny of this whole construction program, Senator, has been going on continuously.

The CHAIRMAN. Continuously since when?

General STONER. Continuously since I came into the picture, sir, and since Dr. Compton gave me the first directive. The actual critical analysis which resulted in this recommendation to Dr. Compton started when we brought Mr. Ring, Mr. Pierce, Mr. Carr, and all of the engineer talent that we had available in New York, together, as a result of the letter from Mr. Dodge, which stated that the whole construction program carried on by the various departments of the government would be put under critical analysis, and only those projects clearly essential would be continued in force.

Senator DIRKSEN. What was the date of that letter or memorandum from the comptroller?

General STONER. We have that letter. I can get it for you.

Mr. COMPTON. I believe it was February 2nd, wasn't it?

Senator DIRKSEN. February 2nd. So you got a memorandum from Dodge on February 2nd, and you convened a meeting of these analysts on February 11th. And then you did an about-face on February 13; and you removed Mr. Herrick, the engineer, about that time. Is that the correct chronology of this matter?

General STONER. The exact dates I think I have here, sir.

Mr. COMPTON. Yes, that is true. If the implication, though, Senator Dirksen, is that that was done because of the activity of this committee, which I may say might have been done if it had not been done before hand, I would like to—

Senator DIRKSEN. Well, now, Mr. Compton, to finish out the thought, to make sure that this record is left in good shape, I do not know what your notion about the implication is, but my notion about the whole thing is that this has been going on for some time, and we have been playing around with taxpayers' money, with \$400,000-some spent, maybe another \$3 million committed, equipment standing up there on vacant areas on which the government is paying eight and one half percent a month, which will inure to the contractor, and critical analyses going on that do not eventuate until this committee gets its teeth into it.

Now, you can make of that any implication that you want, sir. I know what implication I will make, and make it fairly.

General STONER. The meeting that Dr. Compton referred to was held on Wednesday morning, last Wednesday morning, at 11:00 a.m., and ended at 5:00 p.m.

Senator JACKSON. When was that committee appointed? When was the committee appointed originally?

General STONER. That committee was appointed by Dr. Compton on Saturday, the Saturday previous.

Mr. COMPTON. Senator Dirksen, let me read this.

Senator DIRKSEN. Yes. I assure you, Dr. Compton, that I want to be perfectly fair, but we have a stewardship to perform here, and this looks like a colossal blunder and a great extravagance and waste, unless there is a better explanation than we have had up to this point.

You can be candid, sir. You will not offend me.

Mr. COMPTON. I do not mean to be quarreling with your conclusion in any way, sir. I merely would like to say. This is dated January 26th. This is a memorandum to one of my colleagues, and a copy of it, who is surveying the broadcasting program, not the facilities, but the program, the broadcasting program. A copy of this was sent to General Stoner. In it I said:

Frankly, I am worried about the whole Voice of America radio setup, and I know Alfred is.

Alfred is Mr. Morton.

Even on such simple matters as construction of new facilities, we are still showing an inability to get the job done promptly and efficiently. Herrick's division evidently still is trying to make a construction contract a laboratory through which new ideas and new plans can be injected, while the contractor is expected to be getting the construction job done. I hope A.H.M.

—that is Mr. Morton—

will conclude that the construction set up in IBS.

—which is the International Broadcasting Service, another name for the Voice of America—

I hope A.H.M. will conclude that the construction setup in IBS needs overhauling, and I think he will. General Stoner I know has reached that conclusion.

Now, that was January 26. All I am saying is that at that time I had no knowledge whatever of the intentions of this committee.

Senator DIRKSEN. Let me just add one comment. Of course, that is the most general language, and I could have made that on the Senate floor without knowing the difference between a radio tower and any other instrument that they use in the business. But there is nothing specific here, Dr. Compton, that I can see. That could

have been addressed to facilities anywhere under the jurisdiction of the Voice, and it does not necessarily mean that they had in mind Baker East or Baker West or anything else with which we are concerned at the moment. It goes into this question of overhauling, certainly.

Mr. COMPTON. Well, perhaps the context did not make it clear to you. The context, I am sure, was clear to the recipients of that.

Senator DIRKSEN. It could have been.

Mr. COMPTON. That that meant somebody should take the place of Mr. Herrick.

Mr. Herrick has been proven to be not a graduate engineer. That is obvious, and I knew that last year. I knew it when I came into this program, or shortly thereafter.

Senator DIRKSEN. That was in January of 1952?

Mr. COMPTON. That was in January of '52.

The CHAIRMAN. May I interrupt and make a suggestion?

Some of the senators here have not heard the testimony of Mr. McKesson, who, I believe the senators present will agree, is the only engineer we have heard so far in these hearings. Mr. McKesson is here. We got him down from New York. We told him we would hear him at four o'clock. I would like to have Dr. Compton and General Stoner here to listen to his testimony. I think that the senators want to question you upon the basis of that testimony and other evidence. So if the senators do not mind, we will let you step aside and open the hearing. We announced we would have an open hearing at four o'clock.

I do not want to cut any senators off, but I think we would be better able to more intelligently question them.

Senator JACKSON. I wonder if he could just finish that one statement. He said he knew about Mr. Herrick.

Will you finish the answer, about knowing of his not being an engineer last year? Could you just finish?

Mr. COMPTON. Yes. I was informed early last year and have been well aware of the fact that he was not a graduate engineer. At the same time, he seems to have impressed himself very generally upon the confidence of the radio industry.

He was very strongly endorsed by the Radio Advisory Committee, with which he worked in close consultation. And my own judgments with respect to Mr. Herrick have been adverse, as implied in this statement of the 26th of January which I read. And they have been based not on the fact that he isn't a graduate engineer, but that he seems to be unable to do a good businesslike job in the carrying out of his work, and the only criticism that I would address to myself is that I didn't reach that conclusion last fall.

I quite agree with the implied criticism that this has waited overlong. But I ask you gentlemen to take into consideration the fact, which has been mentioned by General Stoner, that we can not get competent radio experts at the salaries that we are now able to pay. And it is better to struggle along with the evils that we know than to fly to others that we know not of.

Mr. SCHINE. Dr. Compton, you mentioned a Radio Advisory Committee. What committee is that, exactly?

Mr. COMPTON. That is a committee, an advisory committee, of radio specialists. They are operators.

Mr. SCHINE. In the government, or private business?

Mr. COMPTON. No, they are private, all private. It is, as the name implies, a group of representative radio industry people who have advised the Voice of America on many particulars, the Voice of America much more than me.

Mr. SCHINE. It is an advisory committee to the Voice of America. Is that it?

Mr. COMPTON. Yes.

Mr. SCHINE. Thank you.

Mr. COMPTON. I think on two occasions I met with them, but I am no radio expert.

The CHAIRMAN. Senator McClellan?

Senator MCCLELLAN. General Stoner, I wanted to get the record clear on two things.

As I understand it, you are employed only in the capacity of a consultant?

General STONER. That is right, sir.

Senator MCCLELLAN. At all times, your connection with the Voice of America has been in that capacity?

General STONER. That is right.

Senator MCCLELLAN. And it is presently so?

General STONER. Yes, sir.

Senator MCCLELLAN. As a consultant, do you have any authority over the administration of the affairs of the Voice?

General STONER. I do not, sir; only through the regularly constituted administrative and technical control channels.

Senator MCCLELLAN. In other words, all you can do is to suggest and recommend?

General STONER. That is right, sir.

Senator MCCLELLAN. And are you privileged to do that voluntarily where you observe there is something wrong or something that you think deserves study or change or comment?

General STONER. I am, sir.

Senator MCCLELLAN. And you have made recommendations voluntarily with reference to some of these discoveries with respect to the construction program and other matters?

General STONER. Many of them, sir.

Senator MCCLELLAN. Many of them. Now, after you have done that, you have no further responsibility, you feel?

General STONER. I follow up, and if action is not taken on some of the things that I am sure of—

Senator MCCLELLAN. Well, all I am trying to do is to get the record straight.

As a consultant, you do not have the responsibility of making final decisions upon what you recommend?

General STONER. That is right, sir.

Senator MCCLELLAN. Now, you spoke of "controversy" arising about Baker West particularly and probably Baker East. What do you mean by "controversy"? Do you mean simply differences of opinion, or scientific discoveries in connection with the construction of these stations, that now point out probably the lack of wisdom in constructing them at those places?

General STONER. That is right, sir.

Senator MCCLELLAN. So, when you say "controversy," you simply mean an expression of opinion that is unfavorable to the location?

General STONER. That is right, sir.

Senator MCCLELLAN. From competent sources as you regard them?

General STONER. That is right, sir. And there are many different opinions.

Senator MCCLELLAN. I assume, then, from what you soon learned after you got into the organization, that you could not have, as a consultant, agreed with the decision to build Baker West in the state of Washington?

General STONER. That is correct, sir.

Senator MCCLELLAN. And I also assume from your testimony that you would have certainly wanted further information about it before—

General STONER. Before we changed it, yes, sir.

Senator MCCLELLAN. Also, you would have wanted more information than apparently was available to anyone at the time it was decided to build it first?

General STONER. That is right, sir.

Senator MCCLELLAN. Secondly, you would want more information now before you would decide to build it somewhere else?

General STONER. That is right, sir.

Senator MCCLELLAN. That is your present position. But still there is such doubt about the wisdom of constructing it there that you feel it should be suspended?

General STONER. Right.

Senator MCCLELLAN. And that action is now being taken.

General STONER. Yes, sir.

Senator MCCLELLAN. But you really think it should have been taken back at the time you wrote the memorandum to Dr. Compton?

General STONER. I would say we didn't have enough information.

Senator MCCLELLAN. But you felt, and you so expressed yourself, it should have been stopped at that time. The only reason it was not, the only reason you feel within yourself was possibly the political repercussions from it?

General STONER. Yes, sir.

The CHAIRMAN. You gentlemen may step down.

[Whereupon, at 4:20 p.m., the committee proceeded in public session.]

VOICE OF AMERICA

[EDITOR'S NOTE.—On April 23, 1951, the Czechoslovakian government arrested William N. Oatis, an American citizen who headed the Associated Press bureau in Prague. He was charged with activities hostile to the state-collecting information not officially released by the government. At his trial, Oatis pleaded guilty to espionage and on July 4, 1951, was sentenced to ten years in prison. After extensive diplomatic intervention, Oatis was freed on May 16, 1953. The Czechs announced that they freed Oatis in response to a letter from his wife to the late Czech President Klement Gottwald, on November 15, 1952. Upon his release, William Oatis explained at a press conference that many legitimate practices of Western journalism could be interpreted as espionage under Czechoslovakia's restrictive laws.

The Oatis case played a central role in the executive session testimony of Harold C. Vedeler, State Department's officer in charge of Polish, Baltic and Czechoslovakian Affairs. Vedeler was not called back to testify in public session, although his role was discussed in the public testimony of Howard Maier, political commentator and adviser to the central services division of the Voice of America, on March 6, 1953.]

TUESDAY, FEBRUARY 17, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Everett M. Dirksen, Republican, Illinois; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. Will you stand up, please?

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VEDELER. I do.

The CHAIRMAN. Counsel?

Mr. COHN. Would you give the committee your full name, please?

TESTIMONY OF HAROLD C. VEDELER, OFFICE OF EASTERN EUROPEAN AFFAIRS, DEPARTMENT OF STATE

Mr. VEDELER. Harold C. Vedeler, V-e-d-e-l-e-r.

Mr. COHN. And where are you employed, Mr. Vedeler?

Mr. VEDELER. In the Department of State, Office of Eastern European Affairs.

Mr. COHN. And what did you say your occupation was?

You are with the State Department in what capacity?

Mr. VEDELER. In the Office of Eastern European Affairs.

Mr. COHN. Does that take in Czechoslovakia?

Mr. VEDELER. Yes, sir.

Mr. COHN. It does. Now, Mr. Vedeler, we have in evidence before the committee a memorandum that purports to be in your handwriting, signed with the initials HCV, which I will display to you in just a moment, with the chair's permission. This memorandum is addressed to Mr. Kretzmann, the policy director of the Voice of America. It encloses an article from the New York *Daily Compass*, which has been described by Mr. Kretzmann in testimony before this committee as a Communist-controlled newspaper. The article from the *Daily Compass* contains an attack on the Voice of America for its broadcasts against the Communist government of Czechoslovakia in demanding the release of Oatis. The memorandum, signed with the initials HCV, says:

This is the article to which I referred in our telephone conversation. A lot of us share this feeling about this particular broadcast.

Now, I would like to display this to you and ask you to explain to this committee whether or not this writing is your handwriting, and whether or not you sent an article from this Communist-controlled newspaper to the Voice of America, to the policy director of the Voice, in your official capacity in the Eastern European division of the State Department, and stated that you and others in the State Department shared the view of this Communist-controlled newspaper.

Mr. VEDELER. This is my writing on this note.

Mr. COHN. You identify that memorandum?

Mr. VEDELER. Yes, sir.

Mr. COHN. It is your writing?

Mr. VEDELER. Yes, sir.

Mr. COHN. There is no doubt about that in your mind?

Mr. VEDELER. That is right.

Mr. COHN. Well, can you explain this to the committee?

Mr. VEDELER. I referred to the particular things that were said in quotes here.

Mr. COHN. Pardon me?

Mr. VEDELER. And this was what was behind it. I had discussed with Mr. Kretzmann this broadcast about the references to Gottwald.

Mr. COHN. Gottwald is the Communist dictator of Czechoslovakia, is that right?

Mr. VEDELER. Yes.

Mr. COHN. He was, rather. Now, do you think that Mr. Gottwald should not have been insulted by the Voice of America?

Mr. VEDELER. Well, this was the problem, if I may explain.

Mr. COHN. I wish you would.

Mr. VEDELER. We had been trying to get Oatis free. We had been trying to get Oatis free ever since April of 1951. We had taken a number of different measures to try to induce the Czechoslovak government to free him, and there had been a lot of publicity in the press at the same time. The publicity we thought at one time was excellent, in that it showed the attitude of the American public and the American Congress and the American government toward this outrageous act. Later after we had taken these measures, the

extensive publicity seemed only to engage the prestige of the Czechoslovak government.

Mr. COHN. To what?

Mr. VEDELER. Engage the prestige of the Czechoslovak government about the Oatis case, so that it would make more difficult our task of trying to free Oatis, and it was with reference to that part of the broadcast that I talked with Mr. Kretzmann on the telephone, saying that this thing only made it more difficult for us to try to get Oatis out.

If I may add one word more?

Mr. COHN. Surely.

Mr. VEDELER. Our problem here was to try to give protection to an American citizen who was entirely innocent, who had been imprisoned and unjustly accused by the Czechoslovak government, and we were trying to do everything we could to get him out, even if it meant restraining the thing we would normally say at a given time.

Mr. COHN. Now, let us see if this is the fact: Mr. Kretzmann and Mr. Howard May, who wrote the particular script involved, have both advised the staff of the committee that the State Department at the time this memorandum came from you was taking no position whatsoever to the effect that broadcasts such as this would interfere with the release of Oatis; that there did come such a time when such a position was taken, when negotiations were under way, but that this was many, many months later, and that this memorandum sent out by you had no relation to any negotiations pending for the release of Oatis. That is point number one. Now, do you want to comment on that?

Mr. VEDELER. We were making representations ever since May 1951, in an effort to get him out. And we were thinking of making those representations as effective as possible, and to the extent that the Czechoslovak government's prestige might be engaged, in connection with the Oatis case by such broadcasts—

The CHAIRMAN. Let me ask you this. If you felt that the Voice was adopting the wrong policy, would it not seem more sensible to call and say "I do not think that is the correct policy. I think you should go easier," instead of calling up and saying "There is an article in a Communist paper. I refer that to you, and I wish you would follow the policy as indicated by this Communist paper?" Do you follow my question?

Mr. VEDELER. No; I didn't suggest that they follow the attitude of a Communist paper; I only referred to our telephone conversation, and the parting quote here was what I had reference to.

The CHAIRMAN. Let me ask you this: There is no question about the fact that the *Daily Compass* was a Communist-controlled paper, was there?

Mr. VEDELER. I don't know anything about it, sir.

The CHAIRMAN. You know nothing about the *Daily Compass*?

Mr. VEDELER. I just heard it was a successor to PM, that it operated for a while, and then it closed.

The CHAIRMAN. You were reading the *Compass*; you were referring it to the Voice as an authority, and you did not know it was a Communist paper?

Mr. VEDELER. I knew it was a leftist paper.

The CHAIRMAN. Did you not know it was a Communist paper? If not, you are apparently the only man in New York or Washington who did not.

Mr. VEDELER. Well, I imagine it is a Communist paper, but I don't read it regularly. That particular clipping came across my desk as clippings are sent by our press bureau on subjects of particular interest to our special sphere.

The CHAIRMAN. Now, from this note here, as I gather, a lot of the people in your department read this article in this Communist paper. Is that correct? And agreed with it?

Mr. VEDELER. No; we agreed about the broadcast. That is what I meant.

The CHAIRMAN. You agreed with the article in the *Daily Compass*, which was criticizing the broadcast.

Mr. VEDELER. Agreed about the part that is quoted there. I mean, what I said had reference to the part that is quoted from the broadcast. I had a script of the broadcast before, and I talked with Mr. Kretzmann about this.

The CHAIRMAN. You say "This is the article to which I referred in our telephone conversation." You called him up and referred to this article in the Communist paper. Right?

Mr. VEDELER. I mentioned the article as I discussed this, the whole script, over the telephone.

The CHAIRMAN. Maybe I am not being clear. The thing that occurred to me when I first saw this—and still does—is why would you call up and use a Communist-written article as an authority upon which you based your disagreement with the Voice? Why did you not merely call up and tell them what you felt, what they should do? Why did you have to cite a Communist article to them, and say "This is what we generally agree with in regard to the broadcast?"

Mr. VEDELER. I think, Senator, I did talk in the beginning of my conversation with him about the general subject of this script. I must have referred, in the course of the conversation, to this article. The last thing I would ever want to do is to raise any question about what the Voice carried, just because a Communist newspaper had some critical article about it.

The CHAIRMAN. Do you also get material from the *Daily Worker*?

Mr. VEDELER. Yes, if it deals with any subject which we are immediately concerned. Because it is as important to see sometimes what the *Daily Worker* says about it as it is to get a telegram from Moscow, in that it reflects the attitude of the Kremlin.

The CHAIRMAN. I do not disagree in that at all. I think it is important that those in charge of fighting communism should know about what the *Daily Worker* has to say: so when I asked that question, I was not criticizing you for keeping track of what the Communists say of what you are doing. Who does the clipping for you and passes these things across your desk?

Mr. VEDELER. There is a clipping section in the press section.

The CHAIRMAN. Do you know Mr. Posniak? Edward Posniak.

Mr. VEDELER. He used to be in one of the economic sections of the department.

The CHAIRMAN. How well do you know him?

Mr. VEDELER. Oh, I had contact with him in business.

The CHAIRMAN. How about socially?

Mr. VEDELER. Never had any contact with him socially

The CHAIRMAN. Have you ever visited his home, or has he ever visited your home?

Mr. VEDELER. No, sir.

The CHAIRMAN. How about Charles Thayer?

Mr. VEDELER. Oh, he was head of the Voice of America, and I have seen him on business regarding the Voice. That is all.

The CHAIRMAN. Did you ever visit his home?

Mr. VEDELER. No, sir.

The CHAIRMAN. Did he ever visit yours?

Mr. VEDELER. No, sir.

The CHAIRMAN. You had no social contacts with either Posniak or Thayer?

Mr. VEDELER. No, sir.

The CHAIRMAN. How about Stephen or Esther Brunauer?

Mr. VEDELER. No, sir.

The CHAIRMAN. You did not know them socially?

Mr. VEDELER. No, sir.

The CHAIRMAN. You did not know them in their work in the State Department or any other government agency?

Mr. VEDELER. I think I may have had one telephone conversation about a business matter once with Mrs. Brunauer. That is all I can recollect.

Senator DIRKSEN. Mr. Vedeler, I have one question.

You indicated a moment ago that some efforts had been made to secure the release of Oatis over there, and as I recall, those were a little on the heroic side, and got no results.

Mr. VEDELER. Not yet. We hope they will.

Senator DIRKSEN. Now, then, just reading this, and looking at the sentiment, not having gotten any results that way, this would indicate that in your mind we should now become rather conciliatory, and take it easy with the Soviets over there and those who followed that ideology, and see whether the soft treatment would not get to them; is that correct?

Mr. VEDELER. No, Senator.

Senator DIRKSEN. Would that not be a fair inference from this?

Mr. VEDELER. May I explain? Some of the measures that the department has taken in the Oatis case—we tried to adopt the strongest measures we could. We banned the travel of private American citizens to Czechoslovakia, we cut off all exports to Czechoslovakia. We took action to prevent the overflights of the Czech Airlines over western Germany, but our strongest measure was to eliminate, as best we could by administrative means, all their imports to the United States, and we cut their imports down from \$25,000,000 or so a year to \$1,000,000 and we believe that that has hurt them. We have also brought this up in the United Nations. And all of those measures we have used as a means of pressure, in the hope that then, when they feel this, we could negotiate the release of Oatis.

Senator DIRKSEN. Well now, you used all those, and they did not get the release of Mr. Oatis. Now, those are what I call heroic measures. So now I would infer from that that since that failed, maybe we had better try kid gloves now with them?

Mr. VEDELER. Well now, I wouldn't say that, Mr. Senator. We would keep on applying these measures, we would keep on cutting off their trade. If we had something stronger that we could use now, we wish we had it.

Senator DIRKSEN. Well, this article would indicate this: You put a tab on here saying, "Many of us agree with the sentiment expressed here" indicating "Take it easy, now, do not be too harsh on the Voice of America, use some soft soap, maybe that would help."

Mr. VEDELER. Only this; that we wouldn't attack their prestige by dealing with their president in this case in connection with the Oatis case, so that they would only be more resistant to this pressure, and our negotiations and representations.

Senator DIRKSEN. Well, that is a placatory measure, is it not?

Mr. VEDELER. If we could just get Mr. Oatis free, then we would not have to have such consideration in mind. But our thought here was the protection of an American citizen who is imprisoned, and to do whatever we could for him, also consistent with our national interests.

Mr. COHN. Now, Mr. Vedeler, let us see about this. Is it your testimony that it is all right to cut off trade to Czechoslovakia, that that might not offend the government, but that the Voice of America broadcasts would offend the government?

Mr. VEDELER. Only as it referred to the president of Czechoslovakia in these terms, in connection with the Oatis case.

Mr. COHN. So you think it would be all right to cut off trade and everything else, but if the head of the government of Czechoslovakia is not referred to in favorable terms, that is something which should be avoided?

Mr. VEDELER. I will put it this way: that the same thing might have been said about him in another connection, but it was with reference to the Oatis that it made our problem the more difficult, we thought.

Senator JACKSON. Could I interrupt for one moment? I have to leave. I just want to ask this question.

Have any other memos from the *Daily Worker* or any of the front newspapers, so to speak, been used in connection with your work? I do not mean used in a Communist sense, but I mean to illustrate something? Do you know of any other situation when you referred to the *Daily Compass* or the *Daily Worker*, or the *People's World*, or whatever the other papers are?

Mr. VEDELER. We might use it to illustrate a point.

Senator JACKSON. But have you?

Mr. VEDELER. I don't recall that I have.

Senator JACKSON. The only thought that occurs to me: Was there not some other way in which you could refer to this problem than to pick out this particular clipping?

Mr. VEDELER. Well, I had talked with Mr. Kretzmann about this, as I recall, two or three times, because this seemed a matter in which we should have agreement.

Senator JACKSON. Well, I understand, but my point was: was there not some other way in which you could deal with this problem, on an inter-office communication basis, lest your staff, or the staff up in New York—I believe that is where it was sent—be misunderstood? That is my point. Do you not feel there is a little dan-

ger that some of the naive people down below might run across this and think that the *Daily Compass* was being used as a means to indicate that they have something in common with what our approach ought to be in the Oatis case? That is my question.

Mr. VEDELER. I see. I understand.

Senator JACKSON. You see, it would only confuse the picture.

Mr. VEDELER. You mean, it would have been better to just take out this quotation and just send that up typed, probably?

Senator JACKSON. If this paper was a Titoist paper in New York, and you wanted to stir up some trouble in Czechoslovakia, in connection with some broadcast to cause disruption, but I do not see how this particular article makes your point at all. That is my point. I am just trying to be objective about it.

Mr. VEDELER. Well, if I may say this: This was an illustration of how it affected, probably, the Czechoslovak authorities at the present time, and this showed, because it was Communist, because it was leftist, how they perhaps felt that their prestige was engaged, in connection with the Oatis case.

The department has had many broadcasts about Gottwald and about the Oatis case but I don't know of any off hand where this particular problem was raised, except this one.

Senator JACKSON. You do not recall any other references that you have used, from any of the other papers?

Mr. VEDELER. No, sir.

Senator JACKSON. By "other papers" I mean the Communist press.

Mr. VEDELER. No.

Mr. COHN. Mr. Vedeler, what is your testimony? Is it your testimony that you sent this article up merely to illustrate these quotes, or is your testimony what you have now said, that it was sent up to show the Czechoslovak leftist viewpoint toward these broadcasts? Which is it?

Mr. VEDELER. I wanted to show these particular quotes. We were also discussing the attitude of the Czechs at the same time.

Mr. COHN. All right. So, in other words, you were not sending this article up merely because it was a piece of paper containing the quotes in which you were interested. Is that clear? You were sending it up because of the entire article?

Mr. VEDELER. No. I sent it up because of the quotes, and to illustrate my point that I mentioned, as I believe I recall, to Mr. Kretzmann, about how we were trying to avoid engaging the prestige of the Czechoslovak government.

Mr. COHN. You know that this article virtually says that Oatis was guilty under the laws of Czechoslovakia and that the State Department's charge was unfounded. This says "under the laws of the country in which he was working," and even though what he did might be proper here, it was improper in Czechoslovakia under their laws.

Mr. VEDELER. No; I had no such notion. I never made any point like that.

Mr. COHN. Well, that is what the article says, and you send out this entire article saying, "This is the article to which I referred in our telephone conversation. A lot of us share this feeling. . . ." and so on, and so forth. You did not say "a broadcast went out"—I as-

sume you would be entitled to the script of the broadcast and could use that directly. You did not, say “a broadcast went out. There are delicate negotiations under way. Don’t do it.” You take an article from the *Daily Compass*, a Communist-controlled or leftist newspaper, and say “This is the article to which we referred in our telephone conversation. A lot of us share this feeling.”

What interpretation can any reasonable man—as policy director of the entire Voice of America—who gets this, take, other than the fact that you are sending up this article here and you mean what you say when you say you and a lot of other people down there agree with the article?

Mr. VEDELER. Well, we felt it with reference to these two paragraphs that are in quotes.

Mr. COHN. Do you say it is with reference to these two paragraphs?

Mr. VEDELER. I must say this was a very informal little note, as you can see from the hasty scribbling.

Mr. COHN. Well, why did you not tear out the portion and say “I enclose such and such,” and enclose the quotes?

By the way, couldn’t you have gotten the script?

Mr. VEDELER. Well, I got the script eventually.

Mr. COHN. So you actually got the script?

Mr. VEDELER. I think I did.

Mr. COHN. Why did you have to send up the *Compass* article?

Mr. VEDELER. I don’t know when it came to me, though.

Mr. COHN. The plain fact here is that you are taking this article and recommending it. I just don’t understand your position.

Mr. VEDELER. I don’t know when I got the script, Mr. Cohn. I believe it was some time later. I believe I saw references to this first in the *New York Times* and the *Washington Post*.

Mr. COHN. That is a very serious situation. You have here an article in the *Daily Compass*, written by Jennings Perry, with a Communist-front record a mile long, who now writes for the National Guardian, another Communist-controlled publication.

In this, he virtually states that Oatis confessed under the laws of Czechoslovakia, and his confession was valid, says it was improper to attack the head of another state, meaning it was improper to attack Gottwald, the Communist dictator of Czechoslovakia. You take that article in its entirety and send it up to the policy director of the Voice of America, the man setting policy for the Voice and all of its broadcasts. You send it up with your endorsement, an article appearing in this leftist paper, and say that you and other people down there agree with that article.

Now, I just don’t understand your position in this whole matter. Don’t you agree it is an extremely serious situation?

Mr. VEDELER. I referred to those two paragraphs, Mr. Cohn.

Mr. COHN. Did you say so? Did you say “I am only sending this up as illustrative of the quotes from the broadcast,” or do you say “This is the article which I talked to you about over the phone?” You do not say “This is about the broadcast that I mentioned to you over the phone,” but you say “This is the article which I talked to you about over the phone, and a lot of us here agree with the feeling in this article about this broadcast.”

Mr. VEDELER. Well, this was a quite informal little note, and we had talked at length on the telephone. I acted very hastily, of course, in sending it up that way, and if I had explained fully on paper, I would have said it quite differently, and it would have been in detail the attitude I had.

Mr. COHN. Well, would you tell us that this was certainly a very bad error of judgment on your part?

Mr. VEDELER. Well, if Mr. Kretzmann had interpreted it strictly in the light of our conversation and had—I don't see that it would have been any cause for difficulty up there.

Mr. COHN. I mean, the fact is that you say you knew the *Daily Compass* was a leftist paper at that time?

Mr. VEDELER. I knew it had succeeded *PM*.

Mr. COHN. All right. You knew it was a leftist paper. That was your word before. Is that fair?

Mr. VEDELER. Yes.

Mr. COHN. Now, you can't get away from the wording of it. "This is the article to which I referred in our phone conversation." You got this article. On the basis of it, you call up the Voice, the policy director of the Voice of America and tell him to stop these broadcasts on the Oatis case and all that.

Mr. VEDELER. Oh, I am sorry, Mr. Cohn. I didn't ask them to stop any broadcasts on the Oatis case. I referred to these paragraphs and said "This is the kind of thing on the Voice that makes our task the more difficult."

Mr. COHN. All right; fine. "This is the kind of thing." The quotes from the broadcast. But you endorse and send along an article from a leftist paper virtually saying that Oatis is, in fact, guilty, and that the Communist dictator of Czechoslovakia should not be insulted, and you say, "this is the article to which I referred, and a lot of us down here share this feeling."

Now, the reason I press this point: Let me make this clear. The reason I press this point is that this is a terribly serious matter. This instruction, this memorandum from you in the State Department, goes to the man who has to fix policy in the Voice of America, who calls together 150 people every morning and sets policy for the Voice of America, what goes out throughout the world.

Now, this writer first says that Oatis pleaded guilty under the laws of Czechoslovakia, and what he did was improper under the laws of Czechoslovakia. He next says that in asking for Oatis's release you were asking a favor.

He next says that you cannot accuse the head of a state of indecency, and he finally says that "What the Voice of America was doing is some moron's idea of what another country, an unprincipled fairy tale country, would consider propaganda, and what we or some of us must have the decency to be ashamed of."

Mr. VEDELER. Mr. Cohn, I didn't believe any of that stuff. If I did, how could I do the things I do in the department? How could I recommend some of these measures that I do, against communism?

Mr. COHN. Did you testify before the McCarran committee at any time, or the Immigration Subcommittee of the Judiciary Committee?

Mr. VEDELER. I believe I was there with a number from the State Department once.

Mr. COHN. What were you there about?

Mr. VEDELER. About visa problems.

Mr. COHN. What was the particular problem? Something about aliens?

Mr. VEDELER. Yes, sir.

Mr. COHN. Specifically what?

Mr. VEDELER. It referred to a visa case involving Cudalovski.

Mr. COHN. Who is he?

Mr. VEDELER. He was a Pole in New York who was connected with the Gdynia America Line.

Mr. COHN. Was he a Communist, or not a Communist?

Mr. VEDELER. Our information was that he was not a Communist.

Mr. COHN. Was there any information to the effect that he was a Communist?

Mr. VEDELER. Well, there may have been some reports that he was, but the best knowledge we could find indicated he was no Communist, that he never belonged to any Communist party.

Mr. COHN. Well, he hadn't belonged to any Communist party, but there were reports that he was, but your best information was that he wasn't. Did you take a position in favor of this man or against him? Let's see if we can summarize it that way.

Mr. VEDELER. The question was whether he should be given a temporary visitor's visa.

Mr. COHN. What was your position? That he should be or shouldn't be?

Mr. VEDELER. And I thought he should be given this, subject to withdrawal at any time.

Mr. COHN. Yes?

Mr. VEDELER. There was no question involving his permanent residence, because he had permanent residence in this country for eighteen years. But that was different from when he came back under the new immigration law.

Mr. COHN. And your position was that he should be given this temporary visa, which was in issue?

Mr. VEDELER. Which was revokable at any time.

Mr. COHN. Yes, but it was an issue, as to whether it should be given to him or not, was it not? Some people did not want to give it to him. Is that not a fact? That is what you were in there for?

Mr. VEDELER. Well, I don't know that anybody was opposed to giving it at that time.

Mr. COHN. Well, why were you called in by the committee?

Mr. VEDELER. Later, I found that the committee raised questions about and we tried to explain.

Mr. COHN. Well, you say you did not find out until later that the committee raised a question about it?

Mr. VEDELER. Yes.

Mr. COHN. Did you not think there was some question about it or they would not have called you in there in the first place, would they?

Mr. VEDELER. They didn't call me in until later, after this action had been taken. I only recommended it for consideration, and the department approved the action.

Mr. COHN. I am not going to press that point; we have a record on that. But you feel that you have given every explanation you can about this article here?

Mr. VEDELER. I would like to say, Mr. Cohen and Senator that I have worked almost day and night to try to do everything I could to get Mr. Oatis released.

The CHAIRMAN. What have you done so far, Mr. Vedeler, to get him released?

Mr. VEDELER. I have recommended such measures as these that I just related a few moments ago.

The CHAIRMAN. Are you in a position to recommend the cutting off of foreign trade, and that sort of thing? Is that part of your task?

Mr. VEDELER. We cut off practically all of their foreign trade, all we could do by administrative means.

The CHAIRMAN. What is your title in the department?

Mr. VEDELER. We cut off their exports completely.

The CHAIRMAN. What is your job in the department?

Mr. VEDELER. It is officer in charge of Polish, Baltic and Czechoslovakian affairs.

The CHAIRMAN. And do you have to do with shipments to Czechoslovakia and Poland and the imports from those two countries too?

Mr. VEDELER. Well, only to a certain degree; but that is not my special field.

The CHAIRMAN. That is not your field. In other words, you are not called upon to recommend discontinuation of trade with Czechoslovakia or Poland, are you? That would not be your field, would it?

Mr. VEDELER. No; that is more in the field of the economics people. But I was concerned with these measures we took in the special case of Czechoslovakia beyond our export controls, in connection with the Oatis case.

The CHAIRMAN. Tell me—I still do not know just exactly what your job is in the State Department. Just what is your job? First, what is your title?

Mr. VEDELER. Officer in charge of Polish, Baltic and Czechoslovakian affairs.

The CHAIRMAN. And just what do you do, as such an officer? What is your function? You see, this is rather new to me. It may seem like old stuff to you. But what is your job?

Mr. VEDELER. Well, in our section, we write telegrams to the field. We send instructions to the field. We deal with people who come in to see us about particular problems involving those countries. We draft letters to go to members of Congress, we draft letters to go to private parties. We draft memoranda on various subjects involving this area to go to the higher officers in the department.

The CHAIRMAN. Have you done anything toward securing the release of Hvasta?¹⁵

Mr. VEDELER. As best we could.

The CHAIRMAN. What have you done to try to secure the release of Hvasta?

Mr. VEDELER. We tried to take these measures we have taken in connection with Oatis to the benefit of Hvasta too.

The CHAIRMAN. Where is Hvasta now?

Mr. VEDELER. We don't know for sure. He was reported to have escaped on January 2nd a year ago, and we confronted the Czechoslovak government with this report and asked them about it, and they finally acknowledged that he did escape. We are not sure that that is the case. Lately there was a report in a newspaper in Austria that he was recaptured, but we are not at all certain that that is true, because it came from a source that may have been unreliable and had a bad reputation.

The CHAIRMAN. Has the State Department inquired as to whether that report is true?

Mr. VEDELER. Yes, sir; we are making efforts to find out.

The CHAIRMAN. What if any answer has the State Department got?

Mr. VEDELER. We have not gotten an answer from the Czechoslovak government. We have found out in Austria that the source of the report had a bad reputation as a border crosser, a smuggler, and so on.

Mr. COHN. I assume you don't know Jennings Perry, do you?

Mr. VEDELER. No, sir.

Mr. COHN. Never heard of him before you saw this article?

Mr. VEDELER. No, sir.

The CHAIRMAN. You were talking about an immigration case. How about the Stary case, the Jeri Stary case? Did you have anything to do with the issuance of a visa to Stary?¹⁶

¹⁵ In October 1948, the Czechoslovakian government arrested John Hvasta, a staff member of the U.S. Consulate in Prague. The Czechs reported that he escaped from prison in 1952.

¹⁶ In a memorandum sent to the subcommittee on February 25, 1953, Harold Vedeler reported: I was asked to explain in detail my connection with the case of Jiri and Olga Stary.

On July 22, 1949 the United States Embassy at Prague granted visas to Jiri and Olga Stary under Section 3(7) of the Immigration Act of 1924 without reference of the request to the Department. According to the Department's files the Starys arrived in New York on August 18, 1949. Jiri Stary was reported as the Second Secretary of the Czechoslovak United Nations Delegation and his wife as an employee of Alltex Service Corporation (a New York Corporation reportedly under the close control of Centrotex, a Czechoslovak National Corporation) which position she kept until May 1950.

In a note dated March 15, 1951 the Czechoslovak Embassy in Washington requested re-entry visas for the Starys. The note stated that the Starys were leaving the United States on April 21 for a vacation in Czechoslovakia and would return in six weeks. On the basis of information of a security nature available to the Department the offices of the Department concerned agreed that re-entry visas should not be issued to the Starys. With respect to the Office of Eastern European Affairs, I personally believed and recommended that the request should not be granted. As a result of this agreed position the Department sent to the Czechoslovak Embassy a note returning the passports without the requested visas. It was learned that the Starys canceled their plans for departure on April 21 and did not leave the United States until October 31, 1951.

After I had reviewed the complete file on the Starys I returned the file in June 1951 with the following comment and suggestion over my signature:

I have reviewed the attached file and believe that this case should be kept under active consideration with a view to obtaining further evidence as a basis for possible future action.

After departure from the United States on October 31, 1951 the Starys never returned to this country. I can not find any record that they at any time left the United States since their arrival in August 1949 until their departure in October 1951. They thus never obtained any "renewal" of visas or any favorable visa action by the Department after the original issuance of visas at Prague. I never approved any visa request of theirs. Nor was I ever connected with action upon

Mr. VEDELER. I don't recall how that visa was issued. I think it was just issued over in Prague, without consultation with the department, by our officers over there.

The CHAIRMAN. Do you think that we had nothing to do with it over here at all?

Mr. VEDELER. I wouldn't want to say for sure, Senator. I would have to look into that. But my recollection is that it was issued over there.

The CHAIRMAN. If it was extended, it could be done over here?

Mr. VEDELER. Yes, the department refused to extend the visa when he left the country.

such a visa request in any way prior to their departure from the United States except as indicated above.

In the fall of 1951 I was asked to appear with five or six others from various offices of the Department before the Senate Internal Security Subcommittee in Executive Session for testimony on the Stary case. In so far as I can remember I was asked only one or two questions.

In April 1952 a request was made by the Ministry of Foreign Affairs at Prague for a visa for Jeri Stary, who was designated as a member of the Czechoslovak Delegation to the 14th Session of the Economic and Social Council in New York. No action was immediately taken on this request and on April 28 the Czechoslovak government sent to our Embassy at Prague a note of objection to the delay in granting a visa for Stary. On the basis of further information available to the Department on the activities of Stary the Department instructed the Embassy on June 9 to refuse the visa request and transmitted a text of a note on the subject for delivery to the Czechoslovak Foreign Office (see attached copy). At the same time the Department sent telegrams to the United Nations representatives in New York transmitting the text of a note explaining our action for delivery to the Secretary General of the United Nations and the text of a statement for the United States representative to make in the Economic and Social Council in that connection (see attached copy). The Office of Eastern European Affairs, including myself, fully supported and helped to prepare these actions.

There have been no subsequent developments in connection with the request requiring action by the Department.

UNCLASSIFIED

Sent to: Embassy PRAGUE

June 9, 1952.

PRIORITY

Subject to insertion of such salutation as you desire and to revision of first sentence with such salutation following note should be delivered to Czech FONOFF urgent QUOTE.

The Embassy of the United States refers to the case of Mr. Jiri Stary who has applied in PRAGUE for a visa to proceed to the Headquarters of the United Nations as a member of the Czechoslovakian Delegation to the 14th Session of the Economic and Social Council.

The Embassy of the United States wishes also to refer to the Headquarters Agreement between the United Nations and the United States, to section 6 of Public Law 357, 80th Congress, and to the United States note of November 21, 1947 to the SYG-UN. Section 6 of P.L. 357, 80th Congress provided in substance that nothing in the Headquarters Agreement shall abridge, diminish or weaken the right of the United States to safeguard its security. The United States note of November 21, 1947, stated that the acceptance of the Headquarters Agreement by the United States was subject to the provisions of Public Law 357.

Mr. Stary entered the United States at New York on August 17, 1949 in order to take up his post on the permanent staff of the Czechoslovakian Representative to the United Nations. Mr. Stary departed from the United States on October 31, 1951. Subsequent to Mr. Stary's departure, evidence was presented to the Secretary of State on the basis of which the Secretary of State has reached the conclusion that Mr. Stary during the period of his residence in the United States procured other persons to collect secret military information affecting the security of the United States and undertook to supervise the activities of these persons.

On the basis of the foregoing evidence of espionage activities, the Secretary of State has further concluded that if Mr. Stary had not voluntarily departed prior to this time, it would now be necessary to require, in accordance with the provisions of Section 13 of the Headquarters Agreement, that he depart from the United States. Had it been necessary to undertake such action, Mr. Stary would not subsequently be admitted to the United States in any status.

The Secretary of State also considers that in refusing a visa to Mr. Stary the United States is acting within the authority which it reserved to itself by the provisions of the United States note of November 21, 1947, making the United States acceptance of the Headquarters Agreement subject to Section 6 of Public Law 357, 80th Congress. UNQUOTE.

In language to be determined by you add to foregoing following points in reply to Czechoslovakian note delivered to you last month:

Provisions Article 105 United Nations Charter certainly not to be construed to require members to admit espionage agents of other governments. United States not party to General Convention on Privileges and Immunities.

Advise Dept priority TEL of execution of foregoing—Acheson.

The CHAIRMAN. But do you know whether it had been extended in the meantime a number of times? Let us put it this way.

If it had been extended, then you would have had something to do with it? Right?

Mr. VEDELER. I had something to do when he left the country and asked for the renewal of the visa in advance, and we asked them not to do that.

The CHAIRMAN. You did not hear my question, I guess. I said: If it had been extended—if the record shows it was extended, and I do not know if it does show that—that would mean that each time it was extended you would have been called upon to approve or disapprove?

Mr. VEDELER. I probably would have.

Mr. SURINE. It was extended several times.

The CHAIRMAN. Will you get us the memorandum you issued on the Stary case, any recommendations you made? Also the number of times his visa was extended, and the part you played in the extensions?

Mr. VEDELER. I don't believe, Senator, I had anything to do with the extension of that visa.

The CHAIRMAN. I am going to ask you to check.

Mr. VEDELER. I can't remember that I had anything to do with the extension of the visa. I do know that we did not renew his visa when he asked to go out of the country and have a visa, a re-entry visa, in advance.

The CHAIRMAN. Well, you say that when they refused to renew the visa, then you had something to do with it? You say if his visa had been extended, you would have had something to do with it?

Mr. VEDELER. Well, I don't know the circumstances.

The CHAIRMAN. You are now ordered to find the circumstances. And we will want that information. The staff will tell you when they want you back here to give us that information, about the Jeri Stary case.

In other words, we want the complete history of what you had to do with the case. We want that under oath also.

Mr. VEDELER. Can the visa division help here? Because they are the ones that were concerned with this Stary case.

The CHAIRMAN. I want your information. You said that is your job, that you were instrumental in seeing that his visa was not renewed. I want you to find out everything that you had to do with that case and report that to us.

Now, how about the Hitchmenova case?

Mr. VEDELER. I don't know a thing about that case, as far as action is concerned, because she was in another country, Pakistan, I think, when she came to this country, and the Stary case—the UN were concerned with that, and the visa department people, except when this re-entry matter came up, as I recall.

Mr. SURINE. Could I ask one question?

In connection with your duties at any time do any of these UN people from other countries in that area of the world in which your desk is, or do any of those cases come to you for a recommendation on either visas or extensions, as a matter of official practice?

Mr. VEDELER. Well, this case of Stary came up—

Mr. SURINE. Well, I am thinking now generally, in the course of your work.

Mr. VEDELER. No; not usually, because visas are granted abroad to these officials.

Mr. SURINE. I am talking now about extensions of visas. Now, apparently, on some occasions, you have been involved in the question of whether to grant them or recommend against or for.

Now, what I am trying to find out: What are your general duties? When does a case come to your attention for recommendation for or against it?

Mr. VEDELER. Well, when an official of a foreign government here, from Czechoslovakia or Poland leaves the country and returns, the visa division will ask us if this is all right.

Mr. SURINE. In other words, they check with you when they leave the country and when they come back. Is that right?

Mr. VEDELER. They do, very often. I do not know whether they do regularly or not.

Mr. SURINE. Is that under your responsibility or authority?

Mr. VEDELER. That is my immediate responsibility, when I am consulted.

Mr. SURINE. Yes, sir. And how long have you had that authority, or how long have you been in that position?

Mr. VEDELER. If I have any doubt, of course, I take it to a superior, as having to do with everything with which I am concerned in the department.

Mr. SURINE. Have you ever received any instructions, orally or written, from a superior, to grant or recommend for a visa of any doubtful person who wanted one, or renewing a visa?

Mr. VEDELER. Well, I don't know that I had any instructions. I took cases to my superiors when there was doubt.

Mr. SURINE. How would you know when there was doubt in a case?

Mr. VEDELER. From the information that we have available about these people.

Mr. SURINE. You mean that you have in your office?

Mr. VEDELER. We don't have all the information available.

Mr. SURINE. Well, how do you know when there is doubt in a case?

The CHAIRMAN. You mean when you are in doubt, about a case, is that it?

Mr. VEDELER. If the record seems bad.

The CHAIRMAN. I think we will adjourn now. Just before you leave, Mr. Vedeler. We will want you to check your files back there, and we will want you to check your records, and be prepared, when one of the members of the staff will call you. We want you to be prepared to give us a complete history of any connection you had with either the Jeri Stary case or the Hitchmenova case.

One other question: Have you ever been a member of the Communist party?

Mr. VEDELER. No, sir.

The CHAIRMAN. Have you ever been a member of any organization that has been listed as subversive or Communist-front by the attorney general?

Mr. VEDELER. Not so far as I know, sir.

The CHAIRMAN. Well, you say "not so far as you know." Have you belonged to any organizations?

Mr. VEDELER. Oh, The American Association of University Professors. I belong to The American Historical Association.

The CHAIRMAN. Will you also make a list of the organizations to which you have belonged over the past ten years, and have that available when you have this other material available?

Mr. COHN. Were you a regular reader of *PM*?

Mr. VEDELER. No, sir.

Mr. COHN. Did you ever read it?

Mr. VEDELER. Yes, sir; I have seen copies of it.

Mr. COHN. Did you ever buy a copy of it?

Mr. VEDELER. Oh, once or twice, maybe.

Mr. COHN. Did you ever buy a copy of the *Daily Compass*?

Mr. VEDELER. No, sir.

Mr. COHN. You never did. It just came to you through the department?

Mr. VEDELER. That is right.

The CHAIRMAN. That is all, Mr. Vedeler. Thank you very much. And you will remain under subpoena until this material has been furnished. We may not call you back in session; we may have you submit that to members of the staff, one of which will be in touch with you.

[Whereupon, at 4:50 p.m., a recess was taken until 10:00 a.m., Wednesday, February 18th, 1953.]

VOICE OF AMERICA

[EDITOR'S NOTE.—The subcommittee's investigation of Reed Harris (1909–1982), deputy administrator of the International Information Administration, drew considerable public attention. After his executive session testimony, Harris underwent intense scrutiny during public hearings from March 3–5, 1953. The subcommittee's report on the hearing noted that: "Instead of a background of anticommunism in this country, the testimony before the subcommittee indicated that Mr. Harris while at Columbia University had written blatantly pro-Communist material, some of which was reprinted in the *Daily Worker*. . . . In the face of much of this evidence, Mr. Harris conceded that in these years he was not opposed 'to the broad principles of Marxism,' although he opposed it from then on. But the record indicates that a number of years after this period Harris turned up as a sponsor for an activity of the American Students Union, cited as a Communist party front. And at a still later date, Harris appears as a member of the League of American Writers, cited by the Attorney General as a subversive organization."

Reed Harris vigorously defended himself against suggestions that he was a Communist party member or sympathizer, and claimed to have been smeared with innuendo and half-truths, but he resigned from the IIA. In 1954, Edward R. Murrow broadcast excerpts from Harris' interrogation in a half-hour episode of his weekly television program *See It Now*. In 1961, Murrow became head of the U.S. Information Agency and reinstated Harris as executive assistant to the director. Harris retired as assistant director of the USIA in 1973 and became president of the Freedoms Foundation.

Nathaniel Weyl, who testified only in executive session, had worked as an economist for the Agricultural Adjustment Administration, 1933–1935, the Federal Research Board, 1940–1941, the Board of Economic Warfare, 1941–1943, and the Department of Commerce, 1945–1947. In 1950 he published *Treason: The Story of Disloyalty and Betrayal in American History* (Washington: Public Affairs Press), and in 1952 he published *The Battle Against Disloyalty* (New York: Thomas Y. Crowell). He had previously given testimony to the House Un-American Activities Committee in 1943 and the Internal Security Subcommittee of the Senate Judiciary Committee in 1952.

Donald Henderson testified before the subcommittee in public session on March 5; Alfred Puhon on March 4; and James F. Thompson on February 28 and March 4, 1953.]

MONDAY, FEBRUARY 23, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in room 357 of the Senate Office Building, Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; David Schine, chief consultant; Henry Hawkins, investigator; Ruth Young Watt, chief clerk.

Present also: Robert Morris, chief counsel, Subcommittee on Internal Security of the Senate Committee on the Judiciary.

Senator POTTER. Mr. Weyl, will you stand and be sworn, please? Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEYL. I do.

Senator POTTER. Will you identify yourself for the record, giving your name and your address?

TESTIMONY OF NATHANIEL WEYL

Mr. WEYL. My name is Nathaniel Weyl; I live at 3434 Oakwood Terrace, Northwest, Washington.

Mr. COHN. Mr. Weyl, were you ever a member of the Communist party?

Mr. WEYL. Yes, Mr. Cohn, I was.

Mr. COHN. And when did you join the party, approximately?

Mr. WEYL. Approximately in December of 1932 or January of 1933.

Mr. COHN. And what were you doing when you joined the party?

Mr. WEYL. I was taking postgraduate work in Columbia University at that time.

Mr. COHN. Were you taking postgraduate work at Columbia?

Mr. WEYL. That is right, yes.

Mr. COHN. Now, did you ever hear of a man named Donald Henderson?

Mr. WEYL. Oh, yes.

Mr. COHN. Do you know Donald Henderson?

Mr. WEYL. I do.

Mr. COHN. Did you know him back in 1932 and 1933?

Mr. WEYL. Yes, I knew him in that period.

Mr. COHN. Now, was Donald Henderson a Communist?

Mr. WEYL. He was.

Mr. COHN. Was Donald Henderson, in addition to being a Communist an economics instructor at Columbia University?

Mr. WEYL. That is correct, yes.

Mr. COHN. Did there ever come a time when his contract was not renewed?

Mr. WEYL. Yes. The exact date of that you probably know. It was in '32 or '33.

Mr. COHN. Would you agree with me if I said that was around the spring of '33?

Mr. WEYL. Yes.

Mr. COHN. By the way, Henderson was a party member; is that right?

Mr. WEYL. He was, yes.

Senator POTTER. How do you know he was a party member?

Mr. WEYL. Well, I did not ever see him show a Communist party card, but I was active in the National Student League, which was a Communist front organization. And there was what is called in the Communist movement a top fraction, which is the group that guides or directs the policies of the whole organization and consists only of Communist party members. And both of us were in that fraction.

Senator POTTER. Have you ever seen him in what was referred to as a closed Communist meeting?

Mr. WEYL. Yes.

Senator POTTER. Where only Communists would be allowed to attend?

Mr. WEYL. Yes, Senator. These fractions are such meetings.

Mr. COHN. Now, you say there came a time when Donald Henderson was a Communist, was an economist instructor at Columbia, and you say there came a time when his contract at Columbia was not renewed; is that correct?

Mr. WEYL. That is right, yes.

Mr. COHN. Did that cause quite a bit of fuss in certain quarters, when Columbia failed to renew his contract?

Mr. WEYL. Yes, the National Student League, which was the Communist-directed national student organization, and the Columbia Social Problems Club, which was then under Communist control, made this a great free speech issue.

Mr. COHN. Did you participate in this issue, as a Communist?

Mr. WEYL. I did.

Mr. COHN. And do you have any recollection of having addressed a meeting in connection with this incident?

Mr. WEYL. I have a recollection of addressing a meeting, but nothing beyond that.

Mr. COHN. In connection with the Henderson ouster; is that right?

Mr. WEYL. Precisely, yes.

Mr. COHN. Now, was that around the time of his ouster?

Mr. WEYL. I think so.

Mr. COHN. And if I were to tell you that the article in the *Daily Worker* reflected that the meeting took place on May 11th, 1933, and that you were present and addressed a meeting, I assume you would not have any disagreement with the probable accuracy of that?

Mr. WEYL. I would assume that is correct. Of course, I have no specific recollection of the date.

Mr. COHN. You remember a meeting but you do not recall the exact date?

Mr. WEYL. That is right.

Mr. COHN. Now, I am going to ask you about some of the other people who addressed that same meeting—Kunitz, Joshua Kunitz? Did you know Joshua Kunitz?

Mr. WEYL. Yes, I did.

Mr. COHN. Was he then a member of the Communist party?

Mr. WEYL. I think I can testify that he was a Communist. I am not sure that I could say specifically under oath that he was a member of the party.

Mr. COHN. He was a Communist?

Mr. WEYL. Yes.

Mr. COHN. Now, we also have a man by the name of Hersch representing the International Labor Defense.

Now, with reference to the International Labor Defense, do you know whether or not that had any connection with the Communist party?

Mr. WEYL. Yes. It was a Red-front organization controlled by the party.

Mr. COHN. Mr. Surine, do you have any reference in the "Guide to Subversive Organizations" concerning the International Labor Defense?

Mr. SURINE. Yes.

Mr. COHN. I wonder if we could have that, Mr. Chairman?

Senator POTTER. Yes.

Mr. SURINE. This was the official citation by the House Committee on Un-American Activities, including the citation of the attorney general.

Rather than read all of the citations, I will just mention it was cited by the attorney general as subversive and Communist and suggest that this be made part of the record.

The CHAIRMAN. Very well.

[The information referred to follows:]

From, "Citations by Official Government Agencies of Organizations and Publications Found to be Communist or Communist-Fronts," December 16, 1946, prepared and released by the Committee on Un-American Activities, U. S. House of Representatives, Washington, D. C. Page 53, International Labor Defense:

1. Cited as subversive and Communist. Attorney General Tom Clark, letters to Loyalty Review Board, released June 1, 1948, and September 21, 1946.
2. Legal Arm of the Communist Party. Attorney General Francis Biddle, Congressional Record, September 24, 1942, P. 7686.
3. "It is essentially the legal defense arm of the Communist Party of the United States." It is the American Section of M.O.P.R. or Red International of Labor Defense, often referred to as the Red International Aid. Its International Congresses meet in Moscow. (Special Committee on Un-American Activities, Reports, January 3, 1939, PP. 75-76: Also cited in reports, January 3, 1940, P. 9, June 25, 1942 P. 19, March 29, 1944 P. 69.)
4. "The International Labor Defense was part of an International network of organizations for the defense of Communist lawbreakers. At a conference held in Detroit, Michigan, April 27-28, 1946, the International Labor Defense and the National Federation for Constitutional Liberties merged to form the new front, Civil Rights Congress." (Senate Congressional Committee on Un-American Activities, Report No. 1115, September 2, 1947, PP. 1 and 2.)
5. "One of the more potent and obvious Communist front organizations." (California Committee on Un-American Activities, Report, 1947, P. 214.)
6. "The Communist party established the International Labor Defense in this country during the summer of 1925, as the United States section of the International Red Aid. . . with headquarters in Moscow." (Massachusetts House Committee on Un-American Activities, Report, 1936, PP. 196 and 342.)
7. "An organization whose Communist character and international affiliation are a matter of public record." (New York City Council Committee Investigating the Municipal Civil Service Commission.)

Mr. COHN. You say it was cited by the attorney general as Communist?

Mr. WEYL. Yes.

Mr. COHN. When I talked to you over the weekend, I asked you about a man named Reed Harris.

Mr. WEYL. That is correct.

Mr. COHN. And I asked you whether he was a Communist, and you said you had a certain impression concerning him being a Communist, but you would not care to testify about this, because your recollection was dim, and you could not recall the facts upon which an impression was based. Is that still your feeling?

Mr. WEYL. Well, yes, except that I feel, for the reason you have given, I should withdraw the impression. In other words, if it is an impression that can't be substantiated, perhaps it should not be in the record. That is, of course up to the senator.

Mr. COHN. You cannot recall the facts upon which it was predicated?

Mr. WEYL. Precisely. I can't.

Mr. COHN. I want to ask you about one or two other organizations.

First of all, are you familiar with an organization known as the American Student Union?

Mr. WEYL. Yes.

Mr. COHN. Did the Communists have any connection with that organization?

Mr. WEYL. They did, Mr. Cohn. There were two student organizations in '32-'33, one of which was completely Communist controlled, the National Student League, and the other was controlled by socialist groups. That was the Student League for Industrial Democracy. These two organizations merged into the American Student Union, I think it is.

Senator JACKSON. Was that a part of the League for Industrial Democracy?

Mr. WEYL. The Student League for Industrial Democracy. And in the merger of the two groups into the American Student Union, the Communists took control. But, of course, the Socialist students and League for Industrial Democracy students remained in the new organization until it became so obviously Communist they had to get out.

Senator POTTER. Your testimony is as it relates to Columbia University?

Mr. WEYL. No, sir, as to the national student movement.

Senator POTTER. I see.

Mr. COHN. Let me ask you this, if I may. Are you familiar with the American Student Union as of, say, 1937 to 1938?

Mr. WEYL. No. That would only be by hearsay.

Mr. COHN. When did you leave the Communist party, by the way, Mr. Weyl?

Mr. WEYL. I dropped out about '37 or '38, and broke with the Communist party at the time of the Hitler-Stalin pact.

Mr. COHN. By the way, did you know Alger Hiss?

Mr. WEYL. Yes, I did.

Mr. COHN. Did you know Alger Hiss to be a member of the Communist party?

Mr. WEYL. Yes, I did.

Mr. COHN. Were you in the same Communist cell with Alger Hiss at one time?

Mr. WEYL. That is correct.

Mr. COHN. Let me ask you this, Mr. Weyl. Did you ever encounter an organization known as the League of American Writers?

Mr. WEYL. Yes.

Mr. COHN. And did that have any connection with the Communists?

Mr. WEYL. It is my distinct impression that this was Communist-controlled.

Mr. COHN. I would ask, Mr. Chairman, if from this "Guide to Subversive Organizations," compiled by the House committee be it noted in this record that the Attorney General of the United States has cited the League of American Writers as subversive and Communist at page 72.

Senator JACKSON. From what time on?

Mr. COHN. June 1, '48, by the attorney general, I am sorry.

The latest citation was September 21, 1948. It was cited first by the attorney general, September 24th, 1942. In the course of the citation, the attorney general stated—Attorney General Francis Biddle stated: "The League of American Writers was founded under Communist auspices in 1935," and so on and so forth.

Of course, Senator Jackson, the citation when announced is predicated on the past activities of the organization rather than its status at the moment. It is cited as subversive.

Senator POTTER. The citation will be made a part of the record.

Mr. COHN. Thank you, Mr. Chairman.

Mr. WEYL. May I add to the answer I just gave you?

Mr. COHN. Surely.

Mr. WEYL. When I say that this organization was, to the best of my belief, Communist-controlled, I don't mean to imply that all the members were Communists or that they were aware of that control.

Mr. COHN. I see.

I think that is all I have of Mr. Weyl, Mr. Chairman.

Senator SYMINGTON. Counsel has asked some of the questions I was going to ask, but I have a few.

Did you ever know Lee Pressman?

Mr. WEYL. Yes, I did.

Senator SYMINGTON. Tell us a little about that. How did you know him and where?

Mr. WEYL. Lee Pressman was a member of the Ware Unit of the Communist party in Washington, D.C. In fact, Pressman, Hiss and I were among the eight or nine people who met with the first meeting of that organization, I presume. So I was in this Communist cell with him for a period of approximately nine months.

Senator SYMINGTON. What are you doing now, Mr. Weyl?

Mr. WEYL. I am a writer, sir.

Senator SYMINGTON. You live in Washington?

Mr. WEYL. Yes, sir.

Senator SYMINGTON. Now, with respect to Mr. Reed Harris, you say it is your impression he was a Communist. Do you want to go into that a little bit?

Mr. WEYL. I would like to withdraw that, Senator, and explain how little I know about him.

Reed Harris was either expelled from Columbia or forced out during the academic year, 1931–32.

I was an undergraduate student in Columbia until '31. Then, during the year of Harris' expulsion, I was taking the first year of my postgraduate work in the London School of Economics in London. So when I returned to Columbia to take my second year of graduate work, Harris had already been severed from the university. Therefore, anything that I might recollect about him would be

pure hearsay. I couldn't give a source for the hearsay, after ten years.

Senator SYMINGTON. What was the hearsay that you heard?

Mr. WEYL. Well, that is just why I didn't really want this in the record.

Senator SYMINGTON. Well, we might as well have it in the record, because you have put it in the record now. When you indict a fellow, the fact you withdraw it later on is not very conclusive, so there must be some reason why you had an impression that Harris was a Communist, and I would like to know what it was.

Mr. WEYL. Yes. Well, again, subject to imperfection of recollection after this period, the Social Problems Club had fallen under Communist control during the time when I was in London.

Senator SYMINGTON. The Social Problems Club?

Mr. WEYL. Yes.

Senator SYMINGTON. And what is that?

Mr. WEYL. This was—I don't know whether it still exists—the radical club of Columbia University. And I had been president of it during my undergraduate days for, I think, two years; at which time I was a Socialist and the club was Socialist.

During the year of my absence, it fell under Communist domination. So, on my return, I joined the executive board of the Social Problems Club, and I can remember a discussion of the Reed Harris fight.

Senator SYMINGTON. When was that? In what year?

Mr. WEYL. This is the academic year of '32-'33.

Senator SYMINGTON. I thought you were a Communist then.

Mr. WEYL. I became a Communist toward the middle of that academic year.

Senator SYMINGTON. I see.

Mr. WEYL. But I was sufficiently sympathetic to be brought on the board of a Communist-controlled student group of which I had previously been president. So that all I can recollect is really that the campaign on Reed Harris, which was discussed before me as past history, and in which I had no interest, was led by a group which was at the time under Communist control.

And as to testifying that my impression of Harris was this: When Mr Cohn asked me this over the telephone, I simply said this is vaguely my impression, but I would like, if possible, not to have any such indictment on my part in the record, because it is an impression I certainly can't substantiate, and I don't know whether it is correct.

Senator SYMINGTON. Then your impressions, if any, with respect to Reed Harris being a Communist, were based on the fact that an organization dominated by Communists led a fight against his expulsion from Columbia? Is that about the net of it?

Mr. WEYL. Yes. And that is not a necessary inference at all, of course, as to him.

Senator POTTER. For what reason was he expelled?

Mr. WEYL. This I just don't recollect. I was not there at the time, and I didn't feel I should refresh my recollection by newspaper files before coming here.

Mr. COHN. Did you participate in this meeting as a Communist, Mr. Weyl?

Mr. WEYL. Well, let me see if I understand the question.

Mr. COHN. Let me withdraw that.

Henderson was ousted as an economics instructor at Columbia. Now, did the Communist organization or leader espouse the demonstration to have him reinstated?

Let me put it that way.

Mr. WEYL. Yes, operating through fellow traveler organizations.

Senator POTTER. I think possibly, along that line, if you can, briefly, would you answer the question of Senator Symington concerning your impression or upon what basis you gained your impression, that Harris was a Communist?

Mr. WEYL. I have been trying to see how I could withdraw that statement. Because in the first place, there is this gap of twenty years. Secondly, if I ever knew Reed Harris, I have no recollection of it. The only thing I do know is that the Reed Harris case, involving his expulsion or severance from Columbia occurred at a time when I was studying in London, so that I was not present at the campus at that time. And I can merely recollect discussion about it. But with this gap in time, I would not like to give any impression as to what Reed Harris was or was not. The fact that the Social Problems Club, which was Communist-dominated, defended him, does not necessarily mean that he himself was a Communist.

Mr. COHN. Did the Social Problems Club defend him? Is that your recollection?

Mr. WEYL. That is my recollection.

The CHAIRMAN. Was Reed Harris a teacher or a student at that time?

Mr. WEYL. A student.

The CHAIRMAN. Do you have the record of his expulsion and the reasons for it?

Mr. COHN. We have a whole file on it, Senator, and will develop that.

Senator POTTER. Senator Jackson, any questions?

Senator JACKSON. I was just trying to find out whether Mr. Harris was active in the Social Problems Club

Mr. WEYL. I can't testify to that, Senator.

Senator JACKSON. Was he at the time you were in it? At the time you were in it, it was dominated by the Socialists and you were then a Socialist?

Mr. WEYL. Yes.

Senator JACKSON. And that was in 1931-32?

Mr. WEYL. This was roughly '28 to February of '31.

Senator JACKSON. 1928 to February of 1931?

Mr. WEYL. To February '31.

Senator JACKSON. And then?

Mr. WEYL. In '31 and '32, I came back for further graduate work and again became active in the Social Problems Club.

Senator JACKSON. When did it move from dominance by the Socialists to control by the Communists?

Mr. WEYL. In '31 and '32.

Senator JACKSON. 1931 and 1932.

Mr. WEYL. Yes.

Senator JACKSON. And when was the protest filed by the club in behalf of Mr. Reed Harris? Do you remember?

Mr. WEYL. All I can say about that, Senator, is that the case was in 1931–32. The Reed Harris case was in that academic year.

Senator JACKSON. In the spring of 1932?

Mr. COHN. Was it in the spring of 1932?

Mr. WEYL. At which time I was in London. So I have no knowledge about that.

Senator JACKSON. Now, was he a member of the club when you were in it?

Mr. WEYL. This would mean the two and a half years in which it was a Socialist club.

Senator JACKSON. 1928 to 1930.

Mr. WEYL. '28 to February, '31.

Senator JACKSON. Yes.

Mr. WEYL. If he was, I don't remember. We had a fairly large club, I think a hundred members.

Senator JACKSON. Then was he a member of the club after you came back?

Mr. WEYL. No, he wasn't in Columbia at that time.

Mr. COHN. He had been expelled.

Senator Potter. Your recollection is as to what was told you as to what happened in the club during the year you were away?

Mr. WEYL. Yes. And then, of course, coming back to the club and finding it was Communist-dominated on my return.

The CHAIRMAN. Let me ask you this. When you came back to the club, did you have occasion to talk with any other Communists about the removal of Harris, or do you recall? I know that is a long time, twenty years.

Mr. WEYL. Senator, I am afraid my recollection of that is too vague.

The CHAIRMAN. I assume by that time the name, Harris, had no special significance, and there was no particular reason why you would recall all the details twenty years later.

Mr. WEYL. I remembered the name, Senator, when Mr. Cohn telephoned me, but I don't remember any details about it.

Senator JACKSON. Was the remembrance more about the controversy on the campus?

Mr. WEYL. Yes, that was one of the—

Senator JACKSON. Well, his name was in prominence, because he was up for ouster, and groups were rallying behind him.

Mr. WEYL. I believe this is the case. Again, I wasn't there at that time, and that that is probably the reason I recalled something about it when I was telephoned.

Senator POTTER. Any other questions?

Senator JACKSON. Why did you join the Communist party? Because of the economic conditions?

Mr. WEYL. They didn't affect me particularly.

I think the main reason was that I had been in Europe and had seen the rise of the Nazis to power, and I was a Socialist, you see, to start with, and felt that a revolutionary organization would be needed.

Senator JACKSON. To stop the Nazis?

Mr. WEYL. Right.

Senator JACKSON. You had your own independent means of getting along?

Mr. WEYL. That is right, yes.

Senator JACKSON. I mean, as far as going to school was concerned, it was no problem for you from the standpoint of making your own way?

Mr. WEYL. No, it wasn't.

Senator JACKSON. You had an independent means.

Mr. WEYL. That is right.

Senator POTTER. Any other questions?

The CHAIRMAN. I want to thank you very much, Mr. Weyl.

Mr. COHN. Were you ever a member of the League of American Writers?

Mr. WEYL. I attended one of their conferences.

Mr. COHN. About when?

Mr. WEYL. I can't recall. I would think '35.

Mr. COHN. '39?

Mr. WEYL. No, I would think 1935.

Mr. COHN. Just after its organization?

Mr. WEYL. And if I was a member, it was simply pro forma.

Mr. COHN. Did you know that it was Communist-controlled?

Mr. WEYL. I assumed so, yes.

Senator JACKSON. What percentage would you say, of the writers, were Communists?

Mr. WEYL. This would also be guess work, but since it was a large organization, I would assume the percentage was small.

Senator JACKSON. Very small?

Mr. WEYL. Small, yes.

Senator JACKSON. What do you mean? Relatively speaking, what would you say?

Mr. WEYL. I can't testify on this in terms of knowledge. I don't know whether I should guess.

Senator JACKSON. Well, were some of them actually naive that belonged, did not know that it was Communist-controlled?

Mr. WEYL. Oh, yes. Yes. This was so about most of these fellow traveler organizations at that time.

Senator POTTER. This was a front organization established by the Communists and controlled by the Communists, I think, the record will establish.

Senator JACKSON. Yes. I was just trying to find out whether a substantial number of them knowingly belonged.

The CHAIRMAN. I think the history of these fronts—and I think Mr. Weyl will back me up on this—that the principal thing that has made them valuable to the Communist party is that they have been able to get good names and some well meaning dupes to belong to a front.

I might say in all this investigating I have been doing over the past three years, I have never been impressed by the fact that a man belonged to one particular Communist front. I want to find out how active he was in it, who his close associates were in it, and if you find that he belonged to a number of them.

Senator JACKSON. Where there is a pattern established.

Senator POTTER. That it is by design rather than happenstance.

The CHAIRMAN. Yes. Because it is pretty easy to write to Senator Jones and say: "Will you contribute ten dollars for the benefit of the starving children of China" and you may send in ten dollars,

and they get your name on the list, and it is very easy. But I think the significant thing, as I have said, has the club actively supported the individual when he was in trouble?

You may have covered this already, but, very briefly: The Social Problems Club, you say, was Communist controlled when you returned from Europe and were active to some extent in the club?

Mr. WEYL. Yes.

The CHAIRMAN. Would you say it was organized under Communist auspices originally? Or was it later infiltrated and controlled?

Mr. WEYL. No, it was later infiltrated. The history of that, briefly, is that when I came to Columbia in '26, the Social Problems Club already existed, but as a tiny little organization of about seven or eight members. I became the president of it and it was under Socialist control.

The CHAIRMAN. You became the president in 1926. At that time you were a Socialist not a Communist?

Mr. WEYL. Yes.

The CHAIRMAN. I see.

I know this has all been covered. When did you become a member of the party?

Mr. WEYL. Either December of '32 or the January following.

The CHAIRMAN. So you did not become a member of the party until you returned from Europe?

Mr. WEYL. That is right.

The CHAIRMAN. So would you be in a position then to estimate at this time when the Social Problems Club became completely under Communist control?

Mr. WEYL. All I could say about that matter, Senator, is that when I left for England, in the early spring of '31, it was under Socialist control. When I returned from England—strike that.

When I left Columbia, finishing my undergraduate work in '31, it was socialist—controlled, and when I returned from England, in the fall of '32, it was under Communist control.

The CHAIRMAN. The thought that occurs to me is this: that you were not a Communist when you left. You were when you returned. I was just wondering if you would have any way of knowing definitely when you left whether it was under Communist control. You were not a Communist yourself, did not know who the Communist members in the club were. The first time you had contact with it after you returned you knew it was Communist controlled. Is it not entirely possible it was Communist controlled at all the times that you were associated with it?

Mr. WEYL. No, that wouldn't have been possible, Senator because we were aware of who the Communist leaders on the campus were.

The CHAIRMAN. I see.

Mr. WEYL. And we were aware of the majority that we had.

Now, on my return from London—at this time I was veering toward communism but was still a member of the Socialist party.

One of the first things I learned in Columbia was that the Socialist who had succeeded me as president had lost control at some time during the academic year in which I was not in the country. He could testify on that matter much more fully, I am sure, and

he was certainly there, in the Social Problems Club, at the time of the Reed Harris fight.

Senator JACKSON. Is he available now?

Mr. WEYL. I would think so; his name is Maurice Jackson Goldbloom. I have given Mr. Cohn that name.

Mr. COHN. When you participated in this demonstration meeting in connection with Henderson's ouster, was Henderson at that time a Communist?

Mr. WEYL. Yes.

Mr. COHN. And were you a Communist?

Mr. WEYL. If it is May, yes.

Mr. COHN. May of '33.

Mr. WEYL. Right.

Mr. COHN. You were both Communists?

Mr. WEYL. Yes.

Mr. COHN. And you say Mr. Kunitz was a Communist?

Mr. WEYL. I said "communist" with a small "c." Perhaps I should give my reason for that. Because you asked me, I think, very properly, about Henderson.

Mr. COHN. Surely.

Mr. WEYL. One of my first activities in the Communist party was to be assigned, I think by Browder, to a committee, which was supposed to organize what I believe was the first anti-Nazi organization in the United States. And this was a steering committee of Communists, in which we discussed means of influencing non-Communists.

Mr. COHN. Was he on that?

Mr. WEYL. He was on that. So I can't say that he was formally a member of the Communist party, but he was certainly under party discipline, or he wouldn't have been there.

Mr. COHN. Can you tell us whether the International Labor Defense was Communist-controlled?

Mr. WEYL. That is common knowledge, yes.

Mr. COHN. Did you know Heywood Broun?

Mr. WEYL. Yes, I did.

Mr. COHN. Heywood Broun was at one time a Socialist; is that right?

Mr. WEYL. At the time I knew Broun he was active in the Socialist party.

Mr. COHN. Do you know whether Heywood Broun became a Communist?

Mr. WEYL. I do not know that.

Senator JACKSON. He was an admitted Communist. That is a matter of admission.

Mr. WEYL. I didn't know that personally, so I can't testify.

The CHAIRMAN. So you had four speakers protesting the removal of a Communist, Donald Henderson; three of them are Communists, two, to your knowledge, the third one by his own admission; the fourth one was Reed Harris.

Would you, having been a member of the Communist party yourself and having been a speaker at that time, attach any significance to Harris being present defending a Communist, with three other Communist speakers defending him also? Would that indicate to you that Harris might also be a member of the party?

Mr. WEYL. I would not infer from that that he was a member of the party. And may I elaborate on this a bit?

The CHAIRMAN. Yes.

Mr. WEYL. I think I should say, first, that I don't know Mr. Harris and don't know what the evidence is. I am just trying to take it as if it were simply a problem of unknown people. Harris was apparently a very important figure on the Columbia campus, and he was a name with great drawing power.

In the first place he had been the editor of the Spectator, and in the second place, he had been expelled under conditions that gave him a lot of publicity.

So he would be a logical man to get in on a large protest meeting. And the fact that the other speakers were Communist does not, to my way of thinking, mean that he necessarily was at all.

Mr. COHN. Does it have any significance?

Mr. WEYL. Well, I think if you had many such episodes, it would, yes.

Mr. COHN. In other words, is this a fair statement. You would regard that as one circumstance which, in itself, was certainly not conclusive one way or the other, and you would want to see it in its setting, whether or not it is a pattern, or whether it is an isolated instance, and so on and so forth, along with the other facts in the record?

Mr. WEYL. Oh, yes. And also depending on his explanation of why he was there.

I might say about the Henderson matter, that Henderson's dismissal was defended by a much larger group than the Communist party.

In the first place, there was a conflict between the university and ourselves as to what the issue was about.

Mr. COHN. You mean between the university and the Communists?

Mr. WEYL. Yes, or between them and the university—

Mr. COHN. As a matter of fact, there was the same controversy as to Harris's dismissal.

Columbia said it was for one reason and the Communists said it was for another reason.

Mr. WEYL. In this case, it would simply be hearsay, because I wasn't there.

Senator SYMINGTON. Briefly, why was Harris expelled? We have not had that in the testimony yet.

Mr. WEYL. I don't remember, sir.

Senator SYMINGTON. You said it was a very big thing, and yet you still do not remember how big it was or anything about it at all. Is that it?

Mr. WEYL. That is right. It came to me as something that was already over when I returned, and I had no particular interest in it.

The CHAIRMAN. See if you recall this. At the time that both Henderson was expelled and Harris was expelled, the Communist elements maintained their being expelled was because they were liberals, and that the expulsion has nothing to do with their Communist or radical activities. The university maintained they were

expelling them because of their Communist line or extremely radical activities. Is that correct?

Mr. WEYL. No, sir, it is not. Again, it is my recollection, and I will speak only of the Henderson case, the Social Problems Club took the view that he was expelled for liberalism and for being the president of the National Student League. Now, the university said he was not being expelled because of his political convictions but because he had cut too many classes. He hadn't taken his Ph.D. and it was more or less assumed that after so many years an instructor should do that. The university view was that he had neglected his academic work for political activity.

The CHAIRMAN. And did your Communist group feel he was being expelled because he was a member of the party, because of his activities in the party? Was that what you felt at that time?

Mr. WEYL. Very frankly, I felt, Senator, that the university was right.

Senator JACKSON. Are we talking about Henderson now?

Mr. WEYL. About Henderson.

The CHAIRMAN. I want to know whether the Communist groups, of necessity, had to discuss this matter, about one of their members being expelled.

The question is: did they feel he was being expelled because of his Communist activities?

Mr. WEYL. Yes.

The CHAIRMAN. Now, I do not want to put any words in your mouth, but am I correct in this that the situation, in so far as Harris was concerned, is almost identical to the Henderson situation in so far as the reasons for expulsion were concerned, in so far as the defense he got from the party and front groups was concerned, in so far as the reasons for which you felt he was expelled? Was it not almost an identical case?

Mr. WEYL. Well, I can't say that. You see, when I got Mr. Cohn's telephone call, I felt I shouldn't go to the morgue and find the facts in this Harris case, and so I have to come here with a very poor recollection of it. I just don't remember at this time why he was expelled or why various groups said he was expelled.

The CHAIRMAN. Thank you very much.

Mr. COHN. May we have the *Daily Worker* article of May 11, 1933, in evidence, Mr. Chairman?

The CHAIRMAN. Certainly.

Mr. COHN. Mr. Donald Henderson?

The CHAIRMAN. Mr. Henderson, will you stand and raise your right hand? In this matter now in hearing, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HENDERSON. I do.

Mr. COHN. Mr. Henderson is accompanied by counsel.

The CHAIRMAN. Will you identify your counsel?

Mr. HENDERSON. Irving Rosen.

Mr. ROSEN. Of the firm of Weisman, Allan, Spett, and Sheinberg.

Mr. COHN. Mr. Henderson, are you now or have you ever been a member of the Communist party?

**TESTIMONY OF DONALD HENDERSON (ACCOMPANIED BY HIS
COUNSEL, IRVING ROSEN)**

Mr. HENDERSON. I must refuse to answer that question and avail myself of my right under the Fifth Amendment.

The CHAIRMAN. You refuse to answer that on the grounds that your answer might incriminate you?

Mr. HENDERSON. That is correct, sir.

Mr. COHN. I will ask you specifically: are you at this time a member of the Communist party?

Mr. HENDERSON. I must refuse to answer that and avail myself of my rights under the Fifth Amendment.

Mr. COHN. Where were you educated?

Mr. HENDERSON. At Columbia University.

Mr. COHN. During what years did you attend Columbia?

Mr. HENDERSON. '20 to '25.

Mr. COHN. Did you ever teach at Columbia?

Mr. HENDERSON. I did, sir.

Mr. COHN. What did you teach at Columbia?

Mr. HENDERSON. I taught economics.

Mr. COHN. And at what time? What year, sir?

Mr. HENDERSON. 1927 to '32.

Mr. COHN. And at the time you were teaching in Columbia—I will ask you specifically: In 1932, were you a member of the Communist party?

Mr. HENDERSON. I must refuse to answer that question on the same grounds.

Mr. COHN. Were you a member of the Communist party with a man named Reed Harris—R-e-e-d H-a-r-r-i-s—in 1932 or at any other time?

Mr. HENDERSON. I must refuse to answer that question on the same grounds, sir.

Mr. COHN. Do you know a man by the name of Reed Harris?

Mr. HENDERSON. I must refuse to answer that question on the same grounds.

Mr. COHN. You refuse to answer that question?

Mr. HENDERSON. On the same grounds.

The CHAIRMAN. The first was whether he knows Harris. If knowing another man would incriminate you, I assume you have to interpret this rule very broadly. I believe the courts have held any question which might lead into a question that might incriminate—

Mr. COHN. The situation might be this, Mr. Chairman. Suppose you assumed Harris were a Communist.

The CHAIRMAN. I believe he is entitled to that privilege.

Senator SYMINGTON. May I ask a question there?

You realize in not answering that question, you are implying that Harris was a Communist. What is your answer to that?

Mr. HENDERSON. I must refuse to answer on the same grounds, sir.

Mr. COHN. You refuse to answer Senator Symington's question?

Mr. HENDERSON. That is correct.

Senator SYMINGTON. So then you really would like to leave with the committee the idea that Reed Harris was a Communist?

Mr. HENDERSON. I am not implying anything. I just refuse to answer the question, sir.

The CHAIRMAN. Let me ask this question. And I assume you will refuse to answer this question also, but just to have the record clear. Was Reed Harris a member of the Communist party at the time you knew him at Columbia?

Mr. HENDERSON. I must refuse to answer the question on the same grounds, sir.

Senator JACKSON. Did you know Nicholas Murray Butler?

Mr. HENDERSON. I guess I knew him, sort of.

Mr. COHN. Let's bring that a little further. Did you know Dean McKnight at Columbia?

Mr. HENDERSON. I don't recall him.

Mr. COHN. Did you know Professor Harold Taylor?

Mr. HENDERSON. I don't recall him.

Mr. COHN. Did you know Dean Hawkes?

Mr. HENDERSON. I knew the dean, surely.

Mr. COHN. Was Dean Hawkes a member of the Communist party?

Mr. HENDERSON. I must refuse to answer that question on the same grounds, sir.

Mr. COHN. Let me ask you this, sir: You will tell us you knew Dean Hawkes; is that right?

Mr. HENDERSON. I knew Dean Hawkes.

Mr. COHN. Now, did you know a man by the name of Joshua Kunitz, K-u-n-i-t-z?

Mr. HENDERSON. I must refuse to answer that question on the same grounds.

Mr. COHN. Was Joshua Kunitz a party—

Mr. HENDERSON. I must refuse to answer that question on the same grounds.

Senator SYMINGTON. Are you just refusing to answer the questions about people who might or might not be Communists, but you are glad to answer questions about people you are sure are not Communists?

Mr. HENDERSON. Well, I don't know where these questions are leading. I think you understand the situation I am in. I don't know where these questions are leading me, and I just don't want to incriminate myself.

Mr. COHN. I asked the witness whether he knew Herbert Hawkes up at Columbia, and he said he did know him, so I think it is established that he is being selective in claiming his privilege.

The CHAIRMAN. He has that right.

Mr. HENDERSON. Pardon?

The CHAIRMAN. I say you have that right. There is no doubt about it.

Mr. COHN. You are exercising your privilege in good faith. You are being selective.

Mr. HENDERSON. That is correct.

Mr. COHN. You have said you refused to answer whether or not you knew Joshua Kunitz and whether or not he was a Communist.

Mr. HENDERSON. That is correct.

Mr. COHN. Did you know Heywood Broun?

Mr. HENDERSON. I refuse to answer that question on the same grounds.

Mr. COHN. Do you know whether Heywood Broun was a Communist?

Mr. HENDERSON. I must refuse to answer that question on the same grounds.

Mr. COHN. Did you know a man named Hersh connected with the International Labor Defense?

Mr. HENDERSON. I must refuse to answer that question on the same grounds.

Mr. COHN. Do you know whether or not Mr. Hersh was a Communist?

Mr. HENDERSON. I must refuse to answer that question on the same grounds.

Mr. COHN. Mr. Henderson, there came a time when your contract at Columbia was not renewed; is that right?

Mr. HENDERSON. That is correct.

Mr. COHN. When it was not renewed were there certain demonstrations and protests?

Mr. HENDERSON. I think so.

Mr. COHN. Was the Communist party instrumental in any of them?

Mr. HENDERSON. I must refuse to answer that question on the same grounds, sir.

Mr. COHN. Specifically, do you recall a meeting that took place on May the 11th, 1933?

I will withdraw that.

Do you know a man by the name of Nathaniel Weyl?

Mr. HENDERSON. I refuse to answer that question on the same grounds.

Mr. COHN. You refuse to answer whether or not you know him?

Mr. HENDERSON. That is correct.

Mr. COHN. Did you shake hands and say "Hello, Nat," when you met him out in the hall?

Mr. HENDERSON. I must refuse to answer that question on the same grounds.

Mr. COHN. Now, getting back to this meeting——

Senator SYMINGTON. Let me ask you a couple of questions?

Are you an American citizen?

Mr. HENDERSON. Yes, sir.

Senator SYMINGTON. Well, now, if you are a member of the Communist party today, why are you not proud of it, instead of being ashamed of it and ducking these questions the way you are ducking them?

Mr. HENDERSON. I must refuse to answer that question on the same grounds, sir. I do not know where you are taking me.

Senator SYMINGTON. I do not know where you are heading us, either, a lot of us.

Mr. HENDERSON. And I don't want to incriminate myself, sir.

Senator SYMINGTON. I think you are anxious not to incriminate yourself, but it appears to me that you are incriminating other people.

Mr. HENDERSON. It is the last thing I want to do in this world.

Senator SYMINGTON. I think the last thing you want to do is come in here and implicate others as members of the Communist party.

Mr. HENDERSON. That is the last thing I want to be.

Senator SYMINGTON. To be perfectly frank with you, it appears to me that is what you are doing.

Senator JACKSON. You admit you know certain people, and when questioned about another name you exercise your privilege, and the inference is that in distinguishing between the two, one group falls in a Communist category and the other group falls in a non-Communist category.

Mr. HENDERSON. Well, that is your inference, not mine, sir.

Senator JACKSON. Is that your inference?

Mr. HENDERSON. I wouldn't say so.

Senator JACKSON. You would not say so. That is what I am concerned about, if you are going to put some people who are innocent in a bad light.

Mr. HENDERSON. I think perjury is a bum beef, and I won't finger anybody. It is just that simple. And I am not going to incriminate myself if I can help it.

Senator SYMINGTON. It looks to me, using your own language, that in order not to incriminate yourself, you are putting the finger on other people.

Mr. HENDERSON. That is certainly not my intention, and I think you are absolutely mistaken in drawing such an inference.

The CHAIRMAN. In fairness to the witness, Senator Symington, he was asked whether he knew Heywood Broun. Heywood Broun has admitted he was a member of the Communist party.

May I finish?

He was asked about other individuals that were either identified as Communists or who have admitted they were Communists. He refused to answer whether he knew them or not. I think he has that privilege.

Senator SYMINGTON. But he was asked about Reed Harris.

The CHAIRMAN. I assume Reed Harris was in the same category or he would not refuse.

Senator SYMINGTON. I assume so, too. That is the purpose of this hearing, is it not, to find out if Reed Harris was a Communist?

Mr. COHN. I wouldn't say it is that limited.

Senator SYMINGTON. But that is a pretty important part of it, and by his answers he obviously has implied, that Reed Harris is a Communist. That was my only point. Not being a lawyer, you have got to forgive me if I just try to exercise—

The CHAIRMAN. I was not trying to criticize. I think your inference is correct.

Mr. Henderson, let me ask you this question, if someone were to ask you whether you knew Senator Symington or Senator Jackson or myself or Senator Potter, you would not refuse to answer that on the grounds it would incriminate you?

Mr. HENDERSON. Yes.

The CHAIRMAN. And for the same reasons?

Mr. HENDERSON. Yes.

Mr. COHN. Didn't I ask you whether you knew Dean Hawkes of Columbia?

Mr. HENDERSON. That is correct.

Mr. COHN. And you claimed no privilege as to him?

Mr. HENDERSON. Correct.

Mr. COHN. Would you claim a privilege as to whether you knew one of the senators?

Mr. HENDERSON. I would now, sir.

Mr. COHN. You would now. You mean since Senator Symington asked the questions he did?

Mr. HENDERSON. Yes.

Mr. COHN. In other words, so as to indicate now that you were not being selective in refusing to answer concerning Mr. Harris. Is that right?

Mr. HENDERSON. My answer speaks for itself.

Mr. COHN. Well, I think your pattern of conduct does.

The CHAIRMAN. If that is the way the witness is using his privilege, let us do this a little deeper.

Mr. HENDERSON. Pardon?

The CHAIRMAN. In view of that answer, I think there are certain answers we will order you to make.

Do you honestly feel that if you tell us at this time whether you knew Harris was or was not a member of the Communist party, your answer might tend to incriminate you?

Mr. HENDERSON. You are asking me the question?

The CHAIRMAN. Yes.

Mr. HENDERSON. I must refuse to answer on the grounds—

The CHAIRMAN. You will be ordered to answer that.

Mr. HENDERSON. I still must refuse to answer on the grounds of self-incrimination.

The CHAIRMAN. You may want to consult with counsel.

I am going to ask the committee to take contempt proceedings on this.

You may want to consult with counsel.

I merely asked him whether he feels an answer to that question would tend to incriminate him, and he refused to answer. He is not entitled to any privilege there. So I will ask the committee for a contempt citation in this case.

Mr. ROSEN. May we have the question read back, Senator?

[Brief recess.]

[Question was read by the reporter.]

The CHAIRMAN. Let me repeat the question and see if you want to answer.

I will repeat this question and Senator Symington may have a further question.

I repeat the question. Mr. Henderson, do you at this time honestly feel that if you were to tell us whether you knew that Harris was or was not a member of the Communist party, that answer would tend to incriminate you?

Mr. HENDERSON. I think so, yes.

The CHAIRMAN. You are entitled to the privilege, then.

Go ahead, Mr. Counsel.

Mr. COHN. I have nothing much more, Mr. Chairman.

No, I don't have any more on this.

The CHAIRMAN. Do you recall, Mr. Henderson, the meeting organized in your behalf at Columbia when you were discharged, when

your contract was not renewed, at which four people, including Reed Harris, spoke? Do you remember that meeting?

Mr. HENDERSON. No, sir.

The CHAIRMAN. You would not care to tell us at this time, or rather—

To save time, I have a number of questions I would like to ask you about your association with Harris, whether you helped organize a meeting, whether you asked him to speak in your behalf, your social contacts, if any.

There is not much to be gained by going into that if your answer to all questions would be that you refuse to answer on the ground that it would incriminate you.

Would that be correct?

Mr. HENDERSON. I would think it would, sir. I would hate to make a general flat statement, but I think probably my feeling would be that the answers to those questions would tend to incriminate me.

Senator POTTER. Mr. Henderson, I have one question.

Do you condemn the Jewish purges that have gone on in the Communist countries today?

Mr. HENDERSON. I must refuse to answer that question on the grounds of self-incrimination.

Senator SYMINGTON. You would make the same answer to a question that you would approve of them; would you not?

Mr. HENDERSON. Beg pardon?

Senator SYMINGTON. You would make the same answer to a question as to whether you approved of those purges?

Mr. HENDERSON. Yes, sir.

Senator SYMINGTON. We have had witnesses before this committee who have testified that to the best of their knowledge and belief you were a Communist. They have also testified to the best of their knowledge and belief that Reed Harris was not a Communist.

On that basis, I would like to ask you again: Do you know anything which makes you feel or have you had any experience as to whether or not Reed Harris was a Communist?

The CHAIRMAN. May I say that we have had it from witnesses who testified to the best of their knowledge he was not a Communist.

Senator SYMINGTON. Let me rephrase my question.

There has been nobody who asserted before this committee that Harris was a Communist. At least, when I have been in the hearing. But there have been people who asserted that you were.

Now, if you do not answer this question, by implication, my only point was, you are implying that Harris was. The other witnesses have not taken the legal run-out under the Constitution as to answering that question. That still does not influence your decision to make the same answer. Is that correct?

Mr. HENDERSON. That is correct.

The CHAIRMAN. Mr. Henderson, we will want you available for a further hearing.

Are you living in New York, or Washington?

Mr. HENDERSON. In New York.

The CHAIRMAN. Your lawyer is from New York, too, I assume?

Mr. ROSEN. Yes, sir.

Mr. COHN. Mr. Harris wrote a book in 1932, which he called *King Football*, in which he stated at page 150:

My first discovery was that two young instructors, one a militant Socialist and the other a Communist, both graduates of Columbia, were slated for dismissal at the end of the year for being too radical. I further learned that appointments of instructors are made for one year only at Columbia and that any man may be quietly dropped at the end of an academic year, without explanation—a system obviously designed to avoid unpleasant controversy over intolerance and regimentation of thought within an allegedly liberal university.

Was Mr. Harris referring to you as that Communist instructor whose contract was not renewed?

Mr. HENDERSON. I wouldn't know.

Mr. COHN. You have never discussed this with him?

Mr. HENDERSON. Is this on the record?

Mr. COHN. Yes, this is on the record.

Mr. HENDERSON. I have never discussed anything like this with Harris.

Mr. COHN. You have never discussed this book or the preparation of this material?

Mr. HENDERSON. Not to my knowledge.

Mr. COHN. Have you ever discussed anything with Mr. Harris?

Mr. HENDERSON. Now, you are getting me—what is this?

I refuse to answer.

The CHAIRMAN. Did you work with Mr. Harris on the writing of this book?

Mr. HENDERSON. I must refuse to answer that on the same grounds, sir.

The CHAIRMAN. Anything further, Mr. Counsel?

Mr. COHN. No.

The CHAIRMAN. That is all.

[Whereupon, at 12:14 p.m., a recess was taken until 1:30 p.m., this same day.]

AFTERNOON SESSION

[The hearing was resumed at 1:30 p.m., upon the expiration of the recess.]

The CHAIRMAN. I wonder if you would both stand and be sworn. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PUHAN. I do.

Mr. THOMPSON. I do.

The CHAIRMAN. Incidentally, in this testimony in executive session, if you care to look over your testimony and correct it from the standpoint of typographical errors or anything like that, you will be allowed to do that. However, we only have three copies made, so we can not very well send copies out to you. So, if you want to see them, you will have to come down to the committee room, and you may have a desk there to go over your testimony.

Mr. COHN. Mr. Puhan, might I ask you a few questions, first?

What is your title?

**TESTIMONY OF ALFRED PUHAN, PROGRAM MANAGER,
VOICE OF AMERICA, AND JAMES F. THOMPSON, DIVISION OF
RADIO FACILITIES OPERATIONS, VOICE OF AMERICA**

Mr. PUHAN. My title is program manager of the Voice of America.

Mr. COHN. Mr. Puhán, what we want to ask you about today is this: Are you familiar with a certain series of incidents which resulted in an order coming from a man named Reed Harris, to the effect that the entire Hebrew Language Service in the Voice of America should be terminated?

Mr. PUHAN. I AM.

Mr. COHN. First of all, do you know Mr. Harris?

Mr. PUHAN. I DO.

Mr. COHN. Who is Mr. Harris?

Mr. PUHAN. He was the deputy administrator to Mr. Compton of the entire information program, and I believe is now the acting administrator.

Mr. COHN. Does that mean that he was deputy administrator, second in command under Dr. Compton?

Mr. PUHAN. That is correct.

Mr. COHN. Being acting administrator, he, of course, would be acting in that capacity for the entire information program, the Voice of America, the movies—

Mr. PUHAN. The entire information program, including all of the various fields of the information program, including the Voice of America, the whole works.

Mr. COHN. Did there come a time, in the summer of 1952, when a request came through for certain budgetary cuts?

Mr. PUHAN. Yes, there did.

Mr. COHN. And did you people in the Voice of America prepare a schedule stating in what order these cuts should be carried into effect?

In other words, did you sort of set up a priority system? Did you say "We can cut here; it won't matter so much?" And then, did you leave what you regarded as the very important items as the last ones to be cut?

Mr. PUHAN. Yes, I set up a series of priorities, starting with what I considered our least important, namely, our English language, and ending up with Spanish. If I had continued it to a logical conclusion, the last to be cut, would be, of course, our Russian Language service.

Mr. COHN. Let me interrupt and ask you: Did you break this down into a priority of some fifteen items?

Mr. PUHAN. That is correct.

Mr. COHN. And did you regard continuation of the Hebrew Language Service as a pretty important thing?

Mr. PUHAN. I did.

Mr. COHN. What number did you list that as?

Mr. PUHAN. I believe the number was thirteen.

Mr. COHN. Number thirteen. So, in other words, out of the fifteen items, you rated the Hebrew Language Service as so important that it was practically one of the last three out of the fifteen that you would want eliminated. Is that right?

Mr. PUHAN. That is correct.

Mr. COHN. How was this?

Mr. PUHAN. I had started the Hebrew desk. I felt that the United States of America, if it had a Voice of America, could not broadcast only to the Arab world but should also broadcast to the state of Israel. There were obviously reasons, from a policy point of view, why one should reach the people, not only the people who were there, but also the many refugees that were coming from behind the Iron Curtain and from various other places that had to be reached by the Voice of America. I had urged the setting up of this desk. It was set up in 1951. I felt it was just hitting its stride at that time, because, as you gentlemen must be aware, it takes some time to get a desk so that it is shaken down and has the experienced personnel required.

Mr. COHN. So you listed that as no. thirteen out of fifteen?

Mr. PUHAN. That is right.

Mr. COHN. Did there come a time at the beginning of December in 1952 when a determined effort was made to require you to eliminate the entire Hebrew Language Service?

Mr. PUHAN. I was ordered to do so.

Mr. COHN. Who ordered you to do that?

Mr. PUHAN. A memorandum that came either to Mr. Francis or to me was signed by Reed Harris.

Mr. COHN. Now, was this a particularly significant period, the beginning of December 1952, in so far as the Hebrew Language Service of the Voice of America was concerned?

Mr. PUHAN. I considered it an extremely unwise time to make this move, for the simple reason that I believe it was the month before or a little bit earlier—the time is not too exact—when we received word of the anti-Semitic purges behind the Iron Curtain. I am referring to the Slansky trial, and the fact that here for the first time we were given a real issue with which to broadcast to Israel.

It was certainly an opportunity for us to show the people of the state of Israel that the Soviet Union, with all of its brutality, had no regard for religion whatsoever, and that here was a time when we could pour it on, if you don't mind my saying that. So I thought it was particularly inopportune to do it at that time.

Mr. COHN. All right. Now, feeling that it was inopportune, did you make representations to Reed Harris's office objecting to the elimination of the Hebrew service?

Mr. PUHAN. I made such objections. I based them on the argument that you gentlemen have just heard, the breaking out of anti-Semitic purges behind the Iron Curtain. I based them on the fact that I thought or knew that there would be some delicate Arab-Hebrew or -Israeli issues coming up in the UN, where both sides might be jockeying for position, that this was not the opportune time, if indeed such broadcasts had to be suspended, to suspend them. I did bring that to their attention.

Mr. COHN. Did you send a telegram to Reed Harris, under date December 4, 1952, raising an objection, saying:

The question is whether I have taken into account the following factors:

(A) Tel-Aviv has just asked us to use VOA full blast on the recent Czech-anti-Semitism purges.

(B) While anti-Semitism flourishes behind the Curtain and where a tremendously important political issue has been handed the Hebrew desk, is this the time to suspend Hebrew broadcasts?

Did you teletype to that effect?

Mr. PUHAN. That is correct.

Mr. COHN. On the same day, did you receive a teletype back as follows:

Confirming our telephone conversation with regard to your questions for Reed Harris:

1. Hebrew: Harris will send memorandum instructing suspension of Hebrew language broadcasts as soon as possible. He states that this was clearly a PAB decision and that nothing new has happened to change that decision.

That means a budgetary decision?

Mr. PUHAN. Those are the Program Allocations Board, of which he or Compton was the chairman.

Mr. COHN. Was Compton in town at this time?

Mr. PUHAN. Compton was in Europe, or on his round-the-world trip.

Senator SYMINGTON. Why did the budget come up suddenly like that to stop the program? Is there any reason for it being a PAB program?

Mr. PUHAN. Well, Senator, it had, of course, come up earlier. As I think counsel pointed out, there had been talk about cutting this. There was some request at that time for further cuts, because I believe there was a change, or funds had to be transferred from the information side to the administrative side of the department. But I am speaking from indirect knowledge, Senator.

Mr. COHN. This was clearly a PAB decision. You have told us Mr. Harris was PAB.

Mr. PUHAN. He was, or Compton, but Compton was on his trip.

Mr. COHN.

—and that nothing new has happened to change the decision. The cable from Tel-Aviv regarding Prague trials does not alter decision particularly in the light of current budget situation.

Was such a teletype received by you?

Mr. PUHAN. I believe that is correct.

Mr. COHN. I might ask, Mr. Chairman, that the teletype from Mr. Puhan, here, to Reed Harris, objecting to the elimination of the Hebrew service, be received as an exhibit, and that the reply teletype he received as an exhibit, at this time.

The CHAIRMAN. Very well.

Mr. COHN. And I would ask you this. The next day, December 5th, did you receive a memorandum, did your office receive a memorandum, initialed by Reed Harris, confirming this cable, and directing the suspension of the Hebrew broadcasts as soon as possible?

Mr. PUHAN. The memorandum is correct; I am not sure of the date.

Mr. COHN. December 5, 1952?

Mr. PUHAN. If that is the date on it, that is correct.

The CHAIRMAN. Would you read the entire memorandum?

Mr. COHN. This is from Reed Harris to Mr. Robert Francis. He works for you up in New York?

Mr. PUHAN. He is the comptroller of the Voice of America, and he and I were at that time in charge of the office in New York, because of Mr. Morton's absence.

Mr. COHN [reading]:

Confirming my conversation with Sidney Sulkin and in accordance with discussions held in the PAB with regard to the effectiveness of Hebrew language broadcasts, you are requested to suspend such broadcasts as soon as possible. The Bureau of Near Eastern and African Affairs has been consulted and agrees with this decision, as does IFI/N.

By the way, who is head of the Bureau of Near East and African Affairs? Do you know? Is that a man named Sanger?

Mr. THOMPSON. Not hardly. I would know the name if I heard it.

Mr. SURINE. That is what Brad Connors said.

Mr. COHN [reading]:

I am aware of the public relations problems which could result. However, the proven weakness of the signal we can get into Israel with existing transmitters makes the Jewish programs so markedly ineffective that we cannot justify continuation in the face of the \$600,000 cut in the IBS budget.

Let me ask you this. Is that true, about not being able to get the broadcasts effectively through as of that time?

Mr. PUHAN. It was my impression from the technical people, the engineering people, that the presence of the ship Courier in the eastern Mediterranean had improved that situation greatly, and that the signal was getting in.

You may want to ask Mr. Thompson.

Mr. COHN. Just tell us at this point, Mr. Thompson: What is your opinion? Was this stuff getting into Israel?

Mr. THOMPSON. I would say that the signal was rated from fair to good to excellent, all of those being an entirely satisfactory signal, in excess of, oh, 75 percent of the reports that I saw. And there were a substantial number of reports.

Mr. COHN. Very well.

Senator SYMINGTON. You say "fair" to "good," to "excellent." What are the other ratings they could have given it?

Mr. THOMPSON. There could have been poor or unintelligible. That is as far down as we normally go.

Mr. COHN. Did you, on December 11, 1952, send a memorandum to Mr. Reed Harris as follows.

May I read the whole thing, Mr. Chairman? I think it is quite important.

The CHAIRMAN. Very well.

Mr. COHN [reading]:

We are in receipt of your memorandum on the above subject, dated December 5, 1952.

That is the one we just put in the record.

In accordance with your order to suspend such broadcasts as soon as possible, we are now taking all the necessary steps to comply with your order.

Then you say that January 15th will be the earliest date you can do it.

The estimated total savings made by taking this step on January 15, 1953 will be \$30,557, which has already been calculated in the 1953 column of the revised 1954 IBS budget.

While complying with your order, we feel it incumbent upon us to point out to you again that the public relations problem, of which you say that you are aware, has not been correctly assessed in Washington. We feel that the repercussions following your order will be severe.

Moreover, it is our duty to point out to you that the proven weakness of the signal we can get into Israel with existing transmitters no longer exists. The presence of

Courier in the eastern Mediterranean has, to the best of our knowledge, remedied that situation.

Was such a memorandum sent through to Mr. Reed Harris?

Mr. PUHAN. That is correct.

Mr. COHN. May I ask you one other question at this point. When Mr. Reed Harris originally instructed the suspension of these Hebrew broadcasts and you made objection along these lines, stating that this was in view of the fact that they were screaming for Voice programs over in Israel, because of the wonderful propaganda that had been handed to us by the Russian anti-Semitic purges, in what form was this order received from Mr. Harris?

Mr. PUHAN. The memorandum, there.

Mr. COHN. Did he come to New York around this period of time?

Mr. PUHAN. I believe he did.

Mr. COHN. Mr. Thompson?

Mr. THOMPSON. I believe he delivered the memorandum by hand.

Mr. COHN. He delivered that by hand. Wasn't that somewhat unusual?

Mr. THOMPSON. I would say it was unusual, because I rarely ever saw him in New York.

Mr. COHN. And he came up, and he delivered this, your recollection is, personally by hand. Is that right?

Mr. THOMPSON. I believe he delivered it to Mr. Francis on the third floor, General Motors Building.

Mr. COHN. Was this delivery made the day after the cable and telephone instructions had been received?

Mr. THOMPSON. You see, I am not wholly aware of that exchange there, just when it took place. I knew it took place, but I didn't know just when.

Mr. PUHAN. Let me say—I don't believe I received it from Harris directly. I believe I received it from Mr. Francis.

Mr. COHN. Who had received it from Mr. Harris?

Mr. PUHAN. Who had received it from Mr. Harris.

Mr. COHN. Was it your recollection that Mr. Harris had brought it up in person?

Mr. PUHAN. That was my recollection, yes.

Mr. COHN. Let me ask you this, Mr. Puhán. Do you feel that the suspension of the Hebrew broadcasts at that time—did you feel, as director of operations for the Voice, that they had been suspended at that time there would have been any effect on the anti-Communist program of the Voice?

Mr. PUHAN. Well, as the man who has been responsible for setting up these programs and who believes in them and has tried very hard to make them effective, I certainly thought it was not the time to cut a program that was now given the splendid opportunity that this was to do a hard anti-Communist job. And I would certainly be most reluctant to see anything like that done, particularly at that time. It is, as you have heard me say, one of forty-six language desks. It is not as important as the Russian, nor is it as insignificant as some others that I have.

In other words, I felt that that was not the time to cut. I thought that the impression that would be given, in Israel for one thing, was that possibly we were going along with the purge idea.

As for the Arabs, I am fully aware that we must also not lose sight of this tremendously important block of people that goes all the way from northern Africa into Indonesia.

On the other hand, I think it was a stupid decision, or a stupid order—because I was under orders, as you understand to cut; and I do not think that that was an intelligent order.

The CHAIRMAN. May I ask this: The concern about the effect upon the Arab people, I assume, would not be too great in view of the fact that you were beaming this out in the Jewish language.

Mr. PUHAN. No, the Arabs would be for it, probably, you see.

The CHAIRMAN. No, you did not get my thought. The question is: Would this reach many Arab people, in view of the fact that it was being beamed in the Jewish language? In other words, do we have the Arabs speaking the Jewish language?

Mr. PUHAN. Well, sir, there are, as you know, in Israel many Arabs.

Mr. COHN. But they favor the Israeli government?

Mr. PUHAN. Well, I am not sure of that, but I presume, since they continue living there, that they abide by the rules and regulations of the government.

The CHAIRMAN. I do not think you get my thought. In other words, the persecution of the Jews in Communist Russia, if publicized all over the Arab world might create friendship toward Communist Russia amongst those Arabs who are definitely anti-Jewish?

Mr. PUHAN. That is right, Senator.

The CHAIRMAN. And that could be one reason to close up the Hebrew desk, when they started beaming to Israel this anti-Semitism, as finally made public by the Communists. But my question is this:

In view of the fact that the broadcast would be in the Jewish language, which I assume would get to very, very small segments of the Arab world, in view of the fact that most of the Arab people do not speak Hebrew—

Mr. PUHAN. That is correct.

The CHAIRMAN [continuing]. So that would not be a serious problem, I gather.

Mr. PUHAN. No. There is one other aspect of that, that I noticed in the paper this morning. Our president has stated that we have no intention to sell Israel down the river, and I think that while this requires certainly the greatest care so that we do not lose the Arab state—we do not want to do that; it is a very important group of people—on the other hand, we have also our intention of maintaining our friends in Israel, and it is not our intention to lose friends wherever we have them.

Mr. COHN. Did you raise another objection, on the grounds that such a decision should not be made before the Eisenhower administration took office?

Mr. PUHAN. Yes, I made this comment, and I don't recall to whom precisely, but I stated at the time, I believe, and I am recalling here, that if this order were to take place, the earliest time at which it could be accomplished would be January 15th. Because there would have to be given thirty day termination notices to the employees, and so on. And I pointed out that the date coincided or might very likely coincide with the change in administration, and

I did not think it fair to possibly saddle a new president, our new president, with this kind of a public relations problem. I am certainly aware of the situation in the United States here, public relations-wise, and I did not think this was a good idea.

The CHAIRMAN. Also, might it not create the impression in Israel, if we knocked off this Hebrew broadcast coincident with Eisenhower's assuming the presidency, might it not create the obvious impression over there that General Eisenhower was responsible for the changed attitude? It could create a serious problem that way, too.

Mr. PUHAN. That is always possible, Senator. Because, you know, it is difficult to tell how people will interpret what may be a negligible act, a small thing. But abroad, if it is the official word, it can by some person be traced back or be believed to have come directly from the top. That is a possibility.

Mr. COHN. By the way, even after Mr. Harris delivered these written instructions, did you agree to abide by them?

Mr. PUHAN. No, I felt this was an emergency, and I was, together with Mr. Francis, in charge of the office. I asked if I could get in touch with my boss, the director of the Voice, Mr. Morton. I put through a long distance telephone call to Paris, where I could not reach him, but I did get hold of him the next day. And I informed him of what I considered a serious matter and told him that unfortunately Dr. Compton was abroad, and Mr. Morton was abroad, and we were left here alone in New York, and I did not feel that I wanted to carry out this order, although I was under orders. This must have been about the middle of the week, and he told me that he would be back by the end of the week, or by Monday and to hold off on the order until he returned.

Mr. COHN. Now, subsequently, to make a long story short, here, was there congressional pressure, and a review of the thing, and was the order finally rescinded and the Hebrew Language Service kept in effect?

Mr. PUHAN. Mr. Cohn, I can only tell you what I heard about this. I can't verify this. But I heard that Senator Wiley and Mr. Taber had inquired, I don't believe of us in New York but I believe in Washington, as to whether this was going to take place.

Mr. COHN. I might say for the record, Mr. Chairman, we were advised this morning by Senator Wiley's office, that, knowing he was going to assume the chairmanship of the Senate Foreign Relations Committee, he made a written representation to the State Department that this was a very serious mistake in the foreign policy of this country and insisted that that order be changed.

The CHAIRMAN. I know we have had testimony on this, but I missed some of the dates here. The date that Mr. Harris went to New York and delivered the order?

Mr. COHN. We are not sure of that date, Mr. Chairman. It was either December 4th or December 5th. I think the memorandum reflects the date of December 5th.

Mr. PUHAN. Yes, the memorandum that you read, I believe has December 5th.

The CHAIRMAN. I understand Mr. Harris was informed that, because of the lag in putting the order into effect, if the Voice com-

plied with the order, it would be about January 15th before the broadcast would be discontinued. Is that correct?

Mr. PUHAN. Yes, and in any event, he would know it would take thirty days.

May I point out one more thing? As is the case with some of the desks, it would have meant returning to Israel some employees that had been hired over there, because of their qualifications, and would have meant, I believe, the ending of a contract prematurely with these people and shipping them back.

Mr. COHN. That would have cost a lot more money; is that right?

Mr. PUHAN. That is why the sum of money that would have been saved for the rest of the fiscal year would have been a relatively small amount. You see, we would have had to return some of these employees.

Mr. COHN. So, in other words, these two arguments they made, the argument on the budget, number one, and the effectiveness of the signal—is this a fair statement?—were not anywhere near as important, on the one side, as the effect of discontinuing the service on the other side?

Mr. PUHAN. That is right.

Mr. COHN. You have said you regarded this as a stupid decision. Do you think it was anything more than a stupid decision?

Mr. PUHAN. You are asking me for an opinion? I don't know. I can only tell you what I think, what my impression was of that.

Mr. COHN. What was your impression?

Mr. PUHAN. Well, again, I felt that at this time, to take this kind of an act, seemed like a strange decision.

The CHAIRMAN. In other words, you feel that any man of normal intelligence who really was interested in disseminating information in that section of the world which would show communism in its true light would have increased the size of the program, and the broadcast, at that time, rather than discontinuing it?

Mr. PUHAN. Well, Senator, my division chief in charge of the Near East, Mr. Duerr, and I, felt that this was no time to cut this program, and this was the time to improve it.

Senator MUNDT. Let me ask you if any effort was made to eliminate or to curtail or play down the anti-Semitic phases of communism in Russia except in the broadcasts to Israel. Was there any effort to eliminate emphasis on that phase of Communist policy in other broadcasts, in other countries, in other languages?

Mr. PUHAN. Well, Senator, I am not the policy director of the Voice, but I sit every morning at 9:30 meetings when the policy is discussed. I felt that the Soviet Union had handed us a ready-made propaganda weapon at this point.

I think it would be testified to by at least one hundred people in the position I took.

I said, "Let's let them have it with all the force we have. Here is a concrete example of brutality toward religion."

I even pointed out at the time, to a somewhat worried Arabic section, that it might be pointed out to the Arabs that although their sentiments might be anti-Semitic, it is the Jews today, and it will be Arabs tomorrow.

Senator MUNDT. They can hardly be anti-Semitic, because they are Semites. They are anti-Zion.

Mr. PUHAN. Yes.

Senator MUNDT. I agree your reasoning is sound, and the question I raised is whether, in this New York shop, they simply tried to play down the anti-Semitic phases of communism in Israel, or whether they also tried to play it down in the tenor of the broadcast reaching other sections of the world where there might be and would be a lot of Jewish listeners.

Senator JACKSON. Behind the Iron Curtain, for example, where it could be very effective. There is not too much need, though I suppose a certain amount, to direct it toward Israel, but there it was a clear and present danger to them.

Senator MUNDT. Mr. Chairman, I can see some validity in the point of view that broadcasting this particular phase of Communist policy to the Arabs might boomerang. I do not know how many Arabs there are, whether they speak the same language they speak in Jerusalem, but if they do, I can see the argument. Whereas, if that is just one facet up there, and you can see evidence that the same group up there, Mr. Harris and those associated with him, were trying to delete from our overseas broadcast mention of the anti-Semitic qualities of communism, then I think we would have a pattern much more significant than this one instance of closing up the Hebrew desk.

Senator JACKSON. But it does seem a little ridiculous to close up the Hebrew desk at a time when the Russians have, for the first time, since the Czars, come out on a positive anti-Semitic tone. Previously, they have had Jewish purges, but they were called "deviationists," and it was supposedly failure to follow the dictates of Stalin.

Senator MUNDT. There have been several instances of anti-Semitism before this. Litvinov was a case in point.

Senator JACKSON. But they dismissed him on the grounds that he was following the doctrine that communism and capitalism could live in the same world, and Stalin preached that it could not.

Mr. COHN. Was there any doubt, Mr. Puhán, that this was by far the most effective argument that had ever been presented, certainly in the life of the Voice, as an appeal to Jewish listeners, both in Israel and in other areas throughout the world?

Mr. PUHAN. Well, to my mind, on the Hebrew issue, this was the most important. I might add one other thing.

Mr. COHN. Let me interrupt for just a moment. I want to follow up Senator Mundt's point. If you cut off Hebrew Language Service, you are not only cutting off the Jewish language service to Israel, but to Jews all over the world. Because is it not a fact that the platters and broadcasts going to Israel were also used as a basis for broadcasts to other Hebrew areas throughout the world?

Mr. PUHAN. I believe that material that was sent out was based on the broadcasts.

Mr. COHN. So that when you knock out the Hebrew Language Service—

Senator MUNDT. Yes, I think the important point, Roy, which we should get in the record with some degree of definiteness, is this. As I understand Mr. Puhán's testimony, he is not exactly certain. He says he "believes." I think he should have an opportunity to verify and see. Because if that is true, that is very significant.

Mr. SCHINE. Mr. Puhán, did you consider it particularly unusual that Mr. Harris, who was the deputy administrator of the entire information program, should take such a specific interest in this specific aspect of the Voice of America programming?

Mr. PUHAN. Well, I may have been partially responsible for forcing that memorandum out of him, because I had received somewhat ambiguous instructions on this. And I refused, and I am under oath, but I do believe I said at one time, and I don't recall to whom, that I would not like to carry out this order unless I had the secretary of state's—

Mr. THOMPSON. I heard him say that.

Mr. PUHAN [continuing]. Signature.

Mr. COHN. Mr. Thompson, may I ask you this? Am I not correct in stating that this would have meant not only a stoppage of Hebrew broadcasts to Israel but a stoppage of all Hebrew broadcasts?

Mr. THOMPSON. It meant this. The Hebrew program can be heard quite well throughout all of Europe. It can be heard quite well throughout those areas of the Iron Curtain, beginning up about Latvia, Estonia, Poland, Czechoslovakia, Hungary, around all of that area, quite well. Because we deliver the program from the United States by these high powered short wave transmitters to Tangier and Munich for relay again to the Courier for rebroadcast. So, in the process of delivering it to the Courier, it had very good coverage over very large areas.

Mr. COHN. In other words, is this correct, Mr. Thompson: This was not merely cutting off, from an objective standpoint, broadcasts to Israel. This was closing down the Hebrew Language Service, which would reach Israel and also other areas in the world containing people who spoke the Hebrew language?

Mr. THOMPSON. Yes, but particularly where the signal would be useful, in Europe.

Mr. COHN. In Europe, including Israel and the Iron Curtain countries, and so on, and so forth?

Mr. THOMPSON. Oh, yes, throughout the Middle East.

Senator MUNDT. Yes. That is important. Now, let me ask you a collateral question, Mr. Puhán. You said, and I agree with you a hundred percent, that the disclosure for the world to see of the innate anti-Semitism which has been part and parcel of communism, as I understand it, for a good bit of the Communist regime in Russia, but which now was disclosed as such did give us a good propaganda bomb shell. What was the attitude, forgetting about the Hebrew language desk for this question, of those designing the program in New York, from the standpoint of emphasizing that point and projecting it not only in the Hebraic language but in all other languages at the time we had the opportunity to do so?

Mr. PUHAN. Senator, there were two issues at that time that I said we must use to the hilt. The first was a proposal about which I was wary, namely, the India proposal in the UN for bringing about peace in Korea. I was somewhat wary of it, and if I may say so, I am somewhat wary of any proposal coming from India. But when it did offer us ammunition to point out that here was the Soviet Union refusing to accept a proposal from a state as neutral as India—

Senator JACKSON. And as fuzzy.

Mr. PUHAN. And, I will add, as fuzzy, yes. And at the same time we have the Slansky trial; anti-Semitism. Here were two good issues.

I believe, sir, that the Voice of America did well on this, if they carried out my instructions, or my interpretation of this; as far as I know, sir, they did well on that.

Senator MUNDT. They did?

Mr. PUHAN. Yes.

Senator MUNDT. In other words, they emphasized it in everything except the Hebraic language?

Mr. PUHAN. Now, in Arabic, the anti-Semitic issue was toned down, for obvious reasons, I think. But for the rest, to the best of my recollection, it was played up.

Mr. COHN. And that was a decision you people made in New York. Is that right?

Mr. PUHAN. That was a discussion that took place before the staff.

Senator MUNDT. Did Harris concur in that decision?

Mr. PUHAN. Senator, Harris was in Washington, and I have no knowledge of whether he concurred or whether he had any opinion on that.

Mr. COHN. The only definite instruction you got from Harris was this written instruction we have in evidence here, even following your pointing out to them what a damaging thing this would be in view of the new issue that had come up, a firm instruction that there be an immediate suspension of all Hebrew language broadcasts out of the Voice of America, which instruction was overruled later on?

Mr. PUHAN. Yes. On my telephone call, and Mr. Morton's return, he assured me that he would take it up with Dr. Compton immediately. Then there was no suspension order issued after that.

The CHAIRMAN. Mr. Counsel, what other witnesses do you have besides Mr. Harris?

Mr. COHN. We have Mr. Thompson here.

The CHAIRMAN. I think you should call Mr. Harris and tell him we would like to see him.

Senator SYMINGTON. Mr. Puhan, where were you born?

Mr. PUHAN. Senator, I was born in Germany, in 1913, but I was brought here as a child and raised in Illinois.

Senator SYMINGTON. What is your title now?

Mr. PUHAN. Program manager of the Voice of America.

Senator SYMINGTON. Have you any other titles, besides that?

Mr. PUHAN. That is the only one that I know of, Senator.

Senator SYMINGTON. Does Mr. Ayers report to you? He testified up here the other day.

Mr. PUHAN. Yes. Well, now, he hasn't reported to me since. But I heard his testimony, or part of it.

Are you referring to: did he report to me after—

Senator SYMINGTON. He said that you were his boss. Is that right?

Mr. PUHAN. One step removed, sir. Mr. Baldanza is his chief.

Senator SYMINGTON. That is what he said.

Mr. PUHAN. And Mr. Baldanza reports directly to me, Senator.

Senator SYMINGTON. And then there was a Mr. Bauer. Right? Overseas Service Agency?

Mr. PUHAN. He is the second of six division chiefs under me.

Senator SYMINGTON. Mr. Bauer is directly under you?

Mr. PUHAN. Yes, as is Mr. Baldanza.

Senator SYMINGTON. I am interested in an organizational aspect of this problem.

Mr. PUHAN. Yes.

Senator SYMINGTON. Mr. Ayers testified that he and Mr. Baldanza were interested in finding out what their budget was, in order that they might know how much money they had to spend, and that Mr. Bauer said he couldn't tell them what the budget was. Is that correct, so far as you knew?

Mr. PUHAN. Now, Senator, as far as my instructions were, as soon as Mr. Bauer knew what his budget was for all field services—and it ran to something like less than \$400,000 for the entire fiscal year—he was to inform each of four division chiefs, the Latin American, the European, the Near East, and the Far East division chiefs, how much of that budget would be allocated for transcriptions that were to be sent to the areas, for which these men are responsible. Now, Mr. Bauer, who I consider a good division chief, as I consider Mr. Baldanza a good division chief—and I consider also Mr. Ayers a good man—were supposed to be told.

Senator SYMINGTON. Were supposed to be told what?

Mr. PUHAN. What the figure was, what the amount of money was that they had.

Senator SYMINGTON. For each division?

Mr. PUHAN. For each division.

Senator SYMINGTON. Who was going to tell them that?

Mr. PUHAN. Mr. Bauer. Now, Mr. Bauer has the same problems that any executive in the Voice of America has, in not knowing what he has for the entire year, what he has for three months, and whether that is going to be changed on you.

The question in my mind is: If Mr. Bauer did not tell him—and it was my belief he had told Mr. Baldanza when he knew; and the figure was something like \$30,000 for Latin America. My impression was that he had told him that. I consider this argument between Mr. Ayers and Mr. Baldanza, and Mr. Bauer something of a tempest in a teapot, frankly.

Senator SYMINGTON. Well, just to be sure that I understand the nature of your position with respect to Mr. Ayers' testimony, Mr. Ayers testified that when he found out what the budget was, somewhere between \$50,000 and \$60,000 had been put into a program called *The Eye of the Eagle*, and there was about \$2,000 left for other programs. He also testified that he consistently asked Mr. Bauer, with the approval of his immediate superior, how much money they had to spend, and that information was never given to him until all the money had been used up.

He also testified that the person to whom Mr. Bauer reported, and the person to whom he reported, with Mr. Baldanza, was you.

I was wondering why it was that you were operating your departments on the basis of not having the people knowing how much the money was that they had to spend, especially as they had to spend it all the time, and they didn't know what it was.

Mr. PUHAN. Senator, as I say, and as was brought out in the testimony, I believe, if my memory serves me right, Mr. Ayers stated Mr. Puhon had given a directive to Mr. Bauer and to Mr. Baldanza to cooperate, to work this out, and to let them know what the figures are. I assure you I have a thousand problems. You were head of a large agency, sir. I have many, many problems. And I did not hear of or did not know that there was still some sort of a hassle going on, on this. That is to the best of my recollection. They are all good men, those three men. And I believe, incidentally, in the description of the program—now, you know we put out 375,000 words every day in 46 languages.

Senator SYMINGTON. Let me get this straight. You do not agree with Mr. Ayers with respect to Mr. Bauer at all, do you?

Mr. PUHAN. I think Mr. Bauer is all right.

Senator SYMINGTON. And so you do not agree with Mr. Ayers on that?

Mr. PUHAN. Well, if he questions his loyalty, I would have to disagree, from what I know.

Senator SYMINGTON. Then you believe that it was all right for *The Eye of the Eagle*, based on all the circumstances in this very involved setup you are running—you believe it was all right to have *The Eye of the Eagle* for \$50,000 to \$60,000 as a sound way to operate his department?

Mr. PUHAN. I am not sure what figure was correct. I think it was \$30,000. But in view of the fact that twenty-one posts in Latin America had asked for this program, after auditioning it, it seemed to me valid enough reason to permit this program to go on. You know, Latin America believes in soap opera type broadcasting, and frequently, just because it does not say in every second line, "Down with Stalin"—This is the sugar-coated pill. This is not to my mind, if I am any kind of expert in radio at all, the best type of radio program. I consider it corny. But you know what it is. *The Eye of the Eagle* is the story of the heroic American scientist—a Dick Tracy kind of show—who conquers the forces of injustice and evil. And the forces of injustice and evil have Russian names.

Now, there was some argument about changing of words. I heard some of that. For instance, it was said that the word "Cominform" had been used, and Mr. Ayers had insisted on "Communist." I looked at the scripts. They had the word "Cominform" in them. When the changes had been recommended, to the best of my knowledge, those changes were made. Now, the words appear "Cominform," "Communist," "Kremlin," "dictator." Those are the words that are used in the script. They are neither the best nor the worst of the series.

The CHAIRMAN. Let me interrupt. If this is a children's program, you would not expect those children to know what "Cominform" was?

Mr. PUHAN. Senator, I wouldn't call it a children's program. I am no expert on Latin America. I have only been in Brazil, and that for a very short time, and I don't speak Spanish or Portuguese. But I would say it is a program for youth. It is a program for the teenagers, even the university or college students in some ways. And I think that is an important audience for us to get.

The CHAIRMAN. The thing that hit me at the time Mr. Ayers was testifying, and still does, is this, that you spent all except \$2,000 on that thriller program. Do you think that is sound?

Mr. PUHAN. Senator, what was not brought out is that there are two hours and twenty-five minutes of broadcasting every day to Latin America that was not concerned with this program at all. The Latin American division, headed by Mr. Baldanza, carries out his program of carrying news, political commentaries, strong anti-Communist material. This was a small fraction of the package program that is sent down to Latin America.

The CHAIRMAN. We are talking about the prepared shows, and we understand that all of the money except about \$2,000 was spent for this thriller show. Now, I am not trying to tell you whether it was right or wrong at this time. I am trying to get your opinion as to whether you think that was a wise allocation.

Mr. Ayers felt that a show like *The Eye of the Eagle* apparently would be all right, if it only took up a minor part of his budget. It took up all except \$2,000.

Now, do you think that was a wise allocation?

Mr. PUHAN. Senator, in view of the fact that there were twenty-one posts who wanted this type of program, I would have to accede to the wishes of the men who are in the field. Now, I have some views, personal views, on the entire package program. As far as I am concerned, if you can broadcast from the United States of America with an effective signal, let's forget about our package program. It is more expensive anyway. And if you have good, loyal people doing the job, who are security-cleared, let us do the program from here, and we will have no such problems as making *The Eye of the Eagle*.

Senator SYMINGTON. *The Eye of the Eagle* is a youth program. We understand it had something to do with a helicopter and a seeing eye operating through a building, and so on. Regardless of what the South Americans want, do you think that is a good way to spend the taxpayers' money, where you put into this program somewhere between 95 and 98 percent of the money, putting it into *The Eye of the Eagle*?

Mr. PUHAN. Senator, if by putting that show on you show the Russians, the Commies, up as evil, and if it means that it has to be done in a syrupy, corny way, and you win friends for the United States, the answer is "yes," Senator.

Senator SYMINGTON. I just want to say that your testimony is directly contrary to Mr. Ayers' with respect to this program. And I, at least, was impressed with some of his testimony.

I would like to ask another question. Both of these men reported to you, and yet, as I understand it, you say that you told them, "You are a couple of good boys. Get along together. Work this out."

Mr. PUHAN. Not in those words, Senator.

Senator SYMINGTON. Well, I am interested in finding out how you did that. If we have one person who comes up here and testifies this was the way the department was handled, he did not approve of the broadcasts, he was not allowed to say what should be broadcast, he could not even get a budget to operate his department, and he reported to you and the other fellow reported to you, I am inter-

ested, as having a little administrative experience, in what your answer is to that position.

Mr. PUHAN. Senator, my instructions were not in terms of, "Let's be good boys." I told Mr. Bauer at the time, to the best of my recollection, "If you know what your budget figure is and you haven't told Baldanza, tell him at once what your figure for the budget is, and get busy and do it."

The CHAIRMAN. Did he do it?

Mr. PUHAN. As far as I knew, Senator, he did it.

The CHAIRMAN. Did you say to him, "Mr. Bauer, do you know what your budget figures are?"

Mr. PUHAN. You understand, when you talk about the budget, the budget is under the control of the comptroller, and they work through administrative officers.

Senator POTTER. You know, what disturbed me with Mr. Ayers' testimony: Here you have your overseas branch, which is a service unit. Is that not true?

Mr. PUHAN. That is essentially true.

Senator POTTER. And Mr. Ayers' branch was a production unit?

Mr. PUHAN. Yes.

Senator POTTER. Now, why did not Ayers' branch enter into and make the contracts for the program, rather than to allow a service unit to do it, where the personnel, to my understanding, the personnel in that branch, are not expected to and do not have the training to determine what type of program should be run?

Mr. PUHAN. I believe, sir, that the Latin American division did enter into it, because the initials on every one of the scripts—they bear the initials of a member of the Latin American division, of Stu Ayers and Steve Baldanza. I believe also when the contracts are looked at they may well bear the signature of the division chief for Latin America.

Senator POTTER. According to Mr. Ayers, the scripts were not prepared by his division. The scripts were contracted for by the overseas division. They would come to the production group, and Ayers would recommend certain changes in the script. But he was overruled by the service unit.

Mr. PUHAN. Well, all I can say is what I said before, that considering them all good men, all three of them, excellent men.

Senator POTTER. Well, at the time of their testimony, what disturbed me was the fact that I thought it shows evidence of lack of good administration on the part of somebody, of not keeping their finger on it.

Here you have one group that according to the testimony, was branching out and doing a job which it did not have authority to do, doing a job which should be done by another branch in your own division.

Mr. PUHAN. No. The overseas services were set up specifically for one purpose, and that was to service posts with transcriptions, service overseas posts with transcriptions, which would be played back from local stations. Now, why was this not immediately given to the divisions that do the actual broadcasting? There are several reasons, for that. One was that what was wanted were shows with a lot of production, because they wouldn't be distorted by short wave, you see.

A second reason was in the law which the distinguished senator sitting here fathered, in a section in that law, it was urged upon the Department of State to avail itself of outside contractors to get the materials. Now, inevitably, when you do that, sir, you are going to have to pay more money for that.

Senator POTTER. Mr. Ayers testified that they could have done it for \$200 per script, while it was costing your overseas service approximately \$1200 per script.

Mr. PUHAN. Well, now, here Mr. Ayers may be somewhat inaccurate. He may think of it from the point of view of hiring announcers, actors, and buying a script. But you have to add to that your studio time, your studio engineers. You have to add to that what it costs for the ship program, and so on.

I would say the difference between what was done on the outside, and the other, is a difference between approximately \$758 per half hour program when done by VOA in the house, and \$1,100 when done by a private vendor outside.

The CHAIRMAN. May I interrupt? I am going to ask the witness and counsel if they will try and speed this up. We have the acting head of the Voice standing by waiting, and I do not like to keep the head of the department warming his heels too long.

Senator JACKSON. There is just one thing in connection with Mr. Ayers' testimony that concerned me. If I am wrong on this, I want the staff or someone to correct me. Mr. Ayers testified, I believe, that Mr. Bauer, or someone under his direction, changed the script from time to time, and where the term "anti-Communist" had been used, he substituted "democratic."

Senator SYMINGTON. Mr. Ayers wrote a memorandum in which he said, "Why not put the money that goes into this pap into bullets?" And they asked him to withdraw that from the file. And he agreed to withdraw it from the file provided they took all the changes that he suggested in the testimony. And they said that they would do that. And he withdrew it from the file. Then later, he saw the script, and none of the changes had been made that they said would be made if he did withdraw it.

Do you know anything about that?

Mr. PUHAN. Only since the testimony, and I believe it is inaccurate, Senator.

Senator SYMINGTON. You believe it is inaccurate?

Mr. PUHAN. I believe the changes were made. At least, in the script I saw, I saw "Cominform" struck out.

Mr. COHN. This was with reference to only one particular script, no. 26, and I don't think they were made. But that is a side issue, anyway.

Mr. Puhan, I want to ask you about something else. This is, I think, an extremely important thing.

You are familiar with the fact that the State Department had something called the Office of German Affairs. Is that right?

Mr. PUHAN. That is correct.

Mr. COHN. And do they have some people stationed over in Germany, State Department representatives?

Mr. PUHAN. Yes, Hi-Cog.

Mr. COHN. Hi-Cog. Did there ever come a time when the powers that be decided that one or more of those persons should be

brought over to the United States to work at the Voice of America?
“Yes” or “no”?

Mr. PUHAN. Yes.

Mr. COHN. I want to make a little time here.

Mr. PUHAN. Yes.

Mr. COHN. And let me ask you this, too: Is it a fact that the employees at Hi-Cog are not required to have as extensive an FBI field investigation as those who work at the Voice of America?

Mr. PUHAN. I believe that that is true. I am not sure of it, but I believe that is true.

Mr. COHN. Did there come a time when certain of these people with the Office of German Affairs of the State Department filed applications for transfer to the Voice of America, and, having filed those applications, were given full field FBI investigations before they could come to the Voice of America?

Mr. PUHAN. I think Mr. Thompson is more familiar with this than I am in this particular.

Mr. COHN. All right. I will withdraw that.

May I ask Mr. Thompson about that, Mr. Chairman?

The CHAIRMAN. Will you answer that, Mr. Thompson?

Mr. THOMPSON. I believe you have confused two organizations a little. The Office of German Affairs is the Washington end of it, and Hi-Cog is the German end of it. And there were some Americans who were in Germany who were put in process for clearance for jobs at the Voice.

Mr. COHN. How many people?

Mr. THOMPSON. Well, I, of course, didn't see all of them. I do know that several were, three or four or five.

Mr. PUHAN. I can take it from there.

Mr. COHN. All right. We will say about five. Would that be right?

Mr. PUHAN. That was the impression.

Mr. COHN. I will name them for you. Let's see if I am right. A man named Charles Lewis?

Mr. PUHAN. Yes.

Mr. COHN. A man named Ed Schechter?

Mr. PUHAN. Right.

Mr. COHN. A man named Theodore Kaghan?¹⁷

Mr. PUHAN. Yes.

Mr. COHN. A man named Harold Wright?

Mr. PUHAN. Yes.

Mr. COHN. There is one more, whose name I can never think of.

Will you agree with me, Mr. Thompson, that we decided there were five?

Mr. THOMPSON. I believe there were five. I have forgotten the other name myself now.

Mr. COHN. All right. Now, out of those five persons, how many of those five State Department employees passed the security test, Mr. Thompson?

Mr. THOMPSON. Well, to my knowledge, one.

¹⁷Theodore Kaghan, acting deputy director, Office of Public Affairs of the U.S. High Commissioner in Germany, testified in public session on April 29 and May 5, 1953. He was forced to resign his position in May. See Theodore Kaghan, "The McCarthyization of Theodore Kaghan," *The Reporter*, 9 (July 21, 1963), 17-25.

Mr. COHN. His name is Mr. Wright. Those other four who did not pass, are they still with the State Department?

Mr. PUHAN. Mr. Lewis, I believe, has resigned. Mr. Schechter is still with Hi-Cog in Germany as the chief of the radio branch in Germany.

Mr. COHN. Is he one of those who failed this test?

The CHAIRMAN. "Yes" or "no." Try and cut your answers, if you will.

Mr. PUHAN. I was told he was not suitable for employment and that I should not use him here, whereupon I picked up the phone and said, "This is a very strange thing. A man was turned down, and he is still chief of the branch in Germany."

Senator JACKSON. Turned down for security?

Mr. PUHAN. It didn't say that.

Mr. COHN. Do you know?

Mr. PUHAN. I don't know that. He was not unsuitable. He could not be employed.

Mr. COHN. What other reason could there possibly be?

Mr. PUHAN. Morals.

Mr. COHN. Well, that is security.

The CHAIRMAN. In other words, either loyalty or morals, is that correct?

Mr. PUHAN. Yes.

Senator JACKSON. Well, it was not because he was not qualified, qualified in a professional sense of doing the job?

Mr. PUHAN. You could not call him unqualified, because he was holding a job and had area experience in Germany.

The CHAIRMAN. Mr. Puhan, the FBI investigation, which was conducted, after which you were notified that this man was not suitable, does not go into the question of qualifications for the particular job. That is a loyalty investigation, a security investigation, which also deals with morals. Right?

Mr. PUHAN. I believe so, yes.

The CHAIRMAN. So when you were phoned and told that this man was not suitable, it did not mean that he was unsuitable from the standpoint of competence in a particular job. It meant that he was unsuitable because the security check showed that he was unsuitable for a loyalty standpoint, a security standpoint, which would include morals. Right?

Mr. PUHAN. I would assume that that is correct.

The CHAIRMAN. And this man was subsequently promoted, so that he is now the chief of what?

Mr. PUHAN. He is the chief of the branch of the information services division of Hi-Cog in Germany.

Mr. COHN. When did this happen?

Mr. PUHAN. It happened in about November, when I was told, in November of last year.

Mr. THOMPSON. The last week in November, approximately.

Senator JACKSON. November of 1952?

Mr. PUHAN. Yes.

Mr. COHN. Now, how about these other people? Kaghan? Is Kaghan still over in Germany?

The CHAIRMAN. Let me ask one question. Is there any objection to your telling us who had the task of evaluating material on Schechter, and who called you?

Mr. COHN. Let me ask this of Mr. Thompson. Mr. Thompson is it not a fact that you actually saw the turndown in the case of some of these people?

Mr. THOMPSON. In the case of at least Charles Lewis, I remember specifically.

Mr. COHN. You saw it?

Mr. THOMPSON. I saw it myself.

Mr. COHN. In black and white?

Mr. THOMPSON. Yes. I believe the first time it came to my attention, was in the late spring or early summer of '49.

Mr. COHN. Now, did you not see the turndowns on some of the others? Or don't you recall whether you did or not?

Mr. THOMPSON. Well, there were a number of people in Germany. There were a number of people in New York. The people in Germany had immediate area experience. They had been overseas a long time. It was considered that there ought to be some exchanging going on.

The CHAIRMAN. No, you did not hear the question. The question was: Did you see the turndowns on some of the others?

Mr. THOMPSON. Well, let's put it this way. So I personally received the application papers, the forms 57's, and they call them 668's, and some others, and fingerprints. I put them in process. If they come out cleared, there will be some changes. Well, they never came out cleared.

Now, as far as Lewis is concerned, I saw the turndown. I do not remember seeing the other turndowns. But inasmuch as I was in Germany in October of '51, I was asked by these people, "Am I coming to New York?"

I said, "I do not know. Your clearance has not come through."

Well, we don't have access to the security file, so I didn't know what the status was.

Mr. COHN. Did you see Schechter's turndown, Mr. Puhan?

Mr. PUHAN. I received from the personnel officer, Ed Macy, a form—or perhaps from the administrative officer—which stated that Mr. Schechter was not to be employed. And then it went on, and something was crossed out. But he was not to be employed by the Voice of America.

Mr. COHN. Did they not go so far as to say he was not to be used even on a temporary purchase order basis by the Voice of America?

Mr. PUHAN. I thought about that some more. I don't believe that my recollection was correct on that. I think he could be used on purchase order, but that he was to be something like that, terminated perhaps after that. My shock came when I learned he had been named head of the radio branch in Germany. I picked up the phone and called them.

Mr. COHN. Whom did you call?

Mr. PUHAN. I believe a Mr. Cordell in Al Busch's shop in Compton's shop in Washington.

Mr. COHN. Whom did you call up?

Mr. PUHAN. I called Macy first in New York. Then Cordell called me about another man that he wanted to send, a second man. I said, "Who is the first man in Germany?" He said, "Schechter."

I said, "How can that be? The man has been turned down."

The CHAIRMAN. The question was: Whom did you call in Washington?

Mr. PUHAN. I don't remember, Senator, now.

The CHAIRMAN. Did you discuss any of these cases with Mr. Harris?

Mr. PUHAN. No, sir. I never have.

Mr. COHN. Mr. Thompson, let me see if I can develop this rapidly here. You know about this same situation Mr. Puhan has described, do you not, the fact that these names had been submitted and they didn't pass security?

Mr. THOMPSON. Yes.

Mr. COHN. After that happened, they still kept their job with the State Department in Germany?

Mr. THOMPSON. In Germany.

Mr. COHN. Did you ever have any trouble with them in their capacities with the State Department in Germany?

Mr. THOMPSON. Well, their position was such in Germany that in order for us in New York to accomplish things in Germany, we necessarily had to work through them.

Mr. COHN. Now, you had to work through them. Was what you were trying to accomplish in Germany the strengthening of Voice facilities and the penetration of the Soviet zone, and so on and so forth?

Mr. THOMPSON. Among other things, the completion of the construction and operation, or placing into operation, of a new transmitter there at Munich.

Mr. COHN. Would that have gotten into the Soviet Union?

Mr. THOMPSON. Oh, yes. That was the purpose of it.

Mr. COHN. All right. Did you encounter any difficulty from these people over in Germany?

Mr. THOMPSON. Well, it seemed to me that every step we took we met decided opposition.

One, we needed a frequency to operate on. The frequencies were under the control of the radio branch. In the first instance, they were under the control of the radio branch.

Next, we needed to negotiate land leases or land purchases, which we also had to carry through this radio branch in the first instance. All of our instructions, you see, from New York, come to Washington, and then they go through the German Affairs division, and then they go to the high commissioner's office, radio branch, and then they go to Munich.

Mr. COHN. You say the trouble you had was with these people in Munich. Is that right?

Mr. THOMPSON. These people in the radio branch generally, in the high commissioner's office in Germany.

Mr. COHN. In Germany; is that right?

Mr. THOMPSON. In Germany, specifically.

Mr. COHN. And you say your efforts were being thwarted. Your effort to get through to the Soviet zone, and so on and so forth?

Mr. THOMPSON. To complete this big transmitter that we had been authorized to construct and operate.

Mr. COHN. Now, did this situation become so serious that you made a trip down to see Reed Harris about it?

Mr. THOMPSON. The specific occasion for the trip I don't remember. But I was in Mr. Harris's office.

Mr. COHN. Did you bring up the question of the fact that these people were security turndowns and that they were making things very tough for you over in Germany by virtue of their State Department positions?

Mr. THOMPSON. I made the statement that I did not like this opposition from a group of pseudo-Americans—well, I don't like to say it. I was a little mad at the time, because we had had so many delays. And every step that we took, took an inordinate amount of effort. And everything that we did just seemed to take so long. And I was in Washington, and I talked to Mr. Harris about some other thing and I said something like this. "It looks to me like we have too much trouble accomplishing things through the radio branch in Germany, and I don't see why we should, unless it is that bunch of pseudo-Americans who couldn't pass security."

Mr. COHN. What did Mr. Harris say to you?

Mr. THOMPSON. He said I didn't understand the organization and the operation. I believe I can read and understand it quite well. The CHAIRMAN. What is this Charles Lewis doing now? Do you know?

Mr. THOMPSON. He resigned, I understand, because I saw him in New York.

The CHAIRMAN. The other two men?

Senator POTTER. When did he resign? Do you know?

Mr. THOMPSON. It must have been in the last week of November, because it was in, I believe, just early December that I saw him in New York. He was living some place in Connecticut, I believe.

The CHAIRMAN. Who are the other two men?

Mr. PUHAN. Kaghan, K-a-g-h-a-n, Theodore.

The CHAIRMAN. And is he over in Hi-Cog also?

Mr. PUHAN. To the best of my knowledge, he is still over there.

Mr. THOMPSON. He is chief of the information services division, over the radio branch.

Senator POTTER. When did he get his promotion?

Mr. PUHAN. That is not part of the Voice.

The CHAIRMAN. I understand that they could not qualify for the Voice, but they are doing the work over there now, where in effect they are in a position to have either semi-supervision over the Voice, or they can sabotage your efforts if they want to.

Now, let me ask you: He got his promotion after he failed to pass security to qualify for the Voice?

Mr. THOMPSON. I don't know about this promotion business. Now, wait. Schechter is the man who got promoted. I don't remember exactly what Kaghan was, except that for a long time he has been chief of the information services.

The CHAIRMAN. I see. So that Kaghan may not have got a promotion, but Schechter did. How about the third man, or the fourth one? We had Lewis, Schechter, Kaghan.

Mr. COHN. Wright was the man who did pass?

Mr. PUHAN. He is with the Voice.

Mr. THOMPSON. He is all right.

Mr. COHN. There was another name. Do you recall that name, Mr. Thompson?

Mr. THOMPSON. It has to be Shepherd Stone. Because he is the boss of all of them.

The CHAIRMAN. Do you know if he is related to William T. Stone?

Mr. PUHAN. I don't believe so. That is not his right name, Shepherd Stone. I think he has a Lithuanian name of some sort. He is a former *New York Times* correspondent.

The CHAIRMAN. And he failed to pass, and his job now is what?

Mr. PUHAN. He is out. Senator, I am speaking only of what I hear. He is out of the program and I think is with a foundation. That is what I have heard, a foundation in New York, or something like that.

The CHAIRMAN. You were going to say something, Mr. Thompson. Was it your opinion that Stone was still with Hi-Cog?

Mr. THOMPSON. He was there when I was there a little over a year ago, and I thought I remembered seeing correspondence with his name on it, frankly, within the past six months. I may be wrong.

The CHAIRMAN. Thank you.

Anything further?

Senator SYMINGTON. One more question I would like to ask. Mr. Chairman, the witness, Mr. Puhan, has pretty well discredited a great deal of the testimony of Mr. Ayers, and have received, I think, three or four wires, including one from Mr. Bauer himself, requesting to be heard. If I may respectfully request, it might be a good idea for Mr. Puhan to write a letter to the committee giving exactly what his position is with respect to these two subordinates, how they are getting along, and whether he thinks they should continue, what the picture is, so that Mr. Bauer's testimony could be based not only on Mr. Ayers' testimony but on what Mr. Puhan thinks.

Mr. PUHAN. May I just say one word, Senator? I do not like to discredit any of my good people. I believe they are good people. I believe there are some inaccuracies, and that it is a matter that can be straightened out.

Senator JACKSON. Is there any personal feeling between Mr. Bauer and Mr. Ayers?

Mr. PUHAN. Yes, there is.

Senator JACKSON. I mean personal feuding or personal differences?

Mr. PUHAN. Well, there appears to be, yes.

Mr. THOMPSON. Would you let me make a comment off the record?

The CHAIRMAN. Certainly.

[Discussion off the record.]

Mr. COHN. I want to ask you this, Mr. Thompson. Do you recall in the spring of 1951, having a discussion with Reed Harris prior to an appearance before a congressional appropriation committee?

Mr. THOMPSON. Before the budget process, yes; before the Bureau of the Budget and the Appropriations Committee.

Mr. COHN. Did Mr. Harris submit a schedule which he was going to give to a congressional committee concerning the allocation of funds which he had made to the Voice of America and to other phases of the information program?

Mr. THOMPSON. It was part of the entire budget presentation, yes.

Mr. COHN. Did you look at it, and did you take the position that Mr. Harris was misrepresenting the amount of money that he had in fact allocated to the Voice of America?

Mr. THOMPSON. Yes.

Mr. COHN. The background of that was, as I understand, that Congress had indicated a strong intention that a very large portion of the funds should go to the Voice of America, and that Mr. Harris wanted to put his best foot forward in so far as that was concerned, but you strongly objected to any inaccurate figures being placed in this schedule; is that right?

Mr. THOMPSON. I objected to my boss and myself going before any Appropriations Committee with a budget document that did not represent the facts as they were.

Mr. COHN. Did you win out in your insistence that the true facts be prepared on the schedule rather than the figure Mr. Harris wanted to put in?

Mr. THOMPSON. Yes, I worked all Friday night, Saturday, and Sunday on it.

The CHAIRMAN. In other words, is it your testimony that Harris was going to knowingly give the Appropriations Committee the wrong information?

Mr. THOMPSON. Your budget has three columns in it; last year, this year, and next year. The "this year" column, according to our instructions from the Bureau of the Budget should reflect the amount of money that has been allocated to the given activity for this year. That column did not reflect the facts, because I had the allotments. It did not reflect the facts.

Senator MUNDT. Did Harris know that it did not reflect the facts, or was it an honest mistake on his part?

Mr. THOMPSON. He knew it when I told him, sir.

Senator MUNDT. He knew it when you told him. Then did he acquiesce in your point of view, or argue to put it that way anyhow?

Mr. THOMPSON. In all fairness, let us say this. Preparing a document, a budget document, takes some time. There may have been some transfers of funds, of allocations in the file. It was quite short.

The CHAIRMAN. The question, Mr. Thompson, was: After you called this to Harris's attention, did he say, "All right, correct it"?

Mr. THOMPSON. He said it didn't make any difference.

The CHAIRMAN. In other words, he wanted to submit the figures as they were, rather than to correct them?

Mr. THOMPSON. He said it didn't make any difference. I said it did make a lot of difference.

Senator SYMINGTON. This is not a "platters versus live broadcasting" argument, is it?

Mr. THOMPSON. Not at all.

Mr. COHN. One last question. When you were with the Voice a couple of years ago, and in fact I think it goes back to '48 or '49,

did you look into this purchase order system, by which people wrote scripts for purchase orders, and did you come across a situation where somebody had been turned down for security reasons as an employee of the Voice and had nevertheless come back in through the other door and had been writing scripts on a purchase order basis?

Mr. THOMPSON. Well, without being impertinent, let's put it this way. I came to the Voice on, I believe, November 19, 1948, by invitation. In about February of '49, which was a couple of months later, I seemed to have difficulty getting exactly where we stood, financially. One of the big items seemed to be purchase order funds for scripts and announcers.

So I began to look into it. And since my family had not been moved to New York, I was around the office at night, and I was living quite close by—

Mr. COHN. The upshot is that you discovered the situation?

Mr. THOMPSON. It looked like too many people were around that I couldn't identify. I asked, "Who are you?" "Well, I am on purchase order."

"Who do you work for?" "I work for so-and-so."

"Who is he?" "He is on purchase order."

So I began to look into the thing, and we began to put out some strengthening instructions to tighten down.

The CHAIRMAN. Mr. Thompson, this is all extremely interesting, and we want to hear it, but counsel is asking you some questions, and I wish you would restrict it.

Mr. COHN. We are awfully pressed for time. There are just certain points I want to get before the committee.

Do you know of any indication where a man was turned down as a full time employee for security reasons and came back and was writing scripts?

Mr. THOMPSON. I couldn't name the man. I would say that there are some, yes.

Mr. COHN. All right. Thereafter, as a result of that, was there a revision of this purchase order system under your supervision?

Mr. THOMPSON. Yes.

Mr. COHN. There was a man named Fisher Northrup back in 1949, or something, that was placed in charge of some of these purchase order people?

Mr. THOMPSON. Well, in August of 1951, I didn't like the purchase order business. So I rewrote the procedures.

Mr. COHN. And a man by the name of Fisher Northrup was put in there?

Mr. THOMPSON. Just a minute. To tie it down completely, so that there could be no loopholes. Now, in order to put a procedure in effect, you must have somebody to police it.

Mr. COHN. Fisher Northrup was put in there. Is that right?

Mr. THOMPSON. Yes.

Mr. COHN. And did it turn out a couple of months ago that this Fisher Northrup was a homosexual, and was he discharged?

Mr. THOMPSON. He was discharged.

Mr. COHN. And he had had the say over the hiring of these people?

Mr. THOMPSON. His responsibility was to control the purchase order use of personnel.

Senator MUNDT. Who appointed Fisher Northrup to that job?

Mr. THOMPSON. Right at this moment, I don't know.

Senator MUNDT. Was it Charles Thayer?

Mr. THOMPSON. No, sir. He was gone.

The CHAIRMAN. Can you find out? You must have some record to show who hired him.

Mr. THOMPSON. You see, he had been there for quite a long while.

The CHAIRMAN. That is not the question. The question is: Can you find out who hired him, whether he was there for a month, or a year, or what? Do you have some record of that?

Mr. THOMPSON. I am sure the personnel office has. I don't. The personnel office has, I am sure.

The CHAIRMAN. Can you give us some idea of the number of individuals who were turned down for security reasons, and subsequently employed on what you call a purchase order basis? Roughly, the number, if you have any idea?

Mr. THOMPSON. No, not the number.

The CHAIRMAN. I do not want to pin you down on something you do not know, but could you come close enough to say it was more or less than ten people, or more or less than five?

Mr. THOMPSON. I would say it was more than five, and probably more than ten.

Senator MUNDT. Would you be able, by going back to your records, to mention any cases specifically by name? You said a minute ago you could not name anyone.

Mr. THOMPSON. I cannot do that. But the personnel office and the fiscal office, together, can. Their records are for that purpose. I do not have records like that.

The CHAIRMAN. Any questions?

Senator McClellan.

Senator McCLELLAN. No.

The CHAIRMAN. Are you through, counsel?

You gentlemen may step down, and thank you very much.

Mr. THOMPSON. Let me ask you one question. Can we go back to New York?

The CHAIRMAN. Yes.

Mr. PUHAN. Thank you, gentlemen.

The CHAIRMAN. Will you stand up, Mr. Harris?

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HARRIS. I do, Mr. Chairman.

The CHAIRMAN. This is Mr. Reed Harris, the acting director of the Voice; is that right?

**TESTIMONY OF REED HARRIS, DEPUTY ADMINISTRATOR,
UNITED STATES INTERNATIONAL
INFORMATION ADMINISTRATION**

Mr. HARRIS. Mr. Chairman, may I correct that? I am informed that Mr. Compton is still the acting director until such time as a new man is appointed.

The CHAIRMAN. I see. Is Mr. Compton still on the job in his office?

Mr. HARRIS. On normal work days, yes. He is not there today.

Mr. COHN. Who is in charge today?

Mr. HARRIS. There is no question of a person being in charge. He is in town, and he is in charge if the committee wishes to talk with the person in charge of the International Information Administration.

Mr. COHN. Oh, I see. Suppose a problem arises today. Who makes the decision on it if Dr. Compton is not available?

Mr. HARRIS. If he is not available, I make the decision.

Mr. COHN. You are the next man to Dr. Compton?

Mr. HARRIS. That is right.

Mr. COHN. And we made some requests to Dr. Compton, and you have replied to them.

Mr. HARRIS. I have replied to some on his behalf, yes.

Mr. COHN. You are the number two man in the entire information setup; is that right?

Mr. HARRIS. At the present time, yes, sir.

Mr. COHN. How long have you held that post?

Mr. HARRIS. Since the International Information Administration was created, in January 1952.

Mr. COHN. And who appointed you to that post?

Mr. HARRIS. I was appointed to that post—appointments are made by the head of personnel on behalf of the head of the agency, who would be Dr. Compton.

Mr. COHN. Did you get the job by Dr. Compton's personal choice?

Mr. HARRIS. Dr. Compton personally chose me. All the top people at the time he came in went to him and said that if he wished to have them resign or transferred or anything of that sort, they were ready to do so. I specifically did that with him. Then he chose me.

Mr. COHN. You were there then?

Mr. HARRIS. I was in the organization as deputy general manager at that time.

Mr. COHN. How did you get your position as deputy general manager?

Mr. HARRIS. My position as deputy general manager came about as a request of Mr. W. K. Scott, now the deputy assistant secretary for administration.

Mr. COHN. Now, let me ask you this. After Dr. Compton appointed you deputy administrator, did you have some latitude in choosing the rest of the personnel, top personnel?

Mr. HARRIS. No, sir, I had nothing to do with the choice of the top personnel.

Mr. COHN. Do you know a man named Bradley Connors?

Mr. HARRIS. I certainly do, sir.

Mr. COHN. Did you have anything to do with his obtaining his present position?

Mr. HARRIS. I believe I was asked whether he was a person who would be suitable for the position, and I said "yes."

Mr. COHN. When you said he would be suitable for the position as the top policy man for our entire information program in a time of the world when we are fighting communism, did you know he was entirely unfamiliar with communism, had never read any work

of Marx, Lenin, or Stalin, didn't know about the Communist party of the United States, didn't know what the Smith Act was, didn't know about Earl Browder, or his ouster as head of the American Communist party, didn't know anything about Communist strategy or tactics?

Mr. HARRIS. Mr. Chairman, that question, whichever way I answer it, would appear to put words in my mouth. I had no knowledge of any such facts, if facts they be, regarding Mr. Connors.

The CHAIRMAN. Let me ask you this. Before you said Mr. Connors would be acceptable for this job as policy director for the international information program, did you sit down and talk to him about his attitude toward the Communist party or his knowledge of the Communist movement?

Mr. HARRIS. I did not, sir. I was not selecting the man. I was one of the people consulted on whether or not he was, in my opinion, qualified for the position.

The CHAIRMAN. And you said, in your opinion he was qualified?

Mr. HARRIS. I did, sir.

The CHAIRMAN. On what did you base that?

Mr. HARRIS. I based it on an outstanding record of performance by Mr. Connors as the public affairs head of the Bureau of Far Eastern Affairs of the department.

The CHAIRMAN. And how well had you known Mr. Connors?

Mr. HARRIS. My contacts had been quite frequent. We had at least weekly meetings, as we did with all public affairs officers of the bureaus. We knew their relative knowledge of propaganda techniques and the work of the International and Educational Exchange program, and Mr. Connors displayed outstanding knowledge, forcefulness, ability, and it appeared to me that he had great understanding of the way the Communists work in fighting the international propaganda battle.

The CHAIRMAN. And Mr. Connors would still be your selection for that job?

Mr. HARRIS. Mr. Chairman, on the basis of my own observation of Mr. Connors' work, yes.

The CHAIRMAN. You are not at all dissatisfied with the way he has operated?

Mr. HARRIS. No, Mr. Chairman, I think he has done an outstanding job.

The CHAIRMAN. Now, how long have you known Mr. Connors?

Mr. HARRIS. My first contact with Mr. Connors, which was very slight, was when I was chief of the division of domestic publications of the department.

Senator MUNDT. What year was that?

Mr. HARRIS. I am trying to recollect, sir, exactly where that fits, in time. I believe that was 1949, the particular time when I first met him. He handled problems that had to do with any publications which had the interest of the Far Eastern bureau.

Senator MUNDT. Would the preparation of a document such as the White Paper on China be something that Mr. Connors did?

What kind of work did he do?

Mr. HARRIS. Mr. Chairman, I have no awareness of what part, if any, he played in work on the White Paper. Because I was the domestic publications chief, I had to have the technical editing and

printing of that document done, and I remember that it was under the editorship of Ambassador Jessup and a special task force, and I do not remember seeing Mr. Connors in any way during that period of time. I don't know that he had anything to do with it, although he may have.

Senator MUNDT. You say you were the editor in chief of the White Paper?

Mr. HARRIS. No, sir, I did not say that. I said Ambassador Jessup was the chief. I said as chief of domestic publications, which is a service group, we had the people who put the commas in and who made sure that the type markings were correct. We did not have anything to do with content. We could not choose what was in or out. We arranged the printing, through the Government Printing Office.

The CHAIRMAN. Mr. Counsel, I did not intend to break in. I think it might be better if you developed the entire picture, and I know the senators have a lot of questions to ask. I will try and refrain from interrupting until you finish.

Mr. COHN. Mr. Harris, let me come to the present for a moment. Did you give an order to the effect that the entire Hebrew Language Service at the Voice should be terminated as of your written order dated December 5, 1952?

Mr. HARRIS. I could not, without referring to the document, swear to the date, but I do have perfect knowledge of the fact that I did so order. I did so order on the basis of the action of what we call our Program Allocations Board, which decides where savings shall be made in the operation. And it was a decision of that board.

The CHAIRMAN. Mr. Counsel, while all the senators are here, I know a lot of them have questions to ask on certain points. I wonder if, instead of going into his activity on the Voice, you would now go into the background first, the various front organizations, the book written. The senators are all here now.

Mr. COHN. Let me ask you this. Are you now or have you ever been a member of the Communist party?

Mr. HARRIS. I don't have any hesitation to say no, I am not; that I never have been; that I have never wanted to be; that I have fought communism in this government from the day that I first got into it.

Mr. COHN. How about prior to the time you got into the government?

Mr. HARRIS. I was never in any way connected with the Communist party.

Mr. COHN. Did you fight communism prior to the time you came into the government?

Mr. HARRIS. I did fight communism prior to that time.

Mr. COHN. Were you ever a member of an organization denominated by the attorney general as subversive to the United States?

Mr. HARRIS. Mr. Chairman, I am in actual doubt of that, and I can say that with great honesty. During the time that I was in the American Guide Series project of the WPA, a gentleman came around to our office and collected a number of names and sent them in to the League of American Writers.

At that time, that organization was not identified by the attorney general or anybody else as a Communist organization.

However, the man thought he was doing us a favor, a number of us by sending our names in to that organization. And I believe that for approximately ten days, I was a member of the League of American Writers. When I did have an impression, Mr. Chairman—

Mr. COHN. Who was that man? Would you tell us that?

Mr. HARRIS. Mr. Jerre Mangione.

Mr. COHN. Did you know at that time that Mr. Mangione was a member of the Communist party?

Mr. HARRIS. Mr. Chairman, I do not know that that man is a member. I didn't know it then and I don't know it now.

Mr. COHN. Don't you know it now? Don't you know he was fired from the Immigration and Naturalization Service after having been found to be a member of the John Reed Club of the Communist party? Don't you know that?

Mr. HARRIS. I have never seen Mr. Mangione since the time that I left the Federal Writers Project in protest against the fact that the director of that project was allowing Communist-dominated unions to control the New York, Chicago, and St. Louis units of that.

The CHAIRMAN. I do not think the witness has answered the question.

Mr. HARRIS. Well, I understood the question, Mr. Chairman. I did not intend to equivocate.

The CHAIRMAN. The question was: Do you know that this man, after having been found to be a Communist, was discharged from the Immigration and Naturalization Service?

Mr. HARRIS. I did not know it until I came into this room. I now have the word of the counsel that he was.

Mr. COHN. Did you not ever hear that?

Mr. HARRIS. No, I did not.

Mr. COHN. You were not aware of the fact that he was special counsel to the Immigration and Naturalization Committee and was discharged, with a lot of attendant publicity?

Mr. HARRIS. No, sir.

Mr. COHN. You did not know Mangione was a Communist when you knew him?

Mr. HARRIS. No, sir, I did not.

Mr. COHN. Do you know a man named Dashiell Hammett?

Senator MUNDT. You say you were a member for ten days, and that you then took steps to disassociate yourself, and I want to ask this before we get away from the organization.

What steps did you take?

Mr. HARRIS. I sent in an immediate letter of resignation, because people in the office said my name had appeared in a bulletin of the League of American Writers as if I were a member. It appeared between the names of Mr. Ernest Hemingway and Mr. Dashiell Hammett, neither of which gentlemen I have ever set eyes upon. If I was, in fact, a member of that group at that particular day, I certainly wasn't ten days later, because I sent an immediate letter of resignation.

The CHAIRMAN. Let me interrupt there. In other words, when you sent your letter of resignation in, you knew then it was a Communist-dominated group, did you?

Mr. HARRIS. Mr. Chairman, I didn't know it was Communist dominated, but believe me I was suspicious, because some of the names on that list had appeared in connection with obviously Communist activities, and I wanted no part of it.

The CHAIRMAN. Do you know whether they continued to use your name on their letterheads?

Mr. HARRIS. They would have absolutely no right to use my name for one minute. If they did, I would—

The CHAIRMAN. I say: Do you know whether or not they did? I do not know myself. I am asking you whether or not you know.

Mr. HARRIS. I don't know, either, sir. I know there was no reference to it in any bulletin I ever saw. I asked a man who had a file of them in a library whether or not there was any mention of my name, and there was no sign of it for some months after the time I sent in my resignation.

The CHAIRMAN. Go ahead, Mr. Counsel.

Mr. COHN. Now, at this very period, did you have any connection with the magazine known as Direction?

Mr. HARRIS. I had no connection with a magazine named Direction.

Mr. COHN. You were on the editorial board, weren't you?

Mr. HARRIS. No, Mr. Chairman, I was not on the editorial board of that magazine. Let me point out exactly what—I know what you are referring to. Because a special issue of that particular magazine was published at the request of the director of the Federal Writers Project, the American guide project, to put out miscellaneous manuscripts which had been produced by people on the Federal Writers Project. Now, as a courtesy to the people in the top staff of that group, he listed several of us as members of an editorial board for that issue. I actually had no editorial responsibility in connection with that magazine. I have never been on its staff, and I think I could prove it to the satisfaction of this committee, given an opportunity.

Mr. COHN. Were you on the editorial board for that particular issue?

Mr. HARRIS. I was so listed, but I did not serve.

Mr. COHN. Were you listed with your knowledge?

Mr. HARRIS. Not my advance knowledge. I was told about it at the time that the issue was coming off the press. It was considered by Mr. Henry Alsberg, the director, as a great honor to be on that thing.

Mr. COHN. You say it was not with your prior knowledge. When you found out about it, did you do what you did in the case of the League of American Writers? Did you file a protest?

Mr. HARRIS. This was a single issue.

Mr. COHN. No, my question was: When you found out about it, did you do what you did in the case of the League of American Writers, and did you then file a protest?

Mr. HARRIS. I made a protest to Mr. Alsberg, who was responsible. He was given the whole job of running that issue.

Mr. COHN. Was your protest in writing?

Mr. HARRIS. I do not remember that, sir. I could look it up.

The CHAIRMAN. When did you make the protest?

Mr. HARRIS. I made the protest within one day of the time I got knowledge that I had been so listed.

Mr. COHN. Why?

Mr. HARRIS. Similarly, I didn't like the tone of the material in that issue. That is all. It appeared to me to have in it some material that was of doubtful origin.

The CHAIRMAN. Did you consider that a Communist-controlled publication?

Mr. HARRIS. I have no way to say that that was the case, sir.

The CHAIRMAN. Well, do you now think that that was Communist controlled?

Mr. HARRIS. I think it is very probable that there were some Communist sympathizers who contributed, at least, to that magazine.

The CHAIRMAN. Well, let me ask you this, if you can answer it. Knowing what you do about the magazine now, do you now think it was Communist dominated at the time they used your name on the editorial board?

Mr. HARRIS. I think it was certainly dominated by people who had a leaning toward Communist causes. That is all I could possibly be sure of.

The CHAIRMAN. In other words, you could not say that it was Communist dominated, but you would say it was dominated by people who had a leaning toward Communist causes?

Mr. HARRIS. I think that is probably true, Mr. Chairman.

The CHAIRMAN. Go ahead, Mr. Counsel.

Mr. COHN. By the way, was Mr. Henry Alsberg a Communist?

Mr. HARRIS. I doubt it very much, Mr. Chairman. He announced himself on one occasion just before I resigned from the project as to what they call a "philosophical anarchist."

Mr. COHN. I see. You don't know whether or not he was a Communist?

Mr. HARRIS. Of course, I don't know. I have no way of knowing. I have no way of believing that he was.

Mr. COHN. Do you know that he resigned from the government after loyalty charges had been preferred against him on the ground that he was a Communist?

Mr. HARRIS. I really didn't know that. I know he resigned with a certain amount of fanfare. That was some time after I was out of the government, and I was not intimately getting knowledge of what went on.

Mr. COHN. How close a friend of his were you?

Mr. HARRIS. I was not a close friend in a personal sense. We had practically no social contact, Mr. Chairman. We did work in the same office for some period of time.

Mr. COHN. Until when?

Mr. HARRIS. Until actually the spring of 1938.

Mr. COHN. Did you see him after 1938?

Mr. HARRIS. I saw him once on the street in New York. It might have been 1940 or '41.

Mr. COHN. And that was the only time between '38 and '42, say as far as you recollect?

Mr. HARRIS. I think so, unless it were in the month just after I resigned. It may have been that I saw him once or twice.

Mr. COHN. How can you explain the fact, then, that on October 6, 1942, in his application for employment with the OWI, he listed you as one of his three personal references?

Mr. HARRIS. I know no reason why he would do it, except that he knew that I worked with him, that I was a federal employee, and I suppose he thought that I might be able to certify to what his work was in the WPA.

Mr. COHN. Even though you had only seen him once in the last four years?

Mr. HARRIS. That is right.

The CHAIRMAN. Did the OWI contact you after you were listed as a reference?

Mr. HARRIS. Mr. Chairman, I don't remember that he was considered as an OWI employee. I don't remember that he applied. I only have the counsel's word on that. I mean, I just don't know anything about it.

The CHAIRMAN. The question was, do you know whether OWI contacted you in regard to the hiring of this man?

Mr. HARRIS. I am always giving these answers to the best of my recollection and belief, Mr. Chairman. I do not remember saying anything about Henry Alsberg to anybody in OWI in an official sense.

Now, if he did apply, and if indeed they came to me and asked me questions, I don't remember it at this time. I have answered the questions on thousands of people, thousands of them.

The CHAIRMAN. Now, did you think that he was a Communist at the time you and he were working together?

Mr. HARRIS. No, sir, I thought he was extremely lenient in dealing with any sort of obstructionist left-wing, or any other kind of group. His philosophy apparently was: you live and let live, no matter what kind of vermin you are dealing with. He allowed the New York units particularly of this project to have great autonomy, and they became, as a result, dominated, in my opinion, by Communist-controlled unions.

The CHAIRMAN. Did you know Don Henderson?

Mr. HARRIS. Yes, I certainly did. He was an instructor at Columbia University when I was there. I took a course under him.

The CHAIRMAN. Did you know he was a Communist?

Mr. HARRIS. Not at that time, sir. I subsequently discovered that he was.

The CHAIRMAN. Did you know any other Communist professors?

Senator SYMINGTON. How did you discover that he was?

Mr. HARRIS. I discovered it through a newspaper reference, sir. I read it in this way, sir. It seems to me it was the *New York Times*. It would have been about, well, five years after I was out of Columbia. I won't certify as to dates. But he was identified as head of a big agricultural workers' union that had just been announced as a Communist union. It was obvious that he was that man. And I had no proof before that time that he was a Communist, but I felt that that was proof, in fact, that he was heading that union.

The CHAIRMAN. In 1932, did you know that he was a Communist?

Mr. HARRIS. I did not, sir.

The CHAIRMAN. While he was a professor at Columbia, did you know he was a Communist?

Mr. HARRIS. I did not know he was a Communist. Not in the sense that we talk about communism today, a follower of Soviet Russia. I knew he believed in collectivism, because he talked about it in the classroom.

The CHAIRMAN. We are not talking about Soviet Russia. We are talking about a Communist.

Mr. HARRIS. A Communist today, sir, in my opinion is a follower of Soviet Russia, the Soviet Russia Communist party that extends throughout the world, the international Communist party.

The CHAIRMAN. Did you discover that he was a Marxist then, in 1932?

Mr. HARRIS. I suppose that he would be considered a Marxist at that time, just as people who believe in the practices in a monastery or convent or anything. That kind of living, that collective living, is what he believed in.

The CHAIRMAN. Did you know any other professor at Columbia who was a Communist?

Mr. HARRIS. I know a professor who has since been identified, apparently, as a Communist. I don't know that he has been identified clearly as such. That was the son of the financier, Thomas W. Lamont, Corliss W. Lamont.

The CHAIRMAN. Did you know in 1932 that Mr. Lamont was a Communist?

Mr. HARRIS. No.

The CHAIRMAN. You did not. And you did not know that Henderson was a Communist at that time, either?

Mr. HARRIS. I say again, Mr. Chairman—

The CHAIRMAN. What you would call a Communist, using your phrase.

Mr. HARRIS. No, I did not. I certainly did not.

The CHAIRMAN. You wrote a book in 1932?

Mr. HARRIS. I did.

The CHAIRMAN. And in that, on page 150 and 151, and if you care for the book, we have a copy of it here—

Mr. HARRIS. It is available to everybody.

The CHAIRMAN [continuing]. You say:

With his case as a point of departure, I made a further study of the situation at Columbia. My first discovery was that two young instructors, one a militant Socialist and the other a Communist, both graduates of Columbia, were slated for dismissal at the end of the year for being too radical.

Now, you tell us today you did not know of any Communist professors at that time. Can you tell us if this refreshes your recollection to the extent that you can tell us whether you did know a Communist professor in 1932 at Columbia?

Senator SYMINGTON. Will the chairman yield a bit?

The CHAIRMAN. Could I have an answer first?

Would that refresh your recollection? Can you now tell us whether you knew any professors at Columbia in 1932 who were Communists?

Mr. HARRIS. I don't like to delay this committee, and I would like to be absolutely sure that I am following the terms of my oath. I remember this. I must give this as background, because I remem-

ber that the proofreaders of the publishing house did put capital letters on something on which I had small letters. And it has this significance: that a "communist" with small letters, as I understood it, was any person who believed in collective living, whether they believed in it in a religious sense, in a convent, or a monastery, or whether they believed in it in other ways, that followed this idea of the equal sharing of the proceeds of work, and so on. And in that sense, I certainly knew people who believed in that at Columbia.

The CHAIRMAN. Do you have a different definition of communism today from what you had in 1932?

Mr. HARRIS. I do, because I know more about it, from watching them, from fighting them.

The CHAIRMAN. And your definition of a "communist" in 1932 was a man who believed in collectivist living, and what else?

Mr. HARRIS. I think that that is it.

Senator JACKSON. How do you distinguish, then, between that type of "communist" and a socialist?

Mr. HARRIS. The socialists I knew as an actual party. I knew people who had a "Socialist" on their name, because they were members of the party. They identified them as such. They identified themselves. There was no hiding under any—

Senator JACKSON. No, but on the basis of philosophy, using your concept of communism being a form of collectivism, I take it that is what you have testified to?

Mr. HARRIS. I did.

Senator JACKSON. Now, how do you distinguish between the Norman Thomas Socialists of 1932, as a party, as you knew the Socialists as a party—

Mr. HARRIS. Well, the Socialists as a party, as I understood it, were believers in certain reforms in our government, really no more violent, I think, in the change that would be involved, than many of the suggestions made by congressional committees today.

Senator JACKSON. No, but this was 1932.

Mr. HARRIS. This was 1932. And the Socialists, it seems to me, were advocating, for instance, Social Security, something that was then looked upon as a very radical idea.

Senator JACKSON. What else did they advocate?

Mr. HARRIS. I remember that in the city of New York they were working for municipal housing.

Senator JACKSON. Their platform, their program?

Mr. HARRIS. I don't know that much about it, sir.

Senator JACKSON. Was not socialism, under that definition, a form of collectivism? I am trying to get the distinction in your mind.

You mentioned in the book that you knew a Socialist professor and a Communist professor.

Mr. COHN. Both capitals.

Mr. HARRIS. Yes, but I did not put the capitals on there.

Senator JACKSON. How did you distinguish in your own mind? I do not want to be unfair with you, but I am trying to get your state of mind and your thinking on your distinction between the Socialist that you referred to in your book as being a professor and the Communist on the faculty, being a professor.

Mr. HARRIS. It is indeed hard to think back that far and to find the exact lines there, Senator. But since I could identify certain people who announced themselves as Socialists with a capital "S," followers of Mr. Norman Thomas, those were very clear-cut people.

Senator JACKSON. Did not these other people identify themselves as Communists at that time? Were they not pretty much out in the open? In 1932?

Mr. HARRIS. Mr. Chairman, there was no one with whom I had any dealings at Columbia who identified himself with the word "Communist." I put that on there simply to talk about people who believed in collectivism and were not members of the Socialist party.

The CHAIRMAN. What was the name of the Communist professor you knew at Princeton, and the name of the one that you knew at Columbia?

Mr. HARRIS. Mr. Chairman, I took authors' license at the time that I stated this business of a Princeton professor. I was talking in the sense that I had read about a Communist professor at Princeton.

The CHAIRMAN. Who was he?

Mr. HARRIS. I honestly don't remember that.

The CHAIRMAN. You say "my Princeton friend." Did you have a Princeton friend who was a Communist?

Mr. HARRIS. I did not.

The CHAIRMAN. You say in your book:

There is, for instance, a professor at Princeton, with whom I am intimately acquainted.

Were you intimately acquainted with a Communist professor at Princeton?

Mr. HARRIS. I was not, Mr. CHAIRMAN.

The CHAIRMAN. Whom were you referring to, in your book?

Mr. HARRIS. Mr. Chairman, I was referring to a news clipping. I was using authors' license. I was not under oath. I wrote as many newspaper men do today.

Senator SYMINGTON. Why did you say that you were intimately connected with a Princeton professor who was a Communist if you did not even know of a professor who was a Communist? I do not understand that.

Mr. HARRIS. I don't blame you, Senator, for not understanding that. It, on the face of it, is not too understandable. I was trying to demonstrate a feeling I then had, and which I certainly lost in the years that followed, that Communists and Socialists deserved the right to serve on faculties and to speak their pieces.

The CHAIRMAN. You said you did believe that, or you do believe it?

Mr. HARRIS. Did. I do not believe that Communists belong anywhere in our educational system, and I have not for a long time. They are, to my mind, plain clothes auxiliaries of the Soviet army. I have fought them ever since that realization came to me, and I will fight them as long as I live.

Senator POTTER. By the way, when did that realization come to you?

Mr. HARRIS. It became clear pretty fast, Senator, for this reason. At the time that all this noise was going on at Columbia, a small

group known as the Social Problems Club of Columbia identified itself very loudly with the protests against the disciplining of me as an editor of a student paper because I had differed with the administration at Columbia.

Now, that group took credit for something that was largely spontaneous. But with what I know now to be typical Communist tactics, they exploited a public situation to their benefit.

Excuse me, Mr. Chairman. I don't wish to seem too wordy. But after I got out of there, these people tried to exploit me. They came to me and urged me to sign up for various movements. They tried to get me to contribute materials to the *Daily Worker*. They tried to get me on platforms to identify myself with causes because my name was something that had been publicized very loudly. And they thought that they could capitalize on it. In fact, the way they worked, the lies they told, the fact that they had no scruples whatsoever, showed me very quickly what breed of cat a Communist with a capital "C" is.

The CHAIRMAN. Now, Mr. Harris, Mr. Weyl testified this morning. He said that at the time he attended Columbia, the Communist leaders on the campus were well known. They were recognized. They were not underground then. Would you say that is true?

Mr. HARRIS. They may have been obvious to Mr. Weyl, but I either was politically naive, as they say, didn't know the facts of life, or I was just not very bright. Because I did not see them clearly that way, as people in the Communist party. I certainly realized it later.

The CHAIRMAN. Mr. Harris, in your book, on page 151, you talk about a militant Socialist and a Communist who was slated for dismissal at the end of the year. Who were they?

Mr. HARRIS. They were Mr. Donald Henderson—

Senator POTTER. Was he the Communist, or the militant Socialist?

Mr. HARRIS. He was the man who had often talked communism but never identified himself with the Socialist Party. He was, therefore, the Communist.

The CHAIRMAN. He was the Communist. All right. And the militant Socialist?

Mr. HARRIS. I wish I could remember that man's name. I believe it was the son of Upton Sinclair, the author, but I do not remember his first name.

The CHAIRMAN. Now, a little bit ago, you said that you did not know that Henderson was a Communist until much, much later than this.

Mr. HARRIS. I didn't know he was a member of the Communist party. I knew he believed in collectivism.

The CHAIRMAN. Let me finish, if I may. You said you did not know he believed in communism. You referred to him as a Communist in 1932, and I gather you want to make some distinction that at that time by "Communist" you meant something different from what you meant later. If that is true, I would like to know when you discovered that he became the different type of a Communist.

Mr. HARRIS. I discovered that, as I answered to Senator Symington, at the time I read a dispatch in the *New York Times* showing Mr. Henderson was head of an agricultural workers' union clearly identified as Communist.

The CHAIRMAN. That was about when?

Mr. HARRIS. I honestly can't give you that, sir. I said it might be three, four, or five years after I got out of Columbia. I had nothing to do with him after getting clear of that situation.

The CHAIRMAN. That was after you wrote the book?

Mr. HARRIS. Yes, sir.

The CHAIRMAN. You referred to him as a Communist in the book. You say you referred to him as a Communist then, but you did not consider him the same kind of a Communist.

Mr. HARRIS. I should have used the word "collectivist," in the book, because that was all I knew about the man at that time.

The CHAIRMAN. But, now when Mr. Henderson was discharge from Columbia, is it true that you appeared on a platform with three Communist speakers, and that the only speakers at the meeting was the four of you, and that you gave a speech and protested strongly against the right of Columbia to discharge Henderson?

Mr. HARRIS. Mr. Chairman, I have a strong sense of honesty and personal loyalty. When I was at Columbia, this man Henderson, who was a collectivist, seemed to be friendly to me and to the fact that I was being unfairly treated by the administration at Columbia. He took a very active part in the noise that was made about my disciplining up there.

The CHAIRMAN. Let me ask you this. Did all of the Communists, as far as you know, as well as the *Daily Worker*, take an active part in defending you at that time?

Mr. HARRIS. Mr. Chairman, I don't know that the *Daily Worker* defended me. I know that most of the press of the nation defended me, sir.

The CHAIRMAN. Let me ask you this question. As far as you know, did all of the Communist elements at Columbia come to your aid?

Mr. HARRIS. Mr. Chairman, I have said that I didn't know what the Communist elements at Columbia were. I have said that later on I discovered that this Social Problems Club was certainly dominated by people who were later proved to be Communists.

May I speak to the point of Donald Henderson further, please?

The CHAIRMAN. You may answer any question at as much length as you care to.

Mr. HARRIS. Thank you, Mr. Chairman. I think that is very fair. Although I do not have the advice of counsel—

The CHAIRMAN. May I say, in that connection, that each witness has a right to have counsel here, and if you care to have counsel, you may. And I shall tell you for your own information that the evidence before the committee at this time would indicate—I do not think I should try to evaluate the evidence. One witness, known as a Communist, has refused to state whether he knew you as a member of the Communist party. One of the senators pointed out to him that if he refused to answer whether he knew you as a Communist or not, unless he had some reason to believe that you were, he would be doing you a great injustice, because he would be creating

the impression that you were. He was asked whether he honestly felt that it might incriminate him if he answered that question. He said he honestly felt it would. He was allowed not to answer it.

In other words, there was considerable testimony here in regard to you of a questionable nature. For that reason, you may want to have counsel. If you do, you have a perfect right to have counsel.

The rule is that when you have counsel, you can confer with him at any time during your testimony. We do not let counsel take part in the proceedings, however. So that you do have a perfect right to have counsel, and if you care to have counsel, it will not have any adverse effect upon the thinking of the committee in arriving at a conclusion here. It is an absolute right that you have. And if you would care to get counsel, we will adjourn and let you get counsel and come in tomorrow or whenever you care to.

Mr. HARRIS. Mr. Chairman, I consider that I have nothing to hide from anyone. That represents a naive statement on my part. Because a man untrained in the law can unintentionally so phrase things that points can be used against him and create impressions that he does not intend to convey. Do I understand that if I desire counsel, this hearing at this time will be adjourned until I can produce one?

The CHAIRMAN. Yes. We will give you as much time, or I do not say as much time, but I am sure we can agree on a period of time to give you plenty of opportunity to discuss the matter with counsel so that you will not be rushed into anything at all.

Mr. HARRIS. Mr. Chairman, suppose that this matter is carried forward to a public hearing, as I assume it probably will be. Would I be in order to bring counsel to that public hearing, though I do not have one here at this time?

The CHAIRMAN. Yes, you can get counsel at any stage in the proceedings you care to, either half way through the executive session, or at any time during the public hearing, that you want counsel. You may at any time have an opportunity to do so.

May I say, Mr. Harris, that the reason we are holding this in executive session is because, frankly, the charges made here are of such a damaging nature to you, if true, that we felt that the committee should examine all aspects of this situation and hear you in executive session and then determine whether we would have a public hearing.

My personal feeling is that I think a public hearing will be necessary, especially in view of your own writings and some of the organizations to which you belonged and some of the evidence which we have before us. And I may say again that I want you to feel perfectly free if you want to have us adjourn this hearing, and if you want to get counsel. There will be no reflection upon you, as far as this hearing is concerned. A man against whom serious charges are made, even though he may be perfectly innocent, may want the advice of competent counsel.

So I just want to impress upon you that you have the absolute right to get counsel if you care to, and we will be glad to adjourn, and what is more I think in fairness to you we should not announce to the press or anyone that we have adjourned for that reason. We can adjourn, and tomorrow morning you can have counsel

here. I think it would be unfair to announce that half way through the proceedings you decided to have counsel.

Mr. HARRIS. Mr. Chairman, this is something that, in view of the headlines that have appeared from both the executive and public sessions of this committee, that I should not do, but I will throw myself on the mercy of this committee, and I will go ahead with my testimony on this basis, right here, now. And I therefore ask that I proceed with a statement about a protest meeting you state that I attended for Mr. Donald Henderson.

The CHAIRMAN. No, I asked you whether you attended or not.

Mr. HARRIS. You asked, Mr. Chairman, whether I attended a hearing in which, or I mean a protest meeting in which, there were Communists on the platform.

The CHAIRMAN. Yes. And to refresh your recollection, I can give you the names of the individuals as they have appeared on the record.

Mr. COHN. Joshua Kunitz, K-u-n-i-t-z, Heywood Broun, a man named Hirsh of the International Labor Defense, and Nathaniel Weyl, W-e-y-l, and yourself. It is reflected in an article in the *Daily Worker*.

The CHAIRMAN. Do you recall that particular meeting?

Mr. HARRIS. Mr. Chairman, I do. I was explaining to you sir, that I felt a misguided sense of debt to Mr. Henderson for having supported me in a situation on the campus that was almost at one stage a one-man fight to preserve what I believed to be my personal rights. Mr. Henderson worked hard on that thing, and at that time, therefore, I felt that I should stand up and protest against his being dismissed, since I understood that he was being dismissed, at least in part, for what he did on my behalf. That was a serious mistake, Mr. Chairman. I will probably never live it down. But I did appear there. I did not know that these gentlemen were Communists. Mr. Broun certainly was not identified as a Communist. He was then running, I think, as a Socialist candidate for congressman, or had run, shortly before.

The CHAIRMAN. Did you know that any of the other four were Communists?

Mr. HARRIS. I did not know that, sir.

The CHAIRMAN. Is it true that Mr. Henderson was being discharged because he missed classes, because he had been jailed in connection with Communist demonstrations, and that sort of thing? Or is that correct?

Mr. HARRIS. I simply can't recollect that that was the case. I know that it was represented that he had been discharged at least in part because he had tried to support a student editor, a non-Communist student editor, who had been disciplined by the university.

The CHAIRMAN. Did you know that he had been accused of being a Communist prior to the time that you spoke at this rally?

Mr. HARRIS. I am not aware of his being charged with being a Communist, except in the collective sense that the people who charged that all the leadership of the protest movement on my behalf were left wing. It was flatly untrue. There were religious leaders; there were faculty members who had no political affiliation other than Republican or Democratic.

I was a young man feeling his oats. I should have had more political sense. I didn't. I have been trying to live down this particular part of my life since that time.

Senator McCLELLAN. What was your age at that time, for the record, please?

Mr. HARRIS. I think twenty-one, sir, twenty-one or twenty-two.

Mr. COHN. Is that a fact? Weren't you born in 1909?

Mr. HARRIS. Yes, 1909. That would make me twenty-three. Forgive me, Senator. I was twenty-three at that time.

Senator McCLELLAN. Let us get it in the record. I think it is pertinent.

Senator POTTER. When was your book copyrighted?

Mr. HARRIS. I would think 1932.

Senator POTTER. In 1932?

Mr. HARRIS. That is right. That is twenty-one years ago, gentlemen. There are lots of people in the United States that realized the terrible thing communism is, in these years that have gone by and some of the most effective fighters against communism that we have, have learned because they saw these things happen when they were looking at Communists fairly nearby at a protest meeting or something of that sort.

Senator SYMINGTON. What you are saying is that you completely disavow this book, is it not?

Mr. HARRIS. I completely disavow the political portions of that book.

Senator SYMINGTON. And you have made a good many misstatements in the book that you now wish you had not made?

Mr. HARRIS. They certainly are misstatements, on the basis of my present knowledge. Most of them were not, in my opinion—I didn't realize they were misstatements, except that business of using the authors' license of identifying myself more closely with people than—

Senator SYMINGTON. Let me just ask you a couple of questions, here, if I may. You said:

The colleges supported wholly by Protestant sects lead the way in creating the worst atmosphere of university fear in America. State colleges follow close behind. The Catholic institutions must be placed next. Last, but still intolerant, are the privately-endowed colleges unattached to any religious organization.

How do you feel about that now?

Mr. HARRIS. I think that was a flatly incorrect statement. I believed it at that time, because I read a list of college editors who had been dismissed in those places, and faculty members who had been dismissed, and that was what I based it on.

Senator SYMINGTON. Then you have over here a statement that a friend of yours on the Columbia faculty has, as his two strongest convictions that America should be under Fascist control and that marriages should be cast out of our religious observances. How do you feel about that now?

Mr. HARRIS. I am not advocating and did not advocate there, sir, those statements.

I did know such a person. He was a member of the French faculty at Columbia, and during his lectures he sometimes advocated those ideas.

Senator SYMINGTON. So you were just really defending his right to talk to sophomores about it and advocate such things, but you did not necessarily believe in them. Is that correct?

Mr. HARRIS. There is no "necessarily," sir. I just didn't believe in them, Senator.

Senator SYMINGTON. But you did believe in his right to advocate those with undergraduates; is that correct?

Mr. HARRIS. I believed at that time that any man with proper academic competence, regardless of his political views or his social views, if he was not a criminal, had a right to speak, to teach. Yes, I am afraid I did believe he had a right to teach those views.

Senator SYMINGTON. But you now completely disavow these views, and you do not believe this way any more?

Mr. HARRIS. I do not, Senator.

Senator MCCLELLAN. What was your age when you wrote this book?

Mr. HARRIS. The same period, sir, 1932.

Senator JACKSON. It is copyrighted in 1932. When did you do the writing?

Mr. HARRIS. I did it in a period of about three weeks, about that time.

Senator JACKSON. You wrote it in three weeks?

Mr. HARRIS. I did, and it is a bad book in every sense of the term.

The CHAIRMAN. Who helped you write it?

Mr. HARRIS. My wife helped me type it. Nobody else.

The CHAIRMAN. Did Mr. Henderson help you write it?

Mr. HARRIS. He certainly didn't. I had nothing to do with Mr. Henderson on any basis at any time in my life. I had nothing to do with him.

The CHAIRMAN. There is a club called the—

Mr. HARRIS [continuing]. The Social Problems Club is probably what you are talking about.

The CHAIRMAN. Mr. Weyl tells us that at some time in the early thirties, that became completely dominated or controlled, and I forget which word he used, by the Communist party. How active were you in that club?

Mr. HARRIS. Unless I was signed up as a member during the time that the protest meetings were going on, I never had anything to do with it. I didn't go to any of their meetings. I was never a member, unless, as I say, during that peak of strain and excitement and hysteria on the campus—unless I became a member at that time. And I am not aware that I did. I do not think that I was ever a member of the club. I didn't believe in its objectives.

The CHAIRMAN. You did not believe in them, then?

Mr. HARRIS. No, I did not. I believed in some of the things. They were supporting things like Social Security. Surely I believed in them. But like all organizations that we now learn are Communist organizations today, they climb aboard bandwagons.

Senator POTTER. What was your political philosophy at that time? You have testified you were not a Communist. Did you consider yourself a Socialist? Or an anarchist? Or what?

Mr. HARRIS. I would consider myself, sir, what is now identified as a New Dealer.

Senator JACKSON. Were you registered?

Mr. HARRIS. I was not a registered voter at that time, because of difficulties of residence, sir.

The CHAIRMAN. Were you what you would call a collectivist?

Mr. HARRIS. I do not think that I would qualify as a collectivist at that time.

The CHAIRMAN. You did not think much of the American Legion at that time, did you?

Mr. HARRIS. Mr. Chairman, I did not think of some of the historical [hysterical] things that some legion posts had done, at that time.

The CHAIRMAN. The Legion has been in the forefront in fighting communism. The Legion has been the favorite target of practically every Communist organization. I am not saying that as the reason you felt unkindly toward them. But I note in your book you use this phrase, on page 122. I do not have the book before me. You say:

. . . I remember (him) as a sadistic butcher who is now probably the commander of some American Legion post.

I wonder if you still have that feeling toward the Legion?

Mr. HARRIS. I certainly do not, Mr. Chairman. Twenty-one years ago, in the middle of the depression, there were stories in the papers about people who were striking or otherwise apparently trying to achieve some sort of social aim, and when those groups appeared, I often read in the papers of Legion-led groups that seemed to be serving on the side of the police, you might say, going after these protest groups, which at that time I had no realization were led by Communists. And it seemed to me that any Legion post that would indulge in this essentially vigilante activity would be as un-American as a Communist would be. I do not think so now, because I don't think that is the way they worked. But that is the way it was presented in the press, and that is the way I understood it.

The CHAIRMAN. Mr. Harris, do you know Mr. Schechter?

Mr. HARRIS. Mr. Chairman, I don't recognize that name.

The CHAIRMAN. Do you have anything to do with the radio branch, or do you have any dealings with the radio branch, of Hi-Cog?

Mr. HARRIS. Well, we now, sir, in the last few months since about last June, have had responsibility for the radio operations in Germany, but I don't have such close information about the organization as to know individuals in it. I don't think I know a single person in that set-up.

The CHAIRMAN. You would not know the chief of the radio branch?

Mr. HARRIS. No, I do not.

The CHAIRMAN. You do not know Mr. Schechter.

Do you know Mr. Theodore Kaghan?

Mr. HARRIS. I have met Mr. Kaghan when he was in Washington on one occasion, at one meeting, that is all.

The CHAIRMAN. Mr. Charles Lewis?

Mr. HARRIS. I don't know that name, sir.

The CHAIRMAN. Mr. Shephard Stone?

Mr. HARRIS. Mr. Shephard Stone, yes, sir. He was back here for a considerable time. He was a former *New York Times* editor who went over there and headed the Public Affairs Program.

The CHAIRMAN. Do you know him quite well?

Mr. HARRIS. No, I do not know him quite well.

The CHAIRMAN. Did someone from the New York office of the Voice come down and protest to you that some men who had been turned down for security reasons when they applied to get a job on the Voice were in the radio section over in Hi-Cog and were disrupting the attempts of the Voice to run an effective anti-Communist program out of Berlin, radio program? Or out of Munich?

Mr. HARRIS. To the best of my knowledge and belief, certainly not.

The CHAIRMAN. No one came to you to protest?

Mr. HARRIS. No, I am not aware of it.

The CHAIRMAN. Do you know Mr. Puhan?

Mr. HARRIS. I certainly know Mr. Puhan.

The CHAIRMAN. Do you know Mr. Thompson?

Mr. HARRIS. Yes.

The CHAIRMAN. Did Mr. Thompson ever come to you and protest to you the lack of cooperation that they were getting from the radio branch in Munich?

Mr. HARRIS. I do not remember such a protest, sir.

The CHAIRMAN. Did he ever call to your attention that some of the men responsible had failed to get security clearance and were still in the radio branch over at Hi-Cog?

Mr. HARRIS. I honestly do not remember Mr. Thompson having ever said any such thing. I do remember that we ordered a security check of that area on one occasion, but I cannot remember the reason behind it. I do not know what caused it. It may have been Mr. Thompson.

The CHAIRMAN. Mr. Harris, is this correct: that in the Voice you have a number of people who have had security checks? The security division has ordered that they not be promoted, because they could not pass security clearance? Tabs or some notation was put in their files, but nevertheless they are continued on in their jobs, despite the failure to get a security clearance? Are you aware of that situation?

Mr. HARRIS. If there is anybody of that type on the rolls, he will be fired tomorrow morning, if I know about it. I do not think there is any such person on the rolls at this time.

The CHAIRMAN. Will you go into these fronts now, counsel?

Mr. COHN. Were you ever connected with the American Student Union in any way?

Mr. HARRIS. No, I was not.

Mr. COHN. Can you explain the fact that your name appears on a circular issued by the American Student Union as a member of the sponsoring committee?

Mr. HARRIS. Mr. Chairman, I doubt whether it did.

Mr. COHN. Well, do you have that available? Can we get an exact copy of that, do you think? A photostat? We don't have that available. We will have it available in the morning.

Mr. HARRIS. Let me explain something, Mr. Chairman. I am perfectly willing to point out that I was a member of what they call

the Student League for Industrial Democracy. It was sponsored by the New York headquarters of Mr. Norman Thomas.

Mr. COHN. When was that?

Mr. HARRIS. Well, it was about this same time—1932.

The CHAIRMAN. In other words, this was Socialist sponsored?

Mr. HARRIS. Sponsored by Norman Thomas. It was not identified, actually, as part of the Socialist party, and no one joining it undertook to support the Socialist party, but it expressed beliefs in the philosophy that we now know as progressive New Dealism. They believed in public housing and Social Security, in things that today a great many people in this country believe in as perfectly proper aims of the Democratic party or the Republican party.

The CHAIRMAN. Has Mr. Thomas been a candidate for president on the Socialist ticket?

Mr. HARRIS. He ran that year.

The CHAIRMAN. And you were aware of the fact that this organization that you joined was sponsored by the Socialist candidate for president, I assume.

Mr. HARRIS. I was aware that he was the sponsor of it, yes, sir.

Mr. COHN. You say you were connected with this? My question is: How do you explain the fact that your name appears on the sponsoring committee of the American Student Union?

Mr. HARRIS. I mention that only because my understanding is that the American Student Union was formed by a sort of merger of this Student League for Industrial Democracy, with another group or two, one of them I thought later shown to be Communist.

Senator JACKSON. When do you think you joined? Do you remember?

Mr. HARRIS. The League for Industrial Democracy—that would have been 1932.

Senator JACKSON. You said the Student League. There were two organizations, the League for Industrial Democracy was one organization, and then this Student League?

Mr. HARRIS. This was the Student League for Industrial Democracy.

Senator JACKSON. Do you remember when you joined that?

Mr. HARRIS. I believe it was '32, sir, 1932.

Senator JACKSON. How long were you in it?

Mr. HARRIS. It would have been a year or a year and a half.

Senator JACKSON. While you were at Columbia?

Mr. HARRIS. While I was at Columbia, and for about—well, I think a matter of months thereafter. Their bulletin was a very useful device, and I kept receiving that. "The Student Outlook," I think it was.

Senator JACKSON. Well, how long were you around the campus, from the time you joined in '32? Were you there through '33?

Mr. HARRIS. I was not on the campus in '33. I was a reporter for the New York *Journal-American* in 1933.

Senator JACKSON. In 1933. Well, where were you the balance of '32?

Mr. HARRIS. In the fall of '32, I was also a reporter for the New York *Journal-American*.

Senator JACKSON. You went to work for the New York *Journal-American*?

Mr. HARRIS. I didn't go there until, I guess, August, maybe, August 1932. Before that I did some free lance writing; I wrote this book.

Senator JACKSON. When did you graduate from Columbia?

Mr. HARRIS. I did not graduate from Columbia, sir. I was suspended in April.

Senator JACKSON. Of '32?

Mr. HARRIS. Of '32. I was suspended for eighteen days. There was so much hostility and hysteria on the campus by the time that eighteen-day period was over that I resigned.

Senator JACKSON. Well, did you join the American Student Union then?

Mr. HARRIS. I am not aware that I have ever joined the American Student Union, sir. I joined the Student League for Industrial Democracy, and if that was automatically merged into the American Student Union, it is possible that people who were in that other group were listed on the group of sponsors. But I really do not remember.

The CHAIRMAN. What were you doing in 1937, if you know? What were you working at?

Mr. HARRIS. I was head of the—or not the head, that is not correct. I was the third man in line, the executive editor. I was executive editor of the American guide series project of the WPA, making guides of all the states of the Union.

The CHAIRMAN. Now, according to the Un-American Activities Committee, the American Student Union was formed in 1937, as a result of a United Front gathering of young Socialists and Communists in '37.

The Young Communist League took credit for creation of the above, and the Union offered free trips to Russia. still quoting from the report:

The above claims to have led as many as 500,000 students out in annual April 22 strikes in the United States.

You were listed on the sponsoring committee. Is it your testimony that you knew nothing about that?

Mr. HARRIS. My testimony is that I do not remember in any way giving my name to any sponsoring group of the American Students Union.

The CHAIRMAN. Did you take any part in the formation of this American Student Union?

Mr. HARRIS. I certainly attended no meetings of any kind, or anything of that sort.

The CHAIRMAN. Did you discuss the formation of this group with anyone?

Mr. HARRIS. I remember reading it in the newspapers, to a great extent, but I do not remember discussing it with people or taking part in it.

The CHAIRMAN. I assume when you read it in the newspapers, they most likely carried a list of the sponsors. Did you read your name in the papers?

Mr. HARRIS. I do not remember seeing my name in that connection. Still, I naturally should not doubt anything this committee produces, but I do not remember it. If there is such a thing, I do not remember it. I remember that, I think, Mrs. Eleanor Roosevelt

was the person who was listed as the big sponsor, according to my recollection of the situation.

The CHAIRMAN. See if I get your testimony. Can it be summed up roughly thusly: that for a period early in the '30s you did indulge in activities, left-wing activities, radical activities, which you condemn now? You have no sympathy with what you have done at that time, no agreement with the statements made in the book at that time, and your testimony is that that was a result of lack of knowledge of the Communist movement and its purposes, but that you are now definitely an anti-Communist. Is that essentially your testimony?

Mr. HARRIS. Mr. Chairman, I would say that every act I have ever taken in the government of the United States that had any implications with respect to communism or non-communism has been anti-Communist. I consider that my oath as a member of the government of the United States is flatly opposed to communism, and that I have been required to fight it. I would not be honest in my oath if I didn't fight it.

The CHAIRMAN. Let me ask you this, Mr. Harris: We have a tremendous lot of difficulty evaluating conflicting testimony in regard to an individual. We want to be very careful not to do him an injustice. But would you agree with me that if you found a man high in government, as high as you are, and in one of the most important positions, and if you found that he had been expelled from school because of apparently radical activities—

Mr. HARRIS. Mr. Chairman, may I interrupt to say that there is nothing in the record that would say that I was expelled for radical activities.

The CHAIRMAN. We will delete that, then. I just want to get the facts that both of us agree are facts. Strike the part about being expelled for radical activities.

You find that he belonged to a club which has been testified to as a Communist-dominated club. You find that he appeared on the platform with three other individuals, all of whom either have admitted that they were Communists at the time, or have been identified under oath as Communists.

Mr. HARRIS. All twenty-one years ago.

The CHAIRMAN. Yes. Let me finish. That you were appearing at that time to defend the right of a Communist to teach in school. If we find that your name on the letterhead appears as a sponsor of an organization formed for the purpose of capturing the minds of youth; if we find the type of writings you wrote, in which you refer to your Communist professor-friend at Princeton, at Columbia, and criticized the university for wanting to get rid of them—I assume that if you were in our position you would want to have rather convincing evidence that the man in question, yourself in this case, had actually reformed and no longer felt this way.

Mr. HARRIS. I think you should have such convincing evidence, and I think I should have a right to present it, sir, through witnesses, and through full examination of my security file.

The CHAIRMAN. Would you have any objection to our examining your security file?

Mr. HARRIS. Mr. Chairman, we are under an executive order that says we may not give such files to anyone outside our agency.

The CHAIRMAN. We are not asking you to give us the file. I wouldn't have any right to order you to give the file. The question is now whether you are willing to have us examine your entire file. As I recall, the latest Truman order provided that no files would be made available to a committee unless the individual concerned felt that the file would be of benefit in clearing him. The Truman order did not use that language, but I gather that to be the purpose of it. So I assume that if you request now that your file be made available, undoubtedly the assistant secretary of state, Mr. Louris, would accommodate you and make that file available to us.

Senator JACKSON. In other words, would you waive any personal right that you might have as to the file, so that the committee could look at the file?

Mr. HARRIS. I would, sir, because I have nothing to hide in any manner. I have told you the facts.

The CHAIRMAN. In other words, can we have your permission to tell Mr. Louris that it is perfectly agreeable to you that we have the complete security file as well as all the loyalty hearings, in other words, everything that they have concerning your case?

Mr. HARRIS. Mr. Chairman, I must respectfully resent one phrase you use there, "loyalty hearings." I have had no loyalty hearing at any time in my history, because I have a clear record, and I will stand by it. I have no objection to this committee examining my security record, under one condition. I think I have the right to say that since such a file includes interviews with all sorts of people, whether they are disgruntled former employees or neighbors who didn't like the fact that you mowed your lawn at the wrong time of day—I have the right to ask that that be kept within the confines of this committee and not made public.

Senator McCLELLAN. I think you are correct.

The CHAIRMAN. Yes; I think you are right in that. I do not think hearsay testimony should be made public. May I say that I am referring to loyalty hearings, and by "loyalty hearings" I was not intimating there was any finding that you were disloyal. I know nothing about your case except what we have heard today.

Has your case ever been before a loyalty or a security board, if you know?

Mr. HARRIS. Not unless such examination is done without the knowledge of the person involved. I have never been called by them, I have never been given any special so-called interrogatory by them. Because I have always furnished every bit of information they wanted.

May I add this, Mr. Chairman? I am taking a lot of the time of this committee, but you are dealing with something that affects my whole life, the life of my family, the people I love. I will say only this. I have been an honest and loyal employee of this government from the first minute that I have been in it. On every occasion when anyone has ever brought up any of such facts as you have cited here, things that got into the newspapers back in 1932, or anybody's suspicion, I have immediately gone to the security officer of my agency. I have pointed out to him that article or that reference, and I have said, "Please go back and check this thing from end to end. Look at it as thoroughly as you wish. I will give you anything you want. My life is an open book. I live in a glass bowl.

You can have everything about me." I have done that over and over again, and I can prove it, by memoranda and otherwise.

In the Department of State, during the time I have been there, there have been two public references to my experiences at Columbia University, one about 1947, in which the *New York Journal* picked up and said that somebody, an ex-student Red, was sitting in a soft job in the State Department. And I went to my security officer, and I said, "Here is what they are saying about me. I was at Columbia. I did these things. You have all the facts. I will give you anything more you want. Please get the file out, examine it in full, and turn it over to anybody you wish."

I have in addition cooperated fully with the Federal Bureau of Investigation on every opportunity. I have volunteered information to them when I felt there was anything that would be of interest to them in any contact that I had.

The CHAIRMAN. Mr. Harris, one of the jobs that this committee has to do is to find out why the abysmal either incompetence or stupidity or the deliberate sabotaging of the Voice of America. I think that every senator sitting here watching the testimony has wondered why certain things have happened. I have been very, very interested in getting to the bottom and finding out who is responsible, either for the complete incompetence in certain lines, or, as I say, the attempt to sabotage. There have been witnesses on that point. We do not want to damage you or anybody else unless we find you were a cog, a part of that machinery, that we are looking for. Your record is certainly unusual for a period of time. The testimony here has been that since then, for example, when you were contacted in regard to four individuals over in Munich who failed clearance after a security investigation, you just brushed it off and said "Well, you just don't understand this."

Mr. HARRIS. Mr. Chairman, I deny that.

The CHAIRMAN. I do not want to try to recall the testimony. I think that that should be briefed for you so that you can see it, and answer that.

Some of your testimony here is not too convincing to me today, when you say you did not know any Communists in 1932—

Mr. HARRIS. I said I did not know them as Communist party members, sir.

The CHAIRMAN. Well, you said you did not know any Communists, and then, when confronted with your book, you tried to define some different kind of a Communist, which most of us here cannot understand.

Let me finish this, so that you will realize the difference, sitting on that side of the table and on this side of the table.

Mr. HARRIS. Forgive me.

The CHAIRMAN. Do you have anything further, Mr. Counsel?

Mr. COHN. Yes, I do, Mr. Chairman.

Do you know a man by the name of Thomas Davin, D-a-v-i-n?

Mr. HARRIS. I know Mr. Thomas Davin, or did know him.

Mr. COHN. Did you know him well?

Mr. HARRIS. I knew him quite well for, I guess, a few months, it would be, in 1933, '32 or '33.

Mr. COHN. When is the last time you saw him?

Mr. HARRIS. I think it would be not later than 1935 or '36.

Mr. COHN. Did you know that he was a Communist?

Mr. HARRIS. No. Is he a Communist?

Mr. COHN. Well, when you knew him, he was an editorial writer for the magazine *New Masses*, which was an official publication of the Communist party.

Mr. HARRIS. He certainly wasn't when I had anything to do with him. He was an editor of the *Cosmopolitan* magazine, or a Hearst magazine. That was when I was associated with him.

Mr. COHN. Did you know he was an editor of the *New Masses*?

Mr. HARRIS. No.

Mr. COHN. You did not know he was a Communist?

Mr. HARRIS. I certainly did not.

Mr. COHN. As a matter of fact, you were on the *New York Journal-American*, were you not?

Mr. HARRIS. I was.

Mr. COHN. Do you know a man by the name of Simon Gerson?

Mr. HARRIS. I don't know that name. I think I have seen him in some way.

Mr. COHN. Let me ask you this. Do you deny that you were on the sponsoring committee of the American Student Union in 1947? I am not clear.

Mr. HARRIS. I am not quibbling either.

Mr. COHN. No; I say I am not clear as to whether you flatly deny that or not.

Mr. HARRIS. I flatly deny memberships or any recollection of it in the sponsoring committee of the American Student Union.

The CHAIRMAN. Mr. Harris, that answer does not help us much. You say you were anti-Communist, commencing some time in the early thirties, before '35. Now, you would certainly remember it if you took part in this sponsoring committee of a Communist organization. So when you say "I deny any membership, any recollection of it," it is the sort of answer we get day after day by individuals who want to protect themselves against perjury and still do not want to give us the truth. I am not saying that is your situation, but we hear that so often that it does not impress the committee when you say "I deny any recollection of forming a Communist group." My God, man, you would remember if you did or if you did not.

Mr. HARRIS. If I had part in forming any Communist group, I am sure I would remember it.

The chairman certainly knows, from testimony that has been given before these committees, and things of that sort, that the ways of Communists are indeed devious, that sometimes they come around and they say, "We are taking up a collection for the poor apple man on the corner" and you sign, and you discover you are a member of the "Committee for the Support of Apple Growers," or something of that kind, and it turns out to be Communist-dominated.

Now, if they came to me and said, "We are having some people come down here to see Mrs. Roosevelt" or "We are going to do something of that sort, and we would like you to help make it possible for some students to come down and see some people" or something like that, I could have contributed to that, but that does

not constitute becoming a sponsor of an organization, if I know anything about it.

Mr. COHN. All right. The question is this. Let me ask you specifically: were you on a committee for a dinner given by the American Student in New York on March 21st, 1937? That is very specific. You say that you had broken, that you had changed all your views long before this, and all that. Now, the question was, were you on a committee—

Mr. HARRIS. What was this dinner for?

Mr. COHN. It was a dinner sponsored by the American Student Union.

Mr. HARRIS. For what purpose?

Mr. COHN. I don't know the purpose. It was sponsored by the American Student Union.

Mr. HARRIS. If a man comes to you and says, "I am running a dinner on behalf of Social Security" or "I am running a dinner on behalf of the poor man down on the corner," or something of that sort, you might contribute to it. Now, if I am shown as a sponsor of an American Student Union activity, I insist on my answer that I do not remember having anything to do with something that had to do with the Student Union. You have it there. Apparently I was so listed. In that case, I must have been asked to sponsor a dinner for a particular purpose and was not wise enough to recognize the sponsorship.

Mr. COHN. I see.

Do you know a man by the name of James McGraw?

Mr. HARRIS. Yes, Mr. James McGraw was one of the key people in that New York unit of the American guide project, the writers.

Mr. COHN. When did you know Mr. McGraw?

Mr. HARRIS. Well, it would have been all the time that I was—I mean, I knew him vaguely.

Mr. COHN. Give us the years, as best you can.

Mr. HARRIS. Just a minute, sir. I probably would have seen him first in '35 and last in '38, during the time I was executive editor for the American guide series, because he was so employed.

Mr. COHN. Did you know that Mr. McGraw was a Communist?

Mr. HARRIS. No, Mr. Chairman, I did not.

Mr. COHN. You did not know that at all?

Mr. HARRIS. No, but I was suspicious of him.

Mr. COHN. You were suspicious of Mr. McGraw. Were you suspicious that he was a Communist in 1936?

Mr. HARRIS. I was suspicious that he was easy on Communists.

Mr. COHN. I see. Do you know that Mr. McGraw was one of the members of the editorial board in the issuance of this magazine *Directions*, along with you?

Mr. HARRIS. I would suspect that he would be, because Mr. Alsberg put a number of his top people on that list.

Mr. COHN. How about Mr. Gehr [Gaer]?

The CHAIRMAN. A number of his top people? What do you mean by that?

Mr. HARRIS. I simply mean, Mr. Chairman, that the Federal Writers Project was headed by Mr. Alsberg, that he had officials under him including so-called state directors, and in the case of New York City they had a special project, a New York City director

and assistants, and as I remember it, Mr. Alsberg caused to be collected a number of off-time, that is, off-government time, writings of people who had been on the project, and had it made up, with the cooperation of some people who ran this magazine, had it made up into an issue, and as what he considered a friendly gesture to a number of us, he just put our names on as the editorial board of this issue.

Mr. COHN. Now, did you know Joseph Gehr [Gaer] was a Communist?

Mr. HARRIS. At the time he was in the Federal Writers' Project, I did not. I have since heard him so identified several times.

Mr. COHN. Yes. Did you suspect it, as you did in the case of McGraw?

Mr. HARRIS. No. He was much more clever, a much more clever type. There was no evidence that he was favoring the Communist groups.

Mr. COHN. Did you know Edward Harold Rosenberg?

Mr. HARRIS. I don't think I ever met that gentleman. I have heard his name, however, because he was in that New York unit of the project.

Mr. COHN. Did you know that he was a Communist?

Mr. HARRIS. I don't—no, I didn't know that, but it is not unlikely that a number of the key people there were Communists.

Mr. COHN. And then we have discussed Mr. Mangione already, and you have told us you don't think he was a Communist?

Mr. HARRIS. No, but he also seemed to be very easy on them.

Mr. COHN. You said he seemed to be easy on them. And Mr. McGraw was very easy on them.

Mr. HARRIS. And I resigned because of the fact that they were, and that Henry Alsberg was being easy on them.

Mr. COHN. Did you resign? Did you split with Mr. Alsberg?

Mr. HARRIS. I certainly did, as far as the conduct of that project was concerned.

Mr. COHN. Now, of course, we have a situation here where you were suspicious of Mr. McGraw. He was easy on Communists. You were suspicious of Mr. Alsberg. You were suspicious of Mr. Gehr [Gaer].

Mr. HARRIS. I was not suspicious of Mr. Alsberg, as though he were a Communist. I was quite convinced that he was a misguided, very easy-going philosopher, who was trying to do an executive job and just wasn't fitted for that kind of thing. He didn't seem to even understand what was going on, or else he didn't care.

Mr. COHN. You say you had split with Mr. Alsberg? Is that right?

Mr. HARRIS. Mr. Chairman, I say that I had split with his direction of that project.

Mr. COHN. I see.

Mr. HARRIS. Wherever I got questions thereafter, I got some questions from Alsberg and others on the project about things that had happened, or parts of editorial procedure, and I continued in close communication with him.

Mr. COHN. When did you split with Mr. Alsberg? Just the year.

Mr. HARRIS. I think that would be 1938.

Mr. COHN. Can you explain the fact that Mr. Alsberg gave you as one of his three personal references four years later in '42 when

he was seeking government employment, in view of the fact that you had split with him on the grounds that he was soft with Communists? Do you think if those were the facts it would be a particularly judicious act on the part of Mr. Alsberg?

Mr. HARRIS. It would not be a particularly judicious act, but I don't think he has ever been shown to be a Communist. I think he is an easy-going man who has been misused by his friends. There is no doubt about it.

Mr. COHN. I was just wondering, in view of the fact that you resigned in protest of his attitude as being soft on Communists, why he would give you as a reference when seeking government employment four years later, after seeing you only once in the interim.

Mr. HARRIS. The counsel seems apt at creating impressions that I think are contrary to the truth.

Mr. COHN. Will you please state any inaccuracy in any question I asked you?

Mr. HARRIS. Only in the implication, Mr. Cohn, You are implying that I was closely associated with Mr. Alsberg, or something, while I was in OWI.

Mr. COHN. I am implying that you were closely associated with Mr. Alsberg when you were in OWI?

Mr. HARRIS. You are saying when he applied to OWI he used my name as a reference.

Mr. COHN. I am stating that as a fact. I have seen the application.

Mr. HARRIS. I didn't know he did that.

The CHAIRMAN. You said there were three individuals used as reference. Who were the other two?

Mr. COHN. Harry Hopkins and Felix Frankfurter.

Did you ever work in OWI?

Mr. HARRIS. I certainly did, sir.

Mr. COHN. I didn't know that. When did you go to OWI?

Mr. HARRIS. I went to OWI in 1942.

Mr. COHN. Who were your references for employment in OWI?

Mr. HARRIS. I don't remember that. I doubt whether I had to have special references. I was the state director of the Office of Government Reports in New York. That organization was merged with the Office of War Information, and I moved from OR Into OWI automatically.

Mr. COHN. Did you have any security check before you went into OWI?

Mr. HARRIS. I had a security check while I was in OWI by the Office of Emergency Management, followed by one by the Civil Service Commission.

Mr. COHN. Were any of these questions raised then?

Mr. HARRIS. The Civil Service Commission went into—well, I now realize that the time sequence is wrong, when I say Civil Service Commission—the Civil Service Commission investigated me thoroughly about 1940, and not only were these questions raised, but they were raised by me, Mr. Chairman. They were raised by me, and I can prove it. I can prove that I sent that investigator up and asked him to go through everything in the Columbia campus he could lay his hands on. I gave him everything in my personal files. I gave him my friends and every personal contact I had that

I remembered. He read every file of the *Columbia Spectator*. I remember him very specifically, because it was a Mr. Spark [Parke], and he worked for the Civil Service Commission, and he did a thorough job.

The CHAIRMAN. Before we get through—I do not want to interrupt the sequence of your testimony, but before we get through I would like to have Mr. Harris give the reason why he was expelled from Columbia. I do not want to interfere with the sequence of the questioning at this time.

Mr. HARRIS. A suspension is not an expulsion, but that is a technicality, I suppose.

Mr. COHN. You were suspended?

Mr. HARRIS. I was suspended, and resigned at the end of an eighteen-day period of suspension.

Mr. COHN. I see. Was that shortly after you had returned from Harlan County, Kentucky.

Mr. HARRIS. I never went to Harlan County, Kentucky.

Mr. COHN. Did you ever have anything to do with any group that did go there?

Mr. HARRIS. I am sure I know what you are talking about because for the first time that paper showed, the *Columbia Spectator* showed, an interest in conditions that were then being shown in the newspapers very prominently. There was a group of people going out, as we understood it, as students at Columbia, to study what was going on in the Harlan Kentucky mine fields. And one of the reporters on the paper was asked to go along. He asked me whether he might be permitted to file dispatches from there, and I said that since he was accompanying a student group properly sponsored by the university, as I understood it, he could go ahead and file dispatches. So there were several little accounts of the trip. I remember it.

Senator POTTER. What student group sponsored the trip?

Mr. HARRIS. It seems to me that that was basically an outgrowth of one of the courses at Columbia, not one that I was taking, a course in sociology, if I remember correctly, and also I think that two or three of the clubs on the campus, probably including the Social Problems Club, would have had people along.

Mr. COHN. Now, let me ask you this. Did you ever serve in the navy?

Mr. HARRIS. I never served in the navy. I applied for a commission in the navy when I was in OWI. I gave full information about my background, and so forth, to the navy. After a certain time, they claimed that my physical condition was not appropriate for a commission, both on eyes and age.

Mr. COHN. Was it your feeling that you had been rejected because of your physical condition?

Mr. HARRIS. No, sir, it was not. I felt that I had been rejected because of what I considered misinterpretation of my experiences at Columbia and the intervening years.

The CHAIRMAN. Your age would not preclude you from getting a commission, I assume. You were born in 1909.

Mr. HARRIS. I am not saying that it would preclude it, sir, but I remember that the gentleman who talked with me mentioned age

as one of the factors. My eyesight, I think, was the thing that was on the piece of paper.

The CHAIRMAN. Well, did you feel that your background at Columbia was the determining factor in the denial of a commission later?

Mr. HARRIS. I did feel so, sir, for this reason: I talked briefly with the dean of Columbia College, Mr. Harry Carman at that time, because I had given him as one of my references. He is an absolutely honest man, and he would never tell anything but the truth. I told him I had given him as a reference, and he said, "I know that, because they have been to me," he said, "But they have also been to Mr. McKnight, the associate dean, and I do not think he gave a favorable account of what happened here."

Now, as it happened, Mr. McKnight was one of those people who seemed to be most bitter toward me during the period that was in the turmoil at Columbia. I felt that he might have given information that was unfair and biased.

The CHAIRMAN. Let me ask you this. You were suspended at Columbia for what reason that you can tell us? Give as much detail on that as you can. It is rather a serious matter. A university does not suspend a student lightly, normally, if his grades are all right.

First let me ask you: Your grades were satisfactory?

Mr. HARRIS. My grades were just satisfactory, in that last year, sir. I had been a honor student in my earlier years, but my extra-curricular activities hurt my academic work.

The CHAIRMAN. Now, let me ask you this: Was it because of your extra-curricular activities that you were suspended?

Mr. HARRIS. My work specifically as editor of the *Columbia Daily Spectator*, and that only.

The CHAIRMAN. Will you tell us as best you can just why you were suspended?

Mr. HARRIS. I will, sir. First, I will try to paraphrase the official announcement, which you may not have had access to. The dean of Columbia College, in suspending me, said that "An article appearing today or yesterday, in the *Columbia Spectator* concerning the student dining halls, is the climax of a long series of innuendoes and unfortunate statements that have appeared in the columns of the *Columbia Spectator* over the past few months, and calls for disciplinary action. I am therefore suspending the editor, Reed Harris this date."

The history was this: The *Columbia Spectator* had been a fairly typical student newspaper, which confined its news to the campus, which took no very strong editorial position on anything except the things that college fellows always do, to support their university in some respects, either the athletic teams or something else, and 1932, '31 and 1932 was a period of great ferment. People were excited. People were worried about the depression situation. There was great excitement and great turmoil in the papers and the publications and in the things we were hearing in our classes, and therefore, the editorial board, of which I was really chairman—that is what that editor in chief job is—determined that we should pursue a policy more like a regular metropolitan newspaper; that we should consider ourselves champions of our public; "our public" being the students of the university.

Now, I can confess at this time that that looks a little brave and foolish right now, but we felt we were sort of knights of white horses, supporting the students of Columbia University in situations that needed it, and that also we were there partly to make them aware of what went on in the outside world. We did a lot of different things. In one case we found ourselves tangling with my former colleagues of the football squad, because we talked about the situation of subsidy of football players in the various universities, including Columbia. That aroused a tremendous furor, got itself quoted in the newspapers, and I think that some of us, included in which was myself, were a little bit blinded by those headlines in the metropolitan press.

But, in any event, we went ahead. We did things like conducting a quiz of the professors, a quiz, that had run in *Harper's Magazine* [*Scribner's Magazine*], and had been used to prove that students didn't know very much, and we tried it on the professors, and found that the professors couldn't pass it either. And we publicized the results.

That wasn't a popular thing to do. Nicholas Murray Butler was then the president of Columbia University, and he made some statesmanlike speeches for the public, but on one occasion we had an observer at a meeting, a political meeting in the neighborhood, at which Mr. Butler made statements of a practical political nature that didn't seem to gibe with what he had said publicly, and we ran in parallel columns what he had said in the political meeting and what he had said in the public prints. They didn't match very well, and that was regarded pretty badly.

We thought we were being very brave people who were showing the university the way its president of that time was behaving, but it was a discourteous thing to do. It was pretty nasty.

The CHAIRMAN. Let me ask you this: Did your writings in the school paper reflect pretty much the same type of thinking as the material in this book to which have referred, *King Football*?

Mr. HARRIS. A small part of it did, Mr. Chairman.

The CHAIRMAN. I mean, you had the same attitude then as you had when you wrote this book?

Mr. HARRIS. Yes. That attitude was prevalent in my last two years at Columbia, I should say. I think it was very common to the students of those days, who were trying to find answers to a terrible social situation, had never been educated properly in what communism really means, and things of that sort. They didn't see these fine differences—we didn't.

But, in any event, those were typical. You, I am sure, know of the types of things that appeared in there, which were actually shorter and less frequent. There was one editorial that was not favorable to the ROTC as I remember. There was an editorial that criticized the navy for letting a blimp go over the campus and release a lot of acid from one of its motors. We made a big thing out of that.

But the issue on which we really finally came to this showdown was that there were these Columbia dining halls, and those dining halls were managed by the sister of Nicholas Murray Butler, a Miss Sarah Butler.

In the year before I became editor, there had been a series of articles that indicated that there was mismanagement in the dining halls.

Now, the university administration had never answered those articles, had never said anything about them, had never admitted or denied, or really, done anything about it. So we ran a repeat of the key article of that series and said, "Why is it that the administration has never acknowledged this, has never said whether or not this article was true?" And we quoted it.

It was that article, sir, referring to the sister of the president of the university, that caused the actual blow-up.

The CHAIRMAN. Let me ask you this: Were you ever asked by anyone to join the Communist party?

Mr. HARRIS. No. I can't imagine any—no, not asked to join the Communist party.

The CHAIRMAN. In other words, are you sure of this: You were never solicited by anyone to join the party?

Mr. HARRIS. Unless the solicitation is involved in some of these men at the university saying "You ought to be closer to us. You ought to get in with us."

The CHAIRMAN. Did anyone that you considered a Communist suggest that you join with them, or get closer to them?

Mr. HARRIS. Mr. Donald Henderson asked me one day why I did not come in more closely with them, and I said I was doubtful of the way they operated.

The CHAIRMAN. You knew that there was a Communist group or Communist cell at Columbia?

Mr. HARRIS. I did not know those things, sir; I knew that there was a Social Problems Club. I knew that these people were in it. And I was aware that some of the things that they were doing seemed favorable to some of the causes which were popular with many of us.

The CHAIRMAN. Let me ask you this: Did you know that there were Communist students at Columbia at the time you were there? And did you know who any of them were?

Mr. HARRIS. I recognize that this sounds like incredible naivete, but I did not know they were actual Communist party members on the campus of Columbia University.

Senator JACKSON. I have to leave, Mr. Chairman—I want to ask one question.

You mentioned, Mr. Harris, about the anti-Communist positions that you have taken. Do you have any information that you could supply the committee along that line? I mean, did you join any groups that—well, for instance, the Committee to Aid the Allies, or something? I am just thinking of groups that are contrary to the Communist position.

Mr. HARRIS. Since I have been in—

Senator JACKSON. Other than a state of mind, you understand; other than your own state of mind.

Senator POTTER. Or any public writings?

Senator JACKSON. Yes; that the committee can look at.

Senator POTTER. You have here, I notice, in your book, some mention which is favorable writing to the Soviet Union. I am just

wondering since that time if there have been any anti-Communist writings?

Mr. HARRIS. Throughout the time I have been in the government, I have been in the type of work and under the type of rules which permitted very little, if any, outside writing. I have done no writing on any side of the fence during that period, unless you count the small period when I was out of the government and worked on a guide book. I have just not been in the writing business.

Senator POTTER. The thing that is strange to me is the fact that you were quite strong and firm and positive in your position in 1932. And you stated that you realized that your position was probably unfounded, and you took a different turn.

Mr. HARRIS. That is right, Senator.

Senator POTTER. Now, the average person, when he takes a different turn, knowing his past utterances, would do everything possible to make sure that he counteracted it with positive statements to the contrary. He would say "Here, in 1937 or '36 or whatever it might be, I realized that I was going up a blind alley, so I did this." Because it is an easy thing to say that what we are talking about now took place many years ago, but to come today and say "I was foolish then, and I changed my mind soon afterwards," unless there has been some demonstration beyond what you have given us here to convince us there has been a great change—

Senator JACKSON. In other words, if I might supplement what you are saying: Assuming that what you did back in 1932 were youthful indiscretions, you said a lot of things, and I suppose that happens to everyone in life when they are young. Assuming this book to be that result, of youthful indiscretion, what have you done since then that the committee could properly evaluate, that would be to the opposite of this? That is what I am getting at. I think the committee wants to be fair, Mr. Harris. You cannot examine a man's state of mind. You cannot ascertain his state of mind unless you know what he did objectively and what he reported, what he said, what groups he might have belonged to. That is what we need here for this record, because of what you have written in 1932. I have the same thing in mind that Mr. Potter has.

The CHAIRMAN. And keep in mind that not a single senator here, so far as I know, has ever seen you before today.

Mr. HARRIS. I recognize that.

The CHAIRMAN. So there is no ill-feeling against you. We are searching for the key, however, to the extreme either mismanagement or deliberate sabotage of the Voice program, and we have been trying to find that, trying very hard to find it.

Senator JACKSON. I may say I was in the university during this same period, and I know some of the things that were going on on the campus. But certainly you ought to be able to come up with some positions you have taken that would indicate a positive stand that is contrary to what the Communist position was.

Now, I think if you were sitting in our position you would ask for that.

Senator POTTER. And particularly as we found in the hearings that we already have had, that, to be extremely generous, the policies in the Voice have been extremely naive in their approach toward the Communist problem, and combined with the past history

of yourself, and the fact that we have a Voice program that has not been strong in its anti-Communist position in many aspects, we are searching to find out, as the Chairman said, where the kernel is. What has happened?

So, that is the reason. We are not after anyone. We are just trying to find out what has happened to an agency of government that has cost the American taxpayers a lot of money and should be one of the foremost instruments to combat this international communism which we are in a struggle with today.

Mr. HARRIS. Senators, you are being, I think, extremely fair to me, and I think that anybody who sabotaged the Voice of America should be pilloried before the public and punished in any way that is available to the government of the United States.

I will say, on this question of what I can show: I have been a government worker ever since 1934. I have not been in public life in the sense of making public speeches, and so forth, with the sole exception of working for the Affiliated Young Democrats of New York, where I was active during the period of the Office of Government Reports job. In other words, while I was stationed in New York, I was very active in that organization.

Mr. COHN. Is that the Moscovitz outfit?

Mr. HARRIS. That is Harold Moscovitz's organization, yes, sir. It was constantly fighting for the policies of the government and against the Communists, or anyone else who stood in the way of the policies of the government.

Senator JACKSON. Did you ever belong to the United Public Workers, that was in the CIO?

Mr. HARRIS. I was a member of the AF of L. The AFGE.

Senator JACKSON. The American Federation of Government Employees?

Mr. HARRIS. That is right; the American Federation of Government Employees, the WPA unit of that thing. It seems to me that that local decided to resign from the AFGE and reconstitute itself into a local of the United Federal Workers.

Senator JACKSON. Did you have any ideological problems within that organization?

Mr. HARRIS. We certainly did. I was not a tremendously active member.

Senator JACKSON. The Commies were trying to capture it, were they?

Mr. HARRIS. They certainly were trying to capture it.

Senator JACKSON. And did you take a stand in the meetings?

Mr. HARRIS. I stood up in the meetings. Well, it is taking a stand, yes. Forgive me. I took a stand.

Senator JACKSON. Did you take a stand for the White faction against the Red faction?

Mr. HARRIS. That is correct, so far as I could identify the Red faction.

Senator JACKSON. Can you give the names of any who can corroborate you in that position?

Mr. HARRIS. It is possible that Mr. Jacob Baker could. Mr. Jacob Baker is now attached to an organization called Econometrics. It is an economic analysis group in New York, private service. He was, for about a few months, the actual head. After it moved over,

he became the actual head of that thing for a short time, after it moved into the CIO.

Senator JACKSON. It moved over into the CIO?

Mr. HARRIS. That is right, sir.

Senator JACKSON. Did you belong to the CIO, UOWA, for a period of time?

Mr. HARRIS. If I did it would not be for more than a month or so, because Mr. Baker, like others, saw the Communists were coming into this thing and getting control of it, and resigned in a great huff. But may I say, quickly, Senators—

Mr. COHN. Did you belong to it?

Mr. HARRIS. I am not aware that I belonged to it. I belonged to the AGE local.

Senator POTTER. It would be very helpful if we had, and I do not think we have had, Mr. Counsel, an employment sketch. After you left the university, did you immediately come to work for the government?

Mr. HARRIS. I did not. I worked as a freelance writer.

Senator POTTER. And when did you start working with the government?

Mr. HARRIS. November 11, 1934, sir.

Senator POTTER. How did you happen to gain that employment?

Mr. HARRIS. I gained that employment largely through Mr. Jacob Baker, that I just mentioned. He was an assistant administrator of what was called the Federal Emergency Relief Administration at that time.

Senator POTTER. In other words, FERA?

Mr. HARRIS. That is right, sir.

The CHAIRMAN. Let me ask a question. Did you help Jacob Baker write the book *Government Benefits*?

Mr. HARRIS. I did.

The CHAIRMAN. That was in 1936?

Mr. HARRIS. My contribution consisted of research only. I furnished material from the Library of Congress for that book.

The CHAIRMAN. In other words, you cannot be held accountable for the language in the book?

Mr. HARRIS. No, sir.

The CHAIRMAN. You did not do the writing? You did the research; he did the writing?

Mr. HARRIS. The research is evident. There is a list of tariff items, and things of that sort on one page cited as examples. That was done as an official duty, because at that period of time the FERA was in process of going out of existence and WPA was coming in.

The CHAIRMAN. But in any event, your testimony is that you did not do the writing?

Mr. HARRIS. I did not do anything but the search. I could be listed as a "cold ghost" in a case of that kind, I suppose.

Senator POTTER. When did you leave WPA?

Mr. HARRIS. I left WPA in 1938, when I had this difference of opinion with the top command of the—

Senator POTTER. All right. Where did you go from there?

Mr. HARRIS. I went to Robbins Travel House as travel book editor.

Senator POTTER. You left the government at that time?

Mr. HARRIS. I did.

Senator POTTER. Then when did you come back in government service?

Mr. HARRIS. In January of 1939, I believe, sir.

Senator POTTER. And what did you come back as?

Mr. HARRIS. As the administrative officer for the National Emergency Council. That was a predecessor of the Office of Government Reports.

Senator POTTER. How long did you work there.

Mr. HARRIS. I stayed right through as it became government Reports. That went out of existence approximately at the end of 1941 or the early part of 1942, and merged into the OWI, so I had continuous employment.

Senator POTTER. And who solicited you into government at that time? How did you happen to come back in?

Mr. HARRIS. I am trying to remember who the first contact was. I think it was Mr. Thomas Corcoran.

Senator POTTER. Tommy Corcoran?

Mr. HARRIS. That is right—at least, he interviewed me, Senator.

Senator POTTER. And then, from there where did you go?

Mr. HARRIS. To the Office of War Information.

Senator POTTER. And you were with War Information?

Mr. HARRIS. Until 1944, when I volunteered for service in the air force. I was in the air force until November of 1945.

Senator POTTER. You were in the air force?

Mr. HARRIS. I was, sir.

Senator POTTER. For about a year?

Mr. HARRIS. For a year and a half, sir.

Senator POTTER. A year and a half. And then when you were separated from the service, from the air force, where did you go?

Mr. HARRIS. I came back to the government.

Senator POTTER. And whom did you contact back in the government?

Mr. HARRIS. I came back to the nucleus, the remaining nucleus, of OWI, which was in the process of transfer to the Department of State.

Mr. COHN. I missed this. Tommy Corcoran got you what job?

Mr. HARRIS. Tommy Corcoran interviewed me for the job in the National Emergency Council, which later became the OR.

Senator JACKSON. Would you go through your files and supply the committee with any memoranda that you might have on policy matters during the time you have been in government, relating to the Communist problem, whether it be on handling personnel, or on the problem of over-all foreign policy, Voice policy, or whatever you might have had jurisdiction of? You understand the problem of this committee?

Mr. HARRIS. I certainly do, Senator.

Senator JACKSON. We are confronted with a book, on the one hand, and I might say, just speaking for myself, that I think I could forgive you for the indiscretions of this period, if you have something to counteract the position you took back in 1932 in the depths of the Depression. You can understand the problem of this

committee, faced with this kind of a document. Is that not a fair approach?

Mr. HARRIS. That is fair, Senator, but the only thing that is wrong with it is that if it calls for sort of public positions. I am at a disadvantage, because I wasn't doing anything that was public.

Senator JACKSON. Did you ever write any letters to the editors of the papers?

Mr. HARRIS. That is prohibited at the State Department.

Senator JACKSON. No, no. Let me bring you back to August of 1939. Did you write any letters? Did you take any stand about the Nazi-Russian Pact? And what was your position from August of 1939 to June 20 of 1941, or around June 20th, when Germany invaded Russia? And what was your position with reference to foreign policy, neutrality, all during that period? And then, what was your position after the invasion?

Mr. HARRIS. I will do my utmost, Senator, to supply what you have in mind. I understand that you are being very helpful in bringing out the truth in this thing.

The CHAIRMAN. You see, here is the thing that occurs to us in certain circles.

Assume for the time being that you, over the past ten or fifteen years, we will say, have been a completely loyal American. Assume that you have been devoted to the fight against communism. Assume that you hate communism tremendously. You love America. Let us just assume all that to be true for the time being.

The thing that occurs to the average mind, I think, is this: They find the head of the State Department looking for a top man for the Voice to head the fight against communism. They check your record and find a book which you wrote in '32 which would appear to be strictly down the Communist party line. They find that you were listed as a co-editor with two or three or four other men who were known Communists, in 1938.

Mr. HARRIS. They were then known?

The CHAIRMAN. Let me finish.

And they find you are listed in '37 on the sponsoring group that is to form a Communist-front organization.

They find nothing in your record to show that at a certain time you repudiated all of this. And the average man says, "Well, assume that Harris is a good, loyal American and assume that he is anti-Communist." Why in heaven's name did they get a man who has such a questionable background and has done nothing in any particular period of his life to repudiate this what may well have been youthful indiscretion?

I am not saying this critically of you. I am talking now about selecting you for the job. You see, it would almost seem like Dean Acheson selecting me to write his memoirs, if you follow me.

Now, I do not think we can continue on here all evening. At this stage of the proceedings, we have the testimony of Mr. Harris to the effect that he has been anti-Communist over the past years. We have other testimony in the record which is of a very disturbing nature. I think that we should do nothing at all of a public nature on this, at least until we have examined the personnel and security files of Mr. Harris. My thought is that to the press, who are wait-

ing for a statement, I will merely say we are going into the Voice of America and we have nothing we can tell them at this time.

Senator POTTER. I think, Mr. Chairman, as a result of the testimony today, which actually does not give us much information, we should have a chance to go over it a little more thoroughly, and we could have Mr. Harris back to meet with us in executive session.

The CHAIRMAN. Oh, yes, we are not through at all. I would like to go into this Hebrew desk deal. Let us spend a little time on that yet tonight. I am very interested in that.

Mr. HARRIS. Forgive me, Mr. Chairman. Would it be in order for me to answer the question placed by the senator before he leaves? He asked a question I don't think I have had enough to say about. I don't think it will take more than a moment.

Senator POTTER. To finish your employment?

Mr. HARRIS. The question was on actions that have repudiated my earlier position, as you have interpreted it from my book here.

Senator JACKSON. Either in the form of a document, or articles or individuals that you can bring in; I mean, reputable individuals that have some standing.

The CHAIRMAN. Are you asking him to answer that now?

Senator JACKSON. No, he does not have to answer now.

The CHAIRMAN. Or are you suggesting that he supply information along that line.

Senator JACKSON. Yes, supply the names of reputable people. There may have been a project where you had a fight within the union, where the Commies were trying to take over.

The CHAIRMAN. Let me ask you this: I have the impression from looking at excerpts from the book—and I believe the other senators have gotten the same impression, that if you had been a Communist at that time, that is the type of book you would have written. Would you agree that that is substantially correct, or is that stating it too strongly, do you think?

Mr. HARRIS. Senator, I would say that that is much too strong. I think that 90 percent of that book would be written by any sensational writer on sports matters and the conditions of the times, college conditions, and written in something like three weeks, day and night, to meet a contract in order that I might live. It was very poorly done and very badly done.

The CHAIRMAN. I do not want to keep beating this horse.

You have admitted that you wrote it, and you have repudiated it, and said it was the result of youthful indiscretion, because of the times. And at that time you were going through a depression, and conditions were a lot different than now. But you see, in this book you find, number one, that you condemn the colleges for dismissing Communist teachers. You refer to a sadistic butcher who is now probably the commander of the American Legion. That was the Communist party line at the time.

You tell about your good friends, professors, who were Communists, one at Princeton, one at Columbia. You ridicule the religious groups, or maybe I should not use the word "ridicule," but you say "The colleges supported wholly by Protestant Sects, lead the way in creating the worst atmosphere of University fear in America. State colleges follow close behind. The Catholic Institutions must be placed next."

All of this would seem to me to be strictly the Communist line. I am not talking about the other 90 percent of the book, but I assume that you would agree with me that most any senator glancing at this, or anyone who knows something about the Communist movement would say "That is the Communist line," would you not?

Mr. HARRIS. These selected excerpts, Senator would, at least some of them, appear to be the same position taken by extreme left-wing people at that time, yes.

The CHAIRMAN. I would like to get down to this other question of this Hebrew desk.

Now, at the time the Communists became publicly anti-Semitic, when they started to execute the Jewish leaders, apparently because their crime was being Jewish, it would seem that would have afforded us a tremendous propaganda weapon, especially in view of the fact that your Jewish people, many of them, are self-professed liberals, many of those liberals in charge of newspapers, means of communication, throughout the world. In other words, your Jewish race has a fairly heavy interest in lines of communications. Can we say that safely?

Many of those are conservative, of course, but a sizable number are liberal, extremely liberal.

Now, I have always understood the totalitarians must be anti-Semitic. They cannot countenance a group such as the Jewish people. It thwarts their efforts. They cannot countenance any other strongly religious group, the Catholics, or any Protestant sect.

Mr. HARRIS. That is right.

The CHAIRMAN. When they became publicly anti-Semitic, do you not think that gave us the most tremendous propaganda weapon that has ever been handed to us?

Mr. HARRIS. Mr. Chairman, I think it did give us a big propaganda weapon, and I think we have used it very effectively.

The decision that you are talking about, to discontinue the Hebrew language—not all the broadcasts to Israel but those in the Hebrew language—was taken by a board, long before December 5th. It was taken on a budgetary basis, on the basis of those broadcasts that seemed least effective in reaching their targets and getting results.

That decision was made after consulting the Near East bureau of the department. It was not made by me; it was made by a board, by the Program Allocations Board.

The CHAIRMAN. Who headed that board?

Mr. HARRIS. I think Mr. Compton, Dr. Compton, was sitting as chairman at that time.

Mr. COHN. The papers indicate you were.

Mr. HARRIS. As the chairman at that time? Well, it certainly was discussed in a meeting which included Dr. Compton, Mr. Kohler, Mr. Puhon.

Mr. COHN. Mr. Bradley Connors?

Mr. HARRIS. Mr. Bradley Connors.

Mr. COHN. Mr. Arthur Kimball?

Mr. HARRIS. Mr. Kimball. And Mr. William C. Johnstone, the deputy for field operations.

The CHAIRMAN. And did you favor the discontinuance of the Hebrew desk at that time?

Mr. HARRIS. On the facts presented to me, which I couldn't evaluate. They were presented to me as indicating that that was not an effective program, that it was one of the least effective.

The CHAIRMAN. Well, let us assume that it was not an effective program before you had this propaganda weapon, before the Communists became openly anti-Semitic and vigorously anti-Semitic. Perhaps that might not have been an effective desk. They might not have had the material. But do you not think it was a tremendous mistake to attempt to discontinue it when they were handed that great propaganda weapon?

Mr. HARRIS. If Hebrew will reach a lot of listeners on that. But the fact is that we keep getting reports that there are relatively few people who understand the regular Hebrew within our listening range, and all the people who do, understand other languages better. Because it is true that Hebrew is the common language of Israel, but the people who were in there came from Germany and the United States and other parts of the world, and the language that is native to them, that is normal to them, is the other language they are hearing. That is the way Mr. Kohler explained it to me.

The CHAIRMAN. Do you get those reports in writing?

Mr. HARRIS. Yes; we get those reports in writing. They would show up in the evaluation reports.

The CHAIRMAN. Will you supply us with those reports?

Mr. HARRIS. I will do what I can, sir.

The CHAIRMAN. You must have had those reports before you made this decision, I assume.

Mr. HARRIS. The board had them summarized by Mr. Kohler and Mr. Puhon.

Mr. COHN. That is a long time before all of this happened, is it not?

Mr. HARRIS. Mr. Kohler and Mr. Puhon participated in the Program Allocations Board meeting in which it was decided to discontinue Hebrew. The decision was to make that change immediately after the national elections, in order to avoid domestic complications.

The CHAIRMAN. Yes. As step number thirteen in a program involving fifteen steps.

Mr. HARRIS. They submitted in writing a list of thirteen steps, it is true.

The CHAIRMAN. Fifteen.

Mr. HARRIS. Well, a number. Forgive me for the lack of—I remember a series of recommendations by the Voice. The board as a whole did not agree with that order of priority of those steps, because some of them were obviously impossibilities to do. They chose from that several items that needed to be done to save money.

The CHAIRMAN. The board selected fifteen actions to be taken. They listed them in order of priority—right?

Mr. HARRIS. Mr. Chairman, may I interrupt, only to try to correct this understanding?

The Program Allocations Board, which is an over-all IIA board, was under the necessity of cutting the operating budget in order to meet the needs for what is called the administrative support, money paid to the rest of the State Department to supply services.

In order to do that, we called upon divisions to give us recommendations on things that they could reduce without harming the effectiveness of their operations. Mr. Kohler, as I remember it, submitted a list of some several points. The counsel says there were fifteen points.

The CHAIRMAN. I have fifteen listed.

Mr. HARRIS. Those were the ones, then.

The CHAIRMAN. And the date, December 10; right?

Mr. HARRIS. Not the list that I saw, sir. That was long before that—it was before the national elections.

The CHAIRMAN. I beg your pardon.

Senator MUNDT. Were you a member of that board, Mr. Harris?

Mr. HARRIS. I am. I am the vice chairman. I act in the absence of Dr. Compton.

Senator MUNDT. How many members are on that board?

Mr. HARRIS. I know it must sound—but the fact is that I get so many questions today it is hard to keep up. There was Compton—there was no Voice member on that board, and they only appeared, as, in effect, witnesses.

Mr. COHN. Bradley Connors?

Mr. HARRIS. I say Johnstone, Connors, Kimball, Compton, myself, Mr. Gedalecia, the evaluation man, the director of evaluation. That has since been augmented by deputy director Morton, but at that time there was no Voice member.

Senator MUNDT. That is six or seven. Do you recall whether or not that was a decision arrived at unanimously, or a split decision?

Mr. HARRIS. It was unanimous, as far as the members of the board were concerned. It seems to me that Mr. Puhon and Mr. Kohler and I believe Mr. Francis was there too—that they all said that any of these actions actually would be merely quibbling, to the Voice. They did not differentiate. They didn't pick out the Hebrew thing as something special to be done, but they did say they didn't want to see the board cut out any of those, but, they said, if we had to, this was the order in which it should be done, and we didn't follow that order; we didn't feel that was the case.

The CHAIRMAN. The board was an advisory board?

Mr. HARRIS. The Program Allocations Board, sir, was not advisory, except in the sense—

The CHAIRMAN. It is set up by the head of the department, is it not? It is not set up by law?

Mr. HARRIS. No, not by law. It is an administrative board.

The CHAIRMAN. So you set up this board to advise you? And then Dr. Compton, or when you were head of the IIA, you yourself, can follow the recommendations, if you care to. You are not bound by them, are you?

Mr. HARRIS. The board has authority to act unless we overrule them. I guess that would be a more accurate statement.

The CHAIRMAN. They act by putting into effect what you have recommended; is that correct?

Mr. HARRIS. Yes, they submit their recommendation in the form of an implementing document, and normally, we sign it without question.

The CHAIRMAN. So that no action can be taken until you, as acting director or Compton as director, sign it?

Mr. HARRIS. That is right; not until an executive signs it.

The CHAIRMAN. Now, who picked out the Hebrew Language Desk for elimination?

Mr. HARRIS. At that meeting, the first reference to it was made by Mr. Johnstone.

The CHAIRMAN. Mr. Johnstone. Is that the same man who was involved in the Amerasia case?

Mr. SURINE. That is correct. And the IPR, too.

Mr. HARRIS. Mr. Johnstone, Mr. Connors and Mr. Gedalecia, were the people. They spoke up almost simultaneously because they are the people who had the knowledge. Mr. Johnstone had what they call regional knowledge. Mr. Connors was an expert on the policy implications, and Mr. Gedalecia knew what the real effects of these things were, because he gets the evaluation reports.

The CHAIRMAN. Mr. Connors, you say, was an expert on policy. I am trying to recall his testimony the other day. And what do we know about this third man?

Mr. COHN. I don't know about that, Mr. CHAIRMAN. I will have to check on that.

The CHAIRMAN. Let me ask you this, Mr. Harris. Maybe hindsight is better than foresight. Sometimes the committee here, sitting and examining what you did two or three months ago is in a fairly easy position to criticize at times. But looking at this now by way of hindsight, seeing the tremendous amount of anti-Semitic activities of the Soviet Union, and keeping in mind that your Jewish people found in almost every nation on earth, and a fairly powerful force, do you not think that—or let us put it this way: If I were a member of the Communist party, and I wanted to protect the Communists—if this is unfair, tell me—if I were a member of the Communist party and I wanted to protect the international Communist movement as much as possible from the results of this anti-Semitic program they have taken on, would I not do the same thing that Connors and these other two men did here, namely, recommend the elimination of the Hebrew Language Desk at that time?

Mr. HARRIS. Mr. Chairman, I think they would recommend the cutting down of the use of that subject matter. The particular language is a matter of how you reach a group most effectively. It has nothing to do with the contents. You can look at all the directives—I mean, you can be sure that we have used that anti-Semitic angle over and over again, and I say that this Hebrew thing was beamed at the country of Israel; that it was not getting in as effectively as a signal should; that we had determined from Mr. Gedalecia, whom I think it is proper to mention at this point is of Jewish extraction and interested in the Jewish people—

Mr. COHN. Where did he come from, Mr. Harris?

Mr. HARRIS. He was with the American Broadcasting System as their evaluation officer.

Mr. COHN. Up in New York?

Mr. HARRIS. It would have been New York, yes, sir.

Mr. COHN. What Jewish connections did he have, do you know?

Mr. HARRIS. I believe he was active in the over-all organization, which is not only Jewish, but the Conference of Christians and Jews they call it, I think and some organization sending materials

out to Israel. He has told us that he has been active in those fields. I think he has been the publicity man for them.

The CHAIRMAN. Let me ask you this: There is a strong Communist element in Israel; is that correct?

Mr. HARRIS. I have certainly read that there are a lot of Communists in Israel; that is right.

The CHAIRMAN. Now, what percentage of the people in Israel understand the Hebrew language? Would you know?

Mr. HARRIS. My understanding, again, as presented to me by primarily Mr. Kohler and Mr. Puhon at that meeting—I know very little about Israel—that was partly educational to me, that meeting was—and as confirmed by Mr. Gedalecia, either then or later, Hebrew is commonly spoken by a considerable part of the population as the only language common to a number of groups. They do not merely speak it very well, it is like some of us in the State Department knowing French in order to be able to talk to diplomats. It is not their native language, what they speak or talk in.

The CHAIRMAN. It is the official language?

Mr. HARRIS. That is right; it is.

The CHAIRMAN. In other words, some are German Jews, some French Jews, and so on?

Mr. HARRIS. That is correct.

The CHAIRMAN. And their native language may be German, French, Chinese, almost any other language.

Mr. HARRIS. We have big, powerful programs, going out in these other languages.

The CHAIRMAN. No, let me finish.

But the language which is common to them is Hebrew?

Mr. HARRIS. I have had that statement made to me, and furthermore I have been told they very often use English in their own proceedings. I wish you would look it up, Mr. Cohn.

Mr. COHN. I don't have to look it up. I have been there.

The CHAIRMAN. Let me ask counsel. You have been over in Israel, have you not? Is there any doubt about the fact that the Hebrew language is the language that is generally understood?

Mr. COHN. It is generally understood, generally spoken, and it is the official language.

Mr. HARRIS. May I ask a question of the counsel in this connection? I know it is out of order, but is he referring to Yiddish or Hebrew?

Mr. COHN. Referring to Hebrew.

Mr. HARRIS. Because there is a great difference. I understand that Yiddish is quite common there, but Hebrew is not.

The CHAIRMAN. One of the reasons for the cancellation was that the signal was not getting through very well?

Mr. HARRIS. That is what they told us.

The CHAIRMAN. Is it not correct that you got a memorandum after you ordered that the Hebrew Language Desk be discontinued, a memorandum informing you that the Courier project had taken care of that situation and that the signal now is arriving in the target area in a satisfactory manner?

Mr. HARRIS. We got such a memorandum, and in the meeting of the Program Allocations Board which followed that, we authorized

Mr. Morton to continue the Hebrew language until further notice, and the order has never been put into effect.

The CHAIRMAN. You say "we" did. Is it not correct that Mr. Morton or somebody in New York got hold of Mr. Compton, who was out of the country, and Dr. Morton said to suspend your order until he returned?

Mr. HARRIS. I am not aware of that sequence of events, but I do know it was discussed at a meeting of the Program Allocations Board, after Dr. Compton got back, and that we told Dr. Morton specifically that we would not ask him to carry out any of the recommendations made at that previous meeting, not only as to Hebrew, but the question of suspending the program booklet.

The CHAIRMAN. Let us get the sequence of events. You send an order over saying "Discontinue the Hebrew desk." The New York Voice refused to do that. Then you went to New York personally and handed the order to Mr. Francis. Is that correct?

Mr. HARRIS. Are you saying that I went to New York personally and handed an order to Mr. Francis?

The CHAIRMAN. It is in the form of a question.

Mr. HARRIS. Of course not. I don't make a business of going to New York to hand orders to anybody.

The CHAIRMAN. You are sure of that?

Mr. HARRIS. Well, I certainly don't do it in New York. If I handed it to him in Washington, it was simply because he happened to be in my office at the time the order was signed.

The CHAIRMAN. Then you say that you subsequently authorized him not to put this order into effect?

Mr. HARRIS. That is correct. The action of the PAB was at that time that any orders growing out of the earlier meeting are suspended until further notice. They still are.

The CHAIRMAN. Who took the initiative on that? Did you?

Mr. HARRIS. Mr. Morton took the initiative. He first brought it up, I think, to Dr. Compton, but the actual action was taken at a meeting of the Program Allocations Board.

The CHAIRMAN. Let me ask you this: Is it correct that when you handed this order to Mrs. Francis, after you handed it to Francis, Mr. Morton, or someone in the New York Office got in touch with Dr. Compton—

Mr. COHN. Mr. Morton was over in Europe with Dr. Compton, Chairman Puhon and Thompson and Mr. Francis reached Dr. Morton in Europe, and then they reached Dr. Compton, and Morton and Dr. Compton, and Mr. Morton and Mr. Compton told them that they did not have to follow that order.

The CHAIRMAN. Is that correct, Mr. Harris?

Mr. HARRIS. I just don't know those facts. If you have had testimony to that effect, then that is correct.

The CHAIRMAN. Is that not the way it came about? This was a subject of considerable controversy. You should recall whether it was Dr. Compton who authorized your order to be suspended, or not, or whether you changed your mind, or whether the board made a change.

Mr. HARRIS. Mr. Chairman, you are trying to put the question of me interfering in policy here. That is not my business, or, no, that is not correct that it is not my business, but I am not a policy

person here. I got recommendations from my allocations board. It was specifically stated that after the domestic elections were over, the Voice was to suspend Hebrew, suspend a program book and a couple of other things of that sort, in order to save money.

Mr. COHN. All right. Now, let's see The Slansky thing, the anti-Semitic purges began. Intervening between the time that decision was made and the time you pressed for the suspension of this Hebrew Language Service, a memorandum came up from New York saying it should be suspended, which was right in the face of the break on the anti-Semitic purges.

Mr. HARRIS. That is correct.

Mr. COHN. A teletype was sent down to you, which I have right here, under date of December 4, 1952, marked "Urgent," saying,

Tel Aviv has just asked us to use VOA at full blast on the recent Czech Anti-Semitism Purges.

B. While Anti-Semitism Purges behind the Curtain and where a tremendously important political issue has been handed the Hebrew Desk, is this the time to suspend Hebrew broadcasts?

A reply by teletype came back the same day:

Confirming our telephone conversation with regard to your questions for Reed Harris.

1. Hebrew. Harris will send memorandum instructing suspension of Hebrew Language Broadcasts as soon as possible. He states that this was clearly a PAB decision and that nothing new has happened to change that decision. The cable from Tel Aviv regarding Prague trials does not alter decision, particularly in the light of current budget situation.

And that was followed by a typed memorandum initialed by you under date December 5, 1952, confirming this decision and saying that you are aware of the public relations problem which could result, but saying that the weakness of the signal and the budget cuts made this essential. And on December 11th a memorandum was sent down to you complaining violently about this, pointing out that it was not a fact that the signal was weak, that broadcasts had been getting through well before, that the ratings had been good, fair, and excellent, and that the situation had been further improved by the fact that the courier had arrived in the area, and pointing out that saving was virtually non-existent, that, number one, it wasn't a large amount to start with, and, number two, if they followed your order, they would have to bring back these families from Israel and eat up any saving.

Mr. HARRIS. I ask your permission to talk on this, because there is no other way to counteract the completely false implication that is being built up here.

Mr. COHN. I would like you to look at these.

Mr. HARRIS. I am not questioning that there is a sequence built up here, you have developed in these hearings or you have said publicly, at least; I haven't read the testimony—that the Voice of America often proceeded without instructions from Washington, that it seemed to be going off without proper control; that there wasn't the proper management control in Washington. It has been my job for months to try to bring that control in, sometimes defied, with the support of people higher in the organization, sometimes actually defied with the indirect and unintentional support of the House Appropriations Committee.

The CHAIRMAN. May I interrupt? I just had my attention called to a 5:30 appointment I have, which is of great importance. I do not intend to cut you off on this, Mr. Harris.

Karl, do you want to take over here?

Senator MUNDT. I have to leave at a quarter to six. That is seven minutes, I do not know how long he has to talk on this.

Mr. HARRIS. I will do my best to limit it to that extent, if you will listen.

The CHAIRMAN. And Mr. Harris has consented that his files he made available to us, with the understanding, of course, that the committee does not use any of the hearsay material in any of those files to embarrass him. They are not to be used publicly.

I think in view of his consent that we obtain the files, the secretary of state will most likely make his files available, and that means that there will be an executive session. We will obtain those files, I assume, tomorrow.

Mr. HARRIS. Senator, Mr. Chairman, I have recited what I believe to have been a considerable sense of independence and disregard of Washington by the Voice of America officials in New York, time and time again, particularly as regards budget matters. Time and time again we have told them to cut a certain item, and we have been defied. One of the reasons that we created the Program Allocations Board was to have an orderly way for the consideration by the top elements, of any such budget allocation as we have to make from time to time.

This board had met, had recommended that the Voice be ordered to make certain cuts. We were under the absolute necessity of making cuts, in order to come within our rate of the year. We were under extreme indirect criticism by the chairman of the House Appropriations Committee because, he said, we were using money too fast.

My position, as the manager in Washington, was to enforce orders that seemed to me to make sense in this budget business and therefore, as soon as the election was over, with the one caveat that it should not happen while the election was on, because it would cause a public uproar that would go five different ways, and we thought it was not proper to do that, that the subject of Hebrew was naturally an explosive one.

So when I found out, after the election, that they had not taken these steps, I consulted Mr. Gedalecia. I believe Mr. Micocci, our special assistant actually checked around also through Mr. Johnstone to the Near East bureau, or directly to the Near East bureau. They said, "The thing is not effective in reaching the people of Israel. It is just not getting there." And I thought they meant what Mr. Kohler and Mr. Puhane had reported earlier that it was a matter of strength of signal entirely. Now, they apparently did not mean that, because the signal had been stepped up through this Coast Guard Cutter, the Courier. I cannot, in my position, know each channel that is going out.

I knew that this situation had developed in Russia. I felt that they—that we should certainly push that theme as hard as we could and tell as many people about it as possible, but it was presented to me that this Hebrew thing was not reaching people effectively, that it just wasn't a good thing to reach the target.

I was also assured, certainly by Mr. Puhon, that the other languages were reaching in there and reaching the same people, physical people, that we would cover, if we did put this in there.

If this committee could show that I softened up on the policy line on this Soviet thing, it would be one thing, but this is not. You are trying to turn a budgetary action into a Communist plot.

Mr. COHN. How about the new budget for the next year? Has your office stated that there should be a 50 percent cut in the Russian service?

Mr. HARRIS. I am sure that we have made no recommendations from my office on specific languages.

Mr. COHN. Has your office given any instructions whatsoever or made any requests or submitted any proposed figure on the budget for next year?

Mr. HARRIS. It certainly has; under the order of Mr. Dodge, we are ordered to make very sharp cuts throughout our organization.

Mr. COHN. And have those included a 50 percent cut of the Russian service?

Mr. HARRIS. I can't imagine it, because the Russian service is the thing we preserve above everything.

Mr. COHN. Would you check that for us?

Mr. HARRIS. I would be glad to. I can't imagine that. That would be fantastic, Senator.

Mr. COHN. Is what you have heard today the first you have heard of the fact that persons who were turned down for security clearance when they were supposed to come from Hi-Cog over to the Voice, are still employed over in Germany in the State Department?

Mr. HARRIS. That is not the first time I have heard it. I heard it from Dr. Compton, in his office.

Mr. COHN. Yes. What have you done about that?

Mr. HARRIS. Dr. Compton "did about it." He sent over a request that six persons who have [had] still apparently not been cleared, either be absolutely certified as properly to be on our rolls by January 1st, or be off the rolls. And it is my belief that those people are no longer attached to our rolls.

Mr. COHN. How about Mr. Schechter?

Mr. HARRIS. I don't know Mr. Schechter, and I am not sure that is one of the names, sir.

I would have to check to see what names are on the list of six that Dr. Compton requested either be properly cleared or dismissed from our rolls by January 1st.

Mr. COHN. Do you know Donald Ogden Stewart?

Mr. HARRIS. No. I have seen him as a writer. I mean, I have seen his writings many times.

Mr. COHN. But you have never met him?

Mr. HARRIS. No.

Mr. COHN. Do you recall an occasion when, in the spring of 1951, you were preparing some schedules for submission to a congressional appropriations committee, and some issue arose between you and Mr. Thompson? You stated that you wanted to represent in the figures in the column for the certain year a certain figure as having been spent for the current year when Mr. Thompson and others at

the meeting stated that it was not the true picture. Do you recall such a discussion?

Mr. HARRIS. I don't recall such a discussion, not specifically. I know that often the Voice in New York disagreed with our figures and gave us figures that were one way one Tuesday and another way the next Thursday, and that that was what Dr. Compton had to fight when he came into our organization, to get reliable figures from New York.

I am not charging anything to New York, but they were certainly careless. They would give us one set of figures one day, and then we would ask them the next day, and get a different set of figures. That was one of the great pains we had. I don't know what you are talking about.

Mr. COHN. Do you still consider Mr. Connors as the top policy man, in view of the testimony to the effect that he is abysmally ignorant concerning politics, Communist strategy, and so on?

Mr. HARRIS. If he is abysmally ignorant, he should not be the man. I thought the question was whether he considered himself an expert.

Mr. COHN. No, the testimony was quite specific. He stated he had never read any work by Marx, Engels, Lenin, or Stalin.

Mr. HARRIS. Those things do not seem to be absolutely necessary.

Mr. COHN. Well, that is a matter of opinion. Number two, he stated that he had no familiarity with Communist strategy or tactics, with Communist theory. Number three, in an interview with the staff he stated he had no idea what the Smith Act was, what the McCarran Act was, what any of the other acts directed against communism on the statute books of this country were.

He stated he knew nothing of the fight which resulted in the expulsion of Earl Browder as leader of the Communist party of the United States in 1945. And so and so forth.

Mr. HARRIS. I don't see why he would necessarily know that, Counsel.

Mr. COHN. You don't see why he would know that?

Mr. HARRIS. He was out of the country.

Mr. COHN. Well, this is the top man in policy for the entire information program, the main object of which at the moment, I assume, is countering Communist tactics and propaganda.

Mr. HARRIS. He used the top experts in the department who were in the intelligence area. Every day he has the statement of what they are doing and how they are doing it.

Mr. COHN. That, to me, is very implausible. He is the top policy man. I would just submit that it is a very weak argument to say, "Well, he doesn't know anything about it, but some of the other people under him know something about it." He is the one who makes policy decisions.

Mr. HARRIS. Mr. Chairman, I think that Mr. Connors must have misinterpreted the questions, or something, because certainly he does know, from day to day—when a man has fought communism the way he has. And every day he puts out directives that are anti-Communist. He certainly learns something thereby. What I think he must have felt was that the committee wanted to know if he had been associated in the Communist movement and thereby learned. And certainly he hasn't.

Mr. COHN. I can't go behind his motives. I can only know what he did say here.

Would you do us a favor? Would you read his testimony.

Mr. HARRIS. Of course I will read his testimony.

Mr. COHN. And would you ask him about his interview with the staff and his knowledge of the Communist party in the United States, the Communist movement generally, and then see what your judgment would be as to his qualifications to hold the position he does?

Mr. HARRIS. I will make that analysis and do what I can with it, sir.

Mr. SURINE. You previously testified that you were asked by Henderson to join and work with his group.

Mr. COHN. More closely.

Mr. SURINE. More closely; something to that effect.

Mr. HARRIS. To that effect, "You ought to work more closely with us."

Mr. SURINE. You also testified that at the time of that conversation you did not know Henderson to be a Communist.

Mr. HARRIS. I did not know him to be a member of the Communist party. I knew he was an advocate of collectivist ideas.

Mr. SURINE. You mean you considered him to be a Marxist but you didn't know whether he was paying dues to the party? Is that what you mean?

Mr. HARRIS. Yes, that is exactly what I meant. I had no idea he was a member of the Communist party, but I did know that he was a Marxist in philosophy.

Mr. SURINE. Now, looking back at it, you now realize that he was asking you to join the Communist party, do you not?

Mr. HARRIS. Well, I honestly—I still don't know that I think he might have been asking me to join closely with the Social Problems Club or some inner circle of the Social Problems Club.

Mr. SURINE. Well, in your book you described him as a Communist.

Mr. HARRIS. And I used lowercase letters.

Mr. SURINE. You testify here that you understood him to be a Marxist.

Mr. HARRIS. Yes, I did.

Mr. SURINE. You testified that he asked you to work more closely with his group.

Mr. HARRIS. That is correct.

Mr. SURINE. That was in response to a question as to whether you had been asked to join the party.

Mr. HARRIS. I said that the only asking that I had had was that asking. And I don't know that that was any asking to join the party. I am not trying to equivocate. Maybe he was asking me that. But I did not know he was asking me to do that, if that is what he was doing.

Mr. SURINE. You didn't know at the time?

Mr. HARRIS. No. I would guess that was very possibly what he was leading to.

Mr. SURINE. Your opinion now is that it may have been an invitation to join?

Mr. HARRIS. That or an affiliated group, yes.

Mr. SURINE. Now, the next point. Were you in the Far East with Shep Stone, Bradford Connors, and that group?

Mr. HARRIS. I was not.

Mr. SURINE. You were not in the Far East?

Mr. HARRIS. I have never been in the Far East yet.

Mr. SURINE. How close are you associated with Richard Sanger?

Mr. HARRIS. I am not sure that I know which man he is. I know a Mr. Sanger. Whether he is Richard Sanger, I couldn't swear. Is he now in the Near East bureau?

Mr. SURINE. Isn't he in charge of the Near East bureau? Richard Sanger?

Mr. HARRIS. I do know that Mr. Sanger slightly.

Mr. SURINE. He has been in that position for a period of several months?

Mr. HARRIS. Well, he may have been acting in it.

Actually, Mr. Shepard Stone—Mr. Shepard Jones; excuse me. He was the man in charge there.

Mr. SURINE. Is Shep Jones the one who concurred in your order to discontinue the Hebrew broadcast just mentioned?

Mr. HARRIS. I don't think he was still the chief then. I did not make this check directly, sir. We work through staffs.

Mr. SURINE. Just a moment. Would you please read that memorandum you have there? The blue sheet?

Mr. HARRIS. The blue sheet.

Mr. SURINE. You will see a sentence there that the Near East bureau concurs or approves.

Mr. HARRIS. That is right.

Mr. SURINE. Now, you drew up that memorandum, did you not?

Mr. HARRIS. I did.

Mr. SURINE. Who in the Near East bureau concurred in your decision?

Mr. HARRIS. I was informed by my staff people in IF, that is the field office of IIA, International Information Administration, the Near East part of it—that they recommended it, that they had also checked the Bureau of Near Eastern Affairs. I have no way of knowing which person. I would have to try to trace that back.

Mr. SURINE. Did you not consider that a very important decision, in the light of the Slansky trial?

Mr. HARRIS. Yes, sir.

Mr. SURINE. And it being important, did you take the opportunity to check personally to determine that question?

Mr. HARRIS. I did not recheck it personally. I have reason to press [trust] my staff members, and they report to me accurately. They were very clear on it.

Mr. SURINE. And at the time when you issued this, the authorities in New York were protesting, as your wires will show.

Mr. HARRIS. I have not seen all these wires at the time. They don't always come to me just because they are addressed to me.

Mr. SURINE. That is all.

Mr. HARRIS. These are sent on behalf of names, right and left.

Mr. SCHINE. How did you go about getting your book published, the football book?

Mr. HARRIS. I didn't go about getting my book published at all, really. This is what happened. I will recite it very simply.

There was a lot of publicity, headline publicity, about my experiences at Columbia. You will even find it listed in the *World Almanac* for that year, it was so noisy. It was the complete hoop-de-do. So I was a name they could use for selling books.

Mr. SCHINE. That who could use?

Mr. HARRIS. A publisher. Two different publishers called me in that period, the late George Putnam, who was the husband of Amelia Earhart, and Mr. James Henry [Henle] of the Vanguard Press. They both called me. What Mr. Putnam wanted to do was somehow to pull documents out of the Columbia Athletic Association office and make use of those in the book, which apparently would have involved illegal activity, and I had nothing to do with it. I walked out of his office very fast. I went over to see Mr. Henry [Henle] about the same time, and he said, "Well, you can write a book on football, and you better put in a few other things about the American colleges right now, and we are prepared to give you a normal author's contract, and with all this publicity it will sell very rapidly.

Well, that was it.

Mr. SCHINE. How about the Wolfe Estate? What was that?

Mr. HARRIS. The Wolfe Estate is a printing organization, a book making [manufacturing] house, in the City of New York. It prints and binds and distributes books. That is the H. Wolfe Estate.

You will find them listed in *Publishers Weekly*, I think still. That is a standard book house. That has nothing to do, as far as I know—unless they could have an interest in some of these publishing firms. They often do. These printing houses often do that. But I had no connection, no knowledge of that.

Mr. SCHINE. Do you know if any of these two are tied up with Communist party activities?

Mr. HARRIS. My God, it would be a great shock to me if a publisher as reputable as that were tied up with Communist activities. You mean the Vanguard Press? I don't see how the printer could be tied in, because a printer is not responsible for everything that goes through his shop, I wouldn't think. But the publisher certainly knows what he is putting out.

The only thing I ever saw of theirs that I remember being very left-wing was that I believe they put out something by Upton Sinclair, or somebody of that sort, some years before the management that I knew came in.

The Vanguard Press name—I may say this—the Vanguard Press name at one stage was identified, I think, with quite a left-wing series of publications, but it certainly had been turned over to new management.

Senator MUNDT. Was that not the name—just thinking out loud, it seems to me back in the days of World War II that was the name of a Nazi press. But I do not think it was this man. I think you will find he is a thoroughly reliable man.

Mr. SURINE. One last question. You collaborated with Jacob Baker in this book *Government Benefits*. You testified that you performed the research.

Did you see this book in its final form before it went to the printer?

Mr. HARRIS. Not before it went to the printer, no. And I would have seen it. I would have seen it but for just the plain accidental fact that there was a great hurry to make the deadline.

Mr. SURINE. I see. Did you see any parts of the book in its final form before it went to the printer, in working with Jacob Baker?

Mr. HARRIS. I do not think I ever saw any part of the book in its final form.

Mr. SURINE. You remember this book pretty clearly, do you, called Government Benefits?

Mr. HARRIS. Not its content. I don't remember its content very specifically, sir.

Mr. SURINE. What do you mean by "very specifically"?

Mr. HARRIS. Well, I mean I remember he was talking about——

Mr. SURINE. Have you read this book?

Mr. HARRIS. I read it about 1937. I haven't read it since.

Mr. SURINE. At the time when you read it, did you approve of it?

Mr. HARRIS. I don't remember—it is hard to explain. Whenever you have worked on a——

Mr. SURINE. No, here is the thing.

Mr. HARRIS. I did not have an opinion for or against it.

Mr. SURINE. You claim to be a violent anti-Communist.

Mr. HARRIS. Is this a procommunist book?

Mr. SURINE. I can show you some sections out of it that are rather astounding. We don't have time today. But what I am trying to get at: You have claimed you were anti-Communist. You helped research material that went into this book. You now state you read it finally in '37. It came out in '36.

Mr. HARRIS. I saw pieces of it in process.

Mr. SURINE. That is what I am trying to ask you.

Mr. HARRIS. In process, but not in final form.

Mr. SURINE. And do you recall registering protest against any of those pieces?

Mr. HARRIS. Not the pieces I saw.

Mr. SURINE. Or any part of it?

Mr. HARRIS. Because I didn't see all the parts. I say as to the pieces I saw I registered no protest. I wouldn't have any reason to protest about parts that I didn't see.

I would like to go back and look at the book, if I can get a copy from the library, and see what was in there. I contributed a page and a half, I think, of customs duties, which is listed there as an example of what goes into a government list. And that book was actually written more by Jacob Baker——

May I say this. My best recollection is that Jacob Baker dictated most of this book personally in a great white heat. I mean a hurry. He just dictated it. Then he called upon three writers to help him out on it, a Miss Martha Gellhorn, who was then working for the FERA, who was the wife of Ernest Hemingway——

Mr. SURINE. Did you know Martha Gellhorn?

Mr. HARRIS. I knew Martha Gellhorn.

Mr. SURINE. Did you know she was at least procommunist at that time?

Mr. HARRIS. No, I did not.

Mr. COHN. I want to ask one last thing. Do you know about a directive that has come from Mr. Bradley Connors to the New York office of the Voice of America stating that from now on no mention of any Communist anywhere in the world is to be used in any broadcast?

Mr. HARRIS. Those approximate words have gone to New York.

Mr. COHN. What is that? Just a little something to bring about a *reductio ad absurdum* in this, concerning this Howard Fast thing?

Mr. HARRIS. It is carried out as Mr. McArdle, the assistant secretary of state, ordered, on his understanding of what this committee wanted.

Mr. COHN. Would you look into that, please?

Mr. HARRIS. Of course, I will. But I am not concerned with it. I have had nothing to say about it.

Mr. COHN. You don't know whether the order came out of your office or not? If it did, it would merely have been a formality?

Mr. HARRIS. I certainly don't remember initialing it, but there have been several stages of this thing in the past few days, and I can't remember just where I got in. I know that the order was actually made, the original order, by Mr. McArdle, the assistant secretary for public affairs.

Senator MUNDT. What is your plan, Mr. Cohn? Are we through with Mr. Harris?

You are right here in Washington, are you not?

Mr. HARRIS. I am here in Washington, at the disposal of the committee.

Senator MUNDT. Nothing from this committee ever emanated which should give Mr. Connors or anybody else the idea that from now on no mention of any Communist anywhere in the world is to be used in any broadcast of the Voice. That would be stupid.

Mr. COHN. As it was put to us by one of the top people up at the Voice, what it appears to be is an idea, "If they want to play games, we will reduce this to a ridiculous level."

Senator MUNDT. Will you check up whether Mr. Connors sent such a directive, and if not whose idea it was?

Mr. HARRIS. He sent that at the direction of Mr. McArdle, the assistant secretary of state for public affairs.

Mr. COHN. Did Mr. Connors write it?

Mr. HARRIS. I don't know the circumstances. I know Mr. McArdle has acknowledged he ordered it and it is his idea.

Senator MUNDT. Let us find out if that is an exact quote.

All right. We will stand in recess.

[Whereupon, at 6:05 p.m., Monday, February 23, 1953, a recess was taken to the call of the Chair.]¹⁸

¹⁸ On March 2, 1953, Reed Harris wrote the following letter to Senator McCarthy:

Dear Senator McCarthy: As I stated in my letter yesterday, I wish to request that certain corrections be made in my testimony as given before the subcommittee in executive session on February 23, 1953. I have reviewed a copy of the transcript today in the office of Assistant Secretary Thruston Morton, and made notations of inaccuracies in my testimony.

In addition to the inaccuracies mentioned specifically below, I noted many inaccurate implications and innuendoes in the questions posed by the chief counsel, Mr. Roy Cohn. I understand that I do not have the privilege of suggesting any changes in the transcript covering his questions.

The corrections desired in my testimony, as it appears in the transcript, are as follows:
p. 5130—Dr. Compton is Acting Director—(delete *Acting*).

p. 5130—Delete: “I was not a close friend in a personal sense. We had practically no social contact.” Insert: “He was invariably kind and generous to me—the kind of man who would give the shirt off his back to any man in need. I was friendly with him but not one of his closest friends. We had little social contact save at luncheon.”

p. 5166—The statement, “I had nothing to do with Mr. Henderson on any basis at any time in my life,” should be preceded by “after the Columbia incident.” (It is believed that this is an actual transcription error as I believe I made the preceding statement before making the statement which appears in the transcript.)

p. 5168, line 6: *historical* should be *hysterical*.

p. 5185, line 19: *or* should be *a* (The complete phrase is “Cosmopolitan Magazine, a Hearst magazine”).

p. 5189, line 7: *Gehr* should be *Gaer*.

p. 5191, line 15: add “out of deference to a kindly man I did not make the split a public one.”

p. 5194, line 10: *Spark* should be *Parke*.

p. 5191, line 15: *Harper's Magazine*^o should be *Scribner's Magazine*.

p. 5227, line 16: Delete “merely.”

p. 5237, line 23: *have* should be *had*.

p. 5246, line 7: *press* should be *trust*.

p. 5247, line 2: *making* should be *manufacturing*.

p. 5347, lines 6 and 12: *Henry* should be *Henle*.

Sincerely yours,
Reed Harris
Deputy Administrator.

VOICE OF AMERICA

[EDITOR'S NOTE.—W. Bradley Connors, assistant administrator for policy and plans of the International Information Administration, first testified at a public hearing on February 18, 1953.]

TUESDAY, FEBRUARY 24, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in Room 101 of the Senate Office Building, Senator Joseph R. McCarthy, Chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Francis D. Flanagan, general counsel; Donald A. Surine, assistant counsel; Henry Hawkins, investigator.

The CHAIRMAN. Let the record show Mr. Connors is reminded that he is still under oath.

Mr. Connors, we are in receipt of a copy of the order that you brought along with you in which you order no materials by any adverse persons, Communists, Travelers, and so forth, will be used under any circumstances. I understand from the information which we get from New York that this will be interpreted to mean that they cannot quote what Vishinski says, cannot quote what Stalin says, in order to ridicule it or in order to show them up, or, as Morton says, make them eat their words. Is that the intention of this order, I wonder?

TESTIMONY OF W. BRADLEY CONNORS (RESUMED)

Mr. CONNORS. I was checking what we had said to you in the hearing. I notice on page 1077 the question of the chairman at the conclusion was:

Mr. Connors, I understand we do have your assurance at this time that you will issue the proper orders to remove from the information program libraries all works of Communist writers?

Answer: "Yes, sir."

The CHAIRMAN. We are talking about getting books off the shelves, which I think is an excellent idea. I do not think they should be on the shelves. I question whether the Voice can operate if you tell them they can't quote Stalin. For example, let us say Stalin today makes a statement approving the anti-Semitic action. Let us assume he makes another statement which makes excellent propaganda material, or assuming Vishinski in a speech over in New York makes it clear they do not want peace over in Korea.

Mr. CONNORS. If we had an American source to quote making it clear how much nonsense this was, we could use it at the present

time. If you will recall, I testified that this order which I read, that no materials would be used, followed the instruction of the secretary rescinding that "controversial persons" and at your request I said I would also send that order overseas.

The CHAIRMAN. That is on the books in the library?

Mr. CONNORS. Yes, sir. I don't want to refer to the number because of security.

Mr. FLANAGAN. Now, Mr. Connors, are we right in understanding at the time you appeared in executive hearing on February 19 that it was indicated by the members of the committee that it might be a good thing to consider removing Communist books and publications from your library?

Mr. CONNORS. Yes.

Mr. FLANAGAN. You said you would see that would be done.

Mr. CONNORS. Yes.

Mr. FLANAGAN. And that you did then take steps to see that these books and periodicals and publications were removed?

Mr. CONNORS. Well, I issued this instruction to go overseas.

Mr. FLANAGAN. You are talking now about your bulletin—

Mr. CONNORS. Please don't refer to the number, but refer to the date.

Mr. FLANAGAN. Your bulletin dated February 19, 1953—can we read the thing? [Discussion off the record.]

Mr. FLANAGAN. In any event, you issued this bulletin?

Mr. CONNORS. That is right.

Mr. FLANAGAN. Dated February 19, the one I have here in my hand, and which for confidential reasons we can not repeat the number?

Mr. CONNORS. Which quoted the previous instructions, then I spelled it out.

Mr. FLANAGAN. I notice in the first part of this, and I will try to paraphrase it for security reasons, that you say that you should not use materials, you don't say written or oral, you merely say materials of any Communist or fellow traveler under any circumstances. Later on in the instruction you elaborate by saying that your libraries should take steps to remove books and other publications. As a matter of fact, the latter part I have just read is what the committee suggested.

Mr. CONNORS. That is right.

Mr. FLANAGAN. The committee had nothing to do with the first part?

Mr. CONNORS. That is right. That is why it is specifically in the second part.

Mr. FLANAGAN. Whose idea was it to put this first part in the instruction, namely, that you should not use any materials by any Communists?

Mr. CONNORS. This was the instruction to me, verbal instruction to me, from the assistant secretary, Carl W. McArdle, on interpreting the secretary's instructions to him.

Mr. FLANAGAN. And that first part which came from McArdle originated in no way with this subcommittee?

Mr. CONNORS. That is true.

Mr. FLANAGAN. It had nothing to do with this subcommittee?

Mr. CONNORS. I read it into the record at the hearing.

Mr. FLANAGAN. So it is quite clear the only suggestion the subcommittee made at all was in connection with the removal of books from the library?

Mr. CONNORS. Yes.

Mr. FLANAGAN. And that you inserted this first part in the wire about the non-use of Communist materials on the instructions of McArdle, who in turn received them from Dulles?

Mr. CONNORS. That is my understanding.

Mr. FLANAGAN. And that that part of the instruction with regard to the use of materials in no way emanated from the work of this committee?

Mr. CONNORS. As far as I know, these were the instructions I got. [Discussion off the record.]

The CHAIRMAN. I do not want to put this committee in a position of trying to tell how the Voice should be run under any circumstances. I think the provision of removing Communist books from libraries is an excellent provision. The first half saying you cannot discuss or use any material, meaning anything said by any Communists, I think will make it rather difficult for them to operate, don't you?

Mr. FLANAGAN. I might state that we have had this record of our hearing reviewed and we find no indication that any senator intimated that this be done. The only statement made is that I believe you, as chairman, suggested that consideration should be given to removing Communist books from the library.

The CHAIRMAN. I think there was some criticism of Malik's speech and rebroadcasting with no commentary on it at all.

Mr. CONNORS. That is why we are trying to work out a directive that will permit the use of certain things in certain ways.

[Whereupon, at 5:30 p.m., a recess was taken, subject to the call of the chair.]

VOICE OF AMERICA

[EDITOR'S NOTE.—In its report on the Voice of America investigation, filed on February 3, 1954, the subcommittee identified Fernand Auberjonois as "one of the three policy advisers at the Voice when the investigation commenced. Prior to that time he had been head of the French service of the Voice. Testimony indicated that Auberjonois awarded a contract, for preparation of scripts for the Voice of America, to a relatively unknown company known as Media Productions. The head of it had a long record of Communist-front affiliations. When engaged by the Voice of America, he proceeded to make arrangements to use Charlie Chaplin and other left-wing artists in the shows he was preparing to fight communism. The Hollywood Coordinating Committee, upon disclosure of this situation, suspended all relations with the Voice of America in view of its use of pro-Communists in this fashion."

After testifying in this executive session, Fernand Auberjonois appeared before the subcommittee in public session on March 2, 1953; Norman Stanley Jacobs, Raymond Gram Swing, and Troup Mathews, who testified at the same closed session, were not called to testify in public.]

SATURDAY, FEBRUARY 28, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
New York, NY.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in the first floor hearing room of the Federal Building, Senator Joseph R. McCarthy, Chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; David Schine, chief consultant; Henry Hawkins, investigator.

The CHAIRMAN. Will you raise your right hand? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. AUBERJONNOIS. I do.

The CHAIRMAN. And your counsel's name?

Mr. MIGDAL. Migdal, M-i-g-d-a-l, Lester C.

The CHAIRMAN. Let me make a suggestion. I assume your attorney has advised you of this. Mr. Auberjonois, we often have witnesses come before the committee who are guilty of no violation of any law. They may have performed acts which they would rather not have the public know about, as far as competency and incompetency, et cetera, are concerned. They time after time make the mistake of assuming that they can get by with not telling the committee the truth. So they come into the committee hearing guilty of no crime, but leave guilty of perjury.

So I strongly urge you that you do not make that mistake, that you tell us the truth or refuse to answer. And as your lawyer un-

doubtedly has told you, if there is anything that you think in any way may incriminate you, you have a perfect right to refuse to answer. I strongly urge you not to make the mistake witnesses so often make. Either give us the truth, or refuse to answer.

Mr. COHN. Where are you employed, Mr. Auberjonois?

**TESTIMONY OF FERNAND AUBERJONIS, SPECIAL ASSISTANT
TO THE DIRECTOR, VOICE OF AMERICA (ACCOMPANIED
BY HIS COUNSEL, LESTER C. MIGDAL)**

Mr. AUBERJONIS. The Voice of America, Department of State.

Mr. COHN. What is your title?

Mr. AUBERJONIS. My title is special assistant to the director of the Voice, and I am a member of the policy unit, one of three.

Mr. COHN. One of the three members of the policy unit of the Voice of America, and your title is special assistant to the director; is that right?

Mr. AUBERJONIS. Yes.

Mr. COHN. And for how long a period of time have you held that position?

Mr. AUBERJONIS. I believe it is since May of 1952.

Mr. COHN. Who are the other two members, Senator McClellan wants to know.

Mr. AUBERJONIS. Mr. Edwin Kretzmann is chief of the policy unit, and Mr. Gordon Knox is his assistant.

Mr. COHN. Then the three of you are the policy unit of the Voice of America?

Mr. AUBERJONIS. That is right.

Mr. COHN. Prior to your assumption of those duties, what position did you hold in the Voice of America?

Mr. AUBERJONIS. I was chief of the French unit from October 1946.

Mr. COHN. We have had testimony here in public session, of which you are undoubtedly aware, to the effect that at a meeting with some members of the French unit, when Whittaker Chambers' articles, the serialization of his forthcoming book, were discussed, you made a statement to the effect that Chambers was a "psycho-path" and his articles "should not be touched with a ten-foot pole." I believe that was the quotation.

Now, do you affirm or deny that you made that statement?

Mr. AUBERJONIS. I don't remember the exact terms I used on that occasion. I advised against rushing into using this article to a foreign audience, especially to the French audience, for very specific reasons.

When I speak to my staff, I generally use direct language. I was very much disappointed by that first article. There was no judgment on the book itself, which had not appeared.

I can explain why I was disappointed in the article. Subsequently I made statements to the effect that I liked the book very much, just as publicly.

The first article in the series contained ideas which seemed to me to be dangerous in broadcasts to France.

The CHAIRMAN. You say that you had this conversation about whether the book should be reviewed or not only after the first article had appeared?

Mr. AUBERJONIS. No, the conversation dealt entirely with what had appeared and what I had read. I had read it that very day.

The CHAIRMAN. Let me ask you this: At the time there was this discussion—

Mr. MIGDAL. Excuse me, sir.

The CHAIRMAN. No, the rule is that if your witness wants to discuss anything with you, he may at any time. We do not allow you to interrupt the proceedings.

Mr. MIGDAL. May I not consult with him, if I think it advisable?

The CHAIRMAN. You may do that.

[Mr. Migdal confers with Mr. Auberjonois.]

Mr. AUBERJONIS. What I was going to do was to give my reasons and to quote from the article.

The CHAIRMAN. Will you first answer the question? The question is: At the time the book review was discussed, did you use language substantially to the effect that Chambers was a “psychopath,” that they should not touch that book, or the review, “with a ten-foot pole”?

Mr. AUBERJONIS. I did not discuss the review of the book, sir.

The CHAIRMAN. Did you make a statement substantially—

Mr. AUBERJONIS. I was no longer in the French unit when the book—

Mr. COHN. At the time you did make a statement concerning Chambers.

Mr. AUBERJONIS. I was discussing the first article.

Mr. COHN. All right. The serialization of the book. I think Senator McCarthy wanted to know: Did you make such a statement, or did you not?

Mr. AUBERJONIS. I cannot recall the language I used. This is something that was in a very informal discussion of the staff.

The CHAIRMAN. Well, do you know whether substantially you said that you thought he was a “psychopath,” and not to touch it “with a ten-foot pole,” or don’t you know?

Mr. AUBERJONIS. Yes, I know exactly what I meant, sir.

The CHAIRMAN. Then tell me.

Mr. AUBERJONIS. What I meant was that this was the approach of a man struggling with his problem. First, the story, as the cover of the *Saturday Evening Post* said—

The CHAIRMAN. Do you know whether you told the people you were discussing that with, there, substantially that he was a “psychopath” and that the matter should not be touched “with a ten-foot pole”? Do you know whether you told them substantially that or not?

Mr. AUBERJONIS. No, I don’t know substantially whether that was what I said, but I know that there can be no misinterpretation of what I meant, which is that this was a story which, for the first time, showed the true dimensions of the Communist threat to America. I did not feel we were in the business of broadcasting to France at any time to show the true dimensions of the Communist threat to America. I also felt that when a man said, “You cannot leave the Communist party unless it is done reluctantly, slowly, and in agony,” this wasn’t going to be very good for an audience containing about four million people who voted the Communist ticket. I felt that the whole picture of the Soviet involvement was

not clear in that first article. And I did not believe that we could say to anyone, or ask the same question, "Why, then, do men cease to be Communists?" One answer is, "Very few do. There is only a handful of ex-Communists in the world."

The CHAIRMAN. Is it your testimony that you did not discuss the review of the book.

Mr. AUBERJONIS. I could not have discussed the review of the book.

The CHAIRMAN. Let me finish my question. You did not discuss a review of the book. You did not discuss the book. You did not discuss using it over the air, except between the time the first article appeared in the *Saturday Evening Post* and the second article. Is that your testimony?

Mr. AUBERJONIS. I am quite sure I could not have discussed the book itself, since I had not read it, sir.

The CHAIRMAN. Did you hear my question?

Mr. AUBERJONIS. Yes.

The CHAIRMAN. You were talking about your reaction to Chambers after reading the first article.

Mr. AUBERJONIS. That is right, sir.

The CHAIRMAN. My question is: Is that the only time you discussed this book, or a review of it; or the article, if you are going to call it that?

The only time was between the publication of the first and the second of the series in the *Saturday Evening Post*? Is that correct?

Mr. AUBERJONIS. To the best of my knowledge, it is.

[Mr. Migdal confers with Mr. Auberjonois.]

Mr. AUBERJONIS. Well, the first article may have been discussed further, and I have expressed my opinion about it on many occasions.

Senator JACKSON. I might ask: What was the date of this conversation that the previous witness referred to?

Mr. COHN. Approximately after the appearance of the article.

Senator JACKSON. Was it before the book?

Mr. COHN. Yes, this was before the book, Senator.

Senator JACKSON. What I am trying to get in my mind: Are we talking about the book, or the article?

Mr. COHN. Well, the article was merely a serialization of the book.

Senator JACKSON. When did it appear?

Mr. COHN. My guess would be April.

Mr. AUBERJONIS. February.

Senator JACKSON. When was this conversation?

Mr. AUBERJONIS. It must have been on—I can't remember, but roughly, February 14th.

The CHAIRMAN. May I interrupt now? Up until now, we have not allowed counsel to coach a witness. It is not done in a court room. We do give the witness one additional right which he does not have in a court room, that is, that he can call upon counsel at any time for advice. I do not think we should vary that rule, so I am going to instruct counsel that he should not attempt to coach the witness. I will ask that you not interrupt him. If he wants to talk to you and get your advice at any time, you can do that, but I do not want

you to nudge him and suggest what the answers are, or anything of that kind.

I think that is reasonable. Don't you, Senator?

Senator McCLELLAN. Unless you want to interpose an objection to the committee, or if you want to address the committee.

Mr. MIGDAL. Yes, if I may say, all I wanted to do was to remind the witness of answers that I know he wants to make to those, because we have discussed them. This isn't a usual situation for a witness, and I dare say he might forget something which would be of great value to the committee and I am only trying to be helpful.

Senator McCLELLAN. I would say this to you, that it is the practice to permit the witness to correct his testimony if he has made a mistake. We are not trying to trap any witness.

Mr. AUBERJONIS. I am not a lawyer, sir, and I am not afraid of the truth, and I am not too afraid of my command of English, although I learned it here, and in the army—that is not the English I will use here, sir.

I would still like to introduce in evidence the fact that I was not banning anything. The script I did approve on that first article, and I have it in translation, and it does cover the first article by Whittaker Chambers. On that occasion, I did discuss that article further.

I did say to one of the writers. "Look. If you can do something constructive with this for our purposes, to explain to a foreign audience what this is all about, go ahead, and show me what you can do." And that went on the air. And this is the script that did go on the air; that is on the first article.

The CHAIRMAN. May I see the script that went on the air?

Is this the script that appeared by Miss Lenkeith?

Mr. AUBERJONIS. No, sir, this is the first script we had on the Chambers series, which went on the air February 16th.

Mr. COHN. Mr. Auberjonois, before we leave that point, I want to get this very clear. Can you not tell us whether or not you said that Chambers was a psychopath?

Mr. AUBERJONIS. No, I cannot remember the term I used.

Mr. COHN. Well, did you believe he was a psychopath at that time?

Mr. AUBERJONIS. No, I think that if I have used the term at any time it should be made very clear that the meaning to me is a very restrictive one, and I am not sure I have used it, but if I have ever used it, if I felt it was a damning word, probably I wouldn't have used it.

Mr. COHN. How did you feel about the disagreement of the jury in the first trial of Alger Hiss?

Mr. AUBERJONIS. At the first trial of Alger Hiss?

Mr. COHN. Yes, when the jury disagreed.

Mr. AUBERJONIS. I doubt whether I ever expressed an opinion on that.

Mr. COHN. What was your opinion?

Mr. AUBERJONIS. My opinion has always been that Alger Hiss was quite guilty.

Mr. COHN. And if somebody says you said something to the contrary, that person would not be telling the truth?

Mr. AUBERJONIS. As far as I am concerned, I have never been involved in lengthy discussions of the Alger Hiss case, for one thing, or I have never expressed a formal opinion, except that my opinion was based mainly on what I read.

The CHAIRMAN. You did not answer the question yet. The question was: Did you ever express an opinion that he was not guilty?

Mr. AUBERJONIS. I don't remember having expressed such.

The CHAIRMAN. You do not know whether you did or not, then?

Mr. AUBERJONIS. I doubt it very much, sir, because I have never felt that Mr. Alger Hiss—

Mr. COHN. Well, is it possible that you expressed such an opinion?

Mr. AUBERJONIS. That, I really cannot remember. I don't think I would. I am being very careful, because I know that the point is to pin me down on that. And I don't believe that at any time I have made any statements on Alger Hiss, on his guilt.

The CHAIRMAN. The point is not to pin witnesses down. We advise you ahead of time just to tell the truth, and if there is something you feel you should not answer truthfully then refuse to answer, if you think it will incriminate you. We do not want to pin any witness down. All we try to do is get to the truth, and if we find a witness perjures himself, then naturally there is prosecution. We are not interested in pinning you or anyone else down, except to the truth.

Mr. COHN. The last point on this is this. The reason I press the point on whether or not you used this term "psychopath" is because you agree, this is a serious situation. Here was the main witness sponsored by the United States government in one of the most important prosecutions ever held, whose testimony was believed by a jury, and Hiss was convicted as a result of that testimony. You were head of the French service which was sending out the official views of the United States government abroad, and if you make a statement to the effect that the government's main witness in that case was a psychopath and its writings shouldn't be touched with a ten-foot pole, would you agree with me that that would be a serious situation?

Mr. AUBERJONIS. Not necessarily.

Mr. COHN. You do not think it would be?

Mr. AUBERJONIS. I think it would not be if this was a matter of open discussion of a general problem between a number of people who had views on it. If it were a ban, or an order, I would agree with you. But we have had three editorial discussions, where people expressed opinions and expressed them openly, and expressed them in the language they know best, which is the direct language of the editor. I don't believe that if I ever intended to make a subversive statement I would make it in public.

Senator JACKSON. You said something a little bit ago in which you described him, I believe, as a man in great mental anguish.

Mr. AUBERJONIS. Yes.

Senator JACKSON. Well, can you enlarge on that? Do you think you might have used some other descriptive term to describe what you thought his state of mind to be?

Mr. AUBERJONIS. Well, I believe that the man was so completely involved in his own problem, which was also specifically an Amer-

ican Communist problem—and an American Communist is, to me, a very peculiar type of individual.

The CHAIRMAN. May I interrupt, Mr. Auberjonois? You gave us something that you wanted to introduce in evidence. Will you initial the three pages of that?

Mr. AUBERJONNOIS. Yes, sir.

The CHAIRMAN. You have initialed three pages of what you say is the script which was broadcast.

Mr. AUBERJONNOIS. A script that was broadcast on the air on February 16.

The CHAIRMAN. On the 16th of February, 1952?

Mr. AUBERJONNOIS. Yes, sir.

The CHAIRMAN. And you are sure this was broadcast?

Mr. AUBERJONNOIS. I am positive it was broadcast.

The CHAIRMAN. This will be marked as Exhibit 1.

Senator JACKSON. You were about to say that you felt there was a difference in the background of the thinking of an American Communist as compared with a French Communist, and I take it that your position in this matter was that the state of mind and thinking of what caused Chambers and other American Communists to become Communists was different than that which you would find in France. Was that your point?

Mr. AUBERJONNOIS. Certainly in the postwar period, yes, sir.

Senator JACKSON. Not necessarily, though, in an earlier period?

Mr. AUBERJONNOIS. Not necessarily in the hard core Communist group. But we are dealing with masses, with roughly four and a half million of people who vote the Communist ticket, who do not have the same problems, I believe.

Senator JACKSON. Do I understand that you probably thought Mr. Chambers was under some mental strain? You used the term "mental anguish" earlier. I wonder if you could enlarge on that a little bit. Just state honestly what you thought at the time, and what you might have said at this discussion, to describe to the committee as best you can what your thinking was with reference to Mr. Chambers.

Mr. AUBERJONNOIS. I was mainly impressed by the fact that problem was a personal one, involving the difficulties that the man had to get away from something; and that he stressed mainly that aspect of it, but it is practically impossible to get away from it, that there are practically no ex-Communists, that it is a form of torture. I do not believe, and I did not believe then, that this was the right approach. I do not believe today it is.

In the subsequent articles, we got into the treason angle, which became one thing that I was interested in. I, personally, and everybody.

Senator JACKSON. Did you use any of the passages with reference to the treason angle in connection with your broadcast to France?

Mr. AUBERJONNOIS. The later ones?

Senator JACKSON. Yes.

Mr. AUBERJONNOIS. I was no longer in the French unit then. I had been reassigned.

The CHAIRMAN. As one of the witnesses said, you had been removed to a higher job.

Senator JACKSON. Well, you do feel that the treason aspect, which is a universal characteristic, an inevitable result, shall we say, from the teachings, would really have some application in France among the Communists?

Mr. AUBERJONIS. It certainly would. Those would be ideal.

Senator JACKSON. At the time you saw the discussion, had you seen the later chapters of the book dealing with this problem?

Mr. AUBERJONIS. I had not. I was judging too quickly maybe, on one article.

Senator JACKSON. Did you later make any statement about the subsequent articles that dealt with this problem of treason?

Mr. AUBERJONIS. I did, to many people.

Senator JACKSON. To many people. Do you have any memoranda?

Mr. AUBERJONIS. No, I haven't put it in writing, but I certainly have talked to several people about it.

The CHAIRMAN. Do you consider all the people who worked with you on the French desk as good, loyal, Americans?

Mr. AUBERJONIS. I have no doubt to suspect their loyalty.

The CHAIRMAN. The question is: Do you think that the people who worked with you on the French desk are all good, loyal Americans?

Mr. AUBERJONIS. Yes, I do.

The CHAIRMAN. You do.

Mr. AUBERJONIS. I was in charge of investigations, or security, sir.

Mr. COHN. Do you think Marcelle Henry was a good, loyal American?

Mr. AUBERJONIS. I think Marcelle Henry was a good, loyal American.

Mr. COHN. She is the one who wrote these scripts, some of whom we have in evidence here.

The CHAIRMAN. What was the answer to the question? The question was: Do you think Marcelle Henry was a good, loyal American when she worked on the French desk under you?

Mr. AUBERJONIS. Yes, sir, I do.

Mr. COHN. Do you know that in a following security investigation she has been ordered terminated at the Voice of America?

Mr. AUBERJONIS. I did not.

Mr. COHN. Are you familiar with some of the scripts that were read in evidence before the committee, prepared by her?

Mr. AUBERJONIS. I think that most of these scripts were written after my departure. I must make it clear that I was away for five months during the time.

The CHAIRMAN. The question was: Are you familiar with the scripts written by her which were read into the evidence?

Mr. AUBERJONIS. Would you mind giving me the names?

Mr. COHN. I don't want to take too much time.

The CHAIRMAN. The question is: Are you familiar with the scripts prepared by her that were read into the evidence? In other words, do you know about those? If you do not, all right.

Mr. AUBERJONIS. I don't know which ones—

Mr. COHN. Have you heard or read anything about Mr. Horneffer's testimony before this committee?

Mr. AUBERJONIS. Yes; less about Miss Lenkeith's.

The CHAIRMAN. Have you read the testimony in regard to the French desk, in regard to yourself?

Mr. AUBERJONIS. I have read what was in regard to myself. I have not read everything, no, sir.

The CHAIRMAN. Have you read Miss Lenkeith's testimony?

Mr. AUBERJONIS. In regard to myself, yes, sir.

The CHAIRMAN. Have you read all of her testimony?

Mr. AUBERJONIS. I have witnessed her testimony on the television, sir.

The CHAIRMAN. So, then, you are aware of the Marcelle Henry scripts right into the record. You saw that on television?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. That is the question counsel asked.

Mr. COHN. Now, following the reading of those scripts, do you regard Marcelle Henry as a good, loyal American?

Mr. AUBERJONIS. Yes, sir.

Mr. COHN. You do?

Mr. AUBERJONIS. Because the scripts—I have seen maybe several hundred scripts read by Marcelle Henry which could be introduced in evidence to show that she has done a job of writing.

The CHAIRMAN. Well, let me ask you this. One of the scripts prepared by Marcelle Henry, as I recall, one of those that you saw on television, as you say, was a friendly review of Edna Ferber's book, preceded by the statement that Edna Ferber knew Texans despite what the Texans had to say, in which she then described over the Voice the Texas men—I may not quote it directly, but roughly—as men who drank a gallon of bourbon a day, and the women as nitwits. Would you say that that was a type of material you would want broadcast to the French to fight communism?

Mr. AUBERJONIS. My question would be: Was that the type of material that was broadcast? I don't know. I haven't read her script. I haven't read it, and I was not there when this occurred.

The CHAIRMAN. Did you hear my question?

Mr. AUBERJONIS. My answer was that I wouldn't want to answer about something I haven't read.

The CHAIRMAN. The question was: Would you say it would be good to broadcast to France material which accused the Texas men of being bourbon drinkers, drinking a gallon of bourbon a day, and the Texas women, nitwits? Would that be the type of material which you would approve having broadcast?

Mr. AUBERJONIS. No, I would not, as a flat statement. But how was it in context? I don't know. Was it a quotation from Edna Ferber? Was it balanced by other statements? That is the question that I would raise. A certain amount of self-criticism is a good thing.

Mr. COHN. What was that last?

Mr. AUBERJONIS. I say a certain amount, to certain very skeptical audiences. I believe that a certain amount of self-criticism, as to the credibility of the broadcast—

The CHAIRMAN. Do you think that is fair criticism?

Mr. AUBERJONIS. No, sir. I would not say that it is fair criticism. But I do not know whether there was not a caution before.

The CHAIRMAN. Let us assume, then, there was no caution, just for the sake of your answer. Would you say—

Mr. AUBERJONIS. As a flat statement?

The CHAIRMAN. Let me ask my question. Assume there was no caution before. If you did not know who the author of that script was, and you knew it was prepared, and you knew there was no caution, would you say that you thought the author was a great, loyal American trying to fight communism?

Mr. AUBERJONIS. If that came from one of my writers, as a flat statement, I would have it out. And that would not be the job of a loyal American, as a flat statement.

The CHAIRMAN. If it came from one of your writers, not as a flat statement but as approval of a book written by Edna Ferber, would that change your answer? In other, words, if it was quoted with approval? Do you follow me? You seem to have difficulty answering that.

Mr. AUBERJONIS. Well, I haven't seen it.

The CHAIRMAN. You are listening to me. You can hear what I am saying, can you not?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. It is very simple. If that statement was quoted with approval by a writer on the French desk, broadcast to France, would you say the writer was trying to further the cause of Americanism and trying to fight communism? Or would you say that the author was trying to make the American people look silly in the eyes of the French people?

Mr. AUBERJONIS. If that was the only thing in the piece, I would say that the intention was to make us look silly, yes, sir.

The CHAIRMAN. Go ahead, Mr. Counsel.

Mr. COHN. By the way, you were away for five months. You were over in France. And when you came back, did you make a statement at the policy meeting to the point that there wasn't any point in sending anti-Communist material to France and the material should simply be entertainment broadcast?

Mr. AUBERJONIS. No, sir.

Mr. COHN. You did not. What is inaccurate?

Mr. AUBERJONIS. What is the date of that?

Mr. COHN. Well, did you ever make such a statement in a policy meeting?

Mr. AUBERJONIS. That we should have nothing but entertainment to France?

Mr. COHN. Can't you tell me whether you ever said that?

Mr. AUBERJONIS. I would like to introduce in evidence my views on broadcast to France, which are a matter of public record.

Mr. COHN. I asked a very simple question, based on a statement we have received from a witness at that meeting.

Couldn't you give me an answer on that?

Mr. AUBERJONIS. What meeting was that, sir?

Mr. COHN. Did you ever say at any policy meeting at the Voice of America that there was no point in sending anti-Communist material to France, we should merely send entertainment?

Mr. AUBERJONIS. I may have said it in connection with one certain type of broadcast only.

Mr. COHN. In connection with what type of broadcast did you say it?

Mr. AUBERJONIS. With broadcasts relayed—

The CHAIRMAN. You wanted to introduce what has been marked as Exhibit No. 2 into the evidence. It will be received. It consists of seventeen pages, entitled, "The Voice of America and France, a Partial Inventory of VOA Problems with respect to a relay operation, by Fernand Auberjonois."

Mr. MIGDAL. May I suggest, sir, that this is restricted and it is being offered only for the use of the committee in order to maintain all the security and classification.

The CHAIRMAN. The classification will be respected, and I may say that our reporters have been cleared for classified material.

In other words, you do not want this published in any record. You want this to be for the benefit of the committee

Mr. AUBERJONIS. Yes, sir. These are the views on broadcasting.

I would say that there has always been an insistence on cultural and human interest broadcasts for the French relay, and no excessive emphasis on cold war material.

The CHAIRMAN. I would like to get your thought on this. We have had, for example, a statement by Dr. Compton the other day, made in *Newsweek*, I believe, to the effect that he thinks that the Voice broadcasts should consist of news and analysis and nothing beyond that. I know that some witnesses feel that you should have a certain amount of entertainment, apparently to attract listeners, so that they will also listen to the other material which you want to use.

Now, is it your thought that certain programs should be merely entertainment shows?

Mr. AUBERJONIS. There must be a certain amount of entertainment program in order to keep an audience, in France, over the facilities of the French radio, yes, sir.

Senator JACKSON. Do you think it all ought to be entertainment?

Mr. AUBERJONIS. Of course not, sir. I personally have advised against this program.

Senator JACKSON. Let me ask you this. Did you at any time ever advocate that all of these programs should be directed in the entertainment field? In other words, completely in the area of entertainment, to the exclusion of anti-Communist broadcasts?

Mr. COHN. I think we ought to have a "yes" or "no" answer to Senator JACKSON's question.

Senator JACKSON. That is a very simple one.

Mr. AUBERJONIS. No, it is not a simple one, sir.

Senator JACKSON. Well, let me restate it.

Mr. AUBERJONIS. I have advised against, let us say, obvious cold war propaganda over the facilities of the French network, and I have so advised under directive and under instructions.

Senator JACKSON. All right. Let me just pinpoint this matter. When I use the word "entertainment," I mean nothing but entertainment.

Mr. AUBERJONIS. You mean jazz—

Senator JACKSON. I am not talking about subtle anti-Marxian things that might be in the entertainment. I am talking about pure entertainment, without regard to ideology.

Have you ever recommended that?

Mr. AUBERJONIS. No, sir.

Mr. COHN. Do you deny that you came back from France and stated at a policy meeting of the Voice of America that there was no point in sending anti-Communist material to France, and that the broadcasts should be in the entertainment field, period? Do you deny making that statement?

Mr. AUBERJONIS. I certainly deny making that statement. In those terms, it wouldn't make sense.

Mr. COHN. I don't know whether it would make sense or not but I am trying to get at the point: Did you make a statement that there shouldn't be anti-Communist material, that it wouldn't do any good, that there should be entertainment?

Mr. AUBERJONIS. No, sir.

Mr. COHN. Do you recall the policy committee you attended which was attended by General Barmine, in which you got up and made a statement, and after that he got up and attacked you for it and said it would be a thorough waste of the taxpayers' money, that we were not in business to send entertainment over to France, that we were in business to counter Communist propaganda, and that at the conclusion of General Barmine's statement, you got up and said, "Thank you, Senator McCarthy?"

Mr. AUBERJONIS. I am sorry, Senator. There was no disrespect meant.

Mr. COHN. Did you say that?

Mr. AUBERJONIS. Yes, I did. I discussed it with General Barmine two days ago again.

Mr. COHN. By the way, just to supplement that, he reciprocated by throwing the term back in your direction; is that correct?

Mr. AUBERJONIS. No, sir.

Mr. COHN. You say he did not?

Mr. AUBERJONIS. No. I don't think so. I haven't heard it.

Mr. MIGDAL. May he be permitted to answer the last question? He was in the middle of an answer to the question, and he hasn't had a chance to respond.

The CHAIRMAN. Oh, certainly.

Mr. AUBERJONIS. I was making a completely objective report on what I found in France, which was the inroads of the Communist peace campaign. General Barmine, for whom I have a great deal of esteem, may have given me the impression that he was questioning my motives on making such a public and open statement on what was happening in France, and he was using the interrogations technique very successfully, and I said, "Thank you, Senator McCarthy."

Mr. COHN. A minute ago I think you mentioned that you had given orders that there be no anti-Communist propaganda—

Mr. AUBERJONIS. No, I have never given such.

Mr. COHN. Wait. Maybe I misunderstood you. Did I understand you to say that you had given orders that there be no anti-Communist propaganda over the French network? What was your testimony?

Mr. AUBERJONIS. No obvious anti-Communist propaganda over the French network.

The CHAIRMAN. But did you give that order in writing or verbally?

Mr. AUBERJONIS. No, sir.

The CHAIRMAN. Verbally?

Mr. AUBERJONIS. I don't believe they were even orders. I believe this was a general discussion of a situation that existed, and I think that the files are full of supporting evidence.

The CHAIRMAN. In other words, your instructions were not to use anything over the French network which could be detected as anti-Communist propaganda?

Mr. AUBERJONIS. As obvious cold war propaganda, so that we would not lose the relay.

The CHAIRMAN. In other words, you were afraid if they knew that we were trying to fight communism, give anti-Communist propaganda, we might lose the use of their network?

Mr. AUBERJONIS. No, sir. If we became obviously involved in their own problems, they definitely would kick us out of the French network.

The CHAIRMAN. Let us go back to where we started. You say you gave instructions that we not use any obvious anti-Communist propaganda over the French network. By "obvious," I assume you mean not use any material which could be detected by the average mind as being anti-Communist. Is that right?

Mr. AUBERJONIS. Well, anything that could be detected and denounced openly as psychological warfare. Because that was not our agreement with the French Radio. Over our facilities, no holds barred; over their facilities, it is different. It is as if the French wanted to use the CBS network every night for some kind of a propaganda campaign in this country. I don't believe that the network would make such an arrangement for an obvious propaganda broadcast.

The CHAIRMAN. I do not understand you. The only purpose of your broadcast, I assume, is to fight communism.

Mr. AUBERJONIS. No, sir.

The CHAIRMAN. Is that not the purpose?

Mr. AUBERJONIS. That is not the only purpose.

The CHAIRMAN. Is that the main purpose?

Mr. AUBERJONIS. Not of that one, sir, no, sir.

The CHAIRMAN. What is the purpose?

Mr. AUBERJONIS. The main purpose there is to maintain human communications between two people at all times, to include any material which very indirectly can persuade people if they are Communists, and if they listen, that there is something better.

The CHAIRMAN. In other words, your reason for giving this order that we not use any obvious anti-Communist propaganda over the French network was because you were afraid if we did we might lose the use of the network?

Mr. AUBERJONIS. And we would defeat our own purposes.

The CHAIRMAN. The two things. Number one, you were afraid we would lose the network, and number two, you were afraid we would defeat our own purposes?

Mr. AUBERJONIS. That is right. Anything that is obvious in propaganda is to me a defeat.

The CHAIRMAN. Well, by "obvious," do you mean obvious to the ordinary person listening as anti-Communist propaganda, or obvious to an expert?

Mr. AUBERJONIS. No. I would say I always consider—I am not a dialectician—I always consider the average person in propaganda. That is the only thing that matters.

The CHAIRMAN. In other words, you did not want them to use anything over the French network which the listener could detect as being anti-Communist?

Mr. AUBERJONIS. This is going very far, sir, since I myself have had a whole series on germ warfare over the French network, and I have bit extremely hard when I felt that I had the occasion to do it. But on a regular basis, on a daily basis, I have always advised—and I have always been advised to do so by my superiors, all the way up and down the line, including the embassy in Paris, and there is a report in, I believe, very recently that covers the same subject—advised that this was not the medium to do that type of propaganda.

The CHAIRMAN. Now, do we pay for the time on that French network? Or do they give that to us?

Mr. AUBERJONIS. It is a government network, sir.

The CHAIRMAN. I say, do we pay for it?

Mr. AUBERJONIS. We pay for transmission facilities. But I don't think we pay for time, because they don't sell time.

Senator JACKSON. Let me ask this. There are two broadcasts you are talking about here. One is our own, that we beam to France?

Mr. AUBERJONIS. That is right. I have never made any—

Senator JACKSON. You are talking now about the French network?

Mr. AUBERJONIS. The French network.

Senator JACKSON. And what kind of agreement do we have with the French government as to the type of material that could go over that network?

Mr. AUBERJONIS. Yes, it was a postwar agreement, 1945. It is a verbal agreement. We are there, I would say, on tolerance.

Senator JACKSON. Have there been any discussions with the French government, and, of course, obviously, their officials, about this particular point that you have been discussing here?

Mr. AUBERJONIS. Yes, there have.

Senator JACKSON. What did they say?

Mr. AUBERJONIS. I think their views are very, very clear that they want their network at that time of the day used for general documentary program, cultural, human, and news.

Senator JACKSON. But did they say, "We do not want any straight anti-Communist propaganda, straight from the shoulder" so to speak?

Mr. AUBERJONIS. Oh, yes. They have cautioned against that.

Mr. COHN. Who said that?

Mr. AUBERJONIS. Most of the discussions have been—I have not discussed directly with the French government these things.

The CHAIRMAN. Who has conveyed that to you?

Mr. AUBERJONIS. I was not in government when the program started, sir.

Mr. COHN. Please answer the question. You answered a question Senator Jackson asked you and said you had been told by the French government, by the representatives of the French government, not to send over, as Senator Jackson is putting it, straight

from the shoulder anti-Communist propaganda. I would like to know the names of the persons within the French government with whom you consulted, who made that statement to you.

The CHAIRMAN. And if it was not made to you, who was it made to, and how was it conveyed to you?

Mr. MIGDAL. May I object to the point? I don't think that was the statement that was made, and I would like the reporter to read back the statement Mr. Auberjonois did make with respect to that.

Mr. COHN. Maybe we can shorten it this way, what is your answer to Senator Jackson's question? Were you or were you not told?

Senator JACKSON. Let me just explain something here. I do not think it would be unusual for a government to say, "Now, as long as you are going to use our networks, we are going to lay down certain rules," the same as we would over here. This is a government-owned network, different from ours, like the BBC in England. Now, what I am getting at: Was there some understanding, or was it assumed, that you were to confine your broadcasts to a certain area and to avoid direct anti-Communist propaganda?

Mr. AUBERJONIS. Yes, sir.

Senator JACKSON. Is that right?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. Now, the question is: Who conveyed that to you? Were you told directly by someone in the French government?

Mr. AUBERJONIS. No, sir. I am not told a thing by the French government directly. This goes through channels, through the embassy.

The CHAIRMAN. Upon what do you base your answer, then?

Mr. AUBERJONIS. On the large number of communications, most of them classified, sir, which I will be very glad to get out and pass on.

The CHAIRMAN. In other words, you say that in writing the French government conveyed to you—

Mr. AUBERJONIS. Not to me, sir, but to the department.

The CHAIRMAN. Yes. When I say "you," I mean to the department. Conveyed to you the information that you were not to use their facilities for what Senator Jackson refers to as straight from the shoulder anti-Communist propaganda.

Mr. AUBERJONIS. That is right.

The CHAIRMAN. Now, how much of your budget was used to prepare programs and transmit programs over the French network, as compared to over the Voice facilities?

Mr. AUBERJONIS. Oh, I would say two-thirds.

The CHAIRMAN. In other words, two-thirds of your entire budget, then, was used for programs from which any obvious anti-Communist propaganda was barred?

Mr. AUBERJONIS. Programs for human interest, cultural, and news.

The CHAIRMAN. How much is the entire budget for the French desk?

Mr. AUBERJONIS. This has varied from month to month.

The CHAIRMAN. Well, on an average, what would you say?

Mr. COHN. For 1952.

Mr. AUBERJONIS. 1952?

Mr. COHN. Yes, the last year.

Mr. AUBERJONIS. I wouldn't like to quote a figure, because I was only there three months in 1952.

The CHAIRMAN. How long were you with the French desk?

Mr. AUBERJONIS. I was there for three or three and a half years—three years.

The CHAIRMAN. Now, during the time you were there, what was the average yearly budget?

Mr. AUBERJONIS. I can only quote the figures on what we call purchase order budgets, because I didn't have a budget for the French unit. There is no such thing as a budget for the French unit.

The CHAIRMAN. Do you know how much money the Voice spent in France per year while you were there?

Mr. AUBERJONIS. No, sir.

The CHAIRMAN. Do you have any idea?

Mr. AUBERJONIS. This would not be my function, sir.

The CHAIRMAN. Do you have any idea how much money your desk spent on the Voice in France while you were in charge of the desk?

Mr. AUBERJONIS. The Voice in New York, sir?

Mr. COHN. Was it any place else? Aren't the headquarters in New York? Didn't you operate out of New York?

Mr. AUBERJONIS. That is right.

Mr. COHN. You were head of the service. How much money did you spend in the course of the year?

Mr. AUBERJONIS. I did not spend the money. The money was not allocated that way in the Voice, sir.

The CHAIRMAN. Mr. Auberjonois, while you were head of the desk of the Voice of America, in charge of the programs going to France—

Mr. AUBERJONIS. That is right, sir. There was no separate budget.

The CHAIRMAN. Do you have any idea how much money you spent per year? When I say "you," I mean your desk, the Voice, on this French program.

Mr. AUBERJONIS. No, sir.

The CHAIRMAN. You have no idea?

Mr. AUBERJONIS. A very, very general idea. I don't know the production costs. I don't know the studio costs. This was all decentralized.

Senator JACKSON. How could you keep within your budget, then?

Mr. AUBERJONIS. Because the only budget I had was for purchase orders for scripts. And that I know. That varied between four hundred and a thousand dollars a month.

Senator JACKSON. But how would you know how much you could spend? How many purchase orders could you make?

Mr. AUBERJONIS. We were told at the beginning of every month, "There will be so much available" for this and that unit.

Senator JACKSON. Who told you that?

Mr. AUBERJONIS. That came from Mr. Puhon's office.

The CHAIRMAN. Good. Then you were told at the beginning of the month how much was available?

Mr. AUBERJONIS. For scripts. But that doesn't mean the total cost of the operation.

The CHAIRMAN. You are assistant policy director of the Voice, are you not?

Mr. AUBERJONIS. I am one of the—

Mr. COHN. One of the three people in full charge.

The CHAIRMAN. You are one of the three people in full charge; is that not right?

Mr. AUBERJONIS. I am one of the three people in the policy unit.

The CHAIRMAN. You are in charge of policy.

Mr. AUBERJONIS. I work on policy.

The CHAIRMAN. You are one of the three who determine policy?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. And you mean to tell us now that you do not have any idea how much money is spent by the French desk?

Mr. AUBERJONIS. I could figure it out, probably. The administration of the Voice was centralized. We had editorial responsibility. But we were not spending the government's money directly. This was not done that way.

The CHAIRMAN. So that your testimony is that at the time you were in charge of the French desk, you had no idea how much the Voice was costing, in so far as the programs to France were concerned?

Mr. AUBERJONIS. No, I only knew it in terms of scripts purchased. But in terms of salary, I would have to figure it out by adding it.

The CHAIRMAN. You can not give us even a guess on that at this time?

Mr. AUBERJONIS. I could, probably.

Senator JACKSON. Who is your budget officer?

Mr. AUBERJONIS. That was entirely in the hands of an organization called NAO, which is National Administrative Office. And our responsibilities were not—we were told, "You have eight positions at the desk," or "ten positions at the desk." We were not told, "You have an annual budget." I have requested that many times.

The CHAIRMAN. How many people were working on the French desk when you were head of it?

Mr. AUBERJONIS. We started with eight, and got up to about fifteen, sir.

The CHAIRMAN. About fifteen?

Mr. AUBERJONIS. Yes.

The CHAIRMAN. That is the only help you had?

Mr. AUBERJONIS. Yes, sir; plus scripts, on the outside.

The CHAIRMAN. Plus scripts, on the outside. In other words, you had fifteen full-time people plus scripts on the outside. How many scriptwriters did you have on the outside?

Mr. AUBERJONIS. It varied between five and fifteen or twenty, according to the month.

The CHAIRMAN. All right. Now, how many hours of broadcasting did those people prepare, per day?

Mr. AUBERJONIS. One hour, when I was there. Then there was a change.

The CHAIRMAN. So you had fifteen full time people, and from five to twenty part time workers, preparing a one-hour program per day. Is that correct?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. Do you think that was too many people?

Mr. AUBERJONIS. Well, I recommended cuts in the personnel.

The CHAIRMAN. Was there a cut, when you recommended the cut?

Mr. AUBERJONIS. No, sir.

The CHAIRMAN. There was not. How much of a cut did you recommend?

Mr. AUBERJONIS. I recommended the elimination of the program relayed by the French radio.

The CHAIRMAN. How many individuals would that have—

Mr. AUBERJONIS. That would have affected about ten people.

The CHAIRMAN. You recommended the discharge of ten people?

Mr. AUBERJONIS. Not the discharge, no, sir, but the elimination of the program; new facilities, so that we would have our own program, possibly from close by, our own facilities to deliver our own message.

The CHAIRMAN. Let us get back to the question. You told us you had fifteen full time people and from five to twenty part time people preparing one hour's broadcast per day. I do not happen to be a radio broadcaster. I never worked in a station. I personally do not know how many people it takes to prepare an hour's program. I am asking you the simple question now. Does that seem like a reasonable number of people to prepare that one hour's broadcast? Or do you think you had too much help there preparing that broadcast?

Mr. AUBERJONIS. No, there was never too much help. The thing is that we had some other programs at night, with two shifts. One program was at night. Another program was in the afternoon.

The CHAIRMAN. Just answer it simply. In other words, you feel that was a reasonable number of people to prepare the hour's script?

Mr. AUBERJONIS. I believe that it could be done with less, sir.

The CHAIRMAN. With how many less could it be done?

Mr. AUBERJONIS. I think on an average of eight or ten, depending on what kind of recruiting you can do. Eight or ten is sufficient.

The CHAIRMAN. Well, now, did you ever recommend that the other five to seven be discharged, of the full time people?

Mr. AUBERJONIS. No, sir. I don't recommend discharges.

The CHAIRMAN. Well, if you say the work could have been done by eight or ten, and you had fifteen, and you were head of the desk, I assume you were interested in economy, in getting the most out of each dollar you had. Why did you not say, "Let us discharge some of these people"?

Mr. AUBERJONIS. Because we still had to put the programs on, sir, as long as they existed. If that program existed, and it contained—it is a network program.

The CHAIRMAN. Did you later hire Media?

Will you go into that? Time is running out here,

Mr. COHN. Do you know whether or not a firm known as Media Productions, Incorporated, headed by John Houseman, was ever hired by the Voice of America?

Mr. AUBERJONIS. Yes, sir.

Mr. COHN. Was it?

Mr. AUBERJONIS. Yes, sir.

Mr. COHN. When was it hired, for the first time?

Mr. AUBERJONIS. I believe the first contract—and I have no access to those files—the first contract, from what I could gather, was made in 1949.

Mr. COHN. All right. Now, did you have anything to do with the making of that contract?

Mr. AUBERJONIS. Absolutely no responsibility for contractual obligations in the department. No, sir, I don't make contracts.

Mr. COHN. Were you head of the French service at that time?

Mr. AUBERJONIS. Yes, sir.

Mr. COHN. Were you consulted as to whether this contract should be awarded to Media?

Mr. AUBERJONIS. The way in which—

Mr. COHN. No.

Mr. AUBERJONIS. Was I consulted?

Mr. COHN. Yes.

Mr. AUBERJONIS. Not on the contract. On the project. Not on the producer.

Mr. COHN. Were you consulted as to whether or not the Voice of America should hire Media Productions to prepare scripts or package programs or anything else for the service of which you were head? Were you consulted? Were you in on it?

Mr. AUBERJONIS. Not on the contractual phase at all.

Mr. COHN. I am not interested in that.

Mr. AUBERJONIS. I listened to recordings.

Mr. COHN. Did you make any recordings? Did you say, "We should take them," or "We shouldn't take them"? Did you say "It sounds good," or "It doesn't"?

Mr. AUBERJONIS. Of course, I did.

Mr. MIGDAL. I think he could get the answer, if he would just let him tell what happened at that time.

Mr. COHN. We will be here all year.

Mr. MIGDAL. I am not trying to be obstructive, here, but trying to be helpful, and I think it would go better that way.

The CHAIRMAN. May I say to the counsel that I think we must insist that the witness answer the question. If he wants to elaborate, if he thinks a "yes" or "no" answer is not sufficient, no witness is tied down to a "yes" or "no" answer. He may elaborate and explain his answer as much as he likes. But when counsel says, "Were you consulted in regard to the contract," he must answer that. Now, if he wants to explain further, we will be glad to let him do it.

Mr. AUBERJONIS. I was not consulted in regard to the contract. I was consulted in regard to the product once the contract had been made.

The CHAIRMAN. Were you consulted in regard to any phase of this deal, we will call it, with this firm, before the contract was made?

Mr. AUBERJONIS. No, I don't recall having sat on any conference on any contract with Media.

The CHAIRMAN. I want that question answered. I said: Were you consulted in regard to any phase of this deal with this firm that we are now discussing, Media, before the contract was made? I am not asking you whether you sat in a conference.

Mr. AUBERJONIS. As far as I can remember, I listened to recordings prepared by several bidders. We filled sheets with our remarks on it. The names were not given. I had, I believe, some knowledge of the package program in general, which was not the French unit. But I did not have responsibility for package programs. I had responsibility for evaluating the records by these various organizations.

The CHAIRMAN. We are going to stay here until we get an answer to this, Mr. Auberjonois.

Mr. AUBERJONIS. And the Media Productions' was the best.

The CHAIRMAN. What question are you answering now?

Mr. AUBERJONIS. Was I consulted on the product.

The CHAIRMAN. Yes.

Mr. AUBERJONIS. I definitely was.

The CHAIRMAN. You were?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. And did you recommend the product of that firm?

Mr. AUBERJONIS. Yes, sir. The products. Not Media.

The CHAIRMAN. And you did that before the contract was made?

Mr. AUBERJONIS. That, I do not know.

Senator JACKSON. Now, wait. You said you did recommend Media, or didn't you? I did not get that.

Mr. AUBERJONIS. I recommended the recording that we heard. But I could not recommend Media, because I didn't even know what Media was and how it was spelled.

Senator JACKSON. You mean the several different products were given to you folks to evaluate, and you did not know which was which?

Mr. AUBERJONIS. We didn't know.

Senator JACKSON. So you did, or did not, recommend Media?

Mr. AUBERJONIS. I did in several—

Senator JACKSON. No. But I mean, knowing what the product was.

The CHAIRMAN. You interrupted him before he finished his answer, I think. If he does not understand the question—

Mr. MIGDAL. The question was: Did you recommend Media, or did you recommend the product?

The CHAIRMAN. Mr. Counsel, if you please.

Mr. AUBERJONIS. Not Media. I did not know what Media was.

Mr. COHN. May I ask you this, sir: Did you know Mr. Houseman at this time, the head of Media?

Mr. AUBERJONIS. Very slightly.

Mr. COHN. Very slightly?

Mr. AUBERJONIS. Yes, sir.

Mr. COHN. When did you first meet him?

Mr. AUBERJONIS. I first met Mr. Houseman for five minutes, I believe, in 1944, when I was on leave from the army.

Mr. COHN. I see. And is that the only time you saw him prior to this?

Mr. AUBERJONIS. No, after this I believe I saw Mr. Houseman, who lives in California but has a house in the same area where I live, again in 1949.

Mr. COHN. All right. How many times in 1949? Just once? Or did you get to know him pretty well?

Mr. AUBERJONIS. I got to know him pretty well later. In 1949, I did not know him very well, no, sir.

Mr. COHN. Did you discuss with Mr. Houseman, the head of Media, the idea of having Media seek this contract from the Voice of America?

Mr. AUBERJONIS. It is quite possible that I mentioned the package programs to him.

Mr. COHN. Did you or did you not discuss with Mr. Houseman the idea of him applying for this contract to the Voice of America before Mr. Houseman made any application?

Mr. AUBERJONIS. That I cannot remember. I don't know.

Mr. COHN. You have no recollection?

Mr. AUBERJONIS. I don't know. I have no recollection of what kind of discussion I have had on the package programs, because they were not under my responsibility. I was not in charge of that operation.

Mr. COHN. I don't know whether you were or not. Are you the one that suggested to Mr. Houseman that Mr. Houseman and Media apply to the Voice of America for the awarding of a contract to do programs for the Voice of America? That is a very simple question. "Yes" or "no"?

Mr. AUBERJONIS. I don't know.

Mr. COHN. You don't know whether you did or not?

Mr. AUBERJONIS. Whether I would be the one that did it formally. Letters were sent by the department formally.

Senator JACKSON. Maybe other people told him, but did you?

Mr. AUBERJONIS. I may have mentioned it. It is quite possible.

Senator JACKSON. That they were going to call for bids on this or whatever the procedure was?

Mr. AUBERJONIS. This was common knowledge. This was in the press.

The CHAIRMAN. Mr. Auberjonois, is it your testimony that when you recommended Media's product you had no idea whose product you were recommending?

Mr. AUBERJONIS. That is right.

The CHAIRMAN. That is correct. So that you never knew you were recommending the product of Media. Is that correct?

Mr. MIGDAL. Are we referring to 1949?

Mr. AUBERJONIS. 1949, yes, sir.

The CHAIRMAN. The question is: When you recommended Media's product, is it your testimony that you had no idea whose product you were recommending?

Mr. AUBERJONIS. No, I didn't know.

The CHAIRMAN. You had no knowledge?

Mr. AUBERJONIS. There was no name.

Senator JACKSON. Did you have any way of identifying it?

Mr. AUBERJONIS. I did not.

The CHAIRMAN. Let me ask you this: Were you not interested in knowing who you were buying from? You were head of the desk.

Mr. AUBERJONIS. The desk never bought a thing. This was an operation which was the transcribed program project, which I later found out, and very recently only, after our conversation—

The CHAIRMAN. Mr. Auberjonois, I am not interested in what you were buying. I am interested in what the Voice was buying.

Mr. AUBERJONIS. I wasn't buying anything.

The CHAIRMAN. All right. The Voice was buying this product. Right?

Mr. AUBERJONIS. That is right.

The CHAIRMAN. They were buying it upon your recommendation. Is that right?

Mr. AUBERJONIS. No, sir.

The CHAIRMAN. They were not?

Mr. AUBERJONIS. They were buying it on the recommendation of a large organization called Transcribed Program Project. These were the people in charge of contracts. They have all vanished.

The CHAIRMAN. Who, besides you, recommended Houseman's product, or Media's product?

Mr. AUBERJONIS. Mr. Ross, Robert Ross, Mr. Michael Ries, I believe Mr. Muccio Delgado was in the Transcribed Program Project, and I believe Mr. James Thompson said that the funds had been allocated.

The CHAIRMAN. Now, what is the date of this contract, Mr. Cohn?

Mr. COHN. I am not sure of the date. We have asked the witness to supply us with the date.

Senator JACKSON. Do you have a date?

Mr. AUBERJONIS. No, because I couldn't even find the contracts when I looked for them. It wouldn't be in my files.

The CHAIRMAN. Is it your testimony today that you do not recall having discussed this contract with Houseman? You did not discuss with him his product or the possibility of selling his product to the Voice before the contract with him was made? Is that your testimony?

Mr. AUBERJONIS. I never discussed any contract with Mr. Houseman.

The CHAIRMAN. All right. Did you discuss his selling his product to the Voice?

Mr. AUBERJONIS. I may have mentioned the fact that package programs, which were well known everywhere, were going to be done for the Voice. That is as far as I would go. But never on any contractual basis.

The CHAIRMAN. Did you explain to him how he could go about getting work from the Voice?

Mr. AUBERJONIS. No, sir.

The CHAIRMAN. Are you sure of that?

Mr. AUBERJONIS. I just said that I had heard we were going to do package programs. I myself was opposed to them.

The CHAIRMAN. Did you ever tell Ross that you had discussed with Houseman this program—

Mr. AUBERJONIS. Yes. I probably have.

The CHAIRMAN. Let me finish, please. I will start over again.

Mr. AUBERJONIS. Excuse me, sir.

The CHAIRMAN. Did you ever tell Mr. Ross that you had talked to Mr. Houseman about how he could go about getting this particular contract or selling his product or getting into this platter program? Did you tell Mr. Ross that you had discussed that with Houseman?

Mr. AUBERJONIS. I did mention, I believe, to Mr. Ross, at one point, that I had seen Houseman vaguely. But I did not discuss contracts, obviously.

The CHAIRMAN. When did your wife start to work for Houseman?

Mr. AUBERJONIS. My wife—

The CHAIRMAN. When, if you know?

Mr. AUBERJONIS. 1951, sir.

The CHAIRMAN. 1951. What part of 1951?

Mr. AUBERJONIS. She didn't work for Houseman; she wrote three scripts.

The CHAIRMAN. She did not go to work for Houseman?

Mr. AUBERJONIS. She wrote three scripts, but she was not an employee of Media Productions.

The CHAIRMAN. She was paid by the Media Productions, by Houseman?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. When did she start to do the work for Houseman? You said she did not start to go to work for him. When did she start to do the work for which she got paid by Houseman?

Mr. AUBERJONIS. That was in 1951.

The CHAIRMAN. When in 1951?

Mr. AUBERJONIS. Let's see. I will have to check that. I don't know when that second series was done. I believe it was in the spring of '51, but I am not certain.

The CHAIRMAN. Well, now, Mr. Auberjonois, you knew you were going to be questioned about this. You knew you were going to be questioned about your wife's receiving money from Houseman's firm. Did you not talk to her and find out when she started to work there?

Mr. AUBERJONIS. We discussed this matter several times, sir. In 1951, when the second series was done, I believe it was in the spring of '51.

The CHAIRMAN. I am talking about when she started to go on Houseman's payroll.

Mr. AUBERJONIS. She was not on Houseman's payroll, sir.

The CHAIRMAN. When she started to do work for which she got money from Houseman.

Mr. AUBERJONIS. There was a series of three scripts.

The CHAIRMAN. The question was when she started to do work for which she got money from Houseman.

Mr. AUBERJONIS. I believe in March of '51.

The CHAIRMAN. You do not know, though?

Mr. AUBERJONIS. I can check it.

The CHAIRMAN. How long after the contract was made, after this?

Mr. AUBERJONIS. The first contract was made in 1949.

The CHAIRMAN. And the second contract?

Mr. AUBERJONIS. I have never seen it. I have looked for it.

The CHAIRMAN. And the second contract?

Mr. AUBERJONIS. I don't know when the second contract was let.

Mr. COHN. The second contract was February 23, 1951.

The CHAIRMAN. And she started to work in March?

Mr. AUBERJONIS. I think that was in March.

Mr. COHN. I am sorry. It is dated March 6, 1951.

Senator JACKSON. And she went to work when?

The CHAIRMAN. In March of 1951, he says.

Mr. AUBERJONIS. She did not go to work. She wrote three scripts.

The CHAIRMAN. Let us not call it work, then. When did she start to play at writing the scripts, then?

Mr. AUBERJONIS. It was work. But she was not on the payroll of Media. She never went to Media.

The CHAIRMAN. She got paid by Media.

Mr. AUBERJONIS. She got paid by Media, by check.

The CHAIRMAN. But she was not on the payroll of Media?

Mr. AUBERJONIS. No, sir.

The CHAIRMAN. And she did the work on the script, but she was not working on the script?

Mr. AUBERJONIS. She was working on the script.

The CHAIRMAN. She did not work for Media, though?

Mr. AUBERJONIS. No, she did not work for the organization. I don't think she ever set foot in that organization.

Senator JACKSON. I do not—

Mr. AUBERJONIS. My wife had ideas about scripts. She has been very active in Franco-American affairs. She had absolutely no intention of getting paid at any time for that work. At the same time, she has done a good deal of work as a writer for NBC, when I was there. Or, rather, she took my place when I went into the army. She has many interests as a woman who wants to be active on the side.

The CHAIRMAN. May I get back to this question? How much money did she get from Houseman, or Media?

Mr. AUBERJONIS. Well, she got a first check of \$250 in May.

The CHAIRMAN. How much did she get, all told? How much did she get?

Mr. AUBERJONIS. For three scripts at \$250 a script, I think.

The CHAIRMAN. In other words, she got \$750.

Mr. AUBERJONIS. That is right, sir.

The CHAIRMAN. Does that payment appear upon the books of Media? Or do you know?

Mr. AUBERJONIS. I have absolutely no idea, sir.

The CHAIRMAN. Did you ever talk to Houseman or anyone at Media in regard to not having her appear on the payroll?

Mr. AUBERJONIS. She could not have appeared on the payroll, I think, sir. She was not with Media. She was a freelance writer.

Senator JACKSON. Was there any talk about not having her on the payroll, that it would not look good if she was on the payroll?

Mr. AUBERJONIS. From me?

Senator JACKSON. Yes, you or your wife; or any discussion about it.

Mr. AUBERJONIS. No. The thing was something that Houseman did afterwards, and that my wife really did not expect at the time.

Senator JACKSON. You mean she was doing it voluntarily?

Mr. AUBERJONIS. Yes, sir.

Senator JACKSON. And then he gave her a check for \$750?

Mr. AUBERJONIS. No, he sent her a first check for \$250, for what I believe he considered she deserved for a certain amount of work that she had done.

The CHAIRMAN. Your testimony is, then, that when she did this work she did not intend to get paid for it?

Mr. AUBERJONIS. No, she did not. Houseman mentioned to her two or three times, "You have done a lot of work. And later on," he said, "I intend to pay you for it."

The CHAIRMAN. Now will you get down to my question? You say when she wrote the script and gave it to Media, she had no thought that she would get paid for it?

Mr. AUBERJONIS. No, she didn't.

The CHAIRMAN. All right. Has she done any script writing for any other firms on a gratuitous basis?

Mr. AUBERJONIS. No. She has done a good deal of writing on a gratuitous basis, yes, sir.

The CHAIRMAN. But has she supplied scripts to any other firms on a gratuitous basis?

Mr. AUBERJONIS. No.

The CHAIRMAN. She has not?

Mr. AUBERJONIS. No.

The CHAIRMAN. This is the only firm?

Mr. AUBERJONIS. Well, this was not a firm. It was a neighbor, Mr. Houseman.

The CHAIRMAN. I see. In other words, you knew him very well.

Mr. AUBERJONIS. We came to know him in '51 through these contacts.

The CHAIRMAN. I see. Was she paid by check at all times?

Mr. AUBERJONIS. She was paid by check under her own name and there was no secret about it.

The CHAIRMAN. Was she ever paid in cash?

Mr. AUBERJONIS. Never, sir, at any time.

The CHAIRMAN. Did she get any other money or anything of value from Houseman or from Media, besides the \$750?

Mr. AUBERJONIS. This was a completely different matter. My wife works as a real estate agent, also more or less freelance, for a man, a real estate agent, whose name I gave to the committee.

The CHAIRMAN. What is his name?

Mr. AUBERJONIS. Ray Hand, Raymond Hand.

The CHAIRMAN. Does she have a broker's license or a real estate sales agent's license?

Mr. AUBERJONIS. She has a real estate salesman's license.

The CHAIRMAN. Go ahead now.

Mr. AUBERJONIS. I believe that Houseman's house was either rented or sublet in 1951 for the summer, and I believe that her share—and if you want an affidavit, it was approximately \$60. And she never considered she had any dealings with real estate—

The CHAIRMAN. In other words, there was \$750 she got paid for the scripts, and you say she made approximately \$60 out of some real estate deal?

Mr. AUBERJONIS. Which had nothing to do with this.

Senator JACKSON. It was for Houseman?

Mr. AUBERJONIS. The house was with any agent in the county, and she happened to be working with Mr. Hand.

The CHAIRMAN. Then you got two items, \$750 on the scripts and \$60 on a real estate deal with Houseman? Did you or your wife get anything else of value, directly or indirectly, from Houseman or from Media?

Mr. AUBERJONIS. No, sir.

Senator JACKSON. No gift?

Mr. AUBERJONIS. No gifts whatsoever, no television sets—

Senator JACKSON. Was it not unusual that she would accept a total of \$750 after doing all this work on a gratuitous basis; accepting it more or less, I take it, as a gift?

If she intended to do this free and then later accepted \$750, she was sort of accepting a gift, was she not, in her own mind, in your mind?

Mr. AUBERJONIS. Yes. It wasn't a completely professional—there was no contract. Mr. Houseman could or couldn't have—

Senator JACKSON. What disturbs me is this. You tell the committee now that she started to write these scripts with nothing in mind but offering a gratuity, just wanting to do something, I take it, on the side?

Mr. AUBERJONIS. It started very spontaneously, the whole thing.

Senator JACKSON. But to do it on a voluntary basis, and because she is interested in writing. Is that not a bit odd, that she would turn around and then accept \$750 for something that she started out with entirely on a gratuitous basis?

Mr. AUBERJONIS. No, I think she was rather proud of it.

Senator JACKSON. You knew this contract was signed at the same time she started to write these scripts. Did you not think that was a bit unusual?

Mr. AUBERJONIS. Well, no, I did not think there was a connection, actually.

The CHAIRMAN. How much did you pay Houseman for those scripts which your wife wrote?

Mr. AUBERJONIS. How much did I pay Houseman?

The CHAIRMAN. How much did the Voice pay him?

Senator JACKSON. The purchase order.

Mr. AUBERJONIS. I haven't any idea.

The CHAIRMAN. Have you any idea how much the Voice paid Houseman for the script your wife wrote?

Mr. AUBERJONIS. I think Houseman had a contract with the Voice, which I have not seen.

The CHAIRMAN. Do you have any idea how much Houseman got per script from the Voice?

Senator JACKSON. You can break it down. There is a total amount. Wait a minute. There is \$250 a script.

How much did the Voice pay, when you break down this budget, for the \$250 script, the first one she wrote? How much did the government have to pay for that script?

Mr. AUBERJONIS. Oh, what was on the contract?

Senator JACKSON. Look. Approximately how much?

Mr. AUBERJONIS. Probably \$250, I assume.

Senator JACKSON. You mean Mr. Houseman did this for nothing?

Mr. AUBERJONIS. I don't understand the question.

Mr. MIGDAL. May we have this off the record for a minute, please?

The CHAIRMAN. No.

Senator JACKSON. I am asking you a very—all right. Consult with him.

The CHAIRMAN. You may consult off the record with him.

[Mr. Migdal confers with Mr. Auberjonois.]

Mr. AUBERJONNOIS. For the whole—

Senator JACKSON. Let me put the question to you. You have testified that your wife wrote two scripts. She got \$250 apiece for the scripts. You said a moment ago the government got \$250 for each of those scripts. That would mean that Mr. Houseman did his work for nothing. Now, you can change that or restate it, or if you were mistaken please tell the committee how much the government paid for those \$250 scripts, the \$250 being what your wife was paid.

Mr. AUBERJONNOIS. I may sound very—but I thought the government had contracted with Mr. Houseman for the shows.

Senator JACKSON. How many scripts all together?

Mr. AUBERJONNOIS. Oh, six scripts, I think.

Senator JACKSON. Six scripts that he had a contract for?

Mr. AUBERJONNOIS. Yes.

Senator JACKSON. What was the total price?

Mr. AUBERJONNOIS. Six productions; not six scripts. Six half-hour shows, including production, sound effects—

Mr. COHN. Scripts.

Mr. AUBERJONNOIS [continuing]. And scripts.

Senator JACKSON. All right. Can you break it down?

Mr. AUBERJONNOIS. Yes. There were three scripts on that series, as I remember.

Senator JACKSON. How long was the script for, a half hour?

Mr. AUBERJONNOIS. A half hour dramatization and narrative.

Senator JACKSON. Well, I mean the actual script that she wrote was for a half hour, and she got \$250 for it?

Mr. AUBERJONNOIS. That is right.

Senator JACKSON. Now, there are other factors of cost in it. You have to pay for the recording.

Mr. AUBERJONNOIS. I think it was \$1200 for the script.

Senator JACKSON. Now we are finally getting down to it.

Mr. AUBERJONNOIS. You were talking about scripts?

Senator JACKSON. If you just follow through and listen then there will not be as much difficulty. I am being fair with you, and you are going round in circles.

You say it cost \$1200 for a half hour script?

Mr. AUBERJONNOIS. A half hour production, sir.

Senator JACKSON. All right. A half hour production. Your wife received \$250 for writing the narrative part of the script?

Mr. AUBERJONNOIS. Yes, sir.

Senator JACKSON. There are other costs?

Mr. AUBERJONNOIS. Yes, sir.

Senator JACKSON. What were the other costs in the script, in the half hour program?

Mr. AUBERJONNOIS. On that I would have to see the contract, sir. That would be on the contract, and I have not seen it.

Senator JACKSON. Well, is \$250 the major part of the cost?

Mr. AUBERJONIS. No, sir, I don't think so.

Mr. COHN. Is there any one item larger than \$250?

Mr. AUBERJONIS. I think the production, and I think the sound effects.

Senator JACKSON. Well, this is a package, a show of a half hour, and the government paid \$1200 for it. One of the factors of cost is the writing of the script, which your wife received \$250 for.

Mr. AUBERJONIS. That is right.

Senator JACKSON. Now, can you not tell us what the other factors of cost were that made up this total of \$1200?

Mr. AUBERJONIS. No, I think you would have to ask there either Mr. Ries or Mr. Ross or anybody who had the contract.

Senator JACKSON. Did you listen to it? What would go into it? You have watched the shows?

Mr. AUBERJONIS. That is right.

Senator JACKSON. How many people are involved in it, for a half hour?

Mr. AUBERJONIS. Well, in the first ones, there were as many as twelve or fifteen voices, I believe. In the second ones, which were narrative—

The CHAIRMAN. Did you use the three scripts produced by your wife?

Mr. AUBERJONIS. Yes, they were all used. They were all advertised, widely advertised, in France, and I have the material here.

Mr. COHN. Let's see if I can clarify something here. We were talking about this particular series of scripts. There were two series, a first series and a second series.

Mr. AUBERJONIS. That is right.

Mr. COHN. Did your wife receive anything on the first?

Mr. AUBERJONIS. No.

Mr. COHN. But she did on the second?

Mr. AUBERJONIS. Yes, sir.

Mr. COHN. Is it not a fact that the price between the first series and the second series to the Voice of America went up by approximately the same amount as was paid to your wife for the script? Is it not a fact that for the first series they paid \$1200 per script and for the second series they paid \$1400 or \$1450, when your wife was getting \$250?

Mr. AUBERJONIS. That has no connection with it.

Mr. COHN. I am not asking you if it had a connection with it. I am asking you if it was a fact that they were paid \$1200 for the first series and \$1450 for the second series.

Mr. AUBERJONIS. I don't know. I have never seen a contract. The contracts were prepared, transcribed, by overseas services. All of these people have since resigned. I don't know where they are.

The CHAIRMAN. Your testimony is, then, that you do not know, you still do not know, how much was paid for each script or program or package, call it what you may, is that right?

Mr. AUBERJONIS. I don't know. I don't have any of these files.

The CHAIRMAN. You say you do not have any of these files. I did not ask you about files. My question is, do you, as of today, know how much was paid Houseman's company for each package or script or program, whatever you would call it?

Mr. AUBERJONIS. My recollection is that the first series was in the—was \$900 or \$1000, and in the second series it varied between \$1200 and \$1500. But I don't know the figures. And I don't know how they are broken down.

The CHAIRMAN. In other words, you do know that in the second series the price paid was considerably higher?

Mr. AUBERJONIS. I know that the price paid was higher, yes, sir.

The CHAIRMAN. For the second series?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. Did you use all of the material produced by Houseman?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. You did?

Mr. AUBERJONIS. In that second series, yes, sir.

The CHAIRMAN. What do you call them? Packages? Programs? How do you designate them?

Mr. AUBERJONIS. I think they are packages.

The CHAIRMAN. Did you make every package produced by him?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. I may say for your benefit and protection, the information which the staff has is that that is not correct.

Mr. AUBERJONIS. Well, we have full information.

The CHAIRMAN. So I want you to know that your testimony has been questioned before you go under oath on this.

Mr. COHN. I have one more point.

The CHAIRMAN. Give him time to look at his files and think this over.

Mr. AUBERJONIS. I have a number of files. I am sorry. I think that if we could establish the way in which contracts are prepared and by what organization, you would see, sir, that I have no responsibility over contracts in the Voice of America.

The CHAIRMAN. Mr. Auberjonis, my question was: Was every package which Houseman sold the Voice for his firm used by the Voice? Your answer is: Yes, every package.

Now, for your own protection, I am telling you that that is not the picture that the staff has.

If you want to think that over, and if you are not sure that is the situation, then do not go under oath on it.

Mr. AUBERJONIS. I would like to quote from the memorandum.

The CHAIRMAN. No. Will you answer my question? Do you know now that every package produced by Houseman, sold to the Voice, was used by the Voice?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. You are sure of that?

Mr. AUBERJONIS. It was. They were. Here is the list of countries.

Mr. COHN. Did you influence the awarding of the first contract, the first series, to Houseman?

Mr. AUBERJONIS. No.

Mr. COHN. Did you influence the awarding of the second series?

Mr. AUBERJONIS. No. I recommended Media as one of the only few organizations that had done work.

Mr. COHN. Did you not tell Mr. Schine and Mr. Surine and myself when we interviewed you that you had nothing to do with Mr. Houseman getting the contract on the first series but that you did influence the awarding of the second series of contracts?

Mr. AUBERJONIS. I can not influence. It is like a private influencing a general. I am the low man on the totem pole, and there is a whole organization.

Mr. COHN. Did you or did you not draw a distinction between your part in Houseman's getting the contract on the first series and his getting the contract on the second series, when you talked to us?

Mr. AUBERJONIS. Yes, I knew Media by that time much better, and felt that this was an organization that had done much better work.

Mr. COHN. And it was on that second series that your wife wrote these three scripts and received these payments. Is that right?

Mr. AUBERJONIS. Yes, but there was absolutely no connection between the two.

Mr. COHN. My next question is this. Do you not know that it is a violation of the policy of the State Department for any such arrangement as this to have taken place?

Mr. AUBERJONIS. Such as what?

Mr. COHN. Such as your wife being paid money for scripts written for a section of a government agency of which you were the head.

Mr. AUBERJONIS. They were written for Mr. Houseman.

The CHAIRMAN. The question was: Do you know that this activity on the part of your wife and yourself violated any State Department rule? Do you know that now? Did you know it then?

Mr. AUBERJONIS. No, I did not know it then. I know it now. I know that there is a regulation directly or indirectly that it could not be done. I did not see the impropriety of it.

The CHAIRMAN. Did you think the product produced by Houseman was a good product?

Mr. AUBERJONIS. Yes, sir.

The CHAIRMAN. Have we that material available?

Mr. COHN. Yes, sir. I can develop that, Mr. Chairman.

Did there come a time when, after the contract was awarded to Houseman, the entire motion picture industry withdrew its support of the Voice of America and refused to supply any further talent free of charge to the Voice of America because of Mr. Houseman's left-wing record and because of the fact that he was using Charlie Chaplin and other actors who had been denied clearance by the Hollywood Coordinating Committee in connection with these broadcasts?

Mr. AUBERJONIS. I understand there was some trouble on the coast, yes.

Mr. COHN. And as soon as these facts were known, is it not the fact that the entire Media contract was canceled, and all the shows contracted for were not used?

Mr. AUBERJONIS. That is right, but none of these contracts had been made by me. I would still like to know where the whole file—

The CHAIRMAN. Do you now consider Houseman's firm a proper firm to produce these packages for the Voice?

Mr. AUBERJONIS. I have always judged the producer and the package, sir. The firm itself I know practically nothing about.

Senator JACKSON. One point. You say you did not make the contracts. But I understood that initially in the beginning you had nothing to do with these contracts but later, when you got to know Houseman better, you had recommended and suggested that Media was a good firm?

Mr. AUBERJONIS. I was asked for my opinion in the most casual and informal way. But I would never have had any authority to recommend anybody for contracts, for that type of contracts. They had bidders all over the place.

Senator JACKSON. I understand. But you know that even a private, to use your own expression, in a big organization, can carry a lot of weight, especially when the private has jurisdiction over the area which the contract deals with. In other words, this was related to French broadcasts. You were in charge of the French desk in the Voice program. And they naturally came to you and wanted to know whether you thought this firm was a good one.

Mr. AUBERJONIS. Not the firm, sir. We have never discussed the firm at any time.

Senator JACKSON. What did they discuss?

Mr. AUBERJONIS. Only the product. The firm was never discussed at any time. I would not have known what it was.

Senator JACKSON. Well, you testified just a little while ago—

Mr. AUBERJONIS. I knew Houseman.

Senator JACKSON. Well, but at the beginning, and I am just taking your own testimony, you said you had nothing to do with him and you knew nothing about him. Later, as their programs were used, you got to know him and the program. You said later, when they asked you about this, you said they were a good firm, or you made some kind of recommendation.

Mr. AUBERJONIS. I said he was one of the top notch producers in the country, which is true. He is one of the top men in MGM.

Senator JACKSON. They did not come down and vaguely and disconnectedly ask you that. They asked you that in connection with the possible further use of his program, did they not?

Mr. AUBERJONIS. Yes. They said, "If we have more money for a series of programs, do you think Media can do it? Do you think Houseman can do the job?" I said, "Yes." I was thinking of the producer.

Senator JACKSON. Well, now, Houseman and the producer are one and the same in this situation. You knew, or should have known, that they were going to give considerable weight to your recommendation, because it dealt with the area which you were in charge of. Is that not right?

Mr. AUBERJONIS. Yes.

Mr. MIGDAL. I am asking now whether we will still have the opportunity to have Mr. Auberjonois make a statement with respect to all of these matters. Will we have the opportunity to put in further documents into the record to establish Mr. Auberjonois' position on all of this?

The CHAIRMAN. The answer is "yes;" that Mr. Auberjonois can submit any documents he desires, and unless it appears to have no connection whatsoever with the matter under consideration it will be received as an exhibit. And I may say we have been leaning over backwards to receive exhibits which at times we may think are unimportant, but if the witness thinks they are important to establish a point we try to accept them. So far we have not turned down any exhibits. As far as a statement is concerned, under the Reorganization Act a statement must be submitted, I believe, seventy-two hours before the witness appears. However, we have relaxed that in so far as our committee is concerned, so if he wants to submit a written statement the rule in this committee is twenty-four hours.

Mr. MIGDAL. Before?

The CHAIRMAN. Before he appears. Now, if, on the other hand, our staff calls you one night and says, "We want you to appear tomorrow morning," we know you cannot submit that statement.

Mr. MIGDAL. That is our situation today, sir.

The CHAIRMAN. Then, in that case, you can be sure that the committee will do nothing unreasonable. The witness will have every consideration he can possibly be given.

Mr. MIGDAL. Right. May I say: May he read that statement before the committee the next time he is called?

The CHAIRMAN. That will be up to the committee to decide. If he comes in, we will say, with a hundred word statement, if we are pressed for time the committee may order it inserted in the record, at which time, of course, he has a right to hand it to the press if he sees fit also. Normally, where a statement is of a reasonable length, the witness is allowed to read his statement.

Senator JACKSON. One last question, Mr. Chairman.

Did your wife include the \$750 in her income tax return?

Mr. AUBERJONIS. Yes, sir.

Mr. MIGDAL. May we submit that income tax statement at this time? We have brought that statement with us, both as to her real estate earnings and the \$750.

The CHAIRMAN. Yes.

While you are looking for that, may I ask: Did you personally examine the material that was broadcast from the French desk?

Mr. AUBERJONIS. Yes. I delegated some authority, sir, but in most cases, I did examine the material broadcast.

The CHAIRMAN. In all cases. Now, you had an hour program. I wonder whether each day you personally looked at the material?

Mr. AUBERJONIS. Yes. I looked at the material, and I wrote a good deal of it, sir.

The CHAIRMAN. So we can say that you approved of the material that went across the desk when you were there?

Mr. AUBERJONIS. When I was there, sir, yes. I only assume responsibility for the material I saw.

Senator JACKSON. Why do you not submit that to the staff?

Mr. MIGDAL. And it will be marked as Exhibit 3?

The CHAIRMAN. Exhibit 3, yes.

The CHAIRMAN. Will you raise your right hand? In this hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JACOBS. I do.

Mr. COHN. Just a few questions, Mr. Jacobs.
What is your occupation?

**TESTIMONY OF NORMAN STANLEY JACOBS, SPECIAL
ASSISTANT TO THE CHIEF, CENTRAL SERVICES SECTION,
VOICE OF AMERICA**

Mr. JACOBS. I am at present the special assistant to the chief of the Central Services Section.

Mr. COHN. Of the Voice of America?

Mr. JACOBS. Of the Voice.

Mr. COHN. Your name is Norman Stanley Jacobs?

Mr. JACOBS. That is right.

Mr. COHN. And what is your current assignment?

Mr. JACOBS. Well, I review the scripts that are written by the various sections of that division.

Mr. COHN. Now, was there ever a time when you worked for the Office of War Information in Paris, France?

Mr. JACOBS. Yes, sir.

Mr. COHN. Did you ever at any time decline to sign a loyalty affidavit?

Mr. JACOBS. No.

Mr. COHN. Never at any time?

Mr. JACOBS. No.

Mr. COHN. Not even temporarily?

Mr. JACOBS. Not to the best of my knowledge.

Mr. COHN. Well, that is something you would remember, is it not?

Mr. JACOBS. Yes.

Mr. COHN. And you are positive that such an incident never occurred?

Mr. JACOBS. As far as I recall.

Mr. COHN. Well, can there be any conceivable doubt about that?

Mr. JACOBS. I would say offhand, no.

The CHAIRMAN. You will have to speak a little louder. You say you never refused to sign a loyalty oath?

Mr. JACOBS. That is right.

Mr. COHN. And you are positive of that?

Mr. JACOBS. Positive. Well, I can not remotely conceive that I would refuse.

Mr. COHN. Then you are positive of that?

Mr. JACOBS. Yes.

Mr. COHN. You remember no incident of any kind occurring about your refusing to sign a loyalty oath or not wanting to sign a loyalty oath?

Mr. JACOBS. That is right.

Mr. COHN. One more question. Have you ever associated with a person you knew to be a Communist party member?

Mr. JACOBS. I would have to ask you for a couple of clarifications there.

The CHAIRMAN. Will you speak a little plainer?

Senator McCLELLAN. I have a little difficulty understanding you, too.

Mr. JACOBS. Can I just ask you this: When you say "associate," you mean was I ever a personal friend? Or do you mean in terms of contacts, casual or even, say, less than casual, did I ever know a Communist party member?

Mr. COHN. Did you ever know a person whom you knew to be a Communist party member?

Mr. JACOBS. You will have to give me some time, just a few seconds. Yes.

Mr. COHN. What was his name?

Mr. JACOBS. Well, there is the sister of a friend of mine and her husband, who I am quite sure are Communist party members. The sister and her husband of a friend of mine are Communist party members. I don't know them socially in any sense. In the contacts I have had with them, I would say, over, a period of five years, since I came back from Europe, I have perhaps seen them at the sister's house—

Mr. COHN. Could we have their names?

Mr. JACOBS. The name of the girl is Adrienne. The name of the boy is Bob. I don't know the last name.

Mr. COHN. Could you ascertain that for us and supply the information?

Mr. JACOBS. Yes. I should say too that wherever I have seen them, and I would say that is about five times over a period of five years, when there have been politics involved I have had furious arguments with them. The sister in question is not a Communist. She is extremely distressed by the fact that her sister is.

Mr. COHN. Did you ever conclude a Parisian broadcast with a Communist salutation of any kind?

Mr. JACOBS. I never made a Parisian broadcast.

Mr. COHN. When you were with OWI, did you ever have anything to do with any broadcast?

Mr. JACOBS. I used to do some relays from broadcasts back to the Voice of America in English. These would then be used by the Voice of America for rebroadcast back, say, on the English network.

Mr. COHN. Did you ever end any broadcast with anything resembling a Communist salutation?

Mr. JACOBS. No.

The CHAIRMAN. In other words, your testimony is that you never ended any broadcast of any kind at any time which ended with a Communist salutation?

Mr. JACOBS. Oh, God, no. The end was always, "This is Norman Jacobs of the Voice of American returning you to New York."

The CHAIRMAN. All right. Let us go back, then, a bit in the broadcast.

In the latter part of a broadcast, did you ever use a Communist salutation. The answer is "no"?

Mr. JACOBS. No.

The CHAIRMAN. You are sure of that?

Mr. JACOBS. Might I state here that I am a doctor of philosophy and the teacher with whom I got my degree is Professor Sidney Hook, who is a close personal friend, who knows of me since I first met him in 1933, who would be delighted to give you any information. And I have been anti-Communist all my adult life, and that is a matter of public record.

The CHAIRMAN. Thank you very much.

Mr. COHN. Raymond Gram Swing is the next witness, Mr. Chairman.

Mr. JACOBS. You wanted the last name?

Mr. COHN. Yes, if you could supply that to us.

The CHAIRMAN. Mr. Swing, would you raise your right hand? In this matter now in hearing before the committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SWING. I do.

Mr. COHN. Your full name, please?

TESTIMONY OF RAYMOND GRAM SWING, POLITICAL COMMENTATOR AND ADVISER, VOICE OF AMERICA

Mr. SWING. Raymond Swing.

Mr. COHN. Mr. Swing, are you with the Voice of America now?

Mr. SWING. Yes.

Mr. COHN. In what capacity?

Mr. SWING. Political commentator and adviser.

Mr. COHN. I see. Have you ever been a member of the Communist party?

Mr. SWING. No.

Mr. COHN. Have you ever been a member of any organization listed as subversive by the attorney general or cited as subversive by the House of Representatives Un-American Activities Committee?

Mr. SWING. I have been a sponsor of the Anglo-American Soviet Committee, at a time, up until the conclusion of the war, when I asked them to take my name off, and discovered subsequently that my name had not been taken off, and I asked my lawyer to take steps to have it taken off.

Mr. COHN. When did you last see your name on, in connection with that organization?

Mr. SWING. I did not see it at that time, until my attention was called to it, and then I immediately took the matter up with my lawyer. That is Morris Ernst. I said, "Will you please take action?" And he wrote to them, and finally said he would sue unless they took the name off.

And I was never a member of the organization. I was just a sponsor of it.

Mr. COHN. I see. You were a sponsor.

Mr. SWING. Yes.

Mr. COHN. And when did you notify them you no longer desired to be a sponsor?

Mr. SWING. When I found out that my name was on it.

Mr. COHN. Had you not withdrawn before that?

Mr. SWING. I had written a letter at the end of the war.

Mr. COHN. That is what I am trying to ascertain. What is the date of that letter?

Mr. SWING. I don't know the date. It was at the end of the war. I had been a sponsor of that organization and of Russian War Relief, and I asked them to take my name off.

Mr. COHN. Could you at your convenience supply me with copy of that letter?

Mr. SWING. No, I couldn't. It is not in existence.

Mr. COHN. Do you remember when you asked Mr. Ernst to write to them? When did you ask Mr. Ernst to write to them?

Mr. SWING. I can't tell you exactly what time it was. I should say it was in '47 or '48. But I can determine that. The way I found out that my name was on the list was that my sister-in-law went to her hairdresser, and her hairdresser said, "How come your brother-in-law is a Commie?" She said, "Well, he isn't."

"Then how come that he has his name on the letterhead of a subversive organization?"

She reported this to me. I called up the hairdresser and said, "Don't you know it is libelous to call a man a Communist?"

She said, "Well, why do you have your name on this organization?"

I said, "I haven't."

She said, "I have it here right before me."

Mr. COHN. Would that have been dated October 31, 1949?

Mr. SWING. It could have.

Mr. COHN. What I was getting at: In the letter written by Mr. Ernst at that time, do you think he then referred to, knew about and referred to, your letter of withdrawal?

Mr. SWING. He said I had asked. And they didn't answer him at first, and when they did answer, when he threatened to sue, they wrote a letter of apology, and they said that their records didn't show the receipt of such a letter. But they said in such an organization as that, it might well have been lost.

Senator JACKSON. Then I take it they contended you had never withdrawn?

Mr. SWING. They contended they had no record of having received the letter.

Senator JACKSON. I understand you do not have any copy of that letter.

Mr. SWING. I am sorry. I haven't.

Mr. COHN. Do you customarily keep a copy of your correspondence?

Mr. SWING. I have a great deal of correspondence that I threw away at the end of the war, and what correspondence I have is now in my residence in Jamaica, British West Indies.

Mr. COHN. Then all you can supply us with is a copy of this letter of Mr. Ernst and their reply?

Mr. SWING. A copy of that correspondence I have, and it also was given by Mr. Ernst to the FBI, because he was at that time discussing with Mr. Hoover the advisability of a law keeping organizations from using people's names without right.

Mr. COHN. You will try to get that for us. Did you ever have any connection with the magazine known as *Soviet Russia Today*?

Mr. SWING. No connection whatsoever.

Mr. COHN. Did you know your name was ever used in connection with that magazine? Did that ever come to your attention?

Mr. SWING. It was so listed, to my great amazement, as a collaborator of *Soviet Russia Today*, and I found on inquiry that my collaboration was in my having put my name down as sponsor for a dinner given in February 1943, which was a few weeks after Russia had become an ally of the United States, on Red Army Day, the

21st anniversary of Red Army Day. And I gave my name as a sponsor for that dinner, as a great many other Americans did. And that dinner I then learned later was put on by *Soviet Russia Today*. And that is the full extent of my collaboration with that magazine.

Mr. COHN. Now, did you ever have any connection with the Greek-American Council, which is listed as a subversive organization?

Mr. SWING. Not that I know of.

Mr. COHN. Did you not, in fact, contribute to the July 1945 bulletin of the Greek-American Council?

Mr. SWING. Not that I know of.

Mr. COHN. Well would you know if you had done so?

Mr. SWING. Not necessarily.

The CHAIRMAN. By "contribute," do you mean financially? Or writings?

Mr. COHN. I think in the form of a writing.

Mr. SWING. Maybe something of mine was used by them. Were they subversive, declared subversive, in 1945?

Mr. COHN. I don't know. Do we have that guide?

The CHAIRMAN. In other words, your testimony is that as far as you know, you neither contributed money nor writing to them. But if any of your writings appeared in that magazine, it was done without your knowledge, and you received no pay for anything?

Mr. SWING. Well, I have no memory of anything at all. It is possible that I made a contribution to some organization at that time, which I must say is a long way back. But I certainly did not make any contribution to anything that was a subversive organization, knowingly.

Mr. COHN. Are there any other organizations now listed as subversive with which you had any connection, knowingly or unknowingly, that have been brought to your attention?

Mr. SWING. So far as I know, there is none, and I don't know the complete list of the subversive organizations—

Senator JACKSON. At the time you had these contacts with these groups, were they listed as subversive?

Mr. SWING. No.

Senator JACKSON. That was during the war?

Mr. SWING. That was during the war.

Senator JACKSON. The war period, when they were allies?

Mr. SWING. When they were allies. And I thought it was very important, since victory over Germany depended upon cooperation—

The CHAIRMAN. Who recommended you for a job with the Voice? Do you know? How did you happen to get your job with the Voice?

Mr. SWING. I was invited to come there by Mr. Puhan. He was the person who asked me to come.

The CHAIRMAN. Mr. Puhan. Did he tell you why he selected you? Or did he give you any idea of why he selected you?

Mr. SWING. Well, he gave me the idea that they needed a commentator. I had a very large international audience at that time. My wartime broadcasts had been heard and been circulated by OWI and been heard the world over. I had a worldwide audience from having done the American commentary for the BBC.

The CHAIRMAN. What different language do you speak? I should say: What different languages have you been broadcasting in?

Mr. SWING. I had only been broadcasting in English.

The CHAIRMAN. Can you speak any languages besides English?

Mr. SWING. I have a working—I have done some broadcasts in German for the Voice, and I did ones in French, which I wouldn't recommend.

The CHAIRMAN. In other words, you can speak in German, in French?

Mr. SWING. I lived in Germany for seven years, and I have lived in France for several years, and I have good restaurant French.

The CHAIRMAN. In other words you were not hired because you were a linguist. You were hired, you say, because of your international audience.

Mr. SWING. I was hired because of my status as an American commentator, a news analyst, and also because I had very wide experience with foreign news.

The CHAIRMAN. How well do you know Mr. Harris, Reed Harris, the acting director?

Mr. SWING. I have never met him.

The CHAIRMAN. When you were hired, what would you say your general reputation was? Was it as an extreme liberal, as a conservative, as left-wing, right-wing? Every commentator has pretty much a reputation, you know. I am just wondering what your reputation was at that time.

Mr. SWING. Well, is a man an authority on his own reputation? I would have said that I was known generally speaking, as a liberal.

The CHAIRMAN. Let me ask you this. I am not reflecting upon your political ideas at all. Every man has a right to have his own. But I am curious to know what type of commentators they were seeking out. And every man has his reputation. Take, for example, Fulton Lewis has a reputation as being a conservative broadcaster, as I assume he knows. Elmer Davis, I assume, knows he has the reputation as being a liberal. Would it be correct to say that you had a reputation of being one of perhaps the most liberal of the liberals?

Mr. SWING. I wouldn't say that, no. I would say that my reputation as a commentator during the war was not so much for being a liberal as being a person who did a fairly objective analysis of the news.

The CHAIRMAN. How well do you know [Archibald] McLeish, the former head of the Library of Congress?

Mr. SWING. I have never visited at his house, nor has he visited at mine. I know him fairly well, in a casual way.

The CHAIRMAN. But you are not close friends?

Mr. SWING. No. I don't correspond with him, and I haven't seen him for a long time.

The CHAIRMAN. How about Owen Lattimore? How well have you known Lattimore?

Mr. SWING. I have known Lattimore fairly well. When I needed information about Asian affairs, I used to ask him for help.

The CHAIRMAN. Have you ever visited at his home, or has he ever visited at yours?

Mr. SWING. I have never visited at his home, and I don't believe he has visited at mine, although we have had many meals together.

The CHAIRMAN. In other words, you were fairly close friends. Have you ever collaborated in any writing with Lattimore?

Mr. SWING. No.

The CHAIRMAN. Just for the record, would you give us a complete list of your government employment, with any government agency or any semi-government agency?

Mr. SWING. I was with the War Labor Board in 1917-18, for, I should say, the better part of eight months, until just before the agency closed up. And that is the only other government employ I had before I joined the Voice.

The CHAIRMAN. Your title is what at this time?

Mr. SWING. Political commentator and adviser.

The CHAIRMAN. You are the chief political commentator, I gather?

Mr. SWING. No, there are two of us.

The CHAIRMAN. I see. How many political commentators, all told? Just two?

Mr. SWING. There are two of us who voice our own commentaries, yes.

The CHAIRMAN. I see. And what is the other man's name?

Mr. SWING. Howard Mayer.

The CHAIRMAN. Howard—

Mr. SWING. Mayer.

The CHAIRMAN. And what would you say his reputation is? Does he have a reputation as a conservative, or a liberal?

Mr. SWING. Well, he doesn't quite classify in either of those categories. He is a very brilliant and dynamic person. He started in doing satires, particularly hard anti-Soviet satires, and he has been very effective in that part of the Voice's operations.

The CHAIRMAN. Thank you, Mr. Swing.

Mr. SWING. May I make just one addition to what I have said? You asked when I was invited to join the Voice. I want to say that when I joined the Voice, I had before me a contract for commercial broadcasting that paid me more than twice as much as my Voice salary, and I accepted the job with the Voice because I felt it was my duty if my government asked me, as a radio commentator, to serve in their radio service, to do so.

The CHAIRMAN. How much of a salary are you getting?

Mr. SWING. I am a GS-15, \$10,800.

The CHAIRMAN. And how much time do you spend each day broadcasting, roughly?

Mr. SWING. Well, I put in the full time. I do a commentary every day, five times a week.

Mr. COHN. Who was director of the Voice when you were—

Mr. SWING. Foy Kohler. He also asked me, and so did Mr. Barrett. The three of them interviewed me about it.

The CHAIRMAN. The reason I asked you how much time you spent: We had been informed by someone from the Voice that you were not being used now.

Mr. SWING. Oh, I am being used—I think my scripts get more used than those of anybody. They are used by more foreign language desks than anybody's.

The CHAIRMAN. Thank you very much.

Mr. SWING. Thank you, sir.

Senator McCLELLAN [presiding]. Will you be sworn, please? You do solemnly swear that the testimony you shall give in this hearing now pending before the committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MATHEWS. I do.

Senator McCLELLAN. Just have a seat.

Counsel, you may proceed.

Mr. COHN. Mr. Mathews, what is your present position with the Voice of America?

TESTIMONY OF TROUP MATHEWS, ASSISTANT CHIEF, FRENCH UNIT, VOICE OF AMERICA

Mr. MATHEWS. Assistant chief of the French unit.

Mr. COHN. Assistant chief of the French unit.

Mr. MATHEWS. Yes.

Mr. COHN. And how long have you held that post?

Mr. MATHEWS. Since August the 1st, 1951.

Mr. COHN. Who was chief of the French unit?

Mr. MATHEWS. At the time I came in, Auberjonois.

Mr. COHN. Was he responsible for your appointment?

Mr. MATHEWS. I presume so, through the personnel.

Mr. COHN. Had you known him prior to that time?

Mr. MATHEWS. I had an acquaintance with him, which has never been really a friendship.

Mr. COHN. So you had had an acquaintance with him?

Mr. MATHEWS. I had had an acquaintance with him.

Mr. COHN. By the way, do you know of any disloyal Americans working for the French Service at any period of time?

Mr. MATHEWS. I absolutely do not.

Mr. COHN. Do you consider Marcelle Henry the type of American you want working in the French service?

Mr. MATHEWS. I do, because she has been an extraordinarily able writer, and I have had particular reason to watch her, because of rumors and feelings that were about.

Mr. COHN. Do you know that following a security investigation, her services have now been ordered terminated?

Mr. MATHEWS. I did not know that, sir.

The CHAIRMAN. Would that change your opinion of her?

Mr. MATHEWS. It would make me want to know—I would have to find—Such a thing is not taken lightly. I would want to know on what basis.

The CHAIRMAN. But as far as you were concerned, you were working closely with her, and you would consider her the ideal type of employee in this anti-Communist fight?

Mr. MATHEWS. I watched the output very carefully, sir, because I knew that there was this feeling. And I wouldn't say "ideal," because she is a woman of strong temperament. And it made it an office that was not always easy to manage.

The CHAIRMAN. But you did watch her output closely, because you knew some people did feel she was communistically inclined. Is that correct?

Mr. MATHEWS. Yes, sir. Absolutely.

Senator JACKSON. Had that been discussed in the office?

Mr. MATHEWS. I think it was just sort of rumors and conversation around.

Senator McCLELLAN. Over how long a period of time?

Mr. MATHEWS. Ever since I have been there.

Senator JACKSON. Did you see any evidence of it?

Mr. MATHEWS. Absolutely not. And I feel that in the case of Marcelle Henry, I was particularly observant.

Senator JACKSON. You are pretty familiar with all the Communist lines, techniques?

Mr. MATHEWS. I think so, Senator.

Senator JACKSON. You have studied Marx and the teachings of Lenin and Stalin?

Mr. MATHEWS. Yes, I followed the literature as part of my work.

The CHAIRMAN. You were in the service and were injured?

Mr. MATHEWS. Yes, sir, I was with the First Infantry in North Africa.

The CHAIRMAN. Is that where you lost your leg?

Mr. MATHEWS. Yes, sir.

Mr. COHN. You heard the testimony of Nancy Lenkeith, and you are familiar with it?

Mr. MATHEWS. Yes, sir.

Mr. COHN. Do you affirm or deny the original conversation that she says took place?

Mr. MATHEWS. I formally deny it, sir.

Mr. COHN. And all of it?

Mr. MATHEWS. All of it. I did not hear the testimony.

The CHAIRMAN. May I say this. I do not think that is a fair question, because she gave her name, the date she started work—

Mr. COHN. I had said, Mr. Chairman, with reference to the first conversation they had together.

The CHAIRMAN. Oh, with reference to the first conversation.

Mr. MATHEWS. Yes, that reference, as I read it in the press, and one of the minutes, probably not the official minutes—I could not in all sincerity trace to what conversations she could have been referring.

The CHAIRMAN. She testified that you solicited her joining a collectivist farm. Is that incorrect?

Mr. MATHEWS. Absolutely, sir.

Senator JACKSON. Or house.

Mr. MATHEWS. House or farm or anything of that nature.

The CHAIRMAN. She testified also that you indicated that you wanted people on your desk who had no strong religious beliefs.

Mr. MATHEWS. That I can not have said, sir. If I might just try and establish my own position, I worked as a foreign student adviser at Columbia, immediately prior to this, trying to help men from all over the world make the best of their opportunity in American education. I, therefore, came into contact with people with a very considerable variety of religious convictions.

The CHAIRMAN. What university was this?

Mr. MATHEWS. Columbia.

The CHAIRMAN. And your testimony was that you did not indicate you wanted agnostics or atheists working on the desk?

Mr. MATHEWS. No, sir.

The CHAIRMAN. Let me ask you this. Are you either an agnostic or atheist yourself?

Mr. MATHEWS. No, sir, by no definition I know of, sir.

The CHAIRMAN. Do you regularly attend any church? I am not asking what church.

Mr. MATHEWS. No, not frequently, at the present time.

The CHAIRMAN. You do not? How long have you been in any church to attend services? Again I am not asking what church. How long have you been in any church, or synagogue?

Mr. MATHEWS. I would say roughly a year, sir.

The CHAIRMAN. And then, roughly how long before that?

Mr. MATHEWS. I am not a frequent attender at church.

The CHAIRMAN. I understand. In view of this charge that you wanted people who had no religious beliefs, I am just curious to know whether you do attend church. You understand, I am not criticizing you for not attending.

Mr. MATHEWS. I understand that.

The CHAIRMAN. Let me make this clear. I do not maintain that because a person goes to church he is better than someone who does not.

Mr. MATHEWS. I am a sort of an Easter Christian.

Senator McCLELLAN. I would not be interested in this line of questioning personally, except if you established the fact, if it is a fact, that your actions, your habits, your conduct, and your living refute it, it would tend to corroborate and support your own statement that it did not occur, that you had no such conversation. That is the purpose of it.

The CHAIRMAN. Yes, that is the purpose of this. If he were a regular church goer, it would refute the statement that he was against anyone who believed in a creator and had strong religious beliefs. That is the only reason I question him on this point.

Senator JACKSON. You have the right to be an agnostic or an atheist or anything you want, you understand.

Mr. MATHEWS. I understand that. And I do not feel particularly apologetic for my nonattendance at church. I wish, under the present situation, there were in the immediate vicinity a group I did belong to. It would be more convenient now as corroborating my statement.

Senator JACKSON. So, as I understand it, you have never advocated or taken a position which would be prejudicial to anyone in the government service while you were employed, with reference to any religious belief?

Mr. MATHEWS. That is right.

The CHAIRMAN. Let me make this very clear. I think Senator McClellan did. The only reason why I ask you about your church habits and whether you go to church or not is solely because of the testimony that you had stated that you did not think anyone was competent to work at that desk, or something to that effect, unless they were an unbeliever.

For that reason, I want to know whether you were a regular churchgoer because that would, to a certain extent, refute it. I do not in any way criticize you for not going to church. I would not criticize you if you went to church. That is your own business and your business alone, in so far as you do not use religion or nonreligion or atheism or anything else as a criterion for hiring people at your desk.

Mr. MATHEWS. That I absolutely, formally deny, that it could enter my mind. I take my responsibility as an employer of the government very seriously.

The CHAIRMAN. Have you ever joined the Communist party?

Mr. MATHEWS. No, sir.

The CHAIRMAN. Or the Young Communist League?

Mr. MATHEWS. No, sir.

The CHAIRMAN. Have you ever been solicited to join either the Communist party or the Young Communist League?

Mr. MATHEWS. I was, sir.

The CHAIRMAN. You were solicited?

Mr. MATHEWS. Yes. I think it was in '39.

The CHAIRMAN. And who solicited you at that time?

Mr. MATHEWS. A taxidriver, who most frequently parked outside of the National Broadcasting Company entrance on 49th Street.

The CHAIRMAN. And what is his name?

Mr. MATHEWS. I don't know his name, sir. I don't believe I ever knew it.

The CHAIRMAN. How well did you know him?

Mr. MATHEWS. Not at all well. I think while working there we used to have coffee at Reiker's, or some coffeeshop there, and I believe it was in a conversation there.

Senator JACKSON. You had known him over a period of time?

Mr. MATHEWS. I think that I had never had any personal contacts with him other than in this little—

Senator JACKSON. It would be rather unusual, would it not, though, for someone such as the taxidriver to ask you to join the Communist party, unless you had some prior association?

Mr. MATHEWS. I mention this in an effort to be absolutely and exhaustively correct in my testimony. That event occurred. When it occurred, I thought that he was rather an eccentric character, who sort of soapboxed from this little coffee shop on Sixth Avenue.

Senator McCLELLAN. In other words, you feel you have never actually been solicited by any responsible source?

Mr. MATHEWS. No, sir.

The CHAIRMAN. Were you solicited after the Hitler-Stalin Pact?

Mr. MATHEWS. At no other time, sir.

The CHAIRMAN. You had applied for a position in Psychological Warfare; is that correct?

Mr. MATHEWS. That is right, sir.

The CHAIRMAN. Do you know on what ground you were turned down?

Mr. MATHEWS. What year would this be, sir?

The CHAIRMAN. Well, do you recall that you applied for a job in Psychological Warfare at any time?

Mr. MATHEWS. I was released from the hospital, army hospital in approximately March of '44.

The CHAIRMAN. The question was——

Mr. MATHEWS. Yes.

The CHAIRMAN. Do you know why you were turned down?

Mr. MATHEWS. I don't know I was ever turned down, sir.

The CHAIRMAN. You do not know you were ever turned down?

Mr. MATHEWS. No, sir.

The CHAIRMAN. Well, did you not request that your case be reconsidered on appeal?

Mr. MATHEWS. Oh. Now, I know. I don't believe that was in any way a loyalty question, sir. I came out of the army. I wanted to continue in the war operations in some way. I first wanted to do troop training, because I had had infantry experience. The army's regulations did not permit. I went to OSS, where I got nowhere, thinking that my French could be of use. I then went to the Office of War Information and served until '45. At that time, there was a question in the Civil Service about the form 57 that I had filed after entering on the job at the Office of War Information.

The CHAIRMAN. By "some question" what do you mean?

Mr. MATHEWS. There were some questions of the facts relating to my employment, which had not been verified. One was a very short temporary employment with a French purchasing commission for ammunition, which they could not find traces of.

The other was about the exact salary and title that I had had at NBC.

The CHAIRMAN. In other words, they claimed that the information which you gave in your form 57——

Mr. MATHEWS. Was not correct.

The CHAIRMAN [continuing]. Was not correct. Then they ordered your services terminated?

Mr. MATHEWS. Yes, sir. But I was already out of the service before that all came about, because of the liquidation of OWI. I have had no interest, no particular interest, in staying on after the war ended.

The CHAIRMAN. I see.

Mr. MATHEWS. I left in the fall.

The CHAIRMAN. Did you not ask that your case be reconsidered on appeal?

Mr. MATHEWS. I did, sir, because I did not like that on my record. I did not think that it was a willful error that I had made.

The CHAIRMAN. I do not want to belabor this point.

Mr. MATHEWS. I am sorry to——

The CHAIRMAN. But you say this had nothing to do with loyalty, but what they claimed were misstatements on your form 57?

Mr. MATHEWS. I will admit I was not as accurate as I should have been.

The CHAIRMAN. I am not asking you at this moment whether you were accurate or not.

Mr. MATHEWS. No, it had nothing to do with loyalty.

The CHAIRMAN. You say at the time your services were terminated, you actually were no longer working for them. The reason you appealed is because you wanted your record clean?

Mr. MATHEWS. That is right.

The CHAIRMAN. Have you ever been accused of being a Communist?

Mr. MATHEWS. I have never known of any official or even what I would consider responsible accusation of that order, sir.

The CHAIRMAN. Do you know of any people with whom you have worked, with whom you have associated, that have accused you of following the Communist line or being procommunist?

Mr. MATHEWS. Well, Nancy Lenkeith seems to have tried to infer it, incidentally, and I believe that Horneffer at one time or other may have made some such hints.

The CHAIRMAN. Let us put it this way—

Mr. MATHEWS. These are the only two I can think of.

The CHAIRMAN. Let us put it this way. You say there was general conversation around the department that Miss or Mrs. Henry was communistically inclined. Maybe it was the other witness who said that.

Mr. MATHEWS. I have said that I had heard rumors.

The CHAIRMAN. I guess it was you. Now, was the same type of rumor prevalent to so far as you were concerned?

Mr. MATHEWS. I don't believe so, sir.

The CHAIRMAN. You do not think so?

Any questions?

Senator JACKSON. Have you ever been an advocate of Marxism?

Mr. MATHEWS. No, sir.

Senator JACKSON. Or anything connected with the advocacy of the Communist cause?

Mr. MATHEWS. No.

Mr. COHN. Did you ever attend a Communist party meeting?

Mr. MATHEWS. Yes, sir. It had completely slipped my memory, but it was brought to my attention that in 1936 I had attended one in Washington, D.C.

The CHAIRMAN. You attended a Communist meeting?

Mr. MATHEWS. Yes, sir. It was one that was attended by a woman called Mother Bloor.

The CHAIRMAN. How well did you know Mother Bloor?

Mr. MATHEWS. I didn't know her at all, sir. I went there more in the spirit of seeing a show. And at the time I had just arrived in this country; I was familiarizing myself with many things; it had no follow-up; and I regret to say I don't remember with whom I went.

Senator JACKSON. Were you solicited?

Mr. MATHEWS. Yes, because I had never heard of Mother Bloor and wouldn't have known of the meeting.

The CHAIRMAN. Normally, unless you are a prospective member of the party, or you are known to feel kindly toward Communists, you are not invited to attend a Communist meeting.

Do you know how it happened that you were invited?

Mr. MATHEWS. Yes. I don't believe the person I went with was at all Communist. I believe that Mother Bloor, who has an extraordinarily colorful personality—it was in the spirit of going to see her perform.

I have frequently told that story since.

The CHAIRMAN. Would you say this was what you would call a closed meeting?

Mr. MATHEWS. No, it was very open. It was very much a method to get people in.

The CHAIRMAN. Any further questions, Mr. Counsel?

Mr. COHN. No, Mr. Chairman.

The CHAIRMAN. Thank you very much.

[Whereupon, at 1:25 p.m., Saturday, February 26, 1953, a recess was taken until 2:00 p.m., at which time the committee proceeded in public session.]

VOICE OF AMERICA

[EDITOR'S NOTE.—Jack B. Tate, deputy legal advisor in the Department of State, was not called to testify publicly.]

TUESDAY, MARCH 3, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in Room 357 of the Senate Office Building, Senator Joseph R. McCarthy, Chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator John L. McClellan, Democrat, Arkansas.

Present also: Roy Cohn, chief counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The subcommittee will be in order. Will you raise your right hand? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TATE. I do.

TESTIMONY OF JACK B. TATE, DEPUTY LEGAL ADVISOR, DEPARTMENT OF STATE

The CHAIRMAN. Your name is Jack Tate?

Mr. TATE. Yes, sir.

The CHAIRMAN. What is your title as of today?

Mr. TATE. I am deputy legal advisor.

The CHAIRMAN. The assistant to Mr. Adrian Fisher?

Mr. TATE. Now to Mr. Hammond Flager.

The CHAIRMAN. How long have you worked in the State Department?

Mr. TATE. Well, I began in the State Department in 1928, and I worked there until 1934, and I came back to the State Department in 1947, and I am still there.

The CHAIRMAN. I understand that the presidential orders issued by the previous president are still considered in effect unless and until the new president revises those orders or revokes them, is that correct?

Mr. TATE. That is correct.

The CHAIRMAN. I may have some difficulty identifying the date of various orders, but if I recall there was an addition to the so-called secrecy orders in April of last year. At that time we had been asking Mr. Humelsine to give us information about the status of certain loyalty cases. We wanted to know whether certain individuals had been cleared or whether their cases were on appeal, and

Mr. Humelsine at that time used the president's new addition to the order, I guess we can call it that, dated sometime in April, as grounds for refusing to give us information on the status of security or loyalty cases. Would you say that is a correct interpretation?

Mr. TATE. I think so, yes, sir.

The CHAIRMAN. So that any information which you consider a violation of the secrecy orders, would be such a violation if you gave this committee or anyone information on the status of a loyalty case?

Mr. TATE. That is right.

The CHAIRMAN. A witness appeared this morning before the committee, Mr. Harris and said that he had talked to you and that you authorized him to state that clearance had been given to a Mr. Kahgan and Mr. Shechter, and they were entitled to a clean bill of health. The question is, did you tell that to Mr. Harris?

Mr. TATE. No, sir.

The CHAIRMAN. You did not?

Mr. TATE. I did not.

The CHAIRMAN. I might say that if you had, on the assumption that you had told Mr. Harris that, I had ordered that you present all of the documents upon which such a statement could be based and I made the statement that you could not refuse to produce that material under the presidential order on the grounds that the order had already been violated. However, if you did not give that information to Harris, then of course you have not violated the presidential order and I assume you would be entitled to refuse to submit any files at this time without the approval of your superior officer. Therefore, the order that you produce those files is rescinded and as I say, solely because it now appears that you did not give Mr. Harris that information.

Mr. TATE. Could I tell you just what conversation Mr. Harris and I had?

The CHAIRMAN. We would like to know the reason for him coming down and stating that you had authorized him to state that.

Mr. TATE. I think there is a misunderstanding on his part or a misunderstanding of what he said, and of course I haven't seen his testimony. He called me up yesterday and requested some information that had been requested about two men, I presume it is these two men, and he asked if he was at liberty to give loyalty information about them. I said it was my understanding that the presidential directive still stood and he was not at liberty to furnish that information.

I said, "Haven't all of the people on your program been cleared?" He said, "Yes they have." I said "I think you would be at liberty to state that fact, but not to go into individual cases."

The CHAIRMAN. But as far as you are concerned you never told him that Shechter and Kahgan had been cleared, and you haven't discussed those cases with him at all, is that correct?

Mr. TATE. He may have mentioned those two names, and I know nothing about their cases and so I couldn't have said anything that would give him clearance to furnish the information.

The CHAIRMAN. They are not working in Harris' section so he would have no occasion to see their files, would he?

Mr. TATE. I assume not, but I just don't know about that, Senator.

The CHAIRMAN. Well, that I think covers that. I want to thank you very much.

So that there can be no question about any violation by Mr. Tate, your testimony is that you did not discuss the Kahgan and Shechter cases with Mr. Harris, that you didn't discuss any clearance of them, and you didn't discuss their files. You didn't say they were cleared or they were not cleared, the extent of any permission you gave him was to this effect, that he said, "These people have been cleared and so far as I am concerned if they have been I assume there is no objection to saying that without discussing individual cases"?

Mr. TATE. That is correct, except he may have mentioned those two names to me.

The CHAIRMAN. You gave him no information?

Mr. TATE. I had none.

The CHAIRMAN. I want to thank you very much.

[Whereupon the hearing adjourned at 2:15 p.m.]

VOICE OF AMERICA

[EDITOR'S NOTE.—On March 5, 1953, Raymond Kaplan, an engineer for the Voice of America, threw himself under a moving truck near the Massachusetts Institute of Technology in Cambridge, Massachusetts. The coroner ruled that Kaplan had committed suicide because he feared he would be called before the Senate Subcommittee on Investigations, basing that ruling on a letter that Kaplan had left for his wife and son. After congressional sources released the letter to the press, the *New York Times* published its text on March 7, 1953:

DEAR LIL AND DAVID: I have not done anything in my job which I did not think was in the best interest of the country or of which I am ashamed of. And the interest of my country is to fight communism hard. I am much too upset to go into the intricate details of the decision which led to the selection of Washington and North Carolina as sites for the Baker-East and West stations.

Needless to say, the selection of what may turn out to be relatively poor sites for the stations was not done deliberately to place them in poor locations but were done on what we thought was competent advice on how to get the strongest signals into target areas, not necessarily the most constant, or there were other stations in operation and in planning which would complement the proposed stations during the time when they might not be as efficient as other locations. At other times the Baker-East and West plants were supposed to have exceeded the strength of the others.

We were told that in order to finally approve the tones the relative location would be better than others. Would take tests of rather long duration to secure data which could be analyzed.

The stations were already delayed a year to obtain research information for a large company. This information and others which I obtained from various sources were sent up to M.I.T. for analysis in good faith. I and others assumed there was no other information available without extreme tests. This may or may not be so but at the time I and others believed it. This was in May, 1951.

In December, 1951, after many people questioned the decision they [M.I.T.] reiterated their previous stand. However, they expressed doubt in June, 1952, and then it was decided to run short tests. Those tests to my mind and to the minds of others, while not conclusive, show favor to the Southern location.

Accordingly, I was ordered by Mr. Herrick to go to California and locate a site. Because of the complex electrical conditions this was rather difficult but I did locate two possibilities. I say possibilities because when I was on the West Coast, I was informed by General Stoner, via phone, that he was going to recommend (and I found subsequently had recommended) that we stay in Washington State and therefore did not make any further detailed search for other possibilities.

I believed the two possibilities are satisfactory, particularly one near one of our operating plants, so we could have moved. I wrote a report to Mr. Herrick which I returned and gave General Stoner a copy. Mr. Herrick informed me that he had protested the recommendation of General Stoner. My mistake then was in not protesting vigorously the decision to remain though many others knew of the general's memorandum as well.

You may hear many things about me in the press which may be stirred up. Believe me, the bad things will not be true because how could they be if in my heart I did what I thought best. Remember also that those were never my decisions. I was more or less a liaison officer in the deal. Mr. Herrick and possibly others knew all the story as well as I did.

However, since most of this information passed through me I guess I am the patsy for any mistakes made. Unfortunately many or most of the communications were addressed to me, but these nevertheless were studied by Mr. Herrick and others.

This is not an easy thing to do but I think it is the only way. You see once the dogs are set on you, everything you have done since the beginning of time is suspect. It will not be good or possible to be continuously harried and harassed in everything that I do in a job.

I have never done anything that I consider wrong but I can't take the pressure upon my shoulders any more. This is sincere, believe me darling even though the mess has made me too upset to write coherently. I love you and David beyond life itself. You are innocent victims of "unfortunate circumstances."

You and darling David should not be made to bear any more than this act will make you do, if I don't I am afraid you too through absolutely no fault of your own will be continuously hounded for the rest of your lives. This way you may have a chance to live some future happiness. I cannot tell you any more.

Good-by my darling—I wish I could think clearly enough to express my feelings as I really do—I am sorry.

My deepest love to all—I can say no more now.

RAYMOND.

Don't forget the insurance.

I have annual leave coming which you may get paid for.

I owe the Government \$100 for travel advances. They owe me \$18.

Some more is in the green case.]

SATURDAY, MARCH 7, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
New York, NY.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in Room 506, 29 Broadway, New York City, Senator Joseph R. McCarthy, Chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; G. David Schine, chief consultant; Henry Hawkins, investigator.

The CHAIRMAN. The committee will come to order. You may proceed on the record, Mr. Cohn.

STATEMENT OF MRS. WILLIAM GROGAN

Mr. COHN. What the senator said, earlier, Mrs. Grogan, is about the situation. We heard from people to whom your husband¹⁹ talked on Friday that they had been disturbed about people not loyal at the Voice, and the next week he intended to do something. We wondered if he mentioned anything to you.

Mrs. GROGAN. He never spoke to me about the business.

Mr. COHN. He never discussed anything that went on at the office?

The CHAIRMAN. So that you know nothing at all about these disclosures which he said he was going to make the following week?

Mrs. GROGAN. No, because he purposely never spoke of his business because, he said, you never know, you might say something. So he never discussed it with me.

The CHAIRMAN. Two of his co-workers, apparently very dependable people, one an engineer, have told us that on, I think it was the Friday before he died, he said that on the following Monday he was going to "explode," as they said, a bombshell, and give the entire story that he knew about certain people in the Voice, one of them a Miss Fried.

Mr. COHN. Dorothy Fried.

¹⁹William Grogan, a Voice of America security officer, committed suicide in October 1950.

The CHAIRMAN. And on other matters. I thought that maybe he might have said something to you about that. Did he?

Mrs. GROGAN. He never mentioned it. In fact, I didn't know what his work was all about.

The CHAIRMAN. I think that is all. We hesitated to call you down, but, having heard these constantly recurring reports that your husband had this information, we thought you might know something about it. I am sorry that we had to disturb you. Mr. Surine will get your address, and you are entitled to witness fees and your travel in coming down here.

Your name is Dorothy Fried?

Miss FRIED. Yes, sir.

The CHAIRMAN. This is your brother who is with you?

Miss FRIED. Yes.

The CHAIRMAN. And your brother is a lawyer?

Miss FRIED. That is right.

The CHAIRMAN. What is your first name?

Mr. FRIED. Clarence Fried.

The CHAIRMAN. Counsel has a number of things he wants to go into with you, Miss Fried, and you are entitled to discuss anything you want to with your brother at any time during the testimony. If you want to leave the room and discuss anything with him privately, you can do that at any time at all. We have had a number of witnesses who have testified in executive session, a very sizable number, some in public session, involving things that occurred in Mr. Herrick's office, and other offices, and I would like to advise you—and I am sure your brother would advise you of the same thing, for your own protection—that we have had witnesses time after time come before the committee and they are not guilty of any improper actions of any kind but they, for some reason or other, do not want to tell the entire story. They come into the hearing room under no cloud whatsoever. They make the mistake of not telling the truth and they leave the hearing room guilty of perjury.

So I would say, either tell the truth in answer to all questions counsel will ask, or refuse to answer. You have the right to refuse to answer. That is very important.

I have advised witnesses, time after time, to do that, and oftentimes they do not take our advice.

In this matter now in hearing before the committee, do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Miss FRIED. I do.

**TESTIMONY OF DOROTHY FRIED, SECRETARY,
VOICE OF AMERICA**

(ACCOMPANIED BY HER COUNSEL, CLARENCE FRIED)

Mr. COHN. Now, where are you employed, Miss Fried?

Miss FRIED. In the Voice of America.

Mr. COHN. What do you do there?

Miss FRIED. I am secretary to George Herrick.

Mr. COHN. What is Mr. Herrick's position?

Miss FRIED. He has a new title now, research and development engineer.

Mr. COHN. He is research and development engineer. Was he formerly chief engineer?

Miss FRIED. That is right.

Mr. COHN. Until a few weeks ago, is that right?

Miss FRIED. Yes.

Mr. COHN. How long have you been Mr. Herrick's secretary?

Miss FRIED. It will be six years.

Mr. COHN. You have been his secretary for the last six years, is that right?

Miss FRIED. Yes.

Mr. COHN. Was he with the Voice when you became his secretary six years ago?

Miss FRIED. Yes, sir.

Mr. COHN. Had you known him before?

Miss FRIED. No.

Mr. COHN. When did you go to work for the Voice?

Miss FRIED. About six years ago.

Mr. COHN. Were you there before Mr. Herrick?

Miss FRIED. He was there before me.

Mr. COHN. Were you immediately assigned as his secretary?

Miss FRIED. No, I was for about two months working—I have forgotten the name of the section—operations division, over there.

Mr. COHN. You were in the operations division?

Miss FRIED. Yes.

Mr. COHN. What did you do before you went to the Voice of America?

Miss FRIED. I was in private industry. I worked for lawyers. I was a legal secretary.

Mr. COHN. For what?

Miss FRIED. Lawyers.

Mr. COHN. Which lawyers?

Miss FRIED. There were several. There was George Levy.

Mr. COHN. George Morton Levy?

Miss FRIED. No, just George Levy. He was the son of Felix Levy who was also an attorney. It was father and son, and the firm was Levy and Molloy, M-o-l-l-o-y, at 11 Broadway.

Mr. COHN. Was that the only firm for which you worked?

Miss FRIED. No. I started off with Lesser and Lesser on 42nd Street, but I was only there a few months.

Mr. COHN. Any other firms?

Miss FRIED. There was Garmesey, Goldman and Garmesey, 305 Broadway, I think.

Mr. COHN. Any others?

Miss FRIED. No.

Mr. COHN. Just those three. Did you go to college?

Miss FRIED. No.

Mr. COHN. Did you go directly from school to one of these firms?

Miss FRIED. Well, there was a period when I just stayed home.

Mr. COHN. Where do you reside?

Miss FRIED. 2106 Valentine Avenue, The Bronx.

Mr. COHN. How long have you lived there?

Miss FRIED. It will be one year this May.

Mr. COHN. Where did you live before that?

Miss FRIED. On Anthony Avenue, 1750.

Mr. COHN. How long did you live there?
Miss FRIED. About four years.
Mr. COHN. Now, you say you have been Mr. Herrick's secretary for the last six years?
Miss FRIED. Yes.
Mr. COHN. And are you the only secretary he has? Do you run his entire office?
Miss FRIED. Yes.
Mr. COHN. You do?
Miss FRIED. Yes, sir.
Mr. COHN. You are thoroughly familiar with all his activities, as a secretary?
Miss FRIED. Yes.
Mr. COHN. Have you at any time during the past six years noted anything improper?
Miss FRIED. No.
Mr. COHN. In any respect?
Miss FRIED. Not to my knowledge.
Mr. COHN. Have you noted anything which you regarded as suspicious?
Miss FRIED. No, sir.
Mr. COHN. You have not in any way?
Miss FRIED. No, sir.
Mr. COHN. Now, were you Mr. Herrick's secretary while this Baker West project was under consideration?
Miss FRIED. Yes, sir.
Mr. COHN. Do you have any familiarity with that?
Miss FRIED. Some, yes.
Mr. COHN. When did you first hear about it?
Miss FRIED. Oh, it started about two years ago, I think, something like that.
Mr. COHN. Do you recall the very first you heard about that?
Miss FRIED. I don't really remember, but it was quite a long time ago.
Mr. COHN. Whose idea was it to place it in the state of Washington, do you recall that?
Miss FRIED. I don't know whose original idea it was. I don't remember. We have a whole staff of engineers. I don't know whose original idea it was.
Mr. COHN. By the way, when you went with the Voice of America, was it the OWI?
Miss FRIED. No.
Mr. COHN. You went there after it became the Voice of America?
Miss FRIED. I entered in '47. It was already under the United States State Department.
Mr. COHN. You went to work right in New York?
Miss FRIED. Yes, sir.
Mr. COHN. How did you happen to go there? Who hired you?
Miss FRIED. I had taken an examination and they called me there.
Mr. COHN. Did anybody help you to get the job there?
Miss FRIED. No.
Mr. COHN. Did you have to give any references for the position?
Miss FRIED. Yes.

Mr. COHN. Whom did you give as references?

Miss FRIED. You mean personal references?

Mr. COHN. Yes.

Miss FRIED. I don't recall. Oh, yes, the secretary at the firm of Lesser and Lesser, where I originally worked.

Mr. COHN. What was her name, do you recall?

Miss FRIED. Stella Schwartz.

Mr. COHN. Anybody else?

Miss FRIED. I don't remember, because we have since been required to make other 57 forms and then we kept changing the references.

Mr. COHN. Whom have you given as references?

Miss FRIED. As other references, I gave my dentist, I remember, and a Mr. Smith up in Sharon Springs, where we used to have a summer home. He was the ex-mayor of the town. Oh, yes, a Miss Robinson, Rose Robinson, a lawyer friend of mine. I don't remember any of the others.

Mr. COHN. Have you been out of the country within the last few years?

Miss FRIED. I was in Europe in 1950.

Mr. COHN. Were you in Paris?

Miss FRIED. Yes.

Mr. COHN. For how long a period of time?

Miss FRIED. About sixteen days.

Mr. COHN. It was just a pleasure trip?

Miss FRIED. Yes.

Mr. COHN. Did you go alone?

Miss FRIED. Yes. No, no—I am sorry. I was with another employee of the Voice.

Mr. COHN. Who was that?

Miss FRIED. Miss Heskins, Helen Heskins.

Mr. COHN. Is she still with the Voice?

Miss FRIED. Yes.

Mr. COHN. Where does she work in the Voice?

Miss FRIED. I am not sure where she is. I think she is somewhere in Mr. Lowenthal's office.

Mr. COHN. That is Mr. Leo Lowenthal?

Miss FRIED. Yes.

Mr. COHN. Is she a secretary?

Miss FRIED. I don't believe so. I don't know what job she holds now.

Mr. COHN. Was she working in his office when you went abroad?

Miss FRIED. No, she was working for Howard Hotchner at the time.

Mr. COHN. And you say you were in Paris about sixteen days?

Miss FRIED. Yes.

Mr. COHN. Did you visit any other countries?

Miss FRIED. Yes.

Mr. COHN. Where else?

Miss FRIED. I visited Germany, Switzerland and Italy. We went on a tour.

Mr. COHN. It was entirely a pleasure trip? Did you know Raymond Kaplan?

Miss FRIED. Yes.

Mr. COHN. When did you first meet Mr. Kaplan?

Miss FRIED. I first met Mr. Kaplan shortly before he went to work for us. That is, he was working in Washington before he was transferred to New York, and he came up here for a consultation, I believe it was, and, on that first visit, I remembered very clearly, because his father passed away that day and I had him paged at the restaurant to tell him to go directly to the hospital, where his father died.

The CHAIRMAN. May I interrupt? On this sixteen-day trip that you made to Paris and Germany, was there anyone else in your party except this one girl whom you mentioned?

Miss FRIED. That is all.

The CHAIRMAN. No one else?

Miss FRIED. No.

The CHAIRMAN. You did not meet any other State employee or Voice employees on the way?

Miss FRIED. I bumped into one of the girls who happened to be in Paris, Edith Goldenberg, quite by accident, at the opera.

The CHAIRMAN. She did not accompany you on any of the rest of the tour?

Miss FRIED. In fact, I didn't know her. Helen Heskins knew her and introduced me to her. I didn't know her here in New York.

Mr. COHN. When was this that you first met Mr. Kaplan, just the best you can remember? Was it three or four years ago?

Miss FRIED. Something like that—when he first came to work.

Mr. COHN. Was he working with the State Department, in Washington?

Miss FRIED. Yes.

Mr. COHN. And was Mr. Herrick responsible for his transfer to New York?

Miss FRIED. I don't know.

Mr. COHN. You don't know?

Miss FRIED. I don't know if he was responsible for his transfer to New York but actually that Washington office was under Mr. Herrick.

Mr. COHN. That is right. He worked under Mr. Herrick in Washington.

Miss FRIED. That is right.

Mr. COHN. Was Mr. Herrick responsible for his employment with the State Department originally?

Miss FRIED. I don't believe so—I don't think he knew him—I don't know. I don't think he knew him before he came to work with us.

Mr. COHN. About how long after the first time you met Mr. Kaplan did he come to work?

Miss FRIED. About a month later, I think, something like that.

Mr. COHN. Now, after he came to New York, did he work with Mr. Herrick rather closely?

Miss FRIED. Not at first. I mean, they were all under Mr. Herrick. He was with relay basis section, which was headed at that time by Mr. Harmon, William Harmon. Mr. Harmon was Ray Kaplan's superior at that time and, of course, Mr. Herrick was Mr. Harmon's superior at that time.

Mr. COHN. And he worked directly with Mr. Harmon, is that right?

Miss FRIED. Yes.

Mr. COHN. For about how long a period of time?

Miss FRIED. Gee, quite a long time. I would say about two years, a year and a half, something like that.

Mr. COHN. How well did you come to know Mr. Kaplan?

Miss FRIED. Oh, as a co-worker, quite well. I mean, he was in my office very often waiting to see Mr. Herrick, and so forth.

Mr. COHN. Now, when did he stop working with Mr. Harmon?

Miss FRIED. Mr. Harmon left. Mr. Harmon left the country. He went to work over in Tangier, I believe.

Mr. COHN. Is he still there, do you, know?

Miss FRIED. I think he is. I believe so. I am not too sure,

Mr. COHN. Where did Mr. Kaplan go after Mr. Harmon left there?

Miss FRIED. Well, he stayed right there. He stayed and worked with Mr. Herrick.

Mr. COHN. Did he work directly with Mr. Herrick after that?

Miss FRIED. Yes.

Mr. COHN. Was he sort of Mr. Herrick's assistant?

Miss FRIED. Oh, yes. At this point he was Mr. Herrick's assistant.

Mr. COHN. At this point Mr. Kaplan was Mr. Herrick's assistant, is that right?

Miss FRIED. Yes.

Mr. COHN. For how long a period of time did Mr. Kaplan remain Mr. Herrick's assistant? Until the time of his death?

Miss FRIED. Yes.

Mr. COHN. How long a period was that?

Miss FRIED. About a year or a year and a half.

Mr. COHN. When did you last see Mr. Kaplan?

Miss FRIED. I saw him Tuesday.

Mr. COHN. You saw him Tuesday and he was killed on—

Miss FRIED. Wednesday night.

Mr. COHN. What were the circumstances of his going to Boston?

Miss FRIED. To confer with M.I.T.

Mr. COHN. On what? Do you know?

Miss FRIED. With some report he was working on.

Mr. COHN. Was that the report on Baker West?

Miss FRIED. Yes, sir.

Mr. COHN. Is M.I.T. still working on that report? Do you know?

Miss FRIED. As far as I know, I think so.

Mr. COHN. And he went up there. Had he been to Boston on prior occasion recently?

Miss FRIED. Many times.

Mr. COHN. Recently?

Miss FRIED. I don't recall when his last trip was up there. I would say fairly recently.

Mr. COHN. Who told him to go up on Tuesday? Do you know that?

Miss FRIED. No, I don't.

Mr. COHN. Now, you are aware of the fact that there have been considerable discussions between Mr. Herrick and Mr. Kaplan concerning this Baker West project?

Miss FRIED. Yes.

Mr. COHN. Particularly in recent weeks; is that not right?

Miss FRIED. Yes, they always held many discussions.

Mr. COHN. Particularly in recent weeks?

Miss FRIED. Not more so than any other time. I mean, ever since the project was in effect they have had many discussions.

Mr. COHN. I assume that they have assumed a different nature since the project has been suspended?

Miss FRIED. Not noticeably—not to me.

Mr. COHN. Did you ever have any occasion to talk to Mr. Kaplan? We have had some testimony. Did Mr. Kaplan ever talk to you about the Baker West project when he was waiting to see Mr. Herrick?

Miss FRIED. He didn't discuss it with me. He knew I didn't know anything about it.

The CHAIRMAN. What conversation did you hear between Mr. Herrick and Mr. Kaplan in regard to Baker West or in regard to the M.I.T. report?

Miss FRIED. Not very many, because when they would go in the office, I would close the door.

The CHAIRMAN. Did you ever in recent days hear Kaplan and Herrick discussing what should be in the M.I.T. report?

Miss FRIED. No.

The CHAIRMAN. You never heard them discuss that?

Miss FRIED. No.

The CHAIRMAN. Do you know that Mr. Kaplan was spending a great deal of time with M.I.T. discussing what they should have in the report with regard to Baker West?

Miss FRIED. I wouldn't know what Mr. Kaplan discussed with M.I.T.

The CHAIRMAN. You did not hear Mr. Kaplan talking to Mr. Herrick about those discussions at all?

Miss FRIED. He may have made references to them. He would always discuss his conferences, but I wouldn't know the substance of the conversation.

The CHAIRMAN. In other words, you are not an engineer and I assume you would not understand that discussion?

Miss FRIED. That is right—beyond my comprehension.

Mr. COHN. Was Mr. Kaplan affected in any way by Mr. Herrick's change of assignment recently?

Miss FRIED. I wouldn't know. He never discussed it with me.

Mr. COHN. Did he continue on as Mr. Herrick's assistant?

Miss FRIED. Yes.

Mr. COHN. Or did he stay as assistant to the new chief engineer?

Miss FRIED. That is not very clear in my mind. He was just in the same place and actually these assignments have just been made.

Mr. COHN. Did he report to Mr. Herrick or to Mr. Seymour there?

Miss FRIED. Well, it has been such a short time that Mr. Seymour has been there that actually, the procedures haven't been really set.

Mr. COHN. I am trying to understand: Did Mr. Kaplan continue to work with Mr. Herrick or did he not come around much anymore, and did he go with Mr. Seymour?

Miss FRIED. He did come around.

Mr. COHN. He was still working closely with Mr. Herrick?

Miss FRIED. That is right.

Mr. COHN. Whom did Mr. Herrick talk to at M.I.T. in recent weeks?

Miss FRIED. Dr. [Jerome] Weisner, I believe.

Mr. COHN. How often? Every day?

Miss FRIED. Oh, no. Well, whenever Ray would contemplate a trip, I guess they would call up there, or something like that—not too often.

Mr. COHN. Well, did he talk to Dr. Weisner the day that Mr. Kaplan went up to Boston?

Miss FRIED. No.

Mr. COHN. How did Dr. Weisner know that Mr. Kaplan was coming?

Miss FRIED. I don't know. Ray may have called Dr. Weisner. I don't know.

Mr. COHN. When was the last time Mr. Herrick talked to Dr. Weisner?

Miss FRIED. He spoke to him the other day. He called him, I believe, Friday.

Mr. COHN. Yesterday?

Miss FRIED. Or the day before. I am not so sure. I think—I believe it was yesterday or the day before.

Mr. COHN. I see. Do you know what the tone of conversation was?

Miss FRIED. No.

Mr. COHN. You just placed the call?

Miss FRIED. No. Dr. Weisner called New York.

Mr. COHN. When was the time before that?

Miss FRIED. I don't remember.

Mr. COHN. Would you say they talked about two, three times a week, or once a week, or once a month?

Miss FRIED. Not as often as that.

Mr. COHN. Once a week or once a month in the last couple of months?

Miss FRIED. Once in three weeks, perhaps.

Mr. COHN. You would say that in the last three weeks Mr. Herrick has talked to Dr. Weisner only once?

Miss FRIED. That is right.

Mr. COHN. That was that call on Thursday or Friday?

Miss FRIED. Yes.

Mr. COHN. You recall no other calls in the last three weeks?

Miss FRIED. No, but I recall that when Mr. Kaplan was up at M.I.T. he would call in to Mr. Herrick.

Mr. COHN. When was the last time before last week?

Miss FRIED. About two or three weeks ago when he was up there.

Mr. COHN. Was Mr. Kaplan up there two or three weeks ago? You knew he was up there last week.

Miss FRIED. Yes.

Mr. COHN. Why was he going up there last week?

Miss FRIED. They were working on this report.

Mr. COHN. When was it supposed to be ready? Do you know?

Miss FRIED. I don't know just when it was to have been completed, but they were working on it.

Mr. COHN. As far as you know, it was just another trip to work on it? You do not know whether he was supposed to bring it back or not?

Miss FRIED. I don't know that.

Mr. COHN. How long was Mr. Kaplan to have been up there?

Miss FRIED. He was to have been up there for one day, but at about five o'clock he called the office to say that his travel authorization should be extended because he would have to stay another day, and he expected to stay overnight.

Mr. COHN. Why was he going to stay another day?

Miss FRIED. Well, first of all he missed the plane in the morning that he expected to take. It was grounded, and he had to take a later plane, and I guess he didn't have enough time and he expected to stay another day.

Mr. COHN. Now, what time in the afternoon did Mr. Kaplan call in?

Miss FRIED. It was close to five o'clock.

Mr. COHN. Did you talk to him?

Miss FRIED. No.

Mr. COHN. Mr. Herrick talked to him?

Miss FRIED. No; he called Frank Seymour's office and wanted to talk to Mr. Martin.

Mr. COHN. Mr. Martin?

Miss FRIED. Ed Martin, but he wasn't in, and he spoke to the girl there and told her to tell me to see to it that his travel authorization was extended another day. I didn't get to talk to him.

The CHAIRMAN. Mr. Counsel, what day was that?

Mr. COHN. This was on the day Mr. Kaplan was killed.

Miss FRIED. This was on Wednesday, yes.

Mr. COHN. Two or three hours before he was killed.

Miss FRIED. I did speak to Mr. Kaplan in the morning when he called to tell me his plane was grounded.

Mr. COHN. Did he sound upset at that time?

Miss FRIED. No.

Mr. COHN. Not at all?

Miss FRIED. Not over the telephone, you couldn't tell.

Mr. COHN. Did he, seem upset the day before?

Miss FRIED. He seemed a little bit.

Mr. COHN. Did you notice anything unusual?

Miss FRIED. He was very upset.

Mr. COHN. Pardon me?

Miss FRIED. He was quite upset that day.

Mr. COHN. About what? Did he tell you?

Miss FRIED. He didn't tell me. He didn't really say, but I saw he was nervous and upset.

Mr. COHN. Was that the first time you noticed he was nervous?

Miss FRIED. He was generally quite a nervous fellow.
Mr. COHN. By temperament he was nervous?
Miss FRIED. Quite a nervous fellow.
Mr. COHN. You did not regard that as extraordinary?
Miss FRIED. He was more nervous than usual.
Mr. COHN. He did not say anything to you?
Miss FRIED. Oh, no.
Mr. COHN. Did Mr. Herrick make any comment to you?
Miss FRIED. No; Mr. Herrick wasn't in that day, in fact.
Mr. COHN. You mean the day before?
Miss FRIED. Yes.
Mr. COHN. How did you happen to see Mr. Kaplan? He came in to see Mr. Herrick?
Miss FRIED. He just came in to tell me he was going to M.I.T.
Mr. COHN. What else did he tell you?
Miss FRIED. He told me he was a little upset, that he would like to get to testify.
Mr. COHN. He said he would like to get to testify?
Miss FRIED. Yes.
Mr. COHN. Do you know if he made a request to testify?
Miss FRIED. I don't know.
Mr. COHN. What did he say he wanted to testify about?
Miss FRIED. He just said he would like the truth to come out.
Mr. COHN. Do you know what he regarded as the truth?
Miss FRIED. I wouldn't know that. That is too technical for me.
Mr. COHN. A little earlier you said that you had no discussions about Baker West or anything.
Miss FRIED. Just in reference to the hearing.
Mr. COHN. What else did he say about the hearing?
Miss FRIED. Well, he was noticeably upset and he said that he would like to get on the stand and testify, and that he thought the truth was distorted.
Mr. COHN. By whom? Did he say?
Miss FRIED. No, he didn't say.
Mr. COHN. Was he friendly with Mr. Herrick?
Miss FRIED. As a co-worker only, because I know Mr. Herrick said he didn't know anything about his personal life. I mean, he was really amazed himself that he knew as little as he did know.
The CHAIRMAN. Did Mr. Kaplan dictate to you when he would write letters?
Miss FRIED. No.
The CHAIRMAN. Then in other words you were not his secretary at all?
Miss FRIED. No.
The CHAIRMAN. Did you write any letters for Mr. Kaplan in the last month or six weeks?
Miss FRIED. I never wrote any letters for Mr. Kaplan.
Mr. COHN. Did you arrange for the travel authorization for Mr. Kaplan to go to M.I.T. on that day?
Miss FRIED. No, sir; that was all done by his secretary.
Mr. COHN. How was it that he sent the message extending it to you?
Miss FRIED. Just recently there was a change. His secretary was taken away from him the day before.

Mr. COHN. Who took his secretary away from him?

Miss FRIED. Oh, the administrative office. His secretary was assigned to Mr. Martin and Mr. Newman. That is why he told the girl to tell me.

Mr. COHN. Why was his secretary taken away on that day, do you know?

Miss FRIED. Oh, I don't know; It was just a reorganizational change.

Mr. COHN. Who are Mr. Kaplan's best friends around the offices?

Miss FRIED. I don't know that he had any best friends. I mean he was a very, very hard worker, stayed in his office most of the time and worked. I mean, he wasn't a person who went around socializing.

Mr. COHN. Is there anybody you noticed that he was more friendly to?

Miss FRIED. I think he felt closest to Mr. Herrick, and even that was on a purely impersonal basis. I mean he wasn't particularly a sociable person. He worked, very hard and kept working in his office most of the time.

Mr. COHN. You know of nobody up there with whom he was particularly friendly?

Mr. FRIED. No.

Mr. COHN. Was that occasion, the day before he went up to Boston, the first time he discussed the Baker West thing with you and the idea of his testifying?

Miss FRIED. He had mentioned that a few days before, too, that he would like to get to testify, and he had said "It's a sorry mess" and words to that effect, and he kept saying, "I don't know when they will call me. I don't understand why they don't call me," and things like that, and I was joking with him and I said, "You will get to be on television yet."

The CHAIRMAN. Did you take any letters or any memorandum from Mr. Herrick in regard to the Baker West project in the last four weeks? Did you take any in the last four or five weeks, roughly?

Miss FRIED. There was one memorandum I took last week, in which I believe we summarized some of the important points.

The CHAIRMAN. That was addressed to whom?

Miss FRIED. Just for the file.

The CHAIRMAN. Did you take any letters or any memoranda from Mr. Herrick to any other Voice employees or any other individual at M.I.T. in regard to the Baker West project?

Miss FRIED. No, sir.

The CHAIRMAN. In the last four or five or six weeks?

Miss FRIED. No, sir.

The CHAIRMAN. If Mr. Herrick had any correspondence with M.I.T. in regard to Baker West, I assume that you would have been the young lady who would have them?

Miss FRIED. I worked on some of it, but Mr. Kaplan did the volume of it. There were some periods during which I did some work—it is kind of vague, though. We have it all in the files.

The CHAIRMAN. Where would you keep the file or letters written by Herrick in regard to Baker West? Would that be in your office?

Miss FRIED. Yes, I have the Baker file. I also have a file called M.I.T., in which correspondence was kept.

The CHAIRMAN. That file is not classified, I assume, is it?

Miss FRIED. Yes, it is.

The CHAIRMAN. How is it classified?

Miss FRIED. It is up to secret level.

The CHAIRMAN. From restricted to secret?

Miss FRIED. Yes, sir.

The CHAIRMAN. Various documents classified differently?

Miss FRIED. Yes.

The CHAIRMAN. How about the correspondence, the letters you wrote. Are some of those classified also?

Miss FRIED. Oh, yes. If it has reference to any classified material, it must be classified.

Mr. COHN. This memorandum he wrote for the files, who received copies of that?

Miss FRIED. No one.

Mr. COHN. Nobody at all?

Miss FRIED. I think that was just for his own edification. I mean, for his own.

Mr. COHN. A sort of review of everything that had happened?

Miss FRIED. A review for himself, yes.

Mr. COHN. How many copies of that memorandum did you make?

Miss FRIED. I have about four copies.

Mr. COHN. They are all in the file?

Miss FRIED. Yes.

Mr. COHN. Is that memorandum classified? That did not bear any classification, did it?

Miss FRIED. No, I don't believe so. I don't really remember.

Mr. COHN. Was this written before or after Mr. Kaplan's death?

Miss FRIED. Before.

Mr. COHN. How long before?

Miss FRIED. About a week before.

Mr. COHN. Did Mr. Kaplan work for Mr. Herrick on the preparation of that memorandum?

Miss FRIED. No.

Mr. COHN. Mr. Herrick did this all by himself? Is that right?

Miss FRIED. Yes, he just called me in and dictated it.

Mr. COHN. And about how long is it?

Miss FRIED. It is very short. I think it runs a page-and-a-half.

Mr. COHN. Just a page-and-a-half?

Miss FRIED. Something like that.

Mr. COHN. Can you tell us the upshot or substance of it?

Miss FRIED. Yes. It told how they had made the surveys in Washington, and after they had decided on Washington, they heard that California might be slightly better, so Mr. Herrick went down to Washington and protested staying in Washington and said "Perhaps we should move to California." And Dr. Compton at that time requested General Stoner to make a full report—if I can remember this memorandum completely—and General Stoner submitted this report, agreeing with all the recommendations made by Mr. Herrick but concluding that we should stay in Washington. So, since that was the directive from Washington and from General Stoner, we had to go along and stay in Washington.

Mr. COHN. In other words, the upshot of the memorandum on Mr. Herrick's part was that there came a time when he thought they were in the wrong place and he went to Washington and asked to change it and Mr. Compton put General Stoner on it, and he agreed, but said they wouldn't move?

Miss FRIED. That is right.

Mr. COHN. Does the memorandum say why General Stoner wouldn't move it?

Miss FRIED. No.

Mr. COHN. Is that about the substance of the memorandum?

Miss FRIED. Yes.

Mr. COHN. Do you recall that Mr. Herrick was in favor of moving, at that time, from the letters he gave you at the time, or anything you might have heard?

Miss FRIED. I think he was upset about it, but he didn't discuss it with me.

Mr. COHN. When was he upset—last summer around July?

Miss FRIED. At the time when Mr. Kaplan went to California and made the survey.

Mr. COHN. Who sent Mr. Kaplan to California?

Miss FRIED. Mr. Herrick.

Mr. COHN. Was that on anyone's instructions, or on his own initiative?

Miss FRIED. I don't know, but I believe Mr. Herrick's own initiative.

Mr. COHN. Did you ever discuss that trip with Mr. Kaplan?

Miss FRIED. No.

Mr. COHN. Not in any way?

Miss FRIED. No.

Mr. COHN. You say that at that time Mr. Herrick was upset about the location of the site?

Miss FRIED. I think he was upset when he got the memorandum from General Stoner saying that we should stay in Washington. He said it didn't make much sense because he was in complete agreement with Mr. Herrick as to moving to California, but then concluded that we should stay in Washington. He said it didn't make sense to him.

Mr. COHN. Answer this question accurately, it is important: Do you know of any gift Mr. Herrick ever received from anyone, directly or indirectly?

Miss FRIED. No.

Mr. COHN. You know of none whatsoever?

Miss FRIED. No.

Mr. COHN. No gifts at his office or his home?

Miss FRIED. Oh, well, Christmas time he would get these little books from RCA, engineering address books, and things like that.

Mr. COHN. What did he get besides these little books?

Miss FRIED. He had an ink stand.

Mr. COHN. What else?

Miss FRIED. That is about all.

Mr. COHN. Anything else? Are you very sure of that, now?

Miss FRIED. In the office, that is all.

Mr. COHN. Well, anything you know about. This is very important. The question is: anything that has come to your knowledge in any way.

Miss FRIED. There was very little that was of any importance.

Mr. COHN. You had better tell us about anything now.

The CHAIRMAN. Whether you think it is important or not.

Miss FRIED. I don't think these memo pads are important.

Mr. COHN. I am not talking about the inkstands.

Miss FRIED. There was once some liquor.

Mr. COHN. Who was the liquor from?

Miss FRIED. Gee, I don't remember now. I don't remember from whom they were. I didn't know.

Mr. COHN. Now, you say you have recalled some liquor. How much was it?

Miss FRIED. Just one bottle, I remember.

Mr. COHN. When was that?

Miss FRIED. Three years ago, or something.

Mr. COHN. Is there anything else now?

The CHAIRMAN. In other words, counsel is not interested in something like a bottle of liquor or an inkwell or pen.

Miss FRIED. That is all, to my knowledge.

Mr. COHN. Are you positive that you know of nothing else now?

Miss FRIED. Yes.

Mr. COHN. You never heard in any way about any gift or any kind of a benefit he received, directly or indirectly from anybody?

Miss FRIED. No, sir.

Mr. COHN. In the entire six years?

Miss FRIED. That is right.

Mr. COHN. You are positive of that?

Miss FRIED. To my knowledge.

Mr. COHN. Pardon me?

Miss FRIED. To my knowledge.

Mr. COHN. Now, have you ever been in Mr. Herrick's home?

Miss FRIED. No. I went there once to deliver something.

Mr. COHN. I see. When was that?

Mr. FRIED. Oh, about four months ago, something like that.

Mr. COHN. That was the only time you have ever been there. Where does he live?

Miss FRIED. Scarsdale.

Mr. COHN. In an apartment?

Miss FRIED. He has his own home.

Mr. COHN. When did he buy his home?

Miss FRIED. Before I came to work for him. I think shortly before I came to work for him.

Mr. COHN. Where is Mr. Herrick's bank?

Miss FRIED. I think Scarsdale, I am not sure. I don't handle his personal banking business.

Mr. COHN. You handle no personal matters for him at all, no issuance of checks?

Miss FRIED. No; but I think it is a bank in Scarsdale.

Mr. COHN. Is that the only bank in which he maintains any capital?

Miss FRIED. That is all I know about.

Mr. COHN. Does he maintain a safe deposit box?

Miss FRIED. Not that I know of.

Mr. COHN. Have you ever received a gift?

Miss FRIED. No.

The CHAIRMAN. We are not concerned about a bottle of liquor.

Mr. COHN. Was this trip to Europe at your own expense?

Miss FRIED. Yes, sir.

Mr. COHN. Did you pay for it out of savings?

Miss FRIED. Yes. I came home broke.

Mr. COHN. I see. Did you take money out of the bank from a savings account?

Miss FRIED. I had saved up for it.

Mr. COHN. Did you have any income or have you had, since you have been working with the State Department, other than your salary?

Miss FRIED. No, sir.

Mr. COHN. You have done no outside work whatsoever?

Miss FRIED. No, sir.

Mr. COHN. Does Mr. Herrick do any outside work?

Miss FRIED. Not to my knowledge.

Mr. COHN. You have heard of nothing he received in any way from any source?

Miss FRIED. No.

The CHAIRMAN. How about Mr. Kaplan. Do you know of any income that Mr. Kaplan had outside of his governmental salary?

Miss FRIED. No, sir.

The CHAIRMAN. Do you know of any gifts that Mr. Kaplan received from anyone during the time that you were working with him?

Miss FRIED. None whatsoever.

The CHAIRMAN. Do you know where Mr. Kaplan does his banking?

Miss FRIED. No, sir.

The CHAIRMAN. In other words, you did not take care of any of Mr. Kaplan's personal affairs?

Miss FRIED. No, sir.

Mr. COHN. When did you see Mr. Herrick last?

Miss FRIED. Friday.

Mr. COHN. About what time?

Miss FRIED. About 4:30.

Mr. COHN. Did you tell him you were coming down here this morning?

Miss FRIED. Yes, sir.

Mr. COHN. And did you have any discussion with him about your testimony?

Miss FRIED. Not very much.

Mr. COHN. Tell us what was said.

Miss FRIED. Oh, he just said "I can't understand why they are calling you," and he said, "All you can do is tell the truth." That is all. There is nothing else for me to tell.

Mr. COHN. That is the only discussion.

Miss FRIED. Yes.

Mr. COHN. How long did you say you talked to him about your testimony?

Miss FRIED. Not more than five to ten minutes.

The CHAIRMAN. Let me ask you this, if I may: After Kaplan committee suicide I assume there was considerable discussion in the office. It seems rather unusual that a man would commit suicide because he might be called to testify before a Senate committee.

I would like to ask you this: Did you or anyone else around that office have any idea as to why he killed himself?

Miss FRIED. No sir. In fact, many people don't believe he committed suicide, despite the letter he wrote.

The CHAIRMAN. In other words, from the evidence you have given, from his letter it appears he was an engineer who advised against the mislocation of Baker West. It would appear that he had letters and documents to show that he had advised against that mislocation. It would seem from his letter and from your testimony that he could have proven very easily that he had nothing to do with the mislocation, except possibly at the most not using good judgment in the early stages of it. It seems impossible that a man would commit suicide with that background of clearance, if we can call it that, in the record, and I am wondering if any of you over there have any idea why he might have?

Miss FRIED. Well, it is my opinion that he exaggerated his own importance in his own mind. He made this California survey, but certainly he did not have the responsibility of making any decision. The decision came from Washington.

The CHAIRMAN. I do not quite have clearly in mind just exactly what his job was. He was more or less a liaison between Herrick's office and M.I.T., I guess.

Miss FRIED. Yes, he was one of Mr. Herrick's assistants.

The CHAIRMAN. Was he in any way responsible for making the contract with M.I.T., if you know?

Miss FRIED. No, sir; I don't believe so. He may have recommended it, but he had no responsibility of that nature.

The CHAIRMAN. Did you know Kaplan socially at all?

Miss FRIED. No, sir.

The CHAIRMAN. You never visited his home?

Miss FRIED. No, sir.

The CHAIRMAN. You never went along on any of these trip he made, or anything like that?

Miss FRIED. No, sir.

The CHAIRMAN. You never accompanied Herrick on any of these inspection trips or other trips that Herrick made?

Miss FRIED. No, sir.

The CHAIRMAN. So that, as far as you are concerned, you cannot think of any reason why Kaplan would commit suicide unless in his own mind he exaggerated his own importance in that setup?

Mr. COHN. As a matter of fact, from what he said to you, you gathered he was anxious to testify?

Miss FRIED. Yes.

Mr. COHN. Rather than having anything to be afraid of, he would show up very well. Isn't that the impression you got from him?

Miss FRIED. Yes.

The CHAIRMAN. Have you seen this suicide note?

Miss FRIED. I saw it in the papers last night.

The CHAIRMAN. Doesn't that strike you as being an unusual type of suicide note? Not that I expect you to be an expert on suicide notes.

Miss FRIED. How do you mean?

The CHAIRMAN. It does not seem to be the type of note a man might write to his wife if he were going to commit suicide. I mention that because you said a number of people in the office do not think he committed suicide, a number of people do not think that was written by him.

Counsel, do you know if that was written in longhand?

Mr. COHN. My information is that it was written in longhand. That is a secondhand report and might be wrong.

The CHAIRMAN. Is there anything further, Mr. Counsel?

Miss FRIED. This is a copy?

The CHAIRMAN. That is what purports to be a copy.

Mr. COHN. Are you now or have you ever been a member of the Communist party?

Miss FRIED. No, sir.

Mr. COHN. Have you ever belonged to any organization listed as subversive?

Miss FRIED. No, sir.

Mr. COHN. None of any kind?

Miss FRIED. No, sir.

Mr. COHN. Have you ever expressed procommunist views of any kind?

Miss FRIED. No, sir.

Mr. COHN. Have you ever known a Communist?

Miss FRIED. Have I ever known a Communist? No, sir; not to my knowledge,

The CHAIRMAN. Let me ask you this: Do you know whether Kaplan was a member of any Communist fronts or whether he belonged to the Communist party?

Miss FRIED. I know nothing about his personal life.

The CHAIRMAN. As of this time you cannot think of any reason why he would commit suicide, and I gather from your testimony that the people who worked with him find it so unbelievable that some still do not think he committed suicide?

Miss FRIED. That is right. The fact that he called up close to five o'clock that evening, asking us to extend his travel authorization for another day, and making the hotel reservation to sleep overnight made me very doubtful, and also that, as I understand it, he had a stamp on the letter, expecting to mail the letter. If he intended to commit suicide—I guess he was vacillating back and forth and didn't know whether or not he was going to do it, but was waiting, and so didn't mail the letter—and also the fact that the truck was only going twenty miles an hour. It had slowed down when the truck driver saw Mr. Kaplan. It made me think that it was just an accident, and he probably was so engrossed in his own thoughts, that he didn't see the truck. That is my personal belief, as a detective on my own, but he must have contemplated it, since he wrote that letter, but I don't think he actually did it. I think it is a strange coincidence. I think it is an accident. Certainly he could have been mauled for life the way he did it.

The CHAIRMAN. Is there anything further, Mr. Counsel?

Mr. COHN. Did you know a Bill Grogan, who worked on the Voice of America?

Miss FRIED. Yes, I did.

Mr. COHN. Did you know him well?

Miss FRIED. Yes. Well, he was the security man there. He was a friendly chap, a very friendly chap.

Mr. COHN. How would you have happened to know him?

Miss FRIED. He would visit our office very often.

Mr. COHN. Was he pretty friendly with Mr. Herrick?

Miss FRIED. Yes. He was a very friendly sort of person. He would always come around and talk to me.

Mr. COHN. Was he specially friendly with Mr. Herrick?

Miss FRIED. Not more so than anybody else. He was friendly to everyone.

Mr. COHN. There were quite a few people working there, weren't there?

Miss FRIED. Yes.

Mr. COHN. He was in another department?

Miss FRIED. Yes.

Mr. COHN. But you say he was in your department often?

Miss FRIED. He would come often.

Mr. COHN. Would he go to all the departments that often, do you know?

Miss FRIED. Yes.

Mr. COHN. Did he know Mr. Kaplan too?

Miss FRIED. I guess so.

Mr. COHN. You have a recollection that he did?

Miss FRIED. I am pretty sure that Kaplan was working there. He knew everybody that was working there. Oh, yes, Mr. Kaplan was working there.

Mr. COHN. You do recall specifically that he know Mr. Herrick?

Miss FRIED. Yes.

Mr. COHN. He would come in and chat with him from time to time, and all that?

Miss FRIED. Yes.

Mr. COHN. Have you ever had any discussions with Mr. Grogan about conditions at the Voice?

Miss FRIED. No; he would always discuss security with us there.

Mr. COHN. He would discuss security with you?

Miss FRIED. Surely. I was a security officer.

Mr. COHN. Pardon me?

Miss FRIED. I was security officer there in my division.

Mr. COHN. Are you a security officer in your division?

Miss FRIED. I was then.

Mr. COHN. You were?

Miss FRIED. Yes.

Mr. COHN. And when did you stop being a security officer?

Miss FRIED. I just say "I was" because Mr. Herrick has been removed from his position, and it is only as of three weeks.

Mr. COHN. Were you the security officer for the division?

Miss FRIED. We had several.

Mr. COHN. What were your duties as security officer?

Miss FRIED. I would lock up the material in the safe every night.

Mr. COHN. Anything else?

Miss FRIED. I would see that there was no classified material around.

Mr. COHN. Anything other than taking care of classified documents?

Miss FRIED. No.

Mr. COHN. You had nothing to do with the clearances of any of the employees?

Miss FRIED. No.

Mr. COHN. Did you have knowledge of which employees were entitled to access to classified material and all that?

Miss FRIED. I did.

Mr. COHN. You did. Did you know of any persons working at the Voice at any time during the six years who were not cleared for access to all security material?

Miss FRIED. No, sir.

Mr. SCHINE. Mr. Counsel, may I interrupt your questioning. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. SCHINE. Do you know Colonel Andrews?

Miss FRIED. Colonel Andrews? I think he was up to our office a few months ago applying for a job.

Mr. SCHINE. How long have you known Colonel Andrews?

Miss FRIED. Only that time that he came up to the office, that one time.

Mr. SCHINE. Do you know Anthony Micocci?

Miss FRIED. He is a Washington man.

Mr. SCHINE. How long have you known Anthony Micocci?

Miss FRIED. I have spoken to him on the telephone very often—about two or three years.

Mr. SCHINE. When did you meet Anthony Micocci?

Miss FRIED. When I first met him? About three years ago.

Mr. SCHINE. Where did you meet him?

Miss FRIED. In New York, in the New York office. He came up to New York.

Mr. SCHINE. And how often have you seen Anthony Micocci?

Miss FRIED. Not very often. When he would come to New York he would generally come in to visit Mr. Herrick, but that wasn't very often.

Mr. SCHINE. Has he ever visited your home?

Miss FRIED. My home, no, sir.

Mr. SCHINE. Have you ever been to Washington, D.C.?

Miss FRIED. No, sir.

Mr. SCHINE. Do you know Charles Carrigan?

Miss FRIED. Carrigan? There were two Carrigans.

Mr. SCHINE. C-a-r-r-i-g-a-n?

Miss FRIED. Yes.

Mr. SCHINE. How long have you known Charles Carrigan?

Miss FRIED. Oh, for about three years.

Mr. SCHINE. Did he ever visit your home?

Miss FRIED. My home? No, sir.

Mr. SCHINE. How well do you know Charles Carrigan?

Miss FRIED. Not very well. Just when he would visit the office.

Mr. SCHINE. Do you know Edward Carrigan?

Miss FRIED. Yes, sir.

Mr. SCHINE. How long have you known Edward Carrigan?
Miss FRIED. Practically ever since I worked for the Voice.
Mr. SCHINE. Did you know him before you worked for the Voice?
Miss FRIED. No, sir.
Mr. SCHINE. Had he ever visited your home?
Miss FRIED. No, sir.
Mr. SCHINE. Do you know Carlos Fox?
Miss FRIED. Yes, sir.
Mr. SCHINE. How long have you known Carlos Fox?
Miss FRIED. Not very well, just as a co-worker.
Mr. SCHINE. Have you discussed the siting of Baker East and Baker West with these individuals?
Miss FRIED. No, sir.
Mr. COHN. And you say Colonel Andrews came up applying for a job? About when was that?
Miss FRIED. Six or seven months ago, something like that, I think.
Mr. COHN. And whom did he see? Mr. Herrick?
Miss FRIED. He saw—I think General Stoner was up in New York at the time.
Mr. COHN. Did he bring Colonel Andrews up with him?
Miss FRIED. I don't know. I don't know.
Mr. COHN. Did you connect General Stoner with Colonel Andrews in any way?
Miss FRIED. Yes.
Mr. COHN. In what way?
Miss FRIED. That they knew each other. That is about all.
Mr. COHN. Who recommended Colonel Andrews? Did he come in cold or not?
Miss FRIED. I don't know. I thought General Stoner did, but I couldn't be sure.
Mr. COHN. What happened after he applied for this job? Did Mr. Herrick think he would be a good man, or was nothing done?
Miss FRIED. His application was being processed.
Mr. COHN. His application was put in for what?
Miss FRIED. I don't know for what.
Mr. COHN. Something in the engineering department?
Miss FRIED. Yes.
Mr. COHN. About when was this?
Miss FRIED. Three or four months ago.
Mr. COHN. What is the next you heard about that?
Miss FRIED. That is all.
Mr. COHN. You never heard anything more about that?
Miss FRIED. Well, there was a rumor in our place that he was going to come to work.
Mr. COHN. When was that?
Miss FRIED. Just a short time ago, about a month ago.
Mr. COHN. From whom did you hear that rumor?
Miss FRIED. I don't recall. I really don't remember.
Mr. COHN. Did you discuss that with Herrick?
Miss FRIED. No, sir.
Mr. COHN. Not at all?
Miss FRIED. No.
Mr. COHN. He never discussed it with you?

Miss FRIED. No.

Mr. COHN. I see. Did you know what happened to his papers when they were processed by the Civil Service Commission?

Miss FRIED. No, sir; that goes through personnel, and we have nothing to do with that.

Mr. COHN. You never heard rumors around the engineering department?

Miss FRIED. No, sir.

Mr. COHN. As far as you know, the last rumor was that he was going to work?

Miss FRIED. That it was being processed.

Mr. COHN. Your recollection is that General Stoner had recommended him?

Miss FRIED. I thought he had recommended him.

Mr. COHN. Who put through the papers, Mr. Herrick?

Miss FRIED. Our personnel office.

Mr. COHN. Who sent them to the personnel office?

Miss FRIED. He came to the office and our personnel is on the same floor, and we sent him up there and he got a form.

Mr. COHN. Who is the personnel officer who would know about that?

Miss FRIED. There has been such a change recently that the same people are not there any more. There was a young lady named Kitty Hull there at the time. I think she gave the application to him.

The CHAIRMAN. You might not know this: Was Colonel Andrews appointed subject to a Civil Service check on him?

Miss FRIED. I don't know.

The CHAIRMAN. You would not know that?

Miss FRIED. I don't know what stage the application had gotten to.

The CHAIRMAN. That was not one of your jobs, in other words?

Miss FRIED. No.

The CHAIRMAN. Pardon me, Mr. Schine.

Mr. SCHINE. How much time did Mr. Herrick and Colonel Andrews spend together?

Miss FRIED. Not more than five minutes.

Mr. SCHINE. They did not go out to dinner?

Miss FRIED. I don't remember.

Mr. SCHINE. You do not know if they had dinner or lunch together?

Miss FRIED. I don't believe so.

Mr. SCHINE. You do not know that General Stoner and Colonel Andrews and Mr. Herrick had dinner or lunch together?

Miss FRIED. I don't recall. I really don't recall, because I generally go out to lunch before and very often I wouldn't know with whom Mr. Herrick went, but I don't believe so.

Mr. SCHINE. Do you know Dr. de Bettencourt?

Miss FRIED. I saw him once.

Mr. SCHINE. Where did you see him?

Miss FRIED. He came to a meeting in our office.

Mr. SCHINE. Has there ever been any discussion that you have heard about the Bureau of Standards?

Miss FRIED. Well, I know Mr. Kaplan was in contact with them, but that is about all I know about it.

Mr. SCHINE. You never heard any other discussion?

Miss FRIED. There are references made to it, but I wouldn't understand it.

Mr. SCHINE. Did you ever write any letters to the Bureau of Standards for Mr. Herrick?

Miss FRIED. If I did, it was a very long time ago and I don't remember.

Mr. COHN. Did you say that Mr. Kaplan had been in touch with the Bureau of Standards?

Miss FRIED. Yes.

Mr. COHN. When was that?

Miss FRIED. I couldn't say.

Mr. COHN. Was that recently?

Miss FRIED. I didn't write his letters.

Mr. COHN. But you did say he was in touch with the Bureau of Standards?

Miss FRIED. Intimately, over the period he worked there.

Mr. COHN. Was Dr. Smith down there?

Miss FRIED. I don't know Dr. Smith.

Mr. COHN. Whom do you know in the Bureau of Standards?

Miss FRIED. I don't know anybody.

Mr. COHN. With whom did you people deal in the Bureau of Standards?

Miss FRIED. I had very little contact.

Mr. COHN. Did Mr. Herrick ever deal with the Bureau of Standards?

Miss FRIED. Not very much.

The CHAIRMAN. Do you have any letters that Herrick ever wrote to the Bureau of Standards in regard to Baker East or Baker West?

Miss FRIED. Mr. Kaplan took care of all that correspondence.

The CHAIRMAN. If Herrick had written, you would know about it, being his secretary?

Miss FRIED. Yes, I would have written it.

The CHAIRMAN. And your testimony is that as far as you know, Herrick never corresponded with the Bureau of Standards in regard to the location of Baker East and Baker West? I realize that it is impossible for you to recall all the correspondence, but your testimony is, as far as you know?

Miss FRIED. Yes.

Mr. SCHINE. Do you know Mr. Condon?

Miss FRIED. Condon?

Mr. SCHINE. Yes.

Miss FRIED. No.

Mr. SCHINE. Do you know anybody at the Bureau of Standards?

Miss FRIED. No, sir.

The CHAIRMAN. Mr. Surine.

Mr. SURINE. You state that for a few days prior to his last trip to Boston Mr. Kaplan was quite nervous and upset?

Miss FRIED. Yes.

Mr. SURINE. Had you known him long enough to have judged whether or not he was seriously upset, and were there any phrases in his statements, reported to you that he may have made in the

presence of others, that would shed some light on his reasons, other than the general investigation?

Miss FRIED. No, nothing more than what I have already said, that he said he was very anxious to testify, and he was a very nervous person generally, and it was only a matter of degree. He seemed a little more nervous to me than he was generally.

Mr. SURINE. Have any other employees reported conversations to you?

Miss FRIED. No, sir.

Mr. SURINE. What about Mr. Herrick? What is his attitude or has he made any statement in your presence in the last three or four weeks, relative to this investigation, which you think in confidence should be called to our attention?

Miss FRIED. No, sir.

The CHAIRMAN. I want to thank you very much, Miss Fried.

Miss FRIED. You are welcome.

The CHAIRMAN. I may say that we know it is a tiresome ordeal for you to come down here and sit through all these questions, but we must explore all possible angles of this situation.

You are entitled to your witness fees and travel fees. Mr. Surine will take care of that.

[Whereupon, at 1:20 p.m., the committee recessed subject to call.]

VOICE OF AMERICA

[EDITOR'S NOTE.—David Cushman Coyle (1887–1969) was a prolific author of articles, books, and government reports during the Roosevelt and Truman administrations. From 1950 to 1953 he wrote pamphlets for the Department of State. He came to the subcommittee's attention after the syndicated columnist Lowell Mellett (Coyle's frequent dining companion at Washington's Cosmos Club) published a column on "The Right to Confront Accusers." Although he did not name his source, Mellett referred to "a friend who works in one of the Government's sensitive departments, one that deals with some matters that might affect our national security."

David Cushman Coyle, John Francis McJennett, Jr., and Robert L. Thompson did not testify in public session. However, Senator McCarthy informed reporters that he had interrogated a State Department employee with a "poor sense of direction," who had gotten into the "wrong building" when he reported for work. When reporters pressed for details on the matter, the subcommittee released excerpts from Coyle's executive session transcripts, which were carried in the *New York Times* on March 16, 1953.]

TUESDAY, MARCH 10, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in room 357 of the Senate Office Building, at 10:30 a.m., Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Charles E. Potter, Republican, Michigan; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; David Schine, chief consultant; Henry Hawkins, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. Mr. Coyle, will you just stand up there and be sworn? In this matter now before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COYLE. I do.

The CHAIRMAN. Mr. Coyle, may I first advise you of two things: Number one, you might have counsel if you care to. If you have counsel you have the right to discuss any matter with him at any time. If, during the course of your testimony you want to have a confidential conference with your counsel, we will provide a room for that. If, during your testimony, you want to discuss any of your testimony and your legal right with your counsel, you may do that. If you do not desire counsel, that is perfectly all right. The committee will try to protect your rights as fully as we can.

I would like to give you this advice, in view of the fact that you do not have counsel with you this morning. Advice has been given

to witnesses time after time before this and other committees, advice which they just as regularly disregard; that is that you either tell us the truth, or refuse to answer. We have witnesses who come in here from time to time who have nothing against them of a criminal nature, but whose actions have been such that they feel it would embarrass them or embarrass their friends if they give us the truth. They make the mistake of underestimating the efficiency of our staff, and they proceed to lie. So, they come into the room guilty of no criminal activities whatsoever and they leave the room guilty of perjury.

So I want to strongly advise you, for your own protection that today you either tell us the truth, or you refuse to answer the question. You have a right to refuse to answer any question if you feel that your answer might in any way incriminate you.

Okay, Mr. Counsel.

Mr. COHN. Give us your full name, please.

TESTIMONY OF DAVID CUSHMAN COYLE

Mr. COYLE. David Cushman Coyle.

Mr. COHN. And where are you employed, Mr. Coyle?

Mr. COYLE. Well, I am not employed anywhere at the moment.

Mr. COHN. What was your last employment?

Mr. COYLE. I was working at the State Department.

Mr. COHN. You were going to tell us, Mr. Coyle, what your last employment was.

Mr. COYLE. In the State Department.

Mr. COHN. I see. And when did you commence service with the State Department?

Mr. COYLE. In November of 1950.

Mr. COHN. And when did you leave the State Department?

Mr. COYLE. Yesterday.

Mr. COHN. Yesterday?

Mr. COYLE. Yes.

Mr. COHN. I see. Under what circumstances? Did you resign?

Mr. COYLE. I received a notice of termination this morning, as of yesterday.

Mr. COHN. A notice of termination?

Mr. COYLE. Yes.

Mr. COHN. I see.

Now, let me ask you this: What were your duties in the State Department?

Mr. COYLE. They were mostly writing or rewriting.

Mr. COHN. Writing or rewriting what?

Mr. COYLE. Material of this type that I brought along some samples of. Here is a pamphlet on *East Germany Under Soviet Control*.

Here is a thing called *Our Foreign Policy, 1952*.

And here is one called *Confuse and Control*.

Now, these two I wrote entirely myself, with the help of the experts, and this one I did about a third of, I guess.

The CHAIRMAN. So that the record will be clear, when he refers to "these two" and "this one," the record won't show what he is referring to, Mr. Counsel.

Mr. COHN. Would you identify them by title? Which did you write entirely yourself?

Mr. COYLE. This is the first one I wrote, called *Confuse and Control*.

Mr. COHN. You wrote that yourself?

Mr. COYLE. I wrote that myself with the help of the German division.

Mr. COHN. How about the other two?

Mr. COYLE. This *East Germany Under Soviet Control* is a companion piece to this. I wrote that myself.

I was one of a half a dozen people who wrote this.

Mr. COHN. What is the title?

Mr. COYLE. It is called *Our Foreign Policy, 1952*, not to be confused with *Our Foreign Policy*. There was a previous one.

Mr. COHN. Under what division did you write?

Mr. COYLE. Actually I worked under PB.

Mr. COHN. What is that?

Mr. COYLE. That is the Publication Bureau, I guess it is called.

Mr. COHN. Don't you know?

Mr. COYLE. No, I don't. They call it PB. It is something like Publication Bureau.

Mr. COHN. You have worked in it for two years. Don't you know the name of it?

Mr. COYLE. Well, I have been working most of the time on the payroll, in fact, all of the time on the payroll, of PA, which was Public Affairs.

Now, under Public Affairs comes PB, which gets out the publications.

Mr. COHN. When you talk about Public Affairs, what is that? The Division of Public Affairs of the State Department?

Mr. COYLE. Yes.

Mr. COHN. Does that have anything to do with the International Information Administration?

Mr. COYLE. Well, I don't know what the connection is.

Mr. COHN. Does that involve the Public Affairs officers or have any connection with the Public Affairs officers in the various embassies throughout the world?

Mr. COYLE. No. As I understand it, and this is not testimony but mere comment—my belief is that the publications and propaganda work of the State Department was under, when I came there, Ed Barrett, and is now under [Carl] McCardle, and that one half of it was the Voice of America and the things addressed to foreign people, and the other half was called PA or Public Affairs and was addressed to Americans.

I worked for the part addressed to Americans, and I don't have any official knowledge of what was addressed to foreigners.

Mr. COHN. You worked in the part that was addressed to Americans. Is that right?

Mr. COYLE. Yes.

Mr. COHN. Who is your superior, your immediate superior?

Mr. COYLE. Well, my immediate superior, while he was here, was Francis Russell, the head of Public Affairs, but he is no longer there, and when he left, his assistant—you see, the administration was changed, and there wasn't much work going on, and his assistant was transferred somewhere else. I don't know where. And I

have been working under Robert Thompson, who is the head of PB. Those are the people that get out the actual publications.

Mr. COHN. Now, you say you have been working under Mr. Thompson.

Mr. COYLE. Yes.

Mr. COHN. Do you report to work every day?

Mr. COYLE. Well, I did when I was on salary.

Mr. COHN. And did you work full time?

Mr. COYLE. Yes.

Mr. COHN. You worked full time. Did you have any other employment?

Mr. COYLE. Not when I was on salary, no.

Mr. COHN. Pardon me?

Mr. COYLE. Not when I was on salary.

Mr. COHN. You mean that was up until today?

Mr. COYLE. No, that was up until last fall, last November. I was transferred from a salary basis to a per diem basis, because I was sixty-five years old. Under Civil Service rules, I am not allowed to work more than two years for anybody on salary.

Mr. COHN. How much did you receive on your per diem?

Mr. COYLE. It is at the rate of \$9500 a year.

Mr. COHN. What was your salary before?

Mr. COYLE. The same thing.

Mr. COHN. So, in other words, it was six of one and half a dozen of the other.

Mr. COYLE. No, the per diem has a limit of 180 days a year. And, of course, when I am not working for the State Department, I am a free man. I can work for anybody so long as it doesn't offend the State Department.

Mr. COHN. Do you work for anybody?

Mr. COYLE. Yes, I have a contract to write a book.²⁰

Mr. COHN. For what company?

Mr. COYLE. Mr. Chairman, is that pertinent?

The CHAIRMAN. Yes.

Mr. COYLE. All right. I don't mind telling, but I don't want to embarrass anybody.

I have a contract which is about to be signed with the company that publishes Mentor books.

Mr. COHN. Could you spell that?

Mr. COYLE. M-e-n-t-o-r. I think it is the New American Library. That is the name of it.

Mr. COHN. With what person have you been negotiating? I don't know that company.

Mr. COYLE. Mr. Victor Weybright, W-e-y-b-r-i-g-h-t.

Mr. COHN. Let me ask you this: Who hired you to go with the State Department in 1950?

Mr. COYLE. Mr. Barrett.

Mr. COHN. Under what circumstances?

The CHAIRMAN. Mr. Counsel, will you go into this question? I do not understand this rule of not being allowed to work more than two years on a salary.

²⁰The *United States Political System and How it Works* (New York: New American Library, 1954).

Do I understand that when you got to be sixty-five years of age, there is some rule of the Civil Service Commission to the effect that you no longer can work for more than two years on a salary?

Mr. COYLE. I am not sure what the rule is, but it is very complicated, and my age was waived, and I think at sixty-two you have to get a waiver from Civil Service. When it got to the end of the second year, they couldn't get Civil Service to waive my age anymore for a salaried job but it was for some reason or other legal to put me on per diem 180 days a year.

The CHAIRMAN. When did you become sixty-five years of age?

Mr. COYLE. Last May.

The CHAIRMAN. When did your two years expire?

Mr. COYLE. Oh, the middle of November, some time.

The CHAIRMAN. Just about election day.

Mr. COYLE. No, it was after that.

The CHAIRMAN. I see. In November, you were shifted from a salary of \$9600 a year to a per diem basis at the rate of \$9600 a year?

Mr. COYLE. Yes.

The CHAIRMAN. Who tried to get the waiver from Civil Service?

Mr. COYLE. The personnel got the waiver from Civil Service for two years. That is customary, when they want to hire an old man.

The CHAIRMAN. You say they had tried again in November and could not get it?

Mr. COYLE. I shouldn't say that. I will revise that testimony. I don't know whether they tried or not. But they reported to me that it wasn't possible to do it after two years.

The CHAIRMAN. Who reported that to you?

Mr. COYLE. The personnel man.

The CHAIRMAN. Who is the personnel man?

Mr. COYLE. At that time the personnel man was named John French. He is still there.

The CHAIRMAN. John—

Mr. COYLE. John French.

The CHAIRMAN. And John French reported to you in November that they could no longer get a waiver on your age, and therefore they were going to put you on a per diem basis?

Mr. COYLE. They wanted to keep me working, and they found it was legal to put me on a per diem, and it wasn't to put me on a salary.

The CHAIRMAN. And John French reported that to you?

Mr. COYLE. Yes.

The CHAIRMAN. And he reported that to you in November?

Mr. COYLE. Well, when we were discussing it along in there. We discussed it in October, of course, what I was going to do. I don't remember exactly what month. But there was a discussion there for several months as to just how to keep me on the job, in view of the fact that I was running out of age.

The CHAIRMAN. Go ahead, Mr. Counsel.

Mr. COHN. Now, why was it so essential to keep you on the job?

Mr. COYLE. Oh, they liked my work.

Mr. COHN. When did you complete the last of these pamphlets?

Mr. COYLE. Let me look at the dates.

Mr. COHN. You can give us an approximation.

Mr. COYLE. This is an exciting thing to be up here before one of these things, and I can't remember dates.

Mr. COHN. I am glad you find it exciting.

Mr. COYLE. I think the last time that I did very much on that East Germany pamphlet seems to be in January of '52. I put down that I worked on it then.

Oh, no. Here it was in March, again, and again in April.

You see, these things run along. They overlap a great deal.

Mr. COHN. You have got up to April. Now, what have you been doing since April?

Mr. COYLE. This *Our Foreign Policy, 1952*, was a thing that followed along through, that overlapped with those things, too. And I can tell you if you want to know, since May 1952—I can give you a list of the kinds of things that I was working on.

Mr. COHN. Let me ask you this first: What were you doing in February of 1953?

Mr. COYLE. '53? That is last month?

Mr. COHN. Yes, sir.

Mr. COYLE. I was working for myself.

Mr. COHN. You were working for yourself. You were not working for the State Department at all?

Mr. COYLE. Let me look at the dates. In February, I worked a total of fourteen hours for the State Department on pamphlet on the United Nations, which was not yet printed.

The CHAIRMAN. How many days did you get paid for in February?

Mr. COYLE. I forget to state that the girl got it wrong, and I am about to be paid, day after tomorrow, for sixteen hours. I worked fourteen, and that is what I reported. And I told her that if I had another pay coming along, I would take the two hours off it, because they couldn't change the bookkeeping, when I found it out.

The CHAIRMAN. Are you on an hourly basis or a daily basis?

Mr. COYLE. Well, they call it a daily basis, but it amounts to hourly.

The CHAIRMAN. I do not quite follow you.

Mr. COYLE. Well, they divide up the day into eight hours.

The CHAIRMAN. I see.

Mr. COHN. How about the month of March, this month? How many days have you put in?

Mr. COYLE. I haven't worked at all for the State Department in March.

Mr. COHN. Were you in your office yesterday?

Mr. COYLE. I was in the morning.

Mr. COHN. Well, what were you doing in your office, if you weren't working for the State Department?

Mr. COYLE. There is a manuscript that I did some time ago, which was over among the experts being checked, and as I don't know when it is going to come back, I have been spending my afternoons as a rule at the State Department.

Mr. COHN. What kind of a manuscript? An official manuscript for the State Department?

Mr. COYLE. Yes.

Mr. COHN. Well, don't you count that as work done for the State Department?

Mr. COYLE. Well, sitting around waiting for them to do something about it isn't work.

The CHAIRMAN. In other words, you had an office over in the State Department but were working for yourself?

Mr. COYLE. I was sitting there because this manuscript might come back at any time.

Mr. COHN. What were you doing while you were sitting there?

Mr. COYLE. I was working on a book. In the afternoons, I would go over to the Cosmos Club.

Mr. COHN. What would you do over there?

Mr. COYLE. Mr. Chairman, can I remove the name of the Cosmos Club from this? It doesn't have anything to do with the testimony.

The CHAIRMAN. Counsel wants to know what you have been doing. There is nothing disgraceful about your going to the Cosmos Club. The Cosmos Club should not be embarrassed to have you as a member, I am sure.

Mr. COYLE. I don't like to have names in that are not relevant. I have been going over there in the afternoons and sitting in the State Department in the mornings in case this manuscript happened to come back.

The CHAIRMAN. Who else works in the office in which you have your desk in the State Department?

Mr. COYLE. Nobody.

The CHAIRMAN. Do you have a secretary?

Mr. COYLE. No.

The CHAIRMAN. No stenographer?

Mr. COYLE. No.

The CHAIRMAN. In other words, you have had that office alone, with no secretary, for how long now?

Mr. COYLE. Well, I have been up in that office for, I guess, a couple of months.

The CHAIRMAN. Before that, where was your office?

Mr. COYLE. I had an office down in the PA, the other part of the outfit.

The CHAIRMAN. When were you moved up to this office? Was it in November?

Mr. COYLE. I think it was January.

The CHAIRMAN. It was not in November?

Mr. COYLE. You see, the man I was working for down below went off on another job, and there isn't anybody down there now but some girls holding the place down. Upstairs, right across the hall from this place, an office became vacant and I moved up there.

The CHAIRMAN. That was around the first of the year?

Mr. COYLE. I think so, yes.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. COHN. Now, you say you have possession of this manuscript now?

Mr. COYLE. I don't understand what you mean.

Mr. COHN. You told us about a manuscript. You said you were sitting around the office doing your private work in the State Department in the hopes that someone would return a manuscript to you that you had submitted.

Mr. COYLE. Oh, this manuscript, of which I have a carbon here, is a manuscript on *Soviet Propaganda and How It Works*.

Now, after I had written it, it went over to the expert people.

Mr. COHN. When was that, sir?

Mr. COYLE. Oh, that must have been a month ago.

Mr. COHN. And it hasn't come back yet?

Mr. COYLE. And the experts have been working on it, and it hasn't come back, and in fact the man across the hall told me the other week he thought it would come back in a few days.

Mr. COHN. Who told you that?

Mr. COYLE. Mr. McJennett, who I report to over there.

Mr. COHN. Where does he work, in what division?

Mr. COYLE. He is in PB.

Mr. COHN. You say you report to him?

Mr. COYLE. Yes. You see, there is a Robert Thompson. I don't report to him. He is my boss. But I report to Mr. McJennett, across the hall, who has charge of getting things published and seeing that the manuscripts go around to the proper parties.

The CHAIRMAN. Do I understand the only writing you have done since you have been in the State Department is writings for pamphlets for the State Department?

Mr. COYLE. Pamphlets and what is equivalent to pamphlets. Some of them are fact sheets and odds and ends of various kinds. I haven't been on speech writing.

The CHAIRMAN. I suggest you think this over very carefully. The only writing you have done, then, since you have been in the State Department is work having to do with pamphlets or brochures to be put out by the State Department?

Mr. COYLE. Things like that. I will take back that I haven't had anything to do with speech writing. Through an error of some kind, I was asked to write a draft for the president's annual message when I first got in there, and I wrote it very carefully, but it got thrown away.

The CHAIRMAN. That was President Truman's annual message. You wrote a draft of that?

Mr. COYLE. Yes. It turned out that was a mistake.

The CHAIRMAN. That was the only speech making you worked on?

Mr. COYLE. I can't remember writing any other speeches for anybody. I am not what they call a speech writer.

The CHAIRMAN. Have you written any magazine or newspaper articles?

Mr. COYLE. I wrote one magazine article, under the rules, there, by permission, on whether Mr. Stalin can bankrupt the United States, and it came out in the winter edition of the Virginia Quarterly. That was approved by the department as not being in any way interfering with their work.

The CHAIRMAN. How much did you get paid for that?

Mr. COYLE. Sixty dollars.

The CHAIRMAN. Since you started working in the State Department back in 1950, have you had any income other than your salary from the State Department?

Mr. COYLE. No, except interest and royalties on old books and that sort of thing.

The CHAIRMAN. In other words, aside from interest or royalties on books or any dividends you might have from stocks, you had no income since you started to work for the State Department?

Mr. COYLE. I haven't done any work for money except that one magazine article, since I have been working for the State Department.

The CHAIRMAN. That is not exactly the question. It is important that you listen to the question.

I say: Since you started to work for the State Department back in 1950, your testimony is that you have had no income other than, as you say, royalties or interest or dividends, plus the sixty dollars which you got for this article you just mentioned; no income except your income from the State Department?

Mr. COYLE. Yes. I don't want to get caught on the fact that—

The CHAIRMAN. I do not want you to get caught.

Mr. COYLE. I am trying to think if there is anything that could be thrown back at me.

I did a piece for the *New York Times* before I went with the State Department, and I guess I got paid for it after I went there.

The CHAIRMAN. What piece was that?

Mr. COYLE. I can't remember the name of it now.

The CHAIRMAN. You do not recall the name of it?

Mr. COYLE. No. But it was done in the summer of 1950, when I wasn't working for anybody.

The CHAIRMAN. What was it about?

Mr. COYLE. That has slipped out of my mind.

The CHAIRMAN. You cannot recall anything about this piece you did for the *New York Times*?

Mr. COYLE. No, I can't. I write a great many things, and that is too far back. I can find out.

The CHAIRMAN. Well, have you written any article for another newspaper?

Mr. COYLE. No. I didn't do that, you understand, while I was working for the State Department.

The CHAIRMAN. I understand that. You say you did that before you worked for the State Department.

Mr. COYLE. Yes. I was unemployed for a while during the summer, and I wrote an article for the *Times*, and my recollection is that I got paid for it after I started to work for the State Department.

The CHAIRMAN. Do you know how much you got paid for it?

Mr. COYLE. Two hundred dollars.

The CHAIRMAN. Can you produce that article for us?

Mr. COYLE. I guess probably I can.

The CHAIRMAN. You think probably you can. You will be ordered to produce it.

Do you know what issue of the *Times* it was carried in?

Mr. COYLE. No, I don't.

The CHAIRMAN. Do you know about what time?

Mr. COYLE. Oh, I think it came out in about January 1951. I know I wrote a memo to the State Department calling their attention to the fact that this was not done while I was working for them. The *Times* had just held it up. I put in a memo so it would be in the files.

The CHAIRMAN. You started to work for the State Department when?

Mr. COYLE. In November.

The CHAIRMAN. November of 1950?

Mr. COYLE. Yes.

The CHAIRMAN. And Barrett hired you, you say, in January of 1951, at the time the *New York Times* carried one of your articles?

Mr. COYLE. I think it was about January. I remember now what the article was about. They wanted an article on what has happened to the bigger incomes since 1929. And I went down to the tax place and got a lot of figures and wrote an article on how many millionaires there are relative to the size of the United States.

The CHAIRMAN. And did that carry your byline?

Mr. COYLE. Yes.

The CHAIRMAN. Did you write for any other paper?

Mr. COYLE. No.

The CHAIRMAN. Since then?

Mr. COYLE. No.

The CHAIRMAN. Did you help any columnist or newspaper man write any articles?

Mr. COYLE. No, other than the fact that I am always meeting people, and they talk with me, and I tell them different things.

The CHAIRMAN. For your own benefit, I would suggest that you think carefully before you answer these questions.

Did you ever advise with or help any newspaper columnist or newspaper man writing an article, while you were working with the State Department?

Mr. COYLE. Well, I suppose I had better say "yes." I know newspaper men, and I don't betray any State Department secrets but when I meet them, we talk about affairs in general. That probably helps them, I suppose. It helps me.

The CHAIRMAN. Were you not instructed that one of your jobs was to aid columnists and newspaper men?

Mr. COYLE. No.

The CHAIRMAN. You were not?

Mr. COYLE. No. I wasn't doing that for the State Department, but I just know these fellows, and we get together and talk the same as everybody does.

The CHAIRMAN. What columnist have you assisted or advised with since you have been in the State Department, or newspaper man?

Mr. COYLE. Well, I think the only columnist I normally talk with is Lowell Mellett.

The CHAIRMAN. Ever write an article for Mellett?

Mr. COYLE. I don't think I have ever written one. Long ago, I wrote an article for him, but he didn't use it.

The CHAIRMAN. When did you write the article that he did not use?

Mr. COYLE. I can't remember. It was a long while ago.

The CHAIRMAN. Well, roughly, when?

Mr. COYLE. I am sorry. That slips my mind.

The CHAIRMAN. Very well. It was since you worked for the State Department?

Mr. COYLE. Oh, it could be.

The CHAIRMAN. Well, do you know whether it was while you were working for the State Department?

Mr. COYLE. Pardon me?

The CHAIRMAN. Do you know whether you prepared this article for Lowell Mellett while you were working for the State Department?

Mr. COYLE. If you want to put it that way, I think the proper way to say is that I wrote a letter to Lowell Mellett at one time which he quoted pieces out of. But I didn't do the piece or anything like that.

The CHAIRMAN. Well, you said you wrote an article which he did not use.

Mr. COYLE. Well, yes. The article that I wrote for him—he asked me to write an article on some subject several years ago, and I just don't remember what it was like, what it was about.

The CHAIRMAN. You do not have any knowledge what it was about?

Mr. COYLE. No, it has slipped my mind entirely.

The CHAIRMAN. And that was several years ago?

Mr. COYLE. Yes.

The CHAIRMAN. You do not know whether you were working for the State Department or not?

Mr. COYLE. The thing that I was referring to was not while I was referring to the State Department. I wrote him a letter about some subject or other.

The CHAIRMAN. Let us stick to one thing at a time. You said you wrote an article for him upon his request several years ago. The question is, number one, were you working for the State Department then?

Mr. COYLE. What I am referring to there—I was not.

The CHAIRMAN. This was prior to November of 1950?

Mr. COYLE. Yes.

The CHAIRMAN. You are sure of that?

Mr. COYLE. Yes, I am sure of that.

The CHAIRMAN. All right.

Have you written any articles for him that he has used since you have been working for the State Department?

Mr. COYLE. I wrote a letter to him since I have been working for the State Department, parts of which he used in an article.

The CHAIRMAN. Do you have a copy of it here?

Mr. COYLE. No, I wrote this in handwriting and I don't keep copies.

The CHAIRMAN. You wrote this in long hand and you say you kept no copy of that?

Mr. COYLE. Yes.

The CHAIRMAN. And did Mellett use that in his column?

Mr. COYLE. He used parts of it.

The CHAIRMAN. Do you remember the name of the column?

Mr. COYLE. The name of his column? It is called: "On the Other Hand."

The CHAIRMAN. And what subject was the letter about?

Mr. COYLE. That I have forgotten. I have forgotten.

The CHAIRMAN. You do not have any idea?

Mr. COYLE. No, I can't remember it now.

The CHAIRMAN. Do you know how long ago that was?

Mr. COYLE. No. It was within the last couple of years. But I don't know just how long ago.

The CHAIRMAN. Have you written any column or helped in writing any column since then?

Mr. COYLE. I can't think of any, no.

The CHAIRMAN. Well, can you say under oath that you did not help him?

Mr. COYLE. Well, you asked me if I had written any columns.

The CHAIRMAN. Or helped him write any columns.

Mr. COYLE. Well, no, I wouldn't say that under oath. I talked with him and I talked with newspaper men when I would meet them, and presumably that is the way newspaper men get help. If you want to know whether I betrayed any State Department secrets, no.

The CHAIRMAN. I am not asking you that. The question is whether you helped him or took part in writing any columns other than the one titled, "On the Other Hand."

Mr. COYLE. At the present time I don't remember.

The CHAIRMAN. And this column concerned what subject?

Mr. COYLE. That I don't know.

The CHAIRMAN. You do not recall what subject your letter concerned?

Mr. COYLE. No.

The CHAIRMAN. Did you in any way assist him in writing a column called "The Right to Confront Accusers"?

Mr. COYLE. Well I would have to look at it to see. I don't recollect the name of the column.

No, I told him about this. I didn't write it. Yes, the department of Police wouldn't allow me to complain about a dog without giving my name. I said I thought that was a very fair idea—to the person I was complaining about.

The CHAIRMAN. You discussed this column with Mellett, did you?

Mr. COYLE. I didn't discuss the column, no. I called him up, and I said: "This is something that you ought to write something about. I just tried to get the police to go and tell those people to stop their dog barking, and they said they wouldn't do it unless my name can be used." I said, "That is an idea you better do something about." He went ahead and wrote an article about it.

The CHAIRMAN. Did you tell him whether he ought to tie that in with the work of this committee or of McCarthy?

Mr. COYLE. No.

I said, "Look. Here is something about allowing witnesses to be confronted with their accusers, so I think it is a good principle."

He said, "All right. I will write a column about it."

That is his language. I didn't write that column for him.

The CHAIRMAN. In other words, you called him and said—

Mr. COYLE. I said, "Here is an idea. Now, do something about it."

The CHAIRMAN. And you said this can be tied in with the right of a witness to confront his accuser?

Mr. COYLE. Yes, the right of a witness to confront his accuser. That is my idea.

The CHAIRMAN. And did you discuss the committee activities of this committee or any other activity at that time?

Mr. COYLE. I don't think so, no.

The CHAIRMAN. You do not think so.

Mr. COYLE. No. There wasn't any point in it anyway. Everybody was discussing this question of whether a witness should be brought in and accused of things that he has no notion where they come from. Everybody has heard about that.

The CHAIRMAN. Let me read this column and see if this is the information you gave:

A friend who works in one of the Government's sensitive departments, one that deals with some matters that might affect our national security, takes a personal interest in the President's proposal to rejigger the Federal loyalty program.

Are you the friend he refers to?

Mr. COYLE. Yes.

The CHAIRMAN. And is he stating it accurately when he says,

A personal interest in the President's proposal to rejigger the federal loyalty program?

Mr. COYLE. To do what to the federal loyalty program?

The CHAIRMAN. To "rejigger," using his language, the federal loyalty program.

Mr. COYLE. Well, I didn't use the words, but, of course I take a personal interest in it.

The CHAIRMAN. And at the time you suggested he write the column, you discussed the proposed changes in the loyalty program?

Mr. COYLE. No, I didn't. It was a simple telephone conversation. He had been writing about this sort of thing for a long time. I called up and said: "Now, look. The police of Washington won't let you accuse somebody of something without your name being used. I think that is a good idea." I told the policeman that I wasn't criticizing him. I just wanted to know what the facts were.

The CHAIRMAN. See if this is a correct description of the conversation:

He explained. He lives in a quaint little street in one of our quainter neighborhoods, a semi-slum section restored to respectability by the process of remodeling.

Is that a correct description of your conversation?

Mr. COYLE. Yes. I don't know why it is pertinent.

The CHAIRMAN.

There being no access to his place from the rear, garbage must be let out on the sidewalk to be collected by the Department of Sanitation. The nicer neighbors keep their garbage out of sight until the regular collection day, but there is one that doesn't. So it sometimes happens that the garbage can gets knocked over or the lid knocked off and for days at a time my friend's front walk is a mess.

Is that a correct description of the situation?

Mr. COYLE. It is a correct description of the situation. But what I told him was about my calling up about a dog.

The CHAIRMAN. Did you describe this situation to him?

Mr. COYLE. I had at some time or other. He knew we were having trouble with that, yes.

The CHAIRMAN. Did you, in, this particular phone call, when you asked him to write this column—

Mr. COYLE. Beg pardon?

The CHAIRMAN. When you suggested that he write a column, did you describe this situation about the garbage?

Mr. COYLE. I don't think I described it then, but he knew about it. And it is a true situation. The thing I called him up about and what I called the police about was the dog.

The CHAIRMAN.

To correct this state of affairs, his wife called the nearest police station, suggesting that a policeman walk by and take a look at the situation.

Do I understand your testimony is now that you did not do that, or your wife did not do that, but your wife called in regard to a neighbor's dog who was barking?

Mr. COYLE. No, I think he was starting on poetic license at that point.

The CHAIRMAN. By "poetic license" you mean he was not telling the truth here?

Mr. COYLE. I mean I don't know whether that—the details I am not very familiar with.

The CHAIRMAN. I am merely asking you now whether Mellett was telling the truth. You have identified yourself as the man about whom he was talking. And I quote:

To correct this state of affairs, his wife called the nearest police station, suggesting that a policeman walk by and take a look at the situation.

Meaning the garbage situation. The question is: Is Mellett telling the truth here, or not?

Mr. COYLE. Yes, I think that is true. I think that probably happened. And when it came to the dog, I did the calling up, and I was the one that knew about the dog, and that is why I told the story. I told Mellett what the police told me about the dog barking. I don't see how this is terribly of consequence.

The CHAIRMAN. I do not care what you think about it. The question is: Did you call him up and tell him about the garbage situation and tell them your wife had called the police station suggesting that a policeman should go by and take a look at the situation? You first said he was taking poetic license. I do not know what that means. Either he was telling the truth, or he was not. I want to know.

Mr. COYLE. To the best of my knowledge, it is true that my wife tried to get the garbage situation corrected, and I don't know whether I told Lowell about that at some other time or whether I told him about it at this time, but he knew about it.

The CHAIRMAN.

She was asked to give her name, and told she would have to come in and sign a complaint.

Is that correct?

Mr. COYLE. I think that is the case. I wasn't positive about it at the time. That is why I called up the police myself about the dog, to see what the police rule was. And what I told Lowell specifically was what the police told me was the rule.

The CHAIRMAN. What did they tell you?

Mr. COYLE. They said if I wanted to complain, I would have to give my name.

The CHAIRMAN. In other words, they wanted to know who was making the complaint?

Mr. COYLE. Yes. They said, "We don't want to have all sorts of paranoiacs complaining about their neighbors and making a nui-

sance for other people, unless there is really something to it, so we want to have your name.”

The CHAIRMAN. Did they tell you they were going to give your name to the neighbor?

Mr. COYLE. That was the impression I got, yes.

The CHAIRMAN. Did they tell you that?

Mr. COYLE. I think they did. I was trying to find out what the facts were, and I am almost certain that I asked them that, yes; that I asked them whether it was necessary for the neighbor to know who was doing the complaining. And my recollection now, is that they said, “Yes, it is.”

The CHAIRMAN. Let me quote further. “I told her—”

Let me go back and get the sequence.

She was asked to give her name and told she would have to come in and sign a complaint.

“I told her,” said my friend, “she must do no such thing.”

meaning you, I assume.

Mr. COYLE. Yes, I suppose.

The CHAIRMAN. Is that correct?

Mr. COYLE. Yes. He is putting words in my mouth. He is telling the story all right.

The CHAIRMAN.

“I told her,” said my friend, “she must do no such thing. We don’t want any trouble with our neighbors. Think what might happen. People that care less about other people’s property rights could be equally careless about reputations. What’s to prevent their turning in a report to my department, saying that a lot of funny things had been going on at my house, with suspicious characters slipping in and out; that they had reason to suspect that my loyalty isn’t all it should be? So I’d be investigated. Government can’t take any chances. And it wouldn’t, especially if my neighbors had the forethought to take their cock-and-bull story to Senator McCarthy first and get him into the act.”

Was Mellett telling the truth when he quoted you? Or was he lying?

Mr. COYLE. Well, those are not my exact words, but I will stand by them, yes.

The CHAIRMAN. I am not asking you whether you will stand by them. Is that what you told Mellett?

Mr. COYLE. Look, he didn’t have a pencil and take down shorthand. In the main, I will stand by them, and I will go on the record as saying that if I didn’t say that to Mellett I might well have done it.

The CHAIRMAN. And that is substantially what you said?

Mr. COYLE. Well, it is substantially what I meant. It is his words, but it is substantially what I meant.

The CHAIRMAN. And when you say:

“What’s to prevent their turning in a report to my Department, saying that a lot of funny things had been going on at my house, with suspicious characters slipping in and out; that they had reason to suspect that my loyalty isn’t all it should be? So I’d be investigated. Government can’t take any chances. And it wouldn’t especially if my neighbors had the forethought to take their cock-and-bull story to Senator McCarthy first and get him into the act.”

Mr. COYLE. You must have made a mistake in reading, there. “Government employees can’t take any chances,” it says, doesn’t it?

The CHAIRMAN. I am reading it as he wrote it.

“So I’d be investigated. Government can’t take any chances.”

Mr. COYLE. That is a misprint, I am sure.

The CHAIRMAN.

“And it wouldn’t, especially if my neighbors had the forethought to take their cock-and-bull story to Senator McCarthy first and get him into the act.”

Is that substantially what you told Mellett?

Mr. COYLE. Well, let me see. I thought that meant that government employees can’t take any chances. It is substantially what I told him, or if it isn’t, it is what I mean. I believe that.

The CHAIRMAN. Well, in other words, what you meant was that if you gave your name to the police, then some of the neighbors might give stories out about it

“to my Department, saying that a lot of funny things had been going on in my house, with suspicious characters slipping in and out; that they had reason to suspect that my loyalty isn’t all it should be? So I’d be investigated. Government can’t take any chances. And it wouldn’t, especially if my neighbors had the forethought to take their cock-and-bull story to Senator McCarthy first.”

That is what you meant at the time?

Mr. COYLE. That is what I meant, yes.

The CHAIRMAN. And you wanted Mellett to write a column on that?

Mr. COYLE. That is right.

The CHAIRMAN. And Mellett wrote that column?

Mr. COYLE. He did.

The CHAIRMAN. Did you think that was one of your functions as a State Department employee?

Mr. COYLE. No, that was one of my functions as a free American.

The CHAIRMAN. And you were on State Department salary at the time, were you?

Mr. COYLE. Well, this was in the evening.

The CHAIRMAN. You were being paid by the State Department at that time?

Mr. COYLE. Yes.

The CHAIRMAN. All right. Now, this is one of the columns you could not recall when I first asked you if you had helped Mellett or anyone else write a column. You said you had written one letter to Mellett. I want you to keep in mind that you are under oath. Keep in mind that when we call you down here we know a little bit about what you are doing. We do not just pick you out of the dark, out of that obscure office in the State Department. Now tell us what other articles you helped write or advised columnists to write.

Mr. COYLE. At some time I wrote him a letter about something that came up that I thought was interesting, and he quoted part of it, not using my name, and I don’t recollect where that was. You have probably got it here, and if you bring it out and ask me about it, I will admit it.

The CHAIRMAN. But you do not recall what it was about?

Mr. COYLE. No. In fact, I had forgotten this telephone call business entirely until you showed it to me.

The CHAIRMAN. How many other newsmen have you ever called and suggested articles to or given materials for articles to?

Mr. COYLE. I don’t think I have given any to anybody, any newsmen.

The CHAIRMAN. You say "Any newsmen." Any newsmen or radio commentators?

Mr. COYLE. Now, I am trying to think. The stuff that I gave to that fellow was what to tell his friend that had heart trouble.

The CHAIRMAN. Pardon?

Mr. COYLE. The last time anybody wrote down all I said was when I said how to get along with a case of heart disease.

The CHAIRMAN. Did you spend an afternoon in the Senate gallery while you were on the government payroll, as Mellett indicates? Let me quote it for you, if I may:

"Yeah," he said—referring to you—"President Truman had ideas like that, too. I had to spend an afternoon in the Senate gallery the other day. And do you know who was running the show that day? Senators Jenner and McCarthy. And before the day was over Jenner had got \$219,000 for his investigating committee and McCarthy had got \$200,000 for his. Don't you think they're going to use that money?"

Is that what you told Mellett?

Mr. COYLE. No.

The CHAIRMAN. You did not?

Mr. COYLE. No. I never knew how much money you got, and I don't know yet. And I haven't been in the Senate gallery, oh, for many years.

The CHAIRMAN. So you say Mellett was not telling the truth when he quoted you here?

Mr. COYLE. Well, he wasn't quoting me, if that is what he said.

The CHAIRMAN. Well, you identified yourself as this friend. And he is quoting this friend.

Mr. COYLE. Well, I know. But is this the same column that was about the garbage?

The CHAIRMAN. You may read it if you care to. It is the same column, referring to the same friend.

Mr. COYLE. Well, look, he wasn't making me responsible for what it said there. He went ahead and wrote some pieces in his own column.

The CHAIRMAN. I would like to know when he quotes you as this friend of his whether he was quoting you correctly or not.

Mr. COYLE. This last paragraph isn't anything I told him.

The CHAIRMAN. In other words, that isn't a correct quotation?

Mr. COYLE. Not a correct quotation from me, no.

No, I haven't been in the Senate gallery for a long time. The last time I can remember being up there, Huey Long was talking.

The CHAIRMAN. And you did not tell him what he says you told him there?

Mr. COYLE. No, I didn't tell him that. And I didn't know anything about how much money you got, or Jenner either.

The CHAIRMAN. You say your job was only to write pamphlets and material of that kind?

Mr. COYLE. Yes. And if I had any ideas, I would put them in, sometimes by word of mouth. If you would like to have me do so, I will read you what I have down here, as things that I have been doing. Would they be of interest to you?

The CHAIRMAN. That will all be taken as an exhibit.

Now, you say that your correspondence was all in longhand?

Mr. COYLE. Oh, my private correspondence is in longhand, yes.

The CHAIRMAN. How about your official correspondence?

Mr. COYLE. Well, I have very little official correspondence.

The CHAIRMAN. Have you any official correspondence?

Mr. COYLE. Yes, I have had a little. I wrote to about half a dozen American business concerns that are noted for their efficiency, and asked them for their published material to be used by the State Department.

The CHAIRMAN. That was in typewriting? Or in longhand?

Mr. COYLE. That was in typewriting. I wrote that on State Department paper.

The CHAIRMAN. Do you do your own typing?

Mr. COYLE. No.

The CHAIRMAN. Who does your typing for you?

Mr. COYLE. Well, I was working outside Francis Russell's office, and he had gone away, and I went in and got one of the girls to type this stuff.

The CHAIRMAN. These pamphlets you wrote: were they dictated to someone?

Mr. COYLE. No, I wrote them in longhand.

The CHAIRMAN. They were written in longhand?

Mr. COYLE. Yes.

The CHAIRMAN. Then who reduced them to typewriting?

Mr. COYLE. Well, we passed them around. Whatever girl isn't busy.

The CHAIRMAN. Whatever girl is not busy in whose office?

Mr. COYLE. Sometimes in the PA office, and sometimes in the PB office, across the hall from where I am now.

The CHAIRMAN. How many days did you spend in the State Department in January? How many did you get paid for, I should say.

Mr. COYLE. Just a minute, and I will look this up. Now in January I got paid for sixty hours and thirty-two hours. Well, sixty—that is ten days. And thirty-two is four days. Fourteen days.

The CHAIRMAN. Fourteen days. And while you were not on the payroll, you were in the office nevertheless?

Mr. COYLE. No, a considerable part of that was annual leave.

The CHAIRMAN. Who decided how many days you would work each month? In other words, take for example today. Or rather, let me take yesterday, when you were in this office. Who decided whether you were on the payroll yesterday or not?

Mr. COYLE. Oh, Mr. McJennett, who has charge of this manuscript, would call me and turn it over to me if there was anything for me to do on it. It hasn't come back. There wasn't anything to do on it. But as long as I wasn't doing anything on it, I didn't charge up any time.

The CHAIRMAN. Mr. McJennett would decide whether you were on the State Department payroll or not?

Mr. COYLE. He would decide whether I had anything to do or not.

May I make a little statement here to get this clear? About January, I was coming to the end, in January, of my regular employment. That is, I was running out of work. And so I used up my annual leave. That lasted until the 22nd and then my annual leave was all gone. Now, after that, I didn't do anymore work until in February the United Nations pamphlet which I had been working on came back for correction.

The CHAIRMAN. Your annual leave ran up to the 22nd?

Mr. COYLE. Yes, the last day of annual leave was the 22nd.

The CHAIRMAN. When did your annual leave commence?

Mr. COYLE. Well, I worked along gradually from about the 8th. And I had accumulated quite a bit of annual leave, you see, which I was entitled to, and I spent most of it there in the office, doing work of my own, but was handy in case any work came up, and it did once in a while. Four hours' work came up on the 16th, for example. That was apparently on the United Nations pamphlet. And then in February the United Nations pamphlet came back for fourteen hours of revision, to get it in final shape.

The CHAIRMAN. Is it your testimony that you were never ordered by anyone to be of assistance to newsmen or radio commentators, to give them information?

Mr. COYLE. Not on State Department business or anything secret.

The CHAIRMAN. The question is: Is it your testimony that you were never ordered by anyone in the State Department or instructed by anyone in the State Department, to be of assistance to newsmen or radio commentators?

Mr. COYLE. I am not certain I understand. You mean you are asking me whether anyone in the State Department ever instructed me to be of assistance to newsmen?

The CHAIRMAN. Yes, to help them out in writing a column, preparing material, giving them material.

Mr. COYLE. No, that is not my job.

The CHAIRMAN. In other words, your testimony, then, today, is that no one ever, in the State Department, told you that you should aid or assist newsmen or radio commentators in any way?

Mr. COYLE. No. I was not one of the men that was in contact with the public. You see, they have got a man to do that, that talks to newsmen.

The CHAIRMAN. I still want a direct and positive answer to this. Your testimony is that no one in the State Department ever instructed you or told you that you were to be of aid, assistance, in any way to news men or radio commentators?

Mr. COYLE. I am positive the answer to that is "no." You might find something that happened that you can interpret that way, but I can't think of anything like that. I certainly never understood that to be my job. My job was to write something for the State Department to issue.

The CHAIRMAN. Go ahead, Mr. Counsel. Pardon me for the interruption.

Mr. COHN. Now, have you ever directly or indirectly aided any radio commentator by giving him any information or helping him in any way, since you have been with the State Department?

Mr. COYLE. Yes. I suppose so.

Mr. COHN. Could you name the radio commentator?

Mr. COYLE. Mr. [H. R.] Baukhage.

Mr. COHN. Anybody else?

Mr. COYLE. I don't think so.

Mr. COHN. Are you sure?

Mr. COYLE. I am not positive.

Mr. COHN. Well, would you think for a minute? Tell us in the meantime what material you gave to Mr. Baukhage?

Mr. COYLE. I haven't any idea. We would converse about things, just the same as he does with everybody, and if he gets an idea he puts down a note, and I never hear him and haven't any idea what he does with it

Mr. COHN. Who else besides Mr. Baukhage?

Mr. COYLE. The only other one I know of was Elmer Davis, and I had lunch with him, but I wasn't telling him anything. I was trying to find out what was going on.

Mr. COHN. Have you ever given Elmer Davis any information?

Mr. COYLE. I don't remember doing so.

Mr. COHN. Are you quite sure about that? Would you give us a direct answer to that question? Have you ever given Elmer Davis any information?

Mr. COYLE. I don't remember having given him any information.

Mr. COHN. Are you positive of that?

Mr. COYLE. I am positive I don't recall it.

Mr. COHN. When did you last see Elmer Davis?

Mr. COYLE. I met him around in different places.

Mr. COHN. When did you last see Elmer Davis?

Mr. COYLE. Well, I had lunch with him, heaven knows when.

Mr. COHN. About when.

Mr. COYLE. Well, if you leave me time, I will go back through my lunch dates and see if I can find out.

Mr. COHN. Can you give us an approximation? Within the last month? Six months?

Mr. COYLE. Oh, probably once within the last six months.

Mr. COYLE. When did you last talk with Elmer Davis?

Mr. COYLE. I have said "hello," to him various times when I met him.

Mr. COHN. When did you talk with Elmer Davis last?

The CHAIRMAN. You understand counsel is not trying to pin you down to the specific date. We know it is impossible—

Let me finish, please. We know it is impossible for a witness to set the date and hour when he has seen his friends the last time. But counsel is trying to get the approximate date.

Is that correct?

Mr. COHN. That is correct.

Mr. COYLE. I haven't what you would call talked with Elmer Davis since the time I had lunch with him, and I think I can find that—

Mr. COHN. Have you talked with him over the telephone since that time?

Mr. COYLE. I don't think I have talked with him over the phone, except as to lunch.

Mr. COHN. Have you talked with anyone in his office?

Mr. COYLE. I called up and tried to get him to lunch several weeks ago, and they said he was in New York.

Mr. COHN. I see. At that time did you give any information to anyone in his office?

Mr. COYLE. No, I don't think so.

Mr. COHN. Well, are you sure?

Mr. COYLE. Well, I am practically sure. It is very hard to remember conversations, and I don't remember why I wanted him to lunch at the time. There were many different things that came along.

Mr. COHN. That was about two weeks ago, you say?

Mr. COYLE. I think so. But I don't have any record of calling him up. I was just trying to see, while you are talking at me, whether I can catch his name any place in my lunch dates.

Mr. COHN. Do you keep a diary, by the way?

Mr. COYLE. Pardon?

Mr. COHN. Do you keep a diary in addition to this notebook?

Mr. COYLE. Only my lunch dates.

The CHAIRMAN. Just a moment. I would like to take up something I overlooked and I was waiting until the other senators got here to go into this, to ask a few questions about the witness's background.

Mr. COHN. I wonder: Could we have that book?

Mr. COYLE. This notebook?

Mr. COHN. Yes.

Mr. COYLE. Now, look. Have you a legal right to take my notebook away from me?

Mr. COHN. Apparently this notebook indicates the hours which this witness worked at the State Department and some of the activities he was pursuing in connection with pamphlets, and I think it is not only a legitimate but an absolutely necessary thing for us to find out about this expenditure of taxpayers' money, to see what work he has been doing, which he says is reflected in this notebook accurately.

Senator JACKSON. What is the nature of this notebook?

Mr. COYLE. Mr. Chairman, this is my personal notebook, and I offer in evidence, if you like, a list of the things I was doing in the State Department, which are on two or three pages in this notebook.

The CHAIRMAN. I will discuss that with the other senators, and we will reach a decision. My offhand thought, in view of the background information we have on this individual, in view of the fact that he has stated that he has not advised newsmen and radio commentators and columnists, other than Mellett, plus the letter he wrote, is that any diary or datebook might be of interest to the committee, but I want to take it up with Senator Jackson before we make a decision on that.

Mr. Coyle, do you know Laurence Todd?²¹

Mr. COYLE. Laurence Todd? I met him years ago. I haven't seen him for many years.

The CHAIRMAN. You know who he is, do you not?

Mr. COYLE. Yes, he is this TASS man.

The CHAIRMAN. And how long since you have seen him?

Mr. COYLE. Oh, I must have met him on the street three or four years ago. I saw him eating at the State Department. I saw him and remember complaining about it, that they allowed him to eat in the restaurant in there, and I heard afterwards that he had

²¹An American journalist who covered the Department of State for the Soviet news agency TASS, from 1927 to 1952.

been thrown out. He was a newspaper man, and getting the usual newspaper man's courtesy, and I didn't think it was right.

The CHAIRMAN. In other words, you saw him eating in the State Department cafeteria?

Mr. COYLE. Yes.

The CHAIRMAN. Did you talk to him at that time?

Mr. COYLE. No.

The CHAIRMAN. How long ago was that?

Mr. COYLE. Oh, a couple of years ago.

The CHAIRMAN. Now, did you ever attend a secret meeting with him?

Mr. COYLE. No.

The CHAIRMAN. The answer is "no"?

Mr. COYLE. No. A secret meeting? The time of that famous Wirt dinner? That wasn't a secret dinner. That was an ordinary dinner party. And the testimony we gave was correct. It is in the book, too.

The CHAIRMAN. Some of the senators may not know what testimony was in the book, so if you care to tell us about that dinner meeting—

Mr. COYLE. Oh, sure. I would love to. There was a guy called Wirt. He was the superintendent of schools someplace out west, Gary, Illinois, I think, and he came to Washington. He was, I had been told, very much interested in the devaluation of the dollar, in some financial way. And at any rate, he was hipped on the change in the gold value of the dollar.

Now, he came to Washington, and I was told that he asked a friend of his, this Miss [Alice] Barrows—Miss Barrows, a lady who worked in the Interior Department, where I was working, told me that Dr. Wirt had asked her to invite me to dinner, because he wanted to get some of my ideas. So I went to dinner, and there were several people there, including Larry Todd. And that is the only time, I think, that I was ever actually, for any great period, in Larry Todd's company. He didn't say anything, and I didn't get any impression of him.

Senator JACKSON. Who is Dr. Wirt?

Mr. COYLE. That is W-i-r-t, William A. Wirt. He was an old friend of this Miss Barrows, and he asked her to invite me. That is what she told me. So I went.

The CHAIRMAN. Did Miss Barrows invite you?

Mr. COYLE. Yes. It was her house.

The CHAIRMAN. Did you know at that time whether she was a member of the Communist party?

Mr. COYLE. I didn't.

The CHAIRMAN. Subsequently have you had reason to believe she was a member of the Communist party at the time of that meeting?

Mr. COYLE. I have had reason to believe that she has a great deal of sympathy for Communists, since then. I never had reason to believe anybody was a member of the Communist party. They wouldn't tell me anyway.

The CHAIRMAN. This was about the time that Mother Bloor's boys were taking over the legal section, at least, of the Agriculture

Department, in 1933, when Hiss, Abt, and others were becoming entrenched? Right?

Mr. COYLE. Yes.

The CHAIRMAN. At the time when Communists were very active in Washington infiltrating very important branches of the government. My question is this: Do you now think that Barrows was a member of the Communist party at that time?

Mr. COYLE. I won't express any opinion on whether anybody was a member of the Communist party.

The CHAIRMAN. Well, either you think she was, or you think she wasn't. Which was it, or do you have any opinion?

Mr. COYLE. I don't have any opinion on that. But I have come to believe, since, that she was very leftist in her sentiments.

The CHAIRMAN. At that time did you think she was very leftist?

Mr. COYLE. No.

The CHAIRMAN. Had you known her before she invited you to her house?

Mr. COYLE. I had known her at various times, yes.

The CHAIRMAN. You knew her socially?

Mr. COYLE. Yes.

The CHAIRMAN. And subsequent to that dinner?

Mr. COYLE. Yes. She didn't talk Communist to me.

The CHAIRMAN. Is it correct that the people in attendance were, number one, David Cushman Coyle, number two, Robert Breure, B-r-e-u-r-e—

Mr. COYLE. Breure.

The CHAIRMAN. Laurence Todd, Hildegard Kneeland and Mary Taylor? Is that correct?

Mr. COYLE. I think Mary Taylor was there. She lived with Alice Barrows, and she may have been sick upstairs. I am not positive that she was there.

The CHAIRMAN. Now, omitting David Cushman Coyle for the time being, do you consider all of the others were, as you described Barrows, left-wing?

Mr. COYLE. No. The others I don't think so. Except that I don't know anything about Larry Todd. I had no reason to suppose that Robert Breure, or Dr. Wirt, or Miss Kneeland, were leftist in their ideas at all.

The CHAIRMAN. You say that the testimony of Dr. Wirt was accurate?

Mr. COYLE. No, I said that the testimony we gave at that hearing was accurate.²²

The CHAIRMAN. Now, Dr. Wirt, as I understand, claimed that those present, which would include you, indicated that they were planning to overthrow the established social order, but not the government.

²²On April 14, 1934, David Cushman Coyle testified before the House Select Committee to Investigate Charges by Dr. William A. Wirt [H. Res. 317, 73rd Cong., 2nd sess. (Washington, D.C.: Government Printing Office, 1934) 86-93]. The committee's majority concluded that Dr. Wirt's accusations "were not true, and that the five persons in employ of the United States Government and the newspaper correspondent, who were present at the dinner in Virginia on September 1, 1933, did not make any such statements as were alleged to have been made by them to Dr. Wirt. From all of the evidence presented to the committee there was none whatever showing that there was any person or group in the government service planning to 'overthrow the existing social order' or planning or doing any of the things mentioned in Dr. Wirt's statement." The committee's minority declined to join in the majority report.

Mr. COYLE. Yes, something like that.

The CHAIRMAN. Would you say that testimony was incorrect?

Mr. COYLE. Yes, thoroughly incorrect. But may I put in a little history there?

The CHAIRMAN. You may put in anything you want.

Mr. COYLE. My recollection is that Dr. Wirt came down here and testified to a congressional committee that he had been at a dinner party where they were planning to overthrow the government, and they said Roosevelt was the Kerensky of the revolution, and they had a dictator on ice they were going to put up. Then the committee said he would have to tell who these people were, and it took him about three weeks to figure whether he was going to tell who they were, under subpoena and under threat of contempt, and all. I remember being at this dinner, and some of the other people had been there. We were in a very great state of interest, wondering what in the hell dinner he—excuse me, you don't have to put that in—what dinner he had been to. And by golly, he came out and said it was our dinner. And then, of course there was a congressional investigating committee, and we went before it, and testified. And he never accused me of anything.

He accused Miss Hildegard Kneeland of making speeches. When he came to testify, he didn't say we were planning to overthrow the government. He said Miss Hildegard Kneeland "made the following statement." And if you read the testimony, you will find that he accused Miss Kneeland of making the following statement, and when the statements were compared, it was found that a book by Rexford Tugwell had exactly those statements in it, and he was quoting verbatim out of Mr. Tugwell's book.

Now, actually, Miss Kneeland never made any such statements. The conversation was not on that subject at all.

The CHAIRMAN. What subject was the conversation on?

Mr. COYLE. On the change in the gold value of the dollar. And he talked the whole blooming evening. At one time, Miss Kneeland said she would like to hear from me, and I refused to talk, because the guy didn't have any sense, in my mind, and I thought the less said the less trouble I would be in.

The CHAIRMAN. So you thought if you did talk there you might be in trouble?

Mr. COYLE. The man sounded like a paranoiac to me, and I thought if I annoyed him—I didn't agree with what he said and I thought if I annoyed him he would probably tell stories about me first.

The CHAIRMAN. Is your wife's name Grace?

Mr. COYLE. No.

The CHAIRMAN. What is her first name?

Mr. COYLE. My wife's first name is Doris.

The CHAIRMAN. What is your wife's sister's name?

Mr. COYLE. Mildred.

The CHAIRMAN. Does your wife have a sister named Grace?

Mr. COYLE. No.

The CHAIRMAN. The answer is "no"?

Mr. COYLE. "No."

The CHAIRMAN. She only has one sister?

Mr. COYLE. I think so.

The CHAIRMAN. The answer is "yes"?

Mr. COYLE. Yes.

The CHAIRMAN. You seemed to hesitate. Your testimony is that your wife only has one sister?

Mr. COYLE. The reason I hesitate is that I married this girl three years ago, and I met her family only once. I haven't met all of them. But my impression is that she has only one sister.

The CHAIRMAN. Were you previously married?

Mr. COYLE. Yes.

The CHAIRMAN. Did you have a wife whose sister's name was Grace?

Mr. COYLE. No.

The CHAIRMAN. What was your first wife's name?

Mr. COYLE. My first wife's name was Isadore, believe it or not.

The CHAIRMAN. Do you know a Grace L. Coyle?

Mr. COYLE. Yes.

The CHAIRMAN. Who is she?

Mr. COYLE. My sister.

The CHAIRMAN. She is your sister. Now, may I say that I do not attempt to blame you for anything your sister or your daughter-in-law or anyone else does, but in order to get the complete picture, we must get the picture of what your close relatives have been doing also.

Mr. COYLE. I know my sister pretty well. She is no Commie. Never has been.

The CHAIRMAN. And I say if she were, we would not blame you for it, you understand.

Mr. COYLE. If she were, I know I would know it. She is not.

The CHAIRMAN. Do you know whether she has belonged to a number of Communist fronts or not?

Mr. COYLE. I don't think so.

The CHAIRMAN. Do you know?

Mr. COYLE. I don't know what she has belonged to.

The CHAIRMAN. Have you ever discussed that with her?

Mr. COYLE. No.

The CHAIRMAN. In other words, you do not know whether she has belonged to any Communist fronts, but you know she is not a Communist.

Mr. COYLE. I know she is not a Communist. I know she hasn't Communist ideas.

The CHAIRMAN. Do you know whether she was a sponsor of the American Youth Congress, which has been cited by the attorney general as Communist-controlled?

Mr. COYLE. I don't know whether she was or not.

The CHAIRMAN. Do you know if she was active in Ohio in Communist movements?

Mr. COYLE. I am sure she was not active in Communist movement, but I have no knowledge of what she was doing.

The CHAIRMAN. You know she was in Ohio?

Mr. COYLE. Yes.

The CHAIRMAN. Do you know if she was active in the National Federation for Constitutional Liberties?

Mr. COYLE. Never heard of it.

The CHAIRMAN. You never knew she was a member of that organization?

Mr. COYLE. I don't know about any of her organizations, what her memberships are.

The CHAIRMAN. How many books have you written, Mr. Coyle?

Mr. COYLE. A good many. I couldn't tell you the exact number.

The CHAIRMAN. Who has your publisher been?

Mr. COYLE. Pardon me?

The CHAIRMAN. Who has your publisher been?

Mr. COYLE. I am sorry. I couldn't hear you.

The CHAIRMAN. Who has your publisher been? Or publishers?

Mr. COYLE. Oh, my publishers; who they have been. Well, the first one that I published, I did myself. That is, I paid for printing it. Then I worked for the National Home Library, which is now defunct, which printed 25-cent books. Then I had a book with *Harper's*. Incidentally, I would like to have you put in the record that I got a prize for the best essay out of sixteen hundred on the American way of life. And that was printed by *Harper's*.

The CHAIRMAN. *Harper's* gave you a prize?

Mr. COYLE. Yes. And printed this, with the three runners-up. And don't hold me responsible for the three runners-up, because one of them was quite leftist, I thought.

The CHAIRMAN. I might say just for your information that while you certainly can make that part of the record, I am not impressed by the fact that *Harper's* gave you a prize for an essay.

Mr. COYLE. I don't suppose you would be. Little, Brown published this book, *Roads to a New America*.

The CHAIRMAN. Do you know anything about that publishing house?

Mr. COYLE. Well, it is connected with the *Atlantic Monthly*, I believe, in Boston. I think it is some kind of a relative of the *Atlantic Monthly*.

The CHAIRMAN. I am not asking you to pass upon the truth of it, but you know that it has been publicly claimed generally that Little, Brown has been thoroughly infiltrated by Communists.

Mr. COYLE. I don't know that it has been.

The CHAIRMAN. I do not ask you whether you know it has been. I say: Do you know that that is the general reputation of the company?

Mr. COYLE. I hadn't heard that, no.

The CHAIRMAN. You had not heard that?

Mr. COYLE. No.

The CHAIRMAN. You mean you had never heard Little, Brown was infiltrated by Communists?

Mr. COYLE. No; and how long ago?

The CHAIRMAN. The question was: Did you ever hear that Little, Brown was infiltrated by Communists?

Mr. COYLE. No.

The CHAIRMAN. The answer was "no"?

Mr. COYLE. The answer was "no." There is no reason I should. I don't hear about publishing houses. The only thing I know about publishing houses is a letter I read in the *American Mercury* saying they were all infiltrated by pansies. And I shouldn't be a bit surprised.

Now, do you want me to continue about publishers?

The CHAIRMAN. You may if you care to. I had no further question to ask, but you may add anything you care to at any time.

Mr. COYLE. Then I had another book, called *Day of Judgment* that I wrote since the war, wrote five years ago, about, which was published by *Harper's*, and I think that accounts for all my books.

The CHAIRMAN. I may say that I think the record should contain this, in view of the fact that we questioned you about your books: that a very limited examination of some twenty of the books you have written has not indicated anything of a Communist nature in those books. I mention that because, when I asked you questions, you seemed to think—no, may I finish?—I make that comment, because whenever we ask you a question, you seem to have the impression that we are trying to indicate you are a member of the Communist party.

Mr. COYLE. Well, of course, if you have had any men read any quantity of my books, you will know that I have been, since 1932, ranging from mildly anti-Communist to violently anti-Communist. I didn't take much of an interest in it until the Communist party line went with the isolationist party line in 1940, or '41, along there. And I may say, too, if you would like to know what meetings I went to: I went to the National Youth Congress. I heard it was Communist dominated, and I wanted to find out. I write about these things, and I was writing a book against the isolationists and Commies and, I went down there and stood in the back, didn't sign up for anything, but I went down there and stood in the back and listened to the sons of guns speak. It was Commie, all right.

The CHAIRMAN. You were a consultant for the Department of Agriculture commencing in 1933; is that correct?

Mr. COYLE. '33?

The CHAIRMAN. Yes.

Mr. COYLE. I don't think so. I was a consultant with the Department of Agriculture for short periods off and on, but I am very sure it wasn't 1933. I started with the Public Works Administration in 1933, and I don't think I worked for anybody else for some time after that.

The CHAIRMAN. You were with the NYA for a while?

Mr. COYLE. Yes.

The CHAIRMAN. Who hired you for NYA?

Mr. COYLE. I can't remember now. They wanted a pamphlet written. I have written pamphlets for about thirty-five different parts of the government.

The CHAIRMAN. How about WPA?

Mr. COYLE. Yep, I wrote pamphlets for them, too,

The CHAIRMAN. The FWA?

Mr. COYLE. Federal Works Administration? Yes.

The CHAIRMAN. And the PWA and TVA?

Mr. COYLE. Yes.

The CHAIRMAN. What did you get, as consultant, while you were writing those pamphlets?

Mr. COYLE. All sorts of things, whatever the maximum was that Congress allowed. It varied from \$10 a day to \$50.

The CHAIRMAN. Who did you say hired you in the State Department?

Mr. COYLE. Mr. Barrett.

The CHAIRMAN. Did you apply for a job, or did he contact you and ask you to work there?

Mr. COYLE. I applied for the job.

The CHAIRMAN. Now, from 1942 to '45, you were employed by the British. Is that correct?

Mr. COYLE. Well, no. That is not exactly correct. In '42, I was invited to go to England by the British Ministry of Information, for two months, for a lecture trip, and I went over there and got there the first of October, about, and that lasted me until the first of December. Then I got a job with the Committee on Education in His Majesty's Forces which was going around making lectures to little ack-ack posts, where they were bored to death and were willing to hear about the United States.

The CHAIRMAN. I do not want to take the time to go into it now, but I will want you to give us a chronological picture of all of your employment, starting back in the early thirties when you first went into government. Put it this way: From the time you first came into government, I would like a chronological picture of your employment. Apparently, you cannot give us that now, from what you have said. I want that supplied to the committee. I think you should be able to provide that by tomorrow morning, should you not?

Mr. COYLE. Well, I can get it, approximately. I have practically all my old calendars that show what I was working for.

The CHAIRMAN. Tomorrow afternoon? We want to give you as much time as you need.

Mr. COYLE. Tomorrow afternoon will be easier.

The CHAIRMAN. What did you do from '45 until '50?

Mr. COYLE. Well, the senator from North Carolina—what the devil was his name?—was head of the Senate Committee on Currency, the Commerce Committee, I think it is called, of the Senate. He wanted a study made of the effect of the commerce clause on legislation, and another thing he wanted was the reason why North Carolina wasn't as rich as the northern states. And I went down to North Carolina and studied there a little, and I wrote a report.

Senator JACKSON. Was that the late Senator Bailey?

Mr. COYLE. Yes.

Senator JACKSON. Josiah Bailey?

Mr. COYLE. Yes. And I wrote a report. And he died, and the thing got lost.

The CHAIRMAN. Did you work with OWI for a while?

Mr. COYLE. Yes, before the war.

The CHAIRMAN. Who was your immediate superior?

Mr. COYLE. I am sorry, but I can't remember. Somebody in the publicity end, you see.

The CHAIRMAN. Mr. Lattimore was head of one division of OWI at that time. Did you work in his division?

Mr. COYLE. Oh. Excuse me. I want to revise my testimony. I thought you were speaking of WPA.

The CHAIRMAN. No, OWI.

Mr. COYLE. I worked for OWI. If you can let me continue about this England business, I got in England in January of 1943. I started working for the Board of Economic Warfare for about five

months, and then I shifted to OWI, which had set up an office there called the British Division. And there I worked under ex-Congressman Elliott. I worked under Congressman Elliott for a while and then under Victor Weybright, the same man now head of a publishing concern here, and Herbert Agar, who was head of the British Division. And that was what I worked for in OWI, most of the time, until just before D-Day. I did come home for about four months in the middle of that, and went on a long lecture trip for the International Rotary.

The CHAIRMAN. The question was: Did you ever work for OWI?

Mr. COYLE. I worked for OWI, and those were the people I worked for.

The CHAIRMAN. Who was your immediate superior?

Mr. COYLE. My immediate superior was Victor Weybright most of the time.

The CHAIRMAN. Did you have occasion to meet Mr. Lattimore?

Mr. COYLE. No.

The CHAIRMAN. Have you ever met him?

Mr. COYLE. No.

The CHAIRMAN. You do not know him?

Mr. COYLE. Well, I have seen him in meetings.

The CHAIRMAN. What kind of meetings?

Mr. COYLE. Well, places where there would be some kind of a lecture, or some kind of thing going on. I remember when there were questions that came up, I remember his name was Lattimore, and I got a look at him. I am not sure I would recognize him.

The CHAIRMAN. But you have never met him?

Mr. COYLE. No.

The CHAIRMAN. Did you ever give material from your office to Drew Pearson or any of his men?

Mr. COYLE. Not in the State Department.

The CHAIRMAN. You say "not in the State Department"?

Mr. COYLE. No.

The CHAIRMAN. Did you ever associate with Pearson or his leg men while you were working in the State Department?

Mr. COYLE. I don't think so. I think the last time I saw Pearson's leg man was when I was working for [Representative Emmanuel] Mannie Celler, over here.

The CHAIRMAN. Did you know David Karr?

Mr. COYLE. Not by name.

The CHAIRMAN. Did you know Jack Anderson or [Fred] Blumenthal?

Mr. COYLE. I don't recollect them by name. You see, if any of those fellows came in, they would say they were from Drew Pearson and would give me their name, but it wouldn't stay in my mind. I wouldn't swear I never met any of those men.

The CHAIRMAN. You say the last time you met any of those men was before you worked for the State Department?

Mr. COYLE. I have met Drew Pearson socially, but never had any long conversation with him.

The CHAIRMAN. Did you belong to the American Peace Mobilization?

Mr. COYLE. No.

The CHAIRMAN. You did not?

Mr. COYLE. I did not.

The CHAIRMAN. Do you know whether the indices of the Washington chapter carried the name "Coyle, Mr. and Mrs. David Cushman, 1719 H Street, North West 5581"?

Mr. COYLE. That is the first time I heard of it.

The CHAIRMAN. Is that your phone number?

Mr. COYLE. It was before the war.

The CHAIRMAN. Was that your address?

Mr. COYLE. 1719 H Street? Yes.

The CHAIRMAN. At the time the American Peace Mobilization was active?

Mr. COYLE. I never knew before that they had used my name.

The CHAIRMAN. I see. Were you at all active, or did you ever associate with the American Committee for Democratic Action?

Mr. COYLE. Committee for Democratic Action? What is that? The ADA?

The CHAIRMAN. No, it is the Washington Committee for Democratic Action.

Mr. COYLE. I never heard of them.

The CHAIRMAN. I don't believe it has any connection with ADA, does it?

Senator JACKSON. No, that is a new one.

The CHAIRMAN. You say you never heard of that and never belonged to it?

Mr. COYLE. Not as far as I know. They may have my name down. But that is easy.

The CHAIRMAN. Just one or two other questions here. Were you connected with the United American Spanish Aid Committee?

Mr. COYLE. I wasn't active in it. I think I went to a meeting of it one time.

The CHAIRMAN. Were you on their mailing list? Did you get material from them?

Mr. COYLE. I am not sure.

The CHAIRMAN. You know that has been cited by the attorney general?

Mr. COYLE. Well, it has since, yes.

The CHAIRMAN. Were you an honorary board member of *Free World*?

Mr. COYLE. I haven't the least idea. I can't remember what *Free World*—

The CHAIRMAN. Do you remember a publication called *Free World*?

Mr. COYLE. I can remember that there was such a publication.

The CHAIRMAN. Do you know whether you were listed as an international honorary board member?

Mr. COYLE. I don't.

The CHAIRMAN. You do not know anything about that at all?

Mr. COYLE. No. I don't know anything about the character of the *Free World* magazine either.

The CHAIRMAN. Were you a member of the National Committee in 1940, of the Friends of Democracy, Incorporated?

Mr. COYLE. Yes.

The CHAIRMAN. You were?

Mr. COYLE. Yes.

The CHAIRMAN. Would you consider that a Communist front?

Mr. COYLE. It was not at the time I had anything to do with it. I read a lot of their literature, and it was positively not Communist in any way. Moreover, if you are going to bring that up, I would like to put in a little testimony, if I, may.

The CHAIRMAN. You may.

Mr. COYLE. When they asked me if I would be on their board, I looked over the people they had, and they had people like Stanley High and Dr. Millikin, the fellow with the cosmic rays. I happened to know about Dr. Millikin, that he has a very keen nose for Communists, and if a Communist comes up he always starts making a fuss. So I wrote a letter to them, and if you will subpoena their files, you will find my letter of acceptance, and I said, "My membership lasts as long as Dr. Millikin's does. If he resigns, I go out."

Senator JACKSON. You said you attended this American Youth Congress to find out what the Communist party line was in 1940?

Mr. COYLE. I think it was '40 or '41.

Senator JACKSON. Were you active in any group like the Committee to Aid the Allies in 1940 or '41, the interventionist group?

Mr. COYLE. Yes. In '41.

The CHAIRMAN. Was it 1940 or '41?

Mr. COYLE. I think it was '41. We had a meeting, and I was on a committee, here, to have a meeting, at the Uline Arena.

Senator JACKSON. The Committee to Aid the Allies?

Mr. COYLE. Yes.

Senator JACKSON. I do not know. I am just asking, because you mentioned this thing, and I wanted to find out whether you had been on that committee, because they were very active in '40 and '41.

Mr. COYLE. I can't remember what year it was, but I—yes, I do remember now.

Senator JACKSON. The Committee to Aid the Allies?

Mr. COYLE. That is about, approximately, its name. It was in 1941.

Senator JACKSON. Headed by William Allen White?

Mr. COYLE. I don't recollect that for sure. But we had a meeting here in '41, in the early fall, and it cost more than we expected, and then Pearl Harbor came on, and we could not collect any money, because the matter had been settled.

The CHAIRMAN. Go ahead, Mr. Counsel.

Mr. COHN. I want to get to this for a minute. You say you applied to Mr. Barrett for a job. Did you apply directly to Mr. Barrett?

Mr. COYLE. Yes.

Mr. COHN. Did you just call him up and go up and see him?

Mr. COYLE. I wrote him a letter.

Mr. COHN. What kind of a job did you ask for?

Mr. COYLE. I said I wanted a job.

Mr. COHN. What kind of a job?

Mr. COYLE. Well, a writing job. I don't remember how I specified it. But he knew what I was, you see, because he had been in the OWI.

Mr. COHN. Mr. Barrett knew who you were?

Mr. COYLE. He knew who I was.

Mr. COHN. After you wrote the letter, you went up to see him. Is that right?

Mr. COYLE. Yes.

Mr. COHN. Who was there, just you and Mr. Barrett?

Mr. COYLE. There wasn't anybody there but Barrett that I know of.

Mr. COHN. That is why I asked you. Now, what was said? What would be the nature of your duties?

Mr. COYLE. He said he would like to have me work for the outfit, and he would send me down to see some people downstairs.

Mr. COHN. Who did he send you down to see?

Mr. COYLE. Well, Albert Thompson, I think, was the fellow.

Mr. COHN. What kind of work did Mr. Barrett tell you he wanted you to do?

Mr. COYLE. He told me he wanted me to be an adviser.

Mr. COHN. On what?

Mr. COYLE. On policy and things.

Mr. COHN. What kind of policy?

Mr. COYLE. Propaganda policy.

Mr. COHN. Propaganda policy in connection with what?

Mr. COYLE. Well, I perhaps shouldn't call it propaganda. It wasn't about our relations with the foreigners. But how to plan making these various pamphlets and things. It never turned out that I did that, because I was located in the wrong building, and he forgot about it.

Mr. COHN. What did you say, now?

Mr. COYLE. It never turned out that I was an adviser, but that is what I thought I was going to be.

Mr. COHN. You say it never turned out that you actually were an adviser? You were located in the wrong building?

Mr. COYLE. He was in the central building, and I was in one of these outhouses.

Mr. COHN. Did you file an application for employment with the State Department?

Mr. COYLE. Yes, I filed the usual Civil Service thing.

Mr. COHN. Whom did you give as personal references?

Mr. COYLE. I can't remember. I think I gave the president's secretary.

Mr. COYLE. The present secretary of state?

Mr. COYLE. No, I gave the secretary to the president of the United States.

Mr. COHN. What was his name?

Mr. COYLE. Hassett.

Mr. COHN. Mr. Hassett.

The CHAIRMAN. How do you spell it?

Mr. COYLE. H-a-s-s-e-t-t.

The CHAIRMAN. And his first name is what?

Mr. COYLE. William.

Mr. COHN. William D. Hassett; is that correct?

Mr. COYLE. I don't know the initial.

Mr. COHN. Who else?

Mr. COYLE. I have forgotten.

Mr. COHN. Did you keep a copy of that application?

Mr. COYLE. I don't remember whether I have it or not. I may have.

Mr. COHN. If you do have it, would you supply us with a copy of it?

Mr. COYLE. You want a list of all the outfits I have worked for?

The CHAIRMAN. Your employment since you first came with the government.

Mr. SURINE. With the dates in there, too?

The CHAIRMAN. Yes.

Mr. COYLE. Haven't you got a copy of that there?

Mr. COHN. I am asking you.

Mr. COYLE. I don't know. Why should I go and look it up?

Mr. COHN. Because the committee is asking you to.

Mr. COYLE. But it doesn't make any sense.

Mr. COHN. Well, let us judge that. Now, answer this question carefully. Did you ever have any discussion at any time with anyone in the State Department concerning the giving of any information to any newspaperman, columnist, correspondent, commentator, or writer?

Mr. COYLE. To the best of my recollection, no. That wasn't the line of my job.

Mr. COHN. I don't want to know if it was the line of your job. I want to know if you ever had any discussion with Mr. Barrett or anybody else in the State Department concerning your engaging in any such activity.

Mr. COYLE. No.

Mr. COHN. You are sure of that?

Mr. COYLE. Yes.

Mr. COHN. And you make that statement to us under oath.

Mr. COYLE. Yes. If you have any information that contradicts that, then I don't understand the question. Because certainly was never instructed to do any coaching of newspaper men or columnists or radio people or anything like that.

Mr. COHN. Did anybody at the State Department know that you were engaging in any such activity?

Mr. COYLE. I wasn't engaged in any such activity.

Mr. COHN. Did anyone in the State Department know that you were giving any information to Mr. Mellett?

Mr. COYLE. No, I don't think so.

Mr. COHN. Are you sure?

Mr. COYLE. I'm not sure. I don't see any reason why they should.

Mr. COHN. Did you ever discuss it with anyone in the State Department?

Mr. COYLE. No.

Mr. COHN. You did not discuss it with anyone in the State Department?

Mr. COYLE. Well, all right. You are getting in on places where my memory is very vague. I don't recollect ever doing so.

Mr. COHN. You don't recollect having done so?

Mr. COYLE. No.

Mr. COHN. You don't know whether you did or you didn't?

Mr. COYLE. I don't know positively whether I did or not, no.

Mr. COHN. Don't you think your job at the State Department was rather unusual, Mr. Coyle, during the last two years? You don't

quite know what division you worked in. You say that Mr. Barrett hired you for one purpose, but then you got located in the wrong building and he forgot all about why he hired you, and you never did what you were hired to do. You use your State Department office to write a private manuscript having nothing to do with the State Department. Isn't that a rather unusual situation?

Mr. COYLE. The only thing unusual about it that I know of is that while I have been on per diem for the last three months or so, three or four months, after I reached the middle of January, and no longer had regular work to do there, I came in nearly every morning and worked there on my private work, which wasn't costing the State Department anything to have me use the empty desk there, and it was convenient, because things came up at irregular times that related to my work with the department.

Mr. COHN. You mean you were sitting there waiting on the chance that somebody might return this manuscript to you?

Mr. COYLE. I was working. I wasn't sitting there idle. But I wasn't working on State Department business.

Mr. COHN. Couldn't they have called you up when they had the manuscript ready?

Mr. COYLE. Yes, they could.

Mr. COHN. But you just thought you would sit around there and wait?

Mr. COYLE. Well, I had a bunch of books there, too, that I got out of the State Department library. I didn't want to carry those away.

Mr. COHN. Were you using those in connection with your private contract?

Mr. COYLE. Yes.

Mr. COHN. Did you think that was a proper thing to do?

Mr. COYLE. Oh, yes. There was no secret about those books.

Mr. COHN. In other words, you were using State Department offices to work on a book for which you were to be paid by an outside firm, and the material you obtained to write that book included books from the State Department library?

Mr. COYLE. Yes. I don't think that was improper so long as I had work coming up from time to time. Now that the State Department has terminated me, I won't, of course, go back there.

Mr. COHN. Is there anybody else you know of, over there who has a similar arrangement, who is using an office for private work?

Mr. COYLE. No. I don't know of anyone else on per diem. There probably are, but I wouldn't know it.

Mr. COHN. Do you know of anyone working on a full time basis, a salary basis, who is using his office for private work?

Mr. COYLE. You don't do that. Of course I don't.

Mr. COHN. Mr. Coyle, have you been completely frank with the committee as to what you have been doing in the State Department during the past few years?

Mr. COYLE. So far as the discussion has gone, I have answered all the questions as honestly as I know how.

Mr. COHN. I see. Do you feel you have been completely frank with the committee in describing to us what you have been doing for the State Department during the last two years?

Mr. COYLE. Well, I have offered to go over the different things that I did, point by point, where I have been listed here, and you said you didn't want me to do that. And if I went over those, I would probably think of a good many things.

The CHAIRMAN. I think you should go over them.

Mr. COHN. As the chairman indicates, we will let you do that, and we will go into that.

I want to ask you about a couple of other things here. You have named for us Mr. Mellett, Mr. Elmer Davis, Mr. Baukhage. Is there anybody else, any other newspaper man, correspondent, commentator, freelancer, radio reporter, radio commentator, anyone covered by those broad categories, to whom you have supplied information while you have been with the State Department, directly or indirectly?

Mr. COYLE. To the best of my recollection, not directly, and indirectly I would have no knowledge of that.

Mr. COHN. Well, you might have knowledge, and you might not have knowledge.

Mr. COYLE. To the best of my knowledge, no.

Mr. COHN. You are quite sure that that answer is completely truthful, that you are being completely frank with the committee?

Mr. COYLE. I am being completely frank, but to the best of my knowledge, that is the answer.

Mr. COHN. Have you ever discussed with Mr. Mellett or any other newspaper man or columnist or commentator the necessity or advisability of writing any column or article which would go into the work of this or any other congressional committee? And be very careful in answering this question.

Mr. COYLE. Yes.

Mr. COHN. You have, haven't you?

Mr. COYLE. Yes. I have told Mr. Mellett that I didn't approve of the methods used by the McCarthy committee, and I think he ought to get after it.

Mr. COHN. I see. When did you tell Mr. Mellett that?

Mr. COYLE. Oh, off and on. I don't know when.

Mr. COHN. When did you start telling him that?

Mr. COYLE. Well, when the McCarthy hearings began to become public excitement. I don't approve of the way you people run your hearings, and, of course, I have a normal citizen's right to disapprove.

Mr. COHN. Yes, that is true. But you are not quite a normal citizen, are you? You have been paid quite a bit of money by the State Department.

Mr. COYLE. But at the same time the people in the State Department are under fire. They are under attack.

Mr. COHN. Yes?

Mr. COYLE. That makes them not quite normal citizens, I should say. They are people who are likely to be victims of something. How do I know what you are going to accuse me—

Mr. COHN. What was your function in connection with protecting them from what you describe as being victims?

Mr. COYLE. I didn't have any official function in protecting anybody.

Mr. COHN. What was your unofficial function?

Mr. COYLE. I didn't have any unofficial function. I have the normal right of a citizen to a fair hearing, if anybody gets after me, and I also have the normal right of a citizen to say I don't think some of the things you have done were fair.

Mr. COHN. I see. Is there anybody other than Mr. Mellett—

The CHAIRMAN. May I say there is no doubt whatever that you have such a right. Every citizen, whether he is working in the State Department or any other government agency, has an absolute right to criticize this committee or any other committee. There is no question about that.

Mr. COYLE. Yes. Thank you.

The CHAIRMAN. There is a serious question, however, whether you can draw a salary from the State Department for performing that function.

Mr. COYLE. Oh, I didn't draw a salary for performing that function, no. I don't think there is a question whether you can draw a salary from the government while expressing one's opinion as to the justification of methods used in investigations.

The CHAIRMAN. You are correct in that, that any State Department employee has an absolute right to criticize this committee or any other committee.

Mr. COYLE. Thank you. I agree.

Mr. COHN. You say as soon as this committee started holding open hearings, I understand, you decided that the methods were unfair. Now, would you tell us in what respect you considered the methods unfair, and specifically which individuals were unfairly treated?

Mr. COYLE. Yes. I can't discuss this with complete continuity, because I haven't read your minutes and don't know all about it. But I think that it is an undesirable thing to allow a man like Matson to be protected in his job when he has made himself a nuisance to his fellow workers. Now, I have worked in many organizations, private and public and there nearly always is a neurotic or a paranoiac or some guy that is always being ill-treated in one of these things, and nothing so stymies an organization as to have the neurotic have a rich uncle.

Mr. COHN. I see. Do you know Mr. Matson?

Mr. COYLE. I don't.

Mr. COHN. Do you know anything about the facts about which he testified under subpoena before this committee?

Mr. COYLE. I read the testimony of Mr. Ford, and I have read what it says in the newspapers, and that is my opinion.

Mr. COHN. Did you read Mr. Matson's testimony?

Mr. COYLE. No. I read what the newspapers said about it.

Mr. COHN. Do you know anything about the filing system in the State Department?

Mr. COYLE. I don't.

Mr. COHN. I see. You really don't know any of the facts, do you?

Mr. COYLE. The only fact that I am commenting on is the fact that Mr. Ford, his superior, having testified that the man is not a stable personality, he was forced back into the organization.

Mr. COHN. Did you form an opinion as to whether or not Mr. Ford was a stable personality?

Mr. COYLE. Yes, I did. I read his testimony, and I think he is.

Mr. COHN. But you didn't read Mr. Matson's testimony?

Mr. COYLE. Just what the newspapers said about it.

Mr. COHN. I see. You read Mr. Ford's testimony. You didn't read Mr. Matson's. On the basis of the one side, you formed your opinion, and then you started giving advice to columnists that they should go out and attack the committee?

Mr. COYLE. No, that is the wrong order. You asked me what I had criticized about your treatment of the State Department. It has only been going on for a short time. That is the thing I think has done most harm to the morale of the State Department.

The CHAIRMAN. I think for your own benefit this should be very clear. Your testimony is that you object because the committee urged that Mr. Matson be returned to his job after he had been demoted as a result of his testifying before this committee. You say at this time you don't know anything about the filing system and you do not know whether Mr. Matson was telling the truth or not. You do not know him personally, so you do not know whether he is a paranoiac—that is the word you used. You said you read no part of his testimony, but you have read Ford's testimony, and that is one of the grounds, the basis, for your decision to go to Mellett and ask him to attack the committee.

Mr. COYLE. No. It is in the wrong time order. This is the only time in the last couple of weeks, that I have been feeling badly about the Matson situation. You have only been after the State Department for a very short time, and I haven't been reading every word of it, because I didn't know whether I was going to be called, and I don't know all about it, but I was struck by that particular thing, because I have worked in many different organizations, and I have often see neurotics and soreheads, and it upsets the organization if the boss or a big stockholder, which is about the equivalent of what your position is in a big corporation—if you were the big stockholder that could tell the management what to do, and some sorehead could run to you and disrupt the organization.

The CHAIRMAN. Have you any knowledge other than Ford's testimony that Matson was a sorehead?

Mr. COYLE. No, I don't personally know any of these people.

The CHAIRMAN. The thing that occurs to us: Keeping in mind that you have a right to go to any columnist at any time and urge him to attack any committee you care to, yet you have a very unusual job over there. You seem to not know what department you are in. You are using an office, paying no rent for it, to write a private manuscript, and you carry some weight when you go to a columnist and point out that we are unfairly treating State Department employees. You are a \$10,000 man or \$9600 a year man, or whatever it happens to be and I am just curious to know the background of why you felt called upon to go to columnists as a State Department employee and attack this committee. You stated one ground. You said it was because you thought Matson should not be returned to his job.

Mr. COYLE. I am sorry. That is not the order of the questions. I said that I have not been on your side in your investigations of the government, and that is why I have criticized you.

The CHAIRMAN. May I say you are not alone in that, and there are many good people who are not on my side.

Mr. COYLE. Then counsel asked me what I had against your operations in the State Department.

The CHAIRMAN. No, he did not ask that. He wanted to know why you, as a State Department employee, felt called upon to go to Mellett and urge him to attack the committee; you have stated one ground; if you have other grounds, you should go into them.

Mr. COYLE. No, as a State Department employee, I didn't feel called upon to attack the committee, although as a State Department employee I considered that my rights as a private citizen were involved, in making derogatory remarks about the way you run your investigations. But that was long before you started in on the State Department. And the counsel asked me—or what I understood him to ask me was what I have against your treatment of the State Department. And the thing that sticks out like a sore thumb in my mind is that it disrupts the organization to have protection given to a sorehead.

The CHAIRMAN. May I, say, sir, I think you should know the direction of this inquiry. We have been informed, we feel very reliably—the staff has gone into it to some extent—that one of your principal functions was to give the background and make the contacts to promote attacks upon the effort to expose Communists in the State Department. You understand, you have a perfect right to do that as a private citizen. As a State Department employee, if that was your function, we intend to get to the bottom of it.

Mr. COYLE. I never understood that to be my function.

The CHAIRMAN. Now, your testimony has been, up to this point, that that was not your function.

Mr. COYLE. No.

The CHAIRMAN. You say that you, as a State Department employee, had the right of every other citizen to attack a committee. You do have the right, as a private citizen, to suggest to a columnist that he should attack the committee. You said you did that while you were with the State Department. We want to know, though, whether that was part of your duties. We must get to the bottom of that, and in view of your bad memory we may have to go into this to some extent. Did you did not recall this column you inspired Mellett to write, and we want to go into that and perhaps other columns you now cannot remember.

Mr. COYLE. That is conceivable. One time I wrote a letter to Mellett, and I can't recollect about that. That is all I recollect at the present time. That was certainly not part of my duties with the State Department, to attack the committee.

The CHAIRMAN. Mr. Coyle, is it correct that the letter was in regard to my efforts to expose Communists or procommunists in the State Department?

Mr. COYLE. No.

The CHAIRMAN. You say it was not?

Mr. COYLE. I don't think so.

The CHAIRMAN. You say you don't think so.

Mr. COYLE. No, I don't think so—oh, yes. You were attacking or accusing the State Department of having a lot of Communists and procommunists in it quite a long time ago.

The CHAIRMAN. I think, just so you will have the date in mind, the first public statement made upon that was during my campaign

in 1946. It got very little attention then. The first public statement that received wide attention was the speech at Wheeling, West Virginia, on February 9, 1950. I give you those dates so that you will have those dates in mind in connection with your testimony.

Mr. COYLE. I have, of course, as I made clear, been opposed to that method of going after the State Department, and, naturally, I have talked with the other State Department people that I knew, about that, but not officially. I mean, we just talked at lunch about: What is this all about, and what can be done?

The CHAIRMAN. Maybe we can get some help from you at this time. You have been a \$10,000 man. You have done a lot of writing. You say you do not like the way we have gone at them. Do you have some other method in mind? Keep in mind that since we have named the procommunists and Communists before the Tydings committee, one of them has gone to jail, William Remington. Two have been found unfit by the loyalty board. Fifteen others have been removed under the loyalty program, that we know of. Two have been removed from the United Nations and have refused to answer whether or not they are presently espionage agents. Keep in mind that Acheson at the time declared that all those I had named had been cleared and they were good, loyal Americans.

Now, you have taken it upon yourself, while you were working in the State Department, to solicit columnists to attack me or the committee. Therefore, maybe you can give us some advice as to how you think it should be done, that might be helpful, entirely separate and apart from what you have been doing over the past two years.

Mr. COYLE. Starting out with my being a \$10,000 a year man, I am a \$9600 a year man, because I can write the kind of stuff that the common ordinary guy around America can read. I am in there as a writer. Now, you are asking me how I think we should try and catch Commies in the government. I am no expert on that. I am a great expert on counterespionage, by reading 25-cent books that I get in a drug store. I am not a lawyer, and I am not a detective. But from the reading of Mr. John Buchan and people like that, I gather that the way they catch Communists is the same as the way they catch dope smugglers and other people, and counterfeiters, and people that have a long-time criminal job. That is, when they catch one, they carefully leave him in place for bait.

Now, I don't think it is a good thing, even when you have the name of a person who is a real Communist—I don't think it is a good thing to blurt out his name, because he may be the key man in a network that the FBI has its finger on. If you get him thrown out of the place—well you asked me this I am no expert, but I am just telling you my opinion, as a reader of detective stories. If you ask the FBI—

The CHAIRMAN. Can we stop right there? You say if I knew of a Communist in a key place I should not mention his name because perhaps he has been placed there for a reason. Is that it?

Mr. COYLE. I think you should mention his name to the FBI. That is what I would do.

The CHAIRMAN. Well, let us take a case, then. I am trying to get your expert advice on this.

Mr. COYLE. An expert?

The CHAIRMAN. Let us take the case of Posniak. He was one of those whom I named. The FBI in that case had given twelve or fourteen reports to the State Department, reports showing his association with Communists, his Communist activities, his association with a man whose job was to recruit Communist agents; and that was sent over to the State Department, and the State Department said, "Despite all this information, we will keep him on." He was in a key job, either in charge or deputy in charge of a desk having to do with shipments to Russian satellite nations. Now, in a case like that, you would not appoint yourself to say, "Well, despite the fact that the FBI gave these reports on him, he must have been there as a decoy or something," would you? Would you say it was improper for me to have exposed him and finally gotten him out of the State Department?

Mr. COYLE. If the FBI assures you that they don't think the State Department's security office is sufficiently sensitive, then I wouldn't have any objection to your saying so.

The CHAIRMAN. Well, you, of course, know that the FBI has no function to advise anyone on that point.

Mr. COYLE. I know they don't. It makes it a very awkward thing for a senator.

The CHAIRMAN. Will you name one of those individuals who I succeeded in removing from the State Department that you think I should not have gotten out, because you think he might be put in there as a decoy?

Mr. COYLE. I don't know their names or what their functions were.

The CHAIRMAN. Then before you solicit attacks about my getting them out, do you not think, as a State Department employee, you should ask someone in a position of power, saying, "Was Posniak put there as a decoy?" "Was Stephen Brunier a decoy?" In other words, before you solicit columnists to make attacks because, as you say, I might have been disrupting our counterespionage system by exposing key Communists used as decoys, do you not think you should have checked and found out the name of one decoy?

Mr. COYLE. There isn't any way that I could find out the name of any decoy. The FBI wouldn't be telling me that, "We had that fellow in there all taped, and now we don't know who the replacement is, and it is going to take months to find him."

The CHAIRMAN. Then, if I may restate your testimony, it is this: that one of the reasons why you should object to my attacks, should solicit columnists to attack me, was because you felt that maybe when I would expose a Communist he might have been known to the FBI as a Communist, and that he was there as a decoy to get other Communists, but that you do not know of any such case; however you think there might have been some case like that, and for that reason you think that my methods of exposing men I knew were Communists in key positions were wrong.

Mr. COYLE. I fully believe that that is the way they catch Communist spies. I fully believe that is the way they catch kidnapers—or I mean counterfeiterers and drug people. I think that is the system.

The CHAIRMAN. Just one further question. Is it correct that one of your objections is because I exposed Communists in key spots, that you feel that maybe they were known to the FBI already, before I had exposed them?

Mr. COYLE. One of my objections is that I am not at all convinced that before accusing people of being Communists you were sure that the FBI was not using those people as part of a decoy system. I have a strong opinion that many people you have accused were not; that you have accused people of being Communists on insufficient evidence.

The CHAIRMAN. Well, can you name one personally?

Mr. COYLE. No, I feel that that is the case. Hell, I don't have any of this information. I am not in SY over there. I don't have the files.

The CHAIRMAN. Well, I have been using the expression of "\$10,000 a year." You, as a \$9600 a year man with an office over in the State Department, a private office of your own, according to your testimony, have taken it upon yourself to solicit attacks upon me and upon this committee by columnists, because you feel that I wrongly accuse people. Well, now, I believe that you could be of some help to the committee if you would name a person that I have accused of being a Communist or a Communist sympathizer who you feel was not a Communist sympathizer, in other words, one of these innocent people who was attacked. And a case in which you read what I said, and not what the *New York Post* or the *Washington Post* said that I said.

Mr. COYLE. With the complete lack of inside information that I have on these various characters, I am entirely unable to name anybody, I haven't the remotest notion whether Lattimore was ever a Communist sympathizer or not. I never knew him, and I don't have the least idea whether he was a Communist sympathizer.

The CHAIRMAN. But you have the feeling I should not have attacked him? Or "exposed him;" let us use that word. In other words, you feel it was unfair for me to expose Lattimore?

Mr. COYLE. I can't put a finger on Lattimore and say you shouldn't have exposed him. Maybe he is a Communist. I don't know.

The CHAIRMAN. I do not want to spend anymore time on this, but—

Mr. COYLE. As you see, I am not an expert. I base my opinions, as other Americans do, on what I see in the newspapers. And in the State Department I have no access to secret files. I have no access to the secret files of the FBI. The only thing I know about the FBI files is that in 1942, the attorney general told me I was as pure as the driven snow on the records.

The CHAIRMAN. Is it your testimony that you feel I was unfair in exposing Lattimore's activities?

Mr. COYLE. No.

The CHAIRMAN. I thought you were giving him as an example.

Mr. COYLE. That was an example of the fact that I can not pick out the name of a particular individual and say you have been unfair to him. Because when you name a particular individual, then I would become responsible for his character and I can't be respon-

sible for Lattimore's character. I don't know anything about him. I have only seen him twice, and I didn't think much of his looks.

The CHAIRMAN. You say that writing articles or ghost writing articles, helping radio columnists, freelance writers, in connection with my activities or in connection with the activities of this committee, was in no way a part of your duty?

Mr. COYLE. It was in no way part of my duty in the State Department, no. And, as a matter of fact, as this has been brought out, there have been about two cases where I did anything that had to do with criticizing your committee. The only other help that I have given to anybody that I recollect is to Mr. Baukhage, who likes to have lunch with me, and we talk over the news of the day, and he sees what I say, and he writes notes, and presumably they are part of his background for his broadcast. But I never have a chance to hear his broadcast, and I don't know what he does with it.

Mr. COHN. You say you read Mr Ford's testimony. Who showed it to you?

Mr. COYLE. It is mimeographed around the State Department.

Mr. COHN. Who showed it to you, Mr. Coyle?

Mr. COYLE. Nobody showed it to me. I went and got it.

Mr. COHN. From whom did you get it?

Mr. COYLE. It was on the table there.

Mr. COHN. What table? Whose office? Where?

Mr. COYLE. Well, I can't remember where I found it.

Mr. COHN. I think you ought to try to remember.

Mr. COYLE. But it was not a piece of classified material.

Mr. COHN. No, I am not asking you whether it was classified or not. I want to know under what circumstances did you see Mr. Ford's testimony.

Mr. COYLE. Well, I think I went across the hall to the office there, where my superiors are, and where there is a great deal of State Department material, including all the releases. They are hung up on the wall there. And I went there and said, "Has anybody got a copy of Mr. Ford's testimony?" And somebody said, "Yes, there is a copy," and I took it.

Mr. COHN. Who gave it to you?

Mr. COYLE. I don't know. It was given to me by the office over there. But not as a part of my job. I was interested to see what it was.

Mr. COHN. In whose office was it?

Mr. COYLE. Mr. McJennett's office.

Mr. COHN. Mr. McJennett's office?

Mr. COYLE. Yes. That is where you [indicating Mr. Surine] and I went across to get those pamphlets. The reason I went there is because that is an office where people often come in to interview the State Department, and they have things all spread out for newspaper men.

Mr. COHN. In what form was Mr. Ford's testimony?

Mr. COYLE. It was mimeographed.

Mr. COHN. Was there a cover on it? Just mimeographed; is that right?

Mr. COYLE. Yes.

The CHAIRMAN. Mr. Cohn, I have an appointment at 12:30. There is one question I would like to have you go into, whether they mimeographed Matson's testimony also, or merely the Ford testimony, and who was responsible for that.

Mr. COHN. Was Mr. Matson's testimony mimeographed? Do you know?

Mr. COYLE. I didn't see it.

Mr. COHN. Did you ask for it?

Mr. COYLE. No.

Mr. COHN. Why didn't you ask for it? Weren't you interested in seeing the other side?

Mr. COYLE. I considered that I had, from the newspapers about the gist of what Mr. Matson had said. He, as I understood it, had criticized the operations of the filing.

Mr. COHN. Who was responsible for the mimeographing of Mr. Ford's testimony?

Mr. COYLE. I haven't the least idea.

Mr. COHN. How many copies did you see around?

Mr. COYLE. I saw one.

Mr. COHN. Who handed it to you?

Mr. COYLE. Nobody handed it to me.

Mr. COHN. Where was it?

Mr. COYLE. It was lying on some kind of a flat surface, and I picked it up.

Mr. COHN. You say it was lying some place, and you picked it up. I thought a minute ago you asked somebody if they had Mr. Ford's testimony.

Mr. COYLE. They have all the releases over there, and I think somebody said it was with the releases, or something like that.

Mr. COHN. It was with the releases. Was this the only copy that was with the releases? You went over to where the releases were stacked up, and there was only one copy?

Mr. COYLE. I couldn't say. I only took one copy. I don't know whether there were other copies or not.

The CHAIRMAN. We are going to have to adjourn now until 1:30.

In the meantime, you have the question of release. There is a subpoena duces tecum for the briefcase, and you asked that the diary of luncheon engagements be furnished the committee.

Mr. COHN. The diary indicating the dates, and so on, Mr. Chairman. We have to see what the \$9600 was being paid for.

Mr. SURINE. He has that on his person.

The CHAIRMAN. That will be ordered produced.

Mr. Coyle can consult with his attorney as to this. He will have a chance to discuss that with his lawyer and decide whether he wants to refuse to furnish that to the committee.

I am going to order it furnished.

Now, Mr. Coyle, let me say to you: The reason for this subpoena is that the staff has this information that you had solicited, I think you said, only one news man to attack the committee, and their information is that that has been part of your task. And in view of the unusual job you have there with a free State Department office to prepare your private manuscripts, we are interested in knowing whether that has been part of your duties. We cannot rely upon your memory solely, because one of the letter services you per-

formed for those who have been attacking the committee is your correspondence with Lowell Mellett, which you did not recall until we showed you the item. Therefore, there may be other items of like interest which you may not recall until confronted with the diary or other like material.

Mr. COYLE. Can you make it clear whether you want the diary of my work, or whether you want the diary of my private luncheons?

The CHAIRMAN. You see, when you are having luncheons when you are working with the State Department, with these various news men, that would not be a private matter.

Mr. COYLE. No. I don't object to your having them. I just don't want to be under any misapprehension.

The CHAIRMAN. We have Mellett subpoenaed for this afternoon. Let us make it clear that we are only interested in the diary in so far as it covers a period of time that you were working in the State Department.

Mr. COYLE. Well, this diary starts here with last August the 8th, and these are my lunch dates since last August the 8th. And the list of the subjects on which I was working, starting when they first asked me to put them down, which was January the 1st of 1951.

Mr. COHN. Since who first asked you to put them down?

Mr. COYLE. The personnel man asked to have me put down a list of what it was I was working on. So I put down the list.

Mr. COHN. Which personnel man asked you to do that?

Mr. COYLE. A man who was there at the time. I have forgotten his name. But they wanted to keep a record of what particular thing I was working on.

The CHAIRMAN. That makes that an official record, which you will be ordered to turn over to the committee.

Mr. COYLE. I haven't any objection to doing that. Just don't let it get lost. I want it back.

The CHAIRMAN. It definitely will not be lost, and if there is anything outside of your work that might be embarrassing, you can be assured that that will under no circumstances come to anybody's attention. I want to say I want that examined by no one except the chief counsel. I do not want it circulating around the office, in case there are items of personal nature not having to do with his work.

Mr. SURINE. Would you have any objection, Mr. Coyle, if we glanced through that during this recess?

The CHAIRMAN. We are not asking the witness whether he has objection to it. It will be turned over to the committee.

Mr. COYLE. There it is.

[Whereupon, at 12:45 p.m., a recess was taken until 1:45 p.m., this same day.]

AFTERNOON SESSION

[1:45 p.m.]

Senator McCLELLAN [presiding]. Mr. Coyle, when were you first employed by the State Department?

Mr. COYLE. In October or November, I believe it was, of 1950, in the fall of 1950.

Senator McCLELLAN. What specific duties were assigned to you at the time of your employment?

Mr. COYLE. Writing a series of pamphlets were the specific duties that were assigned to me.

Senator McCLELLAN. What were the nature of the pamphlets?

Mr. COYLE. Well, this was the first one that I was assigned to write, this one here.

Mr. COHN. Did you understand Senator McClellan's question? Is it your testimony that when you were employed by Mr. Barrett, he told you to write these pamphlets?

Mr. COYLE. No, Mr. Barrett told me he wanted me to work for the department, and he gave me the impression that he wanted me to act as an "adviser," which I thought meant that I would go to staff meetings. But I never did get invited to his staff meetings. I was put over in another building, and, for no reason anybody told me, I wasn't called over to Barrett's office for consultation on anything.

Senator McCLELLAN. At any time?

Mr. COYLE. No, not at any time.

Senator McCLELLAN. All right. Just go right ahead.

Mr. COYLE. But when I got over there, the thing I was told over there was that a pamphlet called *Our Foreign Policy*, which had been written the previous year, had made a great impression on Mr. Truman, and he wanted to have the different sections of it divided up, our foreign policy on Europe, and on the Orient, and on economics, and things of that sort, a separate pamphlet to be written on each one. I was told that was to be my job, to write these pamphlets. It didn't come out that way, because of various things, but I did write pamphlets on matters that were agreed by the staff something should be written on.

Senator McCLELLAN. Let me ask you this, then: it turned out that your principal duties were to write pamphlets and not to act in a consulting capacity, as you were first advised?

Mr. COYLE. That is right. In fact, the only consultation that I have done has been unofficial. I know the men who run the place, and we have lunch together, and we talk over different things. The official consultations I have been in have been staff meetings on proposals for writing things, on which I had something to say sometimes.

Senator McCLELLAN. All right. In writing pamphlets, were you assigned a particular subject or title to develop?

Mr. COYLE. Yes.

Senator McCLELLAN. By whom were you so assigned?

Mr. COYLE. Well, I should say that that was always the duty of the head of the PA; that is, the Public Affairs outfit—Mr. Francis Russell, who is no longer there.

Senator McCLELLAN. In other words, he gave you assignments on particular subjects or topics to prepare a pamphlet or an article on that subject?

Mr. COYLE. Yes.

Senator McCLELLAN. Did he give you the assignment to prepare this pamphlet which you have here before us, entitled, *Confuse and Control*?

Mr. COYLE. Yes. If you want to know the details, the people in the division were approached by Mr. Russell's agent, who I think was Robert Thompson, who was head of the publications division, and was sold the idea that they needed to have their stuff explained to the American people. So they consented to it and assigned a couple of men to work with me.

Senator McCLELLAN. Were you also given the assignment to prepare this pamphlet on East Germany under Soviet control?

Mr. COYLE. Yes, sir. That is contained in the pamphlet.

Senator McCLELLAN. Were there other similar assignments given to you?

Mr. COYLE. Yes, sir.

Senator McCLELLAN. Has that consisted of your principal work since?

Mr. COYLE. Yes. That has been most of my work. It is a little irregular, because of these things getting stuck in clearance offices, and I have filled in by rewriting stuff that other people have written that was not satisfactory to them.

Senator McCLELLAN. Were you employed to and did you exercise the right to initiate on your own certain publications, or was all your work the result of specific instruction and directions from your superiors?

Mr. COYLE. Well, both. It was all a result of specific instruction and direction. But whenever I had an idea I would go and talk with them about it to see if they liked it.

Senator McCLELLAN. I see. Have you been quite occupied recently with these particular duties that you have been enumerating?

Mr. COYLE. Up until about the first of January, yes.

Senator McCLELLAN. What have you been doing since?

Mr. COYLE. I have been working for myself.

Senator McCLELLAN. You are not now on the federal payroll?

Mr. COYLE. No.

Senator McCLELLAN. And have not been since January 1st?

Mr. COYLE. Well, I ran out of my annual leave in January. And there then was a little work that came along in February, about fourteen hours of work that came along in February, on a manuscript I had previously done. It came back from some of these clearance people to have some more work done on it, and I did about fourteen hours' work on it, and there hasn't been any since then.

Senator McCLELLAN. Do I understand you are not now with the Department of State?

Mr. COYLE. I was fired this morning.

Senator McCLELLAN. You were fired this morning. That is a quite recent development.

Mr. COYLE. It is a quite recent development.

Senator McCLELLAN. What was the occasion, or what reason was given?

Mr. COYLE. Presumably because I had been called by Mr. McCarthy.

Mr. COHN. Did anyone tell you you had been fired because you had been called by Senator McCarthy?

Mr. COYLE. No.

Mr. COHN. That is a pretty broad assumption, is it not?

Mr. COYLE. I presume so.

Mr. COHN. Could it be because the new administration found out that you were there, and that you had no specific duties, and that you were drawing some of the taxpayers' money?

Mr. COYLE. Excuse me. I apologize. I shouldn't have said that.

Mr. COHN. I think you ought to be a little more careful before you make statements like that.

Senator McCLELLAN. This is all Dutch to me, because I was not in on the hearings this morning. But let me ask this: Do I understand from your statement that since January 1st you have actually done only about fourteen hours' work for the government, or for the State Department?

Mr. COYLE. Something like that, yes.

Senator McCLELLAN. And during that time, the rest of your efforts have been devoted to private work?

Mr. COYLE. Yes, sir.

Senator McCLELLAN. During that time you have occupied, have you, an office in the State Department?

Mr. COYLE. I would come in in the morning in case anything came up, but I didn't, as a rule, come in in the afternoon.

Senator McCLELLAN. In other words, you have had no assignments or duties, nor have you been given any assignment of work, other than the fourteen hours you speak of, since the first of January?

Mr. COYLE. Yes. This uncompleted first draft of a manuscript is still in the works, and last week I was expecting that this would come back from the experts at any time, so I thought I had better come in every day, because it is convenient to do that.

Senator MUNDT. When you come in, to whom do you report?

Mr. COYLE. I don't report to anybody. But if this manuscript came back and they wanted me to do anything on it, I would be there.

Senator MUNDT. Would you have an office down there, then, some place where you go?

Mr. COYLE. Yes. There is a desk there that the man that occupies it is not at because he is assigned to another job for a while, and so I have been borrowing his desk.

Senator McCLELLAN. Did you have a staff, or an assistant, any clerical help?

Mr. COYLE. No.

Senator MUNDT. At no time in your employment down there?

Mr. COYLE. No, I am not that kind of a writer. I write stuff in long hand, and then when it is ready for somebody to type it, I turn it over to one of the girls.

Senator MUNDT. Did you have duties in connection with the preparation of these big White Papers that the State Department puts out for public consumption now and then?

Mr. COYLE. No, I didn't.

Senator MUNDT. Well, I don't know anything more about it than John, because I was not here this morning.

Mr. COYLE. You see, they have got my diary there, and now they are going to try to bring out just what this secret appointment was. I think this is going to be turning out to be a matter of interpretation. I have never understood myself to be an employee on such matters.

Mr. COHN. Mr. Coyle, we have other witnesses. We have spoken to some already. We are going to call some others, and we are going to get to the bottom of this. You would save a lot of time, if I may respectfully suggest, if you would be candid.

Mr. COYLE. I would like to respectfully suggest that the best way for me to be candid is for you to let me take a look at the notebook and check the jobs which I wrote down there, which I didn't write down for this committee but for my own information.

Mr. COHN. I have no doubt that your job description does not show that you were being paid \$9600 for feeding newspapers with information with which to attack this committee. I am sure no job description would show that, and I am sure that would not be written out in your notebook. I would be more interested now if you would tell us just exactly what you were in the State Department for.

Mr. COYLE. Exactly what I was in the State Department for, it turned out, was the writing of pamphlets. That was my job. I was not in there as a person to go personally to anybody outside and feed them anything.

Senator POTTER. What did you do prior to working for the State Department? With whom were you working?

Mr. COYLE. I was working for the Celler subcommittee on monopoly.

Senator POTTER. How long were you with the Celler subcommittee?

Mr. COYLE. About a year.

Senator POTTER. About a year. And previous to that?

Mr. COYLE. Let's see if I can remember it. I wrote a book, previous to that. And then, before that, I worked for a thing called the Office of Foreign Economic Development in the Commerce Department.

Senator POTTER. You were employed in the Commerce Department?

Mr. COYLE. Yes. Before.

Senator MUNDT. Who was secretary of commerce at that time?

Mr. COYLE. Wallace. You see, when they broke up the war business, the Foreign Economic Administration was cut in two. A part went to the State Department and a part went to Commerce. Now, the Commerce Department had an office that represented what was afterwards called Point Four. This was about 1946. And they were working out plans for promoting economic development abroad, and I was consulted for that.

Senator POTTER. How long were you employed there?

Mr. COYLE. About a year, I guess.

Senator POTTER. And before that?

Mr. COYLE. Before that, I was working for a subcommittee of the Senate Commerce Committee, which was then under Senator—what was his name?

Mr. COHN. Bailey.

Mr. COYLE. Bailey; which wanted to have two things, one a record of what the commerce clause amounted to, down through the Supreme Court decisions, and another thing was that Bailey wanted to know why the state of North Carolina wasn't as rich as the state of New York, and I wrote some reports on that. And Bailey died, I think, and the committee itself went up the spout, and nothing ever came of that. I was on that job right after the time I got back—

Senator POTTER. Have you ever been in newspaper work yourself?

Mr. COYLE. No.

Senator POTTER. You have always considered writing as your profession, however?

Mr. COYLE. No, I am an engineer.

Senator POTTER. You are an engineer?

Mr. COYLE. Yes.

Senator POTTER. When did you cease practicing as an engineer?

Mr. COYLE. Oh, gradually during 1933, '32 and '33.

Senator POTTER. Did you go into government service about that time?

Mr. COYLE. I came into the Public Works Administration as an engineer, in a thing called the technical board of review. And there were about twenty engineers, or fifteen engineers and two or three architects, that sat in panel, as a court of appeals on disputed public works projects.

Senator POTTER. I did not get that.

Mr. COYLE. On disputed public works projects. We sat as a court of appeals and recommended whether the project should be gone ahead with or abandoned. The project, as a rule, would be one that was turned down by the PWA, and the mayor of the town would kick, and they would come in, and they had to have somebody for them to go to.

Senator POTTER. Who was your entree into public service?

Mr. COYLE. Senator [Robert M.] La Follette [Jr.].

Senator MUNDT. Were you here this morning, Senator?

Senator POTTER. Part of the time.

Senator MUNDT. I was just wondering if the counsel could for our benefit, in a few sentences, either on or off the record, indicate the nature of the testimony which was brought into the picture, and then we can get down to his position on those charges.

[Discussion off the record.]

Senator MUNDT. Do I understand, then, that you did not go off the payroll this morning, but you have been off the payroll of the State Department for some time past?

Mr. COYLE. I was on per diem. I don't know that that would interest you particularly, but I was there for two years on salary because the Civil Service waived my age, which was over sixty-two, and I couldn't be kept on salary because some of the rules inter-

ferred with hiring anybody that old, and I could be put on per diem, with 160 days a year limit, so they appointed me last November, at the end of my second year, on per diem. Then I worked on per diem, including working out my annual leave, until along in January. That is, I was being paid for my annual leave, and it went out.

Senator MUNDT. What happened after January?

Mr. COHN. Did you say you went off the per diem in January?

Mr. COYLE. No, I stopped being paid for the State Department, because I wasn't working for them.

Mr. COHN. You were paid for some days in January and February?

Mr. COYLE. Yes, in January and February I came back and did some more work, fourteen more hours. Then I expected this to come back, and I could do some more work, and it was a convenient way of being around, because questions are liable to come up, and it would only take a few minutes if I was there, but it would take me half a day or a couple of hours if I were some place else and had to be called up and come in. And it was convenient to sit there in the mornings.

Senator MUNDT. Would you get a per diem for half a day?

Mr. COYLE. Oh, no. I didn't report any time.

Senator POTTER. You just used the facilities?

Mr. COYLE. As long as I was there, I did the work I had to do. I wasn't going to sit around with my mouth hanging open.

Senator POTTER. But you did utilize State Department facilities during this period?

Mr. COYLE. Well, my own writing paper and personal pencils.

Mr. COHN. How about the books you told us about this morning?

Mr. COYLE. I borrowed them from the State Department library.

Mr. COHN. How about the State Department space?

Mr. COYLE. The State Department space was assigned to a man who has his materials locked up there, and there is just an empty desk.

Mr. COHN. So you can see no loss to the government?

Mr. COYLE. They had to heat the building anyway. They didn't even have to heat my room, because there were places overhead.

Senator MUNDT. When did you get your last pay from the government?

Mr. COYLE. It will be day after tomorrow.

Senator MUNDT. That cannot be, because you have not been on the payroll for some little time, you said.

Mr. COYLE. It comes four weeks late.

Senator MUNDT. Let me put it this way. When were you actually employed?

Mr. COYLE. May I see that? I can't answer these questions unless I can look some of these things up.

Senator MUNDT. What I am getting at: It does not look to me as though you just were removed from your position today by that letter, because you said you have not been on the payroll for some time.

Mr. COYLE. When a person is on per diem, when there is something to do, you work on that per diem job, and when there isn't you do some of your own stuff. And I have often written a book or done some private thing by also being on the government per diem

payroll, and I have always kept a careful list of the days, because I thought somebody might investigate me some time and want to know whether I was being paid by the government when I was being paid by somebody else.

Senator MUNDT. This letter today implies, then, that they are not going to use you any more on a per diem basis.

Mr. COYLE. That terminates my per diem arrangement.

Senator MUNDT. I was only curious as to the relationship of that to your other employment.

Mr. COYLE. There were fourteen hours that I worked in February, and I am embarrassed to find that they mistook the record, and are going to pay me for sixteen hours, and I was going to take that off the next one, but I am going to have to send them a record. But I don't want anybody to say I am lying when they are paying me for sixteen hours when I only worked fourteen.

Senator MUNDT. When was the last job before that one? There were fourteen hours in February.

Mr. COYLE. Well, in January, I ran out of my annual leave, on the 22nd of January. And, well, there was fourteen hours for the State Department on one day, there, and four hours on a previous day, and January 5, 6, and 7th, I was working for the state Department right along. But then, of course, I stayed on the payroll until my annual leave ran out, though I wasn't working for the State Department during all of that time, but for myself.

Mr. COHN. Mr. Coyle, you say what your job was in the State Department gets down to a matter of interpretation. Now, can you see a good deal of substance to the interpretation I place on it?

Mr. COYLE. No, I don't.

Mr. COHN. You don't. Now, let's see. Were you completely honest with the committee in your testimony this morning when you recited the names of newspaper men to whom you have been feeding information?

Mr. COYLE. To the best of my knowledge, yes.

Mr. COHN. Do you know a man by the name of Mark Childs?²³

Mr. COYLE. I know him, but I haven't had any noticeable amount of conversation with him for a year or two, a couple of years.

Mr. COHN. Would you say the entries in your notebook are inaccurate? I find repeated references to meetings with him.

Mr. COYLE. That means I met him at the club.

Mr. COHN. I see. Were you in the habit of noting the name down of everyone you met in the club?

Mr. COYLE. I have been in the habit of putting down quite often the names of people whom I saw there, whom I don't otherwise see, yes.

Senator MUNDT. What do you mean, Mr. Counsel, by "the club"?

Mr. COHN. You mean the Cosmos Club, I suppose?

Mr. COYLE. Yes.

Mr. COHN. Your testimony under oath, then, is that these entries in here, marked "Mark Childs," and a certain date and a certain hour, merely indicate a chance meeting, when you just happened to run into him at the club?

²³ Marquis Childs, Washington correspondent for the *St. Louis Post-Dispatch* and syndicated columnist.

Mr. COYLE. May I look at that?

Mr. COHN. Surely. Do you know a man by the name of Cabell Phillips?²⁴

Mr. COYLE. Yes

Mr. COHN. You didn't tell us about him this morning.

Mr. COYLE. I haven't been feeding Cabell Phillips anything. I have been trying to get Cabell Phillips to take an article from me which I wanted to write.

Mr. COHN. On what?

Mr. COYLE. The article that I wanted to write, and which, thinking I was going to be on the State Department roll, I had put in for approval, was one to the effect that we had better have some plans about American policy in case the trouble in Russia should collapse the Soviet Union and make the free world suddenly think it was not in any danger.

Mr. COHN. Did you discuss an article he wrote for the New York Times review section on the work of this committee?

Mr. COYLE. No.

Mr. COHN. Have you discussed the work of this committee with Mr. Phillips at anytime at all?

Mr. COYLE. Oh, I don't think I have ever mentioned it to Phillips. Phillips is an editor, and I tried to sell him articles from time to time.

Mr. COHN. I see. That has been the only purpose of your contacts with him?

Mr. COYLE. Yes, it is.

Mr. COHN. Here is one entry on Childs I just happened to run across. There are more.

Mr. COYLE. I don't think I have had lunch with Mark Childs at all.

Mr. COHN. I don't care whether you have had lunch with him at all. I just want to know whether you have discussed the work of the committee, whether you have given him any information, whether you suggested, as you did in the case of Mellett, that he attack the committee, and whether the State Department was paying you for that.

Mr. COYLE. No. Now, December 1st, was Monday. Oh, that means 8:15 on Monday is the time when they have lectures at the club, and Mark Childs was lecturing that evening, on December the first. And I put it down, thinking I was going to go. I don't think I went.

Mr. COHN. How many times has he lectured?

Mr. COYLE. I don't think Mark Childs has lectured for years before, or will again for years.

Mr. COHN. So if there were any other instances of his name being recorded, they wouldn't refer to lectures, would they?

Mr. COYLE. No.

Mr. COHN. Do you know Leon Keyserling?²⁵

Mr. COYLE. Yes.

Mr. COHN. When did you see him last?

Mr. COYLE. I saw him at a cocktail party about Christmas or so.

²⁴ A *New York Times* Washington correspondent.

²⁵ Chairman of the President's Council of Economic Advisors during the Truman administration.

Mr. COHN. Have you ever discussed your work at the State Department with him?

Mr. COYLE. No, not at all.

Mr. COHN. Did he know you were employed at the State Department?

Mr. COYLE. I don't know whether he does or not.

Mr. COHN. By the way, have you recalled the names of any other Lowell Mellett columns you have inspired? You saw Mr. Mellett just about three or four times a week, didn't you?

Mr. COYLE. Yes, we used to have lunch together when we didn't have any other dates.

Mr. COHN. Just about any other day, when you didn't have another date?

Mr. COYLE. Well, as a rule, about once or twice a week. I try to lunch with different people, because I have to keep my mind full or I can't write.

Mr. COHN. Write what?

Mr. COYLE. Can't write stuff for the State Department.

Mr. COHN. Well, did you find that these conversations with Mr. Mellett, and all that, would inspire your pamphlets on East Germany and things along those lines?

Mr. COYLE. Yes. The thing is that I have to write so people can read, and you don't get that by studying out of books. You do it by talking to people. I am an expert on that. I know.

Mr. COHN. Do you know Herbert Fierst up at the State Department?

Mr. COYLE. Yes.

Mr. COHN. How well do you know him?

Mr. COYLE. Fierst? Let's see. He is in the UN part of the State Department. I wrote a pamphlet on the United Nations.

Mr. COHN. I meant to ask you about that.

Mr. COYLE. He was the fellow that I had to take it to.

Mr. COHN. With respect to what?

Mr. COYLE. Fierst was the fellow that had to clear my pamphlet.

Mr. COHN. What phase of the United Nations work did that concern?

Mr. COYLE. Well, there were two things. I recollected at lunch about one of these things that I hadn't thought of before. This pamphlet which I wrote is a pamphlet like this, or like one of those, and it tells all about how the United Nations is set up and in what way it operates, and the purpose of it is to clear the minds of people that think the United Nations is a super-government, and things of that sort. And that I did, under the direction of Mr. Fierst. Now, the other thing I made but didn't write about the United Nations was about this matter of the subversives in the United Nations. I went to a meeting over in Fierst's office, and I think it was a couple of months ago, and it was right after the excitement had gotten very high.

Mr. COHN. Are you talking about the investigation in New York?

Mr. COYLE. Yes.

Mr. COHN. Of Communists in the United Nations?

Mr. COYLE. Yes.

Mr. COHN. I happened to conduct that investigation, and I know something about it. When was this, exactly?

Mr. COYLE. The State Department has issued a series of releases on that after each day, you see, after whatever it was that happened up there. They would issue a release telling their side of the story. And I went to a meeting at Fierst's office, and I found that the other people at the meeting came from what is called PL, which is the outfit that takes care of inquiries from people all over the country who want to know about things. And these people weren't getting a connected account of what had happened on this United Nations business, and they talked it over there, what kinds of things people wanted to know, and what was handed to me was a batch of releases, mimeographed, and I was told to make something that the people could read, so that it could be printed and sent to women's clubs and people that inquired.

I took it back and did a shears and paste job on it. They told me not to change the language, because they had had a lot of arguments and had agreed on the wording. So I made a connected account of it and then turned it over to somebody else that did the mechanical part.

Senator POTTER. Do you have that pamphlet here?

Mr. COYLE. I haven't seen it printed, and I don't know whether it ever was printed or not.

Senator MUNDT. Do you remember what it was called?

Mr. COYLE. It wasn't called anything when it got out of my hands. I did the shears and paste job on it. It took about a day.

Senator MUNDT. That was done under the direction of Fierst?

Mr. COYLE. At Fierst's request.

Mr. COHN. I don't quite understand. You say, "tell the State Department side of it."

Mr. COYLE. The State Department release.

Mr. COHN. What was the other side?

I didn't know there were two sides to the thing. The fact is that some thirty-nine United States officials employed at the United Nations claimed a privilege as to whether or not they were Communist party members, on the ground that if they answered the questions the answers would tend to incriminate them. Did the State Department have a policy that they were opposed to the investigation?

Mr. COYLE. The State Department was being accused in the papers, as I recollect it, of having cleared people who turned out to be Communists. And this was a statement of the State Department as to what they considered that they had done.

Senator MUNDT. Who prepared the original releases?

Mr. COYLE. Presumably, the people over in the United Nations.

Senator MUNDT. You did not prepare the original releases?

Mr. COYLE. No. They were made up by the people who actually were carrying on that phase of the State Department activities. And then they made releases out of it. But the stuff didn't make a continuous story, because it came out day by day. A lot of it was repetitious, and it needed to be boiled down to present a continuous account.

The CHAIRMAN. Would you give me a quick resume of what the witness has testified to?

Mr. COHN. Since you left, Mr. Chairman?

The CHAIRMAN. Yes.

[Discussion off the record.]

The CHAIRMAN. You have given Senator Mundt a rundown of what the testimony has been this morning?

Mr. COHN. We gave Senator Mundt and Senator McClellan a run down of that.

The CHAIRMAN. What is the State Department's side, Mr. Coyle? Let me ask you this; Did the State Department object to the investigation of Communists in the UN?

Mr. COYLE. No.

The CHAIRMAN. Are you sure of that?

Mr. COYLE. Well, in the stuff I saw they were not objecting to it.

The CHAIRMAN. Do you know whether they objected or not?

Mr. COYLE. Well, I don't suppose they liked being attacked.

The CHAIRMAN. Well, "being attacked"? But do you know whether they objected to the exposure of Communists in the UN?

Mr. COYLE. Nobody told me they did, no. Let me explain what I did about this.

The CHAIRMAN. First answer my question, and then you can explain what you did. Do you know that the House Appropriations Committee asked for permission from Mr. Humelsine to get certain information on these State Department employees who were later exposed by the McCarran committee as Communist and that Humelsine said the State Department took full responsibility for the fact that only good Americans were employed by the UN, those who were American citizens. Are you aware of that?

Mr. COYLE. No.

The CHAIRMAN. Is it your position that the State Department objected to the exposure of Communists in the UN, or not?

Mr. COYLE. I don't have a position on that.

The CHAIRMAN. You were writing their position, you say.

Mr. COYLE. No. You haven't gotten just what the thing was about that I was talking about when you came in. If you will let me explain what it was that I did—

The CHAIRMAN. All right.

Mr. COYLE. What happened was that the department or section of the State Department under Mr. Fierst—that is how this came up—

The CHAIRMAN. Will you try and speak a little louder, sir?

Mr. COYLE. The section of the State Department under Mr. Fierst, which I had done some work with before on a pamphlet, called me in and asked me if I would make a continuous account of the material that they had put in releases about this business.

The CHAIRMAN. Who called you in to do that?

Mr. COYLE. Mr. Fierst.

The CHAIRMAN. Mr. Herbert Fierst?

Mr. COYLE. Yes. Now, they had been putting out releases about every day during the time it was real hot up there and different people were testifying. They put out a release saying what the men had testified and what they considered the meaning of this to be. And the releases had gotten quite repetitious and were not very readable, and they asked me if I would take them and make them into something that could be printed and sent out to people who wrote in inquiring.

The CHAIRMAN. As a defense of the State Department?

Mr. COYLE. Well, they wanted me to get this out so that they could inform the people who inquired as to what was going on. Now, presumably, the State Department would like to have, if there are any sides, their side told; but my job was to take this and make it into something that could be sent out.

The CHAIRMAN. Did you send copies of this out to women's clubs?

Mr. COYLE. I didn't send them to anybody.

The CHAIRMAN. Were they sent out to women's clubs?

Mr. COYLE. I don't know what happened afterwards. I did a shears and paste job on it, that took me about half a day, and then I turned it over to somebody else. If it was printed, I haven't seen it.

Mr. COHN. Didn't you just say they were intended for distribution to women's clubs and so on?

Mr. COYLE. I think that was what they were intended for, yes.

Senator MUNDT. Did you turn them back to Mr. Fierst, or someone else?

Mr. COYLE. I gave them to someone over in my outfit there to finish up.

Senator MUNDT. Do you remember who that was?

Mr. COYLE. I don't remember who did it. I turned the thing in half done, because I had some other work I wanted to do. I had made the shears and past arrangement of it, and there wasn't anything to be written anyway. It wasn't my line of work.

Mr. COHN. Did you ever perform any kind of a similar function with relation to Senator McCarthy, or this committee?

Mr. COYLE. No. This is the only time that I have had to make up a thing of this kind.

Mr. COHN. Well, did you perform anything anywhere like that covering the same idea, a defense of the State Department, in connection with Senator McCarthy or his committee?

Do you have difficulty in answering that question?

Mr. COYLE. Yes, I was trying to think. I am not clear as to whether I ever made any suggestions that would be regarded as official to anybody as to how to answer any complaints made by Senator McCarthy.

Mr. COHN. Well, to whom did you make the suggestions?

Mr. COYLE. Well, I have conversed around with the other people in the department, and naturally we have talked about the McCarthy investigations.

Mr. COHN. You say you have doubts as to whether they would be official or not. Tell us to whom you made these suggestions, and maybe we can ascertain whether they were official or not.

Mr. COYLE. Well, the people that I worked with in the department are the people, mostly the people, who—

Mr. COHN. Could you name them, please, people to whom you made suggestions concerning these methods?

Mr. COYLE. I wouldn't name anybody I made suggestions to about McCarthy. I can tell you the people whom I know personally, and naturally when things get exciting and there is something in the papers, there is conversation about it.

Mr. COHN. Mr. Coyle, let's see if we can talk about the same thing here. You said you had doubts in your mind. You didn't know

whether certain suggestions you had made as to defending the State Department against attacks by Senator McCarthy or various of its personnel were official or not official. That is quite important for us to know. We would like to know exactly to whom these suggestions were made, suggestions which you think might have been classified as official.

Mr. COYLE. Well, now——

Mr. COHN. Would you give us the names, please?

Mr. COYLE. If I had any suggestions that I ever wrote down on a piece of paper, I would have handed them to Mr. Russell, who was my immediate superior.

The CHAIRMAN. Would you read the question to the witness?
[Question read by reporter.]

Mr. COHN. Would you tell us?

Mr. COYLE. I think this is what might have happened. I don't have any memory about it. I am trying to guess.

Mr. COHN. You had a memory a couple of minutes ago. You said suggestions were made. You were not sure whether they were official or unofficial.

Mr. COYLE. I don't have any memory of writing down a memo suggesting that certain things be done.

Mr. COHN. Mr. Coyle, would you please name for us the persons to whom you made suggestions, whether they were written or oral, as to methods by which the State Department could defend itself against charges by Senator McCarthy about various of its personnel who were alleged to be Communists?

Mr. COYLE. I have no recollection of making any suggestions on how the State Department could defend itself or defend its personnel against charges of any kind.

Mr. COHN. What were you talking about a few minutes ago when you said you had made suggestions and you didn't know whether they could be called official or unofficial?

Mr. COYLE. I don't recollect making suggestions, but I have put in memos on things that occurred to me about the position of the State Department, to my superior, on various occasions, and I don't remember whether any of them had to do with this or not.

Mr. COHN. Do you keep a file of those memos?

Mr. COYLE. No.

Mr. COHN. What do you do? Just type one copy out?

Mr. COYLE. I don't type them. I put them in handwriting, and the girl types them and puts them in their file, presumably.

Mr. COHN. What do you mean by "their files"? To whom do these memos go?

Mr. COYLE. If there were any such memos.

Mr. COHN. Please! Not "if there were." You have told us flatly that you wrote memos and submitted them. Now, to whom did those go?

Mr. COYLE. I write memos on various things.

Mr. COHN. To whom do they go? Please, Mr. Coyle.

Mr. COYLE. No, wait a minute. I am telling you, if you just don't shout at me.

Mr. COHN. I am sorry if I have shouted at you, sir. We waste hours, here. I would like a direct answer to my question.

To whom were these memos submitted?

Mr. COYLE. They were submitted to Mr. Francis Russell, my superior.

Mr. COHN. All right. Was there anybody else in the State Department to whom you at any time submitted these memos containing your suggestions as to what position the State Department should take on various issues of public criticism against it?

Mr. COYLE. To the best of my knowledge, no.

Mr. COHN. All right. What was Mr. Russell's position?

Mr. COYLE. Mr. Russell was the head of the Public Affairs Division.

Mr. COHN. He is not with the department now, is that right?

Mr. COYLE. He is not there anymore.

Mr. COHN. What was the name of the secretary who typed up these memos?

Mr. COYLE. I think it would be the one—the one who would be responsible for it is Miss Criss. And there is a file about me in Miss Criss's file if you want it.

Mr. COHN. Miss Criss. Whose office is Miss Criss in now?

Mr. COYLE. She is there in that same office.

Mr. COHN. And who is her boss now?

Mr. COYLE. I am sorry. I can't tell you just who that is.

Mr. COHN. What office? Can you give us the number of the floor?

Mr. COYLE. Well, it is in building number three, on the first floor, and in the southwest corner.

The CHAIRMAN. You say Miss Criss typed up these memorandums?

Mr. COYLE. As a rule I think that is what she did. And they are probably filed away.

The CHAIRMAN. Would you say that any other secretary over there would have typed up some of your memoranda?

Mr. COYLE. Only in that office.

The CHAIRMAN. You said only what?

Mr. COYLE. In the same office. There are three girls in there.

The CHAIRMAN. You say Herbert Fierst was the man who worked with you on the United Nations project; is that correct?

Mr. COYLE. Yes.

The CHAIRMAN. The answer is "yes"?

Mr. COYLE. Yes. I think, as I understand you, Herbert Fierst was the man who asked me to put together their releases on this and do a continuous story.

The CHAIRMAN. And are those releases available now?

Mr. COYLE. I couldn't say. I haven't seen them since I turned them over.

The CHAIRMAN. And do you know the general nature of those releases? What did you say in them? At that time the Communists were being exposed in the United Nations. Some were refusing to answer whether they were members of the Communist party. What did you present then as the State Department's side of that or excuse for that?

Mr. COYLE. Most of it that I remember was a statement of Mr. What's-his-name's testimony.

Mr. COHN. Mr. Fisher?

Mr. COYLE. Yes.

Mr. COHN. Mr. Adrian Fisher's testimony?

Mr. COYLE. Yes. They took Mr. Fisher's testimony and mimeographed it and made a release of it.

Mr. COHN. Excuse me. Was this his testimony before the McCarran committee?

Mr. COYLE. I can't remember.

Mr. COHN. It certainly wasn't his grand jury testimony, was it?

Mr. COYLE. I couldn't say, but it was Mr. Fisher's account of what went on.

The CHAIRMAN. You said you worked on this. Was it your idea to defend the State Department by mimeographing Fisher's testimony?

Mr. COYLE. No. I was not asked my advice on how to do this. I was asked if I could put this together in form so that it could be sent out.

The CHAIRMAN. Put what in form?

Mr. COYLE. About six or eight releases, the kind of stuff that goes to the newspapers.

The CHAIRMAN. Let us start all over now. You said the defense of the State Department as prepared by you consisted of mimeographing Fisher's testimony; is that not correct?

Mr. COYLE. No. The State Department's releases defining its position consisted, as I remember, quite largely of Mr. Fisher's testimony. Those releases were handed to me. I did not prepare them. I don't know who did.

The CHAIRMAN. The releases were handed to you?

Mr. COYLE. Yes.

The CHAIRMAN. And then what did you do with the releases?

Mr. COYLE. I did shears and paste on them to get them into a continuous story, because they were day-by-day and they repeated too much.

The CHAIRMAN. In other words, you got a continuous story of the State Department's position, and you knew that was to be sent out throughout the country.

Mr. COYLE. I gathered so.

The CHAIRMAN. And how much contact have you had with Herbert Fierst?

Mr. COYLE. Oh, I have seen him half a dozen times.

The CHAIRMAN. Do you know whether he has ever refused to testify whether he was a member of the Communist party?

Mr. COYLE. I have no knowledge of his position.

The CHAIRMAN. Do you know whether he has ever been accused of being a Communist or having Communist leanings?

Mr. COYLE. I have no knowledge of that at all.

The CHAIRMAN. Did he ever tell you he was one of the cases that I gave to the Tydings committee?

Mr. COYLE. No.

The CHAIRMAN. He did not?

Mr. COYLE. No.

The CHAIRMAN. You did not know Herbert Fierst was one of those cases I gave to the Tydings committee?

Mr. COYLE. I didn't know him that well. I didn't have lunch with him. I didn't know him that well. I took this stuff over to him, and then I pestered him to see when he was going to read my stuff and send it back.

The CHAIRMAN. Did you know Mary Jane Keeney?

Mr. COYLE. What is that name?

The CHAIRMAN. Mary Jane Keeney.

Mr. COYLE. No, never heard of her.

The CHAIRMAN. Never knew her?

Mr. COYLE. No.

The CHAIRMAN. Formerly with the State Department; then of United Nations.

Mr. COYLE. No.

The CHAIRMAN. Did you know a Mr. Henry Collins?

Mr. COYLE. How do you spell that?

The CHAIRMAN. C-o-l-l-i-n-s.

Mr. COYLE. Oh, Collins. No.

The CHAIRMAN. Either Henry Cullen or Collins.

Mr. COYLE. Don't know either of them.

The CHAIRMAN. Do you know Gordon Griffith?

Mr. COYLE. No.

The CHAIRMAN. This forenoon we asked you to tell us what your duties were, and you related that your duties were to write the type of pamphlets you have been writing here, and counsel asked you at that time if you had been perfectly frank, if you had related all of your duties. Now it develops that you had the additional duty of defending the State Department against Communists who were exposed in the UN, that you also had the tasks, either official or unofficial, of contacting newsmen and commentators and trying to sell them on the idea of writing articles condemning this committee, or condemning the chairman. Now, we are going to stay here a long time, until we got all the facts from you. It will be much easier on everyone concerned, including the committee, if you will tell us frankly and the truth, now, just what your job was. I do not feel we have the story from you yet in the slightest detail. It is coming so slowly and with so much difficulty.

Mr. COYLE. The reason for that is that there isn't anything there. Your interpretation of the things that I have told you is one that I don't agree with. It was not my job to defend the State Department against the accusations of putting Communists into the UN.

The CHAIRMAN. Well, the purpose of this task of yours was to put the State Department in a better light, was it not? You were not trying to condemn the State Department when you prepared this stuff the State Department was sending out.

Mr. COYLE. The purpose of the State Department in sending out information is to get to the American people the thing it wants the American people to read and know. It was my job to write that stuff. It isn't my job to defend the State Department. It is my job to write what they ask me to write.

The CHAIRMAN. Now tell us again: How often have you had such a task to do?

Mr. COYLE. Had what?

The CHAIRMAN. How often have you performed such a task?

Mr. COYLE. Well, I wish you would let me look over my own list of the jobs I have done. This job may not have gone down there, because it only took me half a day. But the kind of stuff that I was getting out—it seems that there is some sort of an idea that my job was to write releases. To the best of my knowledge, it wasn't

to write releases. Some of the stuff I wrote may have been quoted in releases or something.

The CHAIRMAN. Now, I find in this diary of yours a very sizable number of news men and commentators, men that you had contacted. Is it your position that you were just doing this socially, that you did not have the task of trying to sell them the job of defending the State Department?

Mr. COYLE. Yes. That is my position.

The CHAIRMAN. And that you never did?

Mr. COYLE. No. I personally, because I know Lowell Mellett very well, when I got an idea I thought ought to go into the column, would tell him about it. That was not my official job. I do not have any recollection of having coached Mark Childs on anything.

The CHAIRMAN. Now, Mr. Coyle, from your diary, you were apparently in constant contact with newsmen.

Mr. COYLE. How many newsmen?

The CHAIRMAN. I would just like to know if the only time you tried to persuade any of them to try to write columns, or articles, favorable to the State Department, was in the case of Lowell Mellett. Keep in mind that you are under oath and we intend to run this down.

Mr. COYLE. To the best of my recollection, I was not talking with any of those newsmen about persuading them to write articles favorable to the State Department, or persuading them to write articles on any subject at all.

The CHAIRMAN. Well, were you meeting them to give them the State Department's side of any controversy?

Mr. COYLE. No, I was meeting them to pick their brains.

The CHAIRMAN. Pick their brains for what?

Mr. COYLE. On anything that throws light on the things I am interested in, mostly the foreign affairs of the United States.

The CHAIRMAN. Were their expenses ever paid by the State Department?

Mr. COYLE. Not to the best of my knowledge. I never heard tell of anything like that.

The CHAIRMAN. Well, when you took them out to lunch?

Mr. COYLE. As a matter of fact, these particular people belong to the club. We all paid for our own.

The CHAIRMAN. Did you know Theodore Geiger?

Mr. COYLE. Who?

The CHAIRMAN. Theodore Geiger.

Mr. COYLE. Theodore Geiger?

The CHAIRMAN. Yes, Ted Geiger.

Mr. COYLE. Have I got "Ted Geiger" written down there?

The CHAIRMAN. Do you know Ted Geiger?

Mr. COYLE. I can't remember the name.

The CHAIRMAN. You do not recall ever having met him?

Mr. COYLE. No.

The CHAIRMAN. Do you know he was named as a member of the Communist party?

Mr. COYLE. I never heard of him.

The CHAIRMAN. You never heard of him?

Mr. COYLE. No. If I met him, I would put his name down. There are some names I put down, because I met them, and otherwise I would forget their names.

The CHAIRMAN. How about Marshall Dimock?

Mr. COYLE. I know Marshall Dimock.

The CHAIRMAN. I find the name "Ted Geiger" in your book.

See if that refreshes your recollection.

Mr. COYLE. I can't remember what it was about. Some of these date back a long ways. "Geiger, Ted, NPA." Let me see now. Oh, yes. Now I remember. I wrote him down because I was afraid I was going to forget his name. I went into the National Planning Association, and I met this chap, and I wrote his name down so I wouldn't forget it. So now I don't forget it. I met him only once. I don't know anything about whether he is a Communist or not.

Now, Mr. Marshall Dimock—I used to know him some years ago, and I have never had any reason to suppose he was a Communist, until I was looking in this account of the peace movement, and I found his name down as having attended peace conferences.

Mr. COHN. When did you see him last?

Mr. COYLE. Oh, I don't know. Years ago.

The CHAIRMAN. We are going to have you step down for the time being. We have another witness here.

But before you leave, see if I have this straight. You personally went to Barrett. Barrett personally hired you to be an adviser on propaganda. Is that right?

Mr. COYLE. I take back the word "propaganda." To be an adviser on his policies of what to publish here. And, of course, it is education if it is on our side, and propaganda if it is on the other side. That is true.

The CHAIRMAN. And you say that after you were hired, you were put over in a different building and you never did do the job for which you were hired.

Mr. COYLE. I never was an adviser to Barrett in any form after that.

The CHAIRMAN. And after you got this new office in this other and wrong building, did you find anyone around there and say, "I have a job as adviser to Barrett. What do I do?" Or did you go in and say, "I have an office here. What do I do?"

Mr. COYLE. Directly under Mr. Barrett was Mr. Russell, and I was assigned to Mr. Russell.

Senator POTTER. What was Mr. Russell's official capacity?

Mr. COYLE. He was the head of Public Affairs under Barrett. You see, under Barrett, as I understood it, at the time, on one hand was the Voice of America, and on the other hand was Public Affairs, which addresses the people of the United States, and they have no official contact, practically except under the assistant secretary of state. So we never had any contact with the Voice of America, except one time—no, it wasn't the Voice of America. It was somebody else in New York I had to write to for information.

Senator POTTER. Were there any others that were lost in that building with you, that were hired in one department and got lost in the wrong building?

Mr. COYLE. No. I have given you the wrong impression when I said "lost." It was simply that I thought I was being hired to be

an adviser. I thought I was being hired to be an adviser, and it turned out I was hired to be a writer. Mr. Russell put me on writing immediately.

Senator POTTER. What were your instructions when Barrett hired you? What did he tell you, that you were to do? Did he tell you that you were to be a liaison with the various columnists, and so forth?

Mr. COYLE. No, he did not.

Senator POTTER. Did Mr. Russell give you those instructions when you got over in his department?

Mr. COYLE. Mr. Russell didn't give me those instructions. Nobody gave me any such instructions at any time.

Senator POTTER. Then was your contact with all these columnists, giving them information, a State Department policy?

Mr. COYLE. No. And it wasn't with all these columnists. I am a personal friend of Lowell Mellett's, and I tell him things when I think they would do him some good. That is entirely a personal matter.

Senator POTTER. You were not instructed to do that?

Mr. COYLE. I was not instructed to do anything of the kind. Mark Childs I don't know very well, and I don't tell him things to go into his column.

Senator POTTER. When articles such as "The Right to Confront Accuser" came out, did any of your superiors contact you to see whether you were the one that was giving that information?

Mr. COYLE. No. They didn't know I was the one.

It is easy enough for a detective to find out who I am by the description of where I live and the fact I am a friend of Lowell Mellett's, but the State Department doesn't use any detective for that purpose.

Senator POTTER. How long have you been giving the pass-on information to the columnists?

Mr. COYLE. For years and years. You keep me talking long enough and I will remember this and that. I wrote to Melvina Lindsay and told her she ought to do something about efficiency.

Senator POTTER. About what?

Mr. COYLE. About efficiency in the government, and that she ought to study the efficiency engineering and write about it.

Senator POTTER. Did that come out in print, too, this letter you wrote?

Mr. COYLE. No. I told her she ought to tell her readers about how you go at getting efficiency. It bothers me a good deal, naturally, in the government, being an engineer, that it is very hard to run a bureaucratic organization and make it efficient. You need good engineering advice.

Senator POTTER. I will agree with you there.

Mr. COYLE. And I have been promoting that all around the place. In fact, I put a memorandum in not long ago in the State Department saying that there ought to be some way of getting a person, an engineer, detached from what the department is doing, to try to look over the system with regard to its efficiency.

Senator POTTER. Now, the thing that disturbs me: If somebody was working in the department for me and was passing out infor-

mation to columnists, and if it was not the policy of the department, I would be most unhappy with that individual.

Mr. COYLE. I wasn't passing out information to columnists. Now, of course, when I told the columnist that I called up the Washington police and got such and such information from the Washington police, that is no business of the State Department.

Mr. COHN. But is it the business of the State Department when you tell the columnist to attack a congressional committee?

Mr. COYLE. It may be. They have the right to fire me. They have done so.

Mr. COHN. And did you tell any of your superiors in the department that you were doing that?

Mr. COYLE. No.

Mr. COHN. Don't you think you should have?

Mr. COYLE. No, I don't think so.

When it comes to writing articles myself, I have written one magazine article, as I told you, while I was with the State Department, and got it approved by the proper committee and I wanted to write another article that I was conferring with Cabell Phillips about, and I put in a request for approval, which, of course, I don't care about now. And that was when I had an idea about writing something which might interest the people that I can write for but which is no business of the State Department's, and I would put in a copy of the manuscript so that they could say, "Well, this is no business of ours."

Mr. COHN. You were pretty bitter about Mr. Matson answering a subpoena to appear and testify before the committee, but it was all right, you think, for you to call a columnist and suggest to him what was wrong and what was right?

Mr. COYLE. Yes.

Mr. COHN. We have two of Mr. Coyle's superiors outside, and I wonder if we could interrupt his testimony for a while and have them in here?

Senator POTTER [presiding]. All right, Mr. Coyle. And will you remain in readiness?

Mr. COYLE. Do you want me in, or want me out?

Mr. COHN. I think we want you out.

Senator POTTER. Is this Mr. McJennett?

Mr. MCJENNETT. That is right.

Senator POTTER. Will you stand and be sworn, please?

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MCJENNETT. I so swear.

Mr. COHN. Would you give us your full name, please?

TESTIMONY OF JOHN FRANCIS McJENNETT, JR., ASSISTANT CHIEF, WRITERS AND SPECIAL PROJECTS BRANCH, PUBLICATIONS DIVISION, DEPARTMENT OF STATE

Mr. MCJENNETT. John Francis McJennett, Jr.

Mr. COHN. What is your occupation, Mr. McJennett?

Mr. MCJENNETT. I am a writer in the Department of State.

Mr. COHN. I see. Is that your full title?

Mr. MCJENNETT. No. My full title is assistant chief of the writers and special projects branch, of the publications division.

Mr. COHN. Who is chief of that branch?

Mr. MCJENNETT. Dmitri DeJanikus.

Mr. COHN. Now, Mr. McJennett, when did you first come across Mr. David Cushman Coyle?

Mr. MCJENNETT. Oh, I believe last September.

Mr. COHN. Last September. Under what circumstances, sir?

Mr. MCJENNETT. He was in the branch there as a per diem writer.

Mr. COHN. I see. Did you know when he came over to the branch?

Mr. MCJENNETT. No, I didn't.

Mr. COHN. How did you first hear about him being there?

Mr. MCJENNETT. Well, he was working in the branch.

Mr. COHN. What was he doing?

Mr. MCJENNETT. He was writing.

Mr. COHN. Writing what?

Mr. MCJENNETT. I think that he first brought up—and this is my best recollection—a longish pamphlet on the United Nations in the seven years of action there.

Mr. COHN. What were his general duties?

Mr. MCJENNETT. As a writer on assignment.

Mr. COHN. What assignments did he have?

Mr. MCJENNETT. Well, that major pamphlet, and another major job on Soviet propaganda.

Mr. COHN. Has that been issued?

Mr. MCJENNETT. No, that is in clearance.

Mr. COHN. How long has that been in clearance?

Mr. MCJENNETT. About three weeks.

Mr. COHN. Well, now, is there anything else besides those two things?

Mr. MCJENNETT. Yes. He did a quickie job trying to round up the public information, get it in one package, having to do with the negotiations between the Department of State and the United Nations with regard to the security and loyalty of the American employees on the secretariat.

Mr. COHN. I see. For what purpose?

Mr. MCJENNETT. It was initially thought that it would be worthwhile to put that out as a package, and subsequently it was decided merely to hectograph it, or get a couple of hundred copies in case specific inquiries came in.

Mr. COHN. Would you supply the committee with a copy of that?

Mr. MCJENNETT. There is one coming up.

Mr. COHN. Thank you, sir. Now, is there anything else you can tell us about it?

Mr. MCJENNETT. About who?

Mr. COHN. About any other thing that Mr. Coyle had to do besides these?

Mr. MCJENNETT. That is all that comes to mind at this moment.

Might I explain this: I see thousands of words of copy a week, and I naturally have the assist of a production schedule and the list of what each man has done. It might not come immediately to mind under those circumstances. But those are three jobs that I do remember in the last four months.

Mr. COHN. Well, that is not too much between September and February, but I want to ask you about this. What has he been doing during the last two months?

Mr. MCJENNETT. Well, he has, I believe, had several projects of his own, and he has more or less been on a standby status with us, when the specialists get through with this copy.

Mr. COHN. Now, do you regard it as a proper thing to have a man who was on a per diem basis, when the only thing in the world he has to do with the State Department is that he is waiting for a memorandum he has submitted to come back with corrections? Do you think it is a proper thing for him to come in and use the State Department office and facilities and library and anything else to write a book for which he is being paid by an outside concern?

Mr. MCJENNETT. Well, I wouldn't think it was proper if he was using the space that was otherwise in use. The office he was using was vacant. That is, the man who was regularly assigned there had gone on detail over to the international information program.

Mr. COHN. What was his name?

Mr. MCJENNETT. Kent Baker.

Mr. COHN. So you think in those circumstances it was all right?

Mr. MCJENNETT. Well, there was no loss to the government, no expense to the government, and it was a convenience to have him nearby, because we were very anxious to get this out.

Mr. COHN. But he never heard a word about it?

Mr. MCJENNETT. Well, I am still pressing them on it. That is a very involved subject. We don't want to make any mistakes.

Mr. COHN. Is there anything else you can think of that Mr. Coyle was doing that you knew about besides writing these pamphlets and waiting for a copy of this memorandum to come back?

Mr. MCJENNETT. Well, he mentioned a contract that he was dickering with. I think it was a job of writing for the National Planning Association. I might add also that there were negotiations going on for a private publication, provided it could be arranged within the legal requirements on the UN.

Mr. COHN. Was that State Department business?

Mr. MCJENNETT. In effect, yes. May I explain that a bit?

Mr. COHN. Let me ask you this first. Do you want to tell us whether or not you know anything about Mr. Coyle's contacts with various newspaper columnists?

Mr. MCJENNETT. Well, I believe he is a friend of Lowell Mellett's. I lunched with Mr. Coyle on several occasions at the Cosmos Club, and Mr. Mellett joined us.

Mr. COHN. Do you know that Mr. Coyle has been consistently feeding Mr. Mellett with information concerning what has been characterized as the State Department's position concerning investigations conducted by this committee, and that he has suggested to Mr. Mellett on various occasions that Mr. Mellett publish attacks against this committee?

Mr. MCJENNETT. Not of my own knowledge, no.

Mr. COHN. You say not of your own knowledge. Have you heard that any place? I wish you would be completely frank with the committee.

Mr. MCJENNETT. I am trying to be.

I have no recollection of that, no. When I said, "Not of my own knowledge"—it is not at all unusual, in a relationship of that sort, if Mellett would ask a question, that Coyle would do everything he could to tell him what he knew or perhaps what he thought.

Mr. COHN. Mr. McJennett, we have information and testimony from a highly responsible authority in government to the effect that Mr. Coyle's principal duty with the Department of State has been the feeding of columnists and various newspaper contacts of his with information to be used as a basis for attacks on this committee and its chairman and other similar committees. Do you know anything about that?

Mr. MCJENNETT. According to my own knowledge, that would not be a justified comment.

Mr. COHN. Have you heard anything like that from anybody else?

Mr. MCJENNETT. No, I have not.

Mr. COHN. This is the first you hear about that?

Mr. MCJENNETT. Put in those terms.

Mr. COHN. Well, did you hear it put in any similar term?

Mr. MCJENNETT. No. No, as I say, I knew that he was a good friend of Lowell Mellett's, and I presume, on the basis of my own experience, and as a writer—

Senator POTTER. Was that the State Department's policy, to have some feeders, some people who feed to columnists, to attack, say, Senator McCarthy or whoever it might be?

Mr. MCJENNETT. No.

Senator POTTER. That was not the policy of the State Department?

Mr. MCJENNETT. Not so far as I know.

Senator POTTER. Well, you were this man's superior. Is that not true?

Mr. MCJENNETT. That is correct.

Senator POTTER. Now, you stated that he might have been doing this. From your testimony, there seemed to be a doubt in your mind or a doubt as to whether you should tell the committee whether this has been going on with your knowledge.

Now was it with your knowledge?

Mr. MCJENNETT. I may be miscalling my testimony, but it certainly was not going on with my knowledge.

Senator POTTER. It was not going on with your knowledge.

Mr. MCJENNETT. No.

Senator POTTER. If it had been to your knowledge, would you have ordered him to desist?

Mr. MCJENNETT. Well, that would depend. If it concerned matters of policy on which there was too little information, it might be—

Senator POTTER. It would have been within the policy of the State Department to attack this committee and its chairman? Then if that had been going on, would you have ordered him to desist?

Mr. MCJENNETT. I would probably have told him that I thought it was very unwise. The relationship there was not one where he was specifically taking orders.

Senator POTTER. How many other people did you have that were feeders to newspaper columnists in your department?

Mr. MCJENNETT. To my knowledge, there were no feeders, or such, or no persons who could be described as such.

Senator POTTER. You stated that you met Mr. Coyle in September.

Mr. MCJENNETT. That is my recollection.

Senator POTTER. And he was a per diem worker at that time.

Mr. MCJENNETT. That is right.

Senator POTTER. His testimony was that he was a salaried employee of the Department of State until November. He then was still working finishing out his terminal leave, working on a per diem basis. And you were his superior. Do you wish to reflect as to whether he was a salaried employee at that time, or whether he was a per diem employee?

Mr. MCJENNETT. You mean between September and November? [Discussion off the record.]

Mr. MCJENNETT. Administrative arrangements of that sort wouldn't necessarily come to my notice immediately.

The CHAIRMAN. I understand it was your opinion, Mr. McJennett, that when you first met him in September, you thought he was working on a per diem basis then?

Mr. MCJENNETT. Actually, Senator, the situation was this: That was my first encounter with him. I knew he was on the staff there. I assumed he was on a regular basis. The question came up subsequently—I can't accurately testify when—and I was simply told, "Well, Coyle is, because of his age, not eligible for Civil Service, and we are carrying him on a per diem."

The CHAIRMAN. I think from the other information I have, we would like to know Mr. McJennett's position on this: When you first knew he was working in the department, in September, you thought he was on a per diem basis. The reason for that was that he was not putting his full time in working for the State Department, so you assumed he was being paid per day. Is that correct?

Mr. MCJENNETT. Not entirely, Senator.

The CHAIRMAN. Well, can you tell me to what extent it is not correct?

Mr. MCJENNETT. May I say this, that in working with a writer, depending on the complexity of the subject, the amount of research, the difficulty in handling the number of people he has got to see in the technical fields, you try to make a judgment of how long a job will take. Now, it has been my experience that you can handle them two ways. You can "bird dog" them, check them up, and so on. Or you can assume that this job should take a man who is putting out five or six weeks. At the end of the five or six weeks, you say, "Where is the copy?" Under certain circumstances you may allow an extension, if something has come up where he has been unable to get information. Consequently, in terms of a man putting in a full day, I don't go around and open doors and see whether he is at his desk or not.

The CHAIRMAN. Pardon me, Charlie. Go ahead. You had other questions.

Senator POTTER. Mr. Coyle testified that he received his appointment from Mr. Barrett, as adviser, but that he was assigned apparently over to your division, in another building. And he more or less "got lost" in the shuffle, he says, and the job for which he was

hired he never performed. Are you familiar with that situation at all?

Mr. MCJENNETT. I am afraid not.

Senator POTTER. I have no further questions.

Mr. COHN. You say you had lunch with Mr. Mellett and Mr. Coyle. Was there any discussion about this committee or the chairman in the course of those luncheons?

Mr. MCJENNETT. Not that I recall.

The CHAIRMAN. May I make it very clear at this time, Mr. McJennett: You or Mr. Coyle or anyone else has a perfect right to discuss this committee or criticize this committee or any member of it or any member of Congress. We are not questioning that right. We are checking into whether a man on the State Department payroll was engaging in propaganda against the McCarran committee or this committee or any other committee while he was being paid. So do not misunderstand it is as any questioning of your right to criticize this committee. You have that perfect right.

Mr. MCJENNETT. Senator, I am testifying to my recollection, and to be quite frank with you people here, my memory of the luncheon, a luncheon conversation in the middle of last November, is not to be depended upon. It would be really unusual if I did recall.

There is one thing that stands out in my mind. We were talking of domestic matters, and there was an exchange of anecdotes between Mr. Coyle and Mr. Mellett about the way their sons got married and the relationship with the mother in law. The reason I remember that is that there happened to be a quite humorous story that Mr. Mellett told, which stuck in my mind.

The CHAIRMAN. Where is Mr. Fierst in your organization set-up?

Mr. MCJENNETT. He is the Public Affairs officer for the United Nations affairs section. Technically speaking, again, he is not in our set-up.

The CHAIRMAN. Is he on the State Department payroll?

Mr. MCJENNETT. I believe so, sir.

The CHAIRMAN. Do you consider Fierst a good, loyal American?

Mr. MCJENNETT. As far as I know, Senator.

The CHAIRMAN. How long have you known him?

Mr. MCJENNETT. Oh, about a year and a half. I would be more inclined to describe him as an acquaintance.

The CHAIRMAN. Mr. Coyle has described one of his duties as preparing material to be sent out to women's clubs, etcetera, to show the State Department's position on the exposure of Communists by the McCarran committee in the United Nations. This was at a time when you were his superior officer. Can you tell us about that?

Mr. MCJENNETT. Well, Senator, I wouldn't give Mr. Coyle any kudos on that description. The piece of work to which he refers was an effort to collect in one package the negotiations between Mr. Hickerson of the United Nations section and the Department of State and Mr. Lie in the UK, as to how the question of clearance and checking, and what have you, of the Americans on the UN secretariat could be handled, and still follow the regulations of the charter. That was a story that had come out piecemeal. There were several news stories which I think misstated the department's position. The UN affairs section was concerned about it, and, through

Mr. Fierst, from, I believe, Mr. Hickerson, they wanted to put a package together.

The CHAIRMAN. What were the statements that came out? Do you know?

Mr. MCJENNETT. Well, one in particular which came out from the UN said that the Department of State had assumed the responsibility for clearance on the American nationals on the secretariat.

Mr. COHN. Well, is it not a fact that the secretary general of the United Nations had submitted to the Department of State a list of names of American employees of the United Nations and that the Department of State had advised the secretary general through the United States mission that there was no derogatory information as to certain persons, and had it not been established that as to those very persons, when the Department of State gave a clearance, they had in their possession at the department FBI reports indicating Communist affiliation on the part of those persons?

Mr. MCJENNETT. That is kind of a long question to answer.

Mr. COHN. Well, I assumed you had a familiarity with it.

Mr. MCJENNETT. I have a familiarity as one would get in editing this copy. I hesitate to go into those particulars. I do know that it was the position of the department, and I believe that Mr. Hickerson so testified, that we did not take the responsibility for clearances, and there was an arrangement made as to key work with regard to individuals which would indicate that we weren't happy about this.

Mr. COHN. That is right.

Mr. MCJENNETT. And I believe there were a certain number of employees who were, well, put on the carpet because of the use of that device.

Mr. COHN. But the trouble was that you were happy about people it turned out you should not have been happy about?

Mr. MCJENNETT. As far as I know, they went by the files.

Mr. COHN. In all candor, here, didn't you regard Mr. Coyle's arrangement with the department as somewhat unusual?

Mr. MCJENNETT. Not considering his age.

Mr. COHN. Would you name one other person working for you who has a similar arrangement?

Mr. MCJENNETT. No.

Mr. COHN. Is there any such person?

Mr. MCJENNETT. No.

The CHAIRMAN. Do you understand it is the function of your department to put out a memorandum and explain the situation when you feel that the news stories have been unfair to the State Department?

Mr. MCJENNETT. I didn't got the question.

The CHAIRMAN. Read it, Mr. Reporter.

[The reporter reads the pending question.]

Mr. MCJENNETT. I feel that it is the responsibility of the department to do what we can to keep the record straight.

The CHAIRMAN. In other words, then, you think it is the function of your department—

Mr. MCJENNETT. It may be there is a confusion of terms here. When I refer to "the department," it is a capital "D." Now, if you

mean my branch, I would say no, except on request from responsible officers of the department.

The CHAIRMAN. But it is considered the function of the State Department to put out pamphlets, memoranda, if they feel that news stories have been unfair to them. Is that correct?

Mr. MCJENNETT. If you would delete the pamphlet business. Because that gets into the technicalities, sir, of our information program. But I mean a news release or a press release—I would generally say “yes.”

The CHAIRMAN. How about these memoranda you send out to women’s clubs and such as that, through the country?

Mr. MCJENNETT. Well, I don’t want to stick at terms, Senator, but I don’t know of any. We have a variety of formats.

The CHAIRMAN. Mr. Coyle, I believe, has testified that he was preparing the State Department’s version of the United Nations situation, where the Communists were exposed, and that was to go out to women’s clubs and such as that, through the country. What do you know about that? If a man in your department was doing it, I assume you should know about it.

Mr. MCJENNETT. Senator, we decided that that was not the way to handle it, that it should only be handled in response to a direct request bearing on that particular situation.

The CHAIRMAN. How did this happen to get into your department? You are head of the special affairs section?

Mr. MCJENNETT. No, I am assistant branch chief of the writing and special projects branch.

The CHAIRMAN. Writing and special projects?

Mr. MCJENNETT. That is right, sir.

The CHAIRMAN. And does that writing concern itself with domestic affairs?

Mr. MCJENNETT. Yes, sir.

The CHAIRMAN. It does.

Mr. MCJENNETT. Directly. Indirectly, we catch a bounce on it.

The CHAIRMAN. How long have you been in charge of this branch?

Mr. MCJENNETT. I am not in charge of it, sir. I am the assistant chief.

The CHAIRMAN. How long have you been assistant chief?

Mr. MCJENNETT. Since last summer.

The CHAIRMAN. Since the summer of—

Mr. MCJENNETT. The summer of ’52.

The CHAIRMAN. Were you working in that department or section?

Mr. MCJENNETT. Yes, I was attached to the writers branch for several years before that.

The CHAIRMAN. So you were fairly well acquainted with the work done in that branch?

Mr. MCJENNETT. Yes, sir.

The CHAIRMAN. Now, during the summer of 1950, the State Department put out a sizable number of documents, some of them sent to all of the newspaper men of the country, concerning the evidence which I was presenting against the State Department. Were you in the department at that time, in this branch?

Mr. MCJENNETT. Yes, sir.

The CHAIRMAN. You were in the branch at that time?

Mr. MCJENNETT. Yes, sir.

The CHAIRMAN. Did you take part in the preparation of that material?

Mr. MCJENNETT. In the drafting of some of it.

The CHAIRMAN. And did Mr. Coyle take part in the drafting of that material?

Mr. MCJENNETT. Not to my knowledge, Senator.

The CHAIRMAN. You say not to your knowledge?

Mr. MCJENNETT. Not to my knowledge, no.

The CHAIRMAN. Who did? Who besides yourself?

Mr. MCJENNETT. Well, there was a Mr. Player.

The CHAIRMAN. How do you spell that?

Mr. MCJENNETT. William E. Player, P-l-a-y-e-r.

I might say, sir, that he died of a heart attack about maybe a year ago.

The CHAIRMAN. And who else besides Mr. Player?

Mr. MCJENNETT. Some of it, I believe, was done in what they call SAM. That is the special assistant for press department.

The CHAIRMAN. Who is the chief of that department?

Mr. MCJENNETT. Mike McDermott.

The CHAIRMAN. Who is chief of your—do you call it a branch or a section?

Mr. MCJENNETT. It is a branch, Senator.

The CHAIRMAN. Who is chief of your branch?

Mr. MCJENNETT. Dmitri De Janikus, D-m-i-t-r-i D-e J-a-n-i-k-u-s. It is a Greek derivation.

The CHAIRMAN. How many hours did your department spend upon this defense, or getting material out for the State Department, in connection with my exposure of Communists?

Mr. MCJENNETT. Senator, I couldn't estimate that.

The CHAIRMAN. Well, give us some idea.

Mr. MCJENNETT. I really don't know, sir. Because I was only a part time participant. I mean, if a drafting job was to be done, they would give me the material from the files, and so on, and I would do a rewrite on it. I was frequently not aware of what was going on elsewhere or who was participating in it.

The CHAIRMAN. Well, you must have some idea of how many men you had working during the summer of 1950 on this particular project. You may recall that they put out the White Papers on McCarthy's charges periodically, for a while putting them out after every speech I made. How many men were working on that project, roughly? I know you cannot tell me perhaps exactly, but just roughly, how many people, all told.

Mr. MCJENNETT. Well, Senator, it varied a good deal.

The CHAIRMAN. I know it did.

Mr. MCJENNETT. We can strike an average which may or may not mean something. Again, I am talking from recollection. There would be someone from the A area, who was one of the fact men, and perhaps somebody from SY, who was there to keep things as factual as we possibly could. And I might be doing a drafting job.

The CHAIRMAN. Roughly how many would that be, just striking an average?

Mr. MCJENNETT. Oh, on an average of, say, three people. They might move in and out as they were needed.

The CHAIRMAN. Who was in charge of that particular project?

Mr. MCJENNETT. Sir, you are putting it on a good deal more formal basis than it ever reached. I would say that in general terms the legal adviser—

The CHAIRMAN. Who is the legal adviser?

Mr. MCJENNETT. Adrian Fisher.

The CHAIRMAN. In other words, as far as you know, Adrian Fisher was in charge of getting out the material at the time I was working over the Communists and Fellow Travelers in the State Department. He would be the man who would be in charge?

Mr. MCJENNETT. In a general way, sir, yes, although I believe that as a matter of public output it was also a matter of interest to the then assistant secretary for Public Affairs, Barrett.

The CHAIRMAN. Could you tell us who the final rewrite man was? Take, for example, this. I have in my hand a brochure put out on the 20th of May, 1950, No. 5291 which consists of eleven typewritten pages. This is an analysis of the speech I made in Chicago. Who, for example, would be the final rewrite man on that and would put the final stamp of approval on that before its issue?

Mr. MCJENNETT. I can't be sure, Senator. It might have been I. It might have been Mr. Player.

The CHAIRMAN. You say either yourself or Mr. Player?

Mr. MCJENNETT. These moved around in that general area. As I say, for factual check, and what have you.

The CHAIRMAN. Now, when anyone else made attacks on Dean Acheson or someone else high in the State Department, did your department have the job of preparing the counterattack or answer, call it what you may?

Mr. MCJENNETT. Not the writers branch, as such, Senator, no.

The CHAIRMAN. You say "no"?

Mr. MCJENNETT. Not the writers branch, no. I was sometimes called in on these things on a special detail.

The CHAIRMAN. Well, do you know of any that were called in besides, on this particular project on McCarthy?

Mr. MCJENNETT. I couldn't identify them. There were a few others. I might say half a dozen, all told.

The CHAIRMAN. I happen to have a document here, there is nothing secret about it, I assume. It is a document of twenty-seven pages, May 1952, No. 397, during the presidential campaign. It is an article written by Felix Whitmer, entitled "Freedom's Case Against Dean Acheson." Would you know who would prepare that?

Mr. MCJENNETT. I had a little of this. There were one or two of the charges which I had dealt with before, which were turned over to me for handling. But it is my recollection that the gathering of the thing was done up in the administrative section, where a lot of those—you see, Senator, these charges have been repeated on a number of occasions, so quite frequently you were just repeating something.

The CHAIRMAN. Did you place your final stamp of approval on that?

Mr. MCJENNETT. Senator, I wasn't in a position to approve or disapprove.

The CHAIRMAN. I see. I am rather curious to know the extent of this operation. I am not at this time criticizing you for it. I do not

know what your authority is in the department. I have never seen you before. I might say I have never heard your name. You are not on any list that I know of.

Mr. MCJENNETT. You can be very sure of that, Senator.

The CHAIRMAN. I have never heard your name before. I am curious to know the extent of this particular operation, apparently an operation of the State Department under which, if there is an attack made upon any of the policies or the personnel in the State Department, with tax payers' money you hire writers to make an answer. I may say that the answers, some of them, are completely untrue factually. Take for example, the answer to Whitmer's article. It is largely untrue, and it must have been known to have been untrue by those who prepared it.

I would like to know the extent of that operation, how many men are engaged in it?

Is it a hit or miss proposition? Who decides whether you will hire these writers? Who comes to you and says, "McJennett, your job is to get an answer out to Bill Jenner," or, "Pat McCarran," in such and such a committee? What is the general set-up, if you can tell us?

Mr. MCJENNETT. Senator, the set-up, as such, doesn't exist. I tried to point out before that this was on a spasmodic and a catch as catch can basis. As far as I know, and on when I saw of the files, I did not then and I would never put my hand to anything that I didn't think was as factual as it could possibly be. I naturally cannot testify as to the knowledge of others on that.

The CHAIRMAN. In the case of either this committee or my investigation of the State Department, would you say that you personally prepared any of the documents, or put your own stamp of approval on them?

Mr. MCJENNETT. Senator, I had a hand in their preparation, but, as I pointed out before, I was in no position to approve or disapprove. I was a drafting officer, a rewrite man.

The CHAIRMAN. Well, did you send it up to someone else as the finished product, ready to be publicized?

Mr. MCJENNETT. I would send a draft for their inspection and check, which was a rewrite of material which had been given me.

The CHAIRMAN. Well, after you got through with it, before it would be put out and mimeographed or put in printed form, who else would normally see the material?

Mr. MCJENNETT. Well, as I say, we had the people whose areas were involved; I imagine somebody over in the security division who was well informed would probably see it; and, as I said, I am fairly sure, although I can't testify of my own knowledge, that it was seen by assistant secretary Barrett or someone in that area.

The CHAIRMAN. Let me show you a document dated February 11, 1952, Department of State, for the press, No. 109, and see if you recognize that as the work of your branch.

Mr. MCJENNETT. No, this was not the work of our branch. I recognize the document, however.

The CHAIRMAN. Do you know what branch prepared that and put it out?

Mr. MCJENNETT. It is my—well, put it this way. I don't know. I was given to understand that General Snow—this is a speech by

Conrad E. Snow—did the first work on it. He showed it to me, and he suggested that I delete a couple of things that I didn't think were advisable.

The CHAIRMAN. Do you think that this is a proper function of the State Department? You see, we have a new team on top over there now, and I think advice from men like yourself who have been working in a department such as this may be of some benefit. I know that individuals may be doing work of which they do not approve. I just am curious to know:

Do you think this is a proper function of the department? I am not speaking now of McCarthy or McCarran or Jenner or anyone else, but do you think it is a proper function of the department to hire people and have them working answering speeches made about the policy of the department or certain individuals in the department?

Mr. MCJENNETT. Senator, I think it is of prime importance in this emergency that everything possible be done to keep the record straight. You mention policy. I think that it is the responsibility of the department to spell out what it is doing and why it is doing it in the finest, simplest terms possible. Where attacks that are off line as a result of inadequate information are made on the department or its staff I think it is the responsibility of any agency worth its salt to defend itself.

The CHAIRMAN. In other words, you consider this a legitimate function?

Mr. MCJENNETT. Insofar as that, in your opinion, falls under my definition.

The CHAIRMAN. Do you know how many people on an average are employed to do this type of work; that is, the defense of State Department personnel?

Mr. MCJENNETT. Senator, that is one of the organic shortcomings of the department, the informality of the arrangement, which I described previously. There was no one employed to do that.

The CHAIRMAN. You say there was no one employed to do it. But someone has been doing it. Is that right?

Mr. MCJENNETT. That is right. Sometimes it was on an overtime basis.

The CHAIRMAN. I am not sure if we went into it in sufficient detail but your branch is engaged in putting out written material having to do with the domestic situation in this country?

Mr. MCJENNETT. No, sir. It is an information program designed to keep the people of the United States abreast of what is going on in foreign policy, why we are doing what we are doing.

The CHAIRMAN. In other words, your branch is sort of your own Voice of America, to advertise the department and popularize the State Department and the policies?

Mr. MCJENNETT. No, sir.

Senator POTTER. Could I ask a question right here?

Do you feel, in answer to the chairman's question—

Mr. MCJENNETT. Which question was this?

Senator POTTER. Where you stated you felt it was a legitimate function of your branch to, as you say, answer the charges made against the Department of State.

Now, I am just wondering. I recall about a week or so ago when the president ordered the removal of the Seventh Fleet from the protection of Formosa, or keeping Chiang from attacking the mainland, that there were several senators who were quite vehement in their attack on the president and on the secretary of state.

Did your department issue any release defending the department's position on that, because of that criticism?

Mr. MCJENNETT. You mean against the—

Senator POTTER. Senator Sparkman, for example. He made quite an appeal, highly critical of our present foreign policy in our projected Far Eastern Asiatic policy. Do you anticipate that your department will defend the administration's position?

Mr. MCJENNETT. Certainly.

Senator POTTER. Did you at that time come out with a statement at all defending the secretary of state, Mr. Dulles and the president's position?

Mr. MCJENNETT. I can't speak for the news release output and in which category that would fall. They certainly put something out on that decision and a spell out as to why it was made. I say certainly, but I am not speaking from definite recollection. It was my recollection.

Senator POTTER. Do you think they would be just as vigilant against, say, Senator Sparkman, or whoever it might be that was criticizing the present administration's foreign policy as you were in your criticism of Senator McCarthy or others during the past administration? Would you be just as vigilant in your efforts?

Mr. MCJENNETT. Put it this way. I work for the government of the United States. My job is to spell out the foreign policy of this country. The president of the United States constitutionally makes that policy. It is our job to put it into effect and see that the people of the United States understand it and back it. Without backing, you can't do anything.

The CHAIRMAN. Are you through, Senator?

Senator POTTER. Yes, Mr. Chairman.

The CHAIRMAN. The question I have in mind is this: Now you have a different administration. While the Acheson administration was in power, the department took it upon themselves to answer the attacks of any of the opposition party, the minority party then. They have tremendous facilities to do that.

I am just wondering whether you think it will be proper now—I may say I do not think it is proper—to reverse the procedure, and whenever any Democrat honestly criticizes what we are doing, do you think that immediately the propaganda machinery of the State Department, which is paid for by both Democrats and Republicans, of course, should go into motion and start attacking that minority member or that Democratic senator, calling him a liar and putting this out in all the newspapers of the country? Do you think that is a proper function of the department, forgetting for the time being what was done in the past?

Mr. MCJENNETT. I never thought the matter of attacking an individual per se was proper under any circumstances. The policy of the country is a matter for positive handling. I mentioned earlier, sir, whether you agree or disagree—and I do not believe you agree—that the rejoinder to your attacks on the department was

a defense of the department, in an effort to keep the record straight.

The CHAIRMAN. You rejoined to my exposure of Owen Lattimore. You let out a large document on that.

Perhaps we are wasting time discussing this—I know you are not heading the department, you are not the secretary of state—but I would like to get your thought due to the fact that you have been working in this.

My feeling has always been that where you have a majority and minority party, and where the minority party exposes wrongdoing in the majority party, that it is not up to a tax-supported bureau to hire individuals, let them work behind closed doors, use the taxpayers' money, and put out a defense of the party which happens to be in power. It seems to me entirely improper and wrong.

I gather your testimony to be that there is a distinction in your mind as between defending an individual and defending a policy; that you feel that if a policy of the State Department, which is the foreign policy of the country, is misunderstood, or someone says something about it which you consider false, that you feel you have the duty then to advertise the facts as you consider them to be true, otherwise your foreign policy might fail. I gather that is substantially your justification for this operation.

Mr. MCJENNETT. Senator, you, I think, according to my terms, have introduced—maybe I am being overly technical because I am in the position I am—two things here. One is a matter of the policy spell out, a straightforward information program; the second is the defense of an agency in which it is desirable in the national welfare that the public should have all possible confidence. I think that the defense of the agency where it can be legitimately put forward on a matter of keeping the record straight is justified, and I think that the policy spell out without regard to any political back and forth that there may be on it—I don't recall particularly any engagement in that as such by an official.

The CHAIRMAN. Do you feel that the other bureaus, for example, the Commerce Department, the Treasury Department, and every other bureau of the government is justified in having its public relations section get out material to popularize the program of that particular department and sell it to the people; and if the program of the agency is attacked, to put out material justifying it? Do you think that is a legitimate function of the agency, forgetting for the time being the State Department? Let us just take all the other vast bureaus and sub-bureaus.

Mr. MCJENNETT. I think the taxpayer has a right to know what is going on, and what is being done with his money. I don't believe in propaganda. I don't believe in selling jobs.

The CHAIRMAN. Is it your position that every bureau performing any public function should have the additional function of publicizing the facts concerning that bureau, agency, or subagency?

Mr. MCJENNETT. If there is a need for public information about it, Senator.

The CHAIRMAN. Who should determine it—the bureau itself? Apparently that is what you have been doing in the State Department. You determined that there was a need for it. If your department is justified in doing that, then any other department or sub-

agency has the right to do it. I do not want to argue with you about it, I want to get your feelings.

Mr. MCJENNETT. I don't want to argue with you, Senator. It is considerably out of my province. We are getting into the theory of the executive branch, which is a matter that would be up to the Appropriations Committee.

The CHAIRMAN. Let me ask you this final question then. How many people, if you know, in the State Department, have been engaged in this propaganda or counterpropaganda or truth campaign or call it what you may? Have you any idea?

Mr. MCJENNETT. I gave you about the best idea I could, Senator. As I say, it was an informal association. Something would come up, I would be drafted perhaps to do some writing, we would get the information that we had from other sources.

The CHAIRMAN. I asked a simple question. How many people in the entire State Department would you say have been engaged in this, call it what you may, call it an information program, call it a propaganda program, or a counter-propaganda program? How many have been engaged in getting this material out to the American people with respect to the State Department and its program?

Mr. MCJENNETT. In terms of spelling out policy as a drafting unit, we do speeches as well for officers of the department who are going out to talk; we have three periodicals, that is, the State Department Bulletin, a Field Reporter, and a fly sheet, called Foreign Policy Briefs. That is the function of our branch.

I would like to make clear that the branch as such, that operation, was not engaged in this loyalty-security hassle. I was taken out, as I say, as a drafting officer.

There are in the branch eleven writers whom we might call on assignment. Then, if you will forgive the fractions, one and a half persons put out the State Department Bulletin, two people put out this Field Reporter, and one and a half on this Foreign Policy Briefs.

The CHAIRMAN. How about this program of bringing a vast number of clubs and organizations into Washington and have them briefed by the State Department. Who is in charge of that program?

Mr. MCJENNETT. That is immediately under the direction of the public liaison division. That is another separate division, Senator.

The CHAIRMAN. So when you give us the number of men you are not referring to this other publicity project?

Mr. MCJENNETT. In that spell down that I gave you, I am referring to the writing; that is, the program of information that we put out under the Hoover Commission recommendations.

The CHAIRMAN. How about this program of bringing women's clubs, church groups, and such into Washington and have them briefed by the State Department employees; who is in charge of that program?

Mr. MCJENNETT. That is under public liaison, sir. It is a different division entirely.

The CHAIRMAN. Mr. Leahy, may I suggest that is something I think should be called to the attention of the new team over in the department: this program of bringing church groups and teacher groups and clubs to Washington and taking off considerable time

to prepare lectures and hold meetings for them, in other words, a briefing by the department.

It apparently is effective if you want to perpetuate any particular administration in power, but it seems to me to be certainly a highly questionable thing. It might be something you might wish to check into. If not, the Appropriations Committee might want to do it.

Senator POTTER. As I understand it, you also have a price relations section which is outside of your division?

Mr. MCJENNETT. Yes, that is entirely outside of the Office of Public Affairs. I tried to make some distinction with respect to what we call in the business "time copy," that is, it is not day to day news or press releases. That comes under Mr. McDermott under SAM.

Senator POTTER. Do you have any idea how many men are employed in the press liaison section under Mr. McDermott?

Mr. MCJENNETT. You mean the newspaper—

Senator POTTER. Yes.

The CHAIRMAN. Did you attend the hearings at which time Mrs. Balog and Mr. Matson were testifying?

Mr. MCJENNETT. No, sir.

The CHAIRMAN. Did anyone from your department attend?

Mr. MCJENNETT. I don't know anything about that, sir.

The CHAIRMAN. As far as you know, no one from your department attended?

Mr. MCJENNETT. I don't know. They could have and they couldn't have. It would be entirely outside of my knowledge.

Mr. SURINE. Have you not attended several of the public hearings up here in the Senate in regard to matters in the State Department within the last several months?

Mr. MCJENNETT. No.

Mr. SURINE. You have not.

Mr. MCJENNETT. No.

Mr. SURINE. Did you attend the hearings on Phillip Jessup?

Mr. MCJENNETT. Yes, I did.

Mr. SURINE. That was before the Foreign Relations Committee?

Mr. MCJENNETT. The Subcommittee of the Foreign Relations Committee.

Mr. SURINE. Was that on your own volition, or were you ordered to do so?

Mr. MCJENNETT. I was on assignment. I was working with Mr. Fisher.

Mr. SURINE. Mr. Adrian Fisher?

Mr. MCJENNETT. Yes.

Mr. SURINE. Did he order you to attend those hearings?

Mr. MCJENNETT. It was part of my assignment at the time.

Mr. SURINE. He assigned you to do that?

Mr. MCJENNETT. Yes.

The CHAIRMAN. The question was, did he order you to attend?

Mr. MCJENNETT. Yes.

The CHAIRMAN. Where is he now?

Mr. MCJENNETT. The last I heard he was on vacation out of the city.

The CHAIRMAN. What was the purpose of your attending the Jessup hearings?

Mr. MCJENNETT. Again I was assisting in the drafting of such materials as came up in the course of the hearing.

The CHAIRMAN. Mr. Jessup has been appointed by the president. The question was whether he should be nominated by the Senate. I understand that Jessup's case never came up, that noses were counted and it was discovered that he could not get confirmation. The other nine were confirmed.

Between the time you attended the hearings and the time the session ended, did you prepare material for public consumption on Mr. Jessup or with regard to Mr. Jessup?

Mr. MCJENNETT. I don't recall anything, Senator.

The CHAIRMAN. What was your assignment which called for your attending those hearings?

Mr. MCJENNETT. As I say, I was the drafting officer, and it was helpful that I know what was going on and listen to the questioning.

The CHAIRMAN. Did you confer with any of the Senators?

Mr. MCJENNETT. No, sir. Mr. Keller Jarvy, as I recall, asked a couple of questions.

The CHAIRMAN. How many from your branch attended those hearings?

Mr. MCJENNETT. I was the only one. Senator, again I would like to make a distinction between the branch as an organization and my special detail outside the branch with the legal adviser.

The CHAIRMAN. I have some difficulty knowing what your assignment was. You say you were assigned to that by Fisher. Just what were you assigned to do? Were you assigned to defend Jessup, to publicize him?

Mr. MCJENNETT. Purely as a drafting officer.

The CHAIRMAN. As a drafting officer?

Mr. MCJENNETT. The conventional, for example, thing for a man is to have a prepared statement. I might do a rewrite job. As a matter of fact, I did do a rewrite job on that prepared statement.

The CHAIRMAN. On Jessup's prepared statement?

Mr. MCJENNETT. Yes, sir. As you will recall, the question of matters of Far Eastern affairs came up and there was a second statement. I did some work on that, although I think the then ambassador did most of it himself.

May I answer that, Senator?

The CHAIRMAN. Yes, certainly.

Mr. MCJENNETT. As you know, the practice in these hearings is that frequently you can spot points that are going to be raised, and I would also have a hand in the drafting of these so-called briefing papers, which when the matter would be brought up, he would have something on which he could refresh his recollection.

The CHAIRMAN. Did you have anything to do with Lattimore's statement?

Mr. MCJENNETT. I beg your pardon?

The CHAIRMAN. Did you aid Owen Lattimore in the preparation of his statement?

Mr. MCJENNETT. No, sir.

The CHAIRMAN. Did you know him?

Mr. MCJENNETT. No, sir.

The CHAIRMAN. You had never met Lattimore?

Mr. MCJENNETT. I never laid eyes on him.

The CHAIRMAN. Did you aid John Carter Vincent in preparing his statement?

Mr. MCJENNETT. I drafted a letter for Mr. Vincent, I believe, on his suggestion. He ignored the draft entirely.

The CHAIRMAN. How well do you know of Vincent?

Mr. MCJENNETT. Only by the matter of physical association with him there. He did some of his preparation for his loyalty-security hearings in—

The CHAIRMAN. Did you aid John Stewart Service in the preparation of his statement?

Mr. MCJENNETT. No, sir.

The CHAIRMAN. You did not help him at all?

Mr. MCJENNETT. No, sir.

The CHAIRMAN. Incidentally, how long have you been with the State Department?

Mr. MCJENNETT. Since 1948, Senator, I believe.

The CHAIRMAN. Upon whose recommendation were you hired, if you know?

Mr. MCJENNETT. I really don't know on whose recommendation I was hired. I worked with several of the people in the international press and publications division who knew my work and I applied for a job. I filled out a Form 57 and was given a job.

The CHAIRMAN. Who did you give as a reference, if you remember?

Mr. MCJENNETT. I think I am going to have to check that. I believe it was a man by the name of Francis A. Jameson, who was associated with the five Rockefeller boys in New York, and I believe a W. Bruce McNamee, who was the assistant to the head of the National Federation of American Shipping.

But that I can't be sure of.

Senator POTTER. Had you been employed in government service before?

Mr. MCJENNETT. Before going into the service, I spent about a year and eight months—I am going pretty far back now—with what subsequently came to be known as the Office of Inter-American Affairs.

Senator POTTER. What had you been doing just prior to coming to the State Department?

Mr. MCJENNETT. You mean this time?

Senator POTTER. Yes.

Mr. MCJENNETT. I had been freelancing as a writer,

The CHAIRMAN. Did you attend the Tydings hearings also?

Mr. MCJENNETT. No, sir.

The CHAIRMAN. Did anyone from your branch attend those hearings?

Mr. MCJENNETT. Not to my knowledge, Senator,

The CHAIRMAN. Did anyone from your branch aid in the preparation of the Tydings committee report, if you know?

Mr. MCJENNETT. Not that I know of.

The CHAIRMAN. I think there are no further questions. Have you any further questions, Senator Potter?

Senator POTTER. No, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. McJennett.

Mr. Thompson, will you raise your right hand. In this matter in hearing before the committee do you swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

**TESTIMONY OF ROBERT L. THOMPSON,
CHIEF OF THE DIVISION OF PUBLICATIONS,
OFFICE OF PUBLIC AFFAIRS, DEPARTMENT OF STATE**

Mr. THOMPSON. I do.

The CHAIRMAN. Mr. Thompson, we had a man before us this morning, a Mr. Coyle. Perhaps you know him.

Mr. THOMPSON. I do.

The CHAIRMAN. Have you had a chance to discuss with him his testimony since he has been here?

Mr. THOMPSON. I have not.

The CHAIRMAN. I will relate roughly what he testified. As I recall his testimony, he testified, first, that he was hired in 1950 by a Mr. Barrett in the Public Affairs section—I believe that is the correct name—and somehow or other he was sent to the wrong building and never did find his way back to work with Mr. Barrett's department.

Since then he has been engaged in writing some pamphlets, and he testified that he had the job of writing the defense of the State Department in connection with the exposure of Communists in the United Nations. His testimony, I think, in that connection was that he did a paste-up job.

His testimony, further, was that he had contacted, or at least, one columnist solicited him to make an attack on what he thought was the unfair activity of this committee. His testimony was that he made that outside of his regular office hours. He testified that he did not consider that he was doing that as a State Department employee and that he did not consider that as a part of his job.

He furnished us his diary. The diary shows constant contacts with newsmen, radio commentators, and so forth. He had stated that he did not solicit them, however, to make the type of attacks that he had solicited Lowell Mellett to make. He said that you were his boss during that period of time and you might be able to shed some light in the apparently unusual job.

Also, he has testified that since he has gone off the payroll of the State Department that he has worked, for example, in February not quite two days, but he has had the use of a private office in the State Department to prepare a manuscript which he is preparing for some private company. I do not recall the name of it now.

That gives, I think a rough rundown of his testimony. I wonder if you can tell us something about what his job was after he got lost, after he was sent to the wrong building?

Mr. THOMPSON. So far as I know, Mr. Chairman—and, of course, during part of this period covered by Mr. Coyle's work in the Department of State, I was in no way involved as his boss; in other words, when he came over, as far as I know, as you said, he did not make the appropriate contact as he had hoped to do there with Mr. Barrett—he did come over as a special writer to the director of the Office of Public Affairs. To the best of my knowledge, he came into the department as a writer and he came in as a special

writer to the director of the Office of Public Affairs, Mr. Francis Russell, and he wrote a number of pieces directly for Mr. Russell. Then when Mr. Russell left the department along about last November, I think these dates, I am not too sure of because, as I say, he was not writing for me personally, so I am not absolutely sure of my dates here; this, I think, is substantially correct though—

The CHAIRMAN. What is your title, incidentally?

Mr. THOMPSON. I am chief of the division of publications, Mr. Chairman. They are in the Office of Public Affairs, Department of State. I am concerned solely with the domestic publishing activities of the Department of State.

The CHAIRMAN. As chief of the division of publications, is it your task to purchase any publications that are to be distributed domestically by the State Department?

Mr. THOMPSON. That would not be in my province at all. I am a publisher. I am the Department of State's domestic publisher. In other words, I publish the telephone book, I publish the diplomatic list. I publish these periodicals that the department is producing at the preset time, the chief periodical being the Department of State bulletin. I publish these various pamphlets, leaflets, and so on that constitute the department's domestic publications.

Senator MUNDT. Have you anything to do with the day to day news releases?

Mr. THOMPSON. I have nothing to do with that.

The CHAIRMAN. Do you have anything to do with the make-up of these publications, or are you the technician?

Mr. THOMPSON. I am the technician.

The CHAIRMAN. You are the production man. Someone else decides what will go into the document?

Mr. THOMPSON. That is right. Any publication that we get out is very carefully cleared through the appropriate desks. For example, if it is going to be on United Nations affairs, it would be cleared through the Office of the Assistant Secretary for United Nations' affairs. It might go pretty well down the line, but nevertheless that is the way it would work.

The CHAIRMAN. As I understand, you were in no way responsible for the content of the material you published. You are the technician or the production man.

Mr. THOMPSON. I am the production man.

Senator POTTER. Does the material start with your department and then go for clearance to the desk, or do you get the material from the various desks involved?

Mr. THOMPSON. There is no clear cut pattern there. Sometimes it is one way and sometimes it is the other. For example, in the case of the diplomatic list, that is prepared in an entirely different area. When it is sent to me, all I do, or rather, one of my editors, is to mark it for the printer and we send it to the printer.

With respect to the pamphlet that we get out, one of my writers in the writing branch does the first editing on the pamphlet. It would go then to the substantive area. If it had to go to the United Nations, it would go there for clearance.

The CHAIRMAN. In other words, as far as some of the material is concerned, you are strictly a printer. As far as other material is

concerned, some of your writers prepare it and there you have some editorial control over the material?

Mr. THOMPSON. That is correct.

The CHAIRMAN. Can you tell us what the job of this man Coyle was?

Mr. THOMPSON. As I was saying there a moment ago, Mr. Chairman, he worked directly for Francis Russell, for a considerable period of time. Last November when Mr. Russell went over to Tel Aviv, I believe as counselor of embassy, at that time there being no director of the Office of Public Affairs, the executive officer of the Office of Public Affairs asked me if Mr. Coyle could be added to my writing staff, so to speak, to prepare manuscripts just the same as anybody else. His relationship with me was just another writer, nothing more there. He wrote according to assignments given to him the same as any other writer.

The CHAIRMAN. Who gave him those assignments? Did you?

Mr. THOMPSON. The chief of my writing branch would give the actual assignments. I am responsible, I suppose, administratively speaking for any assignment given.

The CHAIRMAN. How about this job you have of defending the State Department in connection with the exposure of Communists in the United Nations. Who gave him that job?

Mr. THOMPSON. That job was done at the request of the Office of the Assistant Secretary for United Nations Affairs.

The CHAIRMAN. What was his name?

Mr. THOMPSON. That would be Mr. Fierst, Herb Fierst.

The CHAIRMAN. Is Fierst still working in the State Department?

Mr. THOMPSON. Yes, he is. I believe he is outside here at the moment, Mr. Chairman.

The CHAIRMAN. So far as this project of writing for the State Department in connection with the United Nations is concerned, you did not assign him to this task, you did not supervise that; that was assigned to him by Mr. Fierst?

Mr. THOMPSON. I suppose administratively speaking I assigned him the task. In other words, my branch chief assigned him to this task.

The CHAIRMAN. Do you know how many copies of the material he put out in that project?

Mr. THOMPSON. I am sorry I could not tell you exactly. I think not more than two or three hundred. The express purpose for this material was for it to be used, as I understood, at the time we undertook the task to answer solely in response to requests. In other words, lots of mail flowing into the department from the White House, from the senators' offices, and so on. In order to avoid having to write separate letters to each person sending in, this subject being of considerable interest, we prepared this little piece and two or three hundred copies were mimeographed. Here is the piece in question.

The CHAIRMAN. I understand from Mr. Coyle that he did on occasion—and in fairness to him it should be said that he felt it was not part of his official duty, but he did it after working hours—solicit attacks upon the committee by Lowell Mellett. Did you have any knowledge that he was performing that function?

Mr. THOMPSON. I did not. He is just, as I say, one of a number of writers there. I have very little direct contact with him in that regard. He reports to my branch chief and his finished product comes across my desk. If I have violent objection to it for any reason, I obviously would kick it back down the line. But generally speaking, these manuscripts as they come across my desk, I examine them carefully but obviously I am no expert on every aspect of foreign policy.

Senator POTTER. Did Mr. Coyle submit to you any handwritten memorandums that you might have available now?

Mr. THOMPSON. No. He has from time to time but I can't remember what they were particularly. It certainly had nothing to do with your committee.

Senator POTTER. He stated that he had from time to time written memorandums in longhand and submitted them and they probably were never published, but suggestions of things that you should print.

Mr. THOMPSON. That is correct. And those memoranda are either destroyed, as far as I know—

Senator POTTER. Do you have any knowledge of any memorandums that he might have submitted which were derogatory toward this committee?

Mr. THOMPSON. Absolutely not, to my knowledge.

Senator POTTER. Or to the chairman of this committee?

Mr. THOMPSON. The last memorandum I recall he submitted had to do with some suppositions in regard to a course of action that the State Department should at least consider in the event of the death of Stalin, and there was absolutely certainly no implications of any kind. I kicked it along upstairs and said it might be of interest to some of my superiors up the line. That is the type of thing, as I recall them. There was certainly never anything submitted to me derogatory to this committee that I can recall, and I am sure I would recall it if there had been.

The CHAIRMAN. Mr. Thompson, we have heard many reports to the effect that Coyle's principal job was to contact newsmen and try to sell them on the idea of writing material critical of this committee. For your information, he has denied that, and said that was not his principal job. His diary shows he was in constant contact with them.

Have you heard any reports to the same effect that we have? In other words, that Coyle was engaged in this job of trying to stir up and plant material which could be used in criticism of our exposure of any wrongdoing in the department?

Mr. THOMPSON. No, sir. If that is the case, it certainly was not known by me. He certainly did not so indicate to me at any time.

The CHAIRMAN. Incidentally, he is a former employee of the State Department. He received his termination as of ten o'clock this morning.

I think I have no further questions. Have you, Mr. Potter?

Senator POTTER. No more, Mr. Chairman.

VOICE OF AMERICA

MONDAY, MARCH 16, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, at 4 p.m. in room 318 of the Senate Office Building, at 10:30 a.m., Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Stuart Symington, Democrat, Missouri.

Present also: Roy Cohn, chief counsel; Donald Surine, assistant counsel; David Schine, chief consultant; Ruth Young Watt, chief clerk.

The CHAIRMAN. Mr. Arnot, will you raise your right hand? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ARNOT. I do.

The CHAIRMAN. First, you had better state your full name for the record.

TESTIMONY OF CHARLES P. ARNOT, DIRECTOR, INTERNATIONAL PRESS SERVICE, INTERNATIONAL INFORMATION ADMINISTRATION, DEPARTMENT OF STATE

Mr. ARNOT. My full name, sir, is Charles P. Arnot, A-r-n-o-t. My title is director of the International Press Service of the International Information Administration of the Department of State.

The CHAIRMAN. How long have you held that position?

Mr. ARNOT. I have held the position I now hold since the IIA was organized, January 15, 1952. Prior to that, I held a similar position, which was chief of the international press and publications division, and I had that position for approximately two months prior to the organization of IIA, December 1951.

The CHAIRMAN. And you were with UP before that, were you?

Mr. ARNOT. Yes, I was with the United Press for nine years, and I resigned from the United Press to go to Germany and join General Clay and campaign against the Communists in Berlin in 1948.

The CHAIRMAN. Just what is the function of the press and publications section?

Mr. ARNOT. We deal in twenty-three different products and services in connection with the press, publications, and photographic parts of the program. We send fast press material to the field by means of wireless, radio, teletype. We send press features to the field for translation and distribution to approximately ten thousand newspapers, reaching, we estimate, about a hundred million readers around the world. We produce publications, pamphlets, leaflets, magazines, newspapers. I say "we produce"; that is, from Washington headquarters we are responsible for the major servicing of these publications in the way of articles and photographic material. These are largely published in the field, and we support them with paper and printing money, for which we are budgetarily responsible when we appear before the Congress. We send out to the field an average of twenty-one thousand photographs per month for display purposes, placement in newspapers and magazines, and other visual uses. We cover everything that is in connection with press, publications, and photographic works corresponding to a press agency, perhaps a feature agency, such as NEA and a publishing house.

At the moment we have thirty-four magazines and seventeen newspapers which we are supporting around the world in some of the eighty-eight countries which we service in toto.

The CHAIRMAN. Thirty-four magazines and seventeen newspapers?

Mr. ARNOT. That is correct.

The CHAIRMAN. Have you the names of those magazines and newspapers?

Mr. ARNOT. I believe, sir, they are being prepared for you on the basis of your March 13th letter, which reached my office today. Those are in preparation.

The CHAIRMAN. Those magazines and newspapers are not American magazines and newspapers. They are printed in foreign countries. Is that correct?

Mr. ARNOT. They are printed in foreign countries, but all of them, with the exception of one magazine, are attribute to USIS, the U.S. Information Service.

The CHAIRMAN. You are not referring to any American magazines, then, such as *Newsweek*, *Saturday Evening Post*, *Collier's*?

Mr. ARNOT. No, sir, I am not. The press service, as such, is not responsible for sending bulk copies of existing material to the field. We are the creative agency. However, if a field post, Senator, comes in and asks us for a copy of a particular publication for its immediate press use, we will procure that single copy, or five copies, but any bulk shipments are handled by the information center service.

The CHAIRMAN. The information center service?

Mr. ARNOT. That is correct.

The CHAIRMAN. Now, do you do that on a contract basis, or do you have your own staff working on those projects?

Mr. ARNOT. Both ways, sir. It would probably average out about 60 percent of all the material we send out. The servicing of these field publications would be done by our own staff of writers, photographers; the other 40 percent would average out to be procured from commercial or private sources.

The CHAIRMAN. In other words, you get the work of cartoonists, radio commentators, on a piecemeal basis, do you?

Mr. ARNOT. Well, the general categories I would agree with. However, we do not use radio commentators.

The CHAIRMAN. Oh, you do not.

Mr. ARNOT. No, sir.

The CHAIRMAN. How about newsmen? Do you use newsmen to produce part of your material?

Mr. ARNOT. We do not use newsmen in Washington. We have our own Washington coverage staff. But we do use to a great degree established newspapers around the country.

If an event of interest to our program, such as the visit of a foreign dignitary, is occurring, shall I say, in Seattle, we will contact, where it is not economically feasible for us to send a reporter, a responsible newspaper in that city, and they will provide us coverage; we checking, of course, the material after it arrives in our own shop.

The CHAIRMAN. How about these pamphlets that are prepared? Do you have any of that done on a contract basis?

Mr. ARNOT. Exclusively done on a contract basis are only our cartoon books, the narrative cartoon books, such as one we are doing now on a cartoon history of the United States, with which we are contracting with Johnstone-Cushialin New York.

The CHAIRMAN. Last year, as I recall, before the Appropriations Committee, it appeared that either the State Department or the IIA had purchased the cartoons of Herblock.²⁶ Do you recall that purchase?

Mr. ARNOT. I recall it, sir, that the cartoons of Herblock were used in a cartoon book. However, that was prior to my joining the Press Service in 1950, the fall. We do, however, use anti-Communist cartoon reprints wherever they will suit our program purpose.

The CHAIRMAN. The reason I brought up the Herblock matter: The evidence we had then was that you had paid \$2,050 for those cartoons, and I mentioned it to Senator Mundt today, and he was of the opinion that nothing had been paid for them.

Do you recall exactly what the figure was?

Mr. ARNOT. As I recall, and repeating, this was prior to my time, there was no money paid to Herblock for the use of these cartoons. He provided them free of charge to the program.

The CHAIRMAN. The testimony of a State Department officer was that \$2,050 was paid to the *Washington Post*. Would that change your thought in that?

Mr. ARNOT. Since I was not connected at that time in an official capacity with the Press Service, I would prefer to have that information provided at a later date.

The CHAIRMAN. Will you get that information for us?

Mr. ARNOT. I shall, sir.

Senator MUNDT. If it was paid, find out if it was paid for the drawings, or if it was paid for a printing job. Because I asked Ed Barrett at one time, and as I recall he told me that Herblock or whatever his name is donated the cartoons and that the *Post* had

²⁶ Herbert L. Block, editorial cartoonist for the *Washington Post*.

donated them. And I would like to find out if there is a conflict in testimony.

The CHAIRMAN. Will you get that for us?

Mr. ARNOT. I certainly shall, sir. If there was an exchange of money, it possibly might have been for additional English language copies provided for distribution by the *Post*. But I certainly shall get that information.

The CHAIRMAN. One of the questions that occurs to me in connection with this news service is the question of why it is necessary, when you have AP, UP, INS, to set up a separate news service to get the news out, at least to countries that have accessible the regular wire services.

Mr. ARNOT. Well, Senator, where the wire services, the commercial wire services, operate full services, they do a very fine job for this country. But, unfortunately, their services abroad in many places are completely inadequate. If I may cite to you three cases that come to my mind immediately, in Syria there is no press service, no American press service operating; only Agence France Press and the Arab News Agency.

The CHAIRMAN. But you mention that if, for example, a dignitary was visiting Washington State, you would contact them out there to do the job for you? Why could you not use the AP, UP, or INS Services?

Mr. ARNOT. They certainly could be used, except that our experience is that the Press Services will never give the full coverage required of such a thing. And very frequently, in many countries of the world, we cooperate with the news service, and serve our material to them, and AP will run a paragraph lead and we will come through with the full details so that the newspapers do get a full story.

The CHAIRMAN. In other words, you feel that your service is necessary to cover events in this country, because the wire services might not adequately cover the event?

Mr. ARNOT. That is correct. Their basic purpose is to be in this business to make money.

The CHAIRMAN. How much was your budget for the past year?

Mr. ARNOT. The budget for the fiscal year '53, sir?

The CHAIRMAN. Yes.

Mr. ARNOT. \$7,792,100.

The CHAIRMAN. And how much did you spend last year?

Mr. ARNOT. For fiscal year '52, our budget was \$9,332,893.

The CHAIRMAN. In addition to that, did you have any other moneys that you spent?

Mr. ARNOT. Yes, sir. We had a supplementary amount for special servicing for Germany, for Austria. This is for fiscal year '52.

And for Japan, due to the take-over from the army, and the entire amount would not have exceeded \$18 million overall for the Press Service.

The CHAIRMAN. In other words, your budget would run around \$9 million, as allowed by the Appropriations Committee, and the additional amount would be \$1 million, roughly?

Mr. ARNOT. It would be less than that, sir. I do not believe it would be half a million. I would have to get those specific figures for you.

The CHAIRMAN. How about counterpart funds?

Mr. ARNOT. During the fiscal year '52, we had very few counterpart funds available. Those were mostly on cooperative projects that we did in Europe. A country would order additional copies of our publications and have them paid for in counterpart funds. So just to increase the print run, the basic cost, of course, was borne by us. But we did not have, since the fiscal year '51, any counterpart funds available to us for use as such.

The CHAIRMAN. And your total staff was roughly how many?

Mr. ARNOT. As of today, we have a total authorized ceiling of 641 persons; actually 624 on the rolls, with 17 vacancies.

The CHAIRMAN. That includes all of your help in foreign countries, too?

Mr. ARNOT. That is correct. That includes our staff in Washington, New York, Manila, London, Paris, and Beirut.

The CHAIRMAN. Now, I understand that since this project has commenced, you are actually supporting thirty-four magazines in foreign nations, and seventeen newspapers. Is that correct?

Mr. ARNOT. Yes, sir, those are the figures as of now.

The CHAIRMAN. Who selects these magazines and newspapers that you decide to support?

Mr. ARNOT. I believe a bit of clarification is necessary there, sir.

These are magazines and newspapers actually edited and printed by the United States Information Service. They are not subsidized local publications.

The CHAIRMAN. Had these been previously existing magazines and newspapers, or were they some that you formed yourself?

Mr. ARNOT. These were magazines and newspapers which were started when it became apparent that the local indigenous publications were not reaching the target audiences that had been selected by the program that should be reached on a priority basis. And a magazine and a newspaper is only published by the U.S. Information Service when local indigenous publications are not able to do the job that we find it necessary to have done.

The CHAIRMAN. I do not think I have the picture clearly in mind. Give us a typical one of these newspapers, with the name and location.

Mr. ARNOT. A typical newspaper would be the *American Reporter* in India.

The CHAIRMAN. That is in India?

Mr. ARNOT. That is in India.

The CHAIRMAN. And had that been published before your people came on the scene?

Mr. ARNOT. No, it had not. It was started in 1951.

The CHAIRMAN. In other words, it was started by the press and publications section of IIA?

Mr. ARNOT. That is correct, through the USIS in India. The final determination, however, was one made in New Delhi by the program people there.

The CHAIRMAN. The other sixteen papers? Had any of them been in existence before your organization came on the scene?

Mr. ARNOT. Before IIA was organized, in January of 1952? No, sir.

Senator MUNDT. What do you mean before IIA was organized in February? What was it doing from 1948 to 1952? Was it not operating there?

Mr. ARNOT. Yes, Senator. However, it was under the title of Information and Educational Exchange Program. It is purely a technicality.

The CHAIRMAN. Then let us not indulge in those technicalities. When I say: Were they in existence before your organization took over, let us have the complete story.

Mr. ARNOT. I assure you I am not trying to "nitpick" here. No, these were all started by our program, by the information program, since the end of the war, since it has been in existence.

The CHAIRMAN. In other words, in no case had you gone in where there was a newspaper or magazine in existence and took over or bought out or subsidized that magazine or newspaper?

[Discussion off the record.]

The CHAIRMAN. I understand that you purchase work from some Washington newsmen or columnists on a piece basis. Is that correct?

Mr. ARNOT. No, sir, I do not recall that we have purchased any writing here in Washington from any newspaper man or columnist.

The CHAIRMAN. Would you give us a complete list of all the individuals to whom you have paid any money over the past two years?

You produced about 200 million pamphlets, according to this booklet, last year. Can you give us a list of the authors who produced those for you?

Mr. ARNOT. Yes, sir, I certainly shall. They were largely, if I may repeat for a moment, written in our own shop, at least 60 percent.

The CHAIRMAN. I would like the names of all the authors you used outside of those that are on your regular payroll.

How soon could you produce that?

Mr. ARNOT. By tomorrow night.

The CHAIRMAN. Good.

Mr. ARNOT. May I repeat here so that I get this correct? You would like to have the persons who received any money for piece work services for the last two years; and the amounts.

I was checking a list of that just before I left the office. And then any writers who have contributed anything, whether being paid for or free, to any of our pamphlets or any of our publications, during the same period.

Mr. COHN. We had asked, Mr. Chairman, some time ago by letter, the IIA for a general statement or list of all newspaper men of any kind and variety, to whom any money had been paid or with whom any arrangement had been made for the contribution of material. I think we ought to get that at the same time.

The CHAIRMAN. Will you do that, Jack?

We do not want to be unreasonable in asking that things be produced instantaneously, but this inquiry was made some weeks ago.

I think, Roy, we should have a general rule that when we ask for material, if they cannot produce it within a day or so, we should have a statement from them as to why.

Senator MUNDT. When you prepare that list, will you also find out whether this surprising arrangement we heard about the other day applies to people; in other words, were their services accepted

in direct violation of the law which provides that all those whose services are used be first checked by the FBI? We were told by a State Department officer here a day or so ago that in the broadcasting field, over which I think you have no responsibility, they waive that congressional statute by some magic movement of the official executive hand. How they do it, I do not know. How they could do it, I do not know. But they just said, "It isn't going to apply to people employed on a temporary basis."

The law is very specific, and applies to not only where people are employed but where their services are used. This may be before your time, but I would like to know whether there was any waiver brought in.

Mr. ARNOT. May I beg the indulgence of the committee to ask the Senator a question? Since you are the coauthor of the bill under which we operate, how would you approach a situation such as the following: We do use the International News Service, which is the only news service that we are now permitted to use. We use it as sparingly as possible, because we prefer certainly to have our own writers prepare our material when possible, but there is an occasion, from time to time, when we must use something from the INS, which is one of the three established U.S. news services. Now, certainly will not be able to get 402 clearances on all of the correspondents who contribute news to the International News Service.

Senator MUNDT. I do not think you need to, because that is taken care of in another section of the bill, where you are requested to use private agencies wherever you can under a contractual arrangement. But where you accept and deal with them directly, I see no way in the world to escape from the provisions of the law.

Senator JACKSON. Where you hire an individual and not an agency.

Senator MUNDT. Yes. Where you deal with them directly or accept their contributions directly, it seems to me the law must apply, and I was astounded to hear someone say, "Oh, no. We just use it on our full time employees."

You have no responsibilities outside of the press?

Mr. ARNOT. No, sir. I am responsible for press publications, and still photographic activities.

Senator MUNDT. Cartoons and posters?

Mr. ARNOT. That is right; all printed materials.

Mr. COHN. There is one point here, if I may break in.

Mr. Arnot, do I understand correctly that you purchase from outside firms various photographs?

Mr. ARNOT. That is correct.

Mr. COHN. I wonder, Mr. Chairman, if we could get a list of the amount of money spent on outside purchases of photographs, what amount are not used after being purchased, and from what firm these are purchased.

Mr. ARNOT. I can tell you that 31 percent of our photographs that are used are obtained from outside sources; 17 percent from our own photographers.

Mr. COHN. Thirty-one percent. Do you know what percent of those that you buy you do not use?

Mr. ARNOT. I can get that information for you. Of course, it will vary; because we have standing contracts with the major photographic agencies, United Press, Associated Press, which is the same as Wide World, the subsidiary, and INP. And they provide us with a maximum of one hundred photographs per week from which we are obligated to buy ten, at ten dollars each. And these contracts have been, during this past year, cut in half. We cut them from \$60,000 to \$30,000.

Mr. COHN. You can give us the figures on that.

Mr. ARNOT. All right.

You would like to have all available statistics on the photographs.

Mr. COHN. Right.

The CHAIRMAN. Now, you said you used how much in counterpart funds during the past year?

Mr. ARNOT. We have no counterpart funds, sir, as such available to us at our disposal, that is, to supplement our budget. It was an individual country matter, where a mission abroad would have counterpart available through MSA. We had none, in other words.

The CHAIRMAN. Would you have any idea how much that would have amounted to?

Mr. ARNOT. I do not, sir.

The CHAIRMAN. Now, when you would hire a writer to do some writing for you, would you first have him checked through security?

Mr. ARNOT. Yes, sir.

The CHAIRMAN. In all cases?

Mr. ARNOT. Yes, sir.

The CHAIRMAN. The Voice has told us that they have had a rule to the effect that if a man did not produce more than four packages, if we can use that term, per month, they would not consider it necessary to give him clearance under Public Law 402. Am I correct in the assumption that your department did not follow that rule?

Mr. ARNOT. No, sir.

The CHAIRMAN. In other words, if a man were to produce—well, let us take the case of Herblock. You said you used Herblock's cartoons. Did you get a security clearance on Herblock?

Mr. ARNOT. I would have to check that and provide you with that information, but I certainly assumed that was done.

The CHAIRMAN. Who would be responsible for getting the security clearance on all the individuals whose work you used?

Mr. ARNOT. We have a person who is responsible, as our liaison person, with the security people in our program division, and all such requests channel through him. He keeps a very complete card file on persons who have previously been cleared. However, I should correct that. I shouldn't say "cleared;" who have been checked with security. And if they are not in his card file, he submits the name for a name check—

[Discussion off the record.]

Mr. ARNOT [continuing]. We have arrangements for blanket copyright clearance.

The CHAIRMAN. How much do you pay for that?

Mr. ARNOT. Nothing, sir.

The CHAIRMAN. You pay nothing?

Mr. ARNOT. No, sir.

The CHAIRMAN. Could you give us a list of the newspapers with which you have that arrangement?

Mr. ARNOT. Yes. There are both newspapers and magazines who have guaranteed us that.

The CHAIRMAN. Do I understand, then, that you have never paid the *St. Louis Post-Dispatch*, for example, or, as far as you know, any of its writers, any money?

Mr. ARNOT. I would not go so far as to say that, sir. I would have to check.

The CHAIRMAN. Let me say this. You say as far as you know you have not paid the *St. Louis Post-Dispatch* any money.

Mr. ARNOT. I would have to check that, sir, because we might have used some reporter on the paper for some coverage of something in St. Louis.

The CHAIRMAN. Where are your offices here in Washington?

Mr. ARNOT. At 1778 Pennsylvania Avenue, sir, Northwest.

The CHAIRMAN. What other part of the IIA functions are located there?

Mr. ARNOT. The Motion Picture Service has its headquarters there; also offices in New York. The main offices of the administrator are there. And that includes policy and plans. And ourselves.

The CHAIRMAN. I only have one or two questions. Do I understand that it is your testimony that as far as you know, each author that you have used has had security clearance? And therefore, as far as you know, you have never used any Communist writers to produce work?

Mr. ARNOT. That is correct, sir. The procedure in our office calls for a check of each person used; and, to the best of my knowledge, we have not used a Communist author or a person who was suspected of being a Communist.

The CHAIRMAN. Incidentally, there apparently has been a gross violation of that law in so far as the Library Section is concerned, because we have seen memoranda authorizing the use of certain Communists, known Communists, such as Howard Fast, despite Public Law 402. I was just curious to know why there is a different rule in your department from the rule in the library section. Would you have any knowledge of that?

Senator MUNDT. Joe, it might not apply to a case like Howard Fast, because they did not employ him. They bought books that he wrote; and I doubt if the law would cover that. He had published books already. I do not think the law was broad enough to cover that. I do not think it would be a violation of the law.

The CHAIRMAN. Well, you having drafted it, I will accept your expert advice.

Senator JACKSON. Mr. Chairman, in connection with the questions previously propounded of the witness, I was wondering if Public Law 402 applies to people who do work on contract. In other words, do they have to sign an affidavit saying they are not a member of the Communist party? I mean, there is that general provision in the law that applies to all federal employees.

Do you know whether that provision, the general provision is applicable to people who do work on contract?

Mr. ARNOT. Not to my knowledge.

Senator JACKSON. That is something the counsel can probably check, inasmuch as this question has been raised. I know that anyone who is an employee of the government who draws a federal pay check has to sign an affidavit stating that he is not a member, I believe, of the Communist party, or a member of an organization that advocates the overthrow of the government by force and violence. Now, that is something the counsel can check on, to find out whether that general provision of the law is applicable on a part-time basis, where an individual is employed. I think you may find that they may have to sign that.

Mr. COHN. I would think so, Senator.

Mr. ARNOT. Mr. Chairman, before we leave this subject, may I enter something into the record, here, if you please?

The CHAIRMAN. Oh, certainly.

Mr. ARNOT. I do not want to mislead you by going on the record and saying that we have never used any Communist material. We have used Communist material very effectively, to play it back against them, to show how they say one thing to their own people, another thing to the people in the Far East, and another thing to the people in Europe. But we have not, to our knowledge, used any Communists.

The CHAIRMAN. I may say when the committee refers to using Communist material, we are referring to using Communist material with approval, either express or implied. I know that to put on good counter propaganda against communism you have to use Communist material. I may say in that connection that a lot of the newspapers have been deliberately misconstruing the position of the committee. Not a single member of this committee, so far as I know, has ever indicated that you should not use their own material to beat their own brains out with.

Mr. ARNOT. The Soviets are our best allies, as far as that is concerned. They give us more material than anyone.

The CHAIRMAN. We have been referring to the use of Communist authors with approval.

Senator SYMINGTON. For the record, would you not want to explain that last remark you made? You say, "The Soviets are our best allies."

Mr. ARNOT. They are our best allies in so far as giving us ammunition to fire right back at them. When we can show they are on the Hate America campaign, saying one thing to the people of China, another thing to their own people, and another thing to the people of western Europe, such duplicity is certainly to our advantage, and we grab hold of it and let go with everything we have. Also, Pravda says one thing one time, and in a few weeks says something entirely different. We want to show that this is completely state opportunism.

Mr. COHN. You have people abroad; is that right?

Mr. ARNOT. Yes.

Mr. COHN. Take a city like Paris or Rome.

Mr. ARNOT. When you say "we," the International Press Service is directly responsible only for those people who are part of our immediate servicing operation. The rest of the people are responsible to USIS in each individual country. I just wanted to make that differentiation.

Senator MUNDT. Is part of your function the preparation of these daily bulletins that go out to the various embassies to advise their people of what is going on in this country? When I traveled abroad, I would always find a mimeographed sheet in my hotel room that someone prepares for the foreigner abroad telling them about what is taking place. Is that part of your work?

Mr. ARNOT. That is correct, sir. It is called the wireless file in our shop.

Senator MUNDT. Prior to the passage of the Smith-Mundt bill in 1948, did they not do that through the State Department?

Mr. ARNOT. The State Department did that, yes, but only to inform the official family. And the present wireless file as it is now known, was a combination of the former news file of the ex-OWI, combined with this sort of house organ type of treatment by which we kept the official family advised of all developments.

Senator MUNDT. So there is no duplication.

Mr. ARNOT. There is no duplication. There is only the one product.

Senator MUNDT. And you use it as a house organ among our Americans who are employed abroad, and then you also send it to foreign editors, I suppose, and radio commentators and people of that kind?

Mr. ARNOT. That is correct. There are two sections of it, one for publication and the other not for publication but for the official family.

Mr. COHN. Do you have an IPS man in Paris or Rome?

Mr. ARNOT. Yes; we have three in Paris.

Mr. COHN. All right. Let us take Paris. Now, suppose an article is published in a Paris newspaper, and they want to call it to your attention. They want you to send it out over IBS in Washington. What would they do? Teletype the thing? Is that correct?

Mr. ARNOT. Yes, that is right.

Mr. COHN. Then what would you do?

Mr. ARNOT. We would weigh it against the news of the world, the developments of the world, and if it were a good piece we would certainly use it. Certainly if it were an editorial comment favorable to our cause, we would use it.

Mr. COHN. Suppose it were unfavorable to the cause of this country. Would it be used?

Mr. ARNOT. I would say offhand no. As a matter of fact the answer to that would be definitely no.

Senator MUNDT. Do you have just one wireless bulletin that circles the globe, or is that broken down into four sections?

Mr. ARNOT. Since the reorganization last August of the International Press Service, a complete reorganization, we regionalized our entire shop, and we now have four complete different wireless files going to the various areas of the world, the four major areas, Europe, Middle East, Far East, and Latin America. They do, however, feed off of general service, so that we don't have duplication.

Senator MUNDT. But you do not necessarily send to Beirut and Lebanon the same wireless bulletin you would want to send to Oslo?

Mr. ARNOT. Definitely not. It is tailored to area needs.

Mr. COHN. When you do send out a news dispatch, do you try to cover both sides of the picture, assuming it involves a domestic controversy?

Mr. ARNOT. Yes, very definitely. And we will do that by quoting responsible editorial comment. We find it does add to the credibility of the United States to tell both sides of the story, as long as it is not damaging.

Mr. COHN. Let us suppose we are talking about something that is the subject of some controversy over here, and you are sending out word on that. You say you accomplish the job of putting out both sides by taking responsible editorial comment. By editorial comment, you mean comment supplied by your people?

Mr. ARNOT. No, material reprinted from responsible American newspapers.

Mr. COHN. Suppose you have something which is, say, on the issue of communism, and you take an editorial from the *Washington Post* or the *New York Post*, or some paper like that. Will you always be sure to give the other side, too?

Mr. ARNOT. Very definitely not. We are in the business of fighting communism.

Mr. COHN. No. Wait a minute. Suppose you take an editorial from the *Washington Post* or the *New York Post*.

The CHAIRMAN. Take an article from an extreme left-wing paper or Communist-inclined paper.

Mr. COHN. Suppose you take the *New York Post*. They publish a series of articles attacking J. Edgar Hoover and the FBI when an issue arises. Suppose you sent out an editorial such as that. Would you always balance that with an editorial from another paper supporting the FBI, say?

Mr. ARNOT. We wouldn't send out such a piece in the first place. It is not of international interest. This is an international program, and our target is overseas, not domestic.

Mr. COHN. Suppose it were on the Coplon case, or something like that, which did arouse international interest. There the *New York Post* ran a series of articles attacking the FBI and personally attacking Mr. Hoover. Suppose you had sent out an editorial from the *New York Post*. Would you be sure to balance that with some material balancing the picture from some other paper?

Mr. ARNOT. We would send out probably two items in the news roundup, and that is all. That is not our business. Our business is dealing with international issues.

Mr. COHN. How about an issue of, say, a congressional investigation, which would involve, for example, the Korean situation, or this committee, or anything along those lines. What is your policy on that?

Mr. ARNOT. Our policy on that is to give the facts.

Mr. COHN. Right. You would not ordinarily send out an editorial?

Mr. ARNOT. We would if it were important enough. For instance, we sent out a great amount of material on the testimony and the hearings following General MacArthur's return from Korea.

Senator SYMINGTON. In other words, what you are really saying is that you would send it out if you thought it would help this country and hurt communism, and you would not send it out if it was vice versa?

Mr. ARNOT. That is correct.

Senator SYMINGTON. All news is analyzed primarily from the standpoint of whether it helps the United States against the Communist efforts?

Mr. ARNOT. Very definitely. We have four major program objectives, and unless a piece meets one or more than one, and preferably more than one, we don't send it out.

Senator SYMINGTON. Would you mention what those four are?

Mr. ARNOT. Yes. I have them right here. One is to develop resistance to Soviet tyranny and imperialism and to deter the Soviets from further acts which destroy peace and freedom.

Secondly, to stimulate on the widest possible popular basis support for the building of great strength in the free world, as the sole guarantee of the preservation of freedom and peace.

Thirdly, to spread confidence in the U.S. as a strong and enlightened power with which other free nations will freely cooperate in their own interest.

And fourthly, to strengthen the unity of the nations of the free world.

Senator MUNDT. May I inquire why you limit number one to the Soviets, rather than including Czechoslovakian Communists and Polish Communists and the International Communist movement and Mao Tse-tung, and so forth? I would think you would want to deter the spread of tyranny under communism whether it was a Soviet movement or that of the satellites.

Senator SYMINGTON. I would like to comment on that. From a military standpoint I make this comment, because that is all I know about, Senator. Everybody in Czechoslovakia, China, or anywhere else, that signs up in this situation, we used to call Soviet imperialism. I used to have fights with the appeasement group on this. We used to like to speak of Soviet imperialism, Soviet communism, always trying to tie it in to the Kremlin.

Senator MUNDT. Agreed, but I did not find the word "communism" in that.

Mr. ARNOT. "To develop resistance to Soviet tyranny and imperialism and to deter the Soviets from further acts which destroy peace and freedom."

I would say that communism certainly would be implicit in the "imperialism" part of it. And I believe that though you made a good point there, we certainly could say "Soviet tyranny, imperialism, and international communism," as far as that is concerned.

Senator MUNDT. It seems to me that you should have added "international communism," because it operates in a great many ways, in a great many areas, and there shouldn't be any doubt on your instructions to these people who are going to handle it. It might otherwise not occur to them that this thing was as ramified as it was. There was this man who did not know anything about communism, Bradley Connors.

Mr. COHN. He is still your policy director, isn't he?

Mr. ARNOT. Yes.

Mr. COHN. Isn't he still there?

Mr. ARNOT. As far as I know, yes.

Senator SYMINGTON. Would you not think that "Soviet communism" would be better than "Soviet tyranny"?

Mr. ARNOT. Yes, of course. Generally speaking, this fourth point is very flexible, to include anything that has anything to do with the police state or international communism or communism on a national basis, as far as we are concerned. However, it just happens to be written here this way. But I certainly want to assure you that it embraces all the negative aspects of everything that we are countering.

The CHAIRMAN. I would suggest, for your own benefit, and for the benefit of your department, that when you are called upon in a public session, it would be very well to consider whether you do not want to reword that. Most people seem to think, for example, that when you are beaming a program to Uruguay, or any other South American country, you are trying to fight the Communist movements within those countries. It is international communism rather than Soviet imperialism down in Uruguay or many other sections of the world.

Mr. ARNOT. However, I do believe, sir, that international communism would be parenthetical with Soviet imperialism.

Senator SYMINGTON. So do I, but I think the chairman has a good point to give you.

The CHAIRMAN. I am just trying to give you some good advice. You need not follow it.

Senator MUNDT. Did you draw up that list, or did Mr. Connors draw it up?

Mr. ARNOT. This list was drawn up as a general guide, with a few changes here and there, by Mr. Philip Reed of General Electric, and submitted to the program, where it was further revised, and we feel, with the exception of the good suggestion that was made—I hope there is no misunderstanding about the fight that we are making against international communism—we think it pretty much capitalizes what we are trying to do in this effort.

Senator MUNDT. I was glad to have you read those four points, because one of the criticisms in the program generally, especially in radio, is a lack of targets, a lack of objectives. You have established some objectives here which no one could quarrel with, although I did think in one respect it was rather inept.

Mr. ARNOT. We are trying to narrow this thing down so that we have a few principal objectives and can hit them and hit them again. That, I might say gratuitously, here, is the real heart-breaking thing about this whole program. At approximately or less than a \$10 million program for this last year, we were able to put out worldwide a little over a hundred million copies of all kinds of publications. And for your information, the Chinese Communists for this year have a budget calling for 635 million. We cannot make the sustained impact necessary in printed materials if we can only reach a person with one sixteen-page pamphlet once a year.

Senator SYMINGTON. Let me get that straight. You mean \$635 million?

Mr. ARNOT. 635 million publications, sir. I am sorry if I misled you. But compared with our world-wide total of a little over a hundred million.

Senator SYMINGTON. They have about six times as much within China, the Chinese Red government, as we have worldwide?

Mr. ARNOT. That is correct.

The CHAIRMAN. Let me ask you this. You have a correspondent in Paris, or several, have you?

Mr. ARNOT. We have three persons in Paris directly responsible to the International Press Service, yes, sir.

The CHAIRMAN. And how many in London?

Mr. ARNOT. We have a production center which operates on a printing contract out of London. We have four Americans and six locals.

The CHAIRMAN. And when they find something which they think is of benefit in fighting communism, they put it on the wire?

Mr. ARNOT. They send it back to Washington, where it is first given policy judgment and then is distributed through our wireless set-up.

Mr. COHN. I want to ask you this one question. We were talking about coverage of investigations, grand juries, and things along those lines.

What would be the policy on, say, something like the investigation being conducted by this committee of the Information Program?

Mr. ARNOT. We are running a daily brief summary of from two hundred to four hundred words in the not-for-publication section of our daily wireless file. And the not-for-publication section, if I may clarify that, is a section where we say, "Not for publication," but it is up to the discretion of the individual officer in the field whether it will benefit our cause or not.

Mr. COHN. Have you confined that to strictly factual comment?

Mr. ARNOT. That is correct.

Mr. COHN. In other words, have you sent out any editorials?

Mr. ARNOT. No.

Mr. COHN. None at all?

Mr. ARNOT. No editorials have been sent out excepting those that go out in copies of newspapers to the field. I mean, we did not send out anything except for the information of field people. Nothing went on the wire in the way of editorials.

Mr. COHN. Now, would that apply to so-called feature articles as well?

Mr. ARNOT. Very definitely.

Mr. COHN. Those have not been sent out. Have you received any of them from any of your foreign posts?

Mr. ARNOT. Feature articles regarding this investigation?

Mr. COHN. Yes, or editorials.

Mr. ARNOT. Not that I recall. I have not seen any.

Mr. COHN. In any event, they certainly would not be used?

Mr. ARNOT. They would certainly not be used, excepting for the internal information of the program people.

Mr. COHN. You are quite sure, for instance, that you would not have sent out any editorials from the *New York Post* or the *Washington Post* or any paper like that?

Mr. ARNOT. That is correct.

Mr. COHN. You are quite sure of that?

Mr. ARNOT. If I may clarify that again, it did not go out over the wire. We do send out copies of American newspapers, of course.

Mr. COHN. You mean the entire newspaper?

Mr. ARNOT. The entire newspaper.

Mr. COHN. No, I did not mean that.

Mr. ARNOT. Or frequently newspapers will be clipped and editorials will be sent to the field for their information. But there has been nothing sent to the field about this investigation which was designed for any republication by any foreign publication.

Mr. COHN. Let me ask you this: Talking about your people stationed in Paris, Rome, London, and places like that, what kind of material are they supposed to send in to you and to the Voice of America, and so on and so forth, from these foreign newspapers?

Mr. ARNOT. Well, right now I can give you a good example. Our chief editorial man in Paris is touring the areas of lower Bavaria picking up first person stories on defectors from the Communist area.

Mr. COHN. Let me ask you this. They are not supposed to waste their time sending in any kind of a meaningless article from any newspaper in London or Paris or anything like that. They are just supposed to be selective and send in things which they feel will have a use to you in sending it out?

Mr. ARNOT. That is correct. If they do, they will not a second time. We will tell them not to send them.

Mr. COHN. Have you received material from any of your people published abroad concerning articles on the investigation by this committee, that you recall?

Mr. ARNOT. I recall having seen something the other day referring to an editorial in a French newspaper, but that is all I have seen so far. But nothing that was sent by our people for publication at all.

The CHAIRMAN. Do you keep all the material that is sent in by your people? Do you keep it on file?

Mr. ARNOT. I beg pardon?

The CHAIRMAN. Do you keep on file all the material sent in by your field offices, from London, Paris?

Mr. ARNOT. Yes, definitely.

The CHAIRMAN. In other words, it is kept on file so that if the committee wants to see it, it can see it?

Mr. ARNOT. Yes, this would all be classified material sent in by our correspondents overseas.

The CHAIRMAN. No, my question is: Do you destroy any of the material, or do you keep it on file?

Mr. ARNOT. We keep it on file.

The CHAIRMAN. How long are you able to keep it on file? It seems that would get awfully bulky ultimately.

Mr. ARNOT. That is up to the wire room. But we do have a permanent library, where things of interest are combed out every six months, and we try to put it on the basis of whether it will be useful a year from now.

The CHAIRMAN. But anything received, we will say, in the last month's time, from London, Paris, Italy, would still be on file?

Mr. ARNOT. Certainly, yes.

Mr. COHN. Are there any people in your organization now that you regard as security risks? I might say security or loyalty risks.

Mr. ARNOT. No, sir.

Mr. COHN. You seemed to hesitate quite a while. Is there any doubt in your mind?

Mr. ARNOT. Well, I don't want to indulge in a semantic ballet, here—

Mr. COHN. I wish you would interpret my question as broadly as you possibly can.

Mr. ARNOT. Security covers a tremendous field, and I would say the answer to that is definitely no, sir.

Mr. COHN. Are you familiar with the security system at all? Do you have a security officer for IPS, a personnel officer?

Mr. ARNOT. Yes, sir.

Mr. COHN. He handles security and all that?

Mr. ARNOT. Yes, sir.

Mr. COHN. Do you have any personal familiarity with the way the files are kept over there, or anything along those lines?

Mr. ARNOT. Yes, sir.

Mr. COHN. Do you know anything about flags being placed in the files to serve as a signal before promotions are made?

Mr. ARNOT. No, sir.

Mr. COHN. We have had that in some other agencies. I did not know whether you had had it.

Mr. ARNOT. In fact, I personally pass on all promotions.

Senator MUNDT. How do you determine which newspapers to send overseas? You cannot send all of the American press.

Mr. ARNOT. No, sir. We do not send newspapers as such, Senator. They are sent by the Information Center Service, the bulk newspapers, and we send the fast news service abroad, and also feature material, and we will provide copies upon request. If someone wants a very fast copy to be air mailed to him, of some particular paper, we will provide that.

Senator MUNDT. You do not supply the libraries over there?

Mr. ARNOT. No, that is the Information Center Service organization.

Senator MUNDT. And you do not provide the magazines?

Mr. ARNOT. No, sir. We are the creative agency dealing in press writing, and that sort of thing.

Senator MUNDT. Have you been the director of this program right from its inception?

Mr. ARNOT. No, sir, I have been the director of this program, changing titles meanwhile, since December 11, 1951.

Senator MUNDT. Were you with the program before that?

Mr. ARNOT. Yes, sir. I headed the press and publications operation in Germany both under General Clay and then under Mr. McCloy and was there from January '48 until November 1950.

Senator MUNDT. That was under the army?

Mr. ARNOT. That was first under the army, until the fall of '49, and then in the Department of State after that.

Senator MUNDT. Are you familiar with the enterprise conducted over there with the Berlin Zeitung, published now by Mr. Fodor?

Mr. ARNOT. I am very familiar with it. Mr. Fodor is a very esteemed colleague of mine.

Senator MUNDT. I was thinking he was doing a terrific job. Does that come under your operation?

Mr. ARNOT. As far as servicing is concerned. Budgetarily, it is still under the German budget. They go up for a separate budget. But we provide editorial and photographic servicing for this paper

as well as for the edition that is done in Frankfurt in West Germany.

Senator MUNDT. Who is in charge, then?

Mr. ARNOT. He really works for Dr. Conant.

Senator MUNDT. It does not show up in the budget now at all?

Mr. ARNOT. No, not in the budget that goes before the Congress.

Senator MUNDT. I was thinking he was doing a very fine job, and I was just wondering more about the operation, how it was financed, how big a circulation it had, how big a staff, and so forth.

Mr. ARNOT. I did not get to Berlin on my last trip through Germany, but as I recall the western edition is holding at about 180,000 copies daily, going up to about 200,000 on the weekends, and the Berlin edition is around 25,000 or 30,000.

Senator MUNDT. Do you know whether they have ever been permitted to accept advertising to help finance it?

Mr. ARNOT. Yes, the papers there do, the *Die Neue Zeitung* and also the *Wiener Kurier*.

Senator MUNDT. Is that not a comparatively recent development, that accepting of advertising?

Mr. ARNOT. I believe that decision was made in 1950. It was made while I was still in Germany. A completely different development, but they wanted the papers to be more like the other papers, and not so much an overt American official government paper.

Senator MUNDT. We have just two papers published on that basis, the one in Austria and the one in Germany; right?

Mr. ARNOT. That is right. There are two editions, separate editions, for the one in Germany, Berlin, and Frankfurt.

The CHAIRMAN. Just one or two other questions. About how many thousand words go across your desk each day?

Mr. ARNOT. Including everything, about 150,000 words a day.

The CHAIRMAN. I have no desire to press this point, but it seems impossible that you could keep all of that material on file without having a tremendous amount of storage space.

Mr. ARNOT. Well, the general rule, sir, is that we keep the necessary things on file. But we certainly have back files of all of the editions of our wireless material, and all of the supplementary press material that goes out, at least for a period of two months or longer.

The CHAIRMAN. That, of course, is not classified, naturally.

Mr. ARNOT. No, sir.

The CHAIRMAN. Roy, could you arrange to assign someone to the task of going over the last couple of weeks, and drop back two or three months and go through just a few typical days of the material, just to give us a picture; one of your men who has been following the committee work here?

Mr. COHN. Surely.

The CHAIRMAN. Okay, I do not think I have any further questions at this time.

Mr. ARNOT. Mr. Chairman, of course, I wouldn't be in it if I didn't think so, but I think we are doing a damn good job in the press service. And we have been able to increase, despite budgetary cuts, our world-wide production of materials. We reorganized last year, spent nine months going through the whole shop—I did personally—and cut out voluntarily seventy-two positions in this reor-

ganization, which is certainly not a bureaucratic trend. And we have tried, as our budget became smaller, to reduce our Washington operation to a hard core; because this is an overseas program. And I might say that I am delighted at this opportunity, and I am willing, able, and ready to appear before this committee at any time. We have absolutely nothing to hide. We probably have some people who, in the reorganization, thought they should have gotten promotions, but that is not possible, and so they may be coming before this committee.

But I certainly hope that I have the opportunity to come and answer any question you have. Because I think we are doing a damn good job in fighting communism, and that is what we are in this for.

The CHAIRMAN. May I say that I do not know at this time what the testimony will be, and I have no idea what witnesses will be called, at this time, but you will be definitely given the opportunity to come at such time as you desire, to answer any material that comes in. There is always a question of a lag between damaging evidence being produced and the answer to it. We went far out of our way in the case of Reed Harris to let him come in with whatever he wanted. It broke up the continuity of our story.

I think it is perhaps better to do it that way, though, rather than to let the damaging evidence come in, and, if there is much of it, to continue on and on, before there is an opportunity to offer anything on the other side.

So if it appears to you that there is evidence which is damaging, which needs to be answered immediately, in connection with your department, we will work that out to your satisfaction.

Mr. ARNOT. Thank you, sir. And if I may be permitted one more question, I realize that it is a little out of line perhaps, but this is executive session. I was just a little curious in noting a newspaper comment I believe from Saturday that was, I believe, attributed to you, to the effect that the VOA, or the International Broadcasting System with all its faults, seemed to be about the best of the information services. That perturbed me a bit, because we are awfully proud of what we have been able to do in the last couple of years in the press service, and I think we have been doing an excellent job.

The CHAIRMAN. I was correctly quoted. For your benefit, I must tell you that I perhaps relied rather heavily on the staff. I have a lot of confidence in the staff. That seems to be their opinion at this time, that the Voice of America has been the best operated. Now, we may find that that is not correct, before we get through. But, as I say, I was correctly quoted, I sincerely felt that, not because of any witnesses I have interviewed, but because of reports the staff has given me. I have seen some of the material that has gone across your desk. Some I want to call your attention to when we have it here before us. I do not have it here now, and I do not want to start trying to quote something which I would not be able to quote verbatim.

I was somewhat disturbed by considerable of the material. I have Mr. Leahy here as liaison, and he generally knows ahead of time what is coming on the next day, and he understands, of course, that he is under no restrictions whatsoever in so far as discussing

the matters with you that we discuss here. Mr. Leahy will attend every executive session. He will know what witnesses have something to say which is counter to what you are saying. He has a perfect right to, and we assume he will, brief you on what has been said of an uncomplimentary nature about your department, so that you can be prepared to answer it when it comes to a public session.

We would like to have more executive sessions if we could. I would like to put all witnesses on in executive session, so that then we would know whether they are going to make some very damaging comments, and we could notify the persons involved. However, we are operating on a very limited budget, and when we have an executive session we have to pay a fairly good fee for the reporting, and when we have a public session we pay nothing. That is why occasionally we are surprised by the testimony that comes in in public session.

Mr. ARNOT. Well, as far as the press service is concerned, I think in any organization you are going to be able to find one or two cranks, but I feel that the responsible corps, and I mean that to include 99.44 percent of the press service, will stand up here and testify on oath that we are doing a good job.

The CHAIRMAN. One of the things that I still do not fully follow is the necessity of your department hiring and paying for reporting jobs done in this country on matters that are normally fully covered by your three press services.

For example, let us say there is a huge explosion in California or there is something that happens of interest to the people of Syria. I can see where your press service would have the job of transmitting that material to those sections of the world which are inadequately covered by AP, UP, INS, or some other news service. But it is just at first blush rather difficult to understand why you would have to brief London, for example, on what is happening in New York, when you have your British correspondents and American correspondents covering those things fully, or why you should have to brief Paris or Paris should have to brief you. That is a thing that, as I say, as of this time I cannot fully understand the need for.

Mr. ARNOT. Well, If I may just dwell for one second on that: The whole nature of our press service has changed quite radically during the past years. We are not attempting to send out a spot news file. We have a certain obligation, yes, to report to the world the speeches of the president, the statements of the secretary, and things that deal in international affairs, the things that happen in the Congress of the United States, but we are not compelled to send out any news, as such, hard news, such as disasters or plane crashes or general interest things, because we are a specialized agency. And we have gone more to the background and source material type of thing, which is extremely important.

For instance, we send out background material as soon as something happens. As soon as the Slansky case occurs, we go back and review the record of Soviet increasing anti-Semitism, with dates and facts, and what our people in the field will do is take this material, and not take the mimeograph machine and run out thousands of copies but get hold of an influential editor and have lunch with him, and that will then turn up in his columns—a much more

effective way than to have INS spread it all over. It is necessary to get that information there quickly.

On the planes that were shot down in Germany recently, we detailed quickly all of the plane incidents that had happened where the Soviets had interfered with allied aircraft, and we got that out to the field, so that a person could get that to an editor, and, just by merely getting the facts out, we were able to make a strong propaganda point.

So those are the things that the news agencies are not interested in, and they are not doing. We have many times gone to the Associated Press, for instance, or at least several times I should say, and asked them to reinstate a news service in India. They do not operate in India. United Press has a small service, but they are not interested.

The CHAIRMAN. How much do you spend per year on subscriptions to newspapers and magazines, that is, for the information of your field offices? Or would you know that?

Mr. ARNOT. That is not in my province. That is in the Information Center Service, the libraries. We create material.

The CHAIRMAN. How about a magazine? Let us say you cited *Newsweek* or *Time* magazine, *Saturday Evening Post*, or the *Reader's Digest*, to be distributed, let us say, to the population of Syria or some place. Would that be the task of your department to have that reprinted?

Mr. ARNOT. No, sir.

Mr. COHN. Who would do that?

Mr. ARNOT. The Information Center Service.

Mr. COHN. That is under the information center. Those are the public affairs officers.

Mr. ARNOT. That is correct. That would be shipped in bulk by sea pouch generally.

Mr. COHN. To whom would that request go?

Mr. ARNOT. To the information center in Washington.

Mr. COHN. Under Dr. Johnstone?

Mr. ARNOT. No, Mr. Humphrey, I believe, is the acting chief of that at the moment. ICS are the bureaucratic initials for the same.

The CHAIRMAN. Thank you very much.

[Whereupon, at 5:20 p.m., a recess was taken until Tuesday, March 17, 1953, at 10:30 a.m.]

LOYALTY BOARD PROCEDURES

[EDITOR'S NOTE.—John Carter Vincent (1900–1972) served as chief of the Division of Chinese Affairs at the State Department before being assigned to the staff of Gen. Joseph W. Stillwell in China during World War II. After the war he became U.S. Ambassador to Switzerland. In 1950, Senator McCarthy cited him as one of eighty-one “security risks” in the State Department that he filed with the Tydings subcommittee. On three occasions, the State Department’s Loyalty Review Board cleared Vincent, but in December 1952, the board voted 3–2 to dismiss him from the Foreign Service, having found “reasonable doubt” of his loyalty. Secretary of State Dean Acheson suspended Vincent and appointed a new board chaired by Judge Learned Hand to review the case. In January 1953, Secretary of State John Foster Dulles dissolved this board, reversed the decision of the earlier board, and requested Vincent’s resignation on the grounds of bad judgment rather than disloyalty.]

WEDNESDAY, MARCH 18, 1953

U.S. SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to Senate Resolution 40, agreed to January 30, 1953, in room 357 of the Senate Office Building, at 3:30 p.m., Senator Joseph R. McCarthy, chairman, presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Henry M. Jackson, Democrat, Washington.

Present also: Roy Cohn, chief counsel; G. David Schine, chief consultant; Ruth Young Watt, chief clerk.

The CHAIRMAN. The hearing will be in order.

Mr. Amen, I wonder if you would stand and be sworn.

In this matter now in hearing before this subcommittee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. AMEN. I do.

TESTIMONY OF JOHN H. AMEN

The CHAIRMAN. Mr. Amen, one of the services which this committee performs is a service to the Appropriations Committee, giving them information on various situations. One of the questions which will arise this year will be in relation to what shall be done with individuals turned down by the Loyalty Review Board and then allowed to resign and receive large pensions. We have had the cases of Edmund Oliver Clubb, and the case of John Carter Vincent.

There are some senators, including myself, who feel very strongly that the pensions are a reward for having served well and that if you are discharged on the grounds that you were disloyal to the

government or a bad security risk, or ordered discharged, there is very little reason to continue paying money.

Now, you were on the review board in the John Carter Vincent Case, and I wonder if you would give us a general picture of that situation so that we may determine what kind of a report we should give to the Appropriations Committee on that.

Mr. AMEN. Well, the easiest way that I can give you a report would be to show you the personal opinion which I wrote in the case, as distinguished from the opinion which was put out. Do you have a copy of that?

The CHAIRMAN. I do not have a copy of that.

Mr. AMEN. I have one here.

Senator DIRKSEN. Could I inquire just about procedure so that I will be clear as to this. You were a member of the board?

Mr. AMEN. Yes.

Senator DIRKSEN. Now, this is the board in the State Department or the overall board?

Mr. AMEN. This is the overall board.

Senator DIRKSEN. The Subversive Activities Control Board?

Mr. AMEN. The Loyalty Review Board, Mr. Bingham's board.²⁷

Senator DIRKSEN. You and who else was on the board?

Mr. AMEN. You mean the whole board or the board that considered the Vincent case?

Senator DIRKSEN. The board that considered this case.

Mr. AMEN. Senator Bingham, Dr. French, Mrs. Doyle, Mr. Blair and myself.

Senator DIRKSEN. That is a total of five of you.

Mr. AMEN. Yes, sir.

Senator DIRKSEN. Now, the case came to the review board from the State Department board?

Mr. AMEN. It had been before the State Department board four or five times.

Senator DIRKSEN. And the findings there finally were what, in the State Department board?

Mr. AMEN. They always were the same, that he was eligible.

Senator DIRKSEN. He was eligible?

Mr. AMEN. Yes, sir.

Senator DIRKSEN. So then the file came to you for review?

Mr. AMEN. Right.

Senator DIRKSEN. Now did all five members pass on the final decision?

Mr. AMEN. Well, of course the first came on post audit before a panel of three. It consisted of Dr. French, Mrs. Doyle and myself. We brought it up unanimously, voted to bring it up under Regulation 14, which is to have the panel of the Loyalty Review Board review the entire proceedings from beginning to end.

Senator JACKSON. De novo.

Mr. AMEN. Yes, de novo. Then the panel was enlarged to five for the actual consideration of the testimony and the case.

Senator DIRKSEN. What is the procedure in the panel of five?

²⁷In 1950, President Truman named former Senator Hiram Bingham (R-Conn) to head the Loyalty Review Board.

Mr. AMEN. The panel of five is free to do almost anything. What we usually try to do is go as much as possible on the record as it exists, but on the other hand we invariably call the employee himself and if it appears that there is anybody else whose testimony has not been taken that we think should have been taken, then certainly we would call him, too.

Senator DIRKSEN. Having done that, does the panel of five ballot on the man?

Mr. AMEN. Yes.

Senator DIRKSEN. And what was the vote?

Mr. AMEN. It was three to two.

Senator DIRKSEN. In favor of the person involved, or against him?

Mr. AMEN. Of having him declared ineligible.

Senator DIRKSEN. Three to two ineligible?

Mr. AMEN. Yes, sir.

Senator DIRKSEN. All right, are you free to say now, beside yourself, who the others were?

Mr. AMEN. I presume so because it has been published. Senator Bingham and myself and Mrs. Doyle were in favor of declaring him ineligible, and Mr. Blair and Dr. French were in favor of his eligibility.

Senator DIRKSEN. Now, can you give us the basis for the majority findings?

Mr. AMEN. I might say this, Senator, because I think it is perhaps important, and that is that all the members of the panel did not feel the same, even within this three to two vote. In other words, Senator Bingham and myself felt very strongly that he should be declared ineligible and Mrs. Doyle felt that he should be declared ineligible but not, or did not go along with us nearly to the extent which we felt.

The other two felt very definitely that there was no grounds to declare him ineligible. Consequently, the opinion as it eventually came out was a compromise, and that is the reason why it sounds perhaps like a sort of pussy-footing opinion. But the fact of the matter simply was that it had been an attempt by Senator Bingham and myself to try if possible to get a unanimous finding of ineligibility and various drafts were prepared starting off with strong language and gradually getting weaker until it was enough to satisfy at least the three who voted for ineligibility. Certainly it did not satisfy the other two.

Senator DIRKSEN. Now, then, there was one other step to make the record clear. This proceeding then had to be reviewed by Mr. Dulles before the action was taken?

Mr. AMEN. No, it was not supposed to be reviewed by anybody. What happened was that when the decision was three to two Acheson took the question up with the president and got the president to appoint that new so-called board of which Judge Hand was to be the chairman. There was no precedent for any such proceeding but it was just done.

Then when Dulles came in, he called off Judge Hand's board and took the matter into his own hands and made his final decision himself.

Senator DIRKSEN. Would you know to what extent he made an investigation of the case by himself?

Mr. AMEN. It would be purely hearsay, and I don't know a thing about it.

Senator DIRKSEN. Now, then, what was your opinion, as you indicated—

Mr. AMEN. There it is, unless you want me to read it.

The CHAIRMAN. It might be a good idea to read it.

Senator DIRKSEN. I think it would be, and may I get one other thing clearly in mind. This goes only to the question of loyalty and not security, or both?

Mr. AMEN. That is right, we had no jurisdiction for security whatsoever. In other words, it was exclusively a question of loyalty and had to be. This I want to make clear, is my personal opinion and not to be confused with the opinions of any of the other members, or with the opinion which was ultimately that of the panel.

Senator JACKSON. Did Senator Bingham concur in your opinion?

Mr. AMEN. He wrote one himself.

Senator JACKSON. They are all separate?

Mr. AMEN. Everybody wrote separate opinions, except the two who were in favor of eligibility, namely Mr. Blair, and Dr. French. They combined theirs into one.

Senator JACKSON. What Dr. French is that?

Mr. AMEN. That is Dr. Burton French, who is some ex-dean or ex-professor at Ohio University.

Mr. COHN. Just before Mr. Amen reads that, I thought for the benefit of the committee and Senator Dirksen and Senator Jackson, would you tell us very briefly, Mr. Amen, before resuming private practice you were a special prosecutor in some rather famous investigations in New York, and by whose appointment was that?

Mr. AMEN. In New York it was Senator Lehman, the then Governor Lehman's appointment, and that was a four-year investigation of official corruption in Brooklyn. I had also before that been a special assistant to the United States attorney general in charge of the New York office of the anti-trust division, and then as a colonel in the army I was trial counsel for the United States at the Nuremberg trial and chief of the investigations at that trial.

Mr. COHN. This was a four-year, investigation which was certainly a famous one, and it was by appointment of then governor and now Senator Lehman?

Mr. AMEN. That is right.

In considering the record in this case I believe it to be of particular significance that John Carter Vincent was not any immature, subordinate representative of our State Department, but on the contrary he was a supposedly experienced, responsible and trusted official who was born in China and stationed there from April '24 to February 1936, and from March 1941 to August of 1943, and who thereafter occupied exceptionally high positions in the Department of State, having to do with the formulation of our Chinese policies. This makes it peculiarly difficult to accept Mr. Vincent's wavering and frequently contradictory testimony that he did not recognize until 1945, at the earliest, that the Chinese Communists were to any substantial degree controlled and directed from Moscow. And that in June of 1944 he did not believe Chiang Kai-shek's statement that the Chinese Communists were affiliated with or controlled by the USSR. The record is replete with instances where more subordinate officials were fully cognizant of the relationship between the Chinese Communists and the USSR.

Bearing this in mind, what does the record show:

1. The former Communist, Louis Francis Budenz testified under oath that John Carter Vincent was a member of the Communist Party, that he, Budenz, learned this from official reports and that in official Communist Party circles it was believed that Vincent was a member of the Communist Party. Budenz based his testimony on statements made by Communist officials and the Politburo at the time of the Wallace Mission to China. He called attention to the statement in the Daily Worker that Vincent and Service were responsible to a great degree for getting Mr. Hurley²⁸ out of the State Department. He testified that it was an official Communist Party secret shared by a few people that John Carter Vincent was a member of the Chinese Party.

He further testified that the Communists were eager to have Mr. Vincent obtain a position in this State Department where he could influence policy.

I personally am unable to reject the testimony of Budenz since although not directly corroborated, it is indirectly corroborated by much of the other evidence in the case. It is common knowledge to all members of the Loyalty Review Board who have dealt with cases involving membership in the Communist Party that direct corroboration is not only rare but almost impossible. The Federal Bureau of Investigation which over a long period of time and in many hundreds of cases has utilized the testimony of Budenz obviously vouches for his veracity and reliability. The testimony of Budenz has not been impeached and in the absence of some indication of ulterior motive, hostility or prejudice which is non-existent, I see no reason to disregard his testimony.

2. Though perhaps to a slightly lesser degree, Mr. Vincent's opposition to the declared policy of our government and support of the Communist Party are directly testified to by a number of other witnesses. General Hurley, General Wedemeyer,²⁹ and Admiral Mills, and Mr. Duman. Their testimony has not been impeached, and by the same token I see no sound reason to reject their sworn testimony.

3. The Senate Committee on the Judiciary after lengthy hearings in which there was ample opportunity for the members of the committee to see and hear substantially all witnesses having knowledge of the facts, as well as to examine relevant documents, unanimously concluded that "John Carter Vincent for many years had been the principal fulcrum of IPR pressures and influences in the State Department." That the IPR was used by the Communists to promote the interests of the Soviet Union in the United States, that the "IPR was the vehicle used by the Communists to orient American Far Eastern Policy toward Communist objectives," and "that John Carter Vincent was influential in bringing about a change in the United State policy favorable to the Chinese Communists."

I reviewed in detail the evidence upon which these conclusions were based and although the phraseology thereof may not have been the best suited for the purpose, I have no doubt that the evidence is amply sufficient to support the findings. Any weaknesses in the chain of evidence are more than compensated for by the entire record, which almost without a single exception evidences a uniform and strict adherence to the Communist line of ideology by Mr. Vincent.

4. Mr. Vincent's reports to the State Department regarding relative strength and activity of the Chinese Communists and of the army of Chiang Kai-shek vary substantially from the official United States Army intelligence information.

5. According to uncontradicted testimony, Mr. Vincent's associates included such notorious Communist sympathizers as Lattimore, Bison, Adler, Roth, and Friedman.

6. Mr. Duman retired as Chairman of the Far Eastern Subcommittee of State, War and Navy prior to September 1, 1945, and was succeeded in that position on that date by Mr. Vincent. This subcommittee had to do with the promulgation of various State Department documents dealing with the terms for Japanese surrender. Mr. Duman has testified to certain basic changes made in these documents subsequent to his resignation, reflecting a complete shift of emphasis to the Communist line from the documents originally drafted by him and approved by the proper officers of the United States. Mr. Duman's testimony with respect to these changes is fully corroborated by the documents themselves, although the precise part played by Mr. Vincent individually in connection with these changes is not entirely apparent, the major responsibility admittedly must be his own. By the same token, Mr. Vincent as head of the Far Eastern Division must assume the security responsibility of hundreds of documents and papers in the files of his division which were later found in the New York office of Amerasia, the notorious Communist magazine.

Without absolute reliance upon any particular factor to the exclusion of others, there emerges from the foregoing a general pattern of Communist activities and

²⁸ Maj. Gen. Patrick J. Hurley.

²⁹ Lt. Gen. Albert C. Wedemeyer.

sympathy entirely at variance with the declared and established policy of the Government of the United States. To my mind this pattern is clear and unequivocal, and establishes far more than a reasonable doubt that Mr. Vincent along with Owen Lattimore adopted and followed the Communist line for many years. I find no good reason to disbelieve the testimony of Louis Budenz or the conclusions of the Senate Committee on the Judiciary. Therefore, I have a reasonable doubt of the loyalty of Mr. John Carter Vincent and firmly believe that he should be dismissed from the service.

The CHAIRMAN. I think that perhaps covers the picture as well as anything.

Senator DIRKSEN. Yes, it spells it out.

Senator JACKSON. Was the FBI able to provide any information other than that which Mr. Budenz testified to?

Mr. AMEN. From Budenz, no.

Senator DIRKSEN. Other than Budenz?

Mr. AMEN. Other than what I stated there.

Senator DIRKSEN. Did they go back into that? When was he in China?

Mr. AMEN. Vincent, you mean?

Senator DIRKSEN. Yes, I mean when was that.

Mr. AMEN. He was there from April '24 to February 1936.

Senator DIRKSEN. That is April 1924.

Mr. AMEN. April 1924 until February 1936.

Senator DIRKSEN. Was he working for the State Department at that time?

Mr. AMEN. Yes, and of course he was born there, and he was stationed there, yes, sir.

Senator DIRKSEN. That is unusual to keep a man there fourteen years?

Mr. AMEN. That is one of the points, of course, for him now to say he doesn't know anything about any connection between the Chinese Communists and the USSR in 1945, when he had been there all of the time and everybody else who was there certainly knew of it.

Senator DIRKSEN. He was there when the Fourth Route Army was being organized, and the Communists became a pretty effective entity within China.

Mr. AMEN. Certainly, sir.

Senator DIRKSEN. That is when they started, in 1922, did they not, in 1923 or 1922?

Mr. AMEN. I couldn't give you the exact year, but certainly during that period.

Senator DIRKSEN. And then he was back again when?

Mr. AMEN. He was back again from March of 1941 to August of 1943.

Senator DIRKSEN. Where was he in the interim, from 1936 to 1941? What I was asking about, was his activities and so on.

Mr. AMEN. Isn't that when he was in Switzerland? I am not certain.

Senator JACKSON. I thought he was in Switzerland after the war.

Mr. AMEN. He was minister to Switzerland at some point.

Senator DIRKSEN. He was back here for quite a while.

Mr. AMEN. He was on the China desk here for a long time after that.

Another unfortunate element in the case was that these persons whom I mentioned in here such as Wedemeyer and others, who initially were very positive in their statements with respect to the undermining, and I include of course Hurley, later on apparently decided that they would ease up a little bit. They never retracted what they had said but they softened it over and they wrote a letter as I recall it, I think it was in this case, although it might have been in the case where the same situation existed, that sort of took the sting out of the initial testimony.

Senator JACKSON. Was that General Wedemyer and who else?

Mr. AMEN. It was Wedemeyer.

Senator JACKSON. And General Hurley?

Mr. AMEN. General Hurley, that is all that I would recall at the moment.

Senator JACKSON. Was there any indication that anybody pressured them?

Mr. AMEN. Not in the record or not to my knowledge.

Senator JACKSON. That would be interesting to find out.

Senator DIRKSEN. What is the line of authority for the secretary of state to take the action that he does? Is that clear?

Mr. AMEN. You mean Dulles taking this action? I think there is a basic provision that the secretary of state can remove anyone they wish for, so to speak, the good of the service, which is presumably the grounds utilized by Dulles here. But otherwise, so far as I know, there is no precedent. In other words, there has never been a case decided by the Loyalty Review Board where it has subsequently ever been referred to anybody else for any purpose. Supposedly that was the court of last resort.

Senator DIRKSEN. Vincent was allowed to resign, was that it?

Mr. AMEN. As I understand it he was allowed to resign, and to get his pension.

Senator DIRKSEN. That is his accumulated annuity under the Civil Service System, is that right?

Mr. AMEN. Well, it is more than accumulated. It was whatever funds were built up as a result of what lie put in, but I mean it is not just returning his money.

Senator DIRKSEN. He got full benefits, and matched public funds along with it.

Mr. AMEN. Full pension benefits.

Senator DIRKSEN. So that the very fact that he was permitted to resign instead of being dismissed, preserved intact those rights he had under the retirement system, and so that is the crux of the thing.

Mr. AMEN. That is right.

The CHAIRMAN. You were on the John Patton Davies case, also, were you?³⁰

Mr. AMEN. Yes.

The CHAIRMAN. Did you agree with the majority in that case?

Mr. AMEN. I certainly voted with them on the basis that here wasn't enough evidence in the records to establish a reasonable doubt as to his loyalty. On the other hand, I saw to it that there

³⁰In December, 1952, the Loyalty Review Board found no reasonable doubt as to John Patton Davies' loyalty.

was put in the opinion a paragraph with respect to—this was not passing upon his judgment or competence or words to that effect, because I certainly considered that he is of very little value to the government of the United States.

Senator JACKSON. You didn't pass on whether he is a security risk?

Mr. AMEN. We have no jurisdiction to do so, we can't do that.

The CHAIRMAN. One of the things that intrigued me about that case was that here is a man who by his own admission perjured himself, first came in and told the McCarran committee, did not try to put these well-known Communists like Agnes Smedley and three or four others, as the top control board of CIA—and then they later proved that he actually had done that, and that you have a man perjuring himself, and he said no, I did not try to put Communists at the head of Central Intelligence Agency, and later as I recall, he had to admit that he had, and then he gave some cock-and-bull story to the effect he was going to try to use them as double agents or something.

Mr. AMEN. That is right, but of course what happened there was that General Bedell Smith, and Bowen, or rather the fellow who was before him in Russia, Keenan, came in and gave him a complete good bill of health on that deal.

Senator JACKSON. On the CIA deal?

Mr. AMEN. That was something very substantial, of course. And before they had testified, or if they had not testified I should say the result would probably have been different.

The CHAIRMAN. I am curious to know how they could give him a complete bill of health on that, and that would seem to be unusual beyond words. How could you give him a clean bill of health on that?

Mr. AMEN. Well, I would like to say that I don't know what the situation about top secret is in the Davies case. As I understand it, the testimony given about General Bedell Smith was supposedly top secret, and also he gave a good deal of information off the record and I certainly would have no hesitancy in telling you what it is, providing I am not violating something or other in doing so.

The CHAIRMAN. What do you think about that, Karl? On the Davies case I think Mr. Amen raises an important point. Here you have John Patton Davies who recommended a number of known Communists to head the CIA as a super board for CIA, and they had been known to him as Communists and they had been identified as Communist agents. When he was called to testify before the McCarran committee he denied that and didn't know that they had witnesses to prove that he had, you see. The McCarran committee recommended prosecution for perjury, which has never been acted on yet.

Now, Mr. Amen sat on the board that, I should not say cleared Davies, but did not find evidence in the record of disloyalty. My question was, how could you fail to find evidence of disloyalty because of this perjury about this important attempted act of his.

Mr. Amen raises a question of whether or not that testimony of Bedell Smith and Keenan was classified or not, or secret testimony, and we should not ask him to give it here. There is a question of whether we should ask, I wonder whether we should ask Mr. Amen

at all or not. Number two, whether there is a question whether it should be secret or not, or whether it should be kept off the record.

Mr. AMEN. If it isn't top secret, then it is available to you as such which is far better than getting it from me hearsay.

The CHAIRMAN. We will discuss this off the record.

[Whereupon, at 4:20 p.m. the subcommittee proceeded to other business.]